

WASHINGTON *April 30 1840.*

To the Hon

SECRETARY OF STATE OF TEXAS

Sir the foregoing [are] copies of letters received by me from a Confidential Agent employed by me in Mexico, which you will please regard as private.

Yours respectfully,

BARNARD E. BEE.

LIPSCOMB TO HAMILTON.<sup>o</sup>

REPUBLIC OF TEXAS, DEPT STATE

*Austin 4th May 1840*

To Genl JAMES HAMILTON

SIR,

In reviewing the communication of 24th Feby from this Department to you, I find I have inadvertently said, that, "You can further show the facility, that will thus be afforded to the Manufactures of France, making way into the United States etc etc." On reflection it occurs to me, that this would be placing you in an indelicate and improper position; that altho the obvious results of very low duties in Texas, would be such as I have stated, yet, it would be wrong for you to call the attention of the French Government to it, as an inducement to forming any special commercial regulation with us. The sagacity of her Ministers would require no such promptings. Our last advices from our agent in Mexico leave our affairs in the same unsettled and doubtful state. The Cabinet of Mexico still have the exposition of Mr. Treat under consideration, and at the request of the Secretary of State, Mr Cañedo, the project or basis of the proposed negotiation has been presented, and is still under consideration.

It appears to me that the inference to be deduced from this want of decision and delay, on the part of the Mexican Government, is, that the present disturbed state of the provinces, renders it uncertain, what line of policy should be adopted; that they are unwilling to treat with us, and if in their power would make an effort to recover Texas; but this cannot be done until their internal difficulties have been settled. But should these difficulties increase, they would from necessity treat with us, hence it is their policy to gain time by every variety of artifice; and our passive position has encouraged them to this course. How long we shall continue in our present pacific policy, is, of course uncertain, but that we are loosing some decided advantages by it, there can be no doubt. Should the Constitution of 1824 be restored, or should the Republic of Mexico be dismembered, and a new political organization take place, which seems at present most probable, we may have to contend with a more ener-

<sup>o</sup>See Records of Department of State (Texas), Book 54, pp. 22-23.

getic and efficient power we had offered them the party, we could have have been for the more not subdued, and are juncture. In Yucatan plete; and the Newspa of Mexico itself, came 1824. I have no doubt by a declaration in fa is uncertain.

With great respect

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Your

To JAMES TREAT Esqr

SIR, Your Communication until two days ago. I ho Authority forwarded to thing decisive has been do The President has dir reception of your creden answer to our overtures Agency. Should this be to the Minister of Her Government be constr offensive operations, it w tory, beyond the *Rio G* ments west of that River of forcing the enemy to will be able to effect th it may, you may be assur services, and is fully sen have discharged the very

Be pleased to accept t I have the honor to be,

Your very obdt S

<sup>o</sup>See Records of D

getic and efficient power under the new organization. Whereas, if we had offered them the least aid by co-operating against the defeated party, we could have our own terms of a treaty. The federalists have been for the moment put down on the Rio Grande, but they are not subdued, and are ready to rise again at the first favorable Con-juncture. In Yucatan and Valadolid, their success has been com-plete; and the Newspapers, altho under strict servilance, in the State of Mexico itself, came out openly in favor of the Constitution of 1824. I have no doubt the present rulers will attempt a compromise by a declaration in favor of the Constitution; every thing however is uncertain.

With great respect

I have the honor to be

Your Obedient Servt

ABNER S. LIPSCOMB

*Secretary of State.*

LIPSCOMB TO TREAT.<sup>a</sup>

REPUBLIC OF TEXAS, DEPT STATE

*Austin 7th May 1840.*

To JAMES TREAT Esqr

SIR, Your Communication of the 27th March was not received until two days ago. I hope that long ere now, you have received the Authority forwarded to you from this Department, and that some-thing decisive has been done.

The President has directed me to instruct you, that if after the reception of your credentials, you can obtain no decisively favorable answer to our overtures for peace, that you will withdraw from your Agency. Should this be the result, you are instructed to make known to the Minister of Her Britanic Majesty in Mexico, that should this Government be constrained to change its position and commence offensive operations, it will not be with a view of extending our terri-tory, beyond the *Rio Grande* and any occupation or military move-ments west of that River, will be temporary and solely with the view of forcing the enemy to make peace. I ardently hope however, you will be able to effect the object of our mission. Be the event what it may, you may be assured that the President highly appreciates your services, and is fully sensible of the zeal and ability with which you have discharged the very delicate trust confided to you.

