

LA BRANCHE TO BURNET,\*

CITY OF AUSTIN

Decr. 10th 1839.

HON DAVID G. BURNET,  
*Actg Secy. of State*

Your note of the 7th. Inst. in relation to the claim of Messrs. Campbell and Dean which I had the honor of submitting to your Government in June last, is before me. I regret, as the matter is to be again deferred in order to enable you to obtain further information, that your communication should not have been so worded, as to prevent the necessity of any discussion at a period so importune, when as you give me to understand, you are seeking to obtain such testimony as will authorize this Government to pronounce properly and equitably upon the justice of the demand. I should have considered it more accordant with a fair determination of the subject to postpone comments, which appear intended to prejudge the question, until the evidence could be adduced to show their applicability, and to abstain from observations which have as yet, nothing to sustain them. I would willingly therefore, have avoided any controversy which I regard at this time, as totally uncalled for and unnecessary, and have communicated your response to my Government without a single remark, waiting as you suggest, for further information, had you not taken occasion to avail yourself of an error, into which you have fallen, to make declarations and insinuations, which require at once, that I should meet and repel them. The mistake to which I refer is the blending of the two distinct demands, the one for the price of the bacon actually seized by the Texian officer, and the other for the price of that portion, that was rendered unsaleable by said seizure, and which constitutes the demand for damages. I am gratified to see that this Government acknowledges the claim for the bacon seized, and is willing to pay for the same. More information than you now possess, will exhibit to you whether the price asked by the claimants is so exorbitant as you alledge. "To render justice" as you are pleased to inform me, "is a common duty." This is a well known and praiseworthy maxim, and no one more readily subscribe to it than myself. But this same justice to which an appeal is made, should have induced you to have ascertained whether Messrs. Campbell and Dean demand \$2 per pound for the bacon pressed, when the very account of those gentlemen, with which I believe, I furnished you, states that they ask \$2,500 for the 5000 pounds taken, which is at the rate of fifty cents per pound. How then can it be said, they exact \$2 per pound for the bacon seized? the claim for damages is for the balance of the article which according to their statement, was ren-

\* See Records of the Department of State (Texas), Book 41, p. 254.

dered unsaleable, and of course a total loss to them. Say 20,193 L. at  $37\frac{1}{2}$  cents, making \$7,572.37 $\frac{1}{2}$  cents. And if it appear, upon investigation, that they were actually damaged to that amount by the selection from their assortment, and have sustained the loss they alledge, surely the same equitable principle that induces the Government to pay them for the quantity actually taken, and consumed by the Texian Army will suggest the propriety of indemnifying them for the loss, which followed the forcible destitution of their property, and which, as they declare, resulted to them in a loss to the amount which they claim. By recurring to their account, you will find that 50 cents per pound are asked for the 5000 pounds seized and taken, and  $37\frac{1}{2}$  cts per pound for the ballance, which they in consequence, were unable to sell, amounting in all to \$10,072:37 $\frac{1}{2}$  cents. I cannot account how you could have been led to the erroneous opinion you advance that the \$10,072:37 $\frac{1}{2}$  which is the aggregate amount [which] is demanded for the 5000 pounds of bacon, unless you were disposed to place the claim in an unfavorable view, by drawing the conclusion you do, that the extraordinary and unheard of price of \$2 per pound is asked for by the claimants. It would seem that this mode of representing the demand is with a disposition of prejudicing it, and for the purpose of casting an imputation quite gratuitously either upon the Government of the United States by which the claim is presented, or upon Messrs Campbell and Dean. The Government of the United States is above all sinister insinuations. Its well established honor and principle, its upright, fair and candid dealings with foreign nations, and the estimation and character it sustains is a guarantee that it never will urge what, upon enquiry, is found to be unjust, nor will it ever seek to procure "a reward for iniquity by preferring any claims of its citizens that would warrant the employment of such a term of designation. I flatter myself however, that the expression was not intended in the most remote manner to refer to the Government I have the honor to represent. It was possibly meant exclusively for Messrs. Campbell and Dean; but the same justice whose principles, you have consecrated in a moral axiom, suggests that such charges, should not be made against those persons, heedlessly, without some more reasonable cause than appears to exist, or at least until you receive the information which you require time to obtain. I shall forward your note and accompanying letters to my Government, and await further evidence which may be necessary to a proper investigation of the subject.

