

more extravagant statements in the South. It was impossible for an abolitionist to hold a public meeting in the Southern states or to print his views. Anti-slavery newspapers and pamphlets could not even be circulated through the mails, for the postmasters were authorized by the government to refuse to deliver such documents. In Congress the course of the Southern leaders was not only characterized by vehemence, but—what was worse for them—by extraordinarily bad judgment. Their most conspicuous and fatal blunder was the attempt to stifle discussion, by the adoption of the famous rule in the House of Representatives, in February, 1836, which provided that all petitions or papers "relating in any way or to any extent whatever to the subject of slavery shall, without being either printed or referred, be laid upon the table and that no further action whatever shall be had thereon."

The chief opponent of this measure was John Quincy Adams, whose views on slavery, until that time, had been those of the great majority of men in Massachusetts. He disliked slavery, but he thought that discussion of the subject "would lead to ill-will, to heart-burnings, to mutual hatred, where the first of wants was harmony, and without accomplishing anything else."<sup>1</sup> But the moment he believed that free speech was in danger his energies and his immense abilities were aroused. Characteristically, he conceived the most intense dislike of all those who opposed him. He regarded himself as the champion of a great moral cause, and he went into the conflict with a whole-souled bitterness that could not fail to attract universal attention and stir up the most furious antagonisms. The picturesque details of the controversy need not be gone into. In 1836 and 1837 it was at its height. One effect of it was to increase greatly the number of abolition petitions presented; while another effect was to add to the already dangerous acrimony with which every topic relating to slavery, including Texan annexation, was discussed in Congress.

<sup>1</sup> *Memoirs*, VIII, 454.

## CHAPTER XVII

### CLAIMS AGAINST MEXICO

BOTH Poinsett and Butler, when they were sent as representatives of the United States to Mexico, had been instructed to pay particular attention to two subjects: the negotiation of a treaty of commerce and the purchase of Texas. By the beginning of the year 1836 these subjects had been removed from the region of diplomatic discussion. The treaty of amity, commerce, and navigation ratified April 5, 1832, had put the ordinary relations of the two countries upon a basis that was regarded as reasonably satisfactory. The boundary line of 1819 had been explicitly affirmed by the treaty concluded January 12, 1828. The proposals to buy Texas had been fruitlessly and persistently urged for ten years, until further efforts were manifestly useless, and until the rising of the colonists indicated at least a possibility that Mexico, even if terms were agreed on, would be unable to deliver possession.

There was, however, another task for diplomacy which had not been in any way disposed of, although it had constantly been before the American legation, and that was the subject of the claims of American citizens. These claims were all based on asserted injuries to persons or property inflicted by the Mexican government or its agents, for which redress had been sought in vain. As early as the year 1826 Poinsett had been instructed by President Adams's administration to demand redress for damage sustained by the forcible seizure of the property of American citizens,<sup>1</sup> and a

<sup>1</sup> See Clay to Poinsett, March 20, 1826, *State Dept. MSS.*, where Clay writes in regard to the seizure and detention of the schooner *Fair American*: "Respect for the authorities of the United Mexican States alone forbids my characterizing it by the epithet which belongs to the transaction." Most of the instructions of 1826 related to similar claims, and the number of demands increased in later years.

steady stream of similar applications had flowed in ever since, and always without result.

The Mexican government, almost from the very beginning of its independent existence, had been so weak, so inefficient, so tossed about between the several factions which gained from time to time a precarious control, that it had never been able to discharge effectually its international duties, and had been powerless either to prevent the commission of wrongs or to repair the injuries inflicted. Complaints to the Mexican Foreign Office were met by silence or evasion. It was difficult to get a reply to any communication.

