

UPSHUR TO MURPHY.^a

UPSHUR TO VAN ZANDT.^b

VAN ZANDT TO UPSHUR.^c

UPSHUR TO VAN ZANDT.^d

VAN ZANDT TO JONES.^e

[Despatch No. 113.]

LEGATION OF TEXAS

Washington [City] 20th. January 1844

HON ANSON JONES

Secretary of State

SIR

Mr. Raymond reached here on the 13th. inst., by whom I had the honor to receive your communication of the 13th. ultimo, the contents of which have engaged my most serious and undivided attention, When I had the honor to enclose you the note of the Hon A. P. Uphur, Secretary of State, submitting the proposition for annexation, it was impossible to speak with any great degree of certainty of the amount of support which such a treaty, if concluded, would receive in the Senate of the United States. Since that time the question has been discussed to some extent by most of the political presses of the country. Congress has assembled and an opportunity has been afforded to ascertain the individual views of many Senators. I have endeavoured to avail myself of these and every other means in my power, in order to the formation of a correct opinion as to the probable success of the measure should it be attempted. Deeply impressed with the importance of the suggestions contained in your dispatch, since its receipt I have attempted, with the aid of several distinguished gentlemen in and out of Congress to reinvestigate and review the whole case as it is presented here. The result of these investigations has determined [me] to withhold, until I can communicate with your department again, the reply indicated in your communication declining the proposition of the Government of the United States. In doing this I feel assured that the great interests of the country,

^a January 16, 1844. See Calendar of Correspondence with the United States in Part I.

^b January 16, 1844. See Van Zandt to Jones, January 20, 1844.

^c January 17, 1844. See Van Zandt and Henderson to Jones, April 12, 1844.

^d January 19, 1844. See Calendar of Correspondence with the United States in Part I.

^e L. S.

as well as the views and wishes of the President and people of Texas will be best promoted and subserved; confidently relying at the same time that my course in this instance will find a justification in your enlightened judgment.

The President of the United States, believing that the annexation of a foreign state or territory to this Union should most properly be done by treaty, precedents having already been established in the cases of the acquisition of Louisiana and Florida, and a proposition to that effect having already been submitted by his direction, considered it not only useless but improper to recommend to Congress any action at present in regard to it. The fact that the proposition has been made has likewise been communicated by the Secretary of State to many of the leading members of both Houses, which, in connection with the universally conceded opinion that the measure should be presented in the form of a treaty, has prevented any action whatever in either branch of Congress on the subject. A resolution, authorizing the President to enter upon any negotiation whatever, has never been attempted, unless in such cases where he had declined or neglected to act. To instruct him to do that which he had already done would not only be useless but uncalled for. Such are the opinions of every prominent member of either House with whom I have conversed, as well as other distinguished gentlemen out of Congress who are advocates of annexation, amongst whom I will name Mr. Justice Catron of the Supreme Court, whose opinions I have no doubt will be appreciated by His Excellency the President. From these facts and opinions I am satisfied that if annexation be ever attempted, it must be first by a treaty.

I proceed now to state some of the evidences which impress me with the conviction that if a treaty is concluded, it will be ratified. Mr. Tyler having withdrawn from the contest for Presidency the question neither is, nor will be considered in reference to him, but being supported by both whigs and democrats will not be determined as a party measure, but as a great national one, alike interesting to the whole Union. The impressions, which exist here in regard to the State of Affairs, have induced the opinion that Texas must either be annexed to this Union, or become in some form or other a dependency of Great Britain. This view of the case has had an important influence upon many of the Senators of the non-slaveholding states. Were the question deprived of this feature I should despair of its success. It is believed that any undue influence, obtained by Great Britain whether in a commercial or other point of view, in Texas, must sooner or later prove dangerous to the institutions and prosperity of this country and therefore ought to be resisted. I deem it unnecessary to capitulate the many reasons that have been urged here to show that this would be the effect. This subject I believe

is well understood and fully comprehended by both northern and southern men. It is also believed that Great Britain is now using every means to accomplish these purposes, and that the only security against her insidious policy is through annexation.

