

EVE TO WAPLES.^a

LEGATION OF THE UNITED STATES

Galveston August 12th 1842

The Honble.

JOSEPH WAPLES *Acting Secretary of State*
of the Republic of Texas

SIR

I am instructed by the President of the United States to make known to the President of Texas, that while the Government of the United States claims no right to interfere in the pending controversy between The Republic of Texas and Mexico, yet it cannot be indifferent to a renewal of hostilities between them, and sees with pain a prospect of the immediate resumption of active military operations, it is believed to be a useless and hopeless war without any attainable object injurious to both parties, annoying and vexatious to other commercial nations and especially so to the extensive commerce, and navigation of the United States in the gulph of Mexico. Both Governments are neighbours, of the United States both profess to have a Republican form of Government and are among the newly organized and regenerated Systems of this hemisphere, both have been exhausted by their wars, and require peace and repose. Under those feelings and circumstances, Mr. Thompson the United States Minister at Mexico has been instructed to urge upon that Government the great anxiety that the United States feel for a cessation of hostilities and the establishment of a permanent peace between the two Republics, and that if the Mexican Authorities should intimate a desire for the interposition or mediation of the Government of the United States for the purpose of bringing about peace, he would state that such interposition, or mediation will be cheerfully granted. So long, however, as either party shall be resolved to remain at war with the other, and unless both of them shall request the mediation of the United States the President would not feel inclined to interfere.

I am also instructed to express to you in the name of the Government of the United States a hope that it may be deemed to comport with the interests of the Texan Government to suspend any offensive military operations which may be in contemplation against Mexico, untill it shall be known the result of the negotiation which Mr. Thompson has been instructed to undertake.

With sentiments of high regard

I have the honor to be
your Obedient servant

JOSEPH EVE

EVE TO WAPLES.^a

LEGATION OF THE UNITED STATES

Galvaston August the 16th. 1842

The Honble.

*JOSEPH WAPLES acting Secretary of State
of the Republic of Texas*

SIR

I have the honor to acknowledge the receipt of your note of the 30th. July in answer to mine of the 27th., relative to the claim of Captain Means against this Government, for the use and damages of the Brig Retrieve impressed into the service of Texas by order of the President.

In connexion with this subject, the undersigned Charge d'affaires, feels it to be his painful duty to call the attention of the honorable, the Secretary of State of Texas, to an outrage committed by the authorities of Texas, upon the persons of the first and second mate of the said Brig Retrieve, by an armed force following them after they had abandoned the said Brig, and compelling them to return, and perform seamen's duty from Galvaston to live Oak point and back to this port, both of them being citizens of the United States. It must be conceded that such acts of violence upon the rights of citizens of the United States, would (without suitable redress) be well calculated to break in upon the amicable relations, and good understanding which ought, and has subsisted between the United States and Texas.

The undersigned will, however remark that from the sincere desire which he has upon all occasions discovered, manifested by the President of Texas, to maintain the friendly relations existing between the two Governments, he cannot permit himself to doubt that he will reprobate the act, and give such redress as may be within his power. I herewith enclose you the protest of Captain Means, 2 the affidavit of R Barton the mate, 3 the order of E A Rhodes the United States Consul to A F James and J Delesdernier port surveyors, 4 the report of A. F James and J Delesdernier, 5 the affidavit of Capt. Appleman 6 the affidavit of R Barton [and] D Mc.Nitt first and second mate, 7 the account of R Barton, 8 the account of D. Mc.Nitt, 9 the account of T. Treadswell 10 Capt. Means account, 11 Captain Applemans certificate 12 Colo Jacksons certificate and 13 Capt. Boylans certificate.

You in your note say, that the President had agreed to pay Captain Means \$25 per day, for the use of the Brig Retrieve, while it should be in the service of Texas. I refer you to the certificate of

^a A. L. S.

Captain Appleman, Capt. Boylan, and Colo Jackson all of which go to prove that the Brig was in the service of Texas 36 days which at \$25 per day, amounts to \$900 the sum claimed by Captain Means. The same price was agreed to be paid the Colo. Hanson by the Secretary of War of Texas, which shows the charge of Capt. Means is right because the same price was given another Brig for similar services, and *especially* because the President agreed to give him that price before his Brig was impressed into the service of Texas, the undersigned cannot therefore permit himself to believe, that there will be any hesitancy on the part of the Government of Texas, to pay Captain Means the \$900 for the use of his vessel. The only difficulty then is the amount of damages that Capt. Means is entitled to on account of the injury his vessel received, while in the service of Texas. You ask in your note, what was the situation of the vessel when she left Galvaston, the amount of damage done her, and whither the mismanagement of the transport officers was the cause of her being damaged. You also say it is important, these facts should be clearly ascertained before the President can acknowledge any claim for damages.

