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SPEECH

OF

MR. T. J. RUSK, OF TEXAS,

ON

THE MEXICAN WAR.

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DELIVERED IN THE SENATE OF THE UNITED STATES, FEBRUARY 17, 1848.

WASHINGTON:

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DELIVERED IN THE SENATE OF THE UNITED STATES, FEBRUARY 17, 1848.

Mr. PRESIDENT: When this bill was introduced, I had no disposition to trouble the Senate with any remarks; but the discussion has taken a much wider range than I anticipated, having gone into the causes and consequences of the existing war with Mexico. It has been assumed, on one side, that the war was not begun by Mexico, but that it was commenced by the unauthorized and unconstitutional act of the President of the United States. With a view to maintain this position, a new boundary line has been assigned to Texas, the State which I have the honor in part to represent, which is said not to extend to the Rio Grande, its true boundary, as I am prepared to prove, but only to the river Nueces. The assumption, sir, of this position, renders it due to myself, due to the State of Texas, and due to the widows and orphans of some of the brave men who fell in our struggle with Mexico for our independence, that I should address the Senate, particularly on this branch of the subject. Now, sir, I venture to assert that, when all the facts shall have been made known to the country, no clearer question ever existed, than that the Rio Grande is the true boundary of Texas.

Before, however, I commence the discussion of the question of boundary, it may not, perhaps, be improper for me to allude, briefly, to the causes which led to the Texan revolution, and the subsequent struggle between that country and Mexico. I am aware, sir, that the people of Texas have been calumniated, as a band of *assassins, land robbers, and a set of God-forsaken, reckless desperadoes*, and it seemed, the other day, to afford the honorable Senator from Vermont no small degree of pleasure to rake up old newspaper articles, published ten or twelve years ago, rivalling, if they do not surpass, the plentiful abuse heaped upon us by the Mexicans themselves during our contest.

Mr. UPHAM. I certainly did not read those papers for the purpose of reflecting upon the character of the Texans. It was for the purpose of showing the views of the Democracy of the North at the time when annexation was first announced to the country.

Mr. RUSK. I did not understand the Senator as endorsing the statements, but still, they prove the fact that such abuse has been lavished upon Texas, and is perhaps at present circulated. Now, sir, it is not necessary that I should rise in my place, for the purpose of defending the character of the people of Texas from newspaper slanders. Their conduct, sir, is a sufficient vindication of them against such assaults, and the more their true character is known, the more will it be seen that they are entitled to respect and confidence. I will further venture to assert that, when the whole of the circumstances connected with her revolution and separation from Mex-

The convention, which had in the meanwhile assembled at San Felipe, declared against the central government, and protested against the military despotism of Santa Anna, and in favor of the constitution of 1824, inviting all the States of the confederacy to join them in restoring that constitution and reclaiming their liberties. General Cos, who had been closely besieged in his fortifications at San Antonio, capitulated, after having been beaten. Many of the citizens who resided between the Nueces and the Rio Grande, were attached to the army which captured General Cos. Now, sir, I would ask, was it not right that we should include them in the benefits of our victory, and provide for their safety? I say, sir, would it have been just or honorable in those of us who resided east of the Nueces, to have provided for our own security, and to have left those west of that river, from whom we had received valuable aid, to the tender mercies of the Mexican Dictator? We did provide for their safety—many of them have since fallen—we have always asserted and stood by the rights of their widows and orphans, and, anxious as we were for peace and a termination of the war with Mexico, there never has been a time when Texas would not have hazarded her very existence as a nation, in any contest, however unequal, rather than have abandoned them to the enemy. Life and liberty were the stakes for which we fought—mere territory was a secondary, very secondary consideration. These people had dared to resist the central power—they had perilled every thing and had joined us—had rendered important services, and we had cheerfully accepted their aid in the hour of adversity, and I, for one, sir, think it was *not discreditable* to us that we regarded their rights and stipulated for their security in our prosperity. General Cos was forced to enter into a capitulation which protected the rights of those citizens, and which forms the first link in the chain of our title to the territory extending to the Rio Grande. Mr. President, I will ask the favor that the Secretary will read the copy of that instrument which I hold in my hand. The Secretary read as follows:

Capitulation entered into by Gen. Martin Perfecto de Cos, of the permanent troops, and Gen. Edward Bureson, 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 Constitution of 1824.

2d. That the one hundred infantry lately arrived with the convicts, the remnant of the battalion of Morelos, and the cavalry, retire with the General; taking their arms and ten rounds of cartridges for their muskets.

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

4th. That it is discretionary with the troops to follow their General, remain, or go to such point as they may deem proper; but in case they should, all or any of them, separate, they are to have their arms, &c.

5th. That all the public property, money, arms, and munitions of war, be inventoried and delivered to General Bureson.

6th. That all private property be restored to its proper owners.

7th. That three officers of each army be appointed to make out the inventory, and see that the terms of capitulation be carried into effect.

8th. That three officers on the part of General Cos remain for the purpose of delivering over the said property, stores, &c.

9th. That General Cos with his force, for the present, occupy the Alamo; and General Bureson, with his force, occupy the town of Bexar; and that the soldiers of neither party pass to the other, armed.

10th. General Cos shall, within six days from the date hereof, remove his force from the garrison he now occupies.



11th. In addition to the arms before mentioned, General Cos shall be permitted to take with his force, a four pounder and ten rounds of powder and ball.

12th. The officers appointed to make the inventory and delivery of the stores, &c., shall enter upon the duties to which they have been appointed forthwith.

13th. The citizens shall be protected in their persons and property.

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.

15th. The sick and wounded of General Cos's army, together with a surgeon and attendants, are permitted to remain.

16th. No person, either citizen or soldier, to be molested on account of his political opinions hitherto expressed.

17th. That duplicates of this capitulation be made out in Castilian and English, and signed by the Commissioners appointed, and ratified by the commanders of both armies.

18th. The prisoners of both armies, up to this day, shall be put at liberty.

19th. The Commissioners, José Juan Sanchez, adjutant inspector, Don Ramon Musquiz, and Lieutenant 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.

(Signed.)

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.

(Signed)

Ratified and approved.

(Signed)

A true copy.

MARTIN PERFECTO DE COS,

EDWARD BURLESON,  
*Commander in Chief of the Volunteer Army.*  
EDWARD BURLESON,  
*Commander in Chief.*

General Cos, sir, with his convicts and soldiers, retired to the west bank of the Rio Grande.

Thus, sir, the citizens of Texas, east of the Rio Grande, had, so far, successfully resisted the change of government. The military despotism had no foothold remaining on this side of that stream. Up to this time we had been contending for the constitution, which had been overthrown, and not for a separate national existence.

