

VAN ZANDT TO JONES.^aDespatch No 101^b

SALEM TENN 5th June 1843

HON ANSON JONES
Secretary of State
etc. etc. etc.

SIR

I have the Honor to enclose you a copy of the letter of Mr Legare Secretary of State of the United States ad interim and a copy of the letter of D D Mitchell Supt. In^c Affairs at St Louis which accompanied the letter of Mr Legare both of which treat in relation to an assemblage of armed persons on the Western borders of the United States who it is alledged are acting under and by authority of commissions issued by the Government of Texas to Col Warfield and others. Having no information from your department in relation to this subject you will perceive from my note in reply to Mr Legare that I have not committed my Govt in any manner in relation to the same A copy of my note to Mr Legare dated June 1st is herewith submitted for your information. I hope I shall be favored with a reply and the instructions of your department concerning the same at the earliest day possible.

I enclose you a copy of the petition of Joseph Cooper Gun maker of the City of New York in which he states Genl Hunt is indebted to him a large sum for arms etc. which he prays may be paid by the Texian Government I wrote Mr Cooper in reply in which I expressed the opinion that the contract from his own showing as well as other circumstances known to me was a private one and would not likely be met by the Govt but that the same would be submitted by me to your department for its information. I deem it unnecessary to add any thing further in relation to the petition as its showing is sufficiently explicit

* * * * *

I remain with great Consideration your very Obt servant
 ISAAC VAN ZANDT

(private)

I have said the letter of Mr Legare and that of D D Mitchell are enclosed. I did not think it necessary to send a duplicate copy as

^a A. L. S.^b Properly 102. Van Zandt to Jones, May 3, 1843, had been numbered 101.^c Indian.^d The matter omitted here relates to Van Zandt's salary.

Mr Raymond sent a copy direct from Washington which you will please consider a portion of this dispatch. (I mean the copies of the letters alluded to.^a)

[Inclosed is a copy of Van Zandt to Legaré, June 1, 1843.^b]

To his Excellency, the
Minister of Texas
at Washington etc etc

The memorial of Joseph Cooper of the City of New York, Gun
Maker

Respectfully showeth That in the year one thousand eight hundred and thirty six, your memorialist Joseph Cooper was applied to by General Memucan Hunt to furnish fire arms, swords and ammunition to be used by the Texian Army, and trusting in the honor and statements of the said Genl. Memucan Hunt your memorialist was induced to agree to furnish the same and General Hunt handed your memorialist several promissory notes—the payment whereof were also guaranteed in writing by the Honorable J Pinckney Henderson, his guarantee being in the following words:

“Know all men by these presents that whereas one hundred and sixty promissory notes are this day made by Major General Memucan Hunt of the Texian army of five hundred and eighty dollars each, payable at the Bank of America in the City of New York to the order of H. S. Foote, due two years after date, Now I J. Pinckney Henderson being jointly interested with said Hunt in raising of the money designed to be raised upon said notes for the benefit of the cause of Texas, do hereby in consideration of the same, guarantee the faithful payment of the same, assuming all responsibility in relation to the liquidation of said notes anterior to all the endorsers who may successively endorse the same: and do hereby absolutely pledge my estate both real and personal in behalf of said liquidation, so as to secure the punctual payment of all of said notes, and thereby entirely liberate all endorsers whatever from all responsibility and shield them effectually against all pecuniary detriment, each of which promissory notes are of the same tenor and date, and amount in the aggregate to the sum—ninety two thousand dollars.

Witness my hand this twenty ninth day of September, in the year of our Lord one thousand eight hundred and thirty six.

J. PINCKNEY HENDERSON”

^a For these letters, see Raymond to Jones, May 12, 1843.

^b See Calendar of Correspondence with the United States, Part I

And your memorialist shows that he furnished to General Hunt as far as it was possible at the time such fire arms, swords and ammunition as follows:

H. 1.3. 3 cases containing		
50 United States Carbines @ \$25.....	\$1250.	
12 moulds for ball and buck shot \$1.50.....	18.	
50 M large Percussion caps \$1.....	50.	
3 boxed.....	6	
4.5 2 cases containing		
50 best cavalry swords \$6.....	300	
2 boxes and Cartage.....	3	
6.10. 5 cases muskets containing		
100 United States muskets and bayonets @ \$6.....	600.	
5 cases and cartage.....	7	
		\$2234.

