EDITED BY THOMAS RITCHIE.

THOMAS RITCHIE & JOHN P. HEISS,
PROPRIETORS AND PUBLISHERS.

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DAILY,	per year, for one copy	$10 00
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NAVY AGENT'S OFFICE,
July 14, 1846.

PUBLIC sale of pickles, butter, and raisins.—Will be sold on Wednesday, the 29th of the present month, (July,) at 11 o'clock, at the navy-yard in this city, the following condemned articles, viz:

75 pounds of pickles
18 do of butter
350 do (14 boxes) raisins.

Terms, cash.

WM. B. SCOTT,
July 14 Navy Agent.

By William Marshall.

CARRIAGES, carriages, carriages, at private sale.—I have in store a first rate assortment of carriages, which will be sold at auction prices, and warranted. They are built by some of the best manufacturers in this country, and for neatness, style, and durability, cannot be surpassed, viz:

Large square carriages, for four and six persons.
Close Rockaway and Clarence carriages.
Light Rockaways, for two and four persons.
Buggies, with and without tops.
Falling and standing-top Rockaways, &c., with a large assortment of single and double harness, saddles, bridles, &c.

WM. MARSHALL,
Auction and commission store,
Pennsylvania avenue, between 9th and 10th streets.
July 27—tf

Proposals for Stationery.

IN consequence of the continuation of the present session of Congress, the proposals for the furnishing of stationery (the receipt of which closes on Monday next) will not be opened and examined until Wednesday, the 12th of August.

B. B. FRENCH,
Clerk of the House of Representatives.
CLERK'S OFFICE, H. OF REPS. U. S., July 27, 1846.
July 27—1w

A rare chance for printers.

THE publisher and proprietor of one of the most flourishing weekly papers in Indiana, owing to ill health, offers for sale his entire office, with all the business appertaining to it. The advertising patronage and job work of the office is inferior to no office of its size. The paper is democratic in politics, and can be made the leading organ and the most profitable paper, from its location, of any paper in the State. It will be sold at a great sacrifice, as the present proprietor is compelled to relinquish business.

For further particulars apply at the "Union" office.
July 27—2w

A CARD.—The subscriber has in store an extensive and well-assorted stock of dry goods, suitable for the present and approaching seasons, which he will offer at very reduced prices, wishing to reduce stock preparatory to laying in fall supplies.

On hand, a large lot of Brussels three-ply and ingrain carpetings, with rugs to match, to which he especially invites the attention of members of Congress and others wishing to supply themselves, as he from this time will close them out at cost.

July 27 R. ESTEP.

DRAWN numbers of the Alexandria Lottery, class No. 29, drawn 25th July, 1846:
35, 75, 66, 11, 60, 28, 55, 51, 45, 31, 61, 72, 76.

On Saturday 1st August,
ALEXANDRIA LOTTERY,
No. 30, will be drawn.

PRIZES.
$30,000 — 10,000 — 5,000 — 3,000— 2,500 — 1,017
100 prizes of 1,0 0, &c., &c.
Tickets $10; halves $5; quarters $2 50.

On 8th August,
ALEXANDRIA LOTTERY,
No. 31, will be drawn.

4 CAPITALS OF $25,000!
$10,000—$8,000—$6,000—$5,153.
2 prizes of $4,000—4 of $2,000—50 of $1000, &c.
78 NUMBERS—14 DRAWN.
Tickets $15; halves $7.50; quarters $3,75;
eighths $1 87½.

For sale by J. G. GREGORY & CO.,
Managers.
Next door east of National Hotel, Washington, D. C.
July 27—d&cifid

AT THE BALTIMORE CASH STORE.—In addition to our former stock, we have added the following list of goods for gentlemen:

5 pieces of brown, green, and black French cashmeret, warranted silk warp
5 do single-milled French cassimeres, for summer coats and pants
5 do black French drap d'ete, some very superior quality
10 do fine plain and twilled summer cloth
10 do various colored Croton coating, for sack coats
10 do real jet-black French cloth, of the very finest texture and lustre
5 do black French doeskin cassimere
10 do ribbed, checkered, and plain white drillings
10 do colored French drilling.

Likewise all kinds of vesting, such as—
Black and fancy-colored satins
Buff and white cassimeres
Valencia and Marseilles vesting.

We wish to remind our old, as well as those that are not acquainted of our customers, that we are still having all garments for gentlemen made up in the neatest possible manner, and at the shortest notice. Fits in all cases guaranteed.

WE HAVE IN STORE—
Gloves—of kid, silk, and cotton
Suspenders—silk, gum, and all other kinds
Handkerchiefs—silks, cotton, and linen-cambric
Hosiery—brown and bleached cotton, silk and thread
Drawers—merino, cotton, and silk
Shirts— do do do
Umbrellas—silk and cotton.
All we ask is a call—so do call.
April 11—iftf PITTMAN & PHILLIPS.

