

[116]
MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A REPORT OF THE SECRETARY OF STATE,

OF

APPLICATIONS BY CERTAIN OF THE INDEPENDENT GOVERN-
MENTS OF SOUTH AMERICA,

TO HAVE A MINISTER ACCREDITED

BY

THE UNITED STATES,

AND THE

ANSWERS OF THE GOVERNMENT OF THE UNITED STATES,

TO

SUCH APPLICATIONS.

JANUARY 30, 1819.

Read, and ordered to lie upon the table.

WASHINGTON:

E. DE KRAFFT, PRINTER.

1819.

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THE PRESIDENT OF THE UNITED STATES

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A REPORT OF THE SECRETARY OF STATE

Washington, January 30, 1819

APPLICATIONS BY CERTAIN OF THE INDEPENDENT GOVERN-
MENTS OF SOUTH AMERICA, from the Sec-
retary of State, concerning the application which have been made for an-
swers of the independent governments of the United States, to have a minister accredited
or consul general accredited by the government of the United States,
with the answers of this government to the applications addressed

THE UNITED STATES
JAMES MONROE

AND THE

ANSWERS OF THE GOVERNMENT OF THE UNITED STATES

TO

SUCH APPLICATIONS.

JANUARY 30, 1819.

Read, and ordered to lie upon the table.

WASHINGTON:

E. DE KRAFFT, PRINTER.

1819.

THE PRESIDENT OF THE UNITED STATES,

A REPORT OF THE SECRETARY OF STATE,

Washington, January 29, 1819.

I transmit to the House of Representatives, in compliance with their resolution of the 14th of this month, a report from the Secretary of State, concerning the applications which have been made, by any of the independent governments of South America, to have a minister or consul general accredited by the government of the United States, with the answers of this government to the applications addressed to it.

JAMES MONROE.

ANSWERS OF THE GOVERNMENT OF THE UNITED STATES

TO THE HOUSE OF REPRESENTATIVES, JANUARY 1, 1819.

BY THE PRESIDENT OF THE UNITED STATES, JANUARY 4, 1819.

SUCH APPLICATIONS. Transmitted to the House of Representatives, January 1, 1819.

JANUARY 29, 1819.

Read, and ordered to lie upon the table.

WASHINGTON

E. DE KRAFFT, PRINTER

1819.

LIST OF PAPERS
Washington, January 20, 1819.

1. Submitted to the President, with the report of the Secretary of the Treasury, in compliance with their resolution, the 10th of February, 1818, relative to the application of the 10th of January, 1818, of the independent government of South America, to have a minister of the United States.
2. At Don Juan de Clemente to the Secretary of State, at Don Juan de Clemente, 10th Dec. 1818.
3. At the Secretary of State to Don Juan de Clemente, 10th Dec. 1818.
4. Commission to Sir Gregor McGregor, March 21, 1818.
5. Mr. Clemente to Don Vicente Páez, January 12, 1819.
6. Mr. De Forest to Mr. Adams, December 9, 1818.
7. Same to same, do. 12 do.
8. Mr. Adams to Mr. De Forest, do. 21 do.
9. Same to same, January 1, 1819.
10. Mr. De Forest to Mr. Adams, January 8, 1819.
11. Credential letter from the Supreme Director, Puyrebedon, to the President, delivered Mr. De Forest, without date.

LIST OF PAPERS

*Submitted to the President, with the Report of the Secretary of State,
on the resolution of the House of Representatives of the 14th January,
1819.*

1. Don Lino de Clemente to the Secretary of State, Dec. 11, 1818.
2. The Secretary of State to Mr. Clemente - do. 16 do.
3. Commission to Sir Gregor M-Gregor, March 31, 1817.
4. Mr. Clemente to Don Vicente Pazos, January 15, 1818.
5. Mr. De Forest to Mr. Adams, December 9, 1818.
6. Same to same - - - do. 12 do.
7. Mr. Adams to Mr. De Forest do. 31 do.
8. Same to same, January 1, 1819.
9. Mr. De Forest to Mr. Adams, January 8, 1819.
10. Credential letter from the Supreme Director, Pueyrredon, to the President, delivered Mr. De Forest, without date.

The Secretary of State, to whom has been referred the resolution of the House of Representatives, of the 14th instant, requesting of the President information whether any application has been made by any of the independent governments of South America, to have a minister or consul general accredited by the government of the United States, and what was the answer given to such application; has the honor of submitting copies of applications made by Don Lino de Clemente, to be received as the representative of the republic of Venezuela; and of David C. De Forest, a citizen of the United States, to be accredited as consul general of the United Provinces of South America, with the answers respectively returned to them. The reply of Mr. De Forest is likewise enclosed, and copies of the papers, signed and avowed by Mr. Clemente, which the President considered as rendering any communication between this department and him, other than that now enclosed, improper.

