

TERRELL TO ELLIOT.

WASHINGTON Decr 3rd 1842

The Honble

CHARLES ELLIOT

*Charge d'Affaires of Her Britanic Majesty etc. etc.*

The undersigned, in discharge of the duties of Secretary of State etc. has the honour to acknowledge the receipt of Captain Elliot's note of Octr 31st. and begs his indulgence for the delay which has occurred in answering it—which has grown out of the absence of the undersigned, for several weeks past, from the seat of Government.

I am instructed by His Excellency the President to convey to Capt. Elliot the acknowledgments of this Govt. for the promptness with which the representative of Her Britanic Majesty, has transmitted to his Government the views and wishes of Texas on the very important subject which formed the substance of the letter of the undersigned of 15th Octr. as also for the very cordial and friendly disposition evinced by Her Majesty's representative in having previously brought the subject to the consideration of his Government.

It is a source of sincere regret to the undersigned that any portion of his letter should have been subject to misconstruction, as he apprehends that on the subject of the revocation of the Proclamation of Blockade by this Government against Mexico, has been.

It was not the intention of the undersigned to create the impression that this Government had receded from that measure *merely to gratify* those powers who had remonstrated against it, without any representations of the *impropriety* or *ineapediency* of the measure itself. Nor did the authorities of this Government at any time understand the representative of Her Britanic Majesty to urge its revocation upon that, or any other ground incompatible with the interests or the dignity of the Texan Nation. His arguments were understood as directed alone against the *impropriety* of the measure under the *existing circumstances* of the case. The acquiescence of the Government of Texas in the recommendation of the powers mentioned, was referred to by the undersigned with the sole view of evincing the disposition of the Government to give due weight and consideration to the opinions and representations of those powers.

The subject however, was only incidentally mentioned in the letter of the undersigned, as evincive of the friendship and confidence reposed by the Government in those powers, and may have been done without due consideration of the import of the language used in reference to it.

The impression does not exist on the part of this Government that that of Her Britanic Majesty would ask, or even wish Texas to yield

any principle, or forego any advantage she may have acquired over her enemy. On the contrary the President is, and ever has been fully impressed with the belief that Her Majesty's Government has, at all times, acted in good faith towards the two countries—that all their professions of neutrality have been sincere, and will be carried out without bias or detriment to either party. And that her Government desire the amicable and speedy adjustment of the very unpleasant state of things now existing between the two countries, and will use their best efforts to terminate them, he has the most abiding confidence.

The undersigned avails himself of the occasion to renew to Capt Elliot assurances of the distinguished regard with which he has the honour to be, his obdt Servt.

G. W. TERRELL

*Atty Genl. and Acting Secretary of State*

TERRELL TO SMITH.

DEPARTMENT OF STATE,

*Washington, Decr. 7th., 1842.*

To HON. ASHBEL SMITH,

*Chargé d' Affaires of Texas, etc.*

SIR,

Your several despatches, Nos. 22, 23, 24 and 25, have just been received at this Department. The information which they transmit is of a highly interesting character and of great moment to the welfare of the Republic.

It is a source of the most sincere regret that Mexico is so lost to a sense of her own best interests—so destitute of every sentiment of magnanimity and every feeling of humanity as to reject the proffered mediation of such nations as have tendered their friendly offices to arrest the unnatural, inhumane and fruitless war which she still seems determined to wage against Texas.

If she will, however, in spite of the warnings of experience—infatuated by a blind desire to retrieve lost honor, and maddened by a vicious spirit of revenge, rush headlong upon her own destruction—be it so. Upon her own head, and those of her perverse rulers, rest the consequences. Texas will be prepared to meet the crisis. Relying upon the justness of the principles for which she contends, and confiding in the favor of Him who rules the destinies of nations, she will abide the result.

Your correspondence with Her Britannic Majesty's Secretary of State for Foreign Affaires, on the subject of the War Steamers built in England for the use of Mexico, meets the highest approbation of

the President, with the exception of the intimation contained in one of your notes, of the belief that the conduct of the British Government was *designed* to aid Mexico to the *detriment* of Texas. The President is fully satisfied of the good feelings and wishes of the British Government towards Texas, and has the fullest confidence that she will maintain her neutrality in good faith; and that she will not afford to either party any facilities which she would not, under similar circumstances, cheerfully extend to the other.

His Excellency instructs me to say to you, and he wishes you to make known to Her Majesty's Government, that he looks upon the conduct of General Hamilton, with regard to those steamers, as a gratuitous interference in the business of the duly authorised agent of this Government; that General Hamilton holds no office or agency of any character under the Government, and has no official connection with it whatever: And that his deportment evinces an impropriety and a want of delicacy, which he deems highly censurable. And further, he wishes you to give to Her Majesty's Ministers the assurance, that in the opinion of this Government, the conduct of those persons employed in this transaction by General Hamilton, manifests so total a want of all those elevated motives which should govern a transaction of this character, and betrays [such] a grossness of sentiment and a sordidness of purpose as deserve the most decided reprehension.

