

GREEN TO EVE.^aVAN ZANDT TO WEBSTER.^bMEXICAN PROPOSITION FOR PEACE MADE THROUGH JAMES W.
ROBINSON.^c

VAN ZANDT TO JONES.

Dispatch
No. 98.LEGATION OF TEXAS
Washington City
*April 5th. 1843*Honorable, ANSON JONES
Secretary of State.

SIR

In my dispatch to your Department of the 13th. ultimo, in alluding to the amendments made to the treaty, by the Senate of the United States, I expressed the opinion, that, if a proper course were pursued by our people at home, confidence would again be restored in this country, and at the next session of Congress we might have reason to hope that the treaty would be ratified in its original shape, and that, therefore, the Senate of Texas should not act again upon the matter, until the Senate here had had an opportunity to revise its decision. So far as the course, proper to be pursued, was alluded to, as mentioned above, I am now of opinion that I was partially in an error, and that the Senate here will take no action upon the same, until the treaty has been submitted to the Senate of Texas, with a view to its concurrence in the amendments proposed. Should the Senate of Texas refuse to concur, my present impression is that a new convention will have to be formed, of this however I will speak at another time, my present object being to correct the error of my former hasty suggestion, which was not properly scrutinized at the time it was indited. While on this subject, I will state for your information that a few days since it was made known, to me, by a gentleman who represents himself as being the holder as well as the agent of others who are holders of a large amount of Texas treasury notes, (this gentleman was introduced to me by a letter from Mr. Webster) that these holders, of our liabilities, intended to call upon the Government of the United States to require of the Government of Texas to make some provision, for the liquidation of their claims, or some arrangement, by which these notes should be receivable again, as heretofore

^a March 17, 1843. See Eve to Jones, April 28, 1843.^b March 23, 1843. See Van Zandt to Jones, April 5, 1843.^c March 27, 1843. See Jones to Van Zandt, May 8, 1843.

for public dues, at certain stipulated periods of time, say, one, two, three, and four years. This gentleman further stated to me that he had made a written communication, to the Secretary of State, upon this subject, which was submitted to Mr. Archer, chairman, of the Committee on Foreign Relations, being the same to which I alluded in a former dispatch. He also stated that he had lately called the attention of Mr. Webster, and several Senators to this subject, all of whom, he said, concurred with him, that should another treaty, or convention be concluded between the two Governments, such treaty, or convention ought to contain a stipulation, for the adjustment of these liabilities. In reply to these remarks, I said, to the gentleman, that I had no instructions from my Government upon this subject, but if I had, of course, I could take no official notice of his propositions, unless the same were presented to me through his Government, but as a private citizen, of Texas, I would say that while that Government felt every disposition to meet its liabilities, at the earliest day possible, I felt very certain that such a provision, as had been intimated, by him, neither could, nor would be adopted. He then desired to know of me, if I would have any objection, to his making, to me, a written communication, in relation to this subject. I replied that he could do so, if he thought proper, and that any communication, which he might make to me, I would take pleasure in submitting to my Government, for its consideration. He then said, on leaving, that I should hear from him soon.

If the communication be made I will forward it to your Department as soon as received. No allusion has been made, to this subject, by Mr. Webster, in any of our late conversations, but I thought it proper to give you the substance of the foregoing conversation, somewhat in detail that you might form your own conclusions therefrom.

On the 23rd. ultimo, I addressed, to Mr. Webster, a communication, upon the subject of our Mexican relations, enclosing copies of the orders given to Genl. Somervell, and the narrative of A. Neill Esq., which I had received from your Department. I herewith send you a copy, of the communication referred to. The objects, of which, as you will perceive, were to correct the erroneous impressions, which had been made here, in relation to the late movements of the Government of Texas, and to place it in its proper light; and to again impress upon the Government, of the United States, the propriety, of a prompt and efficient interposition upon their part, in arresting the war between Mexico and Texas; and to secure a proper treatment to those of our countrymen whom the fortunes of war had placed, as prisoners, in the power of Mexico. In relating the details, of the treatment, which had been extended by Texas, to those Mexicans whom she had taken prisoners, and the contrast which had been presented by Mexico, in the infliction of numerous outrages, upon

our citizens, who had been captured by her, I have copied principally the language used in my instructions, from your Department, believing them to present the facts in their clear and most forcible light. Up to the present time I have received no reply to this communication. Mr. Webster is now absent for a few days on a visit to Boston. At Mr. Webster's request I gave him a copy of the letter of the French Chargé de' Affaires to your Department.

