

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

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

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

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

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PAKENHAM TO TREAT.<sup>e</sup>

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TREAT TO PAKENHAM.<sup>f</sup>

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

*Private.*

MEXICO April 29th. 1840.

SIR.

Under this date, I have addressed the *Hon.* Secretary of State, an official Letter, enclosing him *four documents*, all emanating *from*, and relating *to*; claims on your Govmt. by that of Great Britain, presented through Mr. Pakenham, and relating to the cases of the *Eliza Russell*, and *Little Penn.*

Mr Pakenham's letter to me, will shew you *his* views and *those* of his Government; *my* reply, will inform you, what course *I* have adopted; and my letter to the Dept. of State, will explain to you, the *reasons*, for my *thus* acting, in the *premises*; and I therefore, beg leave *Respectfully*, to refer you to said papers.

If compatible with your sense of justice, to satisfy the claim of the *Eliza Russell*, and also, that, of the *Little Penn.* (if on investigation it should be found a valid one) I am sure it would *subserve* the *interests of Texas*, by thus increasing the good feeling, which I presume to exist, *towards* the *Republic*; on the part of England, whose minister *here*, has certainly rendered your country *many good offices*, as you are already aware.

<sup>a</sup> February 27, 1840. See Calendar.

<sup>b</sup> March 31, 1840. See Calendar.

<sup>c</sup> April 21, 1840 (acknowledging receipt of letter). See Calendar.

<sup>d</sup> April 21, 1840. See Calendar.

<sup>e</sup> April 26, 1840. See Treat to Lipscomb, April 29, 1840.

<sup>f</sup> April 28, 1840. See Treat to Lipscomb, April 29, 1840.

<sup>g</sup> L. S.

A prompt reply to Mr. Pakenham *direct*, in relation to these matters, with *such* assurances, as may grow out of the evidence and correspondence, *already* in the possession of your Government, *would*, undoubtedly, produce a good effect *here*, and a *copy* of the same, or a similar communication to *Gen Hamilton*, for the information and satisfaction of Lord Palmerston, would of course, produce a *similar* effect, on his mind, until, you was prepared to pay the amounts, if *not so disposed at present*.

Pardon, my dear Sir, these remarks (quite gratuitous, in the present case, I am sure) as they arise from a conviction of the *Policy* of a course which, will satisfy the *expectations*, of the *British Ministry*.

I have stated in my official Letter, *that* I had addressed you, on this subject.

In *great Haste*, I am,  
Verry truly, and with great Respect  
Your obt Servant

JAMES TREAT

To  
Gen. M B. LAMAR  
*Austin*  
*Texas.*

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

MEXICO *April 29th. 1840.*

SIR,

I have the honor to hand Y. E, herewith, a Letter, just received from Richard Pakenham Esquire, H. B. Majesty's minister, at Mexico, accompanied by two documents; *one*, an *Extract*, from Gen. Henderson's despatch, to Lord Palmerston, in relation to a claim, on the Government of Texas, arising out of the case of the "*Eliza Russell*"; and, *the other*, a *statement*, of Losses, sustained by Messrs. F. de Lizardi & Co., from the capture of Goods, a part of the cargo of the "*Little Penn*"; to which papers, I beg leave to refer Y. E, as they will sufficiently explain, the object of Mr. Pakenham, and the wishes, of his Government.

I have *also*, the honor, to send you, a copy of my reply to Mr. Pakenham, which, I hope, will meet with the approbation of Y. E, under the circumstances of the case.

These claims, it appears, have been discussed, by the Agent of Texas, Gen. J. P. Henderson, and Lord Palmerston; and the correspondence, in Y. Es Department, will shew *whether*, the Government, is committed to pay *one* of said claims, *without further investigation*,

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

and also, *whether*, a pledge has been given, to examine *the other*, and, *if found valid and legal*, a promise was made, of restitution.

