

HENDERSON TO IRION.^a*Despatch No. 2*LEGATION OF TEXAS
LONDON ENGLAND
*November 5th. 1837.*To the Honable. R. A. IRION
Secretary of State

SIR

In despatch No. 1, I mentioned to your honor that I would in a few days from that time address a communication to Lord Palmerston, setting forth the grounds upon which Texas founds her claims to be recognized as an Independent Nation; I have now the honor to forward you a copy of the same together with his Lordships note acknowledging the Receipt of my Letter.

To the Right Honorable Lord Viscount PALMERSTON.

MY LORD

Since the interview with which your Lordship honored me on the 13th inst. I have concluded to address this communication to your Lordship, setting forth the reasons upon which the Republic of Texas, which I have the honor to represent, founds her claim to be recognized as an Independent Nation, and request your Lordship to do my Government the favour of laying the same, before her Majesty's Cabinet at the earliest period at which it may be convenient.

The Government of Texas bases her claims to recognition as an Independent Nation upon the fact that she is so, *de jure* and *de facto*. That Texas is *of right* an independent nation will clearly appear by an examination into the history of that country, the rights of her citizens, and the causes which impelled them to a separation from the Mexican Republic. But a few years since, Texas was a wilderness, inhabited only by wandering tribes of Savage Indians, who being excited by the injustice done them, waged a constant and destructive warfare, against the Spanish settlements bordering on the then Province of Texas. In order to put an end to the depredations of these Indians, which had so much retarded the prosperity of the Spanish Colonies in that region, the Government of Spain opened this province for settlement and invited foreign enterprize to the country; the inducements held out were such as to induce many American Citizens and other Foreigners, immediately to accept the offer. The first Colony which was settled in Texas was by Col. Stephen F. Austin under a grant from the Crown of Spain to his Father, Moses Austin Esqr. previous to the separation of Mexico from that Government. The first settlement under this grant was A. D. 1821; this settlement was not effected without much risk and

^a L. S.

difficulty; but the Indian inhabitants were gradually appeased by the just and kind treatment which they met with at the hands of the Texians.

At the time when the other provinces of Mexico declared their independence of the Crown of Spain, Texas joined with them, and when the Federal Constitution was adopted A. D. 1824, the other Provinces each retained to themselves a State Government and constitution, after giving up such powers as were necessary to the Federal Government. In the Congress or Convention which formed the Federal Constitution, Texas by her representatives retained all of the powers which were incident to the different Provinces or distinct Sovereignties, which composed that body; but not possessing at that time, sufficient population, to warrant her in establishing a separate State government, She by her own consent, was provisionally annexed to the adjoining province of Coahuila, and the two formed the State of Coahuila and Texas "Until Texas possesses the necessary elements to form a separate State of herself."^a Such are the words of the Constitutional or organic act passed by that Congress or Convention of Mexico on the 7th. May 1824. According to the acts of this Convention, Texas by the consent of the other States of Mexico, retained to herself a specific political existence, with well defined rights of self Government, as a State of the Mexican Confederacy, whenever she possessed the necessary elements. To this agreement or contract the Government, or other provinces of Mexico form one party, and Texas the other; which contract neither could rightfully destroy, without the consent of the other. How far this contract has been faithfully observed by each party, I will now proceed to show. With but a few short intervals, the people of Texas and the other friends of order throughout Mexico, have been compelled ever since the separation of that country from Spain, to keep up a perpetual war against the several ambitious military chieftains, who have each in their turn attempted to overthrow the Constitution and establish in its stead a military despotism. Iturbide by corruption and violence established an imperial Government, without the consent of the people, who deposed and banished him and adopted the Federal Republican System; Genl. Iturbide returned to the country and was put to death, and Victoria was elected president, who served only four years, during all of which time the country was distracted with conspiracies and civil wars. Genl. Pedroza^b was next chosen President. He was dispossessed of his office by violence and Guerrero^c

^a The State as first formed included Nuevo León, Coahuila, and Texas; but by the separation of Nuevo León it became composed of Coahuila and Texas. See Gammel, *Laws of Texas*, I, 61, 73.

^b Pedraza.

^c Guerrero.

appointed to fill his place. Guerro was scarcely seated in office, before Genl. Bustamente made war against the Government, deposed Guerro put him to death—assumed the reins of government and destroyed the Constitution. In the year 1832 Genl. Santa Anna then the leader of the Constitutional party, opposed the usurpations of Bustamente, succeeded in putting him down, banished him from the country and was himself elected President by the friends of the Constitution of 1824. All of these revolutions took place in the short space of nine years and in every instance the citizens of Texas adhered to the Constitutional party.

In the year 1833, the people of Texas who had assisted in putting down Bustamente—restoring the Constitution of 1824 and placing Genl. Santa Anna at the head of the Government, believing him to be disposed to administer the Government according to the Constitution, assembled in Convention and finding that they possessed the necessary elements required by the Constitution to entitle them to a State Constitution and Government, accordingly drew up an humble and respectful petition to the general Government, praying to be permitted to organize a State government according to the terms of the Federal Compact. A Commissioner—Col. Austin was appointed to lay the same before the Mexican Government, which he did in the most respectful manner. But it seems Genl. Santa Anna had already determined to destroy all of the State Governments, and he caused the petition to remain unanswered and unattended to, and for some pretended offence imprisoned the commissioner who bore the petition for fifteen months, without informing him of the nature of the charge alledged against him. These acts of injustice, together with the constant revolutionary state of Mexico since its separation from Spain, in which that people clearly evinced their entire incapability of Self Government were causes sufficient to have justified the people of Texas, in dissolving all political connection with them. They still however under all of these discouraging circumstances, forbore, with the hope of sustaining the constitution of 1824, and securing their rights under it; but in this they were disappointed. Genl. Santa Anna, who had heretofore been the leader of the Republican party, now became the leader of the party he formerly opposed—prostrated the Constitution, destroyed the Federal System, and dissolved the Federal Compact. This he effected by a military order issued in May 1834, by which he dissolved the Genl. Congress of the Republic, which was opposed to his ambitious views, before its constitutional term had expired. By another military order which issued from the same source, a new, unconstitutional and revolutionary Congress was assembled on the 1st. of January 1835 which deposed the Vice President Gomez Farias who was a Republican, without trial or impeach-

ment and elected another—Genl. Baragan^a in his place, and established a consolidated central Government.

