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REMARKS OF MR. BURT, OF SOUTH CAROLINA, ON THE OREGON QUESTION, Delivered in the House of Representatives, February 7, 1846

The House being in Committee of the Whole on the state of the Union, and having under consideration the joint resolution to terminate the convention of 1827 for the joint occupancy of the Oregon territory, and the various amendments thereto—

Mr. BURT addressed the committee as follows:—

Mr. Chairman: It has been assumed by those who have preceded me in this debate, that the chief inducement to give the notice recommended in the annual message of the President is, that it will contribute to a speedy adjustment of the question of boundary between the United States and Great Britain. And it was insisted by the gentleman from Alabama, [Mr. Houston,] as an objection to the proposition of his colleague, [Mr. Darcan,] that any definition of the limits of the country on the northwest coast, of which we should take exclusive possession when the notice expires, would embarrass our negotiations; and we were admonished by that gentleman, that if we desired a compromise of this question, we should give the notice.

Sir, I entertain a different opinion. I undertake to say that the only reason assigned by the President, and the only object to be accomplished by the notice, is by terminating the treaty of joint occupancy, to enable us to take exclusive possession of this territory.

What is the language of the President? Does he not inform us that, in consideration that Mr. Monroe and Mr. Adams had each proposed to the Government of Great Britain the forty-ninth parallel of north latitude as the boundary, he felt constrained to make another effort to adjust this long pending controversy? That he had submitted the offer of the forty-ninth parallel, without the right to navigate the Columbia river, which had been tendered by his predecessors, and that it had been rejected? Sir, his language is:

"The extraordinary and wholly inadmissible demands of the British government, and the rejection of the proposition made in deference alone to what had been done by my predecessors, and the implied obligation which their acts seem to impose, afforded satisfactory evidence that no compromise with the United States ought to accept can be effected." "With this conviction, the proposition of a compromise, which had been made and rejected, was by my direction, subsequently withdrawn, and our title to the whole Oregon territory asserted, and, as is believed, maintained by irrefragable facts and arguments." "All attempts to compromise having failed, it becomes 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 for the maintenance of our just title to that territory."

The measures which the President deems necessary to the protection of our citizens, now in Oregon, or those who may hereafter migrate to that country, are suggested in his message. They are, the extension of our jurisdiction and laws over them; the establishment of Indian agencies; the erection of block-houses and stockade forts on the route between our frontier settlements on the Missouri and the Rocky Mountains; an adequate force of mounted riflemen to guard and protect emigrants; and the establishment of a monthly overland mail.

But, sir, he advises us to give the notice, and tells us, "At the end of the year's notice, should Congress think it proper to make provision for giving this notice, we shall have reached a period when the national rights in Oregon must either be abandoned or firmly maintained. That they cannot be abandoned without a sacrifice of both national honor and interest, is too clear to admit of a doubt."

Sir, can gentlemen read this earnest and emphatic language of the President, and delude the country or themselves with the belief that it is advised because it will contribute to the amicable adjustment of our delicate and perilous relations with Great Britain?

I beg this committee to be reminded that if further negotiations were in the contemplation of the President, they can be conducted only by those functionaries of the government to whom the constitution has confided the treaty power. I am yet to learn that the House of Representatives have ever been supposed to participate this power with the President and the Senate. And I submit to the committee and the country that it is only because "all attempts at compromise having failed," this House can be appealed to by the President, and that the appeal is made that we may adopt measures for "the maintenance of our just title" to the territory of the Oregon, and, at the expiration of the notice, take exclusive possession of it.

But, sir, if we disregard the direct and explicit language of the President, can the human mind conceive any other motive for terminating the treaty of joint occupancy of this territory than the exclusion of Great Britain? If the notice be given, and the question of boundary be still unadjusted when the twelve months shall have elapsed, we shall have no alternative left but to eject Great Britain from any portion of the territory, or submit to the sacrifice of those rights which the country has been told are "clear and unquestionable." Gentlemen, Mr. Chairman, have discoursed eloquently of "national honor" in this debate. Let me tell them that when we shall have terminated the treaty by which Great Britain holds the joint occupancy with us of this territory, we will be a nation of cravens and dastards if we do not instantly tear down every British fort and flag that shall be found upon our soil. Sir, he cherishes no just sentiment of national honor who would thus pause to negotiate, or parley to compromise.

