

TREATY OF COMMERCE AND NAVIGATION BETWEEN GREAT BRITAIN AND
TEXAS.^a

CONVENTION FOR BRITISH MEDIATION WITH MEXICO.^b

TREATY BETWEEN GREAT BRITAIN AND TEXAS FOR SUPPRESSION OF
SLAVE TRADE.^c

LIPSCOMB TO BARRON.^d

REPUBLIC OF TEXAS
DEPARTMENT OF STATE
Austin 18th of November 1840

SIR

Agreeable to the request of John Taylor Esqr, of Barbadoes, I herewith transmit the evidence of Joseph Grigsby, and Augustus B Hardin, with a copy of the Original contract between William Moore and said John Taylor relating to certain persons of color; with the certificates of the properly authorized persons to take evidence

I have the honor to be

Your Obt Servant

ABNER S LIPSCOMB
Secretary of State

To WILLIAM BARRON Esqr
London

REPUBLIC OF TEXAS
County of Travis

On this the thirteenth day of November one thousand eight hundred and forty personally appeared before me James W Smith

^a November 13, 1840. See Gammel, *Laws of Texas*, II, 880-885; *House Docs.*, 28th Cong., 2d sess., (serial No. 465), Doc. 98, pp. 1-5. It was accompanied by the letter of Hamilton to Lipscomb, December 3, 1840. The treaty is signed by "J. Hamilton" and "Palmerston", with their respective seals attached. There are in the archives engrossed copies of this treaty, the convention for mediation signed on the 14th, and the treaty for suppression of the slave trade signed on the 16th, bound in velvet and inclosed in elegant boxes. Each is signed by Queen Victoria and has the great seal of the United Kingdom attached. These copies were presented by the Government of Great Britain to that of Texas when the ratifications were exchanged, June 28, 1842.

^b November 14, 1840. See Gammel, *Laws of Texas*, II, 886-888. It was accompanied by the letter of Hamilton to Lipscomb, December 3, 1840.

^c Signed by Palmerston and Hamilton, November 16, 1840. See Burnley to Burnet, February 21, 1841. The ratification was delayed until June 28, 1842, when this treaty was ratified jointly with that of commerce and navigation, concluded November 13, 1840, and the convention for mediation, concluded November 14, 1840. See Worley, in the *Quarterly of the Texas State Historical Association*, IX, 11-16.

^d See Records of Department of State (Texas), Book 38, p. 155.

Chief Justice and Exofficio a Notary Public for the County and Republic aforesaid, and made oath on the Holy Evangelist of Almighty God, that in the month of May 1836 Three Negroes subjects of Great Britain indentured Servants of Mr John Taylor of Barbadoes Named Samuel Redman, Henry Small and William Thomas, were left in the care and possession of deponent, and that he believed said Taylor never exercised ownership over them otherwise than as indentured Servants, and said Negroes have since that time been held by deponent as the agent of said John Taylor as such servants, with the understanding that he would deliver them up to said Taylor whenever called for. And about the month of February last Commander Hamilton of Barbadoes made a demand upon deponent for said Negroes, When they were given up to him, and he is fully aware that none of said Negroes were ever sold in Texas as Slaves or held as such,

JOSEPH GRIGSBY.

Sworn to and subscribed before me in the City of Austin and Republic aforesaid. In testimony whereof I have hereunto set my hand and affixed my Seal of office on this the thirteenth day of November in the year one thousand eight hundred and forty, and of the Independence of Texas the Fifth

J W SMITH
Ch J. Travis Co.

REPUBLIC OF TEXAS

County of Liberty

Whereas by an order from his Excellency Mirabeau B Lamar President of the Republic of Texas, received through the Department of State under date of the tenth day of October Inst. directing me the undersigned, to take depositions of William Moore of this County, or that of any other person having a knowledge of any facts relative to certain Negroes Named William Gunsil and Edward Whitaker, owning allegiance to the Government of Great Britain, who were left with the said Moore by one John Taylor during the Spring of 1836; and to ascertain whether said Negroes were sold and held as Slaves by the said Taylor or of any other person etc. etc. etc. In obedience to which I George W Miles Chief Justice and Exofficio a Notary Public in and for the County aforesaid, have caused Augustus B Hardin of said County of Liberty, to be and appear before me for the purpose of giving his testimony touching the matters aforesaid, and he being by me duly sworn upon the Holy Evangelist of Almighty God, deposed and said, that in the month of May or June A. D. 1836 William Gunsil, and April Sashly, two Negroes brought

to this Country by John Taylor as Stated by them, came to the House of this deponent in the County of Liberty, and wished to hire themselves to this deponent to work upon his plantation. Deponent further saith that he refused to hire the said Negroes; unless they would indenture themselves to him for a term of years, that one of them, Viz. April Sashly did indenture himself to this deponent for the period of time that he the said April might remain within the limits of this Republic, and that the other, Viz. William Gunsil after remaining one or two months at the plantation of this Deponent, left, as this deponent believes for the City of Galveston.

