

Article Title: Our Relations With Spain. Correspondence of American minister in Madrid George Erving and Spanish First Secretary of State Don Jose Pizarro, of negotiations over American claims to Florida. Two full pages.

Author:

Published in: National Intelligencer

Place of Publication: Washington, DC

Publication Date: 1/2/1819

Washington. Friday, January 1, 1819.

In consequence of the melancholy event of the death of the Hon. GEORGE MUMFORD, a Representative in Congress from North Carolina, yesterday announced in the House of Representatives, both Houses of CONGRESS adjourned without going into the business of the day. This day at 10 o'clock the Funeral takes place, and being also New-Year's day, the adjournment is till Monday next. The usual respect to the memory of this estimable gentleman was paid, of resolving that the Members of each House wear crape on the left arm for one month.

In obedience to the request of the Mayor, a pretty numerous Meeting of the Citizens of Washington was held on Wednesday Evening at the Washington Hotel. Several propositions were made, but nothing was definitely done. It was however evident, that the majority of those present were opposed to the establishment of a territorial government for this District at the present moment.

TO THE EDITORS.

I was one of those who attended, at the call of the Mayor, on Wednesday evening, at the meeting of the citizens. What are my opinions on the questions submitted, I will not disclose : having discovered, Messrs. Editors, that it is a proof of great wisdom for a man to keep his opinions on public topics a secret. I only wish to avail myself of this occasion to impress on your city readers, particularly on the city authorities, the inexpediency of night meetings. The objections to them are numerous. If the night proves unfavorable, as Wednesday night was, none but the most hardy of those citizens who live at a distance from the place of meeting attend. It is indeed no light matter to travel, ankle-deep in mud, of a dark night, to witness, after you get there, more anger than arguments, and to vote for nothing but an adjournment. I had not more than a mile to walk, and my attendance has cost me a cold and a headache. Another serious objection to night meetings is, that men come there fatigued by labor, whether bodily or intellectual, in their daily avocation, and from late dinners ; they are at that hour easily excited, and are scarcely masters of their tempers. Ill blood is produced among the best friends, and the least previous jealousy is easily roused into a quarrel. I therefore have determined, in my own mind, never to attend another public meeting that is to be held after night-fall.

Whenever another public meeting is to be called, I pray it be held in open day, where there may be ample space, as well as light for observation.

OUR RELATIONS WITH SPAIN.

The following is the Correspondence between our Minister at Madrid and the Spanish First Secretary of State, which we heretofore promised, but have not been able, until now, to publish. The reader will observe it is of anterior date to a part of the papers already published, respecting our relations with Spain.

DOCUMENTS LAID BEFORE CONGRESS.

Correspondence of Mr. G. W. Erving, Minister Plenipotentiary of the United States at Madrid, and Don Jose Pizarro, First Secretary of State, referred to in the President's Message of 17th of November, 1818.

TRANSLATION.

Don Jose Pizarro to Mr. Erving.

The first secretary of State had the honor of transmitting to the Minister of the United States, a copy of

some paragraphs of a note of the 7th of February 1803 (and propositions which accompanied it) to Don Pedro Cevallos, and he avails himself of this occasion to repeat the assurance of his consideration.

The Palace, 8th July, 1818.

Copy of some paragraphs of a note, directed to Don Pedro Cevallos, on the 7th of February, 1803, by Mr. Charles Pinckney, Minister of the United States.

" To obtain this, they have authorized me to say, that, should his majesty be now inclined to sell to the United States his possession on the east side of the Mississippi, or between that and the River Mobile (agreeably to the propositions enclosed) the United States will make to his Majesty, and I do now make, in their name, the important offer of guaranteeing to him and his successors his dominions beyond the Mississippi.

" Propositions on the part of the United States.

" 1st, The United States will purchase the possessions of his Catholic Majesty, on the east side of the river Mississippi, for which they will pay dollars.

" 2d, They will purchase these possessions, for which they will pay dollars and moreover guarantee to his Majesty, and his successors, his possessions beyond the Mississippi.

" 3d, They will purchase the country between the rivers Mississippi and Mobile, belonging to his Catholic Majesty, and also places of deposit near the mouths of the other navigable rivers, passing from this territory through either of the Floridas, for which they will pay dollars, or enter into other obligation which may be thought equivalent to the acquisition.

" 4th, If neither of these propositions, can be needed to, they will then purchase certain tracts of country on the Banks of the Mississippi, and the other rivers passing from their territory into that of his Catholic Majesty, for which they will pay dollars, or enter into other obligations which may be thought equivalent to the acquisition."

Mr. Erving to Don Jose Pizarro.

MADRID, JULY 9, 1818.

Sirl have had the honor to receive your excellency's note of yesterday's date, enclosing a paragraph from a note addressed to this government, on the 7th February, 1803, by Mr. Pinckney, at that time Minister of the United States at this Court ; together with certain proposals of the same Minister, to which the paragraph cited refers.

Though I find that these proposals are as explicit in their form as you excellency, in conversation stated them to be, yet, I also find, as I presumed, that they were not made or renewed by the special mission which treated with Mr. Cevallos in the year 1805, and that they do no affect, and cannot receive any application to the great questions now under consideration. They, in fact, offer the United States, as guarantee of his Majesty's possessions, on the right bank of the Mississippi, in part consideration for cessions which he was to make of the whole of his then possessions, or certain districts of them to the eastward of that river ; but, posterior to this offer, namely, on the 30th April, 1808, the greater part of the territory thus proposed to be purchased, and the whole thus proposed to be guaranteed, passed into the possession of, and now make part of the United States. Thus, the state of possession in that quarter having been changed, the motive to guarantee on one side, and the necessity, to receive a guarantee on the other having ceased, all that passed upon the subject, therefore, is as though it were obliterated form the records.

The only security which occurs to me as possible to be stipulated, under present circumstances, is that of thirty leagues desart, which I mentioned in my two last conversations, and in fact, this kind of material security in transactions between two great nations, ought, according to my apprehension, always to have the preference over the other kind of stipulations ; for, though such stipulations should be most religiously observed, even in the extreme cases wherein, by the universal practice of nations, they are deviated from or altogether dispensed with, yet, in the still greater extremity of war, they cease to be binding of course, and cannot be renewed but after the war, and then the inducement to renew them may have ceased ; whereas, the material security of which I speak always remains. War does not cultivate desarts, but it makes them ; however, these and other important considerations belonging to the subject will be duly deliberated on by his Majesty's government. I can only say that,

if my suggestion should be adopted, I shall be ready to put it into form, and with that, I consider that the only great difficulty to a happy termination of our differences is removed.

I renew to your excellency assurances of my distinguished consideration.

GEO. W. ERVING

TRANSLATION.

Don Jose Pizarro to Mr. Erving.

Sir : In several late conferences with you, I have had the honor to manifest to you the regrets of his Majesty that it has not been possible yet to terminate the discussions depending between the two governments, as his Majesty flattered himself might be done, in consequence of the instructions given to his Minister Plenipotentiary, especially since, on the part of the King, there had not been, nor is there any objection to carry into effect the arrangement of the indemnities reciprocally claimed by Spaniards Americans, nor to proceed to the settlement of limits, upon grounds conforming to the treaties and to continual and uninterrupted possession, nor for Spain to cede to the United States the two Floridas, for a reasonable equivalent exchange in territory, to the west of Mississippi ; nor finally, in case of not being able to come to accord on all the pending questions, and especially those of limits, to refer to the arbitration or mediation of one, two or more powers, friends of both parties ; without preventing, after the limit which should appear to be just should be settled by such arbitration or mediation, that we should proceed to effect by means of the same mediation, or without it, if it should accommodate the United States, an exchange of the two Floridas for equivalent territory to the west of the Mississippi.

The King thought of this arbitration as the most certain and prompt mean of terminating the discussion of limits, each party exposing, before the arbitrating or mediating powers, the titles or grounds on which it rested its rights and pretensions, and he has not been able to change his opinion on seeing the answer given upon this point by the Secretary of State of the United States, to Don Luis de Onis, for, in the proposed made by that Minister Plenipotentiary, by express order of his Majesty, respecting said mediation or arbitration, there has not been, nor is there question, as Mr. Adams seems to suppose, of inviting the United States to take part in relations or ramifications belonging to any interests of the European powers, but merely that one or more impartial governments, friendly to both parties, should take cognizance of the data of fact and right on which they found, respectively, the demarcation of limits which each pretends to substantiate ; which measure is, in effect, the same as that which the United States adopted in its last treaty with Great Britain, for adjustment of a similar kind, there being no other difference between the two cases, but in the greater or lesser importance of the territories in dispute.

