

SLAVE TRADE.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

Correspondence with Great Britain

IN RELATION TO

The Convention for Suppressing the Slave Trade.

DECEMBER 27, 1825.

Read, and laid upon the table.

WASHINGTON:

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1825.

To the House of Representatives of the United States:

WASHINGTON, December 27, 1825.

In compliance with a resolution of the House of Representatives of the 20th instant, I transmit, herewith, a Report from the Secretary of State, with copies of such portions of the correspondence between the United States and Great Britain, on the subject of the Convention for Suppressing the Slave Trade, as have not heretofore been, and which can be, communicated without detriment to the public interest.

JOHN QUINCY ADAMS,

DEPARTMENT OF STATE,

Washington. December 22d, 1825.

The Secretary of State, in compliance with a Resolution of the House of Representatives, of the 20th instant, which has been referred to him, requesting the President of the United States to communicate to that House copies of such portions of the correspondence between the United States and Great Britain, on the subject of the Convention for suppressing the Slave Trade, as have not heretofore been, and which can be communicated without detriment to the public interest, has the honor to submit, herewith, to the President, copies of all the correspondence upon that subject, which is embraced by the call of the House.

Respectfully submitted,

H. CLAY.

PAPERS SENT.

Mr. Addington to Mr. Adams, March 2d, 1825. (Copy.)

Mr. Clay to Mr. Addington, April 6th, 1825. (Copy.)

Mr. Addington to Mr. Clay, April 9th, 1825. (Copy.)

Mr. Addington to Mr. Adams.

WASHINGTON, *March 2d*, 1825.

SIR: On the 6th of November last, I had the honor to inform you, that I had received full powers from His Majesty, to conclude and sign, with this Government, a convention, *verbatim* the same as that entered into on the 13th of March, last year, between Great Britain and the United States, with all the amendments subsequently effected in it by the Senate, the erasure of the words, “and America,” in the first Article excepted.

In reply to that communication, you did me the honor to acquaint me, that the President had decided upon referring the whole subject to Congress, whereby it became necessary for you to postpone giving a definitive answer to my proposal.

This resolution of the President, was, at the commencement of the Session, carried into effect; and I understand, that the subject has been under the consideration of Congress. You will, therefore, I trust, Sir, allow me now to request to be made acquainted with the definitive intention of the President, with respect to the proposition submitted by me on behalf of His Majesty's Government.

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

H. U. ADDINGTON.

HON. JOHN QUINCY ADAMS.

Mr. Clay to Mr. Addington.

DEPARTMENT OF STATE,

WASHINGTON, *April 6*, 1825.

SIR: I have the honor to inform you that the delay in the transmission of a definitive answer to your note of the 6th of November last, has proceeded from an anxious desire on the part of the late President of the United States, to ascertain the practicability of reconciling, if possible, the views of the Government of the United States, with those which are entertained by that of His Britannic Majesty, in respect to the Convention for more effectually suppressing the slave trade. With that object, the correspondence with your Government, and the Convention in which it terminated, together with what has since passed between the two Governments, both here and at London, were submitted to Congress during its late session. Of that reference you were apprized, by the note of my predecessor, of the 4th December last. It has so happened, that neither the Senate, nor the House of Representatives, has expressed, directly, any opinion on the subject. But, on another Convention, having the same object, con-

cluded with the Republic of Colombia, on the 10th day of December, 1824, which was formed after the model of that which is pending between the Governments of the United States and Great Britain, the Senate has expressed a very decided opinion. In the Colombian Convention, the coasts of America were excepted from its operation, and yet, notwithstanding this conciliating feature, the Senate, after full deliberation, in the exercise of its proper constitutional powers, has, by a large majority, deemed it inexpedient to consent to, and advise the ratification of this Convention.

The Government of His Britannic Majesty is well acquainted with the provision of the Constitution of the United States, by which the Senate is a component part of the treaty-making power; and that the consent and advice of that branch of Congress are indispensable in the formation of all treaties. According to the practice of this Government, the Senate is not ordinarily consulted in the initiatory state of a negotiation, but its consent and advice are only invoked, after a treaty is concluded, under the direction of the President, and submitted to its consideration. Each of the two branches of the treaty-making authority is independent of the other, whilst both are responsible to the States and to the People, the common sources of their respective powers. It results, from this organization, that, in the progress of the Government, instances may sometimes occur, of a difference of opinion between the Senate and the Executive, as to the expediency of a projected treaty, of which the rejection of the Colombian Convention affords an example. The people of the United States have justly considered that, if there be any inconveniences in this arrangement of their Executive powers, those inconveniences are more than counterbalanced, by the greater security of their interests, which is effected by the mutual checks which are thus interposed. But it is not believed that there are any inconveniences to foreign powers, of which they can, with propriety, complain. To give validity to any treaty, the consent of the contracting parties is necessary. As to the mode by which that consent shall be expressed, it must necessarily depend with each upon its own peculiar constitutional arrangement. All that can rightly be demanded in treating, is to know the contingencies, on the happening of which, that consent is to be regarded as sufficiently testified. This information, the Government of the United States has always communicated to the Foreign Powers with which it treats, and to none more fully than to the United Kingdom of Great Britain and Ireland. Nor can it be admitted, that any just cause of complaint can arise out of the rejection by one party, of a treaty, which the other has previously ratified. When such a case occurs, it only proves that the consent of both, according to the constitutional precautions which have been provided for manifesting that consent, is wanting to make the treaty valid. One must necessarily precede the other in the act of ratification; and if, after a treaty is ratified by one party, a ratification of it be withheld by the other, it merely shows that one is, and the other is not, willing to come under the obligations of the proposed treaty.