Against these acts the State of Texas and Coahuila, through their Legislature protested—they were also openly resisted in the States of Puebla, Oaxaca, Mexico, Jalisco,^b Zacatecas and other parts of the Republic; but they were forced to submit to the Revolutionists, who had under their command the regular army, with all of the arms and munitions of war in the country. For protesting against these usurpations the Legislature of Texas and Coahuila was dissolved by an armed force, sent by the government of Mexico for that purpose, and the Governor and many of the leading members were imprisoned by Santa Anna.

With all these acts of oppression the people of Texas bore, remonstrating only and petitioning for relief, until the month of October of that year (1835) when Genl. Cos with a military force was sent to Texas to enforce the revolutionary measures of Santa Anna, when they took up arms in defence of their rights and on the 7th November of that year in a general consultation, declared their determination to restore and adhere to the Constitution of 1824, and called upon the other States to assist them. And it was not until March 1836, after the other States had been forced to submit to these usurpations, for the want of arms and the energy to procure them—After Genl. Santa Anna had marched in person at the head of a numerous army into Texas, made war upon the citizens and declared by words and acts, that it was a war of extermination, that the people of Texas declared their political connection with Mexico to be at an end. The people of Texas were satisfied to remain an integral part of the Mexican Confederacy, so long as that Government administered their rights, according to the Constitution of 1824; but that was no longer practicable because Genl. Santa Anna had destroyed the Confederacy, and established in its stead a military despotism. They were thus compelled either to submit to his revolutionary measures, or separate themselves entirely from that Government. They chose the latter. How far they were justifiable I now submit to the consideration of your Lordship and the other members of her Majesty's Cabinet.

But perhaps the only question which your Lordship may think it necessary to decide, in the present case, is whether or not the Government which I have the honor to represent, is the Government of Texas de facto. That such is the case, and that it is not only the Government in fact, but that it is capable of sustaining itself and discharging all the duties of an independent government will I think most clearly appear from an examination of her history and acts for the last two years to which I must again beg leave to call

^a Barragán.

^b Jalisco.

your Lordships attention. When Genl. Cos was sent into Texas by Genl. Santa Anna in October 1835 with a military force of about 1500 men, to enforce the unconstitutional and revolutionary measures of the President of Mexico, he with 1300 soldiers took possession of the Alamo, a strong fortress at the town of San Antonio De Bexar, in which he was attacked by less than 300 of the Texas Militia, and after a feeble resistance he surrendered the fort and the whole force under his command;^a all of whom were released upon parole and allowed to return to Mexico, on condition that they would not return to fight against Texas in that struggle. In the month of Jany. 1836 the President of Mexico, Genl. Santa Anna, invaded Texas at the head of eight thousand of the best troops of Mexico, attacked the Alamo which Genl. Cos had surrendered in November and which was now garrisoned by 136 Texians, and after a siege of thirteen days and a loss of between twelve and fifteen hundred men, he succeeded in retaking the fort, and put every man to the sword. He then moved on to Goliad a small town, which was in the possession of about 300 Texian Soldiers, commanded by Col. Fannin, who in his retreat, was overtaken in an open Prairie by the Mexican Cavalry; he succeeded in defending himself against them altho' greatly his superior, in numbers. In the mean time the rest of the Mexican Army arrived, and the Texians having expended all their ammunition, accepted of the terms proposed by the Mexican Commander and surrendered, with the written stipulation that they should all be discharged upon parole; this agreement was cruelly violated by Santa Anna, who after having kept them for eight days as prisoners of war, caused every man to be put to death, except the very few who made their escape by flight when they were marched out to be murdered. The people of Texas had not expected so rapid an invasion from Mexico, and were consequently unprepared, but on the 21st. of April Genl. Houston the commander in chief of the Texian army, then consisting of only 800 men hastily collected together attacked one division of the Mexican Army which was commanded by Genl. Santa Anna in person, and consisted of 1700 of his chosen troops—Slew more than 700 on the field of battle and took all the balance prisoners, together with their President and commander in chief Santa Anna. The loss of the Texians in this battle was 7 killed and 22 wounded. The rest of the Mexican Army about 4500 in number were driven out of Texas, by such a part of the army of Texas as could be spared to follow them.

I have been thus particular in detailing the history of the war in Texas, in order to show the entire inefficiency of the Mexican people,

^aThe fighting did not center, as the narrative implies, at the Alamo, which was then without the city, but in the group of buildings at that time composing the town further west.

and the impossibility of their ever conquering Texas; because if the most renowned general of Mexico, at the head of 8000 of her choice troops, was unable to contend successfully with Texas, whose army equalled in number but one tenth part of his own, would it be reasonable to suppose, that at the present time when Texas can call into the field, ten thousand men, whose confidence has been increased by the success of the arms of their countrymen against Mexico, and that of the Mexicans diminished by the same cause, Mexico can succeed in reconquering Texas? Or would it be just to answer Texas when she asks to be recognized as an independent nation, that she may be reconquered by Mexico? It is true that the people of Mexico had gained abroad the character of a brave and warlike people, and a moments reflection will explain how this misconception of their character has happened. Their warring heretofore has been confined to battling among themselves, where all were alike weak and inefficient. They have never, before they waged war against Texas, fought a foe of foreign blood. The people of Mexico fight now to enforce the unconstitutional decrees of a government for which they have no affection. The people of Texas oppose them, to sustain their natural and constitutional rights.