And your memorialist shows that though he holds nineteen of the one hundred and sixty promissory notes mentioned in the guarantee of J Pinckney Henderson, yet he has no right over the same, except to the extent of the above balance of Two thousand and two hundred and thirty four dollars, and he is willing to give up all the notes if he can be paid what is justly due to him.

Your memorialist was obliged on account of General Hunt not paying the account or any of the notes to sue General Hunt in New Orleans, whose bail, however, took advantage of an act then lately passed; and your memorialist instead of securing any part of his debt has to pay his lawyers a large amount for fees.

Although he has made urgent request of General Hunt to pay or cause the said amount due to him to be paid, and though application has been made to the surety General Henderson, yet the debt has been in no way paid, although your memorialist has been greatly distressed for the want of money; that he is now over sixty years of age; and will not be able to pay his honest debts unless the above account be paid to him.

And your memorialist shows that inasmuch as the said fire arms, swords and ammunition were ordered for and used by the Texan Government, therefore it is respectfully urged and asked that the Texas Government should through your Excellency, cause or take such measures that the said account may be paid.

Your Memorialist prays accordingly that your Excellency will take such measures as will secure to your memorialist and his family the said amount of Two thousand Two hundred and thirty four Dollars.

(signed) JOSEPH COOPER

(Copy)

JONES TO VAN ZANDT.

DEPARTMENT OF STATE
Washington [Texas], June 8th. 1843.HON. I. VAN ZANDT
Chargé d'Affaires

SIR,

I have the honor to acknowledge the receipt of Mr. Raymond's letter to this Department, under date of the 12th Ulto. with the accompanying documents, in relation to certain acts of Col. Warfield.

Enclosed I send you a copy of the instructions given to Col. Warfield by the Secretary of War and Marine in August last,^a since which time the Government of Texas, has had no communication with that Gentleman. Indeed until very recently it had supposed that the proposed expedition of Col. Warfield had been long since abandoned. When he received his commission and these instructions, the Government was led to believe that he would act immediately, and the object of giving him his powers was to make a diversion through his agency, so as to favor the expedition which [it] was anticipated would cross the Rio Grande in the fall, and after occupying Santa Fé (which is in our declared limits) to fall down and form a junction with the leader of that expedition. From his not having acted at the contemplated period, therefore, the presumption was that he had abandoned his expedition.

You will perceive that the instructions to Col. Warfield in no respect authorize his enlisting men and organizing an expedition within the limits of the United States, and this government disclaims giving its sanction to any act of Col. Warfield, which should violate the rights or hazard the neutral obligations of the United States.

The enclosed letter from the Department of War and Marine you will forward to Mr. Warfield whenever you can ascertain his locality. Upon his receipt of the same it will operate as a notification to him that all powers heretofore granted him by this Government have been revoked.^b

On receipt of this dispatch you will address the Department of State of the United States, giving the explanations authorized above and communicating the fact that the letter revoking the powers granted to Mr. Warfield has been sent him.

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

(Signed) ANSON JONES

^a August 18, 1842. See Calendar of Correspondence with the United States, Part I.

^b No copy of this letter has been found.

EVE TO PRESIDENT OF TEXAS [HOUSTON.]^aEVE TO JONES.^b

[Transmitting Eve's letter of recall and his address to President Houston, June 10, 1843. The address follows:]

GALVESTON
June 10th. 1843

MR. PRESIDENT,

I am instructed by the Secretary of State of the United States, in taking leave of your Government to avail myself of the occasion, to express to you assurances of the continued good will of the President of the United States towards the Republic of Texas—And his desire to preserve and improve the relations of harmony, so happily subsisting between the two countries, which I pray God may continue to exist. Were I to stop here Mr. President without expressing my gratitude for your kindness, and that of the people of Texas to me, I should do injustice to my own feelings. The courteous, and unceremonious manner with which you, and each member of your Cabinet have received me in public, as well as our private intercourse, calls from me most sincerely the expression of my thanks. And wherever my future destiny may place me, the Government and people of Texas, will have my warmest wishes, for the success of their just cause, their prosperity, and happiness. I will further say Sir that I trust, and hope the day is not distant, if Mexico shall not yield to the remonstrances of friendly foreign powers, and acknowledge the independence of Texas, that my Government being the oldest on this continent, will pursue the example of the leading European powers on that continent, and say to Mexico, the war you are waging is hopeless, you are conducting it in an unchristian manner, and not according to the usages of international law, with Christian people, that it is an useless waste of human life, and is daily producing individual suffering, that it interrupts and harrasses the commercial relations of every country, and more especially that of the U. States. Therefore you must cease your hostile operations:

It is now more than seven years since the declaration of your independence, which I consider to have been perfected on the glorious and memorable field of San Jacinto, where you sir in the van of your gallant comrades, acquired a fame that time cannot take from you. The mercy and humanity displayed on that occasion to a foe that had never shown either, adds a glorious lustre to the victory of that day. The hitherto victorious Santa Anna, whose hands were imbrued with

^a A. L., June 10, 1843. See Eve to Jones of the same date.

^b A. L. S., June 10, 1843.

the blood of your countrymen, who had perfidiously violated the terms of capitulation entered into by the lamented Fannin, who in violation of the laws of justice, humanity, and of God, caused him and his gallant companions to be slain in cold blood. He had justly forfeited his life, yet History will record that you spared this monster of blood, when in your power, and that this great victory, was not stained by a single act of violence or of bloodshed. This act alone should entitle you to the admiration of posterity.

You have Mr. President a beautiful and most desirable country, your climate is fine, the soil equal to any, and rewards the husbandman with a bounteous plenty, your vast prairies with its perpetual verdure affords inexhaustable grazing for the herdsman. You have fine navigable streams. With all these advantages a few years peace, with a wise, economical and energetic administration of the affairs and the laws of the country, will make Texas, "rich, happy, and Free"

Altho, Texas has for some time labored under every disadvantage, produced from causes beyond her control, in a great degree, her population has steadily increased and will continue to increase, your agricultural wealth has been developed, in a ratio not surpassed by any country. Whilst Mexico in the oppression of her people, disregard of law, and order and internal convulsion, has shown her unfitness, to render happy and secure any people. The intelligence of your people, and the great natural advantages of the country, does not leave a doubt that Texas is destined to take a proud rank amidst the Republics of America, unless her onward course be retarded by folly, and unwise Government. The race from which we have descended, forbid the idea, that the cause of civilization, and free government will fail in their hands

Mr. President you have been a second time called by the suffrage of a large majority of your fellow citizens to preside over the destinies of this young and rising Republic. And altho you have been surrounded by difficulties seldom met, in the administration of affairs, I doubt not you will close your administration in a manner most satisfactory, to your countrymen, and those who feel an interest in Texas abroad, and that you will add to a fame so hardly won. You have my prayers for your success in behalf of your Country, as well as individually

I have the honor to be with great consideration

Sir

Your obedient Servant

JONES TO VAN ZANDT.^a

^a June 10, 1843. A copy of Jones to Smith of the same date. See Calendar of Correspondence with Great Britain.

that all the evidence possible should be procured in relation to this and other Indian aggressions and laid before the United States Charge in Texas or communicated to this legation. Since that time the matter has rested so far as any thing appears among the papers or upon the records of this Legation.

The United States appear to be willing to consider them as captives or as slaves brought into the country in violation of law. Mr Amory seems to have sent the original statement of Mr Robinson and all the other evidence if there was any to the Secretary of State of the United States. From these facts I think it best that the matter should be referred to Mr Robinson that he may obtain all the proof possible before the subject is brought up again. Entertaining this view I shall let the matter rest here until I shall hear again from your Department in relation to the same, when I shall without delay proceed in accordance with your instructions should you submit them for my guidance

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I enclose you a copy of a communication recd from Mr Legare Acting Secretary of State in reply to my note of the 3d of February last in relation to the conduct of A M M Upshaw Indian Agent and the accompanying documents enclosed by Mr Legare. I thought it only necessary to acknowledge their receipt and advise Mr Legare that the same was transmitted to my Government for its information.

