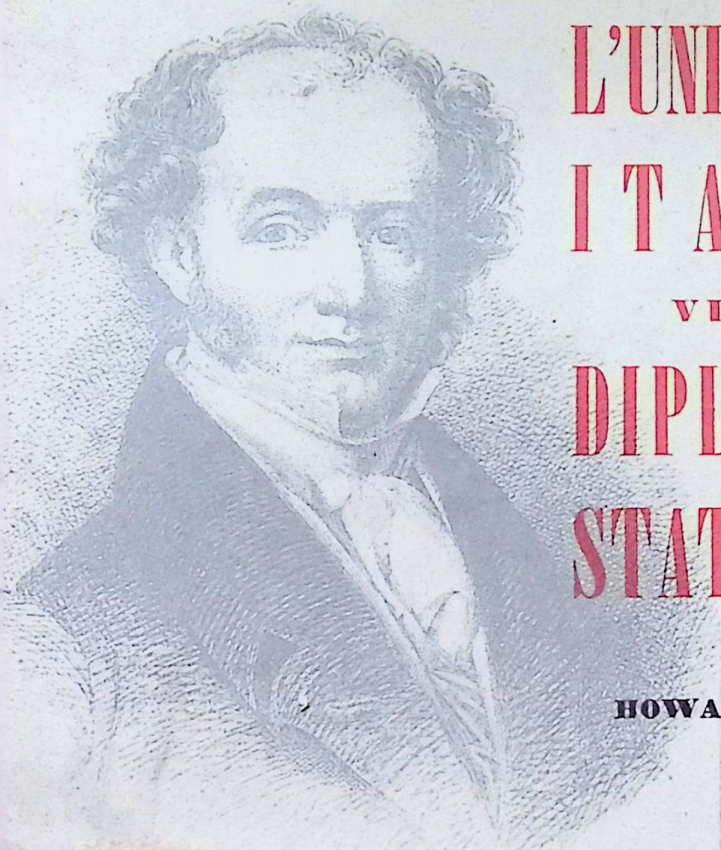


ISTITUTO PER LA STORIA DEL RISORGIMENTO ITALIANO  
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ITALIANA  
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A cura di  
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Abraham Van Buren



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**ISTITUTO GRAFICO TIBERINO DI STEFANO DE LUCA - ROMA**

*Alla  
sacra memoria  
dei miei diletti genitori  
Benedetto e Giuseppina Rainieri Marraro  
i quali  
con l'esempio, l'amore e la dedizione  
seppero insegnarmi ad amare ed a far amare  
l'Italia e gli Stati Uniti d'America*





## PREMESSA

**U**na diecina d'anni fa abbiamo scritto e, tutto sommato, riteniamo di aver avuto ragione, che uno dei risultati più degni e più utili del largo fervore d'interessi suscitato dalle celebrazioni centenarie del Quarantotto è stato rappresentato dalla pubblicazione di alcune veramente importanti fonti documentarie. « Di fronte ad esse, infatti, sono state troppo scarse le ricostruzioni indiscutibilmente rinnovatrici, le interpretazioni intelligenti e soverchio l'indulgere di molti alle sintesi sbrigative, alle seduzioni di altre forme di retorica — poiché l'antica, giustamente, era respinta —, all'equivoca sofisticazione di contorni, di tinte, di toni. La smania di fare o rifare « il processo » al Risorgimento perché non è stato diverso da quello che è stato, il bisogno di assegnargli intenti, programmi e mete più affini a quelli dei nostri giorni, l'impulso a punire con la romana *damnatio memoriae* personaggi troppo bene aggiustati in passato dalla *lectio recepta*, sono apparsi tra gli aspetti più caratteristici della storiografia celebrativa. « Invece di rifriggere i valentuomini morti, sarebbe meglio lasciarli in pace, o riprodurne de' vivi. Ma forse ti sarai accorto che gl'Italiani sono felici di trovar l'occasione di far il chiasso... ». Ma anche senza voler minimamente obbligare gli studiosi a condividere questo ironico sfogo del re dei Bastiani contrari che fu Massimo d'Azeglio con l'amicissimo Gino Capponi, non c'è dubbio che, avendo, come sempre, le eccezioni, ottime sebbene contate, confermata la regola, si sono preferite dai più le pubblicazioni documentarie precise ed utili ai larghi voli di troppe fantasie e, soprattutto, quelle riguardanti la politica estera degli antichi Stati italiani ».

E questo si può dire anche — sempre con le doverose, lodevolissime eccezioni — per quanto si è fatto in occasione del triennio centenario dell'Unità d'Italia. Perché è indubbio che l'apporto recato dalle pubblicazioni dell'Istituto storico italiano per l'età moderna e contemporanea e dal Comitato torinese dell'Istituto per

*la storia del Risorgimento alla documentazione dell'azione diplomatica risorgimentale è di primissimo ordine. Franco Valsecchi, Armando Saitta, Federico Curato, Carlo Pischedda, Carlo Baudi di Vesme, Guido Quazza, Angelo Filipuzzi, Giuliano Procacci, Giuseppe Giarrizzo, per limitarci a pochi nomi, meritano anche per questa paziente e sapiente attività la nostra riconoscenza.*

*Oggi uno studioso altamente benemerito della storiografia risorgimentale, che da oltre un trentennio ha dedicato gran parte della propria attività a rintracciare e a pubblicare i documenti riguardanti le relazioni tra gli Stati Uniti e l'Italia nell'Ottocento, Howard R. Marraro, della Columbia University di New York, contribuisce con una serie di volumi dedicati ai rapporti tra la Corte sarda, prima, italiana, poi, e la Repubblica stellata a completare il quadro delle nostre conoscenze in questo campo.*

*Il Marraro, più volte ospite gradito delle maggiori Università italiane, è già noto ai nostri lettori per i due grossi volumi Diplomatic Relations between the United States and the Kingdom of the Two Sicilies (New York, 1951-1952) e per una copiosa serie di saggi sui rapporti italo-americani nel Risorgimento, alcuni dei quali raccolti nel bel volume Relazioni tra l'Italia e gli Stati Uniti (Roma, 1954). Ma, soprattutto, prezioso, come lo ha definito Luigi Salvatorelli (« e, temo insufficientemente noto », ha scritto su La Stampa del 2 febbraio 1962), rimane il libro del Marraro American Opinion on the Unification of Italy 1846-1861 (New York, 1932), che lo stesso Salvatorelli ha considerato la vera, indispensabile premessa a quelle Testimonianze americane sul Risorgimento, che Elisabeth Mann Borgese ha raccolto per le Edizioni di Comunità (Milano, 1961). Nella sua recensione il Salvatorelli ha messo giustamente in rilievo che il Marraro, « anziché ai testi letterari e alle vedute generali, si è rivolto alle testimonianze quotidiane dell'opinione pubblica americana sugli avvenimenti italiani successivi, raccolte dai giornali, dalle riviste, da diari, lettere, discorsi, senza omettere gli opportuni riferimenti agli atti e documenti ufficiali... Ne risultano certe direttive principali, certe ispirazioni e prese di posizione, parte comuni a tutta l'opinione pubblica americana, parte contrapposte fra loro là dove un'alternativa si poneva naturalmente, e anzi era anticipata già dalle correnti politiche italiane ».*

*Che è il solo metodo buono. Perché, ci sia consentito riprendere un vecchio nostro discorso, « la storia diplomatica è oggi molto di moda tra noi, specialmente da quando, con evidente fraintendi-*

*mento dell'invito crociano a calare, a risolvere la storia del Risorgimento in quella d'Europa, si è pensato da parte di alcuni che bastasse industriarsi a tracciare ritratti di ministri degli esteri, di ambasciatori, di inviati straordinari, a costringere entro un quadro di istruzioni, dispacci e rapporti la complessa molteplicità degli eventi, per potersi vantare di avere superato la fase precedente della storiografia risorgimentale, condannata in blocco come quella che non aveva saputo alzarsi dalla più o meno mascherata insufficienza della cronaca. Ma cronaca e non storia è anche quella che non sa, in fondo, prescindere da una impostazione esclusivamente ed estrinsecamente politico-diplomatica: la vera storia diplomatica non può appagarsi solo dei carteggi e delle trattative dei Governi e dei loro rappresentanti, ma, momento della vita d'una nazione, deve saldarsi o fondersi, come ha chiarito nella sua magistrale opera lo Chabod, in tutta la realtà morale, economica, sociale, religiosa, culturale. E, aggiungiamo, i documenti studiati non acquistano maggior valore solo perché portano il bollo dell'archivio di Tarascon o di Köpenick anziché quello di Peretola o di Scurcola. La comprensione della situazione diplomatica non va mai disgiunta da quella delle forze ideali e morali, delle suggestioni dei miti e degli esempi, della realtà degli interessi e delle aspirazioni, dei fatti e degli stati d'animo ».*

*Ben venga, quindi, ad affiancarsi questa Unificazione italiana vista dai diplomatici statunitensi agli altri ricordati volumi del Marzaro riguardanti il Regno delle Due Sicilie, a quelli dello Stock per lo Stato pontificio e, in questa nostra stessa collezione, a quelli del De Liedekerke de Beaufort per i Paesi Bassi, di Eduardo Brazão per il Portogallo e di Mariano Gabriele per il carteggio Antonelli-Sacconi. Fonti tutte di notevole importanza non possono che giovare alla migliore e più seria conoscenza della storia del Risorgimento italiano.*

ALBERTO M. GHISALBERTI





## PREFAZIONE

I primi rapporti ufficiali tra gli Stati Uniti e il Regno di Sardegna si rifanno al 28 gennaio 1818, quando Vittorio Adolfo Sasserno fu nominato console americano a Nizza, ove rimase fino al 1849. Prima del 1838, anno in cui si stabilirono relazioni diplomatiche ufficiali, ci furono soltanto altri due rappresentanti americani nel Regno di Sardegna: R. Campbell, nominato il 23 dicembre 1822 console americano a Genova, ove rimase fino al 24 aprile 1834; e C. Barnet, del New Jersey, che lo sostituì, perchè il Campbell non era suddito statunitense. Il Barnet rimase a Genova fino al settembre del 1837, quando fu nuovamente richiamato il Campbell, che vi rimase fino al luglio del 1840. Gli Stati Uniti non ebbero console a La Spezia fino al 1854, quando vi fu inviato E. H. Haines, dell'Ohio.

Il primo rappresentante del Regno di Sardegna negli Stati Uniti fu Gaspare Deabbate, il cui riconoscimento ufficiale quale console generale a Philadelphia fu firmato dal presidente James Monroe, il 18 maggio 1820.

I negoziati per l'apertura delle relazioni diplomatiche tra il Regno di Sardegna e gli Stati Uniti ebbero inizio nel 1838, quando il conte di Sambuy, inviato straordinario e ministro plenipotenziario a Vienna, in un colloquio privato con Nathaniel Niles, del Vermont, che, il 7 giugno 1837, all'inizio dell'amministrazione del presidente Martin Van Buren, era stato nominato agente speciale degli Stati Uniti in Austria per trattare una modifica dei dazi e delle restrizioni sull'importazione del tabacco americano, discusse i vantaggi reciproci che sarebbero derivati ai due paesi sopprimendo le barriere doganali e stabilendo relazioni diplomatiche permanenti. Tutt'e due i rappresentanti ritenevano che si potesse trovare un vasto mercato per il tabacco ed altri prodotti americani, se si cercava di dare sviluppo al commercio tra i due paesi. Fino a quel momento le relazioni commerciali tra le due nazioni erano state regolate volta per volta.

Il Niles inviò un breve resoconto di questo colloquio al segre-

tario di Stato John Forsyth il 18 febbraio 1838, rilevando che « quella del Regno di Sardegna era di gran lunga la popolazione più attiva, intelligente e ricca di tutti gli Stati indipendenti d'Italia, » e che stava « facendo progressi notevoli nell'industria manifatturiera. » A dimostrazione di ciò il Niles aggiunse che il Regno di Sardegna possedeva alcuni stabilimenti molto grandi per la manifattura della seta e del cotone, in particolare delle sete comuni, che erano inviate negli Stati Uniti attraverso Lione e Le Havre, *in transitu*, per l'ammontare di molti milioni di franchi. « La soddisfazione con cui il Re e il suo ministro accolsero l'idea di aprire relazioni diplomatiche con lo scopo preciso di dar sviluppo al commercio con l'America, » concluse il Niles, « offre ragioni sufficienti per credere che l'autorità assoluta del governo sardo sarà diretta al raggiungimento dello scopo, ogni qual volta si parli di relazioni diplomatiche tra i due paesi. »

Dopo questa comunicazione, il presidente Van Buren, il 2 maggio 1838, dette incarico al Niles di andare « e di cercar di concludere un accordo commerciale, che assicurasse, con i termini più vantaggiosi, l'ammissione del tabacco americano nei porti di quel paese, e, se possibile, di estendere l'accordo a tutti gli scambi tra le due nazioni. » Si prevedeva che, se i negoziati avessero avuto esito positivo, un rappresentante diplomatico sarebbe stato accreditato alla corte sarda; in caso negativo, invece, le cose sarebbero andate avanti come in passato. Arrivato a Torino, il Niles ebbe cordiali colloqui con il conte Solaro della Margarita, e fu pure « ricevuto molto cordialmente » dal re Carlo Alberto, che dichiarò di avere « un grande interesse » per il governo, le istituzioni e il benessere degli Stati Uniti. Il Re esprime subito il desiderio di iniziare i negoziati per un trattato e « di coltivare e di estendere con ogni altro mezzo le relazioni commerciali tra il suo Stato e quelli dell'unione americana. »

Dopo due mesi dal suo arrivo a Torino, fu concluso un trattato di commercio e di navigazione molto favorevole, che fu firmato a Genova il 26 novembre 1838, da Nathaniel Niles e dal conte Solaro. Lo spirito animatore del documento è sottolineato nel primo articolo che pattuiva che vi fosse « tra i territori delle parti contraenti una reciproca libertà di commercio e di navigazione, » e che « gli abitanti dei loro rispettivi Stati » avrebbero scambievolmente avuto « la libertà di entrare nei porti e nei mercati dei due paesi, ovunque fosse permesso il commercio estero. » Inoltre, essi avrebbero

avuto « la libertà di vivere in qualsiasi parte dei suddetti territori per occuparsi dei loro affari, godendo della stessa sicurezza e protezione dei nativi del paese in cui risiedono, purché si sottomettano alle leggi e alle ordinanze in vigore in quel luogo. »

Anche prima che il trattato di commercio fosse definitivamente concluso, il governo sardo dimostrò di desiderare di dar sviluppo alle relazioni amichevoli con gli Stati Uniti. Ai primi d'ottobre del 1838, le autorità di Genova abolirono l'obbligo della quarantena per coloro che arrivavano dall'America, purché avessero il certificato medico. Commentando questo provvedimento, in un dispaccio al segretario di Stato, il Niles rilevò che gli « effetti di tale provvedimento sul commercio americano dovranno essere notevoli, e assicureranno a Genova il vantaggio di divenire il centro del commercio italiano, oppure obbligheranno le altre città a seguire il suo esempio. »

I risultati del trattato del 26 novembre 1838, furono assai importanti e davano anche garanzie per l'avvenire. Il Niles, in una lettera al segretario di Stato Forsyth, in data Torino, 14 maggio 1839, dichiarava che « nessun provvedimento renderebbe il Re così popolare e potente nell'Italia settentrionale quanto quello di far sì che virtualmente il Regno di Sardegna divenisse porto franco coll'ammissione dei prodotti delle nostre peschiere, dei nostri boschi, e del cotone per il consumo nel suo Stato, liberi da ogni dazio. Tale politica darebbe grande sviluppo al suo potere marittimo, che, nella prossima eventuale guerra nel continente, è destinato a giovare notevolmente all'ingrandimento territoriale di questo Regno. »

In un altro colloquio con Carlo Alberto nel luglio del 1839, il Niles fu colpito dai principi politici esposti dal Re, che era molto soddisfatto dei vantaggi di un trattato che liberalizzava i commerci. Il Re comprese, pure, i vantaggi che gli sarebbero derivati facendo entrare senza obbligo di dazio i cotoni degli Stati Uniti, e qualche altro articolo di produzione transatlantica, perchè ciò avrebbe permesso lo sviluppo delle sue manifatture e sarebbe stato un mezzo per impiegare ed aumentare di numero le sue navi, ma avrebbe anche facilitate le relazioni commerciali tra i paesi dell'Alta Italia e Genova, assicurando così rapporti amichevoli e procurando il vantaggio di dar sviluppo al commercio estero.

Nel messaggio alle due camere, all'inizio della prima sessione del ventiseiesimo Congresso, il 24 dicembre 1839, il presidente Van Buren presentò i trattati di commercio stipulati con i re di Sarde-

gna e dei Paesi Bassi, le cui ratifiche erano state scambiate a Parlamento chiuso. « I princìpi liberali di questi trattati » dichiarò il presidente Van Buren, « li raccomanderanno alla vostra approvazione. » « Quello col Regno di Sardegna, » egli aggiunse, « è il primo trattato di commercio stipulato da quel Regno, e son sicuro che risponderà ai desideri del presente sovrano, contribuendo allo sviluppo delle risorse del suo paese, e stimolando lo spirito d'iniziativa del suo popolo ».

Mentre erano ancora in corso i negoziati necessari a concludere il trattato, il re di Sardegna, soddisfatto della nomina del Niles ad agente straordinario degli Stati Uniti, inviò come *chargé d'affaires* presso gli Stati Uniti il conte Augusto Avogadro di Collobiano, che rimase a Washington dal febbraio del 1839 all'estate del 1842. Da parte sua, il governo degli Stati Uniti mostrò anche esso il desiderio di coltivare le relazioni d'amicizia col Regno di Sardegna, mediante la nomina di un rappresentante diplomatico stabile presso la corte sarda. Nel maggio del 1840, dopo un breve ritardo dovuto all'impossibilità degli Stati Uniti di addivenire subito alla ratifica del trattato, fu nominato *chargé d'affaires* nel Regno di Sardegna H. Gold Rogers, della Pennsylvania, e le relazioni procedettero da allora regolarmente.

Nelle istruzioni ufficiali in data 6 giugno 1840, il segretario di Stato informava il nuovo *chargé* che era « profondo desiderio del Presidente che uno spirito di giustizia e di reciproca fiducia caratterizzasse questo primo stabilirsi di relazioni diplomatiche tra i due paesi e che i governi unissero i loro sforzi per trarre dalle circostanze il maggior numero di benefici per i loro rispettivi cittadini. Per raggiungere questo risultato niente è più utile di un sincero scambio di opinioni, di un'aperta esposizione dei princìpi su cui queste si basano, e di un pronto e liberale adempimento dei reciproci obblighi. » Il trattato, come si era previsto, contribuì a ravvivare il commercio. Il Crokat, console a Genova, nel suo rapporto del 10 gennaio 1841 al Forsyth intorno alle navi americane che erano entrate e ripartite da quel porto nei precedenti sei mesi, dichiarava che gli arrivi di navi americane continuavano, come all'inizio dell'anno, ad essere insolitamente numerosi, e questo fatto era, in qualche misura, da attribuirsi al recente trattato commerciale.

Sebbene nei negoziati col governo sardo, Ambrose Baber, della Georgia, già membro del Senato, che tenne il posto di *chargé* dal 1841 al 1843, incontrasse, come egli definiva, « delle situazioni molto



noiose e imbarazzanti », pure egli fu soddisfatto nel rilevare una « apparente » libertà nell'interpretazione del trattato di commercio da parte delle autorità sarde. Tuttavia, nell'autunno del 1843, il Baber fu coinvolto in uno « sfortunato incidente » (come fu detto allora) con alcuni funzionari governativi sardi. Dopo un attento esame della situazione, il segretario di Stato trovò che la posizione del Baber era « del tutto insostenibile » e lo richiamò.

Nonostante il miglioramento nelle relazioni commerciali tra i due paesi, il 15 giugno 1844 fu proposto nel Senato americano di cancellare le voci « Regno di Sardegna » e « Belgio » dalle assegnazioni di fondi per gli stipendi dei *chargés d'affaires*. La questione fu discussa a lungo. Alcuni senatori ritenevano che si potesse fare a meno di una missione nel Regno di Sardegna; dato che il trattato era stato concluso in modo soddisfacente, era necessario soltanto che vi fosse un console, poichè una missione più numerosa sarebbe stata affatto inutile; d'altro lato, i senatori che desideravano mantenere la missione, sostenevano che, essendo la popolazione sarda di cinque milioni, ed avendo i commerci indiretti americani raggiunto la cifra annuale di 1,600,000 dollari era necessario, per gli interessi dell'America, che la missione fosse mantenuta, in particolar modo poichè gli Stati Uniti avevano chiesto al Regno di Sardegna che si scambiassero i ministri, e un diplomatico sardo era a Washington. Il senatore Levi Woodbury, del New Hampshire, che era tra quelli favorevoli al mantenimento della missione, sostenne che un ministro nel Regno di Sardegna era necessario non solo per il commercio già esistente, ma perchè era probabile che sorgessero discussioni nell'interpretazione del nuovo trattato. Un console era solo un mercante, e non un avvocato o uno statista, e perciò non adatto ad occuparsi di tali questioni, sosteneva il Woodbury, aggiungendo, anzi, che per la Sardegna e per il resto d'Italia non sarebbe stato inopportuno un ministro anche più elevato in grado. Egli osservò che non vi era un numero maggiore di problemi in sospeso in Austria o in Russia, in Svezia o in Danimarca, di quanti non ve ne fossero nel Regno di Sardegna; e se per questa ragione si aboliva quella missione, altrettanto doveva avvenire per le altre. « Ma in realtà, » disse il Woodbury, « con un commercio in aumento, una base per la nostra grande squadra navale, e un nuovo trattato col Regno di Sardegna, è più probabile che sorgano questioni più difficili qui, che non nelle antiche missioni. » Terminato il discorso del Woodbury, il Senato

votò a favore del mantenimento della missione nel Regno di Sardegna.

L'allusione del Woodbury ad « una base per la nostra squadra navale mediterranea » fu profetica, poichè, nel giugno del 1848, il governo degli Stati Uniti chiese e ottenne il permesso di stabilire una base navale a La Spezia. E' importante notare che, per evitare insistenze da parte delle nazioni europee che avevano richiesto lo stesso privilegio, il governo sardo decise di dare all'accordo un carattere che giustificasse il rifiuto di concedere alla Francia, all'Inghilterra o alla Russia o a qualsiasi altra potenza europea, i vantaggi che accordava così volentieri agli Stati Uniti; concesse perciò il privilegio per un periodo di tre anni, da rinnovarsi indefinitamente, di anno in anno, fino ad un anno dopo che si fosse dato avviso ufficiale contrario alla concessione. Le relazioni cordiali che si stabilirono tra gli ufficiali navali americani, che risiedevano alla base, e le autorità del governo piemontese fecero sì che gli Stati Uniti potessero occupare la base navale fino al 1868, quando il governo italiano ritenne necessario usare La Spezia per la sua flotta, dato che Genova era divenuta inadeguata.

Dopo l'approvazione della missione a Torino da parte del Senato, il Governo degli Stati Uniti nominò Robert Wickliffe Jr., avvocato, già deputato nel suo nativo Kentucky. Durante il suo soggiorno a Torino dal 1843 al 1848, lo Wickliffe ebbe la possibilità di studiare e di osservare le condizioni economiche del paese e le forze che portarono alle sommosse politiche e alla guerra di indipendenza del 1848. Alludendo alla costruzione di una ferrovia da Genova a Torino e di un'altra da Torino a Ginevra, lo Wickliffe affermò che quando queste e il ramo per Milano fossero terminati, egli non dubitava che il commercio americano con il porto di Genova sarebbe aumentato, in relazione alle maggiori possibilità di trasportare i prodotti americani in Lombardia, in Svizzera e, in parte, in Germania. Egli osservò che una gran quantità di prodotti americani nel Piemonte, invece di esser portati a Genova con navi americane, lo erano con navi inglesi. Ciò era dovuto al fatto che c'erano ben pochi prodotti sardi che potessero essere esportati negli Stati Uniti con profitto. Sostenendo il commercio diretto tra i due paesi, lo Wickliffe cercò di indurre mercanti e speculatori a mandare vino e seta in America. Tuttavia, il governo piemontese, secondo lo Wickliffe, non sembrò prestare molta attenzione all'aumento del commercio a Genova, apparentemente accontentandosi che il paese fosse soprattutto agricolo.

In un dispaccio al segretario di Stato James Buchanan, in data Torino, 25 gennaio 1846, in cui comunicava la morte di Francesco IV, duca di Modena, lo Wickliffe affermava che di tutti i sovrani d'Italia, il Duca era il più odioso, e accennando al sacrificio di Ciro Menotti, concludeva che « ben poche persone avrebbero sparso lacrime sulla morte di un uomo simile. » Ancora il 15 maggio 1846, lo Wickliffe prediceva che la guerra doganale tra il Regno di Sardegna e l'Austria non avrebbe portato ad alcun serio risultato. Egli osservava, tuttavia, che, essendo il Regno di Sardegna la maggiore potenza militare d'Italia e naturale centro motore della penisola, eccitava di conseguenza la vigilanza costante e la gelosia dell'Austria, che non avrebbe voluto altro che obbedienza e sottomissione da questa parte delle Alpi. Wickliffe pensava che un re energico ed ambizioso, che desse la costituzione al suo popolo e si ponesse a capo del movimento liberale italiano, avrebbe potuto controllare e consolidare il paese e stabilire in tutta la penisola una sola monarchia indipendente e costituzionale, con un membro della Casa Savoia sul trono. Ma Carlo Alberto, secondo lo Wickliffe, non godeva buona salute: era molto pio e pensava troppo alle cose dell'altro mondo, per occuparsi delle rivoluzioni in questo. Scoraggiato, lo Wickliffe esprime, perciò, l'opinione che le cose sarebbero andate avanti come al solito — un giorno un movimento liberale e il giorno dopo uno gesuita e retrogrado — e il governo sarebbe rimasto alla fine al punto di partenza. Quando fu costituito il ministero costituzionale, lo Wickliffe non pensò che si sarebbero prese contro l'Austria misure definitive. Mezzo gesuita e mezzo liberale, egli concludeva, questo ministero non possiede quell'unanimità e quella energia che sarebbero necessarie per agire risolutamente e prontamente contro gli Austriaci.

Lo Wickliffe rivolse tutti i suoi sforzi a rimuovere i meschini, ma noiosi ostacoli al commercio estero posti dalla dogana, dalla polizia, e dai regolamenti finanziari del Piemonte, malgrado i quali, però, il commercio con gli Stati Uniti continuò a prendere sempre maggiore sviluppo. Quanto al cotone, per esempio, diecimila colli avevano costituito la media annua prima del 1843, mentre, durante i primi sei mesi del 1846, diciottomila colli erano stati già importati. Ciò era dovuto allo scambio diretto di prodotti tra i due paesi senza l'intervento di una terza nazione, metodo, per la cui esecuzione pratica, lo Wickliffe aveva impiegato tutte le sue energie. Egli aveva costantemente cercato di far capire ai mercanti piemontesi il vantaggio che avrebbero avuto nel comprare i prodotti americani — cotone

e tabacco — negli Stati Uniti invece che in Inghilterra. D'altro lato, parecchi mercanti sotto la sua direzione cercavano di mandare i vini piemontesi in America. Lo Wickliffe era profondamente convinto che era necessario, per l'interesse del Regno di Sardegna e degli Stati Uniti, emanciparsi dalla mediazione inglese.

Lo Wickliffe, come ho già detto, fu richiamato nella primavera del 1848; il 4 gennaio 1848, il presidente Polk aveva rinominato il Niles *chargé d'affaires* a Torino, ove rimase fino al 20 agosto 1850. Osservatore acuto degli uomini e degli avvenimenti, questi, nei suoi dispacci, tenne pienamente informati i segretari di Stato degli eventi politici e militari d'Italia, spesso azzardando un'opinione sul loro significato. In un dispaccio al Buchanan, in data Parigi, 3 aprile 1848, il Niles scriveva che, ispirati dai successi altrove riportati dal popolo, i Lombardi avevano mostrato prodigi di patriottismo e di valore degni delle antiche glorie della Lega dei Comuni; egli credeva che tutta la politica italiana di Carlo Alberto mirasse alla possibilità di un'insurrezione nel vicino Lombardo-Veneto, che potesse favorire un'eventuale estensione dei suoi domini fino all'Adige o, meglio, fino all'Adriatico. A questo scopo il re sardo teneva ben provvisto di materiali bellici il suo numeroso esercito.

Il 28 aprile 1849, nel suo primo colloquio col marchese Lorenzo Pareto, ministro degli affari esteri, il Niles esprime il profondo interesse del popolo e del governo americani per le lotte italiane per l'indipendenza sotto la guida di Carlo Alberto, che aveva concesso ai suoi sudditi una costituzione liberale e democratica. Sebbene il Regno di Sardegna iniziasse la sua carriera costituzionale con i pericoli di una guerra, che poteva limitare e ridurre le riforme liberali, pure, il Niles era convinto che esso si fosse posto al riparo dai più gravi pericoli del comunismo e del socialismo, che disgraziatamente minacciavano di abolire la libertà, se non la civiltà stessa, delle vicine repubbliche.

Riguardo all'insuccesso delle campagne militari dell'estate del 1848, il Niles era convinto che, per quanto fossero giustificabili le accuse di incapacità contro gli ufficiali superiori, incapacità che egli attribuiva alla mancanza di esperienza, non vi potevano essere accuse di tradimento, o di mancanza di coraggio, a carico degli ufficiali di ogni grado, a cominciare dal Re fino all'ultimo subalterno. Il Niles rivelò che Radetzky aveva fatto circolare tra il popolo alcuni suoi soldati come spie, le quali fingevano di parteggiare per gli Italiani con lo scopo di afferrare le espressioni di insoddisfazione e di odio;

coloro che erano caduti vittime della propria ingenua fiducia avevano, spesso, subito i rigori della legge militare ed erano stati fucilati per il solo sospetto di tradimento. Secondo il Niles non si trovò mai niente di più odioso neanche nella storia delle peggiori forme del dispotismo orientale e barbarico.

Il Niles non nascose la sua intensa emozione nel descrivere al segretario di Stato John M. Clayton la scena commovente avvenuta alla Camera per l'abdicazione di Carlo Alberto. « Tutta l'assemblea » egli scriveva, « il pubblico tutto, proruppe in lacrime e in singhiozzi soffocati, e la scena è indescrivibile. Era così chiara in tutti una ferma decisione di continuare a fare il possibile per sottrarre l'Italia al giogo austriaco, che se ne provava la più grande ammirazione. Si può dire veramente che queste sono le uniche persone di ceppo romano che mantengano la dignità, il coraggio e la devozione dei loro antenati. » Sebbene il Niles fosse convinto che i Piemontesi erano stati eccessivi e poco saggi, pure nessuno poteva negar loro le più elevate virtù militari, insieme all'abnegazione individuale e nazionale e alla prodiga generosità del sangue, per la causa dei loro fratelli oppressi del Lombardo-Veneto.

Durante un colloquio con Vittorio Emanuele II, a cui presentò una lettera di condoglianze del presidente degli Stati Uniti per la morte di Carlo Alberto, il Niles assicurò Sua Maestà che il nuovo mondo guardava a lui come al degno successore del magnanimo fondatore della libertà italiana, e che non si dubitava affatto che egli sarebbe stato capace di portare a termine le riforme che si erano cominciate a introdurre con lo Statuto. Il Re si disse molto soddisfatto nell'apprendere che la vera figura di suo padre era stata debitamente compresa dal popolo e dal governo americani.

Nella primavera del 1850, il presidente Taylor nominò incaricato d'affari a Torino (ove rimase fino all'8 ottobre 1853) William B. Kinney, eminente giornalista e politico del New Jersey. La nomina suscitò l'approvazione generale, particolarmente poichè era chiaro che il Regno di Sardegna era destinato ad avere una parte importante sulla scena politica europea.

Poco dopo l'annuncio, Luigi Mossi, *chargé d'affaires* sardo a Washington, informò l'Azeglio che egli era favorevole alla nomina del Kinney, raccomandandolo al governo di Torino. In una lettera, in data 25 maggio 1850, il Mossi diceva che il Kinney aveva 55 anni, che era un uomo cortese ed educato, e una persona onesta. Egli fece notare che il segretario di Stato americano aveva dato al Kinney la pos-

sibilità di scelta tra Torino, Vienna e L'Aia, e che questi aveva « fortunatamente » scelto Torino. Il Mossi sottolineò la parola « fortunatamente », poichè gli Stati Uniti non erano sempre « fortunati » nella scelta dei diplomatici; fu particolarmente soddisfatto poichè si sapeva che sia come giornalista, sia come Americano, il nuovo *chargé* si era obbligato a informare i suoi concittadini intorno alle istituzioni, alle risorse, ai costumi e alle abitudini del popolo del Regno di Sardegna, con una serie di articoli inviati all'importante giornale di Washington, il *National Intelligencer*. Sempre secondo il Mossi, i giornalisti americani non erano di regola persone istruite, poichè la pubblicazione di un giornale negli Stati Uniti era spesso una speculazione affaristica, con il risultato che, ad eccezione di articoli d'interesse locale e della politica di partito, era difficile leggere buoni articoli redatti come erano da scrittori che non avevano alcuna idea degli affari politici dell'Europa in generale e dell'Italia in particolare, di cui non conoscevano nè le leggi, nè le istituzioni, nè le risorse e nemmeno la posizione geografica. Tale situazione, aggiungeva il *chargé d'affaires* sardo, spiegava perchè i giornali americani fossero spesso obbligati o a copiare, facendole proprie, le opinioni della stampa britannica, o ad affidarsi interamente al giudizio dei loro corrispondenti europei. Dato che la stampa inglese era stata ostile al Regno di Sardegna, e dato anche che gli esuli italiani venuti negli Stati Uniti non avevano sempre espresse opinioni favorevoli al loro paese, fu davvero una fortuna che il Kinney decidesse di scegliere Torino come sede per la sua missione. Sebbene il Mossi avesse molto esagerato nella sua valutazione dei giornalisti americani e degli Italiani in America, pure aveva ragione nel ritenere che la nomina del Kinney fosse soddisfacente da ogni punto di vista.

Secondo gli usi diplomatici, poco dopo il suo arrivo a Torino, il Kinney ebbe con Vittorio Emanuele II un colloquio durante il quale si scambiarono le solite espressioni di amicizia e si manifestò il reciproco desiderio di mantenere e di dare maggiore sviluppo alle relazioni politiche e commerciali tra i due paesi. Nel dispaccio del 2 novembre 1850 al segretario di Stato Daniel Webster, in cui dava un resoconto di questo colloquio, il Kinney affermava che esso era stato « assai soddisfacente per me e molto lusinghiero per il paese, » aggiungendo che « il popolo e il governo sardo sembrano avere il più gran rispetto per le istituzioni e la politica degli Stati Uniti, ed io credo che sia desiderio generale coltivare rapporti amichevoli. »

Il Kinney fece di tutto per aiutare gli Italiani e una volta riuscì

ad avere anche influenza sulle autorità sarde. Ciò avvenne quando ottenne per i Valdesi il permesso di erigere un tempio a Torino, il primo in quella città. L'opera del Kinney fu ricompensata coll'esser chiamato a porre la prima pietra di quell'edificio.

Durante la missione Kinney a Torino, Luigi Kossuth andò negli Stati Uniti sull'incrociatore americano *Mississippi*, il che portò gravi complicazioni internazionali. Durante i negoziati, il Kinney assicurò il governo sardo che gli Stati Uniti avrebbero fatto del loro meglio per evitare che si potessero compromettere le relazioni del governo sardo con l'Austria e i suoi satelliti. Difatti, appena l'Azeglio seppe che l'incrociatore *Mississippi* doveva trasportare un gruppo di profughi ungheresi, tra i quali Kossuth, da Costantinopoli agli Stati Uniti, si affrettò a scrivere al Kinney una lettera confidenziale, il 19 settembre 1851, nella quale esprimeva la speranza che se il *Mississippi* avesse dovuto fermarsi a La Spezia o a Genova, il capitano dell'incrociatore non solo non avrebbe concesso ai profughi di sbarcare sulla costa sarda, ma non avrebbe neppure permessa alcuna dimostrazione popolare in loro favore, questo anche se il presidente del Consiglio simpatizzava con queste sfortunate persone e comprendeva e apprezzava il rispetto che era loro dovuto. Data, però, la critica situazione politica in cui si trovava allora il paese, e dato anche che proprio in quel momento l'Imperatore d'Austria era in visita a Monza, il fatto poteva facilmente provocare agitazioni e rimostranze che egli voleva assolutamente evitare. Perciò l'Azeglio chiese al Kinney di poter comunicare col comandante del *Mississippi* per chiedergli di non permettere a Kossuth o ai suoi seguaci di sbarcare in suolo sardo.

Le precauzioni prese dal Kinney, che comprendeva perfettamente i motivi della richiesta del governo sardo, fecero sì che non avvenissero dimostrazioni a La Spezia quando vi arrivarono i profughi ungheresi. In una lettera del 25 settembre 1851, egli dichiarò che se le simpatie del commodoro Morgan « avessero in qualche modo uguagliato l'entusiasmo del Capo ungherese, la pace di questo paese [la Sardegna] sarebbe stata compromessa e la nostra bandiera sarebbe stata disonorata. »

Intanto, il Kinney dedicava molto tempo allo studio delle condizioni politiche ed economiche dell'Italia. Il 10 novembre 1851 descriveva al segretario di Stato le condizioni arretrate della penisola, rilevando, tuttavia, come il Regno di Sardegna fosse l'unico paese in progresso, esempio di benessere individuale e nazionale, « in mezzo

alla circostante rovina ..., sorprendente risultato dei benefici che le istituzioni liberali, ben amministrate, offrono a un popolo politicamente maturo. » Nel sottolineare le molte associazioni agricole, industriali, educative e mediche, il Kinney si diceva convinto che l'unica base sicura per un governo libero e forte era la libertà individuale.

Nel 1852, per il quarto anniversario della concessione dello Statuto, il Kinney inviò all'Azeglio una cassa di pistole a ripetizione, che aveva ricevute dall'inventore, colonnello Samuel Colt, cittadino americano, perché fossero presentate a Sua Maestà, « quale prova di rispetto per un Sovrano che ha così brillantemente dimostrato l'eroismo della sua stirpe, e la cui devozione alla causa del regime costituzionale ispira la simpatia del popolo degli Stati Uniti. » L'anno seguente, ebbe altra occasione di dimostrare la sua profonda simpatia per il popolo italiano oppresso, e, allo stesso tempo, di rendere un notevole servizio al governo sardo e ad un gruppo di ottantotto profughi politici, tra i quali tre donne, che erano stati espulsi dalla Lombardia per aver partecipato alla sommossa del 6 febbraio 1853. Il generale Dabormida, ministro degli affari esteri, gli aveva scritto l'11 febbraio chiedendo se poteva procurare il passaporto ai profughi che desideravano andare negli Stati Uniti. Il Kinney rispose che, siccome era « politica del popolo e del governo americano, nel sostenere la dottrina della libertà civile e religiosa, offrire asilo a tutti quelli che ne erano stati privati, in armonia con questi principi puramente popolari, » egli era contento di accedere alla richiesta.

Il Kinney informò immediatamente il segretario di Stato Edward Everett della richiesta del governo sardo e della sua risposta. Quanto al moto di Milano, il Kinney dichiarò che era evidente che « l'incauto movimento » era avvenuto senza la partecipazione della maggioranza dei migliori cittadini e non aveva certamente avuto carattere di un movimento generale degli amici della libertà. Era sicuro che gli esiliati che trovavano rifugio nel Regno di Sardegna (tra i quali erano molti nobili e illustri patrioti della Lombardia), si univano a tutte le altre classi e partiti nel deplorare questa sommossa; concludeva che Kossuth e Mazzini « non godevano più della fiducia dei fautori intelligenti di una riforma in Italia. »

Il generale Dabormida informò poi il Kinney che i profughi dovevano imbarcarsi entro alcuni giorni sulla corvetta *San Giovanni*. La partenza avvenne com'era stato prestabilito e all'arrivo nel porto di New York, nel maggio 1853, il *San Giovanni* fu salutato con entu-



siasmo, anche perchè era la prima nave da guerra che arrivava a New York battendo il tricolore italiano. Come espressione ufficiale di simpatia, la nave ricevette le salve del forte Hamilton e di altri forti nel porto di New York.

Per giustificare la condotta della Sardegna nell'esiliare questi profughi, i giornali di New York dissero che il Regno, circondato com'era dall'Austria e da altre potenze pronte a soffocare la sua libertà, non poteva divenire la sede delle cospirazioni mazziniane, nè poteva permettere che nessuno, entro i suoi confini, violasse la legge e i trattati internazionali. Rilevarono, però, che gli esuli che appartenevano alle più nobili famiglie d'Italia e che avevano sacrificato tutte le loro fortune alla causa della libertà, meritavano la simpatia e il benvenuto dell'America. « Poichè i nostri cittadini, » scriveva il 16 maggio l'*Herald* di New York « sono stati tanto generosi nel dare assistenza militare a Kossuth, speriamo che non vorranno negare aiuto a queste sfortunate vittime del dispotismo austriaco, sotto forma di impieghi ed altro, acciocchè non vengano a soffrire in questo paese libero per mancanza di mezzi di sussistenza. »

Mentre i negoziati intorno ai profughi politici erano ancora in corso, le autorità governative del Regno seppero che Adriano Lemmi, che era stato segretario di Kossuth, aveva avuto una parte direttiva nella sommossa di Milano. Dopo aver esaminato il caso, gli fu ordinato di lasciare Genova entro cinque giorni. Poichè Lemmi aveva un passaporto americano concessogli dalla legazione degli Stati Uniti a Londra nel gennaio 1852, e poichè asseriva di essere cittadino americano, si rivolse al dott. G. G. Baker, console americano a Genova, per ottenere protezione, assicurando di non aver mai comunicato con Mazzini o con qualsiasi altra persona implicata negli eventi di Milano, di aver condotto vita oscura e isolata presso Genova, ove desiderava rimanere ancora finchè la sua famiglia non potesse seguirlo in Inghilterra o in America. In un colloquio col ministro degli esteri, il Kinney chiese una proroga alla partenza del Lemmi, pur essendo convinto che il Governo aveva prove più che sufficienti della sua complicità nel recente moto, prove così chiare e palesi che era inutile insistere ulteriormente a suo favore.

Dopo il marito, si presentò all'attenzione dei diplomatici statunitensi il problema della signora Lemmi e dei suoi due figlioletti. Tuttavia, poichè il Kinney era sicuro che vi era ragione di dubitare del diritto di suo marito alla protezione americana, nonostante il suo passaporto, e poichè in Europa si consideravano le mogli compro-

messe quanto i loro mariti, ed infatti esse erano spesso i loro agenti politici, non le potè offrire la sua protezione ufficiale. Egli sperava, però, che, mediante il benevolo intervento del dottor Baker, si sarebbe convinta la polizia a lasciare che la signora Lemmi dalla Toscana, da dove aveva l'ordine di partire, andasse a Genova.

Per completare il quadro delle reazioni di Kinney, dobbiamo aggiungere che, inviando a Washington le proteste di Cavour, le definiva « un resoconto chiaro e comprensivo della situazione », « notevole per la proprietà di tono e di linguaggio. »

Di tanto in tanto, il Kinney scriveva sul Newark *Daily Advertiser* articoli che venivano ripresi nel *Daily Intelligencer* di Washington. In uno del 9 maggio 1853, descriveva il quinto anniversario dello Statuto, celebrato in tutto il Regno con insolite manifestazioni di entusiasmo popolare. La verità era, secondo l'autore, che la libertà, per i piemontesi, era qualcosa più che un nome, e il popolo sapeva come apprezzarla e come onorare coloro che la difendevano, « a capo dei quali essi pongono il loro valoroso e giovane Re. » Circondato da despoti e da schiavi, vivendo in mezzo alle più terribili scene di oppressione, con la necessità di vigilare sempre sulle sue difese, il popolo aveva « un profondo senso del valore » di quella libertà. Concludeva: « Voi Americani, nati in uno Stato libero, che godete dei benefici della libertà come del sole e dell'aria, senza timori o preoccupazioni, non potete immaginare la gioia profonda di un Italiano che ha acquistato la libertà. Per lui la libertà è una nuova vita, una resurrezione dalla morte. »

Al termine della sua missione ufficiale, nell'ottobre del 1853, il Kinney si ritirò a Firenze (ove si unì al gruppo letterario di cui facevan parte i Browning e lo scultore Hiram Powers) con la sua seconda moglie, Elizabeth Clementine Dodge Stedman Kinney, che egli aveva sposato nel novembre del 1841. Anche la signora Kinney possedeva talento letterario e scriverà *Felicità* (1855), racconto poetico basato su un episodio della storia italiana, e *Bianca Cappello* (1873), e molte altre poesie che furono raccolte e pubblicate col titolo *Poems* nel 1867. Durante il suo soggiorno a Firenze, il Kinney si accinse a scrivere una storia della famiglia de' Medici, che però non terminò mai. Alla fine della guerra civile americana, ritornò a Newark, ove il suo *Daily Advertiser* continuò ad essere molto apprezzato per gli articoli di fondo tanto da essere considerato fattore determinante della politica del New Jersey.

Non sarebbe giusto attribuire soltanto al Kinney il merito delle

migliorate relazioni economiche e di amicizia tra gli Stati Uniti e il Piemonte, perchè, nel frattempo, i rappresentanti ufficiali del Regno di Sardegna negli Stati Uniti dirigevano anch'essi i loro sforzi allo stesso scopo. Infatti, durante i cinque anni, dal 1848 al 1853, in cui il cavalier Luigi Mossi fu *chargé d'affaires* a Washington, egli si dette gran daffare per incrementare il commercio tra i due paesi. Egli si occupò particolarmente della possibilità di utilizzare carbone americano per le ferrovie sarde e alcuni carichi furono difatti spediti a mo' di esperimento. Egli fu anche fautore di un progetto, purtroppo fallito, di una linea marittima tra Genova e New York. E' interessante notare che, dopo dieci anni dalla concessione dello Statuto, il commercio tra il Piemonte e gli Stati Uniti salì da trecentomila a tre milioni di dollari all'anno.

Durante l'amministrazione del presidente Franklin Pierce accaddero, però, uno o due incidenti che minacciarono di compromettere le pacifiche relazioni tra i due paesi. Nel maggio del 1853, il presidente nominò console americano a Genova Eleuterio Felice Foresti, già esule politico e fervido mazziniano. Il segretario di Stato William L. Marcy, non prevedendo che sarebbero nate difficoltà, mandò la nomina alla legazione degli Stati Uniti a Torino, con istruzione di chiedere al governo sardo il gradimento. Frattanto, però, la notizia era giunta a I. Valerio, *chargé d'affaires* piemontese a Washington, che immediatamente trasmise l'informazione al generale Dabormida, con lettera del 28 giugno 1853, nella quale accusava il Foresti di essere un agente di Mazzini negli Stati Uniti e di aver recentemente mostrato « grande ostilità verso il governo di Sua Maestà. » Con i suoi precedenti, il Valerio diceva che, venendo a Genova, il Foresti « poteva abusare della sua posizione, e creare situazioni imbarazzanti per il governo del Re; a parer mio, perciò, l'*exequatur* gli dovrebbe esser negato. » John M. Daniel, che, frattanto, era giunto a Torino come *chargé d'affaires* americano, ebbe ordine di assicurare il ministro degli esteri piemontese che il Presidente aveva debitamente considerato le obiezioni mosse contro il Foresti, ma che egli non le aveva trovate sufficienti a indurlo a revocare la nomina. Nel trasmettere al segretario di Stato Marcy un rapporto sui suoi colloqui col generale Dabormida, il Daniel concludeva: « Considerando tutto, sono propenso a ritenere che le autorità siano assolutamente sincere nel rammarico che manifestano nel trovarsi in disaccordo con gli Stati Uniti. Noi siamo stimati in questo paese. La simpatia e il rispetto degli Stati Uniti sono considerati come uno dei sostegni di

questo piccolo regno liberale in mezzo al dispotismo ostile. Non credo che il popolo e il governo farebbero mai una scortesia agli Stati Uniti ma la riluttanza a ricevere il Foresti fu resa talmente pubblica quando la nomina fu annunciata per la prima volta, che il governo si troverebbe ora in una posizione alquanto ridicola, se, dopo tutto, cedesse; il che, credo, alla fine avrebbe fatto se non fosse stato per quella pubblicità. » Con un'ostinazione che meraviglierebbe oggi un qualsiasi uomo politico, il Marcy, ricevuto questo dispaccio, rispose, il 19 dicembre 1853: « Quando il ministro degli affari esteri sardo si accorgerà che vi è stato uno strano malinteso sul reale significato di queste dichiarazioni, sarà ridicolo per quel governo fare altre obiezioni. Presumendo che in tale questione vi sia completa buona fede, io non ritengo che si faranno altre obiezioni a ricevere il Foresti, una volta eliminate le impressioni erranee. »

A questo punto arrivò negli Stati Uniti il marchese A. Taliacarne come *chargé d'affaires* piemontese. Egli giunse nel dicembre del 1853, ma data la poco favorevole pubblicità che la stampa americana aveva dato all'incidente Foresti, ritenne opportuno rimandare la consegna delle credenziali.

La Sardegna rimaneva ferma nella posizione presa fino dall'inizio: non avrebbe accettato il Foresti quale console a Genova. Il Marcy, in un colloquio col marchese Taliacarne, il 10 febbraio 1854, lo informò che il Presidente si era dispiaciuto del rifiuto e che, poichè il Piemonte non voleva accettare il Foresti quale console americano a Genova, senza avere giusti motivi per negargli il gradimento, egli non credeva che il Presidente lo avrebbe sostituito con altra persona, e che gli doleva che le amichevoli relazioni tra i due paesi potessero subire qualche raffreddamento, come conseguenza di un incidente di così lieve importanza. Fortunatamente, però, il presidente Pierce riconobbe ben presto il diritto del governo sardo di rifiutare il gradimento al Foresti e, il 21 giugno 1854, nominò console americano a Genova A. Herbemont, della Carolina del Sud. Il Foresti, come era accaduto a molti altri seguaci del Mazzini in America, mutò atteggiamento verso il governo di Vittorio Emanuele II; così, quando nel 1858, al ritiro dell'Herbemont, il governo americano nominò il Foresti console a Genova, non vi furono difficoltà nell'ottenere il gradimento. Il Foresti, tuttavia, tenne il posto solo pochi mesi, poichè morì nell'autunno di quell'anno.

Un altro spiacevole incidente che compromise le relazioni tra

gli Stati Uniti e il Regno di Sardegna coinvolse il Daniel, *chargé* americano. In una lettera all'*Examiner* di Richmond, Virginia, egli denunciava la corte piemontese quale un'accolta di lazzaroni, sostenendo che persino i nobili « puzzavano di cipolla e di aglio » e che tutto il paese era pieno degli « effluvi di quei volgari bulbi. » Scrivendo al presidente Pierce, il segretario di Stato Marcy ammise sinceramente che vi era « da temere qualche pericolo dal carattere impulsivo del giovane Daniel a Torino, e dalle sue violente tendenze democratiche. » Per prevenire le spiacevoli conseguenze che potevano derivare da quella lettera, il segretario di Stato suggerì che James Murray Mason, presidente della commissione del Senato per le relazioni con l'estero, scrivesse un biglietto confidenziale a questo « ardente virginiano, » raccomandandogli di presentare le sue scuse alla corte torinese e alla nobiltà piemontese, oppure di dare « una spiegazione sulla sua profonda idiosincrasia per l'aglio e la cipolla che potesse mantenere l'intesa cordiale col re Vittorio Emanuele. » La lettera aveva provocato, infatti, gravi reazioni a Torino, e il Daniel non solo fu espulso da un club di quella città, ma fu perfino sfidato a duello. Il governo americano lo richiamò per evitare maggiori complicazioni.

Ad eccezione di questi incidenti, il Regno di Sardegna mantenne cordiali relazioni con gli Stati Uniti, e i suoi rappresentanti erano assai rispettati nei circoli diplomatici e mondani di Washington. Durante la seconda guerra d'indipendenza, gli Americani dettero molte prove del loro interesse sincero nella vittoria finale delle forze piemontesi. Che il governo sardo apprezzasse queste espressioni di simpatia da parte dell'America è chiaro da una lettera di Cavour, del 9 luglio 1859, a Vincenzo Botta, presidente di un comitato per la raccolta di fondi a beneficio della causa italiana. Cavour scriveva: « Il paese di Washington è stato sempre uno dei primi a darci prove effettive e tangibili della sua benevolenza... Vi prego di ringraziare pubblicamente a mio nome, gli Italiani che hanno contribuito a promuovere la sottoscrizione, come pure quei cittadini americani che così generosamente sono venuti a secondare i vostri sforzi. »

In realtà, all'inizio del 1860, un comitato di ventinove Americani, ritenendo che una tempestiva espressione di simpatia da parte del popolo degli Stati Uniti per quello italiano, nelle sue lotte e aspirazioni alla libertà, avrebbe rafforzato e rianimato i patrioti, organizzò nella città di New York un comizio che ebbe luogo il 17 febbraio 1860. La stampa americana si dimostrò pienamente d'accordo con lo

scopo della riunione. *L'Herald* (11, 17 febbraio 1860) considerò tale riunione come il miglior mezzo per esprimere la simpatia di un popolo libero per una nazione valorosa, che stava combattendo contro gli odiosi assolutismi monarchico e clericale. Era bene, riteneva il giornale, che gli Stati Uniti inviassero in maniera ufficiale il saluto della libera America all'Italia, « che ora vede il barlume di quel giorno che, per quanto lunga possa esser stata la notte, dovrà pur spuntare. » Larghissimo fu il concorso al comizio, ed enorme l'entusiasmo. Il primo oratore, onorevole James W. Beekman, che presiedeva, pose in rilievo il fatto che la gente non si era riunita per parlare in favore o contro qualche religione o partito politico, ma a testimoniare la propria cordiale simpatia per la resistenza contro la tirannia politica e per dimostrare l'ammirazione per il comportamento e la moderazione del popolo italiano.

Numerose furono le lettere lette e i discorsi pronunziati in quella riunione. Eccone qualche esempio tra i più significativi. G. S. Hillard scriveva: « Ogni Italiano ha motivi recenti per essere orgoglioso della sua terra, e noi che l'amiamo, pur non essendovi nati, abbiamo motivi per esserle grati per aver giustificato la nostra fiducia e aver corrisposto alle nostre speranze. » Il senatore Charles Sumner disse: « Agli scettici e agli increduli che affermano di dubitare che questo illustre popolo possa raggiungere la libertà, io vorrei dire che l'Italia fu la iniziatrice della scienza politica e la prima ad affermare quelle verità politiche che sono ora divenute principi fondamentali. » « Ridate la libertà al popolo italiano così ricco di doti intellettuali, » scriveva l'on. Edward Joy Morris, che era stato ministro americano nel Regno delle Due Sicilie, « e il mondo intero risentirà vantaggio dal riapparire sulla scena politica di un popolo che conserva le migliori qualità dei suoi avi immortali. » L'on. L. F. J. Foster dichiarò che l'Italia aveva diritto all'indipendenza e alla libertà. « Lo studioso, il filantropo, il patriota, e specialmente il patriota americano, » egli disse, « devono augurarsi che giunga presto il momento in cui questo possa avverarsi. »

Furono approvati all'unanimità vari ordini del giorno a favore della causa italiana, e Charles King, presidente del Columbia College, pronunziò un discorso in cui esprimeva la sua profonda simpatia per la libertà italiana. Quale altra causa poteva avere maggior interesse per gli uomini liberi di quella della libertà italiana? Interpretando i sentimenti dei convenuti, egli disse agli Italiani che il cuore dell'America era con loro, a loro andavano le sue simpatie, e

— se fosse stato possibile — con loro sarebbero state anche le loro armi. Gli Italiani erano audacissimi nel combattere e misericordiosi nella vittoria e avevano dimostrato quelle nobili qualità d'indipendenza che danno il diritto agli uomini di governarsi da sè. Infine egli esprime la speranza che non fosse lontano il momento in cui gli Americani avrebbero visto un'Italia unita, pacificata, prospera e felice.

Intanto, il governo americano si era reso conto ufficialmente della accresciuta importanza del Regno di Sardegna. Il 20 aprile 1860, la Camera dei deputati statunitense deliberò su proposta di Anson Burlingame, repubblicano del Massachussetts, di dare ordine alla commissione per gli affari esteri di studiare la possibilità di elevare di grado la missione a Torino, aggiungendo che anche per considerazioni commerciali era consigliabile far questo passo. Ottenuta l'autorizzazione della commissione il 7 maggio 1860, il Burlingame, presentò un progetto di legge che accordava al Piemonte una missione di prima classe. Specificamente la legge stabiliva che dopo il 30 giugno 1860, il Regno di Sardegna fosse segnato nella scheda A della legge consolare e diplomatica, approvata il 18 agosto 1856, legge che includeva la Russia, l'Austria, il Brasile, e la Cina; che il Presidente, per consiglio e col consenso del Senato, nominasse un rappresentante per il Regno di Sardegna col grado di inviato straordinario e ministro plenipotenziario.

Il 19 marzo 1861 il Cavour comunicò la proclamazione del Regno d'Italia a Giuseppe Bertinatti, ministro italiano a Washington, il quale la annunciò a William H. Seward, segretario di Stato. Rispondendo al Bertinatti, il 13 aprile 1861, il Seward disse di esser sicuro che la maggiore autorità del Re, così pienamente d'accordo con i desideri del popolo italiano, sarebbe stata esercitata con la moderazione e la saggezza ben note e che egli confidava che il regno di Sua Maestà sarebbe stato prospero e felice e ben accetto ai suoi sudditi. Informò poi il Bertinatti che George Perkins Marsh, nuovo inviato straordinario e ministro plenipotenziario degli Stati Uniti, era stato accreditato presso Sua Maestà Vittorio Emanuele II, Re d'Italia. Il 23 giugno 1861, il Marsh presentò le sue nuove credenziali.

Gli Stati Uniti ebbero un rappresentante diplomatico in Italia col grado di ministro fino al 20 ottobre 1893, quando James J. Van Alen fu nominato ambasciatore, ma non accettò e non andò a Roma. Il 20 dicembre 1893, fu nominato Wayne MacVeagh ed egli presentò le sue credenziali l'11 marzo 1894.

Il primo rappresentante diplomatico del Regno d'Italia negli Stati Uniti fu, come abbiamo detto, il cavalier Giuseppe Bertinatti, che fu elevato al grado di ministro plenipotenziario il 30 giugno 1864. Il 24 giugno 1893, il barone Fava presentò le credenziali come ambasciatore.

Il governo e il popolo americano osservarono con grande interesse gli avvenimenti che portarono all'unificazione italiana con l'occupazione di Roma nel 1870. Ad eccezione dei cattolici, l'avvenimento fu salutato in America come una importante realizzazione delle giuste aspirazioni del popolo italiano.

Le espressioni di simpatia da parte del governo e del popolo americano, a cui ho accennato, furono contraccambiate in molti modi dagli Italiani. Per esempio, durante la Guerra civile americana, il governo e il popolo italiani dettero il loro aiuto morale e materiale alle forze che cercavano di mantenere l'unione americana. Nel riconoscere questo aiuto, il presidente Lincoln dichiarò che « mai durante questa disgraziata Guerra civile... il Re o il popolo italiano hanno esitato nell'esprimerci il loro rispetto, la loro fiducia e la loro amicizia. » Questa dichiarazione assume particolare importanza quando si ricordi che gli Americani sapevano che Francia e Inghilterra davano tutti i loro aiuti ai Confederati del Sud.

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Nel 1951-1952 la generosità del Council for Research in the Social Sciences della Columbia University mi permise di raccogliere e pubblicare la documentazione ufficiale dei diplomatici americani presso il Regno delle Due Sicilie dal 1816, anno di inizio delle relazioni ufficiali, al 1861.

Nel 1933, invece, la American Catholic Historical Association, consapevole dell'importanza e del valore dei dispacci degli inviati americani presso lo Stato Pontificio dal 1848 al 1868, anni nei quali esistette la Legazione a Roma, sovvenzionò la pubblicazione di questi documenti nel volume: *United States Ministers to the Papal States: Instructions and despatches 1848-1868*, con introduzione di LEO FRANCIS STOCK, della Carnegie Institution di Washington. Nel 1945 lo stesso Stock, sempre sotto gli auspici della American Catholic Historical Association pubblicò anche: *Consular Relations between the United States and the Papal States: Instructions and despatches*.

Incoraggiato dall'accoglienza riservata negli Stati Uniti e in Italia ai miei volumi sulle relazioni con il Regno delle Due Sicilie, te-



nendo conto del fatto che, per l'Italia, restavano da pubblicare solamente le relazioni statunitensi con un altro Stato, la Sardegna, con il quale erano esistite relazioni diplomatiche regolari, mi rivolsi al Council for Research in the Social Sciences della Columbia University per ottenere i fondi necessari a colmare tale lacuna. Approvato il progetto, il Council chiese ed ottenne un generoso contributo dalla Cesare Barbieri Endowment Foundation. Concreti aiuti sono stati offerti anche dalla American Philosophical Society di Philadelphia, dalla Casa italiana e dalla Biblioteca della Columbia University.

Nella prefazione ai due volumi sulle relazioni con il Regno delle Due Sicilie, ho affermato che i documenti diplomatici americani ci permettono di porre in luce i primi tentativi statunitensi tesi ad iniziare, secondo le proprie necessità, alcune trattative basate sul diritto delle nazioni e, dal punto di vista storico, a dare forma a quello che oggi potremmo chiamare « egoismo illuminato », ad ottenere, cioè, e rafforzare per mezzo di trattati con tutti gli altri Stati, una funzione di guida, funzione attraverso la quale viene dimostrato come sia possibile servire i propri interessi e quelli dell'umanità e, per questo, stabilire relazioni chiare ed oneste fra gli uomini. Più mi addentro nello studio dei documenti di questo periodo, più mi convinco che gran parte della politica estera ed interna, che allora si iniziò, ha ancora oggi una sua vitalità negli ideali democratici americani, pur essendo superata nella sua efficacia pratica.

Per evitare inutili ripetizioni, devo, un'altra volta, rimandare alla prefazione citata per sottolineare il valore intrinseco di quei documenti. A mo' di esempio, gli inventari dei libri esistenti nelle Biblioteche delle legazioni di Torino e di Firenze hanno una notevole importanza per valutare, dal punto di vista economico, politico e sociale, quel che si conosceva in quel periodo, poiché questi volumi, infatti, erano noti a tutte le rappresentanze diplomatiche americane, erano letti e citati da stranieri che frequentavano le nostre legazioni più che non lo fossero le più ricche serie di dibattiti parlamentari, di giornali ecc...

Alla luce dei risultati del nostro lavoro, ci appare ancor più strano che per tanto tempo si sia ignorata la storia diplomatica americana sia da parte degli studenti, sia anche da parte degli storici. Ad eccezione di quel che si è detto per il Regno delle Due Sicilie e per lo Stato pontificio, non esiste alcuno studio sulle condizioni, le circostanze, i motivi, le personalità che provocarono i vari trattati,

fossero essi commerciali o politici, e non si sa neppure come i mutamenti politici operatisi, durante il Risorgimento, nei vari Stati italiani potessero avere influenza sulle loro relazioni con gli Stati Uniti. Alla scarsa bibliografia, formata soprattutto da pubblicazioni ufficiali, che ho pubblicata nella più volte ricordata prefazione ai documenti per il Regno delle Due Sicilie, posso aggiungere altre indicazioni.

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*baldi's march on Rome in 1867*, in *Journal of Modern History*, Chicago, Ill., a. XVI (1944), pp. 116-123; Id., *American documents on Italy's annexation of Venetia (1866)*, in *Journal of Central European Affairs*, Boulder, Colorado, a. V (1946), pp. 354-377; Id., *American opinion and documents on Garibaldi's march on Rome, 1862*, in *Journal of Central European Affairs*, Boulder, Colorado, a. VII (1947), pp. 143-161; JOSEPH ROSSI, *The Image of America in Mazzini's Writings*, Madison, University of Wisconsin Press, 1954; WILLIAM A. SALOMONE, *The Liberal experiment and the Italian revolution of 1848: a revaluation*, in *Journal of Central European Affairs*, a. IX (1949), pp. 267-288; MARY LUCILLE SHAY, *Italy*, in *Guide to Diplomatic Archives of Western Europe*, a cura di LYNN M. CASE e D. H. THOMAS, cap. 7, Philadelphia, University of Pennsylvania Press, 1959; SISTER MARY PHILIP TRAUTH, *Italo-American diplomatic relations 1861-1882: the mission of George Perkins Marsh, First American Minister to the Kingdom of Italy*, Washington, Catholic University Press, 1958; HOWARD R. MARRARO, *Documenti americani sul conflitto italo-austriaco del 1859*, in *Rassegna storica del Risorgimento*, a. XLVI (1959), pp. 3-44.

Sono da ricordare, per affinità, i due volumi di FEDERICO CURATO, *Le relazioni diplomatiche tra la Gran Bretagna ed il Regno di Sardegna dal 1852 al 1856. Il carteggio diplomatico di Sir James Hudson* (Torino, Comitato dell'Istituto per la storia del Risorgimento italiano, 1956) e quelli in corso di stampa, presso l'Istituto storico italiano per l'età moderna e contemporanea, nelle Fonti per la storia d'Italia: *Le relazioni diplomatiche fra la Gran Bretagna e il Regno di Sardegna*, III serie: 1848-1860 a cura di Federico Curato e di Giuseppe Giarrizzo.

I documenti che qui pubblichiamo sono costituiti dalla corrispondenza fra lo State Department del Governo degli Stati Uniti e i suoi incaricati d'affari e ministri plenipotenziari presso il Regno di Sardegna dal 1838 al 1861 e i ministri plenipotenziari presso il Regno d'Italia dal 1861 al 1871. Si sono aggiunte le comunicazioni intercorse fra la legazione sarda a Washington e lo State Department, assieme a tutte le note e alla corrispondenza scambiata fra i nostri diplomatici e le autorità sarde.

Tutti i documenti sono stati riprodotti fedelmente dagli originali e dalle copie ufficiali conservate negli Archivi nazionali degli Stati Uniti a Washington. In essi sono compresi solo quegli scritti di origine italiana che sono stati inviati allo State Department come

allegati di dispacci diplomatici americani provenienti da Torino, Firenze e Roma oppure che possono essere pervenuti direttamente allo State Department da quelle città nelle quali non vi era rappresentanza statunitense: in questo caso la trasmissione avveniva attraverso il Console o il ministro sardo a Washington. Abbiamo cercato, attraverso ricerche dirette negli archivi di Torino, Firenze e Roma, di ampliare il quadro sugli altri Stati della penisola; i risultati di questo studio appaiono in alcuni documenti e, soprattutto, nelle note.

I documenti che pubblichiamo sono tratti dagli originali negli Archivi nazionali di Washington dove sono conservati sotto la voce: *Record Group 59, General Records of the Department of State*. (1)

Bisogna porre attenzione alle varie serie di volumi manoscritti, che comprendono — secondo una prassi costante — i documenti dello State Department degli Stati Uniti ed ora sono conservate negli United States National Archives a Washington.

Questi documenti hanno una sola segnatura, *Record Group 59*, che, però, copre una estensione enorme di scaffali su più file; è necessario, quindi, un riferimento più preciso alle diverse serie di vo-

(1) Presso di me sono anche i microfilm dei documenti, così suddivisi: Microcopy No. 90 - Roll No. 5. Despatches from U.S. Ministers to Italian States, Sardinia: Sept. 26, 1838 - June 26, 1859. Microcopy No. 90 - Roll No. 6. Despatches from U.S. Ministers to Italian States, Sardinia: January 28, 1848 - October 10, 1853. Microcopy No. 90 - Roll No. 7. Despatches from U.S. Ministers to the Italian States, Sardinia: June 5, 1853 - June 30, 1859. Microcopy No. 90 - Roll No. 8. Despatches from U.S. Ministers to Italian States, Sardinia: June 12, 1859 - February 5, 1861. Microcopy No. 90 - Roll No. 11. Despatches from U.S. Ministers to Italian States, Italy: April 13, 1861 - December 28, 1863. Microcopy No. 90 - Roll No. 12. Despatches from U.S. Ministers to Italian States, Italy: January 8, 1864 to November 2, 1867. Microcopy No. 90 - Roll No. 13. Despatches from U.S. Ministers to Italian States, Italy: October 28, 1867 - December 31, 1869. Microcopy No. 90 - Roll No. 14. Despatches from U.S. Ministers to Italian States, Italy: November 6, 1869 - September 28, 1871. Microcopy No. 90 - Roll No. 15. Despatches from U.S. Ministers to Italian States, Italy: October 20, 1871 - December 31, 1873. Microcopy No. 77 - Roll No. 101. Instructions of the Department of State, from May 2, 1838 to October 31, 1876 to the diplomatic representatives of the United States in Italy. Microcopy No. 201 - Roll No. 1. Notes from Sardinian Legation to Department of State, October 3, 1838 - March 28, 1861. Microcopy No. 202 - Roll No. 1. Notes from Italian Legation to Department of State, April 11, 1861 - March 28, 1868. Microcopy No. 202 - Roll No. 2. Notes from Italian Legation to Department of State, June 19, 1868 - December 28, 1871. Microcopy No. 99 - Roll No. 61. Notes to Foreign Legations in U.S. from Department of State, 1834-1906. Italian states, Greece and Turkey: August 2, 1834 - February 1868. Microcopy No. 99 - Roll No. 62. Notes to Foreign Legation in U.S. from Department of State, 1834-1906, Italy: April 6, 1868 - September 23, 1882.

lumi manoscritti. Per questa nostra ricerca ci siamo serviti, in particolare, di: a) Dispacci dai diplomatici statunitensi all'estero al Segretario di Stato e, più precisamente, nel nostro caso, della serie *Despatches 4, Italy (Sardinia)*; b) Istruzioni del Segretario di Stato ai suddetti diplomatici; c) Note di diplomatici stranieri inviate ai colleghi statunitensi e da questi solitamente accluse ai loro rapporti al Segretario di Stato, che ora si ritrovano, in francese o in inglese, nella stessa serie *Despatches 4*; d) Note di diplomatici stranieri scritte ai colleghi statunitensi e inviate, in traduzione inglese, a Washington, con le stesse modalità descritte al punto precedente; e) Altri allegati (copie o note da e per i consoli statunitensi, copie di pubblicazioni straniere sull'argomento trattato, lettere private di cittadini o di società commerciali interessate ai negoziati) venivano mandati al Segretario di Stato e archiviati, quindi, sotto la data del dispaccio d'accompagnamento; f) Anche le istruzioni hanno qualche volta degli allegati, che non sempre sono stati ordinati, in bella copia o in copia a stampa, nella serie dei volumi che contengono le istruzioni ai diplomatici; g) Poiché alla data di oggi (1963) non vi è numerazione sulle filze degli atti originali, è necessario citare la serie, il paese e spesso anche le date estreme scritte sul dorso di ogni volume. Entro ogni volume, qualsiasi sia la serie, i vari documenti (dispacci, istruzioni ecc.) sono ordinati secondo le date dei dispacci, senza tener conto della data degli allegati, che non hanno, quindi, ordine cronologico e, alcune volte, risalgono a periodi molto anteriori a quello della trasmissione. I testi dei trattati, per tradizione e per sicurezza, erano inviati in doppia copia, in giorni diversi e per vie diverse, alcune volte assieme ad altri documenti. Quando i testi dei trattati vengono spediti come allegati, sono nel loro originale francese, mentre vengono eseguite a parte traduzioni in inglese ad uso del Segretario di Stato; h) La corrispondenza diplomatica nell'Ottocento non veniva sempre stampata; quando una disposizione governativa lo prescriveva, si lasciava passare un notevole lasso di tempo tra l'arrivo dei documenti e la stampa degli stessi; i) Tutti gli scambi di corrispondenza fra i diplomatici, sia a Washington sia all'estero, prendono la denominazione di *Note*, ma esse vengono archiviate (in originale o in traduzione) secondo la provenienza. La stessa nota, quindi, si può trovare come allegata di un dispaccio da Torino, e, se è stata anche comunicata dal ministro sardo a Washington, sotto la voce *Notes from foreign legations* e *Notes to foreign le-*

*gations*. Per finire, è bene ricordare che, per ritrovare un allegato, è indispensabile sapere la data del dispaccio di trasmissione.

Nel caso della corrispondenza da e per Torino col Niles, sembra che essa non fosse acclusa al trattato, quando questo venne presentato al Senato per la ratifica, prima della firma del Presidente, perchè la prima sessione della XXVI Legislatura del Congresso dette ordine di pubblicare solo il testo del trattato. Sei anni dopo, per ragioni diverse, la prima sessione della XXIX Legislatura del Congresso richiamò i dispacci di Niles ed ordinò che fossero stampati assieme ad altri documenti.

Bisogna far capo, quindi, al *Senatè Document 118*, della XXIX Legislatura per ritrovare stampata quella corrispondenza, che noi qui diamo, però, dagli originali conservati negli Archivi nazionali.

Da segnalare che non tutti i documenti furono pubblicati dal XXIX Congresso e che, in pochi casi, furono omesse frasi, che non si riferivano strettamente al trattato.

Poche parole sui criteri di pubblicazione.

Abbiamo rispettato l'ordine cronologico dei dispacci, ai quali abbiamo fatto seguire i relativi allegati; pur mantenendo la grafia originale, anche nelle abbreviazioni, abbiamo qualche volta corretto la punteggiatura; i puntini indicano le lacune del testo, mentre le nostre aggiunte sono fra parentesi quadra. In corsivo abbiamo posto i nomi dei giornali e i titoli delle pubblicazioni. Quando la formula di saluto non rivestiva particolari caratteri, è stata omessa.

Non abbiamo voluto appesantire i documenti con note eccessive, specialmente sugli avvenimenti italiani, limitandoci a citazioni bibliografiche strettamente pertinenti, o a indicazioni biografiche sui personaggi citati.

Desidero ringraziare tutti coloro che, in modi diversi mi hanno prestato il loro appoggio per ottenere gli aiuti finanziari indispensabili, a cominciare dal Council for Research in the Social Sciences della Columbia University.

Ed ancora, in modo particolare:

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*New York, Columbia University*

*25 febbraio 1963*

HOWARD R. MARRARO



## RAPPORTI



NATHANIEL NILES

5 settembre 1838 - 18 giugno 1839



*Nathaniel Niles<sup>1</sup> a John Forsyth<sup>2</sup>*

Dispaccio senza numero<sup>3</sup>

Vienna, February 18 th, 1838

Sir: I have the honor to enclose a correspondence with the Count de Sambuy<sup>4</sup>, envoy extraordinary and minister plenipotentiary of his Majesty the King of Sardinia, which, as you will per-

<sup>1</sup> Nathaniel Niles. Jr., del Vermont, nato il 17 dicembre 1791. Laureato in Medicina a Harvard nel 1816; fece pratica a Boston, andò per ulteriori studi a Parigi e qui sposò Rosella Sue, figlia del medico di Luigi XVIII. Diventò segretario della Legazione degli Stati Uniti a Parigi nel novembre 1830 e vi prestò servizio come incaricato d'affari *ad interim* dal 27 settembre 1832 al 19 aprile 1833, quando ritornò in America. Il 7 giugno 1837 fu nominato inviato straordinario degli Stati Uniti in Austria-Ungheria per incoraggiare il commercio fra questa e gli Stati Uniti, per agevolare, in particolare, la vendita del tabacco americano. Da Vienna, il 18 febbraio 1838, mandò al Segretario di Stato, John Forsyth, questo dispaccio in cui si fa presente l'opportunità di fare uguali tentativi nel Regno di Sardegna. Il 2 maggio 1838 Forsyth gli diede istruzioni al riguardo (p. 11). Niles andò a Torino il 5 settembre 1838 e vi rimase fino al giugno successivo. Lasciò allora il servizio per un certo tempo ma lo riprese più tardi come incaricato d'affari presso il regno di Sardegna, e vi rimase dal 4 gennaio 1848 al 20 agosto 1850. Per ulteriori notizie biografiche vedi: *Dictionary of American Biography*, New York, Charles Scribner's Sons, 1934, vol. XIII, p. 524; JACOB G. ULLERY, *Men of Vermont*, Brattleboro, Transcript Publishing co., 1894, pp. 127-128; HENRY M. WRISTON, *Executive Agents in American Foreign Relations*, Baltimore, Johns Hopkins Press, 1929, pp. 259, 342-343, 366, 633-635, 822; e HOWARD R. MARRARO, *Nathaniel Niles' Missions at the Court of Turin (1838; 1848-1850)*, in *Vermont Quarterly*, 15: 14-38 (Gennaio) 1947.

<sup>2</sup> John Forsyth della Georgia (1780-1841), nominato Segretario di Stato degli Stati Uniti il 27 giugno 1834 dal presidente Jackson, continuò a ricoprire la carica sotto il presidente Van Buren. Si ritirò il 4 marzo 1841.

<sup>3</sup> L'originale di questo dispaccio e le disposizioni accluse si trovano negli *Archivi* degli Stati Uniti a Washington, D. C. nel volume *Despatches 4, Italy (Sardinia)*. I dispacci e gli allegati sono stati pubblicati con ordinanza del 29 Congresso, Ia Sessione, in *Senate Document* n. 118, che può essere citato anche *Public Document Serial* 473.

<sup>4</sup> Vittorio Amedeo Balbo Bertone, conte di Sambuy, nato a Torino il 23 settembre 1793 da nobile famiglia. Fu paggio di Napoleone e prese parte brillantemente alla campagna di Russia. Dopo la Restaurazione, intraprese la carriera militare, ma presto l'abbandonò per quella diplomatica. Fu segretario della Legazione del Regno sardo a Madrid e poi incaricato d'affari. Dopo un altro breve periodo di servizio militare, Carlo Alberto lo nominò a Monaco e poi a Vienna. Stette a Vienna fino alla morte, avvenuta il 4 febbraio 1846. Per gli studi sulle relazioni austro-sarde nel periodo 1815-1848, la missione del conte di Sambuy a Vienna, insieme a quella del conte Carlo Beraudo di Pralormo, è della massima importanza. Vedi M. DEGLI ALBERTI, *La politica estera del Piemonte sotto Carlo Alberto secondo il carteggio diplomatico del conte Vittorio Amedeo Balbo Bertone di Sambuy*, in Biblioteca di storia italiana recente, vol. V-VII, Torino, Fratelli Bocca, 1913-1919.

ceive, originated in a private conversation between that gentleman and myself, on the mutual advantages which our respective countries would derive from the establishment of permanent diplomatic relations between them. The count informed me that the growth of tobacco is everywhere prohibited in the territories of His Sardinian Majesty: that a large revenue is raised by the government monopoly of the manufacture and sale of this article; and that hitherto Sardinia has drawn her supplies of the tobacco leaf from countries where she finds little or no outlet for Sardinian manufactured articles, or the products of her soil. He also informed me that the supplies of fish for the markets of his country were chiefly drawn from the Mediterranean, and of a very bad quality; that there could be little doubt an extensive market for fish and other products of our fisheries could be found in Sardinia, if steps were taken to ascertain the nature of the obstacles which have thus far prevented any considerable commerce between the two states. It appears, also, that Sardinia, which forms by far the most enlightened, active, and wealthy population of any of the independent states of Italy, is making considerable advances in manufacturing industry. Already she has some very large establishments for the manufacture of silk and cotton, particularly plain silks, which are sent to the United States through Lyons and Havre, in transitu, to the amount of many millions of francs. A single establishment, the largest in the world, at Fauverges, in Savoy, employing more than three thousand hands, is now, and has been for many years, exclusively occupied in the supply of plain silks for the New York market.<sup>5</sup>

Sardinia produces great quantities of the best qualities of olive oil. Genoa, which is the fifth city in the world for the number of its vessels and the amount of their tonnage, (I quote the authority

<sup>5</sup> Sulla industria della seta in Piemonte vedi G. ARESE, *L'industria serica piemontese dal secolo XVII alla metà del XIX*, Torino, Bana, 1921; G. PRATO, *Fatti e dottrine economiche alla vigilia del 1848. L'associazione agraria subalpina e Camillo Cavour*, in « Biblioteca di storia italiana recente », Vol. IX, Torino, Fratelli Bocca, 1921; A. FOSSATI, *Saggi di politica economica Carlo-Albertina*, Torino, Tip. ed. M. Gabetta-Voghera, 1930; N. RODOLICO, *Carlo Alberto negli anni di regno 1831-1843*, Firenze, Felice Le Monnier, 1936. Questi storici sostengono che l'industria della seta era fra le più floride in Piemonte e in rapido sviluppo. Infatti nel 1838 il Piemonte produsse kg. 7.900.000 di seta grezza in confronto ai kg. 3.500.000 all'anno prodotti alla metà del XVIII secolo. L'abolizione dei dazi doganali e la progressiva liberalizzazione del commercio favorirono lo sviluppo dell'esportazione di seta. Durante il decennio 1830-1840 l'esportazione media di seta fu sui 370.000 kg., mentre nel 1841-1842 fu sui 415.630 kg.

of Balbi,<sup>6</sup>) has an extensive trade with the Black sea, the Levant and all the Oriental ports, from whence the raw and manufactured products of these countries are brought.

Notwithstanding Sardinia wants our fish, our whale oil, seal skins, spermaceti, and spermaceti candles, whalebone, cotton, tobacco, the mahogany and other ornamental woods of Central and South America, the teas and manufactures of India and China — notwithstanding we want her oils, her own and the fruits and manufactures of the remote countries of the east, yet we have little or no direct commerce with Sardinia, except in supplying her with pepper and spices. What commerce we have, with this exception, is to our disadvantage, since we receive her manufactured silks to the amount of many millions a year, and supply nothing at all, directly the growth of our soil, or the produce of our industry.

I pointed out to the minister, in the conversation to which I have already alluded, the advantages which both our countries would derive from the removal of the existing barriers, whatever they might be, in the way of an exchange of our respective products; that, as the matter now stands, we have in reality a claim on Sardinia to do something for our trade, as an equivalent for the large amount of silks of her growth and manufacture, which have been annually consumed in the United States for many years past; that since his government had no interest in the cultivation of tobacco, and was, of course, free to choose its supplies wherever it pleased, it was but just that it should receive a large portion, at least, from the United States, which is even now, after France, probably its largest customer.<sup>7</sup> This conversation, which I will

<sup>6</sup> ADRIANO BALBI, *L'Austria e le primarie potenze: Saggi di statistica comparativa*, raccolti e ordinati da EUGENIO BALBI, Milano, 1846.

<sup>7</sup> Prima del 1838 il commercio fra gli Stati Uniti e il Regno di Sardegna era scarso ed il trasporto avveniva quasi esclusivamente su navi americane a causa delle tariffe proibitive imposte dagli Stati Uniti. Le importazioni in Sardegna superavano di molto le esportazioni. Le importazioni comprendevano salmone, pesce secco, pelli conciate, legname, porcellane, caffè, zucchero e altri generi coloniali. Dopo il 1826 le importazioni di coca e di tabacco furono lievemente aumentate e dopo il 1831 anche quelle del cotone. Le esportazioni nel 1826 non superarono mezzo miliardo di lire: comprendevano carta, tessuti e altri prodotti. Nel 1834 soltanto dieci navi lasciarono Genova per il Nord America: nove americane e una danese; soltanto tre navi arrivarono a Genova: due americane e una sarda. Nel 1830 il vice console sardo a Philadelphia prese energicamente in considerazione il problema del commercio fra il suo paese e gli Stati Uniti e propose anche di stabilire un normale servizio di navigazione; ma la Camera di Commercio respinse la proposta a causa della scarsità degli scambi. Tuttavia il vice console, A. Garibaldi, continuò a fare opera di persuasione, finché nel 1838 fu concluso un trattato commerciale. Il trattato, però, non aumentò subito il commercio. Vedi E. GUGLIELMINO, *Genova dal 1814 al 1849: Gli sviluppi economici e l'opinione pubblica*, Genova, Deputazione Storia Patria per la Liguria, 1940.

state was wholly, on my part, personal and individual, the minister thought it his duty, from its important bearing on the commercial interests of his country, to communicate, in detail, to his government, which (I judge from the form of the replies sent to this minister) thought I might have been instructed to use the arguments and language transmitted through the Count de Sambuy to it. The eagerness with which both the King and his minister seized on the idea of opening diplomatic relations with the expressed view to encourage a commerce with us, affords a reasonable ground to believe that the absolute authority with which the Sardinian government is clothed, will be directed to the accomplishment of the object, whenever diplomatic relations may be established between the two countries.

Sardinia has a population of I believe a little more than five millions of inhabitants, including the islands.<sup>8</sup>

I have thought it my duty to communicate this correspondence to your excellency without delay.

*Conte di Sambuy a Nathaniel Niles*

Vienne, 13 Février, 1838<sup>9</sup>

Monsieur: Les entretiens que nous avons eu ensemble à l'égard de la convenance réciproque que nos deux gouvernements trouveraient à établir des missions diplomatiques dans les deux états respectifs, ayant paru d'une telle importance à devoir attirer l'attention du Roi mon auguste maître, j'ai cru de mon devoir d'en faire un rapport à son ministre des affaires étrangères, que j'ai lui adressé le 26 Janvier dernier.<sup>10</sup>

Le Comte Solar de la Marguerite<sup>11</sup> l'a reçu le 1<sup>er</sup> de ce mois,

<sup>8</sup> Secondo il censimento del 1838 la popolazione continentale degli Stati Sardi era di 4.125.735; quella della Sardegna di 524.623, per un totale quindi di 4.650.358. Vedi L. R. VILLERMÉ, *Del censimento della popolazione degli stati di terraferma di S. M. il re di Sardegna*, Parigi, 1841.

<sup>9</sup> L'originale del 13 febbraio 1838, mandato da Niles al Segretario Forsyth, come primo allegato al dispaccio del 18 febbraio si trova nei *Despatches 4, Italy (Sardinia)* ed è seguito da due note datate rispettivamente 1 e 3 febbraio del conte Solaro della Margarita.

<sup>10</sup> L'originale del dispaccio del conte di Sambuy è nell'Archivio di Stato di Torino, Sezione I, Lettere dei ministri, Vienna, filza 136. Il testo completo si trova anche in M. DEGLI ALBERTI, *La politica estera cit.*, vol. I, p. 368.

<sup>11</sup> Clemente Solaro della Margarita (1792-1869) fu ministro degli Affari Esteri dal 7 febbraio 1835 al 9 ottobre 1847. Vedi C. LOVERA e I. RINIERI, *Clemente Solaro della Margarita*, Torino, 1931. Lo stesso conte usò, spesso, la forma francese del suo nome.



et m'a répondu immédiatement, poste courante, la dépêche sous cette date, dont j'ai l'honneur de vous transmettre ci-joint une copie<sup>12</sup>, pour me faire connaître son opinion personnelle à ce sujet avant d'avoir pris les ordres du Roi.

Le surlendemain, le 3 courant, le même ministre, ayant déjà pris les ordres de S. M., m'a transmis l'expression de ses dispositions bienveillantes à propos par une dépêche dont j'ai l'honneur de vous transmettre également ci-joint un extrait<sup>13</sup>, et où vous verrez que le Roi est favorablement disposé à effectuer l'établissement réciproque d'une mission diplomatique aussitôt que votre gouvernement fera connaître plus positivement son désir à cet égard.

Vous remarquerez, sans doute, avec satisfaction, monsieur, l'empressement avec lequel ma cour a accueilli l'idée produite par nos entretiens sur les avantages réciproques du commerce direct entre nos deux pays, et qu'elle a exprimé formellement sa bonne volonté de procéder à l'établissement de cette nouvelle mission, sans avoir même consulté préalablement ni le ministère des finances, ni le conseil d'état.

Vous jugerez par là, monsieur, de notre empressement à concourir à toutes les mesures, qui peuvent être d'une utilité commune, si votre gouvernement est également disposé à coopérer de son côté.

Veuillez agréer, monsieur, les assurances de la considération distinguée avec laquelle j'ai l'honneur d'être, monsieur,

Votre très humble, etc,

*Conte Solaro della Margarita al Conte di Sambuy*<sup>14</sup>

[Turin], 1er Février, 1838

Monsieur le Comte: Je viens de recevoir la dépêche que vous m'avez fait l'honneur de m'adresser le 26 Janvier dernier, No. 442, ainsi que le pli de Constantinople qui y était annexé. J'ai lu, avec tout l'intérêt que mérite son objet, le rapport que vous avez bien voulu me faire dans votre dépêche précitée de l'entretien que vous

<sup>12</sup> Vedi p. 9.

<sup>13</sup> Vedi p. 10.

<sup>14</sup> Questa nota è il secondo allegato al dispaccio di Niles del 18 febbraio. Si trova in *Senate Document cit.*, I Sessione, p. 4.

avez eu avec Mr. Niles, agent diplomatique des Etats-Unis d'Amérique.

Tout en reconnaissant la justesse des observations que vous avez cru devoir présenter à Mr. Niles, je ne pense pas moins que l'ouverture qu'il a été chargé de nous faire est de nature à être accueillie. N'ayant pu encore prendre les ordres du Roi, je ne suis pas à même de vous faire connaître aujourd'hui les dispositions dans lesquelles Sa Majesté serait à ce sujet; mais vous pouvez dès à présent, Monsieur le Comte, dire à Mr. Niles, qu'en mon particulier je crois que l'établissement de relations diplomatiques entre les Etats-Unis et ceux de S. M., au moyen d'une mission réciproque, ne pourrait effectivement que tourner aussi à l'avantage commercial des deux pays; que, cependant, ce n'est là que mon opinion personnelle; mais que je m'empresserai de soumettre la chose au Roi, et que je ne tarderai pas à lui faire connaître par votre intermédiaire les intentions que S. M. aura daigné manifester à cet égard.

Agréez, Monsieur le Comte, &c.

*Conte Solaro della Margarita al Conte di Sambuy*<sup>15</sup>

*Estratto*

[Turin], 3 Février, 1838

Monsieur le Comte: Sur le rapport que j'ai eu l'honneur de soumettre au Roi relativement à l'ouverture que Mr. Niles, agent diplomatique des Etats-Unis d'Amérique, vous a faite dernièrement et qui forme le principal objet de votre dépêche du 26 Janvier, No. 442, S. M. a accueilli l'idée de l'établissement réciproque d'une mission diplomatique avec ce pays. Elle a jugé qu'il ne pourrait en résulter que des effets avantageux pour les relations des deux états; et elle serait par conséquent tout à fait disposée à effectuer ce projet, aussitôt que le gouvernement des Etats-Unis ferait connaître plus positivement son désir à cet égard. Vous voudrez donc bien, Monsieur le Comte, en informer Mr. Niles, et compléter ainsi la réponse provisoire que vous aviez été chargé de lui donner par ma dépêche d'avant hier.

No. 1563.

<sup>15</sup> È il terzo allegato al dispaccio di Niles del 18 febbraio 1838 al Segretario For-syth; è stampato in *Senate Document cit.*, I Sessione, p. 5.

Vienne, 16 Février 1838

Monsieur le Comte: J'ai l'honneur de vous accuser réception de la lettre que vous avez bien voulu m'écrire le 13 courant<sup>17</sup> par laquelle vous me faites connaître la démarche que vous avez cru devoir faire à propos de l'entretien personnel que nous avons ensemble le 25 de mois dernier au Bal de la cour et l'impression que votre récit de cette conversation a fait à votre Gouvernement, communiquée à Votre Excellence par deux dépêches du 1. & du 3. de ce mois dont vous avez eu la bonté de me faire parvenir des copies.

Je ne manquerai pas, Monsieur le comte, de transmettre à mon Gouvernement, par la première occasion, ces pièces ainsi que la lettre de Votre Excellence, et, dans mon opinion, il n'y a pas de doute que le Président des Etats-Unis verra avec plaisir l'évidence qu'elles contiennent de la disposition du Roi de Sardaigne de favoriser le développement du commerce entre nos deux pays, essentiellement maritimes & commerçants, dont les produits respectifs sont si différents & si variés et par conséquent aptes à répondre à leurs besoins mutuels; et que de son côté il sera également disposé de seconder toutes les mesures nécessaires afin d'effectuer l'établissement des rapports diplomatiques avec Sa Majesté Sarde dans l'intérêt commun du commerce entre les deux Etats qui ne pourrait être que réciproquement avantageux.

Veuillez agréer, Monsieur le Comte, les assurances de la plus haute considération avec laquelle j'ai l'honneur d'être de Votre Excellence le très humble et très obéissant Serviteur.

*John Forsyth a Nathaniel Niles a Vienna*

*Istruzione*<sup>18</sup>

Department of State, Washington, 2d May, 1838

Sir: Your communication of the 18th of February has been received, stating the substance of a conversation you had held with the Count de Sambuy, Envoy Extraordinary and Minister Plenipo-

<sup>16</sup> È il quarto allegato al dispaccio di Niles del 18 febbraio 1838 al Segretario Forsyth; è stampato in *Senate Document cit.*, I Sessione, p. 7.

<sup>17</sup> Vedi p. 8.

<sup>18</sup> La copia di queste istruzioni si trova negli Archivi nazionali degli Stati Uniti,

tentiary of his Catholic Majesty the King of Sardinia, at Vienna, in relation to the trade in tobacco, and to the commercial intercourse generally which might be carried on between the United States and that country, and enclosing a copy of a correspondence which had passed between you in regard to the advantages in those respects which the respective countries would derive from the establishment of permanent diplomatic relations between them.

I am directed by the President, to whom your letter has been submitted, to inform you that in consequence of the information thus communicated, it is his wish that you should repair to Sardinia,<sup>19</sup> and endeavor to conclude a commercial arrangement, securing upon the most advantageous terms, the admission of American tobacco into the ports of that country, and, if practicable, to extend it so as to embrace the general trade between the two nations. This Government having no political relations of importance with that kingdom, does not now send a diplomatic representative, although such a step may naturally follow the successful negotiations of a commercial treaty.

You will proceed to Sardinia for the purpose just mentioned immediately after the arrival of Mr. Muhlenberg at Vienna.<sup>20</sup> Your salary as tobacco agent will be continued while you are employed in the execution of these instructions, but the President directs that the business shall not be permitted to occupy a longer period than three months,<sup>21</sup> that being deemed sufficient time to finish your negotiation if the Sardinian Government is inclined to enter into it promptly. In any arrangement which you may form, you will observe the instructions<sup>22</sup> which were given you upon your appointment as Agent to Austria, so far as they may be applicable, being careful not to enter into any stipulations which

*Manuscripts Records of the State Department* nella serie *Instructions, Italy*, vol. I, p. 3. L'originale fu mandato a Niles a Vienna. Le istruzioni sono state stampate in *Senate Document cit.*, I Sessione, p. 8.

<sup>19</sup> La lettera credenziale di Niles era indirizzata al Ministro degli Affari Esteri di Sardegna. Per un breve sommario della missione di Niles in Austria, vedi H. M. Wriston, *op. cit.*, pp. 633-635.

<sup>20</sup> Henry H. Muhlenberg, della Pennsylvania, nuovo ministro americano, arrivò a Vienna l'8 febbraio 1838.

<sup>21</sup> Gli Stati Uniti avevano fretta di concludere i negoziati. Il trattato sarà firmato in due mesi.

<sup>22</sup> Vedi *Manuscript Records of the State Department*, Serie *Instructions, Austria Ungheria*.

may interfere with the existing obligations of the United States to other countries.

I transmit a power to form a treaty with the Kingdom of Sardinia upon the subjects above referred to.<sup>23</sup>

*Nathaniel Niles a John Forsyth*

*Dispaccio, senza numero* <sup>24</sup>

Turin, Sept. 26 th, 1838

Sir: In compliance with the instructions contained in your despatch of the second of May, I set out for this place immediately on learning that Mr. Muhlenberg had arrived at Vienna; and after a journey, by easy stages, of 16 days, accompanied by my family, I reached this city on the fifth instant.

Count Solar de la Marguerite, first Secretary of State for foreign affairs, was absent on a tour in Switzerland & did not return until the twelfth. On the following day I addressed him a note, soliciting the honor of an interview at such a time as might be agreeable to him to receive me. An immediate reply informed me that the Minister would be happy to receive me on the following day. At the hour appointed I presented myself at the Minister's official residence & was received by him in the most affable & satisfactory manner. He was apparently gratified at the businesslike and unceremonious manner in which the "Power" which I handed him (not having been provided with any other means of approaching this Government officially), brought me at once into relations with him, in reference to the commercial interests of our respective countries.<sup>25</sup>

<sup>23</sup> Non vi è copia di questo « Power » nel volume contenente la copia dei documenti riguardanti le istruzioni allegate (*Instructions, Italy*, vol. I, p. 3). L'originale è stato consegnato da Niles al Ministro degli Affari Esteri di Sardegna all'atto della presentazione delle credenziali; perciò la copia si trova con la copia delle credenziali. Vedi, *Credences*, vol. II, p. 298. I poteri di Niles per negoziare, diversi dal « Power » per concludere, furono differenti da quelli concessi per gli altri trattati degli Stati Uniti. Vedi HUNTER MILLER, ed., *Treaties and Other International Acts of the United States of America*, Washington, D.C., Government Printing Office, 1931, vol. IV, p. 163.

<sup>24</sup> L'originale si trova nel volume *Despatches 4, Italy, (Sardinia)* datato 26 settembre 1838. È stampato in *Senate Document cit.*, I Sessione, pp. 8-11.

<sup>25</sup> Il modo « commerciale e senza cerimonie » con cui Niles prese contatti con il ministro del Re seguì una insolita procedura. Siccome nessun diplomatico americano, neppure un incaricato d'affari, era accreditato presso la capitale sarda, l'invio di Niles, come agente speciale, servì a sveltire le pratiche. Per gli Stati Uniti la normale procedura diplomatica avrebbe enormemente ritardato lo svolgimento dei tanto desiderati negoziati per un trattato.

In the course of a general conversation I drew the attention of the Minister to the leading features of the existing commerce between the United States & Sardinia, as far as they were known to me, particularly to the export trade in the article of silks, which is annually sent to the United States, as nearly as I have been able to learn, to the amount of about eight millions of francs; while neither the employment of our navigation nor the supply of our products for the consumption of this country apparently furnishes any equivalent advantage for so important & steady an outlet for the manufacture of Savoy. The Count expressed his ignorance of the causes which had so much limited the arrival of American products directly from our shores to Genoa, & other Sardinian Ports; but seemed to think that there must be a considerable consumption of these arriving from the United States through indirect channels. To remedy this presumed state of things, so disadvantageous to the two countries, & to equalize & extend the trade between them were objects in the pursuit of which, he assured me, I might depend on his cordial cooperation.<sup>26</sup> That I might the more easily & promptly comprehend the condition of the commercial affaires [sic] of the Kingdom, he proposed to place me in official relationship with the Minister of Finances, the Count Gallina,<sup>27</sup> who unites in that character the functions of a Minister of Commerce; and also with the Minister of War & of the Navy, the Chevalier Villamarina,<sup>28</sup> under whose general supervision, quarantine & other port regulations are placed.

