

OUR RELATIONS WITH SPAIN.

To the House of Representatives of the United States.

In compliance with the resolution of the 24th, I transmit two letters from the envoy extraordinary and minister plenipotentiary of Spain, to the secretary of state, with his answer.

JAMES MADISON.

January 20, 1816.

Translation of a letter from the Minister of Spain to the Secretary of State, dated Washington, December 30, 1815.

SIR—The diplomatic relations between the king, my master, and the United States, being happily restored, and both governments being disposed, mutually to strengthen the ties of the most pure and perfect friendship, it is my duty to inform the President of whatever may contribute to so desirable an object, and remove the obstacles which may prevent it. On the important points of which this note must turn, I have written to you under other circumstances less favorable than the present—I will now confine myself to a plain and simple explanation of them.

The first of these points is—That the direct and official relations between Spain and the United States having been broken off since the year 1808, the affairs of both nations, as well as their respective frontiers, should now be placed in the same state and situation in which they were at that period; and that in conformity to this principle, the part of West-Florida which the United States took possession of during the glorious insurrection of Spain and have retained until this day should be restored to his catholic majesty. This just and conciliatory measure, at the same time that it will convince the king my master of the purity and sincerity of the sentiments of the American government, and of their disposition to arrange and terminate amicably the several points of negotiation, will not in the least impair the right which it may believe it has to the whole or part of the territory occupied, since it will remain subject, exactly as it was before its occupation, to a frank and friendly discussion between the two governments.

The second point is as simple and obvious as the first, and I will treat of it with that confidence with which I ought to be inspired by the indisputable justice of my importunity, the justification of the American government and the importance of the affair.

It is known to you, and is universally public and notorious, that a factious band of insurgents and incendiaries continue with impunity in the province of Louisiana and especially in New-Orleans and Natchitoches the uninterrupted system of raising and arming troops, to light the flame of revolution in the kingdom of New-Spain, and to rob the pacific inhabitants of the dominions of the king my master. The invasion of the internal provinces, the horrible assassinations committed in San Antonio de Bexar, and the names of the perfidious perpetrators of such unheard of crimes, have acquired the publicity which great crimes always will acquire. All Louisiana has witnessed these armaments—the public enlistments (los enluchse publicos)—the transportation of arms—the junction of the insurgents, and their hostile and warlike march from the territory of this republic against the possessions of a friendly and neighboring power; neither threats, nor the laws, nor the indignation of well disposed citizens, nor even the proclamation of the president of the first of September last, intended to restrain these highway robbers, have been sufficient to stop their nefarious plans; on the contrary, they prosecute them with the greatest ardor and rancor, more and more exasperated at seeing the glorious triumphs of the Spanish nation, the adhesion of his subjects to an adored monarch, and the approaching re-establishment of the relations between our respective nations. It is known to me, that they are now enlisting in New-Orleans men for other expeditions both by land and water, to invade again the dominions of his catholic majesty, under the direction of ringleaders Jose Alvarez de Toledo and Josse Mannel de Herrera, who had just arrived at that city with the appointment (as he says) of minister to the United States, from the self-styled Mexican congress, who has delivered to Toledo fifteen hundred commissions in blank, from that body of insurgents, that he may confer them on a like number of officers which he is recruiting in the territory of this Union. I omit mentioning to you other innumerable acts of this kind which prove the publicity of these armaments and the impunity with which they continue. I will confine myself to stating to you, that the most common practice of nations and the authority of the best writers on the public law would give a right to the king my master to require of this government to deliver up these traitors as incendiaries—enemies of all social order—and disturbers of the peace of his subjects; but as the object of my sovereign is not to avenge himself of this banditti, but to shield his subjects against their barbarity, I confine myself to asking of you to ob-

tain of the president orders for the prosecution of the principal persons concerned in this sedition, that is to say: Jose Alvarez de Toledo, Anaya Onez, the self-styled minister, Mannel de Herrera, Dr. Robinson, Humbert, Majors Piere and Priere and their followers, that they may be punished with all the rigor, which the laws prescribe in cases of this kind. That the troops which they had raised, may be disarmed and dispersed, and that the necessary measures be taken to prevent, in future, these evil spirits from having an opportunity of pursuing their designs, and attempting to compromise the good intelligence which subsists between our respective governments. The President cannot but have seen with sensibility, as well the total want of effect of his proclamation, of the lenient measures he had adopted against these criminals, who boast of recognizing no law, subordination or moral principle, as the protection and support they have received and do receive from the authorities at New-Orleans; contrary to his express orders His excellency, as he is charged by this republic with watching over its security and the observance of its treaties and laws, cannot but consider himself authorized to restrain the projects and hostile measures of a set of adventurers, who make war against a friendly power from the territory of this confederation, compromising its tranquillity and high character, by availing himself of the means which the constitution, the laws, and his prudence offer to him for obliging these persons to abandon their designs and to manifest to his catholic majesty the just indignation with which the U. States view the hostile plans, and the sedition of that band of incendiaries, I am certain that it cannot be concealed from the distinguished talents of the president and yourself, that the point of which I treat is not one under the civil (or municipal) law, in which my sovereign must have recourse to the ordinary tribunals; but that it is a manifest and flagrant violation of the most sacred laws which bind together nations mutually—perpetrated by the citizens or residents of the Union, of which the king, my master, gives information, with positive & notorious proofs, to the government under whose jurisdiction it has been executed, that they may give him competent satisfaction, with a knowledge of the act, by causing the delinquents to be punished as guilty of high treason against both governments.

