

HAMILTON TO LIPSCOMB.<sup>a</sup>LONDON *March 3rd. 1841.*

ABNER S LIPSCOMB

*Secretary of State.*

MY DEAR SIR

I have just arrived in London from Paris, and have only a moment to apprise you that on the 14th of February I concluded a contract with the Bank of J Laffitte & Co. of Paris for the Texan Loan.

If I succeed in obtaining the guarantee of the French Government, of which I have a fair prospect, I shall make a most propitious negotiation. If I fail in this, the rate at which I have negotiated must of course approximate more nearly to the credit of the Government of Texas. In the first place, I shall get a price approaching French stock.

I return to Paris in a few days to continue my negotiations for the guarantee of the French Government by appointment with Mr Guizot, which would be worth between 2 and 3 Millions to the Government of Texas. As this negotiation would take a month, and another month for Messrs Laffitte & Co to issue their own French certificates of Stock on the security of our bonds, it will be July before any part of the Loan will be available in New York. I will however, write an official letter to the Secretary of the Treasury by the Queen, which leaves this on the 10th inst, detailing all the particulars in regard to the Loan.<sup>b</sup> In the mean time, it will be desirable that neither himself or the congress should make any movements in relation to the Loan until he hears from me.

I enclose a copy of my letter to Lord Palmerston as to the Mexican debt and indemnity,<sup>c</sup> which you ought to have had long ago. If the Treaties I have concluded, and my own Commission as Minister to the Court of St James, if I have been appointed [are in your hands], pray transmit them to Col Bee to be forwarded me immediately.

I have only a moment to assure you of the esteem, with which  
I am very Respectfully Yours.

J. HAMILTON.

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

DEPARTMENT OF STATE

*Austin 15th March 1841.*

SIR.

Instructed by the President, I herewith transmit to you the memorial<sup>e</sup> of Mr Richard Bullock a citizen of this City, addressed to

<sup>a</sup> See Records of Department of State (Texas), Book 41, p. 503.

<sup>b</sup> See Hamilton to Chalmers, May 18, 1841, in *Austin City Gazette*, July 14, 1841.

<sup>c</sup> November 5, 1840. See Correspondence with Great Britain.

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

<sup>e</sup> This memorial has not been found.

his Government, praying for relief, in a controversy existing between him and yourself, it being the only mode of redress left him. The question is therefore submitted to the consideration of Mr. Saligny, that he can adopt such measures in the matter, as may be dictated by his good sense of propriety and justice.

The undersigned avails himself of this occasion to renew to Mr. Saligny assurances of the great consideration, with which he is respectfully your Obedient Servant.

JAMES S. MAYFIELD

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

Légation de France  
au Texas.

AUSTIN, le 21 mars 1841.

MONSIEUR,

Le mauvais état de ma santé ne m'a pas permis de vous accuser réception, avant ce jour, de la lettre que vous m'avez fait l'honneur de m'écrire, le 15 de ce mois, d'après les ordres de Son Excellence le Général Lamar, pour me remettre une copie du *mémoire* (comme vous l'appellez.) adressé à M. le Président Burnet, par le sieur Bullock, le 20 du mois dernier. J'ai regretté, Monsieur, que vous n'eussiez pas cru devoir me donner plutôt communication de ce *mémoire*; car les explications que je me serais empressé de vous transmettre vous auraient, au besoin, convaincu que je n'avais pas attendu jusqu'alors pour adopter, dans cette affaire, toutes les mesures qui m'étaient dictées par un scrupuleux sentiment de convenance et de justice.

Le *mémoire* du sr. Bullock ne peut être autre chose, aux yeux de tout homme éclairé et impartial, qu'un moyen inventé après coup (on comprend facilement dans quel but); et il ne saurait me convenir de réfuter une à une toutes les allégations mensongères, tous les faits controuvés ou complètement dénaturés qu'il contient. Je me bornerai donc à vous dire qu'il [est faux(?)] que j'aie jamais refusé de régler ce que je dois au sieur Bullock; que, loin de là, je lui ai fait offrir, mainte et mainte fois, par plusieurs personnes, de le payer immédiatement, non pas, il est vrai, d'après le compte établi par lui, que tout le monde a qualifié de scandaleux (*most scandalous imposition*), mais d'après celui fixé par arbitrage, conformément aux prix connus du sieur Bullock, et dont je joins ici copie; que je lui ai fait, il y a cinq ou six jours, renouveler la même proposition. Mais cet individu a toujours refusé; et, pendant des mois entiers il n'a cessé de vomir contre moi les injures les plus grossières, de colporter, de porte en porte, les calomnies les plus outrageantes. Quel que fût mon mépris pour des insultes parties d'une source si basse, mes sentiments,

