

representatives of the people and the States. An apprehensive and jealous war, the Convention of its abuse in any other hands, that it interdicted the exercise of the power to any State in the Union, without the consent of Congress. Congress, then, in our system of government, is the sole depository of that tremendous power.

The Constitution provides that Congress shall have power to declare war, and grant letters of marque and reprisal, to make rules concerning captures on land and water, to raise and support armies, to provide and maintain a navy, and to make rules for the government of the land and naval forces. Thus we perceive that the principal power in regard to war, with all its auxiliary attendants, is granted to Congress. Whenever called upon to determine upon the solemn question of peace or war, Congress must consider and deliberate and decide upon the motives, objects, and causes of the war. And if a war be commenced without any previous declaration of its objects, as in the case of the existing war with Mexico, Congress must necessarily possess the authority, at any time, to declare for what purpose it shall be further prosecuted. If we suppose Congress does not possess the controlling authority attributed to it; if it be contended that a war having been once commenced, the President of the United States may direct it to the accomplishment of any objects he pleases, without consulting and without any regard to the will of Congress, the Convention will have utterly failed in guarding the nation against the abuse and ambition of a single individual. Either Congress, or the President, must have the right of determining upon the objects for which a war shall be prosecuted. There is no other alternative. If the President possess it and may prosecute it for objects against the will of Congress, where is the difference between our free government and that of any other nation which may be governed by any absolute Czar, Emperor, or King?

Congress may omit, as it has omitted in the present war, to proclaim the objects for which it was commenced or has been since prosecuted, and in cases of such omission the President, being charged with the employment and direction of the national force, is necessarily left to his own judgment to decide upon the objects to the attainment of which that force shall be applied. But whenever Congress shall think proper to declare, by some authentic act, for what purpose a war shall be commenced or continued, it is the duty of the President to apply the national force to the attainment of those purposes. In the instance of the last war with Great Britain, the act of Congress by which it was declared was preceded by a message of President Madison enumerating the wrongs and injuries of which we complained against Great Britain. That message, therefore, and without the well known objects of the war, which was a war purely of defence, rendered it necessary that Congress should particularize, by the act, the specific objects for which it was proclaimed. The whole world knew that it was a war waged for Free Trade and Sailors' Rights.

It may be urged that the President and Senate possess the treaty-making power, without any express limitation as to its exercise; that the natural and ordinary termination of a war is by a treaty of peace; and therefore, that the President and Senate must possess the power to decide what stipulations and conditions shall enter into such a treaty. But it is not more true that the President and Senate possess the treaty-making power, without limitation, than that Congress possesses the war-making power, without restriction. These two powers then ought to be so interpreted as to reconcile the one with the other, and, in expounding the constitution, we ought to keep constantly in view the nature and structure of our free government, and especially the great object of the Convention in taking the war-making power out of the hands of a single man and placing it in the safe custody of the representatives of the whole nation. The desirable reconciliation between the two powers is effected by attributing to Congress the right to declare what shall be the objects of a war, and to the President the duty of endeavoring to obtain those objects by the direction of the national force and by diplomacy.

I am broaching no new and speculative theory. The Statute book of the United States is full of examples of prior declarations by Congress of the objects to be attained by negotiations with Foreign Powers and the archives of the Executive Department furnish abundant evidence of the accomplishment of those objects, or the attempt to accomplish them, by subsequent negotiation. Prior to the declaration of the last war against Great Britain, in all the restrictive measures which Congress adopted against the two great belligerent Powers of Europe, clauses were inserted in the several acts establishing them, tendering to both or either of the belligerents, the abolition of those restrictions if they would repeat their hostile Berlin and Milan decrees and Orders in Council, operating against our commerce and navigation.

