

MCINTOSH TO SECRETARY OF STATE [WEBB].^a

[Asks to be relieved of his duties as secretary of legation.]

HENDERSON TO WEBB.^bPARIS *May 14th 1839*

DR. SIR,

I have no matter to communicate of sufficient importance or interest to require a formal Despatch therefore I address you in this manner.

The King has at last appointed a Ministry. This was hastened I presume by an attempt which was made on the 12th Inst to get up another revolution in Paris. The Republican party commenced their efforts about three o'clock on that day in the very heart of the City, by breaking open every storehouse where arms etc. were to be found and soon afterwards attacked and carried several Military Stations in the City, possessed themselves of the arms—barricaded the streets etc. etc. This movement was entirely unexpected and consequently bid fair at one time to give the Government much trouble, all Paris was thrown into great consternation for some hours. All of the National Guards, Troops of the line and civic Guards were called out, amounting in all to more than one hundred and twenty thousand men. The firing between the insurgents and Government forces continued at intervals until the next day. The Revolutionists are now completely subdued and a great many arrests have been made. During the night of the 12th there were several hundred persons killed and wounded. This disturbance is mainly attributed to the unfavorable check upon all commerce in France and especially in Paris, caused by the late suspension of Ministerial influence in the Government and the uncertainty consequent thereupon. It is difficult for citizens of America, who are indeed and feel themselves so independent of Government to understand how such events can materially affect individual prosperity, nevertheless it is true to an astonishing degree here. There are men too in France always watching for opportunities to rouse the common people to rebellion against the present Government, without, I think, being able to promise them one as suitable to their wants and capacities. The people of France are well and wisely Governed and ought to be better satisfied than any other Nation in Europe. I have not yet learned that any person of dis-

^a May 13, 1839. See Records of Department of State (Texas), Book 41, p. 201.

^b See Records of Department of State (Texas), Book 41, pp. 202-203.

tion has been engaged in the late disturbance. As soon as the movement was made known to the king he sent for Marshal Soult and appointed the following Ministry.

Marshall Soult President of the Royal Council and Minister of Foreign Affairs. Mr Teste Minister of Justice and Public Worship. General Schneider Minister of War. Admiral Baron Duperré Minister of Marine and the Colonies. Mr Cuchatel Minister of the Interior. Mr Gridain Minister of Commerce. Mr Dufaure Minister of public works. Mr. Vellemain Minister of Public Instruction and Mr. Passey Minister of Finance. This Ministry combines as much *party* strength as any that could have been chosen at this time, and I hope will be able to conduct the Government so as to satisfy all parties. The King is more popular now than he was three months since. He seems to increase in wisdom and energy in proportion to the difficulties which surround him, and the enemies of his house will find it no easy matter to shake him from his throne.

I have heard nothing from the French agent who has been sent to Texas except what I get from a New York correspondent and he could only say that he had seen his arrival at Houston mentioned. I hope to hear of his return to the U States soon that I may know when to urge an answer from this Government etc.

The Duke of Montebello (late Minister of Foreign Affairs *ad interim*) asked me a few days since if it was true that Texas had sent a Minister to Mexico, and under what circumstances he had been sent, observing that he had seen it stated in the newspapers etc. etc. Of course I could only reply that I could give him no other information upon the subject than that he already possessed as I had not been officially informed of the fact, and had only myself seen it so stated in the U States papers. If it *is* true that Texas has appointed such a Minister, I am sorry that I am not informed of it as it *may* be important to know it when I come to move in the business of recognition.

The British Ministry resigned a few days since but resumed their stations in a few days. The Tory party cannot carry on a Government in England without the support of at least a part of the Whigs. The Radicals can of course never support a Tory Ministry. So the Whigs being placed between the other two parties, and neither having a majority of the whole, must continue in office.

Truly Your Obedient Servant

J. PINCKNEY HENDERSON

Honorable

JAMES WEBB

Secretary of State, Texas.

LAMAR TO MINISTER OF FOREIGN AFFAIRS OF FRANCE [SOULT].^a

[Letter of Credence for James Hamilton as joint agent with Henderson to France.]

HENDERSON TO SECRETARY OF STATE [BURNET].^b

Despatch No. 5.

LEGATION OF TEXAS.

Paris June 13th 1839.

To the Honl.

The SECRETARY OF STATE

SIR,

I met at the American Ministers a few evenings since, Baron Pontois, the French Minister to the United States who but recently arrived in Paris on leave of absence; and wishing to make some enquiries of him concerning the return of his Secretary from Texas, and the time when his report would probably reach Paris, and being also desirous of acquainting myself with his own feelings and impressions with regard to Texas, and her recognition by France, I sought an introduction to him. I was presented by General Cass and he received me very graciously and with many flattering expressions of good feeling for Texas and of high regard for myself individually, of whom and of which he said he had heard a great deal at Washington.

