

DOCUMENTS

ACCOMPANYING

THE MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

TO BOTH HOUSES OF CONGRESS,

AT THE COMMENCEMENT OF THE SECOND SESSION OF THE EIGHTEENTH CONGRESS.

DECEMBER 7, 1824.

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1824.

DOCUMENTS FROM THE DEPARTMENT OF STATE.

Papers in relation to the Convention between the United States and Great Britain, for the Suppression of the Slave Trade, communicated, with the President's Message, to Congress, on the 7th December, 1824.

- 1st. Proceedings of the Senate, at its last session, with copies of the messages, convention, and other papers, communicated to that House.
- 2d. Mr. Adams to Mr. Rush, 29th May, 1824.
- 3d. Mr. Rush to Mr. Adams, 28th June, 1824. Extract.
- 4th. Same to same, July 5, 1824. Extract.
- 5th. Same to same, August 9, 1824. Extract.
- 6th. Same to same, August 30, 1824. Copy.
- 6th. *a.* Mr. George Canning to Mr. Rush, August, 27, 1824. Copy.
- 6th. *b.* Mr. Rush to Mr. George Canning, August 30, 1824. Copy.
- 7th. Mr. Adams to Mr. Rush, 12th November, 1824. Copy.
- 8th. Mr. Addington to Mr. Adams, 6th November, 1824. Copy.
- 9th. Mr. Adams to Mr. Addington, 4th December, 1824. Copy.

(No. I.)

Message from the President of the United States, transmitting a Convention between the United States and Great Britain, for the Suppression of the Slave Trade.

IN SENATE, Friday, April 30, 1824.

The following written message was received from the President of the United States, by Mr. Everett his Secretary:

To the Senate of the United States:

I transmit to the Senate, for their constitutional advice, with regard to its ratification, a convention for the Suppression of the African Slave Trade, signed at London, on the 13th ult. by the Minister of the United States residing there, on their part, with the Plenipotentiaries of the British Government, on the part of that nation; together with the correspondence relating thereto, part of which is included in a communication made to the House of Representatives on the 19th ultimo, a printed copy of which is among the documents herewith sent.

Motives of accommodation to the wishes of the British Government, render it desirable that the Senate should act definitively upon this convention, as speedily as may be found convenient.

JAMES MONROE.

Washington, April 30, 1824.

(No. 1.)

Mr. Rush to Mr. Adams.

LONDON, January 23, 1824.

SIR: I received, on the evening of the 20th instant, a note from Mr. Secretary Canning, requesting me to call, on the following day, at the Foreign Office, for the purpose of meeting there Mr. Huskisson and Mr. Stratford Canning, by which I at once understood that the negotiation which the President has confided to me, was now about to have its regular commencement. I went at the time appointed, when, meeting these gentlemen, I was informed by them that their instructions, as well as full powers, as the Plenipotentiaries of this Government, were made out, and that all things were ready, on their side, for opening the negotiation. I replied, that I too was ready on the part of the United States, upon which the 23d was fixed upon for our first meeting.

The negotiation has accordingly been opened this day, in due form, at the office of the Board of Trade. At the wish of Mr. Secretary Canning, specially expressed at the Foreign Office the day before yesterday, the subject of the slave trade is that upon which we have first entered. Our introductory conferences upon it, occupied a couple of hours, when an adjournment took place until Thursday next, the 29th instant. It was agreed that the same subject should then be resumed, and, without discussing others, proceeded with until it should be finished. In making my reports to you of this negotiation, for the information of the President, my intention is not to make them from meeting to meeting, a course that might often prove unsatisfactory and unavailing, but to wait the issue of the whole, or, at any rate, the completion of some one subject, before I proceed to write about it. This was the plan pursued at the joint negotiation with this court in 1818, in which I bore a share, and I hope will be approved. I will take care to deviate from it whenever circumstances may seem to render a deviation necessary and proper; as, moreover, I must, simultaneously with this negotiation, attend to the business of the legation, it has occurred to me that, as often as I may find it necessary to write to you respecting the latter, whilst the negotiation is in progress, I will go on with the regular series in numbering my despatches, treating those that I shall write on the negotiation, as distinct, and so numbering them. I cannot flatter myself with the expectation that the work of the negotiation will be very soon done. The subjects are many and complicated; the session of Parliament is at hand, and will, when it arrives, make heavy calls upon the time of one of the British Plenipotentiaries; added to which, the daily interruptions to which my own time is liable, always the lot of the permanent incumbent of this mission, will be too liable to increase the unavoidable obstacles to frequent and rapid conferences. I can only repeat, that my best endeavors shall not be spared, and I presume to hope, that my past conduct in this trust will be accepted as the pledge of my future diligence.

Although there have been delays in bringing on the negotiation, all my preliminary correspondence in relation to it, will, I trust, have sufficiently shewn that they have not arisen through my instrumentality. The standing of one of the British Plenipotentiaries is so well known to us that I need not speak of it. The other, Mr. Huskisson, (first named in the commission,) is of the Cabinet, a distinguished member of the House of Commons, the President of the Board of Trade, and Treasurer of the Navy. Besides his reputation for talents, which is high, he seems to be no less generally regarded as a man of liberal principles and conciliating temper.

I have the honor to remain,

With very great respect,

Your obedient servant,

RICHARD RUSH.

(No. 2.)

Mr. Rush to Mr. Adams.

LONDON, March 15, 1824

SIR: I have the honor to inform you, that I concluded and signed, on behalf of the United States, the day before yesterday, a convention with this Government, for the suppression of the slave trade, which instrument I herewith transmit to your hands, to be laid before the President.

In my despatch, No. 335, written previously to the commencement of the negotiation, I mentioned that Mr. Secretary Canning had expressed a wish that the subject of the slave trade should be treated separately from all others on which I had received the instructions of my Government, and that I had not thought it necessary to object to this course. In pursuance of it, this subject was accordingly taken up separately, and was the first upon which we entered, as you have already been informed in my despatch, which announced the formal opening of the negotiation.

The only deviation from the course indicated in my latter despatch, has been, that other subjects have since been gone into, though none, as yet, finished, a mode of proceeding that was found eligible.

With the convention I also transmit the protocols of the several conferences at which its provisions were discussed and settled, and for the better understanding of the whole subject, I proceed to give you a more full account of the nature and progress of the discussions than can be afforded by the protocols.

I offered, in the first instance, to the British Plenipotentiaries, and without any alteration, the project that came inclosed to me in your despatch, No. 65, of the 24th of June, explaining and recommending its provisions by such considerations as were to be drawn from your despatch, and others that seemed apposite. They remarked, that they hoped it would be borne in mind, that the plan offered was not of the choice of Great Britain, her preference having been distinctly made known to Europe, as well as to the United States, for a different plan; nor was it, they said, necessary towards the more effectual abolition of the traffic by her own subjects, her home statutes and prohibitions being already adequate to that end. As regarded the latter intimation, I replied, that the United States stood upon at least equal ground with Great Britain, their existing laws against the slave trade being marked by even a higher tone of severity, and the consequent exclusion of their citizens from all participation in the trade, being, as was believed, so far as the virtue of municipal laws could avail, not less effectual. As to the preference of Great Britain for a different plan, I contented myself with alluding, with more of retrospect, to the uniform objections that had been made to it by the leading powers of Europe, especially by France and Russia, as well as by the United States; and, with remarking that my

Government had charged me with the duty of presenting the projet in question, under the twofold view of bringing forward, according to the wish of Great Britain, a substitute for the plan that had been rejected, and to carry into effect a resolution which had passed the House of Representatives of the United States upon this subject, at the close of the last session of Congress.

I added, that it was the sincere belief of my Government, rendering, at the same time, full justice to all the past efforts of Great Britain, in the cause of abolition, that if she could see her way to the acceptance of the plan now offered, combining, as it did, the great principle of denouncing the slave trade as piracy, with a system of international co-operation for its suppression, the evil would be more effectually extirpated, and, at a day not distant, than by any other modes that had heretofore been devised.

The British Plenipotentiaries replied, that they would give it a candid examination, esteeming themselves fortunate, considering the great moral interests at stake, and which both nations had alike at heart, if they could reconcile its acceptance with the opinions and convictions which had hitherto guided the conduct of their government on this subject. They gave their unhesitating assent to the principle of denouncing the traffic as piracy by the laws of Great Britain, provided we could arrive at a common mind on all other parts of the plan proposed.

After they had had the plan a proper time under consideration, they expressed their fears that part of it would prove ineffectual, unless with modifications and additions which they would proceed to enumerate. These were principally as follow:

They said, that as soon as the two powers, by their mutual laws, had rendered all participation of the slave trade piracy, and, by a formal convention, agreed to unite their naval efforts for its suppression, it might be expected that the subjects and citizens of each who meditated a commission of the offence, would no longer venture to assume the proper flag of either country, but seek to shroud their guilt under that of some third power, not yet a party to the convention. British subjects, or American citizens, might, for example, readily charter a Danish, a Swedish, or a Russian vessel, and under cover of either of these flags, with simulated papers, and other fraudulent contrivances, pursue the traffic, whilst the true owner of the vessel remained in ignorance of the real and guilty transaction.

Were such transgressors, the British Plenipotentiaries asked, to be screened from all detection and punishment, though the vessel should be afterwards restored? I answered, that I presumed not; and that the words of the second article of the projet, *or for account of their subjects or citizens*, were, as I supposed, intended to meet such a case, or other similar attempts to get rid, by evasive pretexts, of the penalties created by the convention. They agreed in ascribing to them this meaning, but thought that some more distinctive provision would be necessary to prevent such evasions. They further asked, suppose a British subject, or an American citizen, to be

taken whilst engaged in the slave trade, on board of a vessel not belonging to either power, or navigated on account of the subjects or citizens of either, and brought into Great Britain or her dominions, or into the United States, ought he not to be tried indiscriminately, in either country, since the laws of each would, alike, brand him as a pirate? This inquiry, if answered in the affirmative, involving a conflict with one of the primary provisions of the plan, the British Plenipotentiaries did not press, but, on the contrary, willingly withdrew it. They proposed in lieu of it, that the subjects or citizens of either party, taken under such circumstances, should be sent home for trial, before the tribunals of their own country; and, to the proposition, as altered in this essential particular, I said that there would, probably, be no exception taken; for it might happen, that British subjects, thus offending, would be found within the jurisdiction of the United States, and, if their own citizens were ever justly captured whilst so offending, as a law of Congress already subjected them, when in this predicament, to the doom of pirates, I did not anticipate from my government, any objection to their being sent home for trial, in our own courts, under whatever circumstances, or by whatever country, they might be lawfully seized.

Would not serious or fatal embarrassments, they also asked, arise in regard to evidence, under the criminal prosecution against the crew of the slave-trading vessel, for the act of piracy, as provided by the eighth article of the projet?

If the libel against the vessel took place first, as was supposed to be the case, how could the captain or crew be examined on interrogatories, since the fact of the condemnation of the vessel would draw after it their own guilt? Their answers, consequently, might bring them into jeopardy. I replied, that the commander or boarding officer, and other persons belonging to the capturing vessel, being sent in as witnesses against the accused vessel, might, perhaps, under a convention of a character like the present, supersede, in some degree, the necessity of examining the crew, as was usual in admiralty causes; but that, if this would not be proper as a general rule, it might hold good, to some extent, in cases where the interior arrangements and structure of the vessel, and, above all, the actual presence of slaves, combined to establish more unequivocally, to the very eye, the iniquity of the voyage. At all events, the objection, if valid, which was not admitted, could go no further than to except, from the criminal prosecution, those of the crew, supposed to be few in number, who might be selected as witnesses on the part of the state or crown, leaving the rest open to all the penal inflictions of the convention. The British Plenipotentiaries ultimately agreed, that the objection was unfounded, on learning, from their law officers, that the right of a witness not to answer, where a confession of guilt might be involved, was merely a general shield thrown over him, to be used or not, according to circumstances, and the opinion of the court, without otherwise affecting the action at law, or public prosecution, in the course of which the right might be claimed. It was an independent

right, that stood upon its own bases, the existence and knowledge of which was not previously to foreclose the institution of this or any other prosecution, any more than it would the institution of a suit in a court of chancery, or before any other judicial tribunal.

They next drew my attention to the fifth article, which provides that no person shall be taken out of the captured vessel: a point that, I had declared, would be considered by my government as indispensable. What then, they asked, might sometimes be the lot of the slaves? Suppose an hundred of them, or even more, on board the captured vessel, and that vessel, perhaps, a small one; suppose them all crowded together, under such circumstances of cruelty, that disease was among them, and death daily thinning their numbers; a supposition not exaggerated, under all the recollections of this afflicting traffic, but too likely to be often realized, as long as it was continued. What, in such a case, was to be done? I replied, that I did not, for myself, understand the word *person* as applicable, in this sense, to the slaves, but to the crew of the vessel.

Nor did I regard the term *cargo*, against which a prohibition of removal, alike indispensable, existed, as descriptive, under this convention, of the slaves. Hence, when the removal of the latter or any portion of them, should be found obviously necessary, from imperious motives of humanity, I saw no sufficient reason for questioning the propriety of allowing, under suitable regulations, such removal to take place.

As no person belonging to the crew was to be taken out, the British Plenipotentiaries, continuing their remarks upon the fifth article, next said, that a power, on the part of the capturing ship, to confine the crew below, or otherwise restrain them, would be absolutely necessary, in contingencies to be fairly imagined, to give full effect to the principles which the projet intended to secure.

The delinquent vessel, as often happened, might be powerfully manned. These men, rendered fierce, not to add desperate, by their vocation and the perils to which, by capture, they would become exposed, could not want the desire, and would naturally watch the opportunity, of overcoming the captors, in whose custody they were placed. Ought not, therefore, the captors to be furnished with adequate means of keeping the mastery over them, until the captured vessel was safely conveyed to her destination?

