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Documents Pertaining to the Georgia-Florida Frontier, 1791-1793

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DOCUMENTS PERTAINING TO THE GEORGIA-FLORIDA FRONTIER, 1791-1793

edited by RICHARD K. MURDOCH

DURING THE PERIOD FROM 1784 to 1821, one of the major causes of friction along the St. Marys River, the dividing line between the United States and East Florida, was the frequent disappearance of Negro slaves, usually fleeing from the American bank of the river into the sparsely populated Spanish colony where they hoped to find a refuge with the Indian population or among the freed Negroes and mulattoes in St. Augustine. Frequent arrangements were made by the authorities on both sides to return the runaways as soon as possible to their legitimate owners to avoid unnecessary diplomatic wrangling.¹

Many fugitive criminals likewise seeking a haven on foreign soil turned up on both sides of the river. Less effort was made to round up and return these persons to the proper civil authority. Many of them were English-speaking frontiersmen who had formerly migrated from the United States in search of free land in East Florida as subjects of the king of Spain, and who after violent disagreements with the Spanish authorities over religion, land-holding and payment of taxes, decided it to be the better part of valor to return northward across the river, usually without payment of their legitimate debts.² Some of the more notorious of these people, members of the well-known McGirt family and the ever-present William Augustus Bowles, were regarded as dangerous enemies by both sides and either government would have been glad to lay hands on them.³

1. For a detailed account of some of the negotiations for the return of runaway Negro slaves, see Richard K. Murdoch, "The Seagrove-White Stolen Property Agreement of 1797," *Georgia Historical Quarterly*, XLII (September, 1958), 258-276.
2. A Royal Order of 1790 ordered the governor of East Florida to throw open the border to all English-speaking settlers professing the Roman Catholic faith who were to be allowed to enter the province with all their personal possessions including slaves, on which they would not be required to pay the normal taxes. A fairly large number of discontented settlers from the more southerly states accepted this offer. Most of them did not really qualify as Catholics, however, and this was to lead to much trouble in the future.
3. The stories of the frontier activities of Daniel McGirt and the attempts of William Augustus Bowles to organize a Creek monarchy under his personal control, have been told many times although never in complete detail.

Perhaps the most difficult problem to handle, however, and luckily one that did not occur very often, was what to do about military personnel deserting their posts on both banks of the river. As no official agreements existed between the United States and Spain covering this sort of crime, it remained for the frontier commanders to reach some acceptable basis for action. As long as the spotlight of international diplomacy was not turned on these "frontier agreements," they served remarkably well in keeping the number of "wanted" soldiers to a minimum.

An episode in the attempt to settle the problem of deserters on the local level is told in the following selection of documents, and the story is so clear, that no further explanation is deemed necessary. The documents were picked from the extensive official correspondence of Josef de Jaudenes and Josef Ignacio de Viar, the two Spanish diplomatic agents accredited to the United States from about 1790 to 1796.⁴ These men were merely agents without any powers to act on their own and therefore could do not more than report to the home government.

The originals of these documents still repose in Madrid in the Archivo Historico Nacional, but for the purpose of this publication photostatic copies now in the Library of Congress were utilized. The photographic copying of the Spanish originals was carried out in Paris in 1929 with the kind assistance of the government of the former king of Spain, Alphonso XIII. As far as is known, none of the documents have ever been published before. The basic document is a summary copy of a dispatch from the Governor and Captain-General of Cuba, Luis de Las Casas, to the Secretary of War in Madrid with lengthy annexes and enclosures in the form of copied documents.⁵ Among these are Spanish translations of several letters that passed between Thomas Jefferson, the Secretary of State, and Jaudenes and Viar

4. Josef de Jaudenes and Josef Ignacio de Viar carried on the basic diplomatic functions for Spain in the United States from the departure of Diego de Gardoqui to the arrival of Marquis Casa Yrujo in 1796.

5. The Governor and Captain-General of Cuba, Luis de Las Casas y Aroggori, was a most capable administrator who held his command from 1790 to 1796. For a brief biographical sketch, see *Diccionario Enciclopedico Hispano-Americano de Literatura, Ciencias y Artes* (Barcelona, 1888-1889), IV, 863-864.

in Philadelphia and it appears that this is the first time that several of these Jefferson letters have ever appeared in print.⁶ Where these dispatches from the Secretary of State have already appeared in English in printed form in the various Jefferson collections or the *American State Papers: Foreign Affairs*, they have been omitted but a notation has been included as to where they can be found in printed form. In general the meaning of the Spanish originals has been retained although in some instances sentence structure has been altered to make the English translation more readable.

