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History of Danish-American diplomacy 1776-1920

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State University of Iowa

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HISTORY OF DANISH-AMERICAN

DIPLOMACY

1776 - 1920.

By

Søren Jacob Marius Petersen Fogdall

Submitted to the Faculty of the Graduate College of the State University of Iowa in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy.

Iowa City, Iowa.
PREFACE

This work was originally intended to cover the diplomatic relations between the United States and Denmark from the Revolutionary War to the end of the nineteenth century. Because of the recent purchase of the Danish West Indies, a short chapter has been added mentioning some of the leading events that have taken place between the two nations during the last twenty years. An attempt has been made to arrange the chapters in chronological order, but it has been found necessary at times to allow them to overlap.

In preparing this volume the author has realized that a certain amount of pertinent material, consisting of preliminary correspondence of the Danish American treaties dated 1826, 1857, 1888 and 1916, is in existence but not available because it has not been published. It is, however, not probable that the conclusions reached would have been changed materially if this had been on hand. Having asked the Department of State for permission to use its files the author received the following reply: "The Department regrets to say that it has discouraged application to do research work of this character as it has not the facilities or space to properly supervise and examine the work, and that therefore it is reluctantly compelled to decline your request at this time."

Hoping that material might be obtained from the archives of the Royal Danish Legation at Washington, the author communicated with Chamberlain Constantin Brun, Minister of
Denmark, who in answering expressed his regret that most of the documents of the archives of the legation had been sent to Denmark a few years ago. It has thus been necessary to rely on the material found in the various libraries mentioned below.

It is to be hoped that before long Congress may appropriate money so that much of the valuable material in the archives of the Department of State may be published and thus become accessible to the students of diplomatic history and international law. In the city of Des Moines, Iowa, the author has worked in the Des Moines University library, the Iowa State Law Library, and the Library of the Historical Department of Iowa. Most of the material in foreign languages has been obtained in the Library of Congress at Washington, D.C. The libraries of the State University of Iowa and of the State Historical Society of Iowa, both located at Iowa City, have been of much value in verifying many references.

The author is indebted to Mr. Herbert Putnam, Librarian of Congress, and his assistants for the personal interest shown and the valuable privileges extended to him during a month's stay in Washington. Similar appreciation is extended to Mr. Arthur J. Small and Miss Mary Rosemond for valuable assistance in the Iowa State Law Library. Special thanks are due to Dr. Benjamin F. Shambaugh and Miss Ruth A. Gallaher for special privileges and assistance enjoyed in the library of the State Historical Society of Iowa. Sincere appreciation is also due to Professor Gilbert G. Benjamin, under whose guidance this work has been done. His suggestions and criticisms have been very invaluable.
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CHAPTER I.

EARLY RELATIONS BETWEEN THE UNITED STATES AND DENMARK
1776 - 1800.

1. The Attitude of Denmark toward the American Revolution.

One of the early problems that confronted the American patriots in connection with the Revolution was that of establishing commercial and political relations with foreign nations. This was necessary in order to fight England successfully and also to establish the credit of the infant state. Consequently Silas Deane, a business man from Connecticut and a delegate from that state to the First and Second Continental Congresses, was sent to France in February 1776 as government agent, to borrow money and secure supplies. It is in a letter from him to the Committee of Secret Correspondence, dated at Paris, August 18, 1776 that Denmark is mentioned the first time in connection with our international relations. Explaining the political situation in Europe, Silas Deane showed that Spain, France, and Prussia were likely to go to war against England, and he added: "With respect to Russia, it is as closely allied to Prussia as to Great Britain, and may be expected to be master in the contest. Denmark and Sweden are a balance for each other and opposites." 1 It will be remembered that ever since the days of Charles XII, Sweden

had been hostile to Russia. Denmark on the other hand had generally been friendly to Russia. Silas Deane without doubt intended to convey the idea to America that Denmark standing with Russia against Great Britain would be a friend of the new nation.

That Denmark was considered as a nation that would at least not aid Great Britain in the struggle against her colonies, was also brought out in 1777 when Arthur Lee, one of our commissioners to France, wrote to the Committee on Foreign Affairs, "As to the reenforcement of troops which Great Britain will receive from other powers of Europe for the approaching campaign I can assure you, sir, that your nation has nothing to fear either from Russia or Denmark." This he again affirmed in the year 1788.2 Even a year earlier than that Franklin and Deane had written to the Committee of Secret Correspondence urging that we should try to get a free port or two in Denmark, for the sale of prizes as well as for commerce.3


That the Danish people were in sympathy with the American Revolution can not be doubted. We shall show later that the man who was at the head of foreign affairs in Denmark was decidedly hostile to the revolution and the independence of the colonies. This was so in spite of the fact that he knew the people of the country were against him. His correspondence shows both his own stand on the subject as well as
The fact that Denmark took a leading part in the formation of the League of Armed Neutrality is another proof of the same fact, as that organization was created as the result of hostility to Great Britain.

In the hope of negotiating a treaty of commerce, Stephen Sayre visited Copenhagen. In regard to this visit the foreign minister of Denmark, Andreas Peter Bernstorff, wrote to his friend Ditlev Reventlow December 30, 1777: "We have here an agent of the American colonies, the famous Sayre, who has come from Berlin. He proposes a plan of commerce with America, very broad and very advantageous. With precaution I have not seen him, but I am sufficiently instructed concerning his proposal, and I see very clearly that the inhabitants of the colonies continue to hate the French at the bottom of their heart and that their relations with them are based on necessity and are rendered indispensable."
crafty way he informed the American agent that Denmark wanted to make a treaty and would continue negotiations. At any rate, Sayre was not offended so far as we know. He evidently got

7 Stephen Sayre was an adventurer who went to Europe and attempted to force his service on the United States. Later he made a claim on Congress for money. His work was investigated and his claim refused. Wharton, op. cit., Vol I, pp. 618 - 619; Vol. III, p. 107.

the impression that Denmark was favorably inclined toward the colonists. Later John Adams wrote to Congress that Denmark was aiming to defend herself at sea against Great Britain.

