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Diplomatic Relations Between The United States and Argentina: Recognition of The Republic of Buenos Aires

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DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND ARGENTINA:

RECOGNITION OF THE REPUBLIC OF BUENOS AIRES

being

A thesis presented to the Graduate Faculty
of the Fort Hays Kansas State College in
partial fulfillment of the requirements for
the Degree of Master of Science

by

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CHAPTER I

INTRODUCTION

The period of 1775 to 1825 might well be called the half-century of revolution. This period was initiated by the revolution of the British North American colonies. It was accelerated by the French revolution in Europe. It was climaxed by the revolution of Spain's entire colonial holdings in Latin America. Not only was the shot of 1775 heard around the world, it returned to echo against the lofty Andes Mountains of South America.

I. STATEMENT OF THE PROBLEM

The purpose of this thesis is to make a study of the relations between the United States and Argentina, leading to the recognition of Argentina. The period covered will essentially be from August 27, 1810, the date of the first United States mission to Argentina, to January 27, 1823, the date of formal recognition of Argentina by the United States. The name Argentina will be absent from this study since it is the modern day name for a similar territory known during this period as first, the United Provinces of the Río de la plata, and as the Republic of Buenos Aires when recognition was accorded.

Major emphasis in this study has been placed upon the agents of this pre-recognition period and the neutrality and recognition policy as established by the United States. Chapter II has been devoted to agents of the United States sent to the United Provinces.

Chapter III has been devoted to the agents sent by la Plata to the United States. The neutrality policy of the United States, as it affected Spanish America, is the subject for Chapter IV, and the recognition policy of the United States is discussed in Chapter V. Texts of the more important documents used in this thesis have been placed in the Appendix. A list of these has been included in the table of contents, and the reader is referred to them by footnotes.

II. LIMITATIONS AND SOURCES

To exhaust the material available pertaining to this subject would be a lifetime work. Considerable material is located in the United States, Argentine and Spanish archives, and other material would be found in the government records of every major country of Europe existing at that time. The writer has attempted to show the effects of other powers upon the policy of the United States, but here he has limited the study to Great Britain and Spain. This was necessary because of time and the inability to obtain materials from foreign archives.

The major portion of the material for this study has been taken from three primary sources. First, and most important, microfilmed copies of the correspondence of American and Argentine agents; second, the American State Papers; and third, the Annals of Congress. Considerable use has also been made of William R. Manning's Diplomatic Correspondence of the United States Concerning the Independence of the Latin-American Nations, where the above three

primary sources were incomplete. The United States and the Independence of Latin America, 1800-1830, by Arthur P. Whitaker, was also referred to occasionally during the writing of the thesis. Other sources used are listed in the formal bibliography.

CHAPTER II

AGENTS FROM THE UNITED STATES TO THE UNITED PROVINCES

Leaders in both North and South America showed an interest in independence for Spanish America some years before the people of South America were to announce formally their severance of connections with Spain. In 1798, Francisco de Miranda tried to interest Great Britain and the United States in his schemes to foment revolution in the colonies of Spain. The American minister at London, Rufus King, was a strong supporter of some of his plans, and he had succeeded in arousing the interest of Alexander Hamilton. These projects were abandoned when Great Britain refused to take part, and the United States, following the same line, withheld official approval of the schemes.¹ But this refusal of aid did not mean the United States was not keeping a close watch on happenings in the area to her South. Because of her interest in commerce, Great Britain also maintained an interest in this area.

By 1810, important changes had taken place in Buenos Aires. Liniers, the Frenchman who had led the opposition to the British

¹ Graham H. Stuart, Latin America and the United States (New York: D. Appleton-Century Company, 1943), 376-77. Stuart goes on to add that Miranda "was forced to content himself with organizing a small filibustering force in New York, without aid, but also without interference, from the United States government." This force sailed for South America, but it met with failure.

invasions of 1806 and later became viceroy, was removed. On May 25, 1810, a junta gubernativa was established.² This date can be used as a starting point for the independence of la Plata region.

The importance of Spanish America as an outlet for American products was becoming more important. David C. De Forest, an American businessman in Buenos Aires, had written to Secretary of State James Madison on October 4, 1807, informing him of the "embarrassments under which American commerce struggled at Buenos Aires."³ Treasury Department reports show that by 1811 American export trade to South America was valued at \$8,310,000.⁴

On August 27, 1810, the first American agent, Joel Robert Poinsett, was appointed as "Special Agent of the United States to South America."⁵ He was to have a position similar to that held by United States agents in the West Indies.⁶

² This was a military group set up for administration during the emergency. As such, it was not an independent government when organized, but it does mark the end of effective rule by Spain.

³ Frederic L. Paxson, The Independence of the South American Republics (Philadelphia: Ferris and Leach, 1903), 106.

⁴ American State Papers, Commerce and Navigation (Washington: Gales and Seaton, 1858), I, 892.

⁵ J. Fred Rippy, Joel R. Poinsett, Versatile American (Durham, North Carolina: Duke University Press, 1935), 58, n. 3. Manning quotes these same instructions under the date of June 28, 1810, but Rippy states that this is a mistake on the part of Manning. Rippy's source for the August date was the Poinsett papers, while Manning used the House Report No. 72, 20th Congress, 2nd session, p. 7.

⁶ The position was "agent for Seamen and Commerce." This is the same Poinsett who later becomes well known for his exploits in Mexico.

Poinsett was instructed "to proceed, without delay, to Buenos Aires."⁷ His instructions indicate that the United States was well aware of the possibilities that existed in South America, and especially in la Plata region, by stating that

The real as well as ostensible object of your mission is to explain the mutual advantages of commerce with the United States, to promote liberal and stable regulations, and to transmit seasonable information on the subject.⁸

The governing body of Buenos Aires was certainly willing to establish friendly relations with the United States. This was made evident by a letter addressed to President Madison, dated February 11, 1811, from the newly formed junta of Buenos Aires. The junta expressed the hope

that it will be agreeable to your Excellency, that the United States should tighten with the Provinces on the Río de la Plata the common chain of Nations, by a cordiality more firm and expressive.⁹

A letter dated February 13, 1811, notified the United States of the acceptance of Poinsett as a commercial agent.¹⁰

⁷ William R. Manning, Diplomatic Correspondence of the United States Concerning the Independence of the Latin American Nations (New York: Oxford University Press, 1925), I, 6-7. Letter from Secretary of State Robert Smith to Joel Poinsett, appointed Special Agent of the United States to South America, June 28, 1810. See footnote 5 concerning this date.

⁸ Loc. cit.

⁹ State Department, MS. Notes from the Argentine Legation, Vol. I, Part 1. Letter from the governing junta to President James Madison, February 11, 1811.

¹⁰ Junta to Madison, February 13, 1811, MS. Notes from the Argentine Legation, I, 1.

The destiny of these provinces must depend on themselves. Should such a revolution for complete independence instead of just against French rule however take place, it cannot be doubted that our relations with them will be more intimate, and our friendship stronger than it can be while they are colonies of an European power.¹²

Poinsett endeavored to carry this project out, but at almost every step he encountered uneasiness because of Great Britain. The English were interested in stopping any break between Spain and her colonies because of the English-Spanish alliance against Napoleon in the European war at this time. Interest was growing in Europe for arbitration between Spain and her colonies, and Britain was taking a lead in this movement.¹³

Poinsett was certainly no more than an average diplomat, especially in South America during this period. His diplomatic use was hampered by his craving for adventure and excitement. He had an intense desire for military service, and expected to be called home in case of war with England. With his failure to bring about independence in la Plata, he had decided to cross the Andes to Chile in hope of finding more activity. In June, 1811, partly in response to Poinsett's requests, a consul for Buenos Aires was appointed and Poinsett was named consul-general for Buenos Aires, Chile and Peru.¹⁴

¹² Manning, op. cit., I, 11. Monroe to Poinsett, April 30, 1811.

¹³ British mediation and arbitration is discussed in more detail in Chapter V.

¹⁴ Rippey, op. cit., 39.

Poinsett left for Chile in November, 1811, and did not return to Buenos Aires until almost three years later.¹⁵

With the appointment of a consul for Buenos Aires, we find two types of American agents in South America. The consul was sent to handle commercial relations, while agents were being sent to observe conditions of a general nature and serve as political representatives and reporters for the United States government. It was understood that the two men were to work together whenever possible.

The new American consul for Buenos Aires, William G. Miller, an American businessman, was commissioned on June 24, 1812.¹⁶ Since Poinsett had crossed the Andes into Chile, Miller served as both consul and general agent for some time in the United Provinces. Miller's reports furnish a picture of the happenings in Buenos Aires and indicate that the year 1812 was a turbulent one for that government. Juan Martín Pueyrredón had become a member of the three member executive, and the assembly and executive were not on the best of

¹⁵ While in Chile, Poinsett took an active part in Chilean politics and his return to Buenos Aires was hastened in part by a change made in the government of Chile. These actions of course destroyed his usefulness as an agent. He returned to the United States, and on July 16, 1815, was congratulated by Monroe in the name of the President on the success of his mission! Henry M. Wriston, Executive Agents in American Foreign Relations (Baltimore: The Johns Hopkins Press, 1929), 112.

¹⁶ John P. Harrison, Latin American Specialist, National Archives, Letter of May 11, 1953, to the writer. Mr. Harrison states that Luis Godefroy, a merchant of Montevideo, was appointed consul at Buenos Aires on April 26, 1811. This was a recess appointment and was rejected by the Senate on November 18, 1811. Godefroy was in the United States at the time of his appointment.

terms. Miller states that more than one "warm discussion" took place within the assembly and between the two departments of government.¹⁷

Miller conveys the feeling that the demands for independence were growing stronger, but still had not become the desire of any large majority. The general belief was that independence would not be announced immediately unless some of the patriots forced the executive to issue a declaration. It was felt necessary to wait until the fall of Montevideo, just across the river from Buenos Aires, or until a large supply of arms could be obtained.¹⁸

Shortly after Miller's dispatch of July 16, a group of patriots attempted to force the government into independence, but the over-ambitious were handled in the manner familiar to South American revolutionary movements. After they had returned to their homes in the evening, they were arrested "and sent off to the Army the ensuing [sic] morning. . . ." Miller adds that "tranquility has since reigned: The executions have not yet stopped [sic]: 29 have been shot: 4 others are under sentence of death. . . ."¹⁹

The United States consul at Buenos Aires gives the impression that a large group of people were in favor of independence,

¹⁷ State Department, MS. Despatches from United States Consuls in Buenos Aires, I, 1. Letter from W. G. Miller to Secretary of State James Monroe, April 30, 1812.

¹⁸ Ibid., July 16, 1812.

¹⁹ Ibid., August 10, 1812.

but could not get together on the basis of their demands. One group, composed of the higher class and European Spaniard, was in favor of independence based on the government similar to the pre-war government, with only their group in control. The other group, composed largely of Creoles and middle class businessmen, favored independence based upon the idea of the United States, which would place their class in control.²⁰ The group opposing independence for the United Provinces was split into factions in a similar manner. This internal conflict for control was one factor in delaying the establishment of political stability even after independence had been announced.

During the War of 1812, American interest was confined almost entirely to the war with Great Britain. During this period, the United Provinces turned their attention toward Great Britain because of the realization that the main threat to their independence would come from Europe. Attempts were made at mediation between Spain and the provinces, but these all ended in failure.²¹

At this time the importance of the United States to South American independence was made more clear. The United States was to provide the inspiration and some of the supplies, but it was to Great Britain that the colonies looked first. It must be remembered that most of the troubles of South America were connected with Europe,

²⁰ Loc. cit.

²¹ British mediation and relations with the United Provinces are discussed in more detail in Chapter V.

and Great Britain had considerable power there, while the United States had very little. The United Provinces continued to obtain aid from the United States, and more than once the vision of the advantage to American industry of a treaty of commerce was presented to United States agents.²²

Miller was replaced as consul at Buenos Aires by Thomas L. Halsey. He was appointed on July 18, 1812, and arrived in Buenos Aires on August 30, 1812.²³ Like too many American representatives in South America, Halsey became over active in the political affairs of the United Provinces and eventually was recalled because of his actions.

Through his reports, Halsey kept the United States government informed on the activities of the United Provinces. It was Halsey who was consul when the independence of the United Provinces was announced. He received formal notification of this from the United Provinces government on July 19, 1816, ten days after it was passed by the Congress of Tucumán.²⁴ He forwarded this information to the State Department on July 24, 1816.

²² Gervasio Posadas to President Madison, March 9, 1814, MS. Notes from the Argentine Legation, I, 1.

²³ John P. Harrison, op. cit.

²⁴ Halsey to Monroe, July 24, 1816, MS. Despatches from United States Consuls in Buenos Aires, I, 1. A copy of this declaration is found in the appendix.

While this news was welcome in the United States, it did not come as a surprise. Secretary of State Monroe had been notified of the intention of the United Provinces by a note from Supreme Director Alvarez on January 16, 1816.

When this letter reaches your Excellency, the General Congress of our Representatives will have met, and I can assure you, without fear of being mistaken, that one of its first acts will be a solemn Declaration of Independence of these Provinces of the Spanish Monarchy and of all other Foreign Sovereigns or Powers.²⁵

With the return of Poinsett to the United States in 1815, there existed a pressing need for representation in la Plata. On January 12, 1816, Colonel Joseph Devereux was appointed as an agent to that area. Devereux was going to South America on business, so he was given a position similar to that of Poinsett's original appointment.²⁶ It was expected that Devereux would serve as agent for some time, but as will be explained later, he also exceeded his powers and was recalled.

Devereux had taken an intense interest in the problems of the United Provinces, especially the financial needs. This interest led him to propose a loan of \$2,000,000 to the United Provinces, which was to be guaranteed by the United States government.²⁷ The

²⁵ Manning, op. cit., II, 342. Alvarez to Madison, January 16, 1816.

²⁶ Wriston, op. cit., 411.

²⁷ See the appendix for a copy of the text of this loan. The money was to be used by the United Provinces agent Manuel Aguirre during his visit to the United States. The mission of Aguirre is discussed in more detail in Chapter III.

United States consul, Thomas Halsey, who had played a part in bringing Devereux and Pueyrredón together, also signed the treaty.²⁸

Needless to say, as soon as these negotiations were learned in Washington, the appointment of Devereux was withdrawn. Devereux's successor, William G. D. Worthington, was appointed Special Agent for Buenos Aires, Chile and Peru on January 23, 1817.²⁹

Worthington arrived in Buenos Aires on September 5, 1817, and was received by the Supreme Director Pueyrredón on September 13, 1817.³⁰ One of the first actions of Worthington was to explain the United States action in refusing the loan arranged by Devereux. In turn, it was explained to Worthington that the proposal for a loan came first from Devereux.³¹ Worthington spent much of his time the remaining months of 1817 becoming versed on the government and conditions within the United Provinces and at the same time going to great lengths to review with the government of the United Provinces, conditions within the United States and the present state of her foreign policy.³²

²⁸ Pueyrredón to President Madison, January 31, 1817, MS. Notes from the Argentine Legation.

²⁹ Wriston, op. cit., 415.

³⁰ State Department, MS. Despatches from United States Ministers to Argentina, I, 1. Letter from W. G. D. Worthington to Secretary of State John Quincy Adams, October 1, 1817.

³¹ Loc. cit.

³² Worthington to Secretary of State of the United Provinces, Gregorio Tagle, October 30, 1817, MS. Despatches from United States Ministers in Argentina.

January, 1818, brought troubles once again with American representatives in South America. On January 7, 1818, Worthington was informed that the government had ordered the United States consul, Thomas Halsey, to leave the city of Buenos Aires and board a ship in the harbor. The charges against him concerned his visit to General Artigas, one of the enemy forces, the belief that he had a part in receiving hostile papers from Baltimore, and his actions in issuing commissions and in general interfering in the privateering system of the United Provinces.³³ Worthington met with Halsey and advised him to protest and then ask that his passport be forwarded to him within twenty-four hours. Two days later, January 9, the order against Halsey was suddenly removed.³⁴ Needless to say, the usefulness of Halsey as a consul was brought to an end with this incident.

At the same time this incident was taking place, officials in Washington were preparing for the dismissal of Halsey. His removal from office was sent to him under the date of January 22, 1818.³⁵ After receiving this, Halsey remained in Buenos Aires for a time, and after turning over several despatches to John Graham, one of the three special commissioners from the United States, he returned to the United States.³⁶

³³ Ibid., Worthington to Adams, January 10, 1818.

³⁴ Loc. cit.

³⁵ Paxson, op. cit., 116, 153.

³⁶ Halsey to Graham, August 21, 1818, MS. Despatches from United States Consuls in Buenos Aires.

Worthington was the next agent to become involved in the politics of Buenos Aires. His mission was ended when he negotiated a treaty with the United Provinces which actually amounted to a general commercial and amity treaty.

Information to explain Worthington's actions seems to be lacking. The only reason given was that he "thought it necessary to do something for our safety and to watch our interests."³⁷ He admitted to the United Province government that he did not "pretend to be clothed with any Treaty making powers or specific instruction. . . ."³⁸ Worthington was confident that approval would be forthcoming from the United States for his actions. Some question might be raised as to why Pueyrredón continued the negotiations after learning this, but as yet, this question can not be answered.

