

SCHOONER AMISTAD.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*A communication from the Spanish Minister relative to the case of the Amistad.*

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JANUARY 19, 1853.—Referred to the Committee on Foreign Affairs, and ordered to be printed.

*To the Senate and House of Representatives:*

I transmit herewith a communication lately received at the Department of State, from the minister of Her Most Catholic Majesty, accompanied by a letter of instructions from the Spanish government relative to the case of the "Amistad." In Mr. Calderon's communication, reference is had to former letters addressed by him to the Department of State on the same subject, copies of which are herewith transmitted, and an earnest wish is expressed that a final settlement of this long pending claim should be made. The tone of the letter of instructions from Mr. Manuel Bertran de Lis is somewhat more peremptory than could be wished; but this circumstance will not probably prevent Congress from giving his suggestions the attention to which they may be entitled.

The claim of the Spanish government, on behalf of its subjects interested in the "Amistad," was the subject of discussion, during the administration of President Tyler, between the Spanish minister and Mr. Webster, then Secretary of State. In an elaborate letter of the latter, addressed to the Chevalier d'Argaiz, on the 1st of September, 1841, the opinion is confidently maintained that the claim is unfounded. The administration of President Polk took a different view of the matter. The justice of the claim was recognised in a letter from the Department of State to the Spanish minister, of the 19th of March, 1847, and in his annual message of the same year the President recommended its payment.

It is understood that reports favorable to the claim have, on more than one occasion, been made by committees of one or both houses of Congress, accompanied by bills providing for its payment.

Under these circumstances, the attention of Congress is again invited to the subject. Respect to the Spanish government demands that its urgent representations should be candidly and impartially weighed. If Congress should be of opinion that the claim is just, every consideration points to the propriety of its prompt recognition and payment; and if

the two houses should come to the opposite conclusion, it is equally desirable that this result should be announced without unnecessary delay.

MILLARD FILLMORE.

WASHINGTON, *January 17, 1853.*

LEGATION OF SPAIN,

*Washington, January 6, 1853.*

The undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, had the honor of addressing himself to the Hon. Daniel Webster under date of August 14, 1850, reminding him of the pending claim of the schooner *Amistad*, and of the notes he had written to his predecessor, the Hon. John M. Clayton, in regard to it.

On the 8th of January, 1851, the undersigned again called the attention of the aforesaid Secretary of State to this subject.

Finally, on the 19th of April, 1852, the undersigned had the honor of writing him another note to the same effect, trusting, and not without cause, in his opinion, that that high and enlightened functionary would co-operate, by means of his influence, in bringing this claim to a favorable issue. Circumstances which are well known have frustrated this hope.

The undersigned does now beg the Hon. Edward Everett that he will call for and examine the aforesaid notes, especially the last, with that kind impartiality which he expects from him; and the undersigned moreover, and very strenuously, urges him to be pleased to prevail upon the most excellent President to recommend this deferred matter to the consideration of the Senate, upon whose table a project of a law was laid during last session, together with the report, not less lucid than highly just, of the honorable chairman of the Committee on Foreign Affairs, (Mr. Mason,) introducing said bill or project of law. To this report the undersigned begs, moreover, to refer. He does this in pursuance of instructions lately received from his government—a literal copy of which he encloses to the Hon. Edward Everett, in corroboration of the fact.

By these instructions he will perceive that the government of her Catholic Majesty considers the justice of the claim, chiefly founded, as it is, on the 9th and 10th articles of the treaty of 1795, which are very clear and explicit, as indisputable; the same having, moreover, been recognised in the several recommendations of the executive power, in the note of the Hon. James Buchanan to the undersigned, dated the 19th of March, 1847, and in the various uniformly favorable reports which have been presented to the Senate and to the House of Representatives at distinct periods.

The undersigned flatters himself that he shall at last obtain the wished for settlement of this claim, “an object of vexatious controversy and constant irritation,” as President Polk, in alluding to the same in his message of December 7, 1847, emphatically designates it.

