

PARIS *Jan'y 21st. 1841.*

To His Excellency

MR GUIZOT

*Secy of State of Foreign affairs,  
to His Majesty the King of the French.*

SIR,

When I had the honor in conjunction with General Henderson, to participate in the negotiation which resulted in the Recognition of the Republic of Texas, by the Government of His Majesty the King of the French, and in the consequent formation of the commercial Treaty between the respective countries, His Excellency Marshal Soult, the then Minister of foreign affairs, with a like ability which suited both his own character and the greatness of the Nation he represented, insisted on no exclusive advantages, but most willingly assented to a convention founded on the basis of the most perfect reciprocity.

He nevertheless communicated to me how very acceptable it would be to his Majesty's Government if the import into Texas of French Wines Brandies and silks, could be facilitated by some favorable discriminations and for these advantages, the French Government would aid me in the negotiation of the public Loan for the Republic of Texas with which I am charged. I have the honor to transmit you a copy of a letter I received from His Excellency the Marshal, at the conclusion of our negotiations.<sup>a</sup>

The Republic of Texas, in consequence <sup>b</sup> both of the duties entirely on French Wines, and one half the duties on French Brandies and silks if imported in French or Texian vessels.

I had hoped to have been able to have effected the negotiation of the Loan, for the Republic of Texas without invoking the aid of His Majesty's Govnt. but the condition of the money market in Europe, is such, that I fear this is impracticable without such assistance.

I do not come forward however, to ask the payment of a public debt, because I appreciate too highly the magnanimity of His Majesty the King of the French, and the generous confidence of Marshal Soult to place my claim on any such footing. But as I believe the Government of His Majesty, can aid the Republic of Texas most essentially, and with a security the most perfect, I beg to inquire of your Excellency, whether if the concessions Texas has made to France, are not deemed a sufficient equivalent, what further advantages would be so regarded as a just compensation, to procure the guarantee of the Government of His Majesty on the Bonds of the

<sup>a</sup> Soult to Hamilton, September 12, 1839. See Calendar.

<sup>b</sup> Some words are omitted.

Republic of Texas for Seven Millions of dollars? I refer to a guarantee as the only really effectual mode by which, in the words of Marshal Sault, the Government of His Majesty could aid the Republic of Texas in the Negotiation of its Loan.

For this guarantee the Republic of Texas has to offer as its security—a Territory as large as the Kingdom of France, The good faith of a law-abiding and debt paying people, A public domain comprising 150 Millions of Acres of the finest land on the habitable globe, on which her population is augmenting in a ratio far exceeding the increase of numbers in the most thriving of the western States of the American Union.

But without the sale of an acre of her public domain her revenues the moment her currency is placed on a sound basis (which will be effected by the negotiation of the Loan with which I am charged) will be quite sufficient to defray her Naval, Military, and civil expenses, pay the interest on the Loan I propose to negotiate, and likewise constitute a permanent and accumulating sinking fund for the redemption of the principal.

The command of the gulf by the fleet of Texas—the recent success of the Federalists (who are entirely favorable to the recognition of the Independence of Texas by Mexico) and the late Treaty which I have concluded with Great Britain, by which the immediate zealous and cordial mediation of England is secured between Texas and Mexico, insure an early pacification between the two countries.

That you may form a just estimate of the resources of Texas, I beg leave to transmit you the enclosed circular to which I invite your attention.

My powers are plenary to treat on the subject I propose, and I have the authority to offer to France the largest compensation as security which I believe will be deemed undoubted for the proposed guarantee. Indeed when it is considered that upwards of two Millions of the inhabitants of the Northern provinces of Mexico, and scarcely a less number of the citizens of the United States of America, are destined to take their supply of Articles of Foreign import through Texas, from the very moderate impost levies in comparison with the former States, I am sure the consideration I have to offer will be regarded as of no small value—to say nothing of the lasting gratitude which will be cherished by the people of Texas, for their essential aid, which cannot but confer a firm amity to your relations with a country destined to be an important State in the family of American Nations.

I have the honor to remain with distinguished consideration, Your Excellency's

Most Obt Servt.

J HAMILTON.

