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DIPLOMATIC SERVICES

OF

GEORGE WILLIAM ERVING,

BY HON. J. L. M. CURRY, LL.D.

COMMUNICATED TO THE MASSACHUSETTS HISTORICAL SOCIETY.

With an Introduction,

BY ROBERT C. WINTHROP.

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AT a stated meeting of the MASSACHUSETTS HISTORICAL SOCIETY, October 10, 1889, after other proceedings, the President, Dr. GEORGE E. ELLIS, said that the Society was looking forward to its One Hundredth Anniversary, and that there was a gentleman present whose membership covered precisely half of the hundred years.

The Hon. ROBERT C. WINTHROP then said : —

If I had followed my impulses, Mr. President, instead of yielding to my discretion, I should have risen at once, after you had finished your introductory remarks, and should not have waited for you to call on me now. I could have added little, indeed, to your tribute to our deceased associate Mr. Amory; but I would gladly have united in doing honor to the memory of President Woolsey, — one of the most accomplished and valuable men whose names have adorned our roll, — and of Dr. Samuel Austin Allibone, whose “ Dictionary of Authors ” may be counted among the herculean labors of modern bibliographical literature. Meanwhile you have kindly alluded to me as one whose membership of this Society covers a full half of the hundred years of its existence, so soon to be completed and celebrated. It is true, Sir, that I was elected in the month of October, 1839, and that this may therefore be regarded as the fiftieth anniversary of my admission to this oldest Historical Society in our land. I need not add that there is no one left, except myself, of the Resident Members of that day, as I have been so often designated as “ the venerable Senior Member ” ever since the death of Mr. Savage, fifteen or sixteen years ago. Our distinguished historian Bancroft was, indeed, one of our Resident Members when I was chosen, but his removal from the State not long afterwards compelled us to transfer his name to our Honorary roll. He is still, however, the oldest member of the Society; and all

our best wishes will, I am sure, have gone out to him on his recent eighty-ninth birthday.

It was a goodly company, Mr. President, into which I was admitted in 1839, and one with which any man might have been proud to be associated. We had not with us then, it is true, some of the famous poets with whom we have taken sweet counsel in later years, nor some of our most brilliant historians. Longfellow and Emerson and Holmes and Lowell and Motley and Parkman were associates of a much more recent date. But our Society then included, among its sixty members, venerable and venerated clergymen, like Dr. William Jenks, Dr. John Pierce, Dr. Charles Lowell, Dr. Convers Francis, and Dr. Alexander Young; illustrious statesmen, like John Quincy Adams, Josiah Quincy, and Daniel Webster; learned judges and counsellors, like John Davis, Daniel A. White, Leverett Saltonstall, Lemuel Shaw, and Rufus Choate; while of authors and orators it had George Ticknor, Jared Sparks, William H. Prescott, Francis C. Gray, John G. Palfrey, and Edward Everett. I must not omit Nathan Appleton, the eminent merchant and financier, and good Isaac P. Davis, one of the most obliging and useful members we have ever had. Nor can I fail to name my own honored father, who was then our President; and James Savage, our great antiquarian, who soon succeeded him in the chair.

I may be pardoned for remembering that I was then only thirty years of age; but I had been a member of the Legislature of Massachusetts for four or five years, and Speaker of the House for one of them; and that may, perhaps, account for my early admission to this Society. Not long afterwards, however, — in December of the same year, 1839, — I did my best to justify my election by delivering a long and elaborate address before the New England Society of New York, on the Landing of the Pilgrim Fathers. It was my first historical oration, or, indeed, oration of any kind; and I recall with no little pride the generous praise which it elicited from our former president, Judge Davis, — himself pre-eminently the umpire of all that related to Plymouth or Pilgrim history. To him I had ventured to send the proof-sheets for his corrections and criticism, and his appreciative and complimentary letter is among my most precious autographs of that far-away period.

But I have not come here this afternoon to say anything about myself or to make any communication of my own. I hold in my hand a valuable communication from one of our Corresponding Members, to which I will make a brief explanatory preamble.

It happened that when my friend, the Hon. J. L. M. Curry, of Virginia, resigned his position as general agent of the Peabody Education Trustees, — a position to which, I rejoice to say, he has recently returned, — and when he was about embarking for Europe as United States Minister at Madrid, I reminded him that two of my relatives had been Ministers to Spain in years long past. One of them was my great-uncle, James Bowdoin, the son of Governor Bowdoin of Revolutionary and Shays' Rebellion times. The other was George William Erving, his cousin, of a somewhat later period. I ventured to request him, if he found anything in the archives of the Legation at Madrid which would throw light on the services of either of these relatives, that he would kindly make it known to me. In conformity with this request, Dr. Curry has prepared a memorandum or memoir of the diplomatic services of George William Erving, containing the results of an investigation of the archives of the Legation in Madrid, and he placed it in my hands at the meeting of the Peabody Trustees from which I have just returned, saying that it would give him pleasure if I should see fit to present it to this Society, with his respects, as one of our Corresponding Members.

I am the more willing and glad to do this, as Mr. Erving was himself also a Corresponding Member, having been elected on the 31st of October, 1822, and was the giver to our Cabinet — where it still is — of a fine set of the French medals of Washington and Columbus and Franklin and others, in a case inscribed with his name, which was long the only set of those medals in our possession. He was a man, too, of great accomplishments and of no little historical research. He was educated at Oriel College in the University of Oxford. His essay on the Basque Language was much prized by philologists half a century ago; and his account of the little Republic of San Marino, in a *New York Review* long since discontinued, attracted much notice at the time. He was a friend of the Hon. John Pickering, of George Ticknor, and of others of our best-known literary men.

His name as Minister to Spain has often been confounded with that of Washington Irving, who succeeded him after many years at the Court of Madrid; and I have more than once found it misspelled in the published documents of Congress and the State Department.¹ James Madison had a marble bust of my kinsman in his library at Montpelier, Va., where I had the good fortune to visit him in 1832; and the bust is now in my own possession. Mr. Madison then told me that he never had a more capable and faithful minister in his service, during his sixteen years' term as Secretary of State and as President of the United States, than George William Erving.

Mr. Erving was not so fortunate in winning the confidence and regard of John Quincy Adams, with whom he had a controversy during the period of the annexation of Texas, and who spoke somewhat harshly of him in his Diary. It chanced that during this annexation period a letter which Mr. Erving had written to General Jackson many years before, and which had been marked "private," found its way into print, through the agency of some unscrupulous mischief-maker, and greatly to Mr. Erving's surprise and chagrin. As it referred to some words or acts of Mr. Adams in anything but an approving tone, I was requested by Erving to explain to Mr. Adams, with whom I was then in Congress, that the letter was an off-hand effusion, written in the midst of party controversies, and altogether private, and that it had now been surreptitiously published to his great regret. The message was kindly received by Mr. Adams, and I had hoped that there was an end of the matter. But Mr. Adams did not forget or forgive the letter, as was perhaps not to have been too confidently expected.

Many months afterward, — it seems but yesterday, though it must be much more than forty years ago, — Mr. Adams most kindly called on me, soon after breakfast, at my house in Summer Street. He was on his way to the ordination or induction of some Unitarian clergyman, whose name I have forgotten, not far from Boston. I remember his telling me that he never failed to attend such occasions, whenever he was invited, and mentioned, among other things, that he be-

¹ Washington Irving is stated to have descended from the same Scotch family, whose name was spelled in ancient deeds and parchments in a variety of ways, but is now generally written Irvine. ,

lieved he had a pew in every church of every denomination in Washington. As a matter of fact, however, he almost always attended services on Sunday at the Capitol, particularly while the Rev. Mr. Cookman—a Methodist preacher of remarkable power and eloquence, whom he greatly admired, as all of us did—was chaplain of Congress.

But he then proceeded to tell me that he was to deliver a lecture that very evening, before the Young Men's Mercantile Library Association, on the proposed annexation of Texas, and that he should have occasion to allude to the letter of Mr. Erving, in regard to which I had made an explanation some time previously. He said that he desired to tell me this in advance, as I was a relative and friend of Mr. Erving; and lest I should be deterred from coming to hear the lecture he wished to assure me that he should spare Erving from any severe strictures. "I shall spare him on your account," said he; "and I hope you will come and hear me." I thanked him heartily for his kind consideration, and went to hear the lecture accordingly.

