On the 21st Instant Mr. Seward told me that he had brought the question of concluding such a Treaty as that proposed before the President and Cabinet. Finding the President and Cabinet to be warmly in favour of doing so, he had proceeded to sound influential Senators on the subject.

The result was that he had been led to believe that there was at this moment a probability that the ratification of the Senate might be obtained. One point, however, he deemed essential to success. The proposal must originate with the United States. The great majority, if not all, of the present Senators were strongly opposed to Slavery and the Slave Trade. But there were no doubt many who retained the old jealousy of Great Britain on the Subject of the Right of Search. They would resist all appearance of conceding anything on this subject to pressure from the British Government. But the question would present itself in a different aspect,—if it should be Great Britain that acceded to a requisition from the United States,—if it should appear that the proposal had been made spontaneously by the American Government from its own desire to suppress the African Slave Trade.

Mr. Seward went on to say that if I was willing to receive the proposal as coming spontaneously from him, and if I considered that I had authority to enter into negotiations on that footing, he would at once make the proposal to me formally in writing, and would have a Draft of a Treaty prepared to submit to me.

I answered that I had no hesitation in agreeing that the proposal should originate with the Government of the United States. Her Majesty’s Government could only regard this as conveying a more decided expression of the views of the Government of the United States, than would be given by a simple assent to a request from Great Britain. I should receive the written proposal with very great satisfaction and should immediately declare I was ready to enter upon the negotiations—of course, however, it would be impossible for me to say how far I could proceed without further instructions from Your Lordship, until I had seen and considered the Draft which he proposed sending to me.

Mr. Seward said that there were some changes principally of form which would, he thought, be necessary, but that his Draft would not differ materially from that which I had given him. He appeared to think that with a view to obtaining the ratification of the Senate it was very important to seize the present moment, and bring a Treaty regularly concluded, before that Body as soon as possible. I shall, nevertheless, he very reluctant to sign any Treaty without further instructions from Your Lordship, except one differing only in unimportant matters of form, from your Lordship’s Draft. It is quite true that so favourable a conjuncture of circumstances as the present is not likely to occur again; and that it may be of very short duration. The events of the War will produce rapid changes in public opinion and in the policy of the Government on the subject of Slavery. It must be remembered that hostility to the Slave Trade is not separated, at all events by the People in general, from the advocacy of the immediate abolition of Slavery in the Country itself. If the progress of the War be slow or unprosperous, influence will be gained by the Party who desire to keep all questions concerning Slavery in the background, in order to render an accommodation with the South more easy. Even at the present moment there can be little doubt that the Anti-Slavery sentiment is stronger in Congress than among the People at large. As the season of the Elections draws near, Members will become more anxious
DOCUMENTS

The Lyons-Seward Treaty of 1862

On April 25, 1862, an Anglo-American treaty concerning the African slave trade was unanimously ratified by the Senate of the United States. Its conclusion accorded well with the general policy of the Lincoln administration. To legislate against the slave trade was an obvious way of conciliating all shades of Republican feeling in the states, without offending the Union Democrats. To conclude with Great Britain a convention of the kind she had so frequently suggested was also a means of enlistng British sympathy for the North. Until the outbreak of the Civil War the United States had always repulsed any proposals involving the search of American vessels by British warships engaged in hunting slavers. She now agreed to permit the practice in certain seas, but the Secretary of State was careful to let it be known that the convention had been "freely offered by this government to Great Britain, not bought or solicited". Seward's statement was apparently confirmed by the treaty papers laid before Congress and Parliament, and this version of the story has hitherto been unquestioned. Its intentional inaccuracy is, however, revealed by a study of the secret correspondence between Lord Lyons, British minister at Washington, and the British foreign office printed below.

In the spring of 1861, the American cruiser squadron stationed off West Africa, under the terms of the Webster-Ashburton treaty (1842), had been withdrawn to assist in the Southern blockade. It became more difficult than ever to prevent the slavers, plying between Africa and Cuba, from sheltering under the American flag. As early as May 10, 1861, Secretary Seward told the British minister at Washington that he was willing to make some alternative arrangement for protecting the Stars and Stripes from this abuse. Lord Lyons was instructed


