

at the foundation of every thing that is excellent in government. And here was a great mistake, a great oversight—if he had remained where he was, and where, perhaps, he was too honest to be permitted to remain, this war might have been avoided. But he ran an immense and, as the event has proved, a fatal hazard; he left this measure, this embryo war, in the hands of men not actuated by motives as pure as his own—men not averse to war, if by war their own or their party's designs could be promoted. And war has been the consequence.

But I have voted, with a majority of the members of the House at this session of Congress, that this war was "unnecessarily and unconstitutionally commenced by the President of the United States." The gentleman from Georgia, (Mr. Cobb,) on the other side of the House, who addressed the committee some days ago, went into an elaborate argument to convict of inconsistency those Whigs who had previously expressed an opinion similar to that I have now expressed, namely, that an annexation was war, and who at this session have voted that this war was commenced by the President. I am, perhaps, rash and foolish in exposing myself to a similar charge; but I believe the positions consistent and I believe them both true. I think one difficulty, with the gentleman from Georgia and others, has been, that they have not properly considered that the word "war," like many words in the English, and all other languages, is capable of more than one signification. It denotes certain relations existing between two nations, and which may exist without actual hostilities; and it denotes, and is so used in common parlance, the contest, which is the consequence of such relations, actual hostilities, actual war. We had, in one sense, war, after the measure of annexation was consummated; but it was war without devastation, without bloodshed, without the bombardment of cities. Now, if things had remained in *status quo*, if there had been no change in the relations existing between this country and Mexico, after annexation, and before hostilities, I hold that even then the President would not have been authorized by the Constitution to invade Mexico; because, though annexation, in one sense was war, yet it was not intended by Congress to be, and was not in fact, a declaration of war by this Government. It assumed the quarrel which Mexico had with Texas, it Mexico chose to prosecute that quarrel. We had no quarrel with her. She had given us no offence growing out of the measure of annexation. The joint resolution annexing Texas left it to Mexico to define and declare what the relations should thereafter be between the two nations; it went further; it tendered a peaceful settlement of the question. Its language is: "Said State to be formed, subject to the adjustment by this Government of all the questions of boundary that may arise with other governments." Do these words authorize, nay, do they not implicitly forbid, the President of the United States to commence hostilities? This is what Congress says to Mexico: "You and Texas are at war. We annex Texas, and thereby assume the war. Nevertheless, we will not declare war. On the contrary, we propose peace, and offer to you a friendly adjustment of all questions of boundary. Make, then, your election." Is it not true, in one sense, that this is war? And is it not also true that it does not authorize the President to commence hostilities?

But, however this may be, things did not remain in *status quo*. The relations between this country and Mexico, growing out of the measure of annexation, were afterwards changed. Mexico made her election. She chose peace. She consented to receive a commissioner to negotiate on the question of boundary. And, by the public and official declarations of the Chief Magistrates of both nations, peace, and not war, was recognized as the relations existing between them.

It is true that, on a point of *etiquette*, negotiations were afterwards interrupted. Mexico refused to receive Mr. Slidell as minister plenipotentiary; but she did not refuse to receive him as a commissioner; she did not refuse to negotiate. It seems to me too clear for argument, that there was nothing in this action on her part to change the relations existing between the two nations; to convert peace into war.

But the gentleman from South Carolina, in his argument on this subject, held, as I understand him—I have not seen the printed speech of the gentleman, and if I am wrong I wish to be corrected—that inasmuch as by the Constitution of the United States Congress alone can declare war, therefore it was impossible for the President to commence war. He might order an invading army to enter the territory of a neighboring state, but that would be an act of hostility merely, and not war, because Congress only can declare war. I thank the gentleman for that argument; I hope to be able to make use of it by and by. The gentleman from South Carolina, I believe, denies to Congress the power to

