

AUSTIN TO WHARTON.^aREPUBLIC OF TEXAS
DEPARTMENT OF STATE*Columbia Novr. 18th 1836.*

General instructions to the Hon. W. H. Wharton, Minister Plenepotentiary to the United States of America

To the Hon: W. H. WHARTON

SIR,

You will herewith receive your Commission and credentials as Minister Plenepotentiary of Texas, to the United States of America, and also copies of the declaration of Independence, of the Constitution, and other acts and proceedings in relation to the organization of the Government of Texas, to be used as you may deem expedient in promoting the objects of your Mission. The most important of these objects are,

First, The recognition of the Independence of Texas.

Second. The annexation of this country to the United States.

You will proceed to the City of Washington with the least possible delay, and your own judgment and sound discretion are relied upon fully in selecting the best and most expeditious mode of bringing these subjects before the Government, or Congress of the United States. Should difficulties arise as to receiving you formally as *Minister* until after the question of recognition is settled, you will urge that subject as the *Agent* of this Government, for which purpose separate credentials are furnished you to be used in case it should be necessary.

Possessing as you do, the full confidence of the Government and being acquainted from long residence with the situation and wants of this country, and the sentiments of the people, you will consider yourself vested with every ample powers [sic] in effecting the before mentioned objects of your Mission, and that the following instructions are given in explanation of the views of the Government, more as a general guide, than as a positive mandate. It is not intended to embarrass the negotiations with the United States by any onerous conditions or restrictions on our part. A just reciprocity is our basis, in the full confidence that a similar one will influence the counsels of the United States; you will therefore observe the utmost frankness and candor in all your intercourse with that Government.

Texas claims the right of being recognized as an Independent Nation, on the broad basis that she is so *de jure*, and *de facto*, that she has organized her political and civil government, which has been

^a L. S. In the numbered series from the Texas government to its agents or ministers at Washington, D. C., this appears to be No. 1.

and is in undisturbed operation, and that she is fully competent to sustain her independence, and fulfil the duties and obligations of an independent power.

It can not properly be made a question by a foreign nation whether Texas is independent *de jure* and had a constitutional right to separate from Mexico, and form a government for herself; but it may notwithstanding add much to the *moral* force of our claims, to shew, that we were in fact made independent by the federal Constitution of Mexico, in consequence of the revolution that destroyed the federal compact, which alone bound Texas in common with the other States to the Mexican Confederation. The destruction of that compact and constitution by revolutionary, violent and unconstitutional means, and the consequent change in the system and form of Government, evidently severed all the bonds which united this country to Mexico, and absolved the people of Texas from all allegiance to the federal union, which ceased to exist, and left them free to take care of themselves. It is equally evident that the mere establishment of a new government by force of arms and usurpation, can not and does not impose upon Texas nor upon any other of the former States any obligations either moral or political, to resign the rights and sovereignty with which she was invested by the adoption of the federal union, or to acknowledge any allegiance or subjection whatever to such new and usurped Government, other than by the free and voluntary consent of the people. It is therefore evident that the charge made by the present government of Mexico, that Texas has rebelled against the constitutional authority, or in any manner violated the allegiance that united it with that nation, is unfounded and recoils with all its force upon those who make it. But besides this fact, the right of the people of Texas to provide for their own security and welfare, and do what they consider necessary for self preservation, can not be questioned, for it is a natural right that every people possess; more especially when the nation to which they had been previously united is distracted by revolutions, and affords no protection whatever, political or civil, as was the case with Mexico in relation to Texas, at the time of the separation of the latter, and for years previous. Your knowledge of this branch of the subject will however enable you to handle it in a proper manner should you deem it necessary to touch upon it at all.

