

The Undersigned assures the Honble Secretary of State of his great consideration and respect,

ALCÉE LA BRANCHE

To

The Honble R. A. IRION

*Secretary of State of the Republic of Texas.*

---

HUNT TO IRION.<sup>a</sup>

Despatch No. 29.

TEXIAN LEGATION,  
WASHINGTON CITY,  
*January 31st. 1838.*

SIR,

Nothing of very especial moment, relative to the concerns of this Legation, has occurred, since the date of my last despatch, of November the 15th. and I have been deferring this communication from time to time, in order that I might have something definite to communicate to you in regard to the probable success of the negotiation for the annexation of Texas to the United States. Moreover, as Col. Grayson was thoroughly acquainted with the situation of our affairs here, I relied upon his giving you a detailed account of every thing upon which you might wish to be informed, and deemed it unnecessary to trouble you with a communication on paper of matters, which he could so much more satisfactorily communicate to you in person. I think I can now address you with a full understanding of our prospects on the subject of the negotiation. The views of this administration have been thoroughly sifted, and unless I am greatly mistaken, clearly ascertained. The general feeling in Congress too, I shall be able to communicate to you with every confidence in its accuracy. Ardently as I have desired the accomplishment of the measure and unwilling to abandon hope so long as there remained the slightest prospect of success, I can no longer repel the conviction that the measure is utterly impracticable under existing circumstances.

In regard to the attitude and disposition of this administration upon the subject of the admission of Texas into this Union, the simple truth of the matter is as follows. That the government of the United States is anxious for the accomplishment of the measure, there does not and cannot exist a shadow of doubt. It has been their settled and uniform policy to get possession of Texas for the last twelve years. See the instructions of no less than four Secretaries of State, Mr. Clay, Mr. Van Buren, Mr. McLane and Mr. Forsyth to their Ministers in Mexico, between the years 1825 and 1835. I will venture

---

<sup>a</sup> Signature (as well as letter) written by Fairfax Catlett.

to say, that there is no man personally more anxious for it than Mr. Van Buren himself. Mr. Forsyth, Mr. Poinsett, Mr. Kendall all desire it. But hampered as they are by their party trammels on the one hand, and their treaty obligations with Mexico on the other, by the furious opposition of all the free States, by the fear of incurring the charge of false dealings and injustice, and of involving this country in a war, in which they are now doubtful whether they would even be supported by a majority of their own citizens, and which would be at once branded by their enemies at home and abroad as an unjust war, instigated for the very purpose of gaining possession of Texas and for no other, they dare not and will not come out openly for the measure, so long as the relative position of the three parties continues the same as it is at present. Such is the disposition and such the actual situation of this government in regard to the subject of annexation.

So long as the relations of the three parties continued as they were at the time the proposition was made, (and as they still are) the voluntary consent of Mexico was regarded by the United States as a necessary condition precedent to the admission of Texas;—and as that consent could not reasonably be hoped for under existing circumstances, it was deemed indispensable that such a material change should be brought about in their relative positions, as would either justify the United States in admitting Texas without the consent of Mexico or reduce the latter into such a situation, that she would no longer hesitate to yield her consent to the measure. Either of which alternatives would have ensured its easy and speedy accomplishment. When I last wrote to you, I was sanguine in my hopes that such a change would be speedily effected by the United States declaring war against Mexico, of which at that time there was a strong probability, and in which event, one of the greatest obstacles in the way of annexation would have been removed, and I entertained a belief that matters might then be so managed as to make the Rio Grande the South-Western boundary of the United States, with a due regard to the rights and claims of Texas. I had every reason at that time to believe that there would be a war, abundantly justified as the United States would have been in declaring it by the repeated injuries and insults, which they had sustained at the hands of Mexico;—nay, imperatively called upon as many of the administration thought they were to vindicate the insulted honor and dignity of their country. Moreover, I had received positive assurances from leading men of that party, that the administration was determined to recommend a peremptory course towards Mexico and, in event of a declaration of war, I did not doubt of their hearty cooperation with me in effecting the object of annexation;—not that the war would have been brought about for the purpose of obtaining Texas, but that peremptory meas-

ures from other motives ought to be adopted in respect to Mexico, and in event of their being adopted the measure of annexation would then become one of comparatively easy accomplishment. The President, accordingly, in his message to Congress, at the beginning of the session, came out openly and explicitly upon the subject;—but an alarm was immediately raised by some of the members of the opposition, and he was openly charged in Congress by Mr. Adams with desiring to bring about a war with Mexico, not to vindicate the honor of the country and redress the injuries, which she had sustained, but for no other purpose than to secure the acquisition of Texas. Since then, the popular feeling upon the subject of a war has been, in some degree, tested, and it has been pretty well ascertained that a war at this time would not be a popular one. At present, there is little or no probability of its taking place at all;—and even though it should take place, I doubt whether it would aid us much in the accomplishment of our object as the fear of being charged upon very plausible grounds with having brought it about for unjust purposes, and the timidity of a falling administration would prevent it from acting with requisite decision and assuming the necessary responsibility.

I would now beg leave to express my earnest desire to be recalled. For many reasons, I am anxious to return immediately to Texas, and trust that the President will not deem my request untimely or unreasonable, after having devoted two years almost exclusively to the interests of my adopted country. The business of the Legation is now in a fair train; and what remains to be attended to can be very well accomplished by others. The Legation itself is on a highly respectable footing and ranks with the other Legations in this City. At the same time however, that I avow my extreme unwillingness to remain here any longer, I would not be thought to have put selfish considerations in the balance with the interest of Texas, and should the President deem it *necessary* that I should remain here a month or two longer for the accomplishment of any specific object, I shall not hesitate to comply with his wishes. I repeat my conviction that it would be useless to push the matter of annexation any farther. I believe that it would be derogatory to ourselves to insist upon it any longer. If the United States desire Texas, the proposition should now come from them. Our true policy now, in every aspect of view, is to appear indifferent upon the subject, and leave it for this government to solicit of us the consummation of a measure, which, I am well assured, will be the more desired by them, the less solicitous we appear about it ourselves.

In Congress, the general feeling upon the subject is like that of the Executive. Many of our warmest friends in that body regard the measure as beset with insurmountable difficulties, and both friends and enemies are afraid of the question. Mr. Calhoun made an in-

effectual effort a short time since to bring it up in the Senate; his resolution, embracing indirectly the expediency of the measure was laid upon the table by an overwhelming majority. Mr. Preston's resolutions, affirming the right and expediency of making the Rio Grande, the South Western boundary of the United States, with the consent of Texas, are set for the first Monday in February, but my full and decided impression is that they will likewise be laid upon the table. In the course of a confidential conversation, which I had with Mr. Clay, a few days since, he assured me that he was friendly to the annexation of Texas, but that in his opinion, the time had not arrived when the question could be taken up in Congress with any probability of success. Petitions upon petitions still continue daily pouring in against us from the North and East.

