

Oregon Spectator.

"Westward the Star of Empire takes its way."

Vol. I. Oregon City, (Oregon Ter.) Thursday, October 1, 1846. No. 18.

Discussions on the Notice Bill.

In the Senate, on the 10th instant, after unimportant business, Mr. Crittenden spoke two hours on the question of "notice."

When Mr. Crittenden had concluded his remarks—

Mr. Allen, agreeably to previous notice, moved to lay on the table the resolutions reported from the committee on Foreign Relations, and take up as a substitute the joint resolutions from the House of Representatives, which was acquiesced in without a division, and the Senate proceeded to consider the House resolutions, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States cause notice to be given to the Government of Great Britain that the convention between the United States of America and Great Britain, concerning the territory on the northwest coast of America, west of the Stony mountains, of the 6th of August, 1817, signed at London, shall be annulled and abrogated twelve months after giving said notice.

2. *And be it further resolved,* That nothing herein contained is intended to interfere with the right and discretion of the proper authorities of the two contracting parties to renew or pursue negotiations for an amicable settlement of the controversy respecting the Oregon territory.

Mr. Johnson, of Maryland, then moved as a substitute for the above resolution of the House an amendment in the following words:

"Strike out all after the enacting clause, and insert: That by the convention concluded the twentieth day of October, eighteen hundred and eighteen, between the United States of America and the King of the United Kingdom of Great Britain and Ireland, for the period of ten years, and afterwards indefinitely extended and continued in force by another convention of the same parties, concluded the sixth day of August, in the year of our Lord one thousand eight hundred and twenty-seven, it was agreed that any country that may be claimed by either party on the northwest coast of America westward of the Stony or Rocky mountains, now commonly called the Oregon territory, should, together with its harbors, bays and creeks, and the navigation of all rivers within the same, be "free and open" to the vessels, citizen and subjects of the two Powers, but without prejudice to any claim which either of the parties might have to any part of said country; and with this further provision, in the second article of the said convention of the sixth of August, eighteen hundred and twenty-seven, that either party might abrogate and annul said convention, on giving due notice of twelve months to the other contracting party—

"That it has now become desirable that the respective claims of the United States and Great Britain should be definitely settled, and that said territory may no longer than need be remain subject to the evil consequences of the divided allegiance of its American and British population, and of the confusion and conflict of national jurisdictions, dangerous to the cherished peace and good understanding of the two countries—and, therefore, that steps be taken for the abrogation of the said convention of the sixth of August, eighteen hundred and twenty-seven, in the mode prescribed in its second article, and that the attention of the Governments of both countries may be more earnestly and immediately directed to renewed efforts for the amicable settlement of all their differences and disputes in respect to said territory—

And be it further resolved, That the President of the United States be, and he is hereby authorized, at his discretion, to give to the British Government the notice required by its said second article for the abrogation of the said convention of the sixth of August, eighteen hundred and twenty-seven."

Mr. Allen then moved to amend the second clause of Mr. Johnson's amendment by striking out all after the word "has," in the first line, and inserting:

"Become the duty of Congress to consider what measures it may be proper to adopt for the security and protection of our citizens now inhabiting or who may hereafter inhabit Oregon, and the maintenance of our just title to that territory."

After some conversation as to the points of order, the Senate proceeded to vote; and, upon the question of agreeing to the amend-

ment of Mr. Allen, it was decided, by yeas and nays, as follows:

YEAS—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Broese, Bright, Cameron, Cass, Chalmers, Dickinson, Dix, Fairfield, Hannegan, Houston, Jenness, Semple, Sevier, Sturgeon, Turney, Westcott—22.

NAYS—Messrs. Archer, Barrow, Berrien, Calhoun, T. Clayton, Jno. M. Clayton, Corwin, Crittenden, Davis, Dayton, Evans, Green, Haywood, Houston, Huntington, Jarnagin, Johnson, of Maryland, Johnson, of Louisiana, Lewis, McDuffie, Mangum, Miller, Morehead, Pearce, Pennybacker, Phelps, Rusk, Simmons, Speight, Upham, Webster, Woodbridge—32.

So the amendment was rejected.

Mr. Broese here submitted an amendment, to strike out the words "at his discretion," in the last clause of the resolution.

The yeas and nays being ordered, it was decided as follows:

YEAS—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Broese, Bright, Cameron, Cass, Dickinson, Dix, Fairfield, Hannegan, Houston, Jenness, Niles, Pennybacker, Rusk, Semple, Sevier, Sturgeon, Turney—32.