The President has received a letter from General Hamilton, in which that Gentleman proposes (if the President will authorise him) to enter into a secret negotiation with General Almonte, Minister from Mexico to the United States, with whom he had already opened a correspondence, upon the subject of the difficulties between this country and Mexico. This, also, His Excellency regards as an officious intermeddling in the affairs of this Government, and grossly indelicate in a Gentleman in his situation, and desires that you will inform the British Cabinet that no such authority will be given, nor any such interference tolerated by this Government. Having every confidence that everything that can will be done by those Powers who have tendered their friendly mediation, no other means will be resorted to by this Government to bring about an amicable adjustment of our difficulties with Mexico.

And for this, as well as any other subject in which General Hamilton may think proper to interfere as an agent of Texas, you are desired to enter a disclaimer *in advance* on the part of this Government. A copy of so much of this letter as relates to this subject, will be forwarded to General Hamilton.

The President after mature deliberation upon the subject, has concluded to withhold the authority to grant letters of marque, etc., under

an apprehension that it would involve us in difficulties, which would, in all probability, more than countervail all the advantages likely to accrue to this Government.

You remark in several of your late despatches, that you are without information from this Department. This is somewhat singular, and I know not how to account for the miscarriage of so many documents. All your former despatches have been regularly answered. It is hoped they may yet come to hand.

Please present my kindest regards to Mr. Saligny.

I have the honor to be, with much respect, your obedt. Servt.,

G. W. TERRELL  
*Attorney General,  
 and Acting Secretary of State.*

SMITH TO ABERDEEN.<sup>a</sup>

SMITH TO ABERDEEN.<sup>b</sup>

ELLIOT TO TERRELL.<sup>c</sup>

GALVESTON *December 13th. 1842.*

The Undersigned, Her Britannic Majesty's Chargé d'Affaires to the Republic of Texas has the honor to request Mr. Terrell's attention to a communication which He addressed to Mr. Anson Jones on the 26th. September last, claiming the settlement of certain losses sustained by British Subjects in the year 1837, by the detention of the Barque "Eliza Russell", and by the condemnation of certain British property, captured in the Mexican Schooner "Abispa", as also of certain other British property, taken away by the Boats of the Texian armed schooners "Brutus" and "Invincible", the whole forming part of the Cargo of the British Schooner "Little Pen" cast away on the Alacranes Shoal.

Referring to a conversation which He had with Mr. Terrell when He had the pleasure of seeing him at Washington, respecting the case of the "Little Pen" He would now observe, that He has examined his papers, and will therefore beg leave to resume the subject. But before He enters upon that topic, it is incumbent upon him to advert to the fact that no payment has yet been made upon account of the "Eliza Russell" agreeably to the resolution of Congress of January

<sup>a</sup> December 10, 1842. See Smith to Jones, December 30, 1842.

<sup>b</sup> December 12, 1842. See Smith to Jones, December 30, 1842.

<sup>c</sup> A. L. S.

1840. Whilst the Undersigned is fully aware of the President's great anxiety to fulfil all the obligations of the Government, and that the state of the Treasury has been the only obstacle in this particular case, still He must say that the subject has been pressed in such urgent terms by Her Majesty's Government, (no doubt exposed to frequent and pressing solicitation by the parties concerned in England) and the claim itself is so very forcible, and of such long standing, that it is his duty strenuously to request that it may be settled without any further delay.

In turning to the case of the "Little Pen" He has in the first place to thank Mr. Terrell for shewing him his opinion upon the claim put forward by the agent of Mess. Lizardi and Co, some short time before He arrived in this Country; and He should be wanting in corresponding frankness if He omitted to acknowledge that the case so stated and supported, seemed to present some difficulty. Upon the whole, therefore, He believes that He shall most satisfactorily discharge the task imposed upon him by a brief recapitulation of the circumstances, as He finds them laid and maintained in the papers before him, and He will then offer some remarks which He hopes may have the effect of removing the legal difficulties Mr. Terrell had found against advising the Government to admit the claim. The Undersigned has said the legal difficulties, because (leaving technical requirements out of the question) He apprehends that there could be no doubt in Mr. Terrell's mind upon the substantial facts that the property condemned was taken out of the Schooner "Little Pen", that the Schooner "Little Pen" was bona fide a British vessel, and that Mess Lizardi and Co were entitled to be considered British Claimants.

Mr. Terrell prefaced his opinion by observing, that so far as He knew, the claim had not been put forward on the part of the British Government. The Undersigned, referring to his papers, would beg to observe that there has been some misapprehension in this respect. But at all events, that point is no longer material. Any difficulty in that particular, has been removed by the claim which the Undersigned has put forward by the Command of His Government, and the case therefore has now fallen within the description of "public claims", to be considered and adjusted agreeably to the rules and practice of international intercourse, and public Law.