To my enquiries concerning the return of his Secty., the Agent sent by order of this Government to Texas and the time when it is probable his report will reach Paris, he replied that he has not heard of his return to the United States but that he expected he had left Texas before the first of May last, and that he would deliver his report to his Government in person. I was gratified to find the Baron so decided in his own mind with regard to the propriety and even necessity of this Government's recognizing Texas without delay. He informed me that my correspondence with Count Molé late Minister of Foreign Affairs had been forwarded to him last fall and his opinion asked upon the whole subject. He said that he replied that the facts and claims of Texas to recognition as set forth in my communication to the Court, were true as far as his knowledge extended and that his impression was, that the King ought to recognize Texas; but that to satisfy his Government beyond doubt, he would advise it to send an Agent to enquire into and report upon her situation, and he was accordingly instructed to send one of his Secretaries. He informed me also that he had had a conversation with the King upon the subject since his return to Paris, in

^a May 20, 1839. Inclosed with Webb to Hamilton of the same date, in Correspondence with Great Britain.

^b See Records of Department of State (Texas), Book 41, pp. 215-217.

which he had told his Majesty that he thought he would be obliged to recognize Texas in common justice, which he assured me the King received kindly. At the same time he told me that he thought the King would not delay the recognition of Texas after the Agent reported, as he hoped it would warrant that step. I doubt not that Baron Pontois' opinion and advice will have much weight with the King, inasmuch as it will be presumed that the position which he has lately occupied has enabled him to form a more correct opinion than any other individual connected with the French Government. During the conversation which I held with him the Barron observed that he was satisfied that the true reason why England delayed the recognition, is her objection to Slavery,—that altho they might not acknowledge it yet he said it is true that she gives the single fact of the constitution of Texas recognizing the right of her citizens to import Slaves from the United States, and hold them in Texas as such, more weight in determining upon her claims to recognition than all others. To which I replied that the delay of Great Britain in recognizing for that reason would not remedy the evil which she imagined existed, because Texas must continue to prosper as an Independent Nation in defiance of the injustice done her by England or any other Government by withholding recognition on that ground, and that sooner or later they would be forced by circumstances to abandon that prejudice. He rejoined that all I said was true, and that no such prejudice would influence the French Government in their decision on the claims of Texas.

Here our conversation was interrupted, when he assured me he would be glad at any time to see me and give me any information he might be possessed of. I called to see him the next day in order to say some things and ask some questions which I could not say and ask the evening previous for want of time, but he was not at home.

I learned from a letter which I received from a correspondent in New York by the Liverpool Steamer which left that city on the 18th ultimo, that the French agent was daily expected there,—that is all that I have lately learned of his movements. The last communication which I have received from Texas bears date the 25th January last and is only a private letter from Mr Bee. I cannot account for not having received other credentials which I informed the Secretary of State in December last would be requisite here in the event of recognition and requested him to forward immediately. I do not believe that those I have here will be sufficient in case I shall have occasion to present them. You will by a reference to my former letters upon the subject see the reasons. They were forwarded to me since I left Texas, and it seems to me they are grossly informal. They ought also to bear the signature of the *present* Executive of Texas. I can only suppose the delay is occasioned by the miscar-

riage of despatches addressed to me. I have lately been informed by a gentleman from New York that the late Consul of Texas for that city has been removed; but he could not tell me who succeeded him.^a If that is the case, I can readily account for the delay, inasmuch as the new Consul would not know how to forward my letters so that I would receive them, unless he received some instructions from his predecessor.

I shall urge this Government to recognize as soon as the Agent arrives. In the mean time, I shall keep you advised of my progress in the business.

I have the honor to remain, Your Most
Obedient and very humble Servant.

J. PINCKNEY HENDERSON.

HENDERSON TO JONES.^b

HAMILTON AND BURNLEY TO LAMAR.

(Private and Confidential)

PHILADELPHIA *June 22d, 1839*

MY DEAR SIR,

We deem it a matter of the utmost importance to a successful negotiation of a Treaty of Recognition and Peace with Mexico, or if this should fail to an effective prosecution of War, against that power, that an immediate recognition should be made of your Government by France, which would be followed by a similar Recognition by Great Britain in less than sixty days after. Without money however in France nothing can be done, because sometimes Members of the Ministry expect themselves a *douceur* and if they do not their underlings and friends expect it.

Now altho I consider the Recognition by France is certain, yet for the want of these *Douceur* it may be delayed for six months affecting your action in Mexico, at home, and materially retarding the negotiation of our loan abroad.

In the uncertainty whether this negotiation can be effected, whether we shall have friends for Secret Service, we can come under no obligation to meet this expenditure which is essentially of a diplomatic character. We have therefore on our Bills of exchange taken out 50,000\$. which we ask if need be your authority to expend in Secret Service in procuring you instantaneous recognition by the first con-

^a The man here referred to was C. H. Forbes, who was for a time vice-consul for Texas in New York, having been left in charge of the office by Consul General John Woodward during his absence in Europe. Forbes resigned, after some trouble connected with his office, April 2, 1840, and was succeeded in January, 1841, by John H. Brower.

^b June 20, 1839. See Calendar.

^c See Records of Department of State (Texas), Book 41, pp. 405-406.

tinental power of Europe. Whatever over and above this measure may cost, we are willing to meet out of our Commission on a contingent contract payable when we shall have negotiated our Loan. We will moreover take upon ourselves the burden of subscribing the London Press, so as to have public opinion prepared by the time Lord Palmerston is ready to act. If we do not use this money such is the of the French Court that we may be kept six months dancing after France or Marshall Soult, when with fifty thousand dollars in hand, we may procure a recognition in six days. The question resolves itself into this, as your recognition by England and Mexico, and the Negotiation of your Loan, may depend on this expenditure, whether you will give fifty thousand dollars for the consummation of these events. It may cost 100,000\$. But we will provide all over the fifty thousand dollars, and all the other contingencies, as before stated.