In your Dispatch to me of February 16th. you make the following remark, in reply to my Dispatch number 95, which had been received at your Department, viz. "I was somewhat surprised at that part of your communication number 95, where you expressed 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 article of said treaty; and I am at a great loss to understand to what particular acts you allude." In order that you may know upon what my opinion was founded, I would respectfully call your attention to the following extract, from a Dispatch received from your Department, of August the 19th. 1842, viz. "The right, of Texas, to require this prohibition, on the part of citizens of the United States, is clearly deducible from the 33rd. article of the treaty, of Amity, navigation, and commerce, concluded etc." In the following paragraph you say "This treaty is in full force. Texas was, at the time it was concluded, a component part of the Mexican confederacy. She has never *repudiated* the treaty, nor disregarded its provisions etc. etc." An examination, of these extracts, I am sure, will lessen your surprise, and I think convince you that they furnish sufficient grounds for the suggestion, or the opinion, which was expressed by me, in my Dispatch No. 95. I concur with your Department, upon further examination, that the provision, in relation to Indians, constituting one of the features of amity embraced in the treaty, is yet in force, but in the dispatch of Your Department, of the 19th. of August, your remarks are not confined to the provision of amity; you say in unequivocal terms "*This treaty is yet in full force*". Another fact I will state, which strengthened the opinion, which I expressed, it is this, that no measures had been taken to enforce that provision of our revenue laws, which provides that an additional duty of five per cent shall be levied, upon all articles shipped, or imported in foreign bottoms, with the exception of those foreign vessels, which by treaty or act of congress, are permitted to enter, on the payment of domestic duty. If then, there exists no treaty stipulations, in regard to navigation and commerce between the two countries, I am at a loss to know why this additional restriction has not been enforced, against the commerce of the United States. The fact, that the same

has not been enforced, certainly affords grounds for the suggestions which I made. I am aware that the collection of the revenue is not under the control of your Department, but at the same time it was to be presumed that so important a fact, as that, could not have escaped your attention. In making the suggestion, that it was probably unknown to your Department that the notice to terminate the treaty had been given to the United States, it was not my intention or wish to impute "*Ignorance*" to your Department, (that is the word used by you,) but knowing the fact that the records of your Department were at Austin, and that it was impossible for you to refer to them, I thought it probable that the same might have escaped your notice. This I hope will sufficiently disclose the causes which led me to make the remarks alluded to by you in your dispatch of the 16th. of February last, and satisfy you of their then apparent propriety.

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I will write to you again, in the course of next week, by which time, I hope to be enabled to communicate to you the determination of this Government, upon the subject of interposition.

I have the honor to be with high
regard Your Obedient Servant

ISAAC VAN ZANDT

[Copy.]

(Mr. Van Zandt to Mr. Webster.)

LEGATION OF TEXAS,
Washington City March 23rd. 1843

The undersigned, charge de Affaires, of the Republic of Texas, had the honor, on the 14th. of December last, to lay before Mr. Webster, Secretary of State, of the United States, and invite his attention to the character of hostilities waged by Mexico against Texas, which was believed to be violative of those rules of civilized warfare, which had received the impress of wisdom, and been sanctioned by the ennobling and enlightened principles of humanity; invoking at the same time the interposition, of the Government of the United States, to arrest the same. Subsequent to the date, of the communication just alluded to, in a personal interview, the undersigned was informed by Mr. Webster that the same had been submitted to His Excellency, the President, of the United States, who had given it a favorable consideration; and that it was the intention of his Government to seize the earliest favorable opportunity to make a representation upon the subject, to the Mexican Government. On the 2nd. ultimo, the undersigned had the honor to receive the note of Mr. Webster

^a Here follows a list of the books and other property of the legation.

in reply to his, by which he was informed that a copy, of his communication, of the 14th. of December, had been communicated to the Minister of the United States at Mexico, with instructions from the Department of State in relation thereto, the nature of which was not intimated. Since this reply, in an interview had at the Department of State, the undersigned was informed by Mr Webster that the late movements of the forces of Texas, having exhibited an apparent inconsistency with the principles, which the Government of Texas had avowed should govern its action; and partaking of that character of warfare, against which, it had protested, and which the interposition of the United States had been invoked to arrest; that, therefore, his Government would necessarily be constrained to suspend the measures, which it had designed to take, and which it would have deemed proper to adopt towards the contending parties. The undersigned listened with much regret to the opinion thus expressed, and though conscious of the incorrectness, or the imperfect view of the *data*, upon which this conclusion was founded, yet, for want of authentic information, the undersigned was then unable to present a full statement of the facts, which would explain the nature of these movements, and vindicate his Government from the supposed inconsistency. The undersigned has now the gratification to make known to Mr. Webster, that he has received, from his Government, official information of the causes, which gave rise to the campaign, and the orders and instructions given to Brig-Gen Somervell for its prosecution, to all of which the attention of Mr. Webster is most respectfully invited, with the fullest confidence that they will show that the Government of Texas has not abandoned its former ground, nor given its sanction to any act, at variance with its previous declarations.

