

The Avalon Project at the Yale Law School

The Treaty of Annexation April 12, 1844

A Treaty of Annexation, concluded between the United States of America and the Republic of Texas.

The people of Texas having, at the time of adopting their constitution, expressed by an almost unanimous vote, their desire to be incorporated into the Union of the United States, and being still desirous of the same with equal unanimity, in order to provide more effectually for their security and prosperity; and the United States, actuated solely by the desire to add to their own security and prosperity, and to meet the wishes of the Government and people of Texas, have determined to accomplish, by treaty, objects so important to their mutual and permanent welfare:

For that purpose, the President of the United States has given full Powers to John C. Calhoun, Secretary of State of the said United States, and the President of the Republic of Texas has appointed, with like powers, Isaac Van Zandt and J. Pinckney Henderson, citizens of the said Republic: and the said plenipotentiaries, after exchanging their full powers, have agreed on and concluded the following articles:

ARTICLE I.

The Republic of Texas, acting in conformity with the wishes of the people and every department of its government, cedes to the United States all its territories, to be held by them in full property and sovereignty, and to be annexed to the said United States as one of their Territories, subject to the same constitutional provisions with their other Territories. This cession includes all public lots and squares, vacant lands, mines, minerals, salt lakes and springs, public edifices, fortifications, barracks, ports and harbours, navy and navy-yards, docks, magazines, arms, armaments and accoutrements, archives and public documents, public funds debts, taxes and dues unpaid at the time of the exchange of the ratifications of this treaty.

ARTICLE II.

The citizens of Texas shall be incorporated into the Union of the United States, maintained and protected in the free enjoyment of their liberty and property and admitted, as soon as may be consistent with the principles of the federal constitution, to the enjoyment of all the rights, privileges and immunities of citizens of the United States.

ARTICLE III.

All titles and claims to real estate, which are valid under the laws of Texas, shall be held to be so by the United States; and measures shall be adopted for the speedy adjudication of all unsettled claims to land, and patents shall be granted to those found to be valid.

ARTICLE IV.

The public lands hereby ceded shall be subject to the laws regulating the public lands in the other Territories of the United States, as far as they may be applicable; subject, however, to such alterations and changes as Congress may from time to time think proper to make. It is understood between the parties that if, in consequence of the mode in which lands have been surveyed in Texas, or from previous grants or locations, the sixteenth section cannot be applied to the purpose of education, Congress shall make equal provision by grant of land elsewhere. And it is also further understood, that, hereafter, the books, papers and documents of the General Land Office of Texas shall be deposited and kept at such place in Texas as the Congress of the United States shall direct.

ARTICLE V.

The United States assume and agree to pay the public debts and liabilities of Texas, however created, for which the faith or credit of her government may be bound at the time of the exchange of the ratifications of this treaty; which debts and liabilities are estimated not to exceed, in the whole, ten millions of dollars, to be ascertained and paid in the manner hereinafter stated.

The payment of the sum of three hundred and fifty thousand dollars shall be made at the Treasury of the United States within ninety days after the exchange of the ratifications of this treaty, as follows: Two hundred and fifty thousand dollars to Frederick Dawson, of Baltimore, or his Executors, on the delivery of that amount of ten per cent. bonds of Texas: One hundred thousand dollars, if so much be required, in the redemption of the Exchequer bills which may be in circulation at the time of the exchange of the ratifications of this treaty. For the payment of the remainder of the debts and liabilities of Texas, which, together with the amount already specified, shall not exceed ten millions of dollars, the public lands herein ceded and the nett revenue from the same are hereby pledged.

ARTICLE VI.