For this state of things, and his Majesty, animated with the most efficacious desire to employ whatever means are in his power to terminate, satisfactorily, all and every one of the points in question, I represented to his Majesty, that you and I, in our late conferences, had been of opinion that it might contribute to facilitate the arrangement of those points on which hitherto both governments have not been able to come to accord, to carry forth with into effect that on which they are already agreed, that is, the settlement of the reciprocal indemnities of Americans and Spaniards, which were the object of the convention of 1802, for which only was wanting the ratification, on the part of Spain, suspended for reasons and by circumstances which are notorious. The king instantly applauded this suggestion of mine and yours, and desirous of giving to the United States efficient proofs of his desire of an arrangement on all the points, commanded me immediately to draw out a ratification of the said convention of August 11, 1802, to be sent to Don Luis de Onis, to the end, that he may present the same, and exchange it for that of the United States, and I have the honor to enclose the enjoined copy for your due information. The termination of this point, already agreed on, in no respect can embarrass the ulterior progress of the negotiation upon the others, and if Don Luis de Onis, pursuant to his first instructions, or to the explanation which subsequently, on two occasions, have been given to him, or if because the government of the United States has reduced its demands to terms more compatible with the rights of Spain, shall, on the arrival of said ratification, have already settled this point conjointly with the others, there will not, therefore, result any kind of embarrassment or contradiction, since the recognition of the reciprocal indemnities between Spaniards Americans, the

mode of liquidating them (the only objects comprehended by the convention of 1802) will always have to enter into the arrangement which may have been effected, or may take place ; and only in the manner of paying the debt which shall result from the liquidation made, can there be or arise, hereafter, any alteration, in case the territorial arrangement should be combined with the other indemnizations.

His Majesty hopes that the United States will see in this measure a proof of his friendly disposition ; and, if he may flatter himself with others equal and reciprocal on the part of the government of the United States, he does not doubt that shortly will disappear the difficulties, which hitherto have opposed themselves to the desired arrangement. The political, commercial, and territorial interests of the United States and Spain are not opposed to each other ; extraneous circumstances, and independent, perhaps, of the will of both governments, have been able to complicate and embarrass their political relations. A sincere desire to understand each other and to approximate cordially, each ceding something of that which he suppose that he has a right to exact of the other, may perhaps be the commencement of a new order of things, in which the government of Spain and that of the United States, far from occupying themselves in disagreeable discussions, will mutually contribute to augment the prosperity and well being of both nations.

No occupation will be to me more agreeable than that of employing my weak efforts serving the king my master, in so interesting an object ; and I should not do the justice which I owe to your light and conciliatory and friendly disposition, if I was not persuaded that you will lay the whole before your government in the same temper.

As Don Jose Martinez, who came from the United States last month with dispatches from Don Luis de Onis, is to return thither, I notify you thereof, that you may, if you please, profit of this opportunity to send yours to that country, I renew to you, c.

JOSE PIZARRO

Palace, 9th July, 1818.

Copy of a ratification given by his Catholic Majesty to the Convention settled on 11th August, 1802, between Don Pedro Cevallos, first Secretary of State and Dispatch as Plenipotentiary of Don Carlos the 4th, and Mr. Charles Pinckney, as Plenipotentiary of the United States of America.

Whereas, on the 11th day of August, 1802, there was concluded and signed, in Madrid, between Don Pedro Cevallos, first Secretary of State of the King my august father and lord, and Mr. Charles Pinckney, Minister Plenipotentiary of my great and good friends the United States of America, competently authorized thereto by their respective governments, a convention, which had for its object the reciprocal indemnity for losses, damage, and injuries which had accrued during the war, then concluded, in consequence of excesses committed by individuals of both nations against the law of nations or the existing treaty ; and, no determined time having been fixed for the correspondent ratification, the said convention was ratified, by the President of the United States, with consent of the Senate to the same, a year and a half after its conclusion, and, on the part of Spain, the ratification was further deferred, on account of the desire manifested to regulate, at one and the same time, not only the point determined on by the said convention, but also those which had remained undecided on in the same, and others of a different nature, though of not less importance, which could not take effect on account of posterior occurrences in Spain, which are quite notorious ; and I now, considering that, in the present circumstances, to carry forthwith into pure and due effect the stipulations of the said convention of 11th August, 1802, far from impeding the course and desired termination of the other questions depending between the two governments, may contribute to facilitate the most prompt and satisfactory arrangement of all of them ; and having seen and examined the said convention, which contains seven articles, the form and tenor of which is as follows :

[Here the convention.]

Therefore have concluded to approve and ratify whatever the said convention contains in its seven articles, as, in virtue of these presents, I do approve and ratify, in the best and most ample form that I can, promising, on the faith and word of a king, to fulfill it and observe it, and to cause it to be fulfilled and observed wholly as though I myself had made and signed it. In testimony whereof, I have ordered to be dispatched the present, signed with my hand, sealed with my secret seal, and attested

by my underwritten Counselor and first Secretary of State and Dispatch. Given in Madrid, this 9th of July, 1818. YO EL REY. JOSE PIZARRO

Mr. Erving to Don Jose Pizarro at Sacedon.

Madrid, July 16, 1818.

Sir : It was not till the evening of the 13th instant that I had the honor to receive your excellency's note of the 9th, communicating to me a copy of his Catholic Majesty's ratification of the convention made between the United States and Spain on the 11th August, 1802.

In the late conferences which I have had with you, I have received with great satisfaction the assurances which you have given to me of your sincere desire to terminate by a general arrangement of the questions in discussion between our two governments ; I do full justice to the conciliatory dispositions of your excellency, and am persuaded that the pressing importance of such an adjustment has not escaped your enlightened mind ; but however painful may be the disappointment of his Majesty at finding that a favorable conclusion to the negotiations has not resulted from the instructions heretofore sent to Don Luis de Onis, I cannot but remind you that I have not omitted to assure his Majesty's cabinet, through you, that those instructions would be found to be wholly inadequate to the object : the causes of their failure are so perfectly apparent in the correspondence between that Minister and the Secretary of State of the United States, which, by order of the President, has been laid before Congress, that I may be excused from entering further into the matter.

I receive with pleasure whatever may contribute to the great object in view ; and though the convention of 1802 embraces but a portion of the claims of the United States of the same nature, yet, considering it as a preliminary to a similar adjustment of the whole of such claims, as well as of those for French spoliation specially reserved by it, and trusting that it may, as your excellency hopes, lay a foundation for an amicable settlement of the territorial questions now in discussions, I have lost no time in transmitting a copy of your communication to my government.

I understand also, with your excellency, that this ratification can be no obstacle to any general transaction on the whole of the matters in dispute which may be hereafter made, and that it is not to interfere with, but to be made wholly subordinate and subservient to whatever arrangement Mr. Onis may possibly have entered into with my government, in pursuance of the instructions which you have lately sent to that minister.

I desire to avail myself of your obliging offer to transmit my dispatches for the United States by Don Jose Martinez, and request that you will be pleased to inform me when that gentleman will leave Madrid.

I renew to your excellency assurances of my distinguished consideration.

GEORGE W. ERVING.

TRANSLATION.

Don Jose Pizarro to Mr. Erving.

Sacedon, 19th July 1818.

Sir : In one of our late conferences, I had the honor to state to you anew His Majesty's readiness to cede both the Floridas to the United States, the acquisition of which appeared to be so essential to the growth and prosperity of the American Union, in consideration of a suitable equivalent to be made to His Majesty, in a district of territory situated to the westward of the Mississippi. In adverting to the great importance of this cession, I was naturally led to recall to your recollection the contents of different notes, addressed by the Minister of the United States, Mr. Charles Pinckney, to His Majesty's government, upon this subject, and particularly of that of the 7th February, 1803 in which, having earnestly solicited, as he had already done in several preceding notes, the decision of His Majesty to sell to the American government both Floridas, or at least that part of West Florida lying between the Mississippi and the Mobile, he offered formally, in the name and on behalf of the United States, not only to pay in money the value of the territory so ceded, but that the United States, in case the said cession should take effect, would further guarantee to the king, and his successors, his dominions situated beyond the Mississippi. The cession of the two Floridas being one of the objects contemplated in the proposed adjustment, I stated to you that the contingency appeared to have

approached, in consideration of which the formal offer had been made to His Majesty, on the part of the United States, of the guarantee of his dominions situated beyond the Mississippi, or otherwise beyond the western boundary line, to be agreed upon in the final adjustment ; the guarantee of which, forming a part of the stipulations of that adjustment, would, in my opinion, be a more effectual means of facilitating the final conclusion of the points depending, not only from its essential importance, but as being the most conclusive evidence of a desire, on the good intelligence with the government of Spain, and the more agreeable to His Majesty, as being a spontaneous offer of the United States, on whose behalf the proposition was formally made, without any previous transaction or request on the part of the Spanish government.

