

[DOCUMENTS ACCOMPANYING THE PRESIDENT'S MESSAGE AT THE COMMENCEMENT OF THE SECOND  
SESSION OF THE TWENTY-EIGHTH CONGRESS.]

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**REPORT**  
OF  
**THE SECRETARY OF STATE.**

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DEPARTMENT OF STATE,  
*Washington, December 2, 1844.*

SIR: In obedience to your instructions, I have the honor, herewith, to transmit copies of a correspondence with the governments of Mexico and Texas, growing out of the proposed annexation of the latter to the United States; and also of the correspondence with the Texan authorities in relation to the disarming of a body of Texan forces under the command of Major Snively, by a detachment of United States troops commanded by Captain Cooke, and the forcible entry and taking away from the custom-house on Red river of sundry goods and merchandise by certain citizens of the United States.

By a note recently received from the honorable C. H. Raymond, acting chargé d'affaires of the republic of Texas, I am informed that the evidence referred to in my note to Mr. Van Zandt, of the 14th of August last, has not yet been received by him.

All which is respectfully submitted.

J. C. CALHOUN.

To the PRESIDENT OF THE UNITED STATES.

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CORRESPONDENCE WITH MEXICO AND TEXAS ON THE SUBJECT OF  
ANNEXATION.

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*Mr. Calhoun to Mr. Shannon.*

DEPARTMENT OF STATE,  
*Washington, June 20, 1844.*

SIR: I have the honor to acknowledge the receipt of your letter of the 17th of April last, announcing your acceptance of the appointment tendered you by the President of the United States as envoy extraordinary and minister plenipotentiary to the republic of Mexico, and notifying this department of your readiness to enter on the discharge of the duties of your office.

You have already received your commission; and I herewith enclose to you a full power, a special passport, printed personal instructions, a sealed letter accrediting you to the President of the Mexican republic, and an open copy of the same for your own use. In presenting this letter of credence to the President, you will avail yourself of the occasion to express to the President of Mexico the sincere desire of the President of the United States to maintain the most amicable relations with the government of the Mexican republic, and his purpose to promote this end by every proper means in his power.

By a convention between the United States and the Mexican republic, signed on the 11th day of April, 1839, a joint commission was agreed upon, for the purpose of adjusting the claims of the citizens of the former on the government of the latter. This commission, agreeably to the provisions of the convention, met in the city of Washington in August, 1840; but much of the time allowed for the transaction and close of its business was consumed by the commissioners of the two governments in discussing the organization of the board, and proper forms of procedure to be adopted before it. The consequence was, that, at the expiration of the period when, by the terms of the convention, the commission should expire, many of the claims submitted for its decision remained undecided by the board; while others referred to the umpire were left in the same state, as he considered his functions terminating with those of the commission.

The convention also provided that the claims which should be allowed might be discharged by the payment of Mexican treasury-notes; but as these were much depreciated in value at the time when the commission expired, it became a matter of importance to effect some arrangement by which specie should be substituted in their stead. To this end, your predecessor was empowered and instructed to enter into a negotiation with the government of Mexico; and a convention was concluded on the 30th day of January, 1843, providing for the payment of the awards, and the interest accruing thereon, in specie, in five years from the 30th day of April, 1843, in equal instalments every three months. These instalments have been paid punctually, with the exception of that which fell due in the month of February last—a part only of which was paid on the day; and though the balance has since been discharged, it is important to the inter-

ests involved that the strictest punctuality should be observed. The last instalment, due on the 30th day of April, 1844, had not been paid at the date of our last advices from Mr. Green, the chargé d'affaires *ad interim* of the United States, though repeated applications had been made by him to the Minister of Foreign Relations. This neglect of solemn and express stipulations cannot be otherwise regarded than as violations of national faith, injurious alike to the honor of Mexico and the interests of the United States. It will, therefore, be your duty to remonstrate, in the strongest terms, against this apparent indifference to the obligations of contracts, and to urge upon the government of Mexico the necessity of complying with the stipulations of the convention, agreeably to its terms.

You will find on the files of the legation a correspondence between your predecessor (Mr. Thompson) and the Mexican Minister for Foreign Relations, in regard to an order addressed by the Mexican Secretary of War, dated the 14th of July, 1843, to the governors of the States of California, Señora, Sinaloa, and Chihuahua, directing the expulsion of the citizens of the United States from their territories respectively. The result of this correspondence seems to have been none other than an enlargement of the terms of the order, so as to embrace foreigners generally, or such of them as might be deemed vagrants, or dangerous to the public peace.

It is not designed to enter into a grave argument to expose the character of such an order, or to show its opposition to the treaty of the 5th of April, 1831. The correspondence referred to will put you in possession of the points in issue, and of the views of the government in regard to them.

As a large number of our citizens, for the purpose of trade, have settled themselves in the States referred to, whose property and liberty may be endangered in its enforcement, it will be necessary that you give to the subject your earliest attention. You will perceive, by reference to the correspondence on the files of the legation, that the governors of the States to whom the order is addressed are empowered arbitrarily to fix the time when those deemed obnoxious shall leave the country, while no opportunity seems to be vouchsafed to the suspected to vindicate their characters. In the execution of such an order, it is more than probable that much individual wrong and suffering may be inflicted; and while you will protest in strong terms against the order itself, as a flagrant violation of the treaty of 1831, you will, at the same time, exert your utmost vigilance to protect the persons and property of those who may be made unjustly the subjects of its operations. Enjoining on our citizens, on the one hand, a proper obedience to the laws of Mexico, as a condition of your interference in their behalf; and, on the other, giving the Mexican government to understand that the United States cannot allow their citizens, induced to take up their residence in its territories under the solemn sanction of a treaty, to be driven from their abodes, or otherwise injured in their persons or property, on frivolous prettexts.

Another question of very grave importance, and which is still pending between the two governments, grows out of the Mexican decree of the 23d of September, 1843, prohibiting foreigners resident in Mexico from engaging in the retail trade. Your predecessor (Mr. Thompson) was instructed to protest against the application of this decree to the citizens of the United States, as a direct and palpable infringement of the 3d article of the treaty of 1831, and incompatible with other stipulations contained in it. The Mexican Minister for Foreign Affairs attempts to sustain the decree on the

general ground, that by the treaty the citizens of each country resident in the other are subject to their respective laws and usages. This, as a general truth, may be admitted; but surely it cannot be pretended that rights guaranteed by treaty between two independent powers may be abridged or modified by the municipal regulations of one of the parties, without and against the consent of the other. Such a position is so utterly untenable, that it would be needless to dwell on it.

This subject will demand your prompt attention; for it is of the highest importance to prevent the injustice, injury, and distress which must necessarily attend the execution of the decree, rather than to resort to protracted negotiations in order to repair them.

You will, therefore, inform the government of Mexico, in firm but conciliatory language, that, while the United States concede to Mexico the right to enact laws not inconsistent with her treaty stipulations, they cannot tamely submit to the execution of this decree; and that it is confidently expected it will be countermanded, so far as their citizens are concerned.

Another decree, dated in August last, was also issued by the Mexican government, which appears to conflict, very clearly, with the stipulations of the treaty of 1831. By the 4th article of this decree, merchandise lawfully imported into the territories of Mexico is subjected to forfeiture, after a limited time, unless it be sold or reshipped in one year. This is so obviously in contravention of the 26th article of the treaty existing between the two countries, and so hostile in its spirit to those relations of friendship which it was intended to secure, that, in the last interview between your predecessor (Mr. Thompson) and the President of Mexico, a promise was made by that functionary so to modify the said decree as to divest it of its obnoxious provisions in respect to the citizens of the United States.

You will avail yourself of the first occasion, after your arrival, to bring the subject to the notice of the Mexican government, and to urge the immediate fulfilment of the promise made to your predecessor.

You will embrace some convenient opportunity, after you have complied with the foregoing instructions, to address a note to the Mexican government, in which you will say that you are instructed to inform it that the President perceives with regret it has entirely misconceived the object of the communication which the secretary of the legation of the United States, in conformity with his instructions, made to it, in reference to the treaty recently entered into with Texas. Its object, as it plainly imports to be, was to announce to the government of Mexico that the treaty had been signed, and submitted to the Senate for its approval; that the measure had been adopted with no unfriendly or hostile feelings to Mexico; and that the government of the United States was ready to adjust, on liberal terms, the question of boundary, and any other that might grow out of the treaty. It constituted no part of its object to invite a discussion as to its right to make the treaty. To suppose so, would be to assume that it had made it without duly examining and establishing, to its entire satisfaction, its right to do so; a supposition which would neither comport with the fact, nor with what is due to its honor and dignity. Such being the case, it cannot, consistently with either, permit itself to be drawn into a controversy with the government of Mexico as to its right to make the treaty; and you will inform it, accordingly, that you have been instructed to pass unnoticed the inconclusive arguments by which it has attempted to controvert our right to enter into it. We hold Texas to be independent *de jure* as well as *de facto*; and

as competent, in every respect, to enter into a treaty of cession, or any other, as Mexico herself, or any other independent power; and that, in entering into the treaty of annexation with her, we violated no prior engagement or stipulation with Mexico. We would, indeed, have been glad, in doing so, to have acted with the concurrence of Mexico, if circumstances had permitted—not because we believed that she had any rightful claim of sovereignty over Texas, or that the latter was not competent, of itself, to transfer the full and complete right and title to its territory; but because, in our desire to preserve the most friendly relations with Mexico, we were disposed to treat her with respect, however unfounded we believed her claim to Texas to be. It was in conformity with that desire that the instructions were given to make the communication to the government of Mexico, announcing the signature of the treaty, and our readiness to adjust all questions which might grow out of it, between the two countries, on the most liberal terms.

You will also state that you are instructed to pass over unnoticed the menaces and offensive language which the government of Mexico has thought proper to use. It makes a great mistake in supposing that the United States can be deterred, by menaces, from adopting a measure which, after mature deliberation, they have determined they have a right to do, and which they believe to be essential to their safety and prosperity. They are desirous of peace with Mexico and all other nations; but they always stand prepared to defend themselves, if need be, against any attack to which they may be subjected in pursuing a line of policy deemed by themselves just and expedient. Nor can they be provoked to retort the offensive language used. The government of the United States is too mindful of what is due to its own self-respect and dignity, to be driven, by any provocation, however unwarranted or great, from that decorum of language which ought ever to be observed in the official correspondence of independent states. In their estimation, a good cause needs no such support, and a bad one cannot be strengthened by it.

From the failure of the Senate to approve the treaty of annexation with Texas, it is not deemed advisable to instruct you to make any overture or propositions to the government of Mexico in relation to that subject; but should any disposition be manifested on its part to open negotiations, or any propositions be made in reference to it, you will receive and immediately transmit them to this department.

I am, sir, your obedient servant,

J. C. CALHOUN.

To WILSON SHANNON, Esq., &c.

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*Mr. Howard to Mr. Calhoun.*

[Extract.]

[CONFIDENTIAL.]

LEGATION OF THE UNITED STATES,  
Washington, (Texas,) August 7, 1844.

SIR: I have the honor to transmit, herewith, the copy of a letter received by me, on yesterday, from the Hon. Anson Jones, Secretary of State,

&c., dated the 6th instant; also copies of several documents referred to in his communication by the letters A and B; besides a copy of a letter to him from the Secretary of War of this republic; accompanying which, will also be found a copy of my reply to the letter of Mr. Jones.

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*Mr. Jones to Mr. Howard.*

DEPARTMENT OF STATE,  
*Washington, (Texas,) August 6, 1844.*

The undersigned, Secretary of State of the republic of Texas, has the honor to transmit, herewith, to General Howard, chargé d'affaires of the United States near this government, the copy of a communication from the Hon. G. W. Hill, of this date, with accompanying documents A and B, containing the information that Mexico is about to recommence active hostilities against this country.

The undersigned is aware that General Howard has already been informed of the efforts making by General Santa Anna to raise funds in Mexico, and an army of thirty thousand men, for the subjugation of Texas; and that troops in considerable numbers have already been moved towards our southwestern frontier, under the command of General Canalizo, of the Mexican army, an officer appointed to carry this object into effect.

The information now in possession of this government leads the undersigned to the conclusion that Mexico intends either to renew a system of predatory warfare against Texas, or else to make a formidable attempt for its conquest; and that, whichever alternative she may have concluded to adopt, she has been induced to her course by the negotiations pending between Texas and the United States on the subject of annexation.

In view of these facts, and advertng to the assurances given to this government by General Murphy, chargé d'affaires of the United States, on the 14th of February, and by Mr. Calhoun, Secretary of State, on the 11th of April last, the undersigned, by direction of his excellency the President, has the honor to request that General Howard will, as early as convenient, take the necessary steps to cause to be carried into effect these assurances, and to extend to Texas the aid which the present emergency requires.

The undersigned embraces with great pleasure this occasion to present to General Howard the assurances of his distinguished consideration and regard.

ANSON JONES.

The Hon. TILGHMAN A. HOWARD,  
*Chargé d'Affaires of the United States, &c.*

DEPARTMENT OF WAR AND MARINE.  
*Washington, (Texas,) August 6, 1844.*

SIR: I am directed by his excellency the President to ask the attention of your department to the facts recently made known to this government, and contained in communications recently received from General Adrian Woll, of the army of Mexico, and Colonel John C. Hays, commanding on

the southwestern frontier of Texas; a copy of the former, and an extract of the latter of which, are herewith transmitted.

The facts contained in these communications, taken in connexion with other intelligence which has been received, leave no doubt of the objects and intentions of the Mexican government; and that a considerable military force is now being concentrated on the Rio Grande, with the avowed object of immediately following the attack of the cavalry alluded to by Colonel Hays, by that of a more formidable force. No doubt can, therefore, longer exist of the propriety and necessity of placing immediately on our southwestern frontier, for the defence of the nation, all the troops at the disposal of the government, whether of our own citizens, or by existing arrangements between this government and that of the United States.

I have the honor to be your very obedient servant,

G. W. HILL,  
*Secretary of War and Marine.*

Hon. ANSON JONES,  
*Secretary of State, &c.*

A.

[Extract.]

HEADQUARTERS, SOUTHWESTERN COMMAND,  
*Bexar, July 21, 1844.*

SIR:

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The following is the information alluded to:—About ten days ago, a secret spy in my employ arrived in town, and informed me that preparations were in progress to mount on good horses a force of six hundred men, to be divided into three divisions—one of which was to proceed with rapid marches to this place, and enter the town, if practicable; if repulsed, to retreat. Immediately on their return, another division would advance with the same instructions; and so on, giving time to each division to refresh, and keep up a constant annoyance on this portion of the frontier. Two days ago he returned, confirming his previous statement; and, in addition, a communication from a gentleman whose statement cannot be doubted, confirming the report of the spy, and stating that they had already 400 fine horses purchased to mount the troops, and that their operations would commence during the month of August. This statement cannot be doubted.

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I have the honor to be, very respectfully, &c.

JOHN C. HAYS,  
*Commanding southwestern frontier.*

To the Hon. G. W. HILL,  
*Secretary of War and Marine.*

DEPARTMENT OF WAR AND MARINE,  
Washington, (Texas,) August-6, 1844.

I certify the within [foregoing] to be a true extract from the original on file in this office.

M. C. HAMILTON,  
C. C. Dept. War.

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B.

[Translation.]

HEADQUARTERS, Mier, June 19, 1844.

*1st Brigade of the North.—Commander in Chief.*

The time prefixed by the supreme government of the republic for the duration of the armistice celebrated with the commissioners of Texas, on the 15th of February of the present year, having expired, his excellency the President has been pleased to determine that hostilities are renewed, and declared to exist from the 11th day of the present month, against the inhabitants of that department. While I apprise you of this resolution of his excellency, I will also represent to you the fact that my government is highly indignant at the perfidious conduct of these said inhabitants towards the republic, which, ever generous to them, believed they were acting in good faith, until the contrary became manifest by their disregard of the promises made in the same treaty of armistice, as relates to the commissioners, according to article 4, who were to have proceeded to the capital of Mexico, in order to arrange the terms whereby their propositions might be admitted.

His excellency the President, convinced that the honor of the nation demands that such dishonorable conduct should be punished, and that it should be understood that his motives for the delay in declining the renewal of hostilities has not proceeded from the want of the ability or of resources, but purely from motives of humanity, desires me to make this intimation.

In the performance of this duty, although the reflection that human blood must be shed is painful, yet I have the satisfaction to know that our cause is just, and that it is sustained by sacred and imprescriptible rights, in which we have no less confidence than in the valor of our troops; and the struggle once renewed, the civilized world will become the judge of our rights, while victory will crown the efforts of those who fearlessly wage the battle for their country, opposed to usurpation.

I have the honor to reiterate to you the assurance of my high consideration and esteem.

God and liberty.

ADRIAN WOLL.

To Gen. SAM. HOUSTON.

*Mr. Howard to Mr. Jones.*

LEGATION OF THE UNITED STATES,  
*Washington, (Texas,) August 6, 1844.*

The undersigned, chargé d'affaires of the United States near the government of the republic of Texas, has the honor to acknowledge the receipt of the communication of the Hon. Anson Jones, Secretary of State of this republic, of this date, together with its accompanying documents.

The undersigned is aware of the incipient steps which have been taken by the chief of the Mexican government, with the alleged purpose of invading and subjugating Texas; but how far the preparations have gone, he is not informed. He has no reason, however, to doubt the information communicated by the honorable Secretary; on the contrary, he has received similar information from other quarters. How far the relations of Texas and the United States may have excited the Mexican government to additional efforts to reconquer Texas, and hastened the renewal of hostilities, the undersigned has no means of judging. Whatever may be the cause, it cannot but be the subject of universal regret throughout Christendom that a war, of the character which has marked the relations of Texas and Mexico since the revolution of 1836, should not be brought to a close.

If, however, the recommencement of this conflict has been owing to negotiations between the governments of the United States and Texas, and if the United States have given "assurances" to "extend to Texas the aid which the present emergency requires,"—by which the undersigned supposes is meant military aid, in repelling the anticipated invasion by Mexico—the obligations thus incurred ought to be, and he doubts not will be, observed by his government.

The undersigned has taken occasion to re-examine the letters of the late General Murphy, of the 14th of February last, and of Mr. Calhoun, Secretary of State of the United States, of the 11th of April ensuing; he has also turned his attention to the letter of the Hon. John Nelson, Secretary of State *ad interim*, to General Murphy, of the 11th of March, 1844, and of the Hon. Isaac Van Zandt, of the 17th of January of the same year. The letter of the Hon. Mr. Nelson, it will be seen, limits very much the assurances given by the Hon. Mr. Murphy, and discloses in explicit language the constitutional limitations under which the Executive of the United States must act in regard to the military power of the country.

The question, then, is mainly left to rest upon the letter of the Hon. Mr. Van Zandt of the 17th of January, and the answer of Mr. Calhoun of the 11th of April, 1844. Mr. Van Zandt submits the following inquiry to the Secretary of State, (Mr. Upshur :) "Should the President of Texas accede to the proposition of annexation, would the President of the United States, after the signing of the treaty, and before it shall be ratified and receive the sanction of the other branches of both governments, in case Texas should desire it, or with her consent, order such number of military and naval forces of the United States to such necessary points or places upon the territory or borders of Texas, or the gulf of Mexico, as shall be sufficient to protect her against foreign aggression?" Mr. Calhoun, after referring to the orders given to the naval and military forces, gives the assurance that, should the exigency arise *during the pendency of the treaty of annexation*, the President would deem it his duty to use all the means placed within his power by the constitution, to protect Texas from invasion.

The undersigned assures the honorable Secretary of State of the disposition of his government to fulfil all her obligations to Texas, and of the deep interest felt both by the government and people of the United States in whatever concerns her welfare; to which he will add his own anxious wish to preserve the most perfect faith towards both the government and people of Texas. But he is not able to perceive that an assurance given that the military power should be used, so far as it constitutionally might, to repel invasion *during the pendency of the treaty*, (to which alone both Mr. Calhoun and Mr. Van Zandt seem to have had reference,) would raise an obligation on the President of the United States to interpose, by affording military aid to Texas in the present emergency.

In communicating this opinion to the honorable Secretary of State, the undersigned is happy to know that he addresses one who is familiar with the fundamental laws and government of the United States, which prescribe certain rules of action for any public functionary.

Nevertheless, as the subject is one of great moment, and is entitled to the consideration of the government of the United States, and as the facts communicated are important, he will transmit as speedily as practicable this correspondence, with the accompanying documents, to his government, and await her instructions.

The undersigned, with the most unfeigned pleasure, takes this occasion to present to the Hon. Mr. Jones the assurance of his distinguished consideration and esteem.

T. A. HOWARD.

Hon. ANSON JONES,

*Secretary of State of the republic of Texas.*

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*Mr. Calhoun to Mr. Shannon.*

DEPARTMENT OF STATE,  
*Washington, September 10, 1844.*

SIR: There can be no longer any doubt that Mexico intends to renew the war against Texas on a large scale, and to carry it on with more than savage ferocity. The loan she has authorized, and the expensive preparations she is making by land and sea, are sufficient proofs of the former; and the orders of the commander of the army of the north, (General Woll,) issued the 20th day of June last, and the decree of Santa Anna, general of division and provisional President of Mexico, on the 17th day of June, 1843, of the latter. The decree makes the general-in-chief of divisions of the army, and the commandant general of the coast and frontier, responsible for its exact fulfilment. It was under that responsibility, it would seem, that General Woll, to whom the Texan frontier was assigned, issued his order of the 20th June. After premising that the war was renewed against Texas; that all communications with it must cease; and that every individual, of whatever condition, who may have communication with it, shall be regarded as a traitor, and as such be punished according to the articles of war, the order announces, in its 3d article, that "every individual who may be found at the distance of one league from the left bank of the Rio Bravo will be regarded as a favorer and accomplice of the usurpers of that part of the national territory, and as a traitor to his coun-

try," and, after a summary military trial, "shall be punished accordingly." And in its 4th article it also states "that every individual who may be embraced within the provisions of the preceding article, and may be rash enough to fly at the sight of any force belonging to the supreme government, shall be pursued until taken or put to death."

In what spirit the decree of the 17th of June, which the order is intended exactly to fulfil, is to be executed, the fate of the party under General Sentmanat, at Tabasco, affords an illustration. They were arrested under it, and executed, without hearing or trial, against the indignant remonstrances of the French and Spanish ministers near the government of Mexico, who in vain invoked the voice of humanity, the sacred obligations of the constitution, and the sanctity of treaties, in behalf of their countrymen who were executed under this illegal and bloody decree.

If the decree itself was thus enforced, in time of peace, on the subjects of friendly powers, and against the remonstrances of their ministers, some faint conception may be formed of the ferocious and devastating spirit in which the order of General Woll is intended to be executed against the inhabitants of Texas, and all who may in any way aid their cause, or even have communication with them. It was under a decree similar to that of the 17th of June, 1843, and issued by the same authority on the 30th of October, 1835, but which was not so comprehensive in its provisions, or so bloody and ferocious in its character, that the cold-blooded butchery of Fannin and his party, and other Texan prisoners, was ordered by Santa Anna in his invasion of 1836.

That decree was limited to foreigners who should land at any port of Mexico, or arrive by land, being armed and having hostile intentions, or who should introduce arms and munitions of war, to be used at any place in rebellion, or placed in the hands of its enemies. As savage and outrageous as its provisions were, the order of General Woll, intended to carry out that of June, 1843, goes far beyond. It embraces every individual who may be found east of a line drawn three miles east of the Rio del Norte, without distinction of age or sex, foreigner or citizen, condition or vocation; all of every description, whether they resist or surrender, are to be treated as traitors, and all who flee are to be shot down. The war is intended, in short, to be one of utter extirpation. All that breathe are to be destroyed or driven out, and Texas left a desolate waste; and so proclaimed to the world by Mexico, in advance of her projected invasion.

The first question which presents itself for consideration on this statement of facts, is, Shall we stand by, and witness in silence the renewal of the war by Mexico, and its prosecution in this blood-thirsty and desolating spirit? In order to answer it fully and satisfactorily, it will be necessary to inquire first into her object for renewing the war at this time.

There can be but one—and that is, to defeat the annexation of Texas to our Union. She knows full well that the rejection of the treaty has but postponed the question of annexation. She knows that Congress adjourned without finally disposing of it; that it is now pending before both houses, and actively canvassed before the people throughout the wide extent of our Union; and that it will in all probability be decided in its favor, unless it should be defeated by some movement exterior to the country. We would be blind not to see that she proposes to effect it by the projected invasion, either by conquering and subjecting Texas to her power, or by forcing her to withdraw the proposition for annexation, and to form commercial and

political connexions with some other power less congenial to her feelings and favorable to her independence, and more threatening to her and our permanent welfare and safety. Of the two, the latter is much the more probable. She once attempted conquest, but signally failed, although the attempt was made under the lead of her most skillful and renowned general, at the head of a well-appointed army, consisting of her best disciplined and bravest troops, and while Texas was yet in her infancy, without a government, almost without means, and with an inconsiderable population. With this example before her, she can scarcely hope to succeed now, under a leader of less skill and renown, and when Texas has settled down under a well-established government, and has so greatly increased in means and population. It is possible she may be overrun; but to expect to hold her in subjection, with her present population and means, at the distance of more than twelve hundred miles from the city of Mexico, with a difficult intermediate country, destitute in a great degree of resources, would be extreme folly. The very attempt would exhaust her means, and leave her prostrated. No! the alternative is to drive out the inhabitants and desolate the country, or force her into some foreign and unnatural alliance; and this, the ferocious and savage order of General Woll shows is well understood by Mexico, and is, in reality, the object of her policy.

Shall we stand by, and permit it to be consummated, and thereby defeat a measure long cherished, and indispensable alike to the safety and welfare of the United States and Texas? No measure of policy has been more steadily or longer pursued, and that by both of the great parties into which the Union is divided. Many believed that Texas was embraced in the cession of Louisiana, and was improperly, if not unconstitutionally, surrendered by the treaty of Florida in 1819. Under that impression, and the general conviction of its importance to the safety and welfare of the Union, its annexation has been an object of constant pursuit ever since. It was twice attempted to acquire it during the administration of Mr. Adams—once in 1825, shortly after he came into power, and again in 1827. It was thrice attempted under the administration of his successor, (General Jackson)—first in 1829, immediately after he came into power; again in 1833; and finally in 1835, just before Texas declared her independence. Texas herself made a proposition for annexation in 1837, at the commencement of Mr. Van Buren's administration, which he declined—not, however, on the ground of opposition to the policy of the measure. The United States had previously acknowledged her independence, and the example has since been followed by France and Great Britain. The latter, soon after her recognition, began to adopt a line of policy in reference to Texas, which has given greatly increased importance to the measure of annexation, by making it still more essential to the safety and welfare both of her and the United States.

