

[Private.]

BROADLANDS *2nd Jany 1841*

MY DEAR SIR.

As I think it possible, that in the present State of the negotiations between Texas and Mexico Mr Burnley may upon his return to Texas be employed in Mexico as Negotiator on the part of Texas; I take the liberty of sending you the enclosed note, to introduce Mr Burnley to Mr. Pakenham, our Minister in Mexico; and I have in that note requested Mr. Pakenham to place himself upon a footing of confidential intercourse with Mr. Burnley, and to afford him all proper assistance in the negotiation with which he may be charged.

My Dear Sir

Yours Sincerely

PALMERSTON

Gen HAMILTON.

 MAYFIELD TO HAMILTON.^a

DEPARTMENT OF STATE

City of Austin Feby 12th 1841

Gen. JAMES HAMILTON

SIR. Herewith you will receive through Mr Ikin the Treaty of amity and commerce between this Government and that of the United Kingdom of Great Britain and Ireland, as also the Treaty with the King of Holland and likewise the conventional Treaty having for its object, the mediation of England in a settlement of our protracted and embarrassing difficulties with Mexico: all of which have received the Constitutional sanction of this Government, and only await a proper exchange of ratifications to give to them that validity, and usefulness contemplated by the respective contracting powers. Accompanying those are transmitted your Commission as Minister plenipotentiary, and Envoy extraordinary near the Court of St James, together with the necessary letters of Credence to facilitate you in affecting a speedy exchange of ratifications of the respective Treaties.

The President instructs me to urge you to avail yourself of the earliest opportunity in concluding all the formalities essential to the entire validity of those Treaties, as it is deemed that it will have a salutary effect on our relations foreign and domestic. The President likewise instructs me to intimate to you, that it would perhaps be premature to open any negotiations with the English bond holders, for a sale of land in Commutation of the debt this Government may assume under the Treaty, until the views of the Government of Mexico are definitely known.

In the absence of Gen. Lamar, and the press of business incident to the adjournment of Congress, the President^b has not had time to

^a See Records of Department of State (Texas). Book 38, pp. 160-161.

^b That is, Vice-President Burnet, who was discharging the functions of president in the absence of Lamar. See next letter of same title and date.

call a cabinet meeting touching the contents of your letter relative to the English Bond holders, but will do so at the earliest possible period—when you will be furnished with ample instructions on that subject.

The recent attempts of Mr. Saligney^a Charge d'affaires of the King of the French, to get a grant of three Millions of acres, with the privilege of establishing fortifications from the Rio Grande to Red River, makes it a subject of some delicacy whether foreigners shall be allowed to hold lands in this country in large and connected tracts, many objections to which must obviously present themselves to your mind. Allow me to refer you to Mr Ikin for all information relative to the acts of last Congress.

With Sentiments of respect, I am, respectfully
Your Obedient Servant

JAS S. MAYFIELD

P. S. We have no facilities here for getting the Treaties bound, you will take care to have them neatly put up and bound in Vellum, as your taste and judgment may dictate. Respectfully

J. S. M.

MAYFIELD TO HAMILTON.^b

DEPARTMENT OF STATE CITY OF AUSTIN

Feby 12th, 1841.

To

Gen JAMES HAMILTON

SIR. You will notify the Minister of foreign affairs at the Court of St James, of the United Kingdom of Great Britain and Ireland: that in consequence of the protracted ill health of the President, and his having obtained leave of absence from Congress to Visit the United States to obtain medical aid, that the duties of the Chief Magistrate under the Constitution has devolved upon the Vice President. You will also communicate this to such of the European Courts to which you may be accredited

Respectfully. Your Obedient Servant

J S. MAYFIELD.

BURNLEY TO BURNET.^c

HOUSTON Feby 21st. 1841.

To his Excellency

D. G. BURNETT

DE. SIR

You have no doubt seen the letter which I had the honour to address to Mr Starr late Secretary of the Treasury, from Wash-

^a Saligny.

^b See Records of Department of State (Texas), Book 38, p. 161.