Santa Anna, bent upon the possession of absolute power, was not to be thus balked in his views. He immediately mustered a large and well appointed army, and at its head, put himself *en route*, for our extermination. He could not remain quiet while a few freemen on this side of the Rio Grande were in the enjoyment of rational liberty, and would not bow and worship at the footstool of his power. The rest of Mexico had submitted; no response to the shout of constitutional liberty reached us from beyond the Rio Grande. Santa Anna was rapidly advancing upon us, threatening extermination, and we had no alternative left, but to assume a separate national existence. A convention was accordingly called in haste, to which the people between the Nueces and the Rio Grande sent delegates. We declared our independence—appealed to the civilized world for the justice of our cause—and trusting to the God of battles, put ourselves in position

to defend our rights. Santa Anna advanced with great rapidity, and the first blood that flowed in this campaign was shed upon the territory between the Nueces and the Rio Grande. The Alamo was surrounded, and its brave defenders, to a man, perished by the sword. Fanning surrendered, and, in violation of the most solemn stipulations for the safety of his command, he, and his gallant men were inhumanly butchered in cold blood. Most of the male inhabitants of the country west of the Nueces found bloody but honorable graves. Santa Anna continued his rapid advance, spreading ruin and devastation on his path. He was met at San Jacinto by seven hundred and eighty freemen, and the result is before the world—half of his force was slain, the remainder, including himself, captured.

Santa Anna now occupied a delicate position. His life justly forfeited to us, was held by a doubtful tenure. His Government at home was unpopular with the great mass of the people. The only support upon which he could rely for political existence, was the army at different points in Texas, now reduced to some five thousand men, under the command of General Filisola. To save his own life, the remnant of his army, and his Government were important objects. Only the day before, he was the *Government of Mexico*, now he was a *prisoner*. He obtained permission and wrote to General Filisola, who, in his answer, promised to obey implicitly all orders which he should give him. Santa Anna at once proposed to General Houston and the Secretary of War, then in camp, to acknowledge the independence of Texas extending to the Rio Grande. They declined to enter into negotiations, and turned Santa Anna over to the civil government, (which consisted of a President and cabinet, *ad interim*, elected for the emergency, by the convention.) Santa Anna urged them to enter into negotiations with him, which they did, and which treaty (here a Senator remarked that it was not a treaty.) I think it was a treaty, sir, and I shall have occasion further to remark upon it hereafter. I send it to the Secretary's desk for the purpose of having it read.

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 Vicente Filisola, General of Divisions, Don Jose Urea, Don Joachin 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 neighbouring Republics placed in relations of friendship on terms of reciprocal advantage;

Therefore, it is agreed by the President Santa Anna, and the Generals Don Vincente 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.

2d. That the armies, in their retreat, shall abstain from all pillage and devastation, and shall not molest any of the citizens of Texas, and shall not carry with them any cattle or other stock, more than may be absolutely necessary for their subsistence, for which a just price shall be paid. That all private property that may have been captured by either detachment of the army, shall be deposited at the first convenient point of their march, and left under a sufficient guard until the proper authorities of Texas shall have possession thereof.

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 the President Santa Anna, in his official character as chief of the Mexican nation, and the Generals Don Vincente Filisola, Don Jose Urea, Don Joachin Ramires y Sesma, and Don Antonio Gaona, as chiefs 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 respectfully 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 amity 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 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.

6th. That all prisoners taken by the forces of Mexico be forthwith released, and be furnished with free passports to return to their homes; their clothing and small arms to be restored to them.

7th. That all the fortresses of Texas be forthwith restored without dilapidation, and with all the artillery and munitions of war belonging to them respectively.

8th. The President and Cabinet of the Republic of Texas, exercising the high powers confided to them by the people of Texas, do, for and in consideration of the foregoing stipulation, solemnly engage to refrain from taking the life of the President Santa Anna, and of the several officers of his late army, whom the events of war have made prisoners in their hands, and to liberate the President Santa Anna, with his private Secretary, and cause him to be conveyed in one of the national vessels of Texas to Vera Cruz, in order that he may more promptly and effectually obtain the ratification of this compact, and the negotiations of the definitive treaty herein contemplated by the Government of Mexico with the Government of Texas.

9th. The release of the President Santa Anna, shall be made immediately on receiving the signatures of the Generals Don Vincente Filisola, Don Jose Urea, Don Joachin Ramires y Sesma, and Don Antonio Gaona, to this agreement, and his conveyance to Vera Cruz as soon afterwards as may be convenient.

10th. The President Santa Anna, and the Generals Don Vincente Filisola, Don Jose Urea, Don Joachin Ramires y Sesma, and Don Antonio Gaona, do, by this act of subscribing this instrument, severally and solemnly pledge themselves on their inviolable parole of honor, that in the event the Mexican Government shall refuse or omit to execute, ratify, confirm, and perfect this agreement, they will not, on any occasion whatever, take up arms against the people of Texas, or any portion of them, but will consider themselves bound, by every sacred obligation, to abstain from all hostility towards Texas or its citizens.

11th. That the other Mexican officers, prisoners with the Government of Texas, shall remain in custody as hostages, for the faithful performance of this agreement, and shall be treated with humanity, and the respect due their rank and condition, until the final disposition of the Mexican Government be ascertained, and a treaty to be predicated upon the above stipulations, shall be made or rejected by that Government. In the event of a refusal to enter into and ratify such a treaty, on the part of the Mexican Government, the Government of Texas reserves to itself the right to dispose of them as they may think proper and equitable, relative to the conduct of the Mexican forces towards the volunteers and soldiers of Texas, who have heretofore fallen into their hands.

12th. The high contracting parties mutually agree to refer the treaty intended to be executed and solemnized by the two Governments of Texas and of Mexico, on the basis established in this compact, to the Government of the United States of the North, and to solicit the guarantee of that Government for the fulfilment, by the contracting parties respectively, of their several engagements: the said parties pledging themselves, in case of any disagreement or default, to submit all matters in controversy to the final decision and adjustment of that Government. For this purpose the contracting parties shall, as soon as practicable after the ratification of said treaty, depute one or more Commissioners to the Court of Washington, invested with plenary powers to perfect the object of this stipulation.

13th. Any act of hostility on the part of the retreating Mexican troops, or any deprivation upon public or private property committed by those troops, or any impediment presented to the occupation of any part of the territory of Texas, by the forces thereof, on the part of the Mexican troops, shall be considered a violation of this agreement.

This is the second link in the chain of our title. This *treaty*, sir, was forwarded to me, (at that time in command of the Texan army,) and was transmitted by me to Gen. Filisola, who confirmed it. Its terms were strictly complied with; Gen. Filisola retiring with the army to the other side of the Rio Grande, unmolested; and the Texan force taking possession.

