

PANAMA DOCUMENTS.

We, at length, commence the publication of the following valuable Documents in relation to the Panama Mission.

SENATE—U. S. 3d March, 1829.

To the Senate and House of Representatives of the United States of America.

WASHINGTON, 3d March, 1829.

I transmit herewith to Congress a copy of the instructions prepared by the Secretary of State, and furnished to the Minister of the United States appointed to attend to the Assembly of American Plenipotentiaries, first held at Panama, and thence transferred to Tacubaya. The occasion for which they were given has passed away, and there is no present probability of the renewal of those negotiations; but the purpose for which they were intended are still of the deepest interest to our country and to the world, and may hereafter call again for the active energies of the Government of the United States. The motive for withholding them from general publication having ceased, justice to the Government from which they emanated, and to the people for whose benefit it was instituted, require that they should be made known. With this view, and from the consideration that the subjects embraced by those instructions must probably engage hereafter the consideration of our successors, I deem it proper to make this communication to both Houses of Congress. One copy only of the instructions being prepared, I send it to the Senate, requesting that it may be transmitted also to the House of Representatives.

JOHN QUINCY ADAMS.

INSTRUCTIONS—GENERAL.

RICHARD C. ANDERSON and JNO. SERGEANT, Esqs. appointed Envoy, Extraordinary and Ministers Plenipotentiary of the United States to the Congress at Panama.

DEPARTMENT OF STATE,

Washington, 8th May, 1826.

GENTLEMEN: The relations in which the United States stand to the other American powers, and the duties, interests and sympathies, which belong to those relations, have determined the President to accept an invitation which has been given by the republics of Colombia, Mexico and Central America to the United States, to send Representatives to the Congress at Panama. He could not, indeed, have declined an invitation proceeding from sources so highly respectable, and communicated in the most delicate and respectful manner, without subjecting the United States to the reproach of insensibility to the deepest concerns of the American hemisphere, and, perhaps, to a want of sincerity in most important declarations, solemnly made by his predecessor, in the face of the Old and the New World. In yielding, therefore, to the friendly wishes of those three Republics, communicated in the notes of their respective Ministers, at Washington, of which copies are herewith, the United States act in perfect consistency with all their previous conduct and professions, in respect to the New American States.—The assembling of a Congress at Panama, composed of diplomatic representatives from independent American Nations, will form a new epoch in human affairs. The fact itself, whatever may be the issue of the conferences of such a Congress, cannot fail to challenge the attention of the present generation of the civilized world, and to command that of posterity. But the hope is confidently indulged, that it will have other and stronger claims upon the regard of mankind, than any which arise out of the mere circumstance of its novelty; and that it will entitle itself to the affection and lasting gratitude of all America, by the wisdom and liberality of its principles, and by the new guaranties it may create for the great interests which will engage its deliberations. On an occasion so highly important and responsible, the President has been desirous that the representation from the United States should be composed of distinguished citizens. Confiding in your zeal, ability, & patriotism, by and with the advice and consent of the Senate, he has selected you for this interesting service. And it is his wish that you should proceed, with all practicable despatch, to Panama. For the purpose of carrying out Mr. Sergeant, the United States ship Lexington has been prepared, and is now ready to sail from the port of New-York, to Porto Bello.—Mr. Anderson, having been notified of his appointment, has been directed to leave the affairs of the United States at Bogota in the charge of such person as he may, for that purpose, designate, and to join Mr. Sergeant at Porto Bello, from whence it is supposed that it will be most convenient to proceed, by land, across the isthmus to Panama. Ministers from several of the Powers have, probably by this time, reached that place, and they may even have proceeded to a comparison of their respective credentials, and to conferences on some of the objects of the Congress; but it is probable they will have deferred, until your arrival, a consideration of those, in deliberations on which it was expected that we should take part.