It is to be observed, that while Mr. Clemente, in March, 1817, was assuming, with the name of Deputy, from Venezuela, to exercise with the United States, powers transcending the lawful authority of any ambassador, and while in January, 1818, he was commissioning in language, disrespectful to this government, Vicente Pazos, in the name of the republic Venezuela, to "protest against the invasion of Amelia Island, and all such further acts of the government of the United States, as were contrary to the rights and interests of the several republics, and the persons sailing under their respective flags, duly commissioned;" he had himself, not only never been received by the government of the United States, as deputy from Venezuela, but had never presented himself to it in that character, or offered to exhibit any evidence whatsoever, of his being invested with it. The issuing of commissions, authorizing acts of war, against a foreign nation, is a power which not even a sovereign can lawfully exercise within the dominions of another in amity with him, without his consent. Mr. Pazos in his memorial to the President, communicating the commission signed by Mr. Clemente, at Philadelphia, and given to general M'Gregor, alleges, in its justification, the example of the illustrious Franklin, in Europe; but this example, instead of furnishing an exception, affords a direct confirmation of the principle now advanced. The commissions issued by the diplomatic agents of the United States, in France, during our revolutionary war, were granted, with the knowledge and consent of the French government, of which the following resolution from the secret journal of Congress, of 23d December, 1776, is decisive proof:

"Resolved, That the commissioners, (at the court of France,) be authorized to arm and fit for war any number of vessels, not exceeding six, at the expense of the United States, to war upon British

property; and that commissions and warrants be for this purpose sent to the commissioners: *provided the commissioners be well satisfied this measure will not be disagreeable to the court of France.*"

It is also now ascertained by the express declaration of the supreme chief Bolivar, to the agent of the United States at Angostura, "that the government of Venezuela had never authorized the expedition of general M-Gregor, nor any other enterprize against Florida or Amelia." Instructions have been forwarded to the same agent to give suitable explanations to the government of Venezuela, of the motives for declining further communication with Mr. Clemente, and assurances that it will readily be held with any person not liable to the same or like objection.

The application of Mr. De Forest, to be accredited as consul general of the United Provinces of South America, was first made in May last: his credential was a letter from the supreme director of Buenos Ayres, Pueyrredon, announcing his appointment, by virtue of articles concluded, in the names of the United States of America, and of the United Provinces of Rio de la Plata, between persons authorized by him, and W. G. D. Worthington, as agent of this government, who neither had, nor indeed pretended to have any power to negotiate such articles. Mr. De Forest was informed, and requested to make known to the supreme director, that Mr. Worthington had no authority whatsoever, to negotiate on the part of the United States, any articles to be obligatory on them, and had never pretended to possess any full power to that effect. That any communication interesting to the supreme director, or to the people of Buenos Ayres, would readily be held with Mr. De Forest, but that the recognition of him, as a consul general from the United Provinces of South America, could not be granted, either upon the stipulation of supposed articles, which were a nullity, or upon the commission, or credential letter of the supreme director, without recognizing thereby the authority from which it emanated, as a sovereign and independent power.

With this determination, Mr. De Forest then declared himself entirely satisfied. But shortly after the commencement of the present session of Congress, he renewed his solicitations, by the note dated the 9th of December, to be accredited as the consul general of the United Provinces of South America, founding his claim on the credentials from his government, which had been laid before the President last May.

A conversation was shortly afterwards held with him, by direction of the President, in which the reasons were fully explained to him upon which the formal acknowledgement of the government of Buenos Ayres, for the present, was not deemed expedient. They were also, at his request, generally stated in the note, dated the 31st of December.

It has not been thought necessary, on the part of this government,

to pursue the correspondence with Mr. De Forest any further; particularly as he declares himself unauthorized to agitate or discuss the question with regard to the recognition of Buenos Ayres as an independent nation. Some observations, however, may be proper, with reference to circumstances alleged by him, as arguing that a consul general may be accredited without acknowledging the independence of the government from which he has his appointment. The consul of the United States, who has resided at Buenos Ayres, had no other credential than his commission. It implied no recognition by the United States of any particular government; and it was issued before the Buenos Ayrean declaration of independence, and while all the acts of the authorities there, were in the name of the king of Spain.

During the period while this government declined to receive Mr. Onís as the minister of Spain, no consul received an exequatur under a commission from the same authority. The Spanish consuls who had been received before the contest for the government of Spain had arisen, were suffered to continue the exercise of their functions, for which no new recognition was necessary. A similar remark may be made with regard to the inequality, alleged by Mr. De Forest, to result from the admission of Spanish consuls, officially to protest before our judicial tribunals, the rights of Spanish subjects generally, while he is not admitted to the same privileges with regard to those of the citizens of Buenos Ayres. The equality of rights to which the two parties to a civil war are entitled, in their relations with neutral powers, does not extend to the rights enjoyed by one of them, by virtue of treaty stipulations contracted before the war; neither can it extend to rights, the enjoyment of which essentially depends upon the issue of the war. That Spain is a sovereign and independent power, is not contested by Buenos Ayres, and is recognized by the United States, who are bound by treaty to receive her consuls. Mr. De Forest's credential letter, asks that he may be received by virtue of a stipulation, in supposed articles concluded by Mr. Worthington, by which he was not authorized to make; so that the reception of Mr. De Forest, upon the credential on which he founds his claim, would imply a recognition, not only of the government of the supreme director, Pueyrredón, but a compact as binding upon the United States, which is a mere nullity.

