

JONES TO VAN ZANDT.

WASHINGTON [TEXAS,] *Decr. 23d 1842*

TO ISAAC VAN ZANDT ESQ
Charge d'Affaires of Texas
etc etc

SIR,

By recent information received from the various Indian Tribes who have heretofore been committing hostile depredations upon our frontier settlements and within our limits, it is understood that they are now willing and anxious to hold a Council and to conclude a treaty of peace. For this purpose Commissioners have been appointed on the part of Texas; and the 9th day of February next and the old Waco Village on the Brazos River have been fixed upon as the time and place of holding a general Council with those Indians. The President of the United States having signified his assent, to the request made by Mr. Reily that he would appoint a Commissioner or Commissioners to be present and make the United States a party to the Treaty and a mutual guarantor to the two other parties, whenever the time and place were made known to him, I have communicated a notice of these facts to Mr. Eve Chargé d' Affaires of the United States to this Govt. with a request that he would transmit the same to his Govt. in order that the Commissioners might be appointed and have time to arrive and be present at the time specified. An earlier notice would have been given, or a later period fixed upon for holding the Council, but the difficulty of communicating with so many tribes of hostiles, and receiving replies, rendered the former impossible and the fact that Mexico, may invade us in March makes it of the utmost importance to Texas that the proposed treaty should be concluded as near the time fixed upon for the Council as practicable.

You will therefore, (if at Washington City when this arrives,) urge upon the President of the United States the appointment of the Commissioners immediately; as the time will be so short,—and their early departure for the Council ground. It is perhaps possible that the Indians may be delayed a few days for them. But at all events the Commissioners on the part of the United States, should not delay their arrival at the Waco Village later than the 20th of February.

I have the honor to be

Very Respectfully

Your Most Obt Svt

Signed

ANSON JONES

VAN ZANDT TO TERRELL.^a

Despatch No 93

LEGATION OF TEXAS

Washington City Decr. 23rd. 1842

Hon

G W TERRELL

Atty Genl. and Actg Secty of State

SIR

I have the honor to inform you that on the 12th. inst I enclosed to Hon Daniel Webster Secretary of State of the United States the Commission of William B Hamilton as Consul of the Republic of Texas for the Port of Richmond Va, with a request that upon the recognition of that Gentleman as such by the President he would send me the necessary exequatur and return the Commission. My request was promptly complied with and I immediately thereafter enclosed and sent to Mr Hamilton his commission and exequatur with a short letter of instructions in relation to the duties of his office, not being able to send him a printed copy of instructions as instructed by the Department, the only copy belonging to the Legation being one which was brought by me from Texas and which I deemed necessary for my own reference. And here permit me to again call your attention to the necessity of supplying this Legation with a sufficient number of Consular instructions so that I may be enabled to furnish those Consuls who have not yet obtained the same; as also at least one full copy of the Statutes. I was applied to a few days since by the Minister of the Netherlands for a copy of our Laws for his perusal and to my great mortification was compelled to make known to him the inability of this Legation to comply with his request. This subject though of minor importance will I hope receive the prompt attention of your Department.

In compliance with the instructions of your Department and in conformity with my intentions as stated in my last despatch I addressed to Mr Webster Secretary of State a communication dated the 16th. inst, in which I called his attention to the situation of the Indian tribes resident within the limits of Texas and bordering upon the United States and the intercourse and trade carried on between those tribes and the citizens of the United States adjacent to them; setting forth its detrimental effects upon the population of our Frontier and urging upon the Govt. of the United States the propriety of interdicting the trade and commerce alluded to, a copy of which communication is hereto annexed for the better information of the Department.

^a L. S.; endorsed "Recvd 12th July 43."

I called yesterday upon Mr Webster Secretary of State who informed me that the communication above referred to had been laid before the President and that the proper Department had had its attention directed to the subject and was preparing an answer; and that the United States Government would take such steps as would accomplish the objects sought to be obtained, so far as they might be enabled to ferret out the individuals concerned in the traffic alluded to. In connection with this same subject, I was informed by Mr Spencer Secretary of War that lately much complaint had been made to the Govt. of the United States by several of the friendly tribes residing on and near Red River, against several individuals, citizens of Texas and residing in the Red River Counties, who had been engaged in carrying over and selling to the Indians whiskey and other ardent spirits, contrary to the laws of the United States and the instructions given to their agents in that quarter; in consequence of which the War Department had issued orders to the commandants of the United States forces in that quarter to adopt the most rigid measures to suppress the traffic and bring to justice these violators of the laws and regulations of their Govt. The Secretary of War also informed me that official information of these facts would in a few days be communicated to my Government which would assure it that these orders were dictated by the President from the most friendly feeling towards the Govt. of Texas and not from a desire to interfere with the rights of her citizens. So soon as a written answer shall be received to my communication to the Secretary of State, I will immediately transmit the same to your Department.