The complaint against the whiskey shops upon the line on the Texian side has been frequently made to the War Department here as I have been told by the Secretary of War. If our Government has the power to prevent the sale of whiskey to the Indians along the line I have no doubt its exercise in suppressing the traffic would be attended with the most salutary effects

I start this day for Washington with my family. I go by private conveyance. In granting me leave of absence you suggest the months of August and September but say I must leave at such time as will be least detrimental to the public service. I have been governed by the last suggestion. The President and most of his Cabinet being now absent from the seat of Government I deemed it best to avail myself of the occasion to visit my family during their absence. I hope to be able to reach there by their return.

With high regard your
Most obt sevt

ISAAC VAN ZANDT

[Inclosed are copies of the following:^b Upshaw to Crawford, April 15, 1843; Crawford to Porter, May 26, 1843; Foster to Legaré, May 27, 1843; Legaré to Van Zandt, June 1, 1843.]

^a Here is omitted a paragraph relating to Van Zandt's salary.

^b See Calendar of Correspondence with the United States in Part I.

VAN ZANDT TO LEGARÉ.^a

JONES TO VAN ZANDT.

DEPARTMENT OF STATE
Washington [Texas] July 6th 1843HON. ISAAC VAN ZANDT
Chargé d'Affaires of Texas etc

SIR,

In a communication from this department addressed you on the 10th day of February last you were instructed to give to the Secretary of State of the United States certain verbal assurances in relation to the subject of the annexation of Texas to that government, and authorized on the happening of certain contingences to enter into some preliminary negotiations in relation to this subject, etc.

The United States having taken no definite action in this matter, and there now being an increased prospect of an adjustment of our difficulties with Mexico, the President deems it adviseable to take no further action at present in reference to annexation, but has decided to await the issue of events now in progress, and to postpone that subject for future consideration and for such action as circumstances may (hereafter) render most expedient for the interests of this country.

It is believed that the settlement of our difficulties with Mexico and the acknowledgement of our independence by that power will very much simplify the question of the annexation of Texas to the United States, and if after this event Texas should continue to desire this annexation, a treaty for the purpose would be more likely to succeed and to meet with favor from the people of the United States, than if, as now, that question were embarrassed with a question and involved the contingency of a war between that Government and Mexico.

It being therefore the policy of this government to occupy itself for the present exclusively with the subject of an adjustment of the existing difficulties with Mexico, the instructions given you on the tenth day of February last above referred to are hereby suspended untill further notice shall have been transmitted you from this department.

In your personal intercourse with the Secretary of State of the United States it may be proper that you should communicate this fact to him verbally

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

(Signed) ANSON JONES

^a June 29, 1843. See Calendar of Correspondence with the United States in Part I.

JONES TO VAN ZANDT.

DEPARTMENT OF STATE
Washington [Texas] July 7th 1843HON ISAAC VAN ZANDT
Ch. d'Aff etc

SIR

I have the honor to acknowledge the receipt of your despatch No 101 ^a under date of the 5th June Ulto. with its enclosures

A copy of Mr. Legare's note in reference to the acts of Col. Warfield was previously forwarded to this Department by Mr. Raymond and instructions on that subject were sent you on the 8th. Ulto.

In relation to the petition of Mr. Cooper Gun Maker of New York for payment of a claim of \$2234, for arms etc furnished to Gen. Memucan Hunt in the year 1836, I have consulted that gentleman who is now at the seat of government, and he informs me that the transaction between himself and Mr. Cooper was a private one entirely, and that the responsibility of the government of Texas was in no way involved in the same, which was the understanding between himself and Mr. Cooper at the time. As the expedition for which these arms etc. was furnished did not go into effect, it is believed that the Government of Texas received no benefit or advantage from the same and consequently there can be no obligation on its part to assume the debt.

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My last communications to you were of the 8th and 16th ^c of June Ulto.

I have the honor to be
with the highest respect
Your obt svt

(Signed) ANSON JONES

P. S. Please present my best respect to Mr. Bodisco and to Mr Serruys

(Signed) A. J.

MURPHY TO LEGARÉ.^dMURPHY TO LEGARÉ.^eREPORT OF SNIVELY.^f^a 102. See Van Zandt to Jones, June 5, 1843, note.^b Here and after the postscript are omitted paragraphs relating to Van Zandt's salary.^c A dispatch of the 15th, but none of the 16th, is copied in the Records of Department of State (Texas).^d July 8, 1843. See Calendar of Correspondence with the United States in Part I.^e July 9, 1843. See Calendar of Correspondence with the United States in Part I.^f July 9, 1843. See Jones to Van Zandt, September 29, 1843.