In pursuance of this long-cherished and established policy, and under the conviction of the necessity of acting promptly in order to prevent the defeat of the measure, the present administration invited Texas to renew the proposition for annexation, which had been declined by its predecessor. It was accepted; and, as has been stated, is now pending. The question recurs, Shall we stand by quietly, and permit Mexico to defeat it, without making an effort to oppose her? Shall we, after this long and continued effort to annex Texas, now, when the measure is about to be consummated, allow Mexico to put it aside, perhaps forever? Shall the "golden op-

portunity" be lost, never again to return? Shall we permit Texas, for having accepted an invitation, tendered her at a critical moment to join us, and consummate a measure essential to their and our permanent peace, welfare, and safety, to be desolated, her inhabitants to be butchered, or driven out; or, in order to avert so great a calamity, to be forced, against her will, into a strange alliance, which would terminate in producing lasting hostilities between her and us, to the permanent injury, and perhaps the ruin, of both?

The President has fully and deliberately examined the subject, and has come to the conclusion that honor and humanity, as well as the welfare and safety of both countries, forbid it; and that it is his duty, during the recess of Congress, to use all his constitutional means in opposition to it; leaving that body, when it assembles, to decide on the course which, in its opinion, it would be proper for the government to adopt.

In accordance with this conclusion, the President would be compelled to regard the invasion of Texas by Mexico, while the question of annexation is pending, as highly offensive to the United States. He entertains no doubt that we had the right to invite her to renew the proposition for annexation; and she, as an independent state, had a right to accept it, without consulting Mexico or asking her leave. He regards Texas, in every respect, as independent as Mexico, and as competent to transfer the whole or part of Texas, as she would be the whole or part of Mexico. To go no further back: under the constitution of 1824, Texas and Coahuila were members of the federation formed by the United States of Mexico; Texas, with Coahuila, forming one State, with the right guaranteed to Texas, by the constitution, to form a separate State as soon as her population would permit. The several States remained equal in rights, and equally independent of each other, until 1835, when the constitution was subverted by the military, and all the States which dared to resist were subjugated by force, except Texas. She stood up manfully and bravely in defence of her rights and independence, which she gloriously and successfully asserted on the battle-ground of San Jacinto in 1836, and has ever since maintained. The constitution of 1824 made her independent, and her valor and her sword have maintained her so. She has been acknowledged to be so by three of the leading powers of Christendom, and regarded by all as such, except Mexico herself. Nor has she ever stood, in relation to Mexico, as a rebellious department or province, struggling to obtain independence after throwing off her yoke; much less as that of a band of lawless intruders and usurpers, without government or political existence, as Mexico would have the world to believe. The true relation between them is that of independent members of a federal government, but now subverted by force; the weaker of which has successfully resisted, under fearful odds, the attempts of the stronger to conquer and subject her to its power. It is in that light we regard her; and in that we had the right to invite her to renew the proposition for annexation, and to treat with her for admission into the Union, without giving any just offence to Mexico, or violating any obligation by treaty, or otherwise, between us and her. Nor will our honor, any more than our welfare and safety, permit her to attack Texas while the question of annexation is pending. If Mexico has thought proper to take offence, it is we, who invited a renewal of the proposition, and not she, who accepted it, that ought to be held responsible; and we, as the responsible party, cannot, without implicating our honor, permit another to suffer

in our place. Entertaining these views, Mexico would make a great mistake if she should suppose that the President would regard with indifference the renewal of the war which she has proclaimed against Texas. Our honor and our interests are both involved.

But another, and a still more elevated consideration, would forbid him to look on with indifference. As strong as are the objections to the renewal of the war, those to the manner in which it is to be conducted are still more so. If honor and interest forbid a tame acquiescence in the renewal of the war, the voice of humanity cries aloud against the manner of conducting it. All the world have an interest that the rules and usages of war, as established between civilized nations in modern times, should be respected, and are in duty bound to resist their violation, and to see them preserved. In this case, that duty is pre eminently ours. We are neighbors; the nearest to the scenes of the proposed atrocities; most competent to judge, from our proximity; and, for the same reason, enabled more readily to interpose. For the same reason, also, our sympathy would be more deeply wounded by viewing the mingled scenes of misery which would present themselves on all sides, and hearing the groans of the suffering; not to mention the dangers to which we would be exposed, in consequence, on a weak and distant frontier, with numerous and powerful bands of Indians in its vicinity.

If anything can add to the atrocity with which it is proclaimed the war will be waged, it is the bold fiction, regardless of the semblance of truth, to which the government of Mexico has resorted, in order to give color to the decree of June, 1843, and the orders of General Woll. Finding nothing in the conduct of the government or people of Texas to justify their bloody and ferocious character, it has assumed, in wording them, that there is no such government or community as Texas; that the individuals to be found there are lawless intruders and usurpers, without political existence, who may rightfully be treated as a gang of pirates, outcasts from society, and, as such, not entitled to the protection of the laws of nations or humanity. In this assumption it obstinately persists, in spite of the well-known and (excepting the government of Mexico) the universally admitted fact, that the colonists of Texas, instead of being intruders and usurpers, were invited to settle there—first, under a grant by the Spanish authority to Moses Austin, which was afterwards confirmed by the Mexican authority; and, subsequently, by similar grants from the State of Texas Coahuila, which it was authorized to issue by the constitution of 1824. They came there as invited guests;—not invited for their own interests, but for those of Spain and Mexico; to protect a weak and helpless province from the ravages of wandering tribes of Indians; to improve, cultivate, and render productive, wild and almost uninhabited wastes; and to make that valuable, which was before worthless. All this they effected at great costs, and with much danger and difficulty, which nothing but American energy and perseverance could overcome; not only unaided by Mexico, but in despite of the impediments caused by her interference.

Instead of a lawless gang of adventurers, as they are assumed to be by the government of Mexico, these invited colonists became, in a few years, a constituent portion of the members of the Mexican union, and proved themselves to be the descendants of a free and hardy race, by the bravery and energy with which they met the subverters of the constitution of 1824, and successfully preserved their independence. This done, they gave a still higher proof of their descent, by establishing wise and free institutions, and

yielding ready obedience to laws of their own enacting. Under the influence of these causes, they have enjoyed peace and security; while their industry and energy, protected by equal laws, have widely extended the limits of cultivation and improvements over their beautiful country. It is such a people, living under a free and well-established government, and on whose soil "no hostile foot has found rest" for the last eight years—who have been recognised and introduced as one of its members into the family of nations—that Mexico has undertaken to treat as a lawless banditti, and against whom, as such, she has proclaimed a war of extermination, forgetful of their exalted and generous humanity, when, during the former invasion, they spared the forfeited lives of him who ordered, and those who butchered, in cold blood, the heroic Fannin and his brave associates, regardless of plighted faith. The government of Mexico may delude itself by its bold fictions; but it cannot delude the rest of the world. It will be judged and held responsible, not by what it may choose to regard as facts, and to act upon as such, but what are in reality facts, known and acknowledged by all, save herself.

Such are the views which the President entertains in reference to the renewal of the war, after so long a suspension, and under existing circumstances, and the barbarous and bloody manner in which it is proclaimed it will be conducted. He instructs you, accordingly, to address, without delay, to the proper department of the Mexican government, a communication, in which you will state the views entertained by him in reference to the renewal of the war while the question of annexation is pending, and the manner in which it is intended to be conducted; and to protest against both, in strong language, accompanied by declarations that the President cannot regard them with indifference, but as highly offensive to the United States. You are also instructed to renew the declaration made to the Mexican Secretary by our chargé d'affaires, in announcing the conclusion of the treaty,—that the measure was adopted in no spirit of hostility to Mexico; and that, if annexation should be consummated, the United States will be prepared to adjust all questions growing out of it, including that of boundary, on the most liberal terms.

I am, sir, respectfully, your obedient servant,

J. C. CALHOUN.

WILSON SHANNON, Esq., &c.

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### *Orders of General Woll.*

[Referred to in the instructions of Mr. Calhoun to Mr. Shannon of the 10th of September, 1844.]

HEADQUARTERS OF THE ARMY OF THE NORTH,  
Mier, June 20, 1844.

I, Adrian Woll, general of brigade, &c., make known:—

1. The armistice agreed on with the department of Texas having expired, and the war being, in consequence, recommenced against the inhabitants of that department, all communication with it ceases.

2. Every individual, of whatever condition, who may contravene provisions of the preceding article, shall be regarded as a traitor, and shall receive the punishment prescribed in article 45, title 10, treatise 8, of the articles of war.

3. Every individual who may be found at the distance of one league from the left bank of the Rio Bravo, will be regarded as a favorer and accomplice of the usurpers of that part of the national territory, and as a traitor to his country; and, after a summary military trial, shall receive the said punishment.

4. Every individual who may be comprehended within the provisions of the preceding article, and may be rash enough to fly at the sight of any force belonging to the supreme government, shall be pursued until taken or put to death.

5. In consideration of the situation of the towns of Lareda and Santa Rita de Ampudia, as well as of all the farm-houses beyond the Rio Bravo, in which remain all the interests of the inhabitants of the line committed to my charge, I have this day received from the supreme government orders to determine the manner by which those interests are to be protected; but, until the determination of the supreme government be received, I warn all those who are beyond the limits here prescribed, to bring them within the line, or to abandon them; as those who disobey this order will infallibly suffer the punishment here established.

ADRIAN WOLL.

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*Translation of a decree of the Mexican Government.*

[Referred to in the instructions of Mr. Calhoun to Mr. Shannon, of 10th September 1844.]

DEPARTMENT OF WAR AND MARINE,  
*National Palace, Mexico, June 17, 1843.*

I, Antonio Lopez de Santa Anna, *benemerito* of the country, general of division, and provisional President of the Mexican republic, hereby make known to the people, that—

Considering the criminal and detestable abuse which has been, and is now, committed by many foreigners, belonging, for the most part, to nations in peace and friendship with Mexico, in usurping its territory, invading it with arms, in fighting the troops of the republic, in robbing property, and committing other acts of violence worthy of hordes of banditti and pirates out of the pale of the laws of nations; and that the time has at length come to put an end to these evils and villanies, by exercising the rights and employing the forces used by nations in such cases, inasmuch as the same persons, whom the government has pardoned through its generosity and clemency, have returned to try their fortune by committing new aggressions for the advancement of their nefarious ends:—I have resolved, for the good of the nation, in order to preserve it from the attacks of such adventurers, and to prove the firmness with which I uphold the rights of the republic, to cause the following articles to be observed, which I have decreed in virtue of the 7th article of the Bases of Tacubaya, sanctioned by the nation:

ARTICLE 1. In future, no quarter shall be granted to any foreigner who invades the territory of the republic on his own account, whether he be accompanied in his enterprise by a few or by many adventurers; and even if he do so ostensibly with the pretext of protecting civil discords, in which a political object is set forth; and all such persons, taken with arms in their hands, shall be immediately put to death. This punishment shall be in-

flicted on all foreigners, from whatsoever country ; because, as Mexico is at peace with all nations, every one who makes war on her does it purely on his own individual responsibility, and places himself out of the protection of existing treaties.

ART. 2. The generals-in-chief of the divisions of the army, the commandants-general of the coast and frontier departments, and any other military authority whatsoever, who may take a foreigner in the act of invading our territory, or promoting civil war with arms in hand, shall be responsible for the most exact fulfilment of this decree ; and the penalty for non-compliance with it shall be loss of employment on the part of the person responsible.

ANTONIO LOPEZ DE SANTA ANNA.

JOSE MARIA TORNEL,  
*Secretary of War and Marine.*

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*Mr. Calhoun to Mr. Donelson.*

DEPARTMENT OF STATE,  
*Washington, September 17, 1844.*

SIR: Annexed hereto is a copy of a despatch recently forwarded to the late chargé d'affaires of the United States to Texas, which, should you accept the appointment conferred on you by the President, will be regarded as if directed to yourself. The package containing the original, and other papers, was delivered to Lieut. George Stevens, who, as a special messenger, was instructed to deliver it into the hands of the chargé, Gen. Howard. It is not improbable that, owing to the untimely death of Gen. Howard, and the absence of any representative of the United States at the seat of the government of Texas, Lieut. Stevens may return it to this department. To obviate the inconvenience which might arise from such a state of things, I forward herewith a copy of the despatch and accompanying papers.

Since the date of the despatch to Mr. Howard, information has been received at this department, through Major Butler, agent for the Cherokee Indians, that Mexican emissaries, or agents of the Mexican government, are employed in instigating the Indian tribes on our southwestern frontier to acts of hostility against our citizens, and those of Texas, residing in their respective neighborhoods. This, if true, is in direct violation of the treaty of amity between the two countries, of the 5th of April, 1831; a printed copy of which I herewith forward to you, calling your attention, at the same time, to its 33d article.

There seems to be but little doubt as to the correctness of the information communicated by Major Butler ; and the President instructs and authorizes you, in case the government of Texas should apply to you to fulfil the treaty obligations of the United States, to maintain peace and harmony among the several Indian nations who inhabit the lands adjacent to the lines and rivers which form the boundaries of the two countries, and to restrain, by force, all hostilities and incursions on the part of the Indian nations living within our boundaries ; and if you should, upon examination, consider the grounds sufficient to warrant such application, to make requisition on either or all of the commandants of the forces at Forts Jesup, Towson, and Washita, for such portions of their respective commands as may

be deemed necessary for the purpose, to be marched and stationed at such points as you may, on consultation with the Texan authorities, deem best adapted to secure the object—either within the limits of the United States, or, if requested by the government of Texas, within its limits; it being understood that the objects are limited to the fulfilment of our treaty stipulations.

I herewith enclose copies of the orders which have been issued by the proper department to the several officers in command at the respective posts, to comply with your requisition. You will take care, in making the requisitions, to leave a sufficient force at the respective stations to protect them and the public property against the dangers to which, in your judgment, they may be exposed.

I am, sir, with high respect, your obedient servant,

J. C. CALHOUN.

To A. J. DONELSON, Esq., &c.

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A.

[CONFIDENTIAL.]

ADJUTANT GENERAL'S OFFICE,  
Washington, September 17, 1844.

Sir: The general-in-chief has received instructions, through the Department of State, from the Executive, to hold the troops now between the Red and Sabine rivers ready to march in case of a requisition being made by the United States chargé d'affaires residing near the government of Texas, to such point within our limits, or those of Texas, as the said chargé may designate, in order to restrain any hostile incursion on the part of the border Indians, as required by the provisions of existing treaties.

You will please take such preliminary measures as may be deemed necessary to put the greater part of the forces under your command, designated above, in march for the above purpose, at short notice.

Should the apprehended hostilities with the Indians alluded to break out, an officer of rank (probably yourself) will be sent to command the United States forces placed in the field, and who will receive hence further instructions for his government.

I have the honor to be, sir, your obedient servant,

L. THOMAS, *Assist. Adj. Gen.*

Brig. Gen. Z. TAYLOR,

*Commanding 1st dept., Fort Jesup, La.*

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B.

[CONFIDENTIAL.]

ADJUTANT GENERAL'S OFFICE,  
Washington, September 17, 1844.

Sir: The general-in-chief has received instructions, through the Department of State, from the Executive, to hold the troops within your department, at Forts Towson and Washita, ready to march, in case of a requisition being made by the United States chargé d'affaires residing near the government of Texas, to such point within our limits, or those of Texas, as the chargé may designate, in order to restrain any hostile incursion on the part of the border Indians, as required by the provisions of existing treaties.

You will please take such preliminary measures as may be deemed necessary to put those troops in march for the above purpose at short notice.

It is understood that any requisition that may be made upon Forts Towson and Washita will leave at least one company at each of those posts to guard the same.

Should the apprehended hostilities with the Indians alluded to break out, an officer of rank will be sent to command the United States forces placed in the field, and who will receive hence further instructions for his government.

I have the honor to be, sir, your obedient servant,

L. THOMAS, *Assist. Adjt. Gen.*

Brig. Gen. M. ARBUCKLE,

*Commanding 2d dept., Fort Smith, Arkansas.*

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*Mr. Calhoun to Mr. King.*

DEPARTMENT OF STATE,  
*Washington, August 12, 1844.*

SIR: I have laid your despatch No. 1 before the President, who instructs me to make known to you that he has read it with much pleasure, especially the portion which relates to your cordial reception by the King, and his assurance of friendly feelings towards the United States. The President in particular highly appreciates the declaration of the King, that in no event would any steps be taken by his government in the slightest degree hostile, or which would give to the United States just cause of complaint. It was the more gratifying from the fact that our previous information was calculated to make the impression that the government of France was prepared to unite with Great Britain in a joint protest against the annexation of Texas, and a joint effort to induce her government to withdraw the proposition to annex, on condition that Mexico should be made to acknowledge her independence. He is happy to infer from your despatch that the information, as far as it relates to France, is, in all probability, without foundation. You did not go further than you ought in assuring the King that the object of annexation would be pursued with unabated vigor, and in giving your opinion that a decided majority of the American people were in its favor, and that it would certainly be annexed at no distant day. I feel confident that your anticipation will be fully realized at no distant period. Every day will tend to weaken that combination of political causes which led to the opposition of the measure, and to strengthen the conviction that it was not only expedient, but just and necessary.

You were right in making the distinction between the interest of France and England in reference to Texas—or rather, I would say, the apparent interests of the two countries. France cannot possibly have any other than commercial interest in desiring to see her preserve her separate independence; while it is certain that England looks beyond, to political interests, to which she apparently attaches much importance. But, in our opinion, the interest of both against the measure is more apparent than real; and that neither France, England, nor even Mexico herself, has any in opposition to it, when the subject is fairly viewed and considered in its

whole extent and in all its bearings. Thus viewed and considered, and assuming that peace, the extension of commerce, and security, are objects of primary policy with them, it may, as it seems to me, be readily shown that the policy on the part of those powers which would acquiesce in a measure so strongly desired by both the United States and Texas, for their mutual welfare and safety, as the annexation of the latter to the former, would be far more promotive of these great objects than that which would attempt to resist it.

It is impossible to cast a look at the map of the United States and Texas, and to note the long, artificial, and inconvenient line which divides them, and then to take into consideration the extraordinary increase of population and growth of the former, and the source from which the latter must derive its inhabitants, institutions, and laws, without coming to the conclusion that it is their destiny to be united, and, of course, that annexation is merely a question of *time and mode*. Thus regarded, the question to be decided would seem to be, whether it would not be better to permit it to be done now, with the mutual consent of both parties, and the acquiescence of these powers, than to attempt to resist and defeat it. If the former course be adopted, the certain fruits would be the preservation of peace, great extension of commerce by the rapid settlement and improvement of Texas, and increased security, especially to Mexico. The last, in reference to Mexico, may be doubted; but I hold it not less clear than the other two.

It would be a great mistake to suppose that this government has any hostile feelings towards Mexico, or any disposition to aggrandize itself at her expense. The fact is the very reverse.

It wishes her well, and desires to see her settled down in peace and security; and is prepared, in the event of the annexation of Texas, if not forced into conflict with her, to propose to settle with her the question of boundary, and all others growing out of the annexation, on the most liberal terms. Nature herself has clearly marked the boundary between her and Texas by natural limits too strong to be mistaken. There are few countries whose limits are so distinctly marked; and it would be our desire, if Texas should be united to us, to see them firmly established, as the most certain means of establishing permanent peace between the two countries, and strengthening and cementing their friendship. Such would be the certain consequence of permitting the annexation to take place now, with the acquiescence of Mexico; but very different would be the case if it should be attempted to resist and defeat it, whether the attempt should be successful for the present or not. Any attempt of the kind would, not improbably, lead to a conflict between us and Mexico, and involve consequences, in reference to her and the general peace, long to be deplored on all sides, and difficult to be repaired. But should that not be the case, and the interference of another power defeat the annexation for the present, without the interruption of peace, it would but postpone the conflict, and render it more fierce and bloody whenever it might occur. Its defeat would be attributed to enmity and ambition on the part of that power by whose interference it was occasioned, and excite deep jealousy and resentment on the part of our people, who would be ready to seize the first favorable opportunity to effect by force, what was prevented from being done peaceably by mutual consent. It is not difficult to see how greatly such a conflict, come when it might, would endanger the general peace, and how much Mexico might be the loser by it.

In the mean time, the condition of Texas would be rendered uncertain, her settlement and prosperity in consequence retarded, and her commerce crippled, while the general peace would be rendered much more insecure. It could not but greatly affect us. If the annexation of Texas should be permitted to take place peaceably now, (as it would, without the interference of other powers,) the energies of our people would, for a long time to come, be directed to the peaceable pursuits of redeeming, and bringing within the pale of cultivation, improvements, and civilization, that large portion of the continent lying between Mexico on one side, and the British possessions on the other, which is now, with little exception, a wilderness with a sparse population, consisting, for the most part, of wandering Indian tribes.

It is our destiny to occupy that vast region; to intersect it with roads and canals; to fill it with cities, towns, villages, and farms; to extend over it our religion, customs, constitution, and laws; and to present it as a peaceful and splendid addition to the domains of commerce and civilization. It is our policy to increase, by growing and spreading out into unoccupied regions, assimilating all we incorporate: in a word, to increase by accretion, and not, through conquest, by the addition of masses held together by the cohesion of force. No system can be more unsuited to the latter process, or better adapted to the former, than our admirable federal system. If it should not be resisted in its course, it will probably fulfil its destiny without disturbing our neighbors, or putting in jeopardy the general peace; but if it be opposed by foreign interference, a new direction would be given to our energy, much less favorable to harmony with our neighbors, and to the general peace of the world.

The change would be undesirable to us, and much less in accordance with what I have assumed to be primary objects of policy on the part of France, England, and Mexico.

But, to descend to particulars: it is certain that while England, like France, desires the independence of Texas, with the view to commercial connexions; it is not less so, that one of the leading motives of England for desiring it, is the hope that, through her diplomacy and influence, negro slavery may be abolished there, and ultimately, by consequence, in the United States, and throughout the whole of this continent. That its ultimate abolition throughout the entire continent is an object ardently desired by her, we have decisive proof in the declaration of the Earl of Aberdeen delivered to this department, and of which you will find a copy among the documents transmitted to Congress with the Texan treaty. That she desires its abolition in Texas, and has used her influence and diplomacy to effect it there, the same document, with the correspondence of this department with Mr. Pakenham, also to be found among the documents, furnishes proof not less conclusive. That one of the objects of abolishing it there, is to facilitate its abolition in the United States, and throughout the continent, is manifest from the declaration of the abolition party and societies, both in this country and in England. In fact, there is good reason to believe that the scheme of abolishing it in Texas, with the view to its abolition in the United States and over the continent, originated with the prominent members of the party in the United States: and was first broached by them in the (so called) World's Convention, held in London in the year 1840, and through its agency brought to the notice of the British government.

Now, I hold, not only that France can have no interest in the consummation of this grand scheme, which England hopes to accomplish through

Texas, if she can defeat the annexation; but that her interest, and those of all the continental powers of Europe, are directly and deeply opposed to it.

It is too late in the day to contend that humanity or philanthropy is the great object of the policy of England in attempting to abolish African slavery on this continent. I do not question but humanity may have been one of her leading motives for the abolition of the African slave-trade, and that it may have had a considerable influence in abolishing slavery in her West India possessions—aided, indeed, by the fallacious calculation that the labor of the negroes would be at least as profitable, if not more so, in consequence of the measure. She acted on the principle that tropical products can be produced cheaper by free African labor and East India labor, than by slave labor. She knew full well the value of such products to her commerce, navigation, navy, manufactures, revenue, and power. She was not ignorant that the support and the maintenance of her political preponderance depended on her tropical possessions, and had no intention of diminishing their productiveness, nor any anticipation that such would be the effect, when the scheme of abolishing slavery in her colonial possessions was adopted. On the contrary, she calculated to combine philanthropy with profit and power, as is not unusual with fanaticism. Experience has convinced her of the fallacy of her calculations. She has failed in all her objects. The labor of her negroes has proved far less productive, without affording the consolation of having improved their condition.

The experiment has turned out to be a costly one. She expended nearly one hundred millions of dollars in indemnifying the owners of the emancipated slaves. It is estimated that the increased price paid since, by the people of Great Britain, for sugar and other tropical productions, in consequence of the measure, is equal to half that sum; and that twice that amount has been expended in the suppression of the slave-trade; making, together, two hundred and fifty millions of dollars as the cost of the experiment. Instead of realizing her hope, the result has been a sad disappointment. Her tropical products have fallen off to a vast amount. Instead of supplying her own wants and those of nearly all Europe with them, as formerly, she has now, in some of the most important articles, scarcely enough to supply her own. What is worse, her own colonies are actually consuming sugar produced by slave labor, brought direct to England, or refined in bond, and exported and sold in her colonies as cheap or cheaper than they can be produced there: while the slave-trade, instead of diminishing, has been in fact carried on to a greater extent than ever. So disastrous has been the result, that her fixed capital vested in tropical possessions, estimated at the value of nearly five hundred millions of dollars, is said to stand on the brink of ruin.

But this is not the worst. While this costly scheme has had such ruinous effects on the tropical productions of Great Britain, it has given a powerful stimulus, followed by a corresponding increase of products, to those countries which have had the good sense to shun her example. There has been vested, it is estimated by them, in the production of tropical products, since 1808, in fixed capital, nearly \$4,000,000,000, wholly dependent on slave labor. In the same period, the value of their products has been estimated to have risen from about \$72,000,000 annually, to nearly \$220,000,000; while the whole of the fixed capital of Great Britain, vested in cultivating tropical products, both in the East and West Indies, is estimated at only about \$830,000,000, and the value of the products annually at about \$50,000,000. To present a still more striking view of three

articles of tropical products, (sugar, coffee, and cotton,) the British possessions, including the West and East Indies, and Mauritius, produced, in 1842, of sugar only 3,993,771 pounds; while Cuba, Brazil, and the United States, excluding other countries having tropical possessions, produced 9,600,000 pounds; of coffee, the British possessions produced only 27,393,003, while Cuba and Brazil produced 201,590,125 pounds; and of cotton, the British possessions, including shipments to China, only 137,443,446 pounds, while the United States alone produced 790,479,275 pounds.