But such a *sparing* I had never dreamed of. In the heat of delivery Mr. Adams poured out an invective upon my poor kinsman of the most intense character, and I made up my mind that nothing could ever be more formidable than to be *spared* by Mr. Adams. But the "old man eloquent"—I had almost said the dear old man, and he was dear to us all—fully believed that he had dealt leniently and tenderly with Mr. Erving on my account; and I doubt not that he might have said a great deal sharper and severer things, if I had not been present. At all events, there was nothing but kindness and cordiality between us to the end of his life; and I recall much that was most amiable and even affectionate in his intercourse with me at Washington. Nothing could ever tempt me to say a disrespectful or disparaging word of one for whom I cherished so much regard and veneration, and whose friendship I count among the most valued privileges of my life.

In the course of my subsequent correspondence with Mr. Erving, while he was still in Europe, I begged him to give me some account of his family and of himself; and not long afterwards I received a letter from him, full of interesting details of the Boston Ervings of the olden time, more than one of whom was appointed a Mandamus Councillor, and

several of whom were refugees after the British army was driven out of our harbor by Washington. It also contains not a few striking allusions to his own early career as an American Democrat. I will not attempt to read any part of it on this occasion; but if the Publishing Committee shall accept Dr. Curry's communication and give it a place in one of the volumes of our Proceedings, as I trust they will do, I will append the Erving letter to these remarks as a preamble.

Written in his old age, in a foreign land, and out of all reach of his family papers, it may be wanting, as he himself suggests, in exactness of detail and historical accuracy; but his vivid description of the flight of the Refugees from Boston, in 1776, is full of interest.

Mr. Erving died at New York, on the 22d of July, 1850, having completed the eighty-first year of his age on the 15th of the same month.¹ He had lived long abroad, and was under the impression that holographs, or wills written by the testator's own hand, were everywhere valid. He left duplicates of such a will, carefully drafted and deposited in safe places. But the want of witnesses to his signature was fatal, and his property was distributed according to laws governing the estates of intestates. A much larger portion of it would otherwise have gone to the late Col. John Erving, of the United States Army, and to his son, John (Laugdon-Elwyn) Erving, of New York.

LETTER OF HON. GEORGE W. ERVING.

HON. ROBERT C. WINTHROP, M.C.,
Boston.

PARIS, Aug. 30, 1843.

MY DEAR SIR,—I wrote to you on the 25th inst., and now, pursuant to my promise, take up the matter referred to on closing that letter. My notes, however, will not be very precise in dates, for I have not any documents to assist my frail memory. All my family papers which were not lost, with a mass of public records and official correspondences and various valuable effects, in the great fire of New York some six years ago, are now locked up at Washington; amongst them my grandfather's ledgers and letters, and his more interesting early correspondence with his relations in Scotland.

My grandfather (your great-great-grandfather), John Erving, was born at Kirkwall (in the Orkneys) in the year 1690. He came to

¹ While these pages are going through the press, I learn that our President, Dr. Ellis, officiated at the funeral of Mr. Erving in New York, July, 1850.

Boston at about the age of sixteen, say, in the year 1706, a poor sailor-boy. In the usual course he rose from the condition of sailor to be captain when yet young; then quitted the profession, and established himself as ship-owner and merchant. He was a man of powerful intellect, of singular sagacity and strict probity. These qualities, added to the experience gained in various voyages, produced uniform success in his commercial operations, and he died at the age of ninety-seven, the most wealthy merchant of his time in New England.

The Scotch, even of the Lowlands, are especially accurate in, and careful of, their genealogical records; the Highlanders and the natives of the northern isles still more so. They are the more tenacious of such family honors in proportion as their blood has been less mixed with the Saxon; and the more northern clans can boast that no conqueror, from the Roman downward, has ever placed his foot on their soil. Thus, though the populations of the Orkneys can be considered but as communities of poor fishermen, yet they are more proud of their pure lineage than are princes of the south; and, generally speaking, pride of descent will always be in proportion to the degree of poverty in societies, for it is a compensation. Where the distinctions of wealth and high intellectual cultivation do not exist, there family distinction is all-important. When our grandfather grew to manhood and became a merchant this ancestral pride was roused into action, and he forthwith procured from Scotland, and in regularly authentic form of the heralds, his genealogical record and the blazon of his family arms. It appears that the original family name was "Ervin Wym," which is explained (according to my best recollection) to mean "strong man of the West."

The "clans" Bonshaw and Drom now make the family Erving. One was absorbed by the other; Bonshaw, I think, was the original Erving, and Drom the clan extinguished by the union. In the blazon of the arms, then, the right (holly or holleyn leaves) are the bearings of Bonshaw, to which also belongs the appropriate motto, "Sub sole sub umbra virescens;" the spread eagle on the left is of the extinct clan Drom. I do not see that any of the race appeared in public life previous to the time of Robert Bruce; then an Erving distinguished as a warrior was the King's armor-bearer.

I cannot say at what time my grandfather married, but conjecture in about 1720; his wife was Abigail Phillips, of a very old Welsh family, the head of which, Sir Richard Phillips, considered that his ancient baronetcy was more honorable than a peerage; *that* therefore he refused, but his successor accepted and became Lord Milford. Of this marriage there were four sons and four daughters, viz.:

John, who married into the English family Shirley. He died at Bath, 1816.

George, who married, in 1768, Lucy Winslow, daughter of Isaac Winslow of Roxbury. She died in 1770, leaving one son. My father

took a second wife in 1775, Mary MacIntosh Royal, daughter of Brigadier-General Royal of Medford. She died childless, 1786. My father died, 1806.

James died unmarried, in the West Indies.

William, a captain in the British army, quitted that service on the commencement of the Revolutionary War, and died unmarried at Roxbury.

Elizabeth, your great-grandmother Bowdoin.

Mary, married to Colonel Scott of the English army, and Governor of Dominica and of Granada.

Anne, married to Duncan Stewart of Ardsheil in the Highlands.

Sarah, married to Colonel Waldo.

Now, having brought this genealogical matter down to your own time, I will add, respecting some of the persons or families named, whatever anecdotal that may interest you.

My uncle *John Erving* was a man of a lofty, dignified character, a perfect gentleman, loved and respected by all who knew him. His wife was a woman of superior mind, yet too proud of her Shirley¹ descent, and having also a very bad temper, she estranged her husband from his two sons, John and Shirley; these left their parents, and settled and died in the United States.

My uncle *William* was also a perfect gentleman, and passionately devoted to his profession; he was distinguished as a mathematician, and ranked very high in the English army as an engineer whilst aide-de-camp of the famous General Wolfe at the siege of Quebec. On the breaking out of the "American war," he refused to serve any longer, and retired on half pay.²

The *Winslow* family, of which was my mother, is the oldest of the Pilgrim race. Mary Chilton was the first woman who landed at Plymouth; she was married to the brother of the first Governor Winslow, and produced the first child born in the Colony; from her are descended all the Winslows.

My aunt *Sarah* was as pure a human character as ever existed, but she was so plain in person that grandfather prophesied that she would never "get a husband,"—"too ugly." He was mistaken; she was married to Colonel Waldo, an excellent man and rich withal. I have seen lately, in an English paper, notice of the decease of two sisters Waldo, old-maids, excessively rich; the notice adds that theirs was the "*oldest family in England.*" I sent that notice to my cousin Isaac Winslow of Boston for the use of the Waldos remaining amongst us.

The *Bowdoin*, or Boudoin, family I suppose you know to have been Counts of Flanders, and that one of them during the "holy wars"

¹ Shirley, Lord Ferrers.

² He was the founder of the Erving Professorship of Chemistry at Harvard College, having been graduated there in 1753.

became King of Jerusalem.¹ I suspect that the origin of this name was "Beau Doyen;" if so, the race was French before Flemish.

