

## CRAWFORD TO DONELSON.

WAR DEPARTMENT  
OFFICE INDIAN AFFAIRS

*July 29, 1845.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 7th. inst. addressed to the Secretary of War and referred by him to this Office, covering the communication of Dr. J. W. Robertson relative to the negro boys, belonging to him, now in the Creek nation.

An order has this day been forwarded to Col James Logan, the Creek Agent to deliver up these negroes to their rightful owner, and you will please inform Dr Robertson that they will be at his disposal or that of his Agent, whenever the order shall have reached the Creek Agent, and been carried out.

Very respectfully

Your Obt Serv't,

T. HARTLEY CRAWFORD.

HON ANDREW J DONALDSON,  
*U S Chargé d' Affaires,*  
*Texas.*

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RHODES TO ALLEN.<sup>a</sup>

*Private.*

CONSULATE OF THE UNITED STATES  
OF AMERICA AT GALVESTON TEXAS,  
*August 21st. 1845.*

DR. SIR

Herewith you have enclosed a letter from the State Department of the United States directed to me by which you will perceive I am Authorized to Communicate with the Government of Texas, in the absence of Major Donelson; After you have read it and showed it to his Excellency the President of Texas you will have the kindness to return it to me, and Oblige your

Obedient Servt

E A RHODES  
*Actg U S Consul*

To the Honble  
EBENEZR ALLEN  
*Secretary of State*  
*etc etc etc.*  
*Austin Texas*

DEPARTMENT OF STATE  
Washington [City] Aug. 7th 1845.

E. A RHODES Esquire  
*Acting Consul of the U. States*  
*at Galveston, Texas.*

SIR

Enclosed you will receive a duplicate of a despatch addressed to Major Donelson. If, as is probable he has left Texas on his return to the United States, the President directs that you will consider the despatch as directed to yourself confidentially, and you will with the least practicable delay place yourself in communication with the Texian Government and carry into effect the instructions contained in that despatch

You will communicate with this Department the measures you may have taken so soon as you have received an answer from the Government of Texas.

I am, Sir Respectfully  
Your Obedient Servant

J. Y. MASON

A Copy of the original

JOSEPH C. ELDREDGE  
*C. Clk Dept of State*  
*Texas*

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DONELSON TO BUCHANAN.<sup>a</sup>

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DONELSON TO BUCHANAN.<sup>a</sup>

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RHODES TO ALLEN.<sup>b</sup>

CONSULATE OF THE UNITED STATES  
OF AMERICA AT GALVESTON REPUBLIC OF TEXAS,  
*August 21st 1845.*

SIR,

I have the honor to inform you that I have received today pr. Steamer Mc Kim, a Communication from the Department of State of the United States, inclosing a duplicate of a Despatch addressed to Major Donelson, which I am instructed to Open in the event of his Absence, and to Communicate with the least practicable delay, with the Government of Texas, upon the Subject thereof. In pursuance

<sup>a</sup> August 14, 1845. See Calendar of Correspondence with the United States in Part I.  
<sup>b</sup> A. L. S.

of those instructions I hasten by Special Messenger to place you in possess of the information contained in that Despatch together with the Views and Wishes of the president of the United States.

Intelligence has reached the President, which has an appearance of Authority not to be disregarded that the Mexicans are approaching the frontier of Texas in considerable force, that General Parodes, with Seven thousand men is at San Luis Potosi and that General Arista with three thousand, principally Cavalry, is in position on or near Rio del Norte, and that these troops are destined for the invasion of Texas; with, or without a declaration of War with the United States.

The Government and people of Texas, by their delegates in Convention having accepted the Conditions of Annexation, proposed in the first and second sections of the joint resolutions of the Congress of the United States on that Subject, the President, considers it to be his constitutional duty to repel a hostile invasion of Texas with all the means at his disposal.

The troops under General Taylor, have proceeded to the points on the frontier of Texas, at which it was supposed they could act most efficiently in the attainment of this Object. Orders have also been given to Commodore Conner to employ the Naval forces under his command in co'operation with the Troops. The regular force which could be transferred on this duty, with the reinforcements which will immediately be Ordered to report to the Officer Commanding, may not be sufficient to resist so imposing a force, as that, which it is believed is about to invade Texas.

