

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

[Dispatch No. 108.]

LEGATION OF TEXAS

*Washington D. C. Sept. 18th. 1843*

HON ANSON JONES

*Secretary of State*

SIR

I have the honor, herewith, to enclose you a copy of a letter, received from the Secretary of State of the United States, dated the 7th. Inst, together with a copy of a letter from the Chief Clerk of the War Department, and an extract of a communication from the Commissioner of Indian Affairs, which accompanied the letter of the Secretary of State; and also a copy of my letter, of the 14th. Inst, acknowledging the receipt of the communication above referred to. These several communications, with the facts already in your possession, will give you information of all the proceedings which have been had here in relation to the contemplated Indian Council. All of which I hope will meet the concurrence of your Department, and that the necessary steps will be taken to secure a corresponding action on the part of our Government.

I send you also a copy of my letter, to the Secretary of State, of the United States, of the 14th. Inst, calling his attention to the subject of the capture of the two negroes of Dr. Robertson, which had heretofore been a matter of correspondence between the two Governments. After my letter was written, and before it had been sent, I received a communication from Mr. Upshur of the same date, upon the same subject, which assumed entire different, and adverse grounds to those assumed by me. Believing the letter must have been written without reflection, I determined to send mine, and pay no attention to that of the Secretary, until I could see him personally, which I did on today. After adverting to the case, and discussing it, Mr. Upshur requested me to return his letter, in order that he might reconsider the matter, promising me at the same time an early answer. I cannot believe, but that the negroes will be surrendered. With the testimony which I have produced to the Department, I do not know how they can avoid it. I shall give the subject every attention and advise you as early as possible of the result. In investigating this matter, I have discovered important information in regard to an illicit trade carried on with the wild Indians of Texas, by traders from the United States, of which I made complaint, under your instructions last winter, and which was denied by Mr. Spencer the then Secretary of War. So soon as I can embody all the facts I

shall lay the same before this Government, and request an action thereon.

I have received nothing from your department for more than two months past.

With great regard  
Your friend and Obdt. Servt

ISAAC VAN ZANDT

[Inclosed are the following:<sup>a</sup> Upshur to Van Zandt, September 7, 1843; Parker to Upshur, August 22, 1843; Crawford to Porter, August 18, 1843; Van Zandt to Upshur, September 14, 1843 (acknowledging receipt of Upshur's note of September 7); Van Zandt to Upshur, September 14, 1843 (concerning Dr. Robertson's negroes).]

---

UPSHUR TO MURPHY.<sup>b</sup>

---

UPSHUR TO MURPHY.<sup>b</sup>

---

MURPHY TO UPSHUR.<sup>c</sup>

---

MURPHY TO UPSHUR.<sup>d</sup>

---

JONES TO VAN ZANDT.

DEPARTMENT OF STATE  
Washington [Texas] Sept. 29th 1843

To the Hon.

ISAAC VAN ZANDT

*Chargé d' Affaires of the Republic of Texas etc etc.*

SIR,

I have the honor to acknowledge the receipt of your two despatches under date of the 10th and 15th Ulto. and of your private letter of the 12th. and Mr. Raymond's of the 20th of the same month—all of which are satisfactory to the Department.

My last communication to you was of the 20th. of Augt. and was necessarily very brief on account of the severe illness of myself and the clerks in the office.

---

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

<sup>b</sup> September 22, 1843. See Calendar of Correspondence with the United States in Part I.

<sup>c</sup> September 23, 1843. See Calendar of Correspondence with the United States in Part I.

<sup>d</sup> September 24, 1843. See Calendar of Correspondence with the United States in Part I.

The Post Office Blanks were duly received by the hands of Mr. Abell, bearer of despatches to Gen Murphy. You will please return the acknowledgment of my thanks to the Post Master Gen. of the U. S. Mr. Wickliffe and, also to the Commissioner of the Patent Office Mr. Ellsworth for their kindness in furnishing this Department with the Blank forms of their respective offices.

\* \* \* \* \*

Cols. Sam W. Williams and Geo. W. Hockley have been appointed, Commissioners on the part of this Govt. to arrange the terms of the Armistice between Texas and Mexico, with Commissioners to be named by Gen. Adrian Woll, Commander in Chief of the Army of the North, and left this on the 26th Inst. for Matamoros. As you will see by the enclosed Proclamation of the President the Mier and other prisoners are to be at once released by Gen. Santa Anna. Enclosed herewith I have the honor to transmit you copies of some recent correspondence with Capt. Elliot on this subject for your information.