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<sup>a</sup> A. L. S.

bien connus, d'affection et de dévouement pour cette jeune République et le désir d'éviter tout embarras à son Gouvernement, ont seuls pu m'empêcher de remplir le devoir, qui m'était imposé par ma position, d'en demander officiellement la réparation; mais, en même temps, j'ai vu avec une peine profonde, je vous l'avoue, que les représentations amicales que je crus devoir, à diverses reprises, soumettre à M. le Juge Burnet,<sup>a</sup> n'avaient aucun effet, et que le Gouvernement Texien ne prenait aucunes mesures pour mettre un terme aux outrages dont la France était, chaque jour, l'objet dans la personne de son Représentant, et prévenir les conséquences fâcheuses que j'avais tant à cœur d'épargner à deux Gouvernements amis.

Quant à la plainte du sieur Bullock relativement à ses *cochons*, voici la vérité. J'ai longtemps souffert et je souffre encore tous les jours, comme tout le monde, des nombreux cochons dont la ville est infestée. Chaque matin, un de mes domestiques passait deux heures à recevoir et clouer les barreaux de la barrière que ces animaux renversaient pour venir manger le maïs de mes chevaux. 140 livres de clous ont été employées à cet usage! Un jour, trois cochons étant entrés jusques dans ma chambre, y mangèrent du linge et détruisirent des papiers. Une autre fois, une douzaine de ces animaux se précipitèrent, pour manger le maïs, au milieu de mes huit chevaux, qui, effrayés, renversèrent complètement mon écurie, et foulèrent aux pieds un de mes domestiques, qu'on retira avec beaucoup de peine à moitié mort. C'est alors que, suivant l'exemple de plusieurs de mes voisins, j'ordonnai à mes gens de tuer tous les cochons qui viendraient dans ma cour; mais cet ordre ne s'appliquait pas plus spécialement aux cochons du sieur Bullock, qui ne portent pas sur leur dos le nom de leur maître et qu'il est impossible de distinguer des autres. [A la suite (?)] de mes ordres, cinq ou six cochons, à ce qu'il paraît, ont été tués dans ma cour par mes domestiques. Appartenaient ils au nommé Bullock ou à tout autre? Je l'ignore; mais les insinuations et assertions de cet individu à cet égard n'en sont pas moins mensongères, comme tout le reste de son *mémoire*, où, d'un bout à l'autre, respire la plus insigne mauvaise foi, et qui n'est évidemment, je le répète, qu'un expédient à l'aide duquel il voudrait s'efforcer d'atténuer le crime dont il s'est rendu coupable, et dont la France attend une juste réparation.

Je vous renouvelle, 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'Etat*.

<sup>a</sup> Vice-President of Texas, and because of Lamar's illness at the time acting president.

Légation de France  
au Texas

(copy)

Mr. de Saligny,

To Richard Bullock Dr.

July 24th. To keeping horses 3 1/2 days at 2.50	\$25. 25
do. do. 5 horses, 4 days at 2.50	50.
one day board for driver	2. 50
one month board for himself	60.
one month do. for 2 servts. boys at 30	60.
one month do. for a servant Girl	30.
5 days board for M. Dulong	12. 50
Flora's (negro girl) expenses	8. 35
digging a grave and conveying Flora	10.
Keeping a spotted horse 12 days 1/2 at 1.50 a day	18. 75
services of henry 3 days	6.
one month rent of a store	30.
	<hr/>
	\$313. 75

This bill is made out according to the informations made known to me by Mr. de Saligny and others, concerning Mr. Bullock's rates of charges.

signed. BILLINGSLEY <sup>a</sup>

Certifié véritable la présente copie, conforme à l'original resté en mes mains.