Be pleased to accept the assurance of the great respect with which, I have the honor to be,

Your very obdt Servant

ABNER S. LIPSCOMB

*Secretary of State.*

<sup>a</sup> See Records of Department of State (Texas), Book 54, p. 24.

## TREAT TO LAMAR.\*

[Confidential.]

MEXICO May 7th. 1840.

SIR.

I have the honor to hand you herewith Copy of my *last short despatch*, under date of 30th Ulto. and have now the pleasure to apprise you of the result of the *then* pending deliberations of the *Mexican Cabinet*, which, *so far*, is all I could desire as a *preliminary Step*.

In my respects under date of 21st. Ulto., I informed you [of] the course which the Secretary then proposed to pursue, and altho' there was some unexpected delay in getting the Subject before the Cabinet Yet *on Tuesday Evening*, 5th. inst, *the Session* was held, and the result *was* that the whole of the papers, documents, and correspondence, were ordered to be submitted to the "*Council of Government*" for their opinion; and *also* the Question: If the Council Concur with the Cabinet in their resolution to *ask Congress for Special powers* to negotiate an amicable arrangement with the Govmt. of Texas.

The papers would be sent to *Council* today, but there is no Session of *that body* until Tuesday next 12th. inst, and this delay is very *convenient*, as it give us a little *time* for reflection.

If the Council concur with the Govm't, or Cabinet, as regards opening *formally* the negotiation, they will *also* concur in Sending to Congress The *Iniciative* in question, asking for powers to negotiate. If Congress grant the powers asked for by Government, they will probably *not be discretionary*, but *limited*: Say, 1st. They *may* pass the resolution, giving the necessary authority, under *certain fixed bases*, or *Conditions*, and *thus* bind the hands of Government. or 2d. They *may* grant the necessary authority, *provided* all the *leading provisions* of the *arrangement* shall be submitted to Congress, for their *final* approbation, before Govm't. can *close* the negotiation. This last named *plan* suits me *best*, as it gives me a chance to *remove obstacles*, and pave the way.

The Govm't, with these powers in hand, will Soon Know *officially* *how far* I can go, and what I *must* have in return; in *fact*, they know already the *Cardinal points* of the proposals your Govm't. has been long since prepared to make. When the Government have obtained my *best Terms*, or *sine qua non conditions*, they will lay the propositions before Congress, *and*, should the *Government and Congress* be satisfied that they cannot do any better with me, we may come to an arrangement, within the tenor of your *instructions*. This, however, Seems almost *too much* even to *hope for*, under all

\* A. L. S.

the circumstances of the negotiation; Yet I will *then* have reasonable *difference* (after the negotiation).

This "Council" of Government, and a *Cabinet* cannot even without first obtaining the necessity of taking Congress; and *hence* Congress, before they . This council is *com* a *quorum*, and is the all business. J. D. A the influential member

The President will when the discussion Cañedo, and of War, A the Cabinet, and their

I am willing to *have* chances, in my *opinion* of our *Views*. Thus I could of the *present* *pos* the fact that I feel some

Nevertheless, I would and less of the *final* result extremely difficult to *act* acter, and with such *certainty*.

I will just add that result of the *Cabinet* *Op* *phatically*: "my dear Journey." I deduct *h* Success in the *Council* Congress, the *remain*

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No arrivals from N. *C* the plenary powers, *dup*

the circumstances of the Case, and I dare not express this Expectation; Yet I will say: that, if the matter *gets before Congress*, I shall then have reasonable hopes of *Some Success*. Nor do I think a *small difference* (after the business has gone *So far*) will *destroy* the negotiation.

This "Council" of which I speak is a constitutional branch of the Government, and a part of the *Executive*, as the *latter* and his *Cabinet* cannot even *initiate* a law or *introduce* a project in *Congress* without first obtaining the Concurrence of this said *Council*. Hence the necessity of taking this step *before* the Govmt. could appeal to Congress; and *hence*, also the same necessity for the authority of Congress, before they can proceed further with me.

This council is composed of *thirteen* Members, but Nine constitute a *quorum*, and is the Number who usually attend to the despatch of all business. J. D. *Alaman* is the President, and *Gorostioza*, one of the influential members.

