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*Documentos de la relación
de México con los Estados Unidos
(noviembre de 1824-diciembre de 1829)
Volumen I. El mester político de Poinsett*

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DOCUMENTOS

(NOVIEMBRE DE 1824 - DICIEMBRE DE 1829)

1

16 de noviembre de 1824. Washington, Pablo Obregón a John Quincy Adams

Exmo. Sr.:

El ministro plenipotenciario de la República Mexicana cerca del gobierno de los Estados Unidos de América que suscribe esta carta, participa al señor secretario del Departamento de Estado que ha llegado a esta ciudad, y desea tener una entrevista con S. E., cuando lo juzgue conveniente.

Con cuyo motivo tiene el honor de manifestar a V. E. su más alta consideración.

Firmado: Pablo Obregón.

Mexico, Notes. December 30' 1821-June 1' 1831. Department of State. Vol. 1, National Archives of Washington; en adelante se citará NAW.

2

26 de marzo de 1825. Washington, Instrucciones a J. R. Poinsett, enviado extraordinario y ministro plenipotenciario de los Estados Unidos en México

Sir,

The mission on which the President wishes you, with all practicable dispatch, to depart, would at any time be highly important, but possesses at this moment a particular interest. Every where, on this continent but on the side of the United Mexican States, the United States are touched by the colonial territories of some sovereign authority, fixed in Europe.

You are the first minister actually leaving the United States, to reside near a sovereign power established and exerted on this continent, whose territories are continuous with our own. You will probably be the first Minister received by that power from any foreign state, except from those which have recently sprung out of Spanish America. The United Mexican States, whether we regard their present posture, or recall to our recollection their ancient history, and fortunes, are entitled to high consideration. In point of population, position and resources, they must be allowed to rank among the first powers of America. In contemplating the progress in them towards civilization, which the aborigines had made at the epoch of the Spanish invasion, and the incidents connected with the Spanish conquest, which ensued, an irresistible interest is excited, which is not surpassed, if it be equalled, by that which is awakened in pursuing the early history of any other part of America. But what gives, with the President, to your mission peculiar importance, at this time, is that it has for its principal object to lay for the first time, the foundations of an intercourse of amity, commerce, navigation and neighbourhood, which may exert a powerful influence for a long period upon the prosperity of both states.

In more particularly inviting your attention to the objects which should engage it on your mission, I will, in the first place, refer you to the general instructions which were given by my predecessor, on the 27th May 1823 to Mr. Anderson the Minister of the United States at Colombia of which a copy is annexed, and which are to be considered as incorporated in these. So far as they are applicable alike to the condition of Colombia and of Mexico, and shall not be varied in this or subsequent letters, you will view them as forming a guide for your conduct. In that letter of the 27th of May, the principles which have regulated the course of this government in respect to the contest between Spanish America and Spain, from its origin, are clearly stated, explained and vindicated; and the basis of those upon which it is desirable to place the future intercourse between the United States and the several governments which have been established in Spanish America, are laid down; —so that although that letter was intended to furnish instructions for the American Minister deputed to one of those governments only, it should be contemplated as unfolding a system of relations which it is expedient to establish with all of them.

From that letter, as well as from notorious public facts, it clearly appears that the people and the government of the United States have alike throughout all the stages of the struggle between Spain and her former colonies, cherished the warmest feelings and the strongest sympathies towards the latter; that the establishment of their independence and freedom has been anxiously desired; that the recognition of that independence was made as early as it was possible, consistently with those just considerations of policy and duty which this government felt itself bound to entertain towards both parties; and that, in point of fact, with the exception of the act of the Portuguese Brazilian government, to which it was prompted by self interest, and which preceded that of the United States only a few months, this government has been the first to assume responsibility and encounter the hazard of recognizing the governments which have been formed out of Spanish America. If there ever were any ground for imputing tardiness to the United States in making that recognition, as it respects other parts of what was formerly Spanish America, there is not the slightest pretext for such a suggestion in relation to Mexico. For within a little more than a year after its independence was proclaimed the United States hastened to acknowledge it. They have never claimed, and do not now claim, any particular favour or concession to their commerce or navigation as the consideration of the liberal policy which they have observed towards those governments. But the President does confidently expect that the priority of movement on our part which has disconcerted plans which the European allies were contemplating against the independent governments, and which has, no doubt, tended to accelerate similar acts of recognition by the European powers, and especially that of Great Britain, will form a powerful motive with our southern neighbours, and particularly with Mexico, for denying to the commerce and navigation of those European States, any favours or privileges which shall not be equally extended to us.

In pursuance of the instructions given to Mr. Anderson a general convention of peace, amity, navigation, and commerce was concluded and signed at Bogota, on the 3rd of October 1824. Its ratification has been consented to and advised, by the Senate of the United States; but the ratifications have not yet been exchanged in consequence of the unavoidable delay which has arisen in the transmission of

its anticipated ratification on the part of Colombia to her Minister here. A copy of that Convention will accompany these instructions, and it will serve to assist you in the formation of the treaty which it is expected you will be able to conclude at Mexico.

The basis of the regulations of the commerce and navigation of the United States and Colombia which that convention assumes, is that of extending to them, respectively, the rule of the most favoured nation. To that rule there are some objections, and the President would therefore prefer, and you are accordingly instructed to endeavour to get substituted to it, that of placing the commerce and navigation of the two countries on the more liberal footing of reciprocity between the resident citizen and the foreigner, which is provided for us by the act of 7th January 1824, passed since the instructions to Mr. R. Anderson were prepared. The rule of the most favoured nation may not be and, scarcely ever is equal in its operation between two contracting parties. It would only be equal if the measure of voluntary concession by each of them to the most favoured third power were precisely the same; but as that rarely happens, by refusing the citizens of the two contracting powers to such a rule, the fair competition between them, which ought always to be a primary object, is not secured, but on the contrary, those who belong to the nation which has shown least liberality to other nations, are enabled to engross almost the entire commerce and navigation carried on between the two contracting powers. The rule of the most favoured nation is not so simple as the proposed substitute. In order to ascertain the quantum of favour which, being granted to the commerce and navigation of one nation, is claimed by another in virtue of a treaty — stipulation embracing that principle, it is necessary that the claimant should be accurately informed of the actual state of the commercial relations between the nation of which the claim of equal favour is preferred, in all the rest of the commercial world. A knowledge of those relations must be sometimes sought after numerous treaties, statutes, orders, decrees, and other regulations, and is often of very difficult attainment. When acquired, it is not always very easy to distinguish between what was a voluntary grant, and that which was a concession, by one party for an equivalent yielded by the other. Sometimes the equivalent for the alleged favour proceeding from the one party may be diffused throughout

all the stipulations in the treaty by the other and is to be extracted only after a careful view and comparison of the whole of them. Not unfrequently the equivalent may not even be clearly deducible from the instrument itself, converging the supposed favour. Peculiar considerations may lead to the grant of what, on a first comprehension, might be conceived to be a voluntary favour but which has really been founded upon a received equivalent; and these considerations may sometimes apply to the entire commerce and navigation of a country, and at others to particular ports only. Examples of the latter description are to be found in the Louisiana treaty (see Law U. S. V. 1. P. 134), by the 7th article of which, in respect to New Orleans and other ports of that province privileges were secured for the space of twelve years to the ships of France and Spain, and their cargoes, exclusive of all other nations. And by the 15th article of the treaty with Spain which was signed on the 22d day of February 1819 (see 6th. Vol. U. S. Laws p. 616) like exclusive privileges were secured to Spanish vessels and their cargoes for the time of twelve years in the ports of Pensacola and St. Augustine. From all of these causes it so happens that in practical applications of the rule of the most favoured nation, perplexing and embarrassing discussions sometimes arise; and there are not wanting instances of such discussion in our own intercourse and correspondence with foreign powers. It is better to avoid sowing the seeds of all collisions and misunderstandings; and that desirable object the President thinks will be best accomplished by adopting a plain and familiar rule for the two parties themselves, instead of refusing each of them to that complicated rule which may happen to exist between either and third parties. By placing the admission into the ports of Mexico of a vessel of the United States, and her cargo being of their produce or manufacture, upon the same footing with the admission into those ports of a like cargo imported in a vessel owned by a resident citizen of Mexico, and viceversa, the simplicity which, it is desirable, the rule should possess, will be secured, and all causes of misunderstanding be prevented. The President does not anticipate that you will experience any difficulty in impressing upon the United Mexican government the very great liberality which characterizes the act of 7th January 1824, and in making it perceive the utility of engrafting on the treaty which you are expected to conclude, the principle of that act. It has been

already embraced by several of the European powers, and been mutually extended to the commerce and navigation between them and the United States. He wishes it applied as extensively as practicable to all the commercial world; and he would see with regret that any of the governments of America should be behind any European power in acting on such a scale of enlightened liberality. Nevertheless if all your efforts should be unavailing to carry to the Mexican government a conviction of the expediency of the proposed principle, and the prosperity of treating on it, you are then at liberty to conclude a convention, comprehending the rule for the regulation of the commerce and navigation of the two countries which was incorporated in the late Colombian treaty. It is hardly necessary to remark that both principles leave the respective parties entirely free to impose such duties of import and tonnage as they may think proper. A full power for negotiating concerning matters of commerce and navigation, accompanies these instructions.

You will bring to the notice of the mexican government, the message of the late President of the United States, to their congress, on the 2nd December 1823, asserting certain important principles of intercontinental law in the relations of Europe and America. The first principle asserted in that message is, that the American continents are not, henceforth, to be considered as subjects for the future colonization by any European powers. In the maintenance of that principle all the independent governments of America have an interest, but that of the United States has probably the least. Whatever foundation may have existed three centuries ago, or even at a later period, when all this continent was under European subjection, for the establishment of a rule founded on priority of discovery, and occupation, for apportioning among the powers of Europe, parts of this continent, none can be now admitted as applicable to its present condition. There is no disposition to disturb the colonial possessions as they may now exist of any of the European powers; but it is against the establishment of new European colonies upon this continent that the principle is directed. The countries in which any such new establishments might be attempted are now open to the enterprise and commerce of all Americans and the justice or propriety cannot be recognized, of arbitrarily limiting and circumscribing that enterprise and commerce, by the act of voluntary planting a new colony

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without the consent of America, under the auspices of foreign powers belonging to another and a distant continent. Europe would be indignant at any American attempt to plant a colony on any parte of her shores. And her justice must perceive in the rule contended for only perfect reciprocity.

The other principle asserted in the message is that, whilst we do not desire to interfere, in Europe, with the political system of the allied powers we should regard as dangerous to our peace and safety, any attempt on their part, to extend their system to any portion of this hemisphere. The political system of the two continents, essentially different, each has an exclusive right to judge for itself what is best suited to its own condition, and most likely promote its happiness, but neither has a right to enforce upon the other the establishment of its peculiar system. This principle was declared in the face of the world at a moment when there was reason to apprehend that the allied powers were entertaining designs inimial to the freedom, if not the independence of the new governments. There is ground for believing that the declaration of it had considerable effect in preventing the maturity, if not in producing the abandonment of all such designs. Both principles were laid down after much and anxious deliberation on the part of the late administration. The President then founded a part of it, continues entirely to coincide in both. And you will urge upon the government of Mexico the utility and the expediency of asserting the same principles on all proper occasions.

The final establishment of the limits between the territories of the United States, and those of the United Mexican States is the interesting object to which you will direct your attention. By the third article of the Treaty of Amity, Settlement and Limits between the United States of America and His Catholic Majesty concluded and signed at Washington, on the 22nd day of February 1819, it is provided that "the boundary line between the countries west of the Mississippi, shall begin at the gulf of Mexico, at the mouth of the River Sabine in the sea, continuing north along the western bank of that river to the 32 nd degree of latitude; thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Natchitoches or Red River; then following the course of the Rio Roxo westward, to the degree of longitude 11 west from London and 23 from Washington, then crossing the said Red River, and running thence, by a

line due north, to the River Arkansas: thence following the course of the southern bank of the Arkansas to its source, in the latitude 42 north; and thence by that parallel of latitude to the south sea. The whole being as laid down in the Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818. But if the source of the Arkansas River shall be found to fall north or south of the latitude 42, then a line shall run from the said source, due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence along the said parallel to the south sea: all the islands in the Sabine and the said Red and Arkansas Rivers, throughout the course thus described, to belong to the United States; but the use of the waters and the navigation of the Sabine to the sea, and of the said Rivers Roxo and Arkansas, throughout the extend of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations."

By the fourth article provision is made for the appointment by each the contracting parties of a commissioner and surveyor, to fix, with more precision the line described in the third, and to place the land-marks which shall designate exactly the limits of both nations; but is has not yet been carried into execution. That Treaty having been concluded when Mexico composed a part of the dominions of Spain, is obligatory upon both the United States and México. On the 15th February 1824 Mr. Torrens, the Chargé d'affaires from Mexico near this government, addressed a note to this government (of which copy is annexed) in which he declares the willingness of the supreme executive power of Mexico, to accede to the limits agreed upon in the third article above mentioned: and its readiness to cooperate with the United States, in carrying into complete effect those two articles.

Some difficulties may possibly hereafter arise between the two countries from the line thus agreed upon, against which it would be desirable now to guard if practicable; and the government of Mexico may be supposed not to hear any disinclination to the fixation of a new line which would prevent those difficulties, the President wishes you to sound it on that sujet; and to avail yourself of a favourable disposition, if you should find it, to effect that objet. The line of the Sabine approaches our great wertern part, nearer than could be wished. Perhaps the Mexican government may not be unwilling to establish that of the Rio Brassos de

Dios, or the Rio Colorado, or the Snow Mountains, or the Rio del Norte in lieu of it. By the agreed line, portions of both the Red River and the Branches of the Arkansas, are thrown on the Mexican side, and the navigation of both those rivers, as well as that of the Sabine is made common to the respective inhabitants of the two countries. When the countries adjacent to those waters shall come to be thickly inhabited, collisions and misunderstanding may arise from the community thus established in the use of their navigation, which it could be well now to prevent. If the line were so altered as to throw altogether on one side, Red River and Arkansas, and their respective tributary streams, and the line on the Sabine were removed further west, all causes of the future collision would be prevented. The government of Mexico may have a motive for such an alteration of the line as is here proposed, in the fact that it would have the effect of placing the city of Mexico nearer the center of its territories. If the line were so changed, the greater part if not the whole of the powerful warlike and turbulent Indian nation of the Comanches would be thrown on the side of the United States, and, as an equivalent for the proposed cession of the territory, they would stipulate to restrain, as far as possible the Comanches from committing hostilities and depredations upon the territories and people, whether Indians or otherwise of Mexico.

But if you shall find that the Mexican government is unwilling to alter the agreed line in the manner proposed, and that it insists upon the execution of the third and fourth articles of the Treaty, before mentioned, you are authorized to agree to the recognition and establishment of the line as described in the third article, and to the demarcation of it forthwith as is stipulated on the fourth. But in that case, you will urge, not however as a *sine qua non*, the insertion of an article in the treaty, by which each party shall undertake to restrain the Indians residing within his territories, from committing hostilities upon the people, Indians, or territories, of the other. The example of such an article, which will, at the same time, furnish a model for that which is proposed, is to be found in the fifth article of the Treaty of Friendship, Limits and Navigation between the United States of America and the King of Spain, which was signed at San Lorenzo el Real the 27th day of October 1795. The hostilities which the President is desirous to restrain are afflicting to humanity when confined to the Indians them-

selves; but they often affect, collaterally, peaceable citizens, who are no parties to them and their property.

Instances are believed to have occurred, and others may be expected more frequently, of escape by slaves from their owners in Louisiana, Missouri, and Arkansas, and their taking refuge in the adjacent territories of Mexico. The pursuit after, and recaption of, these slaves, which it would be difficult for this government to restrain, may lead to irritations if not acts of violence. And as their acquisition cannot be supposed to be the most worthless part of that unfortunate portion of our population, you are instructed to endeavour to get an article inserted in the proposed treaty, providing for the regular apprehensión and surrender to their respective proprietors, or their lawful agents, of any such fugitive slaves.

The victorious termination to which Gen. Bolivar has recently brought the war in Peru liberates the Colombian arms from any further employment against the forces of Spain in South America. Those of Mexico have no Spanish force to encounter in North America. In this state of the contest, it is to be hoped that Spain, tending to wiser and better councils, and at last being made sensible of what all America and Europe have long since seen, that her dominion on this continent is lost, will hasten, by a formal pacification with the southern nations, to put an end to a war which she has not the ability any longer to wage. Such a pacific disposition, it is presumed, will be cordially met by the President to see an honourable close of the war. Nevertheless peace may not be established, and the pride of Spain may dissuade her from acceding to terms which a prudent regard of her actual comparative weakness would render acceptable. If the war be indefinitely protected, to what object will the arms of the new governments be directed. It is not unlikely that they may be turned upon the conquest of Cuba and Puerto Rico, and that, with that view, combined operations will be concerted between those of Colombia and Mexico. The United States cannot remain indifferent to such a movement. Their commerce, their peace and their safety are too intimately connected with the fortunes and fate of the Island of Cuba to allow them to behold any change in its condition and political relations without deep solicitude. They are not disposed, themselves, to interfere with its present actual state; but they could not see, with indifference, any change that may be attempted in it. It commands from its position the Gulf of

Mexico, and valuable commerce of the United States which must necessarily pass near its shores. In the hands of Spain, its ports are open, its cannon silent and harmless, and its possession guaranteed by the mutual jealousies and interests of the maritime power of Europe. Under the dominion of any one of those powers other than Spain, and especially under that of Great Britain, the United States would have just cause of serious alarm. Nor could they see that dominion passing either to Mexico or Colombia without some apprehensions of the future. Neither of those two states has, or is likely shortly to acquire, the naval ability to maintain and protect Cuba if its conquest could be achieved. The United States have no desire to aggrandize themselves by the acquisition of Cuba. And yet if that Island is to be made a dependence of any one of the American States, it is impossible not to allow that the law of its position proclaims that it should be attached to the United States. Abounding in those productions to which the soil and climate, both of Mexico and Colombia are best adapted, neither of them can want it: whilst in that view of the subjects, if the United States were to lend themselves to the suggestions of interest, it would, to them, be particularly desirable. If the population of Cuba were capable of maintaining and should make an unprompted declaration, of its independence, perhaps it would possess and independent self-government. And then it would be worthy of serious consideration whether the powers of the American continent would not do well to guarantee that independence against all European attacks upon its existence. What the President however directs you to do is to keep a vigilant attention upon every movement towards Cuba, to ascertain the designs of Mexico in regard to it, and to put him, early, in full possession of every purpose of the Mexican government. In negard to the continuation of the road to Santa Fe, as the United States have taken upon themselves the expense of making the road within their limits, it is presumed that Mexico would readily assume that of continuing it to Santa Fe.

Information has been received at this Department of an outrage committed on the 4th January last, on an American schooner Scott, by the forts of La Vera Cruz, which you will represent the Mexican government in terms suited to the nature of the outrage, and demand satisfaction for the

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injury. According to that information it appears that the schooner Scoot, bearing the American flag hove in sight of the castle San Juan de Ulúa, in the afternoon of the 4th of January. That the wind blowing fresh from the northward, she came to the anchor near the castle, but within reach of the guns of the city which position the vessel was obliged to take by the heavy weather that prevailed, that a short time only elapsed, before the forts of Vera Cruz opened a dreadful fire on the vessel, tore her to pieces, wounded the mate severely, and finally compelled the captain, in order to save the lives of his crew, to run the vessel ashore at the mouth of the southern ditch of the castle, where she immediately filled; and that the violence did not close, the forts continued their fire, during the whole night of the 4th and part of the next day, until they made the schooner a complete wreck, and prostrated in the water the American flag, which had kept flying the whole time, with a cannon ball that carried away both masts. A letter detailing the circumstances of this attack accompanies these instructions. The pretext for it will probably be, that she was attempting to violate the blockade of the castle; but if she were not warned off, or if there was no Mexican force at sea present, to render her approach hazardous, the attack can find no justification in the law of blockade.

