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

Sir,

The congress of the Mexican United States adjourned on the 23rd instant, after a session of five months.

A translation of the President's message on closing the session accompanies this letter, and however strange some of the phrases may appear in English, they are correctly and faithfully translated. These papers are written by the President's Secretary, Tornel.

You will perceive by the text of this message the effect produced upon this government by the publication of the papers called for by Congress. The President's declaration, respecting the Islands of Cuba and Puerto Rico created sensation. I have heard nothing since of the projected expedition against Cuba, and think owing to the very wise decision of the Mexican House of Representatives, that no movement of importance can be made by this government. They are anxious to know what course we would pursue in the event of the invasion of Cuba being resolved upon the belligerant states in the Congress of Panama. My own opinion is, that a firm stand against a measure fraught with such disastrous consequences to the interests of the United States, would effectually prevent its adoption by Mexico and Colombia. But if these states should notwithstanding our opposition, resolve to undertake the invasion of Cuba, every assertion may be made here to prevent the sanction of this Congress being given to their plans.

Although the President, in his message, deprecates the commencement of hostilities between the new states of America, he applied to Congress for permission to take possession of the disputed district of Soconusco by force. The House pressed a resolution to that effect, which was not acted upon by Senate.

Yucatan is in a state of great confusion and disorder. The Congress fled from Merida to Campeche, declaring that a faction in the capital had attempted to control their deliberations. This government is about to send Gen. Bustamante to take the command of the troops in Yucatan, in hopes he may be able to pacify and unite the parties which

divide the state. Our trade suffers on that part of the coast of Mexico from want of a good commercial agent. The person who has acted hitherto as such, belongs to one of the factions, and is not qualified to attend to our commercial interests in Yucatan. We ought to have a prudent, discreet man there, and, if practicable a citizen of the United States.

The overzeal of Mr. Chew the Mexican consul in Philadelphia, occasions great embarrassments to the trade from that port to Mexico, gives me great deal of trouble, and commits this government. He insists upon the privilege of certifying the invoices of all vessels that clear out for Mexico from that part. The merchants object both because they dislike to exhibit their invoices to Mr. Chew, who is himself a merchant trading to Veracruz, and might avail himself of their superior knowledge of this trade; and because, they are aware the Mexican regulations on this subject are informal and irregular. In consequence of their refusal, he writes to the administrator of the customs in Veracruz, that there is an informality in the clearance of the vessel, and the cargo is detained until the Secretary of the Treasury is consulted. The cargo is then released but after much trouble and delay. This government acknowledges the injustice of the regulations, and has repeatedly promised to rescind them. That they have not done so, I attribute only to the ordinary procrastination of business. In the meantime the Mexican consuls in all the other ports of the United States except Philadelphia, abstain from insisting upon certificates and from annoying the fair commerce of the merchants by representations to the custom officers of Mexico. Philadelphia is so largely engaged in this trade, that it is of importance. The functions of Mexican consul should be exercised by a discreet man.

The negotiations for the treaty of navigation and commerce proceed with characteristic slowness. I fear that I shall be compelled to abandon the basis of reciprocity and treat on that of the most favoured nation. They have not a single vessel capable of making a foreign voyage. The whole commercial marine of Mexico consists of a few *bongos*, miserable schooners.

I am assured, that the President with the advice of his council will call an extraordinary meeting of the Congress

in August, when, the negotiations are concluded, the treaty can be ratified and sent home in autumn.

Firmado por J. R. Poinsett.

Méjico. Poinsett. March 15' 1823-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, doc. 46. NAW.

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2 de junio de 1826. México. Protocolo de la octava conferencia entre Poinsett y los plenipotenciarios.

Artículo 8: se aceptó cambiando algunas palabras pero sin mudar el sentido.

Artículo 9: se aprobó también con cambio de palabras.

Artículo 10:

Artículo 11: fue modificando en cuanto a que se presentasen los documentos de la carga del buque según como fueran las costumbres del país.

Artículo 12: sobre la introducción fraudulenta de los artículos en los países se aprobó después de algún cambio en la fraseología.

ASREM. 7-11-40, fols. 52-54.

54

6 de junio de 1826. México. Sebastián Camacho da curso al decreto presidencial de 5 de junio sobre el uso de los transportes de los extranjeros

Primer secretario de Estado. Sección de gobierno.

El Exsmo. Sr. presidente de los Estados Unidos Mexicanos se ha servido dirigirme el decreto que sigue:

El presidente de los Estados Unidos Mexicanos.

Habiendo pesado detenidamente la necesidad de simplificar en lo posible el método observado hasta aquí en el ramo de pasaportes, y con el objeto de facilitar el mejor cumplimiento de las leyes que hasta ahora en la materia, de com-

binar la seguridad pública con el fomento de la población y de la industria, y de ocurrir por medio de reglas claras y sencillas, a las dudas que han ocasionado las diversas órdenes expedidas sobre el particular, según lo han consignado las circunstancias de la nación, he venido en decretar el reglamento siguiente.

Artículo 1. Todo extranjero, antes de desembarcar en cualquier puerto de los Estados Unidos Mexicanos, producirá declaración formal, en que manifieste su nombre, edad, estado y naturaleza, el punto de su procedencia, y el de su destino, objeto de su viaje, personas a quienes viene recomendado, su profesión y medios de subsistencia.

Artículo 2. Dicha declaración deberá recibirse por escrito y firmarla el interesado, a cuyo efecto el capitán del puerto, o quien haga sus veces, pasará a bordo a recibirla luego que haya fondeado el buque.

Artículo 3. Evacuada esta formalidad, el capitán del puerto, o la persona que le substituya, exigirá la presentación del pasaporte, y cierto de la identidad de la persona, y de que el pasaporte exhibido es el que debe traer, o que se halla en aptitud de obtenerlo, según lo que se prescribirá en los artículos siguientes, pondrá en el mismo documento la licencia de desembarco, bajo la precisa condición de presentarse inmediatamente a la autoridad política del puerto respectivo, y dará constancia de ella al interesado, para que no se le oponga embarazo dentro del buque, ni al saltar en tierra o en la entrada del puerto.

Artículo 4. Sin la presentación de esta licencia, ni los comandantes de los buques permitirán desembarcar a pasajero alguno extranjero, ni resguardo o guarnición del muelle, los dejará entrar, bajo su respectiva responsabilidad.

Artículo 5. Para los efectos del artículo 3º, serán suficientes respecto de cualquier extranjero, los pasaportes que haya expedido el gobierno general, y respecto de los extranjeros que pertenezcan a naciones que hayan reconocido la Independencia de los Estados Unidos Mexicanos, o sean neutrales, serán también suficientes los que hayan expedido, o visado, los agentes de la República en las naciones extranjeras.

Artículo 6. A los extranjeros súbditos, o ciudadanos de las naciones que tienen agentes debidamente acreditados cerca del supremo gobierno de México, que no presenten alguno de los pasaportes de que habla el artículo anterior, se les concederá licencia para el desembarco mediante abono de su cónsul en aquel puerto de ser ciudadano de su nación y traer

capital o industria de que subsistir o previa fianza de un ciudadano mexicano sobre esto mismo, con la expresada condición de presentarse inmediatamente a la autoridad política del puerto respectivo.

Artículo 7. La expresada autoridad política en los casos de presentarse por los extranjeros pasaportes suficientes, los visará y tomando la razón correspondiente extenderá en ellos el permiso, o bien para permanecer en el puerto, o bien para internarse según pidiera el interesado.

Artículo 8. Respecto a los extranjeros de que habla el artículo 6º, la autoridad política del puerto, podrá librárselos pasaporte provisional para pasar al punto que les acomode del tránsito hasta la capital, donde deben pedir al gobierno general por conducto de los ministros públicos de sus respectivas naciones, el que necesitan para permanecer e internarse.

Artículo 9. A este efecto, en llegando a esta capital, se presentará a su respectiva legación, de la que tomarán un certificado que acredite ser el extranjero ciudadano o súbdito de la nación a que la legación pertenece, y tener capital o industria de que subsistir a fin de que se les conceda por el supremo gobierno pasaporte por un año para transitar libre y seguramente por toda la federación.

Artículo 10. Este certificado será concebido en los términos siguientes:

El infrascrito etc., certificó que N. es súbdito ciudadano de etc., y suplicó al gobierno de los Estados Unidos Mexicanos se sirva concederle licencia por el término de un año contando desde su fecha para transitar libre y seguramente por todas partes de la federación. Firmado. México a ... de ...

Artículo 11. Los extranjeros de que hablaban los artículos anteriores, que no hayan llegado a esta capital, solicitarán de su legislación igual certificado para obtener, dentro de un mes, el pasaporte del supremo gobierno.

Artículo 12. Todo extranjero, sea que haya obtenido el pasaporte provisional de que habla el artículo 8º, sea que lo tenga absoluto, competente, estará en obligación de presentarse a la autoridad política de su destino, y de todo aquel lugar en que haga una detención de más de tres días, para que cada una de estas autoridades vise el pasaporte, y por este acto se le entienda permitido permanecer, o continuar su viaje, según las calidades del pasaporte.

Artículo 13. Para evitar en lo sucesivo los fraudes que han sólido cometerse, y podrán intentarse suponiéndose al-

gurios extranjeros ciudadanos de los Estados Unidos del Norte de América, a cuyo fin han hecho valer como carta de ciudadanía la patente de juramento otorgado en dichos Estados, está conforme la legislación de ellos en no expedir certificados para pasaportes sin la evidencia más satisfactoria de que tengan la ciudadanía de los mismos Estados los que los soliciten; y tal debe ser el abono que presten los cónsules respectivos de ellos para la licencia de que habla el artículo 6o.

Artículo 14. Con los súbditos del gobierno español que llegan a nuestros puertos, se observará lo dispuesto en los artículos 18, 28 y 38; pero no se les permitirá desembarcar sin otro pasaporte que el que haya expedido el gobierno general con arreglo a la ley del 25 de abril próximo pasado.

Artículo 15. El extranjero, o extranjeros, que no estén en el caso de los que hable el artículo 6o., y no presentaren pasaporte competente, no podrán desembarcar hasta haberlo obtenido del gobierno general por la Secretaría de Relaciones.

Artículo 16. La Secretaría no expedirá pasaporte alguno de los que requiere el artículo anterior, si no se le pide por conducto del gobernador del Estado en cuyo puerto se halla el interesado, ni los gobernadores darán curso a semejantes solicitudes sin estar antes satisfechos de la conducta del interesado, por conocimiento que al intento se les exigirá de un ciudadano mexicano.

Artículo 17. Los extranjeros de que hablan los artículos 6o. y 8., y siguientes hasta el 12o., luego que obtengan el pasaporte del gobierno general acudirán a presentarlo a la autoridad política de su residencia, y si no lo hubieren hecho dentro de un mes de la expedición del pasaporte provisional, que se les haya expedido por la autoridad política del puerto a que llegaron, serán obligados por la de su residencia a retroceder para embarcarse precisamente, haciendo unas a otras autoridades las comunicaciones correspondientes, y avisando de ellas al gobierno general.

Artículo 18. A este efecto, todas las autoridades al visar los pasaportes, tomarán las razones convenientes de ellos, y cuidarán de estar a la mira de las disposiciones indicadas.

Artículo 19. La renovación de pasaportes se hará en cuanto acabe el término de un año, porque se hayan concedido en virtud de un certificado concebido en los términos expresados; sin más variación que la palabra renovarle en lugar de concederle.

Artículo 20. Para evitar todo fraude, el capitán del

puerto luego que haya cumplido la prevención del artículo 20, enviará a la autoridad política una noticia, con aviso de la llegada de todo buque, y de los pasajeros a quienes ha permitido desembarcar llevará, con el mismo fin, un registro exacto de las licencias que despachare y circunstancias del despacho de cada una; y remitirá a la Secretaría de Relaciones, por conducto del Ministerio de Guerra, las declaraciones originales de que habla el artículo 10., y copia mensual del mencionado registro.

Artículo 21. El que, contraviniendo a este decreto, desembarcare, o se internare en el territorio, será reputado como sospechoso, y obligado en consecuencia a reembarcarse.

Artículo 22. Para salir del territorio, podrá ocurrirse indistintamente por el pasaporte necesario para el efecto al gobierno general, o al particular del Estado en que se halle el interesado, mas en ningún caso se expedirá, sino después de haber caucionado los intereses de la Hacienda Pública, con certificación del administrador respectivo, y siempre se notificará la salida al gobierno general.

Artículo 23. Los habitantes de los Estados Unidos Mexicanos, que hubieran salido del territorio, con pasaporte precisamente del gobierno general, podrán desembarcar, e internarse con dicho documento, siempre que acrediten ante el capitán del puerto, no haber tocado en el curso de su viaje en punto enemigo: y en cuanto a extranjeros que regresaren se observarán los mismos requisitos prevenidos para su admisión en los artículos anteriores.

Artículo 24. Quedan derogadas todas las órdenes relativas a este ramo, expedidas antes del presente decreto, excepto la del 19 de noviembre de 1825, que prescribe a los gobernadores de los estados remitir partes mensuales al gobierno general de los extranjeros que arriben al territorio de su mando.

Artículo 25. Los gobernadores de los estados y del distrito, y los jefes políticos de los territorios, celarán de que las autoridades subalternas les pasen las noticias oportunas para el cumplimiento del artículo anterior.

Y para que lo contenido en el presente decreto tenga su más puntual cumplimiento, se mandó se imprima y publique remitiendo suficiente número de ejemplares a los gobernadores de los estados, a los enviados de las potencias extran-

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 jeras, a los de la República, y a los capitanes de puerto.
 Palacio de Gobierno Federal. México, 5 de junio de 1826.
 Firmado por S. Camacho.