Be pleased to transmit by Mr Thomas L Hamilton^a your reply, and we earnestly request that he may be dispatched by the return of the Steamer to New Orleans that he may reach New York in time for the Great Western, on the first [of] August. It is necessary that your answer should be specific and to the point—respectfully submitted. It is due to candor for us to say that before your reply can reach us in London, we shall probably have used the money in France and have reached England with the Recognition of Louis Philipe, we are therefore in regard to this expenditure, in all respects at your Mercy, if it is indispensable we shall make it a sure go positive unqualified success. We remain Dear Sir, with the highest respect, your Obt. Servant.

J. HAMILTON
A. T. BURNLEY

His Excellency
M B. LAMAR.
Prest. Republic of Texas.

P. S. The expenditure of the Secret Service fund, will of course be made with the sanction and entire knowledge and concurrence of Gen Henderson.

HAMILTON TO BURNET.^b

PHILADELPHIA
June 22d 1839.

SIR,

I do myself the honor to acknowledge the receipt of a despatch from your predecessor James Webb Esqr. covering the commission

^a Son of James Hamilton, Texan consul at Charleston, 1841.

^b See Records of Department of State (Texas), Book 41, p. 218.

which his Excellency the President has been pleased to honor me with as a diplomatic agent to be associated with Genl. Henderson in treating for a recognition and treaty's of commerce and alliance with France.

I beg you to tender to the President my profound sense of his favorable consideration of dispositions to serve your republic, and to assure him that my best efforts shall be exerted in conjunction with General Henderson to accomplish the objects of his mission.

I desire to have it distinctly understood that I will accept neither outfit or salary for these services, in which if I contribute to success I shall find my highest reward.

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I have the honor to remain
Sir, very respectfully
Your Obedt Servant

J. HAMILTON.

Honorable
DAVID G BURNET
*Acting Secty of State
Texas.*

HENDERSON TO SECRETARY OF STATE.^b

Legation of Texas
Despatch No. 6

PARIS July 26th. 1839

To the Honorable
The SECRETARY OF STATE

SIR

On the 16th. Instant I dined with the Marshal Duke of Dalmatia, Minister of Foreign Affairs and President of the Royal Council, and after dinner I took occasion to speak to him on the subject of the recognition of the Independence of Texas. He does not speak English and on that occasion I availed myself of the kindness of the Marquis Rumigny the French Ambassador to Spain who speaks English perfectly and whom I had previously enlisted in behalf of Texas. I commenced the conversation relative to Texas by asking the Marshal whether or not he had received the report of the Agent which his predecessor Count Molé had sent to Texas to enquire into and report upon her situation etc. He answered in the affirmative. I then referred him to the several communications which I have heretofore addressed to Count Molé in which are set forth the grounds upon which Texas claims to be recognized by France. I begged him to remember

^a Here is omitted a paragraph relating to Henderson's salary.

^b L. S.

that more than a year had elapsed since I first laid the claims of Texas to recognition before the French Government, and that nearly ten Months had passed since Count Molé informed me that he had in pursuance of the Kings order directed that Agent to proceed to Texas—that the Count had at the same time intimated to me that it would be agreeable to His Majestys Government if I would not leave France as I then intended, but await that Agents report—that he had at the same time promised to give me a definite answer to my application for recognition as soon as it should be received—that with that understanding I consented to remain—that having fulfilled my part of the engagement, I then felt myself at liberty so far as the Government of France was concerned, and bound in duty to my own to urge a decisive answer upon that point. The Marshal replied to all this by assuring me that he had every disposition to act in the case as soon as possible—that he had directed M. Saligny^a to come in person to Paris—that he daily expected him to arrive—that his own time was entirely occupied with domestic affairs of State and would be so for eight or ten days more, about which time he expected the two Chambers would adjourn and that he would then take up the subject of my application.

Our Conversation was then interrupted, and as I had not conversed with him as fully as I desired and intended, I sought a second opportunity the same evening and was aided by Mr. Hughes Charge des Affaires of the United States to Sweden, as interpreter, who speaks French correctly and who has taken great interest in the cause of Texas both here and in England by liberal and just representations of her importance etc. I then said to the Marshal, that in addition to what I had already said to Count Molé in favour of the recognition of the independence of Texas, I begged leave to add with all due deference, that France never had, nor could she ever expect to enjoy a just share of the trade and good will of Mexico—that no other Nation could expect to reap any great benefit by their intercourse with Mexico so long as England continued to possess the influence which she has heretofore possessed and exercised in that Country to the prejudice of all other nations—that the recent chastisement which France found it necessary to inflict upon Mexico would not be soon forgotten and would strengthen the influence of England in that quarter—that Policy would seem to dictate that France should do every thing to encourage a division of that Country, the more especially when by such division, a part of it would fall into the hands of a People free from such prejudices and influence—that the Government and People of Texas were more disposed to favor the French than the English Nation whom they in some degree regarded as the protectors of their Enemy Mexico—that

See note a, p. 1222.