In short, it is not to be disguised, that many of our friends as well as enemies in Congress dread the coming of the question at this time, on account of the desperate death-struggle, which they foresee, will inevitably ensue between the North and the South;—a struggle involving the probability of a dissolution of this Union and in which the friends of annexation would contend under every possible disadvantage.

Nor is it to be concealed, that the matter has been thrown into the back ground for the present, as it were by common consent, and that in the existing state of transition, in which parties appear to be, leading men are principally engrossed with their own personal safety, position and prospects. The administration party are in a tottering condition and are struggling hard to save themselves from falling. On the other hand, the whigs are pressing on, with all their energies bent upon the overthrow of their adversaries. Texas and every thing else [is] forgotten in the struggle. We have friends and enemies on both sides, and neither party are willing at this time to embarrass themselves with a question, which would necessarily disunite them, and produce confusion in their respective ranks.

In regard to the running of the boundary line, I have had an additional conversation with Mr. Forsyth, in which he again insisted upon the Neches, as the true eastern limit of Texas; although I had invariably declared, and again took occasion to say, that the words of the treaty of 1819 were too explicit to admit of so forced a construction, and that the Sabine River, referred to in the treaty, was the identical stream, to which we claimed and the same that was laid down upon Mellish's Map of 1818;—and that by no manner of means would the government of Texas renounce its claim to a portion of territory, to which it was so clearly entitled by the specific and express words of the treaty itself. I repeated the desire of my government to have the line run immediately as far as the Red River and no further at present. He asked me how far West we contemplated running our

northern boundary. I unhesitatingly replied, as far as the Pacific Ocean. He insisted upon making the operation a single one and running the line the whole distance, and although I repeated the disinclination of the government of Texas to have it run further than the Red River at present, and urged the inutility as well as inexpediency of running it farther, he persisted in saying that the whole had better be run at the same time and stated, that unless the government of Texas was positively bent upon having its eastern limits established at this time, the President greatly preferred that it should remain open for the present. He moreover said that we must agree to protect the commissioners and surveyors;—to which I replied, that if he would undertake to secure them from the indians, I thought I could guarantee that they should not be molested by the Mexicans. He then asked me if I had obtained a full power from home to make a treaty for the establishment of the boundary. To which I was compelled to answer that I had not—(as I had received no separate power since the departure of Col. Wharton.) I herewith transmit you a copy of the customary form of a full power and beg leave to suggest whether it would not be advisable to send one in this form excluding limits and annexation to Genl Henderson, also to guard against any obstacles arising in the way of his negotiations in England on the score of informality.

---

Form of a full power.

Sam. Houston, President of the Republic of Texas.

To all to whom these presents shall come, Greeting:

Know ye, that for the purpose of confirming between the Republic of Texas and the Government of the United States perfect harmony and good correspondence, and of removing all grounds of dissatisfaction, and reposing especial trust and confidence in the integrity, prudence and ability of (Memucan Hunt,) appointed Minister Plenipotentiary of the Republic of Texas, near the said Government of the United States, I have invested him with full and all manner of power and authority, for and in the name of the Republic of Texas to meet and confer with any person or persons duly authorised by the said Government of the United States, being furnished with like power and authority, and with him or them to agree, treat, consult and negotiate of and concerning Amity, Commerce, Navigation, annexation and limits between the two countries, and of all matters and subjects connected therewith, and to conclude and sign a treaty or treaties, convention, or conventions, touching the premises, transmitting the same to the President of the Republic of Texas for his final ratification, by and with the advice and consent of the Senate of the Republic of Texas.

In testimony whereof I have caused the seal of the Republic of Texas to be hereunto affixed. Given under my hand at the City of Houston the            day of            and of the Independence of the Republic of Texas the

SAM HOUSTON

By the President

R. A. IRION

*Secretary of State.*

Dr. Smith has not yet arrived with the Despatches in his care, though I am daily expecting him. I shall probably write you again shortly after his arrival.

Genl. Henderson writes in good spirits of our prospects in England.

Since writing the above, I have learned that a change is to be made very shortly in the Cabinet. I was informed by one of the gentlemen going in, should such a change occur, that until within the last day or two, this government had entertained no serious apprehension of a treaty being made between Great Britain and Texas, but that having recently ascertained that there was a great probability of such an event, they have become seriously alarmed upon the subject, and I was agreeably surprised to learn, that the President was determined to arrange the New Cabinet in such a manner as to have a majority of its members in favor of the *immediate* annexation of Texas to the United States. He also expressed his conviction that in event of such a change being made, a treaty of annexation could certainly be concluded in the course of a few months and ratified before the end of the present session of Congress. It will not be very long before I shall be enabled to ascertain beyond a doubt, whether the hopes thus newly raised may be reasonably encouraged or not. Should I find that there is a good prospect of their being realized, I shall inform you of it without delay and commence operating with renewed alacrity. In consequence of this information I would beg leave to modify my request to be recalled, and desire that the President will leave it discretionary with me in the recall, to remain until a treaty of annexation is concluded, should the negotiations be opened anew.

I have the honor to be  
with distinguished regard  
your obt. sv't.

MEMUCAN HUNT

To,

Honorable

R. A. IRION,

*Secretary of State*

HUNT TO IRION.<sup>a</sup>

Despatch No. 30.

TEXIAN LEGATION  
 WASHINGTON CITY  
*Feb'y. 3d 1838.*

SIR,

I am truly gratified at being enabled to state to you, that I have received additional information since my last despatch, (numbered 29, of date 30th January,) which increases my belief that this government is on the eve of commencing in good earnest the most active steps for the accomplishment of an annexation of our country to the United States. Whilst at the Capitol on yesterday, I was informed by Mr. Calhoun in the strictest confidence, saving however the privilege of communicating the information to you, that this government was considering the policy of despatching a private mission to Mexico, to treat for her acquiescence in any negotiations between Texas and this Government relating to annexation, and that there was little doubt as he had just been informed in a note from a member of the Cabinet of a favorable result, as very satisfactory information had been received, affording good grounds for the belief that such a mission would be attended with immediate success. I am to have another private interview with Mr. Calhoun to day or to-morrow, and if any additional assurances are given me, I will communicate them to you without delay.

Wonderous changes indeed have occurred on this subject, within the last week. From almost entire despair, our hopes may be considered bright. Mr. Calhoun had given up all hope one week ago, and now he thinks there are good grounds for the belief that it will be speedily accomplished. I had been induced to inform the Secretary of State, that I should ask of my government a recall, and it is generally believed in this City that I will take my departure in two months. To this circumstance, I merely attribute the apparently earnest action of this government, favoring the accomplishment of my mission.