In looking to the Senate to see who can be relied upon to sustain the measure, from all the information which I have derived, I give the following as my decided opinion. There is but little doubt in the minds of many that Mr. Clay will be elected to the Presidency. Some of his particular friends, viz. the Senators from Kentucky, together with Messrs Archer and Mangum, in prospect of that event prefer the measure postponed in order that Mr. Clay may have the credit of effecting it, but at the same time, if the treaty be now made, will support it beyond doubt. Premising this I feel confident that we may rely upon the entire vote of the south and west, regardless of party, while at the north we may calculate on the whole democratic vote, and many say Mr. Tallmadge of the Whig party, though the latter may be considered doubtful. If I am correct then in my opinions a treaty might be submitted with a confident prospect of its ratification. Believing then that a treaty is the proper mode, that public sentiment is ready for action, that the feelings already aroused should not be suffered to waste themselves on uncertain or collateral issues, and that by delay we should hazard the accomplishment of this great measure, I deem it my duty to resubmit the matter to your department for the determination of the President.

Should any other legislative action be attempted, one of the greatest arguments which would be relied on by the opponents of the measure would be that the Government of Texas has not evinced a willingness to be annexed, and that any movement of Congress would be improper until this fact is known. Under my present instructions I could give no assurance that the Government of Texas would agree to annexation, even were a law passed to that effect. A vote upon a resolution of this character^a would not be a fair test, for all those who would vote for a treaty were it presented but desired to delay the measure, would vote against such a resolution.

The question presents itself in another point of view, suppose that the treaty if made should fail, yet the terms on which Texas is willing to be admitted having already been agreed upon, the data would thereby be given upon which to frame a bill. Such a bill, incorporating the provisions of the treaty for the admission of Texas into the Union, it is the opinion of many members, may be constitutionally passed into a law by a simple majority of both Houses of Congress, but without a basis previously agreed upon it would be impossible to take any action. If this view of the constitutional

^aI. e., a resolution intended to effect annexation.

question be correct the success of the measure would be placed beyond the shadow of a doubt.

I respectfully submit it as my settled conviction that Mexico does not now contemplate the free acknowledgment of the independence of Texas, nor will she grant it at this time, without such concessions as Texas will not make. England would doubtless oppose annexation, but on the other hand she will never force or compel Mexico to acknowledge our independence without some boon from Texas, which cannot be granted. It is a well ascertained fact in my mind that the present armistice does not proceed from any disposition on the part of Mexico to agree to the independence of Texas.

If in resorting to annexation, Great Britain desert us during its pendency, the fact of concluding the treaty will organize a party in this country that will neither permit us to be attacked nor cease its powerful support until annexation shall be effected.

I am authorized by the Secretary of State, who speaks by the authority of the President of the United States, to say to you that the moment a treaty of annexation shall be signed a large naval force will be assembled in the Gulf of Mexico, upon the coast of Texas, and that a sufficient number of the Military force will be ordered to rendezvous upon the borders of Texas, ready to act as circumstances may require; and that these assurances will be officially given preliminary to the signing of the treaty, if desired by the Government of Texas; and that this Government will say to Mexico that she must in no wise disturb or molest Texas.

Believing that in the decision of this question the destinies of our land are suspended, I should be recreant to my duty did I not again present to you these facts and reflections that they may be submitted to the President, who under the guidance of Him, who directs the destinies of mankind, I trust will decide upon them in such manner as shall receive the welfare of our common country.

That portion of your communication respecting the unprecedented and remarkable conduct of Genl. Waddy Thompson towards the President I have verbally communicated both to the President of the United States and Secretary of State, and had intended to make a communication on the subject to the State Department, but on further reflection I am not satisfied in my own mind whether under the circumstances it would be best to do so. The President and Secretary of State both informed me that General Thompson had resigned and his resignation been accepted, and that he is looked for here in a few days. I will continue to think of the matter and take any steps which may seem proper and necessary. In the mean time if it is desired by His Excellency the President that I shall make the communication before indicated, you will write me, and your instructions shall be immediately complied with.

The treaty concluded by Mr. Reily has not been taken up with a view to a reconsideration of the amendments, nor do I believe it

will be possible to pass it in the original form at present, although I have reason to believe that the vote would be stronger for it than at the last session. One of the most formidable objections urged against its ratification was, that owing to our internal difficulties and the dangers which attended us from without, the belief of the possibility that Texas might become subject to some other foreign power was induced, and that if the navigation of the Red River and the Mississippi was conceded the benefits might enure to others through Texas. Though proceeding from a different state of [the] case the objection still exists in as strong form as at the last session. It is alleged, as stated in a former part of this dispatch, and many believe it true, that England is about to obtain an undue influence in Texas, and these privileges of navigation if granted to Texas might be made the source of annoyance to the United States. That portion of the Southern Senators who opposed the treaty I think might now go for it if an action was taken, but yet these same gentlemen are averse to moving in the matter so long as there is a prospect of annexation. Place these two measures before the senate when you will and annexation will receive the greater number of votes.