The documents referred to, in my reply to Mr Pakenham's Letter, Nos 17 to 24, *both inclusive*, will doubtless be presented by some *agent* of the *claimants*, as you will perceive by Mr Pakenham's letter, to me, he sends them to New-Orleans, where, the parties, it is presumed, will *further* prosecute, the claim in question.

Of the *legality*, and *justice* of said claims, nothing will be expected from me; but, at the same time, I beg leave to remark to Y. E., that, I have thought it my duty, under the peculiar circumstances of my position here; the particular services rendered me, by Mr. Pakenham, in the objects of my mission; and the *obvious policy* (as I humbly conceive) of maintaining, at the present time, a good understanding, with the Government of Great Britain; *to receive*, and *forward*, to Y. E., these papers; and *also*, to reply to Mr. P's letter, in terms, which, I thought would be satisfactory to *him*, and to his *Government*, as he transmits copies, of our correspondence, by the Packet to sail, from Vera Cruz, on the 2d. proxo.

The above reasons, must be my apology, Sir, for interfering, or intervening in a matter purely diplomatic in its character, and, having no authority to act, in the case, *in any way*, I might have *excused myself*, to Mr. Pakenham, and referred him, *directly*, to the Government.

I did not, however, deem *this course*, in accordance with the *interests* of *Texas*, and hence, have disposed of the matter, as *herein* stated, which, I hope will be approved by H. E. the President of the Republic, to whom I have addressed a separate letter, on the subject, and, to which Y. E., is most respectfully referred.

I will suggest to Y. E. *that*, any answer, to Mr. Pakenham, may be addressed to him, *direct*, as I may not *then* be in Mexico.

I have the honor to be, with Great respect, and consideration; Your Most obedient Servant

JAMES TREAT.

To, the Hon ABNER S. LIPSCOMB,  
*Secretary of State of the Republic of Texas.*  
*City of Austin Texas.*

MEXICO, 26th. April, 1840.

SIR,

I have received instructions from Her Majesty's Government to bring once more under the notice of the Authorities of Texas the claims of certain British subjects arising out of the irregular acts of vessels in the service of Texas, which claims had already formed the subject of a correspondence between Her Majesty's Principal

Secretary of State for Foreign Affairs and General Pinckney Henderson in the years 1837, 1838 and 1839.

The demands of Her Majesty's Government upon the Texian Authorities arising out of these transactions are

First: a demand of £865. 4s. for Mr. Joseph Russell, on account of losses sustained by him in consequence of the seizure and detention of the Vessel "Eliza Russell"; and, secondly, a demand of £2636.14-3 for Messrs. Lizardi and Co. on account of the losses sustained by them by the seizure of part of the cargo of the "Little Penn".

With respect to the case of the "Eliza Russell", Her Majesty's Government are justified in hoping that no further delay will take place on the part of Texas in satisfying a claim, the justice of which, so far from being called in question, has been expressly and voluntarily admitted by the Authorities of Texas, with a promise that arrangements would be made without loss of time for its satisfaction.

From the enclosed extract of a letter from General Pinckney Henderson to Viscount Palmerston, dated 30th. October 1839, it will be seen that the highest Authority in Texas had determined that the whole amount claimed by Captain Russell should be paid to him, notwithstanding that the claim had always been and was still considered exorbitant, and that the attention of the Congress of Texas was to have been called to the subject upon its meeting in November last, with entire confidence that they would make an appropriation for the payment of the claim.

It is true that in the same letter General Henderson states that in order to settle the amount justly due in the case in question, it would be necessary for Captain Russell to empower some person in Texas, or to proceed thither to settle with such person or persons as might be named on the part of Texas, in order that the Congress might be able to appropriate a specific sum for the payment of Captain Russell; but I submit that when the highest Authority in Texas has expressly promised that the whole amount claimed by Captain Russell shall be paid to him, notwithstanding the impression that the claim was exorbitant, there seems to be no reason why the case should undergo further investigation; and I am further authorized to declare that, as well in the case of Captain Russell as in that of Messrs. Lizardi and Co., great pains have been taken to examine into the evidence adduced by the Parties interested with respect to the amount of their claims, which through the interposition of Her Majesty's Government have been reduced to the lowest sum to which the Parties appear in justice entitled.

