

recollect that it contained a permission to the Mexican forces to retire with their arms. This was urged as a matter of soldierly pride, and as an ordinary courtesy. We had reached the limit of our instructions, and the commissioners rose to report to disagreement.

Upon returning to the reception-room, after the fact had been announced that the commissioners could not agree upon terms, General Ampudia entered at length upon the question, treating the point of disagreement as one which involved the honor of his country. He spoke of his desire for a settlement without further bloodshed, and said he did not care about the pieces of artillery which he had at the place. Gen. Taylor responded to the wish to avoid unnecessary bloodshed. It was agreed the commission should re-assemble, and we were instructed to concede the small arms; and I supposed there would be no question about the artillery. The Mexican commissioners now urged that, as all other arms had been recognized, it would be creditable to the artillery if required to march out without any thing to represent their arm, and stated, in answer to an inquiry, that they had battery of light artillery, manoeuvred and equipped as such. The commission again rose, and reported the disagreement on the point of artillery.

Gen. Taylor, hearing that more was demanded than the middle ground, upon which, in a spirit of generosity, he had agreed to place the capitulation, announced the conference at an end, and rose in a manner which showed his determination to talk no more. As he crossed the room to leave it, one of the Mexican commissioners addressed him, and some conversation which I did not hear, ensued. Gen. Worth asked permission of General Taylor, and addressed some remarks to Gen. Ampudia, the spirit of which was that which he manifested throughout the negotiation, viz: generosity and leniency, and a desire to spare the further effusion of blood. The commission re-assembled, and the points of capitulation were agreed upon. After a short recess, we again repaired to the room in which we had parted from the Mexican commissioners; they were tardy in joining us, and slow in executing the instrument of capitulation. The 7th, 8th and 9th articles were added during this session. At a late hour, the English original was handed to Gen. Taylor for his examination; the Spanish original having been sent to Gen. Ampudia. Gen. Taylor signed and delivered to me the instrument as it was submitted to him, and I returned to receive the Spanish copy with the signature of Gen. Ampudia, and send that having Gen. Taylor's signature, that each General might countersign the original to be retained by the other. Gen. Ampudia did not sign the instrument as was expected, but came himself to meet the commissioners. He raised many points which had been settled, and evinced a disposition to make the Spanish differ in essential points from the English instrument. Gen. Worth was absent. Finally he was required to sign the instrument prepared for his own commissioners, and the English original was left with him that he might have it translated, (which he promised to do that night,) and be ready the next morning with a Spanish duplicate of the English instrument left with him. By this means, the two instruments would be made to correspond, and he was compelled to admit his knowledge of the contents of the English original before he signed it.

The next morning the commission again met; again the attempt was made, as had been often done before by solicitation, to gain some grant in addition, to the compact. Thus we had, at their request, adopted the word *capitulation* in lieu of *surrender*; they now wished to substitute *stipulation for capitulation*. It finally became necessary to make a peremptory demand for the immediate signing of the English instrument by General Ampudia, and the literal transaction (now perfected) by the commissioners and their general. The Spanish instrument first signed by Gen. Ampudia was destroyed in presence of his commissioners; the translation of our own instrument was countersigned by Gen. Taylor, and delivered. The agreement was complete, and it only remained to execute the terms.

Much has been said about the construction of article 2 of the capitulation, a copy of which is hereto appended. Whatever ambiguity there may be in the language used, there was a perfect understanding by the commissioners upon both sides as to the intent of the parties. The distinction we made between light artillery equipped and manoeuvred as such, designed for and used in the field, and pieces between the armament of a fort, was clearly stated on our side, and that it was comprehended on

theirs appeared in the fact that repeatedly they asserted their possession of light artillery, and said they had one battery of light pieces. Such conformity of opinion existed among our commissioners upon every measure which was finally adopted, that I consider them, in their sphere, jointly and severally responsible for each and every article of the capitulation. If, as originally viewed by Gen. Worth, our conduct has been in accordance with the peaceful policy of our Government, and shall in any degree tend to consummate that policy, we may congratulate ourselves upon the part we have taken. If otherwise, it will remain to me as a deliberate opinion, that the terms of capitulation gave all which could have followed, of desirable result, from a further assault. It was in the power of the enemy to retreat, and to bear with him his small arms and such a battery as was contemplated in the capitulation. The other grants were such as it was honorable in a conquering army to bestow, and which it cost magnanimity nothing to give.

The above recollections are submitted to Generals Henderson and Worth for correction and addition, that the misrepresentation of this transaction may be prevented by a statement made whilst events are recent and the memory fresh.

JEFFERSON DAVIS,
Colonel Mississippi Riflemen.
Camp near Monterey, October 7, 1847.