You will embrace an early opportunity and respectfully but urgently press upon the government of the United States a prompt reparation for the outrage committed upon Mr. James Bourland Collector of the District of Red River and the public revenue as communicated to you in a former despatch. The disposition which has recently been evinced by officers of that Government in command on the frontier adjoining ours must be very promptly checked, or it will inevitably lead to a breach of the good understanding now existing, between the two countries and which it has ever been the earnest desire and effort of this government to maintain and perpetuate. The amount of property illegally taken from the collector in the instance complained of was as is supposed about Seventy thousand dollars, for which sum you will make a formal reclamation on the Govt of the U. S. as well as for proper satisfaction for the insult given to this Government in the person of its officer, and for the grievous personal injury sustained by him, from the armed force, which under the countenance and protection of the commander of Fort Towson so recklessly invaded our territory. The principles of international law which govern this case are so plain in their character that it makes it quite unnecessary I should specify the arguments which it will be proper for you to use in support of this just demand. The collector, siezed the property in conformity with our laws, and the owners by resorting to force, without waiting for the clemency of the government to interpose in their behalf, forfeited all claim upon that clemency.

The course adopted by the United States in interposing her good offices to effect a termination of the war between this country and

<sup>a</sup> The omission here indicated is of a paragraph relating to Van Zandt's salary.

Mexico as indicated in your despatch of the 10th Ulto. is highly satisfactory to the President. Coming as it does at the moment when the two countries are about to commence friendly negotiations, it will doubtless have a very favorable influence upon the councils of Mexico.

Commissioners are now at Birds Fort,<sup>a</sup> in council with the various smaller tribes of hostile Indians and it is very probable a treaty of peace will be effective with them. As you anticipate, the Comanches declined attending at that place. Col. J. C. Eldridge, who with Messrs Torrey and Bee, and the three Delaware Indians, Secondi, John Connor and Jim Shaw was sent to these Indians by the President, fell in with them high upon the Canadian River. *Pa-ha-yu-co* the principal Chief and many others expressed themselves favorably to peace, and agreed to come to the Comanche Peak on the Brazos at the time of the full moon in December to hold a council for that purpose. In the mean time they promised to send out runners to notify the scattered bands of this arrangement and to summon them to attend at that time and place. They also promised to cease hostilities, on their own part against Texas and to restrain the others from committing any as far as in their power to do. Should the United States agree to the proposal you may have made, it will probably be well to despatch runners immediately to notify the Indians of the fact. In order however to give full time for the reciprocal action of the two government as well as to consult all the various Indian tribes the President thinks the full moon in May next, will be early enough for the council. As it regards the place, he wishes some point on the Brazos fixed on if possible—if not, he will consent to the Red River as the point of meeting. There will not, it is presumed, be time for the Government of the U. S. to send out and ascertain the views and wishes of the Indians and then to send a Commissioner to the Comanche Peak or Clear Fork of the Brazos by the full moon in December. If so the council to be held there might be made introductory to the one proposed to be held in May—or perhaps might be dispensed with, and made to correspond with the arrangement you may have made with the Government of the United States. It is extremely desirable that the U. States should become a party and a guarantor to a treaty with the hostile Indians within and upon our borders—and if you can effect an arrangement for that purpose you will do so, and report the same as early as practicable. If a Commissioner can attend at the Comanche Peak on the Brazos in December, it may possibly answer every purpose. You will consult on all these points with the Govt. at Washington, and in view of the facts and suggestions now communicated, agree as may be mutually deemed most proper. It will of

<sup>a</sup> On the Trinity, about twenty miles westerly from Dallas.

course be always borne in mind that a season of the year should if possible be fixed upon, when there is a plenty of grass, in order that horses etc. may be subsisted, without corn.

The appointment of Governor Butler as Commissioner on the part of the U. States to attend the Indian Council was most acceptable to this Govt. and it is hoped that he may be again named in case, the United States should agree to send one to the Council now proposed. Whoever may be appointed however you will immediately notify this Department of the same, as it may be necessary for this Government to communicate with him directly.