DOCUMENT 1⁷

No 137

Most Excellent Sir

By the attached copy of a letter from the Governor of San Agustin de la Florida, and from the documents that accompany it Your Excellency may be informed that the Commander of the American post on the St. Marys River has sent three deserters from the garrison of that presidio [San Agustin] to the Spanish official who commanded the post of San Vicente Ferrer on the St. Johns River.

The singularity of the case prevented that Governor [of East Florida] from taking any further proceedings against the offenders until after my decision.

In these circumstances I answered him that holding these individuals under our laws for capital punishment would be very reparable because of the mistaken concept of the one who delivered them up, and that in accord with the good faith with which the aforementioned American commander conducted himself in returning them, I observed to him [Governor] that the mutual agreement upon which he [American] presupposed the return was not clear to me and that if the states [United States]

6. These Jefferson letters have been brought to the attention of Professor Julian P. Boyd and they may appear in subsequent volumes of the monumental collection of Jefferson's correspondence now in process of preparation at the Princeton University Press.

7. The original of the basic document is to be found in the Archivo Historico Nacional, Estado, *legajo* (bundle) 3898.

deemed it necessary, they could inquire through their minister at our court. I hope that this foresight may [receive] the approval of His Majesty and that he may deign to resolve this particular [case] in the manner that may in the future be to his royal approval.

May God protect Your Excellency for many years. Havana, January 2, 1792.

Most Excellent Sir

Most Excellent Sir

Luis de Las Casas

Conde del Campo de Alange ⁸

Most Excellent Sir:

Under the date of the 22nd of last month the Captain of the 3rd Batallion of Cuba, Don Sebastian Creagh, ⁹ detached at the post of San Vicente Ferrer on the St. Johns River, informed me that there had been conducted there and were being kept as prisoners three deserters who had fled some days before (two of them from this Plaza and the other from that post where the first two joined with him) in a canoe belonging to that same detachment, traveling in it by a channel between the aforementioned river and the St. Marys to the American post situated on the Georgia side of the latter where the American Captain in command, Don Henry Burbeck, ¹⁰ arrested them, delivering them later to the master of His Majesty's gunboat, the *San Tomas*, anchored in the port of St. Marys. [He did this] on the conditions set forth in the translations of the two letters which the referred to Commander sent to the aforementioned Don Sebastian which I send to Your Excellency as No. 1.

There is no record of any sort in this office of the agreement

8. Manuel Maria de Negrette y de la Torre, Conde de Campo-Alange, was appointed by Charles IV in 1790 as Secretary of the Universal Department of War for Spain and Indies (equivalent to Minister of War). For a brief biographical sketch, see *Diccionario Enciclopedico. . . . op. cit.*, XIV, 863.
9. Sebastian Creagh, a captain in the Third Cuban Battalion, was one of the numerous Irishmen in the service of the king of Spain during the last few years of the eighteenth century. He was commander of the post of San Vicente Ferrer on the St. Johns River from 1790 to 1792.
10. Henry Burbeck was born in Boston, Massachusetts, and after an eventful career in the Third Continental Army during the Revolutionary War, he was sent to the southern frontier to command a small detachment of federal dragoons garrisoned at the fort at St. Tammany, not far from St. Marys.

for reciprocal restitution of deserters that the cited American Commander understood was agreed to by previous officials detached at San Vicente Ferrer and the indicated master of the gunboat. All the notice that there is in this secretariat about this particular point is a copy of a letter written to my predecessor by the Commissioner on the St. Mary's River, Don Richard Lang,¹¹ and in addition the answer that I gave him, a copy of which I send to Your Excellency as No. 2. Since then I have had nothing to do about it but it is true that Don James Seagrove (about whose coming here I gave notice to Your Excellency in a separate letter) and I treated on the same [matter] in conversation a few days before I responded to him that there was nothing inherent in my powers in the meaning of his proposition to investigate the earlier events that might have occurred on this particular point.¹² Until now I have not found anything between the officers of that batallion except that it is clear that the aforementioned officials were guarding the post of San Vicente Ferrer before the arrival of the American troops at the St. Marys River; and in respect to the Commander of the armed gunboat who it is said also knew of the aforementioned convention, he was actually absent on the well known expedition against the adventurer Bowles.¹³ In truth it appeared to me that the case of the unconditional return of the three deserters was so very extraordinary and delicate that I have abstained from going back to anything in the past lest I cause some trouble for the named Commander or also for the American government, until I know completely Your Excellency's decision on such [a case]. I warned the aforesaid Don Sebastian to answer the American Commander with the proper care in the terms that I send to Your Excellency in No. 3.

