SPEECH

OF

MR. G. DAVIS, OF KENTUCKY,

ON

THE MEXICAN WAR

AND THE PRESIDENT'S MESSAGE.


The House being in Committee of the Whole on the state of the Union, and having under consideration the resolutions proposing to refer the various subjects adverted to in the President's Message to appropriate committees—

Mr. GARRETT DAVIS, of Kentucky, addressed the Chair. There never had (he said) existed a Government that did not embody two antagonist principles in some form and to some extent—the spirit of popular freedom, and the spirit of despotism. These two principles are at eternal strife, and with various success. All Governments (said Mr. D.) are organized necessarily with executive powers, which are sometimes invested in a single magistrate, and sometimes in a plurality; but, whether in one form or the other, the executive branch always comprehends chiefly the despotic spirit and tendencies of the Government. The proclivity of the executive of all Governments, in every age of the world, is to arrogate to itself to be the embodiment of the nation; to constitute itself the government; to submit to no question or examination of its acts, and to regard the crime of treason to consist in opposition to itself. This is, to some extent, the invariable and inevitable genius of the executive power of all governments, great or small, whatever their form, and whether called into being by organic law, fraud, force, or accident.

The usurping dictators and embryonic emperors of Rome treated and punished all opposition to them as treason to what they still termed the commonwealth. When Charles I. claimed the right to levy ship money, and the virtuous Handen denounced it as a great and dangerous encroachment upon English liberty, the parasites and the tools of the royal despot cried out, "Treason against the Government." Louis XIV., in imperial conciseness of expression, announced "I am the State!" all opposition to me is war against France. And here in our land, when the mother country was oppressing the colonies with exactions and burdens, without a voice in the Government, and Henry, almost within sight of this Capitol, was arousing his countrymen against the tyranny and the tyrant, and in words of prophetic warning exclaimed, "Cesar had his Brutus, Charles the First his Cromwell"—"Treason! Treason! hunted the slaves of power. The undaunted friend of liberty poised himself for a moment on his own great soul, and thundered forth, "May George the Third profit by their example. If that be treason, let the most of it."

Mr. Chairman, our Government, it is deplorable truth, forms no exception to the universal existence and operation of this spirit of despotism. Our President dispenses fifty thousand places without constitutional sanction, and with as capricious a will as any oriental despot. The country had inherited from Washington the best currency and financial agency ever devised by the experience and wisdom of man; it falls under Executive displeasure, and perishes by his breath, and a monster takes its place only to mar commercial operations, to furnish a better currency for the privileged classes of office-holders.

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to the detriment of the people, and its coffers to be plundered by their keepers. The genius of the age conceives great projects of improvement to promote trade upon land, lake, river, and ocean; the people require, and the people's representatives appropriate, the necessary sums; but the President, irresponsible in the exercise of the one-man power, utters I forbid, and all is struck motionless as death. There springs from the very foundation of the Government a system of legislation which protects the whole field of human industry, diversifies production, slowly but certainly augments national wealth, and lays broad and deep the foundations of national independence; our Chief Magistrate throws himself at the head of the other branches of government. He urges his views upon Congress, constrains Congress, against its own convictions and judgment, to abandon it—he heeding not the great advantages which he is thus heaping upon foreign nations, and reckless of the ruin with which he is overwhelming his own countrymen. To make war is the most fearful power exerted by human government. The sages, who formed the Constitution to the President the national shield, but they well knew that if they gave him its sword also, liberty must perish; they therefore deposited the entire war power with the Representatives of the People and the States. During the last session of Congress some notes of war arose from the Mexican frontier, and they indifferently reverberated through the dome of this Capitol. The constitutional war power had not spoken its fiat, and a proposition is made in this Hall to inquire of the President, ex officio the commander-in-chief, what mean those warlike indications? His friends vote it down, and thus tell him to withhold from Congress and the People information to which they are entitled by both constitutional right and national safety. In a few days more the roar of artillery and the slaughter of the battlefield announce that the United States was at war. How came this about? Who did it? Ought to have been the stern questions of every American whose heart was faithful to the Constitution. Facts authentic and incontrovertible answer, President Polk. He takes it upon himself to make war upon Mexico, and deigns not to consult Congress, although it is holding its daily sessions in his immediate presence. He is charged of his own authority to have undertaken a war of conquest, and pretend to sever the host of facts which prove to Col. Stevenson to raise for the United States service a regiment of armed emigrants for California. It is proposed in this House to inquire of the President his specific objects in this enterprise; and his friends, forming a large and domineering majority, allow no debate and vote it down. Mr. Polk is all the while declaring to the world that his only object is "to conquer a peace," and that he aims at no territorial acquisition; and yet our military and naval officers over run and hold possession of half Mexico. They set up to be lawgivers and the founders of States: prescribe constitutions and the forms of government; declare vast countries to be annexed to the United States; extend our laws over them; establish legislative, executive, and judicial offices and their salaries; appoint men to fill them for a certain time; and they promulgate an edict that all who inconvenience them are citizens of the United States; require them to take the oath of allegiance, and denounce the punishment of traitors not only against those who are found in arms against the United States, but against all who refuse or fail to take the oath of allegiance. Congress has not declared war against Mexico, but has merely recognised its existence, and that upon the misstatement of the fact that it was begun by Mexico. Yet the President asks for a large loan, a great increase of taxes, and is adding largely to our army, still further to prosecute this war. On behalf of the American people, and as the constitutional right of Congress, I proposed to address a solemn inquiry to him to know whether any and what States of Mexico he intends to conquer and permanently hold, and for what precise objects he continues to wage this war. But, sir, his liege supporters in this House will not allow him thus to be questioned, and they vote down the motion upon the ground that these are great State secrets, that can be safely entrusted only to the President, and he has brought not, and cannot confide them to the representatives of the people, even with the seal ofclouds. All the members of Congress who have the audacity to inquire into and to condemn such dastardly and dangerous abuses and usurpations, the President, in his message to them, buries the charge of "giving aid and comfort to the enemy," and his truckling and servile panders upon this floor echo, "Treason! aid and comfort to the enemy!"

Mr. Chairman, this great question of the existing war with Mexico has a twofold aspect; the one foreign, the other domestic. In its foreign aspect it is not without interest; but that interest sinks to nothing when compared with its domestic relations and importance, present and future. Mexico, in her best possible state, would be beyond all comparison a weaker Power than the United States, and in effect a match for them in a conflict of arms. But with little wealth or industry; limited sources of subsistance and military materials; with no government or political institutions to which her people are attached; torn to pieces and bleeding by the never-ending conflicts of successive military factions; without national unity, spirit, or character, and the whole fabric of her society in the uttermost disorganization, she has been able to offer but little resistance to our invasion. With immense odds from the numbers and position of her troops in her favor, she has been signally overthrown in every encounter of arms, and about one-half of her territory in a few short months has been overrun and is held by our armies and navies. The difficulty is not to vanquish her, but to secure ourselves against her incursions, but to quit this field, to get away from the remnant of Mexico, and to leave our prostate foe to himself. No air; this Mexican war is not more than a fly upon the bull's horn. The United States, whether the war continues or not, stand in unimpeached security against all the power of Mexico. But our gallant soldiers have been sent in detachments into distant and insuborious countries by Mr. Polk; they are beset by savages and fierce foes, and whilst they are upholding the stars and stripes of their country, they must have all needful succor and support.

