

Carlos Bosch García

*Documentos de la relación  
de México con los Estados Unidos  
(abril de 1836-noviembre de 1843)  
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francés a aceptar la mediación de la Gran Bretaña, en sus desavenencias con México; y le manifestó al propio tiempo, que con fecha 7 de diciembre último le decía el señor Pesado, secretario provisional de Relaciones Exteriores de la república mexicana, que se habían recibido sus comunicaciones oficiales relativas a la negociación con el gobierno de los Estados Unidos, igualmente que la convención de 10 de septiembre; pero que habiendo llegado precisamente cuando el señor Cuevas, ministro propietario, se disponía a marchar a Jalapa para tratar con el contraalmirante francés Baudin, y que desde entonces se había ocupado el gobierno enteramente de este negocio, ni se había podido examinar la mencionada convención, ni tampoco pasarse al congreso: mas que, a la mayor brevedad, se tomaría todo en consideración para poder terminar los motivos de disgusto que ha habido entre ambas naciones.

A lo expuesto cree el infrascrito deber añadir, antes de concluir que está persuadido que el retardo que se experimenta en el recibo del documento en cuestión, es, puramente, efecto del deplorable estado, que es notorio guardan las cosas de su desgraciado país.

El infrascrito renueva. . .

Francisco Pizarro Martínez

*Mexico. Notes, February 4, 1837 - June 28, 1848. Department of State Vol. 4, doc. sin núm. NAW.*

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*8 de marzo de 1839. Washington. J. Forsyth a F. Pizarro Martínez.*

*Con referencia a su carta de 17 de marzo último le contesta que habiéndose negociado y aprobado una segunda convención para el ajuste de las reclamaciones de norteamericanos en contra de México, en circunstancias que no permiten la duda de que México las apruebe, deduce que, en la conversación que sostuvieron, el representante mexicano dijo cosas para las que no estaba autorizado por el gobierno de su país y que había utilizado incluso el nombre de Bustamante como presidente de la república.*

*Según su memoria sobre lo que se habló en aquella ocasión*

*considera muy raro que no hubiera pensado que, en una negociación entre los dos gobiernos, se atrevieron a utilizar el nombre de un presidente sin estar autorizados a ello. La conversación fue enteramente oficial ya que, en la situación en que se encontraban, hubiera sido impropio manejarlo a través de conversaciones privadas en el asunto.*

*De acuerdo con lo que externó, que bajo la protección del decreto que daba al ejecutivo poder, esa sería la base sobre la que se haría la gestión de inmediato y que había que tratar de terminarla con rapidez, por si cambiaba la administración, el presidente podría compartir otras opiniones o encontrar otros tropiezos. También creyeron que las modificaciones hechas al tratado estaban sancionadas por el gobierno mexicano, pero luego se dieron cuenta de que no había sido así.*

*Estaba en espera de que esta fuera la última vez en que tuvieran que tratar el asunto.*

*Mexico. Instructions. May 29, 1833 - March 29, 1845. Department of State. Vol. 6, p. 128-130. NAW.*

*11 de abril de 1839. Washington. Conversación para el arreglo de reclamaciones de ciudadanos de los Estados Unidos de América contra el gobierno de la República Mexicana.*

Por cuanto en 10 de septiembre de 1838 fue concluida y firmada en Washington una convención para el arreglo de reclamaciones de ciudadanos de los Estados Unidos de América contra el gobierno de la república mexicana, cuya convención no fue ratificada por parte del gobierno mexicano, fundándose en que no podía obtenerse de su majestad el rey de Prusia que consintiese en nombrar un arbitrador que actuase en el caso prevenido en dicha convención:

Y por cuanto las partes interesadas en ellas continúan igualmente deseosas de terminar las discusiones que han tenido con respecto a las expresadas reclamaciones por daños causados a las personas y propiedades de ciudadanos de los Estados Unidos por autoridades mexicanas, de una manera igualmente ventajosa a los ciudadanos de los Estados Unidos que han sufrido dichos daños, y más convenientemente para México que la estipulada en la mencionada convención; ha con-

ferido el presidente de la república mexicana plenos poderes a este efecto a Francisco Pizarro Martínez, enviado extraordinario y ministro plenipotenciario de la misma república acerca de los Estados Unidos, quienes han ajustado y convenido en los artículos siguientes.

*Artículo 1º*

Todas las reclamaciones de ciudadanos de los Estados Unidos contra el gobierno mexicano, acerca de las cuales se haya presentado, y solicitado la interposición del de los Estados Unidos, y hayan sido exhibidas al Departamento de Estado o al agente diplomático de los mencionados Estados Unidos en México hasta que esta convención sea firmada, se pasarán a cuatro comisionados, que formarán una junta, y serán nombrados de la manera siguiente: a saber, dos de ellos lo serán por el presidente de la República Mexicana, y los otros dos por el de los Estados Unidos, con consentimiento y aprobación del senado de los mismos. Los dichos comisionados, nombrados según se ha expresado, presentarán juramento de examinar y fallar imparcialmente sobre dichas reclamaciones, con arreglo a las pruebas que les presentaren por parte de la República Mexicana y de los Estados Unidos.

*Artículo 2º*

La mencionada junta tendrá dos secretarios, versados en los idiomas castellano e inglés, uno de los cuales será nombrado por el presidente de la República Mexicana y otro por el de los Estados Unidos, con consentimiento y aprobación de los mismos, y dichos secretarios presentarán juramento de cumplir fielmente los deberes de su destino.

*Artículo 3º*

Se reunirá la mencionada comisión en la ciudad de Washington, dentro del término de tres meses, contados desde el canje de las ratificaciones de este convenio, y a los diez y ocho meses, después del día en que se reuniere, terminarán sus funciones. Inmediatamente después de que las ratificaciones de esta convención hayan sido canjeadas, anunciará el secretario de Estado de los Estados Unidos, en dos de los periódicos de Washington y otros que le parezca conveniente, la época en que dicha comisión se reunirá.

*Artículo 4º*

Todo documento que en la actualidad se halle o que en lo sucesivo viniere a poder del Departamento de Estado de los Estados Unidos, durante la existencia de la comisión establecida por este convenio, y sea relativo a las mencionadas reclamaciones se entregará a la comisión. El gobierno mexicano suministrará cuantos documentos y aclaraciones estén

a su alcance, para el ajuste de las expresadas reclamaciones, según los principios de justicia, el derecho de gentes, y las estipulaciones del tratado de amistad y comercio entre México y los Estados Unidos de 5 de abril de 1831; y se especificará cuáles sean dichos documentos, al tiempo de pedirlos, a instancia de los mencionados comisionados.

*Artículo 5º*

Los dichos comisionados fallarán por medio de una relación autorizada con sus firmas y sellos respectivos, sobre la justicia de las mencionadas reclamaciones y el importe a que pueda ascender la compensación de que resulte deudor, en cada caso, el gobierno mexicano.

*Artículo 6º*

Se ha convenido igualmente, que si al gobierno mexicano no le fuere cómodo satisfacer, al contado, el importe de que resultare deudor podrá inmediatamente después de pronunciados los fallos en los diversos casos, emitir libranzas recibidas en las aduanas marítimas de la república en pago de cualesquiera derechos que en ellos se adeudaren o se impusieren a los efectos, tanto a su importación como a su exportación. Dichas libranzas estarán sujetas a un interés anual de ocho por ciento. Desde la fecha en que se den los decretos sobre las reclamaciones en cuya satisfacción hayan sido emitidas dichas libranzas, hasta la en que se perciban en las expresadas aduanas. Pero como la presentación y recibo de dichas libranzas en las mencionadas aduanas en grandes sumas, podría no convenir al gobierno mexicano, se ha acordado, además, que en tal caso la obligación de recibirlas dicho gobierno en pago de derechos, según se ha expresado arriba, pueda limitarse a una mitad del importe a que asciendan dichos derechos.

*Artículo 7º*

Se ha convenido además, en caso de no estar conformes los comisionados con respecto a las precitadas reclamaciones, extiendan junta o separadamente, una relación circunstanciada de los puntos en que sean de opinión contraria y de las razones sobre que funden sus respectivos juicios. Y se ha acordado que dicha relación o relaciones, acompañadas de copias auténticas de todos los documentos en que se apoyen, se refieren a la decisión de su majestad el rey de Prusia. Pero como los documentos relativos a las precitadas reclamaciones son tan voluminosos que no puede esperarse que su majestad prusiana quiera o pueda examinarlos por sí, se ha convenido en que nombre una persona que como árbitro le represente; que la persona nombrada del modo que va expresado se trasladará

a Washington; que los gastos de su viaje a esta ciudad y de ella al punto de su residencia en Prusia, serán costeados la mitad por la República Mexicana y otra por los Estados Unidos, y que recibirá como honorarios por sus servicios, una suma igual a la mitad de la que por el gobierno mexicano se señalase a uno de los comisionados que ha de nombrar, con otra mitad de la que por los suyos señalaren los Estados Unidos a uno de los comisionados que por su parte han de nombrarse: cuyos honorarios serán satisfechos una mitad por la república mexicana y la otra por los Estados Unidos.

*Artículo 8º*

Inmediatamente después que los plenipotenciarios de las partes contratantes hayan firmado esta convención, dirigirán de mancomún (para lo cual están ambos competentemente autorizados), por conducto del señor enviado de los Estados Unidos a Berlín, a su excelencia el ministro de relaciones extranjeras de su majestad el rey de Prusia, una nota invitando a dicho monarca a nombrar una persona que como árbitro lo represente de la manera arriba mencionada, en caso de que esta convención sea ratificada respectivamente por los gobiernos de México y los Estados Unidos.

*Artículo 9º*

Se ha convenido además que si su majestad prusiana rehusare hacer el nombramiento de que habla el artículo anterior, procederán al momento que lo sepan las partes contratantes a invitar a su majestad británica, y si también ella se rehusare, a su majestad el rey de Holanda a fin que nombre un arbitrador que le represente según queda pactado.

*Artículo 10*

Las partes contratantes se obligan además a considerar como final y decisivo el fallo del mencionado arbitrador, en todas las materias que se hayan sujetado a su examen.

*Artículo 11*

Se emitirán libranzas, en los términos arriba expresados, por el importe del dinero que el arbitrador encuentre que sea deudor, a ciudadanos de los Estados Unidos, el gobierno mexicano.

*Artículo 12*

Y los Estados Unidos convienen en descargar por siempre al gobierno mexicano de toda responsabilidad ulterior, por reclamaciones que sean rechazadas, bien por la junta o por el mencionado arbitrador, o que admitidas por cualquiera de ellos haya dicho gobierno provisto a su compensación en los términos antes expresados.