3 Intra, pp. 516 ff. The transcripts which follow are taken from the Public Record Office, London. The almost unexplored series, Foreign Office, Slave Trade (F. O. 84) throws much light on Anglo-American relations between 1815 and the Civil War. The papers published below are from the volumes F. O. 84/1170, 1171, and 115/307.
to reply that the search and arrest of such vessels by the British squadrons off West Africa and Cuba would be the most effective method. Since Seward hoped that the Civil War would soon be over, when the recalled ships could be sent back to Africa, he at first refused the offer of a convention. But he assured Lyons that meanwhile the new administration would have “none of the squeamishness about allowing American vessels to be boarded and searched which had characterized their predecessors”. He even signed with the British envoy a secret memorandum to that effect. Lyons already perceived in the Union “a desire to rally the Anti-Slavery feeling in England to the Northern Cause”, and seized the opportunity to obtain what he described as “something sufficiently definite for our Cruisers to act upon with respect to American slavers”. But he was rather doubtful “as to the constancy with which Mr. Seward would abide by his Memorandum and take his share of the blame if any trouble came out of it”; and the foreign office chiefs in London thought the private agreement “worth little or nothing”.

It seemed too dangerous to continue for long, although Seward lived up to his word. Instead of conveying the familiar recriminations of old days, the new United States minister in London actually thanks the British government for detecting American slavers. Lord John Russell felt, however, that the memorandum “would be of little avail against a popular cry founded on the indisputable doctrine of International Law that the Right of Search cannot be lawfully exercised in time of peace”. At any moment “Agitation and ill-will” might be provoked “by the appearance of a British cruiser in the Port of New York with a Slaver as a Prize”. To obviate such a risk the British foreign secretary again put forward his former proposal, and on February 28, 1862, sent out to Lyons a draft Search treaty, already printed, and complete with Instructions for the Commissioners in Mixed Anglo-American Courts which would try captured British or American vessels accused of slave trading. By this time Seward, largely on account of his peculiar position after the Trent affair, was particularly anxious to keep on friendly terms with England. He refused, however, to consider signing the draft treaty sub-

4 Lyons and Russell correspondence, nos. 4 and 5 of May 10, Aug. 22 (confidential), Sept. 10 (confidential), Nov. 7, 13 (enclosing memorandum), 1861, and nos. 4 and 5, Feb. 28, 1862, in F. O. 84/1137, and F. O. 115/260, 307.

5 Lyons to Russell, Nov. 11 (private), and 13 (private and confidential), 1861, P. R. O., Russell MSS., G. D. 22/25; British Museum Add. MS. 38987, f. 395, Layard Papers, “Memorandum between Seward and Lyons”.

6 Adams to Russell, Aug. 6, 1861, et passim, F. O. 84/1137.

mitten to him by Lyons on March 21, “unless the proposal should have the air of coming originally from the United States.” Lyons, who feared that quarrels over neutral rights and the Southern blockade might disturb the existing calm at any moment, did not wait to consult the foreign office, but at once consented to Seward’s subterfuge for hoodwinking the Senate and public. A formal correspondence was conducted which, as already remarked, when presented to Congress and Parliament, created the impression that the overtures came from the United States, and not from Great Britain.

It was made to appear that Seward opened the negotiation on March 22 by writing to Lyons inviting him to sign a Slave Trade treaty, a draft of which he enclosed. Actually this was the identical, printed, British draft, with the formal headings reversed in red ink. Lyons played his part by replying with an objection to a clause limiting the duration of the treaty to ten years, but did not desire “to obstruct or retard the progress of the negotiation”. In point of fact this clause was the only alteration Seward had made in the British draft and he suggested that Lyons, who regarded it as unimportant, should make a show of opposing it, but eventually accept it, as if overborne by the firmness of the American government. There followed, therefore, an exchange of notes in which Seward refused to remove the clause and Lyons waived his objections: whereupon the treaty was signed by the two conspirators on April 7, 1862, with the ten year limitation left in.

