

TERRELL TO VAN ZANDT.

DEPARTMENT OF STATE
City of Houston, Texas, Aug 19th, 1842.

HON I VAN ZANDT,
*Charge d'Affaires of Texas, to the
United States,*

SIR,

In the absence of the Secretary of State, His Excellency the President, has instructed me to address you on a subject, which he deems of vital importance to the interests of Texas—and which he wishes you to avail yourself of the earliest opportunity, to bring to the notice of the Government of the United States.

It is the condition of the various tribes of Indians inhabiting our Northern and North Eastern Frontiers. The intercourse between those tribes and the citizens of the United States adjacent to them, is of a character highly detrimental to our population. You are aware that most of the tribes spoken of, are at present hostile to Texas and upon terms of amity and friendship, with the United States. This State of things is well calculated both to stimulate their cupidity and fire their revengeful passions, inasmuch as they find there a ready market for the plunder of which they have robbed our citizens, and a secure retreat if pursued, from the scene of their depredations. This is frequently the case. An attempt is now being made, and commissioners have been appointed, to bring about friendly relations between all the tribes of Indians residing within, and bordering upon, our territory; but so long as the incentives to commit hostilities, above spoken of, on the part of those tribes bordering upon the United States remain, the prospect of establishing amicable relations with them may be regarded, to say the least, as extremely problematical. On the contrary we have good reason to believe if these inducements for them to continue hostilities against Texas were removed, we should have little difficulty in bringing about an adjustment of existing difficulties, and upon such terms as will afford a reasonable guaranty of a continuance of amicable relations with them. It is therefore the wish of the President that you will immediately bring this matter to the consideration of the Government of the United States and urge their earliest attention to it, with all the earnestness which its importance to the interests of Texas demands.

If the United States will interdict all trade between the Indians residing within our territorial limits and her citizens, and also give them distinctly to understand that they can no longer find an asylum within their jurisdiction when they have committed aggressions upon our citizens, we have every reason to hope that it will not be long until we shall have peace throughout all our borders.

In making this demand of the United States we ask nothing but what that Government has obligated herself, by the solemn sanctions of a treaty to perform.

The right of Texas to require this prohibition on the part of citizens of the United States is clearly deducible from the thirty third Article of the treaty of "Amity, commerce and Navigation" concluded between the United States of America, and the United Mexican States, at the City of Mexico, April 5th, 1831—to which your attention is invited.

This treaty is yet in full force. Texas was at the time it was concluded, a component part of the Mexican confederacy. She has never repudiated the treaty, nor disregarded its provisions, consequently it has inured to her as a portion of the then Mexican Republic. It is confidently believed however that it will be only necessary to direct the attention of the United States Government to the facts above mentioned to ensure its prompt and efficient action in the premises. The well known magnanimity of that Government and its scrupulous regard to the faith of treaties, forbid the indulgence of the apprehension that its authorities will stand listlessly by, and look with cold indifference upon the indiscriminate plunder, and the cold blooded butchery of our citizens by a savage and remorseless foe, whom they are bound by the high sanction of a national compact to use all the efforts in their power to restrain.

In the last dispatch of our late minister, Maj Reily, he forwarded to this department a letter received from a gentleman residing amongst the Osage Indians in [the] West of Arkansas, stating that a youth some 12 years old who had been captured by the indians in the County of Fayette Texas was now amongst those Indians.^a By reference to the same treaty mentioned above—and the same section—second paragraph, you will find that the United States have bound themselves to deliver up to the authorities of this Government, all prisoners thus taken and carried within the limits of their territory. You will therefore bring this subject to the notice of that government and endeavour to procure the restoration of the youth to his country and family. His name is Lyon, his mother resides near La Grange, where his father was killed and himself made a prisoner some time during the year 1837. He is one of those for whose release a special act of Congress was passed at its last regular session. You will therefore be authorised to draw upon this Department for the amount of expenses, etc incurred in procuring his release and restoration to his friends.

^a This letter has not been found. Cf. Van Zandt to Webster, December 30, 1842, in U. S., Pub. Docs., 660, Doc. 14, p. 98.

The President desires to be remembered to you in affectionate terms. And I avail myself of the opportunity of renewing to you assurances of the high consideration with which I remain

Your obdt humble servt

G. W. TERRELL,
(Acting) Secretary of State.

The tribes of Indians from Texas are trading with half-breed Indians and white men, who have trading houses on the head of the Canadian river, east of the Red River, supposed to be within at least the *probable* limits of Texas, and therefore the U. S. can interdict any commerce between these Indians and those South of Red River.

