

JOURNALS
OF THE
EXTRA SESSION
OF THE
NINTH CONGRESS.

SENATE CHAMBER, }
Washington, Monday, June 16th. 1845. }

The Senate met in Special Session, pursuant to the Proclamation of His Excellency the President, Hon. K. L. Anderson, Vice President of the Republic in the Chair. The roll being called, the following members answered to their names :

Senators Greer, Grimes, Kaufman, Luckie, Munson, McCrearey, Parker, Patillo, Pilsbury and Roman—quorum present.

On motion of Senator McCrearey a committee was appointed to inform the House that the Senate was organized and ready to proceed to business.

Senators McCrearey, Kaufman and Munson were appointed said committee.

On motion of Senator Kaufman, a committee was appointed to act with a like committee on the part of the House of Re-

representatives, to wait upon the President and inform him that the two Houses were organized, and ready to receive any communication he might have to make.

Senators Kaufman, McCrearey and Munson were appointed said committee.

A committee from the House of Representatives, Hon. M. T. Johnson, chairman, appeared and informed the Senate that the House were organized and ready to proceed to business.

On motion of Senator McCrearey, the Senate adjourned until to-morrow at 9 o'clock, A. M.

TUESDAY, June 17, 1845.

Senate met pursuant to adjournment; roll called; quorum present; prayer by the Chaplain.

Journals of the preceding day read and adopted.

A committee from the House, Hon. J. W. Henderson, chairman, appeared and invited the Senate to a seat within the Representative Hall, to receive the Message of his Excellency the President, at 10 o'clock.

Senator Kaufman, chairman of the committee appointed to wait upon the President, reported duty performed.

On motion of Senator Pilsbury, the Standing Committees of the last session were retained,

On motion of Senator Grimes, the Secretary was instructed to inform the President that the Standing Committees and Officers of the last session are retained at this special session.

Senator McCrearey, chairman of the committee appointed to wait upon the House, reported duty performed.

On motion of Senator Greer, the Senator from Bexar was placed upon the Standing Committees of the former Senator from that district.

On motion of Senator Parker, the Senate repaired to the Representative Hall, to receive the Message of His Excel-

lency the President, and the accompanying documents, which were read as follows :

EXECUTIVE DEPARTMENT, }
Washington, June 16, 1845. }

*Gentlemen of the Senate,
and of the House of Representatives :*

I am happy to greet you on this interesting occasion, as the representatives of the people, again assembled in the discharge of your high and important duties. The call of an extraordinary session of Congress at this early day, by the Executive, was not made without the most mature deliberation, and a due reference to the great crisis which has arisen since your late adjournment, in the affairs of Texas, as well as the almost unanimous expression of public will, which took place throughout the country, in regard to the same.

The Executive has now the pleasure to transmit to the Honorable Congress, for such action as they may deem suitable, the propositions which have been made on the part of the United States to this Government, for the annexation of Texas and its incorporation as a State into that great and kindred confederacy ; together with the correspondence between the two governments, which has arisen out of the same. This correspondence, entering as it does, very fully into the views and sentiments of the Governments in question, renders it unnecessary for the Executive to add (for the information or consideration of Congress,) but little thereto in reference to the proposed measure.

The Executive has much satisfaction in observing, what no doubt will forcibly arrest the attention of the Congress, that although the terms embraced in the resolutions of the United States Congress, may at first have appeared less favorable than was desirable for Texas, that the very liberal and magnanimous views entertained by the President of the United States towards Texas, and the promises made through the representative of that country in regard to the future advantages to be extended to her, if she consent to the proposed

union, render those terms much more acceptable than they would otherwise have been.

The state of public opinion, and the great anxiety of the people to act definitely upon the subject of annexation by a Convention of Delegates, induced the Executive to issue his proclamation on the 5th of May, ult., recommending an election throughout the Republic on the 4th of the present month, and to assemble in Convention, at the city of Austin, on the 4th of July next. This recommendation has met the sanction of the citizens of Texas generally, and the Deputies in the several counties, so far as heard from, having been elected upon the basis proposed, it is confidently expected the Convention will assemble at the time and place fixed upon. To this Convention the question of Annexation and the adoption of a State Constitution, will properly belong; and they will determine the great question of the nationality of Texas, as to them shall seem most conducive to the interest, happiness and prosperity of the people whom they will represent.

It is important that the "consent of the existing government" should be given to their exercising the powers which have been delegated to them, in order to comply with a requirement to that effect in the resolutions on the subject of annexation, passed by the American Congress. For this purpose, the present extraordinary session of the Congress of the Republic of Texas has been convoked, and to its wisdom as a coordinate Department, the Executive now submits the determination of the matter.

The services to be performed by the Convention, will be arduous, and will probably engage it for a considerable period of time; and the Executive would respectfully recommend to Congress the propriety of making a suitable appropriation for the payment of its members, as well as the officers it may find occasion to employ.

The Executive has the pleasure, in addition to presenting Congress the propositions concerning Annexation, to inform them, that certain conditions preliminary to a treaty of peace, upon the basis of a recognition of the Independence of Texas by Mexico, were signed on the part of the latter, at the city of Mexico, on the 19th of May last, and were transmitted to this Government on the 2d inst., by the Baron Alleve de Cyprey, Minister Plenipotentiary of his Majesty the King of the French,

at that court, by the hands of Capt. Elliot, H. B. M. Charge d'Affaires near this Government. In consequence of the signing of these preliminaries, the Executive believed it to be his duty in the recess of Congress, to make the fact known to the people of Texas, and to declare and proclaim a cessation of hostilities between Texas and Mexico, until the same could be communicated to and acted upon by Congress and the Convention about to assemble. A proclamation for this purpose was consequently issued on the 4th inst., a copy of which is herewith transmitted. These preliminaries being in the nature of a treaty, will, with all the correspondence in relation thereto, be forthwith communicated to the Honorable Senate for its constitutional advice, and such action as in its wisdom the same shall seem to require.

The alternative of Annexation or Independence, will thus be placed before the people of Texas, and their free, sovereign, and unbiased voice, will determine the all-important issue; and so far as it shall depend upon the Executive to act, he will give immediate and full effect to the expression of their will.

His situation in regard to the important subjects now communicated to Congress, has, since their late adjournment, been one of great delicacy and embarrassment. Questions of much difficulty have been presented for his determination, upon which the fate and welfare of the country depended, and without precedent or constitutional guide for his governance, he has been obliged to assume in consequence, great and severe responsibilities. He trusts, however, that Congress will approve the course he has adopted, and by their enlightened counsels, relieve and direct him in the course hereafter to be pursued in relation to those questions.

The Executive is happy to announce to Congress, that Texas is at peace with the world; that with all foreign powers with whom we have had intercourse, friendly relations are maintained. The different tribes of Indians on our borders, with whom treaties exist, have continued to observe the same with good faith; and within the last few days, information has been received, that the only band of Comanches within our limits, who had maintained until then a hostile attitude towards Texas, have sued for peace, and expressed a wish to be permitted to come to Bexar to celebrate a treaty of friendship, which on the part of this Government, has been complied with.

The arrangements made at your regular session, for addi-

tional companies of rangers to be mustered into service, have been carried into full effect, and have afforded adequate and very efficient protection to our frontiers. The receipts into the Treasury, have been sufficient to meet the various expenditures of the government. A specie currency has been maintained without difficulty, and nearly all the Exchequer bills which were in circulation at the period of your late adjournment, have been redeemed and withdrawn from circulation, and the Executive is happy to congratulate the Congress and the country, upon a state of peace, happiness and prosperity never before experienced by Texas, and rarely if ever equalled by so young a nation.

It only remains for the Executive to express an assured confidence in your individual wishes to sustain the best interests of Texas, and the fervent hope that He who holds the destinies of men and nations in his hand, may crown your deliberations with his richest blessings.

ANSON JONES.

CORRESPONDENCE.

[*Mr. Donelson to Mr. Allen.*]

WASHINGTON, Texas, March 31, 1845.

The undersigned, Charge d'Affaires of the United States, has the honor to transmit herewith to the Hon. Ebenezer Allen, Attorney General of the Republic of Texas, and charged *ad interim*, with the direction of the Department of Foreign Affairs, the joint resolution which has been recently adopted by the Congress of the United States, for the annexation of Texas to the Union.

This important measure has thus been brought to the consummation so confidently anticipated by the undersigned, in

his communication of the 10th December last, to this Government; and he trusts that it may be received as a just response to the wishes of the people of Texas, alike honorable to both countries, and worthy of the reciprocally national interests which have so long demanded it.

It now remains for the Government and people of Texas, by their acceptance and ratification of the provisions contained in this joint resolution, to finish the great work of annexation; and to assume their station as an independent, equal, and sovereign member of the American Confederacy, as soon as the constitutional requirements usual in the admission of new States, can be complied with.

Anxious to execute the trust devolved upon him by the resolution referred to, in the manner best calculated to secure its objects, and with the least inconvenience and delay to Texas, the President of the United States has instructed the undersigned to inform this Government that he has selected as the basis of the action yet necessary on the subject, the first and second sections of the resolution—leaving out of view the remaining or third section. This last section, as the Hon. Mr. Allen is aware, was added as an amendment, and leaves optional with the President a resort to the means it creates for an adjustment of the terms of Annexation on a basis different from that offered in the first and second sections, which constituted the bill as it originally came to the Senate from the House of Representatives. It was doubtless intended to place in the hands of the President, the means of obviating such objections as Texas might possibly make to the details of the propositions contained in the two preceding sections; but in doing so, it complicates the process, and is otherwise productive of disadvantages so considerable, as to induce the President not to rely upon it as the most appropriate or practicable mode of securing to Texas a speedy admission into the Union.

It is obvious, that if the discretionary power contemplated by the third section were resorted to, the action on the part of this Government, which can now settle the question of annexation, would be deferred until the new negotiation to be made by commissioners, or ministers, on the part of the respective Governments, could be known. But this is not all. The negotiation thus made, even when ratified by Texas, would not be conclusive. It would still have to undergo a similar reference to the Government of the United States, where it would again

be liable to alteration or amendment, and this in its turn necessarily referable back again to this Government, might involve the subject in inextricable confusion, and could not fail to be productive of danger to the measure, and of irritation to those friendly relations in other respects, which so happily prevail between the two countries.

Such difficulties will be avoided by adhering to the proposals contained in the first and second sections. By those proposals, the door is at once opened for the admission of Texas into the Union in the manner that has been customary with the other territories of the United States, varied only by the peculiar relations which the two Republics have maintained as separate nations. If Texas now accepts those proposals, from that moment she becomes virtually a State of the Union, because the faith of the United States will be pledged for her admission, and the act of Congress necessary to redeem the pledge, is obliged to follow as soon as she presents a republican form of Government. All, then, that is necessary upon this basis, is for this Government, after expressing its assent to the proposals submitted to it, to call a convention of the people to clothe their deputies with the power necessary to amend their constitution, and adapt the Government created by it, to the new circumstances under which it will be placed by annexation to the Union.

On the grounds therefore, of more directness and simplicity in the process, whereby time and much expenditure of money will be saved—and of the entire avoidance of all further risks resulting from possible differences attending efforts to obtain terms more suitable to the separate views of the respective Governments—it has been thought best by the President of the United States, as before stated, to rest the question on the joint resolution, as it came from the House of Representatives, which contains propositions complete and ample, as an overture to Texas, and which if adopted by her, places the re-union of the two countries beyond the possibility of defeat.

This great question, then, is in the hands of Texas. It depends upon herself, whether she will be restored to the bosom of the Republican family, and, taking her station with the other sisters of the confederacy, will co-operate with them in advancing the cause of free government; or whether, standing aloof from them, she is to run the hazards of a separate career, at a period in the affairs of the world, when the friends of a differ-

ent system of Government, are urged by the most powerful motives to resist the extension of the republican principle.

The undersigned doubts not that there are objections to the terms proposed, which, under ordinary circumstances, ought to be obviated before a basis which admits them is adopted. But the circumstances are not ordinary, and the objections, when weighed in the scale of importance, with the magnitude of the interests involved in the success of the measure, become secondary in their character, and may well be postponed, until the natural course of events removes them. If annexation should now be lost, it may never be recovered. A patriotic and intelligent people, in the pursuit of a measure of general utility, if they commit a partial mistake, or inflict temporary injuries, were never known to fail in making the proper reparation. If they have, in this instance, made proposals of union to Texas, on terms which deprive her of means that should be exclusively hers, to enable her to pay the debt contracted in the war for her independence, it has been accidental; and no assurance from the undersigned, can be needed, to give value to the anticipation, that such an error will be corrected, whenever it is communicated to the Government of the United States.

It is objected that Texas, in surrendering her revenue from customs, parts with the ability to put into efficient organization her State government. This objection must result from an undue examination of the expenditures which the U. States, on the other hand, will make in the many improvements necessary on the sea-coast of Texas, to protect and facilitate her commerce, in the removal of obstructions in her numerous bays and rivers, and in the military organization necessary to guard her extensive frontier against the inroads of a foreign enemy. When expenditures for these and many other internal objects are drawn from the Treasury of the Union, and not from that of Texas, it will be seen that the remaining means for the support of the State government, will not only be as great as they now are, but rapidly increased by the influx of population, and the growing capacity resulting from the superabundance of their rich productions.

So also, on the part of the United States, it was objected that the cession of the unappropriated lands, ought to have been made by Texas, for a fair consideration, to enable the Federal Government to extend her Indian policy over the various tribes within her limits. The right to extinguish the Indian title to

these lands, seems almost a necessary consequence of the obligation to regulate the trade and intercourse with them, and to keep them at peace with each other and with us; and the absence of any provision to this effect in the terms proposed, constituted a serious obstacle in the minds of many sincerely friendly to the measure. Yet so strong was the desire to put the question beyond the possibility of defeat, and to leave with Texas the means of discharging her national debt, that they nevertheless recorded their votes in its favor.

But reference is made to such objections, not to ascertain their justness or unjustness on this occasion; but to remark, on the part of the United States, that much was conceded to obtain the passage of the resolution. And it was also believed, that a like spirit would induce Texas to overlook minor considerations, relying on that high sense of honor and magnanimity which governs both the people and the representatives of the United States, to secure to her hereafter, all that she can reasonably desire, to place her on the most favorable footing with the other members of the Union. It was this belief, that mainly induced the President of the United States to give the instructions which have controlled this communication from the undersigned, adopting as the basis of action, for finishing the work of annexation, the joint resolution as it originally passed the House of Representatives.