Consuls are, indeed, received by the government of the United States from acknowledged sovereign powers, with whom they have no treaty. But the exequatur for a consul general, can obviously not be granted, without recognizing the authority from whom his appointment proceeds, as sovereign. "The consul," says Vattel, (book 2. chap. 2. § 34) "is not a public minister; but *as he is charged with a commission from his sovereign*, and received in that quality by him where he resides, he should enjoy, to a certain extent, the protection of the law of nations."

If, from this state of things, the inhabitants of Buenos Ayres cannot enjoy the advantage of being officially represented before the

courts of the United States, by a consul while the subjects of Spain are entitled to that privilege, it is an inequality resulting from the nature of the contest in which they are engaged, and not from any denial of their rights, as parties to a civil war. The recognition of them as such, and the consequent admission of their vessels into the ports of the United States, operates with an inequality against the other party to that contest, and in their favor.

It was stated in conversation to Mr. De Forest, and afterwards in the note of 31st December, that it would be desirable to the United States to understand, whether Buenos Ayres, itself, claims an entire, or only an imperfect independence. That the necessity of an explanation upon this point, arose from the fact, that in the negotiation of the supposed article with Mr. Worthington, the supreme director had declined contracting the engagement, though with the offer of reciprocity, that the United States should enjoy at Buenos Ayres the advantages and privileges of the most favored nation. That the reason given by him for refusing such an engagement was, that Spain having claims of sovereignty over Buenos Ayres, the right must be reserved, of granting special favors to her for renouncing them, which other nations, having no such claims to renounce, could not justly expect to obtain. Without discussing the correctness of this principle, it was observed that the United States, in acknowledging Buenos Ayres as independent, would expect either to be treated on the footing of the most favored nation, or to know the extent and character of the benefits which were to be allowed to others, and denied to them; and that while an indefinite power should be reserved, of granting to any nation advantages to be withheld from the United States, an acknowledgment of independence must be considered premature.

Mr. De Forest answers, that this reservation must appear to every one contrary to the inclination, as well as interest of the government of Buenos Ayres; that it must have been only a proposition of a temporary nature, not extending to the acknowledgment by the United States of the independence of South America; which he is confident would have rendered any such reservation altogether unnecessary, in the opinion of the government of Buenos Ayres, who must have seen they were treating with an unauthorized person, and suggested the idea, from an opinion of its good policy; and, he adds, that Portugal is acknowledged by the United States as an independent power, although their commerce is taxed higher in the ports of Brazil than that of Great Britain.

It had not been intended to suggest to Mr. De Forest, that it was in any manner incompatible with the independence or sovereignty of a nation to grant commercial advantages to one foreign state, and to withhold them from another. If any such advantage is granted for an equivalent, other nations can have no right to claim its enjoyment, *even though entitled to be treated as the most favoured nations*, unless by the reciprocal grant of the same equivalent. Neither had it been meant to say, that a nation forfeited its character of ac-

known sovereignty, even by granting, without equivalent, commercial advantages to one foreign power, and withholding them from another. However absurd and unjust the policy of a nation granting to one, and refusing to another, such gratuitous concessions might be deemed, the questions whether they affected its independence, or not, would rest upon the nature of the concessions themselves. The idea meant to be conveyed was, that the reservation of an indefinite right to grant hereafter, special favours to Spain, for the remuneration of her claims of sovereignty, left it uncertain whether the independence of Buenos Ayres would be complete or imperfect, and it was suggested with a view to give the opportunity to the supreme director of explaining his intentions in this respect, and to intimate to him, that while such an indefinite right was reserved, an acknowledgement of independence must be considered as premature. This caution was thought the more necessary, inasmuch as it was known, that at the same time, while the supreme director was insisting upon this reservation, a meditation between Spain and her colonies had been solicited by Spain, and agreed to by the five principal powers of Europe, the basis of which was understood to be a compromise between the Spanish claim to sovereignty, and the colonial claim to independence.

Mr. De Forest was understood to have said, that the Congress at Tucuman had determined to offer a grant of special privileges to the nation which should be the first to acknowledge the independence of Buenos Ayres. He stated in his notes that he knew nothing of any such resolution by that Congress, but that it was a prevailing opinion at Buenos Ayres, and his own opinion also, that such special privileges would be granted to the first recognizing power, if demanded. It has invariably been avowed by the government of the United States, that they would neither ask nor accept of any special privilege, or advantage for their acknowledgement of South American Independence; but it appears that the supreme director of Buenos Ayres, far from being prepared to grant special favours to the United States, for taking the lead in the acknowledgement, declined even a reciprocal stipulation, that they should enjoy the same advantages as other nations. Nor was this reservation as Mr. De Forest supposes defeasible, by the acknowledgement, on the part of the United States of South American independence. The supreme director could not be so ignorant that it was impossible for his government to ratify the articles prepared by his authority with Mr. Worthington; and yet to withhold the acknowledgement of independence. He knew that if that instrument should be ratified, the United States must thereby necessarily be the first to grant the acknowledgement, yet he declined inserting in it an article, securing to each party, in the ports of the other, the advantages of the most favoured nation. It is nevertheless, in conformity to one of those same articles, that Mr. De Forest claimed to be received in the formal character of Consul General.