A. DE SALIGNY

AUSTIN 21 mars 1841.

<sup>b</sup> Deducting, from Mr. Bullock's bill as settled by arbitration	
at	\$313. 75
Paid cash by M. de Saligny on July 28th	200
	<hr/>
balance due	\$113. 75

Not only has M. de Saligny proposed to M. B., as early as August last, to pay him that balance; but he went further. Having made no bargain with M. B. for the rent of the store, and having no fixed and regular price to take as a standard for that item, he agreed to pay the 40\$ charged by M. Bullock's <sup>c</sup> instead of 30, as reduced by

<sup>a</sup> Apparently the arbitrator. See the reference to arbitration in the remarks of Saligny following the account.

<sup>b</sup> This addition is written on a separate sheet of the paper of the French Legation in M. de Saligny's hand.

<sup>c</sup> Probably M. de Saligny meant to write "by Mr. Bullock's original account."

*arbitration.* It is very strange that M. Bullock having taken from M. Billingsley's hands the bill formerly presented by himself to M. de Saligny, has always refused to return it, although called for, twenty times. A proposition made anew, few days ago, to M. Bullock, through M. Billingsley, to settle, has received no answer, at least as far as M. Saligny knows.

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

Légation de France  
au Texas.

AUSTIN, le 25 Mars 1841.

Monsieur,

La France vient d'être insultée, de nouveau, dans cette ville, de la manière la plus sanglante; et, cette fois, c'est sur la personne même de son Représentant que l'outrage a été commis. Hier soir, au moment où je me disposais à entrer dans la cour de la maison du Chargé d'affaires des Etats-Unis,<sup>b</sup> à qui j'allais faire une visite, l'aubergiste Bullock, qui m'avait, depuis quelques instants, suivi avec une affectation et un air menaçant que je n'avais pu m'empêcher de remarquer, se précipita vers moi et me dit d'un ton insolent qu'il me défendait de venir chez lui. Je lui répondis tranquillement que je venais, non pas chez lui, mais chez M. le Colonel Flood. "Ce n'est pas vrai, fit il alors; vous êtes chez moi, et la première fois que vous y revenez, je vous as-somme. Vous voilà averti; dorénavant je ne m'en tiendrai plus à des paroles, mais j'agirai." En parlant ainsi, il levait le poing vers moi en me menaçant et faisait mine de vouloir me frapper. Je l'engageai à prendre garde à ce qu'il allait faire. Alors il me prit d'abord au collet, puis me saisit par le bras avec violence. Cependant, déconcerté par mon sang-froid, il me lâcha, et je continuai mon chemin, sans faire attention aux injures et aux menaces qu'il proférait contre moi.

Pendant plusieurs mois, Monsieur, le Gouvernement Texien, sans tenir compte des observations amicales que je me contentai de lui adresser, sans paraître apprécier, comme j'avais droit de l'attendre, les sentiments qui me poussaient à une patience, à une longanimité excessives, a permis à Bullock de vomir, chaque jour, contre le Représentant de la France les injures les plus grossières, les calomnies les plus insultantes. Excité par cette inaction incompréhensible de votre Gouvernement, ce misérable, ainsi que je l'avais souvent prédit à M le Juge Burnet, ne s'est plus borné bientôt à des paroles. À trois reprises différentes, il a attaqué dans la rue, un de mes domes-

<sup>a</sup>A. L. S.

<sup>b</sup>Cf. Flood to Mayfield, of same date, in Correspondence with the United States, additional letters.

tiques. La tournure donnée aux poursuites intentées contre lui à l'occasion du crime commis le 19 février; l'indulgence extraordinaire montrée à son égard, et, surtout, les encouragements qui lui ont été donnés en cette circonstance par un des membres du Cabinet, qui n'a pas craint, ainsi que j'ai eu l'honneur de vous le faire observer dans ma communication du 28 février der., de s'associer hautement à la responsabilité de son crime, ont convaincu Bullock que désormais il pouvait tout oser, qu'il pouvait impunément fouler à ses pieds toutes les lois, et se porter à des voies de fait contre ma personne même.

