

Exhibit 79

in the case of:

**People of the Republic of Texas
and the
Sovereign Nation of the Republic of Texas**

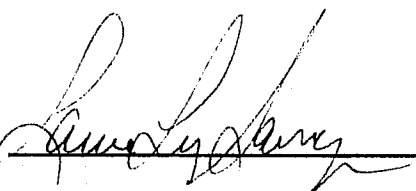
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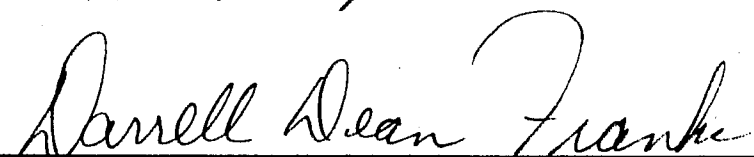
**UNITED NATIONS
(and all it's Political Subdivisions)
and
UNITED STATES
(and all it's Political Subdivisions)**

Under Pains and Penalties of perjury and the laws of the Almighty, and being sworn under a vow and oath, I attest that the attached pages are true and correct reprints of the:

Journal of the Senate of The United States of America - Second session of The Twenty Eighth Congress - December 2, 1844, from the United States Senate Library

This attestation is made on August 10, 1998.

Attest:  _____



Witness to scan and above signature



Witness to above signatures

JOURNAL

OF THE

SENATE OF THE UNITED STATES



OF AMERICA,

BEING THE

SECOND SESSION OF THE TWENTY EIGHTH CONGRESS,

PROPERTY OF
UNITED STATES SENATE
NOT TO BE HELD
LIBRARY.

AT THE CITY OF WASHINGTON,

DECEMBER 2, 1844,

AND IN THE SIXTY-NINTH YEAR OF THE INDEPENDENCE OF THE UNITED STATES.

WASHINGTON:

PRINTED BY GALE AND SEATON.

other parts, reported it with amendments; which were ordered to be printed.

The Senate resumed the consideration of the resolution (H. R. 46) for annexing Texas to the United States; and

After debate, and the consideration of Executive business, by unanimous consent,

On motion by Mr. Sevier,

Ordered, That the Senate take a recess until 5 o'clock, P. M.

FIVE O'CLOCK, P. M.

Mr. Breese reported, from the committee, that they had this day presented to the President of the United States the following enrolled bills:

S. 36. An act extending the jurisdiction of the district courts to certain cases upon the lakes and navigable waters connecting the same.

S. 101. An act explanatory of an act entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year 1845."

S. 102. An act to authorize a relocation of land warrants numbers three, four, and five, granted by Congress to General Lafayette.

S. 117. An act vesting in the county commissioners of the county of Wyandot the right to certain town lots and out lots in the town of Upper Sandusky, in the State of Ohio.

S. 121. An act to extend a patent heretofore granted to William Woodworth.

S. 127. An act to authorize the South Carolina Railroad Company to import certain pipes and machinery free of duty.

The following message was received from the President of the United States, by Mr. Waggaman:

To the Senate of the United States:

In compliance with the resolution of the Senate of the 3d instant, I herewith transmit the information called for.

JOHN TYLER.

WASHINGTON, February 26, 1845.

The message was read.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution (H. R. 46) for annexing Texas to the United States.

After debate,

On motion, by Mr. Bates, that the Senate adjourn,

It was determined in the negative, { Yeas, 21,
Nays, 23.

On motion by Mr. Walker,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Clayton, Crittenden, Dayton, Evans, Francis, Huntington, Jarnagin, Miller, Morehead, Phelps, Porter, Rives, Upham, White, Woodbridge.

Those who voted in the negative, are,

Messrs. Allen, Ashley, Atchison, Atherton, Bugby, Benton, Buchanan, Colquitt, Dickinson, Fairfield, Haywood, Henderson, Huger, Lewis,

McDuffie, Merrick, Niles, Semple, Sevier, Sturgeon, Tappan, Walker, Woodbury.

