

THE CAROLINA WATCHMAN.

BRUNER & JAMES,
Editors & Proprietors.

"KEEP A CHECK UPON ALL YOUR
RULERS."



DO THIS, AND LIBERTY IS SAFE.
Gen'l. Harrison.

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A LETTER FROM THE HON. J. R. POINSETT.

STATESBURG, (S. C.) Dec. 12, 1847.

My DEAR SIR: In compliance with your request, and in conformity with my promise, I have determined to give you very briefly my views on the all-engrossing topic of the day. I have detained later than I expected to be in Columbia, and have only this moment seen the President's Message and the Report of the Secretary of War, and am surprised to perceive that they persist in recommending a course of policy which will lead to still further and more expensive expenditure of blood and treasure, and will finally have to be abandoned. With the exception on the subject of the acquisition of territory, I have nothing to do, especially as the President seems to think Congress pledged to those conquests. I can only express my regret and my firm conviction that these territorial acquisitions will not add to our strength or prosperity.

The recommendation that most seriously alarms me is contained in the paragraph where the President says there can be no doubt that Mexico exists a peace party in Mexico, and that it may become expedient for our commanding generals to give assurances of protection to such a party; in short, to create a party, make peace with it, and guaranty it in the possession of power. Nothing can be more chemical; no thing could be more insecure than the execution of such a project, were it practicable. Such a party would bear no proportion to the nation, and the members of it would require to be protected from public indignation and vengeance for long years to come, by a force not less formidable than that now in the country, without the chance of any indemnity, or the power of levying contributions of any sort. If the peace government should agree to pay and adjust their pretensions, they must, from the nature of things, fail to do either. Pray, save us the disgrace of attempting such an intervention. The attempt might lead to an intervention of a different sort, that would possibly prove more successful. The President is apprehensive of foreign interference, first in California, and next to the establishment of a monarchy in Mexico. There is not the slightest risk of the former, and, if the Mexican people are left to themselves, no chance of the latter. They were so entirely republican in 1822 that I did not hesitate confidently to foretell the downfall of Iturbide. They are much more so now, and no scheme of that sort could have even momentary success, unless the leaders considered it as the only chance of opposing us. Their existing a strong monarchical party, strong in wealth and station—the Priests, the former aristocracy and the adherents of Spain. We may drive the numbers under their banners. Still the President is wrong: our armed intervention might bring on us a powerful foreign foe, but could not prevent the evil; whereas, if we hold back, our life for a monarchy would not exist in Mexico three years, with fifty thousand foreign bayonets to sustain it. The people are republican.

The President says he is convinced that the best means of bringing the war to an honorable close will be to prosecute it with increased energy and power in the vital parts of the enemy's country. Now, I am persuaded that so long as we continue to prosecute the war in the interior of Mexico, we shall have no peace with the nation, and all attempts to make peace with a faction will place us in a worse position than open war. I speak with the authority of a perfect knowledge of the nature of the country and the character of the people. I was glad to find that the Secretary rejects the plan of overrunning the whole country, as too expensive; but I was surprised to perceive that he only estimates the number of men it would require to do this, or to maintain our present conquests, at seventy thousand men for the first, and some thirty-five or forty thousand for the second. He says nothing of the annual consumption of men during this prolonged contest. During the most favorable period of the protracted war carried on in a country friendly to them, the British forces lost annually six per cent, one-fourth of whom died of wounds and casualties. In Mexico we should lose at least twenty per cent, per annum of regular forces, and at least forty per cent, of volunteers. I remarked in the isthmus between the Caspian and Black Seas that the Russian forces required to be recruited entirely in three years; that is to say, they required a renewal of one-third every year.

The conquest of that country by Russia affords us lessons we ought to profit by. The Russian forces overran the Caucasian country in 1796, and received the submission of the people. They conquered a peace. Well, in 1807 I passed through the heart of the country, which had been garrisoned with twenty thousand men for eleven years, at a cost of between sixty and seventy thousand men, or six or seven thousand men a year. At that time it was necessary to wait the departure of a train from post to post, as it was unsafe to move with less than two pieces of artillery and a full company of infantry. This state of things continued until 1840, when the Caucasians organized a powerful opposition to their conquerors, and up to the present day have contended against them with advantage. The Caucasians do not contain more than a million and a half of inhabitants; the Russian empire not less than sixty millions. The Caucasians have no regular army; the Emperor six hundred thousand well-disciplined troops.

