

of Texas, relating to the conduct of "one Ferguson", Deputy Marshall of the United States for the District of Arkansas in entering the territory of Texas, seizing and taking into keeping some negroes, the property of a citizen of that country. The undersigned hastens to assure Mr Bee that an immediate investigation shall be made into the affair and steps taken, without delay, to prevent any and all encroachments upon the territory of Texas by officers of the United States.

The undersigned embraces this occasion to tender to Mr Bee renewed assurances of his great consideration.

DANL. WEBSTER.

DEPARTMENT OF STATE  
*Washington [City,] 15th April 1841.*

SIR

I have the honor to acknowledge the receipt of your communication of the 2nd. Inst. The Exequatur therein requested in behalf of Francis Gurney Smith as consul of the Republic of Texas for the port of Philadelphia, and John C<sup>a</sup> Brower, for the Port of New York, are herewith transmitted, and the commissions of those gentlemen returned.

The President however deeming it expedient under existing circumstances to avail himself of the discretion reserved by the 28th article of the Treaty with Mexico in relation to this subject, has determined to suspend the issuing of Exequaturs to consuls of the Republic of Texas, for Detroit and Cincinnati, which are also requested in your note.

I have the honor to be, Sir, with great consideration

Your Obt. Servt.

DAN'L. WEBSTER.

P. S. The Exequatur requested for Moses Patton as consul of Texas for Bangor is also herewith communicated and his commission returned.

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I have not yet had an interview with Mr Webster, but presume I shall be enabled to see him tomorrow and have some conversation relative to a Treaty, also enquire the reasons for withholding Exequaturs for Detroit Michigan, and Cincinnati, Ohio, which I take to be, that in the opinion of the President the exigences of trade do not make these appointments necessary. The Exequatur and Commission for Mr. Smith, Philadelphia, for Mr Brower New York, and for Mr Patton Bangor, have been forwarded, with some general sug-

<sup>a</sup> This initial should be H.

gestions, and the proper steps taken to place them in possession of the laws.

The question is sometimes asked the Legation, what is the substance of the provision of an act passed 5th February/40 which provision was repealed the last winter, relative to fees and consular certificates, my newspapers do not contain it, the laws of the two last sessions have not reached me in any other way than partially through the papers, and I am unable to answer such inquiry. You will thus perceive the great need we have of the laws passed 1840 and 41. When enabled to do so please send one volume of each, by some expeditious and safe mode, and let a box follow by sea to supply consulates etc.

I am very Respectfully  
Your Obt Servt.

NATH. AMORY  
*Secy of Leagation*

HON. JAMES S MAYFIELD  
*Secy. of State of the Republic of Texas.*

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MAYFIELD TO BEE.<sup>a</sup>

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AMORY TO MAYFIELD.<sup>b</sup>

LEGATION OF TEXAS  
*Washington 23rd April 1841*

SIR,

I have had the honor to receive your despatch of the 22nd Ultimo, apprising us of the re-establishment of Gen. Lamar's health and that he had resumed the duties of President of Texas.<sup>c</sup> The accounts which had reached us of his critical condition at the time of retiring from office caused great solicitude, and, the unexpected intelligence of his restoration so soon to health, affords us the liveliest gratification.

Therein you recur to the subject of the negotiation of a Treaty with the United States alluded to in your previous despatch, the suggestions relative thereto in both have been carefully noted.

This morning I obtained an interview with Mr. Webster Secretary of State of the United States, and enquired why the exequatur's for

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<sup>a</sup>April 20, 1841 (extract). See Van Zandt to Jones, January 20, 1843. Enclosures in letters dated later than December 30, 1842, will be found in the *Annual Report of the American Historical Association for 1908*, Vol. II.

<sup>b</sup> See Records of the Department of State (Texas), Book 41, pp. 496-498.

<sup>c</sup> This despatch has not been found.

Consul at Cincinnati and Detroit were not issued, to which he replied that certainly they were very unnecessary at those places, and that it was not advisable to extend the benefit of such exemptions and privileges as the office of Consul conferred, without circumstances made the appointment necessary, to this I yielded feeling the force of the objection.

I then informed Mr Webster that my Government were desirous of concluding a Treaty with the United States as speedily as possible, some subjects remaining unadjusted touching Indian relations between the two countries which could by this means be definitely settled, for instance it could make provisions for intruding Indians of the United States, to be removed and permanently provided for among their kindred tribes in the United States, in comparison with whom in point of numbers these who claimed some rights in virtue of a long residence in Texas were quite insignificant—but that their numbers were frequently augmented by reinforcements from the United States whose ingress at the time is difficult of detection, and not easily susceptible of proof as to the date of their arrival, thus making it of great importance that without distinction all should be removed to the United States and afford no pretext for abuses of the kind in future, and I added that indeed not any of them had really acquired a right of settlement, in not having complied with the condition annexed to the permission to occupy certain portions of Territory given by authorities of Mexico and Texas. He expressed himself deficient in information on this subject, and I referred him to the correspondence which had taken place between the two Governments and particularly to our despatch of 16th December last, to which he promised at my earnest request to give his attentive consideration when he should have a little leisure, in order to come to an equitable decision upon the merits of the case.

As regards the place for the Negotiation, he seemed quite decided as to the inexpediency of allowing it to be conducted in Texas, and asked me if I supposed Mr Flood would be authorized to negotiate on the part of his Government. I replied that I understood some other individual had been selected to take the place of Mr Flood, naming as the person Judge Eve, of Kentucky. To this he merely answered that no appointment had been made, without seeming willing to assist me in my speculations upon the probabilities or possibilities as to whom might be sent, although acknowledging it was not unlikely a change would take place.

As regards making provisions in the Treaty, that slaves as body Servants, should be allowed to accompany their masters to the United States, he said, that could not be made a treaty stipulation, as the laws of some of the states of the United States, absolutely prohibited it, and in others it was already allowed, consequently in the latter

case unnecessary to provide for. I observed that the right of introduction of Slaves as Servants from Texas into the Slave-holding States of the United States had been disputed, and we wished the question Settled. I could not cite any instance of an impediment having occurred, and should be glad to be provided with information of any which may be within your knowledge.

In case Col Bee should under special instructions be authorized to negotiate this Treaty, the Government of Texas would of course take the treaty between Mexico and the United States, as well as those made by Texas with France, England, Belguim and Holland and point out if any, the objectionable features of them, so that so much of the unobjectionable portion of said Treaties, should in Spirit and intention be embraced, as the United States might agree to. The French and Belgian Treaty we have not in possession, we have only the Netherlands and England with Texas, and the United States with Mexico, therefore would beg the favor that these may be furnished me.

