The Democratic Standard.

DEVOTED TO THE SUPPORT OF THE CONSTITUTION AND LAWS—THE DIFFUSION OF GENERAL INTELLIGENCE—AND THE REFORM OF ALL POLITICAL ABUSES

BY D. P. PALMER. GEORGETOWN, O., TUESDAY JULY 30, 1844. NEW SERIES.—VOL. V. No. 1.

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From the Globe of the 28inst.

GOVERNOR DORR.

By Rhode Island papers we perceive that Governor Dorr has been sentenced to confinement fore life in the State prison, for his efforts in favor of suffrage in Rhode Island. This will fill every lover of freedom in the land with astonishment and indignation. We could not believe that the federal usurpers, who have the reins of government in that disfranchised State, would have dared to proceed to this length with their tyranny. It must open the eyes of multitudes of their misguided followers in that State and in the Union. Let the people remember that this usurpation is countenanced by Henry Clay, and that the doings of federalism in Rhode Island are approved by the party every where.

POLK, a machine to prevent unruly beasts from leaping fences.—Webster's Dictionary.

This 'machine,' every body knows was lately put on Mr. Clay to prevent him from leaping the walls of the White House. Let it be remembered that Clay has often attempted this 'caper' before and, though clear of all impediments of the kind, he never got in gun shot of the mark—did'nt even get beyond the confines of Kentucky. Who thinks he can now succeed well *Polked* as he is with the tough timber of '*Young Hickory*'!—*Zanesville Aurora.*

In a town in Michigan, there were but 16 whig voters at the last fall election Now all but 4 of them go for Polk and Dallas—and of the 4, not one is prepared to say that he will go for Clay!

In 1840 Gen. Harrison received the vote of Tennessee by a majority of 12,102; the next year, in a severely contested election, the democrats, with JAMES K POLK as their candidate, reduced that majority to 3,224.—*Dover (N. H.) Gazette.*

SPEECH OF MR. WALKER

OF MISSISSIPPI;

Delivered in the United States Senate May 20 and 21, in secret session on the treaty for the re-annexation of Texas.

(Extract.)

The Senators from Missouri informs us that, on his visit a few weeks since to the West, he heard a very general cry for the re-annexation of Texas; but the Senator says, that the term reannexation is wholly inapplicable to the 2,000 miles along the whole boundary of the Del Norte, which never did constitute a portion of Texas. Let us examine this question. The term reannexation implies getting back that which was once our own; and if Texas was ours to the Del Norte, under the treaty of 1803, and we reacquire it with those limits, it will be a clear case of reanexation. I have shown that the senator from Missouri, [Mr. Benton,] in his letters, republished and reaffirmed by him a few weeks since, does make the Del Norte the boundary of Texas, and places its northwestern angle in latitude 42. In his letter of the 27th of April, 1844, as published in the National Intelligencer, Mr. Clay says:

"The United States acquired a title to Texas extending as I believe, to the Rio del Norte, by the treaty of Louisiana. They ceded and relinquished that title to Spain by the treaty of 1819, by which the Sabine was substituted for the Rio del Norte as our western boundary."

The subject is thus treated in my letters of the 8th January, 1844.

"Louisiana was acquired by a treaty with France, in 1803, by Mr. Jefferson, and in the letter of Mr. Madison, the Secretary of State, dated March 31, 1804, he says, expressing his own views and those of Mr. Jefferson, that Louisiana, extended westerly to Rio Bravo, otherwise called the Rio del Norte. Orders were accordingly obtained from the Spanish authorities for the delivery of all the posts on the west side of the Mississippi.' And in his letter of the 31st January, 1804, Mr. Madison declares that Mr. Laussat, the French commissioner who delivered the possession of Louisiana to us, announced the Del Norte as its true boundary.' Here, then, in the delivery of the possession of Louisiana by Spain to France and France to us, Texas is included.. In the letter of Mr. Madison of July, 8th 1804, he declares the opposition of Mr Jefferson to the relinquishment of any territory whatever eastward of the Rio Bravo.' In the letter of James Monroe, of the 8th of November, 1803, he encloses documents which, he says, 'prove incontestably' that the boundary of Louisiana is 'the Rio Bravo to the west' and Mr. Pinckney unites with him in a similar declaration. In a subsequent letter—not to a foreign government, but to Mr. Madison—of the 20th April, 1805, they assert our title as unquestionable.—In Mr. Monroe's letters, as Secretary of State, dated January 19, 1816, and June 10, 1816, he says none could question 'our title to Texas;' and he expresses his concurrence in opinion with Jefferson and Madison, 'that our title to the Del Norte was as clear as to the island of New Orleans.' In his letter, as Secretary of State, to Don Onis, of the 12th March, 1818, John Quincy Adams says 'The claim of France always did extend westward to the Rio Bravo;' 'she always claimed the territory which you call Texas, as being within the limits, and forming a part of Louisiana.' After demonstrating our title to Texas in this letter, Mr. Adams says: 'well might Messrs. Pinckney and Monroe write to M. Cevallos, in 1805, that the claim of the United States to the boundary of the Rio Bravo was as clear as their right to the island of New Orleans.' Again, in his letter of the 31st October, 1818, Mr. Adams says our title to Texas is 'established beyond the power of further controversy.'