The above facts and estimates have all been drawn from a British periodical of high standing and authority,\* and are believed to be entitled to credit.

This vast increase of the capital and production on the part of those nations who have continued their former policy towards the negro race, compared with that of Great Britain, indicates a corresponding relative increase of the means of commerce, navigation, manufactures, wealth, and power. It is no longer a question of doubt, that the great source of the wealth, prosperity, and power of the more civilized nations of the temperate zone, (especially Europe, where the arts have made the greatest advance,) depends, in a great degree, on the exchange of their products with those of the tropical regions. So great has been the advance made in the arts, both chemical and mechanical, within the few last generations; that all the old civilized nations can, with but a small part of their labor and capital, supply their respective wants: which tends to limit within narrow bounds the amount of the commerce between them, and forces them all to seek for markets in the tropical regions, and the more newly settled portions of the globe. Those who can best succeed in commanding those markets, have the best prospect of outstripping the others in the career of commerce, navigation, manufactures, wealth, and power.

This is seen and felt by British statesmen, and has opened their eyes to the errors which they have committed. The question now with them is, how shall it be counteracted? What has been done cannot be undone. The question is, by what means can Great Britain regain and keep a superiority in tropical cultivation, commerce, and influence? Or, shall that be abandoned, and other nations be suffered to acquire the supremacy, even to the extent of supplying British markets, to the destruction of the capital already vested in their production? These are the questions which now profoundly occupy the attention of her statesmen, and have the greatest influence over her councils.

In order to regain her superiority, she not only seeks to revive and increase her own capacity to produce tropical productions, but to diminish and destroy the capacity of those who have so far outstripped her in consequence of her error. In pursuit of the former, she has cast her eyes to her East India possessions—to central and eastern Africa—with the view of establishing colonies there, and even to restore, substantially, the slave-trade itself, under the specious name of transporting free laborers from Africa to her West India possessions, in order, if possible, to compete successfully with those who have refused to follow her snicidal policy. But these all afford but uncertain and distant hopes of recovering her lost superiority. Her main reliance is on the other alternative—to cripple or destroy

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\* Blackwood's Magazine for June, 1844.

the productions of her successful rivals. There is but one way by which it can be done, and that is by abolishing African slavery throughout this continent; and that she openly avows to be the constant object of her policy and exertions. It matters not how, or from what motive, it may be done—whether it be by diplomacy, influence, or force; by secret or open means; and whether the motive be humane or selfish, without regard to manner, means, or motive. The thing itself, should it be accomplished, would put down all rivalry, and give her the undisputed supremacy in supplying her own wants and those of the rest of the world; and thereby more than fully retrieve what she has lost by her errors. It would give her the monopoly of tropical productions, which I shall next proceed to show.

What would be the consequence if this object of her unceasing solicitude and exertions should be effected by the abolition of negro slavery throughout this continent, some idea may be formed from the immense diminution of productions, as has been shown, which has followed abolition in her West India possessions. But, as great as that has been, it is nothing compared to what would be the effect if she should succeed in abolishing slavery in the United States, Cuba, Brazil, and throughout this continent. The experiment in her own colonies was made under the most favorable circumstances. It was brought about gradually and peaceably, by the steady and firm operation of the parent country, armed with complete power to prevent or crush at once all insurrectionary movements on the part of the negroes, and able and disposed to maintain to the full the political and social ascendancy of the former masters over their former slaves. It is not at all wonderful that the change of the relations of master and slave took place, under such circumstances, without violence and bloodshed, and that order and peace should have been since preserved. Very different would be the result of abolition, should it be effected by her influence and exertions in the possessions of other countries on this continent—and especially in the United States, Cuba, and Brazil, the great cultivators of the principal tropical products of America. To form a correct conception of what would be the result with them, we must look, not to Jamaica, but to St. Domingo, for example. The change would be followed by unforgiving hate between the two races, and end in a bloody and deadly struggle between them for the superiority. One or the other would have to be subjugated, extirpated, or expelled; and desolation would overspread their territories, as in St. Domingo, from which it would take centuries to recover. The end would be, that the superiority in cultivating the great tropical staples would be transferred from them to the British tropical possessions.

They are of vast extent, and those beyond the Cape of Good Hope possessed of an unlimited amount of labor, standing ready, by the aid of British capital, to supply the deficit which would be occasioned by destroying the tropical productions of the United States, Cuba, Brazil, and other countries cultivated by slave labor on this continent, so soon as the increased price, in consequence, would yield a profit. It is the successful competition of that labor which keeps the prices of the great tropical staples so low, as to prevent their cultivation with profit in the possessions of Great Britain, by what she is pleased to call free labor. If she can destroy its competition, she would have a monopoly in those productions. She has all the means of furnishing an unlimited supply: vast and fertile possessions in both Indies, boundless command of capital and labor, and ample power to suppress disturbances, and preserve order throughout her wide domains.

It is unquestionable, that she regards the abolition of slavery in Texas as a most important step towards this great object of policy, so much the aim of her solicitude and exertions; and the defeat of the annexation of Texas to our Union as indispensable to the abolition of slavery there. She is too sagacious not to see what a fatal blow it would give to slavery in the United States, and how certainly its abolition with us would abolish it over the whole continent, and thereby give her a monopoly in the productions of the great tropical staples, and the command of the commerce, navigation, and manufactures of the world, with an established naval ascendancy and political preponderance. To this continent the blow would be calamitous beyond description. It would destroy, in a great measure, the cultivation and production of the great tropical staples, amounting annually in value to nearly \$300,000,000—the fund which stimulates and upholds almost every other branch of its industry, commerce, navigation, and manufactures. The whole, by their joint influence, are rapidly spreading population, wealth, improvement, and civilization over the whole continent, and vivifying, by their overflow, the industry of Europe; thereby increasing its population, wealth, and advancement in the arts, in power, and in civilization.

Such must be the result, should Great Britain succeed in accomplishing the constant object of her desire and exertions—the abolition of negro slavery over this continent; and towards the effecting of which, she regards the defeat of the annexation of Texas to our Union so important. Can it be possible that governments so enlightened and sagacious as those of France and the other great continental powers, can be so blinded by the plea of philanthropy as not to see what must inevitably follow, be her motive what it may, should she succeed in her object? It is little short of mockery to talk of philanthropy, with the examples before us of the effects of abolishing negro slavery in her own colonies, in St. Domingo, and the northern States of our Union, where statistical facts, not to be shaken, prove that the freed negro, after the experience of sixty years, is in a far worse condition than in the other States, where he has been left in his former condition. No: the effect of what is called abolition, where the number is few, is not to raise the inferior race to the condition of freemen, but to deprive the negro of the guardian care of his owner, subject to all the depression and oppression belonging to his inferior condition. But, on the other hand, where the number is great, and bears a large proportion to the whole population, it would be still worse. It would be to substitute for the existing relation a deadly strife between the two races, to end in the subjection, expulsion, or extirpation of one or the other: and such would be the case over the greater part of this continent where negro slavery exists. It would not end there; but would in all probability extend, by its example, the war of races over all South America, including Mexico, and extending to the Indian as well as to the African race, and make the whole one scene of blood and devastation.

Dismissing, then, the stale and unfounded plea of philanthropy, can it be that France and the other great continental powers—seeing what must be the result of the policy, for the accomplishment of which England is constantly exerting herself, and that the defeat of the annexation of Texas is so important towards its consummation—are prepared to back or countenance her in her efforts to effect either? What possible motives can they have to favor her cherished policy? Is it not better for them that they should be supplied with tropical products in exchange for their labor, from

the United States, Brazil, Cuba, and this continent generally, than to be dependent on one great monopolizing power for their supply? Is it not better that they should receive them at the low prices which competition, cheaper means of production, and nearness of market, would furnish them by the former, than to give the high prices which monopoly, dear labor, and great distance from market would impose? Is it not better that their labor should be exchanged with a new continent, rapidly increasing in population and the capacity for consuming, and which would furnish, in the course of a few generations, a market nearer to them, and of almost unlimited extent, for the products of their industry and arts, than with old and distant regions, whose population has long since reached its growth?

The above contains those enlarged views of policy which, it seems to me, an enlightened European statesman ought to take, in making up his opinion on the subject of the annexation of Texas, and the grounds, as it may be inferred, on which England vainly opposes it. They certainly involve considerations of the deepest importance, and demanding the greatest attention. Viewed in connexion with them, the question of annexation becomes one of the first magnitude, not only to Texas and the United States, but to this continent and Europe. They are presented, that you may use them on all suitable occasions, where you think they may be with effect; in your correspondence, where it can be done with propriety or otherwise. The President relies with confidence on your sagacity, prudence, and zeal. Your mission is one of the first magnitude at all times, but especially now; and he feels assured nothing will be left undone on your part to do justice to the country and the government in reference to this great measure.

I have said nothing as to our right of treating with Texas, without consulting Mexico. You so fully understand the grounds on which we rest our right, and are so familiar with all the facts necessary to maintain them, that it was not thought necessary to add anything in reference to it.

I am, sir, very respectfully, your obedient servant,

J. C. CALHOUN.

WILLIAM R. KING, Esq., &c.

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*Mr. Shannon to Mr. Calhoun.*

[Extract.]

MEXICO, October 28, 1844.

SIR: Your despatch of the 10th September last reached me on the 12th instant; and, in compliance with your instructions, I lost no time in addressing to the Minister of Foreign Relations of this government a communication expressive of the views of the President of the United States in relation to a renewal of the war on the part of Mexico against Texas, and to the manner in which it is proposed to be conducted. Accompanying this despatch, you will find a copy of this communication, marked No. 1. I have received no reply, as yet, to this note, and cannot say when one may be expected. President Santa Anna is at his hacienda, near Jalapa; and until he can be heard from, no reply will be given. The uncertainty of the time when a reply will be received, has determined me to delay this despatch no longer.

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*Mr. Shannon to Mr. Rejon.*

[No. 1.]

LEGATION OF THE UNITED STATES,  
Mexico, October 14, 1844.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to inform his excellency M. C. Rejon, minister of foreign relations and government of the republic of Mexico, that the President of the United States has learned with deep regret that the Mexican government has announced its determination to renew the war against the republic of Texas, and is now engaged in extensive preparations with a view to an early invasion of its territory; and instructs the undersigned to protest, in the most solemn form, both against the invasion at this time, and the manner in which it is proposed to be conducted.

The orders of the commander of the army of the north, (General Woll,) issued on the 20th of June last, and the decree of the provisional President of Mexico, of the 17th of June, 1843, leave no doubt as to the manner in which the war is to be conducted. The decree makes the general in-chief of division of the army, and the commandants-general of the coast and frontier, responsible for its exact fulfilment. It was under this responsibility, it would seem, that General Woll, to whom the Texan frontier was assigned, issued his order of the 20th of June.

After announcing that the war was renewed against Texas; that all communication with it must cease; and that every individual, of whatsoever condition, who may have communication with it, shall be regarded as a traitor, and, as such, punished according to the articles of war; it states that every individual who may be found at the distance of one league from the left bank of the Rio Bravo will be regarded as a favorer and an accomplice of the usurpers of that part of the national territory, and as a traitor to Mexico, and, after a summary military trial, shall be punished accordingly. It also states that every individual who may be embraced in the foregoing, and who may be rash enough to fly at the sight of any force belonging to the supreme government, shall be pursued until taken or put to death.

In what spirit the decree of the 17th June, which the order is intended to fulfil, is to be executed, the fate of the party under General Sentmanat, at Tabasco, affords an illustration. Under it, they were arrested and executed, without hearing or trial, against the express provision of the constitution and the sanctity of treaties, which were in vain invoked for their protection.

If the decree itself was thus enforced, in time of peace, against the subjects of foreign powers, some faint conception may be formed of the barbarous and inhuman spirit in which the order of General Woll may be expected to be executed against the inhabitants of Texas, and all who may in any way aid their cause, or even have communication with them.

It was under a decree of a similar character, issued on the 30th October, 1835, but not so comprehensive or barbarous in its provisions, that the execution of Fannin and his party was ordered, in a former invasion. This decree was limited to foreigners who should land at any port of Mexico, or arrive by land, and having hostile intentions, or who should introduce arms or munitions of war to be used at any place in rebellion, or placed in the hands of its enemies. Highly objectionable as were its provisions, the or-

der of General Woll, intended to carry out that of June, 1843, goes far beyond it. It embraces every individual who may be found east of a line drawn three miles east of the Rio Bravo, without distinction of age or sex, foreigners or citizens, condition or vocation. All of every description are to be treated as traitors. It proclaims, in short, a war of extermination; all are to be destroyed or driven out, and Texas left a desolate waste.

Such is the barbarous mode in which the government of Mexico has proclaimed to the world it is her intention to conduct the war. And here the inquiry naturally arises,—what is her object in renewing at this time a war, to be thus conducted, which has been virtually suspended for eight years, and when her resources are known to be so exhausted as to leave her without the means of fulfilling her engagements? But one object can be assigned, and that is to defeat the annexation of Texas to the United States. She knows full well that the measure is still pending, and that the rejection of the treaty has but postponed it. She knows that when Congress adjourned, it was pending in both houses, ready to be taken up and acted upon at its next meeting, and that it is at present actively canvassed by the people throughout the Union. She is not ignorant that the decision will in all probability be in its favor, unless it should be defeated by some movement exterior to the United States. The projected invasion of Texas by Mexico, at this time, is that movement; and it is intended to effect it, either by conquering and subjugating Texas to her power, or by forcing her to withdraw her proposition for annexation, and to form other connexions less acceptable to her.

The United States cannot, while the measure of annexation is pending, stand quietly by, and permit either of these results. It has been a measure of policy long cherished, and deemed indispensable to their safety and welfare; and has accordingly been an object steadily pursued by all parties, and the acquisition of the territory made the subject of negotiation by almost every administration for the last twenty years. This policy may be traced to the belief, generally entertained, that Texas was embraced in the cession of Louisiana by France to the United States in 1803, and was improperly surrendered by the treaty of Florida in 1819; connected with the fact that a large portion of the territory lies in the valley of the Mississippi, and is indispensable to the defence of a distant and important frontier. The hazard of a conflict of policy upon important points between the United States and one of the leading European powers, since the recognition of Texas, has rendered the acquisition still more essential to their safety and welfare, and accordingly has increased in proportion the necessity of acquiring it. Acting under the conviction of this necessity, and the impression that the measure would be permanently defeated by a longer postponement, the President of the United States invited Texas to renew the proposition for annexation. It was accepted by her, and, as has been stated, is still pending. And here the question again recurs, Shall the United States quietly stand by, on the eve of its consummation, and permit the measure to be defeated by an invasion by Mexico? And shall they suffer Texas, for having accepted an invitation to join them, and consummate a measure alike essential to her and their permanent peace, welfare, and safety, to be desolated, her inhabitants to be butchered or driven out; or, in order to avert so great a calamity, to be forced, against her will, into other alliances, which would terminate in producing lasting hostilities between her and them, to the permanent danger of both?

The President has fully and deliberately examined the subject, and has come to the conclusion that honor and humanity, as well as the safety and welfare of the United States, forbid it; and he would accordingly be compelled to regard the invasion of Texas by Mexico, while the question of annexation is pending, as highly offensive to the United States. He entertains no doubt that they had a right to invite her to renew the proposition for annexation; and that she, as an independent state, had a right to accept the invitation, without consulting Mexico or asking her leave. He regards Texas, in every respect, as independent as Mexico, and as competent to transfer the whole or part of her territory, as she is to transfer the whole or part of hers. Not to insist on the unquestionable right of Texas to be regarded and treated in all respects as an independent power, on the ground that she has successfully resisted Mexico and preserved her independence for nine years, and has been recognised by other powers as independent, it is only necessary to recur to the constitution of 1824, to show that she is perfectly entitled to be so regarded and treated. Under that constitution, she, with Coahuila, formed a separate State, constituting one member of the federation of the Mexican States, with a right secured to Texas, by the constitution, to form a separate State as soon as her population would warrant it. The several States of the federation were equal in rights, and equally independent of each other; and remained so until 1835, when the constitution was subverted by the army, and all the States which dared to resist were subjugated and consolidated into one, by force, except Texas. She stood up bravely in defence of her rights and independence, and successfully asserted them on the battle-ground of San Jacinto in 1836, and has ever since maintained them. The constitution, then, of 1824, made her independent, and her valor and her sword have since maintained her so. She has been acknowledged to be so by three of the leading powers of Christendom, and is regarded by all as such, except by Mexico herself. She neither now stands, nor ever has stood, in relation to Mexico, as a rebellious province or department struggling to obtain independence after throwing off her yoke; much less as a band of lawless intruders and usurpers, without government or political existence, as Mexico would have the world to believe. On the contrary, the true relation between them is that of having been independent members of what was once a federal government, but now subverted by force; the weaker of which has successfully resisted, against fearful odds, the attempts of the stronger to conquer and subject her to its power. It is in this light that the United States regard her; and in that they had the right to invite her to renew the proposition for annexation, and to treat with her for admission into the Union, without giving any just offence to Mexico, or violating any obligation, by treaty or otherwise, between us and her.

Nor will our honor, any more than our welfare and safety, permit annexation to be defeated by an invasion of Texas while the question is pending. If Mexico has thought proper to take offence, it is the United States, who invited a renewal of the proposition, and not Texas, who accepted the invitation, which should be held responsible; and we, as the responsible party, cannot, without implicating our honor, permit another to suffer in our place. Entertaining these views, our honor and interests being both involved, Mexico will make a great mistake if she supposes that the President can regard with indifference the renewal of the war which she has proclaimed against Texas.

But another, and still more elevated consideration, would forbid him to regard the invasion with indifference. Strong as the objections to it, of itself, are, in connexion with existing circumstances, those to the manner in which it is proclaimed it will be conducted are still more so. If honor and interest forbid a tame acquiescence in the renewal of the war, the voice of humanity cries aloud against the proposed mode of conducting it. All the world have an interest that the rules and usages of war, as established between civilized nations in modern times, should be respected, and are induty bound to resist their violation, in order to preserve them. In this case, that duty is pre eminently ours. We are neighbors; the nearest to the scene of the proposed atrocities; the most competent to judge, from our proximity, and, for the same reason, enabled the more readily to interpose. For the same reason, also, our sympathies would be more deeply roused by the scenes of misery which would present themselves on all sides; not to mention the dangers to which we must be exposed, in consequence of an invasion so conducted, near a distant and weak frontier, with numerous and powerful bands of Indians in its vicinity.

If anything can add to these strong objections to the manner in which it is proclaimed the war will be waged, it is the fiction, regardless of the semblance of reality, to which the government of Mexico has resorted as a pretext for the decree of the 17th of June, 1843, and the orders of General Woll of the 20th of June last. Finding nothing in the conduct or people of Texas to justify their barbarous character, and palpable violation of the laws of nations and humanity, it has assumed, in wording them, that there is no such government or community as Texas; that the individuals to be found there are lawless intruders and usurpers, without political existence, who may be rightfully treated as a gang of pirates and outcasts from society, and, as such, are not entitled to the protection of the laws of nations or humanity. In this assumption the government of Mexico obstinately persists, in spite of the well known fact, universally admitted by all except itself, that the colonists who settled Texas, instead of being intruders and usurpers, were invited to settle there, first under a grant by the Spanish authority to Moses Austin, which was afterwards confirmed by the Mexican authority; and afterwards by similar grants from the State of Coahuila and Texas, which it was authorized to make by the constitution of 1824. They came there, then, as invited guests;—not invited for their own interests, but for those of Spain and Mexico, in order to protect a weak and helpless province from wandering tribes of Indians; to improve, cultivate, and render productive, wild and almost uninhabited wastes; and to make that valuable which was before worthless.

All this they effected at great cost and much danger and difficulty, which nothing but American energy, industry, and perseverance could have overcome—not only unaided by Mexico, but in despite of the impediments caused by her interference. Instead, then, of a lawless band of adventurers, as they are assumed to be by the government of Mexico, these invited colonists became, in a few years, constituent portions of one of the members of the Mexican federation; and, since their separation, have established wise and free institutions, under the influence of which they have enjoyed peace and security; while their energy and industry, protected by equal laws, have widely extended the limits of cultivation and improvement. It is such a people, living under such institutions, successfully resisting all attacks from the period of their separation nine years ago, and who have been recognised

and admitted into the family of nations, that Mexico has undertaken to regard as a lawless banditti, and against whom, as such, she has proclaimed a war of extermination; forgetful of their exalted and generous humanity in refusing to exercise the just right of retaliation when, in a former invasion, victory placed in their hands the most ample means of doing so. The government of Mexico may delude itself by its fictions, but it cannot delude the rest of the world. It will be held responsible, not by what it may choose to regard as facts, but what are in reality such, and acknowledged so to be by all, save itself.

Such are the views entertained by the President of the United States in regard to the proposed invasion while the question of annexation is pending, and of the barbarous and bloody manner in which it is proclaimed it will be conducted; and, in conformity to his instructions, the undersigned solemnly protests against both, as highly injurious and offensive to the United States.

The undersigned, while making this protest and declaration, has been instructed at the same time to repeat to his excellency the Minister of Foreign Relations and Government of Mexico, what was heretofore communicated to him by the chargé d'affaires of the United States, in announcing the conclusion of the treaty,—that the measure was adopted in no spirit of hostility to Mexico; and that if annexation should be consummated, the United States will be prepared to adjust all questions growing out of it, including that of boundary, on the most liberal terms.

The undersigned avails himself of this occasion to renew to his excellency M. C. Rejon, minister of foreign relations and government of the republic of Mexico, the assurance of his distinguished consideration.

WILSON SHANNON.

To his Excellency M. C. REJON,  
*Minister of Foreign Relations, &c.*

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[Copy of a despatch from Mr. Calhoun to Mr. Howard, referred to in his letter to Mr. Donelson of the 17th of September, 1844; casually omitted in page 37.]

DEPARTMENT OF STATE,  
*Washington, September 10, 1844.*

SIR: Your despatch (No. 1) transmitted through General Taylor, enclosing a copy of your correspondence with the Secretary of State of the republic of Texas, has been laid before the President, who has given to it that deliberate consideration which its importance claims.

He approves of the construction which you placed on the letter of Mr. Nelson, acting Secretary of State *ad interim*, to Mr. Murphy; and on mine to Mr. Van Zandt, in relation to the assurances to which the Texan Secretary of State refers in his letter to which yours is a reply. But he instructs you to assure the government of Texas that he feels the full force of the obligation of this government to protect Texas, pending the question of annexation, against the attacks which Mexico may make on her, in consequence of her acceptance of the proposition of this government to open negotiations on the subject of annexing Texas to the United States. As far as it relates to the executive department, he is prepared to use all its powers for that purpose. But the government of Texas is fully aware that

they are circumscribed by the constitution within narrow limits, which it would not be possible for the President to transcend. All that he can do is, to make suitable representations to the Mexican government against the renewal of the war pending the question of annexation, and the savage manner in which it is proposed to conduct it, accompanied by appropriate protests and indications of the feelings with which he regards both; and to recommend to Congress to adopt measures to repel any attack which may be made.

In execution of the first, a communication (a copy of which is enclosed) has been addressed to our minister in Mexico, and forwarded to him by a special messenger, which, it is to be hoped, will not be without effect in arresting her hostile movements. You will give a copy of it to the Texan government, and you will assure it that, when Congress meets, the President will recommend the adoption of measures to protect Texas effectually against the attacks of Mexico pending the question of annexation. He hopes these measures will prove satisfactory to the government of Texas, and that no serious invasion will be attempted, at least, before the meeting of Congress.

I enclose a copy of a despatch to our minister at Paris, which you may show to President Houston and the Secretary of State. It will doubtless be satisfactory to them to learn that France is not disposed, in any event, to take a hostile attitude in reference to annexation. A despatch, of a subsequent date to the one to which the enclosed is an answer, gives a conversation between Mr. Guizot and our minister, equally satisfactory as that with the King. He stated, in reply to a question on the part of our minister, that France had not agreed to unite with England in a protest against annexation.

I am happy to add, in conclusion, that the indications of public sentiment are highly favorable to the cause of annexation, and that we may now look forward, with much confidence, to the consummation of that great measure at no distant period.

I am, sir, respectfully, your obedient servant,

J. C. CALHOUN.

To TILGHMAN A. HOWARD, Esq., &c., &c., &c.

## CORRESPONDENCE BETWEEN MR. GREEN AND MR. BOCANEGRA.

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*Mr. Green to Mr. Bocanegra.*

LEGATION OF THE U. S. OF AMERICA,  
*Mexico, May 23, 1844.*

The undersigned, chargé d'affaires *ad interim* of the United States of America, has the honor to inform his excellency J. M. de Bocanegra, minister, &c., &c., that he has just received, by special messenger, despatches from his government, by which he is instructed to inform the Mexican government that a treaty for the annexation of Texas to the United States has been signed by the plenipotentiaries of the two governments, and that the said treaty would be immediately submitted to the Senate of the United States for its approval.

The President of the United States has enjoined the undersigned to accompany this communication to the Mexican government with the strongest assurance that, in adopting this measure, the government of the United States is actuated by no feelings of disrespect or indifference to the honor and dignity of Mexico, and that it would be a subject of great regret if it should be otherwise regarded by the Mexican government.

The undersigned is also instructed to state to the Mexican government that this step was forced upon the government of the United States in self-defence, in consequence of the policy adopted by Great Britain in reference to the abolition of slavery in Texas. It was impossible for the United States to witness with indifference the efforts of Great Britain to abolish slavery in that territory. They could not but see that she had the means in her power, in the actual condition of Texas, to accomplish the objects of her policy, unless prevented by the most efficient measures; and that, if accomplished, it would lead to a state of things dangerous in the extreme to the adjacent States, and to the Union itself. Seeing this, the government of the United States has been compelled, by the necessity of the case, and a regard to its constitutional obligations, to take the step it has taken, as the only certain and effectual means of preventing it. It has taken it in full view of all possible consequences, but not without a desire and hope that a full and fair disclosure of the causes which induced it to do so would prevent the disturbance of the harmony subsisting between the two countries, and which the government of the United States is anxious to preserve.