11. Richard Lang was one of the numerous Americans who took advantage of the terms of the Royal Order of 1790 to move to East Florida where he soon gained the confidence of the governor and was appointed justice of the peace for the English-speaking settlers living between the St. Marys and St. Johns Rivers. Later he became involved in the so-called "plot" of the French to seize the province in 1794-1795 and was declared a traitor by the Spanish authorities.
12. James Seagrove, an Irishman, came to New York before the Revolutionary War, and eventually settled in St. Marys, Georgia, about 1788. He held several positions in both the federal and state governments and was recognized for years as the leading settler and law authority along the St. Marys River. He was sent at least four times to East Florida to act as agent for either the federal or the state governments.
13. William Augustus Bowles was very active in East Florida in the years 1790-1792 and kept the local authorities in a constant turmoil.

I do not doubt that the actions of the American Captain although it is believable [that he was] well intentioned, were thoughtless and certainly hasty. I think [that he was] ignorant entirely that desertion to a foreign country, in peacetime as well as in war, is a capital offense in Spain. [He] took as a probability the understanding that a similar desertion does not incur the penalty of life in his country in the time of peace. Added to that it is not likely that he had the power to conclude such an agreement about reciprocal restitution of deserters especially with individual officers of the Spanish army without the approval or participation of their superiors upon whom they are dependent. That the aforesaid American Commander acted without superior authority on his part in the remission of the deserters, influenced solely by the arrival of the cited Don James Seagrove, I inferred from the letter that he sent me about the same point, [the letter which I] enclose with my answer as No. 4 so that Your Excellency will not be lacking any of the circumstances of the case which has been brought to my notice.

All these considerations have convinced me to suspend holding trial for the three deserters who are without [benefit of] the Church until they know the final decision of Your Excellency whose approval I hope for with anxiety for the immediate temporary suspension and for my foresight. From the information I have, the establishment of mutual reciprocal restitution will not be inconvenient for us in this Province, [and] I have been assured besides [that there] was an example of such reciprocity on the island of Santo Domingo between the troops of His Majesty and [those of] France.¹⁴

May God protect you for many years. San Agustin de la Florida. September 2, 1791. Most Excellent Sir. Juan Nepomuceno de Quesada.¹⁵ Most Excellent Sir, Luis de Las Casas.

No. 1

Copy. Translation of two letters from the Captain of the troop of American Artillery, Henry Burbeck, Commanding Officer of

14. There were several cases in which the French on the western end of the island of Haiti returned Spanish deserters to the eastern end in the years between 1755 and 1783.

15. Juan Nepomuceno de Quesada was governor of East Florida from 1790 to 1796.

the troop of the same nation that guards the Georgia bank of the St. Marys River.

Ft. St. Tammany on the St. Marys Bank. ¹⁶ My dear Sir: On this day there disembarked here from a canoe three men and by the information given me by Don James Seagrove who was recently in that post on the St. Johns, one of them was your servant and he [Seagrove] thinks that they might [all] be deserters from Spanish posts. When an interrogation was held they confessed to deserting, the two from St. Augustine admitting the other to be your servant. In consequence of the mutual agreement between former officers commanding the post on the St. Johns and the recently relieved Commander of the armed gunboat and myself, to hold all deserters from the Spanish or American services who might be apprehended in close confinement and then to turn them over, I ordered the three persons who arrived as indicated to be put in close confinement with the intention of sending them as prisoners to Amelia Island. By mischance your servant escaped last night from the guard. With all possible assistance I hope that he will be seized. I have several armed parties on foot with positive orders to observe the most careful diligence in securing him. I have sent the other two persons in charge of a sergeant and a party of my company with orders to take them to the officer of the armed gunboat at Amelia. If any of the American troops present themselves in any of the Spanish posts within the territory of your government in Florida, without a passport from the commanding officer of this post, I request that you seize them and send them to this garrison as soon as possible. I am, Sir, with great respect your obedient humble servant. Henry Burbeck, Captain Commanding at St. Marys. To Captain Don Sebastian Creagh, Commander at St. Johns, Florida.

