

[APPENDIX.]

**A PROCLAMATION  
BY THE PRESIDENT OF THE REPUBLIC OF TEXAS.**

Whereas, a Treaty of Amity, Navigation and Commerce, **between the Republic of Texas, and his Majesty the King of the French**, together with three separate articles annexed to the same, was concluded and signed by the respective Plenipotentiaries of the two Governments, at Paris, on the twenty-fifth day of September, one thousand eight hundred and thirty-nine, which treaty and additional articles are word for word as follows: The President of the Republic of Texas, and his Majesty the King of the French, desiring to regulate, in a permanent manner, the political and commercial relations between Texas and France, have resolved to conclude a Treaty of Amity, Navigation and Commerce, founded on the common interests of the two countries, and which shall establish the formal recognition, on the part of France, of the Independence of the Republic of Texas; and, to this effect, have named for their Plenipotentiaries, That is to say:- The President of Texas-General James Pinckney Henderson, a citizen of the said Republic; and his Majesty the King of the French-Jean de Dien Soult, Duke of Dalmatia, Marshal and Peer of France, Grand Cross of His Royal Order of the Legion of Honor, &c. &c. &c., his Minister and Secretary of State for the department of Foreign Affairs, President of his Council of Ministers. And the aforesaid Plenipotentiaries, after having compared and exchanged their several powers, found to be in due form, have agreed upon the following articles.

**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, to such property which may devolve to them al intestate, and without being held to pay any other or higher tax on the succession than that which shall be paid in similar cases by the citizens of the country themselves. 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. In consequence of the principle that the merchandise is to be considered as belonging to the nation under the flag of which it sails, neutral property found on board an enemy's vessel, shall be considered as an enemy's, unless, it shall have been shipped on board the vessel before the declaration of war, or before knowledge of such declaration in the port

from whence the vessel may have departed. The two contracting parties will not apply this principle, as it may concern other powers, except in the case of those by whom it may be recognized.

**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. It will be sufficient when they are convoyed, that the commander of the convoy declares verbally, and on his word 'of honor, that the vessels placed under his protection, and under his convoy, belong to the state under whose flag he sails, and that he declares, when the vessels shall be destined to an enemy's port, that they have no goods on board, contraband of war.

**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 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, such as cannon and firearms, swords, pikes, projectiles, powder, salt petre, objects of military equipment, and all instruments whatever manufactured for the purposes of war. In no case a trading vessel belonging to citizens of either of the two countries, which shall have sailed for a port blockaded by the other state, shall be seized, captured, or condemned, unless the commander has previously been notified of the existence of the blockade, by some vessel making a part of the squadron or division forming the blockade; and in order that no vessel may allege ignorance of the facts, and really be liable to capture, 'on her re-appearance before the same port whilst the blockade is enforced, the commander of the ships of war who shall first meet her, must endorse on her papers his visa, indicating the date, the place, or latitude, or longitude, where he has visited the vessel and given the notification in question, which shall contain, besides, all the other indications required for the visa.

**ARTICLE 7.**

The vessels of one of the two countries, forced into one of the ports of the other by distress, shall be exempt from all duties either upon the ship or cargo, if they enter into no commercial operations; provided, that the necessity of entering such a port is legally established, and that they do not remain in the port longer than the necessity of the case requires.

**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: these agents shall not enter on their functions until they shall have obtained the authorization of the government of the country.

**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 exemption from having soldiers quartered upon them, from all direct contributions as well personal as movable or sumptuary, unless however, they are citizens of the country, or that they become proprietors or holders of real estate, or are engaged in commercial business, in either of which cases they shall be subject to the same taxes and charges as other individuals. These agents shall enjoy besides, all the other privileges, exemptions and immunities, which 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 11.**

The respective Consuls, Vice-Consuls, and Consular agents, shall have the right, on the death of their fellow-citizens, who shall have died without having made a will or nominated testamentary executors, to execute, either by virtue of their office, or at the request of the parties interested, (taking care to give previous notice to the competent local authorities,) all the formalities necessary for the security of the heirs; to take possession, in their name, of the succession; and to liquidate and administer the same, either personally or by substitutes named under their responsibility.

