

NOTES AND COMMENT

PICHARDO'S TREATISE AND THE ADAMS-ONÍS TREATY

Professor Hackett's publication of *Pichardo's treatise on the limits of Louisiana and Texas*¹ and his able introductory explanation of its genesis, raise a natural question as to the use of that work after its completion in 1812. Its purpose as stated in the title was to disprove the claim of the United States that Texas was a part of the Louisiana purchase of 1803. Without a specific disavowal of that claim, the United States relinquished it in the Adams-Onís treaty of 1819 (often erroneously termed "the Florida treaty"). One may well ask if Pichardo's disproof affected the issue. A study of that negotiation² now makes it possible to trace the treatise into the hands of the Spanish officials who directed the conversations, and at least part of its accompanying documents into the hands of Don Luis de Onís, the Spanish minister at Washington who signed the treaty.

It will be remembered that the decision quieted the controversies of a quarter century by providing the cession of the Floridas to the United States, the definition of the western boundary of the Louisiana purchase, and the relinquishment of Spain's title to Oregon. Professor Hackett explains how the Spanish government, immediately after the Louisiana procurement, instructed first, Fray Melchor de Talamantes, and later, Padre José Antonio Pichardo to study the boundary. After years of labor, the voluminous treatise was submitted to the viceroy of Mexico.

Evidence regarding its disposition, as well as of its magnitude, appears in a letter of the viceroy, Felix Calleja, to the Spanish secretary of state, dated at Mexico City, March 15, 1813:

¹ Charles Wilson Hackett, ed., *Pichardo's Treatise on the Limits of Louisiana and Texas*, I. Austin, 1931. [The second volume of this work has just appeared—1934.—Ed.]

² Philip C. Brooks, "The Adams-Onís treaty of 1819 as a territorial agreement", MS. (Ph.D. thesis, 1933) in University of California Library.

Your Excellency:

Having received the royal order which your Excellency was pleased to communicate to me on the 6th of last October, relative to the dispatch of the *expediente* on propositions of the Anglo-American cabinet in the fixation of the limits of Louisiana and of the summary which the presbyter, Don José Pichardo, prepared, I ordered a report to be given me of the condition of this matter. Since it is seen therefrom that, on request of the fiscals, the certified copy of the sworn statement to inform his Majesty of what has been done in observance of the royal order of the 20th of May of 1805 is ready; and that of the five thousand one hundred and twenty seven sheets which constitute the original [of Pichardo's report?],³ one thousand nine hundred and sixty nine are already copied, leaving in consequence thereof three thousand one hundred and fifty eight [still to be copied], I have ordered it finished with the greatest possible dispatch, in order that it may be sent to the supreme ministry. In reply I advise your Excellency of this for your information.

May God preserve your Excellency, etc.

FELIX CALLEJA.*

The 3,158 sheets of copying occupied more than three years, as is indicated by a later communication of the same viceroy dated at Mexico City, September 30, 1816, to the Spanish secretary of state:

Your Excellency:

Marked with the number of this letter I am sending to your Excellency two large boxes containing thirty one small folio volumes, bound in red sheepskin, the work prescribed by the royal order of the 20th of May of 1805, transmitted by your excellency, to be used in the demarcation of limits between the Province of Louisiana and the possessions of his Majesty, especially in the region of Texas and the adjacent coast.

I send only one copy, as its extent necessitates much time and no little expense to the royal treasury in making the duplicate, at a time when the treasury is exhausted and hard pressed. For this reason I have ordered that the [report] be conveyed with the greatest care and all possible security.

The maps which are attached to the original are lacking, because, although he has them well advanced, Don Gonzalo Lopez de Haro, teniente de navio y ayudante de director de pilotos del departamento de Cadiz, the only person qualified for the task in this realm, has not been able to complete them on account

³This figure probably includes certain other papers than the treatise alone, as indicated in Pichardo to *Los Señores Fiscales*, Mexico, February 19, 1812; Library of Congress transcripts, Archivo General de la Nación, Historia, vol. 542. Hackett, *op. cit.*, quoting Medina, gives (p. xviii) the length of the work as 3,000 pages; Herbert E. Bolton (*Guide to Materials for the History of the United States in the Principal Archives of Mexico*, Washington, 1913, p. 236) gives the pagination as 4,000.

*Calleja to the secretary of state, Mexico, March 15, 1813 (Archivo General de Indias, Estado, Legajo 31).

of illness; but as he has been strictly charged to complete them very soon, which he has promised to effect, they will be sent to you in due time with the certified copy of the *expediente* which has accumulated in the matter and is being drawn up: all of which I hope your Excellency will bring to the royal attention of his Majesty.

