

BEE TO FORSYTH.^aBEE TO LIPSCOMB.^bDispatch No. 60^c

LEGATION OF TEXAS

Washington December 16th 1840

SIR,

I reached here a few days since, and finding my instructions pressing, concluded to commence a correspondence with Mr Forsyth Sec'y of State of the United States on the subject of Indian relations, and of Genl. Hendersons arrest, altho' on the former subject I do not feel myself so well prepared with proofs, facts, and information as would be desirable, but I trust the matter most important, referred to in Dispatch No. 58 viz the correspondence between the Govt. of Texas and the Representative of that of the United States in Texas, will soon be received.

The cause of my considering an appeal to the Govt. of the United States inadvisable in the case of Genl Hendersons arrest, will be found in the accompanying extracts from writers on international law—but the additional instructions from my Government being still to the effect to demand satisfaction, I have done so, as will be seen in the subjoined copy of a despatch to Mr Forsyth the reply to which when received will be immediately communicated to my Government.

(Extracts from Writings on international Law.)

Wheaton is of opinion that the exemptions privileges and immunities appertaining to ministers in the country to which accredited, does not apply in a country through which passing, and in that opinion he is sustained by the following Authors to whom he refers:

Vattel says

Indeed that Prince to whom the minister is sent is under a particular obligation that he shall enjoy all the rights which are annexed to his

^a December 14, 1840. See Bee to Lipscomb, December 16, 1840.

^b L. S.

^c From this despatch forward the originals of the correspondence with Washington, D. C., are missing, with one exception, until Amory to Jones, January 4, 1842, is reached. The exception is Bee to Roberts, July 13, 1841. The remaining letters that belong to this period have been copied from the Records of the Department of State. Those having numbers recorded are Amory to Mayfield, April 14, 1841 (64); same to same, April 30 (66); same to same, May 20 (68); same to same, May 31 (69); same to same, June 12 (70); Amory to Roberts, October 12 (74). The proper number for Amory to Mayfield, March 7, 1841, as shown by the reference contained in Amory to Jones, January 15, 1842, is 62; and that for Amory to Jones, January 4, 1842, as shown by the statement in Amory to Jones, January 8, is 75. Between Nos. 60 and 74, including neither, are thirteen numbers to be distributed among fifteen dispatches; but the proper distribution is uncertain.

character, but those through whose country he passes, owe him an entire safety, to arrest him and offer violence to him would be hurting the right of embassy.

Bynerdhock,^a condemns a decision of the Court of Holland MDCXLIV and MDCLIX That if Ambassadors are out of the power of the Government where residing, it does not except second class ministers, nor any other than of eminent dignity, par excellence called Ambassadors—for he says, are not all ministers equally under the protection of the Sovereign, what matter is it if for economy or other reason, an inferior minister be sent? and then goes on to say, how can a judge act in case where the individual is not subject or under his control etc etc.

Rutherforts Institute ^b

says that exemption from civil suit depends upon the Ambassador having been received by the Govt. to whom accredited, as this is a tacit acknowledgment that he is under the jurisdiction of the Country from whence sent, unless the contrary be agreed upon between them. Therefore the exemption does not apply in passing through another country either going or coming.

Wards Law of Nations

Says that Vattel is the only author who attempts to carry the point of exemption of Ambassadors in the Country to which they are not accredited and cites *numerous authorities* to the contrary.

De Flassan

Says that the French in 1772, from the Court of Versailles issued the following circular to the Diplomatic Corps, after obliging Baron Wreck ^c the Minister from Hesse Cassel to pay his debts:

A minister may be obliged to comply with contracts made before a Notary, and their goods may be seized—and again, A minister cannot avail himself of special privileges to avoid paying his debts, he can be summoned in a legal manner to pay his debts, citing numerous instances of arrest for debt, and adding, the most moderate opinion is to abstain as far as possible from all acts which might be termed indecent towards a minister, but he can be prohibited to leave the Country until his debts are paid.

The United States

have passed a law exempting those ministers accredited to her from suit, but only those accredited to her.

^a Bynkershock (?).

