

CORRESPONDENCE WITH SPAIN.

FISHER TO JONES^a

SMITH TO SANCHO.^b

SMITH TO IRVING.

(Copy^c)

Mr Ashbel Smith to His Exy Washington Irving.

LEGATION OF TEXAS LONDON

September^d 13/42

SIR,

I had a conversation some days since with General Sancho the Spanish Minister at this Court, concerning the recognition of Texas by Spain and the establishment of relations by treaty between the two Countries. At General Sancho's suggestion I addressed him a note on this subject of our conversation, which, note, he has since informed me, has been transmitted to his Government.

In view of the numerous and intimate relations subsisting between the United States of America and Texas, it has seemed to me probable that your opinion as the American Minister at Madrid, might be directly sought concerning Texas. And I am well aware that any opinion you may express on this subject to the Spanish Government, will deservedly have great weight. I have therefore taken the liberty of writing to you at this time and annexing a copy of my Note to General Sancho.

The right of the Republic of Texas to be recognised as one of the family of Nations, by other Powers to which she shall make application, rests on her just claims which are to be inquired into as matters of fact. I feel intire confidence that you would aid in obtaining a

^a May 3, 1842. See Calendar.

^b September 7, 1842. See Smith to Jones, September 8, 1842.

^c Inclosed with Smith to Jones, September 19, 1842. See Correspondence with Great Britain. With the original sent to Irving was inclosed a copy of Smith to Sancho, September 7, 1842.

^d The day of the month must have been either the 7th or the 8th; for this letter was written subsequent to that to General Sancho of September 7 and previous to the dispatch to Jones of September 8.

due consideration of these claims, at all times, when it would be proper for you to do so. I feel too, that an appeal for your kind offices on this occasion, to the powerful motives which bind Texas and the United States so closely to each other, would be as little complimentary to you, as it would be wholly unnecessary.

I take the liberty of mentioning here, altho' this fact has no very direct relevancy to the foregoing matters, that one principal object I had in calling on General Sancho, was to inquire into the truth of a statement I received from a respectable quarter, that the British Government had been notified of an intention on the part of the Spanish Authorities in the West Indies, to send a naval force to break the Blockade of the Mexican Ports by the Texian Navy. The Spanish Minister declared himself possessed of no information on this subject. The Government of Texas would view such a step taken by Spain, with regret; and I am sure the Spanish Government would not authorise it, except under a great misapprehension of the condition of affairs in the Gulf of Mexico.

I have the honor to be

with great respect

Your Excellency's

obedient servant

signed.

ASHBEL SMITH

3 St James's Street

London.

His Excellency

WASHINGTON IRVING

etc. etc. etc.

SMITH TO JONES.*

LEGATION OF TEXAS, LONDON

September 8, 1842

HON ANSON JONES

Secretary of State

SIR,

Having been assured from a source in which I can place reliance that the Spanish Authorities in the West Indies had signified their intention to force our Blockade of the Mexican Ports, I called on General Sancho, the Spanish Minister at this Court, to whom I mentioned the subject. I stated to him that I had heard the report in question on such authority as entitled it to attention, but that I could not permit myself to believe it; and I expressed the hope he would authorise me to assure my Government that it is entirely destitute of foundation. General Sancho replied that he had received

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no information on this subject from his Govt., that it is one of those cases in which the Captain General of Cuba acts according to circumstances without waiting to consult the home government. General Sancho then proceeded to argue the question hypothetically, and maintained the opinion that Spain need not or could not respect the blockade as it had not recognized Texas. I quoted the opinion of Sir Robert Peel speaking for the British Government in Parliament, to the effect that it respects a blockade although it may have never recognised the Nation declaring the blockade; and I added that the maritime importance of England gave much weight to its opinion on such a point. He observed that so far as regarded Spain, Texas is not a State, etc. I replied the recognition by the United States of A. France, England and Holland fully admits Texas into the family of nations with all the rights of a nation, and he must perceive that a formal recognition by every other power is not necessary to entitle a nation to exercise its rights. After the recognition of Texas by the Great Powers named above, would not, I said, the forcing our blockade by Spain be an act of war? General Sancho thought not, and then repeated what he had several times stated, that he spoke hypothetically only and from himself without information or instructions from his Government.

