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SPEECH OF HON. WM. S. ASHIE, On President Fillmore's Texas Message—delivered in the U. S. House of Representatives on the 15th August, 1850.

ASHIE, said: Mr. Chairman, it is a fortunate for the acting President, as it is unfortunate for the country, that his late communication to Congress on the subject of our difficulties with the State of Texas, is possessed of a close and powerful affinity with that agitating subject which has been well described as a "whirling vortex," engulfing every consideration of public business and public convenience. Its influence is so paramount, so controlling, that I believe it is only now and then that we are able to get the loss of some of our companions that we enjoy respite from its contagion. I intend no censorious reflections by these remarks. No, sir, I am ready to acknowledge my full share of the censure, if any should be deserved. My constituents have their rights under the Constitution, and a sense of duty to their hands for their protection. This policy has been denounced as revolutionary; if it is, it is yet bloodless, and being bloodless, it is far preferable to a sectional strife, to a civil war. It is a sort of revolution, the consummation of which involves not the destruction of American liberty. It is a quiet, peaceable remedy. I have indulged in this episode, in order to exonerate the acting President from the charge of unpopularity, which might be disposed to cast upon my conduct. I will now come to the consideration of the President's message, and reiterate, that it is fortunate for him and unfortunate for the country that it is possessed of an affinity with the great and leading subject of Congressional agitation. Sir, it is this affinity which shields this communication, as a proscriptive measure, from the denunciations which its high-toned Federal character so richly demands. It was remarked in my presence, a few days since, by a friend of the present dynasty, "that now our country would be blessed with a homogeneous Whig administration." If by the term Whig, Federal was meant, the remark was superfluous, as this message but too clearly shows the earmarks of a Federal dynasty. The message, however, is not so much as it is invariably distinguished the conduct of that party, as it has never been in power, "however emphemeral," but that it encroached upon the Constitution. I will not detain the committee by an enumeration of its misdeeds in this respect, but will proceed to examine the reasons which the President informs us induced him, in a time of the most profound peace, at a time when the Congress was in session, to declare and establish the military authority as paramount to the civil authority; to declare a sovereign State of this Union, that if she attempted to execute her civil process in territory which she claims as her property, and a portion of which she has in her possession, she would oppose any such attempt by the use of the military force of the United States. This is the substance of the President's reply to the Governor of Texas. The democracy of our country has always maintained the subordination of the military to the civil authority as one of the inalienable blessings of constitutional liberty; and so strongly has this sentiment seized on the public mind, that to assert the contrary I would have supposed required more boldness and more recklessness of popular feeling, than have fallen to the lot of any of our modern politicians; but in this supposition I have been mistaken. Our acting President has most boldly enounced the military dogma "inter arma leges silent."

But if these facts should not have removed all doubt from the President's mind, the letters of his illustrious predecessor, Gen. Taylor—letters written during the time of his military sojourn in this country, and which afforded him relief, I have before me, all those official communications, and they each bear the significant superscription of having been written in the country which was, in his estimation, to be recognized as Texas. I presume not, Mr. Chairman, to determine how far this message may be the reflection of the judgment of the President, but I think I may say, that I have before me no record evidence to show that their judgment could not have been harmonious. When the bill declaring that a state of war existed between the United States and Mexico went from this House to the Senate, it there met with warm opposition, much discussion was elicited, and much information was, of course, added respecting the validity of the President's title; yet, by the unanimous vote of the House, the bill was passed, and the Whig members, including two of the former and three of the present Cabinet, did not hesitate to declare that this was American ground. I refer to the amendment to the bill offered by Mr. Clayton, which I will read.