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State. Vol. 2. Docs. 14-17, 48-85, anexo al doc. 65. NAW.

55

7 de junio de 1826. México, J. R. Poinsett a H. Clay

La carta particular se refiere a su sueldo y al final acaba diciendo en dos párrafos aislados:

Masonry is beginning to florish and to bring for the good fruit throughout this country. Except the President every member of the cabinet and all leading men in the country are masons. Even among the higher clergy we have many respectable brothers.

I wish you would send some able man to Peru. The English are active there and our consul is in the interior at the mines of Pasco, neither ought Guatemala to be neglected. You will pardon these suggestions but I have felt the effects of our want of due vigilance here.

Mexico. Poinsett. March 15' 1823-June 17' 1826. Department of State. Vol. 1. Docs. 1-47, sigue al doc. 32.

56

12 de junio de 1826. México, protocolo de la novena conferencia entre los plenipotenciarios

Se vuelve y se aprueba el artículo 1º, después de las modificaciones que propusieron los mexicanos.

Artículo 13. Se propuso que se dejara por estarse discutiendo en el congreso el asunto, pero Poinsett presionó y se concluyó insertando el artículo de Gran Bretaña al respecto.

Artículo 14. Había sido objetado sobre los tribunales de justicia: objetaron los mexicanos que ellos no podían inter-

ferir con lo dispuesto por los tribunales de justicia. Se hizo una alteración en el artículo y lo aprobaron.

Artículo 15. Sobre tolerancia en religión, vista la imposibilidad de la constitución se substituyó por el artículo incluido en el tratado con Gran Bretaña.

Artículo 16. Se discutió el principio de que la bandera cubre la carga; los mexicanos lo posponen para poderlo pensar.

ASREM. 7-11-40, fols. 55-57.

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13 de junio de 1826, protocolo de la décima conferencia de los plenipotenciarios

Se discute el artículo 13 y se aprueba.

Se discute el artículo 16 y se aplaza la decisión.

Artículo 20 aprobado.

Artículo 21 por contener el mismo principio que el 16 reservado.

Artículo 22 aprobado.

Artículo 23 aprobado en cuanto a cuáles serían las pruebas fehacientes. En caso de que no hubiera documentación, que se deja a satisfacción del tribunal competente.

ASREM. 7-11-40, fols. 58-60.

58

13 de junio de 1826. Protocolo de la treceava conferencia entre los plenipotenciarios

Se vuelve a discutir el artículo 16 y se llega a la conclusión de arreglarlo a base de lo establecido en el artículo 15 del tratado de límites, amistad y navegación entre los Estados Unidos de América y España, firmado en San Lorenzo el Real el año de 1795, que establecía que los buques libres hacen las mercancías libres, así quedó el artículo 16.

Artículo 17, que se rehusó, por ser consecuencia del anterior se aprobó.

Artículo 19, después de más discusión, pero ayudado por haberse aprobado el 16, fue admitido también.

Suscitaron los mexicanos que hacía falta discutir el artículo adicional dadas las circunstancias del país y que debía decir: "quedan exceptuados de las estipulaciones del art. 3 de este tratado durante la continuación de la presente guerra entre los Estados Unidos Mexicanos y España y los españoles naturalizados en los Estados Unidos de América después del año de 1820 inclusive." J. R. Poinsett se opuso por decir que en Estados Unidos se consideraban todos sus súbditos por el mismo pie.

El comisionado J. R. Poinsett desiste a sus objeciones y aprueban el artículo.

ASREM. 7-11-40, fols. 72-77.

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15 de junio de 1826. México, protocolo de la onceava conferencia entre los plenipotenciarios

Artículo 25. Se aprobó después de discutirlo.

Artículo 26. Se aprobó con discusión.

Artículo 27. Se aprobó.

Artículo 28. Se aprobó.

Artículo 29. Se aprobó.

Artículo 30. Se aprobó.

Artículo 31. Se aprobó.

ASREM. 7-11-40, fols. 61-64.

60

15 a 20 de junio de 1826. México. Los comisionados mexicanos a J. R. Poinsett

Artículo propuesto por los comisionados mexicanos con la

intención de que fuera agregado como un artículo adicional al tratado discutido.

Ponen a consideración de Poinsett el último artículo del tratado sobre fronteras, por ser muy importante a los dos lados el que las fronteras se establezcan por medio de un tratado solemne. Ambas partes se comprometen a sufragar los gastos que puedan necesitar las comisiones para practicar las operaciones y prácticas científicas, etc. Para celebrar el dicho convenio sobre bases de justicia, los pagos se efectuarán por la parte que las pidiese a su justo precio y los actos que mientras se llega a un arreglo se efectuaren por indios u otros pobladores en la región fronteriza no serán argumento de posesión para después.

ASREM. 7-11-40, fols. 11v.-12.

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16 de junio de 1826. México, protocolo de la doceava conferencia entre los plenipotenciarios

Artículo 31. Se aprobó, un poco modificado.

Artículo 32. Se aprobó.

Artículo 33. Se aprobó.

Se vuelve al artículo 16 y tampoco se llega a un acuerdo, el señor J. R. Poinsett somete a consideración una nota con sus puntos de vista.

ASREM. 7-11-40, fols. 65-71.

62

16 de junio de 1826. México. S. Camacho a J. R. Poinsett

Sir,

It is extremely painful to me to have to call the attention of Y. E. to the contents of a communication, dated the 9th

of the present month, which has been addressed to me by the Minister of War.

He therein makes known to me, that the Commanding General *ad interim* of the eastern states of the interior informs him, that according to the declarations of two captives, who have effected their escape from the hands of the Comanche Indians, that savage tribe is preparing to commit hostilities on various points of the frontier, relying for this purpose on the protection of the Americans of the north, who are continually supplying them with arms, powder, and other things necessary to them.

H. E. the President having heard this disagreeable intelligence, has desired that it should be brought to the notice of Y. E. in order that you may convey it to your government, and request it to take the necessary measures to prevent this pernicious traffic, as this government would do on its part with respect to the Indians who inhabit the territories of the United States of the North.

Firmado por S. Camacho.

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State. Vol. 2. Docs. 48-85, anexo al doc. 48. NAW.

63

19 de junio de 1826. México. S. Camacho y J. I. Esteva a J. R. Poinsett

Señor,

Los infrascritos plenipotenciarios de los Estados Unidos Mexicanos tienen el honor de someter a la consideración de V. E. el artículo que indicaron en su última conferencia y es como sigue:

Siendo tan importante a las dos partes contratantes el arreglo definitivo de sus límites por medio de un tratado solemne, se comprometen igualmente a tomar en consideración este punto, a la posible brevedad, franqueando cada una en su respectivo territorio los auxilios que puedan necesitar las comisiones o personas mandadas por la otra a practicar operaciones científicas, reconocimientos, descubrimientos y todo lo concerniente a celebrar el indicado convenio sobre

bases de justicia y conforme a las amistosas relaciones ya existentes entre ambas partes y dichos auxilios se pagarán por la que los pidiere a su justo precio; sin que entre tanto los actos posesorios que los ciudadanos, pueblo o indios del territorio de la una verifiquen en el territorio de la otra puedan fundar derecho a reclamaciones o indemnizaciones al tiempo del definitivo convenio.

Los infrascritos se abstienen de hacer ulteriores observaciones sobre la justicia y recíproca conveniencia de este artículo después que ya las han expuesto a V. E. en el curso de la última conferencia; siendo su principal objeto que una materia tan delicada no quede expuesta a la variedad de opiniones de los respectivos gobernantes de los dos países, sino iniciada en términos de que uno y otro gobierno no puedan prescindir de ocuparse de su arreglo del modo más justo y amistoso.

Los infrascritos tienen el honor de ofrecer a V. E. los testimonios de la perfecta consideración.

Firmado por S. Camacho y J. I. Esteva.

Mexico. Poinsett. August 17th 1825-April 18th 1827. Department of State. Vol. 2, Docs. 14-17, 48-85, anexo al doc. 48. NAW.

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20 de junio de 1826. México. J. R. Poinsett a H. Clay

Sir,

I have the honor to transmit herewith a note from the Secretary of State and Relations of this government. The subject on which it treats, the trade of our citizens with the Indians in arms and ammunitions of war, is one of serious annoyance to the Mexican government. Their army is concentrated in the neighbourhood of the capital and the distant settlers are exposed unprotected to the attacks of the Comanches and other hostile tribes. The Mexican plenipotentiaries were desirous of prohibiting the trade between the citizens of each of the respective countries with the Indian tribes inhabiting the territories of the other. To this arrangement I would not assent; but there do exist abuses in

that trade, which will call for the interference of [the] government.

The hostile tribes, inhabiting the territories of Mexico, capture the defenseless settlers and convoy them over the border, where our people redeem them from the Indians, and keep them until claimed and ransomed by their friends.

It is obvious, that this compromise between humanity and interest on the part of our people, encourages the Indians to make captives, and indirectly to make war.

I have consented to provide against this toil, as far as it can be provided against by treaty.

Our conferences have terminated, and the treaty will probably be signed in a few days, when a copy shall be immediately forwarded to the Department.

Firmado por J. R. Poinsett.

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State. Vol. 2. Docs. 14-17, 48-85, doc. 48. NAW.

65

23 de junio de 1826. Washington. H. Clay a J. R. Poinsett

Sir,

Your despatches from Nº 36 to 45, inclusive, are received. With respect to the case of the *Eagle*, charged by the Mexican government, with an attempt to violate its revenue laws, and which, after having been in consequence, seized, subsequently made her escape, I am charged by the President to say that the government of the United States, entertaining the greatest respect for the laws of all other countries, gives no countenances to any of our citizens who may be guilty of a violation, the punishment of the commander of the *Eagle*, and all concerned with him, if after a fair trial, they should be found guilty of the offence imputed to them. For the purposes of such a trial, you may add, that, if they again come within the jurisdiction of the United Mexican States, we should acquiesce in their arrestation without making the slightest remonstrance or opposition against it. You were perfectly right in repelling the general inference drawn, without proof, from the particular case of the *Eagle*, of a

disposition on the part of the commander and crews of our merchant vessels, to treat with disrespect, the laws of Mexico.

The restricted permission given in regard to the proposed road from Missouri into the territories of the United Mexican States does not seem likely to be productive of much good. It can be of very little avail to make a reconnaissance without any privilege either to cut, and mark out, the road, or even to designate the route.

I transmit you, herewith, copies of a despatch from Mr. Anderson and of a note from Mr. Raoniga addressed to him, in respect to the suspension requested by the President, of any attack meditated against the Islands of Cuba and Puerto Rico. The Republic of Colombia it would seem, has seen the President's request in a light very different from that in which you represent the Mexican government to have regarded it, and has, in substance agreed to the suspension and deferred any invasion of those Islands, until the sense of the Congress of Panama is known on that subject. The season had so far advanced when the decision was finally made here, by the Congress of the United States, in respect to that at Panama; the danger to the health and lives of our ministers was apprehended to be so great; and the probability of an adjournment, until fall, of the Congress at Panama was so strong, that the President has concluded that Mr. Sargeant and Mr. Rochester should be permitted to remain here until the fall. Mr. Anderson being near the spot, has been allowed the option of proceeding to Panama, if it should appear to be necessary or of returning to the United States, and also waiting until the autumn.

Firmado por H. Clay.

United States. Mexican Papers. Instructions. January 6. 1826. October 24. 1827. Department of State. Vol. II, p. 189.

25 de junio de 1826. México, J. R. Poinsett a los comisionados mexicanos

Poinsett dice que no ve la tan grande urgencia que quiere México para tratar el asunto de los límites.

Menciona que el tratado de Onís en 1819 habiendo sido ratificado por ambas partes se considera vigente. Y que en 15 de febrero de 1824 el ejecutivo de México estaba pronto a acceder a los mismos límites puesto que Torrens, encargado de Negocios Mexicanos, en Washington pide la colaboración de los Estados Unidos para mantenerlo en pie.

Sin embargo, tiene instrucciones de que, si México quiere, se fije una nueva línea que modifique la establecida en 1819.

Pero Poinsett dice que no está de acuerdo con la costumbre de las naciones consistentes en que se establezcan las fronteras según los datos que recojan las comisiones, que lo que se hace es que cada comisión lleve su plan y que las dos juntas sobre el terreno vean en lo que estaban en desacuerdo para limar entonces las diferencias según los aparatos necesarios y las conveniencias de cada uno.

ASREM, fol. 12v. 14.

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1º de julio de 1826. México, protocolo de la catorceava conferencia entre los plenipotenciarios

Vuelve sobre la última discusión y dice que el artículo adicional enfrentaba a los Estados Unidos de América con España, pues el artículo incluía a los ciudadanos de Florida oriental y occidental y violaría el tratado existente entre los Estados Unidos y España que aseguraba a los habitantes de los territorios cedidos los privilegios, inmunidades y derechos de los ciudadanos de los Estados Unidos.

México expone cómo esta medida es necesaria para su seguridad nacional.

Después de que se expusieron todos los puntos de vista se aprobó el artículo cambiándolo en los términos siguientes:

Los Estados Unidos de América no se opondrán ni reclamarán contra ninguna medida de prosecución que el gobierno de México juzgue conveniente adoptar para la seguridad de la República durante la continuación de la presente guerra de los Estados Unidos Mexicanos con España con respecto a las personas nacidas en los dominios europeos de S.M. el rey de España aunque dichas personas se hallen

establecidas en los Estados Unidos de América, no obstante lo que en contrario se estipule en cualquier artículo del presente tratado.