With assurances of perfect esteem and regard, I have the honor to be, Sir, your obedient Servant

ALCÉE LA BRANCHE.

## LA BRANCHIE TO BURNET.\*

CITY OF AUSTIN *Decr 17th 1839.*

HON. DAVID G. BURNET

SIR

I have the honor to acknowledge the receipt of your note of yesterday. The remarks you have thought it proper to make confirm me in the opinion I entertained that a discussion of the matter is, at present, unnecessary and inopportune. You again declare that your Government is without the necessary proof to authorize a decision of the question, yet you gravely pronounce upon the merits of the demand. A controversy under such circumstances, can have no beneficial result, for it is impossible to elucidate the truth and arrive at a correct understanding of the case without being in possession of all the facts that should determine a just and equitable decision. Harsh expressions prove nothing, and only have a tendency to create irritating discussions which ought always to be avoided. I must therefore again reiterate the conviction that the testimony should first be obtained, and decline entering into an argument based upon the assumption of premises that are merely conjectural. With reference to the position you again attempt to maintain, that the claim for the property taken, and that for damages are one and identical, I have to repeat that this is an unfair mode of viewing the subject, that it is untenable and cannot be admitted, you yourself give Messrs Campbell and Dean credit for "sufficient adroitness to present their demand in two distinct forms," which concedes the point, and exhibits that you are well aware of the distinction when it answers your purpose to make it. It would be useless to dwell any longer upon this; for it is too apparent to admit of discussion. I feel satisfied with the disclaimer you make, that it was not your intention to cast any imputation upon the Government of the United States. It was with great reluctance the impression forced itself upon me that your language favored such a construction, but since you disclaim it, I feel assured your expressions were not intended to convey any improper meaning. I am perfectly sensible that "presentation" and "justification" are not convertible or synonymous terms: not more so than assertion and fact. Indeed, nothing I have said justified such misconstruction it would seem however, that although you are aware of the distinction, you have yourself, confounded these expressions, for you appear anxious to discuss the merits of the claim which I have thought it more proper, as you acknowledge yourself to be without testimony, to postpone until the evidence can be procured. I see no cause, therefore, for the regret you express. As yet the justice of the demand has not been impugned by any testimony, unless I am to

\* See Records of the Department of State (Texas), Book 41, p. 255.

take sweeping assertions and epithets as substitutes for proof. When the facts proper to a just determination shall be before us, it will be time enough to pronounce upon the equity of the case, until then it is impossible to form a satisfactory conclusion and it is waste of time to discuss upon words.

I regret, as deeply as yourself, the necessity for any explanatory discussion, and you will do me the justice to admit, that it was not my fault such discussions were not entirely avoided. It is painful for me to be compelled to call for explanations, and refute unfounded charges, for there certainly is nothing to sanction remarks that bear a prejudicial signification, nor still less charges that truth as well as propriety condemn.

In conclusion, I will observe, that as to the letters of which you speak, you acknowledge they are insufficient by themselves. But as you have introduced them as adverse to the statements of Messrs. Campbell and Dean, whose veracity you appear to doubt, I have to inform you, I have in my possession a letter from the Honorable Mr Yell, member of the Congress of the United States from Arkansas testifying them "to be reputable" and that there is no doubt about the truth of their statement as set forth.

I have the honor to be with distinguished consideration,

Your obedient Servant

ALCÉE LA BRANCHE

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LA BRANCHE TO BURNET.\*

CITY OF AUSTIN, *December 19th. 1839*

SIR,

I have the honor to lay before you a copy of a letter from J. Shepard, Master of the Schooner Robert Center, which will explain the nature of his complaint, and the injury he is sustaining by the delay in holding the Court.