Duncan Stewart of Ardsheil:—the father of this gentleman (who married *Anne Erving*), was at the head of the clans of Appin and Ardsheil in the rebellion of 1745; that "outbreak" failing, all his estates were sequestered. When Lord Bute became prime minister of George III., the Scotch were taken into favor under the special patronage of that Scotch minister. Great numbers of his countrymen were provided with places, pensions, etc. Duncan Stewart was made Collector of New London. Duncan was in his person what the women call a "fine man," tall, well proportioned, and with regular features; his intellect was quite moderate, but its deficiency was amply compensated by an extraordinary proportion of native cunning, to which he added great persistence in subtle and obsequious cajolery; it was thus that he built up his fortune. He effected more in a few years by these means, than a man having any dignity of character could have effected during a long life with tenfold the capacity of Duncan. When he took possession of his small post he lost no time in seeking "to better his fortune by marriage in this fine country" (said he), and for this, "came up" to Boston. There his Scotch birth procured introduction to the Scotch chief of Boston, with whose daughter Anne he *immediately* "fell in love." My grandfather, a clear-sighted man, who loved his money more than Duncan loved his daughter, treated the suitor as a needy Scotch fortune-hunter, and drove him off; but Duncan was not to be rebutted. The poor girl's intellect was about on a par with his own; she became "love-sick," and the old gentleman, though a severe father, was sufficiently affectionate; so he finally though most reluctantly, consented to the marriage. The Revolution drove Duncan from New to Old London; there boasting, like others under similar circumstances, of his loyalty and *sufferings* in "the royal cause," he obtained the collectorship of Bermuda. Still he kept on delving, digging, soliciting, and cajoling; so procured the transfer of the Bermuda post to his second son (*John*), and finally the restitution of the sequestered Highland estates to which he retired, and died there in his kilt (I think it is called) or "fillibeg," Laird of Ardsheil and Appin,—dignities now held by his eldest son Charles, an innocent, inoffensive, half-witted gentleman.

Mary MacIntosh Royal, my father's second wife, was a daughter of Brigadier-General Royal of Medford, who married a daughter of General MacIntosh, a Scotchman in the service of Holland. He had large estates in the Dutch Colony of Surinam. These he bequeathed

¹ There is no evidence to support this often repeated legend. "Baudouin" has long been a common French name; and no efforts to discover the precise ancestry of Pierre Baudouin, who fled from Rochelle in 1685 and came to New England in 1687, have thus far been successful.

in equal portions to his daughter Royal and another daughter who had married a Mr. Palmer. Mrs. Royal bequeathed her estate in equal portions to my mother-in-law and her other daughter who was married to Sir William Pepperell.

The *Pepperell* baronetcy:— This was of very honorable origin. In the "old French war," which terminated in the English conquest of Canada, their success was *wholly* due to the New England *militia* commanded by General Pepperell of Saco. The English naval commander Warren nevertheless contrived to appropriate to his own use all the rich plunder of the captured city, in contempt of "Yankee" militia; the Government of England should have made him disgorge, but that operation is contrary to its buccaneer code. So they gave a baronetcy to Pepperell, and a service of silver plate, on the several pieces of which was engraved the acknowledgment of his services; and besides this, they honored him with a coat of arms from their heralds' office, with one of their pun mottoes, namely, "Peperi"!

Old Sir William was as modest as brave, and he left the Englishman in quiet possession of his plunder. This worthy man was connected by marriage with the "Sparhawks," an old family "*seated*" at Kittery near Portsmouth in New Hampshire; and having no children of his own he took under his care, by a sort of adoption, that one of the Kits who had been named after him "William." This William Sparhawk was a fine lad, and grew up to be a very handsome man. He had received a good college education, and was polished in his manners and address. These advantages, added to his near relationship to the old general, though he was not the eldest of the nephews, procured him the succession to the title and plate, with the name Pepperell and the motto "Peperi." This my mother-in-law's brother-in-law gave the lie to craniology; he had a very large *skull*, but nearly empty; he died some years ago. The title is extinct. "Sic transit gloria." (Mrs. Jarvis, wife of the patriot Dr. Jarvis, was a Sparhawk, sister of Sir William Pepperell.)

My father and Uncle John emigrated to England, as you know. Some account of that emigration may be interesting to you. As to Uncle John, I can say but little; he was, as I think, a *radical* royalist. But not so my father; he was amongst those who in the commencement of the "troubles" opposed the proceedings of the British Ministry, and on those matters was much in communion with the Adamses and others; but when the dispute tended to *separation*, and when he saw that the opposition had resolved on *armed* resistance, *he separated* from them, for he considered a resort to force a "rebellion" not to be justified by the then position of affairs, and his opinion also was that such means of redress must fail; that it was impossible for the "Colonies" to resist with success the power of Great Britain. The British Government, always precipitate and violent in its measures, had determined on the expedient of a Council by writ of "*Mandamus*," for the maintenance of the

“King’s authority,” — this Council to be composed of the most influential individuals in Boston. The then position of our family there recommended it specially to this royal favor. Thus three of its members — grandfather, father, and Uncle John — were made Councillors. My grandfather, whose first ambition was to preserve his wealth from all hazards, pleaded his advanced age on declining to accept of a seat at the board. His sons accepted, — John willingly, George not without hesitation.

General Washington soon disturbed these wise arrangements of the British Government, and compelled its troops to evacuate Boston. The “Loyalists” of course fled, and amongst them not a few needy adventurers under the name of “Loyalists,” to proclaim their “sufferings” and obtain pensions in England, so that a sufficiency of transports to carry them away were scarcely to be had; a ship, however, was specially appointed for the use of the “Mandamus Council.” The capture of Boston by the American “militia” had totally changed my father’s opinion as to what would be the result of the struggle, yet he was deeply compromitted; *revocare gradum* was impossible. When the ship was outside the lighthouse, and his colleagues were assembled on its deck discussing state affairs, and all full of confidence that they should soon be brought back in triumph, he said with great solemnity, “Gentlemen, not one of you will ever see that place again.” Arrived at Halifax, *they* there expected the summons for their triumphal return; my father forthwith took passage for, and with his wife and child arrived safely in, London. The other members of the Council finally followed his example. These gentlemen were individually consulted by the Secretary of State as to the prospect of affairs in the “Colonies.” “Soft words suit best petitioner’s interest.” Thus the governmental views were flattered by the emigrants. My father’s views, unfavorable to the Government, were frankly expressed; consequently he was frowned on and no longer consulted; so after remaining about a year in London, he retired to the country, where he resided about fourteen years, — till my grandfather’s death. In the mean time his moderate income was derived from my mother-in-law’s Surinam estate, out of which, however, he was able to save enough for the expenses of his son’s education, which occupied all his attention, for he had no child (living) by his second wife.

He remained always repenting of his error. Many a time and oft has he expressed to me his most bitter regrets, and that his only consolation was that his errors had not deprived me of my rights as an American. “I have committed,” said he, “a great fault, but you are not responsible. I brought you away a child (of five years); but remember that when you are twenty-one you are freed from my authority as father and will then return to your native country.” And so he sent me, and there commences *my* history, — not to be written. After the

death of my grandfather, my father took a house in London, and there he died whilst I was *Chargé d'Affaires* in Spain. He remained to the day of his death an impassioned American, as you may probably see in his correspondence with Governor Bowdoin. He carried this deep-rooted affection into the smallest circumstances. He imported salt fish, — as though it could not be purchased in London, — and he gave regularly his salt-fish dinners; he was delighted more with a hickory walking-stick that I gave to him than with a rich gold snuff-box which I purchased for him here in Paris. All his conversation was about the United States and their future prospects; and when I was Consul and Agent of the United States in London, he was never so pleased as when I could pick up some intelligent American as guest at his table. You see, then, that my father had made me an American, though I had not been so of my own proper right and disposition.