Upon which you were pleased to state to me, that you had no previous knowledge of the said offer of a guarantee being made by your predecessor, on behalf of the United States, which you attributed to the dispersion and loss of a considerable part of the archives of the American legation, at the time of the invasion of the French. I then offered to furnish you with a copy of the proposals made by Mr. Pinckney, and of that part of the note of 7th February, 1803, which enclosed them, and specified their object which copies were sent to you on the 8th instant.

In your answer of the 9th, you were pleased to acknowledge the receipt of those copies ; and at the same time you had the goodness to enter into the subject matter not only on the particular point of the proffered guarantee, but you also offered other observations connected with the matters depending between the two governments, the adjustment of which is so interesting to both countries.

In adverting to your observations, you will permit me to remark, that I cannot agree with you so far as to persuade myself that the guarantee offered to His Majesty by the United States, on the 7th of February, 1803, in case of his disposition to sell to them the Floridas, or part of West Florida, was confined to the guarantee of the left bank of the Mississippi, or western Louisiana, as you conceive ; and that the United States, having acquired the whole of Louisiana by the treaty of the 30th of April, 1803 ; and the territory offered to be guaranteed, having been severed from His Majesty's dominions, the said offer had been annulled, or become extinct of itself, or by the want of its particular object. If you will take the trouble to examine attentively that offer, and the proposals accompanying it, (for which purpose I think proper to enclose a copy of the whole note of the 7th of February, 1803,) you will distinctly see that what the United States offered to guarantee to His Majesty, was not the right bank of the Mississippi, but his dominions situated beyond the Mississippi: " his dominions beyond the Mississippi," as expressed in the said note, or his possessions beyond the Mississippi, as expressed in the proposal. A proof that that offer embraced generally all the dominions of His Majesty in America, or at least on the continent of North America, is the great importance attached in the same note to the offer, which would have been not only unimportant, but delusive, and of no value, if applied to the western bank of the Mississippi ; which, independent of its being sufficiently guaranteed by its local position, had been, as was well known in February, 1803, retroceded to France some three years before ; and that Mr. Monroe was at Paris, or on his way thither, to acquire it from France, whose sovereignty was already acknowledged by the United State. It is, therefore, evident that the guarantee offered must have been of the territories on the North American continent, belonging to His Majesty, to the westward of the Mississippi, and of Louisiana, which no longer belonged to Spain at the time the said offer was made ; and nothing so clearly evinces the understanding of the United States, and of Mr. Pinckney, as the very expression employed by him in his note, to prove the magnitude of the offer. He says : " The immense importance of this offer to the crown of Spain merits the serious consideration of His Majesty and his Ministers when we reflect that no other nation can make an offer so highly advantageous : it is one which the United States would never have decided on making, but from a conviction that the territories they now solicit of Spain are indispensably necessary to them." You can judge how far these expressions were applicable in February, 1803, to the guarantee of the right bank of the Mississippi, which no longer belonged to His Majesty since 1800, which was retroceded to France, and the acquisition of which, by the United States, was then negotiating at Paris, by Mr. Monroe ; and whether their obvious and literal meaning, and the magnitude of the object of the guarantee could be applicable to any thing other than that of all the possessions of His Majesty in America, or at least of the dominions of Spain on the continent of North

America, westward of the Mississippi, in exchange for the advantages which the United States contemplated on deriving by the purchase of the two Floridas, or at least that part of West Florida lying between the Mississippi and the Mobile. You cannot, therefore, be surprized that, as His Majesty is now deliberating on a general adjustment with the American government, including an article by which it is proposed to cede the two Floridas to the United States, for a suitable equivalent to the westward of the Mississippi, he should advert to the formal offer of a guarantee made by the United States, for this special purpose, of his dominions and possessions beyond the Mississippi that is, beyond the western line, stipulated in the same general adjustment, as the boundary between the American territories, and those of His Majesty on the continent of North America.

In consequence of the abovementioned note of Mr. Pinckney, and the communication made to His Majesty's government by the government of the United States, on the 7th of February, 1803, I deem it necessary further to remark, that, in 1803, nearly three years after His Majesty had ceded back Louisiana to France, and when Mr. Monroe was about concluding the purchase of Louisiana, at Paris, with the government of Bonaparte, the American government admitted, in the most formal manners, that the territory situated between the Mississippi and the Mobile belonged to His Catholic Majesty, and formed a part of West Florida, and not of Louisiana, as it has since been wished to be supposed, His Majesty having been violently deprived of the peaceful possession of the same during his absence from these kingdoms. You will be pleased, sir, to recollect, that while Mr. Monroe was negotiating the purchase of Louisiana, at Paris, in 1803, Mr. Pinckney, at Madrid, solemnly offered the King of Spain the guarantee of his dominions beyond the Mississippi, in case His Majesty would agree to sell to the United States at least the territory lying between the Mississippi and the Mobile, belonging to His Catholic Majesty : **THEY WILL PURCHASE THE COUNTRY BETWEEN THE RIVERS MISSISSIPPI AND MOBILE, BELONGING TO HIS CATHOLIC MAJESTY.** It is impossible more explicitly to acknowledge the sovereignty of His Majesty over that territory, in addition to the acknowledgement implied by the very act of applying to the King for the purchase of it, since no one purchase but of the owner of the object wished to be purchased. If the territory in question had belonged to France, as an integral part of Louisiana, would it not have been more natural that Mr. Monroe should have negotiated the purchase of it at Paris, where he then was, than that Mr. Pinckney should have solicited it at Madrid at the same time ? His Majesty, therefore, taking into consideration the important fact, that his right of sovereignty to the said territory remains unimpaired, notwithstanding his being dispossessed of the same under well known circumstances, he cannot omit to declare, on all occasions, that it never has been, nor will be, his intention to relinquish his claim to his rights in that quarter ; while he is, at the same time, willing, by means of a suitable arrangement in the proposed adjustment, or for a satisfactory equivalent, to cede the said territory, together with the rest of the Floridas, to the United States, as well from a desire to meet their wishes, as from a conviction of its importance to the American government, as was formerly stated in the strongest terms by Mr. Pinckney, in his note, just referred to .

You are pleased to point out in your note, as a mode of setting the question of boundaries more certain than that of any guarantee, the establishment of a desert of thirty leagues between the frontier of Louisiana and that of the Spanish possessions. Altho' His Majesty had a due respect for the good faith and strict punctuality of the American government, yet he does not perceive any security preferable to the guarantee ; nor that there would be any difficulty in connecting the one with the other ; and with a view to avoid disagreements on the frontiers, in stipulating the establishment of such a desert, provided both governments could agree on the requisite measures for preventing this intermediary desert from being converted into a ratifying point for adventurers and banditti, where they might exercise their pernicious activity in disturbing the peace of His Majesty's dominions as well as that of the United States. But the principal difficulty still subsists, namely : that, although the establishment of this desert might be considered expedient, yet we may not agree on the exact line of division, keeping in view the rights of each party to the territory west of the Mississippi, and to that which ought to afford to His Majesty in that quarter an equivalent for the two Floridas which are proposed to be ceded to the United States in consideration of such equivalent. If I rightly comprehended your verbal communications relative to the establishment of this intermediate desert, I

persuade myself that the understanding is, that the thirty leagues intended to be comprehended in it will be fixed to the eastward of the Bay of St. Bernard ; and under the impression that in your note of the 9th inst. you offer to enter into official explanations upon these subjects, I invite you in the name of union and good understanding to be pleased to present them to me, since, although I consider the communications which you had the goodness to make me in your above mentioned note as important, I hitherto conceive them to be only verbal communications resulting from the intimation you were pleased to give me. I therefore hope that you will be so good as to present its contents in a more formal shape, in the expectation that the employment of your talents and good wishes, combined with my earnest endeavors, may finally terminate these painful disputes on principles mutually honorable and satisfactory. I avail myself of this occasion to renew to you the assurances of my very distinguished consideration, and I pray God to preserve you many years.

