

federacy, asserted that they were "free and independent of the other Mexican United States, and of every other power and dominion whatsoever," and proclaimed the great principle of human liberty, that "the sovereignty of the State resides originally and essentially in the general mass of the individuals who compose it." To the government under this constitution, as well as to that under the federal constitution, the people of Texas owed allegiance.

Emigrants from foreign countries, including the United States, were invited by the federal government, to settle in Texas. Advantageous terms were offered to induce them to leave their own country and become Mexican citizens. This invitation was accepted by many of our citizens, in the full faith that in their new home they would be governed by laws enacted by representatives elected by themselves, and that their lives, liberty, and property, would be protected by constitutional guarantees similar to those which existed in the republic they had left. Under a government thus organized, they continued until the year 1835, when a military revolution broke out in the city of Mexico, which entirely subverted the federal and State constitutions, and placed a military dictator at the head of the government.

By a sweeping decree of a Congress subservient to the will of the dictator, the several State constitutions were abolished, and the States themselves converted into mere departments of the Central Government. The people of Texas were unwilling to submit to this usurpation. Resistance to such tyranny became a high duty. Texas was fully absolved from all allegiance to the Central Government of Mexico from the moment that government had abolished her State constitution, and in its place substituted an arbitrary and despotic Central Government.

Such were the principal causes of the Texan revolution. The people of Texas as at once determined upon resistance, and flew to arms. In the midst of these important and exciting events, however, they did not omit to place their liberties upon a secure and permanent foundation. They elected members to a convention, who, in the month of March, 1836, issued a formal declaration that their "political connexion with the Mexican nation has forever ended, and that the people of Texas do now constitute a Free, Sovereign, and Independent Republic, and are fully invested with all the rights and attributes which properly belong to independent nations." They also adopted for their government a liberal republican constitution. About the same time, Santa Anna, then the dictator of Mexico, invaded Texas with a numerous army for the purpose of subduing her people, and enforcing obedience to his arbitrary and despotic government. On the 21st of April, 1836, he was met by the Texan citizen soldiers, and on that day was achieved by them the memorable victory of San Jacinto, by which they conquered their independence. Considering the numbers engaged on the respective sides, history does not record a more brilliant achievement. Santa Anna himself was among the captives.

In the month of May, 1836, Santa Anna acknowledged, by a treaty with the Texan authorities, in the most solemn form, "the full, entire, and perfect independence of the republic of Texas." It is true he was then a prisoner of war, but it is equally true that he had failed to reconquer Texas, and had met with signal defeat; that his authority had not been revoked, and that by virtue of this treaty he obtained his personal release. By its hostilities were suspended, and the army which had invaded Texas under his command, returned in pursuance of this arrangement, unmolested, to Mexico.

From the day that the battle of San Jacinto was fought, until the present hour, Mexico has never possessed the power to reconquer Texas. In the language of the Secretary of the United States, in a despatch to our Minister in Mexico, under date of July 8, 1842: "Mexico may have chosen to consider, and may still choose to consider Texas as having been at all times since 1835, and as still continuing a rebellious province; but the world has been obliged to take a different view of the matter. From the time of the battle of San Jacinto, in April, 1836, to the present moment, Texas has exhibited the same external signs of national independence as Mexico herself, and with quite as much stability of government. Practically free and independent; acknowledged as a political sovereignty by the principal powers of the world, no hostile foot finding rest in her territory for six or seven years, and Mexico herself refraining for all that period from any further attempt to re-establish her own authority over that territory, it cannot but be surprising to find Mr. de Bocanegra" (the Secretary of Foreign Affairs of Mexico) "complaining that for that whole period citizens of the United States or its government, have been favoring the rebels of Texas, and supplying them with vessels, ammunition, and money, as if the war for the reduction of the province of Texas had been constantly prosecuted by Mexico, and her success prevented by these influences from abroad." In the same despatch the Secretary of State affirms that "since 1837, the United States have regarded Texas as an independent sovereignty, as much as Mexico; and that trade and commerce with citizens of a government at war with Mexico cannot, on that account, be regarded as an intercourse by which assistance and succor are given to Mexican rebels. The whole current of Mr. de Bocanegra's remarks runs in the same direc-

