

THE COURIER.

—TO THINE OWN SELF BE TRUE, AND IT MUST FOLLOW, AS THE NIGHT THE DAY, THOU CAN'ST NOT THEN BE FALSE TO ANY MAN.—

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NO 14

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TERMS.

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POLITICAL.

EXECUTIVE DEPARTMENT,
Austin, Texas, June 14, 1850.

Sir: By authority of the Legislature of Texas, the Executive of the State, in February last, dispatched a special commissioner with full power and instructions to extend the civil jurisdiction of this State over the unorganized counties of El Paso, Worth, Presidio, and Santa Fe, situated upon its north-western limits.

That commissioner has reported to me in an official form, that the military officers employed in the service of the United States, stationed at Santa Fe, interposed adversely with the inhabitants to the fulfillment of his object by employing their influence in favor of the establishment of a separate State Government east of the Rio Grande, and within the rightful limits of the State of Texas. I transmit to you herewith the proclamation of Col. John Monroe, acting under the orders of the Government of the United States, under the designation of Civil and Military Governor of the Territory of New Mexico.

I have very respectfully to request that your Excellency will cause me to be informed, at your earliest possible convenience, whether or not the officer has acted in this matter under the orders of his Government, and whether his proclamation meets with the approbation of the President of the United States?

With assurances of distinguished consideration, I have the honor to be your Excellency's most obedient servant,

P. H. BELL,
To His Excellency Z. TAYLOR,
President of the United States.

DEPARTMENT OF STATE,
Washington, August 5, 1850.

Sir: A letter addressed by you to the late President of the United States, and dated on the 14th of June last, has, since his lamented decease, been transferred to the hands of his successor, by whom I am directed to transmit to you the following answer:

In that letter you say that, by the authority of the Legislature of Texas, the Executive of that State, in February last, dispatched a special commissioner, with full power and instructions to extend the civil jurisdiction of that State over the unorganized counties of El Paso, Worth, Presidio, and Santa Fe, situated upon its north-western limits; and that the commissioner has reported to you, in an official form, that the military officers employed in the service of the United States, stationed at Santa Fe, interposed adversely with the inhabitants to the fulfillment of his object, by employing their influence in favor of the establishment of a separate State Government east of the Rio Grande, and within the rightful limits of the State of Texas. You also transmit a copy of the proclamation of Col. John Monroe, acting under the orders of the Government of the United States, under the designation of Civil and Military Governor of the Territory of New Mexico, respectfully request the President to cause you to be informed whether or not this officer has acted in this matter under the orders of his Government, and whether his proclamation meets with the approval of the President of the United States?

In the events which have occurred, I hardly know whether your Excellency would naturally expect an answer to this letter from him. His predecessor in office, to whom it was addressed, and under whose authority and direction the proclamation of Col. Monroe was issued, is no more; and, at that time, that proclamation, whatever may be regarded as its true character, has ceased to have influence or effect. The meeting of the people of New Mexico, by their

representatives, which it invited, is understood to have taken place, although this Government has as yet received no official information of it.

Partaking, however, in the fullest degree, in that high respect which the Executive Government of the United States always entertains towards the Governors and the Governments of the States, the President thinks it his duty, nevertheless, to manifest that feeling of respect, by acknowledging and answering your letter. An this duty, let me assure your Excellency, has been so long delayed only by uncontrollable circumstances, and is now performed at the earliest practicable moments, and their acceptance of office, with whom it is usual, on important occasions, for the President of the United States to advise.

In answer, therefore, to your first interrogatory, viz: whether Colonel Monroe, in issuing the proclamation referred to, acted under the orders of this Government, I have the honor to state that Col. Monroe's proclamation appears to have been issued in pursuance, or in consequence, of an order, or letter of instruction, given by the late Secretary of War, under the authority of the late President, to Lieut. Colonel McCall. Of this order, which bears date on the 19th of November, 1849, your Excellency was undoubtedly informed at the date of your letter. A full and accurate copy, however, is attached to this communication. Col. McCall is therein instructed that if the people of New Mexico, for whom Congress had provided no Government, should manifest a wish to take any steps to establish a Government for themselves, and apply for admission into the Union, it would be his duty, and the duty of others with whom he was associated, not to thwart, but to advance their wishes. This order does not appear to authorize any exertion of military authority, or of any official or even personal interference, to control or affect in any way, the primary action of the people in the formation of a Government, nor to permit any such interference by subordinate effects. Col. McCall and his associates were not called upon to take a lead in any measures, or even to recommend any thing as fit to be adopted by the people. Their whose duty was confined to what they might be able to perform, subordinate to the wishes of the people. In this matter it was evidently contemplated that they were to act as the agents of the inhabitants, and not as officers of this Government.