On the same occasion the Minister proposed my being presented to his Sovereign, Charles Albert, on the return of His Majesty from

<sup>26</sup> Fino a questa epoca le relazioni commerciali fra gli Stati Uniti e la Sardegna si erano basate su regolamenti interni, fondati sul mutuo accordo fra i due governi. Vedi *Eighth Annual Message of President Monroe, December, 7, 1824*, in JAMES D. RICHARDSON, *Messages and Papers of the Presidents*, New York, Bureau of National Literature, Inc., 1917, vol. II, p. 251.

<sup>27</sup> Stefano Agostino Gallina nacque a Marene il 20 marzo 1779 e morì a Torino il 30 ottobre 1867. Vedi M. ZUCCHI, *Famiglie nobili e notabili del Piemonte illustrate nella loro genealogia*. Primo supplemento al Patriziato subalpino, Torino, 1950, p. 73.

<sup>28</sup> Emanuele Pes di Villamarina nacque a Torino il 15 novembre 1777. Dopo aver preso parte a diverse campagne militari, nel 1821 gli fu offerta da Carlo Alberto, allora reggente, la carica di Ministro della guerra, carica che egli rifiutò per motivi di salute. Durante il regno di Carlo Felice, godendo della benevolenza del sovrano, poté dedicarsi agli studi militari e alle imprese commerciali con i capitalisti genovesi. All'ascesa di Carlo Alberto al trono occupò lodevolmente il posto di Primo Segretario di Stato per gli affari della Sardegna e si adoperò per riformare e abolire i diritti feudali che ancora esistevano nell'isola. Fu nominato ministro della Guerra e della Marina nel 1832, ricevette il titolo di Cavaliere del Supremo Ordine della SS. Annunziata il 25 maggio 1840 e fu senatore del Regno dal 3 aprile 1848. Morì a Torino nel 1853. Vedi F. BOSIO, *Il marchese di Villamarina, memorie di un diplomatico*, Milano, 1877.

the military reviews & exercises then going on in camp, at some distance from the Capital. On the morning of the 17th, the King returned to town, & I had the honor of being received by him at four o'clock p.m. on the same day.

The King expressed his satisfaction at receiving me as a diplomatic agent of the United States, in the government, institutions & prosperity of which he avowed the greatest interest. He desired me to let it be known to the President that he was ready to enter into treaty relations with the United States & by every other means to cultivate & enlarge the commerce between his states & those of the American Union.<sup>29</sup>

I answered His Majesty that all the friendly sentiments which he had expressed toward my country & its government, as well as in regard to commerce, were fully reciprocated by the President, who had no higher wish than to cherish by all the means in his power those mutually beneficial commercial relations & exchanges with all nations, particularly with Sardinia, which tended so much to augment the wealth of nations & diffuse general individual prosperity.

I had not less reason to be satisfied with the opinions & sentiments evinced by Count Gallina & the Chevalier di Villamarina.

With the first named of these gentlemen, I discoursed at length on the subject of the export trade in silks carried on from this country for so many years to the United States, & pointed out to him the immensely beneficial effects which our policy in admitting all kinds of silk manufactures free of duty has long had upon the prosperity of his country, not only by the direct supply of our markets with the manufactured article to a great and constantly increasing amount, but also as a grower of the raw material, which is annually exported to France & other Countries to the value of about *fifty millions of francs*, & there fabricated, in no inconsiderable measure, for the consumption of the United States.

<sup>29</sup> La stesura delle righe 2 e 3 di questa pagina differisce leggermente da quella del testo originale del dispaccio. Nell'originale, scritto in inchiostro, noi troviamo che nella frase « enter into a Commercial Treaty » sono cancellate a matita le parole « Commercial Treaty » e sostituite con « treaty relations ». È probabile che questa correzione sia stata fatta dal Senato quando dichiarò questo documento pubblico e lo fece stampare in *Senate Document cit.* La matita usata e la calligrafia sembrano essere le stesse di altre piccole correzioni fatte su documenti originali stampati nel *Senate Document*. Ovviamente le parole « treaty relations » stanno ad indicare qualcosa di più di un semplice trattato commerciale. Il cambiamento può essere stato fatto con l'intenzione di influenzare un altro trattato che si preparava quando queste lettere, con data anteriore al 26° Congresso, furono rese pubbliche e stampate dal 29° Congresso.

It has been my object in the first place, fully to impress this Government with the great value of the American markets, under our present liberal policy, with the hope of being able, the more readily, to bring it to the adoption of such measures as will be most apt to ensure its continuance, as to this country, by rendering the advantages which it now enjoys from that policy reciprocal to both countries.

From the Minister of Finances [sic] I learned the existence of differential tonnage duties & other disadvantages to which foreign shipping is subjected in the port of Genoa. These embarrassments to trade the minister expressed his [own]<sup>30</sup> willingness to abandon, but at the same time he pointed out the difficulties to be encountered at Genoa, where strong prejudices & private interests still exist in favor of their continuance, although there were, he said, other interests & parties urgently desirous of seeing them given up.

In my first interview with the Chevalier di Villamarina, I invited his attention to the quarantine regulations as probably presenting the most effective & irresistible obstacle in the way of a large direct trade between the United States & Genoa.<sup>31</sup>

This Minister informed me that the central Government had only a very indirect influence over the local authorities at Genoa, to whom the sanitary regulations of that port had always been confided, that he had himself seen with regret an apparent disposition to adhere to [the]<sup>32</sup> old system, erroneous as it evidently was in his own opinion; that he had recently pointed out to the board of health the fatal effects which their persistence in it must have upon the trade of this city, in reference to American commerce particularly, since Austria had freed American ships with clean bills of health from all quarantine; that unless they followed the example of the Austrian authorities in this respect they would drive the transatlantic trade to Trieste & make it emphatically the most important depôt of colonial & other American products to the great disadvantage of their own city.<sup>33</sup> He promised, however, imme-

<sup>30</sup> La parola fra parentesi quadra è aggiunta a matita.

<sup>31</sup> Non siamo riusciti a trovare le disposizioni che regolavano la quarantena nel porto di Genova. Probabilmente erano le stesse in vigore negli altri porti, che vietavano l'entrata alle navi provenienti da paesi infestati da malattie contagiose.

<sup>32</sup> La parola fra parentesi quadra è aggiunta a matita; non risulta che le aggiunte siano da attribuire allo State Department.

<sup>33</sup> Con Livorno, Trieste era uno dei centri commerciali più importanti del XIX secolo, grazie anche alla politica degli Asburgo. La città passò da 50.000 abitanti nel 1824 ad 80.000 nel 1840. In questo tempo furono fondati il Lloyd austriaco (più tardi, nel 1836, Linea di Navigazione Triestina) e due società assicurative: l'Assicurazione Gene-



diately to press the subject again upon the consideration of the Board of Health & expressed his belief that the arguments & interests which would be brought to bear upon the question would, ere long, ensure a beneficial change.

I was not surprised to find that the abandonment by Austria of quarantine of arrivals from the United States had already arrested the attention of this Government. It will be found impossible for Genoa, or any other Italian commercial city adhering to the old quarantine system, hitherto universally adopted in these countries, to hold its own with Trieste while that port enjoys the exclusive advantage of being freed from it. Sooner or later the obvious & pressing interests of Genoa and Leghorn & other Italian commercial cities must prevail over existing prejudices & our commerce with them will take its naturally direct course, instead of being carried on, as hitherto, through the ports of England & those of other northern countries, so much to the detriment of our own shipping interests.

This, Sir, is the first aspect under which our affairs present themselves here, and if I am right as to the inferences to be drawn from the dispositions evinced both in language & in manner, it is such as to justify the best hopes.

*Nathaniel Niles a John Forsyth*

*Dispaccio, senza numero*<sup>34</sup>

Turin, Oct. 8, 1838

Sir: My letter of the 26th ultimo will have informed you of my arrival here & the dispositions evinced by this Government, in my earlier interviews with its different members, in regard to the objects of my Mission.

Since that time I have submitted to the Minister of Foreign Affairs, at his request, but in an informal manner, a draft of a commercial Treaty, embracing all the general principles which enter into our Treaties of the same Kind with other European nations.

rale (1831) e La Riunione Adriatica di Sicurtà (1838). L'importanza della città si accrebbe sempre più a danno di Venezia e della stessa Genova, che fino a poco tempo prima era stata il porto naturale dei territori italiani soggetti all'Austria.

<sup>34</sup> L'originale di questo dispaccio, è conservato, in ordine di data, in *Despatches 4, Italy (Sardinia)*. È il secondo dispaccio di Niles da Torino. Stampato lo si trova in *Senate Document cit.*, I Sessione, pp. 11-13. Acclusa al dispaccio vi è una nota del conte Solaro della Margarita a Niles del 29 settembre 1838 (vedi p. 20).

I have suggested to the Minister the practicability of appending to such a Treaty, should his Sovereign be willing to adopt it, other and distinct provisions, in the form of Separate Articles, calculated to encourage & secure an increased Commerce in certain products of the two countries, & providing for the ratification of these articles separately.

It has occurred to me that we might stipulate for the continuance of the present exemption of silk goods from duty in our markets or to Sardinia for a limited time, against the engagement on the part of her Government to Employ American leaf Tobacco, generally, by the Sardinian Regie; and also to admit Olive Oil, the produce of Sardinia, free of all duty, against the free entry to the consumption of all parts of this Kingdom, of our whale Oil, & so of some other peculiar products of the two countries.

I have not, however, felt as if my knowledge of the bearing of provisions of this sort upon the Commerce in the before-mentioned articles, in particular, or in others, was sufficiently worked out to justify my venturing upon stipulations of the Kind, without further inquiry & reflection.

In regard to the regia of Tobacco, it is proper for me to observe, that its interests, independently of all other considerations, have, within a few years past, induced it to employ a much greater proportion of American leaf than formerly. The Minister of Finances [sic] informs me that the quantity contracted for, & to be purchased the present season amounts to about 6,000 to 6,500 quintals, being an increase of more than a third over the quantity purchased, or employed, in any former year, & forms no small proportion of the whole amount annually required.

Since the taste for American Tobacco is so much on the increase, in every part of Europe, & so likely to become predominant & established, it is questionable whether it would not be wise in the American Government to rely on *pressing & continued instances*, near those European Governments where the manufacture of Tobacco is a monopoly, and in that way to endeavour to encourage its consumption, than to embarrass [sic] itself with special stipulations in favor of an object which can be accomplished without them.

But Tobacco, as has been the case with almost all other articles from our Hemisphere, owing to the quarantine regulations hitherto in existence, has come to Genoa principally through the ports of the north of Europe; having been habitually sought for by the Agents of the Regie in the Markets of England & Holland. Since my arriv-

al, for the first time the Minister of Finance has been endeavouring to establish an agency in the United States, in the hope of being able to procure Tobacco there, at first hand, at much cheaper rates than in the European markets.

As to Olive Oil produced in Sardinia, I see no reason why we might not stipulate for its free admission, against the free admission of our Whale Oil and other products of our fisheries, to the consumption of this Country, if, as I am inclined to believe would be the case, such an arrangement would insure the substitution of whale oil for lights and other purposes instead of olive oil now universally employed in this Country. But inquiry & reflection are necessary in order to ascertain in how far the prices at which these two kinds of oil can be produced would be apt to interfere with or to insure the success of our exchange of this sort, on the basis of a reciprocal exemption from duty.

Analogous stipulations, it appears to me, might be advantageously entered into in regard to *unwrought marble* at the one port & *coal* at the other, articles particularly well fitted for ballast either way across the Atlantic. They are reciprocally wanted by both countries, & each is comparatively destitute of the article the other might furnish in great abundance. Coals [sic] from the United States, freely admitted, would find a considerable & constantly increasing consumption in Genoa & along the Italian shores, for the use of Steam Boats & other Steam Engines, while Italian marble will always be wanted in the United States in considerable quantities for ornamental & building purposes. The provincial state of this Country, with an annually overflowing Treasury, & an almost or entire freedom from debt, would clearly justify the adoption of the measures requested. No objection can be urged against them on account of exclusiveness since each party might, with great advantage to all its interests, extend their [sic] provisions to all other countries willing to reciprocate them.

I have learned from the Minister of Finances [sic], as well as from our Consul at Genoa,<sup>35</sup> an important fact with regard to our fishing interests. It appears that the effect of the large bounties by which France has long encouraged the Cod fishery has been, at

<sup>35</sup> Della corrispondenza, che si deve ritenere piuttosto abbondante, fra Niles e Campbell, console degli U. S. a Genova, solo una nota è stata inviata da Niles al Segretario di Stato. In questo periodo gli archivi della posta (Post Records), che avrebbero dovuto registrare questa corrispondenza, erano piuttosto poveri e sembra che questa corrispondenza non sia stata archiviata.

length, to drive us entirely out of the Sardinian markets. From 15th Sept. 1835, to 15th April [1836], 96,509 quintals of Cod fish were imported into Genoa from the United States, 5,800 quls. from England & 22,050 from France. From same date to same date of the following season not a pound was received from the United States—1,367 quintals [were imported] from England & 26,960 quintals from France. For the same season of the following year, none [was] received from us, none from England, but 47,080 quintals from France. I will, on another occasion, forward more extensive statistical information on this subject.<sup>36</sup>

I have the honor to forward a letter<sup>37</sup> from the Minister of Foreign Affairs announcing the appointment of a chargé d'affaires who, I am told, will proceed immediately to the United States. It also gives me pleasure to inform you that the authorities at Genoa have given up quarantine of arrivals from America provided with clean bills of health. I shall be officially notified of this fact in a day or two.<sup>38</sup> The effects of this measure must be great for American commerce, & insure to Genoa the advantage of becoming the center of Italian commerce, or to force other cities to follow her example.

*Conte Solaro della Margarita a Nathaniel Niles*

Turin, le 29 Septembre, 1838<sup>39</sup>

Monsieur: Le Roi mon auguste maître, qui apprécie beaucoup les vues dans lesquelles le Président des Etats-Unis d'Amérique vous a désigné comme agent diplomatique auprès de sa cour, désirant de son côté d'établir des rapports politiques avec ce gouvernement, et de favoriser autant que possible les relations commerciales de ses sujets avec ces contrées, vient dans ce double but de nommer Monsieur le Comte Augusto Avogadro de Collobiano<sup>40</sup> en qualité de

<sup>36</sup> Non si hanno prove che Niles abbia inviato la promessa informazione.

<sup>37</sup> Vedi la comunicazione che segue.

<sup>38</sup> Vedi pp. 22 e 23 per la conferma ufficiale di questa disposizione.

<sup>39</sup> L'originale di questa nota, allegato ad un dispaccio di Niles dell'8 ottobre 1838, si trova in *Despatches 4, Italy (Sardinia)*. Stampata, la nota appare in francese ed in inglese in *Senate Document cit.*, p. 13.

<sup>40</sup> Il conte Augusto Avogadro di Collobiano nacque a Chambéry il 18 giugno 1783 e morì a Torino il 10 marzo 1858. Entrato in servizio presso la corte di Napoli nel 1806, vi rimase fino al 1817. Fu, poi, segretario di legazione in Porto-

chargé d'affaires auprès des Etats-Unis. Je ne doute point, monsieur, d'après les ouvertures que vous m'avez faites que votre gouvernement n'apprenne avec satisfaction cette détermination de S. M. qui prouve tout l'empressement <sup>41</sup> que nous avons à étendre et à multiplier dans l'intérêt réciproque des deux pays des relations qui jus-

gallo, Brasile e Costantinopoli e ministro in Baviera, Russia e Napoli. (Vedi A. MANNO, *Il patriziato subalpino*, Torino, 1906, vol. II, p. 123).

Il 6 febbraio 1839 il conte di Collobiano informava il Dipartimento di Stato del suo arrivo a Washington e nei giorni seguenti presentava le sue credenziali al Segretario Forsyth. Il 5 marzo avvertiva Forsyth che era « pronto a presentare la ratifica del trattato commerciale fra la Sardegna e gli S.U. in nome di Sua Maestà il Re » e il 17 marzo annunciava per iscritto che era pronto per la mutua ratifica del trattato. Le note originali del conte di Collobiano si trovano negli *Archivi nazionali degli Stati Uniti Manuscript Records of the State Department* con le « *Notes from Foreign Legations* »: vedi il volume 3 ottobre 1838 - 28 marzo 1861. Le copie delle note del Dipartimento di Stato alle legazioni straniere negli S.U. si trovano nelle *Notes to Foreign Legations in United States* (vedi il volume sugli Stati Italiani, Grecia e Turchia, 2 agosto 1834 - 24 febbraio 1868). Il nome è scritto con due « l » in italiano, con una sola « l » in inglese.

Il seguente è il riassunto di un dispaccio spedito dal conte di Collobiano al conte Solaro della Margarita subito dopo il suo arrivo a Washington:

« Washington, 12 febbraio 1839

L'inusitato freddo dell'inverno ha reso il viaggio da New York a Washington lungo e faticoso.

Mi sono presentato, subito dopo il mio arrivo, al Segretario di Stato, che mi ha ricevuto cordialmente e mi ha espresso il suo piacere per l'apertura delle relazioni diplomatiche fra i nostri due paesi. Mi ha dichiarato che, come incaricato d'affari, sono stato accreditato presso il Segretario di Stato e che le lettere di presentazione sono state più che sufficienti. Mi ha fatto notare che solo le lettere scritte dai sovrani sono presentate al presidente. Non ho fatto obiezioni in quanto questa è l'usanza vigente in tutti i paesi. Dopo espressioni di cortesia si è offerto di accompagnarmi da Van Buren. Siccome mi aspettavo questo invito mi ero presentato in uniforme; mi offrii di accompagnarlo con la mia carrozza, ma egli preferì andare a piedi. Entrammo in una larga stanza dove subito ci raggiunse Van Buren e subito incominciò a chiedermi del nostro sovrano, del nostro paese, delle riforme che il re intende apportare, soprattutto nel campo commerciale e delle strade che egli considera pessime. Gli ho fatto presente che la sua opinione sulle nostre strade non corrispondeva alla realtà. Parlammo del trattato in generale senza entrare in dettagli in quanto esso è ora in discussione al Senato.

Il mattino seguente sono ritornato dal Segretario di Stato per discutere più a fondo del trattato, ma egli mi ha fatto osservare che quando un trattato è in discussione al Senato, bisogna attendere la sua decisione che egli tuttavia pensa sia favorevole. Mi ha espresso il suo disappunto per il nostro progetto, soprattutto per l'articolo in cui il principio della reciprocità non viene rispettato. Ho mostrato sorpresa a questa osservazione, facendogli notare che questi scambi commerciali sono stati condotti sotto la nostra bandiera alle stesse condizioni che sotto quella americana». (L'originale nell'Archivio di Stato di Torino, Sezione I, « *Lettere Ministri Stati Uniti* », Filza I).

<sup>41</sup> Il 5 dicembre 1838, il ministro sardo per gli affari esteri scriveva una nota al presidente degli S.U. per chiedergli di assicurare l'immediata ratifica del trattato da parte del Senato e stabilire che il conte di Collobiano portava con sé l'ordine reale di ratifica con pieno potere di scambiarlo immediatamente con quello del governo degli S. U. Per questa nota al presidente Van Buren che non fu stampata in *Senate Document* vedi la serie *Notes from Foreign Legations, Sardinia*, in data 5 dicembre 1838. La nota fu trasmessa alla Legazione sarda, indi dal conte di Collobiano al segretario Forsyth e da questo al presidente.

qu'ici n'avaient pas eu tout le développement et toute l'importance dont elles sont susceptibles.

En vous informant de cette nomination, je vous renouvelle, monsieur, les assurances de ma considération distinguée.

*Nathaniel Niles a John Forsyth*

*Dispaccio, senza numero* <sup>42</sup>

Turin, Oct. 11 th, 1838

Sir: I have great satisfaction in being able to communicate herewith an official letter <sup>43</sup> from the Minister of Foreign affairs, announcing most important changes in the quarantine regulations at Genoa to which I adverted in my communication of the 8th instant.

*Conte Solaro della Margarita a Nathaniel Niles*

Turin, 10 Octobre, 1838 <sup>44</sup>

Monsieur: Je m'empresse de vous annoncer que le magistrat de santé de Gênes vient de déterminer, par une délibération qui a reçu la haute sanction du Roi, mon auguste maître, que les provenances de l'Amérique Septentrionale seront dorénavant admises à la libre pratique, sous la condition, cependant, qu'elles seront munies, outre la patente nette, d'un certificat d'un agent consulaire de S. M. ou d'un autre consul Européen résidant dans l'endroit d'où elles seront parties, constatant que le dit pays est exempt de toute maladie contagieuse, et surtout de la fièvre jaune. <sup>45</sup>

J'éprouve une véritable satisfaction, monsieur, à vous faire connaître une résolution si conforme à un désir que vous m'avez expri-

<sup>42</sup> Per gli originali di questo dispaccio, della versione francese e della traduzione inglese della lettera ufficiale qui menzionata, vedi *Despatches 4, Italy (Sardinia)*, in data 11 ottobre 1838 e, stampati, in *Senate Document cit.*, I Sessione, pp. 14-15.

<sup>43</sup> Vedi la comunicazione che segue.

<sup>44</sup> Allegato al dispaccio di Niles a Forsyth dell'11 ottobre 1838.

<sup>45</sup> L'aver reso meno restrittiva la quarantena fu di particolare importanza per le navi americane e per il loro commercio. Sebbene la maggior parte delle navi di tabacco provenisse dai porti del Sud che, in modo speciale New Orleans, erano colpiti dalla febbre gialla, esse poterono dimostrare di essere esenti da tale malattia e da qualsiasi altra infezione tropicale. Nulla si sapeva allora sulla provenienza della febbre gialla. (Vedi H. R. MARRARO, *The Two Sicilies*, vol. II, *passim*, sui rozzi metodi della quarantena e sul trattamento nei lazzaretti degli uomini e dei carichi).

mé, et j'aime à penser que votre gouvernement trouvera dans cette intention de lever une entrave qui pouvait nuire aux relations commerciales,<sup>46</sup> une preuve de notre empressement à favoriser, par tous les moyens, le développement de rapports réciproquement utiles aux deux pays.

Je saisis bien volontiers cette occasion pour vous renouveler l'assurance de ma considération distinguée.

*Nathaniel Niles a John Forsyth*

*Dispaccio, senza numero*<sup>47</sup>

Turin, Dec. 1 st, 1838

Sir: In communicating the Treaty of Commerce, herewith transmitted, [which was] concluded & signed at Genoa on the 26th ult, it is proper for me to accompany it by a brief notice, at least, of those circumstances & considerations which have given to it the peculiar stipulations you will observe in the 14th article & the separate article.

The annexation of the ancient Republic of Genoa to the Kingdom of Sardinia imposed upon the Government the necessity of giving to this newly acquired & most important possession, the most convincing proofs of its disposition to encourage & foster its leading interests, those of navigation & commerce in every possible way and by that means to tranquillize & render harmless that general dissatisfaction with which the Genoese witnessed the loss of their independence. This paramount object of Governmental policy, it

<sup>46</sup> I ripetuti sforzi per dimostrare amicizia, non solo a parole, stanno a provare una diversa concezione dei rapporti diplomatici: una franchezza ignota alla diplomazia europea del tempo. Niles cercava non solo di curare gli interessi degli S. U., ma anche quelli del Re e del commercio sardo.

<sup>47</sup> Con questo dispaccio del 1 dicembre 1838, Niles trasmetteva al Segretario di Stato Forsyth, attraverso la legazione americana di Parigi, la copia ufficiale del Trattato di Commercio stipulato fra il Regno di Sardegna e gli S. U. e firmato a Genova dal conte Solaro della Margarita e da Niles il 26 ottobre 1838. Questa fu la prima delle due copie del trattato firmato da questi due funzionari e, per essere stata firmata per prima, fu designata a copia ufficiale del testo del trattato e conservata nella *Treaties File* ufficiale del Dipartimento di Stato degli S. U. (sezione n. 316) invece di essere archiviata col dispaccio al quale era allegata. La seconda copia del trattato fu spedita da Niles al Segretario Forsyth come allegato al dispaccio del 5 dicembre, (vedi p. 36). Con il dispaccio del 1 dicembre, Niles spediva a Forsyth anche la copia di una sua nota scritta al conte Solaro della Margarita il 5 novembre e due note che aveva ricevuto dal conte, datate rispettivamente 10 e 17 novembre (vedi pp. 33-34). Il dispaccio e le note accluse si trovano stampate in *Senate Document cit.*, pp. 15-23.

was falsely thought, at the time, would be attained by the adoption of a system of differential duties, to the disadvantage of foreign flags, applied to tonnage & to the principal articles of commerce of which Genoa was then the Centre, such as grain, breadstuffs, wine, olive oil, spirits of all kinds & some other articles of minor importance. An extraordinary development of all branches of business connected with navigation, properly speaking, was the first & early result of this policy. But measures of relation, adopted by other countries, soon presented the unexpected consequence of a constantly decreasing general Commerce, with an augmenting national navigation, employed in particular in privileged branches of trade. The Commercial & navigation interests became divided, the first attributing to the differential system the decline of that varied and general Commerce which formerly made Genoa the Commercial Emporium of the Mediterranean, the other declaiming against this view of the subject and pertinaciously defending those interests which had grown up under, & depended upon, the encouragement of the differential duties. A warm contest has been carried on for years past on this subject between the mercantile classes on the one hand, and shipowners, shipbuilders & sailors on the other; the latter, altho the weakest in argument, having the immense advantage of defending acquired interests, which had become important under the encouraging influence of existing laws. The Government has listened to the representations & counter representations of the contending parties; but, altho long since fully satisfied of the pernicious effects of the differential system of duties on the commercial prosperity of Genoa, it has not been able to devise a policy which would, at the same time, save the interests of navigation supposed to be in danger, by opening new channels for its employment, and insure the return of that general commerce for which Genoa is so particularly well placed.

This, Sir, is a succinct account of the state of feelings & opinions, touching the differential system of duties up to the time when I arrived here — a state of things which has hitherto isolated the commerce of Sardinia & prevented her government from entering into Commercial Treaties with other nations and rendered impossible the immediate, full & entire application of the broad principles of free trade & perfect reciprocity advocated by the United States.

On enquiring into the course of Mediterranean Commerce, I found that the differential duties imposed on importations in foreign vessels could, with few exceptions, rarely, if ever, affect American



Shipping, particularly in regard to those articles imported into Genoa from the Mediterranean ports. Vessels engaged in the Corn, Wine & oil trade are required to be of a small dimension fitted to enter the almost numberless small ports of the Mediterranean & adjacent seas where these articles are sought for & disposed of by Sardinian vessels. The Minister of Foreign Affairs to whom a prospect of a Commercial Treaty was early submitted, avowed his willingness to abandon all differential duties on imports from beyond the Straits of Gibraltar & to limit them to grain, Wine, & Oil imported from the ports of the Mediterranean, the Adriatic & the Black Sea; at the same time expressing the determination of his Government to give them up altogether, by slow degrees, as soon as it could be done without exposing the ship owning interest to any violent shock; but he could not fix a time when this object would be accomplished.

In this state of the case, the idea occurred to me that we might take advantage of the necessity in which the Sardinian Government was placed of continuing the differential duties on grain, Wine, & Oil, and, by conceding to it the benefit of them for a time, without any act of retaliation on our part, secure in this way to our products, tobacco included, the right of a free transit through the territories of His Sardinian Majesty to the Markets of Parma, Lombardy, & Switzerland; and, at the same time, reserve the right of imposing countervailing duties on the same articles, imported into the United States in Sardinian vessels from the Mediterranean, the Adriatic, & the Black Sea, if the Sardinian Government should wholly abandon them (her differential duties) within a given period. The Minister was evidently pleased with the outline of this idea, but said that, in regard to transit, it would be necessary for him to consult with the other members of the government before an answer would be given to my proposition.

Many conferences <sup>48</sup> were held between the Minister & myself, in reference to this subject, in which I did not omit to urge upon him all the arguments in favor of the encouragement of a transit trade to the Countries mentioned, which would be to the political interest of Sardinia as well as to the immense commercial advantage of Genoa. The Minister at length consented to stipulate for the free transit of all articles of commerce [which were] the produce

<sup>48</sup> Non si ha notizia dei colloqui ai quali prese parte Niles a Torino in questo periodo. Qualche informazione su di essi l'abbiamo dai suoi dispacci. Vedi anche la nota n. 52, p. 26.

of the United States, with the exception of gunpowder, salt & Tobacco, and was evidently desirous of concluding a Treaty on this basis.

This was the state of our negotiations on the first of November, when the King & his Ministers set off for Genoa, which is the official residence of the Government for a part of the year. Count Solar de la Marguerite took it for granted that I should follow the Government, in common with all the other members of the Diplomatic Corps & that he would be able to conclude a Treaty without conceding the free transit of Tobacco. I however remained in Turin and on the 5th November addressed to the Minister a letter, a copy of which is herewith enclosed.<sup>49</sup>

Anterior to doing this, I wrote to our Consul, Mr. Campbell, who deservedly stands very high, both as a man & a Merchant, with all the influential classes of Genoa, impressing upon him the importance of the present moment as one particularly favorable for the Mercantile interests of that City to bring all their influence to bear on the Government in favor of encouraging a transit trade from the free port of Genoa to Parma, Lombardy and Switzerland & through that Country into the south of Germany, particularly in those great staples of transatlantic Commerce, Cotton & Tobacco, pointing out the advantages that must inevitably result from it to Genoa. Mr. Campbell lost not a moment in disposing influential Merchants, natives of the City, to make personal representations on the subject both to the King & his Ministers.<sup>50</sup> A first note from Count Solar de la Marguerite, dated at Genoa on the 10th Nov. (a copy is enclosed),<sup>51</sup> without alluding to my letter, in turn, informed me, as you will see, that the (treaty) negotiations were to be continued by M. de Buttet,<sup>52</sup> Chief of the Foreign Office,

<sup>49</sup> Vedi p. 31.

<sup>50</sup> Negli archivi dell'*American State Department* vi è una lacuna che riguarda gli sforzi qui descritti che possono essere stati condotti a termine verbalmente. Il console Robert Campbell, che era stato inviato a Genova, allude alle note a Niles e ai servizi che aveva reso a Niles per appoggiare questa missione. Solo una parte di tali note è stata trovata negli archivi. Forse, data la sua breve permanenza a Torino, Niles non ritenne opportuno registrare la posta e di Campbell si sono trovati solamente documenti che trattano di cose di routine, come: rapporti di navi in arrivo, onorari ricevuti come console, ecc. Neppure è stato trovato un diario di questi rappresentanti in Sardegna durante il periodo in esame. D'altronde non vi era allora un regolamento che obbligasse a tenere un registro della posta.

<sup>51</sup> Vedi p. 33.

<sup>52</sup> Il cavaliere Eligio de Buttet, savoiaro, nacque il 25 agosto 1795. Entrato nell'esercito, raggiunse il grado di maggiore di cavalleria. Fu addetto allo Stato maggiore della divisione di Chambéry e ricevette le sue credenziali come primo funzionario del ministero degli affari esteri il 21 marzo 1835. Il conte Solaro lo considerava

who remained in Turin. But through this Gentleman the Minister soon learned my indisposition to proceed further unless a free transit of Tobacco should be accorded.<sup>53</sup> I have reason also to believe that the King, a most active & intelligent business man, anxious to see our negotiations brought to a definitive conclusion, had inquired particularly into the cause of the apparent delay & required an exact account of the state of the matter to be made to him. The suggestions made in my letter of the 5th to Count Solar, of which the King became in this way possessed, were not, I believe, wholly without effect on the royal mind. At any rate the result of further consideration on the subject of my letter was the admission of Tobacco in an unmanufactured state to a free transit, as you will perceive by the accompanying copy of the minister's letter to me of the 17th.<sup>54</sup>

In the mean time, observing the Minister's evident anxiety to conclude a Treaty of Commerce with the United States, in the manner I had suggested of getting round the differential duties, I determined to go to Genoa so as to be ready to profit by circumstances, and I arrived there the very day the Minister's letter reached my House in Turin.

The only remaining difficulty was, if circumstances should so require, to provide for the eventual establishment of transit duties to & from Parma, which it appears is a bad neighbor,<sup>55</sup> but as it

uomo di grandi vedute, di nobili propositi e di carattere integerrimo. Il cavaliere de Buttet fu membro della Società dell'amicizia cattolica: apparteneva a quel gruppo di reazionari cattolici fra i quali il conte Solaro sceglieva i suoi collaboratori. Il giovane Cavour lo considerava, invece, alla stregua del conte Cimella che prese misure violente contro i rifugiati politici del 1833 e del noto capo di polizia Tiberio Pacca. Dopo le dimissioni del conte Solaro, il 25 marzo 1848, fu esonerato dal suo incarico. Vedi R. MOSCATI, *Le scritture della segreteria di stato degli affari esteri del regno di Sardegna*, Roma, 1947, p. 18.

<sup>53</sup> L'aver delegato per la stipulazione del trattato il de Buttet potrebbe sembrare un temporeggiare per permettere al conte Solaro di rendersi conto del pensiero del re. Il ritardo, inoltre, permise al ministro degli Esteri di ritardare il consenso a Niles sull'inclusione della 14 clausola (libero transito) del trattato. Il dispaccio di Niles del 1 dicembre dice che il re vinse la riluttanza del conte Solaro alla inclusione della clausola. Le istruzioni del conte al de Buttet non si trovano negli archivi di Torino. Ricerche infruttuose furono fatte fra le *Lettere Ministri Stati Uniti*, le *Negoziazioni Stati Uniti* e i *Consolati Esteri (America)*.

<sup>54</sup> Vedi p. 34.

<sup>55</sup> Prato, Fossati e Guglielmino che fecero studi sulla politica economica del Piemonte in questo periodo, non fanno alcun cenno ai rapporti commerciali fra Torino e Parma. Apparentemente queste relazioni erano poco importanti. Il commercio con Parma e Piacenza interessava Genova come porto naturale del Ducato e le due città costituivano, per Genova, la via attraverso la quale passavano i commerci con l'Emilia. Per informazioni generali al riguardo, vedi: E. GUGLIELMINO, *op. cit.*, *passim*. Dal punto di vista politico le relazioni fra Torino e Parma erano di poca importanza. Bisogna tuttavia ricordare che il regno di Sardegna aveva mire espansionistiche in questa

would evidently have been improper to indicate the frontier of that duchy specifically in a public treaty in reference to such a stipulation, the proviso for imposing transit duties for any one point of the frontier took the form which is indicated in the 14th Article.

This proviso, I think, cannot be considered as in any way invalidating the several conceded privileges of a free transit. At any rate, many ways are presented to prevent the abuse of that proviso. In the first place, those interests which are to spring up in connection with the transit trade will soon effectually control the dispositions of the government itself, to say nothing of the power we have of affecting the determinations of the government in the state of the silk trade. So deeply does the commerce in silk affect the whole Cisalpine population of Sardinia [it would seem] that the United States, of all other countries, is the one this Government will be the least likely to offend by giving an abusive interpretation to a treaty stipulation while we are as large consumers of that article as at present on the liberal conditions on which it is now secured. The right to a free transit may therefore be considered, as I am sure it was intended, a perfect solution unless it should become necessary to impose transit duties on goods to & from Parma as a means of carrying on an equal customhouse war with that duchy. But even if difficulties with Parma may be anticipated, it must be seen that the Sardinian government will, after all, obey its clear political instinctive policy, that of conquering the interests & affections of her population by habituating them to transact their commercial business through Genoa, on the easiest possible terms.

In conceding to Sardinia the right to continue differential duties on grain, wine & olive oil, imported from ports within the Mediterranean & dependent waters, for a period of four years, we make no sacrifice whatever of our own interests, since we can never have either a motive or a capacity to compete with Sardinian foods in carrying on a coasting trade in them, or any other articles to Sardinian ports.

By thus limiting the exceptions to a mutually perfect free trade to the three articles mentioned imported into Sardinian ports from within the Mediterranean, the general principles of a reciprocal free commerce are adhered to, while the right of reprisals in a way that will turn to our advantage is stipulated for if their application is

direzione e temeva che alla morte di Maria Luigia, l'Austria volesse annettersi Parma, oppure assegnarla a qualche Asburgo e compensare il legittimo successore, Carlo Ludovico di Borbone, in qualche altro modo. (Vedi: N. RODOLICO, *Carlo Alberto cit.*, p. 438).

not made universal by the Sardinian Government within the time agreed on.

The 14th article, which is really the offset to the separate Article, altho care was taken to prevent its having that appearance, secures to us directly & to commerce generally, by its necessary consequences to the policy of other countries, advantages of the greatest & most substantial value. The port of Genoa is much nearer to every part of Switzerland, Wurtemberg, and a great portion of Bavaria than any of the maritime cities of France, Belgium, Holland, Germany, or Austria. Several great public routes over the Alps are at all times kept in a perfect state of repair by the Sardinian Government. The snows which impede trade in the winter equally embarrass the communications over the Jura mountains, in France. The transit of goods of the Rhine is obstructed by ice for about the same length of time. In a word, the greater proximity of Genoa to the countries mentioned, with a parity of difficulties in reaching them, renders that city their natural channel of communication with the sea. This is particularly true of the greater part of the immense & incomparably fertile plains of Lombardy which lie between the Alps and the Apennines.

But an easy means of getting at the markets of these several countries & supplying them with our Tobacco, Cotton, Rice, Fish, & c. affords no just measure of the value of the concession made by the 14th Article. In order to prevent the trade of Lombardy from taking a direction through Sardinia, Austria must encourage commerce through Venice by new facilities, or the affections & the hopes of her Italian population will naturally be turned to this Government, whose policy, as avowed in this Treaty, is more in harmony with their interests.

The heavy duties & other obstructions, such as municipal taxes for the use of roads & bridges, which now embarrass the transit trade through Belgium, Holland and the German Custom House Union, as well as on the Rhine, must, if this Treaty goes into effect, be abolished or favorably modified, or the entire supplies of transatlantic merchandise for Switzerland & the whole Southern section of Germany will ultimately be obtained through Genoa.

Should the peace of northern Europe be disturbed either by conflicting armies or a maritime war between Russia & England,<sup>56</sup>

<sup>56</sup> Le difficoltà fra Russia ed Inghilterra in questo periodo erano dovute alla gelosia dell'Inghilterra per l'aumentato potere della marina russa; alla politica assolutistica e alle misure politiche prese dallo Zar in Polonia violentemente criticate dal Parlamento

an event, in all probability, not very remote, we have here a free & an unobstructed channel open to the centre of the Continent, guaranteed by a Treaty stipulation with a formidable power which will have every possible interest to adhere to this liberal policy—a policy which places her far in advance of all the other continental countries with regard to the freedom of inland commerce.

The provisions of the separate Article are highly important to Sardinia, as they expose a basis on which she can now enter into Commercial Treaties with other maritime countries, & thus open new channels for the employment of her overgrown navigation, and avoid exciting that discontent which she would have just reason to apprehend from a sudden withdrawal of that protection to her own shipping which has been thought so necessary. There is, indeed, good reason to believe that both parties will be permanently & extremely benefitted by the Treaty.

The quarantine on transatlantic arrivals having been given up & the differential duties on tonnage as well as on all articles that can possibly be imported by American ships done away with by the present treaty, if it should be approved by the President & the Senate, of which I flatter myself there can be no doubt, it may be fairly calculated that Genoa will soon become the great depôt in the Mediterranean for the products of American industry, while her established relations with every port in the Black Sea and on the shores of the Mediterranean & Adriatic will afford her every facility for carrying on a profitable trade in transporting them to new & remote markets.

The other articles of the Treaty, being similar to those which enter into most of our commercial Treaties, & so [are] perfectly in accordance with the universally acknowledged public law and require, I take it, neither explanation nor defense.

It has been my endeavour to turn to the best account in the interest of our commerce & industry the peculiar state of things here, and the best reward for the labor & attention I have bestowed on the subject, will be to know that the Treaty in which they have resulted has met with the approbation of the Executive.

inglese; alle mire espansionistiche russe verso i Balcani a danno dell'impero ottomano. Vedi: CHARLES WEBSTER, *The Foreign Policy of Palmerston*, London, G. Bell, 1951, vol. II, p. 558.

Turin, November 5, 1838 <sup>57</sup>

Count: I cannot refrain from the expression of the regret and disappointment with which I received the communication you made me at our last interview, <sup>58</sup> of the determination of his Majesty's ministers not to accede to the proposition I had had the honor informally to submit to your excellency, concerning the free transit of American tobacco through the territories of his Sardinian Majesty; and which it was proposed to introduce into the project of a treaty of commerce, now under discussion. The more I reflect on this subject, the more I am convinced that the decision has been come to from a mistaken view of its importance to Sardinia herself. So strong is this conviction, that I cannot but hope that a review of the considerations in favor of the admission of my proposal will yet induce the ministry to change their ground, and thus enable us to bring our present negotiations to a mutually satisfactory close.

Genoa may be considered the natural channel for the transatlantic commerce of Parma, Modena, a part of the Papal dominions, with the Apennines — a great proportion of Lombardy, Switzerland, and the south of Germany, embracing a population of several millions beyond the frontiers of his Majesty's dominions. A treaty stipulation, by which the free transit of tobacco through his Majesty's states might be secured for a series of years, would undoubtedly soon induce the governments of the countries mentioned, where the manufacture and sale of tobacco is a monopoly, to get their supplies of this article from Genoa; and the inhabitants of those countries where the trade is free, to procure their tobacco through the same channel. It is apparent that an established trade in this article for the supply of three or four millions of population beyond the confines of Sardinia must, alone, be of the highest advantage to the commercial interest of Genoa, to say nothing of the other branches of commerce which would naturally be connected with it, equally beneficial to the general trade and navigation of Sardinia.

In the increased business activity which would inevitably grow

<sup>57</sup> Questa nota (allegata al dispaccio di Niles del 1 dicembre 1838), le due seguenti (pp. 33-34) e il dispaccio del 9 dicembre, al quale erano accluse, si trovano in *Despatches 4, Italy (Sardinia)*. Tutti sono stampati in *Senate Document cit.*, I Sessione, pp. 15-23.

<sup>58</sup> Vedi p. 25, n. 48.

out of this free transit tobacco trade, to the advantage of every class of the community, it is believed the government would find much more than an adequate compensation for any loss the treasury might by any possibility suffer, from an illicit trade in the article of tobacco, even if no measures should be found to prevent it. But there is little reason to doubt that a system of surveillance may be adopted, without imposing great expense on its transit, which would effectually render smuggling and frauds impossible.

There is, however, another view of this subject, still more important in the permanent interest of Sardinia than that just adverted to. The United States have adopted a most liberal policy in admitting silk manufactures from all European countries to consumption free of duty. Differential duties have been imposed on silks from beyond the Cape of Good Hope, expressly to secure to Europe the chief benefit of the American markets for this article. This perhaps too liberal policy in regard to European nations has been adopted in the expectation of obtaining equivalent advantages in the way of an increased consumption of our principal staples, or in the enjoyment of new and extended facilities in trade.

Now the annual exportation of manufactured silks, to the value of about eight million francs, to the open markets of the United States, and of raw silk to the value of nearly sixty million francs annually, manufactured at Lyons, in Switzerland, Germany, and England, in a great measure, for the American markets, shows to what extent Sardinia is interested in the continuance on our part of a policy which has already rendered her so prosperous and rich, and promises for the future, if continued, such permanently beneficial results. It cannot be questioned that Sardinia has received, and will continue to derive, greater advantages from our policy in regard to the free admission of European silks than any other nation whatever. With her government it would, therefore, seem to be an inquiry of the highest importance, by what means those advantages can be secured for the future. Sardinia cannot reasonably expect to continue to enjoy, indefinitely, the advantage of a system gratuitously liberal on the part of the United States. It would appear to be an object of the first importance to open such facilities for American commerce as to make it for the interest of the American government to continue its present system with regard to Sardinian silks, whatever changes its finances or political policy may hereafter dispose it to adopt, in reference to other European silk-growing and manufacturing countries. Sardinia holds the key to



an extensive market for American tobacco; and if she continue to refuse us the right of way to that market, can she expect, with any propriety, that we shall continue our present policy toward her in regard to the free admission of manufactured silks? But let Sardinia open for us a free transit trade in American tobacco, and it is apparent she will have furnished herself with the means of urging, with great force, an exception in favor of her silks, should circumstances, likely at any time to occur, make it the policy of the United States government to modify the conditions upon which European or India and China silks may hereafter be admitted to consumption in the United States.

I cannot but hope, Monsieur le Comte, that the considerations above hastily sketched, together with the liberal exceptions to the advantage of the Sardinian flag, proposed in the separate article of the projected treaty, will yet have the effect of inducing the King's government to grant a free transit of American tobacco through the territories of his Majesty; a measure which I am fully convinced, if carried frankly into execution, will be found to be fraught with lasting advantage of a commercial kind to our respective countries.

*Conte Solaro della Margarita a Nathaniel Niles*

Gênes, le 10 Novembre, 1838 <sup>59</sup>

Monsieur: J'envoie par ce courrier à Mr. Le Chev. de Buttet, premier officier de mon ministère, le projet de notre traité de commerce et de navigation avec quelques variations qu'on a dû faire aux conditions que vous avez proposées.<sup>60</sup> Nous avons admis tout ce que nous pouvions accorder, et comme il nous est absolument impossible de plus rien changer à ces stipulations, ce ne serait que mettre un retard inutile à la conclusion que de me renvoyer ce

<sup>59</sup> Il testo originale francese e la traduzione inglese di questa nota fu unita da Niles al dispaccio del 1 settembre 1838 al Segretario Forsyth. Entrambe si trovano ora nei *Despatches 4, Italy (Sardinia)*. Sono stampate in *Senate Document cit.*, I Sessione, pp. 21-22.

<sup>60</sup> Anche da questa breve frase si possono arguire gli stati d'animo che spesso possono rappresentare le vere basi delle trattative diplomatiche. È stata la nota del 10 dicembre che irrigidì Niles nel riscontrare un analogo atteggiamento nel conte Solaro..., oppure è stato l'aver afferrato le sfumature della situazione creata dal de Buttet che irrigidì Niles contro un trattato privo della desiderata 14<sup>a</sup> clausola (libero transito)? Oppure intravide in queste ultime parole del conte Solaro la volontà di cedere per giungere ad un accordo? Quale fu l'operato di Niles durante i successivi 5 giorni? E a quale punto il re decise il risultato, concedendo la 14<sup>a</sup> clausola?

projet modifié. M. de Buttet vous en donnera connaissance, et si vous êtes disposé à y souscrire, comme je ne saurais en douter, je le charge de s'entendre avec vous pour en arrêter ensemble la forme et la rédaction définitive.

Je saisis avec empressement cette nouvelle occasion pour vous offrir, monsieur, les assurances de ma considération distinguée.

*Conte Solaro della Margarita a Nathaniel Niles*

Gênes, le 17 Novembre, 1838 <sup>61</sup>

Monsieur: En attendant que je vous adresse ma réponse à la lettre que vous m'avez fait l'honneur de m'écrire en date du 5 de ce mois, je me fais un empressement de vous annoncer que, dans l'intention de faire quelque chose d'agréable à votre gouvernement, et de lui donner une nouvelle preuve de notre désir de rendre aussi avantageuses que possible au commerce des Etats-Unis les conditions du traité que nous négocions, il vient d'être déterminé, d'après le vœu que vous avez exprimé, que les tabacs, sauf ceux manufacturés qui seraient importés sur des bâtimens Américains, pourront transiter par les états du Roi, de la même manière, et étant soumis aux mêmes réglemens que les autres articles de commerce non exceptés du transit. <sup>62</sup>

Je ne doute pas, monsieur, que vous ne trouviez dans cette résolution une marque d'autant plus évidente des dispositions bienveillantes que nous avons apportés dans cette négociation, qu'en faisant cette exception on renonce à maintenir une prohibition à laquelle on tenait cependant extrêmement.

Je suis persuadé qu'après une semblable concession de notre part, il n'y aura plus maintenant aucun obstacle à une conclusion que nous aurons assez facilité, pour être en droit de ne plus admettre aucun changement à nos dernières conditions.

Je saisis bien volontiers cette occasion pour vous renouveler, monsieur, les assurances de ma considération très distinguée.

P. S. Monsieur de Buttet est chargé de donner des plus amples explications pour ôter toute difficulté à la conclusion.

<sup>61</sup> Allegato al dispaccio di Niles del 1° dicembre al Segretario Forsyth. La nota si trova nell'originale francese e nella traduzione inglese nei *Despatches 4, Italy (Sardinia)*. È stampata in *Senate Document cit.*, pp. 22-23.

<sup>62</sup> Il ministro degli Esteri, però, ritardò circa dodici giorni; solo il 17 novembre

*Nathaniel Niles a John Forsyth*

*Dispaccio, senza numero* <sup>63</sup>

Turin, Dec. 5 th, 1838

Sir: I have the honor to forward herewith a copy of a Treaty of Commerce concluded & signed at Genoa on the 26 Ultimo, the original of which you will, I trust, have received by another channel, <sup>64</sup> it having been confided to the care of General Cass <sup>65</sup> at Paris, with the urgent wish that he would send it by some confidential person to Washington at the expense of the Government if necessary. The comments which were thought proper & necessary accompanied the original Treaty.

I enclose a note from Count Solar de la Marguerite announcing the probable appearance of His Sardinian Majesty's naval flag for the first time, in our American Waters at no very distant time, as the Frigate « La Reine » will make the North American coast on her return from the Pacific & India seas. This frigate, which mounts 60 guns, as you will perceive, has on board, with the grade of Captain, a Prince of the Royal House of Savoy, nephew of the reigning King. <sup>66</sup> This letter is itself one of the many proofs I have had occasion to observe of the disposition of this Government to cultivate the most friendly relations with us.

rispose alla nota di Niles del 5. Niles nel frattempo scriveva, il giorno 10, che de Buttet gli avrebbe portato da firmare il trattato e lo avrebbe pregato di non ritardare oltre. Gli archivi americani non ci possono fornire nulla su quanto si passò fra de Buttet e Niles.

<sup>63</sup> Con il dispaccio del 5 dicembre 1838 Niles trasmetteva al segretario Forsyth la seconda copia del trattato di commercio perché fosse firmata. L'originale del dispaccio e l'accluso testo del trattato si trovano nei *Despatches 4, Italy (Sardinia)*. Il dispaccio non fu stampato né dal 26° congresso, *House Document No 2* dove è il testo del trattato e neppure in *Senate Document cit.* del 29° Congresso, I Sessione. Come abbiamo detto, fu la prima copia firmata che fu designata a testo ufficiale del trattato e si trova in *Official Treaties File of the State Department* nella sezione conosciuta come *Treaty*, 315. (vedi p. 23, n. 47).

<sup>64</sup> L'invio di una seconda copia del trattato per una via diversa, acclusa a altro dispaccio, fa parte della consueta procedura.

<sup>65</sup> Lewis Cass, dell'Ohio, venne mandato come inviato straordinario e ministro plenipotenziario degli S.U. a Parigi il 4 ottobre 1836. Diede le dimissioni nel febbraio del 1843. Vedi H. R. MARRARO, *The Two Sicilies cit.*, vol. I, p. 388, n. 5.

<sup>66</sup> Non si hanno testimonianze di una visita ad un porto americano della fregata *La Reine* e in questo periodo nessun nipote di Carlo Alberto serviva la regia marina sarda come capitano di fregata.

*Trattato di Commercio e di Navigazione  
fra gli Stati Uniti d'America e il Regno di Sardegna*<sup>67</sup>

The United States of America and His Majesty the King of Sardinia, desirous of consolidating the relations of good understanding which have hitherto so happily subsisted between their respective states, and of facilitating and extending the Commercial intercourse between the two Countries, have agreed to enter into negotiations for the conclusion of a Treaty of Commerce and Navigation for which purpose the President of the United States has conferred full powers on Nathaniel Niles their Special Agent near His Sardinian Majesty; and His Majesty the King of Sardinia has conferred like Powers on the Count Clement Solar de la Marguerite, Grand Cross of the Military and Religious Order of St. Maurice and St. Lazarus and Isabella the Catholic of Spain and Knight of the order of Christ, His First Secretary of State for the Foreign Affairs.

<sup>67</sup> Il trattato inviato da Niles al segretario Forsyth non ha titolo. Questa usanza era piuttosto comune; molti altri trattati mancano di un titolo formale. Seguendo Hunter Miller abbiamo adottato un titolo sulla base del contenuto del testo. (Vedi DAVID HUNTER MILLER, *Treaties and Other International Acts of the United States of America*, Washington, Government Printing office, 1931, vol. 4, p. 145).

Sia manoscritto, sia stampato, il testo del trattato è in francese e in inglese su due colonne.

La copia per gli S.U. ha in inglese la prima colonna (a sinistra) mentre la copia per la Sardegna ha la prima colonna in francese. Il trattato fu presentato dal presidente Van Buren al 26° Congresso degli S.U. con il suo messaggio del 24 dicembre 1839 e alle due Camere all'apertura della 1<sup>a</sup> sessione del Congresso. Parlando di questo trattato e di un altro trattato fra gli S.U. e l'Olanda il presidente disse: « Io pongo davanti a voi i trattati di commercio negoziati con il re di Sardegna e con l'Olanda, le ratifiche dei quali sono state scambiate dopo l'aggiornamento del congresso. I principi liberali contenuti in questi trattati li raccomandano alla vostra approvazione. Il trattato con la Sardegna è il primo con questo regno e credo di corrispondere all'aspettativa di quel Sovrano aiutando lo sviluppo delle risorse del suo paese e stimolando le imprese del suo popolo ».

Il trattato con la Sardegna fu ufficialmente pubblicato negli S.U. in *House Document No 2 of the 29th Congress, 1st Session: Documents accompanying the Message of the President of the United States to two Houses of Congress, at the commencement of the 1st Session of the 26th Congress (1839)*, vol. I. Questa pubblicazione è designata anche come *Public Document Serial No. 363*.

La contemporanea pubblicazione del trattato sulla stampa americana e sarda provide a tranquillizzare i commercianti e il pubblico dei due paesi. (Vedi a p. 45, il commento del console Campbell). Il trattato è pubblicato sotto forma di libro in D. HUNTER MILLER, *op. cit.*, p. 145 e in WILLIAM M. MALLOY, *Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and Other Powers, 1776-1909*, Washington, Government Printing Office, 1919, vol. II, p. 1603.

È documentato che il re di Sardegna era desideroso di vedere operante il trattato di commercio. Infatti il conte Solaro della Margarita il 5 dicembre 1838 scriveva al presidente Van Buren per sollecitare l'immediata ratifica del trattato da parte del Senato americano, (vedi p. 21, n. 41). In questa nota il conte Solaro loda il modo con cui Niles aveva condotto i negoziati (vedi *Notes from Foreign Legations (Sardinia)* in data 5 dicembre 1838).

And the said Plenipotentiaries having exchanged their full Powers found in good and due form have concluded and signed the following articles.

#### Article I

There shall be between the territories of the High Contracting Parties a reciprocal liberty of Commerce and Navigation. The inhabitants of their respective States shall mutually have liberty to enter the Ports and Commercial places of the territories of each party wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their affairs and they shall enjoy to that effect the same security and protection as the natives of the Country wherein they reside on condition of their submitting to the laws and ordinances there prevailing.

#### Article II

Sardinian Vessels arriving either laden or in ballast in the Ports of the United States of America and reciprocally Vessels of the United States arriving either laden or in ballast in the Ports of the dominions of His Sardinian Majesty shall be treated on their entrance, during their stay and at their departure, upon the same footing as national Vessels coming from the same place with respect to the duties of tonnage, lighthouses, pilotage and port charges, as well as to the fees and perquisites of public Officers and other duties or charges of whatever Kind or denomination, levied in the name or to the profit of the Government, the local Authorities or of any private establishment whatsoever.

#### Article III

All Kind of Merchandise and articles of Commerce either the produce of the soil or the industry of the United States of America or of any other Country which may be lawfully imported into the Ports of the Dominions of Sardinia in Sardinian Vessels, may also be so imported in Vessels of the United States of America without paying other or higher duties or charges of whatever Kind or denomination levied in the name or to the profit of the Government, the local Authorities or of any private establishment whatsoever, than if the same merchandise or produce had been imported in Sardinian

Vessels. And reciprocally all Kind of Merchandise and articles of Commerce either the produce of the soil or of the industry of the dominions of Sardinia or of any other Country, which may be lawfully imported into the ports of the United States in vessels of the said States, may also be so imported in Sardinian Vessels without paying other or higher duties or charges of whatever kind or denomination levied in the name or to the Profit of the Government the local Authorities or of any private establishment whatsoever, than if the same merchandise or produce had been imported in Vessels of United States of America.

#### Article IV

To prevent the possibility of any misunderstanding it is hereby Declared that the stipulations contained in the two preceding articles are to their full extent applicable to the Sardinian Vessels and their cargoes arriving in the Ports of the United States of America. And reciprocally to Vessels of the said States and their cargoes arriving in the Ports of the Dominions of Sardinia whether the said Vessel clear directly from the ports of the Country to which they respectively belong, or from the ports of any other foreign Country.

#### Article V

All kinds of merchandise and articles of Commerce which may lawfully be exported from the Ports of the United States of America in national Vessels, may also be exported therefrom in Sardinian Vessels without paying other or higher duties or charges of whatever Kind or denomination levied in the name or to the profit of the Government the local authorities or of any private establishment whatsoever, than if the same merchandise or Articles of Commerce had been exported in Vessels of the United States of America and reciprocally all Kind of merchandise and articles of Commerce which may be lawfully exported from the Ports of the Kingdom of Sardinia in national Vessels, may also be exported therefrom in Vessels of the United States of America without paying other or higher duties or charges of whatever Kind or denomination levied in the name or to the Profit of the Government, the local authorities or of any private establishment whatsoever than if the same merchandise or articles of Commerce had been exported in Sardinian Vessels.

## Article VI

No higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of Sardinia and no higher or other duties shall be imposed on the importation into the Kingdom of Sardinia of any article the produce or manufacture of the United States than are or shall be payable on the same article being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce of, or the manufacture of the United States or of Sardinia, to or from the Ports of the United States or to or from the Ports of the Kingdom of Sardinia which shall not equally extend to all other nations.

## Article VII

It is expressly understood and agreed that the preceding articles do not apply to the coastwise navigation of either of the two countries which each of the two High contracting Parties reserves exclusively to itself.

## Article VIII

No priority or preference shall be given directly or indirectly by either of the High Contracting Parties nor by any company, corporations, or Agent acting in their behalf or under their Authority, in the purchase of any article of Commerce lawfully imported on Account of, or in reference to the character of the Vessel, whether it be of the one party, or the other in which said article was imported, it being the true interest and meaning of the Contracting Parties that no distinction or difference whatever shall be made in this request.

## Article IX

If either party shall hereafter grant to any other nation any particular favor in commerce or navigation it shall immediately become common to the other party, freely where it is freely granted to such other Nation, or on yielding the same or an equivalent compensation where the grant is conditional.

## Article X

Vessels of either of the High Contracting Parties arriving on the Coasts of the other but without the intention to enter a Port, or having entered not wishing to discharge the whole or any part of their cargoes, shall enjoy in this respect the same privileges, and be treated in the same manner as the Vessels of the most favored nations.

## Article XI

Where any Vessel belonging to either of the Contracting Parties or to their Citizens or subjects shall be wrecked, foundered or otherwise suffer damage on the coasts or within the dominions of the other, there shall be given to such Vessel and all persons on board every aid and protection, in the manner as is usual and customary to Vessels of the nation where such shipwreck or damage happens and such shipwrecked Vessel, its merchandise and other effects or their proceeds if the same shall have been sold, shall be restored to their owners or to those entitled to receive them upon the payment of such costs of salvage as would be paid by National Vessels in the same circumstances.

## Article XII

Sardinian merchant Vessels being forced from stress of weather or other unavoidable causes to enter a Port of the United States, and reciprocally merchant Vessels of the said States entering the Ports of his Sardinian Majesty from similar causes shall be exempt from port charges and all other duties levied to the profit of the Government in case the causes which have rendered such entry necessary are real and evident; provided such vessel does not engage in any commercial operation while in port, such as loading and unloading merchandise, it being understood nevertheless that the unloading and reloading rendered necessary for the repair of the said Vessel shall not be considered an act of Commerce affording ground for the payment of duties; and provided also that the said Vessel shall not prolong her stay in port beyond the time necessary for the repair of her damages.



### Article XIII

Considering the remoteness of the respective Countries of the two High Contracting Parties and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed that a merchant vessel belonging to either of them which may be bound to a port supposed, at the time of its departure to be blockaded shall not however be captured or condemned for having attempted a first time to enter said port unless it can be proved that said Vessel could and ought to have learned during its voyage that the blockade of the place in question still continued. But all Vessels which after having been warned off once, shall during the same voyage attempt a second time to enter the same blockaded Port during the continuance of the said blockade, shall then subject themselves to be detained and condemned.

### Article XIV

All Articles of Commerce the growth or manufacture of the United States of America and the products of their fisheries with the except of Salt, Gun Powder and Tobacco manufactured for use, shall be permitted to pass in transit from the free port of Genoa through the territories of His Sardinian Majesty to any point of the inland frontier of the said territories, and viceversa all articles of commerce coming from any one point of the Sardinian inland frontier destined for the United States shall be permitted to pass the territories of His Sardinian Majesty to the free port of Genoa without being liable to the payment of any duty whatever levied in the name or to the profit of the Government, the local Authorities or of any private establishment whatsoever, other than such as are required to meet the expenses of the necessary precautionary measures against smuggling which precautionary measures to be observed in regard to transit to the frontier shall be the same whether the said articles of Commerce are imported by the Vessels of the one or of the other of the High Contracting Parties—But if peculiar circumstances or considerations should render the reestablishment of transit duties necessary on the said articles of Commerce directed to any one point of the Sardinian frontier, the Sardinian Government, in reserving to itself the full right to establish such duty, engages to notify to the Government of the United States such determination six months before any such transit duty shall be exacted. It is also understood that all articles of Commerce imported direct-

ly from the United States of America shall be taken and considered as the products of the said States, and shall be entitled equally and in like manner with the exceptions above mentioned in the present article to a free transit through the territories of his Sardinian Majesty.

#### Article XV

The two High Contracting Parties reciprocally grant to each other the liberty of having each in the Ports and other Commercial places of the other, Consuls, Vice Consuls and Commercial Agents of their own appointment who shall enjoy the same privileges powers and exemptions as those of the most favored nations.—But if any of such Consuls shall exercise commerce they shall be subjected to the same laws and usages to which the private individuals of their nation, or subjects or Citizens of the most favored nations are subject in the same places in respect to their Commercial transactions.

#### Article XVI

It is specially understood that whenever either of the two Contracting Parties shall select for a Consular Agent to reside in any Port or Commercial Place of the other party a subject or citizen of this last, such Consul or Agent shall continue to be regarded notwithstanding his quality of a foreign Consul as a subject or Citizen of the nation to which he belongs and consequently shall be submitted to the laws and regulations to which natives are subjected in the place of his residence. This obligation however shall in no regard embarrass the exercise of his Consular functions or affect the inviolability of the Consular Archives.

#### Article XVII

The said Consuls, Vice Consuls, and Commercial Agents are authorised [sic] to require the assistance of the local authorities for the search, arrest, detention and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent Tribunal judges and officers, and shall in writing demand said deserters proving by the exhibition of the registers of the vessels, the rolls of the crews or by other official documents that such individuals formed part of

the crews: and this reclamation being thus substantiated the surrender shall not be refused. Such deserters when arrested shall be placed at the disposal of the said Consuls, Vice Consuls, or Commercial Agents and may be confined in the public prisons at the request and cost of those who shall claim them in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation or any other vessel whatsoever. But if not sent back within three Months from the Day of their arrest they shall be set at liberty and shall not again be arrested for the same cause.

If however the deserter should be found to have committed any crime or offence, his surrender may be Delayed until the tribunal before which shall be depending shall have pronounced its sentence and such sentence shall have been carried into execution.

### Article XVIII

The citizens and subjects of each of the Contracting Parties shall have power to dispose of their personal goods within the jurisdiction of the other by testament, donations, or otherwise and their representatives being citizens or subjects of the other party shall accede to their said personal goods whether by testament or *ab intestato* and may take possession thereof either by themselves or by others acting for them and dispose of the same at will, paying such cases and dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases.

And in case of the absence of the representatives, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case until the lawfull [sic] owner may take measures for receiving them and if a question should arise among several claimants as to which of them said goods belong, the same shall finally be decided by the laws and judges of the law wherein the said goods are, and where on the death of any person holding real estate within the territories of one of the Contracting Parties such real estate would by the laws of the land descend on a Citizen or subject of the other party who by reason of alienage may be incapable of holding it, he shall be allowed a reasonable time to sell such real estate and to withdraw and export the proceeds without molestation and without paying to the profit the respective governments any other dues, taxes or

charges than those to which the inhabitants of the country wherein said real estate is situated shall be subject to pay in like cases.

#### Article XIX

The present treaty shall continue in force for ten years counting from the Day of the exchange of the ratifications and if twelve months before the expiration of that period, neither of the High Contracting Parties shall have announced by an official notification to the other its intention to arrest the operation of the said Treaty it shall remain obligatory one year beyond that time and so on until the expiration of the twelve months which will follow a similar notification whatever is the time at which it may take place.

#### Article XX

The present Treaty shall be approved and ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by His Majesty the King of Sardinia, and the Ratifications shall be exchanged in the City of Washington within ten months from the date of the signature thereof or sooner if possible.

In faith whereof the Plenipotentiaries of the Contracting Parties have signed the present Treaty and thereto affixed their respective seals.

Done at Genoa this 26th November 1838.

(Signed) Nathaniel Niles

(Signed) Solar de la Marguerite

#### Separate Article

Circumstances of a peculiar nature rendering it necessary for His Sardinian Majesty to continue for a time differential duties to the disadvantage of foreign flags on grain, Olive oil, and wine imported directly from the Black Sea, the Ports of the Adriatic, and of those of the Mediterranean as far as Cape Trafalgar notwithstanding the general provisions of the Articles No. 2. 3 and 4 of the present Treaty, it is distinctly understood and agreed by the High Contracting Parties, that the United States shall have full and entire liberty to establish countervailing differential duties on the same articles imported from the same places to the disadvantage of the Sardinian

flag in case the existing or any differential duties on the said articles shall be continued in force to the disadvantage of the flag of the United States of America by His Sardinian Majesty beyond a period of four years counting from the Day of the exchange of the ratifications of the present Treaty and Separate Article, but all counter-vailing differential duties on the said articles shall cease to be exacted from the time the United States Government shall have been informed officially of the discontinuance of differential duties on the part of the Sardinian Majesty.

The present separate article shall have the same force and value as if it were inserted word for word in the Treaty signed this Day and shall be ratified in the same time.

In faith whereof we the Undersigned by virtue of our full Powers have signed the present separate article and thereto affixed our respective seals.

Done at Genoa the 26th November 1838.

(Signed) Nathaniel Niles

(Signed) Solar de la Marguerite

*Robert Campbell al Segretario di Stato*

*Estratto dal Dispaccio Consolare* <sup>68</sup>

[Genoa], December 20, 1838

Sir: You are no doubt informed that Mr. Niles, after having been for some time at Turin, followed the court and minister to this place, where he succeeded in concluding a treaty of commerce with his Sardinian Majesty, and which, if ratified, will, there is every reason to believe, tend considerably to enlarge the intercourse between the two nations. In the discussions which may arise on the expediency of ratifying this treaty, it might, perhaps, be well to allude to the suspense of the differential duties, as above noticed, for so long a period, and which, by many on this side, is considered as the first step to doing away altogether with the system.

<sup>68</sup> Questo dispaccio consolare, fu stampato, senza tener conto dell'ordine cronologico, in *Senate Document, cit.*, p. 35. La prima parte di esso tratta di pratiche di routine e perciò non lo riportiamo. Il resto serve a rinforzare quanto Niles ha riportato nel suo riassunto sui negoziati del trattato nel dispaccio del 1 dicembre 1838. Subito dopo fu lasciata facoltà a Campbell di agire di propria iniziativa nei primi tentativi di applicare le disposizioni del trattato. Vedi a p. 116 le informazioni riguardanti Campbell come console a Genova.

During the residence of Mr. Niles at this place, I was of course in constant communication with him, furnishing such details as he stood in need of on several of the articles of our import as well as export, and also giving such general information as circumstances required.

*John Forsyth a Abraham Van Buren*<sup>69</sup>

*Istruzione*<sup>70</sup>

Department of State, Washington, 18 th April, 1839

Sir: As it is your intention, in the course of your contemplated journey to Europe, to visit Turin, the seat of Government of Sardinia, this Department avails itself of your services in making a communication to the Government of that country, where we have at present no diplomatic representative, on the understanding [that] you wish that no charge be made to the public by you for rendering them.

A convention of commerce and navigation was recently conducted between the United States and Sardinia, which received the Executive sanction, and the ratifications were duly exchanged in this city. This first opening of diplomatic intercourse between the two countries was soon followed, on the part of Sardinia, by the appointment, in the person of Count Collobiano, of a Chargé d'Affaires, who has been accredited and now resides near this Government. It would have been the desire of the President, in pursuance of settled usage, to have, without delay, reciprocated this advance towards a permanent establishment of friendly intercourse, by a corresponding measure on the part of the United States, but for reasons which preclude its adoption for the present. To prevent

<sup>69</sup> Abraham Van Buren, figlio del presidente, da poco sposato, fece un viaggio in Europa con la moglie.

<sup>70</sup> L'attribuzione di questo incarico da parte del segretario di Stato a un privato è cosa completamente contraria alla procedura diplomatica. Si fece di Abraham Van Buren un agente speciale degli S. U. per una sola missione. Sembra strano che si sia resa necessaria questa procedura, tanto più che questa nota di istruzioni a Van Buren rivela che l'informazione che egli portava alle autorità sarde, era già stata trasmessa al conte di Collobiano. L'incarico di questa missione a Van Buren è ancora più strano in quanto Niles si trovava a Torino, dove avrebbe soggiornato fino a giugno.

È probabile, tuttavia, che il Presidente Van Buren volesse affidare a suo figlio in persona il delicato incarico di esporre le ragioni del rinvio della nomina di una rappresentanza diplomatica americana a Torino. La nota d'istruzioni del segretario Forsyth a Abraham Van Buren si trova in *Diplomatic Instructions (Italy)* vol. I in data 18 aprile 1839. Non fu stampata in *Senate Document cit.*, perché non le fu data importanza quando il Congresso revisionò questa corrispondenza con altri intendimenti.

the circumstances from being viewed in an unfavorable light by the Sardinian Government, it is the desire of the President that those reasons should be frankly made known and explained by a verbal communication to the Sardinian Minister for Foreign Affairs; and it is the performance of this duty that I confide to your care and discretion. I accordingly enclose a letter introducing you to his Excellency Count Solar de la Marguerite, Minister of State for Foreign Affairs of the King of Sardinia, apprizing him of your being entrusted with an official communication for his Government. On your arrival at Turin, or at Genoa, if the Court should have taken up its summer residence at that place, you will address a note to the Minister, asking an interview for the purpose of delivering to him the letter above referred to. At that interview, after having explained in general terms the object of your visit, you will state to the Count that the President has derived great satisfaction from the friendly disposition manifested towards the United States by His Sardinian Majesty and his Government in the conduct and result of the recent negotiation and that it would have been his wish to evince [this] by the immediate appointment of a diplomatic agent to reside at the Sardinian Court; but that it has been the settled policy of the United States to establish diplomatic missions in those countries only with which they had relations of a political character, or with whose Governments they had entered into commercial arrangements. That, never having had with Sardinia relations of the first mentioned description, nor, until after the conclusion of the recent convention, any express commercial arrangement, the occasion had not occurred for an interchange of diplomatic mission, [and] the President waited for the ratification of that treaty to ask the necessary appropriation. But owing, it is believed, to stipulations in the convention, differing in their principles from those of any other of our conventions, the consent of the Senate, without which the instrument could not have been ratified by the President, had not been given until the day before the adjournment of Congress—too late for the adoption of the necessary provisions to defray the expenses of a mission to Sardinia and consequently no appointment could be made.<sup>71</sup> You will add that the desire of the President in this respect remains unchanged; and that it is his intention, at an early period of the next session of

<sup>71</sup> Il Senato diede il suo consenso il 2 marzo 1839. Il presidente chiese alla successiva sessione del Congresso che fossero stanziati i fondi per poter inviare un incaricato d'affari a Torino. Ebbe questo incarico H. Gold Rogers il 30 giugno 1840.

Congress, to apply for an appropriation of the funds necessary to the establishment of the contemplated mission, and that, as soon as it is obtained, a suitable person will be selected to reside at the Sardinian Court in the character of Chargé d'Affaires of the United States.

The foregoing explanations were, in proper time, made to Count Collobiano, accompanied by a request, which doubtless has been complied with, that he would communicate them to his Government.<sup>72</sup> Still, the President wishes them to be conveyed directly from this Department, by an agent especially instructed to that effect, in the hope that, by this mode of communication, his desire to cultivate the most friendly relations between the two countries will be more strongly impressed upon His Sardinian Majesty.

*Nathaniel Niles a John Forsyth*

*Dispaccio senza numero*<sup>73</sup>

Turin, May 14 th, 1839

My Dear Sir: I yesterday learned from this government that the late Treaty with Sardinia has been fully ratified on our part, & that the ratifications were exchanged on the 18th of March.<sup>74</sup> Through the same channel, I received information some time since, that it had been approved, & that the ratifications were preparing & in consequence of that information, I have had occasion to be useful in getting a cargo of rum which arrived from St. Jago de Cuba admitted to entry on the same footing as if it had been imported in a Sardinian vessel. This Vessel, the "Cypress" of Boston, was the first to enjoy an exemption from differential duties on tonnage & cargo, amounting to one-third more than is paid by the national Flag. The same proportion of excess has hitherto been paid also for every other description of port charges. Great confidence exists at Genoa that the number of American arrivals, hitherto

<sup>72</sup> Per questa spiegazione al conte di Collobiano vedi *Notes to Foreign Legations (Italian States, Greece and Turkey)*.

<sup>73</sup> L'originale di questo dispaccio, qui interamente riportato, si trova in *Despatches 4, Italy (Sardinia)*. Un estratto è stampato in *Senate Document*, I Sessione, pp. 23-25. I due paragrafi omissi dalla versione stampata sono aggiunti fra parentesi nella nostra copia completa del documento. (Vedi, pp. 36-45). Nel documento originale, scritto in inchiostro, i due paragrafi sono aggiunti fra parentesi a matita e la parola « omit » appare a matita al margine. (Vedi nota 29, p. 15).

<sup>74</sup> L'aver omissi di far conoscere a Niles l'avvenuta ratifica del trattato fu intenzionale o fu per dimenticanza? Negli archivi ufficiali non si trova risposta a questa domanda.



amounting to about seventeen annually, from various parts of the world, will, under the advantages of this Treaty, be greatly augmented.<sup>75</sup> But this Treaty is but the first step toward effecting a very large & mutually advantageous Commerce with this Country & through it, with the Countries beyond its limits to the north & east.

Sardinia has an overflowing revenue, & a reserve in cash, fully equal to the amount of her debt. She is, therefore, in a situation to adopt the most liberal principles in regard to foreign commerce. While negotiating my Treaty, I often had occasion to converse with the Minister of Foreign Affairs on the advantages which our respective countries would derive from a convention which would admit to consumption, for a series of years, several of our products free of all duty, against the free admission on the same terms of some of the products of this country. The products of our fisheries against sweet oil, & Tobacco against silks, on a new basis, & other matters of minor importance, were particularly the subjects of consideration. If I had had time & been provided with ample instructions, I believe it would have been possible to have incorporated a series of articles into the treaty of this character. As it was, an article was drawn up to the effect that the contracting parties agreed hereafter to enter into negotiations for carrying this idea into effect; but, on mature reflection, I thought, & so did Count Solar, that a public announcement of this project would tend to defeat the object, & it was of course abandoned. During this winter I have been preparing myself with such facts connected with the revenue, the growth of oil, the consumption of fish, whale oil &c, as might be useful in future negotiations. The Government has assured me of its willingness to proceed with negotiation on this plan whenever it should have received information of the ratification of the Treaty, as that Instrument being confirmed would present a fair preliminary ground for their successful prosecution. But as yet I have felt that it would be exceedingly imprudent to let any announcement of this plan escape, in the fear that its realization might be thwarted by England & France, which have so long enjoyed the principal advantages of Commerce with the

<sup>75</sup> Per il numero delle navi americane arrivate a Genova, vedi i regolari rapporti semestrali che si trovano in *Consular Despatches, Italy (Genoa)*, vol. II.

I rapporti sono stampati e contengono i seguenti dati: arrivo e carico della nave, data dell'arrivo, classe della nave, nome della nave, tonnellaggio, capitano, equipaggio (americano, straniero), luogo di provenienza, porti toccati durante il viaggio, carico e valore del carico sbarcato.

Italian peninsula.<sup>76</sup> The Treaty with us has excited great hopes of emancipation from this commercial thralldom to those two countries, throughout Italy. Naples is now exceedingly anxious to get rid of a secret article of Treaties with France & England, by which those powers have hitherto enjoyed an advantage of ten per cent over other countries in the payment of duties. She is now offering to England to apply her own pretended free principles to *her* case. In these efforts she will be assisted by Austria, this Country & Prussia, all of which powers are desirous of entering upon a free competition in commerce with all other countries. These postulations I have from Mr. Ramirez,<sup>77</sup> the Neapolitan Minister whom you must have known at Madrid as a Secretary of Legation or Chargé d'Affaires from Naples at the time you were there, & also from the Prussian & Austrian Ministers here, both of whom I will confidentially mention are endeavoring to negotiate Commercial Treaties with this Government on the same principles as ours.<sup>78</sup>

<sup>76</sup> Il 26 settembre 1816 il governo di Napoli concludeva un trattato commerciale con il governo inglese per cui veniva garantita all'Inghilterra una riduzione del 10% sui diritti doganali. La stessa concessione veniva fatta alla Francia (28 febbraio 1816) e alla Spagna (15 agosto 1817); ma il commercio fra questi due Stati e il regno delle Due Sicilie era di poca importanza. Di conseguenza, solo l'Inghilterra trasse da ciò un grande vantaggio e monopolizzò il commercio del regno delle Due Sicilie. Vedi le relazioni commerciali fra l'Inghilterra e le Due Sicilie, basate sul trattato del 1816, in H. R. MARRARO, *The Two Sicilies*, vol. I, pp. 315-316, 323-324, 329 n., 358, 364, 367, 387, 415-416, 419-420, 432-433, 491, 501-502, 522, 527, 559, 579, 601-602, 616. Per la discussione di trattative commerciali fra Francia e Regno delle Due Sicilie, *Ibidem*, vol. I, pp. 22, 23, 24, 315, 323-324, 329 n., 358, 364, 367, 387, 419, 431, 522, 523, 548, 555, 558, 562, 568, 570, 575, 578, 583, 584, 602, 606, 612, 616, vol. II, 68.

Il 6 novembre 1841 veniva ratificato un trattato di navigazione fra Piemonte e Inghilterra. Il trattato stabiliva la reciprocità dei diritti portuali e d'ancoraggio per le navi provenienti dai porti nazionali, inclusi Malta, Gibilterra, Irlanda e Sardegna, con l'esclusione totale delle colonie. In questo modo l'Inghilterra manteneva in sostanza la legge della navigazione che proibiva il commercio su basi di mediazione, mentre attraverso Gibilterra e Malta essa poteva liberamente inviare a Genova le navi provenienti dalle sue colonie. Vedi: E. GUGLIELMINO, *op. cit.*, p. 118 e N. ROSSELLI, *Inghilterra e Regno di Sardegna dal 1815 al 1847*, Torino, 1954.

Il 23 agosto 1843, un trattato di commercio e navigazione, basato sulla reciprocità, fu stipulato fra il Piemonte e la Francia con la soppressione delle imposte differenziali e una tariffa ridotta su diverse merci. Erano escluse dal trattato le colonie francesi ad eccezione di quelle nordafricane. Vedi E. GUGLIELMINO, *op. cit.*, p. 123; S. MASTELLONE, *Il trattato di commercio franco-piemontese (1840-1846)*, in *Rassegna storica del Risorgimento*, 1952, p. 143; A. FOSSATI, *Saggi cit.*, p. 190.

<sup>77</sup> Il cavaliere Vincenzo Ramirez, funzionario del ministero degli esteri del regno delle Due Sicilie, veniva nominato nel giugno del 1824 segretario del governo in Sicilia. In seguito occupò i posti di: incaricato d'affari a Bruxelles (ottobre 1826), inviato straordinario e ministro plenipotenziario a Torino (ottobre 1833), a Vienna (giugno 1840) a Berlino (gennaio 1850). Fu temporaneamente esonerato dal suo ufficio il 21 ottobre 1851. Vedi R. MOSCATI, *Il Regno delle Due Sicilie e l'Austria... Documenti dal marzo 1821 al novembre 1830*, Napoli 1937.

<sup>78</sup> Più che di un accordo commerciale fra Sardegna, Austria e Prussia si può parlare di un «disaccordo», che ebbe come prima manifestazione la discussione sul transito del sale e come seconda quella sulle imposte sui vini; discussioni che resero difficili

Charles Albert is an able, Long sighted & ambitious Sovereign who thursts [sic] for popularity on a large scale, & I fully believe can easily be brought into any measure of commercial policy calculated to encourage business relations with us on the most liberal footing, with the view of giving his government increased importance & popularity & of finally insuring the Commercial independence of Italy, for this is the leading government of the Peninsula & is beginning to direct the policy of all the others.<sup>79</sup>

Now no measure that the King can possibly adopt would tend so much to render him popular & powerful in the north of Italy as making *Sardinia virtually a free port*, by the admission of the products of our Fisheries, our Woods & Cotton to consumption throughout his dominions free of all duty. This policy would greatly develope [sic] the elements of his maritime power, which, in the next general war that may occur on this Continent, is destined powerfully to aid in the territorial aggrandizement of this Kingdom. It would also prepare the inhabitants of all Upper Italy willingly to accept the Sovereignty of Sardinia whenever the proper

le relazioni austro-sarde dopo il 1843. Vedi N. RODOLICO, *Carlo Alberto cit.* p. 69; S. BORTOLOTTI, *Metternich e l'Italia nel 1846*, Torino, 1945. La situazione è chiaramente tratteggiata da E. GUGLIELMINO, *op. cit.*, p. 134. « Il commercio con l'Austria era doppiamente importante per Genova, perché i rapporti commerciali venivano effettuati per mare e per terra. Il commercio proveniente dall'Europa centrale, comune a Genova e a Trieste, pose le due città in uno stato di concorrenza che Genova avvertì di più della concorrenza di Marsiglia. Poco dopo la Restaurazione, le relazioni commerciali fra Austria e Piemonte furono disturbate dalla politica protezionistica di Francesco I che, nel 1817, proibì l'introduzione di prodotti coloniali provenienti da porti stranieri così da danneggiare l'attività di Genova. Questa fu una delle ragioni per la quale il governo piemontese nel 1818 decise di rimuovere le barriere interne. Prima del 1825, molte navi austriache arrivavano a Genova, certamente non per svolgere un commercio diretto, ma piuttosto per scaricare grano coloniale e altri prodotti. Dopo il 1825 tuttavia, le relazioni marittime fra i due paesi quasi cessarono a causa delle tariffe differenziali introdotte per proteggere la marina mercantile sarda. Rimase solo il commercio di transito per il Lombardo-Veneto, la Svizzera e il Tirolo, ma anche questo fu rallentato dalle tariffe doganali austriache e dai cattivi mezzi di comunicazione con l'Europa centrale. A ciò va aggiunto il sistema doganale dello Zollverein che, sebbene avesse ottenuto le simpatie dei patrioti italiani e di quelli che favorivano la lega doganale italiana, in pratica era completamente sfavorevole agli interessi dei genovesi e degli italiani, tanto più che cercava di includere nella sua sfera il commercio delle province austriache. Infatti nel 1831 l'Austria e la Prussia firmavano un trattato di commercio reciproco della durata di dieci anni che aveva lo scopo di favorire il transito da Venezia e Trieste verso la Baviera, la Sassonia, la Prussia e il Belgio, mentre a sua volta l'Austria s'impegnava a favorire il transito per Coira verso la Svizzera... Per tale ragione, nonostante la grande flotta mercantile e l'ottima posizione del suo porto, Genova subì una flessione nel campo commerciale. Gli Stati sardi erano soffocati a ovest dalle dogane francesi, a est da quelle austriache, a nord dalla barriera naturale delle Alpi e dai pesanti pedaggi imposti dal canton Ticino, ed infine dalla politica doganale della Germania che tendeva ad attirare l'impero austriaco nella sfera dei suoi interessi ».

<sup>79</sup> Il primo brano è stato omissso nella versione a stampa di questo dispaccio (vedi p. 48).

time arrives. Having by my exertions in Austria & in this Country, and I think I may, without vanity, say, my success in both established what I trust you will consider a just claim to the appointment of Chargé to this Court, I anxiously hope the President will confer it on me. In your letter of the second of last May you observe that the sending of a *diplomatic Representative to the Court would naturally follow the successful Negotiation of a Commercial Treaty*. The hope thus held out, which I could not suppose had reference to any other person than myself in the event of my success, was the leading motive for attempting so arduous a task in so short a time & with so trifling a pecuniary remuneration. This hope has given courage, zeal & acuteness to my exertions & this hope I trust will not be disappointed. The necessities of a young & numerous & dependent family *force me to solicit your cordial support of my claim to the President's favor*. What I have already done will I hope afford satisfactory evidence of my disposition & ability to serve the administration & the Country. A review of the circumstances under which our relation with this Country have [sic] been so auspiciously opened will I trust be thought by you to enhance, if possible, my claims to the favorable consideration of the President.<sup>80</sup>

It is proper for me to observe that I have had several confidential conversations with the Roman Chargé d'affaires, Monsignor Campodonico<sup>81</sup> on the subject of a free admission of our fish into the Roman States against the free admission, on our part, of the sweet oil of those states. As the principal taxes in the Papal States are raised on the land, the advantages of an open market, like the United States, for the disposal of the principal product of Roman Agriculture, is clearly seen by the Pope's Government.

It is also an object with it to procure fish at the cheapest rates for the Catholic population of that Country. No other Country can afford the advantage of a free exchange, which would tend so much

<sup>80</sup> Il secondo brano è stato omissso nella versione a stampa di questo dispaccio.

<sup>81</sup> Il canonico Ambrogio Campodonico succedeva a mons. Gizzi nel 1825 come incaricato d'affari papale alla corte di Torino. Occupò questo posto fino alla fine del '39 quando fu sostituito dal nunzio, mons. Massi. Per mezzo di Campodonico il governo sardo trattò con la Santa Sede affari riguardanti i registri civili, il ristabilimento di una nunziatura ed altre riforme concernenti i privilegi della Chiesa nel regno di Sardegna. Nella sua corrispondenza diplomatica Campodonico mostra una grande severità sia verso i ministri, sia verso i vescovi del Piemonte che egli giudica giansenisti, gallicani, nemici di Roma. Per l'opera svolta durante il suo soggiorno torinese, vedi N. NADA, *La missione Broglia a Roma e le trattative per il ristabilimento della Nunziatura pontificia a Torino (1837-39)*, in *Bollettino Storico-Bibliografico Subalpino*, 1950, p. 119.

to promote the interests in question, & which both countries have the highest motives to encourage by every legitimate means — the one by giving increased value to a taxable soil, the other by adding to its maritime & commercial importance. [The gentleman mentioned is in correspondence with his Government in relation to this subject & he has expressed to me a belief of its willingness to enter into such a convention. I have of course advanced no other than individual opinions in my intercourse with the Gentleman].<sup>82</sup>

If the views which I have suggested in relation to this subject should meet with the President's approbation, & are thought likely to command the public assent, it may not, in the confidently anticipated event of my securing the appointment of Chargé here, be thought unwise to furnish me with instruction to follow up this matter.<sup>83</sup> If this subject is cautiously managed, I am firm in the belief that the plan proposed can be carried into execution in every Oil-growing Country in Europe, with the exception of France. But, in my opinion, this is the point where its application can be most advantageously commenced. Such a system would at once free us from the whole system of bounties granted by other governments for the encouragement of their fisheries, and enable us to compete successfully with France & England, whose finances will not permit them to adopt the proposed plan.

I have the honor to acknowledge the receipt of your letter of the 18th of February last by which I presume that my credit on Mr. Rothschild was closed on the 7th of December.<sup>84</sup> As soon as I can procure from Vienna & Paris the elements for making out my account in the form you suggest it will be forwarded.<sup>85</sup>

<sup>82</sup> Questo è un altro brano omissso. Non fu stampato neppure in *Senate Document*, cit.

<sup>83</sup> Non era nelle consuetudini diplomatiche indicare al proprio superiore, oppure al presidente degli S.U. quali istruzioni dovessero essere inviate. Egualmente non era nelle consuetudini prestare attenzione alle domande di un subordinato. Va notato che Niles non prestava un servizio continuo in diplomazia, ma era in funzione di agente speciale. Più tardi un nuovo posto fu creato a Torino e H. Gold Rogers fu nominato incaricato d'affari presso il governo del regno di Sardegna. Vedi pp. 77-96.

<sup>84</sup> I cinque figli di Meyer Rothschild divennero importanti banchieri; Anton Mayer a Francoforte, Solomon a Vienna, Nathan a Londra, Karl a Napoli e James a Parigi. Anche molti nipoti di Meyer Rothschild seguirono con successo la via bancaria. Vedi H. R. MARRARO, *Relazioni diplomatiche*, cit., p. 181.

<sup>85</sup> Niles aspettò, quindi, a Torino per la firma del trattato e per la sua spedizione il 1 e il 5 dicembre e, ancora, fino al febbraio 1840 prima di ricevere la notizia che il suo stipendio era finito e i suoi conti erano stati chiusi il 7 dicembre 1839. Egli, però, non lasciò Torino fino al 18 giugno 1840, perché probabilmente solo allora aveva ricevuto la notizia che Rogers aveva ottenuto il 6 giugno il posto che egli sperava per sé.

Paris, July 29 th, 1839 <sup>86</sup>

My dear Sir: Being greatly disappointed in not hearing from you in the sense in which I could have wished, I determined in the course of the last month to recross the Alps, & accordingly left Turin for this place on the 18th of June. A few days before leaving I had the honor of a long private interview with the King in which the subjects of a business nature, adverted to in the last private letter I had the honor to write you, were very freely discussed. I was particularly struck with the liberal principles advanced by the King, & highly gratified at the unqualified approbation he gave to the ideas I had the honor to submit to you, as to the advantages of a convention which would admit to consumption in Sardinia & the United States certain products of each, free of all duty.<sup>87</sup> The King, fully comprehended the advantages to himself also of admitting free of duty our Cottons, & some other Bulky articles of transatlantic produce, as affording at once a proper encouragement to manufactures & as a means of employing & enlarging his navigation, as well as of placing his neighbors in upper Italy in such easy business relations with Genoa as to secure their friendly dispositions, & to his subjects the benefit of carrying on this foreign commerce.

On that occasion, I adverted also to the advantages which Sardinia would derive from the free admission of American timber for building purposes, & in the form of Staves for making casks. Wood of every description is exceedingly dear in every part of Italy; so much so, that at the north the Lombardy poplar is cultivated to make boards for finishing off the interior of Houses, & all similar uses. The Alps and the Appenines [sic] have become quite bald of heavy timber, & every thing they present in the way of wood is of recent growth. In many parts of the Country wine is carried to

<sup>86</sup> L'originale dal quale questo estratto è tolto si trova in *Despatches 4, Italy (Sardinia)* in data 29 giugno 1839. Una intera pagina e poche linee di un'altra sono segnate tra asterischi alla fine dell'estratto, riprodotto qui come fu stampato in *Senate Document cit.* I paragrafi omissi sono praticamente illeggibili. Da quel poco che si è potuto decidere sembra che si tratti di una richiesta avanzata da Niles per un posto in diplomazia adeguato ai suoi meriti.

<sup>87</sup> Un'idea dei benefici ottenuti con la stipulazione del trattato la si può avere dai rapporti sul commercio e sulla navigazione degli S.U. pubblicati come *Senate documents*.

(Vedi H. R. MARRARO, *Ambrose Baber at the Court of Sardinia (1841-43)*, in *The Georgia Historical Quarterly*. 30: 105-117, giugno 1946).

market in sheep skins, tanned for the purpose, so expensive are the materials for making casks.

It appears to me that a new & greatly increased value might be given to the timber lands of our Country, particularly those at the south, by opening for the Staves, boards, planks, & scantling, so abundant & so valueless on most of the southern waters, free markets in the wine-growing & populous countries of southern Europe. Now, as an offset for the untaxed supply of our timber, including staves, it seems to me that the United States might, with great benefit to itself, admit the wines of all wine-growing countries at an exceedingly low rate of duty, & certain descriptions of wine, those for ordinary use, wholly free of duty. It so happens, in every one of the wine-growing countries of Europe, that timber of every sort is exceedingly expensive & must always remain so. This idea exhibits the elements of a natural commerce between our country & the whole south of Europe, where wine is grown, with the exception of Hungary and Transylvania, where timber is cheap. Both parties would, in this instance, be gainers, as in the exchange of the products of Fisheries against sweet oil; since a new value would be given to the products of each. In this, or in that, case each party might extend the principle of free admission for all other countries. Sardinia produces great quantities of wine; but it is badly manufactured, at least for foreign markets. But, under a guaranty of a free or a privileged market for common wines for a long period of years, she might furnish immense quantities. The same privilege might be extended to the rest of Italy, to France, Spain, and Portugal, against the free admission of our timber. If any of these countries should dissent from such an arrangement, they cannot complain of others enjoying exclusive advantages. The realization of these views can, I am confident, be effected in Sardinia, in connection with the project submitted in your letter.

*Robert Campbell al Segretario di Stato*

*Dispaccio consolare n. 18, estratto*<sup>88</sup>

[Genoa], 31 st July, 1839

Sir: ...Since the publication of the treaty in the Piedmontese Gazette, I have had a good deal of correspondence with various of the public offices for the purpose of carrying into effect the

<sup>88</sup> L'originale di questo dispaccio si trova in *Consular Despatches (Letters) Italy*

alterations required in the tonnage duty, pilotage, harbor dues, and duty on spirits.<sup>89</sup> All these are now in order; other, however, are still in suspense; such as the regulations to be adopted by the custom-house for securing the regie against fraud in the transit of the leaf tobacco, and the system to be pursued in measurement of vessels for ascertaining the tonnage. I shall endeavor to get the former established so as not to create unnecessary expenses; for the regulation of the latter, there are an office and persons here regularly appointed for the measurement of all vessels, as well native as foreign, and on the measurement so taken the tonnage duty is paid.

The English vessels form a solitary exception to this rule; these are charged on their register tonnage, by certificate from their consul. This custom had its origin at the time the English were in possession of Genoa,<sup>90</sup> and the harbormaster consequently a native of that country, and it has been continued from sufferance ever since. Now, as the ninth article of our late treaty implies that the Americans are to enjoy all the facilities granted to the most favored nations, I applied to have our vessels put on the same footing as the English: the answer was, that the article I had quoted referred to favors which might be subsequently granted, whereas the English had for many years back enjoyed the privilege in question. The answer is correct, looking only to the letter, but is not, I conceive, in accordance with the spirit of the treaty, which implies that the United States are to possess all the advantages of the most favored nations.

I had submitted these details to the consideration of Mr. Niles, requesting his interference with the authorities at Turin; but being on the eve of his departure for Paris, he could not, as he has always done most efficiently on former occasions, take up the point in question: he was of opinion that I was borne out in my view of

(Genoa), vol. I, in data 31 luglio 1839. La versione stampata in *Senate Document cit.*, I sessione, pp. 35-36. Il primo e l'ultimo paragrafo sono stati omissi, ed è stato stampato sotto forma di estratto il secondo. Il primo paragrafo non riguarda il trattato ed è per questa ragione che è stato omissso anche in questa sede.

<sup>89</sup> Niles lasciava finalmente Torino per Parigi il 18 giugno 1840. Cosicché il console degli S.U. a Genova, Campbell, veniva ad essere l'unico funzionario americano che doveva far fronte ai problemi che sarebbero sorti in seguito all'applicazione del trattato.

<sup>90</sup> Genova cadde in possesso degli Inglesi nell'aprile del 1814 grazie agli sforzi di Lord William Charles Cavendish-Bentinck. Il 26 aprile Bentinck ristabiliva l'antica repubblica e costituiva un governo provvisorio di 13 membri che rimase al potere fino al gennaio del 1815.



the case by the spirit of the treaty, and that I ought not to allow the matter to drop.

On hearing that Commodore Hull <sup>91</sup> was at Toulon, I was charged by our Governor, Marquis Paolucci, to invite him to call at this port on his way up the Mediterranean, and had he paid us a visit, I am sure he would have been received with distinction and cordiality. His arrangements for the summer did not permit this, but he promises to touch here before leaving the Mediterranean.

*Robert Campbell a John Forsyth*

*Dispaccio consolare n. 19* <sup>93</sup>

[Genoa], November 2, 1839 <sup>92</sup>

Sir: Enclosed is duplicate of [Consular Despatch] No. 18, 31st July last, <sup>93</sup> since when I have not been favored with any communication from the Department of State.

From the contents of my last despatch, you will have seen that I had had some correspondence with the authorities here on various matters arising out of the treaty of commerce concluded in November last, and that, of these, what related to the measurement of vessels as well as to the transit duty of leaf tobacco were still unsettled.

In respect to the system to be adopted in the measurement of our vessels, I consider as satisfactory the view taken of it by Count Solar de la Marguerite, the secretary of foreign affairs, in his letter to me of September 7; a translation of which, marked A, I have the honor to enclose. <sup>94</sup>

He proposes to demand of the British government whether it be willing to grant to Sardinian vessels the facilities possessed here by the British shipping. If the answer be in the negative, then the advantage enjoyed at present by the English vessels will cease,

<sup>91</sup> Isaac Hull (1773-1843) fu comandante della marina degli S.U. di stanza nel Mediterraneo. Vedi *Commodore Hull: Papers of Isaac Hull* (1929), a cura di G. W. ALLEN in *Dictionary of American Biography*, New York, Charles Scribner's Sons, 1932, vol. IX, pp. 360-362.

<sup>92</sup> Il dispaccio n. 19 e i suoi allegati, che in questa copia sono contrassegnati con A, Ba, Bb, C, e D si trovano in *Consular Despatches (Genoa)*, vol. 1. Nei documenti originali gli allegati Ba e Bb sono contrassegnati solamente con la lettera B. Il dispaccio e i suoi allegati sono stampati in *Senate Document cit.*, I sessione, pp. 36-41.

<sup>93</sup> Sebbene nel dispaccio n. 19 si dichiara che accluso era un duplicato del dispaccio n. 18, tale copia non fu trovata negli archivi. L'originale n. 18, con i suoi allegati, è invece al suo posto negli archivi, prima del dispaccio n. 19.

<sup>94</sup> Vedi p. 59.

and they will be placed on the same footing as the Americans, and all other nations.

Should, on the other hand, the answer be in the affirmative, and a right be thus established by reciprocity, then will our vessels enjoy the same, as entitled to all the advantages possessed by the most favored nations.

