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HOUSE OF REPRESENTATIVES.

NEW MEXICO AND CALIFORNIA.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

In answer to resolutions of the House of Representatives of July 10, 1848, reports from the Secretaries of State, Treasury, War, and Navy.

JULY 24, 1848.

Ordered to be printed.

To the House of Representatives of the United States:

In answer to the resolutions of the House of Representatives of the 10th instant, requesting information in relation to New Mexico and California, I communicate herewith reports from the Secretary of State, the Secretary of the Treasury, the Secretary of War, and the Secretary of the Navy, with the documents which accompany the same. These reports and documents contain information upon the several points of inquiry embraced by the resolutions. "The proper limits and boundaries of New Mexico and California" are delineated on the map referred to in the late treaty with Mexico, an authentic copy of which is herewith transmitted, and all the additional information upon that subject; and also, the most reliable information in respect to the population of these respective provinces, which is in the possession of the Executive, will be found in the accompanying report of the Secretary of State.

The resolutions request information in regard to the existence of civil governments in New Mexico and California; their "form and

character;" by "whom instituted;" by "what authority;" and how they are "maintained and supported."

In my message of December 22, 1846, in answer to a resolution of the House of Representatives calling for information "in relation to the establishment or organization of civil government in any portion of the territory of Mexico which has or might be taken possession of by the army or navy of the United States," I communicated the orders which had been given to the officers of our army and navy, and stated the general authority upon which temporary military governments had been established over the conquered portions of Mexico then in our military occupation.

The temporary governments authorized were instituted by virtue of the rights of war. The power to declare war against a foreign country, and to prosecute it according to the general laws of war, as sanctioned by civilized nations, it will not be questioned, exists under our constitution. When Congress has declared that war exists with a foreign nation, "the general laws of war apply to our situation;" and it becomes the duty of the President, as the constitutional "commander-in-chief of the army and navy of the United States," to prosecute it.

In prosecuting a foreign war thus duly declared by Congress, we have the right, by "conquest and military occupation," to acquire possession of the territories of the enemy, and, during the war, to "exercise the fullest rights of sovereignty over it." The sovereignty of the enemy is in such case "suspended," and his laws can "no longer be rightfully enforced" over the conquered territory, "or be obligatory upon the inhabitants who remain and submit to the conqueror. By the surrender the inhabitants pass under a temporary allegiance" to the conqueror, and are "bound by such laws, and such only, as" he may choose to recognize and impose. "From the nature of the case, no other laws could be obligatory upon them; for where there is no protection, or allegiance, or sovereignty, there can be no claim to obedience." These are well established principles of the laws of war, as recognized and practised by civilized nations; and they have been sanctioned by the highest judicial tribunal of our own country.

The orders and instructions issued to the officers of our army and navy, applicable to such portions of the Mexican territory as had been or might be conquered by our arms, were in strict conformity to these principles. They were, indeed, ameliorations of the rigors of war, upon which we might have insisted. They substituted for the harshness of military rule something of the mildness of civil government, and were not only the exercise of no excess of power, but were a relaxation in favor of the peaceable inhabitants of the conquered territory who had submitted to our authority, and were alike politic and humane.

It is from the same source of authority that we derive the unquestioned right, after the war has been declared by Congress, to blockade the ports and coasts of the enemy, to capture his towns, cities, and provinces, and to levy contributions upon him for the support of our army. Of the same character with these is the right

to subject to our temporary military government the conquered territories of our enemy. They are all belligerent rights, and their exercise is as essential to the successful prosecution of a foreign war as the right to fight battles.

New Mexico and Upper California were among the territories conquered and occupied by our forces, and such temporary governments were established over them. They were established by the officers of our army and navy in command, in pursuance of the orders and instructions accompanying my message to the House of Representatives of December 22, 1846. In their form and detail, as at first established, they exceeded, in some respects, as was stated in that message, the authority which had been given; and instructions for the correction of the error were issued in despatches from the War and Navy Departments of the 11th of January, 1847, copies of which are herewith transmitted. They have been maintained and supported out of the military exactions and contributions levied upon the enemy, and no part of the expense has been paid out of treasury of the United States.

In the routine of duty some of the officers of the army and navy who first established temporary governments in California and New Mexico have been succeeded in command by other officers, upon whom like duties devolved; and the agents employed or designated by them to conduct the temporary governments have also, in some instances, been superseded by others. Such appointments for temporary civil duty, during our military occupation, were made by the officers in command in the conquered territories, respectively.

On the conclusion and exchange of ratifications of a treaty of peace with Mexico, which was proclaimed on the 4th instant, these temporary governments necessarily ceased to exist. In the instructions to establish a temporary government over New Mexico no distinction was made between that and the other provinces of Mexico which might be conquered and held in our military occupation.

The province of New Mexico, according to its ancient boundaries as claimed by Mexico, lies on both sides of the Rio Grande. That part of it on the east of that river was in dispute when the war between the United States and Mexico commenced. Texas, by a successful revolution in April, 1836, achieved, and subsequently maintained, her independence. By an act of the congress of Texas, passed in December, 1836, her western boundary was declared to be the Rio Grande, from its mouth to its source, and thence due north to the forty-second degree of north latitude. Though the republic of Texas, by many acts of sovereignty which she asserted and exercised, some of which were stated in my annual message of December, 1846, had established her clear title to the country west of the Nueces, and bordering upon that part of the Rio Grande which lies below the province of New Mexico, she had never conquered or reduced to actual possession, and brought under her government and laws, that part of New Mexico lying east of the Rio Grande, which she claimed to be within her limits. On the breaking out of the war we found Mexico in possession of this disputed territory. As our army approached Santa Fé, (the capital of New Mexico,) it

was found to be held by a governor under Mexican authority, with an armed force collected to resist our advance. The inhabitants were Mexicans, acknowledging allegiance to Mexico. The boundary in dispute was the line between the two countries engaged in actual war, and the settlement of it of necessity depended on a treaty of peace. Finding the Mexican authorities and people in possession, our forces conquered them, and extended military rule over them and the territory which they actually occupied, in lieu of the sovereignty which was displaced. It was not possible to disturb or change the practical boundary line, in the midst of the war, when no negotiation for its adjustment could be opened, and when Texas was not present, by her constituted authorities, to establish and maintain government over a hostile Mexican population who acknowledged no allegiance to her. There was therefore no alternative left, but to establish and maintain military rule during the war, over the conquered people in the disputed territory who had submitted to our arms, or to forbear the exercise of our belligerent rights, and leave them in a state of anarchy and without control.

Whether the country in dispute rightfully belonged to Mexico or to Texas, it was our right in the first case, and our duty as well as our right in the latter, to conquer and hold it. Whilst this territory was in our possession as conquerors, with a population hostile to the United States, which more than once broke out in open insurrection, it was our unquestionable duty to continue our military occupation of it until the conclusion of the war, and to establish over it a military government, necessary for our own security, as well as for the protection of the conquered people.

By the joint resolution of Congress of March 1, 1845, "for annexing Texas to the United States," the "adjustment of all questions of boundary which may arise with other governments" was reserved to this government. When the conquest of New Mexico was consummated by our arms, the question of boundary remained still unadjusted. Until the exchange of the ratifications of the late treaty, New Mexico never became an undisputed portion of the United States, and it would therefore have been premature to deliver over to Texas that portion of it, on the east side of the Rio Grande, to which she asserted a claim. However just the right of Texas may have been to it, that right had never been reduced into her possession, and it was contested by Mexico.

By the cession of the whole of New Mexico, on both sides of the Rio Grande to the United States, the question of disputed boundary, so far as Mexico is concerned, has been settled; leaving the question as to the true limits of Texas, in New Mexico, to be adjusted between that State and the United States.

Under the circumstances existing during the pendency of the war, and while the whole of New Mexico, as claimed by our enemy, was in our military occupation, I was not unmindful of the rights of Texas to that portion of it which she claimed to be within her limits. In answer to a letter from the governor of Texas, dated the 4th of January, 1847, the Secretary of State, by my direc-

tion, informed him, in a letter of the 12th of February, 1847, that in the President's annual message of December, 1846, "you have already perceived that New Mexico is at present in the temporary occupation of the troops of the United States, and the government over it is military in its character. It is merely such a government as must exist under the laws of nations and of war, to preserve order and protect the rights of the inhabitants, and will cease on the conclusion of a treaty of peace with Mexico. Nothing, therefore, can be more certain than that this temporary government, resulting from necessity, can never injuriously effect the right which the President believes to be justly asserted by Texas to the whole territory on this side of the Rio Grande whenever the Mexican claim to it shall have been extinguished by treaty. But this is a subject which more properly belongs to the legislative than the executive branch of the government."

The result of the whole is, that Texas had asserted a right to that part of New Mexico east of the Rio Grande which is believed, under the acts of Congress for the annexation and admission of Texas into the Union as a State, and under the constitution and laws of Texas, to be well founded; but this right had never been reduced to her actual possession and occupancy. The general government, possessing exclusively the war making power, had the right to take military possession of this disputed territory, and until the title to it was perfected by a treaty of peace, it was their duty to hold it, and to establish a temporary military government over it, for the preservation of the conquest itself, the safety of our army, and the security of the conquered inhabitants.

The resolutions further request information, whether any persons have been tried and condemned for "treason against the United States in that part of New Mexico lying east of the Rio Grande since the same has been in the occupancy of our army," and if so, before "what tribunal," and "by what authority of law such tribunal was established?" It appears that after the territory in question was "in the occupancy of our army," some of the conquered Mexican inhabitants, who had at first submitted to our authority, broke out in open insurrection, murdering our soldiers and citizens, and committing other atrocious crimes. Some of the principal offenders who were apprehended were tried, and condemned by a tribunal invested with civil and criminal jurisdiction, which had been established in the conquered country by the military officer in command. That the offenders deserved the punishment inflicted upon them, there is no reason to doubt; and the error in the proceedings against them consisted in designating and describing their crimes as "treason against the United States." This error was pointed out, and its recurrence thereby prevented, by the Secretary of War in a despatch to the officer in command in New Mexico, dated on the 26th of June, 1847, a copy of which, together with copies of all communications relating to the subject, which have been received at the War Department, are herewith transmitted.

The resolutions call for information in relation to the quantity

of the public lands acquired within the ceded territory, and "how much of the same is within the boundaries of Texas, as defined by the act of the congress of the republic of Texas of the 19th day of December, 1836." No means of making an accurate estimate on the subject is in the possession of the executive department. The information which is possessed will be found in the accompanying report of the Secretary of the Treasury.

The country ceded to the United States lying west of the Rio Grande, and to which Texas has no title, is estimated by the Commissioner of the General Land Office to contain five hundred and twenty-six thousand and seventy-eight square miles, or three hundred and thirty-six millions six hundred and eighty-nine thousand nine hundred and twenty acres.

The period since the exchange of ratifications of the treaty has been too short to enable the government to have access to or to procure abstracts or copies of the land titles issued by Spain or by the republic of Mexico. Steps will be taken to procure this information at the earliest practicable period. It is estimated, as appears from the accompanying report of the Secretary of the Treasury, that much the larger portion of the land within the territories ceded remains vacant and unappropriated, and will be subject to be disposed of by the United States. Indeed, a very inconsiderable portion of the land embraced in the cession, it is believed, has been disposed of or granted either by Spain or Mexico.

What amount of money the United States may be able to realize from the sales of these vacant lands must be uncertain; but it is confidently believed that, with prudent management, after making liberal grants to emigrants and settlers, it will exceed the cost of the war, and all the expenses to which we have been subjected in acquiring it.

The resolutions also call for "the evidence, or any part thereof, that the 'extensive and valuable territories ceded by Mexico to the United States constitute indemnity for the past.'"

The immense value of the ceded country does not consist alone in the amount of money for which the public lands may be sold. If not a dollar could be realized from the sale of these lands, the cession of the jurisdiction over the country, and the fact that it has become a part of our Union, and cannot be made subject to any European power, constitutes ample "indemnity for the past" in the immense value and advantages which its acquisition must give to the commercial, navigating, manufacturing, and agricultural interests of our country.

The value of the public lands embraced within the limits of the ceded territory, great as that value may be, is far less important to the people of the United States than the sovereignty over the country. Most of our States contain no public lands owned by the United States, and yet the sovereignty and jurisdiction over them is of incalculable importance to the nation. In the State of New York the United States is the owner of no public lands, and yet two-thirds of our whole revenue is collected at the great port of that State, and within her limits is found about one-seventh of

our entire population. Although none of the future cities on our coast of California may ever rival the city of New York in wealth, population, and business, yet, that important cities will grow up on the magnificent harbors of that coast, with a rapidly increasing commerce and population, and yielding a large revenue, would seem to be certain. By the possession of the safe and capacious harbors on the Californian coast, we shall have great advantages in securing the rich commerce of the east, and shall thus obtain for our products new and increased markets, and greatly enlarge our coasting and foreign trade, as well as augment our tonnage and revenue.

