





TEXAS

AND THE

MASSACHUSETTS RESOLUTIONS.

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THE substance of this Essay has already been published in the columns of the Boston Courier, in nine separate newspapers. It is now slightly enlarged and put in a continuous form, in order that the views therein taken of two much disputed questions of great national interest at this time, as well as of the policy to be adopted by the Free States in respect to them, may be submitted entire to the impartial judgment of a free people.

REMARKS.

The People of the United States have been lately taken somewhat by surprise upon the announcement that a Treaty was actually on foot between the American Government and Texas by which the annexation of the latter to the Union, the favorite measure of a great party in the country is at last to be effected. They had scarcely supposed that this question so lately thought to be put at rest was about to rise before them again so soon and in so novel a manner. The newspapers, the usual organs by which events are announced, for reasons which may readily be understood, long abstained very carefully from sounding any alarm, and it was not until the measure was almost upon us that they apprised us even of its existence. Even since the fact has become notorious beyond the possibility of contradiction, it cannot be said that they treat the subject in the full and open and undisguised manner which its paramount importance to the country demands. The great mass of thinking people are not led fully to comprehend what it is that makes this point one of such deep interest to carry in some quarters of the Union, and in others to resist, nor are they prepared by the momentary and evanescent censure which they find now and then passed upon it to devise a plan of action which shall stop the whole movement, while there is time.

And when we say movement, we do not mean by this simply the effort of John Tyler to finish the scheme by what the French would call a "coup de main." That is merely the end of what has been in the process of accomplishment for years back. Mr. Holmes of South-Carolina said in his place in Congress, that the annexation of Texas was "the settled policy of the government." His remark was full of meaning; but how few are there in the Free States, who have been led to give it a moment's consideration? His remark may go somewhat to illustrate the motives of the appointment of Mr. John C. Calhoun to the Department of State, and yet the newspapers of the Free States of all parties seem to hail that appointment, as if it was the announcement of a saviour to the nation. If Mr. Calhoun is likely to save the

State by any policy which he introduces into the administration, then did George Washington greatly misconceive what that policy ought to be, in the legacy which he left to his countrymen.

The annexation of Texas *has* been the settled policy of the government for many years past. But it has been only one of a series of measures which have constituted that policy. Perhaps it was the one most difficult to accomplish, and therefore the longer delayed, that all the initiatory steps might be more firmly taken. There have been those in the Free States, who have watched the progress made with unsleeping vigilance, and who have more than once succeeded in defeating the scheme for the moment, but it never has been laid aside. It never will be laid aside until it is accomplished. Time will be given to remove from the scene the most powerful opponents, or to soften the roughest obstacles. But the thing will be done, peaceably if possible, forcibly if necessary. Let no man in the Free States hug the delusion that it is stopped, because two thirds of the Senators cannot now be found to ratify Mr. Tyler's treaty. There are many ways in America to arrive at the same result. If one fails, another will be tried. Money, promises, bribes, threats, will be used, bargains will be made, and the end of it will be, that unless they interfere with a voice of thunder to prevent it the people of the Free States will be sold, and Texas will be bought for the bauble of the Presidency.

Even now there is living on the banks of the Hudson river an individual, the chief merit of whose political life is to be found in the fact that he, as President of the United States, refused to negotiate a treaty like that which John Tyler now proposes. The recollection of that act, at this time, weighs heavily against him and his hopes of again reaching the station which he lost. He has, through his friends, bargained away much that the Free States deem valuable, the right of petition, the protection of home industry, the freedom of speech, and, indeed, almost every other security to liberty, for the sake of assuring himself of the support of the Southern States. They are not yet satisfied. They require the surrender of all opposition to Texas, and it is to be feared that this also will be sacrificed to them. For instead of meeting half way the generous feelings of four fifths of the people of the Free States, indignant at this secret manœuvre of John Tyler's, the Legislatures of at least three States friendly to Mr. Van Buren, have coolly determined in silence to await the issue. We were not disappointed in this

result, for we know the calculating policy of that gentleman. The principles of liberty are never safe in the hands of men who make a trade of public affairs. Mr. Van Buren must be judged by his preceding course, taken as a whole—and from that let no man delude himself with the belief that he is fixed to any thing but his own interest. If the citizens of the Free States are to have any hope of maintaining to themselves and their children the blessings of liberty, they must rely upon themselves. For *their voice alone* will form the potential rule by which the conduct of such men as Mr. Van Buren will be guided. And with regret it must be confessed that of such men, do, for the most part, our legislative bodies consist.

In order to a full comprehension of the merits of this question, it is necessary to go a great deal deeper than Mr. Tyler's treaty with Texas. That is but an incident—an important one, it may be—but still only one of many, which spring from the same cause. What that cause is, few of the leading politicians of the present day dare to tell if they know. The exposure of it to the light is not a very safe process to any one ambitious of a share of power, to get which it is necessary to gain the assent of Senators from the Southern States. The Massachusetts resolutions ventured to point to that cause in a manner that could not be misunderstood. Hence the extraordinary way in which they have been received throughout the chain of the slave States, and in both branches of the federal legislature. Massachusetts struck directly at the root of the evil. She showed from whence came the policy which has already put fetters on the Free States, the galling nature of which they will only begin to feel when the annexation of Texas shall have brought its train of evils along with it, and the consequence has been a general burst of indignation from the parties interested in maintaining the delusion. It must be confessed that Massachusetts, in making the exposition which she did of the power wielded by the representation of property in man, conceded by the constitution of the United States, over the interests of the Union, went a step beyond public opinion, even in the Free States, and she has not yet been properly sustained in any quarter, but, on the whole, this is not to be regretted. There is time enough. Events will show whether she is right or wrong. If the duty of sustaining the great principles of human progress against attack, is to devolve upon any one, who so fit to lead as the people of Massachusetts?

Let no one, however, be so simple as to imagine that the

question thus opened can end here. Mr. Dromgoole of Virginia may flatter himself that his resolution, forced through the House of Representatives at Washington at the expense of every privilege which makes a deliberative assembly valuable to the people, will set it at rest for the present. But his action, and that of his servile majority, will only tend to supply another illustration of the evil which Massachusetts pointed out. That cannot be a good cause which stands in need of such aid to support it. That must be a tyrannical system which needs the protection of silent and hurried measures to prevent it from falling. If the eyes of this people are ultimately to be opened, no better means can be devised for the purpose than such as are now often and unblushingly resorted to for the purpose of keeping them blind.

It is a remark made by Mr. Stiles, a representative of Georgia, in a late speech of his, which has been circulated far and wide, that "slavery and the constitution have *flourished* together; their existence is the same and inseparable." Now if it were possible to destroy in the minds of respectable citizens all respect for that instrument, no more effectual mode could be devised than to admit the truth of such a proposition. For what does it imply? Nothing more nor less than that the frame of government which all lovers of freedom had fondly hoped would prove the greatest protection to human liberty ever known, had actually proved the hot-bed for the forcing into rank luxuriance a system of tyrannical despotism by one class over another and larger class of their fellow beings. Mr. Stiles seems to speak as if it were conceded on all hands that the intention of the instrument was to guaranty the perpetuation of slavery. Yet to admit this, would be equivalent to charging its framers with deliberate falsehood; for they, in their preamble, expressly declare the object of the people to be "to secure the blessings of liberty to themselves and their posterity," as well as "to establish justice," to ensure domestic tranquillity, to provide for the common defence and promote the general welfare." Is it then true or not true, what Mr. Stiles says of the constitution; and if true, how comes it to be true in the face of so solemn a preamble, which so directly contradicts him? These are serious questions, and we propose to try to answer them with equal seriousness.

The framers of the constitution meant what they said in the preamble. They were honest and honorable men. They well knew the character of the task which they had undertaken. They felt that the hopes of the people, ay, and of the friends of liberty all over the civilized world, rested upon the suc-

cess of their efforts. And they labored to erect a system of government which should answer the public expectation. They strove to incorporate into it the safeguards of every known principle of liberty, and what they did not formally recognise, the people, by amendments, insisted upon expressly securing. Thus it was that the writ of habeas corpus was reserved, except in cases of extreme public danger, bills of attainder and *ex post facto* laws were prohibited, trial by jury was secured, convictions for treason should be had only upon the concurrent testimony of two witnesses to a single overt act, no corruption of blood should be made a punishment of the offence, and republican forms of government were guaranteed to the several States. These were provisions made to guard against invasions of personal liberty, of which history had furnished examples under arbitrary governments on the other side of the water. But the people of the States, not content with all this, insisted upon articles of amendment which expressly guard against an establishment of religion, against the prohibition of the free exercise of speech by Congress, the abridgement of the freedom of speech or of the press, and the infringement of the right of the people to assemble and to petition for a redress of grievances. So with their right to bear arms, and to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, and also with their right to an impartial trial. All this, and more that might be enumerated, has but one end, and that is—"the securing the blessings of liberty to the people and their posterity"—the very end mentioned in the preamble. The care that was taken to define all these points sufficiently proves the sincerity of the persons engaged in making the form of government. They thought they were creating a republic,—or, as it is now more common though less proper to style it, a democracy. They recommended it, because it appeared to carry out the principles of the revolutionary struggle. It gave a practical sanction to the doctrines of the Declaration of Independence. The people thought so too. They ratified it and adopted it, and boasted of enjoying the freest government on the face of the earth.

And yet Mr. Stiles tells us that "slavery and the constitution have flourished together—their existence is the same and inseparable." The first part of the sentence, at least, is true. Slavery *has* flourished under the constitution. Not because it was the design of the constitution to make it flourish. No! we abhor the idea as a slander upon our forefathers. It was because the framers of the constitution wished to deal mildly with an existing evil. They trusted to the healing influences

of the system which they were about to establish, gradually to remove the sore. They made a mistake. That sore has spread, and proves a corroding ulcer. For the sake of gaining the security to freedom in all the other provisions which have been specified, they unwillingly assented to one aristocratic condition, which gave to a small number of whites, in the slave States, a disproportionate share of political power, on account of their property in their fellow-men. That single aristocratic condition has, from its commencement, worked unmixed evil to the Union. It now bids fair to overturn and destroy all the safeguards of the constitution. It bids fair to make that instrument a mere nose of wax, with which to accomplish the selfish purposes of the class whom it protects. The policy of the United States has been and is to make slavery flourish under the constitution. Mr. Stiles says it has succeeded—thus far. Perhaps so. But it is as yet barely established. The victory has not been gained without a struggle. And the last act yet remains to be done—the annexation of Texas—before it can be said to be beyond the reach of danger. This once accomplished, it will not be difficult to foresee the consequences, as it respects any hope of effective counteraction on the part of the Free States.

One of the least of these consequences is war. War with Mexico, certainly—with Great Britain, probably. Let the people reflect upon these matters well. For to them the result is of no trifling importance. *A war to protect slavery against the civilized world*, is the ultimate point of degradation to which a nation, boasting to be free, is likely to be driven.

Let us however now consider still more closely the assertion of Mr. Stiles, and let us ask ourselves whether the constitution of the United States is what he leads us to infer it is, only a stupendous fraud upon mankind. He affirms that its object was to guarantee the existence of a state of domestic slavery in the Union, and that whenever that object should be made to cease, the constitution must cease also. We should not rest upon the argument of this individual, if we did not know that in it he represents the sentiments of the great mass of the people in the Southern States, who really believe that slavery is an inseparable attendant of our free institutions. We may wonder at the strange nature of the inconsistency committed by men who profess themselves to go to the extreme of democracy in doctrine, but such is yet the fact. Our business is rather with what *is*, than with what *ought to be*. The Legislatures of Virginia, of Alabama, and of Louisiana, as well as the House of Representatives at

Washington, have all, by their action upon the Massachusetts Resolutions, more or less committed themselves to the maintenance of the same proposition. They cannot now get away from it if they would.

Yet in the face of all this, we will undertake at once, and unequivocally to deny, on behalf of the framers of the constitution, any such fraudulent intention. The great body of the convention looked confidently to the day when slavery would be abolished in all the States. The celebrated Judge Wilson announced it in the ratifying Convention of Pennsylvania as one of the most valuable consequences to be expected from the adoption of the constitution. George Washington looked forward to it, if not in the same light, at least as following the voluntary act of the Southern States themselves. Thomas Jefferson, though not a member of the convention, yet a fair representative of Southern sentiment, was not a whit behind-hand in his professions upon the subject. The evil was then confined within comparatively small limits; it was not rapidly growing under the stimulus of the production of an extraordinarily profitable staple, such as cotton has since become and such as sugar may yet become. It was generally believed at the time that the transplantation of the negro to America was an artificial process, which could only be kept up by perpetual importation, and that, without this, the race would decline and die out of itself. Hence the origin of the effort to prevent the prohibition of the slave trade, resulting in the adoption of the first clause of the ninth section of the first article of the constitution, which put that trade beyond the control of Congress for twenty years, or until 1808. This measure, if it meant any thing at all, was a measure of precaution *against* the supposed tendency of the constitution, and by no means implies the opinion that slavery would flourish under its protection—an opinion which Mr. Stiles maintains to have been the prevailing one, and which he, with a greater appearance of justice, assumes to be the correct one.