^b Rutherforth, Institutes of Natural Law.

^c Baron von Wreck.

England

in the time of Queen Anne passed a law to the same effect as that of the United States, after a Russian minister had been arrested and complaints from his Government received

The passage of a special act fortifies the position of the opposite side, showing that its passage was necessary because the Law of Nations did not fully recognise the principle.

And all this refers to resident ministers. One of the strongest points in our favor is the decision of the court which set him free. This I shall receive in a day or two from New York having previously obtained a Book containing it which was forwarded by Mr. Amory to the Government.

Respectfully Your Obt Servt.

BARNARD E BEE

(Copy.)

LEGATION OF TEXAS
Washington, December 14 1840

To the

Hon. JOHN FORSYTH *Sec of State of the United States*

a * * * * *

The undersigned takes this occasion to advert to an occurrence which has been allowed to pass some time without comment by this Legation, owing to a delay in the receipt of additional instructions called for from the Government of Texas, in the case to be submitted, occasioned by some irregularity of conveyance.

The occurrence alluded to is the arrest of Genl. Henderson, Texan Minister to the Court of France, in New York, on his return to Texas in the latter part of the year 1839, at the suit of Mr Timothy T Kissam and Messrs. Holbrook & Co, on account of a responsibility incurred by endorsement; from which his Ambassadorial character should have protected him in passing through the country of a friendly power. The manner of the arrest was rude and uncourteous in a high degree, the first intimation he received of the claim was from the sheriff, who proceeded to his apartments and arrested him in the most unceremonious manner, altho he exhibited his Commission as Minister to France, and protested against the arrest as an insult to Texas, and a violation of her ambassadorial rights. General Henderson was subjected to a delay of several days before he was liberated by a decision of the Court, and his feelings were violated by indecorous language touching his Country by Mr Kissam one of the Plaintiffs. The case was tried before the Superior Court of the City of New York

* For the part here omitted, see *U. S. Pub. Docs.*, 660, Doc. 14, pp. 51-55, where the date of the letter is given as December 15.

Timothy S.^a Kissam vs J P Henderson—Lowell Holbrook, Thomas C. Nelson, and Wm E Shepard, vs the same D. Lord Esq and Mr Buller his partner witnesses to the arrest.

It is hoped that the United States Government which has ever wisely proved itself jealous of its own rights will feel the necessity of instituting prosecution against its Citizens who have been so far forgetful of their obligations as to violate the most salutary rules of international decorum and of universal polity, which rules contribute so much to the conservation of national harmony by affording a free passage to the messengers of peace and reconciliation.

The undersigned Chargé d' Affaires of the Republic [of] Texas takes the present occasion to offer to Mr Forsyth Sec'y of State of the United States the assurance of his high consideration.

BARNARD E BEE

HON. JOHN FORSYTH

Sec'y of State of the United States.

PORTER TO BURNET.^b

CITY OF AUSTIN *Jan. 2nd 1841*

To His Excellency

DAVID G. BURNETT

Dear Sir

As one of the Representatives of this Republic, I consider it my duty to communicate to your Excellency, as the Chief Magistrate of the same, intelligence of the violation of the jurisdiction of the Republic, committed in the county, which I have the honour, in part, to represent, by one of the functionaries of a neighbouring Republic. By letters which I have just received, I am informed that the Marshall of the State of Arkansas (one of the United States of the North) has recently visited the county of Red River in this Republic, and by virtue of a writ of *feri facias* issued from the Federal Court of the United States for the District of Arkansas, seized upon and took into his possession as Marshall, some ^b negroes, which were in the quiet possession and were the property of one of the citizens of this Republic. This outrage upon the laws of the Republic and the rights of our citizens was perpetrated I learn, by a person named Ferguson, acting in the capacity of Deputy to the Marshall of the State of Arkansas, and was committed in the county of Red River, at least fifty miles west and south of the farthest line, to which the United States have ever laid claim. The people of the

^aCf. the second initial as given above in this paragraph. The original has been followed in both cases.

^bA. L. S.