improve rivers and harbors; for instance, to erect a pier. They have or had, where I live, a pier, preserved only from absolute ruin by the voluntary contributions of the inhabitants. I shall hope to obtain the vote of this body for an appropriation for the continuance and completion of the work. Will, then, the gentleman from South Carolina, urge that this will be a violation of the Constitution? I say, no; in the face of the pier I will maintain it is no pier, but a mere collection of stones and mortar cemented together. It is not a pier, because Congress cannot build a pier. Being contrary to the Constitution, it is null and void, and must be taken not to exist at all. And there being no pier, of course there has been no violation of the Constitution in the past, and can be none in the future. Or, does the argument of the gentleman go no further than to deny the appropriateness of the term war, as applied to the hostile acts against Mexico directed by the President, and the battles which were their consequence? If so, it is a mere question of words, and I am quite as willing to say that the President unconstitutionally commenced hostilities with Mexico.

Now, sir, did Mexico commence this war? I don't wish to detain the committee long, where they have been so often, on the banks of the Rio Grande; and the question seems to me to lie in a nutshell. Its answer depends on a single fact. The Mexican and American armies met on or near the banks of the Rio Grande. There the first battle was fought. Now, which of these armies was the invading army? Upon whose soil was this battle fought?—If upon American soil, then the Mexicans were the invaders, and "war exists by the act of Mexico;" but if upon Mexican soil, then Americans were the invaders, and this is a war "unnecessarily and unconstitutionally commenced by the President of the United States." And this question of title depends upon the fact of possession. The title of Texas was by force, and went no further than her force went. It is wholly immaterial, therefore, what other territory at some other time had the name of Texas; it is unnecessary to consider what was Texas under the Spanish Government—what was the Texas that was a State of Mexico. The question is, what was the Texas that by revolution established her independence. If that was but half the Mexican State of Texas, certainly the people of that half could not, by taking the name of the whole, get title to the whole. And even though Texas, and not through Texas, had just title to the Rio Grande, yet if the eastern bank was at that time in the actual possession of the Mexicans, then, the question of title being a controverted question, left open to negotiation by the express terms of the act of annexation, and the Mexicans being in possession, the disturbance of that possession by an act of public force, not authorized by Congress, was a hostile act warranted by the Constitution of the United States. The whole question, then, is a simple question. Who dwelt in the houses, who cultivated the fields, on the eastern bank of the Rio Grande? Now, there is no want of witnesses here. Throwing aside the Mexicans, there were two thousand eye-witnesses in General Taylor's army. Let me read the testimony of one of these eye-witnesses. That will be enough to make what lawyers call a *prima facie* case; enough to authorize me to call for testimony on the other side. Here is an extract from a letter, written at the time (and published shortly afterwards in this country) by one of the officers of Gen. Taylor's army:

"Our situation here is an extraordinary one; right in the enemy's country, actually occupying their corn and cotton fields, the people of the soil leaving their homes, and we with a small handful of men, marching with colors flying and drums beating right under the very guns of one of their principal cities, displaying the star-spangled banner, as if in defiance, under their very noses; and they with an army twice our size sit quietly down and make not the least resistance, not the first effort to drive the invaders off."

This is to the point. But if what the President of the United States says, if what his friends here have said, is true, that "war exists by the act of Mexico," then these statements must be reversed.—It was Americans who were driven from their homes, from their corn and cotton fields, by a Mexican invading army; and the army of General Taylor went not to drive Mexicans away, but to protect Americans in their possessions. But were in the witness. I call for one, of the two thousand only one, from the commanding general down to the meaneast camp-follower. You have never produced him; you cannot find him.

But I shall be told—for I have heard such language here and elsewhere—that, however all this may be, I ought never, the less to maintain, contrary to my clear convictions of the truth, that the Mexicans were the aggressors in this war; that the battle of Palo Alto was fought on American soil. That to do this, is to take the side of my country, and that in time of war every man ought to take the side of his country. Yes, sir, in war and in peace, every man ought to take the side of his country. But to determine what the side of my country is, I must inquire what are the true interests, the true glory of my country. The side of my country with me shall always be the side of truth and justice. Is James K. Polk my country? Then I confess I am no patriot. Is a patriotism to falsify facts—to lie?—Sir, in monarchical governments there are men who surround the throne, and fill the royal ear with flattery and falsehood—it is by these arts they live—and they call themselves loyalists. So in republican governments, there are men who surround the people, and flatter, and lie; they, too, "get their living" in that way; and they call themselves patriots. But I like better the honest man, who tells his king, who tells the people, the truth, though at the risk of

disfavor and disgrace. For myself, I prefer to be such a man, even though I may be called a "Mexican Whig."