The other. Ft. St. Tammany, August 22, 1791. My dear Sir: This morning your servant who escaped from prison just as I mentioned in my letter of yesterday, was apprehended some twenty miles from here by two soldiers from my company who I had sent out to do [just] that. I have sent him in charge of a

16. Fort St. Tammany was a small fortification a few miles from the newly founded town of St. Marys and was the headquarters for the federal garrison in southern Georgia.

sergeant and a part of my company to Amelia with an order to hand him over to the officer commanding the armed gunboat in that port. I am, Sir, with great respect your humble servant. Henry Burbeck, Captain of the Troop of American Artillery. To Captain Sebastian Creagh, Commander at St. Johns, Florida.

This is a copy of the original that remains in this Secretariat in my care. San Agustin de la Florida. September 6, 1791. Carlos Howard.¹⁷

No. 2

Copy. Copy of the summary of the letter from the Commissioner of the St. Marys River, Don Richard Lang, to the Governor of St. Augustine, Florida. June 16, 1790. Honorable Sir: As there is an American company detached at the St. Marys River, if any soldiers should desert from it and come to this province, I desire Your Excellency's views on this particular case since Captain Burbeck who is the Commander of the American post has had two desert, and it has been agreed that if they appear from that direction I will take them and send them back there. In the understanding of this [business] if we should have any Spanish soldiers deserting from this province, he will apprehend them and send them to the post on Amelia Island, and [it is for] this reason that I desire your decision on this point.

Answer to the previous: San Agustin de la Florida, June 28, 1791. Whenever Captain Burbeck, Commander of the alluded to American troop, desires to send a representative to this government by the most direct road to explain the same thing that he has proposed to you relative to the reciprocal return of deserters on both sides, I shall send his proposal with especial satisfaction to Havana to the Captain General of the Island of Cuba and these Provinces, so that in his turn he may decide that which may be convenient, which decision I will share with the aforementioned Captain Burbeck as soon as it shall arrive here.

17. Carlos (Charles) Howard, an Irish officer in the Spanish army, often acted as the governor's secretary because of his extensive knowledge of the English language.

This is a copy of the originals which remain in this Secretariat in my care. San Agustin de la Florida. September 6, 1791. Carlos Howard.

No. 3

Copy. Copy of the letter from the Governor of Florida to the officer detached at the post of San Vicente Ferrer.

You ought to answer the letter of the American Commander (of which you sent me the original keeping a copy) acknowledging in particular with due attention the kindness of his conduct about which you have given me suitable information, but telling him that you are [in receipt of] the intelligence that there are no American deserters (in truth, I believe this) in this country. Tomorrow two dragoons will leave from here to take over the indicated deserters and to conduct them here. May God protect you for many years. San Agustin de la Florida. August 24, 1791. Juan Nepomuceno de Quesada. Sebastian Creagh.

This is a copy of the original that remains in this Secretariat in my care. San Agustin de la Florida. September 6, 1791. Carlos Howard.

No. 4

Copy. Translation of the letter from the Commissioner of the United States, Don James Seagrove, to the Governor of St. Augustine, Florida. St. Patricks on the St. Marys, August 16, 1791.¹⁸

My dear Sir: I have the satisfaction to inform Your Excellency that last Sunday I arrived safely at home after an arduous trip. I send this letter to inform Your Excellency that today three deserters from the garrison at St. Augustine presented themselves at this post and that, at my insistence, the commanding officer of the American troops detached here at once put them under arrest and just now has sent them under guard to the Spanish post on Amelia Island. The vessel that they took was also returned punc-

18. The present town of St Marys is located on the site of what was once called St. Patricks.

tually with all its equipment. I do not doubt that the person who commands the Spanish post will take care to secure them until he receives instructions from Your Excellency. We here all desire to disapprove [of the actions] of such rogues as these and to apprehend [them] and to give proof of our intention to maintain friendship and good neighborliness with the government of His Catholic Majesty in East Florida. We have no news here that merits Your Excellency's consideration. I have the honor to remain with all possible respect Your Excellency's most obedient, humble servant. James Seagrove. His Excellency Juan Nepomuceno de Quesada, Governor and Commander-in-Chief of the Province of East Florida.