I pray you to submit the matter to his Excellency the President, and respectfully solicit him to take such measures as, in his wisdom, he may think proper.

With renewed assurances of my high consideration,

I am, Sir,

Your Obedient Servant

ALCÉE LA BRANCHE.

Hon. DAVID G. BURNET

*Acting Secretary of State*

*Austin.*

*To Honble. Alcée La Branche, Charge d' affaires, Austin, Texas.*

MATAGORDA, *Decr. 6th 1839.*

DEAR SIR:

I would respectfully represent to your honor that I am a citizen of New Orleans, Master and principal owner of the schooner Robert Center of New Orleans. While in New York in the month of August last I chartered sd. schooner to the Firm of Ely & Co of N. York to bring a cargo to this port, and consigned here to the order of sd. Ely & Co of New York. I sailed from New York on the 31st of August, and arrived on the 28th of Septr. After laying here 9 days, one William J Maynard of this place demanded the goods as Agent for Wm. P. Scott and John E. L. Solomon, two young men who came passengers in the schr, and commenced business here under the firm of Scott & Solomon, said Scott, a citizen of New York, and Solomon, a creole of the Island of New Providence. The bills of lading were produced, indorsed and reindorsed; the freight paid and the goods delivered to sd Maynard all in good order, according to the tenor of the charter party. And as I was about to depart, the said Wm. J. Maynard instituted a suit against the schooner for \$1100.00 damages and attached her, the sheriff sent on board a gang of armed men and stripped the sails from her and took them on shore, and gave them into the possession of the said Wm. J. Maynard, who put them into one of his vacant buildings; one of them was immediately missing and the others, I presume, are ruined ere this. They were a splendid new suit of sails, a ship-keeper was put on board by the sheriff with orders to drive me out of the vessel, and give the crew liberty to go where they pleased and to make use of the vessel's provisions which I protested against to no purpose. I have succeeded to remain on board and keep the crew by boarding the ship-keeper, but am at his mercy and liable to be drove on shore at any moment. I am frequently insulted and have undergone much anxiety for my personal safety. The vessel was attached on the 14th of October, and I have been laying in the above situation ever since. I retained a lawyer at great expense and expected to have had the case adjudicated at the Novr. Term of the District Court, but, having no court, I immediately requested the President, through my counsel, and our consul also, to appoint a court of admiralty to adjudicate the case. But have had no answer to the communication. I therefore presume that the President does not notice it, and that I must be ruined for want of justice. I would further remark, the parties are not responsible men and that they procured the attachment by giving as security the names of two individuals, keepers of a drinking house of doubtful responsibility, in the sum of \$2200.00 and the common

oath required by the laws of the Republic for the attachment of property in common cases was not required of them, and as the opposite party expects to make a jury case of it, and from what I see of the people here, I fear that if a court should be appointed, I am not sure of justice. The suit is grounded solely on the fact that on my passage I anchored about 8 hours at Key West, and 38 hours at the Western Grand Pass of Vermillion Bay,—in the first instance I anchored in the Night and was obliged to do so in order to wait for day light to proceed with safety: in the latter case I made a harbor for the safety and good of all concerned, it being on the 22d of September, and, from the appearance of the weather, a hurricane was expected. I arrived here in safety and delivered the goods in perfect order, no complaint on that score. I bro't the cargo for the sum of \$1200.00. They pretend that they wrote to some body in New Orleans to affect insurance on the goods and that probably \$600.00 premiums was paid, and that by anchoring I vitiated their policy and that by anchoring I lengthened the passage which was to them a damage of \$500.00 but there has been no damage at all. And the object of the suit is to extort money from me by way of compromise. Under the circumstances I cannot conceive what the Courts of this Republic have to do with the case and why I should be ruined for want of a court. To conclude I pray for your official interference in the business, and that you will immediately write me instructions how to proceed as I shall soon be obliged to abandon the vessel at any rate. She is a copper-fastened, and coppered vessel of the value of \$8000.

