

may be put—one which I trust in God may never happen in this nation—of a conquered nation, and of a constitution adapting itself to the state of subjugation or conquest to which it has been reduced; and giving up whole states, as well as parts of states, in order to save from the conquering arms of the invader what remains. I say such a power in case of extremity may exist. But I admit that, short of such extremity, voluntarily, the General Government has no right to separate a state—to take a portion of its territory from it, or to regard it otherwise than as integral, one and indivisible, and not to be affected by any legislation of ours. But, then I assume what does not exist in the case of Texas, and these boundaries must be known, ascertained, and indisputable. With regard to Texas, all was open, all was unfixed; all is unfixed at this moment, with respect to her limits west and north of the Nueces.

But, sir, we gave fifteen millions of dollars for this territory that we bought, and God knows what a costly bargain to this now distracted country it has been! We gave fifteen millions of dollars for the territory ceded to us by Mexico. Can Texas justly, fairly, and honorably come into the Union and claim all that she asserted a right to, without paying any portion of the fifteen millions of dollars which constituted the consideration of the grant by the ceding nation to the United States? She proposes no such thing. She talks, indeed, about the United States having been her agent, her trustee. Why, sir, the United States was no more her agent or her trustee than she was the agent or trustee of the whole people of the United States. Texas involved herself in war—(I mean to make this no reproach—none—none—upon the past)—Texas brought herself into a state of war, and when she got into that war, it was not the war of Texas and Mexico, but it was the war of the whole thirty United States and Mexico; it was a war in which the Government of the United States, which created the hostilities, was as much the trustee and agent of the twenty-nine other states composing the Union as she was the trustee and agent of Texas. And, sir, with respect to all these circumstances—such, for example, as a treaty with a map annexed, as in the case of the recent treaty with Mexico; such as the opinion of individuals highly respected and eminent, like the lamented Mr. Polk, late President of the United States, whose opinion was, that he had no right, as President of the United States, or in any character otherwise than as negotiating with Mexico—and in that the Senate would have to act in concurrence with him—that he had no right to fix the boundary; and as to the map attached to the treaty, it is sufficient to say that the treaty itself is silent from beginning to end on the subject of the fixation of the boundary of Texas. The annexation of the map to the treaty was a matter of no utility, for the treaty is not strengthened by it; it no more affirms the truth of any thing delineated upon that map in relation to Texas than it does any thing in relation to any other geographical subject that composed the map.

Mr. President, I have said that I think the power has been concentrated in the Government of the United States to fix upon the limits of the State of Texas. I have said also that this power ought to be exercised in a spirit of great liberality and justice; and I put it to you, sir, to say, in reference to this second resolution of mine, whether that liberality and justice have not been displayed in the resolution which I have proposed. In the resolution, what is proposed? To confine her to the Nueces? No, sir. To extend her boundary to the mouth of the Rio Grande, and thence up that river to the southern limit of New Mexico; and thence along that limit to the boundary between the United States and Spain, as marked under the treaty of 1819.

Why, sir, here is a vast country. I believe—although I have made no estimate about it—that it is not inferior in extent of land, of acres, of square miles, to what Texas east of the river Nueces, extending to the Sabine, had before. And who is there can say with truth and justice that there is no reciprocity, nor mutuality, no concession in this resolution, made to Texas, even in reference to the question of boundary alone? You give her a vast country, equal, I repeat, in extent nearly to what she indisputably possessed before; a country sufficiently large, with her consent, hereafter to carve out of it some two or three additional states when the condition of the population may render it expedient to make new states. Sir, is there not in this resolution concession, liberality, justice? But this is not all that we propose to do. The second resolution proposed to pay off a certain amount of the debt of Texas. A blank is left in the resolution, because I have not heretofore been able to ascertain the amount.

Mr. FOOTE. Will the honorable Senator allow me to suggest that it may be agreeable to him to finish his remarks to-morrow? If such be the case, I will move that the Senate now go into Executive session.

Mr. CLAY. I am obliged to the worthy Senator from Mississippi; I do not think it possible for me to conclude to day, and I will yield with great pleasure if—

Mr. FOOTE. I now move—