Mais quelque odieux que soit l'infâme attentat dont j'ai été l'objet, je regrette, Monsieur, d'avoir à vous prier d'appeler l'attention de Son Excellence le Président sur un autre fait qui n'est pas moins digne de réprobation. Le Crime commis hier par le Sr. Bullock, et qui, j'aime à le reconnaître, a saisi d'indignation tous les honnêtes gens de cette ville, a, cette fois encore, trouvé un chaud défenseur dans le Cabinet. En effet, d'après ce qui m'a été affirmé par les personnes les plus respectables, M. le Secrétaire du Trésor ne se serait pas borné à approuver, publiquement et sans réserve, la conduite de Bullock; mais il aurait été jusqu'à dire que s'il avait été à la place de celui-ci, il aurait pris son fusil et m'aurait tué. C'est un conseil dont Bullock est sans doute, déterminé à profiter à la première occasion.

En présence de pareils faits, Monsieur, je serais tenté, en vérité de me croire au milieu d'une Tribu de Sauvages plutôt que chez une nation civilisée et amie, si le Gouvernement Texien, sortant enfin de son inconcevable léthargie, ne prenait, à l'instant même, les mesures les plus énergiques pour les punir, pour prévenir de nouveaux outrages, et pour donner à la France une éclatante satisfaction. Vous comprendrez, Monsieur, que je ne saurais rester plus longtemps auprès d'un Gouvernement qui, loin de pouvoir me faire jouir du respect et de la protection dus au Représentant d'une Puissance amie, n'aurait pas même la volonté ou la force de mettre mon existence à l'abri des attentats d'un misérable. Je vous prie donc de me faire savoir, au plutôt, les moyens adoptés par votre Gouvernement pour empêcher Bullock de mettre ses menaces à exécution.

Quant à M. le Secrétaire du Trésor, dont la conduite constitue une grave insulte envers la France, j'ai trop de confiance dans l'élevation des sentiments de Son Excellence le Général Lamar, dans sa haute justice, comme dans ses dispositions bienveillantes à l'égard d'un Gouvernement de qui le Texas n'a reçu que des preuves d'amitié et de sympathie, pour ne pas être convaincu qu'il n'hésitera pas à frapper d'une éclatante réprobation un fonctionnaire coupable d'une telle offense et à donner ainsi à la France la réparation qui lui est due.

Si je devais être trompé dans ma juste attente, je me verrais, Monsieur, dans la pénible nécessité de vous prier de me faire remettre mes passeports et de quitter ce Pays. Et alors, Monsieur, en laissant

au Gouvernement du Roi le soin de pourvoir lui même à la réparation qui lui aurait été refusée, je pourrais, avec confiance, en appeler au jugement du monde civilisé, et rejeter à qui de droit la responsabilité des conséquences que (le ciel m'en est témoin!) j'aurais tout fait pour éviter.

J'ai l'honneur d'être avec une haute considération,  
Monsieur,

Votre très humble  
et très obéissant Serviteur

A. DE SALIGNY

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

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MAYFIELD TO SALIGNY.\*

DEPARTMENT OF STATE

*Austin 29th March 1841.*

SIR

I have the honor to acknowledge the receipt of your Note of the 25th inst complaining of an alledged attack made on you by Mr. Richard Bullock the preceding evening. It is to me as it is to his Excellency the President a source of exceeding great regret that any citizen of this Country should so deport himself towards you (whatever reasons he may have for personal hostility to you) as to give you the least annoyance. This Government has at all times evinced its willingness and readiness to avail itself, of all its constitutional powers to suppress such annoyances, and to punish the perpetrators of them. As an evidence of this fact, I would only call your attention to the past history of the personal controversy existing between Mr. Bullock and yourself. It seems from your own representations, that this controversy had its origin in your refusal to pay Mr Bullock a bill, which he presented to you for the board of yourself and domestics while you remained inmates of his house; for some time that controversy was carried on between you as individuals without reference to your diplomatic character, or any intention on the part of either to refer it to this Government.