You shall hear from me very often so long as the prospects continue favourable for the accomplishment of my mission.

Dr. Smith has not yet arrived.

I have the honor to be

Your obedient servant,

MEMUCAN HUNT.

To,

The Honorable  
 R. A. IRION  
*Secretary of State*

## IRION TO LA BRANCHE.

DEPARTMENT OF STATE

*City of Houston, Feb. 13th. 1838.*

The undersigned, Secretary of State of the Republic of Texas, has the honor to acknowledge the receipt of the two communications of the honorable Mr. La Branche, Charge d'Affaires of the U. States, dated 13th. and 16 ultimo, protesting against the acts of the late Congress of this Republic, organizing a county on the south side of Red River, and establishing a land office therein, which includes a portion of territory that has been under the civil jurisdiction of the State of Arkansas.

On his return from the Bay those communications were presented to the President for consideration, whose absence and other unavoidable causes have prevented an earlier reply.

The President directs the undersigned to state to the honorable Mr. La Branche that the difficulty referred to in his communications originated from the circumstance of the undefined boundary line between the two Governments; a subject which the President has regarded with great solicitude ever since the separation of Texas from Mexico, and anticipating the evils which such a state of things would produce, he has, from time to time, respectfully urged the U. States Government to authorize, by the appointment of a Commissioner, the final demarcation of the said boundary line, in accordance with the treaty of limits which existed between that Government and Mexico prior to the revolution between the latter Power and Texas.

The President sincerely regrets that the Government of the U. States has thought it expedient to postpone the fixation of that line, and, although he has uniformly endeavoured to pursue such a course as would prove acceptable to that Government, he thinks, under existing circumstances, its refusal to enter into any arrangements relative thereto, when viewed in connexion with some unwarrantable acts of its Agents on Red River hereinafter to be named, affords some apology for the course taken by Congress to organize that disputed territory under the particular laws which were enacted for that purpose.

As an evidence of the President's desire to preserve harmony between the two countries when the remonstrance of Mr. Forsyth was received he unhesitatingly assumed the responsibility of suspending the law passed in 1837, which contained the same provision with regard to Red River County as the one indicated in the remonstrance referred to, passed in December 1836, by refusing to appoint the officers necessary to carry it into effect on the first of October of the same year as therein provided; and issuing a Proclamation convening a special session of Congress on the 25th. of September, in order that



they might adopt such measures as they conceived best calculated to remove the causes of the prospective difficulty.

Copies of that Proclamation and his Message to the special session of Congress on the subject of the aforesaid boundary, (Doc. A.<sup>a</sup> and B.<sup>b</sup>) are herewith transmitted, which will explain the views of the Executive at that time.

Congress met in conformity to the call of the President, and anterior to the 1st. of October passed a joint Resolution suspending the operation of the land law till further action thereon, thus sustaining the President in the course which he had taken. Immediately thereafter the Senate by a Resolution authorized the Committee on Foreign Relations to apply to the Secretary of State for information respecting the correspondence between the two Governments on the subject of said boundary. The report of that Committee was adopted, a copy of which (Doc. C) is herewith transmitted; and in accordance with its provisions the President, by and with the advice and consent of the Senate, appointed Shelby Corzine commissioner on the part of this Government to run and mark said line, which appointment was communicated to the Minister of Texas near the Government of the U. States, with instructions to renew the application for a corresponding appointment by that Government; stating to him in general terms what had been done by Congress, and suggesting what would probably be the result in the event of his failure to induce that Government to make the appointment without delay.

The result of this application is yet unknown to the undersigned, but it is hoped, however, that it will be more successful than the former ones.

From the foregoing statement the honorable Mr. La Branche will perceive that the President has employed every means within the range of his prerogative to preserve friendly relations between the two Governments; and to avert a controversy which he foresaw would grow out of this question unless the line could be legally designated before the people inhabiting the disputed territory should commence organising under the laws of this Republic.

The honorable Mr. La Branche intimates that it is within the competency of the President as the chief Executive officer of the Government to suspend the law organizing Red River County, and the land office therein, as he did that against the execution of which Mr. Forsyth remonstrated. The two cases on examination will be found materially different.

In the latter, the law was to go into operation at a stated period, the appointment of officers necessary for its execution, by its provi-

<sup>a</sup> The proclamation, which is dated August 10, 1837. See Records of the Department of State (Texas), Book 37, p. 10.

<sup>b</sup> The message. See Calendar.

sions, devolving on the Executive, which not being made it remained inoperative till Congress convened.

In the former, Congress passed the laws and elected the officers required to carry them into immediate effect. The peculiar circumstances connected with this subject and the singular predicament of both Governments relative thereto, would seem to render it proper at the present time to enquire into the right under which the respective parties claim the occupancy of the aforesaid territory.

As early as the year 1824, anterior to the settlement in that quarter, several hundred Shawnee Indians who had yielded their possession on White River, wishing to remove beyond the boundaries and jurisdiction of the U. States, petitioned the Supreme Government of Mexico through the State Government of Coahuila and Texas, for a grant of land on the south west side of Red River, near Pecan Point, which proposition, after having been fully discussed at Saltillo and Mexico, was finally rejected solely on the ground of its inexpediency; that Government not doubting that the land sought by the Shawnees was clearly within the limits, and subject to the disposition of the Mexican Government.

The Supreme Government of Mexico and that of Coahuila and Texas, in 1826, granted Gen. A. G. Wavel, through his attorney Baron de Barstrop,<sup>a</sup> that disputed territory, authorising him to settle four hundred and fifty families therein.

Under said contract Col. Milam, the Agent of Wavel, proceeded to organize a land office, executed surveys of the country and was prepared to extend titles [sic] to the settlers, when the Government of Mexico, prompted by a jealousy against North Americans, passed on the 6th. of April 1830, the famous decree, prohibiting immigration [sic] from the U. States, in consequence thereof, Milam's Commissioner, when on his journey to said colony legally authorised to issue titles to the settlers as above stated, was arrested at Nacogdoches by the centralist Commandant of that post in December of the same year, thus defeating for the time the enterprize of Wavel.

The last session of the Congress of the State of Coahuila and Texas in the spring of 1835, shortly prior to the rupture between Mexico and Texas, appointed Col. Milam Commissioner to issue titles to the settlers of Wavel's Colony. His capture and imprisonment, and the momentous events that immediately followed his release, in which he engaged, ending his career gloriously as the leader of the Texian forces at the siege of San Antonio in December 1835, terminated the efforts to settle said colony under the colonization laws.