I grant you, sir, that Santa Anna was, at the time he executed this treaty, a prisoner of war—that he was under *duress*, if you please; that one of its objects was to save his life and procure his liberty; but I most positively deny that it was *extorted* from him. On the contrary, it was at his most earnest solicitation, repeated and pressed for several days, that the Government of Texas consented to enter into it. Its obligations were mutual upon Texas and upon Mexico; its benefits were mutual. Texas was to acquire the independence of all the territory east of the Rio Grande. Mexico, on her part, was to save the life of her President, and save her army, which was panic-stricken and completely in our power. I might adduce many facts to show that this was strictly true. I will not, however, waste the time of the Senate further than to state one circumstance, which was, that Gen. Ampudia, who has figured in the present war, surrendered the rear guard of the Mexican army, consisting of four hundred men with eight pieces of artillery, to Captain Karnes, at the head of twenty-five Texan troops, the main body of our army being forty miles off, with the river Brazos between us. Mexico saved, by the truce, her army, and by that means her Government. She saved the life and procured the liberty of Santa Anna. If Santa Anna was a prisoner and under duress, Filisola, the second in command, was free—was in Texas, at the head of five or six thousand men, with upwards of fifty pieces of artillery, with provisions and munitions of war in abundance. Our force did not exceed one thousand men, and we had but two pieces of artillery. Filisola, under these circumstances, sanctioned the treaty and communicated it to his Government, which remained quiet until their army was safe on the other side of the Rio Grande.

I do not intend to lay much stress upon this treaty, as I believe our title to be clear and unquestionable independently of it, but, sir, I will leave it to every candid mind to decide whether it be fair, just, and equitable, to permit Mexico to avail herself of all the benefits which resulted to her, and then turn round and repudiate the obligations imposed upon her. If this be a principle of the law of nations it is new to me, and if it be founded on any principle of *justice*, I have not, I confess, sufficient penetration to discover in what way. If, sir, an agent, unauthorized, if you please to

have it so, should sell a tract of your land, at a fair price, and you do not disavow his act, but go on and receive the full consideration agreed upon and appropriate it to your own purposes, is there any court of equity in the world that would not enforce the contract, as between you and the purchaser of the land? I think not, sir. But we are not forced to rest our cause here. We are amply sustained in our claim, not only by our own declarations and acts, but by the declarations and acts of Mexico subsequently. After Filisola had abandoned the territory in question, General Felix Huston, with a detachment of Texan troops, took possession, and kept the Mexican forces on the other side of the Bravo. Up to this time the Mexicans had always maintained a garrison at Laredo, a town on this side of the river. It was necessary for the defence of the inhabitants. But, sir, immediately after General Filisola had retired with his army, they removed this garrison to the other bank of the river, where it remained up to the commencement of the present war. The Texan Congress passed an act at its first session, in 1836, declaring our boundary to be the Rio Grande, and of this assertion of our claim Mexico and the whole world were notified. We laid off counties and conferred civil jurisdiction, established land offices, and sent troops there. The Mexicans always kept their forces on the other side of the river, at Matamoras, Mier, and opposite Laredo, at all of which places garrisons were permanently kept up, and never afterwards on this side. It is true they twice crossed the river and penetrated a far as San Antonio, but were immediately driven back. On both of these occasions they did not halt in the neighborhood of the Rio Grande, but retired into the interior. Our troops frequently crossed and penetrated the towns on the other side. In 1843, an armistice was agreed upon between the Governments of Mexico and Texas, which was broken off in the early part of 1844. Gen. Woll was ordered by Santa Anna to proclaim the armistice to be at an end, and he did so, under date of the 20th June, 1844. I read the concluding paragraph of that proclamation :

“3d. Every individual who shall be found at the distance of one league from the left bank of the Rio Bravo, 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.

(Signed) ADRIAN WOLL, Gen. of Brigade.”

Now, sir, if the citizens on this side of the Rio Grande were citizens of Mexico or Tamaulipas, if they had a custom-house and had possession, as has been stated, is it not a little unreasonable that Gen. Woll should denounce the citizens of Tamaulipas, the custom-house officers of his own Government, as “traitors,” and subject them to capital punishment?

It has been said the Mexicans had a custom-house at Brazos Santiago, and that Gen. Taylor found a custom-house at Point Isabel, which the Mexicans abandoned and burnt at his approach. Now, sir, the truth is that the custom-house was at Matamoras and the collector of customs resided there. It was there that the duties were paid on goods landed at Brazos Santiago, or at the mouth of the Rio Grande, on the west side, where, in fact, most of the merchandise intended for the Matamoras market was landed. I believe it is true that the collector did, occasionally, send his deputies to Point Isabel and Brazos Santiago, and they were sometimes accompanied by a military guard. I recollect upon one occasion several hundred soldiers were sent down to the latter place. The Mexican Government had, previously to our declaration of independence, passed a law de-

claring the ports of Texas closed against foreign commerce, which law remained unrepealed. In 1837, the Mexican Government procured what they called a navy, consisting of some three or four ships, one of which, I recollect, the "General Urea," came down to our coast, and captured one or two vessels owned by American citizens, and loaded with merchandize belonging to American merchants, and destined for the Texan trade. These vessels were carried to Brazos Santiago. In a few days the commander of the U. S. ship Natchez, on her way home from a cruize, seeing these vessels in the harbor, demanded of the captain of the "General Urea" for what cause they were detained. He was informed that they were prizes captured in an attempt to violate the blockade of Texas. The commander of the Natchez, not being apprized of any blockade, demanded that a copy of the proclamation of blockade should be furnished. They were obliged to send up to Matamoras to Gen. Bravo, the collector, for it, and, when it was furnished, it turned out to be nothing more than a certified copy of the old law of 1835, closing the ports of Texas against foreign commerce. The commander of the Natchez would not recognize this as a blockade, and demanded that the American vessels should be released. This was refused, and the Natchez captured the Urea. A great parade was now made on shore, troops were collected, cannon fired at the Natchez, which was, however, beyond the reach of their shot; the goods were confiscated, and many of the men on board the vessels were marched to Matamoras and imprisoned. The commander of the Natchez brought the General Urea to Pensacola and reported the whole affair to his Government. The matter ended, I think, in the release of the General Urea, and I am not sure that an apology was not made to the Mexican authorities.

But, sir, the Nueces boundary had its origin here. No act of the Mexican Government, nor declaration of any Mexican officer can be produced, showing that Mexico has, upon any occasion, since 1836, claimed the territory between the Nueces and Rio Bravo, by any other or different title than that set up by them to the country as far as the Sabine. I might adduce many other facts in support of this position; but I will only trouble the Senate with one more, which is this: General Santa Anna, on the 27th of February, 1847, in his report of the battle of Buena Vista, holds the following language:

"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 Gen. 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 United 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 be always favorable to the enemy, and the experience of the 22d and 23d should convince them that it could change."

Now, sir, if these facts do not constitute a valid title in Texas to the territory as far as the Rio Grande, I frankly confess that I am incapable of forming a conclusion as to what would constitute such a title.

Texas solemnly claimed that territory, and every act on her part is perfectly consistent with that claim. Mexico has disclaimed it, except as a

part of Texas, all of which she claimed, and all her acts have been perfectly consistent with this disavowal.