Such were the principal amendments or suggestions which the British Plenipotentiaries, at an early stage, put forward, and they were discussed between us in a temper frank and amicable. They declared that they did not offer them in the spirit of objection, but under sincere wishes to secure for the plan, at all points, the recommendations and potency, which it must be supposed each nation equally aimed at imparting to it. It was designed to act upon a stubborn, as well as malignant, class of offenders, whose cunning was not behind their depravity, and who had hitherto put to scorn the efforts of good men, in all countries, to check the stupendous enormity of their deeds. They concluded with saying, that they

would present to my consideration a counter-projet, on the part of Great Britain, embracing what they deemed to be the necessary provisions upon the whole subject. I replied, that the articles of the plan which I had submitted had not been drawn up to the exclusion of others, that Great Britain might, in turn, have to propose; nor were they all to be insisted upon in the shape in which they first stood. There were, indeed, cardinal principles in them, that could, on no account, be departed from: but there were others, as well as much of detail, open to whatever alterations or additions both parties might be able to agree in thinking proper and useful.

This was the spirit in which I knew it to be the desire of my Government that the negotiation should be conducted.

The essential principles of our plan, as gathered from my best attention to it, in connexion with your instructions, I considered to be, 1st. That this nation was to declare the slave trade piracy by act of Parliament. 2d. That the captured vessel was to be sent to her own country, for trial, before its own tribunals, and never before those of the capturing power. 3d. That no individual belonging to the crew was ever to be taken out of the accused vessel. 4th. That the capturing officer should be laid under the most effective responsibility for his conduct, in all respects. 5th. That no merchant vessel under the protection, or in the presence of a ship of war of her own nation, was ever to be visited by a ship of war of the other nation.

I informed the British plenipotentiaries, unreservedly, that I could consent to nothing, that did not give full security to each and all of the above principles. I knew that some of them bespoke a great change in pre-existing principles and usages, under the maritime code of the world; but the change was not for light, but high objects, and was believed by my government, to be the only means by which they could be adequately and permanently secured.

At the fourth conference, their counter projet was brought forward. I was happy to find that it acceded to all the principles that are above recapitulated, adopting, too, and largely, the language in which our own articles had been framed. To its first article, however, or rather to that passage in it which relates to convoy, I took strong exception, owing to the manner in which it was worded, and the import that it might bear. I also objected as strongly to the phraseology of so much of its tenth article as purported to save to both parties all their existing rights; upon both the passages; upon their second article, bringing under the cognizance of the convention, the subjects or citizens of either power, surreptitiously chartering the flag of a third power; upon that part of their seventh article, also bringing within the pale of the convention the subjects or citizens of either power, found on board the slave trading vessel of a third power, though not chartered or owned by them; and upon those parts of their fourth article which make provision for restraining the crew of the captured vessel, and removing the slaves, full discussions followed at the fourth,

the fifth, and the sixth conferences. More than once, I was not without apprehensions that the whole work would fall through.

More than once it rested upon a difficult balance, awakening solitudes for its fate. To their passage on convoy I objected, on full consideration, absolutely, and urged the reinsertion of our own article on this subject, in its very words, as being simple, intelligible, and appropriate. They as strenuously resisted its reinsertion, not, as they repeatedly and unequivocally declared, from any desire ever to exercise the power which it interdicted, and which would, therefore, render the reinsertion superfluous, but because they objected to the word *convoy*, and to the whole formality of our article, which would be embarrassing, in its comparison with the arrangement settled on this point in the treaty between Great Britain and the Netherlands, of May, 1818. Finally, as I could not give up the principle, but was not tenacious of the word, I agreed to drop it, on having other words, however few, that would carry the principle, but not more than the principle. Their own words, viz: *except when in the presence of a ship of war of its own nation*, would, I said, satisfy me, provided all that followed were expunged: and to this they assented. To the part expunged I had many objections; and, amongst others, that it approximated, closely, to the article in their treaty with the Netherlands, if, indeed, constructively, it might not have become identical with it, though the British plenipotentiaries protested against intending to give it any such character or meaning. It implied, also, I thought, the indecorum of pre-supposing that the naval officers of either power could be lax in the execution of their own duty.

The words of their tenth article, designed to save existing rights, I also struck out, declaring that those which formed the concluding passage of our own ninth article, must be received as the substitute for them. Why, I asked, mention existing rights at all? By the universal rule of interpretation, applicable to treaties, they would remain unchanged. The treaty, or convention, that we were forming, was special in its objects; special in its powers; special in its concessions. All other rights, whatever they might be, on either side, that did not range within the peculiar orbit of this Convention,—as novel as beneficent in its grand intention, were necessarily left just as they were before. But they continued to insist upon the exclusion of my words, and the retention of their own, until the close of the sixth conference, when they agreed to allow mine to stand, and to abandon theirs in the parts from which I did not feel authorized to withdraw my opposition. The last member of the sentence upon this point, in the article as it now stands in the Convention, viz. *nor be taken to affect, in any other way, the existing rights of either of the high contracting parties*, is that with which, in the end, they became satisfied. It will be seen how essentially it varies from the parallel passage, as first submitted in their counter project.

To the sending home of our citizens for trial, if taken in the act of piracy, under the flag of a third power, as provided in their seventh article, I objected, on more consideration, as not likely to

bring with it the due practical reciprocity, when the convention went into operation. Great Britain had the right, under existing treaties, to seize the slave-trading vessels of Portugal, of Spain, and of the Netherlands : whereas, the United States, as yet, had no such correlative right. But the British Plenipotentiaries earnestly pressed its adoption, with a view to the more full attainment of all the objects of the Convention, now and hereafter.

In the face of our act of Congress, of the 15th of May, 1820, which already subjects to death, as a pirate, any citizen of the United States, convicted of being of the crew, or ship's company, of any foreign vessel engaged in the slave-trade; in the face, too, of the general rule of public law, which has heretofore authorized the punishment of pirates by the courts of whatever nation they may be brought before, I did not feel called upon to persist in my opposition.

I could scarcely continue to urge, as very objectionable, the being furnished with the means (should the occasions arise,) of executing our own laws upon our own citizens, by whomsoever they might be detected and secured, whilst in the act of violating them. The British Plenipotentiaries, moreover, remarked, that the whole Convention exhibited a preponderance of concession on the side of Great Britain, in accommodation to the principles and views of the United States.

At our instance she was about, by a new statute of her realm, to make the slave trade piracy; at our instance, she agreed that the captured vessel and crew should be sent to their own country, for trial—a course also new to all her past maritime doctrines and experience; and, as regarded all the incidental consequences flowing from these two fundamental concessions, she still, at our instance, gave up, or modified many of her former national and jurisprudential practices and predilections. They said, too, that the preponderance of burden, under the Convention, would lie with Great Britain, both in the greater number of public ships that she would employ in the suppression of the traffic, and in the fact of the United States not having colonial dependencies, as Britain had, to serve as ready depots, for those detected in it.

I was far from lending my concurrence to these sentiments, which were to be taken with their just qualifications.

The occasion, I remarked, was one where, instead of each nation pushing adverse rights, or striving for superior advantages, it ought rather to be considered, that *each* was equally and spontaneously surrendering up a portion of its anterior system, each moving under one and the same impulse, towards one and the same object; each proposing to itself no other interests than those of benevolence and justice; no other gain (yet how great the gain!) than that of protecting the innocent, and laying prostrate the guilty. It was a negotiation, with this distinguishing feature, that it looked *exclusively* to the benefit of a third party, assuming reciprocal duties and burdens for its sake, and flinging aside, as alien to the benign spirit, in which it was conceived and undertaken, every selfish end or feeling:

To the obligations, no less elevated than interesting, that sprung from such a negotiation, it was believed that neither party was insensible, and that both stood alike anxious to hail its favorable results. In mentioning the sentiments which the British Plenipotentiaries expressed, it must not be understood that I report them as having been uttered in complaint; and it would be an omission inexcusable in me, were I not to add, that they cordially and zealously responded to the enlarged and animating objects of the international compact which we were endeavoring to adjust.

To their second article, bringing under the penalties of the compact, the subjects or citizens of either power, chartering the vessel of a third power, for the purpose of carrying on the trade, I assented, believing that it did no more than effectuate the intention of our own second article, under words more full.

To the provision in their fourth article, giving a power for laying the crew of the captured vessel under such restraints as might become indispensable for their detention and safe delivery, I also consented; varying its language to such as it will now be seen in the convention.

I considered, in fact, such a power as only analogous, under one view, to that which is familiar to all jurisprudence, of securing an accused party between the time of arrest and of trial; and as doubly called for, in this instance, in that it went to the necessary safeguard and protection of those who were constituted, by the convention, its incipient ministers of justice.

With a like variation in the language, I consented to the passage, in the same article, which gives power for removing the slaves. The preservation of their lives, or other urgent motives of humanity, is made the condition of their removal, and a stipulation is superadded, that they are to be accounted for to the government of the country to which the captured vessel belongs, and be disposed of according to its laws.

I have thus indicated all the changes appearing to me to be important between the projet which you committed to me, and the convention as it has been signed.

A few other deviations, verbal or in arrangement, will be perceived, but have not struck me as sufficiently material to call for particular notice or elucidation. The less so, as I write under the pressure of other duties, arising out of the general negotiation, and with a desire to secure for the convention as early an arrival at Washington as possible; considerations which, I trust, will account for and excuse, my omitting to trace, by minute marginal parallels, the whole of the alterations superinduced upon the counter-projet, before the work was terminated. It is only left for me to hope that this despatch, with its enclosures, will render the progress of the negotiation intelligible. It may be needless in me to say, that I have done all in my power to make the result satisfactory. The motive for using all practicable expedition in making up my despatch is, that, should the convention be approved by the President, the option may not be lost

of submitting it to the consideration of the Senate, before the present Session of Congress reaches its close.

Should it be looked at as a whole, meet acceptance in the eyes of my government, and become, happily, the era of a new and saving spirit introduced into the laws of nations for the relief of Africa, her redeemed and grateful children will have cause to pour out the fervent thanksgivings of their hearts towards those Christian powers that have at length been enabled—and rejoice that they have been enabled—to arrest the portentous desolation that for long ages has swept over their land, filling it with the concentration of every human woe. Then, at last, may we all hope, and not in vain, to see their tears dried up, their sufferings turned to joy, their groans to songs of benediction.

The enclosures of this despatch are, 1st, the convention. 2d, the British counter-project, marked C. 3d, copies of the first, second, fourth, fifth, sixth, and seventh protocols. I have ventured to omit sending a copy of our own project, marked B, it having been submitted in the precise state in which I had it from you; nor do I employ a special messenger for conveying the convention, not having done so when I forwarded the treaty of 1818—a course that was not disapproved. I shall now, as then, commit it to the care of our consul at Liverpool, with a request that he will get it on ship-board with all speed, and under the best auspices he can command.

I have the honor to remain,

With very great respect,

Your obedient servant,

RICHARD RUSH.

Hon. JOHN Q. ADAMS,
Secretary of State.

THE CONVENTION.

The United States of America and his Majesty the King of the United Kingdom of Great Britain and Ireland, being desirous to cooperate for the complete suppression of the African slave trade, by making the law of piracy, as applied to that traffic, under the statutes of their respective legislatures, immediately and reciprocally operative on the vessels and subjects, or citizens, of each other, have respectively appointed their Plenipotentiaries to negotiate and conclude a convention for that purpose, that is to say: On the part of the United States of America, Richard Rush, Envoy Extraordinary and Minister Plenipotentiary from those States to the court of his Majesty; and on the part of his Britannic Majesty, the Right Honorable William Huskisson, a member of his Majesty's most Honorable Privy Council, President of the Committee of Privy Council, for affairs of trade and foreign plantations, Treasurer of his Majesty's navy, and a member of the Parliament of the United Kingdom; and the Right Honorable Stratford Canning, a member of his said Majesty's most Honorable Privy Council, and his Envoy Extraordi-

nary and Minister Plenipotentiary to the United States of America; which Plenipotentiaries, after duly communicating to each other their respective full powers, found to be in proper form, have agreed upon, and concluded, the following articles:

ARTICLE I. The commanders and commissioned officers of each of the two high contracting parties, duly authorized, under the regulations and instructions of their respective Governments, to cruize on the coasts of Africa, of America, and of the West Indies, for the suppression of the slave trade, shall be empowered, under the conditions, limitations, and restrictions, hereinafter specified, to detain, examine, capture, and deliver over for trial and adjudication, by some competent tribunal, of whichever of the two countries it shall be found, on examination, to belong to, any ship or vessel concerned in the illicit traffic of slaves, and carrying the flag of the other, or owned by any subjects or citizens of either of the two contracting parties, except when in the presence of a ship of war of its own nation; and it is further agreed, that any such ship or vessel, so captured, shall be either carried, or sent, by the capturing officer, to some port of the country to which it belongs, and there given up to the competent authorities, or be delivered up, for the same purpose, to any duly commissioned officer of the other party, it being the intention of the high contracting powers, that any ship or vessel, within the purview of this convention, and seized on that account, shall be tried and adjudged by the tribunals of the captured party, and not by those of the captor.

ARTICLE II. In the case of any ship or vessel detained under this convention, by the cruizers of either of the two contracting parties, on suspicion of carrying on the slave trade, being found, on due examination by the boarding officer, to be chartered on account of any of the subjects or citizens of the other party, although not actually bearing the flag of that party, nor owned by the individuals on whose account she is chartered, or by any other citizens or subjects of the same nation, it is hereby agreed, that, in such case, also, upon the delivery of the said vessel to the tribunals of that country to which the persons, on whose account she is chartered, belong, the vessel, cargo, and crew, shall be proceeded against, in like manner as any other vessel, cargo, and crew, within the purview of this convention, in so far as the general practice, under the law of nations, will allow.