In my communication, referred to, of the 14th. December last, it was made known to Mr. Webster, that in the course of that year, no less than three predatory marauding incursions, to Texas, by Mexican soldiery, had been made, under the orders of the Government of Mexico. Our peaceful citizens have been plundered, by their troops in some instances, in others captured and imprisoned, and again, in others murdered, with the most savage inhumanity, in cold blood. On account of these unjustifiable enormities and cruelties, inflicted upon our people, a feeling was aroused throughout the country, which caused an assemblage of a large number of our citizens at Gonzales, one of our western towns, in the month of October last, determined to avenge the injuries and murders, which had been committed upon their friends. From the indications that were given, the President became satisfied that the people, of the country, were exasperated to a degree, which it would be at least difficult to restrain, even should propriety require it to be done. Under

this conviction Brig-Gen Somervell, of the Texas militia, within the limits, of whose Brigade the citizens had assembled, was ordered to assume the command, and, in case a suitable force should muster into service, to pursue the enemy across the Rio Grande, for the purpose of chastising them; observing in every case the rules of civilized warfare, and exercising great humanity towards the common people.

For the further information of Mr. Webster upon this subject, the undersigned has the honor herewith to transmit copies, of all the orders given by the President and Secretary of War of Texas, to Brig. Gen Somervell, for the conduct of the campaign. (See copies of orders addressed to Gen Sommervell.^a) Under these orders, the army, about seven hundred strong, was organized by Brg.-Gen Sommervell, and marched from the Medina on the 25th. of November last, in the direction of Laredo, at which place it arrived and [which it] took possession of, without resistance, on the 8th. of the succeeding month; the troops stationed there having fled with precipitation, on the approach of Gen Somervell. From this place, a part, of the men, about 200, returned home; the remainder, under Gen Somervell, marched on the 10th. from Laredo and crossed the Rio Grande near Guerrero on the 14th., in the presence of Gen Canales, who, with about 400 men, was stationed on the opposite side of the river. Gen. Canales, with his forces, immediately fled, and the town of Guerrero surrendered. On the 18th., the army repassed the river in safety, and on the 19th. Gen Somervell, not deeming it prudent to remain longer, and being in want of provisions, clothing and ammunition, concluded to return. The order was then given to return to Gonzales, and the march was accordingly commenced, by about two hundred men, who returned to their homes. The balance remained in camp, and having elected Wm. S. Fisher commander, in violation of Gen Somervell's order, recrossed the Rio Grande, and entered the town of Mier on the 23rd. On the 24th., a smart skirmish ensued between this party and a Mexican force, when the latter were repulsed with loss. On the 25th they were attacked at day light, by about 1500 men, and after having fought very gallantly until ten o'clock, a parley ensued, and they were induced, by assurances that large reinforcements, of Mexicans, were at hand, and promises of safety, to surrender under stipulated articles.

Throughout the whole march, of the forces, while under the command of the properly authorized commander of the expedition, every individual act of impropriety or violence, upon the property of the peaceful Mexican citizens, was restrained, when it was possible

^a These are all published in the *House Journal* 7th. Tex Cong. See Calendar of Correspondence with Mexico.

to be done, or punished if committed. Private property and personal rights were, in every possible instance, secured to the enemy's citizens, and none were taken prisoners.

The objects of the Government, it will thus be seen, were legitimate—the pursuit and chastisement of the enemy. The orders, given for the Government of the campaign, and every act, done in pursuance of those orders, and with the sanction of the constituted commander, of the expedition, if submitted to the severest scrutiny, the undersigned confidently believes will show that his Government has not abandoned, nor departed from the high policy, which it had avowed its determination to pursue.

The undersigned is aware that his Government, in asserting the rights, acknowledged to belong to civilized nations, and the principles, which should govern them, in their mode of warfare towards their enemies, should give assurances, of a strict observance of those rights and principles, itself. That it has always observed them heretofore, the history of our revolution, abundantly proves; and the undersigned is instructed to assure the Government of the United States, that any departure, from these principles, should it be attempted, will not be sanctioned by his Government. That there will be lawless persons in every community, who, setting laws and authority at defiance, persist in a violation of good order and propriety is certainly true. In a country like Texas, whose civil Institutions have not been matured by time, and by the enjoyment of peace and national tranquility, whose citizens are liable to strong excitements, and driven to desire vengeance and retaliation, upon an enemy, with whom that country is at war, and from whose soldiery the most wanton, flagrant and cruel injuries have been long received and endured, and whose inhuman acts have been sanctioned, by the Government of Mexico, it is but natural to suppose, that some irregularities will occur, and that attempts will be made at retaliation, by individuals suffering from the consequences of such wrongs and injuries. These acts of individuals, though in a great degree excusable under such peculiar circumstances, should not be imputed to their Government.

The undersigned would then again repeat, that his Government will not, in any instance, depart from the principles, which it has avowed to the world—principles, which form the basis of all national respectability, and which holds together the fabric of the moral universe.

It is true, Texas may be driven, by paramount necessity, to the pursuance of a retaliatory war with Mexico, of the character, which that Government has so long pursued against her; but when she does so, that same necessity will be abundantly apparent, and justify her in the opinions of mankind.