NAYS—Messrs. Archer, Barrow, Benton, Berrien, Calhoun, Chalmers, Thomas Clayton, John M. Clayton, Corwin, Crittenden, Davis, Dayton, Evans, Green, Haywood, Huntington, Jarnagin, Johnson, of Maryland, Johnson, of Louisiana, Lewis, McDuffie, Mangum, Miller, Morehead, Pearce, Phelps, Simmons, Speight, Upham, Webster, Westcott, Woodbridge—32.

So the amendment of Mr. Broese was rejected.

Mr. Pennybacker here rose and stated his views in a few remarks, which are necessarily deferred.

The question was then taken on agreeing to the amendment offered by Mr. Johnson, and decided as follows:

YEAS—Messrs. Archer, Barrow, Berrien, Calhoun, Thomas Clayton, John M. Clayton, Corwin, Crittenden, Davis, Dayton, Evans, Green, Haywood, Huntington, Jarnagin, Johnson, of Maryland, Johnson, of Louisiana, Lewis, McDuffie, Mangum, Miller, Morehead, Pearce, Phelps, Simmons, Speight, Upham, Webster, Westcott, Woodbridge—30.

NAYS—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Broese, Bright, Cameron, Cass, Chalmers, Dickinson, Dix, Fairfield, Hannegan, Houston, Jenness, Niles, Pennybacker, Rusk, Semple, Sevier, Sturgeon, Turney—24.

So the amendment was adopted.

Mr. Allen then rose and made a violent attack on the Senators who had voted for this amendment, denouncing them with great bitterness and vehemence. He then said:

"But, sir, the preamble now adopted is utterly inconsistent with the object of the resolution itself. The resolution, as just adopted, leaves it to the discretion of the President whether he will give the notice or not; while the preamble tells him to go on. The preamble specifies the reasons on which the resolution is predicated, and yet, notwithstanding this, the resolution leaves the whole matter to the Executive. Sir, this question of discretionary power was raised elsewhere; it was said that giving the President a discretionary power to give the notice was little else than entrusting him with the war-making power. We decline the responsibility of giving the notice ourselves; we decline the responsibility, we evade the danger, we say to the President, we leave the whole matter with you, although the President, in his message, referred the whole matter to us. But we do not choose to incur any responsibility in the matter. Sir, I will not go into the general discussion of this subject; but I will say that after so overwhelming a vote in the House of Representatives, after an unanimity unparalleled upon any question, it seemed to me that the consideration which

was due to that great organ of the popular will, ought to have induced us to adopt the resolution of the House. How will it be now, when you send all this back to the House, with a preamble containing half a dozen new principles, and resolution changed in its whole character from that of the House, containing propositions which have been already voted down by the House? What will be the consequence? Why, you will re-open the discussion, make an issue between the two Houses of Congress, array one against the other, and present the aspect of a divided Congress. The House has done an act; the Senate has repudiated that act, and yet we say we all desire unanimity. Sir, it is an utter want of unanimity, by keeping one House arrayed against the President, as will be the case if this resolution be adopted. There are Senators who even say they blame the President for sending the question to Congress; who say that, in doing so, the President committed an act of indiscretion; and yet they say we act only for the public good, and not from any feeling of hostility to the President. And what do they do? Why, they throw the whole subject back to the President, to be managed in future according to his discretion, although after having condemned him for a want of discretion in his past management. The President will not decline the discretion; he will go behind no bush. I have no doubt the President will take the responsibility which is sought to be imposed on him. But that is no excuse for us, if the peace of the country should be involved, for declining all the responsibility which ought properly to rest upon our shoulders, for the purpose of strengthening the position of the Government.

The Senate does not say they want the treaty ended. No, sir, they want negotiation, bargain, traffic to proceed; but they have not declared that the convention shall end. That is the state of the case. The President told us he had done with negotiation, and he recommended the law making power to take up the subject; and, instead of doing so, dividing, faltering, paltering, manacled, hampered, with a frightful unwillingness to meet responsibility—saying oh, we leave it all to your discretion. With all these things staring them in the face, do you think Great Britain, whose trident already holds the world in awe, will crouch, will get on her knees to us? Do you think you will encourage Great Britain to give up any thing by showing your unwillingness to claim any thing? Not at all. I shall, for one, vote, if I stand alone, against such a proceeding, trusting that the final result of the business may produce a resolution more in accordance with the interests and the dignity of the Senate.