*Artículo 13*

Se ha convenido en que cada gobierno señale a los comisionados y secretarios que ha de nombrar los honorarios respectivos; y que los gastos contingentes de la junta sean costeados, una mitad por la República Mexicana y otra por los Estados Unidos.

*Artículo 14*

La presente convención será ratificada y las ratificaciones serán canjeadas en Washington dentro de doce meses desde este día o antes si fuera posible.

En fe de lo cual nosotros los plenipotenciarios de la República Mexicana y de los Estados Unidos de América, hemos firmado y sellado las presentes.

Hecho en la ciudad de Washington a los once días de abril del año del Señor de mil ochocientos treinta y nueve, décimo nono de la independencia de la República Mexicana y sexagésimo tercio de la de los Estados Unidos de América. Dos sellos. Firmas: Pizarro Martínez y John Forsyth.

*Conventions.* p. 205. NAW.

*3 de mayo de 1839. Washington. J. Forsyth a P. Ellis (instrucciones).*

*En vista de que las relaciones con México desde que él salió de la capital mexicana fueron publicadas, de cuando en cuando, por el congreso, se creía necesario llamar su atención sobre los principales puntos e incidentes que hubieron.*

*El presidente de los Estados Unidos creyó necesario retirarle de su cargo como encargado de negocios hasta que el gobierno mexicano reprochara la conducta de Gorostiza en Washington y se llegara a un acuerdo de las diferencias pendientes entre los dos gobiernos. Como ese fin no se había logrado se concluyó o en la necesidad de retirarlo, en consecuencia del acuerdo habido después del congreso del mes de marzo de 1837.*

*A México se envió una lista presentando las reclamaciones tan completas como fue posible pero, después de contestar los mexicanos, que era necesario consultar los archivos de las diferentes instituciones, respondieron, por medio del ministro*

*plenipotenciario y enviado extraordinario, que se acababa de nombrar al señor Martínez para que tratara aquellos casos que ya estaban investigados. Las contestaciones del señor Martínez se refirieron a otra lista que se les presentó en 6 de febrero de 1837 y muchas de las reclamaciones allí incluídas habían sido resueltas.*

The president laid the whole subject before congress with his message at the opening of the session in December 1837, but prior to any final action of that body in relation to it, the Mexican government proposed through Mr. Martínez a reference of the differences between the two countries to the arbitrament of a third power. This overture was accepted, and on being informed of it, Mr. Martínez named Prussia as the umpire. It was promptly signified to him that this nomination was agreeable to us and that a convention on the subject of the arbitration proposed would be negotiated with him when he should present himself clothed with competent powers. He accordingly returned here in August and the convention which is one of the accompanying papers was signed on the 10 September last. You will see that this convention provided for the claims of individuals, only, and the correspondence, that immediately afterwards took place between us, will acquaint you with the proposition of the Mexican envoy to refer likewise to the king of Prussia those subjects of dispute between the two governments, in which our national character was considered to be involved, was declined. The time limited for the exchange of the ratifications was five months. This under ordinary circumstances might have been too short. The considerations, however, which determined me to agree to it were.

1] If the ratifications would not be exchanged before the rising of congress, there might have been insuperable objections in that body to make provision in advance, for carrying a convention into effect which had not become a law, and consequently the hopes of the claimants would, if the exchange were to take place during the recess of congress, have to be again deferred until that body could, at its next session make the necessary provision on the subject. If however, the ratifications should be exchanged by the tenth of February, between then and the fourth of March there would have been ample time for such action of congress as the convention required.

2] My recollection is distinct, that Mr. Martínez declared to me in conversation during the negotiation that president Bustamante conceived he had power under the decree,



of the Mexican congress of the 20th of May, 1837, to ratify the convention without submitting it to their congress. You will perceive, however, that in his note to me of the 17th of March, he says that he does not recollect to have made that statement. He then proceeds to mention what he did state, which is so nearly tantamount to that which I ascribed to him, that according to the ordinary meaning of words and our understanding of the ideas which they express, it would be impossible to discover any substantial difference between us. An opinion deliberately expressed by a minister plenipotenciary negotiating with full power a convention for his government, could only be taken as official. With his private views of the powers granted to the Mexican president I could have no concern nor could he expect them to have any influence upon me in the negotiation. If he presumed to speak in the belief that this government entertained the opinion he expressed because he thought it beyond question correct, the fault was his, not mine. While my recollection is perfect that he used the name of president Bustamante, I should, without his having done so, have considered the opinion given that of the government of Mexico, unless Mr. Martínez had stated explicitly, which he does not pretend to have done and certainly did not do, that it was his individual opinion, for which his government was not responsible. Having, himself, however now assumed the responsibility of making the declaration adverted to, the necessity of instruction [for] you to request of his government [that] further explanation on the subject [be] obviated.

3] But even if he was mistaken in this information, I was aware that in consequence of the dispute with France, the Mexican congress was in session and would, in all probability continue to be until (any of course after) the regular time for its meeting on the 1st. of January, and consequently that if the convention was laid before that body without unnecessary delay on being received at Mexico, there would be ample time for its consideration and ratification so that the ratifications might be exchanged within the stipulated period. In order that there might be as little delay, as practicable in its transmission to Mexico, measures were taken to provide with a passage in a public vessel from New Orleans, the courier of Mr. Martínez who was to take it. The courier did not arrive at Mexico until the 12th of November. Though it appears the Mexican executive at one time resolved to lay the convention before congress; this determination was changed in consequence, as is alleged, of a note from the Prussian

chargé d'affaires at Mexico stating that his master would decline to act as arbitrator.

The convention having been approved by the Senate, duly ratified by the president of the United States and that ratification having been offered by me within the stipulated time for exchange, Mr. Martínez stated in reply that he had not received the ratification of his government. Thus the adjustment of that branch of the matters in controversy was again frustrated. This result was made known to congress, and it is understood created a strong feeling of a dissatisfaction in that body respecting which you will endeavor to make a deep impression upon the minds of persons in power at Mexico. It is proper that you should also be informed in this connection, that at the president's request, the senate authorized him to exchange our ratification for that of Mexico, provided the latter should be offered for that purpose before the next session of Congress.

Mr. Martínez having since proposed to negotiate a new convention, the one of which you will herewith receive a copy, was concluded on the 11th of last month. It will be your business to attend to the fulfilment on the part of the Mexican government of the duties which this compact enjoins. For this purpose your utmost diligence and discretion will be requisite. Of course your official interference would not be proper until the result of their consideration of the convention shall be officially made known to you. You will, however, be constantly on the alert to discover any obstacles that may be raised to its progress, and strive by friendly conciliatory, but informal communications with the executive and legislative officers, to remove those impediments, so that the claims for which the convention provides may be finally disposed of.

The joint letter proposed to, and addressed by Mr. Martínez and myself to the Prussian minister of foreign affairs, has been sent and you are herewith furnished with a copy thereof.

The Mexican government having given the satisfaction which was required of it in the case of Mr. Gorostiza, the subjects remaining for you to discuss with it are the following:

[hace una lista comentada en cada caso, refiriéndose a la situación del asunto. Schooner *Topaz*, Brig *Paragon*, Schooner *Hannah Elizabeth*, Mr. E. Colman, Brig *Fourth of July*, marineros del *Natchez*, D. W. Smith, Talmon Hall, William Hallett, lugarteniente Osborne y la tripulación del cutter *Jefferson*].

It is the president's wish that in reasuming the discussions of these cases and in any other business which you may have to transact with the Mexican government, your language and deportment should be of the most conciliatory, kind and evincive of his disposition to do every thing in his power to restore and preserve the best understanding between the two governments. On your delivery of your letter of credence to the president of that republic, you will address a few remarks to him, expressive of similar sentiments.

*Continúa recomendando el tratado de comercio pues su vigencia terminaría el 5 de abril y si hubiera que renovarlo le encargan hacer todos los trámites necesarios. Para ello le envían un poder específico:*

Well known events which have happened since you left Mexico have rendered nugatory the treaty of limits between the United States and that country. It is certainly desirable that the confines of the two countries should be marked out, but it is deemed advisable that we should wait for an application from that government on the subject. I am...

John Forsyth

*Mexico Instructions.* May 29, 1833 - March 29, 1845. Department of State. Vol. 15, p. 106-117, doc. núm. 3, NAW.

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*11 de mayo de 1839. Georgetown. F. Pizarro Martínez a J. Forsyth.*

Muy señor mío

He tenido el honor de recibir la nota de vuestra señoría de 8 del corriente, en su respuesta a la mía de 17 de marzo último, y visto en ella con profundo sentimiento, las observaciones que vuestra excelencia me hace, y a las que, *sin duda*, únicamente han podido dar origen mi falta de capacidad, de memoria, de explicación y de conocimiento del idioma inglés.

Deseando fervorosamente evitar, en cuanto esté de mi parte, todo motivo de queja o de disgusto entre nuestros gobiernos no he cesado de reflexionar, desde el momento en que recibí la nota de vuestra excelencia, sobre el partido que en el estado actual de las cosas debía yo de tomar. Considere-

rando que, después de todo vuestra excelencia, ya no podrá seguir comunicándose conmigo con aquella confianza, que se requiere en nuestras posiciones respectivas, ni tampoco yo volver a dar un paso, sin temer cometer errores, tal vez gravísimos, he resuelto pedir a mi gobierno que me permita retirarme de una misión en la que no debo continuar por más tiempo: seguir en ella ofrece, en mi concepto, inconvenientes, que es preciso trate yo de salvar.

Ruego a vuestra excelencia se penetre de la ingenuidad con que procedo, y de que si me permito comunicarle que voy a solicitar el permiso para separarme de este puesto, es con sólo el objeto de darle una prueba positiva de mi sinceridad y de mi anhelo por evitar que las relaciones de amistad y buena armonía que felizmente existen entre México y los Estados Unidos lleguen a sufrir, por causa mía, ni el menor detrimento.

Crea vuestra excelencia que es así; y acepte las seguridades. . .

Francisco Pizarro Martínez

*Mexico. Notes.* February 4, 1837 - June 28, 1848. Department of State. Vol. 4. sin núm. NAW.