Yours with due respect,

JOSEPH SHEPARD<sup>a</sup>  
*Master Schr. Robt. Center.*

N. B. The delay complained of happened on the high seas or out of the jurisdiction of Texas,—and I shall claim a trial by the Maritime Laws and the Laws of Nations and shall protest against being tried by the Local laws of this country.

The above I have written by advise of my counsel.

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DEPOSITION OF HUNTER.<sup>b</sup>

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BURNET TO DUNLAP.<sup>c</sup>

<sup>a</sup> Shepard. See his autograph signed to his depositions and petition. November 4, 1839.

<sup>b</sup> December 30, 1839. See Dunlap to Burnet, January 27, 1840.

<sup>c</sup> January 10, 1840. See Waples to Bee, September 30, 1840. In a duplicate copy on file of the last with its transcribed letters and extracts, the date of Burnett to Dunlap is given as January 14.

DUNLAP TO BURNET.<sup>a</sup>TEXAN LEGATION  
WASHINGTON*Jan'y 12th. 1840.*

SIR

I have the honor to acknowledge the receipt of your letter on last evening, dated the 2nd. ult. advising me that the Senate had refused to confirm my nomination as Minister to this Government. You also advise me that the President desires me to remain in the discharge of my duties, untill my successor shall arrive, to which you may assure the President I will yield a cheerfull obedience.

The kind appreciation which you have been pleased to bestow upon my services to the Republic, is received with that sensibility and gratitude, which I trust becomes the representative of a youthfull nation, destined at no distant day, to obtain a high and usefull rank in the political world. To obtain the approbation of my Government, and my country, touching any thing which I may have done, growing out of the duties of my present station, was the great object of my ambition. This was the only reward that I hoped for, and the only one that I valued, for my time and for my services.

The Congress of the United States have a proposition before it, for the establishment of a territorial Govt at the mouth of the Columbia. Its also understood that this Govt is attempting to purchase upper Callifornia from Mexico, as she has no good port on the Pacific. The port of St Francisco is said to be the best on the Pacific. This is a most important matter for the consideration of the Govt of Texas. If this port shall pass into the possession of the United States, it will be forever out of the reach of Texas, and will certainly circumscribe her growing power, and cripple her means for future advancement. Should Mexico, conclude her present<sup>b</sup> with Texas at this place, by a treaty of cession, amity etc you are aware that the Minister to this Govt, has no instructions to alter the present boundary, as recognised by our laws, between Texas and Mexico.

I avail myself of this occasion to offer you my highest consideration and regard.

R. G. DUNLAP.

To The Hon  
DAVID G. BURNETT  
*Actg Secy of State.*

FORSYTH TO DUNLAP.<sup>c</sup><sup>a</sup> A. L. S.<sup>b</sup> One word illegible.<sup>c</sup> January 15, 1840. See Dunlap to Burnet, January 27, 1840.

DUNLAP TO FORSYTH.<sup>a</sup>DUNLAP TO BURNET.<sup>b</sup>

TEXAN LEGATION

*Washington July 27th 1840.*

SIR

I have the honor to enclose to you a copy of a correspondence between the Secretary of State of the United States and myself, relative to certain legal proceedings had in New York against Comodore Moore with a copy of those proceedings as enclosed to me.

I also send you a copy of a letter of Comodore Moore to me, written just before he sailed for Texas, disclaiming the conduct charged against him.<sup>c</sup>

I have the honor to be most

Respectfully Yr Obt. and humble svt.