May God preserve your Excellency, [etc.].

FELIX CALLEJA.*

The date of the original order, the subject matter, and the number of volumes indicate the identity of the work described, though Pichardo's name is omitted. In the margin of the letter is a summary of its contents, which shows that the copy of the treatise was sent, the original evidently remaining in Mexico.

Other cryptic marginal annotations, the secretary's instructions to his aides, give interesting information as to the next step in the travels of Pichardo's masterpiece:

Send this and a copy [to], or have it at the disposal of, Señores Anduaga, Cabanes, and Heredia. To the viceroy an acknowledgement and that we await the maps. [*In another hand:*] Done. 24 May [1817]

The names mentioned were those of three officials, or undersecretaries, of the state department. Anduaga had some interest in American affairs, and later became minister of Spain at Washington. But our interest lies at present chiefly with Narciso de Heredia, the official especially charged with the handling of affairs concerning the United States, who wrote (by admission of the great secretary of state, José García de León y Pizarro⁶) most of the many instructions sent to Onís.

Three weeks after the acknowledgement of the report's receipt, Heredia produced his greatest single document, a long exposition upon the issues in controversy, suggesting the alternatives of policy on which the Spanish procedure in the negotiation was from then on based. In it he specifically mentioned the treatise in unmistakable terms—though again the Mexican priest's name was not cited.

Heredia points out that Onís had not originally been instructed to undertake the negotiation of the treaty at Washington, and that since the affair had been transferred to that capital, sufficient documents had not been sent there to enable him easily to support his contentions.

* Calleja to the secretary of state, Mexico, September 30, 1816 (Archivo General de Indias, *loc. cit.*).

⁶ José García de León y Pizarro, *Memorias* (Madrid, 1894-1897), II. 92-93; III. 298.

Heredia thought the negotiation of the treaty in Washington instead of Madrid unwise, and as one reason stated:

The great accumulation of documents which your Majesty possesses for the discussion of western limits is all in the ministry of state, or in the *archivo de Indias* at Seville; and it is not possible to ship them [to Washington], even less to copy them, which would be a very long process, inasmuch as those which have just been received from Mexico, in accordance with the request which was made at the order of the august father of your Majesty [Charles IV.] in 1805, alone have come in thirty-one folio volumes.⁷

For this study it is fortunate that Heredia used this illustration of the extent of the materials, for the description coincides neatly with that of the Pichardo treatise in Viceroy Calleja's letters cited above.

Pichardo's confusion on the names of the Texas rivers, illustrated in his map⁸ and discussed by Professor Hackett⁹ may well have contributed to the misunderstanding between the negotiating officials, which on one occasion gave Onís reason to delay matters several months by referring back to Madrid for information. The United States had long before offered to accept the Colorado River as a boundary. Onís, in 1818, asserted that it had always been the Spanish belief that the offer referred to the Red, or "Colorado", River of Natchitoches,¹⁰ and indeed the summer before Heredia and Pizarro had spoken of the Red as the Colorado, rather than employing the latter term for the river flowing into Matagorda Bay.¹¹

If, as it appears, one can accept the identifications cited so far as tracing the Pichardo treatise into the hands of Heredia, the process can be carried a step farther by a study of the instructions sent to Onís. Heredia in his *exposición* of 1817 had regretted that the documents supporting Spain's title to Texas could not be sent to Washington. That his disappointment was not to be complete is seen in the sending of a large collection of selected papers from Madrid in the summer of 1818, by a special messenger, Francisco Martínez Pizarro,

⁷ Narciso de Heredia, "Exposición hecha al Rey . . . sobre nuestras relaciones . . . con el Gobierno de los Estados Unidos de America", June 4, 1817 (in Pizarro, *Memorias*, III. 272).

⁸ José Antonio de Pichardo, "Mapa levantado para la demarcación de los limites . . ." (in Hackett, *op. cit.*, p. 474).

⁹ Hackett, *op. cit.*, pp. xix, and 460-543, footnotes, *passim*.

¹⁰ Onís to Adams, January 24, 1818 (*American State Papers, Foreign Relations*, IV. 464-466); Adams to George W. Erving, April 20, 1818 (U. S. Department of State Archives, "U. S. Ministers, Instructions", VIII. 178-180).

