

Duplicate. Account of Charges, for detention, damages and expenses of Brig Retrieve incurred by seizure pr. order of Sam Houston President of Texas

(Viz) Account of Thomas Means Master of the Brig Retrieve of Charge for detention, damages and expenses, from the 18th. of June 1842 to the 10th of August annexed to Duplicate. \$3,942.50 cents

For additional damages from 10th of August to 11th of September the vessel being detained during that period, to enable Captain Means to complete the repairs, being 32 days at \$25 per day 800.00

For amount of stores on board at the time of seizure and were consumed by the Texans 200.00

For cash paid for fees to magistrates travelling expenses, postage and incidental expenses incurred 100.00

amount claimed \$5,042.50

JONES TO EVE.<sup>a</sup>

JONES TO VAN ZANDT.

DEPARTMENT OF STATE  
Washington [Texas,] Jan 31st. 1843

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

SIR,

I have the honor to acknowledge the receipt of your despatches Nos. 92. and 93 as also your letter of the 27th. Ult. transmitting a duplicate copy of Mr. Riley's <sup>b</sup> Dispatch No. 90 the original of which was lost by the wrecking of the Steamer Merchant.

The Treaty of Amity Navigation and Commerce between Texas and the United States negotiated by Mr. Riley has recd. the sanction of the Senate to its ratification both in the original form and with the proposed modification of the fifth article, (as mentioned in my previous communications,) at the discretion of the President.

The Ratification of the Treaty in its original Shape has been signed by the President, and forwarded you by Mr. Daingerfield, who left here for Europe by the way of Washington city last week Should the Government of the United States ratify the Treaty in the same

<sup>a</sup> A. L. S., January 31, 1843. See Calendar of Correspondence with the United States in Part I.

<sup>b</sup> Bely's.

form you will proceed at the earliest possible period to the exchange of the ratifications with that Government. This step has been adopted in order that no time might be lost in giving effect to the Treaty in case the proposed modification should not be adopted by the United States.

If on the contrary the proposed modification is adopted by that Government, another ratification of the Treaty embracing the same will be signed and sent you for exchange, and the one forwarded by Mr. Dangerfield will be cancelled.

I have the honor to be

with the highest respect

Your obt. Svt

(signed)

ANSON JONES

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WEBSTER TO VAN ZANDT.<sup>a</sup>

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VAN ZANDT TO WEBSTER.<sup>b</sup>

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JONES TO EVE.

DEPARTMENT OF STATE  
Washington [Texas] Feb. 5th 1842<sup>c</sup>

Hon J. EVE,

*Charge d'affair of U Sts. etc.*

SIR

Your communication of the 11th Ult in relation to the claim of Capt Means<sup>d</sup> would have received an earlier reply but for the accumulation of business in this Dept. consequent upon the adjournment of Congress, which has necessarily engaged my attention

The amount of eleven hundred Dollars for the use of his vessel and the damages sustained, the President directs me to say is admitted to be just, and that the same will be immediat[e]ly paid out of the appropriation for frontier defence.

The President further instructs me to say he regrets that the only means at his disposal, under the law of Congress are the Exchequer Bills, and that he is not authorized to disburse them except at their par value. The best therefore which he can do is to offer Capt Means the alternative of receiving the amount of his claim in Exchequer

<sup>a</sup> February 2, 1843. See Van Zandt to Jones, March 13, 1843.

<sup>b</sup> February 3, 1843. See Van Zandt to Jones, March 13, 1843.

<sup>c</sup> Should be 1843.

<sup>d</sup> The date of the communication was in fact January 26, and that of December 30, 1843, also remained unanswered.

Bills, now, or having the matter referred to Congress for its future action, the power of doing full justice to Capt. Means, resting only with that body.

I have the honor to be with great regard  
Your Obt Svt

Signed ANSON JONES

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JONES TO VAN ZANDT.

DEPARTMENT OF STATE,  
*Washington [Texas,] Feb. 10th. 1843.*

To the Hon. ISAAC VAN ZANDT,  
*Charge d'Affaires of Texas etc. etc.*

SIR,

The subject of the annexation of Texas to the United States, in reference to which instructions was given by me to your predecessor Mr. Reily I am happy to learn has claimed your early attention, as notified to this Department in your Despatch of the [23rd of] December last, and I now have the honor to transmit you further instructions in relation to the same.