Seward’s little plot manifests his keen anxiety for the success of the negotiation. Even a sympathetic Senate would undoubtedly, he foresaw, ratify a Right of Search convention proposed by America far more readily than a British project. And this treaty involved greater concessions by the United States than had ever been requested by Great Britain since she first began building up her system of search treaties in the time of Lord Castlereagh. From the American point of view the only redeeming features were the ten year clause, which Seward suggested might be eliminated in the Senate by the anti-slavery party, and the provision that the captains and crews of condemned ships were to be sent home for trial. It was a sufficiently remarkable proof of the zeal of the Lincoln government in their campaign against the slave trade that, with

8 Lyons to Russell, Mar. 21 (telegram in cypher), 1862, F. O. 84/1171.
10 F. O. 84/1171, P. O. 115/309, 313. These volumes contain the formal and secret correspondence between Lyinn and Seward. See extracts printed below.
11 Lyons to Russell, Mar. 31 (confidential), 1862, F. O. 84/1171.
the exception of Gideon Welles, Secretary of the Navy, apparently the whole administration was willing to accept this thoroughgoing treaty. Lyons, for his part, was "not so sanguine" as Seward about getting it past the Senate by the latter's artifice; but the Secretary's forecast that the maneuver would succeed proved well within the mark. On April 25 Lyons was able to telegraph to London that the treaty had been ratified unanimously. Charles Sumner, who piloted it through the Senate, had brushed aside the old contention that American courts on foreign soil would be unconstitutional, and this had been the only serious objection raised.

Seward was highly delighted at the success of his diplomacy. He was resting on a couch in the State Department at Washington when Sumner burst in with the news of ratification. Sward leapt to his feet, and his unprompted exclamation was significant, "Good God!" he cried, "The Democrats have disappeared. This is the greatest act of the administration." It was indeed an unexpectedly full approval of the new anti-slavery policy of the Lincoln government. "If I have done nothing else worthy of self-congratulation, I deem this treaty sufficient to have lived for", wrote Seward to an intimate at this time, and Sumner narrated the details of his triumph to Lord Lyons "with tears of joy in his eyes". The cold-blooded Englishman contented himself with noting that the treaty seemed "to be very generally approved".

Over in England they were more enthusiastic than their envoy. Lord John Russell voiced the opinion of the foreign office when he wrote, "We all rejoice in it". Even the Times, much as it had always disliked Yankees and Abolitionists, joined in the general applause. Henry Brougham, last survivor of the original British abolitionist group of 1807, struck the same jubilant note heard on the other side of the Atlantic. He rose in the House of Lords to proclaim the treaty "in many respects the most important event that had occurred during the period of his sixty years warfare against the African Slave Trade". Believing that

12 So Seward told Lyons, Lyons to Russell, Mar. 25 (confidential), 1862, F. O. 84/1171. Welles, in his unreliable Lincoln and Seward (New York, 1874), says "The treaty was quietly negotiated. I knew nothing of it until after its ratification, for it was not submitted for Cabinet consultation at any stage of its progress" (p. 142). Cf. Welles, Diary, I. 155, 161, 166, 192-193.

13 Lyons to Russell, Mar. 31 (private), 1862, Russell MSS., G. D. 22/26; Apr. 25, 1862, F. O. 84/1171.


one could not have too much of such a good thing, Brougham suggested extending the zone of search to include other plague spots as well. This was done with regard to the seas around Porto Rico and Madagascar in February, 1863, when, after the intervening Alabama controversy had died down, British opinion, coached by the abolition societies, had begun definitely to favor the Northern cause.\footnote{Paul, Papers [Command 3129], H. C., 1863, LXXI. 1. The concluding of the treaty had perhaps only a slight, but nevertheless valuable, influence on British opinion, but its practical success is beyond question. Cf. F. D. Adams, Great Britain and the American Civil War (1825), H. 90.}

By this time the Washington treaty was in operation; the mixed commission courts had been set up, warrants issued to cruisers, and a small controversy over the interpretation of the conceded right of search settled.

Gideon Welles, the efficient American Secretary of the Navy, mistrusted Seward, and thought the British foreign office had bluffed him into surrendering the American claim to search British blockade runners off the Southern coasts. He argued that since permission to search was confined by the treaty to certain areas, American vessels furnished with warrants under it would be able within those seas to stop only vessels suspected of slave trading. The foreign office could not believe that his objection to issuing instructions was sincere; but Lyons, in order to discover what the trouble really was, entertained the assistant-secretary of the navy at dinner, and promised to declare that the powers given by the slave trade treaty were added to belligerent rights, not substituted for them. When this declaration had been officially made, Welles offered no further obstructions. Yet he continued to suspect the purity of Britain's motives in securing the convention, and long after the Civil War was over attacked his old colleague, Seward, for his supposed subservience to British interests.\footnote{Welles, Diary, II. 153, 166, 192-193; 246; Welles to Seward, Dec. 2, Seward to Lyons, Dec. 3 (unofficial), Lyons to Russell, Dec. 8, 1862 (confidential), F. O. 115/312; Lyons to Seward, Jan. 26, 1863, F. O. 84/1202; Welles, Lincoln and Seward, pp. 132 ff.}
hesitation all slavers under the Stars and Stripes. The effect on the Cuban traffic was at once evident. The number of slaves illegally introduced into the island between September 30, 1859, and September 30, 1860, had been computed at 39,473 persons; and during the following year the figures were still 23,064. In 1861 to 1862 they dropped to 11,254; in 1862–1863 to 7597; in 1863–1864 to 6807, of whom 3974 were rescued after landing by the Cuban authorities. Finally in 1864–1865, the last year of the Civil War, the numbers had shrunk to 143 only, all of whom were rescued.