The President has no authority to call out the Militia of Texas, but he has entire confidence in the Patriotism and bravery of those Gallant men, nor does he doubt their enthusiastic readiness to cooperate with their brethren from the United States, in repelling the invaders of their Own soil. Their cooperation may become necessary—and in View of this Necessity, I am instructed by the president, to place myself without delay (in the absence of Major Donelson), in communication with the Government of Texas; and to propose that Volunteers may be invited to join the United States' troops, under the command of General Taylor; Organized and Officered by Officers of their Own Selection, to be mustered into the service of the United States in such numbers as the United States' Commanding General May deem necessary. I am also instructed to say that the information received by the President, is believed to be Authentic, and is such that he can not disregard; but the Superior opportunities, enjoyed by the Government of Texas and by General Taylor on the frontier, may satisfy them that the danger of invasion is not imminent. In that event it is not desired that Volunteers should be called from their homes into Actual Service;

Apprehending that there may be a deficiency of Arms and Munitions in Texas, the President has Ordered them to be placed in a depôt at Galveston Subject to General Taylors Orders, in sufficient quantity for ten thousand men, they will be furnished to the Texan Volunteers under such regulations as may issue from the War Department for their return when the Men are discharged. Rations will be issued to the Volunteers while mustered in service of the United States and tho there is no appropriation from which the president can have these troops paid, there is no reason to doubt, that troops thus employed will be placed by Congress upon precisely the same footing, as troops would be who had been regularly called Out, to repel an invasion of any of the existing States.

I am likewise instructed to communicate to the Government of Texas that it is not the wish or purpose of the President to limit the number of men which that Government may deem necessary to defend the Country; but to guard against misunderstandings which may fatally disturb the harmony of cooperation, it is deemed most advisable, that no Volunteers shall be mustered into the Service of the United States, except such as may be required and approved by the Commander of our troops in that Service. All others will act under the Authority of Texas.

In as much as under the peculiar circumstances, there will be felt on the part of the United States Government the greatest solicitude to know with certainty, what may be the dangers and exigencies of Texas, the undersigned would respectfully request Mr Allen to communicate to him for the information of the president of the United States by the return of the bearer Mr James Rhodes, what are the Views and wishes of his Excellency the President of Texas.

I have the honor to be Your Obedient Servant

E A RHODES

*Actg U. S. Consul*

To the Honbl. E. ALLEN

*Secretary of State etc etc*

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JONES TO TAYLOR.

EXECUTIVE DEPARTMENT

*City of Austin Augt. 23d 1845*

SIR,

I have the honor to acknowledge the receipt of your letter of the 16th Inst. which was delivered me last evening.<sup>a</sup> I have received no definite information in regard to a commencement of hostilities on the part of Mexico against the United States, but have rather

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<sup>a</sup> This letter has not been found.

inclined to the opinion that she would not adopt that course. The troops which she is moving towards Matamoros I thought probable might be intended only for the defence of that point and that the collection of them there was induced by the fact that the U. S were moving troops to Corpus Christi and that the intention of the Govt. of Mexico was to act only defensively at present. This view however may not be correct, and it is certainly best to be fully prepared for the opposite alternative and a due regard to the general welfare may make it necessary and quite proper that the whole of your force should be concentrated at Corpus Christi for the defence of that point. In this situation of affairs I concur in your recommendation that the different points on our frontier, now occupied by any troops in the service of Texas should continue to receive adequate protection in the manner you propose, against any outbreak of Indians which might occur, as well as against our Mexican enemies. I would therefore designate as you request the following companies to be mustered into the service of the U. S. in the manner you propose viz; One full company of Rangers (mounted gunmen) under the command of Capt'n P. Hansborough Bell at Corpus Christi. One full company, of Rangers as above under the command of Capt. John T. Price at or near Goliad this company to be continued in position near Goliad or to be transferred to Corpus Christi as you may think proper to direct. One full company of Rangers at Bexar under the command of Major J. C Hays One full company of Rangers at the city of Austin under the command of Capt D. C. Cody One full company of Artillery at Austin under the command of an officer to be selected and appointed by me One company of Rangers of thirty men at Caldwell Milam Co under the command of Lt. R. S. Teal One company of rangers of thirty men at T. J. Smith's in Robertson Co. under the command of Lt. Thomas J. Smith. One company of rangers of thirty men at Dallas in Fannin County, under the command of Lt. John McGarra. These several companies will it is believed afford adequate protection under present circumstances to the several points indicated on our frontier, and serve as nuclei around which to rally a volunteer or militia force in the event of any sudden outbreak of the Indians, or an irruption on the part of the Mexicans.

I send by the bearer of this to Col. Clark L. Owen of Texana a Commission as Col. in the volunteer infantry of Texas with instructions from the Secty of War and Marine to enroll and have in readiness a force not exceeding One thousand men—and to muster them into service and place himself under your command and cooperate with you in the event of an actual invasion by Mexico, or upon your request. The number of men you may wish called into service, under Col. Owen not exceeding the above number you will please

make known to him and they will be mustered accordingly. Each man will be expected to furnish himself with a rifle and fifty rounds of ammunition, and to conform strictly to the orders of the officers in command.<sup>a</sup>

Your proximity to the scene of active operations and means of early information will enable you to judge correctly of the amount of force you will require. If those designated above should not be sufficient I will at your request call into service any additional number of men, within my control that you may indicate.

I shall remain at this place until a day or two after the adjournment of the Convention which will probably take place about the 1st Sept. The Sect'y of War and Marine will continue his office permanently here. If in his power he will pay you a visit in the course of two or three weeks at Corpus Christi. I shall return to this place in October. Should the State of your service permit it will afford me much gratification to meet you and to confer with you personally in relation to the dispositions proper to be made for the permanent occupation and defence of the frontier of Texas and upon matters connected therewith.