The undersigned, believing that the foregoing facts, in relation to the campaign, under Brigr Gen Somervell, will sufficiently justify the acts of his Government, and place the same in a proper light, avails himself of this occasion to again respectfully invite the attention of Mr Webster, to the recent and continued outrages, committed by Mexico, upon the persons and lives of our citizens, who have been taken prisoners, in the predatory and marauding incursions made upon our territory, and on other occasions; which it is believed are of such a character as to demand, of those civilized nations, who have acknowledged the independence of Texas, and whose citizens are, in many instances, the participants of these outrages, a prompt and efficient interference, for the purpose of arresting them. In doing so, and for the purpose of exhibiting more fully the course, which has been pursued by both countries, since the commencement of hostilities between them, the undersigned would beg the indulgence of Mr. Webster while he presents a brief history of their conflicts, together with the manner of treatment, which has been extended to prisoners, who have fallen into the power of either of the contending parties.

The inhuman butcheries, committed upon our citizens, whom the fortune, of war, had placed in the power of Mexico in 1835 and '36, produced a feeling of horror, from which civilized humanity has too recently recovered to have forgotten them. The names, of Grant, Ward, King, Travis and Fannin, present to the recollections of all, who have read the details, of our early struggles for freedom, corresponding instances of inhuman and cold blooded murders, committed upon helpless prisoners—of violations of faith and of perfidy, on the part of Mexico, that are in striking contrast with the forbearance and humanity, which, from the commencement of the war in 1835, up to the present time, has characterized the course of Texas in its prosecution.

In December 1835, the town and fortress, of San Antonio de Bexar, were besieged by the Texian Army, under the command of Col B. R. Milam; and Gen Martin Perfecto de Cos, Commander in Chief of the Eastern Internal Provinces of Mexico, surrendered himself and about 1500 men prisoners of war, by articles, of capitulation, signed on the 10th. of that month. The conditions, of this surrender, were faithfully observed by Texas; and Gen Cos, with all his officers, and the men under his command, was permitted to return to Mexico upon parole—their persons and property being in every respect safe and inviolate.

On the 21st of April Gen Santa Anna then President of Mexico, and Commander in Chief of the Army of Operations against Texas was met and defeated at San Jacinto. The President-General and Seven hundred and fifty Officers and men surrendered themselves at discre-

tion and on their knees implored that mercy which they had so recently denied to those unfortunate men who fell into their power at Goliad and the Alamo. These prisoners had forfeited every claim to the mercy they sought, having been engaged in waging a war of extermination and giving neither quarter to the vanquished nor observing the faith they had promised by solemn compact to those who surrendered with Col Fannin and others; all of whom (with the exception of the medical men whose services were required for their own wounded) were massacred by order of Gen Santa Anna. Gen Cos who was taken a prisoner with the rest, had doubly forfeited his life, having violated the parole he had given at San Antonio the December previous, and subsequently engaged in an unauthorized mode of warfare. But notwithstanding all these powerful incentives to a just vengeance, and the then recent distresses which the Mexican army had brought upon the whole country, the lives of all these prisoners were generously spared—they were supported at the expense of the Government—were kindly treated in every respect—the wounded and sick had the best medical attention and the most assiduous care, and all who wished it were sent home to their own country. As an evidence of the humanity with which they were treated, reference is made to the fact that many of these prisoners chose to remain in the country and continue in it up to the present day.

Gen Filisola and the troops under his command fled from the country immediately after the battle of San Jacinto in the utmost confusion and dismay, and although they could have been cut up by our army and the hand of vengeance was withheld; and in strict fulfillment of the promise made this General with his troops was permitted to leave the country undisturbed. His official report to his own nation and the defence which he published to the world in justification of his precipitate retreat clearly prove the truth of the above statement in relation to him.

The President of Mexico, Gen Santa Anna was treated with every possible respect and kindness and with all the forbearance consistent with his safe keeping as a prisoner of war: and was finally sent to the city of Washington agreeably to his own solicitation, under an escort of three distinguished officers and at the public expense, from which place he returned safely to Mexico.

The sparing the lives of these prisoners and the indulgences extended to them was a voluntary act on the part of Texas: and their release and restoration to liberty an act of humanity and mercy. The obligations which these impose upon civilized man were the only ones which my Government was under towards these captive enemies; while justice if her stern mandates had been obeyed would have required their execution or at least that of their leaders.

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The course of Mexico towards the citizens of my Government who have fallen into her hands has been of a character wholly at variance with this conduct on our part as will be seen by the following statement of facts.

Passing over the massacres of our citizens in 1835 and 6 which are already sufficiently known and are alluded to in a former part of this communication, this detail will be confined to transactions of a recent date.