France by taking the lead of all their European Nations in recognizing Texas and forming a commercial treaty with her, would engage the affections of our People and draw the trade of Texas to herself which could not easily be diverted from her, even though England should hereafter hold out greater advantages—that the commercial arrangement which I had already had the honor to make with the French Government, though entirely liberal in its stipulations and satisfactory under the circumstances and highly creditable to the wisdom and liberality of the French Government was not likely to satisfy the People of Texas—that although it secured to the Ships, Cargoes and Citizens of Texas every facility and advantage in the Ports of France which are, or may hereafter be enjoyed by the Nation the most favored, yet inasmuch as under the present state of affairs Texas could not have the benefit of Consuls in France whose authority to protect the interests and trade of her Citizens would be recognized by the French Government, her Merchants and traders would not feel themselves and property fully protected in French Ports, and consequently would continue to seek a Market in the United States where every such protection was offered, altho they might find the trade to that Country less profitable. The Marshal then asked me some questions concerning the nature of the commercial arrangement which I had alluded to, as having been made with Count Molé, which convinced me that he was entirely ignorant of it. I explained it fully. He observed next, that he would take the earliest opportunity to examine the whole matter and see if that agreement needed extension or amendment, and that we might make that the basis of a more formal Treaty. I replied that all I desired was to put that agreement (which is sufficiently comprehensive) into the form of a complete Treaty between equal and independent Powers. I also hinted to the Marshal that if his time was too much engaged, that it would be agreeable to me if he would authorize Mr. Pontois the French Minister to the United States, now in Paris on leave of absence, to negotiate with me on the part of the French Government. He rejoined that he supposed that me done,^e and then asked what were the nature and extent of my powers. I replied that I was doubly commissioned—first as Agent to solicit the recognition of the Independence of Texas, and secondly as Envoy extraordinary and Minister Plenipotentiary with full powers and instructions to treat of and concerning amity, commerce and Navigation and that I would lay my Credentials before him at any time which would suit his convenience. He rejoined that what I had said was perfectly satisfactory in that respect, and further observed that he would be glad if I would see and converse

^eThe words intended here probably are "might be done."

with M. Pontois who would be fully authorized on the part of France to act in the negotiation of a commercial Treaty and that recognition would follow as a matter of course. I then took leave of him and on the 18th, I called on M. Pontois according to previous appointment, and informed him of all that had passed between the Marshal and myself and asked him if he had seen or heard from the Marshal since my conversation with him. He replied that he had not—that he had called at the Foreign Office to see him the day previous, but he was too much engaged to see him. I then observed that I was aware that he could do nothing in the business *officially* until he was formally authorized by the Marshal—that inasmuch as I knew he would be commissioned to act in the business I wished then to speak to him freely on all subjects connected with the Negotiation, and that until he should be so authorized, we would regard all that passed between us as unofficial—to which he readily assented. I then observed that inasmuch as the first step to be taken in the negotiation was to examine our relative Powers, I would then lay before him my Credentials and Commission. After he had read my Commission as Minister etc. and my letter of Credence to the King, he observed that they were signed by Genl. Houston who he believed was no longer President of Texas. This objection I had anticipated and accordingly wrote last winter to the Secretary of State several times requesting him to forward to me a new Commission and Credentials from the *present* Executive of Texas, but as no attention has been paid to that request, I was compelled to assert the sufficiency of those I hold.

Accordingly I replied to that objection that I was aware that in all Monarchical Governments the authority of its officers expired with the Monarch, and that in all such instances it is necessary that the newly invested Sovereign should recommission the Ministers appointed by his predecessor—that the reason of this rule is, that every Foreign Minister represents the Sovereignty of his Country—that the Minister of a Monarchical Government represents the *person* of its Monarch and *therby* its Sovereignty—that when that Monarch dies, there is a complete and entire change or transfer of the Sovereign power from one person to another who may not choose to be represented by a person chosen by his predecessor; but that in all Republics the *People* hold the sovereign power, who never die, and consequently there can be no change or transfer of sovereignty—That the President of Texas not having the sovereign power invested in him, but being confined by the Constitution to specific limited powers cannot bring his Foreign Ministers under the above rule—that Constitution only gives him power to remove from office, Ministers appointed by his predecessor, and until he actually *exercises*