TERRELL TO EVE.

DEPARTMENT OF STATE
Houston August 24th 1842

To the Honble.

JOSEPH EVE, *Charge d' Affaires of the
United States etc.*

SIR,

Representing the Hon Secretary of State (who is compelled by indisposition to be absent from the Seat of Government) I have the honour to acknowledge the receipt of your note of 16th Inst in relation to the claim of Thomas Means, Master of the American brig Retrieve, impressed into the service of this Government, by order of the President.

This claim is for the use of the said vessel, for damages she is alleged to have sustained while in the service of this Government, and also for outrages, imputed to the authorities of the Government, committed upon the persons of the first and second mate of said vessel.

In reply to that portion of the letter of the Hon Charge d'Affaires touching the services of the vessel, and the compensation claimed therefor; I am directed by his Excellency the President to say that previously to the impressment of the vessel a specific agreement was made between himself and Captain Means by which the brig was to be chartered by this Government for the transportation of the volunteers from Galveston to Live Oak Point, and for which the Government was to pay to Captain Means the sum of three hundred and twenty five dollars—it being supposed that thirteen days would be sufficient time to make the voyage, and estimating the services of the *vessel and crew* at twenty five dollars per day. This money,

by the terms of the agreement, was to be paid to Capt Means on his return to Galveston. After consultation with some of his friends, Captain Means, in *direct violation of this contract*, refused either to go himself or suffer any other person to take charge of his vessel to transport the troops to Live Oak Point. The exigencies of the public service *absolutely requiring their transportation*, the President issued an order for the impressment of the *vessel alone*. She was engaged in the service of the Government much longer than it was thought would be necessary to make the voyage required—but for which the Master is of course entitled to compensation. This protracted delay may have been owing to unskilfulness in the management of the vessel. It was the opinion of Captain Means that thirteen days was amply sufficient to perform the trip to Live Oak Point and return to Galveston. Should Captain Means now be willing to receive the amount for which he agreed to perform the service the money will be paid to him or to his agent in a very short time. And considering that himself and his whole crew, including the officers were to have commanded and worked the vessel, it is thought this amount would be a reasonable compensation for the service. The sum now demanded by Capt Means is so great that the Government is absolutely unable to meet it promptly. The just amount of debt however shall be discharged at the earliest day on which the Treasury is in a condition to advance the funds necessary for its liquidation.

The high character, both as a gentleman and a Jurist, of the Hon Charge d' Affaires of the United States, entitling his opinions to a respect and consideration scarcely less formidable than those of established authority, it is with unaffected diffidence, added to extreme reluctance, that the undersigned would venture to call in question the correctness of any legal position assumed by that gentleman. Notwithstanding these sentiments the undersigned is constrained, by an imperious sense of duty, to insist upon the suggestions contained in the despatch from this department of 30th ult, to wit, of the necessity of ascertaining the true condition of the brig Retrieve, at the time she was taken possession of by the authorities of this Government, in order to estimate correctly the damages sustained by her while in the service of the Government.

This Government cannot acquiesce in the proposition that the vessel must be presumed to have been in good condition or otherwise its authorities would not have entrusted near three hundred soldiers to her for transportation. It was a case of *emergency* with the government, otherwise the vessel would not have been impressed, the act of impressment could only be justified by the *extreme necessity* of the occasion which required her services: in these circumstances there was little room for selection and therefore the first opportunity that offered was embraced. It is very clear that a vessel may be very seri-

ously injured and yet not considered entirely unseaworthy—(for whenever she is decided to be no longer sea-worthy she is condemned); an evidence of the correctness of this remark may be found in the case now under consideration. According to the testimony taken for the purpose and furnished by the Hon Charge d'Affaires himself, the *Retrieve* was seriously injured by running upon the bar at Aransas—yet she was not thought unseaworthy, and sailed back to Galveston. An apt illustration of the soundness of this position may be deduced from the practice of Insurance Offices—while they will insure a sound and substantial vessel for a moderate per centage, they demand very high rates for those that are known to be frail or damaged. The brig *Retrieve* has been represented to this department to be both old and crazy—if so it is certainly very material to ascertain what was her precise condition at the time of her impressment. Nor is it believed that this would be difficult to determine inasmuch as her condition must have been known to her commander and other officers on board.