A party of peaceful traders and others sent out to Santa Fé in the latter part of 1841 consisting of about 325 men were induced to surrender themselves prisoners of war to the troops under command of Gov Armijo. Articles of capitulation were agreed to and signed by the two parties, by which the Texians were promised security of persons and individual property, kind treatment and speedy restoration to perfect liberty. But no sooner had they laid down their arms, than they were indiscriminately plundered of every article of property they possessed—their hats, shoes coats blankets and even their shirts taken from them. Their arms were tied with cords and they were fastened together in numbers of two or more with raw hide and some secured by cabristas^a to the tails of Mexican horses and mules. In this condition, in the coldest of the winter weather, exposed to every vicissitude and inclemency of the climate, suffering alternately from cold and hunger and hourly insulted and abused by the officers and soldiers in whose charge they [were] placed by the Governor of Santa Fe, they were marched on foot a distance of 2500 miles to the city of Mexico. On the way those who failed from fatigue debility or sickness were deliberately murdered, their ears cut off and transmitted to Mexico as a proof of the fidelity of the commanding officer of the guard in the fulfillment of his inhuman orders. Those who survived the fatigues of this long march and arrived in Mexico (with a few exceptions) were confined in prisons at night and in the day were turned out, chained together like criminals to sweep the streets of the city. Their lives however were spared and they were finally released. Their support while in Mexico was derived principally from the generous advances and contributions made by foreigners; and their return home was effected in the same manner.

On the 11th. of September last Gen Adrian Woll with a force of about Sixteen or seventeen hundred men entered San Antonio de Bexar under cover of a dense fog, early in the morning and captured fifty four citizens of that place. Herewith I transmit a copy of the statement furnished to the Department of State of Texas by Col Andrew Neill a highly respectable gentleman of Gonzales who was one of the number captured by Gen Woll while attending as a lawyer to his duties at the circuit Court then in session and who has since

^a Hair ropes.

effected his escape and returned to Texas. His statement is entitled to entire credit and by its perusal Mr. Webster will be able to derive an accurate and complete detail of all the transactions connected with the treatment of the prisoners made by Gen Woll, which appears to have been similar to that extended to the Santa Fé prisoners except that their ultimate fate is yet unknown. (See A. Neill's statement.)^a

On the 25th. of December last a force of Texians commanded by Col Wm S. Fisher amounting to about 250 men surrendered themselves prisoners of war to Generals Ampudia and Canales of the Mexican Army at the town of Mier, under articles of capitulation, the terms of which are not precisely known. From the inhuman treatment heretofore inflicted upon our prisoners, it is much to be feared that Gen Santa Anna or those acting by his influence or orders will sacrifice the lives of these unfortunate men upon the pretext that they were not acting at the time under the orders of the Texian Government, or some other plea. It will be observed however that although the men may be all murdered who were taken prisoners under Col Fisher, yet some few have escaped who can establish the fact beyond a doubt that articles of capitulation were signed, and that the men were promised kind treatment and all the rights of prisoners of war. This being the case it cannot be material to the question which may be brought to an issue between them and the Government of Mexico whether they were acting under the immediate and legal orders of the Government of Texas or not. They were prosecuting an enterprise which the Government had sanctioned—that of pursuing and chastising the enemy who had just made a predatory incursion into our country and by the capitulation and promises made them they acquired at least the right to be considered and respected as prisoners of war. Had they been other than lawful belligerents it could not have been proper to have entered into a convention with them for their surrender; consequently the Government of Mexico is bound by every obligation of law justice and humanity to observe in good faith the conditions of this surrender. The capitulation upon expressed terms of agreement between them and their captors most certainly brought them within the scope of the rules of civilized war. It is also to be observed that at the time of the capitulation our citizens were by no means vanquished but might have fought their way out with much probability of success had not the most solemn promises of kind treatment and security for persons and property been made them by the Mexican commanders Generals Ampudia and Canales.

In each of the instances now before recited the acknowledged laws of civilized war as well as the principles of common humanity had been outrageously violated by Mexico. But the capture and treat-

^a See Jones to Van Zandt, February 10, 1843.

ment of the prisoners taken at Bexar in September last are attended by circumstances of great aggravation. The Mexicans entered the town early in the morning under the cover of a dense fog and without any previous notification whatever. There were no troops at this point at the time as was well known to Gen Woll (he having constant means of information from the place.) No necessity could therefore have existed for a General at the head of Seventeen hundred men to have taken the town by surprise which only contained some sixty private citizens, then quietly pursuing their ordinary avocations; the most of them being in attendance on the District Court of the fourth Judicial District then in session. Bexar is an extreme frontier town, insulated from the rest of Texas, eminently exposed to attack from Indians or Mexican banditti. Rumors, as usual during the session of the Court, had two or three days been afloat that some enemy, the character of which was unknown were hovering about the place, and when ^a on the morning of the 11th. the citizens being aroused from their beds by the cry that the enemy were in town from a natural impulse rushed to their arms to defend themselves, as they had every right to suppose from savages or robbers. So soon however as it was known to be a regular Mexican force of seventeen hundred men which had in this extraordinary and unusual manner approached the place they laid down their arms and offering no further resistance the town was immediately surrendered. All the citizens of the place were therefore entitled to be considered non-combatants, as they were but a moment in arms; and the time and manner of Gen Woll's approaching the town were such as to lead the inhabitants to the belief that the object of the attack upon a small defenseless town like Bexar must have been plunder or assassination, which it was clearly their right and duty to resist. But the whole of them were forced to surrender as prisoners of war under articles of capitulation. Among those thus taken prisoners, was the venerable and highly distinguished jurist, the Hon Anderson Hutchinson, then presiding at the Court in session, the Hon Mr. Colquhoun Senator in Congress from Bexar, the Hon Mr. Maverick Representative for that county and the Hon W. E. Jones Representative from Gonzales and many others of our most reputable citizens,^b several of whom were taken from their private houses, although they had offered no resistance. The capture of these men therefore and the forcing them to sign articles of capitulation and acknowledging themselves prisoners of war when they had only followed the natural impulse of self defence, is a most gross and palpable violation of the plainest principles of

