

HENDERSON TO HUNT.^a

REPUBLIC OF TEXAS

DEPARTMENT OF STATE

Columbia Decr 31 1836

To The Honbl MEMUCAN HUNT.

SIR

The following instructions are given you as a general guide by which you are to be governed in order to effect the important objects of your Mission. You have received your commission as Minister Extraordinary of Texas, to the United States of North America together with other papers necessary to show the perfect organization of the Government of this Republic etc And fearing that some difficulties may arise in relation to your reception as Minister previous to the Recognition of the Independence of this Republic by the Government of the United States you have been furnished with seperate credentials authorizing you to urge this desirable object as Agent of this Republic in which event you will act in concert with The Honbl W H Wharton the resident Minister or agent of this Republic near the Government of the United States. But should no difficulty arise in relation to your reception as Minister and you should be received as such you will then act in concert with The Honbl W H Wharton the resident Minister Plenepotentiary, and will be governed or guided in your negotiations by the instructions already given to that Honbl Gentleman by the late Secy of State, together with this letter which contains instructions for you and he jointly; founded principally upon facts arising out of the more complete organization of this Government since the departure of Mr Wharton for the United States. You will discover by the instructions above alluded to that, the principal objects of your Mission are 1st The recognition of the Independence of this Republic, 2nd. The annexation of this Country to the United States either as a seperate State to be on equal footing with the other States of the Union or as a Territory with the right to admission into the Union as a State when she can number a sufficient amount of population to entitle her to admission according to the Laws of the United States. You will therefore procede to the Government of the United States at Washington City with as little delay as possible where you will confer and act in conjunction with the resident Minister of this Republic The Honbl Wm H Wharton, and in all your intercourse with that Government you will doubtless use the utmost frankness and candor. You will urge the recognition of the Independence of this Republic upon the ground that it is so *de jure* and *de facto*. So far as regards the *right* of Texas to declare herself Independent or the sufficiency of the reasons upon which she

founded her Declaration of Independence it is very clear that no other Nation has the right to enquire. This position has in all cases upon which the Government of the United States has heretofore acted been acknowledged, but from such an inquiry you will not find it necessary to shrink and your own knowledge of the causes together with the reasons contained in the instructions heretofore given to the resident Minister at Washington will be sufficient to satisfy so just and liberal a Government as that with which you will have the honor to negotiate should any be required. Therefore it occurs to me that the only point upon which the Government of the United States will require of you to satisfy it, is whether Texas is Independent *de facto*—has established a regular organized Government in all its parts, and is capable of sustaining itself. In addition to the evidence of these facts already furnished the Minister resident at Washington, you have been furnished with evidence to show that the Judiciary has been regularly and completely organized since the departure of Mr Wharton for that Government. The Supreme Court consisting of a chief justice and the Judges of the Supreme or Circuit Courts as his associates, the District or Circuit Courts consisting of a Judge for each Circuit or District, and the County or inferior Courts consisting of a Chief Justice in each County all have been organized by the late Congress of the Republic and the Judges of each elected and commissioned and are now prepared to hold their several courts so soon as the time shall arrive when Congress have declared they shall hold them respectively. For the evidences to show that the other constituent parts of this Government are organized and in full operation you are referred to the documents and instructions heretofore furnished to the resident Minister. To this end it may not be unimportant to show with what unanimity and good feeling the late Congress of this Republic acted and the harmony which prevailed throughout between it and the Executive also the entire confidence which prevailed throughout the whole Country in the several departments of the Government. Upon this point it will not be difficult to satisfy the Government to which you go that there is no danger of the permanency of the Government being effected by internal dissensions. Another fact bearing upon this point may well be mentioned which is that of two of the three Gentlemen who were candidates for the Presidency having been appointed to two of the most important offices in the Cabinet, and all acting now with the most perfect harmony and good faith. As regards all other facts bearing upon this point you will find the instructions alluded to above amply sufficient.

Should the Government of the United States have recognized the Independence of Texas previous to your arrival at Washington or should it be done during your stay there in your capacity as Min-

ister Extraordinary you will then with the resident Minister urge the second object of your Mission—The annexation of Texas to that Government.

