SPEECH

OF

HON. STEPHEN A. DOUGLASS, OF ILLINOIS,

ON

THE ANNEXATION OF TEXAS:

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, JANUARY 6, 1845.

When Mr. WINTHROP concluded his remarks—

Mr. DOUGLASS next obtained the floor, and renewed his motion, submitted some days since, to amend the amendment to the report of the Committee on Foreign Affairs, by substituting the preamble and resolutions heretofore offered by him.

He proceeded to say, that he had listened with pleasure to the speech of the gentleman from Massachusetts on this occasion, as indeed he always did when that gentleman addressed the House. He had listened to him to-day, however, with more than usual interest, with the expectation of hearing a full exposition of all the grounds upon which the annexation of Texas to the United States was to be opposed, and was forcibly struck with the extraordinary position which he advanced in regard to the manner in which the discussion should be conducted. He has informued us that it is the duty of the friends of the measure to sustain its constitutionality, propriety, and expediency, by fair argument; while its opponents consider themselves under no obligation to do more than to maintain, in sullen silence, the firm resolve of opposition, and interpose a negative to each proposition. After this annunciation, he proceeds to denounce the project of annexation as a palpable violation of the constitution—a subversion of the principles of the federal Union—the adoption of an unjust foreign war—an infraction of the laws of nations—and a breach of the national faith. This is truly a novel mode of conducting a discussion, and a very convenient one for those who adopt it. They are to raise objections, to deal in broad assertions and bold denunciations, without any obligation to sustain them by facts or arguments. Be it so. It is their privilege to select their own mode of conducting the opposition, and I do not complain of them for pursuing the course indicated, for the reason that I have no doubt it is the most prudent one they could adopt.

The friends of annexation are willing to assume the affirmative, and undertake to demonstrate, by argument, not only the propriety and expediency of the measure, and the constitutional power to consummate it, but our right to do it in the manner proposed.

Mr. D. would here notice another remark of the gentleman from Massachusetts, in relation to the origin of the Texas question. That gentleman had been pleased to say that "this odious measure had been devised for sinister purposes by a President of the United States *not elected by the people*." If he has reference to President Tyler as the originator of the annexation question, I will inform him that he is doing great injustice to his friend and colleague, [Mr. ADAMS.] While I will not pluck from the brow of Mr. Tyler, or General Jackson, or of any other distinguished advocate of annexation, any of the laurels they have won by their zeal in behalf of the measure, I cannot permit such palpable injustice to the venerable gentleman from Massachusetts as to allow the origin of the movement to be traced to any other individual. It will be recollected that, in 1825, Mr. ADAMS (then President of the United States) directed his Secretary of State (Mr. Clay) to instruct our minister at Mexico to open negotiations for the immediate reannexation of Texas to the United States; whereupon Mr. Clay immediately wrote his despatch to Mr. Poinsett, which I now hold in my hand, informing him of the wishes of the President in regard to the annexation of Texas, and instructing him to use his best efforts to secure the reunion of that country to this. I commend this letter especially to the friends of Messrs. Adams and Clay, as a clear exposition of the great and numerous advantages this country would derive from the annexation of Texas. Again, in 1827, Mr. Adams had the subject so much at heart, and was so anxious to secure an acquisition that would reflect so much credit upon his administration, and confer such benefits upon his country, renewed his instructions to his Secretary, and Mr. Clay wrote another letter amplifying upon his former one, and directing our minister to offer a large amount of money in order to get Texas into the Union again. These efforts were considered among the proudest acts of that administration, and, if successful, would have been considered profitable investments in the capital stock of the next presidential campaign. But unfortunately they were unsuccessful, and that administration was deprived of the glory of the achievement, although it received due credit for its zeal and

repeated efforts to accomplish so great a good for the country. It may not be amiss to remark, also, that, at the time these efforts to regain Texas were made, Mexico and Texas were both revolting colonies to the kingdom of Spain, and that a fierce and cruel war was then actually raging between the revolting colonies and the mother country, for independence on the one side and subjection on the other. If it will not be deemed unkind, I would like to inquire of the friends of Messrs. Adams and Clay on this floor, whether a treaty annexing Texas to this country, made at that time with the revolting colonies, while they were engaged in actual war with the mother country, would have been considered the adoption of an unjust and unconstitutional war—whether it would have been deemed a palpable violation of the laws of nations—of treaty stipulations, and of national honor? I submit this question in all kindness and sincerity to those gentlemen who now think that we have no right to annex Texas, without the consent of Mexico. If there is any difference in the two cases, it is in favor of Texas, inasmuch as Mexico has no troops stationed in Texas, and has had none for the last nine years; whereas Spain had about six thousand troops in Mexico at the time Messrs. Adams and Clay were carrying on their negotiations for the annexation of Texas.