Under these circumstances I think that you will agree with me that, as relates to the claim of Captain Russell, it only remains for the Authorities of Texas to fulfil the pledge given by General Henderson, in their name, to Her Majesty's Government, by obtaining

from the Congress, if they should not have already obtained it, the necessary appropriation for the payment of that claim, when the money may be held at the disposal of Captain Russell, to be paid to whomsoever he may empower to receive it.

With respect to the claim of Messrs. Lizardi and Co, General Henderson has stated to Her Majesty's Government "that if at any time "the claimants in this case shall produce such positive proof as is "usually required in similar cases to rebut the presumptive evidence "upon which the goods were condemned, the Government of Texas "will, without hesitation, make them full compensation".

With so satisfactory a disposition on the part of the Authorities of Texas to do justice in this case, I should imagine that there can be but little difficulty in exhibiting sufficient proof to entitle the Parties to the compensation claimed by them.

In the first place, the records of the Prize Court in which the property was condemned must, I should suppose, furnish complete evidence of the circumstances under which the capture was effected. As the case has been represented to Her Majesty's Government, the Mexican Schooner "Abispa", with a cargo of goods saved from the wreck of the British Schooner "Little Penn", was captured by the Texian Cruisers, "Brutus" and "Invincible", when about to leave "the wreck of the Little Penn". This statement of the case is corroborated by the protest of the Captain of the "Little Penn", before the Authorities of Campeche, which, with other documents relative to the occurrence, I beg leave to enclose for your perusal.<sup>a</sup>

These documents, I submit, furnish all the proof which can reasonably be expected in such a case, of the entire justice of the claim of Messrs. Lizardi and Co., and, I should hope, will be found sufficient to satisfy the Texian Authorities.

<sup>b</sup>The accompanying account shews the value of the cargo originally shipped on board the "Little Penn"; deducting from this the proceeds of that part of the cargo which was saved, and sold at Campeche, and making an allowance of twenty per cent for estimated sea damage to the remainder, which was either carried off on board the "Abispa", or prevented from being saved from the wreck by the forcible interference of the Texian Cruisers, the balance Her Majesty's Government consider to be undeniably due to the claimants by the Authorities of Texas.

In order to expedite the conclusion of this affair, I propose to advise the House of Lizardi and Co. of New Orleans, which I believe to be a branch of the London House, to appoint a proper person in

<sup>a</sup>In the margin opposite the concluding lines of the paragraph ending here is written in pencil "These Papers pray have the goodness to return."

<sup>b</sup>Opposite the first part of this paragraph on the margin is written in pencil "not to be returned."

Texas to follow up the matter with the public Authorities; and to afford any further explanation which may be required respecting the transaction on which the claim is founded.<sup>e</sup>

It was under the supposition that I was in correspondence upon other matters with General Hamilton, who was lately employed on a diplomatic Mission to Europe, that Her Majesty's Government instructed me to communicate with General Hamilton respecting the claims to which this letter relates, and to request that he would call the most serious attention of the Texian Authorities to the said claims, and to express the hope of Her Majesty's Government that an immediate adjustment of them may render unnecessary any other appeal on the part of Great Britain.

As I understand that General Hamilton has already left New Orleans on his way to Europe, I believe that I cannot better fulfil the intentions of Her Majesty's Government than by requesting you, Sir, to represent in the strongest manner to the Authorities of Texas the justice as well as the expediency of proceeding to the immediate settlement of the claims referred to.

The desire which you entertain to promote in every way the interests of Texas, and, as relates to England, to see the best understanding prevail between the two Countries allows me to hope that you will readily comply with this request, and interest yourself in attaining the object to which it relates.