Your proposition to refer this branch of the subject under consideration to the arbitrament of two gentlemen to be selected for that purpose, has been submitted to the executive—he has not determined to make the reference suggested. If the Hon Charge d' Affaires could find it convenient to make a visit to the city of Houston, it is believed that the whole subject matter of the present correspondence may be satisfactorily adjusted without the necessity of a reference to any persons. The President reposes such an abiding confidence in the capacity, magnanimity, and high sense of justice of the Hon Charge d' Affaires of the United States himself, that he would not wish to make any further reference whatever of the matter than to his calm decision.

The remaining branch of the letter of the Hon Charge d' Affaires to wit the seizure of two of the officers of the *Retrieve*, and forcing them to perform seamen's duty, has caused the President extreme chagrin and mortification. His excellency instructs me to say in reply, that the act was wholly without his authority or knowledge and meets his most decided reprehension. The odious doctrine of impressing seamen never having obtained, nor even the principle [having been] recognized in America—Texas will not be the first American Government to sanction by her authority a practice not only abhorrent to the principles of free Government, but revolting to every feeling of humanity. The perpetrators of this outrage will be dealt with as their conduct deserves, and such redress made to the injured individuals as may pertain to right and Justice.

It would be a source of the most painful solicitude to the President, should any thing occur to interrupt the good feeling, harmony and substantial friendship which have ever subsisted between the Governments and the people of the United States and Texas. No exertion

will be wanting on his part, and he confidently trusts, from the many unequivocal evidences which the present Charge d' Affaires of the United States has given of his friendship for Texas, that he will at all times have the hearty cooperation of that distinguished functionary, in preventing any misunderstanding calculated to mar these relations between two nations of kindred blood and kindred principles; and between whom the bond of indissoluble friendship should be lasting as the name of the common ancestry from which they sprang.

The undersigned avails himself of the opportunity to tender assurances of the high consideration with which he is

Your obdt servt

signed G. W. TERRELL,
(Acting) Secretary of State.

TERRELL TO VAN ZANDT.

DEPARTMENT OF STATE
Houston Augst 28th 1842

HON. ISAAC VAN ZANDT,
Charge d' Affaires to the United States etc.

SIR,

In my letter of [the] 19th Inst I brought to your notice the difficulties under which this country labours growing out of the traffic carried on between some of the citizens of the United States and the Indian tribes within our territory. There is another subject out of which has grown a good deal of inconvenience and some embarrassment to a valuable class of the citizens of both Governments, and which a very simple arrangement will free from all perplexity. I mean the transmission of the mails across the line from one country to the other.

To facilitate this transmission and free it from all embarrassment it is only necessary to make an agreement with the authorities of the United States that the Postmasters of each country shall deliver to the order of any post master of the other, all letters, or documents of whatever description, designed to be transmitted across the boundary line. By way of example, a mail would be prepared at New Orleans containing all the letters and papers directed to Texas—it is only necessary for the authorities of the United States to give orders to the Post Master at N. O. to deliver them to the order of the Post Master at Galveston, or to the Texan Consul at New Orleans, or *vice versa*. This arrangement would be perfectly equitable—no objection to it could exist, as it is reasonable to suppose that as many letters would pass from one country as from the other. The pro-

posed arrangement therefore rests upon the basis of reciprocity. Nor can any injury result from it to the revenue of either country—as the government of each can give orders to its officers not to mail any letters designed to cross the line unless they are *post paid*, and if necessary through what post office they shall make their transit from one country to the other. In this way the revenue of neither can suffer detriment—the facilities of correspondence to a most valuable class of citizens—the mercantile interests would be greatly subserved, and the general intercourse between two nations bound together by the strongest ties of kindred blood and kindred principles, be greatly promoted.

It will be seen, by a moment's examination, that this proposition is entirely reciprocal—that the sole object of this Government in proposing such an arrangement is to disembarass and facilitate the general intercourse between the two countries; It is therefore presumed that no obstacle to the arrangement will be interposed by the authorities of the United States—the mutual advantages to result from it being so obvious as to strike every one at first view with the propriety of concluding it.

It has been represented to the appropriate Department of this Government that our revenue laws are constantly evaded by citizens of the United States who navigate the Sabine river in trading boats, land at the different points and sell goods to the citizens of Texas without paying the duties prescribed by our laws. This System of smuggling—for it is nothing less—should be remedied. The United States by the treaty of 1819, having the right to the whole of the waters of the Sabine river—and, (by a strange and monstrous perversion of the terms used in that treaty, in which the Government of Texas, in an unfortunate moment, hastily acquiesced) of the Lake and Pass also, it is beyond the power of this Government of itself to devise and enforce an effectual remedy; Inasmuch as these smugglers have nothing to do but cast anchor ten feet from our shore and they are entirely secure from either seizure or search on the part of the officers of this Government, and may and do commit the most flagrant violations of our revenue laws with perfect impunity. It will be seen therefore that the remedy for these evils is not within the power of the authorities of Texas—it can only be effected by some conventional arrangement between the two Governments. It is believed that the Government of the United States will not refuse to invest the revenue officers of this Government with authority to seize upon and confiscate, according to our own laws, the goods of any such craft that may be found engaged in this illicit intercourse with our citizens. The vessels of the United States should be required to enter at the Texan custom house on the Sabine Pass, before