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*11 de mayo de 1839. Washington. J. Forsyth a F. Pizarro Martínez.*

*Le comunica cómo el presidente ha leído su nota de "esta mañana" y que nunca ha pensado que la diferencia en la memoria hubiera podido llegar a provocar semejante paso y que, además, considera que su estancia en Washington es de importancia para la amistad y la buena inteligencia entre los dos gobiernos. Nunca había pensado, al escribir su nota anterior, que una controversia de versión hubiera podido llevarle a tomar tan en serio el problema y que no había disminuido, en lo más mínimo, la confianza que tenía en él. El escrito solamente tendrá el propósito de hacerlos más cuidadosos con la memoria en cuanto se trate de conferencias oficiales. En vista de ello le ruega que se quede en Washington y continúe desempeñando su puesto.*

*Mexican Legation. Notes to. July 1, 1834 - October 20, 1854. Department of State. Vol. 6, p. 131-132. NAW.*

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*11 de mayo de 1839. Washington. F. Pizarro Martínez a J. Forsyth.*

*Después de haber recibido la carta tan afectuosa que llegaba sus manos, decidía quedarse en Washington y, en virtud de ello, pasaría a visitarlo.*

*Mexico. Notes. February 4, 1837 - June 28, 1848. Department of State. Vol. 4. sin núm. NAW.*

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*18 de mayo de 1839. Washington. J. Forsyth a P. Ellis.*

*Envía una copia de la correspondencia habida con Martínez y espera que cuando tenga una oportunidad la haga del conocimiento del presidente en forma oral. De manera especial puntualiza que el presidente de los Estados Unidos espera, que la diferencia en el recuerdo de las notas habidas entre el enviado y la suya (la de Forsyth), en cuanto a la elaboración del decreto de 20 de mayo de 1837 hecho por la administración mexicana en aquella época, no tendría ningún efecto en cuanto a la confianza y al patriotismo que le reconocían. Pero le indicaba que en alguna forma tiene la impresión de que Martínez no era enteramente aceptable a su gobierno en la capacidad que desempeña.*

Indications have very recently been given of a disposition on the part of the republic of Texas to make a renewed application for the interposition of the United States in obtaining from Mexico an acknowledgement of its independence. It is not, however, the president's intention, under existing circumstances, to countenance or encourage such an application. He thinks that there is no occasion to deviate from the policy in relation to that subject, marked out in the letter

of his predecessor to general Santa Anna of the 4th of September of 1836. When however, the event shall take place which by the latter is made the condition of our interference, all proper efforts will be cheerfully made by the president to bring about a peace between those two countries and to induce a recognition by Mexico of the independence and sovereignty of her former province.

Being in possession of these views, you will know what use to make of them, should the minister lately sent by Texas to Mexico, or the Mexican government itself should ask you as to the present sentiments of this government with regard to the ostensible object of that mission, or should wither open direct official communication with you on that subject.

I am, sir, your obedient servant.

John Forsyth

*Mexico Instructions.* May 29, 1833 - March 29, 1845. Department of State. Vol. 15, p. 117-118, doc. núm. 5. NAW.

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20 de mayo 1839. *Fragata* Constitución. P. Ellis a J. Forsyth.

My dear sir

We are now at sea and the pilot will leave us in a few moments. I avail myself of the opportunity to inform you that I reached New York on Monday last, since which time commodore Claxton and captain Turner have made great exertions to prepare the ship for sea. Your dispatch number 5 of the 18th instant has been this moment handed to me. I will at an early period, after my arrival at the Mexican capital, address the Department of State upon all subjects deemed of immediate interest to our government.

I have the honor. . .

Powhatan Ellis

*Mexico, Powhatan Ellis.* June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State. Vol. 9, doc. sin núm. NAW.

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28 de mayo de 1839. Georgetown. F. Pizarro Martínez a J. Forsyth.

*Incluye un artículo contencioso en contra de México que fue publicado en el New York Herald bajo el título de "Relations of Mexico and the United States, important diplomatic mission", dando la noticia de que se ha asesinado a un cónsul etc. . . Por otra parte, ha recibido carta de Filadelfia diciendo que en la misma fragata en que viaja el señor Ellis se han enviado multitud de ejemplares del artículo. Se trata de la milésima vez que se hace el cargo de la muerte de un cónsul norteamericano en México, cuando la noticia es falsa.*

*Además el artículo describe la gestión que se ha llevado a cabo para el ajuste de las reclamaciones que evalúan, en cuatro millones de dólares, y el autor recomienda que, si se termina la paciencia por incumplimiento, debe seguirse el ejemplo de Francia para provocar el cobro de las reclamaciones, pues ya es hora de que el asunto se tome en serio. Dice el artículo:*

We have remonstrated and negotiated and legislated long enough. The time is now for action — prompt and efficient action. The first decided movement is the visit of Old Ironsides to Vera Cruz with a minister and a treaty. Her next visit may be paid amid a shower of grape and canister.

*Mexico. Notes. February 4, 1837 - June 28, 1848. Department of State. Vol. 4. sin núm. NAW.*

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18 de junio de 1839. Georgetown. F. Pizarro Martínez a Forsyth.

Muy señor mío

Impuesto el excelentísimo señor presidente interino de la República Mexicana del nombramiento, que en febrero último hizo su excelencia el presidente de los Estados Unidos, de una comisión que demarque la línea divisoria entre Texas y esta república, me manda manifestar a vuestra excelencia,

como tengo el honor de hacerlo, que lo que ahora se convenga con los texanos, no obligará de modo alguno a México si recobra Texas y tampoco cuando la república trate sobre los límites con los Estados Unidos.

Al cumplir yo con este deber, aprovecho la ocasión para repetir a vuestra excelencia las seguridades de mi más distinguida consideración.

Francisco Pizarro Martínez

*Mexico, Notes.* February 4, 1837 - June 28, 1848. Department of State. Vol. 4. sin núm. NAW.

## 211

*19 de junio de 1839. Washington. A. Vail a F. Pizarro Martínez.*

*Se da por enterado de la nota en que le informan que no se aceptará ninguna clase de arreglo que se haga con los texanos para resolver el problema de fronteras y que, en caso de que México recupere la provincia, ignorará todo lo que se decida.*

*Mexican Legation. Notes to.* July 1, 1834 - October 20, 1854. Department of State. Vol. 6, p. 135. NAW.

## 212

*21 de junio de 1839. Filadelfia. C. Rinker a P. Ellis.*

Dear sir

I write to you in behalf of the nieces (brother's daughters) of James Rinker —being their mother and guardian— respecting the property of James Rinker, who bought a large tract of land, in company with Mr. Austin Nickolson and others, to the extent of six miles round, of which said James Rinker paid fifty thousand dollars for his part of the aforesaid tract, which lies on the borders of Galveston Bay, where the city of Austin now occupies, of which six miles of the



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said ground, in the Austin colony, which was his proportion of said tract, and also of certain moneys lent to the Mexican government by James Rinker, to the amount of 17,420.00, for four sets of exchange drawn by general Herrera and Victoria, which were recorded at New Orleans where I have written respecting the papers, and have been informed that they had been taken out by some person unknown to me. Mr. Hayben, Attorney at Law, of New Orleans, informed me that they had been removed. Mr. Mayben was the lawyer of Mr. James Rinker, who was attorney for the estate. I should be much obliged to you if you would look over the books at the recorder's office and see if said land was recorded to James Rinker, that is, the six mile tract of land; and also see whether the government has paid either or any of the four sets of exchange: whom to, and by whose authority they were paid. By so doing you will extremely oblige.

Yours respectfully,

Catherine Rinker, guardian for the heirs of James Rinker.

*Mexico. Powhatan Ellis.* June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State. Vol. 9, doc. sin núm. NAW.

213

*26 de junio de 1839. México. M. E. de Gorostiza a P. Ellis.*

El infrascrito ministro de Relaciones Exteriores ha tenido la satisfacción de recibir la nota de su excelencia el señor Powhatan Ellis fecha de hoy, en que se sirve comunicarle su llegada a esta capital con el carácter de enviado extraordinario y ministro plenipotenciario de los Estados Unidos de América cerca del gobierno mexicano, y pide se le señale día para presentar, a su excelencia el presidente interino, sus credenciales de las cuales acompaña copia; y en respuesta, el infrascrito después de felicitar a su excelencia por su feliz arribo a la República y de manifestarle su complacencia por la misión de que viene encargado, que tanto debe contribuir a estrechar y consolidar las relaciones amistosas de los dos países, disfruta la honra de anunciarle que tomará el acuerdo del presidente interino sobre el día en que haya de recibir a su excelencia el señor Ellis, y se lo avisará con la debida

oportunidad, aprovechando entretanto la que ahora se le presenta para protestar a su excelencia las seguridades de su alta y muy distinguida consideración.

M. E. de Gorostiza

*Mexico. Powhatan Ellis.* June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State. Vol. 9, doc. sin núm. NAW.

## 214

*3 de julio de 1839. México. M. E. de Gorostiza a P. Ellis.*

El infrascrito, ministro de Relaciones Exteriores conforme tuvo el honor de indicar a su excelencia el señor P. Ellis, en su nota del 26 pasado, le asiste la satisfacción de participarle que el domingo próximo, 7 del actual a las doce de la mañana, lo recibirá el excelentísimo señor presidente interino de la república, en su carácter de enviado extraordinario y ministro plenipotenciario de los Estados Unidos, de América, con cuyo fin podía su excelencia, el señor Ellis, concurrir al palacio provisional de Buenavista.

El infrascrito con este motivo reproduce a su excelencia las seguridades de su muy alta y distinguida consideración.

M. E. de Gorostiza

*Mexico. Powhatan Ellis.* June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State. Vol. 9, doc. sin núm. NAW.

## 215

*13 de julio de 1839. México. P. Ellis a J. Forsyth.*

The packet entrusted to my care addressed to his excellency M. E. de Gorostiza, has been delivered, and I am informally advised, the convention entered into under date of the 11 of April last at Washington, between the United States of America and the Mexican Republic, has been laid before the council, but I am inclined to think they have not definitively acted on it, and probably will not do so until the return of the president. I shall endeavor to adhere strictly to your instructions on this subject, and seize every favorable

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opportunity to remove such objections as may be urged against the ratifications of the treaty.

Powhatan Ellis

*Mexico. Powhatan Ellis.* June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State. Vol. 9, doc. sin núm. NAW.

216

*15 de julio de 1839. Nueva Orleáns. El cónsul S. Prats a su gobierno.*

*Informa de que los texanos poseen seis buques contratados en Baltimore para formar una escuadra y que, cuando lleguen a Galveston, hay el proyecto de armarlos para emprender un crucero.*

ASREM, 1-2-564, f. 1-2.

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*27 de julio de 1839. México. P. Ellis a J. Forsyth.*

...at the same time Mr. Gorostiza informed me that he should submit the convention, lately concluded between the United States and Mexico, to the congress for consideration and approval, on the following day. Yesterday, I had a private audience of the president, and delivered to him the letter addressed by the president of the United States to general Santa Anna, who will no doubt speedily receive it through his hands. On this occasion, Mr. Gorostiza expressed his great anxiety to submit to congress the convention before referred to, in the course of two or three days. Some delay has occurred in this matter — probably originating in the contemplated changes of the cabinet.