Since the defeat of the Mexican Army and the capture of their commander in chief Genl. Santa Anna more than eighteen months have expired, and notwithstanding that government has used all available means, she has not been able to collect together at any one time more than 3000 men for the purpose of reinvading Texas. Her soldiers are aware of the increased and still rapidly increasing strength of Texas, and they will not consent to move against her and their government has not the ability to force them. Genl. Santa Anna has been set at liberty by the government of Texas unconditionally and is now in Mexico. During his captivity in Texas, Genl. Bustamente who was in exile returned to Mexico, and was elected President before Santa Anna's term had expired. The same spirit of revolution which has ever reigned in that Republic, still exists, with Santa Anna again to keep it alive. Genl. Bustamente dares not march any part of his army out of Mexico, because if he did so, Santa Anna would then depose him. After Genl. Santa Anna was released by the Government of Texas and had arrived in the United States, he frequently admitted that Mexico could never conquer Texas; and that it was the interest of both nations to separate Texas from her, which he said should be done if he were restored to power.

Texas possesses every necessary element to qualify her to perform the duties of an Independent Government. She has adopted a Constitution and form of Government, suited to her situation, every department of which has been organized and in successful operation

for
all
'
to
the
In
to
niz
sar
the
fre
les
the
fac
wa
act
eff
cot
]
Ge
de
pet
obj
re
tal
the
tal
ab
not
the
be

for more than twelve months; Congress has met twice and transacted all necessary business, and will soon meet again.

The Government of the United States after sending a secret agent to Texas to enquire into her situation, power etc. and after viewing the prospect of Mexico to reconquer Texas, formally recognized the Independence of Texas on the 3d of March last, appointed a minister to her Government and received her minister in due form. In recognizing the independence of Texas, the United States acted upon the same rule, which she had adopted in the case of Mexico herself, when that republic separated from Spain; a rule which she had learned from England herself. The Government of the United States doubtless delayed the recognition of the independence of Texas, beyond the time when she was convinced that Texas was independent de facto and capable of maintaining herself, because that Government was apprehensive that the Nations of Europe might regard such an act, as evincing a partiality for Texas. But after she saw the last efforts of Mexico during the last winter to invade Texas fail, she could no longer with any apparent justice, withhold her recognition.

Notwithstanding from these facts it appears, not only that the Government which I have the honor to represent, is the Government de facto of Texas, but that it is also capable of maintaining its independence, yet it may be necessary now to anticipate and remove an objection which has been sometimes raised against her, by those who are not acquainted with her true situation and history. The difficulty to which I allude is the question of slavery in Texas. At the commencement of the war in that country, many of her wealthiest and most influential citizens were found possessed of slaves. At a time like that, when she was just entering into a contest, so unequal as it then appeared to be, all parties deemed it necessary, so to act, as to secure in the struggle the assistance of every citizen of the country; consequently, each citizen who was found possessed of slaves under the Mexican Government, was permitted still to hold them under the new Government. Notwithstanding the Mexican Government had abolished slavery *upon paper*, yet she permitted her citizens not only to purchase and hold slaves which had been born such, in the United States and other countries, but she permitted them to import *African* slaves through the Spanish West Indies. During the time that Texas was under the Mexican Government, there were taken into that country two cargoes of African slaves consisting of about 75 each. This the government of Mexico was neither able nor willing to prevent.^a But since the people of Texas have taken the government into their own hands, not a single African slave has been taken into the country; the Constitution of Texas forbids it,

^a Cf. *Quarterly of the Texas State Historical Association*, IV, 97-99.

and by a law passed at the first session of the first Congress of that country, the penalty of death is imposed upon any person who violates this clause of the Constitution. Texas has shown herself able and willing to abolish the African slave trade within her dominions—Mexico was not. Texas has abolished the most offensive feature of slavery. Mexico permitted if she did not encourage it. According to the Constitution and Laws of Texas, the *number* of slaves in the world cannot be increased; consequently the Government of Texas is less objectionable on that ground than that of Mexico. Texas has abridged slavery in that country—its entire abolition will be the work of time.

I must now ask leave of your Lordship to advert with due deference to some of the many advantages which would result both to England and Texas, by the establishment of a commercial treaty between them.

Texas comprehends a territory of three hundred and fifty thousand square miles, with a soil and climate peculiarly adapted to the production of Cotton, Silk, Indigo, Rice, and Sugar. For these articles she must seek a market. She cannot expect to be permitted to carry them into the markets of the United States, upon favorable terms, because one third of the States of that Union are engaged in cultivating these articles. To England then must Texas principally look to find purchasers for the products of her soil; in exchange for which she would receive the manufactured articles of this country, as she can never become a manufacturing people; Texas will confine herself to the production of the raw materiel. Her Markets will be open equally to the manufactories of every country. England will chiefly supply her demands, because here the manufactured articles can be purchased cheaper than in any other country. In the natural course of things, it must happen that England and the United States will at some future day, be at war with each other; in which event the English manufacturers would not be cut short in their supplies of such raw materiel, as they have heretofore been principally dependent upon the United States for. Texas could supply them, whilst she would receive an increased price for the same. The carrying trade of Texas must be done by the citizens of other countries. This too England may secure. Another advantage which would result to both nations from a commercial treaty, and which perhaps is not less important than those already mentioned would be derived from the very great abundance of the best Live oak in the world, which is found on all the water courses of Texas near the Sea Coast. Of this article Texas can supply any quantity sufficient to build up the ships of England, to any extent necessary to maintain her present superiority over every other nation at sea; while the citizens of

To
or

n
te
at
th
te
T
T
fe
as
w
la
in
tr

w
of
of
h
p

L
t
V
d

h
e
a
I

2

Texas would find a ready market for this article, which is at present only an encumbrance to their estates.