they are permitted to trade with our citizens, and if found engaged in this trade without having done so their goods should be subject to seizure by our officers. This is but a reasonable demand, and one which it is hoped the Government of the United States will not hesitate to comply with.

Many attempts have been made to introduce African negroes into the United States, in the same clandestine manner, through our territories, but this Government has never failed to employ the most prompt and efficient measure to prevent their success. It is but Just therefore that the United States should extend the same measure of Just reciprocity to Texas in a matter in which her means of support to the government are vitally interested.

It is the wish of the President that you will give to these subjects your early and constant attention, and endeavour to effect such an arrangement as may be mutually beneficial to both countries.

I have the honour to be

With great respect

Your obdt servt

G. W. TERRELL

*Atto. Genl. and
(Acting) Secretary of State.*

EVE TO TERRELL.^a

LEGATION OF THE UNITED STATES

Galveston August 28th, 1842

The Honble.

G. W. TERRELL *Acting Secretary of State
of the Republic of Texas*

SIR

The undersigned Charge d' affaires of the United States, has the honor to acknowledge the receipt of your note of the 24th. Inst. which was handed him last evening.

In answer to which he must remark that he adheres to the opinion expressed in his note to the Secretary of State of Texas of the 16th. Inst. relative to the claim of Captain Means upon this Government for damages which his vessel sustained while in the service of Texas. But as he intends visiting the City of Houston in a few days, when he can have a full, free, and candid oral interchange of opinion upon the subject with the members of the Executive department of this government, he will forbear for the present, to urge any further reason in support of his former position.

The undersigned takes pleasure in expressing to Judge Terrell, the perfect satisfaction which the assurance of the President has

^a A. L. S.

given him, that the force used towards the first and second mate of the Brig retrieve, was unauthorized by him. The prompt and candid disavowal of the act, of impressing those individuals into the service of Texas; as well as the chagrin and mortification expressed furnishes new evidence of the kind and friendly disposition of the President towards the government and people of the United States and is a fresh incitement to the undersigned to cherish corresponding sentiments and to omit no occasion on his part of manifesting their sincerity.

The undersigned feels perfectly assured that the kind feelings expressed in your note for the government and people of the United States, will be properly appreciated by the President of the United States, who upon all fit occasions has manifested the kindest disposition, and most sincere desire for the peace prosperity and happiness of Texas

With sentiments of high regard I have the honor to be

Your Obedient servant

JOSEPH EVE

WEBSTER TO REILY.^a

[Appoints Monday, September 5, for an interview to allow Reily to present his letter of recall.]

EVE TO TERRELL.^b

[Enclosing copies of the following: O'Neal to the Chiefs of the Choctaws and Chickasaws, undated, but written probably during the latter part of June, 1842; and Upshaw to Abberson, July 5, 1842.]

WAPLES TO EVE.^c

WAPLES TO BENTON.^d

^a L. S., September 3, 1842. Original found between the leaves of the Records of the Texan Legation at Washington from August 16, 1844, to November 8, 1845.

^b September 5, 1842. For this letter and the enclosures, see Calendar.

^c September 9, 1842. See Calendar. To the copy in the archives is attached a small sheet of paper containing, along with considerable matter not sufficiently important to print, a note indicating Houston's approval of the letter.

^d September 9, 1842. See Waples to Eve, September 16, 1842.

EVE TO WAPLES.^a

LEGATION OF THE UNITED STATES

Houston September 10th 1842

The Honble.

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

SIR

I have the honor to acknowledge the Receipt of your note of the 22d July in reply to mine of the 2d of July, upon the subject of the Blockade of the Mexican ports, and the capture (by the authorities of Texas) of a trading vessel near the mouth of the Mississippi river, on its passage from New Orleans to a Mexican port, Sailing under the flag of, and claimed by the master to belong to citizens of the United States.

The legality of the capture of this vessel after remaining before the court of admiralty in the city of Galveston for months, has been decided by an order of the court for a restitution of the vessel and cargo, except a few articles of contraband, which the master offered to surrender at the time of the capture.

