

any restraints of consistency, and Talleyrand had had no difficulty in suggesting to the Spanish authorities, in anticipation of Monroe's visit to Madrid, the policy they should adopt. If the cession of Louisiana had not been made to the United States, he said:

"We should have sought to distinguish between settlements that belong to the kingdom of Mexico, and settlements that had been formed by the French or by those who succeeded them in this colony. This distinction between settlements formed by the French or by the Spaniards would have been made equally in ascending northwards. All those which are of French formation would have belonged to Louisiana; and since European settlements in the interior are rare and scattered, we might have imagined direct lines drawn from one to the other to connect them; and it is to the west of this imaginary line that the boundary between Louisiana and the Spanish possessions would have been traced at such distance and in such direction as France and Spain should have agreed."¹

To this argument of Talleyrand's, as presented through Cevallos, the American representatives replied on April 20, 1805.² The question respecting the western limits of Louisiana was to be answered, they conceived, by a consideration of the rights which France would have had if she had never parted with the province.

"All the rights," they observed, "which she formerly possessed over it were restored to her by the treaty of St. Ildefonso, and by her transferred to the United States by that of Paris, 1803; to ascertain these, it is necessary to go back to that epoch when the river Mississippi, with the waters which empty into it, and when the bay of St. Bernard were just discovered."

In these words lay the heart of the controversy. Was the boundary to be settled by the possession of 1685 or by the possession of 1762? The American argument, which supported the first of these alternatives, proceeded upon the

¹ Talleyrand to Gravina, 12 fructidor, an XII (August 29, 1804); quoted in H. Adams, II, 299. A literal translation of the entire letter is printed in Robertson's *Louisiana*, II, 195-198. See also Talleyrand to Turreau, 20 thermidor, an XII (August 8, 1804) to the same effect; *ibid.*, 193.

² *Amer. St. Papers, For. Rel.*, II, 663.

assumption that La Salle, as the first settler of this region, had conferred a lawful right of possession on the King of France, and that all the subsequent settlements by the Spaniards were unlawful intrusions.

Three principles were laid down by Pinckney and Monroe as applicable to such cases. *First*, that when a European nation takes possession of any extensive sea-coast, that possession is understood as extending to the interior country as far as the sources of the rivers emptying into the sea within the portion of the coast so occupied. *Second*, that whenever one European nation makes a discovery and takes possession of any portion of a continent, and another afterwards does the same at a distant point, the boundary between them is a line midway between their possessions. *Third*, that whenever any European nation has thus acquired a right to any portion of territory, such right cannot be diminished or affected by any other power by virtue of grants from the natives within the limits of the territory in question.

The utter futility of such reasoning should have been apparent to any man with a sense of humor. No individual would have voluntarily given up a single acre of land of which he and his ancestors had been in continuous and undisturbed possession for a hundred and twenty years, upon a mere assertion of theoretical right; and it should have needed no very strong sense of the ludicrous to appreciate the absurdity of addressing to a country still apparently independent a request to surrender four or five hundred miles of sea-coast and an immense hinterland, upon no other ground than the unsupported assertion that its possession from 1689 to 1762 had been in violation of principles "adopted in practice by European nations."

Cevallos did not even think it necessary to reply to the American argument. To a proposition made later on to adopt the Colorado River of Texas as a compromise boundary, he simply declined his assent to "propositions so totally to the disadvantage of Spain," and here the diplomatic discussion rested for thirteen years. When it was resumed, events had occurred which changed the face of

Europe and America. The War of 1812 had demonstrated the power and the weakness of the United States; Napoleon had been sent to Saint Helena; the crown of Spain, after many vicissitudes, had been set upon the head of the false and unworthy Ferdinand VII, and all the American continental possessions of the Spanish crown had broken into open revolt.