These great advantages, far more than the simple value of the public lands in the ceded territory, "constitute our indemnity for the past."

JAMES K. POLK.

WASHINGTON, July 24, 1848.

To the President of the United States:

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 10th instant, requesting the President to communicate to that House "the best and most reliable information in his possession relating to the proper limits and boundaries of New Mexico and California, with the population of each, respectively; and particularly copies of the maps referred to in the late treaty between Mexico and the United States," has the honor to lay before the President a copy of Disturnell's map of the United Mexican States, published at New York in 1847. This is the only map referred to in the treaty between the United States and Mexico, and was the one used in negotiating that treaty, as will appear from the certificate of the commissioners, a copy of which is appended thereto. This map contains the latest information in the possession of the department, relating to the "proper limits and boundaries" of New Mexico and the Californias. It may here be observed, however, that on this map that part of New Mexico, on this side of the Rio Grande, is embraced within the limits of what is denominated Santa Fé. The only separate map of New Mexico, of which I am aware, is that contained in the Atlas to Thompson's edition of the "Geographical and Historical Dictionary of America and the West Indies, by Colonel Don Antonio de Alcedo," published at London in 1812, a work of the highest authority. The department has a copy of this work and the accompanying Atlas, with the exception of the map of New Mexico, which was taken from it by your direction, for Mr. Slidell's use, and transmitted to him with his instructions. This map, it is presumed, is now with the archives of the United States legation at the city of Mexico. There is also a copy of Thompson's Alcedo belonging to the library of Congress, but I am informed that it is without the Atlas.

M. Dufflot de Morfras, in his work entitled "Exploration du

territoire de l'Oregon, des Californies," &c., published at Paris in 1844, in speaking of the geography of Upper California, states that "this magnificent province extends from the 32d to the 42d degree of north latitude; it is bounded on the north by the Oregon territory, on the south by ancient (or Lower) California, on the east by the Rocky mountains, and on the west by the Pacific ocean."

It is believed that no census of the population of New Mexico and the Californias has ever been taken, and but little accurate information on this subject has been published. According to Gregg's "Commerce of the Prairies," published at New York in 1844, the entire population of New Mexico, including the Pueblo Indians, does not exceed seventy thousand souls.

According to the estimate of John Parrott, esq., our late consul at Mazatlan, a gentleman whose opportunities were favorable for obtaining information, the population of Upper California was estimated, in 1845, at 15,000 whites, 4,000 domesticated Indians, and 20,000 other Indians, making an aggregate of 39,000 souls. According to the same authority, the population of Lower California, in 1845, consisted of 2,000 whites, 2,000 domesticated Indians, and 7,000 other Indians, making an aggregate of 11,000 souls.

Thomas O. Larkin, esq., our late consul at Monterey, agrees with Mr. Parrott in estimating the white population of Upper California, in 1845, at 15,000 souls. In regard to the number of Indians, he has made no report.

In compliance with a request to Colonel Frémont, he has furnished me with an estimate of the white and Indian population of the Californias, and from his well known ability, and superior means of information, this is entitled to the highest consideration. He observes, that "in that portion of the territory popularly known as Upper California, being the occupied part, lying between the Sierra Nevada and the coast, the entire population, all castes included, may be fairly estimated at 50,000 for the close of the year 1847." Of this there were of Spanish whites and mixed bloods about 12,000, and of Americans, English, French, &c., 4,000, making an aggregate of 16,000 souls. The Indians within these limits he estimates at 34,000, of which 4,000 are domesticated.

In Upper California, east of the Sierra Nevada, Colonel Frémont states that the only white inhabitants are a settlement of Mormons on the Great Salt Lake, amounting to about three thousand. He cannot furnish an estimate, with any approach to certainty, of the number of wandering and unsettled Indians in that extensive region.

Colonel Frémont estimates the population of Lower California at 2,000, of white and mixed bloods, 2,000 of domesticated Indians, and 6,000 of wild Indians; making an aggregate of 10,000 souls.

All of which is respectfully submitted.

JAMES BUCHANAN.

DEPARTMENT OF STATE, Washington, July 17, 1848.

TREASURY DEPARTMENT, *July 19, 1848.*

SIR: I have the honor to communicate, herewith, a letter from the Commissioner of the General Land Office, with accompanying statements A and B, containing so much of the information called for in the resolution referred by you to this department, as it has been in my power to procure at present.

The statement B is believed to contain a correct abstract of the official report from the land office of Texas, in 1845, to the convention which framed the constitution of that State. It will be perceived by that report, that the superficies of Texas, assuming the boundary fixed by the laws of that State, is about 397,000 square miles, or 254,248,166 acres; whereas the area of Texas, with the same boundary, according to Disturnell's map, and the calculation of the Commissioner of our General Land Office, is 325,529 square miles, or 208,332,800 acres.

The territory of California and New Mexico, west of the Rio Grande, acquired by the treaty with Mexico, is estimated, according to Disturnell's map, and by the Commissioner of our General Land Office, at 526,078 square miles, or 336,689,920 acres.

By statement B it would appear that the whole amount of Mexican grants, within these assumed limits of Texas, is estimated at their land office at 22,080,000 acres, "a portion of which is supposed to be invalid."

If the proportion of Mexican grants should be the same in the territory above referred to, west of the Rio Grande, it would leave the amount of public domain in that territory nearly equal to 468,750 square miles, or three hundred millions of acres.

This department has not been able to obtain any authentic information as to the extent of Mexican grants within this territory, west of the Rio Grande. It is believed, however, to be very small, except within the most western slope, fronting on the Pacific.

Most respectfully, your obedient servant,

R. J. WALKER,
Secretary of the Treasury.

The PRESIDENT.

GENERAL LAND OFFICE, *July 18, 1848.*

SIR: In accordance with your request, I have the honor to enclose you a statement, marked A, exhibiting the territorial extent of Texas, and of the territory acquired by the treaty of July 4th, 1848, with Mexico; the calculations being based upon Disturnell's map of Mexico, published in New York, in 1847.

There is no data in this office as to the area of the private claims within the countries alluded to, except as to Texas; a copy of which is enclosed, marked B.

With great respect, your obedient servant,

RICHARD M. YOUNG,
Commissioner.

HON. R. J. WALKER,
Secretary of the Treasury.

A.

GENERAL LAND OFFICE, *July 17, 1848.*

The territorial extent of Texas, taking the Rio Grande to its source, and thence to the parallel of 42° north latitude, as the western boundary, estimated on Disturnell's map, is 325,520 square miles, equal to 208,332,800 acres.

The territory acquired by the treaty of 1848 with Mexico, west of the Rio Grande, and of a line drawn from the source of that river north to the parallel of 42° north latitude, estimated on Disturnell's map, is 526,078 square miles, equal to 336,689,920 acres.

B.

Extracts from the Texas papers of 1845.

The Brazos Planter says the convention has fixed the seat of government at the city of Austin, until the year 1850. Thirty-six votes were given in favor of Austin, and a scattering vote for other places.

An important document from the land office at Austin has been laid before the convention. From it we learn that the superficial extent of Texas, as comprised within the limits defined by statute of the first Texan congress, comprises, in round numbers, 397,000 square miles, or 254,284,166 acres; that the total amount of land issued by the various boards of land commissioners, is 43,543,970 acres; that the total amount of the above recommended as good and lawful claims, is 19,212,206 acres; issued by the department of war as bounty and donation claims, 6,300,000 acres; land scrip sold by the Texan government, 368,787 acres; amount of legal claims to lands issued by Texas, 25,880,993 acres; amount issued and supposed to be fraudulent, 24,331,764 acres; issued by the authorities of Mexico, a portion of which is supposed to be invalid, 22,080,000 acres, and that the total amount of public domain, subject to location and unsurveyed, is 181,991,403 acres.

The officer of the land office, in communicating the above statement, says that he has no means of knowing the whole amount of scrip that has been issued by the Texan government, but thinks the amount yet out is about one eighth of that shown to be in his office, and that the same is the case with reference to bounty lands.

WAR DEPARTMENT,
Washington, July 19, 1848.

SIR: In compliance with your direction to be furnished with such information as may be in this department, to enable you to answer the resolutions of the House of Representatives, of the 10th

instant, in relation to the civil governments in New Mexico and California; to the appointment of civil officers therein, and the payment of their salaries; to trials for treason against the United States in New Mexico, &c., &c., I have the honor to state that the documents from this department which accompanied your message to the House of Representatives, of the 22d of December, 1846, in reply to a request by that body for information "in relation to the establishment or organization of civil government in any portion of the territory of Mexico, which has been or might be taken possession of by the army or navy of the United States," contain all the orders and directions which had been issued by the War Department previous to that time, and all the information then known here in regard to the form and character of the governments established in New Mexico and California; the authority by which they were established, and the appointment of civil officers therein.

The documents which accompany this communication contain all the information on the same subjects subsequently received at this Department, as well as all the orders and instructions issued from it since the date of that message.

The governments in New Mexico and California resulted from the conquest and military occupation of these territories, and were established by the military officer in chief command. They have been continued by the same authority, and whatever changes may have occurred in the office of governor have been generally made by the commanding military officer, without special instructions from this department. In respect to California, instructions were given to General Kearny to proceed from New Mexico to that territory, and, on his arrival, to hold it and exercise, so far as was necessary, civil functions therein. Colonel R. M. Mason, of the first regiment of dragoons, was afterwards sent to take chief military command of that territory whenever General Kearny, who had leave to return to the United States, should withdraw from it; and as an incident of such command to exercise the duties of temporary civil governor, or make proper arrangements for a civil government therein.

It appears, by the accompanying papers, that Charles Bent, who had been appointed civil governor of New Mexico by General Kearny, was murdered in an insurrection which took place in January, 1847, and the office of governor, by that event, was devolved on Doniciano Vigil, who was secretary of state under Governor Bent.

The appointment not only of governor but of all the other civil functionaries was left to the military authority, which held the country as a conquest from the enemy. There is no other information in this department in relation to the changes in the civil officers of either New Mexico or California than such as is contained in the documents which accompany this communication.

It is presumed that the expenses of the civil government in both of these territories have been defrayed by revenues raised within the same. There is nothing in the documents in the department,

nor have I information from any other source, to show that the salaries of the officers of the civil government in either have been paid from the treasury of the United States; or that any money has been drawn therefrom to defray any part of the expenses of the civil government established in them.

It appears, by the accompanying documents, that early in January, 1847, there was an insurrection in New Mexico, confined to that part of it which lies east of the Rio Grande, and many murders, mostly of American citizens, were perpetrated. By the energetic conduct of our military force it was suppressed; not, however, until after considerable loss of life on both sides. Some of the instigators of it, taken in arms, were executed by the military authority; and others, deeply implicated in the crimes committed, were turned over for trial to a civil tribunal called a "district court of the United States." They were, in form, charged with treason against the United States, condemned, and some of them executed. In April, 1847, the person acting as district attorney on their trial addressed a letter to the Attorney General of the United States, (a copy of which is among the documents appended hereto,) but it was not received until the latter part of May or the first of June of that year. By this letter, it appears that objections were made at the trials, by the accused, to the jurisdiction of the court. It was urged by them that, being citizens of Mexico before the conquest of the territory, they did not become thereby citizens of, and consequently could not be guilty of the crime of treason against the United States. These objections were overruled, the trials proceeded and resulted in the conviction and execution of several of the accused.

This letter was referred to this department by the Attorney General, with a suggestion that he would give an official opinion upon the questions presented, if, as is the legal course, it should be requested; but the error in the designation of the offence was too clear to admit of doubt, and it is only in cases of doubt that resort can be had to the Attorney General for his opinion. On the 26th of June, 1847, I wrote to the commanding officer of Santa Fé a letter, (a copy of which accompanies this communication,) in which the incorrect description of the crime in the proceedings of the court is pointed out. It is therein stated that "the territory conquered by our arms does not become, by the mere act of conquest, a permanent part of the United States, and the inhabitants of such territory are not, to the full extent of the term, citizens of the United States. It is beyond dispute that, on the establishment of a temporary civil government in a conquered country, the inhabitants owe obedience to it, and are bound by the laws which may be adopted; they may be tried and punished for offences. Those in New Mexico, who, in the late insurrection, were guilty of murder, or instigated others to that crime, were liable to be punished for these acts, either by the civil or military authority; but it is not the proper use of legal terms to say that their offences was treason committed against the United States. For to the government of the United States—as the government under our

constitution—it would not be correct to say that they owed allegiance. It appears by the letter of Mr. Blair, to which I have referred, that those engaged in the insurrection have been proceeded against as traitors to the United States. In this respect I think there was error, so far as relates to the designation of the offence. Their offence was against the temporary civil government of New Mexico, and the laws provided for it, which that government had the right and, indeed, was bound to see executed.”