Deponent further States that previous to the said April and William coming to his plantation that he saw them upon the Natchez^a in the County of Jefferson, that they had the complete control of their own acting, and that he deponent never knew any person or persons to use, claim or exercise any right of ownership as Slaves over them.—and further Deponent saith not

A. B. HARDIN

Sworn to and subscribed before me in the Town of Liberty County and Republic aforesaid. In witness whereof I have hereunto set my hand and affixed my seal of office on this the thirty first day of Octr in the year 1840 and the Independence of the Republic of Texas the fifth.

GEO W MILES

C J C L

and Ex Officio Not Pub

(Copy)

Know all men by these presents that we John Taylor and Thomas G Ames late of the Island of Barbadoes having there Contracted with certain men of Color (Viz) William Gunsil Edmund Whittaker and Edward Hicks (renewed such contracts here) to serve us four years as our indentured Servants, for the consideration that we should bear their expenses to this country, and then pay them Forty dollars per annum for the time of their servitude, have bargained and sold said contract with said Negroes to William Moore of this Town, and do obligate said Negroes to serve said Moore in the same manner they were to serve us, and do warrant said indentured Servants to be good property, during the term of four years to said Moore the consideration for which we have sold said Contract being five hundred dollars in cash the receipt of which we do hereby acknowl-

^a Neches.

edge to us in hand paid in the Town of Georgia on the Natchez^a
River in the presence of the Undersigned witness the 28th day of
May 1836

(Signed) TAYLOR AND AMES
PR JOHN TAYLOR

Witnesses

THOS M DUKE
JOSEPH GRIGSBY
GEO EWING

REPUBLIC OF TEXAS

County of Liberty

Before me Geo W Miles chief Justice and Ex officio a Notary
public in and for the County aforesaid, personally came and ap-
peared William Moore of said County to me known, and he being by
me duly sworn deposed and said that the within Contract is a true
and Correct Copy of the only Contract ever entered into between this
deponent and John Taylor in regard to William Gunsil Edmd. Whit-
taker and Edward Hicks men of Color further the deponent saith
not.

WM MOORE

Sworn to and subscribed before me on this the Second Novr in the
year one thousand eight hundred and forty (1840) and of the Inde-
pendence of the Republic of Texas the fifth As witness my hand
and seal of office at Liberty date above written

GEO W MILES *C J C L*
and Ex officio Not Pub

HAMILTON TO EDWARDS.^b

PALMERSTON TO HAMILTON.^c

HAMILTON TO LAMAR.^d

LONDON *Dec 3d 1840.*

(Private and confidential)

MY DEAR SIR—

I beg leave to refer you to my Letter to the Secy of State^e and
Mr Burnleys Letter and mine to the Secretary of the Treasury^f for

^a Neches.

^b November 23, 1840. See Hamilton to Lamar, December 3, 1840.

^c December 2, 1840. See Hamilton to Lamar, December 3, 1840.

^d A. L. S.

^e Of the same date as this.

^f Of the same date, to Starr.

a full statement of our proceedings plans and movements up to the present time.

I feel confident that G. B. will now compel under her recognition Mexico to make peace with us. The more promptly therefore the Treaty is ratified by Texas the better.

I feel the utmost confidence in the probability of our effecting an arrangement for the Loan by the 1st. January to enable Mr. Burnley to go out.

With a view to have the Govt. introduced to the Court of her Majesty I would respectfully ask you to [have] me nominated as Minister Plenipotentiary and Envoy Extraordinary to the Govt of her Britannic Majesty. I do not wish a Secy of Legation and as soon as the Exchange of the ratification is made in London I will come home and you can appoint a *charge* which I suppose will be the grade the British Govt will send. But until the Ratifications are exchanged in London I think it best to remain with my present rank. It will be necessary *now* to have my name sent in.

I subjoin a Letter I had to address to the celebrated Col. Monroe Edwards who has appea[r]ed here and made an application to the British Govt to demand of Texas the surrender of 200 Africans which he alledges were fraudulently sold to him, as they were emancipated and apprenticed under the Slave Treaty between Spain and England. I have checked him I believe altho' he has brought *two* of the negroes over here to tell their own Story and applied to Lord Brougham and the ant[is]lavery Society to aid him. I will watch him and endeavour to act with firmness and moderation.

Having now got through with my Diplomattick affairs I shall leave for Holland tomorrow and hope to do something on the Loan

I am My Dear Sir with great esteem and respect,

J HAMILTON

Lord Palmerston has requested that his dispatches for Mr. Pakenham with our mediation Treaty should be sent by a fast sailing vessel to Vera Cruz from Galveston if there is no vessel from New Orleans. I have written to the Naval Commander at Galveston to despatch a fast sailing schooner in this event—which I hope will meet your approval.