tion, as if the independence of Texas had not been acknowledged. It has been acknowledged—it was acknowledged in 1837, against the remonstrance and protest of Mexico, and most of the acts, of any importance, of which Mr. de Bocanegra complains, flow necessarily from that recognition. He speaks of Texas as still being an integral part of the territory of the Mexican republic; but he cannot but understand that the United States do not so regard it. The real complaint of Mexico, therefore, is, in substance, neither more nor less than a complaint against the recognition of Texan independence. It may be thought rather late to repeat that complaint, and not quite just to confine it to the United States, to the exception of England, France, and Belgium, unless the United States, having been the first to acknowledge the independence of Mexico herself, are to be blamed for setting an example for the recognition of that of Texas." And he added, that "the constitution, public treaties, and the laws, oblige the President to regard Texas as an independent State, and its territory as no part of the territory of Mexico." Texas had been an independent State, with an organized government, defying the power of Mexico to overthrow or reconquer her, for more than ten years before Mexico commenced the present war against the United States. Texas had given such evidence to the world of her ability to maintain her separate existence as an independent nation, that she had been formally recognised as such, not only by the United States, but by several of the principal Powers of Europe. These Powers had entered into treaties of amity, commerce, and navigation with her. They had received and accredited her ministers and other diplomatic agents at their respective courts, and they had commissioned ministers and diplomatic agents on their part to the government of Texas. If Mexico, notwithstanding all this, and her utter inability to subdue or reconquer Texas, still stubbornly refused to recognise her as an independent nation, she was none the less so on that account. Mexico herself had been recognised as an independent nation by the United States, and by other Powers, many years before Spain, of which, before her revolution, she had been a colony, would agree to recognise her as such, and yet Mexico was at that time, in the estimation of the civilized world, and, in fact, none the less an independent power because Spain still claimed her as a colony. If Spain had continued until the present period to assert that Mexico was one of her colonies in rebellion against her, this would not have made her so, or changed the fact of her independent existence. Texas, at the period of her annexation to the U. States, bore the same relation to Mexico that Mexico had borne to Spain for many years before Spain acknowledged her independence, with this important difference—that, before the annexation of Texas to the United States was consummated, Mexico herself, by a formal act of her government, had acknowledged the independence of Texas as a nation. It is true, that in the act of recognition she prescribed a condition, which she had no power or authority to impose, that Texas should not annex herself to any other Power; but this could not detract in any degree from the recognition which Mexico then made of her actual independence. Upon this plain statement of facts, it is absurd for Mexico to allege as a pretext for commencing hostilities against the United States, that Texas is still a part of her territory.

But there are those who, conceding all this to be true, assume the ground that the true western boundary of Texas is the Nueces, instead of the Rio Grande; and that, therefore, in marching our army to the east bank of the latter river, we passed the Texan line, and invaded the territory of Mexico. A simple statement of facts, known to exist, will conclusively refute such an assumption. Texas, as ceded to the U. States by France in 1803, has been always claimed as extending west to the Rio Grande or Rio Bravo. This fact is established by the authority of our most eminent statesmen at a period when the question was as well if not better understood than it is at present. During Mr. Jefferson's administration, Messrs. Monroe and Pinckney, who had been on a special mission to Madrid, charged, among other things, with the adjustment of boundary between the two countries, in a note addressed to the Spanish Minister of Foreign Affairs, under date of the twenty-eighth of January, 1805, assert that the boundaries of Louisiana, as ceded to the United States by France, "are the river Perdido on the east, and the river Bravo on the west;" and they add, that "the facts and principles which justify this conclusion are so satisfactory to our government as to convince it that the United States have not a better right to the island of New Orleans, under the cession referred to, than they have to the whole district of territory which is above described."

