

BROWER TO VAN ZANDT.^aUPSHUR TO VAN ZANDT.^bVAN ZANDT TO JONES.^c

Dispatch No. 109

LEGATION OF TEXAS

Washington City D. C.

October 16th. 1843

Honorable

ANSON JONES

Secretary of State

SIR,

On the 18th. ultimo I had the honor to make a communication to your Department on the subject of annexation. I have now the honor to submit for your information, and consideration a communication upon the same subject this day received by me, from the Hon A. P. Upshur, Secretary of State of the United States. This communication you will perceive, places that question at once in a tangible shape, it comes to the point, and presents the *issue*; Are we ready to negotiate a treaty of annexation, or not?

This question has engaged the attention of the Government of Texas, at different times since 1837 and has been pressed at *all times*, whenever there was an apparent prospect of success. From this I infer that heretofore there has been no policy of the Government more settled, than that of annexation to this country. The instructions from your Department suspending my former instructions upon this subject, I did not construe as an evidence of any radical change in the mind of the Government, as to its wishes in regard to the question, but that the desire of the Government still was to be annexed, whenever practicable. The Government at present is using every effort to obtain a peace with Mexico, not perceiving that a treaty of annexation can in any wise militate against that object. I entertain the opinion that the subject now presented by the Secretary's letter will be met in a corresponding spirit, on the part of our Government, and that the powers will be furnished to the Texian Representative here to conclude such a treaty. This opinion, as an individual, I have expressed to the Secretary of State, at the same time disclaiming any authority on the part of my Government for such an opinion.

^a October 10, 1843. See Van Zandt to Jones, October 16, 1843.

^b October 16, 1843. See Van Zandt to Jones, October 16, 1843.

c L. S.

Believing that the question of annexation is fraught with consequences of the first magnitude, and if consummated calculated in an eminent degree to advance the welfare, and prosperity of the country, I have thought it my duty to dispatch this communication by a special messenger, in order to apprise your Department as early as possible, and that no time may be lost in ascertaining on my part the determination of the Government. Having no means to employ a special agent for this purpose, and moreover, as it is difficult to embody in a communication without much time and labor, the many facts which it would be important to be known to your department touching this matter, all of which are familiar to Mr. Raymond Secretary of Legation, at my request he has consented to take charge of this dispatch and depart for Texas immediately. To him I must refer you for information in regard to many matters bearing on this question.

I am of opinion, that at no time since the question was first presented to this Government, have there been so many circumstances combining to secure the favorable action of the Senate of the United States. The late declarations of Lord Aberdeen in the British Parliament, in reply to the interrogatories of a certain Noble Lord, show the designs of the British Government in regard to the institutions of the United States through Texas, and make at once, the question, one of vital importance to the slave holding states. The possibility of England's (as many believe) securing an undue influence in Texas, and thereby monopolizing her growing trade, seems to have touched the secret springs of interest so fondly cherished by northern manufacturers, and presented the question in a form hitherto unheeded. The West are intent on the occupation of Oregon, in order to wrest it from the grasping power of Great Britain—it is believed that the interest of the two questions of the annexation of Texas, and the occupation of Oregon can be combined, securing for the latter the south and southeastern votes and for the former some northern and the entire western vote. Those presses which have discussed the matter place it above party grounds and unshackled with party trammels. This I think is highly advantageous for if it were made a strictly party vote, neither of the two great parties have sufficient members to carry it. Should the treaty be concluded some provision would necessarily be made for our Government liabilities—this would at once secure the influence of the holders thereof in this country. The influence, of the old United States Bank agents, though the bank itself is dead in law, would prove a host in itself. It has been told me, and by one entitled to confidence that some of these holders of our liabilities have lately interested in a pecuniary way, a distinguished lawyer, a whig senator from one of the northern States, who if necessary would settle in Texas in

order to prosecute measures to secure their claims. Then, if under all these circumstances we should reject this proposition, there can be but little probability that so propitious a moment will soon, if ever again occur.

With these hasty remarks I submit the matter for the determination of His Excellency the President, aided by his Constitutional advisers, with a fervent wish that his decision may redound to the welfare and prosperity of Texas.

In view of the financial condition of Texas, and believing that the Legation under the circumstances might dispense with the Services of a Secretary, Mr. Raymond had expressed to me his intention, at an early day, to tender to the President his resignation. Now, should the Government decide to make the treaty of annexation, I conceive that it will be highly necessary that the services of a Secretary of Legation should be retained, at least for the present. If therefore you should concur with me in opinion I hope that you will so manifest it to Mr. Raymond, that he may be induced to continue his services as Secretary of Legation. His knowledge of the duties of his station, aside from other considerations, renders it desirable that he should be retained, if an action be decided on.

