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ASHBEL SMITH AND THE MEXICAN STEAMERS

STANLEY SIEGEL

Every casual student of diplomacy of the Civil War is familiar with the crisis resulting from the construction of Confederate "ironclads" in British shipyards. After threatening the most serious consequences, Charles Francis Adams on behalf of the Union was able to stop the practice, but not before the *Alabama*, *Florida*, *Shenandoah* and others had done much damage to Northern Shipping. As minister, Adams readily admitted the arguments which he relied upon in his discussions with the Foreign Office had already been clearly stated by Ashbel Smith while representing the Republic of Texas as Minister to England and France.

When in March, 1842, Smith left to take up residence in London, he had no inkling of what would prove to be his chief concern. His instructions, drafted by Secretary of State Anson Jones, stressed the necessity of securing quick ratification of a treaty of amity and commerce between England and Texas and of an agreement providing for the mutual suppression of the African slave trade. Most importantly, Smith was to work for friendly British mediation in the dormant military struggle between the Republic and Mexico which was threatening to grow hot once again. Matters of relatively minor importance which should engage his attention were the recognition of Texas by Spain and encouragement to emigrants from England, France, Germany and Belgium who might wish to settle in Texas.¹

Once settled at London, Smith approached his work in a pessimistic mood. Writing to James Reily, the Republic's *charge d'affaires* in the United States, Smith complained:

"I have found Texas in exceeding bad repute here. We come in for an ample share of the dislike held for every American—besides our own sins we have to answer for. The Anti-Slavery feeling prevades every class and is very active. The sympathy of the English people and the present interests of English commerce are in favor of Mexico."²

The diplomat was also distressed because of his belief that British policy was basically pro-Mexican in that England would prefer to see a strong Mexico as a counterweight to the United States. Perhaps overstating the case, he also seems to have felt that the Earl of Aberdeen, the Foreign Secretary, was personally unfriendly.

Less than a month after Smith took up residence in London, a contract was negotiated between Thomas Murphy, Mexican minister to Great Britain, and the shipbuilding firm of Lizardi and Company. The contract specified that two vessels of war would be built; the *Guadaloupe* was to be constructed in the company's yards at Liverpool and would

be completed first, and the *Montezuma* would be built at London to be delivered later. Both were to be iron war-ships of advanced design for that time. Although it was not specified as such in the contract, it was understood that the crews would be recruited in England and the ships would be commanded by officers in the British navy who had secured leaves of absence for that express purpose.³ British holders of Mexican bonds, some of whom were enthusiastic abolitionists, were the securities of the Mexican Embassy at London for the building of the naval craft.⁴

Smith did not refer to the vessels in his first audience with the Earl of Aberdeen, but he was already enough concerned about the question to mention it in his initial dispatch to his own government. Noting that he would wait until ratification of the treaties had been completed, he indicated that at that point he would protest the construction of the ships. Should this prove ineffectual, Smith then felt that "imperative prudence" dictated the establishment of a blockade of the Mexican coast to prevent the steamers from reaching their destination.⁵ A blockade, never continuously effective, had actually already been established by the Republic as part of the troubled military situation in 1842.

On May 31, Smith in an interview with Aberdeen officially requested that the government intervene to prevent the construction of ships for Mexican use. Disclaiming any knowledge of such activity, Aberdeen replied that a formal protest on the matter would not be favorably received. Apparently Smith also received the impression that the Foreign Office would have no objections if the Republic made arrangements for vessels to be employed against Mexico. In the diplomat's eyes, the government appeared anxious to curry favor with the ship-builders at any cost.⁶

Not content with merely filing objections, Smith determined on some private sleuthing. Writing to Anson Jones, he gave this careful description of his activities:

One of these Steamers called the *Montezuma* is lying in one of the India Docks near London. Strangers are not permitted to visit her. I however examined her pretty closely and carefully on the 29th May. She measured upwards of one thousand tons burthen, draws about 10 feet of water, is very stout and admirably constructed as a vessel of war. I think we have no vessel in our navy which single handed could cope with the *Montezuma* if well officered and appointed.⁷