It is true that subsequently in private *unofficial* conversation with several gentlemen of the Cabinet you mentioned the conduct of Mr. Bullock towards you as being insulting and intimated, that if he persisted in it; you should feel yourself compelled to make a formal complaint to the Government of his course; but these conversations were considered at the time, as having been induced more by the very friendly personal relations existing between yourself, and the gentlemen with whom they were had; than by any desire, that those

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\* See Records of Department of State (Texas), Book 38, pp. 170-175.

gentlemen should interfere in the matter, farther than to advise Bullock of the impropriety of his deportment, and to remind him of the consequences which a continuance of it might involve. Such I believe was the view taken by them of the object of those verbal and private conversations on your part, and such I know was the desire which they felt, that you should not be subjected to annoyances of any kind; whatever might have induced them, or however trivial in their nature, that they called on Bullock and after representing to him what they then termed the indelicacies of his conduct towards you, went so far as to threaten him with prosecution, if he did not desist from the mention of your name otherwise than in courtesy and respect.

This course on the part of the gentleman to whom I have referred, it is believed, had its full effect with Mr. Bullock at the time, and induced him to send his friend and relation Gen Hunt with whom you were on terms of intimate association to you with a request that your differences might cease, and whatever tendency your answer by Gen Hunt might have had in exasperating him farther towards you, he nevertheless it is believed continued to abstain from all offensive reference to you or your concerns, until he was repeatedly informed of the destruction of his property in the streets by your domestics, and as it was said, by your order. He even then (as it is asserted to this Department) abstained from offensive allusion to you, but meeting one of your domestics in the street, he ordered him to cease from destroying his property and perhaps threatened him with punishment if he did not, and thus leading to an angry altercation, it finally resulted in the personal conflict between them to which you have alluded in your Note of the 25th ultimo.\*

From all the information which this Department has been able to obtain in regard to this unpleasant affair; it is believed the foregoing presents substantially a true statement of the differences between you and Mr Bullock (without particular reference to the various alledged causes of complaint which he urges against you) up to the time of your official note to this Department of the 19th day of February last, complaining of his attack on your Servant, and demanding his punishment; and to show the desire which was felt and manifested by the Government, on that as well as on all other occasions to shield and protect you and your household from insult or outrage an order was immediately issued by this Department to the Prosecuting Attorney of this District to institute a rigid investigation into the alledged assault upon your domestic, in order that the appropriate punishment might be inflicted upon the perpetrator; which investigation (notwithstanding the embarrass-

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\* Inadvertently written for "instant."



ment thrown in the way by your refusal to permit your servants to give testimony in the only way known to our constitution and laws) resulted in binding Bullock to the District Court (our criminal Tribunal) to answer for the offense in a criminal prosecution.

In the result of that investigation I entertained the hope and confident belief that you were fully satisfied, and had seen in it reasons to appreciate the sincerity with which this Government is at all times animated in its endeavours to preserve the most Cordial and amicable relations towards the Nation you represent; as well as its desire to manifest towards you personally every courtesy and respect to which you are officially and individually entitled; nor could a different impression have been produced after your note of the 28th ultimo, but for the extraordinary and unfounded remarks which in reference to that investigation you make in your last note of the protection afforded Bullock, and of the "inconceivable lethargy" which you imputed to this Government in defending you from his verbal aspersions.

What act of this Government in reference to the controversy between you and Mr. Bullock can have given rise to the assertion that "extraordinary indulgence has been shown him" or that this Government has "permitted him to vomit every day against the Representative of France the most gross insults, and insulting calumnies". I am at a loss to conjecture. If the instituting an immediate and rigid examination into the conduct of the accused, so soon as this Department was officially notified of his having assaulted in a personal quarrel the domestic of the "Representative of France," If a diligent search and enquiry through the evidence to sustain a prosecution against him for the alledged offence, after the "Representative of France," had refused to permit his domestic upon whom the assault was said to have been Committed, to give testimony in support of the Charge, and if the urging that prosecution and having the accused bound over for trial at a Criminal Court be evidences of "extraordinary indulgence" then indeed the imputation that this Government has exhibited such to Mr Bullock may be well founded, but such acts are not what the people of this Country would deem indulgence, and it is easy to imagine that the persons to whom they are shown would readily dispense with them.

In relation to the caluminous expressions which you say Mr Bullock has been permitted to use in reference to you, I have only to remark that this Government keeps no spies to watch the actions or report the street Conversations of its citizens; and if it did, it would no doubt be frequently informed, of as gross and disrespectful, and indelicate expressions used in reference to the President and every other public functionary, as are charged to Mr Bullock in regard to you.

