

three months the slow procedure of the Mexican courts continued. Santa Anna was examined in his prison at great length, but finally, on May 24, 1845, Congress passed a law of amnesty, by which all persons charged with political crimes were granted a pardon, with the exception of Santa Anna, Canalizo, and the ministers. As to Santa Anna, it was provided that the proceedings against him should be terminated provided he would leave the national territory within a period to be fixed by the government, in which case his resignation as President of the republic would be accepted.<sup>1</sup> Santa Anna made haste to accept the terms offered, and on June 3 he embarked with a young wife, whom he had recently married, and took up his residence in Havana.

<sup>1</sup> Dublan y Lozano, V, 18.

## CHAPTER XXVI

### CONGRESS INVITES TEXAS TO ENTER THE UNION

WE have seen that President Houston and his advisers early in the year 1844 had been reluctantly induced, under the strong pressure of public opinion, to enter into negotiations for a treaty of annexation. How far they expected or wished for success in these negotiations was uncertain, and in particular Houston's personal attitude at this time has always been an enigma. But it may fairly be said that the President of Texas and his cabinet remained at least lukewarm while the subject of the treaty was before the government and people of the United States.

A week before the treaty was actually signed the British chargé d'affaires reported Houston as very much embarrassed, but still firm in his desire for independence, and as demanding such terms from the United States as it could not possibly grant.<sup>1</sup> On the day following the date of this letter the American chargé was writing to Washington very much to the same effect. Houston, he said, had received letters from Van Zandt, and had written to the Texan representatives in Washington not to move in the negotiation unless such pledges and assurances as Murphy had given were again renewed by the American government.<sup>2</sup>

Nevertheless, when the treaty actually reached him, Houston was not displeased. To Van Zandt and Henderson he wrote that Calhoun's assurances of protection did not "embrace the guarantee as fully as was contemplated." Still, he thought the treaty well enough, but he was clearly convinced that this was the last effort that Texas would ever make, and if it failed he did not believe that any solici-

<sup>1</sup> Elliot to Aberdeen, April 7, 1844; E. D. Adams, 161.

<sup>2</sup> Murphy to Tyler, April 8, 1844; *State Dept. MSS.*

tation or guarantee would at any future day induce her to consent to annexation.<sup>1</sup> To Jones he wrote that he presumed the treaty would do very well. "All we had to do was to dispose of ourselves decently, and in order. If this is done it is well done."<sup>2</sup> To the American chargé Houston was more expansive.

"I then took occasion," Murphy wrote, "to make known to his Excellency, So much of the substance of your despatch to me, relating to the defence of Texas pending the Treaty of Annexation, as I deemed useful, and proper to Communicate; at which he arose to his feet, and gave utterance to his feelings of gratitude toward the President of the United States and yourself for this distinguished manifestation of the generous and noble policy which ruled in the Councils of my beloved Country."<sup>3</sup>

A little later Houston's views underwent a change. Murphy thought it necessary to keep near Houston in order "to keep up his spirits and cheer his hopes of the final success of the treaty, for he is often despondent of its fate."<sup>4</sup> By this time Houston also began to think that the treaty with the United States contained conditions not quite liberal to Texas, and he expressed some apprehension that the Texan Senate might not be disposed to ratify it. These suggestions, he said, he had not made public, nor did he intend they should be so made, but he believed the United States would realize everything from the treaty, while Texas would derive very little.<sup>5</sup> Another week's reflection brought him to the conclusion that it was useless for Henderson to remain in Washington if the American government was not disposed to consummate the plan of annexation.

"Whatever," he said, "the desires of this Govt. or the people are, or might have been in relation to annexation, I am satisfied that they

<sup>1</sup> Houston to Van Zandt and Henderson, April 29, 1844; *Tex. Dip. Corr.*, II, 274.

<sup>2</sup> Houston to Jones, April 29, 1844; Jones, 347.

<sup>3</sup> Murphy to Calhoun, April 29, 1844; *Am. Hist. Assn. Rep.* 1899, 948.

<sup>4</sup> Same to same, May 8, 1844; *State Dept. MSS.*

<sup>5</sup> Houston to Van Zandt and Henderson, May 10, 1844; *Tex. Dip. Corr.*, II, 278.

are not ambitious at this time, nor will ever be again, to be seen in the attitude of a bone of contention, to be worried or annoyed by the influence of conflicting politicians. . . . The desires of the people of Texas, with my love of repose—(this far I am selfish) had determined me in favor of annexation. My judgment though rendered subservient to their inclinations and my own, has never fully ratified the course adopted. Yet in all good faith I have lent and afforded every aid to its consummation."<sup>1</sup>

Houston, however, could do nothing but wait until the American Senate took some definite action; but toward the end of June his fears were again excited by the official notification of the renewal of hostilities. The Mexican government, he was informed by General Woll, "is highly indignant at the perfidious conduct of those said inhabitants towards the republic, which, ever generous to them, believed they were acting in good faith, until the contrary became manifested by their disregard of the promise made in the treaty of armistice."<sup>2</sup> Upon receipt of this notice, and later upon information reporting a threatened Mexican advance upon San Antonio, Houston again appealed to the United States for aid; an appeal which, as has been seen, the American chargé did not feel himself authorized to consider favorably.

At about the same time that General Woll's threats of renewed hostilities reached the Texan government they also received news of active efforts on the part of the British government to prevent annexation. Writing to Lord Cowley at the end of May, 1844, Lord Aberdeen had proposed "a joint operation on the part of Great Britain and France in order to induce Mexico to acknowledge the independence of Texas, on a guarantee being jointly given by us that that independence shall be respected by other Nations, and that the Mexico-Texian boundary shall be secured from further encroachment."<sup>3</sup> At almost the same time Ashbel Smith wrote giving an account of interviews on the same subject with the King and Guizot in Paris, and with Addington and Aberdeen in London.

