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# SPEECH

OF

## MR. PEARCE, OF MARYLAND,

ON

### THE TEN REGIMENT BILL.

DELIVERED IN THE SENATE OF THE UNITED STATES, JANUARY 13, 1848.

Mr. PEARCE said: It would have been agreeable to me if I could have deferred for a few days the remarks which I propose to make in reference to the subject now under the consideration of the Senate. Like my colleague, however, I shall be compelled to be absent for a few days on business, and I have therefore to throw myself on the indulgence of the Senate.

In much that my colleague has said in that part of his remarks which he addressed to the Senate on the second day, I cordially agree; but there were points in his speech, upon which his opinions and mine are wholly and widely variant. I regret this variance, not only because we represent a common constituency, but because I have long entertained for my colleague such high respect and regard that it is painful for me to differ with him here on any subject, and particularly painful to have a collision of opinion upon a question of such fundamental importance.

I had occasion, sir, at the last session of the Senate, to present to this body my views upon a part of this subject, and if it had been my colleague's purpose to controvert the position which I then assumed, and overthrow the arguments which I endeavored to sustain, he could not have addressed himself more directly to the purpose than he has done. Sir, I do not complain of this. But it is a fact which compels me either to abandon the ground I have formerly taken, or to re-affirm it and sustain it as best I may. Besides, sir, the Legislature of my State is now in session, my term of service here is drawing to a close, and it is right that I should possess that body fully with the opinions I entertain upon this important subject, that they may be the better enabled to determine in whose hands to place the trust with which I have hitherto been honored. Sir, I do not shrink from the issue; and I am consoled by the conviction that in the opinions which I entertain, and which I am about to express, I but reflect the sense of those whom I represent.

I readily accord to my colleague all the sincerity and honesty of purpose which he so candidly concedes to others. Like him I am anxious to maintain the honor of my country, to vindicate her reputation from the least blemish, and particularly to rescue her from any probable charge of rapacious aggression, of grasping cupidity, and lust of conquest. But, in my opinion, this cannot be done by merely affirming the justice of a war, in the justice and constitutionality of which I have no faith; much less can it be done by sustaining the President in a course which, in my opinion, is working a practical subversion of the constitution; wresting from Congress, to whom alone the constitution has confided them, the issues of war and peace; making him the supreme controller of affairs; making him, in fact, if we look at the matter in view of its consequences, the master of our fate, and the more dangerously so, because he rules, under the form of free institutions, in the spirit of a despot. Nothing can be so fatal to the honor of the United States, as such conduct on the part of the whole Government, as would furnish proof of these charges. That indeed would leave a spot upon our national character, as enduring as time itself.

Sir, I do not deny that the United States has just claims against Mexico for indemnity due to our citizens; but I do deny that those claims were the cause of this war, or that they would be the just cause of any war. I deny that they would have justified Congress in declaring war against Mexico. War is a last and direful alternative of nations, the *ultima ratio regum*, and the last resort of republics also.

Towers, printer, corner of D and 7th streets, opposite National Intelligencer.

It should never be undertaken without an unavoidable necessity. All the publicists tell us this. The language of Vattel is, that there must be a clear right, coupled with a sort of necessity; and this doctrine is consistent with the principles of common sense and humanity.

Now, let us see what are the causes which have produced this war. The President has paraded before us an exaggerated statement of these claims, as if they were the causes of the war; and yet he affirms that Mexico brought on the war by her illegal and unjust act, by shedding American blood upon American soil. Sir, these claims against Mexico, for indemnity due to our citizens, have existed for a series of years, it is true—some for a longer and others for a shorter time. But, I ask, if Mexico has resisted pertinaciously the payment of these claims? I ask if the resistance or neglect to pay, on the part of Mexico, is even comparable to that which we have experienced at the hands of stronger nations? And I ask if it becomes us to adopt one rule of right, one measure of patience, in regard to a weak nation, and another rule of right, and a greater measure of patience, in regard to a strong and haughty people? I trust there is no Senator who will not repel with scorn such an imputation. Yet, I fear, we are about to forget the rule of equality in regard to this particular transaction.

Now, in 1839, Mexico entered into a convention with us, by which she agreed to form a commission for the ascertainment of the claims due to our citizens. That commission sat and adjudicated many of the claims, but, being limited, in point of time, they were not all decided. Some of them, not receiving the confirmation of the commissioners, were referred to an umpire, who had not time to decide, and some were not acted on at all. Well, Mexico did not withhold from us, or refuse the payment of those claims which were admitted by the commissioners. On the contrary, she manifested a disposition to meet the payment by levying forced contributions upon her citizens for that purpose, and concluded another convention, in 1843, providing for the organization of another commission for the adjudication of the claims not settled by the first. In consequence of her embarrassed condition and exhausted treasury, Mexico was unable to make payment of the adjudicated claims, as stipulated; but she entered into an arrangement with General Thompson, the Minister of the United States, to pay the claims by instalments, showing that she acted in good faith, and with no disposition to withhold the payment. She paid all the arrears of interest at eight per cent., and three instalments of principal; nor was it until the negotiation of the annexation treaty, the expulsion of Santa Anna from power, and his exile from Mexico, that they failed to make the payments. Whether annexation was the cause of such failure, or whether it arose from their inability to pay, I cannot undertake to say; but I think the latter the more probable cause. One thing is certain, that Mexico made great efforts to maintain her faith, and if she did not make punctual payments, it was rather to be attributed to her distressed condition than to any want of faith. Well, who is there who does not recollect that we ourselves have been delinquent in this way, in reference to the claims of Great Britain against us? I refer to the debts due the British merchants, recognised by the treaty of 1783, and not paid, I believe, for twenty years after that date. I remember, too, sir, that our claims against Great Britain for negroes carried off at the close of the war of 1812, were not settled, finally, till 1826, although provided for in the treaty of peace. Who does not recollect the claims for spoliation by Naples and Denmark, and the more remarkable case of spoliations by France, the most flagrant of all, committed in the wantonness of power, in very scorn of our rights, without the slightest justification, and persisted in, repeated, and boldly defended with the most offensive effrontery, and yet endured by this country, through successive Administrations, from 1806 until 1831, when a distinguished gentleman, who was formerly a member of this body, (Mr. Rives, of Virginia,) negotiated the treaty of indemnity; and then France, adding further wrong to the heaped up injury which we had sustained so patiently, withheld the payment of the money for four years longer! General Jackson did, indeed, in 1835, address Congress on the subject, and suggest reprisals as the proper mode of redress; and he asked three millions of dollars to be placed at his dispo-

sal to enable him to act as circumstances might require. But Congress neither adopted his recommendation of reprisals, nor voted him the three millions, and the Senate chose rather to allow the defeat of the fortification bill.

Sir, France was not feeble—her treasury was not exhausted; she was the most elastic Power in Europe, as was manifested by her immense payments made to the allies after the restoration of the Bourbons. Yet, sir, we submitted to all this from France, and it was only in 1835 that we recovered from her the indemnity that was due for spoliations committed in 1806 and 1813. Neither was the indemnity which we obtained from her a complete and full one. It was a partial and imperfect indemnity. Our robbed merchants received only a dividend of their claims. And yet we talk of violated honor! and the President rants about our claims against Mexico! some of them, by the by, of a very questionable character; some of them, in fact, grossly fraudulent, as I have been informed by a distinguished gentleman from South Carolina, (not a member of Congress,) and such as never could be properly demanded by our Government under the treaty with Mexico. I speak of those contracts for lands upon which enormous demands for indemnity were founded—which demands this Government was asked to enforce. Sir, I take it altogether, and I do say that there never was urged in a legislative body so unreasonable a proposition as that it is just and necessary to wage a war for the mere procrastination of payment of claims like these, against a weak and impoverished Government. And yet this is urged as though it were a sufficient cause for war; when every body knows, who reflects at all upon the matter, that such has never been heretofore regarded as a justifiable cause of war. No, sir, I will tell you what was the cause of this war. It was the unauthorized act of the President in taking possession of territory to which this country had no title—to which Congress had not authorized him to make claim, and against making a claim for which they had warned him by the very terms of the resolution of annexation. My colleague has gone fully into this question, and I have no doubt that he thought he had demonstrated the correctness of his position; but he took good care not to mention the Mexican claims as being the cause of the war. He did not consider that they were the cause of the war, however much the President paraded them in his messages.