The third and last point is reduced to this—That the president will be pleased to give the necessary orders to the collectors of the customs, not to admit into the ports of the United States vessels under the insurrectionary flag of Carthagea, of the Mexican congress, of Buenos Ayres, or of the other places which revolted against the authority of the king my master nor those coming from them. That they should not permit them to land, or to sell in this country; the shameful proceeds of their piracy or atrocities, and much less to equip themselves in these ports, as they do, for the purpose of going to sea to destroy and to plunder the vessels which they may meet with under the Spanish flag—This tolerance, subversive of the most solemn stipulations in the treaties between Spain and the United States, and diametrically opposed to the general principles of public security and good faith, and to the laws of nations, produces the most melancholy effects on the interest and the prosperity of the subjects of his catholic majesty. Certain it is, that neither Carthagea nor any other place in the Spanish dominions in this hemisphere, which has revolted, can be in communication with any power friendly to Spain, since neither on its parts, nor on that of any other government, has their independence been acknowledged; and it is consequently an offence against the dignity of the Spanish monarchy, and against the sovereignty of the king my master, to admit vessels from such places, manned and commanded by insurgents, and armed in the dominions of this confederation; particularly as they are all pirates, who do not respect any flag—are justly considered the disgrace of the seas—and are execrated by all nations.

The three preceding points are of such established equity and justice, that it would be offensive to the delicacy of this government to suppose that it could delay, under the manner I have proposed, and which I have an express order to request (solicitar) in the name of the king my master.

The prompt interposition of the president, that his majesty may be gratified, would be a new testimony of his friendly disposition towards Spain; an evident proof that he is determined to put an end to the incalculable extortions and injuries which Spain has suffered, for the space of seven years, from the gang of adventurers who have assailed her from the bosom of this republic; a means of fixing the frank and sincere system of good neighborhood which so much interests both States; and finally, a sure preliminary to the removal of all the difficulties which may present themselves in the negotiations, which ought to terminate all the pending discussions between the two governments, and to fix for ever between

them a perpetual and solid friendship. If, as I flatter myself, president gives all the attention which is due to affairs of such transcendent importance, & yields to my solicitations, I can assure his excellency and yourself, that there will be nothing which the king my master will not be disposed to do, to satisfy this republic, which may be compatible with his dignity and with the interests of his subjects.

I renew to you the assurances of my particular respect, and of my constant desire to please you, and pray God to preserve your life many years.

(Signed,) LUIS DE ONIS, Hon. James Monroe, &c. &c.

Translation which accompanied a Note of the 2d January, 1816, from the Chevalier de Onis to the Secretary of State.

SIR—Since the last note I had the honor to address you, under the date of the 30th of December, I have received positive information that the expedition which the traitor Toledo was preparing at New-Orleans, against the dominions of the king, my master, has been suspended until the arrival at that city of two bodies of troops, one thousand men from Kentucky, and three hundred from Tennessee, commanded by two American citizens, that were to be united in twenty four days to the army of the insurgents. I abstain, sir, from offering to you any observations on a subject of such high importance, and so well established. I am well persuaded that his excellency the President will easily perceive that if the states of Kentucky, Tennessee, Louisiana, and Georgia, continue, as they do, allowing their citizens to commit hostilities against a friendly power, notwithstanding the orders he has issued for dispersing and disarming the gang of desperadoes, headed by Toledo, Humbert, Araya, Bernardo, Suteirier, Istri, Doctor Robinson, majors Eurie and Preire, and their followers, the king, my master, will have reason to suspect, that if these meetings are not authorised by the government they are at least tolerated. All the assurances I may give to my sovereign, of the friendly dispositions of his excellency the President, will not suffice, when compared with the evident proofs I had the honor to communicate to you in this and my former note; particularly when his majesty is well convinced of the resources and authority of the federal government, and the promptitude with which their orders are strictly observed in the whole Union. I do not entertain any apprehension of the result of the expedition of these incendiaries. The European wars being terminated, his majesty will be able to direct all his attention and his powerful armies, to stifle at once the growth of that insurrection; but the philanthropic heart of my sovereign, the humanity by which he is distinguished, and which constitutes the character of the Spanish nation, induce him to wish to re-establish order among the seduced, rather by mildness than by the force of arms, which cannot be effected without the effusion of the blood of his beloved subjects. This object cannot fail to be obtained as soon as the Mexican insurgents, and those of the internal provinces, cease to be furnished by the citizens of this republic, with arms ammunition, and troops.