"When a delayed and apparently reluctant answer is wrung from the Secretary," the American chargé d'affaires reported, "we are merely told that the disorganized state of the political system precludes the General Government from exerting those powers with which they have been invested by the Constitution, and we are admonished to forbear complaints and remonstrances until the restoration of order may enable the Executive to discharge its functions and enforce the Laws; in the meanwhile however the interests of Foreigners, their persons and their property are exposed to daily violation and outrage by every petty officer either of the General or the State Governments and often without even a plausible pretext to excuse the delinquency."<sup>1</sup>

A little later the same official wrote, in a private letter to President Jackson:

"Since the present party [Santa Anna and Gómez Farias] came into power I have been able to do nothing. During the last two months I have *not even received a reply* to the many official notes addressed to the Department of Foreign Affairs on affairs previously before it, as well as on many new Cases that are daily occurring; the British Minister informed me that he was similarly situated."<sup>2</sup>

By the following summer the American government began to show signs of impatience.

"The President," wrote the Secretary of State, "dissatisfied with the continued delays which have taken place in adjusting the points

<sup>1</sup> Butler to McLane, Aug. 5, 1833; *State Dept. MSS.*

<sup>2</sup> Butler to Jackson, Sept. 14, 1833; *Texan Archives MSS.*

at issue between the two Governments, directs that you will take an early occasion, after the receipt of this communication, to bring them again before the Mexican Government, and to obtain a prompt and definite answer.

"You will also state that the United States hold the Federal Government of Mexico alone accountable for such injuries to their citizens as merit national interposition; and that the requirement of the Minister of Foreign Affairs in his note to you of the 24th of October last, that the claimants should present their demands in person at the Mexican Treasury, is too unreasonable to be submitted to. Indeed, taken in connexion with the refusal to examine any of the claims until all shall be presented, it is tantamount to a denial of justice."

And Butler was directed, in case a prompt and favorable answer was not given, to return home.<sup>1</sup>

In the following winter the subject was brought before Congress soon after its meeting. On January 5, 1835, the President sent to the House of Representatives a report from the Secretary of State, which was to the effect that the representatives of the United States in Mexico had, from time to time, addressed the Mexican government in relation to American claims, but in consequence of the disturbed condition of the country, entirely without success.<sup>2</sup> He also repeated the substance of a despatch from Butler, dated October 20, 1834, written at a time of political excitement in Mexico, when Santa Anna had taken over the government from Gómez Farias, and had directed the election of a new Congress.

"There is strong ground for believing," said Butler, "that very important changes will be made in the Cabinet by the time, or very shortly after, the meeting of Congress; and should the offices be filled, as there is strong reason for believing they will be, I shall be able to close in the most satisfactory manner every negotiation on every subject now pending."<sup>3</sup>

Butler's optimistic expressions, as usual, rested on nothing but his wish to be kept in office, and during the next eighteen months, while he continued to represent the United States,

<sup>1</sup> McLane to Butler, June 24, 1834; H. R. Doc. 351, 25 Cong., 2 sess., 144.

<sup>2</sup> H. R. Doc. 61, 23 Cong., 2 sess.

<sup>3</sup> H. R. Doc. 351, 25 Cong., 2 sess., 542.

he did not settle a single claim. In July, 1835, however, the patience of the American government was exhausted, and Butler was told that his successor would be appointed in the following December, although he was given one last opportunity to make good some of his confident assertions. As he still proved wholly ineffectual, the President on December 17 nominated as chargé d'affaires to Mexico, Powhatan Ellis, of Mississippi.<sup>1</sup>

Ellis was a little over forty years old, a native of Virginia, and a graduate of William and Mary. He had been for several years an inconspicuous member of the House of Representatives, and afterward of the Senate. He was a lawyer by profession, and at the time of his appointment to Mexico was district judge of the United States for the district of Mississippi.

His instructions, dated near the end of January, 1836, were in marked contrast to those which were given to his two predecessors. The proposals for a treaty of commerce, and the proposals for the purchase of Texas, which had been the principal objects of Poinsett's and Butler's missions, were now passed over, and attention was particularly called to the large and numerous claims of American citizens against the Mexican government.

"Provision for their payment," he was told, "is pertinaciously withheld, and the justice of most of them has not been acknowledged. . . . Though the President is willing to look with indulgent consideration upon the almost incessant commotions in Mexico, which, by weakening the authority of the Federal Government, may have encouraged the perpetration of the acts complained of, and, by exhausting its resources, have, perhaps, made it impossible to grant immediate relief to the injured, he thinks that they afford no sufficient apology for refusing or declining thus long to examine the claims."<sup>2</sup>

Thus the refusal to examine the claims was made the basis of the complaint against the Mexican government, and it was this feature, rather than a failure to pay, that was to be emphasized.

