

MESSAGE OF HOUSTON TO SECOND TEXAS CONGRESS AS TO EASTERN
BOUNDARY OF TEXAS.^aGRAYSON TO IRION.^b[LOUISVILLE, KENTUCKY.] *October 1 1837*

MY DEAR SIR,

After many delays, and through various mishaps, I got to this place a few days ago. Before leaving Galveston I had a slight attack of intermittent fever and from exposure afterwards, was laid up for a week or two at different points, with renewed visitations of that agreeable malady. I am now however gaining strength pretty rapidly and shall go on Eastward as soon as I have made some ascertainment to my thorough satisfaction here, with respect to the subject of our great solicitude. I am happy to say that the administration Editor, of this place, (who greatly influences the politics of the West with respect to his party) is decidedly in *favor of annexation*, and has assured me that he is *confident of the views of the President being in accordance with his own*. He speaks with great confidence as to the result, and will I am sure in every way advocate the measure, which he is already beginning to do in a very judicious manner. But there is one person here, (a member elect of the Legislature of the State, a man of *very high abilities* who has expressed to me *some doubt* of the *policy* of the measure of annexation on the part of the Government although he admits the great probability that it will take place. As I know the Kentucky Legislature will express some opinion on the subject, at its next session, I am very anxious to impress upon the Gentleman in question, every argument and consideration I can think of, to induce him to take a stand, at once *decidedly* favorable to our views. He is not at all *decidedly* opposed; but seems to hesitate a little, only, for the want of a clear conviction of the advantage to result to the U States from the proposed measure.

You may be sure I have not failed to urge upon his attention, views which I think had not before occurred to him, on the subject, and which if I mistake not have not been without their effect.

Much, let me observe to you, depends upon the expression of the Legislature of this State, because that expression will influence *Mr. Clay*, who, in conjunction with *Mr. Calhoun Preston* etc in the Senate, can undoubtedly carry the measure, if, as I now do not doubt, *Mr Van Buren* be earnestly in favor of it. I shall be in Washington in a few days, from which point I shall be able to write you more understandingly on the subject. Nothing will be attempted *in Con-*

^a September 25, 1837. See Irion to La Branche, February 13, 1838.

^bA. L. S.

gress, however, I can say to you, until the regular session—the present one not being likely to last longer than till the 15th. of October or thereabouts.

I am all in the dark about Texas affairs ever since I left—except that I see by the papers, the Invincible has been lost on the bar of Galveston,—that the Indians have committed some new outrages—and that Wm. H. Wharton has made his escape from Matamoros. I have an unspeakable solicitude to hear of the proceedings of the called Congress, if indeed there was a quorum, which I was inclined to doubt.

I see Genl. Johnson every day, here, and am happy to say that his health is rapidly improving and that it is his intention to return to Texas about the first of November.

As I write now merely to let you know where I am etc and give you the little glimpse I have gathered as to our prospects, so far, I shall say no more, except to request you will present my best regards to the President, who I hope is enjoying good health, and for yourself that you will

very truly
Yr. friend

P. W. GRAYSON

Dr R. A. IRION,
Secretary of State etc
Houston Texas

REPORT OF COMMITTEE ON FOREIGN RELATIONS, SECOND TEXAS CONGRESS.^a

GRAYSON TO HOUSTON.^b

WASHINGTON [CITY,] Oct 21 1837

Dr. GENERAL,

Manifold mishaps and untoward circumstances prevented my reaching this place before the adjournment of the called session; I got here on the 18th—Congress having adjourned on the 16th. This is a matter I had no particular reason to regret however as before my arrival I had learned that there was no intention to bring up the subject of Texas and the question of its annexation, until the regular session which commences you know on the first Monday in December.

By the Communications of Genl. Hunt, you will have seen the present attitude of the question with the Cabinet of this Govern-

^a October 3, 1837. See Irion to La Branche, February 13, 1838.

^bA. L. S.

ment—which you will observe, is for the present acting with a sort of diplomatic caution, out of deference to the prejudices of the North. Nevertheless, their real solicitude for the annexation can not I think be *questioned*. I have called on several members of the Cabinet, among others Mr. Poinsett, whose warmth on the subject seems equal to our own, but was met by him with the *Cabinet suggestions* of a little delay for the present!!—in reply to which the appropriate suggestions as to the hazards of any postponement etc were made by Genl Hunt, who accompanied me and myself.

In the event of the administration *holding back* in this equivocal manner, it is suggested as more than probable that Mr Clay will take the lead in favour of the measure joined by Preston etc. From all I can learn of Mr Clay in respect to the question I cannot doubt that *he* is with us—and if so, by the new views he can present, there is little doubt of his being able to conciliate so *much of the North*, as *added to the South will carry the measure*.

Upon the whole, however according to the views I take of the subject, I look *upon the result*, as *exceedingly doubtful*. This I have deemed it due to truth and candour to say to you, notwithstanding my great solicitude on the subject.