<sup>1</sup> Same to same, May 17, 1844; *ibid.*, 281-283.

<sup>2</sup> Woll to Houston, June 19, 1844; *Sen. Doc.* 1, 28 Cong., 2 sess., 26.

<sup>3</sup> Aberdeen to Cowley, May 31, 1844; *E. D. Adams*, 171.

"The negotiations," he reported, "for our incorporation in to the American Union and the treaty signed for this purpose at Washington took both cabinets by surprise. Both Governments are opposed to the annexation and will use all legitimate means to prevent its taking place. They have instructed their ministers at Washington, U. S. to present a protest against it to the American Gov. as stated in former dispatches of mine. These Governments have conferred together, and as Lord Aberdeen informed me, will act in concert in relation to this subject. I understood Monsieur Guizot to intimate the same opinion, though he did not distinctly express it. . . ."

"Lord Aberdeen inquired what had occasioned this desire on the part of the citizens of Texas to be annexed to the United States. I replied the chief reason in my opinion was to be found in the continuance of hostilities on the part of Mexico, or rather of harassing threats and occasional though inefficient preparations to attack Texas, which nevertheless were sufficient to deter immigration and prevent those enterprises for developing the resources of our country which can only be executed in times of peace; that our citizens were wearied out with the state of things, which for aught we could see might under present circumstances continue for twenty years or even a longer period. . . ."

"Your department will perceive that the proposed 'annexation' has excited *very great* interest in these two countries, altho' the rejection of the Treaty by the American Senate is here deemed quite certain. My clear opinion is, that in the event of the rejection of the treaty in question, Texas may profit by the present circumstances to induce France and England to compel Mexico to make peace with us; provided Texas will give to those two Powers satisfactory assurances that it will not become incorporated into the American Union."

Smith added that Aberdeen had also remarked, in the course of his conversation, that he would say nothing more about slavery.

Having thus presented the subject to the consideration of the Texan government as a possible option in case annexation should be found impracticable at the present time, Smith concluded by saying he would wait for information.<sup>1</sup> There was in fact nothing else for him to do, and for the next few days he continued in London, endeavoring—

"to impress on the leading men here the opinion that the only means of preventing annexation is by rendering it unnecessary or disadvan-

<sup>1</sup> Smith to Jones, June 2, 1844; *Tex. Dip. Corr.*, II, 1485-1488.

tageous for Texas:—that tho' the 'Treaty' will be rejected for the present by the U. States Senate, owing chiefly perhaps to temporary party considerations, that the American people will not long resist the allurements of so important and desirable an addition to their territory."<sup>1</sup>

On June 24 Smith had another interview with Lord Aberdeen, chiefly in reference to the negotiations at Washington for annexation. Smith thought that the unfavorable impression relative to the course of Texas which Aberdeen entertained at the former interview had been entirely removed, and reported that he had made a more definite proposition, contingent, however, upon the expected rejection of the annexation treaty by the American Senate. As Smith reported, Lord Aberdeen stated that in the event of rejection—

"the British and French Governments would be willing, if Texas desired to remain independent, to settle the whole matter by a 'Diplomatic Act':—this diplomatic act in which Texas would of course participate would ensure peace and settle boundaries between Texas and Mexico, guarantee the separate independence of Texas, etc., etc.;—the American Government would be invited to participate in the 'Act' as one of the parties guaranteeing etc., equally with the European Governments;—that Mexico, as I think I clearly understood his Lordship, would be invited to become a party to the Diplomatic Act, and in case of her refusal, would be forced to submit to its decisions:—and lastly, in case of the infringement of the terms of settlement by either of the parties, to wit, Texas or Mexico, the other parties would be authorized under the Diplomatic Act, to compel the infringing party to a compliance with the terms. . . ."

"The permanent perpetual character of a diplomatic act of the nature spoken of by Lord Aberdeen, appears to me as it will doubtless to you, worthy of our gravest consideration before acceding to it; and the inviting of European Governments to make compulsory settlement of dissensions between the countries of America and the conferring on them of the right to interfere in our affairs may lead to the greatest inconvenience on our side of the Atlantic; as such interference and settlements have been the pretexts for inflicting atrocious wrongs and oppressions on the smaller states of Europe. I have believed that the objections to a Diplomatic Act as mentioned

<sup>1</sup> Same to same, June 18, 1844; *ibid.*, 1153.

above will be deemed by our Government greater perhaps than the inconveniences of our unsettled relations with Mexico."<sup>1</sup>

Writing privately a week later to Jones, Smith said that he had found on Aberdeen's part "the most friendly tone and solicitous dispositions towards Texas," and that, while "extreme dissatisfaction" had at first been felt in reference to the course of Texas on annexation, he believed it had been wholly removed from Lord Aberdeen's mind by a plain statement of the motives which had led to the adoption of this course.<sup>2</sup>

It is very doubtful whether the proposal for a "Diplomatic Act" could ever have been carried into effect even if the Texan government had heartily approved it. Pakenham and Pageot, in Washington, had just written to their respective governments warning them that any action looking toward foreign interference would only serve to defeat Clay and to make the annexation of Texas certain. And France, in spite of the wishes of the King and Guizot, would have hesitated long before actually agreeing to any undertaking that might require her to use force in order to support British interests upon the western shores of the Atlantic. But these questions never came to the test, owing to the failure of the Texan leaders to agree at that time upon a clear and definite course of action.