The treaty was signed on January 1, 1818, by Worthington and Doctor Julian Alvarez. Article Eighteen, the one which was to precipitate considerable correspondence between Secretary of State Adams and David C. De Forest, read as follows:

Consuls, Vice Consuls, Commercial Agents & Vice Commercial Agents may reside in either country and enjoy all the rights & privileges belonging to them by reason of their functions.³⁹

³⁷ Worthington to Adams, January 1, 1818, MS. Despatches from United States Ministers in Argentina.

³⁸ Ibid., Worthington to Tagle, December 12, 1817.

³⁹ Project signed by Worthington and Alvarez, January 1, 1818, MS. Despatches from United States Ministers in Argentina. The mission of De Forest is discussed in Chapter III.

Upon learning of Worthington's actions, Adams is reported to have spoken of the agent as having "broken out into a self-accredited Plenipotentiary."⁴⁰ Worthington's dismissal was dated February 25, 1819, but he remained in South America for a short time after this. His last correspondence, dated March 7, 1819, gives a general summarization of his activities in South America and the condition of the United Provinces.⁴¹

At this point in the study of American agents in la Plata region, it is necessary to turn back to 1817. With the July 9, 1816, announcement of the Congress of Tucumán, and the failure of American agents to secure the information desired by the administration, President Monroe decided to send a special agent to the South for study of the revolting provinces. His first thought was of Joel Poinsett, and on April 25, 1817, he addressed a letter to Poinsett asking him to undertake the mission. He was to make the trip in a public ship, and liberal compensation was assured him.⁴² Since Poinsett was serving in the South Carolina legislature, he declined the appointment.⁴³

⁴⁰ Writson, op. cit., 421.

⁴¹ Worthington to Adams, March 7, 1819, MS. Despatches from United States Ministers to Argentina.

⁴² Manning, op. cit., I, 39-40. Monroe to Poinsett, April 25, 1817.

⁴³ Paxson, op. cit., 120.

With Poinsett's refusal, the President decided to send a commission instead of one man. Caesar A. Rodney and John Graham were selected for the job, and acting Secretary of State Richard Rush prepared their orders under the date of July 18, 1817.⁴⁴ It was intended for these men to leave immediately, but fate decided otherwise. Rodney was detained because of the sickness of his son, and with the President on a tour of New England and the West, the plan was dropped until his return in September.⁴⁵

With the return of the President, plans were resumed and another commissioner and a secretary were appointed. Theodorick Bland was the third commissioner, and H. M. Brackenridge was appointed secretary.⁴⁶ New instructions were sent to the commissioners, but the main plan was to follow the original instructions of July 18, 1817.⁴⁷ The commissioners sailed on the frigate Congress, on December 3, 1817, and it was expected that they would be gone seven or eight months.⁴⁸

⁴⁴ Manning, op. cit., I, 40-45. Adams to Graham and Rodney, July 18, 1817. Extracts of these instructions will be found in the appendix.

⁴⁵ Paxson, op. cit., 120.

⁴⁶ Ibid., 121.

⁴⁷ Manning, op. cit., I, 47-49. Adams to Rodney, Graham and Bland, November 21, 1817. Extracts of these instructions will be found in the appendix.

⁴⁸ H. M. Brackenridge, Voyage to South America (Baltimore: H. M. Brackenridge, 1819), I, 101.

With the departure of the commissioners, recognition of the South American provinces became of world-wide importance. In the United States House of Representatives, Henry Clay began a campaign for their immediate recognition--a move which was to cause considerable uneasiness for the President and the Secretary of State. Adams speaks of Clay mounting "his South American great horse. . . [in his effort] to control or overthrow the Executive by swaying the House of Representatives."⁴⁹

Europe also took considerable interest in the mission of the American commissioners. Since their real purpose had not been made public, Spain and Great Britain immediately had the fear that their immediate objective was formal recognition of Buenos Aires and the surrounding territory. Spain opposed because of the loss of her slim hope of regaining the provinces, while Great Britain was uneasy because of the damage recognition could have to her trade with South America.⁵⁰

The commissioners arrived in Buenos Aires on February 28, 1818.⁵¹ They were welcomed by representatives of the government with a great show of formalities. Considerable interest had been shown by the residents as well as the government as to the exact purpose of this mission. Because of the public nature of their

⁴⁹ Paxson, *op. cit.*, 127. Clay's actions in the House are discussed in more detail in Chapter V.

⁵⁰ British and Spanish opinion on this mission will be discussed again in Chapter V.

⁵¹ Brackenridge, *op. cit.*, I, 101.

mission and the attention that had been attracted to it, the commissioners were unable to learn much but what had already been reported. For the most part, they had to accept the information that was presented to them. In this respect, a single commissioner, sent without all the fanfare which accompanied the three men and their party, could probably have accomplished much more. The commissioners' return to the United States was announced to the President on July 30, 1818, by Secretary of State John Quincy Adams. Rodney and Graham returned at this time, but Bland remained in South America and traveled on to Chile before his return.⁵²

The reports of the commissioners re-affirmed what the government already knew, rather than gaining any new information of great importance. The essence of the reports was that it appeared to be impossible for Spain to regain control of South America, but on the other hand, some doubt existed as to the ability of the governments of South America to maintain a stable government. Of particular interest to the commissioners was the importance of British imports to Buenos Aires. The most important result of the visit to the South American governments was the new strength it gave to the cause of independence and the stability it gave to the existing governments.⁵³

⁵² Manning, op. cit., I, 74. Adams to Monroe, July 30, 1818.

⁵³ Manning, op. cit., I, 382-439, 486-495, 495-515. Bland to Adams, November 2, 1818; Graham to Adams, November 4, 1818; Rodney to Adams, November 5, 1818.

The recall of Worthington in February, 1819, had left only John Prevost representing the United States in the southern part of South America. He had been appointed as an agent for Chile and Peru on July 12, 1817, and on May 3, 1819, after the dismissal of Worthington and Halsey, Buenos Aires was added to his sphere of activities.⁵⁴ The slowness of travel and communications and the large territory he was to cover made it necessary for the United States to have an agent in the eastern part of lower South America. Also, the increasing violations of American neutral rights by South American privateers made it necessary to have better representation.

In appointing someone to carry out this mission, President Monroe attempted to use a new type of agent. In a note to Secretary of Navy, Smith Thompson, on May 20, 1819, instructions were included for Captain Oliver H. Perry to go to Buenos Aires to explain the President's views on recognition and attempt to settle difficulties arising out of neutrality. He was to appear as a commander of an American ship and not as a special agent, and he was expected to stay not longer than one month.⁵⁵ Because of the death of Perry before he reached Buenos Aires, these orders were transferred to Commodore Richard Morris, who in turn visited Buenos Aires. Morris was there for only a short time, and it was during the revolutions of 1819 and 1820, so his mission accomplished little.⁵⁶

⁵⁴ Wriston, op. cit., 419. Paxson, op. cit., 152.

⁵⁵ Manning, op. cit., I, 102. Adams to Thompson, May 20, 1819.

⁵⁶ Ibid., I, 540-41. Prevost to Adams, February 24, 1820.

With the failure of Morris, President Monroe was once again ready to appoint a resident agent for Buenos Aires. For this job, John M. Forbes was chosen. Forbes' orders, dated July 5, 1820, instructed him to report on both internal and external commerce, protest concerning rules of privateering and also to keep the United States well informed on the political development of the area. He was given commissions for both Buenos Aires and Chile, with the understanding that he was to take the post Prevost did not want.⁵⁷

Forbes left the United States on July 25, 1820, and arrived in Buenos Aires on October 24, 1820.⁵⁸ He found a situation similar to that faced by Worthington, in that an American diplomat had been ordered from the country. The government had taken offense at some statements Prevost had made to the State Department, and had later appeared in American newspapers. Prevost was given four days to be out of Buenos Aires, and Forbes arrived on the third day.⁵⁹ Thus, there was no question remaining as to which post Prevost would choose. Prevost remained in the Buenos Aires harbor on board a United States vessel until October, 1820, when he boarded a British ship and sailed for Chile.

⁵⁷ Ibid., 130-31. Adams to Forbes. July 5, 1820. Forbes had served the United States as a diplomat in Europe and thus was the first of any distinction to appear at Buenos Aires.

⁵⁸ Stewart Watt, "The Diplomatic Service of John M. Forbes at Buenos Aires," Hispanic American Historical Review, XIV (May, 1934), 203.

⁵⁹ Forbes to Adams, December 4, 1820, MS. Despatches from United States Consuls, I, 2.

The arrival of Forbes found the internal condition of Buenos Aires critical. Pueyrredón had been forced into exile and a series of dictatorships followed in rapid succession. Many of the citizens were disappointed in the failure of Forbes to bring recognition. Some of these people believed he had the power to recognize the United Provinces, but was withholding this action. Others believed his only purpose was to collect debts from citizens, and of course this belief didn't strengthen his popularity in that area. Many of these rumors were attributed by Forbes to Aguirre and other agents as a means of covering up for their own defeats or failures in the United States.⁶⁰ Despite these attempts to discredit him, and other attempts to draw him into party politics, he remained neutral and kept his name clear of any scandal.

More than once, these attempts to obtain his official approval for a certain political party took the form of physical force. His answer to these groups is a good indication of his position.

I am neither authorized or disposed to enlist in any of the parties which unfortunately exist in this country. I wish the South Americans every possible happiness, but cannot undertake to instruct them as to the means of attaining it.⁶¹

Forbes run into more trouble when he attempted to secure the release of American ships that had been taken as prizes of war

⁶⁰ Forbes to Adams, December 4, 1820. MS. Despatches from United States Consuls, I, 2.

⁶¹ Loc. cit.

by privateers commissioned by Buenos Aires. On February 26, 1821, he secured the release of an American schooner, but at the same time was notified that in the future he would correspond with the government only by representation.⁶² On March 1, 1821, Forbes asked for his passport. On March 9, he met, on request, with an official of the government. At this meeting Forbes explained his reasons for requesting his passport. He stated that such action removed all of his diplomatic character, and therefore he would leave the country until stable government was again established. Apologies were offered for the action of the government and the order requiring him to use the representation method was removed.⁶³

Forbes waited until a new government, the Republic of Buenos Aires, had been formed in July, 1821, with Bernardo Rivadavia as Minister of Foreign Relations, before presenting the United States demands concerning privateering. His first note to Rivadavia was on September 14, 1821. This was followed by a conference on September 17. On October 6, 1821, Forbes was presented with a copy of a decree issued by the Department of War and Marine, which recognized the position of the United States concerning the recalling of all privateer's sailing under the Buenos Aires flag and

⁶² Forbes to Adams, March 10, 1821, MS. Despatches from United States Consuls, I, 2. The term "representation" meant on special stamped paper, which was the method used by ordinary citizens in corresponding with the government.

⁶³ Loc. cit.

revoking their commissions.⁶⁴ This government, in which Rivadavia played a leading part, established an orderly government and once again the area around Buenos Aires became comparatively peaceful.

With the establishment of orderly government in Buenos Aires, The United States was giving serious thought to recognition. European affairs were favoring America in regard to South America, and the United States and Spain had ratified the treaty ceding Florida to the United States. Formal recommendation for recognition came in Monroe's address to Congress on March 8, 1822.⁶⁵ This subject was debated in Congress, and on May 4, 1822, Monroe signed a bill to appropriate \$100,000 for the cost of sending missions to the new nations in America.⁶⁶

The first Hispanic American state to be recognized was Colombia, on June 19, 1822, when Secretary of State Adams presented Manuel Torres to President Monroe as charge d'affaires from Colombia.⁶⁷ Formal recognition of Buenos Aires came on January 27, 1823, with the approval by the Senate of Caesar A. Rodney as minister

⁶⁴ A copy of the decree and the correspondence exchanged by Forbes and Rivadavia is found in American State Papers, Foreign Relations, IV, 214.

⁶⁵ American State Papers, Foreign Relations, IV, 818-19.

⁶⁶ Annals of Congress, 17th Congress, 1st Session, 2603-04.

⁶⁷ William Spence Robertson, "The Recognition of the Hispanic American Nations by the United States," Hispanic American Historical Review, I (August, 1918), 259.

plenipotentiary.⁶⁸ John Forbes, who was the American agent in Buenos Aires at the time of recognition, became secretary of the United States legation and later charge d'affaires. The recognition of Buenos Aires was completed on October 7, 1824, when President Monroe received General Carlos Alvear as Argentine Minister.⁶⁹

⁶⁸ Ibid., 261. His name was submitted to the Senate on January 13, 1823.

⁶⁹ Samuel Flagg Bemis, "Early Diplomatic Missions from Buenos Aires to the United States, 1811-1824," Proceedings of the American Antiquarian Society, New Series, XLIX (April 19, 1939 - October 18, 1939), 94.

CHAPTER III

AGENTS FROM THE UNITED PROVINCES TO THE UNITED STATES

The first representative from Buenos Aires to the United States was not appointed until after the July 9, 1816, declaration of independence, but this does not mean agents of the Buenos Aires government had not put in an appearance at Washington before this. Several of the provinces revolting against Spain were represented unofficially by citizens of the United States.

Like most groups in revolt, one of the first necessities of Buenos Aires was an adequate supply of arms. The governing junta first made its appeal to Great Britain, but this appeal went unanswered. This action was taken by the British because their primary object at this time was to help the Spanish nationalists in their fight against Napoleon.¹ On June 6, 1811, the governing junta of Buenos Aires addressed a letter to President Madison, explaining that Don Diego Saavedra and Don Juan de Aguirre were being sent secretly and under assumed names to purchase military supplies in the United States.² The reason for the secrecy can be explained in part by the fear of Great Britain. Poinsett stated that the

¹ Samuel Flagg Bemis, "Early Diplomatic Missions from Buenos Aires to the United States, 1811-1824," Proceedings of the American Antiquarian Society, New Sewies, XLIX (April 19, 1939-October 18, 1939), 11-12.

² State Department, MS. Notes from the Argentine Legation, I, 1. Letter from Cornelio de Saavedra and others to President Madison, June 6, 1811.

officials feared, distrusted, yet courted Great Britain. He believed that they desired "to retain the friendship of the United States, [but] dared not arouse British opposition."³

Although the correspondence between the United Provinces and the United States made mention of the establishment of commercial relations, the main purpose of the two men was to secure aid. It was hoped these agents would be able to obtain 8,000 swords, 10,000 guns with cartridges, and 1,000,000 flints for carbines and pistols.⁴

The junta had requested the United States government to furnish these envoys with assistance and protection.⁵ They were not given direct government aid in the United States, but they were allowed to work freely. Because of the lack of funds and the unreliability of Argentine credit, the agents were unable to obtain all the supplies they had been sent for. They finally shipped 1,000 muskets and 362,000 flints.⁶ The mission of these agents did much to crystallize a policy for Madison. Although there was no plan for formal recognition in the near future, the policy of the encouragement of recognition by other powers was started by the United States.⁷

³ J. Fred Ruppy, Joel R. Poinsett, Versatile American (Durham, North Carolina: Duke University Press, 1935), 40.

⁴ Bemis, op. cit., 18.

⁵ Saavedra to Jefferson, June 6, 1811, MS. Notes from the Argentine Legation. These agents held no diplomatic rank, therefore the protection they asked for could not be granted. In carrying out their mission, they were required to act as private citizens.

⁶ Bemis, op. cit., 23.

⁷ Ibid., 24.

When these supplies reached Buenos Aires on May 19, 1812, there was great enthusiasm expressed. W. G. Miller, United States consul at Buenos Aires, writes that after the arrival of the supplies "the U. S. are looked up to as the only sincere friends of their cause not only by the Government but by the people."⁸

It was to be another four years before an official representative of the United Provinces would be unofficially accepted by the United States. However, during that time considerable correspondence passed between the two states, and more than once Buenos Aires businessmen served as an unofficial representative of his government while in the United States on business.

Colonel Don Martín Thompson was appointed as a secret agent of Buenos Aires to go to the United States early in January, 1816. Ignacio Alvarez, the head of the government, informed the President of the United States of this appointment by a despatch dated January 16, 1816.⁹ The reason for the secrecy of this mission was later explained by Pueyrredon as being necessary because of "the suspicion that might otherwise have arisen concerning its object."¹⁰ This seems to indicate that fear of Europe, especially Great Britain, still existed at this time in Buenos Aires.

⁸ State Department, MS. Despatches from United States Consuls in Buenos Aires, I, 1. Letter from Miller to Secretary of State Monroe, July 16, 1812.

⁹ Pueyrredon to Monroe, January 1, 1817, MS. Notes from the Argentine Legation.

¹⁰ Loc. cit.