Enclosed herewith I have the honor to transmit you a copy of the Official report to the Department of War and Marine, of Col. Jacob Snively lately in command of an expedition on our northwestern frontier—and also a copy of the instructions under which that officer was acting. By this report you will perceive, that a most extraordinary outrage has been committed, upon this Officer and his Men by Capt. Cooke, an officer of the U. States Army who in contempt of all laws human and divine recklessly invaded our territory, captured the command under Col. Snively disarmed and abused the officers and men, and turned them adrift in a wilderness several hundred miles from any settlement with only five guns to protect them from the hordes of ruthless savages by whom they were surrounded and to procure by hunting the necessary means to save them from starvation and death.

The President therefore directs that you, make a prompt and energetic appeal to the Government of the United States in relation to the conduct of this officer, as well as that of Gen. Gaines by whose authority and under whose sanction as appears from his published letter to Brig. Gen. Taylor<sup>a</sup> this most unheard of outrage upon national rights has been committed. You will ask also for the dismissal of these officers, and for ample compensation to the men under command of Col. Snively, for the injuries sustained by them and for the loss of their arms.

The act of Congress of the year 1836<sup>b</sup> defined the limits of the Republic of Texas, and according to that act, Santa Fé and all that portion of country lying between the Rio Grande and the Territory of the United States is included within our declared limits. Within these limits Texas has been acknowledged sovereign by the United States Great Britain France and the Netherlands. The right to regulate trade is one of the attributes of sovereignty, and this country properly claims that right. For some time past an illicit and contraband commerce has been carried on through our territory from

<sup>a</sup> Dated July 27, 1843. See *St. Louis New Era* for August 4, 1843; *Telegraph and Texas Register* for August 30, 1843.

<sup>b</sup> December 19. See Gammel, *Laws of Texas*, I, 1193-1194.

Missouri and Arkansas, with the settlements upon and beyond the Rio Grande. Goods to an immense amount have been introduced, in violation of our revenue laws, both by hostile Mexicans, and by citizens of the United States, a state of things which it has become the duty of this government to interrupt and prevent.

The right claimed by Gen. Gaines in his published letter above referred to, and upon which principle Capt Cooke appears to have acted, in disarming Col Snively, to avail himself of the boundary line between Texas and the United States being unmarked, to occupy all the territory between the latter country and the Rio Grande, would appear to give this government a right upon the same principle to assert a similar claim to the occupancy of all the territory between Texas and the Mississippi river—an absurdity which if attempted to be carried into practical effect would necessarily lead to war at once between the two countries. It is to be hoped that the Government of the United States will promptly disavow the acts of these their officers, and the principles assumed by them—principles which would authorize every species of aggression, upon our national rights, and ultimately lead to an entire subversion of them.

You will therefore lay this whole subject before the government of the United States from whose justice, magnanimity and friendly disposition the President confidently relies for the adoption of a course which will afford proper and speedy satisfaction for the wrongs now complained of. If on the contrary this satisfaction should not be awarded us, no other course will be left the President than to recall you, and to submit the matters in dispute to the umpirage of Great Britain and France. In your official intercourse with the Secretary of State of the U. States, if you find that satisfactory redress is not likely to be awarded us you can *verbally* inform him that this course will have ultimately to be adopted. You will however use every persuasive means to obtain justice from the government of the United States, and I sincerely hope the result may be favorable and that the good understanding heretofore existing between the two countries may remain undisturbed. It is certainly for the best interests of both that such should be the case.

Enclosed herewith I also send a request of his Excellency the President of Texas, on his Excellency the President of the United States, that he will cause to be delivered up one Hiram Kenley a refugee from justice in this country. It will probably be better that you should first make an *informal* application, in order to ascertain whether the President of the United States would accede to such a request, or not. If he should consent to the proposition, you can then make the application in form. Gen. J. Pinckney Henderson and Mr. Bayne will go on to Kentucky in Octr. or Novr. next, and you will please write to Gen. Henderson informing him of the answer

of the President of the United States may make to the request to deliver up Kenley; and transmit to him also any order to that effect which may be granted. He will write you and inform you where to address him in Kentucky. You will also notify this Department of the issue of any application you may make to the Govt. of the U. S. in this matter.