As regards Indian relations, I should suppose that the United States ought and would consent that upon the expulsion or voluntary withdrawal of those American Indians from our territory who have at various times found their way into it provide for them a place among the numerous tribes collected from all parts of the United States in Arkansas, and thereafter really restrain by a competent force stationed at proper points along the frontier, all Indians belonging within their limits from passing into Texas, under any pretence, unless with the permission of the authorities of Texas. In pointing out the object desirable to be obtained in the formation of a Treaty, it would of course be expedient to designate any which would be considered indispensable, and any which might be waived if found impracticable of attainment after due exertion had been used to induce the United States to accede to our wishes.

For instance, it is certainly in the power of that Government to urge many reasons why the Indians we wish to return upon their hands should not be received or acknowledged by them as their Indians, and the question would arise in case of absolute refusal to concur with us in our views of the matter, whether it would be considered sufficient objection to the consumation of a Treaty embracing general subjects.

It would certainly be desirable to procure us more exact information as to the number of tribes and each tribe of the Indians referred to, the date of their entering Texas whether each tribe came in a body, or whether they came in small parties at different times. We would wish to know all the acts and doings of the authorities of Texas and Mexico towards strengthening or weakening their claims to be considered Indians of Texas, with reference to the proof of all

such doings and acts,—also as to where these Indians are at present, and what is their disposition with regard to Texas, and in regard to remaining, and what their views of their own rights, how many and what tribes would remove peaceably, and which would have to be coerced,—and again in case force were necessary, whether a direct application to the Government of the United States to furnish a force to co-operate with the force of Texas within the boundary of the latter, to compel their removal would be expedient.

So far as we are informed about these Indians the Cherokees fled from Arkansas under Bowle<sup>a</sup> in 1822 after he had been lynched, and one of the tribe Capt Richard, made an agreement 8th Novr '22 with the provincial authorities of Bexar that he should be allowed to proceed with five men to the City of Mexico, to obtain permission of Iturbide the Emperor to allow himself and tribe to settle in Texas. Whether he accomplished his visit, or how it resulted we do not know.

In 1827 the citizens of Eastern Texas petitioned General Bustamente against the North American Indian requesting they might be expelled, in 1832, when first any allusions were made to these Indians by the Mexican laws in decree 190, Laws Coahuila and Texas. Col Piedras, was appointed Commissioner to put the Indians in possession of land, who did so with regard to [the] Shawnees and Cherokees, for which, and other acts of oppression, he and his garrison were driven out of Nacogdoches, and the Revolution of Texas may be said to have commenced at that time.

The possessory right granted the Indians by Mexico was on condition of Military service to be rendered to Mexico, and of becoming catholic's, both which they failed to do, but rather sided with Edwards in the Fredonian war. At the time of the Treaty made between Mexico and the United States, in 1831, the said possessory right had not yet been accorded the Indians by Mexico. The Treaty of the consultation of 1835, with the Cherokees and their associate bands 12 in number was not ratified by the constitution made by the convention in 1836. The constitution merely says, *all laws* not inconsistent with the constitution are ratified, and in another part of the constitution Indians and Negroes are excluded from the rights of citizens as follows,—“All persons [(Africans the decendants of Africans and Indians excepted) who were]” etc [“]shall be considered[”] etc. if the Indians have derived any rights from the Treaty, these they forfeited by no[n]compliance with the part of the agreement to be friendly etc. It is true, a bill passed last Congress, with provisions for the sale of the Cherokee lands, but not as lands ever owned by them out right, but lands to which they had a conditional claim.

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<sup>a</sup> Bowl.

The Treaty should I suppose stipulate for the exemption of Ministers from arrest, and that the same privileges granted ambassadors etc. of and acknowledged by either nation, should be extended to those of either nation passing through the territory of the other, on their way to or from another country to which they may have been accredited.

I have taken steps to procure the De Onis correspondence for Judge Webb of Mexico, and hope to be successful, if so shall send it as directed.

I have just received a letter from Genl. Hamilton dated Paris March 29th/41, wherein he says that he will write particularly by the Great Western to sail on the 8th of April relative to his negotiations, and that he will leave for the United States the 25th May, he sends a plan of a national Bank for Texas, by John Horseley Palmer formerly President of the Bank of England with a request we should publish it in the intelligencer and forward a copy (with a letter he will write by the Great Western) to Texas, one copy I shall immediately send to the Intelligencer, and another forward to Texas, when I receive by the western Gen Hamiltons letter.

Genl Hamilton wishes to know if the interests of the Mr Dawson's Bonds was paid, please answer this question promptly, as he says he would not have it paid twice. He also says, I hope the Government of Texas, will send me the commission of Minister to Great Britain, with the ratification of the treaties, as I wish to be presented to the Queen before I leave, as Minister and arrange every thing for the mission.

Most Respectfully  
Your Obt. Servt

NATHL AMORY  
*Secy of Legation*

HON JAS S MAYFIELD  
*Secy of State of Texas.*

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AMORY TO MAYFIELD.<sup>a</sup>

Despatch No. 66.

LEGATION OF TEXAS  
*Washington April 30th 1841.*

JAMES S MAYFIELD Esqr  
*Secretary of the State of Texas.*

SIR:

I have the pleasure to inform you that I succeeded in obtaining in a book of about 400 pages the correspondence of Don De Onis and John Q Adams relative to the Treaty of 1819 of the United States

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<sup>a</sup> See Records of the Department of State (Texas), Book 41, p. 499.

with Spain, which I directed to Judge Webb Minister etc of Texas to Mexico, with a letter from myself, and placed the package under a second envelope franked by Mr Webster Secretary of State, to Mr Bryan Consul for Texas New Orleans with a note, requesting him to send it carefully to some House in Vera Cruz to be sent by safe private conveyance to Judge Webb.

The Military laws of the United States, for the War Department of Texas, I have this day sent franked in the same way. The Naval Laws of the United States for the Naval Department of Texas, I shall send shortly, when published.

I received nothing from Genl Hamilton by the Great Western arrived the 23rd Inst at New York, although he promised to write by her, but I received a second letter from him by the same Boston Packet, which brought his letter spoken of in my despatch to you 22nd Inst,<sup>a</sup> in this second letter he countermanded his previous instructions to cause to be printed in the National Intelligencer of Washington, the plan of Mr John Horsely Palmer of a National Bank for Texas, and requesting he would do nothing with it until he could send some important additions contemplated to be made by Mr. Palmer.