The citizens of Texas at a time when they were much weaker in numbers than they are at present and with a view to the speedy termination of the war with Mexico, expressed a willingness to be attached to the government of the United States. Founded upon this expression of public sentiment, the minister of Texas submitted the proposition to the President of that Government, to annex Texas to the United States; which proposition was rejected by him. The people of Texas being now satisfied that they have no reason to fear Mexico, and considering the many advantages they would enjoy as an Independent nation, which they would be deprived of if they were annexed to the U. S. and subject to the protective Tariff and other laws of that government which operate against the Southern planting States, are now desirous of remaining so and forming commercial treaties with other countries.

It may be proper to observe that in addition to the credentials which I have had the honor of delivering to your Lordship, as Agent of the Government of Texas, I have the honor to be the bearer of other credentials, as minister plenipotentiary from that Republic to her Majestys Government, which in due time I will ask leave to present.

I cannot close this communication without congratulating your Lordship and the whole English nation upon this prospect of extending the Anglo Saxon Blood, Laws and Influence in this South Western Region of the Western World, which must so much rebound to the greatness influence and commercial interest of England and promote the future peace and prosperity of that country

I have the honor to be with sentiments of the highest consideration
Your obt. Sevt.

J. PINCKNEY HENDERSON

London Octr. 26. 1837.

To this communication I received the following Reply—

Lord Palmerston presents his compliments to General Pinckney Henderson and has the honor to acknowledge the receipt of his letter of the 26th. instant, setting forth the reasons upon which the State of Texas founds her claim to be acknowledged as independent; and Lord Palmerston will not fail to lay this statement before the British Cabinet, agreeably to Genl. Hendersons wish

Foreign Office—October 31. 1837.

[Here are transcribed copies of Henderson to Palmerston, October 26, 1837; and Palmerston to Henderson, October 31, 1837.^a]

^a For these letters see Calendar.

I have also stated to your honor heretofore that the minister and agents of the Mexican Government had proposed to the citizens of England who hold bonds on that Government, to pay a portion of the same in land to be located in *Texas and other parts of Mexico* and that the proposition would probably be accepted by a part of the Bondholders; and also that I would address Lizardi & Co a note protesting in the name of Texas against that proceeding;^a which I did in the following words

To MESSRS. F. DE LIZARDI & Co

SIRS

Having seen since my arrival in this city a publication in the Newspapers in which you state that as the Agents of the Mexican Government, you will attend at your Counting Room in London from day to day after this date for the purpose of carrying into effect the agreement which the Mexican Bondholders of several loans effected in London at 5 and 6 pr. ct. made with you on the 14th. day of September Ulto. according to the terms of the decree of the Mexican Government of April 12, 1837. And having also seen by referring to said decree, that it is proposed to pay a part of said bonds, in lands to be located in Texas etc—And knowing as I do the disposition of the government and people of Texas to establish and preserve the most friendly relations with the Government and Citizens of England, and the tendency which an attempt to carry any part of the before stated agreement into effect in Texas, would have to interrupt the good understanding between those concerned—I the undersigned Agent and Minister plenipotentiary of the Republic of Texas to the Court of St. James, do therefore hereby notify you and all others whom it may concern that the Sovereignty of Mexico over Texas no longer exists—That the people of Texas having on the 7th. day of November 1835 assumed the reins of Government in that country and subsequently declared their independence and entire separation from Mexico, and established the present constitutional government, no grant or sale of Land in Texas made by the Government of Mexico, since the said 7th November 1835 will be regarded as valid by the present government of Texas.

I also, in the name and by the authority of the government of Texas, do hereby most solemnly protest against all such proceedings in pursuance of the said contract and decree, so far as they may affect the Rights of that Republic

I have the honor to be

Your obt. St

J. PINCKNEY HENDERSON

LONDON

October 16. 1837.

^a See Henderson to Secretary of State, October 14, 1837.

ab
is
mc
ca
Lc
ex
th
sh

I
an

D
T
S

to
(e
de
th
—

To this communication I have as yet received no answer. The absent Members of the Cabinet returned to the City last week and it is understood here that they have within a few days back, held a meeting at which I expect Lord Palmerston delivered the communication, herein above set forth. I have not been informed by his Lordship of the result of their deliberations upon it, nor do I much expect to hear until the meeting of Parliament, which takes place on the 15th. inst. I will however promptly inform your honor when I shall have heard from him on this subject.

Should Lord Palmerston not answer me within a reasonable time, I will again call on his Lordship, and urge in a proper manner an answer

I have the Honor to Remain
with sentiments of high regard
Your obt. St.

J. PINCKNEY HENDERSON

PROTEST OF JOSEPH RUSSELL AND OTHERS.^a

HENDERSON TO PALMERSTON.^b

HENDERSON TO PALMERSTON.^c

PALMERSTON TO HENDERSON.^d

TOLME TO PALMERSTON.^e

HENDERSON TO IRION.^f

Legation of Texas
Despatch No. 3.

LONDON *December 22, 1837*

To the Honorable R. A. IRION
Secretary of State

SIR

Not having received a reply to the communication, which I made to this Government through Lord Palmerston on the 26th. October (a copy of which I forwarded to your Honor in Despatch No. 2.) I deemed it expedient to address to Lord Palmerston on the 6th Inst. the following note of enquiry.

^a December 2, 1837 (extract). See Calendar.

^b December 6, 1837. See Henderson to Irion, December 22, 1837.

^c December 15, 1837. See Henderson to Irion, December 22, 1837.

^d December 18, 1837. See Henderson to Irion, December 22, 1837.

^e December 20, 1837. See Calendar.

^f L. S.

LONDON *December 6th. 1837*
No. 166 Albany St. Regents Park.

