

CORRESPONDENCE HITHERTO UNPUBLISHED.

CORRESPONDENCE WITH THE UNITED STATES.

Additional Letters, 1835-1842.^a

JACKSON TO HOUSTON.^b

HOUSTON TO HENDERSON.^c

In the name of the Republic of Texas, Free, Sovereign and Independent. To all whom these Presents shall come or may in any wise concern. I Sam Houston President thereof send Greeting

Whereas it is the ardent desire and interest of this Government to open an intercourse between it and the United States Government upon just and liberal terms and to procure the acknowledgement by that Government of the Independence of Texas, and whereas according to usage that Government cannot receive a minister from this Republic until its Independence is acknowledged. Therefore I Sam Houston President of the Republic of Texas by virtue of the authority vested in me by the Constitution, do by these presents nominate, constitute and appoint William H Wharton and Memucan Hunt, the agents and representatives of this Government, to the Government of the United States with full power as such to negotiate for the recognition of the Independence of this Republic with the authorities of that Government, and to do all necessary acts and things for the purpose of effecting the object of their agency.

In Testimony whereof, I have signed these Presents, and affixed my private Seal, there being no great Seal of Office yet provided. Done at the Town of Columbia this 31st day of December A D 1836 and of the Independence of this Republic the first.

Signed
SAM HOUSTON P. S.

L. S.
J PINCKNEY HENDERSON
Acting Secy of State.

^aThe correspondence for this period was published in Part I, but what is here given has been discovered since.

^bSeptember 4, 1836. See Calendar, Correspondence with the United States, *addenda* (in Part II).

^cSee Records of Department of State (Texas), Book 38, p. 13.

BURNLEY TO JONES.^a

WILLIAMS TO JONES.^b

WEBB TO LA BRANCHE.^c

DEPARTMENT OF STATE

Houston 27th May 1839.

SIR

I have the honor to acknowledge the receipt of your communication of the 13th Instant announcing the appointment by the Government of the United States, of a Commissioner, Surveyor, and Clerk, pursuant to the Convention entered into between the United States of America and the Republic of Texas for marking the boundary between the two Countries, and to inform you, that on the part of this Government, Branch T. Archer has been appointed Commissioner, C. R. Johns Surveyor and Hamilton Bee Clerk, to Carry into effect the objects contemplated by said convention.

I have also the honor to inform you that these officers will be directed to meet in New Orleans on the first Monday in August next, agreeably to one of the provisions of said Convention, at which time it is hoped that the officers appointed by the United States Government will be prepared to join them for the purpose of entering upon the discharge of their respective duties

I have the honor to be, with sentiments of the highest esteem and Respect Your Obedt. Servt.

JAMES WEBB.

[*Acting Secretary of State.*]

Honl. ALCÉE LA BRANCHE
*Chargé d'Affaires of the
 United States.
 Houston.*

^a October 11, 1838. See Calendar, Correspondence with the United States, *addenda* (in Part II).

^b March 11, 1839. See Calendar, Correspondence with the United States, *addenda* (in Part II).

^c See Records of Department of State (Texas), Book 38, p. 106.

BURNET TO DUNLAP.^a

DEPARTMENT OF STATE

Houston 3d June 1839.

Honorable RICHD. G. DUNLAP.

SIR,

I am instructed to inform you that the President has appointed Branch T. Archer Commissioner, C. R. Johns Surveyor, and Hamilton Bee Clerk to carry into effect the convention for running the line between the United States and this Republic.

These officers will be directed to repair to New Orleans in time to meet those appointed on the part of the United States on the first Monday in August next.

I have the honor to be Your Obedient Servant.

DAVID G. BURNET *Actg Secty of State.*

AMORY TO DUNLAP.^b

DEPARTMENT OF STATE

Houston July 24th 1839.

I am instructed by the President to inform you that the following changes in the appointments of Commissioner and Surveyor on the part of this Government to run and mark the boundary line between the United States and Texas, have been made, and to request that you will give notice thereof to the Government of the United States.

In the place of Branch T. Archer Esqr (of whose appointment as Commissioner you were notified on the 3d June last, and who from private considerations has since been compelled to decline acting) the Honl. Isaac N. Jones has been appointed, and in the place of C. R. Johns Esqr. George W. Smyth Esqr has been appointed Surveyor.

As circumstances not now foreseen may prevent the attendance of one or both of these Gentlemen at New Orleans on the day appointed for the meeting of the Commissioners, and to avoid any disappointment or delay on the part of this Government in causing the line to be run, David Sample Esqr has been duly authorized to act as commissioner in the place of Doct Jones, should the latter Gentleman not attend, and if neither of them attend, then Licut Col. Peter B. Dexter of the Texian Army will be authorized to act, and in the event of the failure of the Surveyor to attend, the Commissioner will be authorized to appoint some other competent person, and to proceed with the work immediately.