With regard to the irregularities and excesses committed by armed vessels, sailing under the flag of Buenos Ayres, complained of in the note of the 1st January, it was not expected that Mr. De Forest would have the power of restraining them, otherwise than by representing them to the supreme director, in whom the authority to apply the proper remedy is supposed to be vested. The admission of Mr. De Forest, in the character of consul general, would give him no additional means of suppressing the evil. Its principal aggravation arises from the circumstance, that the cruizers of Buenos Ayres, are almost, if not quite, universally manned and officered by foreigners, having no permanent connexion with that country, or interest in its cause. But the complaint was not confined to the misconduct of the cruizers. It was stated that blank commissions for privateers, their commanders, and officers, had been transmitted to this country, with the blanks left to be filled up here, for fitting out, arming, and equipping them, for purposes prohibited by the laws of the United States, and in violation of the laws of nations. It was observed that this practice, being alike irreconcilable with the rights, and the obligations of the United States, it was expected by the President, that being made known to the supreme director, no instance of it would again occur hereafter. No reply to this part of the note has been made by Mr. De Forest, for it is not supposed that he meant to disclaim all responsibility of himself, or of the government of Buenos Ayres, concerning it, unless his character of consul general should be recognised. As he states that he has transmitted a copy of the note, itself, to Buenos Ayres, the expectation may be indulged, that the exclusive sovereign authority of the United States, within their own jurisdiction, will hereafter be respected.

All which is respectfully submitted.

JOHN QUINCY ADAMS.

*Department of State,
28th, January, 1819.*

No. 1.

Don Lino de Clemente to the Secretary of State.

(Translation.)

Most Excellent Sir,

Having been appointed by the government of the Republic of Venezuela, its representative near the United States of North Ameri-

ca, I have the honor to inform you of my arrival in this city, for the purpose of discharging the trust committed to me: to effect this, I have to request, that you will be pleased to inform me at what time it will be convenient for you to afford me an opportunity of presenting my respects to you personally, and of communicating to you the object of my arrival in the federal city.

I avail myself of this occasion to tender to you the assurance of the high respect and consideration with which

I have the honor to be,

Sir, your most obedient humble servant,

[Signed] LINO DE CLEMENTE.

Washington, 11th December,
8th year of the Republic, A. D. 1818.

*The honorable John Quincy Adams,
Secretary of State of the U. S. of North America.*

No. 2.

The Secretary of State to Don Lino de Clemente.

Department of State,

Washington, 16th December, 1818.

Don Lino de Clemente,

SIR,

Your note of the 11th instant, has been laid before the President of the United States, by whose direction I have to inform you, that your name having been avowedly affixed to a paper drawn up within the United States purporting to be a commission to a foreign officer, for undertaking and executing an expedition in violation of the laws of the United States, and also to another paper avowing that act, and otherwise insulting to this government, which papers have been transmitted to Congress, by the message of the President of the 25th of March last, I am not authorized to confer with you, and that no further communication will be received from you at this Department.

I am with due consideration, sir,

Your very obedient servant.

No. 1. *Translation of Sir Gregor M'Gregor's Commission.*

The deputies of free America, resident in the United States of the north, to their compatriot, Gregor M'Gregor, general of brigade in the service of the United Provinces of New Grenada and Venezuela, greeting:

Whereas, it is highly important to the interests of the people whom we have the honor to represent, that possession should be taken, without loss of time, of East and West Florida, and the blessings of free institutions, and the security of their natural rights, imparted to their inhabitants: In pursuance of our instructions, and in conformity to the desires of our respective governments, we have commissioned brigadier general Gregor M'Gregor, for the purpose of carrying into execution, either wholly or in part, an enterprize so interesting to the glorious cause in which we are engaged:

Therefore, taking into consideration your zeal and devotion to the republic, we request you, in the name of our constituents, to proceed on your own responsibility, and that of the above named provinces to adopt such measures, as in your judgment, may most effectually tend to procure for our brethren of both the Floridas, East and West, the speedy enjoyment of those benefits, to which they are invited by the importance of their geographical situation; and for that purpose we authorize you, without departing from the usages and customs of civilized nations in like cases, and the due observance of the laws of the United States, and particularly those regulating their neutrality with foreign powers, to cause vessels to be armed without the limits of their jurisdiction, and provisionally, to grant rank to naval and military officers, until the government to be established by the free will of the said people, can provide, in the most suitable mode, for the arrangement of their several departments. In the execution of all which, the instructions delivered to you of this date, will serve as your guide.