And these acts of Congress were invariably communicated, through the Executive, by diplomatic notes, to France and Great Britain, as the basis upon which it was proposed to restore friendly intercourse with them. So, after the termination of the war, various acts of Congress were passed from time to time offering to Foreign Powers the principle of reciprocity in the commerce and navigation of the United States with them. Out of these acts have sprung a class, and a large class of treaties (four or five of which were negotiated, whilst I was in the department of State,) commonly called reciprocity treaties concluded under all the Presidents, from Mr. Madison to Mr. V. Buren, inclusive. And with regard to the commercial treaties, negotiated with the sanction of prior acts of Congress, where they contained pri-

or appropriations or were in conflict with unexecuted treaties, it has been held by the republican doctrine from Mr. Jay's treaty down to the present time, that the passage of acts of Congress was necessary to secure the execution of those treaties. It is in the matter of Foreign Commerce, in respect to which the power resided in Congress to regulate it and the treaty-making power may be regarded as concurrent. Congress can previously decide the objects to which negotiation shall be applied how much stronger in the case of war; the power to declare which is confined exclusively to Congress.

I conclude, therefore, Mr. President and fellow citizens, with entire confidence, that Congress has the right, either at the beginning, or during the prosecution of any war, to decide on the objects and purposes for which it was proclaimed, or for which it ought to be continued. And, I think, it is the duty of Congress, by some deliberate and authentic act, to declare for what objects the present war shall be further prosecuted. I suppose the President would not hesitate to regulate his conduct by the pronounced will of Congress, and to employ the force and the diplomatic power of the nation to execute that will. But, if the President should decline or refuse to do so, and, in contempt of the supreme authority of Congress, should persevere in waging the war, for other objects than those proclaimed by Congress, then it would be the imperative duty of that body to vindicate its authority by the most stringent and effectual, and appropriate measures. And if, on the contrary, the enemy should refuse to conclude a treaty, containing stipulations securing the objects, designated by Congress, it would be the duty of the whole government to prosecute the war, with all the national energy, until those objects were attained by a treaty of peace. There can be no insuperable difficulty in Congress making such an authoritative declaration. Let it resolve, simply, that the war shall, or shall not, be a war of conquest; and, if a war of conquest, what is to be conquered. Should a resolution pass, disclaiming the design of conquest, peace would follow in less than sixty days, if the President would conform to his constitutional duty.

Here, fellow citizens, I might pause, having indicated a mode by which the nation, through its accredited and legitimate representatives in Congress, can announce for what purposes and objects this war shall be no longer prosecuted, and can thus let the whole people of the United States know for what end their blood is to be further shed, and their treasures further expended, instead of the knowledge of it being locked up and concealed in the bosom of one man. We should no longer perceive the objects of the war varying, from time to time, according to the changing opinions of the Chief Magistrate charged with its prosecution. But I do not think it right to stop here. It is the privilege of the people, in their primitive assemblies, and of every private man, however humble, to express an opinion in regard to the purposes for which the war should be continued; and such an expression will receive just as much consideration and consequence as it is entitled to, and no more.

Shall this war be prosecuted for the purpose of conquering and annexing Mexico, in all its boundless extent, to the United States?

I will not attribute to the President of the United States any such design; but I confess I have been shocked and alarmed by manifestations of it in various quarters. Of all the dangers and misfortunes which could befall this nation, I should regard that of its becoming a warlike and conquering power the most direful and fatal. History tells the mournful tale of conquering nations and conquerors. The three most celebrated conquerors, in the civilized world, were Alexander, Caesar and Napoleon. The first, after overrunning a large portion of Asia, and signing and lamenting that there were no more worlds to subdue, met a premature and ignominious death. His lieutenants quarrelled and warred with each other, as to the spoils of his victories, and finally lost them all. Caesar, after conquering Gaul, returned with his triumphant legions to Rome, passed the Rubicon, won the battle of Pharsalia, trampled upon the liberties of his country, and expired by the patriot hand of Brutus. But Rome ceased to be free. War and conquest had corrupted and corrupted the masses. The spirit of true liberty was extinguished, and a long line of Emperors succeeded, some of whom were the most execrable monsters that ever existed in human form. And that most extraordinary man, perhaps, in all history, after subjugating all continental Europe, occupying almost all its Capitals, seriously threatening, according to M. Thiers, proud Albion itself and decking the brows of various members of his family with crowns, torn from the heads of other monarchs, lived to behold his own dear France itself in the possession of his enemies, and was quitted himself a wretched captive and far removed from country, family and friends, breathed his last on the distant and inhospitable rocks of St. Helena. The Alps and the Rhine had been claimed as the natural boundaries of France, but even these could not be secured in the treaties to which she was reduced to submit. Do you believe that the people of Macedonia, or Greece, or Rome, or France, were benefited, individually or collectively, by the triumphs of their great captain? Their soil was immense sacrifice of life, heavy and insupportable burdens, and the ultimate loss of liberty itself.