You will perceive in this determination of the President to guard against all contingencies which might interrupt the progress of the

^a See Records of Department of State (Texas), Book 38, p. 115-116.

^b See Records of Department of State (Texas), Book 38, p. 120-121.

work, his great desire for its speedy accomplishment, and he trusts that an equal anxiety is felt by the Government of the United States to bring to a satisfactory adjustment this troubled question.^a

I have the honor to be with great respect
Your obedient Servant

NATHL. AMORY. *Actg Secty of State*

Honl R. G. DUNLAP.

*Minister Plenipotentiary of the
Government of Texas. Washington.*

BURNET TO DUNLAP.^b

DEPARTMENT OF STATE

Houston 19th August 1839

To the Honl.

R. G. DUNLAP

SIR,

I have the pleasure to acknowledge several communications from you recently, and one from Mr Roberts of the 2d Inst.^c enclosing copy of a communication from Mr Poinsett Secretary of War to yourself.

I regret to observe that Mr Poinsett seems to restrict the obligations of the United States growing out of the treaty with Mexico, to Indians resident within the United States. The prevention of any encroachments upon our territory from such Indians is certainly very desirable on our part, and manifestly incumbent on that of the Government of the United States. But there is another description of Indians whose annoyances are equally intolerable to us and who are equally within the perview of the treaty stipulations. The band of Cherokees lately under the Chieftainship of the notorious Bowls^d have been resident for some years in Texas, but they are originally Indians of the United States, and having been unwelcome intruders here, have never lost their American character, nor acquired social or political rights here. They are clearly the legitimate subjects of the

^a There was an extensive correspondence between the commissioners of the United States and those of Texas, and between the Texan government and its commissioner, part of which has been published in *Senate Docs.*, 27th Cong., 2d Sess., III (Serial No. 397), Doc. 199, and *House Docs.* 27th Cong., 2d Sess. II (Serial No. 402), Doc. 51, and more is copied in Records of the Department of State (Texas), Book 51. The main question raised in this correspondence, namely, whether the mouth of the Sabine should be interpreted to mean the point where the river enters Sabine Lake or the point where the lake debouches into the Gulf of Mexico and by consequence whether the lake should be regarded as lying wholly within the United States or not—is quite interesting and important; but since Forsyth refused to recognize authority of the commissioners to deal with the question and censured Overton, the United States commissioner, for engaging in the discussion (see his letter, in *Pub. Docs.*, 402, cited above), and since considerations of space in the publication of this Correspondence are claiming attention, the series to which this note refers is omitted.

^b See Records of Department of State (Texas), Book 38, p. 122.

^c In Part I, p. 414.

^d As to the form of this name, see *Handbook of American Indians North of Mexico*, Part I, 163.

Treaty stipulation on the part of the United States and properly belong to their jurisdiction and control.

The Caddoes are more recent intruders upon our territory and they commenced their hostilities before they had the audacity to pass the line of the United States. The Kickapoos, Shawnees, Delawares, and Several Minor bands of the Creek tribe are in similar circumstances,—and these all have combined together in depredating upon our scattered frontier families.

You have probably heard of the late campaign against the Cherokees and its results. It is not ascertained whether they have actually passed the line of the United States or whether they have only dispersed in small parties and are meditating a cruel and desultory war upon our borders. They have been pretty severely chastised and we entertain a hope that they will give us no further Molestation. If they shall have crossed into the United States it is important that some adequate steps be taken by that Government to prevent their returning. If they should return, it will be more than probable that Many of the restless spirits among the tribes lately translated to our vicinity will unite with them and by becoming participants in the war here, will eventually kindle a flame that will spread along the whole line of the Missouri. The death of Bowls has deprived the tribes resident in Texas, of their most intelligent and mischievous head, and has in a great measure subverted their *political* powers by destroying their means of combination. Still they may be capable of inflicting grievous evils upon our frontier settlements, by desultory incursions, and it is very important that we avail ourselves of every possible and just method of prevention.

The propriety of the application to the Government of the United States in respect to *these* bands, is so obvious that the President does not feel it needful to present any further reasons in elucidation of it.

The Presidents health is improving. We shall shortly be busily employed in removing to Austin.

I have the honor to be
Your Obedt. Servt,

DAVID G. BURNET
Actg Secretary of State.

EMBERSON TO JOHNSTON.^a

^aSeptember 2, 1839 (extract). See Amory to Dunlap, October 25, 1839, in this series of *addenda*.