But, sir, let us look at this subject in its relations to our own Government and People. In this aspect it is impossible to attach too much importance and interest to it, and I will give it as free an exami
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n:ovemrnt, through its Chief Magistrate, ever more vilely prostituted? Can any true-hearted American
reflect that it was a successor of Washington, and an American President, who has brought this
degradation upon us, without mingled feelings of shame and indignation? Mr. Polk not only gave
security and facilities to Santa Anna and his associated conspirators to pass our squadron blockading
Vera Cruz, but, in his incomprehensible folly and weakness, he asked Congress to place, without restric-
in his hands, two millions of dollars, which he designed for his new and clandestine ally.

And who is this Santa Anna, for whom Mr. Polk was seized with such sudden confidence and affec-
tion? In his message, he enumerates the wrongs which the United States have suffered at the hands of
Mexico, by many acts of violence upon the persons and property of our citizens. He arrays forly
repeat and atrocious disregard of international law, long-continued outrages, protracted refusal and
repeatedly formed treaties, but their prompt and shameless violation by the Government of Mexico.
The author of all these wrongs was this same Santa Anna. Mexico was a confederated Republic, and
had a free Constitution moulded after ours. In 1835 it was overthrown by a usurper, and a military
despotism reared upon its ruins. It was Santa Anna who subverted the liberties of his country, made
himself a military dictator, with greater and more formidable powers than belong to a king, and planted
his iron heel upon his prostrate countrymen. Who invaded Texas, ravaged her plains with fire and
sword, burned the Alamo in blood, and scattered the daughters of the land to the very winds? Who
bought and quarter? Who threatened to desolate every Anglo-American hearth west of the Sabine; founded, as
they were, upon the pledge of Mexican faith, and to exterminate that race from the land? It was Santa
Anna, the most cruel and bloody monster of the age, with whom Mr. Polk secretly conceived to over-
throw a Government to which he had pledged his faith and friendship in solemn oaths of treaty.

But let us look a little to this imputation of treason, with which Mr. Polk has thought proper to
dignify his most grave and formal official communication. The constitution says: "Treason against the
United States shall consist in levying war against them, or in adhering to their enemies, giving them
aid and comfort." Any assistance given to aliens in open hostility to the United States, "by surren-
dering a fort to them for reward, or selling them arms, sending them men, provisions, &c., comes clearly
within the latter branch of treason. (See Bla., Haw., Hale, &c.) Now let us see how near the act of
Mr. Polk himself comes to the guilt of this crime. The Constitution makes him commander-in-chief of
the army and navy of the United States, and as such he has the power to order and direct the acts of
every military and naval officer. The United States were at war with Mexico, and in the prosecution of
it, were blockading her principal port on the Gulf, Vera Cruz. Santa Anna had been banished, and,
with Almonte and a large estate of able military men, was living in exile in the neighborhood of
Havana. They were still Mexican citizens, and, by one of the plainest principles of national law,
were entitled to all the protection of the laws of their native country. But Mr. Polk has done more than
wage war to them; he has made war upon them. He has taken his military forces into Vera Cruz, and
has ordered an American representative, with one voice would answer treason, and speedy justice would doom the naval commander to perish by the
harter for his crime? Has not Mr. Polk committed this identical crime; and what principle of jus-
tice or law would enable him to escape where any other must perish with impunity? In his defence it
might be alleged, that he did not intend to commit treason, and in the absence of such intention there is
no crime. His act of itself would give rise to the presumption of the intention, and to free himself from
this crime, he would have to prove, by facts and circumstances, that he did not intend to commit treason
against the United States. In the absence of such proof, his conduct would be prima facie evidence of
guilt, and the law would doom him to die the death of a traitor. If, in the case put of Capt. Conner, he
was arraigned and under trial, what defence could be made for him? He might set up that he believed,
if Santa Anna was permitted to return to Mexico, he would get possession of the Government, and
would, for two millions of money, to be paid him by the United States, agree to treat with them; and
that it was to bring about this result, and not to give aid and comfort to the Mexicans, that he had per-
mitted Santa Anna to pass the blockade. Such a ground might or might not have saved him from a
New Mexico. The latter had always, without dispute on the part of France, or the United States, or any other Power, comprehended a large extent of country east of the Rio Grande, and her ancient and continuing boundary continued fixed and unquestioned. Tamaulipas and Coahuila were each recognised and declared to extend to the Nueces, and the authority and laws of both severally maintained and executed by that river. Mexico asserted and successfully maintained her independence against the arms of Spain and in 1821 she established a constitution and a government of confederated States upon the plan of the United States. New Mexico, Tamaulipas, Coahuila, and Texas, became States of this Mexican Confederate Republic, and each by its own defined, recognised, and established boundary, the Nueces always having been the line between them, the latter, Texas, not then having a sufficient population for a separate State government, and Coahuila were united under a common one, and were called the State of Coahuila and Texas. But each preserved her distinct political existence by her ancient and uniform boundary—just as Massachusetts and Maine did before the latter became a State; and provision was expressly made in favor of Texas, that she should have a separate State government when her population should authorize it. Things remained in this condition until 1834, when this private and confidential ally of Mr. Polk, Santa Anna, overthrew the Confederated Government of Mexico, and established in its stead a military despotism. Against this violent revolution the Legislature of Coahuila and Texas entered a spirited protest, for which that body was dissolved by the military power of Santa Anna. Texas called a convention, and on the 5th November, 1835, it pronounced her first declaration of independence, the third clause of which, by the act of our Congress of 29th December, 1845, was admitted one of the State papers. The Republic of Rio Grande, as Mr. Polk ever again told the American people that "the Republic of Texas has always claimed the Rio Grande, from its mouth to its source, as her western boundary?" For the cause of our Government it is to be hoped that such an assertion will never hereafter find a place in a President's message to Congress.

But, after Mr. Polk's elaborate attempt, both by assumption and suppression of fact, to prove that the Texans abjured the Rio Grande its entire length, he winds up that part of the subject thus: "This was the Texas which, by the act of our Congress of 29th December, 1845, was admitted one of the States of our Union." Congress proposed to annex Texas to our Union as a State, but not Texans as Mr. Polk spread her out; to that doubtful, may unauthorized, extent Congress refused to receive her. The resolutions of annexation provided, "First, Congress doth consent that the territory properly included, 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," &c. Again: " Said State to be formed subject to the just and reasonable limits fixed by this Congress of all questions of boundary that may arise with other Governments," &c.