But how has it come to be a fact, if it be admitted to be true? Is it not because the constitution gave to a hundred and fifty thousand men, owners of slaves,—a number which certainly has not doubled since,—a most disproportionate share of political power over the affairs of the Union? It granted to them an aristocratic distinction of property which forever marked them a favored and separate class, acting together for a common object, the maintenance at every hazard of their special privilege. The consequence has been that the power thus concentrated in few hands has met with no

corresponding combination in other quarters of the Union to resist it, and that it has overborne all opposition. The first struggle, which could hardly be denominated one, took place upon the acquisition of Louisiana to the United States—an acquisition obtained at the sacrifice of every constitutional principle that had ever been maintained in the southern country. This enlarged the territory over which the exclusive privilege could be extended, and multiplied the number of its representatives in the Senate of the Union. The next struggle took place in 1819, at the time of the admission of Missouri, when a serious attempt was made to put a stop to the future increase of that number, by attaching a condition that the right of property in man should not be recognized in the new State. The champions of the exclusive privilege were here again victorious, and they have enjoyed the fruits of that victory down to this time. But the natural progress of events, which increases the citizens of the free States and territories much faster than the slave owners can multiply slaves, has again brought their power into danger—and now the third struggle is about to take place, which will open a new territory, of indefinite extent, already occupied by a sympathizing population active in cherishing the source of their political power, and originally transplanted from the United States to this spot it occupies, for the purpose of bringing about this very result.

One of the most visible modes by which this small but powerful combination has exercised a great degree of influence, has been through the election to the Presidency. Out of the now considerable period since the adoption of the constitution, there may be said to have been but one single term of four years in which this combination has not preponderated in the government—and the history of that term is the one which it has most zealously endeavored to decry. We mean the presidency of the elder Adams. Out of fifty-six years, the combination has obtained a Chief Magistrate from a slaveholding section of the country forty-four years, and it held almost unlimited sway during four of the remaining twelve. The consequence may very easily be guessed. The general policy of the country has been that of protection to the interests of slavery. It is this which makes the words of Mr. Stiles true, and not any supposed intent of the framers of the constitution. Slavery has flourished because those possessing the aristocratic distinction of property conceded in it have always held the balance of power, and they have always used it with a single eye to the maintenance of their exclusive privileges. It is, then, not without reason that Mr.

Holmes has pronounced the annexation of Texas to have been the settled policy of the government. It has been so during the last twenty years, but there has been a difference in the nature of that policy at different periods, which those who now advocate it very sedulously conceal from the public view. In order that we may arrive at a true judgement of the facts, let us look at them a little more closely.

The treaty with France, by which Louisiana was ceded to the United States, left the Western boundary of that territory very uncertain. When the question came up for settlement with Spain, which had the control at that time over the neighboring country of Mexico, it became the duty of the representatives of the two governments to argue it in that manner which should be most for the interest of their respective nations. The Americans claimed the Rio del Norte as the boundary, which would embrace all the country now called Texas, and more; whilst the Spaniards, on the other hand, insisted upon a line running North from the Gulf of Mexico to the River Missouri, at about the ninety-third degree of longitude West from London, which would have taken off a part of what are now the States of Arkansas and Missouri, and much of the Western Territory. As is usual in such cases, an intermediate line was ultimately agreed upon by the treaty of 1819, the third article of which, fixed the boundary at the River Sabine, up to the thirty-second degree of latitude, thence North to the degree of latitude where such a line would strike the Red River, thence westward along this river to the one-hundredth parallel of longitude west from London, thence north to the Arkansas River, thence along this river to its source in latitude forty-two degrees north, and thence westward along that parallel to the Pacific Ocean. In the annual message of President Monroe to Congress, of the 7th December, 1819, this was distinctly announced as a compromise, in the following words:

“On the part of the United States, this treaty was evidently acceded to in a spirit of conciliation and concession For territory ceded by Spain, other territory of great value to which our claim was believed to be well founded, was ceded by the United States, and in a quarter more interesting to her.”

Now if we consider that the Floridas were the territory ceded by Spain, a territory for the sake of gaining which it may be remarked Mr. Jefferson himself whose authority has been much relied upon in this connexion, always stood ready to surrender the claim on Texas, we think it will scarcely be maintained by any one who will cast a glance upon the map, that this treaty was not, so far at least as territory is con-

cerned, and Southern territory too, an abundantly advantageous one to the United States. Yet Mr. J. Q. Adams, who was then in the Department of State, and conducted the negotiation on the part of the Union, has been most singularly treated in connexion with it, by those who now undertake the management of the Texas cause. In the first place, they quote him as a strong authority, when he claimed on the part of this country, the farthest western boundary, which would have included Texas in our territory, and then forgetting the compromise in the treaty, by which that claim was surrendered, in consideration of the corresponding surrender by Spain of the Floridas, as well as of its claim to a part of Arkansas and Missouri and the Western territory,—they insist that he betrayed the interests of the Union, by giving up this claim on the territory of Texas. They seem to forget or to neglect all notice of this contract by which territory was acquired in the place of what was quit-claimed, (for the right of the United States to Texas was never conceded by the Spanish Government, and therefore it never became more than a claim on our part,) and with a singular exhibition of justice and impartiality, they not only insist upon holding all that we got by the bargain, but also upon taking back a part of the consideration that we gave to get it.

And the great argument by which Mr. Walker, who speaks for the Texan party, endeavors to support this extraordinary pretension is that Texas having become by virtue of the Louisiana treaty an integral part of the United States, no part of it could be ceded at all by the general government without the consent of its inhabitants. Mr. Walker appears to overlook the fact that in 1819 when this treaty was made there were very few inhabitants in the territory to consult—that none of them were emigrants from the United States, and that those who were there, as they had never been consulted when the Louisiana treaty was made, so they were as little consulted when the claim was advanced which was to bring them within the limits of the Union. Probably if they had been, they would have adhered to the Spanish side of the question. The question was in substance a question of boundaries in a wilderness. The United States have no right to insist at all times that their claim is not simply a just one as against neighboring nations, but that it is utterly impossible for them to divest themselves of it. Hence that every negotiation and treaty which surrenders such a claim is unauthorised and therefore wholly void. If this argument is always to prevail, where are we to stop? The boundaries of the territory of the Union are not yet per-

fectly defined in many quarters. Are we to assume that our rights *shall* be acknowledged by other nations, to the furthest limit of what we can show any claim for? If we do, then will there never be any possibility of settling questions otherwise than by war. It amounts to dictation to other countries, to which they will never submit—it can never be called negotiation with them. The great body of the people of the United States are not so unreasonable as all this comes to. When a good treaty is made, which secures the great object of peace, and a definite boundary, equally satisfactory to both the negotiating countries, it becomes all honest and well-meaning citizens to abstain thenceforth and forever from all complaint and much more from any effort to annul its force.

Yet we are not among those who can be said to approve of one principle which was contained in that treaty, as affecting the domestic concerns of the Union. We mean the acquisition of additional territory. The example had been unfortunately set by the cession of Louisiana, and a concurrence of circumstances appeared to make the step almost unavoidable. But we fear it has been, and will be, the parent of mischiefs innumerable. One of these has been, what Mr. Holmes calls the settled policy of the Government to annex Texas. Another is the present dispute with the government of Great Britain, about the territory of Oregon. Why should the people of the United States want more lands, when they do not know what to do with those they already have? Why should the twenty-six States seek to open new inducements to the emigration of their own citizens, when those already existing are so great as to make them uncertain of their ability to keep them at home? Still there would be no impulse of this kind sufficiently strong to excite a reasonable share of alarm for the pacific policy of the Union, if it were not for the restless desire of the privileged class to perpetuate the sources of its power.

The treaty with Spain of 1819, signed, sealed and duly ratified by the contracting parties, fixed the Sabine and the Red River as the boundary of the United States on the south-west. It surrendered all claim, or shadow of claim, to the territory of Texas. That was conceded to belong to Spain, whilst Spain held the control of Mexico, and it fell to the share of Mexico when that country made itself independent. Shortly after the acknowledgment of her independence, an effort was made to treat with her for the cession of Texas. That effort was made by Mr. Clay, under the administration of Mr. Adams. It is the beginning of what Mr. Holmes has denominated the settled policy of this Govern-

ment, and inasmuch as the fact has been very much relied upon by Mr. Walker, and other friends of the annexation of Texas, as a justification of the extraordinary series of measures since taken, it may be well to explain precisely to what it amounts.

In the year 1824, or three years after Mexico threw off the Spanish domination, she adopted a constitution, wherein it was provided that "no person should thereafter be born or introduced as a slave into the Mexican nation." At this time the territory of Texas was comparatively a desert. There were but a few settlements, and none of them had shown any disposition to resist the policy thus declared. In 1825, Mr. Clay proposed the cession of the territory, for such a reasonable sum of money as to Mexico would be perfectly satisfactory. It was the *land* that was in question, and not the institutions established in it, for none had been then established. It was an open bargain with a neighbor, which that neighbor was perfectly at liberty to agree to or to reject—and which it did reject in such a manner as to put an end to the negotiation. There was no fraud, no false play, no open profession and secret treachery. We may disapprove of the policy which sought for an enlargement of territory in this quarter, if we please, but we have nothing to be ashamed of in it. We may blame Mr. Adams and Mr. Clay for setting a precedent in this instance, so likely to be abused, and which in fact has been abused, but we cannot make them justly responsible for not foreseeing the train of evils which only the policy of the last fifteen years has brought to light.

In short, Texas is not, and never was ours. We had a claim upon it, believed by us to be good, which we sold for more than it was worth. We have not, therefore, had a shadow of right to it since, and this pretence of getting round a solemn treaty for the sake of reviving a disputed title, settled, advantageously to us, long ago, is only one of many movements which reflect no credit upon the advocates of the annexation. Six years afterwards, it is true that the administration of Mr. Adams offered to buy the territory from Mexico, before it was seriously encumbered with "the domestic institution," and before citizens of the United States had gone into it for the purpose of exciting disaffection, but it did not pretend that Mexico was not fully possessed of all the rights to it which Spain held under the Treaty of 1819, up to the period of the overthrow of her domination. The offer was made—it was declined, and there was an end of the business. In making it, the United States conceded the validity of the title by which Mexico held it. It would have been

well for the character of our diplomacy, if they had continued, as at first, contentedly to abide by the refusal.

But this was not destined to be the case. We must now go into a very brief examination of that which Mr. Holmes has called the "settled policy of the government," respecting Texas. We have no desire to say any thing unnecessarily harsh, either of active or retired public men, but a part of the truth, at least, must be told. The whole has never yet been, and probably never will be, revealed to the public. If in any particular we commit errors from want of all the necessary evidence to substantiate our statements, we shall be glad to be corrected. The times demand that the facts should be presented with accuracy and without passion.

General Jackson was elected President of the United States, and in March, 1829, assumed the office. Mr. Van Buren became his Secretary of State. On the 25th of August following, the latter gentleman wrote to our minister in Mexico, that the President wished him to open, without delay, a negotiation for the purchase of Texas. For that which the preceding administration had not thought of offering more than one million of dollars, the General was willing to offer four millions of dollars, or even as much as five.

It must be noted that at this very time the government was aware of the fact that an expedition had been fitted out by Spain for the reconquest of Mexico, which appeared for some time likely to be successful. We refer to that under General Barradas. This was thought to be a highly favorable moment to press the offer of so large a sum of money. "It is" said Mr. Van Buren in one of his despatches "regarded by us as an auspicious one to secure the cession, and I will add, that there does not appear to be any reasonable objection on the score of delicacy, to its being embraced."