After further debate,

On motion, by Mr. Dayton, that the Senate adjourn,

It was determined in the negative, { Yeas, 26,
Nays, 26.

On motion by Mr. Walker,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Clayton, Crittenden, Dayton, Evans, Foster, Francis, Huntington, Jarnagin, Johnson, Mangum, Miller, Morehead, Pearce, Phelps, Porter, Rives, Simmons, Upham, White, Woodbridge.

Those who voted in the negative, are,

Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Breese, Buchanan, Colquitt, Dickinson, Dix, Fairfield, Hannegan, Haywood, Henderson, Huger, Lewis, McDuffie, Merrick, Niles, Semple, Sevier, Sturgeon, Tappan, Walker, Woodbury.

The debate having been continued,

On motion by Mr. Crittenden,

The Senate adjourned.

THURSDAY, FEBRUARY 27, 1845.

The President pro tempore presented a memorial of the Legislative Assembly of the Territory of Wisconsin, praying the establishment of a United States road from the falls of St. Croix to Lapointe, on Lake Superior;

A memorial of the Legislative Assembly of the Territory of Wisconsin, praying the establishment of a post route from Milwaukie to Fort Madison, in said Territory; and

A memorial of the Legislative Assembly of the Territory of Wisconsin, praying the construction of a road from Fort Howard, on Green bay, to Fort Wilkins, at Copper Harbor, on Lake Superior.

Ordered, That the memorials be printed.

Mr. Merrick presented a petition of citizens of Natchez, Mississippi, praying a reduction of the rates of postage, and the discontinuance of the franking privilege.

Ordered, That it lie on the table.

Mr. Bates presented a report of a committee, adopted by the Legislature of the Commonwealth of Massachusetts, accompanied by resolutions, which passed that body, declaring their opposition to the acquisition of any foreign territory to the United States by legislative enactment as repugnant to the Constitution; and objecting to the admission into the Union of Texas or any State or Territory not now within the limits of the Union on any other basis than that of the "perfect equality of freemen."

Ordered, That the report and resolutions be printed.

Mr. Pearce presented the petition of John Smith Hanna, praying that Texas may not be annexed to the United States.

Ordered, that it be printed.

Mr. Evans, from the Committee on Finance, reported a bill (S. 144) supplementary to an act entitled "An act to fix the value of certain for-

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208

No. 5. A Resolution for distributing the work on the Exploring Expedition.

Feb. 20, 1845

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That as each part of the work now in course of publication on the "Exploring Expedition" shall be completed, fifty-eight copies of the same shall be delivered to the Secretary of State, to be distributed as follows, that is to say: To each of these United States, one copy; to the government of France, two copies; Great Britain, two copies; Russia, two copies; and one copy each to Sweden, Denmark, Prussia, Austria, Bavaria, the Netherlands, Belgium, Portugal, Spain, Sardinia, Greece, Tuscany, the Ecclesiastical States, the Two Sicilies, Turkey, China, Mexico, New Granada, Venezuela, Chili, Peru, the Argentine Republic, Brazil, Texas, and the Sandwich Islands; and one copy to the Naval Lyceum in Brooklyn, New York.

Fifty-eight copies to Secretary of State for distribution.

Sec. 2. And be it further resolved, That one copy of said work be given to Charles Wilkes, esquire, the commander of said expedition, one copy to William L. Hudson, esquire, and one copy to Cadwallader Ringold, esquire, commandants of vessels in said expedition.

Further distribution.

Sec. 3. And be it further resolved, That two copies of said work be placed in the Library of Congress, and that the residue of said work shall be delivered to the Librarian, to be by him preserved for future distribution.

APPROVED, February 20, 1845.

No. 7. A Resolution amendatory of the resolution passed April thirty, one thousand eight hundred and forty-four, "respecting the application of certain appropriations heretofore made."