We then discoursed on the condition of Texas generally. I narrated briefly our history and stated our resources etc., directing his attention to them chiefly with reference to defence and foreign commerce. I found him pretty well informed on these subjects. I mentioned that Texas had ever entertained a high and just estimate of the importance of Spain, and of the mutual advantages which would spring from the establishment of friendly relations between the two countries; but that circumstances of unavoidable delay had hitherto occurred in presenting the claims of Texas to the consideration of Spain. I further added that I was authorized to make such overture whenever it should be agreeable to the Spanish Government to entertain the subject.

He appeared to receive this information on the whole quite favorably—spoke of our condition at length, said he would write forthwith to his Government; and asked me to address him a written note on this subject. I made a communication accordingly; a copy of which is hereto annexed. I have sent a copy of my note to General Sancho, to the Hon Washington Irving, American Minister at Madrid, and have asked of him such aid in furthering the claims of Texas as his position at that Court will permit him with propriety to render. I am not very sanguine of being able to obtain immediately our recognition by Spain—but it appears to me very proper that I should be furnished with powers to make a treaty and forthwith. Let me respectfully urge on your Department to

send at your earliest convenience a general power and instructions to conclude Treaties.

It has occurred to me that your department may regard me as having been remiss in presenting the claims of Texas to recognition by other powers. I have only to state that in view of the opinions entertained of Texian Affairs, at the time of my reaching London, a presentation of this subject would have been worse than useless. Every Government, I was assured would have committed itself in opinion against our recognition. The Times, probably the most influential newspaper in the world, had stated its belief that the history of Texas as a separate people, was terminated, and that it had become in all probability again an integral part of Mexico. Our credit in every respect was at the lowest ebb, as I have formerly reported to your department. On my arrival in France the Ministers from Russia, Belgium, the Hanse Towns and Spain were absent from Paris, Nor did they with the exception of the Belgian Minister return to their post during my stay there. I have the satisfaction to believe that a much better appreciation of our country already obtains here, and that this favorable opinion is increasing.

Touching the intelligence of the intention expressed by the Government of Spain to force our Blockade of the Mexican Ports, I will state, that I am positively assured by a responsible and highly respectable person here, that the Spanish Authorities at Cuba notified their determination to break the Blockade, to the British Officers at the Havanna, who officially communicated it to their Government. As I have mentioned the Spanish Minister here disavowed all knowledge of the subject and said the Captain General acts in such matters without waiting for instructions from Spain.

The Mexican Steamer Montezuma detained by order of the British Government remains in the same condition as mentioned in my preceding dispatch. The principal members of the Cabinet, Lord Aberdeen and Sir Robert Peel are still absent with the Queen, who is on a visit in Scotland. As the detention is *wholly* a Cabinet proceeding, nothing will probably be done till their return. If agreeably to my request made to Lord Aberdeen in my last note to his Lordship, the case of the Montezuma shall be turned over to the Courts of law, I think we can procure her condemnation. At present while the proceeding is exclusively of the Administration, the Lords of the Treasury may order her release at any moment. I think however she will not be released shortly.

The subject of lands purporting to be in Texas offered for sale in London, has claimed my careful attention. It has been stated to me that Mr B. C. Jackson formerly of Texas has sold some unlocated head-rights which were fraudulent. This must have been, if ever,

previously to my reaching London. In view of the just complaints made on this subject, I have addressed a circular note to our Consular Agents in England enjoining on them strict attention in regard to transfers authenticated before them. Excepting a single *patent* for 640 acres the sale of which was recently authenticated before Mr Rate, Consular Agent, I am not informed of any sales having been effected under any circumstances since my arrival here. Indeed, at this time, Texian lands have scarcely any market value in London. Your department is assured that if any fraudulent titles have been purchased, it was through the fault of the purchasers, for neglecting to make inquiry at the authorized and responsible sources of information. Conceiving this to be an important duty, my instructions to Mr Rate Consular Agent have been strict and he appears strongly impressed with their propriety.