VAN ZANDT TO UPSHUR.^aVAN ZANDT TO UPSHUR.^bVAN ZANDT TO JONES.^c[104^d]LEGATION OF TEXAS
Washington City August 10th. 1843Hon ANSON JONES
Secretary of State

SIR

In your despatch of the 22nd. of May last,^e I was requested to procure for the use of your Department the different forms used in the patent office of the United States, and also the laws in relation to patents; and to forward them by the first safe opportunity to the care of Wm. Bryan, Texas Consul, New Orleans. Since the receipt of that despatch no opportunity has offered itself, by which I could send the papers desired. So soon as I can do so, I will send you, not only those of the patent office, but also of the Post Office, and the census documents, which I have heretofore procured for the use of your Department. Should I not be able to send them by private conveyance in the course of six weeks, I will box and ship them to New Orleans, via. Baltimore.

In your despatch of the 1st. of June, I was instructed to communicate to the Government of the United States, information of the outrage lately committed upon Col James Bourland, Collector of Red River, by certain citizens and officers of the United States, and to ask that the Government of the United States should take the necessary steps to afford such redress, as the circumstances of the case require. Enclosed I send you a copy of a communication which I made to Mr. Upshur Secretary of State upon the subject. So soon as an answer shall be received I will immediately transmit the same to your Department.

The letter of the War Department to Col Warfield, was duly mailed to him at St Louis, with a request that should Col Warfield not be in the city, to forward the same to such point as he would most probably receive it. It is impossible to know here, where Col Warfield is at this time, but I supposed the letter most likely to reach him at the point alluded to.

^a August 4, 1843. See Van Zandt to Jones, August 10, 1843.

^b August 8, 1843. See Van Zandt to Jones, August 10, 1843.

^c L. S.

^d Erroneously indorsed "No. 103." See Van Zandt to Jones, June 5, 1843, note.

^e This dispatch has not been found.

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Enclosed is a copy of my letter to Mr. Upshur of the 4th. inst in relation to the movements of Col. Warfield upon the border.

In your dispatch of the 15th. of June last, I am instructed to defer for the present communicating to the Government of the United States the "declaration" contained in your prior dispatch of the 10th. of the same month, but you suggest that I may suffer the Secretary of State to peruse the whole of this last mentioned dispatch, as it indicates the course, which the Government may yet have to pursue. Believing the suggestion a good one, I have done so, and am gratified to find that the views of the Secretary coincide so well with my own, that in the event the present proposed negotiation for peace should fail, it will be the only proper course left for Texas to pursue.

I feel the highest satisfaction at the course adopted by the President, in agreeing with the armistice with Mexico as proposed by Santa Anna, not that I entertain any very sanguine hope that it will end in a lasting and permanent peace (for I fear, that Mexico is not at present disposed to acknowledge the independence of Texas, or if so at all, that the proposition will be coupled with other terms made as sine qua non conditions, which I am satisfied will not be acceded to by the President, and people of Texas,) but the measure will be productive of other salutary effects. While the armistice lasts it will remove every shadow of excuse, which may have been urged in justification of those evil disposed persons, who have constantly sought to agitate the people thereby creating confusion, and insubordination at home, and disgracing us as a nation abroad. It will afford a test of the efficacy of mediation by powers mutually friendly, and determine the point whether negotiation can or arms must decide the contest, in short, the result of the negotiations will settle for Texas the question of peace and of war.

Since my return to the seat of Government, I have had several lengthy interviews with Mr. Upshur, the present Secretary of State, all of which have been of the most satisfactory character. In these interviews the present policy of the Administration, here, in relation to Texas has been fully indicated.

Knowing the very great interest, which Mr. Upshur has always manifested in behalf of Texas, and believing the present a most auspicious moment for the United States, to again press their friendly offices of mediation and interposition, for the settlement of our difficulties, with Mexico, I deemed it proper to bring this subject again before the Secretary of State, urging the propriety of renewed and prompt action, upon the part of this Government. I have now the honor to be able to communicate to you the result of this application, which I hope will prove highly satisfactory to yourself as well as to His Excellency, the President.