Your power, accompanying this letter, is joint and several, authorizing you to confer and treat with Ministers, also, duly authorized, from all or any of the American Powers, of peace, friendship, commerce, navigation, maritime law, neutral and belligerent rights, and other matters interesting to the continent of America. After the mutual exchange of powers, it will be necessary to determine the forms of deliberation, and the modes of proceeding, of the Congress. It is distinctly understood by the President, that it is to be regarded, in all respects, as diplomatic, in contradistinction to a body clothed with powers of ordinary legisla-

tion; that is to say, no one of the States represented is to be considered bound by any treaty, convention, pact, or act, to which it does not subscribe, and expressly assent by its acting representative; and that in the instance of treaties, conventions, and pacts, they are to be returned, for final ratification, to each contracting State, according to the provisions of its particular Constitution. All ideas, therefore, excluded of binding a minority to agreements and acts contrary to its will, by the mere circumstance of the concurrence of a majority of the States in those agreements and acts. Each State will, consequently, be governed and left free, according to its own sense of its particular interests. All notion is rejected of an Amphycionian Council, invested with power finally to decide controversies between the American States, or to regulate, in any respect, their conduct. Such a council might have been well enough adapted to a number of small, contracted States, whose united territory would fall short of the extent of that of the smallest of the American Powers. The complicated and various interests which appertain to the nations of this vast continent, cannot be safely confided to the superintendence of one legislative authority. We should almost as soon expect to see an Amphycionian council to regulate the affairs of the whole globe. But even if it were desirable to establish such a tribunal, it is beyond the competency of the Government of the United States voluntarily to assent to it, without a previous change of their actual Constitution.

Although the speculation of such a council has been sometimes made, and associated in the public papers with the contemplated Congress, we can hardly anticipate that it will be seriously pressed by any of the Powers. The Congresses which have been so common in Europe, especially within these later times, have been altogether diplomatic, and, consequently, the States whose Ministers composed them, were only bound by their signatures. With this necessary and indispensable restriction upon the action of the Congress, great advantages may, nevertheless, be derived from an assembly, at the same time and place, of Ministers from all the American nations. Such an assembly will afford great facilities for free and friendly conferences, for mutual and necessary explanations, and for discussing and establishing some general principles, applicable to peace and war, to commerce and navigation, with the sanction of all America. Treaties may be concluded, in the course of a few months, at such a Congress, laying the foundations of lasting amity and good neighborhood, which it would require many years to consummate, if, indeed, they would be at all practicable, by separate and successive negotiations, conducted between the several Powers, at different times and places. Keeping constantly in view the essential character and object of the Congress, which have been described, it is not very important in what manner its conferences and discussions may be regulated.

Experience has, perhaps, sufficiently established, that, for precision, for safety to the negotiators themselves, and for an early practical result, it is wisest to proceed by protocol, in which the mutual propositions of the parties, together with such concise observations as any of them desire to have preserved, are carefully recorded. But you are left free to agree to that mode of proceeding, with the indispensable limitation before stated, which, under all circumstances, shall appear to you most advisable. Your power conveys an authority to treat with all or any of the Nations represented at the Congress, of any of the subjects comprised in your instructions. And on those, especially, of commerce and navigation, maritime law, and neutral and belligerent rights, it is the President's wish, that, if those interests cannot be adjusted satisfactorily to all the attending Powers, you should, nevertheless, treat with such as may be disposed to conclude them with you. But, in the conduct of any such separate negotiations, you will carefully avoid giving any occasion of offence to those Powers who may decline treating; and, if you should have strong reason to believe that the fact itself, of opening such separate negotiations, would have the tendency of creating unfriendly feelings and relations with other American Powers, you will decline entering on them altogether. You are also authorized to agree upon a transfer of the conferences from Panama to any other place on the American Continent, that may be considered more eligible for conducting them.

In now proceeding to direct your attention particularly to the instructions of the President, by which, after having settled the preliminary point to which I have just adverted, you will govern yourselves, the first observation to be made is, that, in acceding to the invitation which has been accepted, no intention has been entertained to change the present pacific and neutral policy of the United States. On the contrary, it has been distinctly understood by the three Republics who gave the invitation, and has been enforced on our part, in all our communications with them in regard to it, that the United States would strictly adhere to that policy, and mean faithfully to perform all their neutral obligations. Whilst the existing war is limited to the present parties, it is unnecessary as it would be unwise, in the United States, to become a belligerent. A state of things can hardly be imagined, in which they would voluntarily take part on the side of Spain; and on that of the Republics it would be entirely useless, since they have been all along able, unaided, triumphantly to maintain their cause, and to conquer the arms, if they have not overcome the obstinacy, of Spain. By maintaining the neutral position which the United States have assumed, they

have been enabled to hold strong language to Europe, and successfully to check any disposition which existed there to assist Spain in the re-conquest of the Colonies. If they had departed from their neutrality, and precipitated themselves into the war, there was much reason to apprehend that their exertions might have been neutralized, if not overbalanced, by those of other Powers, who would have been drawn, by that rash example, into the war, in behalf of Spain. Keeping, therefore, constantly in view the settled pacific policy of the United States, and the duties which flow from their neutrality, the subjects will now be particularized, which, it is anticipated, will engage the consideration of the Congress at Panama.