HAMILTON TO LIPSCOMB.<sup>a</sup>PARIS *February 7th 1841.*

To the Hon

ABNER S LIPSCOMB,  
*Secretary of State etc.*

MY DEAR SIR,—

Since my respects to you of the 1st inst I have nothing further of interest to communicate. My negotiations with Messrs Laffitte, although progressing favorably, have not been brought to a close. I hope however, by the 12 or 13 to come to a definite arrangement. They have taken the subject up in cordial earnest, and if they can possibly see a fair chance of selling the bonds, or their own certificates or debentures founded on them, they will unquestionably take the loan.

The Ministry are considering my proposals, and the time they have occupied probably in deliberating, proves that they deem them of some value. I shall urge their reply in the course of the present week, that I may make up my despatches for the next Steamer in a satisfactory shape I trust.

I am now satisfied that a most effective system for the sale of the public Lands in Texas, may be formed by the establishment of Land Boards, for the sale of Public Lands, by which her public debt may be paid in two years, without being felt by her people, and be made the means of augmenting the population by introducing a most valuable class of emigrants—not paupers; but those who carry with them the means of adding to the public wealth. If Mr Burnley had not time, to bring this subject to the view of the congress of Texas, I shall not leave Europe without having a system devised by the most experienced heads to submit to that body. For I do not desire to be instrumental in adding to the public debt of Texas, without at the same time suggesting some means to make such addition as little of a public burden as possible.

When the Loan is effected, you ought to have a National Bank—a real effective organ of public credit, not a mere paper manufactory. I hope with this view congress has steered clear of all private incorporations, under every small pretext whatsoever.

With my kindest and my respectful salutations to the President, and with the strong hope of soon communicating decidedly and definitely good news to you,

I remain My Dear Sir, with esteem very Respectfully

Your Obt Servt

J HAMILTON

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<sup>a</sup> See Records of Department of State (Texas), Book 41, p. 502.

HAMILTON TO [CASTRO].<sup>a</sup>

(copy)

PARIS, Feb'y 11th. 1841

SIR,

In conformity with the power vested in me, as Agent of the Republic of Texas, I hereby appoint you Agent of the Republic of Texas, in the Kingdom of France, for the sales of its public lands. I do hereby depute you to organize forthwith such Land and Emigration Boards in Paris, and in the Seaports of France, for said sales that you may act in entire conformity with such Board as is organized in London, and may be organized in Antwerp, Hamburg and Amsterdam. The object of which will be first to encourage emigration, and next to constitute a permanent, active and accumulating sinking fund for the payment of the interest and final reimbursement of the principal of the loan of seven millions which I am authorized to negotiate in Europe.

As there may be some peculiarity in the customs, habits, manners, institutions and religion of the French People, which would make it desirable that the scheme of French colonization be different from that established by the existing London Board in London I would be quite willing to assent to such modifications of the latter as you or any intelligent friends you may call to your aid in devising a scheme for emigration, may suggest, provided such modifications do in no respect interfere with the productiveness of the sales of the lands as a source of revenue, and divert the proceeds of the same from their pledge as a sacred fund to redeem the loan to which I have just made reference.

I moreover engage to allow you the same commission and compensation as shall be allowed the Commissioner of the London Board. Your appointment shall continue for at least five years.

I remain with esteem

very respectfully

Your obt. Svt.

(signed)

J. HAMILTON  
*Agent and Envoy  
of the Republic of Texas.*

(Compared with original)

<sup>a</sup> This was evidently an inclosure, but it is filed separately, and the letter with which it was transmitted is either missing from the archives, or has not been identified.

SALIGNY TO SECRETARY OF STATE OF TEXAS [MAYFIELD].<sup>a</sup>

Legation of France  
in Texas

AUSTIN *Feby 19th. 1841*

To the HON SECY OF STATE, *Austin*  
SIR

It is with profound regret that I find myself forced to call your attention to facts of an extremely grave nature of which this city was this morning the theatre. From information entitled to credit, which has been furnished me, the following are the details of this deplorable affair.

One of the people belonging to my house, Mr Eugene Pluyette when passing in the street, was without any provocation on his part, assaulted by a man named Bullock, a resident of this city, who having first assailed him by throwing stones, then threw himself upon him with a stick, at the same time making use of all kinds of menaces and atrocious imprecations. My domestic after having repulsed successfully the attacks of Bullock, wished, with a moderation worthy of praise, to pursue his way; but this miserable man without the *sang froid*, and presence of mind of my domestic, undertook to follow him, and the affray was commenced again in a more serious manner.