The undersigned is also directed by the President of the United States to assure the Mexican government that it is his desire to settle all questions between the two countries, which may grow out of this treaty, or any other cause, on the most liberal and satisfactory terms, including that of boundary; and that the government of the United States would have been happy if circumstances had permitted it to act in concurrence with that of Mexico in taking this step. But with all its respect for Mexico, and anxious desire that the two countries should continue on friendly terms, it could not make what it believed might involve the safety of the Union itself depend on the contingency of obtaining the previous consent of Mexico. But while it could not, with a due regard to the safety of the Union, do that, it has taken every precaution to make the terms of the treaty as little objectionable

to Mexico as possible, and, amongst others, has left the boundary of Texas without specification; so that what the line of boundary should be, might be an open question, to be fairly and fully discussed, and settled according to the rights of each, and the mutual interests and security of the two countries.

The undersigned avails himself of this occasion to renew to his excellency Mr. Bocanegra the assurance of his high consideration.

BEN. E. GREEN.

His Excellency J. M. DE BOCANEGRA,  
*Minister of Foreign Relations, &c., &c.*

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*Mr. Bocanegra to Mr. Green.*

[Translation.]

NATIONAL PALACE, *Mexico*, May 30, 1844.

The undersigned, Minister of Foreign Affairs and Government, has had the honor to receive the note which the *chargé d'affaires ad interim* of the United States of America has been pleased to address to him under date of the 23d instant, in which he communicates the arrival of a special messenger sent with despatches from his government for the legation of the United States of America, with the object of informing the government of this republic that the Executive of those States had signed and transmitted to the Senate a treaty for the annexation of the department of Texas to the Union of the United States.

The simple reading of the note to which the undersigned is replying is sufficient to recognise the magnitude and gravity of the subject which it contains; and it is certainly wonderful that a government ennobled and governed by institutions so liberal and so well founded in the known admitted principles of committing no aggression, and especially to guard and respect in every sentiment and in every manner the imprescriptible rights of man in society, has proceeded to the negotiation, approval, and even transmission to the Senate, of a treaty which indubitably and notoriously despoils Mexico of a department which, by ownership and by possession, belongs to her, and has always belonged to her, according to the contents of the clear, conclusive, repeated, and very early protests which the government of this republic has made, laid not only before the government and republic of the United States, but before nations and the world.

An event such as the note of Mr. Green announces, leads, without doubt, to consequences the most serious and of the highest importance; since no one is ignorant that, in treating with nations, the principles and law should be observed and considered, which are observed and considered even with respect to individuals. Thus it is that the obligations of contracts are the same, and the respect to individual and social guarantees are the same, and they are arranged among themselves. And has the step taken by the government of the United States of America been adjusted to these rules and principles of reason, of political truth, and of justice? which, as Mr. Benjamin Green knows, are laid down among nations in the respect and consideration which are due to themselves, and reciprocally among each other. The act speaks for itself; and makes it manifest that in its exercise were forgotten the principles which always protect governments and men in their relations, in their compacts, and generally in their actions.

Mr. Green, with reference to advice from his government, gives to the government of Mexico the most conclusive assurances that, in adopting the measure of adjusting a treaty for the annexation of Texas, no other principle has actuated it, and it fulfils no other end, than that of its own security and defence from the policy which Great Britain has adopted for the abolition of slavery.

The undersigned does not, nor ought he to, enter upon the question of what may be, or what should be, the course which the United States should pursue in their relations with Great Britain; nor what the policy which it becomes it to adopt with respect to said nation. Neither should he, for a moment, consider what may be the benefits or disadvantages which may be produced in the United States by the variety or division which is observed, and which the press exhibits to us in a public and undeniable manner, relative to the abolition of slavery;—it being sustained in some that this should be protected, and in others that it should be extinguished; seeing, with horror, this relic of barbarous ages, proscribed by philosophy, and by the intelligence of the epoch. These questions should not in truth occupy the undersigned; nevertheless, in alluding to them, the *chargé d'affaires* of the United States \* \* \* \* \* The resolution of these depends on emergent circumstances, and on the progress which no one can arrest.

But when, in order to sustain that slavery, and avoid its disappearing from Texas and from other points, recourse is had to the arbitrary act of depriving Mexico of an integral part of her possessions, as the only certain and efficacious remedy to prevent what Mr. Green calls a dangerous event; if Mexico should be silent, and lend her deference to the present policy of the Executive of the United States, the reproach and the censure of nations ought to be her reward.

If a succession of events, which are known to the American legation, the publicity whereof it is sufficient to insinuate, have gone on to put the colonists of Texas, and the adventurers who have come in more lately, without more character or mission than their own will, and the inspirations and impulses which have been given them—putting them in an attitude to usurp a territory over which those had not a full and absolute dominion, and which, in the part not colonized, cannot, and ought not, to be considered *primi occupantes*;—if that same series of events has retarded the reconquering of that territory, although it has not been abandoned, this does not give a legal title to the rebellious colonists, and still less to the new comers, to consider themselves masters of it, whatever may be the reasons which might be brought forward; since the repeated acts and protests of Mexico to preserve the plenitude of her rights would be sufficient against it.

The best titles of dominion are those which are based on good faith; and this is not found in the conduct of those who directly, or indirectly, have constituted themselves true usurpers. Mexico, being persuaded of this truth, generally recognised and considered in the law which has never denied to nations what it grants to individuals, has sustained the territory of Texas as its own, even though a series of causes foreign to its will may have impeded its constant action to resubdue it.

With this motive, Mexico has been always seen to operate to repossess herself of Texas by the means proper to nations, without being able to point out a single act which may indicate that she may have had even the intention of separating herself, and renouncing her imprescriptible rights.—

rights so much the more sacred, inasmuch as they are founded in the same nature with which she acquired them, and in her legal possession.

Mexico, the undersigned repeats, consistent always in the conduct which she has preserved to sustain the justice of her cause, protested before the whole world, and in the most solemn manner, against the acknowledgment by the United States of the independence of Texas, as an act aggressive to her sovereignty; since that acknowledgment, being well considered; effected so hurriedly, abandoning or disdaining diplomatic facilities, and without regard to right, it will be unable to qualify the national morality as sound, or in good feeling, but as the political apotheosis of usurpation. Mr. Green knows what has been the conduct of the supreme government of Mexico with respect to the United States, notwithstanding that circumstances were leading to a rupture.

The government of the undersigned is instructed (and it appears by unanswerable documents) that, in the proclamation and act of independence of Texas, there assisted but few Mexicans—so small in number that they scarcely amounted to ten; and that those who figured as principals are almost in totality natives of the United States, who would never have taken so disloyal a step if they had not counted upon assistance which should be rendered them in order to sustain a struggle in which they were going to enter, and with a nation with whom they had not the slightest cause of quarrel, and without any other precedent than the kindness and frankness with which she admitted the first colonists.

Experience has just manifested that what at that period might have been reputed as conjectural or suspicious, is a lamentable reality.

The meetings publicly drawn together in New Orleans and other parts of the United States, for the purpose of exciting sympathy in favor of the (so called) republic; the emigration of armed adventurers, warlike stores, armament, munitions, and other acts of hostility;—it is proved that these have proceeded from the same republic whose Executive has signed the treaty of annexation.

The acts of aggression towards Mexico, and the chiefs who have commanded them, have also proceeded from the same republic of Washington; and many times has it been manifested with regret and formality by the supreme government of Mexico, through the undersigned, and through their minister in those States, by means of conferences and notes, without being able to succeed in having a stop put to similar acts, or in acting according to the treaties which bind both republics as a strong conventional law.

At this very day, the note of the 23d instant, (May,) to which the undersigned is now replying, gives the most conclusive, full, and clear proof that the Mexican republic, under every aspect, is wounded in her rights, and outraged in her honor and dignity. It is said by Mr. Green, by order of his government, that the treaty of annexation of Texas to the United States has been adjusted and signed; and that, in order not to be wanting in the consideration due to Mexico from that republic, it communicates to her that it has been rendered necessary for its safety and interest to take such a step. Let Mr. Green permit me to call his attention, as also that of his government and the nation whom he represents, to [this:] that this act, which is said to be out of respect to Mexico, is in reality but the manifestation of an event consummated—if not with the constitutional perfection, through want of the approval of the Senate, yet certainly on the part of the Executive, who has done as much as he had to do in the exercise of his functions, without

Mexico and her rights, her honor and dignity, having the smallest part in a consideration which he now manifests towards her, in making her truly a notification ; and by this opportunity (*ocaso*) the chargé d'affaires assures that his government has taken that resolution, and has taken that step, in full view of all possible consequences. And it is nevertheless affirmed that Mexico is respected, and that her rights are considered ! The undersigned and his government cannot reconcile the facts with the words ; although it is perceived that the rights of the Mexican nation are as clear, as conclusive, and obligatory, as the same government of the United States has expressly confessed in the note which is being replied to ; it being very remarkable that a document, which carries on its face (*consigno*) so express a confession, is the same which tramples upon them ; assuring that what belongs to Mexico, has been indefectibly usurped by the United States.

With regard, finally, to the assurance of the chargé d'affaires to Mexico, that the settlement of all the questions which may result (including those of limits, considering the treaty as concluded) is desired ; the undersigned has express orders from the President of the republic to say and affirm, in the most conclusive and express manner, that Mexico has not renounced, and should not renounce, nor in any manner cede, the totality or part of her rights ; that the firm and constant resolution has been, and is, to preserve the integrity and dignity of the nation ; that at this time, as very opportune for the reproduction of his protests, he gives them here, as express as if they were in full, (*como si lo fuesen una á una.*) signally recalling to mind as special that of the 23d of August, 1843, in these words : " That Mexico will consider as a declaration of war against the Mexican republic the ratification of that agreement for the incorporation of Texas into the territory of the United States."

The undersigned also states, by order of his government, that a formal treaty existing, as it does, between Mexico and the United States, which fixes the line of limits between both republics, the Mexican is disposed to its fulfilment, and to give it the perfection of scientific operation, as the only pending requisite ; that all that may not be conducted by these principles of international law in the case, would be to remove a legitimate obligation in order to open a negotiation, which, wanting legality in its origin, would not have any base upon which to raise any new operation which might be attempted.

And, in concluding, the undersigned cannot do less than call the attention of Mr. Green and his government to the satisfaction which not only the fact of the adjusted annexation demands, but the outrage and atrocious injury which is done to Mexico, in her dignity and rights, in signing the cited treaty ; and Mexico flatters herself with the hope that the Senate of a nation enlightened, free, and founded by the immortal Washington, will not constitutionally consummate an act which reason, right, and justice condemn ; but if, unfortunately, and contrary to this hope, the said treaty should be approved, Mexico, in so painful an event, will consider herself placed in such a position as that she ought to act conformably to the law of nations, and to her protests.

The undersigned avails himself of this opportunity to repeat to the chargé d'affaires of the United States of America the assurances of his distinguished consideration.

J. M. DE BOCANEGRA.

Mr. BENJAMIN E. GREEN,

*Chargé d'Affaires, ad interim, of the U. S. of America.*

*Mr. Green to Mr. Calhoun.*

[Extract.]

LEGATION OF THE U. S. OF AMERICA,  
*Mexico, June 7, 1844.*

SIR: Colonel Thompson will inform you that Mr. Bocanegra's note of the 30th instant, [ultimo,] in reply to mine of the 23d, (copies of which I sent you by him,) was received so late on the night before his departure, that I had barely time to make out a copy, and to refer you, in my despatch, to him for particulars. It was my intention to leave it entirely to you to answer that note; but, on further consideration, I have thought it proper to rebut at once the admissions which Mr. Bocanegra has so adroitly endeavored to deduce from the conciliatory tone of my note of the 23d. This I have thought the more necessary, as the Mexican government has sent copies of the correspondence to each of the foreign ministers here, and intends to publish it immediately. I presume that it is not intended to recede from the ground taken by Mr. Upshur, in his despatch (No. 51) of the 20th of October, 1843. Accompanying this, is a copy of my reply, in which I have taken that despatch for my guide. I shall not follow the example of this government, by sending copies to the diplomatic corps; for I cannot suppose that the United States recognise that, or any other tribunal than their own sense of right and justice.

Judging from the newspapers received from the United States, this government is confident that the treaty will be rejected by the Senate; otherwise, it would immediately agree to any reasonable proposition on the subject of boundary. As it is, confident in the supposed hostility of the Senate to the President, it assumes a lofty and warlike tone, expecting to strengthen its popularity by making the Mexican people believe that the failure of the treaty was owing to its firmness and threats.

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*Mr. Green to Mr. Bocanegra.*

LEGATION OF THE U. S. OF AMERICA,  
*Mexico, May 31, 1844.*

The undersigned, chargé d'affaires *ad interim* of the United States of America, has the honor to acknowledge the receipt of the note of his excellency J. M. de Bocanegra, of yesterday's date; a copy of which has been forwarded by the undersigned to his government.

The undersigned might, then, with propriety, content himself with simply acknowledging its receipt, leaving it to his government to make what reply it may deem proper to so extraordinary a paper. He considers it alike unbecoming the importance of the subject, and his official character as the representative of a powerful people, whose generosity Mexico has more than once experienced, to retort injurious epithets with his excellency the Minister of Foreign Relations. But there is one passage in the note of his excellency Mr. Bocanegra, which he feels called upon to notice. It is that in which his excellency says, "It is said by Mr. Green, by order of his government, that a treaty for the annexation of Texas to the United

States has been agreed upon and signed; and that, not to be wanting in the respect due to Mexico, he communicates to her government that the United States have been forced, by their own safety and interests, to take this step, &c. It being very remarkable, that a document which contains so express an acknowledgment, (of the rights of Mexico,) should be the same that tramples upon those rights," &c.

If his excellency will refer to the note of the undersigned, he will see that he has entirely mistaken its import. The undersigned would be sorry to believe that his excellency Mr. Bocanegra has wilfully perverted his meaning.

The government of the United States, in making that communication to the Mexican government, neither directly nor indirectly admits that Mexico is the legal proprietor of Texas, or that any apology or explanation is due to her as such. The independence of Texas having been recognised, not only by the United States, but by all the other principal powers of the world, (most of whom have established diplomatic relations with her,) she is to be regarded as an independent and sovereign power, competent to treat for herself; and, as she has shaken off the authority of Mexico, and successfully resisted her power for eight years, the United States are under no obligation to respect her former relations with this country.

The government of the United States, however, has thought proper, in a friendly and candid manner, to explain to Mexico the motives of its conduct; and this it has thought due to Mexico—not as the proprietor of Texas, either *de jure* or *de facto*, but as a mutual neighbor of Texas and the United States, and one of the family of the American republics.

The undersigned must be allowed here to express his surprise that Mexico should renew her unfounded protests against the course which the government of the United States has thought proper to adopt in relation to the republic of Texas; and more especially that she should address those protests to that community of nations which, by recognising the independence of Texas, have long since denied to Mexico any right to complain. The ground assumed by his excellency, that Mexico, by futile protests upon paper, could retain her rights over the territory of Texas, notwithstanding the facts (which are notorious) that Texas has declared and maintained her independence for a long space of years; that, during that length of time, Mexico has been unable to reconquer her, and has of late ceased all efforts to do so, is truly novel and extraordinary. As well might Mexico, by similar protests, declare that the world is her empire, and the various nations who people it her subjects, and expect her claim to be recognised.

The undersigned also begs leave to express his regret that Mexico should have rejected, in a manner so little to have been expected, the friendly proposal of the government of the United States to settle the questions which may grow out of their present relations, by amicable negotiations; and he takes this occasion to say, that, if war does ensue, as threatened by Mexico, Mexico herself will be the aggressor, and will alone be responsible for all the evils which may attend it. In the mean time, the United States will pursue the policy which their honor and their interests require—taking counsel only of their own sense of what is due to themselves and to other nations.

The undersigned has reason to congratulate his country upon this correspondence; for the world will now see that the United States, throughout the whole course of this matter, have conducted themselves with honor,

justice, and forbearance towards Mexico; and that, in so long deferring to do that which the society of nations, by recognising the independence of Texas, has declared it to be their right to do, and in forbearing to exercise that right until it became necessary for their own security, they have done all and more than Mexico could reasonably ask of them. The world will also know the manner in which the friendly overtures of the United States have been met by Mexico; and if war, with its long train of evils, does result, will lay its censure where it will be justly due.

The undersigned avails himself of this occasion to assure his excellency Mr. Bocanegra of his distinguished consideration.

BEN. E. GREEN.

His Excellency J. M. DE BOCANEGRA,  
*Minister of Foreign Relations, &c.*

*Mr. Green to Mr. Calhoun.*

[Extract.]

LEGATION OF THE U. S. OF AMERICA,  
*Mexico, June 15, 1844.*

SIR: I had the honor, a few days since, to send a copy of my note of the 31st ultimo, in answer to Mr. Bocanegra's very harsh note of the 30th, (No. 1.) I now send you a copy of his reply of the 6th instant, to which I deemed it proper to reply in the terms of mine of the 10th instant, a copy of which I send you, (No. 2.) I have just received an answer, dated June 12, of which No. 3 is a copy. To this I shall not reply before hearing further from you; notwithstanding the singular position it assumes, that the United States, by their treaty of limits with Mexico, were bound to guarantee the integrity of the territory of Mexico, and the possession of Texas.

I hope that the ground taken in my second note, and the tone of the last, which I now send, will be approved by the President.

In the "Diario" of the 13th, you will find a sanguinary order, addressed to General Woll, of the army of the north; which directs that any individual who may be found beyond a league's distance from the left bank of the river Bravo shall be punished as a traitor, after a summary military trial. I called to see Mr. Bocanegra upon the subject [of this order,] and told him that I hoped it would not be put in force against any citizen of the United States; that an example had been set in the revolutions of Mexico herself; that Commodore Porter, and many other citizens of the United States, had taken part with Mexico, but none had, even when taken prisoners, been treated by Spain as traitors. He replied, that the order applied only to Mexican citizens. I answered, that I was glad to hear him say so; but regretted that the order had been so vaguely and generally worded, and hoped that no mistakes would be made, as far as citizens of the United States were concerned.

I send you also the "Diario" of the 11th June, in which you will find a message from the Minister at War to the Congress; and recommend particularly to your attention the third paragraph, which I have marked. In the "Diario" of the 13th, you will also find some remarks addressed to the chambers by the Minister of Justice. Both the message of the Minis-

ter of War and the speech of the Minister of Justice support the opinion advanced in my last despatch—namely, that the vital importance of Texas to the security of the United States is well understood here; that they know that, sooner or later, the annexation must take place, unless Mexico avails herself of the delay to reconquer that country; and that their hopes of its defeat for the present are based upon the supposed opposition of the Senate of the United States to Mr. Tyler personally.

As yet, the Congress has not been able to settle down on any plan for raising the four millions of dollars, called for by Santa Anna, to begin the campaign against Texas. Various plans are proposed, but all liable to great opposition.

When the Congress first met, Santa Anna intrigued for "extraordinary powers," which the Congress were found unwilling to grant. Then he called on them to raise \$4,000,000 and 30,000 men. They were afraid to take the responsibility of raising the taxes, already insufferable, and proffered the extraordinary powers. It was now his time to refuse, as he wished to throw on them the responsibility of raising money. It is believed by many that he wants this sum of money, not to make war upon Texas, but for his own ambitious purposes at home; and that the present question of Texas is merely an excuse for carrying into effect his favorite measure—the increase of the army. Meanwhile, however, troops have been secretly despatched for the northern frontier; a troop of cavalry is to follow in a day or two; and, this morning, proposals for supplies of provisions, clothing, &c., to be deposited at Mier and Matamoras, are posted at the corners of the streets. This looks something like reality; and it is probable that General Canalizo, with a considerable force, will be sent to make another attempt to reconquer Texas.

HON. JOHN C. CALHOUN, &c.

*Mr. Bocanegra to Mr. Green.*

[Translation.]

[No. 1.] NATIONAL PALACE, *Mexico*, June 6, 1844.

The undersigned, Minister of Foreign Relations and Government, had the honor to receive the note, addressed to him under date of the 31st of May, by the chargé d'affaires *ad interim* of the United States of America, in reply to that from the undersigned, written in answer to one of the 23d of the same month, respecting the grave and important matter of the treaty, signed by the Executive of the United States, for the annexation of the department of Texas to that Union.

The undersigned would certainly have fulfilled all that is required by diplomatic propriety and etiquette, should he confine himself to simply acknowledging the receipt of the abovementioned note; as it, however, contains various points of the highest interest to all concerned in the question at issue, he finds himself under the necessity of answering Mr. Green in the order observed in the said note from the American legation.

The term *extraordinary*, applied by Mr. Green to the undersigned's answer of the 30th of May, might certainly be more naturally and properly

assigned to the note to which the present is a reply; since it may be asserted, with the utmost confidence, that all that is *extraordinary* consists in the fact that the American legation having, by order of its government, opened the discussion of a matter brought forward by the same legation in its note of the 23d of May, the Mexican government had no other course left, and could follow none other, than to reply in the terms and upon the bases used in its note of the 30th, to which Mr. Green replies.

The communication from the *chargé d'affaires ad interim* is, however, extraordinary—considering that, as he had given to the Mexican communication a certain direction, by transmitting it to his government, with the expression of a desire that it should give the answer, nothing was more natural, nothing more obvious, than to await that answer, requested by the legation itself, in the manner and terms stated by the *chargé d'affaires ad interim* in his said note. It was, in truth, most natural, most just, and undoubtedly most consonant with the ordinary mode, to reply to what is placed in discussion and asked.

The *chargé d'affaires ad interim* declared, in his note of the 23d of May, the principal motive which induced his government to sign the treaty for the annexation of Texas; stating that, for the convenience and security of the United States of America, and in order to free themselves from the policy of Great Britain, they had determined to occupy Texas, without leaving to Mexico any further liberty or right than that of settling the boundaries. And was no answer to be made to this? Was Mexico to leave in silence, and condemn to oblivion, the justice with which she claims and demands what is due to her, and what is required by the right which all nations possess, when they can appeal, as in the present case, to the international right established by treaties? Is the Mexican nation to remain silent, whilst it is deeply wounded in its dignity, and seriously compromised by the difficult position in which it is placed by the failure of compliance with international stipulations and compacts?

How can it be considered extraordinary that Mexico should have replied to, and protested against, the usurpation of what belongs to her, and has belonged legally to her, by a thousand titles, ever since the period of her independence and emancipation? What can Mr. Green find extraordinary in this conduct? What can he see new in a nation's claiming back that which is usurped from it, on the ground of convenience and security, as declared (by another nation,) solely on its own authority? Is it extraordinary that Mexico should repeat what she has advanced so frequently, with proofs and reasons—relying not only upon her own words, but on just, precise, and indefeasible titles? Should she have limited herself to a simple acknowledgment of receipt? Would that have been consistent with the principles adopted and given to the world with publicity? Was it not Mr. Green who opened and provoked the discussion? and is it not he who has continued it? Who, therefore, acts extraordinarily? The answer is simple, and very easy! and the undersigned doubts not that it will be given by all who yield to the voice of impartial justice. There cannot certainly be found a single man who, after reading and comparing the notes, will not see and confess that Mexico, while acting with energy and firmness, restrains herself within the limits of moderation in her expressions and views, as the importance and nature of the subject under consideration require.

The *chargé d'affaires ad interim*, in his note which the undersigned is answering, employs exactly these words: "He considers the note of the 3d

[30th] of May indecorous; and the importance of the affair little worthy of his official character as the representative of a powerful nation, whose generosity Mexico has often experienced."

Thus Mr. Green considers it indecorous that another nation, as worthy of consideration as the rest—especially when it is claiming its own lawful, real, and existing property—should address him in the language of international law, which gives power, rigor, and justice, protesting against the infraction of treaties. Though this be in his opinion indecorous, Mexico regards it as legal, and compatible with the principles of national law, and even of common law, as the undersigned has already had the honor, upon another occasion, to say to the American legation, by order of his government, while addressing to it those protests which the chargé d'affaires, on his own authority, pronounces unfounded—declaring them so without any other proof than his own assertion. To no one can it appear indecorous that Mexico should express and maintain her rights in resistance to the usurpation, with all the force derived from the justice of her cause; and, on the other hand, the Mexican republic would be unworthy to be reckoned among nations who know how to value their sovereignty and independence, if it were to remain silent and passive, with degradation and contempt, in a matter of vital importance affecting so deeply the rights which all the nations of the earth maintain, and have maintained, from duty, from use, and even from custom. Mexico is then to be silent, and to receive as orders the infraction of treaties, committed without precedent and without reason. Mr. Green should remember that he who uses his right offends no one; and if Mexico has asserted the rights which she has over the department of Texas, she has done so with resolution—without transgressing the limits of what is due to reason and courtesy. This is not indecorous, nor has it ever been so considered. The chargé d'affaires alludes to the generosity with which Mexico has been more than once treated. The undersigned wishes that those acts of generosity had been specified, in order that they may thus be made known, and acknowledged as such.

Mr. Green says he regrets to be obliged to mention some points in the note of the 30th of May, from the undersigned, as offensive.

The chargé d'affaires will, however, allow the undersigned to tell him that this reproach deserves to be considered in no other light than as gratuitous; and to assure him that it will be completely done away by a simple comparison of the notes exchanged between the legation and the Mexican ministry; and it would be sufficient to transcribe literally the proposition as made by the chargé d'affaires, and that stated by Mexico, to answer an assertion in which it is forgotten that, while refuting it, the proof in favor of Mexico was established in these words: "and not wanting in the respect due to Mexico, his government states that the United States have been obliged, for their own security, to adopt this measure." This is not altering, but showing truly how far the respect due to Mexico can be reconciled with the adoption of the treaty founded on the security and interests of the United States.

The government of the United States, says Mr. Green, in addressing this communication to Mexico, neither directly nor indirectly admits that she is the legitimate possessor of Texas—the independence of which has been acknowledged not only by the United States, but also by the other principal powers. The chargé d'affaires, however, took care to be silent as to the essential and notable circumstance that Mexico has protested against this

acknowledgment of the independence of Texas, from the moment when it was first made; that she has repeatedly claimed her rights, and maintained and defended them on the just titles which have been and are in her favor; declaring constantly that certain extraordinary acts could not lessen the rights of Mexico, nor can nor could accrue to her injury—unless an act can be considered as compatible with the principles of national law, which is directly at variance with, and repugnant to, natural right—the highest of all rights—guarantying alike the property of nations and individuals. Will it, on the contrary, be said that a violent occupation and detention is superior to the legal power which a proprietor holds over what is his own?