Mr. JOHNSON. I never thought they were.

Mr. PEARCE. But he put it upon the ground that this Government was bound to vindicate its title to the territory up to the Rio Grande, and he cites a variety of facts which, as he thinks, belong to the consideration of this question, and which in his opinion are conclusive. Well, now I think that the facts which he has cited, some of them at least, do not belong to the consideration of the question, and that neither one nor all of them are conclusive. I think I can demonstrate this, and that I can show on the other side facts which are strong as chains of adamant. I pass over that part of his speech in which my colleague speaks of the revolution of Texas. Nobody doubts the gallantry of those citizens of Texas who achieved their independence. Sir, as far as their gallantry is concerned, their spirit of heroic adventure, their bold and daring exposure of life, I believe there is nothing to surpass it. Nobody questions their right to revolt from Mexico, to establish an independent Government, and to claim all the territory over which they could extend and enforce their jurisdiction. But my colleague says:

"The boundaries of Coahuila and Texas, as these departments were laid off into one State by the constitution of 1824, was the Nueces, running for upwards of one hundred miles up that stream, and then by a line across from that point to the Rio Grande. The territory below that line, between the Nueces and the Rio Grande, was a part of the State of Tamaulipas. Tamaulipas granted it to various individuals by what were called colony grants, under which, many settlements were made."

I make no objection to this statement, sir; I only desire to add something to it to make it a little more specific. In 1824 the Departments of Coahuila and Texas were united, without change of their former boundaries, provisionally as one State; it being understood that when Texas had strength and population enough, she should be made a separate State.

The united State of Coahuila and Texas ran across the Rio Grande, but the boundary of Texas proper never did: her limits stopped at the Nueces. My col-

league went on to refer to the treaty to which Santa Anna was a party at the time he was prisoner in Texas; and he relied upon the authority of that mis-called treaty as conclusive.

Sir, my colleague is a distinguished lawyer; he stands at the head of his profession in Maryland, and that is praise enough for any man. He is the successor, sir, of Martin, Pinckney, and Wirt, and wears their mantle gracefully. But I must express my utter astonishment at hearing from him that this mis-called treaty between Santa Anna and the Texas authorities is conclusive on the question of boundary. Why, sir, it was no treaty at all. Santa Anna was a prisoner; and, if he had not been, we all know that the constitution of Mexico contains a provision that when the President of the Republic is at the head of the army his civil functions cease. He was in captivity; and, if he had not been, he would have had no authority to conclude a treaty under the constitution of his country, which is like our own in that respect. A treaty when signed requires ratification by the General Congress; and a treaty made by Santa Anna was of no more value than blank paper. It might have had a moral obligation as far as he himself was concerned, but it had not even a legal obligation upon himself, having been extorted by duress.

Mr. FOOTE. Will the Senator allow me to inquire whether he refers to the constitution of 1824?

Mr. PEARCE. Will the Senator have the kindness to inform me whether there was any other constitution?

Mr. FOOTE. The Senator can answer my inquiry or not, as he pleases.

Mr. PEARCE. I am not furnished with any information as to any new constitution. I believe there was none. The constitution of 1824 was said to be overthrown because its federal character was abolished and the central form substituted. It was not abolished in the whole, but only changed in part, and therefore this provision remained in full force. If it were not so, and the whole constitution were destroyed, then Santa Anna had no constitutional power at all, and could in no manner bind his country.

Let me read to the Senate one of the clauses of the agreement between Santa Anna and the Texan Government.

Mr. JOHNSON, of Maryland. Where do you read from?

Mr. PEARCE. I read from a work entitled "Texas and the Texans," which I understand to be the production of the Senator from Mississippi:

"That the President Santa Anna, in his official character as chief of the Mexican nation, and the Generals Don Vincente Filisola, Don Jose Urrea, Don Joaquin Ramires y Sesma, and Don Antonio Gama, as chiefs of armies, do solemnly acknowledge, sanction, and ratify the full, entire, and perfect independence of the Republic of Texas, with such boundaries as are hereafter set forth and agreed upon for the same. And they do solemnly and respectively pledge themselves, with all their personal and official attributes, to procure, without delay, the final and complete ratification and confirmation of this agreement, and all the parts thereof, by the proper and legitimate Government of Mexico, by the incorporation of the same into a solemn and perpetual treaty of amity and commerce, to be negotiated with that Government at the city of Mexico, by Ministers Plenipotentiary, to be deputed by the Government of Texas for this high purpose."

Why, I say, upon the very face of the instrument itself, it was not a treaty. It was nothing else than the personal obligation of Santa Anna to procure the adoption of such a treaty by the legitimate authority; and to show that it was so considered, even in Texas, at the very time, allow me to call the attention of the Senate to the opinion of Gen. Lamar. I understand that Santa Anna was a prisoner in the hands of the Texans, and that they were deliberating whether they should shoot him *a-la-Mexique*, try him for offences against the laws of civilized war, or send him back to Mexico. Now, what says Gen. Lamar, in the paper addressed by him to President Burnet?

Mr. JOHNSON. What is the date of that letter?

Mr. PEARCE. It is a letter from Gen. Lamar, the Secretary of War of Texas, to the President and Cabinet of Texas, and dated 12th May, 1836:

"What good can they hope to result from an extorted treaty? Gen. Santa Anna is our prisoner of war, and as such may be ready to enter into any agreement which our rights may require or our selfishness exact; but, when restored to liberty and power, will he feel any obligation to comply with terms which he had no agency in dictating? What he assents to whilst a prisoner he may reject when a freeman. Indeed, the idea of treating with a man in our power, who views freedom in acquiescence and death in opposition seems to me more worthy of ridicule than refutation. \* \* \* With me, such pledges are

lighter than the 'moonshine's watery beam.' I trust them as I would 'a dicer's oaths.' But, independent of this consideration, it may be very well doubted whether Santa Anna, with every disposition to fulfil any agreement which he may now enter into, will, on his return to Mexico, have the power to do it. It was public opinion which drove him into war with Texas, and the same public sentiment, on his arrival at home, may keep him in the attitude of avowed if not of actual hostility to this country. \* \* \* The advantage proposed to be gained from his supposed or probable integrity cannot of consequence be realized, even with every willingness on his part to redeem his pledges. I doubt not in the least that, as soon as the news of his defeat and imprisonment shall be sounded within the walls of Mexico, that instant will be lost all his authority in the land, as he has long since lost the affections of his people. He will be powerless either for good or ill. I am, therefore, decidedly opposed to all negotiation or arrangements with him; first, because he is a prisoner, and not free to act; second, because he is faithless, and unworthy of confidence; and thirdly, because of the great certainty of his inability to fulfil his promises, even with the desire to do it.

Well, but my colleague says that Texas fulfilled the contract on her part, Gen. Filisola accepted it, and marched his army back to the Rio Grande, &c. So he did; but that did not constitute a treaty, Gen. Filisola not being the ratifying power.\*

It might have been an appeal to Santa Anna's honor; it undoubtedly was so; but as a treaty it had no obligations; it was a treaty made by a captive, and ratified by a runaway; and I take it, sir, that no validity will be ascribed to it by any fair man, who understands the facts.

My colleague next relies, sir, on the action of the Texan Congress regarding the boundary of the State, and says that they passed a law describing the Rio Grande as the boundary. I should like to know how the mere act of the Congress or Legislature of any country can authorize the fixing their boundaries where they please to put them on paper; how the declaration of any Congress or Government can make a right or authorize a claim in such a case. It can do nothing more than assert a claim, and I venture to go a little further, and say that I presume that in the case of Texas, it was not done *bona fide*. They did not deem that they were to take in Santa Fe, or any of the valley of the Rio Grande. They claimed a great deal of territory in order to secure a part.