The title then having been, as I assert, in Texas at the time of the annexation, she surrendered to this Government the right to assert and maintain her claim, as she could not, consistently with the constitution, herself muster a force to protect her soil from the pollution of a foreign foe, and her citizens from outrage. It follows then that the President of the United States was not only at liberty, but was bound, solemnly bound, by the constitution and laws, as well as his oath of office, to protect the citizens of Texas against, not only a threatened, but an ACTUAL invasion, for General Taylor found the Mexican troops upon the territory in question, on his march to the Rio Grande. He would have been highly culpable and justly chargeable with all the consequences, had he failed to do so.

It may, perhaps, Mr. President, be proper, before I proceed further, to say something in regard to the claim of Texas to Santa Fe.

(A Senator.—Yes, let us hear something about that.)

Mr. RUSK. This, sir, is the more necessary, inasmuch as I see by the newspapers that an attempt is now being made to establish a territorial government of the United States there, irrespective of the claim of Texas. Santa Fe, sir, is east of the Rio Grande, and is included within the limits prescribed for Texas, in the treaty with Santa Anna. It is included in our territory by a law passed by the Texan Congress, in the year 1836, so that at the time of annexation, Texas and Mexico claimed the territory. This Government was fully apprized of this claim, as the resolutions of annexation show. The United States consented to become the judge upon the question of boundary between Texas and Mexico. This country has no claim except that growing out of annexation. This Government has taken possession, and it would be a new principle, that the judge, to whom a controversy has been submitted, shall seize the thing which is the subject of the dispute and appropriate it to his own use. I think I have seen such a decision in a newspaper, but I believe it is nowhere to be found in the books.

Mr. President, we are so constituted by nature, that when a war is once begun, our attention is so much absorbed by the stirring scenes that attend it, and the consequences which spring from it, that we lose sight, in a great degree, of the causes which immediately preceded and led to the result. And, sir, the truth of this proposition is peculiarly illustrated in the case under consideration. It has been boldly charged on the one side, and resolutely denied on the other, that this war was not commenced by Mexico, but by the President of the United States. Let us, sir, go back for a moment, to the circumstances which immediately preceded its commencement. Every act of the President shows, I think, most conclusively, that he was extremely solicitous to avoid a collision with Mexico.

It had been asserted, repeatedly asserted, that to annex Texas was an act of war, or would inevitably lead to a war. The President thought otherwise, and did every thing in his power to avoid such a result. He sent a minister who was thought to be, *personally*, more acceptable than any other to negotiate with Mexico. Her minister had left Washington in high dudgeon, and she indignantly refused to receive our representative, or to listen to terms, declaring, in the face of a truth of twelve years standing, that Texas was her province. Her Government denounced that of the United States; declared its determination to go to war, and made every

preparation to do so ; strengthened her army, and commenced its concentration upon the Rio Grande. Thus matters stood at the beginning of the year 1846.

General Taylor, in a despatch to the Secretary of War, dated at Corpus Christi, on the 4th of October, 1845, had, very properly, as I think, recommended a movement to the Rio Grande. In his communication, the General says :

“ Sir, I beg leave to suggest some considerations in relation to the present position of our force and the disposition which may become necessary for the more effectual prosecution of the objects for which it has been concentrated.”

After giving at full length the reasons for the recommendation which he was about to make, he proceeds to say :

“ For these reasons our position thus far has, I think, been the best possible ; but now that the entire force will soon be concentrated, it may well be a question whether the views of Government will be best carried out by our remaining at this point. It is with great deference that I make any suggestions on topics which may become matters of delicate negotiations ; but if our Government, in settling the question of boundary, makes the line of the Rio Grande an ultimatum, I cannot doubt that the settlement will be greatly facilitated and hastened by our taking possession, at once, of one or two points, on or quite near that river ; our strength and state of preparation should be displayed in a manner not to be mistaken. However salutary may be the effect produced upon the border people by our presence here, we are too far from the frontier to impress the Government of Mexico with our readiness to vindicate, by force of arms, if necessary, our title to the country as far as the Rio Grande. The “ army of occupation ” will in a few days be concentrated at this point, in condition for vigorous and effective service. Mexico, as yet, having made no positive declaration of war, or committed any act of hostilities, I do not feel at liberty, under my instructions, particularly those of July the 8th, to make a forward movement to the Rio Grande, without authority from the War Department.”

The President very properly adopted the suggestion of General Taylor, and ordered the troops to the Rio Grande, instructing that officer to avoid every thing calculated to lead to a collision. On the 21st of March, 1846, General Taylor was met at the Colorado, by the Mexican troops, and ordered peremptorily not to cross that river. Now sir, to which party is that principle of the law of nations applicable, which declares that for either party to take armed possession of a territory in dispute, is an act of war ? On the 28th of the same month two of General Taylor's dragoons were taken prisoners, and a bugler boy robbed of his horse by the Mexican troops. On the day abovenamed, General Mejia refused to receive a communication from General Taylor, and on the 10th of April, Colonel Cross was missing, and, in a few days his body was found shockingly mutilated. On the 12th, General Ampudia arrived at Matamoras, and peremptorily ordered General Taylor to retire. Taylor declined to do so, but expressed the wish of his Government for a peaceable adjustment of all difficulties. On the 18th, Lieutenant Porter, with a small party of our troops, was attacked, and after being disabled by a wound was butchered. On the 15th, General Taylor was so well satisfied of the hostile intentions of the enemy, that he blockaded up the mouth of the Rio Grande, in order to cut off supplies that were expected by them. On the 24th, General Ampudia demanded that the blockade should be raised, the American General refused. On the same day, General Arista arrived at Matamoras, and on the 26th Captain Thornton, in command of forty-five dragoons, was attacked by Torrejon, with a force of over two thousand, and two sergeants and eight privates were killed. On the 28th, Captain Walker was attacked by



a large force of Mexicans. On the 1st of May, an unarmed family of sixteen persons, two of whom were females, were taken prisoners at the Colorado, by the Mexicans, tied together in pairs, the women outraged, and their throats cut, and left to rot upon the prairie. Mr. President, Texas suffered much at the hands of Mexico—prisoners have been butchered in cold blood, confined in Mexican dungeons and starved; but, sir, we had to submit to no such outrage as this; and, sir, such an insult, if it had not been washed out with blood, and had been left unavenged by the President of these United States, would have caused every American heart to turn from him with loathing and disgust. Who is there in all this broad land that would have cried “forbear,” or could have expected the Executive again to entreat the Mexicans to negotiate? Not one, sir; no, not one.

The battles of the 5th and 9th followed, and who is there that, even if he could do so, would be willing to blot these and the brilliant victories which have followed in quick succession, from the pages of our country's history? The President, sir, has been blamed for alluding to the injuries and insults inflicted upon us by Mexico. If there be any blame attaching to him, I think it is for too great forbearance in this matter. Mexico has, sir, for the last twenty years, robbed your fellow citizens of their property and imprisoned their persons, in violation of solemn treaties. She has met their demands upon her for redress with insult and indifference, until they have ceased to appeal to you for redress. In Mexico, sir, ever since she has had a Government of her own, to claim to be an American citizen, was sure to result in confiscation of property and imprisonment of person, while to claim to be an English or a French subject, was to unbar the doors of her dungeons. How different in this respect, has been the conduct of the French Government from that of our own. When redress was refused for injuries inflicted upon French citizens, the Government of France did not stop to parley and negotiate. She battered down the walls of the castle of San Juan d'Ulloa, and the proud Castilian blood, about which we have heard so much, instantly yielded to the demands of justice.

