

With respect to our Indian affairs I informed Mr Webster I was instructed to lay before him the facts in relation to the illicit trade now carried on between the Indians living south of Red River and the half breeds and white traders north of that River that great inducement was held out to them to plunder the inhabitants of our frontier, as these traders furnished a ready market for such property so taken. Mr Webster Replied that the government of the United States was anxious to do all in her power to secure peace and safety to the frontier of Texas as well as the United States and requested me to address him a note upon the subject that he might lay the same before the war department for its action. This request I shall comply with as early as possible and have no doubt this govt will take the necessary steps to interdict the trade alluded to. I will advise you[r] department at the earliest period [of] any action that may be had by this government upon this subject.

The relations of our government with Mexico were discussed by Mr Webster and myself at some length. I asked him if he had been sufficiently informed upon the subject to determine whether the friendly interference of the United States would avail any thing in reconciling the differences of the two countries. He replied with earnestness that we could expect nothing from that source, that it was the great desire of the United States to see the difficulties settled between Texas and Mexico but at present he entertained no hope of an amicable arrangement. Said he "Santa Anna is determined to make another effort to subdue Texas." Texas must have one more hard fight and if *he*^a was permitted to advise Texas *he* would say make the best preparation you can. I replied to him that Texas if she had to fight did not dread the crisis, she would court it, she only asked that there might be a termination of the war, the manner of that termination she was willing to leave to the choice of her enemy. Here I informed Mr Webster that I was instructed to lay before his Government the manner of the war which for some time had been carried on by Mexico against Texas and to invoke the United States to interpose its high authority to arrest a species of aggressions which was in violation of the rules of civilized warfare derogatory to the established principles of international law and alike disgraceful to the age.

I directed his attention to the different incursions which have been made upon our settlements for the last eighteen months and the many flagrant outrages which had been committed upon our citizens (who were taken prisoners) in violating the expressed stipulations of their surrender. I invited his attention to the fact that the United States were the first to recognize our Independence and by that recognition many of her citizens were induced to emigrate to Texas and

^a In the original this "*he*" and the next are enclosed in parentheses.

were now exposed to the outrages to which I had alluded. That Texas did not demand this interposition as a matter of right but that such interference the government of Texas believed to be clearly admissible and one that would meet the sanction of every civilized and enlightened nation. Mr Webster replied that the United States being the leading nation on the continent had ever been desirous that these high principles so long established and sanctioned by the wisdom of ages should be strictly conformed to by the neighbouring powers and that she had never failed to deprecate a different usage or practice and that the subject should receive a favorable consideration. He requested I should call during the week again and see him on the subject. I shall not fail to press this matter with the best abilities which I have, and in the mesne " time shall present a written communication to the State department, embodying the substance of the facts and arguments couched in the despatches from your department. What course the United States may take in this matter I am unable to say. I am satisfied however that every thing will be done which can be accomplished without interfering with the friendly relations of Mexico. Mr Webster informed me that there was no prospect of any immediate difficulties of a serious character between his Government and Mexico.

From this I am satisfied that nothing will be done which would likely produce a collision between the United States and Mexico. In concluding our conversation Mr. Webster remarked that he was of opinion that in sixty or at furthest one hundred and twenty days Santa Anna would attempt again to invade Texas and that nothing would prevent it without he met with a total defeat in Yucatan or some revolution broke out in Mexico—that Texas must succeed he had no doubt for whenever the struggle became warm Texas would be sure to get a large force *from the South West*.