SHORES of the Mediterranean, with sketches of travel; by Francis Schroeder For sale by F. TAYLOR.
July 22

VIRGINIA LAND OFFICE, June 20, 1846.

IN conformity to an act, entitled, "An act to reduce into one act the several acts concerning escheators," passed the 6th day of January, 1819, I do hereby make known to all whom it may concern, that it appears, by a certificate of the escheator of the county of Charles City, dated the 27th day of May, 1845, and received into the land office on the 30th day of May, 1845, that, by an inquest held on the 10th day of April, 1845, a tract of land containing one hundred and sixty-five and a half acres in the said county of Charles City, of which John Crew, jr. died seized, has escheated to this commonwealth; and by inquisition held on the said 10th April, 1845, it also appears that one other tract of land, containing five hundred and twenty acres, in the said county of Charles City, of which John Crew, gent., died seized, has escheated to this commonwealth.

S. H. PARKER, Reg. Land Office.
June 13—law6w

A CARD.

DR. BANNING, of New York, would inform ladies and gentlemen, particularly those of the South, who labor under weakness of the chest, spine, digestive and spinal systems, that he will be seen through the last of July and the month of August at Saratoga Springs, and will give them immediate relief by his body brace.

The [illegible] 14—1w
was a [illegible]
said of [illegible]'S Travelling Map of Mexico.
Viscount d'[illegible]rived, and for sale by
had as its pr[illegible] G. TEMPLEMAN.
peaceful, if pos[illegible]

The Daily Union.

VOLUME II. "LIBERTY, THE UNION, AND THE CONSTITUTION." NUMBER 75.

WASHINGTON CITY, TUESDAY NIGHT, JULY 28, 1846.

CONGRESSIONAL.

SPEECH OF MR. SIMS,

OF SOUTH CAROLINA,

In the House of Representatives, May 18, 1846—On the army appropriation bill.

The House being in Committee of the Whole on the state of the Union,

Mr. SIMS addressed the committee as follows:

Mr. CHAIRMAN: Upon occasions like the present, when the country is pressed with circumstances of peril and emergency—involved, in fact, in an actual state of war—it becomes the duty of every good citizen to examine, not only with freedom, but at the same time with perfect candor, the measures of the government, and to lend such efficient aid, within the sphere of his practicability, as may enable it to prosecute to a successful result the controversy in which it may find itself engaged. If this be the duty of every citizen, how much more is it the duty of those who stand in the position of servants of the people and administrators of the interests of the country? Whilst, therefore, it may be the right of every member of this body to inquire with freedom into the measures of the government, and to seek to know the causes and circumstances which may have placed the country in such a position, still patriotism as well as duty calls upon every individual connected with any branch of the government, so far as he may be called upon to give expression to his sentiments, to mingle freedom of inquiry with the greatest candor. All party prejudices, to say nothing of party rancour, should be laid aside; and the interests of the country, under the promptings of an honest patriotism, should teach a charitable construction of the acts of our own government. The expression of opinions adverse to the action of the government which may have produced collision between this country and another, and a rigid and censorious inquiry into the facts of the case, which, under such examination, may not seem to justify that action, whilst it may not in fact be treason, is invested, if not to the full extent, certainly in some degree, with all the consequences to the country of treason itself. It is contrary to the interests of the country, retarding the prosecution of its purposes and giving a moral force to the cause of the adversary by inculpating the government as to those circumstances which led to the controversy.

I regret that the debate has, in some instances, been conducted in a different temper by some of those who have preceded me. I trust that I am prepared to come to the discussion with those feelings of candor and freedom of inquiry which I have indicated; and that, while seeking to attain truth in the matter, I may at the same time be able to vindicate the rights and interests of the country as well as the action of the government.

The question immediately under consideration, is the proposition of my colleague [Mr. BLACK] to equalize the pay of all the privates called into the service of the United States, no matter to what branch or corps of the army they may be attached. A portion of the privates receive only seven dollars per month. Another class, in a different corps, receives eight dollars. Under the amendment proposed by my colleague, the pay will be equalized at a uniform allowance of eight dollars per month. To this proposition I am ready to give my zealous and cordial support. It is inconsistent with the true interests of the service that privates in the different corps should receive different amounts of compensation. If eight dollars be not too much for the privates in one corps, it is not too much for those of another. Each branch of the service imposes equally arduous duties, and to make distinctions in compensation must have an evil influence on the service itself. The soldiers will become dissatisfied when they find that, with a lower amount of pay than others receive, they are required to perform services equally burdensome. It is therefore proper, and consistent with the true policy both of the service and the country, that the pay should be equalized.

But whilst I am willing to accord my assent to this proposition, I am, nevertheless, at this stage of our national controversy, opposed to the allowance contemplated by the gentleman from Kentucky, [Mr. TIBBATTS,] who proposes to raise the pay of the privates to ten dollars per month.