This striking decrease was not solely attributable to the disappearance of the American flag from the traffic. When Spain realized that the United States would no longer lend her moral support to the Cuban slave trade, she herself made a more determined effort to check it by appointing a captain-general of Cuba with a real enthusiasm for suppression and with the assistance of the home government. Henceforward, though the traffic in men continued so long as Cuban slavery begat a demand for slaves, it was a hole and corner affair. Reforming statesmen were able to devote their attention to the internal slave trading of Africa and the Arab traffic on the East Coast. Strongest evidence of all that the Lyons-Seward treaty had achieved its object is the fact that not a single slaver was ever tried in the mixed commission courts set up under it.

In 1870, two years before it was due, under Seward's clause, to expire, a new convention did away with them. By that time the transatlantic slave trade had virtually disappeared.

University College, London,

A. TAYLOR MILNE.

Foreign Office
February 28, 1862.

My Lord,

Mr. Adams spoke to me a few days ago on the subject of the African Slave Trade. He deplored the vigour and success with which the traffic is carried

18 On the strength of the Lyons-Seward memorandum, France had her own West African squadron, but permitted the verification of a ship's nationality by British gunboats.

19 Minute by Wyld, chief of the Slave Trade Department at the foreign office, F. O. 84/1215.

20 Consul Bunch to Russell, Havana, Sept. 30, 1865, F. O. 84/1236.


22 Russell to Lyons, Slave Trade, no. 4, F. O. 115/107. The original letters from Earl Russell to Lord Lyons are all in this volume of the Washington legation archives. F. O. 84/1270 contains drafts and copies kept in London. There is a draft of this letter in Russell's own handwriting.
on at Cuba, and placed in my hands a Despatch from the United States Con-
sul at Havana, of which I enclose a Copy.

This information had previously reached Her Majesty's Government from
Her Majesty's Consul at Havana.

Mr. Adams went on to say, that the Government of the United States
would be glad to see our Cruizers sent to the Coast of Cuba.

I did not give any formal answer, but said, "that the difficulty lay in the
Question of the Right of Search, upon which so much Correspondence has
taken place".

The United States are bound by Treaty to have a Squadron with 80 guns
on the Coast of Africa to intercept and prevent the Slave Trade: They have
now only one vessel of 22 Guns.

I know the United States Minister excuses this non-fulfilment of Treaty,
on the ground of the necessity of blockading the coast of the Southern States,
and thus the Blockade of the Southern Ports, which inflicts gross and serious
injury on British Commerce and manufactures, is made a Reason by the
United States Government for not fulfilling their Engagements towards
Great Britain in a matter in regard to which the British nation have long
taken the most lively Interest.

The result is that American Cruizers are taken away from the African
coast on the ground of the Civil War, while British Cruizers are kept away
from the Cuban Coast in deference to American jealousy with respect to the
United States Flag.

I am well aware that Mr. Seward has told you, as Mr. Adams has told me,
that the American Government have no objection to the overhauling of
American ships by British Cruizers, provided there exist good grounds of
suspicion.

But a verbal Agreement of this kind might be of little avail against a
popular cry, founded on the indisputable doctrine of International Law, that
the Right of Search cannot be lawfully exercised in time of Peace.

The only alternative I can perceive, is, that the United States Government
should either keep up their Squadron of 80 Guns on the Coast of Africa, with
a sufficient number of Cruizers on the Coast of Cuba, or that the United
States should give their Consent to an efficient Slave Trade Treaty.

I send you a Draft of a Treaty for that purpose.

It is true that the United States by agreeing to this Treaty would not be
relieved from the formal obligations of the Treaty of 1842, by which she is
bound to keep a Squadron with a fixed number of Guns on the Coast of
Africa.