ASREM. 7-11-40, fols. 78-83.

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8 de julio de 1826. México. J. R. Poinset a H. Clay

Sir,

Contrary to my expectations Captain Porter has accepted the commission of *Capitán de Navío* (Captain of a line of battle ship) in the service of Mexico. He left the city yesterday to take command of the squadron at Veracruz, and fit out all the vessels there for immediate service. His orders are to cruise on this coast and within the Gulf.

The anxiety manifested by this government to have the services of this officer, arose from the proposition of Colombia, which I mentioned in a former letter, that he should command the combined squadrons.

The meditated attack on Cuba is suspended for some time, and it will be difficult for these governments to find means to carry it into effect, when it is resolved on.

I have ascertained, that this government intends to confide to Captain Porter six blank commissions for privateers to be fitted out in the United States by such individuals as may be disposed to enter into this speculation: and Camacho, who will sail shortly for England, is to take with him others to be distributed there.

Both governments are interested in preventing privateers being fitted out in their ports, and therefore I give you the earliest information on the subject. I shall inform Mr. Ward of the determination of the Mexican cabinet before Camacho sails.

It is due to Captain Porter to state, that I did not derive this information from him, nor do I believe, that he is aware of it, but you may rely upon its correctness.

Firmado por J. R. Poinsett.

Méjico. Poinsett. August 17' 1826-April 18' 1827. Department of State. Vol. 2. Docs. 14-17, 48-85, doc. 49. NAW.

10 de julio de 1826. México. Protocolo de la catorceava conferencia entre los plenipotenciarios de los Estados Unidos Mexicanos y de los Estados Unidos de América

Protocolo

De la conferencia décima cuarta tenida por los plenipotenciarios de los Estados Unidos Mexicanos y de los Estados Unidos de América el 10 de julio de 1826.

Presentes los plenipotenciarios.

El plenipotenciario de los Estados Unidos observó que mientras más reflexionaba sobre el tenor del primer artículo según lo proponían los plenipotenciarios mexicanos le parecía más objecional: por la Constitución de los Estados Unidos todo ciudadano nativo o naturalizado goza iguales privilegios e inmunidades y él temía que el exceptuar alguna clase de ciudadanos de la protección debida a ellos por las leyes de los Estados Unidos después que estos individuos han cumplido con las leyes y son ciudadanos de los Estados Unidos se miraría como una violación de la Constitución: también había otra objeción que no [se] le había ocurrido el primer día que se discutió este asunto y que era insuperable. El artículo comprendía a todos los habitantes españoles de las Floridas oriental y occidental y violaría el tratado existente entre los Estados Unidos de América y España que aseguraba a los habitantes de los territorios cedidos todos los privilegios, derechos e inmunidades de los Estados Unidos.

Los plenipotenciarios del gobierno mexicano declararon que ellos no trataban de excluir a los habitantes de las Floridas de ninguno de los beneficios de este tratado, que habían fijado el período en 1820 porque en este año se hizo por los habitantes de México la solemne declaración de que vivirían libres o perecerían, acontecimiento que se suponía había exasperado a España, aun más contra ellos, y que pudiera inducir a los españoles a valerse de todos los medios para derrocar el edificio de su libertad: ellos habían supuesto que en 1819 se había ratificado el tratado de Washington en que cedió España las Floridas a los Estados Unidos.

El plenipotenciario de los Estados Unidos replicó que el tratado de Washington se firmó en febrero de 1819, pero no fue ratificado por el rey de España hasta octubre de 1820;

por lo mismo el artículo en su estado presente incluía a todos los habitantes epañoles de las Floridas que habían sido nacidos en virtud de aquel tratado.

Los plenipotenciarios mexicanos repitieron que no tenían tal intención pero que era esencial al bien, si no a la existencia de su país, que el gobierno tuviese el derecho de tomar medidas de precaución contra las personas nacidas en España, aunque estuviesen naturalizadas en otros países; estas personas pueden haber renunciado a su dependencia de la madre patria, mas pueden conservar todas sus preocupaciones [sic] contra la América, y ser empleadas por España en daño de México: por esto deseaban que si la seguridad de la República exigía, a juicio del gobierno, medidas precautorias contra tales individuos, pudiesen tomarse sin dar motivo a ningún reclamo de parte de los Estados Unidos. Expusieron que al presente había en el Pacífico buques mandados y tripulados por españoles que se llamaban ciudadanos de los Estados Unidos a quienes por respeto a aquel gobierno se había permitido entrar en sus puertos, per que podían ocurrir circunstancias que hicieran extremadamente peligroso a la República el permitir que entrasen en un puerto de México buques con cuarenta o cincuenta españoles a bordo, y que estas personas residieren allí, o viajaren por el interior del país: ellos deseaban conservar el derecho de preservarse de este peligro.

El plenipotenciario de los Estados Unidos observó en respuesta que todo gobierno tenía el derecho inherente de proveer a la seguridad del Estado especialmente en tiempo de guerra por las leyes generales que se crean convenientes y necesarias, ni los Estados Unidos tratarían de proteger a ningún ciudadano suyo, cuya conducta le hiciere incurrir en las penas de estas leyes.

Los plenipotenciarios de México repusieron que las medidas de precaución que las circunstancias del país hiciesen tomar al gobierno serían tan generales que se dirigirían contra todas las personas nacidas en los dominios europeos del rey de España, cualquiera que fuese el país en que se hubiesen domiciliado: que la seguridad de la República podía obligar al gobierno mexicano a impedir a estas personas que vinieren al país, y se había resuelto a reservarse este derecho,

especialmente cuando se sabía bien que aun los españoles más liberales, los amigos de la Constitución y de la libertad de la península se habían mostrado en todos tiempos contrarios a la independencia de las Américas: estas personas habían emigrado en gran número a diferentes partes del mundo, y en caso de una rebelión contra las autoridades existentes de México o de que lo invadiere España, no debía esperarse que el gobierno de México cediere el derecho de cerrar toda entrada al país a personas que en tales circunstancias no podían mirarse sino como peligrosas a la seguridad del Estado aunque estuvieran establecidas en los estados y territorios de las potencias amigas.

El plenipotenciario de los Estados Unidos dijo en respuesta que sería necesario mudar enteramente la fraseología del artículo y expresar su sentido en términos más generales; y que debe entenderse distintamente que las medidas que el gobierno de México tenga por conveniente adoptar sobre este punto para la seguridad de la República deben ser generales en su naturaleza y no limitados a los españoles establecidos en los Estados Unidos de América.

Los plenipotenciarios mexicanos asintieron a esta proposición; y el primer artículo adicional al tratado se extendió en los términos siguientes.

Los Estados Unidos de América no se opondrán, ni reclamarán contra ninguna medida de precaución que el gobierno de México juzgue conveniente adoptar para la seguridad de la República, durante la continuación de la presente guerra de los Estados Mexicanos con España, con respecto a las personas nacidas en los dominios europeos de S.M., el rey de España aunque dichas personas se hallen establecidas en los Estados Unidos de América, no obstante lo que en contrario se estipule en cualquier artículo del presente tratado.

Este artículo se aprobó y entonces los plenipotenciarios respectivos firmaron el tratado.

Una firma ilegible de M. Gómez Pedraza

J. I. Esteva

[El texto en inglés firmado por J. R. Poinsett.]

ASREM. 7-11-40, folio. 78-83.

12 de julio de 1826. México. J. R. Poinsett a H. Clay

Sir,

I have the honor to forward herewith copies of the Treaty of Amity and Commerce concluded by me with the plenipotentiaries of this government on the 10th instant, and of the protocols of the conferences held during the progress of the negotiation.

You will perceive, that the principle of perfect reciprocity of duties has been surrendered, and that of the most favoured nation introduced into the treaty.

This was one of the principal difficulties encountered by the plenipotentiaries of His Britannic Majesty. Their instructions were so positive, that they could not depart from them, and the plenipotentiaries of this government preferred breaking off the negotiations to yielding a point, the introduction of which, in their opinion, would have induced Congress to reject the treaty.

It is believed by the plenipotentiaries of His Britannic Majesty in Mexico, that if Mr. Canning does consent to abandon the principle of perfect reciprocity of duties between the contracting parties, he will insist on fixing the period when Mexico shall adopt it, say ten years, and will not be satisfied with the indefinite term implied by the last clause of the sixth article.

You will perceive likewise, that I was compelled to abandon the provision contained in the last clause of that article of our treaty with Colombia which establishes the principle, that free ships shall make free goods. I thought myself fortunate, under all the circumstances of the case, to establish the principle without the exception. The opposition to it was much more formidable than would appear from the protocols; and although I should adhere to its introduction into the treaty, I should not have felt myself justified in making it a *sine qua non*. The establishment of the principle I deemed of paramount importance, and yielded the exception only on conviction that the Mexican government would not agree to it, pending their present negotiations with Great Britain.

I am fully aware of the objections which will occur to you on reading the first additional article to this treaty. They are weighty, but this government would have made no treaty

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without such a provision. This difficulty met me at the threshold. The third article of the treaty was combated on this ground, and I induced them to waive the discussion at that time by declaring, that I never would consent to insert any exception to his article in the body of the treaty, and that all allusion to it must be postponed until we had concluded the treaty. I consented do it from the manner in which the Mexican plenipotentiaries persisted in introducing it. I felt convinced that they considered it essential to the liberties of this country to preserve the right they contended for, nor do I think them wrong in their estimate of the danger of admitting indiscriminately all Spaniards, wherever established, and at all times. Circumstances may arise, which might render it extremely dangerous to throw their country open to such persons. There are too many of them here now; and I never have met with one European Spaniard, wherever domiciliated, favorable to the cause of American independence. I yielded, not to their arguments, but to the necessity and urgency of the case.

Mr. King in his reply to my note in which I stated the difficulties I had encountered in my negotiations with Mexico, and which, I stated, had grown out of the preexisting treaty between that country and Great Britain, mentions, that he had had a conversation with Mr. Canning upon that subject, and says of the views of this country respecting the fourth article of the late treaty, Mr. Canning was not precise, but spoke of the treaty as he expected it to be remade; and I should infer from his remarks, that the views of Mexico will not be without their influence in the adjustment of the treaty, and should Mexico desire the continuance of the fourth article, I conjecture that Great Britain will not prevent its adoption. It is well known to me, that Mexico yielded the exception in favor of the states, which had formerly been Spanish possessions, with great reluctance, and had they found a disposition in Mr. Canning to censent to its insertion in a new treaty. They would, in my opinion, have agreed to such a provision, even at the hazard of never concluding a treaty with the United States.

I would be understood here as alluding to the disposition of the executive alone, not to that of the Congress of people of Mexico. Mr. Canning, when made aware that the peo-

ciple of free ships making free goods was introduced into our treaty with Mexico, might have consented not unwillingly to the introduction of an exception which would forever prevent our concluding a treaty with this country. This gentleman might consider himself justified in adopting this course from the reports of his Britannic Majesty's plenipotentiaries in Mexico. I have been assured, that they thought proper to attribute the failure of their negotiations with this country to my influence; although I never have and never will oppose the establishment of friendly relations between the new American states and Great Britain on such principles as are not hostile to the interests of the United States. The impression that I had done so, however false in point of fact, might have induced Mr. Canning to take the measure I have alluded to.

You will perceive, that the constitution of Mexico forms an insuperable obstacle to the introduction of the principle of religious toleration into this treaty. The provisions, of the thirty-fourth articles are intended to apply particularly to this subject. An effort will be made to amend the constitution in 1830 with this view, in order that this principle may be established. This intention must be kept secret to be attended with even the probability of success, and therefore the declarations of the plenipotentiaries, relating to it, are not spread upon the protocols.

I do not send the original treaty now, because the coast is so very sickly, that no one can pass through Veracruz without imminent risk. I propose therefore to dispatch the treaty and ratifications together in October. The President assures me, that it is his intention to call an extraordinary session of Congress in September next. After its ratification, it is my purpose to send Mr. Mason with the treaty to Washington, in order that he may inform you verbally of the state of this country, and converse with you freely and confidentially on the subject of the treaty of limits.

This government has appointed Gen L. Terán to examine the country near our respective frontiers and to obtain such information as will enable them to treat upon that subject understandingly. This is the gentleman formerly nominated by the executive to proceed to London and whose ap-

pointment was not confirmed by the Senate. He tells me, that he will leave the capital in all September. I suppose his departure will not take place before late in October.
Firmado por J. R. Poinsett.

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State. Vol. 2. Docs. 14-17, 48-85, doc. 50. NAW.

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12 de julio de 1826. México, J. R. Poinsett a H. Clay

Sir,

I have the honor to transmit herewith copies of my correspondence with this government on the subject of the seizure of the cargo of the *Fair American*, and restricting the consular certificates exacted from our merchants in the United States trading to this country, marked A to D.

I have always regarded the whole proceedings of Mr. Obregón, in relation to these Mexican consular regulations, as irregular; and as they are oppressive to the fair trade of the United States, have opposed their execution from the day they were made known here. The President and secretaries have repeatedly assured me, that they should be modified and some general measure adopted on the subject, and out of consideration for the government, I had heretofore abstained from remonstrating against them.

The case of the *Fair American* has led to the discovery of the illegal conduct of the custom officers at Refugio. The American merchants trading at that post, have been frequently plundered by the authorities of this government in a most shameful manner. I have written for all the proofs in these cases, and when received, shall lay them before the the government and demand restitution of the property.

