Mecklenburg Jeffersonian.

"The powers granted under the Constitution, being derived from the People of the United States, may be resumed by them whenever perverted to their injury or oppression."—Madison.

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OREGON QUESTION.

SPEECH OF MR. BENTON,

On the Oregon Question, in the U. S. Senate, May 22, 1846.

Mr. BENTON rose and addressed the Senate as follows:

Mr. PRESIDENT: The bill before the Senate proposes to extend the sovereignty and jurisdiction of the United States over all our territories west of the Rocky mountains, without saying what is the extent and what are the limits of this territory. This is wrong, in my opinion. We ought to define the limits within which our agents are to do such acts as this bill contemplates, otherwise we commit to them the solution of questions which we find too hard for ourselves. This indefinite extensions of authority, in a case which requires the utmost precision, forces me to speak, and to give my opinion of the true extent of our territories beyond the Rocky mountains. I have delayed doing this during the whole session, not from any desire to conceal my opinions, (which, in fact, were told to all that asked for them.) but because I thought it the, business of negotiation, not of legislation, to settle these boundaries. I waited for negotiation: but negotiation lags while events go forward; and now we are in the process of acting upon measures upon the adoption of which it may no longer be in the power either of negotiation or of legislation to control the events to which they may give rise. The bill before us is without definition of the territory to be occupied. And why this vagueness in a case requiring the utmost precision? Why not define the boundaries of these territories? Precisely because we do not know them! And this presents a case which requires me to wait no longer for negotiation, but to come forward with my own opinions, and to do what I can to prevent the evils of vague and indefinite legislation. My object will be to show, if I can, the true extent and nature of our territorial claims beyond the Rocky mountains, with a view to just and wise decisions; and, in doing so, I shall endeavor to act upon the great maxim, Ask nothing but what is right—submit to nothing that is wrong.

It is my ungracious task, in attempting to act upon this maxim, to commence by exposing error at home, and endeavoring to clear up some great mistakes under which the public mind has labored.

It has been assumed for two years, and the assumption has been made the cause of all the Oregon excitement in the country, that we have a dividing line with Russia, made so by the convention of 1824, along the parallel of fifty four degrees forty minutes, from the sea to the Rocky mountains, up to which our title is good. This is a great mistake. No such line was ever established; and, so far as proposed and discussed, it was proposed and discussed as a northern British, and not as a northern American line. The public treaties will prove there is no such line; documents will prove that, so far as fifty-four forty, from the sea to the mountains, was ever proposed as a northern boundary for any power, it was proposed by us for the British, and not for ourselves.

To make myself intelligible in what I shall say on this point, it is necessary to go back to the epoch of the Russian convention of 1824, and to recall the recollection of the circumstances out of which that convention grew. The circumstances were these: In the year 1821 the Emperor Alexander, acting, upon a leading idea of Russian policy (in relation to the north Pacific ocean) from the time of Peter the Great, undertook to treat that ocean as a close sea, and to exercise municipal authority over a great extent of its shores and waters. In September of that year, the emperor issued a decree, bottomed upon this pretension, assuming exclusive sovereignty and jurisdiction over both shores of the north Pacific ocean, and over the high seas, in front of each coast, to the extent of one hundred Italian miles, from Behring's Straits down to latitude fifty-one, on the American coast, and to forty-five on the Asiatic; and denouncing the penalties of confiscation upon all ships, of whatsoever nation, that should approach the coasts within the interdicted distances. This was a very startling decree. Coming from a feeble nation, it would have been smiled at: coming from Russia, it gave uneasiness to all nations.

Great Britain and the United States, as having the largest commerce in the north Pacific ocean, and as having large territorial claims on the northwest coast of America, were the first to take the alarm and to send remonstrances to St. Petersburg against the formidable ukase. They found themselves suddenly thrown together, and standing side by side in this new and portentous contest with Russia. They remonstrated in concert, and here the wise and pacific conduct of the Emperor Alexander displayed itself in the most prompt and honorable manner. He immediately suspended the ukase, (which, in fact, had remained without execution,) and invited the United States and Great Britain to unite with Russia in a convention to settle amicably and in a spirit of mutual convenience all the questions between them, and especially their respective territorial claims on the northwest coast of America. This magnanimous proposition was immediately met by the two powers in a corresponding spirit; and, the ukase being voluntarily relinquished by the emperor, a convention was quickly signed by Russia with each power, settling, so far as Russia was concerned with each, all their territorial claims in northwest America. The Emperor Alexander had proposed that it should be a joint convention of the three powers—a tripartite convention—settling the claims of each and of all at the same time; and if this wise suggestion had been followed, all the subsequent, and all the present difficulties between the United States and Great Britain with respect to this territory would have been entirely avoided. But it was not followed: an act of our own prevented it. After Great Britain had consented, the non colonization principle—the principle of non colonization in America by any European power—was promulgated by our government, and for that reason Great Britain chose to treat separately with each power, and so it was done.