It is but due to Mr. Raymond, and it affords me much pleasure on this occasion to bear testimony to your Department, of the promptness, fidelity and ability with which he has at all times discharged his official duties, and while I most cordially commend him to you, I feel assured that the confidence which is now or may hereafter be reposed in him by Government will never be misplaced.

If the Government determine to furnish to its agent here full powers to negotiate the proposed treaty, I think the instructions, which accompany them, should be as full and explicit as possible under the circumstances

I have also the honor herewith to communicate to the Department the copy of a letter received from Hon. Fernando Wood of New York, giving information of certain alledged violations of official duties, by J. H. Brower Esq, Texian Consul of that city. Upon the receipt of this letter, I addressed a note to Mr. Brower acquainting him of the charges against him, and requesting his statement of the circumstances connected with the affair. His reply is herewith enclosed. The two statements, between which there appears to be a very great variance, contain all I have learned in relation to the occurrence. So far as I have heretofore had an opportunity of knowing, Mr. Brower has departed himself properly, and given general satisfaction. Unless other testimony be adduced to show his culpability, I apprehend he will receive no serious censure from the Department.

Should this view concur with that of His Excellency, the President, I would respectfully suggest, that perhaps it might not be improper

for the Department to address a communication to Mr. Brower, impressing upon him the importance of avoiding as much as possible strifes, and difficulties of every character with those who have business with him, pertaining to the consulate.

I have the honor to be with the highest sentiments of regard
Your very obdt. servt.

ISAAC VAN ZANDT

[Next come copies of the following: Upshur to Van Zandt, October 16, 1843;^a Wood to Van Zandt, September 30, 1843, complaining of insulting treatment by J. H. Brower, Texan consul at New York; Brower to Van Zandt, October 10, 1843, acknowledging Van Zandt's note of October 9, in which is given a statement of Wood's charges, and defending himself against them.]

VAN ZANDT TO UPSHUR.^b

VAN ZANDT TO JONES.^c

VAN ZANDT TO JONES.^d

[Despatch No. 110.]

LEGATION OF TEXAS
Washington D C Nov 4th 1843

DEAR SIR

I have the honor to acknowledge the receipt on yesterday of your communication of the 29th September last, together with a copy of a certain correspondence with Capt Elliott British Charge d'Affaires, also the demand of the President for the delivery of Hiram Kenley a refugee from justice and a copy of the order of the Department of War and Marine directed to Col Jacob Snively with the report of that officer giving information of the manner of the termination of his campaign

The several matters embraced in your communication and accompanying papers shall receive my prompt attention. But as it will require some little time to execute all your instructions, I deem it proper first to submit for your consideration some reflections of mine upon some of the points to which my attention has been directed, together with a succinct statement of the condition of some of the various questions heretofore pending. The last I notice first.

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

^b October 19, 1843. See Van Zandt to Jones, November 4, 1843.

^c October 22, 1843. See Calendar of Correspondence with the United States in Part I.

^d L. S.

Annexed you will find a copy of my reply to Mr Upshurs note upon the subject of annexation. I thought it best as my instructions stood to make no intimation of Opinion upon the subject but simply to inform the Secretary that a copy of his note was submitted for the determination of the Government. This question appears to receive daily, increased interest here, not only with the Government but the people also. It is the leading matter of inquiry by almost every prominent man I meet. The opinion of those friendly to the measure is that should such a treaty be in contemplation, at no time since the subject was first agitated, has there been so many circumstances combining to facilitate its ratification. Mr Adams manifests great alarm. In a speech of more than two hours length to his constituents lately, he occupied the principal portion of the time in discussing the subject and the matters connected therewith. I hope that before this, you have received my despatches in regard to it and have given it a favorable consideration

The instructions final have been sent to Gov Butler who is Commissioner to meet the Indians. I found it impossible to obtain the sanction of this Government to conclude such a treaty as would make the United States a guarantee for the faithful performance of the conditions. The present Secretary of War and Commissioner of Indian Affairs as well as Mr Spencer late Secretary of War and now of the Treasury, were uncompromising in their opposition. The commissioner is however directed to use all his powers to affect [*sic*] a treaty of peace between Texas and the Indians. The commissioner of Indian affairs has likewise addressed letters to the principal chiefs of the Cherokee, Choctaw, Chickasaw and Creek Nations to persuade them not to oppose but to use their influence with the wild Indians to induce them to conclude a peace with Texas. From the tenor of your communication I fear that the time agreed upon will not be entirely convenient for our Government. In regard to this I can only say that I have acted with the best lights upon me and hope the Department may be able to carry out the arrangements