These terms were just and proper in themselves, and were acceded to by the people of Texas, the introduction to her constitution formed for her as a State, and preliminary to her admission into Union, and which had been approved by Congress, is this passage:

"We, the people of the Republic of Texas, acknowledging with gratitude the grace of God in permitting us to make a choice of our form of government, do, in accordance with the joint resolution for admitting Texas to the United States, approved March 1, 1845, ordain and establish this Constitution." This constitution sets forth no boundary whatever, but both its texts and the resolutions of annexation.
all country that was not properly included within and that did not rightfully belong to Texas. There was no question, nor had there ever been, about any of the boundaries of Texas, except the western; and both Texas and the United States thus, in the act of their Union, concurred in declaring it to have no certain or fixed location, and in giving jurisdiction over the question exclusively to the Government of the United States. This cognizance over the subject would have resulted necessarily from annexation, but it was expressly stipulated to advertise Texas, Mexico, and the world that the settlement of the difficulties of this western boundary were not to be precipitated by any act of Texas, but were to be adjusted by the treaty-making power of the United States. No sound mind, after a careful investigation of the subject, can doubt of the truth of the proposition that the eastern margin of the Rio Grande, beginning at the Mexican port of Santiago, and running above the city of Taos, was not "properly included within" and did not "rightfully belong to the Republic of Texas." The only and true question of doubt is whether Corpus Christi and the western section of the valley of the Nueces, upon this fundamental principle, were to be considered as part of the Texas admitted as one of the States into the American Union, until it should be so decided by negotiation between Mexico and the United States. The extreme of discretion, power which Mr. Polk could properly exercise was to order our army to take post at Corpus Christi as the northernmost Texan settlement, and it is very questionable whether that does not violate the meaning and spirit of the terms of annexation. If Mexico had been disposed to acquiesce in the annexation of Texas, she might have resorted to the limitations contained in our resolutions, and might have raised a strong doubt as to Corpus Christi, and with unanswerable reason she could have urged that such doubt was not to be solved by the sword of our President, but by a treaty of amity and boundaries between the two countries.

But this identical question was made during the pendency of our proposition of annexation, and whilst it was under grave consideration by the government of Texas. In the letter of Mr. Allen, acting Secretary of State of Texas, to Mr. Donelson, our diplomatic agent to that government, dated 25th June, 1845, after he had adverted to the probable consummation of the question of postin our army upon the Rio Grande, he said, "I at once decided that I would not consider a subject of negotiation, to dislodge you, drive her beyond the Rio Grande." Mr. Donelson writes to Mr. Buchanan on the 11th of July, 1845, and transmits copies of the letters between the Texan Secretary of State and himself. In justification of his refusal to direct General Taylor to take post on the Rio Grande, he says, in his letter to Mr. Buchanan:

"The joint resolution of our Congress left the question of limits between Texas and Mexico an open one."

"I have been far from admitting that the claim of Texas to the Rio Grande ought not to be maintained. This was not the question. It was whether, under the circumstances, we should take a position to make war for this claim, in the face of an acknowledgment on the part of this government (Texas) that it could be settled by negotiation. I at once decided we would take no such position, but should regard it as within the limits of our protection that portion of territory actually possessed by Texas, and which she did not consider a subject of negotiation."

"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 upon the same condition."
fused to fight for the country upon the Rio Grande, and it did not become the United States to make war to obtain that for which Texas herself would not draw the sword. 5. The marching of our army to the Rio Grande, which was occupied exclusively by the Mexicans, would be an act of war, or would lead necessarily to war. This decision was wise, and so proper and just that Texas herself acquiesced in it.

She then went on and consummated annexation, upon the tacit condition that the United States were to make no military demonstrations west of the valley of the Nueces, unless Mexico should thereupon send our army. It was an evil hour when Mr. Polk reversed this moderate and peaceful position, which he had taken against the importunity of Texas, and directed Taylor to move his army to the Rio Grande; and what mind can foresee all the deplorable misfortunes that may result from it? He had his motives for this change, which will appear palpably enough as we progress with this examination; but what becomes of his most reckless assertion, that Texas, as extending to the Rio Grande, including the bigger half of New Mexico, and her capital, Santa Fe, was admitted as a State into our Union?

Connected with this part of the subject is another gross misstatement of the message, in these words: "Before the annexation of Texas to the United States was consummated, Mexico herself, by a formal act of her Government, had acknowledged the independence of Texas as a nation." It is true it was upon a condition which Mexico had no authority to prescribe, and which detracted nothing from the recognition. There are two modes of uttering an untruth: first, by misstating the fact; secondly, by stating the truth in such form as to produce a false impression. Let us see if in this point Mr. Polk is not justly chargeable in one or both modes. The recognition of the independence of Texas by Mexico is stated as one fact; the prescription by Mexico of a void condition (that Texas should not annex herself or become subject to any country whatever) is another fact; and the mode of statement makes the impression that these things emanated from Mexico. Congress passed the resolutions of annexation in February, 1845; on the 29th day of March following the government of Texas itself, thinking then was an auspicious time to propose to Mexico a recognition of her independence, drew up "Conditions preliminary to a treaty of peace between Mexico and Texas," in these words:

1. Mexico consents to acknowledge the independence of Texas.

2. Texas engages that she will stipulate in the treaty not to annex herself, or become subject to any country whatever.

3. Limits and other conditions to be matters of arrangement in the final treaty.

4. Texas will be willing to remit disputed points, respecting territory and other matters, to the arbitration of umpires."

The Government of Texas itself applied to the ministers of France and England respectively, and procured them to interpose between it and the Government of Mexico, and to propose for Texas those her own articles, preliminary to a definitive treaty, to Mexico. The Secretary of State for Mexico, after the overture of Texas was submitted to the Congress of Mexico, returned for answer: "The Government is authorized to hear the propositions which Texas has made, and to proceed to the arrangement or celebration of the treaty that may be fit and honorable to the Republic, giving an account to Congress for its examination and approval." Mexico appended an additional declaration, in these words: "It is understood that, besides the four preliminary articles proposed by Texas, there are other essential and important points which ought also to be included in the negotiation; and that if this negotiation is not realized on account of circumstances, or because Texas, influenced by the law passed in the United States, on annexation, should consent thereto, either directly or indirectly, then the answer which under this date is given Texas, by the undersigned Minister for Foreign Affairs, shall be considered null and void. Mexico submits these conditions as a treaty, and which were to form its basis, to her Senate, and they were rejected by that body. The true state of fact about this matter is incompatible, in several material points, with the statement of it by the President. 1. The overture was not by Mexico but by Texas herself. 2. There was no recognition whatever by Mexico of the independence of Texas. The latter Power herself proposed certain fundamental conditions, upon which a treaty of recognition should be negotiated; to which Mexico added others, and required that before such treaty took effect it should be submitted to her. 3. Congress for its examination and approval. 3. That the condition which the President treats as a nullity, and which it was proposed to attach to the treaty of recognition, was prescribed, not by Mexico, but by Texas upon herself. The negotiation of this treaty was not entered upon, because, after the Government of Texas itself had proffered to Mexico the basis of it, her Senate rejected that basis. But, whilst it was in suspense, the President of Texas put an end to hostilities by the promulgation of a formal proclamation, in which there is this passage: "And pending the said action, by virtue of the authority in me vested, I do hereby declare and proclaim a cessation of hostilities, by land and by sea, against the Republic of Mexico, or against the citizens and trade thereof. It was to these proceedings that Mr. Donelson referred, when he said that the United States should not take a position to make war for this claim (to the Rio Grande) in the face of an acknowledgment on the part of this Government of Texas (that it could be settled by negotiation), and what the Executive of Texas had determined not to fight for, but to settle by negotiation, to use the least of it, could as well be left to the United States upon the same condition." Mr. Donelson gave no more than a proper effect to an act of the Government of Texas which closed hostilities between the two countries, and left Mexico in the peaceable occupation of all the country upon the Rio Grande.