Now, something as to the motives with which this war was commenced, and is prosecuted by the President of the United States, and those partisans who sustain him in this part of his policy. I think I can discover a two-fold purpose; a domestic purpose, and a foreign purpose; an object to be accomplished abroad, and another object to be accomplished here at home. I believe, and I therefore charge, that the President of the United States has commenced, prosecuted, and is now prosecuting, this war in a base partisan spirit, and for a base partisan purpose. I think that the facts from which I draw this conclusion amply sustain it; and those facts are in themselves clear, and indisputable. And here let me notice an inconsistency in gentlemen on the other side. They are constantly saying to us, "You should unite with us in supporting this war; the country ought to present an united front; you must not enter into discussions about the origin of the war, or the motives with which it is prosecuted, because these discussions, reaching Mexico, convey the idea that the country is divided, and cause her to persist in her resistance." The country is at war, say they, therefore we must vote all the men and money the President requires; therefore we must not inquire whether he has violated the Constitution; therefore we must not inquire, being engaged in an attempt to deprive the Mexicans of their liberties, whether our own may not be in danger. Now, if gentlemen are sincere in all this; if they really hold these Mexican Indians in such terror, as to think it unsafe, here, in the American Congress, the war-making power, to discuss the war, why is it that from the beginning they have done, that they now do, every thing in their power to force the Whigs into opposition to the war? Why do we hear from your partisan language, not such as you blame in Whigs, imprudent, from which an inference, a false inference, may be drawn, but the direct charge that there is in this country a party that sympathizes with the Mexicans, that wishes the Mexicans success? Do any Whigs say so here or elsewhere? Do any Whig journals use such language? No! It is from your partisans, from the President downwards, from your journals, that such language proceeds. We hear it and we see it there, and nowhere else. We may not utter the most solemn and necessary truths, for fear Mexico may draw a false inference; but you may draw that false inference for Mexico, and send it forth to do what mischief it may. Suppose a Whig makes a speech, full of truth; but indiscreet, if you please; why do you select particular passages, print them in capitals and italics, distort them from their context, interpolate words never used, and found upon the whole a commentary as different as possible from any idea in the mind of the author? I will tell you—it is because you wish to injure the Whigs here at home, by exciting popular prejudices against them; while you care not what the effect may be abroad. If any opinion exists in Mexico that there is in this country a Mexican party, the President and his supporters, and not the Whigs, are responsible for the existence of that opinion. It is not the Whig truths, it is the Democratic falsehoods that have given "aid and comfort" to the Mexicans. Look at the beginning of this war. The army of Gen. Taylor was thought to be in danger; instant supplies were supposed to be necessary to save it from destruction.—Those supplies might have been voted unanimously, or nearly so. Possibly, there might have been a solitary no; but it is notorious that the vote would have been nearly or quite unanimous. Then why did you not take that unanimous vote of Congress when you might have had it? Why would you not suffer the country to present "an united front"? Why did you deliberately determine that upon this question there should be division? Why insist upon forcing into the bill granting these supplies a preamble, which I do not say you believed to be false, but which you knew the Whigs believed to be false?—Was it necessary to have this objectionable preamble in order to obtain the supplies? Was there any necessary or proper connection between the two things? You had ample notice on the other side, what the Whigs thought. On a distinct vote being taken on the preamble, every Whig, with three or four exceptions, voted to strike it out; and with this notice gentlemen insisted on keeping the preamble in the bill. Now, if the object of this was not to produce division, to force Whigs to vote against the bill, in order to represent them to the people as opposed to granting supplies; tell me what the object was. If there is any other hypothesis upon which the act can be explained—if gentlemen who deem union so necessary, can tell me why they deliberately resolved that there should be division on this question, I should like to hear the explanation.