No copy or record of the proceedings of the court, on these trials for treason, has been received at this department.

Very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

To the PRESIDENT.

WAR DEPARTMENT,
Washington, January 11, 1847.

SIR: Your communication from Santa Fé, of the 22d of September, accompanied by a copy of the laws prepared for the government of New Mexico, and established in that territory, was received at this department on the 23d of November last.

Soon after the meeting of Congress, the President was called on, by a resolution of the House of Representatives, for the *orders* and *instructions* issued to the officers of the army and navy by him, for the civil government of the territories which had been, or might be, acquired by our arms. I herewith send you a copy of the President's message, with the documents sent to Congress in answer to that resolution. By this you will learn the President's views as to the powers and authority to be exercised in the territories conquered and occupied by our forces. These views are presented more in detail in instructions prepared under his directions, by the Secretary of the Navy, bearing date this day, an extract of which is herewith transmitted for your information, and particularly, for the guidance of your conduct. This document is so full and clear on all points in regard to which you may desire the directions of the government, that I do not deem it necessary to enlarge upon it.

It is proper to remark, that the provisions of the laws which have been established for the government of the territory of New Mexico go, in some few respects, beyond the line designated by the President, and propose to confer upon the people of that territory political rights under the constitution of the United States. Such rights can only be acquired by the action of Congress. So far as the code of laws established in New Mexico by your authority attempts to confer such right, it is not approved by the President, and he directs me to instruct you not to carry such parts into effect.

Under the law of nations, the power conquering a territory or country has a right to establish a civil government within the same, as a means of securing the conquest, and with a view to protecting

the persons and property of the people; and it is not intended to limit you in the full exercise of this authority. Indeed, it is desired you should exercise it in such a manner as to inspire confidence in the people that our power is to be firmly sustained in that country. The territory in our military occupation, acquired from the enemy by our arms, cannot be regarded, the war still continuing, as permanently annexed to the United States; though our authority to exercise civil government over it is not, by that circumstance, the least restricted. It is important that the extent and character of our possessions in the territories conquered from the enemy should not be open to question or cavil. This remark, though having reference to all our acquisitions, is in an especial manner applicable to the Californias. As to Upper California, it is presumed no doubt can arise; but it may not be so clear as to Lower California. It is expected that our flag will be hoisted in that part of the country, and actual possession taken, and continuously held, of some place or places in it, and our civil jurisdiction there asserted and upheld.

A copy of this communication will be sent to the commanding officer at Santa Fé, with instructions to conform his conduct to the views herein presented.

Very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

Brig. Gen. STEPHEN W. KEARNY,
Com. U. S. Army in California, Mexico.

Extract of a despatch to Commodore Stockton.

NAVY DEPARTMENT, *January 11, 1847.*

SIR: Your communications, dated at Monterey on the 18th and 19th September, were received at the department on the 26th December ultimo, by the hands of Mr. Norris, whose activity and intelligence in executing his orders entitle him to my thanks.

You will probably have received, before this can reach you, my despatches, which were entrusted to Lieutenant Watson, of the United States navy, under date of the 5th of November, in which, as commander-in-chief of the United States naval forces in the Pacific, you were informed that the President "has deemed it best for the public interests, to invest the military officer commanding with the direction of the operations on land, and with the administrative functions of government over the people and territory occupied by us."

Accompanying this, I send you copies of the President's annual message, transmitted to Congress on the 8th December ultimo, with the accompanying documents, including the annual reports of the War and Navy Departments. I also send you a printed copy of the document No. 19 of the House of Representatives.

You will perceive from these papers the view taken by the Ex-

ecutive of the measures which have been adopted by the military and naval commanders in those States of Mexico of which we have acquired possession by military conquest.

I see no reason to qualify the opinion which I expressed in my report, that "your measures in regard to the conquered territory are believed to be warranted by the laws of war." And, in answer to your suggestions that "a general approval by the government of the United States of your conduct, if they do approve, to be published in the Californian, would have a good effect," I have been directed by the President to communicate a more full statement of his views of the principles which govern the conduct of our officers in the circumstances in which you have been placed, and on which the instructions heretofore given were based.

By the constitution of the United States, the power to declare war is vested in Congress. The war with Mexico exists by her own act and the declaration of the Congress of the United States. It is the duty of the Executive to carry on the war, with all the rights, and subject to all the duties imposed by the laws of nations, a code binding on both belligerents.

The possession of portions of the enemy's territory, acquired by justifiable acts of war, gives to us the right of government during the continuance of our possession, and imposes on us a duty to the inhabitants who are thus placed under our dominion. This right of possession, however, is temporary, unless made absolute by subsequent events. If, being in possession, a treaty of peace is made and duly ratified, on the principle of *uti possidetis*; that is, that each of the belligerent parties shall enjoy the territory of which it shall be in possession at the date of the treaty; or, if the surrender of the territory is not stipulated in the treaty so ratified, then the imperfect title acquired by conquest is made absolute, and the inhabitants, with the territory, are entitled to all the benefits of the federal constitution of the United States, to the same extent as the citizens of any other part of the Union.

The course of our government in regard to California, or other portions of the territory of Mexico, now or hereafter to be in our possession by conquest, depends on those on whom the constitution imposes the duty of making and carrying treaties into effect. Pending the war, our possession gives only such rights as the laws of nations recognize, and the government is military, performing such civil duties as are necessary to the full enjoyment of the advantages resulting from the conquest, and to the due protection of the rights of persons and of property of the inhabitants.

No political right can be conferred on the inhabitants, thus situated, emanating from the constitution of the United States. That instrument establishes a form of government for those who are within our limits, and our voluntary allegiance to it. Unless incorporated with the assent of Congress by ratified treaty, or by legislative act, as in the case of Texas, our rights over enemies' territory in our possession are only such as the laws of war confer, and there is no more than are derived from the same authority.

They are, therefore, entitled to no representation in the Congress of the United States.

Without anticipating what may be the terms of a treaty, which it is hoped will be entered into between the two republics, there will be no revocation of the orders given in my despatch of the 5th of November last, "that under no circumstances will you voluntarily lower the flag of the United States, or relinquish the actual possession of California," with all the rights which it confers.

In the discharge of the duty of government in the conquered territory during our military possession, it has not been deemed improper or unwise that the inhabitants should be permitted to participate in the selection of agents, to make or execute the laws to be enforced. Such a privilege cannot fail to produce amelioration of the despotic character of martial law, and constitute checks voluntarily and appropriately submitted to by officers of the United States, all whose instructions are based on the will of the governed.

I have regarded your measures, in authorizing the election of agents charged with the making laws or in executing them, as founded on this principle; and so far as they carry out the rights of temporary government, under existing rights of possession, they are approved. But no officers created, or laws or regulations made to protect the rights or perform the duties resulting from our conquests, can lawfully continue beyond the duration of the state of things which now exist, without authority of future treaty or act of Congress.

At present it is needless, and might be injurious to the public interest, to agitate the question in California, as to how long those persons who have been elected for a prescribed period of time will have official authority. If our right of possession shall become absolute, such an enquiry is needless, and if by treaty or otherwise we lose the possession, those who follow us will govern the country. The President, however, anticipates no such result. On the contrary, he foresees no contingency in which the United States will ever surrender, or relinquish the possession of the Californias. The number of official appointments, with civil or military duties, other than those devolved on our navy and army, by our own laws, should be made as small as possible; and the expenses of the local government should be kept within the limits of the revenues received in the territory, if it can be done without detriment to the public interest.

DEPARTMENT OF STATE,
Washington, May 20, 1848.

SIR: I have the honor of enclosing to you, four letters received at this department, the first from the late Governor Bent, dated the 26th December last; and three others from Donaciano Vigil, formerly secretary but now the acting governor of New Mexico, dated, respectively, on the 26th February, and on the 23d and 26th March.

As the government of New Mexico is military, these letters naturally refer themselves to your department. They contain information and suggestions well worthy of your attention.

Mr. Vigil appears to be anxious that a successor should be appointed to Governor Bent without delay, and strongly recommends for that office Mr. Ceran St. Vrain, of Missouri.

Yours, very respectfully,

JAMES BUCHANAN.

HON. W. L. MARCY,
Secretary of War.

SANTA FE, NEW MEXICO,
December 26, 1846.

SIR: I have been informed indirectly that Colonel A. W. Doniphan, who, in October last, marched with his regiment against the Navajo Indians, has made a treaty of peace with them. Not having been officially notified of this treaty, I am not able to state the terms upon which it has been concluded; but, so far as I am able to learn, I have but little ground to hope that it will be permanent.

On the 17th instant, I received information from a Mexican, friendly to our government, that a conspiracy was on foot among the native Mexicans, having for its object the expulsion of the United States troops and the civil authorities from the territory. I immediately brought into requisition every means in my power to ascertain who were the movers in the rebellion, and have succeeded in securing seven of the secondary conspirators. The military and civil officers are now both in pursuit of the two leaders and prime movers of the rebellion; but as several days have elapsed, I am apprehensive that they will have made their escape from the territory.

So far as I am informed, this conspiracy is confined to the four northern counties of the territory, and the men considered as leaders in the affair cannot be said to be men of much standing.

After obtaining the necessary information to designate and secure the persons of the participators in the conspiracy, I thought it advisable to turn them over to the military authorities, in order that these persons might be dealt with more summarily and expeditiously than they could have been by the civil authorities.

The occurrence of this conspiracy at this early period of the occupation of the territory will, I think, conclusively convince our government of the necessity of maintaining here, for several years to come, an efficient military force. I would respectfully recommend, as the most economical and efficient force for this territory, 1,000 men, composed as follows: 200 dragoons, two full companies of artillery, 300 infantry armed with muskets, 300 armed with rifles. The riflemen to be trained as mounted men, so as to be able to act in concert with the dragoons in cases of emergency. With a force thus organized, the tranquility of the territory would be insured. This force should, without fail, be placed here at the moment the

term of service of the troops at present occupying the territory shall expire.

These suggestions I beg leave respectfully to submit to your consideration.

With the highest respect and esteem, your obedient servant,
C. BENT.

To the Hon. JAMES BUCHANAN,
Secretary of State of the United States.

SANTA FE, February 16, 1847.

SIR: It becomes my melancholy duty to announce to you the death of his excellency Charles Bent, the governor of this territory.

On the morning of the 19th ultimo, he was assailed in his private dwelling, in the town of Don Fernando de Taos, by a company of Indians of the Taos *Pueblo*, in company of a number of the *Mexican* inhabitants of the town, and put to death with all the horrible details of savage barbarity. There were murdered, during the same and the following day, 12 other Americans, and two Mexicans in the valley of Taos, among whom were James W. Leal, circuit attorney for the northern district, Stephen L. Lee, and Cornelio Vigil, (Mexican,) sheriff and prefect for the county of Taos.

After the murder of Governor Bent, most of the lower order of Mexicans of the valley of Taos, and of the small towns in the vicinity, rose *en masse* and joined the Pueblo Indians in the work of pillage and murder. They organized themselves into a revolutionary army, appointed their leaders, and sent circulars to different parts of the territory to excite the people to rebellion. Detachments from the rebels fell upon the settlement of the Poñil, where most of the government stock were herded, all of which they drove off, and upon the town of Lode Mora, where they murdered eight Americans. The main body of the insurgents, numbering from 1,500 to 2,000 Mexicans and Pueblo Indians, advanced towards Santa Fé, forcing into their ranks many of the better inclined on their route. Upon the first intelligence of their movements and outrages, Colonel Sterling Price promptly made preparations to march against them.

Colonel P. marched from this capital towards Taos on the 23d ultimo, with a force of about 400 men, with four pieces of artillery, and encountered the enemy on the 24th and 29th, at La Cañada and La Embuda, each time defeating them with considerable loss. He entered the town of Don Fernando on the evening of the 3d inst., and immediately attacked the Pueblo town, lying about two miles from Don Fernando, a stronghold of the Pueblo Indians, into which all the Indians, and all the Mexican insurgents who had not dispersed after the previous battles, had thrown themselves for a last desperate struggle. They defended the town with great bravery; but the incessant and gallant charges of Colonel Price's command succeeded in taking it on the evening of the 4th instant. What re-

mained of the Pueblo surrendered at that time at discretion, agreeing to deliver up their leader in the rebellion, who was brought in, delivered up in two or three days afterwards, and was unfortunately shot by an exasperated soldier while under charge of the guard.