^a If the structure of this sentence had been more carefully noted by its writer, he would probably have omitted "when."

^b For a list, see *Niles' Register*, L.XIII, 178.

civilized war. They were not belligerents and therefore not subject to the penalties which attach to belligerents.

Since the capitulation three of these individuals have been condemned to death upon the charge that they had been in the Santa Fe expedition, viz, Mr. George Van Ness, Archibald Fitzgerald and Thomas Hancock; which sentence it is understood the President of Mexico has since commuted to ten years confinement in prison. Had the sentence of death been carried into execution upon these gentlemen it would have constituted a most foul murder; and the imprisonment for ten years is an act of national perfidy and inhumanity against which every principle of justice and mercy is directly opposed. Their parole was not violated by their being at Bexar when the place surrendered nor had they violated it by taking up arms against Mexico.

Mexico may urge in excuse for her want of faith and her inhumanity towards those of our citizens who have been so unfortunate as to fall into her power that she has not recognized Texas as an independent nation and therefore has a right to act as she pleases in the premises. But the civilized world cannot admit so futile a reason. Texas is acknowledged as an independent power by the principal Governments of the world and consequently to these Governments so far as they are concerned Texas has all the rights and is bound by all the responsibilities which can attach to an independent and sovereign people.

The treatment which our prisoners have received in all the above recited instances and which they are now receiving at Perote and other places where they are confined is as infamous as it is unjust. It is opposed to the principles of religion, to the dictates of common humanity and to every acknowledged rule of proceeding between civilized nations in a state of war. As such the Government of Texas views it; and she protests to those Governments who have acknowledged her independence against the course which Mexico has pursued, and calls upon them to interpose their power in arresting it. They are directly interested in preserving the principles which all nations claiming to be civilized have adopted for mutual observance; and Texas believes that it is their right as well as their duty to interpose. A prompt action in this matter may save the lives of more than three hundred brave and chivalrous men--an object certainly which will sufficiently recommend itself to every generous and philanthropic heart.

Mexico in her whole course of conducting the war against Texas has abundantly evinced the disgraceful fact, that no treaty or convention however solemn can bind her to the observance of either justice humanity or mercy and she has thus denied those great principles

which hold together the fabric of the moral Universe. If therefore other nations in view of these circumstances and all the facts now before them as well as those herein contained should refuse their interference in the premises no other course will be left to Texas in the future prosecution of the war with Mexico, than to adopt the principles of retaliation and to visit upon the people of that country the evils and cruelties which have so long been suffered by ours.

For the mass of human suffering and misery which would thus be entailed upon the unfortunate, the defenceless and the feeble my Government will then stand acquitted to itself, to the world and to Almighty God. It remains to be seen whether the civilized world will look on with indifference and witness so disastrous a catastrophe.

These facts and reflections are respectively submitted to His Excellency the Secretary of State of the United States with a firm reliance that that Government, guided by that enlightened wisdom and respect for the laws of humanity which so eminently distinguish it will give to them the consideration which their importance demands; and take such action thereon as right and justice may require.

The undersigned with pleasure avails himself of this occasion to renew to Mr. Webster assurances of his distinguished consideration.

(signed) ISAAC VAN ZANDT

His Excellency

DANIEL WEBSTER

etc etc etc

VAN ZANDT TO JONES.^a

ARMSTRONG TO CRAWFORD.^b

ARMSTRONG TO CRAWFORD.^c

EVE TO JONES.^d

[Inclosed are copies of Porter to Webster, March 15, 1843, and of Taylor to the Adjutant General of the United States army, February 22, 1843.]

^a April 5, 1843. See Calendar of Correspondence with the United States in Part I.

^b April 10, 1843. See Van Zandt to Jones, August 15, 1843.

^c Copy undated, but written soon after Armstrong to Crawford of April 10. See Van Zandt to Jones, August 15, 1843.

^d A. I. S., April 13, 1843 (transmitting copy of Taylor to Adjutant-General, February 22). For this letter and inclosures, see Calendar of Correspondence with the United States in Part I.

EVE TO JONES.^a

LEGATION OF THE UNITED STATES

Galveston April 13th 1843

The Honble.