I have the honor to recommend as Consuls for England and Scotland the following gentlemen.

Alfred Fox—of the firm of G. C and R. W. Fox & Co *Falmouth*.

John Graham Stewart, Merchant 19 South Hanover Street, *Glasgow*.

John Roxburgh, of the firm of Gray, Roxburgh & Co *Greenock*

John Clow, of the firm of Tennerets, Clow & Co *Liverpool*.

John Atkinson, *Hull*.

C. Were Fox *Plymouth*.

Lachlan Macintosh Rate,—of the firm of Little, Rickards & Co London. 15 Bishopsgate Street.

These recommendations have been made on careful advisement with Wm. Kennedy, and a scrutiny by myself into their standing. Mr Kennedy who will leave in a few days for his post of English Consul at Galveston will bring out the references and letters of recommendation presented by the gentlemen above submitted to His Excellency's consideration.

From some circumstances I am led to think that great delay is experienced in the receipt of my Despatches to your department. I do not know where it exists. My dispatches are always deposited by myself in the Post Office in London and the postage to the United States regularly paid. They are uniformly forwarded from Liverpool within 48 hours after they are written in London. The delay must occur in the United States.

I am still without advices of recent date from your department

I have the honor to be

very respectfully

Your obedient servant

ASHBEL SMITH.

(Copy.)

LEGATION OF TEXAS, LONDON

September 7, 1842.

His Excellency
General SANCHO
Minister from Spain
etc. etc. etc.

SIR

Agreeably to the promise made by me in the conversation I had the honor to hold with your Excellency on the 5th Instant, I address you a note concerning the Republic of Texas.

I shall mention only a few topics and briefly; for, your Excellency's acquaintance with the history of the times, will dispense on my part the necessity of entering minutely into details.

On the 2d of March 1836, the Citizens of Texas for reasons set forth in their Declaration of Independence declared themselves forever separated from and independent of the Republic of Mexico. At that moment General Santa Anna was far advanced into the interior of Texas, at the head of a numerous, well disciplined and well appointed Army. On the 21st of April following, the Mexicans were defeated in a pitched battle, and the President Commanding in Chief with his staff, and the flower of his Army, were taken prisoners by the Texians. In consonance with the humane spirit of the Age, General Santa Anna and the other prisoners were permitted to return to Mexico unharmed in their persons or lives.

An Independent Government was then organized by the Citizens of Texas, and from that moment to the present time, they have held their territory in entire and uninterrupted possession, and have exercised therein all the attributes of sovereignty in the fullest manner. Enjoying stable institutions at home, they have rapidly increased in population and all the elements of strength. In view of the above facts, of the efforts made by Mexico in 1836, and of the exertions she is capable of again making to subjugate Texas, it is clear Texas can have no apprehension of the result of any future contest with Mexico.

As an evidence of the capacity of the Texians for self-Government, I may state to your Excellency, that since the organization of their Government, no internal disturbance or commotion has occurred, nor have any changes been made in its administration, except by the civil elections and at the times and agreeably to the forms prescribed by their Constitution and Laws.

Your Excellency's acquaintance with the Histories of Nations will justify me in stating, that since the establishment of its Independence, the increase of Texas in population, its progress in the industrial, commercial and agricultural arts are unexampled. Since 1836, the

(Copy.)

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Your Excellency's acquaintance with the Histories of Nations will justify me in stating, that since the establishment of its Independence, the increase of Texas in population, its progress in the industrial, commercial and agricultural arts are unexampled. Since 1836, the

population of Texas has augmented many fold. Its products for foreign commerce, which, at the period mentioned, were almost null, are already important and rapidly increasing. The crop of cotton grown the present year in Texas, is estimated on moderate calculation, at one hundred thousand bags. I mention the Cotton Crop only, as an example, a favorable one, it is admitted; for, your Excellency's knowledge of that portion of the Globe renders it unnecessary for me to point out the numerous other objects which that country will furnish for export.