that power, all those whom he found in office can rightfully continue to discharge their functions. He then expressed himself entirely satisfied on that point, but observed that he should feel himself bound nevertheless to mention the circumstance to the Minister of Foreign affairs. I begged him to repeat to him at the same time what I had said in support of my commission and, which he assured me he would not fail to do. I am fully persuaded that my powers are regular, but nevertheless I regret that I have not been furnished with such as would have been *indisputable*. Mr. Pontois then observed that the negotiation might be attended with some difficulties. I replied that he would much oblige me by intimating the points on which he apprehended difficulties might arise, that I might be able to meet them. He rejoined that the subject of Slavery was what he chiefly alluded to; I without allowing him to proceed further observed that so far as the Slave trade with Africa was concerned in his objection either directly or indirectly, I felt myself as the representative of Texas bound to satisfy every anxiety or enquiry of France—that I would assure him that Texas was as anxious to prevent that traffic as France—that the Constitution expressly prohibited it either directly or indirectly—that no negro or Mulatto Slave can be brought into Texas except from the United States of North America, and that when brought from that Country, they must have been slaves according to its laws, and inasmuch as the United States have entirely suppressed the African slave trade so far as her own Citizens are concerned the laws of Texas prevented the possibility of increasing the number of Slaves in the World under her policy—that their location might be changed, but their number cannot be increased. This much, I continued, I was bound to say in relation to Slavery in Texas, because so far perhaps, other Nations had a right to enquire—But beyond that I would not travel—that so far as regards Slavery as it really exists in Texas, it is exclusively a question of domestic policy with which no Foreign Nation had any right to interfere, and that I wished him to understand me distinctly on that question, and to say to Marshal Soult that I will not even discuss that question any more than I would discuss any other question of domestic policy. He then said he wished to explain—that he wished me to understand him distinctly on this point—That the King had no disposition to interfere with the institutions of Texas, and that so far as Slavery is concerned, he had had a conversation with His Majesty upon that subject, and that he positively declared that it was a question that did not concern him or his Government; but Mr. Pontois observed that there might be some objections raised in the Cabinet on the question, and that he was happy to hear the explanation which I had given on the subject of the African Slave trade,

which he thought ought and would satisfy every prejudice which might be raised against the recognition and Treaty with Texas, and that he would not fail to inform his Government of what had passed between us on the subject. I presume that he alluded to M. Passay the Minister of France who is a warm abolitionist. He then said that France wished to act with England on the question, and then observed that Lord Palmerston in the British Parliament had recently declared in answer to some questions propounded by Mr. O'Connell that he had entered into no arrangement with Texas. I replied that he was mistaken—that the interrogatories put by Mr. O'Connell only related to recognition and Slavery—that Lord Palmerston's answer only embraced those two points, and that he would find in the Foreign Office a Copy of the arrangement I had entered into with England, as I had sent one to Count Molé last fall. I further observed that England would recognize as soon as France took that step, as it would be a sort of shield against the attacks of the abolitionists of that Country—that the British Ministry are convinced that Texas is entitled to recognition, but that they dare not recognize for fear of offending the O'Connell abolition party who now in fact control that Government. He agreed that there was much truth in what I said. I also said to him that I hoped France would disregard every thing but the justice of the claims of Texas, and her own honour and interest, and not wait for the action of England.

Mr. Pontois then observed that he thought France ought, and would be disposed to treat with Texas on all subjects in the same spirit of liberality which characterized the treaties between France and the United States. He also spoke of being disposed to establish even a more free and liberal intercourse between Texas and France. I did not reply directly to the latter part of his speech, as I supposed he might allude to a reduction of the Tariff of Texas on French wines and silks, and also as I desire things to approach as near to a consummation as possible before any difficulty is raised.

Therefore I replied in vague terms that Texas only wished to establish an intercourse upon terms of equality and reciprocity, and that she would willingly give to France every advantage and privilege in trade and navigation which she would extend to any other Nation. He also said that from what had already passed between the King, the Minister of Foreign Affairs and himself he thought that the course which the Marshal would propose would be to make the treaty of amity and commerce the same act with recognition. I replied that I would prefer the King to recognize Texas as an Independent Nation first, that I might enter upon the negotiation with France as the representative of an equal power—that I was

sure France wanted nothing more than Texas is willing to grant—that if recognition and the treaty of commerce were one and the same act, it might seem that Texas entered the Negotiation under some Restraint, and that France had extorted from her a grant of priviledges which she would not have given after she had been recognized as an equal, and that I would not yield a priviledge *before*, that I would not grant with equal freedom *after* recognition by France. He promised to mention my request to Marshal Soult when he saw him next.

On the 22d M. Pontois called at my house to inform me that he had seen and conversed with Marshal Soult upon the subject of negotiating a treaty of Commerce with Texas, and that the Marshal had authorized him to see me and discuss the several points relative thereto, without making any distinct propositions, because he had not had time to take the opinion of the rest of the Government and more especially the Minister of Commerce whom it was important to consult upon the commercial points of the Treaty. I replied that I had no objections to discuss the matter in a frank and Candid spirit. I however asked him first to inform me how the Marshal had received my proposition to the effect that the King should recognize Texas by receiving me in form as her Minister, and then enter upon a negotiation of a Treaty. He answered that the Marshal said that it *might* be done as a seperate *article* or act (which shows that the Marshal knows more of war than diplomacy.) Mr Pontois however then explained to him fully the reasons and objects of that proposition as I gave them to him in our previous interview. The Marshal chose to reserve that point also as a Cabinet question. I again begged Mr. Pontois to say to the Marshal, that I would not *insist* on that course, but I *preferred* it as a personal gratification, as well as for the reasons heretofore given. He promised to do so and then entered into a long detail of what he would advise, and what he thought the French Government would expect by the Treaty, in which he mentioned the subject of French Wines and French Silks (as I had anticipated) and said that France would be much benefitted by securing by the Treaty the liberty to enter her wines and silks in Texas upon the same generous footing that they are now received in the United States. (The latter pay no duty and the former barely a nominal tax in the United States.) He also said that he would try to gain the consent of the Minister of Commerce to make the vessels of Texas enterable in the Ports of France as National vessels provided Texas would reciprocate.