Of the four principal leaders in the revolt, two were slain in battle; one was taken and hanged under sentence of a court martial; one survives, and has not yet been taken.

A small detachment of troops stationed near Lode Mora, in consequence of the murder of the eight Americans there, dispersed and slew a number of the insurgents, and utterly destroyed the town. Some 50 prisoners have been retained by the military and civil authorities for trial, as being deeply implicated in the insurrection, and I deem it of the highest importance to the future peace and safety of the territory that they should be dealt with according to the severest penalties of the laws of the United States, when proved guilty as perpetrators of, or participators in, the late barbarous outrages.

The details of the military operations consequent upon the late disturbances, will no doubt be communicated to the proper department by the colonel commanding.

The losses sustained by Americans and other citizens, by pillage, during the late insurrection, is estimated to be over \$100,000.

The rebellion seems to be crushed; but, from my experience of the character and disposition of this people, I apprehend that, should our arms meet with a reverse in Chihuahua or elsewhere, south of this territory, it would be the signal of another outbreak. I am gratified to be able to state that the late rebellion has been confined entirely to the northern or Taos district, the central and southern have remained entirely quiet, and in the north hardly a man of wealth or consequence has been concerned.

Since the commencement of the disturbances, the Navajo Indians have broken the treaty *said* to have been made with them by Col. A. W. Doniphan, and are now committing depredations on the frontier settlements.

By a provision of the territorial laws, it becomes my duty, in virtue of my office as secretary of the territory, to assume the duties of governor, until a successor of the lamented Governor Bent can be duly appointed and qualified. Feeling the strongest desire to discharge any duties that may be assigned me as a citizen of the United States in all good faith and zeal for the public good, yet I beg leave respectfully to urge the immediate appointment by the President of a successor to the late governor.

In the present situation of the country, my duties of secretary of territory and ex officio register of lands, are as much as I feel competent to discharge.

I trust I may not appear presumptuous in suggesting that, under existing circumstances, it appears to me highly important to the welfare of this territory that a governor should be appointed who understands its people and their language, and who would be acceptable to them, and at the same time a man of firmness and integrity.

I find these qualities combined in Cerad St. Vrain, a native of Missouri, though an occasional resident of this territory for many years past. I most heartily recommend Mr. St. Vrain to your particular notice pending the selection of a suitable person for governor of this territory. His appointment would meet with the unanimous approbation of the people here.

Before closing, I beg leave to state that all the measures recommended by the late governor for the benefit and advancement of the territory had my most hearty approval.

I would only remark in regard to the military force recommended by the late governor to take the place of the present volunteer force, when their time shall have expired, instead of 1,000 regular troops, I would recommend that 2,000 be stationed in this territory, to replace the present force when it shall be recalled, during the continuance of the war with Mexico; late events and present circumstances, I think, prove the necessity of that force. Experience has also shown us that the force here should be of a regular or well disciplined troops. Volunteer corps are rarely sufficiently disciplined, at the same time, to aid the government, defence and conciliation of a people who have been received under the government of the United States under the unusual circumstances of the people of this territory.

Begging your kind indulgence for the length of this letter, permit me to subscribe myself your most obedient servant,

DONACIANO VIGIL,
Secretary of Territory.

To the HON. JAMES BUCHANAN,
Secretary of State of the U. S.

[Translation.]

TRIUMPH OF PRINCIPLES OVER TURPITUDE.

The provisional governor of the territory to its inhabitants:

FELLOW CITIZENS: The gang of Pablo Montoya and Cortez, in Taos, infatuated, in consequence of having sacrificed to their caprice his excellency, the governor, and other peaceable citizens, and commenced their great work of plunder—by sacking the houses of their victims, according to principles proclaimed by them, for the purpose of making proselytes—yesterday encountered, in the vicinity of La Cañada, the forces of the government restorative of order and peace, and in that place, unfortunately for them, their triumph ended; for they were routed with the loss of many killed, and forty-four prisoners, upon whom the judgment of the law will fall. Their hosts were composed of scoundrels and desperadoes, so that it may be said that the war was one of the rabble against honest and discreet men; not one of the latter has, as yet, been found among this crew of vagabonds, unless, perhaps, some one actuated by the fear of losing his life while in their power, or

of being robbed of his property. The government has the information, and congratulates itself that, within ten days, the inquietude caused you by the cry of alarm raised in Taos, will cease, and peace, the precursor of the felicity of the country, will return to take her seat on the altar of concord and reciprocal confidence.

The ringleaders of the conspiracy, if they should be apprehended, will receive the reward due to their signal crimes, and the government, which, for the present, has been compelled to act with energy, in order to crush the head of the revolutionary hydra which began to show itself in Taos, will afterwards adopt lenient measures, in order to consolidate the union of all the inhabitants of this beautiful country under the ægis of law and reason.

I hope, therefore, that, your minds being now relieved of past fears, you will think only on the security and protection of the law; and, uniting with your government, will afford it the aid of your intelligence, in order that it may secure to you the prosperity desired by your fellow citizen and friend,

DONACIANO VIGIL.

SANTA FE, *January 25, 1847.*

[Translation.]

The provisional governor of the territory to its inhabitants:

FELLOW CITIZENS: Your regularly appointed governor had occasion to go, on private business, as far as the town of Taos. A popular insurrection, headed by Pablo Montoya and Manuel Cortez, who raised the cry of revolution, resulted in the barbarous assassination of his excellency, the governor, of the greater part of the government officials, and some private citizens. Pablo Montoya, whom you already know, notorious for his insubordination and restlessness, headed a similar insurrection in September, 1837; destitute of any sense of shame, he brought his followers to this capital, entered into an arrangement, deserted, as a reward for their fidelity, the unfortunate Montoyas, Esquibal and Chopon, whose fate you know, and retired, himself, well paid for his exploits, to his den at Taos. The whole population let the weight of their execration fall on others, and this brigand they left living on his wits—for he has no home, or known property, and is engaged in no occupation. Of what kind of people is his gang composed? Of the insurgent Indian population of Taos, and of others as abandoned and desperate as their rebellious chief. Discreet and respectable men are anxiously awaiting the forces of the government, in order to be relieved from the anarchy in which disorder has placed them, and this relief will speedily be afforded them. In the year 1837, this mischievous fool took, as a motto for his perversity, the word “canton,” and now, it is “the re-union of Taos!” Behold the works of the champion who guides the revolution! And can there be a single man of sense who would voluntarily join his ranks? I should think not.

Another of his pretended objects is, to wage war against the foreign government. Why, if he is so full of patriotism, did he not exert himself, and lead troops, to prevent the entry of the American forces, in the month of August, instead of glutting his insane passions, and showing his martial valor by the brutal sacrifice of defenceless victims, and this at the very time when an arrangement between the two governments, with regard to boundaries, was expected? Whether this country has to belong to the government of the United States or return to its native Mexico, is it not a gross absurdity to foment rancorous feelings towards people with whom we are either to compose one family, or to continue our commercial relations? Unquestionably it is.

To-day, or to-morrow, a respectable body of troops will commence their march, for the purpose of quelling the disorders of Pablo Montoya, in Taos. The government is determined to pursue energetic measures towards all the refractory, until they are reduced to order, as well as to take care of, and protect, honest and discreet men; and I pray you that, hearkening to the voice of reason, for the sake of the common happiness and your own preservation, you will keep yourselves quiet, and engaged in your private affairs.

The term of my administration is purely transitory. Neither my qualifications, nor the *ad interim* character, according to the organic law, in which I take the reins of government, encourage me to continue in so difficult and thorny a post, the duties of which are intended for individuals of greater enterprise and talents; but I protest to you, in the utmost fervor of my heart, that I will devote myself exclusively to endeavoring to secure you all the prosperity so much desired by your fellow citizen and friend,

DONACIANO VIGIL.

SANTA FE, January 22, 1847.

[Translation.]

CIRCULAR.

Supreme government of the Territory.

When a father of a family neglects, or, more properly speaking, feigns not to perceive the misbehavior of his children, and permits them to escape merited punishment, their propensity to indulge in excesses continually increases, until the habit is so confirmed that not even the severe punishment imposed by laws is sufficient to check them in the career which they have marked out for themselves; and the same is the case with a whole people under similar circumstances. Taos, whose beautiful valley rewards with abundant fruits the labors of industry, sheltered in her bosom a class of population wholly demoralized, the history of whose civil existence is a record of a series of crimes. In the year 1837, the

flames of the revolution of La Cañada having been extinguished, they were kindled anew in this valley; the timely measures adopted by General Armijo to quench them, and the execution of some rebels, who were taken between this and La Cañada, gave peace to the country for a time, and order was, in appearance, re-established; but as the rebels were not punished with due severity at the very places where they had confederated, nor subjected to the necessary restrictions, they remained unawed. Very soon, therefore, after their rout at the little gap, these people of Taos began to manifest the evil intentions which they harbored in their bosoms, in consequence of the impunity of their first crimes, and of those which they have successively committed, until that which they recently perpetrated with so much savage inhumanity, which has covered us with mourning and plunged us in grief and sad recollections. In the year 1843 they rose and sacked the tithe granaries situated at various points in the valley of Taos, and the government, shrinking from the duty of punishing this excess and castigating, at least, the principal culprits, approved, or, for some reason, so completely overlooked it, that no notice was taken of the affair. Encouraged by the impunity which attended this crime, in the beginning of July, in the same year, they re-assembled with criminal views of a more enlarged nature; for they proposed to themselves and attempted, in the first place, to kill the few Americans and French who had married and settled among them; and although they did not consummate this, owing as well to want of unanimity among themselves as to their failing to effect a surprise, they sated their rapacity by plundering the stores and houses of the wealthiest foreigners. The local authorities, with the view of quieting the complaints of the injured individuals, commenced some proceedings which, from the mode in which they were carried on, necessarily led to no result. On this, application was made to the government, but with the same result; and finally, after much expense and trouble, through the indifference and connivance of the said authorities and of the government, the injured parties were ruined, and the miscreants who perpetrated the crime were left to enjoy, in absolute impunity, the fruit of their plunder.

The apathetic and criminal conduct of the previous administrations with respect to popular commotions, gave so much encouragement to the perpetrators of these crimes, that those who originated the plan of the revolution which has just been quelled, found no difficulty whatever among the people of Taos, already adepts in such proceedings.

According to statements made by Indians of the town of Taos, who have appealed to the clemency of the commander of the forces employed in the restoration of order, the same *Diego Archuleta*, who, in the middle of December last year, planned a revolution in this city, which, being discovered in time by the government, was quelled before it burst forth, is the individual who, before flying from the country, aided by the so-called Generals Pablo Montoya, Manuel Cortés, Jesus Tafoya, and Pablo Chavez, instigated them to the insurrection and proceedings which they

carried into execution; and persuaded them that they might enter Santa Fé without resistance, and might subsequently, with little trouble, destroy; or drive out of the country, all the forces of the government.

The individuals mentioned are, so far as now known, the chiefs of this band of murderers and thieves. *Diego Archuleta* fled in a cowardly manner from the territory before the commencement of the revolution, which he himself planned and counselled: Chavez and Tafoya fell in the action. Montoya was executed at Taos, and the assassin Cortez is wandering a fugitive in the mountains: there are, besides, at the disposal of the tribunals, various individuals arraigned as accomplices, upon whom, if guilty, the judgment of the law will fall.

The government troops triumphed over the rebels successively at La Cañada, Embudo, and Taos, where the victory was decisive. There were killed in the field and town of Taos about two hundred rebels; the remainder begged their lives and a pardon, which was granted them; and they were left at liberty to pursue their occupations in the security and peace which they themselves had disturbed.

In giving you information of recent occurrences, I have profited by the occasion to state in detail the misfortunes which have heretofore afflicted this territory, and the causes to which they are to be attributed, in order that public officers engaged in the sphere of their duties may redouble their efforts to preserve order, and that good citizens may contribute by their influence, their talents, and their patriotism to the same object; and that they may exhort the people to industry—the only source of riches.

By these means, under the protection of a strong government, and of the just laws which govern us, you will be happy, and that is what is most desired by your best friend,

DONACIANO VIGIL.