The proposition which was made to the United States in 1837 and rejected by that Government places Texas in an attitude which would render it improper for her to renew the proposition under existing circumstances and you are authorized to intimate in your verbal intercourse with the Secretary of State of the United States that before this Government could take any action on this subject, it would be necessary for the United States Government to take some step in the matter of so decided a character as would open wide the door of negotiation to Texas, in which event you will be authorized to make a treaty of annexation. For this purpose it would probably be requisite for the Government of the United States to review its former decision upon the proposition made in 1837, and to reverse the same or to take up the subject, de novo, and to submit a proposition to this Government, through you or their Minister here to enter into negotiations to effect this object.

In the event the first course should be adopted you will then inform the Government of the United States that Texas renews the proposition for annexation to that Government, and that you will at an early period be authorized to enter into the proposed negotiation with ample powers to conclude a treaty in the premises.

In case the other mode of procedure is adopted you will be similarly authorized and empowered.

It is believed that the present period is favorable for the consummation of such a Treaty, on the part of this country, the feeling of the people being very unanimous in regard to the same. It would there-

fore seem advisable that the opportunity should be embraced and without delay to effect an object which under present circumstances is so manifestly intended to promote the best interests of both countries.

Your dispatch no. 95 was received last evening. No. 94 has not come to hand, but is presumed to be in the mail of last week which is yet behind having been delayed by the high water of the Brazos.

As you do not in your dispatch mention, or allude to any letters received from this Department I state for your information that I wrote you officially under dates of the 23d. 25th. 26th. 28th and 30th Decr. and the 23d. and 31st. January last, as also a private letter about the 24th of the last month.

Your request to have a copy of the Laws of Texas sent you has been complied with and the copy forwarded by the Hon. Mr. Daingerfield. Mr. D. was to have left Galveston for New Orleans on the last Steamer, at which latter place he will be delayed some two or three weeks, after which he will proceed to Washington City, on his way to Europe.

So soon as your dispatch No. 94 is received I will address you again in reply to that as well as to the one received last evening

If convenient I wish you to procure from the Post Master General Copies of such blank forms etc etc. as are in use in the General Post Office of the United States; and to forward the same to this Department, for the information of the Bureau of the G. Post Office here

Enclosed I send you the official report made to the War Department by Gen. Somervell<sup>a</sup> which will place you in possession of all the information not heretofore communicated relative to his late unsuccessful campaign.

I have the honor to be with the highest respect

Your very obt Svt

(Signed)

ANSON JONES

DAINGERFIELD TO JONES.<sup>b</sup>

NEW ORLEANS, *Feb'y 14th 1843*

HON ANSON JONES

*Secretary of State etc. etc.*

SIR

Having finished the business in reference to which I was charged in the city of New Orleans, by the instructions which I had the honour

<sup>a</sup> For this report, see *The Morning Star* (Houston), February 18, 1843. The instructions to Somervell, which seem also to have been enclosed (see Van Zandt to Jones, March 13, 1843), were dated October 3, 1842. For these—if they were instructions from Houston—see *The Redlander* (San Augustine), October 27, 1842. It may be, however, that the instructions referred to were given by Secretary of War and Marine Hill. If so, these references will, of course, not apply. Neill's statement, referred to by Van Zandt in his letter of March 13, has not been found.

<sup>b</sup> A. L. S.

to receive from you at Washington [Texas,], I shall proceed immediately in obedience to the same instructions to the capital of the United States to put myself in communication with Mr Van Zandt and to deliver him the treaty entrusted to my care.<sup>a</sup> I have the honour to remain very respectfully

Yr most Obedt Svt

WM HENRY DAINGERFIELD  
*Minister Chargé D Affaires etc. etc.*

JONES TO VAN ZANDT.

DEPARTMENT OF STATE  
*Washington [Texas] Feb. 16th 1843*

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

SIR,

The Commissioners appointed by this Government, Viz. Messrs. Terrill<sup>b</sup> Black Durst and Williams left some time since for the Waco Village to hold the Council with the various tribes of Indians, assembled there and unless the high waters of the river have prevented, it is presumed that the Council is by this time nearly ready to commence its deliberations. By a letter recd. from Gen. Terrill at Franklin on the Brazos and written, a few days since, the most confident expectations appear to be entertained by that Gentleman that a Treaty will be made and peace established throughout all Texas between us and the red man. No intelligence of the arrival of Gov. Butler, the U. States Commissioner has as yet been received, and the presumption is that he will come direct from Arkansas to the Waco Villages. A copy of that part of your dispatch No. 95 relating to the subject of powers given to Mr. Butler by his government has been forwarded to our Commissioners, with a notification of his appointment, and instructions for their governance in the premises

For young — Lyons and the two boys which have been redeemed from Indian captivity by the officers of the United States the President will remunerate the government of the United States upon delivery of these captives severally provided the amount required for each does not exceed \$300, which is the amount authorized by Law to be paid. Should it exceed this amount the Government of Texas will feel herself bound to pay the same, although this would require the action of the Congress. The friends or relatives of these prisoners will it is presumed go for them, which will preclude the necessity of dispatching a Govt agent for that purpose. Should any more of our prisoners be redeemed, previous to the formation of a treaty with our

<sup>a</sup> See Jones to Daingerfield, January 20, 1843.

