

WEBB TO DUNLAP.

DEPARTMENT OF STATE,
Houston, 14th. March, 1839.

HON. RICHARD G. DUNLAP,
Sir,

The accompanying instructions were prepared some three or four weeks since, and at a time when it was contemplated to send the Hon'ble Barnard E. Bee to the United States as the Minister Plenipotentiary of this Republic; Subsequent events however, induced the President to change the destination of Col. Bee by sending him as Minister to Mexico, and to appoint you to represent this Government at Washington; and as the instructions are, in all important particulars, applicable to the duties which will devolve upon you, they are altered only in substituting your name in the place of Col. Bee's and changing the date so as to make them correspond with the date of your appointment. This has been done to avoid the delay which remodeling and recopying them would have produced; but it is proper to apprize you that since they were prepared, positive (tho unofficial) information has been received that Genl. Santa Anna is at the head of the "Central" or Government party of Mexico, instead of having United himself with the Federal party as was then supposed. This however, has produced no change in the policy of this country. It is still believed that a mission to Mexico may produce the most important and favorable results to Texas and Col. Bee will proceed forthwith on that mission. Indeed, we entertain the hope, that Genl. Santa Anna's having assumed the reins of Government as the head of the "Central party" will operate more to our advantage than his heading the "Federal party" could have done. His solemn promises when in this country to use all his efforts to cause the Independence of Texas to be recognized by Mexico, must have great influence with the leading men in power, especially if he be now disposed to carry out in good faith those promises; and the known wishes of the Federalists to enter into amicable arrangements with the people of this Country may accelerate that measure, as it would be one step on the part of the Government towards conciliating a formidable opposition.

When my letter of instructions of this date was prepared, I was induced to believe from the information which I then possessed, that the alledged invasion of the territory of the United States by Major Genl. Rusk in his late campaign, was only a pursuit of the Indians across the boundary line after he had been attack'd by them in his own encampment within the acknowledged limits of Texas, but upon the perusal of his official report of that transaction (which has just been received) I find that I was mistaken in this particular.

It appears from his report, that the Caddo Indians had recently been committing some violent outrages and murders in Texas, and having learned that they were then encamped near Shreveport with the intention of proceeding in a body to this country, he marched his command to their encampment and disarmed them, after they had evinced evident hostility by firing at his advanced Guard, and then took them to Shreveport where they, together with their arms and ammunition, were delivered into the charge of their Agent.

You will see from the report of Genl. Rusk and the documents appended to it, that this proceeding of his was conducted with as much humanity towards the Indians as could be exercised, and it certainly did not arise from any disrespect on his part to the rights of the United States, or from any disposition to contemn their authority. It was however, an act of his own, and unauthorized by any instructions which had been given him by this Government; and altho' the conduct of these Indians afford strong reasons for excusing the course pursued by him in depriving them of their means of annoyance to our citizens, still, it is to be regretted that any act of doubtful authority should be done by an officer of the Government which might lead to a collision with the United States. Had Genl. Rusk when pursuing the enemy in their flight after their attack upon his own encampment followed them across the line (as I had supposed was the case) he would have been justified by every sound principle of international law; but his right to march into a Neutral territory to make the attack, is not so defensible even under the circumstances which he discloses as the cause of that procedure; and it can only be supported upon the principle, that from the imbecellity of the neutral power it was unable to keep in check a belligerent, which had taken advantage of its weakness, and was using its territory as a means of annoyance to us; and as we are not disposed to assume this position in our discussions with the United States upon this subject, and that Government having demanded a satisfactory explanation of the conduct of Genl. Rusk, you will, while using all necessary arguments to show the many aggravating causes which led to the act, disavow all instructions from this Government authorizing it, and disclaim all intention on the part of the authorities of Texas to do any thing which would have a tendency to mar the harmony so happily existing between the two countries, and which the people of this are so desirous of cultivating and improving. This subject will demand your immediate attention upon your arrival at Washington, and while discussing it, you will assure that Government, that orders will be given to the officers commanding our forces on the frontier, to respect the rights of the United States, and to conduct their military operations in such a way as to prevent collisions with their authorities; but you will at the same time urge

the necessity of recalling their Indians which are now roaming about and committing depredations upon the inhabitants of this country, and of adopting such measures as will confine them strictly within their own limits.