The things are to be deprecated, but as they are never considered as doing an injury to him to whom they are applied; especially when his deportment is such as not to deserve them, they have not generally been regarded as worthy of legislative reprehension; so far as to justify a criminal prosecution of them. But it is emphatically denied that this Government has permitted Mr Bullock to use in reference to you, expressions which were either Calumnious, insulting, or disrespectful. It has no evidence that such expressions have been used. Your own information upon the subject seems to have been derived from others, who may have misrepresented the facts; for it does not appear in your representation that he has on any occasion used such expressions when addressing himself personally to you; nor does it appear that he had at any time previous to his ordering you not to come on his premises (which is complained of in your last note) exhibited towards you personally language or actions which were deemed either menacing or slanderous.

In looking over your Note, I am wholly at a loss to comprehend the Idea you intend to convey, by the expression that Bullock has been stimulated in his conduct towards you by the incomprehensible inaction of this Government. In what respect has this Government been inactive when you have invoked its interference for protection, either from the senseless words of an irritated man or from an assault upon your domestic? for you do not pretend to say that until the last transaction of which you complain, he has ever attempted to assault you. So far from this Government remaining inactive upon the subject, it is believed that it has done more than any other Government ever did; and this too entirely with the view of protecting you from what seemed so great an annoyance to you, "The Tavern Keeper Bullock's" remarks respecting your want of faith in your private engagements. Words spoken in reference to a foreign Minister, by a private citizen, are not deemed criminal by any writer on the law of Nations; particularly if they do not relate to him in his character of foreign Minister; but are applied to him in his character as an individual; and this Government being aware of the fact and of its inability to punish Mr Bullock for any expression of his in relation to Mr Saligny, growing out of their personal quarrel, procured an act to be passed at the last session of congress (an exemplified copy of which has been furnished you) declaring that disrespectful and malicious words spoken of a foreign Minister should be punishable upon conviction by fine and imprisonment of the individual uttering them.<sup>a</sup> This act as you are aware was passed entirely with a view to the State of things which you then represented as existing between yourself and Mr Bullock, and should at least to your mind, afford sufficient evidence of the disposition of this Gov-

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

ernment to go as far as any other Nation ever did in protecting the feelings, sensibilities of foreign Ministers, as well as their persons and household from outrage.

There is a view which may be taken of this subject which seems to me may have some influence in convincing you that Mr. Bullock could not have intended offering an insult to your Government; whatever may have been his intention to you individually. It is this, Mr Bullock is wholly unlearned on subjects of international Law, and it is presumable that he did not suppose he was offering an insult to France in speaking freely of her representative in his individual character; especially when he could not have been otherwise than informed, that, that very representative was in the frequent habit not only at his own dinner parties; but in the public Streets and grog shops of this city, of speaking in the most opprobrious and disrespectful terms of the Secretary of State the Second highest Executive officer of this Government, and one too through whom the whole of his official intercourse with this Government had to be conducted. If it were not a violation of propriety decorum, and even of the Law of Nations, for the Chargé d'affaires of France accredited to, and residing near this Government, to vituperate, and abuse in terms most offensive and disrespectful Members of the National Congress, and the second Executive officer of the Nation surely the "Tavern keeper Bullock" may be presumed not to have known it to be a National offence, when in the indignation of the moment arising from an accumulation of supposed injuries, he ventured to express his opinion of the author of those injuries.

As regards the course of Dr Chalmers the Secretary of the Treasury in becoming the bail of Mr Bullock, when bound over to the District Court to answer for the offence of assaulting your servant, I have only to say, that it was an individual act of his own having no connection whatever with this Government. Dr Chalmers is a distant relation of Mr. Bullock's lady and has for a Number of years been upon terms of the most intimate friendship and association with him, and was induced no doubt by that consideration to do that which few gentlemen of this city would have refused; if called upon. Were you a stranger to the American character or to the people of this country, I would think it possible that you might be surprized at seeing an individual holding the high office of Secretary of the Treasury becoming bail for a "Tavern or inn Keeper" when bound over to Court upon a charge of criminal conduct; but in this country, and even in the United States (where I believe you long resided) such an act would not be looked upon as so remarkable. Office here as you well know, does not elevate the incumbent above his former associates, and a "Tavern Keeper" may in private circles, and in all social relations, be a fit,