But there is a mighty feeling to burst forth—a sort of volcanic explosion to take place in Congress, on the question at all events; and as in the natural world, such convulsions sometimes Sink *old continents* and throw up *new ones*—by analogy we may suppose, that political convulsions may destroy old opinions and parties and bring up others in their stead, which are to change the whole face of affairs.

I have written this letter, rather to let you see I am *alive* and to express to you my respects, than as deeming any thing I have as yet to communicate, of any material importance.

In the course of a short time however, I shall hope to be able to say something *more conclusive* as to future events, that may be expected by us from the actions of this Government—which is to decide our fate one way or the other. Every pains shall cheerfully be taken by me to learn everything and *influence* every one in my *power*; of all which I will feel it my duty to give you the earliest information.

It gives me great pleasure to assure you of the *zeal* and earnestness with which Genl Hunt, is labouring to effect the wishes and instructions of his Government.

You will see by the correspondence he sends to the Department of State, that even the old fanatic J. Q. Adams is committed *for the acquisition* of Texas

To Doc Irion—Smith etc. be pleased to express my most cordial salutations and for yourself believe me

Very faithfully

Yrs etc

P. W. GRAYSON

HUNT TO IRION.^a

Despatch No. 27.

TEXIAN LEGATION.

WASHINGTON CITY.

Oct. 21st. 1837.

SIR,

I have the honor to acknowledge the receipt of your despatch by Col. Grayson of the 13th of August. I am very much gratified to know that my official duties have been conducted in a manner so satisfactory to the President and yourself.

The present attitude of the question of annexing Texas to the United States is delicate and precarious. Should the United States declare war against Mexico at the next Congress, there is little doubt of the success of my mission—if otherwise, I doubt whether I can make any just calculations of success. I am satisfied that the Executive here would be pleased at its accomplishment, but he will act with great caution in advancing its consummation. The friends of the measure, who are in the confidence of the President and Cabinet, insist on time to enable them to carry the measure. They say it is impossible to jeopardize the strength of the party in the North by precipitate action upon the subject, and doubt whether they can carry the question even by the 4th. March 1839. I invariably reply, that I fear their tardiness will lose the acquisition of Texas, and should it be lost, Mr. Van Buren will lose his election, as the South will oppose, with unprecedented unanimity, the elevation of any man, who opposes the question, or fails to lend his aid in its accomplishment. There will be a powerful effort made by the friends of annexation for its accomplishment, when Congress meet, and Mr. Van Buren will be forced into a position, I think, and that position will be favorable, unless I am greatly mistaken. I expressed to an influential friend of the Executive, a short time since my determination to apply for a recall, if there were no evidences given to me of a positive disposition on the part of this Government to acquire Texas and authorised him to confer with the President and Secretary of State upon the subject confidentially. I am not at liberty to communicate even to you the result of this private interchange, and am so bound up in secrecy, that I can only say I was made satisfied to continue my residence here longer. Mr. Clay offered a resolution on the eve of the adjournment of Congress, calling on the President for the correspondence with Mexico, relative to the claims of this government. *The result of this call may produce consequences more propitious to the advancement of the accomplishment of my mission than all other combined circumstances, now hoped for.*

I forward you the correspondence between this government and Mexico upon the subject of the cession of Texas by Mexico. You will discover that Mr. Adams, Mr. Clay, Genl. Jackson, Mr. Van Buren, Mr. McLane, and Mr. Forsyth are all committed upon the subject of its acquisition. I have had several thousand copies of my correspondence with this government printed and shall take the liberty of forwarding them to you and of asking that they may be distributed as generally among the people as possible.

The Senate have not yet confirmed the nomination of the commissioner to run the boundary line. Gov. Reynolds of Mississippi is the nominee and his name has been in the hands of the Senate since last winter.

I send you regularly the newspapers of this City, which will afford you all the information in relation to the action of Congress upon the subject of Texas. Twenty thousand copies of my correspondence with Mr. Forsyth on the subject of the annexation have been printed by order of the House of Representatives.

I am delighted to have Col. Grayson with me in the capacity he occupies, and should be much more gratified if his relation were that of colleague.

I have the honor to be
Your obedient servant

MEMUCAN HUNT.

To,
The Honorable
R. A. Irion
Secretary of State.

HUNT TO IRION.

Despatch No. 28.

TEXIAN LEGATION,
WASHINGTON CITY,
Nov. 15th 1837.

SIR,

Since writing you on the 21st of October, I have in company with Col. Grayson, visited Philadelphia and New York, where we remained two weeks with our loan Commissioners Messrs. Gilmer and Burnley. They failed in accomplishing their object, but from two long interviews, which I held with Hon. N. Biddle, I have little doubt that if the loan act is altered in the manner which will doubtless be suggested by the commissioners, we shall soon be able to effect our desires in this respect. I wrote to Messrs Gilmer and Burnley at

length relative to the views of Mr. Biddle and learn that Mr. Burnley has since had a full interview with him upon the subject.