Those transactions were of public notoriety, yet the Government, of the U. States did not remonstrate against them to the Government of Mexico.

---

<sup>a</sup> Bastrop.

Mexico invariably acted on the ground that the territory comprehended in the limits of Red River County was within her limits; to which position the U. States appear to have yielded, at least, a tacit consent; and the undersigned is not aware of any treaty stipulation which concedes to the U. States the civil jurisdiction thereof.

Mexico at one time had a military force at the "Spanish Bluffs" on Red River to which the U. States did not object.

Moreover, in February 1836, the citizens of Red River County elected and sent members to the Convention which declared our Independence and adopted the Constitution, the latter instrument guaranteeing to them seats in the legislative assemblies of this Republic, which was published to the world.

No remonstrance against this provision on the part of the U. States has come to the knowledge of the undersigned.

Every act of Mexico, the Congress of Coahuila and Texas and the Congress of this Republic in relation to that territory evinces a full conviction on their part, that the territory on Red River west and south of the junction of that stream and the Sulphur Fork is within the limits of Texas; in which opinion the U. States seem, until recently, to have acquiesced.

It appears that the claim of the U. States to the civil jurisdiction over the territory in question rests principally on the right which a temporary occupancy confers, for there never has been sufficient neglect on the part of the Mexican authorities to organize the settlements on that border to create the slightest shadow of right founded on any acknowledged principle of prescription.

On the contrary they have from time to time taken all the preliminary steps to establish that country into a municipality, which was prevented by the commotions and disappointments incident to a state of revolution.

Under existing circumstances the hon. Mr. La Branche will perceive that the only agency the President can legally exercise to avert the threatened collisions near that boundary is to facilitate as much as possible the running of the line; which, let the delay in respect to the definition of that bound [sic], both before and since the separation of Texas from Mexico, have originated from what cause it may, is now absolutely necessary to prevent the "deplorable results" to which Mr. La Branche alludes in his communication of the 16th. ultimo; and the President, impressed with a full confidence in the good faith and justice of the Government of the U. States, indulges the hope, that it will immediately authorize the designation of said line; and directs the undersigned to request Mr. La Branche to lay the subject before his Government, in order that arrangements may be made to carry the treaty of limits into effect.

The treaty of limits which existed between the U. States and Mexico at the date of the declaration of Texian Independence having the validity of a public law, this Government, succeeding to the benefits thereof, has never deemed a convention necessary to confirm the stipulations therein contained so far as may relate to the boundary in question.

The country through which the line will pass is now rapidly settling by an active and enterprising population, whose condition is rendered extremely unpleasant and embarrassing by the uncertainty which exists in regard to the true boundary. Whilst such a state of things continues this Government cannot enforce its revenue laws, neither can it make suitable preparations for the defence of that frontier; a large portion thereof lying contiguous to the American Indians, who manifest a constant desire to emigrate to Texas, and many of whom have already removed hither regardless of the treaty stipulations which prohibit it.

The conduct of the Cadoes is a practical illustration of the anxiety of the border Indians to establish themselves in Texas which subject being collaterally connected with the boundary, the President directs the undersigned to state to Mr. La Branche, that some three years since, shortly after the Government of the U. States purchased from those Indians the lands which they occupied in the vicinity of Red River, and about the commencement of our revolution with Mexico, they began openly to emigrate to Texas, which they effected without any attempt on the part of the U. States Agents in that quarter to restrain them; and, that in March 1837, at the time when the Indians with whom the Cadoes have amalgamated, were desolating our most defenceless and unprotected frontiers, an Agent of that Government on Red River furnished a party of that tribe with considerable quantities of *powder* and *lead*, knowing their intention to set out immediately thereafter for Texas, thus completely prepared for war.

This course is the more surprising inasmuch as the conditions of the 33rd article of the treaty of Amity, Commerce and Navigation between the U. States and Mexico, were proposed by the Minister of the former Power, shewing clearly that it was the desire of his Government to restrain the border Indians from injuring, or in any manner molesting the Mexicans.

The President also directs the undersigned to state to Mr. La Branche that, in May last, when the North American Indians located in Texas were generally hostile to the citizens thereof, two officers of the U. S. Army entered Texas for the purpose of ascertaining the conduct and disposition of the said Indians residing near the border in question, instead of applying to the authorities of this Country for the information desired, they visited the Cherokees, and from the statement of their wily Chief (Bowl) became satisfied, it seems, that

those Indians were innocent of any hostile intention against the inhabitants of Texas.

The President was unapprised of the visit of those officers till several months had elapsed at which time he was incidentally informed of the fact by a letter from that quarter.

Had they applied to this Government abundant evidence of the most unquestionable character would have been adduced, shewing conclusively that the Cherokees, as well as other bands with whom they are allied, had, at that period, agents of their own tribes at Matamoros negotiating with the Mexican authorities for a participation with them in the war against us whenever Mexico should invade Texas.

It is hoped, if the Congress of Texas have erred in the law they have passed so far as it respects the aforesaid territory Mr. La Branche will readily perceive that the error into which they have incidentally fallen is one over which the President is invested with no powers of control. The undersigned embraces this occasion to renew to the honorable Mr. La Branche the assurances of his distinguished consideration and respect.

R. A. IRION.

HON. A. LA BRANCHE  
*Chargé d'Affaires of the U. States.*

[Doc. C.]

*Report of Committee on Foreign Relations.<sup>a</sup>*

The Committee on foreign Relations to whom was referred so much of the Presidents Message as relates to the Northern and Eastern boundary line of this Republic Beg leave to Report,

That, from information laid before them by the Secretary of State in obedience to a call of the Senate, they regret to state that considerable difficulty exists on account of a portion of Territory on Red river being claimed by the Republic of Texas and also by the United States of the North.

This difficulty has originated in the fact that the Meridian commencing at the Point where the 32d degree of North latitude strikes the Sabine and running north to the Red River of Natchitoches has not as yet been Legally designated and surveyed out, by the Authority of the two Governments and which difficulty your Committee are of Opinion would be entirely removed by running of said boundary line.

<sup>a</sup> October 3, 1837. See papers Second Congress, archives in office of Secretary of State (Texas), Box 8, File 746.

Your Committee therefore offer for the action of the Honorable Senate the following resolutions

Resolved,

That the president of the Republic be and he is hereby recommended and instructed immediately to appoint, with the consent of the Senate a Commissioner and Surveyor to meet a like appointment on the part of the United States of the North for the purpose of running the boundary line between the Territory of this Republic and that of the United States of the North in conformity with the existing treaty on that subject.