But I am digressing from the thread of my remarks. I was attempting to show that the Texas question was not a new one—that it did not originate with Mr. Tyler—and that it had for a long time engrossed the attention of the American people and government. By the fiat of the people, Gen. Jackson and Mr. Van Buren succeeded to the places of Messrs. Adams and Clay. One of the first acts of the new administration was to re-open negotiations for the annexation of Texas. By order of the President, Mr. Van Buren addressed a long despatch to Mr. Poinsett, in which he set forth the paramount importance of the measure as connected with the national defence, and natural boundaries of the country; the extension of our territory, commerce, trade, and political power; in short, all those weighty considerations showing that the acquisition would be a great national blessing. This letter of Mr. Van Buren was an admirable one, and I would commend its perusal again to his friends as well as his opponents, believing it would exert a very salutary influence. He instructed Mr. Poinsett to use his best endeavors to secure Texas, and directed him to give five millions of dollars for it, if necessary. Failing this time, the effort was renewed by Gen. Jackson and Mr. Livingston, his Secretary, in 1833, and again by Mr. Forsyth in 1835, which was the last effort, in consequence of the revolution in Texas.

I have thus sketched briefly the history of our diplomacy upon this subject, for the purpose of correcting the statement of the gentleman from Massachusetts, that "this odious question was devised for sinister purposes by a President of the United States not elected by the people," and of doing justice to his colleague, Mr. ADAMS, and the others I have named, who were the real originators of the project. It is ungenerous in that gentleman to deprive his colleague of the credit which is his due, in originating this great measure. But it now occurs to me that perhaps I have misapprehended him, [Mr. WINTHROP.] He may have referred to his colleague, [Mr. ADAMS,] and probably did, when he said that "this odious question was devised for sinister purposes by a President of the United States NOT *elected by the* PEOPLE." If the allusion was to his colleague, it was a very unkind one. To designate it as an "*odious* question *devised* for *sinister purposes*," and in that connection to taunt his colleague with not having been elected President by the people, is rather too great a liberty, I would think, for even one friend to take with another. If, on the contrary, he did not refer to his colleague, his statement is not sustained by the facts, as the official documents which I have just quoted abundantly prove.

The gentleman from Massachusetts [Mr. WINTHROP,] and his friend from Pennsylvania, [Mr. J. R. INGERSOLL,] seem to doubt whether the boundary of the United States, under the treaty of 1803, ever extended farther west than the Sabine, and the line agreed upon by the treaty with Spain in 1819. I trust that I will be able to remove these doubts, and satisfy them, by authority which they will be the last to impeach, that our territory under the treaty of 1803 not only extended to the Sabine, but actually reached the Rio del Norte. I could cite in support of this position a great variety of official documents and other proofs, but will content myself with relying upon the testimony of a witness whose learning, accuracy, and veracity they will not question. I allude to the venerable gentleman from Massachusetts, [Mr. JOHN QUINCY ADAMS,] and his various official letters and notes to the representatives of the Spanish government, while he was Secretary of State under Mr. Monroe, and especially to the letter dated March 12, 1818, which I have in the large volume before me. Upon this authority I rely to establish the Rio del Norte as the western boundary of Louisiana, and consequently the western boundary line of the United States, under the treaty of 1803. The first settlements ever made in the country bordering on the Gulf of Mexico, between the Sabine and the Rio del Norte, were established by La Salle, on the bay of St. Bernard, near the Colorado, in 1685, under the authority of Louis XIV, King of France. These settlements, together with those on the Mississippi and the Illinois, formed the basis of the original French colony of Louisiana, which continued under the jurisdiction of the crown of France until 1762, when it was ceded and transferred to the King of Spain. The Spanish government held the colony of Louisiana, and exercised jurisdiction over it by virtue of the cession from France until the year 1800, when it was retroceded to France by the treaty of St. Ildefonso. France held the colony under the latter treaty until 1803, when she ceded it to the United States by what is usually called the Louisiana treaty. It is true that, in the treaty of 1762, by which Louisiana was ceded to Spain, no boundaries were designated; and in the treaty of retrocession in 1800, no other boundaries were specified than the general description that it included the colony of Louisiana, and "*with the same extent it had when in the hands of France.*" The description in the treaty of 1803, ceding the same country to the United States, was in these terms: "with the same extent (following the treaty of St. Ildefonso) that it now has in the hands of Spain, and that it had when France possessed it, and such as it ought to be after the treaties subsequently entered into between Spain and other states." From these treaties and facts it is clear that the United States acquired all the country situate within the limits of the original French colony of Louisiana. I have not only the authority of the gentleman from Mas-

