

18th CONGRESS, }
1st SESSION.

[119]

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES.

TRANSMITTING THE INFORMATION

Required by a Resolution of the House of Representatives, of 27th February last.

IN RELATION TO THE SUPPRESSION

OF THE

African Slave Trade.

MARCH 20, 1824.

Read: Ordered that it lie upon the table

WASHINGTON:

PRINTED BY GALES & SEATON

1824.

MESSAGE.

TO THE HOUSE OF REPRESENTATIVES:

I transmit, herewith, to the House of Representatives, a report from the Secretary of State, with the papers therein referred to, in compliance with a resolution of that House, of 27th January last.

JAMES MONROE.

WASHINGTON. 19th March, 1824.

DEPARTMENT OF STATE,

WASHINGTON, 18th March, 1824.

The Secretary of State, to whom has been referred a resolution of the House of Representatives, of the 27th of January last, requesting the President to communicate to that House such part, as he may not deem inexpedient to divulge, of any correspondence, or negotiation, which he may have instituted with any foreign Government, since the 28th of February, 1823, in compliance with a request contained in a resolution of the same House of that date, relative to the denunciation of the African Slave trade as piracy, has the honor to submit to the President copies of the correspondence requested.

JOHN QUINCY ADAMS.

LIST OF PAPERS SENT.

1.	Mr. Canning to Mr. Adams,	- -	29 Jan'y.	1825.
2.	Mr. Adams to Mr. Canning,	- -	31 Mar.	do.
3.	Mr. Canning to Mr. Adams,	- -	8 April	do.
4.	Mr. Adams to Mr. Canning,	- -	24 June	do.
5.	Mr. Adams to Mr. Nelson,	(Extract)	28 April	do.
6.	Same to Mr. Rodney,	do	17 May	do.
7.	Same to Mr. Anderson,	do	27 May	do.
8.	Same to Mr. Rush, with one enclosure; Convention Slave trade,	(Extract)	24 June	do.
9.	Same to Mr. Middleton,	(Copy)	28 July	do.
10.	Same to Mr. Everett,	do	8 August	do.
11.	Same to Gen. Dearborn,	(Extract)	14 do	do.
12.	Mr. Rush to Mr. Adams,	(Extracts)	9 October	do.
13.	Mr. Sheldon to same,	do	16 do	do.
14.	Same to same, with two enclosures; correspondence with Viscount Chateaubriand,	- - - (Extracts)	5 Nov.	do.
15.	Mr. Everett to Mr. Adams, with two enclosures; correspondence with Baron Nagell,	- - - (Extracts)	20 Nov.	do.

Mr. Canning to Mr. Adams.

WASHINGTON, January 29, 1823.

SIR: To the complete abolition of the African slave trade, Great Britain, as you are well aware, has long devoted her anxious and unremitting exertions; she availed herself, during war, of her belligerent rights, and extended dominion in the colonies, to put down the inhuman traffic; in peace, she has spared no labor, and shrunk from no sacrifice, to supply, by a general co-operation of the maritime powers, whatever has been withdrawn from her peculiar control by the cessation of hostilities, and the colonial arrangements consequent on that event. It is matter of deep regret to his majesty's Government, that the result of their exertions is far from corresponding either to the cause which demands, or to the zeal which sustains them. The pest, which they have pledged themselves to destroy, if it be in human power to destroy it, not only survives, to the disgrace and affliction of the age, but seems to acquire a fresh capacity for existence with every endeavor for its destruction.

To whatever fatality it may be owing, that, while the obligation of adopting and enforcing measures for the extermination of the slave trade, is solemnly acknowledged by the civilized world, this great object seems rather to elude the grasp than to approach its consummation. Great Britain perceives, in the postponement of her hopes, however mortifying for the moment, no reason either to relax from her efforts, or to abandon the expectation of final success. Impelled, by the noblest motives, to persevere in the cause of abolition, and mindful by what slow laborious steps the present point has been attained, she looks forward, through surrounding obstacles, to that triumphant accomplishment of her purpose, the benefit and glory of which will only be rendered more signal by the difficulties attendant on its progress.

In calling on Europe and America to join with them in the discharge of this sacred duty, his majesty and his ministers have appealed, sir, with the more confidence, to your Government, as the United States have long proclaimed their decided hostility to the slave trade, and are surpassed by no country in the vigor of their legislative enactments for its repression. The identity of principle, existing on this subject, between the two Governments, is distinctly recorded in the treaty of peace; and, in answer to every proposal which has since, by his majesty's command, been addressed to your cabinet, for redeeming that pledge, by a broad and effectual application of the principle, a fresh assurance has been given of the unceasing interest with which the United States continue to promote the cause of abolition. When, to this accord, in principle and sentiment, is added the conviction, avowed by both parties, that, in spite of laws and treaties, the accursed traffic still thrives, under the eyes of an in-

dignant world, it would seem impossible that the two powers should be long prevented from concerting a joint system of measures against the common object of their abhorrence and just proscription. Whatever circumstances, views, or impressions, may have hitherto defeated this expectation, his majesty's ministers are still unwilling to despair of finding the United States at length prepared either to close with the system of concert already offered to their acceptance, or to suggest a plan of equal efficiency in its place. The alternative embraces a duty, for the performance of which both countries are responsible before God and man.

A deep sense of this duty, and a reliance, by no means relinquished, on the general disposition of the United States, have prompted the several communications on this question, which have been addressed to you at successive periods, either through me or by means of the American Envoy in London. You will readily call to mind, sir, that, in the course of last summer, I apprized you of the intention of his majesty's ministers to press for an early re-consideration of the subject, submitting whether it might not prove agreeable to the American cabinet to anticipate that intended recurrence to it on the part of Great Britain, by some efficient proposal, originating with itself. I took occasion, in repeated conversations, to urge anew those various arguments which support and justify the opinion of his majesty's Government; and I also placed in your hands the official papers, then recently printed by order of Parliament, in further evidence of the extent to which the traffic in human beings was still carried on from Africa, under circumstances of aggravated cruelty. In declaring, as on former occasions, the readiness of his majesty's ministers to examine, with respect and candor, whatever scheme of concert, if any, the American cabinet might think proper to bring forward, as a substitute for theirs, you will remember how strongly I expressed my belief that the only effectual measure devised, or likely to be devised, was a mutual concession of the right of search. In the exercise of that right, under such guards, and with such limitations, as may serve to tranquilize the most apprehensive and scrupulous minds, it is still conceived that the best and only cure for this intolerable mischief is to be found. You assured me, at a subsequent conference, that my representations had been duly submitted to the President. I wish it were in my power to add, that the cause, which I pleaded, had prevailed.

From the printed documents which I had the honor of communicating to you, it appears that the French flag is more particularly employed to cover the illicit trade on the coast of Africa. It would, perhaps, be unfair to conclude, that French property and French subjects are concerned to the full proportion in which the colours of that nation are used; but it is manifest, that both are engaged in this commerce of blood, to an extent which reflects discredit, if not on the motives of the French administration, at least on the efficiency of its measures; and makes it imperative on those governments which are pledged to each other for the suppression of the Slave

Trade, to declare their reprobation of what is at best a culpable remissness, and to omit nothing that may rouse the French cabinet to a more active exercise of its authority.

It was a part of my instructions to bring this point under your immediate consideration, and to intimate that the remonstrances of his Majesty's ambassador at Paris, might be attended with more effect, if the American envoy at that Court were directed to concur with his Excellency in a joint representation on the subject. It would be idle at present to repeat the arguments adduced in executing this instruction. The answer which you returned in the name of the President, was unfavorable to the step I had suggested; and such was the result which it became my duty to announce to his majesty's Secretary of State. But no doubt was started with respect to the grounds on which my application rested; and, of those notorious facts, to which I referred, as calling for a joint and impressive appeal to the good faith and good feelings of the French government, you seemed to be equally convinced with myself.

The reasons, indeed, which you allege for declining at that time to comply with a proposal, no less simple in its nature than useful in its object, I understood to be rather of a temporary character; and under this impression, I cannot but hope, that the period is now arrived when they will no longer be found to stand in opposition to the great considerations involved in this question.

In repeating, therefore, the invitation which I have already had the honor to convey to you on the part of his majesty's government, it only remains for me to request an early communication of the intentions at present entertained on this head by the government of the United States.

I beg, sir, that you will accept the assurance of my distinguished consideration.

STRATFORD CANNING.

To the Hon. JOHN QUINCY ADAMS,
Secretary of State, &c.

Mr. Adams to Mr. Canning.

DEPARTMENT OF STATE,

Washington, 31st March, 1823.

SIR: YOUR letter of the 29th of January, was, immediately after being received, submitted to the consideration of the President of the United States. The delay which has hitherto procrastinated a reply to it, has been occasioned, not by any abatement of the interest, on the part of the Government of the United States, with which it regards every effort and proposal for the full and final suppression of the African Slave Trade: nor by any hesitation with regard to the decision which had already been formed and declared respecting the proposal of submitting the vessels and citizens of the United States, to the search of foreign officers upon the high seas; but by

an expectation that measures contemplated by the national House of Representatives, might, before the close of the session of Congress, indicate to the Executive government of this country, views upon which it would be enabled to substitute a proposal for accomplishing the total abolition of the traffic, more effectual to its purpose, and less liable to objections, on other accounts, than that to which the United States cannot be reconciled, of granting the right of search. These measures were matured in the branch of the Legislature where they originated, only at the very termination of the session; and the Senate had not the opportunity of pronouncing its opinion upon them. There is, however, no doubt on the mind of the President, that they would have obtained their sanction; and he has, therefore, no hesitation in acting, so far, upon the expressed and almost unanimous sense of the House, as to declare the willingness of this Union to join with other nations in the common engagement to pursue and to punish those who shall continue to practise this crime, so reprobated by the just and humane of every country, as enemies of the human race, and to fix them, irrevocably, in the class, and under the denomination of pirates.