Before we determine, then, to give the notice to Great Britain, which is in itself a harmless measure, we should have well considered whether we shall take possession of the entire territory of Oregon, and if not of the whole, of which portion of it. If we intend to assert our rights in any portion of this country to the exclusion of the pretensions of England, that assertion must be maintained by the arms of this country. The gentleman from Massachusetts [Mr. Adams] has expressed the opinion that if, the very day after the notice should be given, we march in our troops and take possession of the whole territory, there will not be war. I did not understand the gentleman as assigning any other reason for that opinion than his belief that one or the other party would "back out." Sir, the calculation that our adversary will "back out," I take leave to think, is one that a prudent man ought not to make—it is one that a brave man would scorn to make.

If, Mr. Chairman, we provide for giving the notice without defining the extent of our rights, the President cannot, and I feel assured he will not, hesitate to maintain them with all the resources of the government, to the entire territory in controversy. And, sir, with this deliberate and often repeated declaration—that our title to the whole country west of the Rocky mountains is "clear and unquestionable"—if we simply terminate the joint occupancy, he would find in our action the approval of his opinions, and might well be deterred from admitting that Great Britain has any just pretensions to ask a partition of it with us. For myself, I do not hesitate to declare that if I entertained the opinion as to our title expressed in his inaugural address, and repeated in his annual message, I would exhaust all the resources of this great country before I would surrender one rood of that territory on the demand of a foreign government. I trust this committee will neither shrink from, nor evade the responsibility which has devolved upon us.

At a recent period in our history, Mr. Chairman, the distinguished citizen who was then chief magistrate declared "that we should claim nothing which is not clearly right, and submit to nothing which is wrong." It is a great and noble sentiment. It defines the point of honor amongst nations; and, in my estimation, the honor of a nation, as well as of an individual, is infinitely more concerned in not claiming that which is not clearly right than in submitting to that which is wrong. A strong man, or a great nation—a brave man, or a

brave people—may submit to wrong without degradation, but they can never claim what is not right without dishonor.

I proceed, Mr. Chairman, to inquire whether we can now assert title the entire Oregon territory consistently with this standard of national honor. I do not propose to enter into any elaborate and minute discussion of the pretensions either of the United States or Great Britain; but I intend to show how that matter has been regarded by our government, from the year 1818 to 1845. And whilst I would scorn to become the advocate of the pretensions of Great Britain against my own country, I shall briefly but frankly state them.

Sir, in that gallant old State of which I am the humblest of representatives—a State so much misunderstood, so much maligned in this hall—our standard of patriotism teaches us, in any contest with her foes, right or wrong, to stand by our country. But whilst no Carolinian will ever desert the standard of his country, even when wrong, it is the duty of a patriot to counsel her to be right.

Our title, Mr. Chairman, to the valley of the Columbia river, derived from discovery, exploration, and settlement, was asserted in 1818, during the administration of Mr. Monroe, before we had acquired the right of Spain to the country west of the Rocky mountains. It was maintained by Mr. Calhoun in an argument, whilst Secretary of State, the force and clearness of which our present distinguished Secretary has said he would not impair by repeating it. Mr. Buchanan, in his late correspondence with the British minister, speaks of this title as existing prior to the treaty of Florida in 1819, and independently of its provisions. He insists that it was perfect and complete, independently of the Spanish rights which we acquired by that treaty. I think so, sir. But our distinguished Secretary of State, not content with perfect and complete title, says: "Our acquisition of the rights of Spain, then, under the Florida treaty, whilst it cannot affect the prior title of the United States to the valley of the Columbia, has rendered it more clear and unquestionable before the world." Now, sir, if our title was "perfect and complete" before we acquired the rights of Spain, and has been rendered "more clear and unquestionable" by our treaty with Spain, it surely is a good title, and we ought not to surrender it.