Ashbel Smith's despatches containing Aberdeen's proposal came into the hands of Houston late in the summer. He was then angry and disappointed at the failure of the treaty in the American Senate, and wrote a memorandum for Jones directing him to instruct the Texan representatives in Europe "to complete the proposed arrangement for the settlement of our Mexican difficulties as soon as possible, giving necessary pledges, as suggested in the late despatch of Dr. Smith on this subject, but adhering to the Rio Grande

<sup>1</sup> Same to same, June 24, 1844; *ibid.*, 1154. Smith also mentioned in this despatch that Aberdeen had "more than once made observations to the effect that he regretted the agitation of the abolition of Slavery in Texas . . . and that hereafter he would have nothing to say or do in relation to the subject."

<sup>2</sup> Same to same, July 1, 1844; Jones, 369.

as a boundary, *sine qua non*"; but by this time Jones had become the President-elect of Texas, and was by no means disposed to act as promptly as the more impulsive Houston. Jones therefore calmly ignored Houston's orders, and merely wrote to Smith granting him a leave of absence to return home, as he had requested.

What were the reasons for this act of disobedience is not certain. Jones himself subsequently asserted that the adoption of Aberdeen's suggestions would have inevitably resulted in war between the United States on the one side, and Great Britain and France on the other, and probably would not have resulted in defeating annexation. Ashbel Smith, reviewing the circumstances nearly thirty years after the event, expressed the opinion that war would not have resulted, and that no attempt would have been made by the United States to enforce the Monroe Doctrine by an appeal to arms; and he also gave his explanation of Jones's conduct.

"Why did Anson Jones, Secretary of State, disobey the orders of President Sam Houston? Why did he not send instructions to Ashbel Smith to pass the diplomatic act? It is scarcely possible to me to be in error in asserting that Mr. Jones declined to send me the instructions, because he intended to make the diplomatic act, bringing honorable peace and independence, a measure, and it would have proved, as he clearly saw, the prominent measure of his administration. . . . But events culminating in annexation were crowding on too rapidly, too powerfully, to suffer stay; they out stripped every other policy."<sup>1</sup>

But whatever Jones's motives may have been, he at any rate contrived that nothing should be attempted during the brief remainder of Houston's term of office, either in the way of meeting Aberdeen's suggestions or of taking up a well-defined line of policy in respect to Mexico or the United States. Jones succeeded Houston on December 12, 1844, and by that time Polk had been elected President on an

<sup>1</sup> Ashbel Smith, *Reminiscences of the Texas Republic*, 64; Jones, 44, 55. The confidential order from Houston to Jones was made public by the latter in the autumn of 1848 at a time when he had quarrelled with Houston. It is printed in Niles's *Reg.*, LXXIV, 413.

annexation platform, the United States Congress had met for its short session, and it had become apparent that the question of annexation would be discussed, and very likely disposed of so far as the United States was concerned, within the next three months.

It might have been expected that President Jones, in his inaugural address, would have explained the wishes and purposes of his administration on the vital question of annexation, but he chose to be silent. He made Ashbel Smith his Secretary of State, and then doggedly sat down to wait for something to turn up. He had not long to wait, for within a few days he received a copy of the annual message of the President of the United States, which announced, with much emphasis, the course the American administration desired to pursue.

President Tyler had had every reason to rejoice in the result of the election of 1844, for, if he himself had not succeeded, at least the policies he had so long and so stubbornly advocated were triumphantly sustained. His message to Congress in December, 1844, was therefore one long strain of exultation. He dwelt upon the immense improvement in the condition of the country during the previous three years. Questions with foreign powers of vital importance to the peace of the country had been settled and adjusted. The Seminole war had been brought to a close. The credit of the government had been thoroughly restored. The empty Treasury had been replenished. Commerce and manufactures had revived, and the whole country presented an aspect of prosperity and happiness.

But the point upon which the President dwelt with the most evident pleasure was the fact that his policy in respect to Texas had been fully sustained by the vote of the people.

"The decision of the people and the states, on this great and interesting subject," said the President, "has been decisively manifested. The question of annexation has been presented nakedly to their consideration. By the treaty itself, all collateral and incidental issues, which were calculated to divide and distract the public councils, were carefully avoided. These were left to the wisdom of the future

to determine. I repeat, the isolated question of annexation; and in that form it has been submitted to the ordeal of public sentiment. A controlling majority of the people, and a large majority of the states, have declared in favor of immediate annexation. Instructions have thus come up to both branches of Congress, from their respective constituents, in terms the most emphatic. It is the will of both the people and the states that Texas shall be annexed to the Union promptly and immediately. . . . The two governments having already agreed, through their respective organs, on the terms of annexation, I would recommend their adoption by Congress in the form of a joint resolution, or act, to be perfected and made binding on the two countries when adopted, in like manner, by the government of Texas."

The President's suggestions as to the action to be taken by Congress were followed within a few days by the introduction of a joint resolution in the House of Representatives. Ingersoll, of Pennsylvania, and Stephen A. Douglas, a young member from Illinois, were the principal supporters of the measure.

Public sentiment, said Ingersoll, was now well ascertained; the subject had been abundantly discussed everywhere except in the House of Representatives. In particular it had been discussed in the late presidential election. He himself, at every meeting in his district during the campaign, had said that if elected he should deem himself instructed to vote for the immediate reannexation of Texas.