The Mexican character is somewhat peculiar. It is indolent, but very stubborn. However delicate they might have considered the offer at such a moment, the money was no temptation, and the Spanish expedition came to nothing. Mr. Poinsett was obliged to write home his conviction "that we never can expect to extend our boundary south of the Sabine, *without quarreling with these people.*"

Here was a hint. How it was taken, may best be understood by reading an extract from a newspaper, the Arkansas Gazette of 1830, which announced, "from information derived from a source entitled to the *highest* credit, that no hopes need be entertained of our acquiring Texas, until some other party more friendly to the United States shall predominate in Mexico, and *perhaps not until Texas shall throw of the yoke*

of allegiance to that government, which they will do, no doubt, as soon as they shall have a reasonable pretext for so doing.”

What was the “source entitled to the highest credit” from which issued so remarkable an oracle? Who was it that thus succeeded in casting forward the shadow of coming events? Was it the President’s correspondent in Arkansas, the Secretary of State, Mr. Fulton? Was it Mr. Anthony Butler, who had been in the confidence of the President in 1829, and who succeeded Mr. Poinsett in Mexico? or the still more remarkable person who became the instrument through which conjecture was made reality, General Houston? We shall not pretend to any ability to answer these questions, but we shall endeavor to show as briefly as possible the relations which these persons bore to the history we have in hand.

It is a fact, that this Samuel Houston, a man who had made himself conspicuous as a friend of General Jackson prior to the election of 1828, who had been a representative from Tennessee in Congress, as well as Governor of that State, and who boasted much of his possessing the confidence of the President, suddenly left Washington, but not without leaving behind him some who knew of his intended course, and that he made his appearance in Texas as an expatriated citizen, anxious to leave his own country in order that he might take the benefit of the advantages held out by the superior moral and social condition of Mexico, by becoming a settler under its jurisdiction. His example was soon followed by many of those who boast of belonging to the freest nation under the sun. Mexico was indiscreet enough to suppose that they came in earnest. No effort was made, by those who knew better, to undeceive her, and she therefore was lavish in her offers of land and all other privileges. But she would not grant every conceivable demand. The Mexican constitution by which the territories of Coahuila and Texas were united abolished slavery. The new settlers insisted upon separating Texas from Coahuila, and making a new constitution for the former, which omitted the clause abolishing slavery. Mexico preferred the old form of government, and the settlers deemed the moment auspicious for declaring their independence. And General Houston, not long afterwards, wrote to his friend Dunlap of Tennessee, for aid in the struggle that would ensue, because, to use his own words—

There is but one feeling in Texas, in my opinion, and that is, to establish the independence of Texas, and to be attached to the United States.

We make no comment on these facts, because we are confident that with all reasonable and fair-judging citizens they

need none. The independence of Texas was established principally by means of aid from the United States. And now that the proposal to be attached is once more made, Mr. Senator Walker, in his elaborate pamphlet, professes to see no difference between the nature of this proposal, as it affects the disposition towards us of Mexico, which has never yet acknowledged the independence of Texas, and that made during Mr. Adams's administration, to obtain by purchase the territory from Mexico herself, before her independence had been acknowledged by Spain. He maintains that Spain, with whom we were then on friendly terms, had as much right to be offended with us in the one case, as Mexico has in the other. This is specious and plausible, but it is as unsound as every other part of the argument in favor of annexation ;—for surely there is a moral feeling in the breast of every man, which leads him to distinguish between actions done under wholly different circumstances. Mexico declared herself independent of Spain. The struggle was between Mexicans and Spaniards, and the United States did not interfere to decide it. On the other hand, the citizens of the United States went into Texas ostensibly as settlers, and *they* declared Texas independent of Mexico. Can it be said that the United States did not create as well as decide the struggle? Can it be said that the government was not during the whole time anxiously betraying its interest in the result, by perpetual solicitation of Mexico to cede the country as it was, whether in a state of insurrection or not? Does not the law forbid individuals to take advantage of their own wrong? And is it not the wrong of our citizens, transplanted for a short time to another soil, which has enabled us to treat with them for that soil, against the consent and to the injury of Mexico? So long as Spain was unable to recover any territory from the Mexicans, it could be matter of no offence who purchased the soil of the new owners. But the Mexicans certainly have a right to be offended, if the government with whom it is at peace, first succeeds in tearing off a part of their country, by instigating resistance to their authority on the part of its citizens imported for the purpose, and then, after a few years have passed just sufficient to save appearances, it takes through the agency of those citizens that country very quietly within its own jurisdiction, as the legitimate offspring of this treachery.

The Mexicans may be a feeble people, wanting in the energy which is characteristic of the United States, but they are not wanting in discernment. They long since penetrated the ambitious designs of their powerful neighbor, and they have not been without industry in watching and exposing its action

to the eyes of the civilized world. From the day of the accession of General Jackson to the Presidency, to the last of his second term, no effort was left untried by him, by which he could hope to acquire Texas. In the summer of 1829, Mr. Anthony Butler, the person who was to be employed by him as his negotiator, came to Washington, and had long conferences with him, and with Mr. Van Buren, that he might be the more fully master of all the designs of the administration. In 1830, General Jackson's own affidavit on record in the Court at Washington proves that he became fully aware of General Houston's schemes, but that instead of communicating his information to the government with which we were at peace, and which was most deeply affected by them, he confined himself to a letter of inquiry, addressed, not to the Governor, but to the Secretary of the Territory of Arkansas, and calculated rather to invite a contradiction of the designs charged, than to elicit any facts. It should be recollected, that this was at just about the same time that the singular article already quoted, intimating, as from a source entitled to "the highest credit," that Texas might "throw off the yoke of allegiance to Mexico"—appeared in the columns of the State Gazette of this very Arkansas Territory. And not satisfied with the ordinary forms of official intercourse, General Jackson himself, notwithstanding the position he occupied which seems to require no little delicacy in the management of the foreign relations, kept up a constant interchange of private and confidential letters with Mr. Butler, the perpetually recurring burden of which, if we are to judge by the replies of that gentleman, was Texas, Texas.

Mr. Tyler has been much blamed for carrying on a secret negotiation with Texas. We have no disposition to volunteer any palliation of his measures; but, we ask, what censure should his conduct bear in this instance, in comparison with that of his more distinguished predecessor? He has, to be sure tried to betray the Union, by a sudden stroke of policy, into a measure which he knew a large part of it held in great detestation, and deemed subversive of the Constitution. But General Jackson continued secretly at work during eight long years, coaxing, threatening, proposing treaties never to be executed, harping upon private claims, bad as well as good, for the sake of obtaining a denial of them that would make cause of quarrel, endeavoring to raise the most frivolous doubts, in order to unsettle the clear boundary of the Sabine, and only stopping short at the deliberate proposal by Mr. Butler, of carrying every thing by *downright bribery and corruption*.

These facts are all substantiated even by the partial evidence (made so it should be observed, through the suppressions of the administration of Mr. Van Buren) which has been furnished in answer to a call of the House of Representatives at Washington. Yet they have never excited the public attention in a degree at all to correspond to the importance of the disclosures which they make. Most of the people believe very sincerely that this alarm about Texas is a most visionary fear—that no one has ever been in earnest in pressing the point, and that it is rather to be regarded as a device of violent abolitionists to injure the character of our public men than as having any foundation in truth and their own conduct. Little are they aware that the whole force of the administration under a most energetic President is proved by papers which defy contradiction to have been secretly exerted to bring about a cession of this territory voluntarily by Mexico, at the same time that it was instigating revolutionary movements on the part of persons leagued in the conspiracy within the limits of that territory itself, persons who left the United States for the purpose, in order to bring about by the use of force, the same result.

The negotiation with Mexico finally failed. Mr. Butler could not succeed in effecting as much as he had promised to do and as a consequence he was obliged to retire from the scene. But it was not until after he had spent months in the territory of Texas itself and months more in Washington which were employed in arranging the details of the last act of treachery to a friendly nation. A final proposition was made to the government of Mexico to take all of the territory east of the Rio del Norte, up to the thirty-seventh parallel of latitude, and from thence west to the Pacific Ocean. This would have included a great part of upper California, New Mexico and Santa Fe—and for this immense territory the sum of six millions of dollars was offered. And upon the rejection of this proposal Mr. Butler retired from his mission only for the purpose of ultimately taking up the thread of operations in Texas itself, and organizing more effectively by means of secret societies the other part of the plan which had been agreed upon.

We have already remarked, that there are many ways in America to arrive at the same result. If one fails, another will be tried. The truth of this is visible enough throughout all the proceedings about Texas. General Samuel Houston the gentleman who had devised this scheme at Washington, about which President Jackson thought it proper to send all the way to the Secretary of State of the Territory of

Arkansas to inquire, had not been idle during the time that these negotiations were going on. He became a settler in Texas, very soon worked himself up into a discontented citizen, and finally became the head of an insurrectionary force. The quarrel came to an issue not long after Mr. Butler had surrendered all hope from negotiation. And when it seemed by no means unlikely, that General Santa Anna, who was advancing with a military force from Mexico, would be able to stifle the revolt at once, the government at Washington, and General Jackson, by a subsequent letter, under his own signature, authorised and directed General Gaines to advance into the territory of Texas, and remain there, under the pretence that the boundary was still unsettled and that the presence of a United States force was necessary to secure it against *Indian* hostility.

It appears that from the period of the recall of Mr. Butler from Mexico, and the breaking out of the struggle in Texas, which events were nearly cotemporaneous, the policy of the administration took a new turn. It was no longer necessary for the government of the United States to coax Mexico to a voluntary cession of a territory which was now in a state of hopeful rebellion. The more advisable course seemed to be to give as much aid and countenance to the insurrection as was consistent with our professedly neutral position, not merely by securing the presence of the United States troops in the theatre of the war, but also by trying to pick a quarrel with Mexico on a new and separate account of our own. Whilst on the one hand General Jackson announced by a message to Congress, on the 22d December, that under all the circumstances attending the contest in Texas, it was unadvisable at that time to acknowledge the independence of that country; on the other hand he equally announced, six weeks afterwards, that no peaceful adjustment of certain matters in controversy between the United States and Mexico could be expected, that was not sustained by war measures, and the granting of authority to make reprisals upon her commerce. The decisive battle of San Jacinto had been fought, and General Santa Anna who had been made prisoner to the Texans, was sent to Washington to experience the double satisfaction of a war threat from the United States on one side, and of a sense of his personal danger from his victors on the other, if he did not use all his influence to bring about the grand desideratum, the annexation of Texas to the United States. He appears to have been willing to concede all that was required of him under this state of duress. The consequence was immediately perceptible. Notwithstanding and

in spite of the message of the 22d of December, dissuading the acknowledgment of Texan Independence for many strong reasons therein given, an amendment was suddenly engrafted upon the annual appropriation bill, in one of its last stages in the House of Representatives, three or four days prior to the third of March, 1837, which amendment provided for the pay of a diplomatic agent to the republic of Texas, as soon as the President should receive satisfactory evidence that Texas was an independent power. The Senate consented. Almost, perhaps quite in the selfsame hour that the President signed the appropriation bill, he also obtained such evidence of the independence of Texas as to induce him forthwith, and before the expiration of the remaining minutes of his power as President, to nominate the diplomatic agent provided for in the bill. This was one of his very last official acts. If his policy had not been successful in acquiring to the United States this territory, he at any rate had the consolation to reflect that he had wrested it from Mexico, in payment for her obstinacy, in refusing to sell it when she was required so to do.

After such an act as this, who is there that ought to wonder at the attempt of Mr. Tyler, to steal a march upon the country with a treaty? Yet the lapse of less than seven years has had the effect of so far sinking the old proceeding into oblivion throughout the Northern States, that people actually seem to regard this new one as something entirely unprecedented. Nothing wakes them up but the clap of thunder which comes *after* the lightning has done all the damage possible. The two great parties are so afraid of doing or saying any thing which shall appear in the least to justify the organization of the third or abolition party, that they have united in striving to forget as far as possible that there are any questions at all which must grow out of the existence of slavery. Had they met those questions as they ought in the outset, it is not too much to say that there would not now have been any third party worth considering. It is not the mere momentary outbreak against a measure upon the eve of accomplishment, preceded by a cold and studied incredulity of its existence until it becomes evident beyond the possibility of contradiction, that will ever go far to counteract a systematic policy managed by persons occupying stations of power under the general government, or that will satisfy the just clamor of an irritated community after the time shall have passed when action might have been properly directed.

