

THE MISSION OF CHARLES TODD TO COLOMBIA

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## THE MISSION OF CHARLES TODD TO COLOMBIA

In order to better understand the work of Charles Scott<sup>1</sup> Todd in Colombia, it is well to know something of his personal and public life. His birth occurred near Danville, Kentucky, on January 22, 1791.<sup>2</sup> He was the son of Elizabeth Harris Todd and Judge Thomas Todd,<sup>3</sup> Associate Justice of the United States Supreme Court.<sup>4</sup> His parents sent him to the best schools of Kentucky, after which he graduated from William and Mary College in Virginia, the state from which his father and mother had emigrated.<sup>5</sup>

Volunteering in the War of 1812, he became division judge-advocate of Kentucky troops and was sent by General William Henry Harrison with private instruction to General James Winchester in Michigan. After Todd returned to Kentucky, he was recommended for a captaincy in the regular army of General Harrison and received the appointment, later becoming aide to that commander.<sup>6</sup> There is a diagram of the Battle of Thames planned by Todd and in his own handwriting. At this battle, the great Indian

<sup>1</sup>Stewart cited as middle name in Biographical Encyclopedia, 792.

<sup>2</sup>National Cyclopedia, I, 409.

<sup>3</sup>Willis, History of Shelby County, 153.

<sup>4</sup>Green, Historic Families of Kentucky, 191.

<sup>5</sup>Willis, History of Shelby County, 153.

<sup>6</sup>Appleton, Cyclopedia of American Biography, VI, 127.

chief, Tecumseh, was killed by Todd who was acting under Isaac Shelby, the first governor of Kentucky.<sup>7</sup> Todd was also chief of staff to General Harrison during the Indian Wars.<sup>8</sup> These two men had many of the same interests which resulted in a lasting friendship.

Todd studied law with his father, attended lectures on the subject at Litchfield, Connecticut, and then began his practice in Lexington, Kentucky.<sup>9</sup> He married Shelby's youngest daughter, Letitia. He was elected Secretary of the Commonwealth of Kentucky, and later represented Franklin County in the state legislature. At the age of twenty-nine he was appointed charge d'affaires to Colombia. After his return to the United States in the spring of 1824, he was occupied with farming in Shelby County, Kentucky. As Vice-president of the Kentucky State Agricultural Society,<sup>10</sup> he was very active.

Todd supported the claims of Henry Clay to the presidency, but on his withdrawal as a candidate in 1835, Todd aided Harrison by editing the Cincinnati Republican, a Whig newspaper. On invitation of the states of Ohio and Kentucky Todd prepared a biography of this civil and military character which was published in Cincinnati and enjoyed wide circulation.<sup>11</sup>

<sup>7</sup> Journal of American History, II, 283.

<sup>8</sup> Speed, The Political Club, 47.

<sup>9</sup> Willis, History of Shelby County, 153.

<sup>10</sup> Collins, History of Kentucky, I, 583.

<sup>11</sup> Appleton, Cyclopedia of American Biography, VI, 127.

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After the election of 1840, President-elect Harrison was accompanied to Washington by Todd, who had been chosen as United States minister to Austria, but the death of the President a month after inauguration prevented the appointment. Tyler gave Todd the mission to St. Petersburg, which he held until displaced by Polk. Todd had the honor of being the first foreigner ever admitted to membership in the Imperial Agricultural Society.<sup>12</sup> During his stay in that country he was treated with the most marked consideration.<sup>13</sup>

Following the Mexican War, Todd was on the commission appointed to treat with the Indian tribes on the Mexican border and drew up the final report of the commission for the government. While in Texas on the mission, general attention was attracted to several articles which he had written urging a railroad through the south to the Pacific. When the Civil War began, he offered his service to the government at Washington, but for some reason, perhaps age, the War Department was unable to give him a command.<sup>14</sup>

Throughout his life he was often the leader at public meetings and was the author of many articles on religion, agriculture and politics.<sup>15</sup> His wife died near Owensboro, Kentucky, on July 22, 1868. While visiting in Baton Rouge,

<sup>12</sup>National Cyclopedia, I, 409.