All that he said on the above points more fully convinced me of the necessity of obtaining recognition *before* we enter upon a discussion of the details of a Treaty of Commerce; because I now apprehend

that the propositions of the French Government upon the above points will be such as would too materially affect the revenue of Texas to make them allowable.

I therefore replied in vague and general terms so as to satisfy him as well as possible, without committing myself upon any one point. He then took his leave promising to call on me as soon^a an opportunity to consult the Cabinet and give me their decision upon the different points involved, and added that several days might elapse before he could take their sense upon the subject, as they would be very much engaged until the Chambers adjourned which would be, he hoped, in a few days.

During our conversation Mr. Pontois asked me what duties Texas at present levied on French Wines and Silk. I replied that I did not recollect precisely, as some time had elapsed since I had had occasion to look over the Tariff laws of Texas. I promised to inform him at our next meeting. I do not believe that I have ever seen the Tariff law as passed by Congress since I left home. I am not informed that there has been any alteration in the law since that time except by *hearsay*. No such amendment has ever been forwarded to me by the Government. I have written to London to the only two persons in Europe, who it is probable can furnish me with a Copy of that law.

I am apprehensive that this Government will insist upon making recognition and the Treaty of Commerce the same act, as their precedents are all in that way. Should that be the case, recognition may be delayed by a lengthy discussion. I am aware that the President in his Message to Congress last winter recommended a free commercial intercourse with Foreign Powers, but I am not aware that he wished that system to be adopted at this time when Texas has so much need of money: nor do I believe that Congress would be pleased to see the Tariff law repealed in any important feature by a Treaty. These difficulties I must combat when they are fairly put at issue. I have given you the above conversations in detail that you may be able to draw therefrom your own conclusions.

I regard the question of recognition by France as settled—they have *consented* to recognize by Treaty—they *may* recognize as I propose.

In any event, the first grand object of my mission you may now regard as settled favorably to the views of Texas. Indeed it is no longer a secret here with the Government that the King has determined to recognize, as it is spoken of publicly at Court, and generally in the Diplomatic Circles.

^a One or two words torn out.

I send this Despatch by the Liverpool Steamboat via. England, as I wish you to have the news of my progress in the most speedy manner, and as frequently as possible.

I have just *accidentally* heard of the arrival of Mr. Burnly in England, and that Genl. Hamilton will not arrive for several weeks.

I have the Honor to be

Sir

Your Most obedient
Humble St

J PINCKNEY HENDERSON

HENDERSON TO SECRETARY OF STATE.^a

JULY 26TH 1839

DEAR SIR

I forward to you at the same time with this a despatch containing a full detail of my negotiations with the French Government and by which you will discover that the King of the French has *agreed* to recognize the Independence of Texas but proposes to do so by a Treaty of amity and commerce. I have proposed that the King shall *first* recognize by receiving me as the accredited minister of Texas, because we can then enter upon the negotiation of a Treaty as *equals*, otherwise (I have said to them) it may appear that France wished to take advantage of the desire of Texas to be recognized by a leading European power to *force* from her terms which she would not otherwise grant. I also said to him that I would not make that a "*sine qua non*" but that it would be more acceptable to Texas and would also gratify me personally. That proposition is still before the Ministry. To save time we have been discussing vaguely the articles or terms of a Treaty. I have assured them that I will not ^b before that I will not give *after* recognition. The Government here no longer keep it secret that they have determined to recognize Texas—it is talked of openly at Court and in political circles. Mr Pontois the French Minister to the U. S. is the *great* friend of Texas. He has taken much interest in her cause since his return to Paris which entitles him to her gratitude. Genl Cass the American Minister has acted well in the matter Marshal Soult does not speak english nor do I speak French well enough to hold an important conversation I have therefore been compelled to have an interpreter. Mr Hughes Charge d' affairs of the U. S. to Sweden has kindly on several occasions acted in that capacity and on all occasions spoken properly of Texas and kindly of myself I speak of these things in

^a A. L. S.; indorsed "Recd. and forwd. by Y. O. S. [Your Obedient Servant] C. H. Forbes V. C. T. [Vice-Consul of Texas] N. Y." Who was acting Secretary of State at the time does not appear with certainty.

^b Several words obliterated.

justice to those gentlemen. Mr Pontois will I presume be the person commissioned to negotiate the Treaty on the part of France. I hope in my next to inform you that every thing has been settled here to the satisfaction of Texas. I have understood that Genl. Hamilton [will not^a] arrive in Europe for several weeks. I also learn that Mr Burnley is now in Liverpool. I write in great hast and have directed the Texian Consul at New York to send this letter by express mail the dispatch is too heavy to send in that way and will come by the Steam mail

Truly Yours etc.

J PINCKNEY HENDERSON

CASS TO HENDERSON.^b

HENDERSON TO SECRETARY OF STATE [BURNET].^c

Legation of Texas
Despatch No. 7

PARIS August 5. 1839.