DUNLAP TO DUNLAP.^a

BANK UNITED STATES

Sept 28, 1839.

DEAR GENERAL

You will of course apprise the proper authorities, that amount advanced to day, for the Bill on London, say \$3633.33 (Three thousand six hundred and thirty three 33/100 dollars) is to remain here undrawn, of the deposit at present existing in this Bank until the Bill is paid, and will much oblige me by addressing to me a note saying that you have so advised them

Always yours

T DUNLAP

Gen R G. DUNLAP

AMORY TO DUNLAP.^b

DEPARTMENT OF STATE

Austin 25th Octr 1839

SIR,

The Honl David G. Burnet Actg Secty of State being at present absent from the seat of Government, I am instructed by his Excellency the President to transmit you a certified copy of a communication received this day by the Honl. A. Sidney Johnston^c secretary of War, from John Emberson Captain of a company of Texas Rangers on our North eastern frontier, with a request that you will make its contents immediately known to the Government of the United States, in order that prompt measures may be adopted by that Government to prevent the threatened invasion of Texas by the Indians therein alluded to, and restrain them within their proper boundaries.

That the action of the United States Government on this subject will be prompt the President feels the fullest confidence, from the repeated assurances of Mr Poinsett Secretary of War as communicated through yourself, that his Government would oppose force to any body of Indians which might attempt to pass into Texas, and that orders had been given to the Commanders stationed at and

^a See Records of Department of State (Texas), Book 41, p. 391. This letter was an enclosure with Dunlap to Burnet, October 12, 1839. Part I, p. 420, note a.

^b See Records of Department of State (Texas), Book 38, p. 127-128.

^c Johnston.

near the line of the two Countries to Carry out these views of the United States Government.

I have the honor to be with Sentiments of
High Consideration, Your Obedt servant

NATHL. AMORY
Chf Clk Dept of State.

Honl

RICHARD G. DUNLAP
Minister for the Republic of Texas
Washington, U. S.

Extract of a letter directed to the Honl A Sidney Johnston Secretary of War from John Emberson commanding a company of Texas Rangers dated Camp Bois d'Arc Sept 2d 1839.

Since my last nothing of importance has transpired on this frontier, no sign of any Indians crossing Red River, either to or from Texas with the exception of a small party of Shawnees a few days ago, on their way from Texas, to their Village on the North side of Red River, which party was permitted to pass unmolested, and crossed the Red River in peace and safety. This party informed us, of a party of Cherokees, Settled and are now remaining, on the East fork of the Trinity River about ——— We will keep a close watch for them.

I have just received a communication from Mr Clark Sub Agent for the Choctaw Indians of the United States, which informs us that a party of Cherokees are now embodying on the Arkansas River for the purpose of invading Texas, and advising me to keep a close watch for them. I believe the United States Indian Agents are doing all in their power to prevent the Indians from crossing Red River to commit depredations upon our Citizens. Yet it will be impossible to prevent it, so long as Red River remains the dividing line for 200 Miles between our Settlements, and the Indians and no station, or Military post, at any point upon said Stream.

DEPARTMENT OF STATE, *Austin Oct 25- 1839*

(SEAL) I certify the foregoing to be a true copy
N. AMORY. *Chf Clk Dept State.*

BURNET TO LA BRANCHE.^a

DEPARTMENT OF STATE

City of Austin 29 Novr 1839.

The Undersigned, Acting Secretary of State, has the honor to acknowledge the receipt of the note of 28th Inst.^b from the Honl

^a See Records of Department of State (Texas), Book 38, p. 128.

^b In Part I.

Chargé d'Affaires of the United States, representing that "another violation of the territory of the United States has been committed by a Military officer of Texas"

The undersigned has submitted that note to the President and has great pleasure in reiterating to the honorable Mr La Branche his sentiments on the subject and to assure him that an enquiry will be instituted into the relative facts that the officer who may be found to have so transgressed, will be suitably admonished of his indiscretion; and that such further measures will be adopted as it is hoped will effectually prevent the recurrence of a similar event. The President is sensible of the many difficulties incident to border Settlements where the population of the remote frontiers of Two Governments are put in juxtaposition. In the present instance those difficulties are probably enhanced by the fact that the line of demarcation between the two Governments has not been definitively ascertained and by the consequent inability of this Government to perfect its domestic organization in that quarter of the Republic.

It affords the undersigned great satisfaction to assure the Honl. Chargé d'Affaires of the United States that nothing can be more foreign to the designs or repugnant to the wishes of the President and indeed of the people of Texas, than to intercept the harmony and good understanding which so happily subsists, and it is confidently hoped always will prevail between the two Governments.