Mr. Slidell of Louisiana has introduced a bill to admit our cotton free of duty, and I have strong hopes of its passage. The only reason that will operate with much force to defeat it, is, that it is a part of the general tariff act, which many are opposed to disturbing. Mr. Archer told me last night in a long conversation I had with him, that the bill if it could pass the House, would pass the Senate without difficulty.

For the present I do not think it necessary to require the services of Mr. Brower, when I have received your answer or even before if it appear important I will inform him of the fact.

I have the honor to enclose you herewith a copy of a communication from Mr. Upshur, Secretary of State, upon the subject of the disarming of Major Snively. I have not had time to reply to it. I will do so as early as possible and notice the other causes of complaint in a more specific manner.

Knowing that the Archives of the Government are at Austin I have sent you a copy of the former instructions on the subject of annexation, so that if the President should think proper to make the treaty they may facilitate in drawing any new instructions for the governance of your Representative here.

I have informed the Secretary of State verbally of the views of the President as to the formation of a treaty of annexation as indicated in your dispatch.

With sentiments of high regard I have the honor to be most respectfully

Your Obedt. Servt

ISAAC VAN ZANDT,

UPSHUR TO VAN ZANDT.

SIR,—When I had the honor to address you on the 29th. ult relative to the outrage alledged by you to have been committed by Captain Cooke of the army of the United States in disarming a Texan force under the command of Colonel Snively, I could do no more than give you a general assurance of the regret felt by the President that any cause of complaint should exist on the part of Texas against this Government, and of the readiness of this Government to repair any wrong done by its forces to the dignity of Texas or the rights of her people. The pressure of other duties, particularly since the session of Congress, has rendered it impossible to give to your letter upon this subject the attention which it would otherwise have received. I have now the honor to communicate the views at present entertained by this Government, and to invite from you any further suggestions which you may think necessary to elucidate the subject.

From the statements made to this Government, the following appear to be the facts of the case. On the 15th. of March, last, an application was made by several American citizens to the Department of War for an escort from Missouri to Santa Fe in Mexico. On the 17th. of the same month General Almonte, the Mexican Minister, addressed a note to the Secretary of State, desiring a similar escort for certain Mexican merchants then in Missouri, who desired to transport a large amount of goods which they had purchased, to Santa Fe. On the 28th. of that month, directions were issued to the War Department to have the escort organized for the purpose of protecting such of the citizens of the Republic of Mexico and of the United States as should be desirous of availing themselves of the same. The escort was to proceed as far as the territory of the United States extended on the route to Santa Fe. Some subsequent correspondence took place, but it did not alter the purposes of the escort or the extent to which it was to proceed.

Captain Cooke of the Dragoons was detailed for this duty and a force of about one hundred and ninety men was placed under his command to carry out the orders of the Department. They rendezvoused at Council Grove, Neosho River on the 3rd. of June, and proceeded on their route with the Caravan of traders.

On the 22nd. of June, Captain Cooke states, that when at Walnut Creek, he received intelligence that Colonel Snively, having about one hundred and eighty Texians under his command, had avowed his intention to attack the caravan wherever he could find it unprotected, and had also made many threats against the American portion of it, and that three of their spies had been reconnoitering in the territory of the United States, and had returned on seeing his command. He however proceeded with the escort and caravan in the direction of a

crossing, and on the 30th. of June he saw three horsemen about a mile in advance, whom he supposed to be those spies, and in pursuing them, came in sight of the Arkansas river, on the opposite side of which, he saw in a large grove, a force of men and horses. They hung out a white flag, and he sent a subaltern with a trumpeter and flag to ford the river to their camp. He directed him to demand of the commander who they were and what they did there, and to give such commander or another safe conduct over to him and back. On his return, Colonel Snively and another officer, his aid, accompanied him, when Captain Cooke informed him that his people were in the United States, and desired to know who they were, and if he had a commission? to which Col. Snively replied that he had a Texan volunteer force of 107 men, 75 having lately returned to Texas, that he believed he was on the territory of that Republic and that he had a commission which he exhibited, and a copy of which accompanies Captain Cooke's communication.

