THE SLAVE TRADE QUESTION IN ANGLO-FRENCH DIPLOMACY, 1830-1845

THESIS

Presented to the Graduate Council of the North Texas State University in Partial Fulfillment of the Requirements for the Degree of

MASTER OF ARTS

By

Ronnie P. Wood, B.A.
Denton, Texas
August, 1983
This thesis concludes that (1) Immediately following the July Revolution, the Paris government refused to concede the right of search to British commanders. (2) Due to France's isolation in 1831-1833, she sought British support by negotiating the conventions of 1831 and 1833. (3) In response to Palmerston's insistence and to preserve France's influence Sebastiani signed the protocol of a five-power accord to suppress the slave trade. Guizot accepted the Quintuple Treaty to facilitate an Anglo-French rapprochement. (4) Opposition encouraged by the Webster-Ashburton Treaty, however, forced Guizot to repudiate this new agreement. (5) As a concession to Guizot, Aberdeen dropped the demand for a mutual right of search and negotiated the Convention of 1845, establishing a system of joint-cruising.
PREFACE

The transatlantic slave trade and the movement to abolish it have long been the subject of historical narratives. Too often, however, the humanitarian idealism behind the abolitionist movement has distorted the authors' presentations. But times have changed, and one hopes that historians now can give a more judicious interpretation of slavery, the slave trade, and the abolitionist movement. The most recent scholarship has demolished many of the myths of the eighteenth century slave trade. But many aspects of the diplomatic attempts to suppress the slave trade remain unclear. This thesis examines a specific question within the context of the entire diplomacy of the July Monarchy and reassesses the impact of the Slave Trade Question in Anglo-French Diplomacy during the first fifteen years of Louis-Philippe's reign.

During the nineteenth century, the movement to abolish the African slave trade affected the foreign relations and domestic politics of the Western Christian nations. Great Britain, motivated by humanitarian idealism, evangelical zeal, and economic self-interest, soon became the champion of the abolitionists. Beginning in 1810, British statesmen undertook a massive campaign to win international sanction of their position, but realizing that the black traffic would continue so long as slavery existed, they tried to
obtain a general condemnation of this commerce and to reduce the number of slaves transported to the New World. To accomplish the latter goal, the British Royal Navy adopted the celebrated right of search and seizure, the same practice that had served British interests so well during the Napoleonic Wars. British commanders simply expanded the list of contraband to include slaves.

A measure accepted by nations during wartime, however, is often contrary to international law during peacetime; the London cabinet, therefore, attempted in 1814 to convince other nations to concede the right of search to British Men-of-War. Most European nations at first refused this overture, but persistent efforts convinced several countries to agree to the concession. By 1830, Great Britain had compelled Spain and Portugal, the two kingdoms most involved in the slave trade, to accept a limited right of search. France and the United States, however, continually frustrated British efforts, for both governments regarded the search and seizure of ships sailing under their national flags as an affront to their national honor and a violation of the principle of the freedom of the seas. To yield to this demand would be to forfeit national sovereignty.

French and American policy on this issue is important, for next to Britain, these nations were the two greatest maritime powers in the world. Continued participation in
the slave trade by French and American merchants thus represented serious opposition to the British crusade; to overcome it, the London government expended a tremendous amount of time, energy, and money.

Most historians interested in the illicit traffic and its suppression have approached it from the British perspective. Several older studies have narrated the "glorious" efforts of British diplomats and sailors, but their authors, immersed in the humanitarian idealism of the crusade, usually have ignored the vital interests of other nations involved in the controversy. A few monographs which adequately explain the Anglo-American diplomacy on this question do exist, and several historians have examined the early French reaction to British demands, but few scholars have investigated the Anglo-French debate during the era of the Orleanist Monarchy. This neglect is unfortunate, for it was precisely during this period that England almost accomplished her goal: an effective international method for the suppression of the slave trade.

But why did Britain ultimately fail? What was France's attitude toward the slave trade, and why did the Paris government in 1831 reverse its traditional policy toward the right of search, but refuse to expand this concession from 1836 to 1840? Did the Webster-Ashburton Treaty of 1842 cause French policy to change? Answers to these questions will provide a new interpretation of the Slave
Trade Question in Anglo-French relations and French politics during the reign of Louis-Philippe. A reappraisal of French rejection of the Quintuple Treaty and the impact of American foreign policy on this decision is needed; indeed, it is overdue.

This thesis would not have been possible without the generous support of Rotary International, which, through its graduate fellowship program, allowed me to live and study in French for one year. The archives of the French foreign ministry were extremely useful, and employees at both the Bibliotheque nationale and Quai d'Orsay were very helpful. Other primary sources which shed light on the subject were Guizot's Mémoires, the Department of State "Despatches from United States to France," the like volumes from American ministers to Great Britain, Le Moniteur Universel, the Journal des Débats, Le National, and The Times (London). The British Foreign and State Papers outline the official British position. It was supplemented by the Parliamentary Debates and The Correspondence of Lord Aberdeen and Princess Lieven, 1832-1854. But more research in the British archives is needed before one can reassess completely British policy.
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A late comer to the slave trade, France's participation in the black commerce was marginal until the eighteenth century. The Dutch in 1836 brought the first blacks to Guadeloupe, and six years later, Louis XIII formally authorized their procurement for the French West Indies. Despite the Crown's efforts to increase France's involvement in this traffic, the Dutch controlled the trade until the end of the century. French merchants, however, did increase their share of the slave market, and by 1700 they had extended their legitimate commerce and begun to challenge the British in the New World.¹

In the eighteenth century, due to the Anglo-French struggle for empire and commercial supremacy, France emerged as a slaving nation. French sugar production threatened that of the British West Indies, thereby creating one of the grievances which led to the War for American Independence. The demand for more sugar increased slave importation. In the eighteenth century, the slave population of the French West Indies exploded: "in Marinique from 14,600 in 1700 to 55,700 in 1736/ in Guadeloupe from 6,700 in 1700 to 33,400 in 1739/ in Saint-Domingue (Haiti) from 2,000 in 1681 to an
astonishing 117,411 in 1739." Not all of these slaves, of course, were carried by French ships, for they were too few to supply the demand. But in the eighteenth century, France became the third most important slaving nation, behind Britain and Portugal. Her involvement in the slave trade, however, fluctuated with her military successes and defeats, but from 1783-1792, the French slave traders experienced their golden (blackest) years as annual exports from Africa averaged 40,000. This commerce and West Indian sugar exports became more important to the French economy proportionally.²

Despite this growth and profitable connection, the slave trade and slavery had enemies in France, but French abolitionism, unlike its British counterpart, was neither evangelical nor popular. Too many Frenchmen viewed slavery from the perspective of the Anglo-French imperial rivalry, and French Anglophobia won out every time. By 1760, Montesquieu and other philosophes had attacked slavery, arguing that it violated natural law. But even these reformers opposed immediate abolition, for such action, they thought, would injure both colonies and the blacks. In 1788, Jean P. Brissot de Warville, at the behest of British Quakers, founded the Société des Amis de Noirs, whose membership included such influential Frenchmen as Marie-Joseph Du Mortier, Marquis de Lafayette, Gabriel Comte de Mirabeau, and the Marquis Antoine-Nicolas de
Condorcet. Like their precursors, the Amis preferred gradual abolition, but hoped to secure immediate suppression of the slave trade. The revolutionary outburst of 1789 raised the hopes of the Amis, but their association with British Quakers hindered their cause. Merchants and artisans of the port cities, distrustful of the Amis and their English connection, declared that colonial trade was indispensable to French prosperity and that England hoped to undermine French commerce by inciting slaves to rebel and suppressing the slave trade. Before 1792, French Abolitionism had too few supporters, but after the outbreak of the revolutionary wars, the Paris government seriously considered the abolition of slavery. 3

Differences over the implementation of democratic ideals, nonetheless, created anxiety within the colonies. Free blacks and mulattoes wanted the right to vote and hold office, but White colons resisted every concession and occasionally resorted to violence. The vacillation of the National Constituent Assembly worsened the situation, and on the night of 22 August 1791, a slave insurrection broke out in St. Domingue. Preoccupied with domestic problems, revolutionary France failed to act decisively, and the revolt gained momentum. The new Legislative Assembly dispatched six thousand troops to the island, but their arrival angered French planters, who feared Jacobinism and black equality. Loyal to the ancien régime, they
collaborated first with the invading Spanish, then with the English. Confronted by this formidable coalition, Léger-Félicité Sonthonax, the most influential of the three commissioners sent to St. Domingue by the Legislative Assembly, considered his options: defeat and independence or freedom for the slaves. On 29 August 1793, he emancipated the slaves. Hoping to keep the colony, the National Convention on 4 February 1794 endorsed universal emancipation, but the declaration came too late. The British blockade had ended the slave trade, and "in St. Domingue the blacks had gone far toward freeing themselves and had proved that they alone could save the colonies from English conquest."

While the war raged in Europe, blacks, led by Toussaint L'Overture in St. Domingue and Victor Hugues in Guadeloupe, established their control, but nominally remained loyal to France. Napoleon Bonaparte, who had become First Consul after the coup d'état of the 18th Brumaire (9 November 1799), soon challenged the islands' autonomous status. After the Peace of Amiens (25 March 1802), Napoleon, hoping to regain France's lost empire in the Western Hemisphere, dispatched an invasion force of twenty thousand men to the Caribbean. In May 1802, he reinstituted slavery and the slave trade. His troops quickly overwhelmed Hugues' army, but Toussaint L'Overture presented a more difficult problem. His loyalty, faith in compromise, and trust in French honor, led to his
capture, but the fighting continued. Successful guerrilla tactics and yellow fever repelled the French invasion; on 31 December 1803, black leaders proclaimed their independence and established the Republic of Haiti. Napoleon's ambition to restore the French empire in the New World had been defeated, but slavery was reestablished in Martinique and Guadeloupe and continued to exist in these colonies until 1848.5

By reinstituting the slave trade, France was out-of-step with the rest of the Western World. In March 1792 Denmark had forbidden her subjects to participate in the slave trade after 1 January 1803. The United States and Great Britain, within three weeks of each other (2 and 25 March 1807), passed laws prohibiting the black commerce. Enforcement of these statutes in the long-run was difficult, but during the Napoleonic Wars and the Anglo-American conflict of 1812-1815, the British Navy prevented British, French, and American participation in the "infamous" traffic. The slave trade, nonetheless, continued; slavers simply flew the flags of Spain and Portugal. To discourage this practice, Britain strengthened domestic penalties and in 1810, began a systematic campaign to secure international approval of the right of search and seizure, as the most effective means of suppressing the slave trade.6

In March 1813 and January 1814, Britain concluded treaties with Sweden and Denmark for the suppression of
the black traffic. Sweden, in return for Guadeloupe, agreed to abolish the slave trade, while Denmark agreed to a limited right-of-search treaty. British diplomats also opened negotiations with Spanish and Portuguese representatives, but these efforts accomplished nothing. British abolitionists, however, focused on France, for Napoleon's defeat appeared imminent by March 1814; perhaps France would abolish the slave trade in return for her lost colonies. But vibrant nationalism and Anglophobia frustrated this démarche.  

The radical phase of the French Revolution and the revolt of St. Dominque had discredited abolitionism in France, and after the fall of Napoleon's empire, French merchants resumed the traffic in blacks, which they considered indispensable to colonial prosperity and their own welfare. France, moreover, still hoped to reconquer Haiti, and due to the British blockade, other Caribbean islands now needed to import slaves. France, of course, distrusted British motives to the abolitionist crusade. After forbidding participation in the slave trade to her own subjects, Britain, French patriots argued, wanted to prevent this profitable commerce from falling into the hands of her competitors. French nationalists again viewed the slave-trade question within the contest of Anglo-French rivalry and argued that abolitionism would harm French commercial interests.
French statesmen, however, realized "that the restoration of their colonies was unlikely unless France agreed to abolition." By the first Treaty of Paris (30 May 1814), therefore, she concurred in denouncing the slave trade as "repugnant" and thereby regained her colonies plus a five-year grace period in which her merchants would be free to export slaves to the Caribbean islands. In return, French diplomats agreed to support a declaration condemning the slave trade at the forthcoming Congress of Vienna. This solution horrified British abolitionists, who demanded immediate abolition. In Vienna, Robert Stewart, Viscount Castlereagh, the British foreign secretary, tried to convince Prince Charles Maurice de Talleyrand-Périgord, the French foreign minister, to restrict French slave trading to the southwestern coast of Africa, concede a mutual right of search and seizure, and to invoke a commercial boycott against any nation which did not "abide by an international code regulating the slave trade." 9

Talleyrand and the Paris government resisted all these overtures, which only made Englishmen and abolitionists more unpopular in France. The foreign minister, however, understood the importance that Britain attached to the slave-trade question and hoped to use this issue to France's advantage. In a superficial attempt to win Castlereagh's support for French policy in Naples, Talleyrand suggested the Great Powers create a commission to study the slave-trade question.
The British minister could hardly refuse, but the committee's only achievement "was the pious, but ineffectual, Protocol of February 8, 1815," a simple declaration condemning the slave trade which became Article XV of the Final Act to the Treaty of Vienna. In addition to this condemnation, France agreed to restrict French slave trading to an area south of Cape Palmas, but she bluntly refused further concessions.

After returning from Elba in March 1815, Napoleon tried to placate Britain by promising on the 29th the total abolition of the French slave trade. The ploy, however, failed, due to the great fear the allies had of the "Corsican ogre." Defeated at Waterloo, he was exiled to St. Helena, where he died on 5 May 1821. Napoleon's declaration, nonetheless, aided the abolitionist cause, for his return to France had scrapped the First Treaty of Paris. Britain now demanded that France abide by the Emperor's decree, and this time, Austria, Prussia, and Russia supported her. This unity compelled France to reconsider her opposition to abolition; on 30 July 1815, Talleyrand informed the allies that Louis XVIII had issued an ordinance prohibiting participation in the slave trade by French subjects. An additional article to the Second Treaty of Paris (20 November 1815) confirmed this action and declared that Britain and France:

having, each in their respective dominions, prohibited, without restriction, their colonies and subjects from taking any part whatever in this [slave] traffic, engage to renew conjointly their efforts, with the view of securing final
success to the principles proclaimed in the declaration of February 8, 1815, and of concerting without loss of time, through their ministers at the Courts of London and Paris, the most effectual measures for the entire and definitive abolition of a commerce so odious and so strongly condemned by the laws of religion and of nature.11

Thus after Waterloo, France abolished the slave trade, but enforcement of her treaty obligations was another matter.12

At Vienna, Britain had hoped to win international condemnation of the slave trade and approval of the right of search as the most effectual method of suppressing it. She secured a vague declaration condemning the traffic, but failed to obtain the means necessary to implement the agreement. During the Congress Era, British diplomats repeatedly argued for international approval of the right of search. At the Congress of Aix-la-Chapelle (1818), Castlereagh urged the continental powers to give substance to their Vienna declaration by accepting the right-of-search principle. But France, Austria, Prussia, and Russia again rejected the British proposal. Minor powers, however, proved more receptive to British overtures, and by 1818 Castlereagh had concluded treaties with Portugal (1817), Spain (1817), and the Netherlands (1818), establishing a qualified and limited right of search. Arthur Wellesley, Duke of Wellington, reaffirmed the British position at the Congress of Verona (1822), but the other plenipotentiaries once more refused to recognize the right-of-search principle. Not
being maritime powers, Austria and Prussia were disinterested; France and Russia argued that such a concession would infringe upon their national sovereignty. France the only slaving nation of the four, was determined to go it alone.13

After signing the Second Treaty of Paris, a year passed before Louis XVIII's government took any concrete step to suppress the slave trade. On 8 January 1817, His Majesty issued an ordinance forbidding French subjects to engage in the slave trade in all French territories. If French subjects wished to participate in the black traffic outside of the French empire, the ordinance would not affect them. The royal decree, moreover, punished only the captain of the slaver (if convicted, he could no longer command a French merchantman), and it did not mention the outfitting of slavers in French ports. Thus, the law was so ineffective that it failed to satisfy British officials, who began a systematic campaign to bring to the attention of the French government every incident of French slaving. The British press aided the cause by spewing forth a steady stream of accusations and criticisms. In response, the Paris cabinet in April 1818 submitted a proposal to the National Assembly "to extend the jurisdiction of the government to cover all illegal operations undertaken by French subjects, or under the French flag, or in territory under French control." The proposal met little resistance in the Chambers and on 15 April 1818 became law. This act may be interpreted as
France's reluctant admission that the suppression of the slave trade has become inevitable. In June, France dispatched to the West African coast a naval squadron charged with enforcing the 1818 law, but despite its efforts, French slaving continued.  

Indeed, French involvement in the slave trade increased, but France repeatedly refused to grant British warships the right of search. The most recent scholarship suggests that between 1817 and 1831, some 718 French ships participated in the illicit traffic. The port of Nantes contributed forty-seven per cent of these slavers, and France's share of the commerce was around twenty-five per cent. Though aware of the problem, French diplomats would not concede the right of search to British naval commanders. At Aix-la-Chapelle, Armand du Plessis, duc de Richelieu and the French premier, had informed Castlereagh that the French public would regard acceptance of the right of search as "a new sacrifice attached, as it were, as an indispensable condition of the evacuation of (French) territory and as a monument of the state of dependence in which she was for a moment placed." Enforcement of the concession, moreover, could threaten European peace. France was jealous of her honor, and her pride, easily injured. While at Verona in 1822, Vicomte François René de Chateaubriand, then French ambassador at London, was more explicit; although Wellington had not mentioned the right-of-search issue, Chateaubriand
declared that the Paris government "could never consent to a convention conferring such a right, however limited and reciprocal, since the French Constitution forbids confiscation." The Bourbon regime, therefore, not only refused any measure which could undermine its sovereignty, but through this resistance, found a way to demonstrate its independence of an old enemy.15

The Bourbons, however, also needed British support at home and abroad, and in the 1820s, the French government proved more receptive to indirect pressures. French abolitionism, moreover, experienced a revival, and France gradually moved to strengthen her legislation prohibiting the slave trade. Britain, though defeated at the European congresses, continued her campaign and often resorted to illegal measures to accomplish her goal. Despite the absence of an Anglo-French treaty granting British commanders the right of search and seize French merchantmen, the Royal Navy from 1817-1831 indiscriminately stopped, searched, and seized many French slavers. Some 108 ships were captured, but these violations of international law drew little protest from the French government, for the Bourbons never forgot that the British had restored the monarchy in 1814 and 1815.16

In the National Assembly, French Liberals, supported the British campaign. In June 1821, Benjamin Constant, a Liberal deputy, deprecated the government's weak attempts
to suppress the slave trade and asked for the enactment of a stricter law. Five months later, Victor de Broglie, a Liberal peer, founded the Société de la morale chrétienne, a religious organization whose members hoped to return Christianity to its proper place in France by means of humanitarian works. By 1824, the Société had some 300 members including many of the liberal politicians and journalists of the day. Men such as François Guizot, Adolphe Thiers, Charles de Rémusat, and Louis-Philippe, the duc d'Orléans, belonged to the Société and urged the government to strengthen its laws against the slave trade. In March 1822, the duc de Broglie took his crusade to the Chamber of Peers, where he accused the government of failing to uphold the honor of France by refusing to suppress the slave trade. "France was the only country which had not sanctioned the abolition of the trade with corporal or serious punishment; it has taken no effective or really menacing action to prohibit the commerce." He even recommended that the government agree to a mutual right of search and seizure, "provided it operated on a basis of perfect reciprocity and equality, was voluntary and revokable, and the contracting powers confined its exercise to specific areas and to vessels suspected of having slaves on board." For the sake of French prestige, the government must act.17

The government did not immediately respond to Broglie's pleas, for most Frenchmen continued to associate abolitionism
with the English. Wary of being perceived as subservient to the London government, neither the Richelieu nor the Villèle ministries desired to propose any measure which would make the slave trade unprofitable or precarious for a French subject. The Ultra-royalist government of Count Jean-Baptiste Joseph de Villèle did increase the size of the naval squadron patrolling the African coast, and in August and October 1823, it also tightened the procedures by which suspected slavers were tried, but it would not enact more stringent laws, assimilate the slave trade to piracy, nor even consider granting the right of search. Abolitionism, moreover, had become a partisan issue, one used by liberal politicians to attack the government. As early as 1820, the Royal Council had recognized the inadequacies of the 1818 law, but it would not push for a new one. By late 1826, however, the situation had changed, and Villèle moved to strengthen legislation prohibiting the slave trade.¹⁸

Relentless pressure by George Canning, the British foreign secretary, and growing Liberal strength at home forced Premier Villèle to reconsider his policy toward the slave trade. On 29 December 1826, the Royal Council submitted to the Chamber of Peers a new proposal on the black commerce. Unlike the 1818 law, the new law would punish not only the captain of the slaver, but all persons who knowingly "sought to profit from the slave trade." The government, however, would not punish colonists who bought
slaves. The National Assembly offered a few minor amendments, but they did not change the essence of the bill. On 25 August 1827, it became law, and the French government took its first realistic step toward suppressing the black traffic. Any merchant, shipowner, or captain who engaged in the slave trade or acted as insurers, guarantors, or furnishers would "be punished by banishment and a fine equal to the value of the vessel and cargo." Members of the crew would be liable to imprisonment from three months to five years, but the law remained silent about planters who purchased slaves. Even the British government was favorably impressed by this unexpected action; nonetheless, the French slave trade continued, for the connivance of colonial officials allowed French planters to import slaves. This flow of blacks into the colonies was not interrupted until the July Revolution of 1830 brought Louis-Philippe to the throne.

France, unlike other European states, virtually ignored the slave trade until the 18th century, but in the 1700s, she emerged as the third ranking slaving nation, behind Great Britain and Portugal. In her imperial contest with Britain, France regarded the slave trade as indispensable to her economy, in many cases, she even subsidized the commerce. A few Frenchmen did oppose the slave trade, but this sentiment never appealed to most of the bourgeoisie and nobility. One reason behind this lack of support was
the Anglo-French rivalry, and after February 1794, when the Convention decreed universal emancipation, French politicians hoped to avoid the loss of their colonies by appeasing the blacks. After coming to power in November 1799, Napoleon reinstituted slavery and the slave trade, but the British blockade prevented French slavers from resuming their profitable trade, and after France's defeat in 1814, the victorious powers forced her to abolish the slave trade. Restoration diplomats, however, refused the British demands for a right of search and seizure, the one measure most abolitionists believed could end the slave trade. Such a concession seemed to them an infringement upon national sovereignty which would imply subservience to Great Britain. But British pressure bore some results: France gradually tightened her regulations prohibiting the slave trade; nonetheless, French subjects continued to engage in the black commerce until the ascendancy of the Orleanist Monarchy.


4 Ibid., pp. 140-148; Despite the abolition of slavery, Martinique fell to the British invaders.


9 Ibid., pp. 163-166; Putney, *French Diplomacy*, pp. 23-25.


Ibid., pp. 60-69; Kennedy, "Suppression of the Slave Trade," pp. 36-45.


In July 1830, a new era began in French history and Anglo-French relations. Following Charles X's coronation in 1824, he and the Ultra-royalists had steadily lost power, while the French economy faltered. Many Frenchmen interpreted the government's policies as a return to the autocratic system of the ancien régime. By 1830, the nation was in the midst of a severe recession of rising prices, declining wages, and unemployment, and the small electorate (ca. 90,000), blaming the government for its economic difficulties, gradually had replaced the Ultra-royalists with moderate and liberal monarchists. Faced with growing resistance, Charles X decided to challenge his opponents; on 25 July 1830, he signed the famous "July Ordinances."¹

Led by newspapermen, reaction to the ordinances, published on the twenty-sixth, was swift. A group of editors headed by Adolphe Thiers (Le National) issued a protest and refused to recognize the authority of the government. Rioting and street fighting broke out on the twenty-seventh, and during the night, disenchanted students
and hungry workers erected barricades. By the thirtieth, the revolutionaries had won control of Paris, but they were divided: Students and workers wanted a republic or an empire, while most Deputies preferred a monarchy and refrained from participating in the revolt. They soon decided to abandon Charles X and to work for a compromise. To avoid a republic and a European war, they turned to Louis-Philippe, duc d'Orléans. Moving quickly to consolidate their position, the Deputies and Peers, representing the French élites, amended the Charter on August 3, declared the throne vacant on the seventh, and elected Louis-Philippe King of the French.  

On 9 August 1830, Louis-Philippe ascended the throne, and once more the tricolor flew over the capital. The July Revolution restored freedom of the press and almost doubled the size of the electorate, but it raised the threat of foreign intervention. The Continental Powers saw in the events of July the reappearance of a dangerous revolutionary spirit. Due to their hostile reaction, the Paris government turned to London for support. The two peoples exchanged laudatory remarks, and Anglophobia, in general, declined. This amity had important consequences for the international movement to suppress the slave trade. At first, Louis-Philippe's government refused to concede a limited right of search to British men-of-war, but later it accepted the British overtures. Had liberalism triumphed in France, or
was this concession merely a diplomatic maneuver and a symbol of an Anglo-French understanding?  

The Eastern-Powers' reception of the July Monarchy ranged from apathy to hostility; the 'glorious days of July,' nonetheless, did reunite the autocratic members of the old Quintuple Alliance. Frederick William III of Prussia wished only to maintain the status quo and peace, but he agreed to work with the other two eastern monarchs. The abdication of Charles X infuriated Tsar Nicholas I, who welcomed Louis-Philippe by ordering a levy of "two men in five hundred," instructing all Russians to leave France, closing the Russian border to Frenchmen, and by forbidding the display of the French tricolor. Prince Klemens von Metternich, the Austrian Chancellor, shared Nicholas's antagonism toward the July Revolution; to him, the spread of liberalism constituted an even greater danger than the Russo-Turkish dispute. Hence, Vienna cooperated with St. Petersburg, and on August 6, Metternich met with Count Karl Robert von Nesselrode, the Russian foreign minister, at Carlsbad. Issuing the 'Chiffon de Carlsbad,' they pledged not to interfere in the internal disputes of France, but to permit:

... no violation on the part of the French government either of the material interest of Europe, as established and guaranteed by general transactions, or the internal peace of the various States composing it.
Thus, the Eastern Powers reluctantly accepted the Orléans Monarchy, but the French Revolution of 1830 destroyed the possibility of a Russo-French alliance, and Russian hostility forced France to consider Britain as a possible ally.5

Notwithstanding the existence of a Tory government headed by Arthur Wellesley, Duke of Wellington, France found her warmest supporters in England. The Duke had done much to restore the Bourbon dynasty to France, but realizing that its fall could be in England's best interest, he "wept no tears" for it. At the Congress of Verona (1822), Britain had found herself isolated as Bourbon France had moved closer to the reactionary Eastern Powers, and the subsequent landing of French troops in Algeria in 1830 had further strained Anglo-French relations. Domestic demands also led Wellington to consider recognizing the new French monarch. In England, general elections had begun the same week of the July Revolution, and the English public enthusiastically greeted the popular victory "as the triumph of a neighboring people over despotism and aristocratic privilege." Finally, Wellington thought recognition of the Orleanist Monarchy would best guarantee European peace.6

Thus, the four former allies of Chaumont decided to recognize Louis-Philippe's government. By granting their recognition, they expressed their desire for peace and "indicated their willingness to live with the new order in France if it would live with the existing order in the rest
of Europe." The British government paved the way, with the French Royal Council receiving official word of England's recognition on 30 August 1830. Formal acknowledgement by Austria and Prussia quickly followed and was received by telegraph on September 9. Only Russia held out, but on 9 November 1830, an insurrection broke out in Warsaw lessening the Tsar's power to act. Yielding to the fait accompli, he formally recognized Louis-Philippe in January 1831, but by holding out for six months, he clearly expressed his dislike for the "liberal" French regime.