I recd from Dr Smith a communication of which the following is a copy which (if your department has not been otherwise informed) will acquaint you of the failure of the British mediation and the views of Dr Smith in regard to the war—

" 3 ST JAMES'S STREET

"Oct 21st 1842

" DEAR SIR

" Mexico has rejected the mediation of England in the most positive manner. Mr. Packenham the British Minister at Mexico says the acceptance of the mediation by Mexico is utterly hopeless. He also writes that the Mexicans are determined to wage war with all their means against Texas early the ensuing spring. The two steamers which have been recently sent out from England with their other

“naval force will enable them to annoy us very seriously. *Texas must fight* The English Government have refused to act conjointly with the United States in making a “triple representation” to Mexico in regard to the contest between Texas and Mexico The British gov’t alledge as a reason for their refusal the unfriendly relations subsisting between Mexico and the United States They have however tendered their *good offices* to the Mexican Government in relation to these “unfriendly relations” You may depend on these facts as I read the despatches at the foreign office

“*In great haste*

“Truly

“ASTIBEL SMITH

“France acceded to the “triple interposition” with alacrity and friendly zeal”

I recd also from Mr B[r]ower our Consul at New York under date of 8th Nov a communication from which I extract the following “England will use no means to prevent the Steamers, built, armed and maned in England from taking an active and efficient part in the contest against Texas Depend on it Texas must fight”

I have met with many gentlemen of high standing here and elsewhere who are warm friends of Texas and who seem to take a deep interest in our affaires Among them seems to exist the greatest difference of opinion in regard to the policy Texas should pursue The more sanguine are in favor of offensive operations, others again, think Texas should confine her operations to her own soil Gentlemen from all quarters seem to unite in this however, that emigration of a substantial character must cease in a great measure untill our difficulties are settled. I have met many gentlemen of capital who are desirous to emigrate to Texas but who prefer to remain here with less profits [rather] than risk their estates in Texas.

Permit me to suggest to your department the fact that this legation has never been furnished with a full set of the statute laws of Texas. The Statutes of /38-/39 and /41 are all that I am able to find. There is nothing here by which I might show the extent of our limits, amount of exports—or imports the amount of revenues arising from either direct or indirect taxation, in fact there is nothing here which would exhibit anything in regard to Texas save the acts above alluded to, the Journals of the Consultation Journals of the Senate and House of Representatives for two or three sessions and Fo-o-t-s^a history of Texas. While this legation is furnished with copies of the full proceedings of the United States Congress Reports etc of the

^a Possibly the name was written in this form to suggest a lengthened pronounciation used in joking fashion.

different Departments and every thing necessary to exhibit her situation—I feel confident that it is only necessary to call your attention to these facts when their importance will be sufficiently apparent

I am compelled to answer the numerous inquiries that are hourly made (and there are very many indeed) from my own recollection. I do hope that I may be furnished at least with a copy of laws complete. They may be sent to New Orleans thence to New York care of Texian Consul who will forward them to me.

I have had no intelligence from any source except United States papers in relation to Genl. Woll's campaign against Texas. Quite a sensation was produced among those who were not well informed on the subject by a placard or proclamation of the Mexican Consul in New Orleans who represented the loss of Texas as amounting to several hundred killed and wounded. When called on in regard to it I pronounced it a base falsehood at once but could only refer to other newspaper statements to prove the falsehood, aside from the well known prowess of the Texian arms

Mr Adams has again gotten up the abolition excitement in the House of Representatives For three days have they had before them a resolution changing the rule which forbids their introduction.^a The rule will not be rescinded I think. I send you a copy of President Tylers Message. The President is sick at this time which circumstance has deprived me of seeing him yet.

I look with much anxiety for Genl Houstons Message and trust I shall soon receive it. Mr Webster said to me in conversation he was anxious to see it for he had great respect for the views of the President of Texas.

Trusting that your effort in the Department which is under your charge may result with eminent advantage to the country I have the honor to be with high consideration

Your Obt Sert.

ISAAC VAN ZANDT

ELLIOT TO HOUSTON.^b

EVE TO JONES.^c

^a That is, of petitions relative to slavery.

^b December 7, 1842. See Jones to Van Zandt, December 25, 1842.

^c A. L. S., December 10, 1842. See Calendar.

EVE TO JONES.

LEGATION OF THE UNITED STATES,

Galveston December 10th. 1842

The Honble.

ANSON JONES

Secretary of State of Texas

SIR

Since my return to Galveston I have received a letter from General Thompson United States minister at Mexico.

In which he says I received by the last mail, your letter upon the subject of the predatory war now waged by Mexico against Texas, that he would in a few days have an interview with the President upon the subject, but with little hope of accomplishing much as the feeling there is unanimous against Texas.