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

ANSON JONES

To Gen. Z. TAYLOR  
U. S. A  
*Commanding Army of Occupation*

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RAYMOND TO POLK.<sup>b</sup>

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ALLEN TO RHODES.<sup>c</sup>

DEPARTMENT OF STATE

*Austin 30 August 1845*

E. A. RHODES, Esquire,  
*Acting Consul of the United States at Galveston*

*etc etc etc*

The undersigned Secretary of State of the Republic of Texas has the honor to acknowledge the receipt of the note addressed to him

<sup>a</sup> There are on file with the Diplomatic Correspondence two letters from Jones to Owen, dated respectively August 23, and August 28, 1845. In the first Jones sends Owen a colonel's commission with instructions and states that Captains Bell and Price are authorized to enroll sixty men each and muster them into the service of the United States; that Taylor apprehends an attack from the Mexican forces concentrating at Matamoros; that Jones himself has designated the points at which men are to be enlisted and stationed, and their number. In the second letter, he states that the probability of Mexican invasion is increasing, and that the United States has made a deposit of arms and munitions at Galveston.

<sup>b</sup> August 28, 1845. See Calendar of Correspondence with the United States in Part I.

<sup>c</sup> See Records of Department of State (Texas), Book 44, p. 281.

by E A Rhodes, Esqr., acting Consul of the United States at Galveston, under date of the 21st instant communicating intelligence transmitted to the President of the United States, touching the recent movements of Mexican Troops under Generals Paredas<sup>a</sup> and Arista, and the preparatory measures of His Excellency adopted and advised for the protection of Texas against their attacks.

Intelligence of a similar character, but less full in its details, has been communicated to the Executive in a dispatch from Gen Taylor, under date of the 16 instant, and in a note from Mr Donelson, dated the 5th instant and transmitted to this Department. His Excellency's reply to the note of Gen Taylor was dispatched on the 23d instant and its contents express the opinion then entertained by the Executive that the Mexican forces concentrating at Matamoras and other points upon the Rio Grande, were not intended for the immediate invasion of Texas, but rather to remain in position and act defensively for the present. That opinion was based upon such evidences as were then in possession of the Executive; but the additional and specific information contained in the note of Mr. Rhodes, relating to the intelligence from authentic sources which has reached the President of the United States, leaves little room to doubt that those troops are designed by the Mexican Government for hostile operations against Texas. There is no reason to suppose that such hostilities would be preceeded by any formal declaration of war by Mexico against the United States; nor that her belligerent operations would be carried on [in] the form of sustained and systematic warfare. After a brief series of sudden attacks and rapid evolutions, the Mexican forces would again retire across the Rio Grande, with what of success or defeat might befall them. Since the battle of San Jacinto, they have never entertained a serious hope of reconquering the country, nor a settled determination to invade it. As heretofore, they would now be content after inflicting upon the border the calamities incident to an irregular and destructive irruption of their semi-barbarous soldiery.

The President has at the request of Gen Taylor designated four full companies of sixty men each, and three half companies of Rangers, and one company of Artillery, all properly officered to be mustered into the service of the United States. He has also ordered Col Clark L Owen of Texana to enrol and have in readiness a volunteer corps of infantry—not to exceed one thousand men. These forces will be ready to act with the utmost promptitude against the enemy for the defence of the frontier and at the call of Gen Taylor. His Excellency further informed that officer in his reply that he would at his

<sup>a</sup> Paredes.

request call into service any additional number of men which might be required, and which could be furnished.

Gen Taylor will doubtless communicate to the Executive any cause or occasion which may arise for an additional employment of forces to cooperate with those under his command; and his call will be promptly attended to. From his frontier position and the facilities in his power for acquiring all necessary information, he will no doubt be able to anticipate any important hostile movement of the enemy in season for a sufficient force to concentrate and to meet it.

The President is gratified to learn from the note of Mr. Rhodes that arms and munitions of war are placed in depot at Galveston sufficient for ten thousand men by order of the Executive of the United States. In the event of an invasion by the Mexicans, those arms and munitions would be indispensable for the use of the Texian soldiery; and in that event, it is the design of His Excellency, that the seat of active hostilities shall be as soon as practicable forced back beyond the Rio Grande, and that the scene of war be transferred to the enemy's country.

The undersigned has the honor to present to Mr Rhodes the assurance of his distinguished regard, and to be,

His most obedient Servant

EBNR ALLEN

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LEE TO BUCHANAN.<sup>a</sup>

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BUCHANAN TO LEE.<sup>b</sup>

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LEE TO JONES.<sup>c</sup>

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KAUFMAN TO JONES.<sup>d</sup>

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LEE TO JONES.<sup>d</sup>

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LEE TO BUCHANAN.<sup>e</sup>

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<sup>a</sup> September 1, 1845. See Lee to Allen, September 8, 1845.