^c A. L. S.

ington City.^a After the date of that letter, I proceeded with all possible despatch for Texas, and indulged the hope that I should reach Austin before the adjournment of Congress—to accomplish which I took the route through Carolina Georgia and Alabama, rather than through the West, down the Ohio and Mississippi, altho my family, from whom I have been separated for near twelve months, were in Kentucky. Owing to the dreadful condition of the roads, produced by about six weeks of incessant rain, I was about twice as long in reaching New Orleans as I would have been under more favorable circumstances. In Orleans I was detained three days waiting for a conveyance and on reaching Galveston recd. the first certain intelligence of the adjournment of Congress. By the first Boat from Galveston I came to this place intending to proceed to Austin this morning, but upon reflection I have determined that it is my duty (and what you would prefer I should do) to write, and send on my papers by a special messenger and return immediately to New Orleans. My letter to Mr Starr will have informed you that I *expect* to receive letters from Genl. Hamilton, which will reach New Orleans from the 1st. to the 5th of March, containing authority to draw for an advance on our Loan. My letter also gives the reasons upon which I base the expectation of receiving the authority to draw and I am sorry that I cannot, in candour, express more confidence of success than my last letter expresses. Still as there is reasonable ground to hope that the authority to draw for an advance will come out, I have concluded you would prefer I should return to New Orleans to receive it if it comes, and to realise the money for the country with the least possible delay, rather than to lose ten or 12 days going to and returning from Austin to say what I can perhaps as well write. Under these circumstances I hope you will approve my determination to return to New Orleans.

The subject of most importance—in reference to the negotiation of the Loan—to which I wish to call the attention of your Excellency, is the sending of some intelligent gentleman forthwith to Mexico to treat for peace, upon the basis of the Indemnity Treaty (which I understand the Senate has been pleased to ratify^b) and under the mediation of the British Government. From all the information I have recd. from Mexico I do not believe a single intelligent man of that country indulges the expectation seriously of ever recapturing Texas, and nothing but mortified vanity induces them to withhold their acknowledgment of our Independence. The Indemnity Treaty

^a This letter has not been found.

^b This refers not to a treaty already concluded, but to the secret joint resolutions authorizing one adopted December 20, 1839, by the House and December 21 by the Senate. See Joint Report of Senate and House Committees on Foreign Relations, December 19, 1839.

affords them an opportunity of abandoning all threats even of designs upon the country without violence to their vanity and self love, and I cannot but believe, that under the powerful influence and cooperation of the British Government and British Bondholders, there will be little difficulty in establishing peace upon such terms, and with such a boundary as will be satisfactory to Texas. Besides the general reasons for desiring a pacification with Mexico, I will say, with a confidence—amounting almost to certainty—that it would insure the negotiation of the Loan in 30 days after it was known in London, and if anything—short of a pacification—can produce a negotiation of the Loan it will be the receipt of intelligence that Texas had in good faith ratified the Indemnity treaty and promptly sent a Minister to Mexico to treat for peace. In fact I would not be at all surprised to learn from Genl Hamilton that an advance had been made upon condition of the ratification by Texas of the indemnity treaty and her sending a Minister to Mexico—and in any event, if we should fail in another effort to procure peace with the mother country we shall, in the eyes of the world, be doubly armed by the justness of our cause when we may appeal to force. Some gentleman has suggested to me that the Government had probably determined to wait until they heard from the British Minister at Mexico, or the Mexican government that they were willing to treat for peace, upon the basis of the indemnity treaty, after they had been notified by the British Minister of the formation of such a Treaty. I do not know whether this suggestion is correct or not, if it is I would respectfully suggest to your Excellency that you will probably receive no information from Mexico on this subject for some time, as they will be ignorant of the ratification by Texas of the Indemnity Treaty and they will be expecting a Minister or Commissioner from Texas to propose, as a matter of course, upon *what terms* and with what boundary we will be willing to make peace and pay the proposed indemnity.

By the Messenger who takes this letter, I send to Genl. Lamar a long communication from Genl Hamilton, which Genl. L. will probably forward to your Excellency. In that communication I am aware Genl Hamilton's partiality has induced him to recommend *me* strongly as a fit person to be sent to Mexico. On that subject allow me to say, that for the purpose of increasing the probabilities of procuring an advance, I promised to leave London on three days notice, to proceed directly to Texas to urge upon the government here the things I am attempting to urge by this letter, and *if necessary*, to go to Mexico, if desired—believing at the time I should not be desired to go, and knowing it would not be *necessary*, when so many others, more capable, were willing to go.