To this opinion the undersigned must respectfully dissent. It was surely the duty of the authorities of Texas, (and not Captain Means) to see that this vessel was in good condition when they took possession of it. When it is recollected that it was forcibly taken from him, and sailed immediately from the port of Galvaston could Captain Means (had he been disposed to do so) have had his vessel inspected, so as to be able to shew that it was sea worthy. The reasonable and fair presumption is, that the Government of Texas would not have risked the lives of two hundred and eighty volunteer soldiers, upon a vessel that was not in good condition, and entirely sea worthy; with this view of the subject, it is believed that the report of A. F. James and J Delesdernier (to which you are refered) would be amply sufficient, to shew that Captain Means is entitled to damages for the injury which his vessel sustained, while in the service of Texas. But the affidavit of Captain John Appleman who commanded the Brig, shews the right of Captain Means to claim damages beyond all doubt. What the amount should be is not yet ascertained, he was here destitute of the means to repair his vessel, and claims \$500. I have not enclosed his account, and now propose to the honorable Secretary of State to select two honorable gentlemen, to settle the amount of damages this Government ought under all the circumstances to pay Captain Means to whose award the undersigned on the part of Capt. Means will agree to abide, believing this to be the best and most amicable mode of settling this matter.

By reference to the enclosed accounts the Honl. Secretary of State will see that Reubin Barton the first mate of the Brig Retrieve claims

\$300 for having been impressed and forcibly detained in the service of Texas from the 23d of June, to the 23d of July, and that D Mc. Nitt claims as second mate on said Brig \$200 damages for having been impressed and detained forcibly in the service of Texas, the same time Candour compells me to say that I think these claims high. Yet these men were forced into service by officers of this Government, and it is or always ought to be expected, by Governments, as well as by individuals, that when they engage in acts of force and violence [they will have] to pay an adequate compensation in damages to the party injured, not only commensurate with the injury sustained, but what is sometimes called smart money. The account or claim of Timothy Treadswell amounts to \$22.80 he charges \$18 per month and claims to have been in the service of Texas, one month and eight days as a sailor on said Brig.

With renewed assurances of high regard

i have the honor to be
your Obedient Servt.

JOSEPH EVE

Protest of Captain
Means.

CONSULATE OF THE
UNITED STATES OF AMERICA
Galvaston Republic of Texas

By this public instrument of protest and declaration before me Elisha A Rhodes consul of the United States of America at Galvaston Republic of Texas.

Came and appeared Thomas Means Master of the American Brig Retrieve of Newberry port^a of the burthen of one hundred and sixteen tons, or there about who did declare, that he sailed in the said Brig from Jacksonville Florida in the United States of America, on the second day of May last past, bound to this place, ladened with a cargo of lumber, and that he arived in said Brig at this port on friday the 5th. Instant That after the cargo of the said Brig had been landed (towit) on the 16th. Instant, and while she was lying at anchor in the harbour of Galvaston application was made to this affiant by his Excellency Sam Houston President of Texas, to charter the said Brig for the purpose of transporting a number of troops from this place to live oak point

This affiant consented to the terms offered, provided they should meet with the approbation of the Consignee, [but he says] that upon consulting with him the said Consignee, he was advised against entering into the contract on the ground that by puting the said Brig in a trade not contemplated by the under writer, it would probably vitiate the policy of insureance.

^a Newburyport.

For which reason, with others not necessary to mention, this affiant came to the determination to decline the offer of the President, which he stated to his Excellency. The next day Captain Boylan read to this affiant an order to him directed, in the following words. (to wit)

EXECUTIVE DEPARTMENT

June 17th. 1842

J. D. BOYLAN Esq'r.

Sir

You will take possession of the homaphredite Brig Retrieve commanded by Captain Means, to transport the troops ^{Order of the President.} now at Galvaston, and land them at live Oak point. You will then return with said vessel to this place and deliver her again to the Captain or Consignee, you will take special care of the vessel. Should Captain Means desire to command his vessel, you will permit him to do so, and discharge him at live Oak point. This order you will execute with the least possible delay.

Major J. H. Cocke will furnish the neat rations requisite for the troops. You will have the power to call upon Colo. Mills for force should any be requisite to carry out this order, as it is absolutely necessary that the troops now here should be removed to the frontier. I have the honor to be

Your Obt. Servt.