<sup>b</sup> September 6, 1845. See Lee to Allen, September 8, 1845.

<sup>c</sup> September 6, 1845. See Calendar of Correspondence with the United States in Part I.

<sup>d</sup> September 8, 1845. See Calendar of Correspondence with the United States in Part I.

<sup>e</sup> September 8, 1845. See Lee to Allen, September 8, 1845.



LEE TO ALLEN.<sup>a</sup>

[Despatch No. 148.]

WASHINGTON [CITY] 8 September 1845.

DEAR SIR

I have the honor to acknowledge the receipt, on Sunday Evening 31st. ultimo, of your communication of 2nd idem, informing me, of the illness of the Hon. David S. Kaufman, and the probable delay of his arrival here in consequence; and covering a commission, authorizing me to perform the functions of Acting Chargé d' Affaires until his arrival, and to open the letter of Instructions addressed to him for my further guidance.

In obedience to these instructions, I addressed a note to the Secretary of State of the United States, on the 1st Inst. informing him of my appointment, and requesting him to appoint a time, at which I might call on him and present my letter of credit [*sic*].

I received no official reply to my note until today, when I received the communication from the Secretary of State of 6th. Inst. copy of which you will find herewith, and to which please be referred, informing me that the President of the United States, for reasons therein assigned, deemed it improper to receive a Chargé d' Affaires from Texas, but desired that I should remain here as Agent of Texas. Copy of my reply, I transmit herewith.

Having neither Instructions nor precedent for my guidance, I can only refer the matter, through you, to his Excellency the President of Texas, and await here his further instructions. In the meantime, however, as this decision of the President, proceeds from no unkind feeling, but from the intimacy of the relations of the two Governments, forbidding, in his opinion, that Texas should any longer be treated as a Stranger, altho', I cannot communicate officially with the Government of the United States, I shall continue, individually, to cultivate the kind feelings at present existing on the part of this Government towards the Government of Texas, and unofficially, to bring to the notice of the President, all matters, which it would have been my province to do, if I had been received officially. This, the President of the U. S. has desired to do, and has promised to give my communications all the consideration they would have had if official.

The President of the United States, requests me to tender to the President of Texas, the assurances of his sincere regard and his regret that he has not been able to comply with his wishes in regard to my reception. The President has expressed to me his full assurance of the cheerful and zealous co-operation of the President of Texas in car-

rying out and perfecting the measure of annexation, and informed me that the communications of the Hon. A. J. Donelson, from Texas, on that head have been highly satisfactory.

Waiting the honor of your further communications

I Remain Dear Sir

Yours very truly

W. D. LEE

[First of the inclosed copies is Lee to Buchanan, September 1, 1845, asking an interview in order to present his letter of credence.]  
Then comes the following:

(Copy.)

WASHINGTON [CITY] 6th. September 1845.

DEAR SIR

I have had the honor to receive your note of the first instant, informing me that the President of Texas had appointed you Acting Chargé d'Affaires of that Government near the Government of the United States, and requesting me to appoint a time when you may call for the purpose of presenting your credentials.

Your note has been submitted to the President who, after a careful examination of the subject, has directed me to inform you, that, in his opinion, the State of Texas has now become so intimately identified with the other States of the Union, that it would not be proper to receive a Chargé d'Affaires from its Government and thus treat it as a foreign nation.

The moment that the Convention of Texas had ratified the terms of annexation proposed by the Congress of the United States the substantial engagements of both parties were complete and nothing then remained to be done but her more formal admission into the Union in compliance with these engagements. The President has, accordingly, directed the troops of the United States to march into her territory and has determined to defend it against the forces of Mexico. Under these circumstances, Texas has already, in his judgment, become in fact, if not in form, one of our States, at least so far as to render it obligatory on him to protect her against foreign invasion. It would, therefore, it appears to him, be incompatible with these relations to receive a public minister from her government as though she were still a stranger.

It is certain, however, that the Government of Texas yet retains all the powers that it formerly possessed except such as would be inconsistent with the engagements of the respective parties to consummate annexation. It is still both the right and duty of that Government to repel a Mexican invasion, and should such an event

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occur, it would be extremely convenient, if not absolutely necessary, to have an agent of Texas in the City of Washington. Other circumstances might be adverted to which would render this highly proper. Whilst, therefore, the President cannot receive you in a diplomatic character, he will be much gratified should you determine to remain in this City as an agent of Texas. In that capacity you may render essential service to both Countries.

In arriving at these conclusions, the President requests me to assure you of his sincere regard for the President of Texas and his regret that he has not been able to comply with his wishes in regard to your reception.

With sentiments of Respect I Remain  
Yours truly

Signed JAMES BUCHANAN

To  
W. D. LEE Esquire  
*etc. etc. etc.*

(Copy.)

WASHINGTON [CITY] 8 *Sept*r 1845.