Mr. Polk in his message approaches the main question in all this business, and says:

"But Mexico herself has never placed the war which she has waged upon the ground that our army occupied the intermediate territory between the Nueces and the Rio Grande. Her refuted pretension that..."
Texas was not in fact an independent State, but a rebellious province, was obstinately persevered in; and her avowed purpose in commencing a war with the United States was to reconquer Texas, and to restore Mexican authority over the whole territory—not to the Nueces only, but to the Sabine.”

The President here boldly and distinctly takes three grounds: 1. The war was begun by Mexico. 2. The march of General Taylor’s army, by his orders, to the Rio Grande, was not the cause of the war. 3. The war was commenced by Mexico to conquer the whole of Texas up to the Sabine.

Let us see how these positions will stand the test of examination and truth.

It has been shown that Mexico had acceded, by superadding other conditions, to the preliminary terms proposed to her by Texas for the negotiation of a treaty of limits, amity, and recognition of her independence. This was somewhat inconsistent with a “purpose to restore Mexican authority over the whole territory—not to the Nueces only, but to the Sabine.” Mr. Peña y Peña, the Mexican Minister of Foreign Affairs, wrote to Mr. Black, our consul, on the 31st of October, 1845, thus:

“The Government of Mexico has given its orders, for the purpose of suspending, for the present, any act of hostility against the United States, and limits itself to the defensive, awaiting the issue of the negotiation proposed by the Government of the United States through the consul,” etc.

Does this manifest a purpose to conquer all Texas to the Sabine? But Mr. Polk’s prevarication involves him in a labyrinth of contradiction; and, in the next paragraph to the one from which I have last quoted, he asserts:

“Our army had occupied a position at Corpus Christi, west of the Nueces, as early as August, 1845, without complaint from any quarter. Had the Nueces been regarded as the true western boundary of Texas, that boundary had been passed by our army many months before it advanced to the eastern bank of the Rio Grande.”

In the summer of 1845, General Taylor was ordered by Mr. Polk to take post with his army at Corpus Christi; and his despatch of the 15th of August to the War Department informed Mr. Polk that he was in possession of that point. Mr. Donelson had told the President that this was the most western settlement of Texas, and had said distinctly to, and tacitly agreed with, the Government of Texas, before annexation took place, that it was as near the Rio Grande as the American army would or could be placed. The orders of the gallant Taylor, there displayed to the Mexican on the uttermost confines of Texas, gave protection and security to all her inhabitants. He had been there for seven long months, covering every foot of Texas, and, so far from the Mexicans having evinced any intention to drive him from his position, and to reconquer Texas to the Sabine, Mr. Polk informs us that this occupation by “Old Rough and Ready” was “without complaint from any quarter.” To all this there is evidence of the then perfectly quiescent and pacific disposition of Mexico, as to the existing state of things, still more satisfactory. This evidence is furnished by extracts from the despatches of General Taylor himself to the War Department. August 30, 1845, he says:

“Caravans of traders arrive occasionally from the Rio Grande, but bring no news of importance. They represent that there are no regular troops on that river, except at Matamoras, and do not seem to be aware of any preparations for a demonstration on this bank of the river.”

On the 30th he writes:

“We have no news from the Rio Grande. Idle stories are brought in from that quarter, but, with the means of accurate information which we now possess, I do not deem it necessary to repeat them.”

In his despatch of 6th September he says:

“I have the honor to report, that a confidential agent, despatched some days since to Matamoras, has returned, and reports that no extraordinary preparations are going forward there; that the garrison does not seem to have been increased, and that our consul is of opinion that there will be no declaration of war.”

He gives information to the Department, September 11th:

“We have no news of interest from the frontier. Arista, at last accounts, was at Mier, but without any force; nor is there as yet any concentration of troops on the river,” (Rio Grande.)

In the despatch of the 11th October he says:

“Recent arrivals from the Rio Grande bring no news or information of a different aspect from that which I reported in my last. The views expressed in previous communications, relative to the pacific disposition of the border people on both sides of the river, are continually confirmed.”

January 7th, 1846, General Taylor, still undisturbed at Corpus Christi, informed President Polk thus:

“A scout of volunteers from San Antonio struck the river near Presidio, Rio Grande, and the commander reports every thing quiet in that quarter.”

This was the last communication which General Taylor made to the War Department until he was on his way to the Rio Grande, making a forward move to that river in obedience to the orders of Mr. Polk. All his despatches, whilst he was on the line of his march, still further confirm the conclusion already adduced, that Mexico did not intend to invade Texas whilst her army remained at Corpus Christi. The order to him to occupy the Rio Grande was dated 13th January, 1846, and on the 14th March he broke up his quarters at Corpus Christi. Thirty-one miles from that point, he says:
"The columns are advancing with great regularity, and without any obstacle worthy of note."

The 18th March, 119 miles on his way, he writes to the Department:

"Within the past two days our advance has met with small armed parties of Mexicans, who seemed disposed to avoid us. They were doubtless thrown out to get information of our advance."

General Taylor crossed the Arroyo Colorado, and from his camp three miles beyond it, and within thirty miles of Matamoros, he informs the Department, that when the army reached that river some Mexicans showed themselves in opposition on the other bank, who informed one of our officers that an attempt by our army to cross the river would be considered as an act of hostility, and in that case it would be treated as enemies. Preparations were then made to pass under cover of guns, which occupied a day:

"Whilst these dispositions were in progress, the party that had shown themselves the day before again made their appearance. I sent Captain Mansfield to communicate with the officer in command, who said that he had positive orders to fire upon us if we attempted to cross the river. Another party then made its appearance, and passed the river to communicate with me. One of them, (who was represented as the adjutant general of the Mexican troops), stated substantially what had been said before, viz., that they had peremptory orders to fire on us upon it, and it would be considered a declaration of war if we passed the river. He placed in my hands the proclamation of General Mejia, issued at Matamoros a day or two previous, which I enclose. I informed the officer that I should immediately cross the river, and if any of his party showed themselves on the other bank after the passage was commenced, they would receive the fire of my artillery."

Gen. Taylor passed the Colorado without further opposition. He moved forward upon Santiago, which the Mexicans fired at his approach, and then retired. He encamped opposite Matamoras the 28th March, and in his despatch of that date are these passages: "Our approach seems to have created much excitement in Matamoras, and a great deal of activity has been displayed since our arrival in the preparation of batteries." "The attitude of the Mexicans is so far decidedly hostile." In his communication to the Department of April 13th; he says: "On the 12th I received from General Ampudia a despatch, summoning me to withdraw my force within twenty-four hours, and to fall back beyond the river Nueces." "In the execution of this order, Gen. Taylor threw up Fort Brown, and planted his cannon upon it so as to command and sweep, when necessary, Matamoras. He blockaded the mouth of the Rio Grande, and cut off all supplies and commerce by that route. On the 24th April, he writes, he had received a communication from Gen. Arista, who had assumed the chief command, stating that he considered hostilities as having been commenced, and that he should prosecute them according to the usages of civilized warfare. It is against this clear and overwhelming amount of testimony that Mr. Polk asserts: "But Mexico herself has never placed the war which she has waged upon the ground that our army occupied the intermediate territory between the Nueces and the Rio Grande. Can any man ever place any confidence in his messages? It was this march of the American army to the Rio Grande, and nothing else, that brought on the war. This was the actual beginning of it, as our Government had said to that of Texas, near twelve months before, such a step would be making war. Certainly Mr. Polk had as little right to violate the territory of Mexico by marching our army upon Santiago, as had the acts of Spain, in 1819 when Mr. Monroe never considered the country as his own; that he should prosecute them according to the usages of civilized warfare. If such had been the acts of Mexico to the United States, where is the craven follower of Mr. Polk who would not have denounced them as war upon us, and cried aloud for vengeance upon the perfidious Mexicans? The case is much stronger than even that against Mr. Polk.