In my last despatch I had the honor to inform the Department that in a conversation with Mr Webster Secretary of State which I had had with him a few days previous, I had invited his attention to the existing hostilities between Mexico and Texas and the character of warfare waged by the former against the latter, and the desire of the Texian Government to invoke the interposition of the United States to arrest this species of warfare by requiring of Mexico the acknowledgment of the Independence of Texas or to make war upon her according to the usages sanctioned by the principles of international law. In order to bring this subject more formally to the consideration of the Government of the United States, on the 14th. instant I addressed to Mr Webster Secretary of State a communication in writing upon the subject, couched in nearly the same terms as the communication from your Department addressed to the Hon Joseph Eve Chargé d Affaires of the United States to Texas with such additional reflections and arguments as seemed to me calculated to enforce its importance upon the Government of the United States, a copy of which is hereto annexed for your information. Since the date of the communication just referred

to I have had frequent interviews both with the President of the United States and the Secretary of State, in which the correctness and propriety of the positions assumed by the Government of Texas were fully admitted, and in a conversation I had with Mr Webster Secretary of State on yesterday he told me it was the determination of his Government to seize the earliest favorable opportunity to take some action thereon, although his Government has not finally determined what would be the proper policy for it to adopt but that so soon as a decision should be made I should be informed of the result. Mr Webster further informed me that he had just had a conversation with Genl. Almonte the Mexican Minister resident here in which he had intimated to Genl Almonte his opinion of the impracticability of the reconquest of Texas by Mexico and that he had stated to Genl Almonte in unequivocal yet respectful terms that Mexico must cease the predatory warfare which she had lately pursued against Texas and that Mexico must either recognize the Independence of Texas or make war upon her according to the rules of civilized nations. These latter remarks Mr Webster said he had repeated to Genl Almonte on two or three different occasions. Mr Webster suggested the propriety of the Government of Texas making a similar request of Great Britain and France for their co-operation with the United States in the interference invoked. I replied to Mr Webster that such a communication had been addressed to those Governments with the hope that a united co-operation and alliance might be formed for the attainment of the object sought. Mr Webster gave it as his opinion that the proper time to urge this subject upon the Mexican Government would be so soon as the result of the expedition against Yucatan was made known which from the latest intelligence we are led to believe is likely to result in a failure. Should this expedition prove unsuccessful no fear need be entertained of any formidable effort being made against Texas for the present. So soon as I shall learn the determination of the United States in regard to this subject I will promptly communicate the same to your Department. And here permit me to suggest the importance (if the same have not been done) of calling the attention of our Representative in Europe to this subject, a representation of which made by him directly to the British and French Governments would be more likely to elicit a prompt attention on the part of those Governments than if the same had reached them through their Representatives residing in Texas.

Not with a view of exciting the expectations of the Government of Texas that the interposition which has been invoked will be successful, (like expectations having been often raised and as often failed.) Yet I would submit the propriety, if the same shall not conflict with the known interests of the country, that the forces of Texas, until

the result of this negotiation shall be made known, should confine their operations to the defence of our own soil. In speaking of this subject in my last despatch as well as in this I have sought to confine myself rather to a narration of the facts as they have come to my knowledge in conversations had with the President and Secretary of State here, than to give opinions of my own which are perhaps immature and unfixed, satisfied, as I am, that the wisdom and intelligence of His Excellency the President and the Secretary of State of Texas will enable them to draw proper conclusions therefrom.