I shall never have the vain presumption to offer you, or the wise magistrate that is at the head of this administration, any observations on the consequences that might result against the interests of this republic by the independence of Spanish America. My wishes are only directed to equal you in moderation, and to re-establish on the most firm and permanent basis, the relations between our governments. This sincere desire will, I hope, serve as an apology for me, while I take the liberty to present an hypothesis in this note.

I grant for a moment, that all the Mexican empire erects itself into an independent state; that it adopts; the wise constitution of this confederation; establishes a complete system of legislation; and, finally, that it enjoys all the blessings of liberty, in the same full extent as this republic. It is beyond question that the climate of Mexico is more temperate than that of the United States; the soil richer and more productive; the productions and fruits more abundant, rich, and of a superior quality; and that provisions, labor, wood, houses, clothing, &c. are, in consequence of the mildness and regularity of the climate, much cheaper than in this country. If this event should take place, do you not think, sir, as I do, that so many alluring prospects, and so many evident advantages, will deprive this republic of the successive emigrations from Europe? and what is more, of a very considerable part of the most useful and industrious inhabitants of this confederation, who would carry with them to Mexico their flour and saw mills, machines, manufactures, their enterprising genius, in a word, their general instruction, and all the means that actually promote and vivify the commerce of these States? I flatter myself that this event will not happen; but I am fully convinced, that the consequences of this hypothesis can be demonstrated almost with a mathematical certainty; and that if the citizens of Kentucky, Tennessee, Louisiana and Georgia, should reflect deeply on this

subject, far from giving any aid to those vagabonds, greedy of the acquisition of gold, and regardless of the happiness of their country, they would unite themselves with the authorities of the king, my master, to punish that gang of perfidious traitors, that hide themselves in these states with the criminal design of devastating their countrys. I hope, sir, you will have the goodness to overlook this digression, to which I have been carried by my warm desire of strengthening the most perfect friendship between the two nations, and to inform his excellency the president, that the orders I claim in his catholic majesty's name, directed to the trial and punishment of the ringleaders of those armies, and to the prohibition of exporting arms of any kind, from this country to the provinces, against my sovereign's authority, are of the greatest importance, and are supported by the existing treaty of friendship, limits, and navigation, between Spain and the United States, especially the 16th article.

I expect, sir, your answer to these important points, and I have the honor to be, &c. &c. &c.

The Secretary of State to the Chevalier de Onis, Envoy Extraordinary and Minister Plenipotentiary of his Catholic Majesty.

Department of State, Jan. 19, 1815. SIR—I have had the honor to receive your letters of the 30th December and 2d of January, and to submit them to the President.

You demand that your sovereign shall be put in possession of West Florida; that certain persons, whom you have mentioned, shall be arrested and tried on the charge of promoting insurrection in the Spanish provinces, and exciting citizens of the U. States to join in it; and thirdly, that the flags of Carthagea, the Mexican Congress, Buenos Ayres, and other revolting provinces, shall be excluded from the ports of the United States.

On the re-establishment of the diplomatic relations between the United States and Spain, it was hoped that your government would not have confined its attention to the objects in which Spain is alone interested, but have extended it to the injuries of which the United States have so long and so justly complained, with a view to such reparation as it might now be able to make. The subjects are, in their nature, intimately connected. In some important circumstances, indeed, it is impossible to separate them, since the exposition of the wrongs of the U. States affords the proper answer, in those instances, to the complaints of Spain. It is my duty to bring these wrongs into view, that they may be duly considered and provided for, in case your government has, as I am bound to presume, invested you with adequate powers for the purpose.