That document is not in the form of a commission, but of an order signed by the Acting Secretary of War and Marine, and authorized the raising of a partisan force without expense to the Government; the object of which was to retaliate and make reclamation for injuries sustained by Texian citizens, and declaring that the merchandize and all other property of all Mexican citizens would be lawful prize. Such as might be captured, to be brought into Red River, one half of it to be deposited in the Custom House of that District, subject to the order of the Government, the other half to belong to the captors, and be equally divided between the officers and men. The force was to operate in any portion of the territory of Texas above the line of settlements and between the Rio del Norte and the boundary line of the United States, but would be careful not to infringe upon the territory of that Government. Captain Cooke about this time observed some twelve or fifteen men crossing from the north to the south side and proceeding to the Texian Camp. The land on the north side of the Arkansas River was confessedly in the territory of the United States. Captain Cooke states that he believed the ground on which the Texians were encamped was within the territory of the United States also; that the line, it is true, had not been run from Red River to the Arkansas, but that it was understood by all to strike the latter river at least fifteen miles above the point where they were, while some believed the line to be as high up as Chouteau Island, sixty or seventy miles above the Caches,^a or seventy five or eighty miles above the Texian Camp. That he then disarmed the force, offering such as chose to go to the State of Missouri, an escort to Independence in that State, of which offer about fifty availed them-

^a See Gregg, *Commerce of the Prairies* (ed. 1844), map facing p. 17.

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selves; the residue preferring to return to Texas were furnished with ten rifles and with provisions, of which they said they stood very much in need.

Captain Cooke justifies his conduct, on the grounds that he found this force within the territory of the United States, engaged in the attempt to interrupt the lawful trade between the United States and Mexico, and that he had the right to disarm, so as to take from them the power of molesting our own citizens and those of Mexico engaged in that trade; that he used no harshness, nor more force than was necessary to accomplish the object.

Colonel Snively on the other hand alleges that he was on the Texian territory; that he was not fairly dealt with, and that he was deceived under a flag of truce to place himself in Captain Cooke's power; that being disarmed, he was exposed to danger and to the actual loss of some of his men in passing through the hostile bands of Indians on his return to Texas, in consequence of the want of those arms. It further appears from the diary of Captain Cooke, that the transaction took place in the 94th degree of west longitude, as ascertained by actual observations, on which he relies.

If the facts be as here stated, the conduct of Captain Cooke, although it may not have been proper or justifiable, was not such as to merit the severe reprobation which it has received. There is every reason to believe that the force of Colonel Snively was actually within the territory of the United States. It was the duty of Captain Cooke to protect the traders, both Mexican and American, throughout the whole extent of our territory. The least that can be said of it is, that there was no proof, and no strong reason to believe that the place was within the territory of Texas. So long as the territorial jurisdiction was doubtful, both parties had an equal right to be there; and although the uncertainty of the jurisdiction might have justified the Texan forces in attacking an enemy's force found there, the same consideration made it the duty of Captain Cooke to extend his protection to the caravan committed to his charge. Each party acted upon its own responsibility and was bound for all consequences. So far, therefore, as the mere question of territorial jurisdiction is concerned, neither party can have any assured ground of complaint, until the *fact* shall be ascertained. In the mean time it would seem to be enough that each Government should disclaim any intention to violate the territory of the other; and that disclaimer I now make, in the fullest manner, on the part of this Government.

The only question, then, which can now be decided, respects the manner [in] which Captain Cooke discharged the duty of protecting the caravan of traders. In disarming the force of Colonel Snively, he acted without specific instructions from this Government, nor had

he, any instructions which would authorize him to violate any right of Texas or of her people. Neither will he be held justified in executing a lawful authority in a harsh or unbecoming manner. I am directed to give this assurance to you and through you to the government of Texas, in the most explicit terms. It may turn out, that Captain Cooke has exceeded his authority, in offering any hindrance whatever to the forces of Colonel Snively, or that in the exercise of a legitimate authority, he has gone beyond the necessity of the case. So far as the disarming of Colonel Snively's force is concerned, the probability is that it will be so found. But in the present uncertain state of the facts, it seems to the President that the Government of Texas can require nothing more than the immediate institution of the requisite inquiry with a view to ascertain the exact state of the case. Directions have accordingly been given to the Secretary of War to order forthwith a Court of Inquiry upon Captain Cooke, and to give to the inquiry as ample a range as possible. The arms taken from the Texan troops will be restored or compensation made for them. And such further steps will be taken, upon the report of the Court of Inquiry as may seem to be necessary, in order to render full justice to Texas and her people.