I have the honor of enclosing herewith, a copy of the 4th and 5th sections of a law of the United States, passed on the 15th of May, 1820; by which it will be seen, that any citizen of the United States, being of the crew or ship's company of any *foreign* ship or vessel engaged in the Slave Trade, or any person *whatever*, being of the crew, or ship's company of *any* ship or vessel, owned in the whole or part, or navigated for, or in behalf of, any citizen or citizens of the United States, participating in the Slave Trade, is declared to have incurred the penalties of piracy, and made liable to atone for the crime with his life. The legislation of a single nation can go no further, to mark its abhorrence of this traffic, or to deter the people subject to its laws, from contamination, by the practice of others.

If the inference in your letter of the 29th of January, from the documents to which it refers, be correct, that the French flag is more particularly employed to cover the illicit trade on the coast of Africa; and the conjecture likewise suggested in it, that this flag is used to cover the property and the persons of individuals bound to other allegiances, be well founded, this statute makes every citizen of the United States, concerned in such covered traffic, liable, if detected in it, to suffer an ignominious death. The code of Great Britain herself, has, hitherto, no provision of equal severity in the pursuit of her subjects, even under the shelter of foreign banners, and to the covert of simulated papers and property.

I am directed by the President of the United States to propose, on their part, the adoption, by Great Britain, of the *principle* of this act; and to offer a mutual stipulation to annex the penalties of *piracy* to the offence of participating in the Slave Trade, by the citizens or subjects of the respective parties. This proposal is made as a substitute for that of conceding a mutual right of search, and of

a trial by mixed commissions, which would be rendered useless by it. Should it meet the approbation of your government, it may be separately urged upon the adoption of France, and upon the other maritime powers of Europe, in the manner most conducive to its ultimate success.

I have the honor of tendering to you the renewed assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

The Right Hon. STRATFORD CANNING,

*Envoy Extraordinary and Minister Plenipotentiary
from Great Britain.*

Mr. Canning to Mr. Adams.

WASHINGTON, *April 8th, 1823.*

SIR: I have received your official letter, dated the 31st ultimo, in answer to that which I had the honor of addressing to you on the 29th of January; and, together with it, a transcript of the 4th and 5th sections of an act of Congress, approved the 15th of May, 1820.

From this communication, I learn that the Government of the United States is willing to join with other powers in declaring slave trade piracy, under the law of nations, and treating the perpetrators of this crime as enemies of the human race; that the American Government is further prepared to enter into a formal engagement with Great Britain, to the effect of carrying the principle just specified into immediate operation, reciprocally as to their respective subjects or citizens; and finally, that, as soon as this proposal shall be accepted by the British Government, the United States will be ready to concur in pressing its adoption on the court of France, and other maritime powers, in such manner as may afford the fairest prospect of success.

In whatever degree His Majesty's Government may be disposed to receive this offer, as an acknowledgment that measures more efficient than any now generally in force, are indispensable for the suppression of the slave trade, it is not difficult to foresee, that fresh sentiments of regret will be excited, by the unfavorable view which the American administration continues to take of the principal measure suggested on the part of His Majesty. That measure, you are well aware, Sir, is a mutual limited concession of the right of search; and though, as I have frequently stated, his Majesty's Government, in adopting it by treaty with several of the maritime powers, and in recommending it with earnestness to the acceptance of others, particularly of the United States, have never opposed the consideration of any other plan, brought forward as equally effective;

yet, having, from the first, regarded it in conscience as the only true and practical cure for the evil in question, they are naturally anxious, from a deep sense of duty, to place it in its proper light, and to guard it, as far as possible, from prejudice or misconception. I, therefore, deem it of importance, on this occasion, to bring into one point of view, the several limitations under which it is conceived, that the right of search might be so exercised, as to clear it of every imaginable difficulty. To give the intended limitations their just value, it is requisite to bear in mind the particular objections, which have been urged against the interchange of a right of search; and for these, in their full extent, I can hardly be wrong in referring to your previous correspondence, since the last communication which I have received from you on this subject, though it describes the impressions of the American Government as remaining unaltered, does not exhibit any argument in support of their opinion.

In answer to that class of objections which relate to the mixed commissions established by treaty, between His Majesty and the courts of Lisbon, Brussels, and Madrid, it may suffice to remind you of the intimation conveyed through Mr. Rush, in the early part of last year, which I had subsequently the honor of confirming at the Department of State. It might be expected, that any arrangement for the adjudication of vessels engaged in the slave trade, independent of those tribunals, would either leave the detained vessels to be disposed of in the ordinary way, by the sentence of a court of admiralty in the country of the captor, or place them under the jurisdiction of a similar court in the country to which they belonged. On the former supposition, it is not to be anticipated, that the United States could hesitate to admit the jurisdiction of a foreign court of admiralty, when sanctioned by mutual agreement, over the persons and property of citizens, abandoned to a pursuit, so flagrantly iniquitous, as to be classed by the Legislature of their country with crimes of the most heinous description, and which the American Government has declared its willingness to treat as piracy, under the law of nations. Great Britain, for her part, desires no other than that any of her subjects, who so far defy the laws, and dishonor the character of their country, as to engage in a trade of blood, proscribed not more by the acts of the Legislature, than by the national feeling, should be detected and brought to justice, even by foreign hands, and from under the protection of her flag. In either of the supposed cases, it is clear that all impediments connected with the forms of proceeding, and peculiar construction of the mixed commissions, would be completely avoided; and, with respect to any embarrassment attending the disposal of condemned vessels, and liberated slaves, it has already been suggested by a committee of the House of Representatives, that the provisions of the act of Congress, passed the 5d of March, 1819, might be applied to them without difficulty or inconvenience.

The question being thus relieved from all connection with the mixed commissions, every constitutional objection, arising out of their alleged incompatibility with the institutions of the United States,

is at once removed from consideration. The remaining obstacles may be reduced under the following heads: the unpopularity of the right of search in this country; its tendency, if mutually employed, to produce an unfriendly collision between the two nations; and a certain supposed inequality, which would attend its exercise.

With respect to any doubt of its utility, created by a persuasion that very few vessels, under American colors, have been discovered, for some time past, on the coast of Africa, it requires but little reflection to prove, that no conclusive inference can be drawn from that circumstance. Not to dwell upon the extent and nature of the slave coast, peculiarly favorable to the concealment of trading vessels, it must be remembered, that the United States have maintained, at no time, a greater number of cruizers than two, rarely more than one, and latterly, during several months together, no ship of war, whatever, on the African station. As late as the 14th of January, 1822, it was stated, officially, by the Governor of Sierra Leone, "that the fine rivers Nunez and Pongas, were entirely under the control of renegado European and American slave traders."

But, if it were even manifest, that the active and judicious exertions of your naval officers, in that quarter, had really effected a total disuse of the American flag in slave trading, the right of search would still be most highly desirable, in order to secure and extend so important an advantage. As an example, indeed, to other powers, particularly to France, whose subjects, encouraged by the loose and equivocal measures of their Government, are convicted, by a mass of evidence too strong to be resisted, of being concerned, to a deplorable degree, in this atrocious commerce, the concurrence of the United States in a system of which, the very first result is to augment considerably the means of bringing offenders to justice, can hardly be rated at too high a value. The example which they are called upon to give, is not merely due to the claims of humanity; Great Britain, and the United States, are not only pledged to put down the slave trade, within the limits of their immediate jurisdiction; they are also bound, by solemn obligations, to employ their utmost endeavors for its complete and universal extermination. They have both succeeded in their great and benevolent object, so far as the rigor of legislative enactments is capable of counteracting the temptation of enormous profit, which stimulates the unprincipled avarice of the slave merchant. It is the facility of escaping detection, and not any want of severity in the punishment attached to a violation of their laws, which, as far as they are concerned, requires a more decisive remedy; and, a remedy adequate to the evil, can only be found in such measures as will strip the illicit trader of every disguise, and throw the chances entirely on the side of failure in his inhuman speculations. In the case of search, at sea, the means unavoidably employed in the commission of this crime are fortunately, it may be said providentially, of such a nature, as in general to furnish a plain substantial body of proof, for the conviction of the criminal.

For the satisfaction of those who seriously apprehend that the

friendly relations subsisting between the two countries would be endangered, by the admission of a practice which, in their opinion, must necessarily produce a vexatious exercise of authority on the part of the searching officer, and frequent complaints on that of the merchant, whose vessel is subjected to search, with the supposed aggravation of an unequal pressure on one of the contracting parties, His Majesty's Government would, doubtless, agree to confine the right of visit to a fixed number of cruizers on each side, restricted, in the performance of this duty, to certain specified parts of the ocean, and acting under regulations, prepared by mutual consent, for the purpose of preventing abuses. To these important limitations, if not deemed sufficient, others might easily be added; the arrangement, for example, might be temporary, adopted, in the first instance, for a short period, and only to be continued in the event of its being found, on trial, to operate in a satisfactory manner. With this understanding, a speedy termination would, at least, be ensured, to any objectionable result, attending its operation: and, for the sake of interests as dear to humanity, an experiment, of which the advantage, as to its main object, is certain and complete, the inconvenience, contingent and momentary, might surely be reconciled with a due regard to considerations exclusively national.

