

Exhibit 64

in the case of:

**People of the Republic of Texas
and the
Sovereign Nation of the Republic of Texas**

v.

**UNITED NATIONS
(and all it's Political Subdivisions)
and
UNITED STATES
(and all it's Political Subdivisions)**

Under Pains and Penalties of perjury and the laws of the Almighty, and being sworn under a vow and oath, I attest that the attached pages are true and correct representations of:

Treaty of Amity, Navigation and Commerce, between the Republic of Texas and his Majesty the King of the French, September 25, 1839, from: Ernest Wallace, David M. Vigness, and George B Ward, *Documents of Texas History*, (State House Press, Texas, 1994).

This attestation is made on August 10, 1998.

Attest: D. A. West

Merle Ann West

Witness to scan and above signature

E. J. Brannon

Witness to above signatures

57. THE TREATY WITH FRANCE

September 25, 1839

From H. P. N. Gammel (comp.), *The Laws of Texas, 1822-1897* (10 vols.; Austin, 1898), II, 655-662.

France was the first European nation to recognize the independence of Texas. Without waiting for the United States to act on the offer of annexation, President Houston had commissioned J. P. Henderson as agent and minister plenipotentiary to Great Britain and France with instructions to secure recognition of independence and commercial treaties. Henderson went first to London, but, unable to interest the British, proceeded to Paris in April, 1838. Fifteen months later, after the outbreak of war between France and Mexico and the receipt of a favorable report from the French agent in Texas, Foreign Minister Marshall Soult, Duke of Dalmatia, agreed to negotiate. A treaty, signed by the two ministers on September 25, was ratified by the Texas Senate on January 14. The following extracts from the treaty include its most significant provisions.

Treaty of Amity, Navigation and Commerce,
between the Republic of Texas and his Majesty
the King of the French

ARTICLE 1. There shall be perpetual peace and amity between his Majesty the King of the French, his heirs and successors, on the one part, and the Republic of Texas, on the other part; and between the citizens of the two states, without exception of persons or of places.

ARTICLE 2. The French and Texians shall enjoy, in their persons and property, in the entire extent of their respective territories, the same rights, privileges, and exemptions, which are or may be granted to the most favored nation. They shall have the right of disposing freely of their property by sale, exchange, by deed of gift, will, or in any other manner, without any impediment or difficulty. In like manner, the citizens of each, inheriting property in either of the states, may become heirs, without any hindrance, . . . They shall be exempted from all military service, — from all war contributions, — forced loans, — military requisitions, and in every other case, their personal or real estate shall not be subject to any other charge or impost than that which shall be paid by the citizens of the country themselves.

ARTICLE 3. If it should happen that one of the two contracting parties be at war with any other power whatever, the other power shall prohibit their citizens from taking or holding commissions or letters of marque to cruise against the other, or to molest the commerce or property of her citizens.

ARTICLE 4. The two contracting parties adopt in their mutual relations, the principle "that the flag covers the goods."

If one of the two parties remains neuter when the other may be at war with a third power, the goods covered by the neutral flag shall also be considered to be neutral, even if they should belong to the enemies of the other contracting party.

It is equally understood, that the neutrality of flag protects also the freedom of persons, and that the individuals belonging to a hostile power, who may be found on board a neutral vessel, shall not be made prisoners, unless they are actually engaged in the service of the enemy. . . .

ARTICLE 5. In case one of the contracting parties should be at war with another power, and her ships at sea should be compelled to exercise the right of search, it is agreed that if they meet a vessel belonging to the other, then neutral, party, they shall send their boat on board said vessel with two persons charged to enter on an examination of the nationality and cargo of said vessel. The commanders shall be responsible for all vexations, acts of violence, which they may either commit or tolerate on such occasion. The search shall not be permitted but on board vessels which navigate without convoy. . . .

ARTICLE 6. In case one of the two countries should be at war with a third power, the citizens of the other country, shall have a right to continue their commerce

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and their navigation with the same power, with the exception of the towns or ports, before which there shall be established an actual and effective blockade. It is fully understood, that this liberty of commerce and navigation, shall not extend to articles reputed contraband of war, . . .

ARTICLE 8. The two contracting parties shall have the right to appoint consuls, vice-consuls, and consular agents in all the cities or ports open to the foreign commerce: . . .