SANTA FE, *February 12, 1847.*

SANTA FE, *March 23, 1847.*

SIR: Since my letter of the 16th February, a number of persons engaged in the late rebellion have been brought to trial before the United States district court for this Territory, Antonio Maria Trujillo was found guilty of treason, and received the sentence of the court.

A petition was immediately laid before me, signed by the presiding justice, one of the associate justices, United States district attorney, the counsel for the defence, most of the members of the jury before whom the accused was tried, and many of the most respectable citizens, praying that the execution of the sentence of the court be suspended until a petition could be laid before the President of the United States for the pardon of the prisoner, on the ground of his age and infirmity.

Though feeling assured that the accused had had a fair trial, and had been justly sentenced and legally convicted, I still feel

justified in granting the prayer of the petition, signed as it was by the court and the jury before whom he was tried and convicted.

I am informed that a petition will be immediately forwarded to the President, praying for the pardon of Trujillo, on the ground above stated. I trust the President will give the matter a careful consideration. The prisoner is about seventy-five years of age, necessarily infirm, and evidently near the end of his days; and, although as the head of an influential family, much was done in his name to excite and forward the late rebellion, still, on account of his years and the near termination of his career, I cannot but consider him a proper subject for the mercy of the government.

The United States district court is still in session at this capital, having under trial three indictments for treason against three prominent persons in the late rebellion. Twenty-four prisoners have been discharged for want of testimony to indict them for treason, and also on the ground that they have been under the influence and deceived by the representations of men who had always exercised tyrannical control over them.

I am informed that there are upwards of forty prisoners confined in the northern district awaiting their trial at the coming term of the United States district court for that district.

I cannot do less than commend the diligence and, at the same time, the fairness and justice with which the tribunals of the Territory discharge their duties.

With the highest sentiments of esteem, truly, your obedient servant,

DQNACIANO VIGIL.

To the Hon. JAMES BUCHANAN,
Secretary of State, U. S.

SANTA FE, *March 26, 1847.*

SIR: A few days since the colonel commanding received a deputation of principal men from the Navajo Indians, from whom he exacted a promise that all the prisoners and stock, taken in their late marauding expeditions against the settlements of the southern district, should be restored by the end of the present month.

I have no confidence in the fulfilment of the promise; indeed, these Indians continue to commit daily outrages in the disregard of their promise. I hope measures will be immediately taken by the officer in command here, to compel not only a restitution of property and prisoners, but to secure for the future respect for our arms and government, and a lasting submission on the part of these turbulent savages; the interest and prosperity of the territory urgently demands it.

In the late attacks of these Indians many citizens have been deprived of their all, and unless something be speedily done to prevent further depredations, the native citizens will have just cause to complain that the promises made to them by Brigadier General Kearny, to the effect that they should be protected against these

Indians, their ancient enemies, has been shamefully violated and disregarded.

It is with feelings of the highest gratification that I am able to announce that Colonel A. W. Doniphan entered the city of Chihuahua on the 1st instant, having met the enemy on the day previous at Sacramento, some eighteen miles from the city, upwards of 4,000 strong, and in an action of three hours, with his command of 1,400 men, including the wagoners of the merchants' caravans, gained a victory almost unprecedented in history, putting the enemy to flight, leaving 169 dead on the field, while the command lost only two killed and seven wounded.

I cannot close without again urging upon the government the absolute necessity of replacing the present volunteer force in this territory, by a force of regular troops, on the ground of greater economy, expediency and efficiency. In my opinion, both the interests of the United States and of this territory clearly demand it.

With sentiments of the highest esteem, truly your obedient servant,

DONACIANO VIGIL.

To the HON. JAMES BUCHANAN,
Secretary of State of the U. S.

SANTA FE, April 1, 1847.

SIR: You will doubtless have received, before this reaches you, the particulars of the late insurrection in the northern district of this territory through the public prints.

Of the prisoners taken in the suppression of that rebellion, one of the leaders was executed under sentence of a court martial, the remainder were turned over for trial to the civil authorities, on the charge of treason against the United States.

At a term of the United States district court for this territory, held at this capital in March last, four conspicuous persons in the late rebellion were indicted for treason by the grand jury; three put upon their trial, one of whom was found guilty and sentenced by the court, one discharged under a nolle prosequi, and two obtained continuance to the adjourned term of the court in May next. Some twenty-five prisoners were discharged; the grand jury not finding sufficient evidence to indict them for treason.

About fifty prisoners are confined at Taos, in the northern district, awaiting trial, at the term of the court commencing on the 5th instant. At which time both the circuit court for that county and the United States district court will be in session.

A number of the prisoners can be identified as active participants in the massacre of the late Governor Bent and others; these it is the intention to prosecute before the circuit court; but many others, who were active in the planning and exciting the late insurrection, I feel it my duty to prosecute for treason against the United States.

I have taken the liberty to lay these particulars before you, in

order that I may understandingly ask your counsel and advice, which I have had a great desire to obtain before entering upon these prosecutions, but the want of opportunity to communicate with you did not permit it.

You are doubtless fully aware of the manner and form in which Brigadier General Kearny declared New Mexico a territory of the United States, and its inhabitants citizens, subject to her laws and liable to penalty for their infraction, in like manner as citizens of any other territory of the United States. By the authority in him vested, he established a civil government, a superior court, with jurisdiction as a United States district court. In this last named court, I, by appointment, act as United States district attorney, and have felt it my duty to prosecute all acts or treason committed by the inhabitants of this territory, holding them responsible for all their acts as citizens of the United States.

In nearly all the cases tried, the counsel for the defence have entered pleas to the jurisdiction of the court, which the court overruled, and in the case of Trujillo, who was convicted, the defence plead the jurisdiction of the court before the jury, declaring it to be unconstitutional to try any *native* inhabitant of New Mexico for the crime of treason against the government of the United States, until by actual treaty with Mexico he became a citizen. The court ruled out any consideration of this point by the jury, leaving it only the evidence and the facts upon which to make its verdict. Considering that it was constituted, the court was bound by its oath to view all the inhabitants of New Mexico as citizens of the United States, and to execute the laws in regard to them as such, leaving the responsibility of the question of its constitutionality to fall back upon the power which constituted it.

I am anxious to receive your counsel and advice at the earliest possible moment in regard to all the matters above referred to.

Mails for this place will no doubt leave Fort Leavenworth regularly hereafter, and I trust you will oblige me by replying to this by the first opportunity.

Very respectfully, your obedient servant,

FRANK P. BLAIR.

To the Hon. JOHN Y. MASON,
Attorney General of the United States.

WAR DEPARTMENT,
June 1, 1847.

SIR: Requisitions were made, in April last, for one regiment of volunteer horse and one battalion of foot, from Missouri, and one regiment of foot, from Illinois, for service in Santa Fé. They have, no doubt, been mustered into service before this, and orders have been given to hasten them forward. It is hoped they will arrive at their destination in time to replace the volunteers, whose term of service will expire in June and July, should these last determine not to re-engage for a further term. But without counting

upon such re-engagement, the force now about to be sent to Santa Fé, together with the regular troops assigned to the same service, will, it is believed, be sufficient to hold that country. It is contemplated to establish two or more posts on the route to Santa Fé; in which case a part of the troops will be left to garrison these posts.

The department is anxious that you should continue in service, in command of this force; and with this view, has suggested to his excellency the Governor of Missouri, to commission you as Colonel of the cavalry regiment raised under this recent call. It is hoped his excellency will be able to comply with the wishes of the department, in this respect, and that the appointment, if made, will be acceptable to you.

Communications from the acting Governor of Santa Fé, addressed to the Secretary of State, have been received, and referred to this department. The one dated the 23d of March refers to the trial and sentence of Antonio Maria Trujillo, for treason, in which it is stated that a petition has been forwarded to the President, recommending his pardon. This recommendation has not yet reached the President; and, as he is now absent, I can give you no distinct information as to what will be his views on the subject, but have but little doubt that his inclination will be strongly on the side of mercy.

A further communication will be made upon this subject, as well as that relating to the appointment of governor for New Mexico, presented in the papers received. It is proper that I should remark, that the government of New Mexico is strictly military, and not established under the laws and constitution of the United States; and to the officer in chief military command the whole arrangement of it, in all its details, I presume, will be left by the President.

Very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

Colonel STERLING PRICE,
Commanding U. S. forces, Santa Fé, New Mexico.

WAR DEPARTMENT,

June 11, 1847.

SIR: The latest communication from you is your letter of the 30th of January.

Although Commodore Shubrick, who sailed from Boston in August, had arrived at Monterey a few days before your letter was written, it does not appear that the despatches from this department sent out by him had been received by you. It is sincerely to be hoped that the commodore's instructions from the Navy Department, and those from this department to yourself, put an end to the much regretted misunderstanding which had arisen between yourself and the commander of the squadron in the Pacific. These

instructions bore date as early as August last, before it was known that you had left the United States, and were prepared in great uncertainty whether you would be able to go beyond Santa Fé until this spring, and what would be the condition of affairs there on your arrival. It was then anticipated that the naval force might take possession of important places on the coast of California some time before a land force could arrive in that country to co-operate with it; and the early instructions to that branch of the service were framed with only a very remote expectation of the presence of a land force. The relative powers and duties of the commanders of the land and naval forces were not so particularly considered and defined in these instructions as in those of November, sent out by Colonel Mason, of the army, and by Lieutenant Watson, of the navy. In these latter despatches, the views of the government in relation to the operations of the two branches of the service are clearly set forth; and when received, (as they must have been several months since,) it is presumed that all conflict of authority ceased. To the senior naval officer all military operations on water were confided; and with them the officers of the army were not to interfere, except when the enterprise required the co-operation of the land forces. So, on the other hand, to the senior officer of the army in that country all the operations on land were entrusted, and by him were to be conducted—assisted, if the exigency of the occasion required, by the naval force. When brought together, and co-operating for any particular object, the superior in rank, according to regulations furnished in previous instructions, would have command for the time being.

The views of the President in relation to the temporary civil government of California, in case our arms in that quarter should be so far successful as to render such government expedient, were clearly presented in the despatch of the 5th of November, from the Navy Department, and in that of the 3d of the same month, from Major General Scott. Though copies of these documents have been forwarded to you since the originals were despatched by Colonel Mason, they are again herewith transmitted, in the accompanying document of the House of Representatives of the last session, No. 19. Presuming that the difficulties in California have long since been settled, in conformity to these instructions, it is not now proposed to make any modification of them. The temporary civil government in California results from the conquest of that country by our arms; the authority for it is not derived directly from the constitution of the United States or any act of Congress, but is the right of war. By the law of nations, the conqueror has the right to govern the place or territory of which he has acquired military possession. While in California, occupying the position of an officer of the army of the United States highest in rank, you are charged by the instructions heretofore sent to you, and here repeated, with the functions of civil governor of the country, as well as with the command of the land forces, either sent out or there organized. When you return, as you are at liberty to do if the condition of affairs warrants it, both the command of the troops and the func-

tions of the civil government will devolve on Colonel Mason, the officer of the army next in rank to yourself, or on such other officer of the army as may be highest in rank for the time being. It is not intended, by what is before said in regard to the functions of the temporary civil government being in the officer of the army highest in rank, to deny or question his right to invest any other persons with the powers and duties of temporary civil governor, should such officer find it inexpedient or inconvenient to exercise these powers and perform these duties in person; but in case of such delegation of the functions of temporary civil government, the person exercising them must be subordinate to the commander of the land forces—removeable at his will. The responsibility as to the military and civil affairs is with the officer in chief command of the military force.

In relation to the collection of revenue at the several Mexican ports in our military occupancy, there are duties devolved on each branch of the public service, or rather a co-operation by them, in regard to this matter. It is not deemed requisite that any thing more explicit should be said to indicate the respective duties of each than what is contained in the despatches before referred to, of the 3d and 5th of November last.

The moneys collected at the ports are to be applied to the purposes of the war, and among these purposes is the support of the temporary civil government. It is expected that the government shall be simple and economical, and the expenses of it be brought, if practicable, within the revenues which may be collected in the country; for, there are no funds now at the control of the government here which can be devoted to the civil expenses, and whether there will be such hereafter will depend upon the action of Congress.

A communication, dated at Ciudad de los Angeles, (3d) February, addressed by Lieutenant Colonel Frémont to the Secretary of State, has been referred to this department. By this communication it appears that considerable sums of money are needed for the temporary civil government of California, and other purposes than for the pay, subsistence, &c., of the military force, and that the necessity for them is urgent in regard to the interest of the United States in that country. Congress has made no provision for such a case, and without it the government here cannot meet such a demand. The only resource to meet such an emergency is the one before indicated—the revenues which may be collected in the country. A similar state of things, I presume, exists in New Mexico. It is quite probable that the President will consider it to be his duty to call the attention of Congress to this subject, and ask for appropriations to meet these cases; but it is not reasonable to expect any relief of this kind can reach California much within a year from this time.