Supposing that inconvenience should be found, in practice, to press unequally on either of the two parties, Great Britain, and not the United States, is most likely to have cause of complaint, inasmuch as the greater extent of her trade, especially on the coast of Africa, must naturally expose her, in a greater degree, to any injurious consequences of the agreement. Great Britain, however, is less disposed to shrink from any sacrifice, by which she can materially advance the sacred cause of abolition, than to lament, and, if possible, to dispel those mistaken notions, and unfounded jealousies, which deprive her exertions of their full effect, and serve, but too successfully, to protract the existence of a mischief, which all unite in deploring. In point of principle, the honor of neither flag would be tarnished, by having its protection withdrawn for a season, from those who perpetrate the atrocities of the slave trade; and permit me, sir, to add, that what Great Britain is ready to allow, in a matter so vital to her pride and to her power, may surely be allowed, reciprocally by any other nation, however scrupulous in the maintenance of its maritime independence.

That an agreement between our respective cabinets, founded on a mutual right of search, thus guarded and explained, would fail to obtain the consent of the American Senate, or that a nation so enquiring and enlightened as the United States, would confound the proposed measure with that practice, which afforded matter of painful contention during the last wars in Europe, is what I am extremely unwilling to anticipate. The two objects are, in fact, so totally distinct from each other, in principle, purpose, and mode of execution, that the proposal of the British Government need only be presented to the examination, I will not say of a select and experienced

assembly, but of the people at large, in order to be seen in its true bearings.

So far is the British proposal from tending to commit the American Government on the long disputed question of the belligerent right of search, that, if it may be supposed to touch that question at all, it appears rather to operate in the sense of the United States, than unfavorably for their view of the subject.

The officers entrusted on either side with the duty of examining suspected vessels, would necessarily act under instructions calculated to ensure a perfect harmony between the principle and the application of this conceded right, nor is it to be feared that they would presume, in any case, to extend the visit thus authorized *prosa*, beyond the particular and specified object to which it is meant to be confined.

I have the honor to request, Sir, that you will again accept the assurance of my highest consideration.

STRATFORD CANNING.

Hon. JOHN QUINCY ADAMS,
Secretary of State, &c.

Mr. Adams to Mr. Canning.

DEPARTMENT OF STATE,

Washington, 24th June, 1823.

SIR: In the letter which I had the honor of addressing you, on the 31st of March last, a proposal was made, to be submitted to the consideration of your Government, that the *principle* assumed in an act of the Congress of the United States, of 15th May, 1820, of considering and punishing the African slave trade as *piracy*, should be adopted as the basis of a stipulation by treaty between the United States and Great Britain; and to be urged separately upon the adoption of France, and upon the other maritime nations of Europe, in the manner most conducive to its ultimate success. It was observed that this offer was presented as a substitute for that of conceding a mutual right of search, and a trial by mixed commissions, to which the United States could not be reconciled, and which would be rendered useless by it.

Your letter of the 8th of April, to which I have now the honor to reply, intimates that his Majesty's Government will be disposed to receive this offer only as an acknowledgment that measures more efficient than any now generally in force, are indispensable for the suppression of the slave trade; and that, although they have never opposed the consideration of any other plan, brought forward as equally effective, yet, having from the first, regarded a mutual limited concession of the right of search, as the *only* true and practical cure for the evil, their prevailing sentiment will be of regret at the unfavorable view still taken of it by the Government of the United States. Your letter, therefore, urges a reconsideration of the pro-

posal for this mutual concession of the right of search, and by presenting important modifications of the proposal heretofore made, removes some of the objections which had been taken to it, as insuperable, while it offers argumentative answers to the others which had been disclosed in my previous communications on this subject to you.

In the treaties of Great Britain with Spain, Portugal, and the Netherlands, for the suppression of the slave trade, heretofore communicated, with the invitation to the United States to enter into similar engagements, three principles were involved, to neither of which the Government of the United States felt itself at liberty to accede. The first was the mutual concession of the right of search and capture, in time of peace, over merchant vessels, on the coast of Africa. The second was, the exercise of that right even over vessels under *convoy* of the public officers of their own nation; and the third was the trial of the captured vessels by mixed commissions in colonial settlements, under no subordination to the ordinary judicial tribunals of the country to which the party brought before them for trial should belong. In the course of the correspondence relating to these proposals, it has been suggested that a substitute for the trial by mixed commissions might be agreed to, and in your letter of the 8th of April, an *expectation* is authorized, that an arrangement for the adjudication of the vessels detained, might leave them to be disposed of in the ordinary way, by the sentence of a Court of Admiralty in the country of the captor, or place them under the jurisdiction of a similar court in the country to which they belonged; to the former alternative of which you anticipate the unhesitating admission of the United States, in consideration of the aggravated nature of the crime, as acknowledged by their laws, which would be thus submitted to a *foreign* jurisdiction. But it was precisely because the jurisdiction was *foreign* that the objection was taken to the trial by mixed commissions; and if it transcended the constitutional authority of the Government of the United States, to subject the persons, property, and reputation of their citizens, to the decisions of a court partly composed of their own countrymen, it might seem needless to remark, that the constitutional objection could not diminish, in proportion as its cause should increase, or that the power incompetent to make American citizens amenable to a court consisting one-half of foreigners, should be adequate to place their liberty, their fortune, and their fame, at the disposal of tribunals entirely *foreign*. I would further remark, that the sentence of a Court of Admiralty in the country of the captor, is not the *ordinary way* by which the merchant vessels of one nation, taken on the high seas, by the officers of another, are tried in time of peace. There is, in the ordinary way, no right whatever existing, to take, to search, or even to board them; and, I take this occasion to express the great satisfaction with which we have seen this principle solemnly recognized by the recent decision of a British Court of Admiralty. Nor is the aggravation of the crime for the trial of which a tribunal may be instituted, a cogent motive for assenting to the principle of subjecting American citizens, their

rights, and interests, to the decision of foreign courts; for, although Great Britain, as you remark, may be willing to abandon those of her subjects who defy the laws and tarnish the character of their country, by participating in this trade, to the dispensation of justice even by foreign hands, the United States are bound to remember that the power which enables a court to try the guilty, authorizes them also to pronounce upon the fate of the innocent; and that the very question of *guilt* or *innocence*, is that which the protecting care of their constitution has reserved for the citizens of this Union, to the exclusive decision of their own countrymen. This principle has not been departed from by the statute which has branded the slave trader with the name, and doomed him to the punishment of a pirate. The distinction between piracy by the law of nations, and piracy by statute, is well known and understood in Great Britain; and while the former subjects the transgressor guilty of it, to the jurisdiction of any and every country, into which he may be brought, or wherein he may be taken, the latter forms a part of the municipal criminal code of the country where it is enacted, and can be tried only by its own courts.

There remains the suggestion, that the slave trader captured under the mutual concession of the power to make the capture, might be delivered over to the jurisdiction of his own country. This arrangement would not be liable to the constitutional objection, which must ever apply to the jurisdiction of the mixed commission, or of the admiralty courts of the captor; and if your note is to be understood as presenting it in the character of an alternative, to which your government is disposed to accede, I am authorized to say, that the President considers it as sufficient to remove the insuperable obstacle which had precluded the assent of the United States to the former proposals of your government, resulting from the character and composition of the tribunals, to whom the question of guilt or innocence was to be committed.

The objections to the right of search, as incident to the right of detention and capture, are also in a very considerable degree removed, by the introduction of the principle, that neither of them should be exercised, but under the responsibility of the captor, to the tribunals of the captured party, in damages and costs. This guard against the abuses of a power so liable to abuse, would be indispensable; but, if the provisions necessary for securing effectually its practical operation, would reduce the right itself to a power merely nominal, the stipulation of it in a treaty, would serve rather to mark the sacrifice of a great and precious principle, than to attain the end for which it would be given up.

In the objections heretofore disclosed to the concession desired, of the mutual and qualified right of search, the principal stress was laid upon the repugnance which such a concession would meet in the public feeling of this country, and of those to whom its interests are entrusted in the department of its Government, the sanction of which is required for the ratification of treaties. The irritating

tendency of the practice of search, and the inequalities of its probable operation, were slightly noticed, and have been contested in argument, or met by propositions of possible palliatives, or remedies for anticipated abuses, in your letter. But the source and foundation of all these objections, was, in our former correspondence, scarcely mentioned, and never discussed. They consist in the nature of the right of search, at sea, which, as recognized or tolerated by the usage of nations, is a right exclusively of *war*, never exercised, but by an outrage upon the rights of *peace*. It is an act analogous to that of searching the dwelling-houses of individuals on the land. The vessel of the navigator is his dwelling-house; and like that, in the sentiment of every people that cherishes the blessings of personal liberty and security, ought to be a sanctuary, inviolable to the hand of power, unless upon the most unequivocal public necessity, and under the most rigorous personal responsibility of the intruder. Search at sea, as recognized by all maritime nations is confined to the single object of finding and taking contraband of war. By the law of nature, when two nations conflict together in war, a third, remaining neutral, retains all its rights of peace, and friendly intercourse with both. Each belligerent, indeed, acquires, by war the right of preventing a third party from administering to his enemy the direct and immediate materials of war; and, as incidental to this right, that of searching the merchant vessels of the neutral on the high seas, to find them. Even thus limited, it is an act of power, which nothing but necessity can justify, inasmuch as it cannot be exercised, but by carrying the evils of war into the abodes of peace; and, by visiting the innocent with some of the penalties of guilt. Among the modern maritime nations, an *usage* has crept in, not founded upon the law of nature, never universally admitted, often successfully resisted, and against which, all have occasionally borne testimony, by renouncing it in treaties, of extending this practice of search and seizure, to *all* the property of the enemy in the vessel of the friend. This practice was, in its origin, evidently an abusive and wrongful extension of the search for contraband; effected by the belligerent, because he was armed; submitted to by the neutral, because he was defenceless; and acquiesced in by his sovereign, for the sake of preserving a remnant of peace, rather than become himself a party to the war. Having thus, occasionally, been practised by all, as belligerents, and submitted to by all as neutrals, it has acquired the force of an usage, which, at the occurrence of every war, the belligerent may enforce or relinquish, and which the neutral may suffer or resist, at their respective options.