In addition to the reasons given in the former instructions you may urge it on the ground of the verry great commercial advantages as well as the naval strengt[h] which it would give to the United States, for in the event of [the refusal of] that Government to receive this Country into the Union either as a State or a Territory it may become necessary for Texas to form a Treaty of amity and commerce with England or some other European power which would forever and entirely preclude the people of the United States from enjoying any of the benefits resulting in Texas from the richness of her soil commerce etc etc etc These reasons may be very forcibly impressed particularly upon the Representatives of the Northern States from whom we may expect to meet the greatest opposition, because should Texas be attached to the United States the immense consumption of those articles principally manufactured in the Northern States will more than compensate for the additional strength which its annexation will add to the political influence of the South. The great and abundant supply of raw material from this Country will reduce the price which they will have to pay for the same and at the same time keep it at a more uniform price thus preventing the great fluctuations so frequently occuring in the United States to the distress and ruin of thousands. As things now are in the United States a partial failure one year will raise the price of the raw material much above its intrinsic or ordinary value, the next it will be suddenly reduced by an abundant crop, but open as this Country would do an immense territory for the production of cotton—land the richest and most productive in the world these fluctuations would not occur, as no failure w[h]ich could ordinarily happen would visibly shorten the supply. On the other hand should the Government of the United States refuse to admit this Country into the Union etc etc Texas would in all probability in order to gain immediate wealth strength and respectability be induced to form a Treaty with England by which all the advantages of commerce, wealth and strength would be fo[r]ever lost to the United States and important advantages given to a Power on her Southern border w[h]ich already confines her on the North.

In a nation[al] defensive point of view it is all important to the United States that she should possess this Country, with it, she might rest satisfied to see Cuba the key of the whole West Indies together with that whole chain of Islands in the hands of any other one power. The immense forest[s] of the best live oak in the world which are to be found in Texas would enable the Government at a

reduced expence to build and keep up a Naval power superior to that of any European Nation. She could in sight of the forests of live oak build launch and protect her Navy which would enable her to keep possession of the whole Ocean bordering on South America and the West Indies. But take from the United States these advantages and add them to England or any other power and it would hang like an Incubus upon her prosperity.

You may expect perhaps to meet with some opposition to the annexation of Texas to the United States from that portion of the States which is in favour of Abolition or opposed to slavery. So far as it regards slavery in Texas it cannot seriously be made an objection to our annexation, because it will not be increasing the *number* of slaves in the World as none are imported here from Africa or any other country except the United States. The Constitution of Texas forbids it and a law passed by Congress punishes any violation of it with death.

In the event that there should be doubts entertained whether a treaty made with this Government for its annexation to the United States would be ratified by a constitutional majority of the Senate of the United States you are instructed to call the attention of the authorities of that Government to the propriety and practicability of passing a law by both houses (in which it would require a bare majority) taking in this Country as a part of her Territory, this law could be passed, (provided Congress has the power to do so) based upon the vote of the people of Texas at the last election but in framing such an act great care should be used in order to secure all of the rights of Texas and its citizens as fully as you are instructed to have them attended to in any treaty which may be made. If such an act is passed you can give that Government the fullest assurance that it will be approved by this Government and people. But inasmuch as this is rather a novel position you will speak of it with great prudence and caution. It is desirable under any and all circumstances that the United States troops now stationed near Nacogdoches should remain in that position. The position which they now occupy is one the most favourable to promote the great object of watching and keeping the different Indian tribes from committing hostilities upon the frontier of the United States and should the Independence of Texas be acknowledged or should no steps be taken towards it still the great regard which this Government and the people of Texas have for the Government and people of the United States will induce this Government to afford any and every facility in its power to secure to them peace and prosperity. Intelligence but recently received from Matamoras states that negotiations

people for the welfare and happiness of the Government and People
of the United States

[SEAL] Given under my hand and private seal there being no seal
of office at Columbia the 31st day of December A D 1836
and of the Independence of this Republic the first

J PINCKNEY HENDERSON
Acting Secy of State

COMMISSION OF WHARTON AND HUNT AS AGENTS OF THE TEXAN
GOVERNMENT.^a

[President Houston appoints them agents and representatives of
the government of Texas to the United States government, with full
power as such to negotiate for the recognition of the independence
of Texas.]

WHARTON TO AUSTIN.^b

Despatch No. 3.