Mr Terrell's opinion was also prefaced by another remark to the appropriateness of which the Undersigned could not but offer his full assent. It was said that the papers which accompanied the claim presented on the part of Mess. Lizardi & Co contained most offensive terms, of themselves rendering it impossible for this Government to entertain a case so put forward, such as the pirate schoon-

ers of Texas, and the like. The Undersigned considers it due to Messrs Lizardi & Co to state that they are not responsible for this unwarrantable language. He finds by the papers before him that it is the language of the Captain of the Port, and Notary Public at Campeché: And Mr. Terrell, remembering that Campeché was at that time in the Republic of Mexico, and mindful of the hostile feelings of the authorities of that Country will neither be surprised at harsh terms, nor let them remain matter of imputation against Mess Lizardi and Co.

The case which the Undersigned has to put forward upon the part of Her Majesty's Government respecting the Cargo of the "Little Pen" is this.

The British Schooner "Little Pen" David Pugh Master, was chartered in the month of April 1837, by the partners of Mess Lizardi & Co for a voyage from Liverpool to the Port of Tabasco, in Yucatan. She sailed from England on the 3d. May, same year, and pursued her voyage in safety till the 26th. June, when she struck the Alacranes Shoal off the Coast of Yucatan. The Master, unable to heave her off sent his boat to Campeché for assistance, and the Mexican authorities there, conjointly with the agents of the Consignees, despatched the Mexican Schooners, "Paz" Captain Vens-towar,<sup>a</sup> and "Abispa" Captain Ramirez to afford all practicable aid. On reaching the shoal these two schooners were loaded with Cargo saved out of the "Little Pen" and the "Paz" was despatched to Campeché, and arrived there in safety. But the "Abispa" which had been last loaded; when about leaving the wreck was captured by the Texian armed schooners "Brutus" and "Invincible" and sent to Matagorda as prize, where the hull and Cargo were condemned.

The Master Pugh further alleged that the Boats of the Texian Schooners were sent on board the "Little Pen", and that what remained of her Cargo was taken out of her and carried on board of those vessels.

The Undersigned finds from the papers in his hands, that the Government of Texas could detect no proof of the taking away of the Cargo remaining on board the "Little Pen" by the Boats of the Schooners "Brutus" and "Invincible". Mr. Terrell will feel that that He would not offer an opinion that this Government had not been fully informed in that particular, without great circumspection, but He is bound in Candour to say that He believes that has been the case, and that the statement of the British Master upon that point is entitled to credit.

<sup>a</sup> This name is uncertain. Elliot does not write it clearly. In *Report of House Committee on Foreign Relations*, 4th Tex. Cong., p. 15, it is printed "Vanstoveren"; but this report is utterly unrelleable as to the spelling of proper names.

The Undersigned forwards herewith attested copies of invoices of goods shipped on board of the "Little Pen" at Liverpool, and a specification of the Cargo for purposes of Insurance which was duly effected at Lloyd's Coffee House in London, upon the sum of £5100. He also forwards an account of sale of the goods landed at Campeché from the Schooner "Paz" disposed of there for account of the Underwriters, and others interested, the proceeds being duly remitted to England. From all which it will appear that no more than the sum of £1443. 9s. 5d. has been saved of the whole Cargo of the "Little Pen" amounting to nearly £5000.<sup>a</sup>

Mr. Terrell's chief difficulty, in the shape that the case found its way before him (namely, the claim of a foreign private Individual for redress against the decision of the Admiralty Court at Matagorda) seems to have been founded on the failure of sufficient legal proof that the property was British, that is to say, proof of the kind required by the Admiralty Courts of this Country, or *Mutatis Mutandis*, the Admiralty Courts of Great Britain, governed by the same rules of Law. The papers, it was said, shewed that the Cargo was shipped by a firm known to have a Mercantile Establishment in the Republic of Mexico, and assigned to a Don Pedro Sastro; not a British name.

It is to be remarked here that the case under consideration is no longer one of appeal of a private Individual against the decision of a Court of Admiralty, but the claim of one Government upon another, and mainly determinable therefore either way upon principle; always however, conceding that it is necessary to establish satisfactorily that the particular facts fall within the application of an admitted rule of public Law:

This reflection brings the Undersigned to the remark that the principles with respect to domicile and hostile character noticed by Mr. Terrell, however sound of themselves, do not appear to him to be applicable to the case in question. Those principles and rules would no doubt have to be borne in mind, and the case tested by them, if this had been a case of Mexican produce, shipped in a Mexican Port, by a Mercantile Establishment carrying on business in Mexico, but they can have no bearing upon a claim for British produce, shipped in a British vessel in a British Port, by a Commercial Establishment, settled and carrying on business in Great Britain, and the claim now made upon the part of Her Majesty's Government is a conclusive certificate that this Cargo of British produce shipped under all this accumulated evidence of a British transaction was purely for British account.

---

<sup>a</sup> The documents referred to are all on file with Elliot's letter; but they are very lengthy and it is not thought desirable to print them.