I enclose you Copy of Lord Palmerston's note respecting the Despatches.^a

His Exy.

G. B LAMAR

^aThese two paragraphs following Hamilton's signature are evidently postscripts, the first being written on the margin of the second page of the original and the second on the margin of the first page.

HAMILTON TO EDWARDS.

(Copy.)

No. 15. COCKSPUR ST.

LONDON, *Novr. 23d. 1840.*

SIR,

I have just been informed by Mr. Stevenson that you have presented to him a Letter of Introduction asking his good Offices from the Secretary of State of the United States,^a and that you have a similar Letter to Genl. Cass the American Minister at Paris.

I beg leave to inform you that I have apprized Mr. Stevenson that you are a Fugitive from the Public Justice of the Republick of Texas charged with the commission of an infamous crime. I shall feel it my duty to make a similar communication to Genl. Cass. I likewise understand that you propose making an application to Lord Palmerston for the aid of Her Majesty's Government for the purpose of subserving some alleged objects of Public Justice in Texas. As the Representative of the Republick of Texas in Great Britain I shall not fail to advise Lord Palmerston of the facts which I have communicated to the Representatives of the Government of the U. States at Paris and London.

I hope you will spare me the pain and necessity of a more detailed and Public Statement of your recent History in Texas

I remain

Your obt. Servt.

J. HAMILTON

*Envoy of the Republick of Texas.*MONROE EDWARDS Esqre.^b

Lord Palmerston presents his compliments to Genl. Hamilton, and has the honor to transmit to him herewith a packet of Despatches addressed to Her Majestys Consul at Vera Cruz containing Despatches for Her Majesty's Minister at Mexico. And Lord Palmerston requests General Hamilton will have the goodness to cause this packet to be despatched by his Messenger who leaves London tomorrow Evening, to be forwarded from Galveston by a fast sailing Vessel to Vera Cruz.^c

FOREIGN OFFICE

December 2nd. 1840.^a In the copy.^b Edwards was a noted slave trader and swindler. For a sketch of his career, see *Life of the Celebrated Munroe Edwards, etc.*, by a Texian. The charge against him in Texas was forgery.^c The dispatches referred to probably contained instructions to Pakenham to guide him in fulfilling the terms of the convention for the mediation of Great Britain between Mexico and Texas, which had been concluded between Great Britain and Texas, November 14, 1840.

HAMILTON TO LIPSCOMB.^aLONDON *Deer. 3rd. 1840*

SIR,

I do myself the honor of transmitting you by Arthur Ikin Esqr. Bearer of Despatches Three Treaties—which I have negotiated under very full powers.

To wit.—One Treaty of Amity and Commerce with the Government of the King of the Netherlands.^b

One Treaty of a similar character with the Government of Her Brittanick Majesty.^c

One Convention providing for the prompt and effectual mediation of Her Majesty's Government with a view to procure a speedy pacification with Mexico.^d

The last Convention is in pursuance of my special Commission founded on the joint resolutions of both branches of the congress of Texas approved the 23rd. Deer. 1839.

The treaty with the Netherlands is founded on the basis of the most *perfect* reciprocity. It contains a principle which had first been adopted by France in her Treaty with the same Government to wit—That with the view to the extension of Commerce and freedom of Navigation that the Ships of both Nations shall bring to the ports reciprocally of each the productions of any other country. As Holland conceded that we should determine what should constitute a Texian Vessel by even an instantaneous transfer on board of a purchase[d] vessel of the Flag of Texas I conceived this principle in the Treaty was admirably calculated to encrease the Commercial Marine of Texas.

The Commercial Treaty with England is likewise on the basis of the most perfect recip[r]ocity and I am happy to add that during the period that the convention has to run that she has relaxed her Navigation Laws in favor of Texican Vessels

The Convention of Mediation and pacification you will see I have drawn out with even a higher caution than the Resolutions of the Congress of Texas would have authorized. By those if Mexico agreed to the Boundary we prescribed we should have been bound by the Treaty We are now bound by nothing except by the stipulations of a Treaty hereafter to be negotiated under the mediation of England which will be invalid without our full concurrence.

This convention has done the repute and Credit of Texas in Europe infinite honor It has built up for us a host of friends among not alone the Mexican Bondholders, but among other en-

^a L. S.

^b Concluded September 18, 1840.

^c Concluded November 13, 1840.

^d Concluded November 14, 1840.

lightened and highly honorable classes who are entirely disinterested who perceive in this act the evidence of the justice moderation and love for peace with which the new Republick is disposed to act.

As the Mexican Bondholders decided to have their Million Sterling commuted for Land situated between the Neayches^a and Rio Grande it is quite obvious that this Treaty so far from costing Texas a Farthing it will be the source of wealth population and strength to her. The Mexican Bondholders ardently desire this communication and in the event of the ratification of the Treaty by Mexico they will endeavour at once to have it effected.