<sup>1</sup> See *Senate Executive Journal*, IV, 488, 502.

<sup>2</sup> Forsyth to Ellis, Jan. 29, 1836; H. R. Doc. 351, 25 Cong., 2 sess., 160-162.

Ellis evidently took himself and his instructions very seriously. As soon as he had established himself in Mexico he went vigorously about the business of pressing the American demands on the distracted government, which was then straining every nerve to sustain Santa Anna's advance into Texas, and he very soon convinced himself of the merit of all the claims presented. "Our countrymen here," he wrote on April 30, 1836, when he had been but a few days in Mexico, "are exceedingly anxious in regard to their claims on the Mexican government; and, if their own accounts be true, their sufferings and wrongs deserve the prompt and effectual protection of our government."<sup>1</sup> A month later he wrote again that the "long forbearance" of the American government had had "the most unhappy influence on the Mexican people."

"They look upon us as either too imbecile, or afraid to vindicate our just rights; and hence the continual injuries inflicted upon the persons and property of citizens of the United States. So long, then, as these impressions prevail here, I am deprived of the power of rendering but little service to my countrymen. . . . I would respectfully suggest the propriety of pursuing a different policy in our intercourse with the Mexican States. They ought to be made to understand that the seizure and condemnation of the property, and the imprisonment of American citizens, without in some instances even the color of law to warrant it, will be arrested by a Government whose uniform policy has been to resist violence and aggression from all foreign powers."<sup>2</sup>

Ellis had not the gift of clear expression, but his meaning, at any rate, was plain enough. His advice to use forcible means for impressing the Mexican people, and for putting an end to "violence and aggression," was well calculated to appeal to an administration which had just succeeded in settling a most threatening dispute over the long-outstanding claims of American citizens against the government of France; and the preliminary steps were taken with promptitude and vigor.

Congress adjourned on July 4, 1836, and immediately

<sup>1</sup> Ellis to Forsyth; *ibid.*, 591.

<sup>2</sup> Ellis to Forsyth, May 28, 1836; *ibid.*, 591-592.

afterward the State Department sent new and detailed instructions on the subject of claims, taking as a text the "outrageous conduct" of the Mexican authorities at Tabasco with regard to an American schooner stranded near that port. After referring to a number of other instances in which very serious wrongs were alleged, Ellis was directed to address immediately "a strong but respectful representation to the Mexican government" on the subject of these and "the numerous other complaints, which had been made from time to time, and which still remain unredressed"; and he was to ask such reparation as these accumulated wrongs might, on examination, be found to require.

"If, contrary to the President's hopes," the instructions ran, "no satisfactory answer shall be given to this just and reasonable demand within three weeks, you will inform the Mexican government that, unless redress is afforded without unnecessary delay, your further residence in Mexico will be useless. If this state of things shall continue longer, you will give formal notice to the Mexican government that unless a satisfactory answer shall be given within a fortnight, you are instructed to ask for your passports; and, at the end of that time, if you do not receive such answer, it is the President's direction that you demand your passports and return to the United States bringing with you the archives of the legation."<sup>1</sup>

Such instructions, given little more than three months after the battle of San Jacinto, were not very generous to a nation plunged in hopeless difficulties; but at least they were well calculated to bring the Mexican Foreign Office to the conviction that the United States meant business.

Ellis, from point to point, faithfully obeyed his orders. On September 26, 1836, he addressed the required communication to the Minister of Foreign Relations, reciting the several cases specified by Forsyth, and referring generally to the other claims, theretofore presented, and the "unexpected procrastinations" of the Mexican government in affording redress for injuries marked by the strongest evidence of cruelty and injustice. And, in conclusion, he peremptorily demanded prompt satisfaction.

<sup>1</sup> Forsyth to Ellis, July 20, 1836; Sen. Doc. 160, 24 Cong., 2 sess., 133-136.