(signed)

SAM HOUSTON

Where upon the said Thomas Means Master as aforesaid in his own behalf and on the part and behalf of the owners under writers, and all others interested or concerned in the said Brig Retrieve doth hereby formerly [*sic*] protest as well against the Government of Texas as against the said Captain Boylan his officers and men, and all others whom it doth or may concern, for the forcible seizure and detension of the said Brig and for all losses, costs, damages and expences already suffered or which may hereafter accrue by reason of the foregoing premises.

In Testimony of which the said Thomas Means has hereunto set his hand and seal the 18th. of June 1842

(signed)

THOMAS MEANS

Sworn to and subscribed before me
the 18th. of June 1842

(signed)

E A RHODES
U. S. Consul

GALVASTON REPUBLIC OF TEXAS

R A Barton Mate of the Brig Retrieve being duly sworn, doth ^{R A Bartons aff-davit} make oath and say that the several matters and things set forth in the foregoing protest of Captain Means which are of his own knowledge are true, those not of his own knowledge he believes to be true.

And in addition thereto the said affiant R Barton doth make oath and say that on the 18th Instant in the absence of Captain Means, and while this affiant was in command of the said Brig, a file of soldiers with muskets came on board, and in a short time were followed by Captain Boylan who stated to this affiant, that an order had been given, to take possession of said Brig Retrieve and he was commanded to execute it, where upon this affiant surrendered the possession of the said Brig

Sworn to before me the 20th of June 1842

(signed)

E A RHODES

U. S. Consul

I Elisha A Rhodes Consul of the United States of America at Galvaston Republic of Texas.

Do hereby certify that the fore going protest of Captain Means and also the affidavit of R Barton mate of the Brig Retrieve, are true copies from the originals on record in my office. In Testimony of which I here unto subscribe my name and affix the seal of my office the 21st of June (SEAL) 1842 and of the 66th year of the Independence of the United States

E A RHODES

U S Consul

Consuls order of survey. CONSULATE OF THE UNITED STATES OF AMERICA
AT GALVASTON REPUBLIC OF TEXAS

To Messrs. A. F James and }
John Delesdernier } Port Recorders

You are hereby required to go on board and along side the Brig Retrieve of the burthen of one hundred and eighteen tons or thereabouts, of which Thomas Means is Master, and examine the said Brig, her hull, masts and rigging, running Rigging and sails, and every other store to her belonging and having carefully and particularly, inspected examined and surveyed the said Brig Retrieve and her several stores make report to me on oath.

Given from under my hand and seal of office at Galveston the 22 July 1842

(SEAL)

(Signed)

E A RHODES *U S Consul*

PORT RECORDERS OFFICE

By virtue of the annexed order of Survey to us directed, by E. A. Rhodes Esquire United States Consul for the aforesaid port. We proceeded on the 22d of July on board the Brig Retrieve of the burthen of one hundred and eighteen tons or thereabouts, whereof Thomas Means was

James and Delesdernier affidavit and report of survey.

on the second of July last, but having at the time, a supply for one day only of fresh water on board, and there being no certainty of obtaining a Pilot that evening, This deponant concluded to run said Brig over the Bar without one, which he did, but unfortunately grounded on the inside of said Bar, where said Brig remained about four hours, during which time she sustained considerable damage, by unhinging the Rudder, and breaking one or two of the braces and pintals, after which got off, and proceeded up the bay and landed the troops on the 5th of July.

In consequence of contrary winds the said brig was detained in the Bay, untill the 13th. when she sailed for this port, but did not arive untill the 22d.

This deponant further states that on the passage of the said Brig to this Port she encountered head winds, squalls, and frequent calms, by which the sails and riging of the said Brig were considerably injured by ware and tare.

(signed) JOHN APPLEMAN

Sworn to before me the 4th day of August 1842

(signed) E. A. RHODES
U. S. Consul

CONSULATE OF THE UNITED STATES OF AMERICA

AT GALVASTON REPUBLIC OF TEXAS

Barton and Mc-
Nitt's affidavit Reubin Barton and Dickey Mc. Nitt being duly sworn, depose and say, that they are American seamen, and belong to the American Brig Retrieve of Newbury port that they shipped on board the said Brig in the United States of America as first and second mate, the said Barton as first mate shipped at Charleston South Carolina on the 8th. of february last and that the said Mc. Nitt as second mate shiped at New York on the third of January, that they arived in said Brig at this port, in or about the fourth of June following, and remained on board untill the 18th when said Brig was seized and impressed into the services of the Government of Texas by the order of his Excellency Sam Houston President of this Republic that being anxious to return home, and not knowing how long the said Brig might be held by the Government of Texas, they came to the conclusion to abandon her and return to the United States immediately and had made their arrangements accordingly when they were forcibly seized and caried on board the said Brig, by Captain Boylan at the head of a file of armed Texan soldiers, that immediately upon their getting on board, the said Brig set sail for live Oak point with Texan troops, who were landed at that place sometime about the 10th. of July last, that the said Brig returned to this port on the 23d having been absent over