8 Wharton, op. cit., Vol III, p. 505.

It would thus seem that Denmark was a friend of the new nation, or that she would be a friendly neutral to say the least.

2. The Bergen Prizes

The event

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Mistake by typist.
2. The Bergen Prizes.

The event that tested Denmark's stand in regard to the independence of the American colonies came in the fall of 1779 and is known as the case of the Bergen prizes. The famous Scotchman John Paul Jones was plying the European waters with an American squadron, which made England feel very uncomfortable, to say the least. One of his frigates, the Alliance, was commanded by Captain Peter Landais, a Frenchman who had made himself famous in America by transporting war supplies to the colonies under very dangerous circumstances. Being stationed in the North Sea Captain Landais captured three English merchantmen, the Betsy, the Union, and the Charming Polly. Soon after he met with bad weather which caused a great deal of damage to his prizes. He therefore sought refuge and aid in what he supposed to be the friendly port of Bergen, Norway which was a part of the Danish domain. The British consul in that port, learning of the presence of the prizes, reported it to the British minister at Copenhagen who insisted that Denmark should restore the vessels to the owners. The Danish foreign office complied with his demand and ordered them to be delivered to the British government on the basis that Denmark had not yet acknowledged the independence of the United States. The American seamen were left to shift for themselves without any means of subsistence.

M. de Chezaulx, the French consul at Bergen, made a report of the affair to Benjamin Franklin, who on December 22, 1779 wrote a long letter to Andreas Peter Bernstorff, Danish Premier and Minister of Foreign Affairs. In this letter Frank-
lin showed that the law of nations recognized every people as a friendly nation unless it had committed a hostile act. As the United States had never committed a hostile act toward Denmark, she could by the rights of humanity claim that Denmark should treat her as a friend. In ancient times among barbarous nations, none were recognized as friends except by treaty, but it would not be well for Denmark to revive that rule. He therefore requested that if the three prizes had not left Bergen they should be given back to the lawful captors. If on the other hand the vessels had left, it became his duty to claim the value of the prizes, which, as he understood, was about fifty thousand pounds. The amount, however, might be settled according to the best information obtainable.9

9 For full text of the letter see Wharton, op. cit., Vol. III, pp. 433 - 435; Jared Sparks, Diplomatic Correspondence of the American Revolution, Vol. III, pp. 121 - 124. As the works of Wharton and Sparks largely contain the same material, we will in the future not refer to Sparks unless the material is found there only.

This affair created somewhat of a commotion among our diplomats abroad. John Adams who was at Paris in the spring of 1780 proposed to John Jay that if Denmark should prove to be unwilling to make restitution, we should not allow her products to be consumed in America.10 Congress made a resolution approving the conduct of Franklin and pledged its support in asserting our rights as an independent and sovereign nation.11


As Denmark had not answered yet, Franklin confidently hoped that she would make amends for her action, and he so informed Jones under whom Landais had acted.12


In the late spring of 1780 Count Bernstorff replied, that had it not been for the fact that Franklin was such a sage, he would have believed that he was simply trying to place Denmark under a new embarrassment. Since, however, Franklin's integrity was universally recognized he would divest himself of his public character and answer his letter, thereby proving that he was a friend of merit, truth and peace.

Turning to the question of the prizes, he wished to state that the whole unfortunate affair had from the beginning caused him much pain. There were, however, situations where it was impossible to avoid displeasing either one party or the other. He appealed to Franklin's magnanimity asking him to enter into the situation so as to realize the dilemma in which the Danish government was placed. The Danish representative in France, Baron de Blome would be instructed in regard to the matter and it was hoped that the affair might be settled to the satisfaction of all concerned.13

13 Wharton, op. cit., Vol. III, p. 528. The letter was signed R. Bernstorff. We know of no reason for this as his initials were A. P.

It is very clear from this letter that Bernstorff wanted Franklin to believe that it had been disagreeable to
him to deliver the prizes to England, but that he had done so to avoid unpleasantness from his next door neighbor. For the present we do not care to deal with the question of international law pertaining to the case, but we wish to show why Bernstorff acted as he did.

One of the memorable periods in Danish history is that which is known as the Era of Struensee. In November 1766, Christian VII of Denmark had married the sixteen year old princess, Caroline Mathilde, sister of George III of England. The king was mentally weak and inclined to immorality, drunkenness and brutality. He soon found the marriage tie to be an inconvenience, and to the chagrin of the young queen indulged in a ridiculous love affair with a woman of the street, known popularly as "Boot Kathrine," who became his special and much favored companion at social court affairs. In her misery the queen formed an intimate friendship with Fru Plessen, a woman of parts who was opposed to the levity of the court. This displeased the king and his friends who styled Fru Plessen the queen's "flea catcher" and had her dismissed from court.

