American Volunteer.

BY JOHN B. BRATTON. "OUR COUNTRY—MAY IT ALWAYS BE RIGHT—BUT RIGHT OR WRONG, OUR COUNTRY." AT $2 00 PER ANNUM.

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SPEECH OF HON. DAVID S. KAUFMAN, OF TEXAS.

Showing that Mexico commenced the late war with the United States, by invading territory that belonged to Texas at the period of her annexation. Delivered in the House of Representatives, June 5, 1848.

The House being in Committee of the Whole, on the state of the Union, Mr. KAUFMAN, of Texas, addressed the Committee as follows:

Mr. CHAIRMAN: As the House is now in Committee of the Whole on the *state of the Union*, I have risen to discuss a question deeply involving the honor and character of *that Union*.

The Democratic National Convention which assembled in the city of Baltimore during the latter part of last month, amongst many other admirable resolutions, adopted with entire *unanimity* the following, viz:

"*Resolved*, That the war with Mexico, provoked on her part by years of insult and injury, was commenced by her army crossing the Rio Grande, attacking the American troops, and invading our sister State of Texas; and that upon all the principles of patriotism and the laws of nations, it is a just and necessary war on our part, in which every American citizen should have shown himself on the side of his country, and neither morally nor physically, by word or deed, have given 'aid and comfort to the enemy.'"

On the other hand, it will be recollected by you, Mr. Chairman, that the Whig majority of this House, on the third day of January last, solemnly resolved that "*the war with Mexico was unnecessarily and unconstitutionally begun by the President of the United States.*" This last resolution was attached, in the shape of an *amendment*, to a joint resolution of thanks to Major General Taylor and the men under his command, for their signal victory on the field of Buena Vista. As I conceive this amendment an insult to the brave men the joint resolution proposed to honor; an unjust and unwarrantable *attack* upon the Chief Magistrate of the nation; a *libel* upon the Congress that declared the war, and the country that so gallantly sustained it; a *reflection* upon the justice of the treaty lately negotiated with Mexico, which cedes to the United States territory as indemnity for the expenses of the *late* war; and a *slander* upon the title of Texas to soil won by the valor, and watered by the blood of her sons,—I shall devote my *allotted hour* to its refutation.

Here, sir, we have at least one distinct issue made up between the two great parties of this country, which must be decided on the 7th November next by the American people at the polls. In regard to the commencement of the war, the Democrats believe that our country was in the right, and that "our cause is just." The Whigs, on the other hand, assert that, through the "unnecessary and unconstitutional" action of the President, the war was unjust in its origin, and our country in the wrong. "The American Democracy, who place their trust in the intelligence, the patriotism, and the discriminating justice of the American people," do not for a moment doubt that, as the cartridge-box has completely defended our honor abroad, the ballot box will equally vindicate our character at home.

The resolution of the Baltimore Democratic Convention, above quoted, admits that Texas owned the country between the Nueces and the Rio Grande.—The amendment of the Whig majority, above referred to, denies it, as do all their speeches delivered in this House. If Texas owned this country, no one of course would say that the order to General Taylor to march to the Rio Grande was unconstitutional. The question, then, is, did this country, at the commencement of the war, belong to Texas, or was it a part and parcel of Mexico? And that is the question which I now propose to discuss.

In the remarks which I intend to make, I purpose nothing more than to present a plain unvarnished statement of facts. I shall make very few comments upon those facts, not more than are necessary to explain them. My object is to collect, in a brief space, for the country in the approaching Presidential campaign, the material *historical* facts bearing upon the Texas boundary. If I can succeed in attaining that end, I will have accomplished all I desire.

The right of Texas to the soil within her limits, and which she owns, is founded upon revolution.—During her independent existence, her strong right arm was the title by which she vindicated her right to the Rio Grande, and to the territory confirmed to her by a treaty afterwards broken. Like the sturdy Barons of Old England, when asked once by their tyrannical despot by what title they held the lands of which they were in possession, a thousand swords leaped from their scabbards, and their glittering blades gave at once a satisfactory answer. To make that title a good one, the causes which produced that revolution should be sufficient to justify it. Notwithstanding the unjust aspersions which have been cast upon the motives of those brave and gallant men who promoted and sustained the revolution in Texas, yet the events connected with the war with Mexico will go far to vindicate the truth of the grounds set forth by Texas in justification of her separation from Mexico. The times are propitious for the complete triumph of truth in regard to the revolutionary history of much-slandered Texas. I will now read some extracts from the Declaration of Texas Independence, made by her assembled delegates at the town of Washington, on the 2d March, 1836:

"The Mexican Government, by its colonization laws, invited and induced the Anglo-American population of Texas to colonize its wilderness, under the pledged faith of a written constitution, that they should continue to enjoy that constitutional liberty and republican government to which they had been habituated in the land of their birth, the United States of America.