I have had a long interview with Mr. Forsyth since my return, on the subject of annexation, and am gratified to state that his tone is more favorable, than it has ever been in any previous conversation, I have held with him upon the subject. He remarked that if matters were properly conducted at home, he had no doubt the annexation would be accomplished. He spoke in very censurable [sic] terms of the course of the New England States on the subject, and I now believe is a warm advocate for the measure of annexation and for having it accomplished as early as possible. I asked him whether Mr. Martinez, the Minister of Mexico, had made any suggestion on the subject of a tripartite treaty or cession of Texas. He replied in the negative, and stated that the Mexican Minister assured him, that he had not yet received any instructions from his Government. I requested Mr. Forsyth not to repulse any proposition from the Minister of Mexico, which he might make on the subject of Texas (if this Government desired a treaty of annexation with us) without first communicating with me on the subject.

The friends of annexation are increasing their numbers very fast in the Western States. There is not, I am informed, in the Illinois delegation a single dissentient voice. Senator Allen of Ohio is in favor of it and both the Senators from Michigan are so in their private sentiments and have promised to be so officially, if their constituents can be prevailed upon to sanction their course. I most ardently hope that my Mission will succeed during the ensuing session of Congress, but I doubt whether it can be accomplished. Every possible exertion however shall be used to bring it to a speedy and successful termination.

I have the honor to remain
Your obedient servant—

(Signed)

MEMUCAN HUNT.

Honorable R. A. IRION
Secretary of State.

MASON TO IRION.^a

NEW YORK, *Novem. 27th 1837.*

Sir;

After the communication made to you from Nacogdoches in relation to an association with Genl. Hunt in forwarding the views of the Texas Government at Washington, everything conspired to defeat

my wishes; and the one insurmountable was ill health. The consequence was a protracted journey, and I did not reach here till the 27th Sept. On the next day I addressed a letter to Genl. Hunt, and found that his correspondence with Mr. Forsyth had commenced and terminated in a manner to preclude any further negociation at the present moment on the subject of principal interest, and the one in which I was more especially charged to give my aid. Being at the same time an invalid and much business to attend to and Congress about adjourning in a few days, I did not go on to Washington; but have had the satisfaction of seeing Genl. Hunt here in company with Mr. Grayson the Atty. Genl. In our conference I found that Mr. Grayson was charged with the same authority as myself and would remain at Washington during the ensuing session of Congress.

I therefore have concluded that my presence there would be unnecessary and Mr. Grayson and Genl. Hunt seemed to concur in this view. Indeed it was doubtful whether I could give the time to the objects contemplated, and whether my health would permit. The neglect of my business has been great in consequence of a protracted decrepitude from a severe attack of Gout, and I am here now without having been able to join my family at Detroit. In the course of after days I hope to go there and from thence proceed south, to which climate I must resort for a permanent restoration to health. According to my present arrangements I anticipate being in Texas in March or Feb[r]uary next.

I beg you to accept the assurances of my high consideration and perfect esteem.

JOHN T. MASON.

The Hon.

R. A. IRION, Esq.

Secretary of State

of the Republic of Texas.

LA BRANCHE TO IRION.^a

LEGATION OF THE UNITED STATES AT HOUSTON

27th. November 1837.

SIR,

The President of the United States having thought proper to appoint Mr. Stewart Newell consul of the United States for the port of Velasco in the republic of Texas, I have the honor of submitting his commission to you as such, and requesting you to deliver an ex-

equatur for him. You will be pleased to return the commission with the Exequatur, so that I may forward them to Mr. Newell.

With high consideration and respect I
have the honor to be your Obnt Servt

ALCÉE LA BRANCHE.

To

The Honble R. A. IRION *Secretary of State*
Republic of Texas.

LA BRANCHE TO IRION.^a

LEGATION OF THE UNITED STATES,
Houston, 29th November 1837.

SIR,

As I had the honor of apprising you a few days ago, it becomes my duty to submit formally the claims of citizens of the United States, who have suffered injury from your government or its officers, with a request that the same be laid before his Excellency the President.

I would I apprehend do injustice to your intelligence and sense of equity were I to conceive that more than a mere statement of the facts were necessary to convince you of the validity of these claims, and the propriety of acknowledging them. I will therefore confine myself to a brief recital of the circumstances of the case.

On the 20th of March 1836, the Brig Pocket, sailing under american colours and belonging to citizens of the United States, left New Orleans bound to Matamoros. On the voyage she was captured by the Texian armed schooner Invincible, commanded by Jeremiah Brown, and carried to Galveston, and with her cargo appropriated without trial or condemnation by persons acting under the authority of the Texian government. The captain and crew, with the exception of the second mate, who was still more severely de[al]t with, were detained nineteen days at that place, after which they were released and suffered to embark for New Orleans. Permission was given them to take such articles of private property as belonged to them, but after a general search they were unable to find any thing. Their clothing, hats, books, quadrants, charts were all missing having been already secured by the captors. Previous to this, the passengers were transferred on board of a Texian armed schooner called the Brutus where they were all stripped and searched by a person named Damon who acted as Lieutenant, and four of them viz. Hill, Hogan, Murje and Campo were immediately put in double irons by him.