It is thus shown, beyond reasonable question, that Mr. Polk himself began this war. His position, that it was his duty to uphold the jurisdiction and laws of the United States to the line claimed by Texas, is an after-thought, and not a hollow pretext. Why did he decide against it through our minister to Texas before annexation? Why did he not assume that line of policy immediately upon the consummation of that event? Why did he keep it suspended for seven long months? Why did he not maintain to carry it out in the portion of New Mexico east of the Rio Grande? Why did he instruct Gen. Kearney to establish a military government at Santa Fe for all that country? Upon his own ground, he was as much bound to take possession of Santa Fe as Santiago. The premises of himself and his friends, that the country was part of Texas, might be granted, and still he would in no degree be relieved from this charge. Mexico was in the actual possession, claiming it to be her own; she could not be dispensed without war, and Mr. Polk had no constitutional right or power to make war upon her. From long before our acquisition of Louisiana in 1803, up to the treaty with Spain, in 1819, when we ceded to her all our claim to Texas, she had held exclusive possession over this country, and duly maintained her jurisdiction and executed her laws in it. Mr. Polk asserts that the country was then as much a part of the territory of the United States as it now is; and yet Jefferson, Madison, or Monroe never marched an army into it to reduce it to our possession.

A part of the State of Maine was in the possession of England, and attached by the provincial authorities to New Brunswick; and this continued from the treaty of 1783 to the treaty of Washington in 1843, a period of sixty years. This produced many collisions and conflicts of jurisdiction between Maine and New Brunswick, and several times well nigh involved England and the United States in war. Massachusetts and Maine, both our Houses of Congress, and all our Presidents, have again and again, with
entire unanimity, declared that the whole country in dispute on the Northwestern frontier was territory of the United States, and within the State of Maine. That case was incomparably stronger for the United States than the present one; and yet Washington, or the elder Adams, or Jefferson, or Madison, or Monroe, or Jackson, or Van Buren, or Tyler, never dreamed, upon their more authority and responsibility as Presidents, of marching our armies into that disputed territory, and forcing our jurisdiction and laws over it at the point of the sword. If Mr. Polk had had England instead of Mexico to deal with, he would have dared the forked lightning sooner than have adopted such a measure.

What adds to the atrocity of his offence, and swells still louder the voice for condemnation and punishment which rises from a violated and mangled Constitution, is the fact that Congress, the only legitimate war-making power in our system, was and had been for six weeks in session when President Polk undertook of himself to wage this war. Why did he not submit this momentous matter to Congress? He had, in the execution of his own sinister schemes, decided that a war with Mexico was necessary for, and would prove advantageous to, himself. He disbursed the nerve of the great majority of his friends in Congress to plunge the country into it. He thought, from the peculiar posture of Mexico and the readiness of the American people for martial exercises, he could fix a charge of beginning a war upon Mexico; and being himself secure from all its perils, and able to free himself from the responsibility, he would venture upon his own authority to make it.

Another of Mr. Polk's miserable subterfuges to screen himself is, that the outrages of Mexico upon our commerce and people, and the money she owed them, was ample cause for war on the part of the United States against her. If that position was proper and maintainable, why did not President Polk act forth these grounds in a message, and upon them recommend to Congress, the appropriate power, to declare war against Mexico? It was all he could constitutionally do in the premises. Why did he become the secret and surreptitious ally of Santa Anna, the author of all these wrongs? Why, in his annual message at the last session of Congress, after recounting the mission of Mr. Slidell to Mexico, did he take the ground that until the result of it is known, "I forbear to recommend to Congress such ulterior measures of redress for the wrongs and injuries we have so long borne, as it would have been proper to make had no such negotiation been instituted." The result of this negotiation was made known before General Taylor was ordered to march to the Rio Grande, but our vulture President desisted not to consult Congress. These wrongs and injuries our Government had agreed upon and commuted with Mexico for money; and she then owed us three millions, which in part she could not or would not pay. Why against the entire unanimity, declared that the whole country in dispute on the ground that until the result of the mission of Mr. Slidell with the Mexicans, and enlarged the boundaries of the Republic, he will not only live in story, but a captivated people will again confer upon him the purple. We have been told by an Indiana editor, that he, President Polk, actually conceived and planned the battles of Palo Alto, Resaca de la Palma, and Monterey; and that he deserves more praise for the success of those brilliant days than General Taylor himself." A gentleman from the same State on this floor, not to be outdone by his worthy conductor at home, exclaims in this debate, "James K. Polk is not a Hercules, but fetch up all the opposition to him, and throw it all bodily into the arena with him, and he will be found an overmatch for the whole of it. What images of prowess those gentlemen awaken in the mind to enable it to find parallels for James K. Polk, the conquering hero of Duck river! Alexander the Great! Timour the Tartar! Jack Falstaff! Tom Thumb!"

It is apparent from the correspondence of Mr. Donelson with the State Department, and the attempt to erect them into a separate republic by a portion of their people, fired the imagination of "Young Hickory," and visions of vast conquests and acquisitions began to crowd his enraptured imagination. To end our difficulties with Mexico, he draws the sword to cut the knot, and he intends to wield that sword as a conqueror. Having subjugated the Mexicans, and enlarged the boundaries of the Republic, he will not only live in story, but a captivated people will again confer upon him the purple. We have been told by an Indiana editor, that he, President Polk, actually conceived and planned the battles of Palo Alto, Resaca de la Palma, and Monterey; and that he deserves more praise for the success of those brilliant days than General Taylor himself." A gentleman from the same State on this floor, not to be outdone by his worthy conductor at home, exclaims in this debate, "James K. Polk is not a Hercules, but fetch up all the opposition to him, and throw it all bodily into the arena with him, and he will be found an overmatch for the whole of it. What images of prowess those gentlemen awaken in the mind to enable it to find parallels for James K. Polk, the conquering hero of Duck river! Alexander the Great! Timour the Tartar! Jack Falstaff! Tom Thumb!"

It is apparent from the correspondence of Mr. Donelson with the State Department, and other proofs, that it was expected and desired by the Administration that Mexico would act upon her declaration before annexation to consider this measure casus belli; and upon the occupation of Texas, and particularly Corpus Christi, by the American army, that the Mexicans would invade Texas and bring on the war. In the first order to General Taylor are these passages:

"You will forthwith make a forward movement with the troops under your command, and advance to the mouth of the Sabine, or to such other point on the Gulf of Mexico, or its navigable waters, as in your judgment may be most convenient for an embarkation at the proper time for the western frontier of Texas."

The point of your ultimate destination is the western frontier of Texas, where you will select and occupy, on or near the Rio Grande del Norte, such a site as will carry with it the health of the troops, and will be adapted to repel invasion, and to protect what, in the event of annexation, will be our western border. You will limit yourself to the defence of Texas, unless Mexico should declare war against the United States."
on the Rio Grande, but by express orders occupied Corpus Christi. The next order, dated August 25, 1845, contains this passage:

"Should Mexico assemble a large army on the Rio Grande, and cross it with a considerable force, such a movement must be regarded as an invasion of the United States and the commencement of hostilities. You will, of course, use all authority which has been or may be given to you to prevent such a state of things. Texas must be protected from invasion, and for that purpose you will of course employ to the utmost extent all the means you possess or can command."