It is, sir, a beautiful feature in the policy of the British Government, that she never fails to redress the grievances of the lowliest as well as the proudest of her subjects, and hence arises that deep-seated, enthusiastic attachment, which a British subject always feels to the institutions of his country. He may perish, sir, in a far distant land, beneath the scourge of the oppressor, but his dying moments are cheered by the assurance that his Government will exact ample redress for the wrongs inflicted upon him, and his last aspiration on earth will be for his country.

I hope the day will come when an American citizen will look with a similar confidence to his Government; but, sir, it pains me to say it, hitherto it has been far otherwise.

I might allude to the many instances of oppression practised on American citizens by Mexican officers, but, sir, it would take volumes to record them all, and I feel safe in hazarding the assertion, that no single year has passed within the last twenty, during which the dungeons of Mexico have not contained American citizens, incarcerated without fault or crime justly imputable to them. This, sir, is but a feeble sketch of the course of the Government of Mexico, in behalf of whom so much sympathy is invoked from the people of the United States.

But, Mr. President, we are in the midst of a war. That it exists, is a matter of regret to all, and the sooner it can be brought to a close the better.

It is my opinion that, if the President had been properly sustained, it would have been terminated long since. I believe that our own differences of opinion have had the effect of prolonging this war; but you will allow me, Mr. President, here to say, at the same time, I believe that those who contend that it was unconstitutionally and improperly begun, are as sincere and as patriotic as I claim to be myself, in holding the opposite opinion. It is, sir, an honest difference of opinion concerning momentous questions, upon which a final judgment has not yet been pronounced. But, sir, the Mexicans are a peculiar people; they cannot appreciate the American character, nor can they realize the beautiful sentiment uttered by the honorable Senator from Kentucky, (Mr. CRITTENDEN,) as true as it was beautiful, and expressed in a style so peculiarly his own, when he said, "in making the law we have many voices—in its execution but one arm." The truth of this position, sir, has been most triumphantly proved upon the hard-fought fields, where both Whigs and Democrats have nobly borne the standard of their country victoriously onward, to the centre of Mexico. But, sir, it is an old adage, that drowning men will catch at straws. The Mexicans know that many of the most prominent men in our country believe the war to have been improperly begun, and that our army ought to be withdrawn from their country; and, knowing them as I do, I am not astonished at the unfortunate hopes they entertain, growing out of our political differences of opinion. They know that party changes have taken place, that we are upon the eve of important elections, and they hope at least, if they do not believe, that something may transpire favorable for them. If the President, sir, could have felt at the beginning, that he was fully sustained, I am of opinion the war would now have been at an end.

But, Mr. President, the question at present is how we are to terminate this most advantageously. Three plans have been suggested:

- 1st. To withdraw our troops from Mexico altogether.
- 2d. To take a defensive line, and concentrate our troops upon it.
- 3d. To prosecute the war with vigor, until Mexico shall become convinced of the necessity of rendering to us justice, and shall do so.

To the first proposition, Mr. President, I cannot agree. Aside from the disgrace which, as I think, we should incur by pursuing a course which would be a tacit acknowledgment, before the whole civilized world, that the war had been improperly begun, such a policy would be one of the greatest misfortunes that could occur to the United States. That it would be one of the worst things that could happen for Mexico is beyond all question. If we were to withdraw our troops now, it would be to admit the truth of the charge which has been made, that the war was commenced for the purpose of land robbery. But, apart from all this, it would be a misfortune to the people of the United States, and a very great misfortune to the people of Mexico themselves. I may, perhaps, be told that my fears are die, but I think otherwise. In such an event, what would be the inevitable result? It would be that Mexico, in her present exhausted condition, would immediately, in reality, if not in name, fall into the possession of some European power. Senators may suppose that this apprehension is a mere creature of the imagination, but I happen to know that, for the last ten or twelve years, Mexico has been *practically* under the control, directly or indirectly, of the British Government. It is to this source that we must trace the prejudices which have existed against the North Americans. It is through the instrumentality of the military party of the coun-

try, led on by its chiefs, under the direction of British influences, that you have been excluded from their markets, and that your citizens have been imprisoned and their property confiscated. This is the true, but secret, reason why your trade with Mexico, which was formerly so flourishing, amounting to not less than eleven or twelve millions of dollars annually, has been reduced to, perhaps, less than a million of dollars. The British agents, sir, are always at work; they are never idle, nor are they so at this time. I am indebted to the gallant Lieut. Col. Fremont for some information acquired by him while acting as Governor of California, which has an important bearing upon this branch of my subject, and which will throw a great deal of light upon what is at present going on in Mexico. There has been in progress in California, ever since the commencement of this war, a three fold operation, having its origin in the city of Mexico, and conducted by official or unofficial agents of the British Government. In the first place, there have been transfers of land, not only from individuals, but from churches, through which a transfer of the sovereignty of the country has been attempted. A junta, as it is called, or convention, had been sanctioned by the Governor of the province, to be called to deliberate on the propriety of declaring the inhabitants independent of Mexico, and seeking the protection of the British Government. More than this. In the city of Mexico itself, a stupendous scheme had been devised by a Roman Catholic priest, named Macnamara, who, having obtained the sanction of the Mexican Government, was sent down to procure a grant of three thousand square leagues of land in that province. The ecclesiastic was transported to Monterey in a British national ship, and the grant was immediately sanctioned by the Government of California.

But, sir, I will not anticipate the account which will be laid before the country, at the proper time, placing this transaction in its true light. It is sufficient to say that, had it not been for timely and energetic action, California would have belonged, at this moment, to subjects of Great Britain, and the British flag would have been flying on all her forts. Senators will find these facts established beyond all doubt, in the course of a very few days. I will not take the trouble to read any part of this grant, but I will append the precious document to the remarks which I now offer, in order that the country may be advised of what is going on in Mexico.

These things are and have been in progress in Mexico ever since the commencement of our present difficulties, and there can be no question that the British Government would sanction and favor the taking possession of that whole country by her subjects. When were the possession and sovereignty of a country ever offered to and refused by that Government? I would not like to see Mexico in that condition.

There are various other reasons which induce me to believe that something of this kind is in contemplation. I know something of Mexico, and I feel assured that our army has already captured more small arms in that country than were in it at the commencement of the war. The vessels of foreign nations are constantly hovering off the coast, and the observations of fifteen years have taught me to anticipate the effect of the immediate withdrawal of our army from that country. It is known that Parades, the avowed advocate of monarchical institutions, is now in Mexico, attempting to place some European prince upon the throne, or assume the kingly power himself. Should Santa Anna again get into power, the establishment of a monarchy will, in all probability, be the result. He has no

sympathies with the people, none whatever; and revengeful and ambitious as he is, he would not hesitate to make himself a king. He has not forgotten that, when he was deprived of power, the populace took from its resting place the limb he had lost in their service, and treated it with the utmost indignity. If he cannot enslave the people by his own power, he will readily join in any project which may effect that object. Such is the temper of the Mexican people, Mr. President, that I feel convinced they will either establish a monarchy, with a native sovereign, or place themselves under the dominion of some European Power.