The question turns not on possession, but on the right of property; which is certainly not lost, because force interposes to usurp it. The common law (repeats the undersigned) as well as the law of nations considers and applies to individuals, without excepting nations and their governments, comprehending and embracing them under the immutable rules of reason and justice.

The government of the United States (continues Mr. Green) has thought proper to communicate with Mexico in a friendly manner, while exposing the motives of its conduct,—not as having a right to Texas, but as being situated contiguous to that department and to the United States, and moreover as being a member of the family of American republics. The undersigned, however, does not know how it happens that the *chargé d'affaires* did not notice the contradiction which results from communicating with Mexico in a friendly manner, in exposing the motives of their conduct, and at the same time excluding her from the right which constitutes her title to that consideration; for it is as much as to say that the belief that Mexico is worthy of consideration, and of having communicated to her the causes which actuate the cabinet of Washington, was an erroneous belief; or at least that Mr. Green, who set it forth, has withdrawn from the opinion presented by him in explanation. If it were so, it is positively an offence given, and an injury committed, without any other motive than the resistance legally offered to a declared usurpation and a direct infraction of treaties.

No less offensive to Mexico is the pretext, (which the undersigned will take the liberty of repelling, as he does,) that the vicinity of Texas and of the United States is the motive of the latter in giving to Mexico the intimation of the present affair. That pretext is strange, and absolutely new in questions of this nature and importance. Mr. Green will allow the undersigned not only to term it extraordinary, but to refuse to admit it in any way, as he has express orders to do.

The *chargé d'affaires* announces his surprise that Mexico should repeat the protests, which he has been pleased to term as unfounded; and assumes as established, that this republic, in sustaining its authority over Texas, sustains new and extraordinary principles,—making, at the same time, allusions really strange, which Mr. Green will allow the undersigned to term inadmissible in matters of social convention. If Mexico has protested and does protest, she has done so and does so in virtue of just titles, well recognised, and establishing her dominion over Texas from the period of her emancipation—titles which have been acknowledged and approved in the most serious public acts, by nations with which she fortunately maintains the best relations of friendship, and most particularly by the United States, where treaties of amity and limits present the most irrefragable evidence of

the right of Mexico to complain, and to protest against the infraction of the compacts which bind nations together.

Circumstances inevitable, and more or less complicated, occurring, (some in the bosom of this republic, and others out of it,) have retarded the accomplishment of the recovery of Texas; but is it not true and well known to the United States, that Mexico has maintained, and does maintain, an army, which has on several occasions, and in several victorious expeditions, marched over that territory, until the very recent act of the suspension of its military movements, in consequence of an armistice, for the purpose of dislodging the usurpers from the Mexican territory?

What is the act which can be considered as the renunciation of rights, with respect to that integrant part of the republic?

Is not that really a seizure and usurpation, which it has been thought proper to call a possession? A possession cannot exist where good faith is not to be found.

The government of the undersigned has been surprised to see the chargé d'affaires of the United States assert that Mexico has despised amicable propositions to settle the question which gave rise to the present events; and his excellency the President of the republic orders the undersigned to say to you expressly, as he now has the honor to do, that no other proposition has been made to him, except the indirect and confused one relative to limits, and which is contained in vague language in the first communication from Mr. Green; and even should such have been made, the undersigned has been expressly authorized to inform the American legation that Mexico, being most jealous of her rights, her dignity, and her independence, and most attentive to what is due to her sovereignty and integrity, is resolved to maintain by every means, and in every respect, those favorable titles; preferring glory and honor always to degradation and ignominy.

The appeal made by Mr. Green to the world has been made by Mexico long since, and recently; the government and nation on whose part the undersigned has the honor to speak, indulging the expectation that, in order to obtain a just decision, it will be necessary merely to compare the notes exchanged, and their contents, so as to show that neither the dispute nor the war is provoked by Mexico, but by the party which takes possession of another's property, under the pretext of such a course being required for its security and interest, in contempt of international law as well as of the rights of nations.

The whole world will know how to place this controversy in its true point of view; and civilized and just nations will examine the precedents, and will analyze and determine the conduct of both republics.

If, unfortunately, the evils of war should hereafter be felt, they will fall on the head of the party which has made itself responsible, and liable to the impartial and severe judgment which condemns those worthy of reprobation and censure.

The undersigned repeats, &c.

J. M. DE BOCANEGRA.

To BENJAMIN E. GREEN, Esq.,  
*Chargé d'Affaires of the United States.*

*Mr. Green to Mr. Bocanegra.*

[No. 2.]

LEGATION OF THE UNITED STATES,  
Mexico, June 10, 1844.

The undersigned, chargé d'affaires of the United States of America, *ad interim*, has the honor to acknowledge the receipt of the note of his excellency J. M. de Bocanegra, of the 6th instant, in relation to the "grave and important" subject of the treaty lately concluded at Washington, for the annexation of the republic of Texas to the United States of America.

The undersigned is gratified to see that, although his last note upon this subject has been incorrectly translated in many respects, his excellency Mr. Bocanegra has felt the full force of the inference therein made to the harsh language and unjust insinuations, directed in his excellency's note of the 30th ultimo, against the government and people whom the undersigned is proud to represent. He is still more gratified to see that his excellency, by so labored and lengthy an effort to defend himself from the imputation of a want of courtesy, fully admits the impropriety of using discourteous or heated language in treating of so delicate a subject. His excellency should, and doubtless does, know full well that harsh words prove nothing in favor of the justice of the cause they espouse; that, on the contrary, they are an argument of weakness, being generally the last resort of those to whom arguments are wanting. Such invectives are inadmissible even in the quarrels of individuals; much less are they allowable in national differences. The consequences of the latter are of such magnitude, and the evils to which they sometimes lead so great and so extended, as to call for great moderation and calmness in those to whose hands are intrusted the destinies of a great people. Reproaches and denunciations are the language of passion; they neither convince the mind, nor remove difficulties; but, on the contrary, add fuel to excited spirits, and end in bloodshed and evil. Well convinced of this, the undersigned will continue to avoid everything calculated to irritate or estrange. He knows that if by invective and rejoinder (as it only can be) this question is pushed to the extreme of an appeal to arms, the blood of many victims will cry curses from the earth upon those who, by inconsiderate warmth, shall have brought about so painful a consummation.

The undersigned must be permitted to add, that he considers the note of his excellency Mr. Bocanegra of the 30th ultimo, as also that of the 6th instant, discourteous and highly objectionable. The charges of usurpation, atrocity, bad faith, and violation of treaties, so often repeated, and the rash and ungracious insinuation contained in that passage of his excellency's note of the 30th March, beginning in these words: "*La experiencia ha venido á declarar,*" &c., &c., are as objectionable as they are gratuitous and unfounded; and the undersigned hopes that they will not be repeated. He has also the express orders of his government (given in a former, but applicable to the present occasion) to say to that of Mexico, that he can hold no intercourse with it, except on such terms of courtesy and respect as are due to the honor and dignity of the United States.

His excellency Mr. Bocanegra promises to answer the note of the undersigned in the same order observed therein. But, singularly enough, his excellency immediately grapples with an argument, certainly never advanced by the undersigned. After narrating that notice had been given to the Mexican government of the conclusion of a treaty for the annexation of

the republic of Texas to the United States, his excellency exclaims: "And was not this to be answered? Was the justice with which Mexico sustains and demands that which is her due, and which she exacts by the right which all nations have when they interpose, as in the present case, international right by the medium of treaties, to be left in silence and condemned to forgetfulness? Is it wished that the Mexican nation should remain silent, seeing itself highly offended in its dignity, and seriously compromised by the difficult position in which the failure to comply with international stipulations and compacts places it?"

The undersigned must be excused for noticing in the above extract two material departures from the rules of sound logic. It contains both the *petitio principii* and the *assumptio falsi* of the logicians. It assumes that the United States have violated their treaties; which the undersigned by no means admits. It also assumes that an indignity has been offered to Mexico; that the undersigned wished her to bear it in silence, and did not wish his excellency to answer the note of the 23d ultimo. In all this his excellency is mistaken. Neither the acts nor the notes of the undersigned bear such a construction. He has never expressed nor entertained such a sentiment; on the contrary, he wished and expected an answer; but he expected that that answer would be couched in those terms of courtesy and respect which every government owes to itself and to others. He expected that it would contain nothing to embitter and inflame passion; and he regrets that, in this respect, he was mistaken. The undersigned cannot admit that either he or his government has offered any indignity to Mexico—certainly none has been intentionally offered; neither would he desire that Mexico should bear a supposed indignity in silence. If Mexico thinks that she has rights over Texas, or that those rights have been violated, the United States are ready to lend a patient hearing to her claims, and to do her justice. They are equally ready to defend their own rights against any opponent, or at any cost. The language of remonstrance will never pass unheeded by the American people, nor by their government; but threats and abuse are alike inadequate to turn them from their course, where their right is clear—as in the present case, to treat with Texas as an independent power.

His excellency goes on to say that the undersigned, on his own responsibility, and without other authority than his own word, calls the protests of Mexico unfounded. The undersigned must be permitted again to correct his excellency, and to remind him that, in thus characterizing these protests, he has spoken not on his own authority alone, but on that of his own government, of France, Great Britain, and many other powerful nations.

The undersigned must also be permitted to express his surprise that his excellency Mr. Bocanegra should in one place charge him with having unwarrantably spoken of those protests, and that, immediately afterwards, he should say that the undersigned was very careful not to mention them. In this there is a strange inconsistency, for which the undersigned is at a loss to account. He cannot charge it to the inaccuracy of his excellency's translator, nor, indeed, to anything else than an inadvertence of his excellency himself. The undersigned by no means sought silence on this point; on the contrary, his note expressly alluded to it; and it was his chief object, by calm and courteous argument, to prove that the United States, in treating with the republic of Texas as an independent nation, had never infringed any of the rights of Mexico, and that those protests were therefore un-

founded. Upon these arguments it appears that his excellency has sought to keep silence, passing them over with the simple remark that they were "inadmissible in a matter of social agreement." The undersigned begs leave to say that his excellency would have come nearer the mark, if, instead of declaring them to be inadmissible, he had acknowledged them to be facts, and facts unanswerable.

His excellency also says that he does not know how the undersigned overlooked the contradiction which results from communicating to Mexico, in a friendly manner, the motives of the conduct of the United States, and at the same time denying to her the right which constitutes her title to that consideration. His excellency is either again mistaken, or misrepresents. The undersigned has not denied to Mexico the right which constitutes her title to that consideration. On the contrary, he expressly admitted that the communication was due to Mexico, and as expressly stated the grounds on which she was entitled to that consideration.

The undersigned is also free to admit that the claims urged by Mexico (although, in the opinion of the undersigned and of his government, untenable,) may have had some influence in determining the government of the United States to make its views known to Mexico in the language of conciliation and kindness. And in this the government of the United States has shown a commendable and generous regard for whatever rights Mexico could allege; whilst it has not forgotten its own rights, and is determined to sustain them.

The undersigned deems it out of place, in answering a communication like the present, to enumerate the instances of generosity and kind feeling which Mexico has experienced at the hands of the people and government of the United States; but he must be permitted to express his surprise that a gentleman so intelligent and well-informed in the history of Mexican independence as his excellency Mr. Bocanegra should plead ignorance, or need to be informed of them.

The undersigned regrets extremely the warmth and character of this discussion, for which he considers himself in no way responsible. His first note on this subject was in the language of peace and kindness; and he deeply regretted to see himself forced to notice the disparaging language of his excellency's reply. If the undersigned had suffered that language to pass without rebuke, he would have merited the reprobation of his countrymen, and the reproof of his government. Neither could he suffer to pass unnoticed the pretended admission of the rights of Mexico, which his excellency, with more ability than candor, sought to deduce from the conciliatory tone of the note of the undersigned. He hopes that, in the future discussion of this subject, the language of recrimination will be dropped, as unworthy of the greatness of either nation. And whenever the discussion is confined to the real question at issue—to wit, whether the United States are authorized to treat with Texas as an independent government; and whether, by so doing, they infringe upon any of the rights of Mexico—the undersigned, or his government, will be always ready to answer Mexico in courteous and convincing argument; or, otherwise, to act as their honor and interests require.

The undersigned avails himself of this occasion, &c.

BEN. E. GREEN.

To his Excellency J. M. DE BOCANEGRA, *Minister, &c.*

tured has now been realized, that could in no wise have been regarded as offensive; and, least of all, when it was not a capricious or intrusive assertion, nor one of those which generally involve and confound matters, but was based on public and notorious circumstances, on certain and completed acts, which present that assertion with all the evidence and force of conviction. Had this been otherwise, it would have been necessary to have had recourse to the subterfuge of denying the existence of what is seen and felt. For this reason it was that the undersigned, in the note in question, made an allusion (though very slight) to the circumstances which led Mexico to conjecture that the States contiguous to Texas, which supplied arms, troops, and munitions of war, did not act solely with the view of assisting the insurgents in supporting and preserving their independence; but principally with the clear intention of extending and maintaining the degradation of the human race, or (what is the same thing) slavery; thwarting, according to their principles, the efforts of those who desire to abolish it, whether their fellow-citizens or foreigners. And for this course the territory of Texas has been sustained and succored, as well as its annexation, as the most certain means of carrying the project into effect.

And is this not exactly what Mr. Green has revealed to us, and said clearly and unequivocally in the third paragraph of his note of the 23d of May last? The undersigned would have desired to have been able to do what cannot be done—namely, to say things in the language of truth, in which he should speak without presenting them as they are, but as he could wish them to be. Mexico thus has, without violence, and gradually, succeeded in establishing the proposition that she could not lose the dominion of a territory which she acquired in the most glorious, legitimate, and determined manner.

The chargé d'affaires of the United States has thought proper to enumerate, among the observations which he terms harsh and offensive, the assertion that the treaties between the two republics have been violated. And, in truth, as the only answer to, and proof of this—the undersigned will not transcribe literally, but he will mention the first article of the treaty of amity, commerce, and navigation, between Mexico and the United States of December 1, 1832, and the part relative to boundaries, also concluded between the two republics. These portions, compared with the notes, give the victory to the Mexican ministry, which has done no more than rely upon conventions and agreements.

By the tenor of these articles, it will be immediately seen that the frank, sincere, and durable friendship promised in these stipulations, was not merely abstract phrases or general terms. Nor is it to be supposed that they were intended to bind only the governments of the two republics, and without reference to their respective subjects; but, on the contrary, it was meant that there should be reciprocal friendship between the governments and their citizens. It is therefore clear, that, comparing the obligation contracted and produced by the treaties, with the conduct hitherto observed and practised by the United States in the unfortunate affair of Texas, it results that the stipulations have not been fulfilled on their part,—a conclusion at which the undersigned doubts not that every one will arrive, who judges actions and occurrences with impartiality and rectitude.

As to the treaty of amity, the United States of America have acknowledged, in the most formal and solemn manner, that the boundaries between themselves and the Mexican republic are the same which were designated

as the dividing-line on settling that matter between the United States and Spain in the treaty concluded to that effect between the two last mentioned nations. The undersigned considers this to be sufficient for his purpose of answering Mr. Green's note, in which he has been engaged, inasmuch as the force and the notoriety of the right on which he relies, and the desire of avoiding disagreeable repetitions, lead him to the examination of another point.

The chargé d'affaires, in his last note, of the 10th of June, has touched on the point of the recognition of the independence of Texas; but as he dwells on that essential and serious matter—not as he formerly did, in an indirect and transitory way, but presenting it as an argument and proof of the right acquired in favor of the republic of Washington, and as a loss of right on the part of the Mexican republic—he will have the kindness to listen to the reflections which the undersigned addresses to him on this subject. Mr. Green says that the recognition of the independence of Texas by the United States, and by other powers, destroys the right of Mexico, and nullifies the protests which this republic has made opportunely and repeatedly for the preservation of a territory which belongs to it; the chargé d'affaires declaring, at the same time, that he advances this argument, not as from himself, but as speaking from authority of his own government, of that of Great Britain, and of that of France, which have all given their acknowledgment.

If it be remembered that the United States acknowledged the independence of Texas, it should also be remembered that Mexico protested against that act, as she also did with regard to the other powers mentioned. But it is to be observed that the annexation to the Union of the United States, in virtue of the treaty signed by that nation, does not rest on this acknowledgment, but on the circumstance as stated by Mr. Green in his above-mentioned note of the 23d of May—"that this step had been forced upon the government of the United States in self defence, in consequence of the policy adopted by Great Britain in reference to the abolition of slavery in Texas. It was impossible for the United States to witness with indifference the efforts of Great Britain to abolish slavery in that territory. They could not but see that she had the means in her power, in the actual condition of Texas, to accomplish the objects of her policy, unless prevented by the most efficient measures; and that, if accomplished, it would lead to a state of things dangerous in the extreme to the adjacent States, and to the Union itself." The undersigned must here refer, as he does, to what he has already said upon the subject of this recognition by the United States, and upon the manner in which the act of annexation is viewed, in virtue of a treaty concluded by the Executive, without having paid any respect to a republic with which it is bound by the most sacred bonds acknowledged among civilized nations. Respect to Mexico was abandoned when the act of annexation was consummated by the Executive, and it was restored only by the law and the wisdom of the Senate. Mr. Green will also admit what the undersigned had the honor to state to him on this point, in his previous notes; and as the chargé d'affaires has founded arguments and reasoning on the acknowledgment of the independence of Texas by Great Britain and France, the undersigned may be allowed to say to him, that if these two great nations did lend themselves to this acknowledgment of independence, they did so, as in those acts, by acknowledging a fact, and nothing more. Neither of those two nations denied to Mexico her rights

at that time, nor has either of them since treated the protests of the Mexican republic as unfounded, and existing only on paper, as Mr. Green has been pleased to do. On the contrary, France and England have on various occasions interposed their high respect and worthy influence to procure a cessation of the war; never, however, have they termed it unjust, but only injurious and pernicious from its very nature.

Nor could such great powers have acted in any other way in acknowledging that, in a country independent in fact, but depending in right upon a mother country, the fact alone, and not the right, can be acknowledged. Much less could they give to the country the right to be acknowledged as a sovereign nation; for that act is peculiar to the mother country, and to her, and to her alone, belongs the acknowledgment which produces emancipation. All this is legal: these are not new ideas; they are principles universally admitted; they have been uttered by those same great powers above named, in treating of the independence of countries which had been their colonies; and what is here said, has just been heard in the United States, from the mouth of one of their most distinguished citizens. And certainly the question of annexation by the treaty made in the United States is entirely different, and cannot possibly be terminated by reference to the recognition made by other nations, and regarding merely a fact, without also taking into consideration rights which, from their very essential nature, have been reserved in those cases by the powers who performed those acts. The importance and seriousness of the present matter, the propriety of not involving in it ideas and circumstances which, unless useful for conviction, often degenerate into offensiveness, and other considerations most essential in this question, induce the undersigned to proceed to collect and reply to the last observations addressed to him by Mr. Green in the note which he is now answering; and, for this reason, he will allow the undersigned to say, that when he stated that the chargé d'affaires of the United States of America spoke on his own authority, he formed that opinion from reading the fourth paragraph of the note of the 31st of May last, where these words occur: "*the undersigned takes the liberty,*" where he emits the opinion above mentioned. And if, in truth, Mr. Green in no way desires the point to which the present notes relate to remain under silence, the undersigned has succeeded in treating it, without deviating from or parrying the question.

And though, in Mr. Green's opinion, the government of the United States has not been wanting in respect for the rights of Mexico, including a treaty with the (so called) republic of Texas, the undersigned has answered, and has presented what he had to say in reply, entering directly into the matter of the difficulty; freeing it, as far as he could, from all that could complicate and confuse it, as appeared to be required by the seriousness and importance of the case. For this reason, the undersigned, in his note of the 6th instant, whilst noticing the allusions made by Mr. Green at the conclusion of his fourth paragraph above mentioned, merely indicated that they were strange and inadmissible in matters of convention. This is clear, and it will be sufficient to read it.

The chargé d'affaires of the United States asserts that it would be out of place to enumerate the instances of generosity and kind feelings on the part of the United States towards Mexico, and he refers the undersigned for a knowledge of them to the history of the independence of Mexico. The chargé d'affaires will not, however, take it ill, if the undersigned should

assure him that he is unacquainted with the facts to which Mr. Green refers, and he knows only those alleged on the other side. It does not seem in place now to speak of the history of Mexico; and the undersigned repeats, by order of his government, that whensoever those acts of kind feeling and generosity (supposing them to exist) be set forth and particularized, it will acknowledge and esteem them according to their real value and consideration; and will then proceed to set forth and particularize the acts of good feeling and generosity which will doubtless be found also in her history.

As the chargé d'affaires has chosen to raise a question of courtesy, the undersigned should in duty assure him, as he has the honor to do, that the notes of the Mexican ministry cannot, consistently with impartiality, be styled uncourteous; inasmuch as the expressions therein used are such as are suggested by the rights of Mexico, and are demanded by the very nature of the affair in question. The ideas and propositions advanced are those of invariable and eternal justice; they are the same which are invoked in the United States, and are published by the press, against the annexation of Texas, resting on the respectable names of Adams, Clay, Van Buren, and other notable persons, who know what is advantageous to their own country, yet wish to do no ill to Mexico; being convinced that it is material for a republic which has professed the political faith of walking always in the path traced by reason, not to change the principles they adopted, by offending a friendly republic which has offered abundant and irrefragable proofs of its honor, good faith, and benevolent feelings. The undersigned may be allowed to attribute the observation of Mr. Green to the circumstance that probably her moderation may have given ground for such imputations; things may have come to that extremity, that courtesy is to be regarded as meaning humiliation, and quietly receiving orders in place of diplomatic notes.

The chargé d'affaires states that he has orders from his government (though given in reference to another matter), to say to the government of Mexico that he can hold no intercourse with it, except upon such terms of courtesy and respect as are due to the United States. And it is precisely the notes of Mr. Green which have caused an order, to the same effect, to be given to the undersigned, by his excellency the constitutional President of the republic; declaring, in the same manner, that, so long as the discussion relates substantially to the serious matter under consideration, and it is conducted with proper courtesy and respect, it should be also properly prosecuted and maintained by Mexico. And as the conclusion and termination of this serious affair depends upon the wisdom, prudence, and circumspection of the Senate of the United States of America, (upon whose decision will rest exclusively and entirely either the responsibility or the glory of the result of a question in which Mexico is so clearly and palpably in the right,) the undersigned repeats, in the name of his government, what he has already advanced in behalf of the rights of the republic; hoping that the voice of his country may be heard by nations and the world, to which it has already appealed; and flattering himself with the belief that, as Mexico has relied on virtue and truth, the world will approve the manner in which she has acted in the present affair, (which has been fortunately exposed and submitted to the light in every way,) so as to establish its justice most evidently.

The undersigned has the honor to repeat to the chargé d'affaires of the United States of America the assurances of his distinguished consideration.

JOSE MARIA DE BOCANEGRA.

To B. E. GREEN, Esq.,  
Chargé d'Affaires, ad interim, of the United States of America.

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Mr. Green to Mr. Calhoun.

[Extract.]

LEGATION OF THE UNITED STATES,  
Mexico, June 21, 1844.

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I have thought it advisable to depart from my first determination, of not answering Mr. Bocanegra's note of the 12th instant, which I sent you a few days since; and to send him a note, of which No. 1 is a copy. In this note I have endeavored coolly and dispassionately to answer his invectives, by the example of Mexico herself; and to show that the United States have but acted on the principles which Mexico herself has always sustained. I have hopes that this may strengthen the party favorable to us, and force Santa Anna either to acknowledge the independence of Texas, or to suffer that country to fall into our hands, instead of those of Great Britain. One of these three must happen. It is impossible for Mexico to reconquer and hold Texas; and Santa Anna knows it.

I have taken this step with great hesitation; but I feel that I should be culpable were I to shrink from any responsibility, when, by incurring that responsibility, there is so favorable a prospect for doing good.

I have the honor to be, very respectfully, your obedient servant,  
BEN. E. GREEN.

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Mr. Green to Mr. Bocanegra.

[No. 1.] LEGATION OF THE UNITED STATES,  
Mexico, June 20, 1844.

The undersigned, chargé d'affaires of the United States of America, *ad interim*, has had the honor to receive the note of his excellency J. M. de Bocanegra, of the 12th instant, in which his excellency comes to the point, and says:

"Nor could those great powers act otherwise in acknowledging that, in a country independent *de facto*, but dependent *de jure*, upon a metropolis, it is only permitted to recognise a fact, and not a right—much less to acknowledge it as a sovereign nation; for this act is peculiar to the mother country, and to her, and to her alone, pertains the recognition which produces independence."

This is the true issue; and the undersigned is gratified to have arrived at last at "the true point of difficulty, disembarassed of all that could complicate and confound it." He hopes that he will now be able to satisfy his excellency Mr. Bocanegra that the United States are fully authorized to

treat with Texas as an independent government; and that, in so doing, they offer no just cause of offence to Mexico. This question depends on the solution of the issue raised in the extract above quoted from the note of the 12th instant. In this short extract is contained the whole gist of the matter; and, fortunately, the undersigned has it now in his power to put an end to the discussion, by citing an authority which his excellency will not call in question—to wit, that of Mexico herself. If the doctrine advanced by his excellency—that acknowledgment by the mother country alone gives independence and national sovereignty to a people who have thrown off their allegiance—be correct, then Mexico herself did not acquire the character of sovereignty until the 28th December, 1836, when Spain, the mother country, first acknowledged her independence. Mexico, however, does not so regard it; and her constant practice for twenty-four years confronts and refutes the doctrine now advanced. If his excellency Mr. Bocanegra will refer to the official records of his country, he will see that the present year is there laid down as the twenty-fourth of Mexican independence. But, if the doctrine of his excellency is to prevail, then this date is wrong by at least fifteen years. Mexico, the undersigned feels assured, will never consent to this. She dates back her sovereignty, not to the time of her acknowledgment by Spain, but to that when she boldly declared her independence, and achieved it in the battle-field with a gallantry which since has often excited the admiration of the undersigned; and, at the time, enlisted the sympathies of the whole body of his countrymen.