^cThis blank was probably intended to be filled with the number of negroes.

neighbourhood in which this outrage was committed, remonstrated with the author of it, and peaceably requested him to desist from his unwarranted proceedure; he, however, refused to comply, and declared his determination to carry the property into Arkansas, upon which they forcibly wrested the negros from his possession. The officer then left the county threatening to return at the head of *ten thousand men* and reclaim the property.

I deemed it my duty as a citizen and one of the Representatives of the county, in which this attempt was made, to outrage individual rights and violate the national jurisdiction, to inform your Excellency of the facts of the case so far as they have come to my knowledge.

Believing that such flagrant acts of violence by foreign functionaries, will not be tolerated by the constituted authorities of this Republic, and having the highest confidence in the zeal, discretion and Energy of the present Chief Magistrate, I have

the honour to be Your Excellency's

Most Obt. Sert.

WM. N. PORTER.

BEE TO LIPSCOMB.^a

WASHINGTON [CITY,] *Jan'y 12th 1841.*

HON. A. S. LIPSCOMB

Secy. of State of the Republic of Texas.

SIR: I wrote you by one of the officers attached to the commission for running the line—So that it will be February before they commence operations. (I send by him as far as New Orleans) the Bond of Mr Dexter Consul at Boston, which has been some time in our possession, the Treaty with England must have put you all in fine Spirits—the Loan is the next prize, and I think the Steamer due in about a week, will bring Mr Burnly richly laden for Texas. The newspapers tell all we know in relation to the next cabinet. The Navy Department has been urged upon Mr Preston, but he prefers his seat in the Senate.

I have made a valuable purchase for Texas, upwards of one hundred volumes of the Journals of the House of Commons, State papers etc, and Mr Preston insists upon presenting an admirable edition of State trials. This will form the Neucleus of a congressional Library highly desirable. The Books are rare, and I could not withstand the temptation, poor as we all are. They are carefully Boxed, and will be forwarded to the care of the Collector at Galveston as early as practicable.

^a See Records of the Department of State (Texas), Book 41, p. 461.

Judge Webb, I find failed to be chosen Chief Justice by two votes—as he desired it, I regret his failure. But in a pecuniary point of view his practice is more valuable than the office for which he was a candidate.

How is Gen Lamar, and what hopes of his recovery—my son writes me, he feared there were none. Accompanying this are some valuable reports etc of Mr Teackle, a Gentleman who entertains hopes of one day becoming a citizen of Texas, and who Gen. John T Mason encouraged to remove, under the impression that his knowledge and experience as a statesman, might be highly useful in some public employment.

Believe me with great esteem

Yours Respectfully

BARNARD E BEE.

FORSYTH TO BEE.^a

FLOOD TO WAPLES.^b

LEGATION OF THE U. S.

Austin Jany 26th 1841.

The Acting Secretary of State of the Republic of Texas, will be pleased to send the undersigned Chargé d'affaires of the United States, a copy of the Treaty lately made and ratified between England and the Republic—as soon as it may suit his convenience.

The undersigned begs the Acting Secretary to accept the assurance of his kindest regard.

GEO. H FLOOD.

To JOSEPH WAPLES
Acting Secy of State
Republic of Texas

BEE TO LIPSCOMB.^c

LEGATION OF TEXAS

Washington Jany 26th 1841.

SIR:

After much delay, Mr. Forsyth has made a reply (copy of which I subjoin) to my communication of 15th Decemr. and altho couched

^a January 23, 1841. See Bee to Lipscomb, January 26, 1841.

^b See Records of the Department of State (Texas), Book 41, p. 488.

^c *Ibid.*, p. 463.

in courteous language, yet leaving us precisely where we were. The United States think they scrupulously performed their duty and reiterate their orders to their agents to prevent trespasses etc. I would have replied but as the administration is so near at an end, I have thought on the whole, we had better postpone it for the New administration, and should any infraction again occur, we can with great propriety, again recur to the subject, and press our views. You will see that in the case of General Henderson, Mr Forsyth thinks every satisfaction has been accorded, in the decision of the Court in his favor.

We look for Mr Burnley daily, who came out in the last Steam Ship at Boston. Gen Hamilton will not return until February.