I have the honor to be with the highest respect

Your Ob Svt

Signed ANSON JONES

[The original inclosures, which are not on file with the dispatch, were the proclamation of Houston referred to therein, September 4, 1843;<sup>a</sup> Jones to Elliot, September 4, 1843, concerning the Mier prisoners, and the reply, September 15, 1843;<sup>b</sup> the instructions to Snively, February 16, 1843, and the report of Snively, July 9, 1843, both of which are given below; Houston to Tyler, requesting the delivery of Hiram Kenley, a fugitive from justice.<sup>c</sup>]

(Copy.<sup>d</sup>)

DEPARTMENT OF WAR AND MARINE

Washington [Texas] 16th Feby 1843.

To Col. JACOB SNIVELY

SIR,

Your communication of 28th Ulto., soliciting permission from the Govt. to organize and fit out an expedition for the purpose of intercepting and capturing the property of Mexican Traders who may pass through the territory of the Republic, to and from Santa Fé etc. has been received, and laid before His Excellency the President, and he, after a careful consideration of the subject, directs that such authority be granted you, upon the terms and conditions therein expressed,—That is to say,

You are therefore, hereby authorized to organize such a force, not exceeding three hundred men, as you may deem necessary to the achievement of the objects proposed.

The expedition will be *strictly partizan*, the Troops composing the corps to mount, equip and provision themselves at their own expense, and one half of all the spoils taken in honorable warfare, to belong to the Republic and the Government to be at no expense whatever on account of the expedition.

The force may operate in any portion of the Territory of the Republic, above the line of settlements and between the Rio del

<sup>a</sup> See Calendar of Correspondence with the United States in Part I. A transcript is in the Records of Department of State (Texas) Book 38, p. 78.

<sup>b</sup> For both, see Correspondence with Great Britain.

<sup>c</sup> This document has not been found.

<sup>d</sup> See Army Papers, State Library.

Norte and the boundary line of the United States, but will be careful not to infringe upon the territory of that Govt., as the object of the expedition is to retaliate and make reclamation for injuries sustained by Texan citizens, the merchandise and other property of *all* Mexican citizens will be a lawful prize, and such as may be captured will be brought into Red River, one half of which will be deposited in the Custom House of that District, subject to the orders of the Government, and the other half will belong to the captors to be equally divided between the Officers and men. An agent will be appointed to assist in the division.

The result of the campaign will be reported to the Government upon the disbandment of the force, as also its progress from time to time, if practicable.

By order of the President

(Signed)

M. C. HAMILTON  
*Act. Sec. War and Marine*

(Copy. a)

CAMP ON ELMN CREEK, *July 9th 1843.*

To Hon. GEO. W. HILL  
*Sec'y of War and Marine,*

SIR,

In my report of 29th June,<sup>b</sup> I omitted to give you a statement of the course and distance I marched from Georgetown, near Coffee's Station, to the Arkansas River. When I took up the line of march on the 25th April last, my course was nearly due West, which course I continued 150 miles, and which carried me at least 50 miles west of 100°, West Longitude. Then I crossed the River and marched from that point N. 20°, W. (by the Compass) till I fell on the Arkansas, marching 275 miles, which brought me 60 miles East of the crossing of the Santa Fé road, and at least 57, west of the point where the line between the two Governments would intersect the River. Being satisfied that I was correct in my calculations, I felt no hesitation in ordering the Battallion to march to the River, on the 29th June for the purpose of procuring supplies of Buffaloe meat, there being none on Crooked Creek where I was then encamped. The same evening we reached the River 45 miles East of the crossing. The next morning June 30th, a party of men were dispatched to kill Buffalo. After having been unsuccessful on the Texas side, they crossed the River, seeing numerous herds on that side, and while in pursuit of them they discovered them to be S Dragoons approaching, and having

<sup>a</sup> See Army Papers, State Library.