MY LORD

The Undersigned Agent of the Republic of Texas, has heretofore had the honor, in a personal conference, to apply on the behalf of his Government, to Lord Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, to procure the recognition of the Independence of the Republic of Texas, by Her Majesty's Government, as declared by that republic on the 2d. day of March A. D. 1836. The Undersigned also begs leave to remind Lord Palmerston that he did subsequently address to him, a written communication, setting forth the Grounds upon which the Republic of Texas, claims to be recognized as an Independent Nation; which Lord Palmerston did him the honor to assure him, should be laid before Her Majesty's Cabinet on the occasion of their meeting. The Undersigned has now respectfully to request Lord Palmerston, to inform him whether Her Majesty's Government have yet had the subject under their consideration; and if so, what decision they have made upon the application. The Undersigned takes this occasion to renew his considerations of Profound respect

J. PINCKNEY HENDERSON

To the Rt. Honble. Lord Viscount PALMERSTON

Her Majestys Principal Secretary of State for Foreign Affairs

After waiting until the 15th. Instant, I again addressed him as follows—

LONDON *December 15. 1837*
No. 166 Albany St. Regents Park.

MY LORD

The Undersigned Agent of the Republic of Texas, had the honor on the 6th. Instant to address to the Rt. Honble. Lord Viscount Palmerston, Her Majestys Principal Secty. of State for Foreign Affairs, the following note (Here followed the note of December 6th. as above) The Undersigned not having been honored with an answer to the same, is therefore induced to suppose that his letter has not reached Lord Palmerston. The Undersigned has now the honor to transmit the above copy to Lord Palmerston, and again begs the favor of an answer to the same.

The Undersigned avails himself of this opportunity to renew to Lord Palmerston the assurance of his high regard and esteem

J. PINCKNEY HENDERSON

To the Rt Honble. Lord Viscount PALMERSTON

Her Majestys principal Secty of State for Foreign Affairs

To which I received the following Reply—

“Lord Palmerston presents his compliments to Genl. Henderson, and has the Honor to acknowledge the receipt of his note of the 15th.

Insta
the F
ocloc
For

At
Forei
follo
Lo
ing n
een
ove
He

Te
ur c
new
ould
our
an
Gove
[ide]
it ex
in th
had
etc v
whic
thing
have
was
some
me a
evid

Instant. Lord Palmerston will be happy to see Genl. Henderson, at the Foreign Office, on thursday next, the twenty first Instant at 3. o'clock

Foreign Office

December 18th. 1837.

At the time mentioned in Lord Palmerstons Note, I repaired to the Foreign Office, and held a personal conference with him, of which the following is the substance.—

Lord Palmerston said that he owed me an apology, for not answering my first note of inquiry more promptly—that the Cabinet had been much engaged on business of a domestic nature which had prevented them from attending more promptly to my application.

He then observed, that he had laid my communication before Her Majestys Government, and asked their advice upon the same; and that after fully considering the application, he was instructed to inform me, that they were not prepared at the present time to give me a decisive answer to the demand which I had made. That Mexico still maintained a threatening aspect towards Texas; and Her Majesty's Government was not prepared to act in a manner that might be viewed by other Nations, as precipitate. That this was about the season of the year, when Mexico would invade Texas, if she again determined to do so, and that this Government thought it most wise to delay action upon this business, at least for a few months, during which time they might be better satisfied as regards the ability of Texas to maintain her present position. To which I replied that it was desirable with me to have some more satisfactory and conclusive answer, to the demand which I had made, and then observed that I would offer as a reason for wishing to terminate my mission to this Court as early as possible, that it would soon become my duty to be in another Country.—That I was commissioned and instructed by my Government to proceed to France and solicit the Recognition of the Independence of Texas by that Government as soon as I might deem it expedient to do so.—That I would be regulated in my movements in this matter, entirely by the actions of this Government.—That I had expected to have been able to settle the question of recognition etc with the British Government, without difficulty or delay; in which event I designed going to France.—That under this state of things, Lord Palmerston would see how important it was to me, to have an immediate and decisive answer. To this he replied, that it was true that this view in which I urged the matter placed me somewhat different from the situation in which they regarded me as occupying; but again adverted to the want of satisfactory evidence in regard to the ability of Texas to maintain her present

position; and rather intimated that they would be compelled to deny my demand if I pressed them at present to a final answer; and observed, that a few months delay might not be of much importance to Texas.—That this Government felt every disposition to recognize the Independence of Texas, as soon as they could in justice to all parties, do so. In reply to this, I observed, that if such were the feelings and disposition of Her Majesty's Government, and I could have the assurance from him, that they would comply with the demand which I had made, in the course of a short and limited time, provided nothing occurred to embarrass the safety of Texas, more than presently threatened her, I might feel better satisfied, than I would with what he had already said. Lord Palmerston answered me by stating, that he was not prepared to answer me upon this point.—that it was a point upon which he admitted, I had a right to demand an answer; and that he would at the earliest time possible, take the advice of the Cabinet, and inform me of their determination. I asked him to mention the earliest time at which he could satisfy me upon this point. He then named Tuesday next—the 26th. Instant.

During the conference I mentioned to Lord Palmerston, that I had understood about the time that I arrived in this Country, that it had been stated in several of the public Journals in England that an order had been issued from the admiralty office, to the British West India Squadron, to treat all armed vessels sailing under the Flag of Texas, as Pirates;—that I had not named it before to him, because I believed it to be a misrepresentation, inasmuch as such an order could only be made in violation of the well established rules of national Law; and that I only now alluded to it, because some newspapers in the United States, had republished the statement, somewhat to the prejudice of Texas. Lord Palmerston assured me that no such order had been made; and agreed that such an act on the part of this, or any other Government, would be in violation of the law of Nations.—That it was true that this Government, (after being informed of the capture of the Eliza Russel and the detention of another English vessel) had ordered the Commander of the British Fleet on the West India Station, to look to the interests, and protect the rights of English Citizens, who were trading in that quarter. I replied that his explanation was quite satisfactory.

