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DIPLOMATIC RELATIONS OF TEXAS AND THE UNITED
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THOMAS MAITLAND MARSHALL

During the first administration of Houston the keynotes of Texan diplomatic relations with the United States were recognition of her independence and annexation. The first of these had been attained by the last official act of Andrew Jackson, but annexation met with greater difficulty. Opposition developed in the United States Congress to such an extent that the offer of annexation was withdrawn in October, 1838, two months before the close of Houston's first administration.

The election of Lamar to the presidency of Texas brought about a changed attitude in diplomatic relations. Lamar desired to see Texas develop into a great independent republic; he hoped to build up her finances, to secure the recognition of foreign powers, to gain an acknowledgment of Texan independence from Mexico, to extend her trade relations by commercial treaties, to expand the boundaries, and to establish a system of education.

¹The publication of *The Texan Diplomatic Correspondence*, edited by George P. Garrison, in the *Reports* of the American Historical Association, 1907 and 1908, and of the *Secret Journals of the Senate, Republic of Texas*, edited by Ernest William Winkler, have made possible the writing of this paper. They will be referred to respectively as *Tex. Dipl. Corr.* and *Secret Journals*. The author wishes to extend his thanks to the Editor of *THE QUARTERLY* and to Dr. Herbert E. Bolton, in whose seminar this paper was prepared, for many helpful suggestions.

It is the object of this paper to trace the diplomatic relations of Texas and the United States during this period of nationalism and to show their outcome in the second administration of Houston. The subject of annexation has recently received extended treatment from several able historians;¹ in consequence the present writer will treat that subject only when necessary to explain the course of events with which this paper specifically deals.

The most important step toward the accomplishment of Lamar's plans was to secure his country from Mexican aggression. Mexico had not acknowledged the independence of her rebellious province and was continuing a predatory warfare in the neighborhood of the Rio Grande. Torn with internecine strife, assailed by France,² and confronted with rebellion in Yucatan, Mexico had scant means to carry on more than guerrilla warfare against Texas.³ The time appeared auspicious for coming to an understanding. Accordingly the plan was conceived of sending an agent to Mexico and of instructing the Minister to the United States to attempt to secure the good offices of that government in undertaking the rôle of mediator.

On February 20, 1839, Barnard E. Bee was appointed to go to Mexico.⁴ The fact that he was selected shows the importance which the Texan government attached to the mission. Bee had occupied the position of Secretary of War in Houston's first administration, and resigned from the office of Secretary of State to conduct the negotiations in Mexico.⁵ He was given a double commission, one as agent to the government of Mexico, the other as Minister.⁶ It was not believed that he would be received in the latter capacity, as that would be a virtual recognition of the in-

¹Garrison, "The First Stage of the Movement for Annexation," in *The Am. Hist. Review*, X, 72-96; Garrison, *Westward Extension*; Adams, *British Interests and Activities in Texas*; Reeves, *American Diplomacy under Tyler and Polk*; Smith, *The Annexation of Texas*.

²Bancroft, *History of Mexico*, V, 186-205.

³Garrison, *Westward Extension*, 33; Bancroft, *North Mexican States, and Texas*, II, 326-332, 351.

⁴Webb to Bee, February 20, 1839, *Tex. Dipl. Corr.*, II, 432-437.

⁵Baker, *Texas Scrap Book*, 289; *Texas Almanac*, 1858, p. 99; *Tex. Dipl. Corr.*, I, 23.

⁶Webb to Bee, March 7, 1839, *Tex. Dipl. Corr.*, II, 437-438.

dependence of Texas, hence the double commission. Bee was authorized to negotiate for peace, and to make a treaty, if it could be secured with the unconditional recognition of the independence of Texas, and if possible, with the boundary at the Rio Grande. If Mexico would not agree to that boundary, he was empowered to make a treaty of peace and recognition, leaving the question of limits to be settled by a future treaty. He was given one other alternative, as follows: "Should Mexico express a willingness to establish peace, and recognize the Independence of Texas to the extent of her original boundaries when forming a part of the Mexican Confederacy, but peremptorily refuse to admit our claims to the entire territory embraced within the limits defined by the act of Congress [December 19, 1836], you may propose a compromise by negotiating for the purchase of all that portion of it which is not within the original boundaries, at a stipulated price; but the sum to be thus stipulated for it must not exceed five Millions of dollars. . . ." In other words, the offer to purchase was practically identical with the terms of the proposal which President Jackson made to Mexico in 1829.²