<sup>b</sup> Terrell.

Indians the same course will be adopted. The Indians however have promised to bring all our prisoners to the Council ground and to exchange them for their own which last have as far as practicable been collected and sent there by the President.

I was somewhat surprised at that part of your communication No. 95, where you express the opinion that this Department had acted in probable ignorance of the fact that the Treaty between Mexico and the United States so far as Texas was concerned had been ended in all things relating to Navigation and Commerce, by a notice given to the United States in accordance with the 34th Art. of said Treaty, and I am at great loss to understand to what particular acts you allude. You will perceive that this Department has been aware of this fact, by the instructions severally given to Mr. Bee and Mr. Riley to negotiate a new treaty and by the fact of Mr. Riley's having negotiated the Treaty herein above referred to—and which has been matter of frequent communications from this Dpt. to yourself

The obligations to observe amicable relations between the two countries is perpetual, and also the obligations which each owes the other to restrain reciprocally their citizens or indians from committing injuries or hostile depredations upon the citizens or indians of the other. This is an obligation which exists independant of any treaty, and grows naturally out of the relative situation of the United States and Texas towards each other as neighboring and friendly nations. These obligations have been on several occasions mutually acknowledged by the two governments since the expiration of the Treaty Stipulations between the two countries relating to Commerce and Navigation. I however conceive that the Treaty of 1831 so far as it relates to these matters is still binding upon Texas and the United States as no notice has been given by either party of an intention to discontinue it in regard to them. But in either event the obligations of the parties are not materially affected and the only advantage which would arise from holding to the Treaty in the particulars refered to would be that it gives a proper and particular definition of these obligations and the precise manner in which they are to be mutually discharged

I regret most sincerely the opposition which the treaty negotiated by Mr. Riley has met in the Senate of the U. States and the causes which have produced it. The infamous course pursued by some two or three of our own newspapers in vilifying and abusing the country, its institutions and character, and misrepresenting all the actions of the Government I have no doubt have had much influence in producing this unfortunate state of things. I feel satisfied however that you will have done every thing in your power to counteract as far

as time and opportunity rendered possible the slanders and the falsehoods uttered and circulated through these vile channels or by any other means. The licenciousness of a portion of the newspaper press in Texas gives cause of deepest mortification to every friend of decency and social order in it, and leads them frequently to doubt whether this licenciousness is not a greater curse to the country than the liberty of the press is a blessing. Certain it is that incalculable injury has been done to our cause by the course which some two or three conductors of papers here have pursued at this moment of peculiar national embarrassment.

The friends of Texas however must not for a moment despair. She will triumph over every difficulty, and over all her foes internal and external.

The present policy of the government towards Mexico is to stand on the defensive. This policy has been strictly pursued as far as practicable, and will be continued. Texas has not the means necessary to carry on offensive operations against her enemy. The late Campaign under Gen. Somervell was not projected or recommended by the President. It was merely *sanctioned* to satisfy popular clamor, and as the volunteers under him wished to cross the Rio Grande and were determined to do so right or wrong to clothe the expedition with legal authority that in case it was unfortunate, and our citizens should fall into the power of Mexico they could not be regarded or treated by the authorities of that Government otherwise than lawful belligerents acting under sanction of their own Government.

I have just received a communication from Viscount Cramoyel <sup>a</sup> Chargé d'Affaires of his Majesty the King of the French on the subject of the triple interference by France England and the U States, in relation to the existing difficulties between Texas and Mexico [a copy of which is enclosed] for your information and corresponding action <sup>b</sup>

In case Mr. Thompson the United States Minister has not been already instructed on the subject, it will be well to bring it to the notice of Mr. Webster with a request that it should be done, as early as practicable in the event the United States are willing to join the other two powers in concerted action.

I send the copy of the original as I have not had time to procure a translation

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

(Signed) ANSON JONES

<sup>a</sup> Cramoyel.

<sup>b</sup> For this letter, see Correspondence with France.

HOUSTON TO EVE.<sup>a</sup>(Extract.) WASHINGTON [*Texas*], 17th. February, 1843.