Yet in the face of this accumulated evidence, we are informed by the President that this country, so lying east of the Rio Grande, is not the property of Texas, but is the property of the United States. This is the strict, the literal reading of this most unfortunate communication, and if it is not its true meaning, the ambiguity rests not on the language, but on the intent. But indulging towards him the kindest feelings, I am willing to surmise, that in reality the President intends to confine his demonstrations of hostility to any interference by Texas with New Mexico. He attempts to justify his position by assuming that at the commencement of the Mexican war, President Polk took forcible possession of this country, and that the treaty of Hidalgo had confirmed a well established title to possession, and as it had been in possession of the United States ever since, he is not now at liberty to regard it otherwise than as our property. This is a syllogistic mode of reasoning, which would answer a very good purpose if the premises were correct, but unfortunately they are not correct. Gen. Kearny, under the directions of President Polk, did take military possession of that country; but, what was this possession intended to be for the benefit of Texas? In answer to a demand by the Governor of Texas, did not President Polk distinctly admit that it was merely a military possession growing out of the necessities of the war, and not intended, in the least degree, as opposing the claim of Texas? And furthermore, did not Mr. Polk, in his communication to the President, by order and instruct that the military authority, while in possession of that country, should act in subordination to the civil authority of Texas—aiding and assisting in its establishment? These facts are indisputable; and as the acting President had the evidence of these facts before him, I can but consider it as disingenuous for him to have attempted to deceive the honor of President Polk to sustain his position, when that authority, if accompanied with the appropriate explanations, would have been in direct opposition to his policy. Sir, no aid or countenance can be derived from anything which occurred under Mr. Polk's administration for maintaining the position that this our bare military possession gave us an initiatory title to the country. It is a well established legal principle, that the possession of land or other property is governed and controlled by the *quo animo* of the possessor. This act of possession was perfected by Gen. Kearny. I have before me his proclamation explaining its character. I will read it.

"Mr. Alcalde and people of New Mexico: I have come a-bowling down upon you, and I have taken possession of your country, and extend over it the laws of the United States. We consider, and have for some time considered it, a part of the territory of the United States." Here is a distinct admission by Gen. Kearny, that he claimed the country, that we took possession of it under a color of title. What title could he have referred to? It must have been the title of Texas. We had no claim or right, no pretence of any claim or right independent and exclusive of the title of Texas. But it has been contended in defence of the President, that Mr. Polk was but an executive officer, and that his opinions could not be conclusive in the judgment of a subsequent President. Will you enter into an argument on this point, I will observe that the President takes shelter under no such plea, but, on the contrary, invokes the acts of President Polk as affording to him justification. It is, in the President's possession consummated by order of President Polk, that President Fillmore relies for title; and we admit the fact of possession, but con-

text that that possession shall be subject to such explanations as accompanying circumstances evolve. The fact of the military step, by the President, to take possession of the territory, is a step, by the force of the act of 1795, in conjunction with the act of 1807, has been so clearly demonstrated by the honorable gentleman from Georgia, [Mr. Stephens,] that it is unnecessary for me to say anything in addition. As he well and truly remarked, these acts contemplate an obstruction to the judicial process by the use of military force on the proper occasion, on which the President should be authorized to call upon the military authority. We have at present no foreign invasion; we have as yet in that country no judicial process to execute, and hence an obstruction to its execution there, is an impossibility. No law of Congress has as yet been passed affecting in anywise the interests of these people; and under the state of facts, no collision between the laws of Texas and the laws of the United States could possibly occur. But on this point the friends of the President have taken issue, and maintain that our treaty stipulations are tantamount to congressional laws; let me bring to the attention of the House the joint resolution for the annexation of Texas, which is undoubtedly possessed of the judicial cogency of a law. It is a treaty stipulation, with the purpose of establishing and making good the title in Texas, but for another purpose much more to the point. I maintain that these resolutions contemplate a division of all territory east of the Rio Grande into four new States, which States are to be established with the consent of Texas; and it is further contemplated that these new States, when so established, and with the consent of Texas, shall be admitted as sisters into the great American confederation. These resolutions do not indeed partake of the force of a civil ordinance, but most assuredly should be entitled to the respectful consideration of the President of the U. S.; and I am much surprised that when the President and his Cabinet were in deep consultation on the subject of their duty, as it regards New Mexico, they had not at least given to these resolutions a passing notice, and a great surprise that it never entered into the consideration of the Cabinet, that as State governments were to be established in this country with the consent of Texas, it was the duty of the Executive rather to have upheld than to have opposed the ultimate consummation of these measures under the direction of her Government. This law, the highest, the greatest, the supreme law of the land, empowers Texas to establish a State government over this country. The President of the United States, as soon as she makes the first demonstration of her intent to fulfill the law, to execute the purposes of the high and solemn compact, steps forward, puts himself astride of her path, and issues his pronouncement that he will resist any such fulfillment of the law effected by Texas, with the whole military authority of the United States. Who is this? This is the great obstructor of the law—the party which makes the attempt, takes the initiatory step to execute the law, to fulfill the purposes of the compact; or, on the contrary, that which obstructs and prohibits the execution of the law?