In the first place, when we look to the rations, clothing, and other contingent advantages which may be received, independent of the regular pay under the war establishment, eight dollars is ample compensation; more, in fact, than those engaged in the ordinary occupations of life would be able to make. The soldiers of the country, when called into actual service, ought to be properly compensated; but something is due to considerations of patriotism, and those rewards of gratitude and abiding glory which the country never fails to bestow upon its brave defenders. The men who are willing to fight the battles of their country seldom propose, in times of public emergency, to make exacting or grinding bargains with their government by selling their services on considerations merely pecuniary; they look equally to these other rewards.

There is another consideration involving national consequences and the successful termination of the controversy in which we are engaged, which should warn us against the adoption of the proposition of the gentleman from Kentucky, [Mr. TIBBATTS.] It is probable, or perhaps I ought rather to say, it is the hope of every one who loves his country, that our difficulties with Mexico may have a speedy termination. But this may turn out to be the fond delusion of that hope, which anxious patriotism and love of peace inspire in the bosom of the good citizen, rather than any well-grounded conclusion drawn from a calm consideration of the causes which produced, and the consequences which may follow, this state of war. It is possible that this contest may be short; yet wisdom would dictate the same prudence in its conduct which we would observe if we know that it would be protracted; the same prudence, as if we knew that other nations would be drawn into the vortex; the same prudence, as if we already saw this spark on our southwestern frontier blown into a mighty conflagration sweeping over Christendom and bringing desolation upon the civilized world. If such contingencies may happen in the progress of this war—and who can say that they may not—it is the part of wise statesmen to provide reasonably to meet them. The first preparation which ought to be made is the providing the ways and means by which the contest, in any phase which it may assume, may be successfully waged. We have men, in the true sense of the term—we have men who are nerved with patriotic zeal—soldiers of chivalrous bearing—an army capable and willing to fight our battles. But that is not enough. We must have resources to bring them in the field. Without money, which is said to be the sinews of war, it is impossible that war can be prosecuted with vigor and to a successful result. It would seem, therefore, to be a duty to husband our resources and avoid unnecessary expenditure.

With an army of sixty-five thousand privates in the field, the difference of expense in the pay, as contemplated in the two amendments, would be more than a million and a half dollars annually. If unnecessary, this surely is an amount worth saving. That it is unnecessary in the present stage of the controversy, I think a moment's reflection will convince us. In the commencement of a war, the zeal which flows from the first ebullitions of patriotism is at its highest point, and easily assembles an efficient army for the service. Afterwards, when defeat may come upon your arms—when other causes without the discouragement of defeat may damp the ardor of that feeling of patriotism—it may be more difficult to enlist men into the service, and higher wages, as well as bounty even, may be necessary. But at first, much ought to be trusted to the patriotism of the citizens, and no pay beyond a reasonable compensation allowed. In this way the actual resources, as well as the credit of the country, will be preserved to be made available in times of need and emergency. For these reasons, looking as well to a reasonable compensation to the soldier as to the prudent conduct of affairs in the government, I much prefer the proposition of my colleague.

But, Mr. Chairman, whilst this is the legitimate subject of inquiry before the committee, it has, perhaps, of all propositions within the range of parliamentary debate, or of all topics now agitating the public mind, been the least discussed. The causes of the war—the circumstances which brought it about—the manner in which this House has recognised its existence—have rather been made the subjects of debate—I had almost said, of denunciation.

I admire the feelings of patriotism which may find a residence in the bosoms of members of this House; and I equally admire the utterance which has spontaneously been given to those feelings on this occasion. It is in times of public difficulty peculiarly, that the patriot feels the love of country burning within him. Then it is that we realize the truth of the sentiment uttered by the poet:

"Dulce et decorum est pro patria mori."

Then, what was the beautiful dream of the poet's fancy, becomes the active principle, the embodied purpose of the patriot's action. He feels and knows that he is ready to die for his country. Under the influence of this admiration, excited by such noble sentiments, I hailed with delight the expression of lofty patriotism which fell from the gentleman from Kentucky, [Mr. DAVIS.] He informed the House that he had an only son, and that if the exigencies of the country required it, he would cheerfully surrender him, to fall, if necessary, in its defence: more, that the father of that son, with still greater cheerfulness, which we can all readily understand, would yield himself a sacrifice in the same cause. These are the expressions of a noble patriotism.