The injury which the owners of this vessel and cargo have sustained in consequence of the detension and sacrifice of property, is sufficient to show, the annoying, perplexing, and deleterious effect which the supposed blockade has upon the trade and commerce of the United States upon the Gulph, without having produced any serious injury to Mexico or any Beneficial effect to Texas.

The Undersigned does not (nor does the Government of the United States) deny the right of Texas, as a free sovereign and independent government, to grant letters of Marque and Reprisals, or to blockade any port of Mexico. But he denies the propriety, and right of a belligerent to harrass and embarrass, the trade and commerce of a neutral friend, by a blockade unsupported by an adequate force to keep out neutrals. He is constrained to dissent (though respectfully) from the opinion avowed by the acting Secretary of State, when he says at the time of the Sailing of the captured vessel, Texas had a squadron on the Gulf amply efficient and capable of preventing the entrance of neutral vessels into any of the ports of Mexico.

He must insist that since the existence of the Blockade (which is nearly six months) there has seldom been at any Mexican port, a sufficient armed Texan force to prevent the entrance of neutrals, and yet it has had the same pernicious influence upon the trade, and commerce of the United States as if the blockade had been most rigidly enforced. To constitute a lawful Blockade requires the actual presence of a sufficient force stationed at the entrance of the port, and to continue, sufficiently near to prevent communication.

^aA. L. S. Endorsed "replied to 14th."

The right of a belligerent to blockade the ports of an enemy, it is conceived should be but seldom, and cautiously exercised, always perplexing, and irritating to neutral friends, seldom producing any serious injury to an enemy, and often a most losing game to the blockading nation, by draw backs and damages, consequent upon illegal captures and condemnations.

The undersigned Charge d'Affaires begs leave to suggest to the honorable, the acting secretary of state that private armed vessels can only be licensed to capture the vessels and property of an enemy, and that the Government of the United States, cannot sanction the principle that privatiers can under any pretext whatever capture the vessel of neutrals.

He does not arrogate to himself the right nor has he the inclination to dictate to the government of Texas, the policy it ought to pursue upon this or any other subject, But from the amicable and friendly relations which have heretofore existed, (and which he most sincerely hopes will forever continue to exist) between the Governments and people of the United States and Texas, The lively interest which the President of the United States has always manifested for the peace prosperity and independence of Texas, and his recent proposition to become the mediator between this and the Mexican government, at the same time kindly asking a cessation of offensive hostilities untill the result of his proposition shall be known from Mexico, he therefore appeals to the magnanimity and liberality, to the kind and friendly disposition which the President of Texas has so often and so signally manifested to the Government and people of the United States, and most respectfully asks him to rescind at *least* for the present his proclamation of Blockade and put it in the power of the undersigned to have the pleasure of announcing that fact to his Government

With renewed assurances of high regard and respect

I have the honor to be
your Obt. servt

JOSEPH EVE

Memorandum of Conference between Houston and Eve and Elliot.

Notes Memorandum

10th Sept 1842.

Presented Honl. Chas Elliot Her Majesty, Chargé d'affaires, to His Excellency, a short address to Mr Elliot by the President, with a reply from Mr. E, expressing the desire of his Govmt for the prosperity, happiness, Independence etc of Texas. Preliminaries over, Judge Eve explained the object of their visit, to be to desire the

President in the name of their Governments (viz) the U. S. and England, to withdraw the proclamation of Blockade, for the present, as it caused great concern with the commercial men of both Govmts, it affected their interests to a great extent, by increasing the commission on Insurance, adding to cost of charter parties, and in fact prohibited many from venturing their vessels and commerce on the Gulf for the Ports of Mexico.

They were instructed by their Govts. to urge these points with the Executive, at the same time stating their Govts. acknowledged and would respect an efficient blockade; as an argument they urged the small pecuniary advantage to this Govet. with probability of its having to pay heavy indemnities etc. After hearing them through the President, (provided they were clothed with such powers) would propose to them, that if they would immediately correspond with Genl Reyes and other Mexican Commanders on the Frontier, and obtain a cessation to the predatory warfare being carried on, that then he could withdraw the blockade, but while the Mexicans were annoying us, we were right in annoying and crippling their resources on the Gulf. These Gentlemen did not conceive their authority [sufficient] to write to a Mexican Military officer on the subject, but that they would feel themselves authorized to write to the representatives of their Governments in Mexico, and request them to urge upon that Govmt the improper policy they were pursuing, at the same time they would inform their Govts. of having so written, and request them to instruct those Representatives to demand of the Mexican Govt. a cessation of its predatory incursions in this country, and the uncivilized warfare, it was carrying on.