To Hon. JOSEPH EVE:

MY DEAR JUDGE—I find, as news reaches me both from the United States and Texas, that the subject of annexation is one that has claimed much attention and is well received. I find that even the *oldest settlers*—even some of the original “Three Hundred”,<sup>b</sup> are as anxious for the event to take place as any that I meet with. How the project is to ultimate, it is impossible to divine. The democracy of the United States is in favor of the measure; and if it should become a political *lever*, both of the political parties will sieze hold of or grasp at the handle. But of these matters you can judge better than it is possible for me to do. You have more sources of information than I can have.

Truly thy friend,

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TAYLOR TO THE ADJUTANT GENERAL OF THE UNITED STATES ARMY  
[JONES]<sup>c</sup>

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EVE TO WAPLES.<sup>d</sup>(Unofficial) LEGATION OF THE UNITED STATES  
*Galveston February 27th 1843*

The Hon. JOSEPH WAPLES

SIR Your note of the 13th January<sup>e</sup> was not received untill by the last boat from New Orleans or it would have been answered sooner. By some mistake it was taken to Orleans, and one from Genl. Burleson in which he promises to remove my Archives to Washington so soon as he returns home, were both sent me from Orleans.

My Books as well as yours are at Austin I however send you a copy of my instructions hoping it may reach you in time and answer your purposes.

I am very Respectfully your  
Obedient Servant

JOSEPH EVE

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<sup>a</sup> See Records of Department of State (Texas), Book 40, p. 220.

<sup>b</sup> The designation applied to the first group of colonists brought to Texas by Stephen F. Austin. See *Quarterly of the Texas State Historical Association*, I, 108-117.

<sup>c</sup> February 22, 1843. See Eve to Jones, April 13, 1843 (first in order of this date), enclosing the letter named.

<sup>d</sup> A. L. S.

<sup>e</sup> No copy of this note has been found. It must have contained a request for forms for letters of instruction and of credence.



Copy

DEPARTMENT OF STATE  
 Washington [City] 15th. June 1841

To JOSEPH EVE *Esquire**Appointed Charge d'Affaires of the United States To Texas*

SIR

You have received your commission as Charge d'Affaires of the United States to Texas and have taken the oath prescribed by the Constitution.

Herewith are communicated to you the following documents which you will find useful or necessary in transacting the business of your mission.

1. A sealed letter accrediting you to the Secretary of State of Texas, and an open copy of the same.
2. A special passport.
3. A cipher to be used as occasion may require in your correspondence.<sup>a</sup>

In the general instructions I am directed on my arrival at the seat of Government of Texas, to address a note to the Secretary of State, or to the Secretary of foreign affairs if there be such an officer politely asking when it will be convenient for the Executive to receive and give me an audience. Upon my reception by the Executive, to hand him my sealed letter of credence, and to make him a brief oral address and amplify in the name of the President of the United States the expressions of good will towards that Republic contained in my letter of Credence.

Various other instructions are given such as a constant and polite, and decorous intercourse with the Executive and officers of Government to attend to the rights of the Citizens of the United States etc. etc.

J EVE

P. S. In your letter of credence to your Minister you state to the Executive of the Government to which he is accredited the object of the Mission with expressions of good will etc and requesting that full faith and credit may be given to your Minister.

J EVE

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RESOLUTION OF UNITED STATES SENATE RATIFYING TREATY OF AMITY, COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES AND TEXAS.<sup>b</sup>

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POTTER TO GREEN.<sup>c</sup>

<sup>a</sup> Here the copy ends; the statement of instructions is summarized.

<sup>b</sup> March 3, 1843. See Daingerfield to Jones, March 10, 1843.

<sup>c</sup> March 10, 1843. See Eve to Jones, April 28, 1843.

DAINGERFIELD TO JONES.<sup>a</sup>

WASHINGTON CITY U STATES

March 10th 1843

HON ANSON JONES

*Secretary of State*

SIR

In my last communication of date the 14th of Feby (N Orleans) I had the honour to inform you that having completed the buisness with which I was charged at N Orleans I should in pursuance of my instructions proceed immediately to Washington. This I did but the Steam Boat Queen of the West in which I embarked having snagged and sunk near Shawnee Town and the ice running very heavily in the Ohio I was notwithstanding all my exertions to reach here and my not delaying a moment on the route so retarded, that I did not arrive at Washington untill the day before yesterday. Within an hour after my arrival I delivered to the Hon Mr Van Zandt, the Treaty with which I was entrusted, fortunately notwithstanding its many accidents and transhipments in perfect good order; I also delivered to him the full copy of the Laws, with which I was directed to furnish him.