With these observations, the question is now submitted to the Hon. Mr. Allen, under the confident hope that this Government will see the necessity of prompt and decisive action, whereby the measure may obtain the constitutional sanction of Texas. And the undersigned takes this occasion to renew to Mr. Allen, an expression of the distinguished consideration, with which he has the honor to be,

His very obedient servant,

A. J. DONELSON.

TWENTY-EIGHTH CONGRESS,

SECOND SESSION.

Begun and held at the city of Washington, in the District of Columbia, on Monday the second day of December, eighteen hundred and forty-four.

JOINT RESOLUTION,

For unnezing Texas to the United States.

RESOLVED, by the Senate and House of Representatives of the United States of America, in Congress assembled, That Congress doth consent, that the territory, properly included within, and rightfully belonging to the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic, by deputies in convention assembled, with the consent of the existing government, in order that the same may be admitted as one of the States of this Union.

2d. And be it further resolved, That the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit: *First*, Said State to be formed, subject to the adjustment by this government, of all questions of boundary that may arise with other governments; and the constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six. *Second*: Said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property

and means pertaining to the public defence, belonging to the said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind, which may belong to or be due and owing said Republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas; and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States. *Third*: New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes, north latitude, commonly known as the Missouri Compromise Line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory, north of said Missouri Compromise Line, slavery or involuntary servitude, (except for crime,) shall be prohibited.

3d. And be it further resolved, That if the President of the United States shall in his judgment and discretion, deem it most advisable, instead of proceeding to submit the foregoing to the Republic of Texas, as an overture on the part of the United States for admission, to negotiate with that Republic; Then, be it *resolved*, that a State, to be formed out of the present Republic of Texas, with suitable extent and boundaries, and with two representatives in Congress, until the next apportionment of Representation, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission, and the cession of the remaining Texian territory to the United States shall be agreed upon by the Government of Texas and the United States: And that the sum of one hundred thousand dollars be, and the same is hereby appropriated to defray the expenses of missions and

negotiations, to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate, or by articles to be submitted to the Houses of Congress, as the President may direct.

J. W. JONES,
Speaker of the H. of Rep.
WILLIE F. MANGUM.

President *pro tempore* of the Senate.

Approved, March 1st, 1845.

JOHN TYLER.

[*Mr. Allen to Mr. Donelson.*]

DEPARTMENT OF STATE, Washington, }
on the Brazos, April 14, 1845. }

The undersigned, Attorney General of the Republic of Texas, charged *ad interim* with the direction of the Department of State, has the honor to acknowledge the receipt of the note addressed to him under date of the 31st ultimo, by the Hon. Mr. Donelson, Charge d' Affaires of the United States, &c. &c., transmitting the Joint Resolution recently adopted by the Congress of the United States, relating to the annexation of Texas to the Federal Union, and informing this Government that His Excellency the President of the United States has selected the *first* and *second* sections of the Resolution as the basis of action yet necessary to be had on the subject—leaving out of view the remaining or *third* section.

The President of this Republic has read with deep interest, the propositions contained in Mr. Donelson's communication,—the reason which induced the President of the United States to select the proffered basis, and the lucid explanation of the views, dispositions and intentions of the

government and people of that Union respecting this Republic, and the rights and interests of her citizens and government connected with the terms of that basis, and the new and interesting relations proposed to be eventually consummated thereby, as presented in the note referred to; and notwithstanding the great physical prostration occasioned by a severe attack of illness, which has confined the President for the last ten days to a bed of sickness, he has given to the contents of Mr. Donelson's note the consideration due to their great importance, viewed in connection with their probable influence upon the future destiny of this nation.

The intimate acquaintance of Mr. Donelson with the institutions and organic law of this Republic, renders it unnecessary for the undersigned to make known to him, that the President is not clothed with the power either of *accepting* or *rejecting* the terms of the proposition presented by the note referred to. Under such circumstances, he is impelled by a sense of the high duties of his station, at so important a juncture, to call to his aid the assembled representatives of the people, and to avail himself of the benefits of their counsel and deliberations touching the important matters communicated by Mr. D., to whom the undersigned has the honor of announcing under the instructions of his Excellency, that he has determined at an early day to convene the Congress of the Republic, when he will lay before that honorable assembly, for its consideration and action, the note of the Hon. Mr. Donelson, and the Joint Resolution therewith transmitted.

In communicating which, the undersigned avails himself of the occasion to renew to Mr. Donelson the assurance of the high regard with which he has the honor to remain,

His most obedient, faithful servant,

EBEN'R ALLEN.

[*Mr. Donelson to Mr. Allen.*]

LEGATION OF THE UNITED STATES, }
Washington, (Texas,) April 16, 1845. }

The undersigned, Charge d'Affaires of the United States, has the honor to acknowledge the receipt of the note addressed to him on the 14th inst., by the Hon. Eben'r Allen, Attorney General of the Republic of Texas, charged *ad interim* with the direction of the Department of State, in answer to that of the undersigned, transmitting the proposals from the United States for the admission of Texas into the Union.

The determination of the President to convene the Congress of the Republic of Texas at an early day, for the purpose of consulting with that body as to the deliberation and action due to these proposals from the United States, is what the undersigned expected. The consummation of this important measure, changing, as it will, the organic laws of the Republic, necessarily requires the ratification and direction of the people, under such forms as the existing Government may recommend; and the undersigned is happy to say to the Hon. Mr. Allen, that this initiary step, so promptly taken by this Government, will not fail to be gratifying to the President of the United States, who will see in it an assurance that, if the proposals for the re-union of the two Republics are adopted, the changes made necessary thereby in the present Constitution and Government of Texas, will be effected with the calmness and deliberation becoming the important subject.

And the undersigned takes pleasure in renewing to Mr. Allen assurances of the great regard with which he has the honor to subscribe himself,

His obedient servant,

A. J. DONELSON.

[*Mr. Allen to Mr. Donelson.*]

DEPARTMENT OF STATE, }
Washington, Texas, May 19, 1845. }

The undersigned, Attorney General of the Republic of Texas, charged *ad interim* with the direction of the Department of State, respectfully invites the attention of the Hon. Mr. Donelson, Minister Charge d'Affaires of the U. States near this Government, to the following considerations respecting the interests of the two countries, whether viewed in the existing attitude of their mutual relations, or in that of their probable and prospective connections.

It cannot have escaped the notice of the Hon. Mr. Donelson, that, from the tenor of the late communication of Gen. Almonte to the President of the United States, when demanding his passports as Minister Plenipotentiary and Envoy Extraordinary of the Government of Mexico, Texas is still claimed by the latter as one of its departments, and that belligerent measures are threatened to maintain this claim; also, that from the newspaper accounts of the termination of all diplomatic intercourse with the American Minister at Mexico, the same belligerent attitude is manifested by a circular alleged to have been addressed to the representatives of England and France at that court.

From the tone of these manifestos, a new invasion of the territory of Texas may reasonably be apprehended, if the proposals lately received from the United States for the annexation of Texas to the Federal Union should be accepted by Texas; of which result the sure indications of the popular will, exhibited from the various portions of the Republic, present to the mind an assurance so strong, as to challenge conviction, and leave scarcely a possible room for doubt.

For the reasons suggested, the undersigned deems it his duty respectfully to inquire of Mr. Donelson whether, under such circumstances, calculated to excite the reasonable apprehensions of the people of Texas, and especially to disturb the tranquillity of the settlements along her western fron-

riers, it would not be alike proper and consistent for the U. States to extend its protection to this Republic?

The people of Texas would regard the presence of the requisite force on their frontiers in no other light than as an act of justice and friendship, properly accorded during the pendency of the measures in progress for annexation, and as an indication of the aid justly due them in the completion of the constitutional steps yet necessary to their admission into the Union.

The performance of the conditions required by the United States of Texas, in acting upon the terms of the overture for annexation, necessarily subjects the people of this Republic to very onerous expenses, the burthen of which operates with far greater severity in consequence of the non-payment of the sums due to this Government from the United States for claims arising in the cases of Snively and the collectoral district of Red River.

The undersigned cannot for a moment entertain the belief that the United States will require that Texas shall alone sustain these burthens; and especially in the event of a renewal of the war by Mexico, that this Republic will be expected to bear exclusively its burthens; since, in reality, such a war would be hastened and occasioned by the acts and aimed at the interests no less of the United States than of Texas.

To this subject the undersigned has, by the direction of the President, solicited the attention of the Hon. Mr. D. and has been authorized by him to say that, in case of the anticipated emergency, the passage of the United States troops through the Texian Territory to its western frontier, will be welcomed and facilitated by the constituted authorities as well as by the people of this country.

The undersigned renews to Mr. Donelson the assurances of his distinguished consideration and regard, and remains his most obedient servant,

EBEN'R ALLEN.

[*Mr. Donelson to Mr. Allen.*]

NEW ORLEANS, May 24th, 1845.

The undersigned, Charge d' Affairs of the United States, has had the honor to receive the note of the Hon. Mr. Allen, Attorney General of the Republic of Texas, charged *ad interim* with the direction of the Department of State, dated the 19th inst., in which he states the considerations upon which he thinks it proper that Texas should receive the protection of the United States, should Mexico carry into effect her hostile declarations in consequence of the acceptance by Texas of the proposals submitted by the United States for her admission as one of the States of the Union.

In reply to this note of the Hon. Mr. Allen, a copy of which has been forwarded to the Department of State at Washington City, the undersigned takes pleasure in stating that he has not a doubt the requisite instructions will be immediately issued by the President of the United States for securing to the western frontier of Texas full protection against any invasion that may be threatened or attempted by Mexico, under the circumstances stated. There is already a considerable force concentrated on the portion of the frontier of the United States, adjacent to the territory of Texas, and also an increase of the naval force in the Gulf of Mexico. In the event of the renewal of the war against Texas, on account of her determination to become a member of the Federal Union, this force can be readily brought to act in defence of Texas, and the undersigned doubts not it will be so ordered to act, if the exigency arises so reasonably anticipated by the Hon. Mr. Allen.

The undersigned admits the justice of the remarks made by the Hon Mr. Allen in relation to the extraordinary expenses thrown upon Texas by the steps necessary to execute the provisions of the Joint Resolution of the United States. Under nearly similar circumstances, the United States have borne the expenses incurred by their territorial governments, and it may be confidently anticipated that the same liberality will be extended to Texas.

In respect to the claims arising in the cases of Snively and the revenue district on Red River, which were recommended for payment by the President to the last Congress of the United States, the undersigned doubts not that the most ample provision will be made by the next Congress. The Hon. Mr. Allen is aware of the circumstances which often prevent action on claims, even when they are favorably reported upon by appropriate committees, in time to bring them within the provisions of law, and secure their payment by the proper accounting officers; such, in all probability, was the case in this instance.

But concerning these claims and the extraordinary expenses to be incurred by Texas in the extra session of her Congress and Convention; and also concerning other inconveniences to which she may be subjected by the acceptance of the proposals for her admission into the Union, the undersigned will address another communication to the Hon. Mr. Allen, in which he trusts a mode will be suggested for their disposition which will be entirely satisfactory to Texas; and in the mean time the undersigned has the honor to renew to Mr. Allen assurances of the great respect with which he remains

His most obedient servant,

A. J. DONELSON.

[*Mr. Donelson to Mr. Allen.*]

LEGATION OF THE UNITED STATES, }
Washington, June 11th, 1845. }

The undersigned, Charge d' Affaires of the United States, referring to his note of the 24th ult., in answer to that of the 19th, from the Hon. Mr. Allen on the subject of the protection which, under certain emergencies, the United States would be expected to afford Texas, has now the satisfaction of replying more explicitly, in conformity to instructions

which he has received from the President of the United States.

Reciting several indications of the belligerent intentions of Mexico, the Hon. Mr. Allen remarks, that "a new invasion of the territory of Texas may be reasonably apprehended, if the proposals lately received from the United States for the annexation of Texas to the Federal Union should be accepted by Texas, of which result the sure indications of the popular will, exhibited from the various portions of the Republic, present to the mind an assurance so strong as to challenge conviction, and leave scarcely a possible room for doubt"; and after further asking whether, under such circumstances, so well calculated to disturb the tranquility of the settlements along the western frontier of Texas, it would not be proper for the United States to extend to them protection, he adds, that "the people of Texas would regard the presence of the requisite force on their frontier in no other light than as an act of justice and friendship properly accorded during the pendency of the measures in progress for annexation, and as an indication of the aid justly due them in the completion of the constitutional steps yet necessary to their admission into the Union."

And the Hon. Mr. Allen also remarks, after enumerating some of the burthens which are thrown upon Texas in consequence of her action upon the Joint Resolution for her admission as a State into the Federal Union, that he "cannot for a moment entertain the belief, that the United States will require that Texas shall alone sustain these burthens; and especially in the event of the renewal of the war by Mexico, that this Republic will be expected to bear exclusively its burthens, since, in reality, such a war would be hastened and occasioned by the acts and aimed at the interests, no less of the United States than of Texas."

In answer to the application thus made for the employment of the troops of the United States on the frontier of Texas, the undersigned is authorized to say that as soon as the existing Government and the Convention of Texas shall have accepted the terms of annexation now under their consideration, the President of the United States will then conceive it to be both his right and his duty, to employ

the army in defending this State against the attacks of any foreign power ; and, that this defence may be promptly and efficiently given, should the anticipated emergency arise rendering it necessary, the undersigned is also authorized to say, that a force consisting of three thousand men, placed upon the border adjacent to Texas, will be prepared to act without a moment's delay, within the territory of Texas, as circumstances may require, so as best to repel invasion.

The President of the United States feels in all their force the obligations which enjoin upon him as a sacred duty the defence of Texas, after she shall have accepted the conditions which have been submitted, for her admission into the Union, in accordance with a solemn resolution of Congress. An assault upon her just rights, for this cause and under such circumstances, will be an assault upon the United States, and it will be felt the more keenly, because it will involve the idea that the United States can be made to abandon the injunctions of good faith from the fear of the arms of a foreign power.