"When we reflect," he continued, "on what public sentiment was only one year ago, and is now, it is as pleasing as surprising, to perceive how it has grown on this subject. Without government support, this progress is strong proof of popular will. When Congress came together last year, Texas was little known in the greater part of the United States and less liked. Most people were ignorant of the localities, the advantages, the rights and the realities of that fine region. A vote on it then would have been largely negative. . . . If then we represent an American Union governed by the will of the people, it is our representative duty to bring back Texas into it, if we can. . . . If Southern Secretaries of State—one of whom originated, and another is striving to consummate the affair—betray Southern partialities which many of us deem not quite national, that is no reason why a great national measure should not be effected on great national considerations."

Douglas denied that President Tyler had the credit of originating the project of the annexation of Texas to the Union. It was true, as asserted by the opponents of the measure, that it had originated with a President not elected by the people, but that President was John Quincy Adams, who in 1825 had, with his Secretary of State, Mr. Clay, offered millions of dollars in order to secure this valuable acquisition. The annexation of Texas would afford immense commercial advantages, and open a great and increased market to Northern manufacturers, and it would give better boundaries than the country now possessed and thus avoid collision with foreign powers.

Belser, of Alabama, after discussing the constitutional power of Congress to deal with the subject, asked the opponents of the measure what they supposed was to become of the rising generation in the West? Did they think it was to stay there to vegetate like a plant and die on the spot where it grew? They might as well attempt to stop Niagara. The flood would go onward and onward. It would fill the Oregon; it would fill Texas; it would pour like a cataract over the Rocky Mountains, and, passing to the Great Lakes of the West, it would open the forests of that far-distant wilderness to the light of the rising sun, and in fifty years whoever should visit this continent might hear the voice of the American reaper on the far shores of the Pacific.

On the other hand, Robert C. Winthrop, of Massachusetts, opposed annexation upon the grounds, first, that it would extend the area of slavery, and, second, that the government had no power to annex a foreign state "by any process short of an appeal to the people in the form which the Constitution prescribed for its amendment."

Giddings, of Ohio, opposed the measure on the ground that the only substantial reasons urged in favor of it were the extension and perpetuation of slavery. Upon this text he attacked the whole system of slavery, and declared that it was impossible for him to believe that any member of the House from the north of Mason and Dixon's line could be

brought to vote for an extension of the crimes and wholesale murders involved in the existence of slavery. Should the measure be carried, it would be in violation of the Constitution; in violation of the honor, the interests, and the rights of the people of the free states; and in violation of the rights of man. The repeal of these resolutions, if they should be adopted, would constitute the rallying-cry and watchword of the North.

Adams, who closed the debate, admitted that he had been the first to originate the idea of annexing Texas to the United States, but he said there was this difference between his action on the subject and that now contemplated: he had proposed to purchase Texas with the consent of the owner, whereas it was proposed now to take it without the owner's consent. There was the same difference between his action and that now contemplated as there was between purchase and burglary. Moreover, slavery did not exist in Texas when he proposed its purchase. If Texas could be obtained with the consent of the owners and if slavery were abolished, he would go for the annexation of Texas tomorrow. He ridiculed the idea that Texas had been included in the Louisiana Purchase. As to the constitutional power of Congress, he maintained the very singular theory that while a treaty might be made to acquire *territory*, there was no power in the government to act upon the *people* of that territory after it was annexed; and he declared that he would vote against every form of the propositions before the House on the ground that they were unconstitutional.

There was likewise much debate as to the form that the resolution ought to take, and a radical departure was made from the terms of the abortive treaty of the previous April. As ultimately adopted by the House, the joint resolution expressed the consent of Congress that the territory "properly included in and rightfully belonging to the Republic of Texas" might be admitted as one of the states of the Union, under a republican form of government to be adopted by the people of that republic before July 1, 1846, upon condition, first, that all questions of boundary should be subject

to adjustment by the government of the United States; second, that the new state should retain all its public lands, to be applied to the payment of the debts of the republic, which were in no event to become a charge upon the government of the United States; and, third, that new states, not exceeding four in number, might, by the consent of Texas, be formed out of its territory, provided that in such states as should be formed out of territory north of the Missouri Compromise line, slavery should be prohibited. And in that form the resolution was passed by the House on January 25, 1845, by a vote of 118 to 101.

The debate in the Senate was much more extensive. It was begun by Benton, who submitted a bill of his own in place of the joint resolution of the House of Representatives. The results of the election had to a certain extent converted Benton as it had converted others. He now dropped from his bill the provision for obtaining the assent of Mexico, which he said he omitted because of the difficulty of agreeing upon this and other conditions, and because it was clear that whatever bill was passed the execution of it must devolve upon the new President, in whom he had every confidence. He therefore proposed the admission of Texas upon such terms as might be settled by a joint commission.

A large part of the discussion in the Senate turned upon the constitutional question of the power to admit new states, and especially as to whether this could be done otherwise than by treaty. There was not much discussion as to the merits of annexation. Many of those who were opposed to the joint resolution expressed their approval of the annexation of Texas "whenever it could be accomplished in a manner consistent with the principles of the Constitution, and without disturbing the various interests and the external peace of the Union." Thus Archer, of Virginia, admitted that the annexation of Texas was the will not alone of the majority of the people, but of a very large majority of the people of Virginia. To his constituency he yielded the question of expediency, but nothing could prevent him from interposing his voice against the violation of the Con-

stitution. Rives, of Virginia, and Huntington, of Connecticut, contended that annexation by joint resolution was unconstitutional, and also that it was inexpedient because we had more territory than we could occupy for ages to come. The suggestion, which had been frequently heard before, that if Texas was annexed the war with Mexico would be annexed too, was also mentioned; but it had less weight than when the treaty was under discussion—for while the Senate alone could not make war, it was evident that Congress had the power to do so if it chose.