The most important point, and the only one about which the United States Government will probably require definite or special information, is whether Texas is independent *de facto*, and has established a regular government and is competent to sustain herself, and fulfill the duties of an independent nation. On this point, the declaration of Independence, the Constitution, the organization of the

several branches of Government, the acts of Congress etc. are conclusive evidence that a political and civil government is established, and is republican and liberal. The fundamental laws are all adopted, and are in full force and operation. The constitutional executive and Congress have been duly elected and installed, and the latter has progressed with the details of legislation, with great rapidity and wisdom considering all the circumstances. The several subordinate departments of the Government are all organized and in full operation, many of the most important laws for the civil and military government of the Republic have been passed, or are in a great state of forwardness, such as the Judiciary law, that regulating the revenue, imposts, taxes etc. that organizing the army and many others. These facts it is hoped will be satisfactory and conclusive, that a government is established that is fully competent to fulfill the duties and obligations contemplated by the law of nations and required by the situation of Texas, and consequently it is believed that no material objection will be made to our independence on this point after it is fully explained by you.

In regard to the physical capacity of Texas to sustain herself, The signal and total defeat by General Houston of the army that invaded Texas last spring commanded by the President General Santa Anna in person, at the memorable battle of San Jacinto on the 21st of April—the flight and dispersion of the remnant of that army, and the total abandonment of all the territory of Texas by the forces of Mexico, and its peaceable possession by those of this Republic, afford evidence which certainly ought to be conclusive of the physical power of this republic to sustain its independence. This fact can not admit of a single doubt, when it is considered that the invasion of General Santa Anna was made under the most favorable auspices for Mexico, and the most discouraging for Texas. The former was then united under a popular leader whose influence gave him almost dictatorial powers. He brought a well appointed and disciplined regular army to Texas of about 8000 men attached to their leader and confident of victory. On the other hand, Texas was totally unprepared for the contest, without organization, civil government, an army, or resources. At the *present time* however this state of things is reversed. Mexico is in revolution and disorganized, its army dispersed and dispirited, Texas is looked upon as a dangerous and formidable enemy. The Mexican president, Genl. Santa Anna, the leader of her army, is a prisoner, and acknowledges that this country is able to sustain its independence and is lost to Mexico. The same is admitted in substance by Genl. Filisola in his published defence of his conduct as the second in command under Santa Anna. Most or all of the officers of the defeated army, state the same thing, and declare they will never

return to this country. Texas at *this time*, has an organized government, in full and undisturbed operation, an army, a navy, and the people are all united and confident in their strength, the population has augmented and is rapidly increasing etc.

When all these circumstances are considered it cannot reasonably be supposed that any doubts can exist, as to the physical capacity of Texas to sustain her independence.

Your own judgment will suggest to you such other reasons and arguments as you may deem necessary to bring into view, according to circumstances and the nature of the objections that may be raised to an acknowledgment should there be any.

Amongst others it may be important to urge that this measure is fully justified by precedent in the case of South America, and is called for by the great principles of liberty, philanthropy and impartial justice, which form the basis of the institutions of the United States and of their exterior policy. On this basis, the republics of South America and Mexico were ushered by the United States into the family of nations. The political situation of Texas is certainly much better than most of those States were, particularly Mexico, when President Monroe recommended their recognition by his Message of 8th. of March 1822. Mexico at that time had not adopted any permanent fundamental law or Constitution, and did not adopt any until the 4th. of October 1824. Spain still held possession of the Castle of San Juan de Ullua,^a and the people all over the nation were divided into factions and in constant political ferment and revolution. A comparison between such a state of things and that which exists in Texas, is so decidedly in favor of the latter, that it must be obvious and have its due weight in an impartial Scale. In addition to these considerations it is evident that the elements and materials of Texas for forming an independent Republic on the broad basis of self-government, will bear a very favorable comparison with those of any of said States, whose people had been for ages kept in ignorance and abject subjection by the despotic government of Spain. Texas has those claims upon the good will and confidence of the United States, which common origin, language, habits, religion, political principles, kindred and education naturally create. We are in fact one people, separated only by a line similar to that which divides the possessions of a son from those of his father.