"In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes made in the Government by General Antonio Lopez de Santa Anna, who, having overturned the constitution of his country, now offers, as the cruel alternative, either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

"It hath sacrificed our welfare to the State of Coahuila, by which our interests have been continually depressed, through a jealous and partial course of legislation, carried on at a far distant seat of government, by a hostile majority, in an unknown tongue; and this, too, notwithstanding we have petitioned in the humblest terms for the establishment of a separate State government, and have, in accordance with the provisions of the National Constitution, presented to the General Congress a republican constitution, which was, without a just cause, contemptuously rejected.

"It has dissolved, by force of arms, the State Congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of Government; thus depriving us of the fundamental political rights of representation.

"It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the interior for trial, in contempt of the civil authorities, and in defiance of the laws and constitution.

"It has made piratical attacks upon our commerce, by commissioning foreign desperadoes, and authorizing them to seize our vessels and convey the property of our citizens to far distant parts for confiscation.

"It denies us the right of worshipping the Almighty according to the dictates of our own conscience, by the support of a national religion, calculated to promote the temporal interest of its human functionaries rather than the glory of the true and living God.

"It has demanded us to deliver up our arms, which are essential to our defence—the rightful property of freemen—and formidable only to tyrannical Governments.

"It has invaded our country both by sea and by land, with the intent to lay waste our territory and drive us from our homes; and has now a large mercenary army advancing to carry on against us a war of extermination.

"It has, through its emissaries, incited the merciless savage, with the tomahawk and scalping knife, to massacre the inhabitants of our defenceless frontiers.

"It has been, during the whole time of our connection with it, the contemptible sport and victim of successive military revolutions, and hath continually exhibited every characteristic of a weak, corrupt, and tyrannical Government."

There is no freeman within the broad limits of this mighty Confederacy who will not consider the causes above set forth as fully justifying revolution; and there is not one of our gallant army in Mexico who has witnessed Mexican institutions, and experienced Mexican warfare, who will not at once yield his belief to their truth.

The same convention which, on March 2, 1836, declared the independence of Texas, on the 17th of the same month adopted the constitution of the Republic of Texas. In that convention, the counties of San Patricio and Bexar were represented. By articles six and seven of the schedule of that constitution, "the county of Bexar was entitled to one Senator and two Representatives, and the county of San Patricio to one Representative, and, in connection with Refugio and Goliad, to one Senator." These counties have all been uniformly and without interruption represented in the Congress and Legislature of Texas and the convention that formed her State constitution.

In support of the right of Texas to the Rio Grande, I will first introduce Mexican witnesses. The first *great* battle fought between Mexico and Texas was at the city of Bexar, in December, 1835. It lasted five days, and resulted in a capitulation, from which the following are extracts, viz:

Capitulation entered into by General Martin Perfecto de Cos, of the Permanent Troops, and Gen. Edward Burleson, of the Colonial Troops of Texas.

Being desirous of preventing the further effusion of blood and the ravages of civil war, we have agreed on the following stipulations:

1st. That General Cos and his officers retire with their arms and private property *into the interior of the Republic*, under parole of honor that they will not in any way oppose the establishment of the Federal (Mexican) Constitution of 1824.

* * * * * * *

3d. That the General take the *convicts* lately brought in by Colonel Ugartachea beyond the Rio Grande.

* * * * * * *

14th. General Burleson will furnish General Cos with such provisions as can be obtained necessary for his troops to the Rio Grande, at the ordinary price of the country.

* * * * * * *

19th. The commissioners, Jose Juan Sanchez, adjutant inspector, Don Ramon Musquiz, and Lieut. Francisco Rada, and interpreter Don Miguel Arciniega, appointed by the commandant and inspector General Martin Perfecto de Cos, in connection with Colonel F. W. Johnson, Major R. C. Morris, and Captain J. G. Swisher, and interpreter John Cameron, appointed on the part of General Edward Burleson, after a long and serious discussion, adopted the eighteen preceding articles, reserving their ratification by the Generals of both armies.

In virtue of which, we have signed this instrument in the city of Bexar, on the 11th of December, 1835.

JOSE JUAN SANCHEZ,
RAMON MUSQUIZ,
J. FRANCISCO DE RADA,
MIGUEL ARCINIEGA, *Interpreter.*
F. W. JOHNSON,
ROBERT C. MORRIS,
JAMES G. SWISHER,
JOHN CAMERON, *Interpreter.*

I consent, and will observe the above articles:
MARTIN PERFECTO COS.

Ratified and approved:
EDWARD BURLESON,
Commander-in-Chief of the Volunteer Army,

A true copy:
EDWARD BURLESON,
Commander in Chief.

Does not this capitulation show that Texas revolutionized with a view to the Rio Grande as the western boundary, and not the Nueces? If the Nueces, why send the convicts beyond the Rio Grande, and furnish supplies to the army of General Cos to the Rio Grande? This is conclusive, and it is Mexican testimony.