The acting Secretary of State has the honor to repeat to the honorable Mr La Branche assurance of his high consideration and Regards.

DAVID G BURNET.

To the Honorable

ALCÉE LA BRANCHE, *Chargé d'Affaires*
of the *United States. Austin.*

SCURLOCK TO BURNET.^a

WILLIAMS TO BURNET.^b

ROWLETT TO BURNET.^c

^a November 30, 1839. See Burnet to La Branche, December 7, 1839, in this series of *addenda*.

^b November 30, 1839. See Burnet to La Branche, December 7, 1839, in this series of *addenda*. In the copy the date is incorrectly given as 1837.

^c Undated but probably written about the same time as the other enclosures in the letter with which it was sent. See Burnet to La Branche, December 7, 1839, in this series of *addenda*.

BURNET TO LA BRANCHE.^a

DEPARTMENT OF STATE

Austin Decr 3d 1839.

SIR, I have the honor to acquaint you that in place of David Sample Esqr Commissioner on the part of Texas to run and mark the boundary line between this Republic and the United States, the Honl Memucan Hunt has been appointed and will relieve the former Gentleman on arrival at a point where he may meet the joint Commission of the two governments.

With great consideration

I have the honor to be

Your Obedient Servant

DAVID G. BURNET

Acting Secty of State.

Honl

ALCÉE LA BRANCHE

Chargé d'Affaires

Of the United States

Austin.

BURNET TO LA BRANCHE.^b

DEPARTMENT OF STATE

December 7th 1839.

SIR, Agreeably to my promise in the conference which I had the honor to hold with you on yesterday, relative to the claim of Messrs Campbell and Dean, which was presented to this Government by your official letter of 18th June last, I am directed by the President to remark.

That, the Government of Texas feels itself bound to make full compensation for the quantity of bacon that was actually pressed by an officer of the Texian Army, from the possession of Mr. R. G. Bryerly,^c as alledged in your note, and avouched by the receipt of that officer. The only difficulty that intervenes an immediate settlement of this demand results from the excessive price which the claimants have affixed to the article. To render justice, is a common duty: to submit to imposition, is to sanction and reward iniquity. Messrs Campbell and Dean must be sensible that no instance can be found in this or any other country, of inferior and damaged bacon having been sold at two dollars per pound. On this Subject, I have the honor to transmit you three several letters from gentlemen of

^a See Records of Department of State (Texas), Book 38, p. 128.

^b See Records of Department of State (Texas), Book 38, p. 129-130.

^c Bryarly.

high respectability, all of them members of the Congress of Texas. But as I am in expectation of further testimony on this subject, I would respectfully suggest the propriety of deferring the discussion of it until more minute information can be had.

In reference to the damages claimed, I can only remark at present, that the question of damages, and the amount, if any, to be allowed, will depend upon the circumstances of the case; and with the very limited intelligence we now have, it would be impossible to arrive at a satisfactory solution. The whole demand is so exceedingly exorbitant that a rigid scrutiny into the relative facts, seems to be indispensable to a just appreciation of it.

I have the honor to repeat to Mr. La Branche, assurances of my high consideration.

DAVID G. BURNET.

Actg Secty of State.

To the Honl

ALCÉE LA BRANCHE

Chargé d'Affaires of the United States.

(The following are the letters transmitted as referred to above.)

Austin 30th Novr. 1839

Honl DAVID G. BURNET.

SIR, Having understood that the Honl Chargé d'Affaires of the United States, near the Government of the Republic of Texas, has claims against this Government for 10000 dollars which is charged by one Davis for 5000 pounds of inferior bacon pressed by the quarter Master of the fourth Brigade Texas Militia. Having been myself engaged in the sale of Bacon during the same season, previous to said impressment, I am enabled to say with certainty that at the time of the impressment of said bacon and previously, the highest price for which any was sold in the neighborhood of said bacon unless in very small quantities did not exceed seventeen cents per pound, average price from 15 to 17 cents per lb. The bacon taken by our Quarter Master was a very inferior article consisting of Jowls, Shoulders and Sides.

Very respectfully Your Obdt Servt

WILLIAM SCURLOCK.

AUSTIN *November 30th 1837.*^a

To Honl DAVID G. BURNET.

SIR, I was acting in the capacity of Assistant Quarter Master for the 4th Brigade at the time the lot of bacon (5000 pounds) belonging

^a This is apparently the copyist's error for 1839.

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to or in the possession of a Mr Bryerly a citizen of Red River County, was taken for the use of the troops of the brigade, and it was always my understanding that, the above Bryerly informed Majr West the Quarter Master that he could have the bacon. I am quite confident had any opposition interfered, this bacon would not have been taken. I draw this inference from instructions given to me when I commenced preparing to fit out the 2d Battalion of the 1st Regiment.