Although Texas may not actually be a State of the Federal Union, until the new Constitution she is about to make may be completed and then accepted by the Congress of the United States, in the manner that has been customary with the new States now in the Union, yet it cannot be denied that whilst she is prosecuting with sincerity the work necessary on her part to effect this object, she possesses the rights of a State so far as to be entitled to protection. If she accepts and executes the provisions of the two first sections of the Joint Resolution now before her, and that she will, the Hon. Mr. Allen assures the undersigned there is scarcely a possible room for doubt, she will be betwixt the period of her doing so, and that of formal admission by the passage of the usual declaratory law, in the same situation that many of the present States of the Union were when they had complied with the preparatory or preliminary conditions required by Congress, but were not yet actually received into the family of States. Like those States, she will have fulfilled all the requisitions of Congress ; and in respect to the dissimilarity in situation, growing out of her previous separate nationality, the only effect can be to increase, if this were possible, the

obligation upon Congress to pass the pledged law for her admission, because in exchanging her nationality for that of the "*unum e pluribus*" of the Federal Union, she will have been subjected to greater burthens, and in case of disappointment would suffer more in her social and political relations.

In considering Texas then as a State, after she shall have accepted the conditions now under her consideration and action, annexing her to the Union, so far at least as to be entitled to protection against the attacks of any foreign nation, the President of the United States can have assumed no questionable power; and it is gratifying to know that its exercise will be as acceptable to the Government and People of Texas as it is consistent with the principles of justice and the high dictates of honor and patriotism. But the undersigned trusts that the emergency, now so threatening as to render necessary the preparation of an armed force to act within the limits of Texas, may yet disappear, and that the measure of annexation may be consummated in peace. It is difficult to anticipate a different conclusion for a measure which seems to be as necessary to the restoration of order and security to Mexico, as it is to the preservation of the reciprocal interests of Texas and the United States; but if it cannot be carried into effect peaceably, in consequence of the opposition made to it by European governments, the motives for adhering to it are not the less strong.

If Texas cannot be allowed to enjoy the blessings of peace and independence, as one of the sovereign members of the American Union, without asking permission of Mexico or of the monarchies of Europe, the fact is worth volumes of argument in explaining the duty of those who are struggling to maintain a system of government founded on the will and controlled by the authority of the people.

The United States did not seek to influence the action of Texas, whose free will first proposed the measure of annexation. On the contrary, history will record the event as new in the annals of nations, that the United States, avoiding the practice of almost all the great powers of the world, maintained a position on this question so subordinate to the sentiment of respect for even the prejudices of Mexico, that they for many years refused to consider it, nor did they sanction

the measure at last, until it became apparent that its longer postponement would inflict an injury upon both Texas and themselves, which could not be reconciled with a sincere desire to sustain the Republican cause. Yet no sooner is this measure, so long delayed, and decided upon, after being subjected to all the tests which could free it from misapprehension and prejudice, brought within the reach of the people of the two countries, and with a unanimity on the part of Texas almost entire, than she is told she must abandon it, or otherwise take the alternative of a war. For such substantially is the proposition now brought forward under the auspices of the French and English Governments, by which Mexico at length agrees to recognise the independence of Texas, provided she will bind herself not to change her separate nationality.

The undersigned feels authorized to advert to the aspect given to this question by the recent action of the Mexican Government, because of its necessary connection with the emergency anticipated by this Government, and made the basis of the request for the employment of the troops of the United States within the limits of Texas. After a solemn resolution of the Congress of the United States has pledged the faith of the Union to the admission of Texas as a State, on conditions which are satisfactory, and which she is about to execute with unexampled unanimity, she receives an offer of independence under the auspices of the English and French Ministers, with a proviso that she will never annex herself to any other State.

Under such circumstances it may be unnecessary, but it cannot be indelicate or improper, on the part of the undersigned, when he declares to this Government that whilst the United States are incapable of any expedient to take from the action of Texas the merit of a free and unbiased choice, they are yet equally incapable of being driven from the support of obligations which have been or may be contracted by such action, no matter under what auspices or by what pretexts such an attempt may be made.

That this proposition from Mexico would be enforced as a restraint upon the sovereignty of Texas, if the power existed to do so, is demonstrated by all the circumstances of

its adoption. The Minister of the Foreign Affairs of Mexico, when asking for the authorization of the Chambers to negotiation with Texas, on the basis of her independence, at the same time declared that the army on the Rio Grande would be reinforced, and the agency that obtained and brought back to this Government the declaration that the door is open for the negotiation of a definitive treaty between the two nations, brought also the formal notification that this door will be closed again if Texas consents in any manner to the Resolution passed by the Congress of the United States, on the subject of annexation. Thus is it made difficult for Texas, even had her judgment led her to reject the overture for her admission into the Federal Union, to accept the propositions from Mexico, without incurring the imputation of being awed by an armed force kept avowedly upon her frontier to commence hostilities, if her decision should be different from that prescribed for her. Nor is this difficulty lessened because it has connected with it the kind offices of the Governments of France and Great Britain. Viewed in its best aspect, it shows that a shackle upon the present and prospective relations of Texas, in defiance of her sovereign will, is resolved upon by others, not to satisfy Mexico—because she, in recognizing the independence of Texas, admits her inability to place this restraint upon it, but to satisfy other and different interests.

When it is considered that Texas, after nine years of actual independence, is far more able than she was at first to maintain it, and that this fact is well known to France and England, holding as they do, diplomatic relations with both Mexico and Texas, this attempt to establish a condition upon the sovereignty of Texas, will attract the attention of the world. Did it stand alone, unconnected with the law of the United States on the subject of annexation, it could not but excite the apprehension of all who respect the equal rights of nations, but contemplated as an attempt to subvert the principle which lies at the foundation of popular government, it assumes an importance that must touch the heart of every lover of freedom.

All who have any knowledge of the state of the annexation question, must see that the condition upon the sovereignty

of Texas proposed by Mexico, applies in an equal degree to the sovereignty of the Federal Union, if Texas chooses to become a part of it. What then can be the motive for such an offer, with the penalty, if it be rejected, of war denounced upon both the United States and Texas, when the very offer admits the inability of Mexico to enforce such a penalty upon Texas alone? Was it that Texas, about to form and express her determination upon the proposals submitted by the United States for her admission into the Federal Union, *could* not be led to reject them from an apprehension of continued war with Mexico, but *might* be so led if to this apprehension could be added that of immediate war between the United States and the great European power that has cherished with so much zeal the hope that Texas would preserve her separate nationality? With this object in view, the most effectual mode of promoting it was to give boldness to the defiance hurled by Mexico at the United States. In proportion to her inability to execute her threats would arise the probability that she could not have seriously proposed a limitation upon the sovereignty of both Texas and the United States, under the kind auspices of two of the most powerful monarchies, without having some cause to expect their aid in maintaining it.

The undersigned feels the high responsibility he takes when he ascribes to the agents of other governments a design to influence the decision of Texas upon the question of annexation, by means that are foreign to its merits; but he is sustained by the developements that are made as the time for the expression of this decision approaches. It was his duty in looking at the state of things which has justified the President of this Republic, in making application for the force of the United States to protect her from invasion, whilst she is executing the compact which is to make her a part of the Union, not to pass unnoticed the feature in the action of Texas which will secure to it the admiration of the world. The manifestations of her wish and determination to be restored to the bosom of the Republican family have been unchanged by the denunciations of war, and have been expressed in opposition to most artful attempts to create a doubt about the final action of the Congress of the United States in pas-

ing the law yet necessary for her admission into the Union. So generous a confidence is worthy of a people who value the blessings of freedom, and cannot be disappointed. As sure as Texas accepts the proposals for her annexation to the Union, and adopts a republican form of government not incompatible in its provisions with the Constitution of the United States; so sure will the Congress of the United States, which has never yet violated its engagements, declare Texas to be a State of the Union, with all the sovereignty, rights and privileges of any other State.

The undersigned, in submitting these observations on the character of the proceedings on the part of Mexico to defeat annexation, is far from intimating a question of the course pursued by His Excellency the President of this Republic on the subject. As the Executive Chief Magistrate, he has received with kindness and courtesy the views of the United States, and he has submitted their Joint Resolution to the people and Congress of Texas with a prompt avowal of his willingness to execute their decision upon them. In feeling it to be his duty to be equally bound to respect the proposals of other governments, offered in terms of kindness and affecting the highest interests of his country, the United States, far from complaining, will rather be gratified that thus Texas will have been afforded all the means of an enlightened judgment.

The undersigned renews to the Hon. Mr. Allen, assurances of the high regard with which he remains his obedient servant.

A. J. DONELSON.

[*Mr. Donelson to Mr. Allen.*]

LEGATION OF THE UNITED STATES, }
Washington, (Texas,) June 13, 1845. }

The undersigned, Charge d' Affaires of the United States, has the honor to invite the attention of the Hon. Mr. Allen to the alleged objections which exist to the proposals con-

contained in the Joint Resolution for the annexation of Texas to the Union, and to the expenses which are inseparable from her acceptance and execution of these proposals.

It was the object of the undersigned when he first presented the Resolution, to shew the propriety of adhering to its first and second sections as the basis of annexation, leaving out of view as impracticable and inexpedient its third or last section. Further reflection confirms the correctness of that position, and it is now conceded that the course adopted is the one most acceptable to Texas herself. Both in the United States and here, all parties seem to have come to the conclusion that on the basis of the first and second sections the proposed union ought to take place, and that it is better to leave the correction of such defects as they may contain to future Legislative agreements, after Texas shall have become a State, than to attempt it now.

What these defects are, and what the remedies ought to be, a little time and experience will soon develope, and it is always safe to wait for these guides, if they can be obtained without too much present sacrifice. Thus, notwithstanding the objections existing in the basis selected, they may be more manageable and less hazardous to the success of the measure than any remedies which could now be supplied. If that basis be accepted by Texas, it secures her admission into the Union with the least possible delay and expense, and it leaves the objections to be obviated hereafter, when they can be obviated without prejudice, with all the information and light which can be collected from the records and experience of both countries. After the admission of Texas as a State, the party excitement engendered by the discussion of the measure will have passed away—she will have Representatives in both Houses of Congress to explain her wants—and it may be expected that with the accession of so large a territory to the limits of the Union, will come those good and liberal feelings which have never yet failed to bring to a national measure, once consummated, the support and protection of all parties, nor ever permitted injustice or injury, sectional or individual, to remain a blot upon the escutcheon of the Union. In proportion, then as Texas has suffered from the delay of the measure which is to restore her to the

bosom of her natural friends, in proportion as her struggle to achieve and maintain her independence has exposed her to merciless assaults from Mexicans and savages, may she expect to have the noble band that fought her battles honored and rewarded, and all the fruits of her success in war and peace blessed by the sympathy and compensated by the love and admiration of a happy and united people.

But should the existing Government of Texas, or the Convention which is soon to assemble, insist upon some specific expression in respect to the future disposition of their public lands, and of the occupancy of the Indian Tribes within their limits, the undersigned would make the following suggestions on these subjects, pointing out a mode by which this may be done without making such expression a qualification of the acceptance and ratification of the provisions contained in the first and second sections of the Joint Resolution. Upon the supposition that Texas is admitted as a State, having adopted without change or alteration the terms of those sections, what will be her situation?

She will have within her limits the Comanche Indians and other fierce and warlike tribes, with no stipulation respecting the mode in which they are to be restrained from depredation, or their occupancy of the lands now open to them for hunting and cultivation regulated. It is obvious that the expense and burthens of wars with these Indians cannot and will not be borne by Texas alone; and yet it is equally obvious that the United States, when held responsible for their control and guardianship should be so only as they are allowed to introduce amongst them the Indian policy, which, with the consent of the other States of the Union, after much experience, has been adopted, and is now so much admired. It has been found that the location of Indians as a distinct community within the limits of a State, has been productive of much embarrassment, and hence the effort has been made to extinguish their title when they were thus located, and assign to them a separate territory. Thus the laws of the United States regulating trade and intercourse with them, are kept free from conflict with the jurisdiction of the States, and the efforts to introduce amongst them the habits of husbandry and the blessings of education and religion, directed by the power of the Federal Government, have been so far crowned with success as to justify the

hope that these races may yet be reclaimed and perpetuated. The attainment of these benevolent objects amongst the Indians within the limits of Texas, may be much obstructed, if there be not some specific agreement hereafter, by which the Indian policy elsewhere enforced by the United States, may be extended to Texas.

So also in respect to the public lands which are left by the provisions of the Joint Resolution, without cession to the United States. This was done because it was believed that the public debt of Texas could not be extinguished if she parted with her lands. And the assumption of that debt was impracticable, because it would have been setting a dangerous precedent, not warranted, in the judgment of a large portion of Congress, by the Constitution of the United States. Hence nothing could be settled differently from what it is in the Resolution on this subject.

Both honor and justice forbade the United States from touching the only resource, which, after admission into the Union, would be left to Texas to pay the debt contracted in the war for her independence. Although in many points of view the reasons were urgent for insisting on the operation within her limits, of the same land system which has been introduced with so much advantage into the other States of the Union, yet they were given up rather than endanger the passage of the bill, or leave doubtful the ability of Texas to discharge the highest and most sacred of all public obligations, the payment of the means which have been borrowed and expended to advance the cause of liberty and independence. It is, however, not the less true, if an arrangement can be made for the payment of this debt by a pledge of these lands for the purpose, that the prosperity of Texas, like that of the other States of the Union, would be promoted. The land system now in force in the United States, has worked admirably well, and has contributed greatly to the prosperity of the new States, by giving uniformity to the surveys, and that general accuracy in the establishment of metes and boundaries which are so useful in preventing litigation, and protecting the rights of the hardy tillers of the soil. Even those States that surrendered the territory out of which the large addition to the Republican family has been made, have found that they have been more than compensated in relief from any system they could have enforced separately for the preservation, survey and sale of the lands. It cannot be doubted

that the like causes would produce the like effects in Texas.

Under these views of this subject, and seeing that equal and exact justice to all the States of the Union, would require that all their public lands should rest on the same footing, and be administered under the same uniform system, the only question to solve is, how can this be done without leaving Texas unable to discharge her public debt, and without means to put into efficient operation her State Government.