The purpose of Thompson's mission was to obtain any form of material assistance, and even to try to get American government officers to go to Buenos Aires.¹¹ He arrived in New York on May 3, 1816, but contrary to diplomatic procedure, did not immediately depart for the seat of government at Washington. While in New York, he contracted with several French and Polish officers to serve in Buenos Aires, and speculated on the use of a steamship which he had seen demonstrated. While not engaged in this fascination, he sent despatches to Buenos Aires demanding more money and a higher position. He started his journey to Washington in November, 1816, but before appearing before the government, he wrote once again to Buenos Aires demanding a rank as a public agent.¹²

By the time these latest demands had reached Buenos Aires, Pueyrredón had ordered Thompson removed from office. The main reasons for his removal were that he had made contracts with foreign officers and the granting of privateering commissions, which had been causing the United States so much trouble.¹³ All of these acts had been carried out before he had appeared in Washington. His letter of dismissal bluntly informed him "that it would not be necessary for him to return to Buenos Aires."¹⁴

11 Bemis, op. cit., 43.

12 Ibid., 45.

13 Ibid., 46.

14 Ibid., 47.

The dismissal of Thompson brings to the scene the best known of those early agents from Buenos Aires--Don Manuel Hermenejildo de Aguirre. He was appointed in March, 1817, and President Monroe was notified of his appointment by a despatch dated March 28, 1817.¹⁵ He was to serve as an "agent of this [United Provinces] Government near that of the United States. . . ." and was granted such "privileges, preeminencies and prerogatives which belong to the said title."¹⁶ This last phrase hints at his having diplomatic character, but neither his commission nor any of his orders delegated him any power as a public minister or any power to negotiate as such.¹⁷ Besides his appearance as a public agent from the United Provinces, he also held a commission as a private agent from Chile.¹⁸

The primary purpose of Aguirre's mission was the purchase of ships. Just before his appointment, San Martín had returned to Buenos Aires from Chile, and Pueyrredón joined him in his plan for a naval fleet and army to liberate Peru. Aguirre, with Gregario Gómez, his assistant, sailed from Buenos Aires late in May, 1817. He presented his credentials to Secretary of State Adams on October 29, 1817. He was not formally received by the President as to do so would have been a sign of the recognition of the government that appointed him.¹⁹

¹⁵ Pueyrredón to Monroe, March 28, 1817, MS. Notes from the Argentine Legation.

¹⁶ Loc. cit., leaving the U. S. with the decision as to the actual position of the agent.

¹⁷ American State Papers, Foreign Relations, IV, 173.

¹⁸ Loc. cit.

¹⁹ Bemis, op. cit., 50, 59.

On meeting with the Secretary of State, Aguirre explained his mission, stating that he desired to purchase two 34 gun frigates and as many other warships as he could obtain.²⁰ He was informed by Adams that he was free to purchase ships of any size from private individuals, but that he must not equip them in any way for war within the boundaries of the United States. He was promised protection as long as he remained within these limits.²¹ Shortly after this meeting, he contracted for the building of the two frigates in New York for the price of 200,000 pesos. This contract soon became public, and as expected, a protest was sent to the State Department by the Spanish consul.

The conference between Aguirre and Adams on December 16, 1817, is one of the most important of this period. At this meeting Aguirre asked for the recognition of the United Provinces as an independent state.²² Up to this time, he had offered every opportunity to be recognized, but had not demanded it. None of his credentials or orders instructed him to take this action, but the actions of Clay and the friendliness of Adams probably lead him to believe that the general terms could be interpreted to give him this power.²³

²⁰ Ibid., 50. He did not inform Adams that he carried twenty-five blank commissions from Buenos Aires and also the same number from Chile. It must be remembered that this was one of the reasons for the removal of Thompson at an earlier date.

²¹ Ibid., 55.

²² American State Papers, Foreign Relations, IV, 180.

²³ Bemis, op. cit., 64.

Undoubtedly much of the encouragement for this move came from within the United States. This was during the period that Clay was making his demands in Congress for recognition, and Aguirre probably felt that his demands, plus those of Clay, might be strong enough to force the issue of recognition. He failed to understand the position of the executive in the conduct of foreign affairs.

If Aguirre had dropped the matter after this refusal, his usefulness as an agent might have remained. Instead of following this course, Aguirre attempted to force the recognition by a series of questions, demands, and threats that only ruined all chance for the recognition of his country at this time. On December 29, 1817, Aguirre entered a complaint on the neutrality laws of March 3, 1816.²⁴ On January 6, 1818, he stated that although not definitely authorized to enter into a treaty, he would

have not the least hesitation to assure you that I consider myself fully authorized by my Government to enter into a negotiation with that of the United States on the general basis of a reciprocal amity and commerce [treaty].²⁵

On January 16, 1818, Aguirre reminded Adams that the ports of the United Provinces were open to foreign states only by decree, and that

²⁴ American State Papers, Foreign Relations, IV, 182. This law prohibited the fitting out of vessels similar to those purchased by Aguirre, and provided for confiscation by the director of customs, a fine of \$10,000 and a prison sentence of not more than ten years for the owner or person contracting for the construction of such ships.

²⁵ William R. Manning, Diplomatic Correspondence of the United States Concerning the Independence of the Latin American Nations (New York: Oxford University Press, 1925), I, 367. Letter from Aguirre to Secretary of State Adams, January 6, 1818.

they could be closed to the United States very easily.²⁶ Adams answered this threat by reminding Aguirre that the ports of the United States could be closed to all ships from the United Provinces just as easily.²⁷

Despite these actions of Aguirre, Adams remained fairly calm. During a conference on March 25, 1818, Adams asked as to the method of recognition and the territory to be included in the United Provinces. He observed that the United States was recognized by France by a treaty naming each state, and that something similar might be necessary, mainly to form an idea of the general extent of the country. Aguirre answered that the United Provinces should be the old viceroyalty of la Plata. This included Montevideo, land held by the Portuguese, and land held by General Artigas, but that all of this would probably soon become part of Buenos Aires.²⁸

During the months since Aguirre's first demand for recognition, Clay's movement in the House for recognition had been gaining momentum. On March 24, 1818, he had introduced an amendment to an appropriation bill for \$18,000 to provide for a minister to the United Provinces.²⁹ The issue came to a vote on March 28, but Clay's

²⁶ American State Papers, Foreign Relations, IV, 183.

²⁷ Bemis, op. cit., 64.

²⁸ Manning, op. cit., 59-60. Adams to Monroe, March 25, 1818.

²⁹ Annals of Congress, 15th Congress, 1st Session, 1468.

speechmaking was not enough to save it from an inglorious 115 to 45 defeat.³⁰

No doubt this movement offered Aguirre assurances of quick recognition, but Clay's defeat, plus a letter from Pueyrredón on the day after the vote in the House, brought Aguirre's diplomatic house of cards down with a loud crash. This note from Pueyrredón was the first formal request for recognition, and of course it made it evident that Aguirre had no justification for any of the demands or representations he had been making. Pueyrredón explained that the request had not come sooner because he did not want "to engage other nations to compromise their interests by any formal acknowledgment while independence remained doubtful."³¹ Aguirre's unauthorized conduct had just secured the rejection of the request which his government had now authorized him to make. He did not remain in Washington long enough to present this letter to the government, but mailed it to the Secretary of State from New York.³²

When he reached New York, he learned that his troubles were far from over. He attempted to get the ships he had ordered, but this was refused because of his lack of money. He sent his assistant, Gómez, to Buenos Aires to obtain funds, and in the meantime Aguirre was arrested and spent four days in jail charged with violation of the neutrality laws. When Gómez did not return, Aguirre raised

³⁰ Ibid., 1646

³¹ Bemis, op. cit., 66.

³² Ibid., 67.

enough money on notes payable on arrival in Buenos Aires to get the ships released. He sailed from New York early in September, 1818, with his two vessels, the Curiacio and the Horatio, but only one was destined to enter the service of Buenos Aires. The Curiacio later sailed for Buenos Aires as the Independencia, but when the Horatio was not paid for in Buenos Aires, the captain sailed for Rio de Janeiro and sold it to the Portuguese.³³

Even before Aguirre left Washington, the government of the United Provinces had a desire for better representation in the United States. On February 25, 1818, they appointed David C. De Forest, an American businessman who lived in Buenos Aires, as consul general, and William H. Winder, a Baltimore lawyer who had defended Buenos Aires pirates in United States courts, as a special deputy.³⁴ Winder talked with President Monroe, who was a personal friend, and Monroe encouraged him to take the appointment. Nevertheless, he declined, stating that he felt De Forest was a more able man and that he would aid him in every way possible.³⁵

David De Forest was appointed consul general under the terms of the treaty that had been negotiated by Worthington in January, 1818.

³³ Ibid., 70-74. After returning to Buenos Aires, Aguirre put in claims with the United Provinces and Chile for 52,098 pesos as salary and expenses while in the United States. Argentina finally paid him 24,730 pesos in 1833 and charged it up to Chile. Chile examined his accounts and ended up by claiming that Aguirre owed them 89,937 pesos!

³⁴ Ibid., See pages 77-84 for more details about Winder.

³⁵ Ibid., 83.

President Monroe was notified of this appointment by a despatch dated May, 1818.³⁶ Mr. De Forest first met with Secretary of State Adams on May 7, 1818, and at this time was informed that the United States could not recognize him. After this meeting, he had an unofficial conference with the President, but he did not ask for recognition.

In refusing to grant an exequatur to De Forest, Adams established the principle that such action is actually a recognition of the authority making the appointment.³⁸ It was also pointed out that De Forest's commission was based upon the Worthington treaty, which the United States had never authorized or considered valid.

At first, De Forest appeared to be satisfied to serve as agent, but with the meeting of Congress, he again made a demand for recognition as a consul on December 4, 1818. In this note he attempted to point out that the United States was not following their policy of placing Spain and the colonies on an equal footing. In this respect he brought out the favorable position of the Spanish consul in our courts compared to the limitation in this respect placed upon an ordinary agent, such as those from South America.³⁹ Once again, Adams

³⁶ Manning, op. cit., I, 377-78. This despatch is dated May (?), 1818, but was probably received by the President sometime between May 5 - 10, 1818.

³⁷ Bemis, op. cit., 85-86.

³⁸ John Bassett Moore, A Digest of International Law (Washington: Government Printing Office, 1906), I, 79. An exequatur is a written authorization of a consular officer, by the government to which he is accredited.

³⁹ De Forest to Adams, December 9, 1818, MS. Notes from the Argentine Legation.

maintained the stand he had taken earlier in the year upon the effect of recognition of a consul such as De Forest.

In answer to a request made by the House of Representatives on January 14, 1819, for information on South America, part of the correspondence of De Forest was sent for study.⁴⁰ Upon hearing this, De Forest once again became active in his requests for recognition. By this time it had become apparent to Adams and Monroe that De Forest was working with the opposition in Congress. Adams reminded him that he was still a United States citizen, and as such could be prosecuted under the neutrality laws for his work in privateering.⁴¹ Mr. De Forest took the hint and did not continue his demands for recognition.⁴²

By May, 1822, it had become apparent that the recognition of the South American governments would soon become a reality. A request was made by De Forest for Buenos Aires to be the first state to be recognized, with him as charge d'affaires and consul general.⁴³ Adams replied to his request on May 23, 1822, informing him once again that he could not be accepted. Adams based this action on a number of reasons. First, De Forest's commission was not considered valid

⁴⁰ Manning, op. cit., I, 73. Adams to Monroe, January 14, 1819.

⁴¹ Part of De Forest's orders were to encourage privateering and secure ports for the use of privateering. De Forest had lived in Buenos Aires for a number of years as a businessman, and his appointment was made upon his return to the United States. At the time of this appointment he was made a citizen of Buenos Aires.

⁴² Bemis, op. cit., 91.

⁴³ Ibid., 93.

because it had been issued by a government which no longer existed. (The commission had been issued by Pueyrredón as head of the United Provinces of Río de la Plata, but he had since been replaced by Rivadavia as the head of the Republic of Buenos Aires.) Second, his commission was based upon a treaty that had not been authorized or accepted by the United States. Third, even if the first two had not existed, he still could not be accepted because the government of Buenos Aires had expressed an intention to the State Department to revoke all existing commissions. (This was carried out in 1823.) Fourth, the United States did not consider it proper to receive one of its own citizens in a diplomatic position, such as charge d'affaires, from a foreign state.⁴⁴ This refusal by Adams marked the end of the De Forest mission to the United States. As promised, his commission was later revoked.

Recognition of the Republic of Buenos Aires came less than a year later. On January 27, 1823, the appointment of Casear A. Rodney as minister to that state was approved by the United States Senate. The completion of the recognition came on October 7, 1824, when President Monroe received General Carlos Alvear as minister from the Republic of Buenos Aires.⁴⁵

⁴⁴ Manning, op. cit., I, 159-60. Adams to De Forest, May 23, 1822.

⁴⁵ Bemis, op. cit., 94.

CHAPTER IV

NEUTRALITY AND SOUTH AMERICA

The revolutions in South America raised the problem for the United States of what their diplomatic position would be with the colonies. By a proclamation of September 1, 1815, the United States proclaimed their neutrality in the affairs to the South and at the same time recognized the belligerency of the Southern governments.¹

While this was disappointing to a few of the Latin Americans, it was the greatest help that the United States could render at that time. With few exceptions, it placed the insurgents upon the same level as Spain, and in practice, it benefited them more than it did the Spanish. Many Americans soon gave evidence that they wanted it to operate in this manner.²

American neutrality was based upon the neutrality law of 1794. This had been based upon the foreign policy of President Washington, and had contemplated only wars between independent states.³ This law was extremely difficult to execute because no authority was given to seize vessels suspected of violating American neutrality,

¹ American State Papers, Foreign Relations (Washington: Gales and Seaton, 1858), IV, 1.

² Arthur Preston Whitaker, The United States and the Independence of Latin America, 1800-1830 (Baltimore: The Johns Hopkins Press, 1941), 195.

³ Annals of Congress, 14th Congress, 2nd Session (Washington: Gales and Seaton, 1849), 1308-10. A copy of this law is found in the appendix.

and because it was very incomplete in covering acts of aliens within the United States. It prohibited a citizen of the United States from sending a warship out of the country for use of a belligerent, but it did not prevent this same citizen from selling the same ship to a foreigner to be used outside the United States.⁴

American neutrality was made even more favorable to South America by an order of the Treasury Department dated July 3, 1815. This order admitted ships flying the flags of any of the insurgent governments to the ports of the United States.⁵ As expected, the Spanish minister in the United States, Luis de Onís, entered a very vigorous protest against this ruling.⁶ Onís was quite correct in pointing out that the law made it much easier for the Southern insurgents to obtain war supplies, but the American feeling was that it was only "strict and impartial neutrality" which was "permitting both parties access to the ports of the United States on equal terms."⁷

This action of the Treasury Department made American ports a haven for privateers of all South American states. Use was made of our ports, especially New Orleans and Baltimore, to dispose of

⁴ Whitaker, op. cit., 216.

⁵ John Bassett Moore, A Digest of International Law (Washington: Government Printing Office, 1906), I, 170.

⁶ American State Papers, Foreign Relations, IV, 423.
Onís to Secretary of State Monroe, December 30, 1815.

⁷ Whitaker, op. cit., 119.

prizes and to re-arm and recruit new crews. Much of this was contrary to American neutrality laws, but customs officials were usually at a loss to take action because of the existing laws. In several cases the courts had ruled against the officials and often times it was extremely difficult to obtain a jury that would return a conviction.⁸

These flagrant violations of neutrality, plus the protests and threats of Onís, led Monroe to propose a modification of the neutrality law on December 26, 1816. The proposals finally became law on March 3, 1817, but not without considerable debate in Congress and the newspapers. This bill was to continue the same basic principles of the law of 1794, but it would give the collectors considerably more power to detain ships which they suspected as being used by privateers and fitted out contrary to American laws. One other important provision was for the posting of bond by the owners of all ships carrying arms that such ships would not be used against any nation at peace with the United States.⁹

Considerable time was spend in debate by the House on this issue, and all sides and views were expressed. Representative Erastus Root of New York spoke against the bill, and with great zeal denounced the "Tyranny of a bigotted Sovereign" (Ferdinand). Root expressed the opinion of one group when he stated:

⁸ Samuel Flagg Bemis, The Latin American Policy of the United States (New York: Harcourt, Brace and Company, 1943), 34.

⁹ Annals of Congress, 14th Congress, 2nd Session, 1308-10. A copy of this law is found in the appendix.

The belligerent has the power of punishing offences committed at sea; and our laws provide for the punishment of offences against neutrality committed in our waters. What more. . . could the belligerent demand?¹⁰

Root also attacked the change in neutrality laws as preventing the South American governments from obtaining supplies in the United States and thus favoring monarchy over independence.

Representative Samuel Smith from Maryland answered Root on this last charge. He stated that the main purpose was to clear the government of any implication in the supplying of arms. He added that "arms might still be exported to any extent, but in the common way of merchants, not by force of arms, but by swift sailing."¹¹

One of Root's fellow citizens of New York, Grossenor, tried to simplify the whole question by stating that "it was simply a question whether the United States would or would not compel its citizens to adhere to their duties as the people of a neutral nation."¹²

The bill was read for the third time and passed by the House on January 29, 1817. It later was returned from the Senate and with changes made, it became law on March 3, 1817.¹³

Like most laws passed by Congress, the neutrality law of 1817 was not perfect. A law passed April 20, 1818, attempted to make a policy more pleasing to those who were advocates of South

¹⁰ Annals of Congress, 14th Congress, 2nd Session, 722.

¹¹ Ibid., 724.

¹² Ibid., 727.

¹³ Ibid., 767.