The negotiations between the United States and Spain were now again conducted under the direct personal supervision of Monroe, who, after a diplomatic career of unusual length and variety and a long service in the State Department, had risen to the presidency. No man was more familiar than he with the controversy as to the Louisiana boundaries, for he had not only signed the Louisiana treaty in 1803, but had carried on all the negotiations concerning it with the Spanish government.

Standing upon this high vantage-ground of knowledge and experience, Monroe's mind was clearly made up that it would be expedient to surrender whatever colorable claim to Texas the United States possessed. Every member of his cabinet concurred with him—Adams, according to his own account, having been the last man in the administration to agree to accept the Sabine for the western boundary¹—and finally, after wearisome discussions on a multiplicity of other details, the treaty was signed on the twenty-second of February, 1819.

That same evening Adams wrote in his diary that it was the most important day of his life.² It was certainly an important day in the life of the nation, for it marked the

¹ J. Q. Adams's *Memoirs*, V, 54. But there seems to be no other evidence in support of his assertion. The first written proposal for a definition of the boundary was made by the Spanish minister, October 24, 1818. Adams replied October 31, 1818, offering the line of the Sabine, and never qualified that offer.—(*Amer. St. Papers, For. Rel.*, IV, 526, 530.) His diary does not mention any cabinet discussion on the point. Indeed, the point was hardly open to discussion, as Monroe, in Madison's administration, had already offered the Sabine.—(Monroe to Erving, May 30, 1816; H. R. Doc. 42, 28 Cong., 2 sess., 5.)

² A quarter of a century later he repeated the assertion. "The Florida Treaty was the most important incident in my life, and the most successful negotiation ever consummated by the government of this Union."—(Diary of Sept. 27, 1844; *Memoirs*, XII, 78.)

end of forty years of complicated and vexatious controversies which had baffled every successive American cabinet, and which time and again had threatened to result in war. The treaty now settled all differences. The United States agreed to adjust the claims of its citizens against Spain, estimated at five million dollars; Spain ceded the Floridas, East and West, and a boundary line between the respective possessions of the two countries was agreed upon, from the Gulf of Mexico to the Pacific Ocean. The treaty line followed the present western boundary of the state of Louisiana and the southern boundary of Oklahoma, cut off the southwestern corner of what is now the state of Kansas and the greater part of what is now the state of Colorado, and then followed the parallel of 42° north latitude across the continent to the Pacific Ocean. The vast and then unknown and almost unpopulated region which has since been formed into the states of Texas, New Mexico, Arizona, Nevada, Utah, and California, together with large parts of Kansas, Colorado, and Wyoming, was thenceforward to be recognized as included within the possessions of the Spanish crown, while the King of Spain renounced in favor of the United States whatever claims he had to the more northern and eastern portions of the American continent.

The immediate advantages of this arrangement to the United States were manifest. By assuming the claims of American citizens against a bankrupt debtor, the whole unbroken coast-line from the Bay of Fundy to Sabine Pass came into the hands of the United States; the uninterrupted navigation of all the rivers that emptied into the Gulf of Mexico east of Texas was secured; an excellent naval base at Pensacola was obtained; and the long-standing and irritating question of boundaries was removed from discussion.

On the Spanish side, the advantages of the treaty were no less obvious. What she needed, next to money, was peace. The Napoleonic wars had ruined her at home. The revolt of her colonies had, on the one hand, cut off a constant source of tribute, while, on the other hand, the futile effort to repress the rebellions had involved her in endless expenditure. In

Florida, the exploits of Jackson and the impunity of the pirates of Amelia Island had abundantly shown that in the event of a war with the United States the whole territory would be lost. Nor was a doubt then entertained that Texas and northern Mexico were likewise indefensible.