My absence for twelve months from my family, and the *possibility* that I *may* be required to return to Europe to close this business of the Loan, which Genl Hamilton may not be able to remain long enough to close, would render it impossible for me to go to Mexico at this time—and I hope you will consider the fact, that I know Genl Hamilton has pressed my pretensions on the President, as a sufficient apology for my saying I could not go to Mexico, when I have not been asked to do so, and when you would probably never have thought of asking me.

I am however much gratified to learn, it was rumored that our distinguished atty Genl., Judge Webb, was to be sent to Mexico whenever any body was sent. If your excellency shall concur in the opinion, that it is proper Judge Webb or any other citizen enjoying your confidence, shall be sent to Mexico immediately—and the want of funds should be an insuperable obstacle to the Mission—and you will inform me by the return of the Messenger, directed to New Orleans—the *least* amount upon which such a Mission can be undertaken—I will, even if we fail to get the advance expected, make the effort in New Orleans to raise the money myself—and if the sum is not too large, I feel confident I can do it—but I beg you to reduce the sum to the least amount which will suffice—and to give me information by return of the messenger whether you have determined to send any one to Mexico or not.

Your Excellency will observe by a reference to Genl Hamilton's letter to the Secy of State, which accompanies this, that he anticipates procuring some aid from the French Government if necessary, in negotiating the Loan in France. I would express a contrary opinion with diffidence and great deference to Genl H's better judgment, but having spent part of the summer in Paris attempting to further the objects of our Mission, I feel that it is due to the government to express the opinion I have formed on a subject in which you will feel so much interest. I am satisfied the French Government entertains the most friendly feelings towards Texas and in a time of quiet and prosperity, for the commercial advantages we might offer them, would be strongly disposed to grant us the aid we desire—but when, as at present, they have incurred enormous expenses in preparation for a general war against all Europe, and are themselves at this moment applicants for a larger Loan than any other power—and when the French King is himself threatened with the loss of his Throne, I do not believe he will take the responsibility of committing his Government for us, without the previous sanction of Legislative authority—to obtain which, in the present unsettled political and financial condition of the country, I consider perfectly hopeless. During the summer I *know* it could not be done and I discharge my duty by expressing the *opinion* that it cannot *now* be done—tho' I shall be

most happy to find myself mistaken and am perfectly satisfied that if untiring perseverance and consummate address can accomplish the object, it will be accomplished by Genl Hamilton.

I send you herewith a Treaty which Genl Hamilton was obliged to conclude with Lord Palmerston in relation to the *African Slave Trade*, and I refer you to his letter to the Secy of State herewith, for explanations in relation thereto—to which I do not see that I can add any thing. With the constitutional denunciation of that Traffic in our Constitution I do not see how we can well refuse to enter into such a Treaty. It was necessary to sustain the British Ministry in the bold measure of recognising our Independence in defiance of the fanaticism and active opposition of the powerful party of abolitionists in England. Its ratification will defeat their slanders and silence much of their opposition—while a refusal to ratify will give them a triumph—will be the ground for additional slanders and misrepresentations, and deeply prejudice our Country through out all Europe. You will also find the Treaty so guarded that I think the most sensitive and fastidious will not object to it.

I send you also herewith the opinion of the Solicitor of the Bank of England that the Bonds of an unrecognised Government could not be made the subject of contract in England—consequently that our Loan could not be negotiated in that country without recognition.

I do not know whether you will consider it of sufficient importance to convene the Senate to submit this treaty to them but if you do not, I would suggest the propriety of keeping it from the public untill the Senate meets—as its fair consideration might be prejudiced by misrepresentation and unfounded excitement.^a

The letters to Judge Lipscomb which are sent herewith were opened by him at this place^b

The other letters for the different departments which I send herewith were placed in my charge when it was thought I was going to Austin.

Genl. Hamilton will certainly not leave Europe, unless he has negotiated the Loan—untill after he has heard from me on my return to the United States.

Immediately on reaching New Orleans and receiving letters from Genl Hamilton I will write you again—and if I am authorised to draw for an advance will send the information by a Special Messenger and probably return to Texas myself as soon as I have negotiated the Dfts.