These acts, Sir, constitute one of the most scandalous and outrageous violations of the Laws of Nations, and they assume a much more serious aspect when, it is considered that they are but the realization of menaces made long time in advance, and that were (as I have but this moment learned) they have already at two different times been preceeded by occurrences of the same nature.

I think I ought to add for your information, that Mr Eugene Pluyette who has been for a long time in my service, has always been remarkable not only for his amiable and inoffensive character, but for irreproachable probity. It appears on the contrary that this man called Bullock is very far, according to several reports from enjoying a spotless reputation.

Of all the duties imposed upon a nation the most sacred without dispute is that of insuring to the Representatives of other and friendly nations the respect and protection to which they are entitled. I know too well the sentiment which animate the Texian Government, not to be certain that it will be ready to fulfill this duty on every occasion, and in this particular case under consideration, I am convinced that it will act with much more readiness, to punish

<sup>a</sup>The copy used here is a translation on file with the original, which is so damaged by water as to be, in places, illegible.

with severity the author of this gross and brutal attack upon the  
of the Laws of Nations, since it has been directed against  
the Representative of a Power, which has been the first in Europe,  
to extend to Texas the hand of friendship and which has not ceased  
to give to this young republic the most signal evidences of solicitude  
and sympathy.

I beg you to accept Sir, the assurances of the high consideration  
with which I have the honor to be

Your very humble and obedient servant

(signed)

A DE SALIGNY

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MAYFIELD TO JEWETT.<sup>a</sup>

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MAYFIELD TO SALIGNY.<sup>b</sup>

DEPARTMENT OF STATE

*City of Austin Feby 20th 1841.*

SIR—

I have the honor to acknowledge the receipt of your Note of yesterday communicating the information of a violation of the Laws of Nations—and a disregard of the rights, privileges and immunities appertaining to you, in your Ministerial and official capacity by Mr. Bullock as it is alledged a citizen of this city, having committed without provocation an assault upon the person of Eugene Pluyette a domestic in your employment and one of your people. Your note has been submitted to the President. He regrets exceedingly the occurrences alluded to in your Note, and directs me to assure Mr. Saligny Chargé d' affaires of France that he is fully sensible, and awakened to the vital importance of maintaining in this respect most scrupulously and inviolably the laws and usages of Nations: and that the Government of the Republic of Texas, will at all times exercise to the utmost limits, her authority, to bring to punishment, any person who so far forgets the honor and dignity of her institutions and law—and the respect due those Nations when friendly relations are established, and who may have resident Ministers here—as to violate in any way the long established rights, privileges or exemptions belonging to public Ministers from abroad, or their family, suite, or Servants, or those who in any wise are entitled to participate in the inviolability attached to his public character. Mr Saligny Chargé d' affaires of

<sup>a</sup> February 20, 1841. See information in case against Bullock in correspondence inclosed with Mayfield to McIntosh, May 12, 1841.

<sup>b</sup> See Records of Department of State (Texas), Book 38, pp. 164-165.

France may upon all occasions contemplate with the most entire assurance that this Government entertains a lively sense of the necessity of adhering rigidly to those rules of international law, which so distinctly, and justly regulate and mark that intercourse, and comity which so deservedly distinguish all civilized Nations and that the President would witness with peculiar and profound regret any infraction of those well established principles, which might in any possible contingency, in the remotest degree disturb the harmony and friendly relations (an object which Texas will ever foster) existing between this Government, and the Government of France, which Mr Saligny has the distinguished honor so eminently to represent. Actuated by these considerations, and moved by the reflection that the Magnanimity of Chivalrous France, induced her, at an early period in our revolutionary struggle, to become the first European power to recognize Texas as an independent Nation and entitled to rank amongst the Nations of the Earth, this too an important step for the interest of the Republic, it is borne in mind was greatly facilitated by the zeal, and interest you so disinterestedly manifested in her welfare, and advancement, in representing so forcibly, and favorably to your Government the resources, of the Country, and the moral and physical capabilities of the people for self government. The President has therefore directed that the proper Law-officer be instructed to institute an enquiry into the facts, and circumstances attending the occurrence mentioned in your note, and take the necessary legal measures for an examination of the case before the judiciary, and have its action thereon, as may be consonant to the laws and usages of Nations, The only mode under the Constitution and Municipal policy of this Government whereby the offending person can be brought to punishment.