The undersigned, in proposing to answer this question, does so with great deference to the better judgment and greater experience of the many able citizens who will consider and will have the right to act upon it. Nor would he attempt it but for his great desire, that what may be done on the subject, should be so done, as not to raise any new question respecting the powers of the Congress of the United States. His object is to give success to the present measure of annexation, which is now entirely within the control of Texas, if she accepts the provisions of the law of Congress before her, and puts nothing in her Constitution of a debateable nature as respects either her rights or interests, or those of the Union. If the Convention soon to assemble, were to make their acceptance of the provisions of the first and second sections of that law, dependent upon the adoption by the Congress of the United States, of any definite disposition of these debated questions, the measure of annexation might be re-opened in the United States, and subjected again to all the delay which it would be in the power of those opposed to it to create. Such questions, if made a condition of admission, might encounter opposition from members of Congress who would make none at all to their liberal settlement, after Texas is admitted as a State. Such members, believing the measure of annexation to be injurious to the country, would make opposition to it, while they have any plea for so doing. After the measure, however, is once settled by the action of Texas in fulfilling literally all the provisions of the Joint Resolution, it is not to be supposed that they will allow that opposition to become injustice or illiberality to Texas.—Hence if the Convention should form and express any definite opinion on these subjects, the safe course would be to express it, not as a qualification of their acceptance of the terms proposed by the United States, or as in any manner connected with the question of admission, but as a proposition or opinion altogether independent of such acceptance.

For instance, the Convention, when making the new government, and clothing it with the power, as it doubtless will, to ascertain and liquidate the public debt of Texas, might direct that this debt should have a perpetual security for its faithful payment in all the unappropriated lands, and that thus pledged, it might be competent for the Legislature of the State, to cede the lands in trust to the United States, with an obligation to apply the proceeds arising from the sale thereof, to the extinguishment of the debt of Texas, the United States to have jurisdiction over all the lands within the occupancy of the Indians, and the right to extend over it the same Indian policy which is in operation upon the other Indian territory of the United States. Or if instead of waiting for the ascertainment and liquidation of the public debt of Texas, the Convention should prefer to empower the Legislature to make the cession of the public lands for a fair and adequate sum of money, the amount to be settled by agreement between the Legislature and the Congress of the United States, the same object could be obtained in the same manner. An independent proposition in either of these forms, would be so just and reasonable, so consonant with the established policy of the United States, and so beneficial to Texas, that it cannot be doubted it would receive the sanction of Congress. Such a proposition the President of the United States has empowered the undersigned to say to this Government, if adopted separate and apart from the question of her admission into the Union, and not as a qualification of her acceptance of the terms contained in the first and second sections of the Joint Resolution, shall receive his cordial support, and will be earnestly recommended to the favorable consideration of Congress.

To such a proposition might also be added estimates of the expenditures which have been thrown upon Texas in consequence of the steps necessary to obtain her compliance with the law admitting her into the Union, which, with the claims already acknowledged by the United States, arising out of the cases of Snively and the Revenue District on Red River, will doubtless be paid by Congress.

In respect to the burthens which may be thrown upon Texas, should she accept the proposals for her admission into the Union, by the threatened invasion of Mexico, the undersigned has already informed the Hon. Mr. Allen of the steps which will be taken by the President of the United States to protect

Texas. Such an invasion, occasioned by the acts of the U. States, and aimed at the destruction of the interests of the U. States, as well as those of Texas, it will of course be the duty of the President of the United States to repel; and the expenditures and losses incident to the performance of this duty, will be paid out of the Treasury of the Union.

The undersigned having stated thus generally the views of the Government of the United States, for the information of this Government, shewing the necessity for a literal adherence to the provisions of the first and second sections of the Joint Resolution, in order to ensure the safety of the annexation measure, will detain the Hon. Mr. Allen with but few more remarks.

According to those provisions, all that the Congress, which is to assemble on Monday next, will have to do on the subject, will be to express their assent to them, and if thought proper, to sanction the call of the Convention, which has been made by the President of the Republic, for the purpose of ascertaining the wishes of the people, and enabling them to make a new Constitution. When this Convention then, declares also *their* acceptance of these provisions, and make the Constitution providing for its transmission to the President of the U. States with the proper evidence of its ratification or adoption by the people, the work of annexation will be completed as far as the action of Texas is concerned. Nothing will remain to be done but the passage of a simple Resolution on the part of the Congress of the U. States, declaring that Texas, having fulfilled all the requisitions of law, is a member of the Union, equal, independent, and sovereign with the other States.

The undersigned cannot but felicitate himself in having been called to contribute his humble aid to an object so deeply interesting as the incorporation of Texas into the American Union. Not understood originally by the great mass of the people of the United States, it has had to work its way slowly through party prejudice, and that spirit of distrust which is a necessary shield against the dangers of reckless adventure and innovation. But like most other good things, it has had the capacity to bear disappointment and defeat, and it has risen the stronger from every attempt which has been made to give it a direction adverse to its true character. It is however not so much annexation, as the manner of it, that gives it importance, and elevates it as a moral question far above those acquisitions of

territory which have been made by most of the great nations of the earth by violence and bloodshed. There has been no conquest in this instance, not even an effort to influence the judgment of the people of Texas. On the contrary, moved by their own free will, neither baffled by repulse on the part of the United States, nor tempted by the insidious counsels of other nations, they have maintained their virtuous independence, relying confidently that time and discussion would open the way, not by swords but by votes, for their restoration to the Union.

The undersigned renews to the Hon. Mr. Allen, assurances of the high regard with which he continues to be,

His most obedient servant,

A. J. DONELSON.

By the President of the Republic of Texas,

A PROCLAMATION.

The Executive is now enabled to declare to the people of Texas the actual state of their affairs with respect to Mexico, to the end that they may direct and dispose them as they shall judge best for the honor and permanent interests of the Republic.

During the course of last winter, it reached the knowledge of the Executive from various sources of information, unofficial indeed, but still worthy of attention and credit, that the late and present Government of Mexico were disposed to a peaceful settlement of the difficulties with Texas by the acknowledgment of our Independence, upon the understanding that Texas would maintain her separate existence. No action however, could be taken upon the subject, because nothing authentic was known until the month of March last, when the representatives of France and Great Britain near this Government, jointly and formally renewed the offer of the good offices of those powers with Mexico, for the early and peaceful settlement of this struggle, upon the basis of the acknowledgment of our independence by that Republic.

It would have been the imperative duty of the Executive at once to reject these offers, if they had been accompanied by

conditions of any kind whatever. But, with attentive watchfulness in that respect, and great disinclination to entangling alliances of any description, or with any power, he must declare, in a spirit of justice, that no terms or conditions have ever been proposed by the two Governments in question, or either of them, as the consideration of their friendly interposition.

Maturely considering the situation of affairs at that time, the Executive felt that it was incumbent upon him not to reject this opportunity of securing to the people of this country, untrammelled by conditions, a peaceful, honorable and advantageous settlement of their difficulties with Mexico, if they should see fit to adopt that mode of adjustment.

Thus influenced, he accepted the good offices of the two powers, which, with those of the United States, had been previously invoked by Texas, and placed in the hands of their Representatives a statement of conditions preliminary to a treaty of peace, which he declared he should be ready to submit to the people of this country for their decision and action, as soon as they were adopted by the Government of Mexico. But he emphatically reminded those functionaries, for the special notice of their governments, that he was no more than the agent of the people; that he could neither direct, control, nor influence their decision; and that his bounden duty was to carry out their determination, constitutionally ascertained and expressed, be it what it might. Our representative at the Court of France and Great Britain, in addition to the task of strengthening the friendly dispositions of those Governments, was also especially instructed to press upon their attention, that if the people of Texas should determine to put an end to the separate existence of the country, the Executive, so far as depended upon his official action, must and would give immediate and full effect to their will.

The circumstances which preceded and led to an understanding with Mexico, have thus been stated; and the people speaking through their chosen organs, will now determine as they shall judge right. But in the mean time, and until their pleasure can be lawfully and constitutionally ascertained, it is the duty of the Executive to secure to the nation the exercise of choice between the alternatives, of peace with the world and Independence, or annexation and its contingencies; and he has therefore, to issue the following proclamation:

WHEREAS, authentic proof has recently been laid before me, to the effect that the Congress of Mexico has authorized the Government to open negotiations and conclude a treaty with Texas, subject to the examination and approbation of that body; and further, that the Government of Mexico has accepted the conditions prescribed on the part of Texas, as preliminary to a final and definite treaty of peace;

Therefore, I, ANSON JONES, President of the Republic of Texas, and Commander-in-Chief of the Army and Navy and Militia thereof, do hereby make known these circumstances to the citizens of this Republic, till the same can be more fully communicated to the Honorable Congress and Convention of the people, for their lawful action, at the period of their assembling on the 16th June, and 4th of July next, and pending the said action, by virtue of the authority in me vested, I do hereby declare and proclaim a cessation of hostilities by land and by sea, against the Republic of Mexico, or against the citizens and trade thereof.

In testimony whereof, I have caused the Great Seal of the Republic to be hereunto affixed. Done at Washington, this fourth day of June, in the year of our Lord one thousand eight hundred and forty-five, and of the Independence of the Republic the tenth.



ANSON JONES.

By the President,
EBEN'R ALLEN,
Attorney General, and
Acting Secretary of State.

The Senate returned to their chamber; roll called; quorum present.

On motion of Senator Parker, one thousand copies of the President's Message and the accompanying documents were ordered to be printed for the use of the Senate.

On motion of Senator Kaufman, the Message and accompanying documents were referred to the Committee on Foreign Relations, with instructions to report on to-morrow morning, by bill or otherwise.

On motion of Senator Kaufman, Senator Luckie was added to the Committee on Foreign Relations.

Senator McCrearey moved that the Secretary be instructed to subscribe for three hundred copies of the Weekly Register, for the use of the Senate.

Ayes and Noes being called for stood thus :

Ayes—Senators Kaufman, Luckie, McCrearey and Wright.—4.

Noes—Senators Greer, Grimes, Munson, Parker, Patillo, Pilsbury and Roman—7.

So the motion was lost.

Senator McCrearey moved that two hundred copies be subscribed for.

Ayes and Noes being called for stood thus :

Ayes—Senators Grimes, Kaufman, Luckie, McCrearey, Munson, Roman and Wright—7.

Noes—Senators Greer, Parker, Patillo and Pilsbury—4.

So the motion was carried.

On Motion of Senator Kaufman, the Senate adjourned until 4 o'clock, P. M.

4 o'clock, P. M.

Senate met; roll called; quorum present.

On motion of Senator Greer, the Senate adjourned until to-morrow at 9 o'clock, A. M.

WEDNESDAY, June 18, 1845.

Senate met pursuant to adjournment; roll called; quorum present; prayer by the Chaplain.

Journals of the preceding day read and adopted.

Senator Greer introduced the following joint resolution, tendering to General Andrew Jackson the tribute of a nation's gratitude :

Whereas, by the many valuable and important services rendered throughout a long and useful life by Major General Andrew Jackson to the cause of civil and religious liberty, he justly enjoys and is entitled to the love and admiration of all his species : therefore,

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in the name and in behalf of the people of the Republic of Texas, we hereby tender to General Andrew Jackson the *unfeigned gratitude of a nation.*

Be it further resolved, That the President of the Republic of Texas is hereby requested to transmit to General Jackson, to His Excellency the President of the United States, and to the Governor of each State and Territory of the American Union, a copy of this Joint Resolution.

Read 1st time ; rule suspended, read second time ; rule further suspended.

Ayes and Noes called for on the passage of the resolution stood thus :

Ayes—Senators Greer, Grimes, Kaufman, Lawrence, Luckie, Munson, Parker, Patillo, Pilsbury, Roman and Wright—11.

Noes—00.

So the resolution was passed.

Senator Kaufman introduced a bill to be entitled an act to set apart a portion of the public domain, lying between the Arkansas and Red Rivers for the payment of the national debt of the Republic of Texas, and to repeal a certain act therein named ; read first time ; rule suspended, read second time.

Senator Wright moved its reference to the Committee on the State of the Republic.

Senator Roman moved its reference to the Committee on Finance.

Senator Roman withdrew his motion.

Senator Wright renewed his motion, which was put and carried.

Senator Greer introduced a bill to be entitled an act to alter the time for the meeting of the annual session of Congress ; read first time.

Senator Roman, by leave, chairman of the Committee on Engrossed and Enrolled Bills made the following report :

COMMITTEE ROOM, June 18, 1845.

Hon. K. L. Anderson,
President of the Senate :

The Committee on Engrossed and Enrolled Bills have examined and find correctly engrossed, a joint resolution tendering to General Andrew Jackson the tribute of a nation's gratitude.

RICHARD ROMAN, Chairman.

A message was received from the President, through his Private Secretary, S. Z. Hoyle, transmitting a communication in writing, marked "Secret."

Senator Kaufman moved a call of the Senate. Carried.

Roll called ; quorum present ; further call suspended.

On motion the Senate went into secret session.

The doors being opened,

Senator Kaufman, by leave, chairman of the Committee on Foreign Relations, made the following report :

COMMITTEE ROOM, June 18, 1845.

Hon. K. L. Anderson,
President of the Senate :

The Committee on Foreign Relations, to whom was referred the message of his Excellency the President, together with the accompanying documents, have instructed me to report to the favorable consideration of the Senate the accompanying bill, entitled a joint resolution giving the consent of the existing Government to the annexation of Texas to the United States, and they respectfully ask leave to be discharged from the further consideration of the same.

DAVID S. KAUFMAN, Chairman.

Bill read first time.

On motion of Senator Pilsbury, the Senate adjourned until to-morrow at 9 o'clock, A. M.

THURSDAY, June 19, 1845.

Senate met pursuant to adjournment; roll called; quorum present; Prayer by the Chaplain.

Journals of the preceding day read and adopted.

Senator Lawrence presented the petition of Nathaniel Hoyt, praying compensation for services rendered in the navy.

On motion the same was referred to the Committee on Naval affairs.

Senator Greer, chairman of the Committee on the State of the Republic, made the following report:

COMMITTEE ROOM, June 19, 1845.

Hon. K. L. Anderson,
President of the Senate:

The Committee on the State of the Republic, to whom was referred a bill to be entitled an act to set apart a portion of the public domain, lying between the Arkansas and Red Rivers, for the payment of the national debt of the Republic of Texas, and to repeal a certain act therein named, have had the same under consideration, and would report the same back to the Senate, with an amendment, and recommend its passage. In the fourth section, strike out the following words, after the word "repealed": "except so far as the same may have been adopted for the benefit of settlers, by an act granting to settlers on vacant public domain pre-emption privilege, approved January 22, 1845."

J. A. GREER, Chairman.

Senator Greer introduced a joint resolution relative to the introduction of United States troops into Texas; read first time.

Senator Roman moved to suspend the rules and place the bill on its second reading. Lost.

On motion of Senator Kaufman the Senate proceeded to the orders of the day.