American independence. This law of 1818 removed the provision of the act passed the previous year which permitted a foreign state (Spain) to increase the force of her armed ships in United States ports to commit hostilities against "a colony, district, or people" (South America). Also, the new act now permitted the arming of American vessels outside of the United States limits, to be used against a power at peace with the United States.¹⁴ This was the method used by Manuel Aguirre in his attempts to obtain ships for Buenos Aires.

This law of 1818 remained in effect through the rest of the independence and recognition period. Other laws were passed from time to time, but this one of 1818 remained the basis for American neutrality policy.

One of the biggest problems of American neutrality was that concerning privateering. This became a problem after 1815 for two reasons. First, the July 3, 1815 order of the Treasury Department allowing ships of any flag to enter American ports encouraged South Americans to issue commissions for more privateers. Second, many privateers employed by the United States during the War of 1812 and by European powers during the Napoleonic Wars now had nothing to do. Since Buenos Aires was not a ship-building country, almost all of their navy was composed of foreigners recruited in Buenos Aires ports, or more often, in foreign ports.¹⁵

¹⁴ Whitaker, op. cit., 246

¹⁵ Samuel Flagg Bemis, "Early Diplomatic Missions from Buenos Aires to the United States, 1811-1824," Proceedings of the American Antiquarian Society, New Series, XLIX (April 19, 1939 - October 18, 1939), 47.

Trouble for the United States came with the recruitment and armament of many of these privateers in American ports. Onís protested these unneutral acts,¹⁶ and an attempt was made to correct these practices by the neutrality law of March 3, 1817. Many of the agents sent to the United States by Buenos Aires, as well as other South American governments, carried with them a supply of blank commissions to be issued at their pleasure. One Buenos Aires agent, Martín Thompson, was recalled because his activities in this respect became undersirable to the view of his government as well as that of the United States.¹⁷

The occupation of the port of Galveston and Amelia Island by bands of privateers brought additional trouble for the United States. These two areas were in dispute at the time as to their ownership by Spain and the United States, and their occupation by someone other than an American did not soothe the nerves of the administration. There was still some apprehension in the United States that Florida might become the property of some other European power, especially Britain, in return for help to Spain in regaining her colonies. There is evidence to prove that, while this was not the case, the adventurers who occupied these two locations intended to establish a government independent of the United States.¹⁸

¹⁶ American State Papers, Foreign Relations, IV, 182. Onís to Secretary of State Monroe, January 2, 1817.

¹⁷ Bemis, "Early Diplomatic Missions," op. cit., 43.

¹⁸ Annals of Congress, 15th Congress, 1st Session, 1787.

The establishment at Galveston was made early in 1817 by Commodore Louis Aury. He established his own government and set up an admiralty court to condemn captured vessels.¹⁹ This action was taken in the name of Mexico, but testimony of men who served in Galveston seem to discredit this. The main purpose of their enterprise was the capture of Spanish vessels and property, but no thought was given to the idea of aid to the revolution in Mexico, or any of the Spanish colonies in revolt.²⁰ It might be added that these bands were not interested solely in Spanish ships, but were satisfied to take any other nationality if the Spanish could not be found.

Commodore Aury abandoned Galveston for Matagorda, on Spanish territory, on April 5, 1817,²¹ but it was only about ten days until Galveston was re-occupied. A group from New Orleans had taken two ships of supplies to Galveston, and upon finding it abandoned, decided to remain there instead of moving on to Matagorda.²²

At the same time a threat of a similar nature had arisen in East Florida. Gregor McGregor had received a commission from the agents of Venezuela, New Granada, Mexico and la Plata in the United States, to occupy, in their name, Florida.²³ This commission had

¹⁹ Ibid., 1790.

²⁰ Ibid., 1798. Testimony of John Ducoing on October 7, 1817.

²¹ Ibid., 1786.

²² Ibid., 1796.

²³ American State Papers, Foreign Relations, IV, 415.
A copy of McGregor's commission is found in the appendix.

been issued March 31, 1817, in Philadelphia, and under the terms of the neutrality law of March 3, 1817, was illegal. The plan McGregor was to follow was to conquer first Amelia Island and then Florida in the name of the Spanish Americans, and they would in turn sell this territory to the United States for \$1,500,000.²⁴ There is some evidence that the State Department was informed of this, but they dismissed it as being so fantastic that further consideration was unnecessary.²⁵

The actions of McGregor on Amelia Island and Aury at Galveston and Amelia aroused the most attention, but many others were involved in similar plots.²⁶ It is interesting to note the preponderance of French and British names and the almost complete lack of Spanish American names among these so-called agents of South America.

McGregor made his landing on Amelia Island on June 30, 1817, and in a short time had taken control of the island and established an independent government.²⁷ Onís did not direct an objection to the State Department until July 9, 1817, and of course by that time it

²⁴ Whitaker, op. cit., 237. Amelia Island is in the mouth of the St. Mary's River, near the boundary of Georgia.

²⁵ Ibid., 237. The U. S. had no official communication with McGregor, however Acting Secretary of State Richard Rush was informed of McGregor's plans by Dr. William Thornton, who was indirectly aiding McGregor. Some historians are of the opinion that Rush met with McGregor, but a letter written by Rush on May 14, 1818, indicates that Rush did not deal directly with McGregor.

²⁶ Ibid., 237, and Annals of Congress, 15th Congress, 1st Session, 1795-97, list several other men who operated from these two locations. Some of the best known were Jean Lafitte, Javier Mina, and B. Lafon.

²⁷ American State Papers, Foreign Relations, IV, 184.

was too late for the United States to take any legal action. Proceedings were started against him, but since he was not in the country, a process could not be served.²⁸

McGregor's occupation of Amelia became of immense importance to the State Department because of the plans they had for Florida. This territory had been the subject of negotiations with Spain as indemnity for losses suffered by United States citizens, or in exchange for territorial claims of equal value west of the Mississippi River.²⁹ A threat of foreign occupation of Florida had arisen in 1811 and at this time, in a secret session, Congress had given President Madison power to take possession of any part, "in the event of an attempt to occupy the said territory, or any part thereof, by any foreign government."³⁰ The President was authorized to use the Army and Navy in carrying this out and \$100,000 was appropriated for his use in such action. The occupation of Galveston raised a similar problem, but this territory was claimed by the United States as part of the Louisiana Purchase.³¹

²⁸ Loc. cit.

²⁹ Manning, op. cit., I, 50. Monroe to Congress, December 12, 1817.

³⁰ John Bassett Moore, History and Digest of the International Arbitrations to Which the United States Has Been a Party (Washington: Government Printing Office, 1898), IV, 3978-80.

³¹ This dispute had arisen because of the vagueness of the boundaries defined in the original purchase. It had been understood that the United States would receive Louisiana just as it had been transferred to France. Here Spain and the United States were in dispute. The U. S. claimed the Río Grande as a boundary, while Spain used the western water shed of the Mississippi as her boundary.

Many of the vessels carrying men and supplies to Galveston were using the port of New Orleans, therefore the enforcement of the neutrality laws fell in part upon the customs collector of that port. Here again, the story was the same as other ports. Evidence was hard to obtain, and convictions even harder. Also, the collector was hampered in his enforcement efforts by the lack of an adequate force or fleet of gunboats. The navy was engaged in similar activities on the Eastern coast and ships were just not available for use in the Gulf of Mexico.³²

By October, 1817, when Spain had not taken any action to remove the expedition from Amelia Island, President Monroe decided to take action. The President received approval for his actions from his cabinet on October 30, 1817, and started proceedings to move the army and navy into the area.³³

It was December, 1817, before a military and naval force could be dispatched to the area of Amelia Island. Captain J. D. Henley, commander of the fleet, and Major James Bankhead, commander of the military force, notified Commander Aury, who by this time had moved from Matagorda to Fernandina, the port of Amelia, and replaced Mc Gregor, that they would occupy the port and island in twenty-four hours.³⁴ Aury and his men were instructed that if they left all

³² Annals of Congress, 15th Congress, 1st Session, 1799-1802.

³³ Bemis, "Early Diplomatic Missions," op. cit., 61.

³⁴ Annals of Congress, 15th Congress, 1st Session, 1803-04.

public and private property as they found it, they would not be molested on their exit. Aury replied on the same day with great surprise at the action of the United States. He declared the island independent of Spanish rule and that it belonged to Mexico.³⁵ On the next day, December 23, 1817, Henley and Bankhead informed Aury that an American force would land that day and the use of force must rest with him.³⁶ Shortly after receiving this communication Aury replied that he was preparing to leave the island without offering resistance.³⁷

Thus, Monroe carried out the American threat of 1811 of occupying Florida whenever it should be threatened by a foreign state. However, in this case the issue of prime importance was the disbanding of groups of pirates who were damaging American shipping as well as that of other nations.

This action on the part of the United States was not pleasing to either Spain or supporters of the independence movement in the colonies. Onís entered a strong protest on December 6, 1817, when he learned of the plans being made by the President for Amelia Island. His protest was based upon the fact that both locations, Amelia and Galveston, were in territory still belonging to Spain.³⁸ The South

³⁵ Ibid., 1804-05.

³⁶ Ibid., 1806.

³⁷ Loc. cit.

³⁸ American State Papers, Foreign Relations, IV, 184.

American propagandists made extensive use of this act in the American press to show that the administration was against the liberty of the former Spanish colonies.³⁹

The French also protested the American actions on Amelia Island, but their protest was on the part Americans were taking in the pirate enterprises. In Adams' reply to G. Hyde de Neuville, the French minister, he stated that the United States had made and was making every effort to keep their citizens from taking part in these expeditions, but

If in these endeavours they have not been entirely successful, the Governments of Europe have not been more so, and among the occupants of Amelia Island, for the piratical purposes complained of in your notes, natives or Subjects of France have been included no less than citizens of these States.⁴⁰

Various groups of people in the United States who were interested in independence for the colonies, or were just looking for something to embarrass the administration, made good use of this action of the President. Claims were presented in the newspapers that the United States had even allied with European powers favoring the return of the colonies to Spain.⁴¹

As Monroe expected, the colonies refused to accept responsibility for the acts of their agents in the granting of commissions

³⁹ Whitaker, op. cit., 238-39.

⁴⁰ Manning, op. cit., I, 53. Adams to de Neuville, January 27, 1818.

⁴¹ Whitaker, op. cit., 239.

to establish independent states.⁴² The Buenos Aires government was quick to disclaim all participation in the scheme. They even recalled their agent, Thompson, because of his activities in this and other dealings contrary to United States neutrality.⁴³

The most significant aspect of the American action on Amelia Island was that it gave warning that the United States intended for Florida to be either Spanish or American, but not the property of any other power. It also indicated that, while the United States might show definite favoritism to South America, she intended to enforce, to the best of her ability, her neutrality laws.

During the time that the Amelia Island incident was being cleaned up, Onís continued his protests against privateering out of American ports. He had expressed gratitude for the passing of the neutrality law of March 3, 1817,⁴⁴ but it soon became evident that this law would not be enforced in the manner he expected. On April 5, 1817, he offered the oath of two Spanish seamen that the privateer Almegda had robbed an English vessel on the high seas.⁴⁵ This ship was claimed by him to have been fitted out in an American port. On July 9, 1817, he complained about the actions of American officials

⁴² Monroe had expressed this belief several times. His message to Congress on December 2, 1817, is one example.

⁴³ Manning, op. cit., I, 81. Message to Congress, November 16, 1818.

⁴⁴ American State Papers, Foreign Relations, IV, 189. Onís to Rush, March 15, 1817.

⁴⁵ Manning, op. cit., III, 1929. Onís to Rush, April 5, 1817.

in the port of Baltimore. At this time, the Spanish consul had obtained the necessary papers to prevent a vessel that had been fitted out in violation of the neutrality laws from sailing. The consul presented these papers to the United States marshall, and he had refused to take action. When the consul appealed to the district attorney, he stated that the action was very unusual, but still he took no action.⁴⁶

By 1817, the privateering problem had taken on new importance for the United States. Privateers from South America, especially Buenos Aires, Venezuela and Mexico, were taking a growing number of American ships as prizes. Many of these privateers were sailing from Buenos Aires in direct violation of her privateering regulations. The Constitution and laws of Buenos Aires required a captain and one-half of the crew of all privateers to be citizens. A five year residence was required for naturalization, so it was very evident that many of these crews, and some of the captains, could be classed only as pirates.⁴⁷

The establishments made at Amelia and Galveston brought such an increase in this privateering that several American merchants petitioned the government for naval protection for American commerce.⁴⁸ Despatches from Prevost and Rodney, both American agents in South

⁴⁶ American State Papers, Foreign Relations, IV, 441. Onís to Adams, July 9, 1817. This is a good example to show the feeling of many Americans towards Spain. Often times the actions of Americans could be explained by their dislike of Spain as much as their desire to aid the Spanish colonies.

⁴⁷ Ibid., 494.

⁴⁸ Whitaker, op. cit., 279-80.

America, indicated that this was the only solution, and for proof pointed to Great Britain, who had maintained a squadron in the South Atlantic for some time.⁴⁹

Protests to the South American governments had little effect, so by a law of March 3, 1819, the United States followed Great Britain's policy of providing protection to her merchant ships. This new law was intended to deal partly with privateering from American ports, but its more important effect was to give the United States Navy the new power of conveying American merchantmen on the high seas. It also gave the navy the authority to retake any vessel belonging to the United States, or its citizens, that had been unlawfully captured on the high seas.⁵⁰ This act showed that although American neutrality favored the Spanish Americans, the United States intended to enforce it against the revolutionists just as strictly as against Spain.

This new neutrality law was followed by the appointment of Commodore Perry to go to South America in an attempt to end these privateering practices. He died before reaching Buenos Aires, and his successor, Commodore Morris, was in Buenos Aires during the uprisings that were eventually to place Rivadavia in power. Finally, John Forbes was sent as an agent, with the clearing up of these difficulties as one of his duties.⁵¹

⁴⁹ Whitaker, op. cit., 280.

⁵⁰ Annals of Congress, 15th Congress, 2nd Session, 2523-24. A copy of this law is found in the appendix.

⁵¹ Manning, op. cit., I, 130-31. Adams to Forbes, July 5, 1820. Forbes arrived in Buenos Aires on October 24, 1820.

Forbes arrived in Buenos Aires during a period of great political unrest. It was not until July, 1821, that stable government returned to Buenos Aires, with the establishment of the Republic of Buenos Aires.⁵² Because of the feeling that had arisen against Forbes and the uncertainty of the new government, he delayed for eleven months making his demands for changes in the privateering system of Buenos Aires.⁵³

Forbes presented his complaints to Rivadavia by a note on September 14, 1821, and by a conference on September 17, 1821. At this time he pointed out the violations of the privateering laws, as mentioned above. He reminded Rivadavia that many of the Buenos Aires privateers were sailing under more than one commission, and that according to the laws of the government, this made the personnel pirates.⁵⁴

Rivadavia admitted that many of these charges were true and promised that corrections would be made soon.⁵⁵ On October 6, 1821, Forbes was presented with a copy of a decree issued by the Buenos

⁵² Pueyrredón had been removed from office for his attempts to place a French prince on the throne of Buenos Aires. The Republic of Buenos Aires was formed after this under the lead of Rivadavia.

⁵³ The Forbes mission is discussed in Chapter II.

⁵⁴ American State Papers, Foreign Relations, IV, 823. Forbes to Rivadavia, July 14, 1821.

⁵⁵ Loc. cit. Conference between Forbes and Rivadavia, September 17, 1821.

Aires Department of War and Marine which recognized the injustice of their privateering system. By this order, all privateers sailing under the Buenos Aires flag were recalled and their commissions revoked.⁵⁶

By this time the original purpose of the privateers, that of driving the Spanish fleet from South America, had been fulfilled. The revocation of these privateering laws removed one more blockade from the path of American recognition of these de facto governments.

⁵⁶ Ibid., 824.

CHAPTER V

UNITED STATES RECOGNITION AND SOUTH AMERICA

One of the problems faced by the United States during these revolutions in South America was the recognition, or non-recognition, of the newly formed states. If United States recognition had been decided only by American policy, the problem would be simple, but such is not the case. From 1815, when serious thought on recognition became public, up to the actual recognition eight years later, American policy was constantly being influenced, and at times dictated, by the actions of the European powers.

Henry Clay was one of the first Americans to arouse national interest on the subject of recognition. Clay brought this question to the fore on January 20, 1816, in a debate concerning the reduction of the army. He was quick to remind Americans of the ideas of legitimacy as formed at the Congress of Vienna, and to suggest that there might be a need for an army to defend and protect American interests. The independence of South America was considered an American interest by Clay.¹ Nine days later he pointed out that an army might be needed to aid the South Americans in their fight to rid the Western Hemisphere of Old World domination.² Clay was not sure of the plans

¹ Annals of Congress, 14th Congress, 1st Session (Washington: Gales and Seaton, 1849), 724.