'Here, then, by the discovery and occupation of Texas, as a part of Louisiana, by Lasalle, for France, in 1685; by the delivery of possession to us, in 1803, by Spain and the treaty of acquisition to the date of the treaty of surrender, (avowedly so on its face;) by the opinion of all our Presidents and ministers connected in any way with the acquisition, our title to Texas was undoubted.'

'In the letter of instructions from Mr. Madison, as Secretary of State, of the 29th of July, 1803, he says: 'The acquisition of the Floridas is still to be pursued.' He adds, the exchange of any part of Western Louisiana, which Spain may propose for the 'cession of the Floridas,' 'is inadmissible.' 'In intrinsic value there is no equality.'—'We are the less disposed also to make sacrifices to obtain the Floridas; because their position and the manifest course of events guaranty an early and reasonable acquisition of them.' In Mr. Madison's letter, also, as Secretary of State, of the 8th July, 1804, he announces the opposition of Mr. Jefferson 'to a perpetual relinquishment of any territory whatever eastward of the Rio Bravo.'

Here, then, we have the fact most clearly established that Texas was ours to the Del Norte; and consequently, if it is now reacquired from Texas, it is a clear case of reannexation, and restoration of our former boundary. Here I might rest the case; but I am now prepared to show that, by the most solemn treaty of limits with Texas, we have acknowledged her boundary from a point where a line drawn from the head of Del Norte strikes the 42d parallel of north latitude, and thence by the present boundary of the United States to the Sabine. In order to understand this subject fully, it will be necessary first to recur to our treaty of limits with Mexico of the 12th of January, 1828. The preamble to that treaty recites the treaty of 1819 with Spain, and declares that 'the said treaty having been sanctioned at a period when Mexico constituted a part of the Spanish Monarchy, it is deemed necessary now to confirm the validity of the aforesaid treaty of limits, regarding it as still in force and binding betwene the United Mexican States and the United States of America.' Articles first and second adopt and describe the boundary of the treaty of 1819, as beginning at the mouth of the Sabine, thence along its western bank to the 32d degree latitude north, thence due north to the Red river, and along its course west to longitude 100; thence due north to the Arkansas; thence to its source, and thence due north to latitude 42, and along that parallel to the Pacific. On the 25th April, 1838, we concluded our 'convention with Texas of boundaries,' as it is called in the treaty. That treaty declares that 'the treaty of limits made and concluded on the 12th of January, 1828, between the United States of America on the one part, and the United Mexican States on the other, is binding upon the Republic of Texas, the same having been entered into at a time when Texas formed a part of the said Mexican States.' Article 1 provides for the immediate making of a portion of the said line of boundary; and the 2d article stipulates, 'that the remaining portion of the said boundary line shall be run and marked at such time hereafter as may suit the convenience of both contracting parties.' Here, then, the whole boundary line of 1219, as then concluded with Spain, and reaffirmed with Mexico in 1828, is in a solemn treaty ratified by Texas and this government; the whole boundary now claimed by Texas up to the 42d parallel of north latitude, is recognized and established, and placed beyond the power of further controversy. Texas, then, as recognized by us by solemn treaty, is not the land of sun and flowers as described by the Senator from Missouri, [Mr Benton,] and bounded by the Red river and the Nueces, but is admitted in our treaty to run from the Sabine along our whole western boundary to latitude 40°; and thence along that parallel until it meets and intersects the line running due north from the source of the Del Norte. When we consider, also, that this was the boundary described in the organic act of Texas of 1836, before referred to—that this was the law which fixed the Del Norte as the boundary, and authorized the treaty to be made with the United States only according to the boundary line as therein described, the matter is placed beyond all question, and the organic law of Texas is admitted by the United States—and against this treaty and boundary, although published and proclaimed at the time, Mexico has never protested, but, by her long silence for more than five years, from 1838 until 1843, has fully acquiesced.