A joint resolution giving the consent of the existing Government to the annexation of Texas to the United States; read second time, and on motion of Senator Greer, the Senate went into committee of the whole, Senator Greer in the chair.

The committee rose, and through their chairman reported the resolution back to the Senate, without amendment, and recommenced its passage.

On motion of Senator Greer, the report and bill was taken up, report adopted and bill ordered to be engrossed.

On motion of Senator Kinney, the rules were suspended.

Ayes and Noes called for on the final passage of the bill; stood thus:

Ayes—Senators Greer, Grimes, Kaufman, Kinney, Lawrence, Luckie, Munson, Parker, Patillo, Pilsbury, Roman and Wright—12.

On motion of Senator Wright, a committee was appointed to wait upon Senator McCreary and receive his vote.

Senators Wright and Lawrence were appointed said committee.

They returned and reported that Senator McCreary voted aye—13.

Noes—00.

So the bill passed.

On motion of Senator Kaufman, a bill to be entitled an act to set apart a portion of the public domain, lying between the Arkansas and Red Rivers, for the payment of the national debt of the Republic of Texas, and to repeal a certain act therein named, was taken up, and the report of the Committee on the State of the Republic adopted.

Senator Kaufman moved to strike out in the second section the words "of the United States." Adopted, and bill ordered to be engrossed.

Rule suspended; bill read third time and passed.

A message was received from the House, through J. H. Raymond, Chief Clerk, transmitting a joint resolution tendering to General Jackson the tribute of a nation's gratitude, which originated in the Senate and had passed the House; also a bill requiring the Commissioner of the General Land Office to issue patents in certain cases, which originated in

the House, and requesting the concurrence of the Senate to the same.

Senator Lawrence introduced a joint resolution for the relief of Post Captain E. W. Moore; read first time.

Senator Lawrence moved a suspension of the rule.

Ayes and Noes called for, stood thus:

Ayes—Senators Kaufman, Kinney, Lawrence, Pilsbury, Roman and Wright—6.

Noes—Senators Greer, Grimes, Luckie, Munson, Parker and Patillo—6.

So the Senate refused to suspend the rules.

A bill to be entitled an act to alter the time for the meeting of the annual session of Congress; read second time and referred to the Committee on the State of the Republic.

A bill requiring the Commissioner of the General Land Office to issue patents in certain cases; read first time.

Senator Kaufman introduced a bill to be entitled an act making an appropriation to defray the expenses of the Convention, and granting the members thereof the franking privilege; read first time.

On motion of Senator Kinney, the Senate adjourned until to-morrow at 9 o'clock, A. M.

FRIDAY, June 20, 1845.

Senate met pursuant to adjournment; roll called; quorum present; Prayer by the Chaplain.

Journals of the preceding day read and adopted.

Senator Lawrence presented the petition of A. J. Lewis, Lieutenant of the navy, praying compensation for services.

On motion of Senator Parker, referred to the Committee on Naval Affairs.

Senator Roman, chairman of the Committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, June 20, 1845.

Hon. K. L. Anderson,
President of the Senate:

The Committee on Engrossed Bills have examined and find correctly engrossed a bill to be entitled an act to set apart a portion of the public domain, lying between the Arkansas and Red Rivers, for the payment of the national debt of the Republic of Texas and to repeal a certain act therein named, and a joint resolution giving the consent of the existing government to the annexation of Texas to the United States.

RICHARD ROMAN, Chairman.

Senator Lawrence presented the petition of James Reily, praying compensation for services as Charge d' Affaires to the United States.

On motion, referred to the Committee on the State of the Republic.

Senator McCrearey, chairman of the Committee on Naval Affairs, to whom was referred the petition of Nathaniel Hoyt, reported that the committee have had the same under consideration, and although the claim of the petitioner may be meritorious in its character, yet they deem it inexpedient for Congress to take any action on it at this time.

Report adopted.

Senator Kinney presented the petition of Julia M. G. Veave, praying that certain property deposited in the Treasury, be delivered over to her.

On motion, the same was referred to the Committee on the State of the Republic.

Senator Greer, chairman of the Committee on the State of the Republic, to whom was referred an act to alter the time for the meeting of the annual session of Congress, reported the same back to the Senate and recommended its passage with the following additional section.

“That such of the appropriations of the regular session of the 9th Congress as the President may deem necessary, and cannot be dispensed with, are hereby extended *pro rata* to

the second Monday of May, A. D. 1846, or until the incorporation of Texas as a State of the United States, and this act shall take effect from and after its passage."

Senator Luckie introduced a joint resolution acknowledging the claims of L. S. Hargous and others; read first time.

A message was received from the House through J. H. Raymond, Chief Clerk, transmitting the following bills:

A joint resolution making an appropriation for the contingent expenses of Congress; also a joint resolution giving the consent of the existing Government of the Republic of Texas to the admission of the same, as a State, into the Federal Union of the United States of America.

Senator Parker introduced a joint resolution granting further time for the payment of government dues and the return of field notes; read first time.

Senator Lawrence introduced a joint resolution for the relief of Lieutenant Charles B. Snow; read first time.

Senator McCrearey, by leave, introduced the following resolution:

Resolved, That the President be requested to lay before the Senate, *all* the correspondence that has taken place between this Government and the British and Mexican Governments, since the adjournment of the ninth Congress.

On motion of Senator Lawrence the rule was suspended, and the resolution adopted.

On motion of Senator Parker, the Senate proceeded to the orders of the day.

Joint resolution relative to the admission of United States troops into the Republic of Texas; read second time.

Senator Grimes moved to strike out in the first section, the words, "through their representative, the Hon. A. J. Donelson." Lost.

Bill ordered to be engrossed; rule suspended, read third time and passed.

A bill to be entitled an act making an appropriation for defraying the expenses of the Convention, and granting the franking privilege to the members thereof, on its second reading.

Senator McCrearey moved to strike out in the second section, the words "franking privilege." Lost.

Bill ordered to be engrossed ; rule suspended, read third time and passed.

Joint resolution for the relief of Post Captain E. W. Moore, read second time and ordered to be engrossed.

A bill to be entitled an act requiring the Commissioner of the General Land Office to issue patents in certain cases, read second time and passed to third reading.

Senator Parker moved a suspension of the rule. Lost.

On motion of Senator McCreary, the Senate adjourned until to-morrow at 9 o'clock, A. M.

SATURDAY, June 21, 1845.

Senate met pursuant to adjournment ; roll called ; quorum present ; Prayer by the Chaplain.

Journals of the preceding day read and adopted.

Senator Roman presented the petition of James Venator, praying compensation for services rendered in 1836.

On motion, the same was referred to the Committee on Military Affairs.

Senator Roman, chairman of the Committee on Engrossed Bills, made the following report :

COMMITTEE ROOM, June 21, 1845.

Hon. K. L. Anderson,

President of the Senate :

The Committee on Engrossed Bills have examined and find correctly engrossed the following bills :

A bill to be entitled an act making an appropriation to defray the expenses of the Convention, and granting to the members thereof the franking privilege.

A joint resolution for the relief of Post Captain E. W. Moore.

A joint resolution relative to the introduction of the United States troops into Texas.

RICHARD ROMAN, Chairman.

Report adopted.

Senator McCreary, chairman of the Committee on Naval Affairs, to whom was referred the petition of A. J. Lewis, reported that the committee have had the same under consideration, and are satisfied of the meritorious character of the claim; yet the committee deem it totally inexpedient to go into general legislation at the present extra session. They therefore recommend its indefinite postponement.

Report adopted.

Senator Wright introduced the following resolution: Whereas, the measure of annexation of the Republic of Texas to the United States of the North, is deemed by the citizens of this Republic as one of the grandest and most patriotic measures recorded in the history of nations:

And whereas, the citizens of Texas are always ready to reward the patriotic and virtuous: therefore,

Be it resolved by the Senate of Texas, That John Tyler, ex-President of the United States of the North, the zealous and untiring advocate of annexation, the official mover and supporter of the measure, is entitled to the lasting gratitude of the citizens of this Republic.

Adopted.

On motion, the Secretary was instructed to furnish John Tyler a copy of this resolution.

Senator Caldwell, by leave of the Senate, was permitted to record his vote in the affirmative, on the passage of the joint resolution giving the consent of the existing Government to the annexation of Texas to the United States.

Senator Patillo offered the following resolution.

Resolved, That the Senate will entertain no measure other than that connected with the subject of annexation, except with the concurrence of two thirds of the Senate.

On motion, the rule was suspended and the resolution adopted.

On motion of Senator Roman, the Senate proceeded to the orders of the day.

Joint resolution for the relief of Post Captain E. W. Moore: read third time and passed.

Joint resolution giving the consent of the existing Government of the Republic of Texas to the admission of the same, as a State into the Federal Union of the United States of America: read first time.

Joint resolution authorizing the Commissioner of the General Land Office to issue patents in certain cases; read third time and passed.

Joint resolution making an appropriation for the contingent expenses of Congress; read first time; rule suspended, read second time and referred to the Committee on Finance.

Joint resolution granting further time for the payment of government dues and the return of field notes; read second time.

Senator Roman moved to strike out "1848," and insert "1847." Lost.

Bill ordered to be engrossed.

A message was received from the House through Ja's H. Raymond, Chief Clerk, transmitting the following bills:

A bill to be entitled an act making an appropriation to defray the expenses of the extra session of the ninth Congress, which originated in the House, requesting the concurrence of the Senate to the same; and had passed the Senate's bill making appropriations to defray the expenses of the Convention, and granting to the members thereof the franking privilege; also, had passed, with amendments, the Senate's joint resolution giving the consent of the existing Government to the annexation of Texas to the United States.

Joint resolution acknowledging the claims of L. S. Hargous and others; read second time and ordered to be engrossed; rule suspended, read third time and passed.

On motion of Senator Greer, the joint resolution giving the consent of the existing Government to the annexation of Texas to the United States was taken up, and on motion, the amendments of the House were concurred in.

On motion of Senator Greer, a bill to be entitled an act granting further time for the payment of government dues and the return of field notes was taken up; rule suspended, read third time and passed.

Joint resolution for the relief of Lieutenant Charles B. Snow; read second time and ordered to be engrossed; rule suspended, read third time and passed.

A bill to be entitled an act making an appropriation to defray the expenses of the extra session of the ninth Congress; read first time; rule suspended, read second time, and referred to the Committee on Finance.

Senator Wright moved to suspend the rule prohibiting any new business, so as to allow him to introduce a bill. Lost.

On motion of Senator Roman, the Senate went into secret session; doors closed.

The doors being opened, on motion of Senator McCrearey, one thousand copies of the secret message of the Executive, and accompanying documents, were ordered to be printed.

On motion of Senator Patillo, the Senate adjourned until Monday at 9 o'clock, A. M.

MONDAY, June 23, 1845.

Senate met pursuant to adjournment; roll called; quorum present; Prayer by the Chaplain.

Journals of the preceding day read and adopted.

Senator Roman, chairman of the Committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, June 23, 1845.

Hon. K. L. Anderson,

President of the Senate:

The Committee on Engrossed Bills have examined and find correctly engrossed the following bills:

A bill to be entitled an act to alter the time for the meeting of the annual session of Congress.

Joint resolution for the relief of Lieutenant Charles B. Snow, Texas navy.

Joint resolution granting further time for the payment of government dues and the return of field notes.

Joint resolution acknowledging the claims of L. S. Hargous and others.

RICHARD ROMAN, Chairman.

Report adopted.

Senator Roman chairman of the Joint Committee on Enrolled Bills, made the following report:

COMMITTEE ROOM, June 23, 1845.

Hon. K. L. Anderson,

President of the Senate:

The Joint Committee on Enrolled Bills have examined and find correctly enrolled, a joint resolution, tendering to General Andrew Jackson the tribute of a nation's gratitude, the same having been signed by the Speaker of the House and President of the Senate, was presented to his Excellency the President, for his approval, on Saturday the 21st; also a joint resolution giving the consent of the existing Government to the annexation of Texas to the United States; and an act making an appropriation to defray the expenses of the Convention, and granting the members thereof the franking privilege, the same having been signed by the Speaker of the House of Representatives and President of the Senate, was this day presented to His Excellency the President for his approval.

RICHARD ROMAN, Chairman.

Report adopted.

Senator Caldwell moved to suspend the rule, so as to allow him to introduce a bill. Carried.

Joint resolution for the relief of T. Jefferson Chambers; read first time; rule suspended, read second time, and ordered to be engrossed; rule further suspended read third time and passed.

Senator Grimes, one of the Committee on Finance made the following report:

COMMITTEE ROOM, June 23, 1845.

Hon. K. L. Anderson,
President of the Senate :

The Committee on Finance to whom was referred two several bills, one to defray the expenses of the extra session of the ninth Congress, the other an appropriation for the contingent expenses, ask leave to submit a substitute for said bills and recommend its passage.

JESSE GRIMES,
One of the Committee.

Senator Greer, chairman of the Committee on the State of the Republic, to whom was referred the petition of James Reily, late Charge d' Affaires to the United States, and the petition of Maria M. G. Veave, reported the same back to the Senate, and recommended the reference of the same to the Committee on Claims and Accounts.

On motion the report was adopted.

Senator Pilsbury moved to suspend the rule, so as to allow him to introduce a bill. Carried.

A bill to be entitled an act to fix the time and places of holding the District Courts for the first Judicial District ; read first time ; rule suspended, read second time and ordered to be engrossed ; rule further suspended, read third time and passed.

A message was received from the House through Ja's H. Raymond, Chief Clerk, transmitting the following bills :

A bill to be entitled an act allowing the Commissioner of the General Land Office two additional Clerks.

A bill to be entitled an act authorizing the County Commissioners of Galveston county to license a ferry from Galveston to Point Bolivar, which originated in the House, and requesting the concurrence of the Senate to the same.

On motion the Senate proceeded to the orders of the day.

Joint resolution giving the consent of the existing Government of the Republic of Texas to the annexation of the same as a State into the Federal Union of the United States of America ; read second time and laid on the table.

A bill to be entitled an act allowing the Commissioner of the General Land Office two additional clerks; read first time; rule suspended, read second time.

Senator McCreary moved to strike out "until the 15th January next," and insert "two months." Lost.

Senator McCreary moved to insert "fifty dollars per month." Lost.

Rule further suspended; read third time and passed.

Senator Kaufman moved to suspend the rule, so as to allow him to introduce a petition. Lost.

Senator Kinney moved to suspend the rule so as to allow him to introduce a bill. Carried.