In my instructions of the 26th. of July last, my attention was directed by your Department to such instructions as had been given to my predecessors near this Government. By an examination of those instructions I find that they were directed to ascertain the views of the Government of the United States upon the subject of the annexation of Texas to that Government as an integral part thereof. Accordingly since my arrival in this City I have sought every opportunity consistent with prudence and the strictest rules of propriety and under the most perfect confidence on all occasions to ascertain the views of the Executive, his Cabinet and Members of Congress upon that subject which I conceive so highly important to Texas. The President as well as a majority of his Cabinet are decidedly anxious for the accomplishment of such an object, and so express themselves without reserve. The only difficulty is the fear of the rejection of such treaty (if made) by the Senate. Mr Tyler said to me on yesterday that so soon as he might be satisfied that the cooperation of the senate could be had, he would be willing immediately to make the Treaty. I have to day conversed with some of the most prominent leading partisans of the President in Congress. They are decidedly in favour of his making the treaty believing it would render him omnipotent in the South and West. The only question with them is whether the treaty should be concluded during the sitting of the present Congress or subsequent to its adjournment and during the recess so that the same might be discussed before the people and acted upon at the next session of Congress. I believe that the time will soon arrive when it will be in the power of Texas, through her Representative here, if such is now the desire of the Government of Texas, to accomplish this important object. It remains then with the Government to determine whether I shall be furnished with the necessary powers to conclude such a treaty should the opportunity be offered. To enable me to do so a full power must be necessarily furnished for that specific object. The determination of the Government upon this subject I hope will be communicated to me at the earliest day possible, so that I may act advisedly upon the same.

The treaty concluded by Major Riley has not as yet received the action of the Senate—some decided opposition is made to its ratifica-

tion by a portion of that body. I have endeavored to press the importance of an early action upon it but at the same time have labored under the singular misfortune of not knowing positively a single provision that it contains. Not having found either a copy or record of the same among the records or papers of this Legation, I applied to the Secretary of State of the United States who promised me a copy but upon examination discovered that the only copy which had been taken by the Department was in possession of the Senate. I then at the suggestion of Mr Webster Secty of State applied to the Senate through Mr Archer chairman of the Committee on Foreign Relations with a view to obtain a copy of the same, and was replied to that the rules of Secrecy of the Senate forbid the communication of such matters even to those who were presumed to be already cognizant of their contents. Mr Walker of Mississippi promised to make an effort to obtain me a copy by consent of the Senate; if this fails, I must continue to fight on in the dark. The failure of Maj Riley to leave a copy of the treaty upon the records of the Legation I am well satisfied arose not from any culpable neglect on his part but alone from the fact that the treaty was concluded but a short time before he left Washington and being without a Secretary I have no doubt but that it was forgotten by him in the bustle incident to his departure.*

It gives me pleasure and I avail myself of this occasion to express to Your Department the activity and zeal which it is universally conceded characterized Maj Riley's action while here, and the highly favorable impression as to his talents and promise with which he has impressed those with whom he has been associated while in the discharge of the duties of his station

In your Despatch to me of the 28th. of August last my attention was directed to the illicit trade carried on by persons navigating the waters of Sabine Bay and Pass with a view of effecting a conventional arrangement with the Government of the United States which would invest the Revenue Officers of Texas with the power of seizing upon such individuals with their crafts as were found selling merchandize to the citizens upon the border which had not been first entered at the Texian custom house and the duties paid thereon. I have refrained from bringing this subject to the consideration of the Govt. of the United States from the fact that I was not aware, (for reasons before stated,) whether or not such a provision may not have been already incorporated in the treaty concluded by Mr. Riley. So soon as I am enabled to ascertain that fact, should a sufficient protection not have been provided, I will immediately urge it upon the consideration of the Government of the United States.

* A triplicate of the treaty had been kept in the archives of the legation till Rely's departure for Texas, when he took it with him, apparently without leaving a copy for those archives. See Rely to Waples, December 12, 1842.

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With sentiments of the highest Esteem I have the honor to be with
great respect

Your Obt. Servt.

ISAAC VAN ZANDT.

[Next come copies of the following^a: Van Zandt to Webster,
December 14, 1842; and Van Zandt to Webster, December 16, 1842.]

JONES TO EVE.

(Copy)

DEPARTMENT OF STATE
Washington [Texas,] 24th Decr 1842

Honl JOSEPH EVE
*Chargé d'affaires of the United States,
To Texas.*

SIR,

The undersigned Secretary of State of the Republic of Texas has the honor to acknowledge the receipt of the note of Mr Eve, Chargé d'affaires of the United States, informing him that the letter from this department upon the subject of the predatory war carried on by Mexico upon Texas, had been sent to General Thompson, United States Minister at Mexico, and that he would in a few days present the subject to the consideration of the President of Mexico; and presenting a claim of Mr Thompson's upon this Government for the probable amount of six thousand five hundred dollars being money's expended in behalf of the Santa Fé prisoners.