R. G. DUNLAP.

Hon

DAVID G. BURNET

*Acting Secretary of State.*

(Copy.<sup>d</sup>)

UNITED STATES OF AMERICA

*Southern District of New York.*

Charles. S. Hunter Lieutenant in the navy of the U. States at present employed on board the United States Ship of War North Carolina lying at the Navy Yards at Brooklyn being duly sworn deposes and says that from information communicated to Commodore Renshaw the Commandant of the aforesaid Navy Yard, and which has come to the knowledge of this deponent, and which he believes to be well founded, there is reason to suspect and believe that Edwin W Moore Commander of a Texian Brig of war called the "Colorado" which Brig is now lying in the harbour of New York, has for some time past been engaged in hiring and retaining within the Territory and jurisdiction of the United States, citizens of the United States, and other persons to enlist themselves in the service of the Republic of Texas as mariners or scamen on board the said Brig of war, the Colorado; and that for this purpose a rendezvous has for some time

<sup>a</sup> January 16, 1840. See Dunlap to Burnet, January 27, 1840.

<sup>b</sup> L. S.

<sup>c</sup> From the voluminous mass of correspondence enclosed by Dunlap have been selected for printing here only the deposition of Hunter, December 30, 1839; Forsyth to Dunlap, January 15, 1840; and Dunlap's reply, January 16.

<sup>d</sup> See Records of the Department of State (Texas), Book 41, p. 262.



past been maintained in the City of New York, at which several individuals have recently been enlisted for the purpose aforesaid, who have actually gone on board the said Brig of War. This deponent further says, that from the information aforesaid there is reason to suspect and believe that R. Benson, J. W. Benson, Rufus Rowe, Robert Tilford and James Jackson have aided and assisted the said E. W. Moore in the measures aforesaid, and that they have acted in enlisting and having citizens of the United States and other persons within the territory and jurisdiction of the United States into the service of the said Republic of Texas

(Signed)

C. S. HUNTER  
*Lieut. U. S. Navy*

Sworne before me this 30th Decr. 1839.

S KAPAGE<sup>a</sup>  
*U. S. Comr.*

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*Copy of a Letter from Mr Forsyth to Genl Dunlap.*

DEPARTMENT OF STATE  
*Washington [City,] 15th Juny 1840*

SIR,

I have the honor to communicate a copy of a letter to this Department from the attorney of the United States for the Southern District of New York, and of the documents by which it was accompanied

These papers will acquaint you, that he has deemed it his duty to commence legal proceedings against Edwin W. Moore Commander of the Texan brig of War Colorado, and against other persons for enlisting men within our Territory to serve on board that vessel, contrary to the 2nd Section of the Act of Congress of the United States of the 20th of April 1818.

As you will without doubt promptly inform your Government of the grounds and motives for the proceedings against Mr Moore and his confederates, no erroneous impressions in regard to them can be received but it will understand that they have originated in the desire and determination of the Executive of the United States to use all legal means to preserve our neutrality between Texas and Mexico, and to maintain relations of friendship and good will with both Governments.

I am however directed by the President to acquaint you, that if any new and well founded complaints of a similar character are made against any Naval officer in the service of your Government the President will deem it his duty to exclude the vessels of war to which they belong from the waters of the United States.

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<sup>a</sup> Itapalje.

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(Signed)

C. S. HUNTER  
*Lieut. U. S. Navy*

Sworne before me this 30th Decr. 1839.

S KAPAGE<sup>a</sup>  
*U. S. Coms.*

*Copy of a Letter from Mr Forsyth to Genl Dunlap.*

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<sup>a</sup> Rapalje.

I avail myself of this occasion to offer you renewed assurances  
of my very distinguished consideration

(Signed) JOHN FORSYTH.

To R. G. DUNLAP Esqr  
*etc etc etc*

(Copy)

TEXAN LEGATION

*Washington Jan'y 16th 1840*

SIR

I have the honor to acknowledge the receipt of your communication of yesterday touching certain legal proceedings lately commenced against Edwin Moore, the Commander of the Texas Brig of War Colorado.

I shall without delay advise my Govt of the proceedings and determination of the authorities and of the President of the U. States.