When Lord Palmerston informed me, that he was not prepared to say whether or not, this Government would recognize Texas, provided a few months did not show her to be in a more precarious State than she now is, I thought it best to terminate the discussion of the affairs of Texas, until that point was settled. Because if Lord Palmerston informs me that he is advised to assure me, that Her Majesty will recognize Texas as an Independent Nation, provided

M
of
an
fu
wl
ap
If
gr
fu
or
Lo
to
fu
ec
M
no
J
Fr
sh
que
br
des
son
the
the
Mr.
upc
I
of
I
view
I w
ant

Mexico fails to prosecute the war by invading Texas in the course of two or three months, or in the event that she does invade Texas and is driven back; That assurance will preclude the necessity of further discussion; and I will make a protocol of the conversation, which shall embrace that promise and request Lord Palmerston to approve and sign the same to prevent any future misunderstanding. If however he should inform me, that this Government declines giving me the required assurance; then I shall discuss the question fully on all points upon which they object to the recognition, in order that I may make a statement of the conversation, and obtain Lord Palmerstons acknowledgment of it in writing. I will prefer to discuss the matter verbally because I can get his opinions more fully that way than by a correspondence; and I can afterwards require him to acknowledge the statement which I shall make. You will see by Lord Palmerstons letters to me that he has carefully avoided committing his opinions in relation to the affairs of Texas to writing. This evidently being his disposition, I have determined to discuss the matter fully, if necessary, before I ask him to sign a **Protocol**. After Lord Palmerston mentioned to me what was the objection of this Government to immediate Recognition; I asked him, if they had any other objection to the Recognition; to which enquiry he gave me an answer, which I regarded as rather evasive, but by which he evidently intended to satisfy me, that they had no other reason for delaying the business; and I deemed it best not to press a more direct answer to this question until our next meeting.

I rather believe that this Government is desirous of seeing what the President of the United States says in his message, of Texas, and what disposition the Congress of the United States will make of the question of annexation, which Mr. Calhoun gave notice he would bring before the Senate during the present session. It is much to be desired that this question should be speedily disposed of, as it will continue to embarrass the negotiations of Texas for recognition etc. with all European Nations. Would it not therefore be advisable for the Government of Texas, to notify me officially, that she was no longer desirous of annexing herself to the United States, or at least that the measure had been rejected by the United States? And if Mr. Calhouns measure succeeds, I will learn it in time to delay acting upon your instructions.

The late news of the revolution in Canada, the most unfavorable of which reached London to day, will doubtless have some unfavorable influence upon the affairs of Texas with this Government.

If Lord Palmerston assures me upon the occasion of our next interview that this Government will recognize within a reasonable time, I will then propose to him to cause an order to be issued to the different Custom House officers, to admit vessels, sailing under the Flag

of Texas, or having clearances from her Custom Houses, into the different ports of England. I would have done this some time since, but that I feared that this Government might consider such a request to mean, that I did not expect immediate recognition.

I have the Honor to remain
With Sentiments of Esteem
Your obt. St

J PINCKNEY HENDERSON

HENDERSON TO PALMERSTON.^a

IRION TO HENDERSON.^b

DEPARTMENT OF STATE,
City of Houston, Jan. 5th. 1838.

SIR,

Your communication to the President, dated Liverpool, October 3rd.^c came safely to hand, which is the latest intelligence from you.

My despatch to you under date of August the 23rd. on the subject of the capture of [the] British Brig, *Eliza Russell*, by the *Invincible*, I hope you received when you arrived in London. The conduct of the late Secretary of the Navy relative to that cruise has been perplexing to both the President and the Senate.

The unwise provision in our constitution, which requires the consent of that body to remove Cabinet Officers obliged the President to ask their approbation to his dismissal, which led to a tedious investigation before them. It resulted in the adoption of a resolution consenting to his removal. Some of the enemies of the President exerted themselves in favor of the Secretary, which in consequence of counsel being allowed to appear, arrayed lawyers against each other before the Senate, giving rise to an accrimonious debate of considerable length.

From newspaper intelligence we learn that the capture of the *Eliza Russell* is regarded in England as an act of piracy on the part of this Government, which impression I hope you have been enabled to remove by a frank statement of the facts of the case.

It was contrary in every respect to the orders issued, by direction of the President, from the Navy Department.

In July last our Minister near the Government of the U. States, made a formal application to that Government to enter into a nego-

^a December 29, 1837. See Henderson to Irion, January 30, 1838.

^b A. L. S.

^c This letter has not been found.

tiat
whi
to n
the
T
For
tive
and
by c
des
M
whi
ty

24
H
with

o the
since,
quest

tiation for the annexation of this Republic to that of the U. States, which, President Van Buren promptly refused, not deeming it proper to negotiate on that subject whilst the relations between Mexico and the U. States remain as they are.

ON

The correspondence on this subject between our Minister and Mr. Forsyth has been published by order of the House of Representatives of the U. States,^a which places the question before the people, and consequently, should there be further action thereon, it will be by direction of Congress. President Van Buren's late message justifies the belief that a declaration of war by the U. States against Mexico may take place during the present session of Congress; in which event annexation may yet be effected by a tripple arrangement between the U. States, Mexico and Texas, or between Texas and the U. States.

Another impediment to annexation is the fact that the people of Texas are becoming less anxious for its accomplishment, and our friends in the U. States require delay, which would entirely defeat the measure.

88.