Thus the debate dragged its slow length along through January and February, until it became extremely doubtful whether a vote could be had in the Senate before final adjournment. There were the usual rumors that if the Senate failed to pass the joint resolution the new President would summon a special session of Congress. Nobody wanted a special session, and indeed a majority of the Whigs were not very much in earnest in their opposition. A large proportion of the party would have been glad to see Texas admitted provided it were not done under Democratic auspices. A part of the Whig party was, of course, bitterly opposed to the project on anti-slavery grounds, but there were not many members of Congress in either house who shared these views.

In the meantime the country began to be heard from. In Vermont and Massachusetts and New York there was talk of a dissolution of the Union if annexation were carried. "Rather than be in Union with Texas," wrote William Jay, "let the confederation be shivered. My voice, my efforts will be for dissolution, if Texas be annexed,"<sup>1</sup> and there were many who shared his views. The legislatures of Vermont, Massachusetts, New Jersey, and Ohio passed resolutions against annexation; but, on the other hand, the legislatures

<sup>1</sup>Garrison, III, 94. The *Liberator* was clamoring for dissolution of the Union. In 1843 it had placed and kept at the head of its columns the famous declaration that the Constitution was "a covenant with death and an agreement with hell," which ought to be immediately annulled. The Liberty party, on the contrary, did not favor disunion, even though Texas should be annexed.

of Maine, New Hampshire, Illinois, Michigan, Missouri, Alabama, and Louisiana passed resolutions in its favor. What was perhaps more important, the newspapers throughout the country took up and daily discussed the question. The pressure of public opinion, especially in the Mississippi Valley, where Western expansion was most popular, made itself felt; and this, coupled with the fear of an extra session, led to a final disposition of the controversy, which was settled, as so many controversies have been settled in Congress, by a somewhat unmeaning compromise. After some private talk Walker, of Mississippi, proposed that the resolution passed by the House should be amended by tacking on the substance of Benton's bill. The resolution would then provide that the territory belonging to the republic of Texas should be admitted as one of the states of the Union, upon the conditions named in the House resolution; but if the President of the United States should "in his judgment and discretion deem it most advisable," he might negotiate with the republic of Texas for admission upon such terms and conditions as might be agreed upon by the two governments. In effect this gave to the President the right either to invite Texas to come into the Union upon the terms fixed by Congress, or to invite Texas to come in upon terms to be thereafter agreed upon; and the question whether the invitation should be delayed in order to formulate terms which might be more satisfactory to Texas, was left entirely to the judgment and discretion of the President.

Senator Tappan, of Ohio, three years later, in a letter to the *New York Evening Post*, asserted that he and other Democratic senators would have voted against the passage of the resolution if it had not been for statements made in debate by McDuffie and others that President Tyler would not dare to act under the resolution during the few remaining days of his term, and assurances from some of Polk's friends that he would accept the second alternative, and appoint a mission to Texas composed of the first men in the country. Benton confirmed Tappan. Polk, however, vehemently denied, when the story came to his ears, that he

ever authorized any such assurances; and the weight of evidence seems to sustain him, and to throw doubt on the whole of Benton's narrative.<sup>1</sup>

At any rate, the joint resolution as thus amended came to a vote on Wednesday, February 26, and was passed by 27 senators in the affirmative to 25 in the negative. The vote was practically on party lines, all the Democrats favoring the resolution and all the Whigs but two being against it. It was not a sectional division. Of the New England states, New Hampshire voted in favor of the resolution and one senator each from Maine and Connecticut. Both senators from New York, Pennsylvania, Ohio, and Illinois were recorded in its favor; both senators from New Jersey, Delaware, and Michigan against it. Of the Southern states, Kentucky, Tennessee, Virginia, and Louisiana were opposed and Missouri, Arkansas, South Carolina, and Mississippi were in its favor. The remaining states were divided.

On Friday, February 28, the joint resolution was returned to the House of Representatives, the question being upon concurrence in the amendment made in the Senate. There was no debate, the previous question was ordered, and the joint resolution in its amended form was passed by a vote which was largely increased over that by which the resolution had been originally passed. The vote stood 132 in the affirmative to 76 in the negative—practically a party vote. On the next day, Saturday, March 1, the resolution was signed by President Tyler.

The question then arose whether action should be taken by the outgoing administration or whether it should be left for President Polk. Immediately after signing the resolution, as Tyler subsequently recorded, he had a conversation with Calhoun, who expressed the hope that the President would not hesitate to act. Tyler replied that he entertained no doubt in the matter of the method of proceeding so far

<sup>1</sup> See Benton's *Thirty Years' View*, II, 636, where Tappan's letter is printed. Polk called on the members of his cabinet for their recollections of what passed at the time in question. His correspondence with Buchanan on the subject is in Moore's *Buchanan*, VIII, 208, 240. And see Polk's *Diary*, IV, 38-52, 186, 187.



as Texas was concerned; that he regarded the Senate amendment as designed merely to appease the discontent of one or two members of that body, and for no other purpose; and that his only doubt of the propriety of immediate and prompt action arose from a feeling of delicacy to his successor. Calhoun urged strongly the necessity of immediate action, and thought that no consideration of delicacy ought to stand in the way; and it was finally agreed that a cabinet meeting should be held on the day following, which was Sunday, the second of March. The whole cabinet concurred in the necessity of immediate action, although it was agreed that Calhoun should wait upon Polk and inform him of the President's views; and after the meeting of the cabinet Calhoun did wait on Polk, and reported that the President-elect declined to express any opinion or make any suggestion in reference to the subject.<sup>1</sup> Thereupon instructions were at once despatched to Donelson, the American representative in Texas, directing him to present to the Texan government, as the basis of admission, "the proposals contained in the resolution as it came from the House of Representatives." He was also directed to urge speedy action, for time was important, "and not a day ought to be lost."<sup>2</sup>