The Department of State is of course informed that the treaty has not been ratified; this failure I am convinced, not only by what I learn here but by information obtained before my arrival is the result of our own demagogical madness and diabolical insubordination *at home*. An entire want of confidence in the stability of our institutions, the result of our own folly and wickedness forbids the possibility at present of this treaty being ratified. All that zeal the most ardent, industry the most untiring and address the most adroit could do in its favour has I am convinced been done. Its fate will remain unchanged untill that change be brought about by our own reformation. Although I do not feel as sensibly as some others the evils which this failure of the treaty may give rise to, Yet the stain which the *cause* of its *rejection* leaves on the escutcheon of my country is to me like a wound to my own personal honour. In its blackness all calculations of profit or loss from the commercial stipulations of the treaty are lost, and swallowed up. In accordance with yr instructions I shall endeavour to convey to the Hon Mr Van Zandt all the information with regard to matters at home in my possession. I shall await here the arrival of the full powers alluded to in yr private communication of the 13th of Feby which came to hand last night. I have not as yet seen the Belgian Minister but shall do so in a few days. I have the honour to remain

Yr most obedt Svt

WM HENRY DAINGERFIELD *Chargé &c &c*

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<sup>a</sup> A. L. S.

[Inclosed is a copy of the resolution of the Senate of the United States consenting to the ratification of treaty of amity, commerce, and navigation between the United States and Texas with an amendment.<sup>a</sup>]

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WEBSTER TO VAN ZANDT.<sup>b</sup>

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EVE TO JONES.<sup>c</sup>

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EVE TO JONES.<sup>d</sup>

LEGATION OF THE UNITED STATES  
Galveston March 13th 1843

The Honble.

ANSON JONES

*Secretary of State of Texas*

SIR

I have the honor to acknowledge the receipt of Mr. Waples note of the 25th. of January, upon the subject of a second white boy having been reclaimed from the Indians by General Taylor.<sup>e</sup>

Your note of the 31st. of January on the subject of the interference by citizens of Texas, with the Choctaw Indians.

And also your note of the 5th of February in relation to the claim of Captain Means upon this Government for the detention and damages of the Brig retrieve of which he was Master; In which last note you remark that the President instructs you to say he regrets that the only means at his disposal, under the law of Congress are the Exchequer bills, and that he is not authorized to disburse them, except at their par value. The best therefore which he can do is to offer Capt Means the alternative of receiving the amount of his claim in exchequer bills now, or have the matter refered to Congress for its future action. As I have written to the owners of the Retrieve informing them of your proposition to pay them eleven hundred dollars in Exchequer Bills, I deem it unnecessary for me to make any comment upon your proposition until I hear from them.

I have been informed by several Members of Congress, that an appropriation of six thousand five hundred dollars was made at the late session for the benefit of General Thompson on account of the money advanced by him to the San Tafé<sup>f</sup> prisoners; But I have

<sup>a</sup> See Journal of the Executive Proceedings of the Senate, VI, 188-189.

<sup>b</sup> March 11, 1843. See Van Zandt to Jones, March 13, 1843.

<sup>c</sup> March 13, 1843. See Calendar of Correspondence with the United States in Part I.

<sup>d</sup> A. L. S.

<sup>e</sup> For this paragraph and the next see U. S. Pub. Docs., 660, Doc. 14, p. 108.

<sup>f</sup> Santa Fé.

not been informed when or how it is to be paid; I have waited with some anxiety, to hear from you when and how this just and meritorious claim is to be paid.

I shall feel much gratified to have it in my power, to Inform General Thompson, that the amount appropriated by Congress for his benefit is ready for him. It is of much consequence to him to receive it as soon as possible in order to relieve himself from his pecuniary embarrassment incurred by indulging the kindest feelings to the citizens of Texas. I therefore again call your attention to this subject and ask for as early a reply as may be convenient for you to give me.

With renewed assurances of respect

I am your obt servt

JOSEPH EVE

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VAN ZANDT TO JONES.<sup>a</sup>

Despatch No. 97.

LEGATION OF TEXAS,  
*Washington [City] 13th March 1843.*

HON ANSON JONES

*Secretary of State of the Republic of Texas.*

SIR

On the 8th Inst I had the high gratification to receive your very able and interesting despatches of the 23rd and 31st January and of the 10th ulto. enclosing therewith the narrative of A Neil Esqr. and the orders and instructions given to Genl Somerville for the prosecution of the campaign across the Rio Grande. I regret that these despatches have been so long detained by the way, had they have come to hand at an earlier day, I should have been enabled to have refuted successfully the many misrepresentations which have been made here in relation to the different matters of which they and the accompanying documents treat. I hope they may yet avail as much, though I fear it may be said, that, Slander has performed its office—its work is complete.