But what made me a *democrat*, which he was not? In affairs of government he was "liberal" because the temper of his mind was just, mild, and generous, but his political opinions tended to limited monarchy. What made the son, who adored the father, a radical democrat? Thus it was: the father had for system never to influence the opinions of his son on the two important points, — politics and religion; he left his son perfectly at large to direct his own studies, never recommending even a course of reading. The many works of philosophy and history which his library contained were at my disposal, and I devoured them without restraint. Meditation on these and on what I observed of turpitude in the monarchical and aristocratic systems of government formed the basis of my creed; a natural aptitude to the precision of mathematical reasoning, added to an innate horror of all that is unjust, of all fraud, of oppression, powerful over weak, rich over poor, completed my political education, and I became, as I have always remained without the least deviation, democrat in the full sense of that term. Indeed these political sentiments are not susceptible of change, for they are bound up with the moral; they make a *religion*, in which no man can be more sincere and devout than I am. Yet I am not "Catholic" to the extent of supposing that all out of the "pale" are to be "damned." It is a good religion which makes an honest man. I have a perfect respect for conscience; men may be perfectly virtuous and sincere though in error; and again "to err is human," and which of us, however sincere, can *positively* assert that he is *not* in error. Certainly there is as much honor and civic virtue amongst those of our citizens who are inimical to *pure* democracy, as is to be found amongst *professed* Democrats, — it may be more; for it is not every one who says, "Lord, Lord," that is to be believed. I have learnt to distrust professions, and in fact have *well* known but few men whose political principles were *religions*. Apropos

of these truths, I will expose to you the *why* a certain *pretender* has, as you tell me, lately joined the O'Connell clamor, and why indeed in all things he is so *ultra* anti-anglican. A few years ago he visited England, and he was not received with the distinction which he merited; on the contrary, he had reason to be disgusted and offended. The *book* was the first discharge of bile; Irish agitation is No. 2; and that we may not suffer by a more important No. 3, it were well that he be kept aloof from the *white* goal. There are few who are *inconvertible* by personal considerations; the political profession of individuals is to be viewed in connection with their social positions. When a man like your grand-uncle Bowdoin is so placed in the community by the advantages of education, fortune, and family as to be an aristocrat, yet is a consistent and uniform democrat, then only my confidence is entire.

I have been more diffuse in these memoranda than I expected to be; and worse, contrary to my expressed intention. I have unwittingly introduced too much of myself. I have been thus seduced by a peculiar feeling which you can hardly conceive of *now*; you will when at my age. I write to a *young* man of great promise, who a few years ago (it seems to me but ten years) I had a baby in my arms; and I write on the affairs of our common family, — these reminiscences of olden time, when being at your now age my hours glided so gleely (gleefully) in company with your honored father and mother, the most excellent Mr. Bowdoin, and my aunt, your great-great-grandmother, the very paragon of matrons. Alas! all the fair illusions of that happy period quickly passed, and gave place to the realities of general society with which my heart had no communion. When we can no longer look forward with hope, we are still happy if we can look back with satisfaction. However over-copious my notes, yet you may find in them *hiati*; and if so, I will fill them up to the best of my power, and reply to whatever questions they may suggest to you. My narrations may also contain errors, but are free from fable, — in so far have the advantage of all histories, which apart from unavoidable errors are at least one third fable.

My dear sir, yours very truly and sincerely,

G. W. E.

P. S. Herewith I enclose two curious little documents for your family archives, — one the tax-collector's bill for *Province, Town, and County* taxes paid by my father in 1770; and the other a receipt for 5. 2. paid by my grandmother "for the nursing her son George" in the year 1739.

DIPLOMATIC SERVICES
OF
GEORGE WILLIAM ERVING.

THE first quarter of this century was a period of great interest and activity in our international relations. For a part of the time Napoleon was in the zenith of his power and conquests. His ambitious projects for himself and family were colossal, and he aimed at nothing less than the subordination of Europe and the Mediterranean countries to his personal rule. As he found leisure or means at his command, and when more immediate designs upon Russia, Austria, Germany, and England were not so urgent or feasible in their execution, he sought, by combination of arms and intrigue, to attach the Peninsula to his dominion and to establish his brother Joseph upon the throne.

Spain had wealthy possessions on the American continent, and was our neighbor not for friendly intercourse but for selfish and hostile ends. Her pride and vanity and procrastination complicated and embarrassed serious questions, and aggravated minor ones into formidable international disputes. In 1793, Washington in a message spoke of the "restitution of property escaping into the territories of each other, the mutual exchange of fugitives from justice, and the mutual interferences of the Indians lying between us." Originally the nominal possessions of the Spanish Crown had touched, as was claimed, the territory of Russia on the Pacific coast of North America; and in the question of the limits of territories between Great Britain and the United States, which came so near involving the two nations in a war, the claim of Spain to what we succeeded to by our purchase of Louisiana entered not inconsiderably into the contention.¹ The acquisition of Louisiana left unsettled the eastern boundary, and the heritage was a diplomatic dispute for twenty years. The navigation of the Mississippi created and prolonged an angry controversy. The acquisition of Florida, in itself and in its connected questions, was constantly a matter of argument, crimination, and negotiation. Spoliations upon American commerce, violations of strict neutrality in allowing Great Britain to occupy Florida as a base of military movements and in failing to

¹ In the Instructions to Mr. Erving, May 30, 1816, the Secretary of State was careful to have avoided, in any adjustment of boundaries with Spain, whatever "might affect our claims on Columbia River and on the Pacific." Mr. Jefferson, who purchased Louisiana, did not claim that it extended west of the Rocky Mountains. He said, "To the waters of the Pacific we can found no claim in right of Louisiana."

control the Indians from hostile aggressions upon the States, illegal seizures and condemnation of American vessels in and near the waters of the Mediterranean, furnished subject and occasion for numerous diplomatic notes and despatches.

During the years mentioned and a few anterior there were most delicate and difficult questions growing out of the conduct of the Spanish Ministers in Washington, — Gardoquin, Irujo, and Onis, — who in their assumptions of superiority forgot their obligations to the country to which they were accredited, and conspired to produce disaffection in, and one of them the dismemberment of, the Republic. These ministerial imbroglios constitute a romantic chapter in our history ; and the learned discussions they engendered, disagreeable and menacing at the time, have resulted in settling some important questions as to the relations which foreign ministers sustain to the government to which they are accredited. In Dr. Wharton's "Digest of International Law," a treasury of information and wise discussion, can be found a detail of the facts connected with these unpleasantnesses.

This period was contemporaneous with the Algerine War. Our relations with the Barbary Powers gave much trouble until Decatur taught them and Europe to respect our rights at sea.

In the formative epoch from 1776 to 1820, when the United States were slowly, in the face of physical and moral obstacles, establishing their independence and their co-equality among nations, the Government was fortunate in its foreign representatives. This was true generally in Europe, especially in Spain. The labors of these men, unheralded and unrecorded except in the unread archives of the State Department, have never been properly appreciated. In the erection of monuments and the national recognition of benefactors, the country has not been quick to recognize the grand and beneficial achievements of these remote and quiet laborers. The Government had during these eventful years the useful services in Spain of John Jay, William Short, William Carmichael, David Humphreys, Thomas Pinckney, Charles Pinkney, James Monroe, and George W. Erving.

The object of this communication is to give some account of the diplomatic services of *George William Erving*. The first post offered to him was that of Chargé d'Affaires in Portugal. On July 22, 1804, President Jefferson asked him to take the agency of our affairs, or the consulate, in Tunis. These he was constrained to decline on account of duties to his father, far advanced in life and insulated in some degree in London by reason of his decided loyalty to the United States. These proffers were made because of the efficiency and ability he had shown as agent in London for managing claims and appeals, under the treaty "for the relief of seamen," in the High Court of Admiralty and before the Board of Commissioners. Jefferson, to whom he was introduced by letter from Samuel Adams, and Madison, to whom he was

presented by Governor Monroe in Richmond, so confided in him that, despite the resignations, he was, on Nov. 22, 1804, without solicitation, appointed Secretary to the Legation at Madrid. He promptly proceeded from London to his post, and began a career marked by most beneficial services to his country. In the absence of his chief, Hon. James Bowdoin, his cousin, who never reached Madrid, the appointment as Secretary resulted in Erving's becoming and continuing *Chargé d'Affaires*. The Instructions to Bowdoin were repeated to Erving. He was to look after the spoliations of Spanish cruisers, and considering the manner in which the mission of Monroe and Pinkney terminated, — the "obstinate refusal to meet reasonable overtures" and the posture of relations between the two countries, — he was specially charged to take no steps towards their revival, but also not to conceal the cause of the reserve. He was to observe the ordinary civilities incident to a state of peace, and to be specially watchful of Spanish cruisers and of the rights of American citizens. The serious condition of affairs when Erving became the sole representative of our country at Madrid may be inferred from the remarks made by Monroe, Secretary of State, in 1811, in an unofficial talk with Señor Bernabue, the Spanish consul. Mr. Monroe affirmed that authentic documents existed in the Department of State which showed that Spanish Ministers in Washington had sought to excite discontent, had suggested means for, and by intrigues had endeavored to promote, the dismemberment of the Republic, and that spoliations on American commerce had never been adjusted, notwithstanding a convention between the two countries had provided therefor.