^a A. L. S. The archives contain also two copies, one of which is endorsed "Secret Session May 3rd, read in Senate."

One of the passengers, Taylor, had his trunks broken open by this Damon and 497 dollars together with other property taken therefrom, amounting in value in all to \$800. When he desired to obtain a simple receipt for the money alone, he was also put in double irons. Hogan and Campo received one hundred lashes on the bare back with a cat o' nine tails, stretched on an eighteen pound cannon, and were threatened by Hurd acting as Captain of the Brutus and Damon that they should be hanged—the foreyard was accordingly loosened and braced for that purpose and these inoffending victims were actually brought on deck with ropes around their necks and tortured with their impending fate. Somers and Taylor were kept in double irons, the former for the space of twenty five days, and the latter for seven weeks. At the expiration of those periods instead of being released, they were forcibly detained without any legal pretext or excuse for upwards of four months and seven months separately, when they were permitted to depart for the United States. Somers, during all this latter period was compelled to perform various work, such as unloading vessels etc, and had all his clothing and instruments of navigation taken from him.

As American citizens, proud of a title honored and respected by all nations, and under the protection of their flag, they had a right to expect exemption from violence or outrage from any quarter, but most of all from officers acting under the authority of the people of Texas, whose reminiscences of a common country, consanguinity and sympathy should still be so vividly entertained, and afford such constant sources of pleasing emotions.

The brig Durango commanded by James C. Ryan, also an american vessel was seized in Matagorda Bay, and pressed into texian service, by the orders of John A. Wharton, adjutant general of the texian forces, and William S. Brown commander of the texian armed schooner Liberty. Said vessel sailed from the port of New Orleans for the port of Matagorda. Capt. Ryan finding himself deprived of his vessel and being unable to reclaim her in a legal way was compelled to abandon her, but recorded his dissent from this proceeding by entering his protest in due form before Charles Wilson, primary judge of the department of Brassos and jurisdiction of Matagorda, on the 22d of March 1836.

The facts above mentioned in relation to the capture of these vessels are made known to me by documents in my possession duly attested, and which I am ready to communicate to you, should you desire it.

The amount claimed for the vessels is eight thousand and fifty dollars which I am instructed to demand of the texian government, and also to require an indemnity for the property taken from the individuals on board, and for the other injuries they received. For the

latter claim I refer to future consultation with you, to determine what shall be deemed fair and equitable, and, I doubt not, that we shall agree upon that point as well as upon the justice and propriety of the present application for redress.

The almost universal reprobation that has attended the capture of the Pocket and the confidence I entertain in the loyalty, justice and magnanimity of your government induce me to abstain from making any comments or animadverting upon the conduct of those engaged in that affair in terms that my feelings would prompt.

I have the honor, to be Sir,
With high consideration,
Your Obt. Servant

ALCÉE LA BRANCHE.

HON. R. A. IRION
*Secretary of State of the
Republic of Texas.*

IRION TO LA BRANCHE.

DEPARTMENT OF STATE,
City of Houston, Dec. 1st 1837.

SIR,

I have the honor of acknowledging the receipt of your communication enclosing the Commission of Mr. Stewart Newell as consul of the U. States of North America for the Port of Velasco in this Republic, and transmitting herewith his Exequatur, and also returning his Commission.

The arrival of the Consul Mr. Newell is another event in our foreign relations of the most pleasing and satisfactory character, and evinces on the part of our "Mother Country" a disposition to establish commercial relations with us, in regard to which subject this Government feels much solicitude and will promote its regulation on principles of liberality and justice.

I have likewise the honor of acknowledging the receipt of your communication of yesterday on the subject of the Brigs Pocket and Durango, and of assuring you that it will receive that prompt, candid, and decided action which its peculiar nature and importance demands of this Government.

I have the honor to be yrs.
with great consideration and respect,

R. A. IRION
Sec'y of State

HON. ALCÉE LA BRANCHE
*Chargé d' Affaires
U. States.*

GRAYSON TO IRION.^a

WASHINGTON [CITY,] Decr. 7, '37.

DR SIR,

At length my mind having arrived at something like a definite conclusion on the subject of annexation, I am prepared to give it, just as it is without reserve, or shading of any kind. This it is—that there is *no solid foundation on which to build a hope that the measure can now be carried*. Without going into all the particulars that might be descanted on, in relation to the matter, I will just observe that both parties here are afraid to move in the matter for fear of losing popularity in the North—in so critical and touchy a condition are they with respect to each other. I have indeed the strongest reason to believe that some of the most prominent men of both sides of politics here are heartily in favor of annexation, and would at once advocate the measure openly and freely but for the *scare crow* to which I have alluded, the *displeasure of the North*. This is the substance of what I have to say—on the subject—That the determination is to give the question the go-by for this session, until weightier matters can be adjusted,—touching the future ascendancy of the two great belligerents—the Loco focos and Whigs.