He says on the subject of his advances made to the Santa fe prisoners but for the most fortunate appropriation by the Government of the United States, his confidence in Texans and their Government would have ruined him. As it is there will be a ballance yet due of \$3000 provided some draughts drawn by General Mc. Leod are paid, if they are not paid it will be (\$6,500) six thousand five hundred dollars for which he is liable, and to raise which he will have to sell his house and home. Will the Government and people of Texas permit this. All the prisoner[s] speak in the most kind and affectionate terms of General Thom[p]son's great personal exertions, and large pecuniary advances to alleviate their suffering and without which they would not have been able to return home.

Let it not be forgotten that General Thompson was one of the earliest and most zealous friends of Texas, and that it was upon resolutions presented by him in the house of Representatives of the Congress of the United States that Texas was recognized by that Government.

I cannot imagine a stronger claim than that of General Thompson's upon the justice, the sympathy, and magnanimity of the Government and people of Texas and most earnestly call your attention to it with the full confidence that an appropriation will be made amply sufficient to relieve him

With renewed assurances of high regard

I am your obt. servt

JOSEPH EVE.

REILY TO WAPLES.^a

HOUSTON Decr 12th 1842.

SIR

Accompanying I have the honor to transmit the Treaty of Amity, Commerce and Navigation concluded between the Hon Daniel Web-

^aA. L. S.

ster Secretary of State of the United States and myself. Early in September last I forwarded to the Department of State the duplicate of said treaty, but on my arrival in Orleans on my way home learned with much regret that the treaty together with the despatch covering it, had been lost by the destruction of the Steamship Merchant. I have written to the Hon Isaac N. Van Zandt Texan Chargé at Washington to procure and forward immediately to the department a copy of the last despatch. In the absence of that despatch which gives in full the reasons upon which the most important points were settled, I can only say in brief that all the matters which could be embraced in a commercial convention, have been included which were deemed essential to a good understanding between the two governments and of advantage to Texas.

The treaty is reciprocal in its terms. Upon the subject of tonnage I would remark that altho the United States government impose no tonnage duties still under the Treaty Texas can impose whatever tonnage duties she pleases so long as she makes as is the case no discrimination between vessels of her own and those of the United States coming from ports foreign to Texas. The coasting trade is reserved to each nation expressly.

The doctrine that "free ships make free goods" and that "the flag covers the goods" has not been recognized in this treaty considering it as impolitic at all times, but more especially situated as Texas is in regard to Mexico, with whom she is at war and much of whose supplies, commerce and merchandize is carried in American bottoms from American ports and in return for which there is annually shipped valuable cargoes of gold—silver—peltries etc etc under the American flag consigned by the Mexican owners to their merchants in the United States, as also to Europe.

The free navigation of the River Sabine from its source to the sea, and of the rivers Red and all rivers running through or constituting the boundaries of Texas and emptying into the Mississippi and the Mississippi itself from the mouth or mouths of said Rivers to the sea has been secured. A concession upon the part of the United States of the greatest advantage to Texas.

For the term of five years from the ratification the right of selling Texas cotton in the ports of United States free of all duty has been obtained. This is a most valuable privilege in as much as it saves our planting community and merchants from the loss and expense attendant upon the payment of the cash duties now required by the revenue laws of the United States and secures them from the charges and delays necessarily consequent even upon the bonding system heretofore practised. It opens up to Texas the right of shipping upon vessels of [the] United States or France or any friendly

pe
of
an
pe
of
in
sa
of
ha
A
un
th
ba
to
ri
of

se
tw
th
ge
fo
th

fr
co
fir
vi
ch
ca
wo
re
se

ta
su
fo
en
wl

power to Europe without being subject to the imposition in the shape of high freight which arises from the fact that English vessels can and must be alone our carriers when our cotton is shipped to English ports and thus depriving us of the privilege of having the benefit of the competition which exists when [we have] the privilege of making use of either the American or English marine. It is calculated to save thousands annually to our merchants and planters. The right of repackage for exportation after the expiration of the five years has also been obtained, a right heretofore denied much to our injury. All other products are admitted into the ports of the United States under such regulations as may be established by the President of the United States. It will as a matter of course be the duty and business of the Representative from Texas to [the] United States to have such regulations made for the entry of our peltries—sugar—rice—cattle—wheat etc etc, as may be most compatible to the interest of Texas and least burdensome to the citizens.