JOSE PIZARRO

Mr. Erving to Don Jose Pizarro, at Sacedon.

MADRID, JULY 24, 1818.

Sir : I had the honor to receive yesterday your excellency's note of the 19th inst. replying to mine of the 9th inst. which contains some remarks upon the proposals made to the Spanish government by Mr. Pinckney on the 6th February, 1803, and transmitted to me by your note of the 8th instant. I declare to your excellency that, after the best consideration which I was able to give to these proposals, not having the archives of the Legation to refer to and correct my judgment wherever it might err, I was compelled to conclude that Mr. Pinckney was at that time uniformed of the retrocession of Louisiana to France which had been previously made by Spain ; on this hypothesis, I wrote to you on the 9th inst. and it will explain whatever may appear to you incongruous in that note. It was not possible for me otherwise to understand the offer made by Mr. Pinckney, because it was not possible to suppose that he had been authorised by the American government, or that it had ever entered into his own imagination, to guarantee the possessions of His Majesty to the westward of Louisiana on both American continents, or even as far down as the Isthmus of Panama ; besides that such a guarantee was beyond the power of the United States, and, therefore, not worth the acceptance of Spain : he meant, then, what was within the reach and competency of the United States, a guarantee of that part of Louisiana which is on the right bank of the Mississippi ; this is made still more evident by the words he used " beyond the Mississippi : " for in the other supposition, and had he been aware of the transfer of Louisiana to France, he would have said " beyond Louisiana." Again, is it to be supposed that he could be treating for the purchase of territory on the left bank of the Mississippi within the limits of Louisiana, when he knew that the whole province had passed into the hands of France ; for whatever claims Spain may yet make to that territory, it could not but be known to Mr. Pinckney that in fact it was a part of Louisiana. The conclusion, which I have made is still further and more particularly forced upon me by Mr. Pinckney's fourth proposal, which is thus :

4th. " If neither of these propositions can be acceded to, they will then purchase certain tracts of country on the banks of the Mississippi and the other rivers passing from their territory into that of His Catholic Majesty, for which they will pay," c. What certain tracts on the banks of the Mississippi could be purchased of Spain after Louisiana had been transferred to France ? What rivers passing through the territory of the United States went into those of His Majesty ? This part of the argument is confirmed by what your excellency says, in your last note, to prove to me that Mr. Pinckney meant to offer a guarantee of all His Majesty's possessions : you observe that he could not have meant only those immediately on the west bank of the Mississippi, for that " such an offer had been not only unimportant, but vain and illusory applied to the west bank, which, besides, being sufficiently guaranteed by its locality, it was notorious, in February, 1803, that it had been for three years, then past, retroceded to France." I say, then, that if this notoriety had reached Mr. Pinckney, he could not have mentioned the banks of the Mississippi as belonging to His Majesty, or have spoken of that and other rivers from the United States passing through his territory.

The opinion that Mr. Pinckney meant to guarantee all the possessions of Spain you find to be confirmed by the great importance which he gives to that offer, in the words which you quote from his

note ; but allow me to observe that, though he intended only a guarantee of that part of Louisiana which lies westward of the Mississippi, his proposal merits all the importance which he has given to it. Again, how could he pretend to offer to such a power as Spain a guarantee of her possession to the westward of Louisiana, knowing that the territory of such a power as France interposed between the United States and the possessions to be guaranteed. Such a proposal had been preposterous and offensive.

These observations render it unnecessary for me to reply specially to the inferences which your excellency is pleased to draw in favor of the Spanish pretension to East Florida from the offers made by Mr. Pinckney ; for these offers, even though they had not originated in an acquaintance with or a misapprehension of the then state of affairs, cannot now impugn the right, or affect the claims of the United States.

The context of Mr. Pinckney's note and proposals shows that he was then under an impression that his Catholic Majesty was yet master of Louisiana and the Floridas ; he speaks of the banks of the Mississippi as he speaks of the Floridas, and equally acknowledges the sovereignty of his Majesty in both territories by proposing to purchase in both : but whatever may have been his impressions, and whatever value might belong to such a kind of acknowledgement whilst Louisiana was in possession of France, these became of no importance after the province was transferred to the United States, for the claims of the United States do not rest upon the opinions of Mr. Pinckney, but on the transfer made by France.

I do but justice then to the good faith of the Spanish government, when I suppose that it declined Mr. Pinckney's offers, because it had already disposed of the country proposed to be purchased as well as of that proposed to be guaranteed ; I should not do justice to its political forecast if I could suppose that, being the sovereign of East Florida, it had declined to sell it for a reasonable equivalent in money superadded to a guarantee " immensely important" (as Mr. Pinckney well says) of his Majesty's remaining possession on that continent.

With respect more particularly to the guarantee, whatever might have been the disposition of Mr. Pinckney, or even of the American government, at the epoch referred to, your excellency must be sensible, that the relative state of possessions is at this time so altogether different, that no motive sufficiently powerful can be found, to induce the United States to enter into any similar obligation, as to any portion of his majesty's territories west of Louisiana.

Referring to a suggestion made in my last note, as well as in our two previous conferences, respecting a desert of 30 leagues, between the confines of Louisiana and the Spanish possessions, as a better security than a guarantee, your excellency is pleased to inform me, that tho' his majesty thinks that no security is better than a guarantee, yet, he has no objection that the one kind should be added to the other ; and, though the principal difficulty remains, that is to say, where this desert shall be established, your excellency invites me to put my suggestion in the shape of a formal proposal. I beg leave to remind your excellency, that, in my note of the 9th, I have said, that this plan of a desert is the only kind of security

(Continued on the 4th page.)

(Continued from first page.)

which occurs to me. It was not then my intention, nor can it be now, as you will observe by what is above said, to add this to any other kind of security ; nor was it my intention to offer this ; but upon the supposition that his Majesty's government should consent to the Colorado as the western limit of Louisiana ; not doubting, but, that point agreed on, we should be able to arrange all the others with great facility. I have no hesitation expressing myself to your excellency, in writing, explicitly and frankly, as I have always done in conversation, and nothing would make me so happy, as to unite my most earnest efforts with yours, directed by your conciliatory temper and superior intelligence, to being to bring to an honorable and harmonious conclusion the differences which unhappily exist between our two countries.

My government will never consent, upon any consideration whatever, to give any guarantee to his Majesty, of any part of his possessions ; but I will undertake, on its part, to stipulate that a desert shall be placed between his possession and those of the United States, if, by that means, we can arrive at

an accord with regard to the western boundary, as well as on all the other existing questions ; and whenever your excellency will inform me, that the pretension to receive any other species of security is withdrawn, I will then state where I propose that this desert should be placed. I renew to your excellency assurances of my very distinguished consideration.

GEORGE W. ERVING.

Don Jose Pizarro to Mr. Erving.

[TRANSLATION.]

Sir : It is some days since this government has received intelligence, in an unofficial way, that the American troops, under the command of General Jackson, had entered his Majesty's territory in the Floridas, and stating that he has demanded the surrender of the Spanish fort of St. Marks, at Apalache, the feeble garrison of which is said to have been surrendered to him as prisoners of war. Notwithstanding the circumstantial details of this intelligence, and the probability attached to them, from the recollection of what took place in 1810, in West Florida, to the westward of the Perdido, and more recently at Amelia Island ; his Majesty could not persuade himself, that at the very time he was so zealously and faithfully promoting, as must be evident to you, the satisfactory termination of the negociations pending between the two governments, the general and officers of the United States would conduct themselves in so hostile a manner, by violating and attacking in a state of profound peace, the territories and establishments of a friendly power.

But subsequent confidential advices, which have been received, of these occurrences, not only confirm the truth of former reports, but present circumstances of the most serious character, respecting the violation of the Spanish territory, the capture of the fort of St. Marks, and the surrender of the garrison as prisoners of war ; on which particular circumstance his Majesty finds himself under the necessity of demanding an immediate explanation of the government of the United States. Information has also been received, of an initiation of a most violent nature, made to the commandant of Pensacola by Gen. Jackson, who seems to leave taken an attitude, indicating a determination to pursue the course of his unprovoked violence and aggressions.

The contest presented by the moderate and friendly conduct of the Spanish government with that of the American generals and officers in that quarter, has excited feelings of the most painful kind in the mind of his Majesty ; and, as a final and solid arrangement can only be produced, by the reciprocal combination of conciliatory dispositions on both sides, and as these dispositions do not appear, from a view of the facts and the instances just alluded to, to be manifested by the United States, I have received his Majesty's commands to make this frank communication to you ; in order that your answer may serve for his government upon the matter in question.