My intention is therefore to set out on my return to Texas, as soon as Genl Hunt arrives, from North Carolina where he went a few weeks ago on important business of a private character. I have reason to look for him within a day or two.

I must not forget to mention that Mr Van Buren in his message, informs Congress, that the motives of grievance on the part of this Government, with Mexico, remained as yet *wholly unadjusted*; that the *fair promises* which had been made by the latter, in July last, in answer to the special demand then made by the former, had resulted at last, in a response which only related to 2 or 3 private claims; no mention having been made of the various others of that character, or of any of those of a public character. He leaves it to Congress, to devise, *the mode, the time and manner of redress*, saying that he has exhausted all the executive powers which were applicable to the case.

From this you might suppose there would be a sort of *out break* between this Government and Mexico pretty soon. My own opinion is that the *probability is against such a result*—for the cause assigned, in regard to the paralysis of the Government, touching the first mentioned subject. Nothing is to be risked in the way of popularity, *at this pinch of the game*. A few days however will determine something more precise on this last subject.

^aA. L. S.

On the subject of the Loan, which is now our chief and only hope as I conceive, you will have learnt by letters from Mr Burnley, that there is a good prospect of effecting it through Mr Biddle, on condition of the *Laws being altered*, so as to make the bonds more *available to the purchasers*.

These things will all be explained by Col Love who is no doubt at Houston by this time—that Gentleman having left Louisville two weeks ago for Texas, purely to attend to this very business, under the instructions of Mr. Burnley. Let me urge upon you my Dr Sir, the great importance of effecting the proposed alterations with the least possible delay. Say to Gov. Smith, that now is *the time*, for him to exert himself to put a little money in his coffers, and get rid of his "*beggary account of empty boxes*"—and through you let me assure him and the President of the untiring exertions of Mr Burnley, through the whole summer, dancing attendance upon "*purse proud Capitalists*" arguing with and exorting them to come out like men and *do the thing* which would be as good for them, as for us.

What gives me greater confidence, that the Loan will be effected in this circumstance, that a *certain political influence* will be exerted here, to get us the money, in order more certainly *to put off the question of annexation*—which as I have said is a *bug bear*.

I confess I feel mortified that I have not received a single line from Texas since I left. I had expected that you would have written to me, occasionally, but in this it seems have been disappointed. I see by the papers, that Genl. Houston was very ill,—*his life despaired of*. Can this be? I have consoled myself with the idea, that as the most of what we see in the papers, is *false*, this *may be so* also.

My interest in regard to the Land Law remains unabated. I observe it has been under free discussion. God send it may come out something *honest and solid and good*, for upon that *our all* depends, whatever impatient speculators may say to the contrary. As I shall write once more, before leaving here, I shall here conclude, desiring you to give my respects to the President, who I insist is still alive,—Govr. Smith, Col. Bee, Collinsworth etc etc and for yourself believe Truly Yrs.

P. W. GRAYSON.

Dr. IRION—

Secretary of State etc.

P. S. Nothing as yet from Henderson—at which I am a little surprised.^a

^a This postscript is written on the margin of the first page of the letter.

IRION TO LA BRANCHE.

DEPARTMENT OF STATE,
City of Houston, Decr 30th. 1837.^a

SIR,

The undersigned, Secretary of State of the Republic of Texas, has the honor to inform Mr. La Branche, Charge d' Affaires of the U. States, that his communication of the 29th. ultimo, demanding of this Government in behalf of that of the U. States, payment for the Brigs Pocket and Durango, the former having been captured by the Texian Armed Schooner Invincible, on her passage to Matamoros, on the 4th of April 1836; and the latter, which was, in the month of March of the same year, pressed into the Texian service at Matagorda, has been laid before the President for consideration; by whom the undersigned is directed to say, in reply, to Mr. La Branche, that, so far as the Durango is concerned, he will recommend to Congress the propriety and justice of making an appropriation for the payment of the amount demanded.

With regard to the Pocket circumstances attending her capture, and subsequent purchase in New Orleans from E. Howes, Captain thereof, by Thomas Toby and Brother, acting as agents of this Government, are of such a nature as to render it improper for the President, without further investigation, to recommend a second payment for said vessel.

It appears from documents in the possession of the undersigned, that, on the 10th. of May 1836, in the City of New Orleans, for and in consideration of the sum of \$35000 to him in hand paid By the Tobys and Bryan and Hall the said Howes, Master of the Pocket, executed a bill of sale for the said vessel to T. Toby and Brother, with which amount the said Tobys, as agents of Texas, have charged this Government.

Under this aspect of the case the question to be decided seems to be whether the acts of Capt Howes, being Master of the vessel, are obligatory on the owners.

Throughout the world the master is the accredited agent of the ship owner.

His agency does not terminate with the Capture of his vessel. He still represents the ship and Cargo, and is bound to use every effort, not inconsistent with good faith, to protect and benefit their interests.

He may arrange with the Captors and purchase the vessel, in behalf of the owners, before or after condemnation. If the capture be adjudged unlawful, he is the person to receive her after Judgment of Restitution.