ANSON JONES

Secretary of State of Texas

SIR

I am instructed by the State department of the United States to seek an early interview with the Secretary of State of Texas, and address to him a strong, but kind and friendly remonstrance, to abstain on the part of Texas from carrying on the war (should it continue) against Mexico by means of predatory incursions, whither with a view to retaliation or otherwise. But so long as the war continues, to carry it on openly, honorably, and according to the rules recognized by all civilized and Christian States in modern times.

At the request of Mr. Van Zandt your Charge d'Affaires now at Washington, similar instructions have been given to the United States minister at Mexico.

As I am unable to visit Washington at this time, on account of indisposition, I should be much gratified could you visit me in Galveston when we can have a full and free oral interchange of opinions upon this subject, of so much consequence to the character and good standing of Texas. I am however so well acquainted with the opinions of the President of Texas upon this subject that I feel assured that there will be no difference of opinion between us. I know that he has uniformly opposed, all and every depredatory incursion by the people of Texas upon Mexico. You will please inform me by return mail whither you will visit me in Galveston and if so when, as I intend the moment my health will permit me to do so with safety to visit Washington.

With renewed assurances of respect,

I am your obedient servant

JOSEPH EVE

 EVE TO WEBSTER.^b

 UPSHAW TO CRAWFORD.^c

 SHAW TO BOURLAND.^d

^a A. L. S.

^b April 14, 1843. See Calendar of Correspondence with the United States in Part I.

^c April 15, 1843. See Van Zandt to Jones, June 29, 1843.

^d April 17, 1843. See Calendar of Correspondence with the United States in Part I.

SHAW TO DOAK AND TIMS AND OTHERS.^aVAN ZANDT TO JONES.^b

Dispatch No. 99.

LEGATION OF TEXAS

*Washington City**April 19th. 1843*

HON. ANSON JONES

Secy of State.

SIR: Since my last dispatch nothing of importance has transpired in relation to our affairs here. Mr. Webster has been absent for a few weeks on a visit to Boston, but is daily expected home. It is again understood, here, that if nothing is heard from England before the 1st. of May, which may require his attention in the State Department, that he will probably retire from the Cabinet about that time. Who is to be his successor seems not yet to be determined, or if determined on, is not known to the public. Messrs Upshur, Cushing, Tazewell, and Stevenson are all spoken of. Judge Upshur has heretofore been considered as most likely to be selected. His would be one of the best appointments that could be made for the interests of Texas. He is devoted in his attachment to our country, and anxious to promote our cause, besides, he is a gentleman of fine talents, high attainments, and has the nerve, as the Venerable Sage of the hermitage would say, to "take the responsibility" and act with decision. I have some fears that he will not receive the appointment. Cushing is expected here from the north in a few days, and is very desirous, I have heard, to succeed Mr. Webster, but I hope the good sense of the President will not suffer his partiality to lead him so far into an error, as this certainly would be, for, he would inevitably be again rejected by the Senate, and thereby increase the confusion already existing. Mr. Cushing is a man of decided abilities, for his age, and an avowed friend of Texas, but the truth is, the northern influence, which is opposed to us, and which would be certainly felt by him in that station, more or less, would prevent him from taking any efficient step calculated to benefit us.

Many other changes are expected in the house, as well as the foreign appointments. Judge Eve is to be recalled from Texas, and Gen Murphy of Ohio, who is reputed to be a man of talents, is to succeed him. Mr. Proffit of Indiana 'tis said goes as Minister to Brazil. Mr. Waterson of Tennessee Charge d'Affaires to Venezuela, vice, Hall, of Nashville, to be recalled.

^a April 17, 1843. See Calendar of Correspondence with the United States in Part I.

^b U. S.

Since I wrote you last I have had frequent interviews with the President in regard to the interposition of this Government; and in our several conversations he has uniformly expressed a wish, and desire to take effective measures to put an end to the difficulties between us and Mexico, but I think he is fearful to make any important movement, except he has the unanimous approval of his advisers. In one of our conversations he used to me this language, "Sir, I wish you to be assured that I feel the deepest interest in the affairs of your country, and wish to do every thing compatible with propriety to aid you, and if possible to annex you to us; *but you see how I am situated*", (alluding I took it for granted to the embarrassments of his administration). He then remarked that when Mr. Webster returned he would urge upon him the early consideration of my communication last addressed to the Department. I then told the President that I had understood him to say that Mr. Webster had been directed to approach the French Minister upon the subject of a United and joint interposition by France and the United States: he replied that it was true, but that Mr. Webster had been so much engaged with English affairs that he had failed to do so, and that, moreover, Mr. Webster had not acted with that promptness, which he the President had desired, but that he would promise me that he would call Mr. Webster's attention to it again, so soon as he returned, and that I should be advised at an early day of their determination. I told the President that I was fully sensible of his kind feelings for Texas, and that I had not failed to make the same known in my dispatches to my Government, and that I was satisfied they would be properly appreciated; and that I hoped that no unnecessary delay would be had in coming to a determination upon the matters alluded to in my communication—that the laws of nations clearly justified, and the rights and interests of humanity demanded their interference. I told him also that I was convinced that the French Government would accede to the proposition, if made by the United States, but that France would feel a delicacy in making the move first, lest the United States might suppose she was disposed to meddle in the affairs of this continent, beyond what was proper. I fear that nothing will be done by this Government until there is a change in the office of Secretary of State. Mr. Webster, though the President may urge him up, will still take his own time, and do matters in his own way, and while he professes the greatest friendship for Texas and I think is really sincere in his professions, yet his temperament is not, of that kind, suited to bold and decisive movements in matters, in which his Government is not individually concerned, or interested as a party, or in other words I fear his sympathies have been tempered by a latitude too high for this emergency. A short time will prove the truth, or falsity of these suppositions, and "bring to light