Respectfully, Your Obt Servt.

BARNARD E. BEE.

Hon. ABNER S LIPSCOMB
Secy of State, Texas.

[Enclosed is Forsyth to Bee, January 23, 1841.^a]

FLOOD TO WAPLES.^b

LEGATION OF THE UNITED STATES
Tuesday Morning Feby 2nd 1841.

The undersigned, most respectfully requests of the acting Secretary of State, a certified Copy of the Convention between the Kingdom of Great Britain and the Republic of Texas.

An early compliance with this request, will place the undersigned under renewed obligations to the Acting Secretary.

GEO. H FLOOD

To JOSEPH WAPLES Esqr.
*Acting Secy. of State
of the Republic of Texas.*

FLOOD TO WAPLES.^c

LEGATION OF THE UNITED STATES
City of Austin Feby 1841

The undersigned regrets to say, he was disappointed in the failure of a compliance ^d he made to the Acting Secretary of State, for a cer-

^a See Calendar.

^b See Records of the Department of State (Texas), Book 41, p. 463.

^c See Records of the Department of State (Texas), Book 41, p. 464. The date cannot be completed with certainty, but the letter is copied in the records between that of February 2, which precedes, and that of the 12th, which follows it here.

^d Evidently meaning application.

tified copy of the conventional Treaty between the Kingdom of Great Britain and the Republic of Texas.

The undersigned is led to believe, that the interest of his country is involved in the stipulations of England and Texas, and he can see no reason, after a confirmation by the Senate and an approval of the Executive, why the Treaty should remain in quietude.

The undersigned renews his request to the Acting Secretary of State, for a copy of the conventional Treaty alluded to—and hopes he can obtain it by the universal and acknowledged comity of Nations.

The undersigned most respectfully requests the Acting Secretary of State, to accept the assurances of the continued regard and high esteem of the chargé d'affaires of the United States, to the Republic of Texas, and who, with sentiments of great respect sustains himself

Very Respectfully, His Obt Servt

GEO H FLOOD

To JOSEPH WAPLES Esqr
Acting Sec'y of State
Republic of Texas

FLOOD TO BURNET.*

LEGATION OF THE U S.
Austin Feby 12th 1841.

SIR

I am instructed by His Excellency the President of the United States through the Department of State at the City of Washington to represent to Your Excellency, that William McQueen late Post Master of New Orleans has proved a defaulter to the Government of the United States and is now in Texas. A copy of the indictment found by the Grand Jurors of the Eastern District of Louisiana is herewith transmitted to Your Excellency

I am further instructed to say to your Excellency "that the Executive of the United States is not empowered to deliver criminals to foreign Governments in the absence of Treaty stipulations to that effect", but he is unofficially apprised of the willingness of the Government of Texas, to deliver McQueen into the hands of justice.

The Government of the United States feels a deep solicitude on this subject, and if your Excellency complies with this request, I am further instructed to say His Excellency the President of the United States will feel a due sense of the obligation. The undersigned cannot close this communication without expressing to His Excellency

* See Records of the Department of State (Texas), Book 41, pp. 464-465.

his wish for his happiness, personally—and the solicitude he feels for the perpetuity of the friendly relations existing between the Republic of Texas and the United States of North America. With sentiments of great consideration, the undersigned has the honor to subscribe himself

Very Respectfully

GEO H FLOOD.

To His Excellency

DAVID G BURNET

President of the Republic of Texas

United States of America

Eastern District of Louisiana

Be it remembered that at a special session in and for the Eastern District of Louisiana, aforesaid, of the Circuit Court of the United States for the ninth judicial circuit on the twenty fourth day of November in the year of our Lord one thousand Eight hundred and forty by the oath of James L Bogart, John M Hawthorn, Joseph E. Whittall, John N. Lavillebeuve, Samuel Hermann, Junior, Hamilton M. Wright, Jacobim ^a Kohn, Samuel Locke, John Morgan Hall, Alexander Prieur Federick Durrive, William A. Gasquet, Peter Conrey Junior, George W. Huntington, Peter Laidlaw, grand jurors, good and lawful men of the District aforesaid now here sworn and charged to enquire for the body of said District it is presented in manner and form following, that is to say:

Eastern District of Louisiana vs. [William McQueen] The grand jurors, of the United States in and for the Eastern District of Louisiana, upon their oaths present that heretofore, to wit, after the fourth day of July, in the year of our Lord, one thousand eight hundred and forty,—and in the said month of July, in the year of our Lord, one thousand eight hundred and forty, within the said Eastern District of Louisiana, William McQueen was the lawful Postmaster at New Orleans of the United States of America aforesaid, and connected as said Postmaster with the Post office department of the said United States, and so being said Postmaster he the said McQueen did then and there convert to his own use, and did feloniously embezzle the sum of one thousand dollars the property of the said United States, then and there being in his official custody, and he then and there as such Postmaster being entrusted with the safe keeping thereof, contrary to the form of the Statute in such cases made and provided, and against the peace and dignity of the United States of America, aforesaid,—and the Grand jurors on their oath aforesaid do further present that heretofore to wit: on or about the fourth day of July in the Year of our Lord, one thousand eight hundred and forty, and in the month of

^a Doubtless intended for Joachim.

August in the year of our Lord, one thousand eight hundred and forty, and on the fifth day of said month of August, within the said Eastern District of Louisiana, William McQueen was the lawful Postmaster at New Orleans, of the United States of America aforesaid, and connected as said Post Master with the Post office Department of said United States, and so being said Post Master, he the said McQueen did then and there Convert to his own use, and did feloniously embezzle the sum of One thousand dollars, the property of the said United States, then and there being in his official custody and he then and there as such Postmaster, being intrusted with the safe keeping thereof contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America aforesaid.

(Signed) THOMAS SLIDELL, *Atty*
of the United States for the Eastern
District of Louisiana.

"A True Bill," signed James S Bogart foreman. New Orleans
 Nov. 24th 1840

Endorsed—Filed Novr. 24th/40. Signed) Duncan N Henner Clerk.
 Clerks office, Circuit Court of the United States, ninth circuit,
 Eastern District of Louisiana.

I do hereby Certify the foregoing to be a true Copy of the Original
 on file in this office

Witness my hand and the seal of said Court, at the City of New
 Orleans this sixteenth day of December 1840

(Signed) DUNCAN N HENNER, *Clk.*

FLOOD TO BURNET.*

LEGATION OF THE U S.

Austin February 14th 1841.

SIR:

On the 12th of the present Instant I had the honor to address
 to your Excellency a note embracing the contents of a despatch
 from his Excellency the President of the United States communi-
 cated to me though the Depat. of State at Washington, in relation
 to the surrender of William McQueen a fugitive from justice in the
 government of the United States and now in the Republic of Texas.

In my note to Your Excellency I expressed the deep apparent
 solicitude the Government of the United States felt on this subject
 and the unusual manner of communication would not fail to convince
 you of the fact.

* See Records of the Department of State (Texas), Book 41, p. 466.

In answer to my communication, I received a note, dated the 12th February from the "Department of State" and signed "J. S Mayfield."

I am not officially advised that "J. S Mayfield" is authorised to respond to a letter directed by me to his Excellency the President of the Republic of Texas—and I again renew the request I made to his Excellency in my note of the 12th Inst.

I again assure his Excellency of my earnest desire and deep solicitude for the continued friendly relations between the Republic of Texas and the Government of the United States of North America—and hope no small impediment will mar what is mutually advantageous.

With sentiments of the highest consideration I have the honor to be very Respectfully,

GEO H FLOOD

To His Excellency
DAVID G BURNET
President etc. etc.

BEE TO ARGAIZ.^a

ARGAIZ TO BEE.^b

AMORY TO SECRETARY OF STATE [MAYFIELD].^c

LEGATION OF TEXAS
Washington March 7th 1841.

SIR:

From indisposition occasioned by exposure on the 4th of March last, the day of General Harrison's inauguration as President of the United States, Col Bee is incapacitated from writing at the moment, it therefore devolves upon me to communicate some matters of interest.