ARTICLE III. Whenever any naval commander, or commissioned officer, of either of the two contracting powers, shall, on the high seas, or any where not within the exclusive jurisdiction of either party, board, or cause to be boarded, any merchant vessel bearing the flag of the other power, and visit the same as a slave trader, or on suspicion of her being concerned in the slave trade, in every such case, whether the vessel, so visited, shall, or shall not, be captured and delivered over, or sent into the ports of her own country for trial and adjudication, the boarding officer shall deliver to the master, or commander of the visited vessel, a certificate, in writing, signed by the said boarding officer, and specifying his rank in the navy of his

country, together with the names of the commander by whose orders he is acting, and of the national vessel commanded by him; and the said certificate shall further contain a declaration, purporting that the only object of the visit is to ascertain whether the merchant vessel in question is engaged in the slave trade, or not; and, if found to be so engaged, to take and deliver her to the officers or tribunals of her own country, being that of one of the two contracting parties, for trial and adjudication.

In all such cases, the commander of the national vessel, whether belonging to Great Britain or to the United States, shall, when he makes delivery of his capture, either to the officers or to the tribunals of the other power, deliver all the papers found on board the captured vessel, indicating her national character, and the objects of her voyage, and, together with them, a certificate, as above, of the visit, signed with his name, and specifying his rank in the Navy of his country, as well as the name of the vessel commanded by him, together with the name and professional rank of the boarding officer by whom the said visit has been made.

This certificate shall also contain a list of all the papers received from the master of the vessel detained or visited, as well as those found on board the said vessel; it shall also contain an exact description of the state in which the vessel was found, when detained, and a statement of the changes, if any, which have taken place in it, and of the number of slaves, if any, found on board at the moment of detention.

ARTICLE IV. Whenever any merchant vessel of either nation shall be visited under this convention, on suspicion of such vessel being engaged in the slave trade, no search shall, in any such case, be made on board the said vessel, except what is necessary for ascertaining, by due and sufficient proofs, whether she is, or is not, engaged in that illicit traffic. No person shall be taken out of the vessel so visited, (though such reasonable restraints as may be indispensable for the detention and safe delivery of the vessel, may be used against the crew,) by the commanding officer of the visiting vessel, or under his orders; nor shall any part of the cargo of the visited vessel be taken out of her, till after her delivery to the officers or tribunals of her own nation, excepting only when the removal of all, or a part of the slaves, if any, found on board the visited vessel, shall be indispensable, either for the preservation of their lives, or from any other urgent consideration of humanity, or for the safety of the persons charged with the navigation of the said vessel after her capture. And any of the slaves so removed shall be duly accounted for to the Government of that country to which the visited vessel belongs, and shall be disposed of according to the laws of the country into which they are carried; the regular bounty, or head money, allowed by law, being in each instance secured to the captors for their use and benefit, by the receiving Government.

ARTICLE V. Whenever any merchant vessel, of either nation, shall be captured under this convention, it shall be the duty of the com-

maunder of any ship belonging to the public service of the other, charged with the instructions of his Government for carrying into execution the provisions of this convention, at the requisition of the commander of the capturing vessel, to receive into his custody the vessel so captured, and to carry or send the same for trial and adjudication into some port of his own country, or of its dependencies. In every such case, at the time of the delivery of the vessel, an authentic declaration shall be drawn up in triplicate, and signed by the commanders, both of the delivering and receiving vessels; one copy, signed by both, to be kept by each of them, stating the circumstances of the delivery, the condition of the captured vessel at the time of delivery, including the names of her master or commander, and of every other person, not a slave, on board at that time, and exhibiting the number of the slaves, if any, then on board her, and a list of all the papers received or found on board at the time of capture, and delivered over with her. The third copy of the said declaration shall be left in the captured vessel, with the papers found on board, to be produced before the tribunal charged with the adjudication of the capture. And the commander of the capturing vessel shall be authorized to send any one of the officers, under his command, and one or two of his crew, with the captured vessel, to appear before the competent tribunal as witnesses of the facts regarding her detection and capture; the reasonable expenses of which witnesses, in proceeding to the place of trial, during their detention there, and for their return to their own country, or to their station in its service, shall be allowed by the court of adjudication, and defrayed, in the event of the vessel being condemned, out of the proceeds of its sale; in case of the acquittal of the vessel, the expenses, as above specified, of these witnesses, shall be defrayed by the Government of the capturing officer.

ART. VI.—Whenever any capture shall be made under this Convention by the officers of either of the contracting parties, and no national vessel of that country, to which the captured vessel belongs, is cruising on the same station where the capture takes place, the commander of the capturing vessel shall, in such case, either carry or send his prize to some convenient port of its own country, or of any of its dependencies, where a court of vice admiralty has jurisdiction, and there give it up to the competent authorities, for trial and adjudication.

The captured vessel shall then be libelled, according to the practice of the court taking cognizance of the case; and, if condemned, the proceeds of the sale thereof, and of its cargo, if also condemned, shall be paid to the commander of the capturing vessel, for the benefit of the captors, to be distributed among them according to the rules of their service respecting prize money.

ART. VII.—The commander and crew of any vessel, captured under this Convention, and sent in for trial, shall be proceeded against conformably to the laws of the country whereinto they shall be brought, as pirate, engaged in the African Slave Trade; and, it is further agreed, that any individual, being a citizen or subject of

either of the two contracting parties, who shall be found on board any vessel, not carrying the flag of the other party, nor belonging to the subjects or citizens of either, but engaged in the illicit traffic of slaves, and lawfully seized, on that account, by the cruisers of the other party, or condemned under circumstances which, by involving such individual in the guilt of slave trading, would subject him to the penalties of piracy, he shall be sent, for trial, before the competent court, in the country to which he belongs; and the reasonable expenses of any witnesses, belonging to the capturing vessel, in proceeding to the place of trial, during their detention there, and for their return to their own country, or to their station in its service, shall, in every such case, be allowed by the court, and defrayed by the country in which the trial takes place; but every witness belonging to the capturing vessel, shall, upon the criminal trial for piracy, be liable to be challenged by the accused person, and set aside, as incompetent, unless he shall release his claim to any part of the prize money, upon the condemnation of the vessel and cargo.

ART. VIII.—The right, reciprocally conceded by the two contracting powers, of visiting, capturing, and delivering over for trial, the merchant vessels of the other, engaged in the traffic of slaves, shall be exercised only by such commissioned officers of their respective Navies, as shall be furnished with instructions for executing the laws of their respective countries against the slave trade. For every vexatious and abusive exercise of this right, the boarding officer, and the commander of the capturing or searching vessel, shall, in each case, be personally liable, in costs and damages, to the master and owners of any merchant vessel, delivered over, detained, or visited, by them, under the provisions of this Convention.

Whatever court of admiralty shall have cognizance of the cause, as regards the captured vessel, in each case, the same court shall be competent to hear the complaint of the master or owners, or of any person, or persons, on board the said vessel, or interested in the property of her cargo at the time of her detention; and on due and sufficient proof being given to the court of any vexation and abuse having been practised during the search or detention of the said vessel, contrary to the provisions and meaning of this convention, to award reasonable costs and damages to the sufferers, to be paid by the commanding or boarding officer convicted of such misconduct.

The Government of the party thus cast in damages and costs, shall cause the amount of the same to be paid, in each instance, agreeably to the judgment of the court, within twelve months from the date thereof.

In case of any such vexation and abuse occurring in the detention or search of a vessel detained under this convention, and not afterwards delivered over for trial, the persons aggrieved, being such as are specified above, or any of them, shall be heard by any court of admiralty of the country of the captors, before which they make complaint thereof; and the commander and boarding officer of the detaining vessel, shall, in such instance, be liable as above, in costs

and damages, to the complainants, according to the judgment of the court, and their government shall equally cause payment of the same to be made, within twelve months from the time when such judgment shall have been pronounced.

ARTICLE IX. Copies of this convention, and of the laws of both countries, actually in force, for the prohibition and suppression of the African slave trade, shall be furnished to every commander of the national vessels of either party, charged with the execution of those laws; and in case any such commanding officer shall be accused by either of the two governments, of having deviated, in any respect, from the provisions of this convention, and the instructions of his own government in conformity thereto, the government to which such complaint shall be addressed, agrees, hereby, to make inquiry into the circumstances of the case, and to inflict on the officer complained of, in the event of his appearing to deserve it, a punishment adequate to his transgression.

ARTICLE X. The high contracting parties declare, that the right which, in the foregoing articles, they have each reciprocally conceded, of detaining, visiting, capturing, and delivering over for trial, the merchant vessels of the other, engaged in the African slave trade, is wholly and exclusively grounded on the consideration of their having made that traffic piracy by their respective laws; and further, that the reciprocal concession of the said right, as guarded, limited, and regulated, by this convention, shall not be so construed as to authorize the detention or search of the merchant vessels of either nation, by the officers of the navy of the other, except vessels engaged, or suspected of being 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; nor be taken to affect in any other way, the existing rights of either of the high contracting parties. And they do also hereby agree, and engage to use their influence, respectively, with other maritime and civilized powers, to the end that the African slave trade may be declared to be piracy under the law of nations.

ARTICLE XI. The present convention, consisting of eleven articles, shall be ratified, and the ratifications exchanged, at London, within the term of twelve months, or as much sooner as possible.

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

Done at London, the thirteenth day of March, in the year of our Lord one thousand eight hundred and twenty-four.

RICHARD RUSH, (L. S.)

W. HUSKISSON, (L. S.)

STRATFORD CANNING, (L. S.)

(With Mr. Rush's No. 2, of 15th March, 1824.)

C.

BRITISH COUNTER PROJET.

PREAMBLE.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and the United States of North America, being desirous to co-operate for the complete suppression of the African Slave Trade, by making the law of piracy, as applied to that traffic, under the statutes of their respective legislatures, immediately and reciprocally operate on the vessels and subjects, or citizens, of each other, have respectively appointed their Plenipotentiaries, to negotiate and conclude a convention for that purpose, that is to say: on the part of his Britannic Majesty, the Right Hon. William Huskisson, &c. &c. and the R. Hon. Stratford Canning, &c. &c.; and on the part of the United States, Richard Rush, Envoy Extraordinary and Minister Plenipotentiary from those States to the court of his Majesty; which Plenipotentiaries, after duly communicating to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles :

I. The commanding and commissioned officers of each of the two high contracting parties, duly authorized, under the regulations and instructions of their respective Governments, to cruize on the coasts of Africa, of America, and of the West Indies, for the suppression of the slave trade, shall be empowered, under the conditions, limitations, and restrictions, hereinafter specified, to detain, examine, capture, and deliver over for trial and adjudication, by some competent tribunal, of whichever of the two countries it shall be found, on examination, to belong to, any ship or vessel concerned in the illicit traffic of slaves, and carrying the flag of the other, or owned by any subjects or citizens of either of the two contracting parties, except when in presence of a ship of war of its own nation; in which case, the commanding officer of the other party, instead of ordering the detention or search of the suspected vessel himself, shall give information of his suspicions to the commander of the said ship of war, and invite him to cause the suspected vessel to be searched and detained under his exclusive authority; provided, however, that the delay required for this purpose, be not such, from peculiar and unavoidable circumstances, as to enable the suspected vessel to escape.

It is further agreed, that any such ship or vessel, so captured, shall either be carried, or sent, by the capturing officer, to some port of the country to which it belongs, and there given up to the competent authorities, or be delivered up for the same purpose, to any duly commissioned officer of the other party: it being the intention of the high contracting powers, that any ship or vessel within the purview of this convention, and seized on that account, shall be tried and adjudged by the tribunals of the captured party, and not by those of the captor.

II. In the case of any ship or vessel detained by the cruizers of

either of the two contracting parties, on suspicion of carrying on the slave trade, being found, on due examination by the boarding officer, to be chartered on account of any of the subjects or citizens of the other party, although not actually bearing the flag of that party, nor owned by the individuals on whose account she is chartered, or by any other citizens or subjects of the same nation. it is hereby agreed, that, in such case also, upon the delivery of the said vessel to the tribunals of that country to which the persons, on whose account she is chartered, belong, the vessel, cargo, and crew, shall be proceeded against in like manner as any other vessel, cargo, and crew, within the purview of this convention. in so far as the general practice under the law of nations will allow.

III. Whenever any naval commander or commissioned officer of either of the two contracting powers shall, on the high seas, or any where not within the exclusive jurisdiction of either party, board, or cause to be boarded, any merchant vessel, bearing the flag of the other power, and visit the same as a slave trader, or on suspicion of her being concerned in the slave trade, in every such case, whether the vessel so visited, shall, or shall not, be captured and delivered over, or sent into the ports of her own country, for trial and adjudication, the boarding officer shall deliver to the master or commander of the visited vessel, a certificate, in writing, signed by the said boarding officer, and specifying his rank in the navy of his country, together with the names of the commander by whose orders he is acting, and of the national vessel commanded by him; and the said certificate shall further contain a declaration, purporting that the only object of the visit is to ascertain whether the merchant vessel in question is engaged in the slave trade, or not, and, if found to be so engaged, to take and deliver her to the officer or tribunals of her own country, being that of one of the two contracting parties, for trial and adjudication.

In all such cases, the commander of the national vessel, whether belonging to Great Britain or to the United States, shall, when he makes delivery of his capture, either to the officers or to the tribunals of the other power, deliver all the papers found on board the captured vessel, indicating her national character, and the objects of her voyage; and, together with these, a certificate, as above, of the visit, signed with his name, and specifying his rank in the navy of his country, as well as the name of the vessel commanded by him, together with the name and professional rank of the boarding officer by whom the said visit has been made.

This certificate shall also contain a list of all the papers received from the master of the vessel detained, or visited, as well as those found on board the said vessel. It shall, also, contain an exact description of the state in which the vessel was found when detained, and a statement of the changes, if any, which have taken place in it, and of the number of slaves, if any, found on board at the moment of detention.