That the power of the United States is commensurate to the conquest of Mexico is quite probable. But it could not be achieved without frightful carnage, dreadful sacrifices of human life, and the creation of an enormous national debt; nor could it be completely effected, in all probability, until after the lapse of many years. It would be necessary to occupy

all its strongholds, to learn its habits, and to keep them in constant alarm and submission. To accomplish the same I presume that standing armies, not less than a hundred thousand men, would be kept perhaps always in the bosom of the country. These standing armies, resting in a foreign land, and accustomed to trample upon the liberties of a foreign people, at some distant day, might be fit and ready instruments, under the lead of some daring and unprincipled chieftain, to return to their country and prostrate the public liberty.

Supposing the conquest to be once made, what is to be done with it? Is it to be governed, like Roman Provinces, by Proconsuls? Would it be compatible with the genius, character, and safety of our free institutions, to keep such a great country as Mexico, with a population of not less than nine millions, in a state of constant military subjection?

Shall it be annexed to the U. States? Does any considerate man believe it possible that two such immense countries, with territories of nearly equal extent, with populations so incongruous, so different in race, in language, in religion and in laws, could be blended together in one harmonious mass, and happily governed by one common authority? Murmurs, discontent, insurrections, rebellion, would inevitably ensue, until the incompatible parts would be broken asunder, and possibly, in the frightful struggle, our present glorious Union itself would be discovered or dissolved. We ought not so far from the warning voice of all history, which teaches the difficulty of combining and consolidating together, conquering and conquered nations. After the lapse of eight hundred years, during which the Moors held their conquest of Spain, the indomitable courage, perseverance, and obstinacy of the Spanish race finally triumphed, and expelled the African invaders from the Peninsula. And, even within our own time, the colossal power of Napoleon, when at its loftiest height, was incompetent to subdue and subjugate the proud Canadian, Lower Canada, which near one hundred years ago, after the conclusion of the seven years war, was ceded by France to Great Britain, remains a foreign land in the midst of the British provinces, foreign in feelings and attachments, and foreign in laws, language and religion. And what has been the fact with poor, gallant, generous, and oppressed Ireland? Centuries have passed since the overbearing Saxon overran and subjugated the Emerald Isle. Rivers of Irish blood have flowed, during the long and arduous contest. Insurrection and rebellion have been the order of the day; and yet, up to this time, Ireland remains alien in feeling, affection, and sympathy, toward the power which has so long borne her down. Every Irishman hates, with a moral hatred, his Saxon oppressor. Although there are great territorial differences between the condition of England and Ireland, as compared to that of the United States and Mexico, there are some points of striking resemblance between them. Both the Irish and the Mexicans are probably of the same Celtic race. Both the English and the Americans are of the same Saxon origin. The Catholic religion predominates in both the former, the Protestant among both the latter. Religion has been the fruitful cause of dissatisfaction and discontent between the Irish and English nations. Is there no reason to apprehend that it would become so between the people of the United States and those of Mexico, if they were united together? Why should we seek to interfere with them in their mode of worship of a common God? We believe that they are wrong, especially in the exclusive character of their faith, and that we are right. They think that they are right and we wrong. What other role can there be then to leave the followers of each religion to their own solemn convictions of conscientious duty towards God? Who, but the great Arbitrator of the Universe can judge in such a question? For my own part, I sincerely believe and hope that those who belong to all the departments of the great Church of Christ, if, in truth and purity they conform to the doctrines which they profess, will ultimately secure an abode in those regions of bliss which all also finally go to reach. I think that there is no potentate in Europe, whatever his religion may be, more enlightened, or at this moment so interesting, as the liberal head of the Papal See.

