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PEACE WITH MEXICO.

BY ALBERT GALLATIN.

(Continued.)

V.—The Claim of Texas to the Rio del Norte, as its Boundary, Examined.

From what precedes, it appears that the Government of the United States considered the refusal of Mexico to receive a resident Envoy or Minister as a sufficient cause for war; and the Rio del Norte as the legitimate boundary of Texas. The first opinion is now of no importance; but the question of Boundary, which was the immediate cause of hostilities, has to this day been the greatest impediment to the restoration of Peace. I feel satisfied that, if this was settled, there would be no insuperable difficulty in arranging other preliminaries.

The United States claim no other portion of the Mexican dominions, unless it be by right of conquest. The tract of country between the Rio Nueces and the del Norte, is the only one which has been claimed by both parties, as respectively belonging either to Texas or to Mexico. As regards every other part of the Mexican possessions, the United States never had claimed any portion of it. The iniquity of acquiring any portion of it, otherwise than by fair compact freely consented to by Mexico, is self-evident. It is, in every respect, most important to examine the grounds on which the claim of the U. States in the only territory claimed by both nations is founded. It is the main question at issue.

The Republic of Texas did, by an act of December, 1836, declare the Rio del Norte to be its boundary. It will not be seriously contended that a nation has a right by a law of its own, to determine what is or shall be the boundary between it and another country. The act was nothing more than the expression of the wishes or pretensions of the Government. Its only practical effect was that, emanating from its congress or legislative body, it made it imperative on the Executive not to conclude any peace with Mexico unless that boundary was agreed to. As regards right, the act of Texas is a perfect nullity. We want the arguments and documents by which the claim is sustained.

On a first view the pretension is truly startling. There is no exception; the Rio Norte, from its source to its mouth, is declared to be the rightful boundary of Texas. The river has its source within the Department, Province or State of New Mexico, which it traverses through its whole length from north to south, dividing it into two unequal parts. The largest and most populous, including Santa Fe, the capital, lies on the left bank of the river, and is, therefore, embraced within the claim of Texas. Now this province of New Mexico was first visited and occupied by the Spaniards under Vasquez Coronado, in the years 1540 to 1542. It was at that time voluntarily evacuated, subsequently revisited, and some settlements made about the year 1484; finally conquered in 1595 by the Spaniards, under the command of Oñate. An insurrection of the Indians drove away the Spaniards in the year 1680. They reentered it the following year, and, after a long resistance, reconquered it. This was an internal conflict with the Aborigines; but, as related to Foreign Powers, the sovereignty of the Spaniards over the territory was never called in question; and it was, in express terms, made the Western boundary of Louisiana in the Royal Charter of the French Government.

The conquest of the province by Oñate took place five and twenty years prior to the landing of the Pilgrims in New England, and twelve years before any permanent settlement had been made in North America, on the shores of the Atlantic, by either England, France, Holland, Sweden or any other Power, but that in Florida by Spain herself.

I have in vain sought for any document, emanating from the Republic or State of Texas, for the purpose of sustaining its claim either to New Mexico or the country bordering on the lower portion of the del Norte. The only official papers within my reach, in which the claim of Texas is sustained, are the President's Messages of May 11, and December 3, 1846; and these refer only to the country bordering on the lower part of the del Norte.

The portion of the Message of May 11, which relates to that subject is as follows: Congress, had been, by the final action of our Union, the Congress of Texas, by its act of December 19, 1846, had declared the Rio del Norte to be the boundary of that Republic. Its jurisdiction has been extended and exercised beyond the Nueces, and the del Norte had been presented in the Congress and in the Convention of Texas; had thus taken part in the act of

Association itself, and is now included within one of our Congressional Districts. Our own Congress had, moreover, with great unanimity, by the act approved December 31, 1846, recognized the country beyond the Nueces as a part of our territory, by including it within our Revenue system; and a Revenue officer, to reside within that District, has been appointed, by and with the advice and consent of the Senate. It became, therefore, of urgent necessity to provide for the defence of that portion of our country. Accordingly, on the 13th of January last instructions, were issued to the General in Command of these troops to occupy the left bank of the del Norte.