I will next introduce the testimony of Five Mexican generals, among whom is Santa Anna, then the President of Mexico, commander in chief of all her armies, and her virtual dictator. It is the following, and bears date May 14, 1836:

Articles of agreement and solemn compact, made and adopted by David G. Burnet, President of the Republic of Texas, and the undersigned members of the Cabinet thereof, on the one part, and Don Antonio Lopez de Santa Anna, President of the Republic of Mexico, and Don Vincente Filisola, General of Division, Don Jose Urea, Don Jachin Ramires y Sesma, and Don Antonio Gaona, Generals of Brigades, of the armies of Mexico.

Whereas, the President Santa Anna, with divers officers of his late army, is a prisoner of war in charge of the army of Texas, and is desirous of terminating the contest now existing between the Government of Texas and that of Mexico, in which desire the generals above named do fully concur: and

Whereas, the President of the Republic of Texas and the Cabinet are also willing to stay the further effusion of blood, and to see the two neighboring Republics placed in relations of friendship on terms of reciprocal advantage:

Therefore, it is agreed by the President Santa Anna and the Generals Don Vincento Filisola, Don Jose Urea, Don Joachin Ramires y Sesma, and Don Antonio Gaona—

1st. That the armies of Mexico shall, with all practicable expedition, evacuate the territory of Texas, and retire to Monterey, beyond the Rio Grande.

* * * * * * *

3d. That the army of Texas are to march westwardly, and to occupy such posts as the commanding general may think proper on the east side of the Rio Grande, or Rio Bravo del Norte.

4th. That President Santa Anna, in his official character as chief of the Mexican nation, and the Generals Don Vincento Filisola, Don Jose Urea, Don Joachin Ramires y Sesma, and Don Antonia Gaona, as chief of armies, do solemnly acknowledge, sanction and ratify, the full, entire, and perfect independence of the Republic of Texas, with such boundaries as are hereafter set forth and agreed upon for the same. And they do solemnly and respectively pledge themselves, with all their personal and official attributes, to procure, without delay, the final and complete ratification and confirmation of this agreement, and all the parts thereof, by the proper and legitimate Government of Mexico, by the incorporation of the same into a solemn and perpetual treaty of amnity and commerce, to be negotiated with that Government at the city of Mexico, by ministers plenipotentiary to be deputed by the Government of Texas for this high purpose.

5th. That the following be, and the same are hereby, established and made the lines of demarcation between the two Republics of Mexico and Texas, to wit: The line shall commence at the estuary or mouth of the Rio Grande, on the western bank thereof, and shall pursue the same bank up the said river to the point where the river assumes the name of the Rio Bravo del Norte, from which point it shall proceed on the said western bank to the head waters, or source of said river, it being understood that the terms Rio Grande and Rio Bravo del Norte apply to and designate one and the same stream. From the source of the said river, the principal head branch being taken to ascertain that source, a due north line shall be run until it shall intersect the boundary line established and described in the treaty negotiated by and between the Government of Spain and the Government of the United States of the North; which line was subsequently transferred to and adopted in the treaty of limits made between the Government of Mexico and that of the United States; and from this point of intersection the line shall be the same as was made and established in and by the several treaties above mentioned, to continue to the mouth or outlet of the Sabine river, and from thence to the Gulf of Mexico.

* * * * * * *

It is said, however, that this treaty is not binding upon Mexico, because Santa Anna was a prisoner of war at the time of its execution. It is a fact that General Santa Anna was a prisoner of war at the time, but it is equally a fact that General Filisola, Urea, Ramires y Sesma, and Gaona, were not prisoners of war, they having been connected with other divisions of the Mexican army than that which met its disastrous defeat at San Jacinto. Leave out then, for a moment, the name of Santa Anna from that treaty, and there are still left the names of four generals, "chiefs of armies," who acted with unrestrained freedom, and as they thought best. But although Santa Anna was a prisoner of war, if this treaty was not extorted from him, if he first offered to treat, and if in regard to this matter he acted entirely free from restraint, it is as binding upon him and the nation he represented, as if he were as free as the four other generals. Was, then, his signature, to this treaty extorted or not? Hear what General Filisola says upon this subject. After General Filisola's return to Mexico, he writes a despatch to his Government, dated June 10, 1836, in which he says:

"His Excellency, [Santa Anna,] in my humble opinion, in the treaties [with Texas] that he agreed upon, and that I had the honor to send your Excellency, acted with entire liberty, and bad nothing more in view than the interest of his country."

Santa Anna himself also said:

"When I offered to treat with the Government, [of Texas,] I was convinced it was useless for Mexico to continue the war."