WASHINGTON CITY *December 31st 1836*

DEAR SIR

Up to this moment I have not received a single line from Texas,
although I have seen in the Mobile papers an extract from the Texas
Telegraph published near two weeks after my departure. Could not
the same conveyance have brought me a Telegraph and also a letter
from you? I implore you again and again to write to me more fre-
quently—at least once a week. You know how embarrassing it is to
be asked fifty times a day what news from Texas and to be compelled
to reply I have had no despatches. I have received no communica-
tions as to what *our* Government expects from Santa Anna when he
arrives here and I am often questioned on the subject by *those in*
office. I have had great attention paid me by the members of both
houses of Congress. Three fourths of the administration party and
all of the White men and Nullifiers are warmly our friends and
deeply deplore the delay in recognizing our independence recom-
mended by the President. Many of them wish to obtain the sense of
Congress on the subject believing that a majority will recommend
to the President an immediate recognition and if so it will take place
instantly.

I have answered them when they were speaking to me on the sub-
ject that *my* business was with the Executive branch of the Govern-
ment and that any attempt on my part to appeal from a decision of

^a December 31, 1836. This commission was intended for use only in case Wharton
and Hunt were not received formally as ministers. See Austin to Wharton, November
18, 1836 (general instructions).

^b L. S.

that branch to Congress or the people would be highly indelicate and injurious to the cause of Texas and that therefore I could not *and would not interfere*. At the same time I have implored them not to bring the subject before Congress unless they were absolutely certain of success for that a failure would be ruinous. With a few leading devoted and confidential friends and *a very few indeed* I talk with full freedom. It is folly to talk about annexation until recognition is secured. I always dissever the two questions and request my friends to follow my example in saying as little as possible of annexation. The mingling of the two questions at present might defeat both and no doubt would. When recognition is secured, We can then talk of annexation. Our warm friends such Senators as Benton Walker Linn Calhoun and Preston very much fear that the delay in recognizing will operate injuriously in Texas and will produce an indisposition in the Government to *annex* or even to continue its Legation at this Court. I trust that our President and cabinet and people will bear it with *fortitude*. There is no earthly pretext for the delay but the new invasion under Bravo. If that should reach Texas or should prove disastrous, recognition would immediately ensue and every body with the fullest confidence anticipates one or the other of these results. Texas stands mountain high here for heroism and magnanimity and our enemies as low as can possibly be imagined. The release of Santa Anna has redounded greatly to our character. No one here disapproves of it. All concur in the propriety of our being ready to act on the offensive in the Spring as recommended in my letter from Maysville by General Chambers.

The President is much better but still too feeble to attend to much business. I have said that the prospect of the new invasion furnishes the only pretext for delaying our recognition. I mean that this is the only excuse that can be given to the World for the step. As yet I am fully aware that a strong but secret reason for delay is the expected arrival of Santa Anna and the prospect of a treaty with him which will satisfy Texas and Mexico and at the same time save the United States Government in the eyes of the world from all imputation of having aided in our revolution or of having recognized us too promptly. This reason of course will be soon productive of the desired result, namely recognition or will cease to exist. I again repeat and recommend forbearance. Our Just our paramount claims have certainly been most unnecessarily postponed. Yet I have every confidence that our recognition will certainly take place during this session unless the enemy should be successful in their invasion which nobody for a moment anticipates. If we break off here too there is no reason to believe that any other power would treat us more kindly. Our failure of success at this court which is near us and well ac-

quainted with our political condition would be an argument against us at a remote one entirely ignorant of our situation.

The Brutus is by this time most probably released and Sam Williams and myself offered to pledge all we are worth for the release of the Invincible. The negotiation is not yet effected however.

I trust that James M Wolfe Esq. has been appointed Secretary of legation and that his Credentials will soon come on. Independent of his indefatigable labors in our cause for more than a year, since being connected with me in this mission, his conduct and attention to business have been most exemplary and his services invaluable. Indeed I could not half get along without him

I have the honor to be

Yrs etc.

WM H. WHARTON

Copied in Book No. 1 of legation

J. M WOLFE
Secretary etc

WHARTON TO AUSTIN.^a

Despatch No. 4.

WASHINGTON CITY *January 6th 1837*

DEAR SIR

Not a line from home up to this date! How long must this continue to be the beginning middle and end of my communications! How long must I be compelled to suffer the great embarrassment which this silence of the grave inflicts upon me!