In 1768 the king made an extended trip through Europe. When he returned in 1769 two things were noticeable, first, his mind was rapidly failing, and second, he had come entirely under the influence of his private physician, Johan Frederik Struensee. Morally this man was of the king's type, but intellectually he was strong. With marvelous rapidity he advanced from place to place until in 1770 he had concentrated all governmental powers in the hands of the king and made himself "Maitre des requêtes." On account of the mental
condition of the king this meant that Struensee was de facto king in Denmark. With wonderful skill he now inaugurated a reform movement which compares favorably with the work of the most enlightened of the absolute monarchs. This naturally created a large number of enemies among the conservatives who were constantly looking for an opportunity to ruin him. He now committed the unexcusable blunder of becoming too familiar with the queen, who welcomed his attention as it broke the monotony of her dreary life.

This situation gave an opportunity for his enemies to form a conspiracy. A coup d'état was carried out in the early morning of January 17, 1772. Struensee, and his close friend Enevold Brandt, were arrested as was also Caroline Mathilde, who was taken to the famous castle Kronborg at Elsinore as a prisoner. The two men were condemned to death and executed with barbaric cruelty, while a court of thirty-five judges declared the king and queen divorced. It was the intention to immure her in the castle Aalborghus, but through Sir Robert M. Keith, the British minister to Denmark, George III, backed by public opinion in England, secured her release. The queen, however, was forced to leave her two little children in the hands of strangers. She was taken to Celle in Hanover where she died brokenhearted at the age of twenty-two.

14 For a complete account of the Era of Struensee and Caroline Mathilde "the Queen of Tears" see John Steenstrup, et al. Danmarks Riges Historie, Vol. V, pp.281-380; "Caroline Mathilde, Queen of Denmark," Blackwood's Magazine,
A conspiracy was soon formed by a number of Danish malcontents, who had been exiled as a result of the coup d'état of January 17, 1772. This was backed by Sir N. W. Wraxall, an English nobleman. In spite of the fact that George III denied it, rumor would have it that the British monarch was back of it all. The evident object was the overthrow of the Danish government and vengeance for the treatment of Struensee and Caroline Mathilde. At any rate those in power in Denmark felt very uneasy. This was accentuated by the fact that George III had become so angry as a result of the unjust treatment of his sister, that he had broken off all diplomatic relations, as soon as the queen had left Denmark. When France became a partner with the colonies in the war against Great Britain, England's need for friends changed the attitude of her king and government toward Denmark somewhat, and an envoy was again sent to Copenhagen in 1778.
we believe the Danish historian, Edvard Holm, is correct when he says of Bernstorff: "Without doubt it was pleasant for him under those conditions to have the opportunity to put himself on the side of England. Some English trading vessels were captured in the fall of 1779 by an American privateer near the Norwegian coast and taken into Bergen. As Denmark had not yet recognized American belligerency, Bernstorff forced the privateer to give up the prizes." The political situation, and not the fact of non-recognition of the independence of the United States, was a real cause for the action of the Danish foreign minister.

A second reason why Bernstorff acted as he did in regard to the Bergen prizes was that of his unrelenting hatred of Sweden. Holm calls him "an untiring and irreconcilable enemy of Sweden." For nearly three hundred years the two countries had been enemies. Recently a secret treaty had been agreed upon between France and Sweden, by which France was to pay to Sweden one and one-half million livres a year for six years beginning January 1, 1779. Although this was supposed to be secret, Bernstorff had gotten wind of its existence.
It is supposed to have been signed in December 1778. He knew that it was the custom of the great powers to play off Sweden and Denmark against each other in case of a European conflict. He was therefore hostile to the Franco-Swedish-Colonial combine. Consequently he was unwilling in any way to offend England.

But probably after all the most potent reason why Bernstorff was pro-English was a personal one. He was against revolution and the liberal tendencies of his times. He had been one of the powerful opponents of the reforms of Struensee. He complained that the Danish people were in favor of the American rebels because they had been poisoned in the village schools by the philosophy of the day. He also believed that the independence of the colonies would be a positive menace to Denmark. He feared that they would endanger the safety of the Danish possessions, cause a decrease in the Baltic commerce, which on account of the Sound Dues was a source of revenue to Denmark, create a nation which would become a rival, in that it would produce many of the products now exported from the North, make France too strong, and interfere with Danish trade in general. Within the Council of State, which had been reestablished after the coup d'etat of 1772, there was a feeling, however, that Bernstorff was too favorably inclined toward England. The Prince Royal, a half brother of the demented king, who was a member of the Council of State, addressed a letter to his fellow members, which it was clear was intended
for Bernstorff, asking point blank why Denmark was doing so much to please England. This letter was written March 9, 1780, a very short time after the American prizes had been returned to England. "Can Denmark," he asked, "by becoming a special friend of England afford to become the object of the suspicion of Russia, of the dissatisfaction of Prussia, of the hate of Spain and France, and of the hostility of North America? Are we working for England or for Denmark, when at the present time we are seeking to induce Russia to become favorable to England?"  

Bernstorff felt that the letter was intended for him and he was much annoyed by its contents, as it cast a reflection on his foreign policy. He addressed an answer to the Council, which, of course, was intended for the Prince Royal, in which he defended his foreign policy in general, but especially in regard to his stand on the American situation. He stated, that he felt it was his duty to set forth the reason why he was opposed to American independence. Briefly stated they were as follows: 1. Denmark would be unable to protect her West Indies if they should be attacked by the Americans. 2. The new nation would demand cash in payment for products. 3. The United States would become a dangerous rival in the export of foodstuffs. 4. The independence of the colonies would reduce the Sound Dues.  

Bernstorff's anti-American feeling was also shown when in 1780 the city of Amsterdam made a treaty with the colonies. In a letter he stated that the states of
Holland ought to punish the magistrates who had signed the treaty, or they ought to allow England to take revenge on the city.  