But, in conclusion, the Undersigned would beg to remind Mr. Terrell that this particular case of seizure of Cargo and condemnation, could have derived no additional force if Mess. Lizardi & Co and his partners residing in Great Britain had all been Citizens of the Republic of Mexico, instead of denizens, or Subjects of Great Britain, for it is a rule of public Law that the subjects or Citizens of a Belligerent State, residing or maintaining a Commercial Establishment amongst neutrals, are to be deemed neutrals, both by the neutral Government, and by the adverse Belligerent, with reference as well to the trade which they may carry on with the adverse Belligerent, as to their trade with all the rest of the world.

The Undersigned hopes that this explanation and these papers will be satisfactory to the Government of the Republic, and that there will be no further difficulty in adjusting the claim which He put forward on the part of Her Majesty's Government, respecting the "Little Pen" in his note of the 26th. September; neither can He omit to add his conviction, that there has always been every disposition to consider and determine this case in a spirit of friendliness and justice, as soon as it should be laid upon clear grounds.

He takes this occasion to renew to Mr. Terrell, the expression of esteem and high consideration with which He has the honor to remain

His faithful Servant

CHARLES ELLIOT.

To

The Honorable  
G. W. TERRELL  
*etc. etc. etc.*  
*Washington.*

---

JONES TO HOUSTON.

DEPT OF STATE  
WASHINGTON *Dec 24th. 1842*

To His Excellency

SAM HOUSTON  
*President of the Republic of Texas*

SIR,

I have the honor to enclose you herewith, the copy of a letter received at this Department, from the Hon. Charles Elliott her Britannick Majesty's Chargé d'Affaires to this Government in relation to certain claims for Lands by Messrs: Cotesworth & Pryor, George O' Gorman<sup>a</sup> and D. E. Egerton, as Empresario contractors,

---

<sup>a</sup> O'Gorman. See Elliot to Terrell, September 30, 1842.



in order that it may be submitted to the consideration of Congress, and receive such action there, as the justice or propriety of the Claim may seem, in wisdom to require

I have the honor to be

with the highest respect

Your Most Obt. Svt

(Signed)

ANSON JONES

---

JONES TO ELLIOT.

DEPARTMENT OF STATE

WASHINGTON *Decr. 24th 1842*

The Undersigned Secretary of State of the Republic of Texas has the honor to acknowledge the receipt on the 22d. Inst of the note of Mr. Elliot Her Britannick Majesty's Chargé d'Affaires, addressed by him to Mr. Terrell on the 13th. of Decr. Instant.

The letter of Mr. Elliot addressed to the Undersigned on the 26th. of Sept. last having reference to the subjects embraced in the note above mentioned, as well as his letter of the 30th. of that month, on the subject of certain claims for Lands in the Republic of Texas, by British citizens, have also been received at this Department. These letters should have met with an earlier attention, but the absence of the Undersigned from the Seat of Government for some time, after their reception, and the accumulation of business consequent, upon that absence, as well as upon the meeting of Congress, will it is hoped, be received by Mr. Elliot as a reason for the delay which has occurred.

In relation to the amount of indemnity claimed by Mr. Joseph Russell on account of the detention of his vessel the "Eliza Russell" the Undersigned is instructed to say to Mr. Elliot that the President very much regrets the condition of the Treasury, renders it impossible for him to comply with the request of Mr. Elliot, for immediate payment into his hands of the amount, of indemnity specified in the act of Congress of Jan. 1840 but that no further delay will be permitted in this matter than unavoidable circumstances render necessary.

\* \* \* \* \*

The Undersigned, wishing to avail himself of certain documents in relation to the claim of Messrs F De Lizardi and Company for the capture of the "Apispa" and for property alledged to have been taken from the wreck of the "Little Penn" on the Alacranes Shoal, for the purpose of being enabled more fully, to explain to Mr. Elliot circumstances and facts connected with that claim, information of

---

\* For the matter omitted, see Calendar under the title of this letter.

which has been procured by this government, or brought to its knowledge; which documents are now at the city of Austin, will, so soon as he can procure them, have the honor to address Mr. Elliot fully, and he hopes satisfactorily on this subject

The Undersigned embraces with great pleasure this first occasion of official intercourse to tender Mr. Elliot the assurances of his highest consideration

(Signed) ANSON JONES

To CHARLES ELLIOT Esq  
*Charge d'Affaires*  
*of Her Majesty*  
*etc. etc. etc.*

---

SMITH TO RATE.<sup>a</sup>

---

SMITH TO JONES.<sup>b</sup>

31

LEGATION OF TEXAS, PARIS  
*December 30. 1842*

HON ANSON JONES  
*Secretary of State*

SIR,

I have the honor herewith to transmit to your Department, copies of two notes concerning the Anglo-Mexican Steamers, the Guadalupe and Montezuma;—one from Lord Aberdeen dated the 8th November, in reply to my Note of the 10th October;—the other from me to Lord Aberdeen, in reply to his last and dated the 12th December. Lord Aberdeen's last note is written with some tartness, as you will perceive; I have no reason however to suppose that my notes have given any offence. You are aware from my former despatches, that this subject not merely in reference to Texas but also in its connexions with the Mexican Agents and Mexican Interests in Great Britain, has occasioned the ministry a good deal of annoyance; and they are sincerely tired of it. Accordingly in my last note, I have sedulously avoided the introduction of any new matter or of any remarks calculated to provoke further discussion, except what was merely necessary to vindicate Texas from the charges of Lord Aberdeen touching our conduct within the territories of the United States. It would have been very pertinent to the case to have appealed to the

<sup>a</sup> December 24, 1842. See Smith to Jones, December 30, 1842.