Since the date of my last dispatch to your department I have frequently called on the Secretary of State and urged upon him the necessity of taking up the case of the outrage upon Col Bourland the collector of Red River. He has universally replied to me that he had not yet been able to procure all the testimony upon the subject but that he hoped soon to receive it when he would at once take it up. In your communication now before me I am instructed to make a demand for indemnity for the supposed amount of goods taken from the collector. I entertain some doubt whether the claim if now made can be held as well founded, since in making the demand for reparation for the wrongs done the collector we presented the fact that the goods had been ordered to be released and communicated

at the same time a copy of those orders. I take this to be the rule in civil cases that if an officer has taken possession of property and an order is afterwards issued from the proper authority for its release and in the mean time before the Officer is advised of the order of release the property is wrested from his possession and returned to its original possessor, though the party would be liable to a prosecution for the trespass or violence if used, yet it would in no degree affect his title to the property or make him liable for its value at the suit of any other person not even the officer himself. If in this I am correct I apprehend that the principle is no less true in a national point of view. I merely submit these reflections for your consideration, not as controlling my action for as your instructions are unequivocal I shall seize the earliest opportunity to make the demand and will urge it by every means in my power. There is one other point in this case to which I call your attention. Col Bourland states that it can be established that the offenders were aided or countenanced by a United States officer, Col Loomis. I have had some conversation with Col Armstrong Indian Agent on this subject and from his statement I think it will be difficult to identify the officer in any manner with the outrage. I would therefore suggest to your Department the propriety of calling on Col Bourland to procure such testimony as he may be able to obtain touching this particular point and communicate the same to me as early as possible. Since the date of my letter to Mr Upshur Secretary of State upon the subject of Dr Robertsons negroes, I have given the matter my frequent attention but up to the present time I regret to have to say that no definite action has yet been taken upon it by the Government of the United States. The Secretary of State in our early discussions upon the matter presented and urged many objections to delivering up the negroes, all of which I think I have met successfully not only to my satisfaction but that of the Secretary of State. In our last interview on the subject Mr Upshur said that he would confess to me candidly that he was convinced that the United States ought to deliver up the negroes and that he was anxious himself to do so but that the opposition of some of the cabinet was so great that as yet he had been unable to procure the sanction of the President to that course. I told him that the great delay which had occurred in this case was well nigh tantamount in its effects to a rejection and a longer procrastination of the question could not fail to be viewed by the President of Texas as manifesting a disposition on the part of the Government of the United States to avoid the performance of an act manifestly called for by the plainest treaty stipulations. Mr Upshur said he would do all he could to accord to Texas her rights but in the mean time hoped that neither this question nor those connected with the border difficulties, should be permitted to interpose obstacles to the

accomplishment of the important object of annexation. I replied that I was sure that it was the most ardent desire of the President of Texas to cultivate the most friendly relations with the United States, but at the same time I thought nothing could so much contribute to the maintenance of a good understanding between the two countries as a prompt and ready accordance of right

I am gratified to receive your instructions upon the subject of the disarming of Col Snively's command. This was a great outrage and demands reparation. I was strongly inclined to act on this matter at an earlier day, knowing the delay necessarily attendant upon the circuitous route by which Col Snively's report would be sent, but as I would have had to rely upon newspaper statements which were uncertain and contradictory I finally concluded to await the receipt of intelligence from your Department in regard to it. I shall immediately make the communication to this Government upon the subject as directed in your instructions,

* * * * *

I will see the President on Monday, (to day being Saturday and the usual day for the meeting of the Cabinet,) upon the subject of the delivery of the refugee Henley^b and will write to Genl Henderson the result.

I am exceedingly gratified to find that amidst all our difficulties our prospects are brightening. I think that there is much ground to indulge the hope that ere long Texas will surmount the obstacles which have retarded her progress and by the successful prosecution of a proper policy find herself again restored to peace and prosperity.

With Sentiments of high regard I am

most respectfully
your obt Servt.