It is now clear why Bernstorff acted as he did in regard to the Bergen prizes. It was unfortunate for us that, while the Danish people, and it would seem even the Danish court, were favorable to the colonies, so strong a statesman as Count Bernstorff should be hostile to our independence. We may therefore be thankful that he was not at the head of a large powerful state.

Franklin had been informed that Baron de Blome, the Danish minister to France, would be given instructions in regard to the Bergen prize case. This gentleman stated that an old treaty existed between England and Denmark, according to which the Danish government was under obligation to deliver the prizes to the British. He did, however, not show the treaty to Franklin nor was Franklin able to discover such a treaty upon inquiry. *Denmark consequently claimed that being bound by a treaty to England she was under no obligation to the United States. After Franklin's letter to Bernstorff, the Danish government changed its attitude toward the American sailors at Bergen very much. By an order from court their expenses for the winter were paid, and food, clothing, and passage from Bergen to Dunkirk were given them at the king's*
When Congress was informed of all the facts in the case, it instructed Franklin to continue to press the claim on Denmark. Although he did so several times, he was unable to obtain any satisfaction.

3. Danish Country Claims.

While Franklin —

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3. Danish Counter-Claims.

While Franklin was pressing these claims two incidents happened which gave Denmark a chance for counter-claims. February 6, 1782 he was informed that on December 2, 1781 three American vessels had committed outrages on two English merchantmen in Danish waters near Flekerøe, Norway. The suggestion was made that it was an act of piracy. A demand was made for the punishment of the offenders and for indemnification for the vessels and cargoes. Congress was informed of the complaint and that body through its president, Robert Livingston, informed Franklin that he should communicate to the Danish government that the miscreants had been punished by a higher hand as they had been lost at sea. 29


Shortly afterwards Franklin was informed in a dispatch from the Danish minister at Paris that the ship Providentia of Christiania, on her way from London to St. Thomas with a cargo of merchandise, had been captured by the American privateer Henry under Captain Thomas Benson, and taken to a port in New England under the pretense, that the cargo was English. Denmark demanded restitution and payment of damages, and reminded the United States of their privileges in the Danish West Indies. A hope was expressed that friendship might continue to exist between the two nations in their dealings with each other. It does not appear that any attention was paid to this until two years later. May 16, 1784 Congress passed a resolution to the effect "that a copy of the application of the Danish minister to Dr. Franklin, and a paragraph of his letter to Congress,
on the subject of the capture of the Danish ship Providentia, be sent to the supreme executive of Massachusetts, who is requested to order duplicates and authentic copies of the proceedings of their court of admiralty, respecting the said ship and cargo, to be sent to Congress."  

It does not appear that the governor of Massachusetts ever reported on this case, nor have we been able to find any court records regarding it. As no further correspondence concerning these counter-claims seems to be in existence the cases must have been dropped.

A rather interesting suggestion was made by Robert Livingston in connection with these claims. The Danish government had not corresponded with Franklin directly but through the French minister, Vergennes. This was done by Bernstorff to avoid giving the appearance of recognizing the independence of the colonies. Livingston wrote to Franklin May 30, 1782 that if the powers which had complaints against us continued to consider us under England they should present their claims through that nation, but if they considered us as independent they should deal with us directly. Franklin was ordered to act accordingly. From the fact that we find no more communications received through the French foreign office we may draw the conclusion that Franklin made the European powers share that view.

Upon inquiry at London it was found that the value of the three vessels we had lost amounted to 50,000 pounds
sterling, hence Franklin presented a claim to Denmark for that amount.\(^3\) Bernstorff caused an offer of 10,000 pounds sterling to be made to the United States, not as a payment of the claim but as a means of closing the incident. He claimed that if the cases had been carried into the Danish courts the Americans would have lost all, as by Anglo-Danish treaty the ships belonged to England. Franklin, however, refused the offer.\(^4\)

\(^3\) Ibid., Vol. VI, pp. 583 - 584.

As this case continued to come up for nearly seventy years we will leave the discussion of international law, as it bears on this affair, till a later chapter. It may be well to have it very clear before us that Denmark gave two reasons for delivering the ships to England. The first of these was the argument, that she had not recognized the independence of the United States, and the second, that her treaty with England forced her to return the prizes to the owners. We may, however, suggest that so far as Bernstorff was concerned, these were his excuses rather than his reasons.

Although Franklin stated that he had been unable to discover the treaty, as a matter of fact it did exist, and is known as the Anglo-Danish treaty of 1660.\(^4\) It would seem, however, that the two governments were not quite satisfied with the stipulations put forth in this document, for on July 4,
1780 a new treaty was made between Denmark and England explaining more definitely Article III of a treaty of 1670. The new treaty provided that the two powers would not assist the enemies, the one of the other, by giving shelter to soldiers or vessels, and that they would punish those of their subjects as infractors of peace who should act contrarily.\footnote{Danske Tractater, 1751-1800, p. 379.}

When it became evident that the American colonies would become independent, it was but natural that Denmark should try to establish treaty relations. In December 1782 the Danish chargé d'affaires at Madrid inquired of William Carmichael, our representative in Spain, in regard to the method Congress proposed for the interchange of ministers. It does not appear whether this was at the request of the Danish government. More definite steps were taken in February 1783 when the new Danish Minister of Foreign Affairs, Baron Rosen­crone, instructed Baron de Walterstorff who was leaving Copen­hagen to take up his duties as Danish minister to France, to get in communication with Benjamin Franklin for the purpose of making a treaty with the United States. Rosencrone did not favor the attitude of his predecessor, Bernstorff. He pointed out the advantage of such a treaty to both nations, and referred to the "glorious issue of this war to the United States of America." He suggested that the treaty already made between the United States and Holland be taken as a basis to work on, and Franklin should be asked to suggest any changes or additions to the court of Denmark.36