It must be recollected that the only Government then existing in the Territory was a quasi military Government, and as Congress had made no provision for the establishment of any form of civil Government, and as the President doubtless believed that under these circumstances the people had a right to frame a Government for themselves, and submit it to Congress for its approval, the order was a direction that the then existing military Government should not stand in the way of the accomplishment of the wishes of the people, nor thwart those wishes, if the people entertained them, for the establishment of a free, popular, republican civil Government, for their own protection and benefit. This is evidently the whole purpose and object of the order. The military officer in command, and his associates, were American citizens, acquainted with the forms of civil and popular proceedings, and it was expected that they would aid the inhabitants of the territory, by their advice and assistance, in their proceedings for establishing a Government of their own. There is no room to suppose that Col. Monroe, an officer as much distinguished for prudence and discretion as for gallant conduct in arms, meant to act, or did act, otherwise than in entire subordination and subserviency to the will of the people among whom he was placed. He was not authorized to do, nor do I understand him as intending to do, any thing whatever in his military character, nor to represent, in any way, the wishes of the Executive Government of the United States.

To judge intelligently and fairly of these transactions, we must recall to our recollection the circumstances of the case, as they then existed.—Previous to the war with Mexico, which commenced in May, 1846, and received the sanction of Congress on the 12th of that month, the Territory of New Mexico formed a Department or State of the Mexican Republic, and was governed by her laws. General Kearney, acting under orders from this Government, invaded this Department with an

armed force; the Governor fled at his approach, and the troops under his command dispersed; and General Kearney entered Santa Fe, the capital, on the 18th of August, 1846, and took possession of the Territory in the name of the United States.—On the 22nd of that month he issued a proclamation to the inhabitants; stating the fact that he had taken possession of Santa Fe, at the head of his troops, and announcing his intention to hold the Department with its original boundaries, (on both sides of the Del Norte,) and under the name of New Mexico. By that proclamation he promised to protect the inhabitants of New Mexico in their persons and property, against their Indian enemies and all others, and assured them that the United States intended to provide for them a free Government, where the people would be called upon to exercise the rights of freemen in electing their own representatives to the Territorial Legislature. On the same day he established a Territorial constitution by an organic law, which provided for executive, legislative and judicial departments of the Government, defined the right of suffrage, and provided for trial by jury, and at the same time established a code of laws. This constitution declared that "the country heretofore known as New Mexico shall be known hereafter, and designated as the Territory of New Mexico, in the United States of America;" and the members of the lower House of the Legislature were apportioned among the counties established by the decree of the department of New Mexico, of June 17, 1844; which counties it is understood included all the Territory over which Texas has lately attempted to organize counties and establish her own jurisdiction. On the 22nd of December, 1846, a copy of this constitution and code was transmitted by President Polk to the House of Representatives, in pursuance of a call on him by that body. In the message transmitting the constitution, he says that "portions of it purport to establish and organize a permanent Territorial Government over the Territory, and to impart to its inhabitants political rights which under the constitution of the U. States, can be enjoyed permanently only by citizens of the United States. These have not been approved and recognized by me. Such organized regulations as have been established in any of the conquered Territories, for the security of our conquest, for the preservation of order, for the protection of the rights of the inhabitants, and for depriving the enemy of the advantages of these Territories, while the military possession of them by the forces of the United States continues, will be recognized and approved." Near four years have now elapsed since this quasi military Government was established, by military authority, and received, with the exceptions mentioned, the approval of President Polk. In the mean time a treaty of peace has been concluded with Mexico, by which a boundary line was established that left this Territory within the United States, thereby conforming to the United States; by treaty, what we had before acquired by conquest. The treaty, in perfect accordance with the proclamation of General Kearney, declared that "the Mexicans remaining in this Territory should be incorporated into the Union of the United States, and be admitted at the proper time, (to be judged of by the Congress of the United States,) to the enjoyment of all the rights of citizens of the U. States, according to the principles of the constitution;" and in the meantime "should be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction." Thus it will be perceived that the authority of the U. States over New Mexico was the result of conquest; and the possession. The treaty added the title by cession to the already existing title by successful achievements in arms. With the peace, there arose a natural expectation that, as early as possible, there would come a civil government to supersede the military. But until some such form of government should come into existence, it was of absolute necessity that the military government should continue, as otherwise the country must fall into absolute anarchy. And this has been the course, generally, in the practice of civilized nations, when colonies or territories have been acquired by war, and their acquisition confirmed by treaty.

The military government, therefore

existing in New Mexico at the date of the order, existed there of inevitable necessity. It existed as much against the will of the Executive Government of the United States as against the will of the people. The late President had adopted the opinion that it was justifiable in the people of the Territory, under the circumstances, to form a constitution of government, without any previous authority conferred by Congress; and thereupon to apply for admission into the Union. It was under this state of things, and under the influence of these opinions, that the order of the 19th November last was given, and executed in the manner we have seen. The order indicates no boundary, and defines no territory, except by the name of New Mexico; and so far as that indicated any thing, it referred to a known Territory, which had been organized under military authority, approved by the Executive, and left without remonstrance or alteration by Congress, for more than three years. It appears to the President that such an order could not have been intended to invade the rights of Texas.