The Secretary of State spoke to me a fews days ago on the subject of the commercial agent of the United States at Campeche, and urged that he should be removed. He complained of the active part which he is known to take against the government. I told him, that I had already written to you on that subject, and hoped that he would be soon superseded:

A Mr. Lewis Mc. Gregor is recommended to me for the office of consul. He is a citizen of the United States of America residing in Campeche as a merchant and his friends will give the customary securities. I should prefer some one known to you to be sent to that port. Frequent complaints are made to me both of the improper conduct of the authorities of this government in seizing the cargoes of American vessels on the coast and in the harbours of Yucatan; and, on the other hand, of the organized smuggling trade carried on by vessels sailing under our flag. The latter is proved by the public papers of Havanna, which frequently mention the arrival and departure of American vessels for and from Sisal and other Mexican ports in the Gulf of Mexico. The knowledge of this fact gives rise to frequent and vexatious seizures of vessels engaged in lawful commerce between the two countries.

Firmado por J. R. Poinsett.

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State. Vol. 2. Docs. 14-17, 48-85, doc. 51. NAW.

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19 de agosto de 1826. México, "Gaceta Extraordinaria del Gobierno Supremo de la Federación Mexicana"

Paz y libertad.

El documento oficial que de orden del Excmo. Sr. Presidente va a copiarse a continuación, da a conocer el suceso político más glorioso que podrá celebrar la posteridad en los fastos de los nuevos estados americanos, que estrechados con indisolubles vínculos de fraternidad se reunieron en la famosa Asamblea de Panamá para sostener su Independencia contra su antigua opresora: nos remitimos gustosos al sencillo tenor del propio documento sin hacer misterio de algunas de sus cláusulas, ni prevenir con anuncios pomposos a los habitantes del feliz Anáhuac para que tengan el inefable placer de considerar, por sí mismos, el honor que en tan venturoso suceso ha tocado a la república federal de los Estados Unidos Mexicanos. Bendígase la providencia que se ha dignado derramar sobre ellos tan copiosamente sus beneficios,

dolor y gloria inmortal a los ilustrados, celosos, activos y patriotas ministros plenipotenciarios de aquella asamblea, que han sabido con tanto acierto desempeñar el más alto, grave e importante objeto de su misión, y a los gobiernos de los estados signatarios que han mostrado tanto tino en su elección delicada.

15 de agosto de 1826. Acapulco, legación de México en la asamblea de los nuevos estados americanos. Al ministro de Estado del Despacho de Relaciones internas y exteriores.

Excmo. Sr,

Hemos llegado a este puerto el día de hoy en el bergantín de guerra el *Constante*, habiendo salido de Panamá el 21 del mes próximo pasado, y tenemos la satisfacción de anunciar a V. E., que quedaron concluidos y firmados el 15 del mismo mes un tratado de liga y amistad perpetua entre las repúblicas concurrentes, una convención sobre contingente, un convenio reservado y un concierto que, dentro de pocos días, tendremos el honor de poner personalmente en manos de V. E.

Con arreglo a dicho concierto, la asamblea de plenipotenciarios se traslada a continuar sus acciones a la villa de Tacubaya, y en consecuencia pasa a México un ministro de cada república mientras los otros han ido a dar cuenta de sus respectivos gobiernos de los trabajos del congreso; el Excmo. Sr. Pedro Gual, ministro por Colombia, debe salir de aquí para esa capital dentro de tres días; el Excmo. Sr. D. Antonio Larrazával, que lo es por Centro América, ha venido en nuestra compañía y sigue igualmente a México el Excmo. D. Manuel Tudela, ministro por el Perú y el Sr. secretario de la misma Legación y el de la de Centro América han de llegar dentro de pocos días en el bergantín *Tres Hermanos* con el mismo destino.

Todo lo cual decimos a V. E., para que sirva disponer lo que estime conveniente, a fin de que los plenipotenciarios hallén los auxilios que necesiten, y se les faciliten las comodidades posibles, cual corresponde a la dignidad de nuestra República, y para que eleve estas interesantes noticias al supremo conocimiento del Excmo. Sr. Presidente.

Firmado por los ministros plenipotenciarios: José Ma. Michelena y José Domínguez.

Nota: Por carta particular de 15 de este mes sabemos lo siguiente:

Ministros plenipotenciarios de la asamblea.

Por Colombia, el Sr. Gual que ha salido de Acapulco en 16 del corriente para esta capital.

Por el Perú, el Sr. Tudela que llegará a Acapulco dentro de ocho o diez días, el Sr. Bidaurre que volvió con los tratados.

Por Guatemala, el Sr. Larrazábal que viene con nuestros ministros plenipotenciarios.

El Sr. Molina que volvió con los tratados.

El de Holanda viene por Veracruz.

El de Inglaterra no vendrá hasta noviembre.

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State. Vol. 2. Docs. 14-17, 48-85. NAW.

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19 de agosto de 1826. México. Juan José Espinosa de los Monteros a J. R. Poinsett

Most Excellent Sir,

The most excellent President of this Republic, desirous that Y. E. should be gratified with the intelligence no less important than flattering contained in the Gacette Extraordinary of today, and that you should communicate the same to your government, His Excellency has directed that 10 copies of it should be remitted to Y. E. and the undersigned, which fulfills with pleasure this supreme order, has the honor to renew to Y. E. the assurances of his distinguished consideration.

Firma Juan José Espinosa de los Monteros.

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State. Vol. 2. Docs. 14-27, 48-85, anexo al doc. 53. NAW.

26 de agosto de 1826. México. J. R. Poinsett a H. Clay

Sir,

A late act of the general government of Mexico created a great excitement here, and nearly occasioned a revolution of parties. A certain Santangelo, an emigrant from Naples, wrote, and published a book in which he undertakes to point out the policy of the courts of Europe towards these countries, and the immediate and imminent dangers they have to apprehend from that policy. In the course of his remarks, he animadverts rather freely upon the conduct of the Mexican government and in consequence he was ordered to leave the country.

The liberal party regarded this act of the government as an usurpation of power, the press teemed with the most violent attacks upon the administration. The executive, abandoned and even attacked by those friends who had heretofore supported their measures became alarmed, and entertained for some time the proposals of the opposite party, which, for the first time, advocated the acts of the government and offered its support to the administration.

The outcry gradually ceased. Santangelo left the country, and embarked for the United States, and things are restored to their former state of tranquillity. The errors committed by the executive in such cases arise from the mistaken notion, that what is not expressly prohibited by the constitution, is permitted. I am told, that the illegal banishment of Santangelo will be discussed in Congress, the council having strongly disapproved the measure.

The primary election of three hundred and thirty-six electors, to appoint for deputies to Congress for his capital, is just terminated.

The distinctions of the several parties in this contest are curious and instructive as to the state of public opinion.

The party which I have hitherto designated as the liberal or federal party, and which is attached to the present administration, is now called *Yorkinos*, ancient York masons: the opposition or centralists, *Escoseses*, Scotch masons: and

the third party, that headed their ticket with the sign of the cross, *Los Piadosos* the pious in other words, the fanatics.

The *Yorkinos* were successful, and it is generally believed, that they will prove equally so throughout the country. The *Piadosos* scarcely counted at all. In vain, did the priests declaim against the masons the people could not be prevailed upon to vote for the pious ticket.

It is to be regretted that masonic societies should be converted into political meeting, which I believe, has been done here; but it is to be remarked, that the Scotch masons in Mexico used their rite as a political engine for many years before the establishment of the Ancient York masons under the auspices the Grand Lodge of New York and were openly and deadly hostile to the United States.

One good effect is manifest since the establishment of the latter. The people generally have become more liberal in their religious sentiments, and there is now good ground for believing, that with prudent management, religious toleration may be engrafted on the constitution of Mexico in the year 1830, when that instrument is to be revised.

I very much fear that the receipts of the treasury for the present year will fall far short of the estimates, and there is some reason to believe that the Secretary of State, Don Sebastián Camacho who is about to embark for London in the *Hussar Frigate*, is empowered to take a new loan, an undertaking of a very doubtful issue.

The plenipotentiaries from Panama have not yet reached this city. It is now confidently asserted, that those from Mexico were instructed to propose the removal of the Congress to Yucatan or some other point in these states. Upon their arrival I shall endeavour to learn the precise nature of the secret convention, concluded at Panama. In all probability, it relates to the invasion of Cuba and Puerto Rico.

I send herewith a translation of the speech of the President of the Congress of Panama on the instalation of that assembly.

Firmado por J. R. Poinsett.

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State. Vol. 2. Docs. 14-17, 48-85, doc. 55. NAW.

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26 de agosto de 1826. México. J. R. Poinsett a H. Clay.

Sir,

I have the honor to acknowledge the receipt of your letter of the 11th May last, together with the accompanying documents relating to the claim of Atlantic Insurance Company of New York upon the government for the illegal capture of the American brig *Liberty*.

I shall immediatly present this claim to the government of Mexico, and no exertion shall be wanting on my part to obtain justice for the parties should be made aware, that the forms of doing business in this country are extremely complicated and dilatory; so much so, that even in the most simple cases, the delay amounts very nearly to a denial of justice and no exertion or remonstrances of mine can hasten a decision.

The Insurance Companies aught to be cautious, therefore, how they permit capitains and supercargos to abandon vessels and cargoes on their being seized in the ports of Mexico.

I regret to state, that the organized system of smuggling, carried on by American vessels on this coast justifies the officers of this government in regarding with suspicíon every vessel sailing under our flag. I sincerely wish some plan could be devised to put a stop to this illegal traffic, injurious alike to the character and to the fair commerce of the United States.

Firmado por J. R. Poinsett.

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State, Vol. 2. Docs. 14-17, 48-85, doc. 54. NAW.

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3. de septiembre de 1826. México. J. R. Poinsett a H. Clay

Sir,

I have been assured that although the present condition of the Islands of Cuba and Puerto Rico was considered by the American plenipotentiaries at Panama, to be incompatible

with the safety of these countries, and the policy of subduing them by force formed a frequent topic of conversation, in that assembly, still no decisive measures with respect to them were resolved upon; nor are they mentioned in the secret convention concluded between the Spanish American States.

The plenipotentiaries were probably deterred from acting upon this very important subject, both by the language which has been held by the President with regard to these Islands, and by the inability of the government of Mexico and Colombia at this time to undertake any expensive expedition. The American plenipotentiaries at Panama, followed in their discussions the order of matters as laid down in General Bolívar's proclamation. The defense of these countries formed and they founded the basis of their system on the ground, the first and most important subject of their deliberations, that Spain lost the means of protecting or holding her American colonies at St. Vicent and Trafalgar, where her fleets were beaten and destroyed; that those disastrous defeats, and the subsequent events of her revolutions having almost entirely annihilated her maritime power. The most obvious method of defending the Americas will be to augment their naval forces. So as to enable them to intercept and destroy on the ocean any expedition that might be sent from Spain against them. On this reasoning the offensive and defensive treaty between the Spanish American states is formed, and it embraces two objects, first the ostensible one above recited; and secondly that by this arrangement the government concerned may be enabled gradually to diminish their land forces. A well grounded jealousy appears to have been entertained by the plenipotentiaries assembled at Panama, with respect to these large standing armies, and it entered into their views, that by this convention the governments concerned should be compelled to develop their intentions in this respect. By governments is meant here, those military chieftains, who direct the civil as well as military affairs of the respective governments.

As it was understood that Mexico and Colombia must defray the expenses to be incurred in building and equipping the proposed naval force, it is provided that the other states shall pay a contingent for the purpose of supporting it.

The agent sent to Panama by H. M. the King of the Netherlands is arrived here; but H. B. M. commissioner Mr. Dawkins is returned to England. These gentlemen were not present at the deliberations of the Congress. The American

plenipotentiaries communicated to them from time to accounts of such of their proceedings as, were of great interest or as they judged proper. Having gathered these particulars in conversation with the plenipotentiaries; but having not yet had a sight of the treaties, whenever I do see them, I will immediately give you a more detailed account of their import.

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State. Vol. 2. Docs. 14-17, 48-85, doc. 55. NAW.

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27 de septiembre de 1826. Washington. H. Clay a J. R. Poinsett.

Sir,

Your despatches nos. 46, 47, 48, 49, 50, 51, and 53, have been received together with the Treaty of Amity etc., and copies of the protocol of the conferences during the negotiation, and the project of the treaty which you presented. I have not seen the President since the receipt of the treaty, in consequence of the absence of both of us from this city, and therefore, I cannot now inform you of the opinion which he entertains of it. It is certainly liable to the objections stated in your despatch. no, 50. Of these, that which, I think, has most weight, is the refusal to equalize the tonnage duties in the navigation of the two countries. If Mexico simply declined the abolition of all discriminating duties, and each party were left at liberty, by its separate laws, to countervail the discriminating duties of the other, there would be less in the objection. There is perhaps, strictly, nothing in the words of the treaty to prevent this; but in the sixth conference, the protocol makes you say if, therefore, the vessels of Mexico were to be admitted into the ports of the United States on the footing of the most favoured nation, they would pay only the same charges and duties as those of the United States; whereas the latter might be subject to exorbitant discriminating duties, according to the regulations which Mexico might think proper to adopt in that particular. It is your understanding, and that of the Mexican Plenipo-

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tentiaries, that we are restrained, by the treaty, from countervailing any discriminating duties which Mexico may think proper to impose in behalf of her own tonnage, and to the disadvantage of ours? If she has no commercial marina whatever, as was asserted by her plenipotentiaries, the preference which her laws might give to Mexican tonnage would be attended with no practical injury to us, at present; but on the conclusion of the war, the discrimination would manifestly operate against us in the transportation between the two countries. After the examples of Colombia and Guatemala it is strange that Mexico should be so unwilling to subscribe to the liberal principle. With respect to the argument derived from the fact of the incompetency of her commercial marine, at this time, to carry on her foreign commerce, there would be more in it if the way to supply the deficiency was by laws operating against all foreign navigation, in favour of Mexico. Such laws would undoubtedly be met by similar laws of foreign powers in behalf of their tonnage, unless they should be prevented from doing it by treaty; and, in the end Mexico would not find a more rapid augmentation of her marine, under the restricted, than under the liberal system.