I have the honor to be
with great respect,
Your Obedt. Servt.

JAMES WEBB.

P. S. Despatches Nos. 12 and 13 from our Legation at Washington were not received. You will please cause copies of them to be forwarded to this Department.

J WEBB.

JONES TO WEBB.^a

TEXIAN LEGATION,
Washington 19th. March 1839.

Dispatch No. 44.^b

To The Hon. JAMES WEBB,
*Secretary of State of the
Republic of Texas.*

SIR,

Since my last communication under date of the 11th. Inst. being despatch No. 43, an Exequatur has been issued by this Government to Walter Smith as Consul of Texas for the Port of Mobile. The circumstance of Mr Smith having made a direct application to the Secretary of State of the United States for an Exequatur; has given rise to a correspondence between Mr. Forsyth and myself; a copy of which is hereunto annexed. The course indicated by Mr. Forsyth in relation to an application for an Exequatur appears to be a proper one, and is in accordance with general usage, and if adopted by the Department will prevent the recurrence of any future irregularity similar to the one that has occasioned this correspondence, which as is obvious, it would be very desirable to avoid.

I also transmit herewith a copy of my letter to Mr. Smith on forwarding him his Exequatur; all of which I hope will meet the approbation of the President

It is now nearly a month since I saw it announced in the news papers that Col. Barnard E. Bee was appointed Minister to the United States, as my successor. During the time which has since

^a L. S.

^b After this come several unnumbered despatches. The next bearing a number is Amory to Lipscomb, August 21, 1840, which is No. 56. How the numbers 45-55, inclusive, should be assigned, it is difficult to say.

elapsed, I have been daily expecting some intelligence from the Government in relation to this matter, with instructions for my own direction. As yet however I am not favored with any communication on the subject and now beg leave respectfully to request if none has been already sent, that it may receive your earliest attention, and that I may know the determination of the President in regard to myself. Should my recall be concluded upon, I hope that a letter to that effect may, at the earliest convenient moment be transmitted to me for presentation to the President of the United States, as the courtesy due to this Government will require this formality to be observed on my taking leave of it finally.

In case however the President should desire my longer continuance in this office, I am under the necessity of requesting immediate leave of absence to return home for a few months in order that I may have an opportunity of attending to my private business, which in consequence of the short notice I had of my appointment to this place, was left by me last year in a wholly unsettled condition. Congress having adjourned, and there being no matter of importance pending between Texas and the United States, it is believed that the Secretary of the Legation will be fully competent to attend to such minor affairs as may present themselves in the interval, and consequently that no prejudice to the country's interest would be occasioned by the absence of the Minister from Washington during the next four months. I beg therefore, that you will lay my request before His Excellency the President, and inform me at the earliest opportunity of his pleasure in regard to them.

I have the honor to be with great
Respect Your Obt. Svt.

ANSON JONES.

[Here follow copies of Forsyth to Jones, March 16, 1839; Jones to Forsyth, March 18, 1839; and Jones to Smith, March 19, 1839—all relating to an application for an exequatur as Texan consul at Mobile made by Smith directly to Forsyth instead of to Jones.]

CANALIZO TO FLORES.^a

WEBB TO LA BRANCHE.

DEPARTMENT OF STATE.

Houston, March 27th. 1839.

SIR,

In addition to the reply which I had the honor to give on the 16th. inst., to your note of the 13th., calling my attention to a note dated

^a March 23, 1839. See Burnet to Dunlap, May 30, 1839.

Jany. 29th. from my predecessor in office, in answer to a letter of yours of the 15th. of the same month, "requiring of this Government an explanation of the conduct of Genl. Rusk in violating the territory of the United States," and requesting a more full and satisfactory reply than was given by Col. Bee to that letter, I have the honor to state, that since the return of the President to the seat of Government, the official report of the late campaign against the Indians on the North Western frontier has been submitted to him, and by his direction, the Texian Minister at Washington is instructed to assure the Government of the United States, that the act of Genl. Rusk in crossing the boundary with a military force, and marching to Shreveport, was unauthorized by any instructions from this Government; and that orders will be given to the officers commanding our forces on that frontier, so to conduct their military operations in future, as to prevent collisions with the authorities of the United States, and to respect the rights of the Government and people of that country. "

I avail myself of this occasion of renewing the assurances of my distinguished consideration.