Reply to the former. My dear Sir: The news that you are pleased to send me in your small favor of the 16th of the current [month] of your safe return to your house where I wish you every sort of happiness is very pleasant to me. With regard to the return of the three deserters which the commanding officer of the American troops in that post was pleased to order at your solicitation, I offer you my most sincere thanks [to be given] to him for it and I take particular pleasure in performing as my obligation the representation of such generous conduct in vivid colors to the Most Excellent Captain General, taking care to give you the result [of my letter]. I take this occasion to confirm in a loud voice those assurances that I gave you here to concur cheerfully in what my subordinate capacity permits me to do to maintain or further friendship and good neighborliness between the vassals of His Majesty and the citizens of the United States. May God protect you for many years. San Agustin de la Florida. August 24, 1791. Juan Nepomuceno de Quesada. Don James Seagrove.

This is a copy of the original that remains in the Secretariat in my care. San Agustin de la Florida. September 6, 1791. Carlos Howard.

Most Excellent Sir

I am sending Your Excellency the annexed letter, number 137 of January 2 last, and the documents that accompany it from

the Captain General of Louisiana and the Floridas so that in view of its contents it may please Your Excellency to inform me either if there is any convention concerning the mutual return of deserters with the American States or what the rules are that hereafter the aforementioned official [Las Casas] should follow in dealing with similar cases. May God protect Your Excellency for many years. Aranjuez. February 21, 1792.

Conde Del Campo de Alange
(Conde de Floridablanca)¹⁹

DESERTERS

(Answered on
March 1, 1792
according to
the verbal
order of His
Excellency)

Havana, January 2, 1792 Most Excellent Sir
The Captain General of Louisiana and the Floridas gives an account with documents of [the fact that] the Commander of the American Post on the St. Marys River sent three deserters from the garrison of that Presidio to the Spanish officer who commanded the post of San Vicente Ferrer on the St. Johns River.

Because of the peculiarity of the case the aforementioned Governor avoided all proceedings against the deserters and gave an account [of it] to the Captain General that he might inform [us] about it.

This I answered him: that holding these mentioned subjects under our laws, it would be very reprehensible to impose capital punishment on them because of the erroneous concept of the one who delivered them, and that in accord with the good faith with which the aforementioned American Commander acted, they

19. Jose Monino, Conde de Floridablanca, was First Secretary of State for both Charles III and Charles IV and was suddenly relieved of his position by the latter in 1792. For a brief biographical sketch, see *Diccionario Enciclopedico*, *op. cit.*, XIV, 427-428.

should not be returned again, observing that our agreement that he supposed [existed] in returning them was not clear, and that if the states [United States] judged it necessary they could protest by means of their minister in our court.

The American Commander said that he returned these deserters in consequence of our agreement between the former commanding officers of the post on the St. Johns River and the recently relieved commander of the armed gunboat and himself, to keep all deserters from the Spanish and the American services who might be apprehended under close confinement and to return [them].

The Conde de Campo de Alange to whom this extracted letter was directed passes it to Your Excellency hoping that it will please you to report if there is any convention with the American States about the mutual exchange of deserters or [if not] the rule which henceforth ought to be observed in cases similar to the aforementioned.

Aranjuez, March 1, 1792

Most Excellent Sir

To the Conde de Campo de Alange

There has not been up to now any convention between our Court and the United States of America, and consequently the Captain General of Louisiana did right in approving the circum-spection of the Governor who refrained from all proceedings against the three deserters which the Commander of the American post on the St. Marys River returned to the officer who commanded our post of San Vicente Ferrer on the St. Johns River. But in respect to there having been a convention as the American Commander says, it should be carried on considering it as an accord between frontier governors with such mutual obligations as may be helpful, fully understanding in the meantime that since this convention has not the King's sanction with the usual formality, the deserters delivered [under it] should not be penalized with capital punishment but they should be kept under close arrest and an account given with instructions about events and peculiarities in order that in his verdict His Majesty can decide in regard to the penalty. This is all that I can tell Your Excellency in reference to the dispatch of the 21st of the last month directed to the Conde de Floridablanca and requesting a Royal Order.

Document 2 ²⁰

#106

Most Excellent Sir

Our very dear Sir: Having received dispatches a few days ago from the Governor of San Agustin sending us various papers relative to the theft of five slaves belonging to a vassal of the King in that province that was committed by several inhabitants of Georgia, we resolved to pass to the Minister of State the dispatch a copy of which we enclose for Your Excellency as appended together with his reply in English and our translation, [all] added as Number 1.