Sir, I do not make this statement from any personal knowledge that I have, but I will refer to the authority of an honorable Senator here, and I beg leave to read from a speech made by the honorable Mr. ASHLEY, (of Arkansas,) at the second session of the 28th Congress :

"And here I will add, that the present boundaries of Texas, I learn from Judge Ellis, the president of the Convention that formed the constitution of Texas, and also a member of the first Legislature under that constitution, were fixed, as they now are; solely and professedly *with a view of having a large margin in the negotiation with Mexico*, and not with the expectation of retaining them as they now exist in their statute book."

Sir, this authority is worth all my colleague's array of proofs, and demonstrate<sup>s</sup> that Texas did not then rely upon the act of her Congress as evidence of her title. But my colleague says that, after the retreat of Filisola across the river, Gen. Rusk, who was still at the head of the army of Texas, and stationed at the Guadalupe, ordered the families between that part and the Rio Grande, to retire to his rear, or to remove to the western bank of the river. The most of them did retire to his rear, but many of the Mexicans preferred to cross the river and settle on the opposite side. Now, sir, how was this taking possession of the country? You may make a solitude, and call it peace; or you may empty a country of its population, and call it occupancy or possession; but you acquire no right by the misapplication of terms. The portion of the people friendly to Texas withdrew to the rear of Gen. Rusk—that is, beyond the Guadalupe, which is further east even than the Nueces. Certainly, they were not taking possession of the country which they thus abandoned. Certainly, they were not occupying the valley of the Rio Grande, when they fled from it to the east of the Guadalupe, to avoid the horrors of a border war. So the Mexican population withdrew to the western bank of the river, and the country was deserted.

But my colleague rests his argument upon the ground that, if Texas had not ac-

\*One of the articles of this agreement stipulated that the Governor of Texas should liberate Santa Anna, and cause him to be conveyed in one of the national vessels of Texas to Vera Cruz, in order that he might more promptly and effectually obtain the ratification of the compact, and the negotiation of the definitive treaty contemplated. After he had been placed on board a national vessel accordingly, the clamor of the Texan people compelled their President to order his debarkation. Santa Anna protested in writing against this as a violation of the agreement and a violence to his person. After long delay, he was released, and sent to the United States.

tual possession, she had it potentially, as Dr. Johnson would have said—that is, that she had the power to occupy it. Well, sir, I deny that the power to take possession would give a constructive possession. It is not a legal position that can be maintained. As between individuals, actual possession of every acre of a tract of land is not necessary to a right. If we have the title to the whole, and the actual possession of a part, the residue not being possessed by another, the actual possession of a part will operate the constructive possession of the whole. It is so with nations. But Texas had no right by possession, as I shall demonstrate to be the case; and the mere power to possess, if she had been able to take and maintain possession, which I do not admit, would not give a constructive possession. A right to the whole, coupled with a possession of a part, would answer. But Texas was a revolutionary Government, and could not divest the title of Tamaulipas and other Mexican States to the lands lying within their respective and undoubted limits, except by taking and holding possession. This she never did, either by her settlers or her soldiers; for the occasional passage of troops across the country, was not possession; and, in fact, the Mexicans crossed it thus as well as the Texans. Predatory excursions and border forays were never held to make a possession.

But my colleague says that Gen. Rusk, for the purpose of facilitating the removal of those occupying the country and of watching the movements of the Mexican army, and preparatory to an advance upon Matamoros, dispatched Gen. Felix Houston with a sufficient force to take possession of Corpus Christi, and that was done. This was true, sir; and this is a good point—I mean as to the right of Texas up to that limit, which indeed I freely admit to have been the frontier of Texas. Beyond this they did not go; beyond this they had no possession, in the legitimate sense of the word, and therefore I deny that the establishment of the post at Corpus Christi established the claim of Texas up to the Rio Grande.

Texas had no establishments there; she had erected no forts, she had no civil officers in that country; no, I believe not so much as a justice of the peace or a constable. But it is said, as proof of possession of this country, that at an election held at Corpus Christi in 1842 certain settlers came from the disputed territory and voted. And it is asserted that Texas thereby and then established her authority, not where they voted, but where they did not vote. Well, I assert exactly the reverse, and I ask whether, if her authority had been established on the Rio Grande, she would have required her citizens to travel 150 miles to give their votes. Why, if Texas had established any authority or jurisdiction on the Rio Grande, she would at least have had the election so held as to accommodate these poor fellows who were so desirous of exercising the elective franchise. Now, I care not whether these people went to Corpus Christi to vote or not—nobody knows who they were or whence they came; how they were induced to come; whether they were the poor fishermen of Padre Island, or straggling herdsmen who attended their flocks like the Nomades of the Eastern world. The whole thing wants precision to make it valuable as a fact; and if Texas had not even an election precinct on the Rio Grande country, that of itself is sufficient proof that she had no establishment there which could constitute possession.

The other fact which my colleague cites as an authority to prove the right of Texas is what he stated, on the authority of the Senator from Texas, that certain purchasers of the colony-grants of Tamaulipas had their deeds recorded in Texas. We do not know where they were executed and acknowledged. This, too, wants precision, detail, and finish to give it certainty and make it available. But suppose that it be so, and what does it amount to more than this—that some shrewd, hedging fellows, knowing that the country was claimed by Texas, and supposing it might one day be acquired by it, thought it prudent to have these deeds recorded in Texas, as well probably as at Matamoros, as future evidence of their title. The fact, indeed, is stated a little too broadly; for it is said this was done as far back as 1834, when in fact the revolution in Texas only took place in 1835. At all events, assuming the fact in its fullest extent, it only proves that Texas had no clerks nor record officers in this region of 150 miles breadth.

My colleague says that no Mexican authorities were to be found there, and that Mexico had lost the right she once had. Now I propose to refer to a few authorities to show you the other side of the question; and I think that these authorities cannot be overthrown. I shall invoke first the authority of the Senator from Missouri, whose elaborate research and whose accurate and minute information have been the boast of his friends and the admiration of his opponents. Now let me read from a speech made by that Senator after the formation of the annexation treaty. It will be recollected that he introduced a bill for the annexation of Texas, and in that bill he submitted several propositions as the basis of his proposed arrangement. Here is what he says on the subject of boundary:

"The bill which I ask leave to bring in, besides authorizing and requesting the President to treat with Mexico and Texas for an adjustment of boundaries, and for the annexation of the latter to the North American Union, proposes some basis for the treaties expected to be made. Boundary is one of these; and in this the basis conforms to the geographical divisions of the country—to our natural and proper limits—to the line first indicated in President Jackson's proposition, as communicated by Mr. Van Buren to Mr. Poinsett in 1829; and it conforms to the boundary designated in Mr. Randolph's report in 1806, and to the resolution of the House of Representatives, adopted in pursuance to that report, and already read to the Senate. Leaving the Rio Grande and all its valley and waters to the Mexicans, and the Mississippi valley and all its waters to the United States, it proposes to follow the mountain heights from near the South Pass, in the Rocky mountains, called FREMONT'S PASS in the map of the Topographical bureau, along the Sierra obscura, (Dark mountain,) until it subsides in a plain as it approaches the Gulf of Mexico; and then, reaching the gulf by a line in the desert prairie to the west of the Rio Nueces, (Walnut river.) This is the boundary between the United States and Mexico pointed out by the finger of nature, agreed upon by eminent statesmen, as proper for Mexico as for ourselves, and written down in the book of fate and the law of nature, as the true and permanent boundary between the two first Powers of the NEW WORLD. Soon or late that boundary will be established.

