## Mr. McDUFFIE'S SPEECH.

In Senate, June 15th, 1844.—In reply to Mr. Benton's remarks on the second reading of the bill introduced by the latter for the annexation of Texas to the United States.

The bill having been taken up and read through at his request, Mr. McDuffie addressed the Senate as follows:

Mr. President: I assure you, sir, with great sincerity, that I never rose to address the Senate with more reluctance than I now do; and that nothing less than a deep sense of the obligations of private friendship and public duty could have induced me, at this late hour of the session, to occupy another moment upon an exhausted subject, which has been finally disposed of for the present. If I had consulted my own health and comfort, I should now have been in my bed instead of standing in my place to address the Senate.

The course of the senator from Missouri, I must be permitted to say, has surprised me not a little. The treaty of annexation having been rejected by the Senate, all hope having been extinguished of an immediate annexation of Texas to the United States, the honorable Senator of Missouri submits a bill to the Senate, and, instead of making an argument to sustain that bill, or any other bill to effect the annexation of Texas to the United States, has made the strongest and most uncompromising argument that could possibly have been made against the annexation at any future time without the consent of Mexico. Indeed, the speech of the honorable senator consorts very strangely with a bill purporting to be "a bill for the annexation of Texas to the United States." I shall not pursue the honorable senator through the whole range of his topics; because I am not aware that an argument which has been repeated more than three times acquires any additional force by the repetition. The honorable senator has made the body of his speech at least two or three times over. I propose, therefore, to confine myself to the new views presented by the senator in his speech of yesterday, principally in reference to the message which the President of the United States sent to the other House, and the suggestion of the President in that message.

I understood the honorable senator to charge the President of the United States with perpetrating a gross and indecorous violation of the dignity and privileges of the Senate, in daring to make an appeal from the judgment of this body; and, in order to exhibit this outrage in still stronger colors, the honorable senator has compared it to one of the most offensive appeals ever made to the people of the United States—that of an incendiary foreign minister against General Washington's celebrated proclamation of neutrality. I am really at a loss, sir, to comprehend the process by which the honorable senator has been able to trace any analogy between these two cases. The phrenological bump, which is called the bump of comparativeness, must be most singularly developed upon the head of that honorable senator. A foreign minister makes an appeal to the people of the United States to stir up an insurrection against their constituted authorities. The honorable senator regards this as perfectly analogous to an appeal made by the President of the United States (acting under his constitutional obligations) to the popular branch of this government, and to the people of the United States, upon a subject deeply and vitally affecting their interests.