This search for, and seizure of, the property of an enemy in the vessel of a friend, is a relict of the barbarous warfare of barbarous ages; the cruel, and, for the most part, now exploded system of *private* war. As it concerns the enemy himself, it is inconsistent with that mitigated usage of modern wars, which respects the private property of individuals on the land. As relates to the neutral,

it is a violation of his natural right to pursue, unmolested, his peaceful commercial intercourse with his friend. Invidious as is its character, in both these aspects, it has other essential characteristics, equally obnoxious. It is an uncontrolled exercise of authority, by a man in arms, over a man without defence; by an officer of one nation, over the citizen of another; by a man intent upon the annoyance of his enemy, responsible for the act of search, to no tribunal, and always prompted to balance the disappointment of a fruitless search, by the abusive exercise of his power, and to punish the neutral for the very clearness of his neutrality. It has, in short, all the features of unbridled power, stimulated by hostile and unsocial passions.

I forbear to enlarge upon the further extension of this practice, by referring to injuries which the United States experienced, when neutral, in a case of vital importance; because, in digesting a plan for the attainment of an object, which both nations have equally at heart, it is desirable to avoid every topic which may excite painful sensations on either side. I have adverted to the interest in question, from necessity, it being one which could not be lost sight of in the present discussion.

Such being the view taken of the right of search, as recognized by the law of nations, and exercised by belligerent powers, it is due to candour to state, that my Government has an insuperable objection to its extension by treaty, in any manner whatever, lest it might lead to consequences still more injurious to the United States, and especially in the circumstance alluded to. That the proposed extension will operate in time of peace, and derive its sanction from compact, present no inducements to its adoption. On the contrary, they form strong objections to it. Every extension of the right of search, on the principles of that right, is disapproved. If the freedom of the sea is abridged by compact for any new purpose, the example may lead to other changes. And if its operation is extended to a time of peace, as well as of war, a new system will be commenced for the dominion of the sea, which may eventually, especially by the abuses into which it may lead, confound all distinction of time and circumstances, of peace and of war, and of rights applicable to each state.

The United States have, on great consideration, thought it most advisable to consider this trade as piracy, and to treat it as such. They have thought that the trade itself might, with great propriety, be placed in that class of offences; and that, by placing it there, we should more effectually accomplish the great object of suppressing the trade, than by any other measure which we could adopt.

To this measure, none of the objections which have been urged against the extension of the right of search, appear to be applicable. Piracy being an offence against the human race, has its well known incidents of capture and punishment by death, by the people and tribunals of every country. By making this trade piratical, it is the nature of the crime which draws after it the necessary con-

sequences of capture and punishment. The United States have done this, by an act of Congress, in relation to themselves. They have also evinced their willingness, and expressed their desire, that the change should become general, by the consent of every other power, whereby it would be made the law of nations. Till then, they are bound, by the injunctions of their constitution, to execute it, so far as respects the punishment of their own citizens, by their own tribunals. They consider themselves, however, at liberty, until that consent is obtained, to co-operate to a certain extent, with other powers, to ensure a more complete effect to their respective acts; they placing themselves, severally, on the same ground, by legislative provisions. It is in this spirit, and for this purpose, that I have made to you the proposition under consideration.

By making the Slave Trade piratical, and attaching to it the punishment, as well as the odium, incident to that crime, it is believed that much has been done by the United States, to suppress it, in their vessels, and by their citizens. If your government would unite in this policy, it is not doubted that the happiest consequences would result from it. The example of Great Britain, in a manner so decisive, could not fail to attract the attention, and command the respect, of all her European neighbors. It is the opinion of the United States, that no measure, short of that proposed, will accomplish the object so much desired; and it is the earnest desire of my government, that the government of his Britannic Majesty may co-operate in carrying it into effect.

I pray you, sir, to accept the renewed assurances of my distinguished consideration.

JOHN QUINCY ADAMS.

The Right Hon. STRATFORD CANNING,
Envoy Extraordinary and Minister Plenipotentiary
from Great Britain.



Extract of a Letter from Mr. Adams to Mr. Nelson, dated

DEPARTMENT OF STATE,

WASHINGTON, 28th April, 1823.

“A resolution of the House of Representatives, at the last session of Congress, requests the President to enter upon, and to prosecute, from time to time, such negotiations with the several maritime powers of Europe, and America, as he may deem expedient, for the effectual abolition of the African slave-trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world. You will take an early opportunity to make known this disposition to the Spanish Government; communicating to them

copies of the fourth and fifth sections of the act of 3d March, 1819, which declares this traffic piratical when pursued by citizens of the United States; and you will express the willingness of the American Government to enter into negotiations for the purpose of declaring it so, by the common consent of nations."

Extract of a Letter from Mr. Adams to Mr. Rodney, dated _ _

DEPARTMENT OF STATE,

WASHINGTON, 17th May, 1823.

"A resolution of the House of Representatives, at the late session of Congress, requests the President of the United States to enter upon, and prosecute, from time to time, such negotiations, with the several maritime powers of Europe, and America, as he may deem expedient for the effectual abolition of the African slave trade, and its ultimate denunciation, as *piracy*, under the law of nations, by the consent of the civilized world.

"In pursuance of the object, proposed by this resolution, you will communicate to the Government of Buenos Ayres, copies of the several acts of Congress for the suppression of the slave trade, of the 20th of April, 1818; (U. S. Laws, vol. 6, page 325;) 3d March, 1819, (page 435;) and of 15th May, 1820, (page 529;) pointing their attention, particularly, to the fourth and fifth sections of the last, which subject to the penalties of piracy every citizen of the United States, guilty of active participation in the African slave trade. The adoption of this principle, in the legislative code of all the maritime nations, would, of itself, probably, suffice for the suppression of the trade. But, as it would yet not authorize the armed vessels of any one nation to capture those of another, engaged in the trade, a stipulation to that effect might be agreed to, by treaty, conditioned that the captor shall deliver over the captured party to the tribunals of his own country for trial; to which should be added, some guard of responsibility upon the capturing officer, to prevent the abusive exercise of his power."

Extract from the General Instructions to Richard C. Anderson, appointed Minister Plenipotentiary to the Republic of Colombia, dated

DEPARTMENT OF STATE,

WASHINGTON, May 27, 1824.

"A resolution of the House of Representatives, at the late session of Congress, requests the President of the United States to enter upon, and to prosecute, from time to time, such negotiations with the several

maritime powers of Europe and America as he may deem expedient for the effectual abolition of the African slave trade, and its ultimate denunciation as *piracy*, under the law of nations, by the consent of the civilized world.

“ In pursuance of this object, you will communicate to the Colombian government copies of the several acts of our Congress for the suppression of the slave trade, of the 20th of April, 1818. (U. S. Laws, vol. vi, p. 325.) of 3d March, 1819. (p. 435.) and of 15th May, 1820, (p. 529.) pointing their attention particularly to the 4th and 5th sections of the last, which subject to the penalties of piracy, every citizen of the United States guilty of active participation in the African slave trade. The adoption of this principle in the legislative code of all the maritime nations, would, of itself, probably, suffice for the suppression of the trade; but, as it would yet not authorize the armed vessels of any one nation to capture those of another, engaged in the trade, a stipulation to that effect may be agreed to by the treaty, conditioned that the captor shall deliver over the captured party to the tribunals of his own country for trial; to which should be added some guard of responsibility upon the capturing officer, to prevent the abusive exercise of his powers.”

Extract of a letter from Mr. Adams to Mr. Rush, dated

DEPARTMENT OF STATE,

WASHINGTON, June 24, 1823.

“ A resolution of the House of Representatives, almost unanimously adopted at the close of the last session of Congress, requested “ the President of the United States to enter upon, and to prosecute, from time to time, such negotiations with the several maritime powers of Europe and America, as he may deem expedient, for the effectual abolition of the African slave trade, and its ultimate denunciation as *piracy*, under the law of nations, by the consent of the civilized world.

“ At the two preceding sessions of Congress, committees of the House had proposed a resolution, expressed in more general terms, that “ the President of the United States be requested to enter into such arrangements as he may deem suitable and proper, with one or more of the maritime powers of Europe, for the effectual abolition of the African slave trade;” and this resolution had, in each case, been the conclusion of a report, recommending that the United States should accede to the proposal of a mutual and qualified concession of the right of search. The sentiments of the committee were, in this respect, different from those which had been expressed by the Executive Department of the Government, in its previous correspondence with that of Great Britain. No decision, by the House of Representatives, was made upon these resolutions, proposed at the preceding sessions;

but, upon the adoption of that which did pass, at the last session, it was well ascertained that the sentiments of the House, in regard to the right of search, coincided with those of the Executive: for they explicitly rejected an amendment which was moved to the resolution, and which would have expressed an opinion of the House favorable to the mutual concession of that right.

• You have been fully informed of the correspondence between the governments of the United States and of Great Britain, concerning the suppression of the slave trade, heretofore; and have been, from time to time, effectually instrumental to it yourself. You are aware of the grounds upon which the proposals, on the part of Great Britain, that the United States should accede to the stipulations similar to those which she had succeeded in obtaining from Spain, Portugal, and the Netherlands, were on our part declined.