Down to the conclusion of the Florida treaty, in February, 1819, by which this territory was ceded to Spain, the United States asserted and maintained their territorial rights to this extent. In the month of June, 1818, during Mr. Monroe's administration, information having been received that a number of foreign adventurers had landed at Galveston, with the avowed purpose of forming a settlement in that vicinity, a special messenger was despatched by the government of the United States, with instructions from the Secretary of State to warn them to desist, should they be found there "or any other place north of the Rio Bravo, and within the territory claimed by the U. States." He was instructed, should they be found in the coun-

try north of that river, to make known to them "the surprise with which the President has seen possession thus taken, without authority from the United States, of a place within their territorial limits, and upon which no lawful settlement can be made without their sanction." He was instructed to call upon them to "avow under what national authority they profess to act," and to give them due warning "that the place is within the U. States, who will suffer no permanent settlement to be made there, under any authority other than their own." As late as the eighth of July, 1842, the Secretary of State of the U. S., in a note addressed to our minister in Mexico, maintains that, by the Florida treaty of 1819, the territory as far west as the Rio Grande was confirmed to Spain. In that note he states that, "by the treaty of the twenty-second of February, 1819, between the U. S. and Spain, the Sabine was adopted as the line of boundary between the two Powers. Up to that period, no considerable colonization had been effected in Texas; but the territory between the Sabine and the Rio Grande being confirmed to Spain by the treaty, applications were made to that Power for grants of land, and such grants, or permissions of settlement, were in fact made by the Spanish authorities in favor of citizens of the United States proposing to emigrate to Texas in numerous families, before the declaration of independence of Mexico."

The Texas which was ceded to Spain by the Florida treaty of 1819 embraced all the country now claimed by the state of Texas between the Nueces and the Rio Grande. The republic of Texas always claimed this river as her western boundary, and in her treaty made with Santa Anna, in May, 1836, he recognised it as such. By the constitution which Texas adopted in March, 1836, senatorial and representative districts were organized extending west of the Nueces. The Congress of Texas, on the nineteenth of December, 1836, passed "An act to define the boundaries of the republic of Texas," in which they declared the Rio Grande from its mouth to its source to be their boundary, and by the said act they extended their "civil and political jurisdiction" over the country up to that boundary. During a period of more than nine years, which intervened between the adoption of her constitution and her annexation as one of the States of our Union, Texas asserted and exercised many acts of sovereignty and jurisdiction over the territory and inhabitants west of the Nueces. She organized and defined the limits of counties extending to the Rio Grande. She established courts of justice and extended her judicial system over the territory. She established a custom-house, and collected duties, and also post offices and post roads, in it.—She established a land office, and issued numerous grants for land, within its limits. A Senator and a Representative residing in it were elected to the Congress of the republic, and served as such before the act of annexation took place. In both the Congress and Convention of Texas, which gave their assent to the terms of annexation to the United States, proposed by our Congress, were representatives residing west of the Nueces, who took part in the act of annexation itself. This was the Texas which, by the act of our Congress of the twenty-ninth of December, 1845, was admitted as one of the States of our Union. That the Congress of the United States understood the State of Texas as which they admitted into the Union to extend beyond the Nueces is apparent from the fact, that on the 31st of December, 1845, only two days after the act of admission, they passed a law "to establish a collection district in the State of Texas," by which they created a port of delivery at Corpus Christi, situated west of the Nueces, and being the same point at which the Texas custom-house, under the laws of that republic, had been located, and directed that a surveyor to collect the revenue should be appointed for that port by the President, by and with the advice and consent of the Senate. A surveyor was accordingly nominated, and confirmed by the Senate, and has been ever since in the performance of his duties. All these acts of the republic of Texas, and of our Congress, preceded the orders for the advance of our army to the east bank of the Rio Grande. Subsequently, Congress passed an act "re-establishing certain post routes," extending west of the Nueces. The country west of that river now constitutes a part of one of the Congressional districts of Texas, and is represented in the House of Representatives. The Senators from that State were chosen by a legislature in which the country west of that river was represented. In view of all these facts it is difficult to conceive upon what ground it can be maintained that, in occupying the country west of the Nueces with our army, with a view solely to its security and defence, we invaded the territory of Mexico. But it would have been still more difficult to justify the Executive, whose duty it is to see that the laws be faithfully executed, if in the face of all these proceedings, both of the Congress of Texas and of the United States, he had assumed the responsibility of yielding up the territory west of the Nueces to Mexico, or of refusing to protect and defend this territory and its inhabitants, including Corpus Christi, as well as the remainder of Texas, against the threatened Mexican invasion.