[Next are given copies of two notes from Webster to Bee, one announcing Webster's appointment as Secretary of State, and the other informing Bee that the President would receive the diplomatic body on Tuesday, March 9, at 2 o'clock.]

Col James Love of Galveston wrote to Col Bee a short time since, desiring him to propose to the Spanish Government, though the resident Minister here the formation of a commercial Treaty with Texas, and assuring Col Bee that the Government of Texas would

^a February 27, 1841. See Amory to Secretary of State of Texas, March 7, 1841.

^b March 3, 1841. See Amory to Secretary of State of Texas, March 7, 1841.

^c See Records of the Department of State of (Texas), Book 41, pp. 490-492.

sanction the step, and empower him or some other individual in season for the reply from the Spanish Government as negociator on the part of Texas. In consequence of which, Col Bee sought an interview with Chevalier d'Argaiz, and obtained the promise of a reply to any communication he might address him upon the subject of his wishes, which led to the following notes here copied, and the one in Spanish translated by myself, and in view of which it is hoped measures will be promptly taken by the Government of Texas that the case requires.

LEGATION OF TEXAS

Washington Feby 27th 1841.

The undersigned, Chargé d'Affaires of the Republic of Texas, near the Government of the United States, with a view of promoting the interests of the country he represents, begs leave to propose through the Chevalier d'Argaiz Envoy Extraordinary and Minister Plenipotentiary of Her Catholic Majesty the Queen of Spain, also near the Government of the United States, the negotiation by the latters Government of the Independence of the former and the formation of a general Treaty of Amity and Commerce between the two nations, having for its especial object the establishment of a direct trade with Cuba, and other of Her Majesty's possessions in the West Indies contiguous to Texas, for the exchange of the commodities and productions of the two countries on a liberal footing mutually beneficial, so that Spain may also be a participant in the benefits enjoyed already by several of the Nations of Europe, from the adoption of a course similar to that now proposed.

The mules, Horses, cattle, Beef, cotton Etc. abounding in Texas, would meet with a ready sale in Cuba, while the coffee, Sugar, cigars, Tobacco fruit Etc, of Cuba could be furnished Texas at reduced rates, to the extent probably of her entire wants, now supplied principally through the United States, after being imported into that country from various others, and in addition to the present wants of Texas proper. The Santa fé trade now flowing through St. Louis Missouri United States, will be diverted to the Ports of Texas a cheaper more direct and expeditious route, towards the speedy accomplishment of which object, the introduction of goods direct from Cuba will in no small degree contribute.

A natural bond of Union and sympathy between Texas and Cuba is found in the great dependence of both countries through their entire extent upon slave labor, both regarding with extreme regret, the spirit of fanaticism abroad in certain portions of the world ready to despoil by the manumission of slaves, without indemnity to the holder, honest citizens of the right guaranteed to them by the laws under which they live.

As regards the place for the negotiation of a Treaty, should it meet the views of the Spanish Government, the undersigned would propose Washington, and the persons to negotiate be the representatives of the two nations here.

The undersigned begging the Chevalier d'Argaiz will submit these views to his Government, and obtain as early as possible its decision, offers the assurance of his high consideration.

(signed) BARNARD E BEE.

To the Chevalier d'ARGAIZ
Envoy Extraordinary and Minister Plen.
of Her C. M. the
Queen of Spain.

B. E. BEE, etc.

WASHINGTON [CITY],
3rd March 1840.

(Translation.)

The undersigned Envoy Extraordinary and Minister Plenipotentiary of Her Catholic Majesty near the Government of the United States has the honor to acknowledge receipt of the note which under date of the 27th of February last, the chargé of the Republic of Texas near the Government of the U. S. directed to him proposing through the intervention of the Undersigned the recognition on the part of Her Catholic Majesty of the Independence of the Republic and the formation of a general Treaty of Amity and Commerce between the two nations to have for [its] principal object the establishment of a direct trade with Cuba, and other of Her Catholic Majesty's possessions in the West Indies contiguous to Texas, for the exchange of the productions of both countries upon a liberal footing mutually beneficial.