and acceptable companion for the President, as well as for one of his Secretaries, and as far as Mr Bullock's character for general respectability is concerned I believe the time is not very remote when you yourself, acknowledged him as an associate. Nor does the charge of having committed an act in violation of Law, and which may subject the perpetrator to a species of punishment, always carry with it the imputation of infamy; or throw the individual charged beyond the pale of society; hence a man may sometimes be charged with an offence without weakening his claim upon his friends either for sympathy or support. I make these remarks not with the view of justifying the act of Dr. Chalmers in becoming the bail of Mr. Bullock; it was an act with which the Government had no concern whatever, and possibly it might never have been apprized of it, but for its attention being called to the subject by your communication.

Had the agency of Dr. Chalmers in this matter been in the slightest degree connected with his official duties as Secretary of the Treasury, the President from his warm personal regard for you, as well as his great desire, to manifest on all suitable occasions his sincere wish to cultivate the most amicable relations with France; would have needed no suggestions as to the course which a just sense of duty and propriety directed him to pursue; but he can perceive nothing in a transaction wholly private in its character and dictated by the recollections and associations of a long and intimate friendship, which would justify him in administering the official reproof which you seem to think necessary on this occasion.

In respect to the expressions which you charge the Secretary of the Treasury with using in regard to the recent transaction between yourself and Mr Bullock, I have the authority of that gentleman that they are untrue; and I may here remark that the information given you in reference to him may serve as a commentary upon many other communications, which you have doubtless received from these whose greatest object, and delight seems to be the production of discord by the propagation of falsehood; at all events, it is hoped, that the assurance of his never having given such advice as is imputed to him, will be sufficient to relieve your mind from the apprehensions under which it seems to have been laboring since the report was made to you. The recent conduct of Mr. Bullock in his attack on you, while on a visit to the Hon Mr Flood and family, who were boarding in his house as represented in your note of the 25th Inst, meets the unqualified reprobation of the President and his cabinet, and I am instructed to say (which I do with much pleasure) that this Government will take all necessary measures to have it properly investigated and punished as it deserves. The prosecuting Attorney for this District is now absent from this city; but is expected to return in a few days, and so soon

as he arrives instructions will be given him, to institute forthwith such proceedings as may be required under the constitution and laws for the attainment of this end. I am aware that in matters of this kind you assume the position that the constitution and municipal regulations of one Nation are not to be invoked, when the rights of another are alledged to have been violated in the person of its representative. It seems to me that it will require but little reflection on your part, to convince you that your views of this subject are incorrect. It is admitted that the law of Nations is to be resorted to for the purpose of ascertaining the rights and immunities of Foreign Ministers; or for determining what acts on the part of others constitute offenses against them; or the Nations which they represent; but the offence once ascertained, where do you find the rule which provides for the mode or extent of the punishment? It is believed that none such is to be found in the works of any writer on international law; and consequently all Nations are compelled to resort to their own Municipal codes, for the means of carrying out and enforcing within their own territory the provisions of the laws of Nations. In England and in the United States of America, offenses committed against that Law, would as in this country be prosecuted by indictment before a Grand Jury, and trial before a Petit Jury; and although I do not profess to be conversant with the international regulations of France, in respect to her judicial proceedings, still I have no doubt, that offences against the law of nations in that country would be prosecuted before the same tribunal, and according to the same legal forms; which would be observed in the prosecution of offences committed in violation of her Municipal code. In this country you are aware we have a constitution which is the supreme Law of the Land, and that constitution expressly declares that no citizen shall be punished for any offence, until after a legal trial and conviction by a jury of his peers; in which trial he shall have the right of being confronted by the witnesses who testify against him; and of introducing others to testify for him.

With this constitution before us, and with your perfect knowledge, that every officer in the country from the President down to those of the lowest grade have sworn to support it; you cannot be surprised when I say to you that Mr. Bullock can only be tried according to its provisions; and the provisions of such laws as have been made in conformity with it; and the assurance that I have given you, that he will be so tried for the offences alledged against him, ought to be satisfactory to you, and I have no doubt will be to your King and Government.