Very Respectfully  
Your Obt. Servt

NATHL AMORY.  
*Secy of Legation.*

ROSELLIUS TO WHITE.<sup>b</sup>

WHITE TO SECRETARY OF STATE [WEBSTER].<sup>c</sup>

AMORY TO WEBSTER.<sup>d</sup>

AMORY TO MAYFIELD.<sup>e</sup>

(Despatch No 68)

LEGATION OF TEXAS  
*Washington May 20th 1841*

SIR:

I have the honor to acknowledge rece[i]pt of your communications of 20th 24th and 26th April last,<sup>f</sup> with accompanying copies of correspondence with Mr. Saligny French Chargé d'affaires, and commis-

<sup>a</sup> Doubtless an error for the 23d; for Amory's despatch of this date mentions the letter from Hamilton, and none dated the 22d has been found.

<sup>b</sup> May 15, 1841. See Eve to Secretary of State [Mayfield], July 31, 1841.

<sup>c</sup> Undated in the copy on record, but written probably soon after May 15, 1841. See Eve to Secretary of State [Mayfield], July 31, 1841.

<sup>d</sup> May 19, 1841. See Amory to Mayfield, May 20, 1841.

<sup>e</sup> See Records of the Department of State (Texas), Book 41, pp. 510-512.

<sup>f</sup> Of these, there has been found only one extract from the first named, q. v.

sion for Alexander McGuffey as Consul at Cincinnati Ohio, for which, as the United States have refused to acknowledge at that Post, I shall take no steps to obtain an exequatur until further instructed.

On receipt of these various despatches and documents, I immediately wrote to Genl Hamilton acquainting him with the situation of affairs between Mr Saligny and the Government of Texas, referring him to Mr McIntosh, Chargé d'affaires of Texas, who I informed him had been furnished with all the correspondence and to which he could of course have access. I also in accordance with your direction notified him that the congress of Texas would be convened for the middle of June, the letter I sent by a Sail Packet just ready from New York, no Steam Ship offering for a fortnight after.

From the masterly manner in which the Saligny correspondence was conducted on the part of Texas, as well as her adoption of every possible means to afford satisfaction to the Representative of France,—I feel confident that no unpleasant consequences can result, to disturb the harmony or interrupt the friendly relations so happily subsisting between the two nations, and at the present time extending through the exertions of General Hamilton as negotiator; although I must confess before receiving this—truly satisfactory exposition of the affair, I had experienced serious apprehensions, that the efforts making to obtain the guaranty of France to the Loan would be rendered abortive through this important altercation and the anticipated benefits lost to the country; but so palpably wrong and injudicious has been the conduct of Mr Saligny, that I cannot for a moment doubt that it will receive the condemnation of his government.

With due difference <sup>a</sup> for your opinion as to the proper construction to be placed upon that part of the Treaty of 1831 between Mexico and the United States, which says "that the Indians of one nation shall be prevented from making incursions into the Territory of the other", and which you say means "incursions whether peaceable or not". I would respectfully suggest, that I do not conceive that the word "incursions" can be applied to peaceable immigrations; but only to inroads for the purpose of plundering or depredating; but these peaceable immigrations may be considered as having become incursions by subsequent ill conduct, and the United States was bound to restrain their Indians by force from all hostilities etc. within the boundaries of Texas (in the words of the Treaty) "so that the United States of America will not permit their Indians to attack the citizens of the United Mexican States."

In your next despatch you will doubtless enumerate the Indians which you consider the United States are bound to provide for, and the kind of provision, and interference which you may consider necessary and right on her part, of course not exacting more than

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<sup>a</sup> Deference.



strict justice and Treaty stipulations will justify in order that an appeal be successful.

I happened to have learned from undoubted authority that Judge Eve has just signified his acceptance of the appointment of Chargé to Texas, this please consider private information.

Herewith I furnish copy of a Communication addressed by myself to Mr. Webster Secretary of State of the United States on his return to this city yesterday.

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LEGATION OF TEXAS  
*Washington 19th May 1841.*

SIR

[Next is given a transcript of the letter referred to, part of which along with its enclosure, a copy of Robertson to Mayfield, April 7, 1841, has already been published<sup>a</sup>. The unpublished part of the letter follows:]

The undersigned is instructed to inform the Secretary of State of the United States, that his Government is desirous of concluding a Treaty of amity, navigation, and commerce between the Two nations (if agreeable to the United States to be negotiated in Texas) in which it is hoped all existing doubts and difficulties can be provided against. In anticipation of this event the undersigned is instructed formally to announce to the Government of the United States as he now does, the resolution of that of Texas to terminate the treaty of 5th of April 1831 between the United States and Mexico, so far as it is binding upon Texas and the United States in all matters relating to commerce and navigation, as soon after the present date, as is compatible with the provisions of Article 34th of said Treaty.

The undersigned begs leave to offer to Mr Webster Secretary of State of the United States the assurance of his respectful consideration.

NATHANIEL AMORY.

HON DANL. WEBSTER  
*Secretary of State etc etc.*

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So soon as I shall receive Mr Webster's reply I will communicate it.

Most Respectfully  
Your Obt Servt.

N. AMORY.

HON JAMES S. MAYFIELD  
*Secretary of State, Texas.*

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<sup>a</sup> See Calendar.

AMORY TO MAYFIELD.<sup>a</sup>

(Despatch No 69.)

LEGATION OF TEXAS  
*Washington May 31st 1841.*HON. JAMES S MAYFIELD, *Secretary of State of Texas.*

SIR:

I have the honor to acknowledge receipt on yesterday of your favor of Galveston 17th May transmitting despatches for Mr McIntosh Chargé in France, directing me to forward them, together with the correspondence between Mr Saligny and the Government of Texas, previously sent me, on the subject of the former's altercation with Mr Bullock.

I immediately wrote to both General Hamilton and Mr McIntosh (copies of which letters, as well as a former one to General Hamilton of May 15th/41 I annex) forwarding to the latter the documents above referred to. Had your despatch arrived one day sooner, it would have enabled me to have availed of the Steam Packet from Boston of 1st of June, as it was I had to send Gen. Hamilton's by the Ship South America from New York to Liverpool of 1st June, and Mr Mc.Intosh's despatch by the New York and Havre Packet Charles Carrol of the 1st June, which I concluded to be the best course after consulting with the Post master here, and which I am glad I pursued in reference to the Chargés despatch of France, as I find the French Minister adopted the same mode of forwarding a bulky package to his Government. This I conclude must have been from Mr Saligny as the ordinary despatches of the French Legation would of course have gone the day before to Boston or the Steam Ship from that port as the most expeditious mode of conveyance. Therefore I am greatly in hope, Mr Saligny has not got the advantages of us in the last despatch in point of time.