I have the honour to be

with high consideration and regard,

Sir,

Your most obedient,  
humble Servant,

R PAKENHAM

[Here follows an extract Henderson to Palmerston, October 30, 1839.<sup>b</sup>]

[Copy.]

Statement of claim submitted to Her Majesty's Govt. by the Under-  
signed on account of the Underwriters and others interested therein,  
for compensation, on account of losses sustained by the Plunder of

<sup>e</sup> In pursuance of this advice, the claim was placed in the hands of F. Gassiot of Houston. Part of the correspondence between Gassiot and the Texan authorities is found in the files of the Diplomatic Correspondence and consists of: Gassiot to Roberts, August 12, 1841; Gassiot to Roberts, October 6, 1841; Gassiot to Roberts, October 18, 1841; and Gassiot to Roberts, January 11, 1842. This series is supplemented by letters found in the Records of the Department of State as follows: Roberts to Gassiot, August 23, 1841, in Book 36, p. 225; Gassiot to Roberts, September 16, 1841, in Book 41, pp. 547-548; and Roberts to Gassiot, September 29, 1841, in Book 38, p. 207. These have been excluded as more properly domestic than diplomatic in their character.

<sup>b</sup> See Calendar.

the British Schooner "Little Penn". E. Pughe, Master, when wrecked on the Alacran shoals, by the Texian armed Vessels "Brutus" and "Invincible," on or about the 30th. June 1837.

I. Value of the goods shipped on board the "Little Penn," E. Pughe, Master, at Liverpool, by T. Hibbert according to the original invoice marked A No. 1—  
is ----- £4340. 5. 2

A No. 2 ----- 329. 19. 2

4670. 4. 4.

II. This sum of Four thousand six hundred and seventy Pounds  $4/4$  is the actual net cost price paid for the goods composing the cargo, all discounts and allowances deducted. To this sum 10 pr. ct. being added for Merchants commission, interest on advances etc. Insurance was effected for the amount of ----- £5100. 0. 0.  
upon which valuation a settlement has been made with the Underwriters, and the claims for compensation preferred V.<sup>a</sup> Declaration for Insurance in the document marked A. 3.

III. From the amount thus insured, and for which the Underwriters, as before mentioned, have settled, is to be deducted the net proceeds of the goods saved from the wreck of the Little Penn by the Mexican Schooner, "Paz", and sold at Campeche, as per annexed document, marked D. 1-2. amounting to \$7,530----- £143. 5. 9.

Remains 3656. 14. 3.

IV. Which sum represents the actual amount of loss sustained by the Underwriters. It is however impossible to ascertain from the the account sales the exact description of the goods saved, so as to form a correct account of those remaining on board the wreck, and the Mexican Schooner "Abispa", when the Texian armed Vessels captured the latter, and plundered the remaining Cargo from the wreck. In this uncertainty we propose to deduct twenty per Cent (as the estimated amount of sea damage) from the above sum of £3656. 14. 3. say----- 731. 6. 10.

2925. 7. 5.

<sup>a</sup> Vide.

V. Which amount we respectfully claim on behalf of the Underwriters and others interested, together with such interest as Her Majesty's Government may deem suitable, reckoning from the 17th. August, 1837 (date of the sales of the goods saved) when it is reasonable to conclude, had not the Texian Ships of War interfered the whole of the cargo would have been landed and disposed of.

London, 20th. Novr. 1839.

(signed) F. DE LIZARDI AND Co.

[Copy.]

MEXICO April 28th. 1840.

SIR.

I have the honor to acknowledge, the receipt of your communication of 26th. instant, in relation to, two claims, preferred, by Her Majesty's Government, against the Govmt. of Texas, arising from the capture, and detention, of the English Schooner "*Eliza Russell*", and, the capture and condemnation, of sundry Goods, being a part of the cargo of the Schooner "*Little Penn*" also, a British Vessel.

Accompanying your letter, is an Extract from a despatch, from General Henderson, to Lord Palmerston (in relation to the *first* named claim,) from which it appears, that, the Government of Texas, has, through its Agent, agreed to pay, the amount claimed, in this case.