But the proposed Treaty would enable British Men of War to supply, to a
certain degree, the want of American Cruizers.

In any event it would befit the United States to join in the most vigorous
measures for the suppression of the Traffic in Slaves.

I am [etc.]

RUSSELL.

The Lord Lyons, K. C. B.
My Lord,

Your Lordship's Dispatches Slave Trade Nos. 1 and 2 of the 11th Instant, reporting the substance of a conversation which you had with Mr. Seward, relative to the search and capture by British Cruizers of American Vessels engaged in the Slave Trade, have impressed my mind still more strongly than before, with the necessity of some Agreement in the shape of a formal Convention upon this Subject.

Giving full credit to Mr. Seward for his sincerity, I cannot but feel apprehensive that upon the appearance of a British Cruizer in the Port of New York, with a Slaver as a Prize, much ingenuity would be exercised, to show that the Slaver had been subjected to search and capture, without regard to Law or Treaty.

I should be sorry to give such a pretext for Agitation and ill-will.

I hope to send you, by the present Mail, the outline of a Convention which would make the Relations of the two Countries clear, and contribute greatly to the Suppression of the Slave Trade.

I am [etc.]

RUSSELL.

The Lord Lyons, K. C. B.

My Lord,

With reference to my despatch Slave Trade No. 4. of the 28 Ultimo transmitting to you the Draft of a Treaty between Great Britain and the United States for the suppression of the Slave Trade, I have to state to you that so much ill feeling has been created at different times by the exercise of a Right of Visit on the part of British Cruizers that Her Majesty's Government deem that it would be very inexpedient to instruct the Lords of the Admiralty to sanction any practice of overhauling American Merchant Ships suspected to be Slavers on the mere Authority of an informal Agreement with the Secretary of State of the United States.

At the same time Her Majesty's Government are fully convinced of the sincerity of the United States Government in their professions of a desire to suppress the Slave Trade. This desire is in conformity with the well known sentiment of the President and the principal Members of his Administration.

But, if such is the case, it is much to be desired that the rules of proceeding for the Men of War of the two Nations should be clear and precise.

By this means all dispute on the rights of Naval Commanders to visit and search Vessels may be avoided.

With this view I have had drawn up the Draft Treaty of which I desire you to give a Copy to Mr. Seward.


24 Russell to Lyons, Slave Trade, no. 6, F. O. 115/307.
If he is willing to entertain the subject, you can then discuss with him its various provisions.

I am [etc.] Russell.

The Lord Lyons, K. C. B.

IV. 25

Washington,
March 15, 1862.

My Lord, I had this morning the honour to receive Your Lordship’s despatches of the 25th ultimo, marked “Slave Trade” Nos. 4 and 5, and Your Lordship’s Dispatch of the 1st instant marked “Slave Trade” No. 6. I have since seen Mr. Seward and have spoken to him, in the sense of those despatches, on the subject of the search and capture by British Cruizers of American Vessels engaged in the Slave Trade. I said to Mr. Seward that in the opinion of Her Majesty’s Government the only mode of providing for the safe and lawful exercise of a power to effect such searches and captures, would be the conclusion of an efficient Slave Trade Treaty between the two Countries; and I put into his hands the Draft of such a Treaty which was inclosed in your Lordship’s No. 4 already referred to.

Mr. Seward appeared to doubt its being advisable to enter at the present moment into negotiations for the conclusion of a Treaty. He said, however, that he would consider the matter. He observed that the occupation of the Coast of the Southern States by the Federal troops would, he supposed, soon very much diminish the number of ships required to maintain the Blockade and would thus enable this Government to employ an efficient Squadron in operations against the Slave Trade.

I have [etc.]

Lyons.

V.

[Confidential]

Washington, March 21, 1862.

My Lord, I have to-day had the honor to despatch to your Lordship a telegram, in cypher, in the following words:

“Mr. Seward is willing to propose to me to negotiate a Slave Trade Treaty, provided the proposal have the air of coming originally from the United States, instead of from us. I have agreed to this. It may therefore he well not to mention that we have already made a proposal. Mr. Seward says he shall propose stipulations not materially differing from those in your Draft. Washington March twenty one.”

I have [etc.]

Lyons.

VI. 20

[Confidential]

Washington March 25, 1862.