DEAR SIR

I have the honor to acknowledge the receipt to day, of your communication of the 6th. Inst. informing me, that, for reasons which you assign, the President of the United States entertains the opinion, that it would not be proper to receive a chargé d'affaires from the Government of Texas and thus treat it as a foreign nation. But that he will be much gratified, should I determine to remain in this city as an agent of Texas.

In reply to your communication, I can only state, that I have no commission, or authority, under which I can hold official intercourse with the Government of the United States on the part of the Govt. of Texas, other than that of acting chargé d'affaires, and that I have transmitted to the President of Texas, a copy of your communication, and shall wait here his further instructions. Meantime I have the honor to Remain, with great respect,

Your obedient Servant,

(Signed) W. D. LEE

To the  
Hon. JAMES BUCHANAN  
*Secretary of State.*

KAUFMAN TO BUCHANAN.<sup>a</sup>KAUFMAN TO JONES.<sup>b</sup>KAUFMAN TO ALLEN.<sup>c</sup>

(No 149)

LEGATION OF TEXAS  
Washington City Sept 30, 1845HON EBENEZER ALLEN  
Secretary of State

DEAR SIR,

I arrived in this city on the 19th inst and found myself in a singular position in regard to my reception on account of the course pursued by the United States Government towards Mr W. D. Lee and promulgated by the Union. Mr Buchanan Secretary of State had addressed Mr Lee a communication (a copy of which has been transmitted to the Department) declining for reasons therein specified to accredit him.

On the same day that I arrived at this city Major A. J. Donelson also arrived. He expressed regret at the stand the Govt had assumed, in regard to this question. On the 22d I called on Major D. who was then unwell at the Presidents Mansion and while there he sent for the President who received me with marked attention and took me into the Executive office and introduced me to Messrs Marcy, Mason and Johnson of the Cabinet. The conversation ranged over every topic connected with Texas with the exception of the relations that my Government bore to the United States. On that subject there was perfect silence. I immediately then determined on the course that I would pursue and the next morning I sent the Department of State the communication a copy of which is herewith enclosed and transmitted. Although in this communication I declined to ask a reconsideration of the question and declared that in regard to that matter I should wait for instructions from home, yet I felt it due to my Government at once in respectful and friendly terms to vindicate it from an imputation of ignorance of its present Relations to the United States.

I sincerely trust that my communication will prove satisfactory to His Excellency the President of Texas and the Department. Although it has not yet been answered officially and will not probably be answered until the Department transmits me further instructions, to be communicated to this Government, yet I know it has

<sup>a</sup> September 23, 1845. See Kaufman to Allen, September 30, 1845.

<sup>b</sup> September 30, 1845. See Calendar, Correspondence with United States, *addenda*.

<sup>c</sup> A. L. S.

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been received here in the kindest manner. Mr Lee and myself have dined with the President, and Secretary Walker where we met with members of the Cabinet, all of whom evinced the kindest feelings towards the Government and People of Texas.

Since my communication above referred to I have received the new Constitution for "the State of Texas" which most conclusively sustains every position that I then took. If it had been here before the President and Cabinet took their stand I know a very different course would have been pursued. With my communication unanswered the whole question will remain in *Statu quo* until I can hear from my Government again.

Through your kind permission, on tomorrow I leave here on a short visit to New York City and my Relatives in Pennsylvania. I will be back again however by the time your response to Mr Lees communication arrives. While individually I should have no objection in returning home immediately it is my duty and shall be my pleasure to obey faithfully the instructions of my Government.

Present my kind Regards to his Excellency the President and believe me with sentiments of high consideration

Your very ob't Servant

DAVID S. KAUFMAN

(Copy.)

LEGATION OF TEXAS

Washington [City] 23 Sept 1845.

The undersigned has the honor to inform the Hon. Mr. Buchanan Secy. of State of the U. S. that he has been appointed by his Excellency the President of Texas, Chargé d' Affaires of the Govt. of Texas near the Govt. of the United States and, but for the tenor of Mr. B.'s note of 6th. Inst. addressed to my immediate predecessor Hon. W. D. Lee, the undersigned would ask for the appointment of a time when he might have the honor of presenting his letter of credence

In your communication of the date above alluded to, you state that it is the opinion of the President that "*the State of Texas* has now become so intimately identified with the other States of the Union that it would not be proper to receive a Chargé from its Govt. and thus treat it as a foreign Nation."

After the expression of an opinion thus decided on the part of his Excellency it might be considered indelicate in the undersigned to urge a reconsideration of the question and it would place his Govt. in a position that he would not have it occupy. He will not do so of his own responsibility. On this subject he will await the instructions of his Govt.