At a period anterior to either of the circumstances mentioned in your letters, the United States had suffered great injury by the unlawful seizure and condemnation of their vessels in the ports of Spain. A treaty, providing an indemnity for those spoiliations, was agreed to and signed by a minister duly authorized by each government, but its ratification, though negotiated and concluded in the presence of the Spanish government, was afterwards declined by it. At an anterior period, too, the deposit at New-Orleans, stipulated by the treaty of 1795, was suppressed. As the United States had done no injury to Spain, these acts, so hostile in their nature, and injurious in their effect, excited much surprize. It had been the uniform object of this government to make such arrangements with Spain, respecting the free navigation of the Mississippi, and the boundaries, as, securing to our citizens the full enjoyment of their rights, would place the peace and friendship of the two countries on a solid and durable basis. With this view it was sought to obtain of Spain, at a fair equivalent, the territory eastward of the Mississippi.—Overtures to this effect were made to the Spanish government, and rejected. Being renewed, the minister of the U. States was informed that Spain had ceded Louisiana to France, to whom he was referred for the acquisition of such territory, in that quarter, as he might be instructed to make. On the last very important event, the suppression of the deposit at New-Orleans, a special mission was instituted to France and Spain, the object of which was to avert, by amicable negotiation and arrangement, the calamities of war. Affairs had, more especially by this act of violence and hostility, reached a crisis which precluded the idea of temporary palliatives. A comprehensive and permanent arrangement had become indispensable, of which, it was presumed, the governments of France and Spain would be equally sensible. The cession of Louisiana by France to the United States was the immediate consequence of this mission, with such a description of its boundaries by the treaty, as, it was presumed, would leave no cause of controversy with Spain.

The mission had thus succeeded in a very important object, but there were others, of a similar character, which remained to be adjusted. The differences with Spain still existed, and to them was added a circumstance of

much interest proceeding from the acquisition of Louisiana, the unascertained boundaries of the province, which how to be established with Spain, under the influence of the same policy, the special mission was ordered afterwards, to Madrid, to invite a negotiation, for the arrangement of these important concerns. Spain held territory eastward of the Perdido which, by her cession of Louisiana, its transfer to the United States, separated from her other dominions, and lay, except on the side of the Perdido, exclusively within our limits. The importance of this territory to Spain in consequence of these events, in view which might be taken of it, seemed to be much diminished, if not entirely lost, while in certain views, of which it was susceptible, it might prove highly injurious. There was danger of the continuance of a Spanish colony there, might produce jealousy and riance between the two nations. On the other hand the United States had acquired territory westward of Mississippi, adjoining the province of Spain, which, it was supposed, might be desirous of obtaining, in mutual cessions of territory, in quarters most convenient to each other, by forming an interval between their possessions, to remain vacant, the danger of collision might be avoided, their good understanding more effectually preserved. By rendering notice likewise to the claims of the United States, their citizens would be contented, and their government better enabled to control their conduct, beyond their limits. Here then seemed to be a fair ground for amicable negotiation between the parties. An opportunity was presented for terminating every difference, and securing their future harmony, without less sacrifice by either. On the result of this mission I need not enlarge, shall remark only, that the friendly policy which produced it, was not disapproved by your government, was perhaps not felt; it was certainly disregarded. Every proposition the American ministers, having the objects in view, was rejected, and made in return by your government.

This conduct of your government would have justified if it did nothing, the most decisive measures on the part of the United States. The refusal to make reparation for preceding injuries or to surrender any portion of territory, in the possession of Spain, which they considered their title indisputable, or to accept fair and liberal propositions for the accommodation of these differences, or to make a proposition of any kind for the purpose, the United States perfectly free to pursue such course, as in their judgment a just regard to the honor, rights, and interests of the nation might dictate. In the condition of Spain there was nothing to excite apprehension of the consequences, whatever might be the course decided on. Of this, the known state of the Peninsula, at that time, and since, and of the Spanish provinces in America, affords ample proof. The friendly policy which the United States have since pursued, the most conspicuous, from the consideration, that your government inflexibly maintained the unjust and hostile attitude which it then assumed, and has ever added new injuries and insults to those of which I have already complained. I refer, in this remark, to the breaches of the neutrality of Spain, which her government permitted, if it did not authorize, British troops, and British agents in Florida, and through that province with the Creeks and other Indians, in the late war with Great Britain, the great injury of the United States. It is under these circumstances, that you have made the demands about cited, to which I will now proceed to give a more particular reply.

You require that Spain shall be put into possession of West-Florida, and act of justice, before a discussion of the right of the parties to it is entered into. It is known to your government, that the United States claim by cession of Louisiana, as it was held by France to the treaty of 1763, extending to the river Perdido, on the eastern side of the Mississippi, to the Bay of Grande, on the western. To the territory within these limits, the United States consider their right established by the well known facts, and fair interpretation of treaties. In the spirit may the United States desire the surrender of all the territory described, now in the occupancy of Spain, as a condition to the commencement of any negotiation for the settlement of differences. When we consider how long your government has maintained what is deemed an unjust possession; more especially, when we recollect that the injuries before mentioned are still unredressed, and others have been since rendered, it can be, it is presumed, but one opinion as to the great moderation of this government, in acquiescing in it. But to restore this province to Spain, if the intention of your government be to make the title to it, in connexion with other differences, a subject of amicable negotiation and arrangement, is not such negotiation to be entered into, well while it is in the occupancy of U. States, as if it were in that of Sp