<sup>b</sup> A. L. S.

answer given by Mr Forsyth to Mr Fox the 5th of January 1838,<sup>a</sup> on the representations of the latter gentleman in relation to hostile expeditions fitting out in the United States against the British Authorities in Canada, and to the subsequent action of the American Congress in view of these operations. I had insisted on this case in a conversation with Lord Aberdeen; and as nothing more appeared likely to be gained by further argument, I deemed it advisable to restrict myself in my last note chiefly to the vindication of our country from the imputations of the Earl of Aberdeen. The correspondence on this subject probably, is now virtually closed.

It is true that the detention of the Steamers has not been accomplished; but this discussion has attracted some notice and will prevent the repetition of such measures by the Mexican Interest in England; and what is of still more consequence, the English Government are rendered *more solicitous* that the steamers in question shall not be employed against Texas.

It has been to me a source of high satisfaction to find in the Despatches from your Department of the 20th August the declaration of the doctrines of International Law in regard to these Steamers which I have maintained in my correspondence with Lord Aberdeen.

I also transmit herewith a copy of my Note to the Earl of Aberdeen dated the 10th December communicating the Proclamation of His Excellency the President revoking the Blockade of Mexico.

The West India Royal Mail Steamers belong to a private Company in England, though largely aided and to some extent controlled by that Government. The consent of the Company is therefore necessary to make an arrangement for their touching at Galveston. As being the best course I could pursue on this subject, I have written to our Consul General at London to try to effect such an arrangement. The commercial and business connections of his house will enable him to act efficiently with the company, and being now duly gazetted as Consul General, he will be aided by his official character in his intercourse both with the Company and with the Government. This Company you are probably aware has within a few months greatly contracted the extent of their operations. They may therefore hesitate to extend their line in a new direction. If they can be induced to do so, I am confident this affair could not be placed in more *efficient* hands than those of our Consul General.

I observed a short time since that a large quantity of books, maps etc., etc., had been transmitted to the United States, by the Chamber of Peers, the Chamber of Deputies, the Departments of the Interior,

<sup>a</sup> See Richardson, *Messages and Papers of the Presidents*, III, 404.

of War, of Marine, of Commerce, by the Academy of Moral Sciences, the Museum of Natural History and the Royal School of Mines, in return for some books presented to these bodies. Permit me to suggest, that were copies of the Laws and Journals of Texas presented to these bodies, they would be received in very good part; and I may add, that the compliment would probably be reciprocated by a presentation of books etc., etc., which would form a valuable addition to our National Library. To the above bodies, let me add a Copy for the private library of His Majesty.

Several copies of our Laws and Journals were entrusted to me by your Department at the time of my leaving Texas, for the use of the Texian Legations and Consulates in Europe. They were carefully packed up and given in New Orleans to Mr Edmunds our Consul, to be transmitted direct to Havre. The box also contained numerous important documents, besides a collection of very valuable books which were my private property. I have been unable to get any intelligence of the box, nor have I heard a word from Mr Edmunds on the subject. May I request your Department to cause inquiries to be made for the box in question, by the present Consul at New Orleans, and if not found, to transmit to me other sets of the Laws and Journals,—adding, should my suggestion be approved, copies for presentation to the Parties above named.

Previously to leaving Texas, I made proper arrangements as I imagined, to receive several Texian Newspapers; not one however has reached me. The Telegraph containing His Excellency's "Proclamation,"<sup>a</sup> forwarded to me by the State Department came safely to hand. These papers would furnish me important information, and the Journals here would be pleased to obtain authentic news and facts in relation to Texas and thus attention would be attracted to our Country. I think this consideration possesses considerable importance. The Telegraph indorsed "State Department" would probably reach me.

Mr Castro, I am informed, is at Havre sending forward a second body of Emigrants. I have not had the means of communicating with them; I am assured however that they are an excellent class of men, that is that they are industrious farmers from the *country* and possess moderate means. I have deemed it my duty to state to Mr Castro with great explicitness, the condition of our country at this time, and especially of that portion where the "concession" is situated. I have also enjoined on him urgently the necessity of there being some competent person who should direct these colonists on their arrival and supervise their operations. Mr Castro is unwilling

<sup>a</sup> The proclamation referred to is probably that of Houston, dated September 12, revoking the blockade of Mexican ports. See *Telegraph and Texas Register*, September 14, 1842.

to let the period fixed by the contract elapse without fulfilling his part, and he appears moreover to think that having commenced his operations he could not suspend them without endangering their success; and he anticipates that the Government will appropriate a region of land for these emigrants in some secure portion of the Republic. The importance of a favorable account of our country by Emigrants now going out can scarcely fail to be duly appreciated by the Government, in reference to future emigration. If the reports be favorable, crowds of a good character will flock to Texas.