thirty days during which time these deponants were forcibly detained and held in captivity and compelled to perform Seamens duty

(signed) R BARTON
D Mc. NITT

Sworn to and subscribed before me the 8th day of August 1842.

(Signed) E A RHODES *U S Consul*

Copy

Republic of Texas Dr,

To Reubin Barton first mate of the American Brig Retrieve \$300

For detention and damages being impressed on the 23d day of June 1842 at Galvaston into the service of Texas and forcibly detained to the 23d day of July.

August 10th 1842

(Signed) R BARTON

Republic of Texas Dr

To D McNitt second mate of the American Brig Retrieve \$200

For detension and damages for having been impressed on the 23d day of June 1842 into the service of Texas, at Galvaston and forcibly detained to the 23d of July ensuing

August 10th 1842

signed D. MCNITT

GALVASTON *August 10th 1842*

Republic of Texas to Timothy Treadswell Dr

To 1 month and 8 days service on the Brig Retrieve while carrying soldiers to live oak point at \$18 per month amt \$22.80

GALVASTON *July 24th 1842*

Republic of Texas Dr

To Brig Retrieve Capt. Means

To use of said vessel from 18th of June to 23 of July 1842 inclusive 36 days at \$25 per day \$900.00

Capt Means ac-
count.
Capt Appleman['s]
certificate

I certify that the above is correct

(signed) JOHN APPLEMAN *Comdt.*

of the Transport

I certify that the above named Brig Retrieve was employed in the

Transport service of this Republic from the 18th

Colo. Jackson cer-
tificate

of June untill the 23d of July 1842

(signed) A A M JACKSON

GALVASTO[N] *July 27th 1842*

Comdt. 4th Regt. Texas militia

This will certify that the American Brig Retrieve of Newbury port Captain Means, has been taken possession of by me, on the 18th. of

June 1842 by order of his Excellency the President

Capt Boylan['s]
Certificate

of Texas, for the purpose of transporting troops from this port to live Oak point, that said Brig

has been detained in the transport service from the above date untill the 23d of July Galvaston July 26th 1842

(Signed) J D BOYLAN *Transport agent*

HOCKLEY TO WARFIELD.^a

REILY TO SPENCER.^b

SPENCER TO REILY.^c

REILY TO SPENCER.^d

REILY TO JONES.^e

Despatch No. 01.

LEGATION OF TEXAS
August 18th 1842.

HON ANSON JONES
Secretary of State
Texas.

SIR—Having learned from good authority some few days since that certain wild Indians who have been in the habit of committing hostilities upon the people of Texas had intimated a desire to make peace with the government of Texas, but fearing that the promise on the part of these roving and savage tribes would be nugatory unless guaranteed by some authority whose arms and strength they dreaded I addressed the Secretary of War the following note

LEGATION OF TEXAS,
August 16th. 1842.

SIR—The undersigned Charge d Affaires from the Republic of Texas, has the honor to invite the attention of the Hon John C. Spencer secretary of War of the United States to the fact, that several Indian tribes have signified through the Agents of the United States in the South West, their desire to conclude a treaty of peace with the government of Texas. The Government of the United States from the fact of these Indians having originated in her territories and always seeking refuge within the same from the merited vengeance

^a August 16, 1842. See Calendar.

^b August 16, 1842. See Reily to Jones, August 18, 1842.

^c August 17, 1842. See Reily to Jones, August 18, 1842.

^d August 18, 1842. See Reily to Jones, August 18, 1842.

^e A. L. S.