Further Resolved

That his Excellency the President of this Republic be instructed immediately to communicate the above appointments to our Minister at Washington with instructions that said minister should urge upon the Government of the United States the immediate appointment of a Commissioner and Surveyor on their part in order that said boundary line may be designated and run out without a moments unnecessary loss of time.

Your Committee from their unlimited confidence in the Promptitude, Honor, and Justice of the Government of the United States cannot entertain a doubt of its immediate action on the subject and do not believe that that Government will interpose a single obstacle or cause a moments unnecessary delay to the running of said line—so much to be desired as settling forever the doubts and the difficulties which now unavoidably and most inconveniently exist in relation to the disputed Territory, as well as being the direct means of cementing the friendship and good understanding existing between both the Citizens and Governments of the two nations.

Further Resolved

That His Excellency be and he is hereby instructed to give to the Commissioner and Surveyor to be appointed on the part of this Government, to run the boundary line between its Territory and that of the United States of America a Copy of General instructions to run said line in conformity to Existing treaties and that in running said line he is not to depart from the terms of the 1st and 2d articles of the Treaty of Limits concluded and finally ratified between the United States of America and the United Mexican States on the 5th day of April one thousand eight hundred and thirty two, and that said Commissioner and Surveyor are to consider as the Termination of their duty the fixing upon the Point at which the 100th degree of West longitude from London strikes the Rio Roxo or red river of Natchitoches

WM. H. WHARTON  
*Chairman*

CIRCULAR TO COLLECTORS.<sup>a</sup>


---

 HUNT TO FORSYTH.<sup>b</sup>


---

 FORSYTH TO HUNT.<sup>b</sup>


---

 FORSYTH TO HUNT.<sup>c</sup>


---

 HUNT TO FORSYTH.<sup>d</sup>


---

 LA BRANCHE TO IRION.<sup>e</sup>

## LEGATION OF THE UNITED STATES

*Houston, February 26th. 1838.*

The Undersigned, Chargé d' Affaires, of the United States, has the honor to acknowledge the receipt of the reply of the honorable Secretary of State of the Republic of Texas, to the communications of the Undersigned of the 13th and 16th. Ultimo.

The undersigned feels much surprise that this reply is so much at variance with what the honorable Secretary stated to him, in the several conversations they have had upon this subject; and that he should now attempt to throw upon the United States the blame, when he is so well convinced, that it is to be attributed to the government of Texas. But governments, like individuals, to give a color of justice to their proceedings, occasionally seek to attach the responsibility of the original offence upon the party whom they have injured, in order to avoid being considered the aggressors.

The honorable Secretary states that only a portion of the disputed territory is included in the late laws of this Republic, and that it "has been under the jurisdiction of the United States," intimating it is so no longer, when, in a letter of inquiry addressed to him by the Undersigned, he declares, positively, that the whole of that territory is comprehended. The honorable Secretary cannot surely pretend that the legislation of this Republic can possibly divest the United States of their jurisdiction and territorial rights, and transfer them to this government. The United States will not suffer any conflicting jurisdiction on the part of the government of Texas over that territory, much less an entire usurpation.

The Honorable Secretary claims as an excuse for not replying sooner, that the representations, made by the undersigned, on the

---

<sup>a</sup> February 17, 1838. See Hunt to Irion, March 3, 1838.  
<sup>b</sup> February 19, 1838. See Hunt to Irion, March 3, 1838.  
<sup>c</sup> February 21, 1838. See Hunt to Irion, March 3, 1838.  
<sup>d</sup> February 25, 1838. See Hunt to Irion, March 3, 1838.  
<sup>e</sup>A. L. S.

behalf of the United States, were only laid before the President on his return from the Bay. The honorable Secretary has forgotten that he informed the Undersigned, that he had submitted, to his excellency, the Protest of the 13th against the establishment of land offices before his departure. The President may have thought that immediate attention might very well be dispensed with, as his views on the importance of this Subject, according to the honorable Secretary, have undergone a material change.

The Undersigned does not specify this omission, which may have been through inattention, as of any particular moment, but merely for the sake of accuracy, and that there may be no misconception.

The Undersigned deeply regrets that the communication of the honorable Secretary breathes a spirit so little in accordance with a desire to secure the mutual interests of the two governments, and that pretensions, so incompatible with the just rights of the United States, and the satisfactory adjustment of the boundary without any violation of their respective claims, should be attempted to be justified; and a determination to persist in the very measures, that the call of Congress, by the President, was intended to avert; the propriety of refraining from these encroachments being no less apparent now, than at that period.

The honorable Secretary, in ascribing the present difficulty to the boundary being unfixed, deems a convention, to conform the stipulations with Mexico, on that subject, unnecessary, as that treaty has become "a public law". "The undersigned feels unauthorized to discuss, at present, how far the honorable Secretary is correct in this opinion, but will merely observe that Mexico and the United States, in similar circumstances, acted under the persuasions that a convention was proper. The Honorable Secretary weighs [sic] emphatically, in his communication, in calling the treaty with Mexico "a public law" only for the limits, declining to view it as "a public law" for all the other articles it contains. When the Undersigned inquired of the honorable Secretary if he understood that treaty, in its general bearings, to govern the two countries, until a treaty was formed between them, his reply was he did, so far as the Indians and the boundary were concerned, but no further. The Undersigned would be indebted to the honorable Secretary to enlighten him upon the point, why the treaty is to be regarded as "a public law" only for those two articles, and not for the rest. The honorable Secretary must be aware, that if the government of Texas assumes the privilege of choosing what suits her purposes, the United States have the same right to take from that "public law" what they conceive most convenient to them. This government refusing to be governed gen-

<sup>a</sup> There is in the archives a copy of the remainder of this paragraph evidently made for some special purpose, but for what is not clearly indicated.



erally by that treaty, the United States may consider no portion of it binding.

The honorable Secretary alleges, that the undersigned "intimates, that it is within the competency of the President, as the chief executive officer of this Republic, to suspend the law organizing Red River County and the Land office therein, as he (the President) did that, against the execution of which, Mr. Forsyth remonstrated". The undersigned disclaims having intimated any such thing, and challenges any expression, of his, which can authorise such an interpretation. The undersigned has no inclination, nor is it his province, to point out the course the President should take in such matters: his excellency is certainly the exclusive judge of his constitutional powers, and how far he is competent to act. The undersigned fulfilled the duty incumbent upon him, by merely making an appeal to the President, leaving it to his sagacity and wisdom, to apply such a remedy, as he conceived the case might require, comporting with the friendly relations between the two countries.