ISAAC VAN ZANDT

To

Hon ANSON JONES
*Secretary of State
of Texas*

P. S. Please remember me to the President and Gent of the Cabinet
thine

I. V. Z.

[Next comes a copy of Van Zandt to Upshur, October 19, 1843.^c]

VAN ZANDT TO UPSHUR.^d

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

^b Written inadvertently for Kenley. See the first paragraph of the letter.

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

^d November 10, 1843. See Van Zandt to Jones, November 30, 1843.

A GENTLEMAN OF TEXAS TO SECRETARY OF STATE [UPSHUR].^a

UPSHUR TO MURPHY.^b

VAN ZANDT TO JONES.^c

Despatch No 111

WASHINGTON D C
Nov 30th 1843

Hon ANSON JONES
Secretary of State of Texas

SIR

I have the honor to enclose you a copy of my communication of the 10th Instant to the Hon. A P Upshur Secretary of State of the United States upon the subject of the disarming of Majr Snively by Capt Cook. I have examined a variety of correspondence when similar difficulties have arisen and the usual course seems to be to make the complaint in a clear and decided tone, while the manner of reparation is first somewhat left to the magnanimity of the party who has committed the wrong and in the event that sufficient atonement is not made then the demand is made in a more peremptory manner. I have adopted this course so far and hope it may meet your concurrence, as I feel assured you can not have a greater desire than myself promptly to vindicate our rights when thus rudely assailed. In connexion with this subject I would submit to your Department whether we ought not to require of this Government that for the indignity offered to our flag it should be hoisted in some of the Western Garrisons nearest the point where Snively was disarmed and saluted with a number of Guns. If Snively had with him a flag I have no doubt we ought to require it. Some time since I had an interview with the Secretary of State on the subject, he said he had not yet fully investigated the matter but was then engaged on it. He supposed it doubtful whether the act was committed within the territory of Texas, but be that as it might he considered it a most extraordinary one, wholly inexcusable and one that demanded the strongest censure. He was unable to say what would be the final determination of the President but promised to advise me at the earliest day possible. I asked him what he thought of Genl Gains's ^d letter he replied by asking me if my Government did not know that he (Gains) was considered a crazy

^a November 20, 1843. See Calendar of Correspondence with the United States in Part I.

^b November 21, 1843. See Calendar of Correspondence with the United States in Part I.

^c L. S.

^d Gains's.

man. I told him the Texian Government believed his acts proved him one, but did not know he was so considered by his own Government. He said he considered him so and that the President was desirous to dispense with his services but that he was at a loss in regard to him that during the last war he was a valuable officer, but was now in a great degree unfit for the service. In a conversation with the President in regard to Genl Gains's letter he said that such latitudinous doctrine[s] were never entertained by him (the President) nor was General Gaines authorized to promulgate them. In regard to Cooks conduct the President remarked that the subject was a very perplexing one and he was at a loss to know what to do in relation to it. I told him I could not see any grounds for hesitation and I hoped the question would be promptly met. It was important for the Texian Government to know and that by an official declaration whether the acts complained of were sanctioned by the Government of the United States or not. My own impression is that this Government will attempt to stave off this matter at present as [it did] the outrage upon Col Bourland and the case of Dr Robinsons negroes. I think there is no good reason for this and unless I shall receive an answer soon I shall deem it my duty to urge their consideration in the most express and decided tone.

The question of annexation is gathering in importance every day. The papers are full on the subject by far the greater number are in favor, though some are very hostile to the measure. The Opinion of members of Congress friendly to it is that if the treaty is concluded it must prevail while others opposed say it is impossible. The President will not (as has been expected here) allude to it in his message.

Mr Fox the British Minister is to be recalled. Mr Paekenham formerly Minister at Mexico is to succeed him, this however is yet secret here generally but it comes from ^a and I think is true.

Some very belligerent communications have passed between Mr Upshur and Genl Almonte in which the latter threatens a declaration of war in certain contingences which you will understand ^b I speak advisedly. Genl Almonte has not either officially or otherwise visited the Secretary of State for some considerable time past.

On yesterday I was assured by a leading member of Congress that the Globe of this city is making ready to wield its mighty force on the side of annexation the moment a treaty is concluded. The inteligencer is perplexed. The Editor is opposed but some of his party are trying to bring him over to the measure. I fear it cant be done he may be neutralized perhaps. I have got some strong Whigs beseiging him who will do all that is possible for them. Mr

^a Name is omitted.

^b See *Niles' Register*, LXV, 266-268.

Clay could effect this object, but I fear he will be disposed to take no part. If however the treaty is concluded I have strong hopes it will succeed.