The Honorable

JAMES WEBB.

ALCÉE LA BRANCHE

Charge d' affaires of the United States, Houston.

LA BRANCHE TO WEBB.^b

LEGATION OF THE UNITED STATES,
Houston, March 28th. 1839.

SIR,

I have the honor to acknowledge the receipt of your letters of the 14th. and 27th. instant, in answer to a note of mine of the 13th. in relation to the late violation of the territory of the United States by an armed force in the service of the Republic of Texas. I shall transmit these communications with immediate despatch to my government for consideration.

^a In the copy in the archives the paragraph coming next has been marked out. It reads as follows:

"But while disavowing this transaction, and disclaiming all intention to justify any unauthorized act which would have a tendency to mar the harmony so happily existing between the two countries, the President cannot but perceive in the repeated hostile incursions of the Caddo Indians within the last two or three years, their numerous murders and depredations upon the inhabitants of Texas, and their recent assembly near Shreveport with the avowed intention of renewing their hostile aggressions (all of which is fully shown by the report of Genl. Rusk, and the documents accompanying it) strong reasons for excusing the conduct of that officer in pursuing the only course in his power of depriving them of their means of annoyance to our citizens, and especially, as this act of his was conducted with as much humanity towards them as could be exercised, and certainly did not arise from any disrespect on his part to the authorities of the United States, or from a belief, that a proceeding which seemed so essential to our own safety, would be deemed offensive to that Government."

^b A. L. S.

With a hope that the orders of the President will put a stop to those lawless acts, and that your officers will for the future respect the territory and sovereignty of the United States, I renew to you, Sir the assurances of my distinguished consideration.

ALCÉE LA BRANCHE.

Hon.

JAMES WEBB,
*Secretary of State of the
Republic of Texas,
Houston.*

COMMISSION OF FLORES TO DE LA GARZA.^a

JONES TO LAMAR.^b

OAKLAND,
R. RIVER CO. T.
9th. May, '39.

His Excellency
Gen. LAMAR
Prest. etc.

SIR,

Your excellency is aware that by a treaty between the U. S. and Texas the jurisdiction of this section of country has been ceded to the U. S. until the line is run between the two nations. The object of this communication is to complain to you as the highest functionary of the Republic, that the civil authorities of this county in violation of the treaty still continue to claim and to exercise jurisdiction. Of this conduct on the part of the citizens of this county complaint and animadversion is made by the citizens of the adjoining state (Arks.). They reflect upon us as not abiding by the treaty as we in good faith are bound to do. Suits are frequently brought against the citizens of this county in the U. S. district Court for Arks. They are also sued in the Texian Courts. The question asked by the officers for Texas in this county is why does not the president issue his proclamation declaring that the Texian laws must cease in this county till after the line is run? If that is the meaning of the treaty.

There is about commencing a difficulty between the authorities of Texas and the U. S. as follows. Sometime last summer I was sued before a Texian Magistrate who iniquitously gave judgment against me. I then as the dernier resort took an appeal to the county court

^a April 19, 1839. See Burnet to Dunlap, May 30, 1839.

^b A. L. S.

but in consequence of the magistrate's having failed to execute his duty as the law requires the case was thrown out of court and judgment awarded against me for court costs etc, and the day before my arrival from Houston one of my mules was levied upon by the constable and but for one of my neighbors would have been sold for the debt and constable costs. And to day the Sherriff came and levied on some of my property to satisfy the costs of court. And now I shall appeal to the U. S. district court at Little Rock for *Redress*. The county court sits regularly and acts upon the cases of estates of deceased persons etc. lands of orphans are sold etc. etc. all which proceedings your Excellency is well aware are illegal because there is no jurisdiction and must ultimately be reversed by the proper tribunals.

I have protested against the exercise of Texian authorities till the line is run. The people are deceived by a few who are interested in deceiving them. They will tacitly submit to the treaty provided you will issue your proclamation to that effect. I hope you will do so if it be merely to show that Texas is disposed to submit to the treaty made with the U. S. and also more especially to prevent any further difficulties between us and the U. S. Authorities.

The present situation of affairs is extremely embarrassing, to submit to an assumed jurisdiction which I know does not exist or to be forced to seek redress in the U. S. Courts presents a dilemma on both sides.