Secondly, you ask whether the proclamation of Col. Monroe meets with the approval of the President of the United States?

To determine this question it is necessary to look at the object of the proclamation and the effect of the proceedings had under it. If the object was to assume the authority to settle the disputed boundary with Texas, then the President has no hesitation in saying that such an object does not meet his approbation, because he does not believe that the Executive branch of this Government, or the inhabitants of New Mexico, or both combined, have any constitutional authority to settle that question. That belongs either to the Judicial Department of the Federal Government, or to the concurrent action by agreement of the Legislative Departments of the Governments of the United States and Texas. But it has been sufficiently shown that Col. Monroe could have no such object, and that his intention was merely to act in aid of the people in forming a State constitution to be submitted to Congress. Assuming then that such a constitution has been formed, what is its effect upon the disputed boundary? If it compromises the rights of either party to that question, then it does not meet the President's approbation; for he deems it his duty to leave the settlement of that question to the tribunal to which it constitutionally belongs. It is sufficient for him that this boundary is in dispute; that the territory east of the Rio del Norte seems to be claimed in good faith by Texas and New Mexico, or rather by the United States. Whatever might be his judgment in regard to their respective rights, he has no power to decide upon them, or even to negotiate in regard to them; and therefore it would be improper for him to express any opinion. The subject matter of dispute is between the United States and Texas, and not between the inhabitants of New Mexico and Texas. If these people should voluntarily consent to come under the jurisdiction of Texas, such consent would not bind the United States or take away their title to the territory. So, on the other hand, if they should voluntarily claim the title for the United States; it would not deprive Texas of her rights. Whatever their rights may be, they can only be affected by her own acts or a judicial decision. The State constitution formed by New Mexico can have no legal validity until it is recognized and adopted by the law-making power of the United States. Until that is done, it has no sanction, and can have no effect, upon the right of Texas or of the United States to the territory in dispute. And it is not to be presumed that Congress will ever give its sanction to that constitution without first providing for the settlement of this boundary. Indeed, no government, either Territorial or State, can be formed for New Mexico, without providing for settling this boundary. Hence he regards the formation of this State constitution as a mere nullity. It may be regarded, indeed, as a petition by legal enactment it affects the rights of neither party. But as it is the right of all to petition Congress for any law which it may constitutionally pass, these people were in the exercise of a common right when they formed their constitution with a view of applying to Congress for admission as a State, and as he thinks the act can prejudice no one, he feels bound to ap-

prove of the conduct of Col. Monroe, in issuing his proclamation. I am directed also to state that, in the President's opinion, it would not be just to suppose that the late President desired to manifest any unfriendly attitude or aspect towards Texas, or the claims of Texas. The boundary between Texas and New Mexico was known to be disputed, and it was equally well known that the Executive Government of the United States had no power to settle that dispute. It is believed that the Executive power has not wished—it certainly does not now wish—to interfere with that question in any manner whatever, as a question of title.

In one of his last communications to Congress, that of the 17th June last, the late President repeated the declaration that he had no power to decide the question of boundary, and no desire to interfere with it, and that the authority to settle that question resides elsewhere. The object of the Executive Government has been, as I believe, and as I am authorized to say it certainly now is, to secure the peace of the country; to maintain, as far as practicable, the state of things as it existed at the date of the treaty; and to uphold and preserve the rights of the respective parties, as they were under the solemn guaranty of the treaty, until the highly interesting question of boundary should be finally settled by competent authority. This treaty, which is now the supreme law of the land, declares, as before stated, that the inhabitants shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion. It will, of course, be the President's duty to see that this law is sustained, and the protection which it guarantees, made effectual; and this is the plain and open path of Executive duty, in which he proposes to tread.

Other transactions of a very grave character are alluded to and recited in your Excellency's letter. To those transactions I am now directed not more particularly to advert, because the only questions propounded by you respect the authority under which Col. Monroe acted, and the approval or disapproval of his proclamation. Your Excellency's communication and this answer will be immediately laid before Congress, and the President will take that occasion to bring to its notice the transactions alluded to above.

It is known to your Excellency that the question growing out of the acquisition of California and New Mexico, and among them the highly important one of the boundary of Texas, have steadily engaged the attention of both Houses of Congress for many months, and still engage it with intense interest. It is understood that the Legislature of Texas will be shortly in session, and will have the boundary question also before it. It is a delicate crisis in our public affairs, not free, certainly, from possible dangers; but let us confidentially trust that justice, moderation, and patriotism, and the love of the Union, may inspire such counsels, both in the Government of the United States and that of Texas, as shall carry the country through these dangers, and bring it safely out of them all, and with renewed assurances of the continuance of mutual respect and harmony in the great family States.