I can further say that this was an inferior lot of bacon, and much injured by bugs worms etc. having been on hand through the summer until November before taken.

Respectfully yours etc.

WILLIAM M. WILLIAMS.

Honl DAVID G. BURNET.

DR SIR, I have examined the communications from Captains Scurlock and Williams herewith enclosed and am certain that the statements made therein are strictly true. I lived in the adjoining county at the time of taking the bacon alluded to in said communications, and I know very well that the price of the best bacon in small lots in the county of Red River, at and before the time of taking said bacon was from 15 to 17 cents per pound, and no lot was during that time sold for a higher price, during the summer or fall in which said bacon was taken.

Very Respectfully

D. ROWLETT.

BURNET TO LA BRANCHE.^a

DEPARTMENT OF STATE

Austin 16th Decr 1839—

SIR, Many official engagements have caused me to defer replying to your note of 10th inst^b which was received some days ago.

I cannot but regret that the phraseology of the note which I had the honor to address to you on the 7th instant, should give occasion for any explanatory discussion, and I regret it the more because you seem to have misconstrued its meaning in several particulars. I was perfectly sensible that Messrs Campbell and Dean had exercised sufficient adroitness to present their demand in two distinct forms: but it was also apparent that the aggregate sum demanded for five thousand (5000, pounds of bacon exceeded ten thousand (10.000-) dollars, which is something more than two (2) dollars per pound for the Bacon. The three letters from highly respectable gentlemen, copies of which were transmitted to you

^a See Records of Department of State (Texas), Book 38, p. 131-132.

^b In Part I.

with my last note, afford ample testimony of the facts, that the bacon pressed was of inferior quality and damaged: that the current price of good bacon in the neighborhood and at the time of the pressing was from 15 to 17 cents per pound: and one of them very distinctly intimates that the bacon in question was taken with the free consent of the person in charge of it, although the receipt given by the Texian Officer purports that it was pressed. I therefore cannot perceive any impropriety in considering the demand as one, and the price of the bacon actually taken, as fairly estimated by its relative proportion to the amount demanded. The partition of the claim into two separate items, does not vary the result to this Government. We acknowledge to have received 5000 lbs of bacon and no more is alledged to have been taken. If 10072 $\frac{3}{4}$ dollars are demanded for it we are evidently required to pay something more than two dollars per pound. The allegation of Messrs Campbell and Dean that 20193 pounds of inferior and damaged bacon was totally lost in consequence of 5000 lbs consisting of "sides shoulders and bones", having been taken from it, is too preposterous for serious consideration: and I am persuaded that when the facts are fully presented to your mind, that you will perceive and assent to its absurdity. But it is perfectly consonant to the further fact that they have charged for this lost bacon, which remained in their own possession, something more than twice the current value of the article.

I am constrained to express my surprise that you could for one moment imagine I intended to cast any "imputation" upon the Government of the United States. It is true, that Government, has "presented" this extraordinary claim and in doing so, it has discharged a common duty to its citizens. But I should believe with extreme regret, that in this instance, presentation and justification were convertible or synonymous terms. I have not so understood it, and cannot therefore be justly supposed to have designed any imputation upon that government which commands the highest filial veneration of nearly all Texians.

That the demand of Mess. Campbell and Dean is utterly unreasonable, will I am convinced be made apparent to you when all the relative facts are disclosed, and then I am persuaded you will not differ with me in the moral estimation of that demand. Enough is already apparent to satisfy me on that point, and to corroborate an opinion founded on observation that some men of ordinary good repute, have small restraints of conscience in making up demands against a government, which is in this respect, but an aggregation of individual interests and is capable of being defrauded.

So soon as the further information which I am expecting on this subject, shall be received, it will gratify me to submit it to you.

I have the honor to renew assurances of my high consideration and esteem.

Your Most Obedient Servant

DAVID G. BURNET
Acting Secretary of State.

Honl ALCÉE LA BRANCHE
Chargé d'Affaires of the United States.

BURNET TO LA BRANCHE.^a

DEPARTMENT OF STATE
Austin Decr. 17th 1839

SIR

I hasten to acknowledge your note of this morning,^b and to express my entire concurrence, that a further discussion of the Subject Matter, "is, at present unnecessary and inopportune".