"The undersigned, therefore," he wrote, "in compliance with instructions from the President of the United States, demands that full reparation be made to all persons who have sustained injury from the several cases now set forth; that all private claims of citizens of the United States on this Government be promptly and properly examined and suitable redress afforded; and that due satisfaction be given for the numerous insults offered to the officers and flag of the United States, as heretofore represented."<sup>1</sup>

The Mexican Foreign Office, a week later, sent in reply the usual light-hearted and meaningless formula. The documents in regard to the various matters mentioned, some of which related to affairs of distant dates, would be sent for and submitted to His Excellency the President *ad interim*, and a statement of the result would be sent to Mr. Ellis as soon as practicable (*con toda oportunidad*).<sup>2</sup>

Ellis never had much expectation of accomplishing anything,<sup>3</sup> and therefore, as soon as the three weeks mentioned in his instructions were up, he wrote, calling attention to his note of September 26, and stating (in Forsyth's precise words) that unless redress was afforded without unnecessary delay, "the longer residence of the undersigned, as the representative of the government of the United States of America, near that of Mexico, will be useless."<sup>4</sup>

This time, an immediate answer was returned. The minister had seen with regret Mr. Ellis's note. The Mexican government could not understand that a delay in replying to a note, however important, could of itself justify so grave a step as breaking off diplomatic relations. In the present case there was good reason for the delay, from the want of documentary evidence (*falta de antecedentes*) in the department, and it was necessary to get documents from the other departments, and even from the state governments; and besides this, it would take time to examine them with care, and to prepare a proper answer. All that could be done at

<sup>1</sup> Ellis to Monasterio, Sept. 26, 1836; Sen. Doc. 160, 24 Cong., 2 sess., 138-143.

<sup>2</sup> Monasterio to Ellis, Oct. 3, 1836; *ibid.*, 143.

<sup>3</sup> Ellis to Forsyth, Oct. 11, 1836; *ibid.*, 152.

<sup>4</sup> Ellis to Monasterio, Oct. 20, 1836; *ibid.*, 153.

present was to give assurances that as soon as the necessary papers were collected an answer should be made; that the documents had already been sent for, and that their transmission should be hastened.<sup>1</sup>

This naive admission that the Foreign Office had for years made no effort whatever to collect the essential information upon claims which had been repeatedly called to its attention, fully justified all that the American and other foreign representatives had said of the wilful delays of the Mexican authorities. Claims were made, polite replies were sent to the effect that the matter should be investigated, and nothing was ever done. Now, an indefinite promise was tardily given, that an investigation should be made as soon as possible, but no limit of time was even hinted at.

Ellis, without consulting his own government, concluded that the occasion had arisen for proceeding to the next step called for by his instructions, and he accordingly wrote to the Foreign Office that unless "a satisfactory answer" should be received within two weeks, he was directed to demand his passports, and return to the United States.<sup>2</sup>

Within the two weeks a long and argumentative reply was received from the Foreign Office. In general, the ground was taken that in all cases the Mexican courts were open to the claimants, and that the grievances complained of were not the subject of diplomatic action. Examining in order the specific cases mentioned, it was said that in half of them no sufficient information had yet been received; as to others, that the parties had failed to prosecute their cases in the Mexican courts; as to one case, that orders had been given to hasten litigation already begun; and as to others, that the statements of facts made by the claimants were untrue, or "exaggerated." In regard to all cases not stated in detail, the request was made that they should be specified before taking them into consideration. The note concluded by rhetorical professions of the willingness of the Mexican government to satisfy all claims which should be properly

<sup>1</sup> Monasterio to Ellis, Oct. 21, 1836; *ibid.*, 153.