The President will appoint a Committee to report on the Subject, when the discussion will take place, and the Secretary's of State, Cañedo, and of *War, Almonte*, will be present to Explain the views of the Cabinet, and their *own*.

I am willing to hazard the remark (in *this instance*) that the *chances*, in *my opinion*, are *Equal* that their action will be in favour of *our Views*. Thus I have endeavoured to give as clear an Idea as I could of the *present position* of my affairs here; and will *not conceal* the fact that I feel somewhat *more satisfied* with appearances.

*Nevertheless*, I would *not be sanguine*, even of the *issue* in *Council*, and *less* of the *final result*; as all *my* experience shews that here it is *extremely difficult* to *anticipate* events of this magnitude and character, and with *such* elements around me, with *any degree* of certainty.

I will *just* add that the *Secretary of State*, in relating to me the result of the *Cabinet Conference*, on yesterday morning *observed emphatically*: "*my dear Sir*, we have *now* travelled two thirds of our Journey." I deduct half, and call it one-third, of my distance; our *Success* in the Council, the *other third*; and the *authorization* of Congress, the *remaining third*.

With *this* remark, and the facts before you, I leave you, Sir, to draw your own inferences.

I have written General Hamilton *this day*, announcing in *substance* this *first Step* in my negotiation.

I send my letter to New York, under cover to your consul there, with directions, *if* the Gen. has embarked, to forward it immediately to London.

No arrivals from N. Orleans *yet*; *nor* have I received the *original* of the plenary powers, *duplicate* of which I have already Acknowledged.

I am very desirous to receive your *further* views and instructions, if any.

This goes *via* Tampico, to take its chance, as there is nothing *in Vera Cruz* bound to the *U. States*.

Pardon my haste, and accept the esteem and consideration of, Sir,  
Your obedient Servant

JAMES TREAT

To

Gen.

M. B. LAMAR

*Austin*

*Texas.*

TREAT TO LAMAR.\*

[Confidential]

MEXICO *May 28th. 1840.*

SIR.

I have the honor to enclose you copy of my last respects of 7th. inst. to which I beg leave to refer you, in case it should reach you, before the original. I am now just able to get out from indisposition which has confined me to my room for upwards of a fortnight but am now convalescing, I hope permanently, tho' gradually. This confinement, at so important a moment, has been unfortunate, and the more so as I have found much more difficulty to Encounter in this *Council*, as I anticipated, and hence the delay of their decision to the present time.

Mr. Gorostiza, a friend of Gl. Santa Anna's, and opposed, in general politics, to the Gvmt., who, from the beginning, I anticipated would make some opposition, but did not think he would carry a majority with him, went formally against the project. A committee of three of said Council reported unanimously favourably to the Views of the Cabinet, but, to the surprize of the Secretary of State and the Minority, Gorostiza and his four friends, voted down the report, 5. to 4.

By a rule of Council, in such cases the subject is handed over to a new committee composed of the Majority, and Gorostiza was, in this instance, appointed chairman of the new Committee, and we might, of course, anticipate a Report from him counter to our views. I found it *indispensably* necessary to influence the Gentleman and induce him so to modify his report, as to Send the *whole matter* to Congress, altho' in doing this, he would so Shape it as to be consistent with his and his colleagues previous votes and speeches, on

\*A. L. S.

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\* The port was at the

the former occasion. I think that my Efforts, and those of some friends will prove Successful, as I am assured that whatever may be the *range* and *tenor* of the report, it will be Such as will Square with the Resolution that will be proposed, viz: To transmit the whole Subject, without expressing an opinion themselves, to the consideration of Congress. With this, and some other timely measures, I think I can expect the result promised.

Gorostiza and the Secretary of State are personally and politically unfriendly, and Mr. C[añed]o desired a triumph in Council over the Secretary, whose Views and wishes, however, differed but little, in Fact, from the arguments of Mr. Gorostiza and his party. The difference is That, if the question had been carried according to Mr. Canedo's first plan, the Subject would have gone to Congress with an Initiative of the Govmt. and Council; while, in the other case, it will be presented without an opinion from Either Cabinet or Council.