The undersigned, although he disclaims such an intention, as being an improper intermeddling on his part, is, nevertheless, under obligations, to the honorable Secretary, for drawing a distinction between the former case when the President interposed, and the present, when he declines any interposition. According to the honorable Secretary the differences, which reconcile this apparent inconsistency, are, that "in the latter, Congress passed the laws and elected the officers required to carry them into immediate effect, while, in the former, the law was to go into operation at a stated period, and the appointment of officers were to be made by the executive, which he declined doing, by which the law remained inoperative." The undersigned cannot understand the honorable Secretary as meaning that the President can do that indirectly, which he may not do directly, and if the honorable Secretary does not mean this, it is impossible to conceive what he does mean. And, in fact, the undersigned did not require that the honorable Secretary, should go into any arguments upon this question, upon a gratuitous supposition, that the undersigned desired the honorable Secretary, to reconcile the contradiction, which the honorable Secretary, himself, supposes, since he thinks it necessary to make the effort, between suspending the former land law, and a refusal to suspend the present.

But the undersigned cannot refrain from remarking the discrepancy between the views of the executive when he considered it proper to arrest the former law, and those put forth by the honorable Secretary, to sustain him in an entire different line of conduct, at the present moment.

The undersigned has nothing before him to show why the same solicitude, then manifested by the President, is dispensed with, as

the same causes now exist which produced the conviction, that the former law could not "go into operation, (these are the words of the message addressed to Congress on the occasion,) *without conflicting with subjects too important to be disregarded, inasmuch as some of the land districts would necessarily fall within that section of country, over which the United States, have, for some years, exercised civil jurisdiction.*" The undersigned will not imagine that his excellency, the President, is less sensible of the propriety of avoiding a conflict with Subjects "too important to be disregarded" now, than he was when he originally took a view of this matter, or that the conclusions, he then formed, after, it is presumed, the most mature deliberation and reflexion, are less the result of a sense of justice, of reason and good faith, than the very extraordinary arguments, by which it is made to appear, that the pretensions to this territory now authorized encroachments, he then unhesitatingly condemned, a decision which was confidently regarded as a guarantee of his intention to refer the subject to the arbitration of commissioners, as contemplated by the treaty with Mexico.

The President, himself, offers the very best proof of the good intentions of the government of the United States, and their sincere desire of meeting the government of Texas upon such just principles as would secure a satisfactory termination of their respective claims, by distinctly declaring, in the message to Congress, before referred to, "that this measure (the appointment of a commissioner) was based so as to correspond with measures *which have been adopted on behalf of the government of the United States; for ascertaining the true boundaries of the two countries.*" The President proceeds: "though no official intelligence was derived from the United States, it, nevertheless, was deemed *satisfactory as to its correctness*, and has subsequently been *verified*, as will be shown to your honorable body, by documents which will be referred for your consideration." Again, says the President, "It is to be deplored that so soon as measures had been adopted by the government of the United States on this subject, that the government of Texas was not apprised of the fact, or its agents near that government until the 17th of June last, when a communication was made to our agent by the honorable Secretary of State, for the first time, of the desires of that government".

Provision, it seems, was made, at the close of the session preceding the one the President had called, for the appointment of a commissioner on the part of Texas, but no appointment was made in pursuance therewith, and yet, it is assumed, "the United States have deemed it expedient, very much against the wishes of the President, to postpone the fixation of that line!" Whatever may be the President's persuasions upon the necessity for settling the boundary agree-

ably with the treaty of limits, and however assiduous he may have been in urging the matter upon the government of the United States, it is very clear that he has not seen proper to provide a commissioner until very recently, and that, after an attempt to wrest this territory from the United States, and hold it before the limits can be designated, and in fact, before advising the government of the United States of the appointment! !

The Congress, pursuant to the President's proclamation, met, on the 25th. September, to take into consideration his suggestions; and anterior to the 1st. of October, passed a joint resolution "suspending the operations of the land law", thus "sustaining the President in the course he had taken". It was reasonable to expect that a measure, calling for the special interposition of the President, and the action of the Congress, would not have been revived with such precipitancy, especially when there was a sincere disposition to facilitate the adjustment of the boundary, in accordance with the stipulations with Mexico. Yet within a very brief delay, without waiting for any communication of the United States upon the subject, and, for all the undersigned knows, without even informing the United States of any such intention, of any penalty that would follow so fast upon the footsteps of the act of grace, as would render it abortive, another law is introduced and passed, whose provisions are precisely similar, and which are equally obnoxious to the President's censure "as conflicting with subjects too important to be disregarded." This anomaly, in just and wise legislation, appears to be obvious to the mind of the honorable Secretary, since he alleges certain complaints against the United States as affording "some apology" for the course of Congress in organising ["]that disputed territory". What these complaints are will hereafter be noticed, but they are by no means adequate completely, even in the eyes of the honorable Secretary, to rescue that body from a portion of blame.

How the honorable Secretary can find grounds to justify proceedings, that he himself confesses, admit but of a partial apology, the undersigned is at a loss to determine, nor can he see, in the circumstances set forth as an "apology," a sufficient pretext for persisting in measures, of whose improper character the President appeared to be so well aware.

The undersigned conceives it would have been better, as the honorable Secretary has no reasons more cogent than those he advances, that he should simply have signified that the President declined any interposition. Had the honorable Secretary confined himself to this, and refrained from impugning the conduct of the United States, it would have superseded the necessity for the present discussion.

The undersigned cannot discover, in any of the acts of Mexico, to which reference is had, that the United States have "tacitly acquiesced" in the right claimed, by the honorable Secretary, for that power, over the disputed territory.

A tribe of Shawnee Indians, the honorable Secretary states, applied for this territory to the government of Mexico, and it was refused them. How can the honorable Secretary torture this simple fact into a recognition by the United States of the rights of Mexico to the territory in question? Mexico by refusing to concede it to them, dispensed [with] the necessity for any remonstrance since nothing existed to require it.

As to Wavel, to whom the territory was granted, according to the honorable Secretary, it appears he never affected [sic] any settlement on behalf of the government of Mexico. How then, again, could the United States interfere without any act to justify it? This is an entire new principle introduced among nations.

Further, the honorable Secretary urges that Mexico had a fort at a place called Spanish Bluffs. When or under what circumstances this was, the honorable Secretary says not. The undersigned cannot perceive that the rights of the United States have been impaired admitting such to be the fact.

Again, the honorable Secretary invokes certain laws that were enacted by the State of Coahuila and Texas and Mexico which never were carried into execution. Had it been attempted to enforce this random legislation, as the Government of Texas seems determined to do, the United States, so far from acquiescing as the honorable Secretary would affect to believe, would have prevented all encroachments, and have maintained entire their jurisdiction over that territory. In that event the honorable Secretary would probably have been relieved from the task of translating the Spanish documents upon which he relies, and the undersigned from the trouble of noticing them.