<sup>13</sup>Willis, History of Shelby County, 154.

<sup>14</sup>Biographical Encyclopedia of Kentucky, 518.

<sup>15</sup>Collins, History of Kentucky, II, 712.

Louisiana, he was taken ill and died on May 14, 1871, after an eventful life of eighty years.<sup>16</sup>

Todd, stoutly built and of medium height, resembled Louis Philippe of France. He was a man of fine and imposing manners, and his kind and conciliatory ways were among his outstanding characteristics. "Todd was warmly and earnestly devoted to his country and was one of the most dignified, scholarly, able and accomplished diplomats, who ever represented our government in foreign courts."<sup>17</sup>

Informing Todd of his appointment to Colombia as Agent for Commerce and Seamen, John Quincy Adams, Secretary of State of the United States, wrote:

"The agency, being to a country in a state of revolution, and to authorities not recognized as established governments, is not as yet of a public nature. The time of its continuance is not susceptible of being immediately ascertained, but will be contingent on the course of events. It will, however, probably be of a period not shorter than two or three years. Its object will be to obtain correct information concerning the state of that country and the interesting events of which it is the theatre; to promote and maintain relations of friendship and reciprocal good will between inhabitants of their country and ours; and to obtain indemnity for certain individual claims of citizens of the United States."<sup>18</sup>

Since Baptis Irvine, United States agent to Venezuela, had been unsuccessful in obtaining compensation for the claims, Todd was instructed to take care of and finish that business.<sup>19</sup>

<sup>16</sup>Collings, History of Kentucky, I, 583.

<sup>17</sup>Biographical Encyclopedia of Kentucky, 518.

<sup>18</sup>Paxson, The Independence of the South American Republics, 163.

<sup>19</sup>Letter to Todd, February 22, 1820, Wriston, Executive Agents, 425.

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Todd received a copy of his instructions, because they revealed the general view of the President concerning the agency. Redress was to be pursued with discretion and moderation toward the existing authority, which would be due to any government firmly established and universally recognized.<sup>20</sup> If the question of formal recognition was raised, he was instructed to reply that he had not been authorized to discuss the subject.<sup>21</sup> Todd was accredited to both Venezuela and New Granada, on the understanding that they were to be united. Since he was a charge,<sup>22</sup> his salary was \$4, 500 a year.<sup>23</sup>

In July 1820 Todd arrived at St. Thomas on Margarita Island, where he made his headquarters for a year. Following out his instructions he endeavored to obtain information on the state of Colombia and the affairs taking place there, and to obtain indemnity for claims of individuals.<sup>24</sup> One of the first matters to come to his attention was the relation between Colombia and Spain. He reported soon after his arrival that two commissioners representing the Spanish Government had stopped over at St. Thomas on their way to the Congress of Angostura with full powers to grant everything but independence.<sup>25</sup> General Morillo, Spanish military leader, made a

<sup>20</sup> Manning, Diplomatic Correspondence, I, 155.

<sup>21</sup> Paxson, The Independence of the South American Republics, 169.

<sup>22</sup> Wriston, Executive Agents, 426.

<sup>23</sup> Annals of Congress, XXXII, 1466.

<sup>24</sup> Wriston, Executive Agents, 425.

<sup>25</sup> Manning, Diplomatic Correspondence, II, 1191.

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proposal to guarantee to Bolivar and his officers their respective grades, if they would subscribe to the new constitution of Spain, but this was refused by Bolivar.<sup>26</sup>

Enclosing copies of an extract from the President's message to Congress,<sup>27</sup> Todd wrote to General Arismendi and other Heads of Departments on the Island:

"I experience great satisfaction in the occasion, which thus allows me to assure you, of the lively interest, the Government of the United States feel for the success of their Columbian brethren; of their confidence in the constancy and valor displayed in the struggle; and of their firm reliance on the ultimate accomplishment of the revolution."<sup>28</sup>

General Arismendi informed Todd of an interview between Bolivar, patriot leader, and Morillo, royalist leader, in which the latter admitted that he could not hope to succeed, and that he would proceed to Spain to exert himself in procuring Colombian recognition, if the former would grant an armistice. This Bolivar did in a moment of generosity, but war was renewed shortly.<sup>29</sup> Two years later, in a letter to Adams, Todd wrote that the people were determined to maintain their independence and that the revolution was developing, although it was not yet complete.