On the day before yesterday the Hon. Mr. Forsyth addressed me a note requesting an interview (informal of course until we are recognized) at the department of State. I attended punctually and he informed me that the object of the interview was to lay before me a despatch which this government had just received from Mr. Andrew Stevenson Minister Plenipotentiary near the Court of England. Mr S. stated that in obedience to instructions he had had a special interview with the Premier Lord Palmerston in relation to the part which England was disposed to take in the war between Texas and Mexico. He asked Lord Palmerston if Mexico had not applied to England for aid and intervention and he informed his Lordship very promptly that the United States would not permit the interference of any European power in that contest. His lordship replied that Mexico had applied indirectly, but that his Government had positively refused to listen to any propositions on the subject that England would not in any way intervene or interfere and that she was entirely satisfied with the neutral course pursued by the Government of the U. S. since the commencement of the Texian revolution. Mr. Forsyth

^a L. S.

authorised and indeed req[ui]ested me to communicate the purport of this despatch to my Government. Similar opinions have been expressed by Mr. Fox the English Minister near this Court, and it is believed by those who are best informed on the subject that England anticipates the annexation of Texas to this nation as an inevitable event and is prepared to witness it without opposition or murmuring. Not from Mr. Forsyth but from a source equally official, I have learnt beyond doubt that the French Government take the same view of the matter. The French Minister said during the last summer that his Government had no more right to interfere in regard to Texas than had the government of the United States to interfere in the affairs of Belgium or any other Country bordering on France. So it seems that the fear of offending foreign powers need no longer prevent this government from recognizing or indeed annexing Texas.

In the course of conversation I asked Mr. Forsyth if he thought that a treaty of annexation would be ratified by Congress, after our recognition. I told him that even admitting we were recognized by this Government yet if we were not annexed, if we had to remain independent our best interests demanded that we should be apprised of the fact as soon as possible that we might immediately proceed to institute diplomatic relations with England France etc etc for the purpose of procuring our recognition forming treaties of amity, commerce etc. etc. I beg that what I am about to state as occurring between myself and Mr. Forsyth and the President will be considered as sacredly confidential. The publication of it under any possible circumstances would be extremely embarrassing and indeed unpardonable for some time to come. Mr. Forsyth replied to me that various conflicting sectional interests in Congress would have to be reconciled before annexation would be agreed to. I answered that I was well satisfied of that, and the object of my question was to learn from him whether in his opinion (after calculating and weighing materially (as no doubt he had done) all the objections and obstacles) a treaty of Annexation made by this Government would be ratified by Congress. He answered in the affirmative but said he thought it would be best done under the administration of a Northern President (Mr Van Buren for instance)

This you see is a postponement of the subject of annexation untill another session of Congress probably for several years it may be forever. Our Government will then duly consider whether the issue of the question of annexation is not too distant and doubtful to Justify the postponement of the institution of diplomatic relations with other powers untill after it shall have been decided. It is said by many and not without foundation that Mr. Van Buren himself is *anxious to have the glory of annexing Texas* under his administration. *I am myself compelled to believe that Mr. Van Buren is in*

favor of annexation and that nothing under heaven, but the opposition of Texas can postpone it longer than two years at farthest. I predicate my opinion upon information of Mr. Van Burens views derived from his most intimate and confidential friends, also upon the good sense of the Northern Statesmen.

The Northern Abolitionists and fanaticks will of course always oppose annexation, but the Northern Statesmen who consult the interests of their constituents as much as any other people clearly perceive that even with the present limits of the United States, the preponderance of political power will very soon depart from the North and permanently reside in the South and West. When the North has once and forever lost her political ascendancy she will not object to an almost indefinite extension of the agricultural interest of the south and West, for the North will in that case become the Carriers and Manufacturers of a more extensive region which is all that they then will or need aspire to. Again this government cannot and will not consent to see an independent slave holding community existing contiguous consuming as they will the manufacturies [sic] of Europe alone and presenting a formidable rivalry to the Cotton and Sugar growing interest of Louisiana and Mississippi and the whole South. I have other reasons inducing this belief unnecessary to be detailed here. To be brief I believe that this Union will dissolve should the North obstinately oppose the annexation of Texas. The North seeing this and knowing that they would be the greatest sufferers by a division, that their misfortunes^a would in such case find no market, that their carrying trade would be greatly curtailed, indeed the North finding that they would well nigh starve, would be forced even if against their will into the measure. I have given it as my opinion that annexation cannot be postponed longer than two years unless the people of Texas themselves oppose it. The question for us is will we or can we wait those two years? I design making it my business to see Gen Jackson on the subject to day: I will endeavor to quicken his operations, by telling him what I believe to be true that there is a wish to postpone the question of annexation until after this Session and thereby rob him of the glory of the measure. Understand me I do not in common conversation even hint at annexation now, nor will I until recognition is secured but with friends of undoubted confidence and expanded views I freely discuss the question in all its bearings