I am instructed by the President to accompany these frank and friendly explanations, by the expression of his sincere regret that, from the views which are entertained by the Senate of the United States, it would seem to be unnecessary and inexpedient any longer to continue the negotiation respecting the Slave Convention, with any hope that it can be made to assume a form satisfactory to both parties. The Government of His Britannic Majesty insists, as an indispensable condition, that the regulated right of search, proposed in the Convention, should be extended to the American coasts, as well as to those of Africa and the West Indies. The Senate, even with the omission of America, thinks it unadvisable to ratify the Colombian Convention. And it is, therefore, clearly to be inferred, that a Convention with His Britannic Majesty, with a similar omission, would not receive the approbation of the Senate. The decision of the Senate shews that it has made up its deliberate judgment, without any regard to the relative state of the Military or Commercial Marine, for all the considerations belonging to a view of that subject would have urged the Senate to an acceptance of the Colombian Convention. It is hoped, therefore, that His Britannic Majesty cannot fail to perceive that the Senate has been guided by no unfriendly feeling towards Great Britain.

Before closing this note, I must express my regret that I am unable to concur with you in the view which you have been pleased to present, of the act of the British Parliament, by which it has denounced, as piratical, the slave trade, when exercised by British subjects. It is acknowledged, that the Government of the United States considered such a denunciation as expedient, preliminary to the conclusion of the projected Convention. But the British Parliament, doubtless, upon its own sense of the enormity of the offence, deemed it proper to affix to it the character and the penalties of piracy. However much it may be supposed to have been actuated by an accommodating spirit towards the United States, it can hardly be imagined that it would have given that denomination to the fact of trading in slaves, from motives of concession merely, contrary to its own estimate of the moral character of that act. The Executive of the United States believed that it might conduce to the success of the negotiation, if the British Parliament would previously declare, as the United States had done, the slave trade to be piratical. But it did not follow, from the passage of that act, that any treaty, in which the negotiation might terminate, was to be taken out of the ordinary rule by which all treaties are finally submitted to the scrutiny and sanction of the respective Governments. No peculiar advantage has accrued to the United States, from the enactment of that British law. Its continued existence, moreover, now depends upon the pleasure of the British Parliament.

But there is no disposition to dwell longer on this subject. The true character of the whole negotiation cannot be misconceived. Great Britain and the United States have had in view a common end of great humanity, entitled to their highest and best exertions.

With respect to the desire of attaining that end, there is no difference of opinion between the Government of His Britannic Majesty and that of the United States, in any of its branches. But the Senate has thought that the proposed Convention was an instrument not adapted to the accomplishment of that end, or that it was otherwise objectionable. And, without the concurrence of the Senate, the Convention cannot receive the constitutional sanctions of the United States. Without indulging, therefore, unavailing regrets, it is the anxious hope of the President, that the Government of His Britannic Majesty should see, in all that has occurred, nothing towards it unfriendly on the part of that of the United States, and nothing that ought to slacken their separate or united exertions, in the employment of all other practical modes to effectuate the great object, so dear to both, of an entire extirpation of a traffic which is condemned by reason, religion, and humanity.

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

H. CLAY.

HENRY U. ADDINGTON, Esq.

Chargé d'Affaires from Great Britain.

Mr. Addington to Mr. Clay.

WASHINGTON, 9th April, 1825.

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant, in which you announce to me the definitive decision of the President with regard to the Convention for the more effectual suppression of the Slave Trade, which I had the honor to submit for the acceptance of this Government, on the 6th of November last.

In expressing my regret at the failure of the benevolent efforts which have been employed in a cause so dear to humanity, I may venture to assure you that, however deeply His Majesty's Government may deplore the present disappointment of their hopes, they will consider the unfortunate issue of this business as in no wise affecting the friendly feelings which exist between the two Governments, and will accept, with pleasure, the expression of the President's desire, that every exertion should still be used for effecting the entire extirpation of that odious traffic, which the Convention was designed to suppress.

I cannot dismiss this subject without a brief observation on that part of your letter in which you animadvert upon the argument employed in mine of the 6th of November last, relative to the act passed by the British Parliament, for denouncing the Slave Trade as Piracy. The expressions used by you would lead to a belief, that I had represented the passage of that act, on the part of Great Britain,

as rendering it *imperative* on the American Government, to accede to the Convention, even at the expense of a sacrifice of their constitutional prerogatives.

A reference to the expressions of my letter, will, I apprehend, at once demonstrate the erroneousness of this impression, by shewing that I put the case as a point of conscience, not one of right, and that I urged the argument, above alluded to, in the form of an appeal, not of a demand.

The denunciation of the Slave Trade as Piracy, by British statute, was made by this Government a *sine qua non* to the signature of the Convention. As far as Great Britain was concerned, that proceeding, although perfectly conformable to the views of Parliament, *quo ad* morality, was one of pure supererogation, and conferred no power towards the suppression of the Slave Trade, not possessed before. Had the Government of the United States not expressly desired the enactment of that statute, it would never have been passed, but being passed, its revocation, although certainly within the competence of Parliament, is now, by the interposition of subsequent events, rendered tantamount to morally impracticable.

These circumstances will, I apprehend, amply justify, both the form of the argument which I built upon then, and the warmth with which I urged it.

I offer the preceding remarks, not, by any means, with a view to invite to further discussion, but simply in order to obviate all misconstruction of the meaning of words already employed by me.

I have the honor, sir, to renew to you the assurance of my distinguished consideration.

H. U. ADDINGTON.

The Hon. HENRY CLAY,
Secretary of State.