The above is a correct statement of the leading facts connected with the transaction referred to, according to my recollection. It is however proper that I should further state that my first impression was, that no better terms than those first proposed, on the part of Gen. Taylor, ought to have been given, and I so said to General Taylor when I found him disposed to yield to the request of General Ampudia; and at the same time gave it as my opinion, that they would be accepted by him before we left the town. General Taylor replied, that he would run no risk where it could be avoided; that he wished to avoid the further shedding of blood, and that he was satisfied that our Government would be pleased with the terms given by the capitulation; and, being myself persuaded of that fact, I yielded my individual views and wishes, and under that conviction I shall ever be ready to defend the terms of the capitulation.

J. PINCKNEY HENDERSON,
Maj. Gen. Commanding the Texan Volunteers.

I not only counselled and advised, the opportunity being offered by the General-in-chief, the first proposition, but cordially assented and approved the decision taken by General Taylor in respect to the latter, as did every member of the commission, and for good and sufficient military and national reasons; and stand ready, at all times and proper places, to defend and sustain the action of the commanding general, and participation of the commissioners. Knowing that malignants, the tremor being off, are at work to discredit and misrepresent the case, (as I had anticipated,) I feel obliged to Col. Davis for having thrown together the material and facts.

W. J. WORTH,
Brig. Gen. commanding 2d division.
Monterey, October 12, 1847.

Terms of the capitulation of the City of Monterey, the capital of Nueva Leon, agreed upon by the undersigned commissioners, to wit, Gen. Worth of the United States Army; General Henderson, of the Texan Volunteers; and Colonel Davis, of the Mississippi Riflemen, on the part of Major General Taylor, commanding-in-chief the United States forces; and General Requena and General Ortega, of the army of Mexico, and Senor Manuel M. Llano, Governor of Nueva Leon, on the part of Senor General Don Pedro Ampudia, commanding-in-chief the army of the North of Mexico.

Article 1. As the legitimate result of the operations before this place, and the present position of the contending armies, it is agreed that the city, the fortifications, the cannon, the munitions of war, and all other public property, with the under mentioned exceptions, be surrendered to the commanding General of the United States forces now at Monterey.

Art. 2. That the Mexican forces shall be allowed to retain the following arms, to wit: the commissioned officers, their side-arms; the infantry, their arms and accoutrements; the cavalry, their arms and accoutrements; the artillery, one field battery, not to exceed six pieces, with twenty-one rounds of ammunition.

Art. 3. That the Mexican armed forces retire within seven days from this date beyond the line formed by the pass of the Rinconada, the city of Linares, and San Fernando de Posos.

Art. 4. That the city of Monterey be evacuated by the Mexican, and occupied by the American forces to-morrow morning, at 10 o'clock.

Art. 5. To avoid collision, and for mutual convenience that the troops of the United States will not occupy the city until the Mexican forces have withdrawn, except for hospital and storage purposes.

Art. 6. That the forces of the United States will not advance beyond the line specified in the third article, before the expiration of eight weeks, or until the orders of the respective Governments can be received.

Art. 7. That the public property to be delivered, shall be turned over and received

by officers appointed by the commanding generals of the armies.

Art. 8. That all doubts, as to the meaning of the preceding articles, shall be solved by an equitable construction, and on principles of liberality to the retiring army.

Art. 9. That the Mexican flag, when struck at the citadel, may be saluted by its own battery.

(Signed, &c.)

From the Pennsylvanian.

Explicents of the Opposition.