² Ibid., 790.

being made by European states, but from future happenings we can see now that there was some reason to be prepared for European action in regard to Spanish America.³

The administration had been attempting to keep in contact with South American happenings, but their information was limited. President Madison had sent Joel Poinsett to Buenos Aires in 1810 as an "agent for seamen and commerce", and in 1811 William Miller and Poinsett were appointed consuls. These appointments were approved by the Senate, and the men had accepted formal exequaturs from the governments to which they were sent. This was as close to recognition as it was possible to go. After the War of 1812, the United States adopted a policy of formal neutrality.⁴ With this move, the President ceased to use consuls and returned to the earlier practice of sending special agents, who did not require senatorial confirmation. This was done to remove any implication of any form of formal recognition.⁵

During the War of 1812, Great Britain made an attempt to obtain better relations between the colonies and Spain through the use of mediation. This British action was based on a desire for aid

³ Arthur Preston Whitaker, The United States and the Independence of Latin America, 1800-1830 (Baltimore: The Johns Hopkins Press, 1941), 191.

⁴ James D. Richardson, A Compilation of the Messages and Papers of the Presidents, 1789-1897 (Washington: Government Printing Office, 1897), I, 561-62.

⁵ Samuel Flag Bemis, The Latin American Policy of the United States (New York: Harcourt, Brace and Company, 1943), 32-34.

to Spain and herself during the Napoleonic Wars, and then a settlement of all disputes after the war in Europe was over.⁶ Great Britain did not expect much good to come from this mediation, but she knew Spain would quit the European war as soon as trade and resources from the colonies stopped.⁷

The year 1815 found the United States and Spain on unfriendly terms. The question of the Louisiana boundary still remained, and the Southern states were having increasing trouble with Spanish Florida. The threat of war with Spain would have been welcomed by many, but the position of Great Britain in event of such a war was a question. On December 10, 1815, Secretary of State Monroe asked John Quincy Adams, United States minister to Great Britain, "In case of a rupture between the U. S. & Spain at any future time, what part will Great Britain take in the contest. . . ?"⁸ Adams stated on January 22, 1816, that "all the propensities of the British Government will be against us."⁹ Adams went on to observe that British feeling against the United States was very strong because of the high taxes caused by the War of 1812 and the desire of many people for another war with the United States.

⁶ William R. Manning, Diplomatic Correspondence of the United States Concerning the Independence of the Latin-American Nations (New York: Oxford University Press, 1925), III, 1432. Jonathan Russell to Secretary of State Monroe, February 3, 1812.

⁷ Loc. cit.

⁸ Ibid., I, 18. Monroe to Adams, December 10, 1815.

⁹ Ibid., III, 1434. Adams to Monroe, January 22, 1816.

In a later despatch Adams commented on American neutrality and observed that English public opinion favored the colonies, but was definitely against the United States. Adams reasoned that as long as the United States remained neutral, Great Britain would also, but that if the United States attacked Spain, or sided with the colonies, Great Britain could be expected to attack the United States.¹⁰ Thus, neutrality was of even greater aid to the South Americans than United States recognition or aid.

This feeling of the British, plus the cooperation between all the European powers brought about by the "Concert of Europe", placed the United States in a position where caution was necessary. The American policy at this time was what could be called a negative one. The basic principle was to do nothing that could provoke European intervention in South America. For this, formal neutrality was the American answer.¹¹

The possibility of mediation between Spain and the colonies remained, but the chances for its success were growing less. Spain was unwilling to accept the British terms, which were free trade, but her attempts to get some other power to replace Great Britain were not too successful. The English were willing to have the colonies return to Spain, but only on the condition that trade with them would remain open to the British. George W. Erving, United States minister to Spain, stated the position of the Spanish on mediation by other

¹⁰ Ibid., III, 1437. Adams to Monroe, March 30, 1816.

¹¹ Whitaker, op. cit., 208-17.

powers as being "favorable received, yet it were vain to expect success from any mediation in which England is not a party, or indeed that any mediatory power will act on other than her principles."¹² Some speculation arose about Russia, who had considerable influence in Spain, taking the place of England in the mediation, but this was never carried into effect.¹³

By the last of 1817, the question of South American policy was beginning to occupy a more important position in American thinking. James Monroe had become President on March 4, 1817, and he possessed more of an interest in South America than had Madison. However, his desire to see a free Spanish America did not blind him to the risks still present from Europe. The declaration of independence of the United Provinces in 1816, and the successes of San Martín also played a part in feeding this development of interest in South America.

By April, 1817, there were indications that a split was developing between the European powers. This was confirmed on April 24, 1817, when the French minister to the United States, Hyde de Neuville, presented a proposal to the administration of a "concert" between France, Spain and the United States. The essence of this proposition was to secure favorable commercial relations, while cutting Great Britain completely out. The United States refused to take part in this because of the dispute with Spain over Florida and Louisiana.¹⁴

¹² Manning, op. cit., III, 1931. Erving to Adams, April 6, 1817.

¹³ Ibid., III, 1947. Erving to Adams, August 27, 1817.

¹⁴ Whitaker, op. cit., 226-29, discusses subject in more detail.

While this conference was not successful from the French viewpoint, it certainly was welcome news to the United States. It was evidence of European politics beginning to work in favor of the United States.

This confirmation of a split in European politics concerning South America put new life in the administration's policy. On April 25, 1817, Monroe wrote Poinsett, requesting him to make another trip to South America. Monroe stated that

The progress of the revolution in the Spanish provinces, which has always been interesting to the United States, is made much more so, by many causes, and particularly by a well founded hope that it will succeed.¹⁵

Monroe wanted to send an agent who could contract the many different views of the colonists, yet would be trusted and respected in both South America and the United States.¹⁶ To the surprise of Monroe, Poinsett refused the appointment. His reason was his recent election to the legislature of South Carolina.¹⁷

This action of Monroe did not mean the steps would be taken for immediate recognition, but it did indicate the possibility of action of this type in the near future. The selection of Poinsett for such a mission made recognition seem more likely since it must be remembered that Poinsett had been very active in the cause of independence while in South America and after his return to the United States.

¹⁵ Manning, op. cit., I, 39. Monroe to Poinsett, April 25, 1817.

¹⁶ Ibid., I, 39-40.

¹⁷ Frederic L. Paxson, The Independence of the South American Republics (Philadelphia: Ferris and Leach, 1903), 120.

With the refusal of Poinsett, Monroe decided to send a commission instead of a single agent. Caesar A. Rodney and John Graham were appointed on July 18, 1817, but their departure was delayed until December, 1817, at which time they were joined by the third commissioner, Theodorick Bland.¹⁸

Monroe's cabinet meeting on October 30, 1817, is further evidence of the inclination toward South American independence. At this meeting he put the following questions to his cabinet:

Has the executive power to acknowledge the independence of the new states whose independence is not recognized by the parent country and between which parties war exists?
Is sending a minister equal to recognition?
Is it expedient for the United States to recognize Buenos Aires or other revolted provinces?¹⁹

The cabinet was hesitant to encourage Monroe on any of these acts, but they did encourage the sending of the commissioners to observe the conditions existing in South America at that time.²⁰

The journey of the three commissioners to South America was the cause of considerable unrest of European diplomats. The British suspected that the commissioners would carry with them the power of formal recognition.²¹ The main reason for British unrest concerning recognition at that time was the effect it might have upon their

¹⁸ See Chapter II for a more complete discussion on the commissioners and their work.

¹⁹ Samuel Flagg Bemis, "Early Diplomatic Missions from Buenos Aires to the United States, 1811-1824," Proceedings of the American Antiquarian Society, New Series, XLIX (April 19, 1939 - October 18, 1939), 60.

²⁰ Ibid., 60-61.

²¹ Manning, op. cit., III, 1957. Erving to Adams, January 10, 1818.

trade with South America.²² The Spanish were also sure the commissioners would recognize some of the insurgent governments. This opinion was shared by the Spanish minister in Washington as well as the Spanish government at Madrid.²³ No doubt more than one European breathed a sigh of relief when the commission returned without offering formal recognition to any of the Spanish provinces in revolt.

Monroe's first year in office witnessed the Aguirre mission from Buenos Aires. The actions of Monroe and Adams toward Aguirre's demands and work are a good indication of the administration's determination to maintain neutrality. Aguirre's arrest in New York for violation of American neutrality laws did little to promote good feeling on the part of Aguirre for the United States, and it certainly did not increase respect in this country for the governments of South America.²⁴

Aguirre's demands for recognition were probably prompted largely by the actions of Henry Clay in the House of Representatives. With the election of Monroe, Clay believed he would be offered the post of Secretary of State. When he was by-passed for John Quincy Adams, Clay became a bitter critic of administration policy. The South American revolutions gave him an excellent opportunity to publicly question the policies of Monroe and Adams. It must be remembered, as pointed out above, Clay had been interested in South American independence before the election of Monroe in 1816.

²² Loc. cit.

²³ Ibid., III, 1957, and I, 64.

²⁴ The Aguirre mission is discussed in Chapter III.

Clay started his attack on the administration on March 24, 1818. At this time the House was considering a bill to appropriate money for the commissioners, who were in South America at this time.

Clay suddenly raised the question of recognition by moving to insert a provision to appropriate the sum of eighteen thousand dollars as the outfit and one year's salary of a Minister to be departed from the United States to the independent provinces of the River Plata, in South America.²⁵

Clay pointed out in defending this move that the United States had become established on the basis of a de facto government, and since that time it had been our policy to recognize the de facto government of a nation. Clay argued that if we were to continue this policy we would have to recognize the South American nations at once.²⁶

The President was quick to reply to Clay's attempt to force his hand in foreign policy. In a message to the House the next day, Monroe stated that "the present acknowledgment of the Government of La Plata, in any mode was deemed by the President inexpedient. . . to their interests as to those of the United States."²⁷ It is interesting to note that this was the first important congressional debate on the subject of recognition of these South American states.

The supporters of the administration's policy were quick to attack Clay's proposal. Forsyth of Georgia was especially critical of Clay. He pointed out that England gained more from la Plata than

²⁵ Annals of Congress, 15th Congress, 1st Session, 1468.

²⁶ Ibid., 1488.

²⁷ Manning, op. cit., I, 60. Monroe to House of Representatives, March 25, 1818.

the United States, therefore let her take the risks as well as the profits of recognition. He attempted to point out the damage a war with Spain could bring to American commerce, particularly if England remained allied with Spain. Forsyth could not see any commercial advantage to recognition. He observed that our ships enter la Plata ports freely and their ships had free access to American ports. Next, Forsyth stated that no minister had arrived from la Plata demanding acceptance, therefore it was possible they did not desire recognition as yet. He was also critical of Clay for attempting to take from the President his constitutional power of conducting foreign affairs.²⁸

Samuel Smith of Maryland attacked Clay and his supporters from a commercial aspect. He stated the United States had nothing to gain from South American independence but would suffer because of the competition of these states. Smith pointed out that the United States and la Plata produced many identical products, therefore the goods they needed they would most likely purchase from some state that would in turn buy from them.²⁹

A. Smyth of Virginia objected to Clay's proposal from a constitutional viewpoint. He maintained the House had no part or responsibility in establishing foreign policy. He stated that

You [the House] possess the power of impeachment, and consequently, may, discuss, and, by resolution, express, an

²⁸ Annals of Congress, 15th Congress, 1st Session, 1502-18.

²⁹ Ibid., 1541-42.

opinion on any past act either of the Executive or of the Judiciary; but you have no right to give a direction to either.³⁰

Clay and his followers counter attacked vigorously with the reminder that Spanish American independence meant the freedom of America.³¹ The House remained much more calm than Clay, and when the final vote was taken his proposal was soundly defeated, 115 to 45.³² The refusal of most Representatives to accept this resolution was probably based on the danger of war with Europe. Spain alone was not feared, but the action of the other European powers was an important consideration. For most people, recognition was not important enough to threaten the destruction of American commerce at the hands of Great Britain and the privateers that would be released by Spain.

By the middle of 1818, events were happening in Europe that were to influence American foreign policy once again. Secretary of State Adams learned in May, 1818, that Great Britain had agreed to a general mediation of European powers between Spain and the colonies. This was disturbing to the United States since the British minister shortly before this had promised to keep the United States informed about the movement for mediation.³³ The State Department was not exceptionally worried that Great Britain would take part in any forceful mediation,³⁴ but they were interested in the plans of the

³⁰ Ibid., 1569-70.

³¹ Ibid., 1605, 1643.

³² Ibid., 1646.

³³ Whitaker, op. cit., 251.

³⁴ Manning, op. cit., III, 1441. Rush to Adams, March 21, 1818.

Europeans allies. On May 19, 1818, Adams instructed Albert Gallatin, United States minister to France, to ascertain the intentions of the allies. Adams explained that the United States desired to maintain a just policy toward all, and their plans must be known in order to do this. Gallatin was warned that

we do not wish to join them in any plan of interference between the parties; and above all that we can neither accede to nor approve of any interference to restore any part of the Spanish supremacy, in any of the South American Provinces.³⁵

Adams sent similar instructions to Richard Rush in Great Britain the next day. In case of an invitation to the United States to take part in these negotiations, Rush was instructed to

let it be known that we have no desire to participate in it; and above all that we will join in no plan of pacification founded on any other basis than that of the entire Independence of the South Americans.³⁶

Adams stated in this same communication that the administration was convinced the basic British policy was independence for South America. It was felt that as soon as Great Britain had satisfied her sense of duty to Spain, she would establish a policy of independence.

Thus, by May, 1818, the administration had become convinced that independence was assured for South America. The American belief that Great Britain would not take part in any action that would ruin her trade was partly responsible for the development of this policy, but the successes of the South American patriots in defeating the Spanish forces also helped Monroe and Adams to make this decision.

³⁵ Ibid., I, 66. Adams to Gallatin, May 19, 1818.

³⁶ Ibid., I, 69. Adams to Rush, May 20, 1818.

It was during this flurry of activity concerning South America that the three American commissioners returned.³⁷ While their reports were not the encouragement expected, they did help in the establishment of American policy. They agreed that it would be impossible for Spain to retake the territory by her own force, but there was disagreement on the conditions of internal affairs. The conclusion drawn was that considerable unrest and instability existed. Two theories were established by Brackenridge, the secretary on the mission: One, the United States would have to be the first to acknowledge the independence of any part of South America;³⁸ and two, there was no danger that Spain would consider recognition as a cause for war with the United States.³⁹

By fall, 1818, plans were being laid for the joint mediation, but the position of Great Britain in such plans was becoming more and more vague. By October, the chances of the Allied powers reaching an agreement seemed remote. Rush stated "there seems to be but little prospect of their coming to accord. . . ."⁴⁰ By November, it had become apparent to the United States that Great Britain would take no part in these moves.⁴¹ The Congress of Aix-la-Chapelle had

³⁷ The return of the commissioners is discussed in Charter II.

³⁸ H. M. Brackenridge, Voyage to South America (Baltimore: H. M. Brackenridge, 1819), II, 247.

³⁹ Ibid., II, 356.

⁴⁰ Manning, op. cit., III, 1978. Rush to Adams, October 24, 1818.

⁴¹ Ibid., 1449. Rush to Adams, November 20, 1818.

adjourned when the British refused to take part in the intervention proposed by France and Russia. This plan proposed the use of coercion by threats and economic sanctions.

Great Britain made one more attempt to mediate between Spain and the colonies, but Spain refused to accept the British offer. By March, 1819, the attempts to reach a settlement were dropped by Great Britain, and this almost forced all other powers to follow suit.⁴²

On looking back over these attempts at mediation, it appears that while Britain was interested in a peaceful settlement, the French and Russians had attempted to use mediation as a means of causing Spanish distrust of England.⁴³ It appears doubtful that France or Russia were ever seriously interested in a peaceful settlement of the Spanish colonial problem.

The British stand on mediation actually assured the eventual independence of Latin America. The British historian J. K. Webster, states that after this, recognition was regarded "rather as a matter of time than principle."⁴⁴ The British also made use of mediation to delay the recognition of these states. Castlereagh kept the possibility of British mediation before the United States as long as possible, even after he knew these negotiations could not be

⁴² Ibid., III, 1454. Rush to Adams, March 22, 1819.

⁴³ The Cambridge History of British Foreign Policy (New York: The Macmillan Company, 1923), II, 15.

⁴⁴ C. K. Webster, Britain and the Independence of Latin America, 1812-1830 (London: Oxford University Press, 1938), I, 11.

successful. He believed this move would delay United States recognition of South American governments, and in this he was correct.⁴⁵

By August, 1818, Monroe was convinced that some of the Spanish American governments should be recognized in the near future. Nevertheless, there was some hesitation on immediate action without knowing the reactions such a move would bring from other powers. In an effort to find out these reactions, instructions were sent to the United States ministers in England, France and Russia. They were to determine how each government would "view an acknowledgment of the independence of the colonies by the United States."⁴⁶

The replies to this request for information concerning European reactions were encouraging. Gallatin reported on the views of Europe in general, and it seemed that protests, but no action were all that could be expected.⁴⁷ Rush restated the idea that Great Britain would not find such action as a cause for war. He also renewed the belief that the British government was changing to the idea of independence for Spanish America.⁴⁸

By the end of 1818, Monroe felt that United States policy toward Spanish America could become more bold. He decided it was time to make a definite bid for cooperation with Great Britain. This was definitely Monroe's view and not that of his Secretary of State Adams. John Quincy Adams had just returned from his former

⁴⁵ Ibid., 43.

⁴⁶ Manning, op. cit., I, August 15, 1818.

⁴⁷ Whitaker, op. cit., 264.