**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. To this effect, they will address themselves in writing to the competent local authorities, and will justify by the exhibition of the ship's register, or roll of the crew; or if the said ship should have sailed, by a copy of said documents, duly certified by them, that the men whom they claim were a part of the same crew. On this demand thus justified, the delivery shall not be refused them; besides, every aid and assistance shall be given to them in seeking out, seizing and arresting the said deserters who shall even be detained and kept in the prisons of the country, on the requisition, and at the expense of the Consuls, until these agents shall have found an opportunity to send them away. If, however, this opportunity should not present itself in the space of four months, counting from the day of their arrest, the deserters shall be set at liberty, and cannot again be arrested for the same cause.

**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 of tonnage, of light money, port charges, pilotage, quarantine, or any other affecting the body of the vessel 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, gratuitously, should the concession be gratuitous, or with the same compensation, if the concession is conditional.

#### **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 whl.ch 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, gratuitously, if the concession is gratuitous, or with the same compensation, if the concession is conditional.

#### **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.

#### **ARTICLE 20.**

The present treaty shall be ratified by the contracting parties, and the ratifications shall be exchanged at Paris or Austin, within the period of eight months, or sooner if possible. In witness whereof, the respective Plenipotentiaries, have signed the present treaty, and have affixed thereto their seals. **Done at Paris, the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and thirty-nine.**

**:SEAL.] Signed, J. PINCKNEY HENDERSON,**

**:SEAL.] Signed, 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.

#### **ARTICLE 3.**

The present additional articles shall have the same force for eight years, as if they had been word for word inserted in the Treaty of this day. They shall be equally ratified by the contracting parties, and the ratifications exchanged at the same time as those of the Treaty. **Done at Paris, the twenty-fifth day of September, in the year of our Lord, one thousand eight hundred and thirty-nine.**

**[SEAL.] Signed, J. PINCKNEY HENDERSON,**  
**[SEAL.] Signed, MAL. DUC DE DALMATIE.**

And whereas, the said Treaty and Additional Articles have been ratified on both parts, and the respective ratifications of the same were exchanged at Austin, on the **fourteenth day of February, one thousand eight hundred and forty**, by Abner S. Lipscomb, Secretary of State of the Republic of Texas, and Monsieur Dubiosde Saligny, Charge d' Affaires of his Majesty the King of the French, Knight of his Royal Order of the Legion of Honor, &c., &c., &c., on the part of the respective governments.

Now, therefore, be it known, that I, Mirabeau B. Lamar, President of the Republic of Texas, have caused the said Treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the Republic of Texas, and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the Republic of Texas, to be affixed. Done at the City of Austin, this **fifteenth day of February, in the year of our Lord, one thousand eight hundred and forty, and of the Independence of the Republic the fourth.**

**MIRABEAU B. LAMAR.**

**By the President,**

**ABNER S. LIPSCOMB, Secretary of State.**

**By the President of the Republic of Texas.**

#### **A PROCLAMATION.**

Whereas, by the eleventh section of an act entitled "An Act altering the several acts to raise a Revenue by Impost Duties," approved the 5th February instant, the President is authorized to issue such instructions as may be necessary to carry into effect such present and future agreements with the government of France, by the regulation of the duties on goods, wares and merchandise, imported from that country: Therefore, be it known, that I, Mirabeau B. Lamar, President of the Republic of Texas, for the purpose of carrying the above objects into effect, by virtue of the power vested in me by law, do, in the name and by the authority of said Republic, by these presents, hereby declare and proclaim, that the duties on all wines, the product of France, imported direct from any of the Ports of France, in French or **Texian** vessels, are for the present abolished. And further, I hereby require all Collectors of customs to permit all wines as aforesaid, to be admitted free of duty into any of the Ports of this Republic, until this Proclamation shall be revoked by the President. In witness whereof, I have hereunto set my hand, and caused the seal of the Republic of Texas to be affixed. Done at the City of Austin, this **11th day of February, in the year of our Lord one thousand eight hundred and forty, and of the Independence of the Republic, the fourth.**

**MIRABEAU B. LAMAR.**

**By the President,**

**ABNER S. LIPSCOMB, Secretary of State.**