Information has been also received at this Department, respecting, however, it is believed, there must be some mistake, that American fabrics, and especially that of cotton, which is every day becoming more important, are subjected on their entry at the custom house of Mexico, to higher duties than those of similar manufacture of Great Britain are made to pay; and that the inequality is so great as to threaten a total discontinuance of the trade. The injustice and unfriendliness of such a discrimination, if it exists, are so manifest that the President cannot doubt that a remonstrance which in that contingency you are instructed to make, will be promptly followed with the desired corrective.

(Las instrucciones terminan con otra reclamación por un barco.) Firmado, Henry Clay.

United States Ministers, Instructions. July 15' 1823-December 30' 1825. Department of State. Vol. 10, p. 225-238. NAW.

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1º de junio de 1825. México. Discurso del ministro Poinsett al presentar sus credenciales en México

Most Excellent Sir,

In presenting to your excellency the credentials which have just been read, it affords me the highest satisfaction to place them in the hands of a person so distinguished not only for his heroic efforts in the cause of the independence of his country, but for his devoted attachment to civil liberty.

The United States of America recognize the right every nation possesses to adopt the form of government it may judge best adapted to its circumstances, and most likely to secure the happiness of its people. It cannot however be denied, that they regarded with deep interest the political movements of this country and the final decision of the Mexican people. It is with unfeigned satisfaction that they have seen the only free government that borders on them, erect itself into a sister republic, and it has been peculiarly flattering to them, that it should have made choice of a federal constitution so similar to their own. They ardently hope, that it may contribute in an equal degree to the prosperity of the people it governs.

The principles, upon which the right of independence has been maintained in these countries, are not only identical with those, upon which that of the United States of America was asserted and achieved, but rest upon the same imperishable foundation the sovereignty of the people and unalienable rights of man. To a cause reposing upon such a basis, the people of the United States could not be indifferent. From the first dawning of the independence of these states, their sympathies have been with great, unanimity and constancy enlisted in its favor; they have watched its struggles and vicissitudes with intense interest and have rejoiced like brothers in its successful termination. The sentiments of the government of the United States of America have been in perfect harmony with those of their people, and their political course such as was prescribed by their relative duties to all parties. At an early period of the struggle between Spain and her colonies they considered it the light of a civil war, in which both parties were entitled to equal rights. They

have never ceased by their negotiations to exert their influence with Spain and the other nations of Europe in favor of the American States; and have frequently represented to the former the policy of concluding a peace with her late colonies.

As soon as it appeared, that Spain had no longer any prospect of maintaining her dominion over these countries, and that they had established government of their own, and within a year Mexico had declared her independence, the United States acknowledged it by a solemn act which passed their congress with unexampled unanimity. They have since declared, that they would not regard with indifference any attempt on the part of the powers of Europe to wrest it from them. In this act of recognition, they took the lead of the whole civilized world, and gave an example, which has since been followed by the freest government of Europe and which, by this act has shown itself to be the most magnanimous.

It is by no means my intention in this recapitulation of the course of policy pursued towards these countries by the United States of America, to boast of services rendered or to solicit any favours in return. The United States will require no privileges for their citizens from this government, which they will not be willing on their part to accord to the citizens of Mexico. They wish only to see the friendly relations between the two countries so extended and harmonized as to promote the welfare of both; and that the first foundations of the permanent future intercourse between them should be laid in principles not only benevolent and liberal in themselves but consistent with the policy and interest of both governments.

The President of the United States of America has confided to me full powers to conclude treaties of limits and of commerce, and I cannot but congratulate myself in having been chosen by him to form the first political relations between two sister republics, which from their position, their policy and their mutual interests, must forever be united in the strictest bonds of friendship.

Mexico. Poinsett. March 15' 1823-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, doc. 3. NAW.

1º de junio de 1825. México. H. G. Ward, ministro plenipotenciario de la Gran Bretaña a George Canning (Núm. 5.)

Comunica que fue presentado "ayer" al presidente como Charge d'affaires inglés.

La ceremonia es igual para todos los diplomáticos sin tener que ver con sus categorías y se supone tomada de las usuales en los Estados Unidos de América.

Fue conducido desde la puerta por el señor Lucas Alamán hasta el presidente que se encontraba de pie bajo un dosel, rodeado de ministros, autoridades militares y civiles en uniforme de gala, muchos diputados y senadores y gran cantidad de espectadores atraídos por la novedad de la escena. El ministro Alamán leyó una traducción de la carta en que lo presentaban como encargado de negocios después de la salida de Morier. El presidente pronunció un discurso, y contestó el inglés en los términos utilizados por Canning hablando del interés que su majestad británica tenía en la felicidad de este país, añadiendo que además esperaba del tratado acabado de firmar entre sus dos naciones que era provechoso tanto para Inglaterra como para México. El presidente Guadalupe Victoria contestó debidamente.

...Después de que me fui, Alamán rogó que asistiera esta mañana a la recepción del señor Poinsett que presentó sus credenciales como enviado extraordinario y ministro plenipotenciario de los Estados Unidos del Norte. La única diferencia con mi recepción estuvo en el discurso que duró casi un cuarto de hora: después de hacer los mayores cumplidos al general Victoria, a cuya valentía y constancia atribuyó el próspero estado actual de México, felicitó a los mexicanos por haber elegido el sistema republicano como forma de gobierno, particularmente agradable al presidente de los Estados Unidos y a su pueblo. Habló con los términos más enorgullecidos de la forma en que había sido conducida la lucha para la independencia y atribuyó a las grandes cualidades mostradas por el pueblo mexicano, el hecho de que se les hiciera justicia por la primera nación del viejo mundo, y por la primera que había sembrado la semilla de la libertad en el nuevo.

El señor Poinsett concluyó haciendo un análisis de lo que iba a ser su misión en este país y dijo que debía terminar

con un tratado de comercio y de fronteras —una intimidación que en ningún modo fue tan agradable como la primera parte de su discurso a juzgar por la cara de los espectadores, que estén bien al corriente de las dificultades con que se pueden complicar las cosas en el asunto de las fronteras.

La contestación del general Victoria fue muy concisa.

Webster, *Britain and the independence of Latin America*. Vol. I, pp. 470-1 [trad. de C. B. G.].

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4 de junio de 1825. México. Poinsett a su gobierno

Daba cuenta de cómo fue la recepción en la que el gobierno mexicano aceptó sus credenciales.

... I thought such any exposition absolutely necessary after such speech of the President of these states to the British *chargé* on the preceding day.

It is manifest that the British have made good use of their time and opportunities. The President and the secretaries of State, Treasury and Ecclesiastical Affairs are in their interest. We have a very respectable party in both houses of Congress and a vast majority of the people are in favor of the strictest union with the United State. They regard the British with distrust.

Mexico. Poinsett. March 15' 1823-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, doc. 5. NAW.

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18 de junio de 1825. México. J. R. Poinsett a Henry Clay

I have had several conversations with the Secretary of State on the subject of the road from the western limit of Missouri to Santa Fe. He has constantly objected to make any arrangements for that purpose, until the boundary line

shall be settled. I have addressed him a note on the subject; a copy of which accompanies this letter, and still hope to avoid unnecessary delay.

Poinsett.

Mexico. Poinsett. March 15' 1823-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, doc. 5. NAW.

7

20 de junio de 1825. México. El gobierno mexicano á Poinsett. (Traducción de la época.)

Sir,

I had postponed answering the note which your Excy. addressed to me, on the 17th of the last month respecting the measures adopted by the government of the United States of America for opening a road from the western limit of the state of Missouri to the frontier of these states in the direction of Santa Fe in New Mexico and its continuation beyond those limits in concert with this government; in the hope that I might be able at the same time to address your excellency upon a subject of no more extensive importance, which embraces, as your Excy. has observed, this of which we are treating. On your presentation to the most Excellent Señor Presidente of this republic, your Excellency signified that you were authorized by your government to conclude treaties of commerce and limits with this, and certainly the opening of this new road supposes the existence of these treaties, by virtue of which, the limits which divide this republic from that, will be settled as well as the regulations, which are to govern the commercial relations of both nations; nor will it be easy to separate them without incurring inconveniences very difficult to avoid. So that the President believes it to be more plain and easy to commence by concluding the treaties, which you are authorized to make, leaving the business of marking out the road to be adjusted afterwards as dependent on them and which this

government is disposed to concur in, as its is convinced, the new channel of communication between the two nations which is about to be opened, will be aequally useful and beneficial to both.

In the actual state of things, the final conclusion of a treaty, which should embrace the two points of commerce and limits, could not be affected with that promptness, which this government wishes. The marking out of limits by its nature and the particular difficulties which in our case attend such a work, both by want of the topographical information, sufficiently exact to inspire any confidence, and from the series of trigonometrical observations which it would be necessary to make on a vast extent of unexplored country, is subject to delays, that however great the zeal, with which both governments might forward the work, would consume a great deal of time; when on the other hand, the two subjects might be separated without any prejudice to the national interests. We might, then if your Excellency thought proper, and this is the opinion of the President, proceed immediately to negotiate the treaty of commerce, leaving on one side the point of limits. And so that we might negotiate on this subject, the two governments might name their commissioners, who by examining together the country within a given latitude, from one sea to the other might present exact information, upon which the limits might be established, as is desired. This manner of proceeding throws no obstacle in the prosecution of the end proposed for whether the bases for marking the limits are designated previously in the treaty, to be afterwards defined with precision by commissioners of both governments or whether we proceed in the manner, I have the honour to propose to your Excellency; the result will always be same, with the only difference that by the method indicated, we might proceed with more certainty and we should possess more exact information to go on. The commissioners which this government might nominate for this object might likewise receive instructions respecting the demarcation of this road, so that both these points might be taken into consideration and satisfactorily settled.

Poinsett escribe al margen esta traducción de su carta al gobierno mexicano.

México 22 de junio de 1825.

Sir.

By an error in reading the instructions of the Secretary of War the commissioners appointed by the President to carry into effect the provisions of the law relating to this road, it was supposed by this government that the commissioners might pass the frontier and some collisions of authority ensue between them and the officers of Mexico. The mistake was explained to the Secretary and his note returned, so that he might change that part of it. I had previously translated it, and now send it in this shape rather than delay its transmission until next opportunity.

I have the honor etc. Poinsett.

Mexico. Poinsett. March 15' 1823-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, anexo al doc. 8. NAW.

8

22 de junio de 1825. México. J. R. Poinsett a Henry Clay

Sir,

I have this instant received a note from the Secretary of State, on the subject of the road from the frontier of the state of Missouri to the boundary of the United States and thence to Santa Fe of New Mexico, and respecting the proposed treaties of commerce and limits, a translation of which accompanies this letter. As three successive holidays intervene before it will be decorous for me to send my answer, I thought it better not to delay giving you information in relation to the road, which might be immediately required; as I suppose the commissioners are on the spot. It is manifest that this government regards all our movements towards Texas and New Mexico with jealous apprehension; and I much fear that they are resolved to postpone marking out the road in question through their territory, until commissioners are appointed to make a regular reconnaissance

of that portion of the country with a view to the ultimate settlement of the boundary line between the two nations.

I have the honor etc. Poinsett.

Mexico. Poinsett. March 15' 1823-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, doc. 8. NAW.

9

18 de julio de 1825. México. J. R. Poinsett a Henry Clay

Sir,

I waited on the Secretary of State, by appointment, on the morning of the 12 instant, in order to discuss the manner of conducting the negotiations for the treaties of commerce and of limits between the two nations. It was agreed to treat the two subjects separately, and on my expressing a wish to have the treaty of commerce concluded sufficiently early to be approved by the Congress here and sent home for the commencement of next session of Congress at Washington, the Secretary assented and informed me that it was one of the subjects indicated as a motive for calling the extraordinary session to be held in August.

With respect to the treaty of limits, I suggested, that although the government of the United States hold itself bound to carry into effect the Treaty of Limits concluded with the King of Spain, 22nd of February 1819, still it would appear more becoming the independent character of this government to lay aside that treaty altogether and to endeavour to establish a boundary, which would be more easily defined and which might be mutually more advantageous. The Secretary expressed himself much gratified by such a suggestion, and proposed that the two governments should forthwith appoint commissioners to make a reconnaissance of the country bordering on the line formerly settled with Spain, so as to obtain such information in regard to that portion of our respective territories, as would enable us to act understandingly on the subject. I objected to this proposal the limited powers of the President of the United States, and that such an appointment could not well be made until the next meeting of Congress. He replied

that this government would be very adverse permanently to view the limits between the two nations on the very slender information, they at present possessed of that frontier country. After some further conversation on the subject, it was agreed, that he should address me a note stating the views of this government in relation to the proposed convention of limits.

This has not yet been received.

I have the honor... Poinsett.

Mexico. Poinsett. March 15' 1825-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, doc. 7. NAW.

10

2 de julio de 1825. México. Lucas Alamán a J. R. Poinsett

Se excusa por no contestar sobre el asunto del camino, pues al hacer arreglos sobre el tema se presupone la existencia de convenios sobre la frontera.

Si bien Poinsett planteó el tema en su discurso de presentación, considera de mayor importancia estipular en qué consisten las relaciones comerciales entre los dos países y a qué reglamentos deben atenerse. El presidente de México considera más beneficioso atacar el problema por este punto; pues si no se tienen todavía los conocimientos estables y firmes sobre la geografía de este territorio resulta de mayor conveniencia no intentar redactar un tratado de comercio y límites, sino sencillamente uno de comercio. Para el de límites habría que contar con mayor tiempo y ello produciría graves retrasos. Por ello pedía que se nombraran comisionados que se ocuparan en la redacción del tratado de comercio y que continuaran las gestiones para la discusión del posible tratado de límites.

Archivo de la Secretaría de Relaciones Exteriores de México, en adelante ASREM. 7-114, fols. 2-3.

11

27 de julio de 1825. México. J. R. Poinsett a Lucas Alamán

Poinsett accede a la propuesta del gobierno mexicano en cuanto a que se separen los asuntos del tratado de comercio y límites. Expone su convencimiento de que para redactar el de límites se hace necesario destacar una expedición que examine el terreno y teme que se retrase el cierre del asunto por mucho tiempo, pues habría que nombrar los encargados de hacer el estudio, y el trabajo calcula que duraría un año. Todo iría en perjuicio de las caravanas que viajaban desde Missouri a Nuevo México para hacer el comercio.

ASREM, 7-11-40, fols. 3-4. [Resumen del doc. 13, existente en Washington.]

12

27 de julio de 1825. México. J. R. Poinsett a Henry Clay

Sir,

I have the honor to enclose herewith a translation of the note from the Secretary of State of this government, on the subject of the road from the state of Missouri to Santa Fe of New Mexico, and respecting the treaties of commerce and limits between the two nations, to which I alluded in my last marked A; together with my reply marked B.

I find, that there exists great apprehension in the minds of the people of this country, that the government of the U. S. contemplates renewing its claim to the territory north of the Rio Bravo del Norte and it may be of some importance to consider their great sensibility on this subject, when the line of the country to be examined, with a view of the limits between the two nations, shall be determined on, should the President think proper to accede to the proposal contained in the accompanying note.

[Lo que sigue está cifrado en el documento.]

It appears to me that it will be important to gain time if we wish to extend our territory beyond the boundary agreed

UNAM - IHH

upon by the treaty of 1819—Most of the good land from the Colorado to the Sabine has been granted by the state of Texas and is rapidly peopling with either grantees or squatters from the United States, a population they will find difficult to govern, and perhaps after a short period they may not be so adverse to part with that portion of their territory as they are at present.

I have the honor... Poinsett.

Mexico. Poinsett. March 15' 1823-June 17' 1826. Department of State, Vol. 1. Docs. 1-47, doc. sin núm. NAW.

13

27 de julio de 1825. México. J. R. Poinsett a Lucas Alamán

Sir,

I have the honor to acknowledge the receipt of Y. E.'s note of the 20 instant; in which Y. E. proposes to postpone the business of marking out the road from the frontiers of the United States to Santa Fe of New Mexico, until after the conclusion of the treaties of commerce and of limits between the two republics, or until after the appointment of commissioners to explore that tract of country, which will include the frontiers of the two states.

Although very unwilling to urge this government to adopt a measure, which, it apprehends, may be attended with unavoidable inconveniences, I cannot but regret this delay, believing as I do, that it will prove injurious to commerce just rising into existence, between the western states of North America and New Mexico. The commissioners for this object have been appointed by the government of the United States, and are probably by this time on the spot, waiting the results of an arrangement, which, from the mutual benefits it is calculated to confer on both nations, the President of the United States presumed would meet with no obstacle or delay on the part of the government of Mexico. Especially, as it was believed, that an arrangement might have been

made so as effectually to prevent the occurrence of those inconveniences which this government appears to apprehend. The object of marking out this road at this time is to enable the caravans to find their way through the unexplored and trackless waste that lies between the frontier of the State of Missouri and Santa Fe of New Mexico. To postpone this business until the appointment of the commissioners to survey that part of the country, with a view to the final adjustment of our limits, will embarrass that trade very much; and I still venture to hope that H. E. the President of these states will instruct Y. E. to enter into some arrangement with me by which this desirable end may be sooner accomplished.

Aware as I am that the government of the United States of America is equally anxious with this to conclude as early as possible a treaty, which shall settle on a permanent basis the future commercial relations of the two countries, I readily accede to Y. E.'s proposal to separate the two subjects of commerce and limits, and request, you will communicate to H. E. the President my readiness to proceed immediately to negotiate the treaty of commerce with such person or persons as he may think proper to appoint.

With respect to your Excellency's proposal, that the governments should forthwith appoint commissioners who, by a careful examination of the country from sea to sea, within a given latitude, might furnish exact information upon which the limits could finally be adjusted, I see only one serious objection to it, and that is the great delay such a course is likely to occasion. The President of the United States, if he accedes to this proposal on the part of this government, cannot appoint such commissioners until after the meeting of the Congress in December next, nor could they be on the ground before the Spring of 1826: their operation could not be concluded in less than one year leaving the boundary undefined by treaty for the term of two years.

Agreeably to the wishes of H. E. the President of the United States, I shall transmit to my government these proposals on this subject: and in the meantime pray Y. E. to accept the assurances etc. . . Poinsett.

Mexico. Poinsett. March 15' 1823-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, anexo B. al doc. sin núm. NAW.

14

1º de agosto de 1825. México, J. R. Poinsett a Henry Clay

Sir,

In addition to the circumstances detailed in my last communication, which have induced me to believe that the secretary of State is entirely devoted to England and not disposed to ultimate friendly relations with the U. S., I have since been informed on unquestionable authority that during the discussion in secret sessions of the Senate on that article of the treaty, which places the commerce of Great Britain on equal footing with the most favoured nation, the secretary said in reply to a member, who had urged the services and claims of the U. S., that they ought rather to be regarded by this republic as enemies than as friends, and Mexico had everything to fear from our ambition and nothing to hope from our friendship. He quoted the treaty of limits with Spain as an instance of our disposition to encroach upon her territory. There are a few members of both houses disposed to view the treaty of eighteen hundred nineteen in the same light, and it is possible if the question be left open and the discussion renewed, this government may revive the absurd pretensions of *bevolos* [*sic* benevolent?] with regard to the western boundary of Louisiana [*sic* Louisiana].

I am thus particular because I think it advisable that the President should be possessed of every circumstance that can aid him to come to a correct decision upon this subject. The present ministry is adverse to the interests of the United States and will avail themselves of every means to lessen our influence with the people. Whether they will be able to maintain themselves against the strong party of the opposition is doubtful.