I will now proceed to detail to you a confidential conversation had with the President at his own request. Immediately after the appearance of his Texas message, I procured as many of his friends and of the friends of Texas to visit him as I could, to explain to

^aThe word originally written or dictated by Wharton was "manufactures."

him their surprise and the unusual surprise at the appearance of such a message coming from him and also to dilate upon the immense injury which it inflicted upon Texas so far as her finances and credit were concerned. He became as I was convinced dissatisfied with the position in which his message placed both him and Texas. My object was to obtain his assent to a move in Congress by his friends recommending to him the immediate recognition of our independence. In this I have succeeded. After many interviews between him and our friends on the subject of his message I called in obedience to his request. As soon as we met I commenced addressing his sense of Justice. I told him that his message had done us as much injury as he could possibly do us unless he were to unite his arms with Mexico and invade us. That it struck at the root of our credit. That without recognition we were begging off our public lands with great difficulty at fifty cents per acre, that with it we could dispose of any quantity at one dollar per acre. That we could get what supplies we wanted, build vessels etc etc with recognition. That we could immediately negotiate our 5 millions loan etc That he was mistaken in supposing that a delay to recognize would do neither party any harm. Of course it would do Mexico no harm, That it would please and animate her. That the Mexicans would have his message printed on Satin and circulated through all the Country. That it would disanimate our friends. That nothing but God himself could defeat our ultimate independence, but that his message would make our road to the attainment of it longer and more thorny. I asked him if he did not conceive us a de facto Government with ample physical ability to maintain our independent national existence. This he did not pretend to question. I told him that we in Texas unanimously thought that this was all that he would inquire into and finding this to be true that he would fearlessly assert it and recognise us regardless of what Mexico or England or any other power might say.

He replied that the object of his message was to obtain the concurrent action of Congress on the subject. I answered a majority of Congress were in favor of immediate recognition, but that many of the administration party forbore acting for fear of its being considered (*after his message*) as an attack on the administration. He said that that was all foolishness, he doubted the power of the President to recognize of himself he wished the sense of Congress on the subject and would immediately concur if a majority recommended it. This was all I wanted. His friends will move on the subject during the coming week unless something extraordinary occurs. I hope and believe all will go well and we will be recognized. During the conversation he observed that Santa Anna was still President of Mexico and that If I could make a treaty with him especially through the

Charge de Affaires of Mexico now at Philadelphia, that it would be valid. I answered that our claims for recognition were predicated on higher grounds than on any thing Santa Anna could or would do, but that of course I would make all out of him that I could. In regard to recognition however I observed that we claimed it as a right on the score of our being a de facto Government with ability to maintain ourselves and that I respectfully conceived that this Government was bound in Justice and in accordance with former usage to extend to us the sheer Justice of a recognition without reference to any thing Santa Anna could or would say or do. Thus we parted. I repeat it again and again, that Genl. Jackson impressed upon me the importance of the most sacred confidence in regard to our interview which I hereby wish to reimpress upon you. Mr. Forsyth exhibited to me a complaint of the Mate and some other officers of the *Brig Pocket*, which must be attended to. I told him it was all false I knew,—but I would lay it before our Government and obtain a history of that whole transaction. A Dr. Plantom herewith sends on an invention of his own in reference to railways Canals ect. He wishes a patent from our Government. The complaint it is said we are about making to this Government in regard to the African Slave trade, has already silenced our traducers and rendered us great service

I have the honor to be

Yours etc

WM. H. WHARTON

Copied in books of legation

J. M. WOLFE

Secry.