"The movement of the troops to the del Norte was made by the Commanding General, under positive instructions to abstain from all aggressive acts toward Mexican citizens, and to regard the relations between that republic and the U. States as peaceful, unless she should declare war, or commit acts of hostility indicative of a state of war. He was speedily directed to protect private property, and respect personal rights."

In his annual message of December 8, 1846, the President states that Texas, as ceded to the United States by France in 1803, has been always claimed as extending west to the Rio Grande; that this fact is established by declarations of our Government during Mr. Jefferson's and Mr. Monroe's administrations; and that 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.

He then repeats the Acts of Texas with reference to their boundaries; stating that "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; such as organizing and defining limits of counties extending to the Rio Grande; establishing courts of justice, and extending her judicial system over the territory; establishing also a custom house, post offices, a land office, &c."

The President designates by the name of Texas the cession of Louisiana by France to the United States; and he again calls the territory ceded to Spain by the Florida treaty of 1819, the Texas. He intimates that the claim of the United States to the territory between the Sabine and the Rio Norte was derived from the boundaries of Texas, and that by claiming as far west as the river, the United States did not recognize that it was the boundary of the Texas. I really do not understand what is meant by this assertion.

The United States claimed the Rio Norte as being the legitimate boundary of Louisiana, and not of Texas. Neither did France ever have been in possession of the country beyond the Sabine; Spain had always held possession, and had divided the territory into provinces as she pleased. One of these was called Texas, and its boundaries had been designated and altered at her will. With these the United States had no concern. If their claim could be sustained, it must be by proving that Louisiana extended of right thus far. This had no connection with the boundaries which Spain might have assigned to her province of Texas. These might have extended beyond the Rio del Norte, or have been east of the Rio Nueces. There is not the slightest connection between the legitimate boundaries of Louisiana and those of the Spanish province of Texas. The presumed identity is a mere supposition.

It is not necessary to discuss the soundness of the pretensions to the Rio Norte, asserted by Mr. Jefferson and Mr. Monroe, since they were yielded in exchange of Florida, and some other objects, by the treaty of 1819; a treaty extremely popular at the time, and the execution of which was pressed with great zeal and perseverance.

Whenever ultimately ceded to Mexico, that republic fixed its boundaries as it thought proper. Texas and Coahuila were declared to form a State; and the Rio Nueces was made the boundary of Texas. When Texas declared itself independent, it was the insurrection of only part of a State; for Coahuila remained united to Mexico. But the Rio Nueces was the boundary between the department of Texas and the State of Tamaulipas. The whole contested territory lies within the limits of Tamaulipas, which never was under the Mexican Government, connected in any shape with Texas.

The question now under consideration is only that between the United States and Mexico; and in that view of the subject, it is quite immaterial whether the acts of the United States emanated from Congress or from the Executive. No act of either, recognizing the territory beyond the Nueces as a part of the territory of the United States, can be alleged against Mexico, as a proof of their right to the country thus claimed. Any such act is only an assertion sustaining the right. It is, however, proper to observe here that the port of delivery west of the Nueces, erected by the act of Congress, "To establish a collection district in the State of Texas," was at Corpus Christi, a place which was in the actual possession of that State.

It must also be premised that, in the joint resolution for the annexation of Texas, the question of the boundary between it

and Mexico was expressly reserved, as one which would be settled by treaty between the United States and Mexico.

The only arguments in the President's message, which would support the right of Texas to Territory beyond the Nueces, are contained in those passages, in which it is asserted that the jurisdiction of Texas had been extended and exercised beyond the Nueces; that the country between that river and the del Norte had been represented in the Congress and Convention of Texas, and was then included within one of our Congressional districts.