I do not know how you forwarded the Saligny correspondence up to the time of nonintercourse between him and the Government of Texas; but I fear it went by the Steam Ship Britannia from Boston 16th May, and which having got on the rocks at Halifax, had to be repaired, causing delay; the extent of which I am not apprised. Should this prove to have been the case the duplicate sent by your direction in the mode before named, will be quite opportune and may afford relief from serious embarrassment. I should have copied the whole correspondence from first to last, as it is important it should be preserved in the Archives of the Legation here; but I had only a few hours to prepare my despatches for Europe, not to loose the first opportunity, consequently could not take copies. I would therefore ask to be furnished with another written copy at your convenience,

<sup>a</sup> For this and the copies annexed see Records of the Department of State (Texas), Book 41, pp. 513-515.

unless congress should order the printing of the whole, in which case I beg you will send me a number of printed sets.

Very Respectfully  
Your Obt Servt

N. AMORY  
*Secy of Legation*

P. S. I sent a few days since a small box of Congressional Documents for the Secy of State of Texas, care of the Collector Galveston—to Baltimore to be shipped per first vessel.

[It appears from the Records above cited that following this letter were transcribed Amory to Hamilton, May 15, 1841; Amory to McIntosh, undated, but doubtless written May 30, 1841; and Amory to Hamilton, May 30, 1841.<sup>a</sup>]

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FOWLER TO WEBSTER.<sup>b</sup>

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HENRIE TO AMORY.<sup>c</sup>

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AMORY TO MAYFIELD.<sup>d</sup>

(Despatch No. 70)

LÉGATION OF TEXAS  
*Washington June 12th 1841*

HON JAMES S MAYFIELD  
*Sec'y of State etc.*

SIR:

I attended a Diplomatic dinner at the Presidents on the 8th inst. (Col Bee then, as now, at West Point) and I improved the opportunity to say quite briefly to Mr Crittenden, that it was very much desired by Texas, that the Treaty should be negotiated there, and that I wished he would communicate with Mr Webster on the subject. I asked him if Judge Eve would shortly be here on his way to Texas, to which he replied, he thought he would.

Col Bee will be here in a day or two. Mr Edward Gibbon Blakefield of whom mention is made in the Austin City Gazette of May 19th is now here, but will not visit Texas until fall. He had intended to have given a lecture in this place on the subject of emigration and the disposal of public lands; but the extreme heat of the weather and absorbing topics under discussion in congress held him

<sup>a</sup> All these will be published with the French correspondence.

<sup>b</sup> June 11, 1841. See Bee to Roberts, July 13, 1841.

<sup>c</sup> June 12, 1841. See Bee to Roberts, July 13, 1841.

<sup>d</sup> See Records of the Department of State (Texas), Book 41, p. 515.

to believe that it would be difficult at this moment to gain attention. And his projects are as I tell him much better adapted to Texas, wishing by all means to gain population from abroad, than this country, which is suffering already many evils from the great influx of European population. Mr Webster has not yet replied to my communication of the 19th ult. Col Bee will call upon him in a day or two.

Respectfully  
Your Obt Servt

N AMORY  
*Sec'y of Legation*

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WEBSTER TO BEE.<sup>a</sup>

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BEE TO WEBSTER.<sup>b</sup>

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BEE TO ROBERTS.<sup>c</sup>

WASHINGTON [CITY,] *July 13, 1841.*

To the SECRETARY OF STATE  
OF TEXAS.

Sir

I send you Mr. Webster's reply to my communication of the 12th April, remonstrating at the violation of our Territory by a Deputy Marshal (Ferguson) of the State of Arkansas. You will perceive the act is palliated under the belief that the writ was served *within* the jurisdiction of that State. The boundary is ere this ascertained, so that infractions of this kind will not in future find their excuse in uncertainty. The matter has do doubt passed off;—but Mr. Webster's letter is a proof of his prompt attention to our remonstrances. I also send you extracts of a letter from Cincinnati,<sup>d</sup> with a copy of mine to the Secretary of State of the United States, pointing out the necessity of the recognition of a Consul for Texas, at that place. I think it more than probable the President will issue [an] Exequatur; and I am glad to find that Mr McGuffey the person appointed after the death of Mr Drake is so highly spoken of. The writer of the letter Mr Henrie is known to Mr Amory.

<sup>a</sup> July 3, 1841. See Bee to Roberts, July 13, 1841.

<sup>b</sup> July 9, 1841. See Bee to Roberts, July 13, 1841.

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

<sup>d</sup> The files indicate that the original was enclosed, and not a selection of extracts copied from it. See Henrie to Amory, June 12, 1841.

We are entitled to a reply, to a communication from this Legation of the 19th May relative to Indian encroachments. Mr Webster assures me he only waits for information from the War Department to act. Mr Bell excuses himself, by referring to the constant attention required of him to subjects connected with the present session of Congress. He said, he had however so far acted in the matter as to prevent farther trespasses: and intended placing a full regiment on the frontier to prevent future encroachments.

I told him our object was partially attained in having awakened the attention of this Government to the justice of our requests.

The papers announce the rejection of Judge Webb at Vera Cruz, which disappoints public expectation here as it was supposed his reception would have been prepared by our Government through the previous mediation of the British [Minister] resident at Mexico. I had no letter from Genl. Hamilton by the last Steamer [the] *Britania*: a passenger Lieut Pinkney of the United States Navy informs me that he understood Genl H. had left Paris for Germany, I presume to close his Treaty.

If it suited our present condition to make Mexico *feel* our power, the proposition of Genl. Arista would be very important;—but, an alliance with that people is not desirable while they remain so ignorant of the moral principle which actuates our Country men in their republicanism. If we can bring them in among us by degrees, as we desire to do with those of Santa Fe, they will gradually improve by association, and finally be valuable accessories; but the motives upon their part must be of a higher character than those which are prompted by military leaders.

The success of the Santa Fe expedition is desirable in a social as well as a national point of view, as the peaceable consent of the Mexican settlers within that portion of our territory to unite with us as integrants of our people, will add much to our agricultural population as well as strengthen the Republic in that remote section of its possessions.

I have kept my letter open for a few days, supposing Mr Webster would reply to my note in relation to our Consul for Cincinnati, but he has not answered it.

July 16—Your communication of the 21 June, is just received and the subject of which it treats will be attended to without delay. I have had the matter of that despatch constantly in mind, and in personal interviews with the Secretary of State of the United States at appropriate times have never failed to advert to it. In this way a more detailed and satisfactory understanding can be obtained than in the formality attendant upon written despatches, and when the whole ground of expectation on the part of the Governmt of the United States is brought out, I shall advise you of the result. In the mean

time by way of giving this a more official appearance of our desire to have an early termination of the question, I shall address the Secretary of State of the United States a note on the subject in a very few days.

The views taken by some of the papers in Texas in regard to the Loan contracted for by Genl Hamilton with Messrs Lafitte & Co. may probably embarrass its successful conclusion.