Suppose the government of Mexico (if her difficulties with Texas were limited to a question of boundary) was to make, near the line to be run, within the apparent limits and under the jurisdiction of the latter, a grant of land to a company of individuals, who, from some cause or other, were prevented from making any settlement, the government of Texas, not remonstrating at the time, would this confer a title upon Mexico? Certainly not. But, it seems from the arguments of the honorable Secretary it would, as the grants to Wavel were of this description.

The honorable Secretary dwells, with great complacency, upon the efforts made by Mexico to occupy this territory. None of these efforts, according to the honorable Secretary's own showing, were ever consummated. Yet the honorable Secretary argues that the

United States have acquiesced by not remonstrating! Against what were the United States to remonstrate? Against schemes of individuals that never had their accomplishment, and of which the United States were unapprised or indifferent to, from the fact they never had approached that state that would have justified the slightest apprehension? The honorable Secretary is unfortunate in all he has selected to prove that Mexico considered that territory as her own:—In every case he cites, subsequent acts appear to disapprove the conclusion. Either she refused to grant it to "Indians," or she prevented "North Americans" from settling it. In one case "a famous edict" was passed by her forbidding them to do so, and in another she "arrested and imprisoned the gallant Milam" just as he was on the point of carrying his designs into execution. The United States, anxious as they might have been to have stopped these contemplated incursions were always anticipated by Mexico, herself, who, unsolicited, has laid a ban upon her citizens. The United States therefore has no occasion for remonstrating or protesting, unless the honorable Secretary supposes the anomaly that the United States were bound to protest without proper cause.

The honorable Secretary purposely forgets that, if the simple cession of this territory by Mexico for settlement conferred any right, the actual settlement and organization by the United States was a perfect title. This territory forms Miller and Sevier Counties in the State of Arkansas.

The occupancy, then, of this territory by the United States, having been respected even by Mexico, it was to be presumed that the government of Texas would not have been less mindful of the existing obligations. Do the pretensions of Texas confer upon her the right of surreptitiously divesting the United States of their jurisdiction and right of possession, before the line be run, and the claims of the two countries determined?

The honorable Secretary, having sought in vain for any act, on the part of Mexico, establishing her occupancy of this territory, proceeds to found the separate pretensions of Texas by advancing as an all-powerful argument, that in 1836 the county of Red River sent delegates to the Convention, which proclaimed the Independence of Texas. That document having been published to "the world" the honorable Secretary contends that the United States should have protested if they meant to consider the territory those delegates professed to represent as their own. Is the honorable Secretary in earnest when he advances this argument? How were the United States to know that Red River County which figures in the proceedings of the Convention, through Mr. Ellis,<sup>a</sup> was no other than Miller and

<sup>a</sup> Richard Ellis, a native of Virginia; member Alabama Constitutional Convention, 1819; president of the Texan Convention of 1836; president pro tem of Senate of First Congress of the Republic, and member of Senate of Second, Third, and Fourth Congresses.

Sevier Counties, one of which was represented, at that time, by the son of this very Mr. Ellis, in the assembly of Arkansas? The United States would have been gifted with very extraordinary powers of penetration, could they possibly have explored this mystery. How could one of their citizens not only transfer his own allegiance, but that of all the other citizens inhabiting the metamorphosed American counties, as well as the soil itself? Was it the duty of the United States to send commissioners to the Convention to ascertain that all the members were citizens of Texas, representing her territory? If the convention were pleased to admit Mr. Ellis, knowing he was not legitimately entitled to a Seat, surely it must have been with the full knowledge that this admission could invest him with no powers incompatible with the jurisdiction exercised, by the United States, over the disputed territory. The reverse of this proposition is so absurd, that it cannot sincerely be maintained. Besides, what county was Red River county at that time? The territory, now understood to compose it, by the late act of Congress, was not then organised. Red River County was undefined. It might have meant a County to be formed on the Brassos or on the Colorado, which was much more reasonable to infer, than that it meant any portion of Arkansas.

The honorable Secretary refers the undersigned to a late report of the Committee of Foreign Relations of the Congress, as further establishing the propriety of the late laws organising that territory. This report exhibits the anxiety of Congress for the running of the line, and concludes with a resolution authorising the President to appoint a commissioner for the purpose. In its tone it affords a *remarkable contrast* to the communication of the honorable Secretary. It is proper to remark that it was introduced on the 3d of October last, and with the delays incidental, the appointment, it contemplated, must have been retarded until November. When the appointment was actually made does not appear, but it was not officially promulgated until after the adjournment of Congress. Admitting, however, that the minister of this government, at the earliest moment, communicated it to the government of the United States, it would have been next to impossible for any action to have been had upon the subject before the passage of the late laws. This is only noticed incidentally, as illustrating how far the unavailing efforts of the government of Texas extended, and how far the subsequent acts were justified by a non-compliance on the part of the United States. It is true that the honorable Secretary, in conformity with a call from the Senate, upon which the report of the Committee of Foreign Relations was based, informed that body that he had addressed a communication to the Minister at Washington, signifying to him the passage of the former law authorizing the President to appoint a commissioner to run the line, and instructed him to obtain a like

appointment, on behalf of the United States. But the report of the Committee clearly shows a disposition to renew the application, and precede it by the appointment of the commissioner, which the President had failed to make, and which the Congress again felt it their duty to urge. That it is evident, that Congress, by a solemn act, having so resolved, and the President having confirmed the same by the appointment, there was an obligation to await the result.

In connection with the foregoing, the undersigned will respectfully call the attention of the honorable Secretary to the protest, made by several members of the Senate, against permitting Mr. Ellis to take his Seat, as Senator, in the late Congress, from the territory he assumed to represent. Most of those members were of the committee of Foreign Relations, and the question was one they were peculiarly qualified to decide. The grounds they insisted upon were, 1st: "that the United States of the North exercised at this moment, *actual and exclusive jurisdiction civil and military* over the county the honorable gentleman claims to represent: 2dly, that no such county has ever been organised in accordance with the requisitions of the laws of this Republic: 3dly that three names, appended to the honorable gentleman's certificate, are the names of individuals entirely unknown to the laws and constitution of this Republic: 4thly, that it does not satisfactorily appear, that *the honorable Senator is a citizen of this Republic*: 5thly, that it is quite possible that the running of the line, from the 32d degree of latitude on the Sabine to Red River, will show that a large portion of the County of Red River, and probably the honorable Senator's own residence is in the United States of the North."<sup>a</sup>

One of the members who protested, Mr. Burton, emphatically declared, "that the question before the senate was in reference to the exercised jurisdiction, and not the right of soil: *that the territory in question is represented in the Legislature of Arkansas, pays taxes to her, and her inhabitants are liable, at any time, to be ordered into military service against this Republic. These facts are incontrovertible and admit of no dispute.*" Such were the views of several of the most intelligent members of the Senate, among whom was Wm. H. Wharton, Chairman of the Committee of Foreign Relations, a gentleman who has filled some of the most important offices in the Republic, and whose opinions are entitled to great weight from the reputation he enjoys for information and research. Another gentleman, Mr. Burton is a Surveyor, intimately acquainted with the disputed territory and sustained, by his *professional knowledge*, in what is advanced in the protest, "that it is quite possible it will fall within the boundaries of the United States."

