

LIPSCOMB TO FLOOD.^a

DEPARTMENT OF STATE
Austin City 13th December 1840

SIR,

I have the honor to acknowledge the receipt of your, Note of this date, enclosing, the copy of a letter from, a citizen of the, United State, and enquiring, whether I considered that the Courtesy of friendly Nations would authorize an arrest and the surrender of the person charged, in the case presented, by the Copy of the Letter enclosed. I have the Honor to beg Mr Flood to be assured, that it will at all times afford this Government much pleasure to extend to the utmost limits the Laws of National Courtesy to the Government of the United States, but that the case presented is not believed, on the most liberal construction to come within any acknowledged rule. It does not appear, that any offence criminal in itself has been committed by the person charged, but that both would be classed as *Mala prohibita* If however, the offence charged had been *per Se* Criminal, the Letter of Mr Wagner would not have been Sufficient evidence to Justify a warrant of arrest and an Order to Surrender him. An Exemplification of the Record, duly authenticated, would be required. I have the honor to be, with great Respect

Your Obedient Servant

ABNER S. LIPSCOMB

HON GEO H FLOOD
Chargé d'Affaires
From the United States

* WAPLES TO AMORY.^a

DEPARTMENT OF STATE
Austin 5th of Jany 1841

SIR,

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I am also instructed by the President to say that he very much regrets the continued absence of Col Bee from Washington City, and that during the session of Congress there, his presence is indispensable. I am also instructed to say that this Government does not intend at present to make any further Overtures to Mexico, therefore the Services of the Gentleman you recommend as Agent will not

^a See Records of Department of State (Texas), Book 38, p. 158.

^b The paragraph omitted here refers to Amory's salary and to the question of purchasing certain books for the legation of the United States of Texas at Washington City.

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be required. Gen Lamar has been absent from the seat of Govmt since the 15th Ult by leave of Congress, to go to New Orleans for Medical attendance. Judge Burnet as Vice President performs the functions of President. With great Respect I am your Obedient Servant

Signed JOS WAPLES
acting Secy of State

TO NATHANIEL AMORY
*Secy Texas Legation
Washington City*

WAPLES TO FLOOD.^a

DEPARTMENT OF STATE

Austin 28th January 1841

In compliance with the request of the Honl. Charge d' affaires of the United States, the undersigned acting Secretary of State of the Republic of Texas, has the honor to furnish him a copy of the Treaty of Commerce and Navigation between the Republic of Texas and Great Britain

The undersigned avails himself of this occasion to give to the Hon. Charge d' affaires assurances of his high Consideration

Signed— JOSEPH WAPLES

*To the Hon.
Charge d'affaires
Of the United States*

WAPLES TO FLOOD.^b

DEPARTMENT OF STATE

Austin 2nd February 1841

The Undersigned acting Secretary of State, acknowledges the receipt of the note of the Hon. Geo. H Flood, Charge d'affaires of the United States, requesting a copy of the convention between the Kingdom of Great Britain and the Republic of Texas.^c It would afford the undersigned great pleasure to comply with the request, but as the Convention has not yet been made public, consequently he will have to defer it for the present, but will so soon as circumstances will admit take pleasure in complying with the request.

^a See Records of Department of State (Texas), Book 38, p. 159. This note was in answer to that of Flood dated January 26, for which see Part I, p. 476.

^b See Records of Department of State (Texas), Book 38, p. 160.

^c The request was of the same date as this letter. See Part I. Flood probably did not know that there were three treaties between Texas and Great Britain waiting for ratification.

The undersigned begs leave to assure the Hon Charge d'affaires of the continuance of his regard and consideration.

(Signed) JOSEPH WAPLES.

To

Hon

GEORGE H FLOOD

*Charge d'affaires
of the United States.*

WAPLES TO FLOOD.^a

DEPARTMENT OF STATE

Austin 3rd February 1841.

The Undersigned acting Secretary of State of the Republic of Texas, is constrained to express both his regret and surprise, at the "disappointment" which his note of yesterday has occasioned to the Hon Mr. Flood, Chargé d'affaires of the United States. The Hon. Charge d'affaires has certainly given a latitude to his conjectures, unwarranted by any thing that has transpired from this Government, when he was led to believe that the "interest of his country is involved in the stipulations of England and Texas."

The Undersigned is instructed to say to the Honorable Mr Flood that whenever the President shall deem it expedient and consistent with propriety, to give publicity to the "Conventional Treaty between the Kingdom of Great Britain and Texas" the Charge d'affaires of the United States shall be furnished with a certified copy of it.

The Undersigned repeats his sentiments of distinguished consideration etc. etc.