<sup>2</sup> Ellis to Monasterio, Nov. 4, 1836; *ibid.*, 156.

proved; by denials that the government had ever been guilty of "illegal, arbitrary, and violent acts"; by allusions to American citizens who had been guilty of smuggling—especially in Texas, and by references to "the scandalous proceedings of the authorities in New Orleans" in regard to the Mexican schooner *Correo*.<sup>1</sup>

Ellis replied at much length to this communication, which he declared was not a satisfactory answer. He had, therefore, he said, but one course to pursue, especially in view of an outrage committed only a few days before on an American merchant vessel, in the port of Vera Cruz,<sup>2</sup> and the very recent promotion of the notorious General Gregorio Gómez.<sup>3</sup> Entertaining no hope of a satisfactory adjustment of the questions in controversy, he felt it his duty to request his passports, and an escort to Vera Cruz.<sup>4</sup>

On December 27, 1836, Ellis left the city of Mexico, joined the U. S. S. *Boston* at Vera Cruz, and reached Washington by way of New Orleans, about the beginning of February, 1837. Shortly before his departure from the Mexican capital Gorostiza arrived there; and his government, after hearing what he had to say, wrote to Ellis their thorough approval of Gorostiza's conduct.<sup>5</sup> This act, of itself, required Ellis (under instructions previously sent but not received when he left) to return at once to the United States.<sup>6</sup>

The return of Ellis to Washington, bringing full information of his fruitless negotiations with the Mexican government, was followed by a violent outbreak from the President, occasioned, very likely, quite as much by the explicit approval of Gorostiza's course, as by the failure to secure any acknowledgment of American claims. The latter, however, was the ostensible cause of Jackson's excited utterances,

<sup>1</sup> Monasterio to Ellis, Nov. 15, 1836; *ibid.*, 42-51. As to the affair of the *Correo*, accused of piracy, see *ante*, page 279.

<sup>2</sup> The facts in regard to this vessel, the brig *Fourth of July*, will be found in Sen. Doc. 160, 24 Cong., 2 sess., 167-169.

<sup>3</sup> This man was the executioner of the Tampico prisoners in December, 1835. See page 307, above.

<sup>4</sup> Ellis to Monasterio, Dec. 7, 1836; *ibid.*, 62-70.

<sup>5</sup> Monasterio to Ellis, Dec. 21, 1836; *ibid.*, 83.

<sup>6</sup> Forsyth to Ellis, Dec. 10, 1836; *ibid.*, 157-161.

which were in rather striking contrast to the tone of his former messages to Congress.

In his annual message of December, 1835, just before Ellis's appointment, the President had contented himself with a just, but very general allusion to claims against several of the Latin-American nations. Mexico was not specifically mentioned, but the reference to the governments "self-tormented by domestic dissensions . . . upon which our citizens have valid and accumulating claims," were as applicable to that unhappy country as to any of her southern neighbors.

"Revolution," said the President, "succeeds revolution, injuries are committed upon foreigners engaged in lawful pursuits, much time elapses before a government sufficiently stable is erected to justify expectation of redress—ministers are sent and received, and before the discussions of past injuries are fairly begun, fresh troubles arise; but too frequently new injuries are added to the old, to be discussed together with the existing government after it has proved its ability to sustain the assaults made upon it, or with its successor, if overthrown."

To this not too highly colored picture, Jackson added the warning that, if this state of things should continue much longer, other nations would be under the painful necessity of seeking redress "by their own power."

A year later, the annual message of December 6, 1836, contained a specific reference to the American claims on Mexico. The President expressed himself as fearing that "the irritating effect of her struggle with Texas" might lead Mexico to delay acknowledging and paying these "ancient complaints of injustice."

"I trust, however," he added, "by tempering firmness with courtesy, and acting with great forbearance upon every incident that has occurred, or that may happen, to do and to obtain justice, and thus avoid the necessity of again bringing this subject to the view of Congress."

The amicable tone of this passage made the language of the special message sent in just two months later, all the more remarkable.

"At the beginning of this session," said the President in the message of February 6, 1837, "Congress was informed that our claims upon Mexico had not been adjusted; but that, notwithstanding the irritating effect upon her councils of the movements in Texas, I hoped, by great forbearance, to avoid the necessity of again bringing the subject of them to your notice. That hope has been disappointed. . . . The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this government and people by the late extraordinary Mexican minister, would justify, in the eyes of all nations, immediate War. That remedy, however, should not be used by just and generous nations, confiding in their strength, for injuries committed, if it can be honorably avoided."

