



MESSAGE

•

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING

The correspondence in relation to the claim of the owners of the Amistad for compensation, on account of the liberation of the negroes on board that vessel.

FEBRUARY 14, 1851.

Ordered to be printed, with such of the documents as have not already been printed by order of Congress.

To the Senate of the United States:

I transmit herewith a report from the Secretary of State, with accompanying documents, in answer to the Senate's resolution of the first instant.

MILLARD FILLMORE.

WASHINGTON, February 12, 1851.

DEPARTMENT OF STATE,
Washington, February 8, 1851.

The Secretary of State, to whom has been referred the resolution of the Senate of the first instant, requesting the President "to communicate to the Senate, if, in his opinion, it be compatible with the public interests, all correspondence which has taken place between the government of Spain and the United States, touching the claim of the owners of the Amistad for compensation on account of the liberation of the negroes on board said vessel," has the honor to lay before the President a copy of the whole correspondence called for by the resolution; including, in a printed form, that which has already been communicated to Congress.

Respectfully submitted:

DANIEL WEBSTER.

To the PRESIDENT OF THE UNITED STATES.

List of accompanying papers.

- Doc. No. 185, 26th Congress, 1st session, House of Reps.
No. 179, 26th Congress, 2d session, Senate.
No. 191, 27th Congress, 3d session, House of Reps.
No. 83, 28th Congress, 1st session, House of Reps.
- A. Mr. Calderon to Secretary of State, December 4, 1844.
B. The same to the same, January 29, 1846.
C. Secretary of State to Mr. Calderon, April 17, 1846, with an enclosure.
D. Mr. Calderon to Secretary of State, April 19, 1846.
E. The same to the same, September 20, 1846, with an enclosure.
F. The same to the same, December 29, 1846.
G. The same to the same, March 11, 1847.
H. Secretary of State to Mr. Calderon, March 19, 1847, with enclosure.
I. Mr. Calderon to Secretary of State, October 28, 1847.
K. The same to the same, August 22, 1848.
L. The same to the same, November 20, 1849.
M. The same to the same, August 14, 1850.
N. The same to the same, January 8, 1851.

A.

Mr. Calderon to Mr. Calhoun.

[Translation.]

WASHINGTON, December 4, 1844.

The epoch of the meeting of Congress appears to the undersigned, Envoy Extraordinary and Minister Plenipotentiary from her Catholic Majesty the Queen of Spain, a most seasonable opportunity for reminding the honorable John C. Calhoun, Secretary of State of the Union, of the urgent necessity for bringing to a decision an affair already too prolonged—that of the schooner *Amistad*.

It would be superfluous for the undersigned to enter into the particulars of this claim, concerning which there is but one opinion in the minds of all intelligent and thinking men who are directed in its examination by good faith and impartiality. Its merits may be briefly reduced to two questions: First, whether the treaty concluded in 1795 between the United States and Spain, the stipulations which it contains, and those which emanate from it, continue in force or not. And, secondly, whether these can be infringed or interpreted by one alone of the contracting parties, or by any authority in the United States, without violating the most sacred precepts of the law of nations. Spain cannot agree that either the one or the other is lawful.

The Committee on Foreign Affairs, in the report presented last April to Congress, has made evident the irregularities in the proceedings, the infractions of the above-mentioned treaty, and the gratuitously cruel persecutions against inoffensive subjects of her Catholic Majesty, of which an example, fortunately rare in the annals of civilized nations, has been exhibited in the confiscation of the *Amistad*, its sale, and the arbitrary confinement, in public prisons, of the two respectable Spaniards escaped from the murderous dagger of the negroes, who had inflicted a violent death on the captain and crew of that ill-starred vessel.

In this report the government of her Catholic Majesty has been gratified to perceive the most estimable proofs of noble frankness and of an intrepid love of truth; and it flatters itself that the conviction which it must necessarily produce in all enlightened minds will hasten the favorable termination of this vexatious question.

Moreover, as the honorable John C. Calhoun must be aware, and as the President himself observes in his message of yesterday, that *the injury inflicted by delays, in the settlement of these claims, falls with severity upon the individual claimants*, the undersigned cannot doubt that his excellency will shortly adopt those measures which he shall judge most conducive towards the reparation of the wrongs suffered by the owners of the *Amistad*, and towards vindicating the disregarded principles of the supreme law of civilized nations.

That his excellency will adopt this course, cannot for a moment be doubted, without a supposition injurious to him, after the memorable words yesterday pronounced by his excellency, and which have gone forth to be circulated throughout the whole world—“*an interference of one in the affairs of another is the fruitful source of family dissensions and neighborhood disputes; and the same cause affects the peace, happiness, and*

prosperity of States. It may be most devoutly hoped that the good sense of the American people will ever be ready to repel all such attempts, should they ever be made."

The Committee on Foreign Affairs, in the before-mentioned report, recorded opportunely the sound principle that "*offences perpetrated on board of a Spanish vessel (in Spanish seas and by Spanish subjects) could only be tried by Spanish laws in a Spanish country.*"

The undersigned could adduce nothing capable of defining with greater clearness the nature of the case in question, nor which could point out more precisely the resolution dictated by justice, and by the principle proclaimed by his Excellency the President, as the fundamental one of the government of the United States, "*the strict observance of justice, and the honest and punctual fulfilment of all engagements.*"

The undersigned avails himself of this opportunity to renew to the honorable John C. Calhoun the assurances of his most distinguished consideration.

A. CALDERON DE LA BARCA.

HON. JOHN C. CALHOUN,

Secretary of State of the United States of America.

— — —
B.

Mr. Calderon to Mr. Buchanan.

[Translation.]

WASHINGTON, January 29, 1846.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, in accordance with his instructions and his duty, addresses the Honorable James Buchanan, to remind him of an affair to the decision of which the Spanish government attaches the highest importance, and which has been long pending.

The honorable Secretary of State of the United States no doubt anticipates that the unfortunate occurrence of the goleta "Amistad" is the affair in question.

To enter again upon an elaborate discussion concerning this matter, would only be to fatigue uselessly the attention of the honorable Secretary, and to torture phrases merely to repeat the same so often employed arguments.

The aggravating circumstances of the case—the manifest infraction of a treaty, the conglomeration of sufferings heaped upon two Spanish subjects, ruined and imprisoned, without any reasonable motive, and the only possible mode now remaining for repairing the injuries they have suffered—all this has been so clearly stated and so conclusively proved by the Committee on Foreign Affairs in Congress, that the undersigned would fear to weaken the effect which their report, presented in April, 1844, has left impressed on all impartial minds, both in this hemisphere and in Europe, were he to renew the irrefutable arguments which it contains. "*Let us pay*" (the report concludes as an epitome to its arguments) "*this debt of national honor to Spain, as it ought to be, by signal proof to the world that none shall be wronged—not even by judicial authority—without redress, in the United States.*"

Faithful, without one single exception or hesitation, to the treaties which bind her to the United States, Spain claims the fulfilment of the articles 8th, 9th, and 10th, of the treaty of 1795, and the respect which, as an independent power, is due to her flag and her tribunals; not only because the most sacred precepts of the law of nations thus prescribe it, but also on account of the scrupulous punctuality with which she herself acknowledges and respects the rights of other nations, and has satisfied their claims when convinced that they were well founded.

This is not one of those subjects which admits of controversy. This is not a question of slavery or abolition, or of disputed or ill-defined boundaries. It is a question concerning the fulfilment of the clear and explicit articles of a solemn treaty; articles which, if they could admit the slightest ground for doubt, it would not be lawful for one of the contracting parties to interpret to the prejudice of the other.

Equally convinced of the justice which is on the side of his government, and of the rectitude of the Secretary of State, the undersigned urgently requests the honorable Secretary to call the attention of the President to this long standing claim, in order that it may come at last to that prompt and favorable termination which the undersigned has never ceased to hope for, from the justice of his excellency, no less than from the good understanding and friendly relations which fortunately subsist between the United States and Spain.

Awaiting with confidence the answer of the honorable Secretary of State, the undersigned renews the assurances of his most distinguished consideration.

A. CALDERON DE LA BARCA.

To the Honorable JAMES BUCHANAN,
Secretary of State of the United States.

C.

Secretary of State to Don A. Calderon de la Barca.

DEPARTMENT OF STATE,
Washington, April 17, 1846.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of a note from Don A. Calderon de la Barca, Envoy Extraordinary and Minister Plenipotentiary of Spain, dated on the 29th January, on the subject of the schooner *Amistad*; and to inform him that a copy of it, and of a previous note of the 4th December, 1844, addressed to his predecessor, on the same subject, have been submitted by this department to the Committee on Foreign Affairs of the House of Representatives, and recommended to their prompt and serious consideration. The undersigned transmits, enclosed, a copy of his communication to the chairman of the committee which accompanied the notes of the minister of Spain; and avails himself of the occasion to renew to him the assurances of his high consideration.

JAMES BUCHANAN.

DON A. CALDERON DE LA BARCA, &c., &c., &c.

DEPARTMENT OF STATE,
Washington, March 19, 1846.

SIR: By direction of the President, I transmit to you two communications from Mr. Calderon, the Spanish minister, dated 4th December, 1844, and 29th January, 1846, on the subject of the schooner Amistad. From these it will be seen that his government is anxious and urgent to bring this long pending controversy to a conclusion. So long as it shall remain unsettled, it cannot fail to prove a source of irritation and discord between the two countries; highly prejudicial, in many respects, to the interests of the United States.

The Spanish minister rests the claim in this case upon the 8th, 9th, and 10th articles of our ancient treaty of friendship, limits, and navigation with that power, concluded on the 20th October, 1795: and whilst it might not be becoming in me to express here an opinion in regard to its validity, I may be permitted to state to the committee my firm belief that it well deserves their prompt and serious consideration. Of the sincerity and good faith of the Spanish government in urging this claim, and their deep conviction that the *caus fœderis* has occurred, a rational doubt cannot be entertained. It is also equally certain that strong reasons exist in support of this construction of the treaty, independently of those principles of public law which have been so ably invoked in favor of the claim by the committee in their report of April 10, 1844.

I am, sir, respectfully, your obedient servant,

JAMES BUCHANAN.

HON. CHARLES J. INGERSOLL,
Chairman of the Committee on Foreign Affairs,
of the House of Representatives.

D.

Don Calderon de la Barca to the Secretary of State.

[Translation]

WASHINGTON, April 19, 1846.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, has received with so much the more pleasure the note dated the day before yesterday, which the Hon. James Buchanan, Secretary of State of the United States, has done him the honor to address him in answer to his of the 29th January, relative to the goleta "Amistad," that it will afford him the double satisfaction of proving to his government that he does not neglect this prolonged reclamation, and of renewing the assurances which he has already transmitted to them of the dispositions of the federal government to do all justice to Spain in the affair in question; thus contributing not a little to the preservation of the friendly relations subsisting between the two countries; which, it is the sincere conviction of the undersigned, may at a small cost and with mutual advantage be ameliorated and drawn together yet more closely.

The undersigned profits by this opportunity to renew to the honorable Secretary of State the assurance of his most distinguished consideration.

A. CALDERON DE LA BARCA.

The Hon. JAMES BUCHANAN,
Secretary of State of the United States.

E.

Don Calderon de la Barca to the Secretary of State of the United States.

[Translation.]

NEW YORK, *September 20, 1846.*

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, forwarded to his government a copy of the note in which the Honorable James Buchanan, Secretary of State of the United States, communicated to him, with the date of the 17th April last, the manner in which he had transmitted to the Committee of Congress for Foreign Affairs the remonstrances of the undersigned in regard to the prolonged affair of the goleta "Amistad."

His excellency the Secretary of State of her Majesty has, in his answer, expressed his satisfaction at the justice done to the Spanish government by the Honorable James Buchanan, his confidence that this claim will at length obtain the prompt and favorable termination of which alone it is now susceptible, and has communicated his instructions to the undersigned to continue to urge with the utmost energy the removal, once for all, of this cause of irritation between two countries otherwise united in the bonds of friendship.

The undersigned believes he cannot better fulfil the orders of his government than by enclosing, as he now does, to the honorable Secretary of State, an exact copy and translation of them, in the hope that, the case being once more submitted to the consideration of his Excellency the President of the republic, he will in his justice adopt the decisive measures which, in his opinion, will soonest lead to the attainment of the desired result.

The undersigned avails himself, &c., &c.

A. CALDERON DE LA BARCA.

Hon. JAMES BUCHANAN,
Secretary of State of the United States.

[Enclosure]

By your excellency's despatch No. 181, her Majesty the Queen has been informed, most to her satisfaction, of the impartiality and justice with which the actual Secretary of State of the United States has qualified the conduct of the Spanish government, when transmitting to the Committee on Foreign Affairs of the House of Representatives the claims of the legation, in the affair of the schooner Amistad.

Her Majesty cannot but entertain the hope that it will come at last to a

prompt and satisfactory termination, since the said committee in Congress admitted the justice of Spain in their report presented in April, 1844, and since the executive power not only does not deny it, but appears desirous, as your excellency also assures us, to be furnished with the means of indemnifying the owners of the above mentioned vessel.

This communication of your excellency has been so much the more welcome, that the owners do not cease to fatigue the government with petitions for obtaining the indemnification of their losses which they have sustained, and that the government has not been able until now to give them a satisfactory answer.

Your excellency is aware that the true position of the case is, the infringement of the treaty of 1795, conformably to which the navy of both countries have pledged themselves to assist each other mutually and reciprocally without compensation; the most flagrant violation of the law of nations, by the fact of one nation sitting in judgment upon the subjects of another, and that for acts committed in the country of the persons so judged—for so they must be considered when they occur on ship-board, since, wherever a vessel is furnished with its regular papers, there is the country to which the vessel belongs; public morality offended, by the fact of the assassinations committed by the negroes having been not only applauded, but rewarded; and, lastly, by Spanish subjects trampled upon, by their having been deprived of their property.

Notwithstanding all which, your excellency is equally aware that her Majesty's government has always entertained an implicit confidence, based on the loyalty of the government of the Union, that they would at last acknowledge so sacred an obligation; and thus they have never endeavored to have recourse to other means which might easily have been employed; such, for example, as to deduct from the interest of our debt the capital to which the owners of the *Amistad* are entitled.

On the contrary, such is the religious good faith of the Spanish government towards the United States, that the citizens of the republic are, in the payment of their claims, in a better condition than the Spaniards themselves. Now, in the contest which has sprung up between the republic of the United States and that of Mexico, the Spanish government has lost no time in issuing instructions for the strictest observance of the neutrality.

Finally, there is not a single claim on the part of the government of the United States, presented to the consideration of that of her Majesty, which it does not take pleasure in bringing to a prompt and satisfactory conclusion.

The Queen therefore hopes that this noble and frank conduct of her government will be duly reciprocated by the Union, and that the time has arrived when the vexatious affair of the *Amistad* will at length be settled.

Your excellency is desired to insist most earnestly until this result be obtained, resting on Mr. Buchanan's own words, that "*so long as it shall remain unsettled, it cannot fail to prove a source of irritation and discord between the two countries.*"

God preserve your excellency's life many years. Madrid, June 18, 1846.

To his Excellency the ENVOY EXTRAORDINARY AND
MINISTER PLENIPOTENTIARY of her Majesty in Washington.

F.

Don Calderon de la Barca to the Secretary of State of the United States.

[Translation.]

WASHINGTON, December 29, 1846.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, had the honor to address to the Honorable James Buchanan, on the 20th of September of this concluding year, a communication relative to the long deferred affair of the "Amistad."

In order to show clearly not only the views of her Majesty's government in regard to this claim, but the perfect confidence with which they have always awaited its just decision, and which was reanimated by the perusal of the note which, on the 17th of last April, was addressed by the Honorable Secretary of State of the United States to the undersigned, he then enclosed to him the copy and exact translation of the instructions which were sent from his Court, as soon as they were there informed of the before mentioned note of the 17th of April.

In them, as the Honorable James Buchanan will have seen, the undersigned is ordered to urge, without ceasing and in the most earnest manner, the termination of this unfortunate affair, which, as the Secretary of State himself has acknowledged, will remain; so long as it is not settled, a source of irritation and of disagreement between both countries, so closely and fortunately united in friendly relations in other respects.

In compliance, then, with this order, it is the duty of the undersigned to remind the Secretary of State, as he now does, of his before mentioned communication of the 20th September, begging him to submit its contents to the consideration of his Excellency the President, and to inform him of the decision to which his excellency may have come; which, considering the well known justice of the first magistrate of the republic, cannot fail to be conformable to the explicit stipulations of the treaty of 1795, to which this case refers.

The undersigned profits by this opportunity to renew to the honorable Secretary of State the assurances of his high consideration.

A. CALDERON DE LA BARCA.

To the Honorable JAMES BUCHANAN,
Secretary of State, &c., &c.

G.

Don Calderon de la Barca to the Secretary of State.

WASHINGTON, March 11, 1847.

The undersigned being obliged to communicate to the government of her Majesty, the Queen of Spain, the refusal of the House of Representatives to agree with the Senate in the appropriation of the already reduced sum of fifty thousand dollars to indemnify the owners of the Amistad, and desiring to preserve the strictest truth in his representation of all that occurred, requests the Hon. James Buchanan to have the kindness

to furnish him with a copy of his letter of the 2d instant to the chairman of the Committee of Ways and Means, in order to be certain of its identity with that published in the newspapers which have reported the debates on this deferred claim.

It will, moreover, serve not only to lessen the disagreeable impression which this unfavorable result must necessarily produce, but also to strengthen the assurances which the undersigned has given, particularly of late, and which he persists in continuing to give to her Majesty's government, of the good disposition of the government of the Union to give a satisfactory issue to this claim, from which, as the Hon. Secretary of State himself acknowledges, with his characteristic rectitude, Spain cannot desist, so long as the treaty of 1795, which she observes with such fidelity, continues in force.

With the same well intentioned object, the undersigned requests the Hon. James Buchanan to give his notes on this affair, which as yet remain unanswered, such a reply as may appear, consistently with his sense of justice and good will, best calculated to place beyond doubt not only that the undersigned has not neglected his duty, but, what is still more important, that he expresses a well-founded conviction in affirming to his government that the government of the United States is sincerely disposed to do justice to Spain, and to reciprocate the proofs of amity which it receives from her Majesty's government.

The undersigned embraces this occasion to renew to the honorable Secretary of State the assurances of his distinguished consideration.

A. CALDERON DE LA BARCA.

HON. JAMES BUCHANAN,
Secretary of State.

H.

Secretary of State to Don A. Calderon de la Barca.

DEPARTMENT OF STATE,
Washington, March 19, 1847.

SIR: In conformity with the request contained in your note of the 11th instant, I herewith enclose to you a copy of the note on the subject of the Amistad which I addressed to the Committee of Ways and Means of the House of Representatives, under date of the 2d of March, 1847. It may be satisfactory for you to know that the sentiments contained in that note had received the cordial approbation of the President before it was transmitted.

I need not assure you of his desire that this question should be speedily and satisfactorily adjusted; and he entertains the hope that the appropriation necessary for that purpose may be granted at the next session of Congress.

Assuring you of the constant desire of this government to cultivate the most friendly relations with the government of her Catholic Majesty, I remain yours, very respectfully,

JAMES BUCHANAN.

DON A. CALDERON DE LA BARCA,
&c., &c., &c.

DEPARTMENT OF STATE,
Washington, March 2, 1847.

Sir: Among the amendments adopted by the Senate to the civil and diplomatic bill, you will find an appropriation of \$50,000 to be paid to the Spanish government for the purpose of distribution among the claimants in the "Amistad case."

This claim has been incessantly urged upon the government of the United States by the Spanish government. They have much feeling upon the subject, and will never, I am persuaded, cease from prosecuting it until it shall be adjusted. I have given the question a thorough and deliberate consideration, and cannot avoid the conclusion that the claim is well founded, under the 8th, 9th, and 10th articles of our treaty with Spain of the 20th October, 1795.

But even if the claim were doubtful, I may repeat what I said in my letter of March 19, 1846, to the chairman of the Committee on Foreign Relations of the House, that, "so long as it shall remain unsettled, it cannot fail to prove a source of irritation and discord between the two countries, highly prejudicial, in many respects, to the interests of the United States."

I am, &c.,

JAMES BUCHANAN.

HON. JAMES J. MCKAY,
Chairman Committee Ways and Means H. R.

I.

Mr. Calderon to the Secretary of State.

[Translation.]

LEGATION OF SPAIN IN WASHINGTON,
October 28, 1847.

The government of her Catholic Majesty, having been informed of the latest measures with regard to the affair of the Amistad, and being uneasy on account of the disagreeable consequences which might flow from the prolongation of this question, addressed a note, on the 23th of June last, to the legation of the United States at Madrid, to which Mr. Reynolds, the acting chargé d'affaires, returned, on the 29th of the same month, a diffuse answer, in which he raised up many unpleasant questions, entirely obsolete, and long since ended.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, has received copies of both those papers, accompanied by instructions to redouble his efforts to obtain a conclusion of this controversy, which has been prolonged much further than was necessary, by a decision just and in good faith, to which Spain has a right so indisputable and titles so undeniable.

It would be needless for the undersigned to send copies of those notes to the Hon. James Buchanan, Secretary of State of the United States, as they must have been already sent to him by the American legation at Madrid.

After the arguments already employed; after the chivalrous and enlightened opinion expressed in its report by the Committee on Foreign Affairs of the House of Representatives in 1844; after the assurances which the undersigned has so repeatedly received, and with so much pleasure communicated to his government, and the hopes which Mr. Reynolds has again, moreover, given; and, finally, after the unanimity with which the Senate voted the sum of fifty thousand dollars, to which amount the undersigned, in his anxiety to obtain a conciliatory result, took upon himself to obtain the reduction of the said claim, which was for seventy thousand dollars—after all these circumstances, any further reasoning on the subject would be merely a useless and wearisome repetition. This question has been already decided by public opinion in Europe and in America, and has nothing to do with the question of slavery, with which a few persons in this country have by sophistry endeavored to connect it.

Whatsoever may have been said, during the discussion, with more or less reason and propriety, in support of the right on the part of her Catholic Majesty's government, the case is reduced in substance to what her Catholic Majesty's government maintains; and no one in reality can deny that this is, beyond all doubt, comprehended in the tenor and the letter of articles 8, 9, and 10 of the existing treaty of 1795. From that ground it cannot be removed. Spain, in consequence, claims the fulfilment of these engagements, and claims it with the more justice, and the greater confidence in the good faith of the United States, as she has herself given and is now giving them irrefragable proofs of the religious fidelity with which she observes the said treaty—of that religious observance on which the United States pride themselves, and which they, in return, rigorously exact from others.

Indemnification is the only means of reparation now left in the present case. The House of Representatives recommended it, with honorable impartiality, in its report above mentioned. The President, actuated by the spirit of justice, has asked for funds to effect it. The Senate has granted them, without delay or hesitation. To an unfortunate misunderstanding, and to the hurry of the last moments of the session, is alone to be attributed the failure of the House of Representatives to sanction the unanimous decision of the Senate, better informed on the subject. The undersigned, therefore, persisting, by peremptory order of his government, in this just demand, prays the Hon. James Buchanan to be pleased to obtain orders from his Excellency the President on the subject, and to employ every means which may seem to him most conducive to the desired conclusion of this affair—a *cruse*, as he himself has with so much propriety expressed it, of *ill feeling between the two countries*, which are in every other respect united by bonds of strictest amity and good understanding.

The undersigned avails himself of this opportunity to repeat to the Hon. James Buchanan the assurances of his most distinguished consideration.

A. CALDERON DE LA BARCA.

HON. JAMES BUCHANAN, &c.

K.

Mr. Calderon to the Secretary of State.

[Translation.]

LEGATION OF SPAIN, NEW YORK, *August 22, 1848.*

The late reiterated refusal of the House of Representatives to comply with the amendment of the Senate to the civil and diplomatic appropriation bill, appropriating fifty thousand dollars for the settlement and cancelling of the pending claim on the part of Spain, there mentioned, places the undersigned, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, under the painful necessity of again addressing the Hon. James Buchanan, Secretary of State of the United States, upon this most disagreeable subject.

This is done, not for the purpose of repeating arguments already well known, nor of adducing other new ones, but to protest against the consequences which may be attempted to be drawn from the said refusal, and to declare formally, in the name of her Catholic Majesty's government, that the right on which this claim is founded is considered, and will continue to be considered, as subsisting full and entire, and in no way whatsoever invalidated.

For this the Spanish government relies on the principle of national right, most perseveringly defended and essential to the independence and tranquillity of modern nations, that no one nation is at liberty to interfere in the jurisdiction of another, and to examine and pass sentence on the crimes committed by foreign subjects on a foreign soil, and specified and provided for in a foreign code of laws. It relies on the explicit stipulation of the treaty of 1795. It relies on the fact, that his Excellency the President of the republic, guided by a noble spirit of equity, and by feelings of amicable reciprocity, has manifested his conviction that the claim to which the undersigned alludes is sustained by that treaty, not only in one, but in several of its clauses; that he has thus recently declared in his message of the 6th of December, 1847, in the face of the whole civilized world, that this declaration has been confirmed by a majority of the Senate; and that, having therefore received the sanction of the two powers, to which the direction of diplomatic relations is confided, the public faith has been and remains pledged. It relies on the assurances given by the legation of the United States to the cabinet of Madrid on the 29th June, 1847. It relies on the example of the federal government itself, which with so much warmth and perseverance, from the same motives and with the same arguments, has maintained its right in the case of the Creole; and finally, on the title which Spain has acquired to attention, when she claims the execution of the said treaty in good faith; and without forensic subterfuges or subtleties, by her religious observance of those stipulations at every cost and at all times.

This question, freed from the coloring by which certain persons have disfigured it, and placed in its legitimate point of view, appears, as it is, purely and simply a question of international law.

His Excellency the President and the Senate of the United States thus regard it. The government of her Majesty the Queen of Spain so considers it, and will continue to maintain that its right is clear and indis-

putable, and that it cannot be affected, and much less invalidated, by the refusal of the House to appropriate the insignificant sum thus much reduced from the original demand, the payment of which is now the only possible mode of terminating this most disagreeable controversy.

This claim is in fact, for Spain, the balance of a liquidated account, the payment of which is temporarily deferred.

It is to be hoped, and much to be desired, that the day of this settlement may speedily arrive, in virtue of a most conciliatory and most amicable agreement.

The undersigned prays the Hon. James Buchanan to be pleased to submit this note to the consideration of his Excellency the President of the republic, as he will despatch a copy of it, with a succinct account of what has occurred, to her Catholic Majesty's government. And he avails himself of this occasion to renew the assurances of his very high consideration.

A. CALDERON DE LA BARCA.

To the Hon. JAMES BUCHANAN,
Secretary of State, &c.

L.

Mr. Calderon to the Secretary of State.

[Translation.]

WASHINGTON, *November 20, 1849.*

Under date of August 22, 1848, the undersigned, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, addressed a note to the Hon. James Buchanan, stating that the refusal on the part of the House of Representatives to concur with the Senate in granting the sum of \$50,000, which his Excellency the President had asked from the republic at that time, for the purpose of indemnifying the claimants of the "*Amistad*," ought not to be understood as invalidating the rights of said claimants, nor that which belongs to Spain of calling for the observance of the articles 8, 9, and 10 of the treaty of 1795, still in force; upon which, as Spain has never ceased to believe and to maintain, the foundation of said claim rests.

The undersigned forwarded a copy of the above-mentioned note (to which he has not yet had the honor of receiving a reply) to his government; and, conformably to the instructions he has received from it, he now performs the duty of calling the same to the recollection of the Hon. John M. Clayton, Secretary of State of the United States.

It is not the intention of the undersigned to enter into fruitless and reiterated arguments. This is one of those cases whose favorable decision must depend rather upon the simplicity of good faith, upon a liberal interpretation of treaties, and a sincere desire to preserve a good understanding between two friendly powers, than upon any conviction which the force of such arguments might produce. Spain is thoroughly convinced that the treaty has been violated. The owners of the "*Amistad*" (which vessel was sold, and those on board imprisoned) urge their claim for the

indemnification which they believe to be due to their sufferings, and the losses they experienced in consequence. The executive of the ~~United~~ States has repeatedly acknowledged the justice of this claim. The Senate has viewed the question in the same light, and the hopes of the claimants have revived with the knowledge of those facts. With these precedents in view, the government of her Catholic Majesty relies with more and more certainty on the belief of finally obtaining justice. This confidence has been yet further strengthened by the valued proofs which his Excellency General Taylor has given of his upright determination to enforce the observance of treaties, because they are a part of the law of the country, and can only be interpreted, modified, altered, or annulled by the common consent of the contracting parties. For this reason, the undersigned thinks the present a propitious and favorable occasion, now that Congress is about to assemble, to fulfil the instructions he has repeatedly received from his government not to desist from the prosecution of this claim, but, on the contrary, to use every effort, in order to bring this prolonged and disagreeable controversy to a satisfactory conclusion. The undersigned does so accordingly, with a renewed hope, which, as well as her Catholic Majesty's government, he takes pleasure in cherishing, begging that the Hon. Secretary of State will be pleased to submit this matter to the impartial judgment of his Excellency the President; and contribute by his own influence in bringing it to a happy termination.

With this occasion, the undersigned begs to renew to the Hon. John M. Clayton the assurance of his most distinguished consideration.

A CALDERON DE LA BARCA.

The Hon. JOHN M. CLAYTON,
Secretary of State of the United States.

M.

Mr. Calderon to the Secretary of State.

[Translation.]

WASHINGTON, August 14, 1850.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, has the honor to enclose to the honorable Daniel Webster, Secretary of State, a copy of a note which he addressed to his predecessor, the honorable John M. Clayton, on the 20th of November last, in relation to the claim of the schooner *Amistad*.

In consideration of the various conferences which the undersigned has had with the honorable John M. Clayton, on this disagreeable business, he cannot entertain the least doubt but that that gentleman, like his predecessors, had formed a favorable opinion of the claim; and that he had only delayed sending it to Congress, with the recommendations of the lamented General Taylor, in consequence of the discussions which, this year, have almost exclusively occupied the attention of the national legislature.

The undersigned has kept his government regularly advised of all the verbal assurances given to him by Mr. Clayton, and the hopes he has been led to entertain that this irritating subject would finally be settled, in the manner which alone is practicable under existing circumstances.

Instructions have been received from her Majesty's government by the undersigned, directing him to press the settlement of this claim: because it is the positive conviction of that government that the validity of said claim is firmly and incontrovertibly established by the provisions of the treaty of 1795; and, moreover, because it has been acknowledged, not only by several Presidents and several administrations of the United States, but on two occasions by the Senate itself, when it granted the moderate sum which had been proposed for the purpose of cancelling the same.

The undersigned therefore begs that the honorable Daniel Webster will be pleased to give his attention to this matter, especially as he is so thoroughly acquainted with all the particulars of the case, and the subject has been so long pending.

Nothing could be more idle than to enter into any wearisome argument in regard to it. The undersigned feels persuaded that the sagacity and uprighteness of the honorable Secretary of State will suggest to him the most proper means for removing this constant and disagreeable obstruction in the path of those friendly relations existing between the two countries.

With this conviction, and praying that the honorable Daniel Webster may act accordingly, the undersigned renews to him the earnest assurances of his most distinguished consideration.

A. CALDERON DE LA BARCA.

HON. DANIEL WEBSTER,
Secretary of State of the United States.

N.

Mr. Calderon to the Secretary of State.

[Translation.]

WASHINGTON, *January 8, 1851.*

In reference to previous conversations, and his note dated the 14th of August, 1850, as well as in fulfilment of instructions received from his government, the undersigned, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, has the honor of addressing himself to the honorable Daniel Webster, Secretary of State of the United States, for the purpose of entreating him to take into favorable consideration the pending claim of the schooner Amistad. The undersigned makes this appeal the more eagerly, because he hopes, from the uprighteness and friendly disposition of the honorable Secretary of State towards Spain, to be able finally to communicate to his government the wished-for happy termination of this business—a perpetual source of irritation.

As the justice of this claim has been repeatedly acknowledged by several of President Fillmore's predecessors, the undersigned will not trouble the honorable Daniel Webster by reiterating the arguments which have been produced in favor of said claim, and which are so well known to him; he will only take the liberty of suggesting to him how desirable it would be to have this matter settled during the short session of the present Congress.

The undersigned renews to the honorable Daniel Webster the assurances of his most distinguished consideration.

A. CALDERON DE LA BARCA.

The Hon. DANIEL WEBSTER,
Secretary of State of the United States.