⁴⁸ Manning, op. cit., III, 1449-50. Rush to Adams, November 20, 1818.

position as United States minister to the Court of St. James, and he could see very little possibility for Anglo-American cooperation. His observations had been that the classes in England that favored Spanish American independence were the most hostile to the United States, while the government, which was friendly to the United States, was definitely opposed to independence for Latin America.⁴⁹

The idea of joint action by the United States and Great Britain in South America was not new. Earlier in 1818, Rush had been told to suggest cooperation to the British government.⁵⁰ Castlereagh had replied to Rush's suggestion that he could see no way in which the policies of the two countries were identical or could easily be made so.⁵¹

Adams drew up the instructions to Rush under the date of January 1, 1819. Rush was told to mention to Castlereagh

that the President has it in contemplation to grant. . . an Exequatur, or otherwise to recognize the Government of Buenos Ayres, at no remote period, should no event occur which will justify a further postponement of that intention. If it should suit the views of Great Britain to adopt similar measures at the same time and in concert with us, it will be highly satisfactory to the President.⁵²

Two important things might be noted about this note. First, and having little to do with this study, the United States made the proposal in 1819, while Great Britain was to make a proposal for cooperation

⁴⁹ Whitaker, op. cit., 262.

⁵⁰ Manning, op. cit., I, 66-70. Adams to Rush, May 20, 1818.

⁵¹ Ibid., III, 1147. Rush to Adams, August 3, 1818.

⁵² Ibid., I, 87. Adams to Rush, January 1, 1819.

in South American policy a few years later. Second, the last sentence can be interpreted as proposing British backing of American foreign policy for South America.

The reception Castlereagh gave this plan was far from that expected by Monroe. Rush presented the proposal to him at a conference on February 12, 1819. Castlereagh observed that the United States assumed that Great Britain favored the independence of Latin America, but that the policy of the British government always had been, and still was, the return of the colonies to Spanish control.⁵³ When this correspondence reached the United States, it became apparent that Adams' beliefs were correct, at least those concerning the policy and expected actions of the British government.

This rebuff at the hands of the British probably had the effect of delaying American recognition of Buenos Aires. However, events taking place in South America affected United States policy also. The stability that had existed in Buenos Aires came to an end with the exile of Pueyrredon and the revival of revolution and uneasy political conditions. This condition was general in South America and can not be attributed only to Buenos Aires. The lack of any stable government was certain to delay recognition.

Monroe had little time to contemplate on British policy or South American revolts, for on February 19, 1819, Secretary of State Adams and Spanish minister Luis de Onís signed a treaty settling the Florida question. For a better understanding of this treaty and the effects it was to have, it is necessary to study it briefly.

⁵³ Ibid., III, 1451. Rush to Adams, February 15, 1819.

Interest in Florida was older than the revolutions in South America. By 1810, enough Americans had moved into West Florida to call a convention and declare themselves independent of Spain. In a message to Congress on January 3, 1811, Madison advised Congress of his acceptance of West Florida as part of the Louisiana Purchase. At this time he stated the principle that

the United States could not see without serious inquietude any part of a neighboring territory in which they have in different respects so deep and so just a concern pass from the hands of Spain into those of any other foreign prince.⁵⁵

Due to the French occupation of Spain, this problem remained quiet, but the return of Ferdinand in 1815, brought Spanish demands for settlement of this disputed territory.

The attempts to negotiate this treaty unofficially start on December 19, 1815, with the recognition of Don Luis de Onís as Spanish minister to the United States.⁵⁶ On December 30, 1815, Onís made the following demands of the United States:

1. Restoration of West Florida to Spain
2. Punishment for uprisings in Louisiana that had been directed against Spain and assurances steps would be taken to prevent such happenings in the future.
3. Refusal to allow ships flying flags of territories in revolt against Spain to be admitted to United States ports.⁵⁷

⁵⁵ Richardson, op. cit., I, 488.

⁵⁶ Whitaker, op. cit., 193. Onís had been in the United States more than six years and served as the unrecognized representative of Ferdinand during his forced abdication.

⁵⁷ Summarized from American State Papers, Foreign Relations, IV, 422-23. Onís to Monroe, December 30, 1815.

On January 19, 1816, Secretary of State Monroe addressed a lengthy reply to Onís. Monroe reminded Onís that the United States had attempted to purchase West Florida from Spain, but had been informed this territory had been transferred to France. Therefore, this became American territory with the purchase of Louisiana from France. The United States had suggested an exchange of Florida for territory in the West, but Spain refused the offer and suggested no counter proposal. Based upon these claims, plus the refusal of Spain to take action to protect the United States from attacks by people under the control of Spain within the Floridas, and the refusal to pay reparations for injuries from these attacks, the United States felt entirely justified in their action in West Florida. Monroe informed Onís the United States was unaware of any force collecting in Louisiana. He added they would take proper action when adequate information was furnished. In regard to the provincial ships entering American ports, Monroe stated that

it is U. S. Policy to allow any ship to enter as long as all duties, etc. are paid, and proper conduct is maintained. A ship is not to be judged by the flag it is flying.⁵⁸

Finally, Monroe observed that

All your Government had a right to claim of the United States was, that they should not interfere in the contest or promote, by any active service, the success of the revolution, admitting that they continued to overlook the injustices received from Spain, and remained at peace.⁵⁹

⁵⁸ Ibid., IV, 425. Monroe to Onís, January 19, 1816.

⁵⁹ Ibid., IV, 426. Monroe to Onís, January 19, 1816.

Through the rest of 1816 and the first of 1817, Spain continued to protest American action in Florida, her aid to South America and her neutrality laws. The State Department in turn protested Spain's actions in Florida and defended its neutral position.⁶⁰ Formal negotiations had been opened at Washington in February, 1817, but by July these had broken down. On July 16, 1817, the Spanish First Secretary of State, Jose Pizarro, proposed to United States George Erving, that the negotiations be continued in Spain instead of Washington.⁶¹ Erving refused this, except on existing basis of the pending negotiations.⁶²

On July 27, 1817, Pizarro suggested a short discussion to establish the points of controversy and then to present a plan for a basis for a treaty.⁶³ Erving denied any reason to discuss the points of controversy, but he stated he would be interested in the Spanish plan for the basis of a treaty.⁶⁴ These proposals were communicated to Erving on August 17, 1817, and included was the exchange of Florida for all territory west of the Mississippi River.⁶⁵ This proposal,

⁶⁰ See Manning, III, 1903-40, and American State Papers, Foreign Relations, IV, 428-431.

⁶¹ American State Papers, Foreign Relations, IV, 442. Pizarro to Erving, July 16, 1817.

⁶² Ibid., IV, 443. Erving to Pizarro, July 19, 1817.

⁶³ Ibid., IV, 444. Pizarro to Erving, July 27, 1817.

⁶⁴ Ibid., IV, 444-45. Erving to Pizarro, July 29, 1817.

⁶⁵ Ibid., IV, 448. Pizarro to Erving, August 17, 1817.

as well as the others dealing with payment for losses and relations with South America were not new and were refused by Erving.⁶⁶

During the next twelve months similar claims and counter claims were exchanged by the United States and Spain with little advancement being made.⁶⁷ The march of General Andrew Jackson, early in 1818, into Florida brought a series of protests from Spain, but Secretary of State Adams replied that the United States was perfectly justified in her actions since Spain could not handle the problem.⁶⁸ Spain's answer to this came on August 29, 1818, when she broke off all negotiations for the treaty.⁶⁹

On October 18, 1818, Onís notified Adams that he had "received new orders and instructions. . . to resume the negotiation pending between the Government of the United States and that of Spain."⁷⁰ Negotiations were probably resumed for two reasons. First, the Jackson raid into Florida vividly demonstrated to Spain that Florida could easily pass to the United States with Spain getting no concession of any kind. Second, the desire of Spain to devote all its time and energy to the recapture of South America with the force they were collecting in Spain. This decision to concentrate on

⁶⁶ Ibid., IV, 149. Erving to Pizarro, August 19, 1817.

⁶⁷ Ibid., IV, 450-65.

⁶⁸ Ibid., IV, 200-01, 496-99.

⁶⁹ Ibid., IV, 523.

⁷⁰ Ibid., IV, 525. Onís to Adams, October 18, 1818.

South America might also have been because of the refusal of the European powers to intervene in Spain's behalf in South America.⁷¹

These negotiations resulted in a treaty that was signed by the United States on February 22, 1819.⁷² For the United States it looked like a great diplomatic victory, but actions of the Spanish government delayed final acceptance of the treaty for two years.

In an eleventh hour effort to delay recognition, Spain decided to hold up ratification of the Adams-Onís treaty. Efforts had been made by Onís to attach a non-recognition clause to the treaty, but this had been refused by Adams.⁷³ The United States minister to Spain, John Forsyth, reported to Adams in August, 1819, that the Spanish desired a guarantee we would not recognize any of the former colonies until Spain did. Forsyth observed that one reason for this renewed demand was the Spanish learning of the talks between Rush and Castlereagh in Great Britain on February 10, 1819. It was at this time that the United States announced their intentions of recognizing Buenos Aires.⁷⁴

The arrival of a new Spanish minister, Francisco Vives, in April, 1820, brought renewed hope for ratification, but Vives was not the bearer of such news. He protested American actions in aiding

⁷¹ Whitaker, op. cit., 267-69.

⁷² Annals of Congress, 15th Congress, 2nd Session, 2135. In ratifying the treaty, the Senate placed a six month limit on ratification by Spain.

⁷³ Manning, op. cit., I, 109. Adams to William Lowndes, Chairman of Foreign Relations Committee in House of Representatives.

⁷⁴ Ibid., III, 1987. Forsyth to Adams, October 22, 1819.

South America and the unfairness of the neutrality laws of the United States. He was prepared to promise ratification if the United States would put a stop to privateers using her ports, stop future aid,

and, finally, that they will form no relations with the pretended Governments of the revolted provinces of Spain situate beyond the sea, and will conform to the course of proceeding adopted, in this respect, by the other Powers in amity with Spain.⁷⁵

Vives expressed the belief that recognition would immediately follow ratification in a despatch ten days later, when he stated

that the belief generally prevailed throughout Europe that the ratification of the treaty by Spain, and the acknowledgment of the independence of her rebellious transatlantic colonies by the United States, would be simultaneous acts.⁷⁶

Adams refused to see any connection between treaty ratification and the recognition of the South Americans. Typical of his replies was that one of May 3, 1820, in which he stated:

As a necessary consequence of the neutrality between Spain and the South American provinces, the United States can contract no engagement not to form any relations with those provinces.⁷⁷

On May 6, Adams notified Vives that further delay in ratification could mean more indemnities and a refusal of the boundary line agreed to in the treaty.⁷⁸

Forsyth notified the State Department in July, 1820, of the meeting of the Spanish Cortes. At this time he observed that some

⁷⁵ American State Papers, Foreign Relations, IV, 680. Vives to Adams, April 14, 1820.

⁷⁶ Ibid., IV, 682. Vives to Adams, April 24, 1820.

⁷⁷ Manning, op. cit., I, 113. Adams to Vives, May 3, 1820.

⁷⁸ Ibid., I, 115. Adams to Vives, May 6, 1820.

of the deputies would be opposed to the acceptance of the treaty, but that it probably would be accepted.⁷⁹ The treaty was finally signed by King Ferdinand VII on October 24, 1820, and sent back to the United States for final exchange.

Since the six month time limit for ratification was long before this exhausted, it was necessary for the treaty to be returned to the Senate. It was submitted to that body on February 13, 1821, and Senate approval was given on February 19, 1821.⁸⁰ The formal ratification and exchange took place on February 22, 1821, just two years after the original had been signed by Adams and Onís.⁸¹

While this treaty was being received with great acclaim in the United States, the news of it in South America brought only resentment. Many Latin Americans felt that the United States had deserted them. The most excited version was that the treaty contained a secret clause in which the United States traded their recognition of the Spanish provinces for Florida. The more conservative view was that the treaty would allow Spain to concentrate all of her forces upon the recapture of her colonies. This latter observation was true, but the United States could not see passing up the opportunity to obtain Florida. It had become apparent to the State Department that the independence of South America was already achieved, and any action by the United States now would only delay their formal

⁷⁹ Ibid., III, 2000. Forsyth to Adams, July 13, 1820.

⁸⁰ Annals of Congress, 16th Congress, 2nd Session, 1469.

⁸¹ Ibid., 375.

recognition. Further resentment came from the South because of the British living in Buenos Aires and other cities expressed the belief that the United States had become the ally of Spain. This was not accepted by any large group of people. Views similar to the first one mentioned above were also prevalent in Europe.⁸²

Despite the attempts made by South America, Spain and the other European powers to connect the Adams-Onís treaty and American recognition of South America, there seems to be little connection. The recognition policy followed by the United States during this period had been decided upon before the treaty negotiations had started. If these negotiations had not been carried out, recognition would not have come much sooner. One basis for the United States policy was a stable and orderly government. There was no connection between the treaty and the revolutions which swept South America during 1818 to 1821. If the assumption that the recognition was delayed because of the Adams-Onís treaty is followed, there are two questions that can not be answered. Why did Monroe wait thirteen months after the ratification before recommending United States recognition of the Latin American states? Why did the United States make known to Great Britain, in February, 1819, their intentions of recognizing the provinces in the near future?

By February, 1821, Clay was once again in the fight for recognition of the Spanish American states. On February 6, 1821, he introduced a bill to appropriate eighteen thousand dollars

⁸² Whitaker, *op. cit.*, 271-72.

For an outfit and one years salary to such Minister as the President, by and with the advice and consent of the Senate, may send to any Government of South America, which has established, and is maintaining its independency of Spain. . . .⁸³

The vote on this measure was taken on February 9, 1821, and it, like the previous one in 1818, was defeated. While the vote in 1818 had been a lopsided 115 to 45, this time it was 86 to 79.⁸⁴

Clay's next move on behalf of the South American provinces came on the day following his appropriation defeat, February 10, 1821. At this time he proposed the following resolution:

That the House of Representatives participates with the people of the United States in the deep interest which they feel for the success of the Spanish provinces of South America which are struggling to establish their liberty and independence; and that it will give its Constitutional support to the President of the United States, whenever he may deem it expedient to recognize the sovereignty and independence of any of the said provinces.⁸⁵

This was debated and finally voted upon in two sections, with the division being made at the semicolon. The first section carried by a vote of 134 to 12. The second section was approved 87 to 68. A committee was then appointed to present this resolution to the President.⁸⁶ Monroe considered this action of the House as an endorsement of his policies, and further preparations were started for the recognition that would be forthcoming.

⁸³ Annals of Congress, 16th Congress, 2nd Session, 1042.

⁸⁴ Ibid., 1055.

⁸⁵ Ibid., 1082

⁸⁶ Ibid., 1091-92.

By the end of 1821, stability was once again returning to South America. The Republic of Buenos Aires had been formed under the leadership of Rivadavia and other areas were enjoying similar freedom and independence. On January 18, 1822, Adams informed Manuel Torres, agent from Colombia, that Monroe was giving serious thought to recognition.⁸⁷ On January 30, 1822, the House of Representatives called upon President Monroe to send it the correspondence dealing with the Spanish American governments. It also requested information on the political conditions of this section of the Western Hemisphere and the state of the war between the colonies and Spain.⁸⁸

Monroe replied to this request with a special message to Congress on March 8, 1822. In reviewing the progress of the colonies toward independence, Monroe stated that

This contest has now reached such a stage, and been attended with such decisive success on the part of the provinces, that it merits the most profound consideration whether their right to the rank of independent nations, with all the advantages incident to it, in their intercourse with the United States, is not complete.⁸⁹

Monroe continues to observe that

We are compelled to conclude. . . that the provinces which have declared their independence, and are in the enjoyment of it, ought to be recognized.⁹⁰

The President concluded his message by stating that

⁸⁷ Annals of Congress, 17th Congress, 1st Session, 2099.

⁸⁸ Ibid., 825-28.

⁸⁹ American State Papers, Foreign Relations, IV, 818.

⁹⁰ Loc. cit.

Should Congress concur in the view herein presented, they will doubtless see the propriety of making the necessary appropriations for carrying it [recognition] into effect.⁹¹

Monroe's address and the documents submitted by Secretary of State Adams were turned over to the House Committee on Foreign Affairs. In their report on March 19, 1822, the committee observed that recognition of these governments would only recognize an existing fact. United States recognition would in no way furnish them assistance in breaking the bonds between Spain and her colonies. The committee also pointed out that Spain had not sent a company of men to South America in the last three years.⁹² Upon hearing this report, the House passed the following resolutions on March 28, 1822.

That the House of Representatives concur in the opinion expressed by the President in his message of the 8th of March, 1821, that the American provinces of Spain which have declared their independence, and are in the enjoyment of it, ought to be recognized by the United States as independent nations.