Although Smith was unable to go to Liverpool, his enthusiasm for keeping watch on the shipbuilding activities did not flag. Getting in touch with a "Mr. Russell," whose son had recently returned from Texas, the Minister was soon receiving reports of the *Guadalupe*. According to his informant, she was a "formidable vessel, superior to the finest built by Mr. Laird." As for armament, "her two deck guns are on swivels—fore and aft—and 69 pounders, and I observed on the deck a row of balls as large as a good sized pumpkin."⁸ Smith also learned that the *Guadalupe* would be commanded by a British officer, recently promoted for gallantry, who had considerable experience with iron vessels.

Repeated protests to the Foreign Office ultimately resulted in the first official statement of the British position. Aberdeen insisted that his government had no real connection with the outfitting of the ships and that a request to arm and equip them in British ports had been refused. However, he pointed out that naval craft, once constructed, were similar to any other form of merchandise and could be sold to any country. The Foreign Office also maintained that the purchase and export of arms was lawful, and that sailors might enlist to serve in the navies of any nation. Officers who pursued such a course, however, did so at the risk of losing their commissions.⁹ Smith, calculating Aberdeen's repeated denial of any official connection with the construction of the vessels, decided against pressing the point at this time.

Instead the Texan changed his strategy. Writing to a member of the opposition in Parliament, Smith requested that the matter be brought up in a formal question, thus subjecting the actions of the Foreign Office to debate and scrutiny. In addition to this, Smith enlisted the aid of his colleague, the United States Minister Edward Everett, in future audiences with Aberdeen. Such assistance was forthcoming, though it was never particularly enthusiastic. Finally, legal counsel was engaged in the event that political and diplomatic pressure should prove futile.

Richard Cobden, noted friend of the Union during the Civil War, agreed to raise the question of the steamers in Parliament. In response to his query, Sir Robert Peel replied for the government. He acknowledged that two vessels were being fitted out for the service of Mexico, but indicated that a request that they be manned with British seamen and commanded by British officers had been rejected. Peel stressed that if hostilities did break out again between the Republic and Mexico, it was the government's intention to maintain a strict neutrality. The debate did not generate much excitement on either side, but Smith felt that the tone of some anti-slavery statements made during the session indicated a general bias toward Texas.¹⁰

The information which Smith received from his solicitors was equally gloomy. In their opinion any effort to prevent the sailing of the ships would eventually fail. They recognized that the statement of ownership, which listed the steamers as belonging to British subjects until the vessels arrived in Mexico, was only a subterfuge, but this fact alone would not prevent the departure of the ships. Within the meaning of the Foreign Enlistment Act, the *Guadaloupe* and *Montezuma* were private property and unarmed, and even though it might be known that they were destined for Mexican use, the British Government had no legal right to interfere.

On September 13, 1842, legal arguments were heard seeking to prevent the *Montezuma* from embarking from the yards at London as a violation of the Foreign Enlistment Act. A decision was soon reached; the ship was allowed to sail, but only after her crew had been reduced and her guns had been taken off. Smith believed that the *Montezuma* would be followed by another vessel, and once the ships had gotten safely out to sea, the military stores would be placed on board again and the size

of the crew increased. The diplomat lamented the decision of the Lords of the Treasury as a "mere farce," and since the *Guadaloupe* had previously sailed from Liverpool unchallenged and "armed to the teeth," all Smith's efforts appeared to have been to no avail.¹¹

Nevertheless, the envoy doggedly continued to press his case. Writing to Aberdeen shortly after the adverse finding, Smith insisted that the removal of the armament and the reduction of the crew of the *Montezuma* would serve no real purpose since deception would be practiced. He claimed that the violation of British law had been purposeful and not unintentional, as had been alleged in the judicial proceeding, and observed that since armament had to be removed as a condition precedent to sailing, there had been an admitted violation from the very beginning in the arming of the vessel.¹²