No man, Mr. President, would be more pertinacious in standing up to vindicate the dignity of the Senate than myself; but I think the dignity of every branch of the government consists in recognizing the rights of all other branches or departments; and that we shall preserve our own dignity most effectually by a strict observance of the courtesy which is due the chief executive officer of the government in our official proceedings.—What has been the course of the President of the United States upon this subject? He submitted a treaty of annexation to the Senate of the United States, the proper authority to ratify that treaty, aware, as he was, that this was not the only mode by which Texas could be annexed to the United States. The ratification of the treaty required two thirds of the Senate, and was rejected. It is known to the President, as it is known to the honorable Senator, that a more solemy form of ratification, securing the sanction of the whole government, would be by a joint resolution, passing both houses, and signed by the President; and I should like to know what there is disrespectful to the Senate, what there is inconsistent with the constitutional duty of the President, after he has ascertained that the treaty cannot pass the Senate, but has actually been rejected, in submitting the whole question to the popular branch of the national legislature, to order that the people of the United States, through their immediate representatives, might have an opportunity of deciding upon it themselves? Sir, this is a course in all respects perfectly respectful to the Senate. He awaited our decision; and although, in the progress of the debate here, documents which he deemed material to the enlightenment of the public were suppressed in the Senate, yet he never made any communication of those documents until the final decision of the Senate was made and published on this question. It appears to me that it would be assuming a great deal on the part of the Senate to say, under these circumstances, that the President of the United States had violated its privileges and dignity by an appeal to the popular branch of the national legislature, after the Senate had given its disapproval of the proposed measure. Has the Senate of the United States, sir, the prerogative right of the final decision of great national question? and are we to regard the President as a mere suiter at our bar, and unauthorized to communicate with the other House without obtaining leave to appeal from our decisions? I am utterly at a loss to conceive what view the Senator from Missouri takes of the relations which exist between the President of the United States and the Senate. The Senate has adjudged the case, and presented its decision; and upon this the honorable Senator conceives himself entitled, as representing the power and dignity of the Senate, to stand up and say "I am sir Oracle; when I open my mouth let no dog bark." The President must be silent! The popular branch of the legislature must be silent! The people of the States must submit to the final irreversible judgment of the Senate! Much has been said, sir, of the abuse of the veto power. By whom is it abused? The veto power is expressly conferred upon the President of the United States; and, as I conceive, for wise and salutary purposes. But here, it seems, we have assumed a veto power more sacred and inviolable than any which has ever existed under any government upon earth. By the Roman system, the person of the popular tribune was held sacred, and his negative power supreme. When he pronounced the awful word "veto," all the other powers in the State were paralized and proceed no further. According to the conception which the honorable Senator from Missouri seems to have in relation to the veto power of this government, that power exists in the Senate of the United States. On this point, I beg leave to differ entirely from the honorable senator. That power belongs to the President of the United States, as well as the duty of presenting to Congress recommendations relative to all great questions connected with our foreign relations. It belongs to him exclusively to recommend to Congress what he conceives will promote the interests of the country in relation to these and all other questions. The Senate cannot negotiate a treaty. It has no constitutional power to take any steps whatever in relation to treaties, or to annexation, unless by a joint resolution. I humbly conceive, therefore, Mr. President, that this charge, which seems to have so deeply excited the honorable senator, of an interference on the part of the executive with the privileges of the Senate, is entirely without foundation. I am at a loss to see why it is that, in introducing a bill for the annexation of Texas, the honorable senator should direct his whole argument to the denunciation of the defunct treaty. Why, sir, we have strangled that treaty—it is dead. Why now make war upon the ghost? We have, to be sure, many instances in history to show that a ghost is sometimes more terrible than a living man. Cæsar was assassinated in the Roman Senate. Those who slew him felt perfectly fearless while taking the life of the living man; but when the ghost of Cæsar appeared to the leading conspirator, and in the silence of night exclaimed, "I will meet thee again, at Philippi!" he was thrown into despair. And, Mr. President, if the ghost of this treaty—if the ghost of Texas should present itself here to haunt the midnight couch of any senator, to whom could it exclaim with more propriety than to the honorable senator from Missouri, "*Et tu Brute!*"

Mr. President, the honorable senator has announced very truly to the Senate that he has been for twenty-five years a friend of Texas; and he seems to consider that circumstance as giving him a prescriptive and exclusive right to dispose of this whole question and everything connected with it; and in language, sir, which I have no doubt was not offensively intended, but which, if it could be regarded as serious, would be very much so; he stigmatized all the advocates of the annexation of Texas as *neophytes*—new plants—recent converts—totally incapable of judging of this great and vital question. Indeed, sir, the honorable senator has substantially said: "I invite you all to come and take lessons from me!" He said in so many words: These neophytes had better come to school to me on the subject of annexing Texas! Now, Mr. President, I think I heard the honorable senator once remark, that if God had made him for any special purpose it was to be a schoolmaster. And if I wanted to learn Spanish, French, or Italian, I don't know of a master that I would select in preference to the honorable senator. But really this thing of putting senators to school to learn grave questions of statesmanship, after they have reached the age of forty-five or fifty, is rather an awkward business. The honorable senator must excuse me if, much as I respect his talents in that line, I do not consent to take lessons in international law from him. But he went on to intimate that we were strangely deficient of the reasoning faculties, as exemplified by some of the arguments which have been maintained on this side of the floor; and I understood him to beseech us all to try and exercise some little common sense, and not repeat arguments which were scarcely fit for misses at a boarding school. Why, sir, this looks very much like the school-master in earnest. I agree with the honorable senator in the estimate which he places upon common sense. I have always regarded it as the highest faculty of the human mind. The success of all the truly great men in the world—Washington, Frederick the Great, Wellington, Napoleon, and the like—will be found to have been owing almost entirely to this faculty applied to the great affairs of war and statesmanship. Now, as the honorable senator intimates that the advocates of the annexation of Texas are destitute of this faculty, I confess I feel this charge with some sensibility; for if I were sure I had not that guiding star of the mind, there [illegible] ving. To be sure, I have heard of very brilliant men—who have made a dazzling display before the eyes of nations—who had every kind of sense but common sense.