Sound policy seems to urge the friendly interposition of the United States for the purpose of terminating the contest between Texas and Mexico, which if continued by the active renewal of hostilities, must inevitably be carried beyond the Rio Bravo into the thickly populated parts of Mexico, and become in the highest degree injurious to that

^a Ullua.

country, and thus inflame the prejudices against Citizens of the United States, there, and perhaps produce some outrage upon their rights by land or sea that would disturb the friendly relations and commercial intercourse that now exists between those nations. The effect this war will have upon the tranquility of the Southwest frontier of the United States is at least quite problematical. The Indians of that frontier are numerous and warlike and may be disposed to take part on one side or the other, and thus the war whoop and savage barbarities will swell the tide of human sufferings, and in all probability force the United States into a war with those Indians, or lay her liable to the charge of cold indifference to the calamities of a suffering and innocent people, should she fail to restrain the Indians from taking part against Texas, or of having evaded or violated the Treaty with Mexico should she not restrain them from making predatory incursions against the Mexicans.

As to the second great object of your Mission, which is the annexation of Texas to the United States, you will make every exertion to effect it with the least possible delay using your discretion as to the proper mode of bringing it before the Executive or Congress. It is probable that no action can be had on this point, until *after* the recognition of our Independence, unless the act of recognition and annexation should be simultaneous. The views of this Government are, that the annexation should be made on the broad basis of equitable reciprocity. It must be effected by a formal treaty, which must be ratified by the Senate of Texas, in conformity with the Constitution. In negotiating and forming this treaty, while you bear in mind that it is a favorite measure with the people of Texas and much desired by them, as is proven by their almost unanimous vote in favor of it, at the September election; you must not lose sight of the fact that it is to decide the political fate and interests of the people of Texas, who have acquired many rights, under the laws of the former and present governments, and also by their toils and sufferings in redeeming this country from the wilderness, and achieving its independence, which must be duly respected and secured beyond the possibility of doubt, cavil or constructions at any future period. This government has the most unbounded confidence in the magnanimity justice and liberality of the United States, and has no fears that any attempt will be made by them to invade any of the vested or equitable rights of the people of Texas.

It is believed that the sovereignty of this Country as an integral part of the American Union on an equal footing with the other States, is all that the United States will desire, but in the transfer of this Sovereignty, it is very important that the rights of the people of Texas, should be clearly defined, understood, and guaranteed, in

order to avoid those kind of doubts and constructions, which are always a fruitful source of disputes and litigations.

In forming said Treaty of Annexation, the right ought therefore to be secured to Texas, of becoming a State of the American Union on an equal footing with the other States, and as such to adopt her constitution and present it to the next Congress of the United States for approval, and to organize her state Government without delay, so soon as the Treaty of annexation shall be duly ratified by both parties. The authorities of the Republic that may be in office at the ratification of said treaty, should continue administering the government under the constitution and laws of this Republic, which are not contrary to those of the United States, until the State government is organized, so as to avoid an interregnum. Possession should be taken by the United States immediately after the ratification of the Treaty, and Military posts established competent to protect it from Indian or other enemies, especially on the Southwest and Northwest frontiers.

As regards the boundaries of Texas, perhaps this question cannot be definitely settled at present; it may however be important for you to explain the views of this government on this point. You will therefore use the following as you may deem necessary. We claim and consider that we have possession to the Rio Bravo del Norte. Taking this as the basis, the boundary of Texas would be as follows. Beginning at the mouth of said River on the Gulf of Mexico, thence up the middle thereof, following its main channel, including the Islands to its most northerly Source, thence in a direct line to the United States boundary under the treaty of De Onis at the head of Arkansas river, thence down said river and following the United States line as fixed by said De Onis treaty to the Gulf of Mexico at the mouth of Sabine, thence Southwardly along the Shore of said Gulf to the place of beginning, including the adjacent islands, soundings etc. The said Treaty of De Onis calls for the West bank of Sabine, and the South bank of Red and Arkansas rivers as the line. It is believed that the chartered limits of Louisiana calls for the middle of Sabine, if so there will probably be no difficulty in making our line to correspond with that of Louisiana—so as to give to us the right of landing, Ferries etc without molestation on the West Side