Under the same opportunity that Governor sent us various copies of the correspondence that he carried on with the Commander of the American fort at St. Tammany caused by several deserters from the service of the United States having passed to that Province [East Florida]. In one of the letters the American Commander called the Governor of San Agustin, *harbored of deserters*, by which indecorous expression the latter was deeply insulted and he asks us to seek some satisfaction in the manner we find most convenient. It did not seem prudent [to us] to attempt to attain [this end] in such a friendly manner before proceeding to seek it in person and we went to see the aforementioned Minister of State who after we acquainted him [of what had] happened assured us that he would take [up] the subject with firmness and he told us this in terms as flattering as possible.

Actually he wrote us a letter in a very short time, a copy of which in English we send Your Excellency as Number 3, [in addition to] a translation and our reply to it and to his earlier letters.

Very recently the aforementioned Minister has written us another letter of which we send Your Excellency a copy in English as Number 3 with a translation and our answer.

It appeared [proper] to us to reply to him in the terms that Your Excellency may observe holding to the view of this sort which he insinuated that the Governor of New Orleans likewise held by pointing out that the King was determined that the demarcation of the limits between these United Sates and

20. The original document is to be found in the Archivo Historico Nacional, Estado, *legajo* (bundle) 3894 *bis*.

the Creeks should not be accomplished as it seemed to be considered [that it] was evidently prejudicial to Spain and to the same Creeks.

We hope that the measures that we have taken in these matters may merit the approbation of His Majesty and the consent of Your Excellency with whom we request that it be pleasing to tell us what orders may be approved by the King with the shortest possible [time] so that we can satisfy this government [United States] especially on the last point. We reiterate [our] obedience to Your Excellency asking God to protect Your Excellency's life for many years. Philadelphia. 18 July 1792.

Most Excellent Sir

Your most abject and obedient servants

Josef de Jaudenes

Josef Ignacio de Viar

(enclosed)

Copy of the letter of Viar and Jaudenes to Mr. Jefferson.

Philadelphia, June 26, 1792

Our very dear Sir:

By the copies of the memorial presented to the Governor of San Agustin de la Florida, [and] a letter concerning this [point] that this one [Governor of East Florida] wrote to that one [governor] of Georgia and his reply, that we have the honor to pass to Your Lordship's hands with the present [one], Your Lordship may be informed of the theft of five slaves belonging to John Blackwood (Spanish vassal in that Province) that was committed by Thomas Harrison, David Rees and William Erwin, residents of the state of Georgia and of the assiduous [care] observed by the Governor of San Agustin.²¹

[Because of] the delay that has been experienced in the restitution of the aforementioned slaves and [since] there have passed more than six months without the receipt of any information by that government at San Agustin in spite of what the Governor of Georgia promised at the same time with the [?] lack that the slaves caused to the

21. John Blackwood was one of the Americans who settled in East Florida after the Royal Order of 1790 was made public. There is no evidence presently available to identify the three men involved in the theft of the five slaves except that they were all settlers in the St. Marys area in Camden County.

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memorialized owner of them, we are induced to inform Your Lordship so that with your customary activity and well known good disposition, you may be pleased to take those steps that Your Lordship may judge conducive to produce the desired restitution, prudent repayment of the damages caused and the punishment that the laws prescribe to these delinquent [ones]. We do not doubt that all this can be effectuated by [appropriate] means, not only to prevent similar offenses in the future but also to consolidate the better harmony and good correspondence of the two nations that it is likewise our purpose to preserve.

May God protect Your Excellency as many years as you may desire. We kiss your hand. Your most obedient and constant servants. Josef Ignacio de Viar. Josef de Jaudenes. Senor Don Thomas Jefferson, etc.

A copy. (enclosed)	Jaudenes	Viar
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Philadelphia, July 3, 1792

Gentlemen: I have laid before the President your letter of June 26 with the papers accompanying it on the subject of the robbery supposed to have been committed within the territory of Florida by three Citizens of the State of Georgia, and I have in charge to assure you that due inquiry shall be immediately made into the transaction, and that everything shall be done on the part of this Government, which right shall require, and the laws authorise. I have written to the Governor of Georgia on this subject, and shall not fail to communicate to you the result of our inquiries, and proceedings on this business. I regret the delay which the circumstances of distance may occasion; but this is unavoidable. I have the honor to be with great respect and esteem-Gentlemen-Your most obedient and most humble servant-Thomas Jefferson-Messrs. de Viar and de Jaudenes.