But it was a matter of deep regret to me, that whilst such lofty sentiments found a ready utterance from the distinguished gentleman, he should have allowed himself to indulge in a train of remarks so directly in conflict with them; that, whilst he avowed himself willing to sustain the country—to grant all aids and supplies that might be necessary—he should have thrown himself like a mighty incubus on the interests of that country by the remarks which he made in relation to the causes of the war. In the course of his inquiries he came to the conclusion that the war was brought about, not by the action of Mexico, but by the improper and unconstitutional action of our own government; and that this House, in the manner and under the circumstances in which it recognised the existence of the war, coupled with the assertion that it had been brought on by Mexico, was guilty of indecorum and falsehood. It is in vain, and idle for those who voted the recognition of a state of war produced by the action of Mexico to shut their eyes and pretend not to see the full scope and effect of the gentleman's argument. The majority in this House, no less than the Executive government, are charged substantially with falsehood and unconstitutional action. To us who belong to that majority, there is no option. The gauntlet which the gentleman has thrown down we may not refuse to take up. The issue made must be met; and the honor of the country and the government of the country vindicated. These then are the questions: did Mexico begin the war? And had this House evidence of that fact, when it asserted so much?

It is not necessary to stop now to review the manifold causes of offence which this country, from time to time, has received from Mexico; to call to mind the maltreatment of our citizens in violation of treaty stipulations, both in person and property; to call to mind her refusal or neglect to make indemnity, according to her treaties, for such injuries; nor is it necessary, on the other hand, to enlarge upon the forbearance which our government for years has manifested towards that distracted and factious country. From the administration of Gen. Jackson till now, sufficient causes for a declaration of war on our part against her have existed. All this we pass over, and come at once to the more immediate circumstances and causes of the war.

The committee will remember that so soon as the joint resolutions by which Texas became an integral part of this Union were adopted, the Mexican minister at Washington was recalled, and that our minister at Mexico, at the instance of the Mexican government, was ordered home. Thus all regular diplomatic intercourse between the two governments ceased. Subsequently—during last fall—this intercourse was sought to be renewed, and the matters in dispute between the two countries to be brought into friendly negotiation. This, however, as all know, was rejected—if not perfidiously, at least captiously,—by the Mexican government. Under these circumstances, all diplomatic intercourse having ceased, the only channel of official communication was through the officers of the respective armies which were brought, by the orders of each government, into proximity. Ampudia and Arista were the only agents of the Mexican government by whom we could be officially informed of the acts and purposes of Mexico. They ordered the American general to retire from his position opposite Matamoras in a given space of time, and notified him that if he refused to do so war would be commenced. Our general, not feeling disposed or authorized to obey this haughty demand, the Mexicans passed the Rio Grande, and commenced hostilities on the first detachment of American soldiers with which they met. More: they threw themselves into a position to cut off our army from its supplies at Point Isabel, and in all respects assumed and maintained a belligerent attitude. I say nothing of the murder of Colonel Cross, than which a more hostile act, or one calling for deeper retaliation, could not have been perpetrated but I refer only to open and undisguised war, of which notice had been previously given. If our army was rightfully on the banks of the Rio Grande, no fact can be better established than that war exists with Mexico, and by her own act. Congress had notice of all this before the act recognising the existence of the war was passed. When the highest military commander of the Mexican forces announced that unless a certain condition should be complied with by the American general war would be commenced; and afterwards, the condition being disregarded, hostilities followed, we were bound to regard the annunciation and subsequent acts as the authorized action of his government, and that officer as the herald of Mexico—as much so, under the circumstances, as if he had acted under the Fecial law of the Romans.

But it has been said that our army was imprudently and unconstitutionally ordered to its position on the Rio Grande, and that thus war was, by the act of our Executive, forced upon Mexico. To maintain this assumption, one or the other of two propositions have been urged upon the consideration of the committee.

It has been contended that the territory lying between the Nueces and the Rio del Norte belonged to Mexico; that it is no part of Texas, and that title to no part of it is in the United States. If that proposition cannot be maintained, it is, in the second place, contended that this was disputed territory, the title to which was not well ascertained; that the United States, having succeeded to the rights and duties of Texas, claimed it as a part of Texas, while, at the same time, and with equal show of justice, it was claimed by Mexico. It is therefore contended, that if the title be properly in Mexico, or properly disputable in point of fact, the Executive branch of our government had no right or authority to march forces through the entire latitude of that region, and to take post on the most distant frontier, and that, in doing so, he has unconstitutionally provoked war. This I understand to be the true and legitimate scope of the argument.

It can be well demonstrated, according to principles of international law, that the right to the territory between the Nueces and the Rio Grande is properly vested in the United States. But if I should fail in that proposition, (as I think I shall not,) still, admitting the country to be disputed territory, the Executive government had a right constitutionally, and was in fact bound, under the high obligations of duty, to do everything which it has done.