While upon this subject permit me to state it has been circulated that Texas is opposed to the running of the line, and that I have opposed it etc. etc. all equally erroneous. Should your leisure permit will you answer this forthwith. Give me your views as to the jurisdiction of this country etc. that I may justify my course. My rule Genl. is that when I know I am right to follow the dictates of my conscience regardless of the result; always relying upon the maxim that whatever is my duty is paramount to all other considerations.

Who are appointed to run the line? Will it be run.

With a hope that I shall shortly hear from you permit me to be your devoted friend and

Very obt. st.

ISAAC N. JONES.

P. S. You must receive as an apology for my letter and paper that I have but a moment to write and this is the only piece of paper or one of the best pieces on hand.

Direct to me Myrtle Springs

R. R. Co.

VAN BUREN TO LA BRANCHE.*

* May 10, 1839. See La Branche to Webb (receipt), July 6, 1839.

LA BRANCHE TO WEBB.^a

LEGATION OF THE UNITED STATES

Houston May 13th 1839.

SIR,

I have the honor to inform you that, pursuant to the Convention of the 25th April 1838 entered into between the United States of America and the Republic of Texas, for marking the boundary between the two countries, the following officers have been appointed by the Govmt. of the United States: viz, John Overton Commissioner, John R. Conway Surveyor, and John S. Clendennen Clerk. The President of the United States before ordering these officers to proceed to New Orleans for the purpose of meeting those of Texas, awaits to receive the information of the appointment of the latter. As the meeting adverted to, is to take place before the 12th of October next, you will perceive that your Commissioner and Surveyor should be appointed without delay, in order that the information may reach Washington in due time

With Sentiments of highest esteem and respect I am Sir, your obedient Servant.

ALCÉE LA BRANCHE

Honl. JAMES WEBB
*Secretary of State of the
Republic of Texas.*

DUNLAP TO LAMAR.^b

Private.

WASHINGTON [CITY],
May 16th. 1839.

MY DEAR SIR,

I am requested by Mr Forsythe to give you a private letter relative to our interview this day, concerning the mediation of this Govnt. with our Mexican difficulties—as the result may not be subject to a call of Congress. He said to the Mexican minister that the Govet. of Texas had asked the mediation of his Govet. with the hope of settling on amicable terms, by a treaty of peace and limits the present difficulties between Texas and Mexico—and that his Govet. would be very happy to interpose, should it be the wish of Mexico. He thought this to be the best position to place the matter.

^a See Records of the Department of State (Texas), Book 41, p. 201.

^b A. L. S.

The Mexican minister replied, that he had been informed before my arrival, that this was one of the objects of my mission to this Govnt—which belief was strengthened from the fact that a Minister Exty. etc was sent here, while there was a regular minister at this court. He then stated that he advised without delay his Govnt of this intended movement of the Govet. of Texas—and further that he advised his Govnt. to sieze hold of this opportunity as a favorable one, for a final and advantages^a adjustment of the difficulties between the two Govets.

Mr Forsythe thinks that this communication will certainly reach Mexico before Colo Bees arrival, which will be very fortunate.

Mr Ellis will be instructed to say to Prest Santa Anna that should Mexico desire the mediation of this Govnt, that nothing will give her more pleasure than to interpose. It is the President's and Mr. Forsythe[']s opinion, that should this Govnt. make a formal announcement of their acceptance of the mediation, as offered *verbally* by me, that it might excite old jealousies, and defeat or imbarass the question. Hence it is, that I have only had verbal interchange of opinions and suggestions, and will let the matter so rest untill otherwise instructed—or untill new developments shall mark out a different course.

On my presentation to the Prest. of the U. Sts. I handed him my credentials and delivered him your personal respects with an assurance from you, that you cherished the hope that nothing should ever transpire to interrupt that harmony and good will, which so happily existed between the Republic of Texas and the U. Sts. The President in a modest and impressive manner said I trust you will present my best regards to President Lamar and my good wishes for his health and happiness. He asked me to be seated, and I then said if you will allow me in an informal manner, I will present for your consideration, one of the objects, of my mission to this Govet that you may think of it. After doing so with leave, the Prest. said he would see the Secretary of State and that they would think of the best mode to treat the subject. But he said, you can say this much to the Prest. of your Republic,^b that it would afford him great pleasure, to render any service to his Government, when he could do so consistently with his public duties, and advised me to call and see Mr. Forsythe before I address him by any official communication—which I did on the next day and which has resulted as stated, and which I hope will terminate propitiously for the Republic. You may think that I have given too much detail—your solicitude on the momentous question, has induced me to give you the whole ground, hoping that it will prove more satisfactory than a mere statement of results.