Walterstorff did not fail to carry out his instructions and in April 1783, Mr. Franklin submitted a draft of a treaty, based as suggested by Rosencrone, on our treaty with Holland. He expressed the desire of the United States to enter into treaty relations with Denmark, but did not forget to sug-
gest that to smooth the way for the negotiation of such a treaty Denmark would do well if she would hasten to settle the affair of the Bergen prizes, as that had been very unfair to the United States.37

37 Ibid., Vol. VI, pp. 372 - 373. For the text of the treaty with Holland, see W. M. Malloy, Treaties, etc., 1779 - 1909, p. 1233.

In answering Franklin's communication Baron Rosen­
crone called attention to the fact that Denmark had already made an offer, which he hoped Congress would consider as a distinguished proof of the friendship of the court of the King. He also enclosed a counter-project of a treaty of amity and commerce. With the exception of a few points relating to the Revolutionary War, the making of passports, and the general arrangement of articles this treaty was almost identical with the one made with Holland.38

38 Wharton, op. cit., Vol VI, pp. 519 - 527. This gives the text of the treaty.

Franklin was satisfied with the document and sent it to Congress in the hope that it would be ratified speedily. This was in July 1783.39 Almost a year passed and nothing was done. April 2, 1784 a resolution was passed to the effect that it would be advantageous to conclude a treaty with Den­mark and the following June Thomas Jefferson, Benjamin Frank­lin and John Adams were appointed to negotiate with the Danish government.40 In September they agreed to invite Baron de
Walterstorff to meet them at Passy to confer respecting the mode of procedure in negotiation. In February 1785, when de Walterstorff was about to leave for Copenhagen, he asked the American ministers for such suggestions as they should judge useful to hasten the making of a treaty. This request was made at the order of Count A. P. Bernstorff, who through a cabinet crisis had returned to the head of the ministry April 14, 1784. The joint commission made a draft similar to the one sent to Congress in 1783.

We have been unable to find any reason why Congress did not ratify the treaty with Denmark of 1783. It does not appear that the treaty was ever taken up for discussion. At that time Rosencrone, a man favorable to the United States, was at the head of Denmark's foreign office. Now Bernstorff, with whose sentiments we are familiar, was back in power. It is therefore not surprising that in May 1786, Baron de Blome, who was sent to Paris because he was a friend of the reinstated chief, informed Jefferson that de Walterstorff would not return to France. He was furthermore given the power to state that the commerce of Denmark and the United States might well
be conducted under actual arrangements without the existence of a definite treaty. If on the contrary the United States were anxious to establish treaty relations, Denmark would be willing to enter into further negotiations.\textsuperscript{43} We find no further negotiations on the subject at this time, which may be further explained by the fact that Denmark became involved in war with Sweden, and the United States went through that era of uncertainty often called the "Critical Period." In the light of future events it is regrettable that a treaty was not made as it might have saved us from a good deal of trouble during the Napoleonic wars.

\textsuperscript{43} Ibid., Vol. III, p. 21; Vol. IV, p. 504.
5. Negotiations through John Paul Jones.

The fact that no treaty was made did not mean that we gave up our claim based on the Bergen prizes. In November 1783 Congress had given John Paul Jones power to go to Europe to solicit payment from Denmark under the direction of Franklin. Jones went to France but was unable to accomplish anything and consequently left the affair in the care of his friend Dr. Bancroft in London, who was to work through the Danish minister at the court of St. James. Dr. Bancroft, however, was no more successful than Franklin had been. Finally Jones decided to go to Denmark to present his claim in person. After some delay he obtained permission from Congress on the condition that the final settlement should not be made without the approbation of our minister to France. This was a fatal point as it gave the slippery Count de Bernstorff a chance to shift the negotiation. Armed with the authorization of Congress, copies of the documents relative to the Bergen prizes, a letter from an insurer of London stating that each of the prizes was worth 16,000 to 18,000 pounds sterling, a letter of introduction from Vergennes to De La Houze, the French minister at Copenhagen, and finally a personal letter of introduction from Thomas Jefferson to Count Andreas Peter de Bernstorff, Jones arrived in Denmark in March 1788. He was very cordially...
received and presented to the King of Denmark,—who did not speak when anyone was presented,— as well as to the pleas-

47 Jones probably did not know that the king of Den-

mark was demented.


Thus far Jones had been successful, but these civil-

ities were not what he had come for. Days and weeks passed, but the minister avoided the subject of the Bergen prize claim. Finally Jones grew tired of waiting and sent the following note to Bernstorff:

"Monsieur: Your silence on the subject of my mission from the United States to this court, leaves me in the most painful suspense; the more so as I have made your Excellency acquainted with the promise I am under, to proceed as soon as possible to St. Petersburg. Since this is the ninth year since the three prizes were seized—it is to be presumed that this court has long since taken an ultimate resolution respecting the compensation demanded by Congress."