I have the honor etc... Poinsett.

Mexico. Poinsett. March 15' 1823-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, doc. 13. NAW.

5 de agosto de 1825. México, J. R. Poinsett a Henry Clay

Sir,

The extraordinary session of Congress commenced on the 4th instant, both houses having passed three days in warm debates, whether the same ceremonies should be observed at the opening of these extraordinary sessions as are enjoined by the constitution for opening the ordinary and regular sessions which are, that the two houses shall meet in the Hall of the House of Representatives, the President of the House presiding and these receive the President of the United Mexican States, who shall declare the Congress duly installed for the transaction of business. The House insisted upon this form being complied with in opening the extraordinary as well as the ordinary sessions, and the Senate, anxious, as it is supposed, to avoid being presided over by the Speaker of the House, for some time refused to acquiesce. They at length yielded the point, and the President went yesterday in procession to the Hall of the House of Representatives, where the two bodies were united and opened their session by a short address, which gives no idea of the state of the nation.

In the accompanying document marked A, you will find a statement of the finances of the country. Although the receipts do not cover the expenditures, the foreign trade increases so rapidly, that it is probable in another year the former will prove sufficient, notwithstanding the most wasteful and improvident extravagance. The necessity they feel themselves under to take new loans induce them to court the English government in a manner not very honorable to their character; and they affect in consequence to look upon the United States with great indifference, and to treat very lightly the favours they have received from our hands. The government has not hesitated to deceive the people on this subject. The Secretary of State, in his report to Congress, after dwelling at length on the friendly conduct of Great Britain towards these countries, says that Great Britain has declared openly that she would not permit any sovereign or any league of sovereigns to interfere with armed hand as auxiliaries of Spain in the discussions pending between her and her former colonies, and passes over the decided stand taken in their favour by the government of the

United States and on the really open declaration made by the President in his message to the Congress, by merely saying in the next sentence "very similar has been likewise the determination announced by the President of the United States of America in the discourse, with which he opened the session of the last congress".

The secretary of the Treasury in his report talks of English as the only true friends of this nation.

I am made sensible every day of this disposition to court the favour of Great Britain by taking as little notice of the United States as is possible. The President did not place the ratification of the treaty of commerce with the United States upon the list of business to be acted upon by the Congress during the extraordinary session, until it was urged upon him by the council, and then he names it in general terms 'such treaties as may be formed with foreign powers'. In his address, he alludes to the treaty to be concluded with the United States in the same style — "this rich market, which the suspicious and confined policy of Spain had reserved for her miserable speculations, being opened to commercial nations we shall find ourselves perhaps in the situation to form treaties which those same commercial relations may require". Where as, when he announced the determination of Great Britain to treat with the Mexican states, it was done in terms the most flattering to the British, as if the political existence and real independence of America depended on that event.

[*Sigue el párrafo cifrado.*] The President is a weak man and is controlled by his ministers, especially by the Secretary of State and the Secretary of Treasury: the first man being of good natural talents and much better educated than is common in this country, his views of political economy are in my opinion sound but his notions of the political interest of his country are false if indeed he acts from principle, but he is not only English but is director of an English mining company with a salary of broad thousand pounds sterling per annum; that the Secretary of the Treasury who is a man of tolerable natural abilities, but without any education, should be attached to the English is not surprising, they lend him money in his difficulties and enable him to meet the exigencies of the state by which they have hitherto profitted enormously. He has been accused before the grand juries of both houses of raising money in a man-

ner not justified by the law, there is no question of the fact that he has been acquitted by the Senate and will no doubt be so by the House. I should not have ventured to have given an opinion this early if I did not deem it important that the President should learn as soon as possible the strong bias of this government towards Great Britain or if it were not so evident as to strike the most unobserving and to leave no doubt on my mind unless there is some change in the administration, or unless this government is controlled by the Congress of Panama. Mexico, though, will not form a part of the great American system. I ought perhaps to add that these opinions are not authorized by the treatment I have actually received from those in power, it has been in a uniformly attentive and respectful way, often friendly. The President with consent of the Senate correspond[ing] has offered the command of the naval forces of Mexico thither Virginia to Commodore Porter, it would better that their little fleet should be commanded by officers from the United States than from Great Britain which is their only alternative. [*Termina la cifra.*]

Most of the states have formed their constitutions which I will transmit to the Department by the earliest opportunity. They are all democratic and very catholic, except Xalisco or Guadalupe, which although it has inserted the usual articles setting forth that the religion of the state is the Apostolic Roman Catholic, without tolerance of any other, qualifies it by saying "the state will regulate and pay the necessary expences for the preservation of public worship". They have likewise excluded clergymen from a seat in either house. The article says, "the persons who enjoy ecclesiastical or military privileges cannot be deputies". These privileges, by which ecclesiastics and military men are exempted from the operation of the laws of the land and are not amenable to the extraordinary tribunals of the country, are not yet revealed and lead to monstrous abuses.

The most perfect tranquility reigns throughout, great difficulty they find to pay the contingency to the general government, the states appear to be satisfied with the actual constitution. The only serious discontent exists in the capital. The general government has constituted it a Federal District in spite of the most strenuous opposition on the part of the inhabitants. The discussion created a great sensation and the decision of government has occasioned the most marked dissatisfaction. The inhabitants now ask to be represented in

both houses in proportion to their population —a petition, which excites great interest and which will be probably discussed with much warmth in and out of the Congress.

The Encíclica or Circular of the Pope, respecting these countries addressed to the Roman Catholic bishops and published in Madrid, which you have doubtless seen, has produced no ill consequences. On the contrary, it has been openly and boldly attacked in the public journals and infallibility of his holiness appears to be somewhat doubted by all classes.

I sent with my last communication my reply to the note of the Secretary of State respecting the road in negotiation. [*Aquí empieza la cifra.*]

I feel very anxious about the boundary line between the two nations while it will be politic not to justify the jealous fears on that subject by extravagant pretensions I think it of importance that we should extend our territory toward the River del Norte either to the Colorado or at least to the Brassos; we ought to have on the frontiers a hardy race of white settlers which the climate of that region of country situated between the Mississippi and Balsabine [*sic*] will not admit of. The invasion of Cuba is one of the subjects to be treated in secret session.

I have the honor to be with great respect, your ob. Servant... Poinsett.

[*Al margen una nota que explica que Balsabine es Sabina.*]

Mexico. Poinsett. March 15' 1823-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, doc. 12. NAW.

16

10 de agosto de 1825. Palacio Nacional, México. Carta de Lucas Alamán a J. R. Poinsett. (*Traducción de la época.*)

I have received the note of Y. E. dated 27th último in relation to the measures that, Y. E. purpose to this government in the name of yours, should be taken to mark out the road which the traders may take, who pass from one state of Missouri to the territory of New Mexico. The first belonging to the United States of North America and the

second to those of this confederation, and have laid it before the President of this republic. His Excellency finds himself, with much regret, in the impossibility to shorten the term that I have indicated to your Excellency for the execution of the proposed measures, for besides the reason which I have stated to Y. E. there are others of no less importance. From the similarity of the constitution of this republic with that of the U. S. of America, the powers of both the Presidents are circumscribed, with a slight difference, within the same limits and as the President of the U. S. required a legislative provision to proceed in the manner he is now doing, so, in like manner the President of these states finds himself under the same necessity. It is necessary, therefore to wait for the authorization of Congress until its ordinary sessions, this subject not being designated for the extraordinary ones. Nevertheless, the President, desirous of avoiding the prejudicial consequences which Y.E. indicates in your note, might result from the delay attending these necessary preliminaires, believes, that they may in part be avoided, if Y. E. will have the goodness to communicate the results of the demarcation of the road made by the commissioners of Y. E.'s government to the presumed frontier, for with this knowledge the custom house of this nation might be situated in convenient position, and the necessary measures might be taken for the safety of travelers.

The President has seen with satisfaction the disposition of Y. E. to separate the two negotiations of commerce and of limits, forming a particular treaty for each of these objects and has in consequence thought proper to honour with his commission, for the purpose of adjusting the first, the most Excellent Señor Don José Ignacio Esteva, Secretary of State for the Department of the Treasury, and myself who will be ready to enter into conference with Y. E. as soon as you think it proper to advise us that you are so disposed. With regard to the second point, the difficulties and delays which occur to Y. E. are inevitable in either case, for the limits cannot be definitely settled until the reconnaissance of the country has been made, and all that can be done to shorten the time, is to facilitate this examination in the manner I have proposed to Y. E. and which you offer to present to your government.

I have the honor on this occasion to repeat to Y. E. the respect and etc...

Lucas Alamán.

Mexico. Poinsett. August 17' 1825-April 10' 1827. Department of State. Vol. 2. Docs. 14-17, doc. 14. NAW.

17

1er. Protocolo de conferencia entre comisionados. 22 de agosto de 1825. México.

Primera conferencia. Agosto 22 de 1825.
Protocolo.

De la primera conferencia habida entre el excelentísimo señor don Joel R. Poinsett plenipotenciario por parte de los Estados Unidos de América y los excelentísimos señores don Lucas Alamán secretario de Estado y del Despacho de Relaciones Exteriores e Interiores y don José Ignacio Esteva secretario de Estado y del Despacho de Hacienda plenipotenciarios por parte de los Estados Unidos Mexicanos. Agosto 22 de 1825.

Presentes los plenipotenciarios.

Los plenipotenciarios canjearon sus respectivos poderes.

Se acordó que el excelentísimo señor Poinsett extendería un proyecto de Tratado de amistad, navegación y comercio que deberá presentar a los plenipotenciarios en la inmediata conferencia.

Firmado

Lucas Alamán

José Ignacio Esteva

J. R. Poinsett

First conference. August 22th 1825.

Protocol

Of the first conference held by Joel R. Poinsett Plenipotentiary on the part of the United States of America, and His

Excellency Lucas Alamán Secretary of State and of Exterior and Interior Relations, and José Ignacio Esteva Secretary of State and of the Treasury, Plenipotenciaries on the part of the United Mexican States. August 22th 1825.

Present the Plenipotentiary.

The Plenipotentiary interchanged their respective powers.

It was agreed that a project of a treaty of Amity, Navigation and Commerce should be drawn up by Joel R. Poinsett to be presented to the Plenipotentiaries at the next conference.

Signed

Joel R. Poinsett.

ASREM. Tratado de amistad, comercio y navegación entre México y los Estados Unidos de América. Correspondencia relativa, antecedentes, negociaciones y su firma en la ciudad de México, D. F., el 5 de abril de 1831. (Primera Parte, foja 19. Clasificación moderna H/352 (72:73) "831"/1.

Clasificación antigua 7-11-40. (I). Véase Carlos Bosch, *Historia de las relaciones diplomáticas entre México y los Estados Unidos*. México, UNAM, Escuela de Ciencias Políticas y Sociales, 1961, p. 43, cita 43.

18

13 de septiembre de 1825. México. Segundo protocolo de conferencia entre comisionados. (Resumen.)

Tuvo lugar la segunda conferencia entre comisionados y se leyó en ella el proyecto de tratado de comercio, que presentó Poinsett, formulado en treinta artículos.

Los comisionados mexicanos opinaron del primer artículo que era preferible adaptarlo al que contenía el tratado entre México e Inglaterra, para que todos los tratados que se confirmaran tuvieran cierta unidad. Dada la coincidencia de que aquél se había hecho tomando como ejemplo el contenido del tratado entre los Estados Unidos y España, no hubo dificultad por parte de Poinsett.

El artículo cuarto fue completamente combatido por los delegados mexicanos, que abogaron porque la reciprocidad

fuera mantenida, pero sostuvieron que, dado el mayor tonelaje de la marina norteamericana, ello sería imposible por lo cual propusieron que la reciprocidad se lograra a base de establecer normas de naciones más favorecidas. Poinsett se había inspirado en el principio que regía a su gobierno en los tratados: establecer las normas legales, a fin de no basar el tratado en lo que hiciera otra tercera potencia. Quería también que no se establecieran distinciones entre las diferentes naciones americanas, pues en el artículo del tratado inglés sobre las condiciones en que se haría el comercio, encontraba inaceptables las concesiones especiales hechas a las naciones que, habiendo sido colonias españolas, se fueran independizando. Además, su gobierno no quería verse en posición inferior a la que tuvieran los de la América del Sur. El punto a discusión se reservó para examinarlo de nuevo más adelante.

La nacionalidad de los buques también se definió como en el tratado de Inglaterra, con la aprobación de Poinsett.

Se habló también de la conveniencia de estipular cuál sería el poder de los cónsules y de elaborar un reglamento consular entre los dos poderes contratantes. Igualmente, se discutió qué clase de protección habría que proporcionar a los buques, y cuáles serían los derechos que tendrían en los puertos extranjeros. En lo que se refiere al contrabando y a cómo evitarlo, se decidió que cada uno de los dos países tomara las medidas que parecieran más convenientes para protegerse contra él.

ASREM. 7-11-40, fols. 18-26 (vieja clasificación).

19

13 de septiembre de 1825. México. J. R. Poinsett a H. Clay

Sir,

I had this morning a second conference with the plenipotentiaries of this government, and as some difficulties have been presented that may retard the progress of the negotiation, I am anxious, that you should be made acquainted with them as early as possible, and lose no time, therefore, in laying them before you.

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The project of the treaty was drawn up by me, and, of course, contains the principle of perfect reciprocity in commerce and navigation of the two countries, according to the spirit of the act of 7th January 1824. This was objected to, as might have been expected, and an effort made to introduce the fourth article of their treaty with G. Britain which contains an exception, in my opinion, highly objectionable. It is at the close of that article, in these words, "excepting only the American nations which were formerly Spanish possessions to which on account of the fraternal relations that unite them to the United Mexican States the latter may grant special privileges which shall not be extended to the dominions and subjects of H. B. M." It was agreed to reserve the point of perfect reciprocity in the commercial relations between the two countries. But I, most strenuously opposed the exception above cited and, as at present advised will never sign a treaty on such terms.

The mail leaves the city in a few hours so that I have no time to give you the arguments which were urged for and against it. My principal objections are the impolicy of admitting any distinctions in the interest of the American states which would tend to unite these more closely and place us in some contingencies without the pale treaties that in all probabilities, by this time, have been concluded between the United States and Buenos Aires and Chile on such terms as could render a provision of this nature resignatory in time of peace but in the event of a war between the U. S. and either of those powers, an event which however remote ought to be provided against, such an exception would enable this country to assist very materially our economies without violating the treaty. With these impressions and with this view of the subject I will not agree to this provision, and as I know the plenipotentiaries and the President of the Mexican States to be obstinately bent on carrying this point, I earnestly solicit that you will instruct me if you think I ought to yield it.

A junta has been formed consisting of the principal members of both houses of Congress united with a few emigrants from Havanna, to promote the emancipation of Cuba. They have presented a memorial to Congress urging the policy of at once sending an expedition to assist the patriots of that Island to shake off the yoke of Spain. I have read it, and think it well drawn up. The subject will soon engage the attention of Congress and as it will [have] the

support of the executive it is probable some act in the measure may be resolved on. The invasion of Cuba will certainly be a very rash step in the present state of the finances of this country. You may rely upon receiving the earliest intelligence of their projected resolution and movements in this important *offici*.

I have the honor to be etc. J. R. Poinsett.

Mexico. Poinsett. March 15' 1823-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, doc. 18. NAW.

10

19 de septiembre de 1825. México. Tercer protocolo de conferencias entre comisionados.

Protocolo

De la tercera conferencia habida entre los plenipotenciarios de los Estados Unidos de América y de los Estados Unidos Mexicanos el día 19 de septiembre de 1825.

Presentes los plenipotenciarios.

Al leerse el 14º artículo del proyecto, los plenipotenciarios del gobierno de México observaron que aunque no tenían obstáculo que poner al principio establecido en dicho artículo, todo buque libre constituye libre su cargamento, hay sin embargo circunstancias que pendiendo de la peculiar posición geográfica de las costas marítimas de México, hacen difícil la aplicación de aquel principio, y por tanto consideraron de la mayor importancia impedir la introducción de productos españoles en México, pero que si los neutrales pueden sin riesgo de vida traer la propiedad de los enemigos de México al seno mexicano, les sería imposible impedir el contrabando que pudiese hacerse en el país, por ser tal la situación de su costa que si se encuentra un buque en el Golfo a cierta latitud debe ser con destino a uno de sus puertos o mantenerse en él con intención de descargar clandestinamente.

El plenipotenciario de los Estados Unidos contestó que el grande objeto era establecer el principio con respecto a buques en alta mar, y que cada nación tendrá la libertad de establecer los reglamentos que juzgue conveniente en la ju-

jurisdicción marítima para impedir que se infrinjan sus leyes fiscales.

Los plenipotenciarios del gobierno de México objetaron que la ordinaria extensión de la jurisdicción marítima no sería suficiente en este caso para evitar en la costa del Golfo de México el contrabando, y propusieron se adoptara algún término general que abrazara todo el Golfo, excepto Nueva Orleans.

A esta propuesta el plenipotenciario de los Estados Unidos declaró que no podía acceder a ella porque los Estados Unidos de América tienen varios puertos en el Golfo a más del de Nueva Orleans, como la Mobila, Panzacola y otros. Siguió la discusión y se resolvió diferir este punto, conviniendo que los plenipotenciarios del gobierno de México prepararan una nota explicativa de sus miras.

Los artículos 15, 16, 17 y 18 fueron igualmente diferidos por ser correlativos del 14.

Leído que fue el artículo 19, los plenipotenciarios del gobierno de México preguntaron cómo sabría un buque que entra en un puerto, si éste está bloqueado o no.

El plenipotenciario de los Estados Unidos manifestó que cuando se publique un bloqueo en país y puerto de donde haya salido un buque, es de presumirse que los dueños y comandante de él deben saberlo siempre que esta publicación haya sido promulgada antes de la salida del buque; pues es una máxima de que nadie tiene derecho de eludir una ley alegando ignorancia de ella después de haber sido públicamente promulgada. Los plenipotenciarios del gobierno de México pusieron por ejemplo el caso de escaparse un buque de la escuadra bloqueadora por haberse visto ésta precisada a abandonar el bloqueo por causa de un temporal entrando en el puerto aquel, y en este caso sí se permitirá que el tal buque extraiga de la plaza y lleve a su bordo a las personas sitiadas con sus propiedades.

El plenipotenciario de los Estados Unidos contestó que si un buque entra en un puerto bloqueado en las expresadas circunstancias, no tiene, aunque ignore el bloqueo, derecho alguno para sacar más carga que la que tenía a su bordo cuando entró, y que la última cláusula debía entenderse con aquellos buques que entren al puerto antes de declararse el bloqueo.

Leídos que fueron los artículos 20, 21 y 24 fueron aprobados.

Hubo una ligera discusión en el artículo 23 sobre lo que

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debía considerarse como tribunal establecido para causas de presa. Los plenipotenciarios del gobierno de México manifestaron que era con intención de establecer tribunales de circuito que tuvieran jurisdicción de almirantazgo, pero que en el entretanto las causas de presas se juzgarían ante los jueces de letras.

El plenipotenciario de los Estados Unidos observó que él no se contraía a la especificación de los tribunales que deberían establecerse para juzgar las causas de presas más que ningún otro tribunal, sino el establecido para el efecto tendría jurisdicción en causas de esta clase, por lo que respecta a la entrega de una copia autenticada de los autos y que se expliquen los motivos en que se haya fundado la sentencia, los plenipotenciarios del gobierno de México manifestaron que en sus tribunales no estaba en práctica que los jueces aplicaran los fundamentos y motivos de la sentencia por corresponder esto en la opinión de ellos al fiscal.