Louis-Philippe did much to reconcile his fellow monarchs to his ascension, which probably prevented civil and foreign war. War horrified him, and he quickly proclaimed his desire to safeguard European peace by respecting the 1815 treaties. On August 11, hoping to strengthen his regime at home, he named a ministry composed of men from both sides of the moderate political spectrum. Too much has been made of the distinction between the "party of resistance" and the "party of movement," but the first Orleanist ministry did include men who believed that the King's coronation had ended the revolution, while others believed that the evolutionary process toward greater democratic freedom had only begun. But political differences during the Orleanist Monarchy among ruling elites tended to be based on personalities rather than programs or ideologies, and their views on foreign policy were similar. They wished to insure peace
abroad in order to obtain order and stability at home.
Count Louis Molé, a former minister during the Restoration, was the first foreign minister, and his appointment calmed the fears of France's neighbors. But soon, an event outside of the Great Powers' control tested their peaceful intentions.8

On August 25, as the revolutionary fervor spread, serious rioting broke out in Brussels. The Belgian revolt, which rapidly turned into a general movement for independence, posed a serious threat to the 1815 treaties and European peace. Unable to quell the rebellion, the Dutch King appealed to the four Great Powers of 1815 for military aid. Prussia and Russia considered granting it; Austria was sympathetic, but preoccupied with Italy where a revolt was brewing, and Britain opposed intervention. The news distressed Wellington, but an early Belgian victory convinced him to accept the inevitable. To protect the peace of Europe, he called an ambassadorial conference to consult "in friendly concert with France and the other Powers."9

French reaction to the Belgian revolution varied. The Republicans and Socialists, a small but vocal minority, favored an aggressive policy, hoping to rekindle the revolutionary flame at home and to annex Belgium. Others regarded the outbreak in Belgium as an opportunity to revise the treaties of Vienna and Paris (II); France, of course, would favor any amendment which returned lost territory or
destroyed the frontier fortresses. Somewhere within this last position stood Louis-Philippe, but he realized Europe would not permit France to annex Belgium and that his subjects would not tolerate a European invasion of Belgium. His government, therefore, quietly announced a policy of non-intervention. To secure European acceptance of this position, Louis-Philippe sent the experienced Talleyrand to London, where he served as the French ambassador until 1834. To establish the Orleanist Monarchy as a symbol of order and authority at home, Talleyrand needed European peace, but the only powers sincerely attached to a peaceful policy, he believed, were France and Britain. An "intimate union" of these states appeared necessary.10

Opening November 4, the London Conference overcame many difficulties and solved the Belgian crisis. The chief architect of the protocols was Henry John Temple, Lord Palmerston, who on November 22, became foreign secretary in the Grey Ministry, after the fall of the Wellington Cabinet. Tireless, vocal, and occasionally arrogant and belligerent, Palmerston dominated Anglo-French relations until 1841. In 1829, he had predicted a second French revolution, but he feared radical elements would gain power. Louis-Philippe's accession, however, did much to allay his anxiety, though he continued to distrust France. This suspicion influenced Palmerston's French policy throughout the 1830s; he would work with French diplomats but only to restrain them, and
he expected them to follow his lead. Thus, the Anglo-French "union" of the early 1830s was an alliance of unequals in which France played the subordinate role.\textsuperscript{11}

During the Belgian crisis, Palmerston skillfully exploited the Eastern Powers' fear of France and France's dread of isolation in order to secure a settlement favorable to Britain. To thwart French revisionism and aggrandizement, he agreed to an independent Belgium. If the Great Powers would guarantee Belgium's neutrality, he could pacify France by promising to demolish the frontier fortresses. Palmerston, however, refused to consider the nomination of Louis-Philippe's son, Louis, duc de Nemours, as the new Belgian monarch and induced France to accept Leopold of Saxe-Coburg, the English candidate. When France intervened in Belgium in August 1831, hoping thereby to secure further concessions, Britain threatened war. To avoid isolation, France withdrew her troops and promised to cooperate with Britain. Final solution to the Belgian Question eluded European statesmen until 1839, but on 15 November 1831, the plenipotentiaries of Belgium and the five Great Powers signed a treaty of peace and separation. By working with Palmerston instead of against him, Talleyrand had preserved peace and established the semblance of an Anglo-French understanding.\textsuperscript{12}

The settlement of the Belgian crisis set the tone of Anglo-French relations until 1834, and the French response to Britain's international efforts to abolish the slave
trade was indicative of this unequal relationship. As aforementioned, Britain had constantly sought to secure France's acceptance of the right-of-search principle, a concession she had repeatedly refused to grant. After the July Revolution, the London government again implored the French Royal Council to accept this practice or to tighten its own national efforts to abolish the infamous traffic.  

In response to the appeals of Sir Charles Stuart de Rothesay, the British ambassador in Paris, several French leaders promised to toughen regulations. Further pressure was applied domestically, when General Marie-Joseph de Lafayette on September 25 urged the new government to declare slave trading piracy. For all the good done during the era of the National (Constituent) Assembly (1789-1791), France, he maintained, now found herself behind the United States and Britain in suppressing the black commerce. He exhorted the Ministry to condemn the slave trade as piracy, which was "the only method of repression." Horace Sébastiani, then Minister of the Navy and Colonies, promised to introduce such a law, or one "which would impose the penalties of piracy against those who engage in the infamous trade in Negroes." He assured the Deputies, however, that French involvement in the slave trade was less than that of any other maritime power.  

It is difficult to confirm this last declaration, but French subjects did participate in the slave trade.
Throughout the era of the Orleanist Monarcy (1830-1848), the British government communicated numerous accusations of French slave trading. French newspapers also announced the condemnations of French subjects. On 21 July 1830, the royal court in Guadeloupe convicted Edme Baury, a French merchant, for slaving and sentenced him to ten years of exile, a fine of 40,000 francs, and the cost of the legal proceedings. Other notifications followed, and British ambassadors to France faithfully forwarded them to London. No satisfactory table of French slavers from 1830 to 1845 exists, but Serge Daget, a French historian, suspects some seventeen French ships of engaging in the slave trade between 1832 and 1845. Thus the fact of some French participation in the slave trade is established, but at a time when slave traders resorted to a multitude of devices to hide their avocation and nationality, it is impossible to determine the extent of this illegal traffic.15

Britain, of course, continued her abolitionist campaign, and Orleanist France was more receptive than the Restoration regime. Fulfilling its promises to Lafayette and Rothesay, the Lafitte Ministry on 13 December 1830 proposed a new statute by which the government hoped to "annihilate" the slave trade under the French flag. The proposal, however, did not equate slave trading to piracy. Comte Appolinnaire d'Argout, the navy minister who had replaced Sébastiani on November 17 when the latter became foreign minister,
explained the bill before the Chamber of Peers. France, after the July Revolution, had entered a new era and had to manifest her sentiments against "an odious commerce which is shameful to humanity." True, the extent of slave trading under the French flag had decreased, but now "the hour has come when it must totally disappear." The government's proposal allowed authorities to punish all individuals who attempted to engage in the slave trade either before the fact or after the ship had taken on slaves. Punishment was proportional to the individual's involvement; thus, all were held responsible from the owner/underwriter, captain/crew, to the merchant/artisan who made and sold the irons used to restrain the blacks. To each level, the law assigned a different fine which ranged from the confiscation of the vessel, to imprisonment and/or forced labor. The Ministry, realizing that planters who bought slaves also fostered the slave trade, increased the term of imprisonment for smuggling blacks into the colonies from one to five years. The law would free any blacks released through its execution, but established a form of indentured servitude to the colonial government for ten years. By this measure, the French government hoped to prepare the blacks for freedom, and at the end of the decade, the state would pay the freed blacks for their labor. Other provisions established the procedure for enforcing the law and attempted to assuage hostile
colonists by having the responsible judges drawn from the most prestigious civil lists.  

In the ensuing debate, no French Peer publicly defended the slave trade. Some asked the government to clarify some provisions, but the majority clearly favored the proposal. On 11 and 12 January 1831, the Peers overwhelmingly endorsed the measure by a vote of 106 to 1 because it was more severe than the 1827 law, and national integrity and humanitarian interests required its passage.  

In the lower house, however, opposition appeared when three deputies (Bernard Cabanon, Vice-Admiral François Bouvet, and Antoine Dairste) attacked the proposal. Though Liberal supporters of the July Monarchy belonging to the left-center faction, they criticized the Ministry's bill. Cabanon thought the bill's timing to be wrong and that existing laws were sufficient to suppress the slave trade. He also distrusted the London government, which championed abolition only to destroy her commercial rivals. Bouvet was more explicit. Recounting Napoleon's late conversion to abolitionism in 1814, he virtually accused the Ministry of subservience to John Bull. The government, he charged, sponsored this bill to give "satisfaction to your treacherous neighbors! But be careful that you are not fooled like Napoleon and at the same price." He, too, considered the trade essential to the welfare of the colonies. Dariste concurred and suggested that Britain had imposed the
suppression of the slave trade on France for selfish reasons. But France, he declared, could turn this principle to her own advantage by working with French colonists instead of against them. He opposed the bill, because the Council had not consulted the colonists and the law’s passage would benefit British commerce to the detriment of French interests.\(^{18}\)

The Ministry, of course, denied the charges. Comte d'Argout declared that "never had the government obeyed a foreign influence"; it knew only the national interest. "No, it is not to England that this law is dedicated, but to humanity." The law, moreover, would not adversely affect the colonies, and the government, by suppressing the slave trade would force the colonists to improve the lot of their slaves. Most Deputies remained silent and supported the Ministry. The Chamber approved several amendments, but none changed the bill's intent. On 21 February 1831, the lower house passed the measure by a vote of 190 to 37.\(^{19}\)

Thus, the National Assembly clearly demonstrated its willingness to adopt more effective measures to suppress the slave trade. The bill's provisions created no major controversy or commentary. It is interesting, however, that the Deputies who opposed the measure linked it to Great Britain. For them, abolitionism remained a foreign idea of something which had been forced upon a defeated France in 1815. A perusal of the *Journal des Débats* and
Le National reveals no commentary; the bill's adoption passed almost unnoticed in France.  

Before the bill's passage, Stuart de Rothesay forwarded a copy to Palmerston and remarked that its provisions could be improved; nonetheless, the measure "offers the best proof I have yet seen, of a serious determination, on the part of the [French] Government to put an end to that traffic." On 8 December 1830, Granville Leveson-Gower, Viscount Granville, replaced Rothesay as British ambassador to the Tuileries. In January 1831, he indicated that he, too, thought France could do more to suppress the slave trade.21

Palmerston also praised the new law, which he thought reflected the "liberal feelings and enlightened views" of Louis-Philippe's government. The law, undoubtedly, would contribute to the suppression of the slave trade carried on by "bonâ fide" French vessels, fitted out in French ports. But he feared the measure would not achieve its goal, for it did not consider the usurpation of the French flag nor ships sailing from ports other than those on the French mainland. To correct these omissions, Palmerston ordered Granville on 4 February 1831 to renew discussions with the French government and to express "in the strongest terms" Britain's deep interest in the suppression of the slave trade. France should declare slave trading piracy and grant
British warships "a mutual right of search, subject to necessary limitations."\textsuperscript{22}

In the instructions to Granville, Palmerston enclosed a letter from James Robert Graham, liberal Whig reformer and First Lord of the Admirality, who hoped to reduce the navy's budget without diminishing its efficiency. In reviewing the various naval stations, Graham was struck by the great cost of maintaining a squadron off the coast of West Africa for the sole purpose of suppressing the slave trade. But the expense went for naught, for without the adherence of France:

\begin{quote}
\ldots no force can ever really be effective. [France] \ldots alone, by refusing the right of search, by stopping short of the example of the United States, and by the consequent abuse of her Flag to cover a Traffic nominally illegal, really sustains this trade of blood.\textsuperscript{23}
\end{quote}

As a friendly power, Britain should persuade France either to declare the slave trade piracy or concede the right of search to British warships. Palmerston, of course, followed this advice, but he asked the French Ministry to do both and hoped traditional Anglophobia would not prevent France's cooperation.\textsuperscript{24}

Granville dutifully followed his instructions and pressed the French Ministry to accept Palmerston's proposals. He had already transmitted evidence of French participation in the slave trade to Sébastiani, who insisted the French government desired the total abolition of the slave trade
and would adopt "all measures within its power" to suppress it. On February 19, Granville communicated Palmerston's request and asked the French Royal Council to consider the slave-trade question in depth and cooperate with Britain. Tracing the issue historically, Granville admitted that only the Portuguese continued to ignore the call of humanity, but many slavers flagrantly flew the French flag. The honor of France would be enhanced if she accepted the mutual right of search, declared slave trading to be piracy, discarded "all unworthy and petty jealousies," and joined Great Britain in a cordial union to suppress the slave trade.  

Choosing not to respond immediately, Sébastiani, a confidant of Louis-Philippe, consulted Count d'Argout. Serving as foreign minister from November 1830 to October 1832, Sébastiani proved to be a loyal executor of the King's policy, dedicating himself to the preservation of peace and the stabilization of the Orleanist dynasty. A disciple of Talleyrand, he also believed an Anglo-French alliance would best serve the new monarch's interests, but one must be cautious and tactful, lest French pride be injured. Neither Sébastiani nor Argout wanted to concede the mutual right of search, the enmity which had caused the Restoration government to oppose this principle still existed. "Despite the sentiments which unite the two nationalities today," Argout observed, "such a measure would inevitably excite in France an irritation which could not help but explode."
When Sébastiani finally replied to the British request on April 7, he repeated these arguments in rejecting both the assimilation of the slave trade to piracy and the concession of the right of search. Addressing the latter issue, he confided to Granville:

The exercise of the right of search on the seas in full peace, despite the reciprocity that England offers, would be essentially contrary to our principles and would disturb, in a most lively manner, public opinion in France. It could have, moreover, more angry consequences by creating differences between the [S]ailors of the [2] nations capable of compromising the relations which unite so intimately France and England.

Assimilating the slave trade to piracy would place accused Frenchmen outside the national jurisdiction, and Sébastiani feared such action; thus, he again retained for France's navy the policing of French subjects suspected of engaging in the slave trade.28

Having proposed a mutual right of search, restricted to certain zones, Palmerston failed to understand the true nature of French objections, and that nation's rejection greatly disappointed him. Instructing Granville to express Britain's "extreme regret," he forwarded more evidence of slave traders sailing under the French flag. The foreign secretary had hoped that

no feelings of national jealously would have been allowed to interfere with the adoption of the most effectual, if not the only effectual, means of putting an end to a system of crime, no less repugnant to the principles of freedom, upon which the existing state of society in France
is founded, than revolting to the instinctive feelings of a humane and enlightened People. 29

Surely this new and "shocking" evidence would lead the French Royal Council to reconsider its position. Granville should reiterate the British request, but if France still refused, he must urge the French Ministry to dispatch to Africa a squadron capable of enforcing her laws upon all vessels flying the French flag. 30

Pressing the campaign at every opportunity, Granville did as bidden and provided Sébastiani with more proof of French involvement in the black trade. To the London government the situation was deplorable. At great expense, Britain maintained a squadron of vessels off the coast of West Africa to suppress the slave trade. "By solemn Treaties," France had pledged herself to abolish the traffic in humans, but slavers continued their infamous commerce under the French flag. Louis-Philippe's government, Palmerston declared, must act. 31

During the Spring and Summer of 1831, the French Ministry refused to reconsider its position, for it confidently believed that the recently passed slave law would curtail the French slave trade. With its passage the French government had proved its abhorrence of the black commerce, but it would not concede the right of search to England. Sébastiani did promise, however, to consider reinforcing the French squadron off the coast of West
Africa. He also assured Granville that the officers of these vessels would be "disposed" to cooperate fully with their British counterparts. Thus, the French position was clear. In May, the Navy Minister assured Sébastiani that he would reinforce the French squadron no later than October 1831 and instruct its officers to cooperate with Englishmen as much as their personal disposition would permit. On July 23, Louis-Philippe announced that his government would establish new naval stations off the coast of West Africa which would actively enforce French laws against the slave trade. 32

Despite Sébastiani's rejection of British proposals, Palmerston continued his efforts to change French policy. He forwarded more proof of French participation in the slave trade and requested notification that the French government had in fact reinforced its squadron off the African coast. He ordered Granville to avail himself "of every opportunity" to press the Paris government to adopt every measure necessary to abolish the slave trade. Palmerston's incessant demands, of course, frustrated Granville, but he did his best to carry out his instructions. He was aided in this effort by William Rives, the American minister at Paris and by John Irving, an English abolitionist. 33

As aforementioned, the United States had abolished the slave trade in 1808. To strengthen her laws, she had
declared this human commerce piracy in 1820 and requested Great Britain to do the same. In response, the British Crown had suggested a right-of-search treaty, but John Quincy Adams, then Secretary of State, had stoutly rejected the proposal. To admit "the right-of-search by foreign officers of our vessels upon the seas in time of peace" was, he declared, a more atrocious evil than the slave trade, "for that would be making slaves of ourselves." The memory of impressment and the War of 1812 was too painful to permit any American government to accept the British proposal; Anglo-American negotiations failed again in 1824. Thereafter, the Washington government attempted to convince other nations to denounce slave trading as piracy, and the House of Representatives passed resolutions urging other nations to adopt this policy. On 4 March 1831, the House called upon the President to renew negotiations with other maritime powers for the effectual abolition of the slave trade and its ultimate denunciation as piracy. As a result of this action, American diplomats abroad were instructed to ascertain the dipositions of their respective host countries.34

On October 9, Rives discussed the issue with Sébastiani who reaffirmed his abhorrence of the slave trade and desire for its complete suppression, but he refused to assimilate it to piracy. French public opinion, he argued, opposed capital punishment, and
if the denunciation of the slave trade as piracy should be considered as involving a consequential right of search, on the part of Foreign armed vessels, it was what, he thought, the French government would never consent to—they had, heretofore, steadily refused it to England, and he could see no reason to anticipate a change of policy, in that respect.35

The foreign minister would agree only to exchange copies of the two nations' respective laws.36

Thus, Sébastiani rejected with equanimity the American and British proposals. On 9 October 1831, the French foreign minister assured Rives that he could not foresee any change in the French position, but fifty-two days later, Sébastiani signed a convention with Granville conceding a limited right of search to British Men-of-War. What impelled this volte-face?37

On October 31, Granville informed Palmerston that the French position had softened and John Irving deserved some credit for this shift. Irving, a devout abolitionist and British merchant, had gone to Paris unofficially hoping to inform French ministers about the abuse of the French flag by slavers and to urge them to accept the mutual right of search. Perhaps Irving's information had opened "the eyes of the French Ministers," who now, agreed that if Britain and France really wanted to suppress the black traffic, "a mutual right of search by English and French Ships-of-War should be exercised (under Regulations), on Merchantmen trading in certain latitudes." But anxiety still clouded
the scene. Despite the proposed reciprocity, Granville reported, the French Ministry still feared that public opinion would regard French acceptance of the right of search "as an acknowledgement of the maritime superiority of Great Britain." But Casimir Perier, President of the Ministry, and Sébastiani promised to bring the issue before the Royal Council, and Granville believed the French cabinet would "give the Proposal the most favorable consideration." 38

Seizing the initiative, Palmerston relayed a modified proposition to Granville on 7 November 1831. Instead of "establishing a general and permanent right of reciprocal search," the foreign secretary proposed a "partial and temporary experiment," which would allow the two governments at all times to control the question. First, each would give the cruisers of the other "a written and specific authority," granting them the right to search merchant vessels sailing under the flag of either nation. The area in which this right, "directly conferred by the Government of the Country whose Flag was visited," would be limited and exact, and the warrants would be temporary, subject to renewal by the awarding nation. Palmerston suggested a period of three years. These restrictions, he believed, would make his proposal acceptable to French nationalists and thereby remove any remaining objections they may have to a permanent agreement of "render such arrangement unnecessary." 39
Palmerston's latest déplacement proved decisive. Four days later (November 11), Admiral Henri Rigny, the French navy minister, conceded that the right to search suspected slavers was "indispensable." He foresaw little difficulty in the execution of such a right, if it were granted to only a few, designated warships whose commanders had special instructions written by mutual consent, and if its enforcement were limited to specific areas. He suggested an area from Cape Verde south to the equator on the West African coast and around the coasts of Cuba and Puerto Rico. On the 15th, the French Royal Council tentatively approved Palmerston's proposal.40

Between the 15th and the 30th, Sébastiani and Granville drafted an agreement based on Palmerston's dispatch of November 7, Rigny's memorandum of the 11th, and the advice of Victor de Broglie, a Doctrinaire and a long-time opponent of the slave trade. One important change made by the negotiators involved the duration of the warrants. Palmerston had proposed a period of three years, but at Broglie's suggestion, they agreed to an annual review. Hoping to project a semblance of reciprocity, moreover, the Paris government wished to restrict the number of British cruisers to no more than double those of France. Palmerston's acceptance of these points and the settlement of details paved the way for final agreement; on 30 November 1831, Sébastiani and
Granville signed a formal convention of ten articles embodying these restrictions.\textsuperscript{41}

The Convention of 1831 represented a giant step forward for the abolitionist cause and a triumph for both monarchies. After repeated failures, Britain had secured France's partial acceptance of the right of search: the only method to suppress the slave trade according to most abolitionists. The treaty, however, limited the areas in which British and French cruisers could exercise this concession to three zones: (1) within twenty leagues (about sixty miles) of the West African coast from the Cape Verde Islands to ten degrees south of the equator; (2) within twenty leagues around the islands of Madagascar, Cuba, and Puerto Rico; and (3) within twenty leagues of the coast of Brazil. By signing the treaty, Louis-Philippe's government secured Britain's gratitude and also protected its vital interests. France allowed certain British Men-of-War the right to search vessels sailing under the French flag, but she retained the right to review annually the number of cruisers so authorized. French suspects, moreover, were to be judged according to French law. Finally, Britain and France by Article IX agreed to invite other maritime nations to join them in this effort. Thus, the treaty may be interpreted as a continuation of the British campaign to secure an international interdiction of the slave trade.\textsuperscript{42}
Why had Louis-Philippe's government reversed its position and accepted a limited right of search? On November 15, Sébastiani had informed Rives of the change in French policy, explaining that "to avoid the delicate considerations connected with the right of search exercised under the authority of a foreign government," Britain and France had agreed to restrict its execution. Sébastiani and Granville had redefined the right of search so that the British captain became the agent of the French king and the enforcer of French laws. The concession, moreover, was temporary and limited; it was an experiment under the direct control of the two governments, and the Paris government believed that the guarantees written into the agreement adequately protected France's national interests and honor.

The international diplomatic situation also favored the negotiation of an Anglo-French accord. Due to the enmity of the Eastern Powers, the Orleanist Monarchy, since its birth, had turned to the liberal government of Britain for support. The outbreak of nationalist insurrections in Belgium, Poland, and Italy also impelled this shift, but they, of course, did not force France to accept the right of search. Conciliation abroad, while attempting to insure stability at home, was the cornerstone of Louis-Philippe's foreign policy strongly advocated after March 1831 by Perier and the Doctrinaires. The Belgian Crisis was settled independently of the right of search question, but both issues were resolved within the
framework of an Anglo-French *entente*. France needed Britain's friendship.  

In defense of the Convention of 1831, Sébastiani later (1842) argued that the cabinet had balanced all the important questions (freedom of the seas, rights of neutrals, and national independence) before signing the agreement. The situation in Europe, moreover, demanded that Britain and France cooperate. An Anglo-French "alliance" was the best guarantee of European peace; "it is the alliance that gave birth to the treaty of 1831, and by the treaty the alliance was strengthened."  

Seconding Sébastiani's arguments, Broglie also attributed the Convention of 1831 to the Anglo-French *entente*. "England was the only power that had displayed any sympathy for the revolution which had just occurred." The treaty, moreover, prevented the difficulties inherent in the right-of-search practice. The agreements placed Britain and France on equal footing, and "no government, no sensible man would have hesitated to do what was done at that time."  