(Signed) JOSEPH WAPLES

To

Hon GEO. H FLOOD

*Charge d'affaires
of the United States, to the Republic of Texas.*

MAYFIELD TO FLOOD.^b

DEPARTMENT OF STATE, CITY OF AUSTIN

February 12th 1841

SIR,

I am instructed by the President of the Republic of Texas to acknowledge the receipt of your note of this date,^c enclosing a copy

^a See Records of Department of State (Texas), Book 38, p. 160. This was in reply to the letter of Flood to Waples, dated simply February, Part I, pp. 477-478, and fixes the date of that letter as February 2 or 3.

^b See Records of Department of State (Texas), Book 38, pp. 162-163. ^c Part I, p. 479-480.

of an indictment in the United States District Court for the Eastern District of Louisiana against William McQueen for being a defaulter, and embezzlement under the Sub-treasury act, as Post-Master "at New Orleans of the United States" of the North. I have the honor to beg that Mr Flood be assured that this Government feels every disposition to extend to the fullest degree the rules of international Courtesy with the Government of the United States of the North: but that this Government can see no sufficient reason for departing from the rule laid down in the Note of the Hon Abner S Lipscomb late Secretary of State relative to the case mentioned bearing date the 13th of December A D. 1840,^a to which I would respectfully refer the Hon Chargé d'affaires of the United States to the Republic of Texas. I am further instructed to say that the avowal of the Executive of the United States of the North, that "he is not empowered to deliver criminals to foreign Governments in the absence of Treaty stipulations to that effect" would of itself preclude this Government from delivering to the authorities of the United States the individual in question, so long as the Republic of Texas shall act upon the principal of full reciprocity. I am instructed nevertheless to assure the President of the United States, that the Government of the Republic of Texas, in the absence of all Treaty Stipulations to that effect, feels an anxious desire, to extend every friendly courtesy consistent with rules of entire reciprocity and the Comity of Nations: but in such a state of affairs, that She cannot countenance the establishment of a principle so general in its application, as in the case of McQueen, who is charged with an offence merely *mala prohibita*

With Sentiments of respect, I have the honor to subscribe myself
Respectfully, Your Obedient Servant

JAMES S MAYFIELD
Secy of State

To
The Hon.
GEO II FLOOD
Chargé d'affaires
etc. etc.

MAYFIELD TO BEE.^b

DEPARTMENT OF STATE
City of Austin Feby 17th 1841.

SIR

This undersigned in assuming the duties of this Department found on file several communications from the Secretary of Legation at

^a This was doubtless written in answer to Flood's note of December 12, 1840 (See Part I, p. 469-470), but no copy of it has been found.

^b See Records of Department of State (Texas), Book 38, p. 163-164. Cf. note d, Part I, p. 484, which should now be deleted.

Washington in relation to the unsettled question as to the Construction of the Treaty between the Government of the United States and Mexico: and the obligation of the United States under that Treaty to restrain the Northern Indians residing on our borders.

The President instructs me to inform you that in all probability it will be the most advisable to defer for the present any further discussion of that subject: That you avail yourself of the most favorable opportunity to suggest, to the Secretary of State of the United States the importance, and mutual advantages to be derived to the respective Governments by establishing more definitely our relations and intercourse by farther Treaty stipulations. Independent of the high commercial advantages consequent upon reciprocal Treaty obligations, the civil and criminal administration of the laws of the respective Governments would be very much facilitated by properly tempered regulations relative to fugitives from justice, and public defaulters. It is the Presidents wish in presenting this Subject to the Secretary of State of the United States: that you will respectfully, and zealously urge upon the Government of the United States the propriety of clothing the resident Minister of that Government here with power to Negotiate a Treaty with this Government. The facts, topography of the country, and all that appertains to our mutual relations with Northern tribes of Indians it is believed, can be perhaps more authentically obtained here, than at Washington City: Moreover it would be an act of Courtesy at this juncture of our affaires, the tendency of which would inspire renewed confidence in the stability of our relations foreign and domestic. Should the Government of the United States yield to this proposition, it is desirable that the Negotiation should be opened as early in the spring as possible. Your dispatch conveying the intelligence that you had represented to the Government of the United States the facts and circumstances connected with the outrage committed on the person of Gen Henderson by his arrest at New York in the latter part of 1839 has been received, and the President instructs me to direct you to continue to represent in the most respectful, but decisive manner the subject to the Government of the United States, in conformity to your former instructions

Herewith you will receive a copy of a communication from Col William N Porter one of the Representatives from the County of Red River^a giving the evidence of the violation of the Jurisdiction of this Government, an outrage upon the laws and institutions of the same in wholly disregarding the rights and privileges of her citizens compromising the friendly relations between the citizens of the Two Government residing near the line. This outrage it is understood was committed by a man named Ferguson a public officer

^a Dated January 2, 1841. See Part I, p. 474-475.