But it is not stated in the President's message, how far beyond the Nueces the jurisdiction of Texas had been extended, nor what part of the country between that river and the del Norte had been represented in the Congress and Convention of Texas, and was then included within one of our Congressional districts.

Now the actual jurisdiction beyond the Nueces never extended farther than the ancient settlement of San Patricio, consisting of about twenty families. That small district, though beyond the Nueces, was contiguous to and in the actual possession of Texas. On this account it might be rightfully included within the limits which we were bound to protect against Mexican invasion.

But what was the country between this small settlement of San Patricio, or between Corpus Christi and the Rio del Norte, over which it might be supposed from the message that the jurisdiction of Texas had been extended, as to be included within one of our Congressional districts? Here again, Texas had erected that small settlement into a county called San Patricio, and declared that this county extended to the Rio del Norte. This, like all other declaratory acts of the same kind, was only an assertion not affecting the question of right. The State of Texas might, with equal propriety, have declared that their boundary extended to the Sierra Madre or to the Pacific. The true question of right to any territory, beyond the Mexican limits of the Department of Texas depends on the facts: By whom was the territory in question actually inhabited and occupied? and had the inhabitants united with Texas in the insurrection against Mexico?

The whole country beyond the settlement of San Patricio and Corpus Christi, till within a few miles of the del Norte, is a perfect desert, 160 miles wide by the route pursued by General Taylor, as stated by himself, and near 120 in a straight line.

The only settled part of it is along the left bank of the del Norte, and but a few miles in breadth. This belt was settled, inhabited and occupied exclusively by Mexicans. It included the town of Loredo; and Mexico had a custom house at Brazos north of the mouth of the river. Till occupied by the American arms it had ever been, and was at the time when invaded by General Taylor, a part of the Department of Tamaulipas and subject to the jurisdiction of the Prefect of the Northern District of that Department.

In the course of the war between Mexico and Texas, incursions had occasionally been made by each party into the territory of the other. A Mexican officer had, once or twice, obtained temporary occupation of San Antonio, within the limits of Texas; and the Texas had on one occasion taken Loredo itself, and more than once had carried their arms not only to the left bank of the del Norte, but even beyond that river. In both cases the aggressive parties had been repulsed and expelled. The last Texan expedition of that kind took place in December, 1842, and terminated in their defeat at Mier.

That the country adjacent to the left bank of the river was exclusively in the possession of the Mexicans, was well known to our Government. When General Taylor marched to the del Norte, he issued an order, (No. 30,) translated into the Spanish, ordering all under his command to observe with the most scrupulous respect, the rights of all the inhabitants, who might be found in peaceful prosecution of their respective occupations, as well on the left as on the right side of the Rio Grande. No interference, he adds, will be allowed with the civil rights or religious privileges of the inhabitants.

In June, 1845, General Taylor had been directed to select and occupy, on or near the Rio Grande del Norte, such a site as would be best adapted to repel invasion and to protect our Western border. But on the 8th of July following, the Secretary of War, (Mr. Marcy,) addressed the following letter to him:

"This Department is informed that Mexico has some military establishments on the east side of the Rio Grande, which are and for some time have been, in the actual occupancy of her troops. In carrying out the instructions heretofore received, you will be careful to avoid any acts of aggression, unless an actual state of war should exist. The Mexican forces at the posts in their possession, and which have been so, will not be disturbed as long as the relations of peace between the United States and Mexico continue."

On the 30th July, 1845, the Secretary again addresses General Taylor as follows: "You are expected to occupy, protect and defend the territory of Texas, as the extent of that it has been occupied by the people of Texas. The Rio Grande is claimed to be the boundary between the two countries, and up to this boundary you are to extend your protection, only occupying any posts on the eastern side thereof,

which are in the actual occupancy of Mexican forces or Mexican settlements over which the Republic of Texas did not exercise jurisdiction at the period of annexation or shortly before that event. It is expected, in selecting the establishment for your troops, you will approach as near the boundary line, the Rio Grande, as prudence will dictate. With this view the President desires that your position for a part of your forces at least should be west of the River Nueces.