My Lord, In my despatch of the 15th Instant marked “Slave Trade” No. 5, I had the honour to inform Your Lordship that I had placed in Mr. Seward’s hands the Draft of the Slave Trade Treaty, which was transmitted to me in Your Lordship’s Despatch of the 28th ultimo marked “Slave Trade” No. 4.

25 All the letters from Lyons to Russell which follow are in this volume, F. O. 24/1171.
26 The reply to this letter is no. XI.
On the 21st Instant Mr. Seward told me that he had brought the question of concluding such a Treaty as that proposed before the President and Cabinet. Finding the President and Cabinet to be warmly in favour of doing so, he had proceeded to sound influential Senators on the subject.

The result was that he had been led to believe that there was at this moment a probability that the ratification of the Senate might be obtained. One point, however, he deemed essential to success. The proposal must originate with the United States. The great majority, if not all, of the present Senators were strongly opposed to Slavery and the Slave Trade. But there were no doubt many who retained the old jealousy of Great Britain on the Subject of the Right of Search. They would resist all appearance of conceding anything on this subject to pressure from the British Government. But the question would present itself in a different aspect,—if it should be Great Britain that acceded to a requisition from the United States,—if it should appear that the proposal had been made spontaneously by the American Government from its own desire to suppress the African Slave Trade.

Mr. Seward went on to say that if I was willing to receive the proposal as coming spontaneously from him, and if I considered that I had authority to enter into negotiations on that footing, he would at once make the proposal to me formally in writing, and would have a Draft of a Treaty prepared to submit to me.

I answered that I had no hesitation in agreeing that the proposal should originate with the Government of the United States. Her Majesty's Government could only regard this as conveying a more decided expression of the views of the Government of the United States, than would be given by a simple assent to a request from Great Britain. I should receive the written proposal with very great satisfaction and should immediately declare that I was ready to enter upon the negotiations,—of course, however, it would be impossible for me to say how far I could proceed without further instructions from Your Lordship, until I had seen and considered the Draft which he proposed sending to me.

Mr. Seward said that there were some changes principally of form which would, he thought, be necessary, but that his Draft would not differ materially from that which I had given him. He appeared to think that with a view to obtaining the ratification of the Senate it was very important to seize the present moment, and bring a Treaty regularly concluded, before that Body as soon as possible. I shall, nevertheless, be very reluctant to sign any Treaty without further instructions from Your Lordship, except one differing only in unimportant matters of form, from your Lordship's Draft. It is quite true that so favourable a conjuncture of circumstances as the present is not likely to occur again; and that it may be of very short duration. The events of the War will produce rapid changes in public opinion and in the policy of the Government on the subject of Slavery. It must be remembered that hostility to the Slave Trade is not separated, at all events by the People in general, from the advocacy of the immediate abolition of Slavery in the Country itself. If the progress of the War be slow or unprosperous, influence will be gained by the Party who desire to keep all questions concerning Slavery in the background, in order to render an accommodation with the South more easy. Even at the present moment there can be little doubt that the Anti-Slavery sentiment is stronger in Congress than among the People at large. As the season of the Elections draws near, Members will become more anxious
to ascertain and to follow the feeling prevailing among their constituents. Just now the majority of the Senators are what is termed abolitionists. The opponents of abolition in the Senate are likely to endeavour to conciliate and disarm their antagonists by endeavouring to establish the almost forgotten distinction between Internal Slavery and the Slave Trade, and by making a show of zeal against the latter. This might procure several votes for a Slave-Trade Treaty which would at another time be given against one, and as it requires a majority of two-thirds to pass a Treaty every vote is of consequence. To all these considerations I may add that violent irritation against England has for the moment subsided. The publication of the Correspondence laid before Parliament has indeed produced a kind of reaction against the unworthy suspicions and violent animosity lately prevalent. But a small matter might revive these feelings and make the ratification of a Slave Trade Treaty with us impossible.

Taking all these circumstances into consideration, I think your Lordship will wish me to take advantage of this favourable opportunity, if it be possible to do so. If therefore Mr. Seward is willing to conclude a Treaty which secures the great object of establishing a mutual right to search and detain Slavers, and which does not, to the best of my judgment, contain anything seriously objectionable, I shall be ready to assume the responsibility of signing it at once, in virtue of the general Full Powers transmitted to me with Your Lordship's despatch No. 19 of the 18th July, 1859. I shall have the less hesitation in doing so because as it is the practice of the Senate of the United States not simply to accept or to reject but also to amend and alter Treaties already signed when submitted for its ratification, no offence, could reasonably be taken if Her Majesty's Government should pursue the same course. I shall not, however, affix my signature without further instruction from Your Lordship, unless I shall be convinced that any delay in submitting the Treaty to the Senate would materially diminish the probability of its being ratified.