“The subject was resumed by the British minister residing here, Mr. S. Canning, a short time before the decease of the Marquis of Londonderry. It was suggested, that, since the total disappearance of the British and American flags, as well as of those of the nations which had consented to put the execution of their laws against the trade under the superintendence of British naval officers, it continued to flourish under that of France; that her laws, though in word and appearance equally severe in proscribing the traffic, were so remiss in the essential point of execution, that their effect was rather to encourage, than to suppress it; and the American Government was urged to join in friendly representations to that of France, by instructing the minister of the United States at Paris, to concur in those which the British ambassador at that court had been charged with making, to ensure a more vigilant fulfilment of the prohibitory laws. This invitation, at that time given only in oral conference, was also declined, from an impression that such a concurrence might give umbrage to the French government, and tend rather to irritation, than to the accomplishment of the object for which it was desired. Mr. Gallatin was, nevertheless, instructed separately to bring the subject to the notice of the French government; and did so, by a note communicating to them copies of the recent laws of the United States for the suppression of the trade, and particularly of that by which it has subjected every citizen of the United States, who, after the passage of the law, should be polluted with it, to the penalties of piracy.

• On the 29th of January last, Mr. Canning, in a letter to this Department, repeated the invitation of a joint and concurrent remonstrance, to be made by the British ambassador, and our minister in France; and at the same time called, with great earnestness, upon the government of the United States, either to accede to the principle of the mutual and qualified right of search, emphatically pronounced, in his belief, to be the *only* effectual measure devised, or likely to be devised, ‘for the accomplishment of the end, or to bring forward some *other* scheme of concert,’ which it again declared the readiness of His Majesty’s minister to examine with respect and candor, as a substitute for that of the British cabinet.

“ However discouraging this call for an alternative might be, thus coupled as it was with so decisive a declaration of belief that no effectual alternative had been, or was likely to be, devised, an opportunity was offered, in pursuance of the resolution of the House of Representatives, adopted at the close of the late Session of Congress, for proposing a substitute, in our belief more effectual than the right of search could be, for the total and final suppression of this nefarious trade, and less liable either to objections of principle, or to abuses of practice.

“ This proposition was accordingly made, in my letter to Mr. Canning of 31st of March last, to which his letter of the 8th of April was the answer. In this answer Mr. Canning barely notices our proposition, to express an opinion that his Government will see in it nothing but an acknowledgment of the necessity of further and more effectual measures, and then proceeds with an elaborate review of all the objections which, in the previous correspondence between the two governments, had been taken on our part to the British connected proposal of a mutual right of search, and a trial by mixed commissions. Our objection had been of two kinds; first, to the mixed commissions, as inconsistent with our Constitution, and secondly, to the right of search, as a dangerous precedent, liable to abuse, and odious to the feelings and recollections of our country.

“ In this letter of Mr. Canning, the proposal of trial by mixed commissions is formally withdrawn, and an alternative presented as practicable, one side of which only, and that the inadmissible side, is distinctly offered, namely, of trial by the Courts of the *captor*. The other side of the alternative would, indeed, remove our constitutional objection, and with it might furnish the means of removing the principal *inherent* objection to the concession of the right of search, that by which the searching officer is under no responsible control for that act.

“ But, in our previous correspondence, our strong repugnance to the right of search had been adverted to merely as matter of fact, without tracing it to its source, or referring to its causes. The object of this forbearance had been to avoid all unnecessary collision with feelings and opinions which were not the same on the part of Great Britain, and upon ours. They had been willingly left undiscussed. This letter of Mr. Canning, however, professedly reviewing all the previous correspondence, for the removal or avoidance of our objections, and contesting the analogy between the right of search, as it had been found obnoxious to us, and as now proposed for our adoption by formal compact. I have been under the absolute necessity of pointing out the analogies really existing between them, and of shewing that, as right of search, independent of the right of *capture*, and irresponsible or responsible only to the tribunals of the *captor*, it is, as proposed, essentially, liable to the same objections as it had been, when exercised as a belligerent right. Its *encroaching* character, founded in its nature as an irresponsible exercise of force, and exemplified in its extension from search for contraband of war, to search

for enemies' property, and thence to search for *men* of the searcher's own nation, was thus necessarily brought into view, and connected the exhibition of the evils inherent in the practice, with that of the abuses which have been found inseparable from it.

We have declared the slave trade, so far as it may be pursued by citizens of the United States, piracy; and, as such, made it punishable with death. The resolution of the House of Representatives recommends negotiation, to obtain the consent of the civilized world to recognize it as piracy, under the law of nations. One of the properties of that description of piracies is, that those who are guilty of it may be taken upon the high seas, and tried by the courts of every nation. But by the prevailing *customary* law, they are tried only by the tribunals of the nation to which the vessel belongs in which the piracy was committed. The crime itself has been, however, in modern times, of so rare occurrence, that there is no uniformity in the laws of the European nations with regard to this point, of which we have had remarkable and decisive proof within these five years. in the case of piracy and murder, committed on board the schooner *Plattsburg*, a merchant vessel of the United States. Nearly the whole of her crew were implicated in the crime, which was committed on the high seas. They carried the vessel into Christiansand, Norway, there abandoned her, and dispersed: three of them were taken up in Denmark, one in Sweden, one at Dantzic in Prussia, and one in France. Those taken up in Denmark and in Sweden were delivered up to officers of the United States, brought to this country, tried, convicted, and executed. The man taken at Dantzic, was, by consent of the Prussian Government, sent to Elsinour, and there confronted with those taken in Denmark. The evidence against him on the examination was decisive; but, as he persisted in the refusal to *confess* his guilt, the Prussian Government, bound by an established maxim of their municipal law, declined either to deliver him up, or to try him themselves, but sent him back to Dantzic, there to remain imprisoned for life. The French Government, upon advisement of the highest judicial authority of the kingdom, declined, also, either to try the man taken up there, or to deliver him up, unless upon proof of his guilt being produced against him, at the place where he was confined; with which condition, it not having been in our power to comply, the man remained there, also in prison, presumably for life. From these incidents it is apparent that there is no uniformity in the modes of trial, to which piracy, by the law of nations, is subjected in different European countries; but that the trial itself is considered as the right and the duty only of the nation to which the vessel belongs, on board of which the piracy was committed. This was, however, a piracy committed on board of a vessel by its own crew. External piracies, or piracies committed by, and from one vessel against another, may be tried by the courts of any country, but are more usually tried by those of the country whose vessels have been the sufferers of the piracy, as many of the Cuba pirates have been tried in the British West India islands, and some of them in our courts.

This principle we should wish to introduce into the system, by which the slave trade should be recognized as piracy under the law of nations; namely, that, although seizable by the officers and authorities of every nation, they should be triable only by the tribunals of the country of the slave trading vessel. This provision is indispensable to guard the innocent navigator against vexatious detentions, and all the evils of arbitrary search. In committing to foreign officers the power, even in a case of conventional piracy, of arresting, confining, and delivering over for trial, a citizen of the United States, we feel the necessity of guarding his rights from all abuses, and from the application of any laws of a country other than his own.

The draft of a Convention is herewith enclosed, which, if the British Government should agree to treat upon this subject on the basis of a Legislative prohibition of the slave trade by both parties, under the penalties of piracy, you are authorized to propose and to conclude. These articles, however, are not offered, to the exclusion of others which may be proposed on the part of the British Government, nor is any one of them, excepting the first, to be insisted on as indispensable, if others equally adapted to answer their purposes should be proposed. It is only from the consideration of the crime in the character of piracy, that we can admit the visitation of our merchant vessels by foreign officers for any purpose whatever, and in that case only under the most effective responsibility of the officer for the act of visitation itself, and for every thing done under it.

If the sentiments of the British Government should be averse to the principle of declaring the trade itself, by a Legislative act, piratical, you will not propose, or communicate to them, the enclosed project of convention. Its objects, you will distinctly understand, are two-fold: to carry into effect the resolution of the House of Representatives; and to meet, explicitly and fully, the call so earnestly urged by the British Government, that, in declining the proposals pressed by them upon us, of conceding a mutual and qualified right of search, we should offer a substitute, for their consideration. The substitute, by declaring the crime piracy, carries with it the right of search for the pirates, existing in the very nature of the crime. But, to the concession of the right of search, distinct from the denomination of the crime, our objections remain in all their original force.

It has been intimated by Mr. S. Canning, that the suggestion itself, to the British Government, of the propriety of their passing a Legislative act, might excite in them some repugnancy to it. We should regret the excitement of this feeling, which the very nature of the negotiation seems to foreclose. Besides the legislative enactments which have virtually been pressed upon us, by all the invitations to concede the right of search, and to subject our citizens to trial for violations of our own laws, by foreign tribunals, Great Britain, in almost all her slave trade treaties, has required, and obtained, express stipulations, for the enactment of prohibitory laws, by France, Spain, Portugal, and the Netherlands. It was not expected that she would

receive with reluctance, herself, a mere invitation to that which she had freely and expressly required from others. Still, if the sentiment should exist, we would forbear pressing it to the point of irritation, by importunity. You will, in the first instance, simply state, that, if the British Government is prepared to proclaim the slave trade piracy, by statute, you are authorized to propose, and to conclude, a Convention, by which the mutual co-operation of the naval force of Great Britain and of the United States may be secured, for carrying into effect the law, which, on that contingency, will be common to both. Should the obstacle to the preliminary prove insuperable, you will refer the objections, on the part of the British cabinet, to this Government, for consideration.