The matter will Soon come to an issue, and I shall consider it very fortunate for Us if we obtain a favourable result; in which case I shall, of Course, be detained for the final issue in Congress. But, Should I be disappointed in the Expected decision of the Council, or Should the Resolution of Congress be unfavourable to any negotiation with Texas, I shall receive, at once, my passports, and move, as rapidly as possible to N. Orleans, where I shall hope to receive your instructions, as regards proceeding forthwith to Texas for any verbal information you may desire to receive from me, as my report, for the present, may be found *essentially* in my correspondence, which has been full, and much in detail. Meanwhile, I shall continue to advise you of my further progress, and the final result, by every opportunity, which are now very unfrequent.

I should not conceal the very great apprehension I feel with regard to the *permanence* of the present Cabinet. I should not have been Surprised *any day* within the last fortnight at their Resignation, or, what would be quite as bad for me, that the Secretary of State should resign at any moment, altho' he has often himself assured me that he did not contemplate Such a Step. Events, however, may compel or induce him to this, which I should regret *Exceedingly*, I assure You. The Govmt, are surrounded with difficulties, as I have already apprized you in former despatches, and they are accumulating every day.

Waiving the matter of Texas, which, no doubt, gives them Some uneasiness, pending the Question of Peace or War, (or, if you please, a paper War, on their part) The [rebellion in the] State of Yucatan, Campeche having already or will soon be compelled to capitulate, for want of succour from the Govmt.<sup>a</sup> This disaffection already spread

<sup>a</sup> The port was at the time besieged by the Federalists and soon afterwards capitulated.

into the neighboring State of Tobasco, and may be followed by the Department of Chiapas, [—all this] embarrasses the Gvmt. very much. Other Small parties, in different parts of the Country, continues in arms, with more or less success, and the federalists and opposition press, are crying aloud for a change of Ministry, The promised Reforms in the Central Constitution and against the project of Gvmt. now before Congress restricting the liberty of the Press; and among other things, the opposition have made a violent attack on Mr. Pakenham, charging him with co-operating with, and even directing the measures of Gvmt., with having Sent a vessel of War to Yucatan with despatches and money for the Govmt. and generally interfering with the domestic concerns of the country, in favour of the present order of things, and in opposition to the Views of the opposition here, who wishes to destroy Centralism and reform the Constitution of 1824.

But this is not all: there is a complete State of Anarchy or confusion, or at least, Entire want of Harmony between the various departments of Gvmt., *the Executive, Executive-Council, Supreme Court, and Conservative-Power.*<sup>a</sup> Hardly any two of these agree on measures of moment, and a very angry and Serious altercation has recently ocured between the first named and the latter power, which has now, As they both persist in their pretentions, almost Entirely absorbed public attention. The Govmt. has found it necessary to fortify itself on the Question, and counts for the issue upon the Deputies, and probably the Senate and its Council; and the Conservative-Power, composed of five individuals, who are irresponsible, Except to their own consciences and their Maker, will have the Supreme Court to sustain them in their struggle. Hence arises the fact that a Law of Congress is carried into Effect by Gvmt., and is in operation for two Months; the Conservative Power then declare it *Null and Void*, and the Govmt. refuses to obey this decree, on the ground that it was not Enacted according to the provisions of the Constitution. Both insist, and Govmt. sends the Question to Congress for decision. Meantime Congress are deciding this Matter,<sup>b</sup> not yet taken up, Gvmt directs its military commandants in the Departments to obey the Law of Congress, and exercise military Jurisdiction in Some cases, and the Supreme Court directs the Judges of the same Departments to claim and hold civil Jurisdiction in the Same cases, under a pre-Existing Law, inasmuch as the Conservative-Power had declared *Null and Void* the law under which the Gvmt. claim military Jurisdiction.

<sup>a</sup> This was a body whose organization was provided for by the then existing constitution of Mexico, the "*Siete Leyes*" (Seven Laws), promulgated December 30, 1836. See Dublán y Lozano, *Legislacion Mexicana*, III, 233-235.

<sup>b</sup> That is, pending the decision of this matter, etc.

This dark picture of a disjointed state cannot consider it as a report on both Subjects or the reversal of this law in your opinion it will not succeed in my view, or highly in favor of this statement answer. I still have a thousand counterbalancing considerations in the realization of Men

I also fear the medium of his friend

I am, Sir, with  
Your

To  
To Gen. M.

MY DEAR SIR.

I beg leave to beg you to forward Col. Love, say for but *please not repeat* Col [only] as confidential not write him, as acknowledge, but from your port at I have letters, and If, you have retained up to the 1st of rough<sup>b</sup>, or to T. Pakenham Esquire ford, Engl Consul

<sup>a</sup> This is a private letter transmitted.