Signed, sealed, and delivered at the city of Philadelphia, the 31st of March, 1817.

(Signed)

Lino de Clemente, Deputy for Venezuela.

*Pedro Gual, Deputy from New Gra a a, and
as proxy for F. Zarate, Deputy from
Mexico.*

Martin Thompson, Dep. from Rio de la Plate.

A true copy of the original in my possession. Philadelphia, 15th January, 1818.—8th.

(Signed)

LINO DE CLEMENTE.

A true copy.

(Signed)

PAZOS.

No. 4.

(Translation.)

From Don Lino de Clemente to Don Vicente Pazos.

By letters from general Don Luis de Aury, and Don Pedro Gual, dated at Fernandina, the 26th December last, I have been informed that they have commissioned you, for the purpose of presenting to the President of the United States, a protest in the name of the independent government of South America; against the invasion of Amelia Island by a naval and military force of the United States, on the 23d of December last, and to demand the restitution of the vessels captured from the enemy, which have been detained, and sent to different ports by American vessels of war.

Although the government of Venezuela, of whose powers I am bearer, is included in your commission jointly with those in whose name possession was taken of Amelia Island, yet it has seemed to me to be proper, specially to authorize you, as I do hereby, to protest, in the name of my said government, against the invasion of Amelia, and all such further acts of the government of the United States, as are contrary to the rights and interests of the several republics, and the persons sailing under their respective flags, duly commissioned.

And to enable you satisfactorily to prove, that Amelia Island was taken from the Spaniards by a competent authority, I enclose a copy of the commission granted to general M-Gregor, on the 31st of March last, by the deputies of the independent republics.

The motives alleged by the government of the United States, in justification of their hostile measure, serves to prove their own futility, and clearly demonstrate, that the sole object was the acquisition of the Floridas; without forming any other calculations than those founded on the more or less exhausted state to which the patriots may reduce the Spanish government; and in consequence, the pretext of a want of authority in the parties who took possession of Amelia and Galveston, was one while resorted to; and at others, that those establishments were formed to serve as a shelter to pirates and smugglers; finally, that no foreign power could be permitted to establish itself in the Floridas, alleging a secret act passed in 1811, which is applicable to the present case.

I flatter myself it will be very easy for you to prove, that the United States have no other grounds for this step, than their own convenience, supported by force.

I have repeatedly transmitted an account to my government, of the occurrences at Amelia Island, after its occupation by general M Gregor, requesting it to communicate the same to the government of New Granada, at Casanare; and to enable me to continue my com-

munications, which existing circumstances make interesting, I request, sir, you will be pleased to inform me, as speedily as possible, of the result of your mission.

I have the honor to be,

With the highest consideration,

Sir, your most obedient servant,

(Signed)

LINO DE CLEMENTE.

Philadelphia, 15th January, 1818—8th.

A true copy. (Signed) PAZOS.

To senor Don Vicente Pazos.

No. 5.

Mr. De Forest to the Secretary of State.

I have the honor to announce to Mr. Adams, that I have again arrived in this district, in order to renew my solicitations to be accredited by this government, as the consul general of the United Provinces of South America, founding my claim on the credentials from my government, which were laid before the President in the month of May last.

The information recently acquired by this government respecting the provinces of South America, I presume, has established the fact beyond a doubt, that Buenos Ayres, their capital, and a large proportion of their territory, are, and have been free and independent of the government of Spain, for more than eight years; and possess ample ability to support their independence in future. That a regular system of government is established by their inhabitants, who show themselves by the wisdom of their institutions, sufficiently enlightened for self government: and, that they look up to this great republic as a model, and as to their elder sister, from whose sympathies and friendship, they hope and expect ordinary protection at least.

The messages of the President of the United States, as well the last as the present year, have created a general belief, that the United

States have placed us on an equal footing with Spain, as it respects our commercial operations; but, Sir, it is found not to be the case. A consul of Spain is known and respected as such by your tribunals of justice, which enables him, ex-officio, to protect and defend the interests of his countrymen. Whereas, the verbal permission I have to act in the duties of my office, will not avail in your tribunals; and a number of instances have already occurred, where the property of my absent fellow citizens has been jeopardised, for want of a legally authorized protector. The case of the Spanish schooner —, a prize to our armed vessels *Buenos Ayres* and *Tucuman*; which was brought into Scituate, some time since, by her mutinous crew, after having murdered the captain and mate, by throwing them overboard, is a striking instance of the necessity of their being resident here, an accredited agent, to superintend the commercial concerns of South America, and without such accredited agent, our citizens cannot be considered as completely protected in their rights.

I request you, Sir, to lay this communication before the President of the United States, as early as it may be convenient, and to assure him that I duly appreciate the friendly reception I met with from his government, on my arrival in this country; and that, as circumstances have since materially altered, I have no doubt but I shall receive his permission to act, in the accustomed form.

While I remain, with the highest consideration and respect,

Sir, your most obedient servant,

DAVID C. DE FOREST.