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of the people of Texas, for outrages committed, should be desirous, for the purpose of maintaining harmony and good feeling between the two nations to have not only ^a a treaty formed by Texas with such hostile Indians as may be disposed to conclude one, but also [to] adopt such measures as may secure its observance. Neither the time nor place of meeting has been determined upon, but when they are would it not be an act both of policy and justice that the government of the United States should send commissioners to [take part in] said treaty clothed with power to offer her mediation between Texas and the Indians, and of becoming the mutual guarantor ^b that the terms agreed upon should be sacredly kept by both parties. Such an intervention upon the part of the United States would be attended with most happy consequences to all interested. The reasons why the United States should adopt the course proposed [as to the treaty] between Texas and these Indians I will not here give, having already discussed them with the Secretary of War, but remark that if these views meet with your approbation you will be pleased to suggest to the President the propriety of appointing some individual to conclude with the Representative of Texas at the earliest period possible a convention including the mediation of the United States between Texas and such Indian tribes as may be at war with Texas and stipulating that the Government of the United States will become the guarantor of all parties for the faithful and strict observance of all propositions concluded and agreed upon between the Agents of Texas and such tribes as shall be present or represented at the signing of said treaty.

With sentiments of highest respect

(signed) JAMES REILLY

To Hon

JOHN C. SPENCER
Secretary of War
etc etc etc

Reply of Secretary of War

DEPARTMENT OF WAR
Washington August 17, 1842.

SIR,

Your letter of the 16th. inst has been received and laid before the President. You state that several of the Indian tribes at the South West have signified their desire to conclude a treaty of peace with the

^a The meaning of the sentence will be clearer if the order of the words is made "not only to have."

^b That is, to make the United States the guarantor.

government of Texas, and you suppose that as several of those tribes have originated in the United States and as they seek refuge within our territories from the consequences of their outrages, this government would feel desirous not only that such a treaty should be formed, but that this should be done in such a manner and with such securities as may be best adapted to insure its observance,—and you suggest the propriety of the United States becoming parties to such treaty and sending commissioners to attend the council at which it should be discussed.

The President is sincerely desirous to adopt such measures as may be expedient and effective not only to prevent the outrages and barbarities of the wild Indians of the South West upon our own citizens and those of Texas, but to insure the peace and quiet of our more civilized tribes collected together in the same quarter. There are many tribes migratory in their habits who are to be found sometimes within our own territories and sometimes within those of Texas, and who acknowledge or deny subjection to the one or the other government as suits their convenience. It is very obvious therefore that a combined control of the two governments, will be most efficacious in repressing their predatory incursions and preventing them from lighting up an Indian war in that quarter. Comity and good will to Texas, justice to our own inhabitants and humanity to the Red man, equally demand that all reasonable efforts to attain such an object should be made.

I am therefore instructed by the President to say that when the time and place of holding the proposed treaty with the Indian tribes mentioned by you, shall be made known to him, he will appoint Commissioners to attend it on the part of the United States, with instructions to assist in its negotiation, to make the United States a party to it, and to endeavor to obtain such provisions as will enable this government to interpose its power to hold those Indians in check and to punish them for a violation of their engagements, wherever they may be found.

It does not appear necessary that a formal convention should now be concluded between the United States and the government of Texas, on this subject. This communication will be a sufficient evidence and pledge on the part of this government, of its readiness to mediate with the South Western Indians for the purposes herein specified. The actual mediation it is supposed had better be effected at the Council ground, and with the concurrence of the Commissioners on the part of Texas. And in the meantime, the terms of a treaty may be the subject of a discussion between the two governments.

Permit me to avail myself of this opportunity to express the high respect with which you have impressed this Department during your

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Official intercourse with it, and the great regret with which I learn your intention of speedily leaving us.

I have the honor to remain

sir

With great regard

Your obt servant

(signed)

JOHN C. SPENCER

HON JAMES REILLY
Chargé d Affaires
of Texas.

LEGATION OF TEXAS

August 18th. 1842.

SIR

I have the honor to acknowledge your note of the 17th inst. For the prompt and kind manner in which you have answered my letter of the 16th. inst please accept my most grateful acknowledgement. The plan which you propose will meet and remedy the difficulties under which Texas labors from the incursions of the wild Indians, and no doubt will obtain the approbation of my government for whose consideration I shall with great pleasure despatch a copy of your communication.

As the representative of Texas I must express the hope that a sufficient number of troops will be kept along the frontier of Louisiana and Arkansas bordering upon Texas, to protect the citizens of the latter government from the hostilities of the numerous Indians already concentrated and still concentrating in that region. They are the only enemy whose power to harm Texas feels the least apprehension about. That they will be restrained I have no doubt whilst the Department of War remains under your supervision, actuated as I feel satisfied you are by the highest motives of justice and humanity.