When we look, also, at the terms of the treaty of 1803, by which we acquired Texas to the Del Norte, the case is one not merely of reannexation, and of a restoration of our ancient boundary, but it becomes an obligation of honor and of conscience which we cannot disregard, without violating the faith of treaties, and refusing to fulfil the most solemn and sacred pledges ever given by the government of the Union. The treaty declares,

'The inhabitants of the ceded territory shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States—and in the mean time they shall be protected in the free enjoyment of their liberty, property, and the religion which they profess.'

Here then is our solemn pledge to France, and to the people of Texas, that, as soon as possible, they 'shall be incorporated into the Union of the United States;' 'and, in the mean time, they shall be protected,' &c. Here then is a clear compact, not to transfer Texas or the people of Texas to any foreign power, but to incorporate them into the Union, and protect them in all their rights as citizens of the United States. But it is said this treaty has been rescinded by a subsequent compact, not with France, but Spain and Mexico. Now, the rule of the law of nations on this subject is thus laid down by Vattel, page 196, sec. 165:

'A sovereign already bound by a treaty cannot enter into others contrary to the first. The things respecting which he has entered into engagements are no longer at his disposal. If it happens that a posterior treaty be found, in any particular point, to clash with one of more ancient date, the new treaty is null and void with respect to that point, inasmuch as it tends to dispose of a thing that is no longer in the power of him who appears to dispose of it."

"The treaties, then with Spain and Mexico, by which Texas was surrendered, without the consent either of France or of the people of Texas, were most clearly absolute nullities, being violative of faith of previous treaties, and forbidden by the law of nations. But it is said the people of Texas are estopped, by our acknowledgment of their independence, from claiming the benefit of this treaty. But the treaty with France, who has never released us; and to the estoppel claimed as against the people of Texas. I will show that it would be dishonorable to interpose any such plea. By the treaty of 1803, we were bound to receive into the Union the people of Texas, and to protect them as citizens. Most shamefully did we neglect this solemn obligation, and, in defiance of it, ceded Texas and its people to Spain in 1819, and confirmed the cession to Mexico in 1828. Instead of admitting into the Union and protecting the people of Texas, we abandoned and deserted them, until, on the 21st April, 1836, they established their independence. And what was their first act? Why, by an almost unanimous vote, to ask readmission into the Union. In pursuance of this vote the following resolution was adopted by Texas, on the 16th November, 1836:

'Joint resolution for sending a minister to the United States.

'Whereas the good people of Texas, in accordance with a proclamation of his Excellency D. G. Burnet, President, ad interim of the republic, did, on the first Monday of September last past, at an election held for President, Vice President, Senators, and Representatives of Congress, vote to be annexed to the United States of America, with a unanimity unparallelled in the annals of the elective franchise, only ninety three of the whole population voting against it:

'Be it therefore resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and he is, authorized and requested to despatch forthwith, to the government of the United States of America, a minister vested with ample and plenary power to enter into negotiations and treaties with the United States government for the recognition of the independence of Texas, and for an immediate annexation to the States, a measure required by the almost unanimous voice of the people of Texas, and fully concurred in by the present Congress.

'SAM'L. HOUSTON, President.

'Approved, Nov. 16, 1836.'

Referring to this very resolution, Gen. Jackson, in his message of December following says.

"The title of Texas to the territory she claims, is identified with her independence. She asks us to acknowledge that title to the territory with an avowed design to treat immediately of its transfer to the United States."

Such was the state of the case when we recognised the independence of Texas, and such the implied pledge of reannexation under which we made the recognition.—Texas applies to us to recognize her independence, in order that, as the result of such recognition, she may be immediately annexed to the United States.—We grant the recognition, and now is it either just or honorable to say that Texas is thereby estopped from demanding her right to be admitted into the Union under the solemn obligation and plighted faith of the treaty of 1803. No, Mr. President; the recognition, under these circumstances, so far from absolving us from the sacred pledges of the treaty of 1803, superadded to that treaty another and renewed obligation to admit the people of Texas into the Union. It was for this purpose, and to enable you at once to perform the obligations of that treaty, that the recognition was desired by Texas, and immediately thereafter she requested to be admitted into the Union; and now, that you should make the recognition, under such circumstances, an estoppel of her right under the treaty of 1803, would be a perversion of every principle of honor, truth, and justice.—The question, then, of reannexation is a question of honor and good faith. We bound ourselves, in 1803, to admit the people of Texas into the Union. They have never released us from that obligation. They ask that it may be performed; and, if we would not trample upon their rights, and upon the faith of treaties, and the obligation of contracts, they will and must be admitted into the Union.