But, if there were no such thing as the establishment of a monarchy to be apprehended, are we willing, I would ask, to abandon the prosecution of this war, under the circumstances which have attended it. When we have proceeded thus far, without having been in error at the commencement or during the progress of the war—asking nothing but an honorable peace, with a reasonable indemnity, which our enemies have refused to grant on all occasions, or even to talk about, are we now to withdraw our troops without effecting our object? General Taylor offered them peace—General Scott has offered it, and the President has offered it, over and over again, under circumstances which have almost made them objects of ridicule with the country. And yet we are told that the poor, *confiding*, *magnanimous* Mexican nation are suffering at our hands, and we ought to withdraw our troops. What will the world say in such an event? They may say we are a *magnanimous people*, but *must think* we have very little judgment. We want peace and Mexico has utterly refused to make it, and I am unwilling to make a retrograde movement, until she is brought to her senses, and offers assurance of good behavior in future.

It has been proposed that we shall adopt a defensive line. In my opinion, sir, the adoption of such a line will extend the duration of the war to an indefinite time. If we were to fall back and assume a line which should include what we are willing to accept as an indemnity for the losses and injuries sustained by us, and garrison it, what would be the consequence? Being relieved from the presence of our army, Mexico will acquire the means of operating against us. She will get the mines and revenues of the country, and will invoke foreign aid, and thus the war will become interminable, and may eventuate in bringing us into conflict with some foreign and transatlantic power.

My opinion, then, Mr. President, is, that we should prosecute this war with vigor, and that the necessary consequence of such vigorous prosecution will be, to show the Mexicans that we are resolved to bring them to reason. They should be made to understand that they have nothing to expect from our divisions at home, the nature and extent of which they do not know and cannot properly appreciate. If they see forty or fifty thousand men about to seize and occupy permanently their large cities and mining districts, they would soon be convinced, notwithstanding the approach of our Presidential election, that their only means of escape is the adoption of a treaty of peace which shall be satisfactory to this country. They do not know that any differences of political opinion which may exist among us, do not weaken the arm of any man who serves his country. But it is said that Mexico is in our hands, that we have her already at our feet, that it is ungenerous to press her further, and that we have already men enough in that country. All this may be true. Allusion has been made to the battle of Buena Vista. We have been told that we had men enough there

to overcome the enemy, and gain a victory that has few parallels, if any, and that this was effected with a force of about six thousand men opposed to twenty thousand. This is all true, and if there had been but six hundred of our men there, General Taylor would not have retreated. He and his gallant followers would have maintained their position; they might have been slain where they stood, but would never have been beaten by Mexicans. It will be admitted that if instead of six thousand, we had had twenty thousand men on the field, Santa Anna would never have escaped with the bulk of his army and his munitions of war. Had such been the case, I would ask, would the gallant, the chivalrous Clay, when lying mangled and bleeding on the battle-field, and unable to defend himself, have been pinned to the earth by the lances of a brutal and dastardly soldiery. No, sir, and it is my belief, that the greater the energy with which we prosecute this war, and the more commanding the force we place in the field, the less will be the sacrifice of human life, and the sooner will we bring the enemy to terms.

I know, Mr. President, that great fears are entertained of the consequences likely to ensue from the taking of all Mexico, or any considerable portion of it. I confess that I entertain no such fears, but at the same time I would not insist upon any more of Mexico than may be necessary to afford us indemnity for losses, and, at the same time, furnish a well-founded assurance that she will maintain a Government, free in itself, and not liable to the interference or control of any foreign Government or their agents. I would be content with a fair indemnity, but would run the risk of the consequences of taking the whole country, rather than to see the people exposed to the oppressions of the military power.

It is said, Mr. President, that it would be robbery to take away their country from the Mexicans. On this point, I would ask whether the principles of our Government do not guaranty to all of our citizens the full enjoyment of life, liberty, and property? If so, would not the extension of our Government throughout Mexico, give perfect security to the inhabitants, who would, in that event, be entitled to the protection of our laws? Could this be called robbery, or would the right of property be divested? How would the rights of individuals be, in any degree, interfered with, by reason of our occupation of the country, or what sort of robbery would it cause? It would be nothing more nor less than this, Mr. President. It would take from the tyrannical military chiefs the power of oppressing the people. It would deprive foreigners of their power and privilege to make use of the Government for their own purposes, in effecting their own aggrandizement and enriching themselves. It would afford the country an opportunity to develop its mighty resources, and prevent them from being monopolized by a few foreign capitalists, whose interests are in conflict with those of the United States. There is one thing, however, sir, that I would *not* be willing to do. I would not be willing to vote for a treaty of peace that would not secure to us the territory as far as the Sierra Madre, including the Californias. This is what we should have, under all the circumstances, to place us in position to watch the political movements that may hereafter transpire; for if we leave Mexico in the possession of the priests or the military power, she will become an instrument in the hands of some other Government, with which to annoy and interfere with

Such an arrangement would be to the advantage of Mexico herself, if she be disposed to establish a free and stable Government. The truth is, sir, that the city of Mexico controls the whole of the Mexican republic. It always has done so, even when there existed the form of a constitution, and the pretence of State sovereignties. It is the heart of Mexico, and is to her what Paris is to France.

The Government then being in the city of Mexico, it cannot effectually control the more distant provinces, and, consequently, the possession of them by the United States, to which they are contiguous, would be a real advantage to the Mexicans. While this benefit would enure to Mexico, the good resulting to the United States from the extension of our commerce, would be incalculable. Nor is this all. The Mexicans who occupy the territories, to which I have reference, have never been adequately protected by their Government, which, in its present exhausted condition, would be less able than ever to afford them security. To these people the advantages would be immense, growing out of the protection they would enjoy against Indian outrage. The roving bands of Camanches and other savages, are committing depredations upon them constantly, and at this moment there are thousands of their women and children belonging to the most respectable families, who are held in the most hopeless captivity by those Indians, against whom they cannot protect themselves. There is not a month, or scarcely a week that passes, which does not witness outrages of this sort. Then, sir, instead of being an injury to these people, it would be to do them the greatest service possible, to take them under our protection. While this territory is, comparatively, of little value to Mexico, to us it is of great importance, and to make ourselves masters of it, would only be to acquire what is justly our due, in consideration of the debt which Mexico owes to us, and which she is unable to pay in any other way. Our claims against Mexico are of no ordinary kind. What she owes us is due, not to the Government, but to our citizens. They did not voluntarily part with their property, in order to create this indebtedness; but Mexico, with violence and a shameless disregard of all principle, robbed them of what belonged to them. Most of the claimants have been for years, and are at present, ground down to the earth by poverty, brought upon them by the forcible taking of their substance by the authorities of Mexico.