"The Rio Grande del Norte (Great River of the North) is a Mexican river by position and possession, and to the Mexicans may it forever belong. The Mississippi, and all its waters, are ours, and to us the dismembered parts must return. The country east of the Nueces, (and including it,) from position, geographical affinities, soil, products and natural dependence, is appurtenant to the valley of the Mississippi; and must and will go where congruity and homogeneity attract it. No wise man, in an age of commerce, wants a great river (beyond its natural frontier) for a national boundary; it is a boundary fruitful of expense, and of every species of collision and collusion. A mountain and a desert plain is far better; and these we have between us and Mexico; and it would be just as unwise for us to project a segment, or a salient angle, of our frontier across this plain and mountain into the natural limits of Mexico, as it would be in her to make the same projection of a segment, or angle of herself, across the same plain and mountain, into our natural dominion."

Sir, it is not in the Senate only that this doctrine has been announced. I find that a distinguished member in the other House, in a speech made by him in regard to the Texas question, assumed the same ground. On the 3d of January, 1845, Mr. C. J. Ingersoll said:

"The stupendous deserts between the Nueces and the Bravo rivers are the natural boundaries between the Anglo Saxon and Mauritanian races. There ends the Valley of the West—there Mexico begins."

This is the opinion of the Chairman of the Committee on Foreign Affairs of the other House. Now, let me turn to another authority. I propose to read from a letter from Mr. Donelson, our Charge d'Affaires, at Texas, to Mr. Buchanan, Secretary of State:

"It is the policy of those who are on the side of Mexico in the present crisis to throw upon the United States the responsibility of a war for the country between the Nueces and the Rio Grande. That territory, you are aware, has been in the possession of both parties. Texas has held in peace Corpus Christi. Mexico has held Santiago. Both parties have had occasional possession of Loredo and other higher points.

"Mexico, however, has threatened a renewal of the war for the whole of Texas, if she accepts the proposals for annexation to the Union. If she undertakes such an expedition, she of course puts upon the hazard of war the whole claim, and gives us the right of going not only to the Rio Grande, but wherever else we may please."

At page 78 of the same document, in a letter of Mr. Donelson, to the Secretary of State of Texas, I find this:

"My position is, that we can hold Corpus Christi and all other points up the Nueces. If attacked, the right of defence will authorize us to expel the Mexicans to the Rio Grande.

"It is better for us to await the attack than run the risk of embarrassing the question of annexation with the consequences of immediate possession of the territory to the Rio Grande. You will find that I have guarded every point."

He had no idea of the advance of the army to the Rio Grande, or of an attack upon Mexico. He appears to have acted with such caution and prudence as became his position. "The right of defence would authorize us to expel the Mexicans to the Rio Grande." Sir, how expel the Mexicans to the Rio Grande, if Texas had possession up to that river? Here you have the authority of your own

negotiator for the fact that Mexico held this territory, and not Texas. But you have the same authority in a dozen places. Mr. Donaldson says in another letter :

"The occupation of the country between the Nueces and the Rio Grande, you are aware, is a disputed question. Texas holds Corpus Christi ; Mexico holds the Brasos de Santiago, near the mouth of the Rio Grande. The threatened invasion, however, of Texas, is founded upon the assumption that she has no territory independent of Mexico.

"You can safely hold possession of Corpus Christi and all other points up the Nueces ; and, if Mexico attempt to dislodge you, drive her beyond the Rio Grande."

Mr. JOHNSON. Disputed question.

Mr. PEARCE. "Disputed question." So it was, sir. And, while it was a disputed question, he shows what part was in possession of Texas and what part in possession of Mexico :

"You will have observed that in my correspondence with this Government, there has been no discussion of the question of limits between Mexico and Texas. The joint resolution of our Congress left the question an open one, and the preliminary proposition made by this Government, under the auspices of the British and French Governments, as a basis of the definite treaty with Mexico, left the question in the same state. And, although this Government has since indicated a point on the Rio Grande for the occupation of our troops, I did not consider this circumstance as varying the question, since the President, but a few weeks before, issued a proclamation suspending hostilities between Texas and Mexico, the practical effect of which, was to leave the question precisely as it stood when our joint resolution passed—Mexico in possession of one portion of the territory and Texas of another. \* \* \* \* The proclamation of a truce between the two nations, founded on propositions mutually acceptable to them, leaving the question of boundary not only an open one, but Mexico in possession of the east bank of the Rio Grande, seemed to me inconsistent with the expectation, that in defence of the claim of Texas our troops should march immediately to that river. What the Executive of Texas had determined not to fight for, but to settle by negotiation, to say the least of it, could as well be left to the United States on the same conditions. \* \* \* \* I at once decided that we should take no such position, but should regard only as within the limits of our protection, that portion of Territory actually possessed by Texas, and which she did not consider subject to negotiation."

If it had been in the occupation of Texas, would she have been obliged to fight for it? Sir, the inconsistency is too palpable to make it necessary any longer to dwell upon it. Again, he says at page 90 :

"There were many circumstances making it inexpedient, in my judgment, after the issue of the proclamation referred to, for Texas to attempt a forcible possession of the Rio Grande, relying on the aid of the United States to maintain it."

Why attempt to obtain possession if she had already had it? and, if she had not, what becomes of the argument? Sir, the argument is scattered to the winds by the testimony of our own agents, which we cannot controvert, and which we cannot doubt. I might as well give the Senate perhaps some additional authorities. I find these facts recognised by the Secretary of War as well as by Senators and our diplomatic agents. I find in a letter of the Secretary of War to Gen. Taylor, of July 30, 1845—

"The Rio Grande is claimed to be the boundary between the two countries, and up to this boundary you are to extend your protection, only excepting any posts on the eastern side thereof, which are in the actual occupancy of Mexican forces, or Mexican settlements over which the Republic of Texas did not exercise jurisdiction at the period of annexation, or shortly before that event."

And another letter of our Secretary, to the same officer, was as follows :

"WAR DEPARTMENT, JULY 8, 1845.  
"SIR : This Department is informed that Mexico has some military establishments on the east side of the Rio Grande, which are, and for some time have been, in the actual occupancy of her troops. In carrying out the instructions heretofore received, you will be careful to avoid any acts of aggression unless an actual state of war should exist. The Mexican forces at the posts in their possession, and which have been so, will not be disturbed as long as the relations of peace between the U. States and Mexico continue.

"Brig. Gen. Z. TAYLOR.

WM. L. MARCY."

General Taylor kept his position at Corpus Christi until he had been peremptorily ordered by the President to march his troops to the Rio Grande.

Well, now, sir, you will recollect that in his march he was met at the Sal Colorado by officers who remonstrated against his passage ; and at San Isabel he found that the custom-houses had been set on fire. How did this happen, if Texas had possession of this country? How did it happen that he found none but Mexicans there, burning their houses and flying from his troops? The Texans were our friends. They would not have fled from friendly forces and burnt their houses, as if our troops were barbarians, coming to waste with fire and sword. No; they were Mexicans. Well, our army encamped, where? In the Mexican corn and cotton fields bordering the river; they placed their batteries on the bank of the river commanding the city of Matamoros, so as to spot any house in the town. So wrote our officers from the very place. Sir, the Senator from Missouri well said

that such an act as this was an act of unparalleled outrage—a seizure of a slice of the Mexican Republic. I will mention another fact in connexion with this subject, which is worth remembrance. It is this: that Texas framed a new constitution when she came into this Union, and took especial care not to *specify her boundaries*. I looked over it to-day, and found that she has left that matter entirely open—I presume because the act of annexation by which she came into the Union made provision for the establishment of the boundary by the Government of the Union. Sir, the first of these annexation resolutions provides—

“That Congress doth consent that the territory properly included within, and rightfully belonging to the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic, by deputies in convention assembled, with the consent of the existing Government, in order that the same may be admitted as one of the States of this Union.

“That the foregoing consent of Congress is given upon the condition that the said State be formed subject to the adjustment by this Government, of all questions of boundary that may arise with other Governments.”

Now, why were these words introduced into that resolution? Did not the speech of the Senator from Arkansas, from which I have read, furnish a key to this mystery, which seems to have oppressed the minds of some gentlemen? That Texas was not admitted within the limits which she had prescribed for herself, but with such as might be rightfully and properly assigned to her, to be subject to settlement by negotiation with this Government, is as clear as any proposition can be.