I expect to send this by a Gentleman who leaves in a day or two as bearer of dispatches to Genl Murphy.

With sentiments of high regard

I remain most truly your friend and

Obt sevt

I VAN ZANDT

[Inclosed is a copy of Van Zandt to Upshur, November 10, 1843.^a]

MURPHY TO JONES.^b

Despatch A.

LEGATION OF THE UNITED STATES,
Galveston, Texas,
1st. December 1843.

To the Honbl.

ANSON JONES,
Sect of State, of the Repb. of Texas.

SIR,

The undersigned, Charge d'Affaires of the U. States, near the Government of the Republic of Texas, has to perform the painful duty of communicating to you, the circumstances incident, to a most unprovoked murder, recently committed at the Pine Bluffs, in Texas, of a choctaw warrior, named Daniel Wesley, by a white man, named George Albon.

It appears, from the evidence, on file in the office of this Legation, (copies of which, will be furnished to the Government of Texas, if required) that on the 4th of September last the murderer, George Albon, who had been left in charge of the Grocery of Messrs Matthews and Stiles at the Pine Bluffs, having traded some whiskey, or other intoxicating Liquors to the deceased and another Choctaw Indian, named "Charley", for a Buckskin, upon which the two Indians became very much intoxicated, shoved them both out of the Door of the House, both Indians falling prostrate on the ground, out side of the Door. Whereupon, Albon, went out, and as Daniel Wesley was getting up, Albon struck him on the side of the head with a Hoe, or some dangerous weapon, fracturing his scull, from the back part of the Head to the front Temple, protruding one eye nearly out of his head, Fracturing the Temporal and parital bones of the left side of the Head, the several edges of the bones pressing upon and lacerating the Brain, of which, the Poor Indian died in a few hours.

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

^bA. I. S.

To you sir, or to your Government, I need not describe the deep sensation, the ardent desire of revenge, which this unhappy event, created throughout the whole tribe of Choctaw warriors, and the neighbouring tribes of Indians affiliated with them.

I may say however; that it required the utmost prudence, and energy on the part of the Civil and Military authorities of the United States, near the scene of murder, to check the exasperated warriors, from seeking redress by the only means they generally adopt, of an indiscriminate slaughter of the first victims that chanced to fall in their way.

This vigilance and prompt action, of our officers, I am happy to say, was instantly put in operation, and an effort to bring the murderer to punishment, with the assistance of some of the Good Citizens of Texas, resulted, in an agreement with the Indians, that the matter should be promptly submitted to the authorities of the Government of Texas, with the assurance, that your Government would cause the offender to be arrested, and brought to a speedy trial. And this is the object of the communication now made to you.

You are aware, that it is at vast expense and trouble, the Government of the United States, assiduously endeavours to maintain relations of peace and amity with the Indians Tribes, guarding not only their own, but oftentimes extending that guard, to the frontiers of Texas, and protecting as far as they can, all white Settlements along those extensive frontiers from the out breaks and incursions of the Indians.

In the discharge of this humane and necessary duty, the experience of many years has convinced the Government of the United States, that most of the evils resulting to our western and border settlers, from "Indian outrage", is brought upon the white People, by their cruel and wicked practice, of retailing Spirituous Liquors to the Indians. And the Government of the United States, will use its best endeavours, and beseeches the aid and assistance of the Government of Texas, in suppressing a traffic, so detrimental to the peace and safety of the western and border settlers, of both countries.

That the joint efforts of both governments, to suppress the sale of spirituous Liquors by the citizens of either country, to the Indians, will produce the most beneficial results, there can be little doubt—and their mutual efforts, to punish all crimes committed against the Persons, or property of the border tribes, being a christian, as well as a national duty, if persevered in, with good faith, will restore to our fellow citizens a greater security, than they have heretofore enjoyed.

That this is a desideratum greatly desired by the Government of Texas, I can have no doubt, and, that you will take the earliest steps, effectually to bring Mr. Albon to punishment, if guilty, I will not permit myself to question. Whatever other, or further information

on this subject you may require of this Legation, you shall have, as far as it is in the power of the undersigned to impart it.

With sentiments of the most sincere respect and esteem, I have the Honor to be—Sir,

Your Obt Sevt.

W. S. MURPHY.

JONES TO VAN ZANDT.

DEPARTMENT OF STATE

Washington [Texas] Decr. 13th 1843

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

SIR,

Your two communications of the 16th Oct. and 4th Novr Ulto. have been recieved at this Department. The absence of His Excellency the President from the Seat of Government untill the time of the meeting of Congress and his various engagements since his return consequent upon the assembling of the Representatives of the people have prevented an earlier reply.