When the despatch from this department was sent out in November last, there was reason to believe that Lieutenant Colonel Frémont would desire to return to the United States, and you were then directed to conform to his wishes in that respect; it is not now proposed to change that direction; but since that time it has be-

come known here that he bore a conspicuous part in the conquest of California; that his services have been very valuable in that country, and doubtless will continue to be so, should he remain there.

Impressed, as all engaged in the public service must be, with the great importance of harmony and cordial co-operation in carrying on military operations in a country so distant from the seat of authority, the President is persuaded that when his definite instructions were received, all questions of difficulty were settled, and all feelings which had been elicited by the agitation of them had subsided. Should Lieutenant Colonel Frémont, who has the option to return or remain, adopt the latter alternative, the President does not doubt you will employ him in such a manner as will render his services most available to the public interest, having reference to his extensive acquaintance with the inhabitants of California, and his knowledge of their language; qualifications, independent of others, which it is supposed may be very useful in the present and prospective state of our affairs in that country.

It is probable that before this communication is delivered to you, my despatch of the 10th May last, with the accompanying documents in relation to collection of duties as contributions at the Mexican ports in our military possession, will have been received. Some modifications in the scale of duties, &c., have since been made. The copy of an order of the President of this date, and the copy of a letter of the Secretary of the Treasury of the 10th instant, which are herewith furnished, will inform you of the character and extent of these modifications, and of the President's approval thereof, which you will cause to be observed and carried into effect.

I transmit, herewith, copy of a communication addressed to you on the 10th of May, and sent by Mr. Tolar, who proceeded to California by the route across the isthmus of Panama.

Very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

To Brig. Gen. STEPHEN W. KEARNY,
*Or officer of the U. S. Army, highest in rank, in
California, Mexico.*

(*Sent by Lt. Carson, mounted rifles.*)

WAR DEPARTMENT,
June 11, 1847.

SIR: I had occasion to address you on the 1st instant. I herewith send you a copy of that communication, by which you will learn the steps which have been taken by this department for sending a sufficient force to Santa Fé to hold that place and the department of New Mexico.

I am not aware that the President has yet received the petition

for the pardon of Antonio Maria Trujillo, but I have conversed with him, and am now enabled to present his views on that subject.

The temporary civil government in New Mexico results from the conquest of the country. It does not derive its existence directly from the laws of Congress, or the constitution of the United States; and the President cannot, in any other character than that of commander-in-chief, exercise any control over it. It was first established in New Mexico, by the officer at the head of the military force sent to conquer that country, under general instructions contained in the communication from this department of the 3d of June, 1846. Beyond such general instructions the President has declined to interfere with the management of the civil affairs of this territory. The powers and authority possessed by General Kearny, when in New Mexico, were devolved on you as the senior military officer, on his departure from that country. They are ample in relation to all matters presented to the consideration of the President, in the communication of the acting governor, Vigil, dated 23d March last; and to you, as the senior military officer, or to whosoever is such officer, he will leave such matters, without positive or special direction. Your better knowledge of all the facts and circumstances, will doubtless enable you to take a wise and prudent course in regard to them.

The insurrection in that department called for energy of action and severe treatment of the guilty. It was but justice that the offenders should be punished; the safety of our troops and the security of our possessions required it. Beyond what was necessary to these ends, it is presumed you have not gone; and the President sincerely hopes that the life of Antonio Maria Trujillo may be spared, without disregarding them. With this suggestion, he leaves the case of Trujillo to your disposal, as he does all others yet under consideration.

It appears from the letter of the acting Governor of New Mexico, of the 16th of February, addressed to the Secretary of State of the United States, and referred to this department, that he wishes to withdraw from the duties of that post, and only holds it until the President shall appoint a successor. On this subject I am directed to say, that the filling this office appertains to the senior military officer, to whom the temporary civil officer is subordinate. Should the present incumbent wish to retire from that office, you, or the senior military officer in New Mexico, if convenient or necessary to delegate the power, will select such person as you or he may deem best qualified to exercise the functions of that situation, and duly invest him with them.

I am instructed by the President to make known to you his high appreciation of the services rendered by you, and the officers and soldiers of your command, in the several affairs with the enemy, reported in your communication to the adjutant general of the 15th February. The prompt, spirited, and energetic action, on the part of the officers and men, in putting down the insurrection which had been formed by the inhabitants of New Mexico, and the gallantry

displayed by them in the several engagements referred to, are entitled to high commendation.

Very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

Colonel STERLING PRICE,

*Or officer commanding U. S. forces at
Santa Fé, New Mexico.*

WAR DEPARTMENT,

Washington, June 26, 1847.

SIR: I perceive that down to the 1st of April last, the date of a letter addressed by Francis P. Blair to the Attorney General of the United States, some mistaken views still prevailed in New Mexico concerning the civil government there established; and I am, therefore, apprehensive that you are not in possession of my letter of the 11th of January last, relative to that subject, addressed to General Kearny, a copy of which was sent to the commanding officer at Santa Fé. I herewith send you a copy of that letter, as well as an extract of one from the Secretary of the Navy to the commander of our naval force in the Pacific, of the same date, showing the views of the government here in relation to the temporary civil government at the places in our military occupancy.

The foundation of the civil government in New Mexico is not derived directly from the laws and constitution of the United States, but rests upon the rights acquired by conquest. I call your particular attention to the fourth paragraph of my letter of the 11th of January, as containing the principles on which the temporary government at New Mexico does, or should rest. The territory conquered by our arms does not become, by the mere act of conquest, a permanent part of the United States; and the inhabitants of such territory are not, to the full extent of the term, citizens of the United States. It is beyond dispute that, on the establishment of a temporary civil government in a conquered country, the inhabitants owe obedience to it, and are bound by the laws which may be adopted. They may be tried and punished for offences. Those in New Mexico, who, in the late insurrection, were guilty of murder, or instigated others to that crime, were liable to be punished for these acts, either by the civil or military authority; but it is not the proper use of legal terms to say that their offence was treason committed against the United States; for to the government of the United States, as the government under our constitution, it would not be correct to say that they owed allegiance. It appears by the letter of Mr. Blair, to which I have referred, that those engaged in the insurrection have been proceeded against as traitors to the United States. In this respect, I think there was error, so far as relates to the designation of the offence. Their offence was against the temporary civil government of New Mexico and the

laws provided for it, which that government had the right, and, indeed, was bound to see executed.

On two former occasions, I have addressed you in regard to Trujillo, who has been convicted of participating in the insurrection, and the execution of his sentence suspended, and made known the decided wishes of the President that his punishment should be remitted.

Firmness may, under some circumstances, be required as an element of security to the citizens of the United States and other persons in countries conquered by our arms. When such is the case, it should be unshrinkingly exercised; but when a merciful course can be safely indulged, it is strongly commended, as promising in the end the best results. Such a course is prompted by the better feelings of our nature, and, on the ordinary principles of human action, cannot fail to promote quiet, security, and conciliation. I would, therefore, suggest that this course be adopted in all the other cases not finally disposed of, so far as considerations of safety will allow.

You will, I trust, excuse an allusion to another subject not officially before me; I mean the state of discipline among our troops at Santa Fé. Though I am very far from giving credence to the newspaper accounts in relation to it, they ought not to pass entirely unnoticed, and may be permitted to prompt a caution on that point.

As commanding officer you cannot err, in an isolated situation like yours, in enforcing the most rigid rules of discipline. The welfare of the men composing your command, as well as its safety and the interest of your country, committed to your custody, require that the most careful attention should be given to this important matter. Though all should be quiet around you, and danger seem to be far off, you should not, on that account, relax your vigilance or the rigid observance of discipline required in a state of war with an enemy in the neighborhood.

Very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

Colonel STERLING PRICE,
Commanding U. S. forces, Santa Fé, New Mexico.

SANTA FE, *November 19, 1847.*

SIR: By a letter from the Department of State, I am informed that all the letters addressed by the governor of this territory to that department had been referred to the Department of War, and I am directed to address the latter department on all matters pertaining to the civil government of this territory. I venture to express the hope that the suggestions and information in regard to the interests of the United States in this territory, thus referred, may not prove useless to the government.

I beg leave respectfully to represent, that under the organic laws promulgated by Brigadier General Kearny for the government of

New Mexico, the governor, secretary of territory, judges of superior court, and other officers of the government then organized, were appointed to receive their salaries from the treasury of the United States. A year's term of service of most of the present incumbents expired on the 22d of September last. No salaries have been paid, nor does it appear that any officer of the general government at this time here has been empowered or instructed to make such disbursements.

These officers were received in good faith as appointments under the authority of the United States, and their duties have been discharged in good faith and diligence; have been in many instances onerous and perplexing, and have called for the undivided attention of the incumbents, many of whom, from their circumstances in life, require the prompt payment of their salaries as a means of support. I trust the necessary order has been or will be speedily taken by the government for the payment of their justly due salaries.

Submitting the above for your careful consideration, I beg leave to subscribe myself, with the highest respect and esteem, your truly obedient servant,

DONACIANO VIGIL,
Acting Governor.

Hon. WILLIAM L. MARCY,
Secretary of War.

TO ALL WHOM IT MAY CONCERN:

Be it known that Brigadier General S. W. Kearny having been permitted to return to the United States, the undersigned, by virtue of the authority and orders of the President of the United States, this day enters upon the duties of governor and commander-in-chief of all the United States land forces in California.

Done at Monterey, the capital of California, the 31st day of May, A. D. 1847, and the 71st of the independence of the United States.

R. B. MASON,
*Colonel 1st dragoons, Governor and commanding-in-chief
of the United States land forces in California.*

TO ALL WHOM IT MAY CONCERN:

Know ye that I, Richard B. Mason, colonel 1st regiment United States dragoons, and governor of California, do hereby grant unto Colonel José Castro, late commandant general of California, a free passport to return to Monterey, in Upper California, where he will be kindly and well received by the undersigned, and all United States authorities.

All United States naval officers on the western coast of Mexico

and California are requested to aid in facilitating the return of the said Castro to Monterey.

Given at Monterey, the capital of California, this 17th day of June, A. D. 1847, and the 71st of the independence of the United States.

R. B. MASON,

Colonel 1st dragoons, Governor of California.

KNOW ALL MEN BY THESE PRESENTS:

That I, Richard B. Mason, colonel 1st regiment dragoons United States army, and governor of California, by virtue of authority in me vested, do hereby appoint *William Blackburn* an alcalde within the jurisdiction of Santa Cruz, Upper California.

Given at Monterey, the capital of California, this 21st day of June, 1847, and the 71st of the independence of the United States.

R. B. MASON,

Colonel 1st dragoons, Governor of California.

WAR DEPARTMENT,

Washington, March 15, 1848.

SIR: This despatch is committed to Major General Butler, commander-in-chief of our armies in Mexico, and will be transmitted to you in case the pending negotiations for peace are successfully concluded. By the treaty now pending, Upper California is ceded to the United States. The limits between the United States and the republic of Mexico will be communicated to you by General Butler with the despatch. You will therefore immediately, on receiving this communication, and a notification from Major General Butler that peace is definitively settled between the two nations, withdraw your troops to that part of the country which falls within the limits of the United States, as defined by the treaty, and take proper measures with a view to its permanent occupation.

Very respectfully, your obedient servant,

W. L. MARCY,

Secretary of War.

Colonel R. B. MASON,

Commanding U. S. forces, California.

NAVY DEPARTMENT, *July 20, 1848.*

SIR: In obedience to the direction with which you transmitted a copy of the resolution of the House of Representatives of the — instant, requesting the President to inform the House, "whether there are not now civil governments organized in New Mexico and

California; and, if so, what are their form and character; by whom and when they were instituted, and by what authority; by whom and in what way they are maintained and supported; and *particularly* that he inform this House whether the governor and other officers appointed in New Mexico by General Kearny, in 1846, and the governor and other officers appointed by Commodore Stockton in California during the same year, still hold the appointments thus conferred on them; and whether the salaries affixed to their offices have been paid out of the treasury of the United States; and, if so, by what authority of law."

In document No. 19, of the House of Representatives, at the second session of the 29th Congress, will be found my report of the 19th December, 1846, with the orders and instructions of the Navy Department of a previous date, on the subject of the establishment or organization of civil government in any portion of the territory of Mexico, which had been or might be taken possession of by the army or navy of the United States.