Aberdeen's reply was significant in that for the first time there was an admission that Her Majesty's Government might be partially at fault. He noted that the purpose of the Foreign Enlistment Act was not to give enemy nations the right to check each other's warlike designs and preparations in British ports, but to give the government the power of controlling the acts of its own subjects in regard to foreign powers. However, Aberdeen emphasized that the statute conferred upon the Crown a discretionary power to determine whether an infraction was serious enough to warrant action in the courts. Here was an inference that a violation of the statute may have occurred, and that the Foreign Office was remiss in not urging prosecution.¹³ Perhaps seeking to compensate for his derelict performance, Aberdeen informed Smith that if after the vessels reached Mexican waters they should take on the character of ships of war and cease being merchant craft, then the officers in command would be recalled and dismissed from the British service. This pledge was of little comfort once the steamers had been cleared for departure.

At this juncture Smith's patience was further tried by the arrival in England of James Hamilton. This curious figure of Texan diplomacy bore the title "General" because of his role in the South Carolina secession crisis of 1832, when he was temporarily placed in command of the state militia. He had made the cause of Texas his own and was a sincere friend of the Republic, but his interfering nature caused him to be cordially disliked by many. Immediately upon coming to London he interested himself in the question of the ships. Writing to Aberdeen during the litigation concerning the *Montezuma*, he urged that the Admiralty be instructed to intercept the *Guadaloupe* which had already sailed. Hamilton stressed that the latter vessel represented a more flagrant offense under the Foreign Enlistment Act since it had begun its voyage with its armament all mounted on deck and with no effort made at concealment. Angered at this meddling, Smith rejected all personal communication with Hamilton, and to the latter's suggestion that letters of marque be issued authorizing the capture of the *Guadaloupe*, the answer was a curt refusal.

However, this did not contain the impetuous Hamilton. On his own authority he published a manifesto to the "Senior Officer of Her Majesty's

Navy on the Cuba station at Havannah" stating that the *Guadaloupe* was a legitimate prize even though she had been cleared by Customs. It would be easier to capture her, Hamilton cautioned, if the vessel were allowed to pass the Morro Castle and was thus beyond the interference of Spanish authorities. The effort would be well worth it since, "She cost "£80,000—a *bona fide* valuable and sure prize if you strike at once."¹⁴

Hamilton was also writing at this same time to Secretary of State Anson Jones. One can imagine the shock to Smith's diplomatic aplomb when Hamilton's letter was forwarded to him and he read of a plan, "for procuring one of the fastest iron steamers in the United Kingdom . . . throwing an adequate crew on board of her, as soon as the *Montezuma* cleared the Channel, to lay her aboard, and carry her by Boarding pike and Cutlass."¹⁵ Fortunately for Smith's sanity this was the final instance of intervention on Hamilton's part. Losing interest in the question, he returned to Texas shortly thereafter.

Once the *Guadaloupe* had been permitted to sail, Smith concentrated his efforts on preventing the departure of the *Montezuma*. In successive audiences at the Foreign Office, Smith stressed the following contentions: (1) that England had insisted on compensation for damages done to British shipping by privateers outfitted in the United States in 1793; (2) that the United States had held Americans who served in such privateering crews to be indictable under the law; (3) and that England, herself, in 1829 had refused to allow Portuguese subjects to proceed on unarmed ships bound for Portugal to take part in an uprising there.¹⁶ The Texas envoy was convinced that these historical precedents sustained his position, but Aberdeen remained obdurate. Though detained for a month by Treasury officials, the *Montezuma* was then permitted to sail, stripped of most of her equipment, and the crew reduced to meet the requirements of an ordinary merchant vessel.¹⁷

Throughout this period of steady agitation, Smith seems to have had little encouragement from President Houston. Other matters, such as the controversy over the permanent location of the capital of the Republic, and the wisdom of an offensive campaign across the Rio Grande, crowded in on the Chief Executive's attention. In Houston's only known comment on the affair, he observed that perhaps the Minister had been over-zealous in his actions. There is a tone of gentle chiding in Houston's awareness that it would be impossible to coerce the British into a recognition of their responsibilities as a neutral power. The President noted that when dealing with the British, the following was a good rule to adopt: "When we get our hand in the Lion's mouth, my rule is to get it out, just as easily as possible, but not to strike the Lion on the nose."¹⁸ The mild approach in Houston's letter must have led Smith to feel that he had expended too much time and effort on a cause that was destined to turn out unsuccessfully.