MR. CALHOUN. Will the Senator yield the floor that I may make a short explanation in reference to that treaty? It is a treaty which I negotiated in reference to the admission of Texas, and which was rejected by the Senate.

In making that treaty and entering into it I by no means assumed that the Rio del Norte was the western boundary of Texas. On the contrary, I assumed that the boundary was an unsettled one between Mexico and Texas. No provisions were made in reference to it, because Texas, by the provisions of that treaty, was to come into the Union as a territory; and as such the right of the Government of the United States to settle the boundary was unquestionable—there was an express provision to that effect. It was different in reference to the resolutions under which Texas was actually admitted into the Union. They proposed to admit her as a State, not as a Territory; and, coming in that character, it would have been necessary to have had the consent of Texas to establish a boundary between her and Mexico. Those resolutions, to avoid the difficulties which might result, very properly contained a provision which provided that the matter in dispute should be settled by the Government of the United States.

I am far from thinking that the treaty which I negotiated established the Del Norte as the boundary. Immediately after the negotiation I dispatched a messenger to our Chargé in Mexico, and, among other things, intimated to him that the Government of the United States was prepared to settle the boundary on the most liberal terms. What boundary was contemplated at the time it is unnecessary to state, and would be improper perhaps on the present occasion.

MR. SEVIER. If the Senator from Maryland will indulge me a moment, I would here remark that, when the treaty was before us, the Senator from Missouri, some time in April, introduced a resolution calling on President Tyler to furnish us with the boundary line of Texas. That call, if I remember right, was referred to the State Department, and we had in response a map, now on file, defining the boundary with broad blue lines, from the mouth of the Rio Grande to its sources. To strengthen our position as friends of the measure of annexation, we were furnished also with a memoir, giving us the quantity of land then claimed, the billions of acres and thousands of square miles, computing the whole of it from the mouth to the sources of that river. That was the boundary for which we contended at that time. There was a difficulty about this boundary. Will the Senator pardon me a few moments longer? Those of us who supported the treaty never had the slightest difficulty in our own minds, as to the title to that portion of the country below New Mexico, or the Santa Fe country; about that portion we did have some difficulty, as we thought it a fair subject for negotiation; and we went upon the ground that it was held by revolution; that the arms of Texas had conquered it.

I would observe that a former Senator from South Carolina, (Mr. McDuffie,) and Mr. Walker, of the Treasury Department, who were advocates, with him, of the treaty, never heard from him, or Tyler, or any one else in favor of the treaty, that the Nueces, or any other than the Rio Grande below the Nueces, was the proper boundary of Texas. The map coming from his own Department, to which I formerly referred, and the constitution of Texas, both represented the Rio Grande as the boundary. If there had been a different view entertained about the boundary at that time, I suppose I should have heard something of it. I may take occasion at some future period, to dwell at length upon this subject.

Mr. PEARCE. I have heard the Senator from Arkansas with a great deal of pleasure. I had not forgotten that map of Texas, and I think I know all about it. If I recollect distinctly, in the memoir which accompanied it, the intelligent officer who made the map, (Lieut. Emory,) stated that he felt himself bound to designate the boundaries of Texas as prescribed in her ordinance, not meaning to assign them as the true boundaries. It exhibited the boundaries as claimed by Texas, and I was not unaware of the position of the Senator from South Carolina, on this point; nor did I mean to say that the objection of the Senator from Missouri properly applied to this treaty. Probably, if I had not been interrupted, I should have made the explanation which the Senator himself has just offered.

But the argument of the Senator from Missouri was conclusive to me of the want of title to the whole of the country, from the source of the Rio Grande, in the region of eternal snows, to its mouth, in the clime of perpetual flowers. If the Senator from Arkansas will pardon me the remark, I have often heard him say that this Santa Fe country was the weak point of this case. I am afraid he did not characterize it exactly right after all. I have heard of such a point as it is, elsewhere: it is called "Point No-Point." It has not the semblance of argument; there is not the fragment of a fact to sustain it. He himself admits that Texas never had a soldier at Santa Fe, except as a prisoner. All the Texans that were ever there, were either taken prisoners by the Mexicans, or killed. The Mexicans had undoubted sway there; they had dominions there for centuries, and the Senator from Missouri knew that well; and he stated that they had possession of it for a hundred years before La Salle ever saw the coast of Texas. Well, sir, we must all admit that the only armed force in the disputed territory, on the lower as well as the upper Del Norte, was a Mexican force. I allude to the armed company at Laredo, commissioned by the Mexican Government. Very possibly the object was to protect the people from Indian incursions, as I think I have heard stated by the Senator from Texas himself.

Mr. RUSK. Laredo was not in Tamaulipas; it is in the bounds of Texas, as defined in the constitution of 1824.

Mr. PEARCE. I know it is not in Tamaulipas. It was within the boundary of the united State of Coahuila and Texas; but not in Texas itself. In 1824 Texas was not yet created into a separate State; Coahuila extended across the country, as all the maps show, to the Nueces. The only military post then on the lower Rio Grande, was the post of Laredo, at which were stationed armed men, commissioned by Mexican authority.

But my colleague referred to several acts of Congress as authorities to sustain him in his position. The first act, of December, 1845, extending the laws of the United States to Texas, was cited by him as one of these authorities. I confess I am at a loss to know how any inference can be drawn from that in favor of our right, or the right of Texas, to the country between the Nueces and the Rio Grande. It affirms no limits of Texas. As the resolution of annexation applied only to Texas as properly limited, so this law provided that over Texas proper, with her rightful limits, the laws of the United States should be extended. Well, then my colleague referred to the act of February, 1846, making Corpus Christi a port of delivery, and Galveston a port of entry. But Corpus Christi was within the limits which Texas maintained by force of arms—within the bounds of revolutionized Texas; and undoubtedly we took Corpus Christi into the Union when we admitted Texas, and we had as good a right to establish a port of delivery there,

as we had to establish a port of entry at Galveston. Corpus Christi was the frontier settlement of Texas, and having been always since the revolution under her jurisdiction, was as little disputed as Nacogdoches itself. Here the possession was unquestioned, and the title absolute, but this fact would give no color to the claim to territory beyond her reach, and not subject to the sway of Texas. But the act of February 2, 1847, is also invoked in aid of the argument. Sir, this act was passed long after the war was recognised by Congress, indeed it was a consequence of the war, and cannot apply to a state of things existing at the commencement of hostilities. It provided, among others, for a post route from the Brasos to Fort Brown. I well recollect the history of that act, and the proceedings while it was pending here. Some objection was made to it, as likely to be quoted in aid of the boundary question, when it was explained by more than one member. Allow me to refer to it, and to read a few remarks of the honorable Senator from Texas on the subject. When it came here, after its passage in the House of Representatives, it was objected that it might involve some question as to the boundary of Texas.

"Mr. Rusk said if he could suppose that this provision would involve any question as to the boundary rights of Mexico or Texas, he would not urge it. The establishment of this route would prevent the necessity of sending letters to the army through a circuit of five hundred miles. He had another reason for pressing this route. Texas ever since her annexation had been worse supplied with mail routes than she was before. There were five or six counties entirely desitute of accommodation. If the bill were amended and sent back to the House, great delay must be the consequence; and the Postmaster General was now waiting for its passage to make the necessary contracts."

The honorable Senator from Texas then disclaimed the view of raising the question of boundary on the bill.

Mr. RUSK. Will the Senator allow me to interrupt him for a moment? My remarks were not exactly reported, though I did state the substance of what has just been read. I remarked that I did not look on the bill as involving at all the question of boundary; that if other gentlemen did, and should make a motion to strike out that portion of the bill, I was prepared to assert and prove the right of Texas to the Rio Grande as her western boundary.\*

Mr. PEARCE. The Senator says that the report is substantially correct, though not exactly so. I knew that the question had been raised in the House of Representatives, and that it was put on a footing which I myself recognised as legitimate. I find that when this bill was introduced into the House, Mr. Vinton moved to amend it by adding to the second section the following:

"Provided, That nothing in this act shall be understood to contain an expression by Congress of its opinion as to the question of boundary between the territory of the United States and Mexico."