These subjects may be arranged under two general heads: 1st, Such as relate to the future prosecution of the present war with Spain, by the combined or separate operation of the American belligerents. And, 2d, Those in which all the Nations of America, whether neutral or belligerent, may have an interest.

In respect to the first, for reasons already stated, we can take no part. Discussions of them must be confined to the parties to the war. You will not be expected or desired to do so. But, whilst it has been perfectly understood that the United States could not, at the Congress, jeopard their neutrality, they may be urged to contract an alliance, offensive and defensive, on the contingency of an attempt by the Powers of Europe, commonly called the Holy Alliance, either to aid Spain to reduce the new American Republics to their ancient colonial state, or to compel them to adopt political systems more conformable to the policy and views of that Alliance. Upon the supposition of such an attempt being actually made, there can be no doubt what it would be the interest and bounden duty of the United States to do. Their late Chief Magistrate solemnly declared what, in that event, he considered they ought to do. The People of the United States acquiesced in the declaration, and their present Chief Magistrate entirely concurs in it. If, indeed, the Powers of Continental Europe could have allowed themselves to engage in the war, for either of the purposes just indicated, the United States, in opposing them with their whole force, would have been hardly entitled to the merit of acting on the impulse of a generous sympathy with infant, oppressed, and struggling Nations. The United States, in the contingencies which have been stated, would have been compelled to fight their proper battles, not less so because the storm of war happened to range on another part of this continent, at a distance from their borders. For it cannot be doubted that the presumptuous spirit which would have impelled Europe upon the other American Republics, in aid of Spain, or on account of the forms of their political institutions, would not have been appeased, if her arms, in such an unrighteous contest, should have been successful, until they were extended here, and every vestige of human freedom had been obliterated within these States.

There was a time when such designs were seriously apprehended; and it is believed that the declaration of the late President to the Congress of the United States, which has been already referred to, had a powerful effect in disconcerting and arresting their progress. About the same period, Great-Britain manifested a determination to pursue the same policy, in regard to the new Republics, which the United States had previously marked out for themselves. After these two great maritime Powers, Great-Britain and the United States, had let Continental Europe know, that they would not see with indifference any forcible interposition in behalf of Old Spain, it was evident that no such interposition would, or, with any prospect of success, could be afforded.—Accordingly, since that period, there have been no intimations of any designs, on the part of the European alliance, against the new American Republics. If that Alliance has seen, with any dissatisfaction, (as may be well imagined) the successful progress of those Republics, both in the war and in the establishment of their free political systems, they have confined themselves to silent and unavailing regrets.

The auspicious course of events has not only occasioned the abandonment of any hostile intentions which were entertained by the European Alliance, but there is strong reason to hope that it has led to the creation of pacific, if not friendly views, towards our sister Republics. Upon the entry of the President of the United States on the duties of his present office, his attention was anxiously directed to, and has been since unremittingly employed on the object of establishing peace between Spain and those Republics. In considering the means for its accomplishment, no very sanguine hope was indulged from an approach to Spain directly, and it was thought best to endeavor to operate on her through that Alliance on whose countenance and support she mainly relied for the recovery of the colonies. Russia was known to be the soul of that alliance, and to the Emperor, of whose wisdom and friendship the United States had so many proofs, the appeal was at once made. A copy of the note from this Department to the American Minister at St. Petersburg, on that subject, accompanies these instructions. Copies of it were transmitted, contemporaneously, to the courts of London and Paris, whose co-operation in the work of peace was also invited. Our Minister at Madrid was also instructed to lose no fit occasion there for creating or strengthening a disposition towards peace. The hope was cherished that, by a general and concerted movement of the United States and the great Powers of Europe, at the same time, the