In the meanwhile, the undersigned renews to the Hon. Edward Everett the assurances of his most distinguished consideration.

A CALDERON DE LA BARCA.

HON. EDWARD EVERETT,

*Secretary of State of the United States.*

FIRST DEPARTMENT OF STATE,  
*Madrid, November 11, 1852.*

**MOST EXCELLENT SIR:** The Queen has been pleased to direct that I would seriously call the attention of your excellency to a subject which, from its nature, and the large period of time that has elapsed since it was first presented for consideration, her Majesty's government is interested in seeing brought to a speedy issue.

I allude to the claim of the schooner "Amistad," which has so frequently been the subject of correspondence, both at Madrid and in Washington, and the subject likewise of various messages from the President of that republic to the houses of Congress, and of several reports which have been presented by the Committee on Foreign Affairs.

It were useless to recapitulate here the known history of the facts which have occasioned the claim in regard to the schooner "Amistad," especially as the justice of said claim has long since been recognised by the Anglo American government, and even by the committees referred to, it having been proposed, in pursuance of said recognition, to place the sum of \$50,000 to the credit of the Spanish government, in order that the latter might deliver the same to the parties interested, by way of indemnity.

During this very year the committee of the Senate has made its last report on the subject in this favorable point of view, and it affords me pleasure to bear witness to the spirit of impartiality which prevails in the wording of that document.

Unfortunately the just hopes which her Majesty's government had conceived, that this time an end would have been put to a matter which had become so vexatious, have been again disappointed, since the question has been left to be acted upon by another Congress.

In the meanwhile her Majesty's government is beset by those who are entitled to the indemnity—who have followed the course which the affair has taken, step by step, and who, impatient at being so frequently baffled, ask for protection of a sufficiently effective character, in order that they may succeed in obtaining justice.

Her Majesty's government cannot remain indifferent to these loud appeals, and regrets extremely that it has no plausible pretext to reply to them. The fact is, that this claim has been pending for thirteen years; and that notwithstanding all the efforts that have been made, it has not yet been found possible to obtain the indemnity which is due.

Under these circumstances, it is the will of her Majesty that your excellency represent to the American government the necessity of avoiding any further delay in granting said indemnity; that your excellency state that we cannot help wondering that no reply has been given to the note which your excellency addressed to Mr. Webster on the subject, on the 19th of April of this year; and that you will call attention to the difficulties that would be produced if some energetic voice were to be raised in the Spanish parliament to denounce the unaccountable delay to which this claim has been subjected, notwithstanding that its justice has been recognised.

I communicate this to your excellency by royal order, for your information, and for the purposes specified.

God keep your excellency, &c.

MANUEL BERTRAN DE LIS.

Her Majesty's MINISTER PLENIPOTENTIARY  
*at Washington.*

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LEGATION OF SPAIN,  
*Washington, April 19, 1852.*

The claim for losses and injuries in behalf of the owners of the schooner "Amistad" has been recommended to Congress by various administrations, especially by that of his excellency President Polk, submitted to the House of Representatives on the 10th of April, 1844, backed by a luminous and impartial report from the Committee on Foreign Affairs. It has since that time been favorably decided by the Senate, which has twice in succession assigned the sum of \$50,000 for its payment. In this repeated acknowledgment of the right of the parties interested, not only by the two powers charged with the formation of treaties, but also by the aforesaid committee of the House, the government of her Catholic Majesty finds its unaltered confidence to obtain, at length, the compensation it asks in behalf of its subjects, whose right is derived from the positive and explicit stipulations of the treaty of 1795.

There is at this moment a project of law again pending before the Senate, which was presented by the Hon. J. M. Mason, for the payment of this claim, and which was preceded by a report in which that distinguished senator, as president, likewise, of the Committee on Foreign Affairs, supports said claim.

In this state of things, and in pursuance of the repeated instructions of his government, the undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, thinks that the proper time has arrived for again calling the attention of the honorable Secretary of State of the United States to this vexatious subject.