French popular reaction to the Convention of 1831 was to maintain silence. Apparently, it was either tactful to ignore it, or the treaty was hidden from public inspection. The *Journal des Debats* and *Le National* failed to mention the treaty. Rives obtained a copy, but upon forwarding it to his government, he requested that "no publicity be given to it in the United States," until it had been published in
France or Britain. In his speech opening the National Assembly 19 November 1832, Louis-Philippe omitted any reference of the treaty, though he praised the negotiations which had ended the Belgian Crisis and maintained that the understanding reached between his government and the Court of St. James insured European peace. The right-of-search treaty "which was buried in the shade of office, escaped notice at the time," but years later, it evoked a serious debate.47

France and Britain, meanwhile, began to implement the agreement. On 4 January 1832, Palmerston transmitted a draft of instructions which each nation would communicate to its naval officers and cited other issues which must be settled before the two nations could enforce the treaty. The two governments must approve and exchange warrants, designate ports to which captured vessels would be taken, and agree upon the signals by which commanders would communicate. The British foreign secretary, rather impatiently, asked the French government to use all speed in solving these procedural issues. Minor difficulties, nonetheless, delayed the exchange of warrants. Palmerston, for example, wanted Fernando Po, an island off the coast of Cameroon, to be a station for receiving suspected French slavers, but Britain disputed Spanish sovereignty over this island, and France had no consul there. To avoid irritating Spain, Caismir Perier insisted that captured French vessels be sent
to Gorée, a French municipality in Senegal. He refused to forward the warrants until this difficulty was resolved. The distance of Gorée from the area where slavers usually operated caused Palmerston to suggest that the French government appoint a consul to Sierra Leone, but grant him permission to live at Fernando Po while Britain and Spain negotiated the issue of sovereignty. Sébastiani accepted this suggestion but declared that the French government, as a simple "convenience," must notify the Madrid cabinet of its intentions before sending an agent to Fernando Po. Until a consul reached the island, any French ship seized by British cruisers must be taken to Gorée.48

Having glossed over this difference, the two nations soon ironed out other difficulties. With one important difference, France accepted Britain's draft of instructions to naval officers. For the French Ministry, the right to search suspected merchant vessels was an exceptional privilege, one controlled by the two governments; France did not recognize the right-of-search principle. Signals were devised, and by late March 1832, France was ready to exchange warrants. But before the treaty could become operational, Britain tried to amend its provisions. As Austrian troops reoccupied the Papal States, Granville on 10 February 1832, proposed a supplementary agreement, because he hoped to anticipate any difficulties which might arise out of the execution of the earlier convention
and because British abolitionists believed the areas in which British commanders could search merchant vessels were too restricted. Between the tenth and seventeenth southern latitudes on the West African coast and the thirtieth parallel on the East African coast some 30,000 slaves were transported to Cuba and Brazil from July 1829 to June 1830. Unless the two nations enlarged the zones of surveillance, their efforts would be futile. 49

The French foreign ministry was aware that the slave trade could continue under the protection of the French flag in these areas, and that France needed Britain's support after French troops had responded to the Austrian invasion of the Papal States by occupying Ancona on 22 February 1832. But Rigny, the navy minister, not only opposed additional concessions, he tried to limit the execution of the Convention of 1831 through a strict interpretation of its provisions. He objected to declaring the slave trade piracy and "wanted each government to be responsible for the deeds . . . of its own officers." British commanders, he argued, should not be permitted to detain merchant vessels in a French convoy, and the number of visits should not be increased. More safeguards were needed to assure that the right of search would remain limited in nature and protect French naval and merchant units from British scrutiny. 50
Even a limited and partial right of search, by its nature, could lead to abuses and annoying difficulties. To avoid serious incidents, the two plenipotentaries, Viscount Granville and the duc de Broglie, now the French foreign minister, agreed to clarify and elaborate the procedure. The supplementary agreement and instructions, drafted by common accord and attached to it, spelled out the manner in which the commanders should conduct the search and detention of suspect merchant vessels and held the commander and his country responsible for any violation. In case of abuse, the new agreement defined the procedure by which the owner, captain, and crew of the seized vessel could seek reparation and compensation. If, however, a legal proceeding—conducted under the laws of the nation of the suspect vessel—found the ship to have been employed in the slave trade of fitted out for that purpose, then either government could confiscate it, break it up, and sell it. To encourage enforcement, the two governments also agreed to distribute among the officers and crew of the capturing cruiser sixty-five per cent of the proceeds of the sale.51

Several provisions of the new treaty were unique, and one had dangerous consequences. By ratifying the agreement, France and Britain committed themselves to the immediate emancipation of all blacks saved from slavery through the execution of the conventions, but the two governments
reserved the right to employ these individuals as servants
or free laborers. Secondly, the right to search merchant
vessels sailing with naval units of the same nationality
was denied. In this case, the French Ministry had heeded
Admiral Rigny's advice, but in Article VI, it ignored his
warning. 52

Article VI allowed the naval commander to detain a
merchant vessel, if he judged it to be fitted for the slave
trade. That is, unless proof was given to the contrary a
merchantman having onboard an enumerated list of articles
or having modifications to the physical structure of the
ship peculiar to the slave trade was regarded guilty until
proven innocent. This provision modified the nature of
the earlier Anglo-French accord. By subjecting the merchant
ship to the discretion of the naval commander, it could be
"diverted from her destination, cut off from her trade,
and dragged into port to undergo the delay and disagreeables
of a lawsuit, because it pleased a foreigner to find too
much corn or rice on board her." By agreeing to Article
VI, the French Royal Council had introduced her into the
Anglo-French agreement a provision of France's legal code,
but it increased the possibility of useless vexations. 53

On 12 April 1833, the two governments exchanged ratifi-
cations and began implementation of the latest right-of-
search agreement. Bureaucratic delays, however, kept the
treaty from becoming operational until late August when
the two ministries exchanged the mandates granting certain
commanders the right to search merchant vessels sailing
under the flag of either nation.\footnote{54}

In his speech closing the National Assembly on 25
April 1833, Louis-Philippe ignored the conclusion of the
latest right-of-search treaty. Neither the *Journal des
Débats* nor *Le National* mentioned the convention of its
provisions, and in 1842, when the right-of-search conven-
tions became controversial, *Le National* was surprised that
the French government had granted the right to Great Britain.
On 31 August 1833, the texts of the agreements finally
appeared in the *Journal des Débats* and the *Bulletin de
Lois*, but without commentary. One day later, *Le Moniteur*
published the King's ordinance ordering the publication of
the treaties, but Louis-Philippe omitted any reference to
the conventions upon opening the Chambers on 24 December
1833.\footnote{55}

During the next decade, France faithfully executed the
right-of-search conventions, and while French participation
in the slave trade did not disappear, the severity of the
1831 law and the Anglo-French accords greatly reduced its
scope. From January 1834 to July 1844, England and France
annually issued an average of thirty-nine warrants to the
cruisers of the other nation's navy, and recent scholarship
estimates that French cruisers captured at least a few
hundred slavers. The number of warrants, notwithstanding,
the size of the French navy and its obligations in the Pacific and off the coast of Algeria limited its effectiveness. Despite this handicap, "the French squadron always strove to outdo English repression."56

Having implemented these agreements, Britain and France still had to obtain international sanction of their method. In Article IX of the 1831 treaty, they had agreed to seek the approval of other maritime countries, and one nation's refusal could endanger the entire system. But which nations should Britain ask? By 1833, she already had negotiated treaties with Portugal, Brazil, the Netherlands, Spain, and Sweden, all granting British warships the right to search vessels sailing under these flags. Since these treaties were broader and more effective, Palmerston informed Granville on 19 April 1834, His Majesty's Government would not ask these nations to concur in the later Anglo-French conventions. Such concurrence would tend to defeat rather than promote the suppression of the slave trade. Britain's treaties with the Netherlands and Sweden, however, lacked both the equipment clause and the destruction provision of the 1833 Anglo-French convention (Articles VI and XII respectively). Would French envoys to these courts prevail upon them to include these stipulations in their treaties with Britain? The powers which interested Britain most were, of course, those countries which had refused to concede the right of search:
Denmark, Sardinia-Piedmont, the Kingdom of Two Sicilies (Naples) and especially the United States, Austria, Prussia, and Russia.\footnote{57}

French commanders, however, also needed authorization to stop and search the ships of Spain and Portugal, whose flags covered most of the illicit commerce. Admiral Rigny, who succeeded the duc de Broglie as foreign minister in April 1834, informed Granville that he had instructed French ambassadors to Spain and Portugal to seek bi-lateral agreements with these kingdoms to enable French commanders to curtail the flow of slaves to Cuba and Brazil. Rigny asked his British counterpart to aid in securing these agreements, but Palmerston did not immediately respond.\footnote{58}

Believing American acceptance of the Anglo-French system would persuade other powers to follow suit, Louis Serurier, French minister at Washington, on 18 August 1833 formally invited American ascension. President Andrew Jackson declined the invitation, but on September 16, Serurier and Charles Richard Vaughn, the British minister, renewed their quest for American adherence. The conventions, they argued, contained adequate safeguards against any abuses; only the slave trade would suffer, if the United States joined Britain and France. But on December 25, the British minister changed his tune and informed Louis McLane, American Secretary of State, that if the United States accepted the right of search, a joint naval
squadron must patrol the American coast. This extension, of course, was an impossible demand, and on 24 March 1834, McLane formally rejected the Anglo-French request.59

Reacting to this decision, Palmerston on June 3 informed the French government he would make yet a third effort, provided the Paris Ministry concurred. He realized the stipulation extending the right of search to American waters had caused Washington's refusal; if he withdrew it, perhaps the Jackson administration would reconsider the joint proposal. Rigny agreed, since Britain alone had made this intemperate request which was, indeed, self-defeating. On 12 September 1834, Serurier and Vaughn again tried to assuage the Washington government. The French minister emphasized the guarantees written into the Anglo-French treaties and insisted that American concurrence would have 'no effect other than that declared by the two contracting parties; viz., the effective suppression of the slave trade.' But traditional American hostility remained too intense, and the American executive once more declined. Any further attempts to convince the United States to accept the conventions, as they were, had no chance of success.60

French diplomats also failed in their attempts to persuade the monarchs of Spain and Portugal to accept the Anglo-French system, but Anglo-French diplomacy was successful in convincing smaller states to assume additional
responsibilities in the war against the slave trade. Between 1834 and 1840, Denmark, Sardinia-Piedmont, the Hanse Towns, Tuscany, Naples, and Haiti negotiated new treaties with Britain and France, which, however, took into consideration the small size of their navies. After the July Revolution, France was isolated in Europe, but to end this situation, she turned to the liberal state of Great Britain. Two results of this shift in French policy were the conventions of 1831 and 1833. By signing these agreements, the Orleanist Monarchy accepted a limited and reciprocal right of search, but its determination not to publicize the treaties indicated that traditional French enmity toward the principle still existed. The Royal Council, however, believed that it had safeguarded French interests; appearances were important, for if Frenchmen had perceived any attack upon the national honor, they would not have approved the Anglo-French entente. But the Paris government, for domestic and dynastic reasons, needed peace, which the Anglo-French understanding guaranteed. Britain worked with France, because it served her national and commercial interests, but Palmerston rebuffed all French attempts to convert the entente into a defensive alliance. In retaliation, France attempted to end her dependence of England, and, of course, she consistently refused to concede that in any way she played a subordinate role to England. In 1832, she refused to expand the zones in which
British commanders could stop and search French merchant vessels, and though giving Britain lukewarm diplomatic support, she also refrained from urging other nations to accept stipulations she herself rejected. During the next decade, France faithfully executed the Anglo-French conventions, but as the need for British friendship decreased, she questioned any attempt to broaden these treaties. Finally, in 1840 a crisis arose which culminated in the cancellation of the entire Anglo-French system for suppressing the slave trade. 62


3 Ibid., pp. 122-124; F. Roy Bridge and Roger Bullen, The Great Powers and the European States System, 1815-1914 (London, 1980), p. 50; Historians, of course, differ in their explanation of why France did an about-face on the right-of-search issue. Melvin Kennedy and Hubert Deschamps interpret the Revolution of 1830 as the triumph of liberalism in France and conclude that the resulting change in public opinion allowed Louis-Philippe's government to accept the mutual right of search. Martha Putney and J. T. Mesmay, however, argue that French acceptance of the right of search was a concession made to the Anglo-French entente and that the Belgian crisis created a situation which forced France to reconsider its traditional policy; Kennedy, "Suppression Slave Trade," p. 209; Deschamps, Histoire de la traite, p. 199; Putney, French Diplomacy, p. 166; J. T. Mesmay, Horace Sébastiain: soldat, diplomate, homme d'état, maréchal de France, 1772-1815 (Paris, 1948), p. 212.


Five different factions vied for power during the July Monarchy, but the Right-Center faction, led first by Caisimir Périer then by Guizot and Victor de Broglie, controlled the government most of the time. The second most influential group was the Left-Center which favored a more liberal monarchy and was led by Lafitte and sometimes Thiers, but this group rarely dominated a ministry and when it did it could only hold power for a few months. Even this classification suffers from analysis, for a group of conservatives, led by Molé controlled a ministry from 1836-1839, but a coalition led by Guizot and Thiers forced them from power. These conservatives disliked Guizot and Broglie but supported the Doctrinaires in crises times for lack of a better government. Thus, personalities and combinations played a very large part in determining the make-up of a ministry. The three other "parties" never seriously threatened the monarchy, but they were better organized and more opposed to Louis-Philippe. They were: the Legitimists or Ultra-Royalists, the Dynastic-Left which favored a liberal monarchy with universal suffrage, and the Republicans.


10 Talleyrand, Memoirs, IV, 219; Mesmay, Sébastiani, p. 158.

11 Sir Charles K. Webster, The Foreign Policy of Palmerston, 1830-1841 (London, 1951), I, 78-82; Bridge and Bullen, Great Powers, p. 52.

12 Ibid., p. 53.

13 See above pp. 7-18; Guizot, Mémoires, VI, 437;
Rothesay to Palmerston, 17 December 1830, British and Foreign State Papers, SVIII, 584 (hereafter cited as BFSP),

14 Ibid.; "Extract of Courrier français," 26 September 1830, ibid., pp. 582-584; Le Moniteur universel, 27 September 1831.

15 Ibid., 24 November 1830; Daget, "British Repression," p. 437.
On 1 November 1830, the Ministry of August 9 fell from power due to personal differences between the Doctrinaires and liberal Lafitte. Louis-Philippe thereupon turned to the Left-Center, hoping to render the regime more popular.


17 Le Moniteur, 9, 11, and 12 January 1831; Putney, French Diplomacy, pp. 137-138.


19 Le Moniteur, 22 February 1831.

20 JD, 9, 11, and 12 January, 22 and 23 February, and 5 March 1831; Le National, 9, 11, and 12 January, 22 and 23 February, and 5 March 1831.

21 Rothesay to Palmerston, 17 December 1830, BFSP, XVIII, 584; Palmerston to Granville, 4 February 1831, ibid., XIX, 557.

22 Ibid., pp. 557-560.

23 Ibid.

24 Ibid.


26 Argout to Sébastiani, 29 March 1831, AAE, Afrique, p. 42; Mesmay, Sébastiani, p. 159.

27 Sébastiani to Granville, 7 April 1831, BFSP, XIX, 565-566.

28 Ibid.

29 Palmerston to Granville, 19 April 1831, ibid., p. 567; ibid., pp. 567-568. Palmerston's evidence consisted of three letters, one from James Graham and two from Commodore John Hayes, Commanding officer of the British
Squadron off the African coast. Hayes affirmed that since the July Revolution there had been a dramatic increase in the number of slavers using the French flag. It should be noted, however, that the new French anti-slave trade law had not yet gone into effect.

30 Ibid.

31 Graham to Palmerston, 18 April 1831, ibid., p. 569; Granville to Palmerston, 18 and 29 April 1831, ibid., pp. 573, 576.

32 Granville to Palmerston, ibid., p. 573; Sébastiani to Granville, 5 May 1831, ibid., pp. 578-579; Rigny to Sébastiani, 28 May 1831, AAE, Afrique, XXVII, p. 91; "Instruction au capitaine de Broun," ibid., p. 94; "Speech of Louis-Philippe," BFSP, XIX, 640.

33 Palmerston to Talleyrand, 6 June 1831, ibid., pp. 580-581; Palmerston to Granville, 15 July and 16 October 1831, ibid., pp. 583-584, 586 Granville to Palmerston, 30 September and 31 October 1831, ibid., pp. 586-587.


35 Rives to Livingston, 9 October 1831, U.S. Department of State, "Despatches from United States Ministers to France, 1789-1906" (Washington, 1954), XXV (microfilm), no. 82 (hereafter cited as "Desp. from France").

36 Ibid.; Putney, French Diplomacy, pp. 148-149.


38 Granville to Palmerston, 31 October 1831, BFSP, XIX, 586-587.

39 Palmerston to Granville, 7 November 1831, ibid., pp. 587-589

40 Rigny quoted in Putney, French Diplomacy, p. 155; Rives to Livingston, 18 November 1831, "Desp. from France," XXV, no. 90.

Hertslet, Commercial Treaties, IV, 111-114.

Rives to Livingston, 18 November 1831, "Desp. from France," XXV, no. 90; Broglie, "motifs," Guizot, Mémoires, VI, 438.

Louis Blanc, The History of Ten Years (New York, rp. 1969), II, 209-211; Talleyrand to Madame d'Adelaire, 22 October 1831, Talleyrand, Memoirs, IV, 221. On 3 November 1831, Caismir Périer praised the ambassador settling "to our greatest possible satisfaction," a question which had threatened European peace (ibid., p. 223); News of the formal treaty of peace and separation reached Paris on the evening of November 17. The King and his sister were immensely pleased. Madame d'Adelaire to Talleyrand, 18 November 1831, ibid., p. 227; Louis-Philippe to Talleyrand, 19 November 1831, ibid., p. 228.


"Discours de M. Broglie à la Chambre de Pairs," AAE, Afrique, XXII, 46. Louis Blanc concedes that the avowed aim of the convention was noble, but the two governments he thought, were attempting to achieve it through "detestable means." Blanc, Ten Years, II, 210-211.


Palmerston to Granville, 4 January, 17 February and 13 March 1832, BFSP, XX, 214-215, 222-223, 230; Perier to Granville, 6 and 18 February 1832, ibid., pp. 221, 224-226. Perier was acting foreign minister because Sébastiani was ill.

Sébastiani to Granville, 27 March 1832, ibid., p. 231; "Instructions to French naval commanders," ibid, p. 226; Palmerston to Granville, 8 February 1832, ibid., p. 220; Putney, French Diplomacy, p. 158; "Comment sur la note anglaise de 26 February 1832," AAE, Afrique, XXVII, p. 106. The French Ministry approved the treaty on 16 December 1831 and exchanged ratifications with the British on December 22. I found no evidence that a French consul
ever was sent to Fernando Po; the supplementary Convention of 1833 and the Quintuple Treaty both provided that suspect French vessels be taken to Gorée.

50 Ibid., p. 107; Putney, French Diplomacy, pp. 160-161.
51 Hertslet, Commercial Treaties, IV, 115-124.
52 Ibid.
53 Ibid.; Blanc, Ten Years, II, 211.
54 Le Moniteur, 1 September 1833; Aston to Broglie, 10 June 1833, BFSP, XXII, 117; Granville to Palmerston, 21 June 1833, ibid., p. 118; Palmerston to Granville, 2 July 1833, ibid., p. 119.
55 JD, 16 and 26 April and 31 August 1833; Nouveau recueil général de traités et autres actes relatifs aux rapports de droit international. Continuation de grand recueil de G. Fr. Martens, deuxième série (Gottingen, 1876-1908), XX, 547 (hereafter cited as Recueil général, 2nd sér.); Annual Register, LXXV (1833), 229; ibid., LSSVI (1834), 339; Le National, 24 December 1842.
56 "Return, showing the Number of Warrants which had been granted by the British Government for French cruisers, and by the French Government for British cruisers, and which were outstanding on the 1st day of January and on the 1st day of July in each Year, from 1834 to 1844, both inclusive," British Parliamentary Papers (Shannon, Irland: Irish University Press, 1968), LXXXIX (1842-1848), 277 (hereafter cited as Parl. Papers); Daget, "British Repression," p. 437; Philips D. Curtin, The Atlantic Slave Trade: A Census (Madison, Wisconsin, 1969), p. 250.
57 Hertslet, Commercial Treaties, IV, 111; Broglie to Granville, 11 March 1834, BFSP, XXII, 104; Palmerston to Granville, 19 April 1834, ibid., pp. 105-106.
58 Rigny to Sébastiani, 13 August 1832, AAE, Afrique, XXVII, p. 115; French Commander, West African Squadron to Rigny, 1 June 1832, ibid., p. 117; Rigny to Granville, 11 July 1834, BFSP, XXII, 110-111. Louis-Philippe's government never succeeded in gaining Spanish and Portuguese approval.
59 Putney, French Diplomacy, pp. 167-169; Dubois, Suppression, p. 142. McLane served as Secretary of State from 29 May 1833 to 30 June 1834, when he retired.
Putney, French Diplomacy, pp. 170-171; Palmerston to Granville, 3 June 1834, BFSP, XXIII, 107-108; Rigny to Granville, 11 January 1835, ibid., XXIV, 285-286.

Putney, French Diplomacy, p. 173; Copies of these treaties can be found in Hertslet, Commercial Treaties; Denmark agreed to the conventions on 26 July 1834 (ibid., IV, 87); Sardinia, on 8 August 1834 (ibid., 389, 391); Tuscany, on 24 November 1837 (ibid., V, 553); Sicily, on 14 February 1838 (ibid., 439); and Haiti, on 23 December 1839 (ibid., VI, 525).

CHAPTER II

ANGLO-FRENCH RIVALRY AND THE QUINTUPLE TREATY, 1836-1841

In January 1834, Palmerston formally requested Austrian, Prussian and Russian adherence to the Anglo-French accords of 1831 and 1833. At the time, Europe appeared to be divided into two distinct and rival camps. One, represented by the Convention of Berlin (October 1833), combined the three absolutist powers of the east: Austria, Prussia, and Russia. The other, announced in 1834 by the conclusion of the Quadruple Alliance (April 22), joined together the four 'liberal' kingdoms of the west: Britain, France, Spain, and Portugal. But common interests in Belgium, Greece, and liberal movements in general, notwithstanding, the Anglo-French entente of the early 1830s slowly lost vitality and importance. Palmerston's attitude toward France hardened as difficulties over trade and the Spanish situation arose. After consolidating the Orleanist Monarchy domestically, French ministers endeavored to end the division of Europe by negotiating a rapprochement with Austria. They also continued to oppose any extension of the earlier right-of-search conventions. In 1837, Queen Victoria failed to allude to the benefits of Anglo-French cooperation in the
speech opening Parliament, and in July 1840, the second Egyptian crisis shattered any remaining semblance of the entente. Underestimating these latest developments, François Guizot, upon becoming foreign minister in October 1840 and after the fall of Palmerston in August 1841, signed the Quintuple Treaty by which the five great European Powers collectively recognized the right-of-search principle.¹

Palmerston's campaign to obtain the Eastern Powers' approval of the bi-lateral conventions of 1831 and 1833 began late in 1833. By approving this effort, French statesmen were supporting Article IX of the 1831 agreement by which the two Western Powers had agreed to seek the concurrence of other maritime powers. Both nations, at the time, hoped to obtain simple recognition by Austria, Prussia, and Russia of the validity of the Anglo-French system. After the Great Powers had accepted these accords, they agreed to conclude a formal treaty executing this assent.²

Simple approval by the Eastern Powers, however, was not forthcoming. Prussia, at first, seemed ready to consent, but Austria and Russia refused. Instead of mere concurrence, the Tsar's government, with Austrian support, suggested on 10 September 1834 the five nations hold a great-power conference to conclude a new treaty, one more in line with the common declaration against the slave trade proclaimed by the Congress of Verona, 1822. A more effectual, uniform means of suppressing the slave trade and punishing those who
engaged in it was needed. Soon after this counter-proposal, the Prussian government closed ranks with its allies, and Britain and France faced a united Eastern bloc.\(^3\)

Discussion continued through 1834 and 1835 as Palmerston attempted to overcome Russian opposition. The conventions of 1831 and 1833, he believed, rendered a great-power conference unnecessary, for the Anglo-French agreements were a practical means of executing the joint declaration adopted by the five powers at Verona. To secure total suppression of the slave trade, the Eastern Powers need only agree to the Anglo-French accords, and while Britain would be willing to modify the conventions' geographical and political stipulations, no five-power conference was needed to effect such changes. But Palmerston's arguments failed to sway Russian diplomats, and before this obstinacy, the British foreign secretary recanted. On 6 February 1836, Palmerston formally declared his willingness to enter into negotiations with the Eastern Powers representatives at the Court of St. James to make "arrangements for the accomplishment of the benevolent object [the suppression of the slave trade] which His Majesty's Government have in view."\(^4\)

In April, Palmerston informed Sébastiani, now French ambassador to Britain, of this latest development, but his change of attitude puzzled French diplomats. Alluding to the continuation of the slave trade and the incomplete systems adopted in isolation by certain governments, a
reference to the American position, as a possible reason for the change in British policy, Sébastiani thought it necessary to remind Adolphe Thiers, now French foreign minister and president of the Royal Council, of the difficulties inherent in the northern European proposal. A treaty involving the five European powers would replace a specific and particular convention between England and France with a more general treaty which could limit French independent action and threaten national interests. If the King's government agreed with the proposal, what action should he take?5

Thiers never responded to Sébastiani's request for instructions, but in a note written to the French ambassador but never sent, the premier voiced his apprehension. If the three Eastern Powers, hoping to satisfy their pride, simply agreed to the Anglo-French accords in a new form, the Royal Council would have no objections. A five-power agreement undoubtedly would aid Britain's international efforts to suppress the slave trade, but if negotiations should reveal a different intent, i.e., if Palmerston suggested stipulations which perverted the earlier treaties, Sébastiani should reserve judgment and refer the proposals to the French government. Palmerston's purpose, therefore, concerned Thiers, and to ascertain the British secretary's intentions, Sébastiani needed no special instructions.6

This latter fear, indeed, proved true as further correspondence reveals. In May, Palmerston proposed a treaty draft
which, if adopted, would significantly alter the nature of the earlier Anglo-French agreements. This draft extended the zones in which the right of search could be exercised to virtually the entire Atlantic Ocean (from thirty-seven latitude north to forty-five latitude south and from eighty longitude east to eighty longitude west), removed all restrictions placed upon the number of cruisers invested with the right, and failed to provide for annual review and renewal of the mandates. Informing Sébastiani of the changes on May 31, the British foreign secretary argued that the limits of the earlier treaties were too narrow. If France and Britain hoped to abolish the slave trade, they must remove the restrictions and gain the concurrence of the three Eastern Powers. Relaying this information to Thiers, Sébastiani again asked for instructions, and while not wishing to prejudge the Council's decision, he asked Thiers to reflect seriously on the clauses calling for an extension of the zones.7

Thiers, an ardent nationalist, admirer of Napoleon, and proponent of an aggressive and independent foreign policy, hoped to return France to her Great Nation status which many Frenchmen believed she had lost in 1815. Aware that the French electorate favored such a policy, Thiers came to power in February 1836, heading a 'liberal' cabinet which intended to end France's dependence of England and effect a rapprochement with Austria. Ending France's subordinate
role in the Anglo-French entente did not imply openly breaking with Britain; Thiers, instead continued to give lip service to the agreement, but at the same time, he began negotiating with Metternich to arrange a marriage between Louis-Philippe's eldest son and heir to the throne, Ferdinand, duc d'Orléans, and Archduchess Therese of Hapsburg. A Franco-Austrian understanding, cemented by a dynastic marriage, would have ended the European division and French isolation, and for this reason Metternich never seriously considered the French overtures. He sought, instead, to separate France from Britain without giving the Paris government the security it so desperately wanted. Undaunted, Thiers turned to Spain, for the situation in that country offered him another opportunity to enhance French prestige in Europe. ¹⁸

In April 1834, Palmerston had asked the French government to accede to a treaty between England, Spain, and Portugal, which provided for the expulsion of Don Carlos and Don Miguel, the pretenders respectively to the Spanish and Portuguese thrones. Since the death of Ferdinand VII, the Spanish king, in September 1833, France and Britain had been jockeying for position in the Iberian Peninsula. In this affair, France had agreed to acknowledge British ascendancy in Portugal in return for recognition of her special relationship with Spain, but the Quadruple Treaty envisioned by Palmerston did not meet French
expectations. Talleyrand and Rigny considered it an insult to French honor and demanded parity with the British government. The King and his ambassador to London would have made concessions, if Palmerston had consented to an Anglo-French defensive alliance, but the foreign secretary refused to grant the French government that guarantee. The French Ministry, desiring to maintain the semblance of an Anglo-French entente, reluctantly signed the Quadruple Alliance, but did not commit itself fully to the 'liberal' cause in Spain for fear of alienating the Vienna cabinet.9

After coming to power in 1836, Thiers found that the Spanish situation had changed very little. While Spanish and British forces had defeated the two pretenders and forced them to leave Portugal, Don Carlos had returned to Spain in 1835, and the revolt had intensified. In March 1836, Palmerston suggested Anglo-French intervention, hoping to end the war in northern Spain and keep the pro-British Mendizabel Ministry in power in Madrid. Thiers rejected the British offer, for Metternich had not yet refused the French marriage plan. The French premier, moreover, did not wish to strengthen the pro-British faction in Madrid at the expense of the pro-French party. But by late June 1836, Thiers concluded that intervention in Spain offered his Ministry the best opportunity to enhance its domestic and international prestige. The duc d'Orléans had "returned from Vienna empty-handed," and the pro-French
Isturiz Ministry now governed in Madrid. Louis-Philippe, however, continued to oppose French intervention, arguing that it would enrage the National Assembly and force it to dismiss the government; finally, if France became involved in a Spanish civil war, she would not emerge unscathed. Thiers persisted in his maneuvers throughout the summer, but the King remained absolute, and in the end, his opinion prevailed. In September 1836, when Thiers offered his resignation in protest, Louis-Philippe accepted it, but according to Count Louis Molé, Thiers' successor, the "bantam rooster's" chicaneries had isolated France in Europe.¹⁰

In view of Anglo-French rivalry, Thiers' failure to respond to Sébastiani's requests was not surprising. By refusing, Thiers retained some freedom of action, and in 1832, France rejected a British demand to extend the zones. Despite the campaign of British abolitionists for expansion, French statesmen in 1835 again refused to consider it. Thiers' silence does not imply inactivity, for he did forward the proposed treaty to the navy minister whose arguments against the draft foreshadowed those of later right-of-search critics. Writing in July 1836, Admiral Guy Duperré opposed any extension of the zones, and the removal of the other restrictions, he observed, changed the very nature of the concession by making it practically unlimited. Acceptance of such a proposal would have dangerous
consequences for French commercial interests, specifically for her fishing fleet, and if relations between the two nations cooled, Britain might take advantage of the concession. 11

After replacing Thiers in September 1836, Molé continued the diplomatic maneuvering. This silence, of course, frustrated Palmerston, who instructed Granville to reiterate the importance of this subject. The foreign secretary hoped the Royal Council had no objections to the treaty and that Molé would instruct Sébastiani to propose the draft treaty to the Eastern Powers as a joint Anglo-French project. Molé maintained that he had more important issues to resolve. Thiers' handiwork had to be undone, and Franco-Austrian relations repaired. Palmerston, resorting to one of his favorite ploys, charged in December 1836 that French involvement in the slave trade was increasing. French subjects, he maintained, actively engaged in the Cuban slave trade. Were the conventions of 1831 and 1833 dead letters? Like Thiers, Molé wished to avoid an open break with Palmerston; in January 1837, he, therefore, reaffirmed his loyalty to the Anglo-French entente, even as he opposed French intervention in Spain. Responding to Palmerston's pleadings of December, Molé assured the foreign secretary that the Ministry would examine the proposal and communicate its intentions shortly. 12
Palmerston never heard from Molé in 1837, and on 27 February 1838, he ordered Granville to renew the British démarche.