WHARTON TO FORSYTH.^a

CATLETT TO AUSTIN.^b

MOBILE

Jan'y 11th 1836.^c

DEAR SIR,

After an unavoidable detention of eleven days at Velasco, and a most tedious and disagreeable voyage of fourteen days, I arrived at New Orleans on the night of the 7th inst. It gave me great pain to learn from Maj. Raines, that you had been extremely ill;—I sincerely trust that this letter may find you in a state of rapid convalescence.

Your various requests I attended to, as far as was practicable on a day of general idleness and public festivity. Messrs. Toby and Marle I was unable to see. Mr. Grayson is in N. Orleans. On Monday the 9th I took passage for this place. The Viper had not then

^a January 11, 1837. See Wharton to Austin, January 15, 1837.

^bA. L. S.

^c Should be 1837.

arrived although she left Velasco on the same day with the Julius Caesar. Col. Turner^a is on board of her, and has in his charge the scrip intended for David White Esqr. of this City.

You have doubtless by this time received President Jackson's message in relation to Texian affairs. I cannot express the regret, with which I gradually awoke to the unwelcome truth, that he is opposed to the immediate recognition of Texian Independence. I did not anticipate so cold blooded a policy from him. There is something within me however, that whispers that the message was a message of expediency not intended to sway the Congress from a just and generous measure, but to lull the jealousy of foreign powers, and gull the national vanity of miserable Mexico, while the work goes not the less surely on, and approaches the consummation of all that you most desire:—not only recognition but annexation likewise. A resolution has passed the lower house of the Legislature of Kentucky requiring their representative in Congress to vote in favour of recognition. There can be no doubt, if one can form an opinion from what he sees and hears, that our independence will be recognised by a large majority. The message is supposed to have been written by Mr. Van Buren; if so, it may be regarded as an omen of the ungenerous policy which he has determined to pursue in relation to Texas. It matters not. It will make his administration unpopular at the very outset. Texas has many strong friends in Congress and indeed the South and West are already arraying their strength in her favour. I greatly fear that the opposition will identify themselves with Texian interests for the selfish purpose of restoring their fallen party to power and breaking down the next administration. I feel confident that the questions of recognition and annexation will produce a general splitting up of the old democratic party, and I devoutly trust that the annexation of Texas may be the result. I would not have ventured to express the crude ideas of so inexperienced a mind as my own had I not been writing to one, who I know will view them with indulgence, appreciate them as ingenuously given, and not regard them as emanating from an intrusive or presumptuous disposition.

I shall get off tomorrow for Washington and if not unusually unlucky will arrive there by the 25th inst.

Please accept my sincere wishes for your health and happiness, and with sentiments of high consideration and respect,

I have the honor to be,
Your Obt Servt

F. CATLETT

Honble. STEPHEN F. AUSTIN
Secretary of State
Republic of Texas.

^a Doubtless Colonel Amasa Turner of Gonzales.

HENDERSON TO WHARTON AND HUNT.^a

COLUMBIA TEXAS
DEPARTMENT OF STATE
January 12th 1837

To The Honbl

Messrs WHARTON and HUNT

I am directed^b by the President to instruct you to enter into a negotiation with Genl Santa Anna before he leaves the city of Washington for an exchange of prisoners

So far as regards the manner time and place of the exchange you of course must be the Judges as this must be done to suit as near as possible the convenience of both Governments

The *terms* of the exchange will be those which universally govern such transactions, that is, for all Texians who are now prisoners of War in the hands of the Mexican Government and who shall hereafter be discharged by that Government, so shall a like number of Mexican prisoners of war according to rank, be discharged by this Government and as regards the expense heretofore incurred by either Government for keeping of^c the said prisoners and that which shall accrue in the exchange you are instructed either to settle now or leave it for subsequent negotiation. It is however desirable that the exchange should be made as soon as practicable and if such an exchange can be agreed upon at this time with Genl Santa Anna and he should be favourably received in Mexico it will facilitate this verry desirable object

You will doubtless communicate frequently and fully to this Department your progress in your mission

J PINCKNEY HENDERSON
Acting Secretary of State

 WHARTON TO AUSTIN.^d
Despatch No. 5.^eWASHINGTON CITY *January 15th 1837*

SIR

I have the honor to acknowledge the receipt of your official communication of the 10th. Ult and of a private one under date of the 12th Ultimo. These are my first and last accounts from Texas since