They have waited on Lord Palmerston by a Deputation and signified their anxious wish not only for peace between Texas and Mexico but that commutation should be made. In the event of its being effected that they will forthwith adopt an emigration and colonization Scheme on the plan of the South Australian Colon[iz]ation system and throw a large population of our own race of valuable Emigrants into the country.

I however took especial care in my correspondence with Lord Palmerston to enter a p[ro]testando against its being considered for one moment that Texas was bound for any portion of the Debt of Mexico but we made this a concession to our desire for peace and a well defined Boundary between the respective Nations. This correspondence will be forwarded to you by the January Packet by Mr. Burnley. Lord Palmerston has sent by the British Packet a Copy of the Convention and urgent despatch to Mr. Pakenham instructing him to make a solemn and emphatick appeal to the Government of Mexico—which I have no doubt altho. Mr. Treats Mission may have failed will meet with success backed as this appeal will be by the whole influence of the Mexican Bondholders which they have executed by a combined movement. This Convention will at least if it is even not ratified by Mexico if ratified by Texas enable us to effect I am sure not a part but our whole Loan and thus placing the means in the hands of Texas to command peace on her own terms. I cannot but urge the instantaneous ratification of these Treaties and that they may be forwarded to the *Charge* of Texas at Washington to wait instructions from me by what mode they shall be forwarded to me.

I enclose a form of ratification for all the Treaties. This form is adopted by the United States of America which will serve for Texas.

In consequence of the Government of Belgium waiting on some discriminations without an adequate equivalent my Treaty is not signed with that power. But I hope to forward it by Mr. Burnley,

^a Nueces.

as I leave this for Brussels tomorrow on my way [to] ^a Holland to re-enter into negotiations for the Loan.

I remain Sir

with the highest respect

Your obedt. servt.

J. HAMILTON

To the Hon. ABNER S. LIPSCOMB
Secy of State
of the Republic of Texas,
Austin.

HAMILTON TO LIPSCOMB.^b

[Private and confidential.]

LONDON *Dec 3d 1840.*

MY DEAR SIR

As soon as the Treaties with England are ratified I should like to have my name sent to the Senate and confirmed as Minister Plenipotentiary and Envoy Extraordin[ar]y to the Govt. of Her Britannick Majesty. I do not wish to hold the appointment after the exchange here. But it will give me influence and power in this Country. I hold now the appointment but without confirmation.

If I remain in Europe next summer I will go to Spain and negotiate for the Cuba Trade for Tex[as.]

But more of this hereafter.

At present my hands are full of the Loan which I hope soon to place in a course of investment.

I remain My

Dear Sir

Yours faithfully

J HAMILTON

Hon

ABNER S. LIPSCOMB.

Secy of State

To give dignity to the recognition of England I ought to be nominated to the full grade of a *Minister Plenipotentiary*. I do not care a farthing about the pay.

Make no appointment of Consuls for England until you hear from me as we may make them highly influential for the service of the Republic.

^a Torn off.

^b A. L. S.

HAMILTON AND BURNLEY TO STARR.^a

LONDON Decr. 3rd. 1840.

HON JAMES H. STARR

Secretary of the Treasury.

DEAR SIR,

We had confidently hoped that by the steamer which departs for Halifax tomorrow, the writer would have been able to embark, with an advance on our Bonds, for the present use of Texas—but the detention of the steamer President two weeks beyond her regular time of arrival, has left us too little time to close an arrangement, which depended somewhat on the arrival of that vessel, and which we hoped and believed we could have effected if she had arrived earlier. We now hope and believe we shall make that arrangement, if not negotiate the loan, in time for the next steamer which departs on the 4th. of January.

It is proper however we should inform you, that there is no *certainty* that the arrangement mentioned can be made or the loan negotiated by the 4th. of Jan'y. Money is still exceedingly scarce here, and commanding a high rate of interest for ordinary transactions (as high as 10 or 12 per cent on undoubted paper.) American securities are still very much depressed, and the late change of administration in the United States, has created the impression here—whether right or wrong—that this market is again to be flooded with additional state securities—so that at present it affects injuriously the credit of a house to be known that it is engaged in American business.

The chances of European war are diminishing daily tho' the "Eastern question" is not yet finally settled, and when settled, it must be in a manner to wound and mortify the pride of the French very much, which will dispose that excitable people to go to war upon the first plausible pretext. England is also at present actually engaged in a war with China and with India, and the "Maine boundary question" is looked upon as possibly giving cause for difficulty—all these causes added to the present general stagnation of business, render that extremely sensitive class—the Capitalists—very timid and cautious about parting with their money.