Unless the U. S's Congress, during the present session, sh[ould] authorize a negotiation for such admission the subject will be abandoned by this Government; and I am confident it will never again be renewed by this, or any future administration.

ober
ru.
ject
ible,
t of
per-

It is necessary, therefore, that negotiations regulating our foreign intercourse should be conducted, henceforth, with a view to a permanent and separate existence, as an independent power.

con-
it to
esti-
con-
ex-
e of
ther
der-

Under these circumstances, in case you cannot effect an unconditional recognition of the independence of the Republic of Texas, by the Government of Great Britain, it is the desire of the President, that you will propose to conclude a commercial Treaty with that Government; the stipulations of which to be based on just principles of reciprocal interests; each nation mutually granting to the other, such privileges in Navigation and Commerce as are enjoyed by the most favored nations. The practical effects of such a treaty would amount to a recognition. Should that Government be disposed to render this Republic any important and particular service, such as the negotiation of a loan, or the conclusion of a treaty *defensive* against Mexico, this Government would willingly concede to them such privileges as would guarantee an equivalent therefor.

liza
this
l to
tion
tes,
ago-

You are so well acquainted with the condition and resources of the Republic that [it] is deemed unnecessary to enter into details on this subject, submitting it to your discretion to act as your judgment may dictate.

^a The correspondence referred to includes Hunt to Forsyth, August 4, 1837; Forsyth to Hunt, August 25; and Hunt to Forsyth, September 12. See Calendar of Correspondence with the United States in Part I.

The suggestion of a defensive treaty against Mexico does not arise from any apprehension on our part that they will ever have it in their power to reconquer this country, or even seriously disturb the operations of Government; but from the conviction that the influence of England exerted, without hostility, for that purpose, would speedily terminate the war, and procure an early peace for this country, which we ardently desire.

The Californias continue independent of Mexico, and recently a rebellion in Santa Fé resulted in the death of the Governor, and a number of the principal officers of Government, and the appointment on the part of the revolutionists, [of] commissioners to apply to the U. States for admission;^a not knowing, I suppose, that they are included within the limits claimed by Texas.

During the fall and winter the emigration from the U. States to Texas has been great, and now, should an invasion be attempted, an army of 6000 men would quickly assemble at the Head Quarters of the army.

The evil that we deplore is a protracted war which must operate injuriously to both parties, and especially to Mexico, for another invasion will probably change the policy of this Government from a defensive to an offensive war, which *may* end in a conquest of that country by Anglo-Americans. The friendly mediation of England might prevent the calamities which would necessarily grow out of such a state of things.

For general information I refer you to the President's late Message herewith enclosed.^b

Congress adjourned on the 19th. ultimo, after having sat about three months, to meet again on the 2n[d.] Monday in April next. The different branches of the Government are now organized and in successful operation. The Tariff, and laws levying a direct Tax have been amended so as to make them operate more equally, which are executed without difficulty, affording general satisfaction throughout the Republic.

The promissory note issue is now in circulation, and is received at par. The funding of the public debt is going on satisfactorily to creditors. The Land Laws have been amended, and the General Land Office is to open on the first thursday in February next for the location of land claims.

The Hon. Alcée La Branche (late Speaker of the House of Representatives of Louisiana) Chargé d'Affaires of the U. States near this Government arrived in October, and will reside in this city.

^a Cf. Gregg, *Commerce of the Prairies*, I. 130-136. Gregg, however, does not mention the appointment of commissioners.

^b See *House Journal*, 2d Tex. Cong., pp. 151, *et seq.*; *Telegraph and Texas Register*, November 25, 1837.

I send you herewith a slip from the Telegraph containing the ceremony of his reception by Congress.^a

I have the honor to be, with great respect, your obedient Servant
R. A. IRION

HON. J. PINCKNEY HENDERSON,
Commissioner of the Republic of Texas
near the Courts of St. James and St. Cloud

HENDERSON TO IRION.^b

Legation of Texas
Despatch No. 4

LONDON *January 5th. 1838*

To the Honorable R. A. IRION
Secretary of State

SIR

In despatch No 3, I stated to your Honor that I had terminated the conference which I held with Lord Palmerston on the 21st Ultimo, with the agreement of waiting on him on the 26th; at which time he promised to be able to inform me, whether or not Her Majesty's Government would give me the assurance that they would recognize the Independence of Texas in the course of a few months, provided things remained as they now are in Texas.

I waited on Lord Palmerston on the day fixed upon, but found several gentlemen in waiting before me; I therefore deemed it best to defer the interview until the succeeding day, of which I informed him by note. On the next day (27th) I attended at the Foreign Office, when Lord Palmerston informed me that he had laid my request before the Cabinet, who after giving it their full consideration, had instructed him to inform me, that Her Majesty's Government declined giving such assurance.—That they had always acted upon the rule, which all prudent Governments had adopted never to make a pledge in anticipation of future events, to do an act which they were not *legally* bound to perform. I replied to this communication of the determination of this Government, that having in my letter to Lord Palmerston of the 26th. October, fully set forth the facts upon which Texas claimed the right to be recognized by other Nations as an Independent Government—facts which I had flattered myself, were amply sufficient to satisfy any Government that Texas was fully able to maintain her present Independent position, I did not well know what reply to make to his very unexpected communication, and that

^a The number of the *Telegraph and Register* from which this clipping was made is missing from all of the various files to which the editor has access. It is probably Vol. II, No. 45.

^b L. S.

I did not know what Texas could now expect from the Justice of England, when I was informed that the only objection this Government had to recognize her Independence was a fear that Mexico might recover her lost authority over that Country, and when at the same time, this Government refused to promise to recognize her, when that objection was removed.