Some of the writers discuss the measure as incongruous with the law itself, contending that the prospectus of the loan permits the Bonds to be used in payment of duties and for the purchase of Lands while the Statute is silent as to any such liability or purposes. The authority to pledge five millions of acres of the public domain in support of this negotiation is repudiated, and the Agency of the Bankers is attempted to be placed in a doubtful position by questioning whether they have themselves assumed the Loan, or are merely making an experiment as Agents at the risk and hazard of Texas.

These things it is true constitute proper subjects for enquiry in a strict sense of political economy but in the delicate condition in which our Country is placed as regards the means of rescue from present embarrassment and the ensuring of future strength it would perhaps be more patriotic as well as wiser in our citizens if they would yield up the licence of hypercritical objections for the more pressing demands of present necessity. I trust there will be no disappointment either as to the completion of the Loan in France or the approbation of its terms at home

I have the honor to be  
Very Respectfully  
Your Obt Servt.

BARNARD E. BEE.

I send you Mr. Websters note assenting to the issuing an Ex-equatur.

SAM'L. A. ROBERTS Esq.  
*Acting Sec'y of State.*

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Copy.

Mr Fowler to Mr Webster.

OFFICE OF THE ATTO. U. S. FOR THE DIST. OF ARK.

*Little Rock June 11, 1841.*

SIR,

Since the receipt of your communication of the 17th. of April, last, relative to an alleged transgression upon the sovereignty of Texas by Ferguson, a Deputy Marshal of this District, I have made use of such means as are within my reach for requiring the information sought.

I have not been enabled to see any thing bearing the semblance of authority, which defines the boundaries of "the County of Red River in Texas", but from the best information, derived from gentlemen of the highest standing in that part of Arkansas, I feel confident in the suggestion that every portion of the Texian County of Red River is included within the limits of Miller County in this State, over which the local authorities here formerly exercised the undisputed jurisdiction, and would have continued to do so had our State Executive possessed energy of character.

Elijah Ferguson was a Deputy Marshal in this District, and I find from the records of the District Court, and his official return, that on the 10th. day of December A D 1840, being charged with the execution of a *feri facias* in favour of the United States, against John H. Fowler, a defaulting Post Master, he levied it on personal property of said Fowler, in Miller County, within this District, on what he (Ferguson) terms the disputed ground, where defendant then resided, which property was wrested from his possession, after [being] levied on, by force of arms".<sup>a</sup> This, I infer, is the aggression complained of; but no names but that of Ferguson, who resides near the Texian border, having been furnished by the Department, I can at present give no further information on the subject.

As to any action upon this matter, with the lights at present before me, I shall await the instructions of the Department.

I am Sir, very respectfully  
Your Obt Servt.

(signed) A. Fowler  
*Dist. Attorney.*

Hon. Danl Webster  
Secy of State  
Washington.

DEPARTMENT OF STATE  
*Washington [City], 3d. July 1841.*

The Undersigned Secretary of State of the United States has the honor to communicate to Mr. Bee, Chargé d'Affaires of Texas a copy of a letter which has just been received at this Department from Absalom Fowler, Esquire, the Attorney of the United States for the District of Arkansas, from which it appears that the judicial process the execution whereof within the supposed limits of Texas by one Ferguson, a Deputy Marshal of Arkansas, formed the subject of complaint in the note of Mr Bee to the undersigned of the 12th of April, last, was, in point of fact, served at a spot which there was

<sup>a</sup> It is not clear where the marks to indicate the beginning of this quotation should be inserted.

reason to believe was, pursuant to the second article of the Convention upon the subject of the Boundary, sufficiently within the limits of the State of Arkansas, to exculpate the officer referred to from wilfully trespassing upon the Territory of Texas.

The undersigned avails himself of this occasion to offer Mr Bee renewed assurances of his great consideration

signed, Danl Webster

To Barnard E. Bee, Esquire

*etc etc etc*

Copy

LEGATION OF TEXAS

*July 9th 1841*

Mr Bee has the honor of calling Mr Webster[<sup>s</sup>] attention to the accompanying extract<sup>a</sup> of a letter from Cincinnati. It will perhaps satisfy the Secy of State of the United States that a Consul at that place is important—and Mr Bee supposes the knowledge of that fact will be sufficient to induce Mr Webster to direct the issue of an Exequatur. After the death of Mr Benjamin Drake Alexr. H. McGuffey was named as Consul for Texas at Cincinnati.

[Henric to Amory.<sup>b</sup>]

CINCINNATI *June 12th. 1841*

DEAR SIR

Your letter directed to my worthy friend Benjamin Drake, (who is no more) was put in my hands by his brother yesterday, in which you say the President has decided it is not necessary to have a Consul at this place. I am truly happy, that it is to you, I have the pleasure of writing on this subject. It is not to be expected the President could know the facts before they are honestly communicated to him. You know it was from this place (or New Port, which is on the oposite side of the river) Capt. Shareman<sup>c</sup> and his company migrated to texas, and large contracts were made in this place, (including part of Kentucky and Indiana) to furnish and support those brave men who immortalized themselves on the plains of Sanjacinto, and put an end to the war in Texas with Mexico, in consequence of which hundreds have become interested in texas, who now are put to the greatest inconvenience and trouble, by not having some person, who is authorized to take depositions, acknowledgments of deeds and conveyances which are not admitted to record in Texas without. Since the death of my esteemed friend Benjamin Drake, I saw a notice of an appointment (Consul in this place) Alexander

<sup>a</sup> See Bee to Roberts, July 13, 1841, in which this was inclosed, note d.

<sup>b</sup> A. L. S. See Bee to Roberts, July 13, 1841, in which this was enclosed, note d.

<sup>c</sup> Sherman.



H. McGuffey Esqr. I hope the President will not delay his assent. McGuffey is highly esteemed as an honest man, a good Lawyer, and understands the Spanish language. A number of persons are now awaiting to perfect their titles, so soon as he is legally authorized to do business.

Write me soon, and accept the high regard and esteem of your  
Sincere friend,

ARTHUR HENRIE.

[Endorsed:].

DEAR COL

Please attend to and answer this

N A<sup>a</sup>

BOSTON.

DEPARTMENT OF STATE,  
*Washington [City], 15th July, 1841.*

Mr. Webster presents his respects to Mr Bee and, acknowledging the receipt of Mr. Bee's note of the 9th instant which, with its enclosure, has been duly considered, has the honor to state that upon the presentation of the commission of Mr Mc Guffy in the usual form, an Exequatur shall be issued to him as Consul of Texas at Cincinnati.