I have also the pleasure to inform you that the Hon Wm. Henry Dangerfield<sup>b</sup> arrived in this City on the 9th Inst and left again on yesterday for Baltimore where he will remain a few days and then return here. I have learned much valuable information from Col Dangerfield in relation to our affairs at home as well as the views and policy of the Government with regard to the future, which I hope may enable me to direct my efforts so as to meet the concurrence and sanction of the President and Secretary of State.

In my last despatch I expressed the hope that an early and favorable action would be had upon the treaty then pending before the

<sup>a</sup> L. S.

<sup>b</sup> Dangerfield.

Senate of the United States. This opinion was formed from statements made to me by the Hon. Mr Archer Chairman of the Committee on foreign relations and the views expressed by other prominent members of the Senate. The result has however turned out otherwise, no action was taken by the Senate untill the last hours of the session on the night of the 3rd Inst, when they ratified the treaty with an amendment by striking out the 4 and 5th Articles which to my mind amounts to a virtual rejection of the whole not that many good features are not still retained, but, that it is not the interest of Texas at present to conclude any treaty with the United States which shall not embrace a provision for the free entrance of our Cotton and the unencumbered navigation of those streams which take their rise in Texas, and either form the boundary between the two countries, or flow into the United States, and empty into the Sea within their territory. Nothing can of course be done with the treaty further, untill the meeting of the next Congress in December, previous to which time, I shall avail myself of an opportunity to speak more at length in relation to the treaty as ratified by the United States Senate. I send you herewith copies of the confidential note of the Secretary of State of the United States and the proceedings of the Senate as certified by Asbury Dickens Esqr Secretary of the same. This result I am very sure will be much regreted by every one who feels an interest in the mutual welfare of both countries, but by none more than myself, not entirely on account of the loss of the treaty itself, though this I deeply lament, but the causes which produced this unfavorable determination are more to be deplored. When my last despatch was written the intelligence of some internal dissensions in the country and army had reached here, but by an untiring exertion, aided by the news of the promptness of Genl Somerville's action at Laredo in suppressing the spirit of insubordination which had manifested itself there, I was enabled to show to the committee to whom the treaty had been referred that the laws and constituted authorities were yet supreme, and thereby sustain the tottering fabric of confidence which had [been] noding to its fall. The committee had determined to make a favorable report upon the treaty, (but it has been wisely said, we know not what a day may bring forth,) soon after this, came the news of the division and split of the army, and the disasters which befell Col Fishers Command,<sup>a</sup> and with it came the anathemas and abuse which seemed to be poured out, without measure upon the Government and Country by some of our presses and letter writers, whose eloquence seems never so vivid, as when attempting to hold up in derision the constituted authorities of the Republic. These things were read and copied

<sup>a</sup> Col. William S. Fisher was elected to command the Texans engaged in the Mier expedition after it was abandoned by General Somervell.

into the newspapers here, and reiterated throughout the land, their effects you may readily judge, the efforts of our friends were palsied as if by a paralytic stroke, the hopes of our Opponents revived, while the remaining confidence which had existed in our institutions as if borne down by a mighty avalanche either disappeared beneath the ruins or was only seen in the disjointed and weakened fragments of the hopes of our unmoved friends. Mr Archer informed me that every Senator who spoke upon the matter in opposition said they were willing to grant us by legislative action all the privileges which were ceded to us in the articles stricken out, but that our apparent situation would not justify them in ceding such important provisions by treaty stipulations and thereby place them beyond their control for ten years, if granted by legislative act they could repeal it whenever they saw proper should any change take place in our affairs which would call for it. Mr Archer also said he would pledge himself if desired to bring in a bill at the next session for that purpose. This and my preceding dispatches will thus give you the history of the matter so far as the same has come to my knowledge with the various causes which have operated at different times to retard the action of the Senate and to bring about the final result, which I have used every exertion in my power to avert. I annex for the information of your Department a private communication which I addressed to Mr Archer chairman of the committee on foreign relations while the treaty was before the committee. As I before remarked further action of course will be suspended until the meeting of Congress in December, if during this time order can be restored, the people united, the laws respected, subordination prevail, our friends who wield the pen or speak aloud will but talk and write in our country's cause and Texas present an undivided front I do not entertain a doubt but that the late panic will have passed away, confidence be again restored and that the Senate will reconsider its vote and adopt the treaty as originally presented, for this reason I hope the Senate of Texas will not act upon the matter until an opportunity is afforded the Senate here to revise its decision. I read at the hands of Col. Dangerfield the ratified Copy of the treaty forwarded by him.