You will state that this is a matter which Her Majesty's Government have much at heart, and which excites the deepest interest in this country; and you will say that it will afford Her Majesty's Government very great and sincere satisfaction to be able to bring this matter to a satisfactory termination in cooperation with the Government of France.¹³

The foreign secretary was determined that France should follow Britain's lead on this issue; her international efforts to suppress the slave trade were at stake.¹⁴

Domestic circumstances outside of his control, Molé argued prevented any examination of the proposed draft. A coalition led by Thiers and François Guizot, leader of the right-center faction, threatened the existence of the Ministry, and when Sébastiani again asked for instructions in March 1838, the French minister demurred, promising to discuss the issue with the Royal Council. But French merchants complained that British commanders were overstepping their authority. Molé, though aware of the benefits of the Anglo-French entente, feared public opinion would condemn any extension of the zones. In June 1838, Granville reasserted the British position, but the foreign minister again remained silent. These delaying tactics, notwithstanding, a European conference opened in London on 12 December 1838, and Sébastiani joined Palmerston in signing
the protocol which provided for Anglo-French co-sponsorship of the proposed treaty, but he did so without the prior approval of his government.15

The next day Sébastiani informed Molé that the British foreign secretary had asked him to present the treaty to the Eastern Powers as a joint Anglo-French project. The French ambassador had consented:

At this time, [he explained], I think it would be useful to give the two cabinets the same role, the same language in a secondary negotiation. I have reserved the right to introduce modifications to the treaty which the King's government might find necessary to suggest.16

Sébastiani, as foreign minister, had accepted the Convention of 1831. In 1838, he still considered the English alliance as the best guarantee of European peace, and by signing the Protocol opening the negotiations, he engaged his personal honor, not the prestige of his government. By co-sponsoring the draft, Sébastiani believed he had avoided an Anglo-French rupture and a break within the entente, but the warm relationship existing between France and Great Britain already had undergone a change. The actions of both Thiers and Molé implied an independence that Palmerston would not willingly accept. He always had considered the relationship an understanding between two unequals and expected France to follow Britain's lead. His attitude toward France worsened as Anglo-French interests diverged in the Near East.17
The fate of the Ottoman Empire weighed heavily upon nineteenth-century diplomats, for its decline seemed inevitable. One important factor behind the growth of Russophobia in Britain was the fear that the Tsar would take advantage of Turkish weakness and threaten British commercial interests in the Levant and India. France shared these sentiments, and these mutual suspicions aided in the development of the Anglo-French understanding of the early 1830s. Late in 1832, Mehemet Ali, Pasha of Egypt and the Sultan's vassal, attacked Mahmud II's forces hoping to win his independence and to secure for his son hereditary claim to Egypt. Mehemet Ali's actions, of course, threatened the very existence of the Ottoman Empire and caused great alarm in the European capitals. France was sympathetic to Egypt, but in 1832 and 1833 worked to restrain the Pasha. At first, Mahmud II sought British help, but when Palmerston hesitated, he had recourse to Nicholas II. The Tsar acted quickly, landing troops and sending a naval squadron to protect Constantinople, and thus forced Mehemet Ali to halt his victorious march. By the Treaty of Unkiar Skelessi (8 July 1833), Nicholas formally agreed to defend the status quo in Turkey for eight years; in return, the Sultan secretly consented to close the Bosporus and Dardanelles in the event of a war between Russia and a third power. Austria and Prussia acquiesced to Russian dominance at Münchengrätz (18 September 1833) and at Berlin (October 1833), where the
three reactionary powers pledged to protect the status quo in Turkey and to intervene in kingdoms whose monarchs were threatened by insurrections. These Russian successes, on the other hand, concerned France and Britain, but realizing that the Treaty of Unkiar Skelessi would remain a dead letter if no one attacked the Ottoman Empire, Palmerston worked to persuade Mahmud to make reforms.\(^\text{18}\)

An uneasy peace reigned in the Near East from 1833 to 1839, but by late 1838, conflict, due to the ambitions of both the Pasha and the Sultan, had become inevitable. This time the interests of the two Western Powers differed, for French influence had grown steadily in Egypt. French officers now served as advisors to the Pasha's armies; French technicians helped to develop the Egyptian economy, and the French government granted loans to Mehemet Ali. French public opinion enthusiastically supported the Pasha as an advocate of French culture in the Near East and as Napoleon's successor. Unfortunately for the Anglo-French understanding, British and Russian interests temporarily converged. In 1839, the Sultan, assured of the support of Britain and Russia, resumed the conflict, but Mehemet Ali's forces defeated his army at Nizib (24 June 1839) and once more threatened the integrity of the Ottoman Empire. Maréchal Nicholas Soult, who had replaced Molé as the French foreign minister and premier on 12 May 1839, proposed a Great-Power conference hoping to secure Syria and
independence for Mehemet Ali. Palmerston agreed to internationalize the question, but he wished to force the Pasha to relinquish Syria and end the threat to the Ottoman Empire. Sensing an opportunity to isolate France and cause a rupture in the 'liberal' entente, Nicholas II concurred, and after September 1839, Russia and Britain cooperated. In March 1840, Louis-Philippe, forced by public opinion to take a tougher stance, dismissed Soult and recalled Adolphe Thiers, who attempted to mediate directly between the Sultan and the Pasha. By declaring on 7 April 1840 that France would not tolerate the use of force against Mehemet Ali, Thiers brought the specter of war to Europe. Not fooled by his bluff, Palmerston continued to negotiate with the three Eastern representatives, and on 15 July 1840, Britain, Russia, Austria, and Prussia signed the Treaty of London, regulating the Egyptian question without informing France. France erupted, for Frenchmen everywhere perceived the treaty as a return to the anti-French coalition of Chaumont. Both sides exchanged threats, but no one, especially Louis-Philippe, wanted war. In October 1840, he abandoned Thiers and brought back Maréchal Soult as President of the Royal Council with François Guizot as foreign minister. Britain, meanwhile, had forced Mehemet Ali to evacuate Syria, and with the change in the French government, "the crisis was effectively over." To avoid war in Europe and bring France back into the European Concert, the five Great Powers signed
a second treaty in London, the Straits Convention (13 July 1841), confirming the provisions of the earlier four-power agreement, which had restricted Mehemet Ali to Egypt and closed the Straits to foreign vessels in time of war.19

Against the background of the Egyptian crisis, a five-power treaty to abolish the slave trade was negotiated. Despite Palmerston's claims to the contrary, the attempt to gain Austrian, Prussian, and Russian acceptance of the draft agreement was essentially a British undertaking. The Eastern Powers' initial reaction to his plan was cool, and six months after the opening of the conference (December 1838), the foreign secretary still was waiting for a response. In June and September 1839, Palmerston asked the representatives of the three powers if they had received their instructions. Since all three replied that they had not, Palmerston in October broadened his démarche, instructing British representatives in Vienna, Berlin, and St. Petersburg to use all their efforts to induce the Eastern cabinets to agree to the treaty. All three governments, however, hesitated. Prussia and Russia informed Britain that inquiries into the proposal were being made, but they feared the stipulations would threaten their national integrity. Metternich responded on 21 October 1839 that Austria would not accede to the Anglo-French agreements. She had no colonies, and her merchant marine did not frequent the African coast. Besides, slavery was illegal in the
empire, and any Austrian found guilty of engaging in the infamous commerce was severely punished. The size of the Austrian navy, moreover, prevented her from actively participating in the policing action envisioned by the British plan. To give practical execution to the declarations made at Vienna and Verona, Metternich proposed that Austria by imperial decree, grant British commanders the right to search merchant vessels sailing under the Austrian flag for a period of five years. Britain would inform her of the zones in which this right would be exercised and also furnish the names of the commanders and vessels invested with this authority. If a British commander found an Austrian ship engaged in the slave trade, he should send it to Britain where it would be judged and condemned under Austrian supervision. Adopting such a plan, Metternich argued, would not require Austria to make a commitment she could not fulfill, but it would manifest her desire to suppress the slave trade.\(^\text{20}\)

Palmerston resisted the Austrian counter-proposal reminding Baron von Hummelauer, the Austrian chargé d'affaires, that he had not asked Metternich to agree to a treaty already concluded. The British government's great hope was "to engage all the Powers of Christendom, both in the Old and in the New World, in a general league," cemented by a treaty and dedicated to the abolition of the slave trade. By accepting the British plan, Austria
would not unconditionally engage herself to send cruisers to the African coast; provisions could be made allowing for the size of the Austrian navy, but by granting British commanders the right to search merchant vessels flying the Austrian colors, Austria would serve warning to slave traders not to usurp her flag. Britain, confident that no Austrian ship would ever engage in the black traffic, asked Austria to become an original, contracting party to a general treaty, the moral impact of which would reverberate throughout the world.\textsuperscript{21}

While the Eastern Powers hesitated, France officially remained silent, but the Paris government continued to express doubts about the feasibility of a five-power agreement. M\^ole neither disavowed nor recalled Sébastiani, preferring to allow the negotiations to run their course and avoid an open break within the entente. The frequent change of ministries also restricted France's ability to respond to Britain's proposals. Mole resigned in March 1839, and two months elapsed before Soult took charge. After coming to power, he queried Baron Philippe de Bourgueney, the French charge d'affaires in London, about the negotiations, but he made no official overture to Palmerston. Such a move, Bourgueney argued, would be counter-productive. There was no hurry, for the negotiations could only increase the differences which then prevented Anglo-French cooperation. Soult remained in
power only nine months before giving way to Thiers, whose Ministry lasted until October 1840 and brought Europe to the brink of war. On October 29, Soult again became Premier, but he shared authority with François Guizot, the foreign minister and the real power in the new Ministry. The frequent change of ministries notwithstanding, genuine French objections to a five-power agreement existed. For several years, French merchants had complained about the execution of the earlier agreements, and Palmerston's new proposal did not include a guarantee of the earlier accords. France would only concede so much. French recalcitrance after 1836 stemmed from a genuine fear that a five-power treaty would be harmful to France. Any agreement to suppress the slave trade which also would limit or hamper the liberty of French domestic legislation and independent action must be denied, but so long as the appearance of an Anglo-French understanding remained, French diplomats kept their anxieties to themselves.  

Despite French silence and the aloofness of the Eastern Powers, Palmerston perservered. Early in 1840, he convinced the autocratic monarchies to resume negotiations of the slave-trade question. On February 26, Palmerston met with Bourqueney, Hummelauer, Baron Heinrich Wilhelm von Werther, the Prussian minister, and Baron Phillip von Brunnow, the Tsar's special envoy to the Court of St. James, "in order to continue negotiations for the treaty
in question." But the Eastern representatives continued to express doubts, accepting the stipulations of the draft in general but arguing for a time limit. Palmerston vigorously resisted this proposal, and Bourqueney, Palmerston later claimed, had concurred. Suppressing the slave trade was a permanent goal of humanity; therefore, the Great Powers should adopt a permanent treaty, instituting the right of search, "one of the most necessary means for suppressing the slave trade." Lesser nations had accepted unlimited treaties, and Palmerston wanted to substitute the five-power treaty, once adopted, for the earlier Anglo-French agreements, which were unlimited in duration. In the eight years that they had been in force, moreover, not a single complaint "had been made by merchants of either nation that the right of search ... has been abusively or vexatiously exercised." Palmerston, thus, instructed Sir Frederick J. Lamb, Baron Beauvale and British ambassador at Vienna, Sir George Hamilton, the British chargé d'affaires in Berlin, and Ulick John de Burgh, the Earl of Clanricarde and the British ambassador in St. Petersburg, to press the Eastern governments to "agree to the proposed draft without limitation of time or else accede to the Conventions of 1831-33." 23

The British foreign secretary's inflexible position persuaded the Austrian and Prussian cabinets to cease their opposition to a five-power accord, but the Russian government
continued to urge a temporary agreement. The great extension of the right of search without the guarantees did not deserve a permanent engagement, for it was "in some degree an experiment." When the five plenipotentiaries (with Guizot now representing France) met on 26 July 1840, Brunnow again pressed for a time limit. But Palmerston remained firm, and the Russian ambassador, seeing the willingness of the Austrian and Prussian ministers to enter into the agreement, indicated that his government might agree to an unlimited duration, if Britain restricted the zones in which the right of search would be exercised. To secure Russian acceptance, Palmerston softened his position and agreed to restrict the right of search to a zone defined north of the equator by the thirty-third parallel, south of the equator by the forth-fifth parallel, and east and west of the Greenwich meridian by the coasts of India and America. This zone, the British foreign secretary argued, would allow the right of search in all waters where slavers practiced their odious profession, but would protect legitimate Russian commerce to other parts of the world.24

The Tsar and his ministers eventually agreed to Palmerston's proposal. The threat of an European war perhaps induced the Eastern Powers to accept the British treaty, and the conclusion of the Treaty of London (15 July 1840), regulating the Egyptian crisis, formalized France's isolation. To strengthen the new balance of power, the
St. Petersburg cabinet changed its policy toward a general slave-trade treaty. In any case, the Tsar in August 1840 announced his intention to accept Palmerston's latest démarche. The removal of this difficulty, however, did not pave the way for the immediate acceptance of the five-power treaty, for the bitterness caused by the Anglo-French rupture affected the passive French stance toward the proposed treaty. Thrust into isolation, France again led by Thiers, was disinclined to march to a British drummer.25

During the spring of 1840, Palmerston had prepared the British case: Since French involvement in the slave trade was increasing, the French government must "take decided measures" to solve this problem and to prevent the usurpation of the French flag by foreign slavers. The French Ministry countered that British commanders were violating earlier agreements. Captured French vessels had not been taken to Gorée as stipulated, but to Sierra Leone, a British colony in West Africa; these abuses, moreover, were multiplying. On 23 July 1840, Albin-Reine Roussin, the navy minister, informed Guizot, a self-proclaimed diplomatic novice, of the vexatious manner in which British officers exercised the right of search: They searched and seized French vessels too aggressively. Their arrogance and rudeness caused delays, increased the work load of French sailors, and allowed British merchantmen an unfair advantage. The British government must correct this
situation, and its agents must limit themselves to the strict execution of the conventions.  

On 2 September 1840, Guizot requested new instructions concerning the five-power slave treaty. He had learned that Brunnow would sign the treaty; if Palmerston asked him to concur, what should he do? The accord, the ambassador argued, was a maneuver by which Palmerston hoped to induce the Eastern Powers to join the Anglo-French system. The foreign secretary had made some modifications, but these were necessary to improve the efficiency of the earlier slave-trade agreements. The most important change dealt with the geographical limits of the concession, but "experience has shown that the established limits . . . are insufficient for effective suppression; it is evident that they must be modified." France, moreover, had not objected to the proposals. He, therefore, suggested to Thiers:

If I am not mistaken, it would appear strange, if I was the only representative lacking the authority to sign the treaty, and at the time when Austria, Prussia, and Russia, after a long hesitation, are prepared to adhere to the system of suppression of the trade which France and England have practiced for a long time.

Neither Palmerston's colleagues nor all Englishmen accepted his anti-French Egyptian policy; to create a favorable impression in England, Guizot counseled Thiers to conclude the slave-trade accord.
The Paris government did not share Guizot's optimism, and his lack of concern, unlike that of his predecessor Sébastiani, puzzled the foreign ministry. Thiers informed Guizot on September 8 that he would make a profound inquiry into the matter, but Thiers did not feel obligated to sign a treaty offered by a power which had so recently insulted France. The settlement of the Egyptian crisis had aroused French pride and fear, but more important, it had destroyed any remaining vestige of the Anglo-French entente and canceled French willingness to engage in an effective means of suppressing the slave trade. An isolated France would not negotiate with the other four powers so long as she remained outside of the European Concert. Thiers, unlike Guizot, did not believe that France should make concessions to restore European unity. Palmerston understood the situation and adjourned the five-power negotiations.29

On 29 October 1840, Louis-Philippe dismissed Thiers for pushing Europe to the verge of war and placed the government in the hands of Soult and Guizot. The latter, too unpopular among the deputies to hold the prestigious title of President of the Royal Council (Premier), served as Minister of Foreign Affairs; nonetheless, Guizot was the driving force in the new ministry. This cabinet, which lasted until 19 September 1847 when Guizot became Premier, reoriented French politics and foreign relations. For Guizot, the ultimate goals were peace and reconciliation,
stability, and non-intervention. To prosper and grow, France needed England's friendship; he, therefore, set out to restore the Anglo-French entente. 30

After assuming office, however, Guizot did an about-face on the slave-trade question. From December 1840 to May 1841, Britain and France exchanged charges, with the former accusing French subjects of engaging in the slave trade and procuring slaves for use by the French government as soldiers in the West Indies. France, of course, denied the allegations and declared that her flag no longer covered the infamous traffic. English officers, moreover, continued to abuse their authority in the enforcement of the earlier agreements. On 13 July 1841, the same day that France reentered the European Concert by signing the Straits Convention, ratifying the Egyptian settlement of the year before, Palmerston renewed his campaign to obtain a general slave-trade treaty. Since France no longer was isolated in Europe, was she now prepared to sign the five-power treaty. Guizot, however, took up Thiers' tune and refused to sign the agreement. He, like his predecessor, felt no obligation—for personal and political reasons—to conclude these proceedings. Foremost in his mind was his antipathy toward Palmerston, who had insulted France and the Royal Council. Palmerston's indiscreet pronouncements over the last year had offended Guizot, who already had decided to receive with reservation any British overture.
When Palmerston on August 10 pressed the issue, Guizot again refused. True, there was no difference of opinion over the means of suppression, but several secondary clauses required study and the French public had doubts about the necessity of the right of search. French newspapers would protest, and Admiral Guy Duperré, navy minister, questioned the need to extend the zones. For these reasons, France would not immediately sign the five-power agreement.\(^\text{31}\)

Guizot's rebuff, of course, vexed Palmerston, who instructed Henry Bulwer, the British chargé d'affaires in Paris, to persist. Guizot, however, remained firm and complained to Bulwer of Palmerston's unfriendly attitude and lack of savoirfaire. Why should I "embarrass myself in Paris to procure for him Palmerston a triumph in London"? This position, at first, demoralized Palmerston, who desperately wished to conclude the five-power treaty before leaving office. In August 1841, the Melbourne Ministry, twice defeated on a tariff issue, faced imminent resignation. The British foreign secretary on August 17 made a personal appeal to Guizot to reconsider; this ploy too failed. By the 24th, Palmerston admitted defeat, but still brazen and arrogant, he chastised Guizot for refusing to sign the treaty. The British government had dreamed of establishing an international alliance of Christian nations against the slave trade, but France's refusal to join had undermined the system. Over the past three years, the
envoys of the five powers, Palmerston argued, had considerably modified the draft, and all the amendments tended to restrict the right of search, not to expand it. How could France refuse to sign a treaty which she herself had proposed with Britain to the Eastern Powers? 'But if, as a result of this rejection, new difficulties arose elsewhere, Palmerston declared, the responsibility for having caused them would not rest with Her Majesty's Government.\textsuperscript{32}

On 28 August 1841, the Melbourne cabinet resigned, and a Tory ministry succeeded it. Sir Robert Peel headed it as Prime Minister, and George Hamilton Gordon, the Earl of Aberdeen, entered the Foreign Office. Although the Tories had repeatedly criticized the 'liberal' alliance of the early 1830s, Peel and Aberdeen by 1841 had become more sympathetic toward France than Palmerston. The new prime minister had disapproved of Palmerston's actions in the Second Mehemet Ali Crisis, and Aberdeen soon concluded that good Anglo-French relations were as necessary as a good rapport between Britain and Russia. He, thus, attempted to create an atmosphere of trust and understanding between the London and Paris governments. This shift, of course, received a warm response from Guizot, who thereupon reversed his attitude toward the five-power slave treaty.\textsuperscript{33}

Guizot believed he could work with Aberdeen, for the statesmen shared many of the same ideals and aspirations. Peel and Aberdeen, Guizot observed, were former conservatives
turned liberal, while he was a former liberal turned conservative. But more important, Aberdeen and Guizot shared the belief that peace and stability in the West demanded good Anglo-French relations. When Aberdeen in October 1841 tactfully inquired about French intentions regarding the slave treaty, Guizot cordially received the overture. In November, Guizot dispatched new instructions to Louis de Beaupoil, the Comte de Sainte-Aulaire and French ambassador at London, authorizing him to sign the five-power slave-trade treaty. On 20 December 1841, the plenipotentiaries of the five nations signed the Quintuple Treaty and promised to exchange ratifications by 19 February 1842.34

The Quintuple Treaty was Palmerston's masterpiece; no significant changes were made between his fall from power and the eventual signing of it. By accepting its terms, the Eastern Powers declared the slave trade piracy and granted British and French warships the right to search merchant vessels flying their flags. France concurred only in this latter declaration, but the treaty greatly enlarged the zones in which authorized naval commanders could exercise the right of search and seizure. Only the Mediterranean Sea and the Pacific Ocean were excluded, and the European powers approved the concession in an area bounded on the north by the thirty-second parallel, on the south by the forty-fifth parallel, and stretching eighty degrees to either side of the Greenwich meridian. The
other articles of the Quintuple Treaty expanded the provisions of the conventions of 1831 and 1833 to include the three Eastern Powers, but did not limit the number of commanders invested with a warrant, nor provide for annual review and renewal. If abuses occurred, the five-power accord established the procedure by which the plaintiff could obtain redress, but if a vessel equipped with articles or provisions peculiar to the slave trade were seized, no damages would be allowed.  

Guizot's about-face on the Quintuple Treaty not only indicates the superficiality of his earlier criticism, but also shows the importance he attached to England's friendship. By signing the treaty, Guizot hoped to win Aberdeen's gratitude and facilitate an Anglo-French rapprochement. Aberdeen greatly appreciated the gesture which, of course, pleased Guizot; thus the two statesmen took the first steps toward establishing the Anglo-French understanding which later developed into the "entente cordiale." The reversal of policy also reveals the true nature of France's attitude toward the suppression of the slave trade. Guizot and the majority of his countrymen considered effective suppression of the slave trade as secondary to the protection of French national interests and the maintenance of peace. In the early, turbulent years of the 1830s, France, hoping to avoid isolation in Europe, agreed to the anti-slave trade conventions of 1831 and 1833, but these bi-lateral agreements
safeguarded French national interests by restricting the right of search. They were temporary and experimental, but Palmerston, in his attempt to secure an international agreement condemning the slave trade, assigned to the earlier accords a permanent nature and broadened their provisions to the point that they became unacceptable to French statesmen. Unwilling to break openly with the British foreign secretary, Molé and Thiers did not voice their apprehensions, but French silence indicated a genuine fear that a five-power treaty would be disadvantageous to France. When England broke with France over the Egyptian crisis and the majority of Frenchmen came to regard British friendship as no longer vital to the security of France, Thiers refused Palmerston's request to continue the negotiations. In his haste to resume friendly relations with England, Guizot, after Palmerston had left office, ignored, or did not perceive, the Realpolitik behind French diplomacy between 1836 and 1840. He expected some opposition to the Quintuple Treaty but underestimated the resentment which Frenchmen in 1842 bore toward it and the English "alliance."
1. Renouvin, Relations internationales, I, 81, 120-121; Jardin and Tudesq, Notables, I, 180-194; Molé, Mémoires, V, 196-204.

2. Palmerston to Granville, 23 January 1834, BFSP, XXIII, 102-103; Broglie to Granville, 1 February 1834, ibid., p. 104; Granville to Palmerston, 7 February 1834, ibid., p. 103.

3. Putney, French Diplomacy, pp. 175-176; Palmerston to Bligh, 30 September 1834, BFSP, XXIII, 124-127; Palmerston to Rigny, 29 September 1834, AAE, Afrique, XXVII, 226.

4. Ibid., pp. 227-230; Putney, French Diplomacy, pp. 175-176; Abercrombie to Palmerston, 23 June 1835, BFSP, XXIV, 297-298; Palmerston to Bülow, 6 February 1836, ibid., p. 301; Palmerston to Hummelauer, 6 February 1836, ibid., p. 293; Palmerston to Pozzo di Borgo, 6 February 1836, ibid., p. 308.

5. Sébastiani to Thiers, 27 April 1836, AAE, Afrique, XXVII, 308-309; "Note sur la negotiations relatives à la traite des noirs, 1839," ibid., XV, 102-107.

6. "Lettre annulé de Thiers," Thiers to Sébastiani, (?) May 1836, ibid., XXVII, 333-334; "pourquoi pas l response" has been written above the heading of Sébastiani's letter of April 27, and Molé, upon coming to power in September 1836, found that no instructions had been sent to the ambassador; "Discours de M. Molé a la Chambre des Peers," Le Moniteur, 18 May 1842. Further correspondence also supports this view.

7. Palmerston to Sébastiani, 31 May 1836, BFSP, XXV, 291-292. This note also is found in AAE, Afrique, XXVII, 338; Sébastiani to Thiers, 8 June 1836, ibid., p. 336; Duperré to Thiers, 13 July 1836, ibid., p. 369.

Ibid., pp. 368-394; Renouvin, Relations internationales, I, 112-113.


10 See above p. 41; Duperré to Rigny, 31 January 1835, AAE Afrique, XXVII, p. 246; Duperré to Thiers, 13 July 1836, ibid., p. 369; Annual Register, LXVII (1836), 333.

11 Molé, Mémoires, V, 204, VI, 6-10; "Molé, Discours," Le Moniteur, 18 May 1842; Granville to Molé, 7 November 1836 and 2 January 1837, AAE Afrique, XXVII, 374-375, and XXVIII, 10-11; Palmerston to Granville, 31 October, 17 and 27 December 1836, and 17 January 1837, BFSP, XXV, 294-296; Molé to Granville, 16 January 1837, ibid., p. 297.

12 Palmerston to Granville, 27 February 1838, ibid., XXVI, 605-606.

13 Ibid.; Granville to Molé, 5 Marcy 1838, ibid., pp. 610-611.

14 "Molé, Discours," Le Moniteur, 18 May 1842; Molé to Sébastiani, 19 March 1838, AAE Afrique, XV, 105; "Note sur la négotiations, 1839," ibid., p. 106; Sébastiani to Palmerston, 5 March 1838, "Case of L'Africaine," BFSP, XXVI, 606; Bourqueney to Palmerston, 12 May 1838, "Case of Le Voltigeur," ibid., XXVII, 687; Granville to Palmerston, 15 June 1838, ibid., pp. 687-688; "Protocol of a Conference in London between France, Great Britain, Austria, Prussia, and Russia relative to the Slave Trade," 12 December 1838, ibid., XXVIII, 1060.

16 Sébastiani to Molé, 13 December 1838, AAE Afrique, XXVIII, 52-53.


20 Palmerston to Esterhazy, 28 June and 13 September 1839, BFSP, XXVIII, 824; Palmerston to Beauvale, 10 October 1839, ibid., p. 825; Metternich to Esterhazy, 21 October 1839, ibid., pp. 827-829; Werther to Russel, 5 July 1839, ibid., p. 837; Palmerston to Russel, 10 October 1839, ibid., p. 840; Palmerston to Clanricarde, 11 June 1839, ibid., pp. 842-844.

21 Palmerston to Hummelauer, 11 December 1839, ibid., pp. 829-830.

22 "Chronique de la quinzaine," Rdm, XXX (31 May 1842), 337; Bourqueney to Soult, (?) May 1839, AAE Afrique, XXVIII, 57; "Note sur la négociations, 1839," ibid., XV, 107.