Monsieur Bourgeois informs me he is preparing to send forward a body of Emigrants the ensuing season in conformity with his contract.

I would respectfully suggest to the Government in view of future contracts, that 320 acres is too large a quantity for an European emigrant. The land is suspected not to be valuable from its quantity. One hundred acres would be more highly prized; and the same amount viz 100 acres or 200 acres might be accorded to the Contractor in lieu of 320 acres.

In my next despatch I shall recommend the appointment of a Consul General for France—a person of high social and financial position and of very friendly political relations with this Government. I cannot recommend Mr. Barbey as a proper person for reappointment as Consul.

The meeting of the French Chambers will shortly take place. The ministry of Monsieur Guizot will be violently assailed. The result cannot be clearly foreseen; though I incline to the opinion that Mr Guizot will maintain his position. "The right of visit" and the French Treaties with England of 1831 and 1833 will be the rallying subject of opposition. The abolition of these treaties will be demanded. The "right of visit" is deemed very generally here to be unnecessary, insufficient and leading to continual misunderstandings. The recent treaty between England and the United States and other circumstances have given force to the opponents of the "right of visit". Texas has conceded this "right" to the English Marine, and though it has now no practical effect for Texas, it would assume a grave importance were Texas to become a considerable commercial Power; and the issue of the question now pending between France and England has much interest for our country.

Various circumstances which need not be detailed have contributed within the last few years to throw much discredit in Europe upon our country. The Santa Fe Expedition destroyed the high prestige of our valour which formerly existed. It is but just too, to add that the extreme discredit of the U. States Government has been visited upon Texas. I have the satisfaction however to state that a much better appreciation of our country is taking place in a noticeable manner. Probably some little vexation is still felt by the French

Ministry in consequence of the unfortunate misunderstandings with their late Chargé d' Affaires, but so far as I can judge, a very real good feeling exists towards Texas on the part of the French Government.

I have the honor to be  
very respectfully  
your most obedient servant

ASHBEL SMITH

---

The Earl of Aberdeen to Ashbel Smith.

The Undersigned Her Majesty's Principal Secretary of State for Foreign Affairs has the honor to acknowledge the receipt of the note which Mr Ashbel Smith, Chargé d' Affaires of Texas addressed to him on the 10th Instant, in reply to that of the Undersigned dated the 27th Ultimo, relative to the release of the steam vessel Montezuma from the detention to which she had been subjected by the Custom House Authorities. In replying to Mr Smith, the undersigned does not propose to enter into a lengthened and intricate argument on the rights of neutrality as established by the Law of Nations and illustrated in Mr Smiths Note by a reference to the proceedings which took place between Great Britain and the United States in 1793. As little does the Undersigned think it expedient to enter into a discussion with Mr Smith respecting the transaction which he denominates "The Terceira Affair", between which and the case of the two Steam vessels 'Guadalupe' and 'Montezuma' the Undersigned is unable to perceive the slightest analogy. The one was a case of Foreign Troops attempting to organize themselves in England and to levy war from English Territory on a Foreign Country with which England was at peace and in strict alliance; while the other is a case of two vessels built and fitted out by a private merchant as a mercantile speculation; the question respecting them being simply whether that merchant in so doing had or had not contravened the Foreign Enlistment Act. The two questions are in every point so entirely dissimilar that the Undersigned deems it quite superfluous to make further reference to the one as in any way bearing on the other. But setting aside such arguments which in the conception of the Undersigned rather serve to display the ingenuity of the disputants than to bring the question discussed to any useful practical issue, the Undersigned prefers by reference to facts to place the conduct of Her Majesty's Government with regard to Texas in so clear and indisputable a light as to show that however it may be attempted to prove that they have favored Mexico in the matter of the two steamers Guadalupe and Monte-

zuma to the prejudice of Texas, they have in reality not only acted, generally a strictly neutral part between those two countries, but that their whole proceedings, especially since the final ratification of the Treaties between Great Britain and Texas, prove them to have been animated by the most friendly and liberal spirit towards Texas.