I am, as yet unadvised of the intentions of the President growing out of the transfer of the Congress of American ministers from Panama to the neighbourhood of Mexico, but I take it for granted that a successor to Mr. Anderson will be shortly designated, and our representatives be directed to the new place of meeting.

Firmado por H. Clay.

United States. Mexican Papers. Instructions. January 6' 1826-October 24' 1827. Department of State. Vol. II, p. 159.

21 de octubre de 1825. México. J. R. Poinsett a H. Clay

Sir,

You will receive herewith a copy of a note addressed by me to the Secretary of the Treasury of this government on the subject of the detention of the American brig *Delight* in the port of Sisal. This affair did not admit of delay and

aware of the dilatory manner of transacting business in the Departament of State, I had an interview with the Secretary of the Treasury, and with his consent, addressed him this note. He has assured me, that an order was despatched by the following mail to release the vessel and cargo:

This government persists in exacting the consular certificates although aware that they are not authorized by any law to do so; and I insist that even if such a law existed, it has not been promulgated in the United States, an cannot, therefore, be regarded as binding on the merchants of that country. If you will refer to the vice-consular regulations, as published by Mr. Obregón, you will perceive that he refers to no law or order of his government, and that they appear nearely as his own act. This subject has been repeatedly discussed in the cabinet, and some of the ministers are in favor of confiscating all American property so circumstanced and of enforcing the bonds given by the American merchants in Vera Cruz fort the cargoes of three vessels which arrived there without certificates from the Mexican vice-consul in Philadelphia, notwithstanding the President positively assured me, that those bonds were exacted only *pro forma*, until some general measures were adopted in relation to the regulations which had been published by order of Sr. Alaman and which he regarded as prejudicial to the commerce of the two countries.

I have not yet received an answer to my note respecting the seizure and confiscation of the cargo of the American shooner *Fair American* in the port of the Brassos de Santiago. It is certain, that the cargo of that vessel has been condemned and sold on no other pretext than the absence of consular certificates, although there is the declaration of the Mexican vice-consul at Baltimore to show, that on being applied to for the certificates, he assured the applicant that they would not be required at the port to which the vessel was bound.

The amount of property belonging to the citizens of the United States which is involved in this question, amounts to very nearly a millon dollars.

Our treaty has not yet been submitted to Congress. It is now three weeks since President Victoria spontaneously assured, me that he intended to send it in the following week and that it should precede those concluded at ~~Panama~~. A fortnigh after I had received this assurance from His Excellency the treaties of Panama were submitted to Congress,

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and that with the United States is still withheld. The measures of this government towards the United States are directed by a sentiment of jealousy and an undefined dread of evil from a close connection with us. As they have a most exalted opinion of their own consequence, they suppose that we cherish the same feelings towards them and look upon their growing prosperity with a watchful and a jealous eye. They cannot be convinced, that we are in a position to profit by that prosperity, however great it may be, without fear of the consequences.

Whatever may be considered as unfriendly in the views of the administration with regard to the United States, is not supported by public opinion nor approved of by Congress.

The elections throughout the states have generally terminated in favor of the Yorkinos. I have already acquainted you with the very singular denominations of the parties here. They are now agitated with a serious and important dispute. The election of members of the state Legislature of Mexico resulted in the entire exclusion of the members who compose that body at present. In consequence, they have contested the validity of the elections, and refuse to resign their seats. The successful party regard those proceedings as illegal, and both are highly excited. The quarrels of political parties in this country are to be dreaded on account of the existence of a numerous army, the officers of which are all arrayed on one side or the other. The President will probably submit this question to Congress as a subject in which the public tranquility is concerned: [*A continuación en cifra.*]

It has been evident to me for some time past that another party is springing up in the state. At the head of it are Ramos Arizpe and Michelena, and in the cabinet they are united with Gómez Pedraza, the Secretary of War, and Espinosa the Secretary for the Department of Grace and Justice, and from his official situation possesses great influence over the clergy. He is shrewd and designing, and is well acquainted with the character of his countrymen. Michelena the former envoy to London is an artful intriguing and ambitious man aiming at power, and regardless of the means by which it may be acquired. Gómez Pedraza is a man of integrity, but obstinately ignorant of the true interest of his country. He would prohibit all foreign intercourse, and surround the Mexican states by an impenetrable barrier. He thinks that the prosperity and safety of the state are secured by the **existence** of a numerous body of troops, well clothed and armed, but

most wretchedly disciplined. Espinosa is a great lawyer and a or statesman. He is the subservient tool of Ramos Arizpe. From their members in the cabinet this party possesses good influence over the undecisive character of the President. All their efforts are present directly against Esteve the Secretary of the Treasury another may succeed in compelling him to resign especially if my fears of a deficit in the treasury prove to be correct. [Acaba la cifra.]

The Secretary assures me that he will be able to meet all the demands of government: but I am at a loss to understand how unless he hopes to negotiate a new loan in London. There is reason to believe, that señor Camacho was instructed to do so if possible.

The uncertain state of the House of Barclay, Richardson and Co. in London has distressed this government very much. Bills drawn upon that House by the Secretary of the Treasury at three days sight have not been accepted. The House writes, that they will be paid, but that the present situation of the their affairs did not permit them to accept bills for such large sumes at so short a sight. There has been some correspondence between the Mexican charge d'affaires in London and the House of Messrs. Baring Brothers and Co. To induce them to take charge of the money concerns of Mexico. If that arrangement is not effected and the House Barclay and Co. fail, this Government will be very much distressed to meet its engagements. And the consequences of such an event may be very serious. I cannot by any calculation of mine, make the receipt of the revenue for this year amount to more than nine million and the expenses exceed thirteen million dollars. Their numerous standing army occasions this enormous expense and will cause a revolution in the country whenever the government ceases to pay the soldiery. It is almost impossible to preserve from revolution even a long established government when its means prove inadequate to defray its expenses; and the same causes must inevitably destroy an infant republic. The preservation of our own country under these circumstances forms a solitary exception to this great political principle and was due to causes which do not exist in Spanish America.

If Mexico can maintain itself for three or four years to come, its resources will, in my opinion be ample to meet even the lavish expenses of this government. [*A continuación en cifra.*]

I ought to have mentioned to you that Ramos Arizpe was

one of of the chief promoters of the party called Yorkinos and abandoned it on account of personal pique with some of its principal members. Should he succeed in in his scheme the relative situation of that party with regard to the administration will be totally changed, and the President will find himself in the same position in which he stood when I arrived in Mexico, surrounded by a few adherents, with the most powerful party in the nation, and in both branches of the legislature, opposed to him except that I regard Ramos Arizpe and his party as rather better than that of Señor Alamán.

The President a few days ago offered the mission to the United States to Don Lorenzo de Zavala. I was not sorry that he declined it; he is one of the most efficient leaders of the party friendly to the United States, the Yorkinos, and is more useful here than he would be in Washington.

The man who is held up as ostensible head of the party and who will be their candidate for the next presidency is general Guerrero, one of the most distinguished chiefs of the revolution. Guerrero is uneducated, but possesses excellent natural talents combined with great decision of character and undoubted courage. His violent temper renders him difficult to control, and, therefore, I consider Zavala's presence here essentially necessary, as he possesses great influence over the general.

Althought the secret treaty of Panama contains no direct provisions respecting Cuba, still it is understood, that its ratification will, by combining the two squadrons of Mexico and Colombia, enable this government to undertake the long projected expedition against that Island. Such is the view they entertain of the provisions of that treaty and they make no calculation of the cost and of the exhausted state of their treasuries.

Firmado por J. R. Poinsett.

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State. Vol. 2. Docs. 14-17, 48-85, doc. 60. NAW.

UNAM - III
Most Excellent Sir,

It the month of September last, the American ship *América* put into the port of San Blas in distress. This vessel had experienced a long and tempestuous passage from China, and having suffered very serious injury in her hull and masts, she was compelled to make the first friendly port to repair her damages. The *America* was bound to Lima and the intermediate ports, and, therefore, it is not surprising, that she should have on board some articles prohibited by the custom laws of Mexico to be imported into this republic. From the situation of the ship, it was found necessary to discharge the cargo, which has been deposited in the customhouse of San Blas. Among other articles, are some sugars, which are prohibited by the laws of Mexico; but Your Excellency must be aware, that the prohibitive laws of the customs of Mexico cannot apply to the cargo of a friendly vessel, which is not bound to a port of the republic, but merely takes refuge there from distress. Such cases are provided for in an article of the Treaty, which has just been concluded between the United States of America and the Republic of Mexico. But even had no mention been made of them in that treaty, every government is bound by the common laws of justice and humanity to afford protection to the vessels of a friendly nation, which may be compelled from distress to seek refuge in its ports. Notwithstanding this plain rule, which governs the whole civilized world, the officers of the customs in San Blas have refused to permit the sugars to be re-embarked, and are proceeding to their confiscation. This act is so flagrant a violation of the rights of hospitality and so directly contrary to the customs and usages which govern civilized nations in their intercourse with each other, that I regard it as impossible, it should receive the sanction of this government. As however, it is much more easy to prevent the commission of an act of injustice than to remedy it after it has been committed, I most earnestly intreat the prompt interference of the government to prevent the confiscation of these sugars, and that permission may be granted to reembark them, in order that the ship may proceed to its port destination without further delay.

Firmado por J. R. Poinsett.

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State. Vol. 2. Docs. 14-17, 48-85, enexo al doc. 62. NAW.

10 de noviembre de 1826. México. J. R. Poinsett a su pariente Johnson

Cuando llegué aquí —escribe Poinsett a su pariente Johnson—, en octubre de 1825, llegué verdaderamente a temer que México nunca llegaría a ser un miembro de la gran familia americana; sería largo y peligroso decir a usted cómo se ha llevado a cabo este cambio.

Meses más tarde, el 10 de noviembre de 1826, escribía al mismo primo estas frases que taparán por siempre las bocas de los mexicanos que adoran a Poinsett.

El partido que dicen que yo he formado, un partido realmente americano, obtuvo tan completa victoria en las últimas elecciones [para diputados] que ni uno sólo de los del partido opuesto fue reelecto [...] puedo jactarme de que yo he realizado aquí lo que en los Estados Unidos y esto no porque tenga yo un talento superior, sino porque conozco profundamente al pueblo y la nación y porque pocos habrían gastado (como yo lo he hecho) mis fortunas y dedicado todos los instantes de mi tiempo a este gran objeto, al levantar un partido americano.

Mariano Cuevas, *Historia de la nación mexicana*, México, Talleres Tipográficos Modelo, 1940, p. 524.

15 de noviembre de 1826. México. J. J. Espinosa de los Monteros a J. R. Poinsett

The most excellent President, convinced of the importance of making uniform the method established by the decree of the 6th of June of this year(regulating passaports for the introduction of strangers into the territory of the republic, has been pleased to resolve:

First. That all the regulations of that decree be made extensive to and be rigidly complied with by the states which border upon the nations of our continent, with respect to the introduction into the mexican territory of all persons proceeding from them.

Second. That the duties, which, by the 2nd and 3rd articles of said decree, are committed to the captains of the ports on the coasts, by the government of such mexican states, enjoined upon the civil authority of the first post on the frontier.

Third. That the subject of nations which have agents duly accredited near the supreme government of Mexico, shall be exempted from the evidence required by the 6th article of said deccrees of their respective consuls such not being established upon the frontiers; wherefore, they can proceed to the capital of the state or territory of this republic, into which they may have entered, where presenting themselves to the respective government, they shall remain until they have obtained the passport, solicited by the afore-mentioned agents, to pass freely, as the 11th article requires.

Fourth. Strangers that are not such as described in the 6th article, shall not be able to proceed to the interior nor to pass from the first post on the frontier without complying with the provisions of the 15 th article.

Fifth. The original declarations, to which the 20 th article refers, shall be transmitted by the respective civil authorities to the Departament of Relations through the governor of the state to which they belong.

All which I communicate to Your Excellency by this Excellency's order, that it may be duly fulfilled within the limits of your command, keeping always in view, in cases that may occur, the aforementioned decree of the 6 th of June, 1826; and the present additions, acknowledging their receipt.
Firmado por Juan José Espinosa de los Monteros.

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State. Vol. 2 Docs. 14-27, 48-85, anexo B al doc. 65. NAW.

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15 de noviembre de 1826. Washington. H. Clay a J. R. Poinsett

Sir,

Mr. Sargeant is about to proceed to be present, and to assist at the Congress of the American Nations at Tacubaya.

The successor of Mr. Anderson has not yet been designated, but is contemplated to appoint him in due time, to participate with Mr. Sargent in the duties of the Union. Your situation has been such as to afford you opportunities, which you have, no doubt improved, of collecting information that may be highly useful in disclosing the past and future views of the several American powers; and by the direction of the President, I have now to request that you will freely communicate to Mr. Sargent any such information which you may now possess, or may hereafter, from time to time, acquire.

Firmado por H. Clay.

United States. Mexican Papers. Instructions. January 6' 1826-October 24' 1827. Department of State. Vol. II, p. 213.