Almonte, the Mexican minister in Washington, of course expressed himself in the most vehement manner against the joint resolution. The American government, he wrote, had now consummated an act of aggression, the most unjust which could be found recorded in the annals of modern history, namely, the despoiling a friendly nation of a considerable portion of her territory. For these reasons he solemnly protested against the law whereby the province of Texas, "an integrant portion of the Mexican territory," was admitted into the American Union; and he ended by demanding his passports.<sup>3</sup>

<sup>1</sup> *Letters and Times of the Tylers*, II, 364. It is probable that Polk let it be tacitly understood he would approve. In his message to Congress the following December he said that his predecessor had elected to submit to Texas the first part of the joint resolution as an overture from the United States. "This election I approved."

<sup>2</sup> Calhoun to Donelson, March 3, 1845; Sen. Doc. 1, 29 Cong., 1 sess., 32.

<sup>3</sup> Almonte to Calhoun, March 6, 1845; *ibid.*, 38.

But in spite of Almonte's protests the new American administration proceeded to carry forward, without hesitation or delay, the policy which Congress and the people of the country had sanctioned. President Polk had had no difficulty in making up his mind to adopt the action of his predecessor. He regarded thenceforward the annexation of Texas as a thing to all intents and purposes finished; and in his purpose to go forward at once with the plan of annexation, the new cabinet fully concurred.

Polk's Secretary of State was James Buchanan, of Pennsylvania, the son of an Ulster immigrant, and a man at this time fifty-four years old. He had been for several years in the House of Representatives, had been United States minister at St. Petersburg, had been three times elected to the Senate, and had been supported by his state for the Democratic nomination to the presidency. He was a lawyer by profession, a man of undoubted abilities, which were hampered through all of a long life by constitutional timidity and a lack of resolution or strength of will. But these defects in Buchanan's character were fully compensated by the dogged persistence and determination of the President. Polk, like many other Ulster Scots, had neither imagination nor a sense of humor; but in spite of these shortcomings he was an excellent administrator and the master of his cabinet,<sup>1</sup> and under him Buchanan became merely an instrument for carrying out the policies which were prescribed by the more determined and positive character of the President.

Calhoun had had hopes of being continued in his office as Secretary of State, but the offer was not made to him. What were Polk's motives can only be conjectured, for he left no record on that subject; but it is easy to see that a man of Calhoun's intense personality and determination, holding views so extreme, would have been a very troublesome member of the cabinet, unless the President were prepared to let him have his own way entirely in the conduct of his department. This Polk was certainly not ready to

<sup>1</sup> Schouler, IV, 497.

do, and he contented himself with offering Calhoun the position of minister to England, which Calhoun civilly declined.<sup>1</sup>

The new cabinet contained other men of wide experience and a high average of intellectual ability. Robert J. Walker, of Mississippi, who had been for years a member of the Senate, was Secretary of the Treasury. William L. Marcy, of New York, whose rugged strength of character and intellect has never received due recognition, a former governor of his state and a former member of the United States Senate, was Secretary of War. George Bancroft, of Massachusetts, who had just led a forlorn hope as candidate for governor of his state, was Secretary of the Navy. John Y. Mason, of Virginia, who had been successively Secretary of the Navy and Attorney-General in Tyler's cabinet, and was a college friend of the new President, was continued in his post; and Cave Johnson, of Tennessee, an active Democratic politician, was Postmaster-General.

Buchanan did not enter upon the duties of Secretary of State until the tenth of March, and his first act was to deal with the questions arising out of the joint resolution for the annexation of Texas. To Donelson, the American chargé d'affaires in Texas, he wrote that the President entertained "a clear and firm conviction that it would be inexpedient to reverse the decision of his predecessor," and he therefore confirmed the instructions sent by Calhoun on the third of March, and directed Donelson to exert all his ability and energy to obtain the acceptance of Texas, "without qualification of the terms and conditions proposed by the first two resolutions."<sup>2</sup>

To Almonte Buchanan wrote acknowledging receipt of his protest.

"The admission of Texas," he said, "as one of the States of this Union, having received the sanction both of the legislative and executive departments of the government, is now irrevocably decided, so

<sup>1</sup> Calhoun to Mrs. Clemson (his daughter), March 11, 1845; *Am. Hist. Assn. Rep.* 1899, II, 647.

<sup>2</sup> Sen. Doc. 1, 29 Cong., 1 sess., 35.

far as the United States are concerned. Nothing but the refusal of Texas to ratify the terms and conditions on which her admission depends, can defeat this object. It is, therefore, too late at present to reopen a discussion which has already been exhausted, and again to prove that Texas has long since achieved her independence of Mexico, and now stands before the world, both *de jure* and *de facto*, as a sovereign and independent State amid the family of nations. Sustaining this character, and having manifested a strong desire to become one of the members of our confederacy, neither Mexico nor any other nation will have just cause of complaint against the United States for admitting her into this Union."

And he added the President's regrets that the government of Mexico should have taken offence at these proceedings, and his promise to use his "most strenuous efforts" for an amicable adjustment of every cause of complaint between the two governments.<sup>1</sup>

The government of Mexico, for whom these friendly assurances were intended, was, however, by no means ready to be so easily placated. The progress of the presidential election in the United States had been followed with close and painful interest, and the result had given rise to very serious talk as to the policy which Mexico ought to pursue, so that the new administration of Herrera found itself confronted at the outset of its existence by a very difficult problem, which it made a frank and honest effort to solve.