Mr. Seward, at the conclusion of our conversation, said that he supposed no question would be raised by Great Britain on the present occasion similar to that which had been fatal to the negotiation for the adherence of the United States to the Declaration of the Congress of Paris on Maritime Law. If there was to be any question of a Declaration such as that which Your Lordship and M. Thouvenel had proposed to make previous to affixing your signatures to a convention on that subject, it would be much better not to enter upon any negotiation. I replied that I could not conceive that there could be the least cause for apprehension on this point. It was absolutely necessary at the time at which the negotiation respecting maritime rights took place, to prevent misunderstanding on a practical question which could not be avoided. The British and French Governments could not bind themselves to treat the Southern Privateers as Pirates, and it would have been a breach of good faith to leave any doubt on the subject. I could not see that any similar question could possibly arise with regard to the proposed Slave Trade Treaty. Mr. Seward said that he was of the same opinion, but that he had thought it prudent just to mention the matter.

Mr. Seward particularly requested me to consider the whole of our conversation as confidential.

I have [etc.]

Lyons.
VII.27

[Confidential]

Washington March 28th, 1862.

My Lord, Mr. Seward sent to me the day before yesterday the promised Draft of a Treaty for the suppression of the Slave Trade. He accompanied it with an informal Note, of which I enclose a copy, and at the same time returned to me the Draft transmitted to me by Your Lordship which I had in obedience to your orders placed in his hands. Mr. Seward’s Draft is copied verbatim from Your Lordship’s. But a clause is added to the last article reserving to each Party the right of putting an end to the Treaty after the expiration of ten years, on giving a year’s note of the intention to do so.

I went to see Mr. Seward yesterday and asked what had been his object in adding this clause, and whether he attached any great importance to it. I said that certainly in my opinion the Treaty would be very much better without it; but that if he thought it essential in order to obtain the ratification of the Senate, I should be unwilling to insist so strongly upon its being obliterated, as to bring the whole Treaty into jeopardy, or even to cause any great delay.

Mr. Seward answered that for his own part he should very much prefer a Treaty of unlimited duration; and that his friends in the Senate took the same view as he did. He had, he said, inserted the Clause in order to disarm opposition, but he should nevertheless be glad that I should state my objection to it in writing. With a note from me to this effect which he could produce, he might be able to get rid of the clause. At any rate such a note would be useful to him. He would suggest, however, that I should say in it, that I did not intend in making the objection to obstruct the progress of the negotiation.

I readily agreed to write Mr. Seward such a note as he proposed. I am very desirous to do anything which may strengthen his hands in carrying the Treaty through the Senate, and my note may be serviceable in this respect, even if it be used only to conciliate opponents by showing that the Government has adhered to the limitation Clause in spite of objection.

I do not think that, so far as practical results are concerned, there will be found much difference, between a Treaty without limitation of time, and a Treaty terminable after Ten Years. At all events I am persuaded that Your Lordship will consider that a very great object will be attained if we can succeed in establishing for ten years certain stipulations essential to the success of our efforts to put down the Slave Trade. I feel confident that Your Lordship will not be disposed to blame me, if I assume the responsibility of signing a Treaty in accordance with your Draft, whether with, or without, the addition of a limitation Clause.

Mr. Seward requested me to be mindful in my written communications with him that the proposal to conclude the Treaty was to be regarded as having originated with the Government of the United States.

I have [etc.]

Lyons.

27 Russell sent a note approving of Lyons’s proceedings as described in this dispatch, Russell to Lyons, no. 10, Apr. 17, 1862 (confidential), F. O. 115/367.
The Lyons-Seward Treaty of 1862

VIII.28 Washington March 26/1862.

Enclosure. Copy. Mr. Seward presents his compliments to Lord Lyons, and has the honour to submit to his consideration the enclosed Draft of a proposed Treaty and annexes, between the United States and Great Britain for the suppression of the African Slave Trade, which is the same as the original Draft submitted by his Lordship, with the exception of an additional Clause providing for the duration of the Treaty.

Washington, March 26th 1862.

IX.

[Confidential]

Washington, March 31, 1862.