The undersigned will transmit to his Government this communication and also a copy of it to the Captain General of Cuba, in order that he may without loss of time inform the Government respecting the advantages to be afforded by a direct trade between the Island and the Republic of Texas.

The undersigned will be most happy to be able to give the Chargé of Texas a favorable answer, and assures him that whatever his Government may resolve upon the subject, shall be communicated without delay of a moment.

The undersigned avails of this occasion to offer to Mr. Bee the assurance of his high consideration

A. ARGAIZ

I have to acknowledge receipt of a communication directed to myself of 5th Jany. 1841, enclosing two drafts in my favor one for

1000\$, and the other 1376\$,—on the Commissioners for the \$5000,000 Loan, contents of the letter were duly noted.

A late private letter from Gen Hamilton to Col Bee dated Paris Feby 1st 1841, has the following.

But for the news from Texas I should probably have had a million on its way before I left London. But I will soon succeed if the Congress of Texas does not work too industriously in every possible mode, what credit the country may have left in Europe.

We await a reply to the several communications on Indian matters Gen Hendersons arest Etc.

Very Respectfully
Your Obt. Servant.

N. AMORY.

To Hon. Secretary of State.

ROBERTSON TO MAYFIELD.^a

BEE TO WEBSTER.^b

BEE TO SECRETARY OF STATE [MAYFIELD].^c

LEGATION OF TEXAS.
Washington April 12th 1841.

SIR:

I have now the honor to acknowledge the receipt of your despatch of 17th Feby last,^d which has been in hand some days without reply owing to the sickness and death of the President of the United States precluding my addressing a communication to this Government on the subject of the conduct of Furgeson complained of so promptly as I should otherwise have done, and wishing when I replied to yours to advise you of having done so, which I am now enabled to do, and copy of which is as follows:

“LEGATION OF TEXAS
Washington April 12th 1841

(Mr Bee to Mr Webster)

“The undersigned chargé d'affaires of the Republic of Texas has now to call the attention of Mr Webster, Secretary of State of the United States to an unjustifiable act of one Furgeson a Deputy

^a April 7, 1841. See Amory to Webster, May 19, 1841, in Amory to Mayfield, May 20, 1841.

^b April 12, 1841. See Bee to Secretary of State of Texas of same date.

^c See Records of the Department of State (Texas), Book 41, p. 493.

^d This despatch has not been found.

“ Marshall of the State of Arkansas (a state of the United States)
“ who under a writ of fieri facias issued from the federal court of
“ the United States for the District of Arkansas, seized upon and
“ took in keeping some negroes in quiet possession and the property
“ of a citizen of Texas, at a place in the county of Red River Texas,
“ fifty miles west and south of the farthest limit to which the United
“ States has ever claimed Jurisdiction, refusing to release them upon
“ the peaceable remonstrance of the people of the Neighbourhood,
“ and when forced to yield them up, uttering threats that he would
“ return with a force of ten thousand men to regain the property.

“ The undersigned hopes therefore that the Government of the
“ United States, will loose no time in taking steps to prevent any
“ further outrage on the part of this officer, and to investigate fully
“ the circumstances of that complained of, with a view to the punish-
“ ment of the offender, if found guilty as represented of encroach-
“ ment upon the territorial jurisdiction of Texas.”

The undersigned takes this occasion to offer to Mr Webster Secretary of State of the United States assurances of his high consideration.

I am glad to observe, that the Government of Texas feels the necessity of entering upon the negotiation of a Treaty with the United States for more clearly defining, and establishing obligations on the part of both nations relative to Indian affairs, and for regulating commerce and other matters.

I shall avail of the earliest opportunity, to suggest to the Secretary of State of the United States as you instruct, that authority be given to the Chargé or Minister of his Government in Texas to negotiate the Treaty with you, and shall advise you without delay of his reply.

In regard to the arrest of Gen Henderson you direct me “ to continue to represent the matter to this Government in conformity with former instructions under date of August 1840, signifying an unwillingness to create a difficulty with the United States on the Subject,” but wish she should be made aware that the Government of Texas would deprecate the recurrence of a similar outrage.