One of the first duties of Cuevas, the new Minister of Foreign Relations, was to draw up the annual report of his department for submission to Congress, and in this document, which was not submitted until March, he discussed at considerable length the question of Texas. He began by admitting with unusual frankness that the separation of Texas from Mexico was *de facto* complete. This separation, for which "our national disorders" were responsible, was actively supported by the American government, and recognized by the most powerful nations of Europe.<sup>2</sup> But the

<sup>1</sup> *Ibid.*, 39.

<sup>2</sup> *Tejas se ha sustraído de hecho de la union nacional; y esta separación, de que son responsables nuestras revueltas nacionales, está apoyada decididamente por el gabinete de los Estados-Unidos, etc.*—(*Memoria de Relaciones*, 1845, 14.)

American government had gone farther, and had announced the policy of incorporating that territory in the American Union, and had even threatened to consider an attack upon Texas as an offence against itself. There were, therefore, two questions for Mexico to decide. The first was the independence of Texas, the second its annexation to the United States. It would be easy to continue the old policy of invoking public opinion and doing nothing effectual; but a responsible ministry was bound to consider the case fairly, and endeavor to ascertain the people's will before committing the people to costly sacrifices. The rights of the nation were unquestionable; but the nation must choose between a long and costly war on the one hand, and, on the other hand, an arrangement which, without injuring its good name, would afford it security for the future.

If internal order were fully established in Mexico, a war against Texas might have a certain and glorious result. But even in that case there would be serious difficulties. The population of Texas was entirely foreign. It had no sympathies with the Mexican nation. Its manners, its customs, and its political methods all exhibited the differences which existed between the Mexican and the American races. It was impossible to think of either annihilating the inhabitants of Texas or of compelling them to abandon the country. The most determined and disciplined army and the most prudent policy would not suffice to maintain Texas in a condition of peace and sincere union with the Mexican republic, so long as the influence of the present inhabitants of the department and the hostile tendencies of its neighbor continued.

On the other hand, "the difficulties which the recognition of Texan independence presents are not less serious, whether we consider the integrity of our territory, or the national honor, or the evils which may come to us from that part of our country,—as it will be a source of contraband trade and a constant threat to our frontiers and a support for the enterprising and ambitious policy of the United States." Mexico had pledged its word to recover Texas, but had made

no "formal demonstration" since the first campaign. The loss of Texas would dismember the Mexican territory by abandoning one of its richest parts. An independent Texas would undoubtedly be the natural ally of the United States, would comply with all its exigencies, and would tend to injure Mexican commerce and impair Mexican order near the boundary.

The question under discussion, Cuevas continued, had acquired extreme importance because of the declared annexation policy of the government of the United States. The very existence of Mexico was involved in the question. The independence of Texas would be a misfortune, but its annexation to the United States might be fatal. The Mexican government therefore proposed to undertake a negotiation to fix definitely the relations between Mexico and Texas. What would be the basis of that negotiation, or the conduct of the government, it was not easy to indicate in advance, because it was hardly possible to foresee the events upon which these things must depend; but Congress might be sure that the government would do nothing that was not honorable to the country or in conformity with the sentiments of the two houses.

Thus far the Minister of Foreign Relations had written when, about the middle of February, 1845, the passage of the annexation resolution by the American House of Representatives became known in Mexico. The British minister who was consulted advised moderation and caution, and took occasion again to urge the acknowledgment of Texas. Cuevas replied that the proposition to recognize Texas would be instantly rejected by the Mexican Congress unless supported by both England and France. "I reminded his Excellency," reported Bankhead, "that any assistance from England must be a moral one, for whatever disposition may at one time have existed to go beyond that line, has now been withdrawn."<sup>1</sup> Cuevas waited some three weeks longer

<sup>1</sup> Bankhead to Aberdeen, March 1, 1845; J. H. Smith's *Annexation of Texas*, 420. Charles Bankhead, who was afterward minister to the United States, had arrived in Mexico as minister a year before, in March, 1844.

before submitting his report to Congress, and he then added to his first draft the following clause:

"Since the foregoing was written, the government has received information that the project of annexation was approved in the House of Representatives of the United States by a majority of twenty-two votes. This project having been sent to the Senate, it now depends upon that body whether or no this iniquitous usurpation shall be carried further,—of which the world will judge with all that severity which unquestionable right, honorable policy, and an event unfortunate for Mexico and humanity, require."

The report of the Minister of Foreign Relations as thus amended was read in the Mexican Senate on March 11, and in the Chamber of Deputies on March 12, 1845, and although no action was taken by Congress at that time in regard to the recommendations concerning Texas, the effect upon public opinion must have seemed satisfactory to Cuevas, for within a week he authorized the British minister to say that Mexico was disposed to receive overtures from Texas with a view to recognition. This information Bankhead, on March 20, communicated to Captain Elliot, the British representative in Texas, adding that all the bravado of threatening hostilities meant nothing.<sup>1</sup>

The day after Bankhead sent off his message, news came that the American Senate had passed the joint resolution. The fact was announced by Almonte, who wrote from Washington on February 28, while a salute was being fired in honor of the passage of the resolution, and he informed his government that he intended to sail from New York in a few days.<sup>2</sup> Cuevas at once sent for Bankhead, who endeavored to calm his excitement; and later both the English and French ministers discussed the situation with him and strongly recommended moderation. On March 22, 1845, with these admonitions in his ears, he formally reported the fact to Congress. The proposition for the annexation of Texas, he said, had been accepted by the United States, and it was now necessary to interpose a barrier to the advance

<sup>1</sup> Bankhead to Elliot, March 20, 1845; *ibid.*, 422.