The minister of finance, it appears, by further communications from Count Solar de la Marguerite, is not disposed to give up the transit duty on leaf tobacco, as you will see from the enclosed translation of his letters of 13th September and 19th October, marked Ba and Bb.<sup>95</sup>

I therefore considered it to be my duty to address to him a fresh application on this point on the date of 26th October; of which a translation is also enclosed, marked C.<sup>96</sup>

I there demand that the 598 casks of tobacco, which had arrived at this Port under faith of the treaty, be relieved from this Duty, as well as all others which may come in before the merchants of the U.S. are made aware of the interpretation, which the Government here wishes to apply to the article 14, and which I hold to be in contradiction to the letter of the Treaty of 26th November last.

While taking my stand, however, on the letter of the Treaty, in order to establish an exception in favor of the Cargoes which have just arrived or may be on the way, I cannot help feeling that the basis of the Treaty is reciprocity, and that we cannot well claim for the Vessels of the United States an exemption from Duties to which the Sardinian Flag is subject.

In conformity with the concluding paragraph of Count Solar de la Marguerite's letter [of October 19, 1839, I would say] in his words, as I cannot find others to express the matter with more brevity or clearness, « I avail of this opportunity to inform you, and through you the American merchants, that those who, in virtue of the 3d article of the convention of the 26th of November, desire to profit by the differential duty established upon certain articles in favor of Sardinian vessels, should conform to the rule prescribed to his Majesty's subjects by the Decree of the Chamber of Commerce of the 25th September, 1825, by proving that the articles in question have been shipped at the place of origin, and that they are brought hither by the vessel on board of which they have been first shipped;

<sup>95</sup> Vedi pp. 60-61.

<sup>96</sup> Vedi pp. 63-64.

such proof to be established by the production of a special certificate from the Sardinian or American consul, or the consul of any other nation resident at the port of loading; and in case of the 'Acts of Princes' preventing the possibility of the Goods being brought direct to the Sardinian states, a consular certificate to that effect must be produced from the port where the vessel may have been obliged to touch. These formalities being scrupulously required from the subjects of the King, the American merchants cannot expect to be exempted therefrom; nevertheless, as they have not been specified in the convention, especial regard will be had towards American vessels the captains of which may not know that such formalities are necessary, as has indeed been already evinced in the case of Captain Paty, who brought a cargo of Rum to Genoa in the month of May last. »

The articles referred to in the decree of the chamber of commerce of 25th September, 1825,<sup>97</sup> as enjoying the differential duty, are specified in the accompanying schedule marked D.<sup>98</sup>

I shall be happy to receive such instructions as may be considered necessary for my regulation in the matters above set forth, and take the liberty of suggesting that they be furnished with as little delay as possible.

Until they come to hand, I shall persist in demanding an exemption from the transit duty on Leaf Tobacco imported by vessels of the United States.

*Conte Solaro della Margarita a Robert Campbell*<sup>99</sup>

Traduzione

Turin, September 7, 1839

Sir: After the receipt of the letter which you addressed me, under the date of 3d August, I lost no time in communicating to the minister of finance that part of it which relates to the transit of tobacco.

<sup>97</sup> Il decreto della Camera di commercio di Genova del 25 settembre 1825 non si trova fra i documenti della Camera stessa. Neppure è menzionato nelle opere del Fossati e del Guglielmino, che si riferiscono all'attività della Camera di commercio. Un Manifesto della Reale Camera del bilancio del 1° ottobre 1825 tratta di alcuni cambiamenti introdotti dal re nei regolamenti del porto libero di Genova nel 1763. Questi cambiamenti facilitarono le operazioni di scarico e di magazzinaggio. Ma solo con l'avvento di Carlo Alberto furono attuate misure che gradualmente eliminarono gli inconvenienti dovuti ai decreti di Carlo Felice.

<sup>98</sup> Vedi p. 64.

<sup>99</sup> Allegato A al dispaccio consolare di Campbell n. 19, del 2 novembre 1839. Vedilo, a stampa, in *Senate Document cit.*, I sessione, pp. 37-38.

I deferred, however, writing to you until I should receive his reply; but now that you address me a second time upon the same subject, I shall lose no time in again writing to the minister, and so soon as I know his decision, I shall not fail to inform you thereof.

With respect to the measurement of vessels, I am assured that British vessels cannot claim any *right* upon the subject; and as regards the facilities which they enjoy *in fact*, I shall make application to the British government, in order to be satisfied that equal advantages are allowed to Sardinian vessels in British ports.<sup>100</sup>

Should this not be agreed to, it must necessarily cease in our ports; but if reciprocal advantages are admitted, the same shall be granted to American vessels in conformity to the treaty of 26th November, 1838, and of which I shall take care to inform you.

*Conte Solaro della Margarita a Robert Campbell*

Traduzione <sup>101</sup>

Turin, September 13, 1839

Sir: I had the honor to receive the application which you addressed to me in favor of Messrs. Alenyn and Kuvel, consignees of 598 hogsheads of tobacco, lately arrived at the port of Genoa, which I immediately made known to the minister of finance, who will give the necessary orders in accordance with the 14th article of the treaty; and so soon as I receive his reply, I shall transmit it without delay to you.

Although this business belongs to another department, you have done right to address your letters to me, which I request you will continue to do in all cases when the relations between the two states form the subject of correspondence.<sup>102</sup>

It is the most regular channel for such communications, which I shall always receive with pleasure, and *reply to* as promptly as possible.

<sup>100</sup> Vi è qui un'importante interpretazione del trattato basata su un caso concreto. Il motivo che spinse il console degli S.U. ad intervenire non fu tanto il caso particolare, quanto la salvaguardia di un principio.

<sup>101</sup> Allegato Ba al dispaccio consolare di Campbell n. 19 del 2 novembre 1839 da Genova. È stampato in *Senate Document cit.*, I sessione, p. 38.

<sup>102</sup> Il conte Solaro, seguendo una corretta procedura diplomatica, asserisce che i diplomatici, di ogni rango, rappresentanti degli S.U., che debbono trattare affari con qualsiasi ministero del governo di Sardegna, lo devono fare attraverso il ministro degli esteri.

*Conte Solaro della Margarita a Robert Campbell*

Traduzione <sup>103</sup>

Turin, October 19, 1839

Sir: I have just received a letter from the minister of finance, upon the subject of the transit of leaf tobacco arriving from the United States of America in American ships, through the states of his Majesty, upon which you did me the honor to address me on the 12th of September, as well as in your three preceding letters. <sup>104</sup>

I now hasten to fulfil the promise I made you, by giving a distinct reply, not only as regards the duty of two francs per metrical quintal to which such tobacco is subject, but also relative to the measures necessary to be taken for the prevention of smuggling. <sup>105</sup>

And first. The above duty being applicable to the transit of such tobacco even if imported in Sardinian vessels, it would be equally contrary to the letter and to the spirit of the convention of the 26th November, were any exceptions to be made in this respect in favor of American merchants.

Notwithstanding this, however, the minister of finance informs me that, with the view of giving every possible encouragement to the commercial relations between the two states, he means soon to propose a reduction upon this article of the tariff.

<sup>103</sup> Allegato Bb al dispaccio consolare di Campbell n. 19 del 2 novembre da Genova. È stampato in *Senate Document cit.*, I sessione, pp. 38-39.

<sup>104</sup> Il seguente è un riassunto della lettera inviata dal ministro delle finanze Gallina a Solaro della Margarita e riguardante il transito del tabacco in arrivo con le navi americane:

« Torino, 9 ottobre 1839

Il console degli S.U., con riferimento all'articolo 14 del recente trattato, richiede che il transito delle foglie di tabacco non paghi dogana. Egli inoltre afferma, per ragioni economiche, che non è necessario inviare le piante di tabacco in teli, ma che possono essere solamente legate con filo metallico. Aggiunge che, invece di essere trasportate alla calata di S. Lazzaro, le piante possono essere caricate direttamente sui carri sul molo. Gallina dà una risposta affermativa a queste richieste, per quanto lo scarico sul molo, invece che alla calata S. Lazzaro, richieda una maggiore sorveglianza da parte dei doganieri. Egli fa osservare tuttavia che, per il momento, la via che porta alla calata non è aperta al traffico. Fa inoltre presente che l'articolo 14 prevede il libero passaggio delle foglie di tabacco attraverso i R. Stati, ma non l'esenzione dal pagamento del dazio. Il ministro è tuttavia personalmente favorevole alla riduzione del dazio. Sulla questione dell'imballaggio Gallina ritiene che l'uso del filo di ferro non è pratico; egli studierà ulteriormente la questione nel tentativo di trovare un metodo d'imballaggio meno costoso ed altrettanto sicuro di quello in tela ». (Vedi *Archivio di Stato, Torino, Sezione I, Negoiazioni Stati Uniti*, Fascicolo 1).

<sup>105</sup> La promessa, qui mantenuta, fu fatta dal conte Solaro nella sua nota a Campbell il 7 settembre 1839. (Vedi p. 59).

With respect to the proposition you make of substituting a simple card to be tied around the package, secured by the leaden seal of the customhouse, for the canvass wrappers in which such packages are at present enveloped, such could not be adopted, as a measure of precaution, with effect, unless by piercing every stave in the casks for the purpose of introducing the cards, which it does not appear could be conveniently done; but the minister of finance informs me that the council is now actually occupied in devising some means, at once more simple and less expensive, of combining the interests of commerce with the rights of the customhouse.

As regards your suggestion that the tobacco should be allowed to pass at once to its destination in the interior, without having to undergo a second examination before quitting the town, I must observe, that it would not only entail additional trouble upon the officers of the customhouse, but that it is also very doubtful whether the civic authorities of Genoa would permit the transit through the city without the accustomed interior examination.

The minister of finance therefore thinks that it is not desirable to make a special exception in favor of this article, and that it is better to wait until the new arrangement for facilitating the trade with the interior be perfected, which it will be before long.

I avail of this opportunity to inform you, and through you the American merchants, that those who, in virtue of the 3d article of the convention of the 26th of November, desire to profit by the differential duty established upon certain articles in favor of Sardinian vessels, should conform to the rule prescribed to his Majesty's subjects by the decree of the Chamber of Commerce of the 25th of September, 1825, by proving that the articles in question have been shipped at the place of origin, and that they are brought hither by the vessel on board of which they have been first shipped; such proof to be established by the production of a special certificate from the Sardinian or American consul, or the consul of any other nation resident at the port of loading; and in the case of the "Acts of Princes" preventing the possibility of the goods being brought direct to the Sardinian states, a consular certificate to that effect must be produced from the port where the vessel may have been obliged to touch. These formalities being scrupulously required from the subjects of the King, the American merchants cannot expect to be exempted therefrom; nevertheless, as they have not been specified in the convention, especial regard will be had towards American vessels the captains of which may not know that such

formalities are necessary, as has indeed been already evinced in the case of Captain Paty, who brought a cargo of rum to Genoa in the month of May last.

*Robert Campbell al Conte Solaro della Margarita*

Gênes, 26 Octobre 1839 <sup>106</sup>

J'ai l'honneur d'accuser réception des communications de V. E. sous la date 19 dernier où je vois avec bien du regret que le Ministre des Finances persiste dans sa détermination d'exiger un droit de transit sur le Tabac en feuille ce qui est confirmé par une lettre de Mons. le Comte Quarelli <sup>107</sup> a Mons. I. P. Pescatore <sup>108</sup> (propriétaire des 598 Baucands [sic] dernièrement arrivés) et dont j'ai la copie, sous les yeux.

Ayant nouvellement porté mon attention sur l'article 14<sup>me</sup> du traité non seulement je n'y trouve aucune mention de droit de transit, mais, au contraire, il exprime que les marchandises y mentionnées (dont le tabac en feuille est une) pourront librement transiter dans les Etats de S. M. sans être tenus de payer *aucune espèce de droit*, excepté ceux nécessaires pour couvrir les frais qu'exigent [sic] les précautions et les mesures contre la fraude, et la contrebande. Mons. Pescatore déclare avoir entrepris son opération fondé d'abord il est vrai sur le traité même mais fortifié sur l'assurance personnelle qu'il a reçue de Mons. Niles à Paris que le Tabac en feuille pouvait transiter librement dans ces Etats, exempt de tout droit, et telle aurait été mon interprétation si l'on se fut adressé à moi sur ce point. Il est, ainsi, évident que Mons. Pescatore a entrepris son opération sur la foi d'un des signataires du Traité; et comme non seulement cet individu mais tous les autres négociants qui pourront avoir entrepris de semblables opérations se trouveront fortement blessés dans leurs intérêts au lieu d'y trouver les avantages offerts, selon l'interprétation générale par la lettre du Traité même,

<sup>106</sup> Allegato C al dispaccio di Campbell n. 19 del 2 novembre 1839. È stampato in *Senate Document cit.*, I sessione, pp. 40-41. L'originale in un copialettere del Consolato americano di Genova negli Archivi nazionali di Washington.

<sup>107</sup> Celestino G. Quarelli di Lesegno nacque a S. Michele il 23 marzo 1792 e morì a Torino il 12 gennaio 1868. Supervisore generale delle tasse nel 1833, consigliere di Stato nel 1844, procuratore del Re nel 1847, primo presidente della Camera del bilancio nel 1858, e senatore del Regno il 3 aprile 1848: (Vedi V. SPRETI, *Enciclopedia storico-nobiliare italiana*, Milano, 1932, vol. 5, p. 557).

<sup>108</sup> L'originale porta il nome con la «e» finale (Pescatore); la versione stampata porta la lettera «i».

c'est dans la vue expresse de protéger le commerce américain, que tout en laissant aux deux Gouvernements la décision sur le vrai sens de l'article je réclame aujourd'hui l'appui de V. E. auprès du Ministre des Finances afin que sa décision sur l'article 14, soit suspendue pour ce qui regarde les 598 Baucands en question, et pour les opérations qui pourront se trouver en cours, tandis que de mon côté afin d'empêcher des ultérieurs malentendus de la part des spéculateurs dans cette denrée, je vais incessamment instruire mon gouvernement du sens qu'on applique ici à cet article, une telle concession serait d'ailleurs conforme à l'article même où le Gouvernement de S. M. s'engage à notifier à celui des Etats Unis les changements qu'il croirait nécessaire de faire, six mois avant leur exécution pour ce qui regarde le remballage des Baucands puisque le Ministre des Finances le croit dans l'intérêt de l'administration de ne rien changer aux formalités en usage il faut céder sur ce point et attendre qu'il ait décidé sur les moyens de concilier les intérêts du commerce avec ceux des Gabelles. Ceci soit dit encore pour le moyen du transport dont on ne doit ressentir les avantages que quand la nouvelle grande route sera finie.

Je m'empresserai de faire parvenir à la connaissance des négociants américains les notifications que V. E. me mande sur les droits différentiels dont le sujet est traité à l'Art.e 111. de la Convention, non sans leur marquer la considération qu'elle veut bien avoir en exemptant les Batiments qui pourraient ne pas encore avoir eu connaissance de cette formalité et pour lesquels on usera d'un égard particulier.

J'ai l'honneur d'être avec toute considération, &c &c.

*Lista degli articoli soggetti a tariffa differenziale negli Stati sardi, che pagano un terzo meno di tassa se importati da navi sarde*<sup>109</sup>.

**SPIRITS:** Rum, brandy, whiskey, gin, liqueurs of all sorts, wine in casks, wine in bottles.

**OLIVE OIL**

**FLOURS:** Wheaten, Indian corn, chestnut, rice.

**BISCUIT**

**GRAINS:** Wheat, barley, oats, rye, maize, rice, Pulse beans, peas, lentils, potatoes, sago, Maccaroni, Tapioca.

<sup>109</sup> Allegato D al dispaccio consolare di Campbell, n. 19 del 2 novembre 1839.



*Robert Campbell a John Forsyth*

*Dispaccio Consolare n. 20 [estratto]*<sup>110</sup>

Genoa, December 14, 1839

Sir: I had the honor to address you on the 2d ultimo, as per enclosed duplicate, and to which craving reference, I have now further to call your attention to the translated copies of an additional letter from the Count Solar de la Marguerite<sup>111</sup> regarding the transit duty on leaf tobacco, together with my reply<sup>112</sup> on the same subject. I recommend these to your consideration, and, as the point at issue cannot well be settled till fresh instructions are received, I take the liberty of again suggesting that these be given with as little delay as possible.<sup>113</sup>

In the course of the discussion which is now in dependance with the minister for foreign affairs, and to which our present correspondence refers, I felt much the want of a copy of the treaty on which I could place full reliance. I have in my possession only the French version taken by one of my people from the Piedmontese Gazette; and my impression is, that the 14th article, as given in English, would have enabled us to make out a better case. Be this as it may, it is, I conceive, absolutely necessary that there should be in the consulate a copy of the treaty in English properly certified, to which reference can be made on all occasions when this may be required.

<sup>110</sup> Questo estratto del dispaccio consolare n. 20 è stampato in *Senate Document cit.*, p. 41. Riportiamo qui la parte del dispaccio che non è stampata. « La nave americana *Gyane* arrivò, circa tre settimane fa, con l'istruzione di ancorarsi sia qui, sia a La Spezia per far svernare la flotta, avendo giudicato il commodoro Hull questa misura conveniente... Chiesi ed ottenni immediatamente dall'ammiragliato e anche dal re, che allora era sul posto, il permesso richiesto affinché potesse essere soddisfatta la richiesta del commodoro ».

Probabilmente questo brano non stampato è stato omissso dal *Senate Document* in quanto giudicato non pertinente agli scopi del Congresso all'epoca della stampa. Il brano è tuttavia importante per mostrare i rapporti d'amicizia verso gli S.U. da parte dell'ammiragliato e del re.

<sup>111</sup> Vedi pp. 66-67.

<sup>112</sup> Vedi pp. 67-68.

<sup>113</sup> In questo periodo, data la lentezza delle comunicazioni attraverso l'Atlantico, gli addetti diplomatici degli S.U. godevano di ampia libertà di azione. Ciò può essere dovuto sia al desiderio da parte degli S.U. di permettere all'altro firmatario del trattato, recentemente stipulato, la necessaria interpretazione del documento, sia a mostrare il proprio « buon volere ».

*Conte Solaro della Margarita a Robert Campbell*

Genoa, November 13, 1839 <sup>114</sup>

Sir: As the letter which you did me the honor to address to me under date of the 26th of last month <sup>115</sup> still expresses an opinion different to mine, as regards the construction of the treaty of 26th of November last, I think it my duty to give such explanations as may set the matter at rest.

The permission for the transit of certain articles, the sale of which the government reserves to itself, and of which leaf tobacco is one, has always been accorded with great caution, with a view to the prevention of smuggling, and only given to those merchants whose moral character offered a sure guaranty that such an indulgence would not be abused; but even in such rare cases, whilst the transit of the article was permitted, no exemption from the established duty was allowed—a distinction which it is very necessary to keep in mind.

By the 14th article of the treaty, the necessity of asking a favor has been dispensed with, and the transit of leaf and unmanufactured tobacco through the states of his Majesty is established as a right; but, in so doing, it was never understood that the article should enjoy any exemption from the usual duty. On the contrary, it is stated in the treaty itself "that certain articles" (of which tobacco is understood as one) "shall not be subject to any kind of duty which is not equally chargeable upon the transit of the same articles when imported by Sardinian vessels, except such as are necessary to cover the expense incurred by the precautions taken to prevent fraud and smuggling."

The duty therefore upon leaf tobacco coming from the United States of America, and to which you object, is levied equally upon that imported by Sardinian vessels; although, after all, it is not a transit duty, but a tax intended to cover the expenses attendant upon the precautions before referred to as indispensable.

These explanations will appear, I doubt not, satisfactory, for you are too enlightened to suppose that it was ever intended to grant any privileges in favor of the trade of a foreign nation, which were not extended to our own subjects. The treaty is founded

<sup>114</sup> Allegato al dispaccio consolare di Campbell n. 20 del 14 dicembre 1839. Da un copialettere del consolato americano di Genova negli Archivi nazionali di Washington.

<sup>115</sup> Questa comunicazione del 26 ottobre 1839 si trova alle pp. 63-64, come allegato C al dispaccio consolare n. 19 di Campbell del 2 novembre 1839.

entirely upon the principle of equality, and it would be subversive of its intention to grant to American merchants the exemption from a tax to which Sardinian merchants are subject.

From all that precedes, you will perceive, sir, that there is no question of any intended change of which it would be necessary to give six months' notice to the American government, because we are only referring to an established arrangement, which is perfectly consonant to the precise meaning of the treaty, and conformable to the spirit in which it was made; and if any change upon this point should take place, it will probably be a favorable one, by a reduction of the very duties in question — a measure which will be equally extended to Sardinians and Americans, who will be always, as they are now, considered on the same footing; and more than this cannot be expected.

With regard to Mr. Pescatore,<sup>116</sup> had he applied to the Sardinian government for the purpose of solving any doubt he might have entertained upon the meaning of the treaty, he would have received a positive answer, and it is to be regretted that he did not do so before entering upon his speculation.

*Robert Campbell al Conte Solaro della Margarita*

Gênes, 26 Novembre 1839<sup>117</sup>

Les dernières explications dont il a plu à V. E. de m'honorer en date du 13 Ct relatives à l'art. 14<sup>e</sup> du Traité de commerce du 26 novembre année dernière ont eu ma plus grande attention.

J'observe que la faculté de transporter à travers les Etats du Roi des Marchandises dont le Gouvernement se réserve la vente telles que le Tabac a été toujours restreinte et que l'administration dans la vue d'empêcher la contrebande n'en accordait jusqu'ici l'autorisation qu'aux négociants qui offraient des garanties de moralité suffisantes pour qu'on n'eût pas à craindre des abus de leur part. Puisque V. E. m'assure que la conduite du Gouvernement s'est réglée jusqu'ici sur cette maxime, je n'en dois avoir aucun doute, seulement je prend la liberté de remarquer que cette circonstance m'était nécessairement inconnue, et, comme dans l'article 14<sup>e</sup> on ne fait

<sup>116</sup> Vedi nota 108, p. 63.

<sup>117</sup> Allegato al dispaccio consolare di Campbell n. 20 del 14 dicembre 1839.

aucune allusion à une telle distinction les Négociants des Etats-Unis doivent d'autant plus l'ignorer.

Ce point que je viens de toucher n'est pas cependant de beaucoup de conséquence dès que V. E. veut bien admettre qu'en suite de l'article 14<sup>me</sup> du Traité la nécessité de réclamer cette faveur n'existe plus ce qui nous porte à revenir de nouveau sur l'exemption du Droit. A cet égard je regrette devoir répéter que mon opinion n'a pas changé et que je suis à peu près toujours dans la première persuasion. Le tarif, ou ce que V. E. veut bien appeler taxe de f. 2 pour q.l. que le Ministre des Finances veut mettre en vigueur, est bien à mon avis un droit régulier de transit perçu au profit du Gouvernement, et est versé directement dans le Trésor, quant aux frais qu'exigent les précautions contre fraude &c ils sont totalement séparés du droit, et consistent dans le coût de la toile pour double emballage, frais de l'emballer pour coudre et conditionnement, coût de la ficelle pour placer les plombs, le tout montant à f. 6.20. pour Baucand qui sont payés en totalité par le négociant à ses gens, tandis qu'il ne paye que 50 Cent.es chaque plomb à titre de gratification au Douanier pour son assistance, et même ce dernier frais ne va pas se verser dans le Trésor mais est partagé parmi les employés de Douane.

Ensuite de ce que j'ai l'honneur de soumettre ci dessus, je ne désespère pas que V. E. voudra bien admettre que le droit, ou taxe, de f. 2 pour q.l. est tout à fait séparé des frais qu'exigent les précautions contre la fraude &c et comme le Tabac en feuille en force de l'article 14<sup>e</sup> du traité est exempt de tout droit, elle voudra aussi me pardonner si je crois encore de mon devoir de la supplier de nouveau d'appuyer ma demande auprès du Ministre des Finances afin qu'il suspende sa décision sur cette matière jusqu'à ce qu'on ne reçoive une réponse de Washington, et que je connaisse comment le gouvernement des Etats-Unis est disposé à envisager l'article en question, ou pris à la lettre, ou considéré sur la base la plus ample de réciprocité.

*Abraham Van Buren a John Forsyth*

Washington, Nov. 29, 1839

My dear Sir: I regret to learn that my letter from Paris, sent thru the Legation at London, explaining the cause which prevented my visiting Turin, & discharging the commission confided to me,<sup>118</sup>

<sup>118</sup> Vedi pp. 46-48.

has not reached the Dept. I stated in the Letter, that on my way to that City, at Geneva, Mrs. Van Buren became so unwell, as to render it necessary for me to take her across the Alps, & that, not being able to leave her, I was reluctantly compelled to give up a visit & the discharge of a duty, which would otherwise have been so agreeable to me.

*Mr. Crokot a John Forsyth*

*Dispaccio Consolare n. 23 [estratto]* <sup>119</sup>

Genoa, 15 th May, 1840

Sir: ...The United States ship « Ohio » arrived here on the 8th instant from Spezia, and Commodore Hull having kindly promised to forward the present letter for me, I venture again to address you in order to solicit your attention to the question still pending between the custom-house here, and the owners of the valuable cargo of tobacco arrived in September last by the ship "Forrester", from New Orleans. You will have observed by the last letter addressed from this consulate to the minister for foreign affairs, a translation of which has been handed to you, (on 31st [14th] December last), that his Majesty's government was there requested to suspend the exaction of the transit duty until an answer could be received from Washington as to the interpretation which you are disposed to put on the fourteenth article of the late treaty of commerce. From the English version of that treaty (a copy of which I had the honor to receive from you a short time since), it appears perfectly clear that no tax whatever can now be laid by the Sardinian government on American leaf tobacco passing in transitu through its territories, "other than such as may be required to meet the expenses of the necessary precautions against smuggling"; and that these expenses are entirely distinct from the transit duty which is now

<sup>119</sup> Il dispaccio consolare n. 23 stampato in *Senate document cit.*, p. 44, manca sia del primo, sia dell'ultimo paragrafo. Quest'ultimo, facendo di nuovo riferimento al visto della marina degli S.U. alla nave *Ohio*, dice: « il Commodoro Hull vi informerà senza dubbio, delle attenzioni che ha qui ricevute dalle autorità e delle grandi manifestazioni di amicizia che sono state tributate alla bandiera americana ».

Crokot spediva due altri dispacci consolari a Forsyth, il n. 21 e il n. 22, datati, rispettivamente, 15 marzo e 16 marzo 1840. Il primo annunciava che Robert Campbell era improvvisamente morto il 6 marzo e che Crokot, che da poco era stato nominato vice console dal Campbell di cui era anche genero, ne prendeva momentaneamente il posto in attesa di un altro console.

Il dispaccio n. 22 portava le stesse notizie e aggiungeva che « Campbell era universalmente rispettato e che la sua scomparsa lasciava rimpianto in tutti ».

attempted to be levied, is, I think, satisfactorily shown in the same letter above referred to. I therefore presume that it is not your intention to consent that the duty in question be exacted on tobacco, the produce of the United States, passing through this country; but in such case I would venture to suggest that this decision be made known with as little delay as possible, and that some understanding be come to with the Sardinian government, as in the meantime this branch of commerce between the two countries cannot but suffer from the uncertainty, as plainly appears from the fact that not a single importation of tobacco has taken place from the States since the cargo per "Forrester" some eight months ago, and that the parties engaged in the trade are most anxious that some decision should be come to. No further steps of course can be taken here, and I respectfully await your reply to know the view that you take of the subject...

*Conte di Collobiano a John Forsyth*

Washington, 6 Juin, 1840

Monsieur: Votre Excellence m'ayant paru le trouver bon, j'ai l'honneur de lui adresser ci-joint quelques remarques sur les réclamations avancées par le consul des Etats-Unis à Gênes relativement au transit du tabac, par les états Sardes; en la priant de vouloir bien avoir la bonté d'y jeter un coup-d'oeil quand elle jugera à propos de s'occuper de cette affaire.

Je m'empresse en attendant d'offrir à Votre Excellence l'hommage de mon respect.

#### *Memorandum*

Le gouvernement Sarde a concouru avec plaisir à la conclusion du traité de commerce qui lui fut proposé par les Etats-Unis, dans la vue de donner, autant que possible, de l'authenticité à ses rapports avec ces contrées, et dans l'espoir que la garantie formelle du principe de réciprocité, qui en est la base, donnerait aux transactions commerciales des deux pays toute l'activité, tout le développement dont elles sont susceptibles.

La Sardaigne, dont le pavillon se trouvait déjà, par le fait, très favorisé dans les ports de l'Union, ne vint par ces nouvelles stipulations qu'à confirmer sa position, sans obtenir le moindre avantage dont elle n'eut déjà joui auparavant. Cependant le transit du tabac par les Etats Sardes était vivement sollicité par l'agent Américain, et il ne se trompait pas sur l'avantage immédiat que le commerce des Etats-Unis en retirerait; la preuve en est dans l'empressement avec lequel la spéculation en a profité; mais la vente du tabac étant, dans les Etats Sardes, une réserve du gouvernement, il devait craindre les inconvénients assez graves auxquels pouvait donner lieu un fort et consécutif passage de cet article, le plus sujet de tous à la fraude et à la contrebande; cependant, la clause qui en autorise le transit fut convenue, mais avec quelques conditions qui mettaient à couvert les intérêts de l'administration: et il fut ainsi grévé de certains frais, destinés à balancer ceux que la régie est dans la nécessité de faire pour se garantir de la fraude; étant bien naturel et *très* juste, que ne jouissant d'aucune avantageuse réciprocité de cette concession, le gouvernement prit soigneusement ses mesures pour qu'au moins elle ne lui apportât aucun préjudice. Le montant de ses frais ne fut pas fixé, et il ne pouvait pas l'être; la fraude se déguisant sous mille formes, les précautions pour s'en défendre ne sauraient être limitées: cette latitude, d'ailleurs, peut seule fournir au gouvernement le moyen de maintenir ce genre de trafic dans la sphère d'honnêteté qui, à la fois, garantit le progrès de la spéculation et assure les intérêts de l'administration.

La clause, dont il s'agit, a été rédigée dans un sens très clair, ne laissant aucun doute sur la marge que l'administration désire et doit avoir, cependant malgré la précision de la phrase, et l'esprit qui l'a dictée bien facile à apprécier par ceux qui sont sur les lieux et dans ce genre de commerce, monsieur le consul des Etats-Unis à Gênes a vivement réclamé contre les frais auxquels une expédition en transit a été assujettie, qui pourtant ne sont que ceux en usage pour de pareilles opérations éventuelles, et déjà ayant eu lieu dans plusieurs autres occasions. Les remarques de ce fonctionnaire concernant les frais de précaution, dont il croit pouvoir assigner le montant, pour ainsi caractériser le surplus de véritables droits qui seraient perçus sur la marchandise, sont pour le moins très hasardeuses et certainement inexactes; les précautions contre la fraude ne sont pas et ne doivent pas être que très incorrectes.

Quoi qu'il en soit ces frais pourront cependant être diminués, et ils le seront; des changements notables dans les localités vont

rendere la sorveglianza più facile e più economica, e la speculazione venendo a prendere un tipo costante, il servizio potrà essere stabilito d'una maniera meno costosa qu'ella ne l'ha stato jusqu'ici per des occasioni eventuali e rare.

Loin de vouloir abuser de la latitude que donne à l'administration le sens indéterminé de la phrase, et vouloir rendre ainsi le transit una concessione illusoria, il governo Sarde a au contrario l'intention d'aplanir et de facilitare autant che possibile questa grande via alla speculazione; mais assolutamente il ne peut se prêter à aucune interpretazione sur le sens de l'article en questione, ni faire droit per il caso attuale, aux réclamações de Mr. il console.

Il est fâcheux qu'avant de commencer son opération ce fonctionnaire n'ait pas cherché à s'éclairer sur le montant des frais auxquels elle allait être assujettie puisqu'il est patent, per la lettera del trattato, qu'il en existe sans avoir été fixés ou déterminés.

### *Mr. Crokat a John Forsyth*

*Dispaccio Consolare n. 24 [estratto]*<sup>120</sup>

Genoa, 10 th July, 1840

Sir: ...Being now at the usual period for transmitting the semi-annual return of shipping entered and cleared at this port, I have the honor to wait on you with this document as well as with the

<sup>120</sup> Crokat, come Campbell prima di lui, continuò a redigere il rapporto sulle navi entrate e uscite dal porto di Genova per dimostrare gli effetti che aveva avuto il trattato commerciale.

L'arrivo dagli S.U. di cotone invece che di tabacco era da Crokat attribuito non al trattato, ma ad altre condizioni.

Adam Seybert nel suo *United States Statistical Annals*, 1818, p. 280, sottolinea che in questo periodo il commercio con l'Italia era « uniformemente favorevole » all'America. È d'accordo in ciò con TIMOTHY PITKIN, *A statistical view of the commerce of the United States of America ecc.*, 1835, p. 243, in cui riporta le entrate e le uscite dei diversi anni:

#### VALUTA IN DOLLARI

	<i>Esportazioni</i>	<i>Importazioni</i>
1791	\$ 31,726	\$
1795	1,223,150	319,653
1800	2,689,968	1,104,833
1805	2,462,574	
1810	728,494	
1815	444,036	
1821	1,099,667	973,463
1825	645,039	1,454,022
1830	740,360	940,254
1838	318,536	944,238
1843	186,721	394,564

Per gli anni 1838 e 1843 i dati sono ottenuti da *United States Commerce and Navigation: 1837 e 1844. Annual Statements*.



statement of fees during the six months ending on 31st ultimo. You will observe that the number of American vessels that have arrived here during these six months considerably exceeds the average number entered for several years back during the whole twelvemonth; and the same is the case with the tonnage and the value of the inward cargoes. I am inclined to attribute this partly to the low price of colonials in the United States, which has forced shipowners to look chiefly to the markets abroad, and in part to the very large crop and low value of cotton, which has induced speculators on this side to give unusually large orders. No less than eight full cargoes of this article, you will see, have arrived direct from New Orleans. This increase in our trade under the American flag may, however, be regarded as in a great measure accidental, and is not, in my opinion, likely to be continued. Latterly the arrivals have been fewer, and there is not now any American vessel in port, while few or none are expected.

There have been no further arrivals in [sic] tobacco direct from the United States; and indeed, until the question respecting the transit duty on this article, which is still undecided, be finally settled, we cannot expect to see this branch of trade revive.

*Mr. Crokot a John Forsyth*

*Dispaccio n. 29 estratto*<sup>121</sup>

Genoa, 10 th January, 1841

Sir: ...I have now to enclose, as usual at this period, a statement of the American vessels entered at this port and cleared in the course of the last six months, as also a statement of the consular fees received up to the 31st ultimo. The arrivals of American vessels have continued, as in the beginning of the year, to be unusually numerous, which may perhaps in some measure be attributed to the late treaty of commerce, but I should be more inclined to refer it to other causes growing out of the channels which commerce in general has taken. Five cargoes of tobacco have been received from Richmond; and as this branch of trade appears to be assuming a certain importance, it becomes the more necessary that some determination be come to respecting the transit duty which continues to be levied by the government here.

<sup>121</sup> Questo è l'ultimo dispaccio di Crokot. È stampato in *Senate Document*, N°. 118, *cit.*, p. 45.



HENRY GOLD ROGERS

30 giugno 1840 - 22 novembre 1841



*John Forsyth a H. Gold Rogers*<sup>1</sup>

Istruzione n. 1

Department of State, Washington, 5 th June, 1840

Sir: I enclose your commission as Chargé d'Affaires of the United States to Sardinia.<sup>2</sup> As this Government has not yet been formally represented at Turin, it is important that you should, with the least delay consistent with the arrangement of your affairs, proceed to your destination, and enter upon the duties of your appointment. Your salary, according to the established rule, will commence from the day on which you shall leave your home to proceed on your journey, and, as this should be known at this Department, you will, in answer to this letter, furnish this information, if you have it in your power now to fix the day of your contemplated departure. Instructions on the matters of business to be specially committed to your charge will immediately be prepared and held in readiness to be delivered or sent to you. The amount of your outfit, four thousand five hundred dollars, will be paid at the Department, before you leave the United States, if you wish it.<sup>3</sup>

<sup>1</sup> Henry Gold Rogers della Pennsylvania fu nominato incaricato d'affari degli S. U. presso la corte sarda il 30 giugno 1840 e lasciò questo incarico il 22 novembre 1841. Per notizie riguardanti la sua malattia durante il soggiorno torinese. vedi. H. R. MARRARO, *Diplomatic Relations cit.*, I, pp. 495, 496-498.

<sup>2</sup> Una copia della nomina in data 5 giugno 1840, firmata dall'on. John Forsyth e indirizzata a S. E. il Ministro degli esteri di Sardegna si trova negli archivi dell'ambasciata degli S. U. di Roma. Eccone il testo: « Siccome il presidente degli S. U. ha trovato opportuno inviare H. Gold Rogers come suo incaricato d'affari presso il governo di Sardegna, ho l'onore di annunciarlo a V. E. con la preghiera di prestar fede a ciò che vi riferirà da parte mia. Egli conosce l'interesse della nostra repubblica nel coltivare e nel conservare rapporti amichevoli. Non dubito che Rogers si comporterà in modo da meritare la vostra confidenza. Colgo l'occasione per assicurarvi la mia più alta considerazione ».

<sup>3</sup> In una nota del 6 giugno, Rogers fa sapere di aver ricevuto l'incarico e annuncia la sua immediata partenza per l'Italia, il 13 giugno.

*John Forsyth a H. Gold Rogers*

*Istruzione n. 2*<sup>4</sup>

Department of State, Washington, 9 th June, 1840

Sir: The President, by and with the advice and consent of the Senate of the United States, having appointed you their Chargé d'Affaires near the Government of Sardinia, I transmit to you with this despatch:

1. Your commission;
2. A letter of credence, and office copy, addressed to the Minister of Foreign Affairs at Turin;
3. A special passport for yourself and suite;
4. Letters of credit on the Bankers of the United States in London, authorizing them to pay your drafts for your salary as it becomes due, with the contingent expenses of the mission actually incurred, which, however, are limited to the sum of five hundred dollars, and for two thousand dollars on account of your outfit, the balance having been paid to you here. In availing yourself of this authority, you will be careful not to exceed, in the amount drawn for, the sums to which you may be entitled in account with the United States at the respective dates of your drafts. You will be particular to state in your drafts the account upon which they are drawn, whether for salary, or contingent expenses; and if more than one of these be included in one draft, you will state how much is to be charged to each account;
5. A set of printed personal instructions prescribed by this

<sup>4</sup> La data di questa Istruzione, n. 2 non è esatta, perché l'Istruzione n. 3 (vedi p. 79) porta la data del 6 giugno 1840.

*Elenco dei libri che accompagnano la sopraindicata istruzione:*

Laws United States	10 volumi
Elliot's Diplomatic Code	2 do.
Commercial Regulations	3 do.
2 Reams Cap. paper	
Wait's State Papers	12 do.
Diplomatic Correspondence	19 do.
Van Zandt's Statistics	2 do.
American Almanac (1840)	1 volume
Commercial Report (Sec. State)	1 volume
Journal Federal Convention	1 volume
Secret Journal of Congress	4 volumi
American Archives, 4th Series, Vols.	1 & 2
State Papers	(21 vol.)

Department for the government of all the Diplomatic Agents of the United States abroad;

6. A printed list of the Diplomatic and Consular Agents of the United States in foreign countries;

7. A list of the documents and books<sup>5</sup> furnished by the Department for the use of your Legation, where they must be carefully preserved as the property of the United States;

8. Two reams of despatch papers;

9. A circular dated 5th June, respecting salaries of Diplomatic Agents when absent from Legations;

10. A cipher to be used in your correspondence when special secrecy is required.

Your compensation, as fixed by law, is at the rate of four thousand five hundred dollars per annum with an outfit equal to a year's salary and a quarter's salary for your return to this country. By a general rule this compensation of the Diplomatic Representatives commences on the day of their leaving their residence to proceed upon their mission. In your case, it will commence on the 13th instant, the day on which you inform this Department, in your letter of the 6th instant, that you will leave home to proceed on your journey.

I transmit also, at your desire, a letter introducing you to General Cass.

*John Forsyth a H. Gold Rogers*

*Istruzione n. 3*<sup>6</sup>

Department of State, Washington, 6th June, 1840

Sir: Our commerce with Sardinia is principally, if not exclusively, carried on through the port of Genoa, which is a free warehousing port. It is regulated by the provisions of the Treaty concluded at Turin on the 26th November, 1838, of which a copy accompanies these instructions. The stipulations it contains are of a liberal character, securing to our navigation the national footing, and to cargoes imported in American vessels the treatment accorded to those brought in by the vessels of Sardinia. From this last pro-

<sup>5</sup> Vedi p. 78, n. 4.

<sup>6</sup> Pubblicato in *Senate Document cit.*, I sessione, pp. 26-30. L'originale si trova negli Archivi dell'ambasciata degli S. U. in Roma.

vision, a slight and, practically unimportant, deviation is provided by the Separate Article.

The 14th Article contains a provision to which an interpretation has been given by the Sardinian Government, imposing a charge upon a branch of our trade with that country, which our Consul at Genoa has deemed it his duty to resist as not warranted by the language in which the article is expressed. It stipulates that articles of American growth, with certain exceptions therein stated, shall be allowed to pass, in transitu, from the port of Genoa to any point of the inland frontier of Sardinia, free from any duty whatever other than such as is required to meet the expenses of the necessary precautionary measures against smuggling, which measures are to be the same whether the goods are imported in American or Sardinian vessels. From the correspondence of the Consuls, of which copies are annexed, you will perceive that upon a cargo of leaf tobacco entered from the United States at Genoa for transit to the inland frontier, on the faith of the exemption from duty stipulated by the Treaty, a charge of two francs per metrical quintal (about 18 cents of our money per one hundred and odd pounds) was demanded by the Sardinian customhouse, notwithstanding the representations of our Consul, who entered into a discussion of the matter with the Minister of Foreign Affairs. The demand is persisted in on the grounds:

- 1st. That it is not a transit duty, but a tax intended to cover the expenses attendant upon the precautions to prevent fraud specifically excepted by the words of the Treaty;

- 2d. That as it is chargeable equally upon the same article when imported in Sardinian vessels, the principle of equality which forms the basis of the Treaty would, if our construction were adopted, be departed from by granting an advantage to American over Sardinian importations.

In a letter of the 29th November, 1839, to the Minister for Foreign Affairs, the Consul, contending that the tax demanded is not applied to the payment of the expenses of the precautionary measures referred to, states what those expenses are. They consist of the cost, and cutting, and sewing of the cloth, and double envelopes in which it is required that each cask or package be enclosed, and of the cord to which the leaden seal is attached, amounting together to 6 francs 20 centimes per hogshead, which is paid by the merchant to his own people; and of 50 centimes on each seal, likewise paid by him to the officers of the customs for their attendance. As this is



a special fee paid to them, the proceeds do not go into the public Treasury. The Consul, therefore, argues that the whole cost of the precautionary measures is defrayed by the merchant; that no part of it is incurred by the Treasury; and that consequently the tax of two francs per metrical quintal, which is paid into the Treasury, over and above the expenses paid to other parties by the merchant, is to all intents a transit duty, and contrary to the terms of the Treaty.

Intending to commit the discussion and settlement of this difference to our regular diplomatic agent, this Department has deferred to this time the expression of its views of this question. With the information now before it, it is unable to arrive at any other conclusion than that entertained by the Consul. The only ground on which the Sardinian Minister attempts to justify the tax is its application to the defraying of the expenses of the precautionary measures contemplated by the Treaty. It is shown that the proceeds of the tax are not applied to that object; that the Royal Treasury incurs no part of such expense; and that the whole of the tax goes into the State coffers. If such are the facts, the payment of the duty may be peremptorily resisted under every aspect in which the meaning of the Treaty is susceptible of being presented. It is clearly contrary to the letter of the 14th Article. And as to the 2nd head under which the Sardinian Government attempts to justify its demand of the tax, namely, that it is chargeable upon the article whether imported in American or Sardinian vessels, although the exemption from it of American tobacco imported in American bottoms, while it is continued on the same article brought in by Sardinian vessels, would indirectly favor our navigation at the expense of that of Sardinia, the tax would still weigh upon an article of American growth, and thereby operate to our prejudice. Whether imported in American or Sardinian vessels, the article is entitled to transit, duty free, and the imposition of transit duty upon American tobacco is an infraction of the Treaty, without reference to the flag under which it was introduced in the Sardinian port.

If the duty charged by the Sardinian Government were a tax incident to the introduction of goods intended for transit or re-exportation into the ports of Genoa, in consequence of its being a free port, and intended to cover the expense of warehousing, inspection, and other measures to protect the revenue against fraud; if such tax had existed before the conclusion of the Treaty, and bore equally upon all goods passing through the port of Genoa; if, in a

word, it formed part of the warehousing system of Sardinia under which that port is thrown open to foreign commerce, and applicable generally to the trade in all vessels and in all descriptions of merchandise without distinction, we could not justly complain of a regulation so general and equal in its operation. But if, as appears from the information in our possession, it weighs exclusively upon a staple production of the United States, to its exclusion from a benefit expressly secured by the Treaty, we cannot, upon any principle of justice, admit the right of Sardinia to persist in the demand.

It will, therefore, be your special duty, on your arrival at Turin, to enter upon a full examination of this subject; to make yourself acquainted with the real character of the demand, and of the grounds on which it rests. If the result sustains the view taken of it by the Consul, and concurred in by the President, you will, at some early interview with Count Solar de la Marguerite, enter into a frank and unreserved discussion of this subject, and acquaint him with the determination of this Government to insist upon a fair and immediate compliance with the terms of the Treaty. If in the course of the discussion, the question should be presented to you in a light which you will think likely to produce a material change in the opinion formed of its merits here, you will refer it to this Department and await further instructions. It is the sincere desire of the President that a mutual spirit of fairness and confidence should characterize this first establishment of diplomatic relations between the two countries; and that their Governments should unite in efforts to draw from the circumstance the highest attainable amount of benefits to their respective citizens. Nothing will contribute more to this result than a candid interchange of views, a fair exposition of the principles by which each party is actuated, and a prompt and liberal performance of mutual obligations. In your intercourse with the members of the Sardinian Government, touching this and the other business matters of the mission, you will be guided by every sentiment of frankness and courtesy, at the same time that you will, with a proper degree of firmness, assert and defend the just claims of your Government.

The consular correspondence to which reference has already been made will acquaint you with two other subjects of difference which have grown out of the first attempt on the part of our citizens to place their commerce upon the footing authorized by the Treaty. One is the difference between the modes of measuring the tonnage of American and British vessels, whereby the latter obtain some

advantage over the former in the calculation of port charges estimated after the burthen of the vessel. This matter has already been carried to the notice of the Sardinian Government by our Consul, in a manner which has drawn from it satisfactory assurance that entire justice shall, in this respect, be done to our interests. You will inquire if this has been done, and, if it has not, remind the Sardinian Minister of his assurances.

The other of the two points referred to is the demand from shippers of goods brought by American vessels to Sardinia, in order to entitle such goods to the payment of the same duty as if brought in Sardinian vessels, of certificates of origin proving that the goods were shipped *at the place* of production, and that they are brought in the ship in which they were *first shipped*; or, in case of the vessel having been compelled to touch at an intermediate port, a Consular certificate attesting the fact is required.

Under the Treaty we can carry to Sardinia goods the produce of all countries, and we can carry them either from the country in which they were produced, or from any place whither they may have been carried in the first place, either in the importing vessel or by any other conveyance. Were we to concede the right of demanding from our vessels certificates proving that their cargoes were first shipped in them, and at the place of production, it would confine our trade to the carrying of goods between such place of production and the Sardinian port; and no such limitation is to be found either in the letter or the spirit of the Treaty. It cannot therefore be acceded to; and you will take an early opportunity to communicate our determination to the Minister, who, no doubt, can easily be made sensible of the inapplicability of the regulation to the cargoes of our vessels.

To see that the Treaty in all its clauses is faithfully executed, and that our people and their property is [sic] fairly dealt with in the Sardinian dominions, are objects to which, as representative of the United States, you are to give your zealous and unceasing attention.

Since the preceding parts of these instructions were prepared, a note, of which a copy and translation are annexed with a copy of the answer to it,<sup>7</sup> has been received from Count Collobiano, the Chargé d'Affaires of Sardinia near this Government, on the subject

<sup>7</sup> Per il testo della nota del conte di Collobiano, vedi *Manuscript Records of the Department of State*, sezione Note dei Ministri di Sardegna a Washington.

of the transit duty upon American tobacco. You will perceive that he therein questions the correctness of the statement made by our Consul of the actual cost of precautionary measures for the prevention of fraud, and alludes to other expenses to which his Government is subjected in consequence of its admission of that branch of trade of which the Consul neither did nor could know any thing. We have no disposition to deny the existence of such charges as are alluded to by Count Collobiano, nor the right of his Government to subject to the payment of them the merchandise on whose account they are incurred. What we cannot admit is, any right of Sardinia, under the Treaty, to let any part of the money collected on that head inure to the benefit of the State Treasury; and we have a right to expect that the Sardinian Government shall satisfy us that every part of the sums collected in this manner is expended on the head referred to. If the amount collected exceeds that actually expended, the excess constitutes a clear infraction of the Treaty, if, on the contrary, it should fall short of the outlay, injustice is thereby done to Sardinia. It is pleasing to perceive that the subject is under the consideration of the Sardinian Government, with a view to a revision of it, and a disposition to reduce the tax. For a satisfactory and friendly adjustment of the difference, two modes suggest themselves as the readiest to the President. Either, 1st, that the amount of the tax be determined and fixed according to a bill of parcels of the expenses actually incurred in the adoption of the requisite precautionary measures, this requires no change in the Treaty — Or, 2ndly, that a stated tax be levied in lieu of, and to cover, said expense, upon the principle that, as nearly as practicable, the sum received shall equal that actually expended. For this object an additional article to the Treaty must be entered into. The President would not be unwilling to agree to one, if the Sardinian Government think the subject of sufficient importance to justify further stipulations about it.

These suggestions are thrown out under the supposition and a hope that no "peculiar circumstances or considerations" shall have arisen to render necessary the re-establishment of transit duty on tobacco directed to any particular point of the Sardinian frontier; and consequently, that the exercise of the right reserved to Sardinia by a clause in the 14th Article, to re-establish such duty on giving us six months' notice of her intention to do so, shall not have been called for. The fact of the insertion of such a stipulation in the Treaty shows conclusively, and sustains the correctness of our views

in that respect, that all transit duties on American tobacco sent to the inland frontier were done away with by the Treaty; that such charges only as are required to meet the expense of precautionary measures were to be made; and that transit duties were not to be re-established, except in certain circumstances, and, on giving the six months notice therein required.

*H. Gold Rogers a John Forsyth*

*Dispaccio n. 1<sup>8</sup>*

Turin, 17th September 1840

Sir: I have the honour to announce to you my safe arrival at Turin some days since — Upon the 15th instant I had the honour of an audience with the minister of Foreign Affairs Count Solar de la Marguerite — I delivered to him my letter and was very graciously received by him.

I have the honour to acknowledge the receipt of your letter of the 23 July 1840 enclosing the Commission of John J. Bailey<sup>9</sup> as Consul of the United States for the port of Genoa.

Some considerable delay will necessarily arise before an exequatur will be issued from the extreme formality of the Sardinian Government in conducting business.

*H. Gold Rogers al Conte Solaro della Margarita*

Turin, September 23, 1840

Sir: The undersigned, Chargé d'Affaires of the United States of America near the Government of Sardinia, has the honour to inform his Excellency the Minister of Foreign Affairs of Sardinia, that he has received from the Secretary of State of the United States the commission of John J. Bailey as Consul of the United States for the port of Genoa in the Kingdom of Sardinia.

The undersigned is specially instructed upon the receipt of the

<sup>8</sup> Una copia *memorandum* di questo dispaccio si trova negli archivi dell'Ambasciata americana in Roma. Rogers non ebbe grande cura nel numerare e nel datare i suoi dispacci, ragione per cui vi si trovano molti errori.

<sup>9</sup> Su J. Bailey vedi H. R. MARRARO, *Diplomatic Relations cit.*, vol. I, p. 497, n. 122.

commission « *to apply to the Sardinian Government for an Exequatur recognizing the said John J. Bailey in the capacity of Consul* ».

The undersigned therefore begs leave to call the attention of his Excellency to the subject and most respectfully solicits his Excellency that an Exequatur may be issued in the above named case at as early a period as possible.<sup>10</sup>

*H. Gold Rogers a John J. Bailey*

Turin, 25 th September, 1840

Sir: Enclosed I send you your commission as Consul of the United States for the port of Genoa. I received it a few days since from the Secretary of State of the United States. I made immediate application to the Minister of Foreign Affairs for an exequatur recognizing you in the capacity of Consul. I enclose you a copy of his answer by which you will see that it will be necessary for you to make personal application to the Senate of Genoa and exhibit your commission in order to obtain an exequatur. If I can be of service to you in any manner you will please address me without ceremony. I directed four boxes of books containing the library of the Legation to be sent to Genoa. I should also be much obliged to you if they have not arrived if you would make inquiry in relation to them of the Consuls at Nice and Marseilles. They were to be forwarded from London by the Steamboats in the latter part of August. Of course I desire to have them at Turin.

*H. Gold Rogers a John Forsyth*

*Dispaccio n. 2*

Turin, October 4, 1840

Sir: Enclosed I send you the vouchers of the Expenses of the Legation at Turin up to this date.

I have availed myself of the privilege extended to me of drawing upon the Messrs Rothschild<sup>11</sup> Bankers of the United States at London during the first quarter of my official year for the balance

<sup>10</sup> Il 24 settembre, il conte Solaro della Margarita rispondeva in francese, che stava affrettando la concessione dell'*exequatur*.

<sup>11</sup> Vedi p. 53, n. 84.

of my outfit, one hundred and twenty pounds of my salary and fifty pounds for incidental and contingent expenses of the Legation.

I regret that owing to the stationery of the Legation having not arrived at Turin — I have as yet been unable to comply with the requisition of the department as to the quality of the paper in making out my despatches.

The originals only of the vouchers of the incidental expenses are forwarded with this communication. The Duplicates will be immediately sent by the Steam-Boat Mail of the Mediterranean.

*H. Gold Rogers a V. A. Sasserno*<sup>12</sup>

*Copia*

Turin, 5 th Nov., 1840

Dear Sir: I have the honour to inform you of my arrival at this place and solicit at your hands a small favour. My correspondent shipped for the Legation from London four boxes of books containing the Library of the Legation. I should be much obliged to you if you would make inquiries in relation to them and inform me at Genoa. They were forwarded to the care of M<sup>r</sup>. Sprague the Consul at Gibraltar. I have thought it probable that you may have received some information in relation to them.

I have been very dangerously ill, but feel now much better. I start for Genoa tomorrow with the courier of the mail with my servant. I shall be in Genoa probably thirty days; could you make it convenient to come and see me, I should be much indebted to you.

*V. A. Sasserno a H. Gold Rogers*

*Copia*

Nice, 9 th Nov., 1840

Sir: I have received the letter you did me the honor to write me from Turin, the 5th inst. It brings me the welcome notification of your arrival there as Chargé d'Affaires of the United States near the King of Sardinia.

<sup>12</sup> Victor Adolphus Sasserno fu inviato come console degli S. U. a Nizza il 28 gennaio 1818 per iniziare i primi contatti ufficiali fra gli S. U. e il regno di Sardegna. Vedi H. R. MARRARO, *Diplomatic Relations cit.*, vol. I, p. 68.

In the same letter you mention me several boxes, containing the Library of the Legation, which have been shipped in London by your correspondent, and which you think might be in my possession: as we receive but very seldom, in this port british [sic] vessels sailing directly from England, there is almost no probability at [sic] my ever receiving those boxes. However I have made and will continue to make enquiries in relation to them & should anything interesting regarding them reach to my knowledge I will inform you of it without delay.

I very much regret that no interest of the trade I am following calls me for the moment at Genoa, where I would be happy to have the honor of meeting you. Nevertheless should you deem it necessary for the benefit of my service, as Consul of the United States to see me there, I will with pleasure follow our orders.

*H. Gold Rogers a John J. Bailey*

*Copia*

Paris, January 21, 1841

Sir: I have directed the Messers Rothschild of this city to instruct the Messers E. Percio & co bankers at Gênes to pay to your order the sum of seven hundred and thirty francs.

Out of that sum you will please satisfy all honorable and just expenses that may have occurred on account of my sickness. It is intended to cover any proper expenses that may have been made by Mr. Crokot<sup>13</sup> and also to pay his physician Dr. Campanella.

It is a matter of great delicacy with me personally [sic] and I hope you will act in the matter as you shall think right and proper.

There are four, at least, boxes of books directed to me in the customs. If not already passed and in your charge you will address the proper authorities to pass them through the customs free of duty.

At the Hotel d'Europe at Turin, which was my only residence at Turin and of course the hotel of the Legation, there is an escriteau [sic] with an iron safety drawer and three chairs. I desire you to proceed to Turin and rent some Chamber and deposit there the boxes of books, Secretary &c [sic] and to put the key in your pocket.

<sup>13</sup> Su Crokot vedi H. R. MARRARO, *Diplomatic Relations* cit., vol. I, pp. 73-74, 497, n. 129. Vedi anche, in questo volume, p. 69, 72, 73.



At the boutique of Mr. Matira in Turin, Rue du Po, you will find an engraving of the passport of the Legation. The cost of it was arranged at 100 frcs. You will please pay the 100 francs and take original and duplicate receipts in my name.

You will also take the same receipts in regard to the expenses of the Legation, viz that of the Custom House fees and transportation expenses, which will come under the head of contingent expenses of the Legation.

You will please pay the rent of the Chamber in advance for three months for the Legation. You will of course rent an office at a very moderate rent as the contingent expenses of the Legation are limited to five hundred Dollars.

You will take with you to Turin the American flag, and deposit it with the property of the Legation.

I regret to be compelled to trouble you in relation to these matters, but my health has been so bad as to be to you a sufficient apology.

Any expenses, of which you may inform me, in discharging the above matters will be immediately refunded to you.

*H. Gold Rogers a John Forsyth*

*Dispaccio n. 2*<sup>14</sup>

London, March 2, 1841

Sir: A very severe and painful illness has compelled me to absent myself from my public duties for a short time.

Although nearly recovered I am still anxious to travel for the benefit of my health. I must therefore respectfully crave the indulgence of a leave of absence for two months.

Should however the public interests require in your opinion my immediate return to Turin I shall hold myself in readiness to repair there forthwith.

Allow me to expect at this city at as early a period as possible an answer to this informal letter.<sup>15</sup>

<sup>14</sup> Anche il dispaccio di Rogers del 4 ottobre 1840 porta lo stesso N. 2.

<sup>15</sup> I quattro documenti seguenti, che si trovano negli Archivi nazionali, non sono qui pubblicati data la loro poca importanza.

1) Nel dispaccio n. 3, inviato da Rogers a Forsyth il 9 marzo 1841, si trovano le spese e i conti della Legazione. 2) Il 22 maggio 1841 Rogers scriveva una nota non ufficiale a Daniel Webster e si congratulava per la sua nomina a segretario di Stato. 3) Il 22 maggio 1841 Rogers scriveva una nota non ufficiale a Bailey (n. 2) in cui si rammaricava

*Daniel Webster*<sup>16</sup> a *H. Gold Rogers*

Istruzione n. 6<sup>17</sup>

Department of State, Washington, 7 th June, 1841

Sir: The President directs me to inform you that he contemplates such arrangements as will render your recall from your present station necessary, before the lapse of a long period of time. This early notice is given that you may have time to prepare for your return without inconvenience. A further communication will announce the period of the termination of your mission, and probably inform you who is your successor.

*H. Gold Rogers a Daniel Webster*

Legation of the United States of America.  
Turin, 17 th June, 1841

Sir: Enclosed I send you an account current of the outfit, salary and contingent expenses of the Legation of the United States at Turin.<sup>18</sup> It is made out in the form of a Tabular Statement for the year. I also furnish you copies of my correspondence with the Secretary of State of Sardinia of the date of September 23, 1840, in relation to an exequatur for John J. Bailey. By that correspondence you will observe that the exequatur was to be granted by the Senate of Genoa. Immediately upon the receipt of the answer of the Secretary of State, I enclosed the commission to John J. Bailey. Mr. Bailey did not arrive at Genoa until, I believe, the first of December.

Upon the fourteenth of June 1841, the director of the Post at Turin informed me by note that my letter to Mr. Bailey containing the commission was in the Bureau of the Post. It was returned

cava perché le casse dei libri erano ancora ferme alla dogana di Genova. 4) Il 27 marzo 1841 Anthony Filippi, vice console a Genova, scriveva a Rogers che si sarebbe interessato della cosa e nel frattempo gli ricordava la somma dovuta a Crokot.

<sup>16</sup> Daniel Webster del Massachusetts (1782-1852) fu nominato segretario di Stato il 5 marzo 1841 e prese possesso della carica il 6 marzo 1841. Si ritirò l'8 marzo 1843, dopo aver prestato servizio sotto i presidenti Harrison e Tyler.

<sup>17</sup> Nell'istruzione n. 4 del 23 luglio 1840, Forsyth trasmetteva a Rogers la nomina di John J. Bailey a console degli S. U. a Genova. Nell'istruzione n. 5 del 21 ottobre 1840 Forsyth assicurava Rogers di aver ricevuto il suo dispaccio del 17 settembre 1840 (vedi p. 85) e lo pregava di inviare dispacci conformi alle direttive del Dipartimento.

<sup>18</sup> Gli allegati si trovano con questo dispaccio negli Archivi nazionali di Washington, D.C., e non sono qui stampati perché poco importanti.

to me and will be given to Mr. Bailey in person or enclosed to him by letter as shall suit his wishes.

I have had great difficulty in obtaining the seals engraving of passports as well as the library and stationery of the Legation.

I have however at last effected it and arranged them properly in the office. Copies of the correspondence with Mr. Bailey and Mr. Sasserno the consuls at Genoa and Nice in relation to the subject is [sic] also annexed.

The immediate subject of my instructions will receive an early attention and I hope a favourable disposition will be made of all the questions. I would recommend to the Department of State the additional appointment of a secretary of Legation and a physician at this place. To exhibit to you how enormous are the expenses attendant upon sickness I send accompanying this despatch a letter from my bankers at Turin.

I have the honour to acknowledge the receipt of your letter of the 4th of April 1841 conveying the melancholy intelligence of the death of Gen. Harrison.<sup>19</sup>

#### *H. Gold Rogers a Daniel Webster*

*Dispaccio n. 5*

Turin, July 9, 1841

The undersigned, Chargé d'Affaires of the United States, had the honour, upon the second of March eighteen hundred and forty one, to address from London the Secretary of State of the United States of America an explanatory letter in regard to his illness; it was in the following language. « Sir: A very severe and painful illness has compelled me to absent myself from my public duties for a short time.

« Although nearly recovered I am still anxious to travel for the benefit of my health. I must therefore crave the indulgence of a leave of absence for two months.

« Should however the public interests require in your opinion my immediate return to Turin I shall hold myself in readiness to repair there forthwith.

<sup>19</sup> William Henry Harrison, dell'Ohio, fu Presidente degli S. U. dal 4 marzo al 4 aprile 1841.

« Allow me to expect at this city at as early a period as possible an answer to this informal letter. »<sup>20</sup>

The undersigned has received no answer to that letter. The return of the undersigned to Turin, his restoration to perfect health, has rendered a reply at the present time unnecessary.

The undersigned has the honour to acknowledge the receipt of the original as well as the duplicate despatches from the Department of State of the date of the 7th of June 1841.

*Daniel Webster a H. Gold Rogers*

*Istruzione n. 7*

Department of State, Washington, 21 st Aug., 1841

Sir: On the 7th of June last, you were informed by a despatch No. 6 from this Department, of the intention of the President to appoint a person to succeed you in the Sardinian Mission. A copy of that despatch is here enclosed.

Agreeably to this intention, I have now the honor to inform you that the President, by and with the advice and consent of the Senate, has appointed Mr. Ambrose Baber<sup>21</sup> as your successor, to whom, on his arrival, you will have the goodness, if you should still be at Turin, to deliver the archives, books, and papers of the Legation.

You will find enclosed a letter addressed to the Minister of Foreign Affairs of Sardinia, informing him of your recall, which you will present in the usual form, and accompany by assurances to His Excellency of the sentiments of friendship entertained by this Government towards that of Sardinia.

The Bankers of the United States in London have been instructed to close your credit upon them for your salary and for the contingent expenses of the Legation on the 15th of October next, and to honor your draft on account of your return quarters allowance to take effect from the same date. It appears that up to the 11th June 1841, you had been paid the sum of \$9522.22, and that you

<sup>20</sup> Per un breve accenno sulle condizioni mentali di Rogers, vedi H. R. MARRARO, *Diplomatic Relations* cit., I, pp. 494-495. Il 4 agosto 1841, S. Pleasonton, un funzionario del V Ufficio dei conti del ministero del Tesoro, spediva a Webster un estratto delle spese di Rogers ammontanti a \$ 434, 99. Il 9 settembre 1841 Rogers, a sua volta, spediva a Webster un resoconto delle spese della Legazione e chiedeva il rimborso delle spese sostenute per accompagnare la Corte a Genova. Questi documenti si trovano negli Archivi nazionali di Washington, D.C.

<sup>21</sup> Per informazioni su Baber vedi p. 99, nota 2.

were chargeable with \$375.91 for the difference of exchange. The sum only of \$9441.70 being due you on the 30th June, the balance against you of \$457.43, for which you have overdrawn your account, is to be deducted from your accruing salary and return allowance, of which the Bankers will be duly apprized.

You will, as a matter of course, in case of your departure before the arrival of Mr. Baber, leave for him, in safe keeping, the books, archives, and property of the Legation, as well as all the despatches from this Department to you, and a record, or drafts, of your letters to this Department, all which it is essential he should meet on the threshold of his mission.

### *H. Gold Rogers al Conte Solaro della Margarita*

Hotel des Quatre Nations, 22 Nov. 1841 <sup>22</sup>

The Undersigned, Chargé d'Affaires of the United States, presents his compliments most respectfully to his excellency Count Solar de la Marguerite Minister of Foreign Affairs of Sardinia and begs him to name a day and the hour in which he can have the honour of an audience to deliver a letter to his excellency from the Secretary of State of the United States of America. <sup>23</sup>

The undersigned also desires to be furnished with a passport, final and immediate for the United States necessary for him and suite sans escort.

The undersigned takes this occasion to renew to his excellency the Minister of Foreign Affairs of Sardinia the assurances of his high consideration.

### *H. Gold Rogers a Daniel Webster*

Dispaccio n. 7

Genoa, November 26, 1841

Sir: The appointment of Mr. Baber having brought the affairs of my mission to a close, I took leave upon the 22d of this month of the Minister of Foreign Affairs, Count Solar de la Marguerite. It

<sup>22</sup> L'originale ms di questa nota, in francese, si trova negli Archivi nazionali, Washington, D.C.

<sup>23</sup> Il conte Solaro della Margarita rispondeva in francese nello stesso giorno (22 novembre) e avvertiva Rogers che lo avrebbe ricevuto nel suo ufficio dalle 13 alle 14,30. Il giorno seguente (23 nov.) il conte Solaro informava Rogers che Sua Maestà lo avrebbe ricevuto ben volentieri a Torino perché, secondo il protocollo, non poteva ricevere membri del corpo diplomatico durante il suo soggiorno a Genova.

was done in the customary form, by rendering myself, in a chariot and pair, at the apartments of the Minister, which are at the present time in the royal palace. I was received with the usual marks of ceremony and respect. I delivered the letter of recall, which I had the honour to receive from you, and I took occasion then, as I had previously upon my first arrival in a private audience with the King, to express to the Minister of Foreign Affairs the friendly assurances, on the part of the Government of the United States, towards that of Sardinia, and its anxious desire to maintain relations of concord and amity.

*H. Gold Rogers a Daniel Webster*

*Dispaccio n. 8*

Genoa, Dec. 1, 1841,

Sir: I have the honor to acknowledge the receipt of your letter of the 21st of August 1841. I have observed several errors in it in regard to my salary. The mission you are aware was a new one, and the express wish both of the President and Secretary of State was that I should proceed to the place of my destination with as little delay as possible — I did so — my passport bearing date the 7th of June 1840, and at the greatest personal disadvantage as far as my private affairs were concerned. My letter to the Secretary of State mentioned the 13th of June 1840 as the probable day of my departure, from which time my salary would commence. That letter corresponds, I believe, with the letter of the Secretary of State to the Bankers of the United States at London. It would give me the additional sum of \$210 16/100.

A mistake was also made by me in Despatch No. 4 of the 13 of June 1841, in my calculation, in regard to my salary and outfit, drawn by me in London, which indeed is inclusive of the greater part. In reducing the pounds to dollars I took the American rate of exchange which is by no means that of Turin. The real difference of exchange between London and Turin is trifling. Allowing every cent that could be reasonably charged for difference of exchange I am entitled to the further sum of exchange of 223 dollars, beyond the sum mentioned in your letter.

I am also desirous that a proper audit might take place in regard to the claim for contingent expenses, which exceeds the amount drawn by me something like 80.000/100 dollars for which

accurate vouchers have been rendered and the further sum of 500 dollars to which I alluded in Despatch No. 6 The salary accruing during the last quarter closing the 13th of December 1841 and the above named sums will require a new letter of credit to Messers Rothschilds [sic] who have fallen into a gross error in relation to the contingent expenses of the year 1841. It would be a kindness to me to have the whole matter properly adjusted before my return as I am anxious to avail myself of what is due me at London.

I did not receive my letter of recall until the last of October. The want of a Secretary of Legation, Dragoman, Consul or Vice Consul at Turin and the death and absence of the Consul at Genoa, have increased somewhat the difficulties [sic] as well as the expenses attendant upon the maintenance of Diplomatic intercourse between the two nations.

Accompanying this Despatch I send you a copy of the Correspondence with the Minister of Foreign Affairs and a Catalogue of the Books in the Library of the Legation.

I shall leave Genoa in a few days with my suite, and return to the United States in three or four months.

*Catalogo dei libri appartenenti alla biblioteca  
della legazione degli Stati Uniti di Torino*

American almanac for 1841 . . . . .	1	vol.
American State Papers (Gales & Seatons) . . . . .	23	»
American State Papers (Waits) . . . . .	12	»
Arrowsmith's Atlas . . . . .	1	»
Commercial Regulations . . . . .	3	»
Cooper's Naval History . . . . .	2	»
Daily Chronicle . . . . .	1	»
Diplomatic Correspondence (Spark's) . . . . .	12	»
	7	»
Elliot's American Diplomatic Code . . . . .	2	»
Journal of Federal Convention . . . . .	1	»
Laws of the United States . . . . .	9	»
McCulloch's Commercial Dictionary . . . . .	1	»
Mitchel's Atlas . . . . .	4	»
Murray's Geography . . . . .	1	»
Secret Journals of Congress Domestic and Foreign Affairs . . . . .	4	»

Statistical views of the U. S.	2 copies.	.	.	.	2	vol.
Vattel's Law of Nations	.	.	.	.	1	»
Wheaton's International Law	.	.	.	.	2	»
Despatch, Journal, Letter, Account, Day Passport						
[sic] & Visa, and Secret cypher Book	.	.	.	.	7	»

### *H. Gold Rogers a Daniel Webster*

*Dispaccio n. 9*

London, June 18, 1842

Sir: My final account sheet is on this date forwarded to you. In regard to the claim of salary from the 13th of December 1841 to the 13th of March 1842 it might be necessary to add, the time exceeding somewhat the term of my official duties, that it is founded upon the impression that a certain period should be allowed for the return of the Minister, during which he should receive his salary and that formerly this has been invariably the rule of the Department of State. The Return — fit [sic] or allowance in that sense corresponding to the outfit of the Minister — the one being paid at the commencement and the other at the termination of his mission. The severity of any other construction would be keenly felt by the Ministers resident at Constantinople, Naples and Turin, they having the longest and most expensive journeys to perform. I had the honour upon the 14th and 17th of this month to draw upon you as Secretary of State in favour of Baring Brothers & Co. at six days from sight the amount of each Draft being \$500 which I trust will be duly honoured and credit given, either under the head of Contingent expenses, Salary or Return allowance.<sup>24</sup>

<sup>24</sup> Rogers per molti anni continuò a reclamare presso il governo degli S.U. per ottenere il pagamento delle spese sostenute durante la sua missione, ma le sue richieste rimasero inevase. La corrispondenza, posta in ordine cronologico e riguardante questo argomento, si trova negli Archivi nazionali, Washington D.C.: S. Pleasonton a Daniel Webster, Treasury Department, July 18, 1842; H. Gold Rogers a Daniel Webster, Washington, Jan. 13, 1843; *Memorandum* di H. Gold Rogers, Washington, Feb. 1, 1843; H. Gold Rogers a Daniel Webster, Washington, Feb. 3, 1843; Thomas Forsyth a Edward Stubbs, Treasury Department, Feb. 27, 1843; H. Gold Rogers a Hugh S. Legaré, Pittsburgh, May 16, 1843, No. 9; H. S. Legaré a H. Gold Rogers, Washington, May 24, 1843; H. Gold Rogers a Abel P. Upshur, New York, July 23, 1843; H. Gold Rogers a N. P. Trist, Washington, Nov. 4, 1843; H. Gold Rogers a James Buchanan, New York, June 8, 1846; H. Gold Rogers a James Buchanan, New York, Sept. 7, 1846; Nicholas P. Trist a H. Gold Rogers, Washington, Sept. 11, 1846; H. Gold Rogers a A. R. Parris, Cleveland, March 10, 1849; *Affidavit* di H. Gold Rogers, New York, May 7, 1855; *Memorandum* di H. Gold Rogers, June 24, 1859.



**AMBROSE BABER**

**(16 agosto 1841 - 15 dicembre 1843)**



*Daniel Webster*<sup>1</sup> a *Ambrose Baber*<sup>2</sup>

Istruzione n. 1

Washington, August 21, 1841

Sir: The President, by and with the advice and consent of the Senate, having appointed you Chargé d'Affaires of the United States to Sardinia, I transmit with this despatch

1. Your commission;
2. A letter of credence addressed to the Minister of Foreign Affairs of Sardinia, and an office copy of the same;
3. A special passport for yourself and suite;
4. A letter of credit on the Bankers of the United States in London, authorizing them to pay your drafts for your salary, as it becomes due, with the contingent expenses of the mission actually incurred, which, however, are limited to the sum of five hundred dollars. In availing yourself of this authority, you will be careful not to exceed in the amount drawn for the sums to which you may be entitled in account with the United States at the respective dates of your drafts;
5. A set of printed personal instructions with a supplement, prescribed by this Department for the government of all the Diplomatic Agents of the United States abroad;
6. A printed list of the Diplomatic and Consular Agents of the United States in foreign countries.

<sup>1</sup> Vedi p. 90, n. 17.

<sup>2</sup> Edward Ambrose Baber (1793-1846) nacque nella contea di Buckingham (Virginia). Si iscrisse alla facoltà di medicina, ma interruppe gli studi durante la guerra del 1812 e li riprese alla fine delle ostilità presso il Medical College di Philadelphia. Trasferitosi in Georgia, nel 1825 veniva nominato membro del collegio degli esaminatori del reparto medico dell'università della Georgia e nel 1835 membro del comitato esecutivo del reparto amministrativo dell'università. Fu senatore negli anni 1827, 1831, 1835, 1838, e 1839. Durante questo periodo scrisse su argomenti di medicina. Fu incaricato d'affari presso la Sardegna dal 16 agosto 1841 al 15 dicembre 1843 e, nel 1844, al suo ritorno in Georgia, riprese a praticare la medicina. Su di lui vedi R. B. FLANDERS, *Ambrose Baber*, in *The Georgia Historical Quarterly*, Savannah, 22, 209-248, settembre 1938. Per il suo servizio diplomatico, vedi H. R. MARRARO, *Ambrose Baber at the Court of Sardinia (1841-1843)*, *Ibid.*, 30, 105-117, giugno 1946.

Your compensation, as fixed by law, is at the rate of four thousand five hundred dollars per annum, with an outfit equal to a year's salary, and a quarter's salary for your return to this country. It will commence on the day of the date of your commission, provided you proceed upon your mission within one month from such date, unless you should obtain special leave for further delay.

Enclosed is a copy of a letter addressed to your predecessor of this date, which you will deliver to him, if he should still remain at Turin. If he should have left that city, the archives and property of the Legation will of course be delivered to you by the person in whose charge they may have been placed by Mr. Rogers.

P. S. — Congress having made an appropriation for the payment of your outfit, you are now authorized to draw upon this Department for it.<sup>3</sup>

*Ambrose Baber a Daniel Webster*

London, 16 th Nov., 1841

Sir: I have this day valued on the Department of State for a quarter's salary due this day. I have also valued on you for a quarter's allowance for contingencies, making in all two hundred and eighty one pounds five shillings. I have been induced to draw for this portion of the funds allowed for contingencies from information obtained in New York & Since my arrival here. If not necessary to expend it under my general instructions it will be so much chargeable to me at the department and an offset to any portion of my salary which may be unpaid & I hope there will always be that amount of private funds of mine in the Broker's hands.

It does not become me to say anything in relation to the actual posture of affairs at Turin until my arrival. I have many reasons to think they will be unsatisfactory to you and troublesome to me.

In my intercourse with the Sardinian Government a translator will be required. I may understand the language of the Court; nevertheless I apprehend it is not usual for the agent to be his own interpreter nor would it be proper.

<sup>3</sup> Il 6 settembre 1841, Baber scriveva a Webster accettando l'incarico e il 10 settembre per annunciargli la sua partenza da Savannah, e per fargli sapere che si sarebbe rivalso sul segretario di Stato per il credito di \$ 1.000,00, come parte di quanto gli era dovuto.

Before leaving the United States I ordered several newspapers and periodicals on my private account & directed them with all my private letters to be sent to the Department of State as the most prompt & certain channel of conveyance. This may be irregular. I therefore beg leave respectfully to request that you will be pleased to notify me of your views on the subject.

I take leave further to ask your consideration on the propriety of having all the public documents as well as my private correspondence and papers, if proper, forwarded from the department and direct to the despatch agent of this City, whereby a greater promptness in their transmission may be secured. When directed to the legation here they often remain in the office some time without the knowledge of the agent. A large amount of postage may be saved by having all bulky & heavy documents forwarded by steamer by way of Gibraltar; & all letters & light packages may be sent by the usual method.

These things I respectfully suggest to your consideration, and so far as the legation is concerned with which I am honored I venture to think I can make such an arrangement here as will always unite dispatch & economy.

The auspicious event of the birth of a Prince & Heir apparent to the Throne of the British Kingdom,<sup>4</sup> the Exchequer frauds & the burning of the Town are events of which you will have been fully informed through the newspapers of the day.<sup>5</sup>

The candor with which you invited me to communicate with you must be my apology for the freedom of my suggestions.

*Ambrose Baber a Daniel Webster*

Paris, Nov. 30, 1841

Dear Sir: I have been delayed in my journey to Turin by the indisposition of my family. I will leave Paris in a few days and travel by the most speedy conveyance & I hope without further interruption until I reach my place of destination. Le Roi de Sar-

<sup>4</sup> Albert Edward, principe di Galles, nacque il 9 novembre 1841 a Londra, primogenito del principe Albert di Saxe-Coburg-Gotha e di Victoria, regina di Gran Bretagna e Irlanda.

<sup>5</sup> In questo periodo l'Inghilterra era travagliata da molti problemi interni, quali l'agitazione per le leggi sul grano, l'aumento dei crimini, il *deficit* di più di 2.500.000 sterline, l'aumento delle tasse e i numerosi attentati alla Regina.

daigné has been pleased to express his contentment with the delay, being already notified of my arrival in France.

Availing myself of your suggestions to make such communications to the Department of State as may in my opinion be of interest to the Government, I have requested the consuls I have met on my journey to report to you directly or through me, as well as the minister from our Country to the Kingdom or state in which they reside, such defects in our consular laws as, to them, may be manifest from experience & susceptible of correction or improvement by simple legislation.<sup>6</sup>

There is a universal consent among them that our system is very defective & our consideration of humanity alone requires alteration. In taking this step I flatter myself I have not trespassed on the indulgence you have pleased to express to me the day I left Washington.

I beg leave very respectfully to invite your attention to the merits of Mr. Ino L. Sherwood of New York, now in this city for a consular appointment to some port on the Mediterranean or South of Europe. Nice will be most acceptable. The appointment is not desired for profit, but as an employment and something to engage & occupy his time during a residence of a few years in Europe. Mr. Sherwood is a well educated young gentleman, who obtained the first honor in Yale College the year he graduated. I am persuaded he will discharge the duties of Consul to the satisfaction of the government of the United States. I beg leave to refer you to Mr. Clay & Mr. Tallmadge of the Senate, & Professor Silliman of Yale College, for his moral & literary character.

I have postponed forwarding my quarterly accounts until I reach Turin that I may at the same time send a correct statement of the condition of the Sardinian Legation.

<sup>6</sup> Vi fu una discussione al Congresso riguardante la protezione degli uomini della marina mercantile. Il 20 luglio 1840 veniva approvata una legge « che regolava l'imbarco e lo sbarco dei marinai ». Vedi, *U.S. Statutes at Large 24th-28th Congress, 1835-1845*, vol. 5, p. 394 26th Congress, Session I. Era dovere dei consoli far rispettare questa legge e decidere se un marinaio sbarcato avesse o no diritto a tre mesi di paga. Evidentemente questa legge non sembrò sufficiente e il 12 febbraio 1842 il Congresso stanziava la somma di \$ 15.000,00 « per l'assistenza e la protezione dei marinai americani nei paesi stranieri ». Vedi *Ibid.*, p. 470 (27° congresso, 2 sessione).

Paris, December 13, 1841

Dear Sir: I should be mortified at dating my letter again from Paris were I not sustained by the undivided opinion of many of the diplomatic corps assembled here from motives of duty, inclination & pleasure. Their opinion they consider justified by the inclement state of the weather & perilous condition of the roads as well as the health of my family. I have determined to leave on Wednesday notwithstanding his majesty of Sardinia has kindly intimated through the Sardinian Legation an acquiescence in my remaining in Paris until Spring.

I again avail myself of the latitude you were pleased to say would be agreeable in bringing to your consideration the policy of purchasing the collection of books made by O. Rich Esq.<sup>7</sup> of London & American consul at Mahon, relating to America. It has been pronounced by gentlemen of the highest attainments in History & general literature [sic], the best collection ever made, & the best that can now be obtained. The publication of such tracts and books will never again be attempted, unless by the order of some government, which is not to be expected. I enclose a catalogue of a part of the books, by which you may discover the character of the collection & will send by the first safe hand a complete one.

It is humiliating to the pride of an American when he is taunted with the meagre collection of original historic writings relating to his own country.

The modern historian has to travel over the continent of Europe & search the collections made by Europeans for authority which will enable him to publish even the most commonplace notice of the United States, & no single American has sufficient length of days or fortune under such circumstances to promise success even in any attempt to write the history of the continent of America.

Let the federal government secure this collection of books &

<sup>7</sup> Obadiah Rich (1783-1850) editore e libraio fu membro di molte accademie: Massachusetts Historical Society, Georgia Historical Society, Albany Society, Pennsylvania and New England Linnean Society, e Antiquarian Society. L'elenco dei manoscritti e dei libri in suo possesso è stato stampato per ordine della Camera dei Rappresentanti come Report No 37 (20° Congresso, I sessione, 27 dic., 1827). Rich contemporaneamente ricopriva la carica di console degli S.U. a Valencia. Questa collezione di manoscritti e di libri è veramente eccezionale, è in varie lingue, soprattutto in spagnolo e riguarda l'America (viaggi per mare e per terra) dal 1500 al 1844. Una nota marginale del dispaccio dice che il catalogo della collezione fu inviato alla libreria del Congresso.

we may then cease to be mortified when the foreign visitor at Washington shall enquire, "Where is your historical collection of original documents and publications relating to your own country?"

Gen. Cass, M<sup>r</sup> Wheaton<sup>8</sup> & M<sup>r</sup> Everett<sup>9</sup> concur in the value of this collection of books & consider it a prize which our country should not lose. I beg leave to refer you directly to these gentlemen.

It is very gratifying to witness the conciliatory tone of the tory newspapers of England, as regards the questions at issue with our Government.<sup>10</sup> True, they rather throw the arms of concession upon us, but they are nevertheless willing to concede.

I cannot close my letter without expressing the wish that the question of currency may be definitely disposed of this session of Congress. The world is governed by commerce & we should not irrevocably sacrifice the commanding position we had assumed anterior to the disturbance of our medium of exchange. We have suffered not a little, but prompt & decided measures will soon restore us to the lost position.<sup>11</sup>

<sup>8</sup> Henry Wheaton (1758-1848), giurista e diplomatico fu incaricato d'affari a Berlino nel marzo 1835 e inviato straordinario e ministro plenipotenziario dal 1837 al 1846.

<sup>9</sup> Edward Everett (1794-1865) fu inviato straordinario e ministro plenipotenziario alla Corte di S. Giacomo dal settembre 1841 all'agosto 1845.

<sup>10</sup> I punti di disaccordo con l'Inghilterra riportati in questo dispaccio e in altro del 12 febbraio 1842 al presidente Tyler, erano: 1) il diritto dei funzionari inglesi di perquisire le navi americane sospette della tratta dei negri; 2) la definizione delle frontiere nord-orientali e nord-occidentali degli S. U. La discussione sulla frontiera nord-orientale fu conclusa dal Trattato di Washington (*Ashburton Treaty*) firmato il 9 agosto 1842 che include una clausola relativa alla sorveglianza dei mari in relazione alla tratta dei negri.

Il presidente Tyler, nel suo messaggio del 7 dicembre 1841, riferisce questi risultati. Vedi, J.S. REEVES, *American Diplomacy under Tyler and Polk*, Baltimore, The Johns Hopkins Press, 1907, cap. 1, e HENRY WHEATON, *Enquiry into the Validity of the British Claim to the Right of Visit and Search*, Philadelphia, Lea and Blanchard, 1842, *passim*. Per il messaggio del presidente Tyler vedi, J. D. RICHARDSON, *Messages and Papers of the Presidents (1789-1897)*, Washington, Government Printing Office, 1899, vol. IV, pp. 74-89.

<sup>11</sup> In questo tempo la circolazione monetaria era un grosso problema. Si rendeva necessaria una moneta che avesse uniformità di valore e stabilità. La carta moneta usata nei vari Stati creava fluttuazioni e danneggiava il credito degli S. U. all'estero. Il progetto di fare una Banca nazionale era stato discusso in varie sedute dei Congressi. Una sessione speciale del Congresso (31 marzo 1841 - 13 settembre 1841), dietro sollecitazione del presidente Harrison, s'impegnò a trovare una soluzione ai problemi della circolazione monetaria e del credito. Fu pertanto una questione bancaria quella che portò a una crisi fra il presidente Tyler e il suo partito. Tyler aveva detto chiaramente fin dal principio che non avrebbe approvato una Banca nazionale che avesse aperto filiali nei vari Stati senza il loro consenso. Il suo piano, l'*exchequer system* avrebbe annullato le difficoltà, ma Henry Clay si oppose al piano di Tyler, e il presidente pose il veto al progetto di Clay e, più tardi, al progetto della Camera. Vedi: O. D. LAMBERT, *Presidential Politics in the United States, 1841-1844*, (Durham: Duke University Press, 1936) cap. II, pp. 18-49; vedi pure, H. A. WISE, *Seven Decades of the Union*. (Philadelphia: Lippincott & Co., 1872) pp. 204-205.



*Daniel Webster a Ambrose Baber*

*Istruzione n. 2*

Department of State, Washington, 29 th Dec., 1841

Sir: Your letter from London of the 16th and that from Paris of the 30th of November, have been received. From the latter, I am pleased to learn that you expected to proceed to Turin in a few days, where it was supposed by the Department that you had already arrived. In reply to the former, I have to remark that having already been authorized to draw upon the Bankers of the United States in London for your salary and contingencies, and provision made accordingly to meet your drafts there, where alone they can be paid, you should not have drawn upon this Department. The Department cannot sanction your drawing in advance for contingent expenses. Drafts for that purpose should generally be made for the amount actually expended, and care must be taken to keep funds received for that purpose entirely independent of those for salary. Nor can the Department authorize the employment by you of a translator, except under peculiar circumstances — in which cases it will always be necessary for you previously to obtain its permission.

I am compelled to call your special attention to the personal instructions which accompanied my despatch of the 21st August last. These instructions are explicit, and should be followed by you in all respects.

*Ambrose Baber a John Tyler* <sup>12</sup>

Turin, 12 th Jan., 1842

Dear Sir: I have delayed all communication to the Government since my arrival until I had pass'd through the usual Court Ceremonies. My audience from the King was very satisfactory, as was my interview with the minister of Foreign Affairs. I have had very satisfactory civilities & attentions from the Diplomatic Corps residing in Turin.

It is a source of comfort to see by your annual message—which I have read in an English newspaper—the favorable posture of the affairs of the Americans with the English Government. We must

<sup>12</sup> John Tyler, della Virginia, fu Presidente dal 6 aprile 1841 al 4 marzo 1845.

be false to the Spirit of the Constitution, to the laws of our own making, & repeated time after time by the orators & Statesmen of our own Country, if now we demand any special privileges & immunities for vessels sailing under the American flag & suspected of favoring or being actually engaged in the African Slave trade. The right of Search extended equally to all powers engaged in the same enterprise will surely save the American from any humiliation and disgrace. The boundary question is still far, very far, removed from a conclusion. The border warfare we may hope is ended, at least for the present; with all other governments we are in a state of repose.

In connexion with our foreign relations your Excellency, I am persuaded, will excuse me for adverting to the new posture Great Britain is assuming. The value of Steam power, which is exceeding almost all others as an Engine of War, did not long escape the Sagacity of English Statesmen. To avail themselves of it without exciting suspicion & rivalry was an expedient to be sought for, and was soon & wisely found in their mail arrangement.<sup>13</sup> There is no part of the globe sufficiently inhabited, where you will not find one or more Steam Boats plying, owned in part by the British Government, commanded by well-trained & disciplined officers of the British Navy & susceptible in a very short time of being converted into Steam ships of war. The knowledge & information, nautical and otherwise, obtained by this kind of access to Foreign ports & the easy conversion of the Steam Vessels into Steam Warships secures to them advantages at which I often tremble when I think of our own extended & exposed sea Coast. There is no commercial City of the United States having a foreign trade, that the English Government could not place under a tribute almost at will. How far the Military facilities of our Country for making an aggression upon another will justify an expenditure to meet them is a question for astute civilians & statesmen to determine.

It is very gratifying to all Americans abroad to see a prospect for a well settled system of finance & uniformity in the Currency. It has been a reproach I could not well answer. We should cease our dispute about systems. That which is least liable to disturbance & interruption is best.

Your Excellency will excuse me for referring to the firm manner

<sup>13</sup> Le osservazioni su questo argomento confermano l'atteggiamento generale degli S. U. in questo periodo: desiderio di potenziare la propria marina, timore della concorrenza inglese, possibilità di altri contrasti con le navi inglesi.

in which you adverted to the State debts.<sup>14</sup> The relation of many of the States to their creditors is disgraceful & severely has it been felt by all Americans abroad. Great forbearance has been requisite to parry the harsh epithets we were destined to hear whenever the credit of the United States was mentioned.

I beg leave to refer your Excellency to my note to the Department of State & the Catalogue which accompanied it of books relating to America. The best authorities I have been able to consult unite in saying it is the finest collection in the world on the subject. I have had no opportunity of ascertaining the owner's price; nevertheless I am persuaded the Collection can be obtained on very reasonable terms. I make this remark from an expres'd solicitude of Mr. Rich to sell to the Federal or State Government. I venture to hazard [sic] the opinion, it will be a wise expenditure were it even a high price. We are now without the requisite records, documents, &c., for writing a correct history of our own Country a disgrace to which we ought not as an intelligent people to be longer exposed when the expenditure of a few dollars may so effectually relieve us. If the Government will not authorize the expenditure for such a purpose, will you not feel justified, from the importance of the subject, to use your influence to have the collection purchased by some of the States or some wealthy literary institution. You must excuse me if impatience makes me too free in my remarks on the subject. The collection is too valuable to be completely lost & I am sure the same care & industry, with the same advantages & facilities, will never again be had by any one & we may therefore conclude such a collection will never again be made.

The simplicity & quietude of the Sardinian Government leaves me nothing to say about it, with the exception of the favorable regard manifested for the United States. The Government having but few or no complex foreign relations, a limited commerce & [being] free from domestic embarrassments can have but little inducement to fret and scold about their governments & governors.

Their grades of society have existed for ages and are not easily changed. They are happy with their king & truly no one here need complain.

<sup>14</sup> Molti Stati facevano debiti all'estero e non sempre li pagavano. Il presidente Tyler nel suo messaggio del 7 dicembre, dichiarava: Gli Stati soltanto sono responsabili ed esprimeva il convincimento che «ciascun stato avrebbe fatto onore ai suoi impegni» aggiungendo che «la defezione di uno Stato non avrebbe dovuto far perdere il credito agli altri». Vedi RICHARDSON, *op. cit.*, p. 87.

Sir: I have delayed notifying you of my arrival in Turin until I had passed through the usual Court ceremonies. On Monday last I had an audience of the King, when I said to him something like the following:

"The President, anxious to secure to the people of the United States of America a more extended intercourse with your Majesty's dominions and confirm and perpetuate the amity and concord already existing, has appointed & commissioned me Chargé d'Affaires, to reside near your Majesty's Government. The President, in gratifying this benevolent feeling, is persuaded that he offers a new and additional evidence of his desire to cultivate & improve the friendship of your Majesty, which he doubts not may be made equally useful and advantageous to the people of both countries.

"It will be, Sire, a source of great comfort if, in the line of my duty, I shall be able to unite in the most indestructible bonds the true and common interests of the two governments; and fortunate and happy will it indeed be for me, if in the daily employment I shall be able to win and confirm for myself the favorable regard and consideration of your Majesty."

As directed by my instructions, immediately after my arrival, I inquired for the property and archives of the Legation. The only information I could obtain was that someone from Naples, the Minister of the United States to the Kingdom of the Two Sicilies had by order of the American Government removed them, they supposed, to Naples.<sup>15</sup> I wrote forthwith to Mr. Boulware, but up to this date I have had no reply.

On the 9th inst., I received from the American Vice Consul at Genoa, a box containing the seal of the Legation, your official note to Mr. Rogers of my appointment, his letter to you after taking leave of the Minister of Foreign Affairs, and a memorandum, of which the enclosed is a copy.<sup>16</sup>

<sup>15</sup> Vedi l'Istruzione n. 7 del Forsyth al Throop del 28 dicembre 1840, in H. R. MARRARO, *Diplomatic Relations cit.*, vol. I, pp. 494-495.

<sup>16</sup> Il memorandum dice: «La sede della legazione è nella strada del Re, n. 10. L'affitto, 300 franchi al locale, sarà pagato il 14 dicembre. Accluse sono le chiavi dell'appartamento e della segreteria contenente gli archivi. Le informazioni necessarie per aprire questi saranno date da Giacomo (sic) Pezzano, Maison Spana, Rue de Po. La segreteria e le tre poltrone sono degli S. U.».

Before I can obtain the records & property mentioned in the memorandum, I must pay six months' house rent for the benefit of Mr. Rogers. A single room for the safe keeping of the records and property could have been readily obtained. I cannot see the justice and propriety of this, & I have consequently declined to pay until I can hear from you and become fortified by necessary instructions. I could find nothing in my instructions which would warrant the payment by me.

I have had no advices from home of any kind since my departure & have had to feel the mortification of being dependant on foreign newspapers for a copy of the President's Message to Congress & all other matters relating to my own country. How far this uncomfortable delay can be remedied is not easily ascertained. I venture very respectfully to suggest the establishment of an agent at Le Havre for the transmission of all communications intended for the Italian States and the Mediterranean.

I pray you to pardon me for asking your attention to any letters, newspapers and periodicals which may be sent to the Department of State, to be forwarded to me.

When in Paris, I ventured to avail myself of your suggestion, made as I took my leave from you in Washington, in bringing to your consideration and that of government an extensive collection of books, the most complete, I was persuaded from good authority, anywhere to be found relating to the discovery and settlement of America. I consider it of too much national value to be lost without an effort to add it to the Library at Washington, indeed a literary treasure which the people of the United States should not estimate in dollars and cents.

*Ambrose Baber a Daniel Webster*

*Dispaccio n. 2*

American Legation, Turin, 10 th February, 1842

Dear Sir: After an unexpected delay & vexation I was enabled to find the proprietor of the house which contained the Archives of the Legation as mentioned in the memorandum received from Genoa, a Copy of which was annex'd to my Despatch No. 1, the 13 January, a duplicate of the memorandum is herewith annexed, & as I expected, he required the payment of the house rent before he would deliver the property of the legation. Although I had submitted the propriety of the payment to you, I was perfectly aware that the Archives

& property of the Legation were not liable for the debts contracted by Mr. Rogers. I had prepared my note to the Sardinian Government demanding the restoration of the Archives & property belonging to the United States, but the indisposition of the Minister of Foreign Affairs induced me to withhold it for several days.

In this suspended condition of the matter, several earnest appeals were made to me for the settlement of the reclamation made by persons engaged in the Tobacco Trade for an improper demand of Transit duties under the Treaty recently made with their Government. Viewing the subject in all its relations as presented to me by the persons interested, having no Copy of the Treaty & not knowing where to get one without applying to the Sardinian Government, I could not hesitate a moment under your instructions, to obtain possession of the Archives of the Legation & leave the question of House Rent for future discussion & settlement. Inclosed you will find a Copy of the Correspondence, marked A, B, & C, & the receipt marked D relating to this matter.<sup>17</sup>

I was induced to adopt this line of Conduct for the honor & reputation of my Country, to soften or remove all asperity of feeling on the part of the Sardinian Government & leave me unembarrassed in prosecuting the reclamation for improper Charges of Transit duties on Tobacco.

I am fully secured in the return of the Money advanced, if you determine the demand to be unjustifiable, in the excellent character of the proprietor of the house & the pledge of the Sardinian Consul General to the United States, who is now on a visit to this Country & City.

It is a question worthy of some consideration, that whilst the property of the Legation cannot be made liable for the debts of the Minister, nevertheless good faith may make it liable for any debt necessarily contracted for its preservation. Such a contingency may never have occurred or been anticipated & consequently never mooted or settled by publicists. In making this suggestion I pray

<sup>17</sup> Questi documenti non sono acclusi a questa pubblicazione perchè di scarsa importanza. Nell'allegato A del 20 gennaio 1842, Baber scriveva a C. Passerier che gli archivi e i beni della legazione non potevano essere usati per rispondere di beni privati, ma che la legazione sarebbe stata responsabile delle spese sostenute per conservare i beni governativi. Il 25 gennaio (allegato B) Passerier scriveva a Baber che gli archivi erano nell'appartamento affittato da Rogers e che questi li avrebbe tenuti finché l'affitto dovuto gli fosse stato pagato. L'allegato D è la ricevuta firmata da Passerier per l'affitto pagato da Baber. Per la conferma che la somma dovuta a Passerier per l'affitto era stata totalmente pagata, vedi oltre p. 114.

you to be assured that I make a distinction between the Records or Archives of the Office & the Books, Stationery etc.