These remarks are called forth from the extraordinary allusions contained in your last note in which you mention the inexplicable

lethargy of this Government, as well as from the tenor of your former communications to this Department; in which you allude to this subject, then it was not conceived necessary or incumbent on me to attempt a regulation of the positions assumed, so palpably erroneous in principle, as it was confidently believed, that you would see in the action of this Government, that all had been done consistent with the law and usages of civilized Nations. Having said this much I might close this communication; but I cannot in justice to my own Government, without again adverting to the tone, and temper of your note; and without recurring to expressions which it is understood you have frequently made in the streets and elsewhere, intimating your belief, that this Government or some of its higher functionaries at least, have been influenced in the course pursued in reference to this and other transactions in which you were concerned, by feelings of personal disrespect and unkindness to you, or a want of friendship to your Nations.

In what instance may it be asked, has this Government or its Members manifested any other than that of the warmest feeling, and indeed, gratitude for France? or when has the President, or his cabinet, or the citizens at large exhibited towards you personally, any feeling other than that of kindness, courtesy, and respect, except in a few solitary instances; when it was known that an exhibition of such sentiments would not be reciprocated on your part? Did the fact of the Secretary of the Treasury when he redeemed three hundred dollars of Counterfeit Notes, with a view of relieving your reputation from the injurious charge of having put them in circulation, by passing them to a poor man who had labored for you; and then refused to redeem them, manifest this want of friendship to you? Did the fact of the extraordinary bill presented by you to Congress, asking for a grant of three Millions of Acres of land, to be located in strips, on the valley's of our principle rivers, from the Rio Grande, to Red River; together with other extraordinary privileges, passing one branch of the legislature, and coming within a few votes of passing the other,<sup>a</sup> manifest such a feeling? or did the fact of this Government permitting your repeated vituperations of Members of Congress, who voted against your bill; and of a Member of the cabinet, to pass by without reproof, or demanding your recall evince it? I might ask other questions of similar import; but a recurrence to such events is painful to me; and cannot be agreeable to you; and I therefore forbear. If these however and other evidences which you have of the friendly sentiments which have at all times animated the Government and people of this Country in relation to yourself, and the great and chivalrous Nation you represent; com-

<sup>a</sup> The "Franco-Texas bill." Cf. note <sup>a</sup>, p. 1008.

bined with the assurances I have given of the sincere wish and intention of the President and his Cabinet to protect you to the full extent of the law, from every species of annoyance, however produced, are not sufficient to satisfy you, and you still desire your passports; I have only to add that they will be furnished you, at any moment you may demand them, and in referring the causes which shall have led to your departure to the justice of your own Nation and to the impartiality of all others, we shall have no reason to fear the award which may be rendered.

I have the honor to be Sir, with high consideration.

Your Very humble and Obedient Servant

J. S. MAYFIELD

To the Hon Monsr. A. DE. SALIGNY  
*Chargé d'affaires of France.*

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

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

Légation de France  
au Texas.

AUSTIN, le 31 Mars 1841.

MONSIEUR,

Votre note du 29 ct. m'a été remise hier. Cette note, qui ressemble plus à un plaidoyer passionné en faveur du nommé Bullock et à un libelle diffamatoire contre le chargé d'Affaires de France, qu'à une communication Diplomatique, est d'une telle nature; elle est conçue dans un esprit et rédigée sur un ton si injurieux pour moi, que je m'abstiendrai d'y répondre. Je me bornerai donc à vous en accuser réception; et, jusqu'à ce que j'aie reçu les ordres ultérieurs du Gouvernement du Roi, à qui j'en adresse une copie, je crois devoir suspendre tous rapports avec un Gouvernement qui, lorsque le Représentant de la France s'adresse à lui pour obtenir justice d'outrages sanglants et répétés, ne répond que par des paroles insultantes.

J'ai l'honneur d'être avec une considération distinguée,

Monsieur,

Votre très humble et  
très obéissant Serviteur

A. DE SALIGNY

à l'Hon. Monsieur MAYFIELD, *Secrétaire d'Etat*

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<sup>a</sup> March 29, 1841. See correspondence inclosed with Mayfield to McIntosh, May 12, 1841.

<sup>b</sup> A. L. S.