The king, nevertheless, entertains the hope, that the American government, actuated by those principles of justice, which constitute the only real and solid support of all governments, will not hesitate to disapprove proceedings, which are not only repugnant to the laws of nations, and the principles which regulate the conduct of all civilized powers, but, by the experience of all ages, not excepting our own, ultimately produce the most serious evils to those which commit them, or tolerate their commission. His Majesty therefore flatters himself, that the government of the United States, anxious to preserve its just reputation for good faith, will, in giving positive orders for the evacuation, by the American troops, of the fort of St. Marks, and the whole Spanish territory, likewise take effectual measures to prevent the recurrence of similar proceedings, which, if authorised and countenanced, must inevitably produce a suspension of all negociations.

Under this impression, I have to request, that if you are authorised to give any explanation upon those occurrences, you will communicate them to me for his majesty's information ; and, in case you are not, that you will have the goodness to transmit this communication to your government, in order to obtain an answer which may fix his Majesty's ideas upon a subject of such high importance, and direct his views in relation to the definitive negociation now carrying on, the prosecution of which must, in one way or another, be decisively influenced by the spirit in which these events are viewed by the American government. I reiterate to you, sir, the assurance of my distinguished respect ; and pray God to preserve you many years.

JOSE PIZARRO Sacedon, 26th July, 1818.

Mr. Erving to Don Jose Pizarro.

Madrid, July 27, 1818.

Sir : I have had the honor to receive your excellency's note of the 22d inst. enclosing an entire copy of Mr. Pinckney's letter of February 7, 1803, adverted to and intended to have been transmitted to me in your note of the 19th inst. On reading that letter, I remain confirmed in the opinion which I expressed to you in my reply of the 24th inst. that Mr. Pinckney could not have been aware, when he wrote it, of the retrocession to France which had been made by Spain. The manner in which he treats of the misconduct of the intendant at New Orleans, and of the necessity thence arising of the United States acquiring a permanent establishment on the Mississippi, leave not a possibility of supposing that he was acquainted with the transfer to France. Evidently, according to his understanding, New Orleans belonged to Spain ; he of course considered Louisiana as belonging to Spain hence his proposal to purchase certain tracts of that colony, on the east bank of the Mississippi. And if such a virtual recognition of the sovereignty of Spain at that time, in East Florida, founded on an acquaintance with facts, could be worth any thing, it were equally good as regards New Orleans, respecting which, indeed, it was more formal ; for there he demanded the interposition of the sovereign authority, to remedy an evil arising out of the misconduct of the Intendant. I renew, c.

GEORGE W. ERVING.

Mr. Erving to Don Jose Pizarro.

MADRID, JULY 28, 1818.

Sir : I have had the honor to receive your excellency's note of the 26th inst. stating the unofficial and confidential information which has been given to this government respecting the conduct of General Jackson in Florida. Being now for a long time without advices from my government, I am wholly unable to give the explanations which you require, but shall not fail, in pursuance to your desire, to transmit to the United States, without loss of time, a copy of your communication. In the meanwhile if your excellency can see any prospect of terminating, by a friendly arrangement, to be made either here or at Washington, the negotiations pending between the two governments, I trust these reports can be no obstacle to its success ; it ought to be presumed that my government, whose just sentiments his Majesty is well persuaded of, has acted on sufficient motives ; or that, if its officers have transgressed its orders, their conduct will be disapproved of. The outrages and violence practiced on the persons and property of American citizens for many years past, by governors and other officers of his Majesty, in his American colonies, in contempt of the rights of individuals, of the law of nations, and the existing treaty, have excited the constant reclamations of the American government, renewed by me in a note to you as late as the 12th inst. Does your excellency's reply to that note give the satisfaction required ? Yet the moderation and conciliatory policy of my government has never relinquished the hope of obtaining, by conciliatory means, a reparation of the wrongs which it has suffered ; and these have never been taken as a ground for suspending negotiation. However, then, the facts now in question, may prove to have been, I hope that they will not be made an impediment to such an amicable prompt adjustment of all the points in discussion between the two countries, as may remove all possibility of future collision, and lay the foundation of permanent friendship, and the less an impediment, as his Majesty having long since signified his disposition to cede Florida to the United States, the military operations which the United States may be forced to, in the war made on them by the States may be forced to, in the war made on them by the savages and others, from that territory, cannot be considered important, as affecting the permanent interests of Spain. I renew, c.

GEO. W. ERVING.

TRANSLATION.

Don Jose Pizarro to Mr. Erving.

Sir : I have received your esteemed note under date of the 28th of the last month, in reply to mine of the 26th of the same month, touching the positive, although as yet unofficial information, which this

government has, respecting the entrance of the American army under the command of General Jackson, into the Spanish territory, and the taking of the Fort of St. Marks and its garrison as prisoners of war; with other circumstances as disagreeable as they are contrary to the laws of nations.

You are pleased to make known to me, that you want information and instructions from your government on this affair, and consequently that you are not in a situation to give me the explanation which his Majesty might desire : but I promise myself from your good faith, that you will not fail without loss of time, to communicate the contents of my note to your government, that this new and unexpected obstacle which presents itself to the course of the pending negotiation may be removed. Led, no doubt, by the same desire which animates me, to arrive at the wished for arrangement, you have believed that there could be no difficulty in the continuation of the pending negotiations, whatever may have been the nature of the occurrences in the Floridas ; and in support of this opinion, you are pleased to add, that inasmuch as the negotiation was not interrupted in consequence of any of the acts committed in former times by the Spanish authorities against the property and persons of American citizens, so neither ought it to be suspended in this case, on account of the aforesaid events, of whatever nature they may have been. But I ask you to consider what an immense difference there is between the two cases. Partial violence, or injustice, if it did take place against one or more individuals and their property, although it may indirectly fall upon and touch the government to which they belong, and authorize it to set up claims and even to ask indemnity ; it is not in any manner equal to the direct offence which is offered to the Majesty of a Sovereign and that of the nation he governs, which his territory is invaded by an armed force, his fortified towns are besieged and taken, and their garrison, made prisoners of war. These acts essentially hostile, do not admit of any other explanation, than the disapprobation of the conduct of the military chief who has committed them, and the evacuation of the invaded territory ; and unless this is first done, it is incompatible with decorum and the dignity of the offended nation to continue other negotiations; for these area acts of political friendship, which must necessarily, at least, be very much cooled by the aforesaid excesses until the governments come to an understanding upon a point which is preliminary to friendship. If the United States have continued the negotiations, notwithstanding any particular acts of violence which may have occurred, and for which the king has never refused to make satisfaction by legitimate means ; Spain has given no less proofs of moderation on her part, by continuing the negotiations, notwithstanding the invasion of West Florida in 1810, of the Island of Amelia more recently, and the immense damages which the commerce and the subjects of Spain have sustained in consequence of the armaments made in the ports of the United States in contravention of the laws of nations and the existing treaty. Without renouncing (for his Majesty never can renounce) the just claims and rights which he holds to be manifest, on these points, he has continued the negotiation, although prompt justice has not been done to him on them because the circumstances under which some of them took place, may, without committing, in any great degree, the dignity of his august character, in any great degree, the dignity of his august character, give room to hope for the arrangement of the whole of them, in the final decision of pending affairs. It is not so, with the recent aggression, which took place in the midst of peace and of negotiation ; it was unprovoked, and was committed upon a territory to which the United States have never set up the least pretension, well or ill founded, and was the act of a considerable corps of the army, which, with all the apparatus of war, proceeded to besiege the forts and to make prisoners of their small garrisons, who in the confidence of peace could only have been suspicious of an attack from some party of savage Indians.

The circumstance of his Majesty's having offered to the United States to exchange the Floridas for a reasonable equivalent, far from exculpating the irregular conduct of General Jackson, as you suppose, contribute to aggravate it beyond measure; because it is the height of violence and of insult to siege by force the very thing which by legal and honorable means through an exchange mutually beneficial, might have been promptly and easily obtained. His Majesty hopes, then, that the government of the United States, on seeing the representation made to you by me, and that, which will have been likewise made by his minister in Washington, will disapprove the conduct of Gen. Jackson, and give orders for the evacuation of the Spanish territory ; not only because the dignity of

the King, and the laws of nations require it ; but on account of the interest which the American government must feel in sustaining before the world, the opinion of its good faith, by preserving without a stain that reputation, which is as essential to government, as to individuals.