I have the honor to communicate copies of letters of Commodore Stockton, of the 18th and 19th of September, 1846, which were received on the 26th day of December, in the same year, and a despatch from the Navy Department in reply, under date of the 11th of January, 1847. This despatch, in connexion with those which preceded, clearly show that, while holding portions of the enemy's territory by conquest, the right of the conqueror was regarded as attended by the duty of continuing to the people occupying it the benefits of civil government. The agents to be charged with its administration, while in the occupation of our naval forces, were appointed by the naval commander, and were to receive no more compensation, so far as the department is informed, than the laws of the United States gave as pay to the rank which the officer held in the naval service of the United States. Appointments, with civil duties, of others than officers of the army and navy, were directed to be as few as possible, and the expense of the local government was directed to be kept within the limits of the revenue received in the territory, "if it could be done without detriment to the public interest."

There is nothing on the files of the Navy Department to show, nor have I reason to believe that these instructions have been disregarded in a single instance, in the territory held by the United States naval forces by the right of conquest.

After the conquest of California had been effected by the forces under his command, Commodore Stockton established civil government within its limits, and continued in the exercise of his authority as commander-in-chief, until the arrival of Commodore Shubrick, on the 22d day of January, 1847, became known to him, when, under the orders of the War and Navy Departments of the 5th November, 1846, the direction of the operations on land, and the administrative functions of government over the people and territory occupied by us, was transferred to the military officer highest in rank, and since that date the naval officer in command no

longer had any authority in administering civil government in Upper California.

Our naval forces have captured and held several places in Lower California, and on the eastern shore of the Gulf of California on the Pacific. In the Gulf of Mexico, they have also occupied, by conquest, Tuspan, Alvarado, Tobasco, Laguna, and other important points. While in our possession the duties of civil government have been discharged as a military right and duty.

In no instance has salary affixed to any civil office been paid out of the treasury of the United States. When officers of the navy are required to assume the arduous and responsible duties of civil office in addition to their appropriate military duty, they have received nothing for such extraordinary service. Their only pay has been that allowed by law, to the grade to which they belonged. When any person, not in the naval service, has been appointed to the duties of local offices, he has been paid out of local fees or revenues, according to the usages of the country.

Under instructions from the department, the naval forces of the United States have, on the ratification of the treaty of peace, restored to the Mexican authorities the places held by them in the gulf, as well as in the Pacific, and thus relinquishing the possession, have been relieved of the duty of administering civil government in the territory, which was no longer held by conquest.

I have the honor to be, very respectfully, your obedient servant,

J. Y. MASON.

To the PRESIDENT.

UNITED STATES FRIGATE CONGRESS,
Bay of Monterey, September 18, 1846.

SIR: I have the honor to acknowledge the receipt of your despatches of the 13th of May, addressed to my predecessor, and sent by Passed Midshipman McRae, who delivered them to me on board of this ship, on the night of the 7th of September, soon after we came to anchor in the bay of "Santa Barbara," where I stopped on my way to this place to take on board a detachment of men which I left for the defence of that place, after we had taken it, on our way to San Pedro.

I am happy to say, in answer to that despatch, that all your instructions contained therein had been anticipated and executed, and my proceedings forwarded to you, by different routes, two weeks before the arrival of Mr. McRae; even that part of them suggesting that a messenger be sent across the mountains to Washington, which messenger I hope you will have seen, and sent back to me before this can reach you.

I send enclosed the correspondence between General Castro and myself. I did not answer his last letter but by a verbal message, which does not properly belong to history. We found in and near his camp ten pieces of artillery—six in good order and four spiked.

The elections, as far as heard from, have been regularly held,

and the proper officers elected. The people are getting over their first alarm, and our friends are not now afraid to avow themselves.

General Castro and the governor having collected at one time so large a force together, and our remaining inactive at Monterey, induced the belief that we were not willing to run the hazard of a fight, and that if we did we must be beaten. No one, foreign or native, dared aid us even with advice or information. But since Castro and the governor have been driven out of the country, the aspect of things is changed, and all is going on as well as we ought to desire.

By an intercepted correspondence between the military commandant at Mazatlan and General Castro, it appears that arrangements were making to send troops into California, and General Castro is strongly urged to destroy the "nefarious enemy;" but it is too late.

I take the opportunity of this communication to remind you of two things that may be of some importance to be remembered.

1st. That neither San Francisco or Monterey are susceptible, within any reasonable expense, of being defended from an attack made from the interior. Every commanding position within reach of a cannon ball from the water is overlooked by adjacent hills within gun shot.

We must, therefore, hold the country along the seacoast as far south as St. Lucas, and make the river Gila, and a line drawn from that river across to the Del Norte, the southern boundary; all of which is now in our possession. It is not my business, perhaps, to say more on this subject. I will send you, however, a map which I have had made, and on which I have traced with red ink the boundary line above suggested.

2d. That this territory, within the lines marked by me, should be retained by the United States, as indispensable to preserve the lives and property of our fellow citizens residing here, as well as to secure anything like permanent peace.

I have put some guns on board the store-ship Erie, and made a cruiser of her. She will sail on a cruise immediately to circulate the enclosed notice, and to look out for privateers, and will touch at Panama to deliver and receive despatches.

As soon as the schooner Shark returns from the Columbia river, I will send her on a cruise for the protection of our whale ships.

The Savannah, Portsmouth, and Cyane, will continue the blockade of the coast of Mexico; whilst I will, in the Congress, go up the Gulf of California, and pay my respects to San José, La Paz, Loreto, and Guaymas; thence along the Mexican coast; thence to the Sandwich islands; thence to San Francisco.

The Warren will be obliged to lay-by for extensive repairs. By which disposition of the squadron, I hope to meet your approbation, as well as the views of Mr. Webster and his friends, who signed the letter to the President which I found amongst your last despatches. Besides, I will order the ships of the blockading squadron occasionally to change their ground, and take a cruise, one after the other, for the protection of the whalers.

By these courses, we will cross each other's track, and so traverse the ocean as to render it somewhat hazardous for a privateer to be dodging about within our circle.

Faithfully, your obedient servant,

R. F. STOCKTON,
Commodore, &c.

To the Hon. GEORGE BANCROFT,
Secretary of the Navy, Washington, D. C.

Your letter to Commodore Biddle will be sent to the Sandwich islands by the American ship Brooklyn, which leaves this place in a day or two for Honolulu.

[Translation.]

ON THE ROAD TO SAN PEDRO,
August 7, 1846.

Commissioned by the commandant general and chief of the division of operations in this department to present to your lordship a note and to receive explanations, we pray you will be good enough to inform us if we will be well received according to the rights of war.

We have the honor, with this motive, to assure your lordship of our consideration and particular esteem.

God and liberty!

PABLO DE LA GUENA,
JOSE MA. FLORES.

To the COMMANDER-IN-CHIEF

*Of the naval forces of the United States
in the road of San Pedro.*

UNITED STATES FRIGATE CONGRESS,
Bay of San Pedro, August 7, 1846.

GENTLEMEN: I have the honor to acknowledge the receipt of your note of August 7th, asking "if you will be well received according to the rights of war," and in reply have to inform you that you will be so received.

I have the honor to be your obedient and very humble servant,

R. F. STOCKTON,
Commander-in-chief, &c., &c., &c.

To PABLO DE LA GUENA,
JOSE MA. FLORES,
Commissioners.

Commandant General of Upper California, Mexican Army, Division of Operations:

The undersigned, commandant general and chief of the division of operations in this department, has the honor to direct himself to the commander-in-chief of the United States naval forces, anchored in the road of San Pedro, asking explanations on the conduct that

he proposes to follow, since knowing that he wishes to enter into conferences on what is most convenient to the interests of both countries, the undersigned cannot see with serenity or pretend with flattering expressions of peace, and without the formality that war between polished nations permits, to make an invasion in the forms that your lordship has verified it.

Wishing then (de amenda) with the governor to avoid all the disasters that follow a war, like that which your lordship prepares, it has appeared convenient to the undersigned to send to your lordship a commission, composed of Messrs. José Ma. Flores and Pablo de la Guena, to know the wishes of your lordship, under the conception that whatever conference may take place, it must be on the base that all hostile movements must be suspended by both forces, since, on the contrary, there will not be negotiations.

The undersigned has the honor to offer to the commander of the naval forces of the United States, the assurances of his consideration and particular esteem.

God and liberty! Head-quarters in the Mesa, August 7, 1846.
JOSE CASTRO.

To the COMMANDER-IN-CHIEF

*Of the naval forces of the United States
in the road of San Pedro.*

UNITED STATES FRIGATE CONGRESS,
Bay of San Pedro, August 7, 1846.

GENERAL: I have the honor to acknowledge the receipt of your letter, and, with you, deplore the war which is now waging between Mexico and the United States. I do not desire to do more than my duty calls upon me to do. I do not wish to war against California or her people; but, as she is a department of Mexico, I must war against her until she ceases to be a part of the Mexican territory. This is my plain duty.

I cannot, therefore, check my operations, to negotiate on any other principle than that California will declare her independence under the protection of the flag of the United States. If, therefore, you will agree to hoist the American flag in California, I will stop my forces, and negotiate the treaty.

Your obedient and very humble servant,

R. F. STOCKTON,
Commander-in-chief, &c.

To General JOSE CASTRO,
Commandant General, &c.

[Translation.]

COMMANDANTCY GENERAL OF ALTA CALIFORNIA,
Camp of the Mesa, August 10, 1846.

With inexpressible surprise, I have informed myself of your answer given to my official note relative to explanations asked with

respect to the conduct which you proposed to follow in the invasion which the naval and land forces of the United States under your command have perpetrated to-day in this department, under my command. The insidious contents of that note and the degrading proposition which it involved, has placed me in the situation of reproducing to you the last of my communications, on account of its being thus required by the national arms committed to my care, what I represent, and to prove to you to what degree I am disposed to sacrifice myself to preserve, without stain, the position I hold.

Granted that war exists between the United States and Mexico, and that you, in your duty, carry it on in this department, which is a part of its territory, I, as a chief of Mexico and of the forces which are under my command, am resolved to defend its integrity at all hazards, and to repel an aggression, which, like yours, has no example in the civilized world; and more, if one attends to that, yet there is no expressed declaration of war between both nations.

You say you cannot stop your operations to negotiate under any principle other than that California should declare her independence, under the protection of the flag of the United States.

Never shall I consent to commit such a low act; but, supposing I should intend it, I would not do it under the degrading conditions which you propose; and what would be her liberty with that protection offered her at the muzzle of the cannon? I do not understand it; but be assured that while she exists, I will take care that this part of the Mexican republic, in which I first saw the light, does not seal in this mode her disgrace and slavery.

Still more: you believing, without doubt, that not a drop of Mexican blood circulates in my veins, and that I am ignorant of my attributes, you offer me the most shameful of your propositions, which is to hoist the American flag in this department of my command. Never! Never! Never! Much could I say to you in this respect: and permit me only to ask, what would you do, were the proposition reversed?

Lastly, Commodore, I repeat, I will not withhold any sacrifice to oppose your intentions; and if, through misfortune, the flag of the United States waves in California, it will not be by my acquiescence, nor by that of the last of my compatriots; and only if I to force, and by force the whole world against the means which have been practised, or may be practised hereafter, to withdraw this department from the Mexican union, to which flag I wish to belong, making you responsible for all the evils and misfortunes that may be occasioned in a war so unjust as that which will be declared against this Pacific department.

I have the honor to pay to you the homage of my particular esteem.

God and liberty!

JOSE CASTRO.

For the COMMODORE of the naval forces
of the United States of America in the Pacific ocean,
and at anchor in the road of San Pedro.

[Copy and translation of a letter from Rafael Telles, military commandant of Mazatlan, to Lieutenant Colonel Don José Castro.]

MAZATLAN, August 8, 1846.

DEAR SIR AND ESTEEMED FRIEND: Only with the object of sending you my friendly remembrance, I take advantage of the departure of the brig Republican for your port; her captain, Don Antonio Vico, is a friend, and I recommend him to you very particularly.

I have learned with true grief, that the perfidious Yankees have taken possession of or invaded this department, which fatal event must keep you, as well as all good Mexicans of that territory, in the greatest agony; but there is no despair, for although at present Mexicans disagree, in consequence of the bad administration of General Paredes, soon I believe the cause of discord will cease and we will unite to reconquer our rights and to overthrow the indolent usurper of the north.