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of the United States. The President feels assured that the Government of the United States will take steps to prevent a recurrence of such outrages, and punish the offending officer in the manner pointed out by her policy and laws. We are in daily expectation of intelligence from Mexico.

With Sentiments of esteem, I am Respectfully your Obt Sert

J S. MAYFIELD

Col BARNARD E. BEE

Chargé d'affaires etc. etc.

MAYFIELD TO BEE.^a

DEPARTMENT OF STATE
City of Austin March 22nd. 1841

SIR

Your Note of the 26th of January ^b the last dispatch received from the legation, was received about the first Inst. when the return of Gen. Lamar to the Seat of Government and resuming the functions of Chief Magistrate induced me to defer addressing you any further instructions. His views were known upon the subject of opening a negotiation with the Government of the United State: for forming a definite treaty of Amity, Commerce and Navigation; and embracing such other objects as may mutually interest both Nations. It is the wish of the President that you should, without delay represent in the most respectful and urgent manner to the Government of the United States the importance of an early Negotiation relative to the several objects contained in my former note, in which the several matters now under consideration and discussion between the two Governments may be embraced, and definitively adjusted upon principles of entire reciprocity. It is moreover the Presidents earnest desire, that should the Government of the United States; accede to the proposition to open a Negotiation at this time; that it should take place at this Capital, as early in the summer as practicable; and that the Minister resident here may be charged with the same, should he not be superseded by another appointment.

You will therefore direct your attention sedulously to this object and independent of any suggestions that have been made, use such other and further reasons, as your judgment may dictate the most likely to secure this end. It is important to the United States as well as to Texas that our relations should be more accurately determined; at least so far as our commercial intercourse and Indian relations are concerned. In the first respect by properly regulated treaty stipu-

^a See Records of Department of State (Texas), Book 38, pp. 169-170. ^b See Part I, pp. 476-477.

lations, many of those apparently unimportant causes, but of frequent source of contention and which sometimes ripen into motives for disturbing the harmony of the two Governments, could be wholly removed; and all local or political jealousies, and animosities engendered, or arising on our respective frontiers obviated or allayed: To wit, the right of ingress and egress with the Slaves or body Servants of the citizens of either Government should be established. And by such regulations any conflict of jurisdiction, or violation of the due exercise of it upon the final establishment of the boundary line could be provided against, and means of punishment provided if infringed. The obligations of the respective Governments relative to the Northern Indians would be more specifically settled, in the event of a disposition being manifested by any of their tribes to disturb the peace and harmony of either of the two Governments.

Our respective frontiers might be prevented from becoming the seat of an extensive system of smuggling alike injurious to the morals of the citizens and the true interests of both Governments.

These hints are thrown out, that you may fortify yourself with some arguments that might not otherwise occur to your mind; and doubtless you will be able to urge other and more cogent ones than here indicated; for relying upon your zeal and the lively interest you have ever manifested for your country, it is confidently expected that you will not fail to impress upon the Government of the United States the necessity of an early negotiation on this subject.

For whatever motives of policy or reasons may have existed heretofore to suffer our relations to rest upon the doubtful and contested interpretation of the treaty with Mexico and the treaty of recognition; our position has materially changed; being, as we are, on the eve of carrying into execution our treaties of Amity, commerce etc. with England and Holland, which may be found to change in some points our former relations with the United States. Judge Webb will leave in a few days for Mexico. If you can procure the correspondence between Mr Adams and Don De Onis relative to the boundary in 1818-19. It is desirable you should send it to him at Vera Cruz.

I avail myself of this occasion to renew to you assurances of my high consideration and esteem. Respectfully your Obedient Servant.

J. S. MAYFIELD

Hon.

BARNARD E BEE

Washington City.

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FLOOD TO MAYFIELD.^a

LEGATION OF THE U. S. OF N. A.

TO THE REPUBLIC OF TEXAS

City of Austin March 25th 1841

SIR—

The undersigned Chargé d'affaires of the United States of North America to the Republic of Texas, conceives it an imperious duty he owes the Government of his country, superadded to the respect he must ever entertain for the sacredness and inviolability of the law of Nations, to apprise his Excellency the President of the Republic, through the Honorable Secretary of State, of an outrage, which the undersigned believes to be flagrant in its nature and premeditated in its character.

On the afternoon of yesterday, the Hon Alphonso De Saligny Chargé d'affaires of the King of France, whilst in the act of visiting my family, at my lodgings, and when within the enclosure of the yard, was rudely and violently assaulted by Mr Richard Bullock of this City.

I need not say to His Excellency the President, or the Honorable Secretary of State, that the indignity thus offered—voluntarily and premeditatedly—is as sensibly felt by the undersigned as it must be by the Honorable Chargé himself.