The reply of Mr Forsyth of 23rd January 1841 to my strenuous remonstrance of the 15th December previous, is to be considered in the light of an acknowledgement of error, which the interposition of the laws corrected, establishing the principle we contend for, and obviating the danger by a “ recurrence of a similar outrage ”. This reply of Mr Forsyth does not appear to have been received at the date of your despatch, and which seems to me, should put at rest farther correspondence on the subject, if however a different view be entertained by my Government, you will apprise me.

The five consular commissions forwarded by Mr Waples Acting Secretary of State of Texas, 29th Jany 1841 were duly sent to the Secretary of State of the United States for Exequaturs, which owing to the events of the last month the Department have not found time and opportunity to prepare, these I shall doubtless receive in a few days, and will then immediately forward them to their respective destinations; I shall also observe the instructions of Mr Waples which accompanied the commissions relative to supplying the individuals appointed with books.

As it may be days or possibly weeks before I get Mr Websters reply, to the note (copy of which is subjoined) I shall not detain this despatch for the purpose of adding it, but will write again when I receive it, and communicate its contents.

I remain Respectfully
Your Obt. Servt

BARNARD E BEE

HON. SECRETARY OF STATE.

WEBSTER TO BEE.^a

AMORY TO MAYFIELD.^b

(Despatch No. 64.)

LEGATION OF TEXAS
Washington, April 14th 1841.

SIR

We have never been informed, whether you have in possession the decision of the court of New York in the case of the arrest of Gen Henderson. It was sent you by myself many months since, but may not have reached you, in which case or in the event of your not having obtained it from some other source, I now give an extract, being the conclusion of the report of said decision, Viz.

“Mr Lord informed the court that in making a motion to set aside the *capias*, it was not the intention of General Henderson to bring any action against the plaintiff”

This I conceive has an important bearing upon the question of the expediency of urging further application upon the United States for redress.

Col Bee has left for Pendleton on a visit to his family, before leaving he waited upon Mr Tyler the President of the United States who received him with great kindness avowing the most friendly sentiments for Texas.

^a April 13, 1841. See Amory to Mayfield, April 10, 1841.

^b See Records of the Department of State (Texas), Book 41, p. 494.

He also waited upon Mr Webster Secretary of State of the United States who exhibited great interest for Texas, and a desire to promote her welfare in every way consistent with his duty, requesting that Col Bee as well as myself (who Col Bee informed him would attend to affairs in his absence) should visit him frequently. I reply to Col Bee's suggestions that a Treaty between the two countries (of a character described in your despatch) should be negotiated in Texas, he said he would reflect upon it, but thought that the Secretary of War as well as himself would prefer it should be done here. I shall renew the discussion with Mr Webster the first opportunity and get his views more plainly.

Col Rodgers, who distinguished himself in the battle of Plum-Creek in Texas is now here he has had much experience in Indian affairs of the United States, and was supposed at one time, to have been thought of by President Harrison for Indian commissioner he is devoted to Texas, and always ready to render any assistance, his advice might be of service in forming a Treaty on that portion relating to Indians. Genl Hamilton will probably be here shortly, and could also be consulted in case the Treaty were form[ed] here, and for which I prepared him in a letter written yesterday.

Very Respectfully Your Obt Servt

N. AMORY
Secy of Legation

HON. JAS S. MAYFIELD
Secy of State of Texas.

WEBSTER TO BEE.^a

AMORY TO MAYFIELD.^b

LEGATION OF TEXAS
Washington April 19th 1841.

SIR:

Since writing on the 12th Inst. I have received two notes from Mr. Webster, one, on the Subject of Ferguson's conduct, the other relative to consular appointments, copies of which are as follows.—

DEPARTMENT OF STATE.

Washington [City,] April 13th, 1841.

The undersigned has the honor to acknowledge the receipt of the note of the 12th Inst from Mr Bee Chargé d'affaires of the Republic

^a April 15, 1841. See Amory to Mayfield, April 19, 1841.

^b See Records of the Department of State (TEXAS), Book 41, p. 495.