The undersigned begs leave in reply to assure Mr Eve that the eminent services rendered to Texas by Mr Thompson on a former occasion in the Congress of the United States in presenting as a member of that body the resolutions for a recognition by that Government of her independence, and his able and zealous advocacy of that measure as well as the evidence he has always manifested of his friendship to our cause; and his noble and disinterested exertions in procuring the release of the Santa Fé Prisoners from bondage in Mexico, are well known to this Government, and deserves as it has and the undersigned trusts will ever continue to receive the deepest gratitude

The undersigned is directed by the President further to assure Mr Eve that he extremely regrets, the embarrassments which Mr Thompson has suffered in consequence of his advances made to those unfortunate men; but no account of these disbursements, having ever been rendered to this Government by the commanding officer of that

^a See Calendar.

expedition the President is not enabled from any documents with which he has been furnished, to ascertain the amounts received or expended in Mexico. He will however, in compliance with the request of Mr Eve, and in courtesy as well as justice to Genl. Thompson present the subject to the early notice of the Congress now in session, for its action.

The undersigned embraces this occasion to renew to Mr Eve the assurances of the high regard with which he has the honor to be

His most obdt servt

(Signed) ANSON JONES

JONES TO VAN ZANDT.^a

DEPARTMENT OF STATE,
Washington [Texas], 25th Dec., 1842.

HON. ISAAC VAN ZANDT,
Charge d' Affaires of Texas.
etc. etc. etc

SIR,

In my dispatch of the 23d. Inst. I had the honor to inform you that the 9th of February next had been fixed upon, at the old Waco Village on the Brazos as the time for holding a general Council with the various tribes of hostile Indians within our limits and upon our borders for the purpose of forming a Treaty of Peace with them, and to request that you would urge upon his Excellency, the President of the United States the immediate dispatch of commissioners on the part of the United States, so that they might arrive at the Council Ground, as early at least as the 20th. day of Feb'y etc.

This matter being of very high importance to Texas, I beg leave to repeat the request, that it meet with your earliest attention. Both Texas and the United States are deeply interested in the pacification of these Indians; and should Mexico in her madness attempt a general invasion of this Country next spring (which is strongly threatened) much advantage will be derived to Texas, by the neutrality of these Indians, even if they should not conclude to carry on a war of their own upon northern Mexico. They will at all events be strongly stimulated to hostilities with our enemy, should we be invaded, as the opportunity of stealing horses, mules, etc. from the Mexicans will be so favorable.

As early as 7th. June last Mr. Ashbel Smith our Chargé d' Affaires at the Courts of England and France was instructed to sound those Governments upon the subject of a triple interposition on the part of

^a See Records of the Department of State (Texas), Book 44, pp. 102-105.

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the United States and those powers, in the affairs of Texas and Mexico, with a view of a settlement of the existing difficulties and a recognition of our Independence by the latter. Mr. Reily in the meantime has presented the subject of mediation to the Government of the United States and obtained the promise of their good offices.

Mr. Smith in accordance with his instruction has communicated with France and England, and the result has been that each of those powers are willing to employ their influence in mediating, but conclude that it will be, most expedient to act separately. The following extract of a letter received by the President from Mr. C. Elliot Chargé d' Affaires of Her Majesty will more clearly explain to you the views of those Governments and I therefore send it for your own information

It is as follows:

[Private]

GALVESTON, Decr. 27th^a 1842.