On March 13, 1839, General Richard G. Dunlap was sent to the United States as Minister.³ He was a man of high standing, having been Major-General of volunteers in Tennessee. Hearing of the Alamo disaster, he had determined to join the Texans in their struggle for independence, and offered to raise two thousand volunteers, but the battle of San Jacinto made this unnecessary. He went to Texas in 1837, and later became Secretary of Treasury under Lamar, which position he held previous to his appointment as Minister. Upon arrival at Washington he presented the idea of mediation to the State Department. Forsyth expressed a willingness on the part of the United States to interpose, but with the proviso that it would not do so unless Mexico so desired. The answer of Forsyth was indicative of the cautious-

¹Webb to Bee, February 20, 1839, *Ibid.*, II, 432-437.

²Reeves, *Diplomacy under Tyler and Polk*, 65-67, note; Barker in *The Am. Hist. Review*, XII, 789.

³Webb to Dunlap, March 13, 1839; two letters, Webb to Dunlap, March 14, 1839, *Tex. Dipl. Corr.*, I, 368-376.

ness of the Van Buren administration. The answer, however, tended to stimulate the hopefulness of Dunlap.¹

Bee, in the meantime, had arrived at Vera Cruz. He found it both convenient and discreet to stay on the French frigate *La Gloire* until given permission to land.² News of his arrival being noised abroad, the Vera Cruz *Censor* published an article which spoke of "the audacity of those brigands in sending us their pedlar to ask us to allow the peaceable possession of their robbery. . . ." It further stated, "The Commandant said that he was not aware of the existence of a nation called the 'Republic of Texas,' but only of a horde of adventurers, in rebellion against the laws of the government of the republic."³ In spite of this Bee was allowed to land. General Victoria, who was in command at Vera Cruz, immediately communicated with the Mexican Council of State regarding the Texan proposals. That body unanimously rejected any overtures based upon the idea of independence. While awaiting the reply of the Council, Bee received private letters which threatened him with imprisonment. Victoria, however, treated him with courtesy, and when the rejection came, urged that Texas reunite with Mexico. On May 24, 1839, Bee informed his government that his mission had failed, and a few days later set out for the United States by way of Havana.⁴

In June Dunlap, at Washington, heard of the rejection of Bee, but he still believed that Mexico would not refuse the offered mediation. He took steps to obtain an interview with Martínez, the Mexican Minister; in this he experienced considerable difficulty, but when it was once attained, he soon believed himself on confidential terms with that astute individual.⁵ To fully understand Dunlap's dealings with Martínez, it is necessary to know what had been transpiring in Texas.

After the return of Bee, James Treat had been appointed by Lamar a private and confidential agent to Mexico.⁶ But little is

¹Dunlap to Lamar, May 16, 1839, *Tex. Dipl. Corr.*, I, 383.

²Bee to Webb, May 9 and 10, 1839, *Ibid.*, II, 443-444.

³Translation in Morphis, *History of Texas*, 413.

⁴Bee to Webb, May 13, 24 and 28, 1839, *Tex. Dipl. Corr.*, II, 444-445, 447-450.

⁵Dunlap to Forsyth, June 26, 1839, *Ibid.*, 408-409; Dunlap to Burnet, October 12, 1839, *Ibid.*, I, 418-421.