He continued by stating that while he was sensible of the favorable reception at the court, yet he was much con-
cerned because he had heard nothing of the matter which was the object of his mission. He closed his note by asking for a prompt reply.49


In due time Bernstorff replied that "a train of cir-
cumstances naturally brought on through the necessity of allowing a new situation to be developed of obtaining information concerning reciprocal interests, and avoiding the inconveniences of a precipitate and imperfect arrangement," had delayed the matter. He also stated that the Danish King was anxious "to renew the negotiations for a treaty of amity and commerce, and that in the form already agreed on, as soon as the new constitution (that admirable plan so becoming the wisdom of the most enlightened men) shall be adopted by a state which requires nothing but that to secure it perfect respect." He further stated that so long as Jones did not have the final plenipotentiary power from Congress to settle the matter, it would be unnatural to change the place of negotiations from Paris to Copenhagen, especially since they had never been broken off, but only temporarily suspended. He concluded by wishing that friendly relations might continue to exist and that a treaty might be negotiated.50

This letter naturally ended the mission of Jones in Copenhagen. The wily Bernstorff had been able to defer the question again. Soon after this Jones entered the service of Czarina Catharina II as commander of the Wolodimer. He inquired several times of Jefferson and Baron De La Houze but not until March 1790 did he obtain a reply that conveyed anything definite. De La Houze wrote to him at that time as follows: "As to the affair concerning which you speak to me, and in which you have been witness to my zeal,-- it remains still at the same point where you left it on your departure for St. Petersburg, the 15th of April

1788." He went on to comfort him by saying, that the fact that Jefferson, who understood the case so well, had become Secretary of State would be of great value in the future negotiations. At the present time, however, the disturbed conditions in Europe would likely make a settlement difficult.51

51 Ibid., Vol. VII, pp. 399 - 401. By the disturbed conditions is meant war, which had broken out between Sweden and Denmark, Russia aiding the latter.

Another year passed. By this time Jones had left the Russian service and come to Paris, from which place he wrote to Jefferson March 20, 1791: "But I must further in­form you, that a few days after my arrival from Denmark at St. Petersburg, I received from the Danish Minister at that court, a letter under the seal of Count de Bernstorff, which, having opened, I found to be a patent from the King of Den­mark, in the following terms:

"Having reason to wish to give proof of our good will to the Chiwalier Paul Jones, Commodore of the navy of the United States of America, and desiring, moreover, to prove our esteem on account of the just regard which he has borne to the Danish flag, while he commanded in the Northern seas, we secure to him, from the present date, during his life, an­nually, the sum of fifteen hundred crowns, currency of Den­mark to be paid in Copenhagen without any deduction whatever."

"The day before I left the Court of Copenhagen, the Prince Royal had desired to speak with me in his apartment. His Royal Highness was extremely polite, and after saying many
civil things, he said he hoped I was satisfied with the attention that had been shown to me, since my arrival and that the King would wish to give me some mark of his esteem.

"I had never had the honor of rendering any service to his Majesty."

"It matters not; a man like you should be an exception to the ordinary rules; you have shown yourself delicate, none could be more so with respect to our flag; everybody loves you here."

"I took leave without farther explanation. I have felt myself in an embarrassing situation, on account of the King's patent, and I have as yet made no use of it, although three years are nearly elapsed since I received it. I wished to consult you; but when I understood you would not return to Europe, I consulted Mr. Short and Mr. G. Morris, who both gave me as their opinion, that I might with propriety accept the advantage offered. I have, in consequence, determined to draw the sum due; and I think you will not disapprove of this step, as it can by no means weaken the claims of the United States; but rather the contrary."52

52 Ibid., Vol. VII, pp. 408 - 413.

From this letter it is very clear that Bernstorff, who did not wish to pay an indemnity for the Bergen prizes yet wanted to be on friendly terms with our government. The patent given to Paul Jones was evidently given for the express purpose of soothing his feelings and making him satisfied so he should not further press his claims. The individuals in-
involved in the case being satisfied the government of the United States would naturally drop the matter, and the whole unfortunate affair would be forgotten. For some time, at any rate, the matter was lost sight of, but we shall meet the problem again at some future date.
6. Ordination of Episcopalian Ministers.

In 1783 an American gentleman who had gone to London to receive ordination as a clergyman in the Episcopalian church, wrote to John Adams, our representative at The Hague, stating that he had been refused ordination by the Bishop of London and the Archbishop of Canterbury, because he would not take an oath of allegiance to the English crown as required of the clergy of the church of England. He was desirous to learn whether it would be possible for a ministerial candidate to "have orders from Protestant Bishops on the continent."

Soon afterwards when John Adams by chance met M. de St. Saphorin, the Danish envoy to The Hague, he inquired for the sake of curiosity what stand Denmark would take on the subject. Although Mr. Adams only intended this to be current conversation, yet the Danish envoy referred the matter to his home government which took the subject under consideration in connection with the Faculty of Theology of the University of Copenhagen. The decision which was favorable, was transmitted by the Danish Privy Councillor, Count Rosencrone to John Adams through M. de St. Saphorin in the form of regular diplomatic correspondence for the Congress of the United States. It stated that candidates for the Episcopalian ministry could be ordained in Denmark according to Danish rites, but without taking any oath of allegiance. The services would be performed in Latin.53 Adams reported the matter to the president of

munication to Adams instructing him to thank his Danish Majesty through M. de St. Saphorin for the liberal decision rendered. 54


It does not appear, however, that the Episcopalian clergy in America ever took advantage of the offer.
CHAPTER II.

PROBLEMS OF THE NAPOLEONIC ERA. 1800-1815.