In retrospect, however, the diplomat from Texas believed that his labors had been of some consequence. Speaking to the members of the Galveston Historical Society in 1876, he apparently still had the matter on his mind.

Referring to the trouble-filled year of 1842, Smith pointed out that conditions in the Republic had been most grave. Financial difficulties and internal political factionalism would have made Texas a likely victim if there had been a vigorous Mexican attack. But, as Smith informed his listeners: "Mexico was not ready. Serious delay had been imposed on the sailing of the war steamers—restrictions had been laid on their commanders—when at length these vessels reached Vera Cruz, they were not armed, supplied, manned and officered, as it had been arranged they should be."¹⁰ Though Smith may have overemphasized the importance of the steamers to the proposed Mexican war effort in 1842, there is no doubt that his persistence and tenacity served the Republic well.

FOOTNOTES

¹Anson Jones to Ashbel Smith, March 9, 1842, George Garrison (ed.) *Diplomatic Correspondence of the Republic of Texas* (American Historical Association Annual Report, 1907), II, 949.

²Smith to James Reily, June 6, 1842, *Ibid.*, 984.

³Ephriam Douglass Adams, *British Interests and Activities in Texas, 1838-1846*, 89.

⁴Harriet Smither, "English Abolitionism and the Annexation of Texas," *Southwestern Historical Quarterly*, XXXII (1929), 193.

⁵Smith to Anson Jones, May 17, 1842, *Diplomatic Correspondence*, II, 957.

⁶Joseph W. Schmitz, *Texan Statecraft: 1836-1845*, 182.

⁷Smith to Anson Jones, June 3, 1842, *Diplomatic Correspondence*, II, 961-62.

⁸R. Russell to Ashbel Smith, June 4, 1842, *Ibid.*, 983.

⁹By the terms of the Foreign Enlistment Act the Treasury Board was empowered to seize and confiscate vessels equipped, furnished, fitted out, or armed to make war against a country at peace with England. E. D. Adams, *British Interests and Activities in Texas*. 90.

¹⁰Smith to Anson Jones, August 13 1842, *Diplomatic Correspondence*, II, 1001.

¹¹*Ibid.*, 1015.

¹²Lizardi & Co. stated that arms had been placed in the hold of the *Montezuma* rather than on board, which they had been advised was permissible under the statutes. Smith to the Earl of Aberdeen, September 19, 1842, *Ibid.*, 1020.

¹³Aberdeen to Smith, September 27, 1842, *Ibid.*, 1035.

¹⁴James Hamilton to "Senior Officer of Her Majesty's Navy on the Cuba Station at Havannah" [*sic*], *Ibid.*, 1052-53.

¹⁵Hamilton to Anson Jones November 25, 1842, *Ibid.*, 1047.

¹⁶Smith to Aberdeen, October 31, 1842, *Ibid.*, 1041-42.

¹⁷Both the *Montezuma* and the *Guadaloupe* evaded the Texan blockade and reached Vera Cruz. They were then armed, staffed with Mexican crews, and the former British officers resigned and accepted commissions in the Mexican service. In May, 1843, the steamers were badly damaged while engaged against a Texas squadron, fighting on behalf of the Yucatan independence movement. Tom Henderson Wells, *Commodore Moore and the Texas Navy*, 152.

¹⁸Sam Houston to Smith, December 9, 1842, Amelia W. Williams and Eugene C. Barker (eds.), *The Writings of Sam Houston, 1813-1863*, III, 222-23.

¹⁹Ashbel Smith, *Reminiscences of the Texas Republic*, 43-44.