In the discussion which followed, Mr. Dromgoole made the following remarks:

"Mr. Dromgoole, resuming, said he supposed that neither the transportation of the mail, nor the establishment of a post office or of a custom house, were conclusive facts in regard to a boundary whenever the two nations should see fit to enter into negotiation respecting it. But admit that this is disputed boundary, and then having the possession of it, we have the complete right to govern the country during the possession, even if be a military possession. We have not only the power to establish post offices, post routes, custom houses, but to introduce civil government, not only on this side of the Rio Grande, but through all the provinces of Mexico which had been overrun by our arms; we had the right to establish governments during the time we occupy them. None of these were conclusive, they were mere acts which we might do because we had possession of the country.

Now, sir, this is perfectly right, and I may add that it is characteristic of the intelligent, adroit, and skilful parliamentarian who made the remark. It was necessary to supply our army with postmasters, and certainly we had authority to do so—the country being in our possession by military occupation. We had, undoubtedly, as good a right to establish a post-route to Fort Brown as to send troops there. But I need not argue this point further. The ground of the passage of the law was not that we had a title to the country, and it cannot be invoked for that purpose. It is proof only of our military occupation of the country, of which it was a consequence.

\*I have seen a letter from David G. Burnet, formerly President of Texas, to Anthony Dey, Esq., and others of New York, dated in 1830, in which Mr. Burnet says, that "Texas, in its usual and most extensive acceptation, comprises the whole territory between the Sabine and the Rio Grande. But," he adds "*This definition, however, is not in strict accordance with the political organization of the country, as the State of Tamaulipas and the Department of Coahuila, both cross the Rio Grande, making the Nueces strictly the western limit.*"

Well, now, the next position to which I ask the attention of the Senate is this ; that, as we were entitled to the east bank of the river—that being assumed, though I think I have shown that it was not so—the President was bound to march the forces of the United States to the Rio Grande, in order to dispossess the Mexicans.

MR. JOHNSON. I did not say so.

MR. PEARCE. I am aware that the Senator did not take that position ; it is the language of the President himself, and I find it repeated in the Union of to-day. I hold that if Texas had a rightful claim to the country, it being in possession of Mexico, this gave him no right to march the troops of the United States there ; that was an act of war, which, under the constitution of the United States, the President had no right to commit ; this is solely at the discretion of Congress, and is usurpation in the other branch of the Government, no matter under what circumstances it may be done. I make this declaration under high authority. Let me remind the Senate of the example given by the Senator from North Carolina (MR. BADGER) at the last session. When Mr. Jefferson addressed a confidential communication to Congress, and invited their attention to the condition of a certain portion of the State of Louisiana then held by Spain, in violation of the treaty of 1803, he represented to Congress that he had tried negotiation in vain, but did not feel at liberty to send the United States forces into that part of Louisiana, because, as he said, that act, Spain being in possession, might change the relations of the country, and transfer them from a state of peace to a state of war. That territory clearly belonged unto us alone, but it was not taken possession of by order of the President. Spain for a long time retained possession of the port of Mobile and the Florida parishes, as they were called. Nor were the latter taken possession of by the arms of the United States until, in 1810, the country was revolutionized by a set of private adventurers who set up a government for themselves. In that state of affairs, Congress not being in session, Mr. Madison issued a proclamation and took possession, because otherwise, as he said, these parishes would have been considered derelict. He took it out of the hands of the private adventurers who had ousted the Spanish authorities and taken possession of it. Mr. Madison did not take possession of Mobile till 1813, after the passage of the secret act of Congress of that year, authorizing him to do so. Now I say, then, upon the strength of the authorities, that if Mexico had possession of the territory, or any part of the territory between the Nueces and the Rio Grande—even if they had commanded it from the opposite bank of the river, as they might have done at Matamoros—the President had no right to take possession of that portion of it in the possession of Mexico. This is not the only instance of the forbearance with which this Government has submitted to the holding of country by foreign nations claimed by us. How long was it before certain British posts, included within the limits of the United States by the treaty of '83, actually came into our possession ? Great Britain held them, I think, from '83 till after Jay's treaty and the defeat of the Indians by General Wayne ; yet we declared no war against Great Britain. Gen. Washington never thought of sending an army to take possession of these posts.

MR. HANNEGAN. They were held by Great Britain till '95.

MR. PEARCE. A period of twelve years. Let me refer also to the Northeastern boundary question, in dispute from the treaty of '83 down to the settlement by the treaty of Washington in '42. I think both Houses of Congress, by a unanimous vote, declared our title to the boundary as we claimed it, and yet Great Britain occupied a portion of the territory ; even her military forces were there, and not only so, but a citizen of the United States was arrested on the soil claimed by us, was carried away and incarcerated in a British dungeon ; yet neither Gen. Jackson, during whose administration the controversy existed, nor Mr. Van Buren, during whose administration the incident which I have just related occurred, ever thought of marching the United States troops there, and taking possession of the country. He knew that Congress alone could authorize such a proceeding. That dispute was settled by negotiation ; and if one-half the forbearance had been exercised towards weak and prostrate Mexico which was manifested towards Great Britain in that controversy, we should have had no war—not a drop of blood

would have been shed, not a dime in your Treasury would have been wasted. I know another instance, more recent and more flagrant. Let me remind the Senate of the case of the Caroline. There undoubtedly American blood was shed upon American soil—shed by British troops—led by a British officer, who was applauded and promoted for the act; and yet Mr. Van Buren did not take the law into his hands—he did not make war against Great Britain—he did not ask Congress to make war. That was an act of hostility undoubtedly, but Mr. Van Buren was content to settle the matter by negotiation. I wish to know, sir, whether the United States intend to reverse the time-honored maxim—

“*Parcere subjectis, debellare superbos?*”

Shall we make war on the weak, and practice condescension towards the strong? I fear that we have forgotten that maxim in our course towards Mexico, and trample upon her who is least able to resist us. I do not doubt that it is the duty of the President of the United States to repel invasion when made within our acknowledged limits. But I deny that that is war. I deny that there can be a state of war properly so called unless the Congress of the United States have exerted their powers and declared war. It is not for the President to put the country in a state of war; certainly not to invade a territory claimed by us without right, and then to vindicate himself by the declaration that the territory of the United States was invaded, that American blood had been shed upon American soil. Sir, I blushed for the President when he made that monstrous assertion. Now, as to the further prosecution of the war, the President tells us very distinctly in his message that we are to have no peace with his consent until complete indemnity shall be obtained from Mexico—“indemnity for the past and security for the future”—well characterized yesterday by the Senator from Delaware, as one-half of Mexico for indemnity, and the other half as security. I agree with my colleague in his declaration that in the triumphs of our arms we have obtained ample indemnity. I do not like to boast of the prowess of my countrymen, but certainly I have been as much struck by their achievements in Mexico as by the story of any battles that I have ever read. I know nothing to compare with them, unless it be the defeat of the Russians at Narva by Charles XII of Sweden. As to indemnity for the expenses of the war, when, let me ask, have we ever sought compensation in damages from other nations with whom we have been at war? We have had but three wars with Christian powers. The war of the Revolution—a just one, I take it—was the first one in which we were engaged, and I do not see why we should not as well demand indemnity for its expenses as for the one in which we are now involved; but nobody dreamed of demanding indemnity for that war. The war of 1812 was a just war as I believe; eminently a just war; provoked by British aggression, by the impressment of our seamen, by injuries in violation of our commercial rights. We waged that war for three years, and settled it, as I suppose every body agreed, without any loss of national honor, but without receiving or demanding any indemnity. We spent from one to two hundred millions in that war and did not get a penny back. I never heard that Mr. Madison and his cabinet, and the wise men who were in this chamber then, and who ratified the treaty of peace, were reproached for sacrificing the honor of the country in not obtaining pecuniary indemnity. Sir, I despise, I scorn this demand, of pecuniary indemnity for “violated honor,” whether made by an individual or a nation. I never heard of such a thing amongst gentlemen. I have had the curiosity to examine Jonah Barrington’s account of the celebrated Kilkenny Club, renowned for being composed of the most chivalrous gentlemen that ever pulled trigger. By their rules the reparation of personal insults and wrongs was reduced to a regular system. Every offence was strictly defined, and the appropriate degree of punishment prescribed. If the offence were slight, the party aggrieved might be satisfied with an exchange of shots; if a little more aggravated, it was requisite that one party should be blooded. When the offence was of a very grave nature somebody was to be well blooded; and there was scarcely any offence which required, according to these rules of chivalrous honor, that the combat should be mortal. Certainly in no instance is it recorded in the annals of the Kilkenny Club that pecuniary compensation was to be demanded by the party offended. Sir Barrington records no instance in which the offender was called upon to pay for the powder and ball consumed, the pistols used, and transportation to the field of honor—that is to say, the hack-hire! Now, I am unwilling to place a nation in a lower scale than a private individual; neither have I one rule for Mexico and another for England.