Mr. BOYD here said: If the gentleman will refer to the record, he will find 18 of his political friends voting for the preamble, declaring that Mexico made the war.

Mr. DUFF. I have not looked at the record. I have recently seen the eyes and noses printed in a newspaper; and my recollection is pretty distinct that but four Whigs were there represented as voting to sustain the preamble. I may be mistaken.

Mr. PENNINGTON. (in his seat.) You are right.

Mr. DUFF. The gentleman from Virginia says I am right; but the exact number is immaterial. The fact still remains that the great body of the Whigs voted against the preamble.

I have since examined the Journal of the House, and I find that, according to the classification of the members in Greeley's Almanac, there were sixteen Whigs who voted to strike out the first section of the original bill, and insert a new section with the preamble. Sixty-seven votes were given against the preamble, including several democrats.

To be Continued.

HIGHLAND MESSENGER.

ASHLEVILLE, N. C.

Thursday, March 30, 1844.

For President
ZACHARY TAYLOR,
OF LOUISIANA.

FOR GOVERNOR.
CHARLES MANLY,
OF WAKE COUNTY.

We commence to-day the publication of the speech of Mr. Duff, of N. York, on the origin of the war with Mexico, and the objects of the Administration in its prosecution. The fact that negotiations for peace are on foot, is no objection to its reading. It is important, even were peace now made, that the country have information upon this head. We do not intend, so far as we can prevent it, that the authors of this war shall dodge behind a peace to hide themselves from the odium of having begun it unnecessarily.

The Ten Regiment Bill has passed the Senate, by a vote of 29 to 19.

Exciting news from France will be found in to-day's paper. A revolution has been expected for several years past.—The next information from that country will be looked for with thrilling interest.

NOW'S THE TIME!
GREATEST PAPER IN NORTH CAROLINA.

The opening campaign is going to be one of almost unparalleled interest. Already are the two great parties of the nation arraying their forces for a desperate contest. The friends of the constitution, of Republican Government, are determined to strike a mighty blow for the redemption of the Government—they are determined to wage an "uncompromising" war upon the horde of plunderers who are sucking the life blood of the nation. If the Whigs fail at the next Presidential election, well may the scar-covered veteran exclaim, "Alas, my blood has been shed for naught! My years of toil for worse than vanity!" We verily believe that upon the success of the Whig party depends the salvation of this Republic.—We know there are many disposed to look upon these fears as idle, but we think a review of the conduct of the present Administration will satisfy any honest man, that this is indeed a fearful epoch in the history of our country—and that the best efforts of every patriotic are necessary to preserve from shipwreck the gallant old bark which has weathered so many storms—that unless we tack about, and take a new start, the breakers among which we are tossing and careering, will prove our utter destruction.—Our opponents are not idle. They have too long enjoyed the "loaves and fishes" to yield without a desperate effort. They will die hard, depend on it. The Executive patronage has been used and it is now being used to strengthen the party in power, and the Whigs have a mighty foe to contend with in this same patronage. But if true to themselves, to their principles, they will triumph gloriously.

The times demand of every one some sacrifice of effort for the sake of the principles we advocate. And every Whig should ask himself, how can I best promote the object in view? We tell you in a word, circulate the documents! President Polk once said, "Old documents are dangerous things," and he, as well as his party, will fully realize in the present campaign, the truth of the remark. Then circulate the documents! Give the people light, and our head for it, they will not be found in the ranks of Locofocoism. In furtherance of this object, we offer the MESSENGER from this time until the Presidential election, embracing a period of over seven months, for

ONE DOLLAR!

In all cases in advance, of course. To clubs of five, send *one dollar*. To clubs of twelve, send in the same way, *ten dollars*. To twenty, *fifty dollars*.