The arrival of Erving in Madrid occurred at a time of much agitation. The great naval battle of Trafalgar had been fought the year before. In 1806 there was open discord in the royal family. The feuds in the household were matters of common notoriety, and caused embarrassment in political circles. The first visible symptom of impending convulsion was the arrest of Ferdinand, Prince of Asturias, by order of his father, Charles IV. The breach was caused by a secret application of the Prince to Bonaparte, but he was released on mentioning the names of his advisers. Manuel Godoy, Prince of Peace, a favorite of the Queen, was suspected of having most ambitious schemes in alliance with Napoleon. Erving says, in a letter to Madison, August 10, 1807, that the Emperor of France made an offer of the electorate of Hanover to Godoy, for which, over and above the troops furnished, he paid a considerable sum of money out of his own funds. The results of the war made necessary another disposition of the territory, and the Prince was told that he should have provision made for him elsewhere; but believing that imperial promises were made only to deceive him, "he was furious." Popular indignation was strong against the reigning sovereign, and he, the Queen, and Godoy projected an escape to some of

the dependencies in America; but their departure was frustrated by the friends of Ferdinand. Erving cultivated pleasant relations with the "power behind the throne," and had several unofficial communications with him in reference to the wishes of the United States. He speaks well of Godoy in his administration of public affairs, and characterizes him as a "perfect courtier" and an "adept politician."

This strange man, born at Badajoz in 1768, had a marvellous history. Some of our romance writers would need little invention to take the incidents of his checkered career and weave them into a thrilling story. Ford, in his unique book on Spain, the piquancy and freshness of which have been emasculated in the later editions of Murray's Handbook, indulges freely his Hispano-and-Franco-phobia, and speaks of Godoy as "a toady," Charles IV.'s "wife's minion," "vile tool of Bonaparte," "impoverishing and bartering away the kingdom," "stipulating only, mean to the last, for filthy lucre and pensions." In 1808, at Aranjuez, in order to save Godoy, the object of search and vengeance on the part of soldiers and mob, Charles IV. abdicated in favor of Ferdinand VII., who arrived in Madrid on the 23d of March. On the same day entered the city Achille Murat, — the French having invaded Spain and pushed their conquests and occupation as far as the capital. Murat had no purpose, under instructions from his imperial brother-in-law, to give more than the faintest semblance of acquiescence in the claims of Ferdinand, and soon shoved him aside as a useless supernumerary. He arrogated the Presidency of the Supreme Junta of Spain; and the weak and timid Ferdinand, influenced by the threats or promises of Napoleon, ingloriously left the country and joined the remainder of the royal family at Bayonne, where he soon ceded to Napoleon all his rights to the Spanish Crown, and afterwards importuned him for a princess of the Imperial family.¹ In June, Napoleon transferred these rights to his brother Joseph, to whom Ferdinand obsequiously sent his felicitations on his victories over the Spanish armies, whom he called "the rebel subjects of Joseph." Joseph sent an address to the Spanish nation, and soon followed to Madrid, where on the 25th June he was proclaimed king. A few days prior to the proclamation the houses of the foreign ministers were illuminated, the compliment having been invited by the usual notification. None of the ministers, however, received credentials to Joseph, and in a month or two he was obliged to fly and Madrid was evacuated by the French. Joseph's head-quarters continually shifted. The proverbial loyalty of Spaniards to the throne was fully tested, and the absent and contemptible sovereign was proclaimed king with pomp and ceremony and illuminations and bull-fights. The country was governed in a very irregular manner, — the provinces by Juntas and the nation by a Supreme Junta, which

¹ Edinburgh Review, February, 1815, p. 505.

moved the seat of authority according to the exigencies of war, the advance or the receding of the army of invasion. Subsequently, in the winter, the French reoccupied Madrid, and Joseph also reappeared.

It would be foreign to the purpose of this sketch to trace the military movements in the Peninsula, large materials for which exist in Mr. Erving's minute and interesting despatches, or the fugitive and changeable governments in Spain, or the difficulties of residence and transportation which befell our faithful representative in his efforts to be "near" the seat of authority and to avail himself of the whims and caprices and necessities of the Ministry, in order to adjust pending disputes, or to seize an opportune moment for acquiring Florida.

In 1809, April 14, Erving obtained from the migratory Supreme Junta an order for the release of American vessels detained at Algeciras, the port near Gibraltar; and a month later he was successfully remonstrating against the British search of American vessels and imprisonment of American seamen in the harbor of Cadiz. Commanders of British men of war claimed the right to board any merchant vessel and seize and carry off any British subjects liable to military duty; as is well known, this claim of the Right of Search and Impressment led to the War of 1812 for Free Trade and Sailors' Rights.

In execution of his grasping continental policy, Napoleon sought to cripple Great Britain by his famous Berlin and Milan Decrees, which declared Great Britain to be in a state of blockade, prohibited all intercourse with her, and pronounced all goods of British origin to be lawful prize. The Government of Great Britain retaliated by the first Orders in Council, in 1807, which prohibited all trade with France and her European possessions which did not pass through England, and in 1809 by another series, which revived "underhand and in detail," as said the "Edinburgh Review," the monopoly of 1807. These belligerent acts affected all neutral nations, nearly annihilated all neutral trade, and were particularly harmful to the growing trade of the United States. Our Embargo Act of 1807-1808, coerced by the European measures so hostile to our shipping and commerce, caused complaints in Spain, especially as enforced against Florida. Erving successfully replied to Cevallos, the Spanish Minister for Foreign Affairs, that the United States could not discriminate in favor of Spain, nor show partiality to her, especially as Spain herself had issued decrees similar to those of Berlin and Milan, and had sustained the policy which necessitated our defensive and retaliatory measures.

For a portion of this time the relation of Erving to the Spanish Government was one of peculiar delicacy and of much personal embarrassment, and much of his intercourse was necessarily informal and unofficial. Chevalier Onis, the Spanish Representative in Washington, *demandé* to be received officially, — the recognition of the United States being very important to his struggling country, — but our Gov-

ernment would not deviate from its deliberate purpose to avoid every act whatever which might have a tendency to afford to either of the belligerents even a pretext of complaint. While the possession of the sovereignty was in doubt, the President refused to recognize prematurely either claimant, Ferdinand or Joseph. Mr. Erving exercised most scrupulous caution not to commit himself or his Government, and at the same time the utmost tact and diligence in watching for and guarding the interests of American commerce and citizens.

Early in February, 1810, the French occupied points around Cadiz and besieged the neighboring Isle de Leon, which was at that time the seat of Government. A pacific proposition from Joseph, then at Seville, to the city of Cadiz was indignantly rejected, and he was bluntly informed that Cadiz acknowledged no king but Ferdinand. The Supreme Junta, having to disperse, appointed a Council of Regency of five members. It is characteristic of Spanish character to hold on in an unequal contest. Defeats and disasters do not subdue. When all seems lost, a display of superhuman courage and the employment of means apparently the most inadequate revive hopes and expel or cripple invaders. In one of his despatches to Secretary Robert Smith, written in 1809, Erving bears testimony to what he had observed. Speaking of the Supreme Junta and of the obstinacy of the contest, he refers to their unquestioned patriotism, indefatigable zeal, undaunted firmness in the midst of most pressing dangers, individual disinterestedness, vast labors under difficult circumstances, struggling without despair of the public cause against the disadvantages of its own feeble texture, the impossibility of bringing into operation interior resources of the country, insufficiency of those from abroad, vigor of the enemy without, activity of intrigue and treason within, the disorganization and dispersion of armies, the total defection of allies on one side and the total subjugation on the other.

While this contest was waging and all Spain seemed to be occupied by hostile forces and there was a time "of terror and confusion," Mr. Erving, writing from an American vessel in the harbor of Cadiz, said the Government would probably excuse his retiring from his post. The Secretary of State, Nov. 1, 1809, had written, "Whether the interest or the honor of the United States may require you to remain or to withdraw, is a question to be submitted to your sound discretion, to be exercised according to circumstances," after the despatches of Onis should reach the Supreme Junta. That his departure might not be considered "abrupt, precipitate, or clandestine," Mr. Erving spoke on the streets of Cadiz and to prominent persons of his intention; and that he might profit by any reverse in the current of affairs he went on board an English ship and sailed to Gibraltar. The Spanish and English being driven from their stronghold and the Government of



the Regency having been removed to Cadiz, Mr. Erving felt there was no sufficient reason for remaining longer, and so he returned to America by way of London, reaching New York on August 1, 1810.