Simultaneously, a "crusade" had started, that had "the object not only of smothering the revolution, but also of

<sup>26</sup>Manning, Diplomatic Correspondence, II, 1200.

<sup>27</sup>November 14, 1820, Richardson, Messages and Papers of the Presidents, II, 73.

<sup>28</sup>Manning, Diplomatic Correspondence, II, 1203.

<sup>29</sup>Urrutia, Páginas de Historia Diplomática, 321.



distributing among the European sovereigns and her descendants, the Spanish power in Mexico." In anticipation of the result, Great Britain appropriated her share by the occupation of Cuba, which ultimately might have been extended to Mexico and the Isthmus of Panama. Todd maintained his belief in this case, that the valuable and vulnerable portion of the United States dependent on the Gulf of Mexico, would be exposed and the commerce of the United States subject to any imposition prescribed.<sup>30</sup>

In February 1823 Todd had a conference with Pedro Gual, Colombian Minister of Foreign Affairs, who said that Colombia could not admit Robert K. Lowry to the exercise of consular powers, because his commission was addressed to the citizens of the United States in the port of La Guayra. Todd replied that since the United States had formally recognized Colombian independence, they would no doubt complete the consular, as well as the diplomatic relations, at the next session of Congress. He also explained that his government had been obtaining information of the ports where consulships should be established. He did not go any farther, expecting that Lowry's regular commission would soon arrive.<sup>31</sup>

Another affair which concerned both countries was the effort toward continental union. Todd informed Adams of proposed negotiations of treaties of friendship, which would aim toward a

<sup>30</sup>Urrutia, Páginas de Historia Diplomática, 327.

<sup>31</sup>Manning, Diplomatic Correspondence, II, 1243.

political union of American states. Todd, informing Adams, said that Gual told him that "proposals had been made by the Portuguese government at Lisbon, to Colombia, for a general confederacy of All America, North and South, together with the constitutional governments of Portugal and Spain, as a counterpoise to the European Holy Alliance, and he said they had been rejected on account of their European aspect."<sup>32</sup>

Shortly after Todd arrived in St. Thomas, he also communicated with Juan German Roscio, Vice-president of Colombia, notifying that the duty, as well as the policy, of the United States in the struggle between Spain and her colonies, had been and would remain impartially neutral. Continuing, he mentioned the fact that Spain at the Congress of Aix la Chapelle had endeavored to procure the mediation of the Allied Powers of Europe, in the restoration of dominion over her colonies, and that the United States by refusing to join in the mediation upon any other terms than complete recognition, became the instrument of defeating the proposal and of neutralizing all the European powers.<sup>33</sup> Todd used this occasion to acknowledge the great satisfaction it gave him to be the official instrument of promoting and maintaining sentiments of friendship and reciprocal good will between the people and the governments of the respective countries.<sup>34</sup>

<sup>32</sup>American State Papers, Foreign Relations, V, 894; Manning, Diplomatic Correspondence, II, 1239.

<sup>33</sup>Manning, Diplomatic Correspondence, II, 1193.

<sup>34</sup>Ibid., 1194.

The negotiation and final ratification of the treaty ceding the Floridas to the United States was one of the incidents which affected the relations between the United States and Colombia, but it was the only incident in which Todd was involved. The treaty of cession was signed by the United States on February 22, 1819, but Spain delayed the final ratification. In the meantime the Spanish government attempted to exact a promise, as a condition of ratification, that the United States should abandon the right to recognize the revolution. This the United States refused.<sup>35</sup> Gual told Todd that one reason for the delay was that the United States renewed to Great Britain alone, the proposition made to all the European powers earlier, to unite in a simultaneous recognition. Great Britain not only declined but informed Spain of her refusal.<sup>36</sup> Concerning this incident, Todd informed Adams that Gual criticized the faithless conduct of Great Britain.<sup>37</sup>

Following the ratification by Spain, the United States proceeded to recognize Colombia. In January 1822 Adams wrote to Todd, who had returned to the United States in the spring of 1821 to regain his health,<sup>38</sup> that formal recognition of the Republic of Colombia would probably ensue at no distant day.<sup>39</sup>

<sup>35</sup>Lockey, Pan-Americanism, 196.