March 1, 1845

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing contained in the joint Resolution of April thirty, one thousand eight hundred and forty-four, or in any other act or Resolution, shall be understood or construed to prevent the Secretary of War from allowing and paying any just and equitable claims for supplies furnished, or advances or loans of money made to provide for the defence of the inhabitants and suppression of Indian hostilities in the Territory of Florida, provided that the amount so allowed and paid shall not exceed the sums already appropriated by law.

Payment of supplies, &c. for defence of inhabitants of Florida. Resolution April 30, 1844, ante, p. 716

APPROVED, March 1, 1845.

No. 8. Joint Resolution for annexing Texas to the United States.

March 1, 1845

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.

Consent of Congress to erection of Texas into State for admission into the Union.

2. 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

Conditional admission.

848

mitted 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 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.

Or the President may negotiate with Texas for admission, and

3. *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 resolution to the Republic of Texas, as an overture on the part of the United States for admission, to negotiate with that Republic; then,

Texas to be admitted, as soon as Texas and the U. S. agree upon the terms.

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 Governments 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 two houses of Congress, as the President may direct.

Appropriation.

APPROVED, March 1, 1845.

March 3, 1845. No. 9. *A Resolution directing an examination of Putnam's ploughing and dredging machine.*

Machine to be examined and tested.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby authorized and directed to examine a machine invented by, and patented to the late Dr. James R. Putnam of New Orleans, called a Ploughing and Dredging Machine for the removal of obstructions and bars in Rivers and Harbors, &c., and to appoint a Board of three officers to test the practical utility of said machine.

APPROVED, March 3, 1845.

March 3, 1845. No. 10. *A Resolution to authorize the Attorney General to contract for copies of a proposed edition of the Laws and Treaties of the United States.*

is hereby authorized and directed to contract, on behalf of the General Government, with Messieurs Little and Brown, for one thousand copies of their proposed edition of the Laws and Treaties of the United States, at a price not exceeding three dollars and fifty cents a volume: *Provided, nevertheless,* That the contract aforesaid shall be made upon the terms and conditions following, that is to say: *First,* That the work shall be executed, from stereotype plates, in the style proposed by the said Little and Brown in their memorial presented to Congress at the present session thereof, in volumes, well bound, of not less than eight hundred super-royal octavo pages, with a very wide text, and a syllabus of each section in small type; the text to be on long primer, the types having a full round face, and being entirely new, and the paper to be of the best quality, sized, so that notes, in manuscript, may be written on the margin of the pages. *Second.* That the work shall contain the articles of Confederation, the Constitution, all the public and all the private laws and resolves, whether obsolete, repealed, or in force, and whether temporary or permanent, as well those respecting the District of Columbia as all others, and all treaties with foreign nations and Indian tribes; but the treaties may be printed separately, and the private laws separately, in the same style and in the same order of arrangement with the others; the general laws and resolves to be contained in four octavo volumes, and the private laws and treaties in two additional octavo volumes. *Third.* There shall be a reference by a foot note, in small type, at the bottom of each page, to all laws passed subsequently or previously to that in the text, on the same subject whether printed in pamphlet or otherwise, with such explanations as may aid in obtaining a knowledge of the changes of Congressional legislation on the subjects of the laws; and in the volumes of the treaties there shall be a reference, and by a similar note, to all the laws and treaties on the subjects of the treaties. *Fourth.* In the case of laws repealed, or parts only are repealed, the date of their repeal shall be marked in the margin of the page, and the date of their being arranged in chronological order shall be marked in the margin of the page.

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THE NATIONAL ARCHIVES
Record Group No. 287
U.S. Statutes at Large

... at each volume,
... resolves, and treaties, in the
... with a brief and general description
... act, in this form, that is to say:

- Stat. 1780, chap. 1. Oaths of office.
- Stat. 1780, chap. 2. Duties.
- Stat. 1780, chap. 3. Duties on tonnage.
- Stat. 1780 chap. 4. Establishment of Executive Departments