They also stated (each of them) that they had been instructed to say, that their Governments had respectively instructed their Ministers in M[exico], to urge the negotiation for the recognition of Texian independence by that Govt. at the earliest date, and that they had no doubts but at this time, Mr Pakenham and Mr Thompson were using every effort to effect this object, but, that if we kept up the blockade which was calculated to injure the commerce of their nations, that it would be an obstacle to their efforts, and calculated to dampen their ardor in the cause. Upon these considerations, and the present inefficiency of our blockading squadron the President assured these Gentlemen that he would give the subject a deliberate consideration requesting them at the same time to make a written request to that effect and he would give it an immediate reply, they wrote the same date which was laid before the President, the next day another interview was had, when assurances were given that the blockade should be revoked, on the 12th. a proclamation of Revocation was issued.^a

^a See Waples to Eve, September 14, 1842.

WAPLES TO EVE.

DEPARTMENT OF STATE, TEXAS.

Houston 14th September 1842.

Honl JOSEPH EVE,
Chargé d' Affaires of the United States

SIR,

I have the honor to acknowledge the receipt of your note of 10th Inst on the subject of the Blockade of the eastern ports of Mexico by this Republic, and to enclose you herewith a copy (signed by himself) of a proclamation of Revocation of Blockade of said Eastern ports of Mexico, issued by the President on the 12th Inst, of which the President desires you to give notice to your Government.

The issueing of this proclamation is another manifestation of a desire of the President to continue the friendship heretofore existing between this and the United States Government;—It was upon the representation of yourself and the Honl Mr Elliot of the desire of your Governments that the commerce between them and Mexico should not be disturbed by Texas, that the order of Blockade was revoked. But, Texas yet maintains and reserves to herself the right to examine the Manifest of Cargo of vessels from the United States bound to said ports of Mexico, and if Articles Contraband of War should be found on board, they are still liable to seizure and detention for adjudication, in accordance with the 23d Article of the Treaty between the United States and Mexico of the 5th April 1831, which is binding between this Govt. and the United States.

With the highest respect and esteem I have the honor to remain
Your most obdt servant

JOSEPH WAPLES
Acting Secretary of State.

WAPLES TO EVE.^a

[Enclosed with the original was a copy of Waples to Benton, September 9, 1842.]

SPENCER TO WEBSTER.^bRESOLUTION OF GENERAL COUNCIL OF CHOCTAW NATION.^c

^a September 16, 1842. For the letter and enclosure, see Calendar.

^b October 5, 1842. See Eve to Waples, October 29, 1842.

^c October 7, 1842. See Eve to Jones, January 11, 1843 (Calendar).

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TERRELL TO EVE.^a

TERRELL TO EVE.^b

WAPLES TO VAN ZANDT.

DEPARTMENT OF STATE,
Washington [Texas,] 20th Oct 1842

Honl. ISAAC VAN ZANDT
Chargé d'Affaires etc etc

SIR,

Your letter to the President dated Harrison County 10th Sept. on the subject of your credentials from this Department to the Secretary of State of the United States, has been received.^c The President instructs me to say, that, as your credence is in perfect accordance with the one of Majr Reily to the United States, of Doctor Smith to England and France and of Judge Eve from the United States to Texas, no difficulty can arise in consequence of informality; and that instructions hereafter from the Government will regulate your powers and extend them to any needful purpose.

You will have heard of the recent predatory marauding incursions of General Woll a Mexican officer into Texas, and of his having taken some seventy five of our citizens prisoners. This mode of warfare is very much deprecated by this Government, and the President is desirous that a stop should be put to it.

At an interview between the President and Judge Eve, Chargé d'affaires of the United States about the 10th Sept, the Judge in urging his request for the recending of the Blockade then existing, assured the President that his Government would interfere as far as it consistently could in causing a cessation of the mode of war being carried on by Mexico against Texas. I would call your attention to this subject, in order that you may lay it before the Government at Washington.

Aside from the assurances of Judge Eve, it might be urged with great propriety upon the Government of the United States as an almost imperative duty to require of Mexico to cease the course she has been pursuing towards this Government. The United States was the first to recognize us as an independent Nation, upon that recognition, thousands of her citizens have emigrated, bringing with them

^a October 11, 1842. See Calendar. No copy has been found on file with the correspondence or in the records of the Department of State.

^b October 15, 1842. See Calendar. Copies of the same were sent to Elliot, Smith, and Van Zandt.