That the Committee of Ways and Means be instructed to report a bill appropriating a sum not exceeding one hundred thousand dollars, to enable the President of the United States to give due effect to such recognition.⁹³

This second resolution was carried out with the enactment of the following law on May 4, 1822:

Be it enacted, etc., That, for such Missions to the independent nations on the American continent as the President of the United States may deem proper, there be, and hereby is, appropriated a sum not exceeding one hundred thousand dollars to be paid out of any money in the Treasury, not otherwise appropriated.⁹⁴

91 American State Papers, Foreign Relations, IV, 818-19.

92 Manning, op. cit., I, 151-55.

93 Annals of Congress, 17th Congress, 1st Session, 1403.

94 Ibid., 2603-04.

As expected, the Spanish were quick to protest President Monroe's actions proposed in his speech of March 8, 1822. Spanish minister Joaquín de Anduaga replied to this speech that the South American governments were still not stable and there remained a chance for reunion with Spain. He declared that recognition

can in no way now, or at any time, lessen or invalidate in the least the right of Spain to the said provinces, or to employ whatever means may be in her power to reunite them to the rest of her dominions.⁹⁵

Secretary of State Adams replied that recognition was not "intended to invalidate any right of Spain," but was only an acknowledgment of the existing fact of independence.⁹⁶ The Spanish continued to protest, but by this time the threat of war had diminished. Forsyth wrote from Spain on June 23, 1822, that Spain would probably "not do more than break off their diplomatic intercourse with us."⁹⁷

The first formal recognition of a revolting province came on June 19, 1822, when John Quincy Adams presented Manuel Torres as charge d'affaires for the Republic of Colombia, to President Monroe.⁹⁸ The Republic of Buenos Aires was formally recognized on January 27, 1821, with senatorial approval for Caesar A. Rodney as United States minister to that state.⁹⁹

⁹⁵ American State Papers, Foreign Relations, IV, 846.
Anduaga to Adams, March 9, 1822.

⁹⁶ Manning, op. cit., I, 157. Adams to Anduaga, April 6, 1822.

⁹⁷ American State Papers, Foreign Relations, V, 374.
Forsyth to Adams, June 23, 1822.

⁹⁸ Paxson, op. cit., 177.

⁹⁹ Bemis, "Early Missions," op. cit., 93-94.

With the American recognition of some of the Spanish American states, Great Britain moved closer to recognition also. Rush reported in June and July, 1822, that the British policy was still against formal recognition, but that more and more desire for it was being expressed, both in and out of Parliament.¹⁰⁰ Great Britain's first step toward recognition of Buenos Aires was a commercial treaty signed on July 23, 1824, with official recognition being made on December 31, 1824.¹⁰¹

¹⁰⁰ Manning, op. cit., III, 1467, 1472-73.

¹⁰¹ The Cambridge History of British Foreign Policy, II, 73-74.

CHAPTER VI

CONCLUSION

The revolutions of 1810 in South America found the United States with almost no neutrality or recognition policy for rebellious colonies. The events of the next fifteen years witnessed the formulation of a series of laws that would serve as the basis for American neutrality and relations with South America.

Questions have frequently been raised as to whether American policy during this period was formulated by the United States or actually was the result of European politics and events. There can be no denial that European happenings influenced the carrying out of United States policy, but the policy formulated was basically American, not European. The idea of independence for South America was accepted by the United States several years before such action was taken by any European state. The fact that the United States waited as long as they did to acknowledge the independence of former Spanish colonies was caused by happenings in South America as well as in Europe. President Monroe had made one of the qualifications for recognition a stable and orderly government. The fact that the United States waited for this, even after serious threat of European intervention had passed, is another indication of the independence of American action.

However, European influences, especially that of Great Britain can not be disregarded entirely. This was based upon the British friendship with Spain, her attempts at mediation, the desire for war

with the United States by many Englishmen, and the uncertainty of British actions in connection with the rest of Europe. The influence was considerable, but it acted only to check any radical American action more than to delay the eventual recognition.

The effect of the Florida negotiations on American recognition has been a subject for heated debate. Spain had attempted to make non-recognition a part of the treaty, but as would be expected, the United States refused to see any connection between the two. By 1821, it had become apparent that the recognition of the South American governments would have to be made first by either Spain or the United States. Florida was of too much importance to the United States to be thrown away just for an act of recognition, which would eventually take place anyway. Independence of South America was assured; therefore recognition was not of immediate need to the South American cause. Monroe was severely criticized for purchasing Florida at the expense of South American recognition, but there seems to be little justification for criticism. No doubt, Spain was surprised that recognition was not made immediately after the ratification of the treaty. The fact that more than a year was to elapse before any act of formal recognition was taken is a strong indication of the independence of American action. Prompt Spanish ratification of the treaty might have brought recognition at an earlier date, but it is doubtful if the difference in time would have been more than a few months.

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Letter from John P. Harrison, Latin-American Specialist, National
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Received in reply to a request for information on certain American
agents sent to Buenos Aires.

Neutrality Act of 1939

Sec. 1. Be it enacted and declared by the Senate and House of Representatives of the United States of America in Congress assembled, That it be the policy of the United States to remain neutral in the territory or jurisdiction of the same, except and according to provisions to leave a foreign prince or state in war by land or sea, the person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than ten thousand dollars, and shall be imprisoned not exceeding five years.

Sec. 2. And be it further enacted and declared, That if any person shall within any territory or jurisdiction of the United States collect or receive himself, or hire or retain another person to collect or receive himself, or to be beyond the limits or jurisdiction of the United States with intent to collect or transfer in the services of any foreign prince or state as a soldier, or as a sailor or cabin or crew of any vessel, or any other employment, private or public, any arms or munitions, or any other articles of war, or any other articles, and shall be fined not exceeding ten thousand dollars, and shall be imprisoned not exceeding three years; provided, That this shall not be construed to extend to any contract or articles of a foreign prince or state which are lawfully made in the United States and shall be heard of any vessel, or any other person, or privately, which at the time of the offense, within the United States was fitted and equipped as public collector or carrier of arms or munitions or other articles of war, or any other articles of war, or privately, if the United States shall be at peace with such prince or state; and provided further, That if any person so convicted shall within thirty days after such conviction voluntarily discover, then only, to some Justice of the Peace, or Clerk of the Court, the persons or persons by whom he was so convicted, so that he or they may be apprehended and convicted of the said offense, such person so discovering the offender or offenders shall be indemnified from the penalty prescribed by this Act.

APPENDIX

Sec. 3. And be it further enacted and declared, That if any person shall within any of the bays, harbors, rivers, streams, or other waters of the United States, fit out and arm any vessel, or fit out and arm or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out or arming of any ship or vessel with intent that such ship or vessel, shall be employed in the service of any foreign prince or state in war or against another nation upon the high seas, or upon a territory of another nation.

1 Taken from Joint Selects House, Senate and House of the International Affiliations to Spain and the United States Party (Washington: Government Printing Office, 1939), p. 100-101.

Neutrality Act of 1794¹

Sec. 1. Be it enacted and declared by the Senate and House of Representatives of the United States of America in Congress assembled, That if any citizen of the United States shall, within the territory or jurisdiction of the same, accept and exercise a commission to serve a foreign prince or state in war by land or sea, the person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than two thousand dollars, and shall be imprisoned not exceeding three years.

Sec. 2. And be it further enacted and declared, That if any person shall within the territory or jurisdiction of the United States enlist or enter himself, or hire or retain another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered in the services of any foreign prince or state as a soldier, or as a marine or seaman on board of any vessel of war, letter of marque or privateer, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding one thousand dollars, and be imprisoned not exceeding three years: Provided, that this shall not be construed to extent to any subject or citizen of a foreign prince or state who shall transiently be within the United States and shall on board of any vessel of war, letter of marque or privateer, which at the time of its arrival within the United States was fitted and equipped as such, enlist or enter himself to serve such prince or state on board such vessel of war, letter of marque or privateer, if the United States shall be at peace with such prince or state: And provided further, That if any person so enlisted shall within thirty days after such enlistment voluntarily discover, upon oath, to some justice of the peace or other civil magistrate the person or persons by whom he was so enlisted, so as that he or they may be apprehended and convicted of the said offense, such person so discovering the offender or offenders shall be indemnified from the penalty prescribed by this act.

Sec. 3. And be it further enacted and declared, That if any person shall within any of the ports, harbors, bays, rivers or other waters of the United States, fit out and arm or attempt to fit out and arm or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out or arming of any ship or vessel with intent that such ship or vessel shall be employed in the service of any foreign prince or state to cruise or commit hostilities upon the subjects, citizens or property of another foreign

¹ Taken from John Bassett Moore, History and Digest of the International Arbitrations to Which the United States Has Been a Party (Washington: Government Printing Office, 1898), IV, 3978-80.

prince or state with whom the United States are at peace, or shall issue or deliver a commission within the territory or jurisdiction of the United States for any ship or vessel to the intent that she may be employed as aforesaid, every such person so offending shall upon conviction be adjudged guilty of a high misdemeanor, and shall be fined and imprisoned at the discretion of the court in which the conviction shall be had, so as the fine imposed shall be in no case be more than five thousand dollars and the term of imprisonment shall not exceed three years, and every such ship or vessel with her tackle, apparel and furniture together with all materials, arms, ammunition and stores which may have been procured for the building and equipment thereof shall be forfeited, one-half for the use of any person who shall give information of the offense and the other half to the use of the United States.

Sec. 4. And be it further enacted and declared, That if any person shall within the territory or jurisdiction of the United States increase or augment, or procure to be increased or augmented, or shall be knowingly concerned in increasing or augmenting the force of any ship of war, cruiser or other armed vessel which at the time of her arrival within the United States, was a ship of war, cruiser or armed vessel in the service of a foreign prince or state or belonging to the subjects or citizens of such prince whom the United States are at peace, by adding to the number or size of the guns of such vessel prepared for use, or by the addition thereto of any equipment solely applicable to war, every such person so offending shall upon conviction be adjudged guilty of a misdemeanor, and shall be fined and imprisoned at the discretion of the court in which the conviction shall be had, so as that such fine shall not exceed one thousand dollars, nor the term of imprisonment be more than one year.

Sec. 5. And be it further enacted and declared, That if any person shall within the territory or jurisdiction of the United States begin or set on foot or provide or prepare the means for any military expedition or enterprise to be carried on from thence against the territory or dominions of any foreign prince or state with whom the United States are at peace, every such person so offending shall suffer fine and imprisonment at the discretion of the court in which the conviction shall be had, so as that such fine shall not exceed three thousand dollars nor the term of imprisonment be more than three years.

Sec. 6. And be it further enacted and declared, That the district courts shall take cognizance of complaints by whomsoever instituted, in cases of capture made within the waters of the United States, or within a marine league of the coasts or shores thereof.

Sec. 7. And be it further enacted and declared, That in every case in which a vessel shall be fitted out and armed, or attempted so to be fitted out and armed, or in which the force of any vessel of war, cruiser or other armed vessel, shall be increased or augmented, or in which any military expedition or enterprise shall be begun or set on foot contrary to the prohibitions and provisions of this act; and in every case of the capture of a ship or vessel within the jurisdiction or protection of the United States as above defined, and in every case in which any process issuing out of any court of the United States, shall be disobeyed or resisted by any person or persons having the custody of any vessel of war, cruiser or other armed vessel of any foreign prince or state, or of the subjects or citizens of such prince or state, in every such case it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose to employ such part of the land or naval forces of the United States or of the militia thereof as shall be judged necessary for the purpose of taking possession of, and detaining any such ship or vessel, with her prize or prizes if any, in order to the execution of the prohibitions and penalties of this act, and to the restoring such prize or prizes, in the cases in which restoration shall have been adjudged, and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territories of the United States against the territories or dominions of a foreign prince or state, with whom the United States are at peace.

Sec. 8. And be it further enacted and declared, That it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States or of the militia thereof, as shall be necessary to compel any foreign ship or vessel to depart the United States, in all cases in which, by the laws of nations or treaties of the United States, they ought not to remain within the United States.

Sec. 9. And be it further enacted, That nothing in the foregoing act shall be construed to prevent the prosecution or punishment of treason, or any piracy defined by a treaty or other law of the United States.

Sec. 10. And be it further enacted, That this act shall continue and be in force for and during the term of two years, and from thence to the end of the next session of Congress, and no longer.

Approved, June 5, 1794.

Instructions to Joel Robert Poinsett²

Robert Smith, Secretary of State, to Joel Robert Poinsett of South Carolina, appointed Special Agent of the United States to South America.

Washington, June 28, 1810

Sir:

As a crisis is approaching which must produce great changes in the situation of Spanish America, and may dissolve altogether its colonial relations to Europe, and as the geographical position of the United States, and other obvious considerations, give them an intimate interest in whatever may effect the destiny of that part of the American continent, it is our duty to turn our attention to this important subject, and to take such steps, not incompatible with the neutral character and honest policy of the United States, as the occasion renders proper. With this view, you have been selected to proceed, without delay, to Buenos Ayres. You will make it your object, wherever it may be proper, to diffuse the impression that the United States cherish the sincerest good will towards the people of Spanish America as neighbors, as belonging to the same portion of the globe, and as having a mutual interest in cultivating friendly intercourse: that this disposition will exist, whatever may be their internal system or European relation, with respect to which no interference of any sort is pretended: and that, in the event of a political separation from the parent country, and of the establishment of an independent system of National Government, it will coincide with the sentiments and policy of the United States to promote the most friendly relations, and the most liberal intercourse, between the inhabitants of this hemisphere, as having all a common interest, and as lying under a common obligation to maintain that system of peace, justice, and good will, which is the only source of happiness for nations.

Whilst you inculcate these as the principles and dispositions of the United States, it will be no less proper to ascertain those on the other side, not only towards, the United States, but in reference to the great nations of Europe, and to the commercial and other connections with them, respectively: and, generally, to inquire into the state, the characteristics, and the proportions, as to number, intelligence, and wealth, of the several parties, the amount of population, the extent and organization of the military force, and the pecuniary resources of the country.

² Taken from William R. Manning, Diplomatic Correspondence of the United States Concerning the Independence of the Latin-American Nations (New York: Oxford University Press, 1925), I, 6-7.

The real as well as ostensible object of your mission is to explain the mutual advantages of commerce with the United States, to promote liberal and stable regulations, and to transmit seasonable information on the subject. In order that you may render the more service in this respect, and that you may, at the same time, enjoy the greater protection and respectability, you will be furnished with a credential letter, such as is held by sundry agents of the United States in the West Indies, and as was lately held by one at the Havana, and under the sanction of which you will give the requisite attention to commercial objects.

(The above is an extract from the complete instructions.)

Declaration of Independence of the United Provinces of Río de la Plata³

We, the representatives of the United Provinces of Río de la Plata, in general congress assembled, invoking the Supreme Being who presides over the universe, and calling on heaven, earth, and mankind, to witness the justice of our cause, in the name and in virtue of the authority of the people whom we represent--

Solemnly declare, that it is the unanimous will of the people of these provinces to break asunder all the bonds which unite them with the King of Spain; to reinstate themselves in the enjoyment of the rights of which they have been deprived; and to raise themselves to the high rank of a free and independent nation, capable of giving themselves such a government as justice and imperious circumstances may require. Authorized by the United Provinces in general, and by each of them in particular, to declare and lay them under the obligation to support this independence, we hereby pledge our lives, fortunes, and sacred honor.

Mindful of the respect due to those nations which take an interest in our fate, and conscious of the necessity of declaring the weighty reasons which have impelled us to this act, we resolve that a manifest, setting them forth, be immediately made public.

Given and signed in the hall of our sittings, sealed with the seal of the Congress, and countersigned by our Secretaries, in the city of Tucumán, this 9th day of July, 1816.

F. N. DE LAPRIDA, President

J. M. Serrano
J. J. Passo
Secretaries

³ Taken from Annals of Congress, 15th Congress, 1st Session, (Washington: Gales and Seaton, 1849), 1877.

Loan Arranged by Agent John Devereux⁴

Terms of a Loan, to be negotiated in the United States by the Agency of Mr. John Devereuso, . . . to the Amount of two million of dollars, for the use of the Government of Buenos Ayres.

1. The Government accepts the two millions of dollars and agrees to pay an interest of nine per cent per annum for the same.

2. The Government will pay to the House of Mr. John Devereuso, eight per cent, once for all of his agency or commission on this transaction.

3. The Lenders are bound to deposit at . . . the two millions, in the General Treasury of Buenos Ayres three months and a half interest on which shall be paid in advance by this Government.

4. The Government shall deposit for its own account & . . . risk, the whole Capital in the United States, at the time of making the reimbursement.

5. The Government will pay the first interest on the partial sums which may be received for six months, deducting therefrom the three month and a half above mentioned, and will make the payment to the Consul or agent of the United States, taking upon themselves the risk of remitting the interest, the payments of which shall be regularly made every Four Months.

6. The Government shall not be bound to pay the Principal until Ten Years after the conclusion of the present war and, if before the end of that time, it should choose to liquidate the Debt, payment is to be admitted.

7. The Government will receive the sum which may be . . . until the whole amount of the Capital be received, during the space of 15 months, counting from this date; that is to say, if the Congress of the United States be in Session at the receipt of this Communication, if not, the time shall be 20 months, and after the expiration of the time specified, it shall be at their option to receive or not.

And to the end that these conditions may have all the force and effect necessary for their fulfillment on Both Sides by means of the Signature of the Consul of the United States, this Document has been respectively Signed by us both and countersigned by the Secretary of the Treasury, in conformity with a Copy duly verified, and deposited in the proper office, for the uses and official purposes which are or may be required.