The same alteration should be made if practical as to the Red River and Arkansas river lines, by fixing them in the middle of those rivers, but should this be objected to, it is presumed the right of landing, and the free use and controul of the banks on our side to low water mark will be secured to us. Should it appear that very serious embarrassments or delays will be produced by insisting on the above described line, the following alterations might be made

on the Western boundary—Instead of the Rio Bravo, beginning on the West of the Gulf of Mexico, half way between the mouth of the Bravo and the inlet of Corpus Christi, which is the main outlet of the Nueces River and bay into the Gulf, thence in a Northwestwardly direction following the dividing ridge of high land that divides the waters of the Nueces river and bay, from those of the river Bravo to the hills or mountains in which the main branch of the said Nueces River has its Source, and thence following said ridge or chain of mountains westerly so as to strike the River Puerco or Pecos five leagues above its mouth (This river Puerco or Pecos enters the Bravo about fifty or Sixty miles above the old Presidio of Rio Grande now called Guerrero^a situated on the main road from Bexar to Monclova) From the place where the line will strike the Puerco it is to follow the ridge or mountain that divides its waters from those of Rio Bravo, and to continue along said mountains above the head of said Puerco or Pecos to the United States line, at the head of the Arkansas River. The Bravo as a line would cut off many settlements and some villages of native Mexicans and divide the populous valley of New Mexico. It therefore may be seriously objected to. The other line along the dividing ridge includes no Mexican population except Bexar and Goliad whose inhabitants have joined the cause of Texas and are represented in Congress—it will include in Texas all the vallies of the Nueces and Puerco and all the waters of the Red River and those of the South Side of Arkansas, west of De onis' line, all of which naturally belongs to Texas and we have peaceable possession of it. The Salt lakes or ponds between the Nueces and Rio Bravo are of incalculable value and would supply a great amount of this article in the chrystalized form—the last mentioned line would divide them, the first would include them all. They are distributed over an extensive tract of sandy country which is of but little value for farming or pasture

In relation to the future subdivision of Texas into Several States, the broad basis of equity upon which it is contemplated to unite this country with the United States, seems to require that all future subdivisions should be left entirely to the option and decision of the people of Texas, when the increase and extension of population should render it necessary to the public convenience or interest. The treaty stipulations agreeably to this principle should only extend to limiting the number or territorial extent of said new States hereafter to be formed, and guaranteeing their admission into the Union on an equal footing with the other States when petitioned for by the Legislature of Texas in conformity with the Constitution and laws of the United States.

^a Guerrero.

The future location of indians within the limits of Texas South of Red River should be carefully guarded against and the removal on just terms of indemnity of those who are now residing there with acknowledged rights, should be provided for. The reasons for this measure are evident when it is considered that they are now partially, and soon will be closely surrounded and intermingled with the white population. This stipulation however need not prevent the location of Indians by the United States, between Red and Arkansas rivers west of the De onis line, should any important advantages, be gained by such a concession, or should the United States earnestly desire it.

Should it be stipulated that Texas is to pay her own debts, she will of course retain the absolute disposal of all the public lands, and should the United States assume our debts, the public lands may be relinquished to them, but in the latter case, liberal allowances for Schools, colleges, internal improvements etc. ought to be made, and the Salt lakes or ponds and springs retained

All laws civil or penal, acts and obligations either legal or equitable of the present government of Texas, or of the provisional and *ad interim* governments which preceded it must be respected and held valid

The legislation of the present congress will no doubt settle most or all questions relative to land claims, by legislative provisions, but should any thing prevent or retard its completion until the annexation to the United States, all *bona fide* settlers in Texas must be protected in their rights to so much lands as they can rightfully claim in virtue of the laws under which they emigrated, and their titles must not be adjudged defective nor questioned for want of mere matters of form, or for any failure to comply with formal and unessential requisitions, such as being a roman Catholic, cultivation in toto or in any limited time or specific manner, alienation in a limited time, classification of the land, erecting Stone or mud corners, paying dues to the government by a fixed day, and the like. On the subject of land claims, the same broad and fundamental principles of equity should be observed, which are to form the basis of our connection with the United States. In order therefore to present this part of the subject in its true and proper light, it must be borne in mind that the people of Texas have undergone great privations, embarrassments and impediments owing to the wilderness situation of the country in times past; indian hostilities, and especially to the revolutionary state of Mexico, and the consequent want of adequate protection or even of local authorities; which impediments have in many instances rendered it impracticable for them to comply strictly with all the minute conditions of the colonization laws, altho they have complied with the *spirit* and evident *intention* of said laws, by populating the country and contributing by their presence, and personal Services to its improvement and defense. Great care should therefore be taken not to leave the just

titles of any such, subject to doubts or to be questioned. Their claims are founded upon actual settlement, the sufferings of families, the redemption of this country from the wilderness, and opening the way for easy emigration—in short they have laid a foundation by their labors and past sufferings, for independence and all the results that will follow.^a

There must be no special restrictions or limitations as to Slavery in Texas, different from what are imposed by the constitution of the United States, upon other Slave holding States of that nation, and all persons of African derivation now in Texas and held as slaves shall be respected as the property of their respective owners.