I have had a most perplexing investigation, to ascertain the most tenable ground in the reclamation made for the improper transit duties paid on tobacco introduced on the faith of the treaty between the two Governments. Usage alone at the will of the King is the only law & this is never published. I have succeeded in securing the assistance of a very respectable mercantile house in Genoa engaged in the American trade & I feel some assurance I shall in a very few days be so fortified by a knowledge of the Customs & usages observed before the Treaty as to make the reclamation appear just in its character & under all circumstances inconvenient & oppressive in the operations.

You will relieve me of great anxiety by having made out & forwarded to me, with as little delay as your other engagements will permit, the last Correspondence had with the Sardinian Chargé d'Affaires near the Government of the United States, on the Construction of the fourteenth article of the Treaty of Commerce between the two Countries, having a relation to the demands made, & collected, as necessary & precautionary measures to prevent smuggling in the transit of Tobacco through the Sardinian States. My predecessor was instructed on this subject, but, as he has left no record of any correspondence or other proceeding, on this point, I cannot be fully satisfied as to what may have been done, until I hear from the department specifically as related to this controversy.

I reached Turin too late in December to make out & transmit to the department my quarterly accounts as required by my personal instructions, by which I am at all times willing to be governed. The account shall be made out Complete to the first of March & quarterly thereafter with the strictest punctuality.

The House of the Legation is in Strada del Re, No. 10. The rent, 300 francs per quarter, will be due 14th December 1841. The enclosed are the keys of the House appartments [sic], & secretary, containing the archives. Information necessary to the opening of the latter will be given by Giacomo Pezzano, Maison Spana Rue de Po. The secretary & three armchairs are the property of the United States. (*Copy*)<sup>18</sup>

<sup>18</sup> *Ibidem.*

Sir: I have the honor to acknowledge the receipt of your letter of the 29th December last.

The Bill drawn in London was on the United States' Bankers, the Messrs. Rothschild as directed in my personal instructions. Using the expression "I have valued on the department" was a mistake produced by the hurry of the moment, to which I hope not again to be exposed.

The contingent expenses of the Legation are all cash transactions and I must either draw in advance or pay out of my private funds, the latter I was persuaded was not expected of me, nevertheless if required I submit. The plan adopted was from mature consideration and the advice of those long in the Service of the Government and the Bill formed by the Bankers who said it was the most acceptable form to the Government. If directed, however, I can easily hereafter modify it. I pray you to consider the enormous expenses from Postage and other incidental charges, to say nothing of the inconvenience of drawing a Bill for each Separate Contingent outlay.<sup>19</sup>

The contingent fund is entirely independent of my Salary in my account with the Bankers, as well as in all my transactions at the Legation.

I feel very acutely my misfortune in having given cause to the Department for animadversion. The delay in Paris resulted from the importance if not the necessity of having suitable robes prepared before I could appear at the Sardinian court. Without them I would not have been admitted to the presence of his Majesty, and so much of future usefulness depended on a favorable reception, and a continued disposition to comply with the private observance and customs at the Palace, I was unwilling to omit anything which as a citizen of the United States I could properly observe to secure the greatest benefit from the confidence reposed in me. In this, as in the other transgressions, since it has been so determined, I was influenced by the earnest advice of those who have been long in the Service of the Government and deservedly have its highest confidence. Many of those who were appointed at the same time

<sup>19</sup> *Ibidem.*



were in Paris with me and I am sure they did not reach their destination as soon as I arrived at Turin.

It is not very amiable to justify ourselves by the advice and example of others. I am far, very far, from the slightest inclination to be troublesome to the department. My object and determination are now and always to discharge the duties belonging to the Legation and watch over the interests committed to my care with industry and fidelity. I am thankful for the confidence of the Government and especially grateful to you, and I shall assiduously aim to prevent any ultimate cause of regret for the indulgence.

I have not employed a translator, nor do I intend to engage one without the requisite authority. The subject was brought to the consideration of the Department, in order that I might be properly advised, should any contingency occur which demanded the Services of Such a person.

A custom prevails at the Sardinian court of an extraordinary character, involving a considerable expense, which by my personal instructions come under the denomination of presents, and are consequently chargeable to the contingent account. From the Singularity of the custom I prefer to be advised and directed on the subject for the future. An observance of the custom is absolutely essential to maintain one's usefulness and character as a Foreign Public Agent.

The custom to which I have invited your attention, is the offer from the King of a Key to a box in the Royal Theatre, to each Minister or Chargé of a Foreign Government, at the commencement of the winter Carnival and each subsequent important Festival as prescribed by the usages of the Roman Catholic Church. On the presentation of the Key, presents are to be made to the King's Servants in and about the Theatre, varying in amount from one to three hundred Francs, as the length of time the opera may constitute a necessary part of the amusement of this festivity. The approaching marriage of the Duke of Savoy,<sup>20</sup> the oldest Son of the King, is the reason of an extraordinary opening of the Theatre. A repetition of the presents with the Key is expected. To return the Key is an offense and to accept, the presents follow as a matter of course. All

<sup>20</sup> Nel 1842 Vittorio Emanuele, duca di Savoia, sposava l'arciduchessa Maria Adelaide d'Austria, figlia dell'arciduca Ranieri.

this might be well enough if it gained your admittance to the opera. Notwithstanding these presents, you have to pay for your admittance each night you may desire to witness the Opera, the same price demanded of all others who witness the performance.

The question relating to the improper charges of transit duties on Tobacco under the commercial treaty between the two countries,<sup>21</sup> has been involved in so much confusion, from the number of persons employed in attempting its adjustment, that I have not been able with all the assiduity and industry I could command to collect and arrange all the documents connected with it and Such evidence of the customs and usages of the trade anterior to the treaty as would warrant my taking up the question with any reasonable prospect of a final and successful settlement. The delay has been unavoidable &, I flatter myself, not without benefit to the trade in the ultimate and definite arrangement of this hitherto doubtful and agitated question. My most anxious wish was to take up, discuss and determine this matter on my first arrival in the country, but I found it utterly impracticable, with any prospect of success.

I take the liberty to suggest a residence in Genoa a part of the year, to enable me to make the acquaintance of those engaged in the American trade and inform myself more intimately of its character. I require about eighteen hours to travel from one place to the other.

*Ambrose Baber a Daniel Webster*

*Dispaccio n. 4*<sup>22</sup>

American Legation, Turin, 26 th April, 1842

Sir: I have the honor herewith to Send my account current, with the Government up to the thirty first of March inclusive. Having no advice from you on the subject I have placed in the contingent account the Sum paid Mr. Pass rier for house rent and the protection of the property and records of the Legation.

<sup>21</sup> Per il testo del trattato di commercio e di navigazione concluso il 26 novembre 1838, fra gli S. U. e la Sardegna, vedi sopra pp. 36 seg.

<sup>22</sup> La copia di questo dispaccio negli Archivi nazionali di Washington, D.C., portava il n.  5 , cancellato a matita e sostituito col n.  4 .

By the Instructions found at the Legation, which I am directed to observe, [I learned] that it is proper to note in my drafts the net proceeds at the place where they are drawn. I have done this in pencil mark which can be confirmed or erased as may be correct without deforming the account.

The loss of my Library, with my Silver plate [and] clothing of myself and family, which was [sic] on board the Brig "Columbus" wrecked off the coast of Portugal in December last, and the loss of memorandums by the repeated examinations of my baggage in crossing the Continent prevents a full compliance with the instructions. I cannot furnish the department with a copy of my draft drawn in the United States, nor the Bankers' account, nor a copy of my draft drawn in London.

Without some extraordinary occurrence, I shall be able to Keep the contingent expenditure within the Sum authorized by the department. As it is a privilege allowed every other Legation, it will be very gratifying to me to be permitted to Subscribe to & pay for out of the contingent fund two English and one French Newspaper. This is the only channel by which I can obtain any useful information of the occurrence of the day. I have had no papers from the United States Since December.

S. M. the King ordered gold medals to be struck in commemoration of the happy and fortunate marriage of his oldest son, S. R. A. the Duke of Savoy. One has been sent to the Legation and is now retained subject to the order of the President.

I have not succeeded thus far in bringing the Sardinian Government to an adjustment of the reclamation made for improper charges of transit duties on tobacco imported in American vessels, under the provisions of the commercial treaty of 1838. As soon as I could prepare myself for a discussion of the question, I addressed a note to the Minister of Foreign Affairs, a copy of which, marked A, is herewith enclosed. Up to this time I have had no reply nor an intimation that I might expect one.

As soon as the festivities ordered by the Government and those provided by the citizens of Turin in honor of S. R. A. the Duke of Savoy have passed, which will now be in a few days, I will renew the subject and if it is not promptly taken care of and determined, I will enter my protest, and wait your further Instructions on the subject.

American Legation, Turin, 6 th April, 1842 <sup>23</sup>

The undersigned Chargé D'Affaires of the United States has been instructed to bring to the consideration of your Excellency for the information of His Majesty's Government the Reclamation made for duties demanded and collected by the Officers of the Sardinian Government on leaf Tobacco passing through the Sardinian States. These Transit Duties, hereafter to be more particularly described, are considered by the Government of the United States a violation of the Commercial Treaty between His Majesty the King of Sardinia and the United States of America, concluded November 26th, 1838, and ratified on the part of the United States March 18th 1839.

The Reclamation was made originally by Robert Campbell, late consul of the United States for the port of Genoa. <sup>24</sup> It was then a Subject of correspondence between the Count de Collobiano, Chargé d'Affaires of His Majesty the King of Sardinia, and Mr. Forsyth, <sup>25</sup> Secretary of State of the United States at Washington, D.C., and subsequently a subject of correspondence between His Majesty's Minister of Finance and the Consul General of the Netherlands residing at Genoa. If necessary a copy of this correspondence shall be furnished to your Excellency. It is omitted at this time from a full confidence the original letters are in the Foreign Office of the Sardinian Government, so fortunately placed under your Excellency's management and direction.

The undersigned flatters himself that the reclamation when again duly examined, will appear so just and free from embarrassments, that it can be brought to a Speedy and Satisfactory adjustment, and the charges thereafter to be authorized and demanded by the Sardinian Government distinctly ascertained and determined and the trade in that regard be in future divested of uncertainty.

The undersigned concludes he is correct in the belief that a definitive, just and equitable Settlement of this question will be acceptable to His Majesty the King, as he knows it to be the wish of the President of the United States be productive of the most decided benefits to those engaged in the trade, and conducive to a

<sup>23</sup> Allegato A del dispaccio di Baber n. 4.

<sup>24</sup> Robert Campbell fu console americano a Genova dal 23 dicembre 1822 al 24 aprile 1834. Rioccupò il medesimo posto dal settembre 1837 al luglio 1840.

<sup>25</sup> Vedi p. 70.

more extended and prosperous commercial intercourse between the two countries.

Presidential considerations relating personally to the undersigned, have delayed all communication and notice of this subject until now and he respectfully submits to your Excellency the propriety of a continued postponement until the festivities shall have terminated, which are ordered and expected in celebration of the contemplated marriage of His S. A. the Duke of Savoy, which happy event is to be consummated in a few days.

*Daniel Webster a Ambrose Baber*

*Istruzione n. 3*

Department of State, Washington, 18 th June, 1842

Sir: I have received your despatches of the 13th December last, and of the 12th and 13th of January, of the present year, which are not numbered, and those of the 10th of February, the [10th] March, and 26th April, of this year; numbered 2, 3, and 5.

You are aware that the law positively forbids payments in advance. This applies as a rule to all the Legations, and no complaint has been made of any inconvenience.

Presents to servants of the Court, on necessary and usual occasions, are always allowed. If the offer of the key of the box at the theatre is one which cannot be declined without giving offence, the charge will be allowed; but no charge is to be made for the price of admission. The rent of the houses in which the records and property of the Legation have been preserved previous to your arrival, may be paid and charged to your account.

The catalogue of books transmitted in your No. 2 has been communicated to the Chairman of the Committee on the Library of Congress.

*Ambrose Baber a Daniel Webster*

*Dispaccio n. 5*

Legation of the United States of America,  
Turin, 10 th July, 1842

Sir: The question as to the proper interpretation of the fourteenth article of the commercial convention between the United States [and the Kingdom of Sardinia, and] the reclamations for

improper charges of transit duties on American leaf Tobacco passing through the Sardinian States remains in the same relation as mentioned in my note [Despatch] No. 4. A temporary removal of the court to Genoa and a continuation of the marriage festivities will account for this delay. His Majesty left Genoa on the fourth inst. for his country residence and the return of the Minister of Foreign Affairs is expected in this city in a few days. I will lose no time after his return in renewing my correspondence. I have but little hope the question will be entertained with any disposition for its adjustment until the return of winter.

If the correspondence between Mr. Niles the American Agent and the Sardinian Minister who formed the treaty is in the Department will you Send me a copy with as little delay as possible. It may be very useful in ascertaining the views entertained by the agents at the time the articles were agreed to and confirm the construction for which we contend, a construction justified by the phraseology, or the words have no signification.

The prejudices which existed against the United States, and especially in the court circles, when I arrived at Turin have been a source of the most painful embarrassment. To remove or modify these mistaken opinions have been my constant cares. Entire success in this desire and effort is not reasonably to be expected. That more correct views are now entertained I have some assurances worthy of confidence.

Permit me to invite your attention to the inquiries contained in my former communications. They are of little import it is true. Nevertheless they are very annoying to one who, whilst he is determined seriously to discharge his duty to the best of his ability, would gladly avoid all causes of animadversion.

*Ambrose Baber a Daniel Webster*

Legation of the United States of America,  
Turin, 21 st July, 1842

*Dispaccio senza numero; probabilmente n. 6*

Sir: You will receive herewith the quarterly account of the Legation. Allowing the requisite time for obtaining the quarterly Statement of the account from the agent in London will, I doubt not, make all further explanation for the delay unnecessary. In the absence of all other advice on the subject, I have made up the

account by the form and directions I found here on my arrival.

The lists of the Books and Stationery purchased as I passed through London, was lost with a large part of my private library, clothing, &c by the wreck and loss of the Sardinian Brig "Dolfin" bound from Gibraltar to Genoa, will account for the charges of the same articles by Mr. Miller<sup>26</sup> in his account & receipt of the 1st of July.

The continued vacation of the court and the chief Officers of the Government keep everything in the same posture as Stated in my former note, and it is not now expected the King will return to Turin before the first of September. As soon as the court assembles in the Fall, I will lose no time in renewing the correspondence, and I am persuaded from indications which may be relied on (but not conclusive), with a speedy and satisfactory adjustment.

At the hazzard of being obtrusive, I beg leave respectfully to renew the request that you will bestow a moment's thought on this Legation. I have had but one letter from the Department since I left the United States and I feel great solicitude to be advised of the views of the Government. I can promise an industrious and faithful attention to their Instructions.

*Daniel Webster a Ambrose Baber*

*Istruzione n. 5*<sup>27</sup>

Department of State, Washington, August 18, 1842

Sir: I have received your despatch of the 10th ultimo, numbered 5, as was also that of the 26th of April. The correspondence of Mr. Niles for which you ask has been communicated to the Senate, in answer to a resolution of that body. You will be furnished with a printed copy of the document containing it, which it is presumed will answer your purpose, and save the necessity of having copies made of these papers.

You will receive with this despatch a letter from the President to His Majesty the King of Sardinia, in answer to a letter from His Majesty announcing the marriage of his eldest son. You will embrace an early opportunity of transmitting to His Majesty's principal Secretary for Foreign Affairs the enclosed copy of the Pre-

<sup>26</sup> John Miller era incaricato dello smistamento della corrispondenza diplomatica statunitense a Londra.

<sup>27</sup> Istruzione n. 4, Washington, 22 giugno 1842, di Webster a Baber. Contiene le credenziali per C. Edwards Lester di New York come console a Genova.

sident's letter, and take the proper measures to deliver in person, or to communicate the original to the Sovereign in such manner as shall be most agreeable to His Majesty's wishes in this respect, as they may be made known to you by the Minister.

*Ambrose Baber a Daniel Webster*

*Dispaccio n. 7 senza data*      Legation of the United States of America, Turin.

Sir: I have the honor to acknowledge the receipt of your letters (instructions) Nos. 3<sup>28</sup> and 4. The letter (instruction) with the commission for Mr. C. Edwards Lester (No. 4) came to hand some ten days in advance of the other.<sup>29</sup>

I applied immediately for his exequatur and send you herewith a copy (A) of the reply of the Secretary of Foreign Affairs. I have since taken the proper measures to obtain the exequatur from the council of Genoa, and Mr. Lester will find it ready for him on his arrival.

You will not fail to recognize in this procedure an independent action in commercial matters at Genoa. The knowledge of this independence and more over that it was the Royal Residence a part of the year induced me to suggest in a former letter a probable benefit that might result from spending a part of my time in this City. I beg leave again respectfully to renew the suggestion and, if proper to be granted, be so kind as to let me have an answer, as soon as your other engagements will allow. The permission will involve no expense to the government. It is important to me to have an early reply to enable me to make my arrangements with a due regard to the Court in Turin, and the Short residence of the King in Genoa, and my individual economy.

There is no court in Europe, where the observance of Ceremonies and formalities are so rigorously demanded as in Sardinia, and no King who delights more in the daily attendance of his Officers of State, Civil and Military, than His Majesty Charles Albert. The frequent appearance at court of the Diplomatic Corps is not

<sup>28</sup> Vedi *Istruzione* n. 3 a p. 117.

<sup>29</sup> C. Edwards Lester (1815-1890) fu mandato come console degli S. U. a Genova il 22 giugno 1842 e occupò questo posto fino al 1849. Fu scrittore, autore del *My Consulship* (New York, Cornish, 1853); e tradusse molte opere di autori italiani in inglese.



only expected, but to neglect it is offensive and always lessens the delinquent's usefulness.

A part of the Royal amusements is the Opera. They have two Seasons. The Winter in Christmas Carnival, and Lent in the Spring. The court in State attend the two first nights of each Season and all extraordinary openings of the opera. Before each opening a Key to a box is offered to each member of the Diplomatic Corps which cannot be refused without decided dissatisfaction and exposes the person refusing to insidious remarks and the cold and distant treatment of his associates. The presents become imperative if you accept the box. Attendance is expected the court nights of each Season. Afterwards you may attend or not at your option. It is always satisfactory to have your box filled & for this purpose, the key is bound to any passing acquaintance who may delight in such amusements. It is a cheap and convenient method of making and accommodating friends. Tickets of admission form a separate and distinct charge.

So far from expecting [that] the Government of the United States would make an allowance for tickets of admission to the Opera, I questioned the allowance for the necessary presents. I would not attend the Opera if the Government would allow me a premium for the attendance only as it becomes an official duty. I was in my box [only on] the court night for the Season of Lent and my family never were in it at all.

Prudential motives have hitherto prevented my relating to you the true reasons for wishing to value on the contingent fund a little in advance. I know how very unamiable it is to right ourselves by the bad faith or misfortunes of others. Suffice it now that I briefly state that so many things had been left unpaid for, both here and in London, by the persons belonging to the Legation, that I found myself so much embarrassed by the effect it would have on my public usefulness, I determined to pay out of my private resources all that were imperative and I engaged the Sardinian Consul General to the United States who was here on a visit to explain away the bad effects of the others. The loss at sea of all my library, clothing, furniture, &c., shipped from the United States and London, which had cost me about ten thousand dollars, so deranged all my calculations, as to destroy this dependence; to relieve me of the vexation, and that I might not be defeated in my purpose, I found it prudent to value in advance, as you have been informed, on the contingent fund. It is entirely unmingled with my library &

I have no fear but the statement of my account quarterly will make all the items plain to you and satisfy you no improper use has been or will be made a part of the fund. The trouble has passed & I prefer to avoid a circumstantial account of the difficulties and vexations I had to encounter in London and in Turin on account of the conduct of some persons who were attached to the Legation. If you require it this statement shall be made without the slightest augmentation.

This reference to the conduct of others would never have been made if I had not been persuaded by your letter (Instruction No. 3) that you viewed my remarks in relation to the contingent fund in the character of a complaint. I have met and quieted all the vexation and you will not again be annoyed with anything approximating a complaint on that subject.

*Ambrose Baber a Daniel Webster*

*Dispaccio n. 8*

Turin, 10th Oct., 1842

Sir: I have the honor to acknowledge the receipt of your Instruction No. 5 of the 18th August with inclosures. The letter of the President has been delivered to His Majesty the King through the Minister of Foreign Affairs as the channel of communication most agreeable. I did not think it proper after this information to ask a special audience.

Prudential motives have induced me to suspend the question of transit duties until the Senate has revised and modified the Tariff. This being now completed, I shall take the earliest opportunity to renew the subject.

The interior locality of Turin and the infirmity of the Vice Consul at Genoa prevented my obtaining the commercial information I desired before urging with earnestness the construction of the treaty between the two countries as is set forth in my instructions. The arrival of Mr. Lester at Genoa will to some extent obviate this inconvenience, but some time will be requisite to enable him to raise the voice and make such an inquiry into our commercial relations with Sardinia as to render the information he may obtain available.

The obscurity which pervades all the transactions of this government, brightened only at intervals and under circumstances

which Jesuitical cunning readily converts to its own views and purposes, demand of me all the caution and discretion I can control.

Influenced by these considerations, I have preferred, after a frank avowal of the views entertained by the Government of the United States, of the demand and collection of transit as heretofore practiced by the Officers of Sardinia, under the provisions of this treaty, to remain quiet and not by a hasty procedure expose the interest I have been directed to guard and protect to unnecessary vexation.

Keeping in view our relations with the country, I am persuaded I have elected and adopted the line of conduct which will eventually secure the most liberal observance of the treaty we can now obtain at the hands of His Majesty's Government, and I shall be proud in the assurance that in this I have met the views of the President.

I send you herewith the New Tariff which I am now translating.

*Ambrose Baber a Daniel Webster*

*Dispaccio, n. 9*

Turin, 26 th Oct., 1842

Dear Sir: I have the honor to acknowledge the receipt of your letter [Instruction] No. 6 dated 13th Sept. with the inclosure.<sup>30</sup> Allow me to express my gratification for the amicable adjustment of a difficult and perplexing question so long in agitation and often portentous of a rupture between the two countries. The Boundary is now definitely adjusted and established on the Canadian Frontier and the harmony of the two governments undisturbed. A fortunate and happy result.

I regret not having received a copy of the letters of Mr. Niles or memoranda of interviews with the Foreign Minister of the Sardinian Government at the time the commercial treaty was agreed to. The arbitrary exposition and interpretation of the 14th article heretofore claimed by His Majesty's Government differs so much from the ordinary understanding of the words of the Treaty and the view entertained by the President (which I am instructed to maintain) will not be promptly granted. The Reclamation made by persons engaged in American Commerce rests on this interpretation, which they consider warranted by the object of the Conven-

<sup>30</sup> L'istruzione n. 6 del 13 settembre 1842, comunicava confidenzialmente una copia dell'ultimo trattato fra gli S. U. e la Gran Bretagna.

tion and the expressed opinion of the American Agent who made the treaty.

Under the authority of the instructions I found here on my arrival, I shall insist [on] a plain and common Sense interpretation of the phraseology of the convention and if the views of the President are not met in a spirit of frankness and candor, I will, as before intimated, suspend the correspondence until I can receive additional instructions from you.

I enclose herewith my quarterly account current for the quarter ending the last day of September.

*Ambrose Baber a Daniel Webster*

*Dispaccio n. 10*

Turin, 10 th December, 1842

Sir: As indicated in my note [despatch] of Oct. 26, No. 9, I have revived the subject of the interpretation of the convention of 1838 with the Sardinian Government. The question being so much a matter of construction, I have contrived to avail myself of the intimation given me on my arrival in Turin that communication by note with the foreign department would be most acceptable. Unwilling, however, that any formality as regards my intercourse with the officers of the Government should be an obstacle to a speedy adjustment of the matter, I have referred the formality directly to the First Secretary of State for Foreign Affairs with a request that he would confirm the method heretofore observed or advise me of some other he considered more expedient (letters A and B).

As soon as the note B was handed me, I addressed the note (C) to the Chevalier de Buttet and call'd, as I concluded to be the desire of the First Secretary as intimated in his note B & reiterated in the note (D) of the Chevalier de Buttet acting ad interim at the Foreign Department & I was informed the Chevalier de Buttet was absent & would not return that day. I repeated my call the next day and received the same answer. Soon after returning to my lodgings I received the note (E).<sup>31</sup> A repetition of my call after the receipt of this letter might have been importunate & obtrusive & I have

<sup>31</sup> Gli allegati B, C, D e E sono uno scambio di brevi appunti fra il conte Solaro e Baber, e fra Baber e il cavaliere de Buttet per combinare un incontro. Il conte Solaro prometteva a Baber un colloquio dopo essersi consultato con il ministro delle Finanze. Questi allegati si trovano negli Archivi nazionali, Washington, D. C.

determined accordingly to await the promised answer and let my future proceedings be in conformity to the substance of the reply. Up to this time the promise has not been redeemed. It is due to the First Secretary of State for Foreign Affairs to remark [that] some indulgence may be expected in consequence of domestic affliction in the loss of a venerated Mother.

The arrival of the United States naval squadron for the Mediterranean at Genoa, & the selection of that port for wintering, induced me to suspend the demand for the promised answer, & also to suspend the discussion for the present.

As soon as I was notified by Commodore Rogers of his arrival at Genoa and the selection he had made for his winter quarters, I announced the same to the foreign Department & asked the usual hospitalities for the Squadron, which has been granted in the most ample and gratifying manner.<sup>32</sup>

In my interview with the Foreign Minister, I was careful to advise him of all the circumstances attending the sudden appearance of so large a fleet within the Sardinian territories. I considered this necessary under existing circumstances to remove or prevent any impression of a sinister purpose on the part of the United States & also to confirm the desire on our part to maintain as well as extend the most amicable relations with his Majesty's Government. I am persuaded the beneficial effects of this step will be obvious whenever it shall be prudent to urge again the adjustment of the disputed interpretation of the Convention of 1838.

I have devoted my time to the Study of the Treaty & likewise the commercial usages & customs of the Country, anterior to, & at the time the convention was signed. That the views entertained by the President, as detailed in the instructions found at the Legation on my arrival, are the views entertained & acted upon by the Agents when the Treaty was agreed to and signed, & consequently form, or should form, the basis of all subsequent interpretation does not

<sup>32</sup> Non è stato possibile trovare notizie sull'arrivo della flotta americana a Genova. Una ricerca è stata fatta nell'Archivio di Stato di Torino per trovare le istruzioni con le quali il conte Solaro avrebbe dovuto manifestare al ministro di Sardegna a Washington il suo punto di vista sull'avvenimento. Purtroppo non è consultabile il copia lettere. Nessun commodoro Rogers o Rodgers comandava a quel tempo la flotta del Mediterraneo. Il comandante era il commodoro Charles W. Morgan. Il solo Rodgers che troviamo nel Mediterraneo è luogotenente John Rodgers comandante il brigantino *Jefferson*. Una flotta americana si stabilì nel Mediterraneo quando il commodoro Rodgers e lo Stato della North Carolina iniziarono rapporti con la Turchia, nel 1825. Da questa data una flotta americana rimase di stanza nel Mediterraneo per proteggere le navi mercantili americane dalla pirateria, Vedi, D. W. Knox, *A History of the United States Navy*, New York, Putnam, cap. XV, pp. 159-168.

seem to me to admit of a doubt. The transit duty of two francs per metrical killogram [sic] has been imposed & collected by the Sardinian Government for twenty years without variation. If the abatement of this duty has not been secured by the 14th article of the Treaty, words are without meaning & it would be difficult for the most ingenious to ascertain for what purpose the article has been included.

The convention as interpreted by the Sardinian Government is entirely valueless to the Commerce of the United States. Not a hogshhead of Tobacco has been landed at any port in the Kingdom for re-exportation since the settled purpose has been known to [be the] demand & collection of the transit duty.

The necessary precautionary measures to prevent fraud & smuggling have been amply detailed by our late consul for the port of Genoa, (Mr. Campbell) see letter Nov. 26, 1839 & are too clearly descriptive to need comment or reiteration. The duty now collected is emphatically an impost on leaf Tobacco landed at the port of Genoa for immediate re-exportation, & not a penalty for fraud & smuggling; the punishment for such offences is sufficiently provided for by the penal statutes of the Government.

Although the views of the President are so obviously correct as to the rights secured by the convention yet the future discussion of the matter may, nevertheless, involve many delicate questions of interpretation. I am persuaded [that] if we are not sustained in our views, the laws heretofore relied on for the construction of all treaties must be a labyrinth to which there is no clue.

Pardon me for calling again your attention to this convention & our present position in relation to it. My instructions are plain but it will remove all grounds for cavil on the part of the authorities here when I am fortified by the additional assurance that the same views are entertained by the present officers of the Government of the United States.

Several gentlemen of distinction contemplate a visit to Genoa to be gratified with an inspection of our naval architectural skill & discipline. As an act of courtesy I have concluded to precede them a few days and as my remaining in Turin is not now necessary for several weeks, I have concluded to stay at Genoa a short time & with the aid of the consul acquire a more intimate knowledge of the commerce & commercial usages of the country; & as I hope to have your views of the Treaty, I shall be so strengthened as to urge with greater personal satisfaction the views of my Government, and

any additional article which may be hereafter concluded may be so framed as to leave as little as possible to future cavil.

The laws of the Government — Civil, penal, & commercial — have been codified & published in three very small volumes. With your permission I will send a copy of each for the use of the department. The cost will not exceed six francs.<sup>33</sup>

*Ambrose Baber al Conte Solaro della Margarita* <sup>34</sup>

Legation of the United States of America, Turin, 8 th Nov., 1842

Sir: On the 6th of last April I had the honor to address to your Excellency a note [to] which I beg leave respectfully now to refer. I do not doubt but ample justice has been done to the motives which induced me to postpone the consideration of a Subject which had lost the charm of novelty and was without the interest of romance.

I flatter myself the frank and candid manner in which I have expressed the views entertained by the Government of the United States in relation to the demand and collection of Transit duties since the treaty of 1838 will not be deemed incompatible with a free and full examination and adjustment of a different interpretation, observed by the Revenue officers of the Sardinian Government.

It is to be lamented that on the threshold of the commercial intercourse between the two countries, such a difference in the construction of an article in the Treaty, based upon a reciprocity so just and equitable, should have occurred. Nevertheless, I am persuaded that whilst I discharge a duty to my own government in asking your attention to this subject, I perform a duty not unacceptable to His Majesty's Government.

Commerce, the practical illustration of national humanity, like all other agents performs its benevolent offices with the greatest felicity and advantage when least disturbed by variable and undetermined laws. Convinced of the correctness of this maxim, I

<sup>33</sup> I titoli esatti di questi volumi sono: *Codice civile per gli Stati di S. M. il Re di Sardegna*. Torino, Stamperia Reale, 1837, 4 vol.; *Codice penale per gli Stati di S. M. il Re di Sardegna*. Torino, Stamperia Reale, 1839, 2 vol.; *Codice di commercio per gli Stati di S. M. il Re di Sardegna*. Torino, Stamperia Reale, 1842, 2 vol.

<sup>34</sup> Allegato A al dispaccio n. 10 di Baber.

cannot doubt the willingness of the Sardinian Government to adjust a question which, it is equally surprising, [has] ever happened and should have been permitted to remain so long unsettled.

In my intercourse with your Excellency, I have hitherto confined myself to notes, the manner stated to me by an officer of the Sardinian Government a few days after my arrival in Turin as most acceptable. I shall be gratified now to have this confirmed or some other method suggested which may be equally or more agreeable.

In waiting for an answer, I have the honor to

*Ambrose Baber a Daniel Webster*

*Dispaccio n. 11*

Genoa, 10 th January, 1843

Sir: I have the honor to enclose herewith the result of my application to the Sardinian Government for the adjustment of the conflicting views entertained of the Stipulations of the convention of 1838 between the two Governments so far as relates to the exaction of a transit duty on unmanufactured Tobacco made by the revenue officers of Sardinia.

The First Secretary of State for Foreign affares [sic], having included in his reply A a complaint against our Tarif [sic], I asked promptly for a specification of the provisions of the law which violated either the language or the spirit of the convention. The demand & the reply (notes B & C) are also enclosed. From the extraordinary nature of the complaint, when compared with the language of the convention, I could not feel justified in permitting [it] to pass without notice (note D).

In my answer to the communication of the first Secretary, I felt justified in referring to the high and imperative character of the Legislation which secures the stipulations of a Treaty by the act of ratification under our constitution, & the solemn obligations thereby imposed to submit to the rules, authorized by the laws of nations for the interpretation of such compacts. In this I aimed to place the United States in a posture on which we may rely for protection against any claims which might be brought forward on the faith of promises made to the Sardinian Government, and not included in the stipulations of the Treaty. The advantages of this position I am persuaded will be obvious when you examine



with care the complaint made by Sardinia of the high rate of duties authorized by our Tarif [sic].

Sensibly impressed with the elevated rank which the United States seem destined to occupy in a short time in her foreign relations, I have proceeded perhaps with an injudicious caution in my intercourse with the Sardinian Government. Looking to the propriety of rendering exact justice to others, I did not doubt but it would be more advantageous to us to have our rights secured by voluntary concession, than [by] untimely & importunate demand. The battle is least fearful to those who always keep themselves in the right.

Pardon me for asking your attention as soon as possible to the decision of the Sardinian Government for the adjustment of the question of transit duty, that I may proceed advisedly in the further discussion of the subject until all right to make such a demand is definitively acceded to or denied. The importance of this specific adjustment will doubtless be apparent when it is considered [that] the liberal character of our Institutions may be used to justify the demand of reclamation from the Government for the exaction made by the Revenue officers of Sardinia as transit duties.

I visited this city ostensibly for my health. My object, however, was to examine the archives of the consulate. This purpose being completed I shall return to Turin in a few days. The information I have obtained will be very valuable to me in my future intercourse with the Government. I rely upon this to justify an absence of a few weeks from the Capital.

*Conte Solaro della Margarita a Ambrose Baber* <sup>35</sup>

Turin, 20 Décembre 1842

Le soussigné Premier Secrétaire d'Etat pour les Affaires Etrangères vient de recevoir du Ministre des Finances une réponse touchant l'objet des notes de Monsieur Baber Chargé d'Affaires des Etats-Unis d'Amérique des 6 Avril et 8 9bre dernier.

Dans cette réponse le dit Ministre n'a pu admettre la supposition que la taxe de 2 frcs par quintal métrique qui est imposée sur le

<sup>35</sup> Allegato A al dispaccio n. 11, di Baber.

tabac en feuille en transit le soit en vertu de la réserve énoncée dans l'Article 14 du Traité du 26 9bre 1838 puisque ce droit qui est également payé par les sujets mêmes de Sa Majesté a continué à être en vigueur après cette convention qu'auparavant; que le produit de ce droit non seulement est loin de dépasser la dépense qu'entraînent la surveillance et les précautions nécessaires pour empêcher la fraude à laquelle on est si fort porté à se livrer dans le transit de ce genre de merchandise à raison des profits considérables qu'elle présente; que ce droit étant (comme il est dit plus haut) payé par les propres sujets du roi il serait aussi peu conforme à l'esprit du dit Traité qu'au véritable sens de l'art. 14 précité d'en exempter les Américains; que nonobstant ces observations qui ont été précédemment développées, le Gouvernement de S. M. vient (suivant l'intention qu'il en avait manifestée) d'adopter une mesure qui ne peut manquer de satisfaire celui des Etats-Unis et c'est la réduction, dès le 1er Janvier prochain à 50 centimes seulement du droit de transit sur le quintal des tabacs en feuilles au lieu de 2 francs, ce qui forme une diminution des trois quarts de ce même droit qui ce trouve ainsi réduit à un taux tout à fait minime.

En annonçant au soussigné cette disposition le Ministre des Finances n'a pu s'abstenir de faire remarquer que si de notre côté nous favorisons, soit par cette mesure partielle, soit par une diminution également très forte publiée par le manifeste Camiral du 24 7bre dernier sur un grand nombre d'articles de notre tarif de Douane, l'introduction des produits des Etats-Unis et les spéculations des Américains dans les Etats de S. M.; le Gouvernement de l'Union a de son côté suivi une marche bien différente en élevant considérablement les droits de Douanes établis par son tarif. Le contraste est trop sensible pour n'être pas remarqué et le soussigné prie Monsieur Baber d'en faire l'observation à son Gouvernement persuadé que celui-ci y trouvera un motif de plus d'adopter à son tour des droits plus modérés et plus favorables à la prospérité des relations commerciales qui existent entre les Etats-Unis et les autres nations et en particulier avec les Etats de S. M.

Le soussigné saisit cette occasion pour renouveler à Monsieur Baber les assurances de sa considération bien distinguée.

*Lista dei prodotti sui quali grava un dazio di importazione negli Stati Uniti tale da danneggiare le relazioni economiche con gli Stati Sardi*<sup>36</sup>

Caps and hosiery paying 30 per cent ad valorem.

Ready made clothing of all sorts, 50 per cent ad valorem.

Silks. \$2.50 the pound of 16 ounces. Sewing silk \$2— the pound.

Umbrellas and parasols 30 per cent ad valorem.

Shoes and slippers 30 cents the pair.

Boots and bootees 75 cents the pair.

Articles of iron 30 per cent ad valorem.

Men's leather gloves \$1 the dozen.

Women's leather gloves \$1 the dozen.

Marble, rough and in blocks, 25 per cent ad valorem.

Writing paper 15 cents the pound.

Olive oil 20 cents the gallon.

Olive oil in bottles 30 per cent ad valorem.

Vermicelli macaroni 30 per cent ad valorem.

Liqueur 60 cents the gallon.

*Ambrose Baber al Conte Solaro della Margarita*<sup>37</sup>

Turin, 21 st Decem., 1842

The undersigned Chargé d'affaires of the United States of America presents his compliments to Count Solar de la Marguerite, First Secretary of State for Foreign Affairs and will be happy to receive a notice of the part of the tarif [sic] of his Government which violates or in the least infringes upon the letter or the Spirit of the commercial convention of 1838 between the Sardinian Government and the Government of the U. S. Congress is now in session, and as the undersigned contemplates communicating directly with his Government from Genoa he desires to avail himself of the same opportunity to advise the President of the precise cause of complaint, that the necessary & proper measures may be taken for a speedy & satisfactory adjustment.

The undersigned has no authority to discuss officially the policy of other nations, but he will not fail to give due notice of the com-

<sup>36</sup> Questo elenco accompagna la nota del conte Solaro del 7 gennaio, vedi p. 132.

<sup>37</sup> Allegato B al Dispaccio n. 11 di Baber.

plaint made against the revenue system of the U. S. & ask for instructions to compare it with the Revenue system of the Sardinian Government or any other country with which the United States has commercial relations. As a tax upon the consumption of Foreign merchandise or goods introduced into the Country for transit or re-exportation, the undersigned has the vanity to remark, he has no fears for the result in any aspect in which the subject may be viewed.

The undersigned will avail himself of an early opportunity to reply in detail to Your Excellency's note of yesterday, & requests that the information herein sought may be forwarded to him at Genoa under cover to Mr. C. Edwards Lester, Consul of the U. S.

*Conte Solaro della Margarita a Ambrose Baber* <sup>38</sup>

Turin, ce 7 Janvier 1843

D'après le désir que Monsieur Baber, chargé d'affaires des Etats Unis d'Amérique lui a fait l'honneur de lui exprimer dans sa note du 27 Xbre dernier le soussigné, Premier Secrétaire d'Etat des Affaires Etrangères s'empresse de lui transmettre ci-joint une note qu'il vient de recevoir du Ministre des Finances indiquant les divers articles d'exportation de notre commerce aux Etats-Unis, sur lesquels il serait à désirer que les droits d'entrée pour la plus part très élevés fussent notablement diminués, afin de favoriser pour les Négociants Sardes les relations Commerciales avec les Etats de l'Union de la même manière que les réductions qu'a subit dernièrement le Tarif Sarde, ont favorisé les exportations des Etats-Unis dans les Etats Sardes, de telles réductions étant tout à fait en harmonie avec l'esprit et les vues du Traité qui a été conclu entre les deux Etats en 1838, le soussigné aime à espérer que suivant les dispositions qui ont été manifestées dans le Congrès de l'Union, des diminutions de droits analogues à celles dont le Gouvernement Sarde a lui-même donné l'exemple seront adoptées par celui des Etats-Unis.

Le Soussigné saisit cette occasion pour renouveler à Monsieur Baber les assurances de sa considération bien distinguée.

<sup>38</sup> Allegato C al Dispaccio n. 11 di Baber.

Genoa, 9th January 1843<sup>39</sup>

Sir: The commercial convention of 1838 with the Sardinian Government was ratified and confirmed on the part of the Government of the United States of America, looking alone to the language in which the Stipulations were expressed. The language seemed plain, distinct, and definable. To admit the right of either party to claim and exercise [sic] immunities not warranted by the language of the covenant would expose the commercial relations of the two countries to all the uncertainty and fluctuations to which it had been liable before the Treaty, and open a field for further litigation which it is the object of such international compacts to anticipate and prevent.

By the Constitution of the United States in the ratification of a Treaty with a foreign power, the stipulations of the covenant become the supreme law of the Government and they are subject to no other rules of interpretation but those which have been adopted by the common consent of nations over which the contracting parties can claim and exercise no other influence but as constituent members of that society of nations. To admit the right of either of the contracting parties to privileges and immunities not warranted by the language of the compact would render all such compacts illusory and subversive of all the principles of justice, benevolence and humanity which civilization so long struggled to place upon a firm and lasting basis.

The President, keeping these principles in view by and with advice and consent of the constituted authorities of the Government, secured by the highest legislation of the United States to the commerce of Sardinia all the rights, privileges, and advantages specified in the convention without reference to any previous law, usage or custom.

After this plenary confirmation of the article of the convention the President witnessed with surprise and regret the demand of a Transit duty made by the Sardinian Revenue Officers on unmanufactured Tobacco, one of the staple productions of the United States, which was expressly exempted by the convention from such de-

<sup>39</sup> Questa nota non è catalogata come allegato al dispaccio n. 11 di Baber, ma è ritenuta tale negli schedari degli Archivi nazionali, Washington, D. C. dove segue la nota « D » che è unita a questo dispaccio. -

mand. The 14th article of the Treaty stipulates that all articles of merchandise the growth or manufacture of the United States, with certain exceptions therein enumerated, shall be permitted to pass in transit from the free port of Genoa through the territories of his Sardinian Majesty to any point of the inland frontier of said territories without being liable to the payment of any duty whatever levied in the name [of] or to the profit of the Government, the local authorities, or any private establishment whatsoever, other than such as are required to meet the expenses of the necessary precautionary measures to be observed in regard to transit to the frontiers shall be the same whether the said articles of commerce are imported by the vessels of the one or the other high contracting parties.

But if peculiar circumstances or considerations should render the re-establishment of transit duties necessary on the said articles of commerce directed to any one point of the Sardinian frontier, the Sardinian Government, in reserving to itself the full right to establish such duty, engages to notify to the Government of the United States such determination, six months before any such transit duty shall be exacted.

The duty of two francs per metrical quintal demanded by the Sardinian Custom House Officers and paid into the Sardinian Treasury, being the same transit duty authorized and established by the Tariff of duties [when] the Treaty [was] concluded, notwithstanding the outlay and expenditure required and exacted of the owner in the necessary precautionary measures to prevent fraud and smuggling, the President was reluctantly constrained to conclude the stipulations of the Treaty an illusion or the demand, if persisted in by the Sardinian Government, an infraction of its provisions. This opinion is fortified by the express stipulation in the latter part of the before-recited article that if unforeseen [sic] circumstances shall render it necessary to re-establish transit duties, six months notice thereof shall be given to the Government of the United States before such demand shall be exacted. To re-establish what had never been discontinued, would be an abuse of language not contemplated by either of the high contracting parties.

The President, relying upon the language of the Treaty, claims an exemption from all transit duties for the merchandise specified as entitled to such immunity, after the payment by the owner for the necessary precautionary measures to prevent fraud and smuggling, whether the said merchandise is imported under the Sardinian or [the] United States flag.

The Courts of justice of the United States for the recovery of any demand exacted and not warranted by the language in which the stipulations are expressed, are as free to the citizens of Sardinia and those importing under her flag as to the citizens of the United States, and justice and equity would be awarded by the rules of interpretation established by the common consent of nations looking alone to the language of the treaty and without any previous law, usage or custom in either country.

The necessary precautionary measures to prevent smuggling and fraud consist in a double envelope of cloth [for] each hogshead or package, with a card to which the seal of the custom house is attached, and the Officer's fees for their attendance, all of which are paid by the owners and consequently create no demand upon the Sardinian Treasury. These expenses and precautionary measures the Sardinian Government has unequivocally refused to remit or modify.

If the duty charged were a tax incident to the introduction of goods intended for transit or re-exportation into the port of Genoa in consequence of its being a free port and intended to cover the expenses of warehousing, inspection, and other measures to protect the revenue against fraud, if such a tax had existed before the conclusion of the treaty and was equally chargeable upon all goods passing through the port of Genoa, if it formed a part of the warehousing system of Sardinia under which that port is thrown open to foreign commerce and applicable generally to the trade in all Vessels and all descriptions of merchandise without distinction, no complaint could be justly made against a regulation so general and equal in its operation. But as it weighs exclusively upon a staple production of the United States to its exclusion from a benefit expressly secured by the treaty, the President cannot upon any principle of justice and equity admit the right of such a demand.

It is the sincere desire of the Government of the United States that a mutual spirit of fairness and confidence should characterize the diplomatic relations between the two countries, and that their governments should unite in efforts to draw from the circumstance the greatest attainable amount of benefits to their respective citizens, persuaded that nothing will contribute more to this result than a candid interchange of views, a fair exposition of the principles by which each party is actuated, and a prompt and liberal performance of mutual obligations.

The undersigned, Chargé d'Affaires of the United States of America, under his instructions, in his note of the 6th of April last, notified the Sardinian Government of his desire to consider, investigate, and adjust the conflicting views entertained by the two countries of the rights, privileges, and immunities stipulated and authorized in their commercial convention. Unwilling, however, at that time to disturb the felicitations consequent upon an event then so near at hand, an event so interesting to his Majesty and his Majesty's Government, the Undersigned at the same time suggested a postponement of the subject to a period more favourable to a full and candid examination. As soon as he was informed that his own Government had united in these felicitations the invitation was renewed.

The Undersigned, anxious to avail himself of the invitation contained in the note of Your Excellency of 14 November, called at the Foreign Department at the time appointed by the Officer to whom he had been referred, with his instructions and such memoranda as he considered requisite for a discussion of the subject to ascertain [sic] as nearly as practicable the nature and character of the demand made by the Sardinian Government under the name of Transit Duties and unite in the suggestions of any additional provisions which might be considered proper for the greater security, permanence and advantage of the commercial relations between the countries. The Undersigned cannot pretend to disguise his disappointment, when notified at the door of the Bureau that the First Officer, not expecting any business in the Department, had left the Office and would not return that day. Passing over one day the application was renewed and the same answer returned. Not entirely discouraged by the second failure the call would have been repeated had not the note of Your Excellency of 19th November rendered a third application improper and unnecessary.

The Undersigned was entirely relieved and gratified from a full persuasion [sic] that the answer provided would include a reply to the views entertained by the President of the stipulations expressed in the 14th article of the Treaty as communicated by the Secretary of State to the Count de Collobiano, the Sardinian Chargé d'Affaires at Washington.

After the communication of Your Excellency of the 20th December, the Undersigned could not suppress his inquietude in witnessing the right of the Sardinian Government reiterated by Your Excellency to exact, under the stipulations of the Treaty, a Transit



duty on Tobacco. The amount of the demand had never been complained of: — the complaint had been confined to the nature and character of the demand which, if persisted in, would render the provisions of the compact uncertain and illusory in their operation, and I pray Your Excellency to pardon the repetition that it is not perceivable [sic] how a transit duty could be re-established if all transit duty had not been dis-continued [sic] by the stipulation of the first clause of the article.

The Undersigned, on the part of his Government, asked of Sardinia nothing but a literal compliance with the provisions of the Treaty, a compliance which has been so amply observed in favor of Sardinian commerce by the United States, a re-exportation from her ports and a transit through her territories without any duty or tax whatsoever. Every principle of fairness and equity demands that the same immunity should be granted to the commerce of the United States until the peculiar circumstances shall seem to render the re-establishment of the transit duties necessary. If these peculiar circumstances have arisen to warrant the re-establishment of transit duties, the undersigned is not aware that information thereof has been communicated to his Government.

The regulation of duties or tax upon merchandise introduced into either country for consumption is not discoverable in the language by which the stipulations of the Convention are expressed, and the regulation of such duty or tax constituting no part of the principles upon which the Government of the United States have ever sought or desired to base their foreign relations, no complaint has been made of such duty or tax against the Sardinian Government or any other Government with which the United States have commercial relations.

Governed at all times by the principle of asking nothing which they could not cheerfully grant, the constituted authorities of the United States have desired to secure for their commerce with foreign nations by conventional stipulations the protection and immunities which her own institutions grant by their nature and principles to the commerce of all nations which enter their ports. Taxation and revenue are subjects of domestic legislation and are subjects of complaint only when the legislative enactments infringe upon or violate the reciprocal immunities which have been reciprocally guaranteed by express international stipulations.

The undersigned, duly appreciating the considerations which may have induced a diminution of the demand, regrets that the

Sardinian Government feels justified in retaining the same principles in the diminished demand which has been deemed by his own Government so incompatible with the liberal interpretation made in favor of the commerce of Sardinia, an interpretation which it is believed is warranted by the language in which the stipulations of the treaty are expressed.

*Ambrose Baber al Conte Solaro della Margarita*

Turin, 16 th January 1843 <sup>40</sup>

The undersigned, Chargé d'affaires of the United States of America, has the honor to acknowledge the receipt of your Excellency's communication of the 7th inst. with inclosure.

In a matter of such serious import it is not a little surprising [sic] that the Minister of Finance did not accompany his memorandum [sic] with a notice of the stipulations in the convention which sustain and justify a complaint against the Government of the United States on account of their Tariff of duties or tax on Foreign Merchandize [sic] introduced into the Country for consumption: in other words their Revenue System.

In the absence of such notice, the stipulations of the Convention must be examined collectively & singly for the discovery of the grounds of such complaint, with a due regard for the acuteness of his Excellency the Minister of Finance, the undersigned feels secure in the conclusion that no covenant in the Treaty either expressed or understood can be interpreted to justify the Minister of Finance in such complaint. The Tariff of duties or tax upon Merchandize [sic] introduced into the country for consumption, as recently modified by the Sardinian Government, certainly cannot be appealed to for a justification, for every staple production, the growth or manufacture of the United States previously prohibited, remain in the same state by the provisions of the new Tariff. Whatever diminution has been made of the tax upon Merchandize [sic] introduced into the country for consumption by Sardinia, applies equally to all nations, and was doubtless made with wisdom & justice to

<sup>40</sup> Questa nota è catalogata come allegato al dispaccio n. 11 di Ambrose Baber a Solaro della Margarita del 10 gennaio 1843 e così si trova negli Archivi nazionali a Washington. Siccome però la nota «D» porta la data del 16 gennaio 1843, vi deve essere un errore nella classificazione o nella data. Vedi il dispaccio n. 12 per le stesse date.

her own Revenue & consequently authorizes no specific claim upon the United States. The undersigned ventures to think he is safely protected in the position that the Revenue Systems of Nations are never modified by Foreign Conventional stipulations unless for considerations expressly and reciprocally granted, and the tax required for the support of the Government, lessens the ability of the people to consume foreign productions precisely to the amount of the impost exacted, whether that be assessed as a duty upon the introduction of the articles into the Country or a more direct taxation. The equity & uniformity of the laws are fit subjects of domestic, but certainly not of Foreign complaint.

The undersigned has been compelled by his official relations to express the foregoing views of the complaint made by his Majesty's Minister of Finance, notwithstanding the subject & memorandum have been forwarded to his own Government for its decision.

The undersigned avails himself of this opportunity to reiterate the desire of his Government to comply with the Stipulations of the Treaty. The 14th article provides for the Transit of Merchandize [sic], the growth or production of the United States, through the States of Sardinia, free of transit duty & all other duty whatever except such as may be required in the necessary precautionary measures to prevent fraud & smuggling, the expenses of these precautionary measures as defined being paid by the owner. All transit duty was considered by the President [to be] abolished; and by his proclamation after the ratification of the Treaty, the Sardinian Merchants and the merchants of the United States were invited to engage in the trade on this & the additional assurance of the language of the convention, that no transit duty would be exacted, unless peculiar circumstances should render such demand necessary, & not exacted until six months' notice thereof should have been previously given to the Government of the United States. Under the guarantee, the trade in leaf Tobacco — a staple production of the United States — was promptly engaged in by merchants familiar [sic] with such adventures. Notwithstanding this assurance of exemption from all transit duty, the owner after the payment of the expences [sic] of the necessary precautionary measures found himself exposed to the payment of a transit duty not only the same in amount but also the same in denomination collected by virtue of the same law and paid to the same officers authorized to receive it before the conclusion of the compact. The President, disappointed in the views he had entertained of the provisions of the Treaty from the language

in which the stipulations are expressed, for the purpose of relieving the trade of uncertainty, & to secure greater stability to the amicable relations between the two countries, directed the Chargé d'affaires of the United States at Turin to unite with his Majesty's Government in fixing the charge hereafter to be exacted to a sum which upon actual investigation, would relieve the Treasury of Sardinia from all expense & be just to the immunities granted by the United States to the commerce of Sardinia under the express stipulations of the Treaty. Under these circumstances the undersigned, in the spirit of amity & fairness which it has been his desire should characterize his intercourse with his Majesty's Government, asks for the information of the President an explanation of the principles on which Sardinia in the diminished exaction can justify a duty under the same distinctive title, a duty & title abolished by the Convention & which if retained must render the 14th article of the Treaty entirely negatory. This explanation becomes the more important when viewed in connexion with the posture the two Governments occupy in relation to the persons engaged in the Trade anterior to the first of January 1843, the day on which the diminished duty is to take effect.

*Ambrose Baber a Daniel Webster*

*Dispaccio n. 12*

Turin, 26 th Feby., 1843

Sir: I have not [received] an answer to the inquiry contained in my note to the First Secretary of State for Foreign Affairs, dated at Genoa,<sup>41</sup> 16th January last, a copy of which was forwarded with my communication to the Department of State (No. 11) and dated the 10th of January, also at Genoa. Some disposition has been manifested by the First Secretary to discuss the right of retaining the title and character still given to the amount charged on tobacco in transit through the Sardinian States, but as he has always connected with it the complaint made against our tariff laws, I have waived the subject until I have your instructions.

The charge now exacted as a transit duty on tobacco is so inconsiderable that traders in this species of merchandize would not hesitate to engage in it were it not for the fact that the demand

<sup>41</sup> Per il quesito, vedi p. 138. Il dispaccio, però, era da Torino e non da Genova.

continues to be denominated a transit duty and thereby involves an uncertainty in the duration of this minimum exaction. Being as [of] now established to all intents and purposes a transit duty, the stipulation in the concluding part of the article of the Treaty, which provides that six months notice shall be given before the re-establishment of a transit duty, becomes inoperative and void. Admit the charge to remain as now authorized by the Sardinian Government, and it may be augmented at any time and to any amount without any apparent infraction of the provisions of the compact. If we acquiesce in the charge as a transit duty, it may by Sardinia be contended with some plausibility that an augmentation is not the re-establishment of a duty and therefore no obligation to give the six months' notice existed. The only argument we could urge, apart from the language of the convention in opposition to such pretensions, would be the Official Statement of the First Secretary of State for Foreign Affairs, that the demand was not in fact a transit duty, but a charge made to meet the outlay in the necessary precautionary measures to prevent fraud and smuggling. The sufficiency of such an argument, to say the least of it, would be very doubtful when the statement of the First Secretary is used in prejudice to the claims of his own government.

The rights, privileges and immunities so clearly and distinctly secured by the language of the Treaty, as confirmed by the views entertained by the President, may induce those who have been engaged in the tobacco trade under this protection after a failure in their demand against the Sardinian Government, to transfer their reclamations to the Government of the United States. Does not the probability of such a contingency make it important to us and also for the greater security of those who may in future embark in this species of commerce, that the nature, denomination, and amount to be hereafter exacted under the provisions of the convention should be more distinctly ascertained and defined? I am aware such an adjustment may involve many difficulties, nevertheless it is, I am persuaded, very important.

The instructions I found at the Legation, which have governed me in all my proceedings, suggested such a plan. The unexpected interposition of a complaint, on account of the duties collected under the provisions of our Tariff laws, has prevented my acting definitely on the suggestion. It will now be very gratifying to be fortified by the views entertained by the President and yourself on this very delicate subject.

My visit to Genoa has strengthened & confirmed the opinion I had previously held of the commercial capacities of that port and the people. After a careful observation of a few weeks, and diligent inquiry, I hazard the belief that the Genoese and the people at large of the Sardinian States will consider a frank and liberal commercial intercourse with the United States one of their most important mercantile relations. I was informed by authority entitled to great weight that the single port of Genoa afforded active employment to forty thousand seamen. Our merchants have recently found an advantageous cash market here for their entire cargoes, and articles [which are] the growth and production of our country are increasing in demand among the Genoese capitalists. The desire to enlarge and confirm a more extensive commercial intercourse with the United States was most signally displayed in the hospitality offered to our Mediterranean Squadron by the people of Genoa, during the past winter. The advantages of our trade will become more, and apparent, in proportion to the facilities which the Government here may afford for its collections and the permanence and sufficiency of its protection.

While the remoteness of the United States renders all prospect of hostile collision between the Governments almost out of [the] question, it cannot be disguised that the liberality of our institutions are looked on with some manifestations of jealousy, and the dissemination of the principles inculcated and fostered by our Government will always awaken in the authorities of a purely military despotism like this, a fearful apprehension. This will have its effect in embarrassing and postponing the establishment [by that Government] of liberal and permanent commercial relations with us now becoming so much in demand by the enterprising and laboring part of the community.

I pray you Sir to believe my best efforts will be used in the advancement of our interests. I have had many vexations and discouraging embarrassments to encounter. But I am inclined to believe from circumstances, not however free from equivocation, that since [our] assurance [that] we asked for nothing but what had been clearly stipulated in the Treaty, and that we were moreover willing to allow a liberal interpretation in favor of Sardinia, a corresponding liberality is becoming apparent with the authorities of the Sardinian Government.

The Count de Collobiano will not return to the United States, but another person is to be sent out as chargé in his place. The

successor to count de Collobiano is now attached to the Legation in France and has been spoken of to me as quite an accomplished gentleman & favorably inclined to our Government.<sup>42</sup>

*Ambrose Baber a Daniel Webster*

*Dispaccio n. 13*

Turin, 24 th April 1843

Sir: I enclose herewith a letter to the Secretary of the Treasury and a copy (A) which if not improper in its object be pleased to have it delivered; if improper let it be destroyed. In writing the letter, I availed myself of the opportunity to manifest to the people of Genoa disposition on our part at all times to observe and cultivate with them the most equitable commercial relations. The subject in its present posture did not require my attention, but I was persuaded this unofficial notice would procure an early consideration and I might thereby be placed in possession of such explanations as might relieve me from any embarrassments which should result from the complaint in the further discussion you may direct relative to the more definitive adjustment of the transit duty on Tobacco. I think I can perceive in this matter an additional proof of the advantage that will be taken of every occurrence which can add a coloring of justice to the interpretation the authorities of this Government have given to the stipulations of the Treaty.

The people of Genoa have a very decided influence upon the commercial relations of Sardinia, and I have desired to profit by every opportunity to assure them of our willingness to improve and extend our intercourse with the Sardinian States and that they necessarily become the beneficiaries.

Many of the Italian States possess fine resources for commerce, but their civil discords have for a long time so augmented the hazard of all mercantile enterprises, that this branch of national and individual industry has been almost entirely neglected. The activity so prominent in the other European States has awakened in the Italian Governments some sense of their commercial disadvantages,

<sup>42</sup> Al conte di Collobiano succedeva il conte Alberto Lupi di Montalto, che presentava le sue credenziali a Washington il 2 ottobre 1843 e rimaneva negli S. U. come incaricato d'affari della Sardegna fino al 18 settembre 1845. In seguito fu ministro plenipotenziario in Olanda e nel Belgio (1846), a Pietroburgo (1848), a Madrid (1848), a Londra (1850) e a Bruxelles (1852-1865). Il conte di Montalto era nato ad Acqui il 10 giugno 1808 e morì a Bruxelles il 7 novembre 1875.

they are now with growing ardor seeking the establishment of more extensive relations. As this class of people becomes assured of the equity and liberality of our Institutions, they endeavor with increased assiduity to profit by the advantages the United States offer to their enterprise. The Italian States, now measurably relieved from the embarrassments of their domestic discords will be more inclined to protect the people in this peaceful channel of individual and national prosperity.

The Chargé or Resident Minister at Turin with the requisite authority and permission to visit the Swiss Cantons, Tuscany, and other Italian States might be able in a short time to enlarge our commercial relations in these quarters very profitably without the expenses necessary for a continued resident commercial agency except the ordinary consulate.

The customs of the Court in the Kingdom are such as to make this employment rather to be sought than avoided. The King and his civil and military officers reside in Turin during the Winter and a part of the Spring months, the Summer and early part of autumn they reside in the country, in November they assemble in Genoa. During the vacancy very little business of importance is done. This leaves the Agent here at the will of his Government on his own inclinations for nearly half of the year, which is employed by those whose salary will afford it in travelling or residence in the country.

I mention these facts for your consideration, satisfied from a little observation they can be turned to a profitable account by the United States at a minimum of expense.

The Sardinian Government have very recently published a commercial code. This with the civil and penal codes, which had been previously published, present to the stranger a brief view of the laws and regulations of the Regal States. I have been engaged in the translation of such parts of the commercial code as I considered of interest to my own Government. All these codes are in pamphlet form and together will not exceed in cost two dollars and a half. I have concluded you would prefer the whole system. I have therefore suspended the translation until I receive your advice on the subject.

The extreme indisposition of Her Majesty the Queen, and the accouchement of the Duchess have for several weeks interrupted all business with the Government, except matters of minor importance. I look with great solicitude for your instructions on the complaint made against our Tariff regulations that I may when



fortified by your directions proceed with as little delay as practicable to the adjustment of the question of transit duty in Tobacco, which has been so unreasonably procrastinated.

*Ambrose Baber a Walter Forward*<sup>43</sup>

Turin, 4 th April, 1843<sup>44</sup>

Sir: I flatter myself the very sincere desire I entertain to see the commercial relations between the United States and the Kingdom of Sardinia increased and strengthened and their amicable relations fortified by a prompt explanation and correction of the misunderstandings and mistakes which often happen in the most prudent and judicious legislation and exercise of authority, will excuse my asking your attention to the complaint of the consignees and owners of the cargo of the Ship "Arbit" of Genoa for what *they* consider an irregular and unjust procedure in levying and collecting the duties on said cargo in the port of New York about the fourth of last January.

Mr. C. Edwards Lester, United States consul at Genoa, sends by the Master of the "Arbit" a copy of the Bill of Lading, and manifest, duly authenticated as *he* considers it to establish the correct valuation and legal formality of the shipment by which may be ascertained and determined the justice or injustice of the complaint.

*Hugh S. Legaré*<sup>45</sup> *a Ambrose Baber*

Istruzione n. 9<sup>46</sup>

Washington, 17 th May 1843

Sir: You will have learned that, under the authority of an Act of Congress passed at its recent session, a public mission is about

<sup>43</sup> Walter Forward (1786-1852) fu primo controllore della circolazione monetaria sotto il presidente Harrison. Divenne segretario al Tesoro nel primo Gabinetto del presidente Tyler e diede le dimissioni il 28 febbraio 1843.

<sup>44</sup> Questo è un allegato al Dispaccio n. 13 di Baber.

<sup>45</sup> Daniel Webster si dimise da segretario di Stato l'8 maggio 1843 e Hugh Legaré della South Carolina, che era stato procuratore generale nel Gabinetto del presidente Tyler, divenne segretario di Stato *ad interim* e tenne questa carica fino alla morte avvenuta il 20 giugno 1843. Vedi, H. R. MARRARO, *Diplomatic Relations cit.*, vol. I, p. 542, n. 23.

<sup>46</sup> All'istruzione n. 9 era unita una circolare non numerata del 30 marzo 1843

to proceed from the United States to China, for the purpose of cultivating friendly relations with that Empire, and of opening and enlarging, as far as practicable, commercial intercourse between the two countries.<sup>47</sup>

I have now the honor to notify you of the appointment by the President, of the Honorable Caleb Cushing,<sup>48</sup> as Commissioner of the United States to China, and of Mr. Fletcher Webster,<sup>49</sup> as Secretary to the Mission. Allow me to bespeak your good offices for the Commissioner and his suite, especially in bringing them acquainted with persons who may have had personal knowledge of that country, or be possessed of important information relating to its commercial resources, and as to the general objects of the Mission.

*Ambrose Baber a Hugh S. Legaré*

Dispaccio n. 15<sup>50</sup>      Legation of the United States, Turin, 7 th June, 1843

Sir: I have the honor to acknowledge the receipt of your communication No. 8 by which I am notified that you have charge *ad*

che comunicava una copia della decisione della Camera dei rappresentanti del 3 marzo (H. R. MARRARO, *Diplomatic Relations cit.*, vol. I, n. 720).

<sup>47</sup> Dal 1839 si discuteva in Senato sull'opportunità di inviare un ministro a Pechino. La « guerra dell'oppio » fra Gran Bretagna e Cina (1840) finiva con la sottomissione cinese alla maggior parte delle richieste inglesi. Era il momento per gli S. U. di iniziare negoziati per un trattato. Il presidente Tyler aveva inviato al Congresso un messaggio speciale il 3 dicembre 1842 che riguardava la situazione cinese e in cui raccomandava l'invio di un commissario in Cina. Vedi, JAMES D. RICHARDSON, *Messages and Papers of the Presidents*, vol. IV, p. 214. Il 3 marzo 1843 la Camera dei rappresentanti prendeva la risoluzione di stanziare \$ 40,000 per l'invio di una missione in Cina. Questa partiva il 31 luglio. I negoziati riguardanti il trattato si concludevano il 6 dicembre 1844 e la ratifica avveniva il 16 gennaio 1845. Gli scopi della missione secondo le precise parole di Daniel Webster, erano di « assicurare l'entrata delle navi americane in quei porti alle stesse condizioni fatte a quelle inglesi ». Vedi, *The Writings and Speeches of D. Webster*, Boston, Little, Brown and Co., 1930, vol. XII, p. 142. (D. Webster a C. Cushing, 8 maggio 1843).

<sup>48</sup> Caleb Cushing (1800-1879) del Massachussets, attivissimo membro della Camera dei rappresentanti fin dal 1834. Il presidente Tyler gli offrì il posto di segretario al Tesoro dopo le dimissioni di Forward, mentre Edward Everett, ministro a Londra, veniva invitato a capeggiare la missione in Cina. Everett rifiutò l'incarico e il Senato respinse la nomina di Cushing. In seguito Cushing veniva nominato commissario per la Cina, inviato straordinario e ministro plenipotenziario l'8 maggio 1843. Vedi, C. M. FUESS, *The life of Caleb Cushing*, Harcourt, Brace & Co., 1923, 2 volumi.

<sup>49</sup> Daniel Fletcher Webster (1813-1862), primogenito di Daniel Webster, fu primo segretario del dipartimento di Stato e segretario privato del padre.

<sup>50</sup> In un dispaccio senza numero, ma che potrebbe avere il n. 14, datato Torino, 2 giugno 1843, Baber disse di aver ricevuto la comunicazione di Webster del 30 marzo, contenente una decisione presa dalla Camera dei rappresentanti. Baber aggiunse che « per rendere giustizia alle speranze create dalla decisione sarebbe opportuno che io

*interim* of the Department of State. I am sure you will pardon me the expression of the great pleasure and comfort I derive from the information.

Permit me to ask your attention to my note [Despatch] No. 11, Genoa, 10th Jan'y, last, and the accompanying documents. The complaint made by the Sardinian Government against our Tariff laws involves considerations which may not be disregarded. The imperative character of my instructions did not allow [my] using any discretion after the questions had been raised.

The complaint appears to me so arbitrary and unwarranted from the language in which the stipulations of the Treaty are expressed that it required some effort to summon sufficient forbearance to delay all further notice of this Subject until I could hear from the Department and be fortified by the instructions of my Government. You will not fail to perceive the matter is aggravated by an attempt to sustain the complaint by the opinion of other Governments.

The amount of Transit duty now appears to cover the necessary precautionary measures to prevent fraud and smuggling, if any thing is requisite and used specifically for that purpose; [it] is now objectionable only from the nature of the exaction, by which an important provision of the 14th Article of the Treaty is rendered an illusion, and the injustice inflicted upon persons engaged in our Tobacco trade after the rejection of the compact and before the diminution of the demand.

*Ambrose Baber a Hugh S. Legaré*

*Dispaccio n. 16*

Legation of the United States of America  
Turin, 8th July, 1843

Sir: I have the honor to acknowledge the receipt of the communication from the Department of State No. 7, dated April 20th, & your [Instruction] No. 9, both received by the same mail.

The mission to China opens a new field and one full of interest to the American diplomatist. The appointment has been conferred on a gentleman eminently qualified to do justice to the Commission

visitassi Genova e Nizza, le sole città del regno di Sardegna che hanno diretti contatti coi mercanti stranieri ».

and secure the best obtainable results to our commerce. I shall consider myself very fortunate if I should be able to retain a continued favorable inclination in the Government to which I am accredited to the object contemplated in the mission, which has not been without opposition from some of the European governments.

I pray you to pardon any appearance of obtrusion produced by the solicitude I may feel for a definite adjustment of the conflicting views entertained in the construction & interpretation of the provisions of the commercial Treaty.

*Ambrose Baber a Abel P. Upshur*

*Dispaccio n. 17* <sup>51</sup>

Legation of the United States of America  
Turin, 2nd August, 1843

Sir: I have the honor to acknowledge the receipt of communication No. 10 <sup>52</sup> announcing the melancholy intelligence of the death of the Honorable H. S. Legaré, and your communication No. 11 <sup>53</sup> notifying me of your appointment *ad interim* to the Department of State.

I am sure you will pardon me the expression of the mournful feelings created by the untimely death of Mr. Legaré, whose private confidence I had the good fortune to secure, whose varied and extensive accomplishments promised so much lustre to himself, whose service could have added so much to the reputation of our common country.

The business of this Legation as regards the commercial Treaty between the two countries is delayed from the want of instructions relative to the unexpected embarrassment resulting from an objection made to our Tariff or Revenue Laws to which your attention is most respectfully invited.

To meet the requisitions of the Resolution of Congress of the 3rd of March last will be attended with some expense; The unexpended balance of the allowance to the Legation for the contingent ex-

<sup>51</sup> Nel dispaccio n. 16, datato Torino 8 luglio 1843, Baber scriveva ancora a Legaré (v. p. 147), della cui morte non aveva avuto notizia.

<sup>52</sup> L'istruzione n. 10, da Washington, 23 giugno 1843, è una circolare che annuncia la morte di Legaré, ultimo procuratore generale e segretario di Stato *ad interim*.

<sup>53</sup> L'istruzione n. 11, da Washington, 24 giugno 1843, è una circolare che informa Baber che Upshur ha ricevuto l'incarico di segretario di Stato *ad interim*.

penses, if permitted to be used for that purpose will be quite sufficient.

There is no commercial intercourse between Turin and the United States, and the Marine Department contains no records from which the required information can be obtained. It will therefore be necessary to procure it from such records as can be found in our Consular Offices and from merchants living in Genoa and Nice engaged in foreign trade. To accomplish this I am compelled to visit these cities.

If the privilege had been granted [me] to reside a part of the time at Genoa where the Royal Court is held a few months in every year, a more satisfactory knowledge of the commercial operations and capacities of the country could have been profitably acquired. But as this now would be expensive it is not urged although a very small additional allowance, say five hundred dollars, would meet all the requisite expenditures, and I am persuaded from careful observation the outlay would be productive of the most decided advantages to our commercial relations with that enterprising and industrious city and would not in the least diminish our trade with the province of Nice or any other port of the Kingdom.

The Count di Montalto has been appointed successor to Count di Collobiano and leaves Turin tomorrow for the United States.<sup>54</sup> Count di Collobiano has been promoted to the rank of minister plenipotentiary and sent to the court at St. Petersburg [sic]. The Count di Montalto has served several years in the diplomacy of this Government and possesses their entire confidence.

*Ambrose Baber a Abel P. Upshur*

*Dispaccio n. 18*

Legation of United States of America  
Turin, Sept. 13, 1843

Sir: An affair has recently happened which places me in a painful situation, and it becomes an imperative duty to submit it to my Government. This shall be faithfully done as soon as the requisite documents can be prepared for a correct understanding of this unexpected occurrence. The propriety and correctness of my conduct in this difficulty you and my Country have to determine. If I am correct in the position I have assumed and [am] sustained by you and the President, a Legation may be retained here with

<sup>54</sup> Vedi p. 143, n. 42.

advantage; but if [I am] not sustained, an agent at this capital will be neither respected nor useful.

*Ambrose Baber a Abel P. Upshur*

*Dispaccio n. 19*

Legation of the United States of America  
Turin, 18 th Sept. 1843

Sir: I have the honor to communicate the particulars of the affair referred to in my note [despatch] of the 13th inst. a corrected copy of which I herewith enclose.

I availed myself of an interval of leisure in the month of August to make a short visit to the village of La Tour, valley de Luzerne, situated in the Provence [sic] of Pignerole,<sup>55</sup> eighteen or twenty miles from Turin. I was invited thither by the beauty of the Alpine scenery and the desire of making myself acquainted with the inhabitants of the Vândors [sic] Valley, a people of peculiar interest in the history of this country, and likewise for the sympathy their sufferings and misfortunes have elicited from a large portion of the Christian world. Whilst at La Tour, I received a communication from the Consul at Genoa which I had requested him to send in order to enable me with more satisfaction to invite the Sardinian Government to an examination of the conflicting views and practices entertained by the Commercial authorities at Genoa and the United States Consul, under the stipulations of the Commercial Convention between the two Countries. Peculiar Circumstances rendered it important that this difference, vexatious and inconvenient to the Consul, and unsafe to the merchant and masters of vessels sailing under the American Flag, should obtain some definite form before I arranged and transmitted the information called for by the resolution of the House of Representatives of the 3rd March last.

Relying upon my right under the Civil law, which has not been essentially modified by the code of Sardinia, to make contracts and enjoy the benefits thereof, I directed my servant to engage a carriage and horses for my return. There being no one then in La Tour from whom a suitable carriage and horses could be procured, he addressed a note to the vetturino [coachman] in Turin with whom he had often before made such engagements, and the contract was made in the form usual in the Country. The carriage engaged was

<sup>55</sup> Pinerolo.

a common private travelling coach used for convenience and safety in travelling over rough roads in mountainous districts. On the way from Turin one of the horses became lame, and at Pignerole the Coachman was compelled to take other horses to La Tour or delay over the time I had determined for my return. Bearing in mind the regulations of the Country he went to the Royal Post, but they having no horses at the time to let, the object and the person for whom the horses were desired were made known to the officers at the Royal Post, to whom he had made application and their assent was obtained to procure private Post horses, from an individual who kept a private stable in the City. A Contract with this man was then made, with the express agreement that the horses were to be employed to La Tour and back to Pignerole; and the coach horses, which were left, were to be used thence to Turin. On my arrival at Pignerole, the horses were returned to the owner with his perfect acquiescence; my own horses [— that is, the ones] for whose services I had contracted — were ordered, and the delivery peremptorily refused by persons, who from their manner and decided orders seemed to be officers or employees of the Royal Post, on the grounds, as they alleged, that the Coachman was in Contravention and could not go on. After an interval of half an hour the Coachman was called and questioned particularly relative to the contract made for the horses at Pignerole, I not being able myself to perceive in what the contravention consisted. Keeping as my guide the Posting regulations, I gave a visiting card to my servant, which had on it my name and official relation to the Government and directed him to demand the horses as subject to my orders by right of contract for service. To this demand an answer was returned that they had nothing whatever to do with me, their business was with the Coachman. Unable to understand the distinction between the demand made by a person in my service and, as such subject to my orders, and an order given by myself, I could not repress my astonishment, but in order to quiet all cavil I descended from the Carriage and in person demanded the horses, with the assurance, if not given up I would represent their conduct to the First Secretary for Foreign Affairs, that I knew my rights and they should no longer annoy me with impunity. This was said through my son, who acted as my interpreter, my lungs being so oppressed from recent inflammation contracted by ascending the mountains, I could not speak audibly enough to be understood by a stranger without great effort. A short time after this the horses were delivered and hitched to

the Carriage; at the same time a man in military uniform, such as worn by the Gens D'Armes, approached the Carriage and with a distinct and threatening voice and gesture said "They have their horses but they cannot go on." Finding myself thus under a military arrest, or to use milder language, detained by a threat of military arrest if I attempted to proceed, I again left the carriage and took with me my son, ten years old, who has been as familiar with the French as the English since his Cradle and my servant, and called on the Commandant for the military division of the Provence [sic] of Pignerole. My call was announced by my servant in the usual manner to an officer below, where there were four or five persons in military dress, and by the direction of one, who appeared to be a superior, I was conducted upstairs to the door of a parlour, and there remained uncovered until the Commandant was notified of my waiting. He soon entered, invited me in, and pointed to a Sofa on which I took my seat, he being seated opposite [sic] at a distance of three or four feet. I requested that he would permit my son to be my interpreter as I could not from hoarseness and difficulty [sic] of breathing make myself understood in a foreign language. To this he most promptly assented. I related my detention and inquired if it was lawful for me to be thus interrupted and detained in my journey. The inquiry was answered without hesitation that it was not lawful. I then remarked that having been thus detained I should expect the persons who had illegally interrupted me on my journey should be properly punished. The Commandant inquired who [sic] he was to punish. I then in reply began to give a relation more at large of the circumstances, when I was stopped by his saying it was an affair with which he had nothing to do, and the Director of the Post must be sent for. I then expressed my regret for having troubled him, and that I did not wish to seem defective in the respect due him and with his leave I would return to my family. Being earnestly entreated to resume my seat, I again sat down until the arrival of the Director of the Post, and hearing the expression repeated "It is a thing with which I have nothing to do," the assurances of my most respectful consideration was repeated, with the remark I must return to my family who were in the street without protection, and with the usual salutation I left the room. The conversation with the military Commandant was carried on entirely through my son, who distinctly and correctly translated every sentence as I dictated it to him.

On my return from the Military Commandant's residence I met



the carriage with my family, which had removed about a hundred paces from the Royal Post, but on my attempting to proceed on my journey I found the threat of arrest had been changed from myself and family to the coachman, unless he would pay a pecuniary fine of one hundred francs. This sum not being the amount of forfeiture, if any had been incurred by a violation of the Posting Regulations, I could not suffer it to be paid. I then ordered the coachman to drive on, preferring [sic] the arrest to the payment of a fine illegally assessed and which might subject me to the charge of bribery.

Fortified by the consciousness that the Royal Posting Regulations had not been violated, unless they are a labyrinth without a clew [sic], and if contravened, the arrest was a pecuniary forfeiture that any one could incur at their [sic] option and recoverable by a civil action at law, duty to my Government compelled me to consider the arrest as a lawless outrage, unless a disposition to evade the payment of the forfeiture (after it was authoritatively adjudged by the proper tribunal) had been manifested, and this I knew to be utterly impossible. I could not leave the Kingdom without the knowledge or permission of the Government, and the fine when so awarded constituted a just reclamation against my own Country. Viewing the arrest or detention as a wanton and illegal aggression, I did not question the readiness of the Sardinian Government so to consider it, or if any law or regulation, unknown to me, had been contravened the amends should be promptly paid. To live or travel in the Country, regardless of the laws and authority of the Kingdom, or an expectation to escape responsibility is an idea too unreasonable to be for a moment entertained.

With these feelings, I addressed the note [on Sept. 2]<sup>56</sup> to the First Secretary of Foreign Affaires [sic], employing language simple and plain, placing the matter in a posture by which it could have the most speedy and amicable termination. If the acts as

<sup>56</sup> L'incidente è così ben dettagliato da Baber nel suo dispaccio che sembra superfluo pubblicare gli allegati. Tuttavia questi includono i seguenti documenti: 1) Nota di Baber al conte Solaro della Margarita, Torino, 2 settembre 1843; 2) Nota del conte Solaro della Margarita a Baber, Torino, 3 settembre 1843; 3) Nota di Baber al conte Solaro della Margarita, Torino, 6 settembre 1843; 4) Nota del conte Solaro della Margarita a Baber, Torino, 9 settembre 1843; 5) Dichiarazione fatta da G. F. Burleigh Baber, Torino, 12 settembre 1843; 6) Nota di Baber al conte Solaro della Margarita, Torino, 13 settembre 1843; 7) Dichiarazione fatta da Peter Ferrari, Torino, 14 settembre 1843; 8) *Affidavit* fatto da Thomas Dettoni, Torino, 14 settembre 1843; 9) Traduzione degli articoli 2, 3, 4, 5, e 25, 26 delle leggi e dei regolamenti postali. Tutti questi allegati si trovano con il dispaccio n. 19 di Baber negli Archivi nazionali, Washington, D. C.

stated were disavowed, my purpose was accomplished, if justified, and the authority cited, it would cease to be a lawless outrage, and I was ready on the part of myself and Government to make prompt reparation. The first secretary in his answer [of Sept. 3] not only expresses his regret for the occurrence, and cites the law which he considers contravened, but he also passes judgment, then considers the aggression so outrageous that none but a mad man could be serious in thinking that so absurd a violation of national law could be authorized. He then with extraordinary adroitness concludes that all possible condescension, courtesy and respect was [sic] observed towards the United States Chargé d'Affaires, in as much as he was permitted to travel a part of the way with his own horses, thereby clearly asserting the right of the officers of the Government at Pignerole to perpetrate the very act he had before pronounced an absurd violation of national law, and asserts that I have made complaints which are not to be found in my notes.

Differing from the First Secretary in all his conclusions, I addressed him the second note [on Sept. 6] in which I offered to make the amends which he had decreed, but reserved to my Government the right to acquiesce in, or contest the legality and correctness of, the decision.

The First Secretary in his reply [dated Sept. 9] assumes a position and language which I must leave my Government and Country to characterize. Not content with reading me a lecture on the respect due to Royalty he with other matters, denies me the right of service in the Coachman for which I had contracted and in a very summary manner closes the correspondence, refering [sic] me to the authority of the King, apparently forgetting that he has in the first part of the note reprimanded me for appealing to the same power. All efforts on my part for a better understanding of the affair and a more amicable termination being precluded by such high authority, I contented myself with a correction of two of the mistakes into which the first Secretary had fallen & with him refer the matter to my own Government and country, with a perfect confidence they will properly appreciate the conduct of their Chargé d'Affaires.

This statement and the documents (A. B. and C.) drawn up by my Secretary will place the whole affair before you, including the language which has been construed into a want of respect for his Majesty, and the alleged insult to the Military Commandant. I submit my language and conduct to your decision, with the single

remark that it must require an extraordinary ingenuity, to interpret His Majesty's own legal expressions, used in an inquiry both legitimate and necessary, to a want of respect for Royalty, or my attitude in my interview with the Commandant offensive, since the only attitude assumed was that to which I had been invited, or my tone offensive to a person to whom I addressed not a single word. If I had meditated offence, which I most distinctly deny, I was not in a condition to shew it either in manner or voice. The Posting Regulations being more intricate, require a separate [sic] consideration, but when examined and analysed I can hardly permit myself to doubt you will perceive my conduct is equally free from offence.

National law as received and adopted by all other Christian communities, provides for all persons recognized as diplomatic agents, certain immunities and privileges, considered requisite and necessary to their independence and the faithful discharge of their duties. Among these is the right to contract for a house and services, and the right to the use of a carriage and equipage. These are not without their limits and modifications by the *lex loci*, but at all times entitled to a liberal interpretation. Conforming strictly to this rule I ask your attention to the Royal Posting Regulations of this Kingdom.

In determining a question of this character, in default of local provisions, resort must be had to the laws and usages in other countries which I presume will be of authority unless in contravention of some positive law of the realm. Governed by these principles I may affirm that the Posting laws and regulations of this Kingdom have not been contravened by myself or any one in my service or acting by my orders and direction.

The 25th article contains this provision: "With the exception of Couriers of the Cabinet, or of this Government or Strangers, and the Superior Employees of the Poste [sic] to the grade of Inspector inclusively, it is forbidden to the masters to furnish horses to any one whatever to travel by post, without the Certificate (bulletin) or order of the Administration delivered by an Officer of the Poste. In case of transgression, the Master of the Poste shall be liable for the amends of one hundred francs and he may even be dismissed from office or imprisoned according to circumstances".

By referring [sic] to statement (A) you will perceive the horses were hired as directed by this article, or the master of the Post was in contravention himself. I fancy no one can be so lost to law,

morality or justice, as to contend that the Master of the Post can be justified in authorizing a contract which he was required to prohibit, and then become the beneficiary of the contract. This principle conceded, and I cannot think its correctness will, or can be questioned, you will find by reference to the same statement (A) that I am also protected by the concluding paragraph of the second article. viz.

"Nevertheless after having travelled by post to the place designated in the certificate hereafter to be mentioned (Art 25) if they are not common carriers of things, or [engaged in] a similar profession, they may use their own horses, in travelling to another destination, without being obliged to make any delay, with the prohibition in this case not to change horses in the ulterior part of the journey, &c. By statement (A) you will perceive [sic] the contract terminated at Pignerole and the right to use the horses I had engaged in Turin was perfect and complete, unless the trade (*Métier*) can be urged against such right.

The Carriers of things (*Voituriers*) by land and by water are required to observe the same care and protection of things confided to them and with the same obligations as hotel keepers. Now I can not think any one will be so hardy as to pretend that a man (*Vetturino*) who keeps horses and carriages to hire can be a common carrier or any similar trade. There is as much difference between them as between landlord and tenant, or wagoner and keeper of a livery stable. But what places the matter beyond all cavil is the fact that the horses, with the consent of the officers of the Royal Post, were hired from a private stable, leaving to the parties the perfect right to make such bargain as their own interest directed, and the Royal Post after this assent, was deprived of all after-control or interference [sic]. The right of contract as guaranteed by the 25th Article, and the right stipulated in the concluding paragraph of the 2d article, precludes the application of any other regulation. Consider the third article and the case is equally plain. The horses with which I commenced my return from La Tour were horses over which the Royal Post had no control after consenting to the contract, and the services bargained for having been rendered, the officers, for the same reasons before given, could not claim the benefit of a forfeiture, which resulted from a contract to which they were parties, and all arrest, detention, or hinderance on my journey from the officers of the Post was wholly illegal and an unwarranted outrage.

The ground taken by the First Secretary that the coachman was

not in my service, destroys at once all law and usage under which contracts of bailment have hitherto been supported. A stranger in the Kingdom is deprived at once of all the rights and privileges secured by the Civil Law, and the agents of other Governments become lawless outcasts, or are exposed to the capricious dictation of a foreign minister who seems to have no other rule of action than expediency, interest or passion. It may be that it is the only security to be expected in the Sardinian States. It certainly would have been more characteristic of the age we live in, if this rule had been made more public. Let this be as it may, the Rules and Regulations when given are valid in all their parts until changed or modified, and when the forfeiture is pecuniary, and the mode of collection pointed out, all other punishment is excluded. What right then had the officers of the Royal Post or the Gens d'Armes to arrest and detain me? I was charged with no other offence. No passport was demanded; if it had been, it was ready, not visied [sic] for Pignerole or La Tour, because this was said by the police in Turin to be unnecessary, but granted by the First Secretary for other places in the Kingdom. No law existing for the arrest and detention, it was an outrage, and it became my duty to notice it, and this duty became imperative from the intemperance of the crowd which assembled around my carriage.

I could not in justice to my own Government pass the outrage over without notice. It is too intimately connected with the honor and dignity of my Country, and the usefulness of any agent that may be necessary in the Kingdom, to be disregarded. In submitting the statement, comment has been avoided when not rendered necessary by the character of the matter stated. I indulge now in a brief recapitulation of my notes. My first is a simple account of what occurred at Pignerole, making in my language a distinction between what are called Post horses and horses of the Royal Post, being the same difference here, as exists between horses of a livery stable and mail stage horses. The language used in the conclusion you will find justified by the introductory part of the book of posting rules and regulations and more especially by the second note of the Foreign Minister who refers himself to the King as authority. I was no suppliant and represented the Majesty of my own Country equal to any other in independance [sic], dignity, and the security it affords to persons and property. In my second note the amends [sic] as adjudged forfeited is offered, with the reservation of protesting against the legality of the decision, and thus offer all reasons

and circumstances connected with the affair, which would have removed it from me to my own Government. The character and conclusion of the First Secretary's second note produced this more amicable procedure, and as my own Country had not placed itself in a relation to require the grace and favour of his Majesty the King of Sardinia, I contented myself in a third note with disabusing myself of two faults of which I have been adjudged guilty, and with his Excellency unite in referring the matter to the United States Government. This is a tribunal to which I could not hesitate to appeal and at whose award I have never yet had reason to murmur or complain.

By a careful examination of the Royal Posting Regulations and the Statement (A) it will appear that: the Coachman took private Post horses, with the consent of the officers of the Royal Post to make such a bargain as might be most convenient, and consequently had a right to the benefits of the contract which disconnected him with the Royal Post and the rules for its government; or, the officers of the Royal Post must have recognized him as my Coachman, and the contract made [sic] with him as such, and I was therefore entitled to the protection afforded by the concluding paragraph of the second article; or, if not recognized as my coachman the officers of the Royal Poste assented to a contract which in itself involved a fraud, and they could not by any principle of law, justice or humanity become the beneficiaries of the fraud. Or, they must, in permitting the contract, have been themselves in contravention of the twenty fifth article, and therefore amenable for the transgression and not the innocent party.

If in this view I have been mistaken, the amends was offered, reserving to myself the benefits of my own Government (an adjudication by the Supreme Court) without in any manner whatever impairing the amicable relations between the two countries if the award had been against me, and if in my favour, then it belonged to my Government to determine the mode and manner of the reclamation.

But under whatever aspect the subject can be viewed the arrest and detention with the insults of the mob, constitute a lawless outrage for which the Sardinian Government are bound, by every principle of national law recognized among nations, to make the most ample and satisfactory reparation.

It does not become me to select the particular text of international and civil law applicable to the case I have thus brought to

the consideration of my Country. In regulating my conduct I have consulted Justinian, Pufendorff,<sup>57</sup> Vattel,<sup>58</sup> Rutherford<sup>59</sup> and Martens.<sup>60</sup> In civil law I have relied upon the civil code of Sardinia, Blackstone's<sup>61</sup> Commentaries on English law and Kent<sup>62</sup> and Story<sup>63</sup> in American law, with the decrees of the Supreme Court, and Troplong sur la loi de l'Exchange et du Louage as observed on the Continent.

The position of a chargé d'Affaires commissioned by his Government and accredited as such to the Governments of Europe is often embarrassing. I have without exception deferred [sic] to the laws, usages and customs prescribed by those in authority in this Capital, and I have even yielded in a matter which usage here and justice to my Government might have forbid. When engaged in the business of the Legation I represent the sovereignty of my country and I can admit no superior.

If in a zeal to maintain and protect the honor, dignity and independence of my country I have exceeded the limits of international rights and propriety, it is the province of my Government to determine the nature and extent of the transgression, and in that judgement alone can I tacitly acquiesce.<sup>64</sup>

<sup>57</sup> Il barone Samuel de Puffendorff (1632-1694), pubblicista tedesco, fu autore di diversi libri sul diritto pubblico. La sua importante opera *De Iure Naturae et Gentium, libri octo*, fu tradotta in inglese nel 1703 col titolo *The Law of Nature and Nations*, Oxford, stampato da L. Lichfield per A. J. Churchill. Vedi H. R. MARRARO, *Diplomatic Relations* cit., vol. I, pp. 268, 400-401.

<sup>58</sup> Emmerich de Vattel (1714-1767), giurista e pubblicista svizzero, autore di vari lavori, fra i quali è ancora di attualità il *Droit des gens* (1758) in due volumi. Questa opera fu tradotta in molte lingue. La prima edizione americana fu pubblicata nel 1786. Vedi H. R. MARRARO, *Diplomatic Relations*, cit., vol. I, pp. 268, 270.

<sup>59</sup> Thomas Rutherford (1712-1771), inglese, autore di *Institutes of Natural Law*. Un'edizione americana fu pubblicata da W. & T. Neal, Baltimore, 1832.

<sup>60</sup> Georg Friedrich von Martens (1756-1821), giurista tedesco, autore di *Gesetze und verordnungen der einzelnen europäischen mächte über handel, schiffarth und asscuranzen*, etc. Gottingen J. F. Rower, 1802. Il lavoro fu tradotto in francese lo stesso anno.

<sup>61</sup> Sir William Blackstone (1723-1780), famoso giurista inglese, particolarmente noto per i suoi *Commentaries on the Laws of England*

<sup>62</sup> James Kent (1763-1874), eminente giurista americano. I suoi *Commentaries upon American Law* (1830), le sue conferenze come professore di legge alla Columbia University (1793-98 e 1823-26) sono considerate come le opere che hanno avuto la più profonda influenza nella formazione del carattere americano ad eccezione dei *Commentaries on the laws of England* di Blackstone.

<sup>63</sup> Joseph Story (1779-1845), giurista e giudice americano, professore di legge all'università di Harvard dal 1829 al 1845. Autore di molte opere ancora di attualità, come *Commentaries on the Conflict of Laws*, Boston, Little Brown & Co., 1883; *Commentaries on the Constitution of the United States*, Boston, Hilliard, Gray & Co., 1833; *A Familiar Exposition of the Constitution of the United States*, New York, Harper & Bros., 1882.

<sup>64</sup> Nel suo *Memorandum* il conte Solaro della Margarita scrive: « Il dr. Baber, incaricato d'affari degli S. U., in relazione a un piccolo incidente, che non ha nulla a che

Sir: I have taken the liberty in previous communications to remark that the agents of a liberal constitutional, and more especially a Republican form of Government have many vexations to encounter in this Capital.

Destitute of the liberal effects of an active foreign Commerce, the privileged persons about the Court exercise a petty despotism inconvenient to strangers and withering and subduing to the energies and independence of the people.

A very signal example of this awe was displayed when I attempted to obtain additional confirmation that it was the voluntary act on the part of those who made the statements which I concluded requisite for your information relative to the occurrence detailed in my official communication of the 18th. The gentleman engaged to take these statements has been engaged as a teacher of languages in many of the most noble and respected families in Turin—he unites with his superior education great prudence and discretion & is highly esteemed by all who know him. This gentleman thus esteemed and a citizen of another Kingdom (England) could not, after several days diligent inquiry, obtain two persons who were willing to allow the statements to be made before them, and become witnesses that the testimony was voluntary, and given with perfect freedom, and that the parties were ready to qualify on oath whenever required to do so. Everybody declined, as they declared without hesitation, because they feared embarrassment in their business from the First Secretary of State for Foreign Affairs if their names should be seen by him as witnesses to such a statement.

There are many acts which manifest the jealousy entertained

vedere coi diritti del popolo, ha maldisposto il suo governo verso di noi. Il Baber, medico di professione, ha un'ottima conoscenza della medicina, ma poco conosce della diplomazia. In questo caso, nonostante fosse in errore, ha intentato causa al direttore postale in merito al numero di cavalli che dovevano essere bardati per la sua vettura. Contemporaneamente si sentiva autorizzato a mandarmi una nota per appurare se fosse da imputare ad un ordine del Re l'affronto che aveva ricevuto dal direttore delle poste, affronto per il quale richiedeva riparazione. Un'altra volta mi scriveva per lamentarsi che, nella mie note, non gli davo il titolo di « dottore » che gli era dovuto. Quando Baber ci ha lasciati venne sostituito da un certo Rogers, pazzo, che io dovetti far ricoverare in un ospedale psichiatrico. Il provvedimento fu approvato anche dal governo di Washington. » La cronologia del conte Solaro è errata in quanto Rogers precedette Baber a Torino.



towards agents of a liberal and constitutional government. These are always of such a form as to make it unsafe to consider them as incivilities, and consequently I have never reported them.

At one time propriety was so far transgressed, that they had to call in the agency of a third person, but as it was made in form to relate to me personally, I sacrificed my duty to a sense of delicacy.

I cannot in justice pass over the fact that the authorities of this Country have been very impressively advised that the Government of the United States bestow no attention on their agents abroad. They have been carefully taught to believe that the communications of their agents are seldom read, that office is merely regarded as a convenient reward for the friends of the Government, without any reference to usefulness, and the conclusion is not unfair, that office thus retained and held by a tenure so precarious will always incline the incumbent to prefer a sacrifice of duty to the loss of his appointment. As one proof of this, I need only invite your attention to the fact that not a single stipulation of the commercial convention with this country has ever been executed according to the plain import of the language in which they are expressed.

You do not require me to explain the position of this country, nevertheless you will pardon me for saying, it is the watch tower of the five great powers of Europe. France looks with great jealousy to Austria, England watches France, and Russia watches the three, and Prussia is a kind of umpire. The agents of all other governments are valued only as they increase the importance of the annual register of the Court.

The foreign commerce of the Country is carried on by the Genoese and the inhabitants of Nice who have but little sympathy for the ruling authorities and their commerce is protected only as a source of income to the Royal Treasury.

Most of these remarks would be improper in a communication strictly official, but with my sense of duty I could not in justice to you and my Government omit them.

I have no personal feeling whatsoever to gratify which is not identified with my country. When honoured with a trust all other considerations are merged in a desire to be faithful and useful. I have been satisfied for some time, if a Legation is to be retained here for another purpose than the name, it is requisite that the Government should demand a faithful execution of the Treaty.

I may have been imprudent in the case brought to your consid-

eration. If so I ask no indulgence. I am well persuaded that on the opinion formed and the conduct ordered in this affair will depend the future usefulness of the Legation.

P. S. — You will find a Copy of the Sardinian Civil and Penal Codes in the National Institute at Washington.

*Ambrose Baber a Abel P. Upshur*

*Dispaccio n. 21*

Legation of the United States of America  
Turin, 9th Oct., 1843

Sir: In compliance with the resolution of the House of Representatives of the 3d of March, <sup>65</sup> I have the honor to forward such information as I have been able to collect on the several subjects therein communicated, and have to express my regret for the imperfection of the report after the most assiduous industry to render it more complete.