In conformity to the directions of the President instructions have been given to the District Attorney Mr Jewett, a copy of which is herewith transmitted. I beg leave at the same time however, respectfully to call the attention of Mr Saligny Chargé d' affaires of France, to a well established principle, and that the President urged by the most anxious desire not to see in the least the free and friendly intercourse existing between his Government and the Republic of Texas disturbed, has given those directions in the premises. Nevertheless it might have been urged, upon high authority and the principle acknowledged—that by the usages of Nations, in order to entitle the domestic servants of foreign Ministers to the exemptions, and privileges, a violation of which is made the basis of complaint in this instance—it might have been insisted, that before any such representation could have been entertained—an official list of such

domestic servants must first be communicated to the Secretary, or Minister of foreign affairs of the Government to which such Minister may have been accredited

Accept Sir, assurances of the high consideration with which I am  
Very Respectfully, Your obt Servant

J S. MAYFIELD

To H Mon<sup>sr</sup>.

A DE SALIGNY

*Chargé d' affaires*

*of the Govmt of France, to  
the Republic of Texas.*

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SALIGNY TO MAYFIELD.<sup>a</sup>

LEGATION OF FRANCE IN TEXAS

*Austin Febr'y 21st. 1841.*

The Hon

Mr MAYFIELD

*Secretary of State.*

SIR:—

I have received the note which you did me the honor to address me yesterday, in answer to mine dated the day preceding, and I see by the annexed copy of your letter to the District-Attorney Mr Jewett, that you have given orders to that officer in relation to the subject of my communication aforesaid, to take the legal measures prescribed by International Laws and customs, as well as by the rules of your Municipal law.

That a Nation must be free to adopt, for the execution of its laws such judicial forms as appear convenient for it, is without doubt, a right which cannot be contested; but it cannot exercise this prerogative in that which concerns other Nations, except on the condition of not making any attack upon the principles of the Laws of Nations—that Supreme Law of international relations—and of not adopting any rules which shall render those imprescriptible principles, vain and impossible of application, thus depriving other Nations of the means of obtaining redress for their just complaints. This is in fine Sir, on my part but a general reflection; for although I do not know the precise terms of the Law adopted by the last Congress for the purpose of ensuring to the Ministers of foreign powers, the protection which is due to them (the Law I believe has not yet been published),<sup>b</sup> I do not doubt for a single moment, that the Texan Government has the power as well as the disposition, to

<sup>a</sup> See Records of Department of State (Texas), Book 41, pp. 475-476.

<sup>b</sup> See Gammel, *Laws of Texas*, II, 534-535.



cause the sacred Laws which control the mutual relations of all civilized people, to be respected on every occasion.

I cannot refrain however from remarking (*en passant*) that it is impossible for me to comprehend or to admit, that there can be any thing in common between a question of international Law, and the Municipal regulations of the Republic of Texas.

In relation to the remark contained in the last paragraph of your note, I would ask leave, Sir, to submit to you an observation on my part. There is in fact a custom that a foreign Minister on his arrival at the Capital of the Government to which he is accredited, should transmit to that Government an official list of all the persons composing his household. But if this formality, which among other things, has for its end to prevent that any individual guilty of a violation of the privileges and immunities of Diplomatic characters, cannot plead in excuse that he was ignorant of the official character of the persons attacked by him;—if, I say, this formality has been omitted from any motive whatever, this omission does not destroy or impair in the least, the right of a Minister and of the people of his household to seek reparation for violence committed upon them, when it is duly proved that their character was perfectly known to the offender. Now in the matter under consideration, it would not only be impossible to deny that Mr Bullock knew Eugene Pluyette to be one of the domestics of my house; but it can no less be doubted, and the Texian Government ought to be informed of it as well as any one it may concern, what course to pursue in this affair, that it was even on account of this quality of Domestic of the *Chargé d'affaires* of France, that Pluyette has been three times on the part of Mr. Bullock, the victim of infamous and premeditated outrage.