But, sir, however powerful a man's imagination—however brilliant his career—if he has not this homely endowment, wo to the nation that places its destiny in his hands. I regard this, therefore, as the gravest charge of all; and I should be sorry to believe that there is a portion of the Senate of the United States, a majority in the House of Representatives, and three fourths of the people of the United States against whom such a charge may be justly made.

But the honorable senator, in his own exclusive views of this subject, seems to have placed himself in a very solitary or a very awkward position. In the great division of parties, what shall we call the honorable senator, and under what flag shall we find him? Here I have a paper in my hand, and it is headed with the common motto of all the democratic papers throughout the Union—"Polk and Texas," with an extract from Mr. Polk's letter in favor of "immediate annexation," and General Jackson's celebrated sentiment of "now or never." What sort of an impression would the honorable senator make at a great popular meeting in the town of Nashville, in favor of "Polk and Texas," with the speech which he delivered the other day? I am really afraid, sir, he will find himself brought unexpectedly into strange company, and thrown in with strange bed fellows. I happened to pick up this morning a paper, in which I find the following placard, said to have been tacked to a court-house door, in Kentucky, by a whig candidate:

"John Brent, coon; has a sickly wife and eight small children; is very poor, afraid to steal, too lazy to work, in favor of the tariff, but against Texas; would like to be elected to the legislature, but am fearful I shan't, as the State appears to be going for 'Butler and Texas.'"

Nor as the two great parties are rallying for the approaching campaign, with "immediate annexation" as one of the issues, it is to be apprehended that the honorable senator will be thrown out of the democratic position he has so ably occupied, although he still stands in the front rank on all the other great principles and measures of the democratic party. But on this question of annexation I fear the honorable senator, much against his own inclination, will be inevitably thrown into conjunction with those for whom he has no natural affinity.

Mr. President, I must confess that the tone and manner in which the honorable senator denounced the President of the United States and the Secretary of State, struck me as extraordinary and unaccountable. The treaty had been consigned to the "tomb of the Capulets." The question before the Senate was the proposition to secure the annexation of Texas in another mode; and instead of pursuing a course that would give strength to his proposition, the honorable senator has most bitterly, and in the most unqualified terms, denounced the President as if he were a pickpocket.

In the course of his argument, the honorable senator seemed to suppose that the President of the United States, by making public certain secret documents which the Senate had refused to publish, and from which they had refused to remove the injuction of secrecy, had committed an outrage upon the privileges of the Senate. Upon what privilege, I ask? The privilege of suppressing documents which the people ought to see?—Sir, I must be permitted to say that the outrage was committed by the Senate upon the President and the people. Every effort to have these documents made public, in common with the rest was defeated by the majority; and it was not until they had been sent to the other House that the Senator from Missouri made a motion to remove the injunction of secrecy.