Lord Palmerston replied, that I misunderstood him—that he intended to be understood to say that this Government declined giving any pledge of their faith to recognize the Independence of Texas at any particular *time*, in the event that things bore a particular aspect at that date; but that they felt every disposition to recognize as soon as that objection was removed from their minds; that he wished me, not to understand this Government as refusing to recognize, because such was not the case; that they only wished further time to consider the matter, and to be better satisfied of the ability of Texas to maintain her declaration; that they could not undertake to say now, that three months, or any other particular lapse of time without a change of circumstances, would remove their doubts, and then again adverted to the fact, that this was about the season of the year, when they expected Mexico to invade Texas, if she did again invade her. I then observed that I was gratified at the assurance which he had given me of the good feeling which Her Majesty's Government entertained towards the Government and People of Texas; but that so far as regarded the object which I had in view, in requesting the assurance of this Government, that they would recognize at a particular time, provided there was no change of situation in Texas, the *effect* was the same to me as though they had absolutely refused the request; that my object in propounding that question was to ascertain whether or not it would be necessary for me to remain near this Government for a few months, whilst it could be ascertained whether or not Mexico would invade Texas with success or whether I might give up the hope of success here and proceed to France according to my instructions and solicit recognition from that Government.

Lord Palmerston then spoke of some of the difficulties which might attend the pledge which I had requested this Government to make; such as excitement in the Public mind against Texas, and stated that the opposition to the present administration would make use of it to excite those who were opposed to Slavery in Texas; and at the same time reminded me that Mr. Ward had interrogated him in Parliament with that view more than twelve months since.* I admitted that there was some reason in what he said; that it was our doctrine in Texas to pay due regard to Public sentiment, but at the same time, that rule should never lead a Government to do an act which amounted to a denial of Justice to another Nation.

* See *Niles' Register*, I.I, 38-40.

Lord Palmerston then said, this Government was well aware of the growing importance of Texas, and that it was their interest to cultivate friendly relations with her, which they would not fail to do to the fullest extent, as soon as they felt themselves authorized by existing circumstances to do so. He however advised me, that it is important for the Government of Texas to look well to the Slave trade, and prevent the introduction of African Slaves, and said that this Government had been informed, that African Negroes had lately been introduced into Texas from Cuba, by first landing them on the East of the Sabine and carrying them from thence into Texas. I then again reminded him that I had before informed him, that the Constitution of Texas forbid the introduction of African Negroes into that Country, and that by a law of her first Congress, the penalty of death was imposed upon every person concerned in introducing them in any manner into the Country. That I would repeat to him then, what I had before assured him was true—that not a single African had been taken into Texas since her declaration of Independence—that it was true that African Negroes had been taken into the Country, but that they were taken there, whilst she was under the dominion of Mexico.—That Texas had appealed to the United States through her Minister at Washington, and to the British Government through His Excellency the Presidents Message of May last, to interfere in the Gulf of Mexico, to prevent such unauthorized acts.^a

During the Conference I thought I could discover from many minor circumstances that Lord Palmerston and the rest of the Cabinet had concluded amongst themselves, that there were other reasons by which they ought to be more influenced in this case, than the doubts which they entertained of the ability of Texas to maintain her Position. The opposition which the act of recognition would meet with in England upon the ground of Slavery in Texas—The interest of the Creditors of Mexico in England—The desire to see what disposition the Congress of the United States will make of the question of Annexation—All have their influence upon this Government. Lord Palmerston mentioned during our interview among other reasons for delay, that the other Nations of Europe would laugh at England if she recognized at this time and Mexico should succeed in a few months in reconquering her. I replied to this, that she would have very respectable company in her disappointment in the Government of the United States, and that she would have the consolation of having acted upon facts which constituted a strong case to justify it. He insisted that the United States stood in a different attitude towards Texas on account of her locality. But I persisted in not being able to see the strength of his assertion.

^a Hunt to Forsyth, July 18, 1837; in Correspondence with the United States in Part I; *House Journal*, 1st Tex. Cong., 2d Sess., p. 14; *Telegraph and Texas Register*, May 9, 1837.

Much more passed between Lord Palmerston and myself which I deem it unnecessary to relate, inasmuch as it would serve but little to enable your Honor to judge of the disposition of this Government towards Texas. After we had finished the above discussion, I observed to Lord Palmerston, that the information which he had then given me in regard to the determination of this Government upon the main question which I had made before them, compelled me to make another proposition, which I had hoped, would have been unnecessary; which was, that the Ports of Great Britain should be opened to the admission of all vessels sailing under the Texian Flag, or having Clearances from her Customhouses, as well as the vessels of other Nations having clearances from any of the Customhouses of Texas, and at the same time pointed out to him, the advantages of such a measure. He observed that he thought such a thing might be done, and suggested to me the propriety of making this proposition in writing; which I told him was my intention, and that I only now mentioned it, that he might give it his earliest consideration. I then took my leave

The course which this Government has determined to pursue towards Texas has caused me to determine to proceed to France according to my commission and instructions.

France I am persuaded will feel less embarrassment in acting upon the claims of Texas to recognition, than is felt at this Court. She has no Mexican interest represented by wealthy Citizens—No fanatical Anti Slavery party—No reason to dread a powerful party which watches for an opportunity to create excitement against the administration—Neither has she a Colony which is daily expected to follow the example of Texas, and declare its Independence—All of which conspire to prejudice the rights of Texas with England.

Since my last conference with Lord Palmerston, I have addressed him upon the subject of opening the Ports of England to the vessels of Texas etc, which communication I will despatch to you, as soon as I shall have received his reply to the same. Some days have elapsed since I addressed this letter to Lord Palmerston, yet I have received no answer. And notwithstanding he intimated, that my request in this regard, would be granted, yet I look upon this delay as fatally ominous.

I mentioned in my last despatch that I would make a Protocol of my last conference, and ask Lord Palmerston to sign it; but inasmuch as he said nothing which would be of much benefit to me in future negotiations, I thought such a step unnecessary.

I have the honor to remain

With sentiments of the highest consideration,

Your obt. St

J PINCKNEY HENDERSON