El plenipotenciario de los Estados Unidos contestó que siempre que el juez que en los países respectivos acostumbra dar estos documentos, los diere y aplicare los fundamentos de la sentencia se considerase esto suficiente.

Se leyeron y aprobaron los artículos 24 y 25.

El artículo 26 fue aprobado igualmente, pero los plenipotenciarios del gobierno de México propusieron y el de los Estados Unidos accedió a que ambas partes contratantes se reservan el derecho de excluir algunos puertos de tener cónsules cuando las referidas partes lo tengan por conveniente.

Al leer el artículo 27 los plenipotenciarios del gobierno de México lo objetaron sobre las exenciones de impuestos y contribuciones que dicho artículo expresa, deberán gozar dichos cónsules. Por el artículo del proyecto los ciudadanos de ambos países respectivamente no deben pagar más impuestos ni contribuciones que aquellos a que están sujetos los ciudadanos del país en que residen. Manifestaron igualmente que pueden ocurrir casos en que sea necesario e importante llamar a los cónsules para que substancien algunos hechos con documentos que tengan en su poder. Y propusieron que como ya han convenido ambas partes en formar lo más pronto posible una convención consular, se omite este artículo, a lo que el plenipotenciario de los Estados Unidos no se opuso; conviniendo igualmente que el plenipotenciario de los Estados Unidos pida a su gobierno poderes para concluir esta convención.

Los artículos 28 y 29 del proyecto fueron leídos y aprobados.

Al leerse el artículo 30 hubo lugar a una discusión sobre el significado de la palabra "irracionalmente" y de lo que debería entenderse en casos semejantes por "tardanza excesiva". Y como no hay palabra en el idioma español que tenga exactamente el mismo significado, convinieron en substituir las palabras, por demorado más tiempo del que sea necesario y razonable.

En el punto 4º del artículo 30 los plenipotenciarios del gobierno de México observaron que por supuesto debe entenderse que los tratados mencionados en éste son de igual naturaleza al mismo que ahora se discute.

Los plenipotenciarios del gobierno de México leyeron el artículo 16 del tratado entre los Estados Unidos de México y la Gran Bretaña, por el cual han convenido, como pueden ocurrir muchos puntos nuevos e importantes en el progreso de las relaciones íntimas establecidas entre estas dos partes y que sería necesario formar una convención especial para su arreglo, se tomen en consideración dentro de seis años contados desde la fecha del canje de las ratificaciones de aquel tratado, y que todos los artículos que se formen entonces sean considerados como parte del tratado y tengan el mismo valor que los contenidos anteriormente en él. Propusieron poner esta misma condición en el tratado actual con los Estados Unidos de América, a lo que el plenipotenciario de los Estados Unidos accedió, después de manifestar que las palabras "los artículos que se formen entonces" necesitan la aprobación del congreso y senado con arreglo a las instrucciones de sus respectivos gobiernos.

Convinieron también en poner al fin del artículo 30 el término de seis meses para la ratificación del tratado, contado desde la fecha que se firme o antes si fuere posible.

Los plenipotenciarios del gobierno de México observaron que sería conveniente formar un artículo relativo a los indios y habitantes de los países respectivos.

El plenipotenciario de los Estados Unidos contestó que él lo hubiera propuesto en su proyecto e igualmente otro relativo a esclavos prófugos, a no haber sido por pertenecer ambos artículos al tratado sobre límites.

Los plenipotenciarios del gobierno de México observaron en contestación que en la opinión de ellos era mejor reducir solamente el tratado de límites a marcar y describir éstos y que era importante arreglar cuanto antes lo concerniente al

gobierno de las tribus de indios que habitan los territorios de ambos países.

El plenipotenciario de los Estados Unidos expresó estar dispuesto por su parte a condescender con los deseos del gobierno de México en este particular y propuso que se adoptara el artículo 5º del tratado de amistad, límites y navegación concluido entre los Estados Unidos de América y su majestad católica en 1795 en todo lo que pudiera ser aplicable a las circunstancias actuales de ambos países, en lo que convinieron los plenipotenciarios del gobierno de México.

Se convino igualmente que el plenipotenciario de los Estados Unidos formase un artículo adicional respecto a los esclavos prófugos que pasen las fronteras de ambos países.

Artículo relativo a esclavos prófugos.

Se conviene también que en el caso de escaparse algunos esclavos de sus dueños residentes en los Estados Unidos o territorios de una de las partes contratantes, y pasen a los estados o territorios de la otra se considere legal para el dueño o dueños de dichos esclavos o sus agentes, implorar la asistencia de las autoridades del país en que se hallen, para que los arresten, detengan y custodien a cuyo efecto los dueños o agentes ocurrirán al magistrado que se encuentre más inmediato; en cuyo caso será de la obligación de éstos arrestar al esclavo, y si resultase ser efectivamente propiedad del que reclame el magistrado se lo entregará al agente que nombrare el dueño para ser conducido al país de donde se haya escapado, no debiendo pagar al reclamante más que los gastos del arresto, detención y custodia.

Lucas Alamán

José Ignacio Esteva.

ASREM. 7-11-40, fols. 27-34.

21

20 de septiembre de 1825. México, Poinsett a H. Clay

Sir,

I had an interview this morning with the Secretary of State at his request, on the subject of the boundary line

between the two republics. He began by saying that he wished to ascertain the ancient boundaries between the United States and the Spanish possessions, as defined by the treaty of 1795, and asked me to trace them for him in Melish's map. I did so, but observed at the same time that that treaty was concluded before the cession of Louisiana. I, then inquired his object in wishing to ascertain the former boundaries, he replied, that he thought it would be advisable in the treaty we were about concluding, to specify the ancient boundary, until the new line was agreed upon. I replied, he must be aware that previous to the treaty with Spain, concluded at Washington in 1819, the United States of America claimed to the Rio Bravo del Norte, and Spain to the Mississippi; and that treaty was a compromise of various disputed claims made by the contradicting parties; that it was binding on the United Mexican States having been concluded before their emancipation from Spain; and had since been acknowledged by their accredited agent in the U. S. of America. There had been ample time to have carried that treaty into full effect; best that the government of the United States had been withheld from doing so only by motives of delicacy towards Mexico. That the same motives had induced me to propose an entire new treaty, which should not allude to the one formerly concluded with Spain: but that in so doing I did not intend to yield one square inch of land which was included within the limits of the United States according to the boundary line, at that time agreed upon. That in my opinion a more advantageous boundary might be drawn between the two countries but that such a line was not to be sought for east of the Sabine or north of the Red River or the Arkansas; and that finally no articles such as he proposed could be inserted in the treaty, without my renewing in it the claim of the U. S. to the country north and east of the Rio Bravo del Norte.

On my return home I sent him a copy of the note from the Mexican chargé d'affaires, to the Secretary of State at Washington, together with the treaty between the United States and Spain concluded at Washington in 1819.

Poinsett añadió al despacho varias noticias, entre ellas que Lucas Alamán iba a ser sustituido en el gabinete por Camacho al que no conoció por vivir en Jalapa pero que el cambio, pensaba, no tendría trascendencia en la política del gabinete.

Representando al rey de los Países Bajos había llegado un

comisionado y ello, seguramente, se debía a que Holanda trataba de hacer el reconocimiento de la independencia mexicana al igual que lo habían hecho los ingleses y los norteamericanos.

Pero además era importante considerar que Michelena estaba por llegar de Londres trayendo varios barcos de guerra que juntos con los que México tenía en las costas de Veracruz constituirían la fuerza naval permanente de la nación en el Golfo y seguramente el contingente estaría completo dentro de unos seis meses.

Firmado por Vicente Guerrero se había presentado al gobierno un informe, del que habló en el despacho anterior, que incluía las firmas de la mayoría de los oficiales, generales y demás y también de un buen número de hombres de carácter y de influencia no conectados en el ejército.

Mexico. Poinsett. March 15' 1823-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, doc. 19. NAW.

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22 de septiembre de 1825. México. J. R. Poinsett a los comisionados plenipotenciarios Lucas Alamán y José Ignacio Esteva

Poinsett escribía a Alamán y Esteva insistiendo en sus puntos de vista sobre las condiciones en que se iba a hacer el comercio. Presentaba ahora un proyecto escrito, para modificar el artículo 4º, en el que proponía la abolición de todos los derechos incapaces de colocar a los ciudadanos de cada país en un plano de igualdad, en relación a todos los objetivos de comercio y navegación, en vez de hacerles participar de las exenciones y privilegios de nación más favorecida, en la forma que establecía dicho artículo. Consideraba que de esta manera se establecía una reciprocidad más perfecta y que la claridad del concepto no conduciría a ningún error. Por otra parte, el presidente norteamericano era partidario de establecer las condiciones más liberales y sencillas en todos los asuntos de comercio y navegación, y el

principio ya se había asentado en todos los tratados firmados por los Estados Unidos, en los que nadie dependía de una tercera potencia.

ASREM. 7-11-40, fols. 4v-6v. (Clasificación vieja.)

23

24 de septiembre de 1825. Washington. H. Clay a Poinsett

Sir,

If you shall not have concluded the treaty of commerce, when this letter arrives, you will be able to urge upon the government of Mexico the example of Colombia and G. Britain, and what has been done, and is proposed to be completed, between the United States and Colombia, as motives for acceding to the principles which the President is desirous of introducing into the treaty which you are authorized to negotiate.

I observe that, by the 6th article of the treaty which has been concluded between G. Britain and Mexico (a copy of which is transmitted in your despatch n. 2) the products or manufactures of each of the contracting parties, when imported in their own vessels, into the ports of each respectively, shall not pay any higher duty than is now, or shall hereafter be, paid by the vessels of the most favoured nation; and the same, on exportation of the products and manufactures of each, in the vessel of the other. When the Mexican mercantile marine shall have increased so as to be sufficient for its commerce, then there may be established by common consent a perfect equality of duties ect. on the importation of the products and manufactures of the respective dominions and States, indifferently, in vessels of both nations. This provision may possibly be urged by the Mexican government as an objection against adopting, in the treaty with the United States, the principle of perfect equality between vessels of the two countries, which is desired. If the intrinsic merit of the principle itself, the example of Colombia, and the irritating tendencies of the countervailing legislation, the inevitable effect of an attempt by one nation to secure advantages to its own navigation, denied to that of foreign powers,

shall not enable you to prevail on the Mexican government to agree to the perfect equality which is proposed, you will consider yourself authorized to accede to an article embracing the same principles as are contained in the sixth article of the British treaty.

The President approves of your consenting to treat on the two subjects of commerce and limits separately. Indeed it was never contemplated that one of them should be dependent on the other. As the ratification on the part of Great Britain, of the treaty with Mexico, has been suspended with a view to affect some alterations in it, the present is a suspicious period for pressing your negotiation for the commercial treaty. Should the negotiation be still pending you will bear in mind the expediency of inserting a provision in the treaty similar to that which is found in the first part of the second article of the convention with London of 1815, exempting the produce and manufactures of the United States from paying in the ports of Mexico, higher duties than a similar produce and manufacture of other countries. The provision may be made reciprocal. Its necessity is suggested by the representation made to this Departament, heretofore communicated to you, that our cotton fabrics were subject to higher duties than like British fabrics. If that representation was unfounded, such is the British jealousy of a competition with our rising manufactures, that an attempt may be made to depress them, by rendering them liable to more burthensome duties than are paid by the rival fabrics of Great Britain.

The President sees with regret, the reluctance on the part of the Mexican government, to agree to the opening of the road from Missouri towards Santa Fe. The road was intended for purely commercial purposes, and doubtless the people of both countries would be benefited by the exchanges which it would facilitate. No misconception could be greater than that of its having originated in views of territorial acquisition. If either party could lose by it, it would probably be the United States, many of whose enterprising citizens might be tempted by the intercourse to which it would lead in consequence of the greater cheapness, or other advantages, of the lands of the Internal Provinces, to migrate thither. The connexion between the fixation of the limits and the proposed road is not perceived. Wherever the limits may now, or hereafter shall, be established, the road will be useful. It proposes no disturbance in existing or con-

templated, limits. In fact an imperfect trace, por road, such as it is, is now used, and the sole question is, whether it shall be rendered more convenient to the persons whose interest or inclination shall induce them to travel it. To defer making the road more visible and comfortable for an indefinite period; to deny to the parties mutually, a certain benefit in prospect of a future and contingent arrangement to which it has no necessary relation, does not seem advisable.

Nor does the President perceive the utility of a joint appointment, by the two governments of commissioners who, by examining together, the country within a given latitude, from one sea to the other, might present exact information upon which the limits might be established, as is desired. After agreeing upon the principles on which a line of demarcation between the territories of two nations should be run, it has been usual to appoint, conjointly, commissioners to proceed to mark the line. Their duty is then prescribed, and if any variance arises between them, observations and experiments, generally enable them to reconcile it. But it has not been customary to send forth commissioners either to agree upon a suitable boundary, or to collect data upon which the parties are subsequently to establish one. Such a course would be to reverse the order of proceeding which is recommended by the practice and experience of nations. It would probably leave the state of information which should guide the two powers, pretty much as it now is. There is but little likelihood that the commissioners would agree, and each set would be influenced by the separate views of policy which it might happen to take of the particular country which it represented. If it were needful for both parties to acquire the knowledge which the Mexican government supposes to be wanted, it would be better for each to send out its own exploring commissioners, under its separate instructions. For ourselves, although much undoubtedly, remains to be known of the countries through which the line may be fixed, we believe that the stock of our information is sufficient to enable us, to agree upon a boundary that would be satisfactory to us. In declining however, to accede to the measure of creating a joint commission, the President would not be understood as objecting to a resort by the Mexican government, for its own satisfaction, to the appointment of commissioners for the purpose of collecting any information which it may desire. Should it persist in attaching importance to such a measure the hope is indulged that no unnecessary

time will be lost in sending out the commission, so that the negotiation in regard to the limits may be resumed with as little delay as possible.

The prevalence of British influence in Mexico, to which you refer, is to be regretted. If it be the mere effect of British power, and British capital and enterprise, fairly exerted; if it be not manifested in the form of regulations favourable to British commerce and intercourse with Mexico, we can hardly make it be subject of a formal complaint. Against any partiality or preference shown to any foreign nation or its subjects, to the disadvantage of the United States and their citizens, you will if necessary firmly demonstrate. And you will urge the uniform friendly tenor of the whole conduct of the United States toward the United Mexican States, from the earliest establishment of their independence. As a further, and strong proof of the friendly interest which is taken by the government of the United States, in the prosperity of Mexico, I transmit you herewith, a copy of a note addressed on the 10th day of May last to Mr. Middleton, our minister at St. Petersburg. The object of that note, you will observe is to bring about a peace, if possible, between Spain and the new State established in America. A copy of it has been transmitted to each of our ministers at the courts of London, Paris and Madrid, to be used in the endeavour to accomplish that desirable object. Russia is the power whose movement will be most likely to operate on the councils of Spain; and we wait with solicitude, to hear from her. You are at liberty to communicate such parts of the contents of the note, to the Mexican government, as you may think it proper. Whatever may be the result of the effort, that government cannot fail to appreciate the friendly motives in which it originated.

During the last spring, the ministers of Mexico and Colombia near this government, made separate, but nearly simultaneous, communications to this Department, in relation to the contemplated Congress at Panama. Each of them stated that he was instructed by his government to say, that it would be very agreeable to it, that the United States should be represented at that Congress; that it was not expected that they would take any part in its deliberations or measures of concert in respect to the existing war with Spain, but that other great interests affecting the continents of America, and the friendly intercourse between the independent nations established in it, might be considered and regulated at the

Congress; and that knowing what might be the views of the United States, a previous inquiry was directed to be made whether they would, if invited by Mexico or Colombia, be represented at Panama; and if an affirmative answer were given each of those ministers stated that the United States would be, accordingly, invited to be represented there. The President directed me to say, and I accordingly replied, that the communication was received with great sensibility to the friendly consideration of the United States by which it had been dictated; that, of course, they could not make themselves any party to the existing war with Spain, or to councils for deliberating on the means of its further prosecution; that he believed such a Congress as was proposed might be highly useful in settling several important controverted questions of public law, and in arranging other matters of deep interest to the American continent, and to the friendly intercourse between the different powers to be represented, several preliminary points such as, the subjects to which the attention of the Congress should be directed, the nature, and form, of the powers to be given to the ministers, and the mode of organizing the Congress. If these preliminary points could be adjusted in a manner satisfactory to the United States, the ministers from Mexico and Colombia were informed that the United States, would be represented at the Congress. Upon inquiry if those preliminary points had yet engaged the attention of either the government of Mexico or Colombia, they were unable to inform me that they had, whilst both appeared to admit the expediency of their being settled. Each of them undertook to communicate to his government the answer I delivered to their invitations; and nothing further has since transpired. It is deemed proper that you should be made acquainted with what has occurred here on this matter, in order that, if it should be touched upon by the Mexican government, you may if necessary, be able to communicate what passed. We shall make no further movement in it, until we hear from the government of México or Colombia.

You will by this time, have learned that the operations of the French fleet during the past summer, in the West Indies, had no relation to the occupation of Cuba or Puerto Rico, as was apprehended, at Mexico. Your interposition to prevent hostile measures, founded upon the erroneous supposition, being adopted against France was reasonable and proper. If the Spanish government is to be credited, there

not only has been no cession to any foreign power, of either of those islands, but Spain is resolved never to make any such cession, Mr. Bermudez on the 12th day of July last, having, in an official note to Mr. Nelson, stated, that His Majesty has at no time thought of ceding to any power, the Island of Cuba and Puerto Rico, and, so far from such a purpose, is firmly determined to keep them under the dominion and authority of his legitimate sovereign. The translations which you propose to send, in future, of such official papers as you may transmit, will be acceptable. I am... H. Clay.

United States Ministers, Instructions, July 15' 1823-December 30' 1825. Vol. 10, p. 385-391. NAW.

24

México, 27 de septiembre de 1825. Cuarto protocolo de conferencia entre comisionados

Cuarta conferencia. Septiembre 27 de 1825.
Protocolo.

De la cuarta conferencia que ha tenido lugar entre los plenipotenciarios de los Estados Unidos de América y de los Estados Unidos Mexicanos en 27 de septiembre de 1825.

Presentes el plenipotenciario de los Estados Unidos de América; su E. D. José Ignacio Esteva y su excelencia don Manuel Gómez Pedraza, el señor Esteva manifestó al plenipotenciario de los Estados Unidos que habiendo hecho remisión del despacho del señor don Lucas Alamán el presidente había tenido a bien nombrar al excelentísimo señor don Manuel Gómez Pedraza para sucederle como uno de los plenipotenciarios que deben entender en el tratado de amistad y comercio que ha de celebrarse entre los Estados Unidos de América y los Estados Unidos Mexicanos y en seguida presentó sus plenos poderes al plenipotenciario de los Estados Unidos de América el señor Gómez Pedraza.

En consecuencia se leyó el proyecto del tratado y el protocolo de las conferencias anteriores y su excelencia el plenipotenciario nuevamente nombrado no puso obstáculo alguno a lo que ya había convenido su colega.

Para evitar la necesidad de nuevas discusiones sobre el artículo que tiene por objeto establecer el principio de que todo buque libre constituirá libre su cargamento el plenipotenciario de los Estados Unidos ofreció la siguiente caución provisional a saber:

que las estipulaciones contenidas en otro artículo no se interpretarían como fuerza de ley, respecto a los buques de cada una de las partes contratantes, siendo neutrales en cuanto a serles permitido introducir en los puertos de alguna de ellas que esté en estado de guerra los objetos o las personas de los enemigos de ésta,

en lo que convinieron quedando satisfechos los plenipotenciarios del gobierno mexicano aunque para mayor claridad propusieron que se añadiesen las siguientes palabras "y el contraventor quedará sujeto a las leyes establecidas en el país" es decir, "que se someterá en esta parte a las leyes establecidas en el país" y manifestando dichos plenipotenciarios además el deseo de que expresamente quedase entendido que en casos semejantes no fuese permitido acercarse a la costa a los buques de la nación neutral con efectos de la nación enemiga a su bordo, se quedó convenido en que todo buque que pueda encontrarse dentro del saco que forma el Golfo de México deberá considerarse en dirección precisa a los puertos mexicanos.