Most sincerely do I reciprocate the complimentary sentiment towards myself personally contained in the conclusion of your note and unaffectedly wish that you may be blessed with all the prosperity due to the gifted and patriotic

With sentiments of great respect

yours

(signed)

JAMES REILLY

To Hon.

J. C. SPENCER

Secretary of War
of United States

It remains for the government of Texas if attaching as much importance as I do to a treaty made under the guarantee of the govern-

ment of the United States, with the wild tribes who have proposed it to the government, to take such steps as may be necessary to carry out the views contained in the above correspondence. A treaty could be made with these migratory Indians who hold themselves responsible to neither government by which the United States could be committed to Texas, to see that the treaty stipulations were observed and authorize Texas to call upon the United States to punish the Indians for any violation of the terms. This I consider a most desirable matter. It would have a good effect not only upon the wild Indians themselves, but upon the Indians resident in the United States upon our borders and whom the United States by an article in the treaty just concluded are bound to restrain within her own limits from all acts of hostility towards Texan citizens, by seeing the government of the United States backed and sustained by her great power, requiring peace from the wild Indians towards Texas, and stipulating to pursue and punish wherever found the violaters of the terms agreed upon in council. From the Indians placed contiguous to our frontiers within the limits of the United States we have nothing to dread, such as the Chickasaws, Creeks, Cherokees, Choctaws, etc etc. inasmuch as by treaty stipulations this government is bound to keep them quiet. The government will remember that it was advised, that at my earnest and urgent request, upon the rumored invasion of Texas in March last by a large Mexican force, nearly two thousand United States troops had been ordered to the Arkansas and Louisiana lines bordering upon Texas, for the purpose of preserving neutrality among the Indians. This force the Secretary of [War] has assured me will be kept up along those lines. I have not failed upon all proper occasions to impress the mind of the Secretary of War with both the necessity and justice to Texas (independent of its true policy towards the United States) to concentrate a sufficient force along the lines in the South West, to overawe the Indians and to charge the various Agents to keep a most strict inspection of their temper and movements. Satisfied of its justice and policy, he has assured me it shall be done. The celebrated John Ross now here has informed me that Texas has no cause to fear any interruption from his tribe, and that the remnant of the Cherokees lately in Texas, was with a few exceptions that they hoped still to find, settled in the Cherokee nation in Arkansas. Col Pierce M. Butler one of the United States Agents among the Indians in Arkansas has told me the same and farther, that he has a petition signed by [a] great number of those driven out of Texas to this government, asking leave to be again admitted into all the privileges of their tribe in the United States. He gave me the additional information that the Caddoes had been incorporated among the Chickasaws. He gives it as his decided opinion that Texas has nothing to dread

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from the United States Indians and that the wild tribes who have intimidated through him and Mr. Logan their disposition to make peace with the Texan government are sincere in their demonstrations and approves most highly of the plan proposed in my letter to [the] Secretary of War of the 16th inst, believing that it will secure the peace and safety of our frontiers.

I trust my efforts to obtain the cooperation of the United States government in assisting Texas to obtain peace and quiet on her exposed frontier and under guarantees which will render it permanently safe from Indian aggressions will meet the approbation of the government, and if they do, that so soon as the arrangements are made for the council with the Indians that this government will be advised.

The department is hereby informed of my reception a few days since of my letter of recall, but which I have not deemed it necessary or prudent to present until the final action of the Senate upon the treaty now under consideration before the Senate, and also from a hope that my successor would arrive before the President and cabinet left Washington, so that I might have an opportunity of imparting information which would facilitate his intercourse with the various departments of government. In the meantime I have labored to bring about the intervention of the United States between Texas and the hostile Indians, the happy results of which I trust will be a sufficient apology for my not immediately availing myself of the kind permission granted in your despatch of the 18th or 28th of July,^e but which did not reach me until the 13th of August. I shall take my leave this week.

The commission of N. Amory Esqr as Texan Consul for the port of Boston was presented in due form to the Secretary of State and the usual Exequatur issued on the 17th inst.

On last Saturday evening the treaty between the United States and Great Britain was ratified by the Senate after a fierce discussion of several days by a vote of thirty nine in the affirmative and nine in the negative.

The Department will please number this despatch as No. 91. as one of a previous date and number accompanies the treaty, which I trust soon to have a safe opportunity of sending out.

With sentiments of great respect

Yours

JAMES REILY

P. S. I would ask the favor from the Department of State of being informed at Lexington Ky of the arrival and reception of this Despatch.

^e The 18th. See Waples to Reily of that date.