Councils of Spain might be prevailed upon to accede to a peace, which had become more necessary, if possible, to her, than to the new Republics. An answer had been lately received here from St. Petersburg, through Mr. Middleton, a copy of which, together with copies of his accompanying notes, is placed in your hands. From a perusal of these documents, the contents of which have been confirmed by the Russian Minister, in official interviews which I have had with him, you will perceive that the appeal to Russia has not been without effect; and that the late Emperor, sensible of the necessity of peace, prior to his death, probably employed his good offices to bring it about. His successor has formally announced his intention to tread in the path of his illustrious predecessor, and it is, therefore, most likely that he will also direct the influence of that Government to the conclusion of a peace satisfactory to both parties. It is possible that these efforts may not be effectual, and that the pride and obstinacy of Spain may be unconquerable. There is, however, much reason to hope, that she may either consent to a peace, upon the basis of the independence of the Colonies, or, if she feels that too humiliating, that she will agree to a suspension of hostilities, as was formerly done in the case of the Low Countries, which would, in the end, inevitably lead to a formal acknowledgement of the actual independence of the new Republics. Whatever may be the future course of Spain, the favorable reception which the Emperor of Russia has given to the overture of the United States, to say nothing of the known inclination of France and other powers of the European Continent to follow the example of the United States and Great-Britain, fully authorizes the conclusion that the Holy Alliance will not engage in the war, on the side of Spain, but will persevere in their actual neutrality. The danger, therefore, from that quarter, having disappeared, there can be no necessity at this time, for an offensive & defensive alliance between the American Powers, which could only find a justification at any period, in the existence or continuation of such a danger. Such an alliance, under present circumstances, would be worse than useless; since it might tend to excite feelings in the Emperor of Russia and his allies, which should not be needlessly touched or provoked.

The Republic of Colombia has recently requested the friendly interposition of this Government to prevail upon Spain to agree to an armistice, upon the conditions mentioned in Mr. Salazar's note, of which a copy, together with a copy of mine in reply, acceding to the request, is now furnished. And instructions have been accordingly given to the Ministers of the United States at Madrid and St. Petersburg.

Other reasons concur to dissuade the United States from entering into such an alliance.—From the first establishment of their present Constitution, their illustrious statesmen have inculcated the avoidance of foreign alliances as a leading maxim of their foreign policy. It is true, that, in its adoption, their attention was directed to Europe, which, having a system of connexions and of interests remote and different from ours, it was thought most advisable that we should not mix ourselves up with them. And it is also true, that long since the origin of the maxim, the new American Powers have arisen; to which, if at all, it is less applicable. Without, therefore, asserting that an exigency may not occur in which an alliance of the most intimate kind, between the United States and the other American Republics, would be highly proper and expedient, it may be safely said that the occasion which would warrant a departure from that established maxim ought to be one of great urgency, and that none such is believed now to exist. Among the objections to such alliances, those which at all times have great weight are, first, the difficulty of a just and equal arrangement of the contributions of force and of other means between the respective parties, to the attainment of the common object; and, secondly, that of providing, beforehand, and determining with perfect precision, when the *casus fœderis* arises, and thereby guarding against all controversies about it. There is less necessity for any such alliance at this conjuncture, on the part of the United States, because no compact by whatever solemnities it might be attended, or whatever name or character it might assume, could be more obligatory upon them than the irresistible motive of self preservation, which would be instantly called into operation, and stimulate them to the utmost exertion, in the supposed contingency of an European attack upon the liberties of America.

The considerations to which I have now adverted, together with such others as may present themselves to you, will, it is hoped, satisfy the Representatives of the other American States that an alliance, offensive and defensive, between them and the United States, for the object which has been stated, is unnecessary, if not mischievous. Should you, however, be unable to bring that conviction home to them, and you have reason to believe that the positive rejection of such an alliance would be regarded in an unfriendly light, and have a pernicious effect on your other negotiations, you will invite them to reduce their proposals of the terms of such an alliance as they may conceive proper, to a written precise form, and state that you will take them *ad referendum*. That will afford to the Government here the opportunity of reconsideration, with the advantage of all the intervening period. The alliance, if ever admissible, having been a question of time, the delay incident to the reference home,

will better prepare the Congress of Panama for the final rejection, which, it is most probable the Government will give to the project.