The Mexican settlements, thus excepted, are not those over which Texas did not claim jurisdiction, but those on the east bank of the Rio Grande over which Texas did not exercise jurisdiction at the period mentioned. The President had no authority to give up the boundary claimed by Texas; but it is clear that at that time, when war was not contemplated, the Administration was of opinion that, till the question was definitively settled, the occupancy by the Mexicans of the territory, adjacent, the left bank of the del Norte ought not to be disturbed. Neither the subsequent refusal by Mexico to receive a resident Envoy, nor the success of the American arms, have affected the question of right. The claim of Texas, whether to New Mexico or to the lower portion of the Rio Norte, was identically the same, as invalid and groundless in one case as in the other.

Why a distinction has been made by the Executive has not been stated. The fact is that he has established a temporary Government for New Mexico, as a country conquered, and without any regard to the claim of Texas; while, on the other hand, he has permitted that State to extend its jurisdiction over the country lying on the left bank of the del Norte, which, like New Mexico, had been conquered by the arms of the United States. Not a shadow of proof has been adduced to sustain the pretensions of Texas to that district; and justice imperiously requires that it should by the treaty of peace be restored to Mexico.

It so happens that the boundary, which may be traced to conformity with this principle, is a natural one, and that, as a measure of expediency none more eligible could have been devised. A desert of our hundred and twenty miles separated the most southern Texan settlements of Corpus Christi and San Patricio from those of the Mexicans on the left bank of the del Norte, that which no boundary could be devised better calculated to prevent collisions hereafter between the two nations. It will be sufficient, for that purpose, to draw a nominal line through the desert, leaving all the waters that empty into the Rio Norte to Mexico, and all those that empty into the Rio Nueces to Texas, together with such other provisions, respecting fortifications and military posts, as may be necessary for the preservation of peace.

The line of the Rio Norte is one from which Mexico would be perpetually threatened, and from which their adjacent town on the eastern bank may be bombarded. Such an intolerable nuisance would perpetuate most hostile feelings. With such a narrow river as the Rio del Norte, and with a joint right of navigation, repeated collisions would be unavoidable.

Among these, when there was nothing but a fordable river to cross, slaves would perpetually escape from Texas; and where would be the remedy? Are the United States prepared to impose by a treaty on Mexico, where Slavery is unknown, the obligation to surrender fugitive slaves?

Mexico is greatly the weaker power, and requires a boundary which will give her as much security as is practicable. It is not required, either for the preservation of peace or for any other legitimate purpose, that the United States should occupy a threatening position. It cannot be rationally supposed that Mexico will ever make an aggressive war against them, and even in such case, the desert would protect them against an invasion. If a war should ever again take place between the two countries, the overwhelming superiority of the Navy of the United States will enable them to carry on their operations wherever they please. They would, within a month, reoccupy the left bank of the Rio Norte, and within a short time effect a landing and carry the war to any quarter they pleased.

Must the war be still prosecuted for an object of no intrinsic value, to which the United States have no legitimate right, which justice requires them to yield, and which even expediency does not require?

VII.—Recapitulation.

It is an indisputable fact that the annexation of Texas, then at war with Mexico, was tantamount to a declaration of war, and that the comparative weakness of Mexico alone prevented its Government from considering it as such.

Under these circumstances, it was evidently the duty of the United States to use every means to soothe and conciliate the Mexicans, and to walk with patience for an unconditional recognition of the independence of Texas, till the feelings excited by our aggression had subsided.

It has been shown that after Mexico had resorted to a substitute for war, to the harmless suspension of the ordinary diplomatic intercourse, the attempt to make it retract that measure, before any negotiations for the restoration of harmony between the two countries should be entered into, was neither countenanced by the acknowledged law of nations, nor necessary for any useful purpose, nor consistent with a proper and just sense of the relative position in which the aggressive measures of the United States had placed

the two countries. But that the refusal of Mexico to submit to that additional circumstance, should have been considered as an insult to the United States, betrays the pride of power, rather than a just sense of what is due to the true dignity and honor of this nation.