<sup>b</sup> This earlier report, which is filed with the Army Papers in the State Library, was addressed to M. C. Hamilton, who shortly before had been secretary of war and marine, but who had now been succeeded by George W. Hill. The date was in fact June 23.



been discovered at the same time.<sup>a</sup> The party immediately returned to the encampment, pursued to the River's brink. In a very short time the whole command under Capt Cooke appeared in sight. He then dispatched L't. Lovell to my encampment, for the purpose of ascertaining who we were, and who was the Commanding Officer, his questions being answered. He then informed me that the Com'dg Officer, Capt Cooke, desired him to say, that if I would visit him on the opposite side, I should have a free passport. I accompanied L't. L. When I arrived Capt C. requested to see my orders. After having perused them, he observed "that it was his opinion, that I was encamped on the Territory of the U. States. He then retired with his Officers, held a short consultation, returned and stated that his Officers were of the same opinion, and that he had come to the conclusion to disarm me. To this I protested, giving him an outline of the course which we marched, and also that the line was not defined, and that he could not point it out. But nothing I could say or do had any effect. "He had made his terms, and to them I must submit." He threatened me with his Artillery and Dragoons, and that if one of my men attempted to escape, he would throw his shells into the encampment, and send his Dragoons across the River to cut the command to pieces. He had under his Command 196 men, and the advantage of two field pieces, and in fact his superiority of discipline, Horses and Arms, gave him a decided advantage. At length he gave me permission to leave with orders to recross the River, allowing me one hour to bring over the Batn., and lay down our Arms. I left him for the purpose of submitting the terms to the men. I had proceeded but a short distance, when I was recalled and informed that Capt C. would accompany me. I was under the impression that he alone would cross with me. What was my astonishment, when the Bugle sounded the advance! On came the Cavalry and Artillery, crossed over, formed line of battle in my rear, with columns on each flank, the Artillery in the centre, two hundred yards distant, with port fires lit. When he observed "the time was growing short, and that I must march out the men, and order them to stack their Arms." This was done, when the men clamoured to be received as prisoners of War. I requested Capt Cooke to receive them as such. He said that "he had made his terms, and if they were not satisfied, they should receive worse," intimating, that if they were not satisfied, he would fall on them and put them to death, unarmed as they were. He then recrossed the River leaving ten rifles to 107 men. The next morning, July, the 1st, Capt. C. sent over a Detachment, commanded by Capt Moore requesting me to bring over the men, in order that he might protect them

<sup>a</sup> The errors in this sentence are probably due to mistakes of the copyist, but the proper corrections are uncertain.

against the hostile Indians and Mexicans, who were supposed to be in the neighbourhood. I done so, and when I halted, He addressed the men, and offered an Escort to all who wished to go to Independence M<sup>o</sup>. About 50 men took that rout, to whom he gave 3 of the 10 Guns he left in our hands. The balance would not accept an escort, unless, guarded to Texas. With this request he said he could not comply. To this party he allowed five guns, to make their way through the hostile bands of Indians. He ordered me at the same time to leave the Territory of the U. States as quick as possible.

The same evening after having surrendered our Arms I sent an express to Capt Chandler, who with his company of 74 men were found on Elmn Creek, about eight miles distant, and who had a few days previous been ordered home. The next morning, July 1st, I marched to Elmn Creek and encamped. On the 2nd. I dispatched Elish. C. Simmons and Francis Sharp to spy out the Caravan. They never returned. I presume they were killed by a party of Commanches with whom we had a skirmish on the 3d. This day I again sent out two men to spy out the Caravan, and was joined by Chandler. On the 4th. the Indians again attempted to stampead. They succeeded in driving off 60 or 70 horses, and killed Caldwell on Piquet, and lanced a man by the name of Duncan. They were hotly pursued by about thirty men, only eleven succeeded in overtaking them, who engaged sixty Indians and killed from 8 to 15 of them. The Horses, however, were not recovered.

On the 8th. the Spies returned, and reported that the Caravan had crossed the Arkansas at the usual crossing, and that it was on the road towards Santa Fé, about 30 or 40 miles from where we were then encamped. On the 9th. finding nearly all Capt. Chandler's men unwilling to pursue the Caravan I resigned the Command.

I have the honor to be, Very respectfully,  
Your Ob't Servant

J SNIVELY, *Majr Com'dg Bat'.*

I certify the foregoing to be a correct copy of the original on the files of the Dept.<sup>a</sup>

M. C. HAMILTON  
*C. C. Dept. War.*

WASHINGTON,  
*30th Decr. 1843.*

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

<sup>a</sup> As comparison of dates will show, this copy was made later than that originally inclosed in the despatch of Jones to Van Zandt.

<sup>b</sup> September 30, 1843. See Van Zandt to Jones, October 16, 1843.