I will not weary the committee by rehearsing the ancient boundary of Texas, nor by going over the conflicting evidence as drawn from delineations on different maps. I choose rather to stand upon transactions, in the nature of negotiation and treaty, which took place after the battle of San Jacinto. The Mexican government had ceased to be administered under the constitution at the time of the Texan revolt. Santa Ana had been clothed with the powers of a military dictator, and all the executive functions, if not in form, were in fact vested in him. He had ample authority to make treaties. He so represented himself after the battle of San Jacinto, and did make a treaty with President Burnet accordingly. In the treaty, not only was the independence of Texas recognised, but the limits were defined. The Rio Grande was acknowledged as the boundary between Mexico and Texas;* and the authorities of Texas stipulated for the release of the Mexican prisoners, with their arms and clothing.† In obedience to the terms of the treaty, the Mexican prisoners, with their chief, were permitted to leave Texas and return to Mexico; and Filisola, who was not a captive, when the treaty was made known to him retired with his forces beyond the Rio Grande.

It would seem, however, that doubts are entertained whether this treaty was binding; because, as was intimated by the distinguished and venerable gentleman from Massachusetts, [Mr. ADAMS,] Santa Ana, being in captivity, was under a species of duress, and incapable, therefore, even admitting his authority, of binding his government by treaty.

It seems to me that those who entertain this doubt carry the doctrine of duress to an unwarrantable extent, and give it a most novel application. The only question is as to the authority; captivity or freedom, under the circumstances in which the treaty was made, amounts to nothing. In the *jura belli* are recognised certain *commercia belli* contracts between the parties, which are considered valid and binding, notwithstanding one party may be an actual prisoner of war. For instance: it is a fundamental principle of the laws of war that war suspends all intercourse between the citizens of the belligerents, and that, as a general rule, no contract between them can be valid; and yet ransom has always been regarded as valid, notwithstanding one party with his property was in the power of the other;* and contracts of ransom have always been enforced. Besides, Santa Ana, when he returned to Mexico, denied that he had acted under duress when he made the treaty of which we speak, but affirmed that he had acted freely and without constraint; and the public documents sufficiently attest the fact.

But there is another and high consideration on which this contract is binding. In early times the law of nations permitted prisoners of war to be put to death, and any victor who took captives, according to his convenience or to circumstances, put them to death, or converted them into bondsmen; or, as an act of generosity, freely dismissed them. But in the progress of civilization, the rigors of this law have been relaxed; still, however, there exists, as recognised in the law of nations, the *lex talionis*. Even in the humane and civilized warfare waged between this country and Great Britain in 1812, this law of retaliation was recognised by Mr. Madison, and if the contingency had happened, it would have been enforced. When Great Britain, under the claim of her doctrine of perpetual allegiance, threatened to put to death certain American soldiers who had been made prisoners, and who were claimed as natives of the realm, Mr. Madison promptly answered that they were soldiers of the American army, protected by the flag under which they fought, and that for every American prisoner put to death, he would, by way of retaliation, see that ten British prisoners should share the like fate. The threat had a salutary result, and the barbarous recourse of enforcing the *lex talionis* against innocent persons, who had no power to control the action of their commanders, was spared. All writers on international law, however, admit that those who are guilty of offences and cruelties in the conduct of war, may rightfully be made the victims of the *lex talionis*. Look, then, at the humanity in that it spared the guilty, and also, for the same reason, at the validity of the treaty with Santa Ana.

Of all the horrors of war waged in modern times, those of the Texan revolution, on the part of Mexico, were the most barbarous. Even Indian warfare fails to surpass the cruelties exhibited. Her armies seemed to study a refinement of barbarity in the conduct of the war. Who can remember the the Alamo; who can remember the manner in which prisoners were shot down in cold blood; who can remember the thousand horrors and atrocities committed during that war, all, too, in perfect contempt of the rules of civilized warfare, and not say that Santa Ana and his myrmidons who went with him to receive the visitation of God's vengeance at San Jacinto, were not the proper subjects of the sternest retribution? If the Texan government had yielded to the clamors of the Texan people, whose hearts beat spontaneously responsive to the dictates of national law, and had sacrificed these barbarians—these armed banditi, with their merciless chieftain at their head—who does not believe that all Christendom, although it might have been matter of regret to have witnessed such scenes in the 19th century, would, in view of all the facts, have said that it was justly done?

In good morals and upon just principles, therefore, this treaty is binding, in that it mitigated the horrors of war and advanced the great interests of humanity. Thus far I have urged the validity of the treaty, upon the supposition that Santa Ana was clothed with plenary authority to bind Mexico. There is, however, another consideration, even granting that he was not invested with authority to make a final treaty, which proves that in good faith and in morals—yea, more, according to the law of nations—that Mexico was bound by the treaty, and was under obligation to carry it into effect. She received all the benefits which the treaty stipulated in her favor. Her soldiers, with their arms, were restored to her. Her captive chief magistrate was spared, and allowed to return home. Receiving and retaining these benefits under the treaty, she was bound to respond to the other stipulations, and allow to Texas those benefits which were the correlative of those which she enjoyed under the compact. If she intended to reject the treaty she was bound to return the prisoners with their arms to Texas, and place matters in the condition that they were before the conclusion of the treaty. She cannot, at the same breath, claim the advantages, and reject the equivalents upon which those advantages were granted under the treaty.