On the other hand. It is confidently anticipated that the American business will revive and improve very much in the spring. It is believed the Bank of the United States will resume in January, and that the southern and western Banks will follow. No one doubts the *present* difficulty with France will soon be settled. Gold is returning to this Country from the Continent which rectifies the exchanges and relieves the bank of England—and the immense Capital of this Country must find employment abroad, as soon as the

^a Copy.

holders of it are relieved from the fear of parting with it, which we believe will be the case before the spring.

Under these circumstances—with the great aid we derive from our recognition by England—with the powerful influence we have enlisted in our favor here, and on the Continent, which is ready to move whenever the proper moment shall arrive—we *confidently believe*, as do our friends, that a stock intrinsically as valuable as ours, will be among the first to sell at the price we ask for it, and on the Confidence which Capitalists feel that this will be so, do we found our hope and expectation that if we cannot sell by 1st Jan'y that we can at least procure an advance, but of course our success in doing either must depend in a great degree upon the course which the great national events of the world affecting the money market here, may happen to take, and in no less degree upon the wise and pacific policy which Texas may think her interest and honor may require her to pursue. In any and all events, we are laboring continually to strengthen ourselves. Genl. H. goes to the Continent in a few days; the writer remains here to watch the current of things in both Countries, and to avail ourselves of any favorable turn in the tide which has set so long and so strong against us.

Though both of us have been long separated from our families, and our private affairs are suffering, we are resolved to see this business out, and to justify the confidence of the Government by forcing success if human efforts can command it.

With sentiments of the highest respect

We have the honor to be

Your obt. Svts.

(signed)

J. HAMILTON

(signed)

A. T. BURNLEY

A true copy of the original on file in this Department^a

Treasury Department

Austin Jan. 25th 1841

WM. SEVEY

Chf. Clk. Treas. Dep.

PALMERSTON TO HAMILTON.^b

HAMILTON TO LIPSCOMB.^c

LONDON, Jan'y 4th. 1841.

SIR,

I did not send out by Mr. Iken the bearer of the dispatches I had the honor of transmitting you on the 3rd. of Decemr. a special con-

^a The original has not been found.

^b January 2, 1841. See Hamilton to Lamar, January 4, 1841.

^c Copy. The original is not on file.

vention which I concluded with her Majesty's Government for the suppression of the African Slave Trade,^a because anticipating the necessity of Mr. Burnley's return to Texas at the present moment, on business of importance to the Republic, I was desirous of confiding the Treaty in question to this Gentleman, who familiar with all the details of its negotiation might be able to afford such explanations as may be necessary to insure its ratification by the President and Senate of Texas.

You will perceive that whilst Lord Palmerston has waived all right to enquire into the internal institutions of Texas, yet he has made her concurrence in the great law which seems now to regulate the intercourse of civilized nations, to wit: a union in those measures which are deemed essential to the suppression of the African Slave Trade, as a preliminary and indispensable condition of her recognition by Great Britain. Under my general powers to obtain an acknowledgment of the Independence of Texas from Great Britain on the best terms possible, I have concluded with his Lordship the Treaty which I have now the honor to transmit with the sincere and anxious hope, that it will be promptly ratified by those authorities to whom this trust is confided under the constitution and laws of Texas.

I beg leave to refer you to my letter applying to his Lordship, for the recognition of Her Majesty's Government marked A., to his reply marked B., and to my answer marked C.

The Treaty will speak for itself, which I hope in any event may be promptly published, as carrying the best justification I can offer to the people of Texas for having signed such a convention.

But I desire to place my reasons in a form free from the formal stipulations of the document itself that it may be clearly seen that I did not sign this contract without weighing well what I believed belonged to the interest and honor of Texas.

In the first place the abhorance of the whole civilized world of the African Slave Trade, is becoming so universal that no new Government at least, can stand out in any, even a silent toleration of the abuses of this traffic, by declining to concur in those measures for its suppression which seems to be adopted by very general accord by almost all nations.

Even where the mutual right of search is not conceded, that Flags belonging to such powers will be violated and ship[s] overhauled and be subjected to vexatious detentions and hardships is proved incontestably by the frequent violation on the coast of Africa of ships of the United States of America for which the Minister of the United States can obtain no redress and one of two things the Government of the U. States will have to do either to sign a Treaty with England

^a On November 16, 1840.

conceding the right of search on board of slavers, or to go to war, for the repeated violations of her Flag. Seeing how little redress Mr. Stevenson has been able to obtain for his own country, notwithstanding his able, prompt and vigorous appeals to the Government of Her Britannic Majesty, I determined when Lord Palmerston made the signature of a convention for the suppression of the African Slave Trade a *sine qua non* and I saw what the convention was,—how guarded in its provisions, by which England great and powerful as she is, subject[s] her Commercial Marine to search by the Naval Force of Texas, as well as^a not to hesitate in regard to the execution of a Treaty, and to prefer a regulation of this right, under the authority of Texas herself rather than to be compelled to acquiesce in a violation of our Flag without the shadow of authority, which I am sorry to say, and say it with deep humiliation, is now the case with the vessels of the United States.