What is the condition of Mexico? Before I reply to that inquiry, let me say that I am perfectly disposed to demand of Mexico compensation in damages, not for the violation of national honor, but for the injuries done to our citizens in their commerce. We are their guardians—guardians of their pecuniary rights, which we are bound to maintain as against Mexico and all the world, and to see repaired by pecuniary indemnification. I hold it to be perfectly right to demand indemnity of Mexico

on that ground. If she cannot give indemnity in money, let us take it in land. But do not let us make that a pretext for robbing Mexico. She is prostrate and bleeding at your feet. Your armies have triumphed in every combat, from that of Palo Alto to the last battle at Chapultepec. She has been completely vanquished—her towns stormed and bombarded—her seaports in your possession or beleaguered by your fleets—her Government fugitive—and your armies, in the fashionable phrase of the day, “revelling in the halls of the Montezumas.” What more do you want? Is not this enough? Did you ever hear of the bully who, when he had knocked his man down, thought it his vulgar duty to pull out his eyes? Do you recollect, sir, the epistle of Tom Crib to Big Ben?

“What, Ben! my old hero, is this your renown?

Is this the new go?—kick a man when he’s down?

When the foe has knocked under, to tread on him then?

By the fist of my father, I bish for thee, Ben.”

Mexico cannot bring an army into the field. Her revenues are exhausted. Her means of military defence destroyed—the military spirit of her people is broken. She is helpless and hopeless, except in your mercy. Yet you propose to carry the war further—“into the vitals of the country.” Not satisfied with the blood already shed, do you thirst for more? Do you desire more towns to bombard, fresh armies to defeat? When there are none of these to be found, will you rejoice in the slaughter of the miserable guerillas?

Mr. President, let us take care that the disgraceful guerilla warfare of Spain be not renewed upon this continent! Is there to be no end of this state of things? I do not believe that the violated honor of the country requires such vindication. That honor is in much greater danger of being tarnished by our own conduct in the further prosecution of this war.

But, it is said, Mexico must sue for peace! Will you persist in this, when she is too proud to sue for peace? You must know that she is anxious for peace. I know that a treaty of peace can be obtained from Mexico. I make that assertion after a perusal of the correspondence between the Mexican Commissioners and Mr. Trist. She offers ample indemnity for every thing but the expenses of the war. She proposes to cede California, from its junction with Oregon to the thirty-seventh degree of latitude. This comprises nearly two hundred thousand square miles of territory, as I have been told—thrice the territorial extent of Virginia, and larger than all the New England States; New York and Pennsylvania together; and it includes the harbor of San Francisco—the coveted object of our desire, and which, sir, alone, is worth more than the claims of our citizens against Mexico. Our President and his cabinet were not satisfied with this cession. They demanded, in the draught of the treaty which Mr. Trist took with him, besides the disputed territory, all New Mexico, all Lower California and almost the whole of Upper California—all that which lies beyond the Gila River—a region, in the whole, of nearly 700,000 square miles—twice as extensive as all the old thirteen States of the Union, and nearly half of all the Mexican dominion. Well, Mexico gives very sufficient reasons why she will not yield to these enormous demands—to this magnificent spoliation. She says that Lower California commands her province of Sonora, and that she cannot be asked to give up what would make her vulnerable in her weakest point. She cannot give up all Upper California, because a portion of it is necessary to maintain the land communication between Lower California and the other portions of her dominions. She cannot give up New Mexico, because the people there are loyal—they are devoted to Mexico. The Mexican Government is unwilling to expatriate her people, to sell her countrymen who stand fast in their allegiance through weal and woe, who love their country whether it be in the enjoyment of prosperity and national honor or shorn of both, and overwhelmed with disaster and disgrace. This feeling has an echo in every generous heart. I honor it, sir, and will not trample on it. I do not want New Mexico, and with my vote it shall never be forced into our Union. Never, sir, never. Besides, it is inconsistent with the essential principle of our Government—the consent of the governed.

What were the objects of the formation of this Union? Let me read you, sir, from the Constitution.

“We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.”

“To establish union”—“to ensure domestic tranquillity”—these were amongst the glorious objects for which our constitution was formed. Sir, do you imagine that our Union will be promoted, that our domestic tranquillity will be ensured, by compelling these refractory communities to enter our Union, in spite of all the differences of blood, religion, race, and color, and filled with mortal hatred of us as they now are? No man can be so visionary, sir, as to suppose that by such means our Union will be promoted. Is such a union possible? It reminds me of the story in “Le Diable Boiteux.” You may remember, sir, the account of the two demons who quarrelled and raised such an uproar in Lucifer’s dominions that he was compelled to interfere. He commanded them, under infernal pains and penalties, to embrace and swear to be friends forever. We did so, said the demon, and have hated each other mortally ever since. Such, sir, will be the consequences of that union which you wish to bring about. Such will be the fraternal union between the United States and Mexico. I see it predicted, sir, that if we should annex Mexico, she would be to us what Ireland is to Great Britain, a perpetual source of bloodshed, embarrassments, annoyance, endless disquietude. I do trust that the country will not sanction such an idea; that the Senate will not sanction it; that in the progress of this discussion all will come to perceive the truth, as I think that I perceive it.

I have said that in my opinion we can now obtain satisfactory terms from Mexico. I do not mean to say that the terms offered by the Mexican commissioners were precisely such as I would accept, but they afford, at all events, a proper basis for negotiation.

If we do not stop here, when and where shall we stop? Are we to become the ocean-bound Republic, spreading over the whole continent? That is what some gentlemen contemplate. I recollect that one very ultra gentleman said, some time since, that the day was fast approaching when "even China would be a component part of the United States." Are our dreams of ambition boundless? If we go on in this way enlarging our boundaries, must we not eventually be broken into fragments? Must we not come at last to dissolution, like the circle in the water, which by "broad spreading is dispersed to nought?" The bands which unite our country, if stretched so far, must inevitably snap. We must stop now or never. If we persist in this course, we must come to the project of my friend from Indiana, (Mr. HANNEGAN;) and then I take it the dissolution of the Union would be inevitable. I do not know that in such a case the event would be matter of regret.

Let me trouble you with a few words more on the subject of the expenses of this war, in connection with the bill more immediately the subject of discussion. I have examined the statement of the Secretary of the Treasury for this year, and I find that the expenses of the current year, taking the quarter which has expired, will amount to fifty-eight millions six hundred and fifteen thousand dollars. I confess, I was startled when I saw the statement. The Secretary says:

The total receipts and mean for the year ending June, 1848, are estimated at	\$42,836,545 80
The expenditures for the first quarter, which are ascertained, being	\$16,466,194 69
And the estimated expenditures for the rest of the year being as follows:	
Civil list, foreign intercourse, and miscellaneous	5,489,180 42
Army proper, including volunteers	19,080,865 58
Fortifications, ordnance, arming militia, &c.	2,033,446 50
Indian department	1,720,660 26
Pensions	1,063,523 66
Naval Establishment	10,241,072 47
Interest on public debt and Treasury notes	2,250,577 18
Treasury notes outstanding and payable when presented	267,139 31

The total expenditures will be 58,615,660 07

Leaving an excess of expenditures over means, 1st July, 1848 \$15,729,114 27

If to these fifty-eight millions six hundred and fifteen thousand dollars be added the deficiencies in the present year's appropriations, which, I learn, are likely to be heavy, the expenses of the year, if not its expenditures, will probably be seventy-millions.