I have the honor to be, with entire regard, your Excellency's most obedient servant,

DAN L. WEBSTER,
To His Excellency P. H. BELL,
Governor of Texas.

[Correspondence of the Baltimore Run.]
WASHINGTON, Aug. 9.
Arrest of Runaway Slaves—Great Excitement—Fierce Contest with Runaways—Officers wounded—Capture of their White Guide—Runaways Wounded—Committed for trial, &c.
For several weeks past the police of this city have had reason to believe that a person by the name of Wm. L. Chaplin, (together with some others in this city,) has been the principal agent in running off, or nearly all, the runaway slaves from this District. The plan seemed to be for him to have a two-horse carriage or carriage, and start early in the night. He would take two or three and proceed through Maryland by the way of Sandy Spring to Pennsylvania, they paying him \$20 to \$25 a piece. A few days since, a particularly constructed two-horse carriage arrived in this city, and put up about 12 o'clock at night, at Smithey &

Sheckell's livery stable. Suspicion immediately attached itself to the affair; and the officers were intent on watching every movement. It was ascertained that Chaplin contemplated moving on Tuesday night the 6th inst., accordingly he paid his bill, and his carriage was driven away by a ye'l'ow man, by the name of Warner Harris, of the 1st Ward. Harris played around the city, going to a number of places, until 10 o'clock, when he took in, in the neighborhood of 4 1-2 and C streets, two runaway slaves, belonging to the Hon. Mr. Toombs and the Hon. Mr. Stephens, both of Georgia. In the meantime a party had left the city and proceeded to a suitable place up the road leading to Montgomery county, for the purpose of intercepting Chaplin and his stolen property. After waiting until one o'clock, they concluded that something had happened, and they returned to the city. It appeared that the negro Harris, after taking in the two slaves referred to, drove off at such a furious rate that he ran his horse into a dray, in the rear of Brown's Hotel, and instantly killed him—the slaves jumped out and cleared themselves, which put a stop to the expedition for that night.

On the 8th, Chaplin bought another horse, and settled his bill about ten o'clock in the morning, and Harris drove off again. After going round the city a good deal, he brought up at his own house and took out the horses, which are a very fleet pair, and put them in his stable, or one close to the house. They remained there until near night, when Harris hitched up again and began to drive around the city. At this time the party of police, and other citizens, consisting of Capt. Goddard, officers Handy, Cox, Wollard, Davis, Wm. Smithey, John Cook and Richard Butt, of the county, repaired to the District line leading to Montgomery, and there awaited the arrival of Chaplin, who arrived at that place about half past 11 o'clock.

The police being posted in a proper manner, at the appointed moment, a fence rail was run through the hind wheel of the carriage by Capt. Goddard, which brought it up, and at the same time two persons, Smithey and Cox, caught the horses by the head, the balance of the party being at the sides of the carriage.—Chaplin, who was driving, whipped the horses and fired a pistol at Smithey, who had held of the near horse, which bullet went through his hat. At that time Davis and Handy pulled him off the seat on to the ground, and a fierce contest took place to secure him. The slaves inside (who were furnished with revolvers) were during this time playing a quick game in firing at Goddard, Butt, Wollard and Cook, who were on each side and in front, endeavoring to prevent their escape. It was almost pitch dark, and great caution had to be observed to keep from shooting each other.

Mr. Toombs' servant made his escape, supposed to be badly wounded from the fact of his leaving his coat some distance off in the road, with much blood on it. Mr. Stephens' man was shot in the back, and a bullet went through his watch in his fob and lodged under the face, which no doubt saved his life. He fired five of his barrels; and Toombs' man fired his whole six. Chaplin fired but once. The wonder is that they did no more damage than they did to the officers, which consisted of Mr. Butts receiving a bullet in the arm; Smithey one through his hat; Capt. Goddard's eyebrow scorched with the fire of Stephens' man. Cox a slight wound in the right cheek.

The white man and Mr. Stephens' slave were brought to the city and committed by Capt. Goddard before daylight. The free man Harris was arrested and committed for further examination.

Another Invasion.—A correspondent of the Baltimore Sun writes from Washington that the President has received information of arrangements in progress for another attempted invasion of Cuba, and that a strict watch is now kept on the suspected parties.—Carolinian.

A Venerable Minister.—The Rev. Dr. Sprig, the oldest clergyman in the city of New York, preached his fortieth annual sermon on Sunday, 4th inst. He stated that during his ministry he has seen two generations of his congregation pass away from life; he had admitted into the church 2072 communicants—married 895 couples—and preached six thousand sermons. He is a fair, hale, healthy old man now.