Let us hear no more, then, of Santa Anna's being a prisoner of war; and of the treaty above mentioned on that account not being binding upon Mexico. In regard to that treaty, we have the highest Mexican testimony that Santa Anna had "entire liberty."

In addition to the fact that Santa Anna proposed the above treaty, and was at "entire liberty" in regard to it, the Government of Mexico not only substantially, but literally ratified said treaty. It ratified it substantially, by receiving from Texas the full consideration for it, viz: the life and liberty of her President and many hundreds of her citizens; the safety of that portion of the Mexican army which invaded Texas under the command of Gens. Vincente Filisola, Jose Urea, Joachin Ramires y Sesma, and Antonio Gaona, which was perfectly panic-stricken when they heard of the disaster of San Jacinto, and but for that treaty would have fallen into the hands of the victorious Texans; and the preservation of her arms from further defeat and disgrace. Mexico did not receive any money from Texas, but she saved her arms, munitions, baggage, &c., which were worth *money;* she preserved her character, the lives and liberty of her citizens, which were worth more than money. In confirmation of these facts, let me quote briefly from General Filisola. After enumerating the deplorable condition of the Mexican army under his command, after they heard of the battle of San Jacinto, General Filisola said:

"If the enemy, under these critical circumstances, should have met us on the only road that was left, nothing would remain but to die or surrender at discretion. The army is without clothing, the arms ruined, ammunition of every kind in a very bad condition, horses and mules badly used in the extreme. We have neither physician nor apothecary; we are threatened with the epidemic of the season, added to the innumerable sufferings which the army has undergone; and should this misfortune take place, the men will perish without the least assistance, in the midst of discouragement, and abandoned without even the consolation of spiritual assistance, for we have not a single chaplain to say mass for us. Cavalry sick; baggage, mules, everything that accompanied the army, was a confused mass, without any distinction, and without being able to move from the place where they were caught."

In his despatch of May 31, 1836, alluding to this treaty, General Filisola says:

"I do not mention other reasons perhaps more convincing; and, in fine, I think I have saved the whole army from a disaster, and the national decorum from a positive disgrace."

Such, sir, was the dilemma from which the treaty, now so flippantly repudiated here and in Mexico, rescued the Mexican army, and such the *valuable* consideration Mexico received for said treaty.

But, sir, this treaty was *literally ratified* by the Government of Mexico! The Mexican Government, immediately after they heard of the capture of Santa Anna and the defeat of his division of the army, viz: on the 15th May, 1836, issued to General Filisola a despatch to the following effect:

"SECRETARY'S OFFICE OF WAR AND MARINE,
"*Central Section, first Bureau.*

"EXCELLENT SIR: With the most profound sorrow, His Excellency the President *pro tem.* has learned, by the official letter of your Excellency of 25th of last month, the defeat suffered on the 21st of the same month by the division commanded in person by the President General in chief of the army, (Santa Anna,) and the very lamentable misfortune that his Excellency should be made prisoner with other chiefs and officers.

"His Excellency the President *pro tem.* is in some measure consoled that a general so experienced as your Excellency should be the one who obtains the command, the which he expressly confirms.

"The first desire that his Excellency has is, that you address the enemy's General, exacting from him, by decorous means, the liberty of the President General in chief, or at least, during the time this point can be regulated, the consideration due to his high dignity and to a person so distinguished in the annals of American history, and for whose preservation the entire nation is interested by gratitude, and because he is chief of it.

"His Excellency the President *pro tem.* counts upon your Excellency's directing all his efforts to save the remainder of the army, by concentrating it, so as to render it more respectable, placing it in a convenient place for receiving provisions, for which the most efficacious measures are adopted. The preservation of Bexar is of absolute necessity, in order that the Government, according to circumstances, may act as they see fit.

"The fate of all the prisoners is very interesting to the nation, and it is recommended to your Excellency to endeavor to alleviate it, giving authority from this moment to propose exchanges, and to preserve for this purpose, and because humanity exacts it, the lives of the prisoners made and that may be made from the enemy. Your Excellency knows the circumstances which may result from an imprudence committed in this affair, but the Government fears nothing as regards this, because it knows how great is the skill and zeal of your Excellency for the best service of the country."

From this communication, it appears—

1st. That Filisola, instead of being a prisoner of war, succeeded to the chief command of the Mexican army after Santa Anna's capture, which chief command was expressly confirmed to him by the Mexican Government.

2d. That the first desire of the Government of Mexico was the liberty of the President, (Santa Anna,) and that it was deeply solicitous "to save the remainder of the army," and "to alleviate the fate of all the prisoners." (The prisoners were subsequently all released by the Texas Government.)

3d. That the Government gave full and unrestricted discretion to Filisola, then the Commander-in-chief, to manage the affair, having no fears in regard to it, on account of its confidence "in the skill and zeal of General Filisola for the best service of the country."