sachusetts, [Mr. ADAMS,] in the correspondence referred to, but a vast variety of documentary proof, collected by him, for saying that France always claimed the Rio del Norte as the western boundary of Louisiana, while it belonged to her. I have also the same authority for saying that there is reason to believe that Spain regarded the same river as the boundary while Louisiana belonged to her under the cession from France. In support of this opinion, among many other evidences, the gentleman from Massachusetts [Mr. ADAMS] referred to a Spanish geographical work of high authority, and also to a map by Lopez, geographer to the King of Spain, in both of which the Rio Del Norte is delineated as the western boundary of Louisiana as ceded to Spain. Thus we find (unless that distinguished gentlemen has misled us on this point) that France and Spain regarded the Rio Del Norte as the boundary during the periods they held the country respectively. That the United States always regarded our title as perfect under the treaty of 1803, as far west as the Rio Del Norte, there can be no question, until Texas was ceded to Spain by the unfortunate treaty of 1819. When discussing this point in 1805, Messrs. Monroe and Pinckney on the part of the United States said to the Spanish government that "the facts and principles which justify this conclusion are so satisfactory to this government as to convince it that the United States have not a better right to the Island of New Orleans, under the cession referred to, than they have to the whole district of territory thus described." In 1816, Mr. Monroe (Secretary of State under Mr. Madison) in his letter to the Chevalier de Onis, said "with respect to the western boundary of Louisiana, I have to remark, that this government has never doubted, since the treaty of 1803, that it extended to the Rio Bravo." In 1818 Mr. Adams (Secretary of State under Mr. Monroe) after reviewing all the facts and proofs on both sides relating to the western boundary of Louisiana, and quoting the statements I have just read, used this language: "well might Messrs. Pinckney and Monroe write to Mr. Cevallos in 1805, that the claim of the United States to the boundary of the Rio Bravo was as clear as their right to the Island of New Orleans."

I could go on and multiply proof upon proof, and authority upon authority to the same point; but it is unnecessary. I presume I have produced enough to remove the doubts from the minds of the gentlemen from Massachusetts and Pennsylvania, and to satisfy them that the Rio Bravo Del Norte, and not the Sabine, was the western boundary of the United States under the treaty of 1803. I now pass to the consideration of another grand discovery which the gentleman from Pennsylvania [Mr J. R. INGERSOLL.] has made and disclosed to the House in regard to that boundary. After the most extensive research and laborious investigation, he has discovered that the Sabine was made the boundary line of the United States in 1812, by the act of Congress admitting the State of Louisiana into the Union, and not by the treaty of 1819, as many persons have erroneously supposed. He has brought this startling, astounding fact before the House with an air of triumph, and pronounced it a complete vindication of the conduct of his friend from Massachusetts [Mr. ADAMS] against the unjust charge of having surrendered Texas to Spain in the negotiation of that treaty. Although relying implicitly at all times on any fact stated by that gentleman, my curiosity could not possibly be restrained from peeping into that wonderful act of Congress, which not only admitted a new State into the Union, but, in addition, established a boundary line between two foreign nations. It occurred to me that if the gentleman was correct in his facts, he had furnished a case in which Congress had, by a legislative act, made a contract between two foreign nations establishing a boundary, which he would call a treaty, and thereby annihilated another part of his own argument, which was that Congress did not possess the constitutional power to make any contract whatever with a foreign nation. It also occurred to me that if that act made the Sabine the western boundary of the United States, merely because it designated that river as the boundary line of the State of Louisiana, by the same course of reasoning it would make the northern boundary of that State the boundary line of the United States also, and thus eject Arkansas, Missouri, Iowa, and Nebraska, as well as Texas, from the Union. A kind regard for my friends in that region induced me to look into that singular act of Congress; and here it is:

"Whereas, the representatives of all that *part* of the territory or country ceded, under the name of 'Louisiana,' by the treaty made at Paris, on the 30th day of April, one thousand eight hundred and three, between the United States and France, *contained within the following limits*, that is to say: beginning at the mouth of the Sabine; thence by a line drawn along the middle of said river," &c.