On the 30th August the Department wrote Gen. Taylor:

"You have been advised that the assembling of a large Mexican army on the borders of Texas, and crossing the Rio Grande with a considerable force, will be regarded by the Executive here as an invasion of the United States and the commencement of hostilities. An attempt to cross that river with such a force will be considered in the same light."

"In case of war, either declared or made manifest by hostile acts, your main object will be the protection of Texas but the pursuit of this object will not necessarily confine your action within the territory of Texas. Mexico having thus commenced hostilities, you may, in your discretion, should you have sufficient force, and be in a condition to do so, cross the Rio Grande, disperse or capture the forces assembling to invade Texas, defeat the junction of troops uniting for that purpose, drive them from their position on either side of the river; and, if deemed practicable and expedient, take and hold possession of Matamoros and other places in the country."

Active hostilities not yet having broken out, and the Mexicans still remaining perfectly quiet, the prospect of a brush, to be begun by them, was so unpromising that Mr. Polk thought he would provoke it a little further. In the order dated 16th October, 1845, he said to Gen. Taylor: "You will approach as near the western boundary of Texas, the Rio Grande, as circumstances permit," &c. "Upon all the points above enumerated, and others not suggested, your reports and views in full are desired, not only with reference to the continuance of the present aspect of affairs between the United States and Mexico, but in the contingency of your selecting, or being directed to take position on the banks of the Rio Grande, near its mouth, or places above." The Mexicans still would not strike, and Mr. Polk inveigled Gen. Taylor with a vague discretion to occupy the Rio Grande. It was his purpose, if the movement was made and proved fortunate, to reap all the credit; but, if disastrous, to throw the whole blame upon the rash soldier who marched without orders. Gen. Taylor would not fall into his trap, and Mr. Polk grew impatient. In his message of 21 December, 1845, he says: "After our army and navy had remained on the frontier and coast of Mexico for many weeks, without any hostile movement on her part, though her menaces were continued, I deemed it important, if possible, to put an end to this state of things." He had then come distinctly to the purpose to force Mexico to treat, and cede all her territory east of the Rio Grande and Upper California, or to wage war against her with a view to conquests. He sent Mr. Slidell to negotiate, and Mexico was willing to receive him as a commissioner to treat of the settlement of the Texan question, but not as an envoy with full powers; to which Mr. Polk would not consent. For a nation to refuse absolutely and unconditionally to receive a minister from another is not either of war. This refusal of Mexico to receive Mr. Slidell with full powers, with other causes, might or might not have been sufficient ground for war; but the decision of that question did not belong to President Polk. It was for Congress only, and Congress was then in session; but Mr. Polk would not refer the question to it. Mr. Buchanan in a letter to Mr. Slidell says:

"On your return to the United States energetic measures against Mexico would at once be recommended by the President, and these might fail to obtain the support of Congress, if it could be asserted that the existing Government had not refused to receive our minister."

"It would be difficult on such a presumption, in regard to so feeble and distracted a country as Mexico, to satisfy the American people that all had been done which ought to have been done to avoid the necessity of resorting to hostilities."

In his letter of 1st March, 1846, to the Minister of Foreign Affairs, under Paredes, Mr. Slidell threatens war if he is not received as a minister with full powers, and adds: "He (President Polk) is sincerely desirous to preserve that peace; but the state of quasi war which now exists on the part of Mexico is one which is incompatible with the dignity and interests of the United States, and it is for the Mexican Government to decide whether it shall give place to friendly negotiation or lead to an open rupture." As some evidence, in his attempt to shield himself, that the war was begun by Mexico, Mr. Polk says in his message: "It appears, also, that on the 4th of April following, General Paredes, through his Minister of War, issued orders to the Mexican general in command of the Texan frontier to attack our army by every means which war permits." Why, sir, this order was given more than a month after Mr. Slidell had said to the Government of Mexico it must receive him, not only as commissioner to settle the Texan question, but all others, or Mr. Polk would visit it with war. This order was not given by the War Minister of Mexico until long after that Government, on the 12th of March, 1846, had said to Mr. Slidell, "The Mexican Government, preparing for war, should circumstances require it, will keep alive its flattering hope that peace will not be disturbed on the new continent," &c.; nor until Gen. Taylor had broken up his camp for a month at Corpus Christi, and had been encamped six days at Matamoras. Disobliging Congress and determined on the war, Mr. Polk crossed the Rubicon, and made it himself. His first went forth in the order of the 13th January last, the American army invaded the Mexican territory, and another war-making power has demonstrated itself in our system, which is sufficiently formidable to awake a Henry from his tomb.
But Mr. Polk and his apologists still affect to deny that the march and encampment of the American army to the Rio Grande, and its armed surveillance and blockade of Matamoras, was an act of war. Every man's common sense will refute such a position; but let us examine it by Mr. Polk's own exposition of war. Mexico held possession of Santiago, Laredo, and Dolores, on the lower Rio Grande, to say nothing of Santa Fé, and her many other towns above, all on the eastern side of the river. In his order to Gen. Taylor of 25th August, 1845, Mr. Polk says: 

"Santiago and Mexico are unable to pass from one of her towns west to another east of the Rio Grande; for such an act (says he) requires not only the presence of war, but also the presence of force, and such a movement must be regarded as an invasion of the United States, and the commencement of hostilities." In the order of the 30th August he repeats the same, and adds: "An attempt to cross that river with such a force will be considered in the same light."

How he pushes his previously unwarrantable position! If Mexico assembles any large force on the Rio Grande, and crosses, or even attempts to cross, any considerable portion of it, over to her towns of Santiago, or Laredo, or Dolores, or Santa Fé, it is an invasion of the United States, and the commencement of hostilities; and General Taylor is ordered by Mr. Polk to act accordingly. And how to act? The same order directs him: "Should you have sufficient force, and be in a condition to do so, cross the Rio Grande, disperse or capture the forces assembling to invade Texas, defeat the junction of troops waiting for that purpose, drive them from their positions on either side of the river, and, if deemed practicable and expedient, take and hold possession of Matamoras, and other places in the country." All this President Polk orders General Taylor to do on the mere attempt of a considerable body of Mexican forces (500 or 1,000, I suppose) to pass from one of her towns west to another east of the Rio Grande: for such an act (says he) would be "an invasion of the United States, and the commencement of hostilities," although he neither requires nor inquires for any evidence of such a purpose. He here orders into terrible action, of his own sovereign will, in all its forms, the war-power of the Government. Still he and his parasites deny that the march of the American army from Corpus Christi, one hundred and fifty miles into the Mexican territory, with all its accompaniments, were acts of hostility against Mexico. An American army of 3,000 may assemble and encamp for seven months on the very borders of Mexico, and, after waiting in vain so long for a fight, to get it certainly, strike deep into her territory, overthrow her laws and expel her officers, break up her custom-house, blockade her port, and besiege her town, and it is not war! But if Mexico attempts only to pass a body of troops from her town on one side of the Rio Grande to another on the opposite bank, according to Mr. Polk's code of ethics and national law, it is the commencement of hostilities, and an invasion of the United States! How a little brief power does corrupt the heart and pervert the mind of man! It is difficult to determine whether Mr. Polk was most aggressive upon the Constitution of his own country, the territory of Mexico, or international law.