To BARNARD E. BEE, Esquire,  
*etc etc etc*

WEBSTER TO BEE.<sup>b</sup>

BEE TO ROBERTS.<sup>c</sup>

BEE TO WEBSTER.<sup>d</sup>

EVE TO THE SECRETARY OF STATE OF TEXAS [J. S. MAYFIELD.]<sup>e</sup>

LEGATION OF THE UNITED STATES  
*Galviston Texas July 31st. 1841*

To The

Honorable the SECRETARY OF STATE  
OF THE REPUBLIC OF TEXAS

Sir

I have the honour to transmit to you for your inspection, and consideration, a copy of a letter from C Roselius to the Hon. E D

<sup>a</sup> Nathaniel Amory.

<sup>b</sup> July 15, 1841. See Bee to Roberts, July 13, 1841, postscript.

<sup>c</sup> July 16, 1841. Part of the letter begun July 13.

<sup>d</sup> July 27, 1841. See Bee to the Secretary of State [Roberts], July 31, 1841.

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

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White and a copy of Mr. White's letter, to the Hon. Daniel Webster Secretary of State of the United States; Requesting a demand by the Government of the United States, upon the Government of Texas; for the surrender of Moro Phillips, charged with having stolen two slaves from the State of Louisiana and having fled with them to the Republic of Texas. I also transmit a copy of an indictment, properly certified; as found by one of the Criminal courts for the State of Louisiana.

In the absence of a treaty stipulation with the two Governments, upon the subject of fugitives from justice I am aware, that the surrender of Phillips cannot be claimed as a matter of right; It has however been understood, and believed, in the United States, that the Government of Texas, from feelings of comity which exist between the two Republics; would not be disinclined to surrender to the proper authorities fugitives from justice from the United States. I am therefore instructed by the Government of the United States, to request through you, that the Government of Texas surrender the Said Moro Phillips to the proper authorities of Louisiana. As the Government of the United States may feel some interest in some of the stipulations in the treaty lately entered into between the Government of France and the Republic of Texas; may I ask the favour of the honourable the Secretary of State of Texas; to transmit to the undersigned a copy of the said treaty.

I have the honour to subscribe myself

Your Obedient Servant

JOSEPH EVE

(Copy<sup>a</sup>)

NEW ORLEANS,  
15th. May 1841.

Hon E D. WHITE etc.

Dear Sir:

In the month of August 1839, an individual by the name of Moro Philips, stole two slaves belonging to Mrs. Thompson, the wife of Col. William Thompson; and as usual in such cases, he went to Texas with them. An indictment was found against Philips some time afterwards. Mrs. Thompson then sent an agent to Texas, for the purpose of arresting the offender; but, as might have been expected, the Texan Government refused to interfere in the matter, unless a demand for the surrender of Philips was made by the Chargé d'affaires of the United States.

It appears from what I can learn, that the Texan Government surrenders all fugitives from justice, when a proper application is made.

<sup>a</sup> For this and the following letter, see Records of the Department of State (Texas), Book 41, p. 532.

Whether the Government of the United States will instruct its Chargé d'affaires to make the demand, I do not know. Under these circumstances, you must excuse me for troubling you on this subject, and to request you to ascertain and inform me whether the Government would be willing to take any steps in this matter. It is of the greatest importance that something should be done if possible, to put a stop to the perpetrations of a crime of the most serious consequence to the citizens of this State. I enclose a duly attested copy of the indictment and a memorandum of instructions given to the agent of Mrs. Thompson by G. H. Flood of Texas.

By attending to this business you will confer a favor on your friend and

Obedient Servt.

(Signed) C. ROSELIUS.

(Copy)

Hon. the SECRETARY OF STATE

Sir:

I am directed to submit to the Department the accompanying Indictment found in the Criminal Court of the first District of the State of Louisiana, against Moro Philips for stealing and conveying away two slaves, the property of Virginia W. Thompson, with which slaves the culprit has fled to Texas; and to require from the Government of the United States, a demand on that of Texas, for the surrender of the fugitive, and of the property stolen

The letter of Mr. Roselius, the attorney of Mrs. Thompson, is herewith submitted.

Respectfully

(Signed) E. D. WHITE.

NOTE.—For copy of Indictment accompanying letter of Mr. Eve, See file.<sup>a</sup>

BEE TO THE SECRETARY OF STATE [ROBERTS].<sup>b</sup>

LEGATION OF TEXAS

Washington City, July 31st. 1841.

To the SECRETARY OF STATE

Texas

Sir:

I had the honor of addressing you on the 13th inst. accompanied by the reply of the Secretary of State of the United States to my remonstrance against the violation of our territory by a Deputy Marshall for the District of Arkansas. Since then a despatch from

<sup>a</sup> This copy has not been found.

<sup>b</sup> For this letter and the enclosure, see Records of the Department of State (Texas), Book 41, pp. 532-537.

the acting Secy of State of Texas under date of the 21st Inst has been received having reference principally to the contemplated treaty with the United States.

I have carefully considered the subjects of that communication in their various bearings upon the relations of the two countries and am prepared in my own mind after having examined the treaties heretofore made by us with England and with the King of the Netherlands to enter into a similar negotiation here, and only wait an intimation of a readiness from this Government in order to commence the arrangement.

I have repeatedly urged upon the Government here orally the necessity of making an early treaty as the articles relative to commerce and navigation between the two countries in the subsisting treaty between the United States and Mexico applicable to Texas will expire under the notification heretofore given to that end on the 19th May next.

As the present session of Congress in this city and the vexed question of territorial claim between the United States and Great Britain together with the incidental difficulties which grow out of the latter very probably engross the attention of the State Department for the present, the suggestion made by me in regard to a convention with Texas has not yet been acted on.

In order to impress that Department with a more certain understanding of the anxiety of Texas to bring that subject to an early conclusion, I addressed a communication to the Secretary of State of the United States on the 27th inst in relation to it, a copy of which is now sent to you.

There was one matter of interest to us which I think has been overlooked at home so far as I can judge by the absence of any intention<sup>a</sup> of it in the several despatches I have received, and that is, the necessity of having a right to land or warehouse our produce in ports or places of the United States upon the border Rivers free of duty, when the exclusive object of that landing is to tranship the property in American Vessels. If we do not stipulate for that privilege, our produce intended for distant markets and which passes down the Mississippi will be subject to the duty now prevailing by the Tariff of this country on similar produce coming into the United States from foreign ports, and this notwithstanding we may have the free navigation of that River, for unless we possess vessels of our own to become our own carriers [on] the atlantic, the act of unloading the produce to tranship in American bottoms would be construed into a commercial entry which would involve it in the penalties of the revenue law. This would be adding so much to the

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<sup>a</sup> This must be the copyist's error for mention.

cost of our produce that in price we should be unequal competitors in foreign markets with the same articles produced in the United States.

You will see therefore that I have made the right of Entrepôt one of the subjects of the intended treaty, and as the citizens of the United States who may want to extend their trade to Mexico through our boundaries, will have a similar advantage free of duty, I do not think it ought to be regarded by the United States as a concession asked without an equivalent.