Going on to describe the boundaries of the *State* of Louisiana, and admitting it into the Union. Not one word about the boundary of the *United States*, nor the most remote allusion to it. On the contrary, it expressly states that it includes only a part of the country purchased of France, contained within certain limits, and of course leaves the residue to be organized into Territories and States, when, and in such manner, as Congress should direct. So it fortunately turns out that Arkansas, Missouri, Iowa, and Nebraska are still in the Union, and that Texas would have been but for the fatal treaty of 1819.

Inasmuch, then, as the Rio del Norte was the western boundary of Louisiana, and Texas was included in the cession of 1803, all the inhabitants of that country were, by the terms of the treaty, naturalized and adopted as citizens of the United States; and all who migrated there between 1803 and 1819 went under the shield of the constitution and laws of the United States, and with the guaranty that they should be forever protected by them. That treaty not only ceded the territory to the United States and adopted the inhabitants as citizens, but contained the following clause, the stipulations of which are in the nature of articles of compact between France, the United States and the inhabitants of the ceded territory, and were necessarily irrevocable, except by common consent, to wit:

"The inhabitants of the ceded territory shall be incorporated into the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and, in the mean time, shall be protected in the free enjoyment of their liberty, property, and the religion which they profess."

To the fulfilment and observance of each and all of these stipulations the sacred faith and honor of this nation were solemnly and irrevocably pledged. Yet in direct violation of each one of them, Texas, including all its territory and inhabitants, was, by the treaty of 1819, ceded to Spain, the faith of the nation was broken, and its honor tarnished. The American republic was severed, and a part of its territory joined to a foreign kingdom. American

citizens were transformed into the subjects of a foreign despotism. Native-born citizens were deprived of their dearest and proudest inheritance—those glorious institutions which their fathers had purchased by their blood and transmitted to their children unimpaired; and the adopted citizens were stripped of those rights for the enjoyment of which they had received in pledge the honor of the republic. What plea can we urge in behalf of our country, not in justification, but in palliation of the enormity of these acts? It has been said that the possession of Florida was essential to our peace and security as a nation, and that it was thought best to exchange Texas for it, and give a few millions of dollars to boot. Admit it. But this explanation does not fulfil the treaty—does not preserve our faith—redeem our honor. Texas did not voluntarily assent to the separation; nay, she protested against it, promptly, solemnly, and in a spirit that becomes men who, knowing their rights, were determined to maintain them. I hold in my hand the protest and declaration of independence by the supreme council of Texas, in June, 1819, only a few months after the signing of the treaty. The whole document will be found in the library, open to the inspection of all who may desire to see it. I will therefore detain the House only while I read a short extract:

"The recent treaty between Spain and the United States of America has dissipated an illusion too long fondly cherished, and has roused the citizens of Texas from the torpor into which a fancied security had lulled them. They have seen themselves, by a convention to which they were no party, abandoned to the dominion of the crown of Spain, and left a prey not only to impositions already intolerable, but to all those exactions which Spanish rapacity is capable of devising. The citizens of Texas would have proved themselves unworthy of the age in which they live—unworthy of their ancestry of the kindred republics of the American continent—could they have hesitated in this emergency as to what course to pursue. Spurning the fetters of colonial vassalage—disdaining to submit to the most atrocious despotism that ever disgraced the annals of Europe—they have resolved, under the blessing of God, to be FREE."