Leído el artículo relativo al arresto, detención y entrega de esclavos fugitivos quedó aprobado.

Se leyó asimismo y quedó igualmente aprobado un artículo relativo a las obligaciones de ambas partes contratantes en punto a los indios residentes dentro de sus respectivos territorios que substancialmente es igual al artículo 15 del tratado celebrado entre los Estados Unidos de América y España firmado en San Lorenzo el Real el año de 1795. El artículo aprobado es el siguiente: Se conviene además en que las dos partes contratantes mantendrán por todos los medios que estén a su alcance la paz y la buena armonía con las diferentes naciones de indios contiguas a las líneas y a los ríos que han de formar los límites de ambas repúblicas; y para mejor conseguir sus efectos, se obligan ambas partes expresamente a impedir aun por medio de la fuerza toda hostilidad por parte de las indiadaz existentes dentro de sus res-

pectivos límites, en cuyo concepto los Estados Unidos de América no permitirán que sus indios molesten a los ciudadanos de los Estados Unidos Mexicanos, ni a los indios que habiten su territorio, ni los Estados Unidos Mexicanos permitirán que sus respectivas indiadas hostilicen a los Estados Unidos de América, ni a los indios que habiten su territorio en manera alguna.

Y por cuanto a que entre ambas partes contratantes y otras indiadas existen diferentes tratados de amistad queda por éste estipulado que no habrá lugar a ningún otro tratado de alianza u otros sean cuales fueren, excepto los de paz, por ninguna de ambas partes con los indios habitantes dentro del territorio perteneciente a otra, aunque ambas sin embargo harán los esfuerzos necesarios a fin de sacar ventajas de los indios relativamente al trato común y beneficio hacia sus respectivos ciudadanos y observándose en todo la más completa reciprocidad.

Habiéndose tocado el punto de libertad de culto, los plenipotenciarios del gobierno mexicano, manifestaron que aun cuando quisieren inclinarse a convenir en el artículo como presentado en el proyecto por los plenipotenciarios de los Estados Unidos en espíritu y tenor de la constitución no les deja arbitrio alguno pues el artículo de la Constitución de los Estados Unidos Mexicanos está expreso en estos términos: La religión de la nación mexicana es y será siempre la católica apostólica romana y extensamente será protegida por leyes puras prohibiendo el ejercicio de toda otra.

El plenipotenciario de los Estados Unidos después de haber manifestado su profundo sentimiento en cuanto a que la nación mexicana hubiere adoptado tal principio de intolerancia hizo presente que prepararía un artículo que tuviere por objeto la protección de los funerales y sepulcros de los ciudadanos de los Estados Unidos.

La discusión sobre la excepción que México deseaba conceder a las naciones americanas antes dependientes del gobierno español, estaba de antemano reservada, y el nuevo plenipotenciario nombrado quedó impuesto de los argumentos y objeciones excitados en la materia por ambas partes.

[Texto en inglés firmado por J. R. Poinsett]

Manuel Gómez Pedraza

José Ignacio Esteva

ASREM. 7-11-40, fols. 35-38.

28 de septiembre de 1825. México. J. R. Poinsett a H. Clay

Sir,

Since my communication Nº 18 [no está descifrada] in which I announced the resignation of D. Lucas Alamán, as a probable event, he has actually resigned, and Camacho is appointed in his place.

Anxious to conclude the pending negotiations in time for the President of these states, either to permit Alamán to continue them or to appoint another plenipotentiary, he preferred the later alternative and has given powers to D. Gómez Pedraza the Secretary of War, who now holds the portfolio of the Minister or Foreign Relations ad interim. The Secretary of the Treasury being about to leave town for the coast, on business connected with the capture of Ulúa, a desire was expressed to complete the negotiations before his departure. In consequence we have had two conferences yesterday and today, but the exception contained in the fourth article of the treaty between Great Britain and Mexico to which I alluded in my communication n. 18, and to which the Mexican plenipotentiaries pertinaciously adhere, has prevented our coming to any conclusion.

They continue to urge the fraternal ties by which they are bound to the American nations which formerly were Spanish possessions, and the treaties of alliance offensive and defensive which have been made between them. But what really prevents them from yielding the point, is their having succeeded in persuading the British negotiators to consent to insert this exception in their treaty. I will however give you a succinct account of what passed at our several conferences on this subject.

I first objected to the exception in favor of the American nations formerly Spanish possessions on the ground that no distinctions ought to be made between any members of the great American family; that Great Britain having consented to such a provision ought not to influence the United States because the republics of America were united by one and the same interest of the European powers to cause such distinctions to be made as would divide its [nations?] into small confederacies, and if possible to prevent us from so uniting as to present one front against the attempts of Europe upon our republican institutions. That it might there-

fore have been considered by the British plenipotentiaries important to lay the foundation of distinctions which must disunite us; but that it was much more manifestly our interest that all the states of America should be united as intimately as possible, a union which could only exist on the basis of the most perfect equality and reciprocity.

The plenipotentiaries of Mexico observed in reply that Mexico was united by fraternal ties and strong sympathies to the nations which had like themselves shaken off the yoke of Spain; and that they had concluded with them an offensive and defensive alliance which united them more intimately and placed them on a different footing from that on which they stood towards the United States. To which I rejoined, that the policy we had observed towards these countries, gave us a right to expect that no such distinctions as those sought to be introduced into the treaty should be made in our case and entitled us to be considered on at least an equal footing with any of the American republics and further, that this exception could now avail them nothing as our treaty with Colombia and that probably by this time concluded with Buenos Aires and Chile, contained no such provision. The plenipotentiaries of Mexico hastily remarked that a war might dissolve any one of those treaties and in such an event they thought Mexico ought to possess the power to evince her sympathies in favor of either of the American nations, which had been formerly Spanish possessions without violating her neutrality. To their observation I replied that I considered this argument conclusive why the United States should not accede to the insertion of such a provision into the treaty. That I regarded a war between the United States and any of the other republics of America a very remote and improbable event but that I never would consent by treaty to place the former in a less favourable situation than their enemies, if unfortunately those republics should ever become so. This was the substance of our discussion at the first conference on this subject. It has been alluded to since, in conversation, in a manner that induced me to believe they were bent on carrying their point, and they must have perceived that I was equally decided not to yield it.

Yesterday, after adjusting all other disputed points, inserting an article similar to the 15th article of our treaty with Spain, signed at San Lorenzo el Real in 1795, and one on the arrest, detention, and delivery of fugitive slaves, this

subject was again renewed. The President he said, was so decided on the subject, that they feared there could be no treaty without it. I replied, that I was perfectly aware what could be the view my government would take of this subject and I could not agree to a provision which would cause the treaty to be rejected at Washington: that such distinctions were entirely contrary to the course of policy we were desirous, America should pursue, and that by persisting in them, Mexico placed herself in opposition to the interests of all other American republics and that uselessly, because whatever advantage she had promised herself from such an exception in favour of the former Spanish colonies, it was now manifest, that she could derive none, as the other American states had made their treaties on a different basis. I remarked, too, that it appeared to me very singular, that they should persist in their desire to insert a provision in this treaty, which had already occasioned the non-ratification of the first Mexico had entered into; certainly exposed the second, to be rejected by England, for the plenipotentiaries of that power had consented to it only because the treaty with Colombia had been made and ratified here; and which could insure the rejection of this treaty at Washington, if I were to consent to it.

The plenipotentiaries replied, that all the Spanish American republics had not made their treaties, and instanced Peru and Guatemala. They readily admitted that Peru would in all probability, follow the example of Colombia, and I then observed that after what had so lately passed between Mexico and Guatemala by which it was evident, that the latter had more to fear of policy which would place her in closer union with Mexico and separate her from the other states of America. As it was late before this subject was touched upon, little more passed yesterday.

This morning early, I received a visit from D. Ramos Arizpe, a priest, and an intimate of mine who brought me a proposal, from the plenipotentiaries to annex a condition, that the exception should extend only to those Spanish American nations, who would treat with Mexico on the same terms. I told him, that I must persist in my objection, and would not admit the principle at all: that I believed the exception, Mexico insisted upon making, would avail her nothing, for no other American nation would agree to it; but that any distinctions at all among the nations of America were, in my opinion, destructive of the best interests

of this hemisphere. As I know, that he is appointed one of the plenipotentiaries of this government to the Congress of Panama, I hinted to him, that the course of policy Mexico appeared determined to pursue would leave her at that Congress entirely alone, for it was to be expected, that those American republics who stood towards each other on the same footing and whose interests were identical, could be united more closely among themselves than with a third, which had thought proper to pursue a separate line of policy and to unite herself more closely with a European power than with them, notwithstanding they had obviously all the same interests. After some further discussion, in which I went over the whole course of policy, pursued by the U. S., towards these countries, and recapitulated the reasons which induced me to believe that the great interests of America required us all to be intimately united, he either was or pretended to be convinced, and promised to use his influence to induce the President and the plenipotentiaries to yield this point.

We met at noon and the plenipotentiaries of this government commenced the conference saying, that as I had not agreed to the modification proposed to me through Arizpe, they had now one to submit to me which, they presumed, I could not refuse, as I had the day before expressed an opinion that their treaty with Great Britain would be rejected in London on the ground of this exception. They then proposed to insert the following words, "with respect to the exception, contained in the article which speaks of the republics, which formerly were Spanish possessions, it shall be understood in the same terms which finally shall be agreed upon, in relation to this subject, between Mexico and England".

To this proposal I instantly replied, that I would prefer agreeing to the article as it stood rather than consent to be governed by the decision of Great Britain: that our interests were separate and distinct, that nation formed one of the European powers, and the United States were the head of the American powers; and that in treaties, which were intended to strengthen the interests of the latter, no allusion ought to be made to those made with the former: Great Britain had concluded a treaty with these states in order to secure a profitable commerce with the Americas, but her interests were European, whereas ours were strictly American. With respect to the opinion I had advanced that their treaty

with England would not be ratified in London, I had been induced to suppose so from the fact, that one of the plenipotentiaries of that government had assured me the exception in question never would have been agreed to by them if they had not been shown the treaty with Colombia, which contained this principle of exclusive alliance among the Spanish American states. It had been ratified here, and they supposed, it would be ratified in Colombia, and therefore consented to what they considered irremediable, satisfied that we were excluded as well as themselves. If therefore, this state of things constituted their only motive for agreeing to it and they had so declared to their government, I had a right to suppose as the principle was not sanctioned by Colombia that the treaty, with that condition, would not be ratified in London: and I knew, that the *chargé d'affaires* of H. B. M. had sent in a note to explain the only reasons why the British plenipotentiaries had agreed to that provision in the treaty, and to declare that as the treaty between Mexico and Colombia had not been ratified by the latter, those reasons no longer existed, and the exception ought to be explained. If the cabinet of London took the same view of it, the alteration would be insisted upon: but on the contrary, if it should appear to them more important in a political than in a commercial view, they might not object as an European power to the establishment of such distinctions as those proposed, because these must necessarily separate the interests of the American republics, and that nothing but the policy Great Britain might be disposed to adopt towards America, as one of the European powers, could induce them to make so unnecessary a sacrifice of their commercial interests.

The plenipotentiaries of this government then asked what would be their situation if their treaty with Great Britain would arrive ratified, after they had signed one with us without inserting this exception. Aware that this was the real difficulty as well as the source of this obstinacy on their part, I replied, that in my opinion, as the plenipotentiaries of Great Britain had been induced to consent to this exception from the mistaken belief that the treaty with Colombia, in which the principle was established, would be ratified by both parties and that therefore, they must admit it how-

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ever objectionable or make no treaty at all with Mexico, and as these motives had fallen to the ground with rejection of the treaty by Colombia, it would be not only decorous but honorable for the Mexican government to agree at once to expunge that exceptionable provision of their treaty with Great Britain. One of the plenipotentiaries, who had assisted at the conferences with those of Great Britain, protested that the motive alleged by the British, plenipotentiaries had assured me, it was entered on the protocol of the conferences, that the previous treaty of Mexico with Colombia was the only motive which induced them to accede to this exception in favor of the Spanish American states.

They continued to insist that they were bound by fraternal ties to the Spanish American states, and that it was natural they should unite themselves more intimately with states in their infancy (with peculiar circumstances in which they mutually stood towards Spain) than with a nation already in adolescence, and which had to pursue a different policy towards Spain on account of the relations they had with the other powers of Europe. To those observations I replied that against the powers of Spain they had given sufficient proof that they required no assistance and the United States had pledged themselves not to permit any other power to interfere either with their independence or form of government; and that, as in the event of such an attempt being made by the powers of Europe, we would be compelled to take the most active and efficient part and to bear the brunt of the contest, it was not just that we should be placed on a less favorable footing than the other republics of America whose existence we were ready to support at such hazards. They interrupted me by stating that we had no right to insist upon being placed on the same footing with the Spanish American states, unless we were willing to take part with them in their contest with Spain. I told them, that such an act would be in the highest degree impolitic towards all parties: it was true, that the power of the United States was sufficient not only at once to put an end to this contest, but if the nations of Europe did not interfere, to crush and annihilate that of Spain. This measure however, which they now proposed, would infallibly produce what it was so much our interests to avoid, the alliance of the great powers of

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Europe against the liberties of America. I then recapitulated the course of policy pursued towards the Spanish colonies by our government, which had so largely contributed to secure their independence and to enable them to take their station among the nations of the earth; and declared what further we were ready to do in order to defend their rights and liberties, but that this could only be expected from us, and could only be accomplished by a strict union of all the American republics on terms of perfect equality and reciprocity; and repeated, that it was the obvious policy of Europe to divide us into small confederacies with separate and distinct interests, and as manifestly ours to form a single, great confederacy that might oppose one united front to the attacks of our enemies.

As this conference had already lasted some hours for Spanish eloquence is diffuse, and as I understood their motives for insisting on this provision in the treaty, I broke up with a positive declaration, that putting out of view my duty as representative of the United States, I regarded the proposed exception in favor of the nations which were formerly Spanish possessions, so contrary to the best interests of the Americas, that I never would agree to its insertion in a treaty between the United States and any of the American republics.

My opinion is, that the interests of the United States will be better consulted by having no treaty at all with Mexico than by concluding one with this condition. Having formed this opinion after mature and anxious consideration, I shall persist in my opposition to the insertion of this conception as a *sine qua non*. If the President takes a different view of this subject, I beg to be informed as early as possible, that I may shape my course accordingly. I acknowledge however, that without some reasons more cogent than those which have been advanced or which have occurred to my own mind, I shall yield with infinite reluctance to the establishment of such a principle in our intercourse with the American republics.

I have the honor etc. . . Poinsett.

Mexico: Poinsett. March 15' 1825-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, doc. 22. NAW.

12 de octubre de 1825. México, J. R. Poinsett a H. Clay.
(Documento en cifra.)

Circumstances have occurred between the *chargé d'affaires* of Great Britain and myself which have induced me to write to Mr. King. A copy of that letter marked A, is herewith enclosed. Knowing that we have very important negotiations pending in London and aware of the character of Mr. Canning I thought it proper that Mr. King should be in possession of the facts and be enabled to give any explanation that may be required. I informed you shortly after my arrival of the state of the parties here. The English had been so long in peaceable possession of the field that they had secured an overwhelming influence in the cabinet. The President from peculiar circumstances was disposed to favour them. Immediately after the fall of Iturbide and while Victoria was in Jalapa he had several interviews with a certain Dr. Mackey who declared himself to be an agent of the British government. He communicated the result to the newly established executive at Mexico. By that correspondence it appears that the English agent proposed that Mexico should grant certain commercial privileges to Great Britain, as the price of the recognition of her independence by the latter. Victoria was rather disposed to comply with these terms but the other members of the executive thought differently and the agent was dispatched to London with an ambiguous answer inviting that government to send commissioners assuring Mr. Canning of the disposition to receive them in the most friendly and cordial manner and insinuating possibility of their obtaining whatever privilege they might demand. Victoria therefore on the arrival of the commissioners considered the establishment of the friendly relations between the two countries as, peculiarly, his own work and was most forward in the attentions that were shown them. You are aware of the extent of these last attentions and of the enthusiasm with which they were received. When Mr. Ward who went to England with the report of the commissioners returned to Mexico he brought a very flattering and friendly letter from Mr. Canning to the President which produced the effect he had supposed it would and bound Victoria still more closely to the English interests. The British commissioners paid great court to Tornel the

Secretary of the President, a vain and venal man who exercises great influence over his chief. Alamán who is certainly a man of talents, but suspected with reason of an European bias, came into the views. I before told you that he received a salary from a British mining company. Esteva the Secretary of the Treasury was intimately united with Eldeman, not satisfied with the influence they enjoyed, a scheme was planned by them in conjunction with Santa María the Minister from Colombia and the Countess of Regla, a pretty creole possessed of a great shrewdness and exercising great influence over Victoria to turn out D. Pablo de la Llave the Minister of Justice and Ecclesiastical Affairs and to appoint the Bishop of Puebla in his place. This man is an European by birth and an insidious and dangerous enemy to these countries. He played a distinguished part in the elevation of the usurper Iturbide. At the period of the formation of this plot, I was made acquainted with what was passing. La Llave had retired to the country awaiting the event without an exertion but Ramos de Arizpe, another priest, his friend a man of an active intriguing character who had been a deputy of one of the Mexican provinces in Spain and while there brought frequently in collision with the Bishop of Puebla, opposed himself vigorously to the appointment of the latter and finding that he could not prevent it procured himself to be appointed chief officer in that department. This movement and a declaration made by Llave that he would appeal to the public, and expose the intrigues of the trio, prevented the Bishop from accepting the appointment. He had taken a house here and was expected when Esteva went to Puebla suddenly and in consequence of that interview as it is supposed the Bishop refused the appointment. The party formed in the Senate against Alamán was gradually becoming formidable and he must have yielded to it and have retired. This fall was however hastened by a personal pique between him and Mr. Ward which induced the latter to exert his influence direct and indirect with the President to obtain his dismissal. Alamán became aware of the combination against him and resigned. Esteva, who saw that the fall of his associate was inevitable, had already abandoned him. Ramos Arizpe used every effort to induce the President to appoint Michelena, the late envoy to London to the post vacated by the resignation of Alamán but Victoria has a personal feeling against Michelena. He both dislikes and fears him and therefore resisted the efforts of

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Arizpe and his friends. He has appointed a young man from Jalapa, very little known, one Camacho. Michelena and Arizpe have been selected by the President to go to Panama, but the latter assures me that they will not both go. It is rumored that in order to induce Michelena to go on this mission Arizpe is to be appointed Minister of Grace and Justice in the place of La Llave who resigns. Arizpe is a man of talents daring and intriguing, he possesses the warmest zeal in the cause of America, declares himself anxious to promote my views and has been useful to me but I do not repose entire confidence in him or his profession. The fall of Alamán struck the European party with terror. Esteva hastened to assure me of his earnest desire to see our countries united and an American system formed on the principles he knew I had at heart. The President sent me word that he wished to have an interview with me and not withstanding I requested that he would appoint a time when it might be convenient to him to receive me, he insisted on coming to me. Our interview was very friendly and in the course of it he gave me repeated assurances of regard for the United States and of his American sentiments. He had been indisposed towards me by the language I was compelled to hold in relation to the Island of Cuba. I explained the sentiments of my government on that subject and he declared himself satisfied. I believe that their plans on Cuba may now be controlled and the executive is not quite so ardent in the prosecution of them. The President is a very good man with no bad dispositions but he is very vain, and is badly surrounded. He listened to the tales of the Secretary Coronel Tornel and of Esteva; the first is a very bad man without a single redeeming quality. He is striving to supplant Obregón in the mission to the United States. I believe him to be in the pay of the British *charge d'affaires*. Esteva is a man of great activity and of some talents; he came over to the American party only because he perceived the impossibility of sustaining himself independently of it but on the day that he declared himself to me, he told the grossest falsehoods of me to Mr. Ward which occasioned in a great measure the difference between that gentleman and myself. The state of society here is scarcely to be credited. I hardly know a man however high his rank, or office, whose work can be relied on and many of the leading members in both houses will receive a bribe to advocate a private claim with as little scruple as if you would have

received a fee to argue a cause before the supreme court; from such men I would have kept aloof had I been permitted to have done so, but they sought me and I found it necessary to form a party out of such elements as the country afforded or to leave the English masters of the field. The latter are now as much alarmed as they were formerly confident of their ascendancy. They cannot conceal either their mortification or fears and Mr. Ward has despatched a messenger to Mr. Canning with the most exaggerated accounts of my influence. I only wish one half of what he believes were true, his want of tact and overwrought exertions may contribute to establish that influence he so much dreads. We have received intelligence that the treaty between Mexico and Great Britain has not been ratified in London. M. Morier will probably return to renew the negotiations.