I regret that I have not been furnished with copies of the Treaty made by our Government with that of France, so as to have enabled me in digesting a plan for my own conduct upon this topic to avoid any conflict either of stipulations or interest. In comparing the one made with the King of the Netherlands and that with England, I find some advantages in the former, not included in the other, and which I shall endeavor to incorporate in the one now to be negotiated. For instance the 6th article of the convention with England is rather onerous upon us as a young nation; with a small maritime commerce, for it requires that in order to give our vessels a national character, the Master and at least three fourths of the marines shall be naturalized citizens.

The Seventh Article of our treaty with the Netherlands on the contrary is of a character for liberality suited to our condition, for it provides that all Vessels of the Republic shall be treated as such, which are furnished by the competent authority with a passport or Sea Letter.

I do not anticipate any difficulty as respects the right upon the part of our citizens to navigate the Mississippi though it is true it is not a border River in a strictly geographical Sense, whatever it is in respect to being the nearest commercial outlet from our North eastern boundary; but if this Government should insist upon confining our trade as a domestic trade to the exact limits of the Republic, as they may be defined according to the existing Treaty, then our produce would be subject to foreign duties on the Red River, as soon as it passed the thirty Second degree of North latitude, for the egress through the Mississippi is not even constructively provided for in the Treaty, and the only appeal we could make for the right of transit, would be either by analogy to the regulations for navigating Rivers as laid down at the Congress of Vienna by the plenipotentiaries of eight of the European powers, or by shewing that the trade of the United States would gain as much in its intercourse with Mexico by freely passing the Sabine through our territory above the thirty second degree.

The amount of our position is this—that if the United States insist upon a strict construction of territorial limits, we cannot go down the Mississippi with our Vessels and produce without paying

both tonage duty and customs, unless we offer them what they may consider a fair consideration, or they are actuated by a liberal spirit in the encouragement of a new Republic, so closely allied to them in the principles of Government, and in the blood of her citizens as to make the interests of both nearly mutual. I encline to believe that on the first branch of this proposition, that Government would, upon examination see, that the fact of our having but few Vessels to transport our staples, would enable its citizens to become our carriers, and thereby open to the Seamen and Mechanic's of the United States a new source of employment without diminishing the demand of their own country. This in a technical political sense would be more than equivalent for our using their River as a mere highway of transportation. On the other Score, I believe the sympathy of kindred, and the intent of the two nations to advance the condition of both, with as much liberality as is consistent with the interests of each other, will actuate the United States as a commanding and powerful confederacy to give us as friends and neighbors that small boon even without the return of a mercenary profit.

I did not as you will see advert in my letter to the Secretary of State of the United States, to the subject of that part of your despatch which would provide for the granting by each Government to the citizens of the other, the free introduction of a limited number of Slaves when taken as Servants attendant on their owners, and not for hire or sale,—because independent of the exciting nature of the question of Slavery, whether as already existing or as a condition hereafter to be entirely repealed in this country, I do not believe the proposition would be entertained as a suitable feature of a Treaty.

The declaration of the allied powers, with two of whom England and France, we have now formed conventions, is so peremptory as to their united pledge for the abolition of the slave trade, that even a mere grant for the migration of Slaves from one foreign jurisdiction to another, though it would neither enlarge the severity of their condition, nor increase the actual number, would be looked upon with so much distrust and objection, that we might put our national interests in jeopardy, either with those by whom we have been recognized, or with others whose friendship we may hereafter invoke.

Besides this I observed that in the reply of the Minister of foreign affairs in Mexico, to the application of Mr Pakenham the British Minister Resident, who was interceding for the admission of Mr Webb as Minister from Texas, that Secretary took occasion to advert to the toleration and pretended encouragement of the slave trade

in Texas as one of the reasons, which on the score of humanity would induce Mexico not to treat with the separated colony. This of course is a declaration *ad captandum*; but as it is in unison with the better founded intentions of England on the same subject it would be wiser to omit it altogether, particularly as I believe the laws of the United States would prevent her from even entering upon such a discussion.

It is usual when a national representative near another Government is to be engaged in making a treaty, that he should be furnished with an authority for that purpose, as letters of power are reciprocally exhibited by the respective agents who negotiate. I will be glad therefore if you would send me such a letter as may be necessary.

I presume the Government of the United States will prefer concluding the Treaty here, and I will thank you to forward to me at the earliest convenience, such a convention drawn out in full form, as our Government is desirous of entering into. I have digested myself, in detail, which I think will embrace all the subjects that now concern, or are likely to effect us, in our relations with the United States for many years, but as this has been done rather as a speculative study to be compared with the system you may present, than as a plan to be acted upon here, I will not at present trouble you with its particulars.

Yesterday I received an interesting communication from Genl Hamilton under date of the 13th inst. part of the particulars of which I hastened to send you by this morning's mail. As the subject of which it treats arising out of the controversy [of] our State Department with M Saligny the French Chargé d'affaires involves some delicate matters in which the United States and Great Britain are referred to as our friends I hope no publicity will be given either to Genl Hamilton's letter or what I write in relation to it.

As he advised that a conversation should be held with Mr Webster about the propriety of despatching the Florida Squadron to the Gulf of Mexico by way of making a reconnoissance of the movements of the French Naval vessels which may be sent there, I this morning had an interview with him and frankly communicated the contents of Genl Hamilton's letter. His reply was, that the American Ships at Florida should be ordered to make the necessary observations. Lord Palmerston having already taken steps to ascertain the cause of the armament of the French Vessels at Toulon, will no doubt make a shew of British force in the Gulf of Mexico if France offers to menace us, and it becomes us to preserve a strict silence in regard to the conduct of these two nations in our behalf, lest we compromit them with France.

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Mr Webster assured me that there would be no difficulty in framing a treaty between us of a liberal character and highly satisfactory to Texas, but he declines positively, transferring the negotiation to Austin. His pressing engagements have prevented him thus far from attending to my repeated requests on this subject, and in all probability, judging from the business which seems to engross that Department he will not be able to take it up until after the close of congress.

I think from the general tenor of his remarks, that he will grant the new claim which I have urged for the right of free Entrepôt, though he would not actually authorize me to communicate such a promise to my Government. You must therefore look upon the expectation of such a privilege as possible, though not certain.

I have the honor to be

Your Obt Servt

BARNARD E. BEE

LEGATION OF TEXAS

Washington City, July 27th 1841

To the HON. DANIEL WEBSTER

*Secretary of State of the United States*

SIR: The undersigned Chargé d'affaires of Texas, has again the honor to call the attention of the Government of the United States to the desire of Texas to enter into a treaty of amity, commerce, and navigation with the United States, and to repeat what he has heretofore verbally expressed to you, the anxiety upon the part of Texas that this convention should be concluded at the earliest practicable day.