Now Whigs, go to work! See your neighbors, tell the importance of having a newspaper devoted to their interests, in these exciting times, form your clubs, and send on the names and the money, and you shall not only have the worth of your money in being kept advised of the news of the day, but will render an important service to your party in scattering among the people a vast amount of correct information upon the political questions of the day.

We have no pledges to make, other than such as we are weekly fulfilling to the best of our ability. Our best efforts have been, and will be again, devoted to the interests of our party. It may be proper to state, however, that we hope to be able to secure the assistance of a gentleman every way qualified to assist us in making the Messenger more interesting, particularly in the political department, for that will be

the leading feature in our paper, at least until after November next.

Come Whigs, now don the armor, and to battle!

We hope the Convention to be held here during April Court, may be a full one—in western parlance, a rouser. The Whigs owe it to themselves to be represented on that occasion, and we sincerely desire to see in attendance delegates from every county in the district. This is particularly desired from the antagonistical attitude which in some sections the friends of the different distinguished men spoken of as candidates, have assumed. It is desirable that the National Convention be a fair representation of the wishes of the people. We, as a friend to the nomination of Gen. Taylor, ask only this, and we are willing to accord to those who desire the nomination of Mr. Clay, the same liberality.

John M. Botts has written a lengthy paper, purporting to be a protest against the preference expressed by the Virginia State Convention for Gen. Taylor. Well, who objects? Mr. Botts is only one man, and like a small potato in the midst of a great potato rot, no great "shakes" at that.

"Potomac," the well known, shrewd and gifted, Washington Correspondent of the "Baltimore Patriot," in discussing on the warring and conflicting elements which will be at work in the Loco Foco National Convention, concludes by saying—So I judge it safe to set down, that James K. Polk, and nobody but James K. Polk, will be the nominee of the Baltimore Convention, for President.

The venerable Ambrose Spencer, late chief justice of the State of New York, died at Lyons, New York, on Monday the 13th inst.

The Hon. Henry Wheaton died at Roxbury, Massachusetts, on Saturday the 11th inst. It is not long since Mr. Wheaton returned from Europe, where he had long resided in a diplomatic character. His last post of duty having been at the capital of Prussia.

The Philadelphia Ledger very justly remarks, that all the politicians can get out of old Zach, is enough to convince them that he is an honest and independent man. And that is more than any of his questioners are.

New Hampshire.—The returns from this State leave no doubt of the success of the Loco Foco candidate for Governor.—The Legislature is also of the same political complexion.

ANOTHER COMMISSIONER APPOINTED.

We learn that on Saturday last, in consequence of the enforced indisposition of Mr. Sevier, the Commissioner to Mexico, the President, by and with the advice and consent of the Senate, appointed the Hon. Nathan Clifford, the Attorney General of the United States, an additional Commissioner, possessing equal powers with Mr. Sevier, who will follow Mr. Clifford as soon as his health will allow. The two Commissioners are now possessed of joint and several powers, so that one or both may act.

Mr. Clifford and R. M. Walsh, Esq., Secretary of Legation, passed through Washington last Sunday night, on their way to Mexico. At our last advice, Mr. Sevier was rapidly convalescing, and has probably followed Mr. Clifford before this time.

CURE FOR THE DROPSY.

The following is said to be a certain cure for the Dropsy. Take eiders from a blacksmith shop, beat them fine, sift them, take out the coarse particles, mix the fine ciders with a pint of honey until it is stiff enough to lie on the point of a case knife, not hard like pills. Give the patient as much as will lie on the point of a case knife, three times a day, morning, noon and night. The mixture is very purgative and will cause the patient to discharge great quantities of water, both purgatively and by urine. The potion to be given according to the operation. If the quantity appears to be too severe, give less; if it does not operate enough, give more, and continue it until the swelling is gone. The patient may eat any diet but milk, of which he should not taste a drop; neither use any other medicine while taking the above. Several persons, it is said, have been cured of the Dropsy in its worst form, by using the above mixture, some of whom were so bad that the water oozed out of their feet and legs, and left their backs as they walked on the floor.—Most remarkable cures of dropsy have been effected by the daily use of raw onions by the patient. Eat freely of them, and abstain from all kinds of grease and milk.