My next position is, that the republic of Texas has a perfect right to make this cession to the United States. By the battle of San Jacinto she established her independence. Alluding to this great event, the Committee on Foreign Relation of the Senate, in a unanimous report of the 18th June 1836, through Mr. Clay, as chairman, unanimously adopted by the senate, declared that—

"The recent signal and splendid victory in which that portion of the Mexican army which was commanded by General Santa Anna, the President of the Mexican government, in person, was entirely overthrown with unexampled slaughter, compared with the inconsiderable loss on the other side, put to flight and captured, including among the prisoners the President himself and his staff, may be considered as decisive of the independence of Texas."

The next step was a resolution offered by me and adopted on the 2d March, 1837, being sanctioned by the votes of the senator from Missouri [*Mr. Benton*] and the senator from Kentucky [*Mr. Clay*;]

Resolved, That the State of Texas having established and maintained an independent government, capable of performing those duties, foreign and domestic, which appertain to independent governments, and it appearing that there is no longer any reasonably prospect of the successful prosecution of the war by Mexico against said State it is expedient and proper, and in conformity with the law of nations, and the practice of this government in like cases that the independent political existence of said State be acknowledged by the government of the United States."

"The title of Texas to the territory she claims is identified with her independence. She asks us to acknowledge that title to the territory, with an avowed design to treat immediately of its transfer to the United States."

Well, we did recognise her independence, which was identified with her title to the territory, and we did thus acknowledge that title. And now, why cannot Texas transfer a title which we admit to be valid and perfect? If, as we have conceded, the title to the territory belongs to Texas, why can she not transfer that which is her own? We have however, gone still farther in recognising the right of Texas to the territory in question. On the 25th April, 1838, there was formed with Texas a treaty of boundary, in which her right to the territory was fully recognised. This convention declared that 'the treaty of limits made and concluded on the 12th of January, 1828, between the United States of America on the one part, and the united Mexican States on the other, is binding upon the republic of Texas, the same having been entered into at a time when Texas formed a part of the same united Mexican States;" it was agreed to mark 'the boundary between the two countries as designated by the said treaty;" and the right of "each of the contracting parties" 'to exercise jurisdiction' respectively on either side of this boundary, was fully recognised. To unite with a nation in recognising and establishing its boundary, and conceding its rights of jurisdiction over the territory within the designated limits, is to admit, in the most solemn manner, the right of eminent domain, which carries with it the right of cession and transfer. It wholly excludes any pretended claim of Mexico; for it concedes and establishes the line of limits, as the boundary, not of Mexico, but of Texas, and this was an act of the administration of Mr. Van Buren, and affirmed by the Senate and Congress of the United States. If with the consent of Texas, we can establish her boundaries, without the consent of Mexico, why can we not, by a treaty with Texas, establish these as the boundaries of the United States to the full extent of the limits of the republic of Texas? This treaty of boundaries was concluded, published, and proclaimed in 1838, yet when has Mexico ever protested against it? She has acquiesced in its provisions, and is stopped from denying the rights of either of the contracting parties to enter into such compacts If the territory composing the republic of Texas belongs to Mexico, or she has any title which was unextinguished in 1838 to that territory, or any portion of it, then the treaty in question of that date was an outrage upon the rights of Mexico, quite as flagrant as the treaty of reannexation at this period. On the 6th of July, 1839 the administration of Mr. Van Buren concluded another treaty with the republic of Texas, by virtue of which certain indemnities were paid by that nation to citizens of the United States.

England, France and Holland, have also concluded treaties with the republic of Texas, fully recognising her independence, and in perfect and irreconcilable conflict with any supposed right to that territory on the part of Mexico. Great Britain also, through her diplomatic representative, has most fully recognised the righ of Texas to the soil and eminent domain, and called upon her to confirm to her subjects large grants of public land, embracing millions of acres extending to the very banks of the Rio del Norte.—But how can Texas make or perfect grants to the soil of the republic, unless her right of territorial ownership and jurisdiction is absolute and perfect? Now, if Texas can grant the soil of the republic to British subjects, why can she not transfer the soil and jurisdiction to the government of the United States? And England at least is estopped from denying her right to make the transfer.