Mexico is right on this question; and his excellency Mr. Bocanegra, in taking the opposite ground, calls in question the principles which his government has invariably maintained from the first dawn of its existence. It was not the recognition of Mexico by Spain, nor, indeed, the recognition of her by other nations, which made her sovereign and independent. It was her own act, and the valor of her citizens, which achieved her independence; and the recognition of her by other nations was but the evidence of a fact previously existing. The undersigned does not doubt that his excellency Mr. Bocanegra would be the first to oppose the doctrine he now advances, were it proposed to apply it to Mexico instead of Texas. He explains the grounds of his charges of bad faith, and refers the undersigned to a treaty between the United States and Mexico, dated December 1, 1832. The same question has been raised before, and has been fully and satisfactorily answered by the late minister of the United States, Mr. Thompson, and the ex-Secretary of State, Mr. Webster. The undersigned deems it, therefore, unnecessary to enter upon it again at this time. But he cannot forbear to remark, in this connexion, that if the doctrines of his excellency be admitted, then Mexico was not sovereign and independent until the year 1836. Her treaties prior to that date were therefore null and void; for to make treaties is an attribute of sovereignty, which character (according to his excellency) Mexico did not then possess. Those treaties, being null and void, could not be violated; for they did not exist, and not existing, no charge of bad faith could be based upon them. His excellency doubtless overlooked the inconsistency in which the establishment of his own doctrines would necessarily involve him.

His excellency also says that the great nations which have acknowledged Texas have merely recognised a fact, and not a right; and much less have they given her the character of a sovereign nation. His excellency will surely see and admit that he is in error on this point, when he calls to mind that

most of those nations have made treaties with Texas, and sent diplomatic agents to reside at her court; and this is only done with sovereign nations. The undersigned deems it unnecessary to touch again upon the other points which have grown up in the course of this correspondence; for his excellency says, with great truth and propriety, that they only serve to confound and complicate the real question. He hopes that this last is now decided by the very respectable and unquestionable authority of Mexico herself; and he avails himself of this occasion to renew to his excellency Mr. Bocanegra the assurance of his distinguished consideration.

BEN. E. GREEN.

To his Excellency J. M. DE BOCANEGRA,  
*Minister of Foreign Relations, &c., &c.*

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*Mr. Green to Mr. Calhoun.*

[Extract.]

LEGATION OF THE UNITED STATES,  
*Mexico, June 25, 1844.*

SIR: I have the honor to send you (Nos. 1 and 2) copies of a note from Mr. Bocanegra, and my reply.

\* \* \* \* \*  
I have the honor, &c.,

BEN. E. GREEN.

To the Hon. J. C. CALHOUN, &c.

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*Mr. Bocanegra to Mr. Green.*

[Translation.]

[No. 1.]

NATIONAL PALACE, *Mexico, June 23, 1844.*

The undersigned, Minister of Relations, has the honor to address the chargé d'affaires of the United States, with the object of informing him that it appears from the public papers of that republic that the Executive has assigned and has ordered sea and land forces to proceed to prevent the supreme government of Mexico from using its imprescriptible and well-known rights in occupying the territory of Texas with its own troops; which assertion is proved by the frigate of war, belonging to those States, having anchored off the Isla Verde, in sight of Vera Cruz, and her commander having declared that other forces were to follow.

Such circumstances could not but attract the attention of the most excellent President; and, in consequence, he desires to know, in a clear and decisive manner, whether the troops which Mexico is now sending upon Texas will be opposed by those of the United States, either on sea or on land, in order that he may regulate his conduct accordingly; as his excellency is about to operate, in compliance with his duty, for the occupation of the said territory, as an integrant portion of the Mexican nation; and he would regret that any force of the United States should appear to oppose him, as

such an act would be a declaration of war against Mexico, who would find herself under the necessity of repelling force by force, on seeing herself thus outraged, and the treaties which have bound together the two republics broken.

The undersigned informs Mr. Green that he has received express orders from his excellency the President to obtain from him the necessary explanations as to what has been published by the newspapers of the United States, and is confirmed by the commander of the frigate anchored off Isla Verde, as stated in this note, considering the circumstances and the serious and important nature of this affair.

The undersigned repeats to Mr. Green the assurances of his most distinguished consideration.

J. M. DE BOCANEGRA.

To B. E. GREEN, Esq.,  
*Chargé d'Affaires of the United States.*

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*Mr. Green to Mr. Bocanegra.*

[No. 2.]

LEGATION OF THE U. S. OF AMERICA,  
*Mexico, June 24, 1844.*

The undersigned, chargé d'affaires of the United States of America, (*ad interim*,) has this moment had the honor to receive the note of his excellency J. M. de Bocanegra of yesterday's date, stating that it appears from the public newspapers that the Executive of the United States has sent forces by sea and land to prevent the supreme government of Mexico from occupying with its troops the territory of Texas; that this rumor is confirmed by a United States frigate of war, anchored at Isla Verde, the captain of which has said that more forces are to follow; and, finally, that his excellency the President wishes to know clearly and explicitly whether the troops which Mexico may send against Texas will be opposed, by land or sea, by the forces of the United States.

The undersigned regrets that he has received no communication from his government on this subject, and is therefore unable to answer this inquiry as clearly and explicitly as he would wish. He will lose no time, however, in submitting the note of his excellency Mr. Bocanegra to his government, and in obtaining a reply. He is also in daily expectation of hearing from his government. His next despatches may enable him to give the desired information; and if so, he will immediately communicate it to his excellency.

In the mean time, the undersigned, actuated by a sincere and frank desire of giving to his excellency all the information he possesses, begs leave to call to mind a note addressed to the late minister of the United States, Mr. Thompson, on the 23d of August last, in which his excellency Mr. Bocanegra himself first originated with this legation the question of the annexation of Texas to the United States, accompanying his communication with a direct threat of war in case the United States should determine on the measure referred to. That measure is now the subject of consideration in the Senate of the United States; and the undersigned has reason to believe that it is true that forces have been prepared by his government, both by land and sea, to meet any contingency which may arise;

all which, however, as the undersigned believes, has been done as a defensive precaution, made necessary by the oft-repeated threats with which his excellency Mr. Bocanegra, in the name of the Mexican government, has thought proper to menace the United States.

The undersigned avails himself of this occasion to renew to his excellency Mr. Bocanegra the assurance of his distinguished consideration.

BEN. E. GREEN.

To his Excellency J. M. DE BOCANEGRA,  
*Minister of Foreign Relations and Government.*

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*Mr. Green to Mr. Calhoun.*

LEGATION OF THE U. S. OF AMERICA,  
*Mexico, June 28, 1844.*

SIR: I send you (Nos. 1 and 2) copies of a note received from Mr. Bocanegra, and my reply, closing the correspondence. I hope that what I have written will be approved by the President. I have thought it best, with a full knowledge of the position of things here, and on the advice of those on whom I could depend, to write thus much. But I do not wish to continue it further. I have, therefore, not even noticed the singular position taken by Mr. Bocanegra, that Texas, although independent *de facto*, has no *right* to her independence, because *she is a rebel colony!* A strange argument this, to come from a republican minister on the American continent.

General Parrodi's proposition for a forced loan has been rejected by the Congress. They now propose to raise money by increasing the duties. This, of course, will fail; for their tariff is already so high that there are no importations.

I have the honor to be, very respectfully, your obedient servant,  
BEN. E. GREEN.

HON. JOHN C. CALHOUN.

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*Mr. Bocanegra to Mr. Green.*

[Translation.]

[No. 1.]

NATIONAL PALACE,  
*Mexico, June 25, 1844.*

The undersigned, Minister of Foreign Relations and Government, has received the note which the chargé d'affaires *ad interim* of the United States was pleased to address to him under date of the 20th instant, in reply to one from this department of the 12th instant, in which that gentleman continues to support, as legal, the annexation of the territory of Texas to the United States, which the Executive of those States proposes to effect by means of a treaty concluded and settled between itself and the (so called) government of Texas.

The undersigned, in and after the second note which he addressed to the American legation upon this important subject, considered, in proper order,

the acknowledgment of the independence of Texas by the United States, and then had the honor to combat the principles advanced by Mr. Benjamin Green as being contrary to natural rights, to the rights of nations, and to international law, by convincing reasons, leaving no room for a moment's doubt as to the justice and reason with which Mexico protests against this act, resting entirely upon a fact, but incapable of destroying her rights to that integrant portion of her territory. It would therefore appear that this subject should not have been again touched; but as it seems, from the note to which this is an answer, that the chargé d'affaires of the United States invites the supreme government of Mexico to make an express and decided declaration, apart, and confined specially to the recognition of Texas by other powers, it becomes the duty of the nation, in whose name and behalf the department of foreign relations now speaks, to declare, as it now does declare, affirm, and maintain—that, though the said powers have acknowledged Texas as independent of the mother country, this act can give no right whatever to the usurpers of that territory, as they were really and truly neither more nor less than rebellious colonists; and that it can in no way affect injuriously the incontestable rights of Mexico, as the natural right cannot be destroyed by the law of nations, the civil law, and the international law.

The undersigned, indeed, guided by the feelings produced by cool and judicious criticism, finds the incontrovertible doctrines already advanced by him as flowing from the laws of nations, supported and confirmed in the last note from Mr. Green, and in no wise opposed; while, on the contrary, he admits the views advanced in proof that the recognition applies merely to the fact, and does not destroy, or even weaken, the right which a mother country has over her possessions; without adding any weight to his assertion as regards the existence of a contradiction, in adding the time of the recognition of the independence of Mexico by Spain.

This fact itself affords to the undersigned the strongest proof. Mr. Green knows that the independence of Texas, and her annexation to the United States, are not in the same line—are not the same thing—and consequently cannot be brought on a par with each other. In the first case, a fact—one of the many events which the physical and social course of things presents—is offered for consideration, without attempting to classify it in any way—especially as the interests of others are involved, which must be taken into view and respected; and, in the second case, the question turns upon legal capacity and dominion, which is possessed without any contradiction; such as Mexico holds over Texas—a territory which belongs to her, and has been quietly and peaceably possessed by her.

Mr. Green, in his first note of the 23d of May, declares as the only cause “that his government, in concluding the treaty of annexation of Texas to the United States, was actuated by no feelings of disrespect or indifference to the honor and dignity of Mexico; and that this measure had been forced upon it in self-defence, in consequence of the policy adopted by Great Britain in reference to the abolition of slavery in Texas;”—and he subsequently enters upon the question of the acknowledgment of independence as the principal point, as shown in his note which the undersigned is now answering, obliging him to make the present explanation, and to insist again upon what has been so often established.

His excellency the constitutional President of the republic, faithful to his duties, and consistently with his sentiments of the most exalted patriot-

ism, will never allow the republic to be despoiled of that which belongs and has belonged to it. Those very nations which Mr. Green cites, including the United States of America, have assented to the principles advanced by Mexico; and whilst recognising the independence of Texas, have declared that Mexico may recover what is her own; that she may employ her arms for the attainment of her lawful ends; and that, supported by her own forces, she may, without contradiction, vindicate her constantly acknowledged and reserved rights. They acted thus, in the very case offered as an example by the American legation, with regard to Spain; and the presentation of this case, instead of weakening the rights of the Mexican nation, strengthens them to such an extent, that her most firm reliance in this question is upon her recognition made by other powers, upon the grounds of the fact and the right—the principles on which nations have at the same time established her political existence.

Mexico does not, therefore, change her protests, nor retire from her incontrovertible rights; on the contrary, she repeats, and again presents those protests, reserving and vindicating those rights, so that nothing may be alleged against her hereafter on the grounds of toleration, remissness, or consent.

The undersigned repeats to Mr. Green the assurances of his most distinguished consideration.

J. M. DE BOCANEGRA.

BEN. E. GREEN, Esq., &c.

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*Mr. Green to Mr. Bocanegra.*

[No. 2.]

LEGATION OF THE U. S. OF AMERICA,  
Mexico, June 26, 1844.

The undersigned, chargé, &c., has had the honor to receive the note of his excellency J. M. de Bocanegra, dated June 25, in which his excellency, avoiding both horns of the dilemma in which the example and precedent of Mexico have placed him, half admits and half denies that Texas is a sovereign nation; and finally concludes that, although she is sovereign and independent, her independence and her annexation to the United States are not one and the same thing.

It has been the object of the undersigned, in continuing the correspondence, to satisfy his excellency, by the authority and example of Mexico herself, that Texas is a sovereign and independent nation; that, being sovereign and independent, she has an undoubted right to annex herself by treaty to the United States, and that the latter have an equal right to receive her if they think proper. The undersigned had hoped that when it was made manifest to his excellency that the grounds taken by him are contrary to the principles and practice which Mexico herself has always maintained, the question would then be put to rest. But when he sees that even the authority of Mexico is unavailing to convince his excellency, he deems it useless to continue the correspondence.

As to the question of *right*, which his excellency raises: all the governments which have acknowledged the independence of Texas, have thought it beyond the sphere of their duty to discuss this question. They have recognised her on the broad principle of *fact*, as is usual in such cases; on

the principle laid down by all writers on international law, that every country which governs itself by its own authority and laws is sovereign; the *fact* being presumed to carry with it the pre-existing *right*. The undersigned, therefore, deems it improper and unnecessary for him to discuss the right of Texas to her independence.

He now leaves this matter with his government; and, in taking leave of it for the present, he avails himself of the occasion to renew to his excellency Mr. Bocanegra the assurances of his consideration.

BEN. E. GREEN.

His Excellency J. M. DE BOCANEGRA,  
*Minister, &c.*

*Mr. Green to Mr. Calhoun.*

[Extract.]

LEGATION OF THE U. S. OF AMERICA,  
*Mexico, July 14, 1844.*

SIR: \* \* \* \*

I send you Nos. 1, 2, 3, 4, and 5, copies of several notes from the Minister of Foreign Relations, and my replies.

*Mr. Bocanegra to Mr. Green.*

[Translation.]

[No. 1.]

MEXICO, *July 2, 1844.*

The undersigned, Minister of Foreign Relations, has received the note dated the 24th of June last from Mr. B. E. Green, chargé d'affaires of the United States, in answer to one from this department relative to the military and naval forces destined by the government of the United States to prevent the recovery of Texas by Mexico, in which Mr. Green states that he has received no instructions on that subject, and consequently cannot answer the question as clearly and expressly as he would wish. Mr. Green, nevertheless, enters at length into the subject, and at the end of his note refers to the letter from the undersigned on the 23d of August. If that note be cited by Mr. Green in order to apply it to the case of the explanations demanded, it appears that those explanations are given in the affirmative sense.

The undersigned must, therefore, repeat, in order to remove all misapprehension in a matter so delicate and serious, that Mexico, in her said note, did not declare war, but did declare that she should justly regard as equivalent to a declaration of war, the annexation of Texas to the United States, on grounds which were afterwards set forth, and which have been reproduced without variation. To regard an act as a declaration of war, is not the positive act of declaration of war: it is, if the actual state of the negotiation be considered, to prevent any injury which war might occasion.

Mexico has endeavored to avoid all cause of ill feeling on the part of the government of the United States. Such has been her course; and with this object she has frankly and honorably declared in what light she would

regard the annexation of Texas. It is not Mexico, therefore, which declares the war; others wish to make war on her; and in this unfortunate event, the consequences will not rest upon her responsibility. The undersigned repeats this view, by express order of the constitutional President, in order to correct that formed by Mr. Green, to whom he renews the assurances of his distinguished consideration.

J. M. DE BOCANEGRA.

To B. E. GREEN, Esq.,  
*Chargé d'Affaires of the United States.*

*Mr. Bocanegra to Mr. Green.*

[Translation.]

[No. 2.]

NATIONAL PALACE, *Mexico, July 2, 1844.*

The undersigned, Minister of Foreign Relations and Government, has received the note from Mr. Green, *chargé d'affaires ad interim* of the United States, dated the 26th of June last, in answer to one from this department—both relating to the projected annexation of Texas to the United States; and he observes in it that the American legation insists that the recognition of the (so called) republic, although it be of the fact, supposes a right; an assertion with which the undersigned cannot conform.

Although a question which has been already discussed in former communications should not be renewed; yet, as Mr. Green declares, as already said, that the recognition of a fact presupposes a right, the undersigned, adhering to the words of Mr. Green, conceives that the idea can only be defined by adopting and admitting the view exposed by the undersigned on that subject. Nations, in the case in question, acknowledge the fact, and nothing more; to this they confine themselves. And is it not true that even the United States have done what the other nations did on the subject of the independence of Texas? Is it not clear that they have all left the rights of Mexico untouched, as regards this integrant part of her territory; and that respecting, as they have, those rights, they have acknowledged, and do acknowledge, the perfect right of Mexico over that department? It follows, therefore, as an obvious and natural deduction, that the Executive of the United States has violated all the conventions by signing the treaty of annexation of Texas; thus acting upon proceedings entirely at variance with the general principles of right, and the special principles of its own government.

The American legation will allow the undersigned, before concluding, to make one observation, drawn from the very nature of things; he means to say, that the independence proclaimed in Texas, with very few exceptions, was not proclaimed by Mexicans, (as he has already had the honor to remark to Mr. Green,) but was proclaimed by natives of the United States; some of them adventurers, and the others speculators in lands—neither of which classes of persons could appropriate to themselves a territory belonging to Mexico, in full and absolute dominion; that, consequently, no one had the right to act in the manner in which they acted, being foreign adventurers; and that this act is a real usurpation, and their independence is an occurrence accompanied by particular circumstances, which, as they are

not common, may be styled exceptional and unexampled; for which, and for other reasons sufficiently manifest, it cannot be compared with what has occurred in all ages, in each continent. Bands of persons assembled for the purpose of robbing others of their property, should not, and cannot, enjoy the privileges peculiar to sovereignty: the law classifies them, and places them in their proper line.

Mr. Green concludes by declaring that he leaves this matter to his government. The government of the undersigned has declared in its previous communications, that, although this discussion had been brought properly to an end between this department and the American legation, yet it could not do less than enter upon it after it had been brought forward again by that legation. The policy of Mexico in this serious affair is fixed, and is frankly declared. The undersigned has express orders from the constitutional President of the republic to repeat the oft-repeated protests on its part, which maintain its rights in safety; insisting especially upon what has been already clearly set forth, at length, in fulfilment of the sacred duties imposed by the nation on the Executive.

The undersigned avails himself of this opportunity to repeat, &c.

J. M. DE BOCANEGRA.

To B. E. GREEN, Esq.,

*Chargé d'Affaires of the United States.*

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*Mr. Green to Mr. Bocanegra.*

[No. 3.]

LEGATION OF THE U. S. OF AMERICA,  
*Mexico, July 4, 1844.*

The undersigned, chargé d'affaires *ad interim* of the United States of America, has this moment had the honor to receive the note of his excellency J. M. de Bocanegra, dated the 2d instant. The undersigned was in hopes that this unpleasant subject was at an end—at least so far as he was concerned. But the remark of his excellency, that the independence of Texas was declared (with few exceptions) by natives of the United States, adventurers, and speculators in lands, seems to cast an indirect imputation on the countrymen of the undersigned, and he feels called upon to notice it.

His excellency must remember that those "natives of the United States" went to Texas upon the invitation, and under the laws of Spain and of Mexico herself; that they left their native country; that they carried with them their families and their fortunes, and settled both in Texas—not, however, with a view to usurpation, but upon the invitation of Mexico, and for her benefit. They ceased to be citizens of the United States, and became "*colonists*" of Mexico, with her consent, and at her solicitation; they went to Texas under the confederated form of government. When a consolidated government [was] substituted in its stead, they declared their independence. Many natives of the United States went to their assistance; but this was nothing new in American history. Many, doubtless, left the United States for Texas, for purposes of gain; but most of those who went to her assistance were led thither by the same spirit which rallied Commodore Porter and other countrymen of the undersigned around the standard of Mexico in her contest with Spain.

Writers on international law say that "to give a nation a right to make an immediate figure in the great society of nations, it is sufficient that it be really sovereign and independent; that is, that it govern itself by its own authorities and laws;" and that "the rights of every nation which does so govern itself, are naturally the same as those of any other nation."

The undersigned expected that, the fact being admitted, the mere citation of this well-known rule would be sufficient to establish the right of the sovereignty of Texas. He therefore forbore, in his note of the 26th ultimo, to notice the grounds on which his excellency sought to exclude Texas from the benefit of this well-established principle, to wit: because she was a revolted colony. ("*Pues que no eran sino colonias sublevadas.*")

The undersigned was silent on this point, from a motive of delicacy, which he trusts will be properly appreciated by Mr. de Bocanegra. He knew that it could not but be unpleasant to his excellency to have the example of Mexico again thrown as a stumbling block in his way.

His excellency says that Texas has no right to her independence. Why? Because she is a revolted colony. The argument is unfortunate; and it is certainly the first time that the undersigned has ever heard it advanced on the American continent, and by a republican minister. He deems it unnecessary to undertake to refute it; for, to do so, would be to imply a doubt, not only of the right of Mexico to throw off her dependence on Spain, but also of the right of the United States to do the same in regard to England. Both were "*revolted colonies*"—the one of Spain, and the other of Great Britain; and the undersigned deems their right to their independence too clear to need argument from him to support it. He deems it not only unnecessary, but improper, for a representative of one of the American republics (all of which were originally *revolted colonies*) to undertake to refute an argument which denies their right to independence, and calls their actual independence a usurpation. Their right is as clear as the noonday sun—needs only to be stated to be admitted; and the undersigned expected that a Mexican minister would be the last to call it in question. For the undersigned, at least, it is a settled question—settled by the authority of his own country and of Mexico. Whatever arguments, therefore, ingenious casuistry may advance to prove that *revolted colonies* have no right to independence; that the United States, in declaring their independence, *usurped* the dominions of the King of England; and that Hidalgo, Morelos, and Iturbide, in achieving the independence of Mexico, violated the *divine rights* of the King of Spain, and usurped his territory, the undersigned begs leave to pass them by in respectful silence, and to decline the discussion.

Texas presents a parallel case with Mexico and the United States. The very terms of his excellency's argument affirm it. The very terms of that argument, tested by the whole history of the American continent, prove that the ground taken is untenable. For that which his excellency applies as a stigma to Texas, was common to all American States, and to Mexico herself. They were all *revolted colonies*.

The undersigned renews to his excellency Mr. Bocanegra the assurance of his distinguished consideration.

BEN. E. GREEN.

His Excellency J. M. DE BOCANEGRA,  
Minister of Foreign Relations, &c.

*Mr. Bocanegra to Mr. Green.*

[Translation.]

NATIONAL PALACE,  
Mexico, July 8, 1844.

[No. 4.]

The undersigned, Minister of Foreign Relations and Government, had the honor to receive the communication dated the 4th instant, from the chargé d'affaires of the United States of America; and its contents oblige him not to leave it unanswered.

If Mr. Green has flattered himself that the discussion would have been terminated on his part, the undersigned has exposed clearly and decisively, in his preceding notes, that, although he was desirous to conclude it, yet he could do no less than continue it, in order to sustain the dignity and integrity of the republic which the American legation has attacked—presenting the affair at one time on the ground that the policy of its government, in order to maintain slavery in the United States, obliged it to sign the treaty of annexation; then denying the rights and dominion of Mexico over that department; then asserting that the United States are fully authorized to treat with Texas. This variable course which has been given by Mr. Green to the principal question, (namely, as regards the treaty above mentioned,) has forced the ministry, to take into consideration each of these points, and to answer on each, in order to place in a clear light the justice of the cause of Mexico, through the replies given to the arguments adduced by the legation.

In the last note (of the 4th instant) to which the undersigned is now replying, the chargé d'affaires appears in the character of a defender, and as if he were a representative of the independence proclaimed by the colonists and adventurers who came into Texas. This remarkable circumstance, against which the undersigned has express orders to protest, as he does protest, (*rechazar*,) as also against the errors in which the chargé d'affaires will permit me to tell him he has fallen, again force the undersigned to rectify the statements of facts which are cited, in order to overthrow the rights attempted to be deduced from them, as they have been leading him from position to position ever since the chargé d'affaires began this correspondence.

Mr. Green asserts that the natives of the United States were invited by the laws of Spain and Mexico; that they left their country, and established themselves in Texas, not with the object of usurpation, &c. This assertion, indeed, wants exactness, as it assumes what does not exist. It assumes that Mexico invited colonists to those territories; whilst it is proved, by authentic and well-known documents, that the colony solicited and founded by Austin had a contrary origin, and Mexico, in the annals of her independence, has it set forth in an historical and invariable manner. An act so generous, so hospitable, so worthy of gratitude, and from which the nation has received no benefit, cannot be cited in the terms employed with regard to it by Mr. Green; and much less, considering that but a small number of families have been allowed to place themselves above the general mass of the nation. Is there any system of legislation which gives a fraction the superiority over the whole?

Mr. Green says that the colonists went to Texas under the federal system, and declared their independence when a consolidated system was sub-

stituted for the other. This proposition is entirely destitute of foundation. The permission to colonize was obtained under an absolute system of government; they submitted to it freely and spontaneously; and as Mexico did not adopt federal institutions until October, 1824, it is manifestly erroneous to assert that the colonists went to Texas under the federal form of government; and the merit claimed for them on this ground, on account of their insurrection, is consequently destroyed.

Austin, in his character of a colonist, and the families which he brought with him, were obliged to follow the lot of the nation, of which they became a very small part: they were necessarily to submit to its laws, and to follow the changes which the majority makes. This is a principle constantly observed, and is essential to a republic.

As regards those who left the United States for Texas, who (as the American legation confesses) came to the aid of the colonists, led by the same feeling which induced Commodore Porter to take part with Mexico, the undersigned does not discover the identity asserted by the American legation. The officer here named was in the service of the nation, in the Mexican navy; and he was under the obligation to defend its rights. Those who have gone to Texas with views of self-interest, and in order to aid the usurpation, can never be regarded as other than adventurers, introduced into the republic in the most illegal manner, and therefore deserve to be treated with all the severity of the laws, and as co-operators with the usurpers. The intentions assigned by Mr. Green to the colonists are contradicted by subsequent acts, and their perfidious conduct places them in evidence; nor can the convention avail them, as it cannot shield them from the operation of the invariable fundamental law of every society, that the minority cannot place themselves above the majority.