To the Honorable
The SECRETARY OF STATE

SIR

I have the honor herein to send you the Copy of a letter which I have just received from Genl. Cass the Minister of the United States at this Court. Hearing that the King of the Belgians had arrived in Paris a few days since, and believing that it would be advantageous to Texas to obtain recognition by his Government and to form a commercial treaty with it, I Requested Genl. Cass to mention the subject to him, if he should have an opportunity without intimating to His Majesty that I had requested him to do so, inasmuch as I had no authority from my Government to apply to him for that purpose. The Result of that enquiry by Genl. Cass you will learn best by the following letter

[Confidential]

Légation
des Etats Unis

PARIS 3d August, 1839

DEAR SIR In addition to what I mentioned to you verbally, that instructions were now making out in the Department of Foreign Affairs, authorizing Mr Pontois to enter into negotiations with you for the formation of a Treaty, and the recognition of your Inde-

^a Two words obliterated.

^b August 3, 1839. See Henderson to Secretary of State [Burnet], August 5, 1838.

^c A. L. S.

pendence, there is another circumstance which I think it is best to state to you in this letter. I had on Sunday evening last a long conversation with the King of the Belgians respecting Texas, in which he evinced much knowledge of the Country and seemed sensible of its importance. I am well satisfied from the tenor of his remarks that he has been looking with interest to your Condition, and is aware that a commercial intercourse between Texas and Belgium may be highly useful.

Mr Pontois to whom I mentioned this circumstance, told me, there was no doubt, but that the recognition by France would be immediately followed by that of Belgium. Under these circumstances it appears to me, that if you have not already received from your Government, the full powers necessary to enable you to enter into negotiation with the various European States, you had better apply for them without delay.

The singular declaration of Lord Palmerston in the House of Commons respecting the difficulty in the way of your recognition by England, makes it doubtful whether the English Government have the real intention to act favorably upon the Subject within a reasonable period. There is something in his allusion to the Slave Trade carried on by Texas which I cannot understand; especially as it is well known you have no concern with any such trade, and as the true objection is to that feature of your internal administration which admits slavery, and with which other Nations have not the right and ought not to assume the privilege of interfering.

In this state of things it is your interest to procure the Recognition of the other European States as fast as possible, in order that England may yield to the public opinion of Europe what perhaps she would not yield without considerable delay to your application only.

This letter is confidential, but if you think it necessary, you are at liberty to send a Copy to the Secretary of State of Texas, enjoining him to communicate its contents to the President only.

I am dear Sir

With great regard, respectfully
Your obedient Servant

(Signed) LEW. CASS.

General HENDERSON

Minister of Texas

In addition to that which is contained in the above communication, Genl. Cass verbally informed me that King Leopold asked him if I

had powers to apply to him for recognition etc. doubtless intending thereby to intimate that he would recognize and treat with Texas if I would apply to him with proper powers.

With all due deference, I would suggest the propriety of appointing a special Envoy etc. to treat with the different Powers of Europe which have not been yet applied to for the recognition of Texas, and for commercial priviledges. Whether it would be most proper to appoint one or more Ministers especially for that purpose, or to extend the powers of the Minister of Texas in Paris or London to that effect, His Excellency the President can best judge. Perhaps the Minister here or in London could not attend well to so much business. Moreover some of the Powers might require such an application to be made directly at their own Court; therefore I have given it as my opinion that it would be best to establish a separate mission of it. Texas must seek a Market for her sugar foreign from the United States, France, or England, all of which have either their own domestic, or the sugar of their Colonies to protect. The other Powers of Europe, Spain Excepted, raise but little sugar, either at home, or in their Colonies; and Texas may secure the priviledge of a fair competition in their Markets. Belgium consumes thirty millions pounds of sugar, five of which only is beet root. A large part of the other 25 millions Texas may supply, provided she can produce as cheap as any other Country. Russia, Prussia, Austria, Holland and the German States will each be of importance to Texas as Markets for her Sugar. I therefore hope that His Excellency the President will receive my suggestions in Relation to this business, kindly.

I had an interview yesterday with Mr Pontois upon the pending Treaty and recognition. He informed me that his Government still insisted on recognizing by Treaty, as all of their precedents are that way, and I acquiesced. He discussed more minutely the different matters which we desired to touch upon in the treaty. I find that I shall be compelled to agree to some reduction of the duties now imposed in Texas upon French Wines and Silks, but France will make in return a reduction of their duty on Texas Cotton. Mr. Pontois was not able to say precisely what that reduction would be, and therefore I made no proposition in regard to the reduction I would be willing on the part of Texas to make on French Wines and Silks.

He informed me that he had asked the Ministers of Finance and Commerce to consent to a certain reduction of duty, and that he expected the answer on that day, together with complete and definite instructions from the Minister of Foreign Affairs; after which I hope we shall soon complete the Treaty.

When we separated, Mr. Pontois expressed himself well pleased with all that had passed between us.

I sent forward to you some days since a long Despatch, No. 6. by the Liverpool Steam ship via England which I hope will Reach you in due time.

I have the honor to remain
Your obedient and
very humble Servant

J. PINCKNEY HENDERSON

BURNET TO HAMILTON.^a

DEPARTMENT OF STATE

Houston 10th August 1839

To Genl

JAMES HAMILTON

SIR, It has devolved upon me just as the Steamer Columbia is about to leave, to say to you that the President does not feel himself authorized to sanction the advances you propose to make in relation to the French negotiation. But he directs me to say that whatever expenses may be profitably incurred in procuring an early negotiation, if made manifest to this Government, will he has no doubt, be acceded to and protected by the Congress. I regret that my time is so short, that I have only to add, the high consideration with which

I am, Your Most
Obedient Servant etc.