As an alternative to a declaration of war, therefore, it was suggested that an act be passed authorizing reprisals, and the use of the naval force of the United States to enforce them, in case Mexico should refuse an amicable adjustment upon another demand being made from on board a naval vessel. Congress, however, was not quite so ready as the bellicose President to take strong measures with Mexico. The administration was within four weeks of its close, and Congress could hardly have been expected, just at the end of the session, to adopt any measure so serious as that proposed. The committees of both houses did, however, bring in reports.

In the Senate, the Committee on Foreign Relations—probably under the inspiration of Van Buren—recommended following the President's advice, and giving Mexico "one more opportunity to atone for the past." This was to be done by presenting "a statement of such injuries or damages, verified by competent proofs," in strict accordance with article XXXIV of the treaty of 1832. The committee proposed to leave the mode and manner of making this demand to the President of the United States.

Clay and Buchanan, on February 27, 1837, spoke in support of the resolution offered by the committee, and upon calling for the yeas and nays, forty-six senators (out of a

total membership of fifty) voted in the affirmative, and none in the negative. Among those who voted were such opponents of the administration as Clay, Morris of Ohio, and Webster.

In the House, the Committee on Foreign Affairs brought in a report on February 24, in which they recommended that "another demand, made in the most solemn form," should be tried; and they recommended that "a diplomatic functionary of the highest grade should be appointed to bear this last appeal." Time did not permit any discussion on the report, and no action was taken by the House upon it, but an item of eighteen thousand dollars was inserted in the civil and diplomatic appropriation bill for the salary and outfit of a minister to Mexico whenever, in the opinion of the President, diplomatic intercourse with that power could be honorably renewed.<sup>1</sup>

President Jackson took no action under this clause of the appropriation bill, though he had been quick to act on the previous clause in the same bill, authorizing the appointment of a diplomatic agent in Texas. But Van Buren on March 6 nominated Ellis as minister, and he was confirmed by the Senate without opposition on March 9, 1837.<sup>2</sup>

When Van Buren came into office the whole subject of the American claims against Mexico was, therefore, still open. It seemed to him apparent that both branches of Congress were agreed in thinking that if one more demand for redress were made and refused, the United States might justly declare war, but that neither house was willing to give the President discretionary authority to make reprisals, or to take any other final action before such a demand was made. The duty of the President, upon this view of the situation, seemed plain. Unless he was prepared to abandon the claims altogether, he could do nothing else than present his demand, receive the reply of the Mexican government, and if (as was to be anticipated) it proved unfavorable, submit the matter again to the consideration of Congress.

That programme was accordingly carried out. Instead,

<sup>1</sup> 5 Stat. at Large, 170.

<sup>2</sup> *Senate Executive Journal*, V, 13, 23.

however, of sending a minister to Mexico to present once more the claims of the United States, Mr. Robert Greenhow, the interpreter of the State Department, was despatched in June, 1837, from Pensacola to Vera Cruz, with a long letter from Forsyth, addressed to the Minister of Foreign Affairs of the Mexican republic, "inviting for the last time, the serious attention of the government of that country to the numerous, various, and long-standing complaints of injuries to the citizens, and insults to the officers, flag and government of the United States, by Mexican authorities."<sup>1</sup> With this went a detailed statement of claims under fifty-five heads, accompanied by documentary proofs. An answer was immediately returned, which contained assurances that the government of Mexico earnestly desired to give a prompt and explicit answer to each of the claims to which the demand related, and that nothing should be left undone to effect a speedy and equitable adjustment of all the matters which had occupied the attention of the government of the United States.<sup>2</sup> The changed tone of this communication was probably due in some measure to the fact that France was also making very pressing demands. The Mexican Congress had, in fact, been already induced to authorize the government to act in the matter, for by a law of May 20, 1837, the settlement of claims by or against the United States, by agreement if possible, and, if not, by a joint submission to the arbitration of a foreign power, was provided for. If the United States refused to settle the reclamations of Mexico, the ports of the nation were to be closed to American vessels, and importation of American goods was to be prohibited.<sup>3</sup>

Agreeably to the promises of the Minister of Foreign Relations, Mr. Martinez, the new Mexican minister, reached Washington on October 14, 1837, and on November 18, 1837, he wrote to the State Department a series of letters which did not in any sense constitute a complete reply to

<sup>1</sup> Forsyth to Minister of For. Aff., May 27, 1837; Sen. Doc. 1, 25 Cong., 2 sess., 105-108.