^c This letter has not been found.

their families, their property, their all,—they have been pillaged of their property, their lives have been sacrificed by a savage, unrelentless [*sic*] enemy, contrary to all rules of civilized warfare, they have been deprived of their liberty, and instead of being treated as prisoners of war, have been inhumanely butchered, incarcerated in dungeons with felons and convicts, the lash inflicted and every series of punishment that savage brutality could devise;—thus has been the treatment of those persons from the United States induced to emigrate to this fair land by the acknowledgment by that Government of our Nationality. Therefore, in humanity to those citizens now prisoners, and a cessation of this marauding warfare, an interference on the part of the Government of the United States can be insisted upon, not as a right, but in justice, and which all civilized nations can but acknowledge and approve.

It has now been near seven years since Texas declared herself independent, all this time Mexico has never attempted with a regular invading force to reconquer her, but has been sending small marauding parties upon our defenceless borders, robbing and murdering our citizens, and committing such acts of hostilities as the most savage Indians would consider themselves debased by committing. And this too has been done with the knowledge and sanction of a Government professing civilization and claiming a rank among Christian nations.

If Mexico is disposed to subdue Texas, and bring her under her control, why does she not come forward at once in such a manner as the world may see and acknowledge as honorable and just, and if success crowns her efforts, then she can have the credit of her success. Texas does not pretend to deny her right to make the effort, nor does she ask the interference of other governments in preventing her making it in an honorable way, she is ready and willing that the question should be tested on the Battle field, and the war closed by a trial of arms, and trust to the fate of battles for the issue, but, she does conceive her right to protest against the manner [in which] the war has been conducted since 1836, and with the consciousness of that right, now calls upon the United States to interpose in her behalf for the attainment of that object.

I send herewith an extract from a note of Judge Eve to Secty of State of 10th Sept, in which he urges upon the Government to recind the blockade and cease hostilities until the proffered mediation of the United States can be heard from;—upon this request the President on the 12th issued a proclamation revoking the order of blockade, though at a time too, when our vessels were in New Orleans nearly fitted out for enforcing it with greater rigor and efficiency than it had been, but rather than injure the commerce of a Neutral Nation when that Nation was engaged in mediating for our recognition, and not wish-

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ing to throw any obstacle in the way, he was induced to cease hostilities, against Mexico for the time.

The President hopes you will present this subject in such a manner as may prove satisfactory to the Govt of the United States, and of lasting benefit to Texas. He has had a communication sent to Judge Eve and Capt Elliot on the subject of their Government's interposition against Mexican hostilities upon Texas.

I have the honor to be,

Your most obdt servt

JOS WAPLES
Acting Secty of State.

SMITH TO VAN ZANDT,^a

TAYLOR TO THE ADJUTANT-GENERAL OF THE ARMY,^b

EVE TO WAPLES.^c

[Enclosed originally was (the enclosure is not now on file with the letter) Spencer to Webster, October 5, 1842.]

EVE TO WAPLES.^d

LEGATION OF THE UNITED STATES
Galvaston November 1st. 1842

The Hon.

JOSEPH WAPLES

Acting secretary of State of Texas

SIR

I have the honor to acknowledge the receipt of the Honorable G. W. Terrell's note to me, of the 15th. October, upon the Subject of the war between Mexico and Texas, and the manner in which it has been waged by Mexico, expressing the confident hopes of the President of Texas that the Government of the United States, will feel not only justified, but even called upon to interpose its high authority to arrest this course of proceeding, and to require of Mexico either the recognition of the independence [of Texas], or

^a October 21, 1842. See Van Zandt to Terrell, December 7, 1842.

^b October 25, 1842. See Eve to Jones, December 18, 1842.

^c October 29, 1842. For this letter and the inclosure see Calendar.

^d A. L. S.

to make war upon her according to the rules established and universally recognized by civilized nations.

It was not received until today or it would have been answered sooner, in reply to which the Undersigned, while he feels the force of the sentiment avowed, that war in its mildest form is a most dreadful calamity, to be deprecated by the Philosopher and Philanthropist, when arrayed in all its terrors by nations rushing upon each other to gratify feelings of revenge, for real or supposed injuries and perfidies, regardless of the laws of humanity and the usages of civilized nations, it then becomes the greatest scourge that can befall any people

As a friend to humanity, to Texas, and Mexico he would feel much gratified to see a permanent peace and friendly intercourse established between the two Governments, but he is not authorized to give any opinion, as to the course the Government of the United [States] may take upon this momentous subject. He will avail himself of the first opportunity to transmit a copy of Judge Terrells Letter to the Secretary of State of the United States with the full confidence that the Government will do every thing in its power, consistant with the position in which it stands towards Texas and Mexico, not only to mitigate the horrors of war should Mexico persist in carrying it on, but to promote a permanent peace between them

With renewed assurances of high regard and Respect I have the honor to be

Your Obedient Servant

JOSEPH EVE

HAMILTON TO HOUSTON.^a

BROWER TO VAN ZANDT.^b

BENTON TO JONES.^c

JONES TO EVE.^d

^a November 6, 1842. See Jones to Van Zandt, December 25, 1842.