George Town, Dec. 9, 1818.

*The Hon. J. Q. Adams,
Secretary of State.*

No. 6.

Mr. De Forest to the Secretary of State.

I took the liberty on the 9th inst. of addressing a note to Mr Secretary Adams, requesting to be accredited as the consul general of the United Provinces of South America; and have now the honor of informing Mr. Adams, that I have lately received an official communication from the government of Buenos Ayres, directing me to inform the government of this country, that the supposed conspiracy against the person of the supreme director, proves to have originated with an obscure and disappointed individual; who, to gain adherents, pretended to be connected with people of the first respectability and influ-

ence; several of whom he named, but who have convinced the government, that they had no knowledge whatever of his base project.

The supreme director, anxious to do away any unfavorable impressions, which the report of such an affair might cause at this distance, has ordered me to assure the President of the United States, that the government of South America was never more firmly supported, nor its prospects more brilliant, than at the present time.

I have the honor to subscribe myself, with every sentiment of respect and esteem, Mr. Adams' most obedient, and most humble servant,

[Signed]

DAVID C. DE FOREST.

Georgetown, Dec. 12, 1818.

Hon. John Quincy Adams,
Secretary of State.

No. 7.

Mr. Adams to Mr. De Forest.

David C. De Forest, Esq. Georgetown.

Mr. Adams presents his compliments to Mr. De Forest, and has the honor of assuring him, by direction of the President of the United States, of the continued interest that he takes in the welfare and prosperity of the provinces of La Plata, and of his disposition to recognise the independent government of Buenos Ayres, as soon as the time shall have arrived when that step may be taken with advantage to the interests of South America, as well as of the United States.

In the mean time, he regrets an exequatur to Mr. De Forest, as consul general of the United Provinces of South America, cannot be issued; for reasons stated in part by the President, in his message to Congress, at the commencement of their present session; and further explained to Mr. De Forest by Mr. Adams, in the conversation which he has had the honor of holding with him. Mr. De Forest must have seen, that any privileges which may be attached to the consular character, cannot avail in the judicial tribunals of this country, to influence in any manner the administration of justice; and with regard to the schooner brought into Scituate, such measures have been taken, and will be taken by the authorities of the United States, as are warranted by the circumstances of the case, and by the existing laws.

With respect to the acknowledgment of the government of Buenos Ayres, it has been suggested to Mr. De Forest, that, when adopted, it will be merely the recognition of a fact, without pronouncing or implying an opinion, with regard to the *extent* of the territory or

provinces under their authority; and particularly without being understood to decide upon their claim to control over the Banda Oriental, Santa Fe, Paraguay, or any other provinces disclaiming their supremacy or dominion. It was also observed, that in acknowledging that government as independent, it would be necessary for the United States to understand, whether Buenos Ayres claims itself an entire, or only an imperfect independence. From certain transactions between persons authorized by the supreme director, and an agent of the United States, (though unauthorized by their government) after the declaration of independence by the congress at Tucuman, and within the last year, it appears that the supreme director declined contracting the engagement, that the United States should hereafter enjoy at Buenos Ayres, the advantages and privileges of the most favored nation, although with the offer of a reciprocal stipulation on the part of the United States. The reason assigned by the supreme director was that Spain having claims to the sovereignty of Buenos Ayres, special privileges and advantages might ultimately be granted to the Spanish nation, as a consideration for the renunciation of those claims. It is desirable that it should be submitted to the consideration of the government of Buenos Ayres, whether, while such a power is reserved, their independence is complete; and how far other powers can rely, that the authority of Spain might not be eventually restored. It has been stated by Mr. De Forest, that the congress at Tucuman had passed a resolution, to offer special advantages to the nation which should first acknowledge their independence; upon which the question was proposed, whether such a resolution, if carried into effect, would not be rather a transfer of dependence from one nation to another, than the establishment of independence? rather to purchase support, than to obtain recognition? The United States have no intention of exacting favors of Buenos Ayres for the acknowledgment of its independence; but in acknowledging it, they will expect either to enjoy in their intercourse with it, the same privileges and advantages as other foreign nations, or to know precisely the extent and character of the benefits which are to be allowed to others, and denied to them. It should, indeed, be known to the supreme director, that, while such an indefinite power is reserved, of granting to any nation advantages to be withheld from the United States on a acknowledgment of independence, must be considered premature.