Wellington's victory at Salamanca, in 1812, drove Soult out of Seville and Joseph out of Madrid, and on August 14 Madrid surrendered to the Iron Duke.

The Government did not permit Erving to enjoy his leisure very long. Needing his diplomatic experience and ability, the President, on Jan. 5, 1812, appointed him a special Minister to Copenhagen, charged with the subject of spoliations committed under the Danish flag on the commerce of the United States. Having had his audience on June 5, he entered at once, on the 6th, 7th, and 8th, *in medias res*, asking a settlement of pending questions, and on the 23d he reports that since his arrival the depredations of the Danish privateers had been discontinued. During his residence he was active in the protection of American commerce and in securing the release of captured vessels. The Napoleonic wars unsettled all public law and apparently legalized all violations of neutral rights. In a despatch of Feb. 12, 1813, Erving reports with grave satisfaction, "I hope to make it evident that our Government has afforded as effectual and complete protection to commerce during the last year, as it is possible for neutral commerce in these times to receive." He took leave May 12, 1813, having successfully finished within eleven months the business for which he was sent.

In 1814 the French under the combined assaults of Spain and England had suffered such reverses that Ferdinand was able to return to his native country and begin his tyrannical reign. Six years of suffering and losses caused by the war covering the whole area of the Peninsula were not easy to repair. Exile and other misfortunes ought to have taught some lessons of wisdom, but Ferdinand was an accentuated Bourbon and utterly unteachable. Moderate measures initiated the return, but the ill-fitting mask was soon discarded and the true character of the despot was made manifest. The arrest and imprisonment of many men of prominence consolidated the authority and power of the King. The potent influence of the clergy was invoked in his behalf, and readily obtained. The Constitution of 1812 was trampled under foot. Freedom of the press was abolished.

Anthony Morris, of Pennsylvania, a worthy citizen who had been President of the State Senate, having been empowered as Special Agent in Madrid to make and receive informal communications, had an interview with the Minister for Foreign Affairs in reference to the landing of British troops in Florida, thus violating the neutrality of Spain and giving practical aid to our enemy during war. He was treated, according to his own statement, with "cold contempt."

The President, learning during the recess of the Senate that the Government of Spain was re-established and that Ferdinand was seated on the throne with the consent of the nation, and ever anxious to promote a good understanding between the two countries, immediately decided on sending a full Minister to Spain. He made choice of Erving, who, after voluntarily closing his mission in Copenhagen, was travelling in the south of Europe, and on August 11, 1814, commissioned him as Minister Plenipotentiary to a country where he had served so faithfully and honorably. This was a just recognition of skill, fidelity, and ability. The original letter, yellow and dingy, written partly in cipher, signed "J. Monroe," Secretary of State, enclosing the commission, is still preserved in the archives of the Legation at Madrid.

Such were the irritations growing out of the past, that the passports asked for were refused, and it was near two years before Erving was received. During the interval Mr. Erving wrote, on March 16, 1815, that Anthony Morris, on the refusal of the Spanish Government to receive the regularly accredited minister, had flattered himself that he could be promoted to the post, and so was privy to personal objections to Erving, based on his intimacy and negotiations with the King of Naples — Achille Murat — when he was lieutenant of Napoleon at Madrid. As afterwards became manifest, the nomination was specially acceptable to Ferdinand, because when Erving was Chargé he adhered to the popular cause (which was Ferdinand's) during the French invasion under Napoleon.

The Spanish Minister at Washington, Señor Luis de Onís, had so offended our Government by his "intrigues and turbulence" that all official communication with him had ceased. In 1811 President Madison transmitted to the Senate and House an intercepted letter of Onís, in which he spoke "of the servile meanness and adulation of the Administration in relation to their oracle, Bonaparte," and of the little hope of obtaining anything favorable "but by energy, by force, and by chastisement." Subsequent events had not mollified the unpleasantness, rather aggravated it, and it was unnecessary for Erving to proceed to his post. In fact, the refusal of the application for safe conduct was tantamount to a rejection. On Jan. 17, 1815, the Secretary of State, in a direct communication to Cevallos, the Minister for Foreign Affairs, informed him of the desire of the United States to reopen the diplomatic relations which had been suspended during the struggle for the Spanish Monarchy. The territory of Spain being then in the possession of nearly equal contending armies, victory sometimes favoring each and the ultimate issue altogether precarious, the United States could not undertake to decide and refused to interfere between the competitors or make itself a party to the disputes respecting the Spanish Monarchy. The situation was now different; and serious as were the objections to

Onis, "not bred in doctrines of political purity, and scarcely capable of believing in the total absence of those corrupt practices so familiar to him," the President had notwithstanding received informal communications from him. It being understood that Ferdinand desired that Onis should be received, the Government was willing, as an act of courtesy to his Government, to forego its objections and acknowledge him as the Spanish Minister. As Mr. Erving had been practically rejected, explanations of the condition of affairs and of the mind of the President could not be made; but now the President hoped that Mr. Erving would be received and mutual diplomatic intercourse be restored. To this request Anthony Morris was authorized by the Spanish Government to reply that there never had been any personal objection to Mr. Erving, and passports would be regularly issued to him.

Mr. Erving, knowing that he would not be received until Onis was, had returned to America, and on March 11, 1816, the Secretary of State wrote, "You will set out in discharge of the duties of your mission to Spain as soon after the receipt of this letter as circumstances will permit." The restoration of intercourse furnished, it was thought, a favorable opportunity for the settlement of every difference with that power. The former grievances remained unsettled, and because of the strained relations of the long European conflict new ones had been added. The spoliation on American commerce, the injuries which grew out of the suppression of the right of deposit at New Orleans, the settlement on just principles of the boundaries of Louisiana, and the acquisition of Florida, were the important matters intrusted to the new Envoy. On his arrival in Madrid an audience was not promptly given as he had been led to expect, and this drew from him an earnest and dignified letter of remonstrance which secured his reception.

In August, 1818, the Spanish Government suspended all negotiations with our Minister, in consequence of General Jackson's military operations in Florida, and severe charges were made against the American Government. It was not until the next year that Erving was able to place before the Spanish Minister the full text of a despatch of John Quincy Adams sustaining General Jackson and casting the entire blame on Spain. While many occasions have arisen in our history for the vindication of the country from aspersions and for the assertion of the great principles of international law as applicable to a Republic, it may well be doubted whether the archives of the State Department contain a document more lucid in its statement of facts, more overwhelming in logic, more exalted in its principles, or breathing a loftier and more defiant tone of manly, indignant, large-souled patriotism, than this letter of Mr. Adams.

During Mr. Erving's ministry occurred that singular but profitable episode in our national life, known as the Algerine War. The Barbary

States in North Africa for many years pursued a system of brigandage and semi-piracy, and were regular freebooters on the sea. Singularly, the riparian States of the Mediterranean and other European nations, from having as much on their hands as they could well manage, yielded to these insults and exactions. Treaties even were negotiated recognizing the right to tribute money.¹ One was concluded in 1795 with the United States, and in the course of years the demands of the Algerine Government became so impudent and unreasonable that it was necessary to resist them. Vessels of the United States were detained for the payment of about \$21,600, due annually in naval stores under the treaty, and for certain other sums resting on usage, as \$20,000 on presentation of a Consul, \$17,000 of biennial presents to the officers of the Government, and some incidental and contingent presents for various other things. The Dey of Algiers, grown insolent by his successful levies of blackmail, committed outrages on American and other consuls, seized vessels as prizes, and condemned captives to slavery. In 1815, "the moment we had brought to an honorable conclusion our war with a nation the most powerful in Europe on the seas," a squadron, under command of Commodore Decatur, was detached from our naval force, and sent to the Mediterranean to take satisfaction for the wrongs which Algiers had done to us. The Commodore sought, found, and attacked the Algerine fleet and made prize of two ships, one of them the principal ship commanded by the Admiral. This brilliant victory forced a treaty of peace, concluded by Decatur and Shaler, the American Consul-General at Algiers, on the one side, and the Dey of Algiers on the other. In this treaty all pretensions to tribute, under any name or form, were relinquished. The gallant Commodore required the negotiations to be conducted on board the American fleet, and refused to suspend hostilities even while the negotiations were pending. To a petition for a truce of three hours to deliberate on the terms the laconic response was, "Not a minute." In three hours, although the distance from the vessel to the shore was five miles, the treaty was returned signed, and the same boat brought the liberated prisoners. A happy instance, worthy of imitation, of relaxation of the Moorish habit of procrastination!