A brisk little commerce has already sprung up between Texas and the Havanna, which in view of the rapidly developing resources and increasing products of the former country, will, if fostered by the establishment of friendly relations with Spain soon become important, extend to other possessions of Her Majesty's Government as well as to the parent Country, and be productive of great mutual advantages. The proximity of Texas and Cuba renders their commercial intercourse easy and prompt. A difference in their climate and soil produces many articles of commerce reciprocally needed by the inhabitants of the two countries;—and an exchange of the beef and other meats, the cereal grains, the live stock and numerous other articles of Texas for the various productions furnished in profusion by Her Spanish Majesty's possessions, would be highly convenient and profitable on both sides.

The establishment of friendly and diplomatic relations between Spain and Texas, would not only augment their commercial intercourse but also place it on a secure basis;—it would give to Spain another source whence to procure objects of foreign production which she may need, and open another market to the surplus products of the industry and skill of her subjects:—it would strengthen and cement that friendly regard for Spain which the associations of History and numerous objects in Texas are so well calculated to inspire in the minds of its citizens.

I do not deem it necessary to mention to your Excellency that the Republic of Texas has been recognised as an Independent Power by the United States of America, France, England and Holland; nor to occupy your time in relating the circumstances of unavoidable delay which has occurred in presenting this subject to the consideration of Her Majesty's Government of Spain:—for which, I may add Texas has ever entertained a sincere regard as well as a high sense of its great importance.

I have the honor to subscribe myself
with sentiments of great esteem

Your Excellency's
obedient servant,

The Chargé d' Affaires of Texas

signed

ASHBEL SMITH.

COMMISSION OF SMITH AS CHARGÉ D' AFFAIRES TO SPAIN.^a

[Conferring power to conclude a treaty of amity, commerce, and navigation.]

JONES TO MINISTER OF FOREIGN AFFAIRS OF SPAIN.^b

[Letter of credence for Ashbel Smith as chargé d' affaires from Texas to Spain.]

JONES TO SMITH.

DEPARTMENT OF STATE
Washington Feb. 16th. 1843

HON. ASHBEL SMITH, *Chargé d' Affaires etc. etc.* SIR,

Enclosed herewith I have the honor to transmit you a letter of Credence for yourself as Chargé d' Affaires of this Govt to that of Spain, and also a full power to negotiate and conclude a treaty of Amity, Navigation and Commerce with that power.

So soon therefore, as you definitely ascertain that a willingness exists on the part of the Spanish Govt. to receive you in the character in which you are now accredited you are authorized to proceed to the court of Madrid and put yourself in communication with it.

The situation of the Island of Cuba in reference to Texian Commerce is such as to render it very desirable that a Treaty should be concluded between the two countries at as early a period as practicable.

You will therefore proceed in the negotiation of a Treaty with the Govt. of Spain, with as little delay as possible after your reception by it. In this negotiation you will obtain such advantages for Texian trade and commerce in the ports of Spain and her dependencies in the West Indies as you may find it practicable, forming the Treaty on the basis of mutual reciprocity and, with stipulations in relation to all matters similar in character generally to the provisions of the Treaty between this country and France, negotiated by Gen. Henderson.

It is deemed unnecessary to give you more detailed instructions in relation to this subject, as the President relies with the greatest confidence upon your good judgement, and your zeal to promote the best interests of Texas and is unwilling to hazard the success of the negotiation, by as restricting your powers and your discretion within too narrow limits.

Mr. Daingerfield, left this [city] for Europe about two weeks since. He is appointed to the Netherlands as Chargé d'Affaires

^a February 16, 1843. The imperfect copy in the archives indicates that Smith was to be empowered to treat with any other European government; but the letter from Jones of the same date shows that the commission simply made him *chargé* to Spain. He had the same office for England and France already.