In regard to the letter of Brevet Major General Gaines to Brevet-Brigadier General Taylor, of which you complain, I have to say that it is not of an official character and has not been communicated to any department of this Government, by the writer of it. I desire to assure you, however, that this government does not claim the right to operate beyond its own limits in time of peace; nor to violate the territory of any other power, by marching an armed force into it. Hence it has no difficulty in disclaiming the doctrine on that subject attributed to General Gaines.

In conclusion, Sir, I beg leave to repeat to you the assurances heretofore given, that this government never meditated and will not sanction, any indignity towards the government of Texas, nor any wrong towards her people; and will readily and with pleasure repair any injury of either kind, which may be made to appear. Whatever backwardness may seem to have been shown, in attending to the complaints of Texas is to be attributed to the extreme pressure of the indispensable calls of duty, and not to any disinclination to render proper respect to the claims of that government.

I avail myself of this occasion, Sir, to offer you renewed assurances of my high consideration

(Signed) A. P. UPSHUR

To The Honorable ISAAC VAN ZANDT
etc, etc, etc.

DEPARTMENT OF STATE,
Washington, 16th. January 1844.

JONES TO VAN ZANDT.

DEPARTMENT OF STATE,
Washington [Texas], Jan. 27th 1844.

HON. ISAAC VAN ZANDT,
Chargé d'Affaires of Texas,
etc. etc. etc.

SIR,

I have the honor to acknowledge the receipt of your dispatch, No. 112, under date of the 2d. Inst., which is the only one received from you, at this Department, since the departure from here of Mr. Raymond.

It is not the desire of this Government that the claim for the two negroes of Mr. Robertson should be any further pressed by you, at present. The propriety of our right to demand the restoration of them by the Government of the U. States is at least questionable and until the owner of the Slaves shall have produced satisfactory evidence, in support of his claim, the further treatment of that subject may be discontinued. The complaints, however, in the cases of Mr. Bourland and Col. Snively are of a grave and important character, and it is confidently hoped the Government of the United States will award prompt satisfaction and reparation for these outrages, committed, either by or under the sanction of its own officers. The settlement of these difficulties would, it is believed, have a tendency to promote the continuance of friendly relations, as well as to ensure success to any negotiations which may be undertaken between the two countries.

Should you be satisfied that the door will be opened by the Congress of the United States, for the Annexation of Texas to that country in the manner referred to, in my communication of the 13th. Ult. or in any manner, which may seem to ensure certain success to the measure, you will in that case proceed, immediately, to open the negotiation of a treaty for the same. The instructions referred to you will therefore consider as revoked as well as the instructions on the same subject of the 6th July last. The principal points for discussion will be the political character in which she shall be admitted, the liquidation of her public debt, and the disposition to be made of the public domain. In reference to the first of these, you will require, that on her admission into the Union a census of her population shall be immediately taken by the government of the United States, and in the event her numbers should be sufficient to entitle her, agreeably to existing laws in that country, to a representation in the general Congress. She shall in that event become, at once, entitled to existence as a free and sovereign State of the United States, with all the rights, belonging to the other members of that confederacy, and a guarantee

for the enjoyment of all her domestic institutions. Otherwise she shall be admitted as a territory with similar guarantees and provisions for a state government, when she shall have the requisite population

In relation to the public debt of Texas, amounting, as it is supposed, to some twenty Millions of Dollars, including the unaudited claims of our citizens for services rendered, property furnished, and injuries sustained, during the war of the revolution, and for which this Government is properly bound to her citizens you will require that the same shall be assumed by the government of the United States, to be repaid to the creditors, within some fixed period, with interest not less than five per cent, or from time to time, so soon as the public lands of the Republic may be made available. It will also be necessary to require that in the event Texas shall be called upon to pay any portion of the public debt of Mexico, the responsibility of such payment shall rest upon the United States.