A bill to be entitled an act to establish a certain mail route therein named, and for other purposes; read first time; rule suspended, read second time.

Senator Caldwell moved to insert the word "defined," before the word "limits." Carried.

Senator Kaufman moved to insert at the bottom of the section, "and this act take effect from and after its passage." Carried.

Bill ordered to be engrossed; rule further suspended, read third time and passed.

A bill to be entitled an act authorizing the County Commissioners of Galveston county to license a ferry from Galveston to Point Bolivar; read first time; rule suspended, read second time; rule further suspended, read third time and passed.

On motion of Senator Kaufman, the report of the Committee on Finance was taken up.

On motion, the report of the committee, recommending substitute, adopted.

Bill read first time; rule suspended, read second time; rule further suspended; read third time and passed.

On Motion of Senator Caldwell, the Senate adjourned until 4 o'clock, P. M.

4 o'clock, P. M.

Senate met; roll called; quorum present.

A message was received from the House, through J. H.

Raymond, Chief Clerk, transmitting Senate's bill to be entitled an act requesting the introduction of United States troops into Texas, with the amendments of the House.

On motion, the bill and amendments were taken up.

Senator Kaufman offered the following amendment:

Strike out the words, "and required," and after the word "authorized," in the second line, insert, "if the preservation of the integrity of the country demands it."

Ayes and Noes called for on the amendment stood thus:

Ayes—Senators Greer, Grimes, Kaufman, Luckie, McCrearey, Munson, and Parker—7.

Noes—Senators Caldwell, Kinney, Lawrence, Patillo Pilsbury, Roman and Wright—7.

There being a tie, the President of the Senate voted no.

So the amendment was lost.

Question on the adoption of the amendment of the House.

Ayes and Noes being called for stood thus:

Ayes—Senators Caldwell, Kinney, Lawrence, McCrearey, Pilsbury, Roman and Wright.—7.

Noes—Senators Greer, Grimes, Kaufman, Luckie, Munson, Parker and Patillo—7.

There being a tie, the President of the Senate voted no.

So the Senate refused to concur.

Senator Roman, chairman of the Committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, June 23, 1845.

Hon. K. L. Anderson,

President of the Senate:

The Committee on Engrossed Bills have examined and find correctly engrossed the following bills:

A bill to be entitled an act to establish certain mail routes therein named, and for other purposes.

A bill making an appropriation to defray the expenses of the extra session of the ninth Congress.

A joint resolution for the relief of T. Jefferson Chambers.

A bill to be entitled an act to fix the time and places of holding the District Courts of the first Judicial District.

RICHARD ROMAN, Chairman.

Report adopted.

A message was received from the President, through his Private Secretary, S. Z. Hoyle, informing the Senate that the President had signed the following bills :

Joint resolution tendering to General Andrew Jackson the tribute of a nation's gratitude.

Joint resolution giving the consent of the existing Government to the annexation of Texas to the United States.

An act making appropriations to defray the expenses of the Convention, and granting to the members thereof the franking privilege.

Also transmitting the following communications in writing :

EXECUTIVE DEPARTMENT, }
Washington, June 23, 1845. }

To the Hon. the Senate :

The Executive respectfully transmits, in reply to the resolution of your honorable body, of the 21st inst., the enclosed communication from the Department of State, furnishing the desired information :

ANSON JONES.

DEPARTMENT OF STATE, }
Washington, June 23, 1845. }

Sir, —

In answer to the resolution of the Hon. the Senate, adopted on the 21st inst., and referred to this Department, requesting to be informed whether any other propositions than those confided to the Senate, have been made by Mexico, and asking that such propositions, if any, with all correspondence upon the subject be laid before the Senate ; also requesting

information whether any Texian agent or officer of other description, was employed in negotiating the conditions preliminary to a treaty with Mexico, now before the Senate, and if so, the person, rank, and instructions under which he acted; I have the honor to reply, that no propositions, other than those now before the Senate, have been made by Mexico to this Government, and that with those propositions, all correspondence had upon the subject has already been submitted to the Senate.

In relation to the request contained in the latter part of said resolution, I reply respectfully, but categorically, that no Texian agent or officer of any description, was employed by this government in negotiating with Mexico the conditions of that preliminary treaty.

I have the honor to be, very respectfully,

Your Excellency's ob't serv't,

EBEN'R ALLEN,

Act'g Sec'y of State.

TO HIS EXCELLENCY, THE PRESIDENT
of the Republic of Texas.

Senator McCrearey moved that 500 copies of the communication of the President, and the accompanying document, be printed. Lost.

Senator Wright moved to suspend the rule, so as to allow him to introduce a bill. Carried.

A bill to be entitled an act to authorize the Republic, by the Attorney General, to institute suits against certain contractors for the introduction of colonists into Texas, under contracts made with the President; read first time; rule suspended, read second time and referred to the Committee on the Judiciary.

Senator Greer introduced the following resolution:

Resolved, by the Senate, That with the consent of the House of Representatives, the present session of Congress will adjourn *sine die*, on Wednesday the 25th inst., at 9 o'clock, P. M. Adopted.

On motion, the Senate adjourned until to-morrow at 9 o'clock, A. M.

TUESDAY, June 24, 1845.

Senate met pursuant to adjournment; roll called; quorum present; Prayer by the Chaplain.

Journals of the preceding day read and adopted.

A message was received from the House through J. H. Raymond, Chief Clerk, transmitting the following bills:

A bill to be entitled an act to establish certain mail routes and for other purposes; a joint resolution acknowledging the claims of L. S. Hargous and others; joint resolution for the relief of Lieutenant Charles B. Snow, Texas navy; joint resolution for the relief of T. Jefferson Chambers; and had passed, with amendments, a joint resolution for the relief of Post Captain E. W. Moore; also that the House adhere to their amendments to a joint resolution relative to the introduction of United States troops into Texas, and had appointed a committee of conference, and request the appointment of a like committee on the part of the Senate; also, had passed a joint resolution for the relief of a certain person therein named; and a bill to be entitled an act for the benefit of the owners of the steam ship McKim.

On motion of Senator Caldwell, the Senate proceeded to the orders of the day.

Joint resolution for the relief of Post Captain E. W. Moore, with the amendment of the House.

Senator Kaufman moved to insert, "and all other bills." Lost.

Amendments concurred in.

Joint resolution for the relief of a certain person therein named; read first time; rule suspended, read second time.

Senator Grimes moved to strike out the caption of the bill and insert, "joint resolution making an appropriation for the redemption of John Farker, a prisoner amongst the Indians." Carried.

Rule further suspended, read third time and passed.

Joint resolution for the benefit of the owners of the steam ship McKim; read first time.

A message was received from the House, through Jas.

H. Raymond, Chief Clerk, informing the Senate of the indefinite postponement of a bill to be entitled an act to fix the time and places of holding the District Courts in the first Judicial District; and had amended the Senate's bill granting further time for the payment of government dues and the return of field notes.

The Chair appointed Senators Kaufman, Caldwell and Pilsbury, a committee of conference as asked by the House on a joint resolution relative to the introduction of the United States troops into Texas.

Senator Caldwell moved to suspend the rule, so as to allow him to introduce a bill. Carried.

Joint resolution restoring certain persons to their rank in the navy; read first time; rule suspended, read second time and ordered to be engrossed; rule further suspended, read third time and passed.

Senator McCrearey moved to suspend the rule, so as to allow him to introduce a bill. Carried.

Joint resolution for the relief of certain disabled seamen, landsmen and marines; read first time; rule suspended, read second time.

Senator Grimes offered the following amendment:

"Section 2. Be it further enacted, That Joseph Cecil be and he is hereby allowed the sum of one hundred dollars per annum in addition to his annual pension of three hundred dollars." Rejected.

Rule further suspended, read third time and passed.

On motion of Senator Patillo, the Senate adjourned until to-morrow at 9 o'clock, A. M.

WEDNESDAY, June 25, 1845.

Senate met pursuant to adjournment; roll called; quorum present; prayer by the Chaplain.

Journals of the preceding day read and adopted.

Senator Roman, chairman of the Committee on Engrossed Bills made the following report :

COMMITTEE ROOM, June 25, 1845.

Hon. K. L. Anderson,
President of the Senate:

The Committee on Engrossed Bills have examined and find correctly engrossed the following bills :

A joint resolution for the relief of certain seamen, landmen and marines ; and a joint resolution restoring certain persons to their rank in the navy.

RICHARD ROMAN, Chairman.

Report adopted.

Senator Roman, chairman of the Joint Committee on Enrolled Bills, made the following report :

COMMITTEE ROOM, June 25, 1845.

Hon. K. L. Anderson,
President of the Senate:

The Joint Committee on Enrolled Bills have examined and find correctly enrolled the following bills, to wit :

A joint resolution for the relief of Lieutenant Charles B. Snow, Texas Navy.

Joint resolution acknowledging the claims of L. S. Hargous and others.

An act to establish certain mail routes therein named and for other purposes.

Joint resolution for the relief of Post Captain E. W. Moore.

Joint resolution for the relief of T. Jefferson Chambers.

The same having been signed by the Speaker of the House of Representatives and President of the Senate, was on yesterday presented to the Executive for his approval.

RICHARD ROMAN, Chairman.

Report adopted.

Senator Caldwell moved to suspend the rule, so as to allow him to introduce a bill. Lost.

On motion of Senator Roman, the Senate proceeded to the orders of the day.

Joint resolution for the relief of the owners of the steamship McKim; read second time.

On motion of Senator Grimes, the bill was laid on the table until the first day of September next.

Joint resolution granting further time for the payment of government dues and the return of field notes, with amendments of the House.

Senator Kaufman moved to amend the amendment of the House, by striking out "1st July, 1846," and inserting "1st January, 1847." Lost.

On motion the Senate refused to concur in the amendment of the House.

On motion of Senator McCreairey, the Senate adjourned until 4 o'clock, P. M.

4 o'clock, P. M.

Senate met; roll called; quorum present.

A message was received from the House, through Jas. H. Raymond, Chief Clerk, transmitting the following bills:

A bill to be entitled an act supplementary to an act making an appropriation for the payment of the members of the Convention, and granting to them the franking privilege, which had passed the House and requesting the concurrence of the Senate to the same; and had passed a joint resolution for the relief of certain seamen, landsmen, and marines; and a joint resolution restoring certain persons to their rank in the navy, which originated in the Senate; and had passed with amendments a bill to be entitled an act to alter the time for the meeting of the regular session of Congress; and the House had receded from their amendments to a joint resolution granting further time for the payment of government dues and the return of field notes; and had passed a substitute to the Senate's bill to be entitled an act to set apart a portion of the public domain, lying between

the Arkansas and Red Rivers for the payment of the national debt of the Republic of Texas, and to repeal a certain act therein named ; and had adopted the report of the committee of conference on a joint resolution relative to the introduction of United States troops into Texas.

A message was received from His Excellency the President, through his Private Secretary, S. Z. Hoyle, transmitting a communication in writing, with accompanying documents, and informing the Senate of the approval of the following bills :

A joint resolution acknowledging the claims of L. S. Hargous and others.

Joint resolution for the relief of T. Jefferson Chambers.

An act to establish certain mail routes therein named, and for other purposes.

A bill to be entitled an act supplementary to an act making an appropriation for the pay of the members of the Convention and granting them the franking privilege ; read first time ; rule suspended, read second time ; rule further suspended, read third time and passed.

A bill to be entitled an act to alter the time for the meeting of the annual sessions of Congress ; amendments of the House concurred in.

Report of the committee of conference on the joint resolution relative to the introduction of United States troops into Texas.

On motion of Senator Kaufman, the report was adopted.

Substitute to Senate's bill to be entitled an act to set apart a portion of the public domain, lying between the Arkansas and Red Rivers, for the payment of the national debt of the Republic of Texas, and to repeal a certain act therein named.

On motion the substitute was adopted.

Senator Caldwell moved to reconsider the vote laying on the table a bill to be entitled an act for the benefit of the owners of the steam ship McKim.

Ayes and Noes called for, stood thus :

Ayes—Senators Caldwell, Kinney, Lawrence, Patillo and Wright—5.

Noes—Senators Greer, Grimes, Kaufman, Luckie, McCrearey, Parker and Roman—7.

So the motion was lost.

On motion of Senator Kaufman, the following communication from His Excellency the President was read.

EXECUTIVE DEPARTMENT, }
Washington, June 25, 1845. }

To the Hon. the Senate :

The Executive, in pursuance of a resolution of the 20th inst., respectfully transmits the enclosed communication from the Department of State, with accompanying documents.

ANSON JONES.

DEPARTMENT OF STATE.

To His Excellency,

ANSON JONES, *President, &c. :*

Sir,—In answer to the resolution of the Senate adopted on the 20th inst., and referred to this Department, requesting to be furnished with “all the correspondence that has taken place between this Government and the British and Mexican Governments, since the adjournment of the ninth Congress, I have the honor to transmit, herewith, all the correspondence in the possession of this Department, required in the said resolution, not heretofore furnished.

Very respectfully,

Your Excellency's ob't serv't

EBEN'R ALLEN,
Sec'y of State.

[*Mr. Elliot to Mr. Allen.*]

GALVESTON, January 8th, 1845.

TO THE HON. EBENEZER ALLEN,
Attorney General and Secretary of State, ad interim,
of the Republic of Texas :

The undersigned, Her Britanic Majesty's Charge d' Affairs to the Republic of Texas, has the honor to transmit to Mr. Allen, the original declaration made by Mr. Thomas Hilbert, merchant, of Liverpool, in England, respecting the pending claim for the cargo of the "Little Penn." He should acquaint Mr. Allen, that agreeably to a suggestion of his own, all the correspondence upon this subject had been submitted to the Queen's Advocate in Admiralty, and the accompanying declaration was made in conformity with that officer's advice.

The undersigned sincerely trusts that the Government of Texas will now feel itself in a situation to adjust this very long standing claim, which is the subject of frequent and urgent reclamation on Her Majesty's Government by the parties concerned. He would also feel obliged to Mr. Allen, to return the declaration at his convenient leisure, there being no copy of it in the archives of this Legation ; and he avails himself of this occasion to convey to Mr. Allen the assurances of esteem and high consideration with which he has the honor to be

His most obedient and faithful servant,
 CHARLES ELLIOT.

[Copy.]