If N. Kelsey, Esq., will permit his name to be used as a candidate for the Lower Branch of the next Legislature, he will receive the support of

MANY WHIGS.

If John Thrash, Esq., will suffer his name to be used again, as a candidate to represent Buncombe county in the Lower Branch of the next Legislature, he will receive the cordial support of

MANY VOTERS.

Correspondence of the Messenger.

Camden, S. C., March 20, 1844.

Mr. Editors—I have concluded to write you a few lines from this place, hoping I may communicate some things that will interest some of your readers. In visiting this place, I passed the spot at which a severe battle was fought in the Revolutionary war; the place where DeKalb fell, and from which Gates ran; both of which events are matters of history known to all who have read the history of the Revolution. An intelligent old gentleman pointed out to me the very spot where the Baron fell covered with wounds, which very soon terminated his existence. A handsome monument raised to his memory in this place, will aid in transmitting his name to posterity.

Cotton, the great staple of the South, is in a very unsettled state at present. Telegraphic despatches received here yesterday from Charleston, have closed the sales here entirely, and this morning I question whether a bale of cotton could be sold in Camden at any price. The news by the Hibernian steamer was favorable, and cotton advanced half a cent. The arrival two days ago of the Cambria, has thrown it all back, and no one is disposed to touch it at all. This state of things is produced mainly by the Revolution now going on in France. Louis Philippe has abdicated the throne, and a strong party in Paris have declared for a republican form of government, in imitation of the government of the United States. A collision between the government troops and the rebels, has already taken place, in which some five hundred lives were lost. If the Republicans, as they style themselves, succeed, a war between France and Great Britain is confidently looked for, and in fact there is just grounds of apprehension on that subject in any event. France has not forgotten the fall of Napoleon, and a strong National feeling exists to revenge his fall.—A secret rivalry has existed between the two countries for some time, and a change of government that is now taking place in France, will be seized upon as a favorable opportunity to embroil the two nations. This news and these speculations have deranged all mercantile or commercial views and calculations, and the most knowing, the most sagacious, cannot divine with any certainty what is to be the result of matters; all is shrouded in obscurity; no one is willing to risk any speculation whatever, as they "do not know what a day may bring forth." Renewed appeals to this country are being made for unhappy and ill-fated Ireland, famine is again upon them, and the wall of thousands crying for bread has reached our shores, our people remembering they are our brothers, are again liberally contributing to their relief, yet hundreds and thousands must perish before succor can arrive. This is certainly a gloomy period in the world's history. War, pestilence and famine, the three great and terrible plagues, are upon them.

The condition of the United States is considered gloomy, and it is so; but how blessed, how happy, how inconceivably favored compared with other portions of the globe; while famine is ravaging whole neighborhoods, we have and to spare. Our own difficulties and our troubles, were all brought upon us by our own conduct, and may be justly attributed to the elevation of one man to office years ago.—While I would at all times tread lightly on the ashes of the dead, candor forces the declaration that all the curses that have been visited on this country for the last eighteen years, can be traced to the election of Genl. Jackson to the Presidency—the last but by no means the least of which is the subsequent election of James K. Polk.

I see by the papers that with some slight alterations the treaty of peace with Mexico has been ratified by the Senate, and Hon. A. H. Sevier, of Arkansas, is sent there Minister Plenipotentiary, to make a final settlement of the affair. Now this regard as the greatest humbug connected with the war. A party in Mexico anxious to get the Government in their own hands, too weak to accomplish their ends unaided, say to the United States, we will treat with you upon liberal terms, provided you will stipulate to quarter twelve thousand troops in Mexico for 2 years, to enforce an observance of the treaty. That is the proposition, but it is very clear that the object they have in requiring the troops to remain there is to perpetuate themselves