Both the President and the Secretary build up a system of line defenses, as it is called, which they easily overthrow, because no military man would suggest such an anomaly. I suppose a frontier can only be defended by a chain of posts bordering on the line; whereas it is best secured by strong interior positions. But I did not intend to intrude my opinions on military matters. Settle what territory you intend to claim, and tell Mexico you intend to keep it. She will bluster and protest, but never attack you. Her leaders will have too much at stake to venture so far from their capital. She will have no means to equip and maintain them on long marches and distant campaigns; and I hazard nothing in saying that two or three strong places in the interior of our line would keep them in check for half a century, and in less time we might buy a peace, if thought necessary. By adopting this plan peace would come at last with present economy, and instead of raising thirty thousand

men, you would have troops enough to keep peaceable possession of our new territory, and might dismiss the volunteer force. To succeed in levying the military contributions the President speaks of, and provisioning the army by force, the troops must be very much increased. It requires a very large force to procure supplies without paying for them. They can only be gathered by formidable detachments, and our army never has been and never will be sufficient numerous to enable the commanding General to separate so many men from the main body.

I have given you my opinions very hurriedly, for it appears to me there is little time to lose in settling the course to be pursued. We can at this period withdraw our forces without dishonor; nay, such an act would elevate us in the estimation of the world. The slightest reverse—a threat of foreign intervention—might render such an act difficult, if not impracticable. Before our troops evacuate the Mexican territory that people ought to be told what we intend to do. It is barely possible that they might be disposed to peace upon witnessing such a movement.

With regard to the details of the defence of the line—not the line defence—they can be determined very easily, and I think we might be certain of remaining unmolested for twenty years, and forever, with such precautions as might be taken at little cost.

With great respect and regard, I am, my dear sir, yours, truly,
J. P. POINSETT.

Hon. A. P. BUTLER, U. S. Senate,
Washington.

MR. BADGER'S SPEECH.

In the Senate, January 18th.

Mr. BADGER said: If I believed, sir, that the duty which I owe to the country and to the State which has sent me here, could be performed by yielding to the requisitions of the Executive of the country such supplies as he may deem requisite for the prosecution of the war, upon plans for prosecuting it which have not been made known to Congress—if I believed that I had not a high and controlling obligation to exercise my own best judgment for the benefit of those whom I represent, and for the general welfare of the country, upon every question submitted to the consideration of this body, I might be disposed to vote for the bill upon your table. If, sir, the yeas and nays had not been ordered upon the passage of this bill, I might have been content to permit the measure to pass, as far as I am concerned, without offering a single word to the Senate upon its intrinsic merits. But the yeas and nays have been ordered upon this bill. I cannot vote for it. I shall record my vote against it: and, I think it is due to myself—that the views and principles which will govern my conduct in giving this vote should be plainly and distinctly stated, and should accompany, to the public, the vote itself. Sir, I shall endeavor to assign those views and principles in as short a compass as is consistent with a full exposition of what I believe to be the truth on this all important subject, and which every consideration obliges me to put before those whom I represent, without any unnecessary diminution, without leaving out anything that may be required in a full and complete expression of the argument which, in my mind, is conclusive in regard to the measure before you. I shall offer my own opinions, sir, with entire respect, and even deferential consideration, to the great minds of this body and throughout the country, whom I know to be arrayed against me. Without intending towards them any disrespect, I shall take the liberty to declare what are the opinions which I entertain with regard to the origin of the war, the manner of its prosecution, the tendency of the measures now proposed, and the schemes that are evidently entertained by the Executive of the country in relation to it. I shall not go as far back, sir, as an honorable Senator from Maryland did a few days ago. (I mean the honorable Senator from that State who first addressed the Senate upon this bill.) But, nevertheless, I shall be under the necessity of going a little back for the purpose of making myself fully understood.