^aA. L. S.^bWritten above "instructed," which is marked out.^cIn the original "or."^dL. S.^eThis number was apparently entered after the receipt of the despatch. See Henderson to Wharton and Hunt, February 19, 1837.

my departure. In obedience to your instructions I immediately addressed Mr. Forsyth the following note enclosing at the same time your despatch No 3

WASHINGTON [CITY,] 11th January 1837

To the Hon. JOHN FORSYTH *Secretary of State*

SIR

I am informed by *Despatches* Just received from my government that certain tribes of Indians dwelling within the limits of the United States especially the Caddoes meditate an invasion of the Territory of the Republic of Texas. In consequence of this I am instructed to request and indeed insist that the United States troops should continue their occupation of Nacogdoches or some other convenient point on the Frontier believing that this government can in no other way promptly and adequately fulfil its *treaty* obligation to restrain its Indians from committing hostilities within our territory. In conclusion I wish it distinctly understood that the continued occupation of Nacogdoches or of any other point West of the Sabine will settle nothing one way or the other in relation to the boundary between Texas and the *United States*. This it is our wish and expectation to have established in perfect accordance with the treaty of 1819 between Spain and the United States

I transmit through the hands of J. M. Wolfe Esq a portion of the evidence on which this communication is predicated

I have the honor to be

Yrs

WILLIAM H WHARTON

Mr. Forsyth returned the despatch through the hands of his Chief Clerk with a copy of the instructions of the War Department to the officer commanding on the Texas Frontier He stated that this government had already taken and would continue to take ample measures to restrain its Indians from committing extraterritorial aggressions in contravention of its treaty obligations.

I am satisfied from conversations with the President and Secretary of State that there will be no remissness on the part of this Government in regard to this delicate and important subject. I have exhibited as you requested my general instructions to the President and Mr. Forsyth. They appeared well satisfied with them. I asked the President if there was any thing unreasonable or objectionable in my instructions. He answered No. I asked him if after our recognition this government would turn a prompt and willing ear to the subject of annexation telling him that although we were recognized

yet if we were not annexed we would of course be compelled to institute diplomattick relations with other powers which we had not as yet done on account of our expectation of being annexed. He answered hastily about to this effect, [""] after your recognition there shall be no delay on my part in regard to any matter necessary to be discussed or settled between us" Here our interview and conversation were interrupted by visitors. There is an unwillingness to talk about annexation untill after recognition. After that I will not fail to press the matter so as to have it if possible decided under General Jacksons administration. Now in regard to recognition. I have been assiduous to have it brought forward ever since I ascertained it would meet the presidents wishes if Congress recommended it. I have had a formal interview with the committee of foreign relations of the house of representatives. They propounded to me a thousand interrogatories and I trust that my answers elucidated and strengthened our claims to an immediate recognition. The tables of the Members have groaned with pamphlets written by the abolitionists for the purpose of injuring and calumniating Texas. Besides many small essays I have finished a pamphlet signed [""]Jefferson" which puts the matter in a proper light and which has done great good. I herewith send some copies of it.^a

I have been much with our friends Mr. R. J Walker of the Senate from Mississippi. He is high in favor with the departing and the coming administration and has introduced a joint resolution recommending our immediate recognition which is made the special order of the day for Wednesday. I have no doubt of its passing—but politicians you know cannot be firmly calculated upon and I may be doomed to experience a disappointment. But I cannot I will not believe it untill I see it. "Sufficient unto the day is the evil thereof" After Wednesday you shall again hear from me

Yrs etc.

WM II WHARTON

JANUARY 17th 1837

I have opened this communication to say that Col. Bee^b and Almonte^c have Just reached this place. They came in the night and day stage and Left Genl. Santa Anna Col. Hockley^d and Captain

^a The copies are not on file with the letter.

^b Barnard E. Bee, a native of South Carolina, and a brother-in-law of Governor James Hamilton; secretary of the treasury under President Burnet, 1836; secretary of war under President Houston; secretary of state under President Lamar, 1838-1839; secret agent of Texas to Mexico, 1839-1840; minister to United States, 1840-1841; father of General Barnard E. Bee, who was killed in the battle of Bull Run.