A reasonable time should be allowed to persons who may owe debts to citizens of foreign countries, contracted previous to coming here, before they can be molested by suits or the payment demanded.

In conclusion the President directs that you express in the strongest terms the friendly disposition and warm attachment of the Citizens of this Republic, towards the government and citizens of the United States, and the high respect and consideration of this government and people for the venerable Chief Magistrate of that great and prosperous republic.

Respectfully
Your most ob't.

S. F. AUSTIN
Secy. of State

AUSTIN TO SECRETARY OF STATE OF UNITED STATES [FORSYTH].^b

[Requests credence for Wharton, who has been appointed minister plenipotentiary of Texas to the United States.]

AUSTIN TO WHARTON.^c

Private and Special instructions to the Hon. W. H. Wharton Minister Plenipotentiary to the United States of America.

REPUBLIC OF TEXAS
DEPARTMENT OF STATE
Columbia Novr 18th 1836.

To the Hon. W. H. WHARTON
SIR,

In addition to your general instructions of this date, you will be governed by the following, as your private and special instructions.

^a Cf. general colonization law of Mexico (Gammel, *Laws of Texas*, I, 97); also that of the State of Coahuila and Texas (*ibid.*, 99-106).

^b November 18, 1836. The copy in the archives is a rough draft in Austin's hand, with which Henderson to Van Buren, April 10, 1837, is in its wording exactly identical. It is probable that the latter was the only copy of the Austin draft that was mailed.

^c Copy in the Austin Papers.

You will use every possible exertion to bring the question of recognition and annexation, to an issue during the present session of the United States Congress.

In forming the treaty of annexation it is highly important that no principles or rights should be surrendered that will probably be disapproved of by the people of Texas, or cause discontent, and be rejected by our Senate; and thus defeat the annexation. Be very particular to urge the importance and necessity of this point in your conferences with the President, Secretary of State etc.

Notwithstanding the vote of the people at the September election, in favor of annexation, you are aware that very many persons of influence who voted for that measure, merely yielded to the peculiar circumstances of the times, and incline strongly to the opinion, that Texas ought to remain a separate and independent Republic.

Should our affairs assume a more favorable aspect by a termination of the war, and a treaty with Mexico, and by the manifestation of a friendly disposition towards us by England and France, it will have a powerful influence on public opinion; and in all probability decide it in favor of remaining independent. England, France and Mexico therefore have it in their power to influence very materially in fixing the political position of Texas. Suppose the two former, and especially England should pursue the course which sound policy evidently dictates and interpose their influence with Mexico to procure an acknowledgment of our independence, and it was known in Texas that favorable treaties could be made with those nations,—and suppose at the same time that indifference is manifested by the United States as to receiving us, or that unjust and hard terms should be insisted on, or they should cavil about minute particulars etc.—What would be the consequence? The answer is evident. Texas would at once say “we first applied to the land of our Nativity and have been coldly received, or treated like strangers, we therefore abandon all idea of annexation and will proceed to perfect our institutions and extend our foreign relations where our interest can be best promoted.” It should be borne in mind, that Texas makes a great sacrifice by agreeing to the annexation at all, even were the prospect of a continuance of the war greater than it now is, a sacrifice that would be incalculable should the aspect of our affairs change as before indicated, as there is probability they will, within a short time. It should also be remembered that many are of the opinion that the vote of Sept. was more the result of attachment to the native government of the great mass of the people, of the ties of kindred, the reminiscences of the past, and confidence in the liberal munificence of that government, than of mature reflection, on the future glory, interest and prosperity of Texas. This view of the subject affords to us a powerful argument, which may be advantageously used by you so as to have its