What reason is there that the President of the United States should be inhibited from furnishing any documents previously sent to the Senate, when he chooses to communicate with the House of Representatives? It was his right to make that communication, it was his duty to make it; and he would have been unworthy of his place had he not [illegible]

The honorable senator has, for the second or third time, denounced Texas for violating the alleged armistice with Mexico, and the President and his advisers for participating as accomplices in that outrage. And he has permitted his imagination to obtain such an ascendancy over his judgment as to regard this measure of annexation as an act equally as atrocious as the violation of a flag of truce, by murdering the ministers of peace, whose persons are held sacred by the most barbarous nations! Now even if there were an existing armistice between Mexico and Texas, what would it stipulate? Not to make war upon each other in the time specified. This is the whole sum and substance of an armistice.

When Texas shall treacherously murder in cold blood the soldiers or citizens of Mexico, while reposing on the faith of this truce, then, and not till then, will the senator's denunciations against Texas have a color of foundation to excuse them. In this view of the subject we will find a much better illustration of violated truces in the conduct of Mexico towards Texas, when several hundred brave soldiers with their heroic commander, were deliberately shot down in express violation of the articles of capitulation!

But how the honorable senator can torture the formation of a treaty with a third power into a violation of a stipulation not to make war for a certain time, totally baffles my comprehension.

But the senator says we have interfered in the holy work of peace; and exclaims, "blessed are the peace makers!" Now, sir, when I recollect the charge made by him of a gross violation of the faith of our treaties with Mexico by the President, and of a gross personal insult offered to Lord Aberdeen by the Secretary of State, I can hardly think the honorable senator will come in for any share of the benediction. Indeed, if it had been his purpose to produce an affair of honor between the President and General Santa Anna, and the Secretary of State and Lord Aberdeen, he could not have better adapted his means to his end.

But, Mr. President, this whole argument on the subject of the armistice appears to me to be totally [illegible] The honorable senator from Missouri argues that an armistice admits a war. If we had no other evidence—if we were merely to hear that two distant nations had made an armistice—we might infer that they were at war when they made it; it might be presumtive evidence; but is there any court of justice in which presumptive evidence would be held conclusive against positive evidence? We know the fact that there is no war between Mexico and Texas; we know the fact that for eight years there has been no war; [illegible] historical fact we are required to presume a war, because the honorable senator chooses to assume an armistice!

But the honorable senator seems to regard it as a great presumptive evidence on the part of the President of the United States that Mexico "chooses to consider" Texas as a revolted province; and he emphatically asks, with what right has the President to use such language as this? The authority upon which the President of the United States uses this language is the recognition of the independence of Texas by the Congress of the United States, and by four other great powers, who have acknowledged Texas to be an independent state, endowed with all the attributes of an actual sovereignty; and in what language could the President speak upon this subject, if he were not to speak of the claim of Mexico as a *mere claim*? Can we, who have recognized the independence of Texas, declare that Mexico has a *right* to sovereign jurisdiction over her? We are bound on the contrary to say that she has no such right. Our own solemn act of recognition binds us to declare to the whole world that Texas is an independent and sovereign State, and we are to regard the conflict between Mexico and Texas precisely as we would regard a conflict between Great Britain and France. If we take part with Texas, or annex it to the United States, we commit no more a violation of good faith than we should by annexing any independent power to the United States which might happen to be at war with another.

The honorable senator, pursuing what he conceives to be the various pretexts under which this treaty of annexation was got up, has come to what he considers the real pretext—the apprehensions of the President of an alliance offensive and defensive between Texas and Great Britain—which the honorable senator seems to regard as one of the most ridiculous delusions that ever entered the imagination of man. That so small a power as Texas—a mere Tom Thumb among the nations of the earth—should induce the mighty giant, Great Britain, to enter into a treaty of alliance, offensive and defensive, seems to strike the senator as something farcical. To be sure, Mr. President, if Great Britain could be supposed to enter into such a treaty [illegible] military aid of Texas in prosecuting her wars in Europe and Asia, that would be very absurd. The honorable senator, however, who is well read in history, must know that treaties of alliance offensive and defensive are most frequently made between very powerful and very feeble nations, for the purpose of giving protection to the weaker nation, and in consideration of commercial or other equivalents. Such a treaty would be nothing more than a stipulation on the part of Great Britain to maintain the independence of Texas against the power of Mexico, in consideration of the great commercial privileges and preferences which Texas might grant in return. This instead of being a very extraordinary alliance would be in all respects such an alliance as nations might well make with each other; and if it should be done to our injury, we shall have only to reproach our own folly for the misfortune.