But the message says, in justification of Mr. Polk's conduct, that Mexico had insultingly rejected a minister sent to her on a mission of peace, and whom she had solemnly agreed to receive. Neither is this statement true as it is made. The overture of our Government to Mexico was to receive a minister with full powers to treat of all questions. The Mexican minister returned: "In answer, I have to say, that although the Mexican nation is deeply injured by the United States, through the acts committed by them in the department of Texas which belongs to that nation, my Government is disposed to receive the commissioner of the United States who may come to this capital with full powers to settle the present dispute in a peaceful, reasonable, and honorable manner." This is an extract of a letter dated 13th October, 1845, from Peña y Peña to our Consul; and in another letter of the 31st same month, he says: "Although this is not to be understood, in any way, as an intimation of the re-opening of the friendly relations at present interrupted between Mexico and the United States, I find," &c. Mr. Slidell applied repeatedly to be received as minister plenipotentiary and envoy extraordinary, by Mexico; she refused him steadily in that character, but always expressed her readiness to recognise him as a commissioner to treat for the settlement of the Texas question. Mexico insisted that annexation had produced the suspension of friendly diplomatic relations between the two countries, and that this ground of misunderstanding must be explained and adjusted before she received a minister to settle other questions. Mexico did not agree to receive a minister for any other purpose, and she did not at any time refuse to receive such an one. In this she was wrong, and she had done us much wrong before, and is our perfidious enemy; still, when the Chief Magistrate was giving a history of this point, it was befitting that he should state it truly. Mr. Polk says: "Before these orders (to General Taylor to march to the Rio Grande) were issued, the despatch of our minister in Mexico, transmitting the decision of the civil Government, advising that he should not be received, and also the despatch of our Consul, residing in the city of Mexico, the former bearing date the 17th, and the latter the 18th of December, 1845, copies of both of which accompanied my message of the 11th of May last, were received at the Department of State." Mexico continued willing to receive Mr. Slidell as minister to adjust the Texas question; Mr. Polk still insisted that he should be accredited with full powers to settle all questions between the two countries. This was the point of difference between them. Mexico was foolishly and wickedly obstinate on a point of etiquette. If Mr. Polk thought a resort to arms necessary, he had but one power and one duty—to send in a message recommending it. Congress was in session; our imperial President scorned to give any heed to it; but of his own impulse plunged the nation in war. Autocrats and tyrants, born to absolute power, and inheriting their people as slaves, regarding them as mere instruments to minister to the lusts of phrenzied and wicked passions, may perpetrator such enormities; but not constitutional and limited Presidents, who have no power over the subject—otherwise it is the inevitable destiny of the latter to become the former. Mr. Polk is feeble and timid, and without long precipitation and daily insiguration and support, by venal, desperate, and wicked men, he never could have nourished himself to so daring an act. He then only manifested what he and far bolder men than
himself had long before determined to do. But I ask the special attention of the committee to this passage in Mr. Polk's message:

"The Texas which was ceded to Spain by the Florida treaty of 1819 embraced all the country now claimed by the State of Texas between the Nueces and the Rio Grande. The Republic of Texas at all times claimed this river as her western boundary, and in her treaty made with Santa Anna, in May, 1836, he recognized it as such. By the constitution of the Republic of Texas, adopted in March, 1836, senatorial and representative districts were established extending west of the Nueces. The Congress of Texas, on the 19th of December, 1836, passed an act to define the boundaries of the Republic of Texas, in which they declared the Rio Grande, from its mouth to its source, to be their boundary, and by the said act they extended their 'civil and political jurisdiction' over the country up to that boundary. During a period of more than nine years, which intervened between the annexation of Texas, and the establishment of the United States as such before the act of annexation took place, in both the Congress and Convention of Texas which gave their ascent to the terms of annexation to the United States, proposed by our Congress, were representatives reading west of the Nueces, who took part in the act of annexation itself. This was the Texas which, by the act of our Congress of the 25th of December, 1845, was admitted as one of the States of our Union. That the Congress of the United States understood the State of Texas which they admitted into the Union to extend beyond the Nueces, is apparent, from the fact, that on the 31st of December, 1845, only two days after the act of admission, they passed a law 'to establish a collecting district in the State of Texas,' by which they created a part of the territory west of the Nueces, and being the same point at which the Texas custom-house, under the laws of that Republic, had been located, and directed that a surveyor to collect the revenue should be appointed for that port by the President, by and with the advice and consent of the Senate. A surveyor was accordingly nominated and confirmed by the Senate, and has been ever since in the performance of his duties. All these acts of the Republic of Texas, and of our Congress, preceded the orders for the advance of our army to the coast bank of the Rio Grande. Subsequently, Congress passed an act establishing certain post routes, extending west of the Nueces. The country west of that river now constitutes a part of one of the Congressional districts of Texas, and is represented in the House of Representatives. The Senators from that State were chosen by a Legislature in which the country west of that river was represented.

The following statements and conclusions are expressly made in, and fairly deducible from, this remarkable passage: That Texas, binding on the Rio Grande, from its mouth to its source, was in 1819 ceded by the United States to Spain; that Santa Anna had made a treaty with Texas recognizing the Rio Grande in its whole length as the western boundary of Texas; that by the constitution of Texas, of 1836, Senatorial and Representative districts were organized along the whole of that river line; that Texas exercised her civil and political jurisdiction by a maintenance of her power and an administration of her laws along that entire line; that she organized and defined the limits of counties on this stream; from the sea to its head springs; that she fully occupied that country with courts of justice and her judicial system; with a custom-house, and post offices and post roads; with a land office, and with grants and land titles; that her people, clustering along the entire margin of the Rio Grande, had assisted in electing a Representative and Senator to the Texas Congress before annexation took place; that Representatives, both in the Congress and Convention of Texas which assented to annexation, had resided in the country upon the Rio Grande; that Texas, up to the entire flow of that long river, had been admitted as a State into our Union; that our Congress had established certain post routes occupying the country between the Nueces and the Rio Grande; that the entire area between them now formed a part of one of the Congressional districts of Texas, and is represented in this House; that the Senators in the other end of this Capitol were elected by a Legislature who had been chosen in part by the representatives of all the people dwelling between the two rivers; and that the entire population spread over this extent of country, from the Gulf of Mexico to the Spanish peaks, were Texans, and under the authority and protection of that government. I appeal to every candid man if all these propositions are not distinctly stated, or would not be reasonably, fairly concluded by any intelligent mind, uninformed of its various topics, on reading this most extraordinary passage from the President's message. How such a reader would be amazed, on full and accurate examination, to learn that not one of those propositions are true; and especially to learn that Texas had not, nor ever had, civil administration of any kind, nor an officer, nor a resident citizen, in the whole valley of the Rio Grande; that she had only a few people stretching a short distance up the west bank of the Nueces from the Gulf, and not amounting to one-hundredth part of the Mexican population between the two rivers, which have never known any thing but Mexican rule. I challenge the man of the greatest research and reading to produce any passage of equal length, from any language, ancient or modern, having so much and so many distinct misrepresentations. Certain I am, it has nothing like a parallel in that respect among all preceding presidential messages; and for the authenticity of American State papers, and the character of our country, I hope it never will have. I do not intend to charge President Polk with falsehood and misrepresentation, although most of the facts which I have adduced in his refutation were sent by him in the documents accompanying his message to Congress. But to absolve him from that grievous of-
fence still leaves him convicted of an amount and a grossness of ignorance about matters on which he ought to have the fullest and most accurate information, which proves him totally incompetent to discharge the duties of his high place. But in the folly, stupidity, and meanness of his measures, the country has much stronger and more deplorable evidence of the truth of this proposition.