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16 de noviembre de 1826. México. J. R. Poinsett, a José Espinosa de los Monteros

Se queja de la aplicación que se da a los reglamentos de los cónsules publicados en Washington por el ministro de México.

Han llegado dos cargamentos a Veracruz de Nueva York y se les detuvo por no estar las facturas certificadas de acuerdo con los reglamentos antedichos.

No obstante el enemistoso carácter de estos reglamentos restringidos como están al comercio de los Estados Unidos y su injuriosa operación sobre el comercio de ambos países, pues imponen restricciones a los comerciantes de los Estados Unidos, han sido promulgados aquí según el uso que se practica en todos los países, pues que imponen restricciones a los comerciantes.

Pide Poinsett que se le comunique la orden o ley del gobierno que dispone eso a fin de que él la publique en forma en que todo el mundo la conozca.

ASREM. 315-4378, fols. 1-2.

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20 de noviembre de 1826. Washington. Daniel Brent a John Sargeant, Esquire

Sir,

I have the honor to transmit to you herewith under a flying seal, a letter to the bankers of the United States at London, authorizing and requesting them to pay your bills for your salary as it becomes due, and the contingent expenses of your mission. As this letter wants the signature of the Secretary who will probably be in Philadelphia a few days hence, on his return hither, will you have the goodness to present it to him for that purpose. I shall send to Baltimore on the 22nd to be forwarded to Philadelphia by the steam boat of that day, two trunks addressed to you, containing the books furnished for your legation.

Your letters of the 17th and 18th instant to the Secretary have been received here and herewith return Mr. Rochester's to yourself received with the last, agreeably to your request. The constitution of Bolivia shall be sent to you with a letter which I propose writing tomorrow, to go by the mail of the next morning.

Firmado por Daniel Brent.

United States. Mexican Papers. Instructions. January 6th 1826-October 24th 1827. Department of State. Vol. 11, p. 214.

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5 de diciembre de 1826. México. Memorandum de los comerciantes británicos residentes en México

Sir,

The undersigned British merchants are again under the necessity of calling upon your assistance and intervention with the supreme government of this republic with reference to their avowed intention of exacting upon all British white-cotton goods in future to be imported the present existing duties upon a valuation of 4 reales per vara, when not exceeding a vara in width and when exceeding that width 5 reales a vara valuation.

It is notorious that since the order of this government of 12 de February 1825 all British white cotto goods have uniformly been valued at 2 *reales* per vara for all not exceeding a vara wide, and 3 *reales* for all exceeding that width. No other valuation than the above during the last 21 months in virtue of the above order has ever been placed on British white cotton goods by any of the vistas in any of the maritime ports, and in the port of Tampico the vistas have lately dispatched at the old valuation.

It is also equally notorious that as under these established valuations considerable importations have formerly been made to this republic, so now the undersigned and their principals in Britain acting in full faith and confidence not only upon the valuations and duties previously established but further upon the promise of a greater reduction as was declared by this government in the former session of Congress have imported and are about to import considerable quantities of British white cotton goods, and have already advices of the following vessels for this quarter.

The Atlantic, The Peruvian, The Minstrel,

The Chile, The Vestal, The Albion,

The two vessels firts mentioned have already arrived in Vera Cruz, and the remainder may be expected during the next two months.

Without any previous notice whatever from this government of their intention to lay upon us, and British commerce in general in this particular an additional tax of more than 50 per cent upon such staple articles of British commerce, without affording us time to advise our principals and friends and believing in the meantime the valuations in past transactions for duty as a garantee for the future. You may conjecture Sir the situation we are now placed in and the losses ourselves and our friends, will be subject to by this sudden and unexpected order and resolution of the government.

With the valuations of British white cotton goods at 4 and 5 reales per vara when they are selling in this Plaza at from 2 to 2 1/2 reales per vara it must appear clear to you Sir and to every party concerned that the *gross & full value* of such goods when imported will actually in some instances *not pay the duties, charges & freight upon the same.*

Under these circumstances, and seeing that the result of any importation of such goods can only terminate in total loss, in case these exorbitant duties are *exacted*, we have determined upon addressing to you this present application,

soliciting your most strenuous exertions with this government either to countermind the present orders, or to request from them a more determined and explicit instruction, to the vistas, so as to reduce the valuations to the standard, previously acted upon and established.

The undersigned for themselves and those they respectfully represent are the more anxious that this point should be arranged definitively either in one mode or the other, without delay to regulate them in their future proceedings as in the event of this government persisting in the present orders given and in the valuations of 4 and 5 reales per vara the undersigned, to avoid a total loss of British property, which must ensue by the importation of such goods under such enormous duties will immediatly give orders for their exportation leaving it entirely in the judgment and wisdom of His Majesty's government hereafter to determine whether under the circumstances stated and without any notice by this government of so enormous *portion of the Arancel* so intimately connected with the interest of British commerce. The parties interested cannot in justice reclaim from this government for the losses and damages they may sustain thereby.

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State. Vol. 2. Docs. 14-17, 48-85, anexo al doc. 66. NAW.

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13 de diciembre de 1826. México. J. R. Poinsett a H. Clay

Sir,

I have the honor to enclose a copy of a note addressed by me to the Secretary of State of this government in October last, on the subject of the cargo of the ship *America*. Knowing from experience the tardy method of transacting business in that Departament, and the eager haste with which the officers of the custom avail themselves of every pretext to plunder the property of our marchants, I solicited and obtained the direct interference of the Secretary of the Treasury. The order to relieve the sugars arrived just in time. They had actually been confiscated, and were about

being sold; and to this hour, I have not received an answer to my note.

I think that our commercial interests require the appointment of a consul for the port of San Blas. The government is perhaps, not aware, that we have not a consul residing in any port on the Pacific. The persons appointed for those ports have not proceeded to their destination.

Mr. Alexander Forbes is recommended by the enclosed letters as a fit person to be appointed consul for San Blas, and our increasing trade to that port renders it necessary that we should have a consul residing there.

Firmado por J. R. Poinsett.

Méjico. Poinsett. August 17th 1825-April 18th 1827. Department of State Vol. 2. Docs. 14-17. 48-83, doc. 52 NAW.

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21 de diciembre de 1826. Nacogdoches. Informe del gobierno de Coahuila y Texas

Gobierno supremo del Estado de Coahuila y Texas.

N 2. Respecto a que el gobierno de los Estados Unidos Mexicanos por repetidos insultos, tracción y opresión ha reducido a los emigrados blancos y colorados de los Estados Unidos del Norte ahora radicados en la provincia de Texas dentro del territorio de nuestro gobierno, al que han sido llamados por promesas solemnemente declaradas, y vivamente infringidas a la alternativa desgraciada de someter sus cuerpos libres al yugo de un gobierno imbécil, sin fe y despótico, mal llamado república, o de tomar las armas en defensa de sus derechos imprescriptibles, y declarar su independencia, los emigrados blancos ahora reunidos en el pueblo de Nacogdoches, bajo el pabellón independiente de una parte, y de los emigrados colorados que se han declarado por esta santa causa de la otra, con el fin de seguir con prontitud y eficacia la Guerra de Independencia que hemos mutuamente emprendido a un feliz término, y para aliviarse el uno al otro por los lazos del interés y obligación reciproca, han resuelto formar un tratado de unión, liga y confederación. Para este objeto honrados Benjamín W. Edwards y Her-

man B. Mayo, agentes de la Comisión de Independencia, y Richard Fields y Juan de Hunter, agentes del pueblo colorado, teniendo los poderes necesarios al efecto han acordado los siguientes artículos:

1o. Las susodichas partes contratantes se obligan a una unión, liga y confederación en paz y guerra para establecer y defender su mutua independencia de los Estados Unidos Mexicanos.

2o. Las partes contratantes se garantizan mutuamente en cuanto alcancen sus poderes la integridad de sus respectivos territorios como ahora han acordado y delineado y designado; para el pueblo colorado empezara desde el punto del ojo de agua llamado Arenoso, situado en donde se separan los caminos de Baradly y el que va de Nacogdoches a la habitación de José Duite, y desde este punto al poniente por la brújula sin variación hasta el Río Rojo, y de allí al norte hasta el lindero de los Estados Unidos de Norte América y allí siguiendo la misma línea hasta la boca del Río Azufre, que es brazo del Río Nacogdoches, y de allí linea recta al punto del ojo de agua donde comenzó. El territorio señalado para los blancos será todo lo restante de la provincia de Texas, y las porciones de los Estados Unidos Mexicanos que las partes contratantes con sus esfuerzos y mutuos recursos puedan conquistar a la otra parte del Río Grande.

3o. Las partes contratantes mutuamente garantizan a los empresarios los terrenos que por premio deben recibir, y los derechos de los demás individuos adquiridos del gobierno mexicano en el territorio designado, con tal que nuestros empresarios e individuos no pierdan su derecho por oponerse a la independencia de nuestro territorio, o por negar su auxilio o apoyo para su consecución.

4o. Está claramente entendido por las partes contratantes que el terreno designado para el pueblo colorado será para el beneficio de las tribus que viven en el marcado para los blancos, como para los que en la actualidad lo ocupan, y será deber de las partes contratantes a nombre del pueblo colorado ofrecer a nuestras tribus participación del territorio que se les ha señalado.

5o. Está también mutuamente acordado por las partes contratantes que cada individuo colorado o blanco que se halle establecido dentro de sus respectivos territorios aliados

y actualmente lo ocupe, recibirá un título para una milla cuadrada de tierra en el terreno que ocupe, así como la protección del gobierno bajo que resida.

6o. Las partes contratantes mutuamente acuerdan que todos los caminos, ríos navegables y otros canales de comunicación dentro de sus respectivos territorios, serán libres para el uso de los habitantes de cada territorio.

7o. Las partes contratantes mutuamente han acordado que harán todos sus esfuerzos a la prosecución de la causa inspirada por el cielo que han producido esta solemne unión, liga y confederación, confiando sin recelo en sus esfuerzos reunidos y con la protección del cielo para el buen éxito de su empresa.

En fe. Dado en Nacogdoches el 21 de diciembre de 1826.
 B. W. Edwards. H. B. Mayo Richard Fields, Juan D. Hunter.
 Es copia sacada de otra escrita en inglés. San Felipe 22 de enero 1827. Saucedo. Nota: Por pueblo colorado entienden toda clase de indios. Es copia Saltillo 6 de febrero de 1827.
 J. Antonio Padilla, secretario. Es copia. México, febrero 28 de 1827.

Espinosa.

Mexico. Notes. December 30th 1821-June 1st 1831. Department of State. Vol. 1. NAW.

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23 de diciembre de 1826. México. J. R. Poinsett a H. Clay

Sir,

I have the honor to send herewith copies (marked A and B) of two notes, addressed by me to the Secretary of State of this government, on the subject of the detention of the cargos of two American vessels at Vera Cruz, and the seizure, condemnation and sale of the cargo of the brig *Delight* at the port of Sisal. A more flagrant and unjustifiable violation of the property of our citizens never occurred in any country.

Althoug I have repeatedly urged this government on the subject of the unwarrantable seizure and sale of the cargo

of the American schooner *Fair American* in Matamoros, I have not yet obtained and answer of any sort.
Firmado por J. R. Poinsett.

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State. Vol. 2. Docs. 14-17, 48-85, Doc. 64. NAW.

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24 de diciembre de 1826. México. J. R. Poinsett a H. Clay

Sir,

I have the honor to transmit herewith translations of a note from the Secretary of State of this goverment, marked A, and of a circular relating to passports, marked B. Permit me to suggest the propriety of sending copies of the latter to the governors of the states and territories of the United States that border upon Mexico.

Firmado por J. R. Poinsett.

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State. Vol. 2. Docs. 14-17, 48-85, doc. 65. NAW.

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27 de diciembre de 1826. México. J. R. Poinsett a H. Clay

Sir,

I have the honor to transmit herewith a copy of a note addressed by me to the Secretary of State of this government on the subject of the augmentation of duties of American cotton shirtings, marked A. This is a repetition of the measure, which occasioned so many complains to be made to you before my arrival in this country It certainly is unjust and oppressive: but was not then nor is it now confined to cotton goods of American manufacture; it includes British white cotoon goods under the general name of *mantes*. In proof of this, I send herewith a copy of the memorial of the British merchants residing in Mexico, demonstrating a-

against this sudden increase of duty, marked B. I transmit likewise a copy of my reply to the United States Consul of Vera Cruz, marked C, in order that you may become acquainted with the course of conduct which I have advised the American merchants to adopt on this occasion.

Firmado por J. R. Poinsett.

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State. Vol. 2. Docs. 14-17, 48-85, doc. 66. NAW.

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28 de diciembre de 1826. México. J. R. Poinsett al Secretario de Relaciones Exteriores

Most Excellent Sir,

From a memorial addressed to me by the American merchants residing in Vera Cruz I learn, that the valuation of that description of cotton goods, called *mantas*, has been a second time augmented, without any previous intimation, from two and three to four and five *reales* the *vara*, by an order from H. E. the Secretary of Treasury.

In my note of the 1st. December, 1825, addressed to Your Excellency upon the same subject, and in which I reclaimed the excess of duties paid by the American merchants in Alvarado in consequence of a similar order, I took occasion to remark, that the price which these goods bore in the marked did not authorize this excessive valuation; and that although the right of the Mexican government to raise the duties on any description of goods, even so as to prohibit their importation, could not be disputed, still the rules that govern commercial nations in their intercourse with each other require, that in doing so, such previous notice shall be given and such time allowed before the new tariff goes into operation as may enable the foreign merchant to determine whether or not he will import such goods into the country where the duties have been thus augmented.