proper weight with the government of the United States, and with the ministers of England, France and other foreign nations. It is a correct exhibition of facts, and of what will *certainly take place*, should the course and policy of the United States be adverse or illiberal, or should she refuse to allow not only liberal, but even munificent terms to Texas. In the event therefore of discovering any such disposition in the government or Congress of the United States, you will have full and free conversations with the British, French and other foreign ministers, on the Texas question, explaining to them the great commercial advantages that will result to their nations from our cotton etc. and finding a market here for their merchandize, and an outlet for their surplus population, on the basis of a system of low duties and liberal encouragement which it would be our interest to establish. And you will endeavor to enlist their governments through them, in favor of Texas, to acknowledge our independence and interpose their friendly influence with Mexico, to procure a similar acknowledgment, with the boundary line first mentioned in your general instructions which is the Rio Bravo on the west etc. Should both the recognition, and annexation be effected, all farther relations of a belligerent or peaceful character, will of course cease between Texas and Mexico, and all other foreign powers. If however these happy events should not take place, other and very important duties will devolve upon you.

Should the United States acknowledge independence but decline annexation on such terms as Texas can admit, it will then be your duty to propose and form a treaty of amity, limits, and commerce with that Government, on the basis of a just reciprocity, and if possible, also a Treaty of Alliance, keeping this government regularly and minutely informed by your correspondence with the State department of what occurs, that the necessary instructions may be given.

You will ascertain as soon as possible whether a treaty of alliance can be made with the united States, and aid in money, troops or vessels of War, can be procured under it, or otherwise, against Mexico, and if to be had, procure it without delay. You will also extend, so far as possible, your friendly intercourse with the foreign ministers at Washington and sound them as to the disposition of their governments.

You will not lose sight of the Indian question, and make such arrangements as will prevent the United States Indians from taking part with Mexico against Texas.

Should neither recognition nor annexation be effected you will then endeavor to procure the mediation of the United States for the purpose of terminating the war with Mexico on the basis of a recognition of our independence, and you will also secure all the support and good will you can from the foreign ministers at Washington.

As a proof of our perfect reliance on the magnanimity of the United States, you will, as soon as may be proper, after your first interview with the Secretary of State, exhibit to him your general instructions in *extenso*, as a plain view of the subject, which may serve in affording information that may be useful to both parties in settling the question on the basis of equity and just reciprocity.

President Burnet wrote officially to Genl. Gaines, that it would be agreeable to the Government of Texas, should he establish his headquarters at, or occupy the post of Nacogdoches for the purpose of restraining the Indians.

You will endeavor to ascertain the real view of the United States government in occupying that post, and whether it is seriously contemplated to insist on the River Neches as the constructive line under De Onis' treaty, instead of the Sabine, as laid down in Millish's ^a Map of 1818, which is positively and definitely fixed by said treaty as the boundary line. This government cannot admit of any construction that will fix the line at the Neches, or make any variations of this kind from the said Treaty of De Onis, and should there be any attempt on the part of the United States government to move the line to the Neches, and thus claim the country between that River and Sabine, you will solemnly protest against it as an infraction of said Treaty of De Onis, and an invasion of the rights and territory of Texas.

The confidence of this government in the justice and liberality of the United States is unbounded, and consequently it is not believed that any conditions or restrictions will be insisted on that are likely to be seriously disapproved by the people of Texas, or rejected by our senate, and thus defeat the annexation in *toto*. It is however highly important that the following stipulations should be kept in view, pending the negotiations, as being particularly interesting to this country.

That ^b allowing Texas to enter the American union as a State without passing through the intermediate stage of a territorial government, and that the authorities in office, and the laws in force, not repugnant to the constitution of the United States, at the ratification of the Treaty of annexation, should continue until the State constitution and Government is formed and organized by the installation of the State authorities, and the enactment of State laws.

That no future subdivision of the territory of Texas South of Red River, into a plurality of States or territories shall ever be made except on the petition of the Legislature of Texas founded upon that of the people of the particular section of country which is to be erected into such new state or territory. The country between Red

^a Mellish's.