(To be continued.)

THEIR SONS.—Major Van Buren, son of the Ex-President, acted as aid to General Taylor at the siege of Monterey. John C. Calhoun's son is aid to Maj. General Gaines. Henry Clay's son is Lt. Colonel

of a regiment of Kentucky volunteers. Daniel Webster's son is Captain of a company of volunteers, and will be in Mexico soon. John J. Crittenden's son is a Captain in the new regiment of Mounted Riflemen.—*Bull. Clipper.*

THE BANNER:

SUMTERVILLE, S. C.
Wednesday, Dec. 23, 1846.

PRESIDENT'S MESSAGE.

We publish as much of this document, as our limits allow. In our next, the most interesting and important extracts of the remainder will be presented. It is, as usual, voluminous, and is principally occupied with matters relating to the Mexican War and its causes, which are treated in such a manner as renders it a document of great interest and importance. The latter part of the Message is occupied with remarks on the tariff, the public lands, the establishment of a territorial government in Oregon, the Indian tribes, and other subjects of less general interest, yet of importance. The Message is well written and is praised even by the papers of the federal party.

CONGRESS.

This body met on Monday, Dec. 7. Its time has been chiefly occupied in discussions on the Mexican war.

LEGISLATURE.

This body adjourned on Friday, the 18th. Many bills of importance did not obtain the last reading required by law, and, therefore, were not passed.—Thirty-nine Acts were passed, which shall be published as soon as there is room.

COTTON.

The Charleston market sales, for the week ending Friday Dec. 18, were 17,440 bales; receipts, 12,293 bales; difference in favor of sales, 5,147 bales. Prices, from 8 to 10 cents; ordinary to good ordinary, 8 3/4 to 9; middling to good middling, 9 1/4 to 9 3/8; middling fair, 9 1/2 to 9 5/8; fair and fully fair, 9 3/4 to 10 cents.

ACCIDENT.

On Saturday last, the 19th, an accident occurred at the plantation of Mr. W. W. Bradford, in this District. A negro woman left her child, near a fire in the field, for a few minutes to get a hoe. On her return, she found the child, and the blanket and basket containing it, burnt to cinders and ashes.

S. C. VOLUNTEERS.

The latest news inform us that seven companies have been already mustered into service, and that three of these, the Fairfield, Lancaster and Abbeville Companies were expected to arrive at the camp on Friday, the 18th. The camp has been removed from Magnolia Farm to the race course, as the latter place was found more suitable. C. I. P. M. BUTLER arrived at the camp on the 18th; Gen. CANTEY, on the 17th. Lt. Col. DICKINSON and Major GLADDER have been at the camp, for several days, engaged in the discharge of their duties. The Palmetto Regiment has, doubtless, by this time, been mustered into service, and, consequently, awaits the orders of the general government.

PUBLICATIONS.

We have received from Messrs. LEA & BLANCHARD, Philadelphia, the first number of "Dombey & Son," by Charles Dickens, (Broz.) with illustrations by H. K. Browne, price 8 cents. The usual graphic success displayed by Dickens in his portrayal of character in all kinds of life renders the perusal of this work interesting to readers of fiction.

We have just received Nos. 13 & 14 Vol. 2, of the "National Police Gazette," published weekly by Camp & Wilkes, 27 Centre Street, New York, at \$2 in advance, or \$1 for 6 months. This paper is a record of crime. Its influence has already been efficient in detecting many enormous robberies, in compelling the robbers to disgorge their plunder, and in preventing, and causing a discontinuance of, outrages and crimes of various kinds. It is deeply interesting and useful, and is largely patronized by the War Department, and has a weekly circulation of 24,000 copies. It contains portraits of celebrated robbers, is neat in its appearance and form, and appears to be edited with ability.

We have had a look at the December number of the "Southern and Western Literary Messenger and Review." As this is a Southern work of merit, it deserves Southern patronage. The contents of this number appear to be interesting.—We shall occasionally publish its prospectus, that our community may see its nature and terms.

NEW HAMPSHIRE.