Such is the force of public opinion in Europe, in regard to the African Slave Trade, that I have no example in affirming that the right of search in all cases of well, or even ill founded suspicion, will be exercised, and from the peculiar locality of Texas, her vicinity to Cuba, that Great Mart of the Slave Trade, her Flag would be insecure, and thus results the obvious inquiry, whether she had not better take this subject under her own control to a certain extent, by exercising the authority to commission alone such vessels as she thinks proper to clothe with the requisite power to search, to have her coasts exempt from visitation, and to insure that all vessels prostituting her Flag, to the purposes of this traffic shall be brought into her own ports for adjudication. You will perceive that I have stipulated 1st. That the right of search shall be reciprocal, and only applicable to the African Slave Trade. 2ndly. That this right shall only be exercised by vessels under a special warrant from the President of Texas, recoverable of course in the case of any violation of the Treaty on the part of any Officer of Her Britannic Majesty to whom the President may confide such a commission. 3d. That every precaution has been adopted to prevent the abuse of vexatious delays, and groundless seizures, and to redress and punish all such abuses. 4thly. In all cases the vessels which may be detained under the suspicion of their being slavers, are to be taken into some one of the ports of the country under whose Flag they are navigating for adjudication. 5thly. To avoid the possibility of abuse by the manumission in Texas of the Africans seized under the Treaty, and who may be incapable of providing for their own subsistence and protection, the British authorities, at the expense of the British Government are to convey them to one of the British West India Islands.

^a Either the words "as well as" are a copyist's corruption, or there is something omitted.

6thly. The Coast of Texas is by the lines of latitude and longitude, designated in the Treaty declared exempt from the exercise of the right of search. I endeavored to have this exemption extended to the whole Gulf of Mexico, but in consequence of the enormous traffic in Africans from the coast carried on in and from the Island of Cuba, I could not secure this object and finally agreed on the compromise contained in the Treaty.

As Spain, Portugal, the Netherlands, Belgium and even France, the most jealous nations on earth of the Naval Powers of Great Britain, have all conceded this right of search, concluded conventions by no means as guarded as the one to which I have affixed my signature, I trust it will be deemed no violation of the just pride of the new Republic that I should have signed for her a similar compact on the basis of an entire reciprocity.

The truth is that the right of search in the Treaty I have the honor to transmit you is no more like the right of search which Great Britain exercised for more than fifteen years on board of American vessels than a naked act of violence is analagous to the execution of the Judgment of a Court of Justice. I have not been alarmed by the potency of mere names against the evidence of what things really are. If the Texan vessels are searched, I wished them searched under the authority of your own magistrates, and if your Flag is fraudulently prostituted to the purpose of a traffic, you have declared piracy, that the parties offending shall be tried by your own courts, that^a by the admiralty courts of the West Indies, or mixed commissioners^b on the coast of Africa.

If there is a concession in this matter I have thought it was not beyond the value of the recognition of such a power, as the great and renowned parent from which we have all sprung, and that Texas owed this unequivocal proof of her good faith in her Constitutional inhibition of the traffic, and to the refutation of the slander industriously propagated in Europe, more especially in England, that the cause of her separation from Mexico, was that she might enjoy its fruits, under the security of a public opinion which could annul her own laws. When I say to you (a fact of which I believe you are fully aware) that I am a slave holder and that in 1813 I joined that portion of the army of the United States which invaded Canada because our marine was searched by British cruisers without the authority of our Government as the United States made peace without a single stipulation in regard to the right, or its abuses, I leave you therefore to infer whether I would willingly sign a Treaty endangering the security of the property, or injurious to the honor of the Flag of Texas.

^a Apparently a copyist's error for "than"; but to complete the sense "rather" should be inserted before it.

^b Probably miscopied for "commissions."

I can not but reiterate the anxious desire that the President and Senate of Texas would concur in the expediency of ratifying the Treaty, as I feel satisfied without an unworthy concession, this measure will go far towards conciliating the regard and securing the friendly sympathy of the most enlightened nations of Europe, by whom her Independence has been acknowledged, and with whom she has found valuable and interesting commercial and international intercourse.

I have the honor to remain, Sir,

Very Respectfully

Your Obt. Servt.

J. HAMILTON.

The Hon.

A. S. LIPSCOMB

Secy of State

P. S. I transmit copies of the Slave Trade Treaties, England has concluded, with France, The Netherlands and Spain.^a

[Copy.^a]

(Copy of Document A.)