1. Interchange of Representatives.

As early as 1785 it was realized in the United States that it would be advantageous to have a regular representative in Copenhagen. Congress proposed "that at courts where no ministers reside the chargé d'affaires of the United States be empowered to exercise the duties of consul general. That consuls shall reside at Copenhagen." The proposal, however was lost.¹ Since the diplomatic posts at Madrid, Berlin, and St. Petersburg were filled only occasionally, it could not be expected that such small posts as that at Copenhagen should be taken care of. As Denmark, however, discriminated against the trade of nations which had no relations with her through treaties or representatives, American merchants were very much at a disadvantage in Danish ports. During the latter half of Washington's first administration Thomas Jefferson, the Secretary of State, proposed that we should appoint a consul to be located at Copenhagen. He proposed the name of Hans Rudolph Saaby, a wealthy Danish merchant. Our custom had been to make a foreigner only vice-consul, but as that would not be acceptable on account of Danish custom, the higher rank was proposed and Mr. Saaby was appointed March 6, 1792.²

² Writings of Thomas Jefferson, Vol. V, pp. 421-422; J. D. Richardson, Messages and Papers of the Presidents,
State affairs were early negotiated, as we have seen, between the United States and Denmark through their ministers to France. This operation was later carried on in London. Thus in 1799 a question of alien inheritance tax was handled by Rufus King and Count Wedel de Jarlsberg, the representatives at the court of St. James, from the United States and Denmark respectively. Denmark, however, realized that it would be of value to have a representative in America and on November 23, 1800, we were informed through Rufus King that Sir Blicher Olson would be sent to the United States as Minister Resident and Consul General.

A gentleman by the name of Campbell had presented himself to Jefferson as minister from Denmark in 1790. He did not have any credentials and was most likely an adventurer. Jefferson asked William Short, chargé d'affaires at Paris, to inquire of Count de Blome concerning the man, but it does not appear what reply he received. Writings of Thomas Jefferson, Vol. V, pp. 235 - 236.

2. The Case of the Brig Hendrick.

During the rupture of diplomatic relations between the United States and France, following the X, Y, Z affair, several cases arose which are of interest in our narrative. It appears that the brig Hendrick under Captain Peter Scheelt,
We use the Danish form. J.B. Moore in his work *International Arbitration*, p. 4553 evidently makes a mistake by stating that there was a *Henry* and a *Hendrick* case. These are without doubt the English and the Danish forms of the name of the same vessel. The forms *Henrick* and *Heinrich* also appear in the documents.

Of Altona—which at that time was under Danish jurisdiction—sailed from Hamburg for Cape Francois in the West Indies. October 3, 1799 it was captured by a French privateer, ad on October 8 it was recaptured by the American sloop of war Pickering under the command of Benjamin Hillier and brought into the port of Basseterre, in the British island of St. Christopher, also known as St. Kitts, one of the Leeward Islands.

Here the American captors brought it before the British court of Vice-Admiralty, which ordered that in accordance with the laws of the United States the ship should be sold and one-half of its value awarded to the captors as salvage, while the other half, after deducting court expenses, was to be given to the owners.

Denmark made demands on the United States for the value of the ship and its cargo. The government investigated the case and found that the British admiralty court had erred in its interpretation of the laws of the United States. The rate of salvage awarded the Americans for recapturing the brig from the French privateers was adopted from the laws of the United States as then applicable to recaptures of American property and of such as belonged to belligerent powers in amity.
with the United States. It had no reference to recaptures of neutral property. It was found that in certain peculiar cases of danger, a proportionate rate of salvage had been allowed in the past in neutral cases, but this case was different because the vessel was bound from a neutral port to a French port. Being captured by a French vessel it would therefore not be in danger. The Danish government gave proof that for the year preceding the capture of the Hendrick most vessels carried into the French island Guadeloupe had been released and in some cases even damages had been paid. Besides it claimed that the rate of salvage in this case had been too high. It was shown that the vessel and cargo were worth $44,500, but after satisfying the decree of salvage and paying the court expenses not more than $8,374.41 was left for the owners.

In February 1803 Pres. Jefferson laid the case before Congress and recommended, that since the Danish government had observed a friendly attitude toward the United States and as no remedy was now obtainable in the ordinary judicial course, that body should take the matter under consideration and make an allowance to the Danish government for the loss sustained. 6


In agreement with the President's recommendation to Congress that Denmark should be reimbursed, the House very soon passed a bill to that effect, but it was defeated in the Senate. 7 The matter was taken up in the next Congress but with the same result. 8 Denmark, however, did not drop the case.
She claimed that it was clearly the duty of the United States to pay for the vessel since even the officers of the government had acknowledged that a mistake had been made. The commander of the Pickering had erred by taking the captured vessel into a British court, the sentence of which the United States had no power to review. Our government did not deny these facts but was unable to pay so long as Congress did not make an appropriation for that purpose. The reason the Senate acted as it did was made clear later. In February 1805 President Jefferson again laid the matter before Congress with the additional documents and arguments Denmark had produced. He stated that the owners of the Hendrick were entitled to relief and that according to the policy of the United States the case should enjoy the just provisions of Congress.9

As a result the following bill was introduced in Congress:

"Resolved: that the sum of ------ dollars ought to be appropriated, out of the monies in the treasury, not otherwise appropriated, to enable the president of the United States to make such restitution as shall appear to be just and equitable, to the owners of the Danish brigantine called Henrick, and her cargo, which were recaptured by an American armed vessel, in the year 1799, and sold by order of the Vice Admiralty Court,
in the British island of St. Christopher:

Provided; the Government of Denmark shall make compensation for the seizure of certain prizes, captured by the armed vessels of the United States, during the late Revolutionary war with Great Britain and carried into the port of Bergen in the year 1779, and which by order of the Danish Government were, without a judicial trial, restored to their original proprietors.\(^{10}\)

\(^{10}\) Annals of Congress, 9 Cong., 1 Sess., p. 476.