Yes, on that day, under the blessing of God, they resolved to be FREE; and most nobly have they maintained that righteous resolve, first against the despotism of Spain, and then the tyranny of Mexico, until, on the plains of San Jacinto, victory established their independence, and made them free. Having achieved their independence by the same means, and secured it by the same title as our fathers of the revolution, they have assumed their place among the nations of the earth, and now call upon us to redeem our pledge of honor, and receive them into the Union, according to the stipulations of the treaty of 1803. How can we refuse this request? I repeat the question emphatically, What right have we to refuse? Does not the treaty guaranty their admission? Does not the constitution declare that treaty to be the supreme law of the land? And is not every member on this floor sworn to support that constitution? How, then, can we avoid the obligation? Our opponents tell us that, having sold Texas, and received what, at the time, was considered a fair equivalent, we have lost our claim, and forfeited our right to that country. I admit that we have parted with our right—lost it forever, and are estopped from ever reasserting it. I make the admission to the fullest extent, and in the deepest humiliation. But we have no right to set up our own wrong as an excuse for refusing to do justice to Texas. A breach of faith on our part does not absolve us from the moral or legal obligation to fulfil our solemn treaty stipulations, when required by the other party. We have no right to claim Texas, but Texas has a right to claim—to demand admission into the Union in pursuance of the treaty of 1803. The opponents of annexation can discourse eloquently and feelingly upon the sanctity of treaty stipulations and the sacred observance of national faith, when there is an outstanding bond in the hands of some banker for the payment of a small pittance of money; but when human rights, the rights of person and property—of religious freedom—the glorious privileges of American citizenship, are all involved in the guaranty, the doctrine of repudiation loses its horrors and its infamy, and dwindles into miserable insignificance in their estimation. When a nation violates her faith, and repudiates her contracts, she is on the downward road to degradation and ruin, as inevitably as the individual who first becomes a gambler, and then turns highwayman.

Without dwelling upon the numerous advantages that would attend the annexation of Texas, in stimulating the industry of the whole country; in opening new markets for the manufactures of the North and East; in the extension of commerce and navigation; in bringing the waters of Red river, the Arkansas and other streams flowing into the Mississippi, entirely with our territorial limits; in the augmentation of political power; in securing safer and more natural boundaries, and avoiding the danger of collisions with foreign powers—without dwelling upon these and other considerations, appealing to our interests and pride as a people and a nation, it is sufficient argument with me that our honor and violated faith require the immediate reannexation of Texas to the Union.

While he entertained these views, (said Mr. D.,) and anxious as he was for their speedy consummation, he fully agreed with gentlemen on the other side, that, if Texas was annexed, (as he firmly believed it would be,) it must be done in accordance with the principles of the constitution. The gentleman from Massachusetts [Mr. WINTHROP] has taken high ground upon this subject, and denied the existence of the constitutional power in this government to annex foreign territory, or to extend its jurisdiction by any means whatever beyond its original limits. He has defined his position fairly, and assumed it with a boldness that exhibits his confidence in its correctness. He has gone farther, and confined himself strictly within the line he marked out for himself and friends in his opening remarks. He raised the question—suggested the difficulty—placed the block in our way, and left us to remove it, and clear the path for those who shall follow us. He does not consider it incumbent upon him to sustain the objection; it was sufficient for him to make it. Well, I am not sure but what this was the more prudent course. The little foretaste that that gentleman and his political associates had in the discussion of this annexation question before the people throughout the length and breadth of the confederacy, during the late presidential campaign, has taught them a lesson which they seem disposed to profit by. They have learned wisdom from experience, and are not to be caught again in a full discussion of this question, in all its bearings, before the country. Never was an issue presented to the American people more directly and distinctly, and never was the enlightened judgment of the nation pronounced more emphatically in approbation of any measure then in the late election in favor of the annexation of Texas. It was the watchword—the war cry—the

rallying point of one party, and the target at which the missiles and thunderbolts of the other were mainly directed. It was the main point of attack and defence, and in a great degree controlled the result of the contest. The victorious party come into power upon this more than any other issue, and is committed by every principle of honor and duty—by its promises, professions, and pledges, faithfully to execute the will of the people in this respect. The President elect stands erect upon this question, ready to carry the verdict of the people into effect; and we will prove faithless, and deserve to be condemned and repudiated by an honest and indignant people, if we fail to practice after election what we professed before. But while our duty in this respect is plain, and immediate action is required, it must be done with a scrupulous regard, not only to the principles, but the forms of the constitution. It becomes our duty, therefore, to examine fairly the constitutional difficulty which the gentleman from Massachusetts has attempted to thrust in our way. I will call his attention, and that of the House, not only to the constitution and the proceedings of the convention by which it was formed, but to the articles of confederation, in order to trace the history of the provision providing for the admission of new States. During the revolutionary war there was a general desire that Canada should make common cause with the thirteen original States, and be received into the Union.