What does he say of our title to the country north of the forty-ninth degree of latitude? Why, sir, that it is recorded in the Florida treaty; that Spain acquired it by discovery, by the landing on the coast of her navigators, from the 41st to the 57th degree of latitude, "on all of which occasions they took possession of the country in the name of their sovereign, according to a prescribed regulation; celebrating mass, reading declarations asserting the right of Spain to the territory, and erecting crosses with inscriptions to commemorate the event." This, sir, is a very fair statement of the Spanish title. Spain undoubtedly made very early explorations of the coast of the Pacific ocean, and asserted title to the country on that coast. And if discovery alone, without settlement, could confer title, I should think we acquired by the Florida treaty a right to this territory, which we ought never to have consented to surrender to Great Britain or any other power.

It will not be denied, Mr. Chairman, that from Cook's voyage in 1778, to the convention of Nootka in 1790, Great Britain steadily and earnestly controverted the exclusive claim of Spain to the country on the northwest coast. She maintained that it was vacant country, in which no nation had exclusive rights or exclusive privileges. In 1790 Mr. Pitt pronounced the pretension of Spain to exclusive sovereignty "the most absurd and exorbitant that could well be imagined." It is matter of history that Great Britain in 1790 was prepared to resort to war in resisting the pretensions led to the convention of Nootka in 1790. By this convention Spain yielded every demand—admitted every right which Great Britain had asserted. She yielded the right to land on the coast, to navigate the waters, to make settlements, and to trade with the inhabitants. How did these concessions with the claim of exclusive sovereignty which Spain for more than two centuries had set up to this territory?

But, sir, did our government, I beg to inquire, respect this ancient claim of Spain which we now so gravely assert? Let the grounds on which we based our title to the valley of the Columbia in 1818, and on which we now distinctly and emphatically rest that title, answer. We then held it in contempt, and put it at defiance. What was our appreciation of this Spanish title in 1823, when we had held it since 1819? Why, sir, we surrendered to the demands of the Emperor of Russia the country between 61 degrees of latitude and 54 degrees and 40 minutes, which was covered—every rood of it—by this Spanish claim.

What, Mr. Chairman, had Spain done from 1790 to 1819, when she transferred her claim to the United States her pretensions to this territory, to give to them definiteness and validity? So far from making settlements, she had actually abandoned every trading factory north of the 49th degree of latitude prior to the year 1800. From that period to the cession to the United States, not an act was done by Spain to consummate her claims or assert her sovereignty.

I proceed, Mr. Chairman, to inquire whether our government has not, by the most solemn and explicit declarations and acts, recognised the rights which Great Britain had asserted against Spain, not only before, but since we acquired the rights of Spain to this territory? In 1818, before the treaty of Florida, by which we acquired whatever rights Spain possessed, we proposed to make the forty-ninth parallel of latitude the boundary between the territory claimed by the United States and that claimed by Great Britain west of the Rocky mountains. Great Britain contested our exclusive claim to the valley of the Columbia river, which we had urged, and declined to accede to our proposition. The treaty of 1818 was the result of this ineffectual attempt to agree upon a boundary. What was that convention? The gentleman from Massachusetts [Mr. Adams] the other day denied that it was a treaty of joint occupancy. But if I am not greatly mistaken, that gentleman, at the last session, characterized it a treaty of joint occupancy. We then heard nothing of the hypercriticism of the chairman of Foreign Relations, [Mr. C. J. Ingersoll,] who now concurs with the gentleman from Massachusetts. Although that convention is treated in all our negotiations as one of joint occupancy, the material inquiry is, what does it concede to Great Britain? Are not its stipulations mutual and reciprocal? Is there a solitary right reserved to the United States that is not reserved to Great Britain? Is there a privilege guaranteed to one party, which is not conferred on the other? Is there a protest as to the one, which does not apply to the title of other? This convention was adopted for the period of ten years, during which the respective claims of the two governments were suspended.