A few days after the resolution was received, aware of the exceeding jealousy with which all such inquiries are viewed by the authorities of this Government, I handed to the First Secretary of State of Foreign Affairs a translation of so much of the resolution as enumerated the subjects on which information was desired, at the same time I inquired if there were any objections to my collecting such facts as might enable me to answer the expectations created by the Resolution. When answered there was no objection, in order to prevent any future embarrassment, I requested that he would favour me with an order or permission to the proper departments of the Government, to which I might submit the requisite inquiries. After a few moments' hesitation, the First Secretary observed the subject did not come within the duties of the Foreign Department; nevertheless he would cause a suitable reply to be given to the questions involved in the Resolutions, and this would be more ample and satisfactory than I could obtain myself. I at once acquiesced in this very kind and gratifying assurance. After an interval of two months, having nothing from the First Secretary, I determined to visit Genoa and Nice, and ascertain what might be expected from

<sup>65</sup> *House of Representatives*, 720 (27<sup>o</sup> Congresso, III sessione) riguardante l'istituzione delle relazioni commerciali con la Cina e l'invio di una missione a questo scopo Vedi pp. 145-146.

the consular records and such persons as were engaged in American trade.

Nice is a free port, and an accurate record is never made of the import and export trade with foreign countries. The commerce of the Provence [sic] is carried on through the ports of France on which it borders, and the port of Genoa, but chiefly through the former and consists principally of olive oil, hemp, and fruits. The port charges, exchange, personal service & labour do not materially vary from those of Genoa.

The scanty reports forwarded herewith,<sup>66</sup> include all the information I could obtain from Genoa. The export trade of Genoa with the United States is like that of Nice and chiefly carried on through the ports of France. The Tribune of Commerce where all entries are made pertaining to foreign trade, would not allow any extracts from these records without the orders of the First Secretary of State for Foreign Affairs. After the voluntary promise he had made, it would be indelicate to ask such an order.

No. 1 is a memorandum of merchandize [sic] entered and sold by citizens of the United States in the port of Genoa from Sept. 1842 to July 1843 inclusive of the duties chargeable thereon at the time of entrance.

No. 2 exhibits the port charges at Genoa, the notes of personal service, mechanical and agricultural labour.

No. 3 is the report of the consul according to his understanding of the Resolution and is the best perhaps the records of the office can supply.

No. 4 is a comparative statement of the commerce and trade of the United States with Genoa up to this time.

No. 5 is a statement of the character and condition of the Port of Spezia, of little value, except for the inducement offered as a safe depot for a naval squadron in the Mediterranean.

No. 6 the price current as required by the Resolution, two copies — one in Italian & one in English.

If these defective statements give an intelligible view of the objects contemplated with the Resolution it will be some compensation for the disappointment & distress I feel on account of their incompleteness.

<sup>66</sup> Non pubblichiamo questi rapporti data la loro scarsa importanza. Si trovano assieme al dispaccio di Baber, negli Archivi nazionali di Washington.

The importation of tobacco, one of the staple articles of the United States, is exclusively a Royal privilege prohibited to all others by the severest penalties. All of this commodity consumed in the kingdom, is imported in the name of the King, conveyed to the Royal manufactory and, when manufactured, sold by agents appointed by the Royal Court.

The price is fixed at the Manufactory and the agent receives fourteen per cent on his sales as a compensation. These agencies are bestowed as rewards to favourites and then farmed out, which usually constitute a certain and independent income to the grantee. The advance paid on the prime cost by the consumer, cannot be ascertained with any accuracy without being first advised of the expences [sic] of the manufactory. Taking the form of segars and snuff as illustrations, I should say these articles cost the consumer here from four to five hundred percent over the price paid in the United States.

The rates of personal service and labour seem very moderate, nevertheless I am persuaded labour is as cheap in the United States as in this Kingdom when the amount of service and labour performed is compared with the price charged in the two countries.

Genoa will probably become one of the most important ports in Italy when the contemplated improvements are completed to connect it with Milan. My observation satisfies me that the services of a chargé d'affaires to this Kingdom can be made more beneficial to our Commerce by a residence a part of the year at Genoa. A residence of a few months every year in this Capital is all that is expected and secures all Royal Court consideration requisite for the useful discharge of such duties as are in the line of prescribed formalities to an agent of that rank at the European courts.

*Abel P. Upshur a Ambrose Baber*

*Istruzione n. 12*<sup>67</sup>

Department of State, Washington, 11 th Oct. 1843

Sir: The President, agreeably to his intentions of making a change in several Legations of the United States has appointed Robert Wickliffe, Jr.,<sup>68</sup> of Kentucky, to succeed you in the Sardinian

<sup>67</sup> Per le istruzioni n. 10 (Washington, 23 giugno 1843) e n. 11 (Washington, 24 giugno 1843) vedi p. 148, nn. 52, 53.

<sup>68</sup> Robert Wickliffe Jr., (1815-1850), del Kentucky, ebbe la nomina di incaricato

mission, on whose arrival you will, if you should still be at Turin, deliver to him the archives, books and property of the Legation. In case of your departure before Mr. Wickliffe reaches Turin, you will, of course, leave for him in safe keeping, the property referred to, and all the despatches from this Department to you, and a record, or drafts of your letters, to the Department. The President hopes, however, that it will be convenient to you to wait at Turin to receive and to present your successor to the Sardinian Government.

You will find enclosed a letter (with an office copy), addressed to the Minister of Foreign Affairs of Sardinia, informing him of your recall, which you will present in the usual form, and accompany by assurances to His Excellency of the sentiments of friendship entertained by this Government towards that of Sardinia.

The Bankers of the United States in London have been instructed to close your credit upon them for your salary and for the contingent expenses of the Legation, upon the day you take leave of the Court near which you have resided, of which day you will give them as well as this Department due notice; and to honor your draft on account of your return quarter's allowance, to take effect from the same date.

I take this occasion to acknowledge the receipt of your letter of 21st July 1842, which was not numbered, and of your [despatches] nos. from 7 to 17 inclusive, with the exception of No. 14, and of your letter [despatch] of 2d June, of this year, which latter it is supposed was omitted to be numbered 14, as it proceeds in regular sequence with the other despatches. I have also received your note of the 13th ultimo, alluding to an occurrence which you say has placed you in a painful attitude, in reference to the Sardinian Government, but without explaining, or even affording a clew by which the Department could guess at the nature of the occurrence; so that it would be impossible for me to express an opinion, or to give instructions to you or your successor on the subject. It happens, fortunately, however, that the same mail which brought your note, conveyed a copy of a correspondence between you and the Sardinian Government, embracing a controversy with certain officers of that Government. This correspondence, conjectured to

relate to the occurrence meant by you, has been communicated by the Sardinian Government to its Minister in Paris, and by him to the Legation of the United States there, from whence it has been transmitted hither.

If I be right in my supposition that these cases are identical, I can only regret the absence of your explanation; for, with the exposition of the facts, as made by the Sardinian Government, before me, if I were to give my opinion in the matter, I should be forced to say, that I regard the position you appear to have assumed, as entirely untenable.

*Ambrose Baber a Abel P. Upshur*

*Dispaccio n. 23*

Legation of the United States of America  
Turin, 20th Oct. 1843

Sir: I have the honor to forward herewith two other Statements (AA. & B.B.)<sup>69</sup> relative to the affair detailed in the communication (No. 19) in date the 18th Sept. last. Nothing has occurred since that time to change or modify the opinions thus expressed.

These and the preceeding [sic] statements, the Posting Regulations, the civil law, and the common usages of nations will convey to your mind all that I can expect to bring to bear upon it, in the opinion to be formed as regards the position relied upon in this affair. The agents of the United States who reside in this Kingdom will hereafter be able duly to estimate all its moral influence.

*Ambrose Baber a Abel P. Upshur*

*Dispaccio n. 23*<sup>70</sup>

Legation of the United States  
Turin, Jan. [no day] 1844

Sir: Your letter No. 12, in date Oct 11th was received the 16th November having been detained several days for postage. My departure from this capital has been postponed until today from a

<sup>69</sup> A causa della loro scarsa importanza non stampiamo questi documenti. L'allegato A.A. è un *affidavit* di Pietro Chiabrando e l'allegato B.B. è una dichiarazione di Giacinto Gaja. Entrambi gli allegati si trovano con il dispaccio n. 23 di Baber, negli Archivi nazionali, Washington.

<sup>70</sup> Il numero di questo dispaccio (23) è senz'altro sbagliato perché uno precedente, del 20 ottobre 1843, porta lo stesso numero.

desire to comply with the wish of the President, by remaining until the arrival of Mr Wickliffe. A longer delay would augment the danger and difficulty of crossing the Alps without an adequate benefit to my country.

No opportunity has been left unimproved to impress upon the authorities of this Government with whom I have had intercourse, the mutual benefit to be derived from a cultivation of amicable relations between the countries, and I cheerfully complied with your instructions to repeat the wishes of the President when I took my leave of the Minister of Foreign Affairs.

My recall has produced no other sensation with me than the regret I feel that the time and manner selected should have caused it to be viewed by every one I have heard speak of it as an act more tyrannical than any monarch in Europe would have ventured to perpetrate. It is fortunate however that the Government of the United States has been formed, not for the officers, but for the protection, security and common welfare of the people. I was not ignorant of this office when I accepted it, and I am happy to relinquish it since it cannot be retained with honor and usefulness to my country.

The manner of my recal [sic] prepared me in part for the opinion given in a matter to which, from a sense of duty, I ventured to invite the attention of my Government. That I had attached too much importance to an occurrence which was but a link to others of a similar character is very possible, but that I should find myself charged by my own Government with the offence of a controversy with two officers of the Sardinian Government, is a result unexpected, and I must be permitted to say, undeserved.

If, when I found myself forcibly deprived of the services of a coachman and horses to which I believed myself properly and legally entitled by the laws of the Kingdom, if, after remaining a passive sufferer with my family in the streets amid the vociferations and clamours of the mob, I decended [sic] from the carriage and in language mild and respectful, informed the person who seemed by his manner to be the principal agent in my detention, the claims I had to protection from the Sardinian Government and in the same manner enquired why I was thus treated, to which enquiry no answer was given, if, after returning to the carriage, the horses having been given up, finding myself under military arrest, I again decended

[sic] from the carriage, leaving my family in the street surrounded by a mob and walked a quarter of a mile to the Military Commandant, and, with an apology for my intrusion, enquired in language both decorous and respectful if my arrest and detention was [sic] lawful, if these acts constitute a controversy with two officers of the Sardinian Government, moralists and lexicographers have hitherto been incorrect, and casuists may now rejoice that the true definition of "controversy" has at last been ascertained. I venture, in advance to congratulate my successor, on the advantages to be derived from the interpretation.

In repelling a charge so utterly destitute of foundation, I obey the laws of common humanity. I am perfectly satisfied no word or expression of mine can justify the inference that I have had a controversy at any time, or of any kind, with any officers or subjects of this Kingdom. If the Minister of Foreign Affairs has made such a statement, he has either been grossly misinformed, or added, to the catalogue of frailties to which he is liable, a palpable misrepresentation.

I have the honor to enclose herewith communication (C)<sup>71</sup> from the Consul at Genoa to the Tribune of Commerce of that City and the letter of the Consul (D) to me, requesting my interposition in this affair to which is added a copy of the statement with which the consul supports his complaint. In presenting the subject to the consideration of the Minister of Foreign Affairs, I accompanied it with the remarks (E) to which he returned the answer (F) copies of which are also enclosed. I have not thought it prudent to press the matter since my recal [sic] and the return of the Court from Genoa.

I likewise enclose a memorandum (G) of the property of the Legation, which has been placed in the care of Messrs. Dupré, Père et Fils, Bankers of great wealth and respectability, with the promise of protection from the Sardinian Government, and all expenses paid up to the 16th day of February.

<sup>71</sup> Una lettera marcata «A», copia n. 5759, in italiano, (non firmata) del consolato degli S. U. a Genova al presidente del tribunale di commercio si trova negli Archivi nazionali, Washington.



*Senza data*

Consulate of the United States at Genoa

Sir: I take the liberty to address you on a matter of a public nature which deeply concerns our commerce with this Kingdom, believing that I have already done my official duty so far as the public authorities of the Government in Genoa are concerned.

Since my arrival in Genoa I have been continually endeavoring in every honorable way to induce the officers of the Tribunal of Commerce here to remove several obstructions in the way of our commerce which exist only in this port and which I believe to be in direct violation of the letter and spirit of our Commercial Treaty with this Kingdom —. I have had many interviews with the secretaries of the Tribunal, and being unable to obtain my requests I addressed, the 29 July last, a communication to the President of that body a copy of which accompanies this letter. That communication I endeavored to propose with all necessary caution, and having taken advice from one of the most distinguished advocates of Genoa I laid before the President the result of his opinions and I am happy to say that they coincide with those of several other distinguished individuals with whom I have communicated in reference to the same matter. You will observe two points of interest in this letter to the President. Ist. I am denied the right or privilege of depositing official acts or copies of such in the office of that Judicial body. They refuse to receive official communications from this Consulate, provided those communications are likely to take from their hands the opportunity of collecting fees which they have been accustomed to lay upon our commerce.

2nd. The [President] refuses to give me any answer to a plain and proper question, viz, if the protest of an American Capt. entered properly at this Consulate is not a valid act in any case whatever? It is a point on which I wanted information, and I think had right to expect [it]. I also forward enclosed a Copy of the reply of the Tribunal of Commerce which I received this morning. A reply which I must confess astonishes me exceedingly.

I have deemed it my duty to press this matter, for many reasons. The Secretary and Interpreter of the Tribunal succeeded some 3 years ago, on the death of Mr. Campbell, in getting American captains to enter their Protests and other official business at that

<sup>72</sup> Allegato C, copia N. 5763 al dispaccio n. 23 di Baber.

Tribunal and ever since then, to prosecute their design they have had a private understanding with Pilots, Watermen &c (who are the first persons to have communications with American captains), and these persons have immediately taken the log book and other ship papers up to the Tribunal, telling the captain (who generally objected) that it was necessary and also that they should themselves immediately come up to the Tribunal to do some business. When the Capt. arrived he was called on to make his protest in a language he did not understand and pay the Interpreter his fees, and also a higher charge for the Protest than this Consulate charges or has a right to charge. When I have demanded of them the reasons for such private and, as I considered, dishonorable and illegal means, they have universally replied that it was necessary for American captains to enter their protests there and that a protest entered here would not be valid, in other words would not hold good against the underwriters in case of damage existing and insurance being claimed.

This I have never believed, because the Commercial Code of Sardinia and the French code are against it. Two or three years ago Protest of American Capts. were always made here. In London and Liverpool and all other ports I have heard from, the American commerce has been abundantly secure by the same usage which still prevails in said ports.

I am well persuaded that the difficulty in the case consists in the fines. These under officers of the Tribunal do this to get money and in this way an unnecessary and unjust tax is laid on our commerce to which Sardinian commerce is not subjected in American ports, for there each Sardinian gives to his own Consul. Besides it deprives the American Consul of his proper and legitimate fees and tends in the most direct manner to depress his influence & standing and also deprives him in a very great measure of his ability to render that aid to American masters which it is his duty so often to afford. I now refer the matter to you for further action knowing that it comes properly within the scope of the official duties of the Legation when these preliminary steps have been taken at the consulate.

I believe that an appeal to the Minister of Grace and justice will settle the whole affair, for I cannot think His Majesty's Government would allow such an appeal as I have made to the Tribunal of Commerce of Genoa to be treated with such utter neglect & contempt.

*Ambrose Baber al Conte Solaro della Margarita*

Legation of the United States of America  
Turin, 14 th Oct., 1843 <sup>73</sup>

Sir: I have the honor to invite the attention of your Excellency to the declarations herewith inclosed. So much of the Consul's letter as refers to the reception of relations, protest &c. at the Consulate, seems to be justified by the laws of the United States regulating the duties of their Consuls. I take the liberty to annex an extract from these laws.

" Consuls and vice-Consuls are empowered to receive protests and declarations which Captains, Masters of vessels, crews, passengers and merchants citizens of the United States, may make in the place for which such consul is appointed; and also such as foreigners may make before them relative to the personal interest of any citizens of the United States. The original of these acts are to be kept in the book of records of the Consulate, and copies duly authenticated under the Consular seal, are to be given to such persons as may demand the same.

" Every Master of an American Vessel shall on his arrival at a foreign port deposit his Register Sea letters and Mediterranean Passport with the Consul or vice Consul, Commercial Agent or Vice Commercial Agent. Under a penalty of five hundred dollars which the Consul, Vice Consul &c &c may recover in his own name for the use of the United States.

" It will be the duty of the Consul immediately on the arrival of an American vessel in his Consulate, should the Master neglect to deliver his ship's papers as directed by law to apprise him of the necessity of so doing, by showing him the law that requires it, and of the penalty he will incur by refusal or neglect. When received, the papers are to be kept together in a place as safe as possible to guard against fire and other accidents, and the Consul on receiving such papers, shall make an entry in his Consular record, specifying the time of delivery, names of the vessel, the Master, and what is the description of the papers deposited ». <sup>74</sup>

<sup>73</sup> Allegato D al Dispaccio n. 23 di Baber.

<sup>74</sup> Il conte Solaro della Margarita rispondeva il 17 ottobre 1843 in francese, dichiarando di aver ricevuta questa comunicazione e avvertendo Baber che, per ottenere una efficace informazione, doveva rivolgersi all'ufficio adatto. L'originale di questa risposta si trova negli Archivi nazionali, Washington, assieme al dispaccio di Baber.

Considering the undisturbed observance by the Sardinian [consul] and the Consuls of all other nations in the ports of the United States, of all the rights, powers & privileges secured to them by the positive laws of their respective Governments and all such as may arise from the nature of the office under the general commercial laws of nations, I beg leave to submit to your Excellency if these conflicting views of their respective rights and duties entertained by the Tribune of Commerce and the United States Consul embarrassing to Captains and Masters of Vessels, oppressive to the owners, and destructive of all the protection contemplated by Insurance, may not be reconciled by the equitable reciprocity meditated in the commercial convention between the two countries, in such manner as will secure to the Consul the full possession and observance of all the rights, powers and privileges prescribed by the laws of his own Government and such others as arise from the common commercial usages of nations without injury or injustice to the Commercial Authorities of Genoa.

*C. Edwards Lester a Ambrose Baber*

*Consulate of the United States*

Genoa, 15 th Dec., 1843 <sup>75</sup>

Sir: In compliance with your request I have the honor to forward you three declarations of American Masters relative to the subject of your last communication. The matters complained of by these captains are so continually occurring that every one who enters this port verbally certifies to the same effect and they would all sign such declarations.

*Affidavit di John Wootten*

[July 26, 1843] <sup>76</sup>

I, John Wootten, Master of the Brig *Delight* of Philadelphia do hereby certify that after having noted my protest on the 24th of this present month at the American Consulate according to the cu-

<sup>75</sup> Allegato al Dispaccio n. 23 di Baber.

<sup>76</sup> Allegato al Dispaccio n. 23 di Baber

stom of American masters in other ports, I was told by an officer of the Tribunal of Commerce in this city that I had done wrong and that I should be held personally liable for all damage my cargo or ship might have suffered on the voyage if I did not enter my protest at the said Tribunal, because my protest would not be valid if entered at my Consul's, and wishing not to incur any responsibility myself I have felt myself obliged to enter my protest again at the Tribunal of Commerce, thereby incurring another expense.

It is always my custom to enter my protest in foreign ports before my own Consul, and I have never before experienced any difficulty in doing so.

In witness to the truth of which declaration I hereunto set my hand and seal, this twenty-sixth day of July 1843.

Done in the presence of me the undersigned this same day and month and year just above mentioned.

In witness my hand and seal of Office, this 26th July 1843.

C. EDWARDS LESTER  
U. S. Consul at Genoa

*Affidavit di C. Edwards Lester*<sup>77</sup>

No. 5866

Consulate of the United States, Genoa, December 15, 1843

I, C. Edwards Lester, United States Consul at Genoa, hereby certify to all whom it may concern, that the declaration given below is a true copy from the records of this office the original being preserved in the Consulate Genoa 15th Dec. 1843. C. Edwards Lester.

I, the undersigned, do hereby under oath before the American Consul, declare that when I entered this Port in the Bark *Iris* of Boston (or Bath) a person came on board and told me he was the interpreter of the Government, and that I must immediately go up to the Tribunal of Commerce and enter my protests there and that if I entered my protest before the American Consul it would not be according to law, and that if the cargo was damaged the

<sup>77</sup> Allegato al Dispaccio n. 23 di Baber.

underwriters would not pay unless I entered by protest before the Tribunal. I afterwards learned that it is the custom for certain persons to go on board any American vessel and say the same thing, and I have also ascertained that they are employed secretly by officers of the Tribunal of Commerce who send them on board vessels to get captains to go there, thus increasing their fees. I have been told by other captains, countrymen of mine, who have been in this Port, that they experience the same when they come to this Port. I am persuaded that these and other underhand income are used by the authorities here to the injury and imposition of American masters. At the Tribunal of Commerce where I went and entered my protest the officer told me the same thing that I have been told by the person who came on board.

And to the truth of this declaration, I hereunto set my hand this 12th day of December 1843.

RICHARD MERRIMAN  
Borgen Trio

*Affidavit di C. Edwards Lester* <sup>78</sup>

No. 5865

Consulate of the United States, Genoa, 15 Dec., 1843

I, C. Edwards Lester, United States Consul at Genoa, hereby certify to all persons concerned that the declaration given below is a true copy from the records of this office, the original being preserved in the Consulate.

Genoa, July, 27, 1843.

I, Washburn Fales, of the ship *Taranto*, do hereby certify that both before and after entering my protest before the American Consul, which I did on the 25th of this month (July) I was told by several persons, and among others an officer of the Tribunal of Commerce, that my protest would not be valid unless entered before the Tribunal of Commerce, and that as soon as I got pratique in this Port, I was told by a person who came on board that I must within 24 hours go and enter my protest at the Tribunal of Commerce and carry my log book up there.

<sup>78</sup> Allegato al Dispaccio n. 23 di Baber.

*Original Memorandum of the Books and other property of the  
Legation of the United States at Turin,*

Dictionary of Commerce and Navigation By J. B. McCulloch . . . . .	vol. 2
Encyclopedia of Geography by H. Murray . . . . .	» 2
Commercial Regulations of the United States . . . . .	» 3
Diplomatic Correspondence, by J. E. Sparks . . . . .	» 12
Diplomatic Correspondence . . . . .	» 7
Secret Journals of Congress . . . . .	» 4
Journal of the Federal Convention . . . . .	» 1
American State Papers . . . . .	» 12
Laws of the United States & Index . . . . .	» 9
Senate Documents . . . . .	» 14
Senate Journal . . . . .	» 3
House Journal . . . . .	» 3
Reports of Committees . . . . .	» 5
Executive Documents . . . . .	» 13
American State Papers, Large . . . . .	» 22
American Diplomatic Code . . . . .	» 2
Vattel's Law of Nations . . . . .	» 1
Wheaton Law . . . . .	» 2
History of the American Navy . . . . .	» 2
Correspondence relating to the North American boundary question . . . . .	» 2
Post Office . . . . .	» 1
Report on the African Slave Question . . . . .	» 2
Daily Chronicle . . . . .	» 1
Tabular Statistical views of the United States in parts 1 & 2	
Atlas of the United States	
New General Atlas	
American Notes by Borg . . . . .	» 2

North American Review No. 6.

<sup>79</sup> Allegato al Dispaccio n. 23 di Baber.

American Almanack [sic] from 1840  
Blank Record Books 4  
Records of the Legation  
Printed Passports & plate  
Wafers, Sealing wax, Steel pens &c.  
Large Gilt edge Copy paper 1 1/2 Ream  
Dispatch paper, water line 1 1/2 Ream  
Superfine Gilt edge post paper 2 Ream  
Note paper  
Envelopes of various Sizes  
Drawing & Wrapping Paper  
Arm Chairs 3  
Writing desk with a Secret lock  
Stamp & Seal  
Open book case with moveable [sic] shelves

*Ambrose Baber a John Nelson*<sup>80</sup>

New York, January 14 th, 1844

Sir: I have the honor to forward herewith the closing statement of my account as United States Chargé d'Affaires to the Kingdom of Sardinia, including the Quarter's salary allowed by law for my return expenses.

*Ambrose Baber a John C. Calhoun*<sup>81</sup>

Washington, 24 th March, 1844

Sir: One may be pardoned the expression of this confidence in the good fortune to the country in your acceptance of the appointment to which you have been invited with so much unanimity.

Injustice would be done to the magnanimity characteristic of an American gentleman to suppose for a moment, that a difference on some constitutional questions, and also some leading subjects of

<sup>80</sup> John Nelson (1794-1860), del Maryland, procuratore generale, fu segretario di Stato *ad interim* dal 29 febbraio al 31 marzo 1844. Fu incaricato d'affari presso il regno delle Due Sicilie dall'ottobre 1831 all'ottobre 1832. Vedi H. R. MARRARO, *Diplomatic Relations cit.*, vol. I, pp. 203-314; 331-332; 381.

<sup>81</sup> John C. Calhoun, della South Carolina, venne nominato segretario di Stato il 6 marzo 1844 e prese possesso della carica il 1 aprile 1844. Si ritirò il 10 marzo 1845.



national policy, could in any manner diminish your willingness to examine and promptly determine a matter of national right, etiquette and courtesy, notwithstanding the affair was officially communicated to the [State] Department prior to your appointment.

The subject to which your attention is respectfully requested can be more correctly understood by reference [sic] to a correspondence with the Sardinian Government (to which I had been accredited as chargé d'affaires) and this Department. The correspondence commences Sept 1st 1843 and ends Jan 10th 1844. The opinion given at the time of my recal (sic) *was formed without a knowledge of the circumstances* and I have now no means of ascertaining whether the opinion as expressed by the late Mr. Upshur is still retained after the communication of a full statement of the circumstances connected with the occurrence.

It may not be improper for me to remark that I have been informed through a private channel that the subject has been referred [sic] by the Sardinian Government to the several Courts of Europe & my recal [sic] happening so soon after the occurrence to which attention has been invited may confirm the impression that the United States Government have condemned their agent regardless of the opinion of their own tribunal solemnly expressed on similar subjects. If on the statement communicated the opinion given should be found unjust, the Country, and it may be added with respect the agent are entitled to a revision of that decision and the Sardinian Government should be distinctly notified of the views entertained on this subject.

I leave this communication in the hands of Mr. A. H. Chappel,<sup>82</sup> one of the Representatives from Georgia, who will receive and transmit to me any communication you may be pleased to make.

<sup>82</sup> Absalom H. Chappell, di Macon, Georgia, deputato della Georgia dal 4 dicembre 1843 al 4 marzo 1845.



ROBERT WICKLIFFE JR.

22 settembre 1843 - 1 maggio 1848



*Abel P. Upshur a Robert Wickliffe Jr.*<sup>1</sup>

Istruzione senza numero

Department of State  
Washington, 25 th September, 1843<sup>2</sup>

Sir: I have the honor to inform you that the President has appointed you Chargé d'Affaires, to Sardinia, in the place of Ambrose Baber, Esqre., who has been permitted to return to the United States. Whether your decision be to accept or decline this appointment, you will be pleased to communicate it to this Department.

*R. Wickliffe Jr. a Abel P. Upshur*

Lexington, Oct. 3, 1843

Sir: I have the honor to acknowledge the receipt of your letter informing me that I have been appointed by the Government Chargé des Affaires to Sardinia. I accept the appointment. I will arrange my affairs so as to leave this city about the 15th prox, and will proceed to Washington to receive my credentials and such instructions as you may desire to give me. As our court is now in session, it is impossible for me to depart at an earlier day.<sup>3</sup>

<sup>1</sup> Robert Wickliffe Jr, si laureò in legge alla Transylvania University di Lexington, Ky. Rappresentò la contea di Fayette nella legislatura del 1835, 1837 e 1841, e dal 1843 al 1848 fu incaricato d'affari a Torino. Abile avvocato e buon parlatore, si segnalò nell'insegnamento e si perfezionò nelle lingue antiche e moderne. Nella biblioteca della Columbia University si trovano i seguenti suoi lavori; *Speech delivered in the national convention of the Whig young men of the United States at Baltimore, May 4 and 5, 1840*, Lexington, Ky., 1841, 23 pp. *Plea for education of the people of Kentucky: an address delivered before the Mayor and Common Council of Lexington, Ky., July 1837*, 17 pp. *Second speech on the veto power: delivered in committee of the whole of the House of Representatives, Jan. 1842*, Lexington, Ky., 1842, 20 pp.; *Machiavel's political Discourses upon the First Decade of Livy. Interspersed with various reflections*, Louisville, Ky. Prentice and Weissinger, 1840, 29 pp. In questo ultimo lavoro, prendendo lo spunto dai discorsi di Machiavelli, egli cercò di chiarire le basi e le cause sulle quali la Repubblica romana fondò per tanti anni la sua enorme autorità nei confronti delle nazioni di tutto il mondo. Dopo una attenta indagine Wickliffe concluse che: «chi leggerà attentamente i discorsi di Machiavelli sulle *Decadi* di Livio, sarà sorpreso di trovare un disegno prestabilito in ogni parte di un meccanismo così vasto e complicato: Esaminata dall'occhio indagatore del Segretario fiorentino la grandezza della Repubblica romana non è più un mistero, ma le sue origini e il suo progresso possono essere distintamente seguite, come se fossero tracciate su una mappa». Wickliffe Jr. pronunciò il discorso per la posa della prima pietra della scuola di medicina della Transylvania University il 14 luglio 1839. Morì nel 1850 all'età di 35 anni. Ringrazio H. V. McChesney della società storica del Kentucky, che mi ha fornito questi dati.

<sup>2</sup> Questa comunicazione fu spedita a Lexington, Kentucky.

<sup>3</sup> Il 13 ottobre 1843, Wickliffe informava Upshur che una causa giuridica in cui era

Sir: The President having appointed you *Chargé d'Affaires* of the United States to Sardinia, I transmit to you with this despatch:

1. Your commission;
2. A letter of credence addressed to the Minister of Foreign Affairs of Sardinia, and an office copy of the same;
3. A special passport for yourself and suite;
4. A letter of credit on the Bankers of the United States in London, authorising them to pay your drafts for your salary, as it becomes due, with the contingent expenses of the Mission, actually incurred which, however, are limited to the sum of five hundred dollars. In availing yourself of this authority, you will be careful not to exceed in the amount drawn for, the sums to which you may be entitled in account with the United States, at the respective dates of your drafts.
5. A printed circular relative to the form of drafts on the Foreign Intercourse Fund.
6. A set of printed personal instructions prescribed by the Department for the government of all the Diplomatic Agents of the United States abroad.
7. A printed list of the Diplomatic and Consular Agents of the United States in foreign countries.

Your compensation, as fixed by law, is at the rate of four thousand five hundred dollars per annum, with an outfit equal to a year's salary, and an amount equal to a quarter's salary for your return to this country. It will commence on the day of the date of your commission, provided you proceed upon your mission within one month from such date, unless you should obtain special leave for further delay.

You will receive with this despatch, a letter from the President to His Majesty the King of Sardinia, in answer to a communication from His Majesty, recently received by the hands of the Count de Montalto,<sup>4</sup> the newly appointed *Chargé d'Affaires* of Sardinia near this Government, announcing the birth of a Princess. You will

coinvolta la libertà personale di un suo fratello, lo obbligava a rimanere a Lexington per testimoniare. A causa di ciò doveva posticipare la sua partenza di qualche giorno.

<sup>4</sup> Vedi p. 143, n. 42.

embrace an early opportunity, after your arrival at Turin, of transmitting to His Majesty's Principal Secretary of State for Foreign Affairs, the enclosed copy of the President's letter; and take the proper measures to deliver in person, or to communicate the original to the King, in such manner as shall be most agreeable to His Majesty's wishes in this respect, as they may be made known to you by the Minister.

*R. Wickliffe Jr. a Abel P. Upshur*

*Dispaccio n. 1*

Office Legation of U.S.A., Turin, Jan. 25, 1844

Sir: I have the honor to inform you that I arrived in this City on the night of the 8th ult. I sailed from New York on the 25th of Nov. in the Packet Ship Iowa, Capt. Synes, and arrived at Havre on the 13th of Dec. I was detained at Paris about a fortnight to make some indispensable arrangements with regard to my costume which could not be effected in this City. From Paris to Turin I travelled with all possible dispatch, stopping only for meals and accomplishing the route in four days and five nights—Though I apprehended some ill consequences from such a fatiguing journey, yet I have not experienced the slightest inconvenience from the trip.

On the morning of the 9th, I repaired to the Office of the American Legation & made myself known to my predecessor Dr. Baber. He informed me that he had taken his passage from Paris and would leave Turin on the evening of the 11th. He had even packed up the books, papers, and other property of the Legation with a view to place them under the charge of his Banker, but fortunately I arrived in time to prevent the Archives of the Legation from being placed in the custody of a foreigner. Not having yet established myself in an Office for the Legation, I have not been able to send the list of the books, papers and other property of the Legation left with me by Dr. Baber, but I will forward a complete and correct list of them by the next steamer.

Having been presented on the 10th ult. by Dr. Baber to His Excellency Count Solar de la Marguerite, first Secretary of State for Foreign Affairs, I delivered into his hands my credentials, and on the 15th was received in private audience by the King, when I took occasion to place in his hands the letter of the President of the

United States with which I was entrusted to express the interest which the President feels in the health & happiness of His Majesty and of His Royal family and in the prosperity of the Kingdom of Sardinia — to assure him of the sincere desire of the Government of the United States that the friendly relations and commercial intercourse between the two countries might not only be continued, but if possible enlarged and placed upon a footing more satisfactory and advantageous to both. As for myself I seized the very first opportunity to assure His Majesty that it would be my sedulous desire to refrain from all interference with the local affairs of the Country — that I deemed any attempt on my part to disseminate the principles of Government peculiar to my country as entirely alien from my duty — in one word (borrowing the language of your Excellency) that I came to reside near His Majesty's Government, neither as a propagandist of Republican principles or of the Protestant religion, but exclusively as the Representative of the interests, the rights, and the honor of my Country. — These sentiments were favorably received and cordially reciprocated by His Majesty.

*R. Wickliffe Jr. a A. P. Upshur*

*Dispaccio n. 2*

Turin, Feb. 17, 1844

Sir: Agreeably to my instructions, I proceed to forward you a full and accurate list of the books, papers and other property belonging to the Legation of the United States at this Court. I should have discharged this duty at an earlier day but on my arrival, I found my predecessor on the very eve of departure and the books of the Legation packed up in boxes for preservation until I should claim them. And in the dead of winter, it being extremely difficult to rent an office suitable to the Legation, it is only within the last two days that I have succeeded in obtaining one. I have therefore at the earliest day examined the property of the Legation & I have verified Dr. Baber's list. A slight difference will be observed between Dr. Baber's list and mine, because I received a few days since a box containing additional books and all of which are embraced in the subjoined catalogue.



	Vols.
McCulloch Dictionary of Commerce & Navigation . . . . .	2
Murray's Encyclopedia of Geography . . . . .	2
Commercial Regulations of the United States . . . . .	3
Diplomatic Correspondence by J. E. Sparks . . . . .	12
» . . . . .	7
Secret Journals of Congress . . . . .	4
Journal of the Federal Convention . . . . .	1
American State Papers . . . . .	12
Laws of the United States & Index . . . . .	9
Senate Documents . . . . .	19
Senate Journal . . . . .	4
House Journal . . . . .	4
Reports of Committees . . . . .	10
Executive Documents . . . . .	19
American State Papers large . . . . .	23
American Diplomatic Code . . . . .	2
Vattel Law of Nations . . . . .	1
Wheaton d. <sup>o</sup> d. <sup>o</sup>	
History of the American Navy . . . . .	2
Correspondence relating to Boundary Question	2
Post Office . . . . .	1
Tabular Statistical Views of the U. S.	
Atlas of the United States . . . . .	1
New General Atlas . . . . .	1
American Notes by Borg . . . . .	2
North American Review 6 Nos.	
North American Almanac from 1840	
Blank Record Books . . . . .	4
Records of The Legation	
Printed passports & Plate.	
Wafers, wax, Pints & paper of several sorts.	
3 Arm Chairs	
1 Writing Desk with Iron safe & secret Lock	
2 Seals.	
1 Bookcase with moveable [sic] shelves.	
Compendium 6th Census . . . . .	1
Census of Pensioners & c. . . . .	1
Statutes U. S. 1840 . . . . .	1
C. Census U. S. 1840 . . . . .	1

Sir: I forwarded to you about ten days since a copy of the « Code de Commerce » of Sardinia, which I trust will surely reach its destination. I desire more particularly to call your attention to Art 257 and 258 of that Code, by which all Captains both of Sardinian and of foreign vessels, are required to exhibit their Journal of Navigation and to make their report to the Tribunal of Commerce, within twenty-four hours after arrival in Port. In August 1843, two American Captains, Fales & Wootten, were told by the Pilots Harbor-Masters &c that it was necessary to make their report before the Tribunal of Commerce at Genoa and that a report made to the Consul of the United States would not be sufficient either to make the underwriters responsible or to indemnify themselves. Mr. Lester, the Consul of the United States at Genoa, entertaining some fears that a Protest rendered in his office would not be sufficient, presented the report of these Captains already noted in his office to be recorded in that of the Tribunal of Commerce which was refused. A representation of these facts was made by Mr. Lester to my predecessor Dr. Baber, and the matter was brought in October last by Mr. Baber to the notice of the Minister for Foreign Affairs. I have recently received a Note from Count Solar de la Marguerite first Secretary of State for Foreign Affairs, in which he replies that the pretension or claim set up by Mr. Lester cannot be admitted and encloses an opinion or argument of the Minister for Grace and Justice to the same effect.<sup>5</sup>

Mr. Lester contends and this opinion seems to have been entertained by Dr. Baber, that Arts. 257 & 258 of the « Code de Commerce » are in direct violation of the Treaty between Sardinia and the United States of the 26th Nov. 1838. I regret extremely to inform you that the library of the Legation is so miserably deficient in works upon International Law, that I have not had the means to examine this or any other question of Public Law in the manner they deserve. The books which I have ordered on my own account from Paris and London, have not yet arrived. But little weight therefore should be attached to my opinions, under the circumstances in which I find myself placed. As however, I have not been able to bring my

<sup>5</sup> La nota del conte Solaro, Torino, 28 febbraio 1844, è conservata negli Archivi nazionali di Washington, D. C.

mind to the same conclusion with Dr. Baber & Mr. Lester, I have thought it prudent, deprived as I am of the books and authorities necessary to examine the question profoundly, to submit the whole question to your superior judgment and learning. At the same time my duty requires that I should lay before you my opinions, however superficial or erroneous they may be.

I take it, that *Judicial* power can be conferred upon a Consul only by the laws of his own Government or by compacts and treaties with foreign countries. The former legalize his Acts and render them valid only with its own Tribunals and territories; and by the latter only can his Judicial Acts be rendered valid in those of a foreign country. Upon no principle of *International Law* can a Consul claim the right of receiving a Protest which shall be valid against the underwriters and other parties interested in the Tribunals of *foreign* countries. Indeed it requires a special statute to make them valid in the Tribunals of his own country and you will doubtless remember that Congress have [sic] passed laws to that effect. It is true that Valin<sup>6</sup> and Emerigon<sup>7</sup> lay down the law otherwise and it is doubtless the *dicta* of these high authorities that have led Dr. Baber and Mr. Lester to the opinion which they have formed. But Azuni<sup>8</sup> very clearly shews [sic] that these great writers, generally so correct are entirely mistaken upon this point.

I am strengthened in this opinion by the Law of Congress of the 3rd March 1817 (*Laws of the United States vol. 6, p. 195*) by which foreign captains are authorized to deposit their papers with their respective consuls, but it is expressly provided that the Act shall not extend to the vessels of foreign nations, within whose ports American Consuls are not *permitted* to have custody of the ship papers. This *proviso* clearly indicates that it was the sense of Congress, that the privileges could be granted or withheld from foreign consuls by each state at its pleasure.

The claim of Mr. Lester cannot be sustained on the ground that the above-mentioned articles of the « Code de Commerce », violate the 15th Art. of the Treaty of the 21th Nov. 1838, by which

<sup>6</sup> René J. Valin, scrittore di diritto internazionale, autore di *Commentaire sur l'ordonnance de la marine du mois d'Août 1681*, Parigi, 1836; *Traité des Prises, ou principes de la jurisprudence française concernant les prises qui se font sur mer*, Parigi, 1782.

<sup>7</sup> Balthasar Marie Emerigon, (1714-1785). Giurista francese. Autore di: *Commentaire sur l'ordonnance de la marine du mois d'août 1681*, Marsiglia, 1780, 2 volumi; *Traité des assurances et des Contrats à la grosse*, Marsiglia, 1783-1784, 2 volumi.

<sup>8</sup> Domenico Alberto Azuni (1749-1829), giurista italiano, nato a Sassari. Autore di: *Dizionario universale della giurisprudenza mercantile*, Nizza, 1787-1788; *Origine et progrès du droit maritime avec des observations sur le consulat de la mer*, Parigi, 1810.

it is stipulated that the consuls, vice-consuls and other commercial agents of the two countries, shall enjoy the same privileges, powers and exemptions as those of the most favored nations. Because Mr. Lester in his various communications to Dr. Baber and myself, does not pretend that the consul of any foreign nation enjoys the privilege of receiving the protests of captains of the vessels of his country, which would be valid against the underwriters and other parties interested in the courts of *Sardinia* and other *foreign* countries. On the contrary in the opinion or argument of the Minister of Grace and Justice, I am assured that no foreign consul enjoys any such privileges within the Sardinian dominions, an assurance which I believe to be true, or at any rate which I have not as yet any good and sufficient reason to doubt. Are these Articles 257 and 258 of the Sardinian « Code de Commerce » contrary to the first article of the Treaty between the United States and Sardinia, by which it is stipulated that there should be between the countries of the high contracting powers, a reciprocal liberty of commerce and navigation? It is true that a protest made by a Sardinian captain before a Sardinian consul in a foreign port, is by Art. 260 of the « Code de Commerce » valid in the *Sardinian* courts. It is equally true that by the Law of Congress, a protest made by an American captain before an American consul in a foreign port would be valid in the courts of the *United States*. But no privilege is withheld by Arts. 257 and 258 of the « Code de Commerce » from American captains which is granted to those of Sardinia; and I have therefore been unable to perceive the breach of reciprocity stipulated and secured by the Treaty. On the contrary all captains, whether Sardinian or foreign, are required within twenty-four hours after their arrival in a port of Sardinia, to make their report to the Tribunal of Commerce and where there is no such Tribunal, before the Juge de mandement.

Mr. Lester asserts very confidently in his communications that the practice of the ports of London, Liverpool, Havre & Marseilles is in strict accordance with his claim. A just sense of duty, a proper regard for my own reputation & a resolution not to be placed in any awkward or untenable position, renders it indispensable that in my official intercourse with this government, I should assert nothing as a matter of fact of which there is not an absolute certainty. And on this very point my prudence is justified in not placing implicit reliance upon the statements of Mr. Lester however positively made. Although the Chargé d’Affaires of the United States

at this Court, is very dependent upon our Consul at Genoa for facts, yet from a just sense of duty and regard for my own reputation, I have found it most advisable [sic] to obtain, elsewhere, the commercial information I need. I have therefore written to the American consuls at Havre, Liverpool, London and Marseilles, to ascertain what is the practice in those ports. As yet I have received a reply only from the Consul at Havre, and I would wait for the answers of the others, but for my desire to forward this dispatch by the next steamer. The Sardinian « Code de Commerce » is mainly taken and so far as regards the two articles in question, is copied nearly word for word from the French Code. Mr. Beasley<sup>9</sup> assures me that the protests of foreign captains arriving at Havre are always entered before the Tribunal of Commerce and never in his office, unless the vessel or cargo has been *insured in the United States*. I believe that the responses of the other Consuls will be of the same tenor and that in the absence of special compact to the contrary it is the general practice of commercial nations and embodies the true principle of international law.

In conclusion I beg to remind you of my utter destitution at present of the necessary books & authorities to examine this question satisfactorily, with the aid of which, I flatter myself that I could have presented the subject in a clearer point of view. Vattel<sup>10</sup> & Wheaton<sup>11</sup> with which only, the Library of the Legation is graced, threw not a ray of light upon the point. I have been compelled to rely alone upon my general knowledge of international law — a very unsafe and dangerous reliance upon any point of law and especially on one so important as that in question. The reply of the Minister for Foreign Affairs and the opinion of the Minister for Grace & Justice, may be considered definitive, so far as Sardinia is concerned; as it is a maxim here, never to retract voluntarily a position once assumed or an opinion once promulgated [sic] by the Government. Inasmuch therefore as my mind is inclined to take a different view of this question from that entertained by Dr. Baber and

<sup>9</sup> Reuben H. Beasley, della Virginia, console a La Havre dal 1817 fino alla sua morte, avvenuta nel 1847.

<sup>10</sup> Vedi p. 159, n. 58.

<sup>11</sup> HENRY WHEATON, *History of the Law of Nations in Europe and America from the Earliest Times to 1842*, New York, 1845; *Elements of International Law*. Pubblicati con note di Richard Henry Dana Jr., 8a edizione, Boston, Little Brown & Co., 1866, 749 p. Pubblicati con lo stesso titolo, con note di George Grafton Wilson, dalla Carnegie Foundation for International Peace (Oxford, The Clarendon Press, London, H. Milford, 1936). Vedi H. R. MARRARO, *Diplomatic Relations cit.*, vol. II, p. 280.

Mr. Lester, and inasmuch as nothing less than the Treaty itself is involved in this point, I have thought it most advisable, before proceeding further, to submit the whole matter to your superior judgment. If you shall be of the opinion that the Treaty has been violated I doubt not that you will advance such arguments and refer to such authorities as will change mine; and in a matter of this sort, it is extremely necessary that I should know that I will be sustained by my Government in regarding these articles as a violation of the Treaty between the two countries, if you think they are.

*Robert Wickliffe Jr. al Segretario di Stato*<sup>12</sup>

*Dispaccio n. 4*

Turin, March 19, 1844

Sir: I have this moment read in Galignani « Journal » an account of the awful explosion on board the steamship Princeton on the Potomac, by which *besides* Mr. Gilmer, Mr. Maxey, Commodore Kennon and others, Hon. A. P. Upshur late Secretary of State was instantly killed.<sup>13</sup> This sad catastrophe is well calculated to cover the Nation with mourning. No language can express the manner in which my heart is harrowed by this grievous visitation of Providence. The death of Mr. Upshur is a loss to the Nation. His extensive legal and literary attainments; his profound acquaintance with the duties of his high station; the elevation of his moral character and the amenity of his manners, ensured the esteem of all who were honored with his acquaintance and commanded the confidence and admiration of those who like myself, were connected with him by official relations. With his afflicted widow and family, I sympathize from the bottom of my heart and God grant that they may be able with Christian resignation to bear up under this terrible bereavement!

It was but the other day, that I wrote a dispatch to Mr. Upshur little doubting but that it would reach him in health and safety.

<sup>12</sup> Con l'istruzione n. 2, datata Washington, 29 febbraio 1844, Wickliffe veniva informato della morte di Upshur e della nomina dell'on. John Nelson a segretario di Stato *ad interim*.

<sup>13</sup> Il 28 febbraio 1844, il presidente Tyler, tutto il suo Gabinetto, molti membri del congresso e altre illustri persone erano a bordo della nave da guerra *Princeton* per il viaggio inaugurale sul Potomac. In questa occasione, per l'esplosione di uno dei più grossi cannoni che sparavano a salve morirono il segretario di Stato Abel P. Upshur, il segretario della Marina T. W. Gilmer e David Gardiner di New York. Nessun altro fu seriamente ferito.

But such are the inscrutable dispensations of Divine Providence, that if we cannot aspire to comprehend, we must at least learn to submit to them. I will not give way further to the melancholy reflections, with which this mournful event is so well calculated to fill every feeling mind. My feelings have not permitted me to wait for an official announcement of Mr. Upshur's death. To heave a sigh over the loss which the Republic has sustained in this sudden summons of one of her brightest ornaments from on high and to shed a tear over the death of a Statesman whose varied abilities shone with equal brilliancy at the Bar, on the Bench, in the Council and whose ripened scholarship, and well-poised mind, at once adorned the Student [sic] Closet and imparted lustre even to the first office in the gift of a Republican Chief Magistrate, is an impulse which I have been unable to suppress.

From this distant land and foreign people, I pray the winds and waves to waft my lamentations across the Atlantic and to mingle them with those of the good who know how to honor living merit and mourn over departed worth.

***Robert Wickliffe Jr. al Segretario di Stato***<sup>14</sup>

*Dispaccio n. 5*

Turin, March 21, 1844

Sir: In my dispatch of the 17th ult. to Mr. Upshur late Secretary of State, I laid before him all the facts and the inclination of my mind, relative to the claim of Mr. Lester, U. S. Consul at Genoa, under the principles of International Law and the Treaty between Sardinia and the United States of 26th Nov. 1838. I beg to call your immediate attention to that dispatch and the subject which it discusses. It is one indeed of very great importance to the interests of American commerce and navigation. Before a Consul a protest is simply *Noted* to be extended in case of need and costs only *two* dollars, whereas before the Tribunal of Commerce, the fee is *seven* dollars for Record and in addition *four* dollars to the broker for acting as interpreter. Since the date of my dispatch of 17th ult. I have received a letter from Mr. Croxall<sup>15</sup> the Consul

<sup>14</sup> John Nelson, del Maryland (procuratore generale), tenne l'incarico *ad interim* dal 29 febbraio al 31 marzo 1844. Vedi p. 176, n. 81.

<sup>15</sup> Daniel C. Croxall, del New Jersey, console degli S. U. a Marsiglia, confermato nel 1830. Vedi *Personnel Records* nei *Department of State Archives* di Washington.

of the United States at Marseilles. He informs me that in 1840 this question was decided in the case of the protest of a Dutch captain, made before the Dutch Consul at Marseilles. The Tribunal of Commerce at Marseilles (as might be expected from their sympathy with their towns-men interested in this question) decided that this Protest was not valid against the Under-writers but the *Cour Royale* at Aix reversed the judgment and declared that the Law of France (and on this point the Sardinian Code is copied from the French) authorizing French consuls to receive and verify the Protests of the masters of French Vessels, implicitly recognised [sic] the right of foreign consuls residing in France to receive and verify the protests of the Captains of their Nation; but if it could be shewn [sic] that the right was refused by a foreign nation to French consuls and the masters of French vessels, then the protest of a captain of that nation before his consul in France would be rejected by the French courts. On the 20th of January last Capt Brown of the Ship Minerva of New York arrived at Marseilles and made his Protest before the Consul of the United States at that Port. The cargo proved to be partially damaged, the Under-writers in France refused to pay the insurance; suit was commenced against the insurers and against Capt Brown. The case is to be tried on the 26th before the Tribunal of Commerce at Marseilles and may go up to the *Cour Royale* at Aix and possibly to the *Cour de Cassation* at Paris. Capt. Brown before leaving Marseilles had to give surety to abide the event.

But I need not inform you, that although the Sardinian & French Codes of Commerce upon this point are exactly the same, yet the decisions of the French Tribunal will have no effect in shaking the Sardinian Government from the definitive position which it has assumed on this point. Although the question has never been formally settled by the Tribunals of Sardinia, yet the opinion of the Government before-hand is imperative and will not be disregarded by the courts. Under the note of the Minister of Foreign Affairs and the opinion of the Minister of Grace and Justice, this point in Sardinia may be considered as much *Res adjudicata*,<sup>16</sup> as if the case had actually arisen, been presented to the Tribunal of Commerce at Genoa, and their judgment upon the point formally pronounced. I therefore request your views at length upon the whole question & full instructions as to the course which I must pursue.

<sup>16</sup> Sentenza passata in giudicato.



I would also like to know what is the practice on this point in the ports of the U. S. towards captains of Sardinian vessels.

Inasmuch as the Sardinian Government and courts refuse to give credence to a Protest made before an American consul who is a regularly appointed and duly constituted officer of the Government of the United States, and if you should think that this refusal is neither in contradiction of the principles of international law or in violation of the Treaty of 26th Nov. 1838, I beg leave to suggest whether we ought to continue a courtesy which is not reciprocated? I have not been able to find any law of Congress which requires American consuls to verify the declarations and acts of the subjects and courts of foreign countries. Nor have I the reports of the Supreme Court of the United States to ascertain how far or whether at all the signature & seal of an American consul are necessary to give validity to such acts and declarations in the courts of the Union. At any rate the consuls out of comity have *ex officio* been in the habit of legalising [sic] such instruments and I submit whether I ought not to instruct the consuls at Nice and Genoa to withhold their legalisation [sic] from such acts and declarations of Sardinian subjects and courts, so long as they reject the Protest of an American captain made before an American consul? I also submit whether so long as Sardinia persists in this position, you should not take the necessary measures to compel the captains of Sardinian vessels arriving in the ports of the United States to make their protests before the local Tribunals and not allow them as they are now permitted, to make them before their own consuls? Some decisive and energetic action is necessary to protect the interests of American commerce and to maintain the dignity of the American Republic upon this subject in this Kingdom. Enclosed, I send a copy of the Note of the Count Solar de la Marguerite First Secretary of State for Foreign Affairs in reply to Mr. Baber's communication upon this point.<sup>17</sup>

*Robert Wickliffe Jr. al Segretario di Stato*

*Dispaccio n. 6*

Legation of the United States, Turin, March 30, 1844

Sir: Since the date of my last dispatch I have received letters from our Consul at Liverpool and London, relative to the commer-

<sup>17</sup> La comunicazione in francese, del 28 febbraio 1844 era in risposta alla nota di Baber del 14 ottobre 1843. Vedila negli Archivi nazionali a Washington, D. C.

cial usage of those ports upon the subject of *Protests*. Mr. Haggerty,<sup>18</sup> the American Consul at Liverpool, informs me that Masters of American vessels are not required by the local authorities to produce their Log-book or Journal to them, but that in all cases of loss or damage they are permitted to enter their Protests before the American consul and that a Protest thus made is received by the English courts as evidence against the underwriters and other parties interested.

Mr. Aspinwall,<sup>19</sup> our Consul at London, says 1st that the masters of American Vessels on their arrival at the port of London, make no other report to the Local authorities, than such as are required to be made at the Custom House, in regard to their cargoes, the national character of the vessel and the last port of loading and departure. The Log-book is produced only in cases where a Protest is extended for damages apprehended or received by the ship or cargo; 2nd that a Protest extended before the consul of the United States by an American master is admissable in Great Britain in courts of Admiralty, but in courts of Common Law, it is not evidence whether drawn up by a notary or consul except by consent of parties. This Consent is generally withheld in cases where the master and crew are producible as witnesses, but of course the Protest can be impeached and set aside by Parol testimony. But as far as they go they are of equal weight whether taken before a consul, a notary or any other local authority.

I anxiously await your instructions, inasmuch as the position assumed by the Sardinian Government is final. This contested question has been thrown upon me very unexpectedly at the very commencement of my mission. I was not apprised of its existence prior to my departure from America, or else I would have consulted the views and taken the instructions of Mr. Upshur. Under the circumstances of the case, I have deemed it prudent not to make any movement in the matter until I receive the orders of my Government — a prudence which I trust will meet with your approbation.

<sup>18</sup> James Hagarty di New York, console degli S. U. a Liverpool, confermato il 30 marzo 1842. Vedi *Personnel Records* nei *Department of State Archives*, Washington. Notare la differenza di ortografia nel cognome del console.

<sup>19</sup> Thomas Aspinwall, del Massachusetts, console degli S. U. a Londra, confermato nel 1816. Vedi *Personnel Records* nei *Department of State Archives*, Washington.

**Robert Wickliffe Jr. al Segretario di Stato**<sup>20</sup>

*Dispaccio senza numero*

Turin, April 10, 1844

Sir: Enclosed you will find my account with the United States up to the 22nd March ult. and a schedule of the contingent expenses of the Legation up to the 31st March inclusive. I have been obliged to wait these ten days for the account of Mr. Miller. Receipts are enclosed for those items for which receipts are usually given here and the rest were paid in cash without any quittance. As some of the bills are in English & others in Sardinian currency, I have had some trouble to reduce them exactly to American. There may be some slight error which in the calculation may have escaped me & I desire that the proper officer at the Treasury may examine particularly & if there be any error to correct it. If any of the contingent charges are excepted to as improper and I feel very sure that there are none of that character, I respectfully request to be informed of it immediately, so as not only to correct the particular mistake, but to avoid its repetition in future. Besides it is unpleasant to have objections made hereafter and at a distant day when in consequence of the lapse of time it may not be so easy to give satisfactory explanations as at present. If there be any defect in the form of this account, I beg pardon and my apology must be that I was not furnished with any such form by the Department or informed that any special mode was necessary.

**Robert Wickliffe Jr. a John Calhoun**

*Dispaccio n. 7*<sup>21</sup>

Legation of the United States, Turin, June 15, 1844

Sir: I have the honor to acknowledge by this days [sic] mail the receipt of your circular of the 1st of April [No. 3] in which you inform me that you had been appointed by the President Secretary of State and had on that day entered upon the discharge of the duties of the office.

The circumstances under which you have been called to the

<sup>20</sup> John C. Calhoun, della South Carolina, fu nominato segretario di Stato il 6 marzo 1844 e prese possesso della carica il 1 aprile 1844. L'istruzione n. 3 del 1 aprile 1844 informa appunto Wickliffe di questa nomina. Vedi *Instructions to Ministers*, vol. *Spain*, p. 171 negli Archivi nazionali di Washington. Calhoun si dimise il 10 marzo 1845.

<sup>21</sup> Un altro dispaccio datato Torino, 12 giugno 1844, ma contrassegnato « copia n. 8 » è praticamente uguale a questo.

management of our foreign relations are alike honorable to him and yourself. The wisdom which he displayed in selection; the most suitable man in the country to conduct our foreign affairs at this most critical juncture, and the patriotic sacrifice which you have made in relinquishing the quiet enjoyments and peaceful pursuits of private life for no other end than the good of the country, entitle both to the lasting gratitude of the Republic. That your appointment should not only have commanded the approbation but drawn forth the applause of all parties and of all men though doubtless highly gratifying to yourself, has not been surprising to me. That such unanimity should prevail with regard to its peculiar propriety, when parties are so numerous, when the nation is agitated by the approaching election, and when two of the most momentous questions that have arisen since the last war, are unsettled and placed in your hands, is the strongest evidence which you could receive of the confidence which the people repose not merely in your ability, but in your personal character and political integrity.

In those feelings of joy so generally and so freely expressed from all quarters, permit me to say that I heartily [sic] join. It was my good fortune to enjoy the confidence and friendship of the late lamented Secretary of State and it shall be my great ambition during my residence near this Royal Court, to endeavor, in some slight degree to merit your approbation.

*John C. Calhoun a Robert Wickliffe Jr.*

*Istruzione n. 5*<sup>22</sup>      Department of State, Washington, 17 th June, 1844

Sir: The Senate having advised, and consented to your appointment, as Chargé.d'Affaires of the United States to Sardinia, I herewith transmit to you, your commission in that character.<sup>23</sup>

<sup>22</sup> L'istruzione n. 2 del 29 febbraio 1844 annunciava la morte di A. P. Upshur e la nomina di John Nelson a segretario di Stato *ad interim*.

L'istruzione n. 3 del 1° aprile 1844 annunciava la nomina di J. C. Calhoun a segretario di Stato.

L'istruzione n. 4 del 30 maggio 1844 trasmetteva una lettera del Presidente a Sua Maestà il re di Sardegna per la nascita di un principe e accusava ricevuta dei dispacci n. 1, 2, 4, 5, e 6, di uno del 17 marzo, che si pensa sia il n. 3, e di uno del 10 aprile, che non è numerato.

<sup>23</sup> Ebbe luogo un dibattito al Senato degli S. U. sulla questione dell'esclusione della Sardegna dall'assegnazione degli stipendi per gli incaricati d'affari. Il dibattito durò a lungo. Evans, Crittenden e Berrien sostenevano che, essendo stato il trattato soddisfacentemente concluso, tutto ciò che si poteva fare era inviare un console a Torino e non

Your despatches of the 17th, 21st and 30th of March — the last communicating the opinion of the American Consuls at London and Liverpool, on the subject of protests, to which the two former despatches related — have been received. A reference to the Treaty of Commerce, which subsists between the United States and Sardinia, will show, that there are no principles in it, which were intended to, or can overrule, or control, the established municipal law of that country, in regard to the admissibility of evidence in any of His Sardinian Majesty's Courts, or to the forms to be observed by captains of American vessels arriving in the ports of Sardinia; unless such regulation should operate in favor of the national or any other flag, to the disadvantage of our own.

However onerous and peculiar the requirements of the Sardinian Government may be in these respects, it must be obvious that we have no just ground of complaint. It is certainly the duty of the American Representative to use every exertion to procure modifications in the laws and regulations of the country in which he resides, calculated to facilitate commerce and simplify the formal proceedings required upon the entry of American ships; but, at the same time, acting under higher and more general considerations, the greatest care should always be taken by him, never to vex and annoy the Government to which he may be accredited, by presenting to, or urging upon it claims that may be regarded as either unreasonable or dubious.

By an examination of the list of books, and documents, given in your No. 2, of the 17th February, it is perceived that your Legation is supplied with all the volumes allowed by the Department.

Your despatches of the 19th March, No. 4, and of the 10th April, (not numbered), have also been received. That of the 17th March, however, was not numbered.

una missione di più alto grado. Archer, Merrick e Choate sostenevano invece che, essendo la popolazione della Sardegna di 5 milioni di abitanti ed esistendo fra S. U. e il regno di Sardegna scambi commerciali per un valore di circa \$ 1,600,000 all'anno, era conveniente che i due Stati avessero una stabile rappresentanza diplomatica ad alto livello. Anche Woodbury chiese la continuazione della missione a Torino. L'emendamento, posto ai voti, ottenne 15 sì e 28 no. Perciò la Sardegna non fu esclusa. *Congressional Globe*, 15 giugno 1844, XIII, n. 43, p. 673.

*Robert Wickliffe Jr. a John C. Calhoun*

*Dispaccio n. 10*

Legation of the United States, Turin, Sept. 15, 1844

Sir: I have the honor to acknowledge the receipt of your dispatches of the 30th May and of the 17th of June last, Nos 4 and 5. I had availed myself of the retirement of the Court to the country to make a rapid visit to Genoa and to learn as much as possible, in the time I could command, of our commerce with that port. Your dispatches reached me at that City and upon their receipt I immediately returned to Turin. Upon my arrival I ascertained that His Majesty had not yet returned to town. I addressed a Note to the First Secretary of State for Foreign Affairs, requesting to know the most agreeable manner in which the letter of Mr. Tyler<sup>24</sup> could be communicated to His Majesty. Count Solar de la Marguerite in reply informed me that by enclosing the letter to him, he would make it his duty to conduct it to its high destination. This I did accordingly, and have his note acknowledging its receipt.

Although contrary to the interests of our commerce, yet I am pleased to find by your dispatch No 5 that the opinion which I had ventured to express, with regard to the question of the protests of American Captains, has met with your authoritative sanction. The course which you instruct me to pursue is the one which I had already marked out for myself. I shall use every exertion to procure some modification of the laws of this Kingdom upon that subject, but at the same time will strictly observe your caution not to vex and annoy this government with unreasonable importunity in pressing my views. I have addressed a Note to the Minister for Foreign Affairs, suggesting the propriety of establishing the laws of this country, so as to meet the proffer of reciprocity made by the Act of Congress upon this point or if that should not be agreeable respectfully requesting him to propose some other plan by which the mutual commerce of the two countries may be relieved from the unnecessary taxes, restraints, and inconveniences at present imposed. As soon as I receive his response, I will send you copies of my letter and his response. I am duly impressed with the importance of the subject and hope if not to succeed at least to merit your approbation by the promptness with which I will attend to it.

I have also a communication to send you on another subject,

<sup>24</sup> John Tyler, della Virginia, Presidente degli Stati Uniti dal 6 aprile 1841 al 4 marzo 1845.

which I will forward by the first person whom I can entrust as a special messenger to Paris. I also take the liberty to suggest, once for all, that if at any time you have any thing to communicate to this Legation, which you do not wish to be known by the Government here, that it is very unsafe to trust the sanctity of the Post or to rely on the security of Cypheres [sic] & that it should be sent at least from Paris by an accredited courier.

There is at present no consul at Florence. The former incumbent Mr. Ombrosi was dismissed more than two years ago and Mr. Edward Gamage appointed in his place. As late as the middle of July although appointed so long ago Mr. G. had not arrived and the general impression seemed to be that he would not come at all. Dispatches circulars & documents however come addressed to him as consul in that city from the Department and from the circumstances I presume you are under the impression that Mr. Gamage is at his post. The profits of a consul at Florence are very small & not of themselves any inducement for a person to undertake its duties. The policy of having foreigners in such stations is obviously bad and I respectfully suggest that some new person should be appointed. Although we have not a great deal of commerce with Florence, yet there is a large number of American citizens who visit and many who reside in that city and the presence of a consul may be often necessary to facilitate their purposes and to protect their rights; unless a mercantile man can be induced to take the place, I believe although I do not know it, that either Mr. Greenough<sup>25</sup> or Mr. Powers<sup>26</sup> would accept it. They are both located in Florence with their families—both are men of character, integrity and industry—both would discharge the duties conscientiously & faithfully if they understood them and both as artists would perhaps be aided in their profession by the protection which the consular office bestows. Mr. Greenough speaks of returning to America but as Mr. Powers will continue indefinitely there, he would be more likely to accept it. My apology for mentioning this subject is that there is no American representative nearer to Tuscany than myself.

<sup>25</sup> Horatio Greenough (1805-1852), scultore, lavorò in Italia negli anni 1825-1826, 1828-1841, 1844-1851 e visse lungamente a Firenze. Vedi *Letters of Horatio Greenough to his Brother Henry Greenough*, Boston, Ticknor, 1887; HORACE BENDER, *The Travels, Observations and Experience of a Yankee Stonecutter*, New York, G. P. Putnam Sons 1852; HENRY T. TUCKERMAN, *A Memorial of Horatio Greenough, Consisting of a Memoir, Selections from His Writings, and Tributes to His Genius*, New York, G. P. Putnam Sons, 1853.

<sup>26</sup> Hiram Powers (1805-1873), scultore che visse, salvo una breve interruzione, in Italia dal 1837 fino alla morte. La sua biografia è in C. EDWARDS LESTER, *The Artist, the*

*Robert Wickliffe Jr. a John C. Calhoun*

*Dispaccio n. 11*

Legation of the United States, Turin, Sept. 25, 1844

Sir: Annexed I do myself the honor to send a copy of a note which on the 18th ult. I addressed to Count Solar de la Marguerite, First Secretary of State for Foreign Affairs, upon the subject of the Sardinian laws with regard to the protests of American Captains. I spoke of this Note in my last dispatch and promised also to send you the reply of the Minister. This reply has not however yet been received, and I have concluded to send you at once the appended note, so that it may cross the Atlantic by the next steamer. A copy of the answer of the Secretary of State will also be forwarded as soon as it comes to hand. As the views which I had taken and the course which I had prescribed to myself were precisely those which you have instructed me to follow, I hope my letter to the Minister for Foreign Affairs will meet with your approbation.

I cannot form any decisive opinion of the character of his response. It seems to be a general idea that the policy of this country is anti-commercial; but such a principle is so far behind the spirit and enlightenment of the age in which we live, that I am, loath to believe that it governs the councils of any country professing to be civilised [sic]. A persistence in their present laws with regard to the Protests of foreign captains will I confess however reluctantly incline me to the same opinion. There can be but two motives for this law—one real and the other pretended. The real motive which of course will not be avowed is to enable the sharks about the port and Court of Genoa to exact exorbitant charges to the detriment both of American commerce and of the interests of Sardinia — The pretended motive is that the seal or certificate of their Court is more safely to be relied upon, than those of a foreign consul. If they will not give credence to the authentication of our constituted agents (which consuls are) in their courts, I do not think that we ought to give admissibility to the acts and documents of their authorities before our tribunals. In case Arts. 257 & 258 of the Commercial Code of this country are continued in force, I respectfully submit whether the American consuls in this Kingdom should not be instructed to refuse their seal & certificate to the acts

*Merchant, and the Statesman of the age of the Medici, and of our own Times*, New York, Paine, 1845. Vedi anche GIULIANA ARTOM TREVES, *Anglo-Florentini di Cento Anni Fa*, Firenze, Sansoni, 1953, pp. 117, 217, 222, 225-229, 282.



or documents of the authorities here. This authentication they are in the habit from courtesy and *ex officio* of granting, but are not *required* by any law of Congress, as far as I am informed, to give. Such is the course which Mr. Croxall, the Consul at Marseilles, has resolved to pursue with regard to the French authorities, if this same question which is now pending before the French courts be decided unfavorably to our interests. We need make no reliance upon what we consider enlarged liberal and comprehensive views of public policy and a wise system of commercial principles. We need expect nothing from that liberal country which induces a nation to repeal laws which are annoying and offensive to other nations without yielding any benefit to herself. We need expect nothing from any supposed partiality for our Government, because such partiality exists in no Cabinet or Court of Europe. Our only way is, if they will annoy us with their miserable, piddling, restraints, to return the dose with the same medicine. As quite a number of Sardinian subjects have emigrated to America,<sup>27</sup> the people & courts & authorities here, have frequent occasion of my authentication & that of our consuls to their acts & documents to be transmitted to America. It is my opinion that their authentication should be refused until they give credit to the seal & certificate of our Consuls before their courts. If they apprehend fraud—if they are unable to place the same confidence in the seal of our American consul as in that of one of their own petty courts, why should we receive the seals of their authorities with the same faith and confidence attached to our own? If they are resolved to persist in inflicting this inconvenience upon us, the only way to bring them to reason, is not by fine arguments or a grand array of the liberal usages of more commercial nations, but by retorting with a still greater inconvenience. It is an argument which they will feel & I repeat that our interests and dignity require that something should be done.

I have received a letter from Mr. I. Ombrosi in which he informs me that Mr. Gamage had appointed him Vice-Consul at Florence. From this I would infer that Mr. Gamage has no idea of coming out, for there is not business enough for one & still less for two consular dignitaries at Florence.

<sup>27</sup> Il *Censimento degli S. U. nel 1860* dimostrò che gli Italiani arrivati in America dal 1820 al 1850 erano 4.561, così distribuiti: 438 dal 1820 al 1830; 2.253 dal 1831 al 1840 e 1.870 dal 1841 al 1850.

The undersigned Chargé d'Affaires of the United States of America, desirous to postpone as long as possible after his arrival near the Court of His Majesty any business which might give rise to discussion, offers his apologies to Count Solar de la Marguerite, First Secretary of State for Foreign Affairs, for not having at an earlier date acknowledged the receipt of the obliging Note together with the learned opinion of the Minister for Grace and Justice, which His Excellency did him the honor to communicate on the 28th of Jan. last. Count Solar de la Marguerite will remember that that Note and opinion referred to the claim set up by the American Consul at Genoa Mr. Lester under the Treaty between the United States & Sardinia and the rights of consuls as recognized by the international law and the commercial usages of nations, to exercise the right of receiving and recording the protests of the captains of American vessels arriving at the Sardinian Ports within his consulate and which protests thus received and recorded in his office should be valid as testimony against the underwriters and other parties interested, before the tribunals of His Majesty the King of Sardinia. The undersigned frankly acknowledges that the claim set up by Mr. Lester cannot as a matter of right be sustained—that in general the view so ably taken by Count Solar de la Marguerite of the principles of international law and the articles of the Treaty of Nov. 1838 are correct and that there is on the part of the Government of the United States no legal ground of complaint against the Arts 257 and 258 of the Sardinian Code of Commerce.

The undersigned trusts that in this frank acknowledgment Count Solar de la Marguerite will perceive that the Government of the United States is disposed to insist upon no rights, but those to which it is justly entitled and while it asks no exclusive favors, wishes only a mutually agreeable intercourse and beneficial commerce with His Majesty's dominions upon principles well defined by international law & express stipulations. The undersigned does not doubt that this disposition will be met in a corresponding spirit by the Government of His Majesty.

Whilst the undersigned makes no complaint against the articles

<sup>28</sup> Allegato al Dispaccio n. 11 di Wickliffe.

of the Commercial Code referred to and disclaims all desire to interfere with the municipal regulations of His Majesty's Government within the legitimate pale of its sovereignty, yet he begs leave to suggest to Count Solar de la Marguerite, whether the interests both of the United States and of Sardinia do not require that all restraints and taxes upon this mutual commerce, not necessary for its safety and protection or advantageous to the government of either ought not to be removed. Whilst the Government of the undersigned admits the undoubted right of His Majesty's Government to have enacted and to continue in force, Arts 257 and 258 of the Commercial Code, yet the undersigned hopes he will not transgress proper bounds in suggesting that the practical operation of those Articles is to impose a hindrance and a tax upon American commerce without a benefit corresponding to His Majesty's Government and without any necessity apparent to the undersigned to guard the purity of testimony in His Majesty's courts. Count Solar de la Marguerite will readily perceive that American captains, speaking a foreign language and utterly ignorant of legal proceedings & commercial forms under a system different from that to which they are accustomed at home, are often subjected to great difficulties, delays, and annoyances in the transaction of their business before a foreign court. The undersigned also begs to state that the taxes required by the tribunals of Commerce at Genoa are three times and a half greater than those which the American consul, under the laws of his country, is allowed to charge. As these taxes, according to the best information which the undersigned has been enabled to obtain, do not form a part of the revenue of His Majesty's Government but of the profits of subordinate officers of the Court of Genoa, the undersigned does not believe that His Majesty's Government would be disposed to continue them, unless for some motive of public policy, which the undersigned does not perceive. With regard to the necessity of having the certificate of the local authorities to documents that may be offered as testimony in the local courts, the undersigned begs to suggest that a consul is a regularly appointed and accredited agent of his country—that his certificates and seal are admissible as authentic evidence before all the tribunals of that country and that in many instances by the commercial usage or by express compact they are receivable as evidence before foreign tribunals. It is not necessary to remind Count Solar de la Marguerite of the many cases in which documents authenticated by the seals of the authorities of one country are received as evidence by

the competent tribunals of another. The undersigned is not able to perceive that the interests of suitors and the cause of justice would suffer by giving validity to the seal of a consul affixed to the protests of the captains of his own country and clothing them with admissibility as evidence before His Majesty's tribunals. Such is the usage in Great Britain, the principal commercial country of Europe. At the ports of Liverpool & London the masters of American vessels are not required by the local authorities to produce their Journal of Navigation before them, but in all cases of loss or damage, they are permitted to enter their protests before the American consul and protests thus made are received by the English Courts as evidence against the underwriters and the other parties interested. Indeed it is a well settled principle of the Admiralty Law of England that protests of foreign captains extended before their respective Consuls are admissible and valid evidence before the Admiralty courts of the Realm. No contrary principle was indeed laid down by the Tribunal of Commerce at Marseilles in 1840 in the case of a Dutch captain; and the undersigned respectfully suggests whether a local tribunal of commerce can be expected to be wholly free from bias on a question where so many of their townsmen and subordinate officers are so directly interested. That decision however was *reversed* by the *Cour Royale* at Aix and *it was decided that the law of France (and on this point the Sardinian Code is similar to the French) authorizing French consuls to receive and verify the Protests of the Masters of French vessels implicitly recognized the right of Foreign Consuls residing in France to receive and verify the protests of the captains of their nations.*

The Undersigned begs permission to call the attention of Count Solar de la Marguerite to the law of the United States upon this subject. An act was passed and approved 3rd of March 1817 authorising [sic] the deposit of the papers of foreign vessels with the consuls of their respective countries. That Count Solar de la Marguerite may fully perceive the scope of that law, the undersigned begs to be excused for copying all that relates to the point in hand "*Sec 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*" That the Register or other document in lieu thereof, together with the clearance and other papers granted by the officers of the Customs to any foreign ship or vessels at her departure from the port or place from which she may have arrived, shall previous to entry in any port of the United States, be produced to the Collector with whom such en-

try is to be made. And it shall be the duty of the master or commander within forty eight hours after such entry to deposit the said papers with the consul or vice-consul of the nation to which the vessel belongs and to deliver to the collector, the certificate of such consul or vice-consul, that the said papers have been so deposited; and any master or commander as aforesaid who shall fail to comply with this regulation shall upon conviction thereof in any court of competent jurisdiction, be fined in a sum not less than five hundred dollars nor exceeding two thousand dollars. Provided that this Act shall not extend to the vessels of foreign nations in whose ports American consuls are not permitted to have the custody and possession of the Register and other papers of vessels entering the ports of such nation, according to the provisions of the Act supplementary to the Act "concerning consuls and vice-consuls and for the further protection of American seamen" passed the eighth [sic] day of February one thousand eight hundred and Three.

Count Solar de la Marguerite will perceive from this Section of the Act of Congress, the sense of the American Government of the greater facility to commerce which exists where protests are not required to be extended before the local tribunals and its liberality in authorising [sic] foreign consuls in American ports to receive the protests of the captains of the vessels of their respective nations, provided the same privilege is extended to American consuls residing in the ports of such nations. The principal commercial countries which trade with the United States enjoy this privilege in American ports and if it has not been extended to the captains of Sardinian vessels, it is because the same right is not only not granted but expressly refused to American consuls in Sardinian ports. The undersigned flatters himself that the same enlightened views of their interests and the same enlarged consideration of commercial convenience, which have led the great trading nations to adopt this mutually advantageous arrangement will have weight with His Majesty's Government. If American consuls were allowed this right in the Sardinian ports, by virtue of the above Act of Congress, Sardinian consuls would *ipso facto* be invested with it in American ports. The reciprocity tendered by the Act of Congress is based upon fair, equal, liberal and the undersigned ventures to add mutually beneficial principles, between the United States and those nations which in their wisdom choose to adopt it. The undersigned respectfully suggests to Count Solar de la Marguerite whether some arrangement may not be entered into

upon the basis of that reciprocity advantageous and satisfactory alike to the Government of the undersigned and that of His Majesty. Upon a full consideration of the whole subject perhaps Count Solar de la Marguerite may find it agreeable to make some other proposition, which whatever it may be will be received by the undersigned with the high consideration which its distinguished source will ever command at his hands. The undersigned trusts that Count Solar de la Marguerite will properly appreciate his respectful sentiments when he assures him that the Government of the United States would be highly gratified to see the commerce of its citizens exempted from the heavy taxes necessarily imposed by the application of the Arts 257 and 258, to the captains of American vessels and will cheerfully cooperate with His Majesty's Government in reciprocal attempts to facilitate the mutual commerce of the two nations. The undersigned, however, while thus with possible delicacy, expressing the wishes of his Government, will not press this subject upon His Majesty's Government, further than Count Solar de la Marguerite may do him the honor to communicate that its consideration is agreeable.

*Robert Wickliffe Jr. a John C. Calhoun*

*Dispaccio n. 12*

Legation of the United States, Turin, Sept. 30, 1844

Sir: Mr. Lester, the American Consul at Genoa, has laid before me a bundle of documents, relative to an alleged outrage and violation of the rights of Dr. Samuel G. Howe<sup>29</sup> by the Custom-house officers of that City. Dr. Howe is a citizen of the United States, well known to me and doubtless also to yourself, for his distinguished devotion and services in the cause of humanity and liberty. It appears that Dr. Howe left Naples on board the steamer Leopold the Second, on the 15th of May last for Marseilles and was provided

<sup>29</sup> Samuel Gridley Howe (1801-1876). Nato a Boston, si laureò a Harvard nel 1824. Combatté con i Greci nella guerra contro i Turchi (1824-1830). Fu direttore per 44 anni dell'istituto Perkins per i ciechi, visitò le scuole per ciechi dell'Europa e durante questo suo soggiorno subì sei settimane di prigione per aver aiutato i rifugiati polacchi in Prussia. Sposò Giulia Ward. Fu chiamato «campione dei popoli e delle persone invalide».

with a passport duly visé and had paid his passage the whole way to that City. In view of the probability of changing his route and going to Paris through Switzerland, Dr. Howe's passport was also visé for Genoa in case he should land at that City. Among his baggage was a wooden box which the custom-house officers wished to open. To this Dr. Howe at first assented, but while they were seeking the tools, he said to the officer that it was very unlikely that he would debark any of his effects at Genoa—that it was therefore useless to break open the box and that it was better to wait until he went on shore and to the post office. The officer began to demur and a [sic] argument ensued, in the course of which it occurred to Dr. Howe that it would be better to follow his original intention and send on this particular box to Marseilles, even if he should debark the rest of his effects at Genoa. As soon as he assigned this additional reason, the officer grew impatient and said he would assert his rights to open the box. Dr. Howe replied that he was a passenger for Marseilles that the box contained his luggage and was shipped to Marseilles—that he had no wish to debark it at Genoa and that he solemnly protested against its being touched. These statements he repeated several times in French and Italian to the officer and in English to the Captain so that there could not possibly be any misunderstanding on the subject. The officer soon after left the boat and Dr. Howe went on shore with his family. On his return to the boat at the moment fixed for parting, he found that his box had been carried ashore in his absence, in spite of the remonstrance of a gentleman who undertook to act as his friend, and who finding that he could not prevent the officer from taking it, requested him at least to open it on board.

The boat was delayed three hours and at length the clerk came on board, saying that the box could not be had, nor would the boat be allowed to sail, until the owner became responsible for any expenses of litigation that might ensue. This responsibility Dr. Howe declined to assume, on the ground that his assent might be construed into submission to proceedings which he regarded as arbitrary and tyrannical. The contents of the box were seven or eight small models of antique statues in *terra cotta* worth perhaps ten dollars, some common coarse engravings and paintings of views about Naples worth from seven to ten dollars, eight small pots of shaving soap and some dozen or dozen and a half pair of gloves and some pomatum &c &c. Dr. Howe was prosecuted before the court at Genoa and for contumacy was condemned in a fine of 63.50

Francs, to five days' imprisonment, and the articles confiscated were sold for 55 Francs.

I have given you a full statement of the case as made by Dr. Howe himself, because I have not a doubt that all he says is true. Dr. Howe considers himself plundered by the Custom-House officers & thinks that a gross insult was offered through him to the government under whose passport he travelled. He appealed to the Consul for redress and Mr. Lester has called for my interposition in his behalf. You will agree with me that Dr. Howe was treated with great discourtesy. It is very plain that by a small *douceur* he would have relieved himself from all annoyance upon the subject. You are doubtless aware that these subordinate Custom House officers are great rogues and that for a few francs they will permit travellers to pass without any molestation or search or but with a formal examination, but that unless their itching palms are greased with a few soft shillings, they are the most vigilant, searching & uncompromising inquisitors in the world for the remotest scent of contraband.

The question for my decision is whether the legal rights of Dr. Howe have been violated in this instance, in such a manner as to justify me, in making his complaint a matter of remonstrance & in demanding from the Government full reparation for the injury which he has sustained. To decide the question satisfactorily four inquiries are necessary. 1st. Are the laws of Sardinia applicable to this case, any violation of our Treaty or of International Law? 2nd. Was the confiscated property of Dr. Howe properly speaking *baggage* which travellers are accustomed to carry and which are allowed to pass through this Kingdom without seizure or duty? 3. If it was not *baggage*, was it under the laws of Sardinia liable to confiscation? 4. Was Dr. Howe condemned in a legal manner and before a Court of competent jurisdiction and is the right which Mr. Lester claims to be notified of all cases instituted against American citizens in Genoa, founded on the international usage with respect to consuls? With regard to the first question it is obvious that Sardinia has a perfect right to establish what regulations she pleases with regard to tariffs and duties, the articles upon which *imposts* may be laid and the formalities required of persons and ships coming within her dominions. And it is expressly provided by the Treaty of Nov. 1838, that the citizens of each country while passing through or residing within the territories of the other, shall be subject to the local jurisdiction and the local laws. The most



important point however is the second, but upon a full consideration I think it clear that the property of Dr. Howe seized by the Custom-House officers, was not *baggage* in the ordinary and well understood meaning of that word. I do not regard it as merchandise which he had purchased for the purpose of resale. Like most foreigners who travel in Italy, Dr. Howe appears to have bought a variety of little pictures, statues &c and to have laid in an ample supply of gloves, fine soap, pomatum &c at points where those articles can be purchased cheap and his design seems to have been to carry them home for his future use. I am unable to maintain that all those articles were baggage which travellers usually carry or that they were regarded & used as such. They were put up in a bale covered with paper and other envelopes and I confess I regard them as goods purchased for future rather than baggage carried for present use. If this view be correct they were certainly liable to seizure & confiscation. The Sardinian law is express that all merchandise and goods other than the *baggage* of the travellers which come in transitu into a Sardinian port must be entered at length on the manifest of the ship and if they are not so entered can be seized as contraband and not only the property confiscated but a fine imposed on the offender. The articles in question did not appear on the manifest of the steamer Leopold 2nd. The Court that tried the case was the one which regularly takes cognizance of such cases. It is true that Dr. Howe was not present at the trial, because he continued his voyage without stopping to defend his rights. The Prefect of the Senate assures Mr. Lester that the citation of Dr. Howe was in the form prescribed in such cases by the Sardinian law and I have no reason to doubt the truth of his statement or at any rate no evidence that it is false. As to the claim set up by Mr Lester that notice should be given him of all suits instituted against American citizens, I conceive that it cannot be sustained. No such right is accorded to consuls either by international law or by treaty between the two countries. I presume that in the absence of express stipulation to the contrary, each country has an undoubted right to prescribe the forms and modes of proceedings instituted against absent and non-resident defendants.

My high esteem for Dr. Howe personally—my conviction that he had been treated with a want of courtesy and my firm resolve to guard at every point the interests of American commerce and the rights of American citizens within this Kingdom, created a strong bias in my mind in favor of his claim. I have been forced by the

reasoning which I have ventured to suggest to come to the reluctant conclusion which I submit to your consideration. I beg that you will do me the honor to give me your opinion and instructions in the matter and I shall hold myself uncommitted until I receive your views.

*Robert Wickliffe Jr. a John C. Calhoun*

*Dispaccio n. 14*<sup>30</sup>

Legation of the United States, Turin, Oct. 6, 1844

Sir: By the same steamer with this you will receive my quarterly account. You will observe that the contingent expenses are much less than the sum allowed for this Legation. If you have the power to dispose of the residue, I would suggest that the best application of it, would be to the purchase of the reports of the Supreme Court of the United States. Not having brought by own copy of those reports with me and not of course being able to procure one in Europe, I feel the want of it nearly every day. If I had been aware that this Legation was destitute of those indispensable books, I should certainly have brought them with me. You are aware that often on knotty questions of International law, the text books are unsatisfactory, and that it is in the reports alone that their solution can be found. The English Admiralty Decisions, I have procured on my own account, but many points have been adjudicated differently in America and England. I think the Library quite bare, and that a copy of the American reports would be infinitely more valuable than all the Congressional documents sent out by the Department.

In November and December of each year the Court goes to Genoa and the Diplomatic Corps is expected to attend. This arrangement nearly or quite doubles my personal expenses during those months, and in addition I have to employ a Secretary to sign passports and attend to the ordinary routine of my office. It seems to me that an additional contingency ought to be allowed for that purpose.

You have doubtless observed that the Emperor of Austria and Prince Metternich have during the past month visited Trieste and that several Princes and Ministers of Italy repaired to that City for the purpose of consulting upon the affaires [sic] of this country.<sup>31</sup>

<sup>30</sup> Il dispaccio n. 13 non si trova. Vi è ovviamente un errore nella numerazione dei dispacci.

<sup>31</sup> L'imperatore Ferdinando I e l'imperatrice Maria Anna di Savoia soggiornarono

With their political arrangements we of course have no concern. But it is said by well informed persons, that Prince Metternich desires to establish among the Italian States a Zollverein or Customs Union. It is also credibly stated that the Grand Duke of Tuscany, who is connected with the House of Austria has acceded to the idea. The Lombardo-Venetian Kingdom, you know is governed by a Vice-Roy of Austria. Some of the smaller states, such as Parma, Modena & Lucca are also more or less related to and under the influence of the Court of Vienna. The difficulty, I presume, lies with Naples and Sardinia. I have taken great pains to inform myself as far as possible of the views of the ministry and sovereign of this Kingdom. Government and all its affairs are studiously wrapped in the profoundest mystery and secrecy at Turin and nothing is ever published on the subject. Those who, I think, are the best informed assure me that the Government of Sardinia will not listen to the proposition of a Zollverein. They are very jealous of their independence, and although they could not perhaps uphold their government long, without the friendship of Austria and the *prestige* of her power, yet they fear very much the impairment of their sovereignty and the *direct* subjection to Austrian influence, which they fancy an Italian Customs Union would produce. I am inclined to think that a Zollverein would operate favorably to our commerce. The tobacco monopoly certainly restricts the extension of the sale of that article, but its oppression falls upon the people here and not upon us. Indeed their manufactures of silk, which would be the greatest source of wealth, if free trade existed with the United States, daily decay. The monopoly however secures us one advantage, which I believe is not generally known in the United States. There are many parts of Italy well suited to the cultivation of tobacco, but the proprietors are prohibited the culture, because it would diminish the value of this monopoly. If the monopoly were destroyed, the motive for this prohibition would cease and we should have a competitor. I

a Trieste dal 5 al 16 settembre 1844. Alla conferenza che ebbe luogo in questa occasione erano presenti: il duca di Modena, Francesco IV di Austria-Este, il granduca di Toscana, Leopoldo II di Asburgo-Lorena, Metternich, Kolowrat e Radetzky. Non si sa se ebbe luogo una discussione per la formazione di una lega doganale ma, se anche vi fu, non si arrivò a nulla di concreto. In ogni caso, l'Austria non era favorevole all'idea di creare una lega fra gli Stati italiani, in quanto era suo precipuo interesse potenziare il porto di Trieste per farne l'emporio dell'Europa centrale. È significativo che il conte Solaro nel suo «*Memorandum*» non parli della visita dell'imperatore a Trieste. Ciò prova che la diplomazia piemontese non diede particolare importanza a questo evento. Il regno di Sardegna si sarebbe comunque opposto alla formazione di una lega doganale fra Stati italiani alla quale avrebbe aderito anche l'Austria.

am not able to make an accurate calculation, but I believe that this monopoly in *Italy* is not so *wholly* injurious to our interests as is generally thought. It falls however with deadly weight upon the poor subjects of the country, who already so impoverished by absolutism and restrictions, appear to be getting poorer & poorer every day. I can do nothing now nor do I see any prospect of doing anything that would lead to the destruction of this monopoly. Together with that of salt it forms a main branch of their revenue and the remotest hint at the subject, still in a less formal discussion of the question, is in the highest degree offensive to this Government.

*John C. Calhoun a Robert Wickliffe Jr.*

*Istruzione n. 7*<sup>32</sup>

Department of State, Washington, 15 th Nov. 1844

Sir: Your despatches, Nos. 5, 6, 7, 10, 11, 12 and 14, have been received, and the quarterly accounts of your Legation, accompanying the last, referred to the Treasury.

In reply to your request for the Reports of the Supreme Court, I would remark that, I have no doubt they might, on occasions, prove useful in our Legations; but the Department has no copies of them at its disposal. The public documents are supplied by Congress; and the Department would take great pleasure in furnishing the Reports, also, if Congress would enable it to do so by affording copies for distribution. In the absence of such provision, it would not be proper to authorize, as you have suggested, the application of any portion of the contingent fund to this purpose.

It has not been usual to make any allowances for expenses incurred by Diplomatic Representatives, in attending the Courts to which they are accredited, in a change of residence, except upon special occasions, and in cases where, for good reasons, permission has been first asked and obtained. The removal of the Sardinian Court to Genoa, for a couple of months, every year, appears to be an established and regular usage, and you entered upon your mission subject to it, and to other similar incidents. The Department, therefore, would not feel justified in sanctioning any charges upon the contingent fund upon this account.

<sup>32</sup> L'istruzione n. 6 del 12 settembre 1844, trasmette una copia di un dispaccio indirizzato all'on. Wilson Shannon, in cui viene manifestato il punto di vista del governo degli S.U. sulla invasione del Texas proposta dal Messico. Vedi, negli Archivi nazionali di Washington, *Instructions to Ministers*, vol. *Spain*, p. 182.

*Robert Wickliffe Jr. a John C. Calhoun*

*Dispaccio n. 15*

Legation of the United States, Turin, Jan. 25, 1845

Sir: I had hoped to have been able to have forwarded to you before this time the response of the Minister for Foreign Affairs to the note which I addressed him and a copy of which I enclosed to you, relative to the protests of American captains, entering the ports of Sardinia. Although several months have elapsed since that note was written, I have as yet received no response.

Your despatch No. 7 of the 15 Nov. came safely to hand. I have taken pains to circulate among the members of the Diplomatic Corps, your letter to Mr. King, which has produced such a great impression in Europe.

Mr. C. Edwards Lester, our Consul at Genoa, having entered into a contract in conjunction with Mr. Harris, the late Tobacco Agent, or, as he says, gone his security for the delivery of a considerable quantity of tobacco to the Sardinian Government, finds himself placed in a very disagreeable position. Mr. Harris was to have sent the tobacco in July last, but not a hogshead has arrived and notwithstanding his previous positive assurances, the last letter from him, informed Mr. Lester, that he was so busily engaged in the Presidential election, that he had not time to attend to his tobacco contract. Mr. Lester being therefore responsible for the non-fulfilment of the contract, has obtained an extension of time from the Sardinian Government and being obliged to go to the United States for the purpose of purchasing the requisite quantity of tobacco, he has asked of me permission to make the voyage. I disapprove of consul's entering into contracts with the governments near which they reside and have so stated to him. Under the circumstances of the case, I have, upon his application, granted him leave of absence for four months. It is absolutely necessary that he should comply with his contract, however imprudent he may have been in entering into it. I therefore trust that you will excuse this exercise of power on my part, as it was the only way to extricate Mr. Lester from his embarrassed and disagreeable position and there was not time to make an application and receive a response from the State Department.

An accusation of a very serious character against Mr. Lester was made to me by a person who at the time I thought entitled to credit. I instantly apprised Mr. L. of the nature of the charge and he came up to Turin and satisfied me that it was perfectly unfound-

ed. I have therefore given him a letter, stating that his official conduct, as far as it has come under my satisfaction, has been honorable. I do not deem it necessary to enter into farther details upon the subject, though if necessary Mr. Lester on his arrival at Washington can give full explanations of the whole matter.

*Robert Wickliffe Jr. a John C. Calhoun*

*Dispaccio n. 16*

Legation of the United States, Turin, March 1, 1845

Sir: Although it is now more than four weeks since I gave Mr Lester leave of absence for four months, to go to the United States for the purpose of fulfilling his unfortunate contract with the Sardinian Government, yet I learn through Mr. Moro, the temporary Consul at Genoa, that he has gone to Florence and will not sail for America before the 15th of this month. As I have not received a letter from him, since his departure from Genoa, I am unable to state the reason of his delay. As the term of absence granted him was sufficient to enable him to execute his contract, and as the affairs of the Consulate should not be entrusted to a substitute and a foreigner, one moment longer than is unavoidably necessary, I hope he will be able to give you a satisfactory reason for his tardiness.

After ten years of deliberation, discussion, and no inconsiderable opposition, it is understood that the Sardinian Government has finally consented to the construction of a Rail-Road from Milan & Turin to Genoa.<sup>33</sup> The two forks of that road will meet at some convenient point of junction, on the Sardinian territory. In consequence of the dilatory mode of proceeding in such matters, that prevails on this side of the Alps, it will doubtless be a very considerable time, before the contemplated work is completed. It ought to be a lucrative investment and profitable road; for Milan, Turin

<sup>33</sup> Genova, a causa del suo traffico commerciale, pensava di avere la precedenza nella costruzione di una linea che la unisse a Milano. Torino invece, per suoi interessi di ordine militare e strategico, diede la precedenza alla linea Genova-Torino. Il contratto venne stipulato con la società privata genovese Cavagnari. Infine il governo, nella fase preparatoria, con decreti reali del 18 luglio 1844 e del 13 febbraio 1845, decideva di costruire questa linea a sue spese, con una diramazione per Alessandria, Novara, lago Maggiore e con il patto di costruire un'altra diramazione per la Lombardia. Vedi: C. I. PETITTI, *Delle strade ferrate italiane e del miglior ordinamento di esse*, Torino, 1845, p. 266; G. B. GONELLA, *Osservazioni sulla strada di ferro progettata nel Piemonte*, Torino, 1842; G. PRATO, *Fatti e dottrine economiche cit.*, p. 226; E. GUGLIELMINO, *Genova dal 1814 al 1849 cit.*, p. 177.

and Genoa, each contains perhaps more than one hundred thousand inhabitants. Besides Piedmont and Lombardy are very fertile & their productions, especially of silk, very rich. Nevertheless I have heard expressed by commercial men, some doubts as to the productiveness of the scheme. When it is completed, and especially if the two forks should be continued into Switzerland and Germany, it will facilitate the importation of American cotton, tobacco &c into the southern parts of Europe, and perhaps the increased commerce of the United States with Genoa, will justify the American Government in selecting that city as one of the ports, to which the new steamers, recommended recently by the President,<sup>34</sup> will play.<sup>35</sup>

Under the patronage of the King, the citizens of Genoa, propose to erect a monumental statue to Christopher Columbus, a native of that city. The subscriptions, I am informed, already amount to nearly thirty thousand dollars—his Majesty having opened it with a liberal donation of ten thousand dollars. Although there are a great many American artists and citizens who reside permanently and a still larger number who reside temporarily in Florence & Rome, yet unfortunately we have no diplomatic representative either in Tuscany or the Pontifical States.<sup>36</sup> Consuls, in Italy, are persons that however worthy or able in themselves, have no weight or influence with governments, where so much importance is attached to etiquette and to rank. I understood that the Commission named for the purpose of constructing the Statue to Columbus, intended to employ only Italian and perhaps only Genoese artists. I took occasion to write them a letter upon the subject and from their response, I flatter myself with the belief, that the concurrence of American sculptors (of whom there are several very clever ones both at Florence and Rome) will be permitted.<sup>37</sup>

<sup>34</sup> Nel suo quarto messaggio annuale il 3 dicembre 1844, il presidente Tyler dichiarava: « Non posso non chiedere con urgenza l'istituzione di una regolare linea di navi a vapore fra questo paese e i porti stranieri e altre nelle nostre stesse acque per il trasporto della posta ». RICHARDSON, *Messages and Papers of the Presidents*, vol. IV, p. 350.

<sup>35</sup> Gli storici italiani (Prato, Fossati, Guglielmino) che hanno fatto studi sulla vita economica durante il regno di Carlo Alberto, nulla riferiscono sul progetto di una linea di navigazione fra Genova e New York. GUGLIELMINO, *op. cit.*, p. 113, osserva che il trattato del 1838 non aveva migliorato le relazioni commerciali fra i due paesi; anzi, l'aumento doganale operato dagli S.U. nel 1841 sulle merci importate aveva ancor più scoraggiato i commercianti genovesi.

<sup>36</sup> Con il granducato di Toscana gli S.U. non ebbero mai rapporti diplomatici; con gli Stati papali ne ebbero dal 1848 al 1868. Vedi L. F. STOCK, *United States Ministers to the Papal States*, *cit.*

<sup>37</sup> Sugli artisti americani in Italia in questo periodo, vedi VAN WYCK BROOKS, *The Dream of Arcadia: American Writers and Artists in Italy 1760-1915*, New York, E. P.