Powhatan Ellis

*Mexico. Powhatan Ellis.* June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State. Vol. 9, doc. núm. 2. NAW.

10 de agosto de 1839. México. P. Ellis a J. Forsyth.

The treaty of the 11 of April last, between the United States and the Mexican Republic, has not, so far as I can learn, been submitted to the consideration of Congress.

I have the honor to be...

Powhatan Ellis

Mexico. Powhatan Ellis. June 12, 1837 - July 28, 1840. Department of State. Vol. 9, doc. núm. 3. NAW.

21 de agosto de 1839. México. J. de D. Cañedo a P. Ellis.

El infrascrito ministro de Relaciones Exteriores, tiene el honor de poner en conocimiento de su excelencia el señor Ellis, que por el gobierno del departamento de Tamaulipas se ha consultado a este ministerio acerca del modo con que se debe obligar a que se provean cartas de seguridad a algunos individuos introducidos a Tampico, procedentes de Nueva Orleans, y naturalizados en los Estados Unidos de América, y a quienes ha pedido el cónsul de aquella nación sus respectivos certificados, en virtud de que ignora si son esclavos o no; y como por las leyes de la república necesitan para residir en ella el requisito de obtener aquel documento, el infrascrito se dirige al Sr. ministro plenipotenciario, encargándole se sirva decir si la legación toma bajo su protección a estos individuos y les libra el certificado correspondiente para que se les expidan sus cartas de seguridad; pues en caso contrario, se les hará salir del territorio con arreglo a las leyes vigentes.

El infrascrito tiene la honra con este motivo, de reiterar...

Juan de D. Cañedo

Mexico. Powhatan Ellis. June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State. Vol. 9, doc. sin núm. NAW.

*21 de septiembre de 1839. México. P. Ellis a J. Forsyth.*

It is with great satisfaction I have it in my power to advise you that the treaty, signed by the plenipotentiaries of the United States and his government in Washington city on the 11 April last, has been submitted by the president to the chambers for their consideration. I have no reason to suppose they will refuse to recommend its ratification, while there are many cogent ones to induce them to do so. The most Exclt. president and the minister of foreign relations are warm advocates to cultivate the most friendly and amicable relations with their sister republic of the United States and, I doubt not, will use every prudent argument to effect that desirable object. I am the more firmly persuaded of this fact, since I learn from good authority the latter gentleman is now engaged in arranging all the necessary documents to be submitted to the commission proposed to be created by the treaty. I seize every favorable occasion, limited in my department by your instructions, to advance the consummation of this great measure — the precursor, I trust— of a lasting friendship between the two countries.

Powhatan Ellis

*Mexico. Powhatan Ellis, June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State. Vol. 9, doc. núm. 4. NAW.*

*11 de noviembre de 1839. México. J. de D. Cañedo a P. Ellis.*

El infrascrito ministro de Relaciones Exteriores ha tenido el honor de recibir el día 8 del actual la nota que con fecha 6 del mismo se ha servido dirigirla su excelencia el señor Powhatan Ellis ministro plenipotenciario de los Estados Unidos, informándole a consecuencia de las órdenes de su gobierno de los asuntos que han sido objeto de reclamación por parte de los Estados Unidos contra el de México, y que no han sido comprendidos en la convención de arbitraje firmada

en Washington el 11 de abril último por haberse dejado para su amistoso arreglo entre ambos países.

El infrascrito con el deseo de contestar a la mayor brevedad todos los puntos comprendidos en dicha nota, ha procedido a examinar los datos que obran en este ministerio y con sentimiento ha visto que no son bastantes para llenar el objeto de dar una pronta y satisfactoria contestación. Hallándose pues el infrascrito en necesidad de solicitar documentos que obran en otras oficinas del gobierno su excelencia el señor Ellis se servirá disimular que la contestación a su nota citada se demore por algún tiempo bajo el concepto de que será sólo el absolutamente indispensable para la reunión de noticias y papeles sin los cuales no es posible dar una respuesta completamente satisfactoria.

El infrascrito aprovecha la oportunidad para renovar a su excelencia el señor Powhatan Ellis ministro plenipotenciario de los Estados Unidos las seguridades de su distinguida consideración.

Juan de D. Cañedo

*México. Powhatan Ellis, June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State. Vol. 9, doc. sin núm. NAW.*

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*11 de noviembre de 1839. México. Proclama del presidente de la República Mexicana a sus ciudadanos.*

El presidente de la República Mexicana, a los habitantes de ella, sabed: que el supremo poder conservador ha decretado lo siguiente:

El supremo poder conservador en uso de la octava atribución de las que señala el artículo 12 de la segunda ley constitucional, excitado por el augusto congreso general, previa iniciativa del poder ejecutivo, ha venido en declarar y declara, ser voluntad de la nación, en el presente estado de cosas, que sin esperar el tiempo ordinario que prefijaba la Constitución para las reformas en ella, se pueda proceder ya a las que se estiman convenientes, especialmente a las relativas al arreglo de la hacienda, a la administración pública, y a la subsistencia de los departamentos y de sus autoridades respectivas; pero con las dos precisas calidades siguientes.

*Primera.* Que en las que se intenten, se ha de proceder por las vías, del modo y con tal arreglo a lo que prescribe la séptima ley constitucional.

*Segunda.* Que se respetarán y guardarán como hasta aquí, invariablemente, estas bases cardinales de la actual Constitución: libertad e independencia de la patria, su religión, el sistema de gobierno republicano representativo popular, la división de los poderes que reconoce la misma Constitución, sin perjuicio de ampliar o restringir sus facultades, según se crea oportuno y la libertad política de la imprenta.

Dada en México, a nueve días del mes de noviembre de mil ochocientos treinta y nueve.

Melchor Márquez presidente, licenciado Carlos María Bustamante, Manuel de la Peña y Peña, J. Cirilo Gómez y Anaya, Francisco Manuel Sánchez de Tagle, secretario.

Por tanto, mando se imprima, publique, circule y se le dé el debido cumplimiento. Palacio de gobierno nacional en México a 11 de noviembre de 1839. Anastasio Bustamante a don Luis G. Cuevas.

*Mexico. Powhatan Ellis. June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State. Vol. 9, anexo al núm. 8. NAW.*

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*12 de noviembre de 1839. México. P. Ellis a J. Forsyth.*

In the case of the blacks at Tampico, I have informed Mr. Cañedo the minister of foreign relations, that I must decline to take them under the protection of this legation until they comply with the requisites of my note addressed to him under date of the 23d of August last (see doc. núm. 2). I should be pleased to receive from you detailed instructions in relation to this subject. Although there is no prospect of it at this time, it may hereafter become a matter of serious discussion between the two governments. You are aware that the existing treaty does not embrace this question.

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

Powhatan Ellis

*Mexico. Powhatan Ellis. June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State. Vol. 9, doc. sin núm. NAW.*

14 de noviembre de 1839. México. P. Ellis a J. Forsyth.

Sir,

I have the honor to forward to you the correspondence between the minister of foreign relations and myself, relative to the renewal of the reclamations of the United States against this government in all those cases not embraced in the terms of the convention of arbitration signed by the American and Mexican plenipotentiaries in Washington on the 11 of April last (see doc. núm. 1). That convention, so far as I am advised, has not been ratified; and I am inclined to think, no steps have been taken in it (except its submission to the chambers), or the minister of foreign relations, who has been entirely silent on the subject, would perhaps have mentioned it to me.

Copies of the letters from our consul at Mazatlan will advise you of the arrival of the brig *Indus* at that port from Canton, with news of the reopening of the trade there to American merchants, and of the reported assassination of the United States consul at the Society Islands (see doc. num. 2).

I have this moment received a detailed statement of the opium traffic — an account of the proceedings of the Chinese government to suppress that trade with extracts of the notices, edicts etcétera relating the same (see doc. num. 3).

The enclosed copy of the proclamation of the most excellent the president of the republic declaring it to be the sense of the nation, as conveyed through the supreme conservative power, that the existing Constitution may be reformed before the term fixed by the Constitution itself for that purpose (viz six years, counting from the publication thereof), in the mode and manner pointed out by that instrument, seems to have been very generally called for by the public voice, so far as I can judge from the tone of the newspapers and from mixed conversation.

Your despatches nums. 7 and 8 are received.

I have the honor to be...

Powhatan Ellis

*Mexico. Powhatan Ellis.* June 12, 1837 - July 28, 1840. Docs. 2-30.  
Department of State. Vol. 9, doc. núm. 8. NAW.



16 de noviembre de 1839. México. P. Ellis a J. Forsyth.

Sir,

[*En cifra*] Since my despatch under date of the 14th. of instant, information has reached this capital, by express, that a body of texan troops has crossed the line, and has been joined by a portion of disaffected Mexicans, with a view, it is thought to attack Matamoros. I have not been able to ascertain the number of troops embodied for that purpose, rumor fixed it at between eight and fifteen hundred men, principally mexicans. The government here is taking strong and prompt measures to meet this state of things, and will immediately put in motion, under general Arista an army of four thousand men, to march to the frontier, there to act as circumstances may require. I cannot vouch for the correctness of these statements. They however, come to me through very respectable sources, and are of sufficient importance to induce me to make them known to you as early as possible.

A war with Texas under such circumstances will be decidedly popular with a large portion of the Mexican people and I must believe unwise councils have influenced the public men of that country in projecting such a measure. The insurgents who were lately in arms against this government have either capitulated to the public authorities or have been disposed by the force of the military and in the event of an invasion like the one suggested, I am persuaded all parties will silence their personal and political animosities in order to meet with united energy the common enemy.

It is a favorite measure I understand of Mr. Cañedo, the minister of Foreign Relations, to get up a general congress of the independent Spanish American states, to consult and provide for the general welfare of the whole, so far we learn it is not likely to succeed [*acaba la cifra*].

I trust this communication will reach Vera Cruz in time for the New York Packet.

I have the honor to be...

Powhatan Ellis

Mexico. Powhatan Ellis. June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State, Vol. 9, doc. sin núm. NAW.

*7 de diciembre de 1839. México. P. Ellis a J. Forsyth.*

It affords me great pleasure to advise you that, in an interview had this day with Mr. Cañedo, the minister of Foreign Relations, he informed me that the treaty of arbitration signed in Washington in April last between the American and Mexican plenipotentiaries, had been approved by the chamber of deputies, and that he believed it would be sanctioned also by the senate.