The Undersigned will call to the recollection of Mr Smith that it was some time prior to the ratification of the Treaties that application was made to Her Majesty's Government by Messrs Lizardi for permission to arm the two steamers above mentioned as private property, until they should have arrived at Vera Cruz. Had Great Britain been hostilely disposed towards Texas, that permission might undoubtedly have been given. The speculation was a private one, Mexico needed not to appear in the matter; and finally Great Britain was as yet in no way bound to Texas whose existence as an Independent Power she had not finally recognized. Great Britain was not however disposed to injure Texas or to favor Mexico; and the permission sought for was not granted. But although Her Majesty's Government were determined to act a decidedly neutral part between both countries and even a friendly part towards Texas, they were not prepared to carry their complaisance so far as to strain the application of the British law, in such a manner as to oppress, and perhaps ruin a merchant who had erred inadvertently or to check and damp the industry of British Ship builders or British Manufacturers of Arms at a moment of severe commercial and manufacturing distress. Although therefore there was a doubt whether the Foreign Enlistment Act rigorously interpreted had not been infringed by Messrs Lizardi, Her Majesty's Government determined rather to risk erring on the side of leniency, and gave Messrs Lizardi the benefit of that doubt. Had the vessels been built and equipped for the account of Texas, this same equitable and indulgent line of conduct would have been pursued.

But even supposing the release of the Montezuma to be open to the charge of over leniency at the expense of rigid justice, which the Undersigned however is far from admitting it to be, would that act be sufficient to countervail the whole conduct of Her Majesty's Government towards Texas since the ratification of the Treaties? Not a fortnight after that ratification, Her Majesty's Government had already instructed the Queen's Minister at Mexico, in communicating the fact of ratification to the Mexican Government to urge that Government to recognize the Independence of Texas in conformity with the intent of the 1st Article of the Treaty. But those instructions were not couched in the dry and formal terms of a mere cold compliance with that provision. They were conveyed as Mr Smith well knows for he has had cognizance of them in the warm and

earnest tone of real friendship and good will. Her Majesty's Government pressed that of Mexico by every argument that could be adduced to fall in with the wishes and recommendation of Great Britain. No topic of persuasion was omitted which was considered likely to weigh with the rulers of Mexico; and not fifteen days after the dispatch of that first instruction, a second was sent out to Her Majesty's Minister enjoining him in still more earnest terms to press the point again on the attention of the Government of Mexico.

These facts the Undersigned apprehends will be found more than sufficient to outweigh all Mr Smith's arguments founded on the Law of Nations and "the Terceira Affair". These facts alone afford a sufficient justification of the British Government against the charge of want of amity brought against them by Mr Smith.

He will not however close this note without saying a few words respecting the present principles and conduct of the United States Government in reference to Mexico and Texas, as compared with its principles and conduct in 1793, which have been so much dwelt upon by Mr Smith in his Note of the 10th Instant. But in doing this the Undersigned must distinctly disclaim any intention to criticise or question that conduct. His sole aim is to shew first that the principles now adopted by the United States Government materially differ from those advocated in 1793; and secondly that their conduct in respect to Texas and Mexico has very closely resembled in the points to which Mr Smith takes exception that of Great Britain.

In a correspondence which has recently taken place between Monsr. Bocanegra the Mexican Secretary of State and Mr Webster, on the subject of an alleged violation of neutrality on the part of the United States to the prejudice of Mexico, Mr. Webster thus expresses himself in a letter addressed by him on the 8th July to Monsr Bocanegra.<sup>a</sup> "If it be true that Citizens of the United States have been engaged in a commerce by which Texas an enemy of Mexico has been supplied with arms and munitions of war, the Government of the United States nevertheless *was not bound to prevent it*, could not have prevented it without a manifest departure from the principles of neutrality, and is in no way answerable for the consequences." And in another clause of the same letter Mr Webster says: "Two vessels of war, it was alleged (by the representative of Texas) built or purchased in the United States for the use of the Government of Mexico, and well understood as intended to be employed against Texas, were equipped and ready to sail from the waters of New York. The case was carefully inquired into, official communication was made and legal counsel invoked. *It appeared to be a case of great doubt, but Mexico was allowed the benefit of that*

<sup>a</sup> Addressed in fact to Waddy Thompson, United States minister to Mexico. See Webster, *Works*, VI, 445-457. For the extract here quoted, see p. 451.



*"doubt: and the vessels left the United States with a whole or a part of their armament actually on board."* And Mr Webster adds "The same administration of even handed justice, the same impartial execution of the Laws towards all parties will continue to be observed."

The Undersigned might cite many other passages in the same letter and similar passages also in a letter addressed to the Mexican Government by General Thompson the United States Minister in Mexico, in corroboration of the points which he is now elucidating, but the above passages will suffice for his present purpose. It is needless to point out to Mr Smith how exactly the case referred to in the last of the above quotations coincides with that under discussion between him and the Undersigned. But it is not such coincidence which has induced the Undersigned to cite that case. His only object in introducing that and the preceding quotation is to show that if the principle asserted by the United States Government in 1793 can be adduced in support of Mr Smith's view of the rights of neutrality as established by the Law of Nations, those adopted as above shown by the United States in 1842 might be equally appealed to in support of the conduct of Her Majesty's Government in the contest between Texas and Mexico and especially towards Texas.