In addition to these considerations there was the overwhelming desire of Spain to prevent a recognition of the independence of any of her revolting colonies. The outbreak of a war with the United States would have been instantly followed by such recognition, and, conversely, a removal of the causes of difference, or even a pending negotiation, might delay any decisive action. It was even hoped that a stipulation might be obtained that the United States would agree not to recognize the colonies, and suggestions to this effect were made at least twice during the course of the negotiations; but President Monroe and his Secretary of State peremptorily declined to discuss the proposal, on the ground that it was "repugnant to the honor and even the independence of the United States."¹ Delay, therefore, was all that Spain secured; but of that she obtained more than she could reasonably have hoped. Not only were the weary negotiations dragged out to unconscionable lengths, but even after the treaty was signed there were excessive delays in the exchange of ratifications. The Senate of the United States by a unanimous vote approved the treaty two days after it was signed. The Spanish ratification was withheld for precisely two years.

These two years gave time for reflection, and the reflections of some of the inhabitants of the western portions of the United States were not at all favorable to the treaty. Benton, not yet in Congress, attacked it in the press,² and Clay, then hostile to Adams and all of Monroe's administration, criticised it vehemently in Congress. In a fervid speech delivered in the House of Representatives, April 3, 1820, he denounced the treaty upon the ground that it failed to secure Texas for the United States. His two propositions, which he put in the form of resolutions, were, *first*,

¹ President's message, May 9, 1820.

² *Thirty Years' View*, I, 14-18.

that under the Constitution no treaty alienating any portion of the territory of the United States was valid without the consent of Congress; and, *second*, that the equivalent proposed to be given by Spain "for that part of Louisiana lying west of the Sabine" was inadequate.

These resolutions and Clay's speech in support of them were based upon the assumption that Texas had, in fact, once been a French province and a part of Louisiana, and that the treaty, by drawing the boundary so as to exclude Texas, alienated territory of the United States. If this assumption was unfounded, then his entire argument fell to the ground.

Clay offered no evidence of his own to support his assertion, but rested his case on the claims advanced fifteen years before by the American ministers in Spain. An unfortunate phrase used in a note to the Spanish Foreign Office was quoted by Clay with great effect. After setting forth at length certain reasons for claiming that Louisiana rightly extended to the Rio Grande, Monroe and his colleague had asserted that these were enough to "convince" the government of the United States that it had not "a better right to the island of New Orleans" than it had to Texas. And Clay triumphantly asserted that Congress could hardly presume to question a right which the executive had so constantly maintained. Assuming, then, that the right of the United States to Texas had been clear, Clay pointed out that the treaty had given to Spain the whole of "unencumbered Texas," and five million dollars, besides other great and valuable concessions—for what? For Florida, which was of relatively trifling value, and which must come to the United States as surely as ripened fruit must fall.¹

Clay's followers, who knew even less than he of the facts in the case, repeated his assertions with equal confidence. A conversation recorded by Adams which he had with William S. Archer, of Virginia, then a member of the House,²

¹ Colton's *Clay*, V, 205-217.

² Archer was a member of the Committee on Foreign Affairs, and supported Clay in his opposition to the treaty.

and George Hay, the President's son-in-law, illuminates the entire controversy. Archer had taken occasion to denounce the treaty:

"It was the worst treaty the country had ever made. Hay asked him why. Because we should get by it nothing but Florida, and gave away for it a country worth fifty times as much. I asked him if he had examined the validity of our title to the valuable country of which he spoke. He said, no. I told him he would find it weak; and rather a claim than a title. Hay said that there had been on our side a strong argument and a weak title. Archer did not reply."¹

A reply was indeed not easy, even for those who had taken the trouble to learn the facts before expressing their opinions, and Clay's assertions failed to convince the House. After a debate extending over some days, the matter was dropped.