I have no doubt that disaffection prevails in the northern part of the republic to some extent; and it is currently reported today that gen. Canalizo is besieged in the city of Matamoros by the federalists. As to the precise extent and nature of these civil commotions, it is impossible for me to form correct judgement. Large numbers of troops, however, have marched in that direction, with a view to suppress the movements against the government. The opposition papers are using great exertions to excite the prejudices and hostility of the Mexican people against the United States, alleging that we are instrumental in producing the present unhappy state of things. I however, entertain such confidence in the president and his cabinet as to induce me to believe they will use all proper exertions to reestablish and maintain the most amicable relations with our country. I beg leave to refer you to the several files of newspapers forwarded by this conveyance, as indicative of the excited spirit of the public press in regard to the military movements in the north and the unjust imputations cast upon the conduct of our government and citizens.

I have the honor...

Powhatan Ellis

*México. Powhatan Ellis.* June 12, 1837 - July 23, 1840. Docs. 2-30. Department of State. Vol. 9, doc. núm. 10. NAW.

*11 de enero de 1840. México. P. Ellis a J. Forsyth.*

Sir

I have the honor to inform you that I have just received a note from his excellency Juan de Dios Cañedo, minister of Foreign Relations, advising me that the general congress

having approved the convention of arbitration signed by the American and Mexican plenipotentiaries in Washington on the 11th of April 1839, the same has been this day ratified by the most excellent the president of the republic. I enclose a copy of the note referred to.

I have the honor to be...

Powhatan Ellis

*Mexico. Powhatan Ellis. June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State. Vol. 9. doc. núm. 11. NAW.*

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*1º de febrero de 1840. México. P. Ellis a J. Forsyth.*

Sir

Nothing of importance has transpired in this legation since my last communication. The convention of arbitration of the 11 of April 1839 between this government and that of the United States has been ratified, as I have had the honor to inform you in my despatch under date of the 11 último. I presume it will be forwarded at an early day to his excellency Francisco Pizarro Martínez, the Mexican minister at Washington, to be exchanged for that of ours within the time limited for that purpose. I can form no idea who this government will appoint as commissioners to meet those of ours in Washington.

John Parrot United States consul of Mazatlan, has submitted to this legation a claim in favor of Parrot, Talbot and Co., of which concern he is a member. The claim consists of two warrants: One drawn by order of the governor of the department of Sinaloa on the interior custom house of Mazatlan, in favor of José María Losa, under date of the 28 May 1836, for \$ 5.500; which was accepted by the administrator, to be paid when there were funds sufficient in the office under his charge. The warrant was transferred by Losa to Samuel Talbot; and Parrot, Talbot and Co. received at different times on account of the same from the custom house aforesaid \$2.912; leaving a balance of 2.588 as appears by a certified abstract from the books of the custom house; when payment ceased by an order of the general government of the 17th of April 1837. The other, drawn by the sub-

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commissary of Lower California on the commissariat of the department of Sinaloa, in favor of Salvador Anguian for services stated, under date of the 31st of March 1837, for \$370; which was transferred by Anguian to Parrot, Talbot and Co. —By them transferred to Ángel Paz Portillo— and by him returned to them for collection. This warrant is not accepted: Parrot alleges that the commissary general had frequently promised to pay it, but finally refused on the ground that the Supreme Government had ordered the payment of all such papers to be suspended.

This is one of those claims I am inclined to think our government ought not to make the subjects of reclamation against Mexico; I shall therefore await your instructions upon the subject.

We have no information in relation to the operations of the army against the federalists since the latter retired from Monterrey before the troops of general Arista, except a rumor that Canales and his troops have been driven beyond the Río Bravo del Norte.

Files of the *Diario* and *Cosmopolite* are herewith forwarded. I have the honor to be...

Powhatan Ellis

*Mexico. Powhatan Ellis. June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State. Vol. 9, doc. núm. 13. NAW.*

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*10 de febrero de 1840. Georgetown. Evaristo González Carvajal al secretario de Relaciones Exteriores de los Estados Unidos.*

Señor de todo mi respeto.

Ayer a las 7 y media de la tarde, falleció en esta ciudad de una fuerte pulmonía, mi hermano el excelentísimo señor don Francisco Pizarro Martínez, enviado extraordinario y ministro plenipotenciario de la República Mexicana cerca del gobierno de estos Estados, y no habiendo aquí individuo alguno de la legación, me veo estrechado a tomarme la libertad de participar a vuestra excelencia tan desagradable noticia para su conocimiento y el del excelentísimo señor presidente.

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Con tal motivo tengo el honor de presentar a vuestra excelencia mis profundos respetos y el de asegurarle que soy su muy atento servidor que besa su mano.

Evaristo González Carvajal

*Mexico. Notes.* February 4, 1837 - June 28, 1848. Department of State. Vol. 4, doc. sin núm. NAW.

## 230

*12 de febrero de 1840. Washington. J. Forsyth a P. Ellis.*

*Le comunica que Pizarro Martínez murió en Georgetown. En el caso de que la convención de reclamaciones hubiera sido ratificada es probable que México hubiera autorizado al difunto sólo para actuar en nombre de su gobierno en el acto de intercambio de ratificaciones que debería de hacerse el 11 de abril próximo. Espera que la presente comunicación llegue a tiempo para que México envíe un sustituto antes de la fecha mencionada.*

*Pero si no se lograra ese nombramiento oportuno, debe ver la forma de que el gobierno pidiera permiso al congreso, para hacer el intercambio sin importar el periodo estipulado pero con la condición de que el intercambio tuviera lugar dentro de los tres meses próximos a la fecha en que se tomara la resolución del congreso. Tanto el presidente como el senado de los Estados Unidos estarían concordes a esa resolución.*

*Mexico Instructions.* May 29, 1833 - March 29, 1845. Department of State. Vol. 75, p. 123-124. NAW.

## 231

*15 de febrero de 1840. México. J. de D. Cañedo a P. Ellis.*

El infrascrito ministro de Relaciones Exteriores, tiene el honor de poner en conocimiento de su excelencia el señor Powhatan Ellis haber llegado a noticia del supremo gobierno que de las colonias sublevadas de Texas se introducen en la

República varios individuos con diferentes pretextos y bajo el carácter de súbditos de naciones amigas, sin embargo de venir de aquel punto rebelado. Se ha notado además, que algunos de ellos desaparecen pronto y como sería fácil que muchos trajesen comisiones o viniesen a tomar informes de nuestro estado de parte de los texanos, su excelencia el presidente se cree obligado a dictar las providencias necesarias para contener la repetida aparición de hombres desconocidos, y evitar los desórdenes que ésta pudiera producir. En tal concepto, ha tenido a bien declarar prohibida la introducción de extranjeros por la frontera de Texas, y que en consecuencia se hará regresar inmediatamente a todos los que traten de introducirse por aquella dirección desde el recibo de esta orden en adelante.

El infrascrito tiene la honra de participarlo a su excelencia el señor enviado extraordinario y ministro plenipotenciario de los Estados Unidos de América, y de reiterarle las seguridades de su alta consideración.

Juan de D. Cañedo

*Mexico. Powhatan Ellis. June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State. Vol. 9, doc. sin núm. NAW.*

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*28 de febrero de 1840. Washington. J. Forsyth a P. Ellis.*

*Le manda un poder completo para que negocie un artículo adicional en la convención del 11 de abril último, estipulando una extensión de tiempo prescrita para el intercambio de las ratificaciones. Debe hacerlo en la forma en que se propuso en la carta número 11 del 12 del mes presente. Si el gobierno mexicano objetara reclamando una mayor "formality", el presidente quiere que entren en negociación para el artículo adicional referido y que presione su conclusión por todos los medios posibles.*

*Si la proposición fuera aceptada entonces debería establecer un periodo para la ratificación, de 12 meses a partir de la fecha de la firma del artículo adicional. También podría convenir en que el cambio de ratificaciones tanto del artículo como de toda la convención se hiciera en México.*

*Mexico Instructions. May 29, 1833 - March 29, 1845. Department of State. Col. 15, p. 124-125. NAW.*

9 de marzo de 1840. México. J. de D. Cañedo a J. Forsyth.

El infrascrito, ministro de Relaciones Exteriores usando del favor que se ha servido ofrecerle su excelencia el señor Powhatan Ellis tiene el honor de remitirle con el señor oficial don Lucas del Palacio, en una caja de lata abierta, la ratificación, por el excelentísimo señor presidente, de la convencción de arbitraje que se firmó en Washington el 11 de abril del año próximo pasado, con el pleno poder para que proceda a verificar el canje de dicha pieza el señor don Francisco Pizarro Martínez, y en su falta el señor don Ángel Cos.

También se incluye otro pleno poder expedido a los mismos individuos, y en la propia forma, con el fin de que uno u otro pueda ampliar el término estipulado para dicha ratificación, en el desafortunado caso de que llegue a su destino después de fenecido.

El infrascrito suplica a su excelencia el señor Ellis tenga la bondad de hacer que dicha caja con los documentos expresados sea conducida a manos de los señores Pizarro o Cos, por el paquete *Anna Louisa*, que debe salir próximamente de Vera Cruz, y le tributa desde luego las más expresivas gracias por la buena disposición que ha manifestado para tomarse esta molestia.

Aprovecha el infrascrito con gusto esta oportunidad para reiterar a su excelencia...

Juan de Dios Cañedo

Mexico. Powhatan Ellis. June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State. Vol. 9, doc. sin núm. NAW.

9 de marzo de 1840. México. J. de D. Cañedo a P. Ellis.

El infrascrito ministro de Relaciones Exteriores, tiene el honor de dirigirse a su excelencia el señor enviado extraordinario y ministro plenipotenciario de los Estados Unidos de América y participarle que, impuesto de su nota de ayer en que se sirve decirle haber nombrado al señor don Juan Black para que, como mensajero especial, conduzca a Wash-

ington la convención de arbitraje ya ratificada, se hacen con esta fecha las comunicaciones respectivas al ministro de la guerra para que al señor Black se le facilite la correspondiente escolta hasta Vera Cruz.

El infrascrito tiene asimismo el honor de acompañar a su excelencia el señor Powhatan Ellis el correspondiente pasaporte para dicho señor y con tal motivo le reitera las seguridades...

J. de D. Cañedo

*Mexico. Powhatan Ellis.* June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State. Vol. 9, doc. sin núm. NAW.

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*10 de marzo de 1840. México. Minuta de la conversación sostenida entre P. Ellis y J. de D. Cañedo.*

When the foregoing note from his excellency Mr. Cañedo, the minister of Foreign Relations, asking an interview with the American minister, was received, the latter gentleman was confined to his bed by severe indisposition; but he instructed the secretary of the legation of the United States to repair to the office of the minister of Foreign Relations to meet Mr. Cañedo, when the following conversation ensued.

Mr. J. H. Ellis said to his excellency that he had been instructed by the minister of the United States to wait on him to acknowledge the receipt of his polite note to this morning and to express to him his regret at not being able to comply with his excellency's invitation, in consequence of a severe indisposition which confined him to his bed and under which he had labored for the last five or six days.