^a There are filed with the correspondence copies of a resolution of the Texan Senate ratifying the treaty, dated January 22, 1842, and of the letter of W. D. Miller, Secretary of the Senate, dated January 24, 1842, transmitting the resolution to the Secretary of State. Cf. note c, p. 911.

^b The letter from Hamilton of January 4, 1841, with its inclosures.

Tho' unsuccessful in closing our business thus far—I hope our efforts to do so have met the approbation of the Government and that we shall secure its continuance by the manner in which we shall perform what remains to be done.

With Sentaments of distinguished
consideration I have the honour to be
Yr. obd. Svt

A. T BURNLEY

[With this letter was transmitted the treaty of November 16, 1840, between Great Britain and Texas for the Suppression of the Slave Trade.^a]

PALMERSTON TO LAMAR.^b

IKIN TO MAYFIELD.^c

No 1.

LONDON *May 18th 1841.*

DEAR SIR:

Owing to various trifling casualties and unavoidable delays which occurred in travelling from New Orleans to New York, and to a long voyage from thence to this country, I did not reach London till last week, when I immediately proceeded to deliver my despatches to Genl Hamilton.

The Genl. will have informed you of the difficulty which has occurred with regard to the immediate ratification of the British Treaties, owing to that which was brought by Mr. Burnley having been too late to obtain the consideration of Congress, and to this Governments objection to sign one without the other. The delay is much to be regretted, as of course it must have the effect in some measure of retarding the interest of the Republic in this country.^d During the interval the Texas Minister can be viewed as nothing more than Envoy or Commissioner; and, with regard to myself, the Exequatur to act as Consul must also be equally delayed; tho' I presume I shall be able to authenticate documents going out to Texas, and that the authentication will be there respected, as there are several of importance which individuals wish to send, and with regard to which delay would operate very injuriously.

If I find it can be done with propriety it may also be desirable for me to appoint (according to the power vested in consuls) a tem-

^a See Gammel, *Laws of Texas*, II, 889-904.

^b April 8, 1841. See Crawford to Lamar, July 30, 1841.

^c See Records of Department of State (Texas), Book 41, pp. 506-507. Ikin seems to have been appointed consul at London, though neither his commission nor the request for his *cacquatur* has been found.

^d See note c, p. 911.

porary consular agent in Liverpool, as I think it will be necessary that an authorized commercial Representative of the Republic should, as soon as possible be established in that port. In the selection of the individual I should be chiefly guided with a view to his character and influence, and tho' the appointment might be only protem. I should [prefer] that he would remain until the Government had some other individual or recommendation in view.

Genl. Hamilton still looks foward to the bare chance of the Tory Government which is expected to succeed the present one immediately, being less precise with regard to the Treaties, and to their ratifying one without the other; but I fear he will be disappointed in this expectation.

There is little fear that war will now take place between Great Britain and the United States, a proposal is now before the country for taking off the duties on foreign Sugar and timber, which I mention as bearing on the future interests of Texas. Nothing however can be said of the immediate prospects of effecting this change though I trust it will ultimately take place.

Should the Texan Government wish at any time to make contracts for such kinds of Military, naval or other stores as can be obtained more cheaply here than in the United States, I have connexions who would undertake to furnish them on terms more advantageous than I think, could be easily obtained elsewhere. I would also venture to suggest that ere long advantageous dispositions of public land might be made in this country.

May I beg the favor of you causing the enclosed letters to be delivered.^a

Dear Sir

Your most Obt. Servt.

ARTHUR IKIN

The Hon

JAMES S MAYFIELD

Secretary of State.

HAMILTON TO MAYFIELD.^b

LONDON, *May 13th 1841.*

SIR:

I have the honor to acknowledge the receipt of your favor of the 12th Feby together with the ratifications of the Treaties of Amity and Commerce and Mediation with her Majesty's Government and that with the King of the Netherlands.

^a These were doubtless private.

^b See Records of Department of State (Texas), Book 41, pp. 507-508.