MY DEAR GENERAL,

By the "Neptune" I have received a despatch from Lord Aberdeen dated November 3d. enclosing a correspondence with Her Majesty's Embassador at Paris upon the subject of the triple mediation under the auspices of Great Britain, France, and the United States, which Mr. Ashbel Smith had proposed by instructions from here. Her Majestys Government leans to the opinion, "that it would be better "on all accounts that each party should act separately, but similarly" "in point of tone and argument in urging the Mexican Government" "to reconsider the subject, dispationately and impartially, and to" "lose no time in coming to an accomodation with Texas on the" "basis of a recognition of the Independence of that country." Lord Cowley (the Embassador at Paris) says in reply—Octr. 24th "after" "reading the despatch (Lord Aberdeen's) M. Guizot said that he" "was entirely of your Lordship's opinion that a Joint mediation of" "Great Britain, France, and the United States for the purpose of" "effecting an accomodation between Mexico and Texas would not" "under present circumstances answer any good purpose, and that it" "would be better that each Government should act separately," "but in strict concert with a view to the attainment of the proposed" "objects." And M. Guizot further requested Lord Cowley to "leave Lord Aberdeens despatch and its enclosures with him, in order that he might prepare instructions of a similar tenor for the French Minister at Mexico. I am sure my dear General, that this intelligence will afford you satisfaction, and I cannot but repeat the sincere

^a Comparison with what appears to be the first draft of Jones to Van Zandt, December 25, 1842, filed with the correspondence, indicates that this date was copied incorrectly, and that it should be the 7th.

hope that I shall soon have to congratulate you on more cheering prospects than those of the last few months."

You will therefore, at an early period present this conclusion to the consideration of the Govt. of the United States, in order that they may assent to the same, and employ their good offices in a way which will afford the best possible chance of being effectual.

The course and conduct of Genl. James Hamilton, in intermeddling with the affairs of Texas, both in England and the United States, I am instructed by the President to assure you, meets with his decided disapprobation, and should it become necessary, or be deemed proper by you at any time, you will make the same known to the Govt. of the United States. The enclosed extract of a letter from Mr. G. W. Terrell, Acting Secretary of State, under date of 10th Decr. Inst. to Mr. Smith our Chargé d'Affaires to England and France, will more fully inform you of his views in relation to this matter.

The intermeddling with the affairs of Texas in the United States above referred to, is an offer on the part of Gen. Hamilton to open negotiations on certain conditions with Mr. Almonte the Mexican Minister for the cession of Texas to the United States etc. etc. Several letters on this subject have been written to this Government. The following however will put you in possession of the facts in relation to it.

(Genl. Hamilton to Genl. Houston)

Private and confidential.

SAVANNAH, *November 6th 1842*

His Excellency, SAM HOUSTON,
President of the Republic of Texas.

"SIR,

On my way through Washington the last week, I called on Genl. Almonte, and had a long conference with him in reference to the relations between your respective countries. Although he informed me that the moment Genl. Santa Anna could concentrate his forces by sea and land, he would make a combined attack on Texas, yet I could easily perceive that he thought the conquest was a fruitless one, if it could be made. And that Mexico after the point of honor was saved, and she was in possession of the country so as to give internationally a valid title, would find it to be to their interest to sell the country and get rid of a distant and dangerous possession.

I replied to this, but suppose you do not conquer the country and are driven back—what then? He said, in such an event we must do the best we can. But that best, I rejoined may land you where you began. He then said that he would be happy at all times to hear from me and to cooperate with me in all measures calculated to subserve the cause of humanity between the two countries and wound up by soliciting my correspondence.

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I have believed from this posture of affairs that an opening may be made to do something towards an amnesty and ultimate pacification. I have therefore written to Almonte and suggested that if he would communicate with his Government and get powers to act in this matter, I have assured him that I would write you, requesting you without any public appointment challenging the smallest degree of publicity, to authorize me *privately* to treat as a secret agent.

If on a subject of such deep importance to the country over which you preside, you think I can be of any service, I am perfectly willing when I get your answer, and he gets his, to go on to Washington and have a full conference with him and invoke the interposition of the United States Government. I can enlist Mr Webster and Mr Calhoun, the two most influential minds in the United States, most warmly in the negotiation; which I think at all events worth trying."

(Genl. Hamilton to Genl. Houston)

Private and confidential.