His excellency replied by expressing great regret at the minister's indisposition, and asked if Mr. J. H. Ellis would receive the communication which he desired to make to the minister? as it was of pressing nature.

Mr. J. H. Ellis told him that he was authorized by the minister to say to his excellency that if the subject he desired to bring to his notice was of such a character as to require immediate attention, his excellency could either make it known to him or address a written communication to the minister and he would endeavor to dispatch it with as much promptness as his situation would admit of.



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Mr. Cañedo then said that the time fixed for the exchange of ratifications of the treaty of the 11 of April 1839, was near at hand; he feared he should not be able to get the treaty, ratified by Mexico, to Washington before the expiration of that time; and he wished to know if agreeably to the offer which the minister had been kind enough to make to him some time since, he could find a conveyance for it by the packet ship *Ann Louisa* which was about to sail from Vera Cruz.

Mr. J. H. Ellis answered him that he would communicate his request to the minister, who, he doubted not would do every thing in his power to meet his excellency's wishes.

He begged that Mr. J. H. Ellis would address him a private note in the morning advising him of the minister's determination; and if it was favorable, he would at once send him the treaty, together with a power for Mr. Martínez to extend the term limited for the exchange of the ratifications, if it should be found necessary to do so.

Mr. J. H. Ellis promised to advise him accordingly and then withdrew.

*Mexico. Powhatan Ellis. June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State. Vol. 9, anexo al núm. 15. NAW.*

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*10 de marzo de 1840. México. P. Ellis a J. Forsyth.*

Sir,

In an interview had with his excellency Juan de Dios Cañedo, minister of Foreign Relations, in December last, I was informed by that gentleman that the convention of arbitration of the 11 of April 1839, between the United States and Mexico, had been approved by the chamber of deputies, and he had no doubt it would be favorably received by the senate. I expressed the greatest satisfaction on receiving this intelligence, and tendered my services, if I could, in any way, assist in the trasmission of the ratified treaty to Washington. Mr. Cañedo replied he would write me a note after the ratification of the treaty; and although he was so obliging as to announce its approval by the general congress on the 11 of January last, and the ratification of the same the most excel-

lent the president of the republic on the same day, I received no intimation from him that he was desirous I should forward the ratified treaty to Washington, to be exchanged for that of ours on or before the 11 of April next, until I received his private note of the 6 instant requesting to see me at the foreign office on urgent business. Having been confined to my bed for many days by severe indisposition, I could not meet Mr. Cañedo, but instructed Mr. Ellis, the secretary of this legation, to go down to the place and ascertain the subject of the proposed interview. It was then for the first time the enquiry was made, whether I would convey the ratified treaty to Washington. The correspondence between Mr. Cañedo and myself in relation to this subject will show the condition upon which I finally concluded to appoint a special messenger, to aid the government here in the transmission of the treaty to his excellency Francisco Pizarro Martínez, their minister in the United States.

I have the honor to be . . .

Powhatan Ellis

*Mexico. Powhatan Ellis.* June 23, 1837 - July 28, 1840. Doc. 2-30. Department of State. Vol. 9, doc. núm. 15. NAW.

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*28 de marzo de 1840. México. P. Ellis a J. Forsyth.*

Sir,

I have the honor to acknowledge the receipt of your despatches 9, 10 and 11. Having previously made an arrangement with Mr. Cañedo, the minister of Foreign Relations, by which full powers are conferred on Mr. Ángel Cos, secretary of the Mexican legation in Washington City, to exchange the ratifications of the conventions of arbitration between the United States and his country in the event of the death of the minister Mr. Pizarro, of whose illness I had heard, I deem it unnecessary at this time to take any further steps in relation to this subject. When I addressed you a private note under date of the 7 instant, I had not the slightest expectation that the treaty could be transmitted to Washington in time for an exchange of the ratifications previous

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to the 11 of April next. But the subsequent arrival at Vera Cruz of the United States revenue cutter *Woodbury*, which vessel took on board the bearer of the treaty to Washington and sailed for New Orleans on the 15th instant, leaves no doubt on my mind that he will reach you between the 1st and 5th of April, or at least before the expiration of the term fixed for the exchange of the ratifications. If, however he should not do so, it will then become necessary to extend the term, in order to effect that object. I beg leave to refer you to Mr. Cañedo's note of the 9 instant, enclosed to you in my last despatch.

The entry of the United States revenue cutter *Woodbury* into the port of Santa Anna de Tamaulipas on the 17th day of January last in distress, caused some excitement at that place, and the minister of Foreign Relations addressed me a note on the subject, stating that, the hospitality of the ports of Mexico would in all such cases be most cheerfully extended to the vessels of friendly nations — provided they would previously make application for the same. Such a requirement would in many supposable cases prove inevitable destruction; to the *Mariner*: where for instance, he was in sinking condition, or driving before the fury of a hurricane, and in a single moment lost, would destroy all his hopes. The treaty of Amity, commerce and navigation between the two countries authorizes either of the contracting parties to take such 'precautions', as they may deem necessary to regulate and control this question. But it is not to be presumed that either government by using the very unsatisfactory word precautions, designed to annul the substantive right stipulated for in the same section of the treaty. Yet this would be the effect, if the condition alluded to was rigorously enforced. — In my answer to Mr. Cañedo, I did not state these difficulties: I shall certainly do so when an appropriate occasion presents itself and insist upon a more liberal and humane interpretation of the treaty. (See doc. 1.)

I have heard for many days past of the revolutionary movements in Yucatan; but as I could not obtain accurate information on the subject, I have refrained from stating to you the contradictory rumors of the day I will now inform you that the federalists have possession of nearly the whole of that department, with the exception of Campeche, and it is not improbable from the peculiar situation of that portion of the republic [and] the tone, temper and principles of its inhabitants, that they may succeed in making an effectual resist-

ance to the government, and finally declare themselves independent of Mexico (see doc. 2).

The atrocious violation of the rights of sepulture at Laguna island of Carmen, in the case of the late captain Page, a citizen of the United States, has been properly noticed by the consul of our country in that port, and responded to by the prefect in a spirit of just censure and indignation (see doc. 3).

Powhatan Ellis

*Mexico, Powhatan Ellis.* June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State, Vol. 9, doc. 17. NAW.

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*8 de abril de 1840. México. P. Ellis a F. Chase, Esq. U. S. vicecónsul en Tampico.*

Sir

I have received your note under date of the 23rd último, informing me of the acts of the authorities in your city against the property and citizens of the United States on account of the introduction by the latter of goods into Santa Anna de Tamaulipas under the revolutionary movements of the federalists in 1838 and 1839.

In all cases where the officers of this government proceed to extremities in the confiscation of the property of our countrymen you will advise them to enter a formal protest in your office against such proceedings: taking care to state the names of all the parties concerned, whether as principals, agents or factors, and of what country they are citizens or subjects, to the end that I may be able to judge correctly of the rights of every individual interested in the decision of the question. In the meantime I shall give proper attention to the subject here.

In your last communication you did not inform me whether Lameyer and Co. were citizens of the United States. These designations you will be pleased to attend to in every case.

I am sir, with great...

Powhatan Ellis

*Mexico, Powhatan Ellis.* June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State, Vol. 9, doc. sin núm. NAW.

15 de abril de 1840. Washington. J. Forsyth a P. Ellis.

*Le comunica haber recibido los despachos hasta el número 16. El señor Black llegó a tiempo para el intercambio de las ratificaciones del tratado de reclamaciones, antes de que el periodo estipulado para ello terminara. El intercambio se efectuó el día 7 del presente y el instrumento se convirtió en ley. El congreso lo pasó a poder del presidente acompañado de un mensaje pidiendo que se hiciera la legislación necesaria para ponerlo en vigor.*

*Le enviaban copias impresas de la proclamación de la convención que había sido hecha por el presidente de los Estados Unidos y esperaban que lo pusiera en conocimiento del ministro mexicano de relaciones diciéndole, a la vez, que los compromisos que México adquiriría por estos motivos serían cumplidos con toda puntualidad.*

Mexico. Instructions. May 29, 1833 - March 29, 1845. Department of State. Vol. 15, doc. núm. 16. p. 127-128. NAW.

7 de mayo de 1840. México. P. Ellis a J. Forsyth.

In February last I received a note from the minister of Foreign Relations advising me that the supreme government had thought proper to prohibit all foreigners coming from the frontier of Texas to enter the republic, under the pain of being arrested and sent out of the country. I notified the consul at Matamoros, of this regulations, so that he might make the same known to those interested in its operation (see doc. 2).

It appears from the best information I have been able to learn in relation to the movements of the federalist, that the whole department of Yucatan is in their possession, with the exception of Campeche, and without speedy relief, there is not much probability that this city will be able to hold out very long. Mexico does not seem to be in a situation to counteract this movement, and, judging with impartiality, from all the facts before me, I do not believe the central government can at this time coerce them to acknowledge their former allegiance. (See doc. 3.)

On the 6 November last I addressed a note to this government setting forth the reclamations of the United States against Mexico in all those cases not proposed to be adjusted by the convention of arbitration signed at Washington on the 11 of April 1839 between the American and Mexican plenipotentiaries. Mr. Cañedo in his reply on the 11 of the same month informed me, that he could not give a satisfactory answer to my communication, in consequence of the absence of the necessary documents to lead him to a just conclusion upon the subject — that he had written to the proper departments for this information and so soon as it arrived, he would hasten to reply to the same. On the 19 of February last, a similar note was received from him, and in an interview had with that gentleman this day, he informs me he is still without the required information to enable him to enter upon the adjustment of the several questions to which his attention had been called. (See doc. 4.)

I have the honor to be . . .

Powhatan Ellis

*Mexico. Powhatan Ellis.* June 23, 1837 - July 28, 1840. Doc. 2-30. Department of State, Vol. 9, doc. núm. 21. NAW.

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*9 de mayo de 1840. México. P. Ellis a J. Forsyth.*

In addition to the information contained in my late despatches forwarded by the New York Packet, I will state, that the federalists have been encountered in the northern part of the republic by the government troops under general Arista, and dispersed: tranquility prevails in that quarter. That officer, [it] is understood will resume his station at Tampico as commandant general of the department of Tamaulipas.

Three of four weeks since, great excitement prevailed in this capital, under an impression that the federalists intended to rise and proclaim the Constitution of 1824. The public authorities had notice of these contemplated movements, and adopted corresponding measures to meet the crisis; which overawed those who were in favor of revolution.

I have the honor to be . . .

Powhatan Ellis

*Mexico. Powhatan Ellis.* June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State, Vol. 9, doc. núm. 22. NAW.