The play of the "Jealous Wife," a glorious old comedy, by the way, contains a capital character of a suspicious woman, who fancies every thing that occurs a new proof of the infidelity of her husband. Every knock at the door heralds some new but hidden intrigue; every letter contains some new assignation; every visitor, no matter what the sex, is regarded as an accomplice. It is wonderful how ingenious she is in convincing herself that she is justly jealous, and with what rare skill she misunderstands every thing that takes place, and how rapidly she sees and detects the abundant proof of her injuries. The Federal press is now playing the part of the jealous wife for political purposes. In order to convince the people how infamously Gen. Taylor has been treated by Mr. Polk, they pervert every thing that transpires into proof of the fact. It is wonderful with what delicate tact they connect the necessary circumstances, and with what a keen scent they discover approaching danger. The *United States Gazette* saw in the perils previous to the battles of the 8th and 9th of May, but the results of a policy that had been decided upon by Mr. Polk to destroy Gen. Taylor, but the end showed that the cause was in that gallant soldier himself. The same paper saw in the armistice at Monterey, only a new proof of the evil counsels of the executive: but that, too, was the act of General Taylor, as he showed himself. All these suspicions, so connivingly started, and so insidiously encouraged, have not, however, succeeded in living very long; they have perished before the truth as uttered by General Taylor himself. The *National Intelligencer*, however, determined that the system shall not be abandoned without another effort to keep it up, attacks the administration for having now promulgated an order issued in 1845, the effect of which is to arrest the indiscriminate writing of letters by the officers of the army. It can see in this, of course, but a new species of attack upon Gen. Taylor, and in this instance, regards it as having been elicited by his late letter against the administration. We heartily rejoice that this order has been revived, and hope it may be adhered to. If the plans of our campaigns are to be exposed by the officers in the army, there should be some severe penalties pronounced against the practice. Until recently, we believe, these letters have not been of this character; although the *Intelligencer* itself warmly concurred with us, in a recommendation submitted by this journal, several months ago, that the practice should be wholly abandoned. The administration may have hesitated in restricting this habit, so long as these letters went no further than to retail the idle gossip of the camp, or the incidents of the field; but as it seems to have taken a wider range, and to meditate the disclosure of the plans of the administration in regard to the war, we trust that vigorous means may be taken to put a stop to it; and this, too, no matter how many suspicions it excites in the opposition ranks. We shall not be at all surprised to hear that General Taylor approves of this order himself. Had it been in force sooner it is probable his injudicious friend would have saved him the mortification of printing his confidential letters in the newspapers.

From Texas.

By the steamer *Paimetto* at New Orleans, dates from Galveston to the 7th inst. have been received.

Generals Scott and Worth were still at Brazos Santiago. Gen. Worth's whole command had arrived from above, and were reported to be all on ship-board and ready to sail down the coast.

The number of German emigrants, according to statements of officers of the custom-house, who arrived in Galveston during the quarter ending December 31, 1846, was 4020.

The *Great Gun*.—The *N. Y. Express* says that the large gun cast in England, to replace the "Peace-maker," which exploded on board the *Princeton*, has been, or will at once be, put on board the bomb ketch at Brooklyn, and taken to the Gulf, to be used at Vera Cruz. It is said the War Department do not think it will be used before April, at the soonest.

Weather clear and cooling off.



Lincolnton:

Saturday, February 27, 1847.

We are requested to announce **William Slade, Esq.** as a candidate for Sheriff of the County of Lincoln, at the election by the Justices during March Court. Feb 27

We are requested to announce **Benjamin S. Johnson, Esq.** as a candidate for Sheriff of the County of Lincoln, at the election by the Justices during March Court. Feb 20

To Arms! To Arms.

At a meeting held at Dallas, in the county of Gaston, on Tuesday, the 16th inst., it was unanimously

Resolved, That they would render all the aid in their power to raise a Company of Mounted Volunteers, to be tendered to President Polk, to serve during the war now waging between Mexico and the U. States, and to effect the same they would unite with the counties of Lincoln and Catawba.

The Freeman of Lincoln County are requested to meet at the Court House in Lincolnton, on Tuesday, the 2d day of March next, to respond to the request of Gaston County.

Freemen of Old Lincoln, your rights are invaded, your fellow-citizens have been massacred on American soil; you are called on to punish the aggressors. Then, let every lover of his country attend this meeting, and lend all the aid in their power to effect its object. Young men of Lincoln, Catawba, Gaston, Cleveland, and Burke now is the time to show yourselves worthy the heritage of Revolutionary sires, and the title of a brave people.

Let the sword do its duty, it has slept long enough. Its point will get blunt and its steely cheeks rough; It thirsts for the blood of the Mexican herd—
The *Alamo! the Alamo!*—remember the word!

AN AMERICAN.

The printing materials to be sold at Court, are not those of the *Lincoln Courier*, as some of our friends have circulated. We have them in possession, but other materials as good will enable the *Courier* to compete with any who may feel inclined to try a tilt for the spoils. We court opposition, as it will only stimulate to renewed exertion.—The materials have to be sold to pay an old debt; we hope they may do it, for it seems the stockholders never will.

We hope our friends will not make it necessary for us to call on them during the next week; as they must be aware that our new arrangement will put us to considerable expense.