The subject of the Indian relations has been adjusted in a way to secure their quiet and prevent them from molesting the citizens of the two countries. The government is advised of the fact that early in the Spring I had both the satisfaction and honor of inducing the government of the United States to concentrate a large and efficient force of troops along the Arkansas and Louisiana frontiers to keep the Indians in subjection. This has long been desired.

An extratraditional article is inserted for the surrender of fugitives from justice. This provision is embraced in this and the treaty lately concluded between the United States and Great Britain. The confirmation by the senate of Texas of a treaty containing such a provision would have a most beneficial influence upon our national character and go far to vindicate us from the foul aspersion so often cast upon us, that our land is an asylum for villains, and that Texas welcomes with outstretched arms felons the most base and is ever ready to shield from the vengeance of outraged laws the culprit who seeks her soil no matter how deep dyed in crime.

It is not my intention to enter into a detailed account of the advantages of the treaty but merely to touch upon the most important subjects. After again expressing my regrets at the loss of the copy forwarded and the despatch accompanying, I have the honor to enclose for the consideration of the government a triplicate copy which for fear of accidents Mr Webster did me the honor to sign.

With sentiments of highest respect

Yours,

JAMES REILY

JOSEPH WAPLES Esqr

*Acting Secretary of State
Republic of Texas.*

*Treaty of Amity, Commerce and Navigation between the Republic of Texas
and the United States of America.*

The Republic of Texas and the United States of America, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between the two countries, and of extending and consolidating the commercial intercourse between them, have agreed to enter into negotiations for the conclusion of a treaty of amity, navigation and commerce: For which purpose the President of Texas has conferred full powers on James Rely accredited to the Government of the United States as Chargé d'Affaires of that Republic, and the President of the United States has conferred like powers on Daniel Webster, their Secretary of State; and the said Plenipotentiaries having exchanged their full powers, found in good and due form, have concluded and signed the following articles

ARTICLE I.

There shall exist throughout the territory of the Republic of Texas and the United States and between the people and citizens of both, a lasting peace and friendship.

ARTICLE II.

There shall be between the territory of the Republic of Texas and the territory of the United States, a reciprocal liberty of commerce. The inhabitants of the two countries respectively shall have liberty freely and securely to come with their ships and cargoes to all such places ports and rivers in the territories aforesaid to which other foreigners are permitted to come, to enter into the same and to remain and reside in any parts of the said territories respectively, also to hire and occupy houses and warehouses for the purposes of their commerce, and generally the merchants and traders of each nation respectively shall enjoy the most complete protection and security for their commerce, but subject always to the laws of the two countries respectively. This article, however, shall not be understood to authorize the coasting trade, which is permitted to National vessels only.

ARTICLE III.

No higher or other duties shall be imposed on the importation into Texas of any articles the growth, produce or manufacture of the United States, and no higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce or manufacture of Texas, than are or shall be payable on the like articles, being the growth, produce or manufacture of any other foreign country, nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to Texas or to the United States, respectively, than such as are payable on the exportation of the like articles to any other foreign country, nor shall any prohibition be imposed on the exportation or importation of any articles, the growth, produce or manufacture of Texas or of the United States, to or from the United States or to or from Texas, which shall not equally extend to all other nations.

No higher or other duties or charges shall be imposed in any of the ports of Texas on vessels of the United States, than those payable in the same ports by Texan vessels, nor in the ports of the United States on Texan vessels than shall be payable in the same ports on vessels of the United States.

t
E
S
O
I

P
S
b
n
ti

u
e
S
O
ti
S
P
ti

ti
T
b
M
of
gr
at
to
fu
as
st

m
ri
qu
ar
sp
an
of
Ti

loi

The same duties shall be paid on the importation into Texas of any articles, the growth, produce or manufacture of the United States, whether such importation shall be in Texan vessels or in vessels of the United States; and the same duties shall be paid on the importation into the ports of the United States of any article, the growth, produce or manufacture of Texas; whether such importation shall be in vessels of the United States or in Texan vessels.