Mr. Thompson the United States Minister in Mexico has been instructed, in the name of his Government to protest, and remonstrate, in the most solemn manner, against the late order of Santa Anna, which directed all foreigners taken in arms to be immediately put to death. Mr. Thompson is directed to say to the Mexican Government that the United States view the said order as inhuman, and barbarous, and in violation of the rules of civilized warfare; and that it is impossible that they can look upon its execution with indifference. A retrospective view is taken of the war with Texas, and the manner in which the same has been waged for the last seven years; and Mr. Thompson is directed to say, that the United States have viewed with pain the predatory incursions which have been carried on, and that the contest, having lost the high character of war, as waged by civilized nations, deserves to be classed as a war of plunder, of pillage and robbery, and further that the United States deprecate a contest of such a character, and particularly the sanguinary and inhuman treatment, which has been extended to prisoners of war. The United States acknowledge the right of Mexico to resubjugate Texas if she have the ability, but they question her right, longer to keep the subject open, and they express the decided opinion that the war ought to be at once brought to a termination, either by negotiation or by arms, and that Mexico should either show herself a great nation, by her ability to resubjugate Texas, or a magnanimous one, by acknowledging her inability to do it—that by keeping the question undecided she not only evinces her inability to resubjugate Texas, but a want of magnanimity by refusing to acknowledge her independence. It is also urged, that there is a public opinion among nations as well as individuals, and that no nation has the right to set herself above that opinion, nor can she do so without forfeiting the confidence, and incurring the censure of other nations. This is the general tone of the instructions, and Mr. Thompson is directed to urge these considerations in the strongest manner possible, consistent with the relations of the two countries. A general view is also given of the situation, which Texas occupies towards the United States, and of the interest which the United States have in the success, and prosperity of Texas, and the maintenance of her institutions.

These instructions I think evince the determination of the administration to use every means in their power to terminate the contest between Texas and Mexico; the right to employ force, or in other words to declare war belongs alone to Congress. Had this decided tone been all along used by the United States, the effect would have been a good one. Coming as it now does while negotiations are pending, I trust should Santa Anna be halting between two opinions it may incline him to peace.

Yours of the 6th. ultimo in relation to the subject of annexation has been received, but I have not thought it proper to mention to the Secretary of State, at the present, that my instructions, in relation to that subject, had been suspended. I thought it possible, that it might interfere with my efforts in pressing the subject of interposition. I shall however in a few days make known to him verbally the fact according to your instructions.

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I shall send to Mr. Cooper, gun maker New York, your answer relative to his claim against Genl. Hunt.

Nothing has been received by this Government from Genl. Thompson upon the subject of the armistice proposed by Santa Anna.

Since the foregoing part of this dispatch was written I have recd. the National Intelligencer of today, which contains some particulars in relation to the disarming of Col. Snively, and his command upon the borders of Texas and the United States, by a force under Captain Cook, an officer of the United States army. As the official report of Col. Snively will likely require some action of your Department in relation to this matter, I herewith send you a slip from the paper alluded to, which will furnish all the information I have yet obtained upon the subject.^b The subject has doubtless been communicated to the War Department of the United States, but as both the President and Secretary of War are now absent, I am unable to obtain any information from that Department concerning the same.

I deem it unnecessary to offer any comment upon this outrageous proceeding, as I have no doubt our Government will have had the same under consideration before this reaches your Department. I have the honor to be Very Respety,

Yr. Obt Servt

ISAAC VAN ZANDT

P S. I shall send you a private communication by to nights mail.
Yours etc.

VAN ZANDT

[Next follow copies of Van Zandt to Upshur, August 4, 1843; Van Zandt to Upshur, August 8, 1843.^c]

UPSHUR TO VAN ZANDT.^d

VAN ZANDT TO JONES.^e

^a A paragraph relating to Van Zandt's salary omitted.

^b The clipping is not now with the letter.

^c For both and for the inclosure in the first, Hockley to Warfield, August 16, 1842, see Calendar of Correspondence with the United States, in Part I.

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

^e August 12, 1843. See Calendar of Correspondence with the United States in Part I.