I will not conclude this note without representing to you again, that it is a matter of extreme urgency for the interests of our respective Governments that the attempts of the said Bullock which has rendered him liable, should receive a prompt and exemplary punishment. This individual who has by no means restrained himself, as you remark in your instructions to Mr Jewett, to provoking Mr Pluyette, but who has attacked him on three different days, sometimes by throwing stones sometimes with a stick, and even with a hatchet, inflicting upon him each time wounds more or less serious, has since yesterday, again used towards him horrible threats. In consequence of which, I have therefore thought it proper, to order my Servant never to go out without being armed, and I have expressly enjoined him to make use of his arms, to repulse any new outrages which Mr Bullock may attempt to commit upon him. If then the Texian Government should not take without delay, the necessary measures to effect the punishment of Mr Bullock, it is to be apprehended that we shall soon have to deplore new excesses, and that this affair

already so much to be regretted, may assume a character still more serious. But I repeat I have entire persuasion that your Government will act in this matter with promptitude and energy, and that the reparation due to outraged France will not be long delayed.

I beg you to accept Sir, the assurance of the high consideration with which I am, Your Very humble and Obedient Servant

A. DE SALIGNY

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JEWETT TO MAYFIELD.<sup>a</sup>

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MAYFIELD TO SALIGNY.<sup>b</sup>

DEPARTMENT OF STATE  
*City of Austin Feby 22nd 1841*

SIR

Your Note of the 21st. Inst, in reply to the one addressed to you by this Department of the 19th, I had the honor to receive on yesterday; but owing to the delay of obtaining a satisfactory translation of the same, an earlier answer could not be given. Mr. Saligny Chargé d'affaires of France will accept the assurance of the Texas Government, that She entertains the strongest desire to enforce to the fullest extent her authority to vindicate the laws and usages of Nations, and that she will not be found wanting, in manifesting at all times, a due regard to the sacred and inviolable principles of international law, which the Government of the Republic of Texas, would not, and could not change or modify of she chose.

At the same time it must however, be borne in mind, that under the constitution and Municipal regulations of the Texan Government, similar in that respect to the Government of the United States of the North—offenders against the public tranquility, or violators of the laws of Nations—are amenable for a transgression of those laws, only under prescribed forms and rules which neither Department of the Government have a right to, or can invade or assume to itself.

The infraction then of the inviolable principles of international law; which is made the subject matter of complaint in this instance; has by direction of the President been referred to the judiciary, to which it of right, and constitutionally appertains under our constitution. This is the mode of redress pointed out, and the only one by which a violator of the usages, and laws of Nations under the institutions of this country can be brought to punishment. The Government of the Republic of Texas therefore in this Instance having

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<sup>a</sup> February 22, 1841. See Mayfield to Saligny of the same date.

<sup>b</sup> See Records of Department of State (Texas), Book 38, p. 166.

directed to the utmost of her authority an investigation into the alledged outrage mentioned in your former note: Congratulates herself that she has done, all that duty requires, That chivalrous and magnanimous France could demand: or that a deep and vivid sense of gratitude upon the part of the people of Texas for signal and important benefits conferred could dictate.

As a further assurance of the interest the Government has taken in this affair, in which it is alledged our first European friend, *France* has been outraged—I beg leave to refer Mr Saligny Chargé d' affaires of France to the accompanying letter of Mr Jewett, the proper law officer, who has as will be seen in pursuance of instructions from this Department instituted the necessary legal measures for a judicial examination into the Matter. From this it will be seen, that testimony will be received tomorrow at Three O'clock, P. M. at the Senate Chamber, when and where it is expected Mr Saligny will cause to be laid before the Hon. A Hutchison one of our District Judges, and a Member of the Supreme Court, any evidence at his command touching the transaction, which is the subject of discussion. I beg leave to repeat to Mr Saligny Chargé d' affaires of France, that the Government of Texas, will continue to exercise all the authority with which she is constitutionally vested to vindicate the laws of Nations, and maintaining inviolate those usages of international Comity which regulate the intercourse of civilized Nations. I beg to repeat assurances of the High consideration, with I subscribe myself very Respectfully

Your obedient Servant

J. S. MAYFIELD

To MON<sup>SR</sup> A DE SALIGNY *Charge d' affaires etc. etc.*

[Copy \*]

CITY OF AUSTIN

*Feby 22nd. 1841.*

SIR,

In conformity to your instructions of the 20th Inst relative to an alledged affray provoked and engaged in by Mr Richard Bullock, with one Mr. Eugene Pluyette, a servant of the Hon A De Saligny Chargé d'affaires of France near the Government of Texas, I have filed an official information concerning the affair before the Hon A Hutchinson one of our District Judges, and associate Justice of the Supreme Court of the Republic. As by the Law of Nations, Foreign Ministers their retinue and suite, are not amenable to the civil or criminal Jurisdiction of the Government, to which they are accredited, I have therefore to request that you would notify the Hon

\* See Records of Department of State (Texas), Book 41, pp. 476-477.