I am very happy to learn from the correspondence between the district Atty of the U. States and Comodore Moore, which is inclosed with your communication, that the Secretary of the Navy of the Republic of Texas has forbid the Comodore to do any act in violation of the mutual relations subsisting between this Govt. and Mexico. I feel every way confident that my Govt. has not and will not do any act at all inconsistent with that spirit of conciliation and good will which she has ever so fondly cherished towards both the Government and citizens of the United States.

I cannot however, but regret, that the President of the United States, upon mere exparte evidence, before a trial and judgment upon the case, and before my Government has had an opportunity to avow or disavow an approbation of the alledged conduct of Comodore Moore and some of his officers, should have felt it his duty, so early in the history of this matter to have threatened to exclude from the ports of the United States any vessel of War, commanded by any of the officers alluded to belonging to the Republic of Texas, and especially when that threat is founded upon a contingency, the happening of which is directly at war with the whole conduct of my Government towards the Government of the United States.

I avail myself of the occasion to offer you renewed assurances of my very distinguished consideration.

(Signed) R. G. DUNLAP

To JNO FORSYTH Esqr  
*etc etc etc*

DUNLAP TO FORSYTH.<sup>a</sup>

<sup>a</sup> January 27, 1840. See Dunlap to Burnet, February 5, 1840.

FORSYTH TO DUNLAP.<sup>a</sup>

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

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DUNLAP TO BURNET.<sup>c</sup>

TEXAN LEGATION

WASHINGTON

*Feby 5th. 1840*

SIR

I have the honor to enclose you a copy the continued correspondence between the Secretary of State of the United States and myself relative to Commodore Moores conduct while in New York. I also send you the additional evidence furnished me by the Secretary of State touching the same.<sup>d</sup>

You will see that I have changed the tone of my communication which I considered warranted by the testimony. An attempt to justify error, is only an aggravation of the offense.

I have the honor to be most Respfully  
your obet servt

R. G. DUNLAP

To the Hon

DAVID G. BURNETT

*Actg Secty. of State.*

(Copy.<sup>e</sup>)

TEXAN LEGATION

*Washington 27th. January 1840*

Hon JOHN FORSYTH

*Acting Secy of State of the U. States.*

The undersigned Minister of the Republic of Texas, has the honor to acknowledge the receipt of the note of the Secy of State of the United States of the 23rd Inst. in answer to his of the 16th. inst.

Genl Dunlap was very happy to receive the explanatory note of the Secy of State of the 23rd. instant, not that he entertained the opinion that there existed any feelings of unkindness or inhospitality with the President of the United States towards the Republic of

<sup>a</sup> February 3, 1840. See Dunlap to Burnet, February 5, 1840.

<sup>b</sup> February 4, 1840. See Dunlap to Burnet, February 5, 1840.

<sup>c</sup> A. L. S.

<sup>d</sup> Of the numerous enclosures, only Dunlap to Forsyth, January 27, 1840; Forsyth to Dunlap, February 3; and the reply, February 4, are here given. Cf. Dunlap to Burnet, January 27, 1840, note 2.

<sup>e</sup> See Records of the Department of State (Texas), Book 41, p. 258.

Texas, but that he feared that the terms and character of the first communication of the Secretary of State relative to the imputed conduct of Commodore Moore might be liable to misapprehension which he should sincerely regret. Genl. Dunlap is aware that an unwavering fidelity to all her foreign obligations is not one of the least distinguishing traits in the diplomatic character of the Government of the United States, and it is upon this, more than upon the common origin of the citizens of the two countries, that his Government so confidently relies for the perpetuation of that friendship and good will which so uninterruptedly characterized the whole action of the two Governments towards each other. Genl. Dunlap has the honor to submit to the Secy of State of the United States a copy of a letter from Commodore Moore to him of the 20th inst in which he disclaims having enlisted any seamen in violation of the act of Congress. The undersigned avails himself of this occasion to offer renewed assurances to the Secretary of State of the United States of his very distinguished consideration.