COLUMBUS *Novr. 25th 1842.*

"SIR,

I beg leave to apprise you that I have written both to Mr. Calhoun and to Mr. Webster, of whose good offices I am assured in the event of my being authorized by you to treat privately with Genl. Almonte. I have very confident hopes of making an arrangement for a pacification of the two countries. The plan I should suggest, would be that Mexico should cede Texas to the United States in payment of her claims, and under this cession the United States should under her recognition of the independence of Texas, recede the country to your Government, take your obligations to pay the debt of Mexico to the United States, under a distinct understanding that after this retrocession, Mexico should acknowledge your independence and agree to a boundary, should it be to the Rio Grande or the Nueces must be a point to be determined by yourself. I am sure that no unkind feeling towards me will induce your Excellency for one moment to hesitate to enable me through the friendship and confidence of the President and Messrs. Webster and Calhoun to serve the Republic in a matter so vital to her interests. I assure you that I am willing to work night and day to secure to the country the blessing and to your Excellency's Administration the honor of a favorable pacification. I believe it can be effected this winter at Washington, if you will only give me the requisite authority. The expedient of a temporary cession to the United States may furnish a means of satisfying a mere punctilio of Mexico.

I believe that Great Britain and France feel too little interest in Texas, and have too large a one in the commerce of Mexico to justify our counting on their mediation. Indeed, engrossed in the important

circle of European politics they never think of Texas, except under the pressure of an immediate application. Whereas the vicinity of Texas to the United States and the sympathy of her people have convinced me that we must look to Washington as the scene of action and means of success in this important affair."^a

P. S. I merely throw out as a suggestion to your Excellency the,^b the cession and retrocession of Texas, as a mere salve for the absurd pride of Mexico. If you see anything objectionable in it pray give me your own views. It would be a great point however to get two such heads as John C Calhoun's and Danl. Webster's to work on this subject. This I can get; and I believe a pacification will be the result.

For many and very obvious reasons which will be communicated to Genl. Hamilton, the President directs me to say that the agency of that individual will not be employed by this Government in any manner whatever.

This Department has not as yet been apprized of your arrival at your post. This, however, is sent with the confident hope that you will be there on its arrival. I regret that any circumstances should have delayed you so long, as it is highly important you should be at Washington.

You will please keep this Department constantly advised of every thing of importance which transpires, connected with the interests of this country, at the court to which you are accredited.

I have the honor to be,

With the highest respect,
Your most obdt. Servt.

ANSON JONES

JONES TO VAN ZANDT.

DEPARTMENT OF STATE

[Washington, Texas,]

Decr. 26h 1842

Hon. I. VAN ZANDT

Charge d' affaires of Texas
etc etc

SIR

By dispatches recently received at this Department from the Hon. Ashbel Smith our Chargé d' affaires at London, I am informed that the "Convention" between The President of Texas and her Majesty the Queen of Great Britain concluded at London on the 14th Novr. 1840, for a mediation between Texas and Mexico, had been presented

^a This quotation mark should have been placed at the end of the postscript that follows.
^b Possibly the copyist omitted something here.

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by her Majesty's Minister to the consideration of the latter Government and promptly refused, and that all prospect of success in the mediation of England under that Convention was "utterly hopeless"

Texas therefore has to rely either upon the triple Mediation of the United States France and England or in the event of this failing, upon another appeal to arms. The sooner therefore the matter is decided the better and I have to request that you will present the subject of a concert of action between the three powers in making a representation in reference to this matter to Mexico according to my recent instructions, at the earliest possible period.

The Treaty of Amity Commerce and Navigation between Texas and the United States, recently concluded at Washington has been presented to the Senate and received its sanction to the ratification thereof. The President was desirous that the 5th Article should be slightly amended and so as to express more clearly the intention of the two contracting parties, and to specify that the immunities granted and received were, conditional, and for a valuable consideration, and to prevent any cavil with other nations who might claim, freely, the same immunities.

Your attention is desired in endeavoring to procure an early action of the Senate and President of the United States in ratifying this Treaty as it is of immediate and most pressing importance to the agricultural and commercial interests of Texas.

So soon as you shall have presented the subject of the triple Mediation to the consideration of the Govt. of the United States and received its answer, you will please communicate the same directly to Mr. Smith for his information Mr. S. is now at Paris at which post he will probable remain some time, and where your letter will reach him. You can direct to the care of John H. Brower Esq Texian Consul New York who will forward the letters

I have the honor to be

With the highest respect

Your Most Obt. Svt.

(Signed)

(ANSON JONES)

VAN ZANDT TO TERRELL.^a

LEGATION OF TEXAS

Washington City, Decr. 27th. 1842.