^b November 8, 1842 (extract). See Van Zandt to Terrell, December 7, 1842.

^c November 15, 1842 (extract). See Jones to Van Zandt, December 30, 1842.

^d November 18, 1842. See Calendar. The date of the printed letter is given as November 19.

HAMILTON TO HOUSTON.^aVAN ZANDT TO WEBSTER.^bVAN ZANDT TO TERRELL.^c

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LEGATION OF TEXAS,
Washington City Dec 7th 1842

Honl.

G W TERREL

Atto Genl and Acting Sec. of State,

SIR

I have the honor to inform you that I arrived in this City on Sunday last after having been detained much by the way from the ill health of myself and little son of which I informed the President in my last communication dated Madison County Tennessee and which I hope came safely to hand. I regretted exceedingly my detention but trust no serious detriment will result from it

I found in the Post Office on my arrival and have the pleasure to acknowledge the receipt of three despatches from your department dated 30 August 20 and 22nd of October,^d the contents of which have and will continue to interest my attention

On Monday P. M. I was placed in possession (by Mr Moffet) of some books and papers said to constitute the archives of the Legation at this place, an invoice of which I will forward to your department as early as practicable

On Tuesday Morning I addressed to Mr. Webster Secretary of State of the United States the following note,

Viz)

LEGATION OF TEXAS
Washington City 6th Dec 1842

To the Honl.

DANIEL WEBSTER

*Secretary of State
of the United States:*

The undersigned having been appointed Charge d'Affaires of the Republic of Texas near the Govt of the United States, has the honor

^a November 25, 1842. See Jones to Van Zandt, December 25, 1842.

^b December 6, 1842. See Van Zandt to Terrell, December 7, 1842.

^c A. L. S.

^d Those of August 30 and October 22 have not been found.

to make known to Mr. Webster his arrival in this City and requests to be informed at what time it may suit the convenience of Mr. Webster to receive him for the purpose of delivering his letter of Credence.

The undersigned avails himself of this occasion to offer to Mr. Webster assurances of his high consideration

signed) ISAAC VAN ZANDT

To which I recd a note in reply informing me that I would be received at the Department of State at 12 o'clock M. to day for the purpose of presenting my letter of Credence.

Accordingly at 12 o'clock I proceeded to the department where I was recd and treated with great civility by Mr Webster Our interview lasted about three quarters of an hour during which time the relations between Texas and Mexico our Indian affairs and the Treaty concluded by Mr. Riley with Mr. Webster were the principle topics of conversation. I inquired of Mr. Webster whether the treaty would likely be ratified without much opposition, he replied not; that a strong opposition was organising against it who were desirous to prevent any treaty whatever between the two Governments, this opposition arose from the holders of Texas liabilities which consisted of scrip notes etc. which he said he was informed had been repudiated by Texas. That this policy of Texas had worked much injury to our cause, that it was an evidence that much loose management must have been had in our financial affairs and such a course was well calculated to destroy Confidence in our government. These remarks though made in a kind tone of manner failed not to have their effect upon me I felt there was some truth and much force in them. I replied to Mr. Webster that it was true that Texas was unable to meet her liabilities at this time in such mon[e]y as might be entirely satisfactory to the holders thereof, and that she had refused to receive them for taxes or impost duties but that it was not true that we had determined to finally repudiate them or refuse their payment when we became able that the government was doing all in its power to meet her engagements. We had proposed to receive them in payment of land dues or the holders might now obtain land itself for them under the law of 1841 at two dollars per acre, this arrangement I thought an advantageous one especially to those who had obtained our liabilities at their reduced rate. I said to Mr Webster that I was sure when the matter was properly stated it could not act as a serious obstacle to the ratification of the treaty, if she had fully repudiated the whole debt which was not the case in this particular it might be urged in extenuation that we had had a high precedent for it. Mr Webster said he thought much good would result if it was generally known that we offered lands for our liabilities. This matter shall receive further attention so soon as I have leisure.