<sup>a</sup>See *Journals of the Senate of the Republic*, for called and regular sessions of Second Texas Congress, 38-44.

How, then, can the honorable Secretary assume, with such certainty, as a fact, that this territory of right is within the limits of Texas, and that a thorough persuasion of this authorizes the late proceedings? How can he maintain that all the acts of this Republic, as well as those of Mexico, and the State of Coahuila and Texas, are so many proofs it was so considered? It appears they have never set forth their pretensions, except so far as Texas is concerned, by the laws against which the undersigned has protested, as is contended for by the honorable Secretary. The convocation of the extra session of the Congress, by the President, implies clearly, that whatever may be his impressions, whether the running of the line will place this territory within the limits of Texas or of the United States, still, that the actual occupancy of the latter was not to be disturbed until the fixation of the line should settle that question. This acquiescence of Congress, in the object for which he had convened them, is a further confirmation of this view of the subject. Nay, more, the House of Representatives were so fully impressed with this fact, that in the bill that originally passed their body, they expressly excluded Red River County from the operation of the law. The objectionable section, as it stands, is so worded, as to require a close examination to ascertain its real intent, which, at once, goes to prove that its author entertained apprehensions it could not pass unless it were involved in obscurity. And the honorable Secretary himself, who is familiar with that part of the country, has often expressed the belief, that when the line shall be run, the greatest portion, if not the whole of the disputed territory will be within the United States.

But it appears, now, according to the communication of the honorable Secretary, that the United States have not "a shadow" of a right to this territory. The undersigned will leave the honorable Secretary to reconcile to his own satisfaction these conflicting and contradictory opinions; he cannot, however refrain from observing that the honorable Secretary has taken a vast deal of pains to combat a mere phantom. The undersigned feels astonished that "a shadow" should have influenced the mind of the President so far as to have induced him to convene an extra session of the Congress, when, according to the message, "the frequent call of extra sessions is to be deprecated, but the necessity of the present meeting could not be so well anticipated by any future action of your honorable body, as it can at the present moment." The honorable Secretary must admit that this "shadow" has been very potent, and that he, himself, has, until very recently, misconceived its true character.

The undersigned considers the very message of the President, delivered at the opening of the extra session of Congress, with which



the honorable Secretary has been so obliging as to furnish him, as in itself sufficient to refute entirely the grounds assumed by the honorable Secretary. The very same arguments, by which the President was convinced that this territory should not be interfered with, but that the settlement of the boundary should be made by commissioners, apply with as much force now as they then did. The acts of Mexico to occupy this territory, to which allusion is made by the honorable Secretary, were as well known then as they are now, yet they were thought insufficient to be urged. It appears strange, indeed, that the government of Texas should rely upon such acts, when she has proclaimed "to the world" what faith she places in the rectitude of that government!

The Undersigned regrets that he should be under the necessity of entering so fully into a matter, whose discussion might very well have been spared, had the honorable Secretary, in communicating the determination of his excellency, abstained from making reflexions upon the government of the United States, and calling into question the propriety of their conduct in relation to the disputed territory. A sense of duty has made it imperative upon the undersigned to meet and refute the charges of the honorable Secretary, and to sustain the just rights and prerogatives of the United States.

The undersigned concurs with the honorable Secretary that, when the limits shall be settled, all differences will be eradicated, and he trusts until then, the government of Texas will see the propriety of forbearing from any encroachments, which he again repeats will not be allowed. The United States have exercised up to the present time, are exercising and will continue to exercise jurisdiction until the relative claims of the two countries shall be adjusted.

The honorable Secretary, as collateral reasons for the enactments of the late laws, alleges "some unwarrantable acts on the part of agents of the United States on Red River." The undersigned is bound to conclude, as these grievances are of anterior date, if they be of the serious nature now assigned them, the proper representations must have been made through the organ of this government at Washington, where they have undoubtedly received that attention they merit.

In regard to the complaint against the two officers of the United States' army, the honorable Secretary will permit the undersigned to believe, until his government shall have determined upon the matter, that their conduct is not reprehensible.

But, granting the weight which is attached to these acts, what have they possibly to do with the subject under consideration? As disconnected matters, they might, perhaps, form a proper subject of complaint, but in the manner and place they are brought forward, it

would seem they are urged with intentions too obvious to require comment.

The undersigned would fail in the duty he owes to the country he represents, were he not to repel the accusation of the honorable Secretary that the United States have disregarded the 33d article of the treaty of amity, Commerce and Navigation with Mexico, which is sought by the honorable Secretary to be rendered still more culpable by his supposing that this article was proposed by the United States. It was impossible to have anticipated such a charge from the source from whence it emanates. The constant regard of the United States for their treaties and their faith in fulfilling them has obtained the admiration and respect of all nations. How could this government give utterance to so unworthy a reproach, when she has, herself, in so remarkable and signal a manner, been indebted to the rigidity with which the United States fulfilled that very article of the treaty. Had it not been for its religious observance, every inhabitant, this side of the Sabine, would have been butchered by a savage foe. The President and the honorable Secretary have frequently declared this to be their solemn conviction. Yet, with this fact before their eyes, the good faith of the United States has seriously been arraigned! But the remembrance of the heart, it seems, is not the quality of governments, and although the United States, having only complied with their obligations, do not claim any acknowledgment, still it may appear somewhat singular that simple justice should be denied them, when the results have been of such vital consequence.

The undersigned trusts that the language applied by the honorable Secretary to the United States was not intended to convey the meaning it does. He is induced to this belief by the friendly relations existing between the government and people of the two countries, which, he entertains the ardent wish, may not be disturbed by any sinister remarks that would wound the feelings of the other [sic]. He therefore will dispense with further observations under the persuasion that the honorable Secretary will appreciate his motives.

The undersigned will comply with the request of the President to communicate, to the government of the United States, the reply of the honorable Secretary, and will take the same occasion to lay before that government all the correspondence upon the subject to which it refers. The wisdom of his government, the undersigned is confident, will decide upon the course that will devolve upon it by the refusal of the government of Texas to listen to the remonstrances that have been made in its behalf, and while it will insist upon its just rights,