¹¹ Heredia, "Exposición . . ." (in Pizarro, *op. cit.*, III. 287, 291).

who also bore revised instructions for the minister. A letter of July 15 lists nine sets of manuscripts chosen from the Archives of the Indies at Sevilla, and one dated July 19 (carried by the same messenger) adds the following:

Although as I have said to you on the 15th of this month I shall be sending you from time to time copies and extracts of what I consider useful from the great accumulation of papers which have come from Mexico in accordance with the orders and instructions which this ministry sent to the viceroy in 1805: I have felt obliged to send you in advance at once the attached extract from volume 29 of said notes and documents from Mexico as this volume is one of the most interesting, containing the royal cédulas existing in the archives of that viceroyalty which have any connection with the matter of limits and which embrace a period which begins in 1678 and ends in 1790. I shall do the same with the remaining volumes, as rapidly as the laborious task proceeds of selecting the useful statements which are mixed therein with many inconsequential ones; which is the more troublesome because of the fact that none of the thirty-one volumes in the collection has an index.¹³

Martínez Pizarro delivered his messages and documents at Onís's summer home in Bristol, Pennsylvania, on October 3, 1818.¹³ The minister soon went to Washington to begin the final series of conferences leading to the treaty signature of February 22, 1819. He submitted a new set of proposals to Adams on October 24, and was answered with what Adams called his final offer seven days later. Both these documents included the plan to set the Texas-Louisiana boundary at the Sabine River, and that phase of the controversies may be considered to have been settled then. Texas was to remain in Spanish possession, as Pichardo said it should.

What new information Onís derived from the extract of the documents from Mexico could hardly have been of much influence that late in the negotiation. But he used the receipt of the papers, which he said gave incontestible proof of his contentions, as the occasion for his note of October 24, and offered to produce them in conference.¹⁴

¹³ Pizarro to Onís, July 19, 1818 (Archivo Histórico Nacional, Madrid, Estado, Legajo 5643). The cédulas appear to have been in the documents accompanying the treatise. Such a collection had been outlined by Talamantes in 1807. Talamantes, "Plan de la obra . . .", part 4 (Library of Congress transcripts, Archivo General de la Nación, Mexico, Historia, vol. 541); also Hackett, *op. cit.*, p. xvi.

¹⁴ Onís to Pizarro, October 7, 1818 (Archivo Histórico Nacional, Estado, Legajo 5644).

¹⁵ Onís to Adams, October 24, 1818 (*American State Papers, Foreign Relations*, IV. 526-529).

Adams declined to enter into further discussion of the merits of the case or to see the documents.¹⁵

Nevertheless, Pichardo's information appears to have been of use to Heredia in the preparation of his great state paper in 1817, and it is interesting to know that it actually did serve for the purpose originally causing its production.

With the independence of Mexico in 1821 that new republic assumed the obligations of Spain, and lived up to them as far as the boundary was concerned. Pichardo's treatise saw further use, however, in the affairs connected with the treaty of 1828, confirming the limits defined in the Adams-Onís treaty.¹⁶

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BERNAL DIAZ DEL CASTILLO DIED IN 1584

There has been considerable confusion among historians of Spanish-America in regard to the date of the death of the great chronicler of the conquest. In the new and excellent edition of the *True History of the Conquest of New Spain*, recently published by the Sociedad de Geografía e Historia of Guatemala,¹ Eduardo Mayora, author of the *Prólogo* to the first volume, shows that various writers have placed the date anywhere from 1568 to 1582. Mayora inclines to the latter date, as a recently discovered document bears the signature of Bernal Díaz with the date of August 18, 1580. Mayora further states (p. xi) that Bernal Díaz, in the declining years of his life, enjoyed the distinction of *regidor honorífico* of the cabildo de Guatemala.

Acting on the above hint during my recent visit to Antigua, Guatemala, I perused the *Actas del Cabildo* and found, indeed, that Bernal Díaz had been elected yearly to the cabildo from 1553 (the earliest volume of the *Actas* now extant) to 1584, and that subsequent to this latter date there is no mention of him whatever. His last signature is in the *acta* of January 1, 1583, and is that of a palsied

¹⁵ Adams to Onís, October 31, 1818 (*American State Papers, Foreign Relations*, IV. 530-531).

¹⁶ Bolton, *op. cit.*, pp. 234-236.

¹ Bernal Díaz del Castillo, *Verdadera y notable Relación del Descubrimiento y Conquista de la Nueva España y Guatemala*. [Biblioteca "Goathemala", vols. X-XI.] Guatemala, 1933-1934.