Sir, I charge the President as being the actual, the real violator of the law, and that by the arrogant and unbecoming attitude which he assumes in relation to the laws, and therefore unwarrantably usurped. Sir, if the peace of the country is destroyed—if the lurid light of a civil conflagration illumine our happy and prosperous land, the President is the Sylla, on whose head the parrioidal crime will rest. He may indeed, like his great Roman prototype, flatter himself that it is not he who has committed the crime; but his experience, the direful experience of his country, will too fearfully attest his mistake. On a former occasion I stated that a contention between Texas and the United States would inevitably involve the two great antagonistic interests—North and South. Could any southern State contemplate in peace and quiet the issue of such a struggle? Would not the fugitive slave, the man who has been taken from the arms of his friends, and who is to be sent to a foreign land, be the subject of their indignation? Would not the man who has been taken from the arms of his friends, and who is to be sent to a foreign land, be the subject of their indignation? Would not the man who has been taken from the arms of his friends, and who is to be sent to a foreign land, be the subject of their indignation?

What business do you follow? But instead of answering the question, the face of the Hoosier suddenly became red as blood, and he dashed the contents of his plate full in the face and bosom of the wag. There was a sudden start among those at the table, who were turned into instant confusion, by the further actions of the Indian. Raising aloft the fork with which he had been eating, he brought it down with stunning force upon the head of the individual at his right side, knocking him backwards upon the floor, where he lay sprawling, unable for the moment to rise. But the maddened Hoosier was not yet pacified. No sooner had the plate done its duty upon its victim, than bending the left arm he brought back the elbow with terrific force into the mouth of the man at his left side, knocking his teeth into his nostrils, and prostrating him at full length, with his head against the door of a berth. This done, the Hoosier jumped up, and placing his back against the side of the cabin, seized hold of the chair he had been sitting in, and stared around him with eyes flashing like those of a maniac. In his hand he now thoroughly excited passions had risen from the table, the entire portion of the cabin, and the men gathered around the assaulter. "He's mad!" shouted one. "Throw him overboard!" yelled another. "Knock him down!" cried a third. "Bind him hand and foot!" bawled a fourth. "Take care he don't kill some one!" echoed a fifth. But the voice of the sixth speaker was drowned by the louder lungs of the Hoosier, who suddenly exclaimed in a voice of thunder— "What's the captain?" "Here I am," answered the person called for, as he came up to the spot. "And he intends that you he had knocked down."

"What for?" asked the captain. "What for? Why, for stealing. That blackguard on my right stole my pass, containin' five hundred dollars, all in eagles, which I've been a year layin' up to go to Kankakee, and a thief on my left stole my new pair of handkerchiefs, gin me by Polly just afore I left home."

"By this time the fellow who had fallen under the plate had managed to get up. "You're a liar, sir!" he shouted, in a passion, at the same time thrusting his hand in his bosom. "You're a thief, you son of a gun!" retorted the Hoosier, in an angry tone. "Sure and so you are, if you don't find the pass on him why chop me into sausage and eat me for supper, that's all."