Chargé d'affaires of this proceeding, in order that he may furnish any testimony in his possession, that he may deem proper, and permit the member of his household, upon whom the alledged assault was committed, to appear before the Honorable Judge, and give his testimony concerning the offence which has been made the subject of complaint.

Mr Bullock, the citizen against whom charges have been preferred, by the Hon. Chargé d'affaires, is cited to appear before the Hon Judge at the Senate Chamber tomorrow, at 3 oclock P M. at which time and place an investigation of the affair will be had, and such proceedings adopted as may appertain to law and Justice.

I have the honor to be, with the highest respect  
Your Obt Sevt.

HENRY J JEWETT  
*Dist Atty 3 Jud Dist*

Hon J S. MAYFIELD  
*Secy of State.*

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INFORMATION IN CASE AGAINST BULLOCK.<sup>a</sup>

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WARRANT FOR ARREST OF BULLOCK.<sup>b</sup>

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SALIGNY TO MAYFIELD.<sup>c</sup>

*AUSTIN Feby 23d. 1841*

SIR,

Your note of yesterday enclosing a copy of a Letter from Mr Jewett to your Department, dated the same day, was delivered to me late in the evening, and I hasten to acknowledge its receipt.

I should have failed in Justice to the Texian Government if I had doubted a moment of its sincere desire to cause to be respected on all occasions, the principles of the Laws of nations, and of its real disposition to punish with severity, every attempt against those salutary and inviolable principles which as you say it has neither the power nor the will to change or modify. I have received with no less pleasure, the assurances you have been pleased to give me on this point.

In announcing that the Hon Judge Hutchinson, to whom has been entrusted the cognizance of this affair, would proceed to day at 3

<sup>a</sup> February 22, 1841. See correspondence inclosed with Mayfield to McIntosh, May 12, 1841.

<sup>b</sup> February 22, 1841. See information in case against Bullock, February 22, 1841, in correspondence inclosed with Mayfield to McIntosh, May 12, 1841.

<sup>c</sup> Translation on file with the original. The latter has been so damaged by water as to be in parts illegible.

o'clock P. M. in the Senate Chamber to the hearing of testimony, you add "that it is expected that you will place before this Magistrate any evidence at command." If the Texian Government, which ought it seems to me to be perfectly apprised of the true cause of this odious violation of the Laws of Nations; which cannot be ignorant of the circumstances which have preceded and brought it on, has not succeeded in procuring upon facts known to every body, sufficient evidence, I should take pleasure in transmitting through you, all the declarations necessary to enlighten the conscience of its Tribunals. I would even consent in the case in which you have made the demand, that my domestics should be heard by their simple declarations. But as to permitting that they should appear as witnesses before the Judicial authorities of this Country, particularly when it relates to a question in which the dignity of France is deeply concerned, I could never do that without completely forgetting the obligations which are imposed on me,—without a culpable abandonment of principles and of privileges, the preservation of which unimpaired is one of my first duties.

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MAYFIELD TO SALIGNY.<sup>a</sup>

DEPARTMENT OF STATE  
*City of Austin Feby 23rd 1841*

SIR

I have just succeeded in procuring a hasty translation of your note of this date, and would most respectfully suggest to Mr Saligny that under the constitution of this Government, the testimony of his domestic Mr Eugene Pluyette could not be admitted, except in the manner pointed out by law for taking testimony of other witnesses. The sixth section of our Constitution under the "declaration of Rights," declares that "In all criminal prosecutions the accused shall have the right . . . of being heard by himself or counsel, or both . . . , he shall have the right to demand the nature and cause of the accusation, shall be confronted with the witnesses against him, etc."