Mr. Chairman, you remember the celebrated treaty made by the Roman general with the Samnites, after the defeat of the former, at the Furca Caudina his army had been made to pass under. The Roman general concluded a treaty of peace with the Samnites, in consideration of which, reserving hostages for its execution, the Samnites agreed to allow the Roman army to return home. The treaty on one part was, in effect, executed. The Romans, however, refused its execution on their part. They said that their generals had no authority to make a treaty of peace. The Samnites, on the other hand, insisted that the treaty was valid, and that it ought to be executed on the part of the Romans; or, that the Roman army should be returned to the *status in quo* before the treaty was made. I do not propose to go into an examination of this historical point; I have referred to it only because writers on national law have used it as a text upon which to comment in ascertaining the extent to which nations are bound to observe treaties of which they have taken the benefit.

Grotius contends that if an individual, without authority, makes a treaty with a foreign nation, and his own nation refuse to ratify it, it is bound to put the other party in the condition in which it was before the treaty was made. Other writers take the same view, and contend that if a nation takes the benefit of a treaty and afterwards disavow it, and do not make return of all the benefit she has received, she should be held, by the law of nations, to the execution of the treaty; and though there may be no tribunal by which it can be enforced, yet that not to execute the treaty, under such circumstances, would be just cause of war. Vattel does not go exactly to that extent. He says:

"I confess, however, and freely acknowledge, that, if the enemy who suffer an entire army to escape on the faith of an agreement concluded with the general, who is unprovided with sufficient powers, and a simple *sponsor*, I confess, I say, that if the enemy have behaved generously—if they have not availed themselves of their advantages to dictate shameful or too severe conditions—equity requires that the State should either ratify the agreement, or conclude a new treaty, on just and reasonable conditions, abating even of her pretensions as far as the public welfare will allow."—*Vat. b. ii. c. 212. p. 225.*

Now does not the Texan treaty fall within, and conform to, this requisition? Did the Texans exact rigid or improper conditions? Was not retaliation forborne to be executed when it might justly have been enforced? A whole army rescued and restored to its country! It does seem proper, when Mexico has received all the advantages of the treaty on her part, has refused to make another treaty, and has refused to return to the possession of Texas all the prisoners who escaped by means of the treaty—that, according to the law of nations, the treaty should be regarded as valid and binding—even supposing that Santa Ana was not clothed with authority as the head of the treaty-making power.

But if all this does not prove a clear and unquestionable title in Texas to the country between the Nueces and the Rio Grande, it does at least prove a strong equitable title. Say, then, according to the second proposition which has been contended for, that the country is in dispute; was the Executive of our country justified in throwing the army forward from Corpus Christi to the banks of the Rio Grande? Rather, I would ask, could he be justified if he had not done so?

The committee will recollect that in disputed territory, either claimant has a right to take possession of such parts as are unoccupied, and that while the prior possession which one claimant may have made, either by its citizens or by its military forces, is to be respected by the other, this prior possession thus to be respected is not a constructive, but an actual possession—what the writers call a *possessio pedis*. In strict conformity to this principle the army of occupation were pointedly and carefully instructed by the government to respect the Mexican right of possession, and forbid to disturb or interfere with the settlers. It was only the unoccupied parts of the country into which they were ordered to march.

One or two considerations will demonstrate, not so much the right, but the duty rather of the Executive to have issued the orders for the removal of the army.

Texas claimed the Rio Grande as her southwestern boundary. Until the question of limits was settled with Mexico, our Executive was bound to respect and defend this as her border. The Executive had no authority to define the limits. By halting at Corpus Christi, it would in effect have been surrendering the claim of Texas, and have been giving strength to the pretensions of Mexico, especially after the latter power had refused to negotiate upon the subject. While there was a prospect of negotiation, prudential considerations, such as a disposition to avoid circumstances of irritation, might well induce a temporary delay in throwing the army of occupation forward. But after the chance of negotiation became hopeless, it was the duty of the Executive to place the army on the frontier, as well to defend the title by occupation as to be in a position more promptly to repel the threatened attack of the Mexican.

Accordingly the army is thrown forward. It took its position quietly, and held it peacefully, instructed not to make hostilities. In this position, taken in conformity with strict right, and in obedience to the clearest duty, it is wantonly attacked by the Mexicans. And yet gentlemen affect to think that this war was not commenced by Mexico. Strange infatuation! How blind is that vision which is dimmed by the film of party prejudice!