Meanwhile the failure of the Spanish government to ratify the treaty had left the whole question open, and Monroe and Adams gave much thought to the question whether it was wise, after all, to proceed with the business. Adams himself professed an indifference on the subject which he did not really feel. To members of Congress who called upon him he said that he set no great value on the treaty, and was very ready to abandon it if Congress was averse to it; that he had been the last man in the cabinet to accept the Sabine as a boundary; that we needed no more territory, for "the greatest danger of this Union was in the overgrown extent of its territory, combining with the slavery question"; and that neither Florida nor Texas ought to be accepted as a gift unless slavery should be excluded.² These were only the impatient expressions of a man out of temper with his opponents. For two years Adams labored incessantly to secure ratification, and when the task was finally completed, he returned thanks to that kind Providence which had enabled him to carry it through.³

Monroe, more cautious, refrained from expressing his doubts publicly, but he consulted Jefferson and Jackson. The former had written to say he was not sorry Ferdi-

¹ J. Q. Adams's *Memoirs*, V, 42. ² *Ibid.*, 52-54, 67. ³ *Ibid.*, 289.

nand VII had failed to ratify the treaty. Our assent to it had proved our desire to be on friendly terms with Spain; "the first cannon" would make Florida ours without offence to anybody; Texas, in our hands, would be the richest state in the Union; and the result, sooner or later, would be that we should get Florida and Texas too.¹ This was no hasty opinion. A year before he had written that he would rather "keep" Texas "and trust to the inevitable falling of Florida into our mouths."²

Monroe replied by a long exposition of his inmost convictions. If the question had concerned only the relations between Spain or her colonies and the United States, he would have concurred entirely with Jefferson, but there was much more involved. The New England states ever since 1785 had been endeavoring to check the Western growth of the Union in order to secure power for themselves; in this they had been helped by Jay, who had wished to let the Spanish government close the Mississippi; and the Hartford convention was another proof of the same spirit, and so was "the proposition for restricting Missouri."

"From this view," he continued, "it is evident that the further acquisition of territory to the west and south, involves difficulties of an internal nature which menace the Union itself. We ought therefore to be cautious in making the attempt."³

This was a striking prophecy, which time was to verify in a noteworthy manner.

It does not appear what answer, if any, Jefferson made; but Jackson fully concurred with the presidential views. To him Monroe had expressed his opinions as follows:

"Having long known," he wrote, "the repugnance with which the eastern portion of our Union, or rather some of those who have enjoyed its confidence (for I do not think that the people themselves

¹ Jefferson to Monroe, May 14, 1820, in *The Writings of Thomas Jefferson* (memorial ed.), XV, 251.

² Jefferson to Dearborn (former Secretary of War), July 5, 1819; *ibid.*, XIX, 270-272.

³ Monroe to Jefferson, May, 1820; Hamilton's *Writings of Monroe*, VI, 119-123.

have any interest or wish of that kind) have seen its aggrandizement to the west and south, I have been decidedly of opinion that we ought to be content with Florida for the present, and until public opinion in that quarter shall be reconciled to any further change."¹

Jackson replied: "I am clearly of your opinion that, for the present, we ought to be content with the Floridas"; and he went on to point out that Texas, in the hands of a foreign power, could never be made the base of an invading force. Sixteen years later he vehemently denied that he had ever been consulted about the treaty.²

Monroe's final conclusion was that, although the acquisition of Texas by the United States was certainly desirable, yet it was better not to risk the Florida treaty, with all its advantages, by pressing a doubtful claim to a territory for which the United States was not ready, more especially in view of the Northern opposition to any extension of the area of slavery.

"It is remarkable," says Wharton, in commenting on Monroe's attitude, "that this view of the acquisition of Texas was not shared by Mr. Adams, in whose mind the dangers of the extension of slavery had not yet become such as to influence his political course. He not only urged the assertion of our title to Texas, necessarily then a slave State, but he assented to the Missouri Compromise which gave the Southwest to slavery. The issue in fact was fraught with consequences which Mr. Monroe was the only leading statesman of the day to foresee."³

In his decision to stand by the Florida treaty and yield the claim of the United States to Texas, Monroe was sustained by the sober judgment of the country, for notwithstanding serious expressions of doubt as to the wisdom of the treaty during the two years while the exchange of ratifications was delayed, the overwhelming weight of contemporaneous public opinion, in Congress and out of Congress, North and South, was in its favor.