The same duties shall be paid and the same bounties allowed on the exportation of any articles, the growth, produce or manufacture of the United States to Texas, whether such exportation shall be in Texan vessels or in vessels of the United States; and the same duties shall be paid and the same bounties allowed on the exportation of any articles, the growth, produce or manufacture of Texas to the United States, whether such exportation shall be in vessels of the United States or in Texan vessels.

It is further agreed that in all cases where drawbacks are, or may be allowed upon the reexportation of any goods, the growth, produce or manufacture of either country, respectively, the amount of the said drawbacks shall be the same, whether the said goods shall have been originally imported in a vessel of the United States or in a Texan vessel, but when such reexportation shall take place from Texas in a vessel of the United States, or from the United States in a Texan vessel, to any other foreign nation, the two contracting parties reserve to themselves, respectively, the right of regulating or diminishing, in such case, the amount of the said drawback.

ARTICLE IV.

The two contracting parties agree that the Sabine from its source to the sea, the Red River, and all rivers having their sources or origin in the territory of Texas, running in part of their course through that territory, or forming the boundary between the United States and Texas and emptying into the river Mississippi, and the Mississippi itself, from and including the mouth or mouths of said rivers to the sea, shall be free to be navigated and common to both nations, and that no duty shall be levied or collected upon any articles, the growth, produce or manufacture of Texas originally transported down the above named rivers or transported for the purpose of descent and exportation to any ports or places situated thereon, provided, however, that it shall be lawful for the President of the United States to establish such rules and regulations as may be necessary for the proper observance within the United States of the stipulations contained in this and the next succeeding article.

ARTICLE V.

The two contracting parties agree that on all articles the growth, produce or manufacture of either country, sent from one country to the other by land, river or sea and exported to a foreign country, no duties or charges shall be required to be paid to the power within and from out of whose limits such articles arrive and depart, that they may be repacked for exportation, under the inspection of the proper authorities and at the expense of the party interested, and that raw cotton, the produce of either country, may be imported into the other free of duty for five years from the exchange of the ratifications of this Treaty.

ARTICLE VI.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded or

invested, it is agreed that every vessel so situated may be turned away from such port or place; but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading force, she should again attempt to enter the blockaded port; but she shall be permitted to go to any other port or place she may think proper. Nor shall any vessel of either of the contracting parties that may have entered such port before the same was actually besieged, blockaded or invested by the other be restrained from quitting such place with her cargo if not contraband, nor if found therein after the surrender, shall such vessel or her cargo, if not contraband, be liable to confiscation, but she shall be restored to the owner thereof.

ARTICLE VII.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to citizens of the other must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, and also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to citizens of one of the contracting parties: they have likewise agreed, that such vessels being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo and the place whence the vessel sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the vessel sailed, in the accustomed form: without which requisites, the said vessel may be detained to be adjudged by the competent tribunal and may be declared legal prize, unless the said defects shall be satisfied or supplied by testimony entirely equivalent.

ARTICLE VIII.

To prevent all kinds of disorder and irregularity in the visiting and examining of the ships and cargoes of both the contracting parties on the high seas, they have mutually agreed that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain at the greatest distance compatible with the possibility and safety of making the visit, under the circumstances of wind and sea and the degree of suspicion attending the vessel to be visited, and shall send one of her small boats with no more men than necessary to man it, for the purpose of executing the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill treatment, in respect of which the commanders of said armed vessels shall be responsible with their persons and property.

ARTICLE IX.