I do not propose to pursue this discussion further at this time; but before I take my seat, Mr. President, I will venture the assertion, that, if partisan political motives be suffered to enter into and mingle themselves with the management of the present war—if protracted debate be allowed to postpone the prompt and energetic action necessary to bring it to a successful and honorable termination—and if it be continued for twelve months longer, Senators will find it impossible to get rid of it, until we shall make up our minds to annex the whole of Mexico.

## TRANSLATION

*Of the Macnamara Grant of three thousand leagues of land, referred to in the preceding remarks :*

I, Eugenio Macnamara, Catholic Priest and Apostolical Missionary, take the liberty of submitting to your Excellency some reflections on a subject which at this time attracts much public attention; I allude to the expectations and actual condition of Upper California. It does not require the gift of prophecy to foresee, that within a little time this fertile country will cease to be an integral part of this Republic, unless some prompt and efficacious measures be adopted to restrain foreign rapacity. The immediate question that presents itself is, what are the speediest and most secure means of avoiding such a calamity? The unanimous voice of the country responds, *colonization*. The second question is, where shall we find the colonists who possess all the necessary qualities for an object so desirable? Certainly not in Mexico; and as little in any of its dependencies, which are so thinly peopled. We have then to recur to Europe, which abounds with an excess of population. What people of this ancient continent is best calculated for the ends of colonization—best adapted to the religion, character, and temperament of the inhabitants of Mexico? Emphatically, I answer the Irish; the Irish are devout Catholics, moral, industrious, sober, and brave.

For this reason, I propose, with the aid and approbation of your Excellency, to carry forward this project, to place in Upper California a colony of Irish Catholics. I have a triple object in making this proposition; I wish in the first place to advance the cause of Catholicism; in the second, to contribute to the happiness of my countrymen; and thirdly, I desire to put an obstacle in the way of further usurpations on the part of an irreligious and anti Catholic nation. I therefore propose to your Excellency, that there be conceded to me an extent of territory on the coast of Upper California, for the purpose I have indicated.

I would prefer, with the permission of your Excellency, to place the first colonists on the bay of San Francisco. Your Excellency will agree with me, that this would be a proper step, when it is remembered that the Americans have possession of Bodega, a post abandoned by the Russians, situated a little to the north of San Francisco. I should bring, for a beginning, one thousand families; afterwards, should it appear well to your Excellency, I would establish a second colony near Monterey, and a third at Santa Barbara. By this means, the entire coast (by which most danger is to be expected) would be completely secured against the invasion and pillages of foreigners.

For each family that I bring I will require the land that composes "un sitio de ganado mayor," a square league containing four thousand four hundred and twenty-eight acres, to be given free of all cost; likewise, that the children of the colonists, when they marry, shall receive a half sitio, 2214 acres, as a national gift.

I should likewise require an exemption from the payment of all classes of contributions for a certain number of years; that the colonists, on taking possession of their land, shall consider themselves under the protection of the Government, and shall enjoy all their rights.

There are other points of less importance which I do not touch upon now, as they can be discussed to more advantage hereafter. I have the satisfaction to be able to say, that the propositions have merited the fullest approbation of the most illustrious archbishop, the venerable head of the church in this country. This project, which I lay before your Excellency, ought to be effected on an extended and liberal footing, in order to be positively beneficial to the country.

Thus, in a few words, I have manifested my opinion on this important subject, and have presented some ideas pertinent to it, which, if generously carried into effect, may dispense happiness to many, and in the end, tend to the consolidation and integrity of this great Republic.

I have the honor to be very respectfully,

Your Excellency's most obedient servant,

EUGENIO MACNAMARA.

*To the most Excellent Senor President  
of the Republic of Mexico.*

No. 2.

*To the most excellent Senor President of the Republic of Mexico :*

By the final hesitation of the Supreme Government to enter immediately on the question of establishing an Irish Colony in California, it appears that the principal and

only objection to fulfilling the enterprize, is the difficulty of obtaining sufficient pecuniary means to pay the expenses of transporting the colonists to the place of their destination.

This objection appears sufficiently well founded; but I think I shall be able to show to your Excellency, in a few words, that it is very easy to overcome, and that the object may be realized without the Government finding it necessary to spend a single dollar.

I beg your Excellency to be pleased to take into consideration what I have before expressed, I believe sufficient money for the transportation of the colonists can be obtained. In the first place, there are in my country many fathers of families who, after selling the little land they possess, their cattle, furniture, &c, would be able to command two or three hundred dollars, with which sum they would have nearly enough to cover the expense of the voyage, and of their families. But as it will be necessary to convey many other families who lack the means for paying the expenses of their transportation, such as priests, physicians, mechanics, young women, &c, it will be necessary to obtain money for the purpose; and I am of opinion that if the Supreme Government should assign me, in California, a quantity of land sufficient to hypothecate, I would be able to obtain money in my country upon the land. I believe, in the second place, that the Supreme Government should agree to cede to me, for a certain period of time, for the use of the colonists, the duties on importation of the port of San Francisco. This last proposal, may be conceded the more readily, inasmuch as the Supreme Government does not receive much benefit from the duties on importation of that port.

In this manner, I believe I have shown to the most excellent Senor President, in a few words, resources easy to be realized, and with which may be set aside all the objections that are presented, as I have demonstrated at the beginning, without the Government being compelled to make any expenditure.

Your Excellency will excuse me that I take the liberty further to demonstrate that no time ought to be lost in this important affair, if it is desired to be realized, since your Excellency knows well enough that we are surrounded by an artful and base enemy, who loses no means, however bad, to possess himself of the best territory of this country and who abhors to the death its race and its religion.

If the means which I propose be not speedily adopted, your Excellency may be assured that before another year the Californias will form a part of the American Union, their Catholic inhabitants will become the prey of the Methodist wolves, and the whole country will be inundated with these cruel invaders. Whilst I propose the means of repelling them, my propositions ought to be the more admissible, inasmuch as I have no personal interest in the affair, save the progress of the holy religion of God, and the happiness of my countrymen.

As for the fidelity and adhesion of these to the Mexican Government, I answer with my life; and according as may be drawn a sufficient number of colonists, (at least 10,000 men) and I am of opinion, and may assure with certainty, that the number will be sufficient to repel at the same time the secret intrigues and the open attacks of the American usurpers.

I have the honor to be your Excellency's

Most respectful and obedient servant,

EUGENIO MACNAMARA, *Apos. Miss.*

*Ministry of Foreign Affairs, Government and Policy.*

Having heard the opinion of the Council on the project of colonization in California, presented by you to the Supreme Government, the Government, in accordance with the opinion of that body, has determined that, in view of the necessity which exists for some effective measures on that subject, and on other concessions proper for the action of the Legislature, the matter will be referred, together with your memorial, to the chambers.

I state this to you for your information, remarking that the subject will be thus attended to in a convenient time.