^b February 16, 1843. See Jones to Smith, of the same date. The copy kept for the archives consists of only a few words with which the letter begins, together with the address and the signature.

but is also accredited to Belgium and the Hanse Towns. It was the intention of the President to have accredited you to Belgium, but as he concluded to send Mr. D to Holland it was concluded best to divide the field and the labor between you, Our relations with France and England are of the most interesting and important character at the present time, and should Spain open the door to negotiation it was believed that your duties as the representative of Texas to these three powers, would require all your time, and be sufficiently arduous to engage your entire attention.

I enclose you herewith Gen A Sommervell's official report of the late Campaign made by him^a which with my former communications will put you in possession of all the facts in relation to that affair. Since the President has seen the Articles of Capitulation under which Col. Fisher and his men surrendered at Mier his hopes for the safety of those unfortunate men have been much weakened.

It is with extreme regret I inform you that serious opposition exists in the Senate of the United States to the ratification of the Treaty concluded by Mr. Riley in August last.^b This opposition it is believed has received much of its force from the infamous course pursued by some of our own newspapers in vilifying and abusing the country its institutions and character and misrepresenting the actions of the Govt. I allude to the "Galveston Times" the "Morning Star" and "Houston Telegraph." The malign influences of these slanders will no doubt reach Europe. I hope and trust however you will do every thing in your power consistent with the most perfect propriety to counteract the falsehoods uttered and circulated through these vile channels, or by other means and to disabuse public opinion in regard to this country and its institutions

The licentiousness of this portion of the newspaper press gives cause of deepest mortification to every friend of decency and good order here, and leads them frequently even to doubt whether this licentiousness is not a greater curse to the country than the liberty of the press is a blessing. Certain it is that incalculable injury has been done to our cause by the course the Editors of these papers have pursued at this moment of peculiar national embarrassment.

The friends of Texas however must not for a moment despair, for she will assuredly triumph over all her foes external and internal. A contract having been consummated with Messrs Carroll, Converse, Mercer, Mawe and Stukely for colonizing not exceeding ten thousand families and the President having granted those gentlemen a tract of land on Red River, comprising the former grant to Peters, Carroll and others and extending in all 164 on Red River and running South from said River 100 Miles, these gentlemen have again applied for an extension of their limits. It is the intention of the President only

^a Somervell to Hill, February 1, 1843. See Calendar of Correspondence with Mexico.

^b See Correspondence with the United States in Part I, pp. 622-628.

to grant this extension upon satisfactory assurances that the parties are proceeding *bona fide* in carrying out the provisions of the contract for colonizing the grant already made. You will probably have it in your power to ascertain the measures they are taking for this purpose and I rely upon you for the necessary information, to enable the President to take proper action in the premises.

The present policy of the government towards Mexico is to stand on the defensive. This policy has been strictly pursued, as far as practicable and will be continued. Texas has not the means necessary to carry on offensive operations against her enemy. The late Campaign under Gen Somerville was not projected or recommended by the President. It was merely *sanctioned*, to satisfy popular clamor, and as the volunteers under him wished to cross the Rio Grande, and were determined to do so right or wrong, to clothe the expedition with legal authority, that in case it was unfortunate and our citizens should fall into the power of Mexico they could not be regarded or treated by that power otherwise than as lawful belligerents, acting under the sanction of their Government.

I have the honor to be
with great regard
Your ob svt

signed ANSON JONES

P. S. Mr Van Zandt having been instructed to communicate to you the answer of the United States to the proposition for that Govt. to unite with France and England in a concerted action of the three Govts in endeavoring to establish a peace between Texas and Mexico, you will please communicate the same to the governments of France and England so soon as it is received. I am in daily expectation of hearing from Mr. V. Zant in relation to this matter

signed ANSON JONES

SMITH TO LA ROSA.^a

(Copy)

Ashbel Smith to the Spanish Ambassador.