11.—In treating of those subjects in which all the nations of America, whether now at war or in peace, may be supposed to have a common interest, you will, on all suitable occasions, inculcate the propriety of terminating the existing war as soon as may be, and of cherishing the means best adapted to the preservation of peace among themselves, and with the rest of the world. The cultivation of peace is the true interest of all nations, but it is especially that of infant States. Repose is not more necessary to the growth and expansion of individuals in their youth, than it is to that of young nations which have, in the midst of war, commenced the career of independence and self-government. Peace is now the greatest want of America. Desirable, however, as it unquestionably is, there is nothing in the present or in the future, of which we can catch a glimpse, that should induce the American Republics, in order to obtain it, to sacrifice a particle of their independent sovereignty. They ought, therefore, to reject all propositions founded upon the principle of a concession of perpetual commercial privileges to any foreign Power. The grant of such privileges is incompatible with their actual and absolute independence. It would partake of the spirit, and bring back, in fact if not in form, the state of ancient colonial connexion. Nor would their honor and national pride allow them to entertain, or deliberate, on propositions founded upon the notion of purchasing, with a pecuniary consideration, the Spanish acknowledgement of their independence.

Next to the more pressing object of putting an end to the war between the new Republics and Spain, should be that of devising means to preserve peace in future, among the American nations themselves, and with the rest of the world.—No time could be more auspicious than the present, for a successful enquiry, by the American Nations, into the causes which have so often disturbed the repose of the world; and for an earnest endeavor, by wise precaution, in the establishment of just and enlightened principles, for the government of their conduct, in peace and in war, to guard as far as possible, against all misunderstandings.—They have no old prejudices to combat; no long established practices to change; no entangled connections or theories to break through. Committed to no particular systems of commerce, nor to any selfish belligerent code of law, they are free to consult the experience of mankind, and to establish, without bias, principles for themselves, adapted to their condition and likely to promote their peace, security, and happiness. Remote from Europe, it is not probable that they will often be involved in the wars with which that quarter of the globe may be destined, hereafter, to be afflicted. In these wars, the policy of all America will be the same, that of peace and neutrality, which the United States have, heretofore, constantly labored to preserve.

If the principles which that probable state of neutrality indicates as best for the interests of this hemisphere, be, at the same time, just in themselves, and calculated to prevent wars, or to mitigate the rigor of those great scourges, they will present themselves to the general acceptance with an union of irresistible recommendations. Both those qualities are believed to be possessed by the maritime principles for which the United States have ever contended, & especially throughout the whole period of the late European wars. The President wishes you to bring forward those principles on an occasion so auspicious as that is anticipated to be of the Congress of Panama. Uncontrolled power, on whatever element it is exerted, is prone to great abuse. But it is still more liable to abuse on the sea, than on the land, perhaps because it is there exercised beyond the presence of impartial spectators, and, therefore, with but little moral restraint resulting from the salutary influence of public opinion, which, if applied at all, has always to be subsequently, and consequently less efficaciously applied. The moral cognisance, when it comes to be taken, finds, too, a more doubtful or contested state of fact, than if the theatre had been where there were more numerous and less prejudiced witnesses. At all times there has existed more inequality in the distribution among nations, of maritime, than of territorial power. In almost every age, some one has had the complete mastery on the ocean, and this superiority has been occasionally so great as to more than counterbalance the combined maritime force of all other nations, if such a combination were practicable. But when a single nation finds itself possessed of a power anywhere, which no one, nor all other nations, can successfully check or countervail, the consequences are too sadly unfolded in the pages of history. Such a nation grows presumptuous, impatient of contradiction or opposition, and finds the solution of national problems easier, and more grateful to its pride, by the sword, than by the slow and less brilliant process of patient investigation. If the superiority be on the ocean, the excesses in the abuses of the power become intolerable. Although, in the arrangement of things, security against oppression should be the greatest where it is most likely to be often practised, it is, nevertheless, remarkable, that the progress of enlightened civilization has been much more advanced on the land than on the ocean. And, accordingly, personal rights, and especially those of property, have both a safety and protection on the former, which they do not enjoy on the latter element.

(To be continued.)