In presenting myself at the foreign Office on the 16th Inst (for it was only on the 15th Mr. Ikin reached London having been upwards of two months on his journey) Lord Palmerston reminded me of our stipulation and the invariable practice of European Courts that in the case of treaties executed at the same time, the exchange of ratifications should be simultaneous and as the Treaty for the suppression of the African Slave trade did not reach Austin before the adjournment of the Senate owing to the unexpected delay in Mr Burnley's journey his Lordship has declined to ratify the two treaties brought out by Mr Ikin, until the third arrives. I assure you that his decision is made without the smallest change in the friendly dispositions of Her Majesty's Government, but in strict conformity to established rule.^a

As the congress of Texas will not sit until October next, it was necessary that his Lordship and myself should extend the time for the exchange of the Ratifications. We accordingly have this day^b concluded the protocol of conference of which I enclose you a copy. The consequence is that no resident Minister or Chargé can be recognized or received at this Court until the exchange is made. I shall retain my full powers for the purpose of ratifying the treaties, the honor of which is the only remuneration I seek for my diplomatic services.

I shall be in Austin a week before the meeting of Congress to afford such explanations of the Slave trade convention as I trust will be satisfactory to all branches of the Government, and be prepared to return in the Spring to England to exchange the Ratifications, after which I will most cheerfully surrender my appointment. As I have put the Republic to no pecuniary loss by this arrangement, I hope it will be satisfactory. In the mean time it will be totally unnecessary to send out any Minister or Chargé as he would not be either recognized or received as a diplomatic Agent. I do not desire a Secretary as it would be uncalled for expense to the Republic.

I beg you to assure the President that his instructions as to any Compact or Treaty with the Mexican Bond holders, shall be strictly attended to. Pray make acceptable likewise to him, my thanks for the appointment as Minister Plenipotentiary and Envoy Extraordinary to this Court, with which he has honored me, and for which I have received my commission and the necessary letters of credence.^c

I have the honor to remain with great respect
Your Obt. Servt.

J HAMILTON

Hon

J S. MAYFIELD

Secy of State, etc. etc.

^a See note c, p. 911.

^b The protocol is dated one day later.

^c The commission and letters referred to have not been found.

Protocol of conference held at the foreign office May 19th 1841 between the Plenipotentiaries of Great Britain and Texas.

Whereas, there was concluded between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Republic of Texas on the 13th Novr 1840 a Treaty of Commerce and Navigation and on the 14th Novr. 1840, a convention containing certain arrangements relative to the public debt and on the 16th Novr 1840 a Treaty for the suppression of the African Slave trade, and it was stipulated that the ratifications of all these Treaties should be exchanged at London within nine months from the time when they were respectively signed.

And Whereas, unforseen delays retarded the journey of Mr. Burnley, the gentleman by whom the original of the last of these Treaties was forwarded by the Texan Plenipotentiary to his Government.

And Whereas, the Congress of Texas separated this year earlier than was expected and was not longer sitting when Mr. Burnley arrived at Galveston.

And Whereas, in consequence of these circumstances the Texas Senate, have as yet advised and consented to the ratification of only two out of the three Treaties.

And Whereas, it was agreed between the British and Texan Plenipotentiaries that the ratifications of all the three above mentioned Treaties should be exchanged simultaneously.

And whereas, the Texan Congress will not meet again until the month of October next, The Plenipotentiaries of Great Britain and Texas who signed the three Treaties aforesaid having now met together have agreed and do hereby agree and declare that the time for the exchange of the ratifications of said Treaties will be extended to the first day of June 1842.

PROTOCOL OF CONFERENCE BETWEEN PLENIPOTENTIARIES OF GREAT BRITAIN AND TEXAS.^a

ROBERTS TO HAMILTON.^b

DEPARTMENT OF STATE
City of Austin July 5th, 1841.

Sir

I have the honor to acknowledge the receipt of your letter to Mr. Mayfield who is at present absent, of the 15th May.^c It has been detained about ten days between Galveston and this place owing to the sickness of the messenger who had been sent up with it.

^a May 19, 1841. See Hamilton to Mayfield, May 18, 1841.

^b See Records of Department of State (Texas), Book 38, pp. 159-196.

^c The matter in the next paragraph shows this to have been the letter recorded as of May 18.