<sup>b</sup> United States consul

This dark picture, Sir, will give you Some Idea of the sad and disjointed state of things here, and I would fain suppress it, did I not consider it an infraction of my duty so to do. It is my duty to report on both Sides of the question, whether favourable to my objects or the reverse. And now, Sir, were I to ask you, after the perusal of this letter, and all my preceding dispatches, whether in your opinion it was possible, under Existing circumstances, for me to succeed in my Mission? What would be your reply? "Impossible, or highly improbable." You will draw your own inferences from this statement of Facts, and the above interrogatory and its answer. I still hope because *truth is mighty*, but I fear lest the thousand counter influences Resignation of the Ministry and demoralization of Men may prevail.

I also fear the Secret influence of *St Anna against me*, thro' the medium of his friends *here*.

I am, Sir, with great respect,

Your most obt and Hble Servant

JAMES TREAT

To

To Gen. M. B. LAMAR

*Austin*

*Texas.*

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TREAT TO RITCHIE.<sup>a</sup>

MEXICO, *June 3d 1840.*

MY DEAR SIR.

I beg leave to hand you the Enclosed, which is important, and beg you to forward it promptly and safely. You may, if *you write* Col. Love, say for me "that I am *thus far making fair progress*; but *please not* repeat the same to *any one else*, and [repeat it] to the Col [only] *as confidential*. Say to him also that I am sick and cannot write him, as should like to-day. I have nothing from you to acknowledge, but expect to have in a few days, as the *Wetter* arrived from your port at Tampico, on the 26th Uto; and by her I presume I have letters, and that you have Sent forward *all you had for me*. If, you have *retained any*, or *received more*, you may forward them up to the 1st of July, either to *Vera Cruz* under cover to *M. Burroughs*<sup>b</sup>, or to *Tampico*, first cover to *me*, Then envelloppd. to R. Pakenham Esquire, British Minister, Mexico. Then to Mr. *Crawford*, Engl Consul, Tampico, and pardon the trouble.

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I also fear the medium of his friends.

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To

To Gen. M.

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To Gen. M. B. LAMAR

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TREAT TO RITCHIE.<sup>a</sup>

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<sup>a</sup> This is a private letter, and it is given only to show how Treat's correspondence was transmitted.

<sup>b</sup> United States consul at that place.

Excuse my scrawls, for I am weak, and convalescing from illness. I hope this will find you well. I will I hope see you in July. Very truly with

Many obligations  
I am your friend and Servant

To Dr JAMES RITCHIE  
*New Orleans*

JAMES TREAT

Please put the letter for Gen. L. under blank Enveloppe.

TREAT TO LAMAR.<sup>a</sup>

[Confidential.]

MEXICO *June 3d. 1840.*

*Evening.*

SIR,

I have the honor to refer you to my last communication of 28th. Ultto, and regret that I cannot *now* enclose you a Copy, as I have but a moment's time to avail of *this night's post* for Tampico, whence I hope this will find a prompt conveyance to N. Orleans, and thence to your hands.

By my last (if it precedes this) you will perceive that their *Council* have occupied much more time in their deliberations on the Grand *question* than I had anticipated in my respects of 7th. Ultto; and that numerous causes of delay, and an opposition *not foreseen*, had placed in jeopardy the *final result* in that body, *where* a rejection of the *whole matter* would have been to *close the door* against any *further* action, on *my part*.

I had been confined to my bed, for upwards of a fortnight, and have now been out and convalescing *only* a few days, *which* was the more unfortunate, as this matter was *by no means* to be left to *its fate*, nor to the *care of others*, but required *much* vigilance and attention.

*Today*, the "Council" have another meeting, and I think will decide the matter; and I *hope* it will be in *our favour*, and that I shall be *consigned over* to *Congress* for the fate of my mission, which is the *only* (and of *course, the best*) result that could occur, *unless* they *rejected* the whole question.

This hasty letter is therefore written, *while* I am *awaiting* the *result*, to add the same in a *postscript*.

The schooner *Wetter* arrived at Tampico on the 26th. Ultto from N. Orleans, and I trust has despatches from the *Department* for me, which I shall await for with impatience, until the *8th. inst.*, on which day the post will arrive with her correspondence, and I trust I shall *not be* disappointed.