By the loose information hitherto communicated in the public journals, it would seem that the proposition for recognizing the slave trade as piracy, by the Law of Nations, was discussed at the Congress of Verona. We are expecting the communication of the papers relating to this subject, promised by Lord Liverpool to be laid before Parliament. Heretofore, although the United States have been much solicited and urged to concur in the measures of Great Britain and her allies, for the suppression of the trade, they have been always communicated to us as purposes consummated, to which the *accession* of the United States was desired. From the general policy of avoiding to intermeddle in European affairs, we have acquiesced in this course of proceeding; but, to carry fully into effect the late resolution of the House of Representatives, and to pursue the discussions, hereafter, with Great Britain herself, whether upon her proposals or upon ours, it is obviously proper, that communication should be made to us of the progress of European negotiation, for accomplishing the common purpose, while it is in deliberation. If we are to co-operate in the result, it is just that we should be consulted, at least, with regard to the means which we are invited to adopt."

SUPPRESSION OF THE SLAVE TRADE.

A Convention for the suppression of Piracy, committed by the African Slave Trade.

ARTICLE I.

The two high contracting Powers, having each separately, by its own laws, subjected their subjects and citizens, who may be convicted of carrying on the illicit traffic in slaves on the coast of Africa, to the penalties of piracy, do hereby agree to use their influence, respectively, with the other maritime and civilized nations of the world, to the end that the said African slave trade may be recognized, and declared to be, piracy, under the law of nations.

ARTICLE 2.

It is agreed by the two high contracting parties, that the commanders and commissioned officers of either nation, duly authorized under the regulations and instructions of their respective governments, to cruise on the coasts of Africa, of America, or of the West Indies, for the suppression of the slave trade, shall be authorized, under the conditions, limitations, and restrictions, hereinafter mentioned, to capture, and deliver over to the duly authorized and commissioned officers of the other, *any ship or vessel carrying on such illicit traffic in slaves, under the flag of the said other nation, or for the account of their subjects or citizens, to be sent in for trial and adjudication by the tribunals of the country to which such slave ship or vessel shall belong.* And the said commanders and commissioned officers shall be farther authorized to carry, or send in, any such slave-trading ship, so by them captured, into the ports of the country to which such slave-trading ship shall belong, for trial by the tribunals, and conformably to the laws, of the said country. But the slave ship, so captured, shall not be sent into the ports, or tried by the tribunals of the captor.

ARTICLE 3.

If any naval commander, or commissioned officer of the United States of America, shall, on the high seas, or any where without the territorial jurisdiction of the said States, board, or cause to be boarded, any merchant vessel of Great Britain, and visit the same as a slave trader, or on suspicion of her being engaged in carrying on the illicit traffic in slaves, in every case, whether the said visited vessel shall be captured and delivered over, or sent into the ports of her own country for trial and adjudication, or not, the boarding officer shall deliver to the master or commander of the visited vessel a certificate in writing, signed by the said boarding officer with his name, and the addition of his rank in the service of the United States, and the name of the public vessel of the United States, and of her commander, by whose order the said visit shall have been ordered; and the said certificate shall declare, that the only object of the said visit is to ascertain whether the said British merchant vessel is engaged in the slave trade, or not: and if found to be so engaged, to take, and deliver her over to the officers, or the tribunals of her own nation, for trial and adjudication. And the commander of the said public vessel of the United States shall, when he delivers her over to the officers or tribunals of Great Britain, deliver all the papers found on board of the captured vessel, indicating her national character, and the objects of her voyage, and with them a like certificate of visitation, in writing, signed by his name, with the addition of his rank in the Navy of the United States, and the name of the public vessel commanded by him, together with the name and rank of the boarding officer, by whom the said visit was made. This certificate shall, also, specify all the papers received from the master of the

vessel detained, or visited, or found on board the vessel, and shall contain an authentic declaration, exhibiting the state in which he found the vessel detained, and the changes, if any, which have taken place in it, and the number of slaves, if any, found on board at the moment of detention. And the same duties herein described shall devolve upon every commander, or commissioned officer, of the Royal Navy of Great Britain, by whom, or by whose order, any merchant vessel of the United States, or navigating under their flag, shall be visited for the said purposes, and upon the boarding officer by whom the visit shall be effected, on the high seas, or any where without the territorial jurisdiction of Great Britain.

ARTICLE 4.

No merchant vessel of either of the contracting parties, under the convoy of a public vessel of her own nation, shall, under any circumstances whatever, be captured, or visited by, or from, any public vessel of the other nation, as being engaged, or on suspicion of being engaged, in the slave trade.

ARTICLE 5.

No search shall be made by, or under the orders of, the commander or boarding officer of any public vessel of either party visiting any merchant vessel of the other, as being engaged, or under suspicion of being engaged, in the slave trade, excepting such as may be necessary to ascertain if there be slaves on board for the purposes of the said traffic, or other proof that the said vessel is so engaged. No person shall be taken out of the said visited or captured merchant vessel of either nation, by the commanding officer of the visiting vessel, or under his order. Nor shall any part of the cargo of the said visited vessel be removed out of her, until delivered over to the officers, or tribunals, of her own nation.

ARTICLE 6.

When a merchant vessel of either nation shall be captured, as being engaged in the slave trade, by any commander, or commissioned officer, of the Navy of the other nation, it shall be the duty of the commander of any public ship of the Navy of the nation to which the captured vessel shall belong, upon the offer thereof being made to him by the commander of the capturing vessel, to receive into his custody the vessel so captured, and to carry, or send, the same into the ports of his own country, for trial and adjudication. And at the time of the delivery of the said vessel, an authentic declaration shall be drawn up, in triplicates, signed by both the commanders of the delivering and of the receiving vessels, one copy of which shall be kept by each of them, stating the circumstances of the delivery; the condition of the vessel captured, at the time of the delivery; the num-

ber of slaves, if any, on board of her; a list of all the papers received, or found on board of her at the time of capture, and delivered over with her, and the names of the master, or commander, of the captured vessel, and of every person on board of her, other than the slaves, at the said time of delivery; and the third copy of the said declaration shall be transmitted with the said captured vessel, and the papers found on board of her, to one of the ports of the country to which the said captured vessel shall belong, to be produced before the tribunal appointed, or authorized, to decide upon the said capture; and the commander of the said capturing vessel shall be authorized to send the boarding officer, and one or two of his crew, with the said captured vessel, to appear as witnesses of the facts in relation to her capture and detention, before the said tribunal. The reasonable expenses of which witnesses, in proceeding to the place of trial, during their necessary detention there, and for their return to their own country, or to rejoin their station in its service, shall be allowed by the tribunal of trial; and in case of the condemnation of the captured vessel, be defrayed from the proceeds of the sale thereof, and in case of the acquittal of the said vessel, they shall be paid by the government of the capturing officer.

ARTICLE 7.

The commander, or commissioned officer, of the Navy of either of the contracting parties, having captured a merchant vessel of the other as being engaged in the slave trade, if there be no public vessel of the nation to which the said captured vessel belongs, cruizing upon the same station, to the commander of whom the said captured vessel may be delivered over as stipulated in the preceding article, shall carry or send the said captured vessel to some convenient port of her own country, there to be delivered up to the competent tribunal, for trial and adjudication. And the said captured vessel shall there be libelled, in the name and behalf of the captors; and in case of the condemnation of the said vessel, the proceeds of the sale thereof and of her cargo, if also condemned, shall be paid to the commander of the said capturing vessel, for the benefit of the captors; to be distributed according to the established rules of the service of the nation to which such capturing vessel shall belong, for the distribution of prize money.

ARTICLE 8.

The captain or commander and crew, of the said vessel so captured and sent in for trial and adjudication, shall be proceeded against conformably to the laws of the country, wherinto they shall be so brought upon the charge of piracy, by being engaged in the African slave trade; and the captain, or commander, the boarding officer, and other persons belonging to the capturing vessel, shall be competent witnesses to the facts relating to the said charge and to the cap-

ture of the said vessel, to which they shall be personally knowing: But every such witness, upon the criminal trial for piracy, shall be liable to be challenged by the person accused, and set aside as incompetent, unless he shall release and renounce all his individual claim to any part of the prize money, upon the condemnation of the vessel and cargo.

ARTICLE 9.

It is agreed between the high contracting parties, that the right of visiting, capturing, and delivering over for trial, the vessels engaged in the African slave trade, and assuming their respective flags, is mutually conceded to the officers of their respective Navies, on the consideration that they have, by their respective laws, declared their citizens and subjects, actively participating in the said traffic, guilty of the crime of piracy.

That no part of this Convention shall be so construed as to authorize the detention, search, or visitation, of the merchant vessels of either nation, by the public officers of the Navy of the other, except vessels engaged in the African slave trade, or for any other purpose whatever than that of seizing and delivering up the persons and vessels concerned in that traffic, for trial and adjudication, by the tribunals and laws of their own country.

ARTICLE 10.

It is further agreed, that this right of visiting, detaining, and delivering over for trial, vessels engaged in the slave trade, shall be exercised only by the commissioned officers of the Navy of the parties, respectively, furnished with instructions from their respective governments, for the execution of their respective laws for the suppression of the slave trade. That the boarding officer, and the captain, or commander, of the vessel exercising these rights, or either of them, shall be personally responsible in damages and costs to the master and owners of every merchant vessel so by them delivered over, detained, or visited, for every vexatious or abusive exercise of the right. In the case of every vessel delivered over, as herein stipulated, for trial, the tribunal shall be competent to receive the complaint of the master, owner, or owners, or of any person on board of such captured vessel, or interested in the property of her cargo at the time of her detention, and on suitable proof of such vexatious or abusive detention or visitation, to award reasonable damages and costs to the sufferers, to be paid by the said commanding or boarding officer, or either of them, so charged with vexatious or abusive detention, or visit. And the high contracting parties agree, that their respective governments shall, in every such case, cause payment to be made of all such damages and costs so awarded, to the persons so entitled to receive them, within twelve months from the date of such award. And if any case of such vexatious or abusive deten-

tion, or visit, should occur, in which the vessel detained or visited shall not be delivered over for trial and adjudication, as herein provided, the commander and boarding officer by whom such vexatious and abusive detention, or visit, shall have been made, shall, also, be responsible in costs and damages to the sufferers, upon complaint before the competent Admiralty Court of the country of the said commander and boarding officer. And the respective governments shall, in like manner, cause payment to be made of any damages and costs awarded by said court, within twelve months from the date of the award.