ARTICLE 9. The respective consuls, vice consuls, consular agents, and their chancellors, shall enjoy in the two countries, the privileges which generally belong to their functions, such as . . . shall be granted in their places of residence, to the agents of the same rank of the most favored nation.

ARTICLE 10. The archives, and in general all the papers of the offices of the respective consulates, shall be inviolable; and under no pretext, nor in any case, shall they either be seized or searched by the local authorities. . . .

ARTICLE 12. The respective Consuls, Vice-Consuls, and Consular agents, shall be charged exclusively with the internal police of the commercial vessels of their nation; and the local authorities shall not interfere, except in cases of riot or disturbance of a nature calculated to affect the public peace, either on shore or on board other vessels.

ARTICLE 13. The respective Consuls, Vice-Consuls, and Consular agents, shall have the right to arrest all sailors who shall have deserted from vessels of war, or merchant vessels belonging to their respective countries, and may send them on board, or to their own country. . . .

ARTICLE 14. French vessels arriving in or sailing out of the ports of Texas, and Texian vessels on their entry in or leaving the ports of France, shall not be subject to other or higher duties, . . . than those which are paid, or shall be paid by the vessels of the country itself.

ARTICLE 15. The products of the soil, and of the industry of either of the two countries, imported directly into the ports of the other, the origin of which shall be duly ascertained, shall pay the same duties whether imported in French or Texian vessels. In like manner, the products exported will pay the same duties, and will enjoy the same privileges, allocations and drawbacks, which are or shall be allowed on the exportation of the same articles in the vessels of the country from which they are exported.

ARTICLE 16. The cottons of Texas, without distinction of quality, will pay on their entry into the ports of France, when they shall be imported directly in French or Texian vessels, a uniform duty of twenty francs on one hundred kilogrammes.

All reduction of duties which may hereafter be made in favor of the cottons of the United States, shall be equally applied to those of Texas, . . .

ARTICLE 17. From the day of the exchange of the ratifications of the present treaty, the duties at

present levied in Texas on all fabricks and other articles of silk, or of which silk shall be a chief component part, imported directly into Texas, the manufacture of France, in French or Texian vessels, shall be reduced one half. It is clearly understood, that if the Texian government reduce the duties upon similar products of other nations, to a rate inferior to one half of the duties now existing, France cannot be obliged, in any case, to pay higher duties than those paid by the most favored nation. The duties at present levied in Texas on the Wines and Brandies of France, also imported directly in French or Texian vessels, shall be reduced, the first two-fifths, and the second one fifth.

It is understood, that in case the Republic of Texas should hereafter think proper to diminish the present duties on Wines and Brandies, the production of other countries, a corresponding reduction shall be made on the Wines and Brandies of France, . . .

ARTICLE 18. The inhabitants of the French colonies, their property and ships, shall enjoy in Texas, and reciprocally the citizens of Texas, their property and ships shall enjoy in the French colonies, all the advantages which are or shall be granted to the most favored nation.

ARTICLE 19. The stipulations of the present treaty shall be perpetual, with the exception of the articles, the fourteenth, fifteenth, sixteenth, seventeenth, and eighteenth, the duration of which is fixed to eight years, counting from the day of the exchange of the ratifications. . . .

Done at Paris, the twenty-fifth day of September, in the year of our Lord, one thousand eight hundred and thirty-nine.

J. PINCKNEY HENDERSON,
MAL. DUC DE DALMATIE.

ADDITIONAL ARTICLES

ARTICLE 1. As the laws of France require, as conditions of the nationality of a vessel, — that it should have been built in France, — that the owner, the captain, and three-fourths of the crew, shall be citizens of France: and Texas, by reason of the particular circumstances in which she is placed, being unable to comply with the same conditions, the two contracting parties have agreed to consider as Texian vessels, those which shall be bona fide the exclusive and real property of a citizen or citizens of Texas, residents of the country for at least two years, and of which the captain and two-thirds of the crew, shall also be bona fide citizens of Texas.

ARTICLE 2. It is understood, that if the Republic of Texas thinks proper, hereafter, to diminish the duties now in force on silk goods, they will maintain between the silk goods the produce of countries beyond the Cape of Good Hope, and similar goods of other countries, a difference of ten per cent. in favor of the latter. . . .

J. PINCKNEY HENDERSON,
MAL. DUC DE DALMATIE.