^a Wrongly dated on back by filing clerk, January 18, 1838.

The agency of the master in this case was continued in behalf of the owners, independently of receiving payment for the vessel and freight, by the most solemn act he is ever called on to perform in his official character, viz, his protest against the capture.

This document bears date the same day of the sale to the Messrs. Tobys, at which time he received full consideration for the vessel, freight, damages demurrage etc.

The Insurers in N. York should have been informed of this arrangement with the master. Had the protest accompanied this information, the Insurance Company would have given a prompt and decided refusal to any application of the assured for either a total or a partial loss.

Whether Barclay and Livingston were possessed of this information does not appear. But as regards our responsibilities in the matter it is immaterial whether they were, or were not apprized of it.

It would be most extraordinary if third parties, arranging with the general accredited agent of the assured, as the owners of the vessel, were responsible for the faithful application of funds committed to his hands in the regular course of his agency, or for losses resulting from his bad faith, or inattention. The demand on the Insurance office does not appear to have been paid by any document presented to the undersigned. It is also inferable from the deposition of the President of the Insurance Company that it was suspended for investigation.

If the payment to the master, made as it was in perfect good faith, and for the benefit of those concerned, were known to the Company, it is presumed, that it would at once silence all claims on their part upon this Government.

The accompanying documents marked A. and B. are copies of the bill of sale of the Pocket, executed as aforesaid, by Capt. Howes to the Messrs. Tobys, and the relinquishment of all claims against the Government of Texas on account of said capture.^a

Should other evidence be desired by Mr. LaBranche to prove that the purchase was made as set forth in those documents, and for the purposes alleged, the undersigned will take great pleasure in procuring it with as little delay as possible.

In relation to the money and property said to have been taken from the trunk of Taylor by Damon, amounting in all to eight hundred dollars, the President will recommend to Congress its payment in full.

The President regrets that the near approach of the adjournment of the late session of Congress, and the accumulation of business during the latter part of that session rendered it impracticable to have

^a These documents have not been found.

the subject acted on before the adjournment; and directs the undersigned to state to Mr. La Branche, that the whole matter will be laid before Congress early in the next session, which will commence on the second Monday in April next, with such recommendations as will, it is hoped, bring the negotiation to a conclusion satisfactory to all parties concerned.

With respect to the indemnity for injuries inflicted on individuals captured with the Pocket, although this Government views such conduct with indignation and horror, yet, in this case, there are some extenuating circumstances of which Mr. La Branche is not aware, that the undersigned will communicate to him at any time when he may desire an interview on this subject.

The undersigned avails himself of this occasion to renew to Mr. La Branche assurances of his high consideration and respect.

R. A. IRION.

HON. A. LABRANCHE
*Charge d'Affaires of
the U. States.*

IRION TO HUNT.

DEPARTMENT OF STATE,
City of Houston, Decr. 31st 1837.

SIR,

I have the honor of acknowledging the receipt of your despatch No. 27, a copy of the correspondence between the U. States and Mexico in relation to Texas, and a copy of the Journals of the House of Representatives, which I find very interesting.

I regret the presentation of so many petitions against Texas from the North Eastern States. I had anticipated opposition from that quarter, but did not suppose it would be so determined and uncompromising in its character.

The policy of those States has generally been characterized by a disinclination to extend the territory of the U. States to the South West, and judging from recent demonstrations that feeling will probably continue, *if we have to exist separately*, until, pursuing the destiny indicated to us by that significant and beautiful emblem of our nationality, the evening star, inviting alluringly westward the unavoidable accession of *star after star* to our Banner, this now small Republic will embrace the shores of the Pacific as well as those of the Gulf of Mexico; presenting to them the spectacle of an immense cotton and sugar growing nation in intimate connection with *England*, and other commercial and manufacturing countries of Europe,

whose relations shall have been permanently adjusted on equitable principles of reciprocal interest; when, they perchance, in reminiscence, recur[ring] to their policy of the present times, may have to deplore the loss of that ascendancy in manufacturing and the carrying trade that they now so triumphantly enjoy, and which could be rendered perpetual by a different course of policy.

The first object of the people of Texas, after having emancipated themselves from Mexican tyranny, was, to restore to [the] U. States the extensive and valuable domain which had once been hers, and enjoy peace, security and happiness on the soil which they have reclaimed from savages and the wilderness, under the laws and institutions of the country which gave them birth.

This feeling, you know, was not prompted by any fear of a reconquest by Mexico. No Texian since the battle of San Jacinto has distrusted, for a moment, our capability to maintain our independence; and the experience of every day attests the truth of that conviction.

All the Departments of the Government are now in harmonious operation. The Second session of the second Congress adjourned on the 19th. instant.

Our financial system is established on a footing calculated to give satisfaction to all classes of creditors, and the collection of Taxes is every day absorbing the public debt.

The impost laws have been amended so as to render them more equal in their operation, and less onerous in respect to particular articles.

The land laws have been amended and the General Land Office is to open on the first thursday in February next, for the location of land.