IV. Whenever any merchant vessel, of either nation, shall be visit-

ed. under this convention, on suspicion of such vessel being engaged in the slave trade, no search shall, in any such case, be made on board the said vessel, except what is necessary for ascertaining, by positive and sufficient proofs, whether she is, or is not, engaged in that illicit traffic. No person shall be taken out of the vessel so visited, though measures of restraint and personal coercion, necessary for the detention and safe delivery of the vessel, may be employed against its crew, by the commanding officer of the visiting vessel, or under his orders; nor shall any part of the cargo of the visited vessel be taken out of her, till after her delivery to the officers or tribunals of her own nation; excepting only when the immediate removal of all, or a part of the slaves, if any, found on board the visited vessel, shall be necessary either for the preservation of their lives, or for the safety of the persons charged with the navigation of the said vessel after her capture. And any of the slaves, so removed, shall be duly accounted for to the government of that country to which the visited vessel belongs, and shall be disposed of according to the laws of the country into which they are carried; the regular bounty, or head money, allowed by law, being, in each instance, secured to the captors, for their use and benefit, by the receiving government.

V. Whenever any merchant vessel, of either nation, shall be captured, under this convention, it shall be the duty of the commander of any ship belonging to the public service of the other, charged with the instructions of his government for carrying into execution the provisions of this convention, on the coast of Africa, of America, or of the West Indies, at the requisition of the commander of the capturing vessel, to receive into his custody the vessel so captured, and to carry or send the same, for trial and adjudication, into some port of his own country. In every such case, at the time of the delivery of the vessel, an authentic declaration shall be drawn up in *triplicate*, and signed by the commanders both of the delivering and receiving vessels; one copy, signed by both, to be kept by each of them, stating the circumstances of the delivery, the condition of the captured vessel at the time of delivery, including the names of her master or commander, and of every other person, not a slave, on board at that time, and exhibiting the number of the slaves, if any, then on board her, and a list of all the papers received or found on board at the time of capture, and delivered over with her. The third copy of the said declaration shall be left in the captured vessel, with the papers found on board, to be produced before the tribunal charged with the adjudication of the capture.

And the commander of the capturing vessel shall be authorized to send any one of the officers under his command, and one or two of his crew, with the captured vessel, to appear before the competent tribunal, as witnesses of the facts regarding her detention and capture; the reasonable expenses of which witnesses, in proceeding to the place of trial, during their detention there, and for their return to their own country, or to their station in its service, shall be allowed by the court of adjudication, and defrayed, in the event of

the vessel being condemned, out of the proceeds of its sale. In case of the acquittal of the vessel, the expenses, as above specified of these witnesses, shall be defrayed by the government of the capturing officer.

VI. Whenever any capture shall be made under this convention, by the officers of either of the contracting parties, and no national vessel of that country to which the captured vessel belongs is cruising on the same station where the capture takes place, the commander of the capturing vessel shall, in such case, either carry or send his prize to some convenient port of his own country, or of any of its dependencies, where a court of vice admiralty has jurisdiction, and there give it up to the competent authorities, for trial and adjudication. The captured vessel shall then be libelled according to the practice of the court taking cognizance of the case; and in case of its being condemned, the proceeds of the sale thereof, and of its cargo, if also condemned, shall be paid to the commander of the capturing vessel, for the benefit of the captors, to be distributed among them, according to the rules of their service respecting prize-money.

VII. The commander and crew of any vessel captured under this Convention, and sent in for trial, shall be proceeded against conformably to the laws of the country whereinto they shall be brought, as pirates engaged in the African Slave Trade; and it is further agreed, that any individual, being a citizen or subject of either of the two contracting parties, who shall be found on board any vessel not carrying the flag of the other party, nor belonging to the subjects or citizens of either, but engaged in the illicit traffic of slaves, and seized or condemned on that account, by the cruisers of the other party, under circumstances, which, by involving such individual in the guilt of slave-trading, would subject him to the penalties of piracy, he shall be sent for trial before the competent court in the country to which he belongs, and the reasonable expenses of any witnesses belonging to the capturing vessel, in proceeding to the place of trial, during their detention there, and for their return to their own country, or to their station in its service, shall, in every such case, be allowed by the court, and defrayed by the country in which the trial takes place.

VIII. The right, reciprocally conceded by the two contracting powers, of visiting, capturing, and delivering over for trial, the merchant vessels of the other, engaged in the traffic of slaves, shall be exercised only by such commissioned officers of their respective navies, as shall be furnished with instructions for executing the laws of their respective countries against the slave trade.

For every vexatious and abusive exercise of this right, the boarding officer and the commander of the capturing or searching vessel shall, in each case, be liable, in costs and damages, to the master and owners of any merchant vessel delivered over, detained, or visited, by them, under the provisions of this convention.

Whatever court of admiralty shall have cognizance of the cause, as regards the captured vessel in each case, the same court shall be

competent to hear the complaint of the master, or of any person on board, or interested in the property of her cargo, at the time of her detention; and, on clear, indubitable proof being given to the court, of any vexation and abuse having been practised during the search or detention of the said vessel, contrary to the provisions and meaning of this convention, to award reasonable costs and damages to the sufferers, to be paid by the commanding or boarding officer convicted of such misconduct.

The government of the party thus cast in damages and costs, shall cause the amount of the same to be paid, in each instance, agreeably to the judgment of the court, within twelve months from [and] after the date thereof.

In case of any such vexation and abuse occurring in the detention or search of a vessel detained under this convention, and not afterwards delivered over for trial, the persons aggrieved, being such as are specified above, or any of them, shall be heard by any court of admiralty of the country of the captors, before which they make complaint thereof, and the commander and boarding officer of the detaining vessel shall, in each instance, be liable, as above, in costs and damages, to the complainants, according to the judgment of the court, and their government shall equally cause payment of the same to be made, within twelve months from the time when such judgment shall have been pronounced.

IX. Copies of this convention, and of the laws of both countries actually in force, for the prohibition and suppression of the African slave trade, shall be furnished to every commander of the national vessels of either party, charged with the execution of those laws; and in case any such commanding officer shall be accused, by either of the two governments, of having deviated, in any respect, from the provisions of this convention, and the instructions of his own government, in conformity thereto, the government to which such complaint shall be addressed, agrees, hereby, to make inquiry into the circumstances of the case, and to inflict on the officer complained of, in the event of his appearing to deserve it, a punishment adequate to his transgression.

X. The high contracting parties declare, that the right which, in the foregoing articles, they have each reciprocally conceded, of detaining, visiting, capturing and delivering over for trial, the merchant vessels of the other, engaged in the African slave trade, is wholly and exclusively grounded on the consideration of their having made that traffic piracy, by their respective laws; and, further, that the concession of the said right, as guarded, limited, and regulated, by this convention, is meant and understood by them neither to extend to, nor in any way to affect, any other existing or eventual right of search, or of capture at sea; in like manner as the mode of delivery and adjudication, stipulated in this convention, is not intended by them to affect, in any way, the ordinary modes of proceeding against vessels captured on the high seas, under the law of nations; and they do also hereby agree and engage to use their influence, respectively...

with other maritime and civilized powers, to the end that the African slave trade may be generally declared to be piracy, under the law of nations.

(With Mr. Rush's No. 2, of March 15th, 1824.)

Protocol of the first conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 23d of January, 1824.

PRESENT—Mr. Rush,
Mr. Huskisson,
Mr. Stratford Canning.

It was agreed, after the communication and exchange of the respective full powers, that the negotiation should be carried on by conference and protocol, with the right, on both sides, of annexing to the protocol any written statement, which either party might consider necessary, as matter either of record or of explanation.

It was further agreed, that the slave trade should be made the first subject of discussion; and that any articles on that head, which the parties might agree in drawing up, should be formed into a separate convention, to be submitted for ratification to the respective Governments, immediately on its conclusion, and without reference to the state of the negotiation on other matters.

The British Plenipotentiaries intimated their expectation to receive from Mr. Rush, in the first instance, a full communication of the proposals intended to be brought forward, successively, by his Government, under the heads of the several questions for the adjustment of which the negotiation had been opened, in conformity with the annexed memorandum, previously communicated by him, (marked A.)

In pursuance of this intimation, Mr. Rush, after some introductory remarks, explanatory of the views of his Government upon this subject, communicated, *in extenso*, the projet of a Convention, (marked B. see folio 450.) for effecting a system of co-operation between the United States and Great Britain, with a view to the complete suppression of the Slave trade.

The British Plenipotentiaries, in receiving this projet, observed, that they could not be expected to express any opinion, as to its admissibility, either in whole or in part, on a first perusal; to which observation the American Plenipotentiary assented, and it was agreed that the next conference should take place on Monday, the second of February.

RICHARD RUSH,
W. HUSKISSON,
STRATFORD CANNING.

A.

Memorandum referred to in the first conference.

1. Commercial intercourse between the United States and the colonial possessions of Great Britain in America, and the West Indies; and the claim of the United States to the navigation of the river St. Lawrence.
2. Suppression of the slave trade.
3. Boundary line under the fifth article of the treaty of Ghent.
4. Admission of consuls of the United States, in the colonial ports of Great Britain.
5. Newfoundland Fishery.
6. Ukase of his Imperial Majesty the Emperor of Russia, of September, 1821, with a view to an adjustment of the boundaries between the United States and Great Britain, on the northwest coast of America.
7. Questions of maritime law heretofore in discussion between the two nations; and, also, that of abolishing privateering as between them.

Protocol of the second conference of the American and British Plenipotentiaries assembled at the Board of Trade, on the 2d of February, 1824.

PRESENT—Mr. Rush,
Mr. Huskisson,
Mr. Stratford Canning.

The protocol of the preceding conference was read over, and signed.

The British Plenipotentiaries stated that, after mature consideration of the projet given in by Mr. Rush, at the former conference, they were disposed to consent to the general principle on which it rested, but that there were serious difficulties in the mode of carrying that principle into effect, which they wished to point out and discuss with Mr. Rush, in the hope of arriving, with his assistance, at some solution satisfactory to both parties.

The discussion which ensued, with a view to the removal or modification of such provisions in the projet as were thought likely to render the proposed convention more or less ineffectual, terminated in an agreement, on the part of the American Plenipotentiary, after he had stated his first impressions on the subject, to reconsider, more at leisure, the points of his projet, which appeared objectionable to the British Plenipotentiaries; and, on their part, to ascertain, by reference to the proper law officers, how far it might be practicable to obviate the legal difficulties on their side.

It was agreed to meet again on the 5th instant, and in case of any further causes of delay arising in the consideration of the slave

trade project, to proceed at once with the next subject of negotiation, until these causes should be removed.

**RICHARD RUSH,
W. HUSKISSON,
STRATFORD CANNING.**

Protocol of the fourth conference of the American and British Plenipotentiaries, held at the Board of Trade, Feb. 16th, 1824.

**PRESENT—Mr. Rush,
Mr. Huskisson,
Mr. Stratford Canning.**

The protocol of the preceding conference was read over, and signed.

Several points connected with the propositions brought forward by the American Plenipotentiary, in the previous conferences, were informally discussed, with a view to explanation, and, if possible, to the removal of difficulties on both sides.

The British Plenipotentiaries communicated a counter-project, (marked C., see folio 21) comprising the principal alterations which they proposed to introduce into the articles on the slave trade, presented by Mr. Rush, and annexed to the protocol of the first conference.

After discussing these alterations in a general way, it was agreed that a formal consideration of the articles on this subject, as produced on both sides, should take place at the next conference, to be fixed at as early a period as possible, with a view to the conclusion of a convention satisfactory to each of the contracting parties.—Adjourned.

**RICHARD RUSH,
W. HUSKISSON,
STRATFORD CANNING.**

Protocol of the fifth conference of the American and British Plenipotentiaries, held at the Board of Trade. March 9th, 1824.

**PRESENT—Mr. Rush,
Mr. Huskisson,
Mr. Stratford Canning.**

The protocol of the preceding conference was read over and signed.

The discussion which had taken place at the last conference, upon the subject of the slave trade, was renewed, principally with reference to the first and tenth articles of the counter-project of the British Plenipotentiaries.

No satisfactory adjustment of the points at issue being arrived at, it was agreed to meet again on the 11th inst. for their further consideration.

**RICHARD RUSH,
W. HUSKISSON,
STRATFORD CANNING.**

Protocol of the sixth conference of the American and British Plenipotentiaries, held at the Board of Trade, March 11th, 1824.

**PRESENT—Mr. Rush,
Mr. Huskisson,
Mr. Stratford Canning.**

The protocol of the preceding conference was read over, and signed.

The points on the subject of the slave trade, which had been left undetermined at the last conference, were again brought under discussion; and, being, at length, satisfactorily adjusted, it was determined that, at the next meeting, to be held on the 13th instant, the business should be completed, by the signature of the Convention, as agreed on.

**RICHARD RUSH,
W. HUSKISSON,
STRATFORD CANNING.**

Protocol of the seventh conference of the American and British Plenipotentiaries, held at the Board of Trade, March 13th, 1824.

**PRESENT—Mr. Rush,
Mr. Huskisson,
Mr. Stratford Canning.**

The protocol of the preceding conference was read over, and signed.

In pursuance of the agreement entered into at the last conference, the Convention on the subject of the slave trade was produced; and, being found, on perusal, to be, in all respects, satisfactory to the Plenipotentiaries, on both sides, received their respective signatures.

The protocol of the present conference was, also, read over, and signed.

**RICHARD RUSH,
W. HUSKISSON,
STRATFORD CANNING.**

IN SENATE.

FRIDAY, April 30, 1824.

The Message, Convention, and Documents, were read.

Ordered, That they be referred to the Committee on Foreign Relations, to consider and report thereon, and be printed under an injunction of secrecy.

Message from the President of the United States, transmitting additional Documents relative to the Convention with Great Britain for the suppression of the African Slave Trade.

TO THE SENATE OF THE UNITED STATES:

I communicate to the Senate copies of additional Documents, relating to the Convention for the suppression of the African Slave Trade, which have this day been received at the Department of State.

JAMES MONROE.