ARTICLE 11.

A copy of this Convention, and of the laws of the two countries actually in force, for the prohibition and suppression of the African slave trade, shall be furnished to every commander of the public vessels, instructed to carry into effect such prohibition. And in case any such commanding officer of the Navy of the United States, or of Great Britain, shall deviate in any respect from the dispositions of this treaty, and from the instructions of his government, conformable to it, the government which shall conceive itself to be wronged by such conduct, shall be entitled to demand reparation; and in such case the government of the nation, to the service of which he may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon him, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed.

ARTICLE 12.

The present treaty, consisting of ——— articles, shall be ratified, and the ratifications exchanged within one year from this date, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and thereunto affixed their seals.

Done at —, the — day of —, in the year of our Lord,



Mr. Adams to Mr. Middleton.—No. 17.

DEPARTMENT OF STATE,

WASHINGTON, 28th July, 1823.

SIR: At the close of the last Session of Congress, a resolution was adopted by the House of Representatives, almost unanimously, requesting “the President of the United States to enter upon, and to

prosecute, from time to time, such negotiations with the several maritime powers of Europe and America, as he may deem expedient, for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world."

In pursuance of this resolution, instructions for carrying it into effect have been given to the Ministers of the United States, destined to the Republics of Colombia and of Buenos Ayres, and to the Minister who has recently departed for Spain. But, as a negotiation for co-operation to effect the suppression of the African slave trade, had already been commenced with Great Britain, a special instruction upon the subject was forwarded to Mr. Rush, together with a full power, and a draft of a Convention, to be proposed, in substance, to that government, and which he has been authorized to conclude.

A copy of that instruction and draft are herewith enclosed; the general terms of which you will communicate, at such time, and in such manner, to the Imperial Russian Government, as you shall think proper.

You will, also, communicate to them the purport of the resolution of the House of Representatives, above cited, and copies of the laws of the United States prohibiting the slave trade. You will particularly invite their attention to the two sections of the Act of the 15th May, 1820, by which this offence, when committed by citizens of the United States, is subjected to the penalties of piracy.

The proposal that this principle should be recognized by the general consent of civilized nations, recommended by the resolution of the House of Representatives, appears to be substantially the same with that made by Great Britain at the Congress of Verona. It was not acceded to by any one of the other powers there assembled, and the conferences on this subject terminated there by a mere renewal of the joint declaration against the traffic, of the Congress at Vienna. So long as the trade shall not be recognized as piracy by the law of nations, we cannot, according to our Constitution, subject our citizens to trial for being engaged in it, by any tribunal other than those of the United States.

The admission of the crime as piracy by the law of nations, would seem necessarily to subject the perpetrators of it to *capture*, by the armed force of every nation. And this might endanger the lawful commerce of the maritime nations, by subjecting them to the abuses of vexatious searches, without some special provision to guard against them.

This is the object of the stipulations proposed in the draft herewith transmitted; requiring that all vessels of one nation which may be captured, as slave traders, by the cruisers of another, should be delivered over for trial, to the tribunals of their *own* country.

You will see that Mr. Rush is instructed to correspond with you upon this subject. If the draft of the articles enclosed should lead to the conclusion of a Convention between the United States and Great Britain, a communication of it to the Russian Government will be

made as soon as possible, and we shall propose that his Imperial Majesty's accession to it, if agreeable to him, shall be invited.

In the mean time you will informally suggest to his ministry, that it will be the desire of the Government of the United States to proceed in this matter, in perfect good understanding and harmony with them; and you will farther intimate that, as this has now become a general concern of the whole civilized world, and as Great Britain is negotiating, *jointly* and *severally*, with each and every of her allies in Europe, apart, and again with them all together, while she is also separately treating with us, we wish it to be considered whether it would not be expedient on all sides, that communication should be made to us of all the jointly concerted measures while they are mere proposals; and not that the knowledge of them should be withheld from us, until they are matured into positive treaties.

I am, with great respect, Sir,

Your very humble and obedient servant,

JOHN QUINCY ADAMS.

HENRY MIDDLETON,

*Envoy Extraordinary and Minister
Plenipotentiary U. S. at St. Petersburg.*

Mr. Adams to Mr. Everett.—No. 10.

DEPARTMENT OF STATE,

WASHINGTON, August 8th, 1823.

SIR: At the close of the last Session of Congress, a resolution was adopted, almost unanimously, by the House of Representatives, "That the President of the United States be requested to enter upon, and to prosecute, from time to time, such negotiations, with the several maritime powers of Europe and America, as he may deem expedient, for the effectual abolition of the African Slave Trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world."

In pursuance of this resolution, instructions for carrying it into effect have been given to the ministers of the United States, destined to the Republics of Colombia and of Buenos Ayres, and to the several ministers of the United States in Europe.

As a negotiation for co-operation, to effect the suppression of the African slave trade, had already been commenced with Great Britain, a special instruction upon the subject has been forwarded to Mr. Rush, together with a full power, and a draft of a Convention to be proposed, in substance, to the British government, and which he is authorized to conclude.

A necessary preliminary to the conclusion of this proposed Convention, should it meet the assent of the British government, will be the enactment of a statute declaring the crime of African slave trading, piracy by the British law. In that event, it is proposed, by proper co-operation, that the influence of the two powers should be exerted, to obtain the consent of other nations to the general outlawry of this traffic, as piracy. In the mean time to give, at once, effect to the concert of both nations, it is proposed that the armed vessels of both, duly authorized and *instructed*, shall have power to *capture* the slave trading vessels which may assume the flag of *either*, and, if not of their own nation, to deliver over the captured slave trader to the officers, or tribunals of his own country for trial and adjudication. This principle is essential, as connected with that of constituting the traffic piracy, by the law of nations. So long as the offence was considered as of inferior magnitude, the Constitution of the United States forbade the submission of it, when charged upon their citizens to any foreign tribunal: and when the crime and the punishment are aggravated, to involve the life of the accused, it affords but a more imperative inducement for securing to him the benefit of a trial by his countrymen and his peers.

It appears that at the conferences of Verona, the proposition was made by the British Government, that the slave trade should be recognized and proclaimed as piracy by the law of nations. We have, therefore, reason to hope, that the proposal now made to them, on the part of the United States, will be favorably considered by them. In that case, further communications on the subject, with other governments, will ensue.

In the mean time, to fulfil the intentions of the House of Representatives, in relation to the Netherlands, you will communicate to their Government a copy of the resolution, together with copies of the laws of the United States, prohibiting the slave trade, with particular notice of the two sections of the act of 15th May, 1820, by which the crime of being concerned in the African slave trade, when committed by citizens of the United States, is declared to be, and is made punishable as for piracy. And you will announce the readiness of the American Government, should it suit the views of His Majesty the King of the Netherlands, to enter upon a negotiation, for the purpose of carrying into effect the object of the resolution of the House of Representatives: namely, the denunciation of the African slave trade as piracy, by the law of nations.

I am, with great respect, Sir,

Your very humble and obedient servant,

JOHN QUINCY ADAMS.

ALEXANDER H. EVERETT, Esq.

Charge d'Affaires U. S. to the Netherlands.

Extracts of a letter, No. 6, from Mr. Adams to General Dearborn, Envoy Extraordinary and Minister Plenipotentiary of the United States, at Lisbon, dated

DEPARTMENT OF STATE,

Washington, August 14, 1823.

“ At the close of the last session of Congress, a resolution was adopted, almost unanimously, by the House of Representatives—

“ ‘ That the President of the United States be requested to enter upon, and to prosecute, from time to time, such negotiations with the several maritime powers of Europe and America, as he may deem expedient, for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world.’ ”

“ A negotiation, for concerting measures of co-operation to effect the suppression of the African slave trade, had already for several years been pending with Great Britain; for which reason, a special instruction has been transmitted to Mr. Rush, together with a full power, and a draft of a convention to be proposed, in substance, to the British government, and which he is authorized to conclude.

“ Should this proposal meet the assent of the British government, a necessary preliminary to the conclusion of the convention will be the passage of an act of Parliament, declaring the crime of African slave trading, when committed by British subjects, piracy. An act of Congress to that effect, as relates to citizens of the United States, has been in force, as you are aware, these three years. When the crime shall have been constituted piracy by the statute law of both countries, each with reference to its own citizens, or subjects, the principle offered by the projected convention is, that the armed vessels of each, specially empowered and instructed to that end, shall be authorized to capture slave-trading vessels, assuming the flag of the other, and to deliver over the captured vessels to the public cruisers, or to the tribunals, of their own country, for trial. This plan is offered as a substitute for that which was offered to us by Great Britain, which was predicated on the treaties already concluded between that power and Spain, Portugal, and the Netherlands. The leading principle of these treaties was the mutual concession of the right of maritime search, in time of peace, to the armed vessels of both, cruising for slave-traders, and a mixed court of commissioners and arbitrators, sitting in colonial possessions of the parties, for the trial of the delinquents. To this system the United States have steadily declined to accede, for two reasons: One, because they had an invincible repugnance to subject their merchant vessels to the maritime search of foreign officers, in time of peace; and the other, because they could not subject their citizens to the jurisdiction of foreign tribunals, upon trials for offences against their laws.