In adverting to these principles, it was observed to Mr. De Forest, that their importance could not but be peculiarly felt by the United States, as having been invariably and conspicuously exemplified in their own practice, both in relation to the country, whose colonies they had been, and to that which was the first to acknowledge their independence. In the words of their declaration, issued on the 4th of July, 1776 they resolved thenceforth "to hold the British nation, *as they hold the rest of mankind*, enemies in war, in peace friends;" and in the treaty of amity and commerce, concluded on the 6th of February, 1778, between the United States and France, being the first acknow-

ledgment by a foreign power, of the independence of the United States, and the first treaty to which they were a party, the preamble declares, that the king of France and the United States, "willing to fix in an equitable and permanent manner, the rules which ought to be followed relative to the correspondence and commerce which the two parties desire to establish between their respective countries, states, and subjects, have judged that the said end could not be better obtained than by taking, for the basis of their agreement, the most perfect equality and reciprocity, and by carefully avoiding all those burdensome preferences which are usually sources of debate, embarrassment and discontent; by leaving also each party at liberty to make, respecting commerce and navigation, those interior regulations which it shall find most convenient to itself; and by founding the advantage of commerce solely upon reciprocal utility, and the just rules of free intercourse: reserving withal to each party, the liberty of admitting at its pleasure, other nations to a participation of the same advantage."

In the second article of the same treaty it was also stipulated, that neither the United States nor France should thenceforth grant any particular favor to other nations, in respect of commerce and navigation, which should not immediately become common to the other nations, freely, if the concession was free, or for the same compensation, if conditional.

In answer to Mr. De Forest's note of the 12th instant, Mr. Adams has the honor of assuring him that the President has received with much satisfaction the information contained in it; and will derive great pleasure from every event which shall contribute to the stability and honor of the government of Buenos Ayres.

Mr. Adams requests Mr. De Forest to accept the assurance of his distinguished consideration.

Washington, December 31st, 1818.

No. 8.

Mr. Adams to Mr. De Forest.

David C. De Forest, Esq.

Mr. Adams presents his compliments to Mr. De Forest, and in reference to the case of the schooner brought into Scituate, mentioned in Mr. De Forest's communication of the 9th instant, as well as to several others which have occurred of a similar character, requests him to have the goodness to impress upon the government of Buenos Ayres, the necessity of taking measures to repress the excesses and irregularities committed by many armed vessels, sailing under their

flag and bearing their commissions. The government of the United States have reason to believe that many of these vessels have been fitted out, armed, equipped, and manned in the ports of the United States, and in direct violation of their laws.

Of the persons composing the prize crew of the vessel at Scituate, and now in confinement upon charges of murder and piracy, it is understood that three are British subjects, and one a citizen of the United States. It is known that commissions for private armed vessels to be fitted out, armed and manned, in this country, have been sent from Buenos Ayres to the United States, with the names of the vessels, commanders, and officers in blank, to be filled up here, and have been offered to the avidity of speculators, stimulated more by the thirst for plunder, than by any regard for the South American cause.

Of such vessels it is obvious that neither the captains, officers, nor crews can have any permanent connexion with Buenos Ayres, and from the characters of those who alone could be induced to engage in such enterprizes, there is too much reason to expect acts of atrocity, such as those alleged against the persons implicated in the case of the vessel at Scituate.

The President wishes to believe that this practice has been without the privity of the government of Buenos Ayres, and he wishes their attention may be drawn to the sentiment, that it is incompatible both with the rights and the obligations of the United States—with their rights, as an offensive exercise of sovereign authority by foreigners, within their jurisdiction, and without their consent—with their obligations, as involving a violation of the neutrality which they have invariably avowed, and which it is their determination to maintain. The President expects from the friendly disposition manifested by the supreme director towards the United States that no instance of this cause of complaint will hereafter be given.

Mr. Adams requests Mr. De Forest to accept the renewed assurances of his distinguished consideration.

Washington, January 1st, 1819.

No. 9.

SIR,

It is not my intention to give any unnecessary trouble to the Department of State, but having had the honor of receiving two notes from Mr. Secretary Adams, on the 4th instant, dated December 31, and January 1st, some explanation appears to be necessary.

In the first place, I do not suppose "that any privileges which may be attached to the consular character, can avail in the judicial tribunals of this country, to influence, in any manner, the admin-

istration of justice." But I suppose that a consul duly accredited is *ex officio*, the legal representative of his fellow citizens, not otherwise represented by an express power: and that the tribunals of justice do, and will admit the legality of such representation. Mr. Adams has misunderstood me in another observation, which was in substance, that there was a general opinion prevailing at Buenos Ayres, that the power first recognizing our independence, would expect some extraordinary privilege or advantage therefor; and that, in my opinion, the government of Buenos Ayres would readily grant it if demanded. I know nothing, however, of any resolution having been passed on this subject by the congress at Tucuman.

It appears from the relation of a fact in Mr. Adam's note of the 31st ultimo, that the government of Buenos Ayres had intimated a desire (in the course of a negotiation with an agent of the United States) to reserve the right of granting more extraordinary privileges to Spain, on the settlement a general peace, which must appear to every one contrary to their inclination, as well as interest; and it can be accounted for only by supposing that the proposition of the United States agent, was merely of a temporary nature, and did not extend to an acknowledgment by the United States, of the independence of South America; which act, I am confident, would have rendered any such reservation altogether unnecessary in the opinion of the government of Buenos Ayres, who must have seen that they were treating with an unauthorized person, and must have thought it good policy at this time to suggest such an idea. Indeed, were the government of Buenos Ayres to pursue that course, they would plead the example of a neighboring power, acknowledged to be independent by the United States; and its chief, both illustrious and legitimate. It is well known that the government of Brazil, taxes the commerce of the United States, about sixty per cent. higher than that of Great Britain. It may be, that Great Britain is entitled to this preference, on account of important services rendered by her to the king of Portugal: and permit me to ask you, sir, what services could be rendered to any nation already in existence, so great as would be the acknowledgment of Great Britain, or, by the United States, of the independence of South America? Such recognition, merely, by either of these powers, would probably have the immediate effect, of putting an end to the cruel and destructive war, now raging between Spain and South America, and crown with never fading laurels, the nation thus first using its influence in favor of an oppressed, but high minded people.