In my opinion enough has been disclosed to Justify all that I have pronounced upon the merits of the demand of Mess Campbell and Dean—but I admit also, that more evidence may be necessary to a correct adjustment of the Specific amount to which they are equitably entitled. That something is due them is without controversy, but that their demand is exorbitant and unreasonable, is perfectly clear to my perception, and in pronouncing it so I have no desire to diminish their claim a fraction of a cent below its true merits what those merits are is the essential matter for discussion, and where^c the more minute testimony which is expected, shall be received it will afford me pleasure to renew the subject, and I trust to reduce it to a final and satisfactory conclusion.

With distinguished consideration

I have the honor to be, your obt. Servant

DAVID G BURNET *Actg. Secy State*

HON ALCÉE LA BRANCHE
Chargé de' Affaires

BURNET TO LA BRANCHE.^d

DEPARTMENT OF STATE
Austin Decemb. 20th 1839

SIR

Your note of 19th inst.^e accompanied by a copy of a letter from Capt. J. Shepard of the Schooner Robert Centre, I had the honor to receive last evening.

^a See Records of Department of State (Texas), Book 38, p. 132-133.

^b In Part I, p. 431.

^c When.

^d See Records of Department of State (Texas), Book 38, p. 132.

^e In Part I, p. 432.

also at the suit of Messrs. Holbrook & Co Merchants of that city. And it is alleged those persons, were fully apprized of the ambassadorial character of the gentlemen against whose person their offensive proceedings were directed. General Henderson in a letter to this Department shortly after the Unfortunate transaction occurred, remarks, "The first intimation, I had of their claims against me was from the *Sheriff*, who came to my apartments and arrested me with as little ceremony as he would have arrested a common Felon, although I exhibited to him my commission as Minister of Texas to France and England, and protested against the arrest as an insult to Texas and a Violation of her ambassadorial rights."

The most ancient and the most barbarous nations have recognized the rights of ambassadors as sacred and inviolable. Those rights include as a special privilege, exemption of the person of the ambassador from the civil jurisdiction of the country in which he may reside and to whose Sovereign he is accredited. When that country is remote from his own and it becomes necessary to pass through other dominions in order to reach it or to return from it, his ambassadorial immunities accompany his progress, and all Sovereigns through whose dominions he may pass, are bound by the usual comity of nations to respect his representative character and to afford him a free passage without molestation or hindrance unless his transition be attended by circumstances which involve some public hazard or inconvenience to the country through which he passes.

Nothing of this kind can be alledged in the passage of General Henderson from the courts of France and Great Britain, through the territory of the United States, to Texas. He entertained no political schemes adverse to the interests or the tranquility of the Government of the United States, nor Meditated any injury to any of its citizens. His object was simply to return by the most convenient route to his own country. In essaying to accomplish this object, after having rendered eminent services to his country, he has been rudely arrested and subjected to great inconvenience and indignity within a government with which Texas is proud to acknowledge her relations of amity and to profess her alacrity to reciprocate every feeling and every act of national Courtesy and friendship.

The government of Texas is not insensible of the Vast disparity of physical power between itself and that of the United States. But this is a question of political and international right, and is not dependent upon physical power for its solution. It concerns all nations, for all are interested in sustaining the necessary immunities, which all civilized and many barbourous powers have agreed reciprocally to confer upon those who bear the representative character of a nations Sovereignty. The President cannot doubt that the government of the United States will Vindicate those immuni-

ties in her own behalf, and will also cause them to be rigidly respected on the part of her citizens, towards other Co-equal Sovereignties.

The President expects you will represent this outrage upon the National dignity and the rights of Texas in Suitable terms to the government at Washington, and that you will request at their hands such reparation as from the facts and circumstances, may appear to be just and consonant to the Usages of Nations. General Henderson was subjected to a delay of several days and his personal feelings were Violated by indecorous language touching his country, by Mr. Kissam, one of the Plaintiffs. But the chief indignity was offered to the Sovereignty of Texas and such indignities are forcibly addressed to the Sympathies of other nations. Annexed you will find a list of the persons concerned in these affairs,^a which list you will transmit to the Government of the United States for their more certain action. It cannot be doubted that that government which has ever approved itself wisely jealous of its own rights, will feel the necessity of instituting prosecutions against its citizens who who have been so forgetful of their obligations as to Violate the most salutary rules of inter-national decorum and of Universal polity, which rules contribute so much to the Conservation of National harmony, by affording a free passage to the Messengers of peace and reconciliation.

With great consideration

I have the honor to remain etc.