23 Hummelauer to Palmerston, 18 February 1840, BFSP, XXVIII, 833; Palmerston to Hummelauer, 22 February 1840, ibid., p. 833; Werther to Palmerston, 18 February 1840, ibid., p. 841; Palmerston to Beauvale, 4 March 1840, ibid., pp. 833-836; Hamilton to Palmerston, 18 March 1840, ibid., p. 842; Nesselrode to Clanricarde, 18 May 1840, ibid., XXIX, 561-562; Palmerston to Bulwer, 24 August 1841, ibid., XXX, 1036.

24 Ibid.; Clanricarde to Palmerston, 23 May 1840, ibid., XXIX, 560-561; Palmerston to Bloomfield, 4 August 1840, ibid., pp. 562-563.

25 Bloomfield to Palmerston, 15 August 1840, ibid., p. 563; Palmerston to Bulwer, 24 August 1841, ibid., XXX, 1036; Guizot, Mémoires, V, 300.

26 Palmerston to Granville, 22 February, 2 April, and 22 May 1840, BFSP, XXVIII, 798, 800, and XXIX, 524-525; Guizot to Palmerston, 4 and 13 March 1840, ibid., XXVIII, 798-800; Palmerston to Guizot, 2 June 1840, ibid., XXIX, 526; Granville to Soult, 29 February 1840, AAE Afrique, XXVIII, 111; Granville to Thiers, 9 March 1840, ibid., p. 113; Roussin to Guizot, 23 July 1840, ibid., pp. 134-137.

27 Guizot to Thiers, 2 September 1840, ibid., p. 140.

28 Ibid., pp. 138-141; Guizot, Mémoires, V, 298-300.


31 Duperré to Guizot, 5 February and 30 April 1841, AAE Afrique, XXVIII, 153-154; "Chronique de la quinzaine," Rdm, XXX (31 May 1842), 340; Guizot, Mémoires, VI, 131-138; France did not deny using blacks as soldiers in the West Indies but maintained that any black transported to the Caribbean for this purpose was free not a slave. Guizot to Bourqueney, 3 December 1840, "Case of the Sénégal," BFSP, XXX, 1017-1018; Palmerston to Granville, 3 February and 18 March 1841, ibid., pp. 1019-1020; Palmerston to Bulwer, 26 May 1841, ibid., p. 1021; Guizot to Bulwer, 11 June 1841, ibid., p. 1022; Bourqueney to Palmerston, 19 June 1841, ibid., p. 1025; Guizot to Bourqueney, 16 August 1841, ibid., p. 1031.


33 Bridge and Bullen, Great Powers, p. 63; Annual Register, LXXXIII (1841), 16-18; Guizot, Mémoires, VI, 145-146.

34 Ibid., pp. 145-157, 418-419.


CHAPTER III

THE QUINTUPLE TREATY: INITIAL FRENCH REACTION,
DECEMBER 1841-FEBRUARY 1842

Though aware that opposition to the Quintuple Treaty would arise, Guizot was unprepared for the outburst which immediately followed its signing. A coalition of politicians and their journals, representing the entire political spectrum, indeed denounced the foreign minister's action. Their reaction was so vehement that on February 19, the date set for the exchange of ratifications, the Ministry withheld its ratification and reconsidered its position.¹

News of the convention had leaked to the public on 24 December 1841, when several French newspapers mentioned it in their summaries of the British press. These reports were vague and unsubstantiated, because the text of the treaty had not been published; nonetheless, the mere news of the event touched off a bitter debate among French journals. The Journal des Débats, closely aligned with Guizot, commented that the agreement indicated once more that France had reentered the European Concert. Nothing in the document compromised the integrity and independence of any nation, and the five-power treaty dealt a more effective blow to the slave trade by increasing the interdictive action of France
and Britain. The treaty, also, should have a tremendous moral influence throughout the world. Quoting the London Morning Herald, the government's organ promised that Europe soon would present the treaty to the United States. The American government and people surely would not again refuse to join this humanitarian cause. The Quintuple Agreement, thus, aided a cause which was at once humanitarian and Christian. By joining other European nations, France would enhance her prestige, not sacrifice her interests.  

The republican paper, Le National, however, countered that without the signature of the American minister, the convention was a sham. The United States, moreover, never had "consented to suffer the shame of the right of search even at the price of reciprocity." With the firing of these salvos, the campaign to ratify the 1841 treaty began. Opposition to the treaty did not mean, however, that the majority of Frenchmen condoned slave trading. They did not, but they interpreted the convention as another humiliation forced upon France by England and other continental powers. On December 26, Le National called upon the government to publish the treaty, after which the nation could decide whether or not it threatened France's commercial interest and national honor. While the paper hesitated to condemn the document until the specifics were known, it did question two of its fundamental aspects. First, the paper announced its surprise that the treaty allegedly declared the slave trade
to be piracy. Le National contended that French subjects, even if they were slave traders, should not be placed outside the national judicial system. Inherent in this criticism, but distinct from it, was the newspaper's disbelief that the government could concede the right of search. According to Le National, none of France's different regimes had recognized such a right that Britain alone would exercise and from which only Britain would benefit. If the Ministry, indeed, had made such a concession, it would have abandoned the principle that the flag covers the merchandise which the Ancient Regime, the Republic, and the Empire, all had rigorously upheld. Herein lies the major opposing argument: Slave trading was contrary to French laws, but only the French navy and judicial system should execute French statutes. Thus the contest was enjoined before the National Assembly opened. 3

Having raised the right-of-search principle, Le National bitterly denounced it. During the next two weeks it published five lead-articles on this issue. In these attacks, the paper expanded its earlier arguments and reintroduced the American refusal to recognize the right of search. The 1841 treaty, according to Le National, constituted a serious infringement of French national sovereignty and a threat to French commercial interests. Granting Britain's navy the right to search French ships would lead to many abuses, unforeseen inconveniences, and a serious loss of honor for France among independent nations. It would also contradict
the principle of freedom of the seas, long championed by France and the United States. On December 31, the paper applauded President John Tyler's annual address to Congress which restated American rejection of the British demand for a reciprocal right of search. The next day *Le National* commended the American action as an act of courage which the rest of the world should emulate. Compared to the noble position of the United States, France's concession of the right of search was a shameful act, one which was contrary to the principles France had always upheld. It reminded its readers, however, that the treaty was not a fait accompli for the Chamber had not discussed it. The paper urged the Deputies to exert their constitutional power by rejecting the agreement. To be sure, the Charter conferred on the King the right to concert with foreign nations, but His Majesty could not abandon a portion of the national sovereignty under any pretext without the approval of the two Chambers.  

Soon other papers picked up the tune. *Le Constitutionnel*, the organ of the left-center, and the papers of the maritime ports, all denounced the Quintuple Treaty in January, 1842. Even the journals usually loyal to the Monarchy attacked the Ministry on this issue. The press in general emphasized the same theme: The treaty threatened French commercial interest and dishonored the French flag. The most immediate question, of course, is why this sudden concern? Why did France's
fourth estate now react so vehemently to the right of search, a practice conceded by her diplomats eleven years earlier? Historians have attributed French rejection of the Quintuple Treaty to her diplomatic defeat in the Second Mehemet Ali crisis, and this interpretation is essentially correct. Nonetheless, protests against the extension of the applicable zones had arisen before, and would have appeared again, even without the Egyptian crisis. The significance of the Egyptian affair is that it brought the critics of the right of search into the same camp with Guizot's opponents in the National Assembly, thus raising the right-of-search issue to national importance. As the pursuant parliamentary debate indicates, more than lost prestige or shattered pride concerned the Deputies. In opposing the 1841 treaty, they exhibited a sincere concern for French commercial interests, a legitimate desire not to renew the British alliance, a xenophobic wish not to weaken France in the face of a hostile Europe, and finally an ambition to weaken Guizot's ministry before the July general election.

The King's address on 27 December 1841 opening the 1842 session did not mention the recently signed treaty, but this omission failed to silence right-of-search critics. According to procedure and precedent, the Deputies drafted a reply to the throne which expressed their reaction to the general and specific policies of the government. During committee discussions, Louis de Carné, a legitimatist and a
cool supporter of the July Monarchy, raised the right-of-search issue and linked it to the British alliance. Carné asserted that the Deputies by their inactivity had allowed the government to return France to the European Concern, thereby preparing the way for a resumption of the British alliance. According to Carné, the cabinet's return to those policies which had led to the Treaty of London (15 July 1840) was inexcusable. The recently signed slave-trade treaty, which further weakened France's maritime rights, was only one example of this pusillanimous policy.6

Other Deputies who followed Carné demanded that Guizot give the commission a copy of the treaty. Guizot, however, declined on the grounds that since the five powers had not ratified the treaty, the King's Ministry could not publish the agreement. This refusal, of course, only intensified the opposition, because many Deputies and editors interpreted the foreign minister's action as a confirmation of their worst fears. The Opposition press had a field day with the convention and greatly exaggerated its provisions. Not only did the papers assert that it equated the slave trade with piracy, but also they charged that French subjects caught while engaging in this black traffic would be judged by British tribunals. Such irresponsible reporting only served to enflame further public opinion, thus hurting the abolitionist cause.7
By January 17, the conservative-dominated commission had written the Chamber's reply, which also ignored the slave trade. Carné, however, rose in the Chamber and broke the silence, affirming his broad support of the response but asking his colleagues to declare their opposition to the proposed five-power agreement. Why would the government, after accepting the 1833 convention and suffering diplomatic humiliation in July 1840, now grant such a concession to Great Britain? On the eighteenth, Adolph Billault, then an associate of Thiers' left-center faction and a deputy from the port city of Nantes, launched a direct assault upon the 1841 treaty and proposed an amendment to the Chamber's reply which read that His Majesty's desire to aid French commerce

... convinces us likewise that in the arrangements relative to the suppression of a criminal trade, your government will take measures to protect the legitimate interest of our maritime commerce, and the complete independence of our flag. 8

Billault's amendment touched off a full-scale debate of the right of search. 9

Billault's defense of his amendment on January 22 was the first thorough and forceful examination of the right-of-search issue in the Chamber of Deputies. His exposition contained most of the arguments against the 1841 treaty and earlier conventions, for he extended his attack to the right-of-search principle itself which, he charged, was a weapon with which Britain hoped to gain total control of the oceans and colonial commerce. Since the right of search itself
threatened France, the Chamber should declare its total abhorrence of it. Britain, indeed, had attempted to take advantage of the religious sentiment inherent in the Holy Alliance (26 September 1815) to gain the right of search; in 1831, she had used the July Revolution to obtain the right of search from France, and now the London government hoped to use the European Concert to broaden its applications. If France granted Britain this outrageous right, Billault argued, she would limit her freedom of action and increase the probability of a European conflict by adopting a system subject to serious abuses and complaints. The right of search, moreover, attacked the principles of international law and violated the freedom of the seas. If exercised by the British, the right of search would have a serious effect on the morale of the French navy and on those of France's allies. The right of search, furthermore, would severely compromise French commercial and colonial interests by subjecting them to continuous British scrutiny and harassment. In support of his argument, Billault cited the case of the Marabout, a French commercial vessel seized by the British on 27 September 1841, and the example of the United States which never had obligated herself to Great Britain. Due to potential abuses, the Chamber must reject the 1841 treaty. Would the government refuse to ratify the treaty? If not, would it append such reservations as to enable France to abrogate the treaty at the earliest possible moment?
Guizot, an expert parliamentarian, answered Billault's challenge as best he could, but he now knew he had underestimated public reaction to the treaty. Even before the debate, he had realized that the Ministry should delay ratification; on January 19, he had assured the Chamber that he did not intend to renew the alliance with Great Britain, but would have France act independently, maintaining friendly relations with all nations. In defense of the 1841 treaty and the right-of-search principle, he explained on January 22 that it was his duty as a minister to uphold France's honor, pledged by signing the conventions of 1831 and 1833 and the Quintuple Treaty. By joining Britain in 1831, France had enhanced her integrity by committing herself to the final abolition of the slave trade. Suppression of this infamous traffic was an honorable end, far more important than the means. The 1831 and 1833 treaties, moreover, had been adopted, ratified and executed; France had given her word as a sovereign nation. The 1841 treaty did not violate the rights of neutrals, and American and French objections to the right of search were not the same. American rejection, Guizot argued, stemmed from the impressment controversy, but the Quintuple Treaty was reciprocal; it benefited France as much as Britain. The five Great Powers, indeed, deleted some of the earlier guarantees, but only because they did not apply to nations with small maritime fleets. Thus, the provision
limiting the number of vessels given the right of search had been omitted because of Prussia's objections. Zones had been enlarged, only to make the right of search more effective. Finally, Guizot affirmed, he had accepted these changes because of the tremendous moral influence the treaty would have.11

The majority of Deputies, however, refused to be moved either by Billault or Guizot. Deputies of the Right rejected Billault's amendment because he belonged to the Opposition; adoption of his proposal would cause the Ministry too much embarrassment. Second, some Deputies (including such influential persons as Charles Dupin and Adolph Thiers) believed that Billault had gone too far in attacking the 1831 and 1833 conventions. They accepted these agreements because they had been ratified, not because of the inherent principle. The key question for most Deputies was: Why must France in 1842 confirm a treaty which would only increase the dangers of earlier ones? Even Guizot's supporters found it difficult to support the 1841 treaty which many thought conceded too much to Great Britain. Of the few Deputies who supported the treaty, only Victor de Tracy, a member of the Dynastic Left and an abolitionist, defended it and the right of search as indispensable to the suppression of the slave trade.12

As the debate continued, more Deputies rose to denounce the treaty. The Baron Bétrand Lacrosse, a parliamentarian
loyal to the left-center, criticized the extension of the zones and asked the government not to ratify the Quintuple Treaty. Realizing that the majority of Deputies opposed the agreement and hoping to save the Ministry further embarassment, Jacques Lefebvre, a member of Guizot's right-center faction, proposed a third amendment which requested the government not only to refuse ratification, but also to guard against any inconvenience stemming from the earlier conventions. Lefebvre's amendment, due to its shift of emphasis, had the support of the majority. Few doubted that the Paris government would resist British abuses and vexations.

On January 24, the last day of debate, Guizot spoke before the vote. He did not dare attack Lefebvre's amendment, lest he embarrass his supporters; but neither could he accept the proposal, for by such action he would forswear himself. He argued, therefore, that the right of search did not threaten freedom of the seas, for most European nations already had declared war on slave traders. Earlier conventions had considered this human cargo as contraband and had authorized the right of search in order to seize illegal merchandise. Alluding to the United States, Guizot declared that once all nations agreed to this tenent, the slave trade would disappear. He ended by reminding the Chamber of the Crown's prerogative. The exchange of ratifications, of course, was not a formality, since the Chamber could express
its opinion, but the final decision rested with the King. Immediately after Guizot's speech, however, the Chamber of Deputies overwhelmingly approved Lefebvre's amendment with only the five ministers who were also deputies voting no.\textsuperscript{14}

Guizot had underestimated opposition to the right of search, which he interpreted as a new manifestation of Anglophobia stemming from the Egyptian crisis. Anglophobia, undoubtedly, influenced many Deputies, but party politics and a desire to protect French national interests also swayed votes. Adolph Thiers, among others, believed Guizot could have won approval of the 1841 treaty had he made it a vote of confidence. Perhaps Guizot, who did not enjoy the prestige of premier, was unsure of his majority or authority. Clearly, any attempt to force acceptance of the five-power agreement would have weakened the Ministry; despite Guizot's defense of the right of search, he did not wish to sacrifice more important policies to a minor principle. Since 1842 was an election year, Guizot's supporters, sensing the mood of the electorate, accepted the amendment. Their vote also warned the government that any extension of the earlier concessions was unnecessary at this time. In other words, they rejected a return to the British alliance at a time when anti-British sentiment raged throughout the nation.\textsuperscript{15}

Le National, of course, praised the Chamber for separating France from Britain and giving the government another opportunity to protect France's national interests. The
vote was a rude setback for Guizot and the English policy followed by Louis-Philippe for eleven years. The republican paper hoped that the government, in the future, would ally itself with other minor maritime powers, i.e., the United States, against the pretentions of Britain.  

Adoption of the Lefebvre amendment, however, did not silence opponents of the 1841 treaty. Hoping to force Guizot to withhold ratification, critics of the right of search showed great versatility in attacking the Ministry. The Opposition press, led by Le Constitutionnel and Le National, charged that Guizot already had ratified the treaty and now was ignoring the wishes of the Chamber and the nation. Opposition Deputies, meanwhile, kept up a constant fire, repeatedly raising the subject and demanding information. Their arguments, nonetheless, would have carried little weight, if British abuses and American refusal to sanction the right of search had not appeared to support their accusation. Thus, the Marabout affair and the foreign policy of the United States greatly strengthened the campaign in France to abolish the right of search.  

The Marabout affair gave the Opposition a specific example of England's aggressive nature. Constructed at Nantes in 1838, the Marabout began legitimate trade between Brazil and the African coast two years later. On 26 September 1841, the Marabout left Salvador, on the coast of Brazil,
carrying eleven passengers and eastward bound for Africa. The next day, a British corvette, the *Rose*, overtook the French ship, and after detaining her for forty-eight hours, seized her. The British captain, Cristy, justified the capture by pointing to the large supply of water and provisions and the presence of spare planks which might fit together to form a slave deck. Captain Dejoie of the *Marabout* replied that he carried only enough provisions for his crew and passengers and, as to the planks, he had an authorization from the French consul at Salvador. Cristy retorted that the consul had no right to grant such an authorization; the *Marabout*, he thought, had been fitted for the slave trade.\(^{18}\)

Other complaints soon arose when the crew of the *Marabout* charged that the British captain had detained them illegally by taking them to Rio de Janeiro instead of directly to Cayenne in French Guyana, the French port wherein was located the court assigned to prosecute French subjects accused of slave trading off the coast of Brazil. The crew also complained that the British had treated them badly while in their custody. News of the *Marabout* seizure reached France late in December 1841, and *Le National* published its first account of the capture just a few days before its first report of the signing of the Quintuple Treaty. Therein lies the significance of the *Marabout* affair; it coincided with the publication of the 1841 treaty and the ensuing debate.\(^{19}\)
According to many observers, Great Britain had searched and seized the Marabout contrary to the provisions of the 1831 and 1833 conventions. Even Victor Schoelcher, the well-known French abolitionist, conceded that the Marabout affair was a case in which the French were entitled to reparations. Le National, Billault, and others, however, went much further, using the affair to denounce the Quintuple Treaty and right-of-search principle. Le National argued that the Marabout, martyred through the cowardice of the French government, was only the most recent example of how the right of search ran contrary to the course of French history. Until the Marabout, the paper wrote, only the political and moral consequences of the right-of-search question had been considered. Now the seizure of the French vessel demonstrated the infamous consequences of a dishonorable concession. As aforementioned, Billault in his speech of January 22 repeatedly referred to the Marabout. He argued that behind the seizure of the French ship lay a premeditated British plan to disrupt legitimate French commerce. If left alone, the Marabout would have brought two hundred barrels of olive oil to France, but due to the government's concession and the ship's seizure, the voyage had been lost. In the future, Brazilians and Africans would choose to do business with the British. Billault argued, moreover, that Captain Cristy had violated the provisions of the earlier conventions by separating the French crew from their ship and refusing to take them directly to
Cayenne. For Thiers, the **Marabout** seizure proved the futility of the guarantees written into the earlier conventions. The French Court at Cayenne substantiated these charges by ruling that no evidence existed which indicated Captain Dejoie and his crew were guilty of slave trading. The Court also cited Cristy for reckless and illegal actions. The vessel, therefore, must be released and damages paid. In the years to come, Great Britain did admit some wrongdoing, but she instigated legal proceedings which delayed the payment of reparations until 1851. As a result of British recalcitrance, the **Marabout** affair continued to embarrass Guizot throughout the right-of-search controversy.20

A second factor which strengthened French opposition to the 1841 treaty and the right-of-search principle was American foreign policy. Palmerston and Aberdeen, of course, had hoped that the Quintuple Treaty would strengthen their negotiating position vis-à-vis the United States. Aberdeen hoped to convince the Washington government to join the European Concert, thus completing the international condemnation of the slave trade. But American policy, as stated by Tyler in his first message to Congress, was so hostile to such a move that the Peel Ministry decided not to invite the United States to join the five-power agreement. On 7 December 1841, Tyler had declared that the United States sincerely desired effective suppression of the slave trade but would not tolerate any interpolations of the maritime law such as the right of search.
He argued, moreover, that American citizens were not responsible for the usurpation of their flag, and if Great Britain intercepted American vessels engaged in lawful commerce, the American government would demand reparations. *Le National* applauded Tyler's speech, and on 3 January 1842, remarked that Great Britain respected those nations which stood up to her, but insulted those that showed fear. The insinuation, of course, referred to France's concession of the right of search, which *Le National* considered a cowardly act.21

The French press continued to inform its readers of the Anglo-American controversy. The *Journal des Débats* reprinted without comment the exchange of letters between Lord Palmerston and Andrew Stevenson, the American minister at London from 1836 to 1841. In this correspondence, Stevenson refuted the British distinction between the right of search and the right of visit and verification. Palmerston argued that every warship had the right to board a merchantman in order to ascertain its nationality; Stevenson maintained the distinction was absurd, for the visiting commander rarely stopped at examining a ship's papers. Other French papers sided totally with the United States. Responding to *The Times*' warning that American opposition to the right of search could cause a war between the United States and Europe, *Le National* hoped these threats would not intimidate the United States, for if war broke out, Great Britain might find herself
isolated instead of the United States. On January 17, the Journal des Débats, while not identifying itself with the American position, remarked that not only did the American press oppose the right of search, but all branches of the government also opposed it. 22

The debate soon spread to the Chamber of Deputies where on January 17, Jean Béchard, an ultra-royalist, traced French opposition to the right of search back to the policies of Henry IV. His principal aversion to the Quintuple Treaty, however, was the possibility that by signing it, France could find herself allied with Great Britain against the United States. American resistance was important, for without Washington's concurrence, successful suppression of the slave trade was impossible. But America's rejection, notwithstanding, he asked the Deputies: Would France join Great Britain and fight the United States, a country for which France had done so much in order to secure her independence? The English alliance had cost France much, but a war with the United States, Béchard concluded, would make its price too high. Billault, as aforementioned, argued against the Quintuple Treaty by praising the American refusal to join it and by pointing out the possible dangers to which the treaty could lead. Shortly after Béchard's speech, Lewis Cass, the American minister to France, anonymously published on January 21 a pamphlet entitled An Examination of the Question now in Discussion between the American and British Governments
concerning the Right of Search. Cass's work marked the first direct attempt by an American diplomat to influence the debate in the French chambers, and undoubtedly, his deep distrust of England motivated this action. On February 1, a second edition in French appeared, and it was this edition on which the French press commented. 23

In his pamphlet, Cass traced the history of the right-of-search issue in Anglo-American relations. He explained the right of search and condemned it as a violation of the maritime code and as a stalking-horse by which Britain hoped to dominate the seas. Included in his discussion was a summary of the impressment controversy and a description of the dangers that the right of search posed to American and French commerce. Finally, Cass raised the threat of a Franco-American war, if the Paris government ratified the Quintuple Treaty. 24

Both the Journal des Débats and Le National praised Cass's pamphlet, but there was a significant difference between the two reviews. The former paper was very supportive, stating that Cass's argument was full of good sense and moderation. The Journal des Débats, however, as Guizot had argued on January 23, saw the crux of the Anglo-American difficulty as the impressment controversy. If Britain desired a peaceful solution to the problem with the United States, she would have to renounce impressment. The paper, moreover, did not
equate French opposition to the right of search with American opposition. On the other hand, *Le National* totally integrated Cass's position into the French argument against the right of search. According to this daily and Cass, England had concluded the five-power agreement in an attempt to isolate the United States and thus force her to accept the right of search. If the United States refused, Britain would go to war and bring the rest of Europe with her. Would France join Great Britain, asked *Le National*? The paper proclaimed this argument to be Cass's strongest, and the French nation should understand British intentions.25

All of these foreign and domestic parties joined forces to prevent Guizot from honoring his committment, and as February 19 (the date set for the exchange of ratifications) approached, the Opposition intensified its efforts. On February 6, the French press reprinted Queen Victoria's address to Parliament in which she informed the Houses of the conclusion of the Quintuple Treaty and the eventual communication of the treaty to Parliament after ratification. The Queen's address, according to *Le National* proved Guizot's bad faith, for it believed that he had assured Aberdeen that France would ratify the treaty. Similar reports followed as the French press accused Guizot of ignoring the Chamber's opinion. On February 13, Cass formally announced American opposition to the five-power agreement. In a note to Guizot,
he elaborated his arguments and requested the French government disavow the treaty. Certainly Cass's action encouraged critics of the right of search, for citing the American example was one of the favorite techniques of the Opposition, which argued that France should not do anything which could provoke a controversy with the United States.26

The King's Ministry, indeed, did not exercise its prerogative concerning the 1841 treaty. Soon after the debate in the Chamber of Deputies had ended, Guizot informed Saint-Aulaire of his regret, if the debate had caused Aberdeen any embarrassment. But given the agitated state of public opinion, which Guizot attributed to Palmerston's actions in 1840 and 1841, France could not ratify the treaty in its present form. To hasten French ratification, he proposed several amendments. But the debate also had enraged British pride, causing many Englishmen to believe that the French Deputies and journals had slandered their nation. Aberdeen, too, reacted adversely to the French debate and especially resented the questioning of English motives. He refused to accept the modifications Guizot had sought, preferring to leave the treaty as it was. The British foreign secretary had to exercise care, for the right of search was as much a political issue in Great Britain as in France. Each statesman realized the other's position, and while Aberdeen considered the sentiments expressed by the Chamber of Deputies ridiculous, he did not press for immediate ratification. On the appointed date,
Sainte-Aulaire informed the other four powers that incidents occurring after the signing of the treaty had caused his government to demand certain changes in it. Since the two nations (Britain and France) had explained their respective positions, Sainte-Aulaire asked the powers to leave the protocol open indefinitely for France.27

The combined attacks of the press and the Chamber of Deputies on the Quintuple Treaty had forced Guizot to retreat. Palmerston's actions in 1840 and 1841, the French minister thought, had caused this offensive, but the Opposition, citing the Marabout affair and the opposition of the United States, had contended that such a concession was contrary to France's historic policy, dangerous to French commercial interest, and a threat to French security. The 1841 agreement lacked the guarantees of the earlier accords, and after the Second Mehemet Ali Crisis, a coalition of merchants, nationalists, and parliamentarians had appeared. Opposing both the English "alliance" and the right of search, their criticism had compelled Guizot to delay ratification. By mid-February, even some members of the cabinet had begun to favor non-ratification. At this time, most Frenchmen opposed both the right-of-search principle and the Quintuple Treaty, which extended it, but Guizot, mistakenly, hoped that these sentiments would change and eventually allow him to honor his commitment to Aberdeen. The French delay did strain
Anglo-French relations, but by avoiding a confrontation, Aberdeen strengthened both Guizot's position and that of the treaty.28
1 Guizot, Mémoires, VI, 145-146.

2 Ibid., p. 147; JD, 24 and 25 Dec. 1841.

3 Le National, 24 and 26 Dec. 1841.

4 Ibid., 31 Dec. 1841, 1, 5, 7 and 8 Jan. 1842.


6 Ibid., p. 112; JD, 3 Jan. 1842; The Times, 7 Jan. 1842.

7 Le National, 14 and 15 Jan. 1842.

8 Le Moniteur, 18 Jan. 1842; The Times, 21 Jan. 1842; JD, 18 Jan. 1842.

9 Ibid.; Le Moniteur, 18 Jan. 1842; Nouv. biog. VI, 70.


12 JD, 19 Jan. 1842; Le Moniteur, 23 and 25 Jan. 1842; The Times, 26 Jan. 1842; Guizot, Mémoires, VI, 150.


17. The Times, 5 Feb. 1842; Le National 3 and 11 Feb. 1842; Everett to Webster, 1 Mar. 1842, U.S. Dept. of State, "Despatches from United States Ministers to Great Britain, 1791-1906," (Washington, 1954), XLIX (microfilm), No. 7 (hereafter cited as "Desp. from Gr. Brit."); Jean de Maupassant, Le droit de visite sous Louis Philippe, l'affaire du Marabout, 1842-1851 (Bordeaux, 1913), pp. 43-45. Maupassant is an old study of this incident; it is useful for details, but is biased against Louis-Philippe and Guizot.