The undersigned from the well known and acknowledged character of his Excellency the President, for uprightness, intelligence and integrity—and from his laudable desire to harmoniously cultivate the relations that must exist between Nations allied by Treaty stipulations, and in the absence of which all intercourse must cease—doubts not, for a moment, he will promptly direct strict ^b measures to be taken for the redress of the grievances complained of, as are due to the parties and in consonance with the universally acknowledged Law of Nations.

It is due to Mr Bullock to say, he called on the undersigned this morning, and disclaimed, in the most earnest manner, any intention on his part, to offer an indignity to the undersigned or his family. He certainly knew the Honorable Chargé of France, visited no one in his house-hold but the undersigned and his family, and those visits daily in their character.

^a See Records of Department of State (Texas), Book 41, pp. 486-487.

^b This is possibly the copyist's error for "such"; or it may be that "such" was simply omitted.

The undersigned begs to assure the Honorable Secretary of his continued regard and trusts that harmony peace and good will may long characterize the course between their respective Governments.

The undersigned has the honor to subscribe himself

Very Respectfully
Your Obt. Servt.

GEO H. FLOOD.

To the Hon

JAS S MAYFIELD

Secy of State etc.

MAYFIELD TO FLOOD.^a

DEPARTMENT OF STATE
City of Austin March 29th 1841

SIR:

The undersigned has the honor to acknowledge the receipt of your Note of the 25th Inst complaining of an "outrage flagrant in its nature and premeditated in its character" as it is alledged, inflicted in the afternoon of the 24th Inst on the "Hon A De. Saligny Chargé d'affaires of The King of France, whilst in the act of visiting your family" at your lodgings and when within the enclosure of the yard, who was rudely and violently assaulted by Mr Richard Bullock of this City.

From the statements contained in your note; as also from the relation of the affair complained of, as given by Mr. Saligny, in the note which I had the honor to receive from him of the same date the indignity as alledged appears to have been solely directed against the Hon. Mr Saligny without reference to Mr Flood or his family

The President however much he may regret the occurrence of that evening, and the acts complained of which for a time might seem to threaten a disturbance of that cordial and harmonious feeling which he hopes will ever characterise the relations of those Governments, which have given such unequivocal proofs of their friendship and sympathy for the Government of Texas as the United States and France; cannot conceive nevertheless how the subject can form the just ground of complaint upon the part of Mr. Flood. For it appears that Mr. Bullock "disclaimed in the most earnest manner, any intention on his part to offer an indignity to the Hon Chargé d'affaires of the United States or his family."

The undersigned regrets that an occasion should have arisen, which could for a moment [have] induced Mr. Flood, to feel himself identified or embraced in a question involving alledged outrages upon the person and household of Mr Saligny Chargé d'affaires of France;

^a See Records of Department of State (Texas), Book 33, p. 175-176.

which has grown into a matter of serious complaint and anxious solicitude.

I avail myself of this occasion to renew to Mr. Flood assurances of the great consideration with which I am Very respectfully

Your Obt. Servant

J S. MAYFIELD

Hon GEORGE H FLOOD

Chargé d'affaires. U. S.

FLOOD TO MAYFIELD.^a

LEGATION OF THE U. S. N. A.

REPUBLIC OF TEXAS

Austin March 31st. 1841.

SIR:

I have the honor to acknowledge the receipt of your note of the 29th instant in answer to mine of the 25th.

I am wholly at a loss to understand by what process of reasoning or even construction of language you arrive at the conclusion that I feel myself "embraced in a question involving alleged outrages upon the household of Mr Saligny Chargé d'affaires of France"—for on no occasion have I expressed an opinion in relation to any difficulty between citizens of the Republic and the "household" of the Honorable Chargé of His Majesty, the King of France. I must therefore, most respectfully decline the position [in which] your note assumes to place me, in relation to this matter.

In my communication to you of the 25th, I complained of but a single circumstance—the unwarrantable attack of Mr Bullock upon the person of my distinguished guest, while in the act of visiting my family at their lodgings. The indignity, I thought, reflected quite as much upon me as it possibly could upon Mr Saligny, and in this opinion I hesitate not in believing the Government of my country will sustain me

I extremely regret His Excellency, the President, "cannot conceive how the subject can form the just ground of complaint upon the part of Mr Flood" for shortly after the transaction occurred he both entertained and expressed a different opinion.

I again renew the assurance of my continued regard and have the honor to subscribe myself.

Very Respectfully Your Obt. Servt.

GEO. H. FLOOD.

To the.

Hon J. S MAYFIELD

Secy. of State etc. etc.

^a See Records of Department of State (Texas), Book 41, p. 489.