Washington, 7th May, 1824.

LIST OF PAPERS.

Letter from Mr. Rush to the Secretary of State, 1st April, 1824.

Letter from Mr. Huskisson to Mr. Rush, 1st April, 1824.

Letter from the British Secretary of Foreign Affairs to Mr. Addington; communicated by Mr. Addington.

Act of Parliament, of 31st March, 1824, declaring the African Slave Trade piracy.

Mr. Rush to Mr. Adams.

LONDON, 1st April, 1824.

SIR: I have now the honor to transmit, in the shape in which it has received the royal assent, a copy of the British act of Parliament making the slave trade piracy. It was sent to me to day by Mr. Huskisson, with a note, of which a copy is enclosed. It passed the House of Lords the day before yesterday, by an unanimous vote.

In addition to the explanation which Mr. Huskisson afforded me, of the clause at the end of the act, both himself and Mr. Secretary Canning have since stated to me that a further reason for it was, that a consolidation of this act with all the other British slave trade laws and regulations, is in contemplation, perhaps in the

course of the present session of Parliament, with a view to give the British naval officers one comprehensive code of instructions under them.

I have the honor to be, with very great respect, your obedient servant,

RICHARD RUSH.

Hon. J. Q. ADAMS, Secretary of State.

Mr. Huskisson to Mr. Rush.

Board of Trade, April 1st, 1824.

MY DEAR SIR: I have the satisfaction to transmit to you three copies of the bill, which received the royal assent yesterday, for declaring slave-trading to be piracy.

These copies are, the bill as printed for the House of Lords, in which shape, as no amendment was made in that House, it received the royal assent; but some few days will elapse before it can be published in the usual form, among the laws of the present session.

I have the honor to be, dear Sir, your very faithful obdt. servt.

W. HUSKISSON.

RICHARD RUSH, &c. &c.

Mr. Canning to Mr. Addington.

Foreign Office, April 2, 1824.

SIR: I herewith enclose to you several copies of the bill, which has now passed into a law, affixing to the crime of carrying on the slave trade by British subjects, the pains and penalties attached to piracy.

You will lose no time in calling on Mr. Adams. and in communicating this act of Parliament to him, in proof of the anxiety of his Majesty to carry into early and effectual execution the convention lately concluded on this subject by the United States; and, with reference to that clause in the act which provides for possible alteration in the course of the session, you will explain to the American Minister that this clause has in view no change in the act, but merely its consolidation with all the other slave trade regulations in one general act, which is intended to be brought in before the close of this session of Parliament, in order that the British officers may be furnished with one comprehensive code of instruction on this subject.

I have the honor to be, &c. &c.

GEORGE CANNING.

HENRY UNWIN ADDINGTON, Esq. &c.

AN ACT for the more effectual suppression of the African Slave Trade.

March 31. 1824.

Whereas it is expedient to make further provision for the suppression of the African slave trade, by enacting that persons committing the offences hereinafter specified, shall be deemed and adjudged to be guilty of piracy: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That if any subject or subjects of His Majesty, or any person or persons residing or being within any of the dominions, forts, settlements, factories, or territories, now or hereafter belonging to His Majesty, or being in His Majesty's occupation or possession, or under the government of the United Company of Merchants of England trading to the East Indies, shall, except in such cases as are, in and by the laws now in force, permitted, after the first day of January, one thousand eight hundred and twenty-five, upon the high seas, or in any haven, river, creek, or place, where the admiral has jurisdiction, knowingly and wilfully carry away, convey, or remove, or aid or assist in carrying away, conveying, or removing, any person or persons as a slave or slaves, or for the purpose of his, her, or their, being imported or brought as a slave or slaves, into any island, colony, country, territory, or place, whatsoever, or for the purpose of his, her, or their, being sold, transferred, used, or dealt with as a slave or slaves; or shall, after the said first day of January, one thousand eight hundred and twenty-five, except in such cases as are, in and by the laws now in force, permitted, upon the high seas, or within the jurisdiction aforesaid, knowingly and wilfully ship, embark, receive, detain, or confine, or assist in shipping, embarking, receiving, detaining, or confining, on board any ship, vessel, or boat, any person or persons, for the purpose of his, her, or their, being carried away, conveyed, or removed, as a slave or slaves, or for the purpose of his, her, or their, being imported, or brought, as a slave or slaves, into any island, colony, country, territory, or place, whatsoever, or for the purpose of his, her, or their, being sold, transferred, used, or dealt with, as a slave or slaves, then, and in every such case, the person or persons so offending, shall be deemed and adjudged guilty of piracy, felony, and robbery; and, being convicted thereof, shall suffer death, without benefit of clergy, and loss of lands, goods, and chattels, as pirates, felons, and robbers, upon the seas, ought to suffer.

II. Provided always, and it is hereby further enacted and declared, That nothing in this act contained, making and declaring the aforesaid offences to be piracies, felonies, and robberies, shall be construed to repeal, annul, or alter, the provisions and enactments of any other act or acts contained, imposing forfeitures and penalties, or either of them, upon the same offences, or to repeal, annul, or alter, the remedies given for the recovery thereof; but that the said

provisions and remedies shall, in all respects, be deemed and taken to be and remain in full force, as they existed immediately before the passing of this act: Provided, also, that nothing herein contained shall be construed to repeal, annul, or alter, any of the enactments or provisions contained in an act passed in the fifty-first year of his late Majesty, intituled "An act for rendering more effectual an act made in the forty-seventh year of His Majesty's reign, entitled 'An act for the abolition of the slave trade,'" except so far as such enactments or provisions are altered or varied by this act, but that the said act shall, in all other respects, remain in full force and effect.

III. And be it further enacted and declared, that all and every the offences, hereinbefore specified, shall and may be inquired of, either according to the ordinary course of law and the provisions of an act passed in the twenty-eighth year of the reign of King Henry the Eighth, intituled "An act for Pirates," or according to the provisions of an act passed in the forty-sixth year of the reign of his late Majesty King George the Third, entitled "An act for the more speedy trial of offences committed in distant parts upon the high seas."

IV. And be it further enacted, That this act may be amended, altered, or repealed, by any act or acts to be passed in this present session of Parliament.

IN SENATE,

Saturday, May 8, 1824.

Mr. Barbour, from the Committee on Foreign Relations, to whom was referred, on the 30th April, the Message of the President of the United States of that date, together with the Convention with Great Britain, reported the same without amendment. The said Convention was read the second time:

Wednesday, May 12, 1824.

The Senate proceeded to consider, as in Committee of the Whole, the Convention with Great Britain, concluded at London, the 13th March, 1824; and, *Ordered*, That it lie on the table.

Tuesday, May 13, 1824.

The Senate resumed, as in Committee of the Whole, the consideration of the Convention between the United States and Great Britain, and Mr. Barbour proposed the following amendment thereto, which was read:

"Art. XII. This Convention shall continue in force until one of

the parties shall have declared its intention to renounce it; which declaration shall be made at least six months beforehand."

Monday, May 17, 1824.

The Senate resumed, as in Committee of the Whole, the consideration of the Convention with Great Britain, together with the amendment proposed on the 15th instant; and, on motion, *Ordered*, That the further consideration thereof be postponed to, and made the order of the day for Wednesday next.

IN SENATE OF THE UNITED STATES.

May 21, 1824.

Message from the President of the United States.

TO THE SENATE OF THE UNITED STATES:

Apprehending, from the delay in the decision, that some difficulty exists with the Senate, respecting the ratification of the convention lately concluded with the British Government for the suppression of the slave trade, by making it piratical, I deem it proper to communicate, for your consideration, such views as appear to me to merit attention. Charged, as the Executive is, and I have long been, with maintaining the political relations between the United States and other nations, I consider it my duty, in submitting for your advice and consent, as to the ratification, any treaty or convention which has been agreed on with another power, to explain, when the occasion requires it, all the reasons which induced the measure. It is by such full and frank explanation, only, that the Senate can be enabled to discharge the high trust reposed in them with advantage to their country. Having the instrument before them, with the views which guided the Executive in forming it, the Senate will possess all the light necessary to a sound decision.

By an act of Congress of 15th May, 1820, the slave trade, as described by that act, was made piratical, and all such of our citizens as might be found engaged in that trade, were subjected, on conviction thereof, by the Circuit Courts of the United States, to capital punishment. To communicate more distinctly the import of that act, I refer to its fourth and fifth sections, which are in the following words :

“SECT. 4. *And be it further enacted*, That, if 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, shall land from any such ship or vessel, and on any foreign shore, seize any negro or mulatto, not held to service or labour by the laws of either of the states or territories of

the United States, with intent to make such negro or mulatto a slave, or shall decoy, or forcibly bring, or carry, or shall receive such negro or mulatto, on board any such ship or vessel, with intent as aforesaid, such citizen or person shall be adjudged a pirate, and on conviction thereof, before the Circuit Court of the United States, for the district wherein he may be brought or found, shall suffer death."

"**SECT. 5.** *And be it further enacted,* That, if 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 wholly or in part, or navigated for, or in behalf of, any citizen or citizens of the United States, shall forcibly confine or detain, or aid and abet in forcibly confining or detaining, on board such ship or vessel, any negro or mulatto, not held to service by the laws of either of the states or territories of the United States, with intent to make such negro or mulatto a slave, or shall, on board any such ship or vessel, offer or attempt to sell, as a slave, any negro or mulatto, not held to service as aforesaid, or shall, on the high seas, or any where on tide water, transfer or deliver over, to any other ship or vessel, any negro or mulatto, not held to service, as aforesaid, with intent to make such negro or mulatto a slave, or shall land, or deliver on shore from on board any such ship or vessel, any such negro or mulatto, with intent to make sale of, or having previously sold such negro or mulatto as a slave, such citizen or person shall be adjudged a pirate; and, on conviction thereof, before the Circuit Court of the United States, for the district wherein he may be brought or found, shall suffer death."

And, on the 28th February, 1823, the House of Representatives, by a majority of 131 to 9, passed a resolution to the following effect:

"*Resolved,* That the President of the United States be requested 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."

By the act of Congress above referred to, whereby the most effectual means that could be devised were adopted, for the extirpation of the slave trade, the wish of the United States was explicitly declared, that all nations might concur in a similar policy. It could only be by such concurrence that the great object could be accomplished; and it was by negotiation and treaty, alone, that such concurrence could be obtained, commencing with one power, and extending it to others. The course, therefore, which the Executive, who had concurred in the act, had to pursue, was distinctly marked out for it. Had there, however, been any doubt respecting it, the resolution of the House of Representatives, the branch which might, with strict propriety, express its opinion, could not fail to have removed it.

By the tenth article of the treaty of peace between the United States and Great Britain, concluded at Ghent, it was stipulated that both parties should use their best endeavors to accomplish the abolition of the African slave trade. This object has been, accordingly, pursued by both Governments, with great earnestness, by separate acts of legislation, and by negotiation, almost uninterrupted, with the purpose of establishing a concert between them, in some measure, which might secure its accomplishment.

Great Britain, in her negotiations with other powers, had concluded treaties with Spain, Portugal, and the Netherlands, in which, without constituting the crime as piracy, or classing it with crimes of that denomination, the parties had conceded to the naval officers of each other, the right of search and capture of the vessels of either, that might be engaged in the slave trade, and had instituted courts, consisting of judges, subjects of both parties, for the trial of the vessels so captured.

In the negotiations with the United States, Great Britain had earnestly and repeatedly pressed on them the adoption of similar provisions. They had been resisted by the Executive, on two grounds: one, that the constitution of mixed tribunals was incompatible with their constitution; and the other, that the concession of the right of search in time of peace, for an offence not piratical, would be repugnant to the feelings of the nation, and of dangerous tendency. The right of search is the right of war, of the belligerent towards the neutral. To extend it in time of peace to any object whatever, might establish a precedent which might lead to others with some powers, and which, even if confined to the instance specified, might be subject to great abuse.

Animated by an ardent desire to suppress this trade, the United States took stronger ground, by making it, by the act above referred to, piratical; a measure more adequate to the end, and free from many of the objections applicable to the plan which had been proposed to them. It is this alternative which the Executive, under the sanctions and injunctions above stated, offered to the British Government, and which that Government has accepted. By making the crime piracy, the right of search attaches to the crime, and which, when adopted by all nations, will be common to all; and that it will be so adopted, may fairly be presumed, if steadily persevered in by the parties to the present convention. In the mean time, and with a view to a fair experiment, the obvious course seems to be, to carry into effect, with every power, such treaty as may be made with each in succession.

In presenting this alternative to the British government, it was made an indispensable condition, that the trade should be made piratical by act of Parliament, as it had been by an act of Congress. This was provided for in the convention, and has since been complied with. In this respect, therefore, the two nations rest on the same ground: Suitable provisions have also been adopted to protect each party from the abuse of the power granted to the public ships of the other. Instead of subjecting the persons detected in the slave trade

to trial by the courts of the captors, as would be the case if such trade was piracy by the law of nations, it is stipulated, that, until that event, they shall be tried by the courts of their own country only. Hence, there could be no motive for an abuse of the right of search, since such abuse could not fail to terminate to the injury of the captor.

Should this convention be adopted, there is every reason to believe, that it will be the commencement of a system destined to accomplish the entire abolition of the slave trade. Great Britain, by making it her own, confessedly adopted, at the suggestion of the United States, and being pledged to propose and urge its adoption, by other nations, in concert with the United States, will find it for her interest to abandon the less effective system of her previous treaties with Spain, Portugal, and the Netherlands, and to urge on those and other powers their accession to this. The crime will then be universally proscribed as piracy, and the traffic be suppressed for ever. Other considerations of high importance urge the adoption of this convention. We have at this moment pending with Great Britain, sundry other negotiations, intimately connected with the welfare, and even with the peace, of our Union. In one of them, nearly a third part of the territory of the state of Maine is in contestation. In another, the navigation of the St. Lawrence, the admission of consuls into the British islands, and a system of commercial intercourse between the United States and all the British possessions in this hemisphere, are subjects of discussion. In a third our territorial, and other rights upon the north west coast, are to be adjusted; while a negotiation on the same interest is opened with Russia. In a fourth, all the most important controvertible points of maritime law, in time of war, are brought under consideration; and, in the fifth, the whole system of South America concerns, connected with a general recognition of South American independence, may, again, from hour to hour, become, as it has already been, an object of concerted operations of the highest interest to both nations, and to the peace of the world.