21. Jesse S. Reeves, American Diplomacy under Tyler and Polk (Baltimore, 1907), p. 36; Everett to Webster, 28 Dec. 1841; "Desp. from Gr. Brit.," XLIX, No. 4; "M. Guizot and the Right of Search," Foreign Quarterly Review, LXIX (1845), p. 114; "Tyler's First Annual Message," 7 Dec. 1841, BFSP, XXIX, 161-162; Le National, 1 and 2-3 Jan. 1842. This last remark was made in an article on Lord Ashburton's mission to the United States.

22. Ibid., 4 and 9 Jan. 1842; JD, 5 and 17 Jan. 1842.

23. Le Moniteur, 18 Jan. 1842; Billault, Discours, pp. 14-16; Sioussat, "Duff Green," p. 194. Historians have long debated the significance of Cass's role in the right-of-search question. William L. Mathieson thought that Cass's interference caused the French denunciation of the Quintuple Treaty. Stanglin, on the other hand, relying almost exclusively on Guizot's Mémoires discounts Cass's influence. It would seem that the most logical conclusion was expressed by Everett and cited by Reeves; He maintained that Cass's pamphlet strengthed French opposition to the Quintuple Treaty. W. L. Mathieson, Great Britain and the Slave Trade (London, 1926), p. 67; Stanglin, "Slave Trade Question," pp. 30-33; Reeves, Amer. Dipl. p. 36; Le National, 3 Feb. 1842; JD, 4 Feb. 1842.

25. JD, 4 Feb. 1842; Le National, 3 Feb. 1842.

26. JD, 6 Feb. 1842; Le National, 6, 9, 11 and 21 Feb. 1842; The Times, 8 Feb. 1842; Cass to Guizot, 13 Feb. 1842, "Desp. from France," XXIX, No. 141; Cass acted without the approval of the American government, but his actions were later upheld. See Webster to Cass, 5 Apr. 1842, U.S. Dept. of State, "Diplomatic Instructions," XIV (microfilm), 272-275.


CHAPTER IV

THE QUINTUPLE TREATY: FINAL FRENCH REJECTION,
FEBRUARY 1842–NOVEMBER 1842

Both Guizot and Aberdeen agreed to delay French ratification of the Quintuple Treaty, hoping that the French legislature would eventually approve of it, but this postponement, in fact, only complicated the situation. Guizot again misread the national Zeitgeist which not only rejected the five-power convention but also denounced the right-of-search principle. The press continued its denunciation; the National Assembly hardened its position, and the conclusion of the Webster-Ashburton Treaty in August 1842 strengthened the move to abrogate the earlier agreements.¹

The French press unanimously endorsed the government's decision to delay ratification, but this support, however, had different foundations. The Courrier Français argued that other European nations, by rejecting the proposed amendments, had again humiliated and isolated France, thus breaking the European Concert. The semi-official Journal des Débats, however, observed that Guizot's action, while placing the government in a delicate position, did not humiliate France. To delay ratification of a treaty demanded, prepared, and signed by France, indeed, was embarrassing, but Guizot's
continuing efforts to amend the document would protect French commerce and honor. France, moreover, was still bound by earlier conventions, and the right of search appeared to be the most effective method of suppressing the slave trade. But Le National probably expressed the opinion of most Frenchmen when it suggested that Guizot would ratify the treaty once the King had dissolved the Chambers. Guizot knew that he had pledged his honor by signing the treaty, and that he would fall from power if he ratified it before the dissolution of the Assembly. Rather than resign, he chose to postpone ratification and salvage his honor by ratifying it later. He would then present it to the National Assembly as a fait accompli. But Le National observed that Guizot was fooling himself, if he thought he eventually could ratify the treaty. By signing the treaty, the foreign minister had undermined the national interest and had embarrassed France, the nation would not accept ratification of the five-power treaty at any time.²

Another aspect of Guizot's decision to delay ratification was its impact on the slave-trade treaty system. By not ratifying in February 1842, France had destroyed the moral influence of the five-power agreement. Her action at once broke European unity and strengthened the American position. The United States now need not even answer the British demand, for French recalcitrance had robbed it of its urgency. The Anglo-American-French impasse undoubtedly hurt the abolitionist
cause, but this situation also offered France an opportunity to regain an honorable place among the secondary maritime powers. The delay of French ratification, Le National opined, had isolated Great Britain, not France, which would join the United States in leading a coalition of minor maritime powers against British pretensions. This French desire to recoup past glory, an important element of the right-of-search controversy, also influenced foreign policy throughout the era of the July Monarchy.  

The French press debated the treaty from March to May 1842. The republican Le National continued to oppose ratification of the Quintuple Treaty and argued that so long as the protocol remained open, the controversy had not ended. La Presse, a conservative journal partly financed by Molé, went even further by calling for the abrogation of the conventions of 1831 and 1833. The abolition of the slave trade and the right of search, it asserted, were independent of each other; Christian nations could crush the trade by a more certain and less dangerous method. Throughout these months French newspapers accused England of many abuses, including resorting to the right of search as a means of spying on French commerce. Alleging that the right-of-search question had become an election issue, Le National urged the electors on February 27 to demonstrate the national will by voting for those deputies who supported independence and honor in French foreign
policy. For Le National and the Courrier Français, the 1841 treaty was not the only issue; they also called on French patriots to vote against any deputy who did not promise to support abrogation of the earlier conventions. In response to this blatant Anglophobia, The Times expressed shock and disbelief at the ignorant declarations of the French press.¹

During the debate over the right of search, the Journal des Débats alone supported Guizot's position and charged that Opposition newspapers, Right and Left, hoped to sabotage Anglo-French relations by publishing accounts of British vexations. The Journal condemned the recitation of alleged abuses in order to enrage public opinion. The situation reached a crisis stage in mid-1842, when ardent French nationalists called for war with Britain over the right of search. Amazed by this angry mood, the Journal des Débats chastised chauvinists for following too closely false, patriotic sentiments. France and Great Britain had lived with the earlier conventions for eleven years, yet most Frenchmen did not even know of their existence. The treaties had anticipated that abuses would occur and had established a procedure by which either country could redress grievances. To go to war over a few abuses, which easily could be settled, was absurd. Perhaps the Opposition was exciting the public only to provoke Guizot's resignation.⁵

Guizot and the Journal des Débats did have reason to worry, for hostility to the right of search grew in the
Chambers. Beginning on February 28, Opposition deputies denounced the Quintuple Treaty, arguing that it violated the Charter, could cause a war with the United States, and that it undermined French honor and interests. Guizot responded that he and the Ministry, mindful of the Chamber's opinion, had recommended to the King that ratification be delayed. The government also had requested amendments to the treaty which other powers had not accepted, but negotiations, he thought, would settle the question.  

Guizot, of course, was playing for time, but the press and parliament would not cooperate. On April 12 the attack spread to the Chamber of Peers, where Octave Rouillé du Coudray, the Marquis de Boissy and self-appointed censor of the Peers, questioned Guizot about the 1841 treaty and demanded information on the execution of the slave trade treaties in general and especially about the Marabout affair. The Marquis formally read into the Peers' record an account of the seizure of the ship, charging that it violated international law. He criticized Guizot's silence and demanded a report. Was not the Marabout affair itself a sufficient cause for rejecting the five-power agreement and annulling the earlier conventions? Following Boissy, Napoleon Joseph Ney, Prince de la Moskowa, reminded the Peers of the seizure of the Sénégambie, a French vessel authorized by the government to procure blacks for service as soldiers in the French West Indies.
The British had seized her off the coast of Sainte Marie de Bathurst, a British settlement in Gambia, in 1840 and had claimed that she was fitted out for the slave trade. According to the Prince, the Sénégambia seizure was a flagrant violation of the 1833 convention. Was the government too weak to protect French commerce and sailors? Other Peers continued the attack, arguing that if the government stood by these non-reciprocal treaties, an Anglo-French war could ensue, and that they were unconstitutional, since the National Assembly had not approved them.7

Guizot tried to persuade the Peers not to condemn the earlier conventions by communicating to them a selection of Anglo-French correspondence on the Marabout and the Sénégambia incidents. The treaties, he assured them, did adequately protect French commerce and provide a system by which France could secure reparations if England committed abuses. The Marabout affair, indeed, justified this stance, and the French court at Cayenne had instructed the British government to pay damages to the ship's owners. As for the Sénégambia, Great Britain had acted within her rights. Her seizure had nothing to do with the earlier conventions; the British had seized her by common law. She had anchored within British territorial waters; therefore, she was subject to British law. If the British squadron had committed any wrongdoing, the French Ministry would have protested. Finally, Guizot reiterated the Ministry's position toward the 1841 treaty. The
government had assumed no responsibility to ratify the treaty at any time, and indeed the other signatory powers were not pressing the matter. Guizot, however, reminded the Peers of the inconvenience these debates were causing the Council by creating animosity between nations. He emphasized his intention to maintain good relations with all European nations; the King's government, he promised, would continue to pursue an independent and peaceful policy, while attempting to suppress the slave trade.  

For Broglie, a long-time abolitionist, this last statement was the key issue. In support of Guizot and Great Britain, he argued that French participation in the slave trade had not abated until the passage of the 1831 law. To secure effective enforcement of the law, the government had been forced to decide between the abolition of slavery or conceding to Great Britain the right of search. The latter method was less radical and did not compromise or injure French honor and commerce. If the government abrogated the conventions of 1831 and 1833, French slave trading would begin anew. Broglie argued, moreover, that even if these treaties were harmful to France, she could only secure their nullification through diplomatic channels. He urged the Peers not to incite public sentiment against the earlier treaties simply because Britain had broken the alliance in 1840, for if the debate continued, a humanitarian cause would suffer.
Neither Guizot's rebuttal nor Broglie's plea prevented condemnation of the right-of-search principle. *Le National* concluded from the debate that the 1841 treaty was dead and the earlier conventions would be abrogated. The *Journal des Débats*, however, presented a more evenhanded assessment by interpreting the debate as a manifestation against British policy since 1840. Anglophobia, of course, had played an important role in causing the denunciation, but the *Journal* believed the Peers had expressed an uneasiness or anxiety which was honorable and legitimate. American foreign policy also encouraged French opposition to the pretentious right of search and seizure. *The Times* regretted this creation of a Franco-American alliance, one maintained by mutual hatred of England and the right of search. Even the moderate *Journal des Débats* declared that France would support the United States, if an open break occurred between the two nations. Cass, meanwhile, continued to keep abreast of developments, and on April 29, he assured Daniel Webster, the American Secretary of State, that the treaty would not be ratified. He also believed the right-of-search issue would be a critical one in the upcoming elections, "a question from which the candidates cannot escape."  

While Guizot does not say so in his Mémoires, by May 1842, he apparently had decided to abandon the Quintuple Treaty and to defend the earlier conventions. The five nations held a second conference in London on May 11, when Baron Philip von
Neumann, the Austrian ambassador, exchanged his country's ratification with those of Prussia and Russia, but the protocol remained open for France. The French Assembly, however, continued to manifest its independence as June 14, the date set for dissolution, approached. On May 17, comte Molé defended his role in the controversy by asserting he had opposed the concession of the right of search during the Restoration. The Revolution of 1830, he admitted, had changed the situation, but he continued to oppose any extension of the principle. The diplomatic climate, moreover, had changed since 1831, when Britain's friendship had been the guarantee of world peace. Guizot countered by declaring that no minister since 1831 could escape responsibility for the right-of-search concession. The Chambers' presence, he argued, did not inhibit ratification of the treaty, but rather their opinions, and these he promised to respect after the dissolution of the Assembly. During the next two days, interpolations in the Chamber of Deputies by Billault, Pierre Antoine Berryer, a legitimatist, and Alexis de Tocqueville, then an independent monarchist, forced Guizot to restate his position. He contended that a former minister (Sébastiani) had proposed the five-power treaty, thereby morally committing the national honor, but he now pledged the present Ministry would not ratify it.11

From the end of these debates to the elections of July 9, a tense atmosphere prevailed in France. Anglophobia grew as
the nation concentrated upon the foreign policy of Guizot. Talk of war with Great Britain echoed throughout the press as charges and countercharges were exchanged. The *Journal des Débats* and Guizot insisted that the right of search was merely a weapon with which the Opposition hoped to force the foreign minister's fall. Conservatives and Guizot's right-center faction, however, also denounced the right of search, and they did not limit their criticism to the Quintuple Treaty. Were they simply playing election games by parroting the public outcry? The Conservative *Revue des Deux Mondes* did not think so, as it argued that while Guizot's supporters denounced the right of search in general, they were obeying the highest and most honorable sentiments; i.e., they were defending French commercial interest and the honor of the French flag. Conservatives applauded the Ministry of 29 October for preserving European peace and stability, but the motivation behind the attack on the right of search required a dignified policy, one which made no unnecessary sacrifices to Europe and especially to Great Britain. Included in this last category was the Quintuple Treaty and the right of search.  

During the campaign, the candidates faced questions about their position on the British alliance and right-of-search controversy. Most took the opportunity to denounce both issues. Jacques Lefebvre told the electors that his amendment of January 1842 was directed not only against the vexatious clauses of the 1841 treaty, but also against the
principle on which the earlier conventions were founded. He asserted the government had the necessary political force to abolish completely the right of search. In support of this opinion, Le National, while repeatedly accusing Great Britain of violating the earlier conventions, called for the abolition of the 1831 and 1833 agreements and asked electors to oppose those who favored them.\textsuperscript{13}

No faction emerged from the election unscathed, and the Ministry failed to receive the mandate for which it had hoped. While the left-center and republican parties were victorious in Paris, the "conservative" forces maintained a majority in the Chamber of Deputies. But of the 266 "conservatives," only 100 dared to call themselves supporters of the Ministry. Guizot blamed his party's poor showing on the electors' opposition to the right of search. It was clear to him that the new Chamber would be as opposed to the right of search as the last one. Between the election and the convocation of the Chambers, a disaster occurred: Ferdinand, the duc d'Orléans, the King's son and Prince Regent died in a freak accident. Sympathy for His Majesty's family served to prevent a renewed attack on the right of search. Instead, French political discussion now focused on the regency bill.\textsuperscript{14}

In May 1842, Guizot had assured Cass that enforcement of the Quintuple Treaty would not endanger American rights. The United States, he hoped, would eventually accept the 1841 treaty. This concurrence would place all governments on an
equal footing and reduce the likelihood of complications. On 9 August 1842, however, the Webster-Ashburton Treaty (or Treaty of Washington) destroyed this possibility and dramatically altered the right-of-search question.15

The Peel Ministry had dispatched Alexander Baring, First Baron Ashburton, to Washington to settle several vexatious problems which had strained relations between the two nations for years. Daniel Webster, a moderate nationalist, welcomed his mission. After resolving the Maine-New Brunswick boundary controversy, the treaty in Articles VIII and IX addressed the suppression of the slave trade. At the suggestion of American naval commanders off the coast of West Africa, Webster proposed a system of joint cruising. Ashburton concurred, and by Article VIII each government agreed to maintain a squadron of "not less than eighty guns" along the Atlantic coast of Africa. These squadrons would independently enforce the laws of each nation for the suppression of the slave trade. Under certain (but undefined) circumstances, the officers of the two squadrons could act in concert. Article IX condemned the usurpation of national flags and called for the closing of all slave markets. Theoretically, it was a sound solution, but in reality, neither government conceded anything, and each continued to assert its previous position. The United States maintained that there was no difference between the right of search and seizure and the right of visit and verification,
while Britain argued that all warships had the right to visit merchant vessels in order to ascertain their nationality. Aberdeen did not accept the American position until April 1843; Britain, meanwhile, continued to visit suspect vessels flying the American flag, but did so at her own risk.16

What immediate impact did the Webster-Ashburton Treaty have on the Anglo-French controversy? Webster informed Cass on August 29 that the United States had no desire to instruct other governments on the right-of-search issue. The treaty merely authorized joint action by the American and British navies to suppress the slave trade; it said nothing about the right-of-search principle, because the Washington government did not concur in it. He did state, however, that other nations would need to adhere to the Anglo-American project, if the civilized world intended to close the slave markets, but they must "draw their own inferences from the fact such a treaty has been entered into." But by November 1842, Webster's attitude had changed. On November 14, he confided to Cass,

if the general sources of information may be trusted our example has recommended itself, already, to the regard of states the most jealous of British ascendancy at sea; and the treaty against which you remonstrate may soon come to be esteemed by them as a fit model for imitation.17

As aforementioned, French journals had followed the negotiations in Washington closely, but their assessments usually followed party lines. Writing before news of the
treaty had reached France, the *Revue des Deux Mondes* declared that American renunciation of the right of search would have no impact upon France, for the positions of the two states were different. By signing the conventions of 1831 and 1833, France had accepted the right of search, but the United States never had agreed to this concession. The *Journal des Débats* observed on September 18 and 19 that the Webster-Ashburton Treaty did not sanction the right of search; thus, this agreement settled nothing, and "a solution to the right-of-search question is farther away than ever." The *Revue des Deux Mondes* concurred, but suggested that "the little article at the end of the treaty, far from being sterile, will produce, perhaps, one day numerous and important consequences," so far as the right of search is concerned.18

Most French newspapers, however, thought that Great Britain by the Webster-Ashburton Treaty had abandoned her previous policy. The conservative *La Presse* argued that England had modified her pretensions in agreeing to the joint cruiser system. Was there any valid reason for France's continued acceptance of a principle that the United States had rejected? According to *Le National*, Britain, by signing the treaty, had "explicitly recognized that the mutual right of search was not absolutely indispensable for the repression of the slave trade." France, now, could abrogate the earlier conventions by refusing to issue warrants to British commanders and justify this action by pointing to the
Webster-Ashburton Treaty. Many Frenchmen regarded the treaty as an American victory, simply because it did not mention the right-of-search controversy, and even believed that Britain had abandoned the right of visit and verification. E. Bouet-Willaumez, a French naval commander and Governor of Sénégal, saw the Webster-Ashburton Treaty as "a significant fact which again indicated the necessity of abolishing the earlier conventions." Edward Everett, the American minister at London, also concluded that the Anglo-American treaty had given a new and powerful stimulus to France's desire to abolish the right of search.¹⁹

The conclusion of the Webster-Ashburton Treaty confirmed what Guizot already knew, that ratification of the Quintuple Treaty was impossible. Cognizant of the Chambers' opinion, he also was aware that he had to show some progress before the opening of the 1843 session. The path he chose involved closing the protocol, for Guizot realized that so long as the other signatory nations left the protocol open, the Opposition would believe that ratification was possible. Guizot knew, too, that the Chambers would renew the attack upon the conventions of 1831 and 1833, and he hoped that closing the protocol would strengthen his defense of these agreements. Given the realities of domestic policies and Guizot's desire to avoid a rupture with Great Britain, the foreign minister began to prepare the groundwork for France's formal rejection of the Quintuple Treaty. Mme Lienen informed Aberdeen on
September 22 that the French government could not ratify the
treaty. Guizot, meanwhile, consulted Henry Wellesley, Lord
Cowley, the British ambassador, on the best way for France
to declare this intention, since neither France nor Great
Britain could suggest the closing of the protocol: Another
signatory power would have to propose closing of the protocol
in order to avoid any "disagreeable or embarrassing observa-
tions." Guizot turned to Metternich and secured from him a
promise to offer his services. But Aberdeen, in lieu of
closing the protocol, sought to placate Guizot by promising a
public statement in which he would assert that France had not
pledged herself to ratify the treaty and that he had no hope
for an eventual French ratification. Guizot rejected this
proposal as unsatisfactory, arguing that such a declaration
would not remove the treaty from political discussion and
would not strengthen his defense of the earlier conventions.
Still, the Peel Ministry hesitated, for an announcement of
France's rejection of the treaty, without any explanation or
British response, could lead to attacks upon the cabinet and
imply British acceptance of the French maneuver, both of which
Peel and Aberdeen wished to avoid. They, too, feared an
attack upon the earlier conventions, and according to Sainte-
Aulaire, this sentiment was the primary cause of British
hesitancy. He warned Guizot, therefore that any attempt to
modify them unilaterally would lead to an immediate diplo-
matic rupture between the monarchies.21
Finally, Sainte-Aulaire and Aberdeen solved the problem. The French ambassador agreed to communicate France's declaration of non-ratification to Aberdeen, who then would call a conference of the other powers and inform them of France's rejection of the 1841 agreement. Aberdeen agreed not to enter in the closing protocol any rebuke or condemnation of France's action. Thus, on 8 November 1842, Sainte-Aulaire formally informed the British government that "due to the serious and notorious incidents which unexpectedly had arisen in France since the signing of the treaty" the King's government had decided not to ratify it. Sainte-Aulaire also added that French ratification would not be forthcoming, and so far as France was concerned, there was no reason to leave the protocol open. The next day a conference of the four signatory powers met in London to accept the French decision and to close the protocol of the Quintuple Treaty.22

Condemnation of the treaty had forced Guizot to repudiate the Quintuple Treaty. France's procrastination and eventual rejection also had tested Aberdeen's patience and caused him to doubt Guizot's sincerity. Thus, the French foreign minister, due to his misreading of public opinion, found himself in a difficult position. His own supporters criticized the right-of-search principle, and while they applauded the Ministry for having preserved peace in 1840 and 1841, most believed that Guizot, by signing the Quintuple Treaty, had subordinated France's interests to those of Great Britain. Guizot, for his
part, fought for the treaty until it became apparent that a continued defense could cause the fall of the Ministry. The five-power agreement, notwithstanding its humanitarian value, was not worth such a political sacrifice. American foreign policy undoubtedly helped Guizot, though he did not recognize this aid in his Mémoires. Once the United States and Great Britain had concluded the Webster-Ashburton Treaty, the need for a concerted European action diminished. No less important was the implication that Britain, by signing the agreement, had recognized an alternative means of suppressing the slave trade. England, Austria, Prussia, and Russia formally closed the protocol of the Quintuple Treaty on 9 November 1842, an action which Guizot hoped would mollify the critics of the right of search and strengthen his position in the Assembly. But it had just the opposite effect; after 1842, French agitation for the abrogation of the right-of-search treaties, reinforced by the conclusion of the Webster-Ashburton Treaty, gained momentum.
DOCUMENTATION

1E. Bouet-Williaumez, Commerce et traite des noirs aux cotes occidentale d’Afrique (Paris, 1848), p. 188.

2The Times, 28 Feb. 1842; JD, 24 Feb. and 4 Mar. 1842; Le National, 24, 25 and 26 Feb. 1842; Cass supports Le National’s assumption, contending that public sentiment so opposed the treaty that Guizot had to yield or fall. Cass to Webster, 24 Feb. 1842, "Desp. from France," XXIX, private.


4The Times, 2, 14, 15 Mar. and 22 Apr. 1842; Le National, 27 Feb., 12 Mar., 16, 18, 22 and 23 Apr., 2 and 14 May 1842.

5JD, 2, 4, 6, 24 and 27 May 1842.


7Le Moniteur, 12 Apr. 1842; Dict. biog., VI 863-864; Nouv. biog., XXX, 411-412. The Prince of Moskowa was the son of Marshal Ney.

8Le Moniteur, 12 Apr. 1842.

9Ibid.

10Le National, 13 Apr. 1842; JD, 12 and 18 Apr. 1842; Cass to Webster, 29 Apr. 1842, "Desp. from France," XXIX, private. As aforementioned, historians have long debated the significance of Cass' role in the debate, and his influence probably has been exaggerated. But such American officials in Europe as Henry Wheaton and Duff Green wrote pamphlets condemning the right of search and articulating the American position. These actions did not escape the French press and undoubtedly strengthened French opposition to the right of search. Le National considered it unfortunate that Wheaton's work was issued only in English. Henry Wheaton, Enquiry into the Validity of the British Claim to a Right of Visitation and Search of American Vessels Suspected to be Engaged in the African Slave Trade (London, 1842); For an examination of Green's publication, see Siousatt, "Duff Green,"; Le National, 19 Apr. 1842. Wheaton's work was later translated into French and published by Joubert Press in late 1842.


13 The Times, 11 July 1842; "Lefebvre, prospectus de campagne," reprinted in the JD, 16 June 1842; Le National, 1 July 1842.

14 The Times, 23 July 1842; Thureau-Dupin, Histoire, V, 76; JD, 11 and 16 July 1842; Le National, 11, 17 and 21 July 1842; Everett, the American minister to Great Britain, doubted that Guizot had gained any additional support from the election results, Everett to Webster, 10 Aug. 1842, "Desps. from Gr. Brit." No. 20; "Chronique de la quinzaine," Rdm, XXXI (14 Sept. 1842), 78.

15 Guizot to Cass, 26 May 1842, 29th Cong. 1st. Sess. Sen. Doc. 377, p. 201. I do not think that Guizot's defense of the treaty on May 26 contradicts his statements in the chambers. Opposition to the treaty forced him to refuse ratification of the treaty, though he clearly approved of its provisions. His defense also could have been a final attempt to gain American acceptance of it, thereby removing one of his opponents' most popular objections.


21. Guizot, *Mémoires*, VI, 165-176; France could not close the protocol because she was not a party to it, and Aberdeen declined to suggest it, fearing the wrath of the "saints" in Parliament. Lieven to Aberdeen, 22 Sept. 1842, *Aberdeen-Lieven Corr.*, I, 207.

Throughout 1843 and 1844, French politicians continued to protest the right of search and the British alliance. Their polemics argued both sides of this crucial issue, but most denounced the earlier conventions. Although these attacks never seriously threatened the existence of the Soult-Guizot Ministry, they did cause embarrassment. Guizot, however, made only half-hearted attempts to modify the conventions of 1831 and 1833, for he considered English friendship vital to the stability of the July Monarchy. He achieved some success, but never recaptured the spirit of the Anglo-French entente of the early 1830s. By 1845, nonetheless, personal diplomacy and the exchange of state visits between the two monarchs had created an atmosphere which allowed the diplomats to resolve the right-of-search controversy. In May, Britain and France suspended the right-of-search treaties and replaced them with the Convention of 1845, which established a system of joint-cruising similar in many respects to that created by the Webster-Ashburton Treaty.