And now, sir, I will only remark in regard to the particular measure which the honorable senator has presented to the Senate, that it appears to me to involve a palpable contradiction. The speech of the honorable senator denounced it as a flagrant violation of the treaties subsisting between Mexico and the United States to annex Texas without the consent of Mexico; and yet the honorable senator concludes his bill, as he calls it, by a proposition to obtain the consent of Mexico if we can; but if we cannot, to annex Texas without that consent, whenever the Congress of the United States may deem it unnecessary. Now, sir, I know of no system of casuistry by which to distinguish [illegible] magnitude of annexing Texas to the United States by treaty, without the consent of Mexico, at this time, and doing the same thing some ten or twelve months hence, by an act or a joint resolution of Congress. And I hardly think the honorable senator would be a very consistent negociator, if he were to go to Mexico with his bill and his speech in his hand, saying to Santa Anna: "It would be a great outrage to annex Texas to the United States without your consent; but as Congress deems that consent unnecessary, we shall take Texas whether you give your consent or not."



## IN EQUITY.

**Spartanburg District, South Carolina.**

R. T. Sims and wife and others vs. Dr. Samuel Snoddy. } Bill for the partition of land.

IT appearing to my satisfaction that the defendant Dr. Samuel Snoddy resides from and without the limits of this State, on motion of Henry & Dean Complainant's Solicitors it is ordered that he do appear within three months from the publication of this rule and plead answer or demur to this bill or the same will be taken *pro confesso*.
T. O. P. VERNON, C. E. S. D.
Commissioners Office, July 10th 1844. 29-3m

STATE OF SOUTH CAROLINA,
**Spartanburg District.**
IN THE COURT OF ORDINARY.

William Parris, Applicant, vs. Lansford Cantrell and others, defendants. } Sumpons in Partition.

IT appearing to my satisfaction that Nimrod Cantrell, Abraham Cantrell, Caleb Cantrell, and Isaac Purtle, four of the defendants in this case, reside from and without the limits of this State. It is therefore ordered, that they do appear and object to the division or sale of the real estate of Mary Cantrell, deceased, on or before the 20th day of September next, or their consent will be taken *pro confesso*.
R. BOWDEN, O. S. D.
June 19, 1844. 26-3m

## ELECTION NOTICE.

AN Election will be held at Timmons's Old field, on the 3rd day of August next, for Brigadier General, to fill the vacancy in the 9th Brigade So. Ca. Militia, occasioned by the resignation of Brigadier General A. C. Bomar.
Col. E. C. LEITNER,
Lieut. Col. JOEL BALLENGER,
Maj. S. N. DRUMMOND,
Managers.
June 19, 1844.

BE IT ORDAINED, By the Town Council of the Town of Spartanburg, That any person or persons who shall wilfully and knowingly discharge any gun, pistol, or other small arms, within four hundred yards of the Public Square, shall, for each and every offence against this ordinance, pay a fine of five dollars. Ratified in Council, June 19, 1844.
G. W. H. LEGG, Clerk.
H. J. DEAN, Ind't.
June 26, 1844.

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Spartanburg, May 3, 1844.—20—t

**ORDER No. 1.**
Union C. H.—Head Quarters,
5th Division,—May 28, 1844.

BRIGADIER General A. C. Bomar, having resigned the command of the 9th Brigade of South Carolina Militia, Col. John J. Plaxico, of the 34th Regiment, will assume the command of the said Brigade, until a Brigadier General is elected and commissioned to fill the vacancy; and will be obeyed and respected accordingly.