God and Liberty, Mexico, January 19, 1846.

Very Reverend FATHER MACNAMARA,  
*Apostolical Missionary.*

CASTILLO LAURAS.



Eugenio Macnamara, native of Ireland, Catholic Priest, and Apostolical Missionary, respectfully represents to your Excellency that he has arrived in this department with the object of undertaking the establishment of a colony of his countrymen here, to which end he has received the benign co-operation of the venerable and illustrious Archbishop of Mexico, and the cordial recognition of the Supreme Government, who have recommended me to come in person to this Department to select land adapted to the said object, and exhibit to your Excellency my projet of colonization, with the customary formalities.

I have the honor to present to your Excellency my plan, which is in substance as follows :

I contract with the Government to introduce into this Department in the shortest time possible, two thousand Catholic Irish families, industrious and sober, the whole number of whom would be ten thousand souls, who as soon as they arrive would consider themselves bound by and submit to the established laws, and lend their services to the legitimate Government in defence of California, against all enemies who might invade her, maintain internal peace, and, in fine, dedicate their efforts to the prosperity and advancement of this country.

I solicit then, that your Excellency will be pleased to adjudicate to me in ownership, the land situated between the river Joaquin, from its source to its mouth, and the Sierra Nevada ; the limits being the river Cosumne on the north, and on the south, the extremity of the Tulares, in the neighborhood of San Gabriel.

I beg your Excellency will be pleased to look favorably on my proposition, and to give the order that I have asked, which will undoubtedly tend to the happiness of California, and in a great measure to fulfil my ardent desires to propagate that religion we profess, and at the same time be useful to my countrymen.

SANTA BARBARA, July 1, 1846.

EUGENIO MACNAMARA,  
*Missionary Apostolic.*

*Note on the margin of the preceding.*

GOVERNMENT OF THE DEPARTMENT OF CALIFORNIA,  
*Santa Barbara, 1st July, 1846.*

Sent to the Excellent Departmental Assembly, that it will be pleased to give its advice upon the matter of the petition, and afterwards return it to this Government for its final action.

PICO.

DEPARTMENT OF RELATIONS,  
*Mexico, 11th August, 1845.*

*To Senor Don Jose Ma Hjar, Monterey.*

MY DEAR AND ESTEEMED FRIEND: The Irish priest, Macnamara, goes to that Department (California) with the expedition in charge of Senor Col. Don Ignacio Yniera, and takes a project of colonization with Irish families.

Among the very honorable persons who have recommended this ecclesiastic to me, the most illustrious Senor Archbishop has done so very warmly ; and desiring to gratify them in an affair that may be of advantage to the country, I make the same recommendation to you, charging you to examine well his project, and inform the Government of what he may offer, in order that it may determine what is suitable ; and likewise that you facilitate him as far as in your power, and make his residence in the Department agreeable.

I repeat that I am your very affectionate friend and servant.

LUIS G. CUEVAS.

You will speak on the subject with H. E. the Senor Governor, in order that, in view of his advice and opinion, the Government may decide the more intelligently.

L. G. C.

ASSEMBLY OF THE DEPARTMENT OF THE CALIFORNIAS.

MOST EXCELLENT SIR: Accompanying is sent to your Excellency a copy of the report of the special committee, approved by this honorable assembly, in a sitting extraordinary of this day, relative to the projet of colonization presented to your Excellency by the Senor Priest Don Eugenio Macnamara ; and inform your Excellency that this body agrees with the sentiments expressed by your Excellency in your official letter of

the 21th June last, expressing your opinion and great desire that the said enterprise should be carried into effect.

I have the honor to communicate it to your Excellency according to a resolution of the honorable assembly, and in reply to your note above mentioned, and at the same time to renew the most sincere considerations of my esteem.

(Signed)

FRANCISCO FIGUEROA, *President.*  
NARCISO BOTELLA, *Second Vocal.*

God and Liberty. ANGELES, July 7, 1846.

To the Most Excellent Constitutional Governor of the Californias.

PIO PICO, CONSTITUTIONAL GOVERNOR OF THE DEPARTMENT OF THE CALIFORNIAS.

Whereas the priest Don Eugenio Macnamara has applied, for the purpose of establishing a colony of Irish families, to be apportioned lands in the interior of this department, which are now waste; considering the advantage which would result to the country from the occupation of those regions hitherto desert, alike in the advancement of agriculture and the increase of commerce, the arts, and industry, and in the propagation of the faith; and that it would at the same time, secure the Department from the frequent incursions of the savages, who have heretofore diminished the wealth of the country by their repeated robberies; and, moreover, that the increase of the number of settlements by respectable families, would preserve the national integrity and independence, supposing they would be so many more Mexican citizens, in which case they would add to the growth of the country: Having first made the diligent examination required by the laws and regulations of colonization, using the powers which are conferred upon me in the name of the Mexican nation, and in accordance with the advice of the Departmental Assembly, I hereby concede, for the colonization of Irish families, the apportionment of lands which has been solicited by the said Father Macnamara, with the reservation of the approval of the Supreme National Government, and under the following conditions:

1. There shall be conceded to the Irish colony the unoccupied lands which are found in the interior of the Department, beyond the twenty boundary leagues (*fuera de las virute leguas limit trofes*) on the river San Joaquin, from its source to its mouth, and the Sierra Nevada; the boundaries being, the river Cosumne on the north, and on the south the extremity of the Tulares, in the vicinity of San Gabriel; within which limits, the families which compose the colony may establish their settlements under proper regulations, with the understanding, that although they shall have liberty to enclose what is set apart to each one, it shall be without prejudice to paths, roads, and public uses.

2. The families who shall establish themselves, shall have the free and exclusive enjoyment of the lands allotted to them, for such use or cultivation as they prefer; but they shall not in any manner have power, either separately, or as a colony, to voluntarily alienate to any foreign nation, nor to pass to any other dominion by hypothecation, or on any pretext whatever, unless with the consent of the Mexican nation.

3. In the settlements which the said colony may establish, they shall have power, should they have an excess of lands, to receive other inhabitants, of any citizens or families whatever resident in the Department, or of other persons who may have the requisite prescribed by the laws; these latter to be considered as enjoying the privileges conceded to the respective municipalities in the commons and private lands allotted to each settlement.

4. As there are to be three thousand families composing the colony, there shall be adjudicated to each one a single "*sitio de ganado mayor*" (428) acres in the district aforesaid; and if this should not suffice, they must be limited to that which is found. Should fewer than the three thousand families arrive, all the excess of land between these limits shall remain for the benefit of the nation, and may be allotted to Mexican families.

Wherefore, I order, that, holding the title to be firm and valid, it be recorded in the proper books, and be delivered to the interested party for his security and use.

Given at Santa Barbara, on common paper, on account of having none that is stamped, this fourth day of the month of July, year one thousand eight hundred and forty-six.

JOSE MARIAS MORENO, Secretary, *ad interim*, recorded, &c.

W 46 PICO.







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