The account given by Mr. Adams, in his note of the 1st instant, respecting the irregular conduct of vessels, sailing under the Buenos Ayres flag, has caused me much mortification, and has already been transmitted to my government by the Plattsburg: as also a copy of Mr. Adams' frank and friendly communication of the 31st ultimo. The supreme director will certainly be desirous to adopt the most prompt and efficacious measures within his power, to remedy the

evils complained of. But pray, sir, what can he do more than has already been done? The government of Buenos Ayres have established the most just rules and regulations for the government of their vessels of war, as well as of commerce; and have sent me to this country, invested with the title and powers of their consul general; as well to guard against any breach of those rules and regulations, by their citizens and vessels frequenting these seas, and the ports of these United States, as to protect them in their rights: but, sir, without a recognition of my powers, on the part of this government, I can have no right whatever, to question any individual on the subject of his conduct; nor can any responsibility justly attach to me, nor to my government during such a state of things, for the irregularities committed.

A considerable number of our seamen are foreigners by birth, who have voluntarily entered our service; therefore, it is not a matter of surprize, that, of the mutineers of the prize crew of the vessel at Scituate, three should have been born Englishmen, and one a North American. It is, however, an absolute fact, to which I am personally knowing, that the captors of that prize (the *Buenos Ayres*, and *Tucuman* privateers,) were legally fitted out at Buenos Ayres, early in the last year; from which port they sailed on a cruise off Cadiz; and it will afford the government of South America much satisfaction to learn, that the United States will prosecute those mutineers, and punish such as are found guilty of crimes, according to the laws.

Before I close this note, I beg leave to make a few observations in answer to one of the reasons for not accrediting me, given by Mr. Adams, by direction of the President of the United States, in a conversation which I have had the honor of holding with him, *viz*: "That the act of accrediting me as consul general, would be tantamount to the formal acknowledgment of the independence of the government which sent me." I do not profess to be skilled in the laws of nations, nor of diplomacy; nor would I doubt the correctness of any opinion, expressed by the President; for whose person and character, I have ever entertained the most profound respect; yet, I must say, that I cannot understand the difference between the sending of a consular agent, duly authorized, to Buenos Ayres, where one was accredited from this country, four or five years ago, and has continued ever since, in the exercise of the duties of his office, and the reception of a similar agent here. I also beg leave to mention, that I was in this country soon after the arrival of the present minister of Spain, the Chevalier De Onis; and to have heard it observed, that being a political agent, he was not accredited, because the sovereignty of Spain was in dispute; but, that the consuls, who acknowledged the same government, (one of the claimants to the sovereignty, and the one not actually in possession of it) were allowed to exercise their functions. If this was the case at that time, the government of the United States must have then had a different opinion on this subject, from what it now has. Mr. Adams will please to bear

in mind, that I have only solicited to be accredited as a consular agent, having never agitated the question of an acknowledgment of our independence as a nation, which most certainly is anxiously desired by the government and people of South America, but which being a political question, I have never asked.

Mr. Adams will also be pleased to accept the renewed assurances of my most distinguished consideration and respect,

(Signed) DAVID C. DE FOREST.

Georgetown, January 8, 1819.

No. 10.

(Translation.)

The Supreme Director of the United Provinces of La Plata, to his Excellency the President of the United States of North America.

Most Excellent Sir,

The supreme government of these provinces have long exerted their zealous efforts to establish the closest and most amicable relations with the United States of America, to which the most obvious interests seem mutually to invite them. This desirable object has hitherto been frustrated by the events of the times; but the moment appears at length to have arrived, which presents to the people of these provinces, the flattering prospect of seeing their ardent wishes accomplished. In consideration of these circumstances, and in conformity with the 23d of the articles agreed upon with citizen William G. D. Worthington, the agent of your government in these provinces, I have nominated citizen David C. De Forest, their consul general to the United States, with the powers specified in his commission and instructions respectively. I therefore request your excellency to grant him the attention and consideration, which in the like case, will be afforded to the public agents of your nation, thereby laying the foundation of those relations, which will in future render the name of your excellency memorable in these regions.

I avail myself of this renewed occasion of reiterating to your excellency, assurances of the sentiments of respect and consideration, with which

I have the honor to be,

Your excellency's most obdt. and most humble sevt.

(Signed) JN. MN. DE PULYRREDON.