"We must search you, sir," said the captain to the man accused. "I won't be searched," answered the fellow haughtily. "I'm a gentleman."

"That remains to be seen," said the skipper, calmly. "Search him, you shall be."

who, most deeply impressed with the dangers of the crisis, threw himself upon the wisdom of Congress for counsel and advice. The latter, blind as it were to the consequences of intestine war, invites not the action of Congress—avails not its action, but boldly declares his determination to pursue the dictates of his own judgment at all hazards—at all risks. Indeed, we have fallen upon our knees, on every side the lowering clouds most fearfully brooding the perils of the crisis. The most cool and consummate prudence is required on our part to preserve the noble vessel of State from destruction. Its destiny is in our hands, and, as patriot statesmen, let us lay aside all bickering, all sectional strife, and approach great work with a determination to do our duty—our whole duty.

Roasting a Hoosier.

It happened by lot not many weeks since, to be a passenger on board the fast running steamboat M. bound from Cincinnati to St. Louis. Among the number of persons in the cabin, was H—a would be wag, and a live Hoosier, fresh from the swamps and bogs of Indiana. It so happened that in his humor for fun H— resolved to quiz this, as he supposed, green individual, and only waited for a good opportunity of so doing. None occurred until dinner time, when he was seated at the table, and he himself exactly opposite the Hoosier at the table, and soon after the company had commenced eating, he hailed his fellow—

"I say, my friend, you're from Hoosierdom, I suppose?" "I'm from Indiana," was the civil reply.

"Do they raise cabbage where you come from?" "No, but I reckon they do where you come from."

"What do you judge by?" "By the looks of that cabbage head between your shoulders."

Several sitting near H— now began to titter at his expense, but nothing daunted, he returned to the charge. "Does your mother know you're out?" he asked.

"Yes, I reckon so; she told me to go talk to the goods."

"Indeed," said H—, biting his lips, "then you must be a goose to understand the language so well."

"When among Romans I do as Romans do," was the instant retort. "I talk the language of those I am talking to."

"Which way are you travelling?" cried H—, as another giggle ran round the table.

"Down the Ohio river, I reckon," and the Hoosier half hid his plate with pouted lips.

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"The man was accordingly examined, and though every pocket was looked into, no money answering the description of the Hoosier was found, and they were about giving it up.

"Look in his boots!" exclaimed the loser of the horse. "I'll search him to John Andre, and will be hunted for ever he dies."

The left boot was pulled off and sure enough, there was the money, exactly answering the description, confirming the guilt of the gentleman!

Upon the other fellow the handkerchief was also found, having the Hoosier's name legibly written upon it, and the two rascals were, with permission of the captain, taken fully in custody and sent ashore, the Hoosier was also put into the boat, declaring that he had engaged him in conversation on board, but as the wag was well known to many on board, he was let off, the Hoosier swearing it was some satisfaction to know that he had spoiled his best ruffled shirt with the contents of his plate.

It is a singular circumstance, that the two thieves are also careful how they succeed in Roasting a Hoosier.