First, then, I will lay it down, and endeavor to demonstrate, that the war in which we are now engaged with Mexico, was the immediate result of the unlawful and unconstitutional act of the President of the United States. I suppose, sir, that there is no gentleman on this floor or elsewhere, who supposes or believes that the President of the United States is vested with the war power of this country. It is a power expressly, and in terms, conferred upon the Congress of the United States. And the President would have no control, direct or indirect, except from the incidental circumstance of his limited veto of the action of the two Houses, and except, from the fact, that in virtue of his office he is the chief command, the principal military officer of the U. S. States.

I maintain, then, Mr. President, that when the President of the United States moved the troops under Gen. Taylor to the Rio Grande and took possession of the left bank of that stream, he committed a clear and undoubted act of war. What is war? What do all the writers on the law of nations tell us it is? They all, in substance, define it to be a contest about rights which is carried on or maintained, not by argument, but by force. It can, therefore, admit of no question, that when a nation claiming certain rights, which

are disputed by another, undertakes to support those rights by force, she undertakes to support them by war—war as far as she is concerned. It is true, if the act of violence or aggression on her part, be not resisted by the other that suffers it—if it be patiently and tamely submitted to—no war results. To constitute war, it is as essential that there should be two parties, as it is, there should be two parties to a treaty of peace. The act of one nation cannot alone constitute a war; it is like the act of an individual striking a blow, if it be not resented, no contest, no battle, no fight is the result. The blow is an act of aggression; it is an act commencing a contest, but it does not amount to a perfect contest. Whether this act on the part of the President was an act of war, of hostility, of aggression, depends not at all upon the question, whether we had a right to the territory of which he took forcible possession. War, between nations, pre-supposes a contest about rights. The publicists, who speak of contests between nations, never suppose them to contend except about rights. War is a contest about rights. Public war is a contest between nations about rights, carried on by force and not by argument. If, therefore, it were assumed as clear and unquestionable that the title of Texas and the United States extended to the Rio Grande, it is still beyond all doubt, that Mexico possessing the left bank of that stream, having a settlement there, having officers there, and exercising jurisdiction there—any movement to dispossess Mexico, to occupy what she thus occupied and what she claimed to be her own, is an act of war. It is an act of war just and rightful if territory be ours—just and rightful if the territory be unjustly and improperly withheld—just and rightful, if also the act of war be directed by those who represent the sovereignty of the nation. Well, sir, this act was committed by the President of the United States. He ordered the troops to the Rio Grande. They advanced. When they came into the Mexican settlement, the inhabitants fled before them in dismay; the officers abandoned the public buildings and set fire to them, and under such circumstances, our forces under the command of officers of the United States, took from Mexico that which she was in possession of, and by force kept possession of the territory and placed it under the jurisdiction of the U. S. States.

Now, sir, on this subject I had the honor at the last session to bring to the attention of the Senate, the case of the action of Mr. Jefferson, during his administration of this government, under circumstances of a very similar character, with this difference, that the title of the territory withheld from us was truly and clearly ours. In every other respect the case was like this. The territory was withheld by another power, and a disposition manifested by that power to deprive us of what we held. Under these circumstances, Mr. Jefferson conceived that he had no right to use the military forces of the country to obtain possession of that which was withheld from us. But, he states as a reason for referring the subject to the determination of Congress, that matters relating to peace and war belong exclusively to Congress; and as this movement might change the relation of the two countries from peace to war, therefore, it belonged to Congress to determine whether the movement should be made or not.

But, Mr. President, I have other authority. I certainly shall not say that it is more respectable in itself, than the authority of Mr. Jefferson. I doubt very much whether with a large portion of the American people, and of the Senate, it would be thought quite equal to Mr. Jefferson's. But upon this question, with respect to the President of the United States, the authority is conclusive and overpowering. It creates upon him, what lawyers call an *estoppel*, for I am able to show that the President of the United States has himself recognized that such an act as this is an act of hostility—of aggression—of war. On the 11th of July, 1845, the Secretary of the Navy writes a confidential communication to Com. Conner, an officer in the U. S. service, then in the Gulf of Mexico. He says:

"The unanimous vote of the Texan Congress for annexation leaves no doubt of the consummation of that measure.—When you ascertain, satisfactorily, that the Texan convention, which assembled on the 4th, has also acceded to annexation, you will regard Texas as a part of your country—to be defended like any other part of it."