We had previously heard of the refusal of the British Government to ratify the two treaties taken out by Mr. Ikin, because the third one, for the suppression of the african Slave Trade, did not reach this Country in time for ratification by our Senate. Your assurances that this decision of the British Government is made without the smallest change in the friendly disposition of Her Majesty's Government; but in strict Conformity with established rule, relieves this Government of much apprehension, for from recent indications we thought we had reason to attribute it to other motives.

Information reached this Department last night of the return of Judge Webb to Galveston, permission having been refused to him to land even. In order that you may be fully possessed of all the circumstances attending his rejection, I have caused copies of the Several Communications which passed between him and Mr. Pakenham to be made which are enclosed. The translations of the Mexican Communications were made very hurriedly and are imperfect. They are pretty literal however and will convey to you at least the meaning of the writers. I call your attention particularly to the closing paragraph of the letter of the 10th June. The affected horror of the Mexican Secretary for the Slave trade which he asserts is carried on in this Country, presents a new point of objection and was evidently introduced, more for the effect it was supposed it would have upon the councils of England than from any principle of State policy. Taken too in Connexion with the refusal of the British Govmt. to ratify the two first Treaties, because the African Slave trade Treaty had not been ratified by us, although this was in strict Conformity with established usage, as you assure us it was, it certainly presents matter for reflection if not uneasiness.

I should not dwell so much upon this point, or view it in so serious a light if it was not for the great excitement produced, as far as we have yet heard, in every part of the country, where the news of the rejection of Judge Webb, has reached. Public meetings are being held and war speeches made all over the Country. It seems now, in fact, almost inevitable. In what condition we are to become the assailant, no one knows better than you do, and if this news reaches you *before* you have closed your Negotiations for the loan, the consequences must be disastrous in the extreme. The emergency is such that General Lamar has resolved to go at once down to Galveston, for the purpose of satisfying himself on many points of which he is now in some doubt and while there the policy to be pursued will be finally settled. You may I think prepare yourself, for what I feel confident must come *War*. More I cannot say at present; but if I go to Galveston whatever is determined on shall be immediately communicated to you from that place.

In the event of War, the Congress will probably be Convened immediately after the election, say about the 25th Septr. I mention

this now, that you may if you think it necessary be prepared, upon further Notice, to set out so as to be here early in the session.

The President deeply regrets that there should have been the least room for doubt in your mind as to the proper construction to [be] placed upon the appointment of Gen Green to succeed you at the Court of St. James. It was understood by President Burnet from the phraseology of your letter that you only desired to remain there long enough to exchange the ratifications of the treaties you had made upon the accomplishment of which you wished to come home, and it was upon the supposition that the ratifications would be exchanged in March or very early in April, that the President tendered the appointment to Gen Green, tho his Commission in fact was never made out. This it is hoped will sufficiently account for the appointment of Gen. Green almost simultaneously with you.

Though nominally in a state of War the country is in fact at present at profound peace. The Indians who have been our most troublesome enemies heretofore have been uniformly so terribly beaten and at such immense odds too, that they are beginning to despair and are gradually falling back, and the settlements as rapidly advancing upon them. They [are] becoming weary of a Conflict from which they reap nothing but disaster and death. This State of things enables our planters to give all of their time or nearly so, to the cultivation of the Soil. This year, it has amply repaid them. The increase in the cotton crops will be very great and the supply of bread stuffs will greatly over run the demand. This is an important fact to be know in Europe especially at this particular juncture of affairs. I have taken pains to inform myself, and you may rely upon my accuracy. A long drought might do injury still; but it could not, I think, be very serious.

I have the honor to be, with great respect.

Your most Obt Servt

SAML. A. ROBERTS

Acting Secy of State

To General JAMES HAMILTON.

Memorandum of documents sent to Gen Hamilton accompanying above letter.^a

Letter of Judge Webb to Mr. Pakenham dated	June 1st	1841.
Ditto Mr. Pakenham's reply to Judge Webb	" June 10th	"
" Judge Webb to Mr. Pakenham	" " 16th	"
" Mr. Cañedo to Mr. Pakenham	" Decemr 11th	1840.
" Mr. Comacho to Mr. Pakenham	" June 8th	1841.
" Judge Webb to Secy of State of Texas	" " 29th	"

^aFor all, see Correspondence with Mexico. All the first five, except Cañedo to Pakenham, the proper date of which is December 11, 1839, are inclosed with the last.