<sup>36</sup>Urrutia, Páginas de Historia Diplomática, 324.

<sup>37</sup>Manning, Diplomatic Correspondence, II, 1238.

<sup>38</sup>Ibid, 1204.

<sup>39</sup>Patson, The Independence of the South American Republics, 172.

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As there was some doubt in President Monroe's mind whether the two countries intended to exchange the same grade of representative, he deliberated over sending Todd back to Colombia. If he sent him, Todd could ascertain which grade the Colombian government wished and could make prompt representations against an act of Colombia which had provided a discriminating duty unfavorable to the United States. It was decided to send Todd, in an endeavor to obtain an explanation or repeal of the duty, so that the commercial relations of the United States with Colombia would be on an equal footing with the most favored nation, whether European or American.<sup>40</sup>

Todd returned to Colombia, but this time he made his residence at Bogotá, the seat of government of the Republic. Since Torres, Colombian chargé d'affaires to the United States, had informed Adams that a minister plenipotentiary would shortly be appointed to the United States and authorized to negotiate a treaty of commerce, Todd was to make known to the Colombian government that the United States government would send a minister of equal rank.<sup>41</sup>

Todd communicated to Gual the documents exhibiting the recognition of the independence of the Republic by the United States, and the dispositions of the United States to enter into relations.<sup>42</sup> Gual declared that his fellow-citizens had never despaired that "their

<sup>40</sup>Wriston, Executive Agents, 318.

<sup>41</sup>Manning, Diplomatic Correspondence, I, 160.

<sup>42</sup>Moore, A Digest of International Law, I, 90.

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brothers of the United States would be the first to do justice to the Colombian people."<sup>43</sup> He also said that Colombia entertained the most friendly feelings toward the United States and Colombia wanted to establish and maintain the most cordial relations. Todd replied that his government had always reciprocated the kind feelings of Colombia, but that his government asked no exclusive privileges.<sup>44</sup> Later he told Santander that personally and as a representative of the United States he had always cherished a deep solicitude for the welfare of Colombia, and that he had made great domestic sacrifices to be the instrument of cultivating the most cordial relations between the two countries.<sup>45</sup>

The manner in which Todd was received by the Colombian people proved the sincerity of the government as well as of the people in their recognition by the United States. Todd was received with much enthusiasm at La Guayra and was escorted by respectable citizens on horseback to Caracas, where feasts and balls were given in his honor. At one of the dinners, Todd gave the following toast, "The memory of Manuel Torres, late chargé des affaires of Colombia, in the United States, the Franklin of South America,"<sup>46</sup> "In the

<sup>43</sup>Robertson, Hispanic-American Relations, 34.

<sup>44</sup>Manning, Diplomatic Correspondence, II, 1229.

<sup>45</sup>Ibid., 1231.

<sup>46</sup>Náles' Weekly Register, XXIII, 232.

reception which the Authorities of La Guayra and of this City were pleased to give me, I had the satisfaction to recognize the very high respect they entertain for the Government of the United States, and of their Gratitude for the generous interest always manifested in their welfare, and especially for the late act of acknowledging their Independence."<sup>47</sup> Todd and his secretary, Mr. R. Adams of Richmond, Virginia, then proceeded to Bogota,<sup>48</sup> Arriving there on December 24, 1822.<sup>49</sup> In 1823, at a dinner celebrating George Washington's birthday, Todd presided and was ably assisted by Colonel Duane, former editor of the Aurora.<sup>50</sup> Early in the same year, Todd arranged a party including his family, his secretary, Colonel Duane, and several officers, to visit the Cataract of Taquendama.<sup>51</sup>

When Monroe sent Todd back to Colombia with the documents of recognition, he instructed him to investigate the discriminating duty on products from the United States.<sup>52</sup> By an act of the Congress of Colombia of September 25, 1821, an impost duty of 7½ percent was laid on all articles imported from North America, additional to the duties on like articles imported from Europe.<sup>53</sup> The important object for Colombia

<sup>47</sup> Manning, Diplomatic Correspondence, II, 1224.