In 1819, we acquired all the rights which Spain then had to this territory; and from 1823 to 1827 held negotiations with Great Britain, the sole object and purpose of which was the adjustment of the boundary. What, sir, have our negotiators and statesmen said of the convention of 1818? Mr. Clay, Secretary of State during the administration of Mr. Adams, in his letter to Mr. Gallatin, the minister to England, on the 19th of June, 1826, says: "It is true that the third article of the convention of 1818 recognizes that Great Britain then had claims on the northwest coast, but it neither defines nor settles them, nor specifies where they had their origin." Mr. Gallatin, in his despatch to Mr. Clay, of the 25th of November, 1826, reciting his conference with the British plenipotentiaries, says: "But our never having refused to agree to a line of demarcation with Great Britain, was a sufficient proof that we admitted that she also had claims which deserved, and to which we paid due consideration." "Claiming themselves by right of discovery and settlement, they allowed what was due to Great Britain on the same account, and all that she could justly claim under the Nootka convention, according to its true construction." In his letter to Mr. Clay, of the 27th June, 1827, Mr. Gallatin, speaking of the contemplated renewal of the convention of 1818, said, "It was altogether a matter

of mutual concern. There was no other object for it than that of preserving peace until a permanent boundary could be agreed on." In his letter to Mr. Gallatin, of the 24th February, 1827, Mr. Clay says: "Supposing Great Britain to have any well-founded claim, if there be (as there are believed to be) no other powers than the United States and Great Britain who can assert rights of territorial sovereignty between 42 and 54 40, there can be no equitable division of the intermediate space but an equal partition. Such an equal partition would assign about the parallel of 49 degrees as the common boundary. The President regrets that the British plenipotentiaries have thought proper to decline the proposal which you made of that line." A distinguished senator, [Mr. Benton,] who has ever felt a deep interest in anything which affects the interests of the west, attributed, in 1842, in his place as a Senator, to the convention of 1818 certain "great faults;" amongst them one, "in assuming that there was divers harbors, bays, creeks, and navigable rivers west of the Rocky mountains, some belonging to the United States, and some to Great Britain; and that mutuality of benefits was conferred by giving to each party access to the waters of the other." Another was "in admitting a claim on the part of Great Britain to any portion of these territories." I confidentially affirm, and I appeal to our negotiations, that at no period of them has our government insisted on a more favorable boundary than the 49th parallel of latitude. The convention of 1818 was renewed in 1827, and has been acquiesced in by every administration to the present moment.

Now, Mr. Chairman, when it is not even alleged that Great Britain has done any act to forfeit or to impair the rights which, from 1818 to 1845, our government has admitted she possesses in the Oregon territory, with what face can we, before heaven and man, deny them? Sir, as a just people—as a Christian nation—we cannot, we dare not.

Sir, as we have been informed that no honorable compromise of this ancient controversy can be effected, and have been called upon by the Executive to maintain our just rights to this territory, I am prepared to take my share of the responsibility. My judgment has yielded to the force of the argument which maintains our title to the valley of the Columbia, and I am prepared to assert and to enforce it. I am unwilling to surrender to Great Britain the country below the 49th parallel; and with an amendment defining that as the limit to which, at the expiration of the twelve months, we shall extend our jurisdiction and exclusive possession, I am ready to vote for the notice.

Mr. Chairman, I see on this floor a gentleman [Mr. Adams] of advanced age, large experience, and great attainments, who was Secretary of State in 1818, when the treaty of joint occupancy was concluded, and chief magistrate of these States in 1827, when it was renewed. Of that gentleman, I do not intend to speak in terms of personal disrespect. But, sir, it has been his fortune to bear towards this question a relation the most important and remarkable. His right hand claims the credit of inserting in the Florida treaty the clause on which our title to the Oregon territory is based. He has said that the convention of 1818 was the alternative to instant war. In 1827, Mr. Gallatin informs our government that the only reason for the renewal of that convention was to preserve peace. That gentleman now thinks there will not be war, if we march in our troops, after the notice has expired, and take possession of the whole country! Until the last session of Congress, he was not prepared to agree to a termination of the joint occupancy. Then his mind was open to conviction as to our title to a part of this territory; now he would take possession of the whole! When President of the United States, he thought an equal division of it with Great Britain was the only equitable partition, and regretted that her plenipotentiaries would not accept it; now he would deny her any part of it! These are rapid and remarkable transitions. Sir, the country will demand of that gentleman, what has produced this change? What monument of title, what fact to elucidate it, that escaped his research when conducting our negotiations