Every instruction in the above despatch from the Mexican Government was carried out to the letter, and that under the superintendence of Filisola, he signing the treaty and forwarding it to the Mexican Government. If this despatch had been before the five Mexican Generals at the time they signed the treaty, (which it was not, but is none the less binding on that account, for a subsequent ratification of the act of an agent is as binding as a previous authority,) it could not have been more literally complied with. "The liberty of Santa Anna" was secured, the "remainder of his army was saved," and "the fate of all the prisoners was alleviated."

Could the President *pro tem.* of Mexico, who ordered the above despatch, have expected to obtain all these advantages without giving a consideration therefor? He did not expect, he did not intimate, such a thing. What, then, was the consideration Texas received by that treaty? Her independence and her boundary to the Rio Grande, to secure which she evidenced her intention (as I have shown) in the very commencement of her revolution. And what were the "decorous means" (to use the language of the above Mexican despatch) resorted to for both parties to attain their objects? *The usual ones of a treaty.* Vattel, in his Law of Nations, says, page 436:

"The captive sovereign may himself negotiate the peace, and promise what personally depends upon him, but the treaty does not become obligatory on the nation until ratified by herself, or by those who are connected with the public authority during the prince's captivity."

I have conclusively shown that this treaty was ratified "by those who were connected with the public authority during Santa Anna's captivity," viz: the Commander-in-chief of the armies of Mexico, (Filisola,) and the President *pro tem.* of Mexico; and yet there are those who contend the treaty is not valid! "Oh shame! where is thy blush?"

But, Mr. Chairman, Santa Anna has given us other testimony in regard to the Rio Grande being the western boundary of Texas. After the battle of Buena Vista, in a despatch to his Government, bearing date 27th February, 1847, he says:

"From the impression we had made on the enemy he did not appear before us for three days; the bearer of a flag of truce, however, arrived with a proposition from General Taylor, for an exchange of prisoners, and for our sending for the wounded who had remained on the field. He also expressed to me the desire which the Americans felt for the re-establishment of peace. I replied—in order that he might say the same to his General—that we sustained the most sacred of causes—the defence of our territory, and the preservation of our nationality and rights; that we were not the aggressors, and that our Government had never offended that of the U. States.—I observed that we could say nothing of peace, while the Americans were on this side of the Bravo, or occupied any part of the Mexican territory, or blockaded our ports; and that we were resolved to perish or vindicate our rights; that fortune might not always be favorable to the enemy, and the experience of the 22d and 23d should convince them that it could change."

When Santa Anna made the above admission he was not a prisoner of war. No, sir; the honor of making him a prisoner belongs alone to Texas. The United States *conquered* him; but it was the peculiar pride and glory of Texas, without ordnance or ammunition, and with *three to one* opposed to her, not only to *conquer* but to *capture* Santa Anna, and that before the charm of his invincibility had been broken, and before the *prestige* which uniform success had thrown around his name had been destroyed. Gen. Houston, with his brave little army, was the *first* conqueror and the *only* capturer of Santa Anna.—History records no more bloody, glorious, or successful field than that of *San Jacinto.*

I might here state many facts showing that Texas held control over the country between the Nueces and the Rio Grande, but they would only be the assertions of myself and others. I will hereafter show that Texas passed laws exercising jurisdiction over this country, and will now prove, by General Woll, a Mexican general, that those laws were carried into effect.

In his proclamation, bearing date June 20th, 1844, declaring the armistice that had existed between Mexico and Texas to be at an end, he says:

"Every individual who shall be found at the distance of one league from the left (eastern) bank of the Rio Grande will be regarded as a favorer and accomplice of the usurpers of that part of the national territory, and as a traitor to his country, and after a summary military trial, shall be punished as such.
ADRIAN WOLL, *General of Brigade.*"

Here, then, is the admission of the highest military functionary of Northern Mexico, that Texas was the usurper or forcible possessor of the territory east of the Rio Grande. This needs no further comment.

I have now, Mr. Chairman, shown, by the *positive* testimony of Mexicans, that Texas *held the country* between the Nueces and the *Rio Grande* by as clear a title as she held any other portion of that State, and that was, as the Mexicans termed it, by *usurpation or forcible possession.* Nothing can be shown from Mexicans against this array of testimony. I will now prove, by an authority that Whigs will not question, viz: Cassius M. Clay, one of the most violent opponents of annexation, that Mexico cared no more about our army going to the Rio Grande than crossing the Sabine, because she looked on the right of Texas to the territory east of the Rio Grande as equal to her right to any west of the Sabine. Hear Mr. Clay.

At a festival given lately in Richmond, Kentucky, Cassius M. Clay said:

"Though a Whig, I do not stand here as a partisan. I shall speak with the freedom of history. I have no sympathy with the late outcry against President Polk, as bringing on this war. I shall do the President the justice to say, that in all Mexico I never heard the first man allege the march of Gen. Taylor to the Rio Grande as the cause of the offence or of the war."