It is understood that this Government takes a very lively interest in favor of the Jesuits, the question of whose expulsion from the Canton of Lucerne, has given rise to the troubles verging towards civil war, by which Switzerland is at present so deeply agitated.<sup>38</sup>

I trust that the intimation of the American journals, that it is your intention, shortly after the commencement of the new administration, to retire from the State Department, is not true. I hope that after questions of more pressing importance, such as those of Texas and Oregon shall have been adjusted, you will have time to turn your attention to the defects and faults of our diplomatic and consular systems. Reform, I am persuaded, is needed, nor do I think it a work unworthy of a master mind.

*Robert Wickliffe Jr. a John C. Calhoun*

*Dispaccio n. 17* Legation of the United States, Turin, March 10, 1845

Sir: I have the honor to enclose to you, a printed description, of two light houses, recently built by the Sardinian Government,<sup>39</sup> which I have this day received, from Count Solar de la Marguerité, the first Secretary of State for Foreign Affairs. The one is on the island of Razzoli, between Sardinia and Corsica, and the other, at

Dutton & Co., 1958; GIUSEPPE PREZZOLINI, *Come gli Americani scoprono l'Italia (1750-1850)*, Milano, Treves, 1933; GIULIANA TREVES ARTOM, *Anglo-Fiorentini cit.*, HOWARD R. MARRARO, *American Travellers in Rome 1848-50*, in *The Catholic Historical Review*, Washington, vol. XXIX, pp. 470-509 (gennaio 1944).

<sup>38</sup> Nel 1844 il cantone di Lucerna affidava l'insegnamento nelle sue scuole ai Gesuiti e ciò dimostra il successo ottenuto dai cattolici conservatori. I radicali che si erano battuti per il trionfo delle idee liberali e democratiche in Svizzera e che non volevano i Gesuiti, decisero di organizzare un « corpo franco » contro il governo di Lucerna, ma la loro azione fallì. I sette cantoni cattolici, sotto la direzione del giurista Siegwart-Müller, nel dicembre del 1845, formavano una lega separata (*Sonderbund*) per difendere il loro territorio e i loro diritti. Ciò provocò la guerra civile. I radicali volevano lo scioglimento del *Sonderbund*, una più stretta e più democratica unione di tutti i cantoni svizzeri e l'espulsione dei Gesuiti. Nel giugno del 1847, la Dieta nella quale i radicali avevano la maggioranza, ordinava lo scioglimento del *Sonderbund* e in novembre ordinava la chiamata alle armi. Il generale Dufour operò in modo da evitare interventi stranieri e dopo tre settimane di guerra il *Sonderbund* era vinto. Cfr. l'eccellente saggio di F. STROBEL, *Die Jesuiten und die Schweiz im XIX Jahrhundert, Olten und Freiburg in Breisgau*, s.d. ma 1954, p. 1147. Il governo piemontese sostenne sempre entusiasticamente i cantoni cattolici, offrì loro l'aiuto della sua diplomazia e spedì loro armi e denaro. La politica tenuta dalla Sardegna nei confronti della Svizzera è sottolineata dal conte Solaro nel suo « *Memorandum* » e in uno studio speciale di L. BULFERETTI, *Carlo Alberto e il Vallese (1831-1847)*, in *Atti del XXIX Congresso di Storia del Risorgimento Italiano*, Roma, 1941, pp. 147-198.

<sup>39</sup> Il testo a stampa della comunicazione in francese e in italiano con dichiarazione che la notizia è stata pubblicata nel *Globe* del 18 marzo 1845, si trova negli Archivi nazionali di Washington.



Cape Testa, to the north of Sardinia. These light houses commenced, on the 1st ult. I hasten to send you the official announcement and description of them, so that it may be published for the information and benefit of American navigators trading in the Mediterranean.

*Robert Wickliffe Jr. a John C. Calhoun*

*Dispaccio 18*

Legation of the United States, Turin, April 12, 1845

Sir: I take the liberty to transmit for your perusal, a correspondence between Mr. Moro, Consul *ad interim* at Genoa and myself, relative to the obligation of American captains, to pay their seamen three months extra wages, when they sell or abandon their vessels in foreign ports. If I shall have been so unfortunate as to have given an incorrect opinion, I would be obliged to you for the true exposition of the law upon the subject, so that [in] similar cases that may arise hereafter, our action may be fixed and more enlightened.

*N. M. Moro a Robert Wickliffe Jr.*<sup>40</sup>

Genoa, 5 th April, 1845

My Dear Sir: I take the liberty of addressing you in a case, the importance of which will offer sufficient apology for directing my steps to you sir.

The Brig Merida commanded by Captain T. Papper, now lying at this port, had suffered some damage on her last voyage, from Porto Rico and the Captain entered to repair whatever she might have suffered. However, he found by examining her, that there would be more repairs than he expected, and therefore he requested me to have the vessel surveyed. I appointed immediately a commission, consisting of two ship masters and two ship wrights, who went on board and after strict survey and examination, found her to be entirely unfit for sea service, and said Brig was condemned, as the repairs would exceed two thirds of her value and six months'

<sup>40</sup> Allegato al dispaccio n. 18 di Wickliffe.

labor. Thus the Captain is obliged to abandon the vessel and discharge his men, and about this latter circumstance, I take the liberty of addressing you. In our regulations at this office, I find no case where the captain abandons a vessel, and if the latter is obliged to pay his crew three months wages extra or if the Consul is bound to support them at his expenses, for account of the United States Government. There has never arisen a case like this at Genoa, and as the Captain wants to do everything according to the law, I thought best to request you to enlighten me on the subject. I shall feel under great obligations to you, if you will be kind enough to let me know your opinion as soon as possible and I remain with regards of the greatest consideration.

*Robert Wickliffe Jr. a N. M. Moro*<sup>41</sup>

Legation of the United States, Turin, April 7, 1845

Sir: I have this moment received your letter of the 5th inst, in which you state that the Brig Merida, T. Papper commander, is now lying in the port of Genoa,—that she had suffered damage on her last voyage from Porto Rico—that upon the request of the Captain, you appointed a commission consisting of two ship masters and two ship wrights to survey the vessel—that these commissioners condemned said Brig, as her repairs would exceed two-thirds of her value and require six months labor—that the Captain feels himself obliged to abandon the vessel and discharge the crew; and under the circumstances you desire to know of me, whether the Captain is obliged to pay his crew three months *extra* wages, or whether you, as Consul, are obliged to support them at the expense of the Government of the United States.

It is a fixed rule of the Commercial Law, that if the ship be so injured by perils, as to require repairs to the extent of more than half her value at the time of the loss, the insured may abandon; for if it be so damaged as to diminish its value above half, it is said to be constructively lost. The meaning of the words in the rule "one half of value" has been held to be, the half of the general market value of the vessel, at the time of the disaster and not her value for any particular voyage or purpose. The expense of the

<sup>41</sup> Allegato al dispaccio n. 18 di Wickliffe.

repairs at the port of Genoa, is the true test for determining the amount of the injury and such sum is to be taken as will fully re-instate the vessel, and in general, with the same kind of materials of which she was composed at the time of the disaster. As the true basis of the valuation is the value of the ship at the time of the disaster, if after the damage is or might be repaired, the ship is not or would not be worth at the port of Genoa, double the cost of repairs, it is a case of technical total loss and entitles the Captain to abandon. If a voyage be broken up in the course of it by ungovernable circumstances, the master may in that case even sell the ship, provided it be done in good faith for the benefit of all concerned, and in a case of supreme necessity which sweeps all ordinary rules before it. The merely acting in good faith and for the benefit of all concerned is not sufficient, to exempt the sale from a tortuous conversion, if the absolute necessity for the sale be not clearly made out. Nor will the sanction of a vice Admiralty-Court aid the sale when the requisite necessity is wanting. It has in some cases been held in the United States, that in our country the master's right to sell is more extensive than in England, and that if there exists a *total technical loss*, and the master has reason to believe that the owner would elect to abandon, he may sell the ship. But the stricter rule is the one best supported by reason and authority, and the master's authority to sell the vessel is confined to cases of extreme necessity, and when he acts with the most perfect good faith for the owner and when he has no opportunity to consult the owner or insurer and the necessity leaves him no alternative. But if the damage done to the ship has resulted from the culpable negligence or from the want of reasonable care and ordinary diligence on the part of the master, he can neither sell or abandon the vessel, so as to bind the insurer for the loss sustained.

The report of the surveyors appointed by you to examine the vessel, is only evidence that a survey was ordered and made, but *not of the facts stated in it*. It is not a judicial act, and the facts stated in the report will have to be proved, should litigation upon the subject arise in the American courts, as in ordinary cases. It might be otherwise, if there is no tribunal at Genoa competent to issue a regular order of survey.

Such, I understand to be the general principles of the Commercial Law, relative to the right of the master to abandon or sell a damaged ship under his command, and the effect given to such a survey of such a vessel ordered by an American Consul, as evidence

before the American courts. I send them to you, not because it falls within my province to pronounce a judgment on this particular case, but for your general information, when advised with by American captains in such cases.

Now with regard to the seamen's wages. By the 3rd section of the Act of Congress of 28th Feb. 1803, which you will see cited in the 38th Art. of the United States Consular instructions, and of which you doubtless have a copy, it is provided "that whenever a ship or vessel, belonging to a citizen of the United States, shall be sold in a foreign country and her company discharged, or when a seaman or mariner citizen of the United States, shall with his own consent be discharged in a foreign country, it shall be the duty of the master or commander to produce to the consul, vice consul, commercial agent or vice commercial agent, the list of his ship's company, certified according to law, and to pay to such consul, vice consul, commercial agent or vice commercial agent, for every seaman or mariner so discharged, being designated on such lists as a citizen of the United States, three months' pay, over and above the wages which may then be due to such mariner or seaman, two thirds thereof to be paid by such consul or commercial agent; to each seaman or mariner so discharged, upon his engagement on board any vessel to return to the United States, and the other remaining third to be retained for the purpose of creating a fund for the payment of the passages of seamen or mariners, citizens of the United States, who may be desirous of returning to the United States and for the maintenance of American seamen who may be destitute and may be in such foreign port, and the several funds retained for such refund, shall be accounted for with the treasury every six months, by the persons receiving the same".

It is my opinion under this section that if the ship in question be abandoned or sold by the captain, upon the survey which you have ordered and his seamen are discharged, he must pay three months wages, to all of them, who by the shipping articles or description list of the seamen, shall appear to be American citizens & if they appear to be such by either of these papers, no other evidence is required or permitted.

Should however the vessel be *sold under a decree of a Court* the construction placed upon the law by the State Department is, that if the *judgment of the Court* pronounce the ship to have become unseaworthy in consequence of *any accident or stress of weather*, and the crew are discharged in consequence of such sale, the three

months wages are not to be required, but if the vessel is found not to be seaworthy in consequence of some *decay* or *defect* at the *inception* of the voyage, the seamen are not to lose their wages on account of the fault of the owners and the three months wages are to be exacted.

Should the seamen be discharged without a decree of the competent court, determining whether she became unseaworthy during the voyage or was so at the beginning, my opinion is that you should demand the wages and appropriate them in the manner, directed by the 28th Art of your instructions.

I hope my views above expressed will be intelligible to you. I give them merely as my opinion at your request, to which you will attach only such importance as they deserve. If they shall be of any assistance to you, in the formation of your judgment upon the case in question, it will afford me great pleasure, to have rendered you even so slight a service in the discharge of your consular duties.

*Robert Wickliffe Jr. a John C. Calhoun*

*Dispaccio n. 19*

Legation of the United States, Turin, May 5, 1845

Sir: Following the example of the Ministers of the Great Powers, the Minister of Foreign Affairs for this Kingdom, has addressed a Note to the Sardinian Chargé d'Affaires at Zurich on the troubles of Switzerland. That note is couched in very general terms and merely expresses an interest for the welfare of the Helvetic Republic and a desire that peace and order should be restored. It is, however, understood, that this government, like the others, disapproves the liberal movement in Switzerland, and moreover, takes a deep interest in the cause of the Jesuits, whose call to the Canton of Lucerne, has been the immediate occasion of the difficulties, which, apparently, threaten a civil war. Owing to the repulse of the Free Corps from the Canton of Lucerne, and the losses in killed and prisoners which they have sustained, (although the number of slain is not so great as was at first represented) a temporary quiet prevails in Switzerland. I cannot but think, however, that the question is not yet resolved. I am inclined to regard it as a democratic movement of a majority of the people of Switzerland, which will not terminate, until it overthrows the Federal Pact or is put down by foreign inter-

vention. The dangers attending such an intervention are very clear to those powers who have an interest or a desire to make it, and would probably extend the troubles of Switzerland to many of the surrounding kingdoms. On the eve of such a probable crisis, it is to be regretted that the United States have not a representative in Switzerland to communicate to you the earliest and most authentic intelligence.<sup>42</sup> If our difficulties with England are not speedily adjusted, such intelligence will be more especially interesting and important to the Government of the United States.<sup>43</sup>

The Frigate Cumberland, Commodore Joseph Smith arrived in the Port of Genoa on the 30th ult., but will remain only five or six days before proceeding farther down the coast of the Mediterranean.

The Sardinian Government is still in negotiation with a company of Englishmen, for the construction of a Rail Road from Turin to Genova. Nothing definitive as to the terms upon which the charter will be granted, has, as yet, transpired. For the construction of the Rail Road from Turin to Genoa, which the Government refused to a Genoese Company and reserved to itself, a French, an English and a Belgian Engineer have been employed. Such works are not completed so rapidly in Europe as in the United States; but when these two roads and the branch to Milan are finished, I have no doubt, that the commerce of the United States with the port of Genoa, will be augmented in consequence of the increased facility of transporting our produce to Lombardy, Switzerland and parts of Germany. A good deal of our produce, instead of being brought to this country in American ships, is imported in English.<sup>44</sup> This is owing to the fact, that there is very little produce of Sardinia, that can be exported to the United States, with profit. The direct trade is therefore thus limited in its extent and mutual benefit to the two nations. To England they send hand manufactured articles, silk, fruits and even flowers. I have endeavored to persuade merchants and speculators to send wine and silk to the United States, so that by this means, this country may exchange its produce for our own

<sup>42</sup> Theodore S. Fay, ministro degli S.U., residente in Svizzera, fu nominato il 16 marzo 1853 e prese commiato il 1° luglio 1861. Vedi *State Department Personnel Records*, negli Archivi nazionali di Washington.

<sup>43</sup> Gli S.U. e l'Inghilterra discutevano a quel tempo sulla definizione del confine dell'Oregon al 54° 40 parallelo. Vedi anche p. 242, n. 87, e p. 246, n. 86.

<sup>44</sup> I rapporti sul commercio e sulla marina mercantile degli S.U., pubblicati, ciascun anno, durante questo periodo come *Senate Documents*, non avvalorano la dichiarazione di Wickliffe. La tavola seguente, compilata da questi *Senate Documents*, mostra

and thus a greater direct trade may be established. This government does not seem to bestow much attention to the extension of the commerce of Genoa, apparently satisfied with the idea that this Kingdom should be mainly an agricultural country. In consequence of the defective skill, industry & improvement of Sardinia in the arts of manufacture, it is difficult to bring its wines and silks into successful competition with those of other kingdoms, especially of France. As to silk, a merchant who was induced to make the experiment by sending a quantity to Boston, assures me that he sustained a loss on the exportation. I am now engaged in trying others to essay wine, but I fear it cannot compete with the light wines of

il valore totale delle merci importate e di quelle esportate fra gli S.U. e l'Italia dal 1838 al 1845:

Merci importate da	Libere di tasse	Paganti tasse ad valorem	Paganti tasse speciali	Valore totale	In navi americane	In navi straniere	Possedimenti di ciascuna potenza
<b>Italia</b>							
1838	578,936	176,756	188,546	944,238	783,887	160,351	944,351
1839	766,517	321,371	94,409	1,182,297	1,097,588	84,709	1,182,297
1840	828,070	232,937	96,193	1,157,200	1,054,428	102,772	1,157,200
1845	134,305	679,944	487,328	1,301,577	947,771	353,806	1,301,577
<b>Sicilia</b>							
1838	254,698	27,708	62,956	345,362	275,330	70,032	345,362
1839	434,856	22,211	135,884	592,951	482,229	110,722	592,951
1840	514,351	24,348	110,826	649,525	535,379	114,146	649,525
1845	104,961	300,497	124,035	529,493	407,451	122,042	529,483
<b>Sardegna</b>							
1838	220	631	—	851	—	851	851
1839	560	527	261	1,348	—	1,348	1,348
1840	—	—	—	—	—	—	—
1845	1,200	18,653	6	19,859	8,051	11,808	19,859
<b>Merci esportate in</b>							
<b>Italia</b>							
1838	108,363	8,010	24,984	141,357	101,013	40,344	141,357
1839	92,108	1,955	26,690	122,753	97,388	25,365	122,753
1840	163,525	4,954	114,868	283,347	267,760	15,587	283,347
1845	—	—	—	587,569	485,770	101,799	587,569
<b>Sicilia</b>							
1838	15,519	602	5,692	21,813	—	21,813	21,813
1839	50,142	2,590	31,875	84,607	—	84,607	84,607
1840	20,921	—	13,002	33,923	—	33,923	33,923
1845	—	—	—	70,625	4,113	66,512	70,625
<b>Sardegna</b>							
1838	—	—	—	—	—	—	—
1839	—	—	—	—	—	—	—
1840	—	—	—	—	—	—	—
1845	—	—	—	162,827	129,178	33,649	162,827

France, in the markets of the United States. When neither the government or [sic] the people have the spirit of commercial enterprise, it is difficult for a foreign representative to do much in that line. The monopoly of tobacco, however injurious to the people, is yet so profitable to the government, that the discussion of its abolition is infinitely disagreeable to the Minister for Foreign Affairs, and may in fact be considered as formally prohibited. This monopoly though restrictive of the sale of one of our staples, is still more oppressive to the subjects of Sardinia, than to our people. It is also a great obstacle to the extension of the direct trade, for the government buys its tobacco second-hand from European speculators. Last year Mr. Harris and Mr. Lester made a contract to supply the Sardinian government with a portion of the tobacco, which they require. The experiment if successful, might have been attended with happy consequences, but unfortunately those gentlemen did not comply with their contract. In consequence of this failure, it may be difficult for other Americans hereafter to offer proposals for the same purpose.<sup>45</sup>

The publication of the translation of Mr. Bancroft's History of the United States, in the forwarding of which I have taken an interest, has been formally refused both by the Civil and Ecclesiastical censures of Turin.<sup>46</sup> Its views of religion are considered heretical and its political opinions utterly radical and subversive of all order and government — at least in this part of the world.

<sup>45</sup> In questa istruzione n. 16 del 29 settembre 1846, il segretario di Stato Buchanan incaricava Wickliffe di indagare sulla violazione del contratto con la Sardegna da parte di J. G. Harris, ultimo commissario del tabacco e di C. Edwards Lester, console degli S.U. per Genova. Vedi p. 269.

<sup>46</sup> George Bancroft (1800-1891), storico e diplomatico visitò l'Italia dal 1821 al 1822. Nel 1847 la sua storia fu pubblicata tradotta in italiano. Non è stato possibile avere nessuna informazione circa la negata pubblicazione del suo lavoro sia da parte delle autorità civili, sia da quelle ecclesiastiche. Lo studio di A. MANNO, *Aneddoti documentati sulla censura in Piemonte dalla Restaurazione alla Costituzione*, Torino, 1907, che è la più esauriente opera su questo argomento, non ci dà notizie più precise. Fra i lavori di Bancroft vi è una storia degli S.U. in dieci volumi, il primo dei quali fu pubblicato nel 1834. Egli fu ambasciatore degli S.U. in Inghilterra dal 1846 al 1849 e in Germania dal 1867 al 1874. Fu incaricato nel 1858 di negoziare i trattati di naturalizzazione e di estradizione con la Baviera e il Württemberg. La clausola principale del trattato di naturalizzazione con la Baviera proclamava, l'8 ottobre 1868, che i cittadini naturalizzati, dopo cinque anni di ininterrotta residenza erano riconosciuti cittadini del paese. (MALLOY, *Treaties cit.*, 1910). Vedi anche GIORGIO BANCROFT, *Storia degli Stati Uniti dalla scoperta del continente americano*, Torino, Pomba, 1847, 2 vol. Fu tradotta dalla decima edizione americana e rivista dall'autore, con note ed altri originali scritti di Carlo Carenzi. La traduzione fu recensita nel *Risorgimento*, Torino, supplemento a n. 179, 26 luglio 1848.



*Robert Wickliffe Jr. a James Buchanan* <sup>47</sup>

Dispaccio n. 20

Legation of the United States, Turin, May 25, 1845

Sir: I have the honor to acknowledge the receipt of your Circular, dated the 10th March last (No 8) <sup>48</sup> informing me that you had been appointed by the President and confirmed by the Senate, Secretary of State and had upon that day entered upon the discharge of the duties of that office. In consequence of its having been sent by way of Malta, it did not come to hand until the day before yesterday. Constantly occupied, as you must be, in the present critical state of our relations with more powerful states, I shall not unnecessarily intrude upon your attention with regard to the affairs of this. Still I shall report from time to time whatever takes place of interest & shall strive to cultivate your good will and confidence. In the mean time I take the liberty to enclose herewith copies of a correspondence between the Minister for foreign affairs and myself <sup>49</sup> and also one of a letter addressed by me to Commodore J. S. Smith, <sup>50</sup> conveying, at the request of Count Solar de la Marguerite, the thanks of His Majesty's Government for an act of kindness and humanity rendered by the Commodore to a Sardinian sailor on the 9th ult.

*Robert Wickliffe Jr. al Commodore J. S. Smith*

Legation of the United States, Turin, May 25, 1845 <sup>51</sup>

Sir: Through his Serene Highness the Commandant General of the Royal Navy, the Sardinian Government has been apprised of

<sup>47</sup> James Buchanan (1791-1868), della Pennsylvania, nominato segretario di Stato il 6 marzo 1845, prese possesso della carica il 10 marzo 1845 e la lasciò il 17 marzo 1849. Nel 1857 divenne il 15° presidente degli S.U.

<sup>48</sup> L'istruzione n. 8, Washington, 10 marzo 1845, annunciava la nomina di James Buchanan a segretario di Stato. Vedi, negli Archivi nazionali di Washington, *Instruction to Ministers*, vol. *Spain*, p. 185.

<sup>49</sup> La nota, in francese, del conte Solaro a Robert Wickliffe Jr., in data Torino, 20 maggio 1845, parla del naufragio del brigantino *Fiammetta* e dell'atto umanitario del commodoro Smith che aveva operato il salvataggio dei naufraghi. Wickliffe, rispondeva in francese di aver avuto la comunicazione il 25 maggio 1845. Entrambe le comunicazioni si trovano negli Archivi nazionali di Washington.

<sup>50</sup> Joseph S. Smith (1790-1877), ufficiale della marina degli S.U., raggiunse il grado di capitano nel 1837. Dal 1838 al 1840 comandò la nave *Ohio* della squadra navale del Mediterraneo e dal 1843 al 1845, comandò questa squadra della nave ammiraglia *Cumberland*.

<sup>51</sup> Allegato al Dispaccio n. 20 di Wickliffe.

the care and relief, given on board your frigate, to a Sardinian sailor, gravely wounded in the shipwreck of the *Fiammetta* near the port of Genoa on the 9th of May last. This Serene Highness, properly appreciating your kindness and humanity on that occasion, desired that this Government should express its acknowledgments to you, for the services rendered one of its sailors. Count Solar de la Marguerite, First Secretary of State for the Foreign Affairs of this Kingdom, has hastened to accede to the suggestion and has requested that I should communicate to you the thanks of the Sardinian government for the prompt and benevolent attentions bestowed by you on the sailor in question. This agreeable office, I perform with the greatest pleasure and I doubt not that the handsome manner in which your conduct has been represented by H. S. H. the Commandant General and acknowledged by H. E. the Minister for Foreign Affairs, will be acceptable to you as official evidence of the prompt sensibility of the Sardinian Government for an act worthy alike of an experienced commander and a sincere Christian.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio, n. 22* <sup>52</sup>

Legation of the United States, Turin, 9 th June, 1845

Sir: The King accompanied by the Ministers mentioned in my last and H. R. H. the Duke of Genoa arrived at Chambery on the evening of 31 of May. His Majesty was saluted by the Artillery of the fortress of Lesseillon. At Chambery he reviewed the troops and in the evening the whole City was illuminated.<sup>53</sup> Accompanied by the Duke of Genoa he also walked through the town without an escort. On the 1st of June he received the municipal authorities and with the Duke of Genoa attended Mass and received the Sacrament. At these religious ceremonies, the whole Court, and all the authorities civil and military were present. In the evening the Duke of Genoa attended the Royal Theatre where he was received with

<sup>52</sup> Il dispaccio n. 21, in data Torino, 31 maggio 1845, annunciava la nascita, avvenuta il 30 maggio 1845, del principe Amedeo-Ferdinando-Maria. In un *post scriptum* Wickliffe informava che il Re, accompagnato dal ministro degli Interni e dell'Istruzione pubblica, era partito quella sera per la Savoia « per affari riguardanti le ferrovie svizzere ».

<sup>53</sup> Il 30 maggio 1845, Carlo Alberto partì per Chambery, dove arrivò la sera del 31. Fu salutato, al suo passaggio, dall'artiglieria della fortezza di Lesseillon in Savoia. *Gazzetta Piemontese*, n. 123, 2 giugno 1845.

applause and on the 3rd the King held a Court, when a large number of persons had the honor of being presented to His Majesty. The object of this tour is understood to be, to make observations concerning the route of the proposed Rail Road from Turin to Switzerland.

The Duchess of Savoy and her infant son continue in a satisfactory state. *Te Deums* have been chanted in nearly all the cathedrals of the Kingdom to celebrate the happy birth of the young Prince.

Col. Thayer<sup>54</sup> of United States Corps of Engineers arrived in this City on the 6th ult. and requested that I should demand of this Government permission for him to visit the Citadel of Alexandria. I was not at first disposed to make the request, as it is one that is not granted except by the King himself. He shewed me however a letter from the late Secretary of War<sup>55</sup> which induced me to change my mind. I wrote to the Minister for foreign Affairs on the subject and desired him to request the Minister of War to issue the necessary orders to the Commandant at Alexandria.<sup>56</sup> I am happy to say that I was successful and deem it my duty to state the circumstance as an additional evidence of the friendly and flattering attentions which I have uniformly received from this Government during my residence near this Court. My standing with the King, as I have the best authority to *know*, is much higher than I expected or indeed deserve. I am indebted for this to the estimation in which His Majesty holds literary & scientific pursuits.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 23*

Legation of the United States, Turin, July 4, 1845

Sir: On his return from Savoy, the King was quite indisposed for several days. A gentleman of the Court was stationed in the palace for three days to give us news of His Majesty's health. I am happy however to inform you that his health is now better and per-

<sup>54</sup> Sylvanus Thayer (1785-1872), ufficiale del corpo degli ingegneri degli S.U., fu chiamato « il padre dell'Accademia militare degli S.U. » a West Point. Come soprintendente a West Point dal 1817 al 1833 diede a questa Accademia l'impronta militare che conserva tuttora. Nel 1815, fu inviato in Europa per esaminare le fortificazioni e le scuole militari. Dal 1843 al 1846 ebbe incarichi professionali in Europa.

<sup>55</sup> Era a quel tempo segretario alla Guerra, William Wilkins (1779-1865) che occupò questa carica dai primi del 1844 fino al termine del mandato del presidente Tyler, nel marzo del 1845.

<sup>56</sup> Il ministro della Guerra di Sardegna, nel 1845, era ancora Emanuele di Villamarina.

haps will be still more improved by the stay which he will shortly make at his country Palace of Racconigi about fifteen miles from Turin. His Majesty has naturally a very excellent constitution, being about six feet three or four inches in height. His health, however, is not generally very good and he is obliged to confine himself very strictly to the most abstemious diet. I was, at first under the impression that he suffered from the gravel, but I am informed by a person who ought to know, that he suffers from the formation of sand in the blood and that his principal pains are in the back and the hip and joints. This malady must be a more dangerous one even than the gravel. An operation for the stone can be performed with perfect and permanent relief to the patient by a skilful surgeon. But where there is a lasting impurity in the blood which generates extraneous matter, palliatives only can be applied. A long and rapid ride in his carriage from Savoy, was the cause of the last attack. Low diet and absence of physical exertion appear to be the remedies prescribed to keep down the disease. To judge from his appearance, the King evidently suffers in his health and spirits. Although a very fine looking man, he appears to [be] older than he really is. I have always been received with such marked kindness by him, that I feel a sincere interest in his permanent recovery.

The Government, I learn, has resolved (for nothing touching the political affairs of the country is ever published in the journals) to commence this year the long-talked-of rail-road from Turin to Genoa. Mr. William Norris,<sup>57</sup> of the firm of Messrs Norris & brothers of Philadelphia and who has established a branch of his house in Vienna, desires to make a contract with this government for the construction of the locomotives required by the said road. I have interested myself in his behalf and will use every effort in my power to advance his interests. I have in fact taken the initiatory steps, in the matter, but am not yet able to form any opinion as to the result.

The news this morning, that a new popular movement is threat-

<sup>57</sup> William Norris (1802-1867) fu costruttore di locomotive. La sua officina costruì nel 1834 una locomotiva chiamata *George Washington* che, per le sue moderne concezioni, stupì il mondo intero. Nel 1837 il suo stabilimento ebbe un'ordinazione di 17 locomotive di questo tipo e nel 1855 cento di esse furono spedite a Francia, Austria, Prussia, Italia, Belgio, Sud Africa e Cuba per non parlare di quelle che furono costruite per gli S.U. Nel 1844, William Norris, per incarico del governo, aprì una rappresentanza di locomotive a Vienna, mentre, in America, prendeva la direzione del complesso industriale il fratello Richard. William soggiornò all'estero cinque anni, durante i quali ebbe riconoscimenti da Austria, Francia e Russia.

ened in Switzerland, confirms the view which I have heretofore ventured to give you of the affairs of that country.

I hear but seldom from the State Department and have not as much to do, as I would desire.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n .25*

Legation of the U. S., Turin, July 20, 1845

Sir: It is understood that there will shortly be a wedding, at the Royal *chateau of Racconigi*, not far from Turin. The Prince Carignano,<sup>58</sup> descended from a collateral branch of the Royal family and at present Admiral of the Royal Navy, will espouse a half sister of the King. The Mother of the King has, by her second husband, the Prince of Montléar, three children, of whom the affianced lady is one. There will be appropriate fêtes at the *Chateau*, but whether the Diplomatic Corps will be invited or not, is a disputed point and so far as we know, not yet decided. The report of the marriage between the King's second son and a daughter of the Duke of Modena, is revived but the rumor does not appear in any more authentic form, than before. The hereditary Duke of Lucca, who resides at Turin, in the military service of the King, will shortly leave town to meet his father, the reigning Duke, at Venice and will then proceed to Vienna. It is believed that a match is projected between him and Mademoiselle, the sister of the Duke of Bordeaux. In addition to Lucca, which he will receive on the death of his father, this youth will inherit Parma from the death of Maria Louisa. His father is poor and overwhelmed with debt and he is supported in his princely style of living by the liberality of his aunt the Empress of Austria.

The Duke of Genoa will be rich, as he is the intended heir of the Queen Dowager Christina.<sup>59</sup>

<sup>58</sup> Eugenio di Savoia-Carignano (1816-1888). Il 25 novembre 1863 contrasse matrimonio morganatico con Felicita Crosio che gli diede molti figli, i quali, più tardi ricevettero il titolo di Villafranca-Soissons. Non si hanno notizie di un precedente matrimonio.

<sup>59</sup> Nel 1797, a 19 anni, Maria Cristina Albertina di Sassonia Curlandia, sposava Carlo Emanuele, principe di Carignano, che morì il 24 luglio 1800. Dieci anni più tardi, per sottrarsi ad un matrimonio che Napoleone le voleva imporre, sposava Giuseppe Massimiliano di Montléart, che nel 1810 occupava il posto di uditore nel Consiglio di Stato di Parigi. Era costui persona odiosa, intrigante e ambiziosa. La di lui madre era stata dama d'onore di Giuseppina di Savoia, contessa di Provenza, sorella di Carlo Fe-

The Prussian Chargé ad interim is at length appointed Envoy. He is a favorite in society, but his Master was somewhat dissatisfied with his neglect of his business. By the intercession of influential friends here, he has, it seems, been reinstated in the good graces of His Prussian Majesty. I learn from him, that a treaty of commerce and Navigation upon the principle of Reciprocity, between Prussia and Sardinia, has lately been signed at Berlin.<sup>60</sup>

The Brazilian Chargé, H. Amiral<sup>61</sup> has gone home, after a sojourn of a few months and I learn that the Legation will be united with that of Rome.<sup>62</sup>

The Portuguese Chargé, M. de Faria,<sup>63</sup> came here in the spring

lice e nel 1792 era stata allontanata da Corte a causa di un intrigo. Dopo il matrimonio con Maria Cristina, Montléart desiderava raggiungere importanti posizioni, ma invano attese il titolo di Grande di Spagna e, dopo la Restaurazione, quello di Pari di Francia. Finalmente dall'Imperatore d'Austria ottenne il titolo di principe a patto di trasferire in quel paese tutte le sostanze. Non riuscì mai tuttavia ad avere cariche politiche. Vedi COSTA DE BEAUREGARD, *La jeunesse du Roi Charles Albert*, Parigi, 1889; D. PERRERO, *Gli ultimi reali di Savoia del ramo primogenito e il principe Carlo Alberto di Carignano*, Torino, 1889; N. RODOLICO, *Carlo Alberto principe di Carignano*. II edizione, Firenze, 1948, p. 15.

<sup>60</sup> Non vi era un trattato speciale con la Prussia poiché questa faceva parte dello *Zollverein*. Le relazioni commerciali fra Piemonte e Prussia erano perciò regolate dal trattato che già esisteva con lo *Zollverein*. L'incaricato d'affari prussiano era il conte von Redern che successe a Waldburg-Truchsess, morto nell'agosto del 1844. Sul conte von Redern non si hanno informazioni; infatti l'*Allgemeine deutsche Biographie* non ne parla.

<sup>61</sup> Antonio Cupertino do Amiral fu incaricato d'affari del Brasile a Torino dal 4 marzo 1844 al 19 aprile 1845. Durante questo periodo nessun importante problema venne trattato dai due governi, come mi scrive J. de Souza Gomes, capo di divisione del personale del ministero degli affari esteri del Brasile. Nel 1844 don Antonio Giuseppe Cupertino do Amiral succedeva a Sergio Teixeira de Macedo e, a sua volta, veniva sostituito dal cavaliere don Luigi Moutinho de Lima Alvares nell'anno seguente come inviato straordinario e ministro plenipotenziario.

<sup>62</sup> Dal 1835 al 1843 la Legazione brasiliana a Torino era amministrativamente unita a quella di Roma. Nel 1843 furono separate, ma nessuna legge o decreto parla dell'istituzione di due Legazioni. Tuttavia, nell'annuale rapporto del ministro degli Esteri alla Camera legislativa, vennero fatte presenti le difficoltà in cui si trovava l'incaricato d'affari del Brasile a Roma che doveva contemporaneamente svolgere le sue funzioni a Roma, Firenze, Torino e Parma. In seguito a ciò vennero stabilite due Legazioni: quella di Firenze e quella di Torino e Parma furono staccate da quella di Roma. Il rappresentante diplomatico brasiliano a Berlino fu inviato alla nuova Legazione di Torino. Il rapporto del 1847 dichiara pure che « le ragioni di famiglia e di parentela » che avevano indotto l'imperatore a mantenere un rappresentante diplomatico a Parma non esistevano più nel 1847, perciò la Corte del Brasile non aveva più alcun motivo per tenere un rappresentante alla Corte di Parma. (Ringrazio, anche per queste notizie, J. de Sousa Gomes).

<sup>63</sup> Antonio Candido de Faria, consigliere di Sua Maestà, cavaliere della Legion d'onore e di Leopoldo del Belgio. Dopo una brillante carriera militare al servizio del Portogallo durante la quale prestò servizio in Francia e in Russia sotto Napoleone, entrò in diplomazia. Fu successivamente console generale a Marsiglia (1822), addetto alla Legazione di Parigi (1822-1828), console generale in Inghilterra (1832), incaricato d'affari a Copenhagen (1833), L'Aia (1835), Rio de Janeiro (1837), S.U. d'America (1839-1840), Copenhagen (1840), L'Aia (1844), Bruxelles (1844) e Torino (dal 4 feb-

from the Hague. He had been *Chargé* about twenty years and thought that the time had arrived, when he ought to be named Envoy. Immediately upon his arrival at Turin, he solicited his recall. He sent his resignation two or three times and the other day, he received a despatch from his Minister, *of four lines*, informing him that the interest of the service required that he should leave Turin and report himself at Lisbon forthwith. What will be his fate, is unknown even to himself, but the brevity of the despatch that recalls him is ominous.

The Russian Secretary has left on account of a quarrel with his Minister.<sup>64</sup> Every body appears to find Turin a very dull place, particularly unpleasant to diplomats and therefore, they seek every occasion and excuse to change their destination.

Three American papers, the *Madisonian*, the *National Intelligencer* and the *Old School Republican* were formerly sent by the Department to this legation. At present only the *United States Journal* arrives. Would it not be advisable to send us the *Union*, as that paper appears to be considered as the organ of the Administration?

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 26*

Legation of the United States, Turin, Sept. 8, 1845

Sir: The King having passed more than a month at his Chateau of Racconigi, returned to Turin on the 5th inst. The health of H. M. is as good as usual.

This government has employed the celebrated English Engineer Mr. Brunel<sup>65</sup> to Superintend the construction of the Rail Road from Turin to Genoa. He obliges himself to be in the country two months

braio 1845 al 16 luglio 1845). Queste notizie mi sono state fornite da Albano Noguera, console generale del Portogallo a New York.

Secondo il *Palmaverde*, l'incaricato d'affari del Portogallo a Torino per gli anni 1843, '44 e '45 fu il conte Alva (addetto alla Legazione era pure il cavaliere Dantas). Dal 1846 al 1849 incaricato d'affari fu il cavaliere Giovanni Antonio Lobo de Moira. Antonio Candido de Faria non è menzionato.

<sup>64</sup> Il cavaliere Ernesto Tom-Have fu segretario della Legazione russa a Torino dal 1840 al 1848.

<sup>65</sup> A Isambard Kingdom Brunel (1806-1859), famoso ingegnere civile e navale, fu chiesta la consulenza per le linee ferroviarie della Sardegna e degli Stati papali. Vedi: CLELIA BRUNEL NOBLE, *The Brunels: father and son*, London, Cobden-Sanderson, 1938, p. 279. Sir Marc Isambard Brunel (1769-1849) progettò il tunnel sotto il Tamigi.

in the year & receives for his services for that term, sixty thousand francs, or one thousand francs per diem.

The Minister for Foreign Affairs having twice declined my proposition of reciprocity with regard to the entering of Protests, before the Consuls of the respective Countries, I will not, in pursuance of the instructions of Mr. Calhoun trouble him farther with the subject.

Your clerk sends my journals by merchant ships or government vessels, via Malta and Marseilles. By this route they never reach me in less than three months. By way of England the postage is enormous. I beg leave therefore again to suggest that the cheapest and best way to forward newspapers to the continent is by the Havre packets.

Below you will find a letter from the vice Consul at Genoa & my response. I hope that the opinion which I give in the case will meet with your approbation.

*N. M. Moro a Robert Wickliffe Jr.*<sup>66</sup>

Genoa, Sept. 5, 1845

My Dear Sir: I take again the liberty of asking you an advice, which being convinced of your kindness, I hope you will not refuse to give me.

At the time I begged the favor of your advice (some months past) in regard of three months extra pay to the seamen discharged from the Brig Merida condemned at this port. I thought it best for my security to oblige the Captain of making a deposite [sic] of said extra wages at this office, although he shewed [sic] great reluctance in doing so, and when I persisted in my determination, he protested against me at the Tribunal of Commerce, which certainly renders me liable, to all consequences that may arise. He at last deposited the money with me, on condition to be paid the men or paid back to the Captain or owners of the vessel, when the American Gov't would have given a decision of the case. Mr. Lester whose advice I requested, answered me positively to detain the wages by all means and he should himself lay the case before the Gov't and inform me of their decision. Until now I have heard

<sup>66</sup> Allegato al Dispaccio n. 36 di Wickliffe.



nothing neither of the Gov't nor of the owners nor the Captain of the Vessel; but Mr. Lester, whose letter I received to-day, writes to me that he has the order of the Gov't, the money should be paid to the men, and at the same time, he informs me, that he has drawn on me for the amount above mentioned.

Although it is my opinion not to pay the money, of which I am the only responsible person, until a final decision of the Gov't obliges me to do so, I thought best asking your advice in the case. I wish to do what is right and I hope you will have the kindness to let me know your opinion.

Mr. Lester assures me in his letter of his return to Genoa late in fall. They are all well and send their regards to you.

Be kind enough to reply as soon as convenient, and pray excuse the liberty I take by addressing you and causing you constantly some trouble. Any service I can render you in Genoa, please to command me without reserve.

*Robert Wickliffe Jr. a N. M. Moro*<sup>67</sup>

Turin, Sept. 8, 1845

Dear Sir: In answer to your letter of the 5th inst, I have only to say, that I adhere to the opinion I gave you at the time, about the wages of the seamen of the Brig Merida. I sent a copy of that opinion to the State Department and requested to be corrected, if I were wrong. Having received no response, I am left to infer that I was right.

Two thirds of the money in question ought to have been paid to the seamen, *at the time* of their engagement on board a ship to return to the United States, and the other third to be kept and accounted for as a fund for the support and conveyance home of American seamen. It appears that alarmed by the Protest of the Captain, you have kept the money as a deposit for your own security. I think your fears have been too easily excited, and having decided that the Captain should pay the three months extra wages, I am farther of opinion that two thirds of the money, ought to have been paid forthwith to the sailors on their shipment home. I have no doubt you intended to do what was right. I do not desire, nor does it be-

<sup>67</sup> Allegato al Dispaccio n. 26 di Wickliffe.

long to me to judge the affair; but it is quite clear that the sailors have not received their money when they were entitled to it.

Now as to the Captain's Protest, it is merely a declaration of the fact, that he opposed your demand and was made to justify himself to his employers and to shew that he was obliged to pay the sum. As to any suit being brought against you, in the Tribunal of Commerce at Genoa, for an official act as Consul of the United States, it cannot, for a moment be allowed. For such an act you are, or rather, Mr. Lester is responsible to the American Government, and not to the local Tribunals. Should any suit be instituted, you should at the very outset object to the jurisdiction of the Court.

As you are not a Consul nominated by the American Government and have not given a bond for the discharge of the duties of your office, but a consular agent appointed by the Consul, to attend to the duties of his office during his absence, you are under the direction of your Principal and Mr. Lester is responsible to the American Government for your conduct. You cannot therefore avoid paying the money, as he directs, and honoring his bill for the amount, if one is drawn. If any responsibility be incurred, Mr. Lester is always between you and damage, for you act merely as his agent, and the Principal is responsible for all the acts of the agent, within the scope of the authority delegated to him. In this case, that principle is clearly applicable, as the appropriation of the funds falls within the consular functions entrusted to you, for the time, by the Consul, and as you have the written instruction of Mr. Lester, as to the mode in which that appropriation must be made.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 27*

Legation of the United States, Turin, Oct. 3, 1845

Sir: Yesterday was the King's birth-day and was celebrated by the usual festivities. The troops were paraded and reviewed; all the native officials and dignitaries kissed the hands of the King and Queen and the Diplomatic Corps was received at Court in Grand Gala. In the afternoon a diplomatic dinner was given by the Minister for Foreign Affairs. It is a curious piece of etiquette, which has come down from other times, that the King never invites the foreign ministers, not even the ambassadors to dine with him. I do not

know that such exclusion exists at any other Court, at least in the west of Europe.

The King looked as well as usual and, during the past months, has several times reviewed the troops at a very early hour of the morning. It is not improbable, however, that this activity may be injurious to his health, for the malady with which he is afflicted requires rigid diet and constant repose. It is calculated to give his subjects a favorable opinion of his physical constitution and in that point of view is, perhaps, politic.

On the 1st the news arrived at Turin, that on the 24 ult. an *emeute* had broken out at Rimini,<sup>68</sup> that the garrison had taken part in the revolt; that the public property had been attacked and, in fine, that the city had been taken by surprise. The state Gazette of Turin makes light of the movement; Speaks of the actors as marauders, and without pretending to have information to that effect, thinks that order and tranquillity were speedily restored. Such uprisings of the people in the legations are neither uncommon or surprising. There is, perhaps, no part of Europe, where the administration is so wretched or the people so crushed by taxes. The Legations are governed by priests, very often foreigners and nearly always poor and hungry. They profit by their brief power, to draw as much money as possible from the people, to enrich themselves and their needy families, and make no effort either to conciliate the affection or to develop the resources of the country. Under such a blighting system the Pontifical States, become every day more and more a wilderness and the population driven to despair, break out in partial revolts and are then judicially murdered by military commissions. It is not for liberty but for bread they rise, and much as Austria is detested by all Italy, the Legations are reduced to such dreadful extremities, that they would gladly seek refuge from priestly extortion in the more orderly and better regulated despotism of an Austrian Prince. In travelling through that unhappy country, the stranger is obliged to keep one hand on his purse and the other on his throat.

I learn from a member of the Russian Legation, that the Empress of Russia will arrive on the 7th at the Lake of Como, will proceed by Milan and embark at Genoa for Palermo. The beautiful

<sup>68</sup> *Gli ultimi casi di Romagna*, di Massimo d'Azeglio. Vedi: L. C. FARINI, *Lo Stato romano dell'anno 1815 al 1850*, 4 volumi, Firenze, 1866. (Traduzione inglese di William E. Gladstone, Londra, 1851-54). Cfr. O. MONTENOVESI, *I casi di Romagna, settembre 1845*, in *Rassegna Storica del Risorgimento*, a. VIII (1921), pp. 307-426.

and much admired Russian Steamer, the *Kaumschatka* (built, it is said, in the United States) awaits at Genoa the arrival of the Empress, and the Russian Minister left Turin yesterday to meet Her Majesty in that City. According to my informant the health of the Empress must be exceedingly low and almost desperate, when the Emperor consents to her absence in Italy for a whole winter. Her breast is seriously affected. She has given birth to five living children and has suffered from four miscarriages. During her youth, she was excessively fond of excitement and gave herself up to the pleasures of balls, soirées and riding on horseback. She often indulged in these amusements when in an advanced state of pregnancy and from all these causes combined, her constitution is much shattered, if not entirely destroyed.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 28*

Legation of the United States, Turin, Oct. 25, 1845

Sir: I have the honor to acknowledge the receipt of your despatch of Sep 3 (No. 10).<sup>69</sup> Upon its receipt I informed the Minister for Foreign affairs that I was charged to deliver a letter from the President to the King and took the liberty of enclosing a copy to be retained by himself and the original to be transmitted to His Majesty. Such is the usual course pursued by Chargé d'Affaires, as only ministers of and above the rank of Envoy, present letters from their governments to the King in person. I have received the answer of Count Solar de la Marguerite, apprising me that the letter in question had reached its high destination.

The King is still at Genoa whither he had repaired not only to make his customary stay, but to receive the Emperor and Empress of Russia. The Grand Duchess Helen, sister-in-law of the Emperor had been spending some time in that City and it appears that she and the Empress are not on the best terms. On the approach of the Empress towards Italy, she received a positive order from the Emperor to return forthwith to St. Petersburg and I under-

<sup>69</sup> L'istruzione n. 9, Washington, 25 luglio 1845, riguarda le spese. Vedi *Instructions to Ministers*, vol. *Spain*, p. 194, negli Archivi nazionali di Washington. L'istruzione n. 10, del 3 settembre 1845, trasmette una lettera del Presidente al re di Sardegna in risposta ad una comunicazione di Sua Maestà, che annunciava la nascita di un principe. In essa si dà atto di aver anche ricevuto i dispacci di Wickliffe fino al n. 25 incluso, con l'eccezione dei n. 8, 9, e 13 dei quali si chiede a Wickliffe di spedire i duplicati.

stand that the Emperor further demanded of this Government to order her immediate departure from this country — a demand which very greatly embarrassed the Sardinian Minister for Foreign Affairs. The result of the matter is that the Grand Duchess herself left Genoa suddenly and against her will and the affair has greatly scandalised the good people of Turin, who have a hearty dislike of the Emperor on account of his oppression of the Catholic Church.<sup>70</sup>

This Court was extremely anxious that the Emperor and Empress should occupy the Royal Palace at Genoa. In this desire they were gratified. The King of Sardinia took up his quarters at the Ducal Palace or Governor's house and gave up his own Royal abode to his illustrious guests. Immediately after his arrival the Emperor called upon the King and the King soon after returned the visit and also paid his respects to the Empress. The troops were reviewed by the Duke of Savoy, filed before the Emperor and, it is said, were highly complimented by His Imperial Majesty for their martial bearing and precision of movement. The King of Sardinia conferred on the Russian Minister M. Kakoschkin<sup>71</sup> the cordon of the Military & Religious Order of St. Maurice and St. Lazarus — a customary courtesy when the sovereign of a foreign minister visits the Court to which that minister is accredited. The Emperor & Empress remained only two days in Genoa and sailed in the Russian steamer Kamschatka for Palermo. It was accompanied by another Russian vessel and escorted by a Sardinian steamer under the Command of H. R. H. the Prince of Carignano admiral of the Port. The attendance

<sup>70</sup> La principessa Carlotta di Prussia aveva sposato Nicola I nel 1817. Al suo arrivo in Russia aveva preso il nome di Alessandra. Vari furono gli scopi del viaggio compiuto in parte con la figlia, in incognito, e in parte, ufficialmente, con l'Imperatore per visitare l'Italia e le Corti italiane. Il principale quello di far incontrare la figlia, arciduchessa Olga, con il suo futuro marito, il principe ereditario del Württemberg. In secondo luogo l'Imperatore sperava di allontanare Ferdinando II di Napoli dalla Francia e in terzo luogo desiderava avere dei colloqui con il Santo Padre a proposito di alcune difficoltà ecclesiastiche che avevano turbato i rapporti fra la Russia e la Santa Sede. Per il soggiorno di Nicola I nel Regno delle Due Sicilie vedi: R. MOSCATI, *Ferdinando II di Borbone nei documenti diplomatici austriaci*, Napoli, 1947, p. 59; per il suo soggiorno in Roma, vedi J. SCHMIDLIM, *Histoire des Papes de l'époque contemporaine*, t. I, parte 2: Leone XII, Pio VIII e Gregorio XVI, Lione-Parigi, 1940, p. 333.

<sup>71</sup> Nicholas Alexandrovitch Kakoschkin, fu dapprima consigliere d'ambasciata a Londra e Parigi, indi incaricato d'affari a Firenze. Nel 1833 ebbe il titolo di « actual councillor » e fu ministro plenipotenziario a Torino nel 1837. Nel 1842 fu insignito del titolo di « private councillor » e nel 1845 del gran cordone dell'ordine dei S.S. Maurizio e Lazzaro. Ministro a Napoli nel 1853 e a Dresda nel 1863, si ritirò nel 1864. Vedi: M. DEGLI ALBERTI, *La politica estera del Piemonte sotto Carlo Alberto cit.*, vol. II, p. 355.

of the Prince Carignano was not unusual, but that of the Duke of Genoa who accompanied him in his ship, was an especial honor rendered to the Emperor and Empress by the express order of the King.

Don Carlos <sup>72</sup> ex-King of Spain had been some-time in Genoa and during the stay of the Emperor, Don Miguel Ex-King of Portugal also arrived. The Emperor, not having recognised Queen Isabella, could tolerate the presence of Don Carlos, but having recognized the Queen of Portugal, refused to see Don Miguel. Indeed, I learn from the most direct source that it was politely hinted to Don Miguel that his presence in Genoa was not acceptable.

I omitted in my last to mention that two sons of Don Carlos had fixed their residence in Turin and are supported by the King or, as we would say, by the people. <sup>73</sup>

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 29*

Legation of the United States, Turin, Nov. 9, 1845

Sir: It is now considered as settled that the hereditary Duke of Lucca <sup>74</sup> will be married in a few days to the sister of the Duke of Bordeaux — Mademoiselle de France. <sup>75</sup> The young Prince has been for several years in the military service of the King of Sardinia and during that period has resided in Turin. His father, the reigning Duke, governs a very small country and one as poor as it is small. After the death of Maria Louisa, [sic] the Duchy of Parma will be united with that of Lucca and the principality will then be more respectable than it is now, both in point

<sup>72</sup> Fratello di Ferdinando VII, Don Carlos era pretendente al trono di Spagna.

<sup>73</sup> Nonostante Carlo Alberto avesse portato innumerevoli riforme nella politica interna del suo paese, nei rapporti con l'estero praticò una politica strettamente legittimistica. Favorì la restaurazione di Carlo X in Francia, di don Miguel in Portogallo e di don Carlos in Spagna. Il regno di Sardegna, e in particolare modo la costa da Genova a Nizza, divenne il quartiere generale di tutti i legittimisti di Europa che trovarono in Carlo Alberto appoggi diplomatici e finanziari.

<sup>74</sup> Questi era Ferdinando Carlo dei Borboni di Parma (1823-1854). Divenne Carlo III, duca di Parma il 3 marzo 1849. Morì assassinato.

<sup>75</sup> Il matrimonio fra il futuro Carlo III, figlio di Carlo Ludovico, con Luisa Maria, sorella del duca di Bordeaux e figlia della duchessa di Berry, fu celebrato il 10 novembre 1845. A questo matrimonio, che irritò enormemente Luigi Filippo, è da imputare il ritorno di Carlo Ludovico alle idee più strettamente conservatrici, idee che sembrava aver abbandonato alcuni anni prima.

of territory and population.<sup>76</sup> The bride is certainly a very charming woman, of excellent character and amiable disposition. Her dower, however, has been greatly exaggerated, for instead of bringing fourteen millions of francs, I shall be surprised if she brings more than Six. The legitimatist journals, as all parties in a minority seek to make capital of trifles, make a great noise about this match and pretend that it is significative of the ultimate triumph of their principles and the restoration of the Bourbons. No man of common sense, however, entertains such chimerical ideas or believes that this marriage will have any serious influence upon the political affairs of France. The bride-groom is a youth of three and twenty, of some capacity for the acquisition of modern languages, but of very light turn of mind. As far as I could observe, he seemed wholly devoted to his dress, his horses, and the ladies of his acquaintance. Amongst the young men and trades people of Turin, he was quite popular, as any one is, who allows himself to be sponged upon and cheated without a murmur. No great things need be expected from him as a ruler.

The Emperor and Empress of Russia, have safely arrived at Palermo and been visited at that place by the King of Naples, the Queen being unable to accompany her husband on account of her advanced state of pregnancy. The Piedmontese who seldom allow any one to pass without having something to say against him, find great fault with several Muscovite usages which prevail in the Imperial Court. It appears that the couriers who conducted the Imperial family did not, as I can well imagine, travel sufficiently fast and canes and clubs were freely resorted to for the purpose of rousing them from their slumbers and increasing their speed. The Emperor's cooks, also, some fifteen or twenty in number, proceeded to the Market House and instead of demanding beef, asked for a live steer — drove it to the Royal Palace and slaughtered it in the magnificent Court itself — a profanation to which from its very foundation, that ancient abode of the Durazzo family, had never before been subjected.

The Prince Corsini,<sup>77</sup> Minister of Foreign Affairs of the Grand

<sup>76</sup> La notizia è errata, perché secondo le disposizioni del trattato di Vienna, perfezionato dal trattato di Parigi del 10 giugno 1817 e da un altro ancora del 28 novembre 1844, il ducato di Parma e Piacenza doveva ritornare ai Borbone-Parma alla morte di Maria Luigia d'Austria, e il ducato di Lucca essere incorporato nella Toscana.

<sup>77</sup> Neri Corsini, senior, (1771-1845) entrò in diplomazia ancor giovane. Nel 1844 fu nominato ministro degli affari esteri. Si rifiutò di estradare i rifugiati politici richiesti dal governo pontificio.

Duke of Tuscany, died a few days since at the advanced age of seventy-four. Quite a sensation has been produced by the recent and accidental discovery of a fresco by Raphael on the walls of a carriage-maker's shop — the building having formerly been a convent.<sup>78</sup>

I have, according to your order delivered to M. Rossi, formerly consul general of Sardinia to the United States, several books in the Legation belonging to Dr. Baber.

You inform me that Nos. 8, 9. and 13. of my despatches have never arrived. I send you by the same steamer with this a copy of No 8. Nos 9 and 13 contained my quarterly accounts from 31st of March to 31st September 1844. As those accounts are continued and repeated in my subsequent quarterly statements, I presume a copy of them is wholly unnecessary. Unfortunately, however, the vouchers for the contingent expenditures during that period, which those numbers contained, are lost.

I take the liberty to send you a copy of a treaty lately concluded between Sardinia and the Zollverein.<sup>79</sup>

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 30*

Legation of the United States, Turin, Dec. 24, 1845

Sir: Since my last despatch two events have occurred in Turin, which although not important in themselves, yet may not be uninteresting to you as illustrative of the manner in which things are transacted in this country and of the spirit and action of the government. Last year the daughter of the Dutch Minister [Count A. W. Helderwies] who had been long and secretly tampered with, as it is believed, by the Archbishop of Turin, suddenly left her father

<sup>78</sup> Acclusa a questo dispaccio vi è una copia della *Gazzetta Piemontese*, del 7 novembre 1845 contenente una rubrica intitolata « Dizionario delle eresie, errori, scismi, o memorie per una valutazione storica delle aberrazioni dell'animo umano nei riguardi della religione cristiana ».

<sup>79</sup> Il trattato con lo *Zollverein* del 23 giugno 1845 era quasi uguale a quelli stipulati con la Svezia e la Norvegia (28 nov. 1839), con l'Uruguay (29 ott. 1840), con la Danimarca (20 dic. 1843), con il granducato di Oldenburg (21 apr. 1846), con l'Hannover (11 ag. 1845) e con gli S. U. (26 nov. 1838). Questi trattati erano basati sulla reciprocità, cosicchè veniva praticamente risolto il problema delle tariffe differenziali. Per alcuni prodotti, però, il governo sardo adottava la politica tradizionale del protezionismo. Infatti in quei trattati vi era sempre un articolo che proibiva qualsiasi riduzione doganale sul grano, sull'olio e sul vino importato dal Mar nero, dall'Adriatico e dal Mediterraneo. Vedi E. GUGLIELMINO, *Genova dal 1814 al 1849*, cit., p. 142.



and for some time, it was unknown where she was concealed.<sup>80</sup> It was, at first, supposed that she had run away with a young lawyer of the town, who had long paid his court to her and had even demanded her in marriage. It was finally ascertained that she had taken refuge in a Catholic convent. The disconsolate father, immediately demanded the delivery of his daughter of the Minister for Foreign Affairs. This Minister referred him to the Archbishop. The ecclesiastical functionary declined to interfere, and even refused the Minister permission to enter the convent or to converse with his daughter, except in the presence of the Abbess. The father sought an audience of the King, but His Majesty informed him, that the Ecclesiastical law was on this point superior to the Civil power. The Minister unable to procure redress from any quarter, left the country in disgust, and as soon as he had reached the frontier, indignantly sent back to the King, the *cordón* which but a few days before had been conferred upon him by His Majesty. The daughter was baptized in the Catholic faith and the King stood Sponsor for her. His Majesty, it is understood, intended to give a place and title to the young lawyer, and a dower to the young lady upon their marriage. The young gentleman was sent to Alexandria in Egypt, in the service, I believe, of the government. A short time since news arrived from Alexandria that the young gentleman, forgetful of existing pledges, paid great court to a young lady of that city, of a respectable Jewish family and considerable fortune. He was ordered, forthwith, to return to Turin without, however, being apprised of the reason of his recall. As soon as he arrived in this city, he was arrested before one of the most public coffee-houses

<sup>80</sup> Carolina Heldewier era la figlia diciannovenne del conte Heldewier, ministro plenipotenziario d'Olanda a Torino dal 25 agosto 1829 al 30 maggio 1844. Nel 1843 veniva richiamato in patria perché il governo olandese, per misure economiche, aveva deciso di chiudere le sue sedi diplomatiche di Torino, Stoccolma e Lisbona. L'8 giugno 1844, mentre ancora il conte Heldewier si trovava a Torino privatamente e perciò non protetto dall'immunità diplomatica, Carolina si rifugiò nel convento di S. Croce, affermando che desiderava abbracciare la religione cattolica. A questo passo fu incoraggiata da un giovane procuratore di Torino che, desiderando sposarla, pensava di risolvere con la sua conversione le difficoltà di ordine sociale e religioso. La richiesta fatta dal conte al governo piemontese per riavere la figlia e l'intervento del rappresentante inglese e prussiano, non ottennero alcun risultato, in quanto fu dimostrato che la fanciulla era entrata in convento di sua spontanea volontà. Il padre fu perciò obbligato a lasciare Torino senza la figlia, ma, appena varcata la frontiera rimandò al conte Solaro, con una nota d'indignazione, il gran cordone dell'ordine dei S.S. Maurizio e Lazzaro di cui era stato insignito poco tempo prima. Vedi A. COLOMBO, *Carteggi e documenti diplomatici inediti di Emanuele d'Azeglio*, Torino, 1920, vol. I, pp. CX dell'introduzione. Carolina Heldewier rimase a Torino dove sposò il 28 aprile il conte Luigi Piola Caselli (1820-1890), referendario al Consiglio di Stato. Ho avuto questa notizia dal Dr. A. R. M. Mommers dell'Algemeen Rijksarchief, dell'Aja.

of the City, and to the great consternation of his friends, without inquiry or trial, was sent off to Savoy, some say to be imprisoned and others to serve as a private in the dragoons. The Minister of War, when ordered by the King to arrest the young man declined to do so and said to His Majesty, that he would resign his office, before he would commit such an act of injustice and imprison a man without any legal grounds. The *Vicario* or Chief of the Police was not so scrupulous and instantly executed the Royal behest. Does not the whole affair seem a fitting and providential termination to the gross wrong and flagrant outrage, which was perpetrated last year upon the ambassadorial rights of the Dutch Minister?

In the other affair, there were perhaps, more plausible grounds for the violence that has been used. A distinguished lawyer and editor of this City procured a passport for himself & wife, to attend the Scientific Congress at Naples. Instead of taking his wife, he took his mistress. A few days after his departure, his wife made complaints to the Police and orders were forwarded to the frontier to arrest the woman. She had, however, passed the frontier before those orders were received. The learned lawyer was obliged to return alone. Sometime after, he procured a passport to proceed to Milan, but some suspicion being excited, he was arrested. His house and papers were searched and as some pieces of poetry and other writings against the ministers, government & King were found, he was forthwith imprisoned in the Citadel. It is said that he will be banished.

The President's message is expected in Europe with ever increasing impatience and anxiety.<sup>81</sup> The Texas and Oregon questions, attract almost as much attention from people on this, as on the other side of the Atlantic. Indeed they are discussed, written upon and talked about all over Europe.<sup>82</sup>

<sup>81</sup> Nel suo annuale messaggio al Congresso del 2 dicembre 1845, il presidente Polk si rimetteva alla concorde risoluzione del Congresso per l'annessione del Texas, che era già stata approvata dal popolo di quel paese. Era necessario che il Congresso approvasse un atto di ammissione del Texas come Stato con gli stessi diritti degli Stati originari. La Francia cercò di impedire questa annessione, il Messico se ne risentì e ruppe le relazioni diplomatiche con gli S. U. Il presidente Polk ordinò, come misura precauzionale, la mobilitazione delle forze di mare e di terra per respingere un'eventuale invasione del Texas, ma impose di non compiere alcun atto ostile. Questi fatti crearono negli S. U. uno stato di irritazione. Il Messico riprese, più tardi, le relazioni diplomatiche con gli S. U.

<sup>82</sup> Per quanto concerneva l'Oregon, il presidente Polk mise in evidenza che era ancora in atto lo stato di occupazione e suggerì di prendere una decisione entro la scadenza dell'accordo. Se il Congresso avesse ritenuto opportuno prendere questa decisione « noi saremmo arrivati al punto di cui dovremmo decidere se i diritti nazionali nell'Oregon

Sir: According to custom, the King received the Diplomatic Corps on New Year's day. The hands of His Majesty and of the Queen were kissed by the nobility and gentry of the country. In the evening the King and Royal family attended the opera and were well received by the people. His Majesty is not fond of music and does not like the theatre. He attends the opera but twice during the season and even then does not seem to enjoy himself.

It is believed that the young lawyer who was so abruptly arrested by the police, was sent off for the purpose of preventing him from babbling things, that might compromet [sic] several high functionaries in the affair of Mlle. Helldewier. The abduction of that young lady was effected by a Jesuit, who was confessor to her chamber-maid. This Jesuit induced the chamber-maid to intrigue and assist him in procuring a Catholic husband for the young lady and thereby secure her conversion to the Catholic faith. He fixed upon the young man as the husband and by means of the chamber-maid, brought about an acquaintance and then an engagement between the parties. In order to induce the young lawyer to suffer himself to be used as a tool, the influence of very eminent persons, both in the civil & ecclesiastical service, was brought to bear, and, without doubt, great promises of fortune and employment were made. Having used their instrument, these persons began to fear, that he might give them trouble by making disclosures. They, therefore, sent him off as a dragoon, to the island of Sardinia. One of his friends, who made some observations upon the arbitrary character of these proceedings, was arrested. It was intended to banish him to Milan, but several influential persons interfered and succeeded in obtaining his liberation.

It is understood that this government is not altogether satisfied with Mr. Brunel, the English Engineer, whom they have employed upon the Turin and Genoa rail road, at such an enormous salary. Two reasons are assigned for this dissatisfaction; first that the en-

devono essere abbandonati o fermamente mantenuti. Che noi non si possa abbandonarli senza sacrificio sia dell'onore, sia dell'interesse nazionale è fuori dubbio. Gli S.U. — egli aggiunse — non possono accettare la divisione al 49° parallelo ». Vedi RICHARDSON, *Messages and Papers of the Presidents*, cit., p. 385. La disputa fu composta in modo soddisfacente col trattato dell'Oregon firmato il 15 giugno 1846. Prima di questo, una richiesta perentoria era stata fatta dal Congresso degli S. U. perché cessasse lo stato di occupazione dell'Oregon.

gineer is too extravagant in his estimates and too expensive in his mode of construction; Secondly that he does not pay sufficient attention and deference to the Under-Secretaries, specially charged with the rail road department and will obey orders only from the Minister of the Interior himself.

The proposition of an English Company, to connect the valleys of the Alps by a rail road running through Pinerolo and Turin, has been refused. The government, it seems fears the agiotage in which it might end and which has produced such disastrous results in France and England.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 32*

Legation of the United States, Turin, Jan., 25, 1846

Sir: Intelligence has been received at Turin, that His Royal Highness the Archduke of Austria d'Este Francis IV, Duke of Modena, died at Modena on the 21st ult. On account of his death, this Court has gone into mourning for twenty days. Of all the Sovereigns of Italy, the deceased Duke was the most odious. His State Gazette openly maintained that it was right and politic to keep the people in ignorance and that nothing was more injurious to them than education. In the attempted revolution of 1830, he was guilty of the basest treachery and of the most unheard of outrages. He played a double part, secretly pretending to side with the liberals and at the same time, keeping up his relations with Austria. If the revolution succeeded he hoped to be King of Italy; if it failed, he trusted still to stand well with Austria and not to lose his Dutchy. It is said that he and the leader of the liberals in Modena entered into a reciprocal agreement, that he whose party might triumph should give the other a safe conduct to quit the country. When the revolution had failed, the leader of the liberals, called on the Duke for the promised passport. The Duke refused to give it, and coldly witnessed the execution of the unfortunate patriot whom he had so cruelly deceived. He even caused the houses of all the citizens of Modena, who had been compromitted [sic] in the late rebellion, to be battered with cannon; and desisted from the vandal demolition, only on being remonstrated with by the Austrians themselves. Few, I presume, will shed tears over the death of such a man.

It is understood that the Duchess of Savoy is in an interesting state, that promises to give (in court language) a new pledge of happiness to the Royal family and of union between the throne and the people. It is also said that she suffers a good deal from her situation. The heirs presumptive to the Sardinian throne promise to be as numerous as those to the English crown.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 33*

Legation of the United States, Turin, Feb. 12, 1846

Sir: About ten days since, the Duke of Genoa, the King's second son, having gone hunting on the Royal preserves, returned to the Castle, in the evening, dangerously unwell. His illness was produced by exposure to the sun and was in fact a *coup de soleil*. During the month of February, the sun in Piedmont, is very dangerous and numbers are annually more or less affected by its pernicious influence. Its effects are often fatal. The Duke of Genoa was bled six times, according to the *sanguisuga* system of this country, and (what after such an infliction may truly be considered a miracle) has nearly recovered his health & Strength.

It seems from the announcement of Sir Robert Peel in Parliament, that Mr. Packingham<sup>83</sup> has been instructed again to propose an arbitration of the Oregon question. I have taken some pains to ascertain the sentiments of the representatives of foreign powers here, upon the rival claims of England and the United States to the country in dispute. Few or none understand or pretend to understand the merits of the question. All, however, openly express alarm, at what they call, the pretensions of the United States, and openly advocate the doctrine of Mr Guizot,<sup>84</sup> that there should be a balance of power in America. I am very sure that no impartial arbiter between England and the United States could be found, among those representatives, and can it be believed that the masters will be unbiased, when the servants are so prejudiced? If I may be allowed to express an opinion, deliberately formed, from all the

<sup>83</sup> Sir Richard Pakenham, ministro inglese negli S. U. dal 1843. Vedi J. H. LATANE, *American Foreign Policy*, cit., p. 230. Si noti la diversa ortografia nel cognome.

<sup>84</sup> François Pierre Guillaume Guizot (1787-1874), fu ministro degli Esteri sotto Luigi Filippo nel 1840 e Primo Ministro dal 19 settembre 1847 al 23 febbraio 1848. Si rifiutò di appoggiare gli sforzi inglesi rivolti ad impedire l'annessione del Texas da parte degli S. U.

means of information which I have been able to command, I do not hesitate to say, that upon the continent of Europe, there cannot be found a sovereign or a prime minister who would be a fair and impartial arbiter on the Oregon question, between the United States and England. Indeed, candid men, even among our enemies, admit that such is the fact, and do not profess to think, that the offer of arbitration either can or ought to be accepted by the President. I do not doubt that the President and yourself already possess information, sufficient to justify you in the refusal of an arbitration. But having seen that proposition countenanced and even recommended by so respectable a member of Congress as Mr. Winthrop<sup>85</sup> of Boston, I have thought it my duty, to state what I believe to be the state of opinion among the powers of Europe. You have seen the disposition of the French government in the matter and where had we reason to expect a more impartial arbiter than France? In the official gazette of Turin, published under the direct supervision of the Minister for Foreign affairs, I have discovered the clearest evidence of the bias and prejudices of this government in the matter. You are aware that a certain jealousy and dislike of the United States has always existed in certain circles of Europe. When I first came to Europe this jealousy and dislike was rather abstract in its character. Since the annexation of Texas<sup>86</sup> it has become eminently practical and cannot otherwise be described, than as a general alarm. The moral power of the country displayed to the whole world by that annexation, has struck the people on this side of the water with wonder and the governments with fear. The fact is, few believed that the measure could be carried against the united influence of France and England, and when it was accomplished by the unanimous vote of the Texan Congress, men of all classes were lost in wonder and astonishment. It is amusing how much the affairs of the United States have attracted attention, interest and discussion in Europe, during the two past years. Every body now watches with eagle eyes the progress of the Oregon question. The aristocrats say that the United States will give way. The liberals exclaim "Look, England bullies all Europe, but she cannot bully the United States—that is incontestable proof of their power." So great and even so ridiculous is the alarm felt by many persons at the rapid progress & increasing greatness of the United

<sup>85</sup> Robert Charles Winthrop era membro della Camera dei Rappresentanti.

<sup>86</sup> Il Texas era stato annesso con deliberazione del Congresso nel gennaio-marzo 1845. Vedi J. H. LATANE, *op. cit.*, p. 258.

States, that more than one *Diplomat* here, has said to me, that the further aggrandizement of that country must be restrained, for not only may it expose Europe to revolutions but to *invasions*! All professions of friendship, from the sovereigns and ministers of Europe, such as those made by Mr. Guizot, are disproved by facts and I set them down as sheer hypocrisy. When was a man or a government friendly to what they feared?

I am happy to assure you that your correspondence with Mr. Packingham and the offer of a compromise by the President, has helped our cause wonderfully in the estimation of all dispassionate men in Europe. I have circulated as much as possible, the copy which was sent me and your last letter<sup>87</sup> is admitted even by our opponents to be one of the most powerful and masterly notes ever penned by a minister.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 34*

Legation of the United States, Turin, Feb. 24, 1846

Sir: Enclosed you will find an account against the United States, presented by M. Thoret<sup>88</sup> who was formerly vice Consul of the United States at Cagliari in the island of Sardinia, and is now, I believe, Consul of Sweden at the same port. From his statement it would appear, that in the month of August 1841, the United States merchant ship *Mary Anne* of New York, Captain Child was wrecked on the coast of Sardinia—that seven of the ship—wrecked sailors of said vessel were transported to Cagliari by the orders of M. Thoret and at his expense clothed, fed, placed in the hospital and transported to Genoa. Mr. Thoret incurred these expenses as vice consul and demands a reimbursement of them, under the 5th section of the 30th act, of the Consular Regulations of the United States.

<sup>87</sup> In questa lettera del 12 luglio 1845 a Sir Richard Pakenham, ministro britannico negli S. U., James Buchanan, segretario di Stato, proponeva che l'Oregon (inclusa l'isola di Vancouver) fosse diviso al 49° parallelo. Pakenham si risentì per l'inclusione di Vancouver nella proposta e domandò a Buchanan di fare un'altra offerta. Questa risposta da parte di Buchanan fu senza dubbio « l'ultima lettera » che tanto impressionò Wickliffe. Il segretario di Stato Buchanan, riesaminando l'intera controversia sull'Oregon, difese punto per punto la posizione degli S. U., ma esprime la speranza che questa disputa fosse pacificamente composta. Vedi J. H. LATANE, *op. cit.*, p. 232.

<sup>88</sup> La persona indicata come primo vice console a Cagliari non può essere identificata fra il personale al *Foreign Relations Section*, Archivi nazionali di Washington; nella maggior parte della corrispondenza il nome appare come *Thorel*; nei dispacci provenienti dagli S. U. come *Thoret*; la sua firma è illeggibile.

He says that he transmitted his account to M. Fillippi, acting Consul of the United States at Genoa at that time and subsequently to Mr. Lester; that Mr. Lester forwarded it to Washington, but wrote that he had never received the money.

At the request of Mr. Thoret I again transmit his account <sup>89</sup> and have only to request that the Department will give me a decided answer upon the subject so that the claim may be forthwith settled or peremptorily refused.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 35*

Legation of the United States, Turin, March 20, 1846

Sir: I take the liberty to enclose herewith a copy of a note addressed by me to the Minister of Foreign Affairs upon the subject of the right of an American captain to register his protests before the American Consul. By the same steamer I send also a copy of an opinion of the Cour Royale of Aix on the same subject. Former despatches addressed to Mr. Calhoun will make known to you what I have heretofore done in the premises. A copy of the Sardinian Code of Commerce which I forwarded more than a year since to the State Department will enable you to form an opinion as to the propriety of the position which I have assumed. I trust it will meet with your approbation and I feel a very reasonable confidence in my ability to maintain it.

*Robert Wickliffe Jr. al conte Solaro della Margarita* <sup>90</sup>

Legation of the United States, Turin, March 5, 1846

The undersigned, Chargé d'affaires of the United States of America, received in due time, the Note which His Excellency, Count Solar de la Marguerite, Minister and First Secretary of State for Foreign Affairs, did him the honor to address him on the 11th of July last, together with the accompanying opinion of the Minister of Grace and Justice. The undersigned has delayed making a reply to that Note, until he should be able to submit to the consideration

<sup>89</sup> Il resoconto originale in data: Cagliari 10 novembre 1841, porta un totale dei conti ammontante a sterline 496/7. Il nuovo conto è del 24 gennaio 1846 ed è firmato «Choret». Archivi nazionali, Washington.

<sup>90</sup> Allegato al Dispaccio n. 35 di Wickliffe.



of Count Solar de la Marguerite, the decision of the French tribunals on the point in question.

The undersigned has expressly declined to assert the right of an American consul to receive and register the protests of American captains entering Sardinian ports, upon the principle of International Law or under the treaty of 1838 between the United States and Sardinia.

The undersigned proposed that as the laws and usages of the United States, permitted foreign captains to enter their protests before their own Consuls in American ports, when the same privilege was accorded to American consuls in the ports to which those captains belonged, the Sardinian Government should avail itself of the perfect reciprocity offered by the United States, and that the consuls of the two countries respectively, should hereafter receive and register the protests of the captains of their several nations, to be received in evidence as though made before the local tribunals. This proposition which seemed very just and equitable, Count Solar de la Marguerite thought proper to decline. Recognizing his perfect right either to accept or reject it, the undersigned can only express his regret that the views of His Excellency led him to adopt the latter alternative.

Laying aside, then, International Law, the Treaty between the two countries and propositions of reciprocity, the undersigned, after a careful perusal of the note of Count Solar de la Marguerite and of the opinion of the Minister of Grace and Justice, maintains with confidence that under *the Sardinian Code of Commerce itself*, a protest made before the American consul by an American captain, is valid evidence before the Sardinian courts. It is not therefore as a matter of a favor or as an offer of reciprocity, but as a right that the undersigned now calls upon His Majesty's Government, to recognize this privilege of American consuls. The question has been solemnly tried and decided by the *Cour Royale* of Aix in France. As long as the undersigned had nothing but his own opinion to oppose to that of the Minister of Grace and Justice he naturally distrusted the justness of his own conclusion. But when the decision of the Tribunal of Commerce at Marseilles, in the case of the Dutch captain, upon which the Minister of Grace and Justice founded his opinion, has been reversed by the *Cour Royale* of Aix and when the same *Cour Royale* has recently reaffirmed its doctrine in the case of an American captain, the undersigned doubts not that the Minister of Grace and Justice will perceive the erroneousness of the con-

struction, which he has placed upon the law and will now as cheerfully advise Count Solar de la Marguerite to receive the reclamation of the undersigned, as he has heretofore counselled its rejection.

The undersigned takes the liberty to enclose herewith a copy of the decision of the *Cour Royale* at Aix and to request Count Solar de la Marguerite's earnest consideration of the principles which it so ably and conclusively settles.

Count Solar de la Marguerite and the Minister of Grace and Justice maintain that the protests of foreign Captains, ought to be made before the national tribunals, because they concern the public safety and constitute a part of the police of the country. The *Cour Royale* of Aix expressly decides that they concern private and not public interests, individuals and not the state and are an arrangement of commerce and not an affair of police.

The Minister of Grace and Justice contends that the dispositions of Arts 257 & 258 apply to all captains, both foreign and national, the *Cour Royale* of Aix expressly decides, that the identical articles of the French Code (242, 243) are applicable only to French captains. The undersigned is surprised that the Minister of Grace and Justice should have sustained such a construction, when it is inconsistent with the whole tenor of title 4 concerning captains and with several of its articles, which are clearly applicable only to national captains.

The Minister of Grace and Justice asserts that the Supreme Court of France by its decision of the 1st of September 1813, declared that Art. 242 of the French Code, (identical with Art. 257 of the Sardinian Code, applies equally to all captains, both foreign and national; the *Cour Royale* of Aix assures us that the French Government itself has adopted the opposite interpretation, and that by a circular of the keeper of the seals connected with the Minister of Foreign affaires [sic] and published in 1833, it is formally declared, that it results from the text of the law itself, that the dispositions of Arts. 242, 243 of the French Code (Arts. 257, 258 of the Sardinian Code) are not applicable to foreign captains.

The Minister of Grace and Justice asserts upon the testimony of Genoese captains and others, that Sardinian captains are obliged to make their protests in the United States before the local tribunals. The undersigned has heretofore doubted the accuracy of that information, and it was proved and recognized as a fact before the *Cour Royale* of Aix, that French captains on their arrival at New York, enter their protest before the French consul, and those pro-

tests are admitted before the American tribunals as valid evidence against the underwriters and other parties interested.

The minister of Grace and Justice thinks that the disposition of Arts. 259, 260 & 261, which impose upon the Sardinian captain, the duty of making his protest before the Sardinian consuls in foreign ports, does not militate against the construction, which he has placed upon Art. 257, 258; the *Cour Royale* of Aix decides, that those articles loudly proclaim that the law does not apply to protests, the principle *Locus regit actum*.<sup>91</sup>

Count Solar de la Marguerite and the Minister of Grace and Justice think that the power of receiving and registering protests, is too serious and important to be entrusted to foreign consuls, the *Cour Royale* of Aix declares that such protests are sufficiently formal and trustworthy, for the preservation of the private rights involved. In the case of a foreign vessel, where the ship, cargo and insurance, principally belong to foreigners, it may be safely believed, that they will have as much confidence in the acts of their own consuls as in those of foreign local courts.

Count Solar de la Marguerite and the Minister of Grace and Justice contend that if this right were conceded to foreign consuls, the Sardinian Government would disposes itself of the necessary means of knowing, the character voyage &c of the vessels that enter the Sardinian ports; The *Cour Royale* of Aix decide that foreign captains discharge every duty they owe the state, by the declarations which immediately after their arrival, they are bound to make, at the Customs House, at the Bureau of Health and at that of the Marine.

Count Solar de la Marguerite and the Minister of Grace and Justice assert that the Sardinian usage on this point, is that which generally prevails in commercial countries. The undersigned has shewn that the law and usage of France, England and the United States are directly the reverse, and the laws and usages of those three great trading nations may with propriety be admitted to be the laws and usages of the commercial world.

The Minister of Grace & Justice observes that the Sardinian law, while it requires a protest to be made before the local tribunal, does not forbid the entering of an additional protest before the consul. But *cui bono* the second? The only object that could

<sup>91</sup> *Locus regit actum*. Quando una transazione legale aderisce alle formalità richieste dalla legge del paese dove avviene, questa è anche valida nel paese dove deve avere effetto, sebbene altre formalità vengano richieste dalla legge di questo paese.

be accomplished by such double protests would be a multiplication of expenses.

Count Solar de la Marguerite observes that the fees demanded by the Tribunal of Commerce at Genoa are not only legal but reasonable, and that no complaints have ever been made to the Government on the subject. The undersigned does not dispute their legality, but when a protest before the Sardinian Tribunal costs three times as much as one before the American consul, the undersigned cannot be considered unreasonable in desiring that American captains should pay the fees of the consul, rather than those of the Tribunal of Commerce.

The undersigned has the authority not only of the books themselves, but of the Minister of Grace and Justice, that the Arts. 257, 258 of the Sardinian Code are precisely the same as Arts. 242 & 243 of the French. Shall they be construed differently? Shall the right of American consuls insisted on by the undersigned, be admitted in France and rejected in Sardinia, when the laws of both countries applicable to the point, are couched in precisely the same words. The Minister of Grace & Justice sustained himself by an act of the Supreme French Tribunal in 1813; the undersigned has shewn that his position is overthrown by the act not of a mere tribunal but of the French Government in 1833. Is not the decision of the government more authoritative than that of one of their own courts and is it not a rule of law, that the latest judgment reverses all preceding ones that are inconsistent with it? The Minister of Grace and Justice relied upon the decision of the Tribunal of Commerce of Marseilles in 1840, in the case of a Dutch captain; the undersigned has shewn that that decision has been reversed by the *Cour Royale* of Aix. The undersigned has further strengthened his position, by a second decision of the *Cour Royale* of Aix, in a case which in all its facts is the same as that under consideration, *ab ovo jusque ad malum*. Will the Minister of Grace and Justice, after having declared the articles of the French & Sardinian codes applicable to the case, to be precisely the same, now contend that they are in any respect different? Will he argue that when the laws of the two countries are the same, their construction ought to be or can justly be different? Will he, after having relied upon the act of the supreme Tribunal of France in 1813, deny the binding authority of the act of the supreme Government of France in 1833? Will he, after relying upon the decision of an inferior tribunal of France, as authority upon the point in question, reject that of the

superior court of the same country, by which that decision was reversed in 1840 and by which the principles of that reversal have been respected in 1845? The undersigned trusts that when the Minister of Grace and Justice perceives, as the undersigned confidently hopes he will, that all the authorities upon which his opinion was based, now declare in favor of an opposite construction, he will cheerfully admit the justice and legality of the claim urged by the undersigned in favor of American commerce. The undersigned trusts that Count Solar de la Marguerite will upon a candid and impartial review of the whole case and a fair consideration of the new authorities produced, admit its reasonableness, and will place upon Arts. 257, 258 of the Sardinian Code, the same fair, liberal, just and enlightened construction, which has been placed upon the corresponding and identical Arts. 242, 243 of the French Code. In making such an equitable demand on behalf of his government, the undersigned asks only that which that Government thinks itself entitled to and relies for a favorable decision, with confidence, upon the enlightened justice of His Majesty's Government.<sup>92</sup>

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 36*

Legation of the United States, Turin, April 20, 1846

Sir: The first volume of a book, entitled "The Artist, Merchant and Statesman" by C. Edwards Lester, U. S. Consul at Genoa, has just been placed in my hands. At page 266 of this volume the author speaks of the case of Dr. Samuel G. Howe that occurred at Genoa about two years since.<sup>93</sup> After stating the facts of the case very unfairly and indeed falsely, and declaring that Dr. Howe's baggage was forcibly taken from him, carried ashore and confiscated, under circumstances the most insulting and aggravated, without an opportunity of defence or even a notice to the Consul, his natural defender of the accusation brought against him, Mr. Lester proceeds

<sup>92</sup> Segue il testo francese (scritto a mano) della sentenza del Tribunale di Aix, Dipartimento delle Bouches du Rhône, del 27 settembre 1845 sul caso di Joseph R. Brown, comandante della nave americana *Minerva* di New York (Archivi nazionali, Washington.)

<sup>93</sup> Vedi p. 206.

to say "I took such steps as I considered necessary. The authorities refused to comply with my demand and I referred the case to the *Chargé d'affaires* at Turin, who reported it to the Department of State. It has now been nearly two years since this transaction took place and up to the present time I believe the government have done nothing about it."

In this passage Mr. Lester seeks to convey four distinct ideas, every one of which is false. 1. That a most insulting and aggravated injury was committed upon Dr. Howe and that his property was illegally and without trial confiscated. 2. That he alone, of all the authorities whose duty it was to protect Dr. Howe, discharged his duty. 3. That the *Chargé d'affaires* at Turin contented himself with reporting the facts of the case to the Department of State. 4. That the Government has done nothing in the premises.

The records of the State Department will shew that as soon as the case of Dr. Howe was submitted to me, I not only reported the facts of the case to the Department of State, but gave it as my opinion that by the laws of Sardinia, the property of Dr. Howe was liable to confiscation and that the American Government could not complain of the Sardinian Government for enforcing those laws. I at the same time requested the Secretary of State (Mr. Calhoun) if I were wrong in my construction of the Sardinian law (which law, however, to my mind seemed very clear) to correct my mistake. Mr. Calhoun never corrected me and I drew the very natural conclusion that my opinion and action in the premises met with his approbation.

I had supposed that at least during his continuance in office, a diplomatic or consular agent has no right to publish his despatches or to discuss in print questions upon which he has acted in his official capacity. The right of divulging matters of this sort, so as to make them a legitimate subject of public discussion, I had presumed, belonged only to the President. Mr. Lester seems to claim an exemption from this rule and to exercise the very extraordinary prerogative of arraigning his superiors in office and the government itself for having overruled his opinion and action as consul. I cannot believe that such conduct can meet with the approbation [of the Government] or pass by without its severest censure. If it be suffered there can no longer be any order and subordination in the diplomatic service or any privacy in diplomatic correspondence. I confess that the position of a minister would be neither very agreeable or [sic] very honorable, if when

his conduct has been approved by his Government and the reasons of it have not yet been and probably never will be, published by the only authority that is competent to divulge it, a consul in the same country to which he is accredited, is to be allowed the right of misrepresenting and accusing him at the bar of public opinion. Neither would it be seemly or proper for a minister under such circumstances to enter into a newspaper controversy with the consul. I am willing to stand by my correspondence upon the case in question. Until that is published my hands, at least in my opinion, are tied. All that I can do is to respectfully request you to cause it to be inserted in the Washington Union by authority that in the case of Dr. Howe, adduced by Mr. Lester in the passage quoted, I not only reported the facts of the case to the Department of State but gave a prompt and decided opinion upon it and that that opinion was approved by the Government.

I gave Mr. Lester leave of absence for four months upon the assurance that it was necessary for him to go to the United States in order to fulfil his tobacco contract with the Sardinian Government. More than a year has elapsed and neither the tobacco has arrived nor the consul has returned. Is it the intention of the Government to send him back or to appoint another?

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 37*

Legation of the United States, Turin, May 15, 1846

Sir: Quite a Custom-House war has commenced between Sardinia and Austria. It is probable that there is bad feeling between the two governments and that if there had been a cordial understanding between them, there would have been no difficulties whatever about the interpretation of treaties. It appears, at least according to the account of the affair that we have almost officially heard that in the year 1751, a treaty was concluded between Austria and Sardinia, by which the former ceded to the latter the right of transit across Lombardy of salt purchased from the Venetian Republic, and in consideration thereof, Sardinia bound herself not to sell salt to the Swiss cantons or to any of their possessions in Italy. The Sardinian Government not having for a long time obtained salt from Venice, considered the convention as obsolete, but still never having denounced it, declined from deference to the Austrian government, to sell salt to the Canton of Ticino. That Canton having

purchased its salt elsewhere, demanded and obtained exemption of transit through Sardinia. The Sardinian Government asserts that its custom house has received no profit whatever from the transit and contends that one nation cannot refuse the right of transit to another friendly nation, unless the transit be injurious to itself. The Austrian government conceived that this conception of the right of transit was a violation of the treaty of 1751, and by way of reprisals raised the duty on Sardinian wines imported into the Austrian States.<sup>94</sup>

For some time past, a coolness towards Austria (who although disliked is yet dreaded by all Italy) has been perceptible on the part of this government. Some say that Austria asked to separate Genoa from the other possessions of the house of Savoy and to place over Liguria an Imperial Archduke. This, at least, was the popular idea, but it would be difficult to say, how far it was justified by the fact. Since that time several acts of the Sardinian government have manifested little deference to the wishes of Austria. Several persons compromised [sic] in the late *emeutes* in Romagna have not only been received but actually employed at Turin. Several authors who have recently written against Austrian influence — such as Count Balbo and the Marquis d'Azeglio enjoy merited consideration at Court. The sum of the matter seems to be that Sardinia fearing Austria, has not dared to shew [sic] her hatred in an open manner, but disliking her, has shewn [sic] it in several indirect ways, and that Austria incensed at such a want of reverence and submission has seized the first occasion to vent her Imperial spleen.

It is not probable that these matters will lead to any serious

<sup>94</sup> La controversia sul transito del sale scoppiò nel 1843. Va ricordato che fin dal 1751 Torino e Vienna avevano stipulato una convenzione in base alla quale l'Austria garantiva il libero transito attraverso la Lombardia al sale che il Piemonte comperava a Venezia; in cambio il Piemonte s'impegnava a cessare l'attivo commercio del sale con i cantoni svizzeri. Nel 1815 il trattato perdeva la sua ragione d'essere in quanto il Piemonte si riforniva di sale in Liguria. Ciononostante, il trattato veniva confermato. Nel 1843 il canton Ticino chiedeva al governo sardo di inviargli per quattro anni una certa quantità di sale in quanto quello proveniente dall'Austria non era sufficiente. Il governo sardo accettò la proposta, ma subito dopo l'Austria elevò fiere proteste e Torino dovette riconoscere il suo errore. Il ministro degli interni, Gallina, pensò allora che, se il vecchio trattato proibiva il commercio del sale, non impediva, però, il transito di esso attraverso il regno e permise così al canton Ticino di comperare il sale a Marsiglia o nel porto libero di Genova e di trasportarlo attraverso gli Stati sardi. L'Austria, a sua volta, dopo aver invano tentato di far ritornare il governo sardo sulla sua decisione, aumentò nell'aprile del 1846 i diritti doganali sui vini piemontesi da L. 9,10 a L. 21,45 per ettolitro. Solaro della Margarita informò della controversia il pubblico con un articolo pubblicato sulla *Gazzetta Piemontese* (2 maggio 1846), articolo giudicato un atto ardito e coraggioso. Il 7 maggio 1846 fu fatta una dimostrazione in onore del re in piazza Castello, ma il re giudicò prudente non apparire in pubblico.



result. As Sardinia is the most military power in Italy and naturally stands at the head of affairs in the Peninsula, she excites the constant uneasiness and jealousy of Austria, who can endure nothing but submission and obedience on this side of the Alps. With an energetic ambitious King who would give his people a Constitution and place himself at the head of the liberal movement in Italy, Sardinia might control and consolidate the country and establish throughout the peninsula a single, independent constitutional monarchy with a member of the house of Savoy on the throne. But the present sovereign does not enjoy good health, is very pious and thinks too much of the affairs of the next world to occupy himself with revolutions in this. Things will continue to go on as usual — one day a liberal movement and the next a Jesuit retrograde and the government will continue for a long time to remain at the same old point from which it started.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 38*

Legation of the United States, Turin, May 25, 1846

Sir: The Custom house difficulty between Sardinia and Austria has been the cause of considerable excitement during the last ten days. In order to obviate the effects, which the increase of the duty on Sardinian wine imported into the Austrian States might produce, a company was forthwith formed for its transportation by way of sea and for its sale in foreign countries. It was determined amongst the people to salute the King with extraordinary cries of enthusiasm and approbation, the first time he should appear on the *Campus Martius* to manoeuvre the troops. On the morning of the day appointed for the parade, all the streets leading to the *Campus Martius* and especially the one between the Royal Palace and that place, were filled with dense and anxious throngs. The people awaited the appearance of the King with great impatience. The Austrian Minister<sup>95</sup>

<sup>95</sup> Ambasciatore austriaco a Torino era nel 1846 il conte Karl Ferdinand Buol-Schauenstein, nato il 17 maggio 1797 e morto a Vienna il 28 ottobre 1865. Diplomatico della scuola di Metternich, era ministro a Carlsruhe alla scoppio della rivoluzione del luglio 1830. Nel 1838 veniva inviato a Stoccolma e nel 1844 a Torino. Il suo atteggiamento sulla questione delle tariffe sui vini e la sua ostilità alle riforme di Carlo Alberto lo fecero *persona non grata* al governo sardo. In una nota del 23 marzo 1848, protestava contro l'atteggiamento preso dal Piemonte nell'insurrezione di Milano. Il marchese Pareto gli rispondeva il 25 marzo con un manifesto contro l'egemonia austriaca

went to the palace and informed His Majesty, that if any insult or outrage were offered to his Master, he should demand his passports. At last the King caused it to be announced that he was extremely sensible to such a demonstration, but that reasons of high prudence would prevent him from leaving his Palace on that day. The police, it is said, had information that the people intended not only to cry *Vive le Roi* but *Vive le Roi d'Italie, a bas Ces Jesuites, a bas le Comte Solar de la Marguerite* &c. A few mornings afterwards, the King made his appearance very early and in a quiet way, but was still saluted with great enthusiasm. Every one hopes and each one after his own manner. Amongst the people it is currently reported and believed that the King has the promise of the Emperor Nicholas<sup>96</sup> to sustain him against Austria — that an English and French fleet will shortly make its appearance in the port of Genoa, — that the Italian exiles will be allowed to return, &c &c. These rumors however may be regarded as popular illusions, for I have neither seen or heard anything to convince me of their truth.

*James Buchanan a Robert Wickliffe Jr.*

*Istruzione n. 13*<sup>97</sup>

Department of State, Washington, 1 st June, 1846

Sir: I transmit a copy of a letter addressed to this Department on the 22nd December last, by Mr. J. P. Brown,<sup>98</sup> 1st Dragoman of

in Italia; la sera stessa il conte Buol richiedeva i passaporti. Alla fine dell'anno Schwarzenberg (primo ministro e ministro degli esteri) lo inviava a Pietroburgo per chiedere l'appoggio della Russia contro l'insurrezione che era scoppiata in Ungheria. Più tardi, alla fine del 1850, dopo aver lasciato Pietroburgo, il conte Buol assisteva Schwarzenberg alla conferenza di Dresda che ristabiliva la confederazione germanica e aveva lo scopo di liberare l'Austria dalla protezione dello Zar. Questa sua politica divenne ancor più evidente, dopo un breve periodo passato a Londra come ambasciatore, quando, il 12 aprile 1852 alla morte di Schwarzenberg, fu richiamato a Vienna per prendere il posto di primo ministro. Nelle difficoltà che sorsero durante il conflitto fra le potenze occidentali e la Russia, Buol non riuscì ad ottenere che il suo paese appoggiasse decisamente la Francia e l'Inghilterra nella guerra di Crimea. Più tardi, nel 1859, cercò di impedire il conflitto fra l'Austria, il Piemonte e la Francia, ma siccome l'imperatore, contro il suo parere, insistette per mandare l'*ultimatum* a Torino, rassegnò le dimissioni e si ritirò a vita privata.

<sup>96</sup> A causa della sua alleanza con l'Austria, lo zar Nicola non poteva aiutare Carlo Alberto. Infatti, poco dopo l'inizio delle ostilità fra il Piemonte e l'Austria, il ministro russo fu richiamato da Torino.

<sup>97</sup> L'istruzione n. 11, datata Washington, 24 marzo 1846, accusava ricevuta dei dispacci dal n. 26 al 34 incluso e informava Wickliffe che il conto di Thoret, per il mantenimento dei marinai americani, ammontava a dollari 177.26, era stato passato al Dipartimento del Tesoro e pagato a Lester nell'agosto del 1845, all'atto della sua liquidazione.

L'istruzione n. 12 datata Washington, 14 maggio 1846, annunciava la dichiarazione di guerra fra gli S. U. e il Messico. Vedi negli Archivi nazionali di Washington, *Instructions to Ministers*, volume *Spain*, p. 202.

<sup>98</sup> John P. Brown, primo dragomanno o interprete di lingue straniere alla legazione

the United States Legation in Turkey, and at the time temporarily in charge of the Legation and Consulate; together with a copy of the correspondence therein referred to, between the United State Consulate and the Sardinian Legation, growing out of a law suit, in which Mr. C. Oscanyan, a naturalized American citizen, and the Messrs. Berzolese, Sardinian subjects, were the parties.

The papers fully explain the case, and the ground of Mr. Oscanyan's complaint against the Sardinian mission at Constantinople, for a refusal of justice, in declining to receive his claim against the Messrs. Berzolese, which had been presented to it, as the only tribunal of competent jurisdiction within reach. This denial of right has compelled Mr. Oscanyan to appeal to this Government for interference in his behalf with the Government of Sardinia, to which cognizance of the case ultimately belongs. It is difficult to comprehend what motives governed the Representative of Sardinia on this occasion. These have no doubt been communicated to his own Government; and I am directed by the President to instruct you to bring the circumstances of the case to its knowledge, and to express his confident expectation that the subject will receive from it the attention which justice seems so loudly to call for, and that an early decision will be the result.