Hence a provision was incorporated into the articles of confederation, that Canada might be admitted as of right upon acceding to the terms of confederation, but that no other colony should be received except by the assent of nine States. This provision clearly shows the intention of the framers of that instrument, and demonstrates that they contemplated not only the admission of Canada, but also of such *other colonies* as nine of the original States should deem advisable. This might have reference to New Brunswick and Nova Scotia, on the east, or to the Floridas, Louisiana, and the Mexican States on the west, or to any other adjacent territory which, in the progress of time, might desire admission, and the United States should see proper to receive. These contingencies were forseen, and all provided for at that early period. When the convention assembled in 1787, to revise the articles of confederation and form the present constitution of the United States, an attempt was made to confine the power of admitting new States to such as might arise within the limits of the territory belonging to the original thirteen States. One of the propositions was "*the admission of States lawfully arising within the limits of the United States;*" and several others of similar import were offered at different times. Further attempts were made to restrict the exercise of this power by requiring the concurrence of two-thirds of the members present in order to admit a new State. All of the propositions, after meeting with some favor at first, were finally rejected; and the general clause, as it now stands in the constitution, providing that "*new States may be admitted by the Congress into the Union,*" was adopted in lieu of them. Thus, it will be perceived, that instead of restricting the power as it existed in the articles of confederation, it was greatly enlarged in the constitution, so as to authorize Congress to admit new States by a vote of a majority of each House, whether within the original limits of the United States or not.

This view of the subject is illustrated and sanctioned by the action of all the departments of the government in the acquisition of Louisiana and Florida, and the admission of the States of Louisiana, Missouri, and Arkansas into the Union. Whatever doubts may have arisen, therefore, in the minds of distinguished statesmen at one period of our history, those doubts have long since been dissipated, and the doctrine sanctioned and settled by the universal opinion of the American people, that foreign territory may be annexed, organized into Territories and States, and admitted into the Union on an equal footing with the original States.

But while it is now generally conceded—the gentleman from Massachusetts, [Mr. WINTHROP,] of course excepted—that foreign territory may be annexed and admitted into the Union as States, there are those who entertain doubts as to the power of Congress to annex territory, with the view to such admission. This objection requires serious consideration also; for it is not sufficient that we have the power to do the act, but we must have the right to do it in the manner proposed. The constitution says that "new States may be admitted by the Congress into the Union;" and for the purpose of establishing the rule of construction by which the expressly granted powers shall be interpreted and defined, it has further provided that Congress is authorized "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or office thereof." Under this latter clause a difference of opinion has arisen, which has divided the people into two great political parties on all great constitutional questions, from the adoption of the constitution until the present time: the one adhering to the very letter of the constitution, and insisting that no power should be exercised unless it was expressly granted—or, in the language of that instrument, was *necessary* and *proper* to carry an expressly granted power into effect; and the other contending that they were not to be strictly confined to the words *necessary* and *proper*, but were authorized to pass such laws as were *convenient* and *expedient* in the execution of the specific powers. By substituting "*convenience*" for "*necessity*," and "*expediency*" for "*propriety*," they enlarge the powers of the constitution, and extend them to objects not authorized by it. Under this loose rule of construction they claim the power to incorporate a United States bank, upon the specious plea that it is convenient and expedient in the collection and disbursement of the public revenue. On the other hand, the opponents of a bank insist that the revenue can be properly collected and disbursed without such an institution, and hence a bank is not *necessary* to carry the enumerated power into execution. I could cite numerous instances to illustrate the distinction, but it is unnecessary to consume time, as the cases and the principle involved are familiar to the House and the country. It is sufficient to remark that no political party, and, so far as my information goes, no individual statesman has ever doubted or questioned the power of Congress to enact such laws as are strictly necessary and proper to the exercise of any one of the enumerated powers. It might trouble any gentleman on this floor to find the authority in the constitution for the construction of this magnificent building in which Congress is now assembled, except upon the principle that it was necessary to the discharge of our legislative duties. And I might ask the gentlemen