Independent power of all the secrete and treaties, I now proceed to establish the right of Texas, as the government *de jure*, as well as *de facto*, of that territory. The present government of Mexico never did exercise, and never had any right to exercise, any authority over the republic of Texas, and Texas never was subjected to the dominion, and never did at any time constitute a part, of the present government of Mexico. It is the present government of Mexico that claims a right to Texas, and if as I shall prove, this government never did exercise, and never had any right to exercise, any jurisdiction, over Texas, the question must be regarded as decided in our favor. On the 4th October, 1824, was established "the constitution of the Mexican United States," being a confederacy of sovereign States, in that respect very nearly resembling our own. In this constitution it was declared to be 'federal,' and that 'the parts of this federation are the States' &c. By the last article of the constitution it was declared that so much thereof as establishes 'the form of government,' and division of the supreme powers of the federation, and of the States, can never be reformed."

Texas (together with Coahuila) was a State; and her constitution, which was sanctioned by the Mexican confederacy declared that said State 'is free and independent of the other United Mexican States, and of every other foreign power and dominion,' and that 'the sovereignty of the State resides originally and essentially in the general mass of the individuals who compose it.' Whatever doubt may then exist in the minds of some, as to whether our government is or is not a federation,' a league of sovereign States, all such doubt in their case is removed by the express words of the constitution of Mexico. Texas, together with Coahuila, was one of the sovereign States of the Mexican federation, and in the people of the State was admitted to reside the only ultimate sovereignty. Her connexion with the Mexican league was not as a province or a territory, but as a free and sovereign state, and the revolution was not made by, but against her. In 1834 and 1835 Santa Anna, at the head, not of the people, but of a mercenary army, overthrew the Mexican constitution and federation of 1824, drove the Congress of Mexico and the legislature of Texas and Coahuila, at the point of the bayonet, out of the halls of legislation. The people Zacatecas, of Coahuila, and other States, resisted, but were overthrown, and this daring usurper, having annihilated the State by a military edict, and decreed a general disarming of the people, proceeded to execute the decree in Texas, and reduce her from a free and sovereign state of a republican federation, to a mere subject department of a central despotism. War was made upon the people, established a provisional government, which on the 7th November, 1835, issued the following manifesto:

"Whereas General Antonio Lopez de Santa Anna, and other military chieftains, have, by force of arms, overthrown the federal constitution of Mexico, and dissolved the social compact which existed between Texas and the other members of the confederacy, now the good people of Texas, availing themselves of their natural right, solemnly declare—

'First, that they have taken up arms in defence of their rights and liberties, which were threatned by encroachments of military despots, and in defence of the republican principles of the federal constitution of Mexico of 1824.

"Second. That Texas is no longer morally or civilly bound by the compact of union; yet, stimulated by the generosity and sympathy common to a free people, they offer their support and assistance to such of the members of the Mexican confederacy as will take up arms against military despotism.

'Third. That they do not acknowledge that the present authorities of the present nominal Mexican republic have the right to govern within the limits of Texas.

'Fourth. That they will not cease to carry on war against the said authorities whilst their troops are in the limits of Texas.

"Fifth. That they hold it to be their right, during the disorganization of the federal system, and the reign of despotism, to withdraw from the union, to establish an independent government, or to adopt such measures as they may deem best caculated to protect their rights and liberties, but that they will continue faithful to the Mexican government so long as that nation is governed by the constitution and laws that were framed for the government of the political association."

The war was immediately prosecuted by Santa Anna on the people of Texas. On his part, it was a war of conquest, carried on by a military usurper, against the constitution he had sworn to support, and against the people of Texas, whilst on their part, it was a war in defence of the constitution, and of their rights and liberties so solemnly guarantied. The conflict progressed. The people of Texas were successful, and the entire army of the invader, together with their leader, General Cos, were captured. Another effort was then made by the people of Texas to preserve the constitution of 1824, and in the articles of capitulation of the 11th December, 1835, it was stipulated among other things—

"That General Cos and his officers retire with their arms and private property into the interior of the republic under parole of honor that they will not, in any way oppose the re-establishment of the federal constitution of 1824."

Such was the second and final effort of the people of Texas to preserve the constitution of 1824. But the parole of honor of Gen. Cos was most shamefully violated, and he returned in company with the military dictator himself, Santa Anna, at the head of an army of eight thousand, avowing openly his purpose of the indiscriminate slaughter of all who resisted the reign of the usurper. Then and not till then, when all hopes of establishing the constitution of 1824 were utterly extinguished, did the people of Texas, on the 2d March, 1836, by their delegates assembled in general convention at Washington, issue a declaration of independence, in which they set forth—

"That the federal republican constitu-