Your despatches to No. 36 inclusive, a letter not numbered of the 25th March, and your accounts and vouchers for the first quarter of the present year, which were not accompanied by any despatch, have been received at this Department.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 39*

Legation of the United States, Turin, June 4, 1846

Sir: News has just arrived that Pope Gregory XVI died at Rome on Monday 1st ult. at nine o'clock in the morning. He had attained his Eighty second year and his pontificate had lasted sixteen [years]. He was not of a noble or distinguished family, but before his elevation to the Cardinalcy, was a simple Benedictine monk, attached to the Church of St. Gregory, outside the walls of Rome. His physical constitution was remarkably sound and vigorous and even

degli S. U. in Turchia dal marzo 1843 al gennaio 1844. Vedi, negli Archivi nazionali di Washington, *Personnel Records, Department of State*.

after his elevation to the throne of St. Peter, he continued the habit of his order and always slept on a bed of straw. Although not remarkable for his talents or learning, yet his character was good. For some time past, however, all important affairs of state had been transacted by his ministers and especially by the Minister for Foreign affairs, the Cardinal Lambruschini.

Although from his extreme old age, the Pope could not have been expected to live much longer, yet there is little doubt, that over-exertion in the discharge of the religious functions of his high office, was the immediate cause of his death. About fifteen days since, on occasion of the festival of St. Lucy, the Pope with all the Cardinals, according to usage, celebrated divine worship in the Church of St. John Lateran. This Church is at least two miles from the Vatican, where the Pope resides. After the completion of those religious ceremonies within, the Pope pronounced a benediction from the balcony of the Church upon the assembled throng without. These ceremonies lasted four or five hours and required considerable exertion. The day was excessively hot, the interior of the Church (one of the largest & most magnificent Cathedrals of Rome) quite cold. Passing suddenly from the heat without to the cold within and *vice versa*, the Pope contracted a fever, which produced constipation and caused his death.

His death happening at this particular juncture, renders the choice of his successor peculiarly important. As the affairs of Italy at this moment begin to attract peculiar and general attention throughout Europe, it is to be regretted that you have no one on the spot to keep you advised of the progress of events in so important a capital as Rome.<sup>99</sup>

***Robert Wickliffe Jr. a James Buchanan***

*Dispaccio n. 40*

Legation of the United States, Turin, June 17, 1846

Sir: I have the honor to acknowledge the receipt of your despatch [instruction] (No. 12) dated the 14th of May. In pursuance of your instructions I immediately transmitted to the Min-

<sup>99</sup> Le relazioni diplomatiche fra gli S. U. e lo Stato pontificio, iniziatesi nel 1848, continuarono fino al 1868. Vedi LEO F. STOCK, *United States Ministers to the Papal States*, cit.

ister for Foreign Affaires [sic] the printed copy of the President's proclamation which you had enclosed to me and announced to him the President's intention forthwith to establish a strict blockade of the ports of Mexico both on the Atlantic and Pacific Oceans. I shall not fail, also, as occasion offers, to explain the purposes and aims of the American Government.

Since my last, affairs at Turin have almost subsided into their usual tranquillity and monotony. Of such a great explosion, nothing remains but the echo which comes bounding back from the foreign journals. The report, however, has been freely circulated, within the last ten days, that the Count Solar de la Marguerite, Minister for Foreign Affairs, would be dismissed.<sup>100</sup> It is well understood that there are in the Sardinian Cabinet two parties, the Jesuit and the Progressist. The first is represented by the Minister for Foreign affairs and the second by Villamarina,<sup>101</sup> Minister of War. During the excitement that came upon us so suddenly and has passed away so speedily, the Minister for Foreign Affairs seemed to shiver in the wind. The Jesuits, however, rallied with all their forces to his rescue and to all appearances have succeeded in preventing his anticipated fall. Villamarina and the Marquis Brignole-Sale, ambassador at Paris, were spoken of as his successor. They are, perhaps, the two most enlightened statesmen in the Kingdom and either would be very acceptable to the people. It is very doubtful, however, whether any change, at least for the present, will be made in the Ministry. The late ebullition of Royal independence and popular enthusiasm have, therefore, not produced any important results, but they have served to shew « which way the wind blows. » As you will have observed, I did not anticipate that the immediate consequences would be more serious.

***Robert Wickliffe Jr. a James Buchanan***

*Dispaccio n. 41*

Legation of the United States, Turin, July 15, 1846

Sir: On Sunday evening 12th ult. the Duchess of Savoy was safely delivered of a male infant. The accouchement took place at Raconigi [sic], the King's favourite villa, at which His Majesty

<sup>100</sup> Il conte Solaro lascerà l'incarico il 9 ottobre 1847; più tardi sarà eletto deputato.

<sup>101</sup> Emanuele Pes di Villamarina era ministro della Guerra.

and the Royal family usually spend the hot months of summer and where they are at this moment. The child has received the title of Prince of Montferrato. It is the fourth child to which the Duchess of Savoy has given birth in four years.

The difficulty with Austria will, in all probability, be amicably arranged. The better opinion seems to be that the King did not receive any promises or encouragement from the Emperor of Russia. On the contrary, I learn from an authentic source that the late manifestations at Turin were exceedingly disagreeable to the cabinet of St. Petersburg. Russia will forthwith offer her arbitration. Indeed there is no doubt that her *Chargé d'Affaires* (for her Minister is absent on leave for a year) has received instructions to that effect. Her mediation will probably be accepted. Austria has from the very beginning of the affair, acted with great want of tact. She has wounded the pride and alienated still further the sentiments of the Piedmontese government and people. The natural effect is to throw Piedmont closer to France and farther from Austria; in other words, to attach her to the constitutional and alienate her from the absolute powers.

No change in the ministry has yet taken place, though persons with good means of information, still maintain that there will be a change. In addition to Brignole<sup>102</sup> and Sostegno,<sup>103</sup> the Marquis Saluzzo<sup>104</sup> is also spoken of as a probable addition to the Cabinet.

Of course I do not trouble myself with these matters, farther than to listen and to try to keep up with the progress of events. All my efforts are directed to the removal of the numerous, petty and annoying obstacles thrown in the way of foreign commerce by the Custom-House, police, and financial regulations of the country. Although my success has not been as great as I could wish, yet the commerce of the United States with this country has recently increased in a very striking manner. In the article of cotton for example, ten thousand bales has heretofore been the usual annual average, whereas during the first six months of the present year, eighteen

<sup>102</sup> Antonio Brignole Sale, marchese di Groppoli (1786-1863) successe al conte Paolo Francesco Sales, nell'aprile del 1836, come ambasciatore di Sardegna a Parigi, posto che mantenne fino al 1848.

<sup>103</sup> Cesare Alfieri, marchese di Sostegno (1799-1869), ministro della pubblica istruzione e presidente del senato dal 1855 al 1860.

<sup>104</sup> Il conte Alessandro Saluzzo di Monesioglio (1775-1851) fu ministro della guerra sotto Vittorio Emanuele I, ministro plenipotenziario in Russia sotto Carlo Felice e ministro di Stato con Carlo Alberto. Il 3 aprile 1848 veniva nominato senatore.

thousand bales have been already imported. This is owing to the carrying out of the principle (the importance of which I have several times spoken of) and to the practical execution of which I have directed all my energies viz., the direct exchange of commodities between the two countries without the intervention of a third nation. Heretofore great quantities of our produce, especially cotton and tobacco have been purchased in England and have served as the basis of the commerce between England and this country.<sup>105</sup> The loss to our shipping and commerce and the gain to those of England was [sic] manifest. I have not failed directly and through the vice consul at Genoa to impress upon the mercantile men, the gain to themselves, in buying American produce in the United States. They have tried the experiment in Cotton and it has admirably succeeded to their own advantage and ours. The next article in importance is tobacco and I do not despair of seeing that great staple also exclusively imported directly. In return, at my suggestion several merchants and proprietors are trying to find a market for the United States for several sorts of Piedmontese wines. In fine it is the interest both of Sardinia and the United States that their commerce should be emancipated from English intervention.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 42*

Legation of the United States, Turin, Aug. 10, 1846

Sir: I have the honor to acknowledge the receipt in due time of your despatch (No. 13) containing the documents relative to the case of Mr. C. Oscanyan, a naturalized citizen of the United States, residing at Constantinople. I was furnished last year with a copy of those documents by some one at Constantinople, probably by Mr. Oscanyan himself. I of course took no steps in the matter but awaited your instructions. Immediately upon the receipt of your despatch, I addressed a note on the subject to Count Solar de la

<sup>105</sup> Nel suo rapporto al segretario di Stato, Robert Campbell, console degli S. U. a Genova, il 1 gennaio 1847 presentava delle tabelle che mostravano « un considerevole aumento del commercio », soprattutto nel cotone e nel tabacco. Le ragioni di questo aumento erano da ricercare nell'aumentata richiesta di cotone da parte della Sardegna e del Lombardo-Veneto. Anche di tabacco ne veniva richiesta una grande quantità. Vedi le carte del Consolato degli S. U. di Genova, negli Archivi nazionali di Washington.

Marguerite, Minister of Foreign Affairs. It is unnecessary, at least for the present, to trouble you with a copy of my note, as it simply stated the substance of Mr. Oscanyan's claim, and according to your instructions, urged the just expectation of the President, that an early decision would be given upon the subject and that justice would be done to Mr. Oscanyan in the premises. I have not yet received a reply from the Minister of Foreign affairs. I will not, however, let the matter drag, and if I do not shortly receive an answer, I will take the liberty to recall His Excellency's attention to the case and again urge a speedy decision.

The difficulty between Sardinia and Austria has been by consent of parties submitted to the judgment of Russia and that power has accepted the arbitrage. Her decision ought to be and I have no doubt will be favorable to Piedmont. It is a singular fact, that Austria deliberated several weeks, before she agreed to accept the mediation of Russia. If you take any interest in this question or in the supposed political leanings of His Sardinian Majesty, I could send you some printed works that throw light on the subject — such as a collection of the official acts relative to the controversy between Austria & Sardinia <sup>106</sup> — a Small book on the late rebellions in Romagna, by the Marquis d'Azeglio and the « Speranze d'Italia » by Count Balbo. The last two works, pointing out the mode of establishing the unity and independence of Italy, are generally believed to be not disagreeable to the House of Savoy. They are not permitted by the censure [sic] yet still their authors enjoy great consideration at Court. The inutility of the censure [sic] is strikingly illustrated by the instance of these works. They are introduced by contraband and consequently cost five times the real price. But such is the curiosity to read them, that each copy passes through the hands of hundreds and every body has read and every body talks about them. I still adhere to the opinion, however, that no great changes will be made. The ministry remains the same. The House of Savoy, if it be wise and bold, may achieve a glorious *avenir* in Italy, but the time and circumstances have not yet arrived.

Prince Henry, brother of the King of Prussia, after having spent a few days with the King at Racconigi [sic] arrived in Turin on the 8th ult. <sup>107</sup>

<sup>106</sup> L'unico atto ufficiale riguardante la questione sorta fra l'Austria e il Piemonte per il transito del sale e le tariffe doganali dei vini, resta l'articolo di Solaro della Margherita cit.

<sup>107</sup> La *Gazzetta Piemontese*, che generalmente riportava tutte le notizie della Corte,



I take the liberty to enclose you a letter from Mr. Bartolini,<sup>108</sup> Consular Agent of the United States at Civita Vecchia. I know him to be very civil and polite to Americans passing through his Consulate. He holds his commission from Mr. Greene<sup>109</sup> late Consul at Rome. His father filled the same place, before him and he seems to take great pride in holding an official relation with the United States. About two years since he presented a very handsome and valuable collection of ancient vases to the National Institute. On public occasions, at which the consular corps assisted, he has, heretofore, enjoyed the rank of vice-consul. It seems, however, that the British consul has discovered that he has only the commission of consular agent and that consequently he must yield precedence to all the vice consuls. This is naturally mortifying to his pride as the representative of a great power. He desires to be made a *consul*. I would respectfully, however, recommend that Mr. Brown,<sup>110</sup> the Consul at Rome, be instructed to give him a commission as *vice consul*. This may appear to be a small matter. But so far as the United States are concerned the distinction between the titles of vice consul and of consular agent is immaterial, yet it is important to Mr. Bartolini. And you will readily admit that no representative of the United States should be unnecessarily wounded in his just official pride, when by a mere change of title and without the slightest injury to itself, the government can give him a superior rank, and one which would not expose him to humiliations in representing the country on public occasions. As there is no minister of the United States at Rome, I trust I will be excused for making these suggestions and I have the honor to remain.

non fa menzione, nel 1846, di una visita del principe Enrico di Prussia. Nel n. 198, del 5 novembre 1846, però viene annunciato: « Questa mattina la Corte reale inizia un periodo di lutto della durata di 14 giorni per la morte di sua altezza reale il principe Federico Enrico di Prussia ».

<sup>108</sup> Domenico Gaspare Bartolini, agente consolare, vedi LEO F. STOCK, *Consular Relations between the United States and the Papal States; Instructions and despatches*, American Catholic Historical Association: Documents Washington, 1945, pp. 58, 75, 85n, 88, 89.

<sup>109</sup> George Washington Greene (1811-1883), primogenito del famoso generale della rivoluzione americana Nathanael Greene. Studiò lingue moderne all'università di Brown e fu lettore di storia americana a Cornell. Ricoprì la carica di console a Roma dal 9 gennaio 1837 al 25 luglio 1845. Vedi LEO F. STOCK, *Consular Relations cit.*, pp. 53, 57, xxvii-xxviii, 57-90.

<sup>110</sup> Nicholas Brown, console degli S. U. a Roma dal 26 luglio 1845 al 29 maggio 1849. Vedi LEO F. STOCK, *Consular relations cit.*, pp. xxx, 91-178, 369.

*James Buchanan a Robert Wickliffe Jr.*

*Istruzione n. 15*<sup>111</sup>

Department of State, Washington, 24 th Aug., 1846

Sir: Some time since — a package addressed « Hon. James Buchanan, Dept. of State, Washington, D. C. — for Hon: R. Wickliffe, Turin, Sardinia, via Legation at Paris », was presented at this Department by the Agent of Adams & Co.'s Express Line, from New York. It was unaccompanied by any letter, or explanation; nor could the agent give any account of it. Its contents probably the manuscript of your « Commentaries on International Law, »<sup>112</sup> entrusted by you to the care of Mr. C. Edwards Lester, as Stated in your private letter of the 25th of March last.

As this package is quite bulky, and cannot be sent through the mails at the public expense, it will be retained here until an opportunity shall offer for sending it to Paris by some private hands, or until you shall have signified what other disposition is to be made of it.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 43*

Legation of the United States, Turin, Aug. 25, 1846

Sir: Some months since the Secretary of the Navy requested of the Sardinian Chargé d'affaires at Washington an official and detailed statement of the military and mercantile marine of the King. This request was duly communicated by the Chargé to his Government, and as he was on the point of quitting Washington, the Minister of Foreign Affairs has transmitted to me the statement in question. At his request I forward it to you and respectfully request that you will hand it to the Secretary of the Navy.

I am also requested by the Minister of Foreign Affairs, to ask the Government of the United States to send that of the King, a similar statement of the American marine. This request I beg you

<sup>111</sup> L'istruzione n. 14, datata Washington, 31 luglio 1846, riguarda l'uso del corriere diplomatico del Dipartimento di Stato. Vedi negli Archivi nazionali di Washington, *Instructions to Ministers*, vol. *Spain*, p. 207.

<sup>112</sup> In un dispaccio senza numero datato Torino, 25 marzo 1846, Wickliffe informava Buchanan che aveva affidato un manoscritto sul diritto internazionale a Lester, ma non aveva più avuto notizie circa la promessa fattagli di provvedere ad una sollecita pubblicazione. Wickliffe chiedeva a Buchanan di confermarli la ricezione del manoscritto che avrebbe dovuto spedire alla Legazione di Londra o quella di Parigi in modo da non restarne più a lungo responsabile.

also to communicate to the Secretary of the Navy. And although I know that at the moment, that Department is very much occupied on account of the war, yet I trust that it will find time to reciprocate the courtesies which it has received.

During the absence of the King and the continuance of hot weather, the greater part of the Ministers have taken holiday and left the city. Political affairs seem to be suspended and I have nothing either new or interesting to communicate.

*Robert Wickliffe Jr. a James Buchanan*

*Riservato*

Turin, Sept. 21, 1846

Sir: Your despatch (No. 15) informing me that a package, doubtless containing my manuscript had been forwarded to you has given me great satisfaction. I had serious fears for the fate of that unfortunate manuscript & I am glad that it is at last in safe hands.

You are perfectly right in not sending it by mail, as the postage would be enormous. If, however, you could send it by some safe private conveyance, such as a passenger in whom confidence can be reposed, either to Mr. Miller the Agent in London or to Mr. King in Paris, you would confer upon me the very greatest favor. To whichever of these gentlemen you address it, you will please request him *not to forward it to Turin*, but to keep it in his possession until further orders from me. If you would have no opportunity of sending it by a passenger, I believe (although I am not sure) that Adams & Co. have an express to France & that by it packages can be sent to Paris.

I regret sincerely to give you trouble in a matter exclusively personal but you may readily imagine that I am anxious to regain possession of my manuscript, of which I have not a copy. And I presume that in such a matter no mortal man has ever been more shamefully treated than I have been in this.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 44*

Legation of the United States, Turin, Sept. 22, 1846

Sir: The Minister of Foreign affaires [sic] not having yet responded to my note of the 24th of July, presenting the claim of Mr.

Oscanyan of Constantinople, I have again written & recalled his attention to the subject.

In the affair between Sardinia and Austria, Russia has declined the *arbitrage* but offered her *mediation*. She was unwilling to take the responsibility of pronouncing a judgment, but was willing to use her good offices to put the parties in harmonious relation with each other.

A fortnight since the Minister of Foreign Affaires [sic] went to Rome & his voyage has given rise to many conjectures as to its object. Some think that he went for the purpose of arranging a knotty question between the governments of Turin and Rome, with respect to former Church lands in the island of Sardinia. Feudality [sic] having been abolished in that island, the priests sold many of their lands with all the privileges which were attached to them; and among these privileges was immunity from taxation. The purchasers claim these privileges and the government having imposed taxes on their lands, they demanded indemnity from the priests and the priests remonstrated against the legality of the tax. The matter has thus become a question between the two governments and one difficult to arrange to the satisfaction of all the parties interested. It is a question, however, which could be negotiated with the Secretary of State at Rome in the ordinary way, without necessitating a special and extraordinary voyage by the Minister of Foreign affairs.<sup>113</sup>

Others say that the Jesuit party having lost ground in the Sardinian Cabinet, the Minister of Foreign Affairs as its representative, finds himself in a delicate and uneasy position; for he cannot retreat from the principles or fulfill the hopes of his patrons. The voyage to Rome is, therefore, they say, made for the purpose of preparing the way for his nomination as ambassador near the Holy See. This motive, however, although plausible is not sufficient; for there is no reasonable doubt, that should the Minister of Foreign Affairs retire from his present position, he could easily obtain from the King and without quitting Turin, any embassy that might be disposable.

Others again say and with greater reason, that the reforms of the new Pope have excited the fears of the Sardinian Government

<sup>113</sup> Vedi PIER CARLO BOGGIO. *La Chiesa e lo Stato in Piemonte al 1854*, 2 volumi, Torino, 1854; A. BOZZOLA e T. BUTTINI, *Stato e Chiesa nel regno di Sardegna negli anni 1849-1850*, in *Il Risorgimento Italiano*, 1921.

and that the Minister of Foreign Affaires [sic], who is known to be retrograde in his ideas and to be high in the favor of the priests, has been sent to Rome to calm the ardor of Pius IX *et de lui faire des petites observations*. For such an embassy he would be peculiarly fit, and, therefore, the statement in the papers, that he has been sent to *encourage* the Pope in his new measures, you may reject as improbable and unworthy of belief. If such had been the object of the government, it would have selected another agent for the mission. Besides it is known that the Sardinian ambassador at Rome, instead of sustaining, discourages the Pope in his great and useful reforms.<sup>114</sup>

The King has formed a camp near Turin of nearly thirty thousand men. This encampment takes place, biennially and lasts a month. Some of the foreign papers & especially the German amuse themselves with jests upon the supposed designs of His Majesty to undertake the conquest of Italy. Of course there is nothing in such an idea and it comes from the spleen of the Austrian Government, which can never forgive Charles Albert for aiding the construction of the Swiss & Piedmontese Rail Road, by which Genoa is to rise on the ruins of Trieste.

### *James Buchanan a Robert Wickliffe Jr.*

Istruzione n. 16

Department of State, Washington, 29 th Sept., 1846

Sir: My attention has been recently drawn to an alleged contract made by Mr. J. G. Harris, late Tobacco Agent, and Mr. C. Edwards Lester, United States Consul for Genoa, with the Sardinian Government; in pursuance of which, as is stated, the former undertook to supply the latter with a certain quantity of tobacco.

On referring to your despatch No. 15, of the 25 of January, of last year, it would appear that the Consul, conjointly with Mr. Harris, entered into such an agreement; and that the latter, having failed, upon his return to the United States to perform his duty, the

<sup>114</sup> Vedi: CARLO BAUDI di VESME *La diplomazia del Regno di Sardegna durante la prima guerra d'indipendenza*. Vol. II *Relazioni con lo Stato Pontificio (marzo 1848-luglio 1849)*, Torino, Istituto per la Storia del Risorgimento Italiano, Comitato di Torino, 1951.

former became thereby responsible to the Sardinian Government, and had been compelled to repair to this country, for the purpose of fulfilling the joint obligation, by furnishing the tobacco: in furtherance of which object, the Sardinian Government had, at Mr. Lester's instance, granted him an extension of the time originally agreed upon by the parties.

As this charge appears to involve a serious breach of faith on the part of one officer of this Government, and as it would further seem, from your despatch No. 16, that there had been an unreasonable delay on the part of another to discharge his obligations in the case, I have to request, that, in order to enable the Department to investigate the subject, you will, as early possible, obtain from the Sardinian Government a copy of the alleged contract, and of all other documents connected with it, and transmit them hither, together with any other information on the subject, calculated to throw light upon the transaction, both as regards the nature of the relations entered into by Mr. Lester and Mr. Harris towards the Sardinian Government, and the conduct observed by them respectively; and also as regards the precise character of the relation contracted by them towards each other: whether they were jointly concerned, or whether the one was merely the security of the other, without having any interest in the matter.

I transmit, herewith, a letter of ceremony from the President to the King of Sardinia, in answer to one from His Majesty announcing the birth of a Prince, which you will communicate, as usual, in such manner as may be made known to you by the Minister of Foreign Affairs, to be most agreeable to his Majesty's wishes.

Your despatches to No. 43 inclusive, have been received. The documents which accompanied No. 43, relating to the military, and maritime navy of Sardinia, with a copy of the despatch were, as requested by you, communicated in the name of the Sardinian Government to the Secretary of the Navy; — and I now transmit a copy of his reply, acknowledging their receipt; and sending a printed copy of the Navy Register of the United States for the present year, corrected to the present time, and of a Report made by the Navy Department, in compliance with a resolution of the Senate of 3d February last. These documents you will be pleased to dispose of in conformity with the letter of the Secretary the Navy.

Sir: I had the honor to receive the day before yesterday your despatch of the 29th ult. (No. 16) in which you request me to obtain from the Sardinian Government a copy of the contract between that government and Mess. Harris and Lester, and to communicate any other information calculated to throw light on the subject. Immediately after its receipt, I proceeded to the Department of Finance, and had an interview with the *Chef de division*, of that Department, in whose bureau tobacco-contracts are concluded. The more formal course, as you are aware, would have been to address a Note to the Minister of Foreign affairs and to have requested him to procure the desired information. I addressed myself directly to the Custom House officials, in order to be more expeditious, and with the hope, that I would be able to send you the documents which you desire, by the steamer which sails from Liverpool on the 4th of Nov. The *Chef de division* promised to send me a copy of the contract, but as it has not yet arrived and as I cannot wait another day without being too late for the next steamer, I regret to be obliged to write without it. It shall be immediately transmitted, as soon as received.

In the meantime, I will give you all the information which I possess, and you may rely upon its general accuracy.

I learn from a gentleman of undoubted credit, that when Mr. Harris was in this country, Mr. Lester (probably without the cognizance of Mr. Harris) represented Mr. H. as an ambassador, who was sent over by the government to oversee the different ministers and chargés d'affaires of the United States, that he was a planter of Tennessee of enormous wealth; that the tobacco was to come from his own estates, and that his lady had brought him a great dower and amongst other items, four hundred slaves. Believing these representations to be true, the Sardinian government was very glad to conclude the contract, because it preferred to deal directly with a producer of tobacco and hoped to obtain the article from him on better terms, than from the speculators in Paris and London. It was also impressed with the idea (but whether from Mr. Lester's own direct representations, I have been unable to ascertain) that he Mr. L. was a great merchant with most extensive relations in New York. Reposing confidence in these representations, the Sardinian government concluded the contract with Mr. Harris,

with whom, I believe, it was not otherwise acquainted. Placing faith in Mr. Lester's responsibility, on account of his official character and position as consul, the Intendant General of the *Gabelle*, accepted him as surety. In so doing, the Intendant General disregarded the law, which requires that at least one surety shall be a resident of Sardinia. He has, I learn, received some severe observations from his superiors for this oversight or neglect, but he excused himself by saying, that he thought Mr. Lester's official position would be a sufficient guaranty [sic].

According to the contract, the tobacco ought to have been delivered in July 1844, and I have myself seen a letter from Mr. Harris to Mr. Lester, assuring him that it would certainly come at Genoa by that time. It did not, however, arrive at that time, and Mr. Harris, as I learn, wrote from New Orleans that Mr. Polk (whom he called his friend) having been nominated for the Presidency, he was obliged to return to Tennessee to aid his election — that he had turned over the contract to a third person (my informant states, the captain of a vessel), but that if Mr. Lester was obliged to pay damages, he (Mr. Harris) would indemnify him. In January 1845, I gave permission to Mr. Lester to return to the United States for the express purpose of fulfilling the contract. His *cong  * was for four months and I informed you of its length and of the object of his return, so that if he demanded a renewal of his leave of absence, you might inquire whether he was *bona fide* fulfilling the purpose of his return. Month after month rolled away; Mr. Lester wrote continually that he was coming with the tobacco, the government gave up all hopes of ever seeing the contract fulfilled. At length, this spring, at Mr. Lester's special request, the government agreed to accept the tobacco, if it were delivered by the 1st of Oct. It is now the 26th of Oct., and I have a letter from the acting consul at Genoa, dated the 19th, stating, that the tobacco had not yet arrived. Mr. Lester, I understand, writes that he will not come over without the tobacco, but as he has written the same thing for the last eighteen months, I am at a loss what credence to attach to his promises.

On the face of the contract, you will probably find that Mr. Harris is principal and Mr. Lester is surety. A gentleman, however, who assisted the parties in the affair, assures me, that he has seen a contract in writing between Mr. Lester & Mr. Harris, by the terms of which Mr. Lester was to receive a portion of the profits. Of this fact I have no doubt.



Such is a statement of all the facts of any importance which I know or believe to be true. I hope I have discharged by duty, although a very unpleasant one, in stating them fairly and without reserve.

In January 1845 Mr. Lester wrote to a friend in Turin & requested him to find out some young man who would make a suitable vice consul at Cagliari. In this letter he guaranteed the emoluments of the vice consulate to be worth annually fifteen hundred francs, and offered that the young man should either place a certain sum of money in the hands of a banker or in his (Lester's) for the purpose of carrying on joint commercial speculations. I am not now positive whether the sum demanded was five or ten thousand francs. He guaranteed to the proposed vice consul a profit of fifteen per cent *per annum*. He cautioned his friend, particularly not to say a word to me on the subject. As soon as I was apprised of the contents of this letter, I suspected it to be an attempt to swindle; 1st because the profits of the vice consulate at Cagliari were guaranteed to be worth more than I believe to be the fact; 2 the sort of security demanded was unusual; as a bond is the ordinary and legal form in which it is given; and although the alternative of placing the security money in the hands of a banker was artfully proposed, in order to save appearances, yet the other alternative of placing it in his own was the one, which if his proposition were accepted, he evidently hoped & believed would be taken. 3. The enormous interest of 15 per cent *par annum*, which he guaranteed, if the security money were placed in his own hands, rendered his designs suspicious. 4. The express warning that nothing should be communicated to me, rendered the proposition still more suspicious, for if his intentions had been honest, I can see no particular reason why he should have been so desirous that I should be kept completely in the dark on the subject. I, therefore, forthwith summoned Mr. Lester to Turin and demanded explanations. He gave me the most positive assurances and pledged me his word of honor that his only design was to obtain security and such was *then* the opinion of the friend to whom he had addressed the letter and whose assistance he had asked to obtain a vice consul. Having been very kindly received by Mr. Lester at Genoa, having great consideration for his interesting family, and never having heard any thing either against his personal or official character, I accepted his excuses and contented myself with giving him a lecture as to the proper mode of demanding and

receiving security from his vice consuls for the future. Facts and circumstances, which have subsequently come to light, have obliged me to return to my original opinion of his proposition and in that opinion, his former friend & correspondent *now* concurs. In my despatch (No. 15) I stated that I had exonerated Mr. Lester from the charge and that he would state the circumstances on his arrival in Washington and would probably make explanations that would be satisfactory to you. When Mr. Lester left this country, I gave him a letter, stating, that so far as I knew, he had discharged the duties of consul at Genoa faithfully & honorably. This was true at that time, but it would be impossible for me to give any such letter now.

I expect to be able to forward by the next steamer, a statement from M. Vespucci of Florence, setting forth that when Mr. Lester visited that city in the spring of 1845, he represented himself as the nephew of the President — as a person who had great influence with the government, and one who could easily obtain from Congress a large cession of land to M. Vespucci, as the lineal descendant of Americus Vespuccius. On the faith of these representations and to conciliate still further his good will, M. Vespucci gave Mr. Lester a very ancient and very valuable picture which had belonged to the family for ages. I have not the honor of a personal acquaintance either with the President or with any of his family, except Hon. W. H. Polk our Chargé d’Affaires at Naples. You can readily, however, inquire of the President, whether Mr. Lester is really his nephew or not. For myself I do not doubt that the relation is wholly assumed, and in that event it requires no profound knowledge of the common law to give the legal description of this transaction. These facts have been communicated to me by an American gentleman long resident in Florence, whose means of information are ample and whose statements may be implicitly relied on. But, as I have said, I hope to be able to send you by the next steamer (of the 19th of Nov.) some more tangible evidence of this transaction.

In another envelope and by the same steamer with this, I send you several documents, calculated to throw light on Mr. Lester’s actings and doings as consul. I give them without any comment and leave you to draw your own conclusions. No. A. is a statement of my own. No. B. is a letter from me to Mr. Moro and his response. No. C. is a letter from me to M. Thoret formerly vice consul of the United States at Cagliari and his response. No. D. is a copy of

New York Tribune published in 1844, but which has only lately been placed in my hands. From these documents it results:

1. That Mr. Lester in January 1845 obtained from me a *congé* for four months by false representations.

2. That Mr. Lester on his departure informed Mr. Moro that there was only one debt to pay of Francs 1030, which sum he said would be found in the consular chest and upon an examination of said chest, not a cent was found in it.

3. That Mr. Lester appropriated to his own use the wages of sick American seamen, lying in the hospital at Genoa, and that he quit the country without informing Mr. Moro of the claims of these poor discharged sailors, and without leaving a cent in his hands to pay those claims, when they should be demanded.

4. That he has appropriated to his own use the 3 months wages of the seamen discharged from the Brig Merida Captain Pepper; for I have it from Mr. Powers himself that the draft sent him for Pauls <sup>115</sup> 2200 was to pay a debt of Mr. Lester to a Banker in Florence, for which debt Mr. Powers was surety. Whether Mr. Lester has paid over this money to the seamen of the Brig Merida, like Mr. Moro, I am unable to say, but you may probably be able to ascertain from the owner of the Brig who resides at New York and whose name is Joseph Avisiani.

5. That since Mr. Lester's departure, Mr. Moro, with my approbation and to save as far as possible the credit of the consulate, has paid various debts amounting to more than sixteen hundred francs (besides the seamen's wages and the draft in favor of Mr. Powers) without having been apprised of their existence or having received a cent from Mr. Lester for their payment.

6. That a Mr. Bensio, a lawyer of Savona, calls every month at the consulate for a sum of money received by Mr. Lester from the United States on his account and of the receipt of which he was advised by a letter from Lester.

7. That the sum of \$ 177.26 allowed to Mr. Lester in August 1845 by the Department of State as due to M. Thoret, formerly vice consul of the United States at Cagliari, has not been paid over and up to this time that M. Thoret has never even been advised by Mr. Lester that the sum had been allowed him in the settlement of his accounts with the government. As M. Thoret has requested my assistance to

<sup>115</sup> Dal nome del papa Paolo V, il pontefice che per primo introdusse l'uso della circolazione monetaria; una moneta d'argento del valore di circa 50 centesimi.

obtain his money so long and so unjustly withheld from him, I respectfully request that Mr. Lester in his next settlement with the government be compelled to refund this sum and that it be transmitted to M. Thoret.

8. That M. Lester suffered to be published in the New York Tribune a letter giving an account of the visit of the squadron under Commodore Smith in the Spring of 1844 to Genoa, in which he speaks in very offensive terms of the inhabitants of Genoa and of the government of Sardinia — terms which, whether just or not, were unbecoming him as a consul accredited to this country.

In my despatch (No. 36) I made a complaint against Mr. Lester and respectfully requested to know whether he would be suffered to return or not. I have, myself, informed him that public opinion was strong against him in Genoa, that it would not be advisable for him to return. I have been expecting all along that prudence if not good sense would shew the impropriety of ever returning to Genoa as consul. With this hope I have endeavored to quiet reports injurious to his reputation and through Mr. Moro as far as possible to pay his debts. As soon however as I had reason to believe that he had not only left individual debts, but was officially a delinquent for various sums, I took the necessary steps to procure the documents which I have now the honor to send you. I content myself with a simple statement of these facts and do not think it necessary to express any opinion with regard to their gravity. In conclusion I felt it due to Mr. N. M. Moro, the acting Consul, to say that he has performed the duties of the office to my eminent satisfaction and that of American captains & citizens generally who have visited Genoa during the last eighteen months. He is an intelligent and honorable gentleman & if the President should think proper to continue him either temporarily or permanently in his present place, he may be sure that M. Moro is a competent, polite, and honest consul.

*Dichiarazione di Robert Wickliffe Jr.* <sup>116</sup>

Legation of the United States, Turin, Oct. 26, 1846

I hereby state that in January 1845, Mr. C. Edwards Lester, Consul of the United States at Genoa, requested of me a leave of absence for four months to go to the United States for the purpose of purchasing

<sup>116</sup> Allegato A al Dispaccio n. 45 di Wickliffe.

tobacco and of fulfilling his contract with the Sardinian Government—that I demanded of the said Lester if he had paid all his debts at Genoa; that he assured me that he had no debts there; that he was in the habit of purchasing every thing for cash; that he did not owe a cent; that upon this assurance I gave him the *congé*, that unless I had believed it to be true I would not have given him leave of absence, that I so stated to Mr. Lester at the time; that since Mr. Lester's departure I have ascertained that he owed various debts to divers individuals and to considerable amounts and that therefore the said *congé* was obtained from me by false representations.

*Robert Wickliffe Jr. a N. M. Moro*<sup>117</sup>

Legation of the United States, Turin, Sept. 29, 1846

Sir: Having occasion to write to the government concerning the affairs of the consulate at Genoa, and being desirous to obtain accurate information with respect to them, I will thank you to answer as soon as you can, the following questions.

1. When Mr. Lester placed the affairs of the consulate in your hands was any arrangement or contract made between you as to the amount of money which you should receive for your services as vice consul?

2. If no contract or arrangement was made would the fees of the office be more than a fair compensation for your time & labor?

3. When Mr. Lester left Genoa, did he inform you that there were any claims against the consulate and did he leave any money in the consular chest or in your hands to meet those claims?

4. After Mr. Lester's departure did not an American sailor who had been discharged from an American vessel; whose three months wages had been paid to Mr. Lester by the Captain of said vessel and who had been received into a hospital at Genoa, present himself at the consulate and demand of you his money? Was any money left by Mr. Lester to pay the sailor and were you not obliged to pay him yourself? Be so good as to give the name of the sailor, the vessel & the Captain and to state all the circumstances of the case as far as your memory and the records of your office enable you.

<sup>117</sup> Allegato B al Dispaccio n. 45 di Wickliffe.

5. After Mr. Lester's departure did not a widow for whose benefit a bill of exchange had been remitted from America to Mr. Lester either apprise you that he had received the money or did he leave the amount either in the consular chest or in your hands to be paid to the widow? Be so good as to give the name of the widow and all the circumstances of the case as far as your memory and the records of your office will enable you.

6. In April 1845 were not the three months wages of a number of American seamen, discharged from the American Brig Merida, paid to you under my instructions by the captain T. Pepper, was the money paid by you directly to the seamen or was it remitted to Mr. Lester, and if remitted to Mr. Lester is there any evidence in your office or have you any knowledge that it has been paid by him to those seamen [?]

7. Is there any evidence in your office or have you any personal knowledge that the sum of \$177.26 due by the Government of the United States to M. Thoret, formerly American Vice Consul at Cagliari and allowed by that Government to Mr. Lester in its settlement with him in August 1845 has been paid by Mr. Lester either to M. Thoret or his order?

8. Did Mr. Lester before his departure inform you that he had any *private* debts in Genoa or leave any funds in your hands or in those of any other person in Genoa to pay those debts, and since his departure have not various claims and to a considerable amount been presented to you and paid by you without any legal obligation to do so and merely to save Mr. Lester's honor and that of the government which he represented?

9. Has not Mr. Lester addressed to an American newspaper (The Tribune) a letter or letters holding up to ridicule and contempt respectable & worthy citizens of Genoa by whom he had been treated with hospitality [?] If so, be so good as to send a copy of said letter or letters if you have them in your possession.

10. Was the furniture and other property left in Genoa by Mr. Lester sufficient to pay all his debts [?]

11. Has the tobacco which Mr. Lester is bound to deliver to the Sardinian Government yet arrived in Genoa or have you any reliable information that it is on the way [?]

[Genoa, October 1846]

Sir: I have the honor to acknowledge the receipt of your esteemed letter of 29th ultimo and I haste [sic] to remit you the requested information according to your wishes.

1st. On the 27th January 1845 at one o'clock in the afternoon Mr. C. E. Lester left the consular office on my hands without any previous intelligence, making no contract for the revenues of the consulate during his absence and no observation I have made to him, being satisfied to receive what was due in such case as acting consul.

2. The consular fees should not be a fair compensation for one, who has no other income, but in my case, I am quite satisfied to have the honor in acting in such respectable charge.

3. In the eve of Mr. Lester's departure, I inquired him, if there is any debts to pay and he said no other than a bill of F. 1030 for the 1st of April next to Mess. Gilot & Co; for which sum you shall have money in the case and remitting me the key of the consular chest without a cent in.

4. Two days after the departing of Mr. Lester, say the 29 January, Robert Reed and Wm. Thompson, American sailors discharged by Capt William Silvester, master of the ship Hellespont from New York, left sick in this hospital since the 4 & 7 ditto, came up to the office requesting their wages, of which I had no knowledge, having Mr. Lester not informed me, at all, neither left there money. The amount of R<sup>t</sup>. Reed's wages

Due	2 mo. 1 Day \$ 15	.	.	.	.	.	\$30.50
	3 months Extra wages	.	.	.	.	.	\$45.00
							<hr/>
							\$75.00
Less advance by Capt & Hospital money	.	.	.	.	.	.	\$26.30
							<hr/>
							\$49.20
One month to the Consulate	.	.	.	.	.	.	\$15.00
							<hr/>

<sup>118</sup> Allegato, senza data, al dispaccio n. 45 di Wickliffe.

Due to R <sup>t</sup> . Reed . . . . .	\$34.20
Amount of Wm Thompson 2 mo. 1 day at 18 .	\$26.43
3. months extra wages . . . . .	\$39.
	<hr/>
	\$65.43
Advanced by Capt & Hospital money . . . .	\$18.80
	<hr/>
	\$46.63
One month to the Consulate . . . . .	\$13.00
	<hr/>
	\$33.63
Robert Reed . . . . .	\$34.20
	<hr/>
	\$67.83

which has been paid by me to them less 2 1/2 per cent consular fees on the net amount. The heir is Fortunato Assereto, an old sick sailor, who is represented by his wife, Margherita, being the late testator G. B. Assereto, the brother of Fortunato deceased in New Orleans, where was President of the Bank and it is reported left a large property. A power of attorney has been made to Mr. Erastus Benedict Logar in New York the 23rd of May 1844 and transmitted to him by Mr. Lester who paid to Fortunato Assereto a sum of \$3000. I had no communication from Mr. Lester of this transaction. The 21st of Feby 1845 the woman came to the office to legalize the revocation of the power of attorney, which she remitted to the Sardinian consul there.

6. On the 10th of April 1845, the Brig Merida has been sold at public auction and Capt T. Pepper deposit under Protest in the consulate the three months extra wages for officers & sailors not included the Capt, (\$300). I see according Mr. Lester's letter dated Leghorn 7 April 1845 says " I am not certain whether it is the custom to exact 3 months extra wages for the Capt officers & men in this case, but I shall lay the case before the Govt at Washington. In the mean time the only *safe* course is to require the 3 extra months pay; but this must be retained *in cash* in the possession of the consul until the decision of the Government at home is known. You will therefore *not* pay to the captain or the officers or the men



any portion of the 3 months extra pay &c &c. Besides I received his letter from New York dated 12 th Aug. 1845 in which he reply: "I have the final decision of the Government about the Brig Merida and the money must be paid the men. I have made the necessary arrangements and you will please pay to the order of Hiram Powers, American sculptor at Florence, the sum of 2200 Pauls, two thousand two hundred pauls at 3 days sight. I hope that under no circumstances, will there be the least delay or accident or mistake about paying over this sum, for it would subject me to great mortification & loss and my respectability is sacred toward the Govt " and the draft has been paid by me on account of the deposit, not known, if the men have been paid, having had any farther advices neither from Capt. T. Pepper or the owner Mr. Jos. Avissiani of New York.

7th. I received from M. A. Thoret, the vice consulate at Cagliari, a letter dated Cagliari 24th Nov. 1845, in which he notices his return to that place and supposing that Mr. Lester be also returned at Genoa, he wished to know if Mr. Lester had obtained the reimbursement of his advances for the wrecked Mary Anne. Since the 1841 I had no intelligence on it from Mr. Lester.

8. As I referred before, Mr. Lester only informed me on his departure of the bill of Mess. Gillot [sic] & Co. in F 1030, but soon after I was submitted to pay F 300 for the rent of his house due and F 300 to Mr. Beoring for translation and F. 931.90 to Mr. Barone for Nine. He ordered me besides to pay F 25 a month to the father of his chamber-maid for supporting her children during her stay in the U. States engaged with Mrs. Lester; but I paid to him only 4 months, having received from Mr. Lester a contra order. About his house I regularly pay the rent, but I have let it for several months in the last year. I would let also in the beginning of this year, if he had not advised me his departure and keep his house ready to receive him and his family. He left me to receive for his account L. 237 from a Mrs. Smith for a dinner table, but 227 only have been received. Also there is a Mr. Bevisio of Lavagna who call to the office, every month for a claim of a sum, which Mr. Lester received from the U. States for his account and advised to him by his letter.

9. You shall [find] the letter of Mr. Lester about Genoa in the New York Daily Tribune January 1845.

10. The furniture of his house I think sufficient to pay his debts to my knowledge.

11. About the contract of tobacco, since his arrival in the U. States, he mentioned it to me in all his letters; in some advising the imminent shipt. of tobacco, in some others shewing the difficulty of sending it; but not having in this transaction a particular order from him and neither any claim from the Govern.t [sic] I took any notice of it.

Since after I received the 6th of June last Mr. Lester's letter, without date, which you had the kindness to forward me from Rome, in which he says « The long and dangerous illness of my family for some months, prevented me from sending the tobacco. But I can forward it now, as in 30 days the crop of 45 will be in the market and up to this time it could not be purchased at the north. Now I wish you would without *loss of time* apply to the Administration for a letter to me (which you will please send *Subito*) in which the stipulated prices and qualities of tobacco are mentioned and a promise given by the Government that if the tobacco shall arrive by the first of October, they will receive it without objections. If I get that letter the ship will sail with tobacco and me and my family in 10 days after the letter comes. Make the excuses to the Administration and please to lose no time in sending the letter by steamer.

In conformity of his order I soon wrote to the Royal Azienda of the Tobacco & answered me that she want know positively from me if Mr. Lester is able or he will execute the contract or not. On that I only reply, that after the communication of Mr. Lester I ought to suppose that he intend to fulfil the contract. Therefore the Royal Azienda replied that she agreed to receive the tobacco in the appointed time, reposing that now he will not fail to his contract, otherwise shall take necessary steps to constrain him to complish the engagement; and I soon sent to him the copy of the Royal Azienda letter by the first steamer, which he advised me by his last letter 30 Aug., New York, in these terms « I stay to get the tobacco; it will *come this fall* but we have had to send every where for it, as the market is entirely empty in New York ». This last seems that the tobacco has not yet shipped and there is no appearances to be shipped.<sup>119</sup>

<sup>119</sup> Negli Archivi nazionali si trovano i seguenti documenti che riguardano il caso:

I hope to have on my best accomplished to my duty in remitting you the nearest information you requested me. In the meantime, I have the honor to be with the highest respect and consideration.

*Robert Wickliffe Jr. a James Buchanan*

Dispaccio n. 46

Legation of the United States, Turin, Nov. 10, 1846

Sir: I had the honor to inform you in my last that *Chef de division* of the Tobacco Bureau in the Department of Finance had promised to furnish me with a copy of the contract between Mess. Harris & Lester and the Sardinian Government. Instead of doing so, he sent me word that it would be necessary to comply with the usual formality and request the copy through the Minister of Foreign Affairs [sic]. On account of this delay, I have not been able to forward it to you before to-day.

Annexed (No. A) is an extract from another letter of Mr. Moro, explaining still further the claim, of the woman Assereto against Mr. Lester for money to the amount of more than F. 2000, which, it appears [sic] he has received on her account and has failed to pay over. No. B is a copy of two extracts from letteres [sic] addressed by Domenico Lanata of New Orleans to Signori Lackie of Genoa, relative to the same money. No. C. is a copy of the Note of the Minister for Foreign Affairs, transmitting a copy of the Contract and No. D. <sup>120</sup> is that itself.

I received yesterday a letter from Florence stating that Signor Vespucci was engaged in drawing up the statement which I pro-

Copia del New York *Daily Tribune*, del 7 gennaio 1845, contenente una lettera in data Genova, 8 giugno 1844, che occupa più di una colonna e mezza ed è firmata da C. Edwards Lester; lettera in francese di Wickliffe a Thoret in data Torino, 26 settembre 1846; lettera in francese di Thoret a Wickliffe, in data Cagliari, 8 ottobre 1846.

<sup>120</sup> Acclusa al dispaccio n. 46 di Wickliffe vi è la traduzione di un contratto stipulato fra Mr. Harris del Tennessee e la Regia Amministrazione dei Tabacchi sarda per la fornitura di 400 *hogsheads* (misura pari a 54 galloni) di tabacco americano in foglie. Del tabacco doveva essere inviato un campione da esaminare alla manifattura di Torino e se vi fossero stati dei difetti sarebbe stata corrisposta una riduzione. Il pagamento doveva essere fatto a Lester, console generale degli S. U. a Genova, che era anche garante dell'adempimento del contratto, in data Torino, 18 gennaio 1844, firmato da Harris, Lester e dal conte Quarelli.

mised you in my last. It has not yet arrived but shall be transmitted as soon as received. I think it will furnish an amusing chapter for a work on Modern Charlatanism.

*N. M. Moro a Robert Wickliffe Jr.*<sup>121</sup>

Genoa, 30 th October, 1846

My Dear Sir: In reply to your esteemed favor of 28th inst, according the depositions of Mr. Assereto's [sic] wife, she assures me that Mr. Lester has received the 2000 dollares [sic], deposited in Louisiana Treasury as *per* the enclosed note; of which only Francs 3000 has been paid to her by Mr. Lester.

After the reports of Mr. Lester's character, fearing that he had or he might receive some sums from the estates of the late Assereto, she revoked the power of attorney. On the arrival of Mr. Lester she soon called on him, insisting to have all that he received for account of her husband, saying that she had informed the Governor and the Director General of Police of her claims against him. He replied as soon as he shall have received his papers, he shall pay her and she intends to call upon him again the next week.

The American captains on the harbor, on hearing the arrival of Mr. Lester, have been all afraid to do with him and Capt. Geberson of Bark Rolla, who has been in Genoa another time under Mr. Lester, hearing his immediate arrival, sailed two days before that he intended, for having nothing to do with him; and other captains around here under Mr. Lester, made their complaints, saying also « I don't like the man ».

The merchants and all the inhabitants as well the authorities and foreign consuls have been surprised at his return.

Note. I deem it proper to say that the surprise at Mr. Lester's return was quite as general at Turin as at Genoa.

<sup>121</sup> Allegato A al Dispaccio n. 46 di Wickliffe.

In that of the 11th of Jan. it is written « The thousand dollars (*pezzi*) of the brother of the deceased Assereto, have been ready for a long time, without my knowing to whom the said sum ought to be remitted ».

In the second of the 18th of March, he says « We have deposited the thousand dollars (*pezzi*) of the brother of the deceased Assereto, in the hands of the Treasurer of Louisiana, as we have not received any letter, since we have regulated the succession ».

*Conte Solaro della Margarita a Robert Wickliffe Jr.* <sup>123</sup>

Turin, le 16 [?] Nov. 1846

Le Soussigné Ministre et Premier Secrétaire d'Etat pour les Affaires Etrangères, s'étant empressé de seconder la demande contenue dans la Note de Monsieur Wickliffe, Chargé d'Affaires des Etats-Unis d'Amérique du 2 de ce mois, a maintenant l'honneur de transmettre ci-joint à Monsieur Wickliffe la copie qu'il vient de recevoir de la soumission passée le 8 janvier 1844 par le Sieur L. G. Huous qualifié négociant et cultivateur de tabac dans le Tennessee et par lequel il s'est engagé sous la Garantie de Mr. Lester Consul des Etats Unis à Gênes, à fournir à l'administration des Gabelles Royales 400 tonneaux de tabac en feuilles de différentes qualités, partie de Virginie et partie de Kentucky lesquels devraient être livrés dans le mois d'Août de la dite année aux magasins du Mole à Gênes.

D'après ce que le Premier Secrétaire des Finances a fait connaître au Soussigné à cet égard, les dits Soumissionnaires n'ont pas eu soin de remplir de leur côté les obligations qu'ils avaient contractées, malgré les délais qui leur furent encore accordés, et la dite administration voyant qu'elle ne pouvait aucunement compter sur eux, a fait entendre à ceux qui lui représentaient la chose com-

<sup>122</sup> Allegato B al Dispaccio n. 46 di Wickliffe. Con questo titolo: « Copia di due paragrafi estratti dalle lettere di Domenico Lanata a De Lackie Brother di Genova datata 11 gennaio e 18 marzo 1844 ».

<sup>123</sup> Allegato C al Dispaccio n. 46 di Wickliffe. Si noti un ovvio errore nella data di questa comunicazione. La data del Dispaccio n. 46 è il 10 novembre, mentre questo Allegato C è datato il 16 novembre.

me possible qu'elle aurait accepté le cas échéant dans le cas que cela lui conviendrait, mais qu'au lieu d'avoir recours aux tribunaux pour obtenir l'exécution du dit contrat, elle aurait seulement profité de cette expérience pour se méfier une autre fois de semblables promesses. Le Ministre ajoute que les termes et les délais accordés pour faire la dite fourniture étant maintenant échu, il ne pense pas qu'il puisse être question de faire aucun cas du contrat relatif.

Le Soussigné en s'empressant de transmettre ces informations à Monsieur Wickliffe, espère avoir pleinement satisfait au désir exprimé par sa Note présentée et il le prie en même temps d'agréer les nouvelles assurances de sa considération bien distinguée <sup>124</sup>.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 47*

Legation of the United States, Turin, Nov. 20, 1846

Sir: I have the honor to transmit herewith a copy of the Note of the Minister of Foreign Affairs, sustaining and justifying the decision in which the Sardinian Legation at Constantinople declared itself incompetent to take jurisdiction of the complaint of Mr. Oscanyan against Mr. Berzolese. No. A. is this Note; No. B is a Report of the facts of the case, not signed by any one and therefore entitled only to whatever credit you choose to attach to it; No. C. is a statement of a Mr Cirargi not sworn to; No. D. is that of the Captain likewise not sworn to; No. E. is a letter & No. F. is a decree, the object of which is to shew that the lawyer of Mr. Oscanyan is a violent enemy of young Mr. Berzolese and on that account counselled Mr. O. to refuse an arbitration; No. G. is the printed document which you sent me and which I now return, because I have another copy and you may not have preserved one.

The reply of the Minister of Foreign Affairs is ingenious and evasive but not satisfactory. I think that all his positions may be overturned. He maintains:

1. That the question was one of possession; that the ship carried the Ottoman flag and that, therefore, the jurisdiction was lo-

<sup>124</sup> Questa nota fu firmata dal de Buttet, capo ufficio del ministero, in nome del conte Solaro della Margarita.

cal and belonged to the Turkish tribunals. The ship, however, was not a Turkish vessel and the mere fact of its carrying the Ottoman flag was not sufficient legal evidence that it was Turkish. As you will see by the Treaty concluded Oct. 25 1823 between Sardinia and Turkey, a ship in order to be considered Ottoman (1st) must be provided with the Berat of the Sublime Porte. 2. The property must be certified both by a Turkish *Teskere* and by a Sardinian Consul either in the Levant or at the port of departure. 3. It must be furnished with Expeditions of Sardinian Consul in the Levant or of a French Consul residing in the place of the departure of the ship. 4. The Captain and two thirds of the crew must be Musulman. It is, therefore, clear that other requisites than the mere carrying of the Ottoman flag are necessary to constitute an Ottoman Ship; that the *Geni-Dunia* was not a Turkish vessel and that, therefore, the jurisdiction did not belong to the Turkish tribunals.

2. That Berzolese was an agent for others, that, therefore he was not personally responsible, and that as his principals were Austrian subjects, he could not, as their representative be amenable to the Sardinian Legation. To this it may be answered that M. Berzolese took possession of the Vessel *Geni-Dunia* against the consent of M. Oscanyan, that this forcible ejection of Mr. Oscanyan was a *tort*; that no man has a legal right to authorise another to commit such a *tort* and that if the agent commit it, he makes himself personally responsible & cannot shield himself behind the authorization of his principal.

3. That the denegation of H. E. Hussein Bey was contradicted by Berzolese, by the Captain & by M. Cirargi. This may have been a reason with the Sardinian Ambassador for deciding that M. Berzolese was not guilty of having falsely assumed the agency of H. E. Hussein Bey, but it was not a good & sufficient reason for declining all jurisdiction of the case. Besides, Berzolese and the Captain were participants in the wrong done to Mr. Oscanyan & therefore not competent witnesses. The denegation of H. E. Hussein Bey was sufficient to rebut the mere statement of Mr. Cirargi and there were other persons present at the audience of H. E. Hussein Bey (among others Mr. Brown of the firm of William Kerr & Co.) who could have been summoned as witnesses.

4. That the Sardinian Legation could not summon H. E. Hussein Bey before it as a witness to condemn M. Berzolese of the pe-

nal offence of falsely representing himself as the agent of said Hussein Bey, as by treaty it has no jurisdiction in any case touching Ottoman subjects. But by treaty, the Legation has jurisdiction of all offences committed by Sardinian subjects; the right of jurisdiction comes with it by necessary implication the right to summon witnesses, and the mere summoning of a Turkish witness in a suit between two Franks, is not taking jurisdiction in a case touching Ottoman subjects. Besides as the Legation refused all jurisdiction from the start, it could not know that H. E. Hussein Bey would not voluntarily attend without being summoned at all.

5. That Mr. Oscanyan's remedy was by an action against the thing and before the Tribunal of the thing and not against the person and before the tribunal of the person. But the violently taking possession of the property of another without legal authority is a personal wrong and the injured party may at his option institute an action either for the recovery of the specific thing or of damages for the personal injury.

6. That Mr. Oscanyan ought to have appealed to the Royal Senate of Genoa and ought not to demand favors which are not granted to Sardinian subjects. By treaties with Turkey, Sardinia has obtained for her Legation the right to decide all suits in which Sardinian subjects may be defendants. This is a privilege which Turkey had a right to grant, and to which the United States, in common with other countries have assented. In suits at Constantinople between her own subjects, Sardinia may, by her own laws declare that an appeal shall be to the Royal Senate of Genoa. But such a law although binding on her own subjects, would not be binding on citizens of the United States. No treaty gives Sardinia the right to transfer from what may be called an international tribunal at Constantinople to her own local courts in Genoa, controversies in which foreigners are interested. Turkey has only given & could only give the original jurisdiction at Constantinople to the Sardinian legation and if that legation refuse to do justice to a citizen of the United States, our government has a right to complain and the subject becomes an international question. If, however, we allow Sardinia to legislate for our people and to oblige them to appeal to a local tribunal at Genoa, it is evident that the affair becomes a judiciary and not an international question and the American citizen would be obliged to submit, without grumbling or complaint



to the decisions, however unjust, of the Royal Senate of Genoa; for one government has no right to interfere with the local tribunals of another.

In this manner I think I would be able to reply to the Note of the Minister of Foreign Affairs. I have written to Constantinople to obtain some information about the alleged custom or fiction which authorizes a man to appoint an agent to take possession of a boat to which he has no earthly claim and also to learn the reasons why Mr. Oscanyan declined an arbitrament. As to this custom or fiction, I imagine that the American government will never consent that American citizens shall be deprived of the possession of their property in foreign ports, unless by due process of law. Now Mr. Oscanyan was in possession & that possession obtained by contract was *prima facie* legal. To dispossess him the sentence of a court of competent jurisdiction was necessary and by our Treaty with Turkey that sentence could not be legal, unless the American Minister, Consul, or Dragoman were present. There was no such sentence and no compliance with our Treaty in any respect. Mr. Berzolese says he was the Agent of H. E. Hussein Bey; that functionary denies the fact; Mr. Oscanyan accuses Mr. Berzolese of falsely assuming said agency. If this accusation be true, Mr. Berzolese is guilty of a penal offence against the laws of Sardinia; the jurisdiction in such cases is expressly by treaty granted to the legation & yet the legation declares itself incompetent to entertain the charge. Without the sentence of any Tribunal, without being present or having the benefit of the presence of his Minister or Consul, Mr. Oscanyan is forcibly ejected from his boat; a personal wrong is done him; the jurisdiction to decide the justice of this complaint belongs to the legation & yet that legation declares itself incompetent to hear the cause.

I think that I ought to demand that this government forthwith send instructions to the Sardinian Ambassador at Constantinople to entertain jurisdiction of Mr. Oscanyan's complaint; to award him the amount of damages and interest which he shall shew to be justly due him & to inquire whether Mr. Berzolese has violated the penal code of Sardinia in falsely representing himself as the Agent of H. E. Hussein Bey & if so to punish him accordingly. I will, however, wait your orders & I should be very glad if you could write me by the steamer which sails from Boston on the 1st of Jan. I will thank you to communicate to me your views on the subject;

to instruct me as to the precise form in which I shall present the demand and what I shall do in case that demand shall be refused. These people are evasive and shuffling and there is no way of getting justice out of them but by plain talking & energetic action.

*Conte Solaro della Margarita a Robert Wickliffe Jr.*<sup>125</sup>

Turin, le 28 Octobre 1846

Le Soussigné Ministre et Premier Secrétaire d'Etat pour les Affaires Etrangères a reçu en son temps la Note que Monsieur Wickliffe, Chargé d'Affaires des Etats-Unis a bien voulu lui écrire en date du 26 Juillet dernier pour lui transmettre les pièces imprimées qui composent la plainte adressée au Gouvernement de S. M. par le Sieur Oscanyan, Sujet Américain résidant à Constantinople contre une décision de la légation R.ale de Sardaigne dans la dite ville, qui s'est déclarée incompétente pour connaître d'une contestation surgie entre le Sieur Oscanyan et le Sr. Berzolese, sujet Sarde.

D'après l'intérêt que le Gouvernement des États-Unis a montré de prendre à la demande du Sr. Oscanyan, le Soussigné a cru devoir avant tout se procurer des informations exactes sur l'objet de la contestation qui y a donné lieu, afin d'être à même de porter à cet égard un jugement correct.

Les renseignements que le Soussigné vient de recevoir lui ayant permis de connaître cette affaire dans tous ses détails, il prie M. Wickliffe de lui permettre d'en tracer ici un aperçu succinct et fidèle, en même temps qu'il a l'honneur de lui transmettre ci-annexée une copie du rapport qu'il a reçu à ce sujet ainsi que de ses annexes.

Le Pyroscaphe *Geni-Dunia* portant Pavillon Ottoman, avait été vendu par la maison Farchi et Sidi de Smyrne à M.M. Piciotto, Mongredin et Cie., de Londres, sujets Autrichiens, lesquels prièrent M. Berzolese d'en prendre la direction, ce qu'il exécuta à la condition toutefois d'avoir toujours à recevoir leurs ordres à cet égard.

Mais lorsque M. Berzolese voulut prendre possession du bâtiment, il se trouva que M.M. William Reor et Cie., représentants à Constantinople la maison Farchi et Sidi de Smyrne l'avaient affrété au nom et d'après les ordres, disaient-ils, de cette maison au Sieur Oscanyan, lequel était par conséquent en possession du *Geni-Dunia*.

<sup>125</sup> Allegato A al dispaccio n. 47 di Wickliffe.

Cet obstacle fut bientôt levé moyennant l'intervention d'un haut fonctionnaire Ottoman auprès duquel des instances furent faites au nom de la maison Piciotto Mongredin et Cie. et qui d'après une fiction admise par l'usage, agissant comme propriétaire du bâtiment ordonne au Capitaine en présence et avec l'assentiment d'un Représentant de M.M. William Reor et Cie, d'avoir à reconnaître dorénavant le Sr. Berzolese et aucun autre comme Directeur du Pyroscaphe. M.M. Farchi et Sidi avaient aussi expédié le même ordre au Capitaine, et sur l'invitation de celui-ci, le Sr. Oscanyan dut alors quitter le bord. Il fut cependant traité dans cette circonstance avec tous les égards convenables.

Ce dernier se trouvant ainsi privé de l'exercice des droits qu'il avait acquis par le contrat d'affrètement passé entre M.M. William Reor et Cie. et lui, présenta à la légation de Sardaigne à Constantinople une protestation en dommages intérêts contre le sujet Sarde Berzolese par le fait duquel il prétendait avoir été dépossédé du dit bâtiment. Mais la légation du Roi dut se déclarer incompétente à prononcer touchant la validité de ses réclamations contre le Sr. Berzolese, d'abord parce qu'il s'agissait d'une question de possession d'un navire portant Pavillon Ottoman, qui se trouvait dans le port même de Constantinople et qui était évidemment d'après les principes du droit civil et commercial sous la juridiction de l'autorité Turque; ensuite parce que le Sr. Berzolese n'ayant agi que d'après les ordres des propriétaires du Bâtiment, qui n'étaient point sujets Sardes, et auxquels, il faut ajouter il avait été vendu libre de tout poids et hypothèque, il avait lui-même justement décliné pour ces motifs la compétence du Tribunal de la légation.

C'est alors que le Sr. Oscanyan abandonnant le fond de la question mit en avant la dénégation donnée par le fonctionnaire Ottoman susmentionné relativement à son intervention dans cette affaire et cherchant par ce moyen à la transformer en une question de fait personnel du Sr. Berzolese envers lui, il fit un nouvel appel à la légation du Roi. Mais celle-ci ne se trouvait pas plus compétente pour statuer sur cet incident, que sur la question principale puisqu'elle aurait du juger sur les assertions contradictoires du Sr. Berzolese d'un côté appuyées par deux déclarations du Capitaine du bâtiment et du Sieur G. Cirargi (annexes No. 1 & 2 du rapport ci-joint) et du fonctionnaire Ottoman de l'autre. Le seul rapport de la dénégation verbale de celui-ci ne pouvant suffire comme preuve de-

vant le Tribunal de la légation pour faire condamner le Sujet Sarde dont les assertions étaient contraires et la légation ne pouvait certainement pas citer le dit haut fonctionnaire à comparaître devant elle en contradictoire du Sr. Berzolese pour vider cet incident, lorsque les stipulations de nos Traités avec la Porte, loin de nous accorder une telle faculté, ne permettent à la légation de juger aucune affaire concernant un sujet Ottoman quelconque.

D'ailleurs il est facile à reconnaître que quelque fut le propriétaire réel ou fictif du *Geni-Dunia*, le Sr. Berzolese pouvait toujours prétendre avec fondement d'avoir agi au nom du propriétaire et non pas de sa propre autorité et décliner ainsi l'intervention du Tribunal Sarde à l'égard de la possession d'un bâtiment portant pavillon étranger et de propriété étrangère, et que les droits que le Sr. Oscanyan avait à poursuivre pour le fait d'en avoir été dépossédé à tort ou à raison, ne pouvait donner lieu qu'à une action contre la chose et par-devant le Tribunal de la chose et non pas à une action personnelle et par-devant le Tribunal de la personne.

Après cet exposé des faits le Soussigné ne s'arrêtera pas à considérer si même dans le fond, le Sr. Oscanyan avait à prétendre quelque indemnité du Sr. Berzolese ou s'il n'aurait pas dû plutôt réclamer pour la non exécution de son contrat d'affrètement, soit contre la maison Farchi et Sidi au nom de laquelle ce contrat avait été stipulé, tandis que le bâtiment était déjà vendu à M.M. Piciotto Mongredin et Cie., soit contre les Sieurs William Reor et Comp. pour le lui avoir affrété sans autorisation (comme le prétendent M. M. Farchi et Sidi) et avoir ensuite consenti à ce qu'il fut déposé.

Le Soussigné se flatte seulement qu'il résultera de ces éclaircissements que la légation du Roi ne pouvait intervenir comme juge dans cette contestation, soit telle qu'elle avait été portée devant elle dans le commencement, soit telle que le Sieur Oscanyan a voulu la présenter depuis. Monsieur Wickliffe verra au reste par le rapport ci-annexé que la légation de S. M. a cherché par ses bons offices joints à ceux du Chargé d'affaires *ad interim* des États-Unis à amener un arrangement à l'aimable, que Mr. Berzolese s'en est remis lui-même à ce que le dit Chargé d'affaires aurait jugé; mais que pour des motifs regrettables et étrangers à la question le Sieur Oscanyan a été dissuadé d'en venir à une conciliation.

Le Soussigné doit encore ajouter une dernière observation touchant la plainte du Sieur Oscanyan, et c'est que lors même que le

décret d'incompétence de la légation ne serait pas justifié comme le Soussigné se flatte que cette réponse le démontrera, le Gouvernement du Roi ne pourrait prendre maintenant aucune ingérence dans cette question, attendu que si le Sr. Oscanyan se croyait lésé dans ses droits par le dit décret, il devait en appeler au Tribunal immédiatement supérieur, c'est-à-dire au Sénat R.al de Gênes, ce qu'il a négligé de faire pour suivre une voie tout à fait inusitée en pareille matière et qu'il ne lui appartenait pas de choisir de préférence. On ne pourrait admettre en faveur du Sr. Oscanyan une exception aux lois qui règlent les degrés de juridiction pour les affaires contentieuses en matière civile et commerciale et auxquels les sujets du Roi sont tenus de se conformer. Le Gouvernement des États-Unis avec lequel celui de S. M. aime à entretenir les heureux rapports d'amitié actuellement existants, ne demande certainement pour les propres sujets de la part des autorités Royales que le traitement et la protection qui seraient accordés dans les mêmes circonstances aux sujets de S. M.

D'après ces différentes considérations le soussigné a lieu de croire que lorsque le Gouvernement des États-Unis aura une connaissance parfaite de cette affaire, il voudra bien reconnaître que le recours adressé par le Sieur Oscanyan au Gouvernement de S. M. pour déni-justice, est privé de fondement et ne peut pas par conséquent être accueilli.

En faisant cette réponse à la Note sus-mentionnée de Monsieur Wickliffe, le Soussigné a l'honneur de lui restituer ci-annexée, suivant le désir qu'il en a exprimé, la pièce imprimée qui y était jointe et il le prie en même temps d'agréer les nouvelles assurances de sa considération bien distinguée.

***Rapporto sulla vertenza tra il suddito americano Oscanyan ed il suddito sardo Berzolese a Costantinopoli nell'ottobre 1845***<sup>126</sup>

Nel principio del mese d'aprile dell'anno 1846 trovandosi in Costantinopoli il Sig. Piciotto, rappresentante la Ditta Piciotto Mongredin & Co., di Londra, Sudditi Austriaci propose alla Casa Antonio Berzolese la direzione del piroscavo il *Yeni-Dunia*, coperto di bandiera Ottomana che si aspettava a giorni dalla Siria, testè acqui-

<sup>126</sup> Allegato B al Dispaccio n. 47 di Wickliffe.

stato dalli Sig. Farchi & Sidi di Smirna che glielo avrebbero diretto. Accettò desso l'incarico nell'unico scopo di far cosa grata alli Sign. Isaac Camondo, & Co., che vivamente instavano per si fatto favore, colla condizione espressa di dover sottostare agli ordini ed istruzioni che gli verrebbero da questi ultimi dati per tutto ciò che avrebbe riguardato il summenzionato Piroscrafo.

Arrivò effettivamente in questo porto il *Yeni-Dunia* non già alla consegna della Casa Antonio Berzolese, siccome erano rimasti di accordo, in presenza dell'istesso Sigr. Sidi, ma bensì ai suoi primi consegnatari S. S. William Kerr & Co., Agenti delli Sig.ri Farchi & Sidi di Smirna i quali lo noleggiarono tosto al Sigr. Oscanyan, come si osserva nel contratto di noleggio che fa parte del processo stampato. Fatti intesi li Sig.ri Isaac Camondo & Co., dell'occorso impegnarono con ogni possibile sollecitudine la Casa Antonio Berzolese di mettere all'istante in pratica le opportune diligenze, per porsi al possesso del piroscrafo; si rifiutò la casa Berzolese di aderire a tali insinuazioni, abbenchè si fosse impegnata a seguire gli ordini ed istruzioni degli instanti, e benchè munita di un ordine degli attuali proprietari per il Capitano di una copia autentica del contratto passato tra li Sig.ri Farchi & Sidi di Smirna e la Casa Piciotto Mongredin & Co., di Londra, nel quale il *Yeni-Dunia* veniva dichiarato libero e sciolto da ogni peso od ipoteca non credendosi fondato a far valere i diritti de' suoi mandanti sull'inteso piroscrafo, in forza dei titoli dei quali si trovava possessore per essere i medesimi insufficienti presso il Tribunale Turco da cui dipendeva il piroscrafo.

Per ovviare a simili inconvenienti e troncare di un sol colpo qualunque difficoltà che si fosse apposta ad impadronirsi del naviglio; li Sig.ri Isaac Camondo & Co., s'intesero direttamente con S. E. Hussein Bey, Ministro del commercio, il quale solo aveva giurisdizione competente per ammettere il possesso del *Yeni-Dunia* e che in tai casi figura sempre come presta nome in riguardo alla bandiera, ma come proprietario in riguardo ai terzi: qualità che gli viene retribuita mediante il 10% sugli utili. Questo personaggio mandò a chiamare e fece venire a sè il Sig. Michele Berzolese, facente per la Casa Antonio Berzolese di lui padre. Ed essendosi presentato al medesimo in compagnia del Sign. G. Ciragi, R. Suddito, vi trovò il Sigr. Brown, Socio della Casa William Kerr & Co., ed il Capitano del Piroscrafo Pietro Anthoine. S. E. invitò il Sig. Brown a rimettere al Sig. Michele Berzolese il *Yeni-Dunia*; vi acconsentì

egli alla condizione di essere soddisfatto di un credito della Casa William Kerr & Co., che pesava sul piroscavo stesso, o di essere guarentito dalla ragione di commercio Antonio Berzolese col deposito di somma approssimativa. S. E. tolse ogni difficoltà al libero possesso del *Yeni-Dunia* essendosi egli stesso offerto garante pagatore della somma che risulterebbe creditore a regolamento dei conti da sistemarsi col Sigr. Michele Berzolese. Rivolgendosi poscia al Capitano Anthoine gli ordinò in presenza del Capitano di bandiera, che avesse d'ora innanzi a riconoscere il Sig. Michele Berzolese e nessun altro per Direttore del *Yeni-Dunia* e di non eseguire che i suoi ordini. Il Sigr. Michele Berzolese domandò come avesse a condursi, se alcuno venisse a mettere impedimento all'occupazione del *Yeni-Dunia* od avesse qualche reclamo da elevare; S. E. Hussein Bey diede per ultima risposta che se alcuno si presentasse per qualche reclamo, d'indirizzarglielo, autorizzandolo a far sapere che egli non eseguiva che gli ordini da esso ricevuti, e che sarebbe poi sua cura di rispondervi.

Munito delle necessarie facoltà il Signor Michele Berzolese dette in conseguenza l'ordine al Capitano Anthoine da significare al Sigr. Oscanyan che non avesse più ad ingerirsi all'amministrazione del *Yeni-Dunia*. Vi furono dei diverbii tra il Sigr. Anthoine, ed il Sigr. Oscanyan ai quali fu totalmente estraneo il Sigr. Michele Berzolese ed il Sigr. Oscanyan lasciò il Bordo del Piroscavo per formulare i suoi protesti; gli si usò però cortesia dal Ciragi preposto alla nuova direzione del piroscavo, essendogli stato accordato il passaggio gratuito durante il tempo che percorse la linea da questo posto alle Isole dei Principi non meno che al suo ritorno.

Li Sig.ri Farchi & Sidi avevano anche essi spedito da Smirna un ordine al Capitano Anthoine, acciò il piroscavo suddetto venisse messo a disposizione della Casa Antonio Berzolese, ogni qualvolta che questa avesse estinto presso li Sig.ri Kerr & Co., il debito gravitante sul medesimo per spese state somministrate.

Li Sig.ri Kerr & Co., ad onta delle convenzioni passate con S. E. Hussein Bey credettero prudentiale di protestare contro la Casa Antonio Berzolese per maggiormente garantire i loro interessi che vennero definitivamente regolati in via di transazione coll'effettivo pagamento della somma stralicata a mani degli stessi Sig.ri Kerr & Co.

È da notarsi però che allorquando il Sign. incaricato d'affari degli Stati Uniti d'America si presentò a S. E. Hussein Bey in qua-

lità di Dragomanno di quella missione per sapere, se egli era realmente il proprietario del *Yeni-Dunia*, questo personaggio essendo stato rimosso dal suo posto di Ministro di commercio, che non occupava più che provvisoriamente non poteva, né voleva più figurare come proprietario del Suddetto piroscalo col quale disse non avere nulla da fare.

Il Sigr. Oscanyan ravvisando egli stesso poco fondate le sue istanze si pose a discutere con più ragionevolezza li Sig.ri Kerr & Co. coi quali aveva passato il summenzionato contratto di noleggio e poscia li Sig.ri Farchi e Sidi di Smirna; ritornò quindi a più vementi sconvenevoli attacchi verso la Casa Antonio Berzolese colla sua istanza delli 3 8bre 1845 alla quale venne apposto il querelato decreto d'incompetenza che venne susseguentemente spiegato colla nota ufficiale diretta alla Riveritissima Missione degli Stati Uniti per una certa deferenza e cortesia che le si volle usare, poichè non è permesso a chicchesia di rivolgersi presso un Tribunale o Giudice per farsi render conto o dare delle spiegazioni di una sentenza, ordinanza od altro qualunque giudicato, senza mancare gravemente ai riguardi ed al rispetto che si devono ad un funzionario facente le veci di magistrato, che questi non è tenuto a farne alcun conto.

Pochi giorni dopo il prelodato Sigr. Incaricato d'affari coll'intenzione di porre un termine a sì acerba diatriba fece sentire al Sigr. M. Berzolese per mezzo del Sigr. Kerr, il desiderio che egli avrebbe di procurarsi da lui personalmente delle spiegazioni sul soggetto della questione per estinguerla, ove fosse possibile collo espediente d'un amichevole temperamento. Acconsentì cortesemente il Sigr. Michele Berzolese al grazioso invito, ed affinchè le trattative sortissero il loro effetto, l'Incaricato d'Affari degli Stati Uniti accondiscese ad accompagnare il Cancelliere della legazione Sarda allo scagno della Casa A. Berzolese, siccome erano rimasti d'accordo per miglior comodo del Sigr. Michele, il quale le fece la genuina narrativa di tutto ciò che riguardava il possesso del *Yeni-Dunia*, e la parte che vi aveva preso S. E. Hussein Bey nel modo che venne esposto più sopra con tutti i documenti giustificativi all'appoggio che le vennero letti uno ad uno, e dopo questo colloquio il sullodato Incaricato ebbe luogo a rettificare le sue idee sull'affare di che si tratta. In fine il Sigr. Michele volendo usare un tratto di generosa cortesia verso lo stesso ed un atto di deferenza verso il detto Sigr. Cancelliere, lasciò al pieno arbitrio dell'Incaricato la soluzio-



ne della differenza promossa dal Sigr. Oscanyan, sibbene nulla avesse legalmente a pretendere dai suoi mandanti presso i quali si rendeva in proprio risponsale della somma che avrebbe arbitrato a favore del medesimo, la quale verrebbe immediatamente contata sulla semplice presentazione d'un suo biglietto. L'incaricato nel ringraziare il Sigr. Michele Berzolese della sua correttezza si scusò sul contenuto della sua lettera inserta nell'istanza Oscanyan delli 3 ottobre 1845 formolata a modo di libello infamatorio, per non conoscere che imperfettamente la lingua Italianá. A seguito di tale abboccamento venne offerto al Sigr. Oscanyan dallo Incaricato la definizione della vertenza preannunciata nel modo surriferito. Egli parve acconsentirvi ed esserne anzi contento, ma prima di dare una risposta definitiva, giudicò conveniente di farne parola al di lui Avvocato patrocinante, il quale lo consigliò asseverantemente a rigettare qualunque amichevole accomodamento; andarono in sì fatta guisa a vuoto le intavolate trattative e con esse la speranza di un amichevole e stragiudiziale componimento cui si era graziosamente prestato il Sr. Michele Berzolese ed il Sigr. Oscanyan presentò invece l'inconveniente e minaccievole istanza delli 14 ottobre 1845, la quale diede luogo alla nota ufficiale della R.<sup>a</sup> Legazione Sarda di cui si è fatto cenno più sopra. Il Sigr. Oscanyan vedendosi sconfitto dal lato dell'instata legalità, invece d'interporre appello al citato decreto d'incompetenza per sottometterlo alla revisione di un Tribunale Superiore, se vi fosse luogo, abbandonò il terreno giudiziario, ossia il foro cui competeva la decisione dell'incidente, per fare del chiasso, tentare delle impressioni con uno stampato biasimevole per la sua sconvenevolezza e con un ricorso inadatto a meno di voler ricorrere in via di grazia ond'essere rimesso in tempo per l'interposizione dell'appello.

Dal premesso rapporto risulta in conclusione e sta in fatto.

1) Che la Casa Antonio Berzolese nell'assumersi l'incarico della direzione del piroscifo Ottomano il *Yeni-Dunia* non ebbe in vista che la intenzione di far cosa grata tanto alli Sig.ri Piciotto Mongredin & C.<sup>a</sup> di Londra che a questi Sig.ri Isaac Camondo & C.<sup>a</sup> legati fra essi da sentimenti di particolare amicizia e non per vista di personale interesse, od altre di bassa condizione.

2) Che la Casa Antonio Berzolese nel riconoscere S. E. Hussein Bey Ministro del Commercio quale proprietario del piroscifo *Yeni-Dunia* e prenderne la direzione dopo esserne stato messo in possesso dietro l'ordine dato dal suddetto personaggio al capitano

Anthoine, essa non fece che eseguire il testo genuino del mandato statogli conferito dalli Sig.ri. Piciotto e Mongredin & C<sup>a</sup>. di Londra, e le istruzioni statele fornite dalli Sig.ri Isaac Camondo & C<sup>a</sup>. alle quali doveva sottostare.

3) Che S. E. Hussein Bey checchè ne abbia detto al Sigr. Dragomanno della Missione degli Stati Uniti d'America ha evidentemente figurato qual proprietario del *Yeni-Dunia*.

4) Che il Sigr. Oscanyan non è stato maltrattato nè scacciato dal bordo del vapore dal Signor Michele Berzolese, o dalla persona da esso preposta alla sua direzione, che anzi li vennero usati dei riguardi.

5) Che se tali differenze non vennero appianate in via amichevole per pura deferenza e cortesia verso le persone che si erano intromesse se ne deve attribuire la colpa al Sigr. Oscanyan, o per dir meglio al suo avvocato patrocinante.

6) Che la Casa Antonio Berzolese ha declinato giudizialmente la competenza del foro Sardo nell'attuale controversia prima di entrare nel merito della causa dandone solidi e concludenti motivi.

7) Che vi fu realmente mala fede per parte delli Sig.ri Farchi & Sidi di Smirna per non avere fatto consegnare alla Casa Berzolese ed alla epoca convenuta coi Sig.ri Piciotto Mongredin & C<sup>a</sup>. il piroscalo *Yeni-Dunia* franco e libero da ogni peso od ipoteca. Che anzi ne disposero come di cosa loro propria, lasciandola persino gravitare di spesa per rilevante somma che spettava loro di soddisfare.

8) Che l'azione intentata dal Sigr. Oscanyan verso li Sig.ri Farchi & Sidi William Kerr & C<sup>a</sup>. è una prova evidentissima che egli non si credeva fondato in diritto a reclamare dei danni in confronto della Casa Antonio Berzolese in dipendenza del contratto di noleggio passato tra esso e li S. S. William Kerr & C<sup>a</sup>.

#### Sta in diritto

1. — Che trattandosi di sapere quale sia il proprietario di un Naviglio coperto di bandiera Ottomana spetta all'autorità Turca e locale che sola vi ha giurisdizione a farlo dichiarare come di risolvere i reclami che possono pesare su tale proprietà, cosicchè l'incompetenza pronunciata a tale riguardo dalla R<sup>a</sup> Legazione Sarda si trova perfettamente basata e conforme al diritto comune.

2. — Che un suddito di S. M. ha la facoltà di provocare l'incompetenza del foro e che è dovere del Giudice di ammetterla o ricusarla e di dichiararla anche d'ufficio, quando non richiesta allorchè trattasi di una causa non soggetta alla sua giurisdizione ed estranea all'interesse di un Regio Suddito.

3. — Che nella fattispecie incombe alli Sig.ri William Kerr & C<sup>a</sup>. e per essi li Sig.ri Farchi & Sidi di Smirna il render conto al Sigr. Oscanyan della inesecuzione del contratto di noleggjo con essi passato poichè quei Sig.ri di Smirna avevano disposto di una proprietà che loro più non apparteneva e che il legittimo Acquistatore rivendicava per sé nanti il Foro Ottomano, come di cosa Statale derubata, e che le era devoluta di pien diritto per quel dispositivo universale di legge che uno ha *actio in rem*.

4. — Che la Casa Antonio Berzolese avendo l'amministrazione d'una proprietà stata venduta libera e franca da ogni e qualunque peso non può essere tenuta ad alcun risarcimento verso chicchesia che delle spese incontrate dopo esserne stata ammessa al possesso legale.

Ove poi si rendesse necessario di far conoscere il motivo che generò la causa che si è riferita, l'assurdità delle espressioni che si scorgono nelle istanze prodotte dal Sigr. Oscanyan e del rifiuto da esso dato ad un amichevole accomodamento statogli urbanamente proposto dalla sua Autorità istessa, è da sapersi che il Sigr. Michele Berzolese, ed il Sigr. Avvocato Loschi patrocinante per il Sigr. Oscanyan legati ad un tempo da stretta amicizia per interessi particolari, divennero manifestamente nemici, come si ebbe luogo a vedere in diverse occasioni. Il Sigr. Avvocato Loschi, uomo dotato di ardente immaginativa, animato da spirito di dichiarata vendetta fuggiasco dal proprio paese andò continuamente in cerca di qualche alimento alle disordinate sue passioni che sfogava con scritti infamanti e le cose andarono così oltre riguardo al Signor Michele Berzolese, che l'Ill.mo Sigr. Marchese Pareto si trovò nella circostanza di dover ricorrere presso la J. R. Internunziatura, perchè il Sigr. Loschi fosse richiamato ad un contegno più moderato e confacente ad uomo onesto.

P. S. Ove si desiderassero le disposizioni giudiziarie delli S. S. Cap. Anthoine Brown e Giorgiades si faranno precettare nanti le rispettive autorità da cui rilevano.

It is this day agreed by contract, between Messrs W. Kerr and Company, Agents, and by authorization of Signors Farchi and Sidi of Smyrna, *owners* of the Steamer Geni Dunia, on the one part, and Signor Oscanyan on the other part, that the first named cede, under the title of charter, to the second, the said steamer, for the space of four months, from the present day to the last day of October next, for the purpose of making voyages, towing vessels &c in all the points from the Dardanelles to the Black Sea, and in this latter Sea, so far as may be required for towing vessels. Signor Oscanyan shall pay for the said steamer, from month to month in advance, the sum of fifteen thousand piastres of the Grand Signors. The pay and provisions of the crew, the coal and the other expenses which may occur, shall be at the charge of Signor Oscanyan. If the steamer should for any reason be detained for some days, in order that repairs should be made in her, the owners shall be bound to supply a means for the transportation of passengers to the Prince's Islands, during that whole period: and in case the said steamer should be lost, or declared unseaworthy, the present contract shall be held as ended, and as if never made. If a carpenter should be required on board, the owners shall bear the expense. The owners shall be bound to have the steamer repaired at their own expense. The Charterer shall not have power to charge the captain, the engineer, the fireman or the seamen. All the sums received for lodging passengers on board, shall be to the benefit of the owners.

Signed in duplicate. Done at Constantinople, on the 1st July 1845. W. Kerr and Co Agents of the Steamer Geni Dunia and acting for the owners Farchi and Sidi — C. Oscanyan.

Note by Oscanyan to the word "*owners*" on its first appearance in the Contract:

"Meaning the *real* and *effective* owners at that day; although for reasons of private interest, the Geni Dunia is *fictively* or *economically*, covered by the Ottoman flag, which however has never assumed that the administration and direction of the vessel has not constantly and exclusively remained with the real owners". <sup>128</sup>

<sup>127</sup> Allegato C al dispaccio n. 47 di Wichliffe.

<sup>128</sup> Negli Archivi nazionali di Washington vi sono anche i seguenti documenti:  
1. Appendice C, in italiano, è l'*affidavit* di Gregorio Ciragi, datato 26 settembre 1846,

*Robert Wickliffe Jr. a James Buchanan*

Dispaccio n. 48

Legation of the United States, Turin, Dec. 10, 1846

Sir: The King returned on the evening of the 6th ult. from Genoa in usual health. Nothing of importance took place during his stay in that city, except a visit from the Grand Duke of Tuscany. It is said that the Grand Duke came for the purpose of arranging the Custom-House difficulty between Sardinia and Austria. It is not improbable that the project of an Italian zollverein formed a subject of conversation between the two Sovereigns.

It is again noised about that Count Solar de la Marguerite will be dismissed from the Port-Folio of Foreign Affaires [sic] and that the Marquis Brignole-Sale will be appointed in his stead. This change would be received with joy by the people and would be eminently agreeable to the *Corps Diplomatique*. These reports are always ominous and generally fatal to the career of statesmen in this country. The Government is weak and timid, and rarely if ever takes a sudden and energetic step with regard to any of its principal servants. When it wishes to get rid of a Minister, it causes the report to be spread that he is to be dismissed; if the people receive the report with universal favor, he is immediately dismissed; if many cry out against his downfall, it is postponed for a time. Six months or a year afterwards, the report is renewed; the enemies of the threatened minister are encouraged to redouble their hostile efforts; his friends, believing him to be a doomed man and fearful of being involved in his fall, leave him with precipitation, and the public, so long accustomed to the idea of his disgrace, receive at last the intelligence, a part with satisfaction and a part with indifference. Such, I observed, was the case with Count Gallina,<sup>129</sup> late Minister of Finance, and I should not be in the least surprised if such should be the case, sooner or later with the present Minister of Foreign Affairs.

I had intended to resign my office as Chargé here during the

fatto su richiesta di A. Birzio (cancelliere), console della Legazione sarda a Costantinopoli; 2. Appendice D, è l'*affidavit* del capitano Anthoine della nave *Geni Dunia*; Appendice E, *affidavit* in italiano di Michele Berzolese, datato Galata, 27 giugno 1846; 3. Appendice F., decreto firmato da Birzio, datato 6 dicembre 1844; Appendice G, documento stampato, in italiano e in francese nel 1845, di 20 pagine; tratta di una richiesta al governo sardo da parte di un cittadino americano contro un suddito sardo.

<sup>129</sup> Conte Stefano Gallina (1799-1867) di Torino. Fu ministro degli interni e, nel 1848, venne nominato senatore.

present winter. My marriage has, however, obliged me to postpone that intention. Before my return, it is necessary for me to go to Holland, in order to arrange the affairs and to take possession of Mrs. W's fortune. I desire either at Paris or London to publish the work on International Law (of which the MS. was sent to you by Mr. Lester) and also another of a literary character which I have nearly finished. I believe I can do all this in four months, and I, therefore, respectfully request a leave of absence for that period.<sup>130</sup> I will not quit this country until the carnival and business season is over and I will make the necessary arrangements for the transaction of the routine business of the legation during my absence. As this is the first favor of the kind which I have asked during the more than three years that I have been Chargé, I hope that you will not consider my request unreasonable. During that time there is scarcely a member of the diplomatic corps that has not had a congé, some like the Russian Minister (who is at this moment absent) for twelve months.

As soon as I reach Holland, I will see precisely the time when it will be possible for me to return to the United States. I will then write to the President, send in my resignation and designate the precise month when my successor must arrive. In the meantime it would be well to keep my intention secret, for otherwise the President will be subjected to much annoyance by place hunters & their friends. I am unable now to fix upon the precise month when I can return, for until I go to Holland, I do not know by what time I can arrange my private affairs in that country.

I feel great anxiety to know whether you have sent either to the London or the Paris Legation, the Ms which, you were kind enough to write me, had been sent to the Department of State by Mr. Lester. Mr. Bancroft could and probably would have had the kindness to bring it over. If it is not yet sent, I would be infinitely obliged to you, if you would despatch it by the first good opportunity, either to the London or Paris Legations, *with instructions not*

<sup>130</sup> Il segretario Buchanan, nella sua risposta alla domanda di Wickliffe di un periodo di ferie (istruzione n. 17 del 10 marzo 1847) lo informava che il Presidente non poteva concedergliele. «A questo proposito» scriveva Buchanan «egli si è comportato con voi come con tutti i diplomatici che hanno chiesto le ferie, da quando è iniziata la guerra con il Messico». Il Presidente riteneva che, durante la guerra, i diplomatici non dovessero lasciare i loro posti. (JAMES BUCHANAN, *The Works, comprising his speeches, State papers, and private correspondence*, Philadelphia, Lippincott & Co., 1909, vol. VII, p. 239).

*to forward it to Turin but to keep it subject to my orders. If you grant me a congé I hope to find it either in Paris or London. I beg pardon for troubling you with a private matter and have the honor to remain.*

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 49*

Legation of the United States, Turin, Jan. 10, 1847

Sir: I have the honor to transmit by the same steamer with this, my last quarterly account.

I have not yet received the printed copy of the Navy Register and the letter of the Secretary of the Navy, which ought to have accompanied your despatch (No. 16). Neither has the letter from the President to the King, of which you speak of in that despatch, ever been received. A few words on a slip of paper came along with your despatch, stating that these documents could not be prepared in time for the steamer then about to sail, but that they would be sent in the next.

The Count de Montalto, Chargé d'affaires of Sardinia at Washington, has arrived in this country. He has come home *en congé*, but still I think it doubtful whether he will return to the United States or not. He will most probably be sent to Brussels or to some other European court.

As usual on New Year's day there was a grand reception at Court and the nobility kissed hands. The King appeared to be in his usual health.

I have received a letter from a poor man in Genoa named Assereto, complaining that Mr. Lester refuses to pay him the residue of a legacy left him by a brother deceased in New Orleans. The man has received three thousand francs and says that two thousand more are still due him. I wrote to him to call again upon Mr. Lester and try and arrange the matter amicably. He informs me that he did so and that Mr. Lester promised to pay him in a fortnight. At the end of the fortnight, he says, that Mr. Lester again put him off by saying that he could not pay him until he received certain papers from America. I am not able to say how far the complaints

of Mr. Assereto are well founded. But they are very annoying to me as I have no power to act in the case.

The manuscript which you were so kind as to forward for me to London has been safely received by Mr. Miller.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 50*

Genoa, Jan. 20, 1847

Sir: Understanding that Mr. Cobden,<sup>131</sup> the leader of the late English Anti-Corn Law League, had arrived in Genoa, I took the trouble to come down to this city, for the purpose of making his acquaintance & of sounding him upon the subject of free trade in England. I was induced to do so, because from a letter which I lately received from Mr. Bancroft, I learned that he had taken up the subject of the tobacco duty in England and intended to try to have it reduced. I was anxious to know whether the free traders of England intended to carry out their principles on all articles as well as corn. You know that the Anti Corn Law League dissolved itself as soon as the Corn Law question was arranged to its satisfaction. Mr. Cobden, however, often declared in his speeches, that as soon as free trade prevailed as to Corn, the Protectionists themselves, in self defence, would apply it to all other articles. I was anxious to know whether he really thought that such would be the case with reference to tobacco.

Mr. Cobden is a man, apparently about forty seven years of age, above the ordinary height and with a good expression in his countenance. His features denote a man of excellent common sense and great energy of character. In his dress and manner he is simple & unaffected. I should not take him to be a man of much literary acquirement or even of extraordinary intellectual powers. After the usual salutations & some remarks about the Mexican War, in which he said that he did not see where or how we were to indemnify ourselves for the great expenses of the contest (a point upon

<sup>131</sup> Vedi p. 314.



which he evidently tried to sound me and upon which I regretted my inability to give any satisfactory information) I broached the subject of free trade in England. I told him that the English statesmen and journals seemed to expect great results from the influence of the example of England upon other nations, but that that influence was overrated, because the example was not complete. I intimated that many thought that England had repealed the Corn Laws from necessity and not from choice and sustained their opinion by pointing to the many articles upon which she still imposed very heavy duties. I mentioned tobacco and asked him if he thought the present exorbitant duty on that article would be reduced? He said that that was a fiscal and not a protective duty; that the question had been brought before Parliament and referred to a committee of which he was a member, that it had been satisfactorily shewn [sic] that smuggling was carried on to a great extent—that falsification of tobacco by the use of crop leaves was very common; that it was pitiable to see, as he had, honest conscientious religious men, declare that they would either be ruined or be obliged to quit the trade. He observed that he thought *that the duty would probably be reduced by Parliament and that in his opinion it ought to be about a shilling per pound*. As his opinion was all that I wanted and as a discussion of the question at first interview might not have been proper and would not have had any influence on his mind and might have disclosed my motive in seeking his acquaintance, I dropped its subject. As tobacco costs in Kentucky and Virginia from two to four cents a pound, I thought to myself that a tax of a shilling was a high minimum duty for the greatest free trader in England. If Mr. Cobden goes no further, the probability is that the majority of Parliament will not reduce the duty even so low as he proposes. As I considered this little piece of information an ample compensation for a twenty four hours ride from Turin, I thought that it might not, perhaps, be unacceptable to you.

Sir: A piece of scandal has recently occurred in Turin which has made a great noise and shews that the separation of the Executive and Judiciary Departments, is a nice distinction of Constitutional Law, not yet very well understood in Sardinia. There is, of course, no press but the official Gazette, and it is very difficult if not impossible to print any thing, secretly and without authority. Some malicious person, however, lithographed a pamphlet containing severe strictures and bitter sarcasms upon a lady of the Court—a *dame d'honneur* of the queen & a former favorite of the King.<sup>132</sup> The libel, it appears, was as full of truth as of malice and a considerable number of copies was privately circulated and eagerly read by all classes. The authorities immediately took the matter in hand, they suppressed the pamphlet and prevented its circulation as far as possible, but were unable to detect the author. In order to punish some one for the offence, the police issued an order, that no person, except a regularly authorized lithographer, should be allowed to have lithographic stores in his possession and a heavy penalty was declared against those who should violate the law. Many persons, especially engineers, designers and others engaged in making sketches of machines, inventions &c, were thus prevented from pursuing their occupations and were made to suffer in their business for the offence of another. Such is generally the case with the police in Europe, for they think it is necessary for their reputation, that some one should be punished for each offence committed, and whenever they are unable to detect the guilty party, they avenge themselves by injuring one that is innocent.

The King continues to maintain with a firmness that was not expected of him, his independent position with regard to Austria. If there were a moral or a political principle involved in the coolness between the two countries, perhaps it would have been long since settled to the mutual satisfaction of the parties. But it is a question of dollars and cents — a Rail-way rivalry — a battle

<sup>132</sup> Non si hanno informazioni riguardanti la pubblicazione di un opuscolo litografato contenente un attacco ad una dama di Corte. Si noti un ovvio errore nel numero di questo dispaccio (50), poichè è lo stesso numero del precedente, scritto a Genova, 20 gennaio 1847.

between Trieste and Genoa. It sometimes happens that men who are yielding and plastic where opinion is involved, are resolute and brave where their purse is concerned. Hence the domineering ill will and the unjust but powerless peevishness of the Cabinet of Vienna; hence the manly firmness, and unusual nationality, so much admired in the present attitude of that of Turin. Sardinia, I think, will triumph in the result, as she already has the vantage ground in the principle of the controversy. The Genoa and Turin rail-road will not only connect with the Swiss and German lines but probably also with the French. The King has taken into serious consideration the project of tunnelling the Alps; his engineers declare it practicable and profess to have invented machines and concocted plans by which it can be done at much less expense than would be at first supposed. The distance would be between eight and ten miles and the work, if ever completed, one of the most gigantic ever finished and sufficient of itself to immortalize a reign.

Disturbances have recently taken place in various parts of Italy. On the confines of Lombardy and Piedmont, they have been partial and have proceeded from the apprehensions of the people with regard to the scarcity of corn. In Piedmont, however, there is no real danger of scarcity, for although the price of corn has risen as in every other part of Europe, yet the crops have not been deficient; the peasantry live on maize and in the port of Genoa there is always an abundant supply of every species of grain. In Romagna and in Tuscany the disturbances have been instigated, as is believed with reason, by Austria. She dislikes and dreads the liberal measures of the Pope, and in order to convince His Holiness that he is going too far and too fast, she gets up petty *emeutes* in some of the provinces. It is only, however, the lowest rabble that can be bought up in this way, for the mass of the people are enthusiastically attached to Pius IX. Several priests, however, not so much influenced, perhaps, by Austrian gold as by the fear of losing some of their privileges by the religious reforms of the Pope, have also compromised themselves in the late disturbances. But such is the firm resolve of the people not only to sustain the Pope but to avenge the slightest injury that may be done him, that none of his enemies, either clerical or laic, dare to touch a hair of his head. In Tuscany, Austria wants to send more of her troops, and as the Grand Duke does not think additional Regiments necessary and the people spoke out against the expense, she excites *emeutes* in order to

convince His R & I. Highness that he is mistaken and that he has need of additional protection against the liberals & revolutionists.