It cannot be disguised, that the rejection of this convention could not fail to have a very injurious influence on the good understanding between the two governments on all these points. That it would place the executive administration under embarrassment, and subject it, the Congress, and the nation, to the charge of insincerity, respecting the great result of the final suppression of the slave trade, and that its first and indispensable consequence will be, to constrain the executive to suspend all further negotiation with every European and American power, to which overtures have been made, in compliance with the resolution of the House of Representatives, of 28th February, 1823, must be obvious. To invite all nations, with the statute of piracy in our hands, to adopt its principles as the law of nations, and yet to deny to all the common rights of search for the pirate, whom it would be impossible to detect, without entering and searching the vessel, would expose us, not simply to the charge of inconsistency.

It must be obvious, that the restriction of search for pirates to the African coast, is incompatible with the idea of crime. It is not doubted, also, if the convention is adopted, that no example of the commission of that crime, by the citizens or subjects of either power, will ever occur again. It is believed, therefore, that this right, as applicable to piracy, would not only extirpate the trade, but prove altogether innocent in its operation.

In further illustration of the views of Congress on this subject, I transmit the Senate extracts from two resolutions of the House of Representatives, one of the 9th February, 1821, the other of 12th April, 1822. I transmit, also, a letter from the Charge d'Affaires of the British Government, which shows the deep interest which that Government takes in the ratification of the treaty.

JAMES MONROE.

Washington, 21st May, 1824,

Extract of a report of the 9th of February, 1821, to the House of Representatives, by the committee to which had been referred so much of the President's message as relates to the slave trade, and to which were referred the two messages of the President, transmitting, in pursuance of the resolution of the House of Representatives, of the 4th of December, a report of the Secretary of State, and enclosed documents relating to the negotiation for the suppression of the slave trade.

“The detestable crime of kidnapping the unoffending inhabitants of one country, and chaining them to slavery in another, is marked with all the atrociousness of piracy; and, as such, it is stigmatized and punishable by our own laws.

To efface this reproachful stain from the character of civilized mankind, would be the proudest triumph that could be achieved in the cause of humanity. On this subject, the United States, having led the way, owe it to themselves to give their influence and cordial co-operation to any measure that will accomplish the great and good purpose; but this happy result, experience has demonstrated, cannot be realized by any system, except a concession by the maritime powers to each other's ships of war of a qualified right of search.

If this object was generally attained, it is confidently believed that the active exertions of even a few nations, would be sufficient entirely to suppress the slave trade:”

Extract from a report made April 12, 1822, by the committee on the suppression of the slave trade, to whom had been referred a resolution of the House of Representatives, of the 15th January preceding, instructing them to inquire whether the laws of the United States, prohibiting that traffic, have been duly executed; also, into the general operation thereof, and, if any defects exist in those laws, to suggest adequate remedies therefor, and to whom many memorials have been referred touching the same subject.

“ But, the conclusion to which your committee has arrived, after consulting all the evidence within their reach, is, that the African slave trade now prevails to a great extent, and that its total suppression can never be effected by the separate and disunited efforts of one or more states; and, as the resolution to which this report refers, requires the suggestion of some remedy for the defects, if any exist, in the system of laws for the suppression of this traffic, your committee beg leave to call the attention of the House to the report and accompanying documents submitted to the last Congress, by the committee on the slave trade, and to make the same a part of this report. That report proposes, as a remedy for the existing evils of the system, the concurrence of the United States with one or all the maritime powers of Europe, in a modified and reciprocal right of search on the African coast, with a view to the total suppression of the slave trade.

“ It is with great delicacy that the committee have approached this subject, because they are aware that the remedy which they have presumed to recommend to the consideration of the House, requires the exercise of a power of another Department of this Government, and that objections to the exercise of this power, in the mode here proposed, have hitherto existed in that Department.

“ Your committee are confident, however, that these objections apply rather to a *particular proposition* for the exchange of the right of search, than to that modification of it which presents itself to your committee. They contemplate the trial and condemnation of such American citizens as may be found engaged in this forbidden trade, not by mixed tribunals sitting in a foreign country, but by existing courts, of competent jurisdiction, in the United States, they propose the same disposition of the captured Africans, now authorized by law, and least of all their detention in America.

“ They contemplate an exchange of this right, which shall be in all respects reciprocal, an exchange which, deriving its sole authority from treaty, would exclude the pretension which no nation, however, has presumed to set up, that this right can be derived from the law of nations; and, further, they have limited it in their conception of its application, not only to certain latitudes, and to a certain distance from the coast of Africa, but to a small number of vessels to be employed by each power, and to be previously designated. The visit and search thus restricted, it is believed, would insure the co-operation of one great maritime power in the proposed exchange, and ward it from the danger of abuse.

“Your committee cannot doubt that the people of America have the intelligence to distinguish between the right of searching a neutral on the high seas, in time of war, claimed by some belligerents; and that mutual, restricted, and peaceful concession, by treaty, suggested by your committee, and which is demanded in the name of suffering humanity.”

Mr. Addington to the Secretary of State.

WASHINGTON, May 16, 1824.

SIR: Nearly three weeks have now elapsed since I had the honor of making my first communication to you, on the subject of the convention, concluded on the 13th of March last, between the British Government and the American envoy, in London.

At that time, in pursuance of instructions conveyed to me from his Majesty's Secretary of State for foreign affairs, I made known to you the earnest desire of the British Government, that no time should be lost by that of the United States in proceeding to the ratification of that instrument, in order that it might be returned to England in time to have it submitted to Parliament, prior to its prorogation, which was expected to take place at an early period.

I flattered myself, sir, that the wish thus anxiously expressed by me on behalf of his Majesty's Government, would meet with a corresponding order on the part of all the authorities to whom it was addressed, especially considering that the project of the convention originated with this Government, at the instigation of the House of Representatives, and that his Majesty's ministers had not hesitated an instant to comply with the preliminary act desired by the President, of procuring the passage of a bill, through Parliament, denouncing as piracy, by statute, the African slave trade, when exercised by British subjects.

This consideration, sir, necessarily precludes my entertaining a doubt as to the eventual ratification of the convention by this Government, and I therefore attribute the delay which has hitherto occurred, to the pressure of other business, which it would have been found inconvenient to postpone.

I think it my duty, however, to press once more, and in the most earnest manner, upon your attention, the anxiety of the British Government on this subject.

Of this anxiety, a most convincing proof may be found, in the circumstance of an extra packet having been dispatched, by them, for the sole purpose of conveying, to this country, the act of Parliament declaring slave trade piracy, immediately after its passage through both Houses, in order that the want of that document might not oppose any obstacle to the sanction of the convention, by this Government.

Perhaps, sir, you will allow me to add, that I now detain that same packet for the express purpose of reconveying the instrument in question, as soon as ratified, with the utmost possible celerity, to England.

I have the honor to be,

With distinguished consideration, Sir,

Your most obedient humble servant,

H. U. ADDINGTON.

Hon. JOHN Q. ADAMS.

Secretary of State.

IN SENATE—FRIDAY, *May 21, 1824.*

Agreeably to the order of the day, the Senate resumed, as in committee of the whole, the consideration of the Convention with Great Britain, together with the amendment proposed on the 13th instant; and the amendment having been modified, as follows:

Provided, That an article be added, whereby it shall be free to either of the parties, at any time, to renounce the said convention, giving six months' notice beforehand:

On the question to agree thereto, it was determined in the affirmative, yeas 36, nays 2.

Those who voted in the affirmative, are, Messrs. Barbour, Barton, Bell, Benton, Branch, Brown, Clayton, Eaton, Edwards, Elliott, Findlay, Gaillard, Hayne, Holmes, of Maine, Holmes, of Mississippi, Jackson, Johnson, of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, King, of Alab. King, of N. Y. Knight, Lloyd, of Mas. Lowrie, McIlvaine, Macon, Mills, Palmer, Parrott, Ruggles, Seymour, Taylor, of Va. Thomas, Van Dyke, Williams.

Those who voted in the negative, are, Messrs. Chandler and D'Wolf.

And no further amendment having been made, the Convention was reported to the Senate.

On the question to concur in the amendment made in committee of the whole, to wit:

Insert at the end of the resolution for the ratification of the Convention,

Provided, That an article be added, whereby it shall be free to either of the parties, at any time, to renounce the said Convention, giving six months' notice beforehand,

It was determined in the affirmative, yeas 34, nays 2.

Those who voted in the affirmative, are, Messrs. Barbour, Barton, Bell, Benton, Branch, Brown, Clayton, Eaton, Edwards, Elliott, Findlay, Gaillard, Hayne, Holmes of Maine, Holmes of Miss. Jackson, Johnson of Ken. Josiah S. Johnston, Kelly, King of Alab. King, N. Y. Knight, Lloyd of Mass. Lowrie, McIlvaine, Macon, Mills, Parrott, Ruggles, Seymour, Taylor of Va. Thomas, Van Dyke, and Williams.

Those who voted in the negative are, Messrs. Chandler and D'Wolf. *Ordered*, That the Convention pass to a third reading.

SATURDAY, *May* 22, 1824.

The Convention with Great Britain was read the third time. Whereupon, Mr. Barbour submitted the following motion for consideration, which was read:

Resolved, Two-thirds of the Senators present concurring therein, That the Senate do advise and consent to the ratification of the Convention made and concluded at London the thirteenth day of March, one thousand eight hundred and twenty-four, between the United States of America, and the King of the United Kingdom of Great Britain and Ireland: Provided, That an article be added, whereby it shall be free to either of the parties, at any time, to renounce the said Convention, giving six months' notice, beforehand.

On motion by Mr. Macon, to postpone the further consideration of the Convention to the first Monday in December next, it was determined in the negative, yeas 16, nays 26. The yeas and nays being desired by one-fifth of the Senators present—

Those who voted in the affirmative, are, Messrs. Bell, Brown, Chandler, D'Wolf, Dickerson, Elliott, Gaillard, Holmes of Maine, Knight, Lowrie, Macon, Ruggles, Smith, Thomas, Van Buren, and Ware.

Those who voted in the negative, are, Messrs. Barbour, Barton, Benton, Branch, Clayton, Eaton, Edwards, Findlay, Hayne, Holmes of Miss. Jackson, Johnson of Ken. Henry Johnson, Josiah S. Johnston, Kelly, King of N. Y. Lloyd of Mass. McIlvaine, Mills, Noble, Parrott, Seymour, Taylor of Ind. Taylor of Va. Van Dyke, and Williams.

On motion by Mr. Josiah S. Johnston, to strike out of the Convention, art. 1, line 4, the words "of America"—On the question "Shall these words stand as part of the article?" It was determined in the negative, yeas 23, nays 20. Those who voted in the affirmative, are, Messrs. Barbour, Barton, Clayton, Eaton, Edwards, Findlay, Hayne, Holmes of Miss. Jackson, Johnson of Ken. Henry Johnson, Kelly, King of N. Y. Lloyd of Mass. McIlvaine, Mills, Noble, Parrott, Seymour, Taylor of Ind. Taylor of Va. Van Dyke, and Williams.

Those who voted in the negative, are, Messrs. Bell, Benton, Branch, Brown, Chandler, D'Wolf, Dickerson, Elliott, Gaillard, Holmes of Maine, Josiah S. Johnston, King of Alab. Knight, Lowrie, Macon, Ruggles, Smith, Thomas, Van Buren, and Ware.

On motion of Mr. Josiah S. Johnston, to strike out, art. 1, line 5 $\frac{1}{2}$ the words, "and of the West Indies"—

On the question, "Shall these words stand as part of the article?" It was determined in the affirmative, yeas 29, nays 14.

Those who voted in the affirmative, are, Messrs. Barbour, Barton, Benton, Brown, Clayton, Eaton, Edwards, Findlay, Hayne

Holmes of Miss. Jackson, Johnson of Ken. Henry Johnson, Kelly, King of N. Y. Knight, Lloyd of Mass. Lowrie, McIlvaine, Macon, Mills, Noble, Parrott, Ruggles, Seymour, Taylor of Ind. Taylor of Va. Van Dyke, and Williams.

Those who voted in the negative, are, Messrs. Bell, Branch, Chandler, D'Wolf, Dickerson, Elliott, Gaillard, Holmes of Maine, Josiah S. Johnston, King of Alab. Smith, Thomas, Van Buren, and Ware.

A motion was made by Mr. Josiah S. Johnston, to strike out the second article; and, on the question, "Will the Senate advise and consent to the ratification of this article?" it was determined in the negative, yeas, 27. nays 16.

Those who voted in the affirmative are, Messrs. Barbour, Barton, Benton, Branch, Clayton, Eaton, Edwards, Findlay, Haynes, Holmes, of Miss. Jackson, Johnson, of Ken. Henry Johnson, Kelly, King, of N. Y. Knight, Lloyd, of Mass. McIlvaine, Mills, Noble, Parrott, Ruggles, Seymour, Taylor, of Ind. Taylor, of Va. Van Dyke, and Williams.

Those who voted in the negative, are, Messrs. Bell, Brown, Chandler, D'Wolf, Dickerson, Elliott, Gaillard, Holmes, of Maine, J. S. Johnston, King, of Alab. Lowrie, Macon, Smith, Thomas, Van Buren, and Ware.