Connected with the latter subject is the unsettled boundary line between the U. States and Texas.

Congress was called together in September last in consequence of the remonstrance of Mr. Forsyth, against the authorities of this Republic establishing land offices in the Counties on Red River, which are under the civil jurisdiction of Arkansas. This matter is one of serious import to Texas at the present time, for it appears that the citizens of that border are determined to organise under the authorities of this Republic, which, from the tone of Mr. Forsyth's communication, I am apprehensive, may occasion unpleasant collisions in that quarter, and perhaps lead to a disagreeable controversy [sic] between the two Governments, which would, under existing circumstances be a most unfortunate event for us, and should, if possible, be prevented.

The remonstrance of the U. States was communicated to the Senate, which body adopted a report authorizing and requesting the Presi-

dent to appoint a commissioner, in conjunction with one on the part of the U. States, to run and mark the line in conformity with the existing treaties between Mexico and that Government on this subject; limiting their operations, however, for the present, to the location of the line from the mouth of the Sabine to the 100th of west longitude from London, on the Red River.

In accordance with this report the President, by and with the advice and consent of the Senate, has appointed Shelby Corzine Commissioner on the part of this Government to run said line. The country through which it will pass is rapidly settling, to whose inhabitants the uncertainty of the boundary is a source of much vexation, and seriously impedes improvement, as well as the administration of justice.

It is hoped that the U. State's Government will not further postpone the appointment of a commissioner; and I am directed by the President to instruct you to solicit again said appointment. The fixation of this line is the more necessary, inasmuch as the prospect of immediate annexation is so very remote as hardly to be considered in the range of possibilities.

Annexation with respect to ourselves alone is now a question of more embarrassment than heretofore. From indications evinced by members of the late session of the Texian Congress the people are becoming less anxious for the success of the measure.

The prompt and decided refusal of the Government of the U. States to act in favor of the proposition, has had a tendency to fix the opinions against admission of those who were wavering on the subject. So great has been the change in public sentiment that it is probable should the vote be again taken at the next September election that a majority would vote against it.

Therefore, I do not believe that any future administration will attempt such a negotiation.

Under those circumstances you will perceive at once that the delay recommended by our friends in the U. States will defeat altogether, and forever, the objects of the proposition.

This result of the negotiation, however, only postpones our prosperity, for, the difficulties of building up and sustaining a Government, though great, will be overcome by the chivalry and enterprise of our citizens.

Fresh vigor will be imparted to every arm when it is distinctly and generally understood through out the Republic that annexation is impracticable.

The President desires that you will treat this subject for the future with great delicacy.

It is proper for our diplomatic representatives at the present time to observe a modest, prudent, yet firm course; being always careful

not to afford grounds of offence to the Governments to which they are accredited. To be always ready to co-operate with the known friends of our cause, and act cordially with them in the promotion of measures calculated to advance our interests.

In the present aspect of the question of annexation it seems there is but little for you to do, more than to watch the movements in Congress relative thereto, should there be any, and render any proper assistance to members of that body who may be advocating the measure.

That Government having refused to negotiate with you as the accredited agent of this for admission, the latter, therefore, conceives, inasmuch as the correspondence has been published, that the matter is now in the hands of Congress of that Republic alone; and unless it should be brought up for consideration by them it is not contemplated by this Government to renew the application in any form.

Should a resolution be passed by the U. S's. Congress authorising that Government to enter into a negotiation for the annexation of Texas, the instructions heretofore given are deemed sufficient for your guidance therein. You are aware that no treaty can be binding on this Government till ratified by the Senate thereof.

Since my despatch of the 20th. of September our indian relations have undergone important changes. During the spring and summer there was a decided feeling of hostility entertained by most of the tribes within our limits towards the people of Texas. This feeling they manifested by frequent depredations on our frontiers. Many of those indians emigrated in violation of the treaty between the U. States and Mexico.

More recently our indian commissioners have concluded treaties with several tribes and report that there now exists a disposition among them generally to make a permanent and general peace; and it is hoped that, that desirable object may be attained within the next three or four months.

What influence the Mexican emmissaries, who are dispersed among the indians, and the authorities of Matamoros, operating through their friends, the Cherokees, may have is entirely conjectural; and it is impossible to foresee with any degree of certainty the consequences of their exertions.

Since that date Col. Coffee has also visited this city, and made satisfactory explanations to this Government, relative to the influence which his trading establishment, on Red River, exercises over the indians in that quarter. Owing to those changes in our indian affairs it is the wish of the President that you will let this subject rest for the present.

On the 3rd. of October our Commissioner near the Courts of St. James and St. Cloud, was at Liverpool, who expected to arrive in

London on the 8th, two days prior to the assembling of Parliament. We are daily expecting despatches from him.

Col. Grayson has been appointed Navy Agent for the purchase of a fleet for this Government which will prevent his return. Say to him that the aspect of things generally is much more favorable than at the time of his departure, and make to him my best compliments. Unfortunately I did not receive his letter of the 7th. inst. till after the adjournment of Congress. I think that body would not hesitate to autho[r]ise the proposed alteration in the Bonds. They convene again on the second Monday in April next.