<sup>2</sup> *Sec. de Rel. Ext. MSS.*

of their invading neighbor on the north; but he confined his comments to expressions of regret over "the criminal carelessness" with which former administrations had looked upon this affair at a time when resources were ample and opportunities were good for prosecuting a war—the direct result of past neglect being the consummation of this outrage and the difficulties of the times. A week later he addressed a note to the American minister in Mexico in grave and moderate terms.

"The undersigned," he wrote, "in addressing your Excellency for the last time, has the regret of informing him that as the law of Congress of the United States in regard to the annexation of Texas to its territory has been approved, and as the Mexican minister has retired from his mission and presented a protest against the act of Congress and the government of the United States, diplomatic relations cannot continue between the two countries. What can the undersigned add to that which has already been said by his government in regard to the grave offence inflicted by the United States upon Mexico by usurping a portion of its territory and violating the treaties of friendship which the republic on its part has observed as far as its honor will permit and the desire of avoiding a rupture with the United States? Nothing more than to lament that free and republican nations, neighbors worthy of a fraternal union founded in mutual interest and a common and noble loyalty, should sever their relations by reason of an event which Mexico has endeavored to forestall, but which the United States have carried through and which is as offensive to the first as it is unworthy of the good name of the American Union. The undersigned repeats to his Excellency, Mr. Shannon, the protest which has been presented against annexation, adding that the republic of Mexico will oppose it with all the earnestness which becomes its honor and sovereignty, and that its government trusts that that of the United States may more carefully weigh considerations of loyalty and justice than those of an increase of territory at the expense of a friendly republic, which, in the midst of its misfortunes, desires to preserve an unstained name and to deserve thereby the rank to which its destinies call it."<sup>1</sup>

The British and French ministers had seen this note and endeavored to moderate its tone before it was sent; and it

<sup>1</sup> Cuevas to Shannon, March 28, 1845; Spanish text in *México á través de los Siglos*, IV, 538.

was the subject of remark that, while war was threatened, the Mexican government did not reassert a claim to Texas.<sup>1</sup>

Shannon contented himself by replying that the United States, having tendered the olive branch to Mexico by assurances that annexation had been adopted in no unfriendly spirit, and being desirous of adjusting all questions, including that of boundary, on the most just and liberal terms, had done all that was possible. It now remained for Mexico to determine whether friendly relations should be preserved or not. For himself, he would await the arrival of official information from his government before taking any further steps.<sup>2</sup>

Official information, of a kind not very pleasant to Shannon, was in fact on its way. The American Secretary of State, two days before Shannon's last note to Cuevas, had written disapproving his course in regard to the Rejón correspondence of the previous October. The President, it was stated, was desirous of adjusting all questions in dispute between the two republics, for he did "not believe that any point of honor can exist between the United States and Mexico which ought to prevent him from pursuing a friendly policy toward that republic"; and under these circumstances it was apparent that some other person than Shannon would do better service. He was therefore recalled.<sup>3</sup> At the same time William S. Parrott was sent as a secret agent to Mexico, with instructions to try to convince the Mexican authorities that it was the true interest of their country to restore friendly relations; that the United States was prepared to meet Mexico in a liberal and friendly spirit in regard to all unsettled questions; and that a minister would be sent to Mexico as soon as assurances were given that he would be kindly received.<sup>4</sup> Parrott sailed from New York on the third day of April in the same ship with Almonte and his family,<sup>5</sup> and how he fared in his mission of peace will be seen in a later chapter.

<sup>1</sup> J. H. Smith's *Annexation of Texas*, 422.

<sup>2</sup> Shannon to Cuevas, March 31, 1845; *State Dept. MSS.*

<sup>3</sup> Buchanan to Shannon, March 29, 1845; *ibid.*

<sup>4</sup> Buchanan to W. S. Parrott, March 28, 1845; Moore's *Buchanan*, VI, 132.

<sup>5</sup> Parrott to Buchanan, April 2, 1845; *State Dept. MSS.*

## CHAPTER XXVII

### TEXAS ENTERS THE UNION

ANSON JONES, the new President of Texas, was a native of the town of Great Barrington, in Massachusetts. He had been educated at the academy in the pleasant village of Lenox, and had left the Berkshire Hills to attempt mercantile pursuits. He had subsequently studied medicine in Philadelphia, graduating from the Jefferson Medical College in 1827. Six years later he landed at Brazoria, where he practised medicine. He was a surgeon in Houston's little army, and participated in the battle of San Jacinto, and from that time on was pretty constantly in public life under the republic of Texas. He was Texan minister to the United States under Lamar, and was Secretary of State through the whole of Houston's second administration. At the regular election in September, 1844, he was chosen President by a good majority, having the support of Houston and his friends. A sagacious, cool-headed man, of very moderate abilities, his temper was in rather striking contrast with that of Houston. Chiefly, perhaps, for this reason, he conceived in later years a great hostility to Houston, which he gratified by the publication of letters and memoranda filled with bitterness against his former colleague. But it seems clear that, in 1845 at least, Houston professed none but friendly and even cordial feelings for the new President.

"Houston," says Ashbel Smith, "stood a giant of power in the land—he stood by President Jones and on his strong arm Mr. Jones visibly leaned for support. President Jones's administration was in all its leading policy a continuation of the preceding administration of President Houston."<sup>1</sup>

<sup>1</sup> Smith, *Reminiscences of the Texas Republic*, 69.