It is moreover agreed that in all cases the established courts for prize causes in the country to which the prize may be conducted, shall alone take cognizance of them, and whenever such tribunal or court shall pass judgement against any vessel, goods or property claimed by citizens of the other party, the sentence or decree shall mention the reasons or motives in which the same shall have been founded, and an authenticated copy of the sentence or decree and of all the proceedings in the case shall, if demanded, be delivered to the commander or agent of said vessel or property, without any excuse or delay, he paying the legal fees for the same.

ARTICLE X.

The liberty of commerce and navigation shall extend to all kinds of merchandize excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods, shall be comprehended, first, cannons, mortars, howitzers, swivels, blunderbusses, musquets, fuseses, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberts, grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms: secondly, bucklers, helmets, breast-plates, infantry belts and clothes made up in a military form and for a military use: thirdly, cavalry belts and horses with their furniture: fourthly and generally, all kinds of arms and instruments of iron, steel, brass and copper or of any other materials manufactured, prepared and formed expressly to make war by sea or land.

ARTICLE XI.

All other merchandize and things not comprehended in the articles of contraband expressly enumerated and classified as above and belonging to citizens of either of the contracting parties or to citizens or subjects of other countries with which both Texas and the United States are at peace, shall be held and considered as free and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in that particular, it is declared that those places only are besieged or blockaded, which are actually besieged or blockaded by a belligerent force capable of preventing the entry of the neutral.

ARTICLE XII.

Articles of contrabrand which may be found in a vessel bound for an enemy's port shall be subject to detention and confiscation, leaving free the rest of the cargo, if the property of citizens of the contracting parties or of citizens or subjects of countries with which Texas and the United States are at peace, and also leaving the vessel free, that the owners may dispose of them as they see proper. No vessels of either of the two nations shall be detained on the high seas on account of having on board articles of contrabrand, whenever the master, captain or supercargo of said vessel will deliver up the articles of contrabrand to the captor, unless the quantity of such articles be so great and of so large a bulk, that they cannot be received on board the capturing vessel without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgement according to law.

ARTICLE XIII.

The citizens of each of the contracting parties shall have power to dispose of their personal effects within the jurisdiction of the other, by sale, donation, testament or otherwise; and their representatives, being citizens of the other party, shall succeed to the said personal effects, whether by testament or ab intestato, and may take possession thereof, either themselves or by others acting for them and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein such effects are, shall be subject to pay in like cases.

ARTICLE XIV.

Both the contracting parties solemnly promise and engage to give their special protection to the persons and property of the citizens of each other of all classes and occupations, who may be in the territories subject to the jurisdiction of one or the other, transient or dwelling therein, and to leave open and free to their respective citizens of all denominations the tribunals of justice for their judicial recourse, on the same terms as are usual and customary with the natives and citizens of either country, and not incompatible with the existing laws.

ARTICLE XV.

To make more effectual the protection which the contracting parties shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit consuls and vice consuls in all ports open to foreign commerce, who shall enjoy within their respective consular districts, all the rights, prerogatives and immunities of the consuls and vice-consuls of the most favored nations, each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such functionaries may not seem convenient.

ARTICLE XVI.

In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, prerogatives and immunities which belong to them by their public character, they shall, before entering upon the exercise of their functions, exhibit their commission or patent in due form, to the government to which they are accredited, and having received their exequatur, they shall be held and considered as such consuls and vice-consuls by all the authorities, magistrates and inhabitants in the consular district in which they reside.

ARTICLE XVII.

It is likewise agreed that the consuls, vice-consuls, their secretaries and persons attached to their service (they not being citizens of the country where the consul or vice-consul resides) shall be exempt from all public service and also from all kind of taxes, imposts and contributions except those which they shall be obliged to pay on account of commerce or their property and from which the citizens of their respective countries, resident in the other, are not exempt in virtue of the stipulations contained in this treaty, they being in every thing besides, subject to the laws of the respective states. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate or other person, seize or in any way interfere with them.

ARTICLE XVIII.