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*7 de junio de 1840. México. P. Ellis a J. Forsyth.*

In compliance with your instructions under dates of the 20 November and 3 March last, I have made enquires touching the supposed imprisonment of Thomas Jennings and William Edward Bunce in Matamoros, and I find there is every reason to believe that while in company with a party of Texas near the Río del Norte, they were attacked by the Mexicans, and, together with three others, were killed. (See doc. 2.)

I have the honor to be...

[No va firmado.]

*Mexico. Powhatan Ellis. June 23, 1837 - July 28, 1840. Doc. 2-30. Department of State. Vol. 9, doc. núm. 23. NAW.*

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*9 de junio de 1840. México. P. Ellis a J. Forsyth.*

An unpleasant occurrence has taken place in the north-western part of the republic, and I avail myself of the earliest opportunity to inform you, that the governor of Alta California issued a verbal order on the 7th April last to the alcaldes of that department commanding them to arrest all foreigners within their respective jurisdictions. This order was promptly obeyed, and between eighty and one hundred persons were arrested and most of them placed in close confinement in the prisons on the 16 April at Monterrey, where they were treated with great inhumanity. On the 25 of the same month they, in number forty seven (the larger portion of them American citizens) were informally tried, sent on board of the barque *Guiposcoana* in double irons, deprived of the ordinary comforts of life, shipped to Santa Barbara, and lastly to San Blas with a view to have them sent to this capital to be tried upon an alleged charge of conspiracy against the government. They are now in Tepic. I have made a proper representation to the supreme government upon this subject, and if the facts should prove to be as set forth in the memorial

of our citizens, I shall take prompt measures to characterize this high handed act of oppression and tyranny in such terms as it deserves. It will also then be my duty to make such further demands as the nature of the case may seem to require. Captain French Forrest, of the United States ship *St. Louis* was at Mazatlan when the news of the arrest and imprisonment of our countrymen reached him, and immediately sailed for Monterrey to investigate the circumstances. From him I shall receive all the information and documents in reference to this unfortunate transaction. (See doc. 4.)

I cannot close this communication without mentioning to you in the highest terms of praise the generous and noble spirit which animated her britanic majesty's consul, Eustace Barron, esq. at Tepic, when the American citizens and British subjects arrived at that place. He by his spirited and philanthropic exertions, induced the public authorities to take off their irons, and finally extended to them all those kind offices so grateful to men borne down by the pressure of misfortune. I enclose a copy of Mr. Barron's letter to me.

I have the honor to be . . .

Powhatan Ellis

*Mexico. Powhatan Ellis.* June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State. Vol. 9, doc. núm. 24. NAW.

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*11 de junio de 1840. México. P. Ellis a J. Forsyth.*

Sir

The last advices from Campeche state that the garrison still held out against the federal troops but with very little hope of ultimately maintaining themselves, unless they receive speedy succor from the Mexicans that have no means of transporting troops and munitions of war to the coast of the peninsula. (See doc. 1.)

I herewith enclose to you a paper containing the latest intelligence from Central America. (See doc. 2.)

The most excellent the president has at length granted an exequatur to Mr. Montgomery to enable him to enter upon the discharge of the duties of consul of the United States at Santa Anna de Tamaulipas. (See doc. 3.)



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The special messenger sent to Washington, with the ratified convention of arbitration between this country and the United States, returned to the Mexican capital on the 30 último, and through him I have the honor to acknowledge the receipt of your despatches numbers 16, 17 and 18. I lost no time in making known to his excellency the minister of Foreign Relations the fact of the exchange of the ratifications of the treaty, and deemed it prudent to enclose to him at once the original certificate to that effect from the Department of State, retaining a certified copy of the same in this office. (See doc. 4.) It is stated to day that don Fernando Castillo and don Sebastián Camacho will be appointed commissioners on the part of this government to meet those of ours, to arbitrate and adjudge all cases embraced by the provisions of the treaty. They will not, from what I have heard, leave here before the end of this month.

After receiving official information of the exchange of the ratifications of the convention of arbitration, I enclosed to the consuls of the United States within this republic the circular now forwarded to you, together with a copy of the treaty. (See doc. 5.)

It was confidently rumored at the public exchange, yesterday, that Mr. Pakenham, the English minister had addressed an official note to the supreme government stating that, if Texas was not reconquered in a given time, the British government would acknowledge the independence of that country. It was further said that he expressed a willingness on the part of his government to mediate between the parties, so as to procure the recognition of the independence of Texas, in consideration of her paying to Mexico such sum as might be agreed upon between the parties.

It is probable, there is much foundation for this supposition, as, it is generally known, the English merchants have not enjoyed to any great extent the lucrative trade of that flourishing young republic.

With the greatest respect...

Powhatan Ellis

*Mexico. Powhatan Ellis. June 23, 1837 - July 28, 1840. Doc. 2-30. Department of State, Vol. 9, doc. núm. 25. NAW.*

2 de julio de 1840. México. P. Ellis a J. Forsyth.

Sir

I herewith have the honor, in compliance with Mr. G. L. Thompson's request, to transmit to the Department of State the original documents in the case of his claim against this government. As I found no evidence in this legation to substantiate the claim of the memorialist, I could take no steps in urging this government to admit the correctness of his demands. (See docs. 1 and 2.)

In February last, our consul at Tabasco applied to me for leave to return to the United States, in consequence of ill health. I gave him permission to do so, and regret to inform you that he died soon after he embarked. Don Manuel Payro was appointed vice consul, to supply the vacancy until the pleasure of the president could be known, but no exequatur has been granted to empower him to enter upon the duties of his office. (See doc. 3.)

Since my last despatch upon the subject I have received the personal declaration of each American citizen arrested in Alta California and now held in close confinement in the prison of Tepic. These statements have been taken under oath before her Britannic majesty's vice consul, Eustace Barron, esq., who it seems has taken a warm and commendable interest in behalf of our countrymen; for which he has received my acknowledgments in a letter addressed to him upon the subject. (See doc. 4.)

I also communicate for your information the statements of John and Thomas J. Farnham, esqrs., who were eye witnesses to many of the circumstances detailed by them, and who made great exertions to obtain correct information in relation to this unwarrantable outrage against the rights of a friendly and neutral nation. I pray you will be pleased to give me specific instructions upon this subject. (See doc. 5.)

His Excellency don Joaquín Velázquez de León has been appointed commissioner in the place of Mr. Camacho, who declines accepting the appointment. The commissioners, with their secretary, called on me last evening and stated that they would take their departure for the United States on the morning of the 6th instant. They purpose to sail in the packet ship *Una* for New York. (See doc. 6.)

I enclose under a separate cover to the Department of

State the original papers in the claim of William S. Parrot against this government.

I likewise forward files of the *Diario del Gobierno* and of the *Cosmopolita* up to this date.

I have the honor to be with great respect,

Your obedient servant.

Powhatan Ellis

*Mexico. Powhatan Ellis.* June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State. Vol. 9, doc. núm. 26. NAW.

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6 de julio de 1840. México. P. Ellis a J. Forsyth.

Sir

In compliance with your instructions of the 6th of May last, I have made proper inquiries in regard to the supposed capture of colonel David Crocket at the fall of the Alamo in Texas and his subsequent confinement in one of the Mexican mines near Guadalajara. I am well convinced in my own mind that he met the common fate of all those who were found in the Fort on that occasion. This information I derive from a distinguished Mexican officer who was present at the siege. He says, if colonel Crocket was present, he must have been killed, as no prisoners were taken.

I herewith transmit to you a copy of a letter addressed by me to the honorable John W. Crocket upon this subject.

I have the honor to be...

Powhatan Ellis

*Mexico. Powhatan Ellis.* June 12, 1837 - July 28, 1840. Docs. 2-30. Department of State. Vol. 9, doc. núm. 27. NAW.

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9 de julio de 1840. México. P. Ellis a J. Forsyth.

Sir

Since my despatch number 26 of the 2nd instant, I have

received the testimony herewith enclosed in relation to the conspiracy charged against citizens of the United States in Upper California, which goes consecutively to show that they are innocent of the accusation. The officer who had charge of them after their arrest is ordered to this capital, with a view to the proper investigation of the case by the supreme government. (See doc. 1.)

I am pleased to have it in my power to inform you that the reclamation made against this government in behalf of Jones and Thompson, on account of a forced loan exacted of them in Upper California in February 1838, has been responded to by the minister of Foreign Relations in a spirit of justice highly creditable to the government; and an order has been passed to the ministers of the general treasury to pay the full amount of the same. (See doc. núm. 2.)

Campeche capitulated on the 6th of June and the independents are now in undisturbed possession of the department. (See doc. 3.)

At the solicitation of the minister of Foreign Relations, I have requested the consul of the United States at Vera Cruz to use his influence to detain the packet ship *Una* about to sail for New York, with a view to accommodate the Mexican commissioners, who propose to take their departure in her for the United States, if she can be prevailed on to wait for them a few days. These gentlemen will leave here tomorrow morning for Vera Cruz. (See doc. 4.)

I have received from the Department of State 15 volumes of congressional documents, 3rd session, 25 congress, 1838-1839.

I have the honor to be . . .  
Powhatan Ellis

*Mexico. Powhatan Ellis, June 12, 1837 - July 28, 1840, Docs. 2-30. Department of State. Vol. 9, doc. núm. 28. NAW.*

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*28 de julio de 1840. México. P. Ellis a J. Forsyth.*

Sir

I have the honor to inform you that at 4'clock on the morning of the 15 instant, the fifth and sixth regiments of infantry and a part of the Commercial Batallion revolted and

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proclaimed the Constitution of 1824. At half past 4, they attacked the palace, surprised the guard, and took the most excellent president and all his cabinet prisoners, with the exception of general Almonte, who fled to the citadel and took command of the troops. Under his orders, general Valencia commenced an attack upon the insurgents the same day at half after 2 o'clock, and active hostilities night and day continued with little intermission until the evening of the 16th. Early in the morning of the 16, the president and his cabinet were set at liberty. The numbers of troops on the part of the *pronunciadores* was estimated at eight hundred and perhaps twelve hundred raw recruits. When the attack was made on the palace, general Urrea was confined in the Inquisition, but was immediately released and placed at the head of the federal forces: Gómez Farías was proclaimed president. I am told the troops of the government far exceeded those of the other party. These latter, however, had possession of the palace and all the public buildings adjoining the plaza; which gave them a decided advantage throughout the whole contest. Early in the day of the 20, a regiment of government cavalry attacked a detachment of the enemy at Garita of San Lázaro —killed seventy, wounded one hundred and five, and captured forty-six prisoners. Colonel Torrejón commanded the centralists, and for his gallantry on the occasion was made a general by them.

I have just received information of the loss of the United States ship *Peacock*, at the mouth of the Columbia river on the 18th of July last. Officers and crew saved. (See doc. 3.)