The decision thus made in regard to the reception of my immediate predecessor however seems to place the Govt. wh. I have the honor to represent in so singular an attitude before the world, *The attitude*

of ignorance of its present relation with the United States, that I feel it due to it, as well as to myself to vindicate it from that charge. The kind, friendly, and confidential relations which exist between the two governments, to be blended shortly in "a more perfect Union", will I trust authorize me to do so with a frankness and freedom that I might not otherwise indulge in, at the same time assuring the Hon. Mr. B. that whatever may be the course his Govt. may finally pursue in regard to this matter, as far as Texas is concerned it can throw no impediment in the way of the final consummation of the great American Question of annexation. By the provisions of "a joint resolution for annexing Texas to the United States" the 1st. and 2nd. sections of which were selected and presented to the consideration of the Govt. of Texas, certain duties were required to be performed by the "Existing Govt." of Texas by "Deputies in convention assembled" and by "the People" themselves in their original Sovereign Capacity. The *Existing Govt.* of Texas was to give *its consent* to the proposed change, The *Deputies in Convention* were to form a Constitution of a Republican Character and *the people* themselves were to approve said constitution and the constitution together with the evidence of their approval of the same was to be sent to the President of the United S. on or before the 1st. day of Jany. 1846 to be by him laid before your Congress for its final action. All these conditions have to be complied with on the part of the *Govt.* the *Convention* and the *People* of Texas before it can be said with propriety that Texas has "ratified the terms of Annexation proposed by the Congress of the U S."

Now how many of these "powers of the State" have performed the duties required of them preliminary to a *further* action on the part of the U. S. Congress? But *one* of the *Three*. The existing Govt. has given its consent, but, as far as we are informed, the Convention has not yet adopted a State constitution and *certain it is* that the *People in whom and whom alone*, not only by the theory of all popular Govts. but by an express provision of our constitution, is vested the right to abolish our form of Govt. and erect another in its stead, have not yet ratified that constitution. "All political power is inherent in the *People* and they have at all times the inalienable right to alter their Govt. in such manner as they may think proper" Dec. of rights Constitution of Tex

It may be argued that the People have in this instance effected the change through their representatives or Deputies in convention assembled, but this argument is untenable, as the joint resolution above referred to plainly draws a distinction between the "Deputies in Convention" assembled "and the *People* of said Republic of Texas." If the universal practice of submitting amendments of the constitutions of States of the American Union to the People for their

ratification or rejection be right or expedient, how much more so is it when not only the whole constitution of Texas is proposed to be changed but her nationality itself merged in that of another

But the joint resolution on this point is explicit, and it is the "Law of Union" for both Governments.

It is true as remarked by Mr. B. that "the Convention had (has) ratified the terms of annexation proposed by the Congress of the U. S.". Composed as that honorable body is of so much of the talent, integrity and patriotism of the Land they have done and will do every thing in their power to consummate so desirable an object. They have "ordained and declared that they assent to and accept the proposals contained in the 1st. and 2nd. sections" of the joint resolution above referred to. Now so far as the first and 2nd. sections are concerned the ordinance of the Convention was unnecessary and supererogatory—It travelled out of the Record altho' it did much good in quieting the public mind by the extraordinary and gratifying unanimity evinced in favor of this interesting measure. A simple reading of said sections will however satisfy every mind that this was not a duty prescribed by them. The formation of a State constitution is all that they require. This view of the question I have no doubt has been or will be sustained by the Convention itself for I see in the papers that a committee of that body has recommended that the question not only of the adoption of the constitution but also of annexation be referred to the People themselves at the Ballot Box, a recommendation which I have no doubt has already been concurred in. More or less could not have been expected from such a body.

It cannot be said that the People by electing deputies favorable to annexation deprived or meant to deprive themselves of a final decision of this question at the Polls. They had not the power to do so by the said joint resolution, nor had they the inclination. This same People have on the 1st. of this month elected members for the tenth Congress of the Republic of Texas a proceeding which would have been superfluous not to say treasonable if they had not reserved to themselves the right of finally deciding the question of a change of Govt. Altho' the 1st. and 2nd. Sections do not literally provide for the submission of the question of annexation to the People, yet a decision of that question is substantially involved in the vote upon the adoption of the constitution. Let us suppose for instance that the people should not adopt the constitution submitted to them or if adopted that the same should not be transmitted to the President of the United States on or before 1st. of Jan'y 1846. Would the terms of our admission be complied with notwithstanding the said Ordinance of the Convention? Clearly not. Indeed the said joint

resolution provides that these proceedings shall be had by the Govt. the Convention and the People before the 1st. day of January 1846, "in order that the same (Texas) *may be* admitted as one of the States of the Union"

It recognizes no immediate no *territorial* State—The moment Texas loses her separate sovereignty she assumes the rank of a sovereign State of the American Confederacy

Your Government requires of Texas no pupilage, no probation. Her sovereignty is never lost, it will only flow in a different channel.

Texas is as yet an independent Republic. Her Govt. has given her consent to annexation and the Convention are in the process of performing the duties required of them. During these proceedings past present *and to come*, Texas maintains her independent and separate attitude and *will continue to do so* until the final consummation of the measure of annexation. Her President continues to discharge his duties. Her courts are now in session by virtue of authority from the *Republic of Texas* and a Congress was elected at the usual annual elections. Her revenue from imposts as well as direct taxes are still collected as usual, and her gallant army small tho it be continues ready to defend the country from aggression.