This rule was not complied with when the order was sent down to Alvarado in November, 1824, H. E. the Secretary

of the Treasury, to augment the valuation of *mantas*; nor has any previous notice been now given, so that the effect of the order was and is retroactive. Large quantities of these goods have arrived in Vera Cruz, and others are on their way, which were embarked in the expectation of the old rate of valuation being still in force. This has been done in full reliance on the good faith of this government; but in consequence of the unexpected order issued by the Secretary of the Treasury, those goods as they cannot afford to pay this excess of duty, must be returned upon the hands of the merchants in the United States. These sudden and unexpected fluctuations in the tariff duties on an article of so much importance, are not only injurious to the foreign commerce of this country and prejudicial to the revenue, but they are contrary to the laws and usages which bind nations in their commercial intercourse with each other, and give rise to well founded claims of indemnity for losses that may be sustained in consequence. Those claims are made still stronger by the fact of the government having repeated the first order, which was issued in November 1824, in less than three months after, and admitted the goods that had been stored during that period on payment of the former lower rate of duty. This act of justice on the part of this government inspired the merchants of the United States with confidence. They had reason to believe, after the government of Mexico had countermanded that impolitic order, and influenced by a sense of justice, had restored the former valuation, that no alteration would be again made, or at least, that in compliance with long established usage, sufficient notice should have been given of its intention; so as to protect them from the retroactive effect of an augmentation of duty on this description of goods. Under these circumstances I confidently indulge the hope, that the most Excellent President will see the justice and policy of admitting all such *mantas* as are now in the ports of the republic or on their passage on the payment of the former rate of duty.

I take advantage of this occasion to reiterate to Y. E. the assurances of my high consideration and respect.

Firmado por J. R. Poinsett.

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State. Vol. 2. Docs. 14-17,48-85, anexo al doc. 66, copia A. NAW.

29 de diciembre de 1826. México. J. R. Poinsett a H. Clay

Sir,

I have the honor to acknowledge the receipt of your despatch n^o 14 which did not reach me until a few days ago.

In reply to your question, whether it is my understanding and that of the Mexican plenipotentiaries that we are restrained by treaty from countervailing any discriminating duties which Mexico may think proper to impose in behalf of her own tonnage and to the disadvantage of ours, I beg leave to remark, that my understanding of this article is, that we are restrained from meeting any discriminating duties which Mexico may think proper to impose in behalf of her own tonnage to the disadvantage of all other nations by countervailing duties, unless it can be proved, that in every instance, where a lower rate of tonnage duty is paid by a foreign nation in the ports of the United States, such favor has been granted for an equivalent: but if the discriminating duties which Mexico might think proper to impose were not general, not confined in their operation to the United States, then there could be no doubt of the right of our government to impose any countervailing duties that were thought proper. My own opinion is, that Mexico is restrained from doing so by the terms of the treaty, and that whatever discrimination duties this government may impose, must be general in their application.

In my argument which you cite from the protocol of the 6th conference, I meant only to state the question strongly by contrasting the unequal operation of the principle of the most favored nation, and to show, that while one party to the treaty, governed by the most liberal policy, admitted the vessels of other nations on an equal footing with her own, the other, guided by a more narrow policy, might avail itself of restrictive and discriminating regulations to secure advantages to its own navigation. I did not, however intend, nor was I so understood, to pledge the government of the United States not to meet, by countervailing duties, those that Mexico might think proper to impose in behalf of her own tonnage and to the disadvantage of ours, so far as the favors and privileges, which the United States may have voluntarily granted to the most favored nation permit. I explained my views of the manifest advantages of the more

liberal principle over that proposed to be adopted by Mexico in a note addressed to the Mexican plenipotentiaries, a copy of which is transmitted herewith.

In your despatch, nº 1, I am instructed, if all my efforts should be unavailing to carry to the Mexican government a conviction of the expediency of the proposed principle and the propriety of treating of it, I am 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 Colombia treaty. And again, in your despatch nº 5 I instructed, that if the intrinsic merit of the principle itself, the example of Colombia, and the irritating tendency of countervailing regulations, the inevitable effect of an attempt of one nation to secure advantages to its own navigations denied to that of foreign powers, should not enable me to prevail upon the Mexican government to agree to the perfect equality which is proposed, I am to consider myself authorized to accede to an article embracing the same principles as are contained in the sixth article of the treaty between Great Britain and Mexico.

I used every effort in my power to induce the Mexican plenipotentiaries to accede to the adoption of the more liberal principle of perfect reciprocity in the navigation and commerce of the two countries, and yielded the point only on the fullest conviction that this government would not consent at present to its adoption any of their treaties. I was not authorized to make it a *sine que non* and therefore agreed to an article embracing the same principles and drawn up nearly in the same words as the sixth article before al-luded to.

Although abstractly considered, this is a question of paramount interest, in point of fact, it does not appear to me to be very important to the United States. From the small number and wretched description of the ports of Mexico on the Atlantic; from the deficiency of navigable rivers; from the low state of the useful arts, the slow progress of improvement and the total want of enterprise and activity in the inhabitants, I am disposed to believe, that for the next ten years at last, the commercial marine of this country will be confined to a few coasters.

I have judged it adviseable to send Mr. Mason home with the treaty, although not yet ratified by the Mexican Congress. I have not done this with the view that the treaty should be first ratified in the United States, nor do I by any means

advise such a measure. Mr. Mason will explain to you the causes of this delay here. Indeed, the principal reason for sending that gentleman home just now is, that he may converse with you fully upon our relations with this country. I hope there will be no objection to my private Secretary, Mr. Edward T. Taylor, acting as Secretary of Legation until Mr. Mason's return.

Both houses of Congress have declared the act of the legislature of the state of Mexico, annulling the elections of their successors, to be unconstitutional. This decision will probaly set this question at rest.

The constitutions of the different states do not work quite so smoothly as the theorists who framed them were lead to expect, and they have proven in many instances fruitful sources of discord. These differences have in no instance been attended with serious results, and on the whole, this confederation may be considered as tranquil and prosperous.

Firmado por J. R. Poinsett.

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State. Vol. 2. Docs. 14-17, 48-85, doc. 67. NAW.

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1º de enero de 1827. México. El general Victoria al abrir el primer periodo de sesiones del 2º Congreso Constitucional.

Cada día se adelantan y se robustecen más nuestras relaciones exteriores.

En los tratados que se habían aprobado y concluído con la Gran Bretaña, se hicieron las aclaraciones que exigían algunos artículos adicionados en el gabinete de St. James, y ha pasado a Londres un enviado extraordinario facultado para acreditarse como ministro plenipotenciario, a fin de concluir esta interesante negociación. Ha sido acogido favorablemente, y es de esperar que el congreso pueda ocuparse en sus sesiones del primer año, de un negocio que considerará las francas y amigables relaciones que existen ya entre el gobierno y el pueblo de Inglaterra con el pueblo y el gobierno mexicanos. Para Gibraltar, se ha nombrado un cónsul con

aprobación del senado, y con objeto, entre otras miras, de proteger el comercio que se ha hace por aquel punto.

Se han presentado el cónsul general, vicecónsul y cónsul particular para Veracruz, de s. m., el rey de los Países Bajos, debidamente acreditados: en consecuencia, se les concedió el *exequatur* y se hallan en el pleno ejercicio de sus funciones. El gobierno ha autorizado cerca de aquella corte un encargado de negocios, y se promete que este nombramiento será cumplidamente apreciado en medio de los embarazos que ofrece la posición de dicho país, respecto de las grandes potencias continentales de Europa.

Se presentó, bajo el carácter de agente comercial de Francia, una persona nombrada por el vicealmirante Duperré, jefe del crucero de las Antillas, y por esta circunstancia se suspendió el *Exequatur* hasta que reciba la autorización directa y en debida forma de su gobierno, y sólo se le ha admitido como agente confidencial, clase que hoy disfruta en París un ciudadano de México. Bajo este concepto se han considerado la interposición de sus oficios, y el nombramiento que ha publicado de agentes subalternos en Veracruz, Tampico y San Luis Potosí. El gobierno francés ha adoptado esta disposición después de que empleó sus consejos amigables para hacer que España reconociese primero la Independencia de las nuevas repúblicas. Esta conducta de Francia es consecuente a los deseos generales que las naciones de Europa han alimentado siempre a favor de la emancipación de las Américas. Es consecuente a los intereses políticos y comerciales del pueblo francés, y resultado de la unión que bajo este respecto se conserva, afortunadamente, y progresiva entre los gabinetes de Francia e Inglaterra. Sólo se advierte una diferencia accidental en los pormenores de la marcha que condujo a Inglaterra hasta el punto a que han llegado nuestras relaciones, y la que observa el gabinete francés en la explicación de sus benévolas intenciones hacia la causa de la libertad de América. Yo me complazco en los adelantos que ha producido en nuestras relaciones con Francia la resolución de obsequiar, sin menoscabo de la dignidad de la república, el nombramiento del agente francés. S. m., el rey de Francia ha mandado admitir en todos sus puertos el pabellón mexicano, bajo los términos que se ha recibido y admitido la bandera francesa en los puertos de la nación. Ella va nivelando sus relaciones de amistad y comercio con la Francia, al pie en que existen tiempo ha con Inglaterra, por la anticipada manifestación de sus principios liberales. Resta, sin embargo,

que estas relaciones acaben de fijarse en términos más franceses, que inspiren absoluta confianza a los súbditos de ambas naciones, para estrechar definitivamente los intereses recíprocos del pueblo francés con el nuestro.

Las ciudades anseáticas nombraron un comisionado general de comercio que ha sido admitido al ejercicio de sus funciones. Ha sido despachado por el ejecutivo un agente mexicano de comercio, que residirá en Hamburgo. El gobierno de s. m., el rey de Prusia no autorizó en debida forma a un agente comercial; y entretanto no se verifica, se obsequiará solamente su mediación a favor de los intereses y súbditos de aquel país, conciliándose el decoro nacional con mi viva propensión a inclinar los gabinetes de las naciones extranjeras a que usen de la franqueza que caracteriza en todos sus actos al gobierno mexicano.

No ha presentado todavía sus credenciales el agente interino de comercio, que se sabe haber nombrado s. m., el rey de Baviera.

El rey de Wurtemberg ha resuelto establecer con nosotros relaciones mercantiles, autorizando como su agente a un individuo que se halla en esta capital y aún no ha entregado sus patentes.

Nada ha alterado las amistosas relaciones de nuestros estados con los del Norte de América. Después de concluidos los tratados de amistad, navegación y comercio con su ministro plenipotenciario cerca de la república, se han pasado a las cámaras. El congreso dando preferencia a este importante negocio, apresurará la final consolidación de nuestras relaciones con una nación cercana a nosotros, y que nos está unida por las energicas simpatías que producen necesariamente la identidad en el sistema y forma de gobierno. Se halla detenida la comisión científica de límites por la falta de autorización para los gastos que ha de erogar en sus trabajos.

El congreso americano que atrajo sobre sí la atención del mundo civilizado, tuvo lugar en la ciudad de Panamá, y sus trabajos se adelantaron con tanta felicidad, que en septiembre regresaron los plenipotenciarios de México conduciendo los tratados, a que las cámaras concederán la privilegiada atención que merece por tantos títulos el pacto federal de la grande familia americana. Allí se acordó la translación del congreso al territorio de la república, donde será obsequiado franca y amigablemente, tanto como es debido a la plenipotencia de las repúblicas a que nos hallamos ligados por íntimas relaciones y lazos fraternales. Vinieron ya dos de los ministros de

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Colombia y Guatemala, uno de los Estados Unidos del Norte, y en breve se esperan otros, para la continuación de las sesiones del Gran Congreso en la villa de Tacubaya.

Ha llegado a esta capital un ministro plenipotenciario y enviado extraordinario de los Estados Unidos del Centro de América, autorizado para iniciar, ajustar y concluir con este gobierno las estipulaciones y convenios que sean más conformes a la justicia e intereses de ambos pueblos, y arreglar los límites de sus respectivos territorios.

Se ha presentado un cónsul general de la república de Chile para residir en Tepic, y se le ha librado el correspondiente *Exequatur*.

Todas las probabilidades anuncian un próximo cambio en la Constitución de Colombia. El gobierno mexicano, consecuente a sus principios, no intervendrá directa ni indirectamente en este acontecimiento, y se limitará a mantener y conservar intactas sus amigables relaciones con nuestra aliada la república de Colombia. Sean las que fueren las causas que hayan obrado en tan inesperado movimiento, ningún influjo, aun el más remoto, ha de ejercer en la suerte de la república de México, donde son amadas sus libres instituciones con el más ardiente entusiasmo, porque ellas, en su esencia, no admiten mejoras de algún orden, aun cuando se pretenda compararlas con las diversas modificaciones que han recibido en todas épocas los pactos que arreglan los derechos y las obligaciones de los pueblos.

Mientras más abyecta y miserable es la situación de España, más esfuerzos hace para alcanzar algunas ventajas, aunque sean efímeras, en los puntos de América que ha perdido para siempre. En este año ha reforzado considerablemente su marina en la isla de Cuba, y ha aumentado su guarnición. Sus amagos son ya bastantes conocidos. La escuadrilla de Laborde se presentó a mediados del año en las costas de Colombia: dos fragatas se avistaron poco tiempo después por Tampico. Esta misma escuadrilla fue dispersa en un temporal que sufrió en el canal de Bahama y mar de las Antillas, y es probable que en mucho tiempo no pueda repararse por haber sufrido descalabros de consideración.