LONDON *Octr 1st 1840*

To the Right Honorable

VISCOUNT PALMERSTON

MY LORD:

I desire the honor of presenting my credentials to your Lordship, as the Envoy of the Republic of Texas, charged with the function of making an application to Her Majesty's Government for the Recognition of the Independence of the Republic of Texas,—charged likewise with the duty of negotiating a Treaty of amity and commerce between the respective countries, should this recognition be made.

Your Lordship is so well acquainted with the foreign relations of the powers of the new, as well as the old world, that I deem it almost unnecessary to inform you—1st. That Texas has *de facto* achieved her independence. 2ndly. That she has established a Government; founded civil and social institutions; and acquired an intelligent and warlike population, which furnish her with undoubted means of maintaining that Independence, against the power of that country, from which she has separated herself by a formal Declaration.

On the unquestionable authority of these facts, Texas obtained in 1837, the recognition of her Independence by the United States of America, in 1839 by His Majesty the King of the French, and during the autumn of the present year, by His Majesty the King of the

^a See Records of Department of State (Texas), Book 41, p. 458.

Netherlands, and by His Majesty the King of Belgium, with the first of whom I have concluded a Treaty of Navigation and Commerce, and with the last have agreed on the project of a similar convention.

I now present myself to Her Majesty's Government for a like purpose, and cannot but express the sincere pride and gratification I should feel, if in conjunction of your Lordship, I could be in any degree instrumental in extending, and confirming those friendly relations, which are destined to exist between the citizens of the Governments we respectively represent, whose intercourse must be cemented by the reciprocal benefits of a lucrative commerce, and by the sympathies of a common origin, Religion, Language, Literature and Laws.

I have the honor to be, with distinguished consideration and respect, Your Lordships.

Most Obt. Servt.

(Signed) J HAMILTON

[Copy. ^a1

(Copy B.)

FOREIGN OFFICE, *Octr 18th 1840.*

SIR,—

I have the honor to acknowledge the receipt of your letter of the 14th Instant, announcing that you have been charged by the Republic of Texas to make an application to the British Government, with a view to obtain the Recognition of the Independence of Texas by Her Majesty, and that you are empowered to negotiate a Treaty of amity and commerce between Great Britain and Texas.

I have to state to you in reply, that * * * ^b

[Also inclosed in this letter was Hamilton to Palmerston, October 20, 1840.^c]

HAMILTON TO LAMAR.^d

LONDON *Jan'y 4th 1841*

MY DEAR SIR:

I regret that I am unable to inform you, that the loan is negotiated. But unfortunately the severe pressure in the money market yet continues. France is yet in a disturbed State, whilst she, together with all the large continental powers are about to come into the market with heavy Loans, which [exerts?]^e a most depressing influence on our negotiations. But above all, the last Steamer brought out the intelligence that Mr Treat had entirely failed in his negotiations, and

^a See Records of Department of State (Texas), Book 41, pp. 458-459.

^b For the remainder of this letter, see Calendar.

^c For this letter, see Calendar.

^d See Records of Department of State (Texas), Book 41, pp. 500-502.

^e Here the copyist left a blank.

that Mexico was about to commence [to wage war] promptly and effectually against Texas—Although I knew that the last was entitled to very little consideration; yet we are unable to persuade Bankers, who are the most nervously sensitive beings on the face of the earth, of this truth, and hence the hope I cherished, that by the first of January we should be able to do something effectual, is yet deferred.

When I tell you that not one American Loan, has been negotiated in Europe this whole season, that the rate of interest on British securities is 6 per cent, and that money can be used at the rate of 10 per cent on private bills, I leave you to judge what a most unpropitious state of things we have had to contend with. But we have made so, but hard progress^a towards the ulterior accomplishment of our object. We have secured the active interest of the best powers here and on the continent in our negotiation, who have promised to take the operation in their hands and under their earnest consideration the moment the market opens. Mr Burnley and myself have opened a Treaty with a large and most respectable Banking House here, for an advance on our bonds, stipulating that they shall have the agency of the Loan, whenever in their opinion they think it can be placed, without a sacrifice in the market. We are in treaty likewise with Mr Jaudon the agent of the Bank of the United States, to procure the guarantee of the Bank on the pledge of our Bonds for the advance, the last of which, from the friendly disposition [of the] Bank, we think we shall without failure accomplish. I deeply regret, that a decision cannot be obtained in time to enable Mr Burnley to convey the intelligence; but he goes out under the following circumstances of urgent policy and necessity.

Our Bankers, both here and in the continent, tell us emphatically that nothing could have a more propitious influence, whether in the negotiation of the Loan, or the procurement of an advance on the bonds, than that one of us should forthwith repair to Texas, enforce the necessity of the prompt ratification of the Mediation Treaty, and inculcate the indispensable necessity of Texas abstaining from all hostile movements on Mexico, until her decision is ascertained on the recent Treaty I have concluded with Great Britain. Indeed we are assured that whilst nothing would destroy all hope of a successful negotiation of the Loan, so soon as an offensive movement on Mexico, nothing at the same time would cause a more favorable influence, than to have it affirmed that Mr Burnley had proceeded forthwith to sustain the counsels of peace.