In a former despatch I informed your department that I addressed to Mr Webster Secretary of State on the 14th of December last a communication upon the subject of the character of hostilities waged by Mexico against Texas invoking at the same time the interposition of the United States to arrest the same and to require of Mexico either to recognise the independence of Texas or make war upon her according to the rules of civilized nations. Mr Webster afterwards in a private conversation informed me that the same had been laid before the President of the United States who had given it a favorable considera-

tion and that it was the intention of his Government to seize the earliest favorable opportunity to make a representation to the Mexican govt. upon this subject. Afterwards I recd the note of Mr. Webster in reply dated 2nd Feb last informing me that copies of my communication of the 14th Dec and 24th Jany had been transmitted to the Minister of the United States in Mexico with instructions concerning the same. A copy of Mr Websters note is herewith annexed. Subsequent to the date of the reply I was told by Mr Webster in a personal interview had at the State Department, that, the Govt of Texas having in its late movements towards Mexico acted in violation of the policy which she had formerly avowed and attempted a retaliation for the injuries which had been inflicted upon her, the government of the United States could not feel justified to adopt the measures which it at first intended. I endeavored to show to Mr Webster that any apparant diversion from our former course was not to be attributed to the Govt authorities but to individuals acting in violation of orders, these thing I was unable to fully establish, for the want of authentic information concerning the facts as they existed Mr Webster said in reply that it was impossible to draw the distinction at all times between those who acted by authority and those who acted without, and if such numbers acted not only without but in violation of orders it was one of the strongest grounds to prove that we were without a government or in other words the Govt had lost its force. I am much gratified in deed that this matter has recd so much of your attention in your last despatches. I shall immediately address the Secretary of State here upon the subject and enclose therewith the narative of A Neill Esqr and a copy of the orders directed to Genl Sommerville which must fully (as I conceive) vindicate the course of the govt in the measures which have been taken. Mr Southall bearer of dispatches from the American Minister in Mexico to the Govt here reached this place a short time since, after his arrival I called upon Mr Webster who informed me that Mr Thompson had approached the Mexican Govt upon the subject of Texas and that Mr Thompson reports that all attempts at mediation are wholly useless.

Since my last despatch I have privately and confidentially presented the situation of our affairs to the President and one of the prominent members of his cabinet and submitted to them the propriety of the United States announcing to the world that the independence of Texas shall be maintained and that the war waged by Mexico against us shall cease in toto. I have urged in argument, that, it was the abolition of slavery which was avowed by Mexico as a prime reason for an attempt to resubjugate our country, and that this is but an indirect attempt at abolition in this country and calculated to encourage that growing faction here. Aside from this

the movements of the British Government can not be looked upon in any other than a suspicious light towards Texas, the known policy of England upon the question of Slavery and the assertions of those connected with her Government that equivalents could be had by Texas for her slaves if they were freed, show evidently that it is a darling project of hers to see established in Texas a free state peopled by Anglo Americans. Could she succeed in this, the history of the Southern States would soon be written. To accomplish this England knows that Texas must be reduced to the last extremity before the question could be entertained. This matter as I before remarked was presented to the President and one of his Cabinet confidentially—the President listened with much attention and replied he would take the matter into serious consideration. I afterwards on Monday last called to see him when he told me that Mr Webster had been directed to approach the French Minister on the subject and that if the French Government would unite with the United States that he would immediately take an action upon the matter. I shall not make any written communication to the United States govt. which will state any of the facts just related but will continue verbally to urge the measure. If the jealousy of this govt can be a little more excited, all the points at which they have stickeled would be easily surmounted and they would take an open and bold stand in our behalf. This course I believe now can alone secure us peace from Mexico while Texas remains in her present position as a separate Government. In the communication which I shall first address the Secretary of State here I shall endeavor in pursuance of your instructions to enforce as far as I can the doctrine of the propriety of this government interposing to arrest the predatory warfare of Mexico against us. I hope that the views which I have laid confidentially before President Tyler may meet your approbation, should they do so I trust I will be favored with the views of your department in relation to the same. I presume that no step will be taken upon the subject untill the French Minister can consult his Government. I will write Dr Smith on the subject by the next packet.