To give you an idea of the miserable state of popular education in this Kingdom, it appears from a Memorial addressed by the Bishop at Chambery that in Savoy not more than 60 per cent of the population can read or write.

The 1st vol of the Italian Translation of Bancroft History of the United States has been admitted into this country *Sub Semplici censura*. I doubt whether the authorities will be so indulgent toward the succeeding volumes. Awaiting your instructions with regard to the claim of Mr. Oscanyan and hoping a favorable reply to my application for a *congé*.

*James Buchanan a Robert Wickliffe Jr.*

*Istruzione n. 18*

Department of State, Washington, 27 th April, 1847

Sir: In your despatch of the 20th November last, after presenting, with much ability, the arguments which you might urge, if thus instructed, in reply to the note of the Sardinian Secretary of State for Foreign Affairs of the 28th October last, on the subject of the "Geni Dunia", you suggest, that you "ought to demand that, this (the Sardinian) Government forthwith send instructions to the Sardinian Ambassador at Constantinople to entertain jurisdiction of Mr. Oscanyan's complaint; to award him the amount of damages and interest which he shall show to be justly due him; and to inquire whether Mr. Berzolese has violated the penal code of Sardinia in falsely representing himself as the Agent of His Excellency Hussein Bey, and if so, to punish him accordingly".

This Government will not fail to afford just protection to citizens of the United States, wherever they may be found; but, before we make such demands from the Sardinian Government, as you suggest, we ought to be clearly satisfied that we are in the right. Should we require that Government to issue the instructions which you recommend to their Minister at Constantinople, and they should refuse, it would place the relations between the two countries in a most embarrassing, if not perilous condition. It is, therefore, wise to be certain that we have right on our side before we place our-

selves in a position from which it may be difficult honorably to retreat.

After a very careful and deliberate examination of Mr. Oscanyan's complaint, I have arrived at the conclusion, that, without a more full and particular statement of facts than has been furnished to the Department, I cannot interpose in the manner you suggest.

In your despatch of the 20th November last, you state that, you had "written to Constantinople to obtain some information about this alleged custom, or fiction, which authorizes a man to appoint an agent to take possession of a boat, to which he has no earthly claim; and, also, to learn the reasons why Mr. Oscanyan declined an arbitrament". These are two important subjects of inquiry: and I had expected to receive information from you in regard to both. As you do not allude to them in your last despatch, I presume that you have failed to obtain the information which you sought.

If Hussein Bey, as the Turkish Minister of Commerce, assuming himself by a legal fiction to be the proprietor of the "Geni-Dunia", for the purpose of placing her under the control of the agents of her rightful owner, did transfer her possession from Mr. Oscanyan to Mr. Berzolese, then, it strikes me, there would be an end of the question. This may have been an unjust, as well as summary exercise of despotic power; but still, if it were the act of the appropriate official authority, this would protect Mr. Berzolese for acting in obedience to it, against the claim of Mr. Oscanyan before the Sardinian Tribunal. His remedy would then be upon his charter party alone: and the Sardinian Minister at Constantinople, would neither have the right nor the power to take cognizance of the question.

Under such circumstances, the Government of the United States might have just cause of complaint against the Turkish Government for dispossessing an American citizen of the steamboat, in this summary manner. Still, if the steamer truly belonged to Messrs. Piciotto, Mongredin & Company, of London, by a regular transfer from Messrs Farchi & Sidi, of Smyrna, before the date of the charter party to Mr. Oscanyan, (and this does not seem to have been disputed, though the instrument of transfer has not been produced), her delivery to Mr. Berzolese was the transfer of her possession to her rightful owners: and Mr. Oscanyan's remedy would be against the parties to the charter party who had undertaken to hire a vessel to him for which they had no title.

But the fact of the agency of Hussein Bey in this transaction is disputed on the ground of his subsequent declarations; and even if he never did interpose in the manner alleged, by what authority could the Sardinian Minister at Constantinople take jurisdiction of the case? Certainly not under the Treaty of the 25th of October 1823, between the Sublime Porte and Sardinia: and I am not aware of the existence of any other Treaty upon the subject. Under this Treaty, "any differences and lawsuits arising between Sardinian subjects, shall be heard and decided by their Ministers and Consuls;" but no authority is given by the Treaty to Sardinian Ministers and Consuls to decide differences and law suits between the citizens and subjects of other powers and Sardinian subjects. It may be that a subsequent Treaty exists conferring this authority; but if so, it is not to be found in the Department of State.

Neither does this Treaty confer upon a Sardinian Tribunal the jurisdiction to try and punish crimes committed by Sardinian subjects in Turkey. It merely provides, that "if, however, Sardinian subjects should be guilty of any crime, they shall be sentenced with the concurrence of their Minister or Consul, to such punishments and chastisements, as they shall have deserved, and as, on similar occasions, are practised with respect to the other European nations."

If the Sardinian Government, independently of the Treaty, have authorized its Legation at Constantinople to hear and decide suits brought by a citizen of the United States against a Sardinian subject, the mode of proceeding must be regulated by the laws of Sardinia. In such a case, if an American citizen shall resort to this tribunal, he must be governed by the rules of proceeding which the power creating it has prescribed. Should the plaintiff believe that injustice has been done him, by the inferior tribunal, he ought to resort to the superior, if the law has afforded him such a resort. If the United States were to establish such a Tribunal in Constantinople and to authorize foreigners to bring suits before it against our own citizens, with the right of appeal by either party to a superior tribunal, it would be a strange proceeding for the foreigner, in case he should feel himself aggrieved, instead of prosecuting his appeal to such tribunal, to resort directly to this Government for redress; and it is not difficult to imagine, what would be the answer of the Government to such an application.

But, it is alleged, that the "Geni Dunia" was not under the

protection and jurisdiction of the Turkish flag. It may then be asked, under what other national flag did she sail? It is not disputed that she bore the Turkish flag at her mast-head; and that charter party itself proves that she was confined in making voyages and towing vessels to the interior waters of Turkey. It is difficult to suppose that a steam-boat limited to such objects, should be independent of Turkish jurisdiction.

There is no doubt but that Mr. Oscanyan has been very badly treated. He chartered the "Geni Dunia" steamer for four months, from the first day of July, 1845, to the end of October following, at the rate of 15,000 piastres, (about \$1200), payable monthly in advance. After making the first payment, and enjoying the use of the steamer for one month, he was deprived of her possession, without his own consent, and, most probably, by improper means, soon after the commencement of the second month. The question, however, is not whether Mr. Oscanyan has been badly used, whether he is not entitled to his damages for the violation of the charter party; but whether it is such a case as would justify the American Government in requiring that of Sardinia to instruct its Minister at Constantinople to take jurisdiction of his complaint, and to award to him damages against Mr. Berzolese, equivalent to the amount of the injury sustained. I confess that upon the confused and contradictory statements of the facts now before me, I doubt very much the propriety of such a course.

I fear that Mr. Oscanyan was badly advised, in rejecting (if he hid reject) the proposition of Mr. Berzolese to refer the question of damages to the Acting Chargé d'Affaires of the United States; promising, at the same time, to pay the amount awarded on the simple presentation of the bill. This was, however, as you observe, a question for Mr. Oscanyan to decide for himself; and his refusal to accept the proposition cannot interfere with his legal rights.

I have determined to send to Mr. Carr,<sup>133</sup> our Minister at Constantinople, a copy of all the material papers in the case, including the note of Count Solar de la Marguerite to you, of the 28th October last, and of your despatch to me, of the 20th November; with instructions to inquire into the facts, and to make a report to me on the subject. Being on the spot where the transaction

<sup>133</sup> Dabney S. Carr, ministro degli S. U. a Costantinopoli dal 1843 al 1849.

took place, Mr. Carr will enjoy advantages for this purpose not possessed by either you or myself.

In the mean time, I should be happy to receive from you any suggestions on the subject which you may think proper to make. It is my desire to know, if possible, that I am in the right, before I shall instruct you to make the demand on the Sardinian Government which you have proposed.

Your despatches, to No. 50, inclusive, — the last dated on the 20th of January, and a despatch dated the 20th ultimo, also numbered 50 — have been received.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 51*

Legation of the United States, Turin, May 17, 1847

Sir: I have the honor to acknowledge the receipt of your despatch of the 10th of March (No 17) informing me that in the President's opinion, all the diplomatic agents of the Government should remain at their posts during the continuance of the Mexican war and that therefore my application for a congé could not be granted.

The King's health is sufficiently reestablished to enable him to hold receptions and to review the troops. But the Duchess of Savoy is indisposed.

Day before yesterday Daniel O'Connell died unexpectedly at Genoa. He arrived in that city about the 7th ult, accompanied by his son, his physician and his priest. He occupied an adjoining apartment to the one in which I lodged at the Hotel Feder; but such was the state of debility to which he was reduced, that his physicians prohibited his receiving visits or holding conversations with any one. No one expected that he would recover but every one regrets that he was not spared until he reached Rome, where he hoped to die.

A circumstance has recently occurred in Turin, which indicates that the influence of the Jesuit Party in this country is on the wane. The Jesuits intended to get up a fair for the benefit of one of their female institutions called the "Bon Pasteur".<sup>134</sup> The King had

<sup>134</sup> Diversi istituti del Buon Pastore amministrati dalle sorelle di Nostra Signora della Carità, la cui casa madre era ad Angers in Francia, erano stati aperti a Chambéry,



deigned to grant the use of his garden for the purpose and even the Duchess of Savoy (it was said) would superintend a Stall and assist in the sale of the articles. The liberals or progressists, looking with suspicion upon this institution of the "Bon Pasteur" as a mere instrument to extend the influence of the Jesuits, set to work in secret but in earnest opposition and with such efficiency and success that the fair was abandoned in despair.

I learn from Mr. Lester that this Government has refused to accept his tobacco, on the ground that it is not of the quality contracted for and therefore inadmissible.

The Bavarian Minister Count de Marogna,<sup>135</sup> who came to Turin about the same time that I did, has been transferred to Brussels. In his place has arrived M. Abel,<sup>136</sup> late Minister of the Interior, Chief of the Jesuit party in Bavaria, and one of the Ministers who gave in their resignation professedly on account of a virtuous unwillingness to grant the right of citizenship to the Spanish actress Lola Montes, but really because the King contemplated a revolution in his system of policy.

The monotony of diplomatic life in Turin was relieved on Friday last, by a duel between one of the Austrian attachés and a Piedmontese spark. There had been some ill will previously between the parties, and at a *Soirée*, the *attaché* laughed at the walking of the Piedmontese and said "that he danced like a cock". Satisfaction was demanded for the insult; the parties fought with sabres and the *attaché* wounded his adversary. Duels although prohibited by the law are quite frequent in Piedmont but are seldom fatal, for the parties make up the difficulty, as soon as blood is drawn.<sup>137</sup>

Nizza e Genova. Lo scopo di questi istituti era di raccogliere e di rieducare le giovani traviate. Le sorelle di N.S. della Carità nel 1843 decidevano di aprire una casa anche a Torino e perciò iniziavano le trattative con il manicomio per comperare un fabbricato; fu loro offerto un edificio, chiamato il casino di Pietrafuoco, a Valdocco, per L. 60.000 pagabili in rate annuali di L. 3.000. Alle suore la casa piacque, ma non avevano il denaro per pagarla; intervenne allora Carlo Alberto, che era molto sensibile a queste iniziative, e con il Regio Biglietto del 18 luglio 1843, decretò lo stanziamento della somma richiesta. Con un altro ordine del 3 settembre 1843, il re autorizzava il compimento del contratto di compera della casa, contratto concluso il 27 ottobre 1843. Vedi: PIETRO BOTTINO, *Istituto del Buon Pastore in Torino. Cenni storico-amministrativi per il decennio 1900-1910*, Torino, 1911, p. 5.

<sup>135</sup> Le uniche notizie sul conte di Marogna le abbiamo dal *Palmaverde* per gli anni 1844-1848. Da esse sappiamo che egli fu ministro residente di Baviera, « ciambellano » e « consigliere di legazione ». Il Solaro nel suo *Memorandum* dice che il conte era cattolico, conservatore e che godette delle sue simpatie.

<sup>136</sup> Karl Abel (1788-1859) nacque nel Wetzlar. Dal 1849 al 1850 fu ministro di Baviera a Torino.

<sup>137</sup> Il funzionario dell'ambasciata austriaca a Torino che fu coinvolto in un duello

The difficulty between Austria and Sardinia, will be arranged, I understand, by the conclusion of a new Treaty of Commerce.

I had the pleasure of seeing in Genoa Col. W. H. Polk, who having obtained permission to visit his mother in Tennessee, was on his way to the United States.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 52*

Legation of the United States, Turin, May 31, 1847

Sir: I have the honor to acknowledge the receipt of your Despatch of the 27th of April ult. (No. 18) containing your views on Mr. Oscanyans [sic] case. I think the course which you have pursued very wise, for, as you observe, Mr. Carr is in the best position to ascertain all the facts and give you the necessary information as to the laws and usages applicable to them. As I informed you, I wrote to Mr. Carr for information on the subject, but he was not able to give me any, as the case had occurred during his absence to the United States. I received, however, the views of Mr. Loschi, Mr. Oscanyan's advocate, which I would have sent at the time, if I had known that you expected it or that you were like myself in want of legal information on the subject. I am obliged to send you the original, for the writing is so illegible that any copy which I could make would be very defective. In case you determine at a future time to take further action in the matter here, I would be obliged to you for its return; for I can make out the sense, but not every word.

Mr. Cobden <sup>138</sup> arrived in Turin about ten days since and on

(sebbene non si sappia di preciso se il duello sia realmente avvenuto) con un gentiluomo piemontese, può essere stato il segretario della Legazione, Thomas von Giorgieri. Nei documenti ufficiali non vi è traccia di questo duello, ma da due diversi documenti del Giorgieri (Administrative Registry F4, file 70) si sa che egli fu mandato in licenza, a seguito delle voci che circolavano sulla sua condotta. Metternich stesso chiese informazioni al riguardo e il conte Buol da Torino gli rispondeva: « Le voci riportate nell'istruzione n. 20 del c. m. (luglio) riguardanti un affare personale che ha avuto una spiacevole influenza sulla sua posizione in società e a corte, non sono completamente infondate. Ma non posso non osservare che questa spiacevole situazione è stata provocata, più che dal suo errore, da un malinteso, i particolari del quale io non ho ritenuto opportuno discutere con il conte Solaro ». Giorgieri fu messo in congedo e tenuto a disposizione del ministero. Più tardi entrò al servizio del duca di Modena.

<sup>138</sup> Richard Cobden (1804-1865) industriale inglese di Manchester. Durante questo viaggio in Italia fu festeggiato dai liberali.

Monday last a dinner was given him at the Hotel de l'Europe. The permission of the King was obtained for the dinner and the party consisted of about sixty five persons—all nobles. The Bourgeoisie was strictly excluded; no toasts were admitted but those in honor of the Queen of England, of the King of Sardinia and of Mr. Cobden; no person was allowed to speak but Mr. Cobden, the President and Vice President, and all allusions to liberalism [were] strictly prohibited. Those were the conditions of the dinner announced before it took place. The gentlemen connected with the press, and the young liberals were very dissatisfied with the dinner; and several who were invited, declined to go because their friends were not included. They say that the affair was so arranged as to prevent a real enthusiastic reception to Mr. Cobden. It is, however, the first public & political dinner ever given in Turin of which I have ever heard & it therefore deserves to be noted as an *epoch* in the annals of the country. None of the diplomatic corps, except the English Minister, were invited, & even he declined, from diplomatic considerations. On Wednesday Mr. Cobden was presented to the King and received by His Majesty with great kindness and distinction. He committed, however, a breach of etiquette in bowing himself out, instead of waiting until the King gave him the signal that the audience was over. I heard him laugh at the mistake and say that he saw several gentlemen waiting in the ante-chamber and that he thought it was time for him to leave. On Friday he attended the University and listened to a lecture on political economy. The Professor, both at the opening and conclusion of his address, paid him very handsome compliments, which were received with cheers by the audience. As he left the Hall, the students and spectators formed a line and as he passed through it, made the air resound with cries of "Vive Cobden! Vive Cobden!" Mr. C. said he was more moved by this demonstration of respect than any which he had received in the course of his travels, for it was as spontaneous as it was enthusiastic. His whole journey through Italy has been a triumphant march.

The Duchess of Savoy is still indisposed and is said to be again "in an interesting situation."

26 décembre 1846

Les Notes que le Ministre des Affaires Étrangères du Roi de Sardaigne a adressées au Ministre Résident des États-Unis à Turin, en date du 28 Octobre 1846, voudrait justifier la conduite que la Légation de Sardaigne à Constantinople a tenue dans la Cause Oscanian-Berzolese, par le récit de faits et de circonstances tout-à-fait étrangères à la question, telle qu'elle résulte des actes.

Mais ce n'est pas *par de l'histoire* que l'on défend une cause *prouvée* par devant les Tribunaux, mais *uniquement* par les actes *produits au procès*. Or, les actes produits dans le Procès entre Oscanian et Berzolese sont là, consignés dans le Mémoire publié en Novembre 1845. Jamais il n'a été question de la qualité d'agent d'une Maison de Londres que le Sieur Berzolese aurait prise pour s'emparer du Steamer *Yeni-Dunia*. Une seule pièce existe aux Actes; c'est la Réponse du Sieur Berzolese, en date du 12 Août 1845, par laquelle il décline *purement et simplement* la juridiction de son Tribunal Sarde et invoque la juridiction des Tribunaux Ottomans, sur ce que le *Yeni-Dunia* portait le pavillon Ottoman; — que ce steamer appartenait à Son Exc. Hussein—bey; et que lui Berzolese n'était que l'*Agent de ce dernier* qui l'avait spécialement autorisé d'agir comme il avait fait. Nulle part, *dans le cours du procès*, ni le Sieur Berzolese ni la Légation de Sardaigne ont cité ou cherché à faire valoir la prétendue qualité d'Agent des Sieurs Piciotto Mongredin et Co. de Londres, dont on a affublé aujourd'hui le Sieur Berzolese, pour justifier ce qu'il aurait fait en l'autre qualité d'Agent du propriétaire Turc. Peut-on jamais admettre une pareille justification, en présence des actes versés au procès? Toute la question est là, si toutefois on peut mettre cela en question.

Il est vrai que, d'après l'usage de cette place, il est admis, dans des vues d'intérêt particulier, de faire couvrir par une personne *quelconque* (peu importe que ce soit un privé ou un homme public) la propriété  *nominale* d'un navire. Mais pour que cette *fiction* puisse produire des effets légaux et obligatoires vis-à-vis des tiers, il faut d'abord qu'un acte solennel constate le transfert de propriété sur le chef de la personne qui consent à prêter son nom; il faut ensuite

<sup>139</sup> Allegato al Dispaccio n. 52 di Wickliffe.

que cette même personne persévère à *jouer son rôle* jusqu'au bout; il faut, en un mot, que la fiction soit *complète*, comme s'il s'agissait de faire figurer et agir un propriétaire véritable et réel; il faut enfin que le propriétaire véritable et réel ne paraisse jamais sur la scène.

Rien de tout cela ne résulte du procès existant entre Oscanian et Berzolese; rien ne prouve que Son Exc. Hussein-bey eût prêté son nom pour couvrir la propriété du *Yeni-Dunia*; rien ne prouve que ce haut dignitaire eût du tout pris part dans le conflit entre Oscanian et Berzolese.

Cependant, le *Yeni-Dunia* était couvert du pavillon Ottoman, il est vrai, mais ce n'était que par un simple *haltir* comme disent les Turcs, par une simple faveur, un acte de condescendance, qui n'avait ni pouvait avoir aucune portée légale pour ce qui concernait les droits de tous ceux qui avaient des droits ou prétentions à faire valoir sur le *Yeni-Dunia*. Cela est si vrai que, lorsque au commencement du procès, la Légation des États Unis ayant essayé de porter l'affaire par-devant la Porte, celle-ci déclara n'avoir rien à voir dans une question entre des Européens.

Dès lors, si le Sieur Berzolese avait des droits à faire valoir sur le *Yeni-Dunia* comme Agent des Sieurs Mongredien [sic] et Piciotto, ou il devait les faire *dûment* constater à l'encontre du Sieur Oscanian, ou bien, s'il préférait se couvrir du nom d'un propriétaire fictif, il devait faire *dûment* constater et la propriété de celui au nom duquel il agissait et l'autorisation qu'il avait reçue d'[illegible] pour agir: Le Sieur Berzolese n'a fait ni une chose ni l'autre; au contraire le Sieur Oscanian, par la production d'une Note Officielle (qui ne saurait être détruite que par une autre Note) a prouvé que la personne, dont le Sieur Berzolese avait pris le nom d'Agent, *n'avait jamais eu le moindre intérêt* dans le *Yeni-Dunia* et que *jamais elle n'avait autorisé le Sieur Berzolese* de faire ce qu'il avait fait au sujet de ce Steamer.

Lorsque donc le Sieur Oscanian, à l'appui de cette Note, a traduit le Sieur Berzolese pardevant l'Autorité Sarde, qu'est ce que cette Autorité aurait dû faire? Elle n'avait pas à *juger* une question de compétence étrangère; elle n'avait qu'à juger un fait *personnel* de son sujet — était-il, ou non, l'agent d'Hussein-bey? — A cet effet, elle n'avait pas besoin de faire comparaître devant elle le bey, mais bien le Sieur Berzolese, aux fins qu'il eût à se défendre de l'accusation portée contre lui par le Sieur Oscanian. Ou le Sieur Berzolese

aurait pu prouver, par des moyens admissibles en justice, et *contra-dictoirement* avec le Sieur Oscanian, que Son Exc. Hussein-bey était le propriétaire (apparent ou réel) du *Yeni-Dunia* qu'en cette qualité il avait autorisé le Sieur Berzolese de prendre possession du *Yeni-Dunia* comme son agent; et alors l'autorité Sarde aurait débouté le Sieur Oscanian de sa demande, en le renvoyant devant l'Autorité Ottomane. Mais si au contraire le Sieur Berzolese n'avait pas suffisamment prouvé ces faits, il est évident que la prise de possession du *Yeni-Dunia* devenait un fait *personnel* du Sieur Berzolese, un abus de qualité et de pouvoir, dont il était tenu de rendre compte par-devant son Tribunal personnel.

Que l'on suppose, par exemple, que le *Yeni-Dunia* fût couvert par le pavillon Anglais, que le Sieur Oscanian l'eût frété, que le Sieur Berzolese en eût dépossédé le Sieur Oscanian, en se disant l'Agent de « *James* » propriétaire (réel ou apparent) du Steamer, et que le Sieur Oscanian fût venu à la charge du Sieur Berzolese en produisant une déclaration officielle de *James*, pour prouver que celui-ci n'était ni le propriétaire du *Yeni-Dunia* et qu'il n'avait jamais autorisé le Sieur Berzolese d'agir de la sorte: — est ce que l'Autorité Sarde se serait déclarée incompétente à statuer sur ce fait et aurait renvoyé le Sieur Oscanian devant l'Autorité Anglaise? Assurément non, car l'Autorité Anglaise n'avait rien à voir dans un conflit entre un Américain et un Sarde; un Sarde surtout, que l'on n'attaquait pas comme l'Agent d'un Anglais, mais comme une personne qui avait pris le *faux* nom d'Agent d'un Anglais pour déposséder le fréteur Américain. La question ne change pas, parce que au lieu de « *James* » Anglais, il y a Hussein-bey sujet Ottoman.

D'ailleurs pour vider le conflit *existant entre Oscanian et Berzolese*, il ne s'agissait pas de faire intervenir en cause et de faire paraître devant le Tribunal Sarde Hussein-bey sujet Ottoman; mais le Sieur Berzolese étant attaqué pour avoir pris une fausse qualité c'était lui qui devait chercher à se justifier par tous les moyens que la loi lui donne. Et le moyen principal était [illeggibile] déjà adopté par Oscanian auprès de la Légation des États-Unis, c'est à dire de demander que la Légation Sarde intervint auprès de la Porte aux fins d'obtenir une rectification ou annulation (si jamais cela pouvait avoir lieu) de la déclaration émise par Hussein-bey. En cela la Légation Sarde ne prenait pas sur elle de juger un conflit entre son Sujet et le Haut Fonctionnaire Turc (ce qui est contraire aux Traités): elle ne faisait qu'aider son sujet à se procurer les moyens de

se défendre contre l'attaque du Sieur Oscanian; sauf ensuite à statuer sur le seul différent qui était porté pardevant elle, savoir si le Sieur Berzolese avait ou non justifié la qualité qu'il avait énoncée dans sa Réponse du 12 Août 1845 et si par conséquent il était ou non responsable *personnellement* de la prise de possession du *Yeni-Dunia*.

Le Sieur Oscanian ignore absolument et entièrement tout ce qui a pu se passer *en cachette* entre la Légation Sarde et le Sieur Berzolese; il ne connaît, et il ne saurait être obligé de connaître que les communications judiciaires qui lui ont été faites et qui se trouvent insérées dans sa publication de Novembre 1845. De sorte que le ministre des États-Unis à Turin ne peut admettre que les faits résultant des pièces versées au Dossier, les seules qui ont paru en Cause, les seules qui lui ont été transmises par son Gouvernement.

Il n'est pas vrai du tout que le Sieur Oscanian s'en soit rapporté ni verbalement ni par écrit, à ce que ce Chargé d'affaires des États-Unis aurait à l'aimable trouvé bon de prononcer sur la question dont il s'agit. Jamais il n'a été question de cela. Il y a eu, il est vrai, des pourparlers entre le dit Chargé d'Affaires et le vice-Consul de Sardaigne, à la sollicitation de ce dernier; mais ces pourparlers n'ont eu aucun résultat, précisément à cause que le Sieur Berzolese ne pouvant se défendre contre l'attaque *directe* du Sieur Oscanian, il cherchait par des moyens détournés de justifier sa conduite; ce que le chargé d'affaires ne put pas admettre, de sorte que lui-même engagea le Sieur Oscanian de poursuivre son attaque dans les voies déjà entamées.

Finalement, si le Sieur Oscanian a porté ses plaintes auprès de son Gouvernement pour qu'elles fussent soumises au Gouvernement de Sardaigne, il l'a fait parce que, d'après la communication qu'il a reçue le 25 Octobre 1845 (Voir la pièce N. XI) telle était la voie qui lui était tracée nettement et que le Sieur Oscanian a [illeggibile] suivie. Si dans cela il y a eu quelque erreur, d'ordre ou de formes, ce n'est pas au Sieur Oscanian qu'il faut l'imputer; d'autant plus que l'on ne saurait faire un délit à un Américain de ne pas connaître l'ordre et les formes d'une attaque contre un Ministre Sarde, pour cause de déni de justice. Ce Ministre étant le Représentant direct de son Gouvernement à l'étranger, c'est pardevant ce Gouvernement directement que le Sieur Oscanian devait naturellement porter ses

réclamations. Tel était aussi le sens de la communication du 25 Octobre 1845 citée plus haut.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 53*

Legation of the United States, Turin, July 15, 1847

Sir: The King and Court have gone as usual to spend the months of July and August at the Royal Villa of Racconigi—about fifteen miles from the city. Most of the diplomatic corps have gone either to the watering places or on pleasure trips in France and Germany. The Capital is, therefore, empty and there is no political intelligence of interest.

The Marquis de Cavour (with whom I have very friendly relations) after a long service has resigned his office of *vicario* and the Count Galli <sup>140</sup> has been appointed his successor.

The great law suit between the Government and the former Genoese rail road Company, has been decided to the disadvantage of the company. The government had granted to this company the privilege of constructing the rail road from Turin to Genoa; the company had gone to the expense of making the surveys and had taken all the steps necessary to satisfy itself that the road would be a good speculation. It had succeeded even in shewing that it would yield eight per cent per annum, and in making an arrangement by which the Rothschilds bound themselves to take one half of the stock *at par* and to sell the other half at a thousand francs the share. As the capital was twenty millions of francs and the shares five hundred francs, the company was, therefore, sure to realize ten millions of francs by the speculation. As soon as the Government became satisfied that the road would be so profitable, it determined to undertake its construction itself. It, therefore, revoked the charter of the company but offered to pay the expenses of the surveys. The Marquis de Ferrara, [sic], <sup>141</sup> one of the direc-

<sup>140</sup> Il conte Ferdinando Galli (1780-1858) dopo esser successo al marchese Michele di Cavour come capo di polizia, fu nominato senatore (1849). Suo padre, che aveva occupato importanti cariche sotto casa Savoia, era stato fatto conte dell'Impero francese per la sua adesione alle idee giacobine durante l'occupazione di Napoleone.

<sup>141</sup> Raffaele De Ferrari nacque a Genova il 6 luglio 1803. Di famiglia nobile e ricca (suo nonno era stato doge di Genova dal 1787 al 1789) possedeva un grande talento



tors, disgusted with what he considered a breach of faith, refused to accept a cent of indemnity. The others claimed not only the reimbursement of the outlays actually made, but a reasonable indemnity for the profits which they were certain to have made. The suit came on for trial before the *Camera dei Conti* (a Tribunal corresponding with the Court of Exchequer in England) and the judges decided that indemnity should be granted only for the expenses actually incurred & decreed one hundred thousand francs for that purpose. The company has, therefore, lost all indemnity for the time and skill bestowed on the enterprise as well as the magnificent speculation, which it was in such good train to realize.

A work recently published by Vincenzo Gioberti, entitled the *Modern Jesuit* has created a sensation at Turin and makes some developments, calculated to annoy the Count Solar de la Marguerite. It appears that the Minister for Foreign Affairs, [sic] (who is the Chief of the Jesuit party in this country) devotes a great portion of his time and carries on an extensive correspondence for the purpose of making proselytes to the Jesuit cause. Gioberti is a Catholic priest, but a sworn and redoubtable enemy of the Jesuits. The Minister, therefore, entered into a correspondence with Monsignor Fornari,<sup>142</sup> the Pope's Nuncio at Brussels and requested him to undertake Gioberti's conversion, offering his ministerial protection to Gioberti in case he would allow himself to be changed. The Nuncio, either with or without the consent of the writer, allowed Gioberti to read and finally to take copies of these letters. What is still more annoying is that there are some mistakes of orthography which expose the correspondence still more to the malignant merriment of the public.

per gli affari e per il commercio, talento che egli mise a profitto nelle operazioni finanziarie che svolse soprattutto a Parigi. Nel novembre del 1837, comprò i vasti possedimenti di Galliera, presso Bologna, e prese il titolo di duca di Galliera riconosciuto da papa Gregorio XVI il 18 settembre 1838. Fu fra i fondatori del Banco di Genova e del Credito mobiliare e presidente della società per la costruzione della ferrovia Genova-Pisa. Per non perdere la cittadinanza italiana declinò il titolo di Pari di Francia che Luigi Filippo gli aveva offerto. Nel 1849 Vittorio Emanuele lo nominò senatore, nel 1875 fu fatto principe di Lucedio e nello stesso anno ebbe il collare della SS. Annunziata. Il 7 dicembre 1875 offriva 20 milioni di lire per allargare il porto di Genova. Morì improvvisamente nella sua città natale il 23 novembre 1876.

<sup>142</sup> Vito Fornari (1821-1900), incapace di accettare i principi espressi da Gioberti nel *Primato*, non pensava che una confederazione fosse una soluzione pratica per i problemi che travagliavano l'Italia. Vedi E. VERDINOIS, *Vito Fornari in Profili Letterari napoletani*, Napoli, 1882.

*James Buchanan a Robert Wickliffe Jr.*

Istruzione n. 20 <sup>143</sup>

Department of State, Washington, 3 d August, 1847

Sir: I transmit, herewith, a communication of this date, addressed to the Minister of Foreign Affairs of Sardinia, in reply to one from His Excellency, of the 5th of May last, on the subject of a fraud committed by a certain Captain Henry Eytange, Master and owner of the American Barque "Ganges", upon Messrs. Embil & Co., of Havana. A copy is, also, enclosed for your perusal.

You are requested to lose no time, after it reaches you, in causing the original to be delivered to the Sardinian Minister.

*Robert Wickliffe Jr. a James Buchanan*

Dispaccio n. 54

Legation of the United States, Turin, Aug. 10, 1847

Sir: I have the honor to acknowledge the receipt of your despatch of the 14th of July last (No. 19) informing me that the President had been pleased to grant me a *cong * of three months. I beg you to convey to the President the expression of my gratitude for such a greatly desired and special favor.

I have also the honor to inform you that I have tendered to the President my resignation as *Charg  d'affaires* of the United States near this Court, to take effect on the first day of May next.

I will thank you to inform me what amount I am entitled to as '*infirmit *' and whether I must draw for it on the government bankers in London or the Treasurer at Washington. I do not know whether a special appropriation by Congress is necessary or not or whether the government cannot authorise me to draw on funds already voted. I will be much obliged to you for the necessary information on the subject and for your kind assistance in enabling me to avail myself of the amount at the time of my return.

<sup>143</sup> L'istruzione n. 19, Washington, 14 luglio 1847, informava Wickliffe che il Presidente, avendo saputo da William H. Polk che le condizioni di salute della signora Wickliffe richiedevano un soggiorno a Parigi, accordava a Wickliffe un periodo di vacanza di tre mesi.

Sir: I had the honor to receive yesterday your despatch of the 3rd of August, enclosing another for the Sardinian Minister of Foreign Affairs. I immediately transmitted it to its destination and have this moment received a Note from his Excellency acknowledging its receipt.

Affairs in Italy are assuming a very serious aspect and seem to be fast tending to a solution. Austria, alarmed by the reforms of the Pope and the progress of liberal ideas in the peninsula, occupied on the 13th ult the city of Ferrara. The Legate and the Pope have protested. Pius IX seems to have given great offence to the diplomatists because, instead of addressing himself to the powers that signed the Treaty of Vienna, he has thrown himself for support on his people. France, it is clear, will let Austria do what she pleases and it seems to be the understanding between the Courts of Vienna and of the Tuileries, that Louis Phillippe will be permitted to do what he pleases in Spain and that Prince Metternich will be allowed the same liberty in Italy. In a word, France has abdicated her ancient & chiefest glory — that of being the protectress of liberty throughout Europe. England seems ambitious to take her place and protects liberalism in Switzerland as well as in Italy. As the British Cabinet, however, seldom acts without strong motives of interest, the Italian thinks that it has an eye on Sicily, but say that they would be willing to give up that island, provided the unity, liberty, and independence of the residue of their country, were secured by English aid. It is certain that England has been busy and to all appearances successful in Bavaria, Baden, Wurtemberg, Rome and Sardinia in forming not exactly a liberal alliance but a liberal understanding against the views of Austria as it regards Swiss and Italian affairs. The British Minister<sup>144</sup> here is in fine spirits. This Government, it is understood, has addressed notes to Rome and Vienna, expressing its disapprobation of the violation of the Treaty of Vienna by the Austrian occupation of Ferrara. These notes, although not perhaps in the precise form of a protest, yet are

<sup>144</sup> Nel 1847 ministro inglese a Torino era Sir Ralph Abercromby (1803-1868). Entrato in diplomazia a 18 anni, dapprima gli furono affidate delle missioni in America, indi fu ministro a Firenze, Francoforte e, dopo il 1840, a Torino. Alla morte del padre, Lord Dumferline (1858), ereditò il titolo di Pari e abbandonò la carriera diplomatica.

intended, I am assured, to give the Pope the aid of the moral support of this Government in his present difficulties with Austria. Whether this government, when the necessity arrives, will go farther & sustain the Pope by an armed intervention, remains to be seen. I doubt whether such an intervention has been promised, as is confidently believed and asserted by the generality. Placed as this Government is in a difficult and delicate position between France and Austria, it is its evident policy to support itself by a cordial understanding with the other independent princes of Italy. If Austria successfully destroys the independence of the Pope, she may not attack that of Sardinia. Besides, if by any combination of circumstances, Austria could be driven from Italy, the Lombardo-Venetian Kingdom would most probably fall to the King of Sardinia. The desire to drive her out, is universal here; and while the liberals dream the unity of Italy, those in the interest of the Government dream the transfer of the Sardinian capital from Turin to Milan. As the Ministry, however, is at present constituted, it may be doubted whether any decisive measures will be taken. Half Jesuit and half liberal, it is scarcely capable of that unanimity and energy which would be necessary to act efficiently and promptly against the Austrians. In Tuscany & Lucca there are great excitements and loud demands for the National Guard & in Sicily there is open and formidable insurrection. Here things are quieter because the people seem to hope more from the government.

No importance should be attached to the rumor that Prince Metternich has demanded of this Government the fortress of Alesandria. Such a demand would be an absurdity.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio senza numero*      Legation of the United States, Turin, Sept. 11, 1847

Sir: The King has gone to Acqui to lay the first stone of a bridge; thence he will proceed to Valenza to perform a similar ceremony on another Rail Road bridge to be thrown over the Po. He will return to Turin, to-morrow or the next day.

The excitement in Italy continues to increase and approaches nearer to Turin. On the anniversary of the expulsion of the Austrians from Genoa in 1746, there was a great popular procession in that city. The people bore flags with the Pontifical and Sardinian

colors united, crying "Vive Pie IX!" "Vive le Roi!" When they passed the college of the Jesuits they cried "Vive Gioberti!" The troops were kept in the barracks and the police did not interfere. In the evening there was a grand illumination of the city, in which, the Jesuits, on the advice of the authorities, participated. It being known that the Prince de Schwarzenberg, Austrian Ambassador at Naples, was on board the Steamer which had just arrived from Naples, a number of boats filled with people pulled up to and surround[ed] the steamer, crying "Vive Pie IX!" The Prince seems to have displayed great good temper on this occasion. He came upon the deck and asking what they wanted of him? If they desired him to cry "Vive Pie IX!"? Then said he pulling off his hat, "Vive Pie IX!"

The Grand Duke of Tuscany on the advice of the *Consulta* has granted the Civic Guard.

I learn this morning that disturbances have taken place in Milan. The people assembled at night on the square of the Cathedral crying « Vive l'Italie! » « Vive Pie IX » « A bas le Autrichiens! » The Cardinal Archbishop descended from his Palace several times in the night and endeavored to tranquillize the assemblage. Collisions, however, took place between the authorities and the people; several persons were wounded & some, it is said, killed. All the principal governments of Italy, with the exception of Naples, are drawn along in the national movement begun by Pius IX. The King of the Two Sicilies plays a dangerous game in resisting the movement. The Sardinian Agrarian Congress which recently met at Casale drew up an address to the King, exhorting him to maintain with firmness the national cause. The President declined to present the address under pretext that it was contrary to the laws. The King, however, disapproved of his conduct, received the address and returned a handsome and satisfactory answer.

The report in the papers that Count Solar de la Marguerite, Minister of Foreign Affairs, had been dismissed is untrue. The ascendancy of parties in Turin, periodically vacillates. When the Jesuits have the upper hand, they try to get rid of the Minister of War, when the liberals are, for the moment in favor, they try to get rid of Marguerite. The King plays off one party against the other and gives himself up to neither. It is, therefore, a continual & most uninteresting see-saw.

The Pope is to be Godfather to the infant of which the Duchess of Savoy is shortly expected to be delivered.

*James Buchanan a Robert Wickliffe Jr.*

*Istruzione n. 21*

Department of State, Washington, 13 th Sept., 1847

Sir: Your despatch No. 54, of the 10th August, was received on the 4th instant.

By this you inform me that you have tendered your resignation to the President, as Chargé d'Affaires of the United States to Sardinia, to take effect on the first day of May next.

I have consulted the President upon this subject, who has directed me to inform you, that, after the receipt of your despatch of the 10th December last, as well as from subsequent information from you of a private character, he entertained no doubt of your intention to resign your mission and return to the United States during the present summer. Although he was much urged to appoint your successor at any earlier period; yet, anxious to consult your convenience and to act towards you in the kindest manner, he refused to make the appointment until the beginning of October. As the new Chargé could not reach Turin until the last of November or beginning of December, he was convinced that this delay would afford you even longer time than you desired. Under these circumstances, he had committed himself in such a manner some time before the receipt of your last despatch, that he does not now feel at liberty to retrace his steps. For this reason, he regrets that he cannot now postpone the acceptance of your resignation until the first day of May next. Your successor will, therefore, be appointed in the beginning of October. It was not his intention to recall you at all: and any inconvenience to which you may be exposed by this appointment, will arise altogether from your own expressed intention.

The President desires that you may remain at Turin until the arrival of your successor, and give him such facilities in the commencement of his duties as your ability and experience may enable you to afford. Your letter of recall will be forwarded by him.

In reply to your inquiries regarding the allowance for your return home, I have to acquaint you that the amount, as stated in

your personal instructions dated the 19th of October, 1843, will be a sum « equal to one quarter's salary », vis: \$ 1150; which will be credited to you in the settlement of your account by the 5th Auditor of the Treasury, and be paid to you at this Department after your arrival at Washington.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 56*

Legation of the United States, Turin, Sept. 27, 1847

Sir: It is now more evident than when I wrote you on the 7th ult. that the popular demonstrations which have recently taken place in Genoa and in several other provincial towns, were not agreeable to the government. Immediately after the King's return from his visit to lay the corner stone of the bridge at Valenza, the Chief of the police issued an order that the display of all other flags than the National, should be prevented by the police. The flags thus proscribed are the Papal and the Italian tricolor.

From Genoa, the people sent a petition to the King demanding: 1. The Civic Guard. 2. The liberty of the Press. 3. The dismissal of Count Solar de la Marguerite, Minister of Foreign Affairs. No written answer was given to the Petition, for it would then have become a subject of discussion in the foreign journals. The Chief of the Police, however, sent an order for three noblemen, who had been concerned in the Petition to come to Turin.<sup>145</sup> These noblemen, although very respectable characters and liberal in their principles, were not the chiefs of the movement. On the contrary, it was observed that the three thus selected were all men of marked mediocrity. They were, however, instructed beforehand as to the answers which they should make and in due time presented themselves at Turin. The Chief of the Police commenced by making them reproaches. They replied that instead of receiving reproaches, they had expected to receive the thanks of the government for what they had done, for they had given a pacific direction to a movement which otherwise might have had unpleasant consequences. The Chief of

<sup>145</sup> I tre genovesi erano Giorgio Doria, Giacomo Balbi Piovera e Gian Battista Raggi.

the Police then changed his tone and informed the three noblemen that the King would grant them an audience. A few days after they were accordingly received by His Majesty. The King was very courteous and said that as to the Civic Guard, he appreciated its importance and utility in general and he would grant it when the necessities of the country required it, which he did not think was the case at present; that as to the liberty of the press, he was disposed to accord as much as was compatible with the present system of government; as to the removal of the Minister of Foreign Affairs, he is said only to have smiled, but what signification ought to be attached to that smile, it would be difficult to divine. The whole affair has resulted in nothing but dissatisfaction, which at Genoa was increased by a Proclamation of the Governor of that city, prohibiting the renewal of the popular demonstrations.

A letter has been published from the King to his private secretary Count Castagneto [sic]<sup>146</sup> in which His Majesty says that it seems that we are on the eve of war with Austria, that if the standard of Italian independence should be raised, that he would mount his horse with his sons and act in Italy the part of Schamyl,<sup>147</sup> &c &c. From the style of this letter, few at the time believed that it was genuine; yet it has been published everywhere and its authenticity has not been contradicted by the official Gazette. And I am assured that Count Castagneto [sic] received the letter at Casale and shewed it to several members of the Agricultural Congress, lately assembled at that place.<sup>148</sup> It seems, however, to be the idea of those who are regarded as the leading statesmen of the country, that as long as France and Austria are united, Piedmont will be obliged by her position and her traditional policy to observe a very prudent course. It remains to be seen, whether this traditional policy will not be modified by the force of circumstances and the new position of things.

<sup>146</sup> Cesare Trabucco, conte di Castagnetto (1802-1888). Fu segretario privato di Carlo Alberto e senatore nel 1848. C. VINCENZI, *Il conte Cesare Trabucco di Castagnetto, segretario di re Carlo Alberto*, Milano, Marcolli, 1908; V. FERRARI, *Carteggio Casati-Castagnetto (marzo-ottobre 1848)*, Milano, 1909.

<sup>147</sup> Schamyl (1797-1871), ben noto capo dei Circassi nella battaglia contro i conquistatori russi della Caucasia. Il 18 ottobre 1831, fu gravemente ferito a Aul Himri; il 22 luglio 1839, e di nuovo il 29 luglio 1839 scampò miracolosamente alla morte. Nel 1870 si ritirò alla Mecca.

<sup>148</sup> Vedi A. HORTIS, *Le riunioni degli scienziati italiani prima delle guerre d'indipendenza*, Città di Castello, 1922.



Sir: During the last week the public mind has been more excited at Turin than at any period since the commencement of the present agitation in Italy. The 2nd of this month was the anniversary of the King's Birthday. The people had obtained from the *Vicario* permission to assemble in the public Garden, but were strictly enjoined to avoid all disturbance of the public peace. Accordingly, some five or six thousand, including a great number of the most respectable citizens, assembled in the Garden and amused themselves by crying "Viva Pio Nono" "Viva Carlo Alberto". Some one also cried "Morte ai Gesuiti!" but the people exclaimed that there were spies in their midst and refused to repeat the cry. It appears that the crowd desired to go to the Palace and salute the King and with that view began its march in that direction. It had not, however, reached the end of the Garden, when it was met by the military and *Gens d'armes*. The people were brutally treated, for the police struck with the butt-ends of their pistols, several respectable citizens; even sabres were used and an advocate was bayoneted. The pretext for the interference was that the people intended to proceed to the Hall of the Austrian Ambassador and to insult him with offensive cries. There does not seem to be sufficient reason to believe that any such intention was entertained. It is indignantly denied by those who were in the assemblage as a calumny. The order for the Military to interfere came from the Head of the General Police. The civil authorities of the town demanded and obtained an audience from the King, to represent to him the facts of the case as they really occurred. His Majesty, however, received them in a manner altogether different from the general expectation. When the subject was broached, he quickly responded that he was already acquainted with the facts and immediately entered into conversation on commercial subjects with a banker who was a member of the deputation. The more respectable citizens who were present at the disturbance, drew up a statement and petition; eight hundred signatures had been already obtained, but when the news of the reception given to the municipal authorities transpired, the document was burnt. They say that they took this course to express their indignation; though some are so uncharitable as to suppose

that they had not the courage to go farther in the course which they had marked out.

Up to the time of this affair, it was generally believed, that, if any change in the ministry took place, Count Solar de la Marguerite would be dismissed. The Retrograde party, however, turned the matter to their account and succeeded in persuading the King that Count Villa Morina [sic], Minister of War and Chief of the Progressist Party in Piedmont, ought to be deprived of his Port Folio.<sup>149</sup> Accordingly, the King, in a moment of vivacity, told that gentleman that his services were no longer needed, and on Friday last Villa Marina took leave of the *employes* in his Department. The scene is said to have been very affecting and alike honorable to the late Head of the War office and his subalterns. As the Chief of the Progressist party, Villa Marina is very popular with the mass and his dismissal has made a sad impression on the public mind. My last despatches will have enabled you to perceive that in other countries too many calculations have been made on the liberal tendencies of this government and therefore you will be as little surprised as I have been at the dismissal of Villa Marina. It will, however, be source of disappointment and chagrin to the liberal party not only in Italy but throughout Europe. Down to the first the government seemed to be on the liberal track; now it seems to have taken the opposite direction. Perhaps before long it will again apparently return to the liberal course and thus continue its oscillations between the progressive and retrograde principles.<sup>150</sup>

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 58*

Legation of the United States, Turin, Oct. 12, 1847

Sir: I had scarcely sent my last despatch to the post office, informing you of the retreat of Count Villa Marina, Minister of War, when I received official notice of that of Count Solar de la Marguerite.

<sup>149</sup> Thayer insinua che Villamarina non era stato impopolare, ma che la sua reputazione di liberale era dovuta più al contrasto fra le sue idee molto moderate e il conservatorismo dei suoi colleghi che non a motivi più positivi. W. R. THAYER, *op. cit.*, II, 68.

<sup>150</sup> Le ultime due frasi sono trascritte dalla copia del dispaccio che si trova negli Archivi dell'ambasciata degli S. U. di Roma.

rite, Minister of Foreign Affairs. It appears that the Council of Ministers held in consequence of the late affair between the people and the police was much more animated than usual. A short time after its adjournment the King addressed a note to the Minister of Foreign Affairs, intimating to him that his resignation would be acceptable. The Minister replied that he desired to submit a few considerations to His Majesty upon the subject and begged an audience for that purpose. The King, however, instead of waiting for the considerations, somewhat after the manner of Napoleon, sent his *Aid de Camp* with an order to the Minister to send in his resignation forthwith.<sup>151</sup> The recognized chiefs of the two great parties in the State have thus been dismissed and the reorganized Cabinet must, according to appearances, be colourless. If a conservative or retrograde policy be desired, no minister can be found possessing the confidence of those who favor such a policy more than Marguerite. If progress be intended, Villa Marina would be more acceptable to the Liberals, than any one who may be chosen as his successor. The worst policy at the present moment, would be a half and half policy. It will satisfy no one and cannot last long. Still the probabilities are that it will be adopted or rather continued.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 59*

Legation of the United States, Turin, Oct. 20, 1847

Sir: I have the honor to acknowledge the receipt of your despatch (No. 23)<sup>152</sup> enclosing the commission of Mr. John McPherson & instructing me to obtain from the government here an *exequatur* for him as Consul of U. S. at Genoa. The course which you instruct me to pursue is not the one pursued or allowed in such cases. It is necessary for Mr. McPherson himself to address his commission and to demand his *exequatur* from the Senate of Genoa. I have therefore transmitted his Commission to his address at Genoa & informed him of the course which custom & law require him to pursue.

<sup>151</sup> Thayer descrive il conte della Margarita come « un tipico esponente del vecchio regime, un uomo onesto, limitato, fedelissimo al suo re nel quale vedeva l'inviato di Dio e servire il quale era per lui il primo dei doveri e il più nobile dei privilegi ». Vedi: W. R. THAYER, *op. cit.*, vol II, p. 69.

<sup>152</sup> Questa era l'Istruzione n. 22 (non n. 23) datata Washington, 17 settembre 1847, che annunciava l'invio di John McPherson della Virginia come console a Genova.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 60*

Legation of the United States, Turin, Nov. 8, 1847

Sir: During the whole of last week the population of Turin was in a state of great excitement and irritation. Assemblages took place for three or four nights in succession, especially in front of the Governor's House, to whom the law against popular meetings is attributed by the people. These assemblages were dispersed by the military and the streets were constantly traversed by patrols [sic] of cavalry and gens d'armes. Many persons were arrested but fortunately no blood shed. Violent hand bills in prose and verse but in manuscript were secretly but extensively circulated all over the city and it was said that when the King should arrive in Genoa at the Turin Gate, the entire population of that city intended to go to the other end of the town and thus shew their marked discontent with the King's policy. In the provinces, the irritation was universal. From one moment to another some serious outbreak or collision was dreaded. All at once, the official Gazette agreeably surprised the public, by announcing that in the Council of Conference, the King had signed several very important laws, decidedly of a liberal character.<sup>153</sup> I send you enclosed a copy of the article; so that you may see the full extent of the promised reforms. The King seemed, if I may use the expression, to be between two pressures; the external pressure or that of the Austrian & French ambassadors aided by their friends at court & the internal pressure or that of the masses of the people. The pressure from without at first appeared the stronger, but the pressure from within at last prevailed. The publication of the intended reforms immediately diffused universal joy. Vast crowds of people thronged the streets with banners and torch-lights; and hymns were sung in honor of the King. On the 3rd ult His Majesty set out for Genoa at half past nine in the morning. Long before that time the street and the road through which he was to pass, was occupied by a dense and countless throng. From the windows of the houses, the ladies waved banners and handker-

<sup>153</sup> Accluso vi era un estratto di tre pagine della *Gazzetta Piemontese* del 20 ottobre 1847, n. 258 riguardante la decisione presa il giorno prima da Sua Maestà alla riunione del Consiglio di conferenza. Ve ne sono due copie negli Archivi nazionali di Washington.

chiefs. It resembled one of our great popular conventions on the eve of a presidential election. The King went on horseback as far as the limits of the city and then took his seat in his travelling carriage. The immense crowd followed him for a considerable distance. An incident here occurred very flattering to our country. I had gone on horseback and taken my station on the road, in order respectfully to salute the King as he passed. As soon as I was seen the immense assemblage rent the air with cries of « Evviva gli Stati. » « Evviva l'America! » « Evviva il Ministro della grande Repubblica! » I was so completely taken by surprise that I fear I acknowledged the compliment rather awkwardly. A most brilliant reception was given to the King at Genoa. His Majesty took one of the banners bearing inscriptions in honor of commerce and said that he would preserve it in his Palace. Several citizens also presented a banner, on which was emblazoned inscriptions in favor of an amnesty. His Majesty is said to have replied that he also had thought of that subject and would occupy himself with it.

You cannot imagine the change which has taken place in this city. Ten days ago almost in a state of terror, the people now almost imagine that they live in a Republic. For several nights in succession there was a grand illumination in the Theatre Carignano; the people would not listen to the opera, but from seven until eleven o'clock did nothing but sing the hymn to Charles Albert and shake the walls with cries of « Live the King! Live the Pope! Live Italy! Live Gioberti! Live Villa Marina! » In the boxes the ladies & gentlemen formed chains all around the Theatre with their handkerchiefs and waved banners, covered with patriotic inscriptions.

A few days since a public dinner was given to which the leading jews were invited and the object of which was to bring about the emancipation of that oppressed race. Yesterday a banquet was given to the Genoese to indicate the fraternity between Piedmont and Liguria.

The greater part of the nobility is discontented with the reforms; and the police itself, when applied to, will not act in good faith. As they say in Paris on Louis Philippe's Festival « Le Faubourg St. Germain bonde » Thus far no disorder has occurred & the friends of progress do every thing in their power to preserve the public tranquillity. The only fear is that miscreants may be hired by the enemies of reform to produce disturbances.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 61*

Legation of the United States, Turin, Nov. 9, 1847

Sir: A Custom Union has been in principle established and published between the Pope, the King of Sardinia and the Grand Duke of Tuscany. The tariffs will be fixed and all the details arranged by a commission named for that purpose & the rates of duty will be rearranged periodically. They will incline towards free trade as far as is compatible with the interests of the parties. A wish is expressed that the King of Naples and the Duke of Modena would join the league.

Five hundred young men intend to go from Turin to Genoa, in order to fraternize the two cities.

The Genoese have invited the Pisans to come and throw into the sea the huge chain which was taken from the gates of Pisa when that city was conquered several centuries ago by their fathers. All memory of ancient feuds is to be buried.

A new journal will be published in Turin as soon as the law on the press is promulged [sic]. It is founded by six nobles and six *Bourgeois*; and is to be called *L'Union Italienne*.<sup>154</sup>

*James Buchanan a Robert Wickliffe Jr.*

*Istruzione n. 23*

Department of State, Washington, 11 th Nov., 1847

Sir: I have the honor to acknowledge the receipt of your despatches to No. 58 inclusive; the last, dated the 12th October, was received this day.

I am directed by the President to inform you that circumstances have caused him to defer the appointment of your successor beyond the period intimated in my despatch No. 21. It is his present intention, however, to make the nomination to the Senate, as early as practicable after the commencement of the approaching session of Congress.

<sup>154</sup> Come è noto il titolo del giornale fu: *Il Risorgimento*.

In apprising you of this change of purpose in regard to the Sardinian mission, the President requests me to express to you his hope, that this accidental extension of time may afford every desired convenience for the arrangement of your private affairs.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio senza numero*

Paris, Dec. 31, 1847

Sir: I have the honor to inform you that availing myself of the congé granted by the President, I have arrived in Paris. As soon as I rose this morning, I learned that Madame Adelaide, sister of the King of the French, died this morning between two and three o'clock. I believe that her malady has been of short duration — at any rate her death was unexpected. This is a heavy blow for the King, for it is well known that His Majesty took counsel with his sister on the most important matters of state. She possessed a most masculine mind, and joined the finesse of her own sex to the business capacity of our own. Her death, taking place at this season of the year is very inopportune, for there will in all probability be no balls at Court & few in the town during the winter. The shopkeepers will be disappointed in not selling their wares and the arrangements of the fashionable world are entirely deranged. Mr. Bancroft & myself were to have accompanied Mr. Rush to the grand reception of the Diplomatic Corps on New Year's Day, but of course that ceremony will not take place at least on that day.

I wrote these few lines in the hope that they may reach you by the steamer of to-morrow. In that event they will bring you the earliest intelligence of Mme Adelaide's death — otherwise you may receive the news sooner by some other channel.

P. S. It is said and believed here this morning that the Austrians have entered the Duchies of Parma & Modena. The news is so probable that I am disposed to believe it. If it be not true, things in those duchies must sooner or later terminate in one of these two alternatives, the military occupation of them by the Austrians or the expulsion of the sovereigns by the people.

*James Buchanan a Robert Wickliffe Jr.*

*Istruzione n. 24* Department of State, Washington, D. C., 12 th January, 1848

Sir: The President having acceded to your request to be permitted to return home, I am directed by him to inform you that he has appointed Mr. Nathaniel Niles, of Vermont, to succeed you as Chargé d'Affaires of the United States near the Government of Sardinia, who will deliver, in person, this despatch.

It is the President's wish that Mr. Niles may be presented by you to the Sardinian Government, and enjoy the benefit of your experience and advice in entering upon the duties of his office.

The President desires me to express his approbation of the manner in which the public trust, confided to you, has been discharged. Enclosed, is a letter addressed to the Minister of Foreign Relations (with an office copy of the same), informing him of your recall; which you will present in the usual form and accompany with assurances of the continued sentiments of friendship entertained by this Government towards that of Sardinia.

Of the exact date at which you take leave, you will inform this Department, and the Bankers of the United States in London, with a view to the settlement of your salary account.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio n. 62*

Paris, 29 th March, 1848

Sir: After five days and five nights of heroic and bloody and uninterrupted battle, the Lombards have driven the Austrians from their Capital. As soon as the news of the revolution of Vienna reached Milan, the people went to the prefecture of police and demanded the liberation of the political prisoners. This being refused, they immediately built barricades & prepared for the glorious but unequal contest. They however lacked both arms and ammunition. They made powder out of cotton and weapons out of iron. The Austrians withdrew to the castle; closed all the gates of the city, and by planting their cannon on the walls, prevented all communication with the country. The roar of artillery and letters which the patriots of Milan sent flying over the walls in balloons, informed the people without that the murderous combat



still raged within. For the first two days the peasants in the plains did not rise for they had no arms. But the people of Brescia and Bergamo, rose, disowned the Austrian governors and marched on Milan. Parma after a short but sanguinary conflict compelled the Duke Carlo Lodovico to fly; Placentia followed the example and both unfurled the Italian tricolored flag. Volunteers from Bologna in the Papal states came & helped the people of Modena to drive away their Duke. The strongly fortified citadel of Mantua was surrendered by the Italian troops who were garrisoned in it and who refused to fire on their countrymen. All over Lombardy and on the borders of Piedmont the tocsin sounded; Swiss volunteers descended from the Alps & after taking Como marched upon and entered Milan. For two days and two nights no one knew positively the state of things in Milan; but the uninterrupted roar of cannon told too well that the combat still raged in all its fury. The Austrians were short of provisions and made frequent sorties to procure supplies. At length the patriots succeeded in getting possession of one of the gates & in thus opening their communication with the country. They also drew off the water from one of the aqueducts. As soon as the news reached Turin, the people cried out for arms and from that city as well as Genoa large numbers of volunteers marched to the rescue of their Lombard brethren. The Piedmontese army on the frontier could not be restrained by their officers and large numbers crossed the frontier & marched to Milan. The Chasseurs especially did good service and galled the Austrians with their deadly volleys. People & press, army & officers, all complained of the indecision of the government and cried out for orders to the troops to march to Milan. Every moment of delay became threatening even to the King's crown, for it was clear that he must either declare war against the Austrians or the people would declare war against him. It was not until the 23rd that the King issued the Proclamation, and ordered his army to march to Milan. But Milan was already free, for on that very morning the Austrians after continuing their cannonade until nearly day-break, suddenly and secretly retreated from the city. An inhabitant of Turin left that city on the 19th and returned from Milan on the 22, with secret propositions from the Provisional government, in a word with an offer of the iron crown of the Lombards to Charles Albert. The King's proclamation is of course a declaration of war against Austria, for it tears the treaty of Vienna into pieces. Charles Albert, in taking five days to

decide on his course, deliberated too long. The indecision of character and the want of confidence in the sincerity of his liberalism, put his crown in jeopardy. Instead of marching promptly to his destiny, he is drawn on towards it by the unanimous & irresistible resolve of the Italian people to be united, independent and free. If Austria is able to continue the war, the King's assistance will be all important and may retrieve the ill-effects of his delay. Should Russia come to the help of Austria, France will pour her legions over the Alps and Switzerland will descend with her volunteers. But I doubt if Austria can hold out long in Italy. Verona is the only place where they can even find a temporary retreat. She is cracking on all sides. Hungary and Bohemia desire independence and will not help to reconquer Lombardy. The late revolution in Vienna almost stops the Emperor of the power to continue the contest. All Italy proclaims a crusade and joins in the Holy War. Russia whose disposition to assist Austria since the recent revolution of Vienna may well be doubted, can never get down to Italy. Poland opposes to her a rampart and all Germany would rise to bar her passage. Lombardy therefore must triumph; Italy must at last be independent.

If the war does not continue, a large portion of the people will say that they have achieved their own independence without the aid of Charles Albert and that they are therefore not bound by gratitude to offer him the crown. The King is strong not in his personal character but in his position as the only sovereign that can be King of Italy. A political league will be formed between him, the Grand Duke & the Pope. The King of Naples will have difficulty to maintain his throne. The German, Italian and Polish nationalities will reconstruct themselves. Italy will pass through a league of sovereigns, a united monarchy but I think her definitive form will be a Federal Republic. Such is already the aim of a large and increasing party.

*Robert Wickliffe Jr. a James Buchanan*

*Dispaccio senza numero*

Aix-la-Chapelle, May 6, 1848

Sir: The health of Mrs. W. not permitting her to make the journey to Turin which is altogether by diligence and very fatiguing and the extremely unsettled state of affairs at Paris, rendering it

impossible for her to remain alone in that city, I determined to leave her with her relatives in Holland, to return alone to Paris and to accompany Mr. Niles to Turin. I was extremely anxious to do so, in order to comply with the President's wishes, as expressed in your last despatch. Having arrived at Brussels in a cold and rainy night, Mrs. W. caught a violent cold, which brought on a fever & rendered it impossible for her to continue the journey. I was detained at Brussels between two and three weeks & not seeing when I would be able to get off, I wrote to Mr. Niles not to wait for me any longer. I have furnished him with the necessary instructions to obtain possession of the property and archives of the Legation and with other information that might be useful to him on his arrival in Turin. Not being able to take leave in person of the Minister of Foreign Affairs, I transmitted to him my Letter of Recall and wrote him a letter in accordance with your instructions.

Since I arrived here Mrs. W. has had a relapse and when I shall be able to continue my journey, it is impossible to say.



## INDICE DEI NOMI

- Abel Karl, 313.  
 Abercromby Ralph, poi Lord Dumferline, 323.  
 Alenyn e Kuvel, ditta, 60.  
 Alessandra, zarina di Russia, 237.  
 Alfieri di Sostegno Cesare, 262.  
 Allen G. W., 57.  
 Alva, conte, 231.  
 Anthoine Pietro, 294, 295, 298.  
 Archer William Segar, 197.  
 Artom Treves G., 200, 215, 216.  
 Aspinwall Thomas, 194.  
 Assereto Fortunato, 280, 284, 285, 303, 304.  
 Assereto Giovan Battista, 280.  
 Assereto Margherita, 280, 283.  
 Azeglio, Massimo Taparellid', 235, 256, 264.  
 Avisiani Joseph, 275, 281.  
 Azuni Domenico Alberto, 187.  
 Baber Ambrose Edward, 54, 92, 93, 97, 99, 100, 101, 103, 105, 108, 109, 112, 114, 116, 117, 118, 119, 120, 122, 123, 124, 127, 128, 129, 130, 131, 132, 133, 138, 140, 143, 145, 146, 147, 148, 149, 153, 160, 162, 164, 166, 171, 172, 173, 174, 175, 176, 183, 184, 186, 187, 188, 189, 193, 240.  
 Baber G. F. Burleigh, 153.  
 Bailey John J., 85, 86, 88, 89, 90, 91.  
 Balbi A., 7.  
 Balbi E., 7.  
 Balbi Piovera Giacomo, 327.  
 Balbo Bertone di Sambuy Vittorio Amedeo, 5, 8, 10, 11.  
 Balbo Cesare, 256, 264.  
 Bancroft George, 224, 225, 301, 304, 308, 335.  
 Baring, ditta, 96.  
 Barone, 281.  
 Bartolini Domenico Gaspare, 265.  
 Baudi di Vesme C., 269.  
 Beasley Reuben H., 189.  
 Bender H., 199.  
 Bensio, avvocato, 275.  
 Beoring M., 281.  
 Beraudo di Pralormo Carlo, 5.  
 Berrien John McPherson, 196.  
 Berzolese, Antonio e Michele, 259, 286, 287, 289, 290, 291, 292, 293, 294, 295, 296, 297, 299, 308, 309, 311, 316, 317, 318, 319.  
 Bevisio, 281.  
 Blackstone William, 159.  
 Boggio P. C., 268.  
 Borbone Adelaide, sorella di Luigi Filippino, 335.  
 Borbone don Carlos, 237.  
 Borbone Caroline, duchessa di Berry, 238.  
 Borbone Charles-Ferdinand, duca di Berry, 238.  
 Borbone Henri-Charles, duca di Bordeaux, 229, 238.  
 Borg, 175, 185.  
 Bortolotti S., 51.  
 Bosio F., 14.  
 Bottino P., 313.  
 Boulware William, 108.  
 Bozzola A., 268.  
 Brignole-Sale Antonio, 261, 262, 301.  
 Brooks Van Wyck, 215.  
 Brown John P., 258.  
 Brown Joseph R., 253.  
 Brown Nicholas, 265.  
 Brown, capitano, 192.  
 Brown, socio della ditta William Kerr, 287, 294.

Brunel Isambard K., 231, 244.

*Brunel Noble C.*, 231.

Buchanan James, 96, 224, 225, 226, 229, 231, 234, 236, 238, 240, 243, 244, 245, 247, 255, 257, 258, 259, 260, 261, 263, 266, 267, 269, 271, 276, 283, 286, 301, 302, 303, 306, 308, 312, 314, 320, 322, 324, 326, 327, 329, 330, 331, 332, 334, 335, 336, 338.

*Bulferetti L.*, 216.

Buol-Schauenstein Karl Ferdinand, 257.

*Buttini T.*, 268.

Calhoun John C., 176, 195, 196, 198, 200, 206, 210, 212, 213, 214, 216, 217, 221, 232, 254.

Camondo Isaac, 294, 297, 298.

Campanella, medico, 88.

Campbell Robert, 19, 26, 36, 45, 55, 56, 57, 59, 60, 61, 63, 64, 65, 66, 67, 69, 72, 116, 126, 169, 263.

Campodonico Ambrogio, 52.

*Carenzi C.*, 224.

Carlo II, duca di Parma, già Carlo Ludovico, duca di Lucca, 28, 229, 238, 337.

Carlo III, duca di Parma, 238.

Carlo X, re di Francia, 238.

Carlo Alberto, re di Sardegna, 5, 11, 12, 14, 36, 51, 59, 87, 103, 105, 108, 120, 215, 226, 237, 257, 258, 269, 306, 324, 328, 329, 333, 337, 338.

Carlo Felice, re di Sardegna, 14, 59, 229.

Carr Dabney S., 311, 312, 314.

Cass Lewis, 104.

Cass Lewis Jr., 35, 79.

Castagnetto, Cesare Trabucco di, 328.

Cavendish-Bentinck William Charles, Lord, 56.

Cavour, Camillo Benso di, 27.

Cavour, Michele Benso di, 320.

Chappel Absalom H., 177.

Chiabrando Pietro, 166.

Child, capitano, 247.

Choate Rufus, 197.

Cimella De Andreis Benedetto, 27.

Cirargi Gregorio, 286, 287, 291, 294, 295, 300.

Clay Henry, 102, 104.

Cobden Richard, 304, 314, 315.

Collobiano, Augusto Avogadro di, 20, 21, 46, 48, 70, 83, 84, 116, 136, 142, 149.

*Colombo A.*, 241.

Corsini Neri, 239.

Costa de Beauregard Pantaleone, 230.

Crittenden John Jordan, 196.

Croat Charles, 69, 72, 73, 88.

Crosio Felicità, 229.

Cushing Caleb, 146.

Croxall Daniel C., 191, 201.

Cupertino do Amiral Antonio Giuseppe, 230.

Dana Richard Henry Jr., 189.

Dantos, cavaliere, 231.

De Buttet Eligio, 26, 27, 33, 34, 35, 124, 286.

De Ferrari Raffaele, 320.

*Degli Alberti M.*, 5, 8, 237.

Dettoni Thomas, 153.

Doria Giorgio, 327.

Dufour Wilhelm Heinrich, 216.

Dumferline, Lord, padre di Sir Ralph Abercromby, 323.

Dupré, père et fils, banchieri, 168.

Embil e Co., ditta, 322.

Emerigon Balthasar Marie, 187.

Evans George R., 196.

Everett Edward, 104, 146.

Eytange Henry, 322.

Fales Washburn, 174, 186.

Farchi e Sidi, compagnia, 290, 291, 292, 294, 295, 296, 297, 299, 300, 309.

Faria Candido Antonio de, 230.

Farini Luigi Carlo, 235.

Fay Theodore S., 222.

Ferdinando I, imperatore d'Austria, 210.

Ferdinando II, re delle due Sicilie, 237, 325.

Ferdinando VII, re di Spagna, 237.

*Ferrari V.*, 328.

Filippi Anthony, 90, 248.

Fornari Vito, 321.

*Flanders R. B.*, 99.

Forsyth John, 5, 8, 11, 13, 17, 21, 22, 23, 33, 34, 35, 36, 46, 48, 54, 57, 65, 68,

- 69, 70, 72, 73, 77, 78, 79, 85, 86, 89, 90, 116.  
 Forsyth Thomas, 96.  
 Forward Walter, 145.  
 Fossati A., 6, 27, 50, 59, 215.  
 Francesco I, imperatore d'Austria, 51.  
 Francesco IV, duca di Modena, 211, 229, 244.  
 Fuess C. M., 146.
- Gaja Giacinto, 166.  
 Galli Ferdinando, 320.  
 Gallina Stefano Agostino, 14, 15, 61, 256, 301.  
 Gamage Edward, 199, 201.  
 Gardiner David, 190.  
 Garibaldi Antonio, 7.  
 Geberson, capitano, 284.  
 Gilmer Thomas Walker, 190.  
 Gilot, ditta, 279.  
 Gioberti Vincenzo, 321, 324, 333.  
 Giorgieri Thomas von, 314.  
 Gizzi Pasquale Tommaso, 52.  
 Gonella G. B., 214.  
 Greene George Washington, 265.  
 Greenough Henry, 199.  
 Greenough Horatio, 199.  
 Gregorio XVI, pontefice, 259, 321.  
 Guglielmino E., 7, 27, 50, 51, 59, 214, 215, 240.  
 Guizot François Pierre Guillaume, 245, 247.
- Hagarty [Haggerty] James, 194.  
 Harris J. G., 213, 224, 269, 270, 271, 272, 283.  
 Harrison William Henry, 91, 145.  
 Heldewier Carolina, 241, 243.  
 Heldewier A. W., 240, 241.  
 Hohenzollern Heinrich, 264.  
 Hortis A., 328.  
 Howe Samuel Gridley, 206, 207, 208, 209, 253, 254, 255.  
 Hull Isaac, 57, 65, 69.  
 Huous L. G., 285.  
 Hussein Bey, 287, 288, 289, 294, 295, 296, 297, 298, 308, 309, 310, 316, 317, 318.  
 Jackson Andrew, 5.
- Koschkine Nicholas Alexandrovitch, 237.  
 Kennon Beverly, 190.  
 Kent James, 159.  
 Kerr William, ditta, 294, 295, 296, 298, 299, 300.  
 Knox D. W., 125.  
 Kolowrat Franz Anton, 211.
- Lackie de, ditta, 283, 285.  
 Lambert O. D., 104.  
 Lambruschini Luigi, 260.  
 Lanata Domenico, 283, 285.  
 Latane J. H., 245, 246, 247.  
 Legaré Hugh S., 96, 145, 146, 147, 148, 150, 164.  
 Leopoldo II, granduca di Toscana, 211, 240, 301, 307, 325.  
 Lester C. Edwards, 119, 120, 122, 132, 145, 169, 172, 173, 174, 186, 187, 188, 190, 191, 199, 202, 206, 208, 209, 213, 224, 232, 233, 234, 248, 253, 254, 255, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 302, 303, 313.  
 Lobo de Moira Giovanni Antonio, 231.  
 Logar Erastus Benedict, 280.  
 Loschi, avvocato, 299, 314, 316.  
 Lovera C., 8.  
 Luigi XVIII, re di Francia, 5.  
 Luigi Filippo, re dei Francesi, 238, 245, 321, 323, 333.  
 Luisa Maria, duchessa di Parma, 238.
- Machiavelli Niccolò, 181.  
 Malloy W. M., 36, 224, 225.  
 Manno A., 224, 225.  
 Maria Adelaide, regina di Sardegna, 113, 144, 227, 245, 261, 262, 325.  
 Maria Anna, imperatrice d'Austria, 210.  
 Maria Luigia, duchessa di Parma, 28, 229, 238, 239.  
 Maria Teresa, regina di Sardegna, 144.  
 Marogna Max von, 313.  
 Martens Georg Friedrich von, 159.  
 Massi Vincenzo, 52.  
 Mastellone S., 50.  
 Matira, negoziante, 89.  
 Maxey Samuel Bell, 190.  
 McCulloch J. B., 175, 185.

- McPherson John, 331.  
Merrick William D., 197.  
Merriman Richard, 174.  
Metternich Winneburg Clemens Wenzeslaus Lothar von, 210, 211, 323, 324.  
Miguel, imperatore del Brasile, 237, 238.  
Miller Hunter David, 13, 36, 195, 267, 304.  
Miller John, 119.  
Monroe James, 14.  
Montalto, Alberto Lupi di, 143, 149, 182, 303.  
Montenovesi O., 235.  
Montes Lola, 313.  
Montléart Giuseppe Massimiliano di, 229, 230.  
Mouttinho de Lima Alvares Luigi, 230.  
Morgan Charles W., 125.  
Moro N. M., 214, 217, 218, 232, 233, 274, 275, 276, 277, 279, 283, 284.  
Moscati R., 27, 50, 237.  
Muhlenberg Henry, 12, 13.  
Murray H., 175, 185.
- Nada N.*, 52.  
Napoleone, imperatore dei Francesi, 5, 229, 331.  
Nelson John, 176, 190, 191, 196.  
Nicola I, imperatore di Russia, 237, 258.  
Niles Nathaniel Jr., 5, 8, 9, 10, 11, 12, 13, 17, 19, 20, 22, 23, 25, 26, 27, 31, 33, 34, 35, 36, 44, 45, 46, 48, 53, 54, 56, 63, 118, 119, 123, 336, 339.  
Noguera Albano, 231.  
Norris Richard, 228.  
Norris William, 228.
- O'Connel Daniel, 312.  
Olga, regina del Wurtemberg, 237.  
Ombrosi James, 199, 201.  
Oscanyan [Oscanian] C., 259, 263, 264, 268, 286, 287, 288, 289, 290, 291, 292, 293, 295, 296, 297, 298, 299, 300, 308, 309, 311, 314, 316, 317, 318, 319.
- Pacca Tiberio, 27.  
Pakenham [Packingham] Richard, 245, 247.  
Paolucci Amilcare, 57.
- Papper [Pepper] T., 217, 218, 275, 278, 281.  
Pareto Lorenzo, 257, 299.  
Parris A. R., 96.  
Passerier C., 110, 114.  
Paty, capitano, 59, 63.  
Peel Robert, 245.  
Percio E., banchieri, 88.  
Pescatore I. P., 63, 67.  
Petitti Carlo Ilarione, 214.  
Perrero D., 230.  
Pezzano Giacomo, 108.  
Piciotto Mongredin, ditta, 290, 291, 292, 293, 294, 297, 298, 309, 316.  
Pio IX, pontefice, 269, 307, 323, 324, 325, 329.  
Piola Caselli Luigi, 241.  
Pitkin Timothy, 72.  
Pleasanton S., 92, 96.  
Polk James K., 242, 326.  
Polk William H., 274, 314.  
Powers Hiram, 199, 275, 281.  
Prato G., 6, 27, 214, 215.  
Prentice, editore, 181.  
Prezzolini G., 216.  
Puffendorff [Pufendorf] Samuel de, 159.
- Quarelli Celestino G., 63, 283.
- Radetzky Johann Joseph von, 211.  
Raggi Gian Battista, 327.  
Ramirez Vincenzo, 50.  
Redern Heinrich Alexander von, 230.  
Reed Robert, 279, 280.  
Reeves J. S., 104.  
Reor William, 290, 291, 292.  
Rich Obadiah, 103, 107.  
Richardson James D., 14, 104, 107, 146, 215, 243.  
Rinieri I., 8.  
Rodolico N., 6, 28, 51, 230.  
Rogers Henry Gold, 47, 53, 75, 77, 78, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 96, 100, 108, 109, 110, 160.  
Rogers [Rodgers] John, 125.  
Romanov Helena, 236, 237.  
Rosselli N., 50.  
Rossi Ilarione, 240.  
Rothschild, banchieri, 86, 88, 95, 112, 320.



- Rothschild Anton Mayer, 53.  
 Rothschild James, 53.  
 Rothschild Karl, 53.  
 Rothschild Meyer, 53.  
 Rothschild Nathan, 53.  
 Rothschild Solomon, 53.  
 Rush Richard, 335.  
 Rutherford Thomas, 159.  
  
 Sales Paolo Francesco, 262.  
 Saluzzo di Monesiglio Alessandro, 262.  
 Sambuy, *vedi* Balbo Bertone.  
 Sasserno Vittorio Adolfo, 87, 91.  
 Sassonia Coburgo Gotha Albert, principe consorte, 101.  
 Sassonia Coburgo Gotha Albert Edward, principe di Galles, 101.  
 Savoia Giuseppina, contessa di Provenza, 229.  
 Savoia Oddone, duca del Monferrato, 262.  
 Savoia Aosta Amedeo Ferdinando, 266.  
 Savoia Carignano Carlo Emanuele, 229.  
 Savoia Carignano Eugenio, 229, 237, 238.  
 Savoia Carignano Maria Cristina Albertina, 229, 230.  
 Savoia Genova Ferdinando, 226, 229, 238, 245.  
 Schamyl, 328.  
 Schmidlin J., 237.  
 Schwarzenberg Karl von, 258, 325.  
 Seybert A., 72.  
 Shannon Wilson, 212.  
 Sherwood Ino L., 102.  
 Siegwart-Müller, 216.  
 Silliman Benjamin, 102.  
 Silvester William, 279.  
 Smith Joseph S., 222, 224, 225, 276.  
 Smith, signora, 281.  
 Solaro della Margarita Clemente, 8, 9, 10, 13, 17, 20, 21, 22, 23, 26, 27, 31, 33, 34, 35, 36, 44, 45, 47, 49, 57, 58, 59, 60, 61, 63, 65, 66, 67, 82, 85, 86, 93, 116, 124, 125, 127, 129, 131, 132, 133, 138, 150, 159, 160, 171, 183, 186, 193, 198, 200, 202, 203, 204, 205, 206, 211, 216, 225, 226, 236, 248, 249, 250, 251, 252, 256, 258, 261, 263, 264, 285, 286, 290, 301, 311, 313, 321, 325, 327, 328, 330, 331.  
 Sparks J. E., 157, 185.  
 Sprague Horatio Jones, 87.  
 Spreti V., 63.  
 Stock L. F., 215, 260, 265.  
 Story Joseph, 159.  
 Strobel F., 216.  
 Stubbs Edward, 96.  
 Synes, capitano, 183.  
  
 Tallmadge Nathaniel Pitcher, 102.  
 Teixeira de Macedo Sergio, 230.  
 Thayer W. R., 330, 331.  
 Thayer Sylvanus, 227.  
 Thompson William, 279.  
 Thoret [?], 247, 248, 274, 275, 276, 278, 281, 283.  
 Tom-Have Ernesto, 231.  
 Trist Nicholas P., 96.  
 Troplong Raymond Théodore, 159.  
 Tuckerman H. T., 199.  
 Tyler John, 104, 105, 106, 145, 146, 190, 198, 215, 227.  
  
 Ullery J. G., 5.  
 Upshur Abel P., 96, 148, 149, 150, 160, 162, 164, 166, 177, 181, 182, 183, 184, 186, 190, 191, 194, 196.  
  
 Valin René J., 187.  
 Van Buren Martin, 5, 21, 36, 46, 68.  
 Van Buren, signora, 69.  
 Vattell Emmerich de, 159, 175, 185, 189.  
 Vespucci Amerigo, 274, 283.  
 Villamarina, Emanuele Pes di, 14, 15, 16, 227, 261, 330, 333.  
 Villermé L. R., 8.  
 Vincenzi C., 328.  
 Vittoria, regina di Gran Bretagna e Irlanda, 101.  
 Vittorio Emanuele II, re di Sardegna, 113, 115, 237.  
  
 Ward Giulia, 206.  
 Webster C., 30.  
 Webster Daniel, 89, 90, 91, 92, 93, 94, 96, 99, 100, 101, 103, 105, 108, 109, 112, 114, 117, 118, 119, 120, 122, 123, 124, 128, 140, 143, 145, 146.  
 Wheaton Henry, 104, 175, 185, 189.

Wickliffe Robert Jr., 164, 165, 167, 180,  
 181, 182, 183, 184, 186, 190, 191, 193, 195,  
 196, 198, 200, 202, 206, 210, 212, 213,  
 214, 216, 217, 218, 221, 222, 224, 225,  
 226, 229, 231, 232, 233, 234, 236, 238,  
 240, 243, 244, 245, 247, 248, 255, 257,  
 258, 259, 260, 261, 263, 266, 267, 269,  
 271, 276, 277, 279, 283, 284, 285, 286,  
 290, 292, 293, 301, 302, 303, 306, 308,  
 312, 314, 320, 322, 324, 326, 327, 329,  
 330, 331, 332, 333, 334, 335, 336, 338.

Wickliffe, signora, 339.  
 Wilkins William, 227.  
 Wilson G. G., 189.  
 Winthrop Robert Charles, 246.  
 Wise H. A., 104.  
 Woodbury Levi, 197.  
 Wootten John, 172, 186.  
 Wriston H. M., 5, 12.  
 Zucchi M., 14.

## I N D I C E

<i>Premessa</i>	. . . . .	V
<i>Prefazione</i>	. . . . .	IX

### RAPPORTI

#### *Nathaniel Niles*

1838

Niles a John Forsyth, Vienna, 18 febbraio	. . . . .	5
Conte di Sambuy a Niles, Vienna, 13 febbraio	. . . . .	8
Conte Solaro della Margarita al Conte di Sambuy, Torino 1 febbraio	. . . . .	9
Conte Solaro della Margarita al Conte di Sambuy, Torino, 3 febbraio	. . . . .	10
Niles al Conte di Sambuy, Vienna, 16 febbraio	. . . . .	11
Forsyth a Niles, Washington, 2 maggio	. . . . .	11
Niles a Forsyth, Torino, 26 settembre	. . . . .	13
Niles a Forsyth, Torino, 8 ottobre	. . . . .	17
Conte Solaro della Margarita a Niles, Torino, 29 settembre	. . . . .	20
Niles a Forsyth, Torino, 11 ottobre	. . . . .	22
Conte Solaro della Margarita a Niles, Torino, 10 ottobre	. . . . .	22
Niles a Forsyth, Torino, 1 dicembre	. . . . .	23
Niles al Conte Solaro della Margarita, Torino, 5 novembre	. . . . .	31
Conte Solaro della Margarita a Niles, Genova, 10 novembre	. . . . .	33
Conte Solaro della Margarita a Niles, Genova, 17 novembre	. . . . .	34
Niles a Forsyth, Torino, 5 dicembre	. . . . .	35
Trattato di commercio e di navigazione fra gli Stati Uniti d'America e il Regno di Sardegna, Genova, 26 novembre	. . . . .	36
Robert Campbell al Segretario di Stato, Genova, 20 dicembre	. . . . .	45

1839

Forsyth ad Abraham Van Buren, Washington, 18 aprile	. . . . .	46
Niles a Forsyth, Torino, 14 maggio	. . . . .	48
Niles a Forsyth, Parigi, 29 luglio	. . . . .	54
Campbell al Segretario di Stato, Genova, 31 luglio	. . . . .	55
Campbell a Forsyth, Genova, 2 novembre	. . . . .	57
Conte Solaro della Margarita a Campbell, Torino, 7 settembre	. . . . .	59
Conte Solaro della Margarita a Campbell, Torino, 13 settembre	. . . . .	60

Conte Solaro della Margarita a Campbell, Torino, 19 ottobre . . .	61
Campbell al Conte Solaro della Margarita, Genova, 26 ottobre . .	63
Lista degli articoli soggetti a tariffa differenziale negli Stati Uniti che pagano un terzo meno di tassa se importati da navi sarde . . .	64
Campbell a Forsyth, Genova, 14 dicembre . . . . .	65
Conte Solaro della Margarita a Campbell, Genova, 13 novembre . .	66
Campbell al Conte Solaro della Margarita, Genova, 26 novembre . .	67
Abraham Van Buren a Forsyth, Washington, 29 novembre . . .	68

#### 1840

Croat a Forsyth, Genova, 15 maggio . . . . .	69
Conte di Collobiano a Forsyth, Washington, 6 giugno . . . . .	70
Memorandum . . . . .	70
Croat a Forsyth, Genova, 10 luglio . . . . .	72

#### 1841

Croat a Forsyth, Genova, 10 gennaio . . . . .	73
-----------------------------------------------	----

### *Henry Gold Rogers*

#### 1840

Forsyth a Rogers, Washington, 5 giugno . . . . .	77
Forsyth a Rogers, Washington, 9 giugno . . . . .	78
Forsyth a Rogers, Washington, 6 giugno . . . . .	79
Rogers a Forsyth, Torino, 17 settembre . . . . .	85
Rogers al Conte Solaro della Margarita, Torino, 23 settembre . . .	85
Rogers a Bailey, Torino, 25 settembre . . . . .	86
Rogers a Forsyth, Torino, 4 ottobre . . . . .	86
Rogers a Sasserno, Torino, 5 novembre . . . . .	87
Sasserno a Rogers, Nizza, 9 novembre . . . . .	87

#### 1841

Rogers a Bailey, Parigi, 21 gennaio . . . . .	88
Rogers a Forsyth, Londra, 2 marzo . . . . .	89
Webster a Rogers, Washington, 7 giugno . . . . .	90
Rogers a Webster, Torino, 17 giugno . . . . .	90
Rogers a Webster, Torino, 9 luglio . . . . .	91
Webster a Rogers, Washington, 21 agosto . . . . .	92
Rogers al Conte Solaro della Margarita, Torino, 22 novembre . . .	93
Rogers a Webster, Genova, 26 novembre . . . . .	93
Rogers a Webster, Genova, 1 dicembre . . . . .	94
Catalogo dei libri appartenenti alla biblioteca della legazione degli Stati Uniti a Torino . . . . .	95

Rogers a Webster, Londra, 18 giugno . . . . .	96
-----------------------------------------------	----

*Ambrose Baber*

## 1842

Webster a Baber, Washington, 21 agosto, . . . . .	99
Baber a Webster, Londra, 16 novembre . . . . .	100
Baber a Webster, Parigi, 30 novembre . . . . .	101
Baber a Webster, Parigi, 13 dicembre . . . . .	103
Webster a Baber, Washington, 29 dicembre . . . . .	105
Baber a Tyler, Torino, 12 gennaio . . . . .	105
Baber a Webster, Torino, 13 gennaio . . . . .	108
Baber a Webster, Torino, 10 febbraio . . . . .	109
Baber a Webster, Torino, 10 marzo . . . . .	112
Baber a Webster, Torino, 26 aprile . . . . .	114
Baber al Conte Solaro della Margarita, Torino, 6 aprile . . . . .	116
Webster a Baber, Washington, 18 giugno . . . . .	117
Baber a Webster, Torino, 10 luglio . . . . .	117
Baber a Webster, Torino, 21 luglio . . . . .	118
Webster a Baber, Washington, 18 agosto . . . . .	119
Baber a Webster, Torino, senza data . . . . .	120
Baber a Webster, Torino, 10 ottobre . . . . .	122
Baber a Webster, Torino, 26 ottobre . . . . .	123
Baber a Webster, Torino, 10 dicembre . . . . .	124
Baber al Conte Solaro della Margarita, Torino, 8 novembre . . . . .	127

## 1843

Baber a Webster, Genova, 10 gennaio . . . . .	128
Conte Solaro della Margarita a Baber, Torino, 20 dicembre 1842 . . . . .	129
Lista dei prodotti sui quali grava un dazio di importazione negli Stati Uniti tale da danneggiare le relazioni economiche con gli Stati sardi . . . . .	131
Baber al Conte Solaro della Margarita, Torino, 21 dicembre 1842 . . . . .	131
Conte Solaro della Margarita a Baber, Torino, 7 gennaio . . . . .	132
Baber al Conte Solaro della Margarita, Genova, 9 gennaio . . . . .	133
Baber al Conte Solaro della Margarita, Torino, 16 gennaio . . . . .	138
Baber a Webster, Torino, 26 febbraio . . . . .	140
Baber a Webster, Torino, 24 aprile . . . . .	143
Baber a Walter Forward, Torino, 4 aprile . . . . .	145
Legaré a Baber, Washington, 17 maggio . . . . .	145
Baber a Legaré, Torino, 7 giugno . . . . .	146
Baber a Legaré, Torino, 8 luglio . . . . .	147
Baber a Upshur, Torino, 2 agosto . . . . .	148
Baber a Upshur, Torino, 13 settembre . . . . .	149
Baber a Upshur, Torino, 18 settembre . . . . .	150
Baber a Upshur, Torino, 25 settembre . . . . .	160

Baber a Upshur, Torino, 9 ottobre . . . . .	162
Upshur a Baber, Washington, 11 ottobre . . . . .	164
Baber a Upshur, Torino, 20 ottobre . . . . .	166

#### 1844

Baber a Upshur, Torino, gennaio . . . . .	166
Lester al Presidente del Tribunale del Commercio, Genova, senza data	169
Baber al Conte Solaro della Margarita, Torino, 14 ottobre 1843 .	171
Lester a Baber, Genova, 15 dicembre 1843 . . . . .	172
Affidavit di J. Wootten, Genova, 26 luglio 1843 . . . . .	172
Affidavit di Lester, Genova, 15 dicembre 1843 . . . . .	173
Affidavit di Lester, Genova, 15 dicembre 1843 . . . . .	174
Nota dei libri e di altri oggetti della Legazione degli Stati Uniti a Torino . . . . .	175
Baber a Nelson, New York, 14 gennaio . . . . .	176
Baber a Calhoun, Washington, 24 marzo . . . . .	176

#### *Robert Wickliffe, Jr.*

#### 1843

Upshur a Wickliffe, Washington, 25 settembre . . . . .	181
Wickliffe a Upshur, Lexington, Ky., 3 ottobre . . . . .	181
Upshur a Wickliffe, Washington, 19 ottobre . . . . .	182

#### 1844

Wickliffe a Upshur, Torino, 25 gennaio . . . . .	183
Wickliffe a Upshur, Torino, 17 febbraio . . . . .	184
Wickliffe a Upshur, Torino, 17 marzo . . . . .	186
Wickliffe al Segretario di Stato, Torino, 19 marzo . . . . .	190
Wickliffe al Segretario di Stato, Torino, 21 marzo . . . . .	191
Wickliffe al Segretario di Stato, Torino, 30 marzo . . . . .	193
Wickliffe al Segretario di Stato, Torino, 10 aprile . . . . .	195
Wickliffe a Calhoun, Torino, 15 giugno . . . . .	195
Calhoun a Wickliffe, Washington, 17 giugno . . . . .	196
Wickliffe a Calhoun, Torino, 15 settembre . . . . .	198
Wickliffe a Calhoun, Torino, 25 settembre . . . . .	200
Wickliffe al Conte Solaro della Margarita, Torino, 18 settembre .	202
Wickliffe a Calhoun, Torino, 30 settembre . . . . .	206
Wickliffe a Calhoun, Torino, 6 ottobre . . . . .	210
Calhoun a Wickliffe, Washington, 15 novembre . . . . .	212

#### 1845

Wickliffe a Calhoun, Torino, 25 gennaio . . . . .	213
Wickliffe a Calhoun, Torino, 1 marzo . . . . .	214
Wickliffe a Calhoun, Torino, 10 marzo . . . . .	216

Wickliffe a Calhoun, Torino, 12 aprile . . . . .	217
Moro a Wickliffe, Genova, 5 aprile . . . . .	217
Wickliffe a Moro, Torino, 7 aprile . . . . .	218
Wickliffe a Calhoun, Torino, 5 maggio . . . . .	221
Wickliffe a Buchanan, Torino, 25 maggio . . . . .	225
Wickliffe al Commodoro Smith, Torino, 25 maggio . . . . .	226
Wickliffe a Buchanan, Torino, 9 giugno . . . . .	226
Wickliffe a Buchanan, Torino, 4 luglio . . . . .	227
Wickliffe a Buchanan, Torino, 20 luglio . . . . .	229
Wickliffe a Buchanan, Torino, 8 settembre . . . . .	231
Moro a Wickliffe, Genova, 5 settembre . . . . .	232
Wickliffe a Moro, Torino, 8 settembre . . . . .	233
Wickliffe a Buchanan, Torino, 3 ottobre . . . . .	234
Wickliffe a Buchanan, Torino, 25 ottobre . . . . .	236
Wickliffe a Buchanan, Torino, 9 novembre . . . . .	238
Wickliffe a Buchanan, Torino, 24 dicembre . . . . .	240

## 1846

Wickliffe a Buchanan, Torino, 13 gennaio . . . . .	243
Wickliffe a Buchanan, Torino, 25 gennaio . . . . .	244
Wickliffe a Buchanan, Torino, 12 febbraio . . . . .	245
Wickliffe a Buchanan, Torino, 24 febbraio . . . . .	247
Wickliffe a Buchanan, Torino, 20 marzo . . . . .	248
Wickliffe al Conte Solaro della Margarita, Torino, 5 marzo . . . . .	248
Wickliffe a Buchanan, Torino, 20 aprile . . . . .	253
Wickliffe a Buchanan, Torino, 15 maggio . . . . .	255
Wickliffe a Buchanan, Torino, 25 maggio . . . . .	257
Buchanan a Wickliffe, Washington, 1 giugno . . . . .	258
Wickliffe a Buchanan, Torino, 4 giugno . . . . .	259
Wickliffe a Buchanan, Torino, 17 giugno . . . . .	260
Wickliffe a Buchanan, Torino, 15 luglio . . . . .	261
Wickliffe a Buchanan, Torino, 10 agosto . . . . .	263
Buchanan a Wickliffe, Washington, 24 agosto . . . . .	266
Wickliffe a Buchanan, Torino, 25 agosto . . . . .	266
Wickliffe a Buchanan, Torino, 21 settembre . . . . .	267
Wickliffe a Buchanan, Torino, 22 settembre . . . . .	267
Buchanan a Wickliffe, Washington, 29 settembre . . . . .	269
Wickliffe a Buchanan, Torino, 26 ottobre . . . . .	271
Dichiarazione di Wickliffe, Torino, 26 ottobre . . . . .	276
Wickliffe a Moro, Torino, 29 settembre . . . . .	277
Moro a Wickliffe, [Genova, ottobre] . . . . .	279
Wickliffe a Buchanan, Torino, 10 novembre . . . . .	283
Moro a Wickliffe, Genova, 30 ottobre . . . . .	284
Domenico Lanata a de Lackie, Genova, 11 gennaio, 18 marzo 1844 . . . . .	285
Conte Solaro della Margarita a Wickliffe, Torino, 16 novembre . . . . .	285
Wickliffe a Buchanan, Torino, 20 novembre . . . . .	286
Conte Solaro della Margarita a Wickliffe, Torino, 28 ottobre . . . . .	290

Rapporto sulla vertenza tra il suddito americano Oscanyan ed il sud- dito sardo Berzolese . . . . .	293
Testo del contratto . . . . .	300
Wickliffe a Buchanan, Torino, 10 dicembre . . . . .	301

#### 1847

Wickliffe a Buchanan, Torino, 10 gennaio . . . . .	303
Wickliffe a Buchanan, Torino, 20 gennaio . . . . .	304
Wickliffe a Buchanan, Torino, 20 marzo . . . . .	306
Buchanan a Wickliffe, Washington, 27 aprile . . . . .	308
Wickliffe a Buchanan, Torino, 17 maggio . . . . .	312
Wickliffe a Buchanan, Torino, 31 maggio . . . . .	314
Dichiarazione di Loschi, avvocato di Oscanyan a Costantinopoli, 26 di- cembre 1846 . . . . .	316
Wickliffe a Buchanan, Torino, 15 luglio . . . . .	320
Buchanan a Wickliffe, Washington, 3 agosto . . . . .	322
Wickliffe a Buchanan, Torino, 10 agosto . . . . .	322
Wickliffe a Buchanan, Torino, 7 settembre . . . . .	322
Wickliffe a Buchanan, Torino, 11 settembre . . . . .	324
Buchanan a Wickliffe, Washington, 13 settembre . . . . .	326
Wickliffe a Buchanan, Torino, 27 settembre . . . . .	327
Wickliffe a Buchanan, Torino, 10 ottobre . . . . .	329
Wickliffe a Buchanan, Torino, 12 ottobre . . . . .	330
Wickliffe a Buchanan, Torino, 20 ottobre . . . . .	331
Wickliffe a Buchanan, Torino, 8 novembre . . . . .	332
Wickliffe a Buchanan, Torino, 9 novembre . . . . .	334
Buchanan a Wickliffe, Washington, 11 novembre . . . . .	334
Wickliffe a Buchanan, Parigi, 31 dicembre . . . . .	335

#### 1848

Buchanan a Wickliffe, Washington, 12 gennaio . . . . .	336
Wickliffe a Buchanan, Parigi, 29 marzo . . . . .	336
Wickliffe a Buchanan, Aix-la-Chapelle, 6 maggio . . . . .	338
<i>Indice dei nomi</i> . . . . .	331