In the belief that this subject would be taken up for consideration by the Government of the United States as soon as Texas should manifest a direct determination as far as lay in her power to place the negotiation and commerce between the two countries upon a more certain and liberal basis than prevails under the existing treaty between the United States and Mexico, the Government of Texas through this Legation gave notice on the 19th May last, to the Secretary of State of the United States, of its intention to terminate the stipulations relating to "commerce and navigation" as far as the Treaty was binding upon Texas, as soon after the date of that notification as would be consistent with the provisions of the 24th article of the Treaty of the 5th April 1831.

The mutual interests of the two nations and the preservation of a harmonious intercourse of their respective citizens upon and near the conterminous limits of the several countries require an early adjustment of the terms of trade and navigation between them, as already, complaints have been made, and begin now to be frequent, of seizure and detentions by the authorities of the United States of the produce of Texas in its transit above and below Nacogdoches.



Besides the settlement of these vexations which may if continued exasperate the citizens of Texas against their offending Neighbors until private grievances will generate general hostilities along our opposite borders, the prevention of future aggressions such as heretofore committed by persons belonging to the United States upon the rights and property of the citizens of Texas, as well as upon her public domain, as already brought to the notice of the Government of the United States, make it a matter of great solicitude on the part of Texas that a treaty should be hastened with all possible despatch.

The subjects of the contemplated treaty will necessarily from the proximity of the two countries and their corresponding interests be few in number, and embrace an equal reciprocity. As far as now considered to be adverted to, they would be comprised under the following heads.

First. The free navigation of the border Rivers, the Sabine and Red Rivers to the sea.

Second. The establishment of the right of Entrepôt on the bordering Rivers, for the free transshipment to foreign places of the produce of each country from that of the other.

Third. The Indian Relations, and

Fourth. The commercial and maritime intercourse on and near the high seas.

There are minor points, such as those regulating the powers and privileges of Consular and Commercial Agents, the succession of citizens of either country dying *ab intestato* within the jurisdiction of the other and the administration upon the effects, which would be arranged with others that may occur, as incidental features in the convention

Having stated the material questions which the Government of Texas is desirous to settle between the two countries, I am instructed to propose to the Government of the United States that in order to facilitate that end, and adjust the treaty at the City of Washington, a programme of such a convention as the United States are willing to enter into, should be furnished to the Undersigned as the Representative of Texas.

If the Secretary of State of the United States, shall find any inconvenience in this course, and will be authorized to transfer the negotiation to Austin the Capital of Texas, the Government there will exhibit to the Representative of the United States near that Republic a plan of such a Treaty as will be satisfactory to that nation, and thus in either way bring the desired object to an early accomplishment.

The Undersigned takes this occasion to renew the assurances of his most respectful consideration

(Signed) BARNARD E. BEE

BEE TO SECRETARY OF STATE [ROBERTS].<sup>a</sup>

LEGATION OF TEXAS

*Washington August 5th 1841.*

The Hon SECRETARY OF STATE

SIR: Although in my late communication to you I did not deem it practicable to enter into Treaty stipulations relative to "body servants"—yet it is proper that I should say, Mr Webster thought it highly probable by my having an interview with the Attorney General such a construction could be put upon the law of 1807 (and believes) as would warrant an individual having his servant, as he could not conceive the law meant to do more than interdict the Slave trade. I have been very unwell and have not yet seen Mr Crittenden; but I have examined the law, and am satisfied that the only mode by which we can attain our object, and a very reasonable one,—is by getting a special act of Congress upon the subject; and I shall make it my duty to attend to it, tho' not at this session. I forward a communication from General Hamilton,—and I will add the conclusion of his letter to mine

"Continue to write to me, altho I have not the smallest doubt I shall leave in September when I hope for a triumphant close of all my labors"

I am with great esteem

Yours

BARNARD E. BEE

WOLF TO UPSHAW.<sup>b</sup>

EVE TO ROBERTS.<sup>c</sup>

LEGATION OF THE UNITED STATES

*Galveston August 30th 1841*

The Honorable

SAMUEL A ROBERTS *acting Secretary of State*  
*of the Republic of Texas*

Sir

On last evening I had the honor of receiving your communication of the 17th Inst.<sup>d</sup> in answer to mine of the 31st July requesting the

<sup>a</sup> See Records of the Department of State (Texas), Book 41, p. 547.

<sup>b</sup> August 27, 1841. See Eve to Jones, December 20, 1841.

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

<sup>d</sup> Neither this letter, nor that of the 11th mentioned in the next paragraph, has been found.

surrender of Moro Phillips charged with having stolen two negroes in the State of Louisiana and having fled with them to The Republic of Texas.

I am also in the receipt of yours of the 11th. Inst. as well as a copy of the Treaty between the Government of France and Texas, which you have been kind enough to send me and for which I most sincerely thank you. Believing as I did that it would be the interest of the Government of Texas as well as the United States to surrender on all occasions fugitives from justice which might flee to either, I confess that it is with regret that I find his Excellency the President declines surrendering Moro Phillips

I had the more confidence in making the request from the knowledge; that upon a demand made this Government the 29th of January 1839 for Johnson Cook who had fled from the State of Mississippi and <sup>a</sup> was in conformity to the acknowledged rules of international law upon that subject Surrendered by the Government of Texas.

Accept assurances of my high regard

JOSEPH EVE

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UPSHAW TO ALLEN.<sup>b</sup>

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LETTER FROM WESTPORT, MISSOURI.<sup>c</sup>

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BELL TO WEBSTER.<sup>d</sup>

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MEMORANDUM OF INTERVIEW BETWEEN WEBSTER AND AMORY.<sup>e</sup>

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SYNOPSIS OF A PROPOSED TREATY BETWEEN THE UNITED STATES AND TEXAS.<sup>f</sup>

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MEMORANDUM OF INTERVIEW BETWEEN AMORY AND CHIEF CLERK OF THE DEPARTMENT OF STATE.<sup>g</sup>

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<sup>a</sup> The substitution of "he" for "and" would make the meaning clearer.

<sup>b</sup> August 31, 1841. See Eve to Jones, December 20, 1841.

<sup>c</sup> (Extract) September 11, 1841. See Amory to Roberts, October 12, 1841.

<sup>d</sup> September 11, 1841. See Amory to Roberts, October 12, 1841.

<sup>e</sup> September 14, 1841. The memorandum itself was dated September 15. See Amory to Roberts, October 12, 1841.

<sup>f</sup> September 15, 1841. See Amory to Roberts, October 12, 1841.

<sup>g</sup> September 20, 1841. See Amory to Roberts, October 12, 1841.

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