from New York and Massachusetts for our authority to appropriate millions of money for stone docks at Brooklyn and Charlestown, except upon the plea that it is necessary and proper "to provide and maintain a navy;" and for their authority for the millions expended at Boston and New York for the construction of custom houses, but for the same plea of necessity in order to collect the revenue. If I should ask the gentleman from Philadelphia for the authority to build the United States mint, I suppose he would point to the power "to coin money," and say that the mint was necessary and proper to carry that power into execution. Sir, if I should ask the chairman of the Committee of Ways and Means for his authority to report so many bills appropriating countless millions for forts, fortifications, and arsenals, I suppose he would point to the clause "to provide for the common defence," and say that it was necessary for that purpose; and if I should ask him for his authority to erect a armory at Springfield, Massachusetts, and at Harper's Ferry, Virginia, he would return me the same answer. And if I should ask the Committee on Commerce for their authority to report bills for light-houses and harbors on the Atlantic coast and the northern lakes, I presume they would refer me to the power "to regulate commerce," and perhaps to the power "to provide for the common defence;" and if I should ask the Committee on the Post Office and Post Roads for their authority to carry the mails and fix the rates of postage, they would refer me to the power "to establish post offices and post roads."

It is not my purpose at this time to inquire whether all of these means are necessary and proper to carry into execution the corresponding enumerated power. It is sufficient for my purpose that, in no one of these cases, is the power expressly granted in the constitution; and if it exists at all, it only exists by virtue of the principle that it is necessary and proper to carry the expressly granted power into effect. Apply this principle to the proposition to annex Texas. The constitution says that "new States may be admitted by the Congress into the Union." Under this clause Congress wishes to admit Texas as new States; but this cannot be done without annexing the territory. The annexation is not only necessary and proper, but indispensible to the admission. It is a prerequisite, without the performance of which Texas cannot be admitted. Still the constitution says that Congress may admit her, and may also pass all laws necessary and proper to the admission. I repeat, is not the law of annexation necessary and proper to the admission? If so, the constitution says that Congress may pass it. Language cannot be more explicit. The proposition is almost self-evident, and any attempt at elucidation would only serve to confuse it. I am aware that an attempt will be made to evade or break the force of this argument, by saying: true Congress has the power to admit Texas into the Union as a State or States; but that it is necessary to annex the territory first; and that the annexation can only be made by the treaty-making power. To this objection I have to reply, that such is not the requirement of the constitution. That instrument does not say that the President and Senate may admit new States, nor that they shall make laws (for a treaty is declared by the constitution to be a law) for the acquisition of territory, in order to enable Congress to admit new States. There is no such provision in the constitution. But it does say that Congress may admit new States, and that *Congress* shall have power to pass all laws necessary and proper for the admission. But it is further objected that a law for the admission of territory is a contract with a foreign nation; that all contracts with foreign nations are treaties; and that the treaty-making power is vested in the President and Senate. This objection is plausible, and therefore requires examination.

I apprehend that all contracts with foreign nations are not treaties within the meaning of the constitution. For instance, the constitution provides that Congress may borrow money. This power being a general grant, of course is to be exercised in such manner as Congress shall direct. Congress may borrow money of an individual, a bank, or a foreign government. Suppose it should be found expedient to effect the loan of the government of France: this would certainly be a contract between two foreign powers; but is it a treaty within the meaning of the constitution? If so, it must be made by the President, and ratified by two-thirds of the Senate. But the constitution says that Congress shall borrow money and pass all laws, and of course make all contracts necessary to the exercise of the power. This case shows that the treaty-making power must be understood to include the right to make such contracts only as are not specially granted to some other department of the government, or are not necessary and proper to carry some one or more of the enumerated powers into effect. I could give many other instances in illustration of the same principle. Suppose that Congress should pass a law admitting English merchandise into this country at 20 per cent. duty for ten years, on condition that Great Britain would pass a similar act admitting American products at the same rate of duty, and that she should accede to our proposition, and notify our government of the same: would not that be a contract between the two nations? No one doubts but that it would be a contract; but is it a treaty within the meaning of the constitution? Clearly not; for if so, it could only be made by the President and Senate, whereas the constitution vests the power to levy duties, and to regulate commerce, in Congress. The same principle applies to all other cases where a power is specifically lodged in Congress. The grant of a power carries with it by necessary implication the right to use the means essential to its exercise. When the grant of power is to Congress, the authority to pass all laws necessary to its execution is also in Congress; and the treaty-making power is to be confined to those cases where the power is not located elsewhere by the constitution.