In order to ascertain the full amount of the debts and liabilities herein assumed, and the legality and validity thereof, four commissioners shall be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall meet at Washington, Texas, within the period of six months after the exchange of the ratifications of this treaty, and may continue in session not exceeding twelve months, unless the Congress of the United States should prolong the time. They shall take an oath for the faithful discharge of their duties, and that they are not directly or indirectly interested in said claims at the time, and will not be during their continuance in office; and the said oath shall be recorded with their proceedings. In case of the death, sickness or resignation of any of the commissioners, his or their place or places may be supplied by the appointment as aforesaid or by the President of the United States during the recess of the Senate. They, or a majority of them, shall be authorized, under such regulations as the Congress of the United States may prescribe, to hear, examine and decide on all questions touching the legality and validity of said claims, and shall, when a claim is allowed, issue a certificate to the claimant, stating the amount, distinguishing principal from interest. The certificates so issued shall be numbered, and entry made of the number, the name of the person to whom issued, and the amount, in a book to be kept for that purpose. They shall transmit the records of their proceedings and the book in which the certificates are entered, with the vouchers and documents produced before them, relative to the claims allowed or rejected, to the Treasury Department of the United States, to be deposited therein, and the Secretary of the Treasury shall, as soon as practicable after the receipt of the same, ascertain the aggregate amount of the debts and liabilities allowed; and if the same, when added to the amount to be paid to Frederick Dawson and the sum which may be paid in the redemption of the Exchequer bills, shall not exceed the estimated sum of ten millions of dollars, he shall, on the presentation of a certificate of the commissioners, issue, at the option of the holder, a new certificate for the amount, distinguishing principal from interest, and payable to him or order, out of the nett proceeds of the public lands, hereby ceded, or stock, of the United States, for the amount allowed, including principal and interest, and bearing an interest of three per cent. per annum from the date thereof; which stock, in addition to being made payable out of the nett proceeds of the public lands hereby ceded shall also be receivable in payment for the same. In case the amount of the debts and liabilities allowed, with the sums aforesaid to be paid to Frederick Dawson and which may be paid in the redemption of the Exchequer bills, shall exceed the said sum of ten millions of dollars, the said Secretary, before issuing a new certificate, or stock, as the case may be, shall make in each case such proportionable and rateable reduction on its amount as to reduce the aggregate to the said sum of ten millions of dollars, and he shall have power to make any needful rules and regulations necessary to carry into effect the powers hereby vested in him.

ARTICLE VII.

Until further provision shall be made, the laws of Texas as now existing shall remain in force, and all executive and judicial officers of Texas, except the President, Vice-President and Heads of Departments, shall retain their offices, with an power and authority appertaining thereto, and the Courts of justice shall remain in all respects as now established and organized.

ARTICLE VIII.

Immediately after the exchange of the ratifications of this treaty, the President of the United States, by and with the advice and consent of the Senate, shall appoint a commissioner; who shall proceed to Texas, and receive the transfer of the territory thereof, and all the archives and public property and other things herein conveyed, in the name of the United States. He shall exercise all executive authority in said territory necessary to the proper execution of the laws, until otherwise provided.

ARTICLE IX.

The present treaty shall be ratified by the contracting parties and the ratifications exchanged at the City of Washington, in six months from the date hereof, or sooner if possible.

In witness whereof, we, the undersigned plenipotentiaries of the United States of America and of the Republic of Texas, have signed, by virtue of our powers the present treaty of Annexation, and have hereunto affixed our seals respectively

Done at Washington, the twelfth day of April, eighteen hundred and forty-four

[Seal] J C. CALHOUN

[Seal] ISAAC VAN ZANDT

[Seal] J PINCKNEY HENDERSON

Note:

That **treaty was submitted to the Senate** on April 22, 1844, with the presidential message of the same date (Executive Journal, VI, 257-61); and it **was rejected by the Senate by a vote of sixteen ayes to thirty-five noes** on the following June 8 (ibid., 311-12). Certain papers accompanied the presidential message of April 22, 1844, and also the sixteen later messages to the Senate of various dates from April 26 to June 10 (ibid., *passé*); from most of these the injunction of secrecy was removed during the Senate proceedings; nine of the messages of April and May, with the accompanying papers, were printed at the time in Senate Documents Nos. 341, 345, and 349, 28th Congress, 1st session, serial 435; of the first and last mentioned of those three documents (perhaps of the second also) **twenty thousand copies were printed**; but the message to the Senate of May 16, 1844 (Executive Journal, VI, 286-87), and the accompanying papers, **the Senate refused to print** (ibid., 287); with the other papers sent to the Senate they were made public with the presidential message to Congress of June 10 (Richardson, IV, 323-27; House Document No. 271, 28th Congress, 1st session, serial 444).

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