Mr. Crittenden replied to Mr. Allen's speech with equal bitterness hurrying back upon the Senator from Ohio, his denunciations and insinuations against those who refused to follow his lead. The following extracts will show the temper of Mr. C's reply.

"He would not suffer imputations such as those which the gentleman had made against the action and character of the Senate, to pass altogether without notice. What, asked Mr. C., is his commission? and whence is it derived? and who authorized him to assume here the air and tone of pre-eminence which so strongly marks his language when addressing the Senate. "On what merit does this our Caesar feed" that he is to rise here and lecture us for decisions to which we have deemed it our duty to come? Where did he come from? Is it the little petty office of chairman of the committee of Foreign Relations which warrants him, in his own opinion, to put on these airs of authority? to assume this pre-eminence? and to lecture us as to our official duty, as he has now done? The Senate had just adopted a resolution proposed to it by the Senator from

Maryland, (Mr. R. Johnson,) when the gentleman from Ohio gets up and says in his place that the Senate had humiliated itself—that it had adopted a miserable, feeble, paltering, contracted, and (as he would have said) object and slavish resolution. Let me tell him that he does not know this body, nor the material of which it is composed. And let me add, there is another and a more difficult lesson which I fear the senator has yet to learn, and that is, to know himself. When he knows himself a little better, he will be in circumstances better to appreciate what is due from him to the Senate. He may vaunt himself in his assumed office of exclusive vindicator of the President of the United States, and defender of the honor of the House of Representatives; but that gives him no warrant to try at this body with a want of consideration. As a member of the Senate, I feel that its dignity has been assailed, and its character traduced. My own personal share in the remarks of the gentleman, and my own personal sense of injury and offense, are absorbed in the stronger conviction of the disrespect which has been manifested towards this body. The Senate has adopted the substance of a resolution which I had myself the honor to offer, and the gentleman has felt himself authorized to characterize a resolution which had just received the sanction of this body as a poor, paltry, faltering, timid, tremulous thing. I can tell that senator that the majority of this Senate and the humble individual who now addresses it, are a little moved by the dread of any responsibility but that of doing wrong, as the chairman of the committee of Foreign Relations.

Does it belong to this body to submit to remarks, no matter with what force or vehemence of gesticulation and loudness of tone they may be delivered, which convey injurious imputations on its official course and public acts? I, for one, shall not stand here to rebuke, nor to hear this Senate rebuked or called to account by any such authority. The gentleman undertakes to make himself the advocate and defender of the House of Representatives. Why, sir, who or what is the House of Representatives of the United States that it stands in need of such an advocate? The gentleman's advocacy of one of the houses of Congress is equally an act of supererogation, shall I say of assumption, with his rebuke of the other. Who here has arraigned the House of Representatives? Who is there among us that does not think of and treat it with the most profound respect? Who among us is now to learn from that very experienced gentleman that the House of Representatives is a co-ordinate branch of the American government? And when before did any member of this body rise in his place and tell us that we are to be controlled in our action here by the action of majorities, or the largeness of majorities, in the House of Congress?

There is a word or two more I wish to add before I sit down. I hope we shall get all Oregon. I hope we may have it up to 54 degrees 40 minutes; but then if I can't get all that, I for one am willing to submit to take 49 degrees. But I do not like to hear it said that I am on the records of the Senate as having voted that our title is good up to 54 degrees 40 minutes; yet I find that statement expressly made in a speech of his which I will here quote.

[Mr. C. here read an extract from a speech formerly delivered by Mr. Allen.]

Mr. Allen rejoined in regard to the bill relating to Oregon, to which allusion has been made, the senator says it was only for extending our laws over Oregon. There is some little difference, the senator would find, between that enactment and British legislation upon the subject. Two acts were passed by Great Britain—one in 1801, and the other in 1824. In these acts no limits were assigned; they might be construed to extend throughout the Russian portion of the continent, and from the coast of Alaska to the Pacific. They were entirely unbounded as to limits. Did we just cut out in that way? For some time with the true characteristics of our countrymen, we went with compass and chain in hand, and built nothing to implicate, nothing to depend in the mind of our citizens, which would be protected by our law. The language of the law is not general. [Mr. Allen here read a portion of the act.] These are the words of the act amending our claim, for which the Senate voted, and which the Senate passed. What right had we to limit?