The officers in command of the Regiments respectively comprising the 9th Brigade will hold an election for Brigadier General of the said Brigade, on Saturday, the 3d day of August next.

In the discharge of this duty, they will conform to the requisitions of the law. D. WALLACE,
25 *Maj. Gen. 5th Div. S. C. M.*

**Last Notice.**

ALL persons indebted to me by book account, are requested to settle the same with Jesse Mason, or E. C. Leitner, Esq. To avoid putting my debtors to cost, I have employed Mr. Mason, at a considerable expense, who has been travelling for several weeks past, and trying to collect my accounts; but that plan having failed, I now say for the last time, those who do not pay off their accounts soon, will have to pay cost. My situation compels me to collect my debts. JAS. J. VERNON.
j5—24—tf

## IN EQUITY.

**Spartanburg District.**
**Bill for Partition, Account, &c.**

Henry J. Rowland, et al. for Dr. F. L. Parham, vs. Wm. Walker, et al. }

IT appearing to my satisfaction that Betsey Rowland, one of the Defendants in this case, who, it is said, has intermarried with some person, to the Complainants unknown, resides from and without the limits of this State. It is, therefore, on motion of Henry & Bobo, Compt. Sols. ordered that publication in the Spartan be made, of a rule against the said Betsey Rowland, ordering her, within three months from this time, to plead answer or demur to the Complainants' Bill, or the same will be taken *pro confesso*.
THOS. O. P. VERNON, C. E. S. D.
Spartanburg, May 1, 1844. 19—3m

## IN EQUITY.

**Spartanburg District.**
**Bill for Partition, &c.**

B. F. Bates and others, vs. Mark Crocker and Wife, and others. }

IT appearing to my satisfaction that Mark Crocker and Martha, his wife, and Uriah M. Bates, Defendants in this case, reside from and without the limits of this State, on motion of Henry & Dean, Complainants Solicitors, it is ordered that the said Mark Crocker and Martha, his wife, and Uriah M. Bates, do appear within three months from the publication of this rule, and plead answer or demur to this Bill, or the same will be taken *pro confesso*.
T. O. P. VERNON, C. E. S. D.
Spartanburg, April 30, 1844. 19—3m



F. H. LEGG has been commissioned by the Executive to act as a Magisamte, to fill the vacancy occasioned by the promotion of R. Bowden, Esq. to the office of Ordinary.

## MAIL ARRANGEMENT,
SPARTANBURG COURT HOUSE, S. C.

Columbia and Charleston Mail arrives every Saturday and Wednesday, at night.
Columbia and Charleston Mail departs Tuesday and Friday. 5 A. M,
Rutherfordton, N. C. Mail, arrives Monday night and Friday morning.
" Departs, Wednesday night and Sunday morning.
Greenville and Southern, arrives Wednesday and Saturday, 5 P. M.
Greenville and Southern, departs Thursday and Sunday, 8 A. M.
Lincolnton, N. C. arrives Wednesday and Saturday, 7 P. M.
" " departs Thursday & Sunday, 6 A. M.
Yorkville, S. C., arrives Wednesday, 7 P. M.
" " departs Thursday, 5 A. M.
Union C. H., S. C., arrives Tuesday, 4 P. M.
" " departs Monday, 6 A. M.
Laurens C. H. via Woodruff, arrives Tuesday, 12 M.
" " " departs Saturday, 2 P. M.
Laurens C. H. via Poolesville, arrives Tuesday, 12 at night.
" " " departs Monday, 4 A. M.
Limestone, N. C. via Poolesville, arrives Saturday, 6 P. M.
" " " departs Wednesday, 6 A. M.

The Mail will be closed in future, at 7 o'clock, P. M., persons wishing to Mail Letters will please deliver them before that time, or they will remain in the Post Office until the next Mail leaves. This Rule will be strictly adherred to.
G. W. H. LEGG, P. M.
February 1st, 1844.