LEGATION OF TEXAS, PARIS

February 1844

To His Excellency

MARTINEZ DE LA ROSA

*Ambassador of Her Majesty the Queen of Spain
etc. etc. etc. etc.*

SIR,

I have the honor to present to your Excellency a confidential note recapitulating the substance of the observations I made in our interview of yesterday.

^a Transmitted with Smith to Jones, February 26, 1844. See Correspondence with France.

^b The letter was written apparently some days before the 26th.

The Government of the Republic of Texas desires to establish with the Government of Her Majesty the Queen of Spain a Treaty of Amity and Commerce.

On the 2d of March 1836, the Citizens of Texas for reasons set forth in their Declaration of Independence, declared themselves forever separated from and independent of the Republic of Mexico. They then organized a Government for themselves, and from that time to the present, a period of eight years, they have held their territory in entire and uninterrupted possession and have exercised therein all the attributes of Sovereignty and Independence in the fullest manner.

Since the defeat of the Mexican Army under General Santa Anna at the battle of San Jacinto and the retreat of the rest of their forces from Texas in the spring of 1836, Mexico has not been able to recover possession of the country nor of any portion thereof. In the mean time, Texas has greatly increased in population and in all the elements of strength. It is moreover conceived that the Mexican Government have virtually acknowledged the Independence of Texas by their proposition made to Texas for the establishment of an Armistice and the appointment of Commissioners to render the armistice definitive and by a subsequent proposition for the exchange of prisoners. These propositions have been acceded to by Texas; and the Texian Commissioners who were appointed in pursuance of the former proposition have been well received in Mexico, though the result of their mission has not yet been made known. Even should this mission prove abortive, which however there appears to be no reason for anticipating, it is plain that Mexico could not hereafter accomplish against the greatly increased and rapidly increasing population and strength of Texas, what it was unable to accomplish in 1836.

The United States of America, France, Great Britain and Holland have by treaties of Amity and Commerce and the establishment of diplomatic relations with the Republic of Texas recognized it as an Independent Power.

In reference to the internal affairs of Texas I may state to Your Excellency, that since the organization of its Independent Government in 1836 no domestic commotion has occurred, nor have any changes been made in its administration except at the times and agreeably to the forms previously established by the Constitution and Laws of the Country.

Since 1836 the population of Texas has augmented several fold. Its products for foreign commerce which at the period just mentioned were almost null, are already considerable and rapidly increasing.

Some commerce has already sprung up between Texas and the Havana. The proximity of Texas and Cuba renders their intercourse with each other prompt and easy; differing in climate and soil, each country produces many articles of commerce needed by the inhabitants of the other. An exchange of the beef and other meats, the cereal grains the live stock and cotton of Texas for the various productions furnished in profusion by Spain and Her Spanish Majesty's Colonial possessions would be highly convenient and profitable to both countries.

By the laws of Texas a discriminating duty is made in favor of the commerce of those nations with which it has treaties.

The establishment of relations by treaty between Spain and Texas would tend greatly to augment their commercial intercourse by placing it on a secure basis; it would give to Spain another source whence to procure objects of foreign production which she may require and open another market to the surplus products of the skill and industry of her subjects; it would moreover strengthen and cement that friendly regard for Spain which the associations of History and numerous objects in Texas are so well calculated to inspire in the minds of its citizens.

It is conceived to be important that a good understanding should exist between Spain and Texas in view of the population of African descent belonging to the two countries. It is believed there is identity of opinion in the two countries on this subject, and that it is the determination of each country to maintain unchanged its institutions affecting this part of its population.

In conclusion I will state to Your Excellency that I am furnished by my Government with plenary powers to negotiate a Treaty of the nature I have mentioned; and it will be a source of gratification to me should this subject meet with your favorable recommendation to the Govt. of Her Majesty the Queen of Spain:—and allow me to add that my satisfaction will be greatly augmented should I have the honor of negotiating with Your Excellency a Treaty which promises advantages to both countries with which we are respectively connected.

I avail myself of this opportunity to offer to Your Excellency assurances etc. etc. etc.

signed ASHBEL SMITH.