A copy.	Jaudenes	Viar
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Philadelphia, June 30, 1792

Gentlemen: I have laid before the President of the United States the letter of May 10th of Captain Henry Burbeck, Commandant of the Fort of St. Tammany, to his Excellency the Governor of East Florida, with the other letters relating thereto,

which you were pleased to put into my hands, and I have the honor to inform you, that the President having entirely disapproved of the expressions, which Captain Burbeck has permitted himself to use in the said letter to Governor Quesada; the Secretary of War, has by his instructions written to Captain Burbeck the letter whereof I inclose you a copy, and Captain Burbeck being no longer in the same Command, a copy will be sent to his Successor, as an admonition that no conduct of this kind will be countenanced by the Government of the United States. I hope that you will see, Gentlemen, in these proceedings a proof of the respect entertained of the person, and character of his Excellency Governor Quesada, and of the desire, that the most friendly understanding should be kept up between the United States, and the neighboring Government of Spain - I have the honor to be, with sentiments of perfect esteem, and respect, Gentlemen-Your most obedient, and most humble servant-Signed, Thomas Jefferson-Don Joseph de Viar. Don Joseph de Jaudenes-Commissioners of his Catholic Majesty.

A copy.

Jaudenes

Viar

Translation of a letter written to the Honorable Mr. Jefferson, Secretary of State, from H. Knox, Secretary of War.

War Department, June 29, 1792.

Sir: I have the honor to transmit you herewith a copy of my letter to Major Burbeck, late Commanding Officer at St. Mary's in Georgia, in consequence of a letter written by him to his Excellency the Governor of East Florida, dated the 1st of May last, I am Sir, with great respect and esteem-Your very humble servant-Signed, H. Knox-Secretary of War-The Honorable Mr. Jefferson, Secretary of State.

A copy

Jaudenes

Viar

War Department, June 28th, 1792.

Sir: His Excellency the Governor of East Florida has transmitted to his Catholic Majesty's ministers, in this city an extract of a letter written by you on the 10th of May 1792, to the said Governor, relative to certain deserters. This extract has been submitted to the President of the United States, who has commanded me to inform you, that your intimation in the said letter of

deserters being protected by his Excellency, was highly indicrous [*sic*], and improper, and ought not to have been uttered.

The laws of Nations by no means oblige the return of deserters, unless an express, reciprocal stipulation, should be made for that purpose.

A formal agreement between you, and the Commanding Officer of the Spanish Post contiguous [*sic*] to yours, was not binding upon the respective countries.

It is conceived, from your general character, that no insult was intended upon your part to the Governor-but your conduct was entirely erroneous, for, if any representation was necessary, upon the denial of your request, it ought to have been made to the President of the United States, and not by you, to a Governor of a Province belonging to a foreign Nation, holding a delegate authority from his Sovereign. I am Sir, your most obedient servant-Signed-H. Knox, Secretary of War-Major Henry Burbeck-The foregoing letter from the Secretary of War to Major Henry Burbeck is a true copy-Signed Jn. Stagg, Junr-Chf. Clk. War Department.

A copy

Jaudenes

Viar

Copy of the letter from Viar and Jaudenes in reply to the two from Mr. Jefferson of June 30 and July 3, 1792.

Our very dear Sir: We have received with great appreciation the two documents of June 30 last and of the 3rd of the current [month]. From the context of the first and of the copies that Your Lordship was pleased to enclose, we find ourselves thoroughly persuaded of the justice and friendly disposition expressed by the resolution taken by the President of the United States in view of the papers that we begged Your Lordship to present to him, and as a consequence we beg Your Lordship in addition to offer him our most respectful acknowledgement.

We are immeasurably pleased with Your Lordship for the information that the already cited second letter contains and we are thoroughly convinced that Your Lordship has taken and will continue to take all those measures that may be consistent and may be judged sufficient to contribute to bringing about the proposed object in the quickest and most satisfactory manner.

We have the honor to sign with the deepest views of respect and estimation. The most obedient and humble servants. We kiss the hand of Your Lordship. Josef Ignacio de Viar. Josef de Jaudenes. Don Thomas Jefferson.

Philadelphia. July 5, 1792.

