

# THE RALEIGH STAR AND NORTH CAROLINA GAZETTE.

T 193 J, LE 14V, EDITOR AND PROPRIETOR.]

"NORTH CAROLINA:—POWERFUL IN MORAL, INTELLECTUAL AND PHYSICAL RESOURCES—THE LAND OF OUR GIRLS AND THE HOME OF OUR AFFECTIONS."

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ately adopted as may be necessary to vindicate the honor of the country, and insure ample reparation to our injured citizens."

The Committee on Foreign Affairs of the House of Representatives made a similar recommendation. In their report, they say that they "fully concur with the President that ample cause exists for taking redress in our own hands, and believe that we should be justified in the opinion of other nations for taking such a step. But they are willing to try the experiment of another demand, made in the most solemn form, upon the justice of the Mexican government before any further proceedings are adopted."

No difference of opinion upon the subject is believed to have existed in Congress at that time; the Executive and Legislative departments concurred; and yet such has been our forbearance, and desire to preserve peace with Mexico, that the wrongs of which we then complained, and which gave rise to these solemn proceedings, not only remain unredressed to this day, but additional causes of complaint, of an aggravated character, have ever since been accumulating.

Shortly after these proceedings, a special messenger was despatched to Mexico, to make a final demand for redress; and on the twentieth of July 1837, the demand was made. The reply of the Mexican government bears date on the twenty-ninth of the same month, and contains assurances of the "anxious wish" of the Mexican government "not to delay the moment of that final and equitable adjustment which is to terminate the existing difficulties between the two governments;" that "nothing should be left undone which may contribute to the most speedy and equitable determination of the subjects which have so seriously engaged the attention of the American government;" that the "Mexican government would adopt, as the only guides for its conduct, the plainest principles of public right, the sacred obligations imposed by international law, and the religious faith of treaties;" and that "whatever reason and justice may dictate respecting each case will be done." The assurance was further given, that the decision of the Mexican government upon each cause of complaint, for which redress had been demanded, should be communicated to the government of the United States by the Mexican minister at Washington.

These solemn assurances, in answer to our demand for redress, were disregarded. By making them, however, Mexico obtained further delay. President Van Buren, in his annual message to Congress of the fifth of December, 1837, states, that "although the larger number" of our demands for redress, and "many of them aggravated cases of personal wrongs, have been now for years before the Mexican government, and some of the causes of national complaint, and those of the most offensive character, admitted of immediate, simple, and satisfactory replies, it is only within a few days past that any specific communication in answer to our last demand, made five months ago, has been received from the Mexican minister;" and that "for not one of our public complaints has satisfaction been given or offered; that but one of the cases of personal wrongs has been favorably considered; and that but four cases of both descriptions, out of all those formally presented, and earnestly pressed have as yet been decided upon by the Mexican government." President Van Buren, believing that it would be vain to make any further attempt to obtain redress by the ordinary means within the power of the Executive, communicated this opinion to Congress, in the message referred to, in which he said: "On a careful and deliberate examination of the contents," (of the correspondence with the Mexican government,) and considering the spirit manifested by the Mexican government, it has become my painful duty to return the subject as it now stands, to Congress, to whom it belongs, to decide upon the time, the mode, and measure of redress." Had the United States at that time adopted compulsory measures, and taken redress into their own hands, all our difficulties with Mexico probably would have been long since adjusted, and the existing war have been averted. Magnanimity and moderation on our part only had the effect to complicate the difficulties, and render an amicable settlement of them the more embarrassing. That such measures of redress, under similar provocations, committed by any of the powerful nations of Europe, would have been promptly resorted to by the United States cannot be doubted. The national honor, and the preservation of the national character throughout the world,

as well as our own self-respect and the protection due to our own citizens, would have rendered such a resort indispensable. The history of no civilized nation in modern times has presented within so brief a period so many wanton attacks upon the honor of its flag, and upon the property and persons of its citizens, as had at that time been borne by the United States from the Mexican authorities and people. But Mexico was a sister republic, on the North American continent, occupying a territory contiguous to our own, and was in a feeble and distracted condition; and these considerations, it is presumed, induced Congress to forbear still longer.