Mr. Ward after marking a sort of amend honorable through a mutual friend, Mr. Francis Baring, has just called upon me and unhesitatingly assured him that the alterations in the treaty, which his government was desirous to obtain, should not meet with any opposition on my part but on the contrary should have my cordial support. They relate as I understand to the 7, 8 and 14th article of that treaty.

It is I believe settled that Michelena and one Domínguez who was Minister of Justice under Iturbide go to Panama.

The country is tranquil and I see no cause to fear any convulsion except that in a republic with a large standing army there is always danger. I have represented forcibly to these people that they cannot assemble a large force on any one point without great danger to the liberties of the country and that the return of a successful or of a defeated army from Cuba would be attended with risk; the first would be elated and devoted to the chief who had led them to victory and in the event of defeat they might attribute their disasters to the government at home and be disposed to effect a revolution. There is some danger too from that provision in their constitution which forbids the reelection of the President. Victoria and his friends will abandon the power they now have with great reluctance. It is evident to me that he looks upon the termination of his reign with disgust and I never lose an opportunity to flatter him upon his attachment to liberty as the surest foundation of his future fame, because it appears to me that his virtue requires to be sustained. Ramos Arizpe, who like all shrewd croeles sees beyond the truth says that the attachment of Victoria to the

English springs from his ambition that the continental powers of Europe are all desirous of seeing monarchies established throughout American and each is anxious to see those dignities conferred upon one of their own family.

Great Britain in order to avoid such a result might assist in placing a Mexican upon the throne of Mexico. He assures me that he knows these to be the views of the President. I very much doubt whether he had ever any such hopes but the augmenting strength of the republican and federal party will convince him of the impossibility of realizing them if he did ever entertain them.

I ought to inform you that, in my opinion the President Victoria is not and never will be a friend of the United States. He is apparently reconciled to me but I know he dislikes me. His favourite projects were first to create a confederacy of the Spanish American states at the head of which the superior population and resources must have placed Mexico. In this idea he was encouraged by Santa María the Colombian minister who is a Mexican; to conquer Cuba and annex that Island to Mexico and if possible to induce Guatemala to unite herself with Mexico. The development of these plans and their defeat, as I hope, he attributed in a great measure to me. Santa María has resigned, but Colombia ought to know that he is a Mexican. I have the honor etc. Poinsett.

Mexico. Poinsett. March 15' 1825-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, doc. 24. NAW.

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9 de noviembre de 1825. Washington H. Clay a J. R. Poinsett

Anuncia haber recibido sus despachos número 21 y dice que considera comentar solamente un punto relativo a la dificultad surgida en el curso de las conferencias con los plenipotenciarios de México sobre la propuesta convención de comercio. Se trata de la excepción que se quiere hacer en favor de las naciones anteriormente sujetas a España a quienes conceden privilegios especiales en señal de solidaridad que naturalmente no serán extensivas a los Estados Unidos. El

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presidente está de acuerdo con su conducta y con que se haya rehusado en acceder.

...The United States have neither desired, nor sought to obtain for themselves in their commercial relations with the new states, any privileges which were not common to other nations. They have proposed, and only wished to establish as the base of all their commercial treaties those of equality and reciprocity. They can consent to no other. Ready themselves, to extend to the United Mexican States any favours which they have granted to other nations, the United States feel themselves authorized to demand in this respect a perfect reciprocity. They could not agree to treat on the principle of a concession to any European power of commercial privileges which were denied to them. They would feel even more repugnance to the adoption of such a principle in respect to any American nations; because, by placing the United States, in some degree, out of the place, of the American system, of which they form no unessential part, it would naturally wound the sensibility of the people of the United States.

As you had no time, at the date of your despatch to communicate the reasons which were urged in support of this extraordinary exception, they can only be collected from the tenor of the clause inserted in the British treaty which you have cited. That clause asserts, as the motives for the exception, 1st: That the new states, in whose favour it is to be applied were formerly Spanish possessions; 2nd: That certain fraternal relations united them to the Mexican states. The validity of neither of these reasons, can be perceived. What is there in the nature of the fact that those nations were once bound by a common allegiance to Spain, to justify the exception? Can any rule be fairly deduced from a colonial condition which should govern independent nations, no longer bound by any common tie? Is there not something derogatory from the character of free states, and free men, in seeking to find a rule for their commercial intercourse in their emancipated condition, from a retrospect of their colonial state, which was one of dependence and vassalage? What is to be the limit of this principle? If the accident of a colonial connexion under a common sovereign is to justify common sovereign, also insist, on the ground of ancient relations upon

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special privileges? And then it would be incumbent upon the United States to consider if they had not been premature in their recognition of the independence of the United Mexican States. But if the fact of the Spanish dominion having once stretched over the new states is to create an exception of commercial privileges, in their behalf, the United States, upon a similar ground, have a right to demand the benefit of it. For the same Spanish dominion once, and at no very distant day, extended over the larger part of their territories, and all that part which is continuous with those of the United Mexican States.

With respect to the second reason deducible from the clause in the British treaty, there is no statement in the nature of those fraternal relations which are supposed to warrant the exception. Certainly, as between the United Mexican States and the other new nations carved out of the former Spanish colonies, none are known to the world which can sanction the exception. The United Mexican States have alone, sustained their contest. If the idea of those fraternal relations is to be sought for in the sympathy between the American belligerents, this sympathy has been equally felt, and constantly expressed, throughout the whole struggle, by the United States. They have not indeed taken up arms in support of the independence of the new states; but the neutrality which they have maintained has enabled them more efficaciously to serve the cause of independence, than they could have done by taking part in the war. Had they become belligerent, they would probably have drawn into the war, on the other side parties whose force would have neutralized, if it has not overbalanced, their exertions. By maintaining neutral ground, they have entitled themselves to speak out with effect, and they have, constantly, so spoken, to the powers of Europe. They disconcerted the designs of the European alliance, upon, the new states by the inculcating declarations which they made in the face of the world. They were the first to hasten to acknowledge the independence of the United Mexican States, and by their example, drew after them Great Britain.

It has, no doubt escaped your observation that, in the case of the treaty which has been concluded between the United States and the Republic of Colombia (and of which

a printed copy, as it has been ratified by the governments, is herewith transmitted) no such exception was set up by that republic. On the contrary it is expressly stipulated in the second article, that the parties "engage mutually not to grant any particular favour to the other nations in respect of commerce and navigation which shall not, immediately, become common to the other party who shall enjoy the same, freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional".

There is a striking inconsistency on the line of policy which the United Mexican States would seem disposed to pursue towards the United States. They would regard these states as an American Nation or not, accordingly as it shall suit their own purposes. In respect to commerce, they would look upon us as an European nation to be excluded from the enjoyment of privileges conceded to other American nations. But when an attack is imagined to be menaced by Europe upon the independence of the United Mexican States, then an appeal is made to those paternal sympathies which are justly supposed to belong to our condition as a member of the American family. No longer than about three months ago, when an invasion by France of the Island of Cuba, was believed at Mexico, the United Mexican government promptly called upon the government of the United States, through you, to fulfill the memorable pledge of the President of the United States in his message to Congress of December 1823. What they would have done, had the contingency happened, may be inferred from a despatch to the American minister in Paris, a copy of which is herewith sent, which you are authorized to read to the plenipotentiaries of the United Mexican States. Again the United Mexican government has invited at the Congress of Panama and the President has determined to accept the invitation. Such an invitation has been given no European power, and it ought not to have been given to this, if it is not to be considered as one of the American nations.

The President indulges the confident expectation that upon reconsideration the Mexican government will withdraw the exception. But if it should continue to insist upon it, you will, upon that ground, abstain from concluding any treaty, and

put an end to the negotiation. It is deemed better to have no treaty, and abide by the respective commercial laws of the two countries, than to subscribe to a principle wholly inadmissible, and which, being assented to, in the case of Mexico, might form a precedent to be extended to others of the new states.

I am your obedient servant H. Clay.

United States Ministers, Instructions. July 15' 1823-December 30' 1825. Vol. 10, p. 407-410. NAW.

28

25 de noviembre de 1825. Mexico. J. R. Poinsett a H. Clay

Sir,

I have received and attentively examined your instructions num. 5. It is to be regretted that the treaty between this country and G. Britain preceeded my negotiations here, as it will, I fear, prevent my succeeding in establishing the principle the President is so desirous of extending in our treaties with foreigners. I shall not fail however, to urge the example of Colombia, as you suggest, and to avail myself of every means in my power to accomplish his views. The provision, exempting the produce and manufactures of the United States from paying in the ports of Mexico higher duties than similar articles, the produce or manufactures of the other countries, to which you call attention, is inserted in the project and consented to by the plenipotenciaries of Mexico.

On the arrival of the Secretary of Foreign Relations I will renew the negotiation respecting the reading and will endeavour to prevail upon him to enter at once into negotiations respecting the boundaries.

I have etc. . . J. R. Poinsett.

Mexico. Poinsett. March 15' 1823-June 29, 1826. Department of State. Vol. 1. Docs. 1-47, doc. 28. NAW.

9 de diciembre de 1825. Washington. H. Clay a J. R. Poinsett

Sir,

Your despatch Nº 22, under date the 28th September 1825, is this day received. By mine of the 8th ultimo you will have learned that the President approves of your rejection of the exception in the proposed commercial treaty, which the Mexican government insists upon making, of favours in behalf of the new government established within what was formerly Spanish territory; and that you are instructed to break off the negotiation, rather than accede to that exception. It is, therefore, seen with regret, that the Mexican government perseveres in an exception which is so inadmissible. On the 5th instant, a treaty of peace, Amity, Commerce and Navigation was concluded and signed here, with the Central Republic, which will be submitted to the Senate for its advice and consent in a day or two. This treaty embraces the same articles as that which Colombia, and three others (one, a modification of a similar article in that treaty, and two new ones) of which copies are herewith sent. It contains no exception of favours to any of the American republic, carved out of former Spanish territory. On the contrary no such pretension was ever advanced in the progress of the negotiation. It has been brought forward by no American power but Mexico. The treaty with the República of the Center is characterized by the greatest liberality, and by a true American spirit. And it expressly provides that whatever favours shall be granted to any foreign power (of course, American, as well as European) by either of the high contracting parties, shall extend to, and be enjoyed by the other.

Our confirmation here in regard to the treaty negotiated by G. Britain with Mexico, is, that the objection taken to it in England was that it embraced the principle that free ships should make free goods, to which Britain is not prepared to subscribe.

I am your obediente servant. H. Clay.

United States Ministers, July 15' 1823-December 30' 1825. Vol. 10, p. 420-421. NAW.

16 de diciembre de 1825. México. J. R. Poinsett a H. Clay

Envía la nota por la que se levantaba el bloqueo de San Juan de Ulúa, por parte del gobierno de México, e indica que el puerto de Veracruz está, en consecuencia, abierto para el comercio siendo este puerto más conveniente que el de Alvarado. Anuncia que ha sabido de la llegada del "Elegant Cutter", hace algunos días, procedente de Falmouth conduciendo al mensajero que transportaba despachos referentes al tratado con Inglaterra, pero que dicho mensajero no había llegado a la capital hasta dos días atrás, de la fecha de la comunicación, por lo que no se tenían conocimientos sobre las objeciones que Canning hubiera hecho al tratado. Se había enterado, de buena tinta, que las principales protestas iban dirigidas en contra de la excepción que México hacía en favor de los estados que con anterioridad fueron españoles.

Por ello esperaba Poinsett que al reunirse para continuar sus negociaciones con los mexicanos encontraría menor resistencia por parte de los últimos.

Los dos ministros mexicanos que debían tratar con él, para reanudar las negociaciones del tratado, se hallaban indispuestos y ello iba a impedir que se hiciera algo positivo hasta después de las vacaciones, cuando presionaría para finalizar el tratado de comercio.

Poinsett.

Mexico. Poinsett, March 15' 1823-June 29' 1826. Department of State. Vol. 1. Docs. 1-47, doc. 31. NAW.

1º de enero de 1826. México. Guadalupe Victoria al abrir las sesiones ordinarias del Congreso.

Los Estados Unidos del Norte, modelos de virtud política y rectitud moral, progresan bajo el sistema de repúblicas federal que, adoptado entre nosotros por el acto más espontáneo de que hay memoria, nos nivela con la patria de Washington robusteciendo la unión más íntima entre las dos

naciones confinantes. Un ministro plenipotenciario de esta nación, acreditado cerca de nuestro gobierno, es el comisionado para celebrar tratados que no tardarán en someterse a la deliberación de las cámaras. Es demasiado urgente el arreglo definitivo de los límites de ambas naciones, y el gobierno prepara trabajos que facilitarán la concusión del negocio sobre las bases inalterables de franqueza y buena fe.

Genaro Estrada, *Un siglo de relaciones internacionales de México (a través de los mensajes presidenciales)*, México, Secretaría de Relaciones Exteriores, 1935, xxvii-404 p. (Archivo Histórico Diplomático Mexicano, 39), p. 8.

32

4 de enero de 1826. México. J. R. Poinsett a H. Clay

Sir,

I mentioned to you in my last communication the arrival of Mr. Morier with the final instructions of Mr. Canning in relation to the treaty and G. Britain. These instructions have communicated to this government and in a conversation I held this morning with H. B. M's *Chargé d'Affaires*, he communicated some extracts of them to me. Mr. Canning first objects to the preamble, as obscure and equivocal. He objects to the fourth article. He considers the provision of extending to each party any favour or concession which may be granted to a third freely, if granted freely, or subject to the same conditions, if conditional, is inadmissible, and will not hear of any exceptions in favor of the states formerly Spanish possessions. He objects to the sixth article, which established the principle of the most favoured nation. He says, that as G. Britain has established a different principle in her intercourse with us and with other nations, it will be yielding too great an advantage to Mexico to treat with her on the basis of the most favoured nation. He objects to the seventh article especially to that part or parts of it, which requires that three fourths of the crews of vessels, to be considered Mexican should be persons admitted into the service with the knowledge only of the Mexican government. He insists that such proportion of the crew ought to be native

born or naturalized citizens of Mexico. He regards the eighth article as totally inadmissible.

These are the principal and, to the best of my recollection, the only objections made in the instructions sent out in the cutter, which was dispatched a month before Mr. Morier sailed, but which arrived about the same time. In the interval, Mr. Canning received a dispatch from Mr. Ward, complaining of the conduct of Mr. Alaman in publishing the treaty before its ratification in England, accompanied by very improper comments. Mr. Alaman published in the *Sol*, a paper known to be edited by him jointly with Santa María the Colombian envoy, the treaty between G. Britain and Colombia and that pending between G. Britain and Mexico, in order to show the superiority of the Mexican plenipotentiaries over those of Colombia, particularly in that part of the treaty relating to religion, and to exhibit to the nation the complete triumph of his colleague and himself over the plenipotentiaries of H. British Majesty. Such a statement from the Secretary of Foreign Affairs irritated Mr. Ward exceedingly and has irritated Mr. Canning still more. Mr. Morier has in consequence received instructions to introduce an article substantially the same as the relating to the toleration and to the fanatics of this country to the measures that are pursuing to destroy their influence. They are still much too numerous and powerful a body in the state to be roused without the utmost risk to the liberties and institutions of the republic. Mr. Morier has not yet arrived in the capital but I shall advise him to settle all the other points of the treaty and to inform Mr. Canning of the utter impracticability of carrying that relating to religious toleration. By this time he will have been appeased by the fall of Alaman, and I am desirous, that as the points I have pressed upon the Mexican plenipotentiaries, are in many respects the same as these gentlemen are instructed to obtain, we might act in concert. This cannot but be useful to both parties.

The President, of whose bias towards G. Britain I have before informed you, is desirous of concluding a treaty with that power on almost any terms. Mr. Canning has written him a letter in order to smooth over the rejection of the treaty highly flattering to his vanity and which has produced all the effect that could have been anticipated by the writer. The Secretary of the Treasury desires, of course, that the treaty should be concluded, because it is probable, notwith-

standing the flattering prospects held out in the President's message, that a new loan will be required before long. Of the views of the new Secretary of State I am as yet ignorant, he has been ill ever since his arrival in the capital.

In order to induce this government to comply with his terms, Mr. Canning says, that if the treaty is concluded, a minister plenipotentiary will be immediately appointed by H. B. M. to Mexico, as ministers of that rank have been to Colombia and the United Provinces of La Plata. He makes use of this phrase, which struck me, as in all probability, the principal argument urged by Great Britain to strengthen their influence with this country: "situated as Mexico is, with a large extent of coast but without ports capable of containing or protecting a navy, and yielding in abundance all the articles of a valuable commerce, it is her obvious interest to unite herself intimately with a great maritime power, from which she will not have, to fear territorial encroachments" or words to that effect.

The executive has at length united itself with the strongest party in the state — a measure of obvious policy. Almost all the leading men in this country were *centralistas*, that is to say, in favor of a central form of government. Both Victoria and Bravo were of that party, and on the election of the former his cabinet was made up of *centralistas*. The federalists, certainly the most numerous and powerful in the nation struggled hard to gain the ascendancy and expressed great alarm at the opinions of the government. The party of Bravo all *centralistas*, was, of course, in opposition to the executive and had in Alaman a powerful agent in the administration. The federalists suspected the views of the executive and opposed all its measures, and the President found himself surrounded only by his personal adherents. Such was the state of things on my arrival here and until very lately. The obvious policy of the executive, under these circumstances was, in the first place, to get rid of Alaman, and, in the next, to unite itself with the federal party. This has been done. Ramos Arizpe, who took an active part in framing the federal constitution, has been taken into the cabinet, and although Camacho was a *centralista*, he embraced the earliest opportunity of protesting against the views of that party, and of assuring the federalists of his entire change of political sentiments in that respect. In my first interview with him, he told me that he had regarded the

plan of a federal government as chimerical, but that he was now perfectly convinced of its superiority over every other.

The agency I have had in bringing about this state of things has drawn upon me the odium of the centralists. They report that my object is to gain such a party as will secure the acceptance of any proposal, I may think proper to make respecting the limits between the two nations. I send herewith the translation of a note, which shows the absurd pretensions of that party on this subject. The original is appended to a supplement to the *Cuadro Histórico* or *Historical Picture of Mexico* written and published by one Carlos Bustamante, the organ of that party.