A copy

Jaudenes

Viar

No. 3

Translation of the letter from Thomas Jefferson, Secretary of State, to Jaudenes and Viar. Philadelphia, July 9, 1792.

(This letter is omitted as it is to found in *The Writings of Thomas Jefferson*, Memorial Edition, 1903, VIII, 388-389.)

Copy of the reply of Viar and Jaudenes to the letter of Mr. Jefferson of July 9, 1792.

Philadelphia, July 11, 1792.

Our very dear Sir: We have received with due gratitude Your Lordship's favor of the 9th of the current [month]. We have reasons so powerful as to persuade us of the good harmony that the King, our Master, desires to exist between Spain and the United States, and of the justifiable conduct of the Government of East Florida, that without admitting doubt as to the things that Your Lordship refers to us in your cited letter, we are inclined to believe that perhaps the two Commissioners of the United States demarking the limits with the Creek Nation, were attempting to establish it in a place where it was recognized clearly to be prejudicial to Spain and opposed to the interests of the same Creek Nation, and if this were true, it should appear that whatever measures that they followed with prudence contributing to the protection of the advantage of Spain and of the Creek Nation ought not to be judged inconsistent with the good disposition of His Majesty toward the United States.

We will gladly take advantage of the first opportunity to inform His Majesty about this point and we flatter ourselves that the royal disposition that may be communicated to us, may be of such a nature that we can provide the satisfaction to reiterate to Your Excellency the same proofs of friendship and correspondence to the United States that actually govern us for our part.

We have de honor to sign with the views of perfect good will and greatest respect, Sir, the most obedient and most humble servants. Josef Ignacio de Viar. Josef de Jaudenes. Don Thomas Jefferson.

A copy

Jaudenes

Viar

Document 3 ²²

#170

Most Excellent Sir

Our Very Dear Sir: Having seen in the newspapers of this place the decrees of the King pardonning deserters from the Royal Army and Navy as well as smugglers, and being persuaded that there ought not to be any of these [deserters and smugglers] left scattered in these states [United States], we decided it was prudent to have the enclosed published (a copy of which we have the honor to include in translation for Your Excellency) with the purpose that they [deserters and smugglers] might avail themselves of the pardon that the kindness of His Majesty offers them, and at the same time with the desire to draw them from this country where persons of this sort cannot add to the honor of [our] Nation and possibly [can cause] much prejudice.

We have sent the same information to various capitals of the United States in order that it be printed in the public newspapers.

We hope that His Majesty may deign to approve this determination that was dictated to us by humanity for the good of the errant Spaniards who might be found in this country and by the zeal to keep the honor of the Nation as blameless as possible.

We reiterate our obedience to Your Excellency asking God that [He protect] the life of Your Excellency for many years. Philadelphia. July 14, 1793.

Most Excellent Sir

We kiss the hand of Your Excellency. Your most grateful and obedient servants, Josef de Jaudenes. Josef Ignacio de Viar Most Excellent Duke of Alcudia, etc. ²³

22. The original document is to be found in the Archivo Historico Nacional, Estado, *legajo* (bundle) 3894 *bis*.

23. The Duke of Alcudia was Manuel de Godoy, the favorite of the Queen of Spain who rose to be the First Minister in 1792.

(Enclosed)

Translation of the information appearing in the newspapers of the United States. Dn. Josef Ignacio de Viar and Dn. Josef de Jaudenes, Commissioners of His Catholic Majesty near the United States of America.

As much as the King our Sovereign has deigned to concede by two decrees of February 16 and 23 of the present year a complete pardon to all soldiers, sailors and smugglers who are his vassals, and who have deserted from his regiments and ships of war and from military posts in his native land, and [who are now] living hidden within his domains or [who] have fled to foreign countries: and as much as this grant applies to various [persons] of this sort dispersed throughout the United States:

Therefore it has seemed opportune to us to give them the present news so that they may profit from the pardon of His Majesty in order to return to their native land and to their families.

The persons concerned may inform themselves more fully of the generous terms of the pardon that the King has been pleased to concede either by corresponding directly with us by letter or by appearing here personally.

The above mentioned pardon extends even to those who have incurred punishment for crime for the third time.

Given in Philadelphia under our hand and sealed with our arms on the 2nd of June, 1793. Signed————Josef de Jaudenes. Josef de Viar.

Place for

Seal

A copy
Jaudenes Viar