Instead of taking redress into our own hands, a new negotiation was entered upon with fair promises on the part of Mexico but with the real purpose, as the event has proved indefinitely postponing the reparation which we demanded and which was so justly due. "This negotiation," after more than a year's delay, resulted in the convention of the eleventh of April, 1839, for the adjustment of claims of citizens of the United States of America upon the government of the Mexican Republic. The joint board commissioners created by this convention to examine and decide upon these claims was not organized until the month of August 1840, and under the terms of the convention they were to terminate their duties within twelve months from that time. Four of the eighteen months were consumed in preliminary discussions on frivolous and dilatory points raised by the Mexican commissioners; and it was not until the month of December, 1840, that they commenced the examination of the claims of our citizens upon Mexico. Fourteen months only remained to examine and decide upon these numerous and complicated cases. In the month of February, 1842, the term of the commission expired, leaving many claims undisposed of for want of time. The claims which were allowed by the board; and by the umpire authorized by the convention to decide in case of disagreement between the Mexican and American commissioners, amounted to two million twenty six thousand one hundred and thirty nine dollars and sixty eight cents. There were pending before the umpire when the commission expired additional claims which had been examined and awarded by the American commissioners, and had not been allowed by the Mexican commissioners amounting to nine hundred and twenty eight thousand six hundred and twenty seven dollars and eighty eight cents, upon which he did not decide, alleging that his authority had ceased with the termination of the joint commission. Besides these claims, there were others of American citizens amounting to three million three hundred and thirty six thousand eight hundred and thirty seven dollars and five cents, which had been submitted to the board, and upon which they had not time to decide before their final adjournment.

The sum of two million twenty six thousand one hundred and thirty nine dollars and sixty eight cents which had been awarded to the claimants was a liquidated and ascertained debt due by Mexico, about which there could be no dispute, and which she was bound to pay according to the terms of the convention. Soon after the final awards for this amount had been made, the Mexican government asked for a postponement of the time of making payment, alleging that it would be inconvenient to make the payment at the time stipulated. In the spirit of forbearing kindness towards a sister republic, which Mexico has so long abused the United States promptly complied with her request. A second convention was accordingly concluded between the two governments on the thirtieth of January, 1843, which upon its face declares that "this new arrangement is entered into for the accommodation of Mexico." By the terms of this convention, all the interest due on the awards which had been made in favor of the claimants had been made in favor of the claimants, and the interest due on the awards, was stipulated to be paid in five years, in equal instalments every three months. Notwithstanding this new convention was entered into at the request of Mexico, and for the purpose of relieving her from embarrassment the claimants have only received the interest due on the thirtieth of April 1843, and three of the twenty instalments. Although the payment of the sum thus liquidated and confessedly due by Mexico to our citizens as indemnity for acknowledged acts of outrage and wrong was secured by treaty, the obligations of which are ever held sacred by all just nations, yet Mexico has violated this solemn engagement by failing and refusing to make the payment. The two instalments due in April and July, under the peculiar circumstances connected with them, have been assumed by the United States and discharged to the claimants, but they are still due by Mexico. But this is not all of which we have just cause of complaint. To provide a remedy for the claimants whose cases were not decided by the joint commission under the convention of April the eleventh, 1839, it was expressly stipulated by the sixth article of the convention of the thirtieth of January,

1843, that "a new convention shall be entered into for the settlement of all claims of the government and citizens of the United States against the republic of Mexico which were not finally decided by the late commission, which met in the city of Washington, and of all claims of the government and citizens of Mexico against the United States."