And now that we can look back upon the history of this business, we think that one thing will be most particularly

striking to our observation. And that is, the change of relation which the United States bears to the territory of Texas at the present time from that which they bore in 1825, when the negotiations commenced. For then it was a simple proceeding unclouded by any suspicion of sinister design. Even the blight of domestic slavery had not in any great degree fallen upon the land. But now we know the fact that slavery was introduced by the immigrants from these States in opposition to the law of Mexico. That it constituted the turning point in the revolution of the Texans, and that it is the cause in behalf of which the whole power of our government has been exerted directly or indirectly as well in the negotiation that has taken place as in the subsequent operations of the settlers themselves. What is it then that the United States are called upon to sanction by now acquiring Texas? Is it not the entire process by which we have converted a free into a Slave State, and extended the influence of the domestic institution at the cost of every principle of fair dealing and of right. And is this not a wholly new feature since the year 1825 which completely alters the nature of the transaction, and converts an honest and open offer to purchase into a sharper's contrivance to acquire property in an underhand way, for an unjustifiable purpose?

There was very much such a burst of popular feeling in 1837 as has lately taken place against the measure. The Legislatures of Ohio, Massachusetts and Rhode Island passed resolutions which had then some effect in checking its prosecution. Yet had General Jackson remained at the head of the government, we have very little doubt that it would have been executed. But the policy of his wary successor was too cautious to make him willing to risk beginning his administration with a war and a completely disordered state of the finances at the same time. On the 4th of August, 1837, Mr. Memucan Hunt, specially appointed by Texas for the purpose, opened a negotiation with the Secretary of State, Mr. Forsyth, by proposing "to unite the two people under one and the same government." The first condition prescribed by his government was "the free and unmolested authority over their slave population." This, it will be recollected, was about one month before the time at which the Congress of the United States had been called to meet by proclamation of Mr. Van Buren, on account of the suspension of specie payments by the banks throughout the Union. It was quite enough for the administration to be obliged to face an active and powerful opposition on the subject of the currency, without adding the plentiful materials to be gathered from the prospect of a war with a

neighboring power. Mexico had protested against the recognition of Texan Independence, carried through, as it had been, in the manner already described; but she had also offered to remove all reasonable grounds of complaint on the score upon which General Jackson had endeavored to press the two countries into war—the claims for indemnity to private citizens. No other pretext, therefore, remained to save the United States from the odium of incurring the war to justify its own wrong done in Texas. Mr. Van Buren did not feel himself seated firmly enough to encounter the fury of such a tempest as this would excite. He directed Mr. Forsyth to decline the offer of the Texan government, made through Mr. Hunt. And in his refusal he distinctly assigned as the reason, that the Mexican government might consider such an act as tantamount to a declaration of war. Even Mr. Senator Walker, in his pamphlet, is obliged to confess, which he does with singular disinterestedness, considering that he is and has been the “Magnus Apollo” of the Texans, that “in 1837, within a few weeks or months succeeding our recognition of the independence of Texas, and before her recognition by any foreign powers, it (that is the annexation by treaty) might have subjected us to unjust imputations, and therefore it might have been deemed inexpedient under *such a time* and *under such circumstances*.” The italic letters belong to Mr. Walker, and not to us, and we agree with him in every thing affirmed or implied in the sentence, excepting in the statement that the “imputations” to which we should have subjected ourselves would have been “unjust.”

What Mr. Van Buren would have done under other circumstances, or what he will do if he should again get into power, we shall not undertake to pronounce. We judge no man excepting by his acts, and under the same rule, we are willing to give him all the credit which his conduct in this instance deserves. At the same time, judging him by all of his acts taken together, we must confess that we have no confidence in his discovering any obstacles to this treaty of annexation which the people do not themselves most distinctly furnish to his vision.

Let us now return to Mr. Senator Walker, who appears to think that the difficulties in the way of reannexation, as he is always pleased to call it, which existed in 1837, are now removed. “But now,” he says in his pamphlet, “when seven years have elapsed since our recognition of the independence of Texas; and she has been recognised for many years as an independent power by the great nations of Europe, and her

sovereignty fully established, and fully acknowledged, there can be no objection to such a treaty at this period." From all which we can only gather that this gentleman thinks Mexico is now barred of her claim by a sort of statute of limitations interpolated into the law of nations like that which runs against the recovery of small debts with us. But with all due deference to the gentleman, it is not exactly what *we* think in this case, that should be our guide, but what the world will think and justly think, too. Does the delay of seven years alter in any respect the nature of one of those peculiar "*circumstances*" to which Mr. Walker so significantly alludes as making the act inexpedient in 1837? Does it in the least modify the objections of Mexico to the measure? We have the best reason to know that it does not. For the Mexican government and the Mexican Minister, General Almonte, more keen-sighted than most of our news-mongers in Washington, appear to have got a scent of the negotiation proposed by Mr. Tyler as early as in August last.

On the 23d of that month, Mr. de Bocanegra, the Foreign Secretary of Mexico, addressed a note to Mr. Waddy Thompson, the Minister of the United States, in which he in quite a spirit of foresight, alluded to the fact that a "proposition would be submitted to the deliberation of the Congress of the United States" at the present session, "to incorporate with them, the so-called republic of Texas," and he went on further to request Mr. Thompson to announce to his government that Mexico would consider the adoption of such an act equivalent to a declaration of war, "leaving" as he says, "to the civilized world to determine with regard to the justice of the cause of the Mexican nation in a struggle which it has been so far from provoking." Not content with this notice, General Almonte, the Mexican Minister at Washington, wrote on the third of November a letter to the Secretary of State, Mr. Upshur, in which he says that this annexation, "if carried into effect, cannot be considered by Mexico in any other aspect than as a direct aggression." "He moreover declares, by express order of his government, that on sanction being given by the Executive of the Union to the incorporation of Texas into the United States, he will consider his mission ended; seeing that, as the Secretary of State will have learned, the Mexican government is resolved to declare war so soon as it receives information of such an act." This is surely plain spoken enough. Mr. Upshur, to be sure, took the matter up in a very high strain, and affecting to consider his country insulted by an imputation which if not merited would scarcely have required notice, he evaded

answering the material question entirely. But there is reason to believe that this letter was not without its effect in bringing about a modification of the course of the President, so far as to make that a secret and clandestine transaction, which was designed to have been announced in his message to Congress, at the commencement of the session.

Another of Mr. Walker's reasons why the case is not now the same that it was in 1837, is, that the independence of Texas "is now recognized by the great nations of Europe, and her sovereignty fully established and fully acknowledged," which it was not at that time. The argument, then, is something of this sort:—Texas was not quite assured of her independence in 1837, and therefore, considering her peculiar circumstances, it was not advisable for us to take her under our protection at that time, when she most needed it. But now that she is well established, independent, and has the support of foreign nations, is just the moment for her to cease to be so, for the sake of joining us. Surely, if Texas be now able to go on alone, countenanced as she is by the great powers of Europe, there are many reasons why the United States should join to sustain her in that policy instead of tempting her to adopting an opposite one. One of the strongest is, that it would be the means of completely avoiding the imputation of any such motives or unworthy designs as Mr. Upshur immediately perceived in General Almonte's letter; probably because his own conscience was the monitor that made him watch for them there. There will not be any question hereafter made of the disinterestedness of the United States, if time shall show that they have in no way gained what seems a benefit to themselves by the secession of Texas from Mexico. Surely, if we consider many portions of the policy of the government as it has been attempted very faintly to delineate it in these papers, the good faith of the country stands in great need of some such ultimate justification as this in the eyes of the world. Surely, nothing would at this moment go farther to save our history from one of its most unfortunate pages than a determination now made to be friendly to Texas, exactly as we are friendly to every other nation of the globe.

Unfortunately, however, for him the end of Mr. Walker's pamphlet contradicts the beginning. This country of Texas, whose independence "is now so fully recognized by the great nations of Europe, and her sovereignty so fully established" on the seventh page turns out on the nineteenth and twentieth pages to be "a power too feeble to guard her rights as a neutral power." "The flag of England will soon float

over it as a British province, carved out of the dismembered valley of the West." "But even if not a dependency or a colony, England, as she always heretofore has done in the case of neutrals, would seize upon her soil, her coast, her harbors, her rivers, and our and her Indians, in her invasion of the valley of the West; and the only certain measure of defence and protection is the re-annexation of Texas." Such is the statement of the condition of Texas, when it suits Mr. Walker to consider her as not so well established, nor her independence so fully recognized. Her condition is, then, not yet much changed from what it was in 1837. If this be granted, then have the Mexicans reasonable ground for hope that they may yet get back their territory, provided that we do not commit a hostile act by taking possession of it ourselves, in the name and on the application of the insurgents. In which case, we clearly break our treaty with a power with which we are at peace, for the sake of an acquisition of territory; or in other words, the "circumstances" which Mr. Walker speaks of as forbidding the act in 1837, remain in statu quo in 1844. In our humble opinion, there is no getting away from this dilemma. Either Texas can maintain her independence or she cannot. If she can, then would it be perfectly safe, and very creditable to the Union, to sustain her independent attitude. If she cannot, then Mexico has a right to complain of our hostility if we take from her the chance of recovering her territory.

We have now gone through with the most material part of the history of our relations with Texas and Mexico, and we confidently challenge any impartial person to review it, and then deny that there is a broad difference observable between the early and late policy of the government on this subject. The administration of Mr. Adams sought to acquire the *land*, free from any and every incumbrance with which it is now loaded, in a fair, open, and honorable manner. That of his successor stimulated the people of the United States to go and take possession of it under the cloak of amity, and then, by every artifice, endeavored to wrest from the hands of a nation, with which we professed to be at peace, the territory which they obstinately refused to cede of their own accord. One of the most striking features of this new policy, was the establishment of the institution of domestic slavery, directly in the face of the Mexican authority. This was the common bond designed to keep the insurgents steady to the interests of the United States. It is the bond which now holds them to the policy of annexation. The rumor about their seeking the protection of Great Britain, is only designed to catch such

simpletons in the Free States as are predisposed to believe any thing that may be told them. *They* seek the protection of a power, which knocks the manacles off from every slave within the scope of its influence! *They* voluntarily seek to sacrifice a property in man, to defend and sustain which, they undertook the insurrection against the Mexican power! The idea is amusing, to those who have watched with attention the desperation with which the same men, when citizens of the United States, and their friends, have always contended for that property. Sooner than that this should take place, the whole of the company immigrating into Texas, would vacate the lands of that territory, and return to these favored regions, where slavery and the constitution are said to flourish together and where it is treason to doubt the propriety of continuing special privileges, which have the effect of encouraging the increase of the slave population. When will the free citizens, who love our institutions, cease to be led blindfold into the snares which are so unblushingly prepared for them?

When Mr. Walker, acting in concurrence with General Jackson, succeeded in obtaining the recognition, by the United States, of the independence of Texas, in the manner which has been already explained, he probably congratulated himself upon the measure, considering it as one step nearer to the great object of his wishes. He did not then foresee the rise of a new objection to it, growing out of the very change thus effected in the relation of that country to ours. He did not perceive that the admission of Texas as an independent foreign State was an unprecedented act of power in the general government not sanctioned by the examples either of Louisiana or the Florida treaties.

This objection is now very gravely urged in many quarters, and, we must confess, we see no way to remove it, consistently with the slightest respect to the Constitution, which the members of Congress are all sworn to support. Although the acquisition of territory under the treaties referred to was a very questionable proceeding, when judged by the naked provisions of the constitution, still, as the people sanctioned the act by their silence, we shall not now undertake, so far as that goes, to review the decision. What Mr. Jefferson, the person under whose administration the cession of Louisiana took place, thought of the matter, is very well known. In his letter to Wilson Carey Nicholas, he says—"But when I consider that the limits of the United States are precisely fixed by the treaty of 1783, that the constitution expressly declares itself to be made for the United States, I cannot help believing the intention was not to permit Congress to admit

into the Union new States, which should be formed out" (that is, beyond the limits) "of the territory for which, and under whose authority alone, they were then acting. I do not believe it was meant that they might receive England, Ireland, Holland, &c., into it, which would be the case on your construction. When an instrument admits two constructions—the one safe, the other dangerous—the one precise, the other indefinite—I prefer that which is safe and precise. I had rather ask an enlargement of power from the nation, where it is found necessary, than to assume it by a construction which would make our powers boundless. Our peculiar security is in the possession of a written constitution. *Let us not make it a blank paper by construction.*"

This is strong reasoning, but we have long been aware of the fact, that much as the citizens of the Southern States profess to revere the memory of Mr. Jefferson, and to follow his doctrines, they seldom respect them in practice, further than as they happen to coincide with the immediate policy which they have in view. Doubtful as Mr. Jefferson was of his power, the cession of Louisiana, nevertheless, took place. It was, however, but the cession of a territory by a government of the old, to one in the new world; it did not involve the question whether one government itself could cede itself, or another accept of such a cession. The United States assumed the territorial rights, subject to no existing political conditions, on the part of the small number of people who occupied the lands. They agreed to incorporate them into the Union whenever they should become numerous enough to organize a State; but in the interval they assumed to themselves the unlimited right of regulating the government, and parcelling out for sale the unoccupied lands. The population that has been since admitted into the Union, was thus, in a great degree, drawn from the original States, by the inducements presented in the new lands, and the prospect of a continuance in the enjoyment of all the privileges of citizenship. It had never voluntarily expatriated itself. It had never undertaken, by virtue of such expatriation, to exercise independent powers of government unknown to our laws, nor had it ever ceased to be amenable to our authority.