^b This "That" is evidently intended as a demonstrative pronoun here and at the beginning of each of the series of paragraphs that follow, except that which comes next.

and Arkansas Rivers may be excepted from this stipulation, and relinquished to the United States in full, on terms that will be equitable to both parties.

That relative to Slavery, on this point you must *insist* that no kind of restriction whatever, shall be imposed, different from the Constitution of the United States, with respect to the other Slave holding States of that Republic.

That confirming land titles of actual and *bona fide* settlers so as to secure them from the heartless grasp or persecution of speculators.

That recognizing as valid, the legislation and acts of the present and past governments of Texas.

That allowing liberal donations to Texas of lands etc for Schools, Colleges, Internal improvements etc. in case the United States assume our debts and take the vacant lands.

That prohibiting the location of Indians, South of Red River, and all other stipulations of a similar character which involve interests of vital importance, or principles that may materially affect the future liberties or prosperity of Texas.

Should objections be made to the admission of Texas as a State without directing or cutting off any of the territory South of Red River and between it and the Coast, and between the Sabine and the western boundary of Texas, on account of the size thereof, (an objection which it is not contemplated will be made) it will be your particular duty to show, as you can do, that many exaggerated and erroneous impressions have influenced public opinion in the United States, in relation to the extent or Size of Texas. The map of this country compiled by S. F. Austin and published by Tanner, was formed at an early day, when the interior of Texas was but imperfectly known, and makes this country much larger than it really is,—for example, the general course of Red River as correctly ascertained, is on, or near the parallel of 33° North latitude, but on said map it is extended near to latitude 34°. The distance on the map from Sabine to the Nueces and Rio Grande, is greater than it is in fact. The coast of the gulf is put down on the map many miles east and Southeast of what it really is. The river Puerco* and the great bend of the Rio Bravo is put down on the map, much too far West. An accurate delineation, therefore, of the true size of Texas, would show a territory much less than the said map represents, and would not be any thing like so extensive as is generally supposed. It probably will not exceed One hundred thousand Square Miles, supposing the western boundary to be on the dividing ridge between the Rivers Nueces and Puerco, and the River Bravo, which it is probable will be the line finally established.

* Or Pecos.

It must also be remembered that a large tract on the Western and Northwestern frontiers is of but little value and can never be densely populated. The country on the Puerco South of the latitude of the heads of Red River is represented as very mountainous and barren in general.

In conclusion the President relying fully on your prudence and judgment, confides the important objects of this mission to you with the confidence, that you will devote to it all the attention and activity which it requires, and that you will keep this government fully and minutely informed of every thing of public interest.

Respectfully

Your most obd't

S. F. AUSTIN

Secy. of State.

N. B. you will bear in mind, that all that part of your instructions, relative to cultivating a *close* and *intimate* friendly intercourse with the foreign ministers at Washington, is based *solely* upon the *contingency*, that the policy of the United States towards Texas should be indifferent or adverse—a contingency, which it is not expected will ever take place, but if unfortunately it should, the duty of this Government evidently compels them to provide all the aid and support for Texas, from other Quarters, that can be obtained. You will, therefore, be very careful not to commit yourself in any manner whatever, until you have had full time and a fair opportunity of investigating the subject and understanding fully, so far as can be ascertained what are *the* views of the United States Government and of the said foreign Ministers, as to Texas, and then act, in this particular, as in your judgment the interests of Texas may require.

S. F. AUSTIN

Sec of State

COMMISSION OF WHARTON AS MINISTER TO THE UNITED STATES.

In the name of the Republic of Texas, Free, Sovereign and Independent, To all, To whom These Presents shall come, or may in any wise concern, I, Sam Houston, President thereof, send Greeting.

Whereas, by an act of Congress, bearing, date, the twelvth day of November A. D. one thousand, eight hundred and thirty six, passed under and by virture of the Constitution, full power has been duly given to me, in the name and on the behalf of said Republic, to nominate and by and with the advice and consent of the Senate to appoint and fully empower a Minister Plenipotentiary to the United States of America.