In a conversation I had with Lord Palmerston he concurred in these views and thinks if Texas should deem it expedient to have a Plenipotentiary near Mexico, that Mr Burnley, who is familiar with

^a Hamilton's handwriting is very difficult to read, and the copyist has evidently failed to read it correctly here. Conjectures as to what was really meant by Hamilton are too uncertain to be of any real value.

our whole negotiation, who has likewise been in direct communication with the Mexican Bondholders, of all persons is the best qualified individual to undertake such a mission.

He has therefore acted on the presumption that Your Excellency would concur in these views, and in the event of your sending an Envoy to Mexico to watch the movements of that Government in case they were prepared to treat that Mr Burnley might be on the spot, with the means of enlisting the good offices of Mr Pakenham. He has enclosed a letter to this gentleman in the communication. I herewith transmit you, as strong a despatch in favor of Mr Burnley as he could well indite.

My plan, in consultation with Mr Burnley, is, that he should be furnished with plenary powers, to treat with Mexico on the basis of my London Treaty; but go down privately to Mexico in an American Merchant vessel from New Orleans as an American citizen, being provided with a passport for this purpose, by the Government at Washington, to place himself in confidential intercourse with Mr Pakenham, and at any moment that gentleman may advise him, that the Mexican Government are prepared to accede to the London Treaty, to close at once, under such instructions as he may receive at Austin. In the mean time I will remain, strain every nerve to command success; and if in the present month I obtain an advance, I will send out the necessary credits to meet Mr Burnley in New Orleans, that he may draw for the immediate relief of the Government of Texas.

I can only tell you, that I am in constant and favorable communication with the most powerful and most influential and respectable Houses in Europe. But if I fail in the next fortnight in negotiating the advance, I will proceed to Paris, open a negotiation with Banker Rothchilds, and make a strong appeal to the good faith and magnanimity of the French Government. Depend upon it my good Sir, I have nailed my colors to the mast and will not abandon my trust until all hope is utterly extinct. I will then repair to Texas and Join with you counsels that shall take resolves rather from courage than despair. With a pacification with Mexico, we could negotiate our Loan in a fortnight; but this she has the means to withhold; but how long she may sullenly withhold, will be a question which must be discussed, when I assure you the Loan can not be negotiated; but I believe in spite of all difficulties, that we can, with a little more perseverance and patience.

I cannot close this letter, without adverting with the sincerest gratitude and acknowledgements of the distinguished services of Mr Burnley in the cause of Texas. He has contributed by his writings and conversation largely to make her be known in Europe, and has aided me most essentially by his advice in every step I have taken in my diplomatic negotiations. If he goes out to your side of the

waters it is to transfer himself to a new and more important sphere of usefulness, from which, understanding the whole subject, he may aid me in my movements here. You may rely on his probity, talent, address, courage, and entire devotion to the Republic, and from his intimate acquaintance with public opinion here, is of all men the best qualified for the confidential trust to which with every confidence I have ventured to suggest your Excellency in case of necessity you should call him.

I did not apprise you of the slave trade convention which I had to conclude with Lord Palmerston to ensure recognition, because I was fearful unattended by those explanations Mr Burnley might afford it, would be liable to misconstruction. Referring you to my letter to the Secretary of State, and my correspondence with Lord Palmerston, I have only to add that I am sure you will concur in the necessity of my acquiescing in such a convention, when Mr Burnley shows you the opinion of the Solicitor of the Bank of England, who advised us, that no valid contract could be made in the security of the bonds of an unrecognized Government. This of course made the recognition of England a measure of indispensable importance. But when you read the Treaty and see after all, the right of search is to be exercised on Texan Vessels under your own warrant, that they are to be brought into your own ports for adjudication, and that the coast of Texas is to be exempt from visitation—I hope you will perceive not the slightest objection to giving to the Treaty your high sanction. I have no hesitation in assuring you of how much injury the rejection of the Treaty would do Texas in public opinion in Europe, whilst its ratifications would be equally beneficial. I am happy to inform you, that your Message has been re-printed in several of the London papers with the highest approbation. Indeed Texas is becoming an object of universal interest, which I think a propitious argument that she will be soon in good credit.

I deeply regret to hear of your Excellency's ill health. I hope sincerely that Mr Burnley may find you convalescent, and that your life may be long spared in happiness usefulness and honor.

I must beg that this letter may not go into the public prints—of course it is at the disposal of yourself for all other purposes. Lord Palmerston of course would not like the reference I have made to him should be made public.

In conclusion allow me to assure you of the great esteem with which I am

Respectfully and faithfully Yours

J. HAMILTON

His Excellency

M B LAMAR

Prest Republic of Texas