BOROUGH OF LIVERPOOL, }
 In the county Palatine of Lancaster. } *To wit:*

I, Thomas Hilbert, merchant, of Liverpool, in the county of Lancaster, in the United Kingdom of Great Britain and Ireland, do solemnly and sincerely declare, that in the year one thousand eight hundred and thirty-seven, I was acting as I now am, as manager of the affairs of Fcs. de Lizardi & Co, of this port, who at the time aforesaid were correspondents of Don Joquain Gutierrez de Estrada, with whom they had an open account, and that in pursuance of orders received from the said Joquain Gutierrez de Estrada, they, the said Fcs. de Lizardi & Co., this deponent, then acting in their behalf, shipped sundry goods or merchandize on board the British vessel called the "Little Penn," Pugh, master thereof, bound for Tobasco, amounting to the sum of four thousand six hundred and seventy pounds four shillings and four pence, as per invoices. all of which was insured in London, against the risks of the voyage. That it appears by the captain's report, and documents transmitted to this country, the "Little Penn" was wrecked on the shoal, or reef, known as the Alacranes, not far from Campeachy, and that the Mexican vessels employed by the captain of the "Little Penn," to save the cargo, were either captured or driven away by the Texian vessels of war. That the underwriters, on the receipt of the documents sent home by Captain Pugh, and the agent at Loyds, paid the loss, and the said Fcs. de Lizardi & Co., on behalf of the said underwriters, claim compensation from the Texian Government for the loss and the injury occasioned to their interests, as British subjects, by the acts of the Texian vessels of war.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an act made and passed in the sixth year of the reign of his late Majesty, intituled "An act to repeal an act of the present session of parliament, intituled an act for the

more effectual abolition of oaths, and affirmations, taken and made in various departments of the State, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths."

Declared and subscribed at Liverpool aforesaid, the sixteenth day of September, one thousand eight hundred and forty-four.

(Signed)

THOS. HILBERT.

Before WILLIAM DIANA,
Magistrate of the Borough of Liverpool.

[*Mr. Smith to Mr. Elliot.*]

DEPARTMENT OF STATE, }
February 22, 1845. }

CAPTAIN CHARLES ELLIOT,

Her Britannic Majesty's Charge d' Affaires, &c., &c., &c. :

The undersigned, Secretary of State of the Republic of Texas, has the honor to acknowledge the receipt of the note of Captain Elliot, Her Britannic Majesty's Charge d' Affaires, of the 8th ult., enclosing the declaration of Mr. Thomas Hilbert, concerning the "Little Penn."

This subject has been complicated quite unnecessarily by the suspicious and conflicting statements furnished by the Messrs. Lizardi, concerning the value of the cargo of the "Little Penn," and the amount of damages claimed, and by their neglect to make any deduction for the salvage retained on the goods which were saved by the Mexican wreckers, or for other merchandize notoriously plundered from the wreck by the Mexicans, which merchandize it appears was never accounted for in any manner.

The undersigned will not waste time in endeavoring to reconcile the conflicting statements presented to this Government, nor in exposing the attempt of the Messrs. Lizardi to recover from Texas payment for losses for which under no possible view of the subject, could his country be held responsible. Passing by, therefore, all irrelevant considerations, the undersigned will proceed at once to place the matter on that principle of law which, in his opinion, is decisive of the merit of the claim.

Mr. Thomas Hilbert, in the declaration transmitted by Captain Elliot, states that sundry goods or merchandize were shipped on board the "Little Penn," by himself, as manager for Messrs. Lizardi, to their correspondent, Don Joquain Gutierrez de Estrada, with whom they had an open account, and in pursuance of orders received from the said Don Joquain Gutierrez de Estrada. In none of the documents submitted to the undersigned is it alleged, nor does it otherwise appear, that Don de Estrada is a British subject. On the contrary, from his name and place of residence, and from other known circumstances, it is clear that Don de Estrada is a Mexican citizen. According to the British municipal law, as well as the doctrine of the civil law, the merchandize, on being shipped, became forthwith the property of Don de Estrada, a Mexican citizen, and as such was liable to capture by Texian cruizers, directly it was found on the high seas.

The doctrine that the property in the merchandize on its being shipped ceased to be that of a British subject, and vested in Don de Estrada, has not been controverted. The undersigned begs to cite as relevant to this point, an authoritative British writer on law, as follows:

"Therefore, if a person order goods of a trader living at a distance, and directs that they shall be sent to him, by a carrier or other conveyance, without naming any one in particular, a delivery of the goods to a known carrier or trading vessel going either to the town or nearest place to where the vender resides, will in effect amount to a delivery to the vendee, in whom the property is immediately vested; and he must stand all risks of conveyance; and he alone can maintain an action for injury done or other accident happening to the goods in their transit. And so, when goods are

sent abroad, the property vests in the consignee, from the time they are shipped."—*Comyn on Contracts*, page 136, 2d American Edition.

The Article No. 1583 of the Code Napoleon, is respectfully referred to, as showing that the Civil Law establishes a like rule as the Common Law, in these cases. According, then, to the well established principle of British Law, the goods and merchandize having ceased to belong to M. M. Lizardi, and the property in the same having vested in Don de Estrada, the former cannot, in their character as British subjects, maintain any claim for compensation for their loss by capture.

It will not be denied by any *British* authorities that the goods being the property of Don de Estrada, a citizen of Mexico, a country at war with Texas, were lawful capture for Texian cruizers, in whatever vessel they may have been found. To meet a different rule, incorporated by some nations into their maritime code, by treaty, it is sufficient to advert to the fact that the goods alledged to have been wrongfully captured, were taken in the "Abispa," confessedly a Mexican vessel.

The British vessel, the "Little Penn," was a wreck before the appearance of the Texian cruizers, and it is not alleged that she was detained or her navigation in any manner interfered with by the Texian vessels of war.

The merchandize captured in the "Abispa" being, according to an undisputable principle of English law, not British property, but that of a Mexican citizen, and as such a fair prize, the undersigned, therefore, conceives that no claim can be sustained by Her Majesty's Government against that of Texas, for the property shipped on board the "Little Penn," were all the facts admitted as set forth in the documents which have fallen under his notice in support of the claim in question.

The Government of Texas are animated with a sincere desire to adjust this matter without unnecessary delay, in the spirit of frankness. The undersigned would, therefore, state, that should satisfactory proof be hereafter exhibited, that Don Joquain Gutierres de Estrada was a British subject and not a citizen of Mexico, in that case, even, no further

claim would accrue against his Government for the merchandize captured on the "Abispa," and that alleged to have been taken from the "Little Penn," than for the amount of sales made at Matagorda, of the merchandize in question, after deducting salvage. It is not for a moment imagined that Captain Elliot desires Texas to pay salvage on goods saved on the "Paz," and for other goods plundered from the wreck of the "Little Penn," by Mexicans, all which has been claimed by the M. M. Lizardi.

The undersigned embraces this opportunity to present to Captain Elliot assurances of the high consideration with which he has the honor to be,

Most respectfully,

Captain Elliot's

Very obedient servant,

ASHBEL SMITH.

[*Mr. Elliot to Mr. Allen.*]

GALVESTON, June 13, 1845.

The undersigned, Her Britannic Majesty's Charge d' Affaires to the Republic of Texas, has the honor to acquaint Mr. Allen, that the bad state of his health constrains him to avail himself of leave of absence, to take the benefit of a temporary change of climate.

He would not like to go away, however, in any uncertainty as to his return, without offering the President his sincere acknowledgements for the constant public consideration and private kindness he has received from his Excellency in his long intercourse with this Government; or without adding to those thanks his cordial wishes for the continued honor and prosperity of the Republic and people of Texas.

He requests Mr. Allen to convey these sentiments to His Excellency, and to accept upon his own part the assurances

of regard and distinguished consideration with which he has the honor to remain

His most faithful

And obedient servant,

CHARLES ELLIOT.

To THE

HON. EBENEZER ALLEN, &c., &c., &c.

Senator Kaufman, one of the Committee on the Judiciary, to whom was referred a bill to be entitled an act to authorize the Republic, by the Attorney General, to institute suits against certain contractors for the introduction of colonists into Texas, under contracts made with the President, and for other purposes, reported the same back to the Senate by a substitute, for the action of the Senate.

Senator Wright moved to suspend the rule, so as to take up the Report. Lost.

On motion of Senator Kinney, the Senate adjourned until to-morrow at 9 o'clock, A. M.

THURSDAY, June 25, 1845.

Senate met pursuant to adjournment; roll called; quorum present; prayer by the Chaplain.

Journals of the preceding day read and adopted.

Senator Caldwell moved to suspend the rule, so as to allow him to introduce a bill. Carried.

A bill to be entitled an act additional to an act to regulate the proceedings in civil suits; read first time; rule suspended, read second time; rule further suspended, read third time and passed.

On motion of Senator Caldwell, the Senate proceeded to the orders of the day.

A bill to be entitled an act to authorize the Republic by Attorney General to institute suits against certain contractors for the introduction of colonists into Texas, under contracts made with the President; report of the Committee on the Judiciary, recommending a substitute for the bill, laid on the table.

Bill read second time and ordered to be engrossed; rule suspended, read third time and passed.

Senator Munson, one of the Committee on Claims and Accounts, to whom was referred the petition of James Reily, reported they have had the same under consideration, that although the claim of petitioner may be just, yet there is no evidence before the committee of the amount of service rendered, therefore recommend that the Senate take no further action. Also, to whom was referred the petition of Julia M. G. Veave, report that in the opinion of the committee there is no necessity for legislation to secure the rights of the petitioner, and therefore beg leave to be discharged from the further consideration of the same.

Senator Pilsbury moved to suspend the rule, so as to allow him to introduce a bill. Carried.

Joint resolution for the relief of J. F. Brown; read first time; rule suspended, read second time and ordered to be engrossed; rule further suspended, read third time and passed.

Senator Kinney moved to adjourn until 4 o'clock, P. M. Lost.

Senator Roman, chairman of the Committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, June 26, 1845.

Hon. K. L. Anderson,

President of the Senate:

The Committee on Engrossed Bills have examined and find correctly engrossed the following bills:

A bill to be entitled an act additional to an act to regulate the proceedings in civil suits, approved 5th February, 1840.

Joint resolution for the relief of J. F. Brown.

RICHARD ROMAN, Chairman.

On motion of Senator Kinney, the Senate adjourned until 4 o'clock, P. M.

4 o'clock, P. M.

Senate met; roll called; quorum present.

A message was received from the House, through J. H. Raymond, Chief Clerk, transmitting a bill to be entitled an act additional to an act to regulate the proceedings in civil suits, which originated in the Senate and had passed the House; and a bill to be entitled an act to authorize the Republic, by the Attorney General, to institute suits against certain contractors for the introduction of colonists into Texas, under contracts made with the President, with amendments; also have passed a joint resolution to establish a mail route between Galveston and New Orleans; also a bill to be entitled an act supplementary to an act to detect fraudulent land certificates and to provide for the issuing of patents to legal claimants; and a joint resolution for the relief of David F. Webb, and requesting the concurrence of the Senate to the same.

Senator Roman, chairman of the Committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, June 25, 1845.

Hon. K. L. Anderson,
President of the Senate:

The Committee on Engrossed Bills have examined and find correctly engrossed a bill to be entitled an act to authorize the Republic, by the Attorney General, to institute suits against certain contractors for the introduction of colonists under contracts made with the President.

RICHARD ROMAN, Chairman.

Senator Roman chairman of the Joint Committee on Enrolled Bills, made the following report:

COMMITTEE ROOM, June 25, 1845.

Hon. K. L. Anderson,
President of the Senate:

The Joint Committee on Enrolled Bills have examined and find correctly enrolled the following bills :

A bill to be entitled an act to alter the time for the meeting of the annual sessions of Congress.

Joint resolution granting further time for the payment of government dues and the return of field notes.

Joint resolution for the relief of certain disabled seamen, landsmen and marines.

Joint resolution relative to the introduction of United States troops into Texas, and for other purposes.

Joint resolution suspending the operations of an act entitled an act authorizing any holder of promissory notes, bonds, funded debt, or any other unliquidated claims against the Government, to surrender the same and receive in lieu thereof land scrip.

The same having been signed by the Speaker of the House of Representatives and President of the Senate, was this day presented to the Executive for his approval.

RICHARD ROMAN, Chairman.

Amendments of the House to a bill to be entitled an act to authorize the Republic, by the Attorney General, to institute suits against certain contractors for the introduction of colonists into Texas,, under contracts made with the President, concurred in.

A bill to be entitled an act supplementary to an act to detect fraudulent land certificates and to provide for the issuing of patents to legal claimants; read first time; rule suspended, read second time; rule further suspended, read third time and passed.

A joint resolution to establish a mail route from Galveston to New Orleans; read first time; rule suspended, read second time.

Senator Greer moved to insert "one half," before the word "amount,"

Ayes and Noes called for, stood thus :

Ayes—Senators Greer, Grimes, Kaufman, Luckie McCrearey, Munson, Parker, Patillo and Roman—9.

Noes—Senators Caldwell, and Kinney—2.

Amendment adopted; rule further suspended, read third time and passed.

Joint resolution for the relief of David F. Webb; read first time; rule suspended, read second time.

Senator Kinney offered the following amendment:

Section 2. Be it further enacted, That the act to which this is a supplement, be so amended as to read "John R. Baker," instead of "John C. Baker," and "G. W. Trahern," instead of "G. W. Trieghan."

Adopted; rule further suspended, read third time and passed.

A message was received from the House, through Jas. H. Raymond, Chief Clerk, transmitting a bill to be entitled an act supplementary to an act to restore lands sold for taxes to the former owners, approved Jan. 18th, 1845, which originated in the House, and requesting the concurrence of the Senate to the same.

Bill read first time; rule suspended, read second time.

Senator Parker moved to insert "assembled," after the word "Congress." Adopted.

Rule further suspended; read third time and passed.

Senator Caldwell moved to suspend the rule, so as to allow him to introduce a bill.

Ayes and Noes called for stood thus:

Ayes—Senators Caldwell, Kinney, Luckie, Munson, and Wright—5.

Noes—Senators Greer, Grimes, Kaufman, McCrearey, Parker, Patillo and Roman—7. Lost.

Senator Wright moved to suspend the rule, so as to allow him to introduce a petition.

Ayes and Noes called for stood thus:

Ayes—Senators Caldwell, Kinney, Luckie and Wright—4.

Noes—Senators Greer, Grimes, Kaufman, McCrearey, Munson, Parker, Patillo and Roman—8. Lost.

On motion, the Senate adjourned until to-morrow at 9 o'clock, A. M.