The case of Texas is of a very different kind. Texas claims to be an independent sovereignty; the United States admit that she is one. She applies to be admitted to the Union; she does not propose to cede territory merely. She proposes to come in at once, and to exercise such rights of citizenship as she shall beforehand insist upon securing to herself, by conditions to be agreed upon. The United States,

on the other hand, must assume new liabilities, and acknowledge a new set of authorities. They must acknowledge the validity of an act done by officers of another party, to a treaty which either makes them of equal authority with their own, or which, at one blow, destroys all the authority which they possess to do the act. There can be no medium. In this connexion it has been rather humorously asked by some, who would be the President of the country, after a treaty had been made joining Texas and the United States, supposing that such an act were constitutional. Would it be John Tyler, or Sammel Houston, either, or both together? The question, odd as it may appear, contains the gist of the whole matter. Can a government by a treaty consent to annihilate itself? Then where is the binding force of the treaty, after it is made? But, if it does not annihilate itself, it enters into the treaty on equal terms with the government with which it treats? In this instance, Texas would treat as a State, not with the separate States, as such, but with the United States. She is able then to assume a position, and to dictate terms towards us, such as no other of the States since the Declaration of Independence could have done. It is not necessary that such a treaty should compel her to recognise the constitution. Her position in the Union would then be secured by that treaty, whilst that of the other States would rest upon the constitution. If, then, the people of Texas were to take it into their heads to violate the conditions of the constitution, whilst they adhere to their treaty, what would be the mode of redress? Or, on the other hand, if they broke the treaty, who would conduct the negotiations that must follow, and when would a resort to war be justifiable?

But the authorities of Texas may consent for the purpose of gaining an admission to resort to a new expedient to avoid the force of this objection. They may consent to disfranchise themselves, and to become simply a territory of the United States. Indeed it has been intimated that such has been the shape in which the treaty has placed the subject. Yet one moment's consideration will serve to show that this is only an evasion, and does not remove the difficulty. We have acknowledged Texas as an independent State. Is it competent for us at any moment, by virtue of a treaty to deny our words and to declare in the very act to which she is a party that she is no State at all? If a territory, she either has a government or she has not. If she has, then our objection is not removed. If she has not, and is without a government, why has not Mexico all the rights to rule over her which she once had, and which she never has renounced. A confes-

sion that she must receive a form of government from a neighboring State surely makes our wrong the greater in substituting ourselves as the sovereign in lieu of the rightful one. How can a government cede a territory by a treaty without possessing the powers to carry that treaty into execution? But this very treaty denies to the government such powers because it annihilates it at the very moment that it should begin to exercise them. Such an anomaly was never before heard of in political history. We can recollect examples of States acquired by conquest, and by negotiation, but we do not remember one which resolved itself by its own act into its original element, the territory upon which it is founded.

Let us put the case in still another light. If the government of the United States can treat with Texas respecting a union of the two countries, in any shape whatever it may please to put it, it is equally able to treat with any other nation under the sun. Supposing, then, that in the heat of a revolution like that of France, before the period of its wild excesses, the national assembly of that or any other European people should send over ambassadors to the United States, to treat respecting a union of the two countries. Supposing that a President should be found ready to negotiate with them, and a Legislature, one or both branches, prepared to sanction a treaty thus made. Supposing that one of the conditions should be the transfer of the seat of government of the two countries to some common centre, somewhere on an island, if such could be found, situated half-way between them. Supposing that John Tyler, like Samuel Houston, should consent to have his power annihilated, and a French President over the two countries set over his head. Would it then be pretended by any human being that either the President or Congress would have been exercising powers granted under the constitution? Yet it would be difficult to deny that each of these powers is in the constitution, if it be once granted that Texas can be admitted by treaty. It may be objected to us, that we are putting an extreme case. But in this instance an extreme case is only necessary to show, in a still more glaring light, the character of a constitutional doctrine. If the President and Congress can treat with a foreign power in such a manner as to disturb all the existing relations between the States, by the introduction of that foreign power into the government without the consent of the people of those States, then, as Mr. Jefferson most truly observes, in another passage of the letter already quoted, "We have no constitution." Any thing and every thing may be done, which the caprice, or the ambition, or the

spirit of intrigue of a few men in Washington may prompt them to do, under the form of a solemn treaty.

It is, then, obvious that there is a broad line of distinction marked out, between the cession by a government of an independent State of a part of its territory not having a government, to the United States, by a treaty, and the formation of a new social compact between the people living under two distinct forms of government, by the force of such an instrument. In the former class may be ranked the Louisiana and Florida treaties, and the late treaty of Washington, of which Mr. Walker tries to make use as a precedent. Under the latter class must be ranked every project of a treaty like the one proposed to be made with Texas. Whilst it may be a fair question whether treaties of the former kind may not be made, so long as they only have the effect of enlarging the territory of the Union, it seems to us that not the shadow of a doubt can be thrown upon our position respecting the latter. A treaty of this kind seems to us at war with every theory of republicanism which has been ever acknowledged in America. It is imposing upon the people of the States new conditions, without their consent or privity. It is, in point of fact, a revolution. After such an event, the constitution of the United States no longer can be regarded as the rule of action, but the President, by virtue of his patronage and the treaty-making power, becomes a more absolute sovereign than half of the monarchs of Europe.

So obvious and palpable is the stretch of power which this doctrine of annexing a foreign country, by the mere force of a treaty, assumes for the general government, that it is wonderful it should ever have found a single advocate among those who have always professed a wish to restrain its tendencies to consolidation by all possible means. They who object to duties for the protection of home manufactures, or to a national bank, from constitutional scruples, and yet concede this great power, do indeed strain at a gnat and swallow a camel. Yet, if we inquire into the reason which prompts to such very opposite views of the powers of the general government in the same men, we must come back to the ground of the Massachusetts resolutions. Whatever road we may take in public affairs, whatever question we may propose, they all terminate in the same point. The maintenance of the property representation is the pole star by which the course of the ship of state is steered. Is it necessary to deny the existence of a power in the constitution? It is, because it is feared that an unequal benefit may be derived from its use by the Free States. Is it necessary, on the contrary, to strain

that instrument beyond all reasonable limits? It is, because the benefit is all to accrue to the small number who wish to hold a perpetuity of property in man, and through that the control which they have acquired over the affairs of the Union.

These are solemn truths. They are not told for the sake of exciting discontent at our existing institutions, but for the sake of rousing the people, as far as possible, to maintain them inviolate. Is it possible, that this great republic should suffer itself long to be led by such blind guides, as the advocates of slavery, or their allies among the political managers of the Free States? We cannot yet believe that it is. Let slavery remain a local matter within the limits of those States in which it is established, and we know of nothing to create cause of uneasiness. But when it threatens to raise its fearful head over the whole land, when it bends the policy of the government to subserve its own selfish purposes, when it undertakes completely to alter the relations between the States, established by their frame of government, and to overawe the spirit of liberty, then is the time to cry aloud, and spare not. There must be some favorable change in a few years, or else the great objects for which the constitution was adopted, will disappear from sight, and it will cease to be the pride and the boast of all intelligent Americans.

Mr. Walker, whose pamphlet is understood to be the textbook of the friends of the annexation of Texas, maintains that there are three ways of arriving at his object in a constitutional manner. The first is by virtue of the treaty-making power. This has already been considered. The second is, by force of the first clause of the third section of the fourth article, which is in these words:—

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States, as well as of the Congress.

Mr. Walker maintains that this is an unlimited grant of power to the Congress. Hence that a simple act of the Legislature, passed by a bare majority in each branch, is all that is necessary to admit a foreign State, no matter what,—Mexico, Russia, or even the Celestial Empire, on the other side of the globe, into the Union.

This construction, coming, as it does, from a gentleman who could not see in the same instrument from which he derives this power, a sufficient authority to incorporate a nation-

al bank, is certainly calculated to amaze reasonable observers of political affairs. There are persons, even in the free States, who cannot perceive the inconsistency involved in supporting these two propositions, under any single theory that has ever yet been maintained of our federal system. Neither are they immediately aware of the singular use now for the first time made of a provision of the constitution, originally incorporated into it for a very different purpose. One of the modes by which the gentlemen who represent property in man succeed in pushing their system into operation is, through the bold manner in which they advance their propositions. We have heard persons doubt whether a good answer could be made to this, at the same time that they had no belief whatever in its soundness. Such things make us fear sometimes that the spirit of our institutions has already evaporated under the scorching influences of slavery, and nothing is left to us but the residuum of forms. Let us look at the subject calmly for a moment, and see whether there is one atom of foundation for any of these judgements.

The provision of the constitution is, that "*new* States may be admitted by Congress into this Union." Does Mr. Walker mean, under this clause, to insist that *old* States shall also be included? A State, according to the best authorities, is defined to be a Republic or Commonwealth. In order to the full comprehension of the phrase "*New States*," we must therefore infer that some other communities were intended than those in which the forms of government had been long established. This inference is proved to be perfectly just, by the very next sentence, which makes certain restrictions to the power already granted in that preceding, all of which have reference to the fact that the States proposed to be admitted are new, that is, just constituted. "*But no new State*," it says, "*shall be formed or erected* within the jurisdiction of any other State, nor any State be formed by the junction of two or more States or parts of States without the consent of the Legislatures of the States concerned, as well as of the Congress." It is, then, to the formation or erection of new States that the whole paragraph applies—to the creation of new social communities, and not to the recognition of old ones. It was designed to provide for the incorporation of those societies which were to rise up in the forests of the West, on the territories originally comprised within the charters of certain colonies, but ceded by them to the United States before the adoption of the constitution, and not for the indefinite recognition of every foreign government at the mere will of the Congress, whenever it should please

such a government to be called one of the United States. The words of the article can bear no other construction without positive violence to their meaning. The spirit of the whole instrument is still more adverse to Mr. Walker's idea, for it breathes throughout a government of limited powers for the perpetuation of the blessings of liberty to the people who adopted it and to their posterity. But what limit can be set to the powers granted to the Congress, if it once be granted that the act of a bare majority can at any time introduce new elements into the social system, the character of which the people of the States can as little regulate as they can foresee?

Luckily, on this point, we are not left without the means of knowing what was the intent of the framers of the constitution in adopting the article in question. We find from Mr. Madison's report of the debates had in the convention, that the view we have taken of it is the correct one. The article was originally designed to meet the contingency that was foreseen as likely to happen of the formation of new States within the limits of the territory of the Union. Among the propositions brought forward by Mr. Edmund Randolph at the outset, which propositions are well known to have embraced the principles ultimately incorporated into the constitution, the tenth runs in the following words:—

Resolved, That provision ought to be made for the admission of States *lawfully arising within the limits of the United States*, whether from a voluntary junction of government and territory, or otherwise, with the consent of a number of voices in the National Legislature less than the whole.

It will be seen at once what the intention was in introducing this proposition at all. It was not to enlarge the system by the incorporation into it of foreign States, but to open a way for the preservation of the existing territorial rights of the Union, without the necessity of including them within the limits of the existing States. This would have been inconvenient, by reviving the difficult questions that had once been settled by the voluntary act of the States, claiming the territories at the westward, which had been induced to surrender their claims for the common good. The States to be admitted were only those which might lawfully arise *within* the limits of the United States. There is no ambiguity in this language, whatever. Accordingly, we find that in this very language the tenth proposition of Mr. Randolph was on the 5th of June, 1787, adopted by the convention, and made the basis of the article upon the subject. In this form, it, together with the rest of the propositions that had been agreed to, was referred to the committee of detail, appointed

on the 24th of July, with powers to report a constitution in form. At the same time, however, the independent propositions that had then been offered by Mr. Charles Pinckney and Mr. Patterson, were referred to the same committee, probably with a view to give that committee full powers to make such modifications in the language of the new instrument as might appear advisable and best, after a full comparison of all the plans with each other. It must be noted, that Mr. Pinckney's article 14th, runs in the following words:—

The Legislature shall have power to admit *new* States into the Union, on the same terms with the original States; provided two-thirds of the members present in both Houses agree.