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

Opportunities  
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It is now rather  
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Pardon my letter  
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I have the  
Your

To

Gen M B L

*Postscript. 8 P. M.*

through Mr Pakenham  
retary of State of  
and letter from  
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missioners of Loans  
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*9 P M.* My meeting  
took up my question  
suspended to consider  
There was a strong  
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subject will be the  
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SIR,

I beg leave to refer  
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in the Council of the

I have now the  
reached in that body  
*warm* discussion of

<sup>a</sup> Of December 21, 1836,  
tillies. See *Austin City*  
<sup>b</sup> This should be "for,"  
written by Burnet.

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

Opportunities for posts in the Gulf are so *unfrequent*, I shall be compelled. to send my letters *via*. Havana.

It is now raining Very hard, but I will *await* the *last moment* of *Post*. to hear of the *doings* of "Council."

Pardon my letter my dear Sir, for I am yet Very weak, and, of course, without any assistance.

I have the honor to be, with great respect,  
Yours most obt and Hble Servant

JAMES TREAT

To

Gen M B LAMAR

*Austin*

*Texas*

*Postscript. 8 P. M.* I have this moment been placed in possession, through Mr Pakenham, of the *original* despatch of Your *acting* Secretary of State of 12th March with *my powers*, Your *Proclamation*<sup>a</sup> and *letter* from<sup>b</sup> Mr. Pakenham, also the letter from Mr Lipscomb, Secy of State, of 1st. April, covering authority to draw on the commissioners of Loans for Two Thousand dollars, all which shall have my attention, and be duly acknowledged. *This must now suffice.*

*9 P M.* My messenger has just returnd. and altho' the *Council* took up my question, yet nothing was decided, and the subject was suspended to consider other matters of more immediate importance. There was a *strong opposition* to the *particular course* which the *Cabinet* wished to adopt, but Still I hope it will end in at least transmitting the *whole matter* to Congress, to resolve on *peace* or *War*, in some shape or other. The *next*, and I think, *final* session on this subject will be the 5th. inst, the Result of which I will give you *instanter*. Pardon Haste; Respty.

J TREAT

TREAT TO LAMAR.<sup>c</sup>

[Most private.]

MEXICO June 6th. 1840.

SIR,

I beg leave to refer you to my last *Very hasty letter* of the 3d. inst. which left *in doubt* the issue, so long pending, of the *Texas question* in the *Council* of the *Executive*.

I have now the satisfaction to apprise you that a decision was reached in that body last night after a *long*, and in some respects, a *warm* discussion of *five hours* and a Half.

<sup>a</sup> Of December 21, 1839, forbidding invasions of Mexico till the renewal of active hostilities. See *Austin City Gazette*.

<sup>b</sup> This should be "for," or "to." Cf. Treat to Lipscomb, June 19, 1840. The letter was written by Burnet.

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

By a sort of compromise of opinions, it was agreed unanimously (at last) to Submit the *Whole Texas question* to Congress, to resolve the *first and main question*; viz— *Peace or War*. If they decide in favour of *War*, or what is the same thing, measures to recover that Territory, of course my mission is at an end.

If they resolve on *peace*, or what is perhaps equivalent, and may lead to it, *negotiation*, then they will of course, authorize the Govm't, to open negotiations with me, or receive my propositions, in some form, perhaps, under Some restrictions, or may be, at the discretion of Govmt. This *naked or general question* will first be proposed and decided, without submitting any *bases or Conditions*. If *Peace* or a *hearing* of your *Agent* be resolved upon, then the Govmt. will enter into the details that may be necessary and proceed to receive my propositions.

It will probably require a week, to lay the Matter before the *Deputies*, and how long for *action*, on the *main question*, I cannot say. All I can now add is that *this result*, I consider *prima facie* evidence of a disposition towards an amicable arrangement of some Sort on the part of Govmt. and Council.

They were in my opinion in favour of *peace*, but they did not like to assume the responsibility of *any action other* than what I have stated, but threw the responsibility on the *Sovereignty* of the *people*.

I must now enlighten these *Representatives* all I can, and leave the rest to the *united wisdom* of both Houses of Congress.

I am still Very weak and pressed for time, therefore, I pray you, Sir, pardon my hurried despatch, which I cannot Copy.

I Remain,

Verry Respectfully, and with great consideration,  
Your Most obt Servant

JAMES TREAT

LIPSCOMB TO TREAT.<sup>a</sup>

REPUBLIC OF TEXAS.