Great Britain and the United States treated separately with Russia, and with each other; and each came to agreements with Russia, but to none among themselves. The agreements with Russia were contained in two conventions, signed nearly at the same time, and nearly in the same words, limiting the territorial claim of Russia to 54° 40', confining her to the coast and islands, and leaving the continent out to the Rocky mountains, to be divided between the United States and Great Britain by an agreement between themselves. The emperor finished up his own business, and quit the concern. In fact, it would seem, from the promptitude, moderation, and fairness with which he adjusted all differences both with the United States and Great Britain, that his only object of issuing the alarming ukase of 1821, was to bring those powers to a settlement, acting upon the homely, but wise maxim, that short settlements make long friends.

These are the circumstances out of which the British and American conventions grew with Russia in the years 1824 and 1825. They are public treaties, open to all perusal, and eminently worthy of being read. I will read the third article of each—the one which applies to boundaries—and which will confirm all that I have said. The article in the convention with the United States is in these words:

"Art. 3. It is moreover agreed, that, hereafter, there shall not be formed, by the citizens of the United States, or under the authority of the said States, any establishment upon the northwest *coast* of America, nor in any of the *islands* adjacent, to the *north* of *fifty four degrees* and *forty minuts* of north latitune; and that, *in the same manner*, there shall be none formed by Russian subjects, or under the authority of Russia *south* of the same parallel."

This is the article which governs the American boundary with Russia, confined by its precise terms to the islands and coasts, and having no manner of relation to the continent. The article in the British convention with Russia, governing her boundary, is in the same words, so far as the limit is concerned, and only more explicit with respect to the continent. Like our own, it is the third article of the convention, and is in these words:

"Art. 3. The line of demarcation between the possessions of the high contracting parties upon the *coast* of the *continent*, and the *islands* of America to the nothwest, shall be drawn in the manner following: commencing from the southernmost *point* of the island called Prince of Wales island, which point lies in the parallel of 54 degrees 40 minutes, north latitude, and between the 131st and 133d degree of west longitude, (meridian of Greenwich,) the said line shall ascend to the *north* along the channel called Portland Channel, as far as the point of the *continent*, where it strikes the 56th degree of north latitude; from this last mentioned point to the point of intersection of the 141st degree of west longitude, will prove to be at the distance of more than *ten* marine leagues from the ocean; the *limit* between the British possessions and the line of *coast* which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the *coast*, and which shall never exceed the distance of *ten* marine leagues therefrom. And the line of demarcation shall follow the summit of the mountains situated parallel to the *coast* as far as the point of intersection of the 141st degree of west longitude, (of the same meridian;) and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen ocean, shall form the *limit* between the Russian and British possessions on the *continent* of America to the northwest."

These are the proofs, these the conventions which established limits on the northwest coast of America between the United States and Russia in 1824, and between Great Britain and Russia in 1825.—They are identical in object, and nearly in terms; they grow out of the same difficulties, and terminate in the same way. By each the Russian claim is confined to the coast and the islands; by each the same limit is given both to the United States and G. Britain; and that limit was fixed at the south end of an island, to the latitude of which (suposed to be in 75°, but found to be in 54° 40') the Emperor Paul had granted the privileges of trade to the Russian American Fur Company. It was a limit wholly in the water, not at all on the land. The American line never touches land; the British only reaches it by going north through Portland channel to 56°, and thence to pursue the coast at ten leagues from it northwardly to 61°, and thence due north to the Frozen ocean, leaving to the Russians only the projecting part of the continent which approaches Asia and narrows the ocean into the strait which Behring found, and which bears his name This is the Russian line on the continent with Great Britain; the United States have no continental line either with Russia or with Great Britain.

I have shown you the limits established with Russia in 1824; I have produced the treaties which established them; and here is a map which illustrates them, and shows every thing precisely as I have read it from the treaties.

It is the map of Mr. Greenhow, a clerk in the Department of State, who, so long as he confines himself to the business of copying maps and voyages, does very well; but when he goes to issuing opinions upon national subjects and setting the world right about the execution or non-execution of a great treaty, as that the line of forty-nine was never established under the treaty of Utrecht; when he goes at this work, the Lord deliver us from the humbug. But here is the map with the lines all right upon it, drawn in the water and along the coast according to the treaties. First, a few dots in the water at the end of Prince of Wales island, in latitude 54° 40'; then a dotted line up north, thro' the middle of Portland channel, to latitude 56; then northwestwardly along the coast, and ten leagues from it, to 61°; and then north to the Frozen ocean. No line at all along 54° 30' to the Rocky mountains; and that is right, for the treaties never put one there.

And here is another map which illustrates error, and shows you a line on paper where there is none on earth, and of which the Senate has ordered ten thousand extra copies to be printed for the instruction of the people Here it goes, running straight through from the sea to the mountains, caring for nothing in its course—cutting lakes in two, dividing neighboring posts from each other, and reckless of every thing except to follow fifty four forty! That it pursues with undeviating fidelity; and the engraver has marked strong on the map that no one may overlook it, In all this there is but one fault, and that is, there is no such thing! no such line upon earth! never was, and never can be, by any principle recognised at the time that the Russian convention of 1824 was made.