Mr. Patterson's was still more concise.

Resolved, That provision be made for the admission of *new* States into the Union.

Now, by a comparison of these two propositions with that of Mr. Randolph, it will immediately be perceived that the former intends to provide for the same contingency with the latter, and that the difference is only in the shorter form of expressing the same idea. Mr. Randolph proposed, that "provision ought to be made for the admission of *States lawfully arising within the limits of the United States.*" The other two gentlemen describe the same communities as "*new States,*" and cut off the circumlocution. Had not this been their motive, how much easier would it have been to have said *other States*, or *foreign States*, as Mr. Sherman actually did in a proposition we shall presently notice. This would indeed have expressed the idea now advanced by Mr. Walker, but it was not the one which they intended to express. They were looking to the Western Territory with as single an eye as Mr. Randolph.

We have stated these facts, to show how the word "*new*" came to be incorporated into the present article of the constitution. This and the provision requiring a two-thirds vote were borrowed by the committee of detail, from the propositions of Messrs. Pinckney and Patterson, in order fully to carry out the idea presented by Mr. Randolph. The seventeenth article, as reported by them on the sixth of August, is in the following words:—

New States lawfully constituted or established within the limits of the United States may be admitted, by the Legislature, into this government; but to such admission the consent of two thirds of the members present in each house shall be necessary. If a new State shall arise within the limits of any of the present States, the consent of the Legislatures of such States shall be also necessary to its admission. If the admission be consented to, the new State shall be admitted on the same terms with the original States. But the Legislature may make conditions with the new States, concerning the public debt which shall then be subsisting.

It will be perceived that this form of the article only made still more striking the intention of the framers of the constitution to limit its application to communities which might thereafter be formed *within the limits of the Union*. In this view it is, that the incorporation into it of the word "new," which was not in Mr. Randolph's original proposition, is of great consequence. We now come to consider the reasons why this proposition, as reported by the committee of detail, was subsequently modified into the shape in which it now stands. We think it can be made evident that the change was not designed to favor any projects of enlargement of the Union, to say the least of it. It appears that on the 29th of August, when the article came before the convention for consideration, Mr. Gouverneur Morris objected to it in its new shape, because it made the admission of the Western States upon equal terms with the original States, imperative, with a single exception, relative to the public debt then subsisting. "He did not wish to throw power into the hands of the Western country." These are his words, as reported by Mr. Madison. Hence it is to be inferred, that he wished to retain, in the hands of the Congress, the ability to make conditions of admission even to those new communities about to be formed within the limits of the Union; the very principle contended for, by the Northern States, it should be observed, at the time of the admission of Missouri. Not being satisfied with the article as it stood, he proposed the following as a substitute:—

New States may be admitted by the Legislature into the Union; but no new States shall be erected within the limits of any of the present States, without the consent of the Legislature of such State, as well as of the general Legislature.

And this substitute being nearly the same thing with the article, as it actually stands, was adopted, six States voting in favor, and five against it.

The position of Vermont, a territory at that time neither in nor out of the Union, and seeking to be admitted without the necessity of securing the consent of New York, appears to have had a great effect upon the form in which this article was ultimately adopted. Luckily, her situation has given us a strong proof of a cumulative character how much importance the framers of the constitution attached to the word "new," as joined to "States," in the connexion of this article. Mr. Sherman moved the following substitute, which distinctly covers the ground assumed by Mr. Walker, in his pamphlet:—

The Legislature shall have power to admit other States into the Union; and new States to be formed by the division or junction of States now in the Union, with the consent of the Legislature of such States.

This substitute adopts the word "*other*" instead of the word "new," and, still more significantly, it opposes it to the word "new" that follows, as applied to the creation of States to be formed by dividing or uniting existing States. It can, therefore, hardly be doubted, that this was considered as testing the sense of the convention upon the article as it stands. The substitute was designed to include a power of admitting *other* States, whether old or new. The article, as it stands, confined itself to future communities about to be formed in the forests of the West. How much force is then due to the decision of the convention which rejected the substitute, six States voting in the negative, to five in the affirmative, and then adopted the article as proposed by Mr. Morris, eight States voting in favor, and three against it!

We are conscious how very dry all merely constitutional questions are to the great mass of readers. We have, therefore, endeavored to condense this history much more than is altogether to the advantage of the argument. So conclusive, however, does the view of it which we have taken seem to us that we are willing to let it go even in its present shape, without any further amplification. We trust, that after this the public will no longer listen to any pretence of power to be derived under this article, at least, for the annexation of a foreign State to the Union. If the act is to be done at all, it is surely not to be done by men sworn to support the constitution, in the face of a distinct declaration of its sense, by those who were engaged in its construction.

The last of the three modes by which Mr. Walker thinks that the annexation may be effected, is through the act of any one of the States of the Union, with the sanction of Congress. He derives this remarkable power not from any direct authority given in the constitution, but by implication from that clause of the tenth section of the first article, which forbids any State from entering into any agreement or compact with another State, or with a foreign power, without having the consent of Congress thereto. But if this consent can be obtained, he thinks the power to make such a compact remains in the States unaffected by the prohibition, and that under cover of these words "compact or agreement," any one of them may, at its pleasure, merge into itself, or be merged into any foreign State.

This is, to say the least of it, a new view of the constitution of the United States. So far as the annexation of Texas is concerned, we regard it as presenting the least dangerous mode of effecting it which has yet been suggested; and could

we for a moment be brought to assent to the validity of the reasoning by which it is pressed, we are not sure that we should be afraid of running the risk of its happening by this means. But, were the scheme practicable,—were the State of Louisiana or of Arkansas willing to sink its present organization, for the purpose of embracing Texas within its limits, no one knows better than Mr. Walker, that the main object of the whole undertaking would thereby be defeated. The purpose of annexing Texas, is to create out of it several new States, each of which shall have the benefit of the rule of federal representation, as well in the Senate as in the House of Representatives. And through this division into States, the object is to gain just so many more electoral votes for President and Vice-President, with which to defend the representation of property in man, as there would be new members of the Senate thus obtained. Now, were Texas incorporated into Louisiana or Arkansas, no more Senators could be made than now exist; and the struggle against Wisconsin and Iowa, and all the rest of the Western Territory would remain to be made as now. The Senate is, after all, the stronghold of property representation in this government, because there, the inequality between the increase of the free and the slave States does not operate to restore the balance in favor of the former, as it does in the popular branch, and in the electoral colleges. Nothing can shake that power in the Senate, if it be once fortified by the addition of Texas as a territory. But its union with one of the existing States would not strengthen it in that body materially. We cannot, therefore, avoid the conviction, that this third mode of annexing Texas to the Union is not intended to be seriously recommended, and that it has rather been thrown out as a possibility, in case of the failure of the other two, than with any serious belief that it could be made acceptable, either to the State which would be swallowed up in the operation, or to the interest ostensibly to be promoted by it.

But, even were it otherwise—were the whole of the party in favor of annexation to press it as a proper measure, we must maintain that the scheme is directly and palpably at war with existing provisions of the constitution, which absolutely forbid every attempt of the kind. Mr. Walker, in his zeal for annexation, appears to have looked only at the last clause of the tenth section, under which he derives his power, and to have neglected the first. Yet, what are the words of the first? Are they not these?

“No State shall enter into *any* treaty, alliance, or confederation.”

The prohibition is absolute. No State can even set on foot a negotiation with Texas, without at once violating her obligations to the Union. Indeed, how could it be otherwise? What power of control would there be in the government of the United States over the foreign relations of the country, if this clause were not in the constitution? The provision which follows forbidding the States to enter into any compact or agreement with another State or with a foreign power, without the consent of Congress, manifestly has reference to certain cases of extreme necessity; it by no means conflicts with the clause which we have quoted. This may easily be seen by noting the context, much of which has reference only to a state of war. "No State," it says, "shall without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or a foreign power, or engage in war unless actually invaded or in such imminent danger as will not admit of delay." Some of these powers may not be exercised at all excepting by consent of Congress, and others may be exercised upon certain contingencies of war, without that consent, but they are all of a character which cannot and ought not to be resorted to excepting in cases in which it is clear that the States must do so for some very strong and peculiar reason. This seems to be the cause of the difference of the language used in this and in the first clause of the same section already quoted. "No State shall enter into any treaty, alliance, or confederation" whatever, upon any terms, with or without the consent of Congress—but it may, with such consent, enter into "a compact or agreement" with another State or a foreign power, that is, some arrangement justified by extreme necessity, either for mutual defence or for protection, making it an exception to the general rule of action, temporary in its nature, and having no sort of reference to plans of enlargement or of dominion in time of peace, like that which Mr. Walker has attempted to introduce under the words.

But apparently aware that none of the three modes thus suggested are free from the difficulties which we have endeavored to point out, this gentleman is ready, with a new and more general position, to meet the contingency of his failure to prove them constitutional. He maintains, though it must be confessed, in language somewhat ambiguous, the existence of a reserved right in any State, to extend her territory as far as she pleases, without regard to the constitution. As we desire not to misrepresent him on so delicate a point, we will copy his own words.

“But,” he says, “if it be otherwise, and the constitution only applies to territories then attached to the Union, and delegates no power for the acquisition of any other territory, nor prohibits the exercise of the pre-existing power of each State, to extend her boundaries, then there would remain in each State the reserved right of extension, *beyond the control of Congress*. I have not asserted the existence of such a right in a State; but if the clauses quoted, do not confer the authority on Congress, and the re-annexation is refused on that ground, then the annexing power, as a right to enlarge their boundaries, would result to any one of the States, and with the consent of Texas, could be exercised. Perceiving, then, what power results to the States, from the denial of the power of annexation by Congress, let us agitate no such question in advance of a denial of its own authority by Congress, but discuss the question on its merits alone.”

It is quite well for Mr. Walker, that he does not assert the existence of the right here spoken of—and that, for the very good reason, that no such right can, by any possibility, be made to consist with the maintenance of the relative position of the States, under the constitution. If a right to enlarge her boundaries, can result to one of the States, by the annexing power, it does equally to all. Rhode Island and Delaware have far more reasonable ground for the exercise of it, than either Louisiana or Arkansas. The only question for consideration then would be, where the land should be found, to which to apply this annexing power. It cannot be found within the territory of the Union, because that is regarded as common property of all the States. Neither can it be found without that territory, because the consent of the owners must then be obtained, these owners being foreign States. This can only be done by negotiation and treaty. And the constitution expressly declares, as we have already shown, that “No State shall *enter into any treaty*.” The original object of this provision is well understood. If it had not existed, the poor Indians would have been stripped of all their lands, by the States, long before the United States did it for them. The tenth section of the first article contains an enumeration of the powers denied to the States, and the treaty-making power is one of them. Can any thing in language be plainer? And yet there is an indistinct intimation in this passage, by Mr. Walker, of a reserved right, which looks so much to us like a threat, that “if we cannot do this thing one way, we will another—if we cannot do it constitutionally, we will do it whether or no,” that it needs explanation. Now we have never for a moment doubted, that there was a disposition in some quarters, to violate the constitution, rather than to fail of securing Texas—but we scarcely expected to find a Senator of the United States even hint at such a thing. We hope we have misconceived his meaning in this instance. But if we have

not, and this doctrine is to be acted on, what is the constitution worth? Is *every* barrier to be broken down which prevents the unlimited exercise of power by those who will perpetuate their own privileges, at the expense of those of the nation? Are there to be no rights secured, excepting those of unequal representation?