In conformity with this stipulation a 3d. convention was concluded and signed at the city of Mexico on the twentieth of November, 1843 by the plenipotentiaries of the two governments, by which provision was made for ascertaining and paying these claims. In January 1844, this convention was ratified by the Senate of the United States with two amendments, which were manifestly reasonable in their character. Upon a reference of the amendments proposed to the government of Mexico, the same evasions, difficulties, and delays were interposed which have so long marked the policy of that government towards the United States. It has not even yet decided whether it would or would not accede to them although the subject has been repeatedly pressed upon its consideration.

Mexico has thus violated a second time the faith of treaties, by failing or refusing to carry into effect the sixth article of the convention of January, 1843.

Such is the history of the wrongs which we have suffered and patiently endured for more than seven years. So far from affording reasonable satisfaction for the injuries and insults we had borne a great aggravation of them consists in the fact that while the United States, anxious to preserve a good understanding with Mexico, have been constantly but vainly employed in seeking redress for past wrongs new outrages were constantly occurring which have continued to increase our causes of complaint and to swell the amount of our demands. While the citizens of the United States were conducting a lawful commerce with Mexico under the guaranty of a treaty of "amity, commerce, and navigation," many of them have suffered all the injuries which would have resulted from open war. This treaty instead of affording protection to our citizens has been the means of inviting them into the ports of Mexico, that they might be, as they have been in numerous instances, plundered of their property and deprived of their personal liberty if they dared insist on their rights. Had the unlawful seizure of American property and the violation of personal liberty of our citizens, to say nothing of the insult to our flag which have occurred in the ports of Mexico, taken place on the high seas, they would themselves long since have constituted a state of actual war between the two countries. In so long suffering Mexico to violate her most solemn treaty obligations plunder our citizens of their property, and imprison their persons without affording them any redress we have failed to perform one of the first and highest duties which every government owes to its citizens; and the consequence has been, that many of them have been reduced from a state of affluence to bankruptcy. The proud name of American citizen, which ought to protect all who bear it from insult and injury throughout the world, has afforded no such protection to our citizens in Mexico. We had ample cause of war against Mexico long before the breaking out of hostilities. But even then we forbore to take redress into our own hands until Mexico herself became the aggressor by invading our soil in hostile array and shedding the blood of our citizens.

Such are the grave causes of complaint on the part of the United States against Mexico—causes which existed long before the annexation of Texas to the American Union; and yet animated by the love of peace and a magnanimous moderation, we did not adopt those measures of redress which under such circumstances are the justified resort of injured nations. The annexation of Texas to the United States constituted no just cause of offence to Mexico. The pretext that it did so is wholly inconsistent and irreconcilable with well authenticated facts connected with the revolution by which Texas became independent of Mexico. That this may be the more manifest it may be proper to advert to the causes and to the history of the principal events of that revolution.

Texas constituted a portion of the ancient province of Louisiana, ceded to the United States by France in the year 1803. In the year 1819, the United States, by the Florida treaty, ceded to Spain all that part of La. within the present limits of Texas; and Mexico, by the revolution which separated her from Spain, an independent nation, succeeded to the rights of the mother country over this territory. In the year 1824, Mexico established a federal constitution, under which the Mexican republic was composed of a number of sovereign States confederated together in a federal Union similar to our own. Each of these States had its own Executive, legislative and judiciary, and for all except federal purposes was as independent of the general government, and that of the other States, as is Pennsylvania or Virginia under our constitution. Texas and Coahuila united and formed one of these Mexican States. The State constitution which they adopted, and which was approved by the Mexican confederacy, asserted that they were "free

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

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

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

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

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

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

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

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

To be continued.

The New Orleans Tropic of the 7th Inst. states that the U. States steamship Fashion, capt. Hugh Fullerton, left the preceding afternoon under sealed orders. It is rumored that Tampico or Vera Cruz is her ultimate destination.

## REMARKS OF MR. GRAVES.

OF CARROLL.