Whilst this hope lasts, I shall have no objection to continue discussions with you upon all, or any one of the points of the pending negotiation, as I have indicated in my other note under this date : but if the American government, on being informed as to the conduct of Gen. Jackson in Florida, should not disapprove it, by causing the territory of his Majesty to be evacuated, I do not see by what mode the prior and preliminary nature or this new occurrence can be conciliated with further discussions and negotiations until that incident is terminated in a manner proper and corresponding with the character and dignity of both governments. I renew to you the assurance of my distinguished consideration, c.

JOSE PIZARRO Palace, August 6th, 1818.

Don Jose Pizarro to Mr. Erving.

[TRANSLATION.]

Sir : In your two esteemed notes of the 24th and 27th ultimo, you were pleased to reply to mine of the 19th, relative to the guarantee of his Majesty's possessions, formally offered by Mr. Pinckney, Minister Plenipotentiary of the United States, and in their behalf, in the event of his Majesty's agreeing to sell or cede, in any other manner, to the United States, the two Floridas, or that part of West Florida, lying between the Mississippi and the Mobile.

The said cession being one of the objects of the pending negotiation which his Majesty contemplated making to the United States, in consideration of a just equivalent, it was very natural that he should recur to the offer made to him by the American government in this contingency, the accomplishment of which would tend to remove many difficulties, as affording an unequivocal proof that the United States still preserved those conciliatory dispositions which had produced that spontaneous order on the part of the United States, and wholly unsolicited by his Majesty.

In replying to your note, it is not my intention to trouble you by engaging in a discussion of the opinion you have advanced, that the guarantee offered, applied only to West Louisiana ; and I shall merely recall to your attention, that in the year 1803, when more than three years had elapsed since the retrocession of Louisiana to France, this fact was so universally known, that no one, either in Europe or America, could be ignorant of it. In addition to the treaty of 1800, a public and solemn act had been issued, under the sign-manual of his Majesty, in 1802, for the delivery of the colony to France. All the acts and publications of the Congress of the United States, of the same year, 1802, and the commencement of 1803, were full of the same subject ; and the arrival of Mr. Monroe in Europe, for the purpose of purchasing the colony of the French government, was matter of notoriety. How, then, could a public character, in the situation of Mr. Pinckney, be ignorant of a fact, constantly referred to in the correspondence of his government, and familiar to every one, even moderately conversant with politics, who would read the gazettes of the day.

It is therefore beyond a doubt, that Mr. Pinckney knew that Louisiana belonged to France, and that the guarantee offered by him to his Majesty, was that of his possessions on the continent of North America, beyond the Mississippi, or, to the westward of Louisiana ; a guarantee to more interesting at that period, as the establishment on the continent of a great power, like that of France, was the motive which appeared to give greater importance to the acquisition of the Floridas by the United States, and to the guarantee offered to Spain as part of their purchase of them.

The contradiction which you conceive exists between this explanation, and the terms employed in Mr. Pinckney's offer, is, in my judgment, entirely without foundation. All your difficulty consists in the enquiry, what were the places on the Mississippi that Mr. Pinckney might demand of Spain, which did not form part of Louisiana ? Or what was pointed out by him in the phrase " certain tracts of country on the banks of the Mississippi," c. To which I reply, that they were Manshak, Baton Rouge, and the whole left bank of the river, from Manshak to the river Iberville, which communicates with this lakes Maurepas, Ponchartrain, and Borgne. You likewise inquire, what were the rivers, which rise in the United States, and run through the Spanish territory ? I reply that Mr. Pinckney pointed out, or, to speak more properly, expressly named all these between the Mississippi and the Mobile, which rise

beyond the 31st degree, and empty into the Gulf of Mexico, viz. the Amite, the Pearl, the Pascagoula, and the Mobile itself, together with other smaller intermediary streams. The territory watered by them was that which Mr. Pinckney wished to purchase of Spain, at the time that Mr. Monroe was negotiating the purchase of Louisiana at Paris. This was and is the territory, forming part of West Florida, as admitted by Mr. Pinckney ; it is that which is expressly declared by the American geographer, Mr. Ellicot, to belong to his Catholic Majesty, after the acquisition of Louisiana by the United States ; and it is that which Spain continued in possession of, even after the delivery of Louisiana to France and to the United States, until she was violently dispossessed of it in 1810, during his Majesty's absence.

What is stated in Mr. Pinckney's letter in relation to the proceedings of the Intendant at New Orleans, by no means proves that that minister understood that Louisiana was still to continue in the possession of Spain ; as it merely referred to a fact connected with the actual possession and exercise of jurisdiction which Spain still preserved, so long as the delivery of the colony to France was not actually carried into execution.

The sepoints being established in relation to the aforementioned guarantee, its object and circumstances, his Majesty's attention had necessity been called to the positive certainty which you appear to lay down in your answer, that the United States will not agree to any kind of guarantee, notwithstanding the office above referred to ; and to the demand you seem to advance, as a preliminary condition of your stating your ideas on the establishment of the intermediary desert, or neutral territory, between the possessions of the two countries that his Majesty shall renounce all further pretensions in relation to the said guarantee.

The offer of it, as I have had the honor repeatedly to state, having been voluntarily made on the part of the United States, in contemplation of an event now under consideration ; and it being one of the means best calculated to promote a final adjustment, His Majesty has also charged his Minister in the United States to negotiate with their government upon that point. It, therefore, appears to be unreasonable to give up this pretension, which you seem to require, to enable you to explain yourself upon other points wholly unconnected with it. And, as I have not expressed to you that the said guarantee is to be a condition, sine qua non, of the definitive arrangement, although your government objects to it, I do not at present see any inconvenience in your explaining yourself at once upon other points, as I have already invited you to do in my note of the 19th ult. without prejudice to what may be agreed upon between Don Luis de Onis and the American government, as well in respect to the said guarantee as to the other objects of the negotiation.

I persuade myself that in the present communication, as well as in those, which have preceded it, you will discover fresh proofs of His Majesty's desire to conclude an arrangement upon terms mutually satisfactory ; and I seize this opportunity of renewing to you the assurance of my distinguished respect. I pray God to preserve you many years.

JOSE PIZARRO Palace, 6th of August, 1818.

Mr. Erving to Don Jose Pizarro.

Madrid August 9, 1818.

Sir : On the evening of the 7th I had the honor to receive your excellency's two notes of the 6th inst. It is not my intention to call in question the importance of those circumstances which you enumerate as of a nature to have rendered universally notorious, in 1803, the cession of Louisiana to France in 1800 ; but not having in my hands the correspondence of Mr. Pinckney with the government of the United States, from which I might be able to ascertain what knowledge he may have had on the subject to what extent and to what period he was instructed in relation to the proposals which he made to Mr. Cevallos, I have been forced to conclude that such notoriety had not reached him, or that he was not aware of the true boundaries of Louisiana. It may have been also, that notwithstanding the treaty of 1800, and notwithstanding the royal cedula of 1802, that minister may have doubted in 1803 of the bona fide transfer to France, seeing that the colony then still remained under the government of Spain. It is only by such suppositions that I can account for his proposing to purchase of Spain territories which had been ceded to France, and to guarantee territories of his Catholic Majesty on the

west of the Mississippi which could be no other than Louisiana it not being possible for me to imagine that he intended any country beyond Louisiana, much less all the vast colonies of Spain.

I beg your excellency to observe that it nowhere appears in Mr. Pinckney's communication, that the acquisition made by France had given, as you conjecture in the mind of that Minister, to the acquisition sought for by the United States. On the contrary, he is very explicit in the motives which he assigns for his offer ; these arose out of the misconduct of the Intendant at New Orleans, which had confirmed an opinion previously entertained in the United States, that it was absolutely necessary for them to acquire some permanent establishment on the east side of the Mississippi or on the Mobile : to that end Mr. Pinckney asks for the whole of his Majesty's possessions to the eastward of the Mississippi, or for what is " between that river and the Mobile:" this proposal includes New Orleans of course. And again, he speaks of the "indispensable necessity of their (the United States) possessing a suitable establishment on the river," meaning the Mississippi ; here also he alludes to New Orleans, or if not, to other points within the territory of Louisiana. Now, though it should be allowed that Mr. Pinckney, as well as Mr. Ellicott, had fallen into the error of supposing that, after the cession of Louisiana to France the whole of West Florida yet belonged to Spain, neither he nor Mr. Ellicott could have supposed that, after such cession, New Orleans belonged to Spain, or, indeed, any other such point on the Mississippi as Mr. Pinckney sought to obtain.