But if Mr. Walker and his friends turn round upon us and ask us whether, under no circumstances whatever, we would consent to the junction of Texas with the United States, and whether some attention is not due to the argument drawn from the too great proximity of the Sabine to the city of New Orleans, we are perfectly ready to answer these questions. The only legitimate method of deciding the matter is, by an appeal to the people of the United States, who agreed to the constitution as it is. Let Mr. Walker, propose an amendment to that constitution which shall cover this question; let that amendment be approved by the requisite number, two-thirds of both Houses of Congress, and ratified by the Legislatures of three-fourths of the several States, and then Texas may become a part of the United States. We will venture to go even a step further to meet him—we will ourselves advocate the annexation of Texas in the manner here described, provided only that the same amendment which shall authorize it be made to include the substance of the Massachusetts resolutions. Not that we desire to be understood as favoring the further acquisition of territory to the Union, in any shape, or that we waive any of the objections we have made to the admission of Texas. But we should be willing to put up with something in the way of evil for the sake of securing a greater good. And holding as we do the most sincere and deliberate conviction, that the compromise of the constitution which concedes the right of representation of property in man has been, is, and will be, if continued, fatal to all the good objects for which that constitution was originally formed and that it is degrading the United States from the high place in the scale of nations and in the eyes of mankind which it ought to fill, we would not for our own part hesitate to make a small sacrifice which should remove from that instrument the greatest spot upon its beauty. Let Texas and the Massachusetts resolutions then go out together, and let them take their fate together, for weal or woe, in the ratifying bodies, as provided by the constitution. This is the only lawful mode of arriving at a good result. Every other that has been proposed, in connexion with Texas is equivalent to a dissolution of the existing social compact,—because it entirely subverts the original relations subsisting

between the people of the several States ; it subjects them to the influence of new parties to the compact, introduced without their consent, and against their will ; it arrogates for the executive and legislative departments of the government a dangerous power, never intended to be granted to them ; and finally, it perpetuates the privileges conceded to a few, at the expense of those advantages which the preamble to the constitution declares it was its purpose to secure to all.

But there are persons to be found in the free States, independently of the office-holders, who now, chameleon-like, always take the color of their master, and of the speculators who hold Texas scrip or Texas lots, who affect to regret the alternative which they present to our rejection of Texas, namely, that Texas will then fall to England. There are others who consider this rejection as equivalent to the loss of a great market for our manufactures. Mr. Walker has struck both of these chords with some effect, in his pamphlet. He has not been sparing of appeals to the national pride, as well as to the individual purse. And in every community of free persons, some will be found to respond to the one call, and many to the other. All we beg of them in this case is, not to suffer themselves to become dupes. Surely, this new-born zeal in favor of domestic manufactures is somewhat surprising, coming as it does from men who have uniformly, heretofore, shown the most steadfast hostility to their protection. Surely this enmity to England is rather singular in a party which has shown a determination, for years back, to make this country tributary to her in every department of industry, except the raising of cotton. The only practical effect of the annexation of Texas would be, to give additional strength to those who are now seeking to destroy the tariff, and to renew our ancient state of dependence on Great Britain for our manufactures. For if we look back to the history of the past, do we not see that the interest which has most steadily and pertinaciously resisted the principle of protection to home manufactures, has been the cotton planting interest ? And what is there in Texas but cotton planting ? Who is it that complains that cotton pays all the revenues of the government ? Is it not South Carolina ? Who is it that even now makes the destruction of the present tariff a condition of adherence to the democratic party ? Is it not Mr. John C. Calhoun ? And do not South Carolina and Mr. John C. Calhoun now seek for sympathy and coöperation in the annexation of Texas ? Let no one, then, be so simple as to believe that the manufacturers of the country will be aided by strengthening the hands of their bitterest enemies.

With respect to the other pretence, that Texas, if rejected by the United States, will become a dependency of Great Britain, we shall be ready to believe that just as soon as we see the people of Texas emancipate their slaves, and not before. And we think this about as probable, as that the same thing will be done by the people of Alabama or Mississippi. As long as cotton planting is profitable, just so long will there be a demand for slaves ; and as long as there is a demand for slaves, just so long will the people of Texas stick to slavery. Great Britain neither can nor will interfere with her any more than she does with us. She may seek to make favorable treaties with her ; but what is to prevent our doing likewise ? If Texas is to be a market for manufactured goods, why not for ours as well as for the British ? New-Orleans is a great deal nearer to it than Liverpool. And our people may be trusted to make full use of every fair advantage they can obtain. Our manufactures now go to Mexico. Why should not they go to a State much less likely to interpose useless and vexatious restraints to trade ?

In truth, the independence of Texas is, of all things, that which it is most for the interest of the Union to sustain. If our government ever had done such a thing, it might almost be advisable for it to enter into negotiation with Mexico and Great Britain, mutually to guarantee that independence. In this manner, she might be made a barrier between the turbulent part of our boundary population on the Southwest and the Mexicans. Even the slave-owners of the South would find it for their advantage to have a State on their border which would deter, by its legislation, their slaves from flight. For were Texas to be joined to the Union, we are willing to believe that Mr. Walker's conjecture would be just, as to the tendency of the colored population, by escape, to diffuse itself over the neighboring free territory of Mexico ; but I greatly doubt whether he or his friends would then look upon the operation with the same degree of complacency which he now affects. If that idea was thrown out as a bait to the friends of negro emancipation, to favor annexation, we very much doubt whether it has caught a single one, even of the simplest of them.

But the subject has so grown under our hands that we find ourselves compelled from fear of fatiguing those who may do us the favor to examine our views, to abandon the intention of pursuing Mr. Walker through all his arguments in favor of annexation. We are the more ready to do this, because we find the few that remain unnoticed, are not likely to carry much weight in their minds. The dangers which this gen-

tleman predicts to follow to the free States from the abolition of slavery, in "making their vessels rot at the wharves for want of exchangeable products to carry, and the grass to grow in the streets of their cities," probably for the same reason, make a fine paragraph for declamation, but they only betray the utter ignorance of the writer, of the resources of freemen. Really, one would be led to imagine, from his tone, that the world would be undone if there were no cotton in Charleston, Mobile, Natchez and New Orleans. All this is a bugbear, much of the same species with the raw head and bloody bones stories which used to be told previous to the emancipation of the slaves in the English West Indies. Whatever may be the danger of emancipation to the slave States, Mr. Walker may rest assured that the free States apprehend no serious consequence to them, other than those which might follow the obligations which the constitution imposes, of protecting their brethren against insurrection at home. Moreover, they would be somewhat at a loss to understand how this argument against emancipation, is to be made to reconcile them to the dangers of an indefinite extension of the evils of slavery over a large additional territory, and a consequent increase of those hazards of insurrection, which would call for the interference of the federal government, partially at their expense. If Mr. Walker thinks that slavery is much better than freedom to the black, then let him prove it to be a measure of wisdom and philanthropy to reëstablish it all over the Union. This may suit that gentleman's moral and social theories, but it will meet few supporters among the free.

So, too, with his elaborate argument drawn from the census of 1840, to prove how badly freedom suits the black. According to Mr. Walker, it has a peculiar tendency to make him insane, and he thereupon endeavors to show how great a proportion of free blacks become mad, as contrasted with the whites. If this position be true the corollary necessarily follows, that if these blacks had been slaves, they would have been in their right mind. It is their freedom that hath made them mad. This argument, as coming from despotic governments, and applied to the excesses of democracy, as exemplified in the French revolution, is not a new one; but when it comes from the Senator from Mississippi, one of the chief lights of modern democracy, in 1844, in the United States, it is calculated to raise a smile of surprise. The true line between sanity and insanity is among the problems of medical science. We will not ask the Senator how far we may be justified in considering the white people of his State sane,

in their reasoning on the subject of the moral obligation of a State to fulfil its contracts, for we seek to revive no unpleasant recollections. Let us rather proceed at once to deny the accuracy of his statistics. It is notorious that the census of 1840 contains most ridiculous errors, upon which this theory of the insanity of the free black is founded. Mr. Severance of Maine has shown, in a late speech in Congress, how in six towns in his State nineteen insane blacks were returned, whilst at the same time the sum of all the colored people in those same towns was only one, and he was probably sane. This will serve as an example of the whole foundation of Mr. Walker's argument. And such is the sophistry which respectable men are not ashamed to use, when they are compelled to defend slavery against the doctrines of the Declaration of Independence. It may answer for the meridian of Carroll County, Kentucky, to which place Mr. Walker's letter was originally addressed, but it will not stand the test of a moment's scrutiny in the free States particularly when it is pressed as a justification of the annexation of Texas.

Let us, then, pass over all this stuff, as not worthy of the paper it would cost to refute it, and come at once to the great question that agitates all minds.

WHAT OUGHT NOW TO BE DONE ?

It must be admitted that public opinion, in the free States, has not settled down into any definite channel on this subject. We approach the consideration of it with great diffidence; not that we do not see a way by which the consummation of this project might be prevented, but that we fear the state of feeling in the country is not sufficiently concentrated to secure its adoption. Yet the late election in the city of New York clearly shows what can be done when the people have made up their minds to reform an existing evil. We will only apply the principle there involved on a larger scale, and then leave the decision of this great question to those in whose hands it legitimately belongs.

But first, it may be as well to state the whole extent of the evil which we have to apprehend, and which we desire to avoid. The annexation of Texas is, in itself, an evil; but it is by no means the whole of it. Every one in the community knows, that it is carried on at this time, in the face of hostile declarations made by Mexico, a country with which we are at peace. If Texas be, then, a part of "the settled policy of the government," as Mr. Holmes says, so must also be a war with Mexico, which is to follow it. Neither is this quite all. At the same time that these hostilities are provoked, a spirit is manifesting itself in both Houses of Congress, calcu-

lated to excite America against Great Britain. This has ostensibly for its basis, the question between the two countries about the boundary of the Oregon Territory, but it is strictly connected with the movement to gain Texas, and has for its real purpose the protection of slavery against the effect of public opinion in England, and the other States of Christendom. Here, then, is the backward step of liberty in the new hemisphere. Here, then, is the check to further progress, administered by the haughty spirit engendered out of slavery, and determined to maintain its special privileges at every hazard. The settled policy of the United States is to be defiance of the world. The black flag is to go up to the mast head, whilst we seize Texas with one hand and Oregon with the other, and proclaim our readiness to strike at the city of Mexico, hereafter. And the free States are to be crippled in their commerce and drained of their wealth, to sustain this new crusade in support of the new democratic principle, now proclaimed in America, that "all men are *not* born free and equal," whilst the slightest complaint or remonstrance is to be branded as the heresy of men bribed and bought by Mexican or British gold.

In order to promote mad schemes like these, it was one of the fancies of the person now called the lamented Upshur, but whose loss as a politician, to the country, is by no means to be lamented, whatever may be the share of regret felt for him as a man; it was one of the fancies of this gentleman, to bring up the navy and army of the United States at once to a war footing, so as to enable the country as soon as possible to cope with Great Britain. Extravagant appropriations were recommended in all quarters, by an administration professing to follow the Jeffersonian model of economy, and we were about to have a magnificent government, to give splendor to the accident which was placed at its head. Luckily for the country, some wisdom and discretion was yet left in the House of Representatives, which put a stopper upon these visions of glory for the time, but the system yet remains, and will probably be still pressed in parts, as opportunity may offer, now that it is not probable it will ever be accepted as a whole. But it behoves the people to be on the watch, or else that armament which was made the forerunner of events, will only have changed its place in the order of time, and will be made necessary as a consequence of them.

But the question recurs—How shall we act most effectively both for the preservation of peace and against the settled policy here marked out?

There have been suggestions of the expediency of extraordinary popular meetings, State conventions, and one gen-

eral convention of delegates from all the Free States. As expressions of opinion, these would perhaps be useful, but as guiding a course of action, they might possibly do more harm than good. The tendency of such assemblages is to extreme violence, which defeats its own end, and there is no need of that now. If the people really feel the necessity of exerting themselves, they may do it most effectually by concentrating in the regular and customary forms. If, on the other hand, they do not, it is useless for a part to attempt declarations of what they feel, which the whole will not by action sustain. The Free States yet have the control of this matter in their hands. If they say no, the thing cannot be done. If, on the other hand, they show themselves willing, or even lukewarm and indifferent, it will be done. In either event, the responsibility of sustaining or defeating the valuable purposes of the constitution of the United States rests with them.

And in considering what dangers are most to be apprehended, we have very reluctantly been driven to the conclusion, that the most imminent of them springs from the cold and temporizing policy of Mr. Van Buren, and his organization of political management in the Free States. And we draw this inference not merely from the fact that the opposition to the twenty-first rule of the House of Representatives, made so late in the day by his friends, has been basely abandoned; nor yet from the fact that three Legislatures of the great States of New York, Pennsylvania, and Maine, friendly to him have distinctly refused to express even an opinion against the policy of annexing Texas; nor yet from the fact that a New Hampshire Senator, of his party, has expressed himself friendly to that policy; nor yet from the fact that the influential press of the democratic party in the free States, with a few exceptions, is either silent or friendly to it; nor yet from the fact that many of those who are the most violent against Great Britain in Congress, about the Oregon Territory, are among the most active of his party, and are also playing into the hands of the Texans. We say that we do not draw our inference from any one of these facts by itself but by putting them all together we deem it irresistible. The principles of liberty, the hopes of peace, and of an honest administration are not safely to be trusted in the hands of men who make a trade of politics—who bargain one thing against another—and who are finally ready to sell every thing, rather than not to gain possession of power. Lukewarmness *now*, at this critical moment, in a citizen of the most powerful of the free States, is symptomatic of treachery hereafter. Let no such men be

trusted. We are perfectly convinced that the first great step to security, will be the defeat of Mr. Van Buren's election to the Presidency, or of any other democratic candidate for that office that may be named from the Free States, who is not unequivocally pledged to resist this Texan policy.