<sup>48</sup> Duane, A Visit to Colombia, 51.

<sup>49</sup> Niles' Weekly Register, XXIV, 39.

<sup>50</sup> Ibid., 245.

<sup>51</sup> Duane, A Visit to Colombia, 490.

<sup>52</sup> Wriston, Executive Agents, 318.

<sup>53</sup> Adams, J. Q., Writings, VII, 456.

was to legislate in the mode which would afford the strongest inducement to foreign governments.<sup>54</sup> Another motive was their belief that the United States by signing with Spain the treaty on the cession of the Floridas, had been obliged not to recognize the independence of the new Hispanic-American states.<sup>55</sup> Todd had made arrangements in February 1821, to have accurate information of the proceedings at Cúcuta transmitted to him, because of his return to the United States.<sup>56</sup> When informed of the reason for the discriminating duty by Judge Peña, a member of that Congress and of the Supreme Court, Todd expressed his surprise that such an impression should prevail after Colombia's knowledge of his mission in 1820 and 1821. Peña assured Todd that neither himself nor the Congress at Cúcuta knew that he had been deputed to Colombia in 1820, and that if they had known these circumstances, the United States would not have been the object of unfavorable discrimination.<sup>57</sup> The day following, Peña received Todd's correspondence of 1820 and 1821, which had been delivered at that time to General Nariño, then vice-president at Cúcuta. Todd was positively assured by Peña, that he would

<sup>54</sup>Manning, Diplomatic Correspondence, II, 1241.

<sup>55</sup>Urrutia, Páginas de Historia Diplomática, 328.

<sup>56</sup>Manning, Diplomatic Correspondence, II, 1204.

<sup>57</sup>Ibid., 1254.

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lose no time nor opportunity in making known the delusion under which they had acted.

On June 1, 1823, Todd sent to Santander, Vice-president and acting President of Colombia, a translation of his commission dated April 20, 1820 and of the correspondence which was started with the authorities of Colombia from August 2, 1820 to February 15, 1821. This was done in the belief that since these affairs had not been made known to the Congress, they might still be unknown to Santander. He declared that his letter of August 2, 1820 was received by the government of Angostura the following month and that the one of February 15, 1821 was delivered to General Nariño before May of that same year.<sup>58</sup> Todd felt obliged from a sense of duty to state his belief that the existence of his mission was known to Gual, who was a member of the Congress, and that the papers concerning the events were withheld by the Executive and Secretary of Foreign Affairs.

As to the treaty ceding the Floridas, Todd said that his letter of August 2, 1820,<sup>59</sup> showed that the government of the United States could not accede to the stipulation of a promise never to recognize and that the government of the United States could not discuss a proposition so incompatible with their honor and independence.<sup>60</sup> The sincere desire

<sup>58</sup> Archivo Santander, X, 194; Manning, Diplomatic Correspondence, II, 1255.

<sup>59</sup> Manning, Diplomatic Correspondence, 1193.

<sup>60</sup> Archivo Santander, X, 195; Manning, Diplomatic Correspondence, II, 1256.

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which Todd cherished for the preservation of perpetual harmony between the two republics required him to contribute his efforts toward removing sources of future conflict.<sup>61</sup>

Enclosed with his commission and his early correspondence, were extracts of the Messages of the President of December 1817, 1818, 1819, and 1820, revealing the interest of the United States government in the welfare of their southern brothers and voting \$100,000 for the relief of earthquake sufferers. Todd referred to the records of the United States Supreme Court showing that the flag of Buenos Ayres and Cartagena was regarded legal as early as 1815. In presenting his case in this manner he hoped to show conclusive evidence of his deep solicitude for the prosperity of both republics. This feeling induced him to persevere for three years in faithful efforts to bring the two governments into an appreciation of their mutual friendship and interests.<sup>62</sup>

When Gual mentioned the subject of a treaty to Todd in 1822, Todd told him that he had no authority to enter into the negotiations and that he had no knowledge of the wishes of his government as to the place of negotiation. Gual intimated the desire of his government to negotiate in Bogotá. Admitting that he ~~he~~ was not aware of the wishes of his govern-

<sup>61</sup>Archivo Santander, X, 196.