The President's health is yet feeble, but improving.

I have the honor to be,
very respectfully, Your
obt. Servant,

R. A. IRION.

Hon. M. HUNT,
*Minister Plenipotentiary
of Republic of Texas.
Washington City D. C.*

P. S. The copies of your correspondence with Mr. Forsyth mentioned as having been sent to me, have not been received.

LA BRANCHE TO IRION.^a

LEGATION OF THE UNITED STATES,
Houston 13th. January 1838.

SIR,

Having been informed that land offices are about to be opened within the territory under the jurisdiction of the United States on Red River, and that commissioners for that purpose have been duly appointed under authority of the government of Texas, notwithstanding the remonstrances of the Honble John Forsyth, Secretary of State of the United States, it becomes my duty, in the name of the government I have the honor to represent, to protest, as I now do solemnly protest against such encroachment on said territory.

Confiding in the high recitude of his Excellency, the President, I trust that upon your communicating this protest to him, he will take such measures as the exigency of the case requires.

I pray you to accept, sir, the assurances
of my high consideration.

ALCÉE LA BRANCHE.

To

The Honble R. A. IRION
Secretary of State of the Republic of Texas.

^a A. L. S.

LA BRANCHE TO IRION.^a

LEGATION OF THE UNITED STATES

Houston, 15th January 1838.

SIR,

Having seen published in "the Telegraph" of the 13th Instant, an act to define the boundaries of the County of Red River, which act is not only to define, but organize said county, I have the honor, with due respect, to request you to inform me whether said County to be so organized, does not comprehend the territory or any portion thereof, alluded to by the Honorable John Forsyth in his Remonstrance to the government of Texas. The apprehensions I feel upon this matter, induce me to make the present inquiry, to which, I trust, you will give an immediate and explicit answer.

Be pleased, Sir, to accept the assurances of
my high and distinguished Consideration,

ALCÉE LA BRANCHE

To the hon. R. A. IRION,
*Secretary of State
of the Republic of Texas.*

IRION TO LA BRANCHE.

DEPARTMENT OF STATE,

City of Houston, Jany. 16th, 1838.

SIR,

The undersigned Secretary of State of the Republic of Texas, has the honor hereby to acknowledge the receipt of Mr. La Branche's note of yesterday, requesting "immediate and explicit" information relative to an act passed during the late session of the Congress of this Republic, entitled "an act to define the boundaries of Red River County," which was published in the Telegraph on the 13th. instant.

In reply, the undersigned, having carefully examined the remonstrance of Mr. Forsyth in reference to the locality of said County, has the honor to inform Mr. La Branche, that the limits designated in the above named act do include the territory indicated in that remonstrance as being in the occupancy, and under the civil jurisdiction of the State of Arkansas.

The undersigned embraces this occasion to renew to Mr. La Branche assurances of his distinguished consideration and respect.

R. A. IRION

HON. ALCÉE LA BRANCHE.

*Chargé d' Affaires of the U. States
to the R. of Texas.*

LA BRANCHE TO IRION.^a

LEGATION OF THE UNITED STATES,
Houston 16th. January 1838.

The Undersigned has the honor to acknowledge the receipt of a letter from the Honble R. A. Irion, Secretary of State of the Republic of Texas, in reply to a communication, addressed by the Undersigned, upon the subject of an act defining the boundaries and organizing the county of Red River.

The Honble Secretary informs the Undersigned that said county includes the territory in the possession and under the jurisdiction of the United States:

And whereas, the organization of said county, as set forth by the Honble Secretary of State, under the laws of the Republic of Texas, is in direct violation of the rights of the United States:

The Undersigned, Chargé d' Affaires of the United States, in the name and on behalf of said government, does protest, solemnly protest against this and all measures whatever, injurious to the said United States, on the part of the government of Texas; renewing the protest already made by him, against the establishment of land offices in said territory, and solemnly reclaiming against the exercise of any powers over the territory aforesaid, by the government of Texas, incompatible, or conflicting with the just powers and authority of the United States.

In making this protest, the Undersigned cannot refrain from expressing surprise at these proceedings on the part of the govnt. of Texas, and that so little regard has been shown for the remonstrance of the government of the United States conveyed with a desire to prevent all difficulty until the settlement of the boundary between the two countries would have determined their respective limits. But so far from complying with the just requisition of the United States, the government of Texas has given further cause of complaint by actually organizing the territory and placing it immediately under her jurisdiction. These encroachments, the govnt of the United States will not allow, and the Honble Secretary must be well aware how eminently calculated they are to produce deplorable results.

The Undersigned requests the Honble Secretary to lay this protest and reclamation before the President, feeling convinced that his Excellency will pursue such measures as will comport with the sentiments of amity and perfect harmony between the two governments; thus obviating a resort to steps that may devolve upon the United States, should the government of Texas persist in extending her authority over said territory.

^a A. L. S.