the things that are hidden"; 'till then nothing is certain, except that all is uncertain.

The painful intelligence, of the recapture of our countrymen taken prisoners at Mier, has been confirmed, and that orders had been given to have them shot, but that through the interference of the United States' and British Ministers the order was changed to a decimation, which it was hoped would be revoked. I await with great anxiety to hear the result.

Intelligence has also reached here that Hon. W. E. Jones and Maverick had been released, and that Judge Hutchinson would likewise soon be liberated. I trust this may be true.

The propositions of Santa Anna for peace^a have been published here, and various opinions expressed, how they ought to be received, or whether they will be considered by the Government of Texas.

Col Daingerfield has not yet embarked for Europe, having been detained by the severe indisposition of his mother and other causes. He seems very anxious to enter upon his mission, and wrote me yesterday that he thought he should be off soon. Your communications to him addressed to my care were duly received and very satisfactory to the Colonel. I am looking for him here to day, when we shall visit the President, and some of the Diplomatic gentlemen.

The Chevalier Gevers, the Dutch Charge d'Affairs, left here for New York a short time ago. He was very desirous to know if his Government had an agent of any character in Texas. I told him I thought not, but that I would ascertain and inform him. Knowing that Col Daingerfield would be here I concluded to reserve the inquiry for him, and he has informed me that he is of opinion there is none, and I shall so inform the Chevalier. This gentleman and myself are on the most intimate terms—he seems to feel much interest in the affairs of Texas, and says that such is the disposition of his Government towards us. He is also very intimate with Gen Almonte, and from him, when here, I could generally learn Almonte's views.

The Prussian Minister, Baron Roenne, returned to Europe by the last packet. I think he left here very favorably impressed towards Texas, and her growing importance as a market for European manufactures and products. The gentleman made me several personal visits which were duly returned—he also made many inquiries about Texas, which I took great pains to answer, and at the same time informing him what articles of Prussian Manufacture would likely be required in our markets.

I have obtained the blanks from the Genl. Post Office which you desired me to send you, but I shall not forward them until I can have an opportunity of a private conveyance to New Orleans. The

^a Made through James W. Robinson, March 27, 1843. See Jones to Van Zandt, May 8, 1843.

package will be very large, and the postage would come to more than would be gained by sending them right away—they probably contain more than a hundred different forms.

I have also obtained a full copy of the census documents of the United States, including a statistical account of the commerce, manufactures, and products of each state, and much other information—they comprise four large volumes, one of which is two feet by eighteen inches and contains between four and five hundred pages. I will send them to you whenever an opportunity offers—they will prove a valuable acquisition to the library of your Department.

I have concluded upon reflection that much good might result from a proper, and fair publication of facts in this country, in relation to Texas, with a view to correct eroneous impressions existing here prejudicial to our interests, and to show the important advantages to be derived from annexation, and particularly the great benefits which the northern states would secure by such a treaty. I feel satisfied that it is not in keeping with the genius of the northern people to sacrifice their interest to their sympathy, and if they can be induced to believe that their pecuniary interest would be promoted by such a step, they would at once leap the barriers erected by the fanaticism of abolitionists, and become the advocates of the measure. I believe that this is a subject in which the northern people should feel as much interested, and more so, if possible, than the south. Many of the facts necessary to be stated, and the arguments used will apply with equal force to the pending treaty. I have been for sometime collecting facts in relation to this subject. My design is to publish, under an anonymous signature, the communications in some newspaper of general circulation, and in time to appear before the sitting of the next Congress. I shall first continue to collect all the facts in my power, before the first number is written. If you can send me the printed reports of the Secretary of the Treasury for 1841 and 1842 I shall be very glad, as from them I can probably learn something of our exports and imports, which I cannot obtain elsewhere.

You will perhaps think this dispatch contains some things not likely to benefit you much, but I think it best to give you matters in detail as much as possible, especially, conversations with the President and Secretary of State, from which you will be enabled to form your own conclusions, if they should differ from mine. In addition to this I am gratified to believe, that should I state any thing which is unnecessary, your better judgment will enable you to winnow the wheat from the chaff.

With the highest sentiments of regard I have the honor to remain
Your friend and Obt Servant

ISAAC VAN ZANDT