It is true that the U. S. has sent a portion of its army into that country but it was by invitation of the representatives of *the owners of the soil, the people of Texas*. The invitation of the Convention was given three days after the ordinance accepting the terms etc showing conclusively that the Convention did not conceive that the acceptance by it of the terms of annexation *ipso facto* brought Texas into the Union. Their presence in no manner impairs the separate sovereignty of Texas, They were there at Nacogdoches in 1836 under Genl. Gaines and yet in that case the sovereignty of Texas was not questioned. In that case as in the present they were there by the consent of the people and for purposes of self defence. The people of the United States have the right to form a compact of union with Texas. If they have a right to form a compact of any character with her as an independent power they have the right to form a *constitutional compact*

If England and France had a right to form compacts with her so has the United States and no one has a right to question that power. And if they have the right to form this constitutional compact they have a clear right to combine their strength (as is now done) to prevent their rights from being impaired. Indeed when the *Treaty* form of annexation was attempted the Government of the U. S. obligated itself to protect Texas from invasion *pending the negotiation*. And now the U. S. are ready to protect Texas from invasion during the proceedings necessary to consummate the measure on her part



in order to enable her to complete the work without molestation. This is the *theory*. The Nine years exemption of Texas from invasion satisfies the undersigned that it will never be called into *practice*.

The undersigned sincerely trusts that the foregoing remarks will be received by the Hon. Secy. of State in the spirit with which they are written and knows that the utmost harmony and friendship will continue to exist between the two govts, until the now "Lone Star" becomes "One of the *many*" that glitter in the American constellation.

The undersigned would in conclusion take occasion to remark that the promptitude energy and patriotism with which his Excellency the President of the U. S. has acted in forwarding the measure of annexation have earned for him the admiration and gratitude of the Government and people of Texas.

The undersigned avails himself of this occasion to assure Mr. B. of his very high consideration and has the honor to remain his

Very Obdt. Servt

(Signed) DAVID S. KAUFMAN

To the

HON JAMES BUCHANAN  
*Secretary of State.*

LEE TO ALLEN.<sup>a</sup>

*Unofficial* (No. 4)<sup>b</sup>

WASHINGTON [CITY] 8 October 1845.

MY DEAR SIR

Since I last wrote you which was I believe a few days before Col. Kaufman arrived here, I still continue without a word from you, or any thing from your dept to this Legation. Col. K. addressed a communication to Mr. Buchanan soon after his arrival, copy of which he sent to your Department. No reply has been made to it. The argument is unanswerable, but the determination of this Government to adhere to their decision is not to be changed. Their course in relation to Col. K. and myself was dictated by *policy* which they judged good, and which I was convinced from the first would not be changed. I wrote you to that effect and also to President Jones. I presume not many days will elapse before your further instructions will arrive and we shall then know what to do. Col. Kaufman left here a week ago for New York and on his return will visit his friends in Pennsylvania and return here in about a fortnight.

He intends to run for the U. S. Congress and will not be desirous of remaining here much longer.

\* \* \* \* \*

You will see a communication in the Union of this evening most of which is *pirated* from a document which you will readily recognize.

<sup>a</sup> A. L. S.

<sup>b</sup> What other letters belong to this series, and how they should be numbered, is uncertain.

<sup>c</sup> The matter omitted here relates to Mr. Lee's private affairs.

The fact is the document alluded to was very much admired and its effect where it was intended to produce one was admirable, but as the exhibition was limited to His Excellency and the Hon. J. B.<sup>a</sup> I availed [myself] of an oversight in the publication of some New Hampshire resolutions in the Union to insist on the insertion of this communication which draws largely from a source which I was glad to have at command in framing the article. There is great difficulty in getting any thing in to the Union which is intended for the benefit of any *individual* except the President and his *Secretary of the Treasury*

It is generally thought that Mr. Buchanan will go on the Bench and the present Atty. Genl. will take the State Department.

Duff Greene is busy as usual but without influence direct altho' it is said he has some *indirect*. Mr. Walker is unquestionably looking to the succession but I think by travelling too fast may trip. The *immediate* object of all the maneuvers here now is to secure the printing of the Union—and *for this*, the malicious say, many heads are saved for the time being, from the *guillotine*, only to fall at the call of some member of Congress who has a vote for printer, and a friend who wants a place. Blair & Rives are building Jackson Hall 50 feet on Pennsylvania Avenue by 100 feet deep and *immediately in the rear* they have a modest brick edifice 50 feet by 80, in which is a Steam Engine and printing establishment. They refused to sell the name of the *Globe* to Ritchie & Heiss and it is believed by most people that the Resurrection of that paper is intended. Fisk and Dow of the U. S. Journal *Radical* say that but for them this administration would have been a *Conservative* one. They also want the printing.