The said consuls and vice consuls shall have power to require the assistance of the authorities of the country for the arrest, detention and custody of deserters from the public and private vessels of their country, and for this purpose they shall address themselves to the courts, judges or officers competent and shall demand the said deserters in writing, proving by an exhibition of the ship's roll or other publick document that the men so demanded are part of the crew of the vessel from which it is alleged they have deserted and on

this demand so proved (saving, however, where the contrary is more conclusively proved) the delivery shall not be refused: such deserters when arrested, shall be put at the disposal of the said consuls, or vice consuls, and may be put in the public prisons at the request and expense of those who claim them, to be sent to the ships to which they belong, or to others of the same nation, but if they should not be sent within two months to be counted from the day of their arrest, they shall be set at liberty and shall be no more arrested for the same cause.

ARTICLE XIX.

It is likewise agreed that the two contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian tribes who inhabit the lands adjacent to the lines and rivers which form the boundaries of the two countries; and the better to attain this object, both parties bind themselves expressly to restrain, by force, all hostilities and incursions on the part of Indians residing within their respective boundaries, so that Texas will not permit the Indians residing within her territory, to attack the citizens of the United States or the Indians residing within the limits of the United States, nor will the United States suffer their Indians to attack the citizens of Texas nor the Indians inhabiting her territory, in any manner whatever.

ARTICLE XX.

In the event of any person or persons captured by the Indians who inhabit the territory of either of the contracting parties, being or having been carried into the territory of the other, both governments engage and bind themselves in the most solemn manner to return them to their country so soon as they know of their being within their respective territories, or to deliver them up to the agent or representative of the government that claims them, giving to each other, reciprocally, timely notice, and the claimant paying the expenses incurred in the transmission and maintenance of such person or persons who, in the meantime, shall be treated with the utmost hospitality by the local authorities of the place where they may be.

ARTICLE XXI.

It is agreed that the Government of Texas and the Government of the United States shall upon mutual requisitions by them, or their Ministers, Officers or Authorities, respectively made, deliver up to justice, all persons, who being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged paper, or any crime amounting to felony or grand larceny, shall seek an asylum, or shall be found within the territories of the other: provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed. And the respective Judges and other Magistrates of the two Governments shall have power, jurisdiction and authority, upon complaint made under oath to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such Judges or other Magistrates respectively to the end that the evidence of criminality may be heard and considered; and if on such hearing the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining Judge or Magistrate to certify the same to the proper Executive authority, that a warrant may issue for the delivery of such fugitive.

ARTICLE XXII.

Except as is otherwise provided by the fifth article, this treaty shall be in force for ten years from the day of the exchange of the ratifications thereof; and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of them reserving to itself the right of giving such notice to the other at the end of the said term of ten years. And it is agreed that on the expiration of one year after such notice shall have been received by either of them from the other, as above mentioned, this treaty shall in all the parts relating to commerce and navigation altogether cease and determine, and in all those parts which relate to peace and friendship, it shall be perpetually binding on both parties.

This treaty shall be ratified by the President of Texas by and with the advice and consent of the Senate of that Republic, and by the President by and with the advice and consent of the Senate of the United States; and the ratifications shall be exchanged at Washington within ten months from its date, or sooner, if practicable.

In faith whereof, we, the Plenipotentiaries of the Republic of Texas, and of the United States have signed and sealed these presents.

Done at Washington on the thirtieth day of July in the year of our Lord one thousand eight hundred and forty two, in the seventh year of the Independence of the Republic of Texas, and the sixty seventh of that of the United States.

JAMES REILY

DANL. WEBSTER.

VAN ZANDT TO WEBSTER.^a

VAN ZANDT TO WEBSTER.^b

EVE TO JONES.^c

[Enclosed is a copy of Taylor to the Adjutant General (Jones),
October 25, 1842.]

HOUSTON TO THE SENATE OF THE REPUBLIC OF TEXAS.^d

JONES TO EVE.^e

^a December 14, 1842. See Van Zandt to Terrell, December 23, 1842.

^b December 16, 1842. See Van Zandt to Terrell, December 23, 1842.

^c A. L. S., December 18, 1842. For this letter and the enclosure see Calendar.

^d Message of December 19, 1842. See Jones to Van Zandt, December 28, 1842.

^e December 21, 1842. See Calendar.