R. G. DUNLAP

Copy

DEPARTMENT OF STATE,  
*Washington [City,] 3d February 1840*

The undersigned Secretary of State of the United States has had the honor to receive the note of General Dunlap, Minister Plenipotentiary and Envoy Extraordinary of Texas, of the 27th ult. communicating a copy of a letter from Commodore Moore to General Dunlap in which the latter asserts that he had observed most scrupulously the neutrality of the United States.

It is unnecessary to remind Genl Dunlap how directly this assertion is at variance with the information conveyed by the papers which accompanied the note of the undersigned to him of the 15th. ult. It is also contradicted by information received at the Navy Department respecting other enlistments made by Commodore Moore. As it is understood however that he has of his own accord left the waters of the United States with the vessel under his command, he has thereby released this Government from the necessity of doing more than to give the Texan Government, in the documents herewith and heretofore communicated through its Legation at Washington ample means of comparing his declarations with the information laid before the Government of the United States.

The undersigned avails himself of this occasion to offer to General Dunlap renewed assurances of his great consideration.

JOHN FORSYTH

To R. G. DUNLAP Esqr  
*etc etc etc*

[Copy]

## TEXAN LEGATION

*Washington Feby 4th 1840*

The undersigned Minister Plenipotentiary and Envoy Extraordinary of the Republic of Texas has had the honor to receive the note of the 3d inst of the Secretary of State of the United States in answer to his of the 27th Ult, with copies of letters and affidavits charging Comodore Moore of the Texan Navy, with attempting to enlist and ship American Seamen at the Port of New York, after his assurances, that he had not and would not violate the neutrality of this Government. The undersigned will, without delay, advise his Government of the communication of the Secretary of State of the 3d inst. with the evidence upon which it is founded

The undersigned is well assured that his Government will disapprove, the imputed conduct of Comodore Moore in a manner becoming the honor and fidelity of the Republic, whenever it shall assume a conclusive character, confirmatory of the allegations against him, should this Government think it necessary to press matters to such a result.

The history of the origin and settlement of Texas naturally suggest that her citizens, cherishing no sentiment alien to the Government and citizens of the United States, may do acts unaccompanied with any criminal intent which if done by the officers or citizens of a nation having no kindred ties, but foreign in character as well as in national position, would wear a very different aspect, and merit much less forbearance

The undersigned does not wish to be understood by the Secretary of State as claiming justification for acts that are wrong and forbidden by national obligations, from that congenialty of character and indiscriminate feeling of good will, which so naturally prevails among the citizens of the two governments, and which so inoffensively, renders it so very difficult for a Texan to realise to himself that he is not still a citizen of the United States. The undersigned merely alludes to this natural complexion of the case that it may suggest itself to the Secretary of State, that there is a propriety in justice in both our national and domestic relations which requires that the State and condition of the question should be first well understood, with the mitigating causes and motives which superinduced it before a satisfactory judgment can be given

This state of things promises, that the relations of the two Governments being based on the happiest elements of friendship will endure, while public virtue shall cherish conventional obligations and free institutions, and at the same time appeals to an honorable fidelity and a generous forbearance for the correction of errors not founded on any national hostility.

[Copy]

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The undersigned is well assured that his Government will disapprove, the imputed conduct of Comodore Moore in a manner becoming the honor and fidelity of the Republic, whenever it shall assume a conclusive character, confirmatory of the allegations against him, should this Government think it necessary to press matters to such a result.

The history of the origin and settlement of Texas naturally suggest that her citizens, cherishing no sentiment alien to the Government and citizens of the United States, may do acts unaccompanied with any criminal intent which if done by the officers or citizens of a nation having no kindred ties, but foreign in character as well as in national position, would wear a very different aspect, and merit much less forbearance

The undersigned does not wish to be understood by the Secretary of State as claiming justification for acts that are wrong and forbidden by national obligations, from that congenialty of character and indiscriminate feeling of good will, which so naturally prevails among the citizens of the two governments, and which so inoffensively, renders it so very difficult for a Texan to realise to himself that he is not still a citizen of the United States. The undersigned merely alludes to this natural complexion of the case that it may suggest itself to the Secretary of State, that there is a propriety in justice in both our national and domestic relations which requires that the State and condition of the question should be first well understood, with the mitigating causes and motives which superinduced it before a satisfactory judgment can be given

This state of things promises, that the relations of the two Governments being based on the happiest elements of friendship will endure, while public virtue shall cherish conventional obligations and free institutions, and at the same time appeals to an honorable fidelity and a generous forbearance for the correction of errors not founded on any national hostility.