Buenos Ayres, 31, January 1817.

⁴ State Department, MS. Notes from the Argentine Legation, Vol. I, Part 1. The parts omitted in this document were not readable as taken from the microfilmed copy of the original.

Neutrality Act of March 3, 1817⁵

An Act more effectually to preserve the neutral relations of the United States.

Sec. 1. Be it enacted, &c., That if any person shall, within the limits of the United States fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out, or arming of any such ship or vessel, with intent that such ship or vessel shall be employed in the service of any foreign Prince or State, or of any colony, district or people, to cruise or commit hostilities, or to aid or cooperate in any warlike measure whatever, against the subjects, citizens, or property of any Prince or State, or of any colony, district or people, with whom the United States are at peace, every such person so offending shall, upon conviction, be adjudged guilty of a high misdemeanor, and shall be fined and imprisoned at the discretion of the court in which the conviction shall be had, so that the fine to be imposed shall in no case be more than ten thousand dollars, and the term of imprisonment shall not exceed ten years; and every such ship or vessel, with her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores, which may have been procured for the building and equipment thereof, shall be forfeited, one half to the use of any person who shall give information, and the other half to the use of the United States.

Sec. 2. And be it further enacted, That the owners of all ships, sailing out of the ports of the United States, and owned wholly, or in part, by citizens thereof, shall enter into bond to the United States, with sufficient sureties, prior to clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament, that the said ship or vessel, shall not be employed by such owners in cruising or committing hostilities, or in aiding or co-operating in any warlike measure against the subjects, citizens, or property of any Prince or State, or of any colony, district, or people, with whom the United States are at peace.

Sec. 3. And be it further enacted, That the collectors of the customs be, and they are hereby, respectively authorized and required to detain any vessel manifestly built for warlike purposes, and about to depart from the United States, of which the cargo shall principally consist of arms and munitions of war, when the number of

⁵ Taken from Annals of Congress, 14th Congress, 2nd Session (Washington: Gales and Seaton, 1849), 1308-10.

men shipped on board, or other circumstances, shall render it probably that such vessel is intended to be employed by the owner or owners to cruise or commit hostilities upon the subjects, citizens, or property of any Prince or State, or of any colony, district, or people with whom the United States are at peace, until the decision of the President be had thereupon, or until the owner enters into bond and sureties to the United States prior to clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament, that the said ship or vessel shall not be employed by the owner or owners in cruising or committing hostilities, or in aiding or co-operating in any warlike measure against the district, or people with whom the United States are at peace.

Sec. 4. And be it further enacted, That if any person shall, within the territory or jurisdiction of the United States, increase or augment, or procure to be increased or augmented, or shall be knowingly concerned in increasing or augmenting the force of any ship-of-war, cruiser, or other armed vessel, which, at the time of her arrival within the United States, was a ship-of-war, cruiser, or armed vessel in the service of a foreign Prince or State, or of any such Prince, State, colony, district, or people, the same being at war with any foreign Prince or State with whom the United States are at peace, by adding to the number or size of the guns of such vessels prepared for use, or by the addition thereto of any equipment solely applicable to war, every such person, so offending, shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be fined and imprisoned at the discretion of the court in which the conviction shall be had, so as that such fines shall not exceed one thousand dollars, nor the term of imprisonment be more than one year.

Sec. 5. And be it further enacted, That this act shall continue in force for the term of two years.

Approved, March 3, 1817.

Commission Issued to McGregor⁶

The deputies of free America, resident in the United States of the North, to their compatriot Gregor McGregor, general of Brigade in the service of the United Provinces of New Granada and Venezuela, greeting:

Whereas it is highly important to the interest 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 McGregor for the purpose of carrying into execution, either wholly or in part, an enterprise 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.

Lino De Clementa, Deputy for Venezuela
 Pedro Gual, Deputy for New Granada
 Pedro Gual, Proxy for F. Zarate of Mexico
 Martín Thompson, Deputy for Río de la Plata

⁶ Taken from American State Papers, Foreign Relations (Washington: Gales and Seaton, 1858), IV, 415.

Instructions to Caesar A. Rodney and John Graham⁷

Rich Rush, Secretary of State ad interim, to Caesar A. Rodney and John Graham, Special Commissioners of the United States to South America

Washington, July 18, 1817

Gentlemen:

The contest between Spain and the Spanish colonies in the southern parts of this continent has been, from its commencement, highly interesting, under many views, to the United States. As inhabitants of the same hemisphere, it was natural that we should feel a solicitude for the welfare of the colonists. It was nevertheless our duty to maintain the neutral character with impartiality and allow of no privileges of any kind to one party, which were not extended to the other. The government of Spain viewing the colonies as in a state of rebellion, has endeavored to impose upon foreign powers in their intercourse with them, the conditions applicable to such a state. This pretension has not been acceded to by this government, which has considered the contest in the light of a civil war, in which the parties were equal. An entire conviction exists that the view taken on this point has been correct, and that the United States have fully satisfied every just claim of Spain.

In other respects we have been made to feel sensibly the progress of this contest. Our vessels have been seized and condemned, our citizens made captives and our lawful commerce, even at a distance from the theatre of the war, been interrupted. Acting with impartiality towards the parties, we have endeavored to secure from each a just return. In whatever quarter the authority of Spain was abrogated and an independent government erected, it was essential to the security of our rights that we should enjoy its friendship. Spain could not impose conditions on other powers incident to complete sovereignty in places where she did not maintain it. On this principle the United States have sent agents into the Spanish colonies, addressed to the existing authority, whether of Spain or of the colony, with instructions to cultivate its friendship and secure as far as practicable the faithful observance of our rights.

The contest, by the extension of the revolutionary movement and the greater stability which it appears to have acquired, becomes daily of more importance to the United States. It is by success that the colonists acquire new claims on other powers, which it may comport neither with their interest nor duty to disregard.

⁷ Taken from William R. Manning, Diplomatic Correspondence of the United States Concerning the Independence of the Latin - American Nations (New York: Oxford University Press, 1925), I, 42-44.

Several of the colonies having declared their independence and enjoyed it for some years, and the authority of Spain being shaken in others, it seems probably that, if the parties be left to themselves, the most permanent political changes will be effected. If therefore seems incumbent on the United States to watch the movement in its subsequent steps with particular attention, with a view to pursue such a course as just regard for all those considerations which they are bound to respect may dictate.

Under these impressions, the President deems it a duty to obtain, in a manner more comprehensive than has heretofore been done, correct information of the actual state of affairs in those colonies. For this purpose he has appointed you commissioners, with authority to proceed, in a public ship, along the coast of South America, touching at the points where it is probably that the most precise and ample knowledge may be gained. The Ontario, Captain Biddle, is prepared to receive you on board at New York, and will have orders to sail as soon as you are ready to embark.

It is the President's desire that you go first to the River la Plate, visiting Buenos Ayres and Monte Video. On your way thither, you will call at Rio Janeiro delivering to our minister at that court the despatches which will be committed to your hands. On your return from Buenos Ayres, you will also touch, should circumstances allow it, at St. Salvador and Pernambuco. You will thence proceed to the Spanish Main, going to Margareta, Cumana, Barcelona, Caracas and as far westward as Carthagena, looking in at any other convenient ports or places as you coast along.

In the different provinces or towns which you visit, your attention will be usefully, if not primarily, drawn to the following objects.

1. The form of government established, with the amount of population and pecuniary resources and the state and proportion as to numbers intelligence and wealth of the contending parties, wherever a contest exists.
2. The extent and organization of the military force on each side, with the means open to each of keeping it up.
3. The names and characters of leading men, whether in civil life or as military chiefs, whose conduct and opinions shed an influence upon events.
4. The dispositions that prevail among the public authorities and people towards the United States and towards the great nations of Europe, with the probability of commercial or other connections being on foot, or desired, with either.
5. The principal articles of commerce, regarding the export and import trade. What articles from the United States find the best market? What prices do their productions, most useful in the United States, usually bear? The duties on exports and imports; are all nations charged the same?
6. The principal ports and harbors, with the works of defense.
7. The real prospect, so far as seems justly inferrable from existing events and the operation of causes as well moral as physical in all the provinces where a struggle is going on, of the final and permanent issue.

8. The probably durability of the governments that have already been established with their credit, and the extent of their authority, in relation to adjoining provinces. This remark will be especially applicable to Buenos Ayres. If there be any reason to think, that the government established there is not likely to be permanent, as to which no opinion is here expressed, it will become desirable to ascertain the probably character and policy of that which is expected to succeed it.
9. In Caracas it is understood that there is, at present, no government, but that the forces are united under General Bolivar. It might be useful to know, whether any and what connection exists between this chief, and the chiefs or rulers at St. Domingo; also the number of negroes in arms.

Your stay at each place will not be longer than is necessary to a fair accomplishment of the objects held up. You will see the propriety, in all instances, of showing respect to the existing authority or government of whatever king it may be, and of mingling a conciliatory demeanor with a strict observance of all established usages.

The tract marked out for your voyage has been deemed the most eligible; but you will not consider yourselves as positively restricted to the limits or places specified. You will be free to deviate and touch at other places as your own judgments, acting upon circumstances and looking to the objects in view, may point out. In this respect the commander of the ship will have orders to conform to such directions as you may think fit to give him. You will however call first at Rio Janeiro, and go no further south than Buenos Ayres. At this point it is hoped that you may be able to command the means of obtaining useful information as respects Chili and Peru. You will also not fail to go to the Spanish Main, returning to the United States at as early a day as will comport with the nature and extent of your mission. Your observation and enquires will not be exclusively confined to the heads indicated, but take other scope, keeping to the spirit of these instructions, as your own view of things upon the spot may suggest.

It only remains for me to add, that the President has great confidence in the ability and discretion with which you will execute, in all things, the trust committed to you, and that he anticipated from your report to this department such a statement of facts and views as may prove highly useful to the nation.

I have the honor, etc.

Instructions to Caesar A. Rodney, John Graham and Theodorick Bland⁸

John Quincy Adams, Secretary of State, to Caesar A. Rodney, John Graham and Theodorick Bland, Special Commissioners of the United States to South America.

Washington, November 21, 1817

Gentlemen:

In reviewing the Instructions to you from this Department of 18 July, a copy of which has been furnished to Mr. Bland, the President finds little in them, which subsequent observations to you, relating to the execution of the trust committed to you, may be not inexpedient.

You will as before directed proceed in the first instance to Rio Janeiro, & there deliver the despatches committed to you, for Mr. Sumter. From thence you will go th Buenos Ayres, but without touching at St. Salvador or Pernambuco. On your return you will visit such places of the Spanish Main, as you shall yourselves deem expedient without being restricted to any of the places mentioned in your former Instructions.

Among the objects, to which it is desired that you will call the attention of the existing revolutionary authorities, with whom you may have occasion to enter into communication, will be the irregular, injurious, and it is hoped unwarranted use of their flags and of Commissions real or pretended derived from them.

You have been made acquainted through the public channels of information, with the lodgments which separate the successive bands of these adventurers have made at Amelia Island and at Galveston. At the former, possession was first taken early in the course of last summer, by a party, under the command of a British subject named M'Gregor, pretending authority from Venezuela. He was succeeded by persons disgracing and forfeiting by such acts the character of Citizens of the United States, and pretending authority from some pretended Government of Florida; and they are now by the last accounts received, sharing the fruits of their depredation, at the same time contesting the command of the place with a Frenchman having under him a body of Blacks from St. Domingo, and pretending authority from a Government of Mexico. In the mean time the place from its immediate vicinity to the United States, has become a receptacle for fugitive negroes, for every species of illicit traffic, and for slave-trading ships by means of which multitudes of African Blacks are surreptitiously introduced into the Southern

⁸ Taken from William R. Manning, Diplomatic Correspondence of the United States Concerning the Independence of the Latin-American Nations (New York: Oxford University Press, 1925), I, 48-49.

States and Territories, in defiance of the Laws. The Revenue, Morals, and the Peace of the country are so seriously menaced and compromised by this state of thing, that the President after observing the feeble and ineffectual effort made by the Spanish Government of Florida, to recover possession of the Island, and the apparent inability of Spain to accomplish that recovery, has determined to break up this nest of foreign Adventurers, with pretended South American commissions, but among whom not a single South American name has yet appeared. The settlement at Galveston is of the same character and will be treated in the same manner. Possession will be taken of Galveston as within the limits of the United States; and of Amelia Island, to prevent the repetition of the same misuse of it in the future, and subject to explanations to be given of the Revolutionary Governments with whom you may communicate have really authorized any of these foreign Adventures to take possession of those places, you will explain to them that this measure could not be submitted to or acquiesced in by the United States; because Galveston is considered as within their limits, and Amelia Island is too insignificant in itself and too important by its local position in reference to the United States, to be left by them in the possession of such persons.

You will at the same time remonstrate to them in the most serious manner against the practice itself of issuing indiscriminate Commissions, to the abandoned and desperate characters of all other nations, whose objects is using their authority and their flags, are not to promote the cause of their Liberty and Independence, but merely to amass plunder for themselves. You will inform them that a citizen of the United States cannot accept and act under such a commission, without at once violating the Laws of his country, and forfeiting his rights and character as a citizen. That the fitting out of privateers in our Ports, to cruise either for or against them is prohibited by our Laws; that many such privateers have been fitted out in our Ports, (unknown to this Government) and though manned and officered entirely by people of this country they have captured the property of nations with whom we are at peace, and have used the flags sometimes of more than one of the South American Governments, just as it suited their purposes to be Officers of Buenos Ayres or of Chili, of Caraccas or of Venezuela. That if these clandestine and illegal armaments in our Ports have been made with the sanction and by the authority of those Governments, the United States have just cause to complain of them, and to claim satisfaction and indemnity for all losses and damages which may result to them or to any of their citizens from them; and if they have not been thus authorized, it would be but justly reasonable that those Governments should not only publicly disavow them, but in issuing their commissions and authorizing the use of their flags, subject them at least to the restrictions conformable to the Law of Nations. That the licentious abuse of

their flags by these freebooters, of every nation but their own, has an influence unpropitious to the cause of their freedom, and tendency to deter other countries from recognizing them as regular Governments.

It is expected that your absence from the United States will be of seven or eight months. But if while in the execution of your Instructions at Buenos Ayres you should find it expedient, or useful with reference to the public service, that one or more of you should proceed over land to Chili, you are authorized to act accordingly. Should only one of you go, he will there co-operate jointly with Mr. J. B. Prevost, whom it is probably he will find already there, and a copy of whose Instructions is herewith furnished. The compensation which the President has thought proper to fix for the performance of the service assigned to you is of six thousand dollars to each of you; from which it is understood you are to defray all your expenses while on shore. Stores have been provided for you, for the passage, both outward and returning. You will communicate with the Department, by any direct opportunity that may occur from any of the Ports at which you may touch.

I have the honor, etc.

Neutrality Act of March 3, 1819⁹

An Act to protect the commerce of the United States and punish the crime of piracy.

Sec. 1. Be it enacted, &c., That the President of the United States be, and he hereby is, authorized and requested to employ so many of the public armed vessels, as, in his judgment, the service may require, with suitable instructions to the commanders thereof, in protecting the merchant vessels of the United States and their crews from piratical aggressions and depredations.

Sec. 2. And be it further enacted, That the President of the United States be, and hereby is, authorized to instruct the commanders of the public armed vessels of the United States to subdue, seize, take, and send into any port of the United States, any armed vessel or boat, or any vessel or boat, the crew whereof shall be armed, and which shall have attempted or committed any piratical aggression; search, restraint, depredation, or seizure, upon any other vessel; and also to retake any vessel of the United States, or its citizens, which may have been unlawfully captured upon the high seas.

Sec. 3. And be it further enacted, That the commander and crew of any merchant vessel of the United States, owned wholly or in part, by a citizen thereof, may oppose and defend against any aggression, search, restraint, depredation, or seizure, which shall be attempted upon such vessel, or upon any such vessel, or upon any armed vessel whatsoever, not being a public armed vessel of some nation in amity with the United States; and may subdue and capture the same; and may also retake any vessel, owner as aforesaid, which may have been captured by the commander or crew of any such armed vessel, and send the same into any port of the United States.

Sec. 4. And be it further enacted, That whenever any vessel or boat, from which any piratical aggression, search, restraint, depredation, or seizure, shall have been first attempted or made, shall be captured and brought into any port of the United States, the same shall and may be adjudged and condemned to their use, and that of the captors, after due process and trial, in any court having admiralty jurisdiction, and which shall be holden for the district in which such captured vessel shall be brought; and the same court shall therefore order a sale and distribution thereof accordingly, and at their discretion.

⁹ Taken from Annals of Congress, 15th Congress, 2nd Session (Washington: Gales and Seaton, 1849), 2523-24.

Sec. 5. And be it further enacted, That if any person or persons whatsoever, shall, on the high seas, commit the crime of piracy, as defined by the laws of nations, and such offender or offenders shall afterwards be brought into, or found in, the United States, every such offender or offenders shall, upon conviction thereof before the circuit court of the United States for the district into which he or they may be brought, or in which he or they shall be found, be punished with death.

Sec. 6. And be it further enacted, That this act shall be in force until the end of the next session of Congress.

Approved, March 3, 1819.