The Undersigned however has no thought of calling in such support. He is content that the proceedings of Great Britain towards Texas should stand upon their own merits. The Undersigned will not conceal from Mr Smith that it is not without some surprise that he finds Mr Smith both insisting with such earnestness and perseverance on the alleged violation of neutrality in regard to Texas in the matter of the two steamers, and also in adducing the example of the United States in support of his argument. It is perfectly notorious to the whole world, that in the present contest between Mexico and Texas, the United States have served as the arsenal and workshop of Texas. There is scarcely a vessel of war belonging to Texas which was not built and equipped in the United States and some of these vessels were by the last accounts received from Texas, reported to be actually lying at New Orleans to refit. And yet Mr Smith does not hesitate to bring a graver charge of breach of neutrality against the British Government for having permitted the departure of two Steamers fitted out in British Ports on private speculation and indirectly destined for the service of Mexico, respecting which vessels great doubts existed in the minds of the authorities more immediately concerned in their detention and release. Although it might undoubtedly be convenient to Texas to prevent if possible Mexico from supplying its military and naval wants from Foreign Markets, the Undersigned will not deny that considering all the circumstances above adverted to, Mr Smith might, in his opinion have

abstained from pressing a charge against the British Government, which even were it proved to its full extent, would but amount to the fact of having done that with respect to Mexico, which the United States have done and are daily doing in respect to Texas. While Mexico however has drawn but two Steamers and a small quantity of arms and ammunition in those two Steamers from the ports of England, Texas is daily and hourly equipping herself and drawing her military stores from the ports of the United States.

The only object which the Undersigned has in view in alluding to the latter circumstance is to show that in the heat of his ardor to convict Great Britain of a violation of the Law of Nations, Mr Smith has overlooked the proceedings of his own Government and Country in relation to a Country which like Great Britain asserts an absolute neutrality between Mexico and Texas.

It only remains for the Undersigned to inform Mr Smith that long prior to the receipt of intelligence announcing the arrival of the Guadalupe at Vera Cruz, a letter had been dispatched by the Admiralty to the British officers who were serving on board that vessel, directing their return forthwith to England. And the Undersigned will here repeat that in case those officers, as well as those on board the Montezuma, should after such summons continue in the Mexican Navy, they will be dismissed from her Majesty's service.

The Undersigned avails himself of this occasion to renew to Mr Ashbel Smith the assurances of his high consideration.

signed ABERDEEN.

FOREIGN OFFICE  
*November 8th 1842.*

---

Ashbel Smith to the Earl of Aberdeen

MY LORD,

I have received Despatches from the Government of Texas, dated the 20th August in which I am instructed to say:

“This Government will accede to the request of the Earl of Aberdeen that the Royal West India Mail Steamers touching at the Ports of Mexico shall be exempted from the operation of the Blockade, and an order to this effect will be issued to our blockading squadron. You will be furnished with a copy of this order to be communicated to Her Majesty's Government. If an arrangement can be effected whereby these vessels shall regularly touch at Galveston, it would be highly gratifying to the President and would doubtless be productive of advantages both to this country and Great Britain.”

In making the foregoing communication, I think it proper to state that although considerable delay has been experienced in obtaining

an answer on the subject of exempting the Royal West India Mail Steamers from the operation of the Blockade formerly declared by Texas, that delay has not been greater than appears to have been inevitably occasioned by the uncertain transmission of the mails through the United States.

I have also been furnished with the Proclamation of His Excellency the President of Texas revoking the Blockade;<sup>a</sup> a copy of which I have the honor herewith to communicate to your Lordship.

Despatches recently received from Texas contain expressions of very friendly regard for Her Majesty's Government and appeal to the facts that Texas belongs to the same great National family, speaks the same language, is governed in a great measure by the same laws and possesses kindred and congenial sentiments with Great Britain, as justifying the hopes that the relations of the two countries may continue amicable and become intimate and permanent. Great reliance is placed on the mediation of Great Britain in the contest between Texas and Mexico; and I am directed to continue to invite the attention of Her Majesty's Government to this subject.

Your Lordship has doubtless seen with satisfaction that up to the time of the last advices from Mexico, no serious demonstration of hostilities had been made against Texas; and that this delay furnishes reason to hope that the friendly counsels of Her Majesty's Government may yet be listened to and result in the establishment of peace between the two Countries

I embrace this opportunity to renew assurances of the very distinguished consideration with which I have the honor to be

Your Lordship's  
most obedient and  
very humble servant

ASHBEL SMITH

LEGATION OF TEXAS

10th December 1842

---

Ashbel Smith to the Earl of Aberdeen

The Undersigned Chargé d' Affaires of the Republic of Texas has the honor to acknowledge the receipt of His Excellency the Earl of Aberdeen's note of the 8th Ultimo, concerning the Mexican Armaments recently fitted out in British Ports. The vessels having some time since left the ports of Great Britain, and Her Majesty's Government having taken a definitive course in regard to them, the Undersigned does not propose to pursue the discussion of this subject further than to add a few explanatory remarks on some of the topics heretofore mentioned.

---

<sup>a</sup> See *Telegraph and Texas Register*, September 14, 1842.