Hon. G. W. TERREL

Atty Genl and Acting Secty of State

SIR, At the request of Mr. Riley I have the honor to transmit to the Department of State a copy of Despatch No. 90, the original of

^aA. L. S.

which Mr. Riley informs me was lost on board the Merchant. The following is a copy of the same from the records of this Legation—

[Here follows a copy of Reily to Jones, August 3, 1842.]

In a few days I shall write again to the department, when I hope to be able to communicate some thing more favorable and definite in regard to the interposition of the United States as alluded to in my last despatch

With high consideration I have the honor to be

Your Obedient Servant

ISAAC VAN ZANDT

HALE TO EVE.^a

JONES TO VAN ZANDT.

DEPARTMENT OF STATE
Washington [Texas,] Decr. 28th 1842

To the Hon.

ISAAC VAN ZANDT

Chargé d' Affaires of Texas

etc etc

SIR,

Herewith I send you a copy of the President's Message to the Senate, transmitting to that body, for its advice and consent, the Treaty of Amity Commerce and Navigation with the United States; and also a copy of the amendment to the 5th Article, which it was proposed should be adopted.

The Senate however by their resolution of the 22d. Inst advised and consented to the ratification of the Treaty in its original form, to which conclusion it is understood the Senate was brought by an apprehension that any modification here would, hinder and delay its ratification on the part of the United States.

These documents will put you in possession of the views of the President in relation to this Treaty, and should the Senate of the United States, think proper to make the modification to the 5th Article, as therein suggested, it will no doubt be assented to readily by this Government.

I have to repeat the request contained in a former letter that you will use every proper exertion to have an early action taken on the Ratification of this Treaty, by the Government of the United States;

^a December 27, 1842. See Eve to Jones, January 26, 1843; also, Mayfield to Bee, April 20, 1841, notes.

and that you will transmit the earliest possible intelligence thereof to this Department, for its information.

The Ratification of the Treaty between Texas and Holland have been exchanged at the Hague and the Ratification on the part of Holland was yesterday received at this office.

I have the honor to be
with the highest respect
Your Obt Svt

(Signed) ANSON JONES

[Copy.*]

EXECUTIVE DEPARTMENT,
Washington, [Texas,] December 19, 1842.

To the Honorable the SENATE:

I have the honor to transmit herewith the treaty of Amity, Commerce and Navigation between the Republic of Texas and the United States of America, concluded at the City of Washington on the 30th July last, by their respective plenipotentiaries, for your constitutional advice and consideration, in reference to its final ratification.

The stipulations of this treaty, it is believed, are as favorable to Texas, as, under existing circumstances, could be expected; and I respectfully recommend it to your favorable regard.

By article V, an important concession is made to the United States, in the privilege granted of importing a large class of goods into this country, for exportation, free from any duty or charges whatever. This opens to those goods the trade of Northern Mexico. On the other hand, the raw cotton of Texas is permitted to be imported into the United States, free of duty, for five years; and a corresponding class of goods to that referred to, are permitted to be imported into the United States for exportation, free from any duties or charges, during the continuance of the treaty. The privilege of repacking goods, destined for retransportation to a foreign country, is also mutually conceded.

These concessions, made in favor of goods, the growth, produce and manufacture of the United States, it might be contended, from the language of the article, are free and gratuitous, and would therefore, according to the terms of our treaties with France, England and Holland, become immediately common to all of those nations.

Since the instructions under which Mr. Reily, our able Chargé d'Affaires, negotiated this treaty, were given him, information has been received that France is anxious to obtain from this Government

* See manuscript Journal of Senate, Seventh Congress, Republic of Texas, 144.

the same privileges which are by this article extended to the United States, and that she would be willing to grant some important equivalent in consideration thereof. It is fairly to be inferred that England and Holland would do the same. In order therefore, to prevent any cavil, in relation to this article, and to secure to Texas the important advantages which might hereafter result from withholding, without an adequate compensation, the privileges and immunities granted the United States in this article, from other nations, I would most earnestly recommend the Honorable the Senate, so to modify or amend the Vth article, as clearly to express the fact that the concessions made therein were for a valuable consideration, and not, as might now be contended, gratuitous and free, and therefore common to all those powers with which we already have, or might hereafter form commercial treaties. A very slight alteration in the language of the article would effect this desirable object; and as it would render the treaty more acceptable to the United States, it is presumed no additional delay would result in its ratification by that government.^a

SAM HOUSTON.

EVE TO JONES.