It is thus demonstrated by the history of the period, and the circumstances under which Austin obtained the permission to colonize in Texas, that it began under an absolute system of government; that, after the independence of Mexico had been secured, the imperial government was then recognised; that the federal forms did not begin to be in force until the year 1824; and it being on the other hand, it is unquestionable that the submission yielded to the Spanish government as well as to the Mexican, involved no condition, and did not leave them at liberty to withdraw from the nation to whose sovereignty they had submitted, it follows naturally that their insurrection could never be regarded otherwise than as a scandalous act, and a usurpation against Mexico. Consequently, the doctrine of the writers on international law, which Mr. Green cites, is not applicable to the case, from what has been shown and proved.

The undersigned has previously said, and he now repeats, that the occurrence of the attempted independence of Texas is connected with circumstances of such and of so exceptionable a nature, that there is no parity between it and those which have occurred at other times, in both continents; and arguments cannot be deduced from the one, applicable to the other.

The undersigned, and the nation in whose name he has the honor to speak, will always apply the term of *insurgents* to colonists who have, with the most notable bad faith, usurped this integrant part of the territory of Mexico, violating all rights, even those of hospitality; he will, in like manner, as such, recognise those adventurers who have since introduced

themselves, and also the land speculators ; regarding them all merely as authors and fomenters of the rebellion.

The undersigned, after minutely examining the facts in question, finds no analogy, no anything in common, between the insurrection of Texas and the independence of Mexico ; and Mr. Green will permit him to repeat, that there is a difference between proclaiming emancipation, and obtaining it. By obtaining emancipation, the right of sovereignty is obtained, and cannot be disturbed even by the mother country—as occurred, in fact, with respect to Mexico ; other nations leaving her to sustain herself by her own forces, and declaring that Spain may regain her dominion by her forces.

It is therefore clear that no one has denied to the nation on which the insurgent colony depends, the power to reduce it to its former dependence. This was the case with regard to the United States of America. Nor can it be said that this is not a republican principle, as that condition does not exclude justice, or the respect due to right ; on the contrary, he who is most just is the most republican.

Can the Hidalgo, Morelos, Iturbides, and other illustrious champions of Mexico, who, with their own forces and resources, succeeded in giving liberty to their native land, be placed on a par with the Lamars, Houstons, and Suiveyls, who had no title to legitimate their entry and insurrection ?

Mexico, guided by the fundamental maxims of right, cannot conceive, nor can it ever be proven to her in a certain and positive manner, that the complete dominion which she acquired over the department of Texas has been lost by a reunion of foreigners, who have attempted to withdraw it from obedience to her government, and to break the unity of the nation by shaking all the rights and conventions of society. Mexico, like all other nations in her situation, preserves her legitimate dominion, in spite of the rebels who endeavor to separate themselves from the legitimate and recognised government. Force has been, and continues to be, the ultimate and effective means which has always been employed, in the civilized world, to reduce to order those who attempt to subvert order. There is nothing strange in the conduct of the Mexican republic.

On this has Mexico founded her protests ; she again insists upon them ; and as the American legation may be supposed to have urged this point only in order to sustain the independence of Texas, which the Mexican government does not and cannot admit, Mexico remains in the legal position in which she has stood, and in the enjoyment of the perfect right which has constantly remained to her untouched, without having suffered any wound in her dignity and integrity.

The undersigned repeats to the chargé d'affaires of the United States the assurances of his distinguished consideration.

J. M. DE BOCANEGRA.

B. E. GREEN, Esq.,

*Chargé d'Affaires of the United States of America.*

*Mr. Green to Mr. Bocanegra.*

[No. 5.]

LEGATION OF THE U. S. OF AMERICA,  
*Mexico, July 12, 1844.*

The undersigned, chargé d'affaires, *ad interim*, of the United States of America, has had the honor to receive the note of his excellency J. M. de Bocanegra, dated 8th July, and must be permitted to express his surprise that Mr. de Bocanegra should charge him with the latitude which this correspondence has taken; for it is evident, from the correspondence itself, that he has only followed his excellency from point to point, from position to position, and, one by one, exposed the fallacy of his arguments by the simple example of Mexico. The sole object of the undersigned has been to show that Texas is a sovereign and independent nation; for this position being once established, the right of the United States to conclude the treaty of annexation, which has given rise to this correspondence, follows as a necessary consequence. Mr. de Bocanegra first advanced the singular doctrine, that recognition by the mother country could alone give sovereignty to a colony which had thrown off its allegiance. The fallacy of this position was made apparent by the example of Mexico. His excellency then shifted his ground—half admitted and half denied the sovereignty of Texas; admitted the fact, and denied the right; and did so on the ground that revolted colonies had no right to independence. The example of Mexico again surprised his excellency, who now again shifts his position, and denies the sovereignty of Texas on the ground that the minority have no right to rule the majority. No one will admit the truth of this principle more readily than the undersigned, but he is unable to see in what manner it is applicable to the present case; for the right which Texas claims is not to govern Mexico, but simply to govern herself. And even if this principle were applicable, the example of Mexico and the United States would again prove fatal to his excellency's argument; for they, a minority, declared their independence of Great Britain and Spain, a large majority; and their *right* has as yet never been questioned—at least on this side of the Atlantic.

The undersigned must be permitted to inform his excellency Mr. Bocanegra that he made no mistake in saying that the colonists of Texas went thither at the invitation of Mexico, and under the federal form of government; for the great majority of them went thither under the colonization laws of the States of Coahuila and Texas, enacted March 24, 1823, after the adoption of the federal system. It is his excellency who has fallen into an error in supposing that when the undersigned spoke of the colonists of Texas, he referred only to Austin, who, it is true, went to that country under the imperial government, but who was only the pioneer of colonization in Texas. The undersigned referred to those who followed him, and who went thither under the law above referred to—to the great body of them, and not to one man. He did not, however, refer to this circumstance for the purpose of justifying the revolution of Texas. His sole object, in referring to the history of that colony at all, was to vindicate his government from the charge that it had fostered and was responsible for that revolution.

The undersigned begs leave, in conclusion, to offer some remarks not inappropriate to this occasion. Since he has been in this country, he has observed that his government and his countrymen are the daily objects of

the most virulent abuse, the most false and detestable calumny. Nor is this evil spirit of recent growth. Since the first establishment of diplomatic relations between the United States and Mexico, it has been at work. Aspiring intriguants, bad and dangerous men—dangerous alike to the internal peace and foreign interest of Mexico—have sought to create jealousies and ill feeling towards the United States, wishing to divert attention from their own misdeeds, and to escape punishment by fixing the public eye on another object. Unfortunately, their efforts have been but too successful. Mr. de Bocanegra is well aware of the many rank calumnies and slanders on the United States which daily teem from the Mexican press, and which have even found their way into the official newspaper, which, as we have been officially informed, is under the immediate direction and supervision of the Mexican ministry.

Knowing the feelings which, by such men and for such purposes, have been so industriously and so effectually sown in the public mind of Mexico, the undersigned saw with surprise and regret that his excellency Mr. Bocanegra had gone out of his way to remark, in his note of the 2d July, that the independence of Texas was declared (with few exceptions) by natives of the United States. The undersigned could not but see this remark of the Minister of Foreign Relations was calculated indirectly to strengthen the erroneous impressions and prejudices which have been propagated by the men and for the purposes above referred to, and to give a *quasi* semi-official authority to their falsehoods. He must suppose that Mr. de Bocanegra overlooked, through inadvertence, the effect which this remark was likely to have; for he cannot suppose that the Minister of Foreign Relations would lend his official character to give weight to calumnies which he knows to be false. The records of the ministry of foreign relations will prove their falsity. The Minister of Foreign Relations ought to know the truth, and the undersigned is bound to presume that he does.

Recurring to the history of the past, we find that Spain, before the revolution, adopted the policy of peopling Texas with *colonists*. The object, as the undersigned believes, was to bring thither a population which would put a stop to the ravages of the hostile Indians. After the revolution, the Mexican United States, by a law of the State of Coahuila and Texas, enacted March 24, 1825, adopted and continued the same policy. The colonists who embraced the *invitation* thus held out, were principally natives of the United States and the north of Europe. The disturbances which soon afterwards took place in Texas could not fail to attract the attention of the government of the United States, which soon foresaw what, in the natural course of things, would be the result; and so early as the 15th March, 1827, warned Mexico of the collisions which would inevitably ensue. On the 25th August, 1829, it again called the attention of the Mexican government to the fact, that most of the grants which had been made in Texas were already in the hands of Americans and Europeans; to the want of confidence and reciprocal attachment between the Mexican government and the inhabitants of Texas; to the fact, that this want of confidence had, in the short space of five years, displayed itself in no less than four revolts, one of them having for its avowed object the independence of the country; to the hazard of dismemberment, to which the extensive confederacy of Mexico was exposed by the frequent revolutions to which she was subject; and, finally, to the probability that the

first successful blow would be struck in Texas. Thus the government of the United States, so far from being responsible for any of the circumstances which led to the revolution of Texas, so early as 1827 pointed out to Mexico the results likely to ensue as the natural and necessary consequences of her own policy, and forewarned her of her danger.

The result has verified the prediction. Texas, having the example of Mexico and the United States before her eyes, declared her right to govern herself, as was to have been expected. She declared her independence, and successfully repelled the army sent to subdue her. She effectually sustained, by *force of arms*, the right which she claimed; and having shown her ability to realize and establish as a *fact* the *abstract right* to independence which she asserts, the world admits, and Mexico (who set her an example) ought not to deny, she was received into the society of sovereign and independent nations.

As a sovereign and independent nation, she applied for the benefit of admission into the American Union. This was at first refused her—perhaps owing to that regard with which the government of the United States has always treated Mexico. The United States have now waited eight years for Mexico to reconquer Texas. She has not done so, nor attempted it; and it is now proposed to grant to Texas the admission into the American Union which she desires.

But Mexico claims that she has a right to reconquer Texas, and that the United States have therefore no right to consider Texas as a sovereign State. The undersigned by no means admits the deduction. The United States admitted the right of Spain to reconquer Mexico; but long before Spain relinquished this right, the United States not only treated with Mexico as sovereign, both *de jure* and *de facto*, but proposed also to purchase of her this very portion of territory, over which Spain then asserted the same rights that Mexico now does. They did so in 1827 and in 1829, on the very eve of a Spanish invasion.

The undersigned avails himself, &c.

BEN. E. GREEN.

His Excellency J. M. DE BOCANEGRA,  
*Minister of Foreign Relations, &c.*

TEXAS DOCUMENTS REFERRING TO THE RED RIVER CASE AND THE  
DISARMING OF SNIVELY'S COMMAND.

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*Mr. Van Zandt to Mr. Upshur.*

LEGATION OF TEXAS,  
*Washington, August 8, 1843.*

SIR: The undersigned, chargé d'affaires of the republic of Texas, has the honor to make known to Mr. Upshur, Secretary of State of the United States, and to respectfully invite his attention to an outrage recently committed upon the collector of the district of Red river, a revenue officer of the government of Texas, while in the discharge of his official duties, by certain citizens of the United States, who, it is believed, were subsequently aided and protected by an officer of the United States army.

It appears from the official report of Mr. Bourland, the collector alluded to, (a copy of which is herewith enclosed,) as well as from other testimony furnished to the government of Texas, that on or about the 19th of March last, the steamboat Fort Towson, commanded by Captain Joseph Scott, and navigating Red river, discharged her cargo of goods, wares, &c., at a place known as Bryarly's landing, on the south bank of said river, and within the limits of the Republic of Texas, without either paying the duties thereon, or entering them with the proper officer, as required by law; whereupon the collector within whose district the goods were landed and stored, seized and secured them in accordance with the law governing such cases. Afterwards, and while the goods were in possession of the collector, a Mr. Mix, a citizen of the United States, (in the absence of the chargé d'affaires of that government,) made a representation to his excellency the President of Texas in relation to the seizure above mentioned, alleging that a portion of the goods so taken was the property of the government of the United States, and the remainder belonged to their citizens. Upon this statement being made by Mr. Mix, the collector of Red river was immediately instructed to release so much of the goods as belonged to the government of the United States, and also all such property of private citizens as was not intended to be vended within the limits of Texas. But, before these instructions reached the collector, the captain of said boat, with a large crew on board, relanded at the place where the goods were stored, and forcibly seized the collector, bound him hand and foot, and stripped him of his private arms, his keys, &c. They then broke open the warehouse, took possession of the goods, and, reshipping them on board of said boat, immediately conveyed them off to a point some two or three miles up the river, where the collector was informed a guard of United States soldiers, by order of Colonel Loomis, commander at Fort Towson, was placed over the boat, to protect her from seizure on account of this outrage.

Herewith are enclosed copies of two letters from the acting Secretary of the Treasury of Texas—one of which is directed to the collector of Red river, and the other to Messrs. Donks, Tims, and others; and also a schedule of the goods seized, as aforesaid; which, together with the report of the collector before alluded to, will furnish the further details of the case.

In making this communication to Mr. Upshur, Secretary of State, the undersigned is instructed by his government to respectfully ask and request that the government of the United States will as early as practicable take the necessary steps to afford such redress as the circumstances of the case require.

The undersigned avails himself of the present occasion to offer to Mr. Upshur renewed assurances of his very distinguished consideration.

ISAAC VAN ZANDT.

To the Hon. A. P. UPSHUR, *&c., &c., &c.*

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TREASURY DEPARTMENT,  
*Washington, (Texas,) April 17, 1843.*

GENTLEMEN: Mr. Mix, in the absence of the United States chargé d'affaires to this government, has represented to his excellency the President, and this department, that the collector of customs of Red river has seized certain goods (supposed to be contraband) as your property, and also of the United States government.

The President, not wishing to interrupt the good understanding which exists between the two governments, has directed me to order the custom-house officer to release the government property; and if satisfied that your goods were not intended for the market of this country, to restore them to the owners, respectively.

I have the honor to be, gentlemen, your obedient servant,

JAMES B. SHAW,  
*Acting Secretary.*

To Messrs. DOAK & TIMS; BERTHELET, HEALD, & Co.; SHRACK & NAIL;  
D. & S. FOLSOM; JOHN PENN, and others.

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TREASURY DEPARTMENT,  
*Washington, (Texas,) April 17, 1843.*

DEAR SIR: Mr. Mix, of the United States, has made representation to his excellency the President, and this department, that certain goods, the property of the United States government, and also goods belonging to citizens of the United States, had been seized by you as contraband, and are now in your custody. The President, desirous of preventing any litigation in the matter, directs me to inform you that you will release those goods the property of the government of the United States; at the same time, if you are *fully* satisfied that the goods of the traders were not intended to be vended in this country, and merely stored in our territory for preservation from the weather, that you will also release them; but, in so doing, the department wishes you to be fully satisfied of the facts, and trusts to your judgment and discretion in the matter. Your decision in this transaction is an additional proof of your firmness and vigilance, and merits the entire approbation of the President and this department.

I am, dear sir, very respectfully, your obedient servant,

JAMES B. SHAW,  
*Acting Secretary.*

To JAMES BOURLAND, Esq.,  
*Collector, Red river.*

COLLECTORAL DISTRICT OF RED RIVER,  
*Clarksville, May 4, 1843.*

SIR: It becomes my duty to report to your department a most flagrant outrage committed upon myself, as collector of this district, by divers persons, citizens of the United States.

On the 19th of March, the "Fort Towson," a large steamboat trading on Red river, landed a large lot of *goods, wares, and merchandise*, at a point in this district generally called Bryarly's landing. These goods, &c., were neither by their shippers nor owners reported to me within the time prescribed by law, or within three days thereafter. They were, therefore, taken into my possession, as collector, by M. J. Wright, esq., my deputy.

On the 7th of April, nine days after these goods, &c., were taken into my possession, the steamboat aforesaid, with a large crew on board, landed at the same place—*i. e.*, Bryarly's. The captain of the boat spoke to me in no wise to excite suspicion of his ultimate design. While he was conversing with me in a friendly and social manner, some twenty or thirty men, who were concealed from my sight just at the moment, rushed upon me, and, after disarming me of my pistols, (which I in vain attempted to use,) I was bound hand and foot, *and a guard placed over me.* They took my *pocket knife* from my pocket, as well as my keys, &c. My pistols were discharged in the air by the captain of the boat. He (the captain) observed to me, while bound, that "*he conceived I had done nothing but my duty; but that he was determined to have the goods, or he would be ruined.*" *They then broke open the door of the warehouse* in which the goods were stored, and commenced reloading the boat. The goods, &c., being again replaced in the boat, they proceeded up the river to a point on the other bank, some two miles above Bryarly's. I think it can be substantiated by ample testimony, that, some two days after, a guard of some forty men, United States soldiers, were placed over the boat by order of Colonel Loomis, commander at Fort Towson, to protect her from seizure on account of this *outrage.*

This, sir, is a fair and impartial outline of this transaction, which I have thought proper to transmit to the department, in order that yourself and his excellency may take such action thereon as to you shall seem consonant with the honor and dignity of the Texan nation.

This outrage was not committed upon me as an individual, but as an *officer of the government.*

Scott, the captain, and A. J. Macfarlane, clerk of the "Fort Towson," were the prominent actors in this matter in its commencement, as well as Colonel Loomis of the United States garrison, who offered them protection after their commission.

I send you a schedule of the goods, wares, and merchandise seized by M. J. Wright, and retaken, as aforesaid, (marked A.)

I have received yours of the 17th April, but certain persons now known to the department have relieved me of the necessity of action thereon.

With sentiments of regard, I am, very respectfully, yours,

JAMES BOURLAND, *Collector.*

HON. SECRETARY OF THE TREASURY.

*Copy of the schedule (marked A) referred to in the report of Mr. Bourland, collector.*

D. & T. Doaksville.—5 bales, 9 boxes, 9 sacks of coffee, 2 barrels, 9 kegs, 1 small box of glass, and 1 large cask.

D. & T. Fort Towson.—14 sacks of coffee and 4 boxes.

D. & T.—112 pieces of castings, 44 plough moulds, 101 bars of iron, 9 slabs of iron, and 4 bundles of iron.

[A.] F. T.—23 barrels, 5 bales, 37 sacks of coffee, 1 bale of blankets, 1 bale of bagging, 1 box, and 36 kegs.

A. P. U. Fort Towson.—5 boxes, 1 barrel, and 1 sack of coffee.

Rev. Alfred Wright, Wheelock, care of Doaks & Tims.—2 boxes, 1 bag of feathers, 2 kegs, 1 bundle of mattresses, marked C. N. H., and 1 barrel.

Rev. Cyrus Byington, care of Doaks & Tims.—1 box and 1 barrel.

Gerard Olmstead, Wheelock, near Fort Towson.—2 boxes, marked C. N.

B. H. C.—29 barrels, 2 bales of blankets, 23 sacks of coffee, and 20 kegs.

T. F.—5 boxes, 1 willow carriage, 43 plough moulds, 15 flat bars of iron, 1 bundle of nail iron, 11 bars of rolled iron, 1 bale of twine, 14 bales of bagging, 1 dozen teapots, 3 casks, 28 sacks of salt, and 14 coils of rope.

B. H.—16 bales of bagging and 1 bale of twine.

B.—248 pieces of castings, 27 pairs and irons, and 1 barrel.

[S.] Doaksville.—21 barrels, 21 boxes, 1 cask, 11 kegs, 13 bags of shot, 22 boxes, 142 brooms, 31 painted buckets, and 2 sacks of coffee.

Shrack & Nail, Doaksville.—3 boxes, 14 kegs, 4 bales of bagging, 2 tin cannisters, 1 coil of rope, 4 small boxes, 1 large oven, and 1 barrel.

[S.] F. T. Fort Towson.—8 barrels, 35 sacks of coffee, 19 boxes, 19 kegs, and 20 painted buckets.

[S.]—130 pieces of castings, and 29 sacks of salt.

Lieut. Wetmore, Fort Washita.—1 dozen Windsor chairs, 3 lanterns, 28 boxes, 48 kegs, 20 barrels, 1 bale,  $\frac{1}{2}$  dozen spades, 1 bellows and vice, 1 set of measures and bunch of wire, 2 handbarrows, 1 dozen sneds, 1 dozen pitchforks, 1 dozen spades,  $\frac{1}{2}$  dozen buckets, 1 dozen pitchforks, 1 dozen spades, marked U. S.; 1 large cask, marked U. S.; 8 cast ploughs, 2 drays, 1 pair of wagon wheels, 6  $\times$ -cut saws, and 6 spades.

P. J. A. Fort Towson.—7 barrels, 2 bundles of leather, 1 box, 10 sacks of coffee, 1 coil of rope, 1 bundle of kip-skin leather, 2 large casks, and 25 sacks of salt.

B. F. Cocke, Jonesborough, Texas.—3 barrels, 3 boxes, 4 sacks of coffee, and 5 kegs.

[B.] Fort Washita.—5 barrels, 1 box, and 5 kegs.

John McDonel, Fort Towson, care of B. & H.—4 barrels, and 6 boxes.

[W.]—33 sacks of salt.

J. J. Hilton.—1 bale of bagging.

M. & G. Brown.—1 coil of rope.

L. A. Singleton.—3 coils of rope.

A. L.—2 coils of rope.

R. N.—2 coils of rope and 28 bunches of twine.

R. H., near Scott's place.—6 bales of bagging, 9 coils of rope, and 5 sacks of salt.

B. & J.—1 box.

B. & B.—2 bales of blankets.

Joseph Glass.—1 bale of bagging.

George Brinleys.—1 sack of salt.

J. R. W.—1 sack of salt.

B. J. H.—1 sack of salt.

G. B.—1 sack of salt.

W. B. H.—1 sack of salt.

J. B. M.—1 sack of salt.

J. F. & N. F.—1 sack of salt.

*Goods found not marked or numbered*—19 painted buckets, 6 whipsaws, 3 stone jugs, 1 stone jar, 1 piece of bagging, 1 coil of rope, 30 brooms, 4 large willow crates, 7 sacks of salt, 1 barrel, 6 frying pans, [S.] [A.] and 64 pigs of lead.

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*Mr. Upshur to Mr. Van Zandt.*

DEPARTMENT OF STATE,  
Washington, August 11, 1843.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of the 8th instant of Mr. Van Zandt, chargé d'affaires of Texas, and of the documents which accompanied it, relative to an outrage said to have been committed upon the collector of the customs in the district of Red river, in Texas, by certain citizens of the United States, who are supposed to have been subsequently aided and protected by an officer of the army of the United States.

In reply, the undersigned has the honor to express to Mr. Van Zandt his regret that any occurrence of the kind referred to should have taken place; and to assure him that this department will take immediate measures to inquire into all the circumstances of the case, and that the result of the inquiry shall be made known to Mr. Van Zandt. Meanwhile, the undersigned has the honor to communicate a copy of a letter upon this subject, and of its accompaniments, addressed to this department by the Department of War on the 11th of May last; which confirm the fact of the assault upon the Texan fiscal officer, but afford some explanation of the motives which led to it.

The undersigned avails himself of this occasion to offer Mr. Van Zandt renewed assurances of his very distinguished consideration,

A. P. UPSHUR.

To the Hon. ISAAC VAN ZANDT, &c., &c.

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*Mr. Van Zandt to Mr. Upshur.*

LEGATION OF TEXAS,  
Washington, (D. C.) November 10, 1843.

The undersigned, chargé d'affaires of the republic of Texas, has the honor to acquaint Mr. Upshur, Secretary of State of the United States, that

the government of Texas, with feelings of pain and surprise, has received official information of the commission of an enormous outrage in the hostile invasion of its territory, and the forcible capture and disarming of a party of Texans under the command of Major Jacob Snively, by a detachment of cavalry and artillery under the command of Captain Cooke, of the United States army. This extraordinary aggression was perpetrated on or near the Arkansas river, at a point where that stream forms the boundary between the two countries, and was attended with circumstances on the part of Captain Cooke more characteristic of the perfidy and cruelty of a savage, than of that honor, fidelity, and magnanimity, which was to be expected from one holding the high rank of an American officer. In order to a full understanding of this affair, the undersigned will submit a brief outline of some of the principal facts connected with it, to which the attention of Mr. Upshur is most respectfully invited.

The government of Texas having been informed that for some time past an illicit and contraband commerce had been carried on through its territory, from the States of Missouri and Arkansas, with the settlements upon and beyond the Rio Grande, and that goods to an immense amount had been introduced in violation of its revenue laws, both by hostile Mexicans, and by citizens of the United States, it became its duty to interrupt and prevent its further illegal prosecution. The people of Texas also having suffered innumerable wrongs and injuries at the hands of Mexican soldiers and citizens, whose predatory bands have made repeated inroads into the country, and whose acts have been signalized by the grossest bloodshed and robbery, the government deemed it not only right, but, proper, to retaliate, and make reclamation for the losses and injuries thus sustained.

In order, therefore, to carry out these several objects, Major Jacob Snively was authorized to organize a force, strictly partisan in its character, with authority to operate in any portion of the republic above the settlements, and between the Rio Grande and the boundary of the United States. These forces took up their line of march about the 25th of April last, from the settlements high up on Red river, known as Georgetown; they then proceeded nearly due west one hundred and fifty miles, to a point supposed to be fifty miles west of the boundary of the United States; from thence they travelled north, twenty degrees west, until they reached the Arkansas river at the point before alluded to, and encamped on the south or Texas side. While at this encampment, for the purpose of securing supplies of buffalo meat, to which they had to resort for subsistence, Captain Cooke and his forces arrived in sight on the opposite side, and immediately despatched Lieut. Lovell to ascertain who Major Snively and his command were. The desired information having been given, Lieut. Lovell invited Major Snively to accompany him across the river to where Captain Cooke had halted his command, pledging the assurance of Captain Cooke that he should have a free passport. Major Snively, not supposing that any hostile intention or undue advantage was contemplated by Captain Cooke, who was represented to be an officer of the United States army, (a nation with which Texas was on the most amicable and friendly terms,) under these assurances proceeded to where Captain Cooke was stationed; when, instead of receiving the courtesy to be expected, and which was due him, he was told by Captain Cooke that he should disarm him, and, threatening him with his force of cavalry and artillery, said that if one of his men attempted to escape, he would throw his shells into the encampment, and send his dragoons across the river and cut the

Texan forces to pieces. Without going into all the details of this disgraceful procedure, (which will be found stated at length in an extract of Major Snively's report, which is hereto annexed,) it is sufficient to say that Major Snively having been thus decoyed across the river, was not permitted to return to his own camp until accompanied by Captain Cooke's force, who immediately formed the line of battle, and, with portfires burning, demanded of Major Snively that his forces should march out and stack their arms. Thus deceived by the treachery of Captain Cooke, and overpowered by his superior numbers and arms, no alternative was left but to submit unconditionally to this violation of their rights, and the high indignity offered to their country, or be sacrificed. But Captain Cooke did not stop here: after disarming the Texan force, he offered them the choice, either to abandon their own country, and receive an escort to Independence, Missouri, or to be turned loose with but one gun to every tenth man, to make their way through a wilderness of several hundred miles, inhabited by the most hostile savages, and by hunting to save themselves from starvation and death. Some accepted of the humiliating terms of an escort, while others attempted the more hazardous return to their homes. The latter joined a detachment then out under Captain Chandler; but, from their destitute situation, a number fell a prey to the murderous Indians. Thus was accomplished this unprovoked and excessive outrage, which is alike a violation of every principle of international law, revolting to the feelings of humanity, and in contempt of the rights, and derogatory to the honor and dignity, of the republic of Texas.