Parece que se acerca el momento de una transacción, que termine definitivamente las desgraciadas diferencias que nacieron, sobre la posesión de la banda oriental del Río de la Plata, entre la república Argentina y el gobierno de s. m., el emperador del Brasil. Esta parte interesante del nuevo mundo, dando una constitución a Portugal, ha ofrecido al asombro

del universo el fenómeno tan singular en la política de las naciones, de que una colonia en los días de su regeneración haya alcanzado a destruir las cadenas de su antigua metrópoli en cambio de las que recibió siglos antes.

El nuevo mundo es la cuna de los grandes prodigios, y en él ha aparecido la feliz combinación de la estabilidad de los gobiernos con el goce y posesión de las garantías sociales. Entre tanto, la alarma estacionaria de España ha tenido aumentos por el temor del contagio de los principios que van radicándose en Portugal. El gabinete de Madrid fluctúa en la incertidumbre de su propia suerte, y no bastando sus recursos aun para sostener el actual orden de cosas, no podrá intentar jamás, con probabilidad de algún éxito, la soñada reconquista de las Américas.

Las relaciones que México establecerá adelante con el resto de los gobiernos de Europa, comprendido el obstinado de España, dependen esencialmente de la dirección y giros de su política en orden a la existencia de los nuevos Estados. La Asamblea General Americana uniformará los principios magnánimos de la conducta de las naciones del nuevo mundo, con los pueblos que les han precedido en la carrera de la civilización, para que a la sombra de gobiernos moderados y de instituciones filantrópicas aseguremos para nosotros la amistad de todos los hombres.

La amigable composición de los gobiernos del Brasil y Buenos Aires, es un deseo de la América para que se devanezcan los temores que pudieran alimentarse sobre el final resultado de la guerra en que se han comprometido dos naciones americanas. Los disturbios y agitaciones de Guatemala, desaparecerán tan presto como sus habitantes escuchen la voz imperiosa de la patria y del nuevo mundo, que reclaman el sacrificio y desprendimiento de las pasiones e intereses privados, en obsequio de la paz universal. Afortunadamente se descubre en los nuevos Estados una tendencia muy activa hacia el orden y estabilidad, que frustran las consecuencias de choques momentáneos. Entre tanto, los gabinetes de Europa se ocupan de su peculiar situación.

(Era Oficial Mayor de Relaciones Exteriores Encargado del Despacho, don Juan José Espinosa de los Monteros.)

Genaro Estrada, *op. cit.*, p. 15-19.

5 de enero de 1827. Washington, H. Clay a J. R. Poinsett

Sir,

I transmit you herewith the affidavits of Thomas Eaton Dudley and Jacob C. Wilson, proving that in the spring of 1824 a party of citizens of the United States proceeded from the state of Missouri on a trading expedition to the adjoining provinces of Mexico; that they prosecuted their business upon their arrival there, with the sanction of the local authorities; that they collected, by means of their trafficking, a number of mules, horses and jacks; and that in November of that year when the party was about to return to the United States, they were fallen upon and assailed in force, near the junction of the Río Conchos with the Río del Norte, by the Comanche Indians, who slew some of their men, and robbed the party of a considerable portion of their property.

For these depredations, ample indemnity is justly due to hold the Indians responsible and to pursue and chastize them. Until satisfaction is made, it might lead to disturbances of the harmony existing between the United Mexican States which the President is anxious to preserve and strengthen.—An appeal for justice directly to the Mexican government is most respectfully presented to that government. We are not informed of the exact nature of the relations which subsist between the Indians and the Mexican Government but since the sovereignty is claimed by that Government throughout the whole extent of its territories it ought to punish aggressions committed on the persons and property of innocent foreigners, and cause indemnity to be made for such wrongs and enormities as are described in the above affidavits.— You will, therefore apply to the Mexican government for the satisfaction due to the citizens of the United States who have been thus injured, and you will state, in further support of the claim, that the United States compel many of the Indian tribes residing within their limits to make full satisfaction for any injuries committed by their respective tribes on the persons or property both of citizens and foreigners.— Only during the last year Don Manuel Escudero, a citizen of the republic of the United Mexican States, having been robbed in the United States by a party of the Osage Indians, the government of the United States caused ample

redress to be made to him—it is expected by the President that this just example will be followed by Mexico.

I am respectfully...

H. Clay.

United States. Mexican Papers, Instructions. January 6' 1826-October 24' 1827. Department of State. Vol. 11, p. 227. NAW.

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8 de enero de 1827. Washington, Pablo Obregón a Thomas H. Benton, senador, etc.

Muy señor mío,

He recibido la carta de V. de 3 del corriente, y los papeles que me acompaña con objeto de que mi gobierno indemnice a los ciudadanos americanos que han sido robados en el territorio mexicano, haciendo un lícito comercio. Sin embargo de que, en mi opinión, ningún gobierno está obligado en justicia a hacer semejantes indemnizaciones, aun cuando los que cometan el robo son súbditos suyos, el ejemplo que V. me cita de las que hace el gobierno de los Estados Unidos a los ciudadanos mexicanos sería una razón para que el gobierno de México, en justa reciprocidad, hiciese otro tanto con los ciudadanos americanos que se hallan en iguales circunstancias.

Para que mi gobierno pueda resolver según los deseos de V. sería muy conveniente que tuviese V. la bondad de informarme, si estas indemnizaciones hechas a los ciudadanos mexicanos que V. me cita, están autorizadas por acta del congreso. Esta circunstancia la considero muy substancial, pues que la cantidad que debería emplear mi gobierno en este objeto sería tal que no estuviese entre las facultades del presidente el disponer de ella, atendiendo al número considerable de americanos que pasan al Nuevo México y demás estados limítrofes.

Igualmente quisiera saber el número de indemnizaciones hechas por el gobierno americano a ciudadanos mexicanos, y la cantidad que importe la que se hizo a don Simón Escudero.

La imparcialidad de V. conocerá muy bien que para que

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 haya una verdadera reciprocidad es necesario que el número de los comerciantes empeñados en él sean aproximados: todo lo cual podría formar materia para un convenio entre ambos gobiernos.

Soy de V... firmado Pablo Obregón.

Mexico. Notes. December 30' 1821-June 1' 1831. Department of State. Vol. I. NAW.

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15 de enero de 1827. Washington, Thomas H. Benton a H. Clay

Sir,

I have the honor to enclose you the copy of a letter received from the Mexican Minister at this place, in answer to some representations which I was requested to make to him on the subject of depredations committed by Indians within the limits of Mexico on our citizens. The letter of the Ministers asks for information on several points relative to this business, for which I referred him to you, concerning that the affair was taking a course which rendered it improper for me to pursue it.

Respectfully... Thomas H. Benton.

Mexico. Notes. December 30' 1821-June 1' 1831. Department of State. Vol. I. NAW.

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20 de enero de 1827. México. J. R. Poinsett a H. Clay

Sir,

The question which has so long agitated the public mind here, is, I believe, set at rest by a recent decision of the general Congress. The act of the legislature of the state of Mexico, declaring the elections of their successors in office null and void, has been in its turn pronounced to be in-

constitutional, and therefore null. This decision would startle the friends of state rights in the United States; but the constitution of Mexico has vested the general government with this power in relation to the acts of the state legislatures.

I have at length obtained some information respecting those articles of the treaty of Panama, which are intended to restrain the ambitious projects of General Bolívar.

I understand one of them to be 'that if any one of the states now constituted a member of the Confederation by this treaty, shall be *ipso facto* excluded from the Confederation, nor shall it be again admitted a member of it without the unanimous consent of all the other contracting parties'. The other is, 'that in the event of an auxiliary army from one state entering the territory of either of the other states, it may be recruited therein; but that the citizens of the country to which the assistance has been rendered, shall be discharged from the service on the withdrawal of that army, if they think proper'.

In other words, that they shall not be forcibly taken out of the country, as was done by Bolívar with about 3000 Peruvians raised to recruit the Colombian army, and subsequently transported to Colombia.

I am anxious to learn whether these treaties will be ratified in Peru and Colombia. It is manifest, that the Peruvian deputies sought refuge in the Congress of Panama against Bolívar.

I am disposed to believe that this man never can realize his vast schemes of ambition, simply because he has not and cannot have for some time any pecuniary resources. The resources have been wasted and are exhausted in Bolivia, Peru, and Colombia. The credit of those countries, never very high, must fall still lower from the natural effects of a revolution: and neither of them has relied for its means upon a well-organized system of finance. On the contrary, the expenses of the civil and military establishments of each of them, have always far exceeded its revenue. Out of all the evil that must spring from the madness of Bolívar, some good is likely to result. The relations between this country and the United States must become more close and intimate. You will find some allusion to this disposition on the part of this government in the last message of the President of these States.

The treaty is still before the House. I do not attribute this extraordinary delay to any unfriendly feeling: on the

contrary, the present Congress is exceedingly well disposed towards the United States—even more so than their predecessors; but the machinery of a representative government is new to them, and they cannot put it into moderately rapid motion. It either gets the mastery and whirls round with astounding velocity, or it moves by their impulse heavily and painfully. I am assured that the treaty will be ratified in due season.

I am, Sir, with the highest respect... J. R. Poinsett.

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State Vol. 2, Docs. 14-17, 48-85, doc. 69. NAW.

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25 de enero de 1827. México. J. R. Poinsett a H. Clay

Sir,

I received your despatch num. 17, together with the representation of Messrs. Borie and Laguerenne and others, setting forth the exaction of excessive and unusual duties on cotton goods sent to the port of Alvarado, and praying the interposition of government to obtain redress.

It will be recollectcd, that I was instructed, upon my departure upon this mission, to examine into this overcharge of duties on our domestic manufactured cotton cloths, and to make a representation to this government upon that subject. Accordingly, very soon after my arrival in this country I made the necessary inquiries, and on the 18th July 1825, addressed a note to the government of Mexico claiming the amount of duties unjustly paid by the house of messars. Taylor and Sicard on the American cotton goods imported by them during the existence of the order for augmenting the valuation of that description of goods.

At the period this note was sent in, I was ignorant of the existence of any further claims being entertained by American citizens in Mexico. They had not been presented to me, or being of a similar nature, they should have been preferred at the same time.

My note of the 18th July, produced the desired effect and justice was rendered to the house of Messrs. Tarloy and

Sicard. Their bond for the payment of \$ 5.291 41/100, the excess of duty upon the goods imported by them, was cancelled, and the Mexican government refunded the excess of internal duties paid by them on the internation of these goods viz 1.122, 22%.

As soon as I was made aware of the existence of other similar claims, I addressed a second note to this government upon the subject, and have subsequently held frequent conferences with the Secretary of Foreign Relations, in which I have endeavored to convince him of the injustice done to the claimants in thus augmenting the valuation of this description of goods without any previous notice. I again transmit to you copies of these two notes, marked A and B in order that you may compare the two cases. The difference is slight; but there is a difference between them.

The American merchants labor under a great mistake in supposing that this measure of the Mexican government was directed solely against American cotton goods. English goods of a similar description were affected by it, and the English merchants here are sufferers to a much greater amount. Their claims have likewise been urged upon the justice of this government, and hitherto without effect. You will have observed from my despatch num. 66, that this extraordinary measure, of suddenly augmenting the duties on cotton goods, has been again adopted.

I transmit herewith translations, marked C. and D., of the orders from the Secretary of the Treasury to the collectors of the different ports of this republic, by which you will perceive the obscurity in which this subject is involved. The article, of course cotton goods, called *mantas*, is not described in the existing tariff, and must be valued according to the valuation fixed upon such goods as they most nearly resemble. This is meant when the Secretary talks of "their analogy".

I am thus particular in recapitulating all the circumstances of this case, in order that the parties may know that both the government and their representative have used their best exertions to obtain for them the restitution of excess of duties unjustly recovered from them by the collector of the customs at Alvarado.

I am, Sir, very respectfully... J. R. Poinsett

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State. Vol. 2. Docs. 14-17,48-85, doc. 70. NAW.

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2 de febrero de 1827. México. Espinosa de los Monteros a J. R. Poinsett

Most Excellent Sir,

The government of Coahuila and Texas in a despatch dated the eight of the last month, has transmitted to this supreme government information, conveyed by the constitutional alcalde of Nacogdoches on the 28th of last November to the chief of the department of Texas setting forth; that on the 22nd of that month, he had been seized by a party of Angloamericans together with the Captain of national militia Sepulveda: that this party consisted of captn. Berel Torent, Col. Mathew Panza, those who accompanied them being known, and some of them being persons who reside on the other side of the Sabine river. That persons thus seized, after being kept prisoners for five days were condemned to death, from which as well as from their confinement, they were liberated upon the aggressors learning that a Mexican lieutenant had gathered together a party of citizens: that they took from the said alcalde archives, examined them and delivered them over to another individual, whom of their own authority they constituted alcalde; and finally on going away, they protested they would return to the aforesaid village on the 15th of December next.

The Most Excellent President having acquainted himself with all these circumstances, has directed me to communicate them to your Excellency, as I have now the honor to do, with perfect confidence that upon their being submitted to your government it will adopt such serious measures, as the occasion requires to chastize and prevent these aggressions and will compel its citizens to respect the Mexican territory, and to abstain from all acts which may disturb the friendly intelligence which exists between the two nations and of which both governments give reciprocally to each other the most cordial proofs.

I take advantage of this opportunity to reiterate to Your Excellency... Juan José Espinosa de los Monteros.

Mexico. Poinsett. August 17' 1825-April 18' 1827. Department of State. Vol. 2. Docs. 14-17,48-85, copia anexa al doc. 72. NAW.