In 1816 the Dey, under the flimsy pretext that the stipulations of the treaty had not been complied with, addressed a letter to Mr. Madis-

¹ On Feb. 5, 1802, Mr. Erving writes privately from London to Mr. Madison: "Mr. King, I presume, has informed you that the present of jewels, &c., has been sent to the Bey of Tunis; the guns and pistols are preparing, the stocks studded with diamonds *according to his direction*. Knowing that this is the last tribute he will receive, I may venture to say I was never more mortified than when by Mr. King's desire I went to see these presents put up and despatched, or felt greater contempt for that miserable acquiescence in European policy which first induced us to pay these robbers."

son, declaring the treaty annulled and presenting the alternative of war or the revival of the former treaty with its annual tribute. The Department found the Arabic missive a puzzle, and much time elapsed before a translation could be obtained. It was finally put into English, and a copy of it and the reply were forwarded to the Legation at Madrid. I am not violating instructions as to secrecy of archives by inserting as a diplomatic curiosity a copy of the letter, which I discovered in a mass of unbound and unclassified letters:—

TRANSLATION.

With the aid and assistance of Divinity and in the reign of our Sovereign, the Asylum of the World, powerful and Great Monarch, transactor of all good actions, the best of men, the shadow of God, Director of the good order, King of Kings, Supreme Ruler of the World, Emperor of the Earth, Emulator of Alexander the Great, possessor of great forces, sovereign of the two Worlds and of the Seas, King of Arabia and Persia, Emperor, Son of an Emperor and Conqueror, Mahmood han (may God end his life with prosperity and his reign be everlasting and glorious) His humble and obedient Servant actual Sovereign, Governor and Chief of Algiers, submitted forever to the orders of his Imperial Majesty's Noble Throne, *Omer Pasha* (may his government be happy and prosperous).

To His Majesty the Emperor of America, its adjacent and depending provinces and Coasts, and wherever his government may extend, our noble friend, the support of Kings of the Nations of Jesus, the Pillar of all Christian Sovereigns, the most glorious amongst the Princes, elected amongst many Lords and Nobles, the happy, the great, the amiable, James Madison Emperor of America (may his reign be happy and glorious, and his life long and prosperous) wishing him long possession of the Seat of his blessed Throne, and long life and health, Amen. Hoping that your health is in good state I inform you that mine is excellent (thanks to the Supreme Being) constantly addressing my humble prayers to the Almighty for your felicity.

After many years have elapsed, you have at last sent a Squadron Comanded by Admiral Decatur (your most humble servant) for the purpose of treating of peace with us; I received the letter of which he was the bearer and understood its contents; the enmity which existed between us having been extinguished, you desired to make peace as France and England have done. Immediately after the arrival of your Squadron in our harbour I sent my answer to your Servant the Admiral through the medium of the Swedish Consul, whose proposals I was disposed to agree to on condition that our frigate and Sloop of War, taken by you, should be restored to us and brought baek to Algiers; on these same Conditions we would sign peace according to your wishes and request: our answer having thus been explained to your Servant the Admiral by the Swedish Consul he agreed to treat with us on the above mentioned conditions; but having afterwards insisted upon the restitution of all American Citizens as well as upon a certain sum of money for several Merchant Vessels made prizes by us and of every other object belonging to the Americans, We did not hesi-

tate a moment to comply with his wishes and in consequence of which we have restored to the said Admiral (your Servant) all that he demanded from us ; in the meantime the said Admiral having given his word to send back our two Ships of War and not having performed his promise, he has thus violated the faithful articles of peace which were signed between us, and by so doing a new treaty must be made.

I inform you therefore that a Treaty of peace having been signed between America and us during the reign of *Hassan Pasha* twenty years past I propose to renew the said Treaty on the same basis specified in it and if you agree to it our friendship will be solid and lasting.

I intended to be on the highest terms of amity with our friends the Americans than ever before, being the first Nation with which I made peace, but as they have not been able to put into execution our present Treaty, it appears necessary for us to treat on the above mentioned conditions. We hope with the assistance of God that you will answer this our letter immediately after you shall have a perfect knowledge of its contents, if you agree (according to our request) to the conditions specified in the said Treaty, please to send us an early answer, if on the contrary you are not satisfied with my propositions, you will act against the sacred duty of men and against the laws of Nations, requesting only that you will have the goodness to remove your Consul as soon as possible, assuring you it will be very agreeable to us.

These being our last words to you We pray God to keep you in his holy guard.

Written in the year of Hegira 1231 the 20 day of the month Dyenaziel evvel — corresponding to A. D. 1816 April 24.

Signed in our well guarded City of Algiers.

Signed

OMAR *Son of Moohammed*
*Conqueror and Great.*¹

¹ An analogous but inferior specimen of royal grandiloquence and titular display may be seen in the commission issued to Gardoqui in 1784. It begins thus: "Don Carlos by the grace of God King of Castile, of Leon, of Arragon, of the two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Galicia, of Majorca, of Seville, of Sardinia, of Cordova, of Corsica, of Murcia, of Jaen, of the East and West Indies Islands and Terra Firma, of the Ocean sea, Archduke of Austria, Duke of Burgundy, of Brabant and Milan, Count of Apsburg, of Flanders, Tirol and Barcelona, Lord of Biscay, of Molina, &c."

One of the complaints of the Dey was that the bounty was paid in money instead of certain naval stores, etc., of which he was in need. English history furnishes us an example of a complaint exactly the reverse. When Catherine of Braganza, the Infanta of Portugal, was betrothed in 1662 to Charles II., her dowry, among other things, was to consist of the territory of Tangier and £500,000 sterling, ready money. The Earl of Sandwich was despatched with a fleet to take possession of Tangier and, on his return, to conduct the Queen to England. The Queen Mother, unable to pay more than one half of her daughter's portion, pledged herself to pay the residue within the year. The Ambassador, reluctantly consenting to receive the moiety, was soon confounded and mortified by the discovery that the sum, instead of being paid in ready money, was delivered in the form of bags of sugar, spices, and other merchandise.

The President to this gasconade replied in a dignified manner, saying that the United States preferred war to tribute, and demanding the observance of the late treaty which inhibited tribute and the enslavement of captives. "The United States, while they wish for war with no nation, will buy peace of none. It is a principle incorporated into the settled policy of America, that as peace is better than war, war is better than tribute." Decatur, "generous and brave," had promised, not as a stipulation of the treaty, but as "a compliment and a favor" to the Dey, to restore to Algerine officers the captured vessels "as they were," and to furnish an escort; and he fulfilled his pledge by putting the vessel in the possession of an Algerine officer at Carthage. The frigate arrived at an early day at Algiers; but the Spanish Government alleged that the capture of the brig had taken place so near the Spanish shore as to be an unlawful prize, and detained it at Carthage. The Dey pretended and insisted that the restoration was an essential part of the treaty. The Commodore, blunt and honest and just as he was brave, flatly contradicted the Dey. The Spanish Government, which might easily have prevented any disagreement, finally set at liberty the vessel, "as an act of comity to the United States," and, as Onis said, without any equivalent from Algiers and with a view to prevent any misunderstanding. Some controversy arose between Spain and the United States, in which Erving represented his Government with his usual energy, tact, and intelligence. The Instructions, May 30, 1816, explicit and full, required him to use his best endeavors for a satisfactory accommodation of the affair. The Dey said he received the brig from Spain for a consideration, and demanded in consequence indemnity equal to her value and the ransom of the crew. This claim was "too unjust and absurd to admit of any discussion;" and Instructions were accordingly issued to Commodore Chauncey "to protect our commerce from Algerine piracy," and to act in reference to such a state of things as the recommencement of hostilities by the Dey might create.