During my late visit to the North, Mr. Chairman, I was pained to find an error prevailing to a great extent, viz: *that Texas, previous to annexation, only claimed to the Nueces, and that her claim to the Rio Grande was afterwards urged, to increase her domain, to enlarge the territory subject to slavery, and to afford a pretext for commencing a war with her old enemy, &c., &c.*

This opinion is honestly entertained by many thousands of respectable, useful, and valuable citizens of the North, who love the truth, and seek every occasion to embrace it. I am myself a native of Pennsylvania, and address myself to my northern brethren in the language of friendship and truth.

I will now, Mr. Chairman, proceed effectually to remove this erroneous impression, and to show that Texas not only always claimed this country in good faith, but that she exercised political, civil, and military jurisdiction over it—provided for the construction of internal improvements there—that she laid off a collectoral district up to the Rio Grande, partitioned off counties, gave military protection, established land offices, organized district courts, and provided for the erection of trading posts, &c.

Texas, of course, could only be known and recognized as an independent nation, with certain specified boundaries. Metes and bounds are indispensably necessary to the existence of a political sovereignty. In view of the capitulation of General Cos at Bexar, of the treaty of May 14, 1836, above partially set out, of the provision in the constitution of Texas for the representation of the counties of Bexar and San Patricio, and generally of all the events which transpired during the short but glorious revolution of Texas, the first Congress of Texas passed the following act:

To define the boundaries of the Republic of Texas.

"SEC. 1. *Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled,* That from and after the passage of this act, the civil and political jurisdiction of this Republic be, and is hereby, declared to be the following boundaries, to wit: Beginning at the mouth of the Sabine river, and running west along the Gulf of Mexico three leagues from land to the mouth of the Rio Grande, thence up the principal stream of said river to its source, thence due north to the forty-second degree of north latitude, thence along the boundary line as defined in the treaty between the United States and Spain, to the beginning; and that the President be, and is hereby, authorized and required to open a negotiation with the Government of the United States of America as soon as, in his opinion, the public interest requires it, to ascertain and define the boundary line as agreed upon in said treaty.

"IRA INGRAM,
"*Speaker of the House of Representatives.*
"RICHARD ELLIS,
"*President of the Senate pro tem.*
"Approved, December 19, 1836.
SAM HOUSTON."

[I will here remark, that the law I have just read, and all the laws of Texas I may hereafter read, are from volumes belonging to the Library of the Congress of the United States, where they are deposited, and to which all who desire can have reference.]

On the 16th of December, 1836, an act was passed "to incorporate the Texas Railroad Navigation and Banking Company," one of the sections of which is as follows, viz:

"SEC. 2. *Be it further enacted,* That the said company shall have banking privileges, with a capital stock of five millions of dollars, as well as the right of connecting the waters of the Rio Grande and the Sabine by means of internal navigation and railroads," &c.

On the 12th of June, 1837, the Congress of Texas passed an act "to raise a revenue by impost duties," in which will be found the following provision—

"SEC. 2. *Be it further enacted, &c.,* That the following designated places, with their given boundaries, be made ports of entry, and within which bounds custom-houses shall be established and collectors of the public revenue shall be appointed and reside at the several ports for which they were appointed, viz: commencing at the Rio Grande, and following the coast of the Gulf east to the mouth of San Antonio river, shall at present compose the southwestern collectoral district, which shall be called the district of Aransaso," &c.

The following is the preamble to "An act to authorize attachments to be issued in certain cases therein named," approved December 18, 1837:

"Whereas many Mexicans residing upon our frontier stole and drove off large herds of cattle, and took and carried off other property belonging to citizens of this Republic; and whereas those Mexicans have abandoned the country and removed beyond the Rio Grande, so that persons from whom they have taken property are wholly without remedy: therefore," &c.

This shows that the ordinary process of the law was relied upon, where the parties could be found east of the Rio Grande.

The next law on the statute book of Texas, on this subject, is the following, viz:

"A JOINT RESOLUTION fixing the dividing line between the counties of Bexar and San Patricio.

"*Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled,* That a direct line running from the junction of the Cibolo or San Bartola creek to the Rio Frio, at a point thirty miles above its junction with the Nueces; thence in a direct line to the town of Laredo, shall be considered the dividing line between the counties of San Patricio and Bexar, and shall be respected as such by the surveyors of the respective counties: Provided, That this act shall not affect rights previously acquired by surveys legally made by the surveyors of the respective counties: Provided, That this act shall not affect rights previously acquired by surveys legally made by the surveyors of the county of San Patrico, below the old road from San Antonio to the Presidio of Rio Grande.

"JOSEPH ROWE,
"*Speaker of the House of Representatives.*
"MIRABEAU B. LAMAR,
"*President of the Senate.*
"Approved, May 24, 1838.
SAM HOUSTON."

In regard to the joint resolution just read, I will remark that I have previously shown that Bexar and San Patricio were represented in the Convention that declared the independence of Texas, &c. The town of "Laredo" is situated on the left or eastern bank of the Rio Grande, and is now the county site of the county of Webb, established by Texas. This joint resolution shows that both these counties extended to the Rio Grande; and that surveys were made "by the surveyors of the county of San Patricio in this section of the country;" and this line extending to the Rio Grande was the only one restricting the surveyors of San Patricio and Bexar, thus giving them license to survey as far as the Rio Grande.

On the 21st of December, 1838, the Congress of Texas passed an act entitled "An act to protect the northern and western frontier," in which will be found the following section:

"SEC. 15. *Be it further enacted,* That it shall be the duty of the colonel of the regiment to cause, at convenient intervals, the detachment on the Nueces to traverse the country between the Nueces and the Rio Grande in such manner as shall give most protection and security to that section of country."

The next act to which I will refer the attention of the committee, is the following, entitled "An act to alter the time of holding the fall terms of the courts in the fourth judicial district.

"*Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled,* That from and after the passage of this act, the fall terms of the district courts of the fourth judicial district shall commence and be holden as follows: commencing in the county of Bexar on the second Monday in September, and may continue in session until the Friday before the first Monday in October; * * * in the county of Refugio on the fourth Monday in October, and may continue in session one week; in the county of Goliad on the first Monday after the fourth Monday in October, and may continue in session one week; in the county of San Patricio on the second Monday after the fourth Monday in October, and may continue in session until the business is closed.

"DAVID S. KAUFMAN,
Speaker of the House of Representatives.
"DAVID G. BURNET,
President of the Senate.
"Approved, February 5, 1840.
MIRABEAU B. LAMAR."

The counties of Bexar and San Patricio being much larger than the others, and extending, as I have already shown, by the act of May 24, 1838, to the Rio Grande, a much longer time was given to the district courts of Bexar and San Patricio to hold their sessions than to the other counties. Nearly three weeks were given to Bexar, and an unlimited time to San Patricio.

The first act that was passed by the Texas Congress, fixing the times of holding the courts in San Patricio and Bexar, bears date December 22, 1836.

In the years 1836 and 1837, laws were passed providing for the holding of county courts in Bexar and San Patricio: each of those counties was granted a separate land office; they formed a portion of the western brigade of Texas militia; and an act was passed "to translate the Laws of the Republic of Texas into the Spanish language," as an act of "justice to that numerous portion of our fellow-citizens who understand only the Spanish language, and which shall be distributed in those counties where the population alluded to may reside"—a large portion of whom then resided in said counties of Bexar and San Patricio.

The following may be found in a law of Texas passed January 14, 1843:

"SEC. 7. *Be it further enacted,* That the President shall cause to be established trading houses or posts, which posts or trading houses shall be established as follows, to wit:

"No. 1. On or near the south fork of the Trinity, somewhere between the lower and upper Cross-timbers.

"No. 2. At or near the Camanche Peak.

"No. 3. At or near the old San Saba fort or mission.

"No. 4. At or near Porto Vandero.

"No. 5. At or near the junction of the Moras and Rio Grande.

"The places to be designated by the commissioners that make the treaty with the Indians, not to exceed twenty-five miles from the places designated in this section."

"An act for the protection of the western and southwestern frontier, and for other purposes," passed January 16, 1843, by the Congress of Texas, contains the following sections:

"SEC. 16. *Be it further enacted,* That the companies raised by the provisions of this act shall be stationed at or near the following places, viz: Two companies at the crossing of the Presidio road of the Leona river; two companies at the White House, on the Nueces river; one company at Tumblinson's block house; and the remaining company to be posted in the west, *at the discretion of the commanding officer.*

SEC. 17. *Be it further enacted,* That martial law shall be declared and enforced from the Rio Frio and Nueces rivers *to the Rio Grande,* for and during the time hostilities may exist between the Republic of Texas and Mexico."

The following joint resolution is here inserted to show that all the laws above quoted in regard to the Rio Grande are not mere paper declarations, but that in addition to lawful spoils captured from the enemy, *money* was actually paid out of the *impoverished* treasury of Texas, to the rangers, to support and enforce said laws. This proof, however, was unnecessary, as I have already above quoted the authority of Gen. Adrian Woll, who was in military command at Matamoros, and feared to meet the gallant rangers east of the Rio Grande, and who candidly admitted, what the truth required, "that the Texians were the *usurpers, or forcible possessors,* of that part of the national territory on the left bank of the Rio Grande."

As a further historical fact that the Texians were the "forcible possessors" of the territory east of the Rio Grande, I will merely refer to the famous Mier expedition. Mier is in Mexico, on the *west side* of the Rio Grande. The Texas volunteers in 1842, of course could not get a fight until they *crossed the Rio Grande* and went to Mier. If they could have done so, they would not have crossed the river. But to the resolution:

"Joint resolution for the relief of Capt. John C. Hays and the company under his command.

"*Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled,* That the sum of six thousand four hundred and fifty dollars, be, and the same is hereby, appropriated for the payment of Capt. John C. Hays, with the company under his command, and the liabilities that have been created for the support of said company while employed in the *protection* of the *southwestern frontier,* during the year one thousand eight hundred and forty-three.

SEC. 2. *Be it further resolved,* That the Treasurer of the Republic be, and he is hereby, authorized to pay the six thousand four hundred and fifty dollars, as appropriated by this resolution, to Captain John C. Hays, who is hereby authorized to receive the same, and render his account of disbursements to the proper department of the Government.

SEC. 3. *Be it further resolved,* That this resolution shall take effect from and after its passage."

"Approved December 19, 1843."

On the 23d of January, 1844, another act was passed, entitled "An act authorizing John C. Hays to raise a company of mounted gunmen, to act as rangers on the western and southwestern frontier;" in which occurs the following section:

"SEC. 3. *Be it enacted,* That the said company shall range on the western and southwestern frontier, from the county of Bexar to the county of Refugio *and westward, as the* public interests may require."

On the 1st of February, 1845, an act was passed by the Texan Congress, "requiring the owners of lands in the counties of Refugio and San Patricio to cause their lines to be designated and marked," whether the titles issued "from the Mexican Government or Government of Coahuila and Texas." "Said lines to be designated by the county surveyor of the county in which the land was situated, and certified plats thereof, to be returned to the general land office, (of Texas;) which plats were to be delineated on the map of the county in which they lie, and from the time of such return and delineation to be regarded as the only true boundaries of said land."

On the same day and year last abovementioned, the following section of an act was passed:

"SEC. 4. *Be it further enacted,* That Henry L. Kinney be, and he is hereby authorized to raise and organize one company of forty armed men, with one Captain and one Lieutenant, for the purpose of *protecting the settlements at Corpus Christi and its vicinity.*"

Corpus Christi, then the county site of San Patricio, is west of the Nueces, and it was from the Indians that this protection was desired.

I have thus shown the solemn acts of the Republic of Texas, from the origin of the government down to annexation, and an impartial community will judge whether the claims of Texas to the Rio Grande was an afterthought, as charged, conceived since annexation, for sinister purposes, or whether she has not uniformly claimed it, and exercised acts of ownership over it.

I will now quote, from standard geographical works, some extracts which prove conclusively that the Rio Grande, the Rio del Norte, or the Rio Bravo, (different names for the same river,) was the western brundary of the Province of Texas; that it is the boundary of the Republic of Texas, has already been shown, and no one will dispute:

"Texas is bounded southeast by the gulf of Mexico, west and southwest by the Rio del Norte."—*Morse's Geographical Dictionary, edition* 1821.

"Texas, province of Mexico, bounded southwest by the Rio del Norte."—*Brooks Universal Gazetteer, edition* 1823.

"Texas, claimed by Spain as a part of the internal provinces, and bounded west by the Del Norte," &c. —*Worcester's Gazetteer, edition* 1828.

"Texas, province of Mexico, in the former *provincios internos,* bounded southwest by the Rio Grande del Norte."—*Darby's Gazetteer, edition* 1827.

"Texas, province of Mexico, in the former internal provinces, is bounded southwest by the Rio Grande." —*Davenport's Gazetteer, edition,* 1832.

These are the descriptions of impartial geographers of the boundaries of the old province of Texas.

Let me, Mr. Chairman, in the next place, direct your attention and that of the committe to the language of Gen. Jackson on the subject of the boundary of Texas. His words are full of wisdom, and will outweigh all the declamations of interested partisans. In his letter to Aron V. Brown, Gen. Jackson says:

"Remember, also, that if Texas be annexed to the United States, *our western boundary would be the Rio Grande,* which is itself a fortification, on account of its extensive, barren, and uninhabited plains."

It was Gen. Jackson's administration that acknowledged the independence of Texas, with the limits that Texas prescribed for herself, and with the limits that the United States, by solemn treaty with Texas, on the 25th April, 1838, under the administration of Martin Van Buren, acknowledged it to extend as far north as the 42d degree of north latitude! I allude to the treaty under which a part of the eastern boundary of Texas was actually marked. But of this I may perhaps on another occasion be compelled to speak more at length.

Hear John Quincy Adams on this subject. On the 13th of May, 1846, the day war was declared against Mexico, he said:

"I utterly deny that I claimed the Rio del Norte as our boundary *in its full extent.* I only claimed it a *short distance up the river,* and then

[*Concluded on fourth page.*]