Well, there is no such line! and that would seem to be enough to quiet the excitement which has been got up about it; but there is more to come. I sat out without saying that, although the fifty-four forty was never established as a northern boundary for the United States, yet it was proposed to be established as a northern boundary, not for us, but for Great Britain! and that proposal was made to Great Britain by ourselves. This must sound like a strange statement in the ears of the fifty-four-forties, but it is no more strange than true; and, after stating the facts, I mean to prove them. The plan of the United States at that time was this: that each of the three powers (Great Britain, Russia, and the United States) having claims on the northwest coast of America should divide the country between them, each taking a third. In this plan of partition each was to receive a share of the continent from the sea to the Rocky mountains, Russia taking the northern slice, the United States the southern, and Great Britain the centre, with fifty-four forty for her northern boundary and forty-nine for her southern. The document from which I now read will say fifty-one; but that was the first offer; forty-nine was the real one, as I will hereafter show. This was our plan. The moderation of Russia defeated it. That power had no settlements on that part of the continent, and rejected the continental share which we offered her. She limited herself to the coasts and islands, where she had settlements; and left Great Britain and the United States to share the continent between themselves. But before this we had proposed to her fifty-four forty for the Russian southern boundary, and to Great Britain the same for her northern boundary. I say fifty-four forty; for, although the word in the proposition was fifty-five, yet it was on the principle which gave fifty-four forty—namely, running from the south end of Prince of Wales's island, supposed to be in fifty-five, but found to have a point so it running down to fifty four forty. We proposed this to Great Britain. She refused it, saying she would establish her northern boundary with Russia, who was on her north, and not with the United States, who was on her south. This seemed reasonable; and the United States then, and not until then, relinquished the business of pressing fifty four forty upon Great Britain for her northern boundary.—The proof is in the Executive documents. Here it is—a despatch from Mr. Rush, our minister in London, to Mr. Adams, Secretary of State, dated December 19, 1823:

"I at once unfolded to him (Mr. Canning) the proposals of my goverement, which were 1. That, as regarded the country lying between the Stony mountains and the Pacific ocean, Great Britain, the United States, and Russia, should jointly enter into a convention, similar in its nature to the third article of the convention of the 20th October, 1818, now existing between the two former powers, by which the whole of that country westward of the Stony mountains, and all its waters would be free and open to the citizens and subjects of the three powers as long as the joint convention remained in force. This, my government proposed, should be for the term of ten years. 2. That the United States were willing to stipulate to make no settlements north of the 51st degree of north latitude on that coast, provided Great Britain stipulated to make none south of 51, or north of 55, and Russia to make none south of fifty-five."

Here is the offer, in the most explicit terms, in 1823, to make fifty-five, which was in fact fifty-four forty, the northern boundary of Great Britain; and here is her answer to that proposition. It is the next paragraph in the same despatch from Mr. Rush to Mr. Adams:

"Mr. Canning expressed no opinion to any of these points; but his inquiries and remarks under that which proposes to confine the British settlements between 51 and 55, were evidently of a nature to indicate strong objections on his side though he professed to speak only from his first impressions. It is more proper, I should say, that his objections were directed to our proposal of not letting Great Britain go above 55 north, with her settlements; while we allowed Russia to come down to that line with hers. In treating of this coast he had supposed that Great Britain had her northern question with Russia, as her southern with the United States. He could see a motive for the United States desiring to stop the settlements of Great Britain southward; but he had not before known of their desire desire to stop them northward, and, above all, over limits conceded to Russia. It was to this effect that his suggestions went."

This was her answer, refusing to take, in 1823, as a northern boundary, coming south for quality, what is now prescribed to her, at the peril of war, for a southern boundary, with nothing north! for for although the fact happens to be that Russia is not there, bounding us on the north, yet that makes no difference in the philosophy of our fifty-fourties, who believe it to be so, and, on that belief, are ready to fight. Their notion is, that we go jam up to 54° 40', and the Russians come jam down to the same, leaving no place for the British lion to put down a paw, although that paw should be no bigger than the sole of a dove's foot which sought a resting place from Noah's ark. This must seem a little strange to British statesmen, who do not grow so fast as to leave all knowledge behind them.—They remembered that Mr. Monroe and his cabinet—the President and cabinet who acquired the Spanish title under which we now propose to squeeze them out of the continent—actually offered them six degrees of latitude in that very place; and they will certainly want reasons for this so much compression now, where we offered them so much expansion then. These reasons cannot be given. There is no boundary at 54° 40'; and and so far as we proposed to make it one, it was for the British, and not for ourselves, and so ends this redoubtable line, up to which all true patriots were to march! and marching, fight! and fighting, die! if need be! singing all the while, with Horace—

"Dulce et decorum est pro patriæ mori."
Sweet and decent it is to die for one's country.

And this is the end of that great line! all gone—vanished—evaporated into thin air—and the place where it was not to be found—and all in that was delivered of a mouse, thy name shall henceforth be fifty-four-forty! And thus, Mr. President, I trust I have exploded one of the errors into which the public mind has been led, and which it is necessary to get rid of before we can find the right place for our Oregon boundaries.

I proceed to another of the same family—the dogma of the unity and indivisibility of the Oregon