Unfortunately there are among us some selfish people, who, being unworthy of the trust reposed in them, only seek their own advantage; for example, the *Messrs. Castañares*, representatives of the *Californians*. These two personages have only endeavored to draw private advantages from the commission entrusted to them; and perhaps they would have already gone to that department to collect the fruits of their perfidious machinations, if I, who know them and feel an interest in the welfare of that country, had not prevented them as much as it was possible, as I shall continue to do; and I assure you that if the revolution, in which I find myself plunged, triumphs, the Californians can trust they will not have the sorrow again to see on their shores those wicked men, or any other that may resemble them; and had it not been that Carmelitan Soberaner wishes to take a companion of her bosom, I would not have even permitted the return of Dona Aneta Gonsales to the country she has scandalized by her conduct.

In fine, perhaps soon I shall have the pleasure of marching to this country; in the mean time, placing myself at the feet of your lady, dispute as you please of your affectionate friend, faithful servant, &c., &c.,

RAFAEL TELLES.

To General JOSE CASTRO,
Military commandant of California.

CIUDAD DE LOS ANGELES, August 31, 1846.

SIR: I herewith enclose to you your commission as military commandant of this department.

Martial law will continue in force throughout the whole territory, until otherwise ordered by the governor of the same.

Notwithstanding, however, the existence of martial law, you will permit the civil officers of the government to proceed in the exercise of their proper functions, nor will you interfere with their duties, except in cases where the peace and safety of the territory requires your aid or interference.

You will take care that my proclamation of the 17th be strictly observed throughout this department, except as to those persons who may be exempted, by your written order, from the operation of its provisions.

You are authorized, whenever it can be prudently done, to give written permission to persons known to be friendly to the government, to be out themselves, and to send their servants out, before sunrise in the morning.

You are likewise authorized to grant permission, when you see fit, to persons known to be friendly, to carry arms with them, whenever it appears to you that they stand in need of them for their own or their servants' protection.

I enclose to you also some blank commissions for prefects and alcaldes, that in case the people should fail to elect either of those officers within the jurisdiction of this department, you may fill up the blank with the name of some one you may think is qualified and will accept the office, affixing the date thereto, and transmitting to me, at San Francisco, by the first opportunity, the name and date of all appointments made by you.

Whenever opportunity offers, you will write to me as to the state of the country, and the feelings of the people within this department.

Faithfully, your obedient servant,

R. F. STOCKTON,

Governor and Commander-in-chief.

To Captain A. H. GILLESPIE,

Military commandant of the southern department.

P. S.—Sent that you may see how I have tempered the rigors of indispensable military law with the appliances of peace.

R. F. S.

Organization of the Army of California.

GENERAL ORDER.

Besides the governor and commander-in-chief, there will be, from this day, a military commandant of the territory of California, whose duty it will be to superintend and direct all the military operations in the territory, according to the directions that he may, from time to time, receive from the governor, to whom he will report all his proceedings.

The territory will hereafter be divided into three military departments, to each of which will be appointed a military commandant, who will receive instructions from and be responsible to the military commandant of the territory.

R. F. STOCKTON,

*Governor and Commander-in-chief
Of the territory of California.*

CIUDAD DE LOS ANGELES,

September 2, 1846.

Circular.

You are hereby advised that war exists between the United States of North America and Mexico, and are cautioned to guard against an attack from Mexican privateers, and all vessels under the Mexican flag.

The territory of California has been taken possession of by the forces under my command, and now belongs to the United States; and you will find safe anchorage and protection in the harbor of San Francisco, during any season of the year.

R. F. STOCKTON,
Commodore, &c.

U. S. FRIGATE CONGRESS.

U. S. FRIGATE "CONGRESS,"
Bay of Monterey, September 19, 1846.

SIR: I have the honor to inform you that I have appointed Mr. Thomas O. Larkin navy agent for this territory, and Mr. Talbot H. Green collector of customs for the port of Monterey, and to ask you to approve the same.

It may seem, to those at a distance, quite unnecessary to be in so much haste in the promulgation of laws, and the appointment of officers in the territory.

The great object I have in view is, to satisfy the minds of the timid that we have not only conquered the territory, but that we have such entire and complete possession of it, that there is no need to stop, for a single day, the machinery of the civil government.

There are many who still hope that, by some chance or accident, the government of the United States may give up California again to Mexico.

Nothing appears to be so well calculated to correct that error as the steady and uninterrupted progress we are daily making, in the establishment of our laws, and in the appointment of the civil officers of the government.

It is surprising to see the effect that is produced upon the minds of the people, by the appointment and acceptance of an office by a man of consideration in the country.

I have made several other appointments of such persons, and, perhaps, a general approval by the government of the United States of such appointments, as well as their approval of my conduct, if they do approve, to be published in the *Californian*, would have a good effect.

If I have not been sufficiently full and explicit in my various communications to you, you must excuse me, for I am so sick and tired of writing, that I am fearful you will be equally sick and tired of reading my poor despatches.

By an arrival at the Sandwich Islands, I have intelligence that causes me to think that Commodore Biddle will be on the coast in about six weeks from this time. I suppose that I ought to wait his arrival at San Francisco, that he may be, as soon as possible,

in possession of the position of our affairs here; and, therefore, it is probable I will not be able to carry out my views in relation to Mazatlan, Acapulco, &c., as soon as I could desire.

The "Erie" sails to-morrow, and the "Savannah" on Tuesday, and I shall proceed, a few days afterwards, in the "Congress," to San Francisco, all in good cheer, and determined to do their duty.

Faithfully, your obedient servant,

R. F. STOCKTON,

To the Hon. GEO. BANCROFT,

Commodore, &c.

Secretary of the Navy, Washington, D. C.

[CONFIDENTIAL.]

NAVY DEPARTMENT,

January 11, 1847.

SIR: Your communications, dated at Monterey on the 18th and 19th of September, were received at the department on the 26th December, ult., by the hands of Mr. Norris, whose activity and intelligence in executing his orders entitle him to my thanks.

You will, probably, have received before this can reach you, my despatches, which were entrusted to Lieutenant Watson, of the United States navy, under date of the 5th of November, in which, as commander-in-chief the United States naval forces in the Pacific, you are informed that the President "has deemed it best for the public interests to invest the military officer commanding with the direction of the operations on land, and with the administrative functions of government, over the people and territory occupied by us."

Accompanying this, I send you copies of the President's annual message, transmitted to Congress on the 8th of December, ult., with the accompanying documents, including the annual reports of the War and Navy Departments. I also send you a printed copy of the Document No. 19, of the House of Representatives.

You will perceive from these papers, the view taken by the Executive of the measures which have been adopted by the military and naval commanders in those States of Mexico of which we have acquired possession by military conquest.

I see no reason to qualify the opinion which I expressed in my report, that "your measures in regard to the conquered territory are believed to be warranted by the laws of war." And in answer to your suggestion, that "a general approval by the government of the United States of your conduct, if they do approve, to be published in the Californian, would have a good effect," I have been directed by the President to communicate a more full statement of his views of the principles which govern the conduct of our officers in the circumstances in which you have been placed, and on which the instructions heretofore given are based.

By the constitution of the United States, the power to declare war is vested in Congress. The war with Mexico exists by her own act and the declaration of the Congress of the United States.

It is the duty of the Executive to carry on the war, with all the rights, and subject to all the duties imposed by the laws of nations, a code binding on both belligerents.

The possession of portions of the enemy's territory acquired by justifiable acts of war, gives to us the right of government during the continuance of our possession, and imposes on us a duty to the inhabitants who are thus placed under our dominion. The right of possession, however, is temporary, unless made absolute by subsequent events. If, being in possession, a treaty of peace is made and duly ratified, on the principle of *uti possidetis*, that is, that each of the belligerent parties shall enjoy the territory of which it shall be in possession at the date of the treaty; or, if the surrender of the territory is not stipulated in the treaty so ratified, then the imperfect title, acquired by conquest, is made absolute, and the inhabitants, with the territory, are entitled to all the benefits of the federal constitution of the United States, to the same extent as the citizens of any other part of the Union.

The course of our government in regard to California, or other portions of the territory of Mexico, now or hereafter to be in our possession by conquest, depends on those on whom the constitution imposes the duty of making and carrying treaties into effect. Pending the war our possession gives only such rights as the laws of nations recognize; and the government is military, performing such civil duties as are necessary to the full enjoyment of the advantages resulting from the conquest, and to the due protection of the rights of persons and of property of the inhabitants.

No political right can be conferred on the inhabitants, thus situated, emanating from the constitution of the United States. That instrument establishes a form of government for those who are within our limits and owe voluntary allegiance to it. Unless incorporated, with the assent of Congress, by ratified treaty, or by legislative act, as in the case of Texas, our rights over enemies' territory in our possession are only such as the laws of war confer, and theirs no more than are derived from the same authority. They are therefore entitled to no representation in the Congress of the United States.

Without anticipating what may be the terms of a treaty, which it is hoped will be entered into between the two republics, there will be no revocation of the orders given in my despatch of the 5th of November last, "that under no circumstances will you voluntarily lower the flag of the United States, or relinquish the actual possession of California," with all the rights which it confers.

In the discharge of the duty of government in the conquered territory during our military possession, it has not been deemed improper or unwise that the inhabitants should be permitted to participate in the selection of agents to make or execute the laws to be enforced. Such a privilege cannot fail to produce amelioration of the despotic character of martial law, and constitute checks voluntarily and appropriately submitted to by officers of the United States, all whose institutions are based on the will of the governed.

I have regarded your measures, in authorizing the election of

agents charged with making laws, or in executing them, as founded on this principle, and so far as they carry out the right of temporary government, under existing rights of possession, they are approved. But no offices created, or laws or regulations, made to protect the rights or perform the duties resulting from our conquests, can lawfully continue beyond the duration of the state of things which now exist, without authority of future treaty or act of Congress.

At present it is needless, and might be injurious to the public interest, to agitate the question in California, as to how long those persons who have been elected for a prescribed period of time, will have official authority. If our right of possession shall become absolute, such an inquiry will be needless, and if by treaty or otherwise we lose the possession, those who follow us will govern the country. The President, however, anticipates no such result. On the contrary, he foresees no contingency in which the United States will ever surrender or relinquish the possession of the Californias.

The number of official appointments with civil or military duties, other than those devolved on our navy and army by our own laws, should be made as small as possible, and the expenses of the local government should be kept within the limits of the revenue received in the territory, if it can be done without detriment to the public interest.

Our late consul, Mr. Larkin, will perform the duties of navy agent, while our squadron is on the coast; but under the laws of the United States he cannot bear the official character of navy agent, without nomination and confirmation of the Senate, and execution of official bond.

Your contemplated disposition of your squadron, with a view to the protection of the commerce of the United States, is approved. There is every reason to believe that the enemy cannot succeed in putting privateers afloat in the Pacific ocean, and, while it is judicious to send a cruise, occasionally, to the different points of your station where communication can be had with our whalers, and correct information obtained as to the probable issue of letters of marque, it is desirable that the naval force shall be kept together on the enemy's coast, and harass him at every assailable point.

Permission was given you to return home in the frigate *Savannah*, on the arrival of Commodore Shubrick or Commodore Biddle to assume the command, the duties of which you have discharged with honor and success. I am induced to authorize you to return by way of the isthmus of Panama, and if you prefer to take that route, you will regard this as an order to that effect.

The *Savannah* and *Warren* will be sent home under the discretionary orders heretofore given to the commander of the naval forces.

The *Saratoga*, greatly to my regret, has arrived at Norfolk under orders from Commodore Rousseau. A sloop-of-war will be sent to the Pacific as soon as a crew can be spared for her.

The store-ship *Southampton* is now loading with stores at Norfolk, and will proceed to the Pacific without delay. As the *Lexington* will have arrived before this reaches you, and the *South-*

ampton will follow, I have directed Lieutenant Commanding Turner to return home with the Erie.

It is very desirable to the department to have communications from the squadron by every opportunity which may offer.

This despatch is addressed to Commodore Stockton, but it is intended for the officer in command of the naval forces on the western coast of Mexico. If Commodore Biddle should have arrived and assumed the command, and in his judgment his presence with the Columbus and Vincennes shall not be necessary to the secure possession of our conquests, he will with those ships proceed on his return home. The commodore has permission to exchange any of the officers of those ships who desire to remain, for those of corresponding rank in the Pacific squadron who may desire to return.

Passed Midshipman D. M. Fairfax, of the Columbus, may be ordered to one of the ships remaining on the station.

Very respectfully, your obedient servant,

J. Y. MASON.

Commodore R. F. STOCKTON,

Command'g U. S. naval forces, west coast of Mexico.