The question of the annexation of Texas presented in the note of the Hon. A. P. Upshur, Secretary of State of the United States, has engaged the most anxious attention of the President, and I am specially directed by him to communicate to you the following as the result of his deliberations on this subject, for your governance in making a reply to the note above refered to.

The interposition of foreign friendly governments, by which an Armistice has been established between Texas and Mexico, and the prospect of a permanent peace with that power given, has been extended by the particular governments, mostly influential in obtaining these most desircable results chiefly with a view that in the event of Mexico's agreeing to acknowledge the independence of Texas she should continue to exist, as a separate and independent nation. The great object and desire of Texas is the establishment of a permanent and satisfactory peace with her enemy, and for this purpose the good offices of these powers has been asked and obtained, and the object sought for, through their intervention appears now on the eve of being realized. This intervention and these good offices have been gratuitously and unconditionally given, and although Texas is entirely free to pursue any course she may please in future, the president thinks that in the present state of our foreign relations, it would not be politic to abandon the expectations which now exist of a speedy settlement of our difficulties with Mexico, through the good offices of other powers for the very uncertain prospect of annexation to the United States however desirable that event, if it could be consum-

mated, might be. Were Texas to agree to a treaty of annexation, the good offices of these powers would it is believed be immediately withdrawn, and were the Treaty then to fail of ratification by the Senate of the United States, Texas would be placed in a much worse situation than she is at present, nor could she again ask or hope for any interposition in her behalf, either by England or France—and with our consequent supposed dependence upon the United States might again return the apathy and indifference towards us which has always until now characterized that government. Texas would then be left, in the same situation she was two years since without a friend and her difficulties with Mexico unsettled.

This government is duly sensible of the very friendly feeling evinced by the President of the United States in the offer to conclude a treaty for the annexation of this country, but from all the information which he has been able to obtain in relation to the views and feelings of the people of the United States he is induced to believe that its approval by the other branches of that government, would be, if not refused, at least of very uncertain attainment. At this particular time, therefore, and until such an expression of their opinions can be obtained as would render this measure certain of success the President deems it most proper and most advantageous to the interests of this country, to decline the proposition for concluding a treaty. In making a communication of this determination to the government of the U States it will be proper to inform that government, that whenever the Congress or Senate of the United States shall throw wide open the door to annexation by a resolution authorizing the President of that Country to propose a treaty for the purpose, the proposition will be immediately submitted to the Representatives of the people of this country, and promptly responded to on the part of its government.

The present determination of the President on this subject, does not proceed from any change in his views of the general policy of the measure but from a change in the relations of this country with other powers.

Mem. consul's commission for Mobile.^a

The amendment made to the Treaty negotiated by Mr. Riley, in the Senate of the United States, viz. the striking out the 4th and 5th Articles, renders the Treaty unacceptable to this government, consequently it will not be ratified in that shape by Texas. It is however, quite desirable that a treaty should be established between the two countries as the events of the last year have most abundantly shown. As it will be impossible perhaps to obtain for the present a more favorable arrangement than the one negotiated by Mr. Riley you

^a This memorandum is written on the upper margin of the page on which it occurs.

will use every proper effort in your power to obtain a reconsideration of the vote of the Senate rejecting the 4th and 5th Articles, and endeavor to procure a ratification of the treaty, either in the modified form proposed by the Senate of Texas (which is the more desirable one) or this failing in the form originally agreed upon between the contracting parties.

As it is anticipated objections may still exist in the minds of the northern Senators particularly, on this subject, it may be well to call to your assistance some individual from that section of the country, who from his knowledge of the interests of the people there and acquaintance with the individuals in question, might be able to remove those objections. I know of no person, in such an event more likely to be serviceable than our present Consul for the port of New York. Should a state of things arise therefore, in connexion with the action of the Senate upon this treaty, which would appear to render it desirable, you will request him to visit Washington for the purpose above referred to. The commercial and general intelligence of Mr. Brower his high standing and respectability as a Merchant, and his intimate acquaintance with all that concerns our trade with the United States, point him out as a most suitable person to act with you in the attainment of this important object. I have instituted careful enquiries in relation to the conduct of our Consul at New York, in the affair complained of by Mr. F. Wood and am satisfied that the conduct of that functionary in this instance, as in every other connected with the discharge of his official duties, was justifiable and proper, and that the charges brought against him by Mr. Wood were both unfounded and malicious. I shall at an early day and so soon as leisure permits address a communication directly to Mr. Brower, on this and other subjects. In the mean time, I feel it my duty to say that the government of Texas has never had an officer, who has discharged his duties more ably, faithfully and satisfactorily than Mr. Brower.