I have also received, a statement, signed by Messrs. F de Lizardi & Co, Supported, by Sundry documents, Nos. 17 to 24 inclusive, in proof of the *Second* claim, referred to, in your communication.

I have carefully perused all these papers, and as you have desired, I herewith return the documents Nos. 17 to 24 inclusive, in relation to the Cargo of the "*Little Penn*" and the remaining two documents, together with your Letter to me, I will transmit, without delay, to the Government of Texas, for their consideration and decision.

In transmitting these papers, to the Govmt. of Texas, I shall not omit, to solicit, its early attention, in behalf of both these claims, and, I cannot permit myself to doubt, from the disposition always manifested, by the authorities of that Republic, in all cases of claims, for which, that Government, could be held responsible, *that*; these demands, will be promptly attended to, in all good faith; *that*, the engagements of Texas, will be complied with, in the *one case*, and, *that*, *the other*, will be disposed of, with due regard to the justice of the claim, and the proofs, by which, it is Supported.

I shall not fail to inform Her Majesty's Minister Plenipotentiary at Mexico, of the reception of these papers, by the Government of Texas, and, of such reply, as I may receive thereto.

I have the honor, to be, Sir, with great respect and Consideration;  
Your most obedient Servant

(Signed) JAMES TREAT

To

R. PAKENHAM Esquire  
*H. B. Majesty's Minister  
Plenipotentiary, near the  
Republic of Mexico.*

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UNITED STATES CONSUL AT LIVERPOOL [OGDEN] TO HAMILTON.<sup>a</sup>

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

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LIPSCOMB TO PAKENHAM.<sup>c</sup>

GALVESTON 6th June 1840

RICHARD PAKENHAM Esq.

SIR

I have had the honor to receive from Mr Treat two documents addressed to you from Mr Ogilvy the first in relation to his claims, as an assignee of an Empresario Contract, and the second as Agent of the heirs of Dr Grant, I regret my inability to afford you as satisfactory information on the first as I could wish from the Circumstances of my receiving Mr Treats letter after I had left the seat of Government—I am therefore, deprived at this time of the advantage, of a reference to documents in the State Department that would perhaps be important in explaining the nature of Mr Ogilvys claim I will however State that by the Colonization laws of Mexico, previous to our Revolution, no Empresario Contract, could be assigned the contract, itself implying a personal trust. In some cases it is true, the Government permitted substitutes. It does not appear that Mr Ogilvy was ever received by the Government of Tamaulipas, as the substitute of Mr. Bangs the Empresario. It will further appear by a reference to the laws of Mexico that none but citizens could hold land. If Mr Ogilvy has any claim, for recompense from the fact of his being prevented from fulfilling any contract by the action of this Government, The courts of the Republic are open to him for the establishment of his rights. several Empresarios have set up claims

<sup>a</sup> June 1, 1840 (extract). See Hamilton to Lipscomb, June 3, 1840.

<sup>b</sup> June 3, 1840. See Calendar.

<sup>c</sup> See Records of Department of State (Texas), Book 38, pp. 142-144.

on this ground, and an act of Congress makes a provision for those claims, by authorizing a suit to be brought against the Government, and a full judicial investigation, to be entered into. If the contract was legal, and the party prevented from complying with his contract, there can be no doubt, the court will award to him a just compensation. Mr. Bangs is a citizen of this Republic, and was at the time of his contract, if one was made, a citizen of Mexico, and it is not probable that the Government would have received as a substitute a foreigner not naturalized. If however Mr. Ogilvy has any well founded rights, he need be under no apprehension of an honest or just judicial investigation of those rights, the courts of justice here have too Strong a sense, of right to refuse a faithful administration of the law to every individual who presents his claim within their portals.