“ At the conferences of Verona, the British government appears to have proposed, that the African slave trade should be declared piracy by the law of nations. This is the same proposition recommended by

the resolution of the House of Representatives of the United States. The ultimate object of the United States, and of Great Britain, therefore, is the same."

"The negotiations suggested by the resolution of the House, must depend materially, for their character and progress, with reference to other powers, upon the event of that which is thus pending with Great Britain. The instructions to the ministers of the United States in other countries have, therefore, been only of a general character."

"Portugal is the only maritime power of Europe, which has not yet declared the African slave trade, without exception, unlawful. Her own internal situation has, perhaps, recently tended to diminish the influence of those interests, which have heretofore prevailed to delay and postpone her acquiescence in the principle of total proscription upon that trade: It is hoped that she will not much longer resist the predominating spirit of the age, calling so loudly upon the Rulers of mankind effectually to put down the crying sin of that abominable traffic.

"In communicating to the Portuguese government copies of the resolution of the House of Representatives, and of the laws of the United States prohibiting the slave trade, you will state, that the Government of the United States will be ready to enter, at any time, when it may suit the views of that of Portugal, upon the negotiation contemplated by the resolution."

Mr. Rush to Mr. Adams, giving him the substance of a conversation with Mr. Canning.

[EXTRACTS.]

“LONDON, October 9, 1823.

“This latter subject,” (the slave trade) “he said it was his wish to take in hand with me himself, and thus keep it detached from the general negotiation.”

“Whilst we were speaking of the mode of taking up the question of the slave trade, I did not scruple to intimate, even at this early stage, that unless this Government was prepared to say, that it would cause a statute to be passed, declaring the trade by its own subjects to be piracy, and rendering it punishable as such in manner as had been done by the United States, that I was not authorized to make any proposals upon the subject; that this, in fact, was the only basis upon which it fell within the intentions of my Government to attempt any arrangement of the subject whatever. I was happy to hear Mr. Canning say, in reply, that he did not, speaking from his first impressions, see any insurmountable obstacle, upon this score, to our proceeding with the subject.”

Extract from No. 11 of Mr. Sheldon, Chargé d'Affaires of the United States at Paris, to the Secretary of State.

“PARIS, October 16, 1823.

“In the same conference. I also informed Mr. de Chateaubriand of the resolution of the House of Representatives respecting the slave trade, which made the subject of your despatch. No. 2, of the 14th of August. He repeated, in substance, what he had before stated to Mr. Gallatin in conversation, viz. that the French government were sincerely desirous of putting an end to that trade, and were taking all the measures in their power to effect it, by pursuing offenders, and executing rigidly the laws now in existence: but that the public opinion, generally, in France, and more especially in the Chambers, was against it, owing not only to the prevalence of the colonial interest in the question, but particularly to the circumstances under which their stipulations with England upon this subject had been made: so tender were they upon this point, that the proposition of adding new rigors to their laws, would be taken as a new concession to that power, and, instead of being adopted in the Chambers, would be more likely to provoke an attempt to repeal the prohibitory measures already established, in order to rid themselves, in that way, of one of the charges imposed upon them by the foreign occupation: that time was necessary to wear away these impressions; and until that should have arrived, no minister in France could be strong enough, upon this point, to do more than to watch over the execution of the laws already in force, which they were now disposed to do fully and faithfully, and which, if not entirely efficient, at least made the prosecution of the trade under the French flag hazardous and difficult.

“At present, therefore, it is not probable that France will consent to the proposal of the President, to enter upon the negotiation contemplated by the resolution of the House of Representatives. I have, however, made the proposal, in obedience to your directions: and have the honor to enclose a copy of the letter to Viscount de Chateaubriand, in which I have communicated to him that resolution.”

Extracts from No. 14 of Mr. Sheldon, Chargé d'Affaires, to the Secretary of State, dated

“PARIS, November 5, 1823.

“I have received answers from Viscount de Chateaubriand, on the subject of the new and more effective measures proposed against the slave trade.”

“On the subject of the slave trade, the answer manifests a disposition to adopt such new provisions as may be found necessary for its more effectual suppression; and this disposition really exists; but.

after what Mr. de Chateaubriand had stated in conversation, and which I have already communicated, these new and more rigorous legislative provisions can only be introduced gradually, and some time will be required for effecting that purpose."

Mr. Sheldon to the Viscount de Chateaubriand.

PARIS, October 15, 1823.

SIR: The minister of the United States to this Court had, some time before he left Paris, transmitted to your Excellency copies of the laws successively adopted by the United States for the suppression of the slave trade. This communication was intended for the special purpose of making the French government acquainted with the fact, that, so far as the United States were concerned, their legislation upon this subject had been ineffectual; that their laws had been violated, and the trade had continued, until they had denounced against it the highest punishment that a human tribunal can inflict. Since it has been declared to be piracy, and punishable with death, the American flag has no longer been soiled with it.

At the last session of Congress, that body, desirous that the co-operation of the other maritime powers might be obtained in measures which we had found to be so effectual, formally requested the President to enter upon, and prosecute, negotiations with those powers, to that end. I have the honor to enclose a copy of the resolution adopted, with great unanimity, by the House of Representatives, upon that subject: and I am directed to declare, that the President is ready to enter upon the negotiation contemplated by it with France, whenever it may be agreeable to her. Instructions to the same effect have been given to all the ministers of the United States accredited to foreign powers, and the favorable results which are hoped from them will be made known, at the earliest opportunities, to the French government. It may be expected that a co-operation in measures equally effectual with those heretofore brought forward for the suppression of this trade, and not open to similar objections, will be generally and readily afforded. I beg to offer to your Excellency the renewed assurances, &c. &c.

D. SHELDON.

[TRANSLATION.]

Viscount de Chateaubriand to Mr. Sheldon.

PARIS, October 29, 1823.

SIR: You did me the honor of writing me, on the 15th of this month, that the Government of the United States had only attained the effect

tual suppression of the slave trade by making it piracy, and by rendering those guilty of it liable to the same punishment. You have, at the same time, informed me, that that Government was disposed to co-operate with the other powers, by negotiations, to attain, by the same means, the complete and general abolition of this traffic.

The communication which you did me the honor to address to me, cannot but deserve great consideration. I have requested the Keeper of the Seals to review, with great care, the laws and ordinances which have been made in France, for obtaining the abolition of the trade: to certify, after this examination, in what points they may be insufficient, and to propose, for completing them, in case of need, all the new dispositions which might accord with the independence and rights of the flag, and which might appear most proper to assure, in France, in an efficacious manner the absolute cessation of a traffic so contrary to the rights of humanity.

Accept, sir, the assurances, &c.

CHATEAUBRIAND.

Extract of a letter from Mr. Everett, Chargé d'Affaires, to the Secretary of State, dated

“BRUSSELS, November 20, 1823.

“I have received from the Baron de Nagell a preliminary answer to my note of the 7th, upon the slave trade, of which I have the honor to enclose a copy.”

[TRANSLATION.]

Mr. Everett to Baron de Nagell.

BRUSSELS, November 7, 1823.

SIR: I have the honor to subjoin to your Excellency, by order of my government, a printed copy of the laws of the United States, which forbid their citizens to pursue the slave trade; also, a copy of the resolution of the House of Representatives of the 8th of February, 1823, by which the President is requested to concert, with the maritime powers of Europe and of America, the measures which may be most proper to effect the abolition of that trade, and to make it, by the universal consent of the civilized world, equivalent to the crime of piracy.

Your Excellency will remark, that it is already viewed in this light by the laws of the United States. The act of 15th March, 1820, declares, (sect. 4 and 5) that the persons subject to the jurisdiction of the republic, who shall be engaged in the slave trade, either by seizing these unfortunates by force, or fraud, and carrying them on board

their vessels, or by keeping them there, and making them an object of traffic, shall be deemed pirates, and punished with death.

In fact, this pretended commerce bears all the characteristics of piracy: that is, of felony committed on the sea. And, as it has been denounced as a crime by the greater part of civilized nations, it ought to fall into the particular class of crimes to which it naturally belongs, and undergo the penalties which the usage and the law of nations impose upon them. An unanimous declaration of the Christian powers, to this effect, would inevitably produce the entire cessation of the trade. The public ships of each power would then be authorized, by the law of nations, to cruize against the persons who might be engaged in it, without regard to the color of the flag with which they might pretend to be sheltered. Whilst, if the trade is only regarded, in each country, as an offence against the municipal laws, it would be lawful for any one nation alone, by permitting it, to afford an asylum under its flag, to the pirates of all the others.

The known character of the King, and the zeal which his Majesty has already displayed in his efforts to bring about the abolition of this infamous commerce, furnishes a presumption to the Government of the United States, that that of the Low Countries will voluntarily cooperate with it to that effect. In communicating to your Excellency the subjoined papers, and in praying that you will be pleased to lay them before the King, I am charged to announce to him the desire of the President of the United States to obtain the co-operation of his Majesty in this work of justice, and to establish a concert between the two powers, in the measures which they may pursue, in common, to render the slave trade equivalent to the crime of piracy, by the universal consent of the Christian world.

I eagerly embrace this occasion to renew to your Excellency the homage of my most distinguished consideration.

A. H. EVERETT.

[TRANSLATION.]

Baron de Nagell to Mr. Everett.

BRUSSELS, November 13, 1823.

SIR: I have the honor to acknowledge the receipt of your note of the 7th of this month, containing some propositions in regard to the slave trade, and to inform you, that, without delay, I laid this paper, and its enclosures, before the King.

I shall hasten to impart to you the determination of his Majesty, as soon as I shall have been informed of it; and, in the mean time, I seize this opportunity to renew the assurance of my distinguished consideration.

A. W. C. DE NAGELL.