Upon the whole, I think I may say that the Executive had a right, and it was his duty, to remove the army from Corpus Christi to the Rio Grande, whether we regard the country as absolutely ours, or in fair dispute. I regret that the Mexicans have been so unwise as to force a war upon us. I regret it on their account. I regret it more on account of my own country. The evils of war, even when waged with an inferior foe, are by no means inconsiderable. But I have no fear of the result. The patriotism of our people at home, kindled to the brightest glow from the reflection that the contest is forced upon us, and that it is just, will nerve the arm of the government with a spontaneous approbation of its course, and a ready supply of all the necessary means for the prosecution of the war; while our army in Mexico, rivalling the former renown of our arms as won upon the battle-fields of the revolution, and the last war with Great Britain, will push it on to a glorious and speedy termination. With the enthusiasm of our people, and the chivalry of our army the contest can be neither long nor doubtful.

* 2d vol. Foote's Texas, page 319, 5th art. of treaty.

† 2d vol. Foote's Texas, page 319, 6th art. of treaty.

* 1 Kent Com. 104.

REMARKS OF MR. COBB,

OF GEORGIA,

In the House of Representatives, July 16, 1846—On the bill making appropriations for the support of volunteers, and the carrying on the war with Mexico.

Mr. COBB addressed the committee as follows:

Mr. CHAIRMAN: There are many points which have been brought into this discussion, not only in the debate to which we have listened to-day, but on previous occasions when this subject was under consideration, which I will not take up a portion of the few remaining moments left me to discuss. I do not deem it necessary for the purpose of the argument which I propose to submit to the committee, to inquire into the title of Texas, or of the United States, if you please, as being settled beyond all dispute and question to the Rio Grande. It will be sufficient for my purpose to take the admission, which we have heard on all hands, almost without exception—certainly from my colleague [Mr. STEPHENS,] (to whose remarks I propose principally to reply,) when addressing the committee a few days since, that the United States claim a title to the Rio del Norte, and that (taking the most favorable view of this question which gentlemen on the opposite side can ask us to yield) the territory lying between the Nueces and the Rio del Norte is a disputed territory. If time would permit me to enter into the subject, I would dwell somewhat upon the fact, that the whole territory of Texas, in the view of the Mexican government, is a disputed territory between that government and our own. But for the purpose of my argument, I am willing to take only the territory lying between the Nueces and the Rio del Norte as disputed territory—granting this much for the purpose of the argument, and for that purpose only.

I can well conceive, Mr. Chairman, how that portion of the House, who have, from the beginning to the end of the consideration of the annexation of Texas by the American people, denounced it as violative of the constitution of the United States—as subversive of the best interests of the people—as tending to dissolve the Union, to destroy the government, to impair the happiness and prosperity of the country,—I can well conceive how such gentlemen can now indulge in the philippics we have heard on this floor against the President, against the government of the United States, their own country, for the prosecution of our just rights in the Texan territory. But I confess I have been at a loss to conceive the reasons for the course of those who have professed before the country to acquiesce in the annexation of Texas, who have given their assent to the judgment pronounced by the American people—more especially of those who have participated in bringing about this annexation. It is the course pursued by gentlemen occupying that position I propose to reply.

The President is denounced as having brought about unnecessarily a wanton and an unholy war. He is held responsible before the people for having involved this country in heavy and expensive outlays of money for the prosecution of this war. It is held that it is the result of the conduct of the President alone. Sir, I take issue with gentlemen in this; and when they attempt to hold the President responsible, and indulge in a course of remark such as we have heard from the gentleman from Indiana, [Mr. C. B. SMITH,] this morning, using most violent and denunciatory epithets in regard to the President, my mind has invariably inquired within itself, and I would propound that question to them, Wherein has your President brought about this war? What act of the President has brought about this war? What portion of his conduct do you denounce? In general terms you speak of it; we ask you to come down and particularize that portion of the conduct of the Executive which you denounce—which meets with you censure, and which is ultimately to rouse the indignation of the American people to such an extent.

Mr. Chairman, I have listened from the beginning to the end of the debate, and if there is but one attack, but one charge of improper conduct on the part of the President, I have been unable to comprehend it. That has been brought forward and urged with considerable force and ingenuity by my colleague. It was the charge that the President brought about this war by the removal of our troops from Corpus Christi to the Rio del Norte. Sir, if that be not true—if that charge be unfounded—if that conduct on the part of your Executive did not involve you in war, I apprehend it will be admitted by my colleague, and by others occupying his position, that the President is not responsible for it—that his course of policy on this matter has not brought about this war.