SHIRT-TAIL CANON.—THE PANIC-STRIKEN GOLD-DIGGER.—The Sacramento Transcript has a letter, dated Oregon Bar, North Fork, June 12, in which we find the following good yarn: "The bars in this neighborhood bear rather terrible names to the verdant diggers, and from the questions asked upon your arrival, you would judge their stay depended upon your replies. We have 'Murderer's Bar,' 'Sawyer's Bar,' 'Kattlesnake Bar,' and with each of these bars is connected some horrible legend, which has given the above sanguinary titles to them. A few miles above us there is a deep chug, where, last winter, among others, was encamped a timid juvenile, who had a holy horror of Indian yells, grizzly roars, and even coyote barks. A waggish neighbor, being aware of the timid's weakness, and the one might managed so to combine all the above noises as to give utterance to the most demonical and hideous sounds ever heard in this land of originalities. The performer being located near the young man's abode, the consequences were very much as anticipated. Terrified and panic stricken, the digger vanished the next day, and in nothing but his hat, his boots, and a dog, lay the hill as he never dug before. The red ensign was discovered early the ensuing morning near the summit of the hill, but its former proprietor had entirely disappeared, rigged in Georgia costume, sans the spurs. Since that memorable night of that wonderful fight, the ravine has gone by the appropriate appellation (although perhaps not clothed in sufficient words) of 'Shirt-tail Canon.' It was not proved as late as its name would seem to dictate, for many have been wholly *sited* by a few weeks' residence there. I must not omit to state that the flighty flannel is hoisted upon a pole in front of the store, and it serves as a beacon light to the weary digger, who has been walking all day in order to reach the far-famed 'Shirt-tail Canon.'"

Mr. Burgwin's Experiments. Jackson, N. C., July 15th, 1850. To the Editor of the American Farmer.— Sir:—Allow me through the medium of your valuable periodical to correct two errors of print, which have crept into the publication of my remarks on the "Improvement of worn out lands." I was made to say, "from experience in the use of both, I think peas not inferior to clover as a specific manure for wheat." It should be—"but little inferior to clover." The long, rich top root of clover by its decay, affords a food for wheat which no part of the pea can supply. This top-root operates beneficially also, by penetrating the earth deeper, and in decaying, leaves a vegetable deposit to a greater depth, affording what Col. Fremont would call a "craze," or hidden magazine of provision for future plants.

On the next page, it reads—"For three years I have never fed my working horses on grain or fodder from the middle of May till the clover fails;" it should be—"but once a day." I always feed once a day on *haying*, (preferring it much to uncracked corn,) turn my horses into the clover fields after their day's work, and they again go to work the next morning, with no other attention, having been well carried at *midday*, instead of at night, as is done during the shorter days of fall and winter. Nature, by the production of vegetable food for the lower animals in the spring, thereby indicates a change from the stronger and more heating diet of grain, to be proper for them; who has not observed our cattle, turning from the dry food of the winter, to feed on the young grass which is yet not so strong, though it is very true, they must not be allowed to feed exclusively on this, if so, they suffer from disordered bowels; work horses particularly, must not be too much exposed to this temptation. We see an entirely analogous case in ourselves. Nature produces for us a great variety of vegetables in the spring, our appetites cause us eagerly to enjoy these, in consequence our blood becomes thinned, our systems purged from the grosser juices that circulate during the winter, and we are better prepared for the heats of summer. Since we are tending the piece referred to, I have added the experience of another summer to this plan, and though in consequence of the freshet in May, I had to replant 200 acres of corn, and to add to my corn crop 230 acres more of destroyed wheat, all of which was fallowed with three horse ploughs, running 8 to 10 inches deep, my total of 10 three horse ploughs were enabled by the use of feed to stand the increased tax upon their endurance, with the exception of a few of the weaker animals. Thus I am more than ever satisfied with the plan. It is true my teams are strong, but he who keeps inferior animals on his estate, acts unwisely.

While I am writing, let me give my testimony as to the capability of our region of country, for raising the finer grasses; I have been successful in growing grasses for several years, and have never failed when sown on good soil, and that put in good order, to obtain and retain a good stand, viz:—clover, timothy, herds-grass, Kentucky blue grass. When proper attention is not paid to the selection of a suitable soil, &c., &c., as in every thing else, a failure, or only a partial success, is the result. I have been successful in growing grasses for several years, and have never failed when sown on good soil, and that put in good order, to obtain and retain a good stand, viz:—clover, timothy, herds-grass, Kentucky blue grass. When proper attention is not paid to the selection of a suitable soil, &c., &c., as in every thing else, a failure, or only a partial success, is the result. 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