You will please communicate a copy of the above to that gentleman.

Your sending Mr. Raymond as bearer of dispatches meets the approbation of the President. His presence here at this juncture of affairs gives him an opportunity of obtaining much valuable information, connected with our public interests, which he will communicate to you on his return. The Department is satisfied of the very able and faithful manner in which he has performed the duties of his office. His stay at the Court of Washington will probably depend upon the contingency of an appropriation by Congress for his salary. I refer you to him for much of importance which it is unnecessary I should write.

In relation to the outrage committed on Mr. Bourland, I would observe in reply to the remarks in your last, and in addition to what I have heretofore said that the order for the release of the goods was

only conditional, and as the opportunity was not afforded of complying with those conditions by the forcible recapture of the goods, the government of the United States can have no right to claim the goods by virtue of that order or to refuse payment for them in consequence of its having been given. It appears to me that the participation of the officer Col. Loomis in this affair is virtually admitted by the United States government.

Enclosed herewith I send you the Commission of ^a Esq. as Consul for Mobile which together with his Exequatur when obtained you will please transmit to that gentleman.

By information received at various times from Mexico, this government is advised that Gen Waddy Thompson U. S. Minister to that Court, has on different occasions made assertions of an unwarrantable nature, and derogatory to the character of the President of this Republic, charging upon him the crime of having endeavored to procure the destruction of the prisoners captured at Mier in December last. Until recently these accounts were deemed of a character too monstrous for belief, and although for many months past, the journals of this country and the United States have reiterated a charge of this kind, the President would not have deemed the matter of a sufficiently authentic character to demand a serious notice, had not letters of Gen. Thompson to Mr. Doyle H. B. M. Chargé d' Affaires at Mexico, recently published appeared to confirm the fact that Gen. Thompson had authorized such a statement.

The President therefore directs that you will bring this matter properly before the Government of the United States and respectfully request that they will institute an enquiry into the matter with a view of rendering justice, to the President of the Republic of Texas, (whose private character has been most wrongfully assailed,) in accordance with the friendly relations which should exist between the two countries. * * *^b

I have the honor

to be with the highest respect

Your Obt Sv.

Signed)

ANSON JONES

MURPHY TO JONES.^c

LEGATION OF THE UNITED STATES,

Galveston, Texas, 24th Decemb. 1843.

To the Honbl.

ANSON JONES *Sect of State etc.*

SIR, I have the honor to enclose to you, for reading of his Excellency the President of the Repb. of Texas, The Message of the Presi-

^a Here is left a blank for the name, which was not filled.

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

^c A. L. S.

dent of the United States.^a You will certainly observe, from the perusal of this great state paper, that the Executive Government of the United States, is in earnest, when it gives assurance of its friendship and regard of the Republic of Texas. And I am peculiarly gratified and would congratulate you, and the President, upon results, so happy, flowing from, apparantly, discordant, and equivocal causes, all working together, however, for the Independence of the Republic of Texas, and the Liberties of the People.

I offer to you Sir, the assurance of my high respect and esteem.

Your obt. Svt.

W. S. MURPHY

UPSHER TO VAN ZANDT.^b

VAN ZANDT TO JONES.^c

Despatch No 112

LEGATION OF TEXAS

Washington [City] Jany 2nd 1844

HON ANSON JONES

etc etc etc

SIR

Since the date of my last despatch I have repeatedly urged upon the Secretary of State of the United States as well as the President the necessity of giving to the several complaints which we have made against this Government a prompt and immediate consideration. The Secretary of State has at all times manifested an ardent desire to at once take the necessary steps to accord to Texas a proper satisfaction. He has frequently stated to me his concurrence in the opinion that the acts of Capt Cook were highly censureable and unjustifiable and of his wish to disclaim them on the part of his Government. The difficulty exists with the President who says that he has not been able to satisfy himself in regard to this as well as the circumstances in relation to the outrage upon Col Bourland and the obligation the United States is under to surrender Dr Robinsons negroes. In the early part of the last week I called upon the President and also the Secretary of State and stated to them that a longer delay in regard to these several matters could not fail to be considered as evidence of a disposition upon the part of the Government of the United States to ward them off. Each disclaimed any such intention and said I should receive a note explanatory of the causes of the delay. On last Saturday I received the note of Mr Upsher a copy of which is herewith

^a See Richardson, *Messages and Papers*, IV, 257, *et seq.*

^b December 29, 1843. See Van Zandt to Jones, January 2, 1844.