"At the same time, every honorable effort is to be made to preserve peace with all nations. The restoration of our boundary on the southwest, by the consent and choice of the people of Texas, is due to the strong attraction of the principles of liberty, which endear America to every one of its sons, and is a tribute before the world to the policy of peace, of political freedom, and of union on the principles of freedom. It is the President's desire that this great event should be consummated without the effusion of blood, and without the exercise of force; believing that free institutions, in their own right, will achieve all that can be desired."

I read this part of the communication, sir, for the purpose of calling distinctly

the attention of the Senate to the fact, that though this paper was written on the 11th of July—some months prior to the actual consummation of the act of annexation—yet the instructions to which I propose to call the attention of the Senate, are given prospectively—cautiously—and with a view to the actual completion of that measure, when, as appears from the instructions themselves, the officer to whom they were directed was required to consider Texas as a part of this country.

"To secure this end most effectually, you are charged to commit no act of aggression; and, at the same time, you are invested with the command of a force sufficient to take from others a disposition to hostile acts."

Then after enumerating the forces at the officer's command, the Secretary says: "That you may precisely understand what is meant by the aggression which you are instructed to avoid, I will add, that while the annexation of Texas extends our boundary to the Del Norte, the President reserves the vindication of our boundary, if possible, to methods of peace. You will, therefore, not employ force to dislodge Mexican troops from any post east of the Del Norte which was in the actual possession of the Mexicans at the time of annexation."

"Should Mexico declare war, you will at once dislodge her troops from any post she may have east of the mouth of the Del Norte: take possession of Tampico; and if your force is sufficient, will take the castle of San Juan d'Ulloa, it being the determination of the President to preserve peace, if possible, and, if war comes, to recover peace by adopting the most prompt and energetic measures."

Again, sir, the Secretary of War writes to General Taylor under date of July 8, 1845:

"Sir. 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 U. S. States and Mexico continue."

Now, sir, here we have from the representatives of the President in the two Departments, War and Navy, a clear and distinct recognition of this proposition, that, although the President held that our true boundary was the Del Norte, yet that it would be an act of aggression, a hostile act, an act which would not be justifiable except in a state of war, to dispossess Mexico from any portion of that territory—as she held the possession at the time of the annexation. When, therefore, orders were issued to General Taylor, on the 13th of January, '46, which directed him to advance and occupy a position on the left bank of the Rio Grande, the President ordered what he then, undoubtedly, understood to be an act of war. He ordered what he intended, and what he supposed would be regarded on the part of Mexico, as an act of hostility. For, sir, you will observe, that when General Taylor, in the execution of this order, advanced to the Rio Grande, and drove the Mexicans from their possessions—when he occupied what had before been occupied by the Mexicans—and the inhabitants were flying before him, and these facts were reported to the President, there was not the slightest intimation that General Taylor had exceeded the orders which had been given to him, and had thus been the means of precipitating the country into a war, which, by a prudent regard to those orders, might have been avoided. On the contrary, up to this very moment, all that was done in pursuance of that order, has been recognized by the President as having been done rightfully done, as having been done in accordance with the purposes which the Executive had in view when the orders were given.

But, sir, if the act was not an act of war, it was plainly and manifestly an act which was likely to produce a state of war. It was an act the tendency of which was to change the relations of Mexico and this country from a state of peace to a state of war. Can there be any doubt of this? It is impossible to doubt it, when we recollect the unhappy and angry state of feeling which existed between the two countries. When we recollect the position which our army held at Corpus Christi for so many months, and the disputes existing between the two countries—the mutual charges of insincerity, and breaches of faith—when we recollect all this, it must be manifest that such an act as moving an armed force to the Rio Grande was, in itself, if not an act of war, at least one which wore the appearance of aggression, and one which was calculated to rouse the feelings of the Mexicans, and to provoke retaliation.—Thus much must be conceded; and, it so, sir, whence did the President of the United States derive his power to do this without the consent of Congress.