The Raleigh Register and Greensboro Patriot, seem mighty snappish relative to the remarks we made regarding the Volunteers from Yancey. We said they were "rather whiggish," because most of the officers were whigs, and presuming like Paine and Fagg they would not have went without commissions, we gave a rather "whiggish" coloring to the whole company. The term "trembling cowards" who "forsook their captain" comes with little grace from the Register, the Editor being in possession of the facts, which plainly show that after waiting in Charlotte (Mr. James Graham's rendezvous) for sixteen days, not mustered in, thrown on their own resources, the miserable pittance afforded by the Legislature exhausted, masters attempted to be palmed on them—their vassalage to be made the reward of party devotion—we say under such circumstances, and facts, the term used does not apply to the Rowan company—that of old democratic Mecklenburg (118 dragoons) are now "on their way to Matamoras;" Edgecombe is off with her 200 gallant spirits; where then must we find these "trembling cowards," if not in tory Guilford—whose boast is to send a flag, the only "relic" of patriotism. As to the Yancey volunteers, we entertain the most kindly feelings, but as is often the case, it becomes necessary to expose matters that may not well be relished. Therefore, we would ask the Editors what title the fifty-four volunteers from Yancey had to a company allowance of \$1000? and why was not the amount as promptly afforded to companies that were full, and induced to swallow the pill, obnoxious as it surely must have been to a large majority of our gallant volunteers, besides the obligation of serving under men who asserted this war to be unholy and unjust?

The "nearly half" of "trembling cowards" who forsook the Yancey company, no doubt were some of the "Mexican party" a "Guilford Whig" has succeeded in forming.

If some of the whig press would for a moment study the necessities of the Government, they would urge the unconditional appropriation of money to conduct the war with Mexico; then we should not doubt their sincerity, when they express a sympathy with the suffering Irish. "Charity begins at home," is an old maxim, yet there is a medium can well be observed, and of our fullness much can be spared; let it be, but without ostentation; then like the widow's mite, it will be doubly blessed.

Duel Expected.

The Ashboro' Herald of a recent date, states that Captain Long, accompanied by two friends, passed through that place, on their way to Virginia, to fight a duel with "A Guilford Whig." The Sheriff of Rowan was eight hours behind in pursuit.

Worth, the Daguerreotypist, has left us, after running his business into the ground, with a vengeance. Even the "ladies of color" gave him an audience, and supplied their boudoirs with remembrances. He is a clever sort of fellow, and we are only sorrow to find him engaged in such a small business. *Prenez Garde!*

The citizens of Charleston with their characteristic spirit, are about to present a valuable sword to Lt. Colonel Fremont, as testimony of respect for him as a native of their city, and appreciating his so valuable services in the Oregon expedition. This compliment is richly merited; we think so the more, because it seems but like yesterday when the poor, obscure boy and ourselves pored over Carpenter's spelling book side by side. Little did we then anticipate what Fame had in store for him. Long may he live to enjoy the fruits.

Profitable Mine.

The Gold fever has taken a fresh start in this quarter, and every suspicious looking rock is being turned over; but what will the reader think when we state, that while working one of the King's mountain mines a pair of silver spectacles and shoe buckles of old fashion make, were found at a depth of 4 feet, supposed to have belonged to an English officer, as silver was never a drug with the American army. The skeleton was not more than 5 feet in length, and decomposition had so taken place as to render it impossible to move it in its position. One glass of the specs were broken, it is supposed by the pick. If Messrs Haddock & Co. believe in the angler's rule, "when we go a catin' we go a catin'," they can just fork them over, to be deposited in the archives of the State with Gen. Ferguson's spurs. This is the first instance on record of burying a man with spectacles on—we wonder if there's not "a few more left of the same sort."

Mr. Butler, of South Carolina, seems to have lost much of his Judicial gravity since elected to the Senate, if he is judged by the "ha, ha, ha," and the "renewed merriment" which, it is reported, interrupted Mr. Torney in his "attack" on Mr. Calhoun's motion. Mr. B. seems determined to "tink as mine vrow shinks," as the Dutchman said; well, let him do so, but remember there are others who will think for themselves. The Senate will soon eclipse the House in rowdiness.

The paper on which our present number is printed shows but a scant pattern; we did not notice until too late to remedy it. The appearance is small, but the matter as usual.

The Three Million Bill.

This bill is yet before Congress, with a proviso that slavery shall not exist in any territory hereafter to be acquired. Thus is the President harassed by Congress, and deprived of the means of concluding a satisfactory peace. As regards the proviso, of course the south and west are united in opposition, and they will doubtless support the bill with these resolutions; time will show.

Resolved, That the territories of the United States belong to the several States composing this Union, and are held by them as their joint and common property.

Resolved, That Congress, as the joint agent and representative of the States of this Union, has no right to make any law, or do any act whatever, that shall directly, or by its effects, make any discrimination between the States of this Union, by which any of them shall be deprived of its full and equal right in any territory of the United States, acquired, or to be acquired.

Resolved, That the enactment of any law which should directly, or by its effects, deprive the citizens of any of the States of this Union from emigrating with their property into any of the territories of the United States will make such discrimination, and would, therefore, be a violation of the