We had hoped that the good sense of our sister states would have prevented our being again subjected to their impertinent intrusion into the Legislative Halls of South Carolina. The firm and decided position, which our General Assembly had assumed in relation to matters exclusively within its own care and guardianship, we thought had secured us from encroachment; which can have no tendency but to confirm its resolution of standing on the Constitution and with a firm and ready hand warding off every insidious attempt upon the domestic peace and quiet of the people. For a long series of years, induced by a misguided and sickly sentimentality, a certain party in our Union, proud as it supposed in its own strength, arrayed itself against the glorious principles for the establishment of which our Revolutionary fathers fought and bled, and assayed to substitute its own power in bold supremacy over the Southern States. No exertion was left untried, no energy relaxed, to attain its ends. Every source, to which prejudice of fanaticism could appeal, was resorted to for the purpose of cementing a combination whose power was not only to be seen but seriously to be felt. The pure and holy precepts of religion were perverted to compass this horrible design, and the cloak of Christianity was even assumed to cover objects, at which a fiend might have trembled. Day after day, and night after night, all the various combinations, that misguided zeal could foster into an unseemly whole, were forced to invent new schemes and suggest new modes for the accomplishment of designs, at which the heart of the patriot bleeds and trembles. A crusade was to operate not only on the happiness of the South, but the very existence of an institution, forced upon her at first by the cupidly of our Northern brethren, was to be exterminated; and ruin and overthrow were to follow in the train. The influence and authority of State Legislatures were interposed to aid with their battery the destruction of Southern rights. Firebrands, in the shape of resolutions were to be obtained into the Halls of Legislature; and for a long time, this was the specious plan of operation. South Carolina treated them with the respect due to the bodies from which they emanated. Her dignity induced her to return, first, argument, rebuke, remonstrance, and at last defiance. For a while, we have been spared the reception of these wily missiles; but it seems the ball again is in motion, and New Hampshire takes the lead in opening another campaign against Southern interests. How proud we are to record the reception which the representatives of a gallant people awarded to them. Our Legislature will meet in the hearts of a thankful constituency, a grateful response.

On Wednesday last, while the Senate and the House were laboriously engaged in the legislation of the country, they were interrupted by a message from the Governor communicating a preamble and certain resolutions from the State of New Hampshire against the annexation of Texas, and a declaration of undying opposition to the domestic institutions of the Southern States. As soon as the reading of these was concluded, our Senator from Claremont, Col. Moses, rose and enquired, in no measured terms, against this premeditated assault on a sister state; that South Carolina would not brook this insult, thrown into the very teeth of its legislature; that we had heretofore respectfully responded to like resolutions; that our very forbearance had it appeared, invited renewed attempts; that such doctrines, as were broached in the resolutions, should not be heard in the Senate Chamber of a sovereign State, unless to be deprecated; and, while he had the honor of a seat on that floor, he would pursue, in reference to such papers, a course which would indicate a fixed determination to stand upon our chartered rights. He trusted that no reference to any committee would be made; that no response should be given; and, for that purpose, he would move that the preamble and resolutions be laid on the table forever. Mr. PERRY, of Greenville, agreed with Col. Moses, and, with his concurrence, moved that the Governor be requested to return the document to the Executive of New Hampshire, which was unanimously agreed to.

The same fate was awarded to the communication in the House.

We rejoice in the course pursued, and feel happy that our own Senator took the move in this step, which we know will meet the hearty concurrence of the whole South.

CLAREMONT SENATOR.

The following extracts show that our Senator from Claremont has been doing his duty and using his energies in behalf of the expressed will of the people.

Correspondence of the Evening News, Columbia, Dec. 11, 1846.

The Electoral question was today discussed in the Senate; as I some time since indicated to you that it would be after a very forcible speech by Mr. Perry, in the course of which he very effectually demolished the train of reasoning by which Mr. Dargan had attempted to prop up his opposition to giving the election to the people; a motion was made to postpone indefinitely the further consideration of the question before the committee, which was carried by a vote of 24 to 16.

DECEMBER, 1846.

In my last letter I informed you of the very summary mode in which the Electoral question was disposed of in the Senate.