Mr. Chairman, there is one point on which the President should cease his pontifications and denials, if he expects to preserve even a figment of a reputation for candor; he should never again say that he did not begin this war for conquest. As it was a small money affair of about three millions of dollars, agreed upon by treaty between the two Governments, so far as we had any thing against Mexico, we could have indemnified ourselves by repressions, as Jackson had recommended, without resorting to war, if it had been thought proper to resort even to that harsh measure. But Mr. Polk distrusted that the courage and generosity of the American Congress and people would never, for three millions of dollars, consent to desolate Mexico with fire and sword. A people literally not having the means to pay their debts; so poor, so weak, so oppressed, so scourged by military usurpations and factions; so long and grievously disturbed in the pursuits of civilized life, as to have lost the greater portion of its arts; without government and laws, and having no security of person or property; with no regenerating influences operating, but sinking into wretched and hopeless servitude and barbarism, were a fit subject for the noble pity and forbearance of another people so strikingly, in contrast with them upon all points. Mr. Polk knew that if, with the heart of a Shylock, he appealed to Congress to require from the Mexicans the pound of flesh, he would have been answered, "Spare this destitute, miserable, down-trodden people; we are compensated a thousand-fold in that their condition is not ours. When our debtors become able they will pay us; if not, let them go free—it is the spirit of the age. What unspeakable folly it would be for three millions to waste an hundred, and thousands and thousands of valuable lives, in slaughtering our unhappy neighbors, who, after our example, had striven for freedom, and who had unsuccessfully attempted to secure it upon the model of our institutions. At such a cost we want not this foe in deadly strife for so ignoble and insufficient a cause." But Mr. Polk coveted the glory of enlarging the boundaries of our Imperial Republic, and to minister to the grandeur of this ambition, it was necessary, and he was determined to make war upon Mexico.

For what did Mr. Polk send General Taylor's army to the Rio Grande, but to conquer and hold the country upon it? What object could he have in giving Col. Stevenson orders to raise a regiment of men of various pursuits, and such as would be likely to remain at the end of the war, either in Oregon or any other territory in that region of the globe which may then be a part of the United States, with an express stipulation that they were not to be brought home by the Government, but conquer, settlement and occupation? The Mormons had been forcibly broken up and driven from Illinois, and were wandering in search of a new home. Why did the Secretary of War, in his orders to Gen. Kearny, say:

"It is known that a large body of Mormon emigrants are enroute to California, for the purpose of settling in that country. You are desired to use all proper means to have a good understanding with them, to the end that the United States may have their co-operation in taking possession of and holding that country."

Why did Mr. Polk receive into the service of the United States a legion of Mormons, five hundred in strength? Why was Gen. Kearny ordered by Mr. Polk to conquer and take possession of N. Mexico and Upper California, and to establish temporary governments in them? The Secretary of the Navy, in an order to Com. Sloat, dated June 24, 1845, says:

"The Mexican ports on the Pacific are said to be open and defenceless. If you ascertain certainly that Mexico has declared war against the United States, you will at once possess yourself of the port of San Francisco, and blockade or occupy such other ports as your force may permit."

In this, also, lurks the purpose and hope of forcing Mexico into a war against the United States, and then to seize upon the spoil. Secretary Bancroft, May 13, 1846, addressed a communication to Com. Sloat, making this order absolute. In his order of May 15, 1846, to Capt. Sloat, he says:

"It is important that you should hold possession at least of San Francisco, even while you encourage the people to neutrality, self-government, and friendship.

There were three or four instructions to Captains Sloat, Shubrick, and Stockton, iterating and reiterating, "You will take immediate possession of Upper California, so that if a treaty of peace shall be made on the basis of the ut possidetis, it may leave California to the United States."

Conquest and territorial aggrandizement were from the first looming in Mr. Polk's fancy; and with what impatient promptitude did he recommend to Congress "to provide for these important conquests by making an adequate appropriation for the purposes of erecting fortifications and defraying the expenses necessarily incident to the maintenance of our possession and authority over them." When he proclaimed them to be "a territory larger than the original thirteen States of the Union," and felicitated the American people on "the vast extension of our territorial limits," who can believe that he had not persuaded himself that he was a veritable conqueror, and that he was swelling with the pride and self-gratulation of one of earth's great ones? Oh man, how little thou art!

Mr. Chairman, this review of Mr. Polk's message has been far from being pleasant. To find errors of fact on so many points in the most important document from the Executive head of the Government, must be deeply mortifying and humiliating to all American bosoms. Every such paper, in the truth of its fact at least, ought to be able "to bear the test of time, of talents, and human scrutiny." Never, in
my opinion, had a free people graver occasion to pause and contemplate their public affairs and their tendency, and especially the spirit and apparent destiny of the Executive branch of the Government. We have seen it, wielded by such a man as James K. Polk, usurp the war-power whilst Congress was in session, break the peace of the world, and force the people to make vast sacrifices of blood and treasure, whether they would or not; assume the lawgiver and the legislator, and set up civil government, with all its complicated machinery, over subdued countries constituting a vast empire in extent; contending and defying the other powers of the Government and the People by endeavoring of itself to place those countries in such a posture that they cannot be disentangled, and will be forced into the Union; and this without any care of the continuance and expansion of the terrific strife springing out of the slave question, which it must inevitably produce. Of the truth of these propositions I have the deepest and strongest convictions; and, entertaining them, whilst I have a seat on this floor I will give them utterance on fit occasions, "come weal or come wo." Not to do so, I would indeed be a base and craven traitor to a Constitution that ought to be imperishable, and whose authority in this Union ought to be supreme. Every thing that is wrong in our Government all men ought to condemn, for the simple and sufficient reason of preventing its repetition. Constitution, liberty, and the good of the people demand it, and there is safety in no other course.

Mr. Chairman, I had a wish to say something upon the conduct of the Executive in relation to those conquered countries, but I will avail myself of some other opportunity. I will then assume, and I think maintain, that our President has no power except what is expressly conferred on him by the Constitution, or the laws of Congress made under it; that he derives no powers whatsoever from national law, and that the principles of that code are only so far applicable to him as they adhere to the express powers granted by the Constitution or laws; that the terms "sovereign" and "conqueror," as used in the international code, are wholly inapplicable to him, either as President or commander-in-chief of our armies and navies; that in the conduct of our wars he is merely our first military and naval commander, and can exercise no powers or functions but what are appropriate to such officers; that he has no right by himself or his deputies, to set up permanent or temporary civil governments in conquered countries, but merely to hold military possession of them, including only the security and safety of his own command, and the putting down of resistance in the conquered country; and that this latter being effected, the peaceable people are to be left in the quiet administration of their own municipal laws. All these momentous questions come up in the present condition of public affairs, and in a manner to give them deep and permanent interest to the American people. They ought to mount high above all party views and interests.