Galveston City, 13th June 1840

To

JAS TREAT ESQR

SIR,

The President has been spending some days at this place for the benefit of his health which has suffered very much from his close confinement to business at the seat of Government.

I have the honor to acknowledge the receipt of your several esteemed favors of the 10th and 29th of April,<sup>b</sup> enclosing copies of

<sup>a</sup> See Records of Department of State (Texas), Book 54, pp. 25-30. The instructions given in this letter to Treat follow directions given by Lamar to Lipscomb in a letter of June 11, which is filed with the correspondence.

<sup>b</sup> For the letter of the 29th, see Correspondence with Great Britain.

certain documents of information from him to Majesty's subjects of the Capture and det I have written to M I could have wish seat of Government.

I beg you to give embraced in your de return to the Seat of

In your last on th not in possession of should do in the ex willingness to agree sorry, that there has subject, as I had dist had been apprized, th ment as well as a tre ought to be preferred stipulation of six mo would enable us at th any terms to our ene we should undoubtedly we of course must show. You are how or a truce for the gre

Comodore Moore, down into the Gulf friendly flag he may defensive entirely; to of the failure of you tion as to the time wh of his vessels will at five or forty miles M after the despatches you have any comm such channel, you w flag afore on coming which will be answer

Some time ago, th seat of Government. President, that after bring the negotiation

<sup>c</sup> Under date of

certain documents addressed to Mr Pakenham, and also a communication from him to you in relation to the claim of certain of Her Majesty's subjects for a part of the cargo of the *Little Penn*, and for the Capture and detention of the *Eliza Russell*. By this conveyance I have written to Mr Pakenham,<sup>a</sup> but I fear not as satisfactorily as I could have wished in consequence of my being absent from the seat of Government.

I beg you to give Mr Pakenham an assurance that the subjects embraced in your despatch shall receive my earliest attention on my return to the Seat of Government.

In your last on the subject of your Agency, you say that you are not in possession of the views of this Government as to what you should do in the event of the Mexican Government expressing a willingness to agree to a Truce, and not to a treaty of peace. I am sorry, that there has been some mistake in the Department on this subject, as I had distinctly understood from my predecessor that you had been apprized, that a truce would suit the views of this Government as well as a treaty of peace: and perhaps on some accounts it ought to be preferred. A truce for one, two or three years, with a stipulation of six months notice of a recommencement of hostilities would enable us at the termination of that period to dictate almost any terms to our enemy, from the great augmentation of strength we should undoubtedly receive. If we make a treaty of peace now, we of course must submit to some sacrifices, as your instructions show. You are however Authorized to conclude a treaty of peace, or a truce for the greatest length of time it can be obtained.

Comodore Moore, with three or four of our Vessels of War, goes down into the Gulf and this will be sent into Vera Cruz, by some friendly flag he may fall in with. His instructions are to act on the defensive entirely; to make no captures unless you should advise him of the failure of your Mission. He will be able to make a calculation as to the time when this despatch will reach Vera Cruz, and one of his vessels will stand off and on from Point Mariandria, thirty five or forty miles North and West of Vera Cruz, for thirteen days after the despatches have been delivered at Vera Cruz; and should you have any communications to make to the Comodore through such channel, you will advise the Vessel bearing it to hoist a white flag afore on coming in sight of any vessel off the point designated, which will be answered.

Some time ago, the date not recollected, as my letter book is at the seat of Government, I wrote to you, that it was the wish of the President, that after the reception of your Credentials, you would bring the negotiation to a close in some way, that we could no longer

<sup>a</sup> Under date of June 6. See Correspondence with Great Britain.