According to Mr. Jefferson, an act which in its execution may change the relations of a country from peace to war, is an act beyond the competency of the Executive,

and to be passed upon only by Congress. The Constitution has undergone no change, the people have made no amendment to it. It stands now as it stood in the time of Mr. Jefferson. Whence, then, has Mr. Polk derived his authority to precipitate measures which must lead directly to war—Congress being in session, and without even deigning to inform them of what he proposed to do? But, sir, at all events there is not the slightest reason to doubt, as I apprehend, that the movement of the troops to the Rio Grande was the act which produced war. There had been, previously, threatenings on the part of Mexico. There had been exactly that state of feeling which was likely to result in war. But there had been no war, and my conviction is, sir, that if our troops had remained quiet at Corpus Christi, where they had a right to remain on the ground so strongly put by the Senator from Maryland, (Mr. Pearce) that it belonged to Texas by virtue of her revolution, and was then in her possession, there would have been no war. But at all events, suppose that war would have been produced by some other cause, though our troops had not been moved, which is mere matter of speculation, yet it cannot be denied, that in point of fact—this war was the result of the movements of our troops upon the Del Norte. That movement was an act of war. It was at all events, an act tending to change the relations of the two countries from peace to war; and an act which the President could not lawfully or constitutionally perform.

The next proposition which I lay down is, that this war thus resulting from an act of the President, has been prosecuted by him from the commencement with a view to the conquest—the permanent conquest—of at least New Mexico and Upper and Lower California. I beg the attention of the Senate while I shall attempt to demonstrate this proposition from public documents. First, sir, I will call the attention of the Senate to the instructions given by the Secretary of War on the 3d of June, '46, to Gen. Kearney:

"Should you conquer and take possession of New Mexico and Upper California, or considerable parts in either, you will establish temporary civil governments therein—abolishing all arbitrary restrictions that may exist, for so far as it may be done with safety. In performing this duty it would be wise and prudent to continue in their employment all such of the existing officers as are known to be friendly to the United States, and will take the oath of allegiance to them. The duties at the custom houses ought, at once, to be reduced to such a rate as may be barely sufficient to maintain the necessary officers without yielding any revenue to the government. You may assure the people of those provinces that it is the wish and design of the U. States to provide for them a free government, with the least possible delay, similar to that which exist in our Territories. They will then be called on to exercise the rights of freemen in electing their own representatives to the territorial legislature. It is foreseen that what relates to the civil government will be a difficult and unpleasant part of your duty, and much must necessarily be left to your own discretion."

In further proof of this, sir, I read the instruction given by the Navy Department to Com. Sloat, 12th July, 1846:

"The object of the U. States is, under its rights as a belligerent nation, to possess itself entirely of Upper California. The object of the U. States has reference to ultimate peace with Mexico; and if, at that peace, the basis of the *uti possidetis* shall be established, the government expects, through your forces, to be found in actual possession of Upper California."

"This will bring with it the necessity of a civil administration. Such a government should be established under your protection; and, in selecting persons to hold office, due respect should be had to the wishes of the people of California, as well as to the actual possessors of authority in that province. It may be proper to require an oath of allegiance to the U. S. from those who are entrusted with authority. You will also assure the people of California of the protection of the United States."

"After you shall have secured Upper California, if your force is sufficient, you will take possession, and keep, the harbors on the Gulf of California, as far down, at least, as Guaymas. But this is not to interfere with the permanent occupation of Upper California."

Then, sir, on the 13th of August, we have instructions from the Navy Department to Commodore Stockton, or whoever might be the commanding officer in the Pacific.

Now, sir, in order to understand the scope and bearing of these orders still more clearly, let us see what was done under them by the officers to whom they were addressed. In a letter of General Kearney to the Adjutant General of the 24th August, 1846, written from Santa Fe, he says:

"On the 22d I issued a proclamation, claiming the whole of New Mexico, with its then boundaries, as a territory of the U. States of America, and taking it under our protection."