Some of the Senators and Representatives are beginning to arrive. Neither Col. K. nor myself have ever permitted an opportunity to escape for vindicating President Jones and his Cabinet in his course on the annexation measure. I believe President Polk and his Cabinet are satisfied and take a proper view of the matter. I think the communication which will be in the Union this Evening will have a good effect and if I find the comments here favorable I shall have it inserted in other papers and circulated extensively. Col. K. left town so soon that altho' we talked the matter over I had no opportunity of submitting the article to him before sending it in.

The Texas papers arrive here very irregularly and I am oftener indebted to New Orleans papers than any other source for information about Texas. *Frequent* and *full* communications even upon matters comparatively unimportant would often be useful here. There is an army of letter writers here for newspapers over the whole country during the Session of Congress and quite a regiment here now, and the communication of small items of information or gossip insures

<sup>a</sup> President Polk and Secretary Buchanan.

their good will and disposes them to render small services in return. Should Col. Kaufman return home and the President wish me to remain here until Congress acts upon our State Constitution and bring home the result of that action, I should like very much to do so, provided it is considered proper under all the circumstances to apply a portion of the appropriation to my benefit.

This would I fear be necessary as I have no arrangement *sure* by which I could defray my own expenses till then. This is not a consideration of avarice but of necessity and I would not have mentioned it except for the latter.

I think that the necessity for some agent of the Republic of Texas here is clear, and it is certain that a *Diplomatic Agent* will only be unofficially received and acknowledged *in fact but not in form*. If Kaufmans letter is published as it may probably be by a call from Congress the result will be more injurious to the Cabinet here than their receiving him formally and properly would have been. It shows that the reasons which are set forth in Mr. Buchanans official letter to me are *no reasons at all*, and the other reasons can-not be assigned publicly. Neither Col. Kaufman nor myself have prompted any remarks which have appeared in any of the papers on this subject, but both of us while we have on all proper occasions maintained the position of *Independent Republicans* and of the Republic of Texas, we have at the same time cultivated the good feelings of President Polk and his friends and Cabinet, and have unofficially been treated with marked kindness and courtesy.

To day I received a note from Gov. Marcy requesting me to call at the War Department to consult on a matter relating to Texas. I called and he showed me a letter from Mr. Pierce M. Butler informing him that he was about starting for the Indian Country under a Commission from President Polk to make Treaties etc. with the Comanches etc. on the Frontier of Texas and advised Gov. Marcy to communicate the fact to the Texian Govt.

I told him that the Texian Govt. had Indian Agents through whom they communicated with the Indians *in Texas* and suggested that if the U. S. desired to make treaties with Indians *in Texas* it would be proper to communicate their desire to the Texian Govt. and I was sure the President of Texas would co-operate etc. Here was another way of recognizing our Independence, and it was no go. But the Gov. said he would address a copy of the letter to Mister Kaufman the agent of Texas and he could use his own discretion what to do with it.

So I suppose our Indian relations are taken off the hands of our Govt.—and like the *Shape* of the Revenue provisions and Diplomatic relations made to fit the position assumed by this Govt.

The promised Copy has not yet been sent it, and as this is the last day that letters from here will be in time for the first trip of the New York, I will send this off any how. The Union does not come out until

morning, altho' dated the evening previous to its appearance. I will write again tomorrow and my letter may still reach in time for the New York.

I send some late papers to which please be referred for news and general matters.

Please present my kind regards to the President and Believe Me My Dear Sir

Very truly your friend

W. D. LEE

I dont know whether my lengthy gossip will interest you, but if it annoys you please to punish me with two pages for one in return and I will kiss the rod.

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MARCY TO KAUFMAN.<sup>a</sup>

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ALLEN TO KAUFMAN.

DEPARTMENT OF STATE

Washington [Texas] 15. October, 1845

SIR—

This Department is in receipt of Mr Lee's despatch under date of the 8th ultimo enclosing copies of the Correspondence between himself and the Hon Mr Buchanan on the subject of the reception and recognition by the President of the United States of a Chargé d'Affaires of this Government, and announcing the refusal of his Excellency to receive you in your accredited capacity; together with your own dispatch under date of the 30th ultimo enclosing a copy of your note to Mr Buchanan dated the 23d idem, communicating further intelligence in relation to the subject matter of Mr Lee's despatch.

The President having examined these despatches, I am directed by his Excellency to communicate to you his instructions, that in consequence of the premises, you will at your earliest convenience return to this country.

In as much as a reception as the diplomatic agent of this Government has been denied you, I need not suggest that the usual formalities observed on the occasion of a diplomatic functionary's leaving his residence near the Government to which he is accredited, are to be omitted by you on quitting the City of Washington.

I am with sentiments of high regard—

Your obedient Sevt

EBNR. ALLEN  
Secretary of State

Hon DAVID S. KAUFMAN  
Charge d Affaires of Texas  
etc etc etc

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<sup>a</sup> October 10, 1845. See Lee to Allen, October 21, 1845.