On the subject of the claims of the heirs of Dr Grant it is to be regretted that Mr Ogilvy had not presented the whole case to Mr Pakenham. If he had done so, it would have been placing his unreasonable pretensions at once, in so clear a light, as not to admit of a moments consideration. The truth is, that, Dr Grant was an officer, in the service of the Texan Government when he was slain, and no mans memory is held in more respect by the people of this country than his. That his heirs have large and well founded claims for land in this Republic, there is no doubt, and there can be none, as to there<sup>a</sup> being sustained, without the Agency of Mr Ogilvy. Dr Grant on entering in the war, made a will appointing a Mr Toler a respectable Citizen of this Republic, and Mr Grant his brother in Scotland, his Executors. The former has had the will duly proven, and is qualified, as Executor, and in now making progress in the Settlement of the Estate, Mr Grant has never come to this country. Should he do so, the law will allow him, to join Mr Toler in the Administration, but untill he gives (Bond and Security) and takes the Oath for the faithful discharge of his duty as Executor, Mr Toler will have the sole management of the affairs of the estate. He has given bond and Security as required by law, and there can be no doubt, that the interest of the heirs of Dr Grant will be faithfully guarded by him. I have the honor further to acknowledge from Mr Treat a copy of a communication from you to him, on the subject of the claims of certain of Her Majesty's Subjects, growing out of the detention of the Eliza Russell and for the capture of a part of the Cargo of the Little Penn. On the subject of the capture and the detention of the Eliza Russell I believe that an appropriation was made by the last Congress for payment, but not at this moment, having the benefit of access to the law, I am not able to speak definitely in relation to it. I consider however that it can-

<sup>a</sup> Their.

not afford any further ground of difficulty, and it shall receive my earliest attention, on my return to the Seat of Government. As to the claim of the Messrs Lizardi & Co. for part of the Cargo of the Little Penn, I have not received any information. Whether the Capture, being made, from the flag of Mexico would sustain its legality need not be discussed until we are advised more particularly of the Circumstances under which the Capture was made, but I can assure you, that it will at all times afford to this Government great pleasure to redress any wrong that any of Her Majesty's Subjects may have received, at the hands of any Agent or officer of this Government. This Government is so sensible of the friendly offices, you have as the Representative of her Majestys Government been disposed to extend, to us, that we never could hesitate promptly to meet by amicable adjustment, every obligation imposed by the laws of nations. I would however respectfully suggest, that for the purpose of collecting and arranging testimony, that it would perhaps, greatly facilitate, a correct conclusion on the subject, that an Agent in New Orleans should be charged with the investigation, on the part of the claimants, or that it should be transferred to Washington, and submitted to the Management of Her Majesty's Minister resident there, and Mr Bee the Minister for this Republic. I would suggest, that one of these alternatives, should be adopted, for convenience as the Agency of Mr Treat is special, and limited, and the means of communication between him and this Government is so precarious, as to be productive of great delay. On my return to the Seat of Government, I will with pleasure, communicate any additional facts, in relation to the Subjects embraced in this letter, that I may be able to obtain.

I with great pleasure avail myself of the present occasion, of expressing the great and sincere respect, with which I have the honor to be, Your

Very Obedient Servant

ABNER S LIPSCOMB

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

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TAYLOR TO LAMAR.<sup>b</sup>

BARBADOS *July 28th 1840.*

SIR,

I take the liberty of calling your attention to certain matters which were brought under your notice in the early part of the present year

<sup>a</sup> June 6, 1840. See Calendar.