DAVID G. BURNET *Acting Sec State*

To Hon R. G. DUNLAP

LIPSCOMB TO LA BRANCHE.^b

DEPARTMENT OF STATE

Austin 1st April 1840

SIR

I have the honor to acknowledge the receipt of yours of the 12th Ult^o.^c in relation to the case of Mr Shepard, Master of the Robert Center. The delay in the case of the Robert Center, was occasioned by a Vacancy on the Bench in the Matagorda District, and after that Vacancy had been filled by Congress, the judge was compelled to give his attention on the Supreme Court at the Seat of Government. There has been a Court holden at Matagorda, Since the date of Mr Shepards letter to you, and I have no doubt his case has been disposed of.

^a On the margin of the Record Book at this point is written "Superior Court of the City of New York. Timothy F. Kissam vs J. Pinckney Henderson two notes Bail \$3000 Lowell Holbrook. Thomas S. Nelson and William E. Shepard vs the same. Jones and Peck Deputy Sheffs. Dal. Lord Esqr. and Mr. Buller his partner witnesses to the arrest."

^b See Records of Department of State (Texas), Book 38, p. 139.

^c In Part I.

Accept Sir the assurances of the high consideration and esteem with which I have the honor to be, your obt. Servant

ABNER S LIPSCOMB
Secretary of State

To Honl. ALCÉE LA BRANCHE
Chargé d'Affaires
U. S.

LIPSCOMB TO FLOOD.^a

[Appointing 12 o'clock, that day, for an interview with Flood, to receive his credentials.]

DEPOSITION OF SWAGERTY AND OTHERS.^b

REPUBLIC OF TEXAS
County of Fannin

10th JULY 1840

I Samuel McFarlane an acting Justice of the Peace in and for said County Certify that Joseph Swagerty, Isham Davis, John Davis, John Damron, George Damron, George W. Duncan, John Duncan and Daniel Rowlett this day personally appeared before me, and after being duly sworn deposeth and saith that on the first day of May 1839 they and each of them with several other men, left their homes in Said County in pursuit of twelve mares and horses which had been stolen from the immediate Neighbourhood in which they lived on the preceding night, that after tracking said horses a few miles, the trails all came together, near Red River in said County, from which place said horses were tracked in various directions, on the South Side of Red River about twenty miles, that they then crossed to the North Side of Red River, that they then tracked said horses on the North Side of Red River from Said Crossing about one hundred miles, when on the fourth day they run down and retook one of the mares, that had been thus stolen, that they then pursued the trail of said horses to a point within forty miles of the Indian Agency near Fort Smith, at which point said deponents turned back, and further saith not, except George Damron, John Damron, and Isham Davis who still pursued said horses, and the said George Damron and Isham Davis deposeth and saith, that at or within two hundred yards of the house of Deers-track a Cherokee Indian who lived on the east side of Arkansas River, they found one of the mares which

^a June 21, 1840. See Records of Department of State (Texas), Book 38, p. 144-145.

^b This was one of the enclosures in Waples to Bee, September 30, 1840. For the letter and three of the enclosures, see Part I. For the deposition, see Records of Department of State (Texas), Book 38, pp. 152-153.

had been thus stolen and a young horse. Said mare was fore hobbled, Andy Van another Cherokee informed said deponents that said horse had been carried to the east side of Arkansas River, and crossed at the houses of She-Cow and Deers-tracks. Said deponents then started to the Agency and met with Aaron Hicks the Capt of the Light horse who described said horses having seen them at a Grocery a small distance from where he lived. Said Hicks informed said deponents, that said horses had been stolen by Jontaga, Bird Crier the Nabb and other Cherokee Indians. I also certify that Thomas S Smith and William Cattle this day personally appeared before me and after being duly sworn, deposed and saith, that on the morning of the first day of May 1839, they personally and severally saw a bay mare the property of George Duncan which had been shot the preceeding night with Indian arrows in a gang of horses from which one of the twelve horses above alluded to was stolen, that said mare which had been thus wounded died of said wounds early on the first day after she had been wounded. I also certify that the above named George Damron and Isham Davis deposed and saith that at the place on the east side of Arkansas River near the house of Deers-tracks where they found the mare and young horse they also say a horse, the property of Israel Gables of said County which had been stolen from said Neighbourhood in said County about the 1st Feby 1839, with three other horses the property of Parker McFarland and Black.

Sworn to and subscribed before me this day and date first above written

SAML MCFARLANE J. P. JOSEPH SWAGERTY

(L. S.) ISHAM DAVIS (L. S.) JOHN DAVIS (L S) JOHN DAMRON
(L S) GEORGE DAMRON (L S) G. W. DUNCAN (L S) JOHN DUNCAN
(L S) D ROWLETT (L S) T. S. SMITH (L S) WM. CATLE (L S)
[Next follow duly certified appraisements of the stolen horses.^a]

LIPSCOMB TO HAMILTON & BURNLEY.^b

DEPARTMENT OF STATE

City of Austin 15 Aug 1840

To

Genl JAMES HAMILTON and
A. T. BURNLEY

GENTLEMEN

There is great difficulty in procuring funds for the salary of Mr McIntosh, who is the acting Chargé d'Affaires, for this Government, near the Government of the King of the French. He is entitled to

^a See Records of Department of State (Texas), Book 38, pp. 153-154.

^b See Records of Department of State (Texas), Book 38, p. 148-149.

the Salary of Chargé d'Affaires, Say five thousand Dollars per annum, since Genl. Henderson left. If you can by negotiation raise the amount, and have it paid over to him, you are authorized, and requested so to do. I wish you to write to him on the subject, I am apprehensive he may have suffered some inconvenience, for want of funds.^a We have had within the last few days considerable excitement here, occasioned, by a very daring descent made by about four hundred Comanche, Warriors, on Lynns landing a place much used as a deposit, for goods, designed for this place, and the Towns South west of this. They succeeded in passing down the Prarie, from the mountains, between the Colorado, and the Guadalupe, and plundered the two Store Houses at the landing of some twenty or thirty thousand dollars worth of merchandize, and killed some of our Citizens there, as well as some in the vicinity of Victoria. The militia turned out with great promptitude from, the adjacent Settlements, and a party of about two hundred from this County, Bastrop and Gonzales, under Genl. Felix Huston and Colonel Burleson had the good fortune, to intercept them, about thirty five miles from this place and recovered all the spoil, and chastised them very severely, entirely dispersing them. This destruction at Lynnville, will probably be magnified much in the newspapers. But although it was a bold enterprize, on the part of the Indians, when the circumstances are correctly known, its importance diminishes very much, Lynnville or Lynns landing, as it is usually called, is at the head of the Labacca Bay, where there were two Store Houses, and some half dozen families, giving a population of about thirty persons, a considerable quantity of merchandize were generally deposited there, until it could be Transported in waggons to the different points of distribution, and some supplies for the Government had in the course of the Spring been received there though none were there at the time of the attack. The Indians no doubt informed by the Arkansas traders, of the fact of the probability of making rich Spoil, and encountering, but slight resistance, from the few persons residing there, and the facility afforded by the Prarie's for a retreat. The severe lesson they have received, it is believed, will prevent a similar enterprize. It is though that they killed but few persons, as most were able to make good their retreat, to the Boats on the shore. We have recovered from the Indians the Book of the Custom House which they were conveying to the mountains. It is rumored and believed that there has been a Revolution in the city of Mexico in favor of the constitution of twenty four, that Urrea is at the head of affairs. I do not put implicit confidence in the truth of this rumor, but from the unsettled condition of the Country and the non resistance, with which the State of

^a Cf. note a, p. 1375.

Yucatan with-drew from the Central Government, I am prepared to look for the result reported, to have occurred. We are all anxiety to hear from you

I have the honor,
Gentlemen to be with great
respect, your obdt. Servt.

ABNER S. LIPSCOMB

WAPLES TO BEE.^a

DEPARTMENT OF STATE

Austin 19th Sep 1840

SIR

The Boundary line Commissioner (Mr Smyth) is at this time in Austin, and says that in consequence of the appropriation for carrying on that work being exhausted, and no appropriation upon which to draw for that purpose, he thinks it will not be possible to proceed with it, at the time agreed on, between him and the Commsr on the part of the United States which was the first of Novr. But as Congress meets on the first Monday of that month, and the question will doubtless be among the first taken up, and an appropriation for completing it made he thinks it advisable that you should inform the U. S. Govt., if in case he should not be present at the appointed time, of the cause of his detention; but will so soon as he is provided with means proceed immediately to the point of destination, which will be at farthest the 1st Decr. But if the Com and Engineer of the U. S. Think proper to meet at the time fixed on, to make observations and satisfy themselves as to the point for starting, they can do so, as our Engineer and Surveyor are remaining there. The President instructs me to inform you of these facts, that you may, if in your judgment you deem it proper, lay them before the U. S. Govt. in order that there may be no disappointment on the part of their Commsr. by being delayed at that point, and that he may be instructed not to be there until 1st Decr. instead of 1st Novr. It is very much regretted that so much delay has occurred in running this line. Much Sollicitude is felt on the part of this Govt. to have it completed. The President has been very ill since his return from Galveston. He is now convalescent but weak. Judge Lipscomb is absent, and will be four or five weeks.

I have the honor to be, Sir
Your obdt Servant

JOSEPH WAPLES
Actg Sec of State

To

Hon B. F. BEE
etc. etc. etc.

^a See Records of Department of State (Texas), Book 38, p. 151.