Do we want for our own happiness or greatness the addition of Mexico to the existing Union of our States? If our population was too dense for our territory, and there was difficulty in obtaining honorably the means of subsistence, there might be some excuse for an attempt to extend our dominions. But we have no such apology. We have already, in our glorious country, a vast and almost boundless territory. Beginning at the North, in the frozen regions of the British Provinces, it stretches thousands of miles along the coasts of the Atlantic Ocean and the Mexican Gulf, until it almost reaches the Tropics. It extends to the Pacific Ocean, borders on those great inland seas, the Lakes, which separate us from the possessions of Great Britain, and it embraces the great father of rivers, from its uppermost sources to the Balize, and the still longer Missouri, from its mouth to the gorges of the Rocky Mountains. It comprehends the greatest variety of the richest soils, capable of almost all the productions of the earth, except tea and coffee and the spices, and it includes every variety of climate which the heart could wish or desire. We have more than ten thousand millions of acres of waste and unutilized lands, enough for the subsistence of ten or twenty times our present population. Ought we not to be satisfied with such a country? Ought we not to be profoundly thankful to the Giver of all good things for such a vast and beautiful land? Is it not the height of ingratitude to Him to seek, by war and conquest, indulging in a

spirit of rapacity, to acquire other lands, the natural inhabitants of a large portion of the common continent? If we were the object of such a conquest, would we not justly resent the treatment and conditions of this country for ages to come, in the form of an enormous national debt, and should we not be greatly to be regretted that, by an assumption of the duty of seventy millions of the national debt of Mexico? For I take it that nothing is more certain, than, if we obtain voluntarily, or by conquest, a large acquisition, we acquire with all the inconveniences attached to it, a heavy burden upon us, and we are now bound, in honor and morality, to pay the just debt of Texas. And we should be equally bound, by the same obligations, to pay the debt of Mexico, if it were annexed to the United States.

But I suppose it to be impossible that those who fear the annexation of Mexico to the United States, can think that it ought to be peacefully governed by military way. Certainly no variety of human liberty could deem it right that a violation should be perpetrated of the great principles of our own constitution, according to which, laws ought not to be enacted, and taxes ought not to be levied, without representation of the part of those who are to obey the one, and pay the other. Then, Mexico is to participate in our councils and equally share in our legislation and government. But, suppose she would not voluntarily choose representatives to the national Congress, is our soldiers to follow the electors to the ballot-box, and by force to compel them, at the point of the bayonet, to deposit their ballots? And how are the nine millions of Mexican people to be represented in the Congress of the United States of America and the Congress of the United States of the Republic of Mexico combined? Is every Mexican, without regard to color, caste, or caput, to exercise the elective franchise? How is the quota of Representation between the two Republics, to be fixed? Where is the seat of common government to be established? And who can foresee or foretell, if Mexico, voluntarily or by force, were to share in the common government, what would be the consequences to her or to us? Unprepared, as I fear her population yet is, for the practical enjoyment of self government, and of habits, customs, language, laws and religion, so totally different from our own, we should present the revolting spectacle of a confused, distracted, and motley government. We should have a Mexican Party, a Pacific Ocean Party, an Atlantic Party, in addition to the other parties, which exist, or with which we are threatened, each striving to execute its own particular views and purposes, and reproaching the others with thwarting and disappointing them. The Mexican representation in Congress, would probably form a separate and impenetrable corps, always ready to throw itself into the scale of any other party, to advance and promote Mexican interests. Such a state of things could not long endure. Those whom God and geography have pronounced should live asunder, could never be permanently and harmoniously united together.