The replies of your excellency to these questions of mine, which you consider as constituting the principal force of my argument, but which offer to you no difficulty, only prove that our opinions, as to what districts are comprised within the limits of Louisiana, are at variance ; and since they prove nothing more, I may be excused from now entering into the various reasons by which either government has supposed its pretensions.

Your excellency supposes that Mr. Pinckney's negotiation was concurrent with that contemplated and then on the point of being made with the French government, for the purchase of Louisiana ; that it was therefore he sought to procure " places of deposit on the mouths of navigable rivers" passing through the Floridas ; but Louisiana purchased of France, Mr. Pinckney's great purpose, " to secure to the citizens of one half of the United States the certain means of exporting their products," was obtained. He wanted a " permanent establishment" on the Mississippi ; he could not have desired a better than New Orleans ; it was not by the acquisition of points of entrepot such streams as the " Amite," the " Pearl," and the " Pascagoula," and those intermediate, which are too diminutive to find a place on the chart, or a name, that Mr. Pinckney could have thought of effecting his object, " to secure the citizens of one half of the United States the certain means of exporting their products ;" these were not the " navigable rivers" which he spoke of ; he could not be desirous of obtaining these little spots, whilst Mr. Monroe was purchasing, at Paris, real entrepot, rich territories on both banks of the Mississippi, rivers which come some hundred leagues from the interior, which may carry on their capacious surfaces the products, not of America only, but of the whole world ; whilst the United States were acquiring, in fine, (according to their construction,) the very territory in which the prove mentioned rivulets, as well as the more important " Mobile," run.

But whatever may have been Mr. Pinckney's knowledge of the then state of affairs, whatever were his views or offers, his plan of a guarantee was not reproduced in the negotiation which soon afterwards took place at Aranjuez by the special mission of which he was a member ; the actual negotiations are but a renewal of that which then failed. If the United States then abstained from offering, or refused to give a guarantee, a fortiori, they will do so now. Under no circumstances whatever could the offer made by Mr. Pinckney, not accepted at the time, have been binding on the United States, or have formed a rule for its conduct in subsequent negotiations, much less can that offer be admitted to consideration at this day, under a total change of circumstances, and of their possession in the territories which were then the subject of negotiation.

Your excellency seems surprised at the confidence with which I assure you that the United States will not give any guarantee of any part of his Majesty's possessions. I beg your excellency to be persuaded that I have not spoken at hazard. I am perfectly certain that no such guarantee will be given upon any consideration whatever ; and therefore, nothing was more reasonable than that, in treating with you, I should pretend to have it altogether excluded from our view. In the present state of

the negotiation, after it has been repeatedly transferred and retransferred from Madrid to Washington, it were, on my part, worse than a waste of time, to encourage a discussion on an article which I knew to be, in any form, inadmissible ; it would be a procrastination almost criminal, in this most pressing and difficult crisis of our affairs ; nor would it comport with the sincerity which had marked all my communications with your excellency ; since, as no reason for taking the guarantee into consideration, in the year 1818, can be derived from what the Minister of the United States proposed in the year 1803, even " voluntarily," in " the most plain terms, or by the express orders of his government : such a course, far from facilitating a general arrangement, as you have supposed, could not but retard it, and might possibly so retard it as to be fatal to it. Your excellency ought then to conclude, that the answer which will be given to his Majesty's Minister on this point will, in substance, conform to that which I have given ; and since, as you inform me, the guarantee is not made a sine qua non by his Majesty's government, I trust that it will be altogether put aside.

Your excellency's other note respecting the conduct of General Jackson I shall hasten to transmit to my government, together with your note of 26th July on the same subject ; though I should allow all force to the distinction which your excellency makes between this case and those acts of His Majesty's Vice Roys and other officers in America, of which the government of the United States, and its citizens have had such frequent reason to complain, and though it should not be allowed that an accumulation of such wrongs make a case as strong as can be stated yet it would suffice to shew that amongst the acts referred to could be found at any time pretexts for breaking off negotiation, and this would not be difficult ; the moderation and conciliatory policy of the American government has been put to the severest trials ; but far from desiring to make out such acts a plea for discontinuing negotiation, they seem to me to press upon the necessity of hastening to its conclusion.

If, then, your excellency is now prepared to make any such proposals for a general arrangement of the points in discussion, specified in Mr. Adams's letter to Mr. Onis, of January 16th, as I am authorized to accept, I shall adopt them without hesitation. But if, from whatever cause, your excellency should not be disposed to offer such proposals, then I entered you, considering the great importance of the matter, and the delicacy of my situation in regard to it, as explained to you on a similar occasion last year, that you would be pleased to make to me such an explicit communication, as will enable me to shew to my government with as little delay as possible, that it is out of my power to conclude a treaty here.

To give to your excellency the most convincing proof of my earnestness to contribute as far as possible to the desired object, I will accede to your instances by stating in precise terms my proposals of the desert which I first suggested to you in our conferences of the 3d and 5th July, after your excellency had assured me of His Majesty's intention to ratify the convention of 1802. That important point being settled, and at the same time His Majesty's dispositions to cede his possessions to the east of the Mississippi for a reasonable equivalent being announced, it appeared to me that the remaining reclamations of the United States might easily be adjusted in the " transaction," and, therefore, that the only real existing difficulty was to establish the boundary on the west between the possessions of His Majesty and those of territory east of the Rio del Norte, to be ceded to His Majesty. The line of the Colorado appeared to be objectionable to His Majesty's government, without a guarantee such as it is impossible for the United States to give. I proposed to substitute for it what I considered as better for Spain a barrier between its possessions and those of the United States. I now propose, then, that the desert which is to form this barrier, be of 30 leagues breadth that is, 15 leagues on the right bank, and 15 leagues on the left bank of the Colorado, and extending in length from the mouth of that river as high up towards its source, as the 32d degree of latitude. If Spain should not consider it necessary that the desert should be as broad as 30 leagues, she may diminish it on her own side of the river as much as she may judge fit. Within the desert no persons shall be admitted to settle or establish themselves ; and each party may establish military posts on its own portion of the desert, for the purpose of keeping off intruders or settlers of any kind.

This proposal, which originates in a sincere desire, on my part, to meet, as nearly as possible, the views of your Excellency, I hope, may prove acceptable to His Majesty's government ; but, in making it, I must at the same time beg leave to state, explicitly, that, in case it should not be accepted, and

become the means, as I trust it will, of enabling us to settle by treaty, to be now made here, all the other points in discussion, then it cannot be recurred to, or have any force in further negotiations, either, here or at Washington, or be considered at any time hereafter, as in any wise binding my government, either in what related to the Colorado, instead of the Rio del Norte, as the boundary of the United States, or in what relates to a desert on the boundary. I renew to your Excellency assurance of my very distinguished consideration,

GEORGE W. ERVING.

TRANSLATION.

Don Jose Pizarro to Mr. Erving.

Palace, 11th August, 1818.

The letters of Don Luis de Onis, under date of 26th June last, assure us that it was publicly known in the United States, and inserted in the Gazettes of that country, that General Jackson, continuing his hostile incursion within the territory of His Majesty, in the Floridas, had taken by assault the fortified town (plaza) of Pensacola, whose small garrison, it is said, did its duty, and preserved the honor of the King's arms, by forcibly resisting, as far as it was possible for it to do, the unjust and unexpected aggressor.

Although, as yet, no direct information has been received from the Floridas, respecting these disagreeable events, no doubt now remains that Gen. Jackson, trampling under foot all laws, has committed, in the territory of His Majesty, outrages and excesses of which there are few examples in the civilized world. It will, one day or other, be stated, with surprize, that the theatre of such devastation and unprovoked offence, in the midst of peace, was the very same on which Spain, not many years since, shed her blood, and poured out her treasure for the United States, in the days of their calamity.

After what I have had the honor of stating to you in my notes of the 26th of the last, and 6th of the present month, in consequence of the first hostilities and excesses of General Jackson, in the Floridas, I will only now add that, on account of the occurrences at Pensacola, the King has commanded me to communicate to his Minister in Washington, the most express orders that, at the same time he presents to the government there the most solemn protest, in the name of His Majesty, against the invasion of the Floridas, and against the takings of the Forts of St. Marks and Pensacola, by the American troops, he should solicit that things be placed in the same state and situation in which they were before the invasion, and that the artillery, munitions, and effects which were found in St. Marks and Pensacola, at the time of their surrender, should be delivered to the Spanish governors of that territory ; that reparation be made by the American government for what may have been destroyed in them, and that it be accountable for the damages or injuries occasioned by said aggression ; and I have likewise, by royal order, apprized the said Don Luis de Onis that he should give advice of the result of these proceedings, without delay, that it may be made known to His Majesty.