⁶*Secret Journals*, 149.

known of the life of Treat previous to this time. He assisted Texas in 1836, while in New York; he had been in Mexico, and was acquainted with political conditions there. He was recommended to the Texan government by Hamilton, Bee, Dunlap, and others.¹

The principal point in the negotiation with which Treat was entrusted was the acknowledgment of the independence of Texas, the boundary to be fixed at the Rio Grande. The instructions also said,

Before submitting this ultimatum on the subject of a boundary line, you will feel the authorities of Mexico in relation to a different division of Territory. You may suggest to them a line commencing at the mouth of the Rio Grande mid way of its channel, up that stream to the Paso del Norte and from thence a due west line to the Gulf of Calafornia and along the Southern shore of that Gulf to the Pacific Ocean. This boundary will not be strenuously insisted upon but may be intimated as a counterpoise to any extravagant expectations on the part of Mexico and as a premonition to the Government of the ultimate destination of that remote Territory.

Treat was further authorized, as Bee had been, to offer not more than five million dollars for a relinquishment of Mexican claims to the Texan side of the Rio Grande.²

In the instructions no mention was made of mediation. Treat observed this omission and asked his government for information.³ Burnet, Acting Secretary of State, replied that the original instructions were deficient, and added others to the effect that the treaty

shall be acted upon . . . at the city of Mexico, or the City of Washington or at the Capitol of this Republic, leaving it to the Mexican Authorities to select the location. But as the mediatorial interposition of the Government of the United States has been conditionally proffered and will be cordially accepted by this Government it would probably be conducive to the permanency of the

¹Hamilton to Lamar, June 22, 1839, *Tex. Dipl. Corr.*, II, 450-452; note a, *Ibid.*, II, 451; *THE QUARTERLY*, XV, 316, note 2.

²Burnet to Treat, August 9, 1839, *Tex. Dipl. Corr.*, II, 470-471.

³Treat to Bee, August 13, 1839, *Ibid.*, II, 475-476.

peace to be established, to conduct the negotiations at the Capitol of that Republic. It is understood that Mr Ellis the Minister from the Government of the United States to that of Mexico, has been instructed to signify to that of Mexico the desire of the United States to see the difficulties between Texas and Mexico amicably adjusted.¹

Treat proceeded to New Orleans and then to New York for the purpose of raising funds for paying his expenses before proceeding to Mexico.² He communicated with Dunlap and no doubt informed him of his instructions,³ for Dunlap now suggested to Martínez that the boundary line be settled by running it to the Pacific; in other words, the line as proposed in a part of Treat's instruction. To this the Mexican Minister replied, "Not being empowered by my official attributes to enter into any argument on the very important points to which you refer therein, I shall be constrained to limit myself solely in the present case to the communication of its contents to my Government, whose decision on the subject will be communicated at your convenience." This letter, to quote Dunlap's expression, made him "truly happy."⁴

Dunlap's mission had thus far accomplished little. He had enemies in Texas who were at work against him; Bee was in the United States and was available. The Texan Senate refused to confirm Dunlap's nomination and Bee was appointed.⁵ He did not assume his duties, however, until April 20, 1840, Dunlap remaining at his post until Bee's arrival.⁶

¹Burnet to Treat, August 19, 1839, *Tex. Dipl. Corr.*, II, 476-477. Smith, *The Annexation of Texas*, 37, says, "in the course of 1840 and 1841 a secret agent and two plenipotentiaries were sent to that country [Mexico]." Bee and Treat were sent in 1839. The present writer was in error when he stated in a recent article that Treat arrived in Mexico in 1840; see *THE QUARTERLY*, XIV, 290.

²Treat to Lamar, September 3, 1839, *Tex. Dipl. Corr.*, II, 477-478. Texas loan commissioners were then trying to raise funds in the United States, but had met with little or no success. Treat had been given a bill against the commissioners which the Bank of the United States refused to purchase. He later obtained money from the United States Bank of Pennsylvania. *Ibid.*, II, 491.

³Treat to Burnet, September 3, 1839, *Ibid.*, II, 478-482.

⁴Translation, Martínez to Dunlap, October 9, 1839, and Dunlap to Martínez, October 9, 1839, *Ibid.*, I, 423-424.

⁵*Secret Journals*, 117-118, 142, 177-178.

⁶Bee to Lipscomb, April 21, 1840, *Tex. Dipl. Corr.*, I, 447-448.