I am very sorry that Mr. Obregon's friends are connected with the centralistas. I have endeavored to prevent his recall because I have a personal regard for him; but the appointment was made through the influence of Mr. Alaman, and he will not be allowed to remain much longer. Tornel, of whom I have already made mention, is talked of. He quarreled with H. B. M's *Charge d'Affaires* a few weeks ago, and is very anxious to be appointed Minister to the United States. His competitor is one La Torre, a young man of good talents. I know but little of him as yet. He is a clerk in the foreign office.

The memorials of the several secretaries of government will be presented to Congress in all this week. They shall be forwarded by the next opportunity together with a brief sketch of the present state of the country.

I send herewith the President's address to the Houses at the closing of the extraordinary session of Congress, etc... Poinsett.

Mexico. Poinsett, March 15' 1823-June 29' 1826. Department of State. Vol. 1. Docs. 1-47, doc. 32. NAW.

33

13 de enero de 1826. México. S. Camacho a J. R. Poinsett. Copia anexa al despacho núm. 33 de Poinsett

Exmo. Sr.:

El gobierno de los Estados Unidos Mexicanos que desea ver cimentadas sus relaciones con otros pueblos de la tierra

sobre principios sólidos de justicia y de franqueza, no ha podido oír con indiferencia el mensaje del plenipotenciario de los Estados Unidos dirigido al rey de España con ocasión de presentarle las credenciales de su misión.

Aun cuando el gobierno esté muy distante de darle aquella inteligencia que generalmente se le atribuye, y que ha sorprendido y llamado justamente la atención de los mismos paisanos y amigos del ministro, no puede prescindir de la obscuridad con que se ha presentado una cláusula que, si hace relación a estos estados, envuelve conceptos poco favorables a su independencia y soberanía, y pone en duda el reconocimiento que de su existencia política hicieron los Estados Unidos.

El gobierno, que está firmamente persuadido de la buena fe que preside la conducta del gabinete de Washington en todos sus actos, se ofendería altamente de pensar un solo instante que los principios proclamados tan solemnemente y seguidos sin interrupción por su sabia política habían declinado a otro extremo. Le hace toda justicia a que es dignamente acreedor, y se le hace también al pueblo que acaba de dar testimonio más incontestable de sus generosos sentimientos pronunciándose tan decididamente contra el discurso indicado: pero, o por lo mismo, y porque aprecia la amistad de sus vecinos, desea en todo lo que tenga relación con ella, la mayor claridad y certidumbre, a fin de evitar cualquiera interpretación que aun en el concepto del vulgo pudiera hacer dudosa su sinceridad, y mucho más en lo de las potencias de Europa tan fáciles de deslumbrarse con cualquiera nimiedad que pueda halagar sus ideas.

En este concepto y en el de que es muy creíble que el gobierno americano se haya apresurado a desvanecer las dudas que pudiera suscitar semejante nota, tengo el honor de estar autorizado para suplicar a V. E., me comunique, si su gobierno la ha trasladado algunas explicaciones sobre un suceso, que se ha hecho demasiado notable, y que las relaciones de ambos países exigen no dejar en semejante estado de incertidumbre.

Aprovecho la opotunidad... E. Camacho.

Mexico. J. R. Poinsett. March 15' 1823-June 17' 1826. Department of State, v. I. Docs. 1-47, doc. 33, anexo 4. NAW.

14 de enero de 1826. México, J. R. Poinsett a H. Clay

Sir,

I have the honor to enclose herewith the translation of a note received yesterday from this government marked A, together with my reply marked B.

Although aware of the very unfavourable impression produced generally in this country by the publication of Mr. Everett's address, I confess, this note from the Secretary of Foreign Affairs surprised me a good deal. I had had a conference with that gentleman a few hours before, during which he did not even in a remote degree, allude to this subject.

The object of that conference was to induce this government to consent that the road should be marked from the frontier of New Mexico to Santa Fe, which has been again taken into consideration; and to urge the claim of Julius de Mun and his companions.

On this subject, the Secretary informed me, that Congress had assumed all debts contracted by the preceeding governments of Mexico, and were about to create a tribunal to decide on the validity of all claims, and to set apart a fund for their liquidations. That claim will be submitted with others of a similar nature to that tribunal, and it is important; that I should be furnished with the necessary documents to substantiate it. The printed copy in the 12th. v. of *State Papers*, to which I am referred in Mr. Brents letter on that subject, will not, in my opinion be sufficient.

A translation of the reply of the Secretary of Foreign Affairs to my communication respecting your instructions to the envoy of the United States at St. Petersburg, marked C, accompanies this letter.

I have, etc... J. R. Poinsett.

Mexico. Poinsett. March 15' 1823-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, doc. 33. NAW.

14 de enero de 1826. México. J. R. Poinsett a S. Camacho

Most Excellent Sir,

I have the honor to acknowledge the receipt of your note of the 13th instant in which Y. E. refers to a discourse said to have been pronounced by the Minister Plenipotentiary of the United States of America on his presentation to H. M. the King of Spain.

So far am I from having received any explanation of the tenor of that discourse from my government that I was even ignorant it had been pronounced until I received Y. E.'s note. It is true that I have read different versions of Mr. Everett's discourse in the public journals of the U. States, accompanied with very severe animadversions by the editors: but I had until now supposed that the publisher in Madrid had interpolated the words to which Y. E. directs my attention. I would not imagine that a representative of the U. S. of America would have uttered words which every act of his government denies. I must presume that Y. E. is better informed in this particular that I am, for if explanations are to be demanded from one nation of another, upon a mere newspaper report, the harmony which ought to subsist between them, might be interrupted at any time by the editor of a foreign gazette.

But as I am bound to suppose that Y. E. is in possession of more positive information on this subject, I will hasten to apply to my government for the explanations which Y. E. is authorized to ask if I have yet received. In the meantime I do not hesitate to assure Y. E. that if the Minister Plenipotentiary of the United States did use the language attributed to him, he did not express the sentiments of his government, and I confess myself at a loss to conceive, after what has passed, how such an incident could render the sincerity of my government doubtful even in the minds of the vulgar, or be considered by any one as calculated to deceive the powers of Europe.

In March 1822, the government of the U. S. by a solemn act, recognized the independence of Mexico. In the same year refused to nominate commissioners to carry into effect the treaty of Washington of 1819, respecting the boundary line between the United States of America, in what were then the possessions of the U.C.M. in America, because it

was deemed due to the independent government of Mexico to form with her alone a treaty of limits. To the protest made by D. Joaquín de Anduaga against the act of recognition by my government of the independence of the states formerly Spanish possessions, Mr. Adams, the actual President of the United States, then Secretary of State, replied in these words: 'the government of the United States far from consulting the dictates of a policy questionable in its morality, has yielded to an obligation of duty of the higher order, by recognizing as independent states, nations which after deliberately asserting this right to that character, had maintained and established it against all the resistance, which had been, or could be brought to oppose it. This recognition is neither intended to invalidate any right of Spain, nor to affect the employment of any means, which she may yet be disposed or enabled to use, with the view of reuniting those provinces to the rest of her dominions. It is the mere acknowledgement of existing facts, with the view to the regular establishment with the nations newly formed, of those relations political and commercial, which it is the moral obligation of civilized, and Christian nations to entertain reciprocally with one another'. Words cannot be more explicit, and D. Joaquín de Anduaga in his reply says, 'I had the honor of receiving your note of the 6th instant, in which you were pleased to inform me that this government has recognized the independence of the insurgent provinces of Spanish America. I dispatched immediately to Spain one of the secretaries of this legation to carry to His Majesty news as important and unexpected, and until I receive his royal orders upon the subject, I have only to refer to my protest of the 9th of March last, still insisting upon its contents, as if its substance were repeated in the present note'.

These facts are notorious. They were published to the world at the time, and the government of the United States of America has in every instance acted in conformity with this declaration. There is no example of their having sought to disguise their views of this important subject to any of the powers of Europe. But on the contrary, they have openly declared their determination not to permit any other nation to interpose with armed hands between Spain and the Americas. And it is not unknown to your excellency that on a late occasion, the interposition of a great European power was solicited by the United States to obtain from

Spain an acknowledgement of the independence of her former possessions in America.

The open, frank and dignified course pursued by the United States of America towards all foreign governments since the commencement of their political existence, forbids the injurious supposition that they would authorize one of their agents in Europe to use language calculated to throw a doubt upon the independence and sovereignty of Mexico so formally recognized by them, and that at a moment when they were exerting their good offices to secure the freedom of the American states, and publishing to the world their determination to defend it against any other power than that of Spain.

When on a late occasion, the government of Mexico, alarmed at the appearance of a French squadron unusually large in time of peace, in these seas, applied to the government of the United States to ask an explanation of his Majesty the King of France of the apparently hostile movements, that application was promptly complied with: and the appointment of plenipotentiaries to represent the United States of America at the Congress of Panama, which has been resolved on by the President, will proclaim to the world, that they regard all the states of this hemisphere equally independent of Europe as themselves.

Whilst taking these great public measures with the generous purpose of supporting the independence of the Americas, my government will learn with surprise, that the unauthorized language of one of its representatives should have led the government of Mexico to doubt its sincerity, or to regard for the moment the relations of the two countries to be in a state of uncertainty.

What further proof of the sincerity of the U. States can this government require, that their refusal to carry into effect the treaty of limits concluded and ratified with Spain, and the appointment of a plenipotentiary near this government to settle the boundary between their territories and those of Mexico? Spain and all the powers of Europe are aware that in my person the United States of America have a Minister Plenipotentiary in Mexico fully authorized to treat with this government, and to settle permanently the boundary which shall hereafter divide the territories of our respective countries. This fact furnishes them a convincing proof that my government does not entertain a doubt of the independence and sovereignty of the United Mexican

States. For it is well known that such solemn compacts are celebrated with none other than the independent and sovereign nations.

Permit me respectfully to suggest to Y. E. that the conclusion, ratification and publication of the treaties which I am empowered to negotiate with this government, will place the relations of the two countries beyond all doubt or uncertainty. That act consummated, no words that may fall inadvertently from a Minister of the United States at the Court of Madrid, can be interpreted so as to render the sincerity of the United States of America doubtful, even in the opinion of the vulgar or to flatter the ideas of the powers of Europe, that are hostile to the independence of these states.

I take the advantage of this opportunity to reiterate to your Excellency the high consideration and respect.

J. R. Poinsett.

Mexico. Poinsett. March 15' 1823-June 17' 1826. Department of State. Vol. I. Docs. 1-47, anexo B al doc. 33. NAW.

36

18 de enero de 1826. México, J. R. Poinsett a H. Clay

Sir,

The *Chargé d'Affaires* of the United Mexican States at Bogota has very lately sent an official communication to this government from that of Colombia, setting forth that the Emperor of Brazil had been invited to send plenipotentiaries to the Congress of Panama and H. M. King of G. Britain to send an agent there. Nothing is said as to the precise character of the latter.

This communication had given great umbrage. Objections are made to both measures; but especial offence is taken at Colombia having presumed to take this step without consulting the other governments concerned and more particularly that of Mexico [empieza la cifra] It may be important that the plenipotentiaries who are from the United States at the Congress of Panama should be informed that there exists here a reason: pretended dread of the ambi-

tious views of Colombia and an unfeigned jealousy of the progress of that state. It is possible that the Mexican plenipotentiaries will be instructed to object to the presence of the representatives of both of the Brazils and of G. Britain. The resolution to exclude the former I have combated, with respect to the latter everything depends upon the character with which he is to be clothed. I fear it will be proved at this Congress that the descendents of Spaniards in America are almost as unmanageable as their ancestors have ever been found in Europe [acaba la cifra]. The president has submitted the question of the road from our frontier to Santa Fe of New Mexico to Congress. I shall endeavor to obtain an early decision of it but the deliberations of that body are almost interminable. If I find they are likely to be protracted beyond two or three months, I shall so inform the commissioner, who is waiting the decision of this government at Santa Fe.

I have, etc... J. R. Poinsett.

Mexico. Poinsett. March 15' 1823-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, doc. 34. NAW.

37

18 de febrero de 1826. México, J. R. Poinsett a H. Clay

Sir,

I have the honor to transmit herewith abstracts of the several memorials presented to Congress at the commencement of the year by the heads of departments of this government.

By that of the Secretary of Foreign Affairs marked A it appears, that the government of France has admitted commercial agents of Mexico to be appointed for the ports of that kingdom; and has signified its intention to send similar agents to Mexico. This government, however, regards the acts and professions of the French cabinet to be at variance and is disposed to give greater credit to the former, and to suspect the sincerity of the latter. The non ratification of the treaty with G. Britain, the return of Mr. Morier, and the renewal of the negotiations are mentioned. These have

UNAM - IHH

been broken off, and it was proposed, that the Secretary himself should accompany Mr. Morier to London. Shortly after this determination, the Secretary was taken ill and has since been at the point of death. He is recovering slowly, and it is supposed he will not only have to abandon the voyage to London, but to resign his office of Secretary of State. To succeed him in the first place, Gómez Pedraza, the Secretary of War, is talked of, and in the second Lorenzo de Zavala, a senator of considerable talents.

The Secretary mentions the negotiations between the United States and Mexico, and consider them as nearly concluded. His illness has served as a pretext for not renewing them, at this moment. The negotiations between G. Britain and this country have been kept very secret, the protocols not being confided to the clerks of the office to copy or translate. I have reason, however, to believe, that an attempt has been made to establish the opposite principle contended for by us, that free ships shall make free goods. Another difficulty is, what shall constitute a Mexican vessel. The plenipotentiaries of G. Britain contend, that in a war with us, our seamen would find employment on board Mexican vessels, and this flag would be used to cover our property.

I am inclined to believe, that the President does not intent to renew the negotiations with me until after the departure of Mr. Morier. This may be delayed from a difference of opinion in [the] Senate. Some members contended, that the appointment of the Plenipotentiary, whoever he may be, ought to be confirmed by [the] Senate, whereas the Executive and others think, that as it is only a continuation of the same negotiations by one of the former plenipotentiaries, there is no necessity to submit the nomination to the Senate.

I have not thought it politic to evince very great anxiety to renew the negotiations, as it is, in my opinion, more important to make a treaty on liberal principles than to conclude it quickly. I still entertain a hope, that I shall be able to transmit a Treaty of Amity, Commerce and Navigation before the end of the present session of Congress.

The report of the Secretary of the Treasury marked B shows, that the receipts, for the first eight months of the past year, amount to \$7584.596,61 the estimated amount for the whole year 11.048.586 ... [sigue con cifras de presupuesto] ... I am disposed to believe that the resource of

this country will increase very much in a few years. A great deal of money has been injudiciously laid out by foreigners in working mines, but very many of the old mines will be restored to their former prosperous state, and new ones will be discovered and brought into active operation by means of foreign enterprise and capital. The chain of mountains, called the Sierra Madre, is rich in the precious metals, and every day new mines are discovered and denounced in the states of Durango and Chihuahua. My opinion, is, that in 1831 if this country remains at peace and the mines continue to be worked with the same activity, as at present, at least as much money will be coined in the Mexican United States as at any period previous to the revolution. All the states that have mines, have established mints within their own territories, so that it is difficult to ascertain the amount coined during the last year.

The report of the Secretary of War marked C. shows that the naval forces of the republic consist of a ship of 68 guns, the *Asia*, now at Acapulco; the frigate *Libertad*, 40; a corvette of 30 guns, built or building in the United States; six brigs of 20 guns; two only are at Veracruz and one at Acapulco; four schooners, and eight gun boats. These small vessels are scarcely fit for service and the whole navy is wretchedly officered and badly manned. The annual expense of the naval force is \$ 1.389,016.40 [continúa hablando de la milicia, de la artillería, etc.] The report of the Secretary of Justice and Ecclesiastical Affairs is much the most able of these state papers. The statements are not however in every instance to be relied upon.

One of the principal objects proposed by the writer appears to be, to destroy the general impression of the great wealth and overwhelming influence of the clergy of Mexico.

He represents the total number of secular clergy to be 3463. Their landed property, he says does not exceed two or three millions of dollars, and their rents and tithes have been very much diminished by the wars of the revolution, but the whole statement appears somewhat vague.

The regular clergy he sets down at 1979 residing in 151 convents. The six colleges of propaganda fide contain 323 individuals. The town property belonging to these convents gives an annual rent of 171.108. The country property in lands yields \$ 85.384. Money at interest gives 80.881. Total revenue \$ 337.373. This is not a correct statement. The amount of property in mortmain in this country is very

considerable and these religious corporations hold a very large proportion of the public debt, to the amount of several millions of dollars.

The wealth and influence of the clergy is diminishing and will diminish continually. They are incompatible with the existence of republican institutions, and as the latter became more generally understood and appreciated, the former must decline.

The adoption of the federal system here is producing the best effects. The capital was and still is the stronghold of fanaticism, and the light of the truth will reach it from the remote states, where the work of reformation has been successfully commenced. The states of Jalisco and Veracruz are particularly distinguished for their very liberal institutions. In the former, papers are daily published, which find their way to the capital, and which inculcate the most liberal doctrines; and that state has deprived the clergy and the military of the right of being members of the State legislature, and had reformed the college, turning out of the professorships the old, ignorant, and bigoted priests, and adopting a plan of studies that does honor to the government of that state. A judicious course of reform in the states cannot fail to produce the most important and beneficial effect here.

The Senate is likely soon to be agitated by a spiritual question of some importance. The committee, appointed to prepare instructions for the legate at Rome, is well composed, and has drawn them up in such terms as will secure the independence of this church, if they are accepted by His Holiness. If they are rejected, it is hoped that the judicious exercise of the patronato will reconcile the church of Mexico to the separation. As there is a strong party in Senate still wedded to the ancient order of things in church at least; the opposite party wait a favourable moment to introduce this report, and in the meantime, the Mexican legation is without instructions and has nothing to propose to His Holiness on the part of this government..

The House is occupied in the discussion of [a] new tariff which proposes to reduce the duties on fourteenth [part], that means from 48% to 34%, and the valuation on every important article is very considerably reduced. It may pass during the present session, but business proceeds more slowly here than at Washington, and the subject under discussion is frequently changed. The House fluctuates between this

measure and that of establishing the public credit. It is proposed to fund the whole debt acknowledged by this government as well [as] that contracted by the governments of the viceroys, as that due for moneys borrowed and taken during the struggle for independence.

I have, etc... J. R. Poinsett.

Mexico. Poinsett. March 15' 1823-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, doc. 36. NAW.

38

3 de marzo de 1826. México. J. R. Poinsett a S. Camacho

Lo entera de que el presidente de los Estados Unidos le ha recomendado que se terminen las negociaciones del tratado y, como hace tres semanas que no ha sabido nada, se ha abstenido de hacer ninguna gestión. Sin embargo, llama la atención sobre que si el tratado no sale de México para el día 20 del mes, será imposible que llegue a tiempo para someterse al Senado de los Estados Unidos, porque las sesiones finalizan en la primera semana de mayo. Ello causaría un retraso de un año en el establecimiento de las bases de las relaciones entre los dos países.

Firma Poinsett.

ASREM. 7-11-40, fol. 93 (clasificación vieja).

39

20 de marzo de 1826. Washington. H. Clay a J. R. Poinsett, enviado extraordinario y ministro plenipotenciario en México

Sir,

Mr. Thomas Wilson, a respectable merchant and citizen of the United States residing in Baltimore in the commencement of the present year, had a vessel, the schooner *Fair*

American, and her cargo seized by the custom house officers at the Brasos Santiago, the port or harbour of the town of Refugio, in the United Mexican States. The seizure was made upon the ground that the vessel and cargo were not provided with the requisite consular certificates. It appears that the vessel upon her arrival at the port was regularly reported; that a written permit was granted by the proper officer to land the cargo; that in virtue of it the cargo was accordingly, landed, transported a distance of about forty miles, and, agreeable to usage, was placed in the custom house for examination, and for the assessment of duties; and that, during all these proceedings, no demand was made for the consular certificates, the necessity for which was not alleged until they were completed, when the officer caused the seizure of the vessel and cargo. It further appears that Mr. Wilson was informed by the Consul of the United Mexican States resident in Baltimore, the port of the United States from which the vessel sailed, that consular certificates were not necessary at Refugio, to the port of which she was destined. This statement of the case will be verified by documents which Mr. Wilson will place in your possession.