It has been demonstrated, that the Republic of Texas had not a shadow of right to the territory adjacent to the left bank of the lower portion of the Rio Norte; that though she claimed, she never had actually exercised jurisdiction, over any portion of it; that the Mexicans were the sole inhabitants, and in actual possession of that district; that therefore its forcible occupation by the army of the U. States was, according to the acknowledged law of nations, as well as in fact, an act of open hostility and war; that the resistance of the Mexicans to that invasion was legitimate; and that therefore the war was unprovoked by them, and commenced by the United States.

If any doubt should remain of the correctness of these statements, let them be tested by the Divine and undisturbed precept: "Do unto others as you would be done by."

If at this moment France was to contract a treaty of defensive and offensive alliance with Mexico, a treaty taking effect immediately, and pending the war between the United States and Mexico and herself to defend it with all her forces against any and every other Power, would not the United States at once consider such a treaty as a declaration of war against them?

If, in lieu of declaring war against Great Britain, in the year 1812, the U. States had only suspended the ordinary diplomatic relations between the two countries; and Great Britain had declared that she would not enter into any negotiation for the settlement of all the subjects of difference between the two countries, unless the United States should, as a preliminary condition, restore those relations; would not this have been considered as a most insolent demand, and to which the United States never could submit?

If the United States had been for more than a century, in possession of a tract of country, exclusively inhabited and governed by them, disturbed only by the occasional forays of an enemy; would they not consider the forcible military invasion and occupation of such a district by a third Power, as open and unprovoked war, commenced against them? And could their resistance to the invasion render them liable to the imputation of having themselves commenced the war?

Yet it would seem as if the splendid and almost romantic successes of the American arms had for a while, made the people of the United States deaf to any other consideration than an enthusiastic and exclusive love of military glory as if, forgetting the origin of the war, and with an entire disregard for the dictates of justice, they thought that those successes gave them the nation a right to dismember Mexico, and to appropriate to themselves that which did not belong to them.

But I do not despair, for I have faith in our institutions and in the people; and I will now ask them whether this was their mission and whether they were placed by Providence on this continent for the purpose of cultivating false glory, and of sinking to the level of those vulgar conquerors who have at all times desolated the earth.

VIII.—The Mission of the United States.

The people of the United States have been placed by Providence in a position never before enjoyed by any other nation. They are possessed of a most extensive territory, with a very fertile soil, a variety of climates and productions, and a capacity of sustaining a population greater, in proportion to its extent, than any other territory of the same size on the face of the globe.

By a concurrence of various circumstances they found themselves, at the epoch of their independence, in the full enjoyment of religious, civil and political liberty, entirely free from any hereditary monopoly of wealth or power. The people at large were in full and quiet possession of all those natural rights for which the people of other countries have for a long time contended, and still do contend. They were, and you still are, the supreme sovereigns, acknowledged as such by all. For the proper exercise of these unconquered powers and privileges you are responsible to posterity, to the world at large, and to the Almighty Being who has poured on you such unparalleled blessings.

Your mission is to improve the state of the world, to be the "Model Republic," to show that men are capable of governing themselves, and that this simple and natural form of Government is that also which confers most happiness on all, is productive of the greatest development of the intellectual faculties, above all, that which is attended with the highest standard of private and political virtue and morality.

Your forefathers, the founders of the Republic, imbued with a deep feeling of their rights and duties, did not derive from those principles. The sound sense, the wisdom, the probity, the respect for public faith, with which the interests of the nation were managed, and our institutions an object of general admiration. Here, for the first time, was the experiment attempted with any prospect of success, and on a large scale, of a Representative Democratic Republic. If it failed, the last hope of the friends of mankind

was lost of instituting posthumously, and the eyes of the world were turned toward you. Whenever real or pretended apprehensions of the imminent danger of treating the people at large with power were expressed, the answer ever was—"Look at America!"