This bill like its two predecessors passed the House but failed in the Senate. This seems hardly fair as it would only give justice to Denmark providing she paid for the Bergen prizes. Congress was incidentally reminded of these, just at this time. Peter Landais, the French-American commander of the Alliance, which captured the three prizes, kept pressing his claim on Congress. The very Congress in which the bill just quoted was presented, voted him $4,000. to be subtracted from his final award.\(^{11}\)

\(^{11}\) Ibid., For the bill, pp. 142, 143, 162, 164, 189, 191, 281, 476, 480, 510, 516. For the award, 435, 453, 516, 520, 779, 799, 824, 838. See also Statutes at Large. Vol. VI, p. 61.

So long as the United States government was still of the opinion that her claim on Denmark was fair, Congress would naturally refuse to pay indemnity for the Hendrick until a settlement was reached about the Bergen prizes. As the Danish government steadfastly refused to recognize that claim, there would be no use in passing the bill. When the foreign
department should have come to an agreement with Denmark which was satisfactory to Congress there would be plenty of time to appropriate the money, if indeed any were needed.

While no direct evidence is at hand, it is possible that an additional reason why Congress did not act favorably on the bill of indemnity for the Hendrick, was the fact that recently Denmark had imposed discriminating duties highly favorable to her own carrying trade. Each nation, to be sure, is master of its own laws, but often selfish laws produce friction, or at least prejudice, between otherwise friendly powers.


A case similar to the one just mentioned is that known as Murray vs. Charming Betsy. An American built vessel called Jane sailed for the West Indies where its cargo was sold. Later the ship itself was sold to Jared Shattuck, a naturalized Danish subject in St. Thomas, who had been born in the state of Connecticut. Under the new ownership, with the name changed to Charming Betsy it sailed for Guadeloupe in the French West Indies and was seized by a French privateer. Later it was re-captured by the United States warship Constellation under Captain Murray and taken to St. Pierre in Martenique. Its master was Thomas Wright, a Scot who had also become a Danish citizen residing in the Danish West Indies. In Martenique Captain Murray had sold the cargo of the Charming Betsy because he believed Shattuck was an American citizen carrying on an unlawful trade
with the French. After that he took the ship itself to Philadelphia.

Jared Shattuck claimed the vessel and sued to get possession of her and damages for the loss of her cargo. The case was tried in the Federal District Court of Pennsylvania under Judge Peters, who awarded the ship and damages to Shattuck on the basis that he was a Danish citizen. This he took for granted as Shattuck was holding real estate in St. Thomas, which according to Danish law he could not do as a foreigner. The case was appealed to the Circuit Court and finally to the Supreme Court of the United States where in February 1804 Chief Justice John Marshall gave a decree containing the following points:

1. Jared Shattuck was before the law a Danish citizen, hence the Charming Betsy was Danish property.

2. The American recaptors were not entitled to salvage because the vessel being on her way to a French port, being captured by the French, was not in imminent danger of condemnation.

3. Captain Murray was not justified in breaking up the voyage of the Charming Betsy, because no American citizen has a right to interfere with the property of Danish citizens, when sailing under neutral flag on the high seas.

4. Captain Murray, therefore, must release the Charming Betsy to Jared Shattuck and pay damages.13

This case arose under the same circumstances as the case of the Hendrick. The reason the case was so easily set-
tled was because the sentence of the court was directed against a private individual, who could not take advantage of the Ber­
gen prize claim. As Captain Murray was an officer in the United States navy and as such had acted in good faith it was but nat­
ural that Congress should reimburse his loss. In 1805 he was paid the original amount and interest by the government. 14

14 Statutes at Large, Vol. VI, p. 56.

4. Shattuck vs. Maley.

This case was also connected with the name of Jared Shattuck and took an even more prominent place in our diplomati­
ic relations than that of the Charming Betsy. Through Richard Soderstrom, who was for a time in charge of the consular af­
fairs pertaining to Denmark, the case was presented to our for­
eign department in June 1801. The facts in the case were as follows. In 1800 the schooner Mercator, owned by Jared Shat­
tuck, loaded with a cargo of merchandise, and consigned to Toussaint Lucas, the master of the vessel, sailed from St. Thom­
as for Jacmel and Port Republican in the island of St. Domingo. The cargo was valued at $13,920. On May 14 as the vessel was entering the port of Jacmel, it was met by the Experiment, an armed schooner of the United States navy under the command of Lieutenant William Maley. The American commander took pos­
session of the Mercator and put on board of her a prize - master and four seamen who took the vessel to some place not known to the owner. The ship was never brought to legal adjudication in any court of the United States to the knowledge of Jared Shattuck. In the petition to the foreign office Mr. Shattuck
asked for redress of grievances. James Madison, our Secretary of State, informed Soderstrom that the regular way to handle this case would be through the courts of the United States. Soderstrom in return stated that in Europe, as well as in America, such cases were often settled through the foreign department. In this case the leading individual involved, Lieutenant Maley, was insolvent and outside of the United States, therefore it would be difficult to pursue the case to any advantage in the courts. To this Madison replied that it would be best to follow the regular procedure and let the Minister Resident of Denmark, P. Blicher Olson, bring suit, as he was the only proper organ through whom Danish subjects should make reclamation.

Accordingly the case was taken up in the Federal District Court of Pennsylvania, appealed to the Circuit Court, and finally to the Supreme Court of the United States. In his usual masterly style Chief Justice John Marshall gave the decision in 1806.

In the trial Maley claimed that the Mercator was an American vessel carrying on an illicit trade with the French West Indies. When he met her she was on her way from Baltimore