<sup>62</sup>Manning, Diplomatic Correspondence, II, 1257-60.

ment, Todd assured Gual that his government desired to negotiate on terms of equal favor. Gual confided that they felt no distrust of the view of the United States in requesting that the treaty might be arranged in Bogota.<sup>63</sup>

In March 1823, the French agent in Colombia told Gual that he supposed the United States was endeavoring to procure exclusive advantages because they had been the first to recognize, but Gual defended the United States by referring to its uniform policy.<sup>64</sup> A conference of Colombian officials was held to confer on the leading measures of the suggested treaty, and among others, it was proposed to offer to the United States certain exclusive advantages for five years, as a compliment of their recognition, but Gual defeated it though the other members approved.<sup>65</sup>

Concerning the proposal, Todd wrote:

"I have already suggested to you my belief that there was no great solicitude entertained here for the formation of a Treaty and the desire in maintaining the negotiations in this Capital was only another mode of procrastination. .... I am enabled to add the declaration lately made by the Secretary of the Treasury, that this Government in consequence of the late course pursued by the Cortes, has communicated informally to the Courts of Spain and Great Britain, its readiness, as a condition of recognition by Spain, to assume a portion of its public debt, furnish aid in Troops for the common defense, secure to Spain, alone, certain commercial advantages and to form no Treaty with any other power."<sup>66</sup>

<sup>63</sup>Manning, Diplomatic Correspondence, II, 1231-34.

<sup>64</sup>Ibid., 1245.

<sup>65</sup>Ibid., 1253.

<sup>66</sup>Letter to Adams, July 29, 1823, Ibid., 1265.

Torres, charge d'affaires to the United States from Colombia, had proposed that the treaty be negotiated in Washington, but the views of the Colombian government changed. Gual intimated confidentially to Todd that it desired to establish a precedent which might influence the European governments and thereby hasten recognition of Colombian independence.<sup>67</sup> Todd knew that the Colombian government wished to avoid any measure which might appear in Europe as under the influence of the United States. Gual said that Colombian rights would be best guarded by negotiations at home. He felt that whatever confidence the government might give to its ministers deputed to Europe, it was possible that they might be influenced to abandon in some degree the charge committed to them. Todd told Gual that he believed the government of the United States desired to follow the established precedent of treaties, celebrated between a new state and others, by contracting to make it in the territory of the latter.<sup>68</sup>

In November 1823, Adams held a conference with Salazar, Colombian minister to the United States, who spoke with regret of the misunderstanding between Gual and Todd.

<sup>67</sup>Manning, Diplomatic Correspondence, I, 200.

<sup>68</sup>Urrutia, Páginas de Historia Diplomática, 323.

<sup>69</sup>Adams, J. Q., Memoirs, VI, 219-220.

Although Salazar had been instructed not to complain, he mentioned a letter from Todd to <sup>O</sup>Blivar, which had been very offensive. He also brought copies of some of Todd's correspondence, one paper being very unusual. It was addressed to Santander, requesting an exequatur for a consul. Todd, as an agent of the United States could not properly make such a demand as a private citizen, and besides, he could not properly make such a demand other than thru Gual, Secretary of Foreign Affairs for Colombia.

Todd thought that Gual was unfavorably disposed towards the United States in the transactions relating to the repeal of the discriminating duty,  $7\frac{1}{2}$  percent higher on importations from American than from Europe. Todd asked Vice-president Soublette to supersede the levying of this extra duty, which he did. Todd was forced to this method of action because Gual was opposed to the repeal. Todd disliked Gual's lack of cordiality in intercourse and his unfriendliness towards the United States. He also lost confidence in Gual because he let a jealous and prejudiced foreigner translate his letters. These circumstances, according to Todd, precluded the hope of obtaining justice and conciliation through Gual and imposed on himself the duty of avoiding any measure which might afford Gual the opportunity of widening the breach. <sup>70</sup>

<sup>70</sup> Manning, Diplomatic Correspondence, II, 1264.

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