Mr. Chairman, gentlemen in this investigation lose sight of the previous state of relationship existing between Mexico and the United States; they have forgotten all the causes of difficulty which have existed for the last ten years, and which, in the language and spirit of the messages of your Presidents, would have authorized a declaration of war against that government. All these things have passed from their memory; so treacherous has it been, that they have forgotton everything done by the Mexican government, every publication of her ministers here, and every publication and act of her government at home, and elsewhere, when they take the position that the conduct of the President in the removal of our troops has brought about this war. They have forgotten that when the annexation of Texas was the subject-matter of dispute here, a few years ago, when the voice of both branches of Congress was pronounced in its favor, the minister of the Mexican republic at your seat of government, declared that it was virtually a declaration of war against Mexico; they have forgotten that from that time to the present moment within the government of Mexico, among her people it has been a question constantly arousing the passions and exciting the ill-feelings of that people towards us; that they have declared that the annexation of Texas would be good ground of war, and ought to be, and would be resented by the Mexican government; they have forgotten everything that has transpired with reference to this subject, until they come down to the charge they make upon the Executive of a later day—that it is his policy which has been pursued within the last six months that has occasioned all this difficulty with Mexico. Not only so, but their memory will not allow them to carry along in their recollections the acts of the Mexican government, which transpired at the very time to which they allude. Is there an individual who can coolly and deliberately examine this question, and allow his mind to come to the conclusion that, at the time the army of the United States was marched from Corpus Christi to the Rio del Norte, there was presented before us a prospect of peace and friendly relations with the Mexican government? Sir, your President sent a minister to the court of Mexico. What was the reception of that minister? What was the spirit of your Executive? What sprit did the Mexican government manifest towards the reconciliation of the pending differences between the two countries? Did she seek for peace? Was not our peace-offering, on the contrary, rejected indignantly?—and that, too, before any action took place on the part of our government, which gentlemen now charge to have been the cause of this war? I desire them particularly to bear in mind the fact that this action on the part of our government took place after our miniater was rejected by the Mexican government, rejected because Herrera's administration was apprehensive it would totter and fall if it manifested the least friendly feeling towards the United States. She had previously manifested a disposition to receive our minister. The passions of the people had been aroused, and Herrera was induced to believe that his administration would not be sustained if he entertained these friendly feelings towards the American government. He was right. His apprehensions were well founded; for, in a few days Paredes's administration was established on the downfall of Herrera's. What was the cause of this indignation on the part of the people of Mexico, which induced them to hurl from power the one and put the other in his stead? Was it not the question of war or no war with the United States. Was not that the moving principle?

Was not that the spirit, everything, which actuated the Mexican government in thus revolutionizing the existing state of things, and placing Paredes in power? When did it happen? Towards the close of December, 1845. All this had transpired on the part of the Mexican government; here was the issue presented to the people of Mexico—war or no war with the United States—peace or war with this government, in relation to your Texan difficulties. They had manifested, by sustaining the revolutionary movement of Paredes, that the pacific disposition of the previous government and of Herrera met with no response on the part of the people. Now, sir, with these facts brought clearly and distinctly before our minds, can it be thought—can the opinion be entertained, for a moment, that a movement on the part of your troops, which took place three months thereafter, caused the war between Mexico and the United States? When the question had thus been settled by that people—when their determination had been published to the world—when they had avowed their intentions in the most formal manner in which a people can avow them, by the overthrow of the existing government, and the substitution of another in its place—the American people are now to be told that all these things produced no effect whatever—that the Mexican government was pacific in its intentions, inclined towards peace, and that it was the fault of our government that these relations were disturbed!

Mr. Chairman, from the commencement of this administration, in connexion with our Mexican difficulties, what has been the policy of the Executive, as indicated in the messages communicated to this House, and in the despatches to our agents at Mexico and to that government itself? Has it been to bring about a war with Mexico? On the contrary, has he not avowed on every occasion not only his disposition, but his strong and urgent desire, for a pacific settlement of the existing troubles between that government and our own? Why, sir, he sent a minister clothed with full power to the Mexican government (to which I have already alluded.) What was the motive that induced this mission? No credit is to be given to his declarations or actions, with all the anxiety the Executive has manifested on this subject, all approving voice from the other side has been withheld. There is, perhaps, one exception to this statement. I have before me a speech of a distinguished gentleman from Massachusetts, on the other side of this question, where he expresses what he conceives to be an act of justice in him to say that the administration, in sending a minister to the Mexican government, clothed with full powers to settle these difficulties, and in expressing with it its strong desire that amicable relationship shall still subsist between these two governments, deserves the tribute of justice which he has paid it. I will read it for the information of those who have endeavored to create the impress on on the public mind that the Executive in the pursuance of his policy, from the beginning to the end of this controversy, instead of desiring a pacific settlement, has sought to bring about the very state of things in which we are now unhappily involved. I read, sir, from a speech delivered by Mr. WINTHROP, of Massachusetts, June 25, 1846:

"Sir, I will do the administration the justice to say, that, in my judgment, it adopted a highly honorable and conciliatory course, in proposing to send, and in actually sending, a minister to Mexico. I said this privately, when the fact was first announced in the President's annual message, and I will not hesitate to say so publicly now. And I do not think that Mexico stands justified upon the record for the rejection of that minister. There is much in the published correspondence to warrant the idea that her distinction between a minister and a commissioner was a mere afterthought, intended only to cover a virtual retreat from her agreement to enter upon