Notwithstanding the many grievous circumstances attending this affair, the government of the undersigned has likewise seen with regret a published letter of Major General Gaines to Brigadier General Taylor, in which the acts of Captain Cooke are not only not condemned, but sanctioned and applauded; while, at the same time, the most odious epithets are expended upon the forces of Texas. This officer likewise assumes the most extraordinary doctrine, that, because the boundary-line has not been run, the armies of the United States have the right to operate as far west as the Rio Grande. The undersigned feels that it is quite useless to enter upon the argument of a proposition so absurd. With equal propriety could Texas claim the right to march her forces to the Mississippi river, or even beyond it. Mr. Upshur cannot fail to discover that such a doctrine as that assumed by Major General Gaines, should it be attempted to be practically carried out, must inevitably lead to a collision between the two countries.

The government of the undersigned, fully aware of the great sensibility with which the government of the United States always views an indignity offered to itself, cannot for a moment but believe it equally resolved to give no offence to others; and that these several acts set forth, and now complained of, were neither done in pursuance of its orders, nor have they received its sanction. Influenced also by this belief, the hope is confidently indulged that the government of the United States will at once disclaim these acts of its officers, as well as the principles assumed by them.

The undersigned also informs the honorable Secretary of State that he has been instructed to ask, and respectfully demand, (which he now does,) that such course may be adopted as will afford that proper and speedy satisfaction and indemnification for these wrongs and injuries, which the government of Texas, firmly relying upon the justice, magnanimity, and friendly disposition of the government of the United States, expects to obtain;

and also the exemplary punishment of Captain Cooke, who committed the outrage, as well as the major general by whose authority, and under whose sanction, it appears he acted; in order that others may be deterred, by their example, from the perpetration of acts calculated, in their nature, to jeopard the peace and concord of nations.

The undersigned with pleasure avails himself of this occasion to offer to Mr. Upshur renewed assurances of his distinguished consideration.

ISAAC VAN ZANDT.

Hon. A. P. UPSHUR, &c. &c. &c.

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*Mr. Upshur to Mr. Van Zandt.*

DEPARTMENT OF STATE,  
Washington, December 29, 1843.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the letter of Mr. Van Zandt, in which he complains of an outrage said to have been committed by an officer of the army of the United States, in command of a military force, in disarming a small body of Texan troops, supposed to have been at the time within the territory of Texas. The undersigned lost no time in laying this communication before the President of the United States. He regrets that, in consequence of the heavy pressure of other public duties, and of the ill health of the President, an earlier reply could not be made. He has now the honor to state, by direction of the President, that it is a cause of great regret to the President that any such ground of complaint on the part of Texas should exist, or be supposed to exist. Nothing can be further from the intention of this government, than to do or to sanction any act on the part of its authorities injurious to the rights, or offensive to the dignity of Texas. But this government is not at this time sufficiently informed in regard to the facts of the case, to justify any definitive measure on its part. No time will be lost in instituting the proper inquiry; and the undersigned assures Mr. Van Zandt that full reparation will be made for any wrong which may appear to have been done to Texas.

The undersigned avails himself of this occasion to offer Mr. Van Zandt renewed assurances of his very distinguished consideration.

A. P. UPSHUR.

Hon. ISAAC VAN ZANDT, &c., &c., &c.

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*Mr. Upshur to Mr. Van Zandt.*

DEPARTMENT OF STATE,  
Washington, January 19, 1844.

SIR: When I had the honor to address you on the 29th ult. relative to the outrage alleged 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 commencement of the session of Congress, has rendered it impossible to give your letter upon this subject the attention which it would otherwise have received. I have now the honor to communicate to you 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 Fé, 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 Fé. On the 28th of that month, directions were issued by 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. This escort was to proceed as far as the territory of the United States extended on the route to Santa Fé. 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 190 men was placed under his command to carry out the orders of the department. They rendezvoused at Council Grove, Neosho river, on the 3d of June, and proceeded on their route with the caravan of traders.

On the 22d of June, Captain Cooke states, that when at Walnut Grove, he received intelligence that Colonel Snively, having about 180 Texans under his command, had avowed his intention to attack the caravan whenever he could find it unprotected, and had also made many threats against the American portion of it, and three of their spies had been reconnoitring 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 these 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 trumpet and flag to ford the river to their camp. He directed him to demand of their 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 aide, 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 Colonel 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 Texan citizens, and declaring that the merchandise 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 to 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 Texan camp. The land on the north side of the Arkansas river was confessedly within the territory of the United States. Captain Cooke states that he believed the ground on which the Texans 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 then were, while some believed the line to be as high up as Chouteau island, sixty or seventy miles above the Caches, or seventy-five or eighty miles above the Texan 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 themselves: 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 ground 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 Texan territory; that he was not fairly dealt with, and deceived under a flag of truce to place himself in Captain Cooke's power; that, being disarmed, he was exposed to dangers, 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 force 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 assurance heretofore given, that this government never meditated, and will never 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 great consideration.

A. P. UPSHUR.

To the Hon. ISAAC VAN ZANDT, &c. &c. &c.

*Mr. Van Zandt to Mr. Upshur.*

LEGATION OF TEXAS,  
Washington, (D. C.) February 21, 1844.

STR: The undersigned, chargé d'affaires of the republic of Texas, has the honor to acknowledge the receipt of the two communications of Mr. Upshur, Secretary of State of the United States, of the 29th of December last and of the 19th ultimo, submitting, in reply to a letter of his of the 10th of November last, the views at present entertained by the government of the United States in relation to certain outrages complained of by the government of Texas, and inviting any further suggestions which the undersigned might think necessary to elucidate the subject.

The undersigned is gratified to be informed that the honorable Secretary of State, by direction of the President of the United States, readily disclaims any intention, on the part of his government, to violate the territory of Texas; that Captain Cooke had no instructions which would have authorized him to violate any right of Texas, or her people; and that directions have been given to the Secretary of War to order a court of inquiry upon that officer; also, that the arms taken from the Texan troops will be restored, or compensation made for them; and that "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."

Under these assurances, and until the result of the court of inquiry, and the action of the government of the United States thereon, shall be made known, the undersigned deems it only necessary to notice the principal grounds which appear to be set up in justification or extenuation of the extraordinary conduct of Captain Cooke.

The first is, that the Texan forces were found in the territory of the United States. Captain Cooke attempts to prove this—first, by "actual observations;" which, as appears from his diary, show the transaction to have occurred in the 94th degree of west longitude. As to the correctness of these "observations," let us examine the facts. The town of Independence, Missouri, (from which the traders set out,) is within a short distance of the western boundary of that State, which, as delineated, is in longitude west, 94 degrees and 30 minutes. The course of the road from Independence to Santa Fé is a few degrees south of west. The distance from the former place to the point on the Arkansas river where the occurrence took place must be four hundred miles, or more; and, consequently, several degrees west of the longitude named in the diary of Captain Cook. Again: by an examination of the most authentic maps to which the undersigned has been able to refer, it appears that Walnut creek, (a tributary of the Arkansas,) mentioned by Captain Cooke, is west of the 98th degree of west longitude. From this he had continued his march with the traders eight days. The undersigned is not informed of the usual distance of a day's march under such circumstances, but believes it reasonable to suppose that they must have reached a point west of the 100th degree of west longitude. These facts show, conclusively, that the observations made, as stated in the diary of Captain Cooke, are wholly erroneous, and unworthy of reliance. Secondly: Captain Cooke says that "the line was understood by all to strike at least fifteen miles higher up than where they then were." This assertion, though not directly contradictory of the observations mentioned in his diary, at least exhibits a great discrepancy between them. But to whom does he

allude when he says it was "understood by all?" He of course did not mean to include the forces of Texas, for their commander protested to the contrary; but must be understood as intending to convey the idea that it was a kind of general understanding or impression with his own party. In some instances, general understandings and impressions are entitled to much weight; but in cases of unmarked boundaries, experience has shown that they merit but little consideration, and more especially when the understanding (I care not how general it may be) is confined to one of the interested parties. Previous to running the boundary between the two countries, from the Sabine to the Red river, the general impression existed in the United States that the line would strike the latter river much higher up than where it actually did when run. This impression was so strong, that the State of Arkansas attempted, and for some time exercised, jurisdiction as high up as Jonesborough. By the authority of the United States, a portion of the same territory was surveyed and sold as United States land, and the proceeds applied to their use. When Texas proposed to open her land office in the county of Red river, the seat of justice of which is forty-five miles west of the ascertained boundary-line, Mr. Forsyth, then Secretary of State, by direction of the President, threatened the Texan authorities with military force if they did not desist. The undersigned does not state these facts with a design to impute to the government of the United States an undue desire for the extension of its jurisdiction, but only for the purpose of showing how little importance is due to the argument or assertion of Captain Cooke that it was so "understood by all." On the other hand, Major Snively states that he took up his line of march from Georgetown, and proceeded one hundred and fifty miles west, to where he crossed Red river. Georgetown is reputed to be about two hundred miles west of the point where the boundary line heretofore run from the Sabine to the Red river strikes the latter; which, by reference to the report of the commissioners, is shown to be west of the 94th degree of west longitude. The course of Major Snively's march from where he crossed Red river was north, 20 degrees west; and the distance to the Arkansas about two hundred and seventy-five miles. From these calculations, there is every reason to believe that the point at which the Texan forces reached the Arkansas, and at which they were encamped, was within the territory of Texas.

Captain Cooke next alleges that the Texan forces were 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 the citizens of the United States and of Mexico engaged in that trade. Now, how are the facts of the case? The Texan force was strictly of a partisan character, and directed against such Mexican traders as might be found within the limits of Texas. Such were the objects set forth in the order of the War Department of Texas, directed to Major Snively, a copy of which was given to Captain Cooke at his request. The same objects were avowed by Major Snively to Captain Cooke, and there is nothing shown which manifests a different purpose. Captain Cooke, it is true, does say that, when at Walnut creek, he received intelligence that Major Snively had avowed that he would attack the caravan whenever he *found it unprotected*; that he had made threats against the American portion; and that three of the Texan spies had been reconnoitring in the territory of the United States. From whom this intelligence was derived, is not stated. The presumption is, that the name of the author could give

it no additional force, and that it was got up like the many false rumors that are frequently circulated upon the borders.

But admit that Captain Cooke did believe the intelligence when he received it, in his interview with Major Snively he must have discovered its falsity; for Major Snively states that he did not march to the river until the 29th of June, seven days after Captain Cooke had heard that his spies had previously been in the territory of the United States. This, with the assurances of Major Snively personally given, and the exhibition of his orders before alluded to, must have proven to him that there were no good grounds to apprehend an attack upon the caravan, while it was protected by his superior numbers and arms, or so long as it was confessedly within the territory of the United States, (which it then was, being on the north side of the river.)

But to return to the objects of the forces of Texas. Were they not lawful and proper? As one of the attributes of sovereignty, Texas had the undoubted right to regulate her internal commerce and trade, and to take the necessary steps to guard and protect herself against the violation of those regulations. For her own security and preservation against her enemies, she had the right, in all cases, to seize upon their persons and property, wherever found, without the limits of a neutral's territory, and especially within her own. The goods of the Mexican and American portions of the caravan were designed to be smuggled through the territory of Texas, in evasion and violation of her revenue laws, and intended for the use of her enemies; and, consequently, would have been liable to seizure had they entered her territory; and such act of seizure would have furnished no good ground of complaint on the part of the United States. The undersigned knows of no rule, or principle of right, which would authorize the United States to attempt the protection of her own citizens who might be found within the limits of Texas engaged in such illicit traffic; much less the Mexican enemies of Texas, who, in their manner of warfare, have never hesitated to violate the several rights of humanity and the usages of civilized nations.

From the foregoing, these conclusions may be deduced: That the objects of Major Snively's expedition were lawful and proper; that though the boundary-line had not been run, he had every reason to believe he was within the territory of Texas. The worst that could be said of it was, that the jurisdiction might be doubtful—in either case, he had the right to be there; that he was there, evidently not for the purpose of attacking the caravan within the known limits of the United States, but to await its progress to the south side of the river, within the limits of Texas; and that Captain Cooke had no good reasons to apprehend danger to the caravan at the time, nor was his course necessary to its protection, in any portion of the United States, to the line of which he was to furnish the escort; and, consequently, that he was wholly unjustifiable in disarming the forces of Texas.

Captain Cooke next asserts that "he used no harshness, nor more force than was necessary to accomplish the object." From this it is inferred that, having falsely considered he had the right to disarm, he likewise holds the monstrous doctrine that all means are lawful which he may have deemed necessary to effect his object. Having shown that he had no right to molest the Texan force, it appears equally plain, from his own admissions, that the manner of doing so was both wanton and inexcusable. In proof of this, the attention of the honorable Secretary of State is invited to the

following facts, drawn from the two statements of Major Snively and Captain Cooke. When Captain Cooke's forces approached in sight of the Texan camp, a flag of truce was hung out at the latter, which was recognised by him, sending at the same time a trumpeter and flag to the camp of Major Snively, and offering him a safe conduct over and back. Under this assurance he visited Captain Cooke, where (without going into all the details) he was detained until the forces of Captain Cooke had crossed the river, formed the line of battle, and, with portfires lighted, demanded of the Texan force to lay down their arms; thus violating the flag of truce, and the assurances given by himself; both of which would have been held dishonorable in all ages and by all nations, even between enemies—much more between friends. The undersigned will not enlarge upon this subject, and the subsequent inhuman treatment extended to the Texan force. In his former note, he took occasion to characterize the conduct of Captain Cooke in terms of strong reprobation. On further examination, he can see no cause to lessen or modify their character. He therefore confidently believes, and his government expects, that, upon the report of the court of inquiry, Captain Cooke will be dismissed from his command, with that censure which his conduct so eminently merits.

In regard to the letter of Brevet Major General Gaines, the undersigned has been unable to discover the grounds of the interpretation given it by the honorable Secretary of State, when he says that "it is not of an official character." The letter is dated at "Headquarters, St. Louis, Missouri," signed "Edmund P. Gaines, major general United States army commanding," and directed to "Brigadier General Z. Taylor, commanding the 2d department, Fort Smith, Arkansas." It treats of the military operations of his department, and, in the opinion of the undersigned, has all the necessary requisites to give it the force, and attach to it the responsibilities, of an official act. The honorable Secretary of State further remarks, that it has not been communicated to any department of this [his] government by the writer. The undersigned does not conceive it very material whether it was communicated by the writer or some one else. Previous to the receipt of the communication of the honorable Secretary of State, the undersigned was informed, through the courtesy of the late Secretary of War of the United States, that the letter alluded to had been communicated to his department, and certain orders or instructions had been given to the major general of the United States army concerning it.

The undersigned believes it due to the government of Texas, that it should be informed whether or not any order countermanding or disapproving this act of Brevet Major General Gaines has been issued from the proper department of the government of the United States; and also whether any steps will be taken for the punishment of that officer. In governments constituted like that of the United States, the acts of their officers must, in some degree, be considered as indicative of the disposition of those governments. If this be true, and an officer of the high rank of brevet major general shall, acting in his official capacity, write and *publish* (as in the instance complained of) his inflammatory orders, traducing the forces and calumniating the people of Texas, and such act be suffered to go uncensured, and its author unpunished, it may exert a most deleterious influence upon those amicable relations which have so happily existed between the two countries, and which it is the interest, and must be the sincere desire of both to foster, preserve, and perpetuate.

The government of the undersigned will receive with satisfaction the disclaimer made by the honorable Secretary of State, for his government, of so much of the letter of Brevet Major General Gaines as claimed the right to operate to the Rio Grande.

On the 8th of August last, the undersigned had the honor to communicate to the honorable Secretary of State information which he had received of an assault upon a revenue officer of Texas, and the rescue of certain goods from his lawful possession by citizens of the United States, who, it is alleged, were aided or countenanced by officers of the United States army. On the 10th of the same month, the undersigned received the note of the honorable Secretary of State, in reply, acknowledging the fact of the assault and rescue, and transmitting certain documents in relation thereto; giving, at the same time, an assurance that immediate measures would be taken to inquire into all the circumstances of the case, and the result of the inquiry made known to the undersigned. Since the date of the note last alluded to, no communication has been received from the honorable Secretary of State touching this subject. The undersigned avails himself of this occasion to again invite his attention to it, and to request that it may receive the early consideration of the President of the United States. At the date of the former note of the undersigned upon this subject, he had not then received (and was, consequently, unable to transmit) an estimate of the goods, wares, and merchandise rescued from the collector. He has since been informed by his government that the supposed amount is \$70,000; for which sum he has been instructed to make a demand of the government of the United States, which he now does, and to renew the request for proper satisfaction for the insult given to the government of Texas in the person of its officer, and the grievous personal injury sustained by him.

The undersigned seizes with pleasure this occasion to renew to the honorable Secretary of State assurances of his distinguished consideration.

ISAAC VAN ZANDT.

Hon. A. P. UPSHUR, &c.

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*Mr. Calhoun to Mr. Van Zandt.*

DEPARTMENT OF STATE,  
Washington, August 14, 1844.

The undersigned, Secretary of State of the United States, has the honor of transmitting herewith to Mr. Van Zandt, chargé d'affaires of the republic of Texas, a copy of a note from the Secretary of War, covering a copy of an extract of the proceedings of the court of inquiry in the case of Captain Cooke, relating to the discharge of the duty assigned him for the protection of the caravan of Santa Fé traders, through the territories of the United States, to the Texan frontier, in May and June, 1843.

The court was ordered at the request of my immediate predecessor, in conformity to the intimation contained in his communication to Mr. Van Zandt of the 19th of January last, in order to ascertain more fully, and in the most authentic form, the circumstances and facts connected with the proceedings of Captain Cooke and his command, in the disarming of the Texan force under the command of Colonel Snively. Mr. Van Zandt

will find, on recurring to the extract, that the opinion of the court is, that the place where the Texan force was disarmed was within the territory of the United States; that there was nothing in the conduct of Captain Cooke which was harsh or unbecoming; and that he did not exceed the authority derived from the orders under which he acted. It is proper to add, that the court consisted of three officers of experience and high standing, that the case was fully laid before it, and that its opinion appears to be fully sustained by the evidence.

There seems to be no doubt that Captain Cooke was sincerely of the opinion that the Texan force was within the territory of the United States; and that the fulfilment of his order to protect the trade made it his duty, under such circumstances, to disarm them. It is readily conceded that the commander of the Texan forces, with equal sincerity, believed the place he occupied was within the territory of Texas. Which was right, or which wrong, can be ascertained with certainty only by an actual survey and demarcation of the line dividing the two countries, between the Red and Arkansas rivers.

With these impressions, the undersigned is of opinion that it is not either necessary or advisable to renew between the two governments the discussion on the question whether the Texan force was, or was not, within the limits of the United States, or the others heretofore brought into the discussion in connexion therewith. It could lead only to fruitless efforts to establish what, in the present state of information, cannot be fixed with any certainty, to be followed by irritated feelings between two countries whose interest it is to be on the most friendly terms.

In the hope, therefore, of closing this discussion, and putting an end to this exciting subject, the undersigned renews the offer of his predecessor, contained in the communication above referred to, "to restore the arms taken from the Texan force, or to make compensation for them;" and his assurance, given at the same time, that "his government never meditated, and will not sanction any indignity towards the government of Texas, nor any wrong towards her people, and will readily repair any injury of either kind, which may be made to appear."

The undersigned has also the honor to transmit herewith a copy of a letter from the Secretary of War, covering communications from the Adjutant General and the Commissioner of Indian Affairs, giving additional information in reference to the outrage said to have been committed by citizens of the United States on the collector of the district of Red river in Texas, and which has heretofore been a subject of correspondence between the two governments.

It would seem, on a review of all the evidence, that the outrage was the act of the captain of the "Fort Towson," and the individuals who accompanied him; and that no officer of the United States, civil or military, was implicated in it, either before, as advisers or aiders, or after, as abettors. The guard ordered down by the commandant of the garrison of Fort Towson seems to have been for the protection of the public property on board. Should, however, any fact hereafter come to light calculated to implicate any one acting under the authority of the United States, it will be made a subject of special investigation.

The undersigned admits that the outrage was one of an aggravated character; and also that, according to the law of nations, it is the duty of a government to prevent its citizens or subjects from injuring another government

or its citizens or subjects, whenever it can ; and when it cannot, that it should compel the offender to make reparation for the damage or injury, if possible ; or to inflict on him exemplary punishment, or deliver him up to the offended state, to be punished according to its laws in such cases ; or make reparation itself for the injury. It is to be regretted that there is no law of the United States, or treaty stipulation between them and Texas, providing for punishing offenders of the kind, or delivering them up to the offended party to be punished according to its laws. In their absence, this government has no power to deliver up the offenders in this case, or to punish them for the offence,—unless, indeed, the laws of the State of Arkansas make it penal for its citizens to enter into a combination or conspiracy, to commit an unlawful act beyond its jurisdiction, and within that of another state or country. If they do, the perpetrators of the outrage may be indicted and tried in the criminal courts of the State ; and orders will accordingly be given, if such should be the case, to the district attorney of the United States for the State of Arkansas, to institute criminal proceedings against them, with a view to their conviction and punishment.

As to the reparation to be made for the damage sustained by the government of Texas, in consequence of the forcible seizing and taking away from its possession the goods introduced in violation of the revenue law, and for which Mr. Van Zandt has made, in its name, a demand for compensation equal to their estimated value ;—the undersigned is instructed by the President to state, that it will require the sanction of Congress to make the compensation, as the constitution of the United States provides, expressly, that “no money shall be drawn from the treasury but in consequence of appropriations made by law ;” but that he will recommend the subject to that department of the government, for its favorable consideration and action at the next session.

In order to enable him to present the subject fairly, Mr. Van Zandt will, of course, see that it will be necessary for his government to furnish this with all the evidence which may be requisite to establish, authentically, the facts of the illegal introduction of the goods, their forcible seizure and taking away by the citizens of the United States, and the amount of damage suffered in consequence ; to be transmitted by the President to Congress, with his message.

The undersigned avails himself of this occasion to offer Mr. Van Zandt renewed assurances of his very distinguished consideration.

J. C. CALHOUN.

To the Hon. ISAAC VAN ZANDT, &c.

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*Mr. Van Zandt to Mr. Calhoun.*

LEGATION OF TEXAS,  
Washington, (D. C.,) August 16, 1844.

The undersigned, chargé d'affaires of the republic of Texas, has the honor to acknowledge the receipt of the note of Mr. Calhoun, Secretary of State of the United States, of the 14th instant, furnishing the decision of the court-martial appointed for the trial of Captain Cooke, and additional information concerning the forcible rescue of certain goods from the collector of Red river, with the opinions of the President of the United States in relation

thereto; also, the documents enclosed therewith, explanatory of the two cases referred to. Copies of the same will immediately be transmitted to the government of Texas, for its information. It is not deemed necessary, at this time, to add anything further in relation to the trial and acquittal of Captain Cooke.

The very just and proper views expressed by the honorable Secretary of State concerning the outrage upon the collector of Red river, and the willingness manifested by the President of the United States to make compensation for the injuries inflicted and damages done, will be very gratifying to the President of Texas, furnishing, as it does, renewed evidence on the part of the government of the United States of a disposition to preserve the most friendly relations between the two countries—a disposition which the undersigned is happy to assure the Secretary of State is fully reciprocated by the government of Texas.

The testimony referred to as necessary to be transmitted to Congress with the message of the President of the United States, will be furnished at the earliest day possible.

The undersigned avails himself of this occasion to renew to Mr. Calhoun assurances of his very distinguished consideration.

ISAAC VAN ZANDT.

HON. JOHN C. CALHOUN, &c., &c., &c.

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*Mr. Van Zandt to Mr. Calhoun.*

LEGATION OF TEXAS,  
Washington City, September 9, 1844.

SIR: I have the honor to inform you, that since the date of my last note, in reply to yours in relation to the arms taken from Colonel Snively's command, I have received further instructions from my government respecting the same; and now announce to your excellency the acceptance of the offer made by you on the part of your government. As it is not probable that the arms could be returned in the order in which they were taken, compensation will be received for them. Their value, &c., as I understand, having been communicated to the Department of War of the United States, I hope you will inform me at what time your government will be in readiness to discharge the demand.

I avail myself of this occasion to offer to you renewed assurances of my distinguished consideration.

ISAAC VAN ZANDT,  
*Chargé d'Affaires of the Republic of Texas.*

To the Hon. J. C. CALHOUN, &c.

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*Mr. Calhoun to Mr. Raymond.*

DEPARTMENT OF STATE,  
Washington, September 18, 1844.

SIR: The note addressed to this department by the honorable Mr. Van Zandt, late chargé d'affaires of the republic of Texas, dated on the 9th inst.,

has been referred to the honorable Secretary of War for his decision ; and I have the honor to inform you that it is not considered within the competency of the government, without further legislation on the part of Congress, to carry out the arrangement proposed in reference to the arms taken from Captain Snively's command by the orders of Captain Cooke. The proceeds of the sale of the condemned arms have gone, according to law, with the general mass of receipts, into the treasury; and, of course, are not subject to be drawn out by warrant, without an appropriation for that purpose. Under these circumstances, it is deemed advisable to await the meeting of Congress, when the subject will be brought specially to its consideration, and the necessary appropriation asked to complete the arrangement proposed.

I have the honor to be, sir, your obedient servant,

J. C. CALHOUN.

To C. H. RAYMOND, Esq., &c.