When the war commenced, we had a surplus of twelve millions in the Treasury, and Congress adopted new financial measures, which were expected by the Administration to improve the condition of the Treasury. But we have spent the twelve millions surplus, and all the current revenues which we have received, increased, as they are said to have been, by the new tariff, besides thirty-three millions, according to my computation, of loans and Treasury notes. In January last, the Secretary came to us for twenty-three millions, which he said would be ample. But in a month he asked for authority to reissue five millions of Treasury notes, and now another loan of eighteen and a half millions is demanded for the service of the present year. I apprehend it will be necessary to raise more than that for the excess of expenditure in the year 1849. This is a woful state of things. I venture to say that if you continue your military operations as they are now conducted, before eighteen months either your Treasury will be bankrupt, or you will be obliged to adopt some new and extraordinary financial measures. I, for one, shall be prepared for the crisis.

It is not just, sir, that the coming generation should suffer for the folly of the present. It is not just to keep glory for the present age, and taxes for the next. If you will have the glory, you ought to have the taxes along with it. I believe the only way to bring the people to a just sense of the enormity of this war, is to let them feel the cost of it. My colleague spoke of the revenue to be derived from Mexico, and ventured the opinion that the war could be sustained in this way, without the cost of a dollar to our Treasury. But is it to be expected that Mexico, in her present depressed condition, kept down by an enemy holding her powerful towns, overrunning her country, her industry paralyzed, her trade and business broken up, her people ground to the dust by military oppression, will furnish any thing like the amount which he has represented as accruing to her Treasury in time of prosperity? You will not get a dollar which is not forced from her at the point of the bayonet. He speaks of the duty upon contracts, and says that they might now be stamped by your authority, and that thus a considerable revenue would be obtained. But, sir, they will not make these contracts, especially when there is a probability that, if made, they will be invalidated when the present state of things shall terminate. Sir, this is all illusion; and if you could get the whole revenue which Mexico raised in a period of peace and prosperity, you would get but twenty-one millions, and your military operations are costing you nearly fifty millions. The Secretary of the Treasury, sanguine as he is, does not estimate these resources half so high as my colleague.

He has not been able, he says, to obtain any reliable statement of the amount of duties realized in Mexico on exports. The duties on specie might amount to half a million. The receipts from duties on imports, in a time of peace, have varied from six to twelve millions. What probability is there that these would be half the first sum when our armies were covering the whole country?

Even the Secretary thinks that no large portion of the internal revenue could be collected under our military dominion, and he, with all his eagerness to present a favorable view of this project, admits that he has no sufficient data on which to base any reliable estimate as to this source of revenue. So that I caution the country against these delusive conjectures.\*

\*The Government dues of Mexico have been by no means punctually paid. Gen. Thompson, our late Minister to Mexico, estimated the whole actual revenue at sixteen millions. McGregor, in his commer-

As for the ten thousand men proposed by the bill, I will not vote for one of them. We have now about 45,000 men in the field, or on their way to the scene of war, and the President has authority by law to call out some 20,000 more.

I believe with the Senator from Kentucky, (Mr. CRITTENDEN,) that there are troops enough for all the legitimate purposes of this war, and more than enough, and, while I would not deny them food and clothing, I would not now give for the war another soldier until I saw a disposition on the part of the Executive to bring about a peace.

I look at the honor of the country in a different aspect from that in which it seems to be regarded by some Senators, to whom I do not impute any other than patriotic motives. I think they are entirely mistaken. For myself, I am willing to take the reproach of consistent dullness, by adhering to the doctrines which I have here announced, and refusing to vote a man more until I see a better disposition on the part of the Executive to make peace. I believe that the favorable opportunity to make peace was allowed to pass unimproved. I believe that if this Government had not demanded too much, they could have made a peace perfectly satisfactory to the country, and that it still may be obtained on just and honorable terms. I will not increase the forces in Mexico for the purpose of overrunning and annexing the country. It would be a lasting reproach to us to do so. I wish to see the United States disposed to settle this controversy in a spirit of magnanimity more glorious even than all the victories we have gained.

Mr. BADGER rose and signified his intention of addressing the Senate on the bill under consideration.

Mr. JOHNSON, of Maryland. I ask the indulgence of the Senator from North Carolina. I rise to put a question to my friend and colleague, to which I hope he will reply now, if he can, and if not, at some future time, when he shall have reflected on the answer. If I am right in my recollection, my friend was not here on the 13th of May, 1846, when the law of that session passed.

Mr. PEARCE assented.

Mr. JOHNSON. If I am right, then, as to the opinions of my colleague at that time, if he had been here he would not have voted for the law as it passed. If I am right as to the reasons which would have influenced him in giving that vote, it would have been because of the preamble to that act. The question I now wish to propound is, whether he would have voted for that law without the preamble.

Mr. PEARCE. Yes, I should have done so.

Mr. JOHNSON. Just so.

Mr. PEARCE. But I beg to say something further. It was necessary that some military provision should be made, and the exigency seemed to require a very large provision. Our army had been placed, by the act of the Executive, in a position of great peril. It was not for me to say that that army should be sacrificed. Not for a hundred million would I sacrifice one of its gallant officers, or one of its brave men. Perhaps I may add, that it is very likely I would have gone further than now, because I had not then so fully investigated the subject. An amendment was proposed in the House of Representatives by Mr. Schenck, which fully met my views. The amendment was as follows:

“Strike out all after the enacting clause, and insert:

“Whereas it has been communicated to Congress, by the President of the United States that this Government is now at war with Mexico, and a call has been made on Congress for means to prosecute hostilities on the part of the United States; and whereas Congress is informed that, in a war thus commenced, losses have occurred to the army of the United States employed by the President on the bank of the river Del Norte, and that such army, if not already lost, is in an exposed and perilous situation, and requires speedily relief and reinforcement. Therefore,

*Be it enacted, &c.,* That while Congress will not sanction or approve the forcible occupation, under the orders of the President of the United States, of territory between the river Nueces and Del Norte, by the armed forces of the United States, nor of any hostilities which have been carried on by order of the President against the Government or people of Mexico; yet, to enable the President of the United States to relieve and to extricate the army of the United States from the position in which it has become involved, and to prevent any invasion or encroachment upon the territory of this Union, and to protect and defend to the fullest extent the citizens and people of the United States, as far as the same may be in any way affected or endangered by hostilities with Mexico, the President is hereby authorized, in addition to all the military and naval forces of the United States, to call for, &c.

That proposition, sir, would have met my entire approbation; and, if that had failed, I should have been unwilling to place myself in the position of denying supplies to our army in peril. I should be disposed to take care of my own household first, and it would be only in the flush of victory, that I should feel inclined to spare those with whom we are warring.

cial statistics, furnishes a table, taken from Mr. Brantz Mayer's book, which shows the entire revenue in 1840, to have been only \$12,774,157, while the expenses of the same year was \$13,155,922, exclusive of the payment of loans and balances.

The produce of the stamp taxes in that year was only \$110,863, though nearly double that sum in 1842. Of the Revenue, as estimated by Gen. Thompson and Mr. Mayer, about four and a half millions were derived from imposts on internal trade, that is trade between one State or Department and another, and these last duties, Gen. Scott by his general order of Dec. 15, has prohibited, so far as his power extends.

Mr. McGregor says it is quite evident that all the taxes which can be levied, even to an amount equal to confiscation, on the produce of labor in Mexico, will fall short of the sum necessary for her own expenses. We must remember that there is a debt of one hundred millions, of which eighty-four millions are foreign, and that if we assume, as we seem to be doing, the Government of Mexico, and seize her revenues, we become liable for the interest on this debt.