<sup>b</sup> See Records of Department of State (Texas), Book 49, pp. 337-338. For further light on the subject discussed in the letter, see Hamilton to Russell, April 21, 1840; Lamar to Russell, October 12, 1810; Waples to Barron of the same date; Lipscomb to Barron, November 18, 1840.

by the Governor of this Island through Captain Hamilton under a commission from the British Government, respecting some coloured servants who arrived in Texas on the 6th December 1835, and whose indentures were disposed of by me to certain gentlemen of Texas in May 1836. I consider it unnecessary to enter into details, as you have, no doubt informed yourself fully of this transaction before to day. I have become the victim of a prosecution which has been instituted against me "for transferring these persons at Texas in order to their being dealt with as Slaves." It appears that the foundation of this charge is the fact that these transfers bear a later date than the Declaration of Independence of Texas, and the presumption that this Declaration had made slaves of ALL coloured persons in Texas at that time held by Indenture, and farther substantiated by Mr. Joseph Grigsby's deposition to the effect that "that these coloured people were introduced to Texas as free persons, but under the New Constitution of 1836 *they become Slaves,*" I was myself under the same false impression from the time of the Congress in October 1836 until I saw the Law respecting coloured persons dated June 1837. I trust that you will at once see, and be willing to put down this mistake in the meaning and intention of the Declaration of Independence, the consequences of which are equally unjust to the good fame of the Republic, as they are oppressive to me. I trust Sir that you will never allow this blot to attach itself to the reputation of the country, over which you at present preside, that you will feel the propriety of adopting such measures as may be necessary to wipe off from it the stigma which this incorrect interpretation of a fundamental part of your Constitution seems likely to affix to it. If not so, I would urge it on your consideration, that by this affair Texas has been brought into a friendly contact with the English Government in a manner which has occasioned her to appear to much advantage, and in which there has been throughout no other than the most honorable proceeding, and which although they are now made to appear otherwise by the misinterpretation of your laws, yet it is in your own power to rectify this error in the fullest manner, and by so doing not only relieve an Innocent individual from misery and ignominy, but also bring forward to the English Government in the most favorable light the just enactment of your Republic.

If on these or any other considerations, you feel disposed to exercise your powers in the rectifying of this mistake, I would take the liberty of suggesting, that you do issue a commission of enquiry into this affair [whether these persons] (whose names I annex) *were at any time during their stay in Texas, held 'de jure' or 'de facto' for or as slaves or were so entered and recorded, and also that you make or cause to be made on the part of Texas, a Declaration or Protest, against this erroneous acceptance of your Constitutional enact-*

ments, and forward it together with report of your commissioner, to the Right Honorable Lord John Russell, Her Britannic Majesty's Principal Secretary of State for the Colonies, at the Colonial Office, Downing Street London:—under whose notice this affair is at present lying:—and also, (if I may be pardoned the boldness of the request) that you will furnish my agent in London, with a similar Document or a certified copy, to the direction attached hereto, to whom also any other communication relative to this affair may be forwarded.

In thus addressing you on this subject, I must be allowed to claim the privilege of necessity, and hope that you will be pleased to admit this plea for what may otherwise appear improper or presuming, and, I have the honor, to be

(In, dependence on your favor)  
Most humbly and respectfully  
Your Obt. Servt.

JOHN TAYLOR

To

His Excellency  
M. B. LAMAR.

The following are the names of the colored persons who are mentioned in the Indictment - - -

April Sashly, transferred to Judge William Hardin.

William Gunsil, do to William Moore.

Edward Whittaker do to Ditto

Henry Small, left by me with Joseph Grigsby Esquire

Samuel Redman do with Ditto.

William Thomas left by Mr Jones with Ditto.

The following is the address of my agent in London—

William Barron Esqr.  
4— Upper Charles Street  
Westminster—London.

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MEMORANDUM CONCERNING HARPUR AND LEWIS.<sup>a</sup>

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TREATY OF COMMERCE AND NAVIGATION BETWEEN TEXAS AND THE  
NETHERLANDS.<sup>b</sup>

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HAMILTON TO PALMERSTON.<sup>c</sup>

<sup>a</sup> Undated. See Treat to Lipscomb, August 21, 1840, in Correspondence with Mexico.

<sup>b</sup> September 18, 1840. See Calendar. It was accompanied by the letter of Hamilton to Lipscomb, December 3, 1840.

<sup>c</sup> October 1, 1840. See Hamilton to Lipscomb, January 4, 1841.