DAVID G. BURNET.

LAMAR TO THE KING OF THE FRENCH [LOUIS PHILIPPE].^b

[Letter of credence for J. Pinckney Henderson as envoy extraordinary and minister plenipotentiary of the Republic of Texas to France.]

HENDERSON TO BURNET.^c

PARIS August 20th 1839

Excellent

SIR

I received your communication as acting Secy of State dated Houston 16th June last, a few day since. It is the first despatch I have

^a See Records of Department of State (Texas), Book 38, pp. 121-122. This letter was apparently in answer to Hamilton and Burnley to Lamar, June 22.

^b August 19, 1839.

^c A. L. S.; indorsed "Recd. and forwarded by Y. O. S. [your obedient servant] C. H. Forbes V. C. T. [Vice Consul Texas] N. Y."

received from the Govt. for more than six months. I have noted its contents. My negotiation here has until lately been progressing slowly but satisfactorily but there has been evinced within the last few days a disposition on the part of the French negotiators to delay the business—perhaps it is with a view of finding out whether or not Genl. Hamilton who arrived in England a few days since has any additional instructions for me from the Govt. which will enable me to give them any more favourable terms. I am induced to believe that such is the case from the fact that that disposition has been evinced only since the arrival of Mr Saligney who observed a few days since in the presence of Mr Pontois and myself when we were discussing the different unsettled points of the Treaty that “he knew that I *could* grant the favours which the French Government asked; because the President of Texas had told him that he was anxious to enter into a Treaty with France and was willing to grant such and such favours and that he (Mr Saligney) doubted not that Genl. Hamilton had such authority or instructions for me as would enable me to comply with their wishes and that he had written to him that morning that it was absolutely necessary for him to come to Paris without delay.” I was not pleased at that speech of Mr Saligney but reflecting that I was not acting for myself in this business and that a diplomatist ought *never* to evince the slightest anger in the discussion of a Treaty I contented myself by assuring him that he “had no such instructions for me or he would have informed me of it long since as he knew that I would be engaged ere this in discussing the Treaty and moreover I informed him that your despatch did not mention that such was the case. To which they made no reply but I saw they were not convinced of my candour. I hope Genl. H. will come to Paris without delay as that alone will satisfy them that I have been candid with them

At our last interview Mr Pontois insisted upon a reduction upon French Brandies and what is called here “Paris articles” such as ready made clothing, shoes, hats etc. etc. To the reduction on the latter articles I most positively objected on the ground that it would injure the revenue of Texas and would do France no good as I should be compelled to make the same reduction on English goods of that kind if she treated with me and more over that the reduction which I had agreed to make on French silks and wines was a sufficient *quid* for the *quo* which France granted by the reduced duty on cotton. As regards Brandies I had always refused to consent to any reduction of the present duty not less on the score of morality than revenue, but Mr P. said that he had consulted several strong interests since he last saw me and that he was convinced that any treaty which the Govt. might make that did not do something for the French

* That is, Mr. Hamilton.

Brandies would be unpopular with the Chambers because that interest is strongly represented there. And after duly considering the matter and believing Mr P. sincere in his expressions of that fear I consented that the duty on French Brandies should be reduced one fifth which satisfied him on that point. But he did not seem to desire to close the negotiation definitely on any point and seeing that; I determined not to urge the business again until Genl. Hamilton arrives so that they may be sure I have received whatever he has for me. And should they find me firm in my present position after Genl. H. arrives I cannot doubt (judging from appearances before the arrival of Mr Saligney) that they will accept of my proposals and that all will be completed in a few days. I will soon write you again and more fully.

I have the honour to remain

My Dear Sir yours very truly

J. PINCKNEY HENDERSON

To His Exclcy.

D. G. BURNET

etc. etc. etc.

SOULT TO HAMILTON.^a

TREATY OF AMITY, NAVIGATION, AND COMMERCE BETWEEN FRANCE AND TEXAS.^b

HENDERSON TO JONES.^c

DUKE OF DALMATIA TO "MINISTER OF FOREIGN AFFAIRS" OF TEXAS [BURNET].^d

[Letter of credence for M. de Saligny as chargé d'affaires of France in Texas.]

^a September 12, 1839. See Calendar.

^b Signed by J. Pinckney Henderson and M^{al}. (Maréchal) Duc de Dalmatia (Marshal Soult), September 25, 1839; see Gammel, *Laws of Texas*, II, 655-662; *House Docs.*, 28th Cong., 2 Sess., III (Serial No. 465), pp. 5-11. The original is in English and French in parallel columns. Just how and when this treaty reached the Texan government does not appear with certainty from the correspondence. See Henderson to Secretary of State, October 16, 1839. The archives contain also an engrossed copy of the treaty bound in velvet which was presented to the government of Texas when the ratifications were exchanged. This copy is signed by King Louis Philippe, and the signature is attested by the Duke of Dalmatia.

^c September 27, 1839. See Calendar.

^d L. S., October 2, 1839.