The king persuades himself that the government of the United States will not refuse an act of justice so becoming its good faith ; and I send to you this exposition, to the end that you may transmit it to your government, in connection with those which preceded it, and with the same object. I renew to you the assurances of my most distinguished consideration.

JOSE PIZARRO

Mr. Erving to Don Jose Pizarro.

Madrid, 14th Aug. 1818.

Sir : I have had the honor to receive your excellency's note of the 11th inst. containing the information which you have received from His Majesty's Minister in the United States, respecting an assault made on the place of Pensacola, by General Jackson, and communicating to me the orders which His Majesty has consequently given to that Minister. I shall not lose a moment in transmitting to my government a copy of your Excellency's note, having already dispatched your two former communications relative to the anterior proceedings of General Jackson. I renew to your Excellency

assurances of my distinguished consideration.

GEORGE W. ERVING.

(The remainder of the Documents will be found on our third page.)

OUR RELATIONS WITH SPAIN.

DOCUMENTS TRANSMITTED TO CONGRESS.

CONCLUDED.

Don Jose Pizarro to Mr. Erving.

Sir : A continuation of disagreeable intelligence, on the nature and circumstances of the late events in the Floridas, and on the hostile proceedings of the American General Jackson, and the troops under his command, within the limits of those provinces belonging to his Majesty, has been received at this office. In addition to the facts to which I called your attention in my notes of 26th July, 6th and 11th instant, I have now before me a copy of the capitulation which appears to have resulted from the hostilities committed by the said general before the place of Pensacola, in consequence of which the Spanish garrison has been sent to Havana.

In my former notes, I had the honor to state to you, that, notwithstanding the particular character of violence which appear to have marked the operations of General Jackson, from his first movements in Florida, his Majesty, willing to attribute these acts to the arbitrary conduct of that officer, was persuaded that the government of the United States would not hesitate to disapprove, as soon as they would be informed of them, and that, in consequence, suitable orders would be given, not only for the evacuation of the invaded territory, but also for indemnity of all injuries sustained, and the restoration of property belonging as well to the Spanish government as to its subjects, and likewise that of foreigners then under the protection of his Majesty's government. It was not to be presumed, without offering an insult to the good faith of the American government, that it would delay to give this satisfaction to a friendly power, and this testimony to all civilized nations, of their respect for the principles of social order. It is with great regret that his Majesty perceives, by subsequent advices from his Minister at Washington, that, the first excesses of Gen. Jackson having received no marks of disapprobation, he had not hesitated to pursue his violences by forcibly taking possession of every thing within the Spanish territory, when he met with resistance from the few, feeble garrisons, attacked in a state of profound peace by a large force, which their honor rendered an indispensable duty. In fine, his Majesty's territory has been shamefully invaded : his forts and places have been violently seized on : their garrisons made prisoners and conveyed out of the province in which they were employed in his Majesty's service ; and, on the Spanish soil, sanguinary executions have taken place of the subjects of powers in amity with the king : an act of barbarity, glossed over with the forms of justice, and thereby rendered, on considering the nature of the place and other circumstances, a refinement of cruelty.

It cannot be doubted that these excesses have come to the knowledge of the government at Washington ; but as yet it does not appear that any measures have been taken to restrain them, or give the Spanish government the only satisfaction admissible. In this state of things his Majesty has thought it becoming his honor and that of the nation, to direct me to renew to you, as I now do, the most solemn protest against the whole proceedings of Gen. Jackson, from the moment of his entry into the Floridas ; and, moreover, to the end that you may in like manner lay the same before your government, that, in consideration of the nature of the said injuries and acts essentially hostile, the course of the pending negotiation between the two governments shall be, and accordingly is, suspended and interrupted, until the government of the United States shall mark the conduct of Gen. Jackson in a manner correspondent with its good faith, which appears to be no other than by disapproving the aforementioned excesses, giving orders to reinstate every thing as it was previous to the invasion, and inflicting a suitable punishment on the author of such flagrant disorders.

It is a matter of great concern to his Majesty to be under the necessity of making this declaration, which is more the necessary effect of the nature of things than an act of his royal will ; it having been his constant wish and endeavor to combine a suitable arrangement of the points in discussion between the two governments, with an activity which is evident ; but the impartial world cannot fail to

admit the impropriety, in the present posture of things, of continuing negotiations which suppose a state of perfect political friendship, at the very moment when enormous injuries are committed, equally unprovoked and unprecedented.

The occupation of the greater and the best part of Florida by the United States in 1810, by which his Majesty was dispossessed, during his captivity, of the peaceful occupation of that territory, under pretence of claims which, even if well founded, ought never to have been enforced by acts of violence, and the more recent invasion of Amelia Island, were acts of the same nature and tendency with those now alluded to, equally unjust in their principle, and in like manner remonstrated and protested against by Spain ; but as, from the mode and circumstances attending them, they were less offensive, his Majesty, actuated by sentiments of moderation, thought that he might await the period of the definitive arrangement of the pending differences, which was speedily looked for.

But nothing of the same nature has occurred in the present case. No claim to the territory invaded by Gen. Jackson, whether founded or unfounded, has been advanced by the American government. No revolution of the inhabitants, real or supposed, offered a pretext. No previous aggressions by banditti, as was urged on the occasion of the unjust occupation of Amelia Island : the Spanish flag waved on the fortresses of St. Marks and Pensacola at the time they were attacked : and, to complete the offence, that territory was seized on by violence, which his Majesty had offered to cede to the United States, in the pending negotiation, by means of an honorable arrangement from which it appears that a forcible occupation was preferred to a peaceful acquisition resulting from the generous friendship of the King.

It is these extraordinary circumstances which have convinced his Majesty that it is incompatible with the honor of his august character to pursue further negotiation, until a suitable termination be put to an incident which, from its nature, is of primary importance, and claims a preference to all other matter now treated of between the two governments an incident which, from its transcendent moment, is capable of producing an essential and thorough change in the political relations of the two countries.

At the same time, to evince the moderate and conciliatory disposition which characterizes the conduct of the Spanish government, I have to add, that his Majesty, in directing me to communicate to his Minister at Washington this suspension of the negociation, has likewise charged me to inform him, that in case the government of the United States should have given, or will give, the only satisfaction which is admissible in the present case, and which his Majesty has a right to expect from the justice and good faith of that government, he will be at liberty to proceed in the negociation which has been carried on, without being under the necessity of consulting his Majesty, or of awaiting fresh instructions authorizing him to continue it.

In making this communication to you, sir, I cannot refrain from expressing the deep regret I have felt at the unfortunate occurrence which has thus produced an unexpected interruption, at the moment I flattered myself with the hope of seeing the political relations of the two governments established on the solid basis of the most perfect harmony and good understanding. I renew the assurances of my distinguished consideration, and pray God to grant you many years.

JOSE PIZARRO Palace, 29th August, 1818.

Mr. Erving to Don Jose Pizarro.

Madrid, August 31, 1818.

Sir : I had the honor to receive yesterday your excellency's note of the 29th instant, and shall not lose a moment in submitting a copy of it to my government.

I cannot but express to your excellency my sincere regret on seeing the determination taken by his Majesty to suspend the negociations in consequence of the military operations of Gen. Jackson in Florida ; which regret is augmented by considering that, on the 6th of August, when your excellency, after insisting at large on what you considered to be the violent character and unjustifiable nature of those proceedings, nevertheless, at the same time, invited me to continue the negociation, hereby acquiescing in the desire expressed in your note of July 19th, and stating, in precise terms, my proposal of a barrier on the western frontier of Louisiana : an invitation which, relying on the good

faith in which it was made, and having entire confidence in the conciliatory dispositions of your excellency, I had no hesitation to accept. My proposal was formally stated in my note of August 9th, to which your excellency has not seen fit to reply. It only remains, then, for me, in this place, to renew the reserve expressed at the end of that note, and to declare, that the said proposal cannot be considered as in any sort binding on my government in any future negociation. I renew to your excellency assurances of my distinguished consideration.

GEORGE W. ERVING.