LEGATION OF THE UNITED STATES

Galveston December 30th. 1842

The honble.

ANSON JONES *Secretary of State*
of Texas

SIR

It is my unpleasant duty, again to call your attention to the claim of Captain Means upon the Government of Texas, for the use of the Brig Retrieve thirty six days at twenty five dollars per day, impressed into the service of Texas by order of the Executive, as well as the damages for the injury which his vessel sustained while employed in that service. Also the damages claimed by the first and second mate who were impressed into the service and forcibly detained on

^a The proposed amendment, which cannot be given in the exact form in which it appeared as enclosed, made Article V read as follows: "The two contracting parties agree 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 ratification of this treaty; and that for and in consideration of the advantages which Texas will derive from the foregoing stipulation, and of the reciprocal advantages to be derived from the following, it is further agreed that on all articles, the growth, produce or manufacture of either country sent from one country 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 authority, and at the expense of the party interested." See Records of the Department of State, Book 8, p. 174.

that vessel during its voyage to Live Oak point and back to Galveston.

By reference to a letter from the State department of Texas to the undersigned upon this subject, dated Houston July 30th. 1842 it is admitted that the President had offered to pay captain Means twenty five dollars per day for the use of his vessel, and by reference to the certificates of Captain Boylan, Captain Appleman, and Colonel Jackson, all officers in the service of Texas it will be seen that the Brig Retrieve was detained in the service of Texas thirty six days, which at twenty five dollars per day amounts to nine hundred dollars the sum claimed by Captain Means. By reference to the affidavit of A. F. Jones and John Delesdenier port recorders and the affidavit of Captain John Appleman it will be seen that the Brig Retrieve sustained considerable injury while in this service.

Captain Meanes claimed five hundred dollars as not more than a reasonable indemnity for the injury which his vessel had sustained while in this service.

Since the meeting of the present Congress and while the undersigned Charge d' Affaires was at Washington, anxious to adjust this whole difficulty in a spirit of liberality [he] agreed with Judge Terrill then Acting Secretary of State of Texas, that if an appropriation was made by which Captain Meanes would receive nine hundred dollars and a reasonable allowance for the injury of his vessel, it would be received in full discharge of all further claim, leaving Captain Means as the owner of the vessel to pay the first and second mates what they might be entitled to receive

The undersigned in order to avoid all further controversy with the Government of Texas upon the subject, proposes to take two hundred dollars in discharge of the damage the vessel sustained making in the whole eleven hundred dollars.

This proposition is made with the confident hope that it will be met in the same conciliatory spirit with which it is made, and that the appropriation will be made without further difficulty or delay. Should the sum of eleven hundred dollars not be accepted by this Government, but the damages left to future investigation, the proposition to receive two hundred dollars in discharge of the damages is not to be considered binding upon Captain Meanes as it is confidently believed that, that sum would not repair his vessel or compensate the injury which it sustained

With renewed assurances of high regard and respect

I have the honor to be
Your Obedient servant

JOSEPH EVE.

JONES TO VAN ZANDT.

DEPARTMENT OF STATE,
Washington [Texas,] Decr. 30th 1842

The Hon.

ISAAC VAN ZANDT, etc etc

SIR, I have the honor to transmit you the following, extract of a letter from Jesse Benton Esq. District Attorney for the 7th. Judicial District of the Republic of Texas addressed to this Department; on the 15th day of November last, in relation to the conduct of Mr. Ups[h]aw, United States Agent for the Choctaw Indians.*

The above extract of Mr. Benton's letter constitutes the concluding part of his reports to this Department of certain investigations and proceedings he was directed to institute in his District on the subject of some outrages which were said to have been committed by citizens of Texas, upon the Indians residing within the United States; and which had been brought to the notice of this Government by the Hon. Joseph Eve, Chargé d'Affaires of the United States, here.

You will therefore on receipt of this communication send a copy of the above extract from Mr. Benton's letter, to the Secretary of State of the United States, with a request that the matters therein charged against Mr. Upshaw the Agent for the Choctaw Indians, may be duly investigated and that such course be pursued, with this agent as the facts found to exist may seem properly to require.

I have the honor to be with the highest respect

Your Most obt. Svt

(Signed) ANSON JONES

* For the extract which is not on file with the copy of this letter kept in the archives, see Van Zandt to Webster, February 3, 1843 (Calendar).

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