But how can this be done? A struggling scattering vote for third persons will not do it. And Mr. Clay will be the candidate, in all probability, of the opposing party. We are aware of the fact that Mr. Clay is not publicly pledged on the subject—that he is himself a slave-holder, tied to the favored class by common interests and sympathies, and that he has in former days favored the acquisition of Texas, when it was an unoccupied territory, by lawful means. Is it to be supposed that elevating him will place us in a better situation than if we sustained the democratic candidate?

We will frankly admit that there are difficulties all round. We have not ourselves been among those who have manifested any desire to support Mr. Clay. Probably he himself would not have thanked us if we had made the offer, and would now deem his prospect of success better without such support. But personal considerations weigh not with us a feather, in estimating the value of the various modes now open of avoiding the evils by which we are surrounded. In the great movements of this world, which no one can hope to control exactly as he would like, the part of wise men is to extract from much that appears unfavorable, whatever portion is likely, under the circumstances, to yield the greatest amount of good. We have seen no evidence to convince us that whatever may have been Mr. Clay's view of a lawful acquisition of this territory formerly, he now approves of it after the conduct of government has so complicated the question. Nor is it alone the fact that the Legislatures of the two slaveholding States, Tennessee and Kentucky, friendly to Mr. Clay, have refused to favor the annexation of Texas at this time; nor the fact that his friends, and the newspapers most warmly enlisted in his cause, are many of them opposed to it, which induces us to overcome our scruples, in supporting him for the sake of defeating Mr. Van Buren. Very fortunately for us, there is another test yet remains behind, which must settle our opinions definitively on one side or the other, in this matter. A treaty on our part with Texas, which joins the two countries, without consulting the people of the United States, and hardly with their knowledge of the fact that it has been in the process of negotiation, is at this moment before the Senate for confirmation or rejection. It is well known that a majority of that body is of the party

friendly to the election of Mr. Clay as President. If they choose to say the word, that treaty will be declared to be the law of the land, and the outrage will be consummated—for after the various indications of sentiment to which we have alluded, we have little faith in the resistance of the democratic part of the body. If, on the other hand, they do not say the word, the treaty falls back upon its authors and contrivers—a mere piece of waste paper.

“By those fruits, ye shall *know him*.”

If, as appears to us most probable, that treaty should be rejected, still it may be done on the ground, not of the unconstitutional character of the act itself, but because the people of the United States have not had any opportunity to express an opinion, in favor of, or against it. Such might, by possibility, be the reasoning of Mr. Clay himself. We know nothing of his opinions, and only assume these to be his, because it is putting the most unfavorable view of them that we may be called upon to meet. Although we should more highly value that opposition to Texas, which should spring from convictions as strong as our own of the utter unconstitutionality of the proposed act of union, we ought not to suffer ourselves to underrate the advantages which may be derived, even from the ground which is thus presented to us. So long as the people of the Free States are not bargained away like cattle; so long as their voice is to be respected by those in power, in guiding the policy of the government, there is yet room for hope. The admission of this principle alone, would be a prognostic of a return to brighter days. There has been none such acted upon, for a great many years, by those who have been placed in the administration.

But in order to make this concession of any avail, it will be necessary for those citizens of all parties, who value the perpetuity of our pacific and free system of government more than the success of individuals in their pursuit of office, to direct their attention to the choice of men perfectly true to sound principles in both branches of the federal Legislature. No President will have it in his power, hereafter, to do the mischief which Mr. Tyler has had an opportunity to do, if the proper precautions be only taken. It will be wise to put restraints on him, in this particular, whoever may be the successful aspirant. This can be done. The only question is, shall it be done? We scarcely expect that the ultras of either of the three parties will be prepared to abandon their standard for any useful purpose whatever, that may conflict with the probability of their own ascendancy. But the great mass of the

moderate and substantial people of the community, who hold the balance of power between them, are not so wedded to any interest as to be unwilling to listen to reason, and of them we do expect all that may yet be done to redeem the country. To this end, it is not absolutely necessary that they should at once break from the political association with which they ordinarily act. Let them wait to see who the candidates may be that the opposite parties will put up. If it shall turn out that they are all not only known to be decidedly opposed to the whole policy of annexation and war, but possess sufficient weight of private character to secure them from the suspicion of a liability to improper influence hereafter, then it is immaterial for which of them any one may vote, so far as this question is concerned. The election of either would secure the great point now at issue. If, on the other hand, the candidate of only one of the parties is of the character described, whilst that of the other is either lukewarm or wavering, or not to be trusted, then is it the bounden duty of every person interested in the preservation of our institutions in their purity, to vote for the former, no matter what may be the standard he is attached to. And lastly, if the candidate presented by neither party is deserving of public trust at this crisis, then it becomes highly necessary to do, as has lately been done, for different reasons, in the city of New York, to rally upon some new individual, whose character shall at once challenge the confidence of the voters, without regard to the old forms of organization. In this manner, and in this only, can the great point be secured, of possessing a body of men from the Free States, who will stand together on this great foundation, no matter what else they may divide about. The moderate men, who will hold the balance of power in almost every congressional district, we might even say in almost every election in the autumn, can secure this great object, if they only will it. But it will be necessary for them to be on the alert. The elections will soon become a topic of public interest. In order to secure the right sort of candidates, it will be necessary that the requisites alluded to be early insisted upon. The field is now open for useful exertion. If it be not rightly improved, then will there be an end of all chance of future security. The evil may now have been postponed, but it will not have been removed. If the Free States do not strongly will, then the inference will be drawn that they consent, and many of their own citizens will be among the first to sacrifice every public principle to the hope of personal advantage in promoting the Texas policy.

For let it be observed, that this is not a question for the present moment only. Some of the leading presses of the North have lately attempted to keep studiously out of view the subject that is at the bottom of it all. They appear to think that it is inexpedient to agitate matters which may affect the position of many Senators from the slave States, upon whose coöperation, to defeat the treaty now proposed to be made, we must rely. This argument would do very well, if the rejection of that treaty could be regarded as a final settlement of the question. But every one knows that it is not. Every one knows that those Senators do not mean to be understood as pledging themselves beyond the occasion. Every one knows that their policy is more affected by their immediate interest in the success of Mr. Clay, which would be entirely destroyed by a contrary course, than by any permanent dislike to the Texas policy itself. How short-sighted is it, then to put the argument against it in the North on a false bottom, merely to please them, and subject ourselves to having the objection thrown into our teeth at some future time, that we had acted hypocritically, in suppressing the true reasons of our opposition, to serve a momentary purpose. This is the sort of temporising, timeserving policy, which too often has the effect of weakening the influence of New-England in the national councils, much more than any extremes in doctrine which may be advanced. We are accused of trick, and management, and cunning—underhand ways of gaining our objects. Would it not be a clear justification of such a charge, to pretend that the indefinite expansion of slavery is not the great and leading objection in the minds of all good men among us, to the acquisition of Texas—provided that this could be done constitutionally. Would not that reason present the chief objection to the adoption of an amendment of the constitution, for the purpose of acquiring it? How vain then to imagine, that by a little effort we can hide it from view. Does any one suppose that if Mr. Clay is chosen President, he will not be tried by his enemies at the South on this delicate subject, or that those who now support him will not be called upon to assume their ground, immediately after his election? The present agitation of the project will itself be construed as furnishing some test of the popular sentiment in its favor, if that sentiment be not most unequivocally expressed against it. Does any one imagine, that by a little delay the country will entirely avoid this issue? Would that we could believe it. But we strain our eyes, and see no such blessed futurity. The great issue between the principles of the constitution and slavery, between the rights of the many

freemen and the privileges of the few, must be met. The great problem of human progress is involved in the result. If there are men among us who feel faint-hearted, or wish to avert their eyes from the prospect, let them stand aside. But let them not deceive themselves with a belief, that with a few hollow phrases and delusive declarations, they can avert the struggle that is impending. Such efforts may put it off for a few hours or days, but they can do no more.

How much this struggle will be accelerated, if the treaty now offered should be finally ratified by the Senate, we imagine there is no one so cold as not to comprehend. Indeed, we have seen it gravely urged in some quarters, as a serious objection to it, not that its principle is much in its way, but that it would be giving the abolitionists too great an advantage among our citizens. Such political morals are too common, even in the best of our newspaper press, to excite the least surprise. The abolitionists would long before this have made themselves an impregnable position, if they had been sufficiently prudent not to connect with real and solid principles much that is irrelevant and impracticable. Experience will, in the course of time, make them discreet, and the violent course of the Southern States, is daily contributing something to strengthen their arguments. The trimming and temporizing system that has marked the career of the race of politicians during the last twenty years, will no longer serve the purpose. The state of the country demands decision, and the public questions that are about to open before it and divide opinion, are likely to be of such a kind as to defy the possibility of equivocation. The only difficulty to be guarded against, by those who are driven to contend against the increasing evils of slavery, is that which may arise from their own errors, in choosing unsafe ground upon which to make the contest. The best and strongest cause may be injured, if not destroyed, by mistaking the true methods to sustain it.

This brings us to the last topic, which we proposed at the outset to treat. In the event of the annexation of Texas, what is it advisable for the free States to do? Are they to submit to it, as an irremediable evil, and patiently await the results which it may bring about, or are they to do as some have advised—at once take measures to produce a dissolution of the Union? In expressing our views upon this subject, we are conscious that we shall fall in with the notions of no particular party; for whilst, on the one hand, we should deem the time come for an organization throughout the free States, such as has never yet been made; on the other, we

should not deem it come for immediate dissolution. Not that we do not consider the bond of the constitution completely broken by the introduction of a foreign State, and its obligation *void*. We have not a doubt on that point. But so long as we believe that it is within the power of the free States to prevent the annexation of Texas, and the war policy, if they only will it, just so long shall we consider their refusal so to will, as implying the waiver of the majority, to avail themselves of the breach of contract *at this time*, and their consent to remain in the Union for the present on unequal terms. Resolutions and declamation are but waste of time, if the indomitable spirit be not behind them to give force in action. The alternative is, then, to prepare for future events; to disseminate the principles involved in the Massachusetts resolutions as striking at the root of the evil; in short to make no cessation in the contest against slavery and the measures which flow from it. Gloomy though the prospect might be, of fulfilling the great ends for which the government was constituted, the perpetuation of the blessings of liberty to ourselves and our posterity; desperate as might seem the prospect of a return to those days of honor and of peace, when the name of the republic had not been made a synonyme with rapacity and bad faith; yet the duty of good citizens would still remain unchanged, to watch and to strive for the best. Rashness and despair are equally unmanly, so long as there is a shadow of faith remaining in the dispensations of an overruling Providence above us.

We have now done with the subject. In treating it, we are conscious that we have occasionally run counter to the prejudices and feelings of each of the three parties which now agitate the land. We have been too warm to suit those whigs, who delight in indifference; too uncompromising to suit the flexible morality of the democrats; and too cold to suit those abolitionists who dwell in abstractions. Such a result almost inevitably follows any effort to express free thoughts in a free manner. Yet in all these parties there are numbers of persons who will not be displeased if such a liberty be taken, and who will examine the argument that may be advanced, with impartiality, and without reference to its source. To those persons we have endeavored most respectfully to address ourselves. They generally hold the scale in political affairs, and although slow in coming to the formation of opinions, yet when once formed they are tenacious in maintaining them. Let the favored classes of the South beware how, by their violent career, they persist in driving all these people into the doctrines of political abolitionism.

Thus far they have looked on perhaps with too much indifference, at the aggressions committed time after time upon the principles of liberty, and have given little encouragement to the efforts of agitators. But a persistence in sacrificing the interests of the whole to the maintenance of an institution not to be justified either in the eyes of God or man, a resolute determination to press the country into a position before the world, at war both with its declared principles and with justice and right, may try their patience somewhat beyond bearing. And the reaction in public opinion, consequent upon the outbreak of their indignation, may have effects upon the policy of the Union and the condition of the slave States, which would hardly be compensated to the latter by the additional security they might fancy they had purchased to themselves, even by success in forcing the annexation of Texas.