It follows therefore with whatever offence of a criminal character, an individual may be charged, he is entitled to the forms and mode of trial guaranteed by the constitution, and prescribed by our municipal regulations. Mr. Saligny Chargé d'affaires of France, will perceive then the embarrassment attending an investigation of the affair complained of, in the event his domestic is not allowed to testify, in the way pointed out by our laws. The Hon Judge Hutchinson could not admit it otherwise. In as much then as your domestic is cognizant

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<sup>a</sup> See Records of Department of State (Texas), Book 38, p. 167.

of the various threats and menace preceding the alledged affray and which tend to aggravate it, is hoped that Mr Saligny will present no obstacle to a full and satisfactory investigation into the alledged violation of the laws of Nations, in the instance complained of. The Government of Texas having caused the matter to be placed before the Judiciary the appropriate Department to investigate the same, and pronounce the law, will not cease to exercise every constitutional function to do Justice.

Accept Sir assurances of the consideration, with which I am, Very resply Your Obdt Servt—

J. S. MAYFIELD

M<sup>rs</sup>. A. DE SALIGNY—*Chargé d'affaires etc. etc.*

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EVIDENCE IN CASE AGAINST BULLOCK.<sup>a</sup>

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HUTCHINSON TO MAYFIELD.<sup>a</sup>

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SALIGNY TO MAYFIELD.<sup>b</sup>

AUSTIN *Feby 24th. 1841.*

SIR

I must have expressed myself badly, in my note of yesterday, or the translation which was made of it, could not have been entirely exact, for I see by your answer, that you have not well understood my meaning. I will therefore attempt to explain it in a clear manner and one not liable to be misunderstood.

By your note of the 22nd you transmit a copy of a Letter of the Dist Atty Mr Jewett, written to you the same day, in which he asks you to make known his desire that I should permit Eugene Pluyette, to appear before the Honorable Judge Hutchinson to depose as a witness, relative to the crime (offense) which forms the subject of my complaint.

Then you add, below, that it is expected that I should place before the Honbl Judge Hutchinson, all the proofs which may be in my possession concerning this affair.

To this Sir, I answer,—

The Law of Nations prevents not only a Foreign Minister but even his Domestic from being called under any pretext whatever, before the Tribunals of the country where he resides. The Minister may

<sup>a</sup> February 23, 1841. See correspondence inclosed with Mayfield to McIntosh, May 12, 1841.

<sup>b</sup> Translation on file with original, which has been so damaged by water as to be, in places, illegible.

sometimes it is true, renounce this privilege, and such circumstances might occur, when in order to ascertain what justice required, I might consent, to permit my Domestics to come as Witnesses, to depose before, the Tribunals of your country. But, in the present case, if Eugene Pluyette, (on whose person has been committed the crime,) should appear before the Honble Judge Hutchinson, it would be in some sort, much less in quality of witness than as Party, and that is the reason Sir, as I wrote you yesterday, and as it should have been understood that I could not consent, without a most complete disregard of the duties imposed on me and without too, a culpable abandonment of privileges, the maintenance of which unimpaired, is one of my first duties.

However if in his desire to arrive at the full knowledge of the facts, the Hon Judge Hutchinson should wish to hear my domestic, *not as witness, but by simple declaration only*, you would have but to inform me of it in writing, and I would have I think, no objection to it. Also as to your first request, I should be pleased to transmit to the Dept of State such information as I possess touching this deplorable affair.

As to the rest—the crime, for which France is to day forced to seek reparation, has been committed at three different times, in open day, before a great number of people of the city, whom your magistrates can summon as Witnesses. Every body here knows that it has been for a long time preceded by circumstances which of themselves alone constitute an insult to France. These facts have been perfectly known by your Government, and although it can be said, it had the means as it was its duty, to have stopped and punished them. During an entire month the Charge d' affairs of the King, in his desire to avoid all embarrassments with a country to which he had already given such unequivocal evidence of his personal sympathy had shown a patience and forbearance pushed perhaps to excess, but which the Texian Government, I am sorry to be constrained to say, should have better appreciated. France, less than any other nation perhaps, should expect to be insulted by Texas; and besides, since the outrage of which she has to complain, has been unexpected, odious, and in its character, derogatory to her dignity, you can therefore the better understand, that in her just indignation, she should insist that, it should receive a prompt and signal punishment proportioned to the enormity of the offence.