The acquisition of the Floridas was a step which had been,

¹ Monroe to Jackson, May 23, 1820; *ibid.*, VI, 127-128.

² Parton's *Life of Jackson*, II, 585.

³ Note of Dr. Wharton to *International Law Digest* (1st ed.), I, 284.

in some form or other, under discussion ever since the purchase of New Orleans from France was first in contemplation; the terms of the treaty were freely and fully discussed and met with all but unanimous approbation, and yet, by a singular perversion of the truth of history, a general belief grew up, a few years later, that Monroe's administration had somehow been duped into giving away an unquestionable title to the whole of Texas.¹

The people of the seaboard states cared at first little about it, for, as John Quincy Adams wrote more than twenty years later:

"The appetite for Texas was from the first a Western passion, stimulated by no one more greedily than by Henry Clay. He had denounced the Florida Treaty for fixing the boundary at the Sabine, and held and preached the doctrine that we should have insisted upon our shadow of a claim to the Rio del Norte."²

But those who assailed the treaty overlooked one inestimable advantage which it had secured: the grant, namely, of a clear title to the Far West, even to the Pacific Ocean. In Jefferson's administration the government had been willing to exchange for Florida everything west of the valleys of the Mississippi and the Missouri.³ Adams rightly congratulated himself on having introduced a new feature into the settlement.

"The acknowledgment," he wrote, "of a definite line of boundary to the South Sea forms a great epocha in our history. The first proposal of it in this negotiation was my own, and I trust it is now secured beyond the reach of revocation. It was not even among our claims by the Treaty of Independence with Great Britain. It was not among our pretensions under the purchase of Louisiana."⁴

Wisely or unwisely then, the boundaries between the United States and Mexico were firmly fixed. The sover-

¹ This belief still persists in the writings of recent historians.—(H. Adams's *History of the U. S.*, II, 294; III, 40; Chadwick, *The Relations of the U. S. and Spain: Diplomacy*, 69.)

² *Memoirs*, XI, 348 (March, 1843).

³ Madison to Monroe, April 15, 1804; *Amer. St. Papers, For. Rel.*, II, 627-330.

⁴ *Memoirs*, IV, 275.

eighty of the United States was unequivocally recognized by Spain as extending from sea to sea; while Texas, *de jure* as well as *de facto*, was henceforward to be regarded as an integral part of the kingdom of New Spain.

CHAPTER II

MEXICO ACHIEVES HER INDEPENDENCE

THE ratifications of the Florida treaty were exchanged by the American Secretary of State and the Spanish minister at Washington on the twenty-second of February, 1821. Two days later, at the little town of Iguala, half-way between the city of Mexico and Acapulco, an event occurred which put an end, within a few weeks, to three centuries of Spanish rule. A body of about twenty-five hundred troops belonging to the government, and commanded by Colonel Agustin de Iturbide, issued a proclamation dated February 24, 1821, and later known as the plan of Iguala, in which they declared themselves in favor of Mexican independence under a constitutional monarchy.

The movement thus inaugurated by Iturbide's command ended, after some early reverses, by sweeping the whole country—but it was only the culmination of a long struggle which, under several leaders and for diverse objects, had been going on for more than twelve years. In its general features it was similar to the other contests begun, almost at the same moment, in the several Spanish colonies of Central and South America. In each case the first cause of the uprising was not a desire for independence or a hostility to Spanish rule, but an eager purpose to prevent Napoleon from seizing the colonies as he had seized Spain. The popular motive at first was purely patriotic and anti-French. That the movement later on inevitably became separatist and anti-Spanish was due to strong underlying causes which had no part in the original outbreaks.

It was on June 6, 1808, that Napoleon placed his brother Joseph on the throne of Spain. As soon as the news reached Mexico a unanimous sentiment of resistance to the usurpa-