Returning to the question before the House, and applying these principles to it, the conclusion is irresistible that Congress, possessing the power to admit a State, has the right to pass a law of annexation, when such annexation is essential to the admission. I do not wish to be understood as saying that territory cannot be acquired in any other way than by act of Congress, for it may be acquired in various ways under particular circumstances. We may acquire it by conquest, as incident to the war-making power; or by treaty, discovery, or act of Congress, dependent upon the peculiar circumstances of the case. We claim the Oregon Territory by virtue of the right of discovery and occupation—a right certainly not derivable from the treaty-making power, but doubtless having its source in some of the specific powers of Congress. If Texas

and the U. States were at this moment in a state of war, and we should conquer that country, I apprehend that the very act of conquest itself would be, *ipso facto*, an acquisition of the country, and that Congress would be authorized to extend our laws over it, without the intervention of the treaty-making power, and without the consent of any other nation on earth. This would furnish a case of the acquisition of territory by conquest, as incidental to the war-making power vested in Congress. But if we wish to acquire Texas without making war or treaty, or relying upon discovery, we must fall back upon the power to admit new States, and acquire the territory by act of Congress, as one of the necessary and indispensable means of executing that enumerated power.

Another objection to the annexation which has been strenuously urged, and is now relied upon with great confidence, is, that Texas and Mexico are now at war about the title to this very country, and that the annexation, under these circumstances, would be an adoption of the war. This objection was taken to the treaty last session, and used with some success upon the ground that the war-making power was vested in Congress, and that the President and Senate had no right to make war either by *declaration* or *adoption*. We were told then that the treaty was unconstitutional for that reason, and that if we desired to annex Texas, it must be done by an act of Congress, where the war-making was lodged by the constitution. When we now propose to pursue the mode pointed out to us by the gentlemen opposed to annexation, as being the only one consistent with the constitution, we are told, forsooth, that this mode is unconstitutional, and that we must go back to the treaty. But let us examine the present objection, that the annexation is the adoption of war, and see to what conclusion it will lead us. According to this view, by the passage of these resolutions, we make common cause with Texas, and wage war upon Mexico who claims Texas. When we go on to take possession of Texas under these war resolutions, and Texas submits to our authority, she becomes a conquered province, and, by the very act of the conquest, becomes *ipso facto* our territory according to the acknowledged powers of the constitution to acquire territory by conquest. The gentleman's objection, if well taken, is fatal to his own argument. It demonstrates our constitutional power to pass these resolutions, and to acquire the territory, in pursuance of them, under one of the acknowledged powers of Congress. He must abandon one or the other of his positions. They are inconsistent with each other, and both cannot stand. For my own part, I regard both as untenable. I think I have shown the former to be so, and the latter, I apprehend, is based upon a misconception of facts. There is no actual war existing between Texas and Mexico, and has been none for nine years. Texas achieved her independence in the manner, and holds it by the same title as we do ours—a title which Mexico dare not enter her limits and there dispute. Her independence has been recognised by the United States, Great Britain, France, and most of the great powers of the earth. The only pretext seized upon by the enemies of Texas for denying her independence is, that Mexico refuses to acknowledge it. They do not deny but what Texas is, in fact, independent; but they insist that she is not legally so, because Mexico has not honor enough to acknowledge the truth. But this argument, like many others which have been advanced in this discussion, is fatal to the cause of those who use it. If the consent of Mexico is essential to the independence of Texas, then it follows that Mexico never had any legal claim to Texas, for the reason that Spain never acknowledged the independence of Mexico until after Texas had separated from Mexico, and achieved her own independence.

Mr. D. would like to have discussed several other questions connected with this subject, but his time was expiring, and he would be compelled to conclude. One word, however, in regard to the extension of territory. He regarded all apprehensions unfavorable to the perpetuity of our institutions from this source as ideal. The application of steam power to transportation and travel has brought the remotest limits of the confederacy, now comprising twenty-six States, (if we are permitted to count by time instead of distance,) much nearer to the centre than when there were but thirteen. The revolution is progressing, and the facilities and rapidity of communication are increasing in a much greater ratio than our territory or population.

Our federal system is admirably adapted to the whole continent; and while I would not violate the laws of nations, nor treaty stipulations, nor in any manner tarnish the national honor, I would exert all legal and honorable means to drive Great Britain and the last vestiges of royal authority from the the continent of North America, and extend the limits of the republic from ocean to ocean. I would make this an *ocean-bound republic*, and have no more disputes about boundaries or red lines upon the maps.

Here Mr. D.'s hour expired.