On the amendment of Mr. Wilson, of Edgecomb, to the bill to incorporate the Camden and Charlotte Rail Road, providing that half the stock subscribed should be actually paid in, before the work shall be commenced, &c.

Senate, Dec. 5, 1846.

Mr. GILMER having concluded, Mr. GRAVES rose and said, he was gratified to find a change in the tone of address from the other side of the House, since the commencement of this debate. We are now called on, as p. triors, to forget for the moment the influence of party, and meet this question in the calm light of expediency, and public policy. How was it in the onset? Appeals were made to party: Democratic policy was denounced: We were told that the Democratic party deemed corporations contrary to the spirit and genius of the government. He denied it, he indignantly repelled the imputation. It is unjust; it is untrue. They desire to throw around these institutions salutary safeguards—wholesome restrictions; and when they had attempted this, they were told that the Democratic party were opposed to corporations and the enemies of improvement.

He confessed he had borne with some impatience the imputations that had been cast upon the party of which he had the honor of being a member.

He repeated that it afforded him pleasure to see the Democratic party, in the part of Whig Speakers, that they were modifying their tone and language towards the democratic party. Why was this? What changes have come over the spirit of their dreams? Have Senators looked abroad—beyond these walls—and calculated the danger of the foot axle, (the subject of the amendment which has been introduced) flying out of doors, in drawing the party lines? He contended that the amendments were offered in good faith. They were calculated and intended to protect the community; and likewise the corporations themselves against the mismanagement of their officers, binding around them the vigilance of every Stockholder. This would have the effect to check the wild spirit of speculation and reckless enterprise which at one time prevailed amongst all parties, and to which the dominant party of this House seem disposed to adhere. "This is what democrats contend for—call it party or not."

When the democratic party first sought to insert in charters of incorporation, wholesome safeguards by which the Stockholders are to be responsible individually for the debts of the corporation to the amount of their stock, they were met by the unqualified opposition of the Whigs, who denounced the application of the principle to corporations both public and private. The first discussions opened in relation to private companies. The same objections now urged against its application to public corporations, were then vehemently pressed against its application to private corporations, and out of this discussion sprung the memorable protest of the session of 1840, which has been so often referred to since. How stands the case now? The objections now given way, and the justness of its application to private companies, is getting to be generally (if it is not unanimously) admitted by all parties. Something, therefore, evidently has been gained by discussing these principles.

The Senator from Guilford maintained that if there was any wrong on the subject of internal improvements, all parties were wrong. Mr. Graves maintained that there was a time when all parties were wild in their notions on this subject, but that we had had experience, and experience, which taught the necessity of change and the correction of errors. The Democratic party perceiving the mischief which had flowed from previous unguarded legislation upon this subject, pause, and propose to guard against a recurrence of these evils in time to come. The Whigs were not disposed to profit by these salutary lessons, but would go on wilder and wilder in their career, and embarrasments, public and private, more strongly threaten, onward they rush with increased impetuosity.

He had been not a little amused at the contradictions in which Senators involved themselves in this debate. When the Senator from Wake introduced his amendment, it was said it would ruin the bill. If adopted, it would utterly defeat it. In the next breath, it was denounced as a necessary—totally unavailing for the purpose for which it was designed. Then the Senator from Edgecomb presents his amendment. This is characterized as a "second edition of the first, corrected and revised," is an insidious attack upon the bill, intended to trammel and defeat the measure altogether. He denied the existence of any such purpose on the part of his political friends.

Gentlemen said if individuals deal with corporations, let them be like any others dealing with firms and individuals, look for themselves to the ability to pay of those to whom they extend credit. This was very good doctrine to declaim about, but it would not do to carry into practice. Many plain people did not understand the nature of this *quasi* *legislation*, by which an indefinite number of individuals are combined into an *idea* man, by a fictitious name, who goes forth to the world unseen and unknown, thro' the medium of the persons, mysteriously constituting