FRIDAY, June 27, 1845.

Senate met pursuant to adjournment; roll called; quorum present; Prayer by the Chaplain.

Journals of the preceding day read and adopted.

Senator Roman, chairman of the Joint Committee on Enrolled Bills, made the following report:

COMMITTEE ROOM, June 27, 1845.

Hon. K. L. Anderson,

President of the Senate:

The Committee on Enrolled Bills have examined and find correctly enrolled the following bills:

An act to authorize the Republic, by the Attorney General or District Attorneys, to institute suits against certain contractors for the introduction of colonists into Texas, under contracts made with the President.

A joint resolution restoring certain persons to their rank in the navy.

The same having been signed by the Speaker of the House of Representatives and President of the Senate, was presented on yesterday, the 26th inst., to the Executive for his approval.

RICHARD ROMAN, Chairman.

Report adopted.

Senator Patillo introduced the following resolution:

Resolved, by the Senate, That with the concurrence of the House of Representatives, the present extra session of Congress will adjourn *sine die*, on to-morrow, the 28th inst., at 9 o'clock.

On motion the rule was suspended and the resolution adopted.

Senator Kaufman moved to suspend the rule, so as to allow him to introduce the petition of Messrs. Berry & Mason. Lost.

A message was received from the House through J. H.

Raymond, Chief Clerk, informing the Senate that the House had adopted a resolution that with the concurrence of the Senate both Houses of Congress would adjourn *sine die*, this day, at 5 o'clock, P. M.

Senator Munson moved to take up the resolution. Carried.

Senator Caldwell moved to lay the resolution on the table. Carried.

On motion of Senator Lawrence, the Senate adjourned until 4 o'clock, P. M.

4 o'clock, P. M.

Senate met; roll called; quorum present.

A message was received from the House, through Jas. H. Raymond, Chief Clerk, informing the Senate that the House had reconsidered the vote adopting the resolution to adjourn *sine die*, this day, at 5 o'clock, P. M., and requested leave to withdraw the same.

On motion of Senator Caldwell, leave was granted to withdraw the resolution.

Senator Roman, chairman of the Joint Committee on Enrolled Bills made the following report:

COMMITTEE ROOM, June 27, 1845.

Hon. K. L. Anderson,

President of the Senate:

The Joint Committee on Enrolled Bills have examined and find correctly enrolled, an act additional to an act, to regulate the proceedings in civil suits, approved February 5th, 1840, and the same having been signed by the Speaker of the House of Representatives and President of the Senate, was this day presented to the Executive for his approval.

RICHARD ROMAN, Chairman.

Report adopted.

On motion of Senator Patillo, the Senate adjourned until to-morrow, at 8 o'clock, A. M.

SATURDAY, June 28, 1845.

Senate met pursuant to adjournment; roll called; quorum present; Prayer by the Chaplain.

Journals of the preceding day read and adopted.

A message was received from His Excellency the President, transmitting a communication in writing.

Senator Parker moved to suspend the rule so as to allow him to introduce a bill. Lost.

On motion, the Senate proceeded to the orders of the day.

Senator Kawrence moved a call of the Senate. Carried.

Sergeant at arms despatched for absent Senators.

Returned and further call suspended.

Communication from the President was taken up.

On motion of Senator Caldwell, the communication was laid on the table.

Senator Munson moved to adjourn until half past ten o'clock. Lost.

A message from the House of Representatives, through J. H. Raymond, Chief Clerk, transmitting a joint resolution authorizing the issuance of Exchequer bills, and a bill to be entitled an act to alter the time of holding the courts in the seventh Judicial District, and requesting the concurrence of the Senate to the same.

Senator McCrearey, introduced the following resolution:

Resolved by the Senate, That it is the opinion of this body, that the trial of Post Captain E. W. Moore, under a joint resolution of the Congress of this Republic, approved February 5, 1844, by the special Court Martial, convened under said resolution, was final and conclusive.

On motion, the rule was suspended and the resolution adopted.

A bill to be entitled an act to alter the time of holding the courts in the seventh Judicial District; read first time; rule suspended, read second time and referred to the Committee on the Judiciary.

Joint resolution authorizing the further issue of Exchequer bills; ; read first time; rule suspended, read second time.

Senator Caldwell moved to strike out in the second sec-

tion, the words "that all laws and parts of laws conflicting with this joint resolution be and the same is hereby repealed. Carried.

Rule further suspended, read third time and passed.

Senator Kaufman, one of the Committee on the Judiciary, to whom was referred a bill to be entitled an act to alter the time of holding the courts in the seventh Judicial District, reported the same back to the Senate for their action.

On motion, the report was taken up and adopted; and bill passed to a third reading; rule further suspended, read third time.

Ayes and Noes called for, stood thus :

Ayes—Senators Caldwell, Kinney, Lawrence, Luckie, Parker, Roman and Wright—7.

Noes—Senators Caldwell, Greer, Grimes, Kaufman, McCrearey, Munson and Patillo—6.

So the bill passed.

The following communication from the President, returning a joint resolution for the relief of Post Captain E. W. Moore, without his approval, was taken up and read :

EXECUTIVE DEPARTMENT, }
Washington, June 27, 1845. }

To the Hon. the Senate :

The Executive returns to the House in which it originated, a bill to be entitled, "A joint resolution for the relief of Post Captain E. W. Moore," without his approval and signature, for the following among other reasons :

Captain Moore, it appears, was arrested from his command, by my predecessor, upon charges of insubordinate conduct and defiance of the laws and authorities of the country and disobedience of orders, in the spring of 1843. Subsequently a court martial to investigate these charges was applied for by him and granted.

The court, after a patient and fair investigation of his offences, for upwards of seventy days, found him the said

Moore guilty in manner and form as charged in the following specifications, to wit:

1st. "In that the said E. W. Moore did not report at Galveston, with the vessels under his command, as ordered to do, on the 5th November, 1842, reiterated on the 16th of the same month.

2d. "In that the said E. W. Moore did not report in conformity with the orders issued to him on the 2d December, 1842 and 2d January, 1843, requiring him to sail for Galveston, and after preparing his report as ordered in October previous, to report in person to the Department, but refused in like manner to obey.

3d. "In that the said E. W. Moore did, on or about the 27th February, 1843, receive peremptory orders under date of 22d January of the same year, to leave the vessels then under his command, in the port of New Orleans, under the command of the senior officer present, and repair without delay to this place, (Washington,) and report to this Department in person; to which he likewise refused obedience in the most positive and unequivocal terms.

4th. "In that the said E. W. Moore did, on or about the 3d of April, 1843, receive from this Department an order of suspension from command, dated on the 21st of March of the same year, requiring him to report in arrest to the Department in person, and notifying him that any interference on his part with the command or with those who had been directed to assume it, would be regarded by the Government as mutiny and sedition—to which he also refused to yield obedience, and continued to exercise the functions of commander of the Navy."

The Executive is satisfied from an attentive examination of the proceedings of the court martial which tried the said Captain Moore, that the verdict of the court in regard to the above was just, and fully sustained by the testimony adduced. The trial appears to have been an impartial one; the accused had the benefit of witnesses, brought from distant parts at the public expense, and the aid of competent counsel in his defence.

Captain Moore therefore stands duly convicted by a court having competent jurisdiction, of very aggravated offences.

The penalty for these offences, which the court had not the authority to enforce, is applied by the law, and dismissal from the service is the slightest punishment which it enforces.

The joint resolution proposes to release him from the effects of the court's sentence, and to reinstate him in his command and emoluments. From the decision and sentence of a court of the country, the Executive alone has the power of pardon by the Constitution. The joint resolution, therefore, assuming a function not belonging to the legislature, the Executive believes is violative of the fundamental law; but were it not so, he conceives the country has already suffered too much in blood and treasure from insubordination and disobedience of orders, for such a palpable instance of it in an officer of the grade of Captain Moore, to receive the extraordinary meed of legislative forgiveness and reward. The sympathies of Congress and the Executive, might indeed be invoked in his individual behalf, but it might well be refused unless Antonio Landois, James Hudgins, Isaac Allen and William Simpson, who were executed at the yard arm of the ship Austin, by hanging for one hour and until dead, for a similar offence, by order of Captain Moore, while under arrest himself—could be restored to life and partake of its efficacy. Could "the deep give up its dead," and the sympathy claimed be made general in its operation, the Executive would gladly listen to its dictates; but he can never sanction a rule which hangs the poor sailor and rewards his officer for offences of a congenial character.

The joint resolution proposes to allow Captain Moore several thousand dollars as his pro rata pay. Were there no other objections to this allowance than the fact, that he stands charged upon the books of the Auditor of public accounts for a large balance, the simple existence of this fact would be a sufficient reason for its rejection. From the enclosed certificate of the Auditor, it appears that Captain Moore has received at different times since June, 1842, of public money, seventy-two thousand seven hundred and twenty-six dollars and seventy-four cents; and that up to the present time, he has accounted for twenty-one thousand eight hundred and fifty-one dollars and thirty-eight cents—leaving in his hands unaccounted for, fifty thousand eight hundred and seventy-

five dollars and thirty-six cents. Besides this, the Executive is informed there is still a balance standing against him on the Auditor's books, at Austin. In addition to these, under a proclamation issued by my predecessor, claims have been filed against the Government for debts contracted by Captain Moore, to the amount of about twenty thousand dollars, making an aggregate of between seventy and one hundred thousand dollars. Should the joint resolution now proposed, become a law, it will act as a virtual release to Captain Moore from all responsibility for this large sum; and the pay which is stipulated to be given him, could only be viewed as a reward for disobedience and insubordination to the laws and authorities of the country.

Such a precedent once established in the case of an officer of Captain Moore's rank in the public service, the Executive conceives would have the immediate tendency to a subversion of all good order, and all good government.

ANSON JONES.

DR.

Com. E. W. MOORE, *in account current*

1842

July 27.	To warrant No. 215 on requisition for support of the Navy	18,812 74
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1844

April 16.	To amount received from the Government of Yucatan,	41,971 00
" 26.	do. do. do. do. do.	11,213 00
" "	To amount received for sale of spare chronometers,	730 00
		<hr/>
		\$72,726 74
		<hr/> <hr/>
	To balance brought down,	\$50,875 36

with the Republic of Texas.

CR.

1844

April 16.	By amount of disbursements made out					
	of the Yucatan fund				\$12,903	71
" 26.	do. do. do. do. do.				2,338	41
	do. do. do. in the year 1843,				6,609	26
	To balance,				50,875	36
					<u>\$72,726</u>	<u>74</u>

TREASURY DEPARTMENT, }
Auditor's Office, June 27, 1845. }

I certify that the foregoing statement is correct, according to the books of this office.

CHARLES MASON,
Auditor.

On motion, the message and bill were laid on the table.

Senator McCrearey introduced the following resolution:

Whereas, the President, in the arbitrary exercise of the treaty making power vested in him concurrently with the Senate, has negotiated a treaty with Mexico for the recognition of the independence of this Republic, upon the condition that she would never be annexed to the United States, notwithstanding the almost unanimous expression of the people of Texas in favor of annexation: therefore,

Be it resolved by the Senate, That the President in thus arbitrarily exercising the power of negotiating a treaty, has done an official act unworthy of the Executive of Texas, and degrading to the country, and has set at defiance the known and express will of the people, and therefore justly deserves the censure of this body.

On motion of Senator Kinney, the Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

Senate met; roll called; quorum present.

A message was received from the House through Ja's H. Raymond, Chief Clerk, transmitting a bill to be entitled an act to prescribe the mode of authenticating foreign judgments and to limit suits thereon, and requesting the concurrence of the Senate to the same.

Bill read first time.

Senator Munson moved to suspend the rule. Carried.

Bill read second time.

Ayes and Noes called for on passing to third reading, stood thus:

Ayes—Senators Caldwell, Greer, Grimes, Kinney, Munson, Parker and Patillo—7.

Noes—Senators Kaufman, Lawrence, McCrearey, Roman and Wright—5.

Bill passed to third reading.

Senator Munson moved a further suspension of the rule.

Ayes and Noes called for, stood thus:

Ayes—Senators Caldwell, Greer, Grimes, Kaufman, Kinney, Munson, Parker and Patillo—8.

Noes—Senators Lawrence, McCrearey, Roman and Wright—4.

Ayes and Noes called for on the final passage of the bill, stood thus:

Ayes—Senators Caldwell, Greer, Grimes, Kinney, Munson, Parker and Patillo—7.

Noes—Senators Kaufman, Lawrence, McCrearey, Roman, and Wright—5.

So the bill passed.

A message was received from the House, through Jas. H. Raymond, Chief Clerk, informing the Senate that the House had adopted a resolution to adjourn, *sine die*, this day at five o'clock, and requesting the concurrence of the Senate to the same.

On motion of Senator Parker, the resolution was concurred in.

Senator McCrearey offered the following resolution:

Resolved, That the thanks of the Senate are hereby tendered to the Hon. K. L. Anderson, President of the Senate and Vice President of the Republic, for the able and impartial manner in which he has presided over this body.

Adopted.

Senator Kinney moved to adjourn until half past four o'clock. Lost.

On motion of Senator Parker, a committee of two was appointed to act with a like committee on the part of the House, and inform the President that the two Houses of Congress would adjourn, *sine die*, this day at 5 o'clock.

Senators Parker and Kinney were appointed said committee.

On motion of Senator Grimes, the Senate adjourned until half past 4 o'clock.

Half past 4 o'clock, P. M.

Senate met; roll called; quorum present.

Senator Parker, chairman of the committee appointed to wait on the President, reported that the committee had performed that duty, and His Excellency informed the committee he had nothing more to lay before the Congress.

Senator Patillo moved to take up the resolution offered by Senator Mc'Crearey, censuring the President.

Resolution taken up.

Senator Patillo moved the rejection of the resolution.

Senator McCrearey moved to lay the resolution on the table.

Ayes and Noes called for stood thus:

Ayes—Senators Lawrence, McCrearey, Roman and Wright—4.

Noes—Senators Greer, Grimes, Kaufman, Kinney, Luc-
kie, Munson, Parker and Patillo—8.

So the Senate refused to lay the resolution on the table.

Senator Roman moved a call of the Senate. Carried.

Sargeant-at-Arms was despatched for absent Senators.
Returned.

Senator McCreary was granted leave to withdraw the resolution.

☉ The hour having arrived at which the two Houses should adjourn, on motion of Senator Parker, the Senate adjourned *sine die*.