Of the possessions which appertain to man, in his collective or individual condition, none should be preserved and cherished, with more sedulous and unremitting care than that of an unutilized character. It is impossible to estimate it too highly, in society, when attached to an individual; nor can it be exaggerated or too greatly magnified in a nation. Those who lose or are indifferent to it become just objects of scorn and contempt. Of all the abominable transactions which sully the pages of history none exceed in enormity that of the dismemberment and partition of Poland, by the three great continental powers—Russia, Austria and Prussia. Ages may pass away, and centuries roll around, but as long as human records endure, all mankind will unite in execrating the rapacious and detestable deed. That was accomplished by overwhelming force, and the unfortunate existence of fatal dissensions and divisions in the bosom of Poland. Let us avoid affixing to our name and national character a similar, if not worse, stigma. I am afraid that we do not now stand well in the opinion of other parts of Christendom. Repudiation has brought upon us much reproach. All the nations, I apprehend, look upon us in the prosecution of the present war, as being actuated by a spirit of rapacity and inordinate desire for territorial aggrandizement. Let us not forget altogether their good opinions. Let us commend their applause by a noble exercise of forbearance and justice. In the elevated station which we hold, we can safely afford to practice the Godlike virtues of moderation and magnanimity. The long series of glorious triumphs, achieved by our gallant commanders and their brave armies, unattended by a single reverse, justify us, without the least danger of tarnishing the national honor, in disinterestedly holding out the olive branch of peace. We do not want the mines, the mountains, the morasses and the sterile lands of Mexico. To her the loss of them would be humiliating, and be a perpetual source of regret and mortification. To us they might prove a fatal acquisition, producing dissension, division, possibly disunion. Let, therefore, the integrity of the national existence and national territory of Mexico remain undisturbed. For one, I desire to see no part of her territory torn from her by war. Some of our people have placed their hearts upon the acquisition of the Bay of San Francisco in Upper California. To us, as a great maritime power, it might prove to be of advantage hereafter in respect to our commercial and navigating interests. To Mexico, which can never be a great maritime power, it can never be of much advantage.

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Of the possessions which appertain to man, in his collective or individual condition, none should be preserved and cherished, with more sedulous and unremitting care than that of an unutilized character. It is impossible to estimate it too highly, in society, when attached to an individual; nor can it be exaggerated or too greatly magnified in a nation. Those who lose or are indifferent to it become just objects of scorn and contempt. Of all the abominable transactions which sully the pages of history none exceed in enormity that of the dismemberment and partition of Poland, by the three great continental powers—Russia, Austria and Prussia. Ages may pass away, and centuries roll around, but as long as human records endure, all mankind will unite in execrating the rapacious and detestable deed. That was accomplished by overwhelming force, and the unfortunate existence of fatal dissensions and divisions in the bosom of Poland. Let us avoid affixing to our name and national character a similar, if not worse, stigma. I am afraid that we do not now stand well in the opinion of other parts of Christendom. Repudiation has brought upon us much reproach. All the nations, I apprehend, look upon us in the prosecution of the present war, as being actuated by a spirit of rapacity and inordinate desire for territorial aggrandizement. Let us not forget altogether their good opinions. Let us commend their applause by a noble exercise of forbearance and justice. In the elevated station which we hold, we can safely afford to practice the Godlike virtues of moderation and magnanimity. The long series of glorious triumphs, achieved by our gallant commanders and their brave armies, unattended by a single reverse, justify us, without the least danger of tarnishing the national honor, in disinterestedly holding out the olive branch of peace. We do not want the mines, the mountains, the morasses and the sterile lands of Mexico. To her the loss of them would be humiliating, and be a perpetual source of regret and mortification. To us they might prove a fatal acquisition, producing dissension, division, possibly disunion. Let, therefore, the integrity of the national existence and national territory of Mexico remain undisturbed. For one, I desire to see no part of her territory torn from her by war. Some of our people have placed their hearts upon the acquisition of the Bay of San Francisco in Upper California. To us, as a great maritime power, it might prove to be of advantage hereafter in respect to our commercial and navigating interests. To Mexico, which can never be a great maritime power, it can never be of much advantage.

If we can obtain it by fair purchase with a just equivalent, I should be happy to see it so acquired. As, whenever the war ceases, Mexico ought to be required to pay the debts due our citizens, perhaps an

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