In relation to the public domain of Texas, you will require that all claims to lands, in Texas, held by individuals or companies, for their own use and benefit, or for colonization shall be adjudicated and settled in the speediest manner possible, and those having legal and valid ones shall be entitled to receive patents to their quotas of land, and that all private rights to real estate, or otherwise, as they exist at the time of the admission of the Republic into the American Union, shall be, and remain inviolate. After the satisfaction of all just claims, the balance remaining of the public domain shall become the property of the United States.

There are a great many points, of minor importance, which it would be necessary to provide for in a treaty of Annexation. In relation to these, instructions will be furnished you so soon as this government is advised of the fact, that the measure of annexation, is made *certain* to Texas by the action of the present Congress or Senate of the United States. In this event the President will also (should an appropriation be made for the purpose) accede to your request and send on a special Minister to act in conjunction with you in the arrangement of this important matter. In the mean time, you will ascertain the views of the government of the United States, so far as may be practicable, upon the various points submitted in this communication, and upon such others, connected with the subject, as may be likely to arise in the discussion and formation of a Treaty.

A full power will be sent you to conclude a treaty, so soon as this department is advised by you of the proper action having been taken on this subject, by the executive and coordinate branches of the Govt. of the United States.

In the event the treaty, for annexation, should not appear to have a fair prospect of success, you will urge upon the government of the United States, in your intercourse with it, the active and efficient

interposition of its influence, in putting an end to the war with Mexico, and thereby ensuring to the people of both countries the advantages, to be derived to them, from our National Unity and Independence. For the more certain attainment of this desirable object, it would be very acceptable to this government, could a treaty of alliance, offensive and defensive towards Mexico be formed with it, by that of the United States. You will therefore sound the Secretary of State of the United States on this subject, and inform him of our willingness to enter into some arrangement of the kind, and inform this Department of his views, in reference to the subject, at the earliest possible period. The declarations, made by the President of the United States, in his late Annual Message to Congress, and the position taken by him, as well as the principles avowed by the Secretary of State of the United States, and the Minister, Gen. Thompson, in their late correspondence with the authorities of Mexico, would appear to suggest the alliance, now proposed, as the most proper means of giving effect to those declarations and principles, with the view of promoting the interests the United States have in the establishment of our complete independence, as connected with the commercial advantages, to be obtained, for them, through such a measure, the safety of their domestic institutions, and the continuance of Union and harmony between the different members of their confederacy. No proposition for a treaty of alliance has yet been authorized to be made to any other government, but as our negotiations with Mexico may be abruptly terminated, it becomes the duty of this Government to be prepared for such an emergency. It is, therefore, of the utmost importance that the views of the United States, on this subject, should be immediately known, and communicated by you to this Department, in order that the President, in the event of an unfavorable answer, might take prompt action, in reference to it, with some other government, whose friendly dispositions can be relied upon.

Upon the most mature deliberation and consultation with the various tribes of Indians, including the Kioways and Comanches, it has been concluded to hold a General Council with them, at the Tahuacana Creek, on the Brazos river about 25 miles above the falls, in the month of April next, at which it would be desirable to have the attendance of Col. Butler, on the part of the United States. So many objections appeared to have arisen to the Treaty being held on Red River as originally proposed by you that the President agreed to change the place of holding it as above. You will make this arrangement known to the Govt of the United States and request the attendance of their Commissioner etc., at the time and place specified. It is presumed this alteration will not be productive of any dissatis-

faction to the Government of the U. States, or serious inconvenience to Col. Butler, while it is believed that by holding the Council on the Brazos, the tribes to be pacified will be removed as much as possible from all undue and adverse influences, which the cupidity and selfishness of Indians and others residing on and near Red River, might otherwise interpose, in endangering the success of the Treaty.

* * * * *

I have the honor to be, with great respect

Your obt servant

(signed) ANSON JONES

HOUSTON TO VAN ZANDT.^b

BROWER TO VAN ZANDT.^c

HOUSTON TO MURPHY.^d

PORTER TO UPSHUR.^e

UPSHUR TO VAN ZANDT.^f

JONES TO MURPHY.^g

MURPHY TO JONES.^g

JONES TO MURPHY.^h

MURPHY TO UPSHUR.^h

^a Here is omitted a paragraph relative to Van Zandt's salary and the expenses of the Legation.

^b January 29, 1844. See Calendar of Correspondence with the United States in Part I.

^c January 31, 1844 (extract). See Van Zandt to Jones, February 22, 1844.