And Whereas the People of Texas have, by an almost unanimous vote, only ninety three voting in the negative, expressed their wish to be annexed to the United States of America, and also, should that

event not take place, it is desirable to make, conclude, ratify and confirm with the said United States, such Treaties of Amity, Commerce or Limits, as may be deemed mutually beneficial—

Now Therefore I, Sam Houston, President of the said Republic of Texas, by and with the advice and consent of the Senate by these Presents do nominate, constitute, appoint, qualify and fully and completely accredit William H. Wharton to the said United States of America as Minister Plenipotentiary of this Republic with full power, as such, to open with the Executive and Cabinet of the said United States, at the City of Washington a negotiation, touching the recognition of the Independence and Sovereignty of this Republic, and touching and concerning all Rights, Privileges and Immunities, incident thereto, and touching and concerning all other matters and things, which are or may hereafter become desirable to this Government;—And as such Minister Plenipotentiary, fully empowered as aforesaid, to respond to any and all official and other acts, requisite and necessary to be done and performed by this Republic for the purposes aforesaid;—and to make, stipulate, conclude and sign in the name, and on the behalf thereof, any and every Negotiation, Treaty or Convention, whether of annexation to the said United States, Confederation, Intercourse, Limits, or Alliance, which may be deemed best adapted to the interests of Both Parties; subject always to the ratification, required by the Constitution and the laws of this Republic for the purposes aforesaid. Herein and Hereby ratifying and confirming each and every, the acts and doings of him, the said William H. Wharton, Minister Plenipotentiary, fully empowered as aforesaid.

In Testimony Whereof, I have signed These Presents and affixed my private Seal, there being no great seal of Office yet provided. Done at the Town of Columbia, this eighteenth day of November A. D. one thousand, eight hundred and thirty six, and of the Independence of this Republic the First.

(Signed) SAM HOUSTON

Seal

(Signed) S. F. AUSTIN
Sec. of State

AUSTIN TO WHARTON.

PEACH POINT Novr. 22d 1836

Department of State]
Hon. W. H. WHARTON
Minister to the U. S of A.

DR SIR

I send you a tin case containing your credentials and instructions as minister plenepotentiary to the United States of America

It contains your commission a letter of credence to the Secretary of State of the United States, and office copies of them—your general instructions, your private and special instructions, and Documents relative to the organization of the Govt of Texas. I also send you a file of the Texas Telegraph, please to acknowledge the receipt of them to file in this department. You already have the Declaration of Independence and the constitution.

* * * * *

Wishing Mrs Wharton and yourself a speedy and pleasant passage I have the honor to remain

Your most obt

Signed S. F. AUSTIN
Sec. of State

WHARTON TO AUSTIN.^b

Private

Genl S F AUSTIN *Secretary of State*

D SIR

I duly received my despatches instructions etc this morning by Simon and so far as their exterior appearance is concerned they do credit to those who have prepared them and to our infant government. I am sorry that I have not had time to read the instructions over and talk them over confidentially with you—but I hope that no clog of trivial import is imposed which would embarrass the annexation so dear to all true friends of Texas.

The act which I introduced and which passed the senate unani-
mou[s]ly in relation to waiving Catholicism permanent corners,
Cultivation etc etc. should be hurried through the lower house and
immediate information given me of its having become a Law. Baker^c
must not be allowed to clog it. Show this to Archer John,^d Genl
Green^e etc and tell them to spread themselves. You may rely upon
my not delaying a moment in getting to Washington.

Very Respectfully
yours

WM II WHARTON

VELASCO 22d Nov 1836

^a The paragraph omitted relates to Wharton's salary.

^b A. L. S.

^c Mosely Baker, who came to Texas from Alabama in 1834 or 1835, was prominent as a captain in the San Jacinto campaign; and was a member of the Congress of Texas, 1836-1839.

^d Wharton's brother, John A. Wharton.

^e Thomas Jefferson Green, a native of North Carolina, who lived successively in Tennessee, Mississppi, and Florida and came to Texas in 1836, while the San Jacinto campaign was in progress; active as a recruiting agent for Texas in the United States with a commission as brigadier-general of volunteers, 1836; leader of Mier expedition, 1842; member of congress of Texas, 1843-1844; emigrated to California after annexation and served one term in the senate of that State; died in North Carolina, January 12, 1864.