From the closing of the protocol to the opening of the 1843 session, the French press kept the right-of-search issue before the public. The Revue des Deux Mondes recognized
that the Ministry could not dismiss the question and predicted the Opposition would concentrate on this vexatious problem. The strategy was well designed, because the issue was easy to attack, but difficult to defend. The outcome of the debate would depend upon the reaction of the "conservatives." The Journal des Débats, hurried to Guizot's defense, contending the government had kept its engagement by refusing to ratify the Quintuple Treaty; in other words, Guizot had abided by the Chambers' opinion. Other papers, however, were not as polite as the Journal. The Commerce observed that the closing of the protocol had not settled the controversy and that it would remain critical until the government had returned the surveillance of French commerce to the French navy. Le National went so far as to declare that if Guizot opposed abrogation of the earlier conventions, he would be forced to resign. The important question became: would the "conservatives" rally around the Ministry, or would they desert the government and cause a ministerial crisis?¹

Hoping to secure the conservatives' support, Guizot in December 1842 began to prepare his defense. He understood the diplomatic situation better than most and realized that Great Britain would reject any French proposal to amend or abolish the earlier conventions. He did, nonetheless, make a tentative suggestion on 8 December 1842 when he directed Sainte-Aulaire to inquire if Britain were "disposed to enter into negotiations to modify the Conventions of 1831 and 1833
and to substitute something analogous to what had just been stipulated with the United States." But mindful that the British government also had to consider public opinion, he did not press the issue. To him a good Anglo-French understanding was more important than abrogation of the 1831 and 1833 treaties and a possible attack on the Ministry.\(^2\)

Resigned to the impossibility of modifying the conventions at this time, Guizot entrusted his fate instead in their exact execution. Though confident of success, he realized the need for Britain's cooperation. His plan essentially called for three assurances. First, he asked the London cabinet to execute faithfully and loyally all clauses which France regarded as guarantees. In this connection, he emphasized the third article of the 1831 treaty which created a special commission, renewed annually, to fix the number of cruisers authorized to search commercial vessels. Second, he requested the British government to appoint moderate and able naval commanders in order to reduce the number of abuses. Last, he desired Britain to satisfy promptly French demands for reparations, for such impartial actions would help create a more favorable French attitude toward the earlier conventions.\(^3\)

If Britain and France strictly executed the conventions of 1831 and 1833, Guizot believed that he could withstand the attacks of the Opposition and establish a cordial relationship with Britain. But in December 1842, as rumors of his
imminent fall circulated throughout Paris, his future seemed uncertain. The determination to abrogate the earlier treaties provided the rationale for these rumors. On 26 December 1842, Francis de Kellerman, duc de Valmy, an ultraroyalist deputy and a vocal critic of the July Monarchy's foreign policy, published a pamphlet condemning Guizot's diplomacy, the right of search, and the British alliance. According to Valmy, the right of mutual search was a recent British invention designed to return the world to "barbarism." If France had received something in return, criticism of the right of search would be less severe, but this concession, notwithstanding, Great Britain had humiliated France. Neither Guizot nor any former minister could abrogate the conventions for all these men had pledged their honor to support the earlier conventions and thus had a moral obligation to uphold the right of search. The French nation, the Chamber of Deputies, Valmy declared, should repudiate the earlier treaties. Three premises allowed such action. First, England had so abused the right of search that war threatened to break out between the two kingdoms. Second, since the British patrol had not discovered a single incident of French slave trading, the motive for extending the right of search no longer appeared valid. And finally, despite Britain's proclamation that even one nation's refusal of the right to search would compromise the entire system, she herself had concluded the
Webster-Ashburton Treaty which placed the American flag outside of the right-of-search system. Great Britain, Valmy concluded, by signing the American treaty, had broken one of the principle engagements of the 1831 agreement to associate other powers to the conventions. France, therefore, could abrogate the treaties unilaterally. 

President John Tyler's annual message to Congress further strengthened the movement to abolish the right of search. Speaking on 5 December 1842, Tyler had explained the American position and called upon Europe to conclude something similar to the Webster-Ashburton Treaty. "A similar arrangement by the other powers," Tyler said, "could not fail to sweep from the ocean the slave trade without the interpolation of any new principle into the maritime code." The Journal des Débats interpreted his words as meaning he wanted Europe to abolish the right of search. While the Journal observed that the United States, never having conceded the right of search, was in a unique position, other French papers welcomed Tyler's demand.

In an attempt to create the impression that his government had settled the controversy, Louis-Philippe, in his address opening the 1843 session of the National Assembly, did not mention either the right of search or the closing of the 1841 protocol. The Opposition, however, soon attacked the right of search, as Guizot had predicted, but he did not
understand their tactics. "Conservatives," supporters of Guizot, moreover, joined the Opposition, and though they stopped short of demanding abrogation of the treaties, they did denounce them. According to Le National, the committee discussions focused on the right-of-search question. Deputies who defended the treaties observed that France had engaged her honor and alleged that abrogation of them would cause an Anglo-French war. The Opposition, on the other hand, argued that the treaties ceased to exist once England herself had ignored their principle by signing the Webster-Ashburton Treaty.6

Much to Guizot's surprise, the heretofore lethargic Chamber of Peers entered the discussion in earnest. The Peers' original response to the throne contained no reference to the controversy, but they discussed the issue for five days, and the majority clearly opposed the continued execution of the conventions of 1831 and 1833. Earlier opponents of the right of search, such as the Marquis de Boissy and the Prince de la Moskowa, were now joined by others who criticized the concession. Most of these Peers believed that the conventions of 1831 and 1833 would not be constitutional until the Chambers had approved them. Concurring with Valmy, they also argued that the treaties no longer were needed. None of this group called for the abrogation of the earlier conventions, but they did demand that the Ministry begin
negotiations leading to their abolition. They not only requested the Peers to support this opinion, but also proposed an amendment which stated good Anglo-French relations "would be more assured if a new examination of the 1831 and 1833 treaties succeeded in causing the disappearance of the inconveniences that their execution has revealed."  

Other Peers, following the lead of Baron Admiral Albin-Reine Roussin, a respected naval commander and former Navy Minister in the Thiers Ministry of 1840, were just as adamant in their opposition to the right-of-search principle. In 1840, Roussin had criticized the right of search, but he, like other Peers, now wished to delete any reference to the earlier treaties. Such an amendment, this group thought, would weaken the negotiating position of the French government by enflaming nationalism on both sides of the Channel. They preferred the Ministry to have complete freedom of action.

This position aided the foreign minister and those who supported the earlier conventions. Guizot, relying upon his correspondence with Sainte-Aulaire, reminded the Peers that it was his duty to protect the national interests of France. The enmity between France and Great Britain indeed hampered the execution of the treaties, but hostile allegations would lead to unsuccessful negotiations. The time, he declared, was inopportune; already the Chambers' interference had kept other Great Powers from accepting his proposed modifications
of the 1841 treaty, and new negotiations at this time would further strain Anglo-French relations, which were worth more, politically and morally, than amendment of the earlier treaties. Guizot urged the Peers not to let the issue become a *cause célèbre*, but to keep it a cabinet question. The French government, meanwhile, would faithfully execute the treaties and enforce those provisions which safeguarded France's national interests.⁹

Shortly before the Peers voted, Broglie drolly observed that the Chambers' intervention in foreign affairs was seldom useful; nonetheless, he would respond to their arguments. In defense of the Ministry's policy, he charged that the number of abuses had been exaggerated and that the government had obtained reparations when France deserved them. Since the duration of the conventions was limited, the Ministry would be guilty of bad faith if it unilaterally suspended them. He also defended the conventions of 1831 and 1833 and the foreign policy of the Orleanist regime by reminding the Peers that Britain had stopped and searched French vessels during the Restoration. Thus, the Anglo-French agreements regulated a practice which the Bourbon government had failed to suppress and more important, placed Great Britain and France on an equal footing at a time when England's friendship was the best guarantee of European peace. Broglie countered the charge that the conventions were unconstitutional by comparing them
to bilateral treaties of extradition which clearly were within the King's constitutional powers. He also discounted the allegation that the conventions had adversely affected French commerce by claiming national exports had increased from 278,978 francs in 1831 to three million francs in 1841. In conclusion, Broglie questioned whether the Peel Ministry would find the Webster-Ashburton Treaty acceptable. In any case, France must wait for a final explanation of the Anglo-American agreement before placing any faith in it as a method of suppressing the slave trade.

Guizot's and Broglie's eloquent speeches established the government's defense of the right of search in 1843, and according to Edward Everett, American minister in London, the speeches had considerable influence on French public opinion. They, at least, convinced the Peers to remain silent, for that Chamber on January 24 rejected the proposed amendment by a vote of 118 against, 67 in favor. Most Peers believed they had adequately opposed the treaties and did not wish to compromise either the cabinet or possible negotiations.

The Chamber of Deputies, however, did not follow suit; on the same day that the Peers voted, the Deputies announced their response to the Throne, and it contained a long paragraph on the right-of-search controversy. A "conservative" dominated commission, chaired by Guizot's friend Pierre Dumon, drafted the reply. The Deputies congratulated the government for not ratifying the 1841 treaty and urged it to use firmness
and vigilance in securing the strict execution of the earlier conventions. But they also confessed:

... disturbed by the inconveniences, revealed by experience, and even in the interest of that good understanding so necessary to the accomplishment of the common task, we look forward with the strongest hopes to the moment when our commerce shall be replaced under the exclusive surveillance of our own flag.12

Had the "conservatives" abandoned Guizot? By including this paragraph in their response, had they placed him in an untenable position vis-à-vis Great Britain? Guizot had fought a similar declaration in the Chamber of Peers, but the proposed paragraph did not demand the immediate abrogation of the conventions of 1831 and 1833, only an eventual return to the French position of April 1831. The "conservatives" had not backed Guizot into a corner; Le National indeed asserted that the paragraph supported Guizot's position. His real test, however, would come during the general debate of the address.13

As expected, the Opposition was dissatisfied with the paragraph. Many Deputies rose to demand an explanation and Guizot's resignation. One after the other, they denounced the right-of-search concession. Some argued that this principle was a useless vexation which would not lead to the abolition of the slave trade, but to war with Great Britain. Others argued that the treaties no longer were needed, while some thought that France should follow the example of the United States. Nor did the Deputies ignore the issue of the
English alliance as the two questions became further intertwined. Many admitted that the alliance was useful to France, but argued the price was too high. According to Alexis de Tocqueville, the nation was preoccupied with the state of Anglo-French relations. Although he applauded Guizot for having calmed French anxieties in 1840, he chastised him for returning to the British alliance so soon after July 1840. Indeed, Tocqueville argued, Guizot, by first defending the 1841 treaty and then refusing to ratify it, had made the situation worse by again bringing Great Britain and France to the brink of war. As for the conventions of 1831 and 1833, Tocqueville contended that if France clearly stated her policy, England would negotiate. Instead of defending the right of search, the two nations should close the slave markets, but negotiations would fail if the present French ministry remained in power. Thus, to remove the threat of war and to secure abrogation of the treaties, Tocqueville urged Guizot to resign.14

Guizot, of course, refused the demand, for he believed that he, more than anyone else, could resolve the controversy. Reminding the Deputies that the principal reason for the formation of the Soult-Guizot Ministry had been the reestablishment of good Anglo-French relations, the foreign minister defended his policy during 1842. He had refused to sign the 1841 treaty with Palmerston, because to do so at that time would not have served the national interest. But after
Palmerston's fall and the formation of the Peel Ministry, he had decided to sign the treaty as a sign of friendship. Heeding the Chambers' opinion, he had refused to ratify the Quintuple Treaty, but France still needed England's friendship. For this reason, he argued that the earlier conventions should be exactly executed. Making a concession to his conservative supporters, Guizot declared, however, that once the cabinet was convinced of the possibility of success, it would undertake negotiations to modify or abrogate the conventions of 1831 and 1833.15

On 3 February 1843, the Deputies ended the debate and rejected all amendments to the paragraph; their interpretation, however, went further than its literal meaning. Most regarded the debate as a continuation of the 1842 discussion, and the majority clearly desired the abrogation of the 1831 and 1833 agreements as soon as possible; for that reason, they urged the government to begin negotiations. The United States again played the role of a nation which had refused the British demand for the right of search, but in 1843 their argument was stronger, due to the conclusion of the Webster-Ashburton Treaty. Guizot, however, stood firm, and due to the British attitude, he refused any infringement upon his freedom of action. But by accepting the Chamber's reply, he committed himself to the eventual modification or abolition of the earlier conventions. This acquiescence gave him a
little time, but he knew that even a minor incident would provoke a new controversy.  

With the convocation of the British Parliament in February 1843, the scene of the debate shifted from Paris to London, where the ludicrous French charges and obstinate attitude during the controversy had incensed public opinion. Misunderstanding was evident on both sides of the Channel. Reacting to the French press's demand for abrogation, The Times bluntly told France to prepare for war, if she unilaterally abolished the earlier right-of-search conventions. During February, Lord Henry Brougham, a noted Tory and devout abolitionist, refuted the French allegations. Replying to those who charged Great Britain with attempting to establish commercial supremacy and sovereignty of the seas, he declared that suppression of the slave trade was a noble task which Britain undertook purely for humanitarian motives. According to Brougham, the right of mutual search was the most effective method of achieving this goal. Later, hoping to allay French fears and prove his case, Brougham asked Aberdeen to publish the Admiralty's instructions to naval commanders concerning the enforcement of the right of search. In the House of Commons, Palmerston answered questions on the origin of the Convention of 1833 and the earliest data of French complaints. Due to various omissions in the 1831 treaty, both governments had agreed upon the need
for a supplementary convention. The earliest complaint that he remembered had occurred shortly before he left office in 1841 and protested the seizure of the Sénégal. On February 16, John Hardy, a Tory MP, moved that the House request the Peel Ministry to place on the table papers concerning the number of French complaints and how they had been handled. Undoubtedly, many MP's believed a great insult or injury had occurred to provoke the French desire to abolish the conventions. Peel responded by asking the Chamber to postpone the motion, since the two governments had not resolved some cases. He also asked the Commons to ignore what the French Chambers and papers had said and leave the matter in the hands of the two cabinets. Hardy concurred and withdrew his motion.17

Both the Soult-Guizot Ministry and the Peel Ministry hoped to keep the right-of-search question out of the public forum, but Guizot's position in France was tenuous. The moderate tone of the English Parliament had calmed French fears, but the Opposition still hoped to cause a ministerial crisis. According to Princess Lieven, the right-of-search question remained a "veritable nightmare," and she counseled prudence and caution. The Opposition, however, realizing that it could not beat Guizot on the right-of-search issue, decided to create a crisis during the budget discussion. But their efforts failed, and this failure gave the Ministry a respite until the opening of the 1844 session.18
Guizot, however, had only gained time in which to find a solution to the right-of-search controversy. In February 1843, he had committed himself to something the British were unprepared to accept. Neither the passage of time nor the prudent execution of the right of search, he realized, would remove the Chambers' opposition. He had to make some progress before the opening of the 1844 session, but Anglo-French rivalry in Spain reappeared, as both nations attempted to expand their influence in that kingdom. Thus, by late summer 1843, two questions remained unresolved between France and Britain, but the more difficult of the two was the right of search.  

Knowing that time was running out, Guizot desperately needed either a change of attitude by the London government or a softening of the French position. He could not have had a better British counterpart than Aberdeen, who sincerely desired cordial Anglo-French relations. The French foreign minister also benefited from the state visit paid by Queen Victoria to Louis-Philippe at the Chateau d'Eu in September 1843, an occasion deliberately staged to improve relations. During the Queen's visit, Louis-Philippe assured Aberdeen that "he would not give his son to Spain," thus temporarily solving the Spanish problem. The visit, moreover, allowed Guizot and Aberdeen the opportunity to discuss personally the differences existing between the two nations. Both men
agreed that the right-of-search question was their "big embarrassment," but each acknowledged the inflexibility of his position. Due to the abolitionist sentiment in the English Parliament, Aberdeen had to exercise extreme care and caution. For his part, Guizot convinced the British foreign secretary that the Chambers' hostile attitude simply would not disappear, and that if he were to remain in power, he had to show some progress before the 1844 session. Though no solution to the right-of-search issue was found, Queen Victoria's state visit to France did signal the beginning of the Anglo-French "entente cordiale."20

From its birth in 1843 to its death in 1846, the "entente cordiale" had a turbulent life. In reality, it was no more than a personal understanding between Guizot and Aberdeen, supported by "a growing intimacy between the British and French royal families." Based on mutual trust and Aberdeen's almost obsessive desire to ensure Guizot's survival in office, the "entente" allowed the two men to move slowly toward a solution to the right-of-search issue.21

Shortly before the convocation of the Chambers, Guizot took the first step to end the controversy by instructing Sainte-Aulaire to reopen the right-of-search question with Aberdeen. Emotions had calmed considerably, Guizot observed, but much work remained to be done. With their replies in 1843, the French Chambers had denounced the treaties of 1831
and 1833. It was necessary, therefore, to begin discussions, but France, committed to the abolition of the slave trade, would continue meanwhile to execute the earlier conventions. Because Aberdeen trusted Guizot, he accepted the French minister's overture. Peel, however, demurred, believing that Britain had conceded enough to France. He objected to Guizot's request, because he feared an open struggle between the two nations' lower houses. Despite these doubts, Aberdeen soon persuaded Peel at least to listen to the French proposals. The suppression of the slave trade, moreover, was of common interest to the two powers; if France proposed some method that was more effective than the right of search, then they both would profit from adopting it. Hence in mid-December 1843, the British government, while not committing itself to any one system, agreed to study any French plan having as its purpose the effective suppression of the slave trade.  

Following his usual practice, Louis-Philippe ignored the right-of-search question in his speech on 31 December 1843 opening the 1844 session, but he did commend the "sincere friendship that unites myself and the Queen of Great Britain and the cordial entente which exists between my government and hers." In his Mémoires, Guizot defended the omission of the right-of-search issue by declaring that any admission of the new English position could have jeopardized the negotiations. But they had not begun, since Aberdeen had agreed only to receive French propositions. Guizot, indeed was
resorting to a favorite political technique: so long as he declared negotiations were in progress, he could refuse to communicate any information to the Chambers.23

The Opposition, however, sensed Guizot's dilemma; committee debates were lively and sharp. Did the phrase "entente cordiale" imply that the government had reestablished the English alliance? Tocqueville asserted that he did not oppose the alliance nor good Anglo-French relations, but France must not subordinate her national interests to British demands. Never, he declared had the Chamber "manifested its will so lively, so unanimously, so persistently" than in its desire for the abrogation of the conventions of 1831 and 1833. According to Tocqueville, the Chambers and the nation had made the right-of-search issue the principal affair of the government. It was not a majority question nor an opposition one, but a parliamentary issue and a national desire, which the Anglo-French entente had failed to satisfy. Thiers also entered the debate and charged Guizot with showing contempt for the Chamber's dignity by failing to obtain satisfaction from Great Britain.24

Such attacks, of course, forced Guizot to respond, but he only distinguished between an alliance and an entente. Britain and France, he argued, were not diplomatically aligned, but the two governments had agreed to discuss all questions which separated them. As for the right of search,
the British cabinet had agreed to study the issue and that the "voice of the Chambers and of the public will be taken into consideration." He would say nothing more. 

This defense satisfied the conservative faction of the Chamber; nonetheless, it demanded that the Chamber's response include a paragraph linking the right-of-search question to the Anglo-French entente and expressing the hope that this good understanding will lead undoubtedly to successful negotiations which, while guaranteeing the suppression of an infamous trade, will replace our commerce under the exclusive surveillance of our flag.

The Right Wing hoped this paragraph would emphasize its opposition to the 1831 and 1833 conventions, while indicating confidence in the cabinet. The paragraph neither criticized nor compromised Guizot's position vis-à-vis Great Britain.

The Opposition, however, questioned Guizot's sincerity and attacked the Anglo-French entente no less than the right of search. On 24 January 1844, Billault, bitterly denounced the government's policy as harmful to France. The Chamber must hold Guizot responsible; to do so he proposed an amendment which directly linked the survival of the Anglo-French understanding to the successful conclusion of negotiations. Good Anglo-French relations would be assured only when negotiations, "conducted with perseverance," not only have suppressed an infamous traffic but also placed French
commerce under the exclusive surveillance of the French navy. While developing this amendment, Billault once more questioned Guizot's ultimate goal, for he believed the Chamber would not accept a simple modification of the conventions; therefore, he called for their abolition. To support his argument, he traced the diplomatic exchange between Palmerston and Sébastiani from April to November, 1831. These dispatches, Billault asserted, proved that the concession of the right of search was a temporary one from which France could withdraw at anytime. Despite their provisory nature, Billault accused Guizot of bowing to the demands of Peel at the expense of the national sentiment.\(^2\)

Despite Billault's judicious argument, most Deputies rejected his interpretation of the diplomatic situation. Charles Dupin, expressing the majority opinion, thought that the proposed paragraph was adequate. He interpreted it as a warning to Britain that France wanted to revoke the right of search. Guizot also accepted the commission's paragraph and insisted that his acceptance indicated approval of his goal. He argued, moreover, that Billault's amendment would create difficulties by threatening the British ministry. Due to these explanations, Billault, choosing not to hinder the successful conclusion of the negotiations and perceiving that the Chamber would reject his amendment, withdrew it. Billault's action, however, had forced Guizot publicly to endorse the abrogation of the earlier conventions.\(^2\)
On February 1, Queen Victoria opened Parliament's session and reciprocated Louis-Philippe's kind words about the Anglo-French cordial understanding. Parliament, as it had done throughout the right-of-search controversy, refrained from any bitter criticism of the royal address. Only Palmerston questioned the benefits of the Anglo-French entente, since he feared abrogation of the treaties would nullify the only effectual means of suppressing the slave trade. He predicted, moreover, that if the treaties were abolished, slave trading would reappear under the French flag. Expressing the same fear, Lord Brougham on February 5 questioned Aberdeen about French policy. Without deviating from his earlier statement to Sainte-Aulaire, Aberdeen conceded that France wished to modify the conventions in order to make them more acceptable to the French public and navy, but he assured Brougham that the two governments would do nothing which might lessen the efficiency of their efforts to suppress the slave trade. These good intentions, notwithstanding, the cost of servicing the fleets and the inconveniences created by the right of search, so impaired this principle as to render it "an evil only to be entertained as long as needed." Lord Brougham concurred; the right of search, he thought, was not inconsistent with French honor, but "some other mode should be devised for repressing the slave trade." 30

In view of these admissions, a compromise seemed imminent, but two crises, unconnected to the right-of-search
controversy, soon clouded the diplomatic horizon, and by August 1844, again brought Britain and France to the brink of war. The first one was the Tahiti-Pritchard Affair. French involvement in Tahiti dated from 1836, when French Catholics attempted to open a mission, but not until 1844 did it threaten Anglo-French relations. Alleged mistreatment of French priests in August 1842 had provided France with sufficient cause to force Queen Pomare IV, the native ruler, to accept a French protectorate over the island. The British government did not oppose this move, officially announced in Le Moniteur on 23 March 1843, but George Pritchard, the British consul in Tahiti and a protestant missionary, did. He convinced the Queen to renounce the protectorate and seek British assistance. His plan failed, however, for Admiral Abel Dupetit-Thouars, the same French commander who had compelled the Queen to accept French protection, returned, forced Pomare to abdicate, and annexed the island for France. News of Dupetit-Thouars' action reached Europe in February 1844; The French rejoiced, while the British public and press fumed. Guizot was in a predicament; if he did not support the admiral, French liberals and nationalists alike would denounce his moderation "as a cowardly betrayal of French interest at the bidding of England." If he gave his approval, the Anglo-French entente would collapse and war with England might ensue. 31
With great determination and courage, Guizot and Aberdeen sought a way out of this dilemma and found one. Aberdeen agreed to transfer Pritchard from the island, and Guizot reinstated Queen Pomare, thus disavowing the annexation, but maintaining the French protectorate. Before news of this compromise reached Tahiti, however, the continuing struggle on the island had resulted in a skirmish (March) in which several French sailors were killed. In retaliation their commanding officer arrested Pritchard and threw him into prison. After detaining the consul several days, the French released him on condition that he immediately leave the island. The Times printed its account of Pritchard's arrest on 30 July 1844, after which the British press began clamoring for reparation or war. The French press more than equaled the belligerence of its British counterpart, as the "newspapers, with one accord, called loudly upon the government to stand by its officers and deny Great Britain any form of reparations."32

Meanwhile, a more serious Anglo-French confrontation occurred in North Africa. As a result of the French occupation of Algeria, war with Morocco broke out in May 1844. After a brief seige, the Prince of Joinville captured Mogador, and Marshal Bugeaud defeated the Moors on the banks of the Isly. Alarmed by this invasion, Britain warned France against a permanent occupation. Astonished by the highhanded
French actions in Tahiti and Morocco, Peel concluded that Guizot had lost control of his nation's foreign policy. While his quarrelsome nature was tempered by the conciliatory Aberdeen, the possibility of an Anglo-French war increased. On August 16, when news reached London of France's bombardment of Tangiers, war was regarded as inevitable. Continuing to remain silent and inactive, Guizot underestimated the extent of the British resentment caused by these two crises. Aberdeen, however, realized that some form of satisfaction was necessary, if Britain and France were to avoid war. Finally on September 4, Guizot broke the impasse by agreeing to compensate Pritchard monetarily for his imprisonment. A day later, Queen Victoria announced the "happy" conclusion of the Tahiti Affair, and the threat of war decreased. On September 10, France concluded a peace agreement with Abder Rahman, Sultan of Morocco, an action which further shored up the Anglo-French entente. Louis-Philippe's return visit to England in October 1844 symbolically signaled the resumption of cordial relations.  