The undersigned avails himself of this occasion to tender to the Secretary of State renewed assurances of his distinguished consideration.

R. G. DUNLAP

JOHN FORSYTH Esqr  
*etc etc etc.*

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LA BRANCHE TO BURNET.<sup>a</sup>

LEGATION OF THE U. STATES

*Houston 7th Feby 1840*

HON DAVID G. BURNET

SIR

The papers in relation to the demand of Stephen T. Mason Governor of the State of Michigan, of one Philo S. Rawson charged with several crimes, the nature of which is fully detailed in said papers, will be handed to you by Mr Charles A Stewart. The Governor of Michigan relying upon the comity of Nations in the absence of positive treaty stipulations, has made a direct application to the President of this Republic for the delivery of said Rawson, as I am aware that his Excellency the President will not comply with the requisition of the Governor, unless the demand be made through me, I have in furtherance of the views of Governor Mason, to request that Philo. S. Rawson now in Texas, be apprehended and delivered to Messrs. Charles H. Stewart and James Sanders duly authorized to receive and convey him to the State of Michigan, there to be dealt with according to Law.

With renewed assurances of my distinguished consideration, I have the honor to be, Sir,

Your most obt. Servant

ALCÉE LA BRANCHE

See file for papers relative to the above case of P. S. Rawson

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SHEPARD TO LA BRANCHE.<sup>b</sup>

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DUNLAP TO BURNET.<sup>c</sup>

TEXIAN LEGATION

*Washington Feby 24 1840*

SIR,

I have the honor to acknowledge the receipt of your communication of January 10th Ulto with its enclosure, asking remuneration from

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<sup>a</sup> See Records of the Department of State (Texas), Book 41, p. 273.

<sup>b</sup> February 13, 1840. See La Branche to Lipscomb, March 12, 1840.

<sup>c</sup> L. S.



the United States Government for property stolen, by the Cherokee Indians of the United States, from the Citizens of Texas, which I have this day, under your instructions submitted to that Government.

I avail myself of this occasion to offer you renewed assurances of my high consideration.

And am very respectfully  
Your Obt Serv't

R. G. DUNLAP.

HON DAVID G BURNET  
*Acting Secy of State*

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DUNLAP TO FORSYTH.<sup>a</sup>

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

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LA BRANCHE TO LIPSCOMB.<sup>c</sup>

LEGATION OF THE UNITED STATES  
*Houston 12th March 1840.*

SIR,

On the 19th of December last, I had the honor to lay before the Acting Secretary of State the case of J. Shepard Master of the Schooner Robert Center, and received from him the assurance that a special Court of Admiralty would be held immediately after the adjournment of the supreme court, to act upon the matter. I have to call your attention again to the subject which is one of peculiar hardship; and to enclose to you a copy of another letter addressed to me by Capt. Shepard. Will you be pleased to enquire into the cause of this delay and to provide against further procrastination so as to relieve the Schooner from a detention which is so detrimental to her owners.

I avail myself of this opportunity of assuring you of my distinguished consideration and esteem

ALCÉE LA BRANCHE

HON. A. S. LIPSCOMB  
*Secretary of State*  
*Austin.*

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<sup>a</sup> February 24, 1840. See Dunlap to Lipscomb, March 27, 1840.

<sup>b</sup> February 26, 1840. See Dunlap to Lipscomb, March 27, 1840.

<sup>c</sup> A. L. S.