As to your reflections upon the judicial forms adopted in the Republic of Texas, I am sorry not to be able to make any other reply than that, already directed to you in my note of the 20th.<sup>a</sup> of this month, to wit, that the Law of Nations is the Supreme Law which

<sup>a</sup> The date was in fact the 21st.

regulates the international concerns of all civilized People, and that no People can adopt in respect to other nations any rules, any judicial forms, which by rendering vain and impossible a recourse to the imprescriptible principles of this law, should deprive them of the means of pursuing redress for their just greivances

Be pleased, Sir, to accept the assurance of the high consideration with which I am,

Your very humble  
and very obedient servt

signed, A. DU SALIGNY

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JEWETT TO MAYFIELD.<sup>a</sup>

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MAYFIELD TO SALIGNY.<sup>b</sup>

DEPARTMENT OF STATE  
*City of Austin, Feby. 25th 1841*

SIR,

I have the honor to acknowledge the receipt of your Note of yesterday, and duly noted its contents; and the positions assumed by you that there is nothing in common with the laws of Nations, and the Municipal regulations of the Government of Texas. I beg leave to repeat that it is most true that the Texian Government could not if she desired it, do any thing to render vain, or nugatory the imprescriptable laws and usuges of Nations.

At the same time it is equally manifest that for an infringement upon, or a violation of the laws of Nations within the jurisdiction of the Texian Government that the offender can only be brought to punishment in the manner pointed out by our constitution and laws; and that testimony relative to any such infraction of the laws of Nations, can only be admitted by the Judiciary in the forms prescribed by our constitution and Municipal policy. The subject matter of complaint having been referred by the Executive to the appropriate Department, The Judiciary, the Government had no further control over the matter, and the alledged offence could only be reached in the manner indicated. I herewith have the honor of transmitting to you a copy of the report of the Hon Judge Hutchinson to this Department, relative to the Judicial measures adopted by that officer, to bring Mr Bullock to punishment for the alleged offence.<sup>c</sup>

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<sup>a</sup> February 24, 1841. See correspondence inclosed with Mayfield to McIntosh, May 12, 1841.

<sup>b</sup> See Records of Department of State (Texas), Book 38, p. 168.

<sup>c</sup> See correspondence inclosed with Mayfield to McIntosh, May 12, 1841.



The undersigned confidently entertains the hope that Mr. Saligny will see in this manifested every disposition on the part of The Texian Government, to sustain inviolate the laws of Nations, and exert to the utmost her authority to punish any violation of the same.

Accept assurances of the high consideration, with which I am,  
Respectfully, Your Obedient Servant.

JAMES S. MAYFIELD

To Mon<sup>sr</sup>. A DE SALIGNY  
*Chargé d' affaires of France*  
*etc. etc. etc.*

SALIGNY TO MAYFIELD.<sup>a</sup>

Légation de France  
au Texas.

AUSTIN, le 28 février 1841.

MONSIEUR,

J'ai à vous accuser réception de la note que vous m'avez fait l'honneur de m'adresser le 25 de ce mois.

Je vois, par la décision rendue, le 23, par l'honorable Juge Hutchinson et dont copie est jointe à votre note, que ce magistrat a compris toute la gravité de l'affaire qui lui était soumise, et j'attendrai avec une pleine confiance dans les lumières et l'indépendance de l'honorable Cour de District, le Jugement définitif de ce Tribunal.

Je n'ai rien, d'ailleurs, à ajouter ni à changer à mes précédentes communications.

Vous pouvez être assuré, Monsieur, que le Gouvernement du Roi, à qui je me suis empressé de transmettre copie de la correspondance échangée entre nous, saura apprécier les sentiments qui ont dirigé la conduite de votre Gouvernement dans toute cette déplorable affaire. Il ne pourra, sans doute, apprendre sans la plus pénible surprise qu'un membre du Cabinet Texien a cru devoir s'associer hautement, en quelque sorte, à la responsabilité d'un attentat que la Justice de son pays venait de flétrir, à l'instant même, comme une violation criminelle des Principes sacrés du Droit des Gens. Quant à moi, je m'abstiendrai de qualifier ici un tel procédé, sans exemple, je crois, dans les annales des Peuples civilisés.

Recevez, Monsieur, l'assurance de la haute considération avec laquelle j'ai l'honneur d'être

Votre très humble et  
très obéissant Serviteur

A. DE SALIGNY

à l'Honorable Monsieur MAYFIELD, *Secrétaire d' État.*