The seizure of a valuable vessel and cargo, for the non-compliance with such a formula as that of procuring consular certificates of their origin and character, under any circumstances, should be altogether disproportionate to the offence, and most rigorous. But it is impossible that a seizure, under the actual circumstances of the *Fair American* and her cargo should be enforced. Respect for the authorities of the United Mexican States alone forbids my characterizing it by the epithet which belongs to the transaction. I cannot doubt that upon a representation which you are now requested to make to the government of Mexico, in behalf of Mr. Wilson, it will be promptly ordered the restoration of his property, with a just indemnity for its iniquitous seizure and detention.

I have the honor to be with great respect your obedient servant. H. Clay.

United States, Mexican papers, Instructions. January 6th 1826-October 24th 1827. Department of State. Vol. 11, p. 18. NAW.

17 de junio de 1825. México, J. R. Poinsett a Lucas Alamán

Sir,

By an act passed during the last session of Congress of the United States of America: of which I have the honour to send herewith a copy, the President of those states is authorized to mark out a road from western frontier of the state of Missouri to the boundary line of the United States in direction to Santa Fe of New Mexico; and he is further empowered to cause the marking out of the road to be continued to the frontier of New Mexico: under such regulations as may be agreed upon, for that purpose, between him and the Mexican government. In conformity with this act, the President has appointed three commissioners, Messrs. Benjamin Reeves, George C. Sibley and Pierre Menard who are intruducted to treat with the intervening tribes of Indians and to cause the road to be marked aut to the boundary line of the United States of America: and they are strictly prohibited from pressing that boundary, until an agreement is entered into between the two governments of continuing the road to the frontier of New Mexico.

Although, when this act was passed, the Congress of the United States of America was aware that the boundary line between the two nations was not yet settled, still, as it originated in the most friendly spirit and from an anxious disire to open a commercial intercourse between the two countries, which it is believed would be mutually beneficial: and as no injury could possible result to either party, by the commissioners stopping short of, or passing the boundary line, which may hereafter be agreed upon, it was presumed that the government of Mexico would regard it in the same friendly spirit and lend its aid to promote the important object that the Congress had in view.

I am authorized by the President of the United States to receive any propositions, which this government may think proper to offer for regulating that intercourse; and it is presumed that as the United States of America have taken upon themselves the expense of marking out the road within their limits, this government will readily assume that of continuing it to Santa Fe.

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The route hitherto pursued by the caravans from the western limits of the state of Missouri near Fort Osage, is in a south west direction to the Arkansas River, which they ascend along its banks for about eight leagues. Thence they proceed due south, a distance of about thirty leagues, to a river not laid down in the maps, called the Semerone, which they follow towards its source in nearly a due west direction for about thirty three leagues where they turn off to the south west towards Taos, the first settlement of Mexicans in this route to Santa Fe. The general face of the country through which they pass, is described to be a level prairie, intersected with rivers and creeks, all fordable at the season our people passed them. The only impediment to the passage of wheel carriages appears to be steep banks and ridges of sand which cross the plains.

The tribes of Indians that inhabit this track of country are the Osages, Pawnees, Chiennes, Arapahoes, Snakes, Kiawais, Comanches, and Apaches. The three first of these tribes are represented to be stationary. The others erratic.

The President of the United States of America has authorized the commissioners to treat with the intervening tribes for the safe passage of the traders, who may pass on this route between the two countries and there can be no doubt that such treaties, together with the establishment of a permanent and frequented road through the plains of the western parts of the United States of America and of New Mexico will tend to restrain these warlike tribes from committing depredations upon the whites. It is believed, that the commercial intercourse, which this road will open, will prove likely beneficial to that portion of New Mexico to which it will extend, by creating competition between the merchants of Missouri and those, who have hitherto supplied that country from the ports of the Atlantic and Pacific Oceans.

You will perceive by the instruction to the commissioners, which accompany this letter: that some inconvenience will arise from delaying the arrangement which it is hoped, this government will not object to make on this subject.

I have the honor. . .

Poinsett.

Mexico. Poinsett. March 15' 1823-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, apéndice al doc. 5. NAW.

18 de marzo de 1826. México. J. R. Poinsett a H. Clay

El despacho presente se refiere de manera especial a Colombia pero hacia la mitad del mismo hace los siguientes comentarios.

By the colonization law passed in August of 1824, the general government reserved twenty leagues of land from the frontiers of neighbouring nations ten leagues from the sea shore, which cannot be granted by the states except with the previous consent of the executive. Having learnt that the President had given consent to a grant of land, made by the state of Coahuila and Texas, of a tract situated within that limit on the Red River, I called this morning at the office of the Secretary of State and told Espinosa, that I should not consider any grant as valid that was made while the negotiations were pending, in the event of that portion of country being included by the treaty within the limits of the United States. He admitted that objection was proper, and engaged to write to the state of Texas on the subject.

Camacho is still ill, and for two months has not been able to attend to business of any sort. This is made the excuse for not renewing the negotiations with me. I have repeatedly urged the government on this subject as I felt anxious to sendt the treaty before the end of the session of Congress. I now fear that it will not be in my power to do so...

Firmado por J. R. Poinsett.

Mexico. Poinsett. March 15' 1823-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, doc. 39. NAW.

28 de marzo de 1826. Washington. H. Clay a J. R. Poinsett

Sir,

I transmit here with the papers of Mr. Jethro Mitchell, a citizen of the United States, showing the unlawful seizure and detention of a large sum, in specie, his property by of-

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ficers of the government of Mexico, whilst it was on the road from Mexico to La Vera Cruz. As there was no justifiable cause for this act of violence, and injustice, it is but reasonable to expect that, upon a representation of the case, which you are now requested to make, to the government of the United Mexican States, full restoration and indemnity will be made to Mr. Mitchell. I am anxious that there should be as little delay as possible in this reclamation, as the above papers were deposited in this office prior to my entry upon the duties of it, and, having been then mislaid, were only recovered today.

I have the honor to be Your Obedient Servant.
Firmado por H. Clay.

United States, Mexican Papers, Instructions. January 6' 1826-October 24' 1827. Department of State. Vol. 11, p. 20.

43

8 de abril de 1826. México. J. R. Poinsett a H. Clay

Sir,

Yesterday the appointment of D. Sebastián Camacho, the present Secretary of State, to be plenipotentiary in London, was approved by the Senate. It appears, that the President, before he had communicated his intention to the Senate had solemnly engaged himself to send one of the secretaries composing the cabinet to continue the negotiations and conclude the treaty in London.

The British *Chargé d' Affairs* went so far as to say, that none other but a minister of state would be received, and, that by refusing to ratify the nomination of Camacho, the Senate would occasion a rupture between the two powers conduct, which could only be imputed to the secret influence of these who sought to divide the old world from the new, in order that they might govern the latter, meaning of course, the United States.

The hints thrown out from time to time by the English, of the ambitious views entertained by our government, would be disregarded, if they were not corroborated by statements made by the agents of México in the United States. The most

active and the most mischievous of these is a person by the name of Cortes. I am constantly made sensible of the ill offices of this man towards the United States. His last intelligence is, that the President of the United States is in active correspondence with Gen. Vives, who is inclined to deliver the Island of Cuba up to the United States; that I am a party to this political intrigue, which accounts for my using every exertion to put a stop to the expedition against that Island. This account, absurd as it is, comes in such a plausible shape, from the means of intelligence this person is supposed to possess, that the government give credit to it.

I heard a few days ago, that some disagreeable information has been received by the President from the United States; but did not learn the particulars until this morning. I have thought it advisable to communicate this circumstance to you, in order that you may know the character of this agent.

I have been again apprized, that Mr. Obregón will shortly be recalled, and was asked by one of the ministers to suggest whom I would wish to succeed him. This I refused to do.
Firmado por J. R. Poinsett.

Mexico. Poinsett. March 15' 1823-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, doc. 41. NAW.

44

30 de abril de 1826. México. J. R. Poinsett a H. Clay.

Sir,

John D. Hunter, distinguished for his publications and for the account given of him by Governor Cass in the *North American Review* has lately been here. The object of his visit to Mexico was to obtain from this government a grant of land for the Indians of different tribes who are anxious to move over the frontier.

He told me that he had wampums from the quapwas and from the individuals of several other tribes. This government refused to give them a large tract of land, where they might remain united in a body; but offered to settle them in different parts of the country under Mexican governors.

Hunter is certainly a shrewd active man-talking a great deal about the rights of the Indians and as I believe not very friendly to the interests of the United States. He urged to these people the importance of having a large body of friendly Indians, within their territory, to keep in check the Comanches and other hostiles tribes. I do not think it would be politic on the part of the United States to suffer the emigration and establishment on the Mexican frontier of so large and powerful a body of Indian warriors, as it is Hunter's desire to remove there.

A French commissioner Mr. Alexandre Martin arrived here yesterday. He is commissioned by the admiral of the French fleet on the West India station Monsieur Duperre, who says that H. C. Majesty having placed under his command an imposing maritime force for the protection of the commerce of France in the West Indies and the Gulf of Mexico, he has thought it proper having been empowered by H. M. to do so, to send this person to watch over the commercial interests of France etc. This imposing maritime force and the number of men, skeletons of regiments as it is said, is climbing in Martinique, have excited the fears of these people and of this government. They believe that the late reinforcements which have arrived at Havanna, have been sent out by aid of France, and are disposed to regard the conduct of that government with great suspicion.

On the faith of an article in a New Orleans paper which this government considered, or feigned to consider, authentic and alarming an application was made to the Chamber of Deputies in secret session for a grant of two millions of dollars to fortify the coast and make preparations of defense. The alarm spread, among the deputies and the bill passed the same day. The Senate has not yet acted upon it. I should have thought this movement of the executive directed to facilitate their plans against Cuba, but that there is no appearance of preparation below. The fleet is not in a condition to put to sea. They are however anxious by waiting the arrival of Commander Porter whom I do not think will take service here.

I enclose herewith a copy of a note marked A, which the conduct of the Mexican marine officers at Veracruz compelled me to address to this government. The Minister of War and Marine has assured me verbally this grievance shall be immediatly redressed. I send likewise a translation of a note marked B, addressed to me by the Secretary of State and

Relations complaining of the conduct of the master of the American schooner *Eagle*: together with my reply marked C.

The petulant tone of this gentleman's note appears to argue an unfriendly disposition towards us. I am disposed however to attribute it to an extreme susceptibility of temper, want of education and ignorance of the usages of the world, and of the courtesy which is due from one government to another. However irritated by an unmerited reflection cast upon a very respectable class of our citizens in this note, I have answered it with as much moderation as was possible. The deputies from this government for the Congress of Panama, Michelena and Domínguez, left México two days ago for Acapulco. They are to embark in the ship of war *Mexican Congress* formerly the *Asia*.

The plenipotentiaries of this government, [and] the Secretary of the Treasury D. José Ignacio Esteva have [been] appointed the first of May to renew the negotiations with me.

I have sent in a note respecting the seizure of the cargo and vessel called the *Fair American* and the Secretary of the Treasury has written to Refugio for a statement of the circumstance in relation to this extraordinary affair.

Firmado por J. R. Poinsett.

Mexico. Poinsett. March 15' 1823-June 17' 1826. Department of State. Vol. I. Docs. 1-47, doc. 41, NAW.

45

6 de mayo de 1826. México. J. R. Poinsett a H. Clay

I have this instant seen Washington papers of the 28th and 30th March containing the debate upon a resolution offered by Mr. Wickiffe, and directed to learn upon what authority I had declared that the United States had pledged themselves not to permit any other powers than Spain to interfere with the independence or form of government of the new American republics.

This inquiry was avowedly made in order to ascertain, whether I was expressly authorized by the President of the United States to make such a declaration, and although you

have no doubt, I have been able clearly to show that no such an authority, implied or direct, was ever given to me, I cannot rest satisfied without stating explicitly, that in the observations I made during my conference with the Mexican plenipotentiaries I alluded only to the message of the President of the United States to Congress in 1823.

That message, dictated in my opinion by the soundest policy, has been regarded both in Europe and in America as a solemn declaration of the views and intentions of the executive of the United States; and I have always considered that declaration as a pledge so far forth as the language of President can pledge the nation, to defend the new American republics from the attacks of any of the powers of Europe other than Spain. That the people of the United States are not bound by any declarations of the executive is known and understood as well in Mexico where the government is modeled upon our own political institutions, as in the United States themselves. I need scarcely, therefore, disclaim all intention to have deceived the Mexican plenipotentiaries by the argument I used on that occasion.

But in order to correct any erroneous impression these words might have made upon the minds of the Mexican plenipotentiaries, I explained to them, in the course of our conference this morning their precise meaning that the declaration of Mr. Monroe, in his message of 1823 to which I had alluded, indicated only the course of policy the executive of the United States was disposed to pursue towards these countries but was not binding upon the nation unless sanctioned by the Congress of the United States; and that when I spoke of the United States having pledged themselves not to permit any other power than Spain to interfere with the independence or form of government of the new American republics, I meant only to allude to the above cited declaration of the President of the United States in his message of 1823 and to nothing more. D. José Ignacio Esteva, one of the plenipotentiaries at that period of our negotiations, replied that he had so understood it, but it was not thought by the Mexican plenipotentiaries at the time, that such a disposition, nor even a more solemn pledge so to act, entitled us to any special privileges, as it was so obviously the in-

terest of the United States to assist in defending the Americans against attacks of united Europe.
Firmado por J. R. Poinsett.

Mexico. Poinsett. March 15' 1823-June 17' 1826. Department of State. Vol. I. Docs. 1-47, doc. 43. NAW.

46

11 de mayo de 1826. Washington, H. Clay a J. R. Poinsett

Sir,

A letter has been received in this office under date the 7th February, 1826, from Mr. Archibald Gracie, President of the Atlantic Insurance Company of New York, requesting the interposition of this government with that of Mexico, to obtain indemnity for the illegal capture of the American brig *Liberty* (Capitain Myrick). The letter, together with the papers by which the claim is supported is now transmitted to you. Presenting as they do, a just claim, I have now to request that you will afford your official aid to the claimants, in such manner, as may appear to you to be most likely to produce the acknowledgment and satisfaction of their demand.

I am, with great respect, your obedient servant.

Firmado por H. Clay.

United States, Mexican Papers, Instructions. January 6' 1826-October 24' 1827. Department of State. Vol. 11, p. 70. NAW.

47

13 de mayo de 1826. México. S. Camacho a J. R. Poinsett. (Traducción de la época.)

Sir,

I have laid before H. E. the President Y. E's note of the 17th April on the subject of the projected road from Santa Fe to Missouri and he has been pleased to determine that the go-

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vernor of New Mexico should be directed to permit Mr. George Sibley to make a survey of the western part of said road. He is not however permitted to mark out the same, or fell trees or plant marks of any sort, as this point has been submitted to the consideration of the Chambers, to whose jurisdiction it pertains exclusively.

At the same time the President directs me to say to Y. E. that for the present an agent of his government cannot be sent to make these surveys with Mr. Sibley and that he hopes when this case occurs no obstacle will be offered on the part of your government, to the Mexican commissioners making the necessary surveys and observations within the limits of the United States.

I profit this occasion to assure Y. E. of the high consideration and respect with which I am obedient servant.
Firmado por S. Camacho.

Mexico. Poinsett. M arch 15' 1823-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, anexo al doc. 45. NAW.

48

17 de mayo de 1826. México. J. R. Poinsett a H. Clay

Sir,

I have the honor to sent herewith the translation of a note from the Secretary of Foreign Affairs of the Republic of Mexico, on the subject of the road from Santa Fe of Mexico to Missouri. I regret exceedingly not having been able to obtain an earlier decisión of the President of the Mexican United States, as I fear the commissioners will have been put to great inconvenience, in consequence of this delay. The orders were dispatched to Mr. Sibley by the last mail.

I transmitted the translation of a law passed by Congress in relation to duties on exports, in order if you think proper, that it may be published in the United States.

Firmado por J. R. Poinsett.

Mexico. Poinsett. M arch 15' 1823-June 17' 1826. Department of State. Vol. 1, Docs 1-47, doc. 45. NAW.

17 de mayo de 1826. México. Protocolo de la séptima conferencia entre J. R. Poinsett y los comisionados mexicanos

Se admitió el artículo 4º que estableció el principio de nación más favorecida, así también los artículos 4, 5 y 6.

ASREM. 7-11-40, fol. 51.

23 de mayo de 1826. México. Discurso de Guadalupe Victoria al cerrar las sesiones ordinarias del congreso general

...Siguiendo aquel gobierno (de los Estados Unidos) su sistema de comercio neutral, bajo la base de una perfecta igualdad, ha resistido en el curso de las negociaciones la excepción que México deseaba establecer y ver generalizada en las Américas que dependieron de una misma metrópoli, y que por su identidad de principios de origen y necesidades hicieron causa común para auxiliarse mutuamente contra su propio enemigo. Aquellos Estados, aunque americanos en sus opiniones e intereses tienen compromisos que respetar hasta cierto punto con las potencias de Europa, compromisos que no existen para los nuevos Estados, que necesitan auxiliarse en todos sentidos. Un documento oficial que acaba de aparecer a la faz de las naciones, ha esclarecido la política del gabinete de Washington en orden a la gran contienda de las Américas. La memorable promesa del presidente Monroe, contenida en su mensaje de 2 de diciembre de 1823, no se sostiene por el actual gobierno de Estados Unidos del Norte, que paladinamente ha declarado no haber contraído ningún empeño ni hecho promesa alguna a los gobiernos de México y de la América del Sur de que los Estados Unidos no permitirían la intervención de ninguna potencia extranjera en la independencia y forma de gobierno de estas naciones. Es cierto que Mr. Clay, secretario de Estado, apela a las simpatías del pueblo de los Estados Unidos y a la comunidad

de intereses con las nuevas repúblicas, pero no es menos cierto que desaparece la garantía de un compromiso por parte de aquel gobierno de empeñarse con nosotros en la lucha que provocase alguna potencia auxiliar de la España. La república mexicana, al pronunciar su independencia de todas las naciones del globo, se apoyó en la santidad de los principios que invoca en los recursos inagotables de su suelo y en el valor tan denodado de sus hijos. . .

Genaro Estrada, *op. cit.*, p. 11.

51

Continuación del discurso de Guadalupe Victoria al cerrar las sesiones ordinarias del congreso general

...El secretario de Estado de los Estados Unidos insiste en la idea de que la paz del mundo no será irrevocablemente asegurada mientras permanezcan las convulsiones y la lucha incierta de las Américas. Los designios del gabinete de Washington la honrarán siempre, porque han sido dignos de su previsión, de su cálculo y de su filosofía. Los fundamentos de la independencia americana se analizan con singular acierto, se difunde la luz sobre los hechos y se vaticina el desenlace final a que se toca ya después de sucesos tan varios. Se esfuerza en mantener con valentía la necesidad de atemperarse a las circunstancias y al poder irresponsable de una revolución triunfante. Se ostentan los recursos de los nuevos estados, y el temor de que la continuación de la guerra, de una guerra funesta a la misma España, pueda dar un giro pernicioso a ciertos intereses, a las fuerzas unidas de veinte millones de hombres comprometidos y vencedores. Nada se omitió de cuanto conducía a rodear los acontecimientos de una evidencia palpable.

Ibidem, p. 12.