<sup>2</sup> Cuevas to Forsyth, July 29, 1837; *ibid.*, 109-111.

<sup>3</sup> Dublan y Lozano, III, 392.

the final demand formulated by the American government six months earlier.<sup>1</sup>

President Van Buren, in his annual message of December 5, 1837, referred in detail to this correspondence, and pointed out that although the larger number of claims had been before the Mexican government for years, and although some of the most serious admitted of "immediate, simple, and satisfactory replies," yet after a delay of months since the latest demand had been made, satisfaction had not even been offered for any one of the public complaints, only a single one of the cases of personal wrong had been favorably considered, and but four cases out of over fifty had been answered at all.

"Considering the spirit manifested by the Mexican Government," continued the President, "it has become my painful duty to return the subject, as it now stands, to Congress, to whom it belongs to decide upon the time, the mode, and the measure of redress."

Congress, however, was not able to come to any determination. In the House, a week before final adjournment, the majority of the Committee on Foreign Affairs presented a report suggesting decisive action, but Cushing, of Massachusetts, brought in a minority report, expressing the view that the errors of the Mexican government were in so great a degree the result of revolutionary changes, induced by her struggle for independence, as to require the United States to receive her overtures with indulgence.<sup>2</sup> Adams presented a series of resolutions, ending with a request to the President to resume amicable relations with Mexico.<sup>3</sup> No action was taken on any of these propositions, all of which were laid on the table.

The Senate did nothing. Four months after the session opened, Senator Buchanan, in reply to a question, explained that, as any measure the Senate might adopt would be such

<sup>1</sup> Martinez to Forsyth, Nov. 18, 1837; Sen. Doc. 1, 25 Cong., 2 sess., 113-128.

<sup>2</sup> *Cong. Globe*, 501, July 7, 1838. See H. R. Reports 1056, 25 Cong., 2 sess.

<sup>3</sup> *Ibid.*, 187, Feb. 19, 1838.

as would be likely to lead to war, the Committee on Foreign Relations were of opinion that they should wait for the House of Representatives to take the lead. An examination of the precedents, he said, showed that ever since the foundation of the government, coercive measures had always originated with the immediate representatives of the people.<sup>1</sup>

Although he did not say so, Buchanan, as chairman of the Committee on Foreign Relations, had probably been told in confidence that the administration was at that moment about to enter upon negotiations with Mexico for a settlement of all claims by arbitration. Such negotiations were, in fact, carried through successfully, and on September 11, 1838, a convention for that purpose was signed. For some reason Mexico did not ratify this convention within the time agreed on, but a new one was entered into the following April, and in 1840 the arbitrators began their sessions. There was a board composed of two commissioners on each side, and an umpire, Baron Roenne, appointed by the King of Prussia. The time limited by the treaty expired before all the claims presented were finally disposed of, but the two commissioners, without reference to the umpire, allowed nearly \$450,000; and in cases where the board could not agree, Baron Roenne awarded over a million and a half more. The claims actually disposed of, all of which were for unliquidated damages due to American citizens, naturally exceeded greatly the amounts allowed. They aggregated \$6,648,812.88, and the awards amounted in all to \$2,026,149.68, or over thirty per cent of the amounts originally demanded—rather an unusually high percentage in cases of this kind.<sup>2</sup>

Before the treaty of arbitration had been concluded, Adams, in the House of Representatives, took occasion to make an attack of extreme bitterness upon the administrations of both Jackson and Van Buren for their conduct in

<sup>1</sup> *Ibid.*, 299, April 11, 1838.

<sup>2</sup> A detailed account of the proceedings under the claims convention of 1839 will be found in Moore's *International Arbitrations*, II, 1218-1245.