submit to the state of things, then existing on our frontier. The Government of Mexico then and now, neglected no opportunity to annoy us, by all the means it possessed. True, we were not invaded so far as to make an attack by the regular Army of the Government on our inhabitants, but small predatory bands were continually sent to excite the Indians to attack us; and the Indian Chiefs were received at Matamoras, and sent out for the same purpose, whilst we made no movements at all hostile to the Mexican Govt., We even forbid and used the best influence of the Government to prevent Volunteers from Texas joining the Federal party; and that our efforts were in a great measure successful, is evinced by the very small number of Texians who crossed the Rio Grande, when the federalists were defeated; they were informed that personal protection was all that could be extended to the fugitives, that we could not recognize them as belonging to any Government, nor would any flag but our own be permitted within our territory; we have given them no more countenance, nor protection than would have been afforded to fugitives under such Circumstances by a government on the most friendly footing with Mexico. All of this time whilst we were exhibiting such proofs of our moderation, the Mexican Govt. has neglected no opportunity, to excite Indian hostilities against us. The exercise of so much forbearance on the part of the President, it was hoped would have been met by a reciprocity of feeling by the Mexican Govt; but in this we have been sadly disappointed; and at this time we have the most conclusive evidence of emissaries having been sent from Matamoras to the Indian tribes on our frontiers,<sup>a</sup> and to many of those within the limits of the United States, to excite them by the hope of general plunder to attack us; whilst General Arista is unremitting in fulminating his threats of invasion and universal extermination of our people. These threats it is true we disregard, and know well how very important they are; and at the same time we know perfectly, it is in our power to drive back the boaster, and carry the war into his own Country; for in truth nothing would have been easier than to have sustained the Federalists, and enabled them to have bid defiance to the Central Government. Our Navy for the last twelve months strong enough to have cut off every article of Mexican Commerce and blockaded her ports, has kept idle and inactive; we had made a declaration that we would pursue this course of moderation, and evince to the world that we indulged no ambitious designs of conquest. To this policy we have steadfastly adhered. Our forbearance is nearly exhausted, the patience of the people will not much longer submit to a procrastination, from which they can perceive no adequate advantage, and the administration will be forced to return War for War. I am directed by the Presi-

<sup>a</sup> Of. Burnet to Dunlap, May 30, 1839, Part I, pp. 396-401.

dent to say, that if I should be of the opinion obtained by a further fully your views on the what effect the appearance in which you have additional difficulties of the prospects of effecting wise? if not can a truce years? If you think would be before it could confidence that a little a peace or a truce, we haps, be well for you Government in not coo- the Rio Grande as she done with great benefit is a forbearance we can the advantages which gaining any thing from Federalists are still overtures to us, to ma Centralists, and in re ably ask of them. Sh little longer delay and success, it is the wish efforts, and advise this cess. Should you fail result from your long requests that you will and of the termination

I would suggest the Mr. Pakenham on the issue, and read to his not improper he should

Commodore Moore create any alarm. tion in his power as Chiefs, whether friends

I am with great  
Your

TO JAS TREAT ES

M

dent to say, that if from a view of the whole circumstances, you should be of the opinion, that either a truce, or a peace, can be obtained by a further forbearance on our part, you will communicate fully your views on the subject. He wishes further to be informed what effect the appearance of our squadron will have on the negotiation in which you have been engaged; will it be likely to produce additional difficulties or to facilitate a favorable issue? What are the prospects of effecting a permanent pacification, flattering or otherwise? if not can a truce be obtained to continue for one, two or three years? If you think the prospect good; how long is it probable it would be before it could be brought about? If you should feel much confidence that a little further forbearance on our part would insure a peace or a truce, we will act on your suggestion. It would perhaps, be well for you to urge upon Mexico the moderation of this Government in not co-operating (thus far) with the Federalists on the Rio Grande as she has been strongly urged to do, and might have done with great benefit to herself and detriment to Mexico, that it is a forbearance we cannot practice much longer, lest we loose all the advantages which such a co-operation would give us, without gaining any thing from the Central Government of Mexico. The Federalists are still sanguine of Success, and unremitting in their overtures to us, to make a Common Cause in making war on the Centralists, and in return, would grant every thing we could reasonably ask of them. Should you believe as before expressed, that a little longer delay and forbearance on our part will be productive of success, it is the wish of the President that you should continue your efforts, and advise this Government fully as to the prospects of success. Should you fail and believe, that no further advantage can result from your longer protracting the negotiation, the President requests that you will inform Commodore Moore of such failure, and of the termination of your Agency.

I would suggest that it will perhaps be well to confer freely with Mr. Pakenham on the prospect of bringing your agency to successful issue, and read to him such parts of this letter, as you may think it not improper he should hear. I send this under an evelope to him.

Commodore Moore is instructed not to approach near enough to create any alarm. He is also instructed to obtain the best information in his power as to the condition of Yucatan, and the views of its Chiefs, whether friendly or otherwise to us.

I am with great respect

Your obdt Servant

ABNER S. LIPSCOMB

*Secty of State.*

To JAS TREAT Esqr.

*Mexico.*