^a Advantageous.

^b Here the form changes from direct to indirect discourse.

Mr. Forsythe hinted that perhaps the Mexican Minister believed, that this would be a favorable crisis in the affairs of Mexico, to get a little money, and that perhaps, that might facilitate a speedy adjustment of our difficulties. My instructions are silent on this question—money is nothing to the peace of a nation when it can be given as in this case, without the loss of national character. Will you be pleased to have me advised, on this question. This matter was once agitated in Cabinet Council while I was a member. No decision was given, but I think it was believed that we could purchase the lands between the Neuses^a and the Rio Grande without losing any character. It was and is my opinion that this is the surest way to a speedy termination of our affairs with Mexico.

How would you like to have the boundary of the Republic to run to the Pacific so as to include California. This may seem too grasping, but if we can get it ought we not to take it and pay for it. Texas is *the* rising sun of the day. She presents New claims every day to the friends of Public liberty. Her character has changed here, every movement presents new hopes and new charms to this adventurous and stirring nation.

Mr. Forsythe directs me to present you his best and kindest respects.

I hope you will give my respects to Judge Webb and Genl. Johnston, and believe me to be

Your Friend and
Humble Servt.

R. G. DUNLAP.

Mr. Forsythe desires an app't. for his brother in law Mr. Eysa Hill Meigs, as surgeon or an officer in the marines or of the army. I will give him a letter to you. I said to Mr. Forsythe that I was sure it would give you pleasure to do so, if you could etc.

Genl Hamilton wrote me on the 14th. from Phil. not to leave before his arrival here tomorrow. He is anxious to see me. This is all as yet. I hope for the best.

DUNLAP TO WEBB.^b

WASHINGTON [CITY,] *May 17, 1839*

SIR,

I have not yet presented the explanation of my Govmt. relative to General Rusks entry with an armed force within the U States. I was afraid it might possibly result in a controversy, which would

^a Neeces.

^b See Records of the Department of State (Texas), Book 41, p. 204.

have paralyzed my efforts to obtain the mediation of the United States for the settlement of our Mexican difficulties. I have explained this in conversation—to the Secretary of State. I think there will be no difficulty. He says that this Government cannot make a conventional arrangement for either party to cross the line to punish aggressions from the Indians, but if we will show the necessity for our safety, that this Government will take immediate steps to station a competent force on the borders to restrain the Indians from incursions and depredations upon our territory and our citizens. I said to Mr Forsyth that this was all we desired, and that his Government could not discharge its obligations to Texas without such a stationed force on the borders. He stated however that the statements of the agents and officers of his Government would be relied on in preference to any statement from our Government; unless we produced evidence. The Agents of the U. States on the borders have stated that the Indians have not and do not intrude on our territories. Attached to General Rusks report to the Secretary of War he has the affidavit of Mr Vansickle, proving conclusively that the Indians of the United States have crossed the line and made war on our citizens. I will present this in a few days, not until Mr Ellis leaves the United States.

I was asked if the President had appointed a Commr. to run the line between the two Governments. I replied that the appointment was offered to a gentleman before I left but he had not either declined or accepted it. The United States will not place a force there until the boundary is settled.

Had the President not better send some agent to collect testimony relative to the crossing of the line by the Indians.

You will please forward to the President of the United States, a letter of recall of Doct Jones this will answer, altho the same ceremony is observed in taking leave where the two Governments are on good terms, that are observed in the presentation of a Minister. I send you Wheatons elements of international law which has a code of etiquette for the diplomatic corps.

I send some journals, reports etc of the United States Congress which may serve as rules or guides in some cases, when I get in funds I will send you other things equally useful to yours and all the Departments.

I have the honor to be
Very respectfully

R. G. DUNLAP.

Honorable JAMES WEBB
Secretary of State Texas.