^c Juan Nepomuceno Almonte, a natural son of the priest Morelos; aide-de-camp, in 1836, to Santa Anna, and captured at the battle of San Jacinto; Mexican minister to the United States, 1841-1845 and again in 1853. For other biographical data concerning him, see Thrall, *Pictorial Hist. Tex.*, 477-479; *Appletons' Cyclopædia of American Biography*, I, 59.

^d George W. Hockley, inspector general at San Jacinto; secretary of war under Houston, 1843; one of the commissioners to treat with Mexico for an armistice, 1843-1844. See Thrall, *Pictorial Hist. Tex.*, 555.

Patton between this and Wheeling. They are traveling in a private carriage and may be expected here to morrow. Col. Bee states that Genl. Santa Anna has been well treated on his Journey and has made quite a favorable impression wherever he has been. The Col has every confidence in his doing all that he can to bring about peace between Mexico and Texas on the basis of the independence of the latter. I will be able however to know positively his disposition on that subject in a few days. I really regret that you have given me no instructions in relation to any negotiations between Santa and myself

I have the honor to be

Yrs ect.

W II WHARTON

Copied in books of legation.

J. M. WOLFE

Secry.

HENDERSON TO WHARTON AND HUNT.^a

DEPARTMENT OF STATE

COLUMBIA TEXAS

Jan. 21th 1837

To The Honbl.

Messrs WHARTON and HUNT

It again becomes my duty to instruct you upon the subject of Indian hostilities in Texas, which may extend in future so far as to disturb the peace and safty of the people of the United States, in violation of the Treaty Concluded between the Government of the United States and the Republic of Mexico on the [fifth] day of [April] A D 183[1]

It is desired by the President that you should continue to urge the propriety on the part of the Government of the United States of stationing a sufficient number of regulars in the vicinity of the Town of Nacogdoches to keep the several tribes of Indians in subjection and prevent their commencing hostilities on the whites, as they know no distinction of Territory and if they once commence hostilities in Texas it inevitably will extend to the citizens of the United States. You can assure the Government of the United States that this Government has the fullest assurance and the most satisfactory evidence of which the nature of the case will admit that the Cherokees and their associate bands have undertaken to assist the Mexicans in overruling and destroying the people of Texas—that they formed a treaty with Mexico during the last summer at Matamoras by their chiefs and head men by which they engaged to pretend friendship to the whites until the Mexican army by their next invasion shall

have reached the Gaudeloupe River at which time they are bound to commence hostilities against the people of Texas in the East, so as to prevent them from joining the main army Genl Urea paid the said Chiefs at that time one thousand dollars in money and presents and at the same time gave them a Draft on New Orleans for five thousand dollars to be paid in arms and amunition.

These Indians have also undertaken to unite with them in the war; the Northern Indians as well as those of the Prairies, many of these Indian tribes inhabit that region of country bordering on the waters of Red river and the United States, so that the safty of families living on the borders of Texas but in the United States must necessarily be exposed to their cruelties in the event of their commencing hostilities

You are also instructed [to] say that the Caddos doubtless encouraged by the said treaty have already committed several murders—that about two months since they murdered Captn Beaston and several persons who were in Company with him on the Gaudeloupe river It is also reported to this Government from undoubted sources that the Caddos have within the last two weeks cruelly murdered a family about thirty miles North of Nashville consisting of an old man his wife and several children and about the same time killed two men who belonged to the Rangers in that region. This intelligence reached the Executive by Express on yesterday. Urge the propriety to the Government of the United States of *immediately* stationing at least five hundred men at or near Nacogdoches. As this request is made by the Government *de facto* of Texas and its consent given to the measure, the Government of the United States will be fully authorized in this course. By the Law of Nations one government is not bound to look beyond the power in possession of the Government with which it acts—it need not enquire who ought to be in power but who *de facto* has the administration of the Government at the time of action. If however the independence of Texas is acknowledged by the time you receive these instructions, it will remove all difficulty upon this point, but let not this event cause you to relax your exertions to effect this desirable object. Your own perfect knowledge of the situation of the country and the great danger to be apprehended from these Indians will of course enable you to make use of many arguments to pusuade the Government of the United States of the necessity of adadopting the course recommended

Renew the assurance of the high regard and esteem which the President and people of Texas entertain for the President and people of the United States

Respectfully

Yours etc.

J PINCKNEY HENDERSON
Acting Secy of State