On motion, to strike out of the 7th article the following words:

"And it is further agreed, that any individual, being a citizen or subject of either of the two contracting parties, who shall be found on board any vessel, not carrying the flag of the other party, nor belonging to the subjects or citizens of either, but engaged in the illicit traffic of slaves, and seized or condemned on that account, by the cruisers of the other party, under circumstances which, by involving such individual in the guilt of slave trading, would subject him to the penalties of piracy, he shall be sent for trial before the competent court in the country to which he belongs, and the reasonable expenses of any witnesses belonging to the captured vessel, in proceeding to the place of trial, during their detention there, and for their return to their own country, or to their station in its service, shall, in every such case, be allowed by the court, and defrayed by the country in which the trial takes place:"

On the question, "Shall these words stand as part of the article?" It was determined in the negative. Yeas 22, Nays 21.

Those who voted in the affirmative, are, Messrs. Barton, Benton, Clayton, Eaton, Edwards, Findlay, Hayne, Holmes, of Miss. Jackson, Johnson, of Ken. Henry Johnson, Kelly, King, of N. Y. Knight, McIlvaine, Mills, Noble, Parrott, Seymour, Taylor, of Va. Van Dyke, and Williams.

Those who voted in the negative, are, Messrs. Barbour, Bell, Branch, Brown, Chandler, D'Wolf, Dickerson, Elliott, Gaillard, Holmes, of Maine, Josiah S. Johnston, King, of Alab. Lloyd of Mass. Lowrie, Macon, Ruggles, Smith, Taylor, of Ind. Thomas, Van Buren, and Ware.

On the question to agree to the resolution, amended accordingly, for the ratification of the Convention,

It was determined in the affirmative. Yeas 29. Nays 15.

Those who voted in the affirmative, are, Messrs. Barbour, Barton, Benton, Branch, Brown, Clayton, Eaton, Edwards, Findlay, Hayne, Holmes, of Miss. Jackson, Johnson, of Ken. Henry Johnson, Josiah S. Johnston, Kelly, King, of Alab. King, of N. Y. Knight, Lloyd, of Mass. Lowrie, McIlvaine, Mills, Parrott, Seymour, Taylor, of Ind. Taylor, of Vir. Van Dyke, and Williams.

Those who voted in the negative, are, Messrs. Bell, Chandler, D'Wolf, Dickerson, Elliott, Gaillard, Holmes, of Maine, Macon, Ruggles, Smith, Thomas, Van Buren, and Ware.

So it was resolved, two-thirds of the Senators present concurring therein, That the Senate do advise and consent to the ratification of the Convention made and concluded at London, the thirteenth day of March, one thousand eight hundred and twenty-four, between the United States of America and the King of the United Kingdom of Great Britain and Ireland, with the exception of the words, "of America," in line four, of the first article, with the exception of the second article; and of the following words, in the seventh article: "And it is further agreed, that any individual, being a citizen or subject of either of the two contracting parties, who shall be found on board any vessel, not carrying the flag of the other party, nor belonging to the subjects or citizens of either, but engaged in the illicit traffic of slaves, and seized or condemned on that account, by the cruisers of the other party, under circumstances which, by involving such individual in the guilt of slave trading, would subject him to the penalties of piracy, he shall be sent for trial before the competent court in the country to which he belongs, and the reasonable expenses of any witnesses, belonging to the capturing vessel, in proceeding to the place of trial, during their detention there, and for their return to their own country, or to their station in its service, shall, in every such case, be allowed by the court, and defrayed by the country in which the trial takes place:" Provided, That an article be added, whereby it shall be free to either of the parties, at any time, to renounce the said Convention, giving six months' notice beforehand.

II.

Mr. Adams to Mr. Rush.

DEPARTMENT OF STATE,

Washington, 29th May, 1824.

SIR: The convention between the United States and Great Britain, for the suppression of the African slave trade, is herewith transmit-

ted to you, with the ratification on the part of the United States, under certain modifications and exceptions, annexed as conditions to the advice and consent of the Senate to its ratification.

The participation of the Senate of the United States in the final conclusion of all treaties, to which they are parties, is already well known to the British government; and the novelty of the principles established by the convention, as well as their importance, and the requisite assent of two thirds of the Senators present to the final conclusion of every part of a ratified treaty, will explain the causes of its ratification under this form. It will be seen that the great and essential principles which form the basis of the compact are admitted, to their full extent, in the ratified part of the convention. The second article, and the portion of the seventh which it is proposed to expunge, are unessential to the plan, and were not included in the project of convention transmitted to you from hence. They appear, indeed, to be, so far as concerned the United States, altogether inoperative, since they could not confer the power of capturing slave traders under the flag of a third party—a power not claimed, either by the United States, or Great Britain, unless by treaty, and the United States having no such treaty with any other power. It is presumed that the bearing of those articles was exclusively upon the flags of those other nations with which Great Britain has already treaties for the suppression of the slave trade, and that, while they give an effective power to the officers of Great Britain, they conferred none upon those of the United States.

The exception of the coast of America from the seas upon which the mutual power of capturing the vessels under the flag of either party, may be exercised, had reference, in the views of the Senate, doubtless, to the coast of the United States. On no part of that coast, unless within the Gulf of Mexico, is there any probability that slave-trading vessels will ever be found. The necessity for the exercise of the authority to capture is, therefore, no greater than it would be upon the coast of Europe. In South America, the only coast to which slave traders may be hereafter expected to resort, is that of Brazil, from which it is to be hoped they will shortly be expelled by the laws of the country.

The limitation by which each party is left at liberty to renounce the convention, by six months' notice to the other, may perhaps be useful in reconciling other nations to the adoption of its provisions. If the principles of the convention are to be permanently maintained, this limitation must undoubtedly be abandoned; and when the public mind shall have been familiarized to the practical operation of the system, it is not doubted that this reservation will, on all sides, be readily given up.

In giving these explanations to the British Government, you will state that the President was fully prepared to have ratified the convention without alteration, as it had been signed by you. He is aware that the conditional ratification leaves the British government at liberty to concur therein, or to decline the ratification altogether;

but he will not disguise the wish, that, such as it is, it may receive the sanction of Great Britain, and be carried into effect. When the concurrence of both governments has been at length obtained, by exertions so long and so anxiously continued, to principles so important, and for purposes of so high and honorable a character, it would prove a severe disappointment to the friends of freedom and of humanity, if all prospect of effective concert between the two nations, for the extirpation of this disgrace to civilized man, should be lost by differences of sentiment, in all probability transient, upon unessential details.

Should the convention, as ratified on the part of the United States, be likewise ratified on the part of Great Britain, you will exchange the ratifications, and forthwith transmit the British ratified copy to this place. On exchanging the ratifications, a certificate of that act is usually executed under the hand and seal of the persons performing it, and mutually delivered. A copy of the form of that used in exchanging the ratifications of the convention of 20th October, 1818, is herewith enclosed, and it appears to be the form generally used on such occasions by the British government. You will transmit the certificate exchanged with the British ratification. To complete the documents belonging to the negotiation, a copy of the full power of the British Plenipotentiaries, and of the protocol of the third conference, are yet to be forwarded to us.

By the ninth article of the convention, it is provided that copies of it, "and of the laws of both countries, actually in force, for the prohibition and suppression of the slave trade, shall be furnished to every commander of the National vessels of either party, charged with the execution of those laws." The fulfilment of this article will require the continued and particular attention of both governments. I enclose, herewith, a printed pamphlet, containing all the laws of the United States on this subject, now in force. It is stated in your despatches to have been the intention of the British government to consolidate into one act, during the present session of Parliament, all the British laws relating to the subject; and perhaps Congress, at their next session, may deem it expedient to do the same here. At all events, you will not fail to forward to me a copy of all the laws in force, which come within the purview of the convention; and although not expressly stipulated in that instrument, you will suggest to the British government, that copies of the *Instructions* relating to this object, given by each of the parties to its own naval officers, should be communicated to the other, and furnished to all the officers, on either side, entrusted with the execution of the laws made by this convention, common to both. Lists of the vessels of either party, and of their commanders, thus instructed, might also facilitate the accomplishment of the great purposes of both, and harmonize the practical operation of a system, not less important by the magnanimous end to be obtained, than by the novelty of the means adopted for its accomplishment.

The conclusion of this convention has been highly satisfactory to the President, whose entire approbation of the course pursued by you

in the negotiation of it, I am instructed to make known to you. He indulges the hope that it will, even as now modified, contribute largely to two objects of high importance: to the friendly relations between the two countries, and to the general interests of humanity. He sees in it, with much pleasure, that spirit of mutual accommodation, so essential to the continuance and promotion of their harmony and good understanding, and welcomes it as an earnest of the same spirit, in accomplishing the adjustment of the other interesting objects in negotiation between the two parties.

I am, with great respect, sir,

Your very humble and obedient servant,

JOHN QUINCY ADAMS.

RICHARD RUSH, *Envoy Extraordinary
and Minister Plenipotentiary U. S. London.*

III.

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

London, June 28th, 1824.

“I have this day had the honor to receive your despatch, No. 79, of the 29th of May, with the Convention for the Suppression of the Slave Trade, as ratified on the part of the United States, under certain modifications and exceptions, annexed as conditions to the advice and consent of the Senate to its ratification.

“I shall proceed, immediately, to lay the Convention, as thus ratified, before this Government, and endeavor to recommend to its acceptance the modifications and exceptions, now a part of the instrument, by all the suggestions and arguments with which your despatch has supplied me.”

IV.

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

London, July 5, 1824.

“I have had one interview with Mr. Secretary Canning, since the 28th of last month, on the business of the Convention for the Suppression of the Slave Trade; but, as yet, am not able to communicate any of the sentiments of this Government in relation to it. You shall hear them from me at the earliest moment after I am, myself, apprised of them.”

No. V.

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

London, August 9, 1824.

“I have the honor to inform you that Mr. Secretary Canning has given me to understand, in an interview which I have this day had with him, that this Government finds itself unable to accede to the Convention for the Suppression of the Slave Trade, with the alterations and modifications that have been annexed to its ratification on the part of the United States. He said that none of these alterations or modifications would have formed insuperable bars to the consent of Great Britain, except that which had expunged the word America, from the first article: but that this was considered insuperable.”

“The reasons which Mr. Canning assigned for this determination on the part of Great Britain, I forbear to state, as he has promised to address a communication, in writing, to me, upon the subject, where they will be seen more accurately, and at large; but to guard against any delay in my receiving that communication, I have thought it right not to lose any time in thus apprising you, for the President’s information, of the result.”



No. VI.

Mr. Rush to Mr. Adams.

(No. 11.)

LONDON, August 30, 1824.

SIR: I had the honor to apprise you, in my letter of the 9th inst. that Mr. Secretary Canning had informed me, in an interview that I had with him on that day, that this Government would decline acceding to the convention for the suppression of the slave trade, as ratified in May on the part of the United States. and that he promised to address me an official note upon this subject. This note I received on Saturday the 28th instant, the delay having arisen from an attack of fever under which he has been laboring. A copy of it is, herewith, enclosed.

I lost no time, after receiving your instructions of the 29th of May, in laying the matter of them before Mr. Canning, having, on the 30th of June, written him a note to request an interview, for the purpose of executing this duty, which he granted me, at the Foreign Office, on the first of July. It was in that interview that I laid fully before him all the considerations and arguments for the adoption of the treaty as ratified at Washington, with which your above instructions had charged me, omitting no part of them. He gave no opinion

at that time, on the course which this Government would be likely to pursue, but, afterwards, on the 9th of August, informed me, as I have heretofore mentioned, that the omission of the words, "and America," from the first article of the treaty, was considered, by Great Britain, as an insuperable objection to its acceptance on her part, and to this effect is the note which I now transmit from him. A copy of my answer to it, dated to-day, is enclosed.

It may be proper for me to state, that, whilst Mr. Canning, in the interview I had with him on the ninth of August, was assigning the reasons of this Government, as they will now be seen in his note, for not acceding to the treaty, took occasion to remark, that Great Britain would be willing to give to the omitted words a meaning that would restrict their operation to the southern portion of North America, as proximate to the British West Indies, excluding the range of coast which comprehended the middle and northern states, if I thought that such a plan would be acceptable to my Government. I immediately and most decidedly discountenanced such a proposition, as objectionable under every view. He replied, that, having no other object in making the intimation than that of preventing the treaty from falling through, and not knowing himself in what light it might be received, he had of course nothing more to say, after learning from me that it would be objectionable.

I avail myself of this opportunity to forward to you a copy of the act of the last session of Parliament for consolidating the laws of this realm for the abolition of the slave trade, as requested in your communication of the 29th of May.

I have the honor to remain, &c.

RICHARD RUSH.

The Hon. JOHN QUINCY ADAMS,
Secretary of State.

No. VI. (a.)

Mr. George Canning to Mr. Rush.

FOREIGN OFFICE, August 27, 1824.

SIR: In pursuance of what I stated to you in our late conference, I have now the honor to address you on the subject of the qualified ratification, on the part of your Government, of the treaty for the more effectual suppression of the slave trade, which was concluded and signed, in the month of March last, by you and his majesty's plenipotentiaries.

His majesty's Government have given the most anxious and deliberate consideration to this subject, and if the result of that consideration has been to decide that they cannot advise his majesty to accept the American ratification, (notwithstanding the arguments alleged by you, in the name of your Government, in favor of such ac-

ceptance) I entreat you to believe it is not from any diminished sense of the importance of the matter to which that treaty relates.

Nor do they at all underrate the desire which, as you have assured me, and as they really believe, was felt by the President of the United States, to adopt the provisions of the treaty, such as it was transmitted to America: But the result is not the less inconvenient.

A treaty, of which the basis was laid in propositions framed by the American Government, was considered, here, as so little likely to be made a subject of renewed discussion in America, that not a moment was lost in ratifying it, on the part of his majesty; and his majesty's ratification was ready to be exchanged against that of the United States, when the treaty came back; not as it had been sent to America, but with material variations—variations not confined to those stipulations, or parts of stipulations, which had been engrafted upon the original projet, but extending to that part of the original projet itself, which had passed, unchanged, through the negotiation.