The Tahiti and Moroccan crises, notwithstanding, the French press did not ignore the right-of-search question. In late July, the British Admiralty sent new instructions to its naval commanders and ordered them to exercise more care when searching French merchant ships. The Journal des Débats warmly received this British overture, but the rest of the French press remained dissatisfied. Le National
interpreted Britain's action as an attempt to pacify French critics of the right of search, but it predicted that the Chamber and the nation would reject this "Jesuit plan." Guizot also realized that the observance of the earlier conventions, even if exact and impartial, would not appease the Chambers. Using the English action as a pretext, the Marquis de Boissy forced Guizot to reaffirm his statement that Britain and France had begun negotiations. His goal, Guizot assured the Peers on July 31, was to return to the French navy sole supervision of French commerce; by the opening of the next session, he should have something to report. In reality, however, the foreign minister had taken no further steps; the right-of-search question remained in limbo. For this reason, he accompanied the King to England in October 1844; he sorely needed this opportunity to resolve the issue. 34

During Louis-Philippe's visit, Guizot attempted to convince Tory leaders that he really wanted better Anglo-French relations, but the right-of-search problem prevented the achievement of this aim. In a conversation with Aberdeen on October 12, he insisted that the existing jealousies between the two nations made enforcement impossible. The two navies so distrusted each other that practical application of the conventions could lead to a rupture which should be avoided at all costs. Since the two navies rarely practiced the
right of search, the adoption of some other method to suppress the slave trade would benefit the mutual desire for an entente. Aberdeen, who wanted to make as little difficulty as possible for Guizot, accepted the French minister's argument, but he interposed a qualification—new negotiations would depend upon the practical value of whatever new means France proposed. Guizot also met with Wellington, who expressed surprise at the volume of French alarm over a right conceded some ten years before; however, he did consider good Anglo-French relations worth more than the right of search. Peel remained as noncommittal as the sphinx, but Guizot, nonetheless, returned to France convinced that "the moment had come to push the question and pursue the negotiations energetically." 35

Having compromised during the Tahiti and Moroccan crises, Guizot needed a quid pro quo. Already, his critics had labeled him "the most Foreign minister." The British reception of King Louis-Philippe had calmed French fears to a degree, and Aberdeen, of course, was willing to consider any French proposal, while Peel remained aloof. Guizot's diplomacy, however, became more attractive in England as the political power of the "saints" declined. English abolitionists also became disenchanted with the right of search as the best method of suppressing the slave trade. To accomplish his task, Guizot instructed Sainte-Aulaire on
27 November 1844 to communicate confidentially to Aberdeen his proposals for replacing the right of search. In his Mémoires, Guizot failed to mention his proposals, but as future negotiations will indicate, he wished to replace the conventions of 1831 and 1833 with something similar to the Webster-Ashburton Treaty. Despite this omission, Guizot had finally taken a step toward solving the right-of-search question.36

For the first time, Guizot suggested the formation of a special commission empowered to approve his proposals or come up with new ones. By clinging to the ineffective 1831 and 1833 treaties, Guizot argued, the two nations deceived themselves and betrayed their noble attempts to suppress the slave trade. Preoccupation with the right-of-search question had caused France and Britain to lose sight of the goal. Aberdeen cautiously welcomed the idea of a joint commission charged with studying new means of cooperation. But not having consulted Peel, he withheld approval and asked Guizot to communicate officially, but vaguely, what he wanted of the British government. He advised the French foreign minister to refrain from elaborating his proposals, but develop objections to the inconveniences and inefficiency of the earlier right-of-search agreements. By choosing this path, Aberdeen hoped to convince his colleagues of the French government's sincere desire to extinguish the slave trade.37
Guizot followed closely Aberdeen's advice; on 26 December 1844, the same day that the Chambers opened, he dispatched Sainte-Aulaire's instructions. Limiting himself to general statements, Guizot outlined his objections to the right of search. Foremost was his belief that continued execution of the earlier treaties could lead to an Anglo-French rupture. While Guizot recognized that some nations could exercise the right of search without the least difficulty, he insisted that for some individuals, the practice was a constant irritation, one which might remain dormant for years, but at any moment,

an unforeseen incident on the high seas, [or] the smallest shift in the political relations of the two states, could . . . develop, incense, propagate, and evolve into a powerful and fearful national sentiment. Having arrived at this point, the right of search system, employed as a method to repress the trade, is more dangerous than useful, for it at once compromises the peace, good understanding of the two nations, and even the success of the great cause it was destined to serve. 38

France and England, he declared, had entered into the aforementioned contretemps, and without specifically mentioning his proposals, Guizot reasserted France's desire to suppress the slave trade. Only if the two governments found a substitute for the right of search, could he promise the continued support of the National Assembly and the nation for the suppression of the slave trade. To find an effective alternative, Guizot called for the establishment of a mixed commission, seated at London and composed of men sincere in their desire to abolish the slave trade. 39
Guizot hoped that the Peel Ministry would regard this latest dispatch as further evidence that France wanted to maintain good relations with England and to suppress the slave trade. Aberdeen undoubtedly was convinced, but Peel was distrustful. The Prime Minister did not contest the idea of a mixed commission, but he did not yield until Aberdeen convinced him the concession was necessary "to strengthen Guizot's position at the next meeting of the French Chamber." On 4 January 1845, Peel confessed to Aberdeen:

you have a fair right to ask for confidence in your judgement in a matter of such great and in point of time, urgent importance, and I waive all objections to the commission.40

On January 9, the foreign secretary informed Lord Cowley of the Prime Minister's acquiescence.41

Peel, however, still needed to be convinced of French sincerity. If Guizot expected Britain's cooperation, he must choose someone well known for his "attachment to the great cause of freedom and humanity." Aberdeen also informed the French foreign minister that he had not seen "any plan proposed which could safely be adopted as a substitute for the right of search," and he could not abrogate the earlier treaties until a new method had been discovered. Thus, the purpose of the joint commission was to replace the right of search with some other effective measure, not to rid Britain and France of the right of search. Hoping to satisfy these
doubts, Guizot nominated the duc de Broglie who was well known in England for his abolitionist sentiments and who, throughout the right-of-search controversy, had defended the concession as vital to suppression of the black commerce. Aberdeen named Stephen Lushington, a member of the Privy Council, a respected scientist, and a devout abolitionist, as the British envoy. By appointing these persons, Guizot and Aberdeen finally convinced Peel of their sincerity, but only by continuing in office could the French minister negotiate a settlement of a difficult and delicate problem.\(^42\)

Guizot's 1845 political position was so weak, due to his alleged Anglophile attitude, that Edward Everett thought a reorganization of the French ministry was likely. The Opposition assailed the foreign minister for sacrificing French national interests to those of Britain. Molé, on January 14, charged that Guizot's continued presence in the cabinet only perpetuated Anglo-French difficulties, for he had caused the public outcry and denunciation of the right of search by signing the Quintuple Treaty. He accused Guizot, moreover, of following an excessively weak policy and of misleading the Chambers. He had not settled the right-of-search controversy and had adopted a policy in 1843 that he could not complete. Proudly defending his diplomacy, Guizot responded that the right-of-search issue was "still in suspense," and that the Ministry had solved the Pritchard crisis without
going to war. Despite his defense, the Chamber of Peers adopted an amendment expressing the hope that the fairness and impartiality of the two governments would be able to hasten the success of negotiations which, while guaranteeing the repression of an odious traffic, must result in the restoration of our commerce under the exclusive surveillance of the national flag.\textsuperscript{43}

Guizot accepted the amendment, explaining that it really supported the Ministry's position; it seems clear, however, that the government's failure to solve the right-of-search question displeased the upper chamber.\textsuperscript{44}

In the Chamber of Deputies, the attack was much more forceful and focused on the Tahiti and Moroccan crises rather than the right-of-search controversy. Committee discussions were vivid and reproachful. Continuing his indictment of the English alliance, Tocqueville on January 20 argued that the government's policy was neither firm nor dignified. He admitted that there had been times when the alliance was necessary, but now France should follow an independent line. Alluding to the right-of-search issue and the Pritchard Affair, he declared that Guizot's desire for an intimate friendship with England had cost France her dignity and honor. On January 21, Thiers widened the debate and repeated Molé's argument, that the foreign minister had strained Anglo-French relations by signing the Quintuple Treaty and inflaming public opinion. By not negotiating seriously, Guizot, Thiers argued, kept the question before the nation and further compromised
France's honor. The Ministry, however, held its ground and prevented any general condemnation of its foreign policy. Concerning the right of search, the commission limited the Deputies' reply to a paragraph similar to the one adopted in the Chamber of Peers. 45

General discussion of the reply began on January 22, and despite their emphasis on the general diplomacy of the Royal Council, Opposition Deputies did not ignore the right-of-search controversy. Charles Dupin criticized Guizot for negotiating with Peel and Aberdeen. France did not have to negotiate, for Britain, by signing the Webster-Ashburton Treaty, had renounced the earlier conventions. Broglie and Lushington, he thought, would leave the right-of-search question alone with the result that it would continue to embarrass France and the Chambers. Carné and Billault accused Guizot of lacking forcefulness and foresight in his dealing with Britain. Reiterating his earlier position, Carné demanded that the foreign minister inform the British government that the right of search was no longer needed. French legislation, he argued, was more than adequate, and no French subjects were engaging in the slave trade. Had not England herself withdrawn from the system by signing the Webster-Ashburton Treaty? Other Deputies seconded these opinions, but the Soult-Guizot Ministry once more turned back the attacks. 46

Though Guizot's defense was eloquent and nonevasive, except concerning the right-of-search issue, it was neither
startling nor persuasive. He undoubtedly believed that the
Chambers had done much in the past three or four years to
complicate the issue, but he thought that by preserving the
peace, he had fulfilled his duty as foreign minister. He
reminded the Deputies that the British government also had to
consider public opinion, and most Englishmen believed that
the right of search offered the most effective means of sup-
pressing the slave trade. But the French Ministry, he argued,
had succeeded in convincing the British government to take the
biggest step, viz., to search for methods other than the
right of search. More difficult to refute, however, was the
Opposition's charge that he had mislead the Chambers; it was
here that the Tahiti and Moroccan crises became hidden
blessings. At this point, Charles Duchatell, the Interior
Minister, came to Guizot's aid, declaring that the unexpected
problems had caused the Ministry to delay the right-of-search
negotiations. The bargaining indeed would be difficult and
laborious, but he assured the Chamber that the government
would solve the problem to the satisfaction of the Chamber.
The Opposition, nevertheless, offered several amendments
which clearly implicated the general diplomacy of the Ministry,
but after Guizot's lackluster defense, the "conservative"
majority extended the foreign minister's reprieve, but just
barely. The paragraph congratulating his conduct of foreign
affairs passed by only eight votes, with 213 voting for the
paragraph, 205 against it. Guizot remained in office.47
Having overcome this last obstacle, Aberdeen and Guizot moved quickly to solve the right-of-search issue. Broglie arrived in London on 15 March 1845, and during the two weeks before the Anglo-French commission began its work, he held interviews with several British leaders. Meticulous and thorough, Broglie was well qualified for his mission. As a long-standing opponent of the slave trade, no one could doubt his sincerity, and having been involved in the negotiations leading to the conventions of 1831 and 1833, he was familiar with the exercise of the right of search. He soon reported to Guizot that public opinion in England now favored the French position; only Palmerston continued to place great importance on the right of search. Even the English Society against Slavery announced their opposition to the right of search, but to rid herself of the concession, the Society called upon France to abolish slavery. Despite the support of Aberdeen and others, Broglie realized that to succeed, he must convince Lushington.48

On March 31, Lushington and Broglie met for the first time and decided to interview various naval officers in order to ascertain the best method of suppressing the slave trade. Restating French objections to both the Quintuple Treaty and the right-of-search principle, Broglie, following his instructions, argued that the extension of the applicable zones and public denunciation of the concession in France had caused the Royal Council to withhold ratification of the five-power
agreement. Britain, however, by signing the Webster-Ashburton Treaty, had totally "disarmed" the French government before a hostile public and had undermined the right-of-search tenet. Therefore, the Paris government imperatively sought a new method by which the two nations could suppress the slave trade. 49

From March 31 to April 4, Broglie and Lushington questioned naval officers. The line of questioning indicated that France had already decided upon her proposal, but the officers, nonetheless, strengthened the French position by stating the slave trade was carried on primarily under the Spanish, Portuguese, and Brazilian flags. While the British officers affirmed that the French merchants had participated in the slave trade "to a very small extent" since the conventions of 1831 and 1833, none of them had come into any direct contact with a French slave trader. They suggested that France, by trading with slave traders, was engaged indirectly in the odious traffic. The three English officers insisted, however, that a universal right of search was indispensable to the successful repression of the slave trade. Such a universal concession, of course, was impossible in view of the Webster-Ashburton Treaty; the French officers, moreover, countered by arguing that for them the right of search was a mere formality, since they lacked the authority to stop Spanish and Portuguese vessels, the nations which
actually engaged in the slave trade. In addition, they stated that several of the clauses of the earlier conventions, due to the increase in legal commerce around the coast of Africa, had become inconvenient and actually interfered "with licit commerce and thus injured its civilizing influence." The result of the inquest conformed generally to French hopes as the majority of the officers favored (1) an increase in the number of ships supervising the coast of Africa, (2) an attempt to close the slave markets, and (3) negotiation of treaties with native chiefs to secure their renunciation of the slave trade.50

Following this testimony, Broglie and Lushington began negotiations which the French cabinet hoped would end in the abrogation of the earlier conventions. To secure this aim, Broglie adopted the position of the right-of-search critics. Since 1831, France and Britain had considered the right of search a temporary, experimental measure; French subjects allegedly no longer engaged in the black traffic, nor did the French flag protect slave traders; thus, the conventions of 1831 and 1833 had achieved their purpose. Second, the two kingdoms had sought the adherence of all nations to these treaties, but Britain herself had renounced this goal by signing the Webster-Ashburton Treaty. Despite constant surveillance, Spanish, Portuguese, and Brazilian subjects continued to engage in the slave trade under their own flags.
Finally, due to the public outcry in France, the mixed commission "could propose no other objective than to abrogate the right of reciprocal search, without, however, weakening the abolitionist movement." To solve the problem while satisfying these exigencies, Broglie suggested that Britain and France adopt a proposal similar to the eighth article of the Webster-Ashburton Treaty and persuade African chiefs to renounce the slave trade. The French position was clear: only the complete abolition of the treaties would satisfy the Ministry's political supporters and the right-of-search critics. On the right of visit and verification, Guizot feared...
it would be impossible to make the public at large understand the difference between search for the repression of the trade and visit for the verification of nationality. And when we have made it understood, it will suffice for the Americans to reject, in principle, the second visit as the first, to bring it into equal disrepute among us. Either I am mistaken, or if the negotiations only result in replacing this right [of search] with another [of visit and verification], they would not produce any good effect and would rather aggravate the situation. 53

For a month, Broglie and Lushington tried to resolve the difference, but could not. Finally, like Webster and Ashburton, they ignored the crucial issues and signed the Convention of 1845. 54

On May 29, France and Britain theoretically returned the maritime commerce of the two nations to the supervision of their respective navies and pledged to maintain a joint squadron of at least fifty-two vessels along the coast of Africa to prevent the usurpation of their flags and enforce their national statutes. The earlier treaties were suspended for five years, after which their status would be reviewed. The two powers could reinstitute the two conventions, if necessary, or allow them to remain in limbo. After ten years, however, France and England could abolish them indefinitely. The Convention of 1845 also authorized British and French naval commanders to negotiate treaties with native chiefs for the suppression of the slave trade including military cooperation if force were needed to enforce the treaties. The text admitted the difficult nature of the right-of-visit-and-verification issue in Article VIII, by stating that the flag
of the vessel could not be considered a sufficient indicator of its nationality. Thus, the two nations had compromised and placed the difficulty in the hands of squadron commanders.

From late December 1842 until late May 1845, Guizot, hindered by the Chambers' desire for abrogation of the right-of-search conventions, labored to protect and strengthen Anglo-French relations. Because he valued good Anglo-French relations more than the French demand for satisfaction, the French foreign minister made few attempts to solve the question and refused to pressure Aberdeen or Peel. Both governments hoped to keep the right-of-search issue out of the public eye, but only Britain succeeded. Attacks by the Opposition on both the right-of-search principle and the English alliance continually embarrassed Guizot and the French government. Guizot pacified his supporters, who also attacked the treaties, by agreeing to a policy that he had no intention of immediately pursuing and also by implying that he had made some progress. Lacking a better alternative, the Majority accepted these face-saving techniques.

Slowly, as Britain's attitude toward the right of search changed, Guizot and Aberdeen moved toward a solution. American foreign policy both aided and impeded Guizot's efforts to solve the right-of-search controversy. The Webster-Ashburton Treaty offered a possible alternative to the right of search, and British acceptance of it weakened the British defense of
the controversial principle. Yet, the Anglo-American agreement also strengthened the position of Guizot's detractors and intensified their efforts to secure abrogation of the earlier agreements. Finally, after compromising in the Tahiti and Moroccan crises, Guizot secured Aberdeen's promise to create a commission charged with examining new methods of suppressing the slave trade. In reality, the commission was simply another face-saving technique. British statesmen and abolitionists alike had grown tired of the right of search as a means of suppressing the slave trade. But Aberdeen and Peel could not appear to concede too much to Guizot. Guizot and Broglie regarded the commission as a simple formality. They had already arrived at a conclusion; to replace the conventions of 1831 and 1833, they sought an arrangement similar to the Webster-Ashburton Treaty. On 29 May 1845, the two powers reached an agreement returning the supervision of French merchantmen to the French navy, but the Convention of 1845 indirectly admitted the right of visit and verification.
"Chronique de la quinzaine," Rdm, XXXII (14 Nov. 1842), 238-239; JD, 18 and 19 Nov. 1842; The Times, 20, 21, 23, 28 and 30 Nov. 1842; Commerce quoted in ibid., 28 Nov. 1842; Le National, 28 Nov. 1842.

Guizot, Mémoires, VI, 177-179; Guizot to Sainte-Aulaire, 8 Dec. 1842, quoted in Jennings, "Repression," p. 118.

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Ibid., 21, 22 and 24 Jan. 1843; Le Moniteur, 21, 23 and 24 Jan. 1843.


Le Moniteur, 24 Jan. 1843; Guizot, Mémoires, VI, 185-186; Guizot cited a letter from Sainte-Aulaire of 10 Feb. 1842 in which the French ambassador declared that no British ministry could agree to modification of the 1841 treaty due to the manner in which the Chambers had spoken of it and England.

Le Moniteur, 25 Jan. 1843.
11. Ibid.; Guizot, Mémoires, VI, 181; Everett to Webster, 28 Jan. 1843, "Desp. from Gr. Brit.,” No. 21.


13. Ibid.; Annual Register, LXXXV (1843), 277.


15. Ibid., 1 Feb. 1843; Guizot, Mémoires, VI, 182-185; Guizot, Discours prononces à la Chambre des Pairs et à la Chambre des Deputés par M. Guizot, Ministre des Affaires Étrangères sur le droit de visite (Paris, 1843), pp. 34-48.

16. Le National, 2 and 3 Feb. 1843; Everett to Webster, 10 Feb. 1843, "Desp. from Gr. Brit.,” No. 32; Guizot, Mémoires, VI, 185.


18. Lieven to Aberdeen, 20 Feb. and 10 Mar. 1843, Aberdeen-Lieven Corr., I, 212-214; Cass agreed with this assessment; Cass to Webster, 10 Mar. 1843, quoted in Soulsby, Right of Search, p. 115.

19. Jennings, "Repression," p. 120; Guizot, Mémoires, VI, 187, 195.


23. Ibid.

24. JD, 2 and 3 Jan. 1844.

25. Ibid.

27. Ibid., 20 and 24 Jan. 1844; Le National, 13 and 20 Jan. 1844; JD, 19 Jan. 1844.


29. Ibid.


32. Ibid., pp. 355-363.

33. Ibid., pp. 359-366; Gash, Life of Peel, pp. 509-512.

34. JD, 1 and 6 Aug. 1844; Le National, 29 July 1844; Guizot, Mémoires, VI, 220.


37. Ibid., pp. 222-224.


40. Peel quoted in Gash, Life of Peel, p. 512.

Guizot stated in his memoirs that Peel waived all objections upon hearing of Broglie's appointment, but cautioned that if Guizot or Broglie withdrew, the British ministry could regret making the concession.


*Ibid.*, 18, 22, 23 and 24 Jan. 1845; *Guizot, Mémoires*, VI, 228-229; *Annual Register*, LXXXVII (1845), 238.


Broglie to Guizot, 6 Apr. 1845, AAE, Afrique, XXII (1842-1846), 78-79; "Note du duc de Broglie," *Guizot, Mémoires*, VI, 343-441; "Premier projet de nouveau traite," *ibid.*, pp. 442-443; *ibid.*, pp. 235-236.


55 Guizot, Mémoires, VI, 237-239; "Convention of 1845," Hertslet, Commercial Treaties, VII (1850), 338-342; Everett to Buchanan, 30 May 1845, "Desp. from Gr. Brit.," No. 323.
CHAPTER VI

THE SLAVE TRADE QUESTION: A RETROSPECT

Many historians have studied slavery, the slave trade, and the abolitionist crusade in isolation, refusing to examine the whole problem, due to the complexity of its parts. This thesis does not presume to answer all questions, but it examines a specific diplomatic question within the context of the entire diplomacy of the July Monarchy. Perhaps this treatment has indicated more clearly than heretofore what the Paris and London governments wanted, what each rejected and why, and how each hoped to achieve its aims.

During the eighteenth century, France, competing with Great Britain for empire, emerged as one of the major slave trading nations. Her fortunes, as a slave carrier, fluctuated with her military successes and defeats, but French merchants viewed the black commerce as indispensable to their economic well-being and colonial prosperity. After the outbreak of the revolutionary wars, French politicians in 1794, however, abolished slavery and the trade to appease the blacks and save the French colonies from Britain. To resurrect the French empire, Napoleon in 1802 reestablished
slavery and its complement, but French military defeat in Haiti and the renewed European conflict ended the emperor's dreams.

In 1815, the victorious allies forced France to abolish the slave trade, but French merchants joined their British and American counterparts in renewing the illicit commerce. Frenchmen met British demands for stricter suppression with scorn and bitterness, for most distrusted English sincerity. They believed England desired to dominate the seas and undermine French colonial interests. The Restoration government, at first, looked the other way, for the Bourbons wished to demonstrate their independence by ignoring British requests. But constant British pressure and the emergence of the Liberals as a political force within France convinced the regime of Charles X to tighten its regulations, while refusing to concede a mutual right of search and seizure. French merchants, however, continued to participate in the black traffic.

The Revolution of 1830 opened a new era in Anglo-French relations. The ascendancy of Louis-Philippe to the throne alarmed the Eastern Powers, sent tremors through Belgium, Poland, and Italy, and raised the spectre of foreign intervention in France. Due to this reaction, France sought support from Great Britain, and after the outbreak of the Belgian revolution, England and France cooperated to insure European peace and the revision of the Second Treaty of Paris.
The Orleanist Monarchy needed peace, and Palmerston successfully maneuvered Louis-Philippe's fear of isolation into an unequal Anglo-French entente. But French diplomats refused to bow to British demands in the Slave Trade Question. When Palmerston, in February 1831, requested French acceptance of a mutual right of search and seizure, Sébastiani rejected his proposal. After Belgium had achieved independence (1831), however, France reconsidered her position. Anglo-French cooperation had ended the threat of European war, but the Belgian crisis did not force the French monarch to concede a mutual right of search; the entente, however, indicated that England and France could work together. This friendship promoted the suppression of the slave trade.

The National Assembly in March 1831 passed a comprehensive law to abolish the French slave trade. This traffic had few supporters in France, but some Frenchmen still perceived abolition as a British démarche. France, nonetheless, took a larger step toward abolishing the slave trade by signing the conventions of 1831 and 1833 and granting British commanders the right to search and seize suspected slavers sailing the Tricolor. But these conventions limited this concession and made it reciprocal. Broglie, mindful of his position in 1822, and Sébastiani interposed restrictions to insure French control of the practice. The zones in which British commanders could exercise the right of search were limited and precise, and the warrants, revokable. The Paris
government's reluctance to publicize the treaties, however, indicates that traditional Anglophobia still existed in some quarters. Some Orleanist diplomats believed these commitments must be strictly observed to uphold French honor.

The bilateral Anglo-French treaties, of course, did not satisfy Palmerston, who hoped to secure an international treaty uniting all the Great Powers of Christendom in a league against the slave trade. In late 1833 and early 1834, he requested American, Austrian, Prussian, and Russian adherence to the Anglo-French accords. The United States unequivocally rejected this overture; Austria, Prussia, and Russia also refused, but expressed a willingness to negotiate a treaty similar to the five-power declaration promulgated by the Congress of Verona, (1822). Palmerston, at first, resisted these suggestions, but in 1836, he reconsidered his position, and negotiations for a five-power convention began.

The British about-face confused French diplomats, but when viewed within the context of international relations, Palmerston's decision to accept the Eastern Powers' plan becomes intelligible. The British foreign secretary hoped a five-power treaty would improve his negotiating position vis-à-vis the United States. The Anglo-French entente, moreover, had cooled, due to the opposing policies of Palmerston and Thiers. The French premier wished to end France's dependence upon England by negotiating rapprochement with Austria. Such independence displeased Palmerston,
who hoped to compel France to follow Britain's lead. During
the negotiations, Palmerston perforce expanded the stipulations
of the earlier accords, gave them a permanent nature, and
removed the guarantees, actions repugnant to Thiers and Molé.
The French ministers, however, remained silent, for they
believed that they could ill afford an open break with England.
In 1838, Sébastiani, without the approval of his government,
signed the opening protocol of a draft which would radically
change the earlier French concession. The Eastern Powers
continued to demur, refusing to sign the draft without further
negotiations, but Sébastiani accepted the protocol, believing
that Anglo-French cooperation was necessary, if peace were
to be preserved. Molé did not disavow his ambassador, preferr-
ing to allow the negotiations to run their course and maintain
a semblance of the Anglo-French entente.

French recalcitrance continued through 1839 and 1840,
but when Britain broke with France over the Egyptian crisis,
any hesitation disappeared. Once France had become isolated
in Europe, the Eastern Powers accepted Palmerston's proposals,
and Guizot (who had replaced Sébastiani in London), urged
Thiers to conclude the five-power pact, but the premier
ignored the ambassador's advice. He felt no obligation to
sign a treaty with a power which so recently had insulted
France. Most of the French electorate shared this opinion,
for they now believed Britain's friendship was neither nec-
essary nor vital to the stability of the Orleanist Monarchy.
In October 1840, Guizot succeeded Thiers as foreign minister, but not premier, and began his odyssey to repair Anglo-French relations. He, too, refused to sign the five-power treaty with Palmerston, but his reasons were personal; nonetheless, he did return France to the European Concert. After Palmerston's fall, the pro-English Guizot, to please Aberdeen, ignored—or did not perceive—the Realpolitik behind French diplomacy of 1836 to 1840 and signed the Quintuple Treaty. Though he expected some opposition to this action, he underestimated the resentment which Frenchmen in 1842 bore toward it and the English "alliance."

France's concession of the right of search was intrinsically linked to the Anglo-French entente of the early 1830s. But those early, turbulent years of the July Monarchy were unique, and once the need for Anglo-French cooperation had disappeared, Frenchmen no longer were willing to concede this privilege to British men-of-war. A coalition of politicians and their journals, representing the entire political spectrum, denounced the Quintuple Treaty's provisions which enlarged the concession. The Opposition charged that granting the right of search was contrary to France's historic policy, dangerous to French commercial interest, and a threat to French security. The foreign policy of the United States provided Guizot's critics with a concrete example of a nation which rejected the British demand. Aberdeen, like Palmerston, had hoped the Quintuple Treaty would strengthen Britain's
position by isolating the United States, but President John Tyler in December 1841 denounced the right of search as a violation of maritime law which the United States would not tolerate. Lewis Cass reinforced this position in 1842, when he published a pamphlet in Paris condemning the right of search and the Quintuple Treaty. He also warned that France could be dragged into a war with the United States, if she ratified the five-power accord. Other American representatives took similar steps, and while these actions did not cause the French outcry, they strengthened the Opposition's position, for most Frenchmen still regarded the United States as a friend and Great Britain as a foe.

By late February 1842, even some members of the French cabinet had begun to question the 1841 agreement. Guizot, believing Palmerston had created the outrage, delayed ratification: Perhaps the criticism would subside, and he could ratify the treaty at a later date. But Guizot's opponents intensified their efforts to discredit the Quintuple Treaty; even the Ministry's supporters--while praising the foreign minister for having preserved peace in 1840 and 1841--argued that this time he had subordinated France's interests to those of Great Britain. The Opposition went further; they denounced the right-of-search principle, called for the rejection of the Quintuple Treaty, and abrogation of the earlier Anglo-French accords. Realizing that he had misjudged the extent of popular enmity toward England and the
right-of-search principle, repudiated the five-power treaty, and worked to save the earlier agreements and to improve Anglo-French relations.

By signing the treaty and then abandoning it, Guizot had weakened Anglo-French relations. His action had caused a public outcry and evoked a debate on the earlier right-of-search conventions. The issue figured prominently in the French general election of July 1842; most of the candidates, including some of Guizot's supporters, attacked the 1841 treaty and the right-of-search principle. Guizot had hoped the United States would adhere to the Quintuple Treaty, thus placing all nations on an equal footing, but the Webster-Ashburton Treaty destroyed this illusion and dramatically altered the right-of-search question.

Though the Webster-Ashburton Treaty undermined Guizot's defense of the earlier accords, it also provided him with a solution to the problem. By accepting the system of joint-cruising, Britain had abandoned the right-of-search principle, lessened the need for a concerted European action, and endorsed a new method of suppressing the slave trade. The Anglo-American agreement thus strengthened French opposition to the Quintuple Treaty and the 1831 and 1833 conventions. In November 1842, France formally rejected (refused to ratify) the five-power accord, and in 1843, Guizot, to appease the Opposition, promised to amend or abrogate the earlier treaties. But he granted the concession reluctantly and made few attempts
to resolve the issue. Because he valued good Anglo-French relations more than Gallic demands for satisfaction, he refused to pressure Aberdeen or Peel. He misled his supporters by implying that he had made progress. British abolitionists and statesmen, meanwhile, had grown tired of the right of search as a means of suppressing the slave trade. In December 1844, Guizot persuaded Aberdeen to create a joint-commission to suggest new ways to interdict the black traffic, but the result was predictable. In May 1845, Britain and France agreed to a joint-squadron system similar to that established by the Webster-Ashburton Treaty.

Few diplomatic problems are so difficult as those which pit a state's national interest against a moral issue, dividing the international community. After 1830, only a few French merchants participated in the slave trade, but its suppression became more important in Anglo-French relations than French involvement warranted. The conventions of 1831 and 1833 are significant not only because of their effectiveness, but because they safeguarded French interests. The 1841 concession, however, was more than most Frenchmen would accept. Anglo-French relations, moreover, had undergone a radical change; the Egyptian crisis had seriously diluted France's desire to cooperate with Great Britain in suppressing the slave trade. Hindered by French Anglophobia, Guizot and Aberdeen labored to restore Anglo-French relations and interdict the commerce in blacks. On a personal level
they were successful, and a changed British attitude toward
the controversial principle allowed the two ministers to
solve the right-of-search question.
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