From the beginning until the close of Mr. Erving's ministry in Spain, he never lost sight of his original Instructions. With an infinity of smaller and more harassing matters pressing upon him, he nevertheless kept his eye steadily on the graver questions which he knew his Government to have most at heart. By all the means, personal and official, which a Representative can properly use, by cultivating pleasant social relations with members of the royal family, the various Governments and influential Spaniards, by a thorough acquaintance with the principles of international law and whatever of history or fact might bear on the subjects pending, by exhibition of sympathy with Spain in her heroic struggle for independence, by patience and cheerfulness and perseverance which no one can compre-

head who has not had to deal with the pride, the obstinacy, the perverse and worrying procrastination of a Spanish Government, he pursued the tenor of his way for fifteen years, until at last the great work was consummated and Florida became an integral portion of the American Union. From 1802 until 1818 a Convention for the adjustment of Claims was unratified by Spain, and when finally accepted Mr. Erving was quick to construe it as preliminary to a like adjustment of other claims, and as laying a foundation for an amicable and early settlement of the territorial questions then under discussion. In the April number, 1888, of the "Magazine of American History," I have given a somewhat minute detail of the negotiations connected with the acquisition of Florida,—a national event whose importance cannot be overestimated,—and I need not here repeat the narrative. John Quincy Adams, in announcing John Forsyth as his successor, wrote to Mr. Erving: "Accept my congratulations upon the termination of a negotiation . . . in which you have taken so distinguished a part." Dr. Francis Wharton says, in his "Digest of International Law": "I ought to say that an examination of his (Erving's) communications to this Government during his mission to Spain, has impressed me with a conviction that to his sagacity and good sense our settlement with Spain in 1822 was largely due." The verdict of the impartial investigator must be that the nation owes to none of her citizens a debt of gratitude larger and truer, for this increase of her territory and peaceable settlement of an irritating question, than to George William Erving.

The health of Mr. Erving had been impaired by the treacherous climate of Madrid and the laboriousness of his duties. Long absence from home made attention to his private affairs a necessity. He therefore submitted repeated requests to have a successor appointed and to be allowed to return. On Nov. 28, 1818, John Q. Adams wrote: "The President has determined to nominate a successor to your Mission, and has directed me to authorize you, as soon after the receipt of this letter as you shall judge expedient, with reference to the publick interest and as may suit your convenience, to take leave of the Court of Spain. . . . The critical state of our relations with Spain during the whole of the past year and the reluctance which the President could not but feel at permitting your faithful and valuable services to be withdrawn from the public affairs, has hitherto delayed his compliance with your desire. He directs me to assure you that the vigilance, firmness, zeal, and assiduity with which you have conducted the affairs of the Mission have given him entire satisfaction and enhance his regret at the necessity under which you have found yourself of retiring from the public service." Mr. Erving took leave on April 29, 1819.

It would not be in accordance with strict historical accuracy to allow this narration of Mr. Erving's resignation and of his connection with the acquisition of Florida to close here. In a letter written from Paris, Jan. 6, 1845, he says he "returned from Spain in a state of great irritation and mortification, not, as Mr. Adams has supposed, because the negotiation had been removed to Washington, but because in the course of it I had been treated with indignity; because that when, under the full persuasion that I could obtain the Colorado (with desert) as limit, I asked for full powers, I was told that my powers were sufficient, as though powers to negotiate were powers to sign a treaty; because I was instructed to go on negotiating for a limit west of the Sabine under the reinforced assurance that the Rio Bravo was the rightful boundary of Louisiana, whilst it had been predetermined by President Monroe to cede all the territory in dispute, even to the Sabine; because, though I had repeatedly informed the Government of all that related to the 'royal grants,' the treaty had been so made as not to exclude *all* those grants: these were my griefs, added to that total inattention of the Secretary to my repeated application for leave of absence, which forced my resignation. On all these matters I complained bitterly to the President, and supported my complaints by a syllabus of the correspondence carefully extracted from the records in the Department of State."

In 1844 the annexation of Texas was the pivotal issue of the "Presidential campaign," and provoked much excited discussion. General Jackson, having been furnished with a copy of Mr. Erving's syllabus, enforced by "verbal revelations," charged that the United States had lost important territory, when it was at its option to retain it, by taking the negotiation out of Mr. Erving's hands and transferring it to Washington. This greatly provoked John Quincy Adams, who, as Secretary of State, had concluded the negotiation on the part of our Government. In an address, made in Tremont Temple to the young men of Boston (which I heard, being at that time a student in Dane Law School), Mr. Adams made an acrimonious reply and defence of himself, going so far as to assail the character of Mr. Erving's deceased father. Mr. Adams sought, producing and reading from his diary, to vindicate himself from the reproach of having inopportunately transferred the negotiation from Madrid to Washington, and charged Erving with having transcended his "powers and instructions," which "authorized him to accept of the Sabine as our ultimatum." He also affirmed that "the Spanish Government never did offer a line one inch to the westward of the Sabine."

This is not the occasion *tantas componere lites*, and into the merits of the controversy I shall not enter. It is due to Mr. Erving to state that he published two able letters, Nov. 12, 1844, and Jan. 6, 1845,

in which he conceded that the first transference of negotiations he advised because he found it impossible to advance one step in negotiation with Cevallos, "that most impracticable, inefficient, inapt, and indolent of all ministers." After the dismissal of Cevallos and the appointment of Pizarro, of which Mr. Adams was notified, the negotiation was renewed at Madrid and subsequently transferred to Washington. This re-transference was with Erving's consent, as explained in his despatches, because mainly of restriction upon his powers and "mystification" in the correspondence. It was not the transfer of the negotiations which ired him, or with which Mr. Adams was reproached, but that "he closed the negotiations at Washington on less favorable terms than might have been obtained at Madrid had he ordered the continuation of negotiations there." Mr. Erving insisted that he was prevented from making a better treaty by keeping from his hands the means of making it. He had contended for "the line of the Colorado" instead of the Sabine, as the "Rio Bravo del Norte had always been deemed by our Government to be the proper limit of Louisiana," and his confidence of success was based on "the disposition of the Spanish Government, under the influence of Pizarro, most favorable to the adjustment of the boundary question." It was on "an intimate acquaintance with the character of Pizarro, his conciliatory disposition, his frankness, and good faith," that Erving founded and adhered to the opinion that the limit of the Colorado might have been agreed to and ought to have been insisted upon.

Mr. Erving was afterwards appointed to Constantinople, but declined to accept, as the Mission was of an inferior grade to what he had held in Denmark and in Spain.

Erving was a graduate of Oxford, and a man of scholarly tastes and acquirements. His despatches are models of elegant composition, showing the thoroughly trained mind and large and accurate information. Some of them, if published, would be valuable contributions to history. Before the days of railways, steamboats, and telegraphs, and the modern newspaper, it was the habit of diplomats to write full despatches, in which were minute accounts of military movements, of political changes, of social customs, of personal adventure, and even of court scandals. Mr. Erving was in the Peninsula at a most interesting period, and his descriptions of campaigns and estimates of men show the scholarly and industrious observer.

Mr. Winthrop gives this testimony from President Madison: "I never had a more capable and faithful Minister than Mr. Erving, nor one, for whom I had a greater regard."

Mr. Erving was not a warrior, nor an orator (although ambassadors were originally called orators), nor a popular author (although he wrote a learned and useful book on the Basque Language, the Sphinx of

Philologists), nor a statesman in the more limited sense of being a legislator or Cabinet officer, framing laws and moulding the internal policy of a government; and yet he was a sagacious statesman in securing an indispensable territorial possession which under a foreign flag would have been a perpetual irritant. The business of diplomacy is to secure peace, settle or lessen differences, and prevent hostilities. The acquisition of Florida, although the negotiation was protracted, irritating, patience-trying, and although the two countries were often on the narrow edge of war, was at last made without a drop of human blood. How much better than the hurried acquisition of Texas at the cost of a bloody war and a continuous feud between neighboring republics! Florida, as she prefers free government to subordination to a foreign monarchy, as she values her co-equality in a Union of States, ought to link the name of ERVING to her history by calling after him a City or County or Institution of learning.

J. L. M. CURRY.

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