The knowledge that the constitution of the United States renders all their diplomatic compacts liable to this sort of revision, undoubtedly precludes the possibility of taking exception at any particular instance in which that revision is exercised: but the repetition of such instances does not serve to reconcile to the practice the feelings of the other contracting party, whose solemn ratification is thus rendered of no avail, and whose concessions, in negotiation, having been made (as all such concessions must be understood to be made) conditionally, are thus accepted as positive and absolute, while what may have been the stipulated price of those concessions, is withdrawn.

In the instance before us, the question is not one merely of form. A substantial change is made in the treaty; and as I have said, on a point originally proposed by yourself, sir, as the American plenipotentiary, and understood to be proposed by the special direction of your Government.

The right of visiting vessels, suspected of slave-trading, when extended alike to the West Indies, and to the coast of America, implied an equality of vigilance, and did not necessarily imply the existence of grounds of suspicion on either side.

The removal of this right, as to the coast of America, and its continuance to the West Indies, cannot but appear to imply the existence on one side, and not on the other, of a just ground either of suspicion of misconduct, or for apprehension of an abuse of authority.

To such an equality, leading to such an inference, his majesty's Government can never advise his majesty to consent. It would have been rejected, if proposed in the course of negotiation. It can still less be admitted as a new demand, after the conclusion of the treaty.

With the exception of this proposed omission, there is nothing in the alterations, made by the Senate of the United States, in the treaty (better satisfied, as his majesty's Government undoubtedly would have been, if they had not been made,) which his majesty's Government would not rather agree to adopt, than suffer the hopes of good, to which this arrangement had given rise, to be disappointed.

Upon this omission, they trust the Senate of the United States will, on another consideration of the subject, see that it is not equitable to insist.

A full power will therefore be sent to Mr. Addington, his majesty's Chargé d'Affairs, at Washington, to conclude and sign, with any plenipotentiary to be appointed by the American Government, a treaty, *verbatim*, the same as the returned treaty would be, with all the alterations introduced into it by the Senate, excepting only the proposed omission of the words "and America," in the first article; which treaty, if transmitted to England, with the ratification of the Government of the United States, his majesty will be ready to ratify.

But I am to apprise you, sir, that his majesty will not be advised to appoint plenipotentiaries to conclude and sign the like treaty *here*, to be, as before, ratified, by his majesty, and to be again subjected, after ratification by his majesty, to alterations by the Senate of the United States.

I am confident that you will see, in this distinction, nothing more than a reasonable safeguard for his majesty's dignity, and a just desire to ascertain, before his majesty again ratifies a diplomatic instrument, to what conditions that ratification is affixed.

I have the honor to be, with the highest consideration, sir, your most obedient servant,

GEORGE CANNING.

To RICHARD RUSH, Esq. &c. &c.

No. VI. (b)

Mr. Rush to Mr. G. Canning.

LONDON, August 30, 1824.

SIR: I had the honor to receive, on the 28th inst. your note of the 2d of this month, giving me information that his Britannic Majesty's government have declined, for the reasons you have enumerated, advising his Majesty to accept the ratification, by the President and Senate of the United States, of the treaty for the suppression of the slave trade, lately signed on behalf of the two powers, in manner and form as that ratification had been made known by me to his Majesty's government.

Having already, sir, had the honor to lay before you all the reasons that operated with my government for giving way to the desire, and the hope, that his Majesty's government might have felt able to accept the treaty, with the alterations introduced by the Senate as conditions of its ratification, I have only to express my regret at the disappointment of this hope.

All power over the instrument on my part, as the Plenipotentiary of the United States at his Majesty's court, ceasing by this decision,

it only remains for me to say, that I will, with promptitude, transmit to my government a copy of your note, at which source it will receive, I am sure, all the attention due to the high interests of which it treats.

I have the honor to be, with distinguished consideration,
Sir, your most obedient servant,

RICHARD RUSH.

The Rt. Hon. GEORGE CANNING,
*His Majesty's Principal Secretary of State
for Foreign Affairs.*

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No. VII.

Mr. Adams to Mr. Rush.

No. 82.

DEPARTMENT OF STATE,

Washington, Nov. 12, 1824.

SIR: Your despatches, to Nos. 895, and 12, inclusive, have been received. The proposal for the negotiation of a new convention, for the suppression of the slave trade, will receive the deliberate consideration of the President.

It is observed, with regret, that the reasons assigned in Mr. Secretary Canning's letter of 27th August, to you, as having induced the British Government to decline the ratification of that which you had signed, as modified by the advice and consent of the Senate of the United States, appear to have arisen from impressions altogether erroneous. It is stated, that, under the expectation that the treaty would not be made a subject of renewed discussion in the United States, it had actually been ratified on the part of the British Government as at first concluded; and hence an argument of inconvenience is deduced, that a second, and qualified ratification, could not be given, without impairing the dignity of the Government, by the implication that the former ratification had been an act of the Sovereign, performed in vain.

To give weight to this reasoning, it would seem an essential part of the facts, that the ratification alluded to had been transmitted to the United States; or at least that it was known to have taken place by the Government of the United States, at the time when the convention came under the consideration of the Senate. This, however, was not the case. That it had been ratified in Great Britain, was neither known nor believed. It appears to have been an act altogether voluntary, and in no wise referring to that which was expected on the part of the United States. The argument, therefore, rests upon facts other than those which were really applicable to the subject.

While admitting that the knowledge of those provisions of our constitution, which reserve to the Senate the right of revising all

treaties with foreign powers, before they can obtain the force of law, precludes the possibility of taking exception to any particular instance in which that revision is exercised, Mr. Canning urges that this part of our system operates unfavorably upon the feelings of the other contracting party; whose solemn ratification, he says, is thus rendered of no avail; and whose concessions in negotiation, having been made, (as all such concessions must be understood to be made) conditionally, are thus accepted as positive and absolute, while, what may have been the stipulated price of those concessions, is withdrawn.

It may be replied, that, in all cases of a treaty, thus negotiated, the other contracting party, being under no obligation to ratify the compact, before it shall have been ascertained whether, and in what manner, it has been disposed of in the United States, its ratification can in no case be rendered unavailing by the proceedings of the Government of the United States upon the treaty. And that every Government contracting with the United States, and with a full knowledge that all their treaties, until sanctioned by the constitutional majority of their Senate, are, and must be, considered as merely inchoate, and not consummated compacts, is entirely free to withhold its own ratification until it shall have knowledge of the ratification on their part. In the full powers of European governments to their ministers, the sovereign usually *promises* to ratify that which his minister shall conclude in his name; and yet, if the minister transcends his instructions, though not known to the other party, the sovereign is not held bound to ratify his engagements. Of this principle Great Britain has once availed herself, in her negotiations with the United States. But the full powers of our ministers abroad are necessarily modified by the provisions of our constitution, and promise the ratification of treaties signed by them, only in the event of their receiving the constitutional sanction of our own government.

If this arrangement does, in some instances, operate as a slight inconvenience to other governments, by interposing an obstacle to the *facility* of negotiation, it is, on the other hand, essential to guard against evils of the deepest import to our own nation, utterly incompatible with the genius of our institutions, and it is supported by considerations to which the equitable sense of other nations cannot fail to subscribe.

The treaties of the United States, are, together with their Constitution, the supreme law of the land. The power of contracting them is, in the first instance, given to the President, a single individual. If negotiated abroad, it must be by a minister or ministers under his appointment; and if in Europe, with powers largely discretionary—the distances seldom permitting opportunities to the minister of consulting his Government for instructions, during the progress of the negotiation. Were there no other check or control over this power, and were there an obligation, even of delicacy, requiring the unqualified sanction of every treaty so negotiated, the result would be an authority possessed by every minister of the

United States entrusted with a full power for negotiating a treaty, to change the laws of this Union, upon objects of the first magnitude to the interests of the nation.

In their negotiations with each other, the European nations are generally so near, and the communications between them are so easy and regular, that a negotiator can seldom have a justifiable occasion to agree to any important stipulation, without having an opportunity of asking and receiving the instructions of his government; a practice always and peculiarly resorted to by British plenipotentiaries. With an intervening ocean, this is seldom possible, and it is, therefore, just and proper, that the right of judgment upon all the stipulations agreed to by a minister, should be reserved, in the most unqualified manner, to *both* governments, parties to the treaty; and that every compact so negotiated, should be understood to be signed by the minister *remote* from his own country, only *sub spe rati*; not conclusive upon his nation, until its government shall have passed sentence of approbation upon it.

These general observations are submitted, in order that you may make such use of them as you shall deem expedient to satisfy the British Government, that, in this established principle of our Constitution, there is nothing to which any foreign government can justly take exception: and that it only reserves to our government a power of supervision, necessary for our own safety, which the European governments effectively reserve to themselves, and none more cautiously than Great Britain.

I am, with great respect, sir,

Your very humble and obedient servant,

JOHN QUINCY ADAMS.

B. RUSH, Esq.

Envoy, &c. London.

No. VIII.

Mr. Addington to Mr. Adams.

WASHINGTON, 6th Nov. 1824.

SIR: You have already been apprised of the circumstance of His Majesty, my sovereign, having declined affixing his ratification to the convention concluded in London on the 13th of March last, between the British and American Plenipotentiaries, for the more effectual suppression of the slave trade, amended and qualified as that instrument had been by the Senate of the United States.

In lieu of that convention, however, His Majesty proposes to the American Government to substitute another, *verbatim* the same as the amended instrument, one point alone excepted; that exception is, the erasure of the word "America," in the first article, a word which stood in the original project of the article, as proposed by the Presi-

debt to the British Government, but which the United States thought fit, after the mutual acquiescence of both parties in it, to expunge.

In announcing to you the fact of my having been furnished with full powers to conclude and sign with the American Government a new treaty, such as I have above described, it will be unnecessary for me to enter at length into the motives which have actuated His Majesty in coming to this decision, as you have already been made acquainted with those motives through the medium of an official letter, addressed, on the 27th of August last, by His Majesty's Secretary of State, to the American Envoy in London, in which all the grounds of that determination are fully expounded.

A few observations on my part, however, in brief allusion to one or two points connected with this subject, may here be not misplaced.

In the acquiescence of His Majesty in all the alterations, with one only exception, effected by the Senate in a treaty originally projected by this government, at the spontaneous recommendation of the House of Representatives, the President will, I doubt not, see the clearest manifestation of the earnest desire of His Majesty's Government to carry into effect the important and salutary object for which that treaty was designed, however they may have deemed the original form in which the treaty was presented for the ratification of this government, the best calculated to attain that object.

To the amendment which would exempt the shores of America from that vigilance which is to be employed on those of the British West Indies, thereby destroying that equality which is the prevailing principle of the provisions of the treaty, and which cannot be withdrawn on the one side, or on the other, consistently with the mutual respect and confidence which subsist between the two contracting parties, His Majesty has found himself unable to accede; and I doubt not, that, upon a fair and unbiassed reconsideration of that point, the American Government will see and acknowledge the justice of His Majesty's views, and will not hesitate to prove that acknowledgment, by consenting to re-admit the expunged word "America," into the treaty.

It will not fail, sir, to occur to you, that the condition required of Great Britain, prior to the signature of the treaty by the American Plenipotentiary, namely, the denunciation as piracy, by the British Parliament, of the slave trade, when exercised by British subjects, has already been fulfilled.

On the justice of accepting the value already paid for a stipulated act, and withholding the performance of that act, I leave it with confidence to your own sense of honor and equity to determine.

The sanction of this government of the *original* provisions of the treaty in *full*, was the equivalent to be received by His Majesty, for his performance of the condition, required of him, namely, his sanction of an Act of Parliament, declaring the slave trade piracy. Those provisions have been, in part, rejected, in part modified, by this Government; and yet His Majesty is still willing to abide by his original agreement, provided this Government will recede from one, alone, of the various amendments made by them in the treaty.

I might here cite as a proof, if proof were necessary, of the unlimited confidence which His Majesty reposed in the good faith of the government of this Republic, and their sincerity in wishing to execute the treaty signed by their Plenipotentiary in London—a treaty, I repeat, projected in conformity with the express recommendation of the House of Representatives, that His Majesty affixed, without delay, his own ratification to the treaty, in the full security of that instrument being equally invested with that of this government. No shadow of a suspicion ever entered, ever *could* enter, His Majesty's mind, that that ratification could be withheld, in whole or in part.

Under all the circumstances of the case, sir, I cannot but feel an entire conviction, that the sense of justice, and the right feelings which animate the American Government will lead them to accede, without hesitation, to the proposition now submitted to them on the part of His Majesty, and that the President will find no difficulty in sanctioning the conclusion of a treaty the provisions of which must eventually result in such incalculable benefits to a most oppressed and afflicted portion of the human race.

With this conviction, I need not assure you, sir, of my readiness to wait upon you at any time which you may think fit to appoint, in order to give effect to the instructions which I have received from His Majesty's Secretary of State, by affixing my signature to the convention, as newly modelled.

I beg, sir, that you will receive the assurances of my distinguished consideration.

H. U. ADDINGTON.

No. IX.

Secretary of State to Mr. Addington.

DEPARTMENT OF STATE,

Washington, 4th December, 1824.

SIR: Your note of the 6th ult. has been submitted to the consideration of the President of the United States. While regretting that it has not been found conformable to the views of His Britannic Majesty's Government, to concur in the ratification of the convention for the suppression of the slave trade, as recommended by the advice and consent of the Senate of the United States he has thought it most advisable, with reference to the success of the object common to both Governments, and in which both take the warmest interest, to refer the whole subject to the deliberate advisement of Congress. In postponing therefore, a definitive answer to the proposal set forth in your note, I have only to renew the assurance of the unabated earnestness with which the Government of the United States looks to the accomplishment of the common purpose; the entire extinction of that odious traffic, and to the concert of effective measures to that end between the United States and Great Britain.

I pray you, Sir, to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS: