MESSAGE OF THE PRESIDENT OF THE U. STATES,

ON THE TEXAS BOUNDARY QUESTION.

To the Senate and House of Representatives:

I have with transmit to the two Houses of Congress, a letter from the Governor of Texas, dated the 11th day of June last, addressed to the Lieutenant-Colonel commanding the military department of New Mexico, which has been, I believe, the first intimation received by the President of the United States, of any hostile collision between the troops of the United States and those of Texas. It appears that a party of Texan troops, under the command of Lieutenant-Colonel Cook, of the Texan service, has been ordered to the Rio Grande, for the purpose of suppressing such insurrections.

The constitutional duty of the President is plain and peremptory; and the authority vested in him by law, is sufficient for his purpose, clear and ample.

Texas is a State authorized to maintain her own laws, or for such part as may be important to the Constitution, laws and treaties of the United States; to suppress insurrections against her authority, and to punish those who may commit treason against the State, according to the forms provided by her own constitution and her own laws.

But all this power is local, and confined entirely within the limits of Texas herself. She can possibly confer no authority which may be lawfully exercised beyond her own boundaries.

All this is plain, and hardly needs argument, or elucidation. If Texan militia, therefore, march into any one of the adjoining States, or into any Territory of the United States, there to execute or to enforce any law of Texas, they become at that moment usurpers: they are no longer under the protection of any lawful authority, and are to be regarded merely as intruders. Even UNITED STATES troops, if they should, without any authority, enter any State or Territory, they would be guilty of a violation of the laws of the United States, and would be liable to be dealt with as such. The Constitution declares, also, that no shall take place that the laws be faithfully executed, and that he shall, from time to time, give to the Congress information of the State of the Union.

Congress has power, by the Constitution, to provide for calling forth the militia to execute the laws of the Union; and whatever additional approbation and sanction have been passed, as well for providing for calling forth the militia, as for placing the military and naval forces of the United States at the disposal of the President, to enable him to discharge the constitutional functions of his office.

The second section of the act of the seventy-eight of February, 1795, declares that whenever the laws of the United States shall be opposed, or their execution obstructed, in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or the marshal of the district, the President may call forth the militia, so far as may be necessary, to suppress such combinations, and to cause the laws to be duly executed.

By the act of March 3, 1807, it is provided that in the case of obstruction of the laws, either of the United States or any individual State or Territory, where it shall be made the duty of the President to call the militia for the purpose of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purpose, such part of the land or naval force of the United States as shall be judged necessary.

These several enactments are now in full force; so that the laws of the United States are opposed or obstructed, in any State or Territory, by combinations too powerful to be suppressed by the ordinary or civil authorities, it becomes a case in which, in the duty of the President, officially to call out the militia or to employ the military and naval force of the United States, or to do both, if in his judgment the exigency of the occasion shall so require, for the purpose of suppressing such insurrections.

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