It were idle to add any new remarks to the many which have been submitted in regard to it on other occasions.

The undersigned addresses himself especially to the Hon. Daniel Webster, who is so thoroughly acquainted with this matter, and who has so clearly elucidated the case of the "Creole," in many respects analogous to the one under consideration. For this reason the undersigned will merely ask that he will induce the most excellent President to be so kind as to add the weight of his valuable recommendations to the powerful reasons which operate in favor of this claim, of which the President, in his message of December, 1847, said, "that while it remained unsettled it would be a perpetual cause of irritation and discord."

Confident that he will not appeal in vain to the uprightness and friendly disposition of the Hon. Daniel Webster towards his govern-

ment, the undersigned avails himself of this occasion to renew to him the assurances of his most distinguished consideration.

A. CALDERON DE LA BARCA.

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

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SPANISH LEGATION,  
*Washington, January 8, 1851.*

In reference to previous conversations, and his note dated the 12th 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 Hon. 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 uprightness 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 Hon. 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 Hon. Daniel Webster the assurances of his most distinguished consideration.

A. CALDERON DE LA BARCA.

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

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LEGATION OF SPAIN,  
*Washington, August 14, 1850.*

The undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, has the honor to enclose to the Hon. Daniel Webster, Secretary of State, a copy of a note which he addressed to his predecessor, the Hon. 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 Hon. John M. Clayton on this disagreeable business, he cannot entertain the least doubt 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 recommendation 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 informed 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 Hon. 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 uprightness of the Hon. 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 Hon. 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.*

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On the 22d of August, 1848, the undersigned envoy extraordinary and minister plenipotentiary of her Catholic Majesty, addressed a note to the Hon. James Buchanan, declaring that the refusal of the House of Representatives to concur with the Senate in the appropriation of the \$50,000 recommended by his excellency the then President of the republic, to indemnify the claimants of the "Amistad," should not be understood as invalidating their rights, nor that which Spain has to claim the observance of the articles 8, 9, and 10, of the existing treaty of 1795, on which she has not ceased to believe and to maintain that the above claim is founded.

A copy of the above mentioned note—to which the undersigned has not yet had the honor of receiving a reply—was forwarded by him to his government, and, in compliance with the instructions which he has received from them, he now fulfils his duty in recalling it to the attention of the Hon. John M. Clayton, Secretary of State of the United States.

The undersigned will not now enter upon idle and repeated arguments. This is a case wherein a favorable decision will be obtained,

not so much from the conviction which might be produced from the strength of these arguments, as from simple good faith—from the liberal interpretation of treaties, and from a cordial desire for conciliatory agreement between two friendly powers. Spain is firmly convinced that the treaty has been infringed.

The owners of the "Amistad," whose vessel was sold, and whose persons were imprisoned, urge the indemnification which they consider due to their sufferings and consequent losses. The executive power of the Union has repeatedly acknowledged the justice of the claim. The Senate has viewed the question in the same light.

The hopes of the claimants have revived upon learning that such is the case. The government of her Catholic Majesty, with these precedents before them, now rest more securely in the confidence of at length obtaining justice.

And what has contributed to strengthen this confidence still further, has been the highly appreciated proofs given by his excellency General Taylor, that he is resolved to observe treaties, because they are the law of the land, and can alone be interpreted, modified, altered, or annulled, by common accord between the contracting parties.

The undersigned therefore considers this moment, when Congress is about to reassemble, as suitable and propitious for complying with the repeated instructions of his government, not to desist from this claim, but, on the contrary, to use all his endeavors to obtain a satisfactory termination of so prolonged and harassing a controversy.

He does so in the renewed hopes in which, along with the government of her Catholic Majesty, he takes pleasure in indulging, requesting that the honorable Secretary of State will be pleased to submit this affair to the equitable judgment of his excellency the President, and to contribute on his part to its fortunate decision.

Meanwhile the undersigned, &c.