^c A. L. S.

inclosed. To me it is far from being satisfactory and I had designed to have another interview with that gentleman before I closed my despatch, but when I called at the State Department on today I learned he was very unwell and unable to attend to business. I then saw the President and told him I considered the note of Mr Upsher as calculated to strengthen the idea of a wish on the part of the United States Government to prolong their action and treat the subject lightly, that such an impression was to be regreted that the complaints were not made as matters of form but that we must insist on their being met and I hoped without unnecessary delay, that six months had near elapsed since the principle act was committed and that I must be excused for saying to him I thought the time sufficient. The President replied that he looked upon them himself as important and for that reason he was desirous to examine them fully, but that he would again assure me he had not the slightest disposition to evade them but felt a sincere desire to do full justice to Texas and that without unnecessary delay. Thus I have given you the situation of these several matters as they have progressed. In regard to the letter of Genl Gains the Secretary of War showed me the orders of his department to Genl Scott in relation to it in which he directs the orders to be countermanded and says that it was not only written without authority but in violation of the known wishes of the War Department. Genl Gains is here and I am told is quite sore upon the subject. I have been introduced to him and we have had some conversation but his letter was not alluded to by either of us.

I shall not reply to Mr Upshers note at present but await this and the ensuing week and if by that time a further answer is not received from him I shall answer his note and reiterate explicitly the demands for reparation as contained in your instructions upon these several subjects. After the apparant candid averments of the President and Secretary of State that they have no disposition to ward off these matters it would perhaps be uncharitable to charge the contrary. Yet I believe that no harm will result from addressing the Secretary of State more energetically if they are suffered to pass over until the time before alluded to. In connexion with this subject I saw stated in the newspaper that Mr Webster had indicated to Genl Almonte that by the permission of the Mexican Government this Government would furnish an escort to the Santa Fé traders beyond the boundary of the United States and that Almonte replied that he had no authority to give the permission. I called upon the President Secretary of State and Secretary of War and asked the grounds for the rumor. In the War Department I was shown a statement of the case which fully sustained the publication. I then told the President and Secretary of State and War that in the name of my Government I should protest against all such propositions, that Mexico had no power to authorise

such a movement that the territory over which the route passed belonged to Texas and that any movement of the character alluded to would be held as a violation of her rights. Each of the Gentlemen disclaimed any intention on the part of the Government of the United States to interfere with the territory of Texas or the contest of boundary between Texas and Mexico. I likewise had understood that Capt Cook after the capture of Col Snively's command had continued his march to Santa Fé. This was denied by the Secretary of War who assured me that Capt Cook had been expressly ordered not to go beyond the boundary of the United States.

I have looked for some time with great anxiety for the receipt of your reply to my communications upon the subject of annexation. Though the measure has been carefully avoided in Congress by both friends and opponents yet it is decidedly *the question of the day*. I have said to the President as well as Mr Upsher that it matters not what may be the nature of your reply I was satisfied that we could not accede to their proposition until proper satisfaction had been accorded to us in the several matters of complaint which we have made against the Government of the United States. This declaration I think will spur them up and force them to an action they might otherwise be disposed to evade.

The two Houses of Congress are doing but little. The discussions have been principally upon points of order and the propriety of receiving abolition petitions. The latter being the old hobby of Mr Adams.

The appointments of Messrs Upshur and Nelson were yesterday confirmed by the Senate.

I have been endeavoring to urge upon members of Congress the propriety of repealing the duty upon our cotton. Mr Slidell of Louisiana has introduced a bill for that purpose and I have strong hopes of its passage. If this can be effected we will thereby secure the principle advantages embraced in the late treaty without giving the important equivalents therein conceded. Mr Arguiz the Spanish Minister yesterday presented his letter of recall and will soon depart for Europe. His recall is on account of the late changes in the Government of Spain.

Since the meeting of Congress I have left Alexandria and taken a house in this City near the War Department on *Penn Av*

* * * * *

With great regard Most Respectfully
Your Obt Servt

ISAAC VAN ZANDT

[Inclosed is a copy of Upshur to Van Zandt, December 29, 1843.^b]

^a Here is omitted a paragraph relative to Van Zandt's salary.
^b See Calendar of Correspondence with the United States in Part I.