

MISSISSIPPI LEGISLATURE—RIGHT OF SEARCH, AND
CASE OF THE BRIG CREOLE.

RESOLUTIONS

OF

THE LEGISLATURE OF THE STATE OF MISSISSIPPI

IN REFERENCE

To the right of search, and the case of the American brig Creole.

MAY 10, 1842.

Referred to the Committee on Foreign Affairs.

Whereas, the right of search has never been yielded to Great Britain by any treaty stipulations, but hath constantly been denied and resisted; and whereas, many signal examples of aggression upon the immunities of our free flag have, of late especially, directed the attention of the country to the claim and exercise of a right of search by the the British Government—a pretension so justly odious to a liberty-loving people; and whereas, the minister of Great Britain has recently disclaimed the right, in express terms, while he insidiously, and under false pretences, insists upon its exercise; and that would enforce a power usurped by his Government to detain and examine vessels bearing our banner; and whereas, within a few months past, the American brig Creole, on her outward passage to New Orleans, transporting a cargo of slaves, the property of citizens of the United States, shipped thither from Virginia, was, by the insurrectionary crimes of some of these slaves, seized, and the crew forcibly compelled to navigate the said brig into a port of a British West India island; and whereas, it is evident that the hope of freedom held out by the doctrine of universal emancipation, now apparently so acceptable to the rulers and ruled of Great Britain, certainly stirred up these rebellious slaves to mutiny and murder, and sped their flight to British soil; and whereas, the criminals have not been yielded up to the American consul, nor the other slaves to any rightful claimants, but these last have been recognised as passengers and freemen, having free ingress and egress to and from the possessions of the British crown; and whereas, this Creole case particularly affects the property institutions of the South: therefore,

1. *Be it resolved by the Legislature of the State of Mississippi, That it is the deliberate opinion of the State that the right of search cannot be*

conceded to Great Britain without a manifest servile submission, unworthy a free nation; that its exercise cannot be permitted, without as well a sacrifice of national independence as a prostration of that personal liberty guaranteed by the Constitution to every citizen of the Republic; and therefore our Government should require a complete and entire abandonment of such claim by the British authorities, henceforth and forever.

2. *Resolved*, That any attempt to detain and search our vessels, by British cruisers, should be held and esteemed an unjustifiable outrage on the part of the Queen's Government; and that any such outrage, which may have occurred since Lord Aberdeen's note to our envoy at the Court of St. James, of date October thirteen, eighteen hundred and forty-one, (if any,) may well be deemed, by our Government, just cause of war.

3. *Resolved*, That the Legislature of the State, in view of the late murderous insurrection of the slaves on board the Creole, their reception in a British port, the absolute connivance at their crimes, manifest in the protection extended to them by the British authorities, most solemnly declare their firm conviction that, if the conduct of those authorities be submitted to, compounded for by the payment of money, or in any other manner, or atoned for in any mode except by the surrender of the actual criminals to the Federal Government, and the delivery of the other identical slaves to their rightful owner or owners, or his or their agents, the slaveholding States would have most just cause to apprehend that the American flag is powerless to protect American property; that the Federal Government is not sufficiently energetic in the maintenance and preservation of their peculiar rights; and that these rights, therefore, are in imminent danger.

4. *Resolved*, That the restitution of the slave property, spoken of in the preceding resolve, and the surrender of the criminals, ought to be imperatively demanded of the British authorities; that such demand should be enforced at all hazards; and that it should never be suffered to slumber, nor, for a moment, be relinquished.

5. *Resolved*, That his Excellency, the Governor, be requested to transmit a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

ROBERT W. ROBERTS,

Speaker of the House of Representatives.

J. SPEIGHT,

President of the Senate.

Approved February 26, 1842.

T. M. TUCKER.

I, Lewis G. Gallaway, Secretary of State of the State of Mississippi, do hereby certify that the foregoing resolutions of the Legislature of the State of Mississippi, in reference to the right of search and the case of the American brig Creole, approved February 26, 1842, is a just and true copy of the original act filed in my office.

Given under my hand and seal of office, this the 15th day of March, 1842.

LEWIS G. GALLAWAY, *Sec. of State.*