^d February 3, 1844. See Correspondence with the United States in Part I.

^e February 3, 1844. See Van Zandt to Jones, February 22, 1844.

^f February 6, 1844. See Van Zandt to Jones, February 22, 1844.

^g February 14, 1844. See Calendar of Correspondence with the United States in Part I.

^h February 15, 1844. See Calendar of Correspondence with the United States in Part I.

JONES TO HENDERSON.

DEPARTMENT OF STATE
Washington [Texas] Feb. 15th 1844

SIR

It having been determined by His Excellency the President to accede to a proposition which has been made to this government by that of the United States to conclude a Treaty for the annexation of Texas to that country, and to enter into negotiations for that purpose at the city of Washington he has appointed you Special Agent of this government to conduct, in conjunction with the Hon. I. Van Zandt our present Chargé d'Affaires at that Court, those negotiations. You will receive herewith your Commission, also a letter accrediting you in this capacity, to the Secretary of State of the United States and a full power to conclude and sign with such person or persons as may be appointed and similarly accredited on the Part of the U States a Convention or Treaty in the premises.^a

Unavoidable circumstances prevent me at this time from giving you ample written instructions. Such however as may be deemed necessary will be prepared and sent to you at the City of Washington in a very few days. In the mean time, it is only requisite for me to say to you that the President places great reliance upon your skill judgment and intimate knowledge of the subject and the important interests of the country which are involved in it, and does not deem it proper therefore to confine your action within the limits which minutely special instructions impose and thereby to hazard the successful issue of your mission. You will proceed to the city of Washington with as little delay as possible, and place yourself in communication with Mr. Van Zandt, from whom you will learn the present attitude of this matter at that Court. After being received in your official and diplomatic capacity by the government of the United States, you will previous to entering into the negotiation, take measures to obtain from that government, as full a guarantee as possible to the requirements of this government, as contained in my letter to Gen. W S. Murphy Chargé d Affaires of the U. S. under date of the 14th. Inst, a copy of which is herewith enclosed for your information as well as his answer and my reply thereto. So soon as you shall have recd satisfactory assurances on the main point in that letter, and which you will see has been referred by Gen. Murphy to his government for that purpose you will proceed to enter upon the negotiations for a treaty of Annexation between the two countries. Untill you shall receive the instructions referred to in the commencement of this despatch you will be governed by those heretofore given by this government to its Ministers on this subject.

^a No copies of these enclosures have been found. Henderson went to Washington City, reaching there some time before April 1. He was recalled by a letter from Houston dated May 17, and he left Washington, June 16.

It is desireable that the greatest secrecy and dispatch should be observed in the conducting this very delicate and important matter and that you should keep the government constantly advised of your progress and of every thing connected with the subject

I have the honor to be

very Respectfully

Your obt Svt

ANSON JONES

Genl J. PINCKNEY HENDERSON

Special Agent of the Republic of Texas

etc etc etc etc

JONES TO MURPHY.

DEPARTMENT OF STATE

Washington [Texas] Feb. 16th 1844

SIR

I have the honor to acknowledge the receipt of your note addressed to this Department on the 1st December last upon the subject of an alledged murder of a Choctaw Indian named Daniel Wesley said to have been committed by a white man named George Albon at the Pine Bluffs.

Upon the receipt of your note above refered to steps were immediately taken to have the cause of complaint investigated by this Government, with a view to inflicting proper punishment upon the individual charged with this outrage should it appear that he had been guilty of the same as well as for the purpose of preventing a repetition of such act on the part of any of our citizens as far as might be practicable, and I should sooner have answered your note and given you this assurance but was daily expecting your presence at the Seat of Government, an event which I regret the state of your health has untill now prevented.

The existence of the traffic in spiritous liquors by our citizens with the Indians this Government most strongly deprecates and it will use its best endeavors at all times in conjunction with the United States in preventing it upon our conterminous borders.

So soon as Mr. Albon can be arrested and brought to trial for the alledged offence the same will be done, and I beg leave to assure you that no proper efforts which this government can use will be omitted to cause this matter to be duly investigated and justice as well as prompt punishment to be inflicted upon him if found guilty

I have the honor to be with sentiments of the highest consideration and respect

Your most obedient faithful Servant

(Signed)

ANSON JONES

To Gen. W. S. MURPHY

Chargé d'Affaires of the U. S.

etc etc etc