In another part of the same letter he says:

"On my return (which will be in three or four weeks) a civil government will be organized, and the officers appointed for it; after which, I will be ready to move for Upper California, which I hope to be by the latter end of next month. In such case, I shall expect to have a session of that department by the 1st of November."

Then we have General Kearney's proclamation, in which he announced his intention to hold New Mexico as a territory of the U. S., under the name of the territory of New Mexico.

"And he requires of those who left their homes and taken up arms against the troops of the U. States, to turn forthwith to them, or else they will be considered as enemies and traitors, and their property to be seized and confiscated for the benefit of the public treasury."

"It is the wish and intention of the U. S. to provide for New Mexico a free government, with the least possible delay, similar to those in the United States, and the people of New Mexico will be called on to exercise the rights of freemen in electing their own representatives to the territorial legislature. This can be done, the laws hitherto in existence will be continued until they are modified by competent authority, those persons holding office will continue in the same for the present, provided they will consider themselves good citizens, and are willing to take the oath of allegiance to the U. S."

"The U. S. hereby absolves all persons residing within the boundaries of New Mexico from any further allegiance to the Republic of Mexico and hereby declares them as citizens of the U. S. Those who remain quiet and peaceful will be considered good citizens and receive protection—those who are found in arms, or attacking others against the U. S., will be considered as traitors, and treated accordingly."

What was the action of Commodore Sloat? How did he interpret and understand the orders he had received? We have distinct information upon this point, communicated in the proclamation of Commodore Sloat to the people of California. He says:

"Henceforward California, with its portion of the United States and its able inhabitants will enjoy the same rights and privileges they now enjoy, and with the privilege of choosing their magistrates and other officers, for the administration of justice among themselves, the same protection will be extended to them as to any other State in the Union. They will also enjoy a permanent government."

Again Commodore Stockton says: "The Territory of California now held by the U. S., and will be governed, as to its circumstances will permit by the same laws and laws similar to those by which other Territories of the United States are regulated and protected."

Now, sir, it is impossible, I think, to see what was done—what was reported to our officers to the President, as it has been done by them—without seeing that they understood and acted on his instructions, as designed to make a permanent conquest of such portions of Mexico as they were instructed to take possession of. There is not one word in the instructions—noting declaring the actions of the officers obeying the instructions—which referred or alluded to a military occupation of territories, for the purpose of conquering Mexico to do us justice for the wrongs we had sustained at her hands, or officers clearly understood that they were to take possession of, and hold, the territories as a portion of the United States.

What says Commodore Sloat? "I, Robert F. Stockton, commanding in chief of the U. S. forces in the Pacific Ocean, and governor of the Territory of California, and Commander-in-chief of the army of the same, do hereby make known to all men, that having by right and justly taken possession of that territory known by the name of Upper and Lower California, do now declare it to be a territory of the U. States under the name of the Territory of California."

They took possession. They organized governments—and they acted in all respects as if from that time forward the territories ceased to be the property of Mexico, and became the property of the United States.

Well, now did they understand the instruction right? Why, sir, in the sage of the President of the United States communicating those documents, there is something said which implies disavowal of what was done, an intimation that in some respects the instructions had been exceeded. "These documents," says the President, "contain all, &c."

It appears then, upon the statement of the President of the U. S. and the Report of the Secretary of War, that the organization established by General Kearney, the government of the territory of New Mexico, in consequence of its late arrival, with reference to the then succeeding session—had not been read by him and admitted to the President and his officers, taken with respect to it. Well, now, it is the only one of the documents of which it is intimated that the contents were known by the proper department and communicated to the President and approved and sanctioned by him. Therefore, it is reasonable, just and necessary conclusions, that every one of the other documents, except the one thus specified and taken out by the exception, has been admitted, sanctioned and approved. And further, even in reference to General Kearney's organic law nothing is excepted to by the President but this: that he has undertaken to prescribe the form of a permanent territorial government. No excep-