I am gratified to learn that my efforts on the subject of annexation have met the approbation of yourself and his Excellency the President. I have let no opportunity pass to bring this matter to the consideration of President Tyler and his Cabinet who assure me of their ardent desire to accomplish that object, the views submitted by you in relation to the proposition I most cordially concur in. The President informed me in our last interview that I might rest assured, that, the moment he considered it safe to do so he would advise me of the desire of his Govt to enter into the negotiation. The President is much embarrassed at this time his principle nomi-



nations having been rejected by the Senate. I allude to Mr Wise who was nominated as Minister to France and Mr Cushing to the Treasury Mr Wise's sentiments you know in relation to annexation Mr Cushing though from the North was pledged to go for it. Mr Spencer has succeeded to the Treasury Mr Webster will no doubt retire in the course of two or three weeks. Some other changes are spoken of, after which, when all becomes settled a better opportunity will be afforded for operation. Let our people and papers at home keep silent on this subject, too great an anxiety manifested there will only excite opposition here which might otherwise lie dormant. Genl Jackson has written an able and interesting letter on the subject which will be published in the Globe. I will fo[r]ward you a copy as early as it appears.<sup>a</sup> His influence is paramount with Mr. Tyler.

I will keep your Department advised upon this matter, believing as I do, that, it is a subject of absorbing interest both to Texas and the United States, and that it is the determination of the administration now in power in this country to make the effort to effect it.

A few days before the adjournment of Congress John Quincy Adams endeavored to offer some resolutions in the House of Reps. declaring that no power existed in the constitution authorizing the acquisition of foreign Territory and any treaty made to annex Texas would be cause of disunion, etc etc. The House refused to receive it or consider it.

On the 3rd ultimo I addressed a communication of [to] Mr Webster upon the subject of the disturbances between the border citizens of Texas and the Indians residing on the boundary near Red River enclosing a copy of the extract from Jesse Bentons letter to your Department, also submitting the views heretofore contained in my instructions upon the subject of the transmission of the mails between the two countries. I herewith send you a copy of the communication which will inform you more fully upon the subject. I had previously laid the same before the Post Master Genl. who informed me that he was not authorized to require prepayment upon letters although he approved of the proposition submitted by me, the communication was made in writing that the same might be submitted to Congress—this was done but I regret to have to say that it remains I understand among the unfinished business of the session.

Your request in relation to the blank forms of the Post Office Department shall be attended to at the earliest day possible. Mr Dangerfield delivered me a full copy of the laws for which I return you my thanks.

<sup>a</sup> See *Niles' Register*, LXVI, 70.

You will please remember me to the President and the members of the Cabinet respectively.

Wishing you success in the important duties of your station I have the honor to be with great and sincere regard your friend  
and Obedient Servant,

ISAAC VAN ZANDT

P. S. I see published in the *Intelligencer* of this morning a report that the prisoners taken at Mier had escaped I send you the slip cut out.<sup>a</sup> I fear that this is not true, but hoping that it may be I will not make any further communication in relation to them until I learn the truth of the report.

I. V. Z.

(Mr Webster to Mr. Van Zandt.)

*Confidential*

The undersigned Secretary of State of the United States has the honor to inform Mr Van Zandt Charge d' Affaires of Texas that the treaty between the two Countries signed in this city on the 30th of July, last was duly submitted by the President to the Senate for its consideration with a view to ratification and that the senate disposed of this instrument on the 3rd Instant Mr Van Zandt will see from the enclosed copy of their resolution of that date that the Senate advised and consented to the ratification of the treaty with an amendment that the 4 and 5th Articles<sup>b</sup> be stricken out.

The undersigned avails himself of this occasion to offer to Mr Van Zandt renewed assurances of his distinguished consideration

(sgd.) DANL WEBSTER

DEPARTMENT OF STATE

*Washington [City] 11th March 1843.*

To the Honl ISAAC VAN ZANDT

*etc etc etc*

[Here follow copies of the Senate resolution referred to<sup>c</sup> and of the following: Webster<sup>d</sup> to Van Zandt, February 2, 1843; and Van Zandt to Webster, February 3, 1843.]

<sup>a</sup> The clipping, which is pasted on the sheet just above the postscript, reads as follows:

FROM MATAMORAS.

The schooner Emblem arrived at New Orleans on the 1st instant from Matamoras, which port she left on the 19th of February.

The captain reports that on the 22d, while lying off the bar waiting for a pilot, news came that the prisoners (Texians) captured at Mier with Colonel Fisher had risen upon their guard at Saltillo, overpowered them after a short struggle, and set out in haste for Texas.

In confirmation of this rumor it is reported that Col. Kinney, who was about taking passage for the United States, had been arrested after the Emblem left Matamoras on suspicion of having some hand in assisting the Texian prisoners to escape.—*Picayune*.

<sup>b</sup> See Part I, p. 623.

<sup>c</sup> See *Journal of the Executive Proceedings of the Senate*, VI, 188-189.

<sup>d</sup> See Calendar of Correspondence with the United States in Part I.