The brig *George Washington* of New York, and lately from New Orleans, bound to Vera Cruz was seized and condemned in the latter port for an alleged violation of the laws of the country. Yesterday I officially protested against the proceedings of this government and its officers, in relation to the seizure and condemnation of that vessel. (See doc. 4.)

John Black, esq., has been acting as secretary of this legation from the period of Mr. Ellis's resignation, up to the time of the arrival of Brantz Mayer, Esq., on the 17th of November. I shall be pleased to be authorized by you to pay this gentleman for his services. I beg, particularly to state that the services of this gentleman have been exceedingly onerous, and useful to the legation, and I cannot too strongly recommend that the request I now make in regard to his compensation, should be complied with by our government.

I transmit to the department files of the *Diario de Gobierno*,

*Cosmopolita* and *Diario Siglo Diez y Nueve*.

I have the honor to be...

Powhatan Ellis

*Mexico. Powhatan Ellis*, June 12, 1837 - July 28, 1840. Docs. 2-30.  
Department of State, Vol. 9, doc. núm. 29. NAW.

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3 de agosto de 1840. Tampico. G. W. Montgomery a P. Ellis.

Sir

The accompanying document is a copy of a paper bearing the name of general Arista, and printed in this city in English. I have not been able to procure a printed copy, as only a very few found their way into the hands of the public, and those few had to be delivered up immediately at the demand of the general, who sent round to collect them. I was permitted however to take the enclosed copy, which, you will perceive by the orthography in some places, is literal.

I have thought the paper would be interesting to you, and accordingly have taken this opportunity to transmit it to you. Perhaps you will be so good as to acknowledge your reception of it.

There has been no interruption of public order here in consequence of the occurrences in Mexico. Some imprisonments have taken place, and some individuals, it is believed, will be banished, or otherwise punished, for their political acts or opinions.

I have the honor to be Sir...

G. W. Montgomery

*Anexo*

The general in chief of the Mexican frontier, to the Cherokees, Sawnees, Wakoos, Kickapoos, Conchates, and other Indian tribes.

I have received with much pleasure the news that you have united yourselves on the heights of Brazos with the object of making war on the Texans, unjustly your enemies.

These robbers have taken from you the lands which Mexico gave to you, and they are the same lands which she now offers to you anew; and it is necessary that you make common cause with the Mexicans to take them back again. Rouse

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yourselves, with a certainty that the texans cannot resist your attack, and, much less the attack of the numerous troops under my command, which in a very short shall march against Texas.

It is indispensable that immediately that you receive my letter you begin the war, calling instantly the attention of the Texans to the north in the understanding that at the moment that your chiefs require from me arms, powder and ball, and any other aid, in order that you make a strong and valiant defense against our common enemy.

Call together you warriors, name a chief who can command the whole and call you to battle, in which you are certain to be victorious, because you fight for your own lands and because you are brave men, and God will protect you.

You will sent me notice of whatever you may do, that I may help you as far as it is in my power to the recovery of your lands, which form a part of the mexican territory and nation, which is your mother and best friend.

Let this paper be circulated amongst the tribes who have been despoiled of their lands by the texans, calling them to arms, and very shortly they shall be again in possession of what has been unjustly taken from them.

Head quarters in Matamoros, 3 August 1840. Signed, Mariano Arista.

I certify that the above is a true copy. Tampico, 3 August 1840.

G. W. Montgomery

*Mexico. Powhatan Ellis, June 12. 1837 - July 28, 1840. Doc. 2-30. Department of State. Vol. 10, apéndice 2 al núm. 33. NAW.*

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*6 de agosto de 1840. México. J. de D. Cañedo a P. Ellis.*

*Le hace saber que con fecha 11 de noviembre pasado le escribió de la necesidad en que se hallaba de tomar el tiempo necesario para poderle contestar su nota de 6 del mismo mes, sobre las reclamaciones que contra México presentaba el gobierno norteamericano, no comprendidas en la convención firmada en Washington el 11 de abril de 1839, por haber quedado pen-*

*dientes para resolverse en un amistoso arreglo entre los dos países.*

*Que su buena voluntad, como puede observar, se muestra en que le responde de acuerdo con los materiales que ha podido recoger y su nota trata en la misma forma en que fue presentada por el señor Ellis.*

*Sobre la Topaz que llevaba tropas de Matamoros a Galveston cuyo capitán y piloto fueron asesinados respondía: la goleta fue fletada por el general Terán, difunto, que llevaba soldados, presos y cinco mil pesos, y la tripulación se le sublevó al ir de regreso. Después de tirar el capitán al agua, la tripulación arremetió con los oficiales mexicanos que dieron alarma y la tropa mató, de paso, al piloto amotinado y aseguró a los demás.*

*Los hechos estaban comprobados tal como se habían explicado con anterioridad y fueron provocados por la tripulación norteamericana amotinada para robar el dinero que iba a bordo.*

*Si la Topaz se perdió después de varada, fue a consecuencia de los primeros movimientos revolucionarios de los colonos de Texas, marcados con insultos y ataques a las autoridades y guarniciones mexicanas hasta el extremo de obligar a evacuar a Galveston a la tropa que lo cubría y haber puesto en libertad a la tripulación que estaba allí en espera del juicio que se seguía.*

*Creía haberse explicado con toda claridad sobre el tema y esperaba que el Sr. Ellis así lo entendiera.*

*2) En cuanto a los hechos del cañoneo de la fragata Tampico que atacó a la Paragón en 29 de agosto de 1834, se pasó una comunicación diciendo al señor Butler que se había dado orden para que el capitán Machin se trasladara a Veracruz a responder de sus faltas pero, a través del jefe de la armada, declaró estar mal y el gobierno quedó en espera de que al mejorar se presentara, cosa que nunca hizo. El capitán Machin tomó parte muy vital en la revolución de Yucatán y Ellis debía darse cuenta de que, por el momento, resultada imposible hacerlo comparecer para que tomara responsabilidades. En cuanto aquél departamento volviera al orden se llamaría a Machin para que respondiera.*

*3) Reclamación en cuanto a los procedimientos que mediaron en el caso de la Anna Elizabeth contra la que hizo fuego el buque mexicano Bravo estando aquella nave en la barra de Matagorda, en noviembre de 1835. Ya se instruyó una sentencia sumaria y resultó que la Elizazeth no traía sus manifiestos visados por el cónsul mexicano de Nueva Orleans y a*



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su bordo venían efectos de comercio ilícito, armamento y artillería que el buque había embarcado por ser fletado por José María Carvajal, a quien se había mandado arrestar por colaboracionista con los sublevados de Texas y a quien pertenecían uno de los cañones y los fusiles que se encontraban en la goleta. Por último constaba que un colono de nombre Fisher vendió el tabaco, ropa hecha y demás efectos que traía a bordo. Como esto resultaba de la causa sumaria así se lo informaba.

4) Sobre que un alcalde había amenazado al cónsul americano Coleman para que legalizara unos documentos públicos porque se negó a hacerlo: se había averiguado que el alcalde de Tabasco pidió al comerciante Manuel Maipo que presentara un certificado y, como el cónsul contestó que tenía motivos suficientes para no extenderlo, se le llamó al juzgado para que los explicara y lo hizo en forma irrespetuosa. El cónsul no tuvo los cumplidos de urbanidad para el juez pues ni siquiera se quitó el sombrero y el alcalde le reclamó, pues consideraba minimizada su autoridad; llamó la atención de Coleman por el lugar en que se hallaban, que debía respetarse. Esto fue todo lo ocurrido con Coleman y Ellis, que conocía México, era consciente de que quitarse el sombrero constituía un acto de cortesía, tanto cuando se habla con personas iguales como cuando se habla con la autoridad judicial o gubernativa.

5) El caso de los marineros de la goleta Natchez que tuvo lugar en Veracruz en noviembre de 1836, se debía a un exceso de embriaguez de los marineros de la goleta que al acercarse con su bote al pescador José María Morel lo amenazaron con un cuchillo, a pesar de que éste trataba de desentenderse de la presencia de los marinos. El capitán del puerto llamó al oficial de guardia para que pusiera orden. Así aparecieron unos cuantos soldados y los marineros se acercaron a su bote y salieron en mayor número. Amenazando a los soldados con palos, se enfrentaron con la guardia que hubo que aumentar y los marinos se guarecieron en su lancha. En esa situación apareció el cónsul norteamericano señor Borrow quien pidió que se apresara a los marinos en el cuerpo de guardia hasta que se tomaran las providencias necesarias. Allí se procedió a levantar un informe de los hechos, pero el cónsul se negó a aparecer como testigo de los hechos alegando que, por su cargo, no podía atestiguar contra sus ciudadanos. Puede considerarse por la negativa del cónsul que el caso quedó cerrado, pues se entregaron los detenidos

al cónsul después de haberlos tratado, durante su estancia en prisión, de acuerdo con las leyes.

6) En cuanto a los ciudadanos Hall y Hallet no se habían podido obtener informes debido a las circunstancias existentes en Tampico.

7) Con referencia a las contestaciones habidas entre el general de Tampico Gregorio Gómez Palomino y el capitán de la goleta Jefferson que entró en aquel puerto, había que decir que las circunstancias del general en cuanto a su servicio, a la llegada a Tampico de los invasores dirigidos por Mejía, habían exigido que se le diera ocupación en Veracruz. Además en 1837 se le había dado una licencia ilimitada por la que se le consideraba separado del servicio. Era de lamentarse que los informes pedidos por el gobierno sobre el incidente no hubieran podido llegar, debido a que Tampico se había sustraído de la obediencia del gobierno. En el caso del bergantín Cuatro de Julio sentí que hubiera habido un mal entendido, pero garantizaba que en ninguna ocasión se había tratado de faltar a la bandera norteamericana y que el gobierno jamás permitiría semejante cosa, ni con ese ni con otro pabellón perteneciente a una nación amiga.

Creía haber contestado la nota de 6 de noviembre del año anterior y se despedía...

J. de D. Cañedo

Mexico. Powhatan Ellis. July 20, 1840 - May 19, 1842. Department of State. Vol. 10, anexo al núm. 33. NAW.

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13 de agosto de 1840. Washington. Pedro F. del Castillo y J. Velázquez de León a J. Forsyth.

Avisaron su llegada desde Nueva York, a donde llegaron comisionados por el gobierno mexicano de acuerdo con la convención de 11 de abril anterior. En esta ocasión anunciaban su llegada a la capital con la fecha, pidiendo se les cite para presentar sus cartas de credencia.

Pedro Fernández del Castillo y Joaquín Velázquez de León.

Mexico. Notes. February 4, 1837 - June 28, 1848. Department of State. Vol. 4. sin núm. NAW.