My Lord, Mr. Seward told me this morning that he had come to the conclusion that his best course would be to insist upon the clause limiting the duration of the proposed Treaty for the suppression of the Slave Trade. He would, he said, accordingly answer in that sense my note of the 25th instant. He thought that the correspondence would thus materially assist his endeavours to obtain the ratification of the Senate. If the Anti-Slavery Party were strong enough they might carry an amendment expunging the clause—and to this he should readily agree. On the other hand, the clause itself, and his perserverance in retaining it, might obtain votes for the Treaty from the other Party, if votes from that Party were required.

Mr. Seward’s long experience of the Senate, and his well-known tact in dealing with that Body, gives his opinion on such a point so much weight, that I naturally thought it prudent to be guided by it. I therefore made no objection to his taking his own course. I do not, as Your Lordship is aware, consider the limiting Clause as likely to be of much practical importance one way or the other, and I think you would be unwilling that I should throw away a chance which is not likely to occur again of attaining the object at which we have so long aimed.

I have [etc.]

LYONS.

X.

[Confidential]

Washington April 7th, 1862.

My Lord, Since I had the Honor to address to your Lordship my Despatches of the 31st ultimo marked “Slave Trade Nos. 11 & 12” I have been in frequent communication with Mr. Seward on the subject of the proposed Treaty for the suppression of the Slave Trade. Mr. Seward has constantly urged the importance of bringing the Treaty before the Senate as soon as possible. He has expressed a very positive opinion that it would be hazardous to incur the delay necessary to enable me to receive further instructions from Your Lordship. He has stated that while confident of obtaining the Ratification of the Senate at this moment, he cannot feel so certain that he should be able to do so a month hence. He has continued to be of opinion that it is important that the Treaty should go to the Senate with the Clause making it terminable by either party, on giving notice after the expiration of ten years.

28 Original in F. O. 115/499, together with Seward’s formal letters of March 22 and April 24, 1862.
I am not so sanguine, as Mr. Seward appears to be, about obtaining the Ratification of the Senate now, but I am still more strongly, than he is, of opinion that the probability of doing so is greater at this moment than it is ever likely to be again. I have accordingly this morning signed the Treaty; and I have, in deference to Mr. Seward’s opinion, admitted the Clause limiting the duration. In other respects the Treaty, as signed, differs very little from the Draft as transmitted to me with Your Lordship’s Despatch of the 28th of February (Slave Trade No. 4).

It has been found necessary to make a slight change in the wording of Article IX. of the Treaty itself, in order to correct a grammatical error. I inclose herewith the Article as amended.

The blank left in the Third Section of Article IX. of Annex B has been filled up with the words:

"The Judge of the United States for the Southern District of New York".

The blanks in the Ratification article (XII.) have been so filled up that the Article provides that the Ratifications shall be exchanged in London, and in six months, or sooner if possible.

With the exception of these particulars, the Treaty which I have signed is identical word for word, with Your Lordship’s Draft. I shall transmit the original to Your Lordship to-day with another Despatch.

The mode of procedure of the United States’ Senate, with regard to Treaties, appeared to render it desirable to fix a rather long period for the exchange of the Ratifications, and to provide that it should be made in London rather than at Washington. For the Senate does not always confine itself to ratifying or rejecting a Treaty absolutely. It very frequently makes amendments or alterations. It appears, therefore, to be more consistent with the dignity of the Queen, that even if Her Majesty approve of the Treaty as it stands, Her Ratification should not be given, until it is certain that the President has been authorised by the Senate to give the Ratification of the United States.

I have [etc.]

Lyons.

XI.29

[Confidential]

Foreign Office,
April 10, 1862.

My Lord,

I have received Your Despatch, Slave Trade No. 7 of the 25th Ultimo, marked Confidential, reporting that the Cabinet of Washington would not be unwilling to enter into Negotiations with Her Majesty’s Government for the conclusion of a Treaty for the suppression of the African Slave Trade, provided that it should be made to appear that the overtures for such a Treaty originated with the Government of the United States, and not with Her Majesty’s Government; the President and Mr. Seward being of opinion that this course is essentially necessary in order to ensure the consent of the Senate to the Treaty.

I have to acquaint you, that the object of Her Majesty’s Government being the suppression of the Slave Trade, it is immaterial to them, whether the Proposals for a Treaty with the United States Government to affect this ob-

29 Russell to Lyons, F. O. 115/397.