In their external relations the United States before this unfortunate War, had, while sustaining their just rights, ever acted in strict conformity with the dictates of justice, and displayed the utmost moderation. They never had voluntarily injured any other nation. Every acquisition of territory from Foreign Powers was honestly made, the result of Treaties, not imposed, but freely consented to by the other party. The preservation of peace was ever a primary object. The recourse to arms was always in self defence. On its expediency there may have been a difference of opinion; that, in the only two instances of conflict with civilized nations which occurred during a period of sixty-three years, (1783 to 1846) the just rights of the United States had been invaded by a long continued series of aggressions, is undeniable. In the first instance War was not declared; and there were only partial hostilities between France and England. The Congress of the United States, the only legitimate organ of the nation for that purpose, did, in 1812, declare War against Great Britain. Independent of depredations on our Commerce, she had, for twenty years, carried on an actual War against the United States. I say actual War, since there is now but one opinion on that subject; a renewal of the impressment of men sailing under the protection of our flag would be tantamount to a declaration of War. The partial opposition to the War of 1812 did not rest on a denial of the aggressions of England and of the justice of our cause, but on the fact that, with the exception of impressions, similar infractions of our just rights had been committed by France, and on the most erroneous belief that the Administration was partial to that country, and insincere in their apparent efforts to restore Peace.

At present, all these principles would seem to have been abandoned. The most just, a purely defensive War—and no other is justifiable—is necessarily attended with a train of great and unavoidable evils. What shall we say of one, iniquitous in its origin and provoked by ourselves, of a War of aggression, which is now publicly avowed to be one of intended conquest? If persisted in, its necessary consequences will be, a permanent increase of our Military Establishment and of Executive patronage; its general tendency to make men hate-mans, to awaken his worst passions, to accustom him to the taste of blood. It has already demoralized no inconsiderable portion of the nation.

The general Peace which has been preserved between the great European Powers, during the last thirty years, may not be ascribed to the purest motives. Be these what they may, this long and unusual repose has been most beneficial to the cause of humanity. Nothing can be more injurious to it, more lamentable, more scandalous than the War between two adjacent Republics of North America.

Your mission was, to be a model for all other Governments and for all other less favored nations; to adhere to the most elevated principles of political morality, to apply all your faculties to the gradual improvement of your own institutions and social state; and, by your example, to exert a moral influence most beneficial to mankind at large. Instead of this, an appeal has been made to your worst passions; to cupidity, to the thirst of unjust aggrandizement by brutal force; to the love of military fame and of false glory; and it has even been tried to pervert the noblest feelings of your nature. The attempt is made to make you abandon the lofty position which your fathers occupied, to substitute for it the political morality and heathen patriotism of the heroes and statesmen of antiquity.

Thus, and thus, it was attempted to pervert even your virtues. Devotedness to country, or patriotism, is a most essential virtue, since the national existence of any society depends upon it. Unfortunately, our most virtuous dispositions are perverted, not only by our vices and weaknesses, but also by their own excess. Even the most holy of our attributes, the religious feeling, may be perverted from that cause, as was but too lamentably exhibited in the persecutions even unto death, of those who were deemed heretics. It is not, therefore, astonishing, that patriotism, carried to excess, should also be perverted. In the entire devotedness to their country, the people, everywhere and at all times, have been too apt to forget the duties imposed upon them by justice toward other nations. It is against this natural propensity that you should be especially on your guard. The blame does not attach to those who, led by their patriotic feelings, though erroneous, flock around the national standard. On the contrary, no men are more worthy of admiration, better entitled to the thanks of their country, than those who, after war has once taken place, actuated only by the purest motives, duty and with the utmost self-devotion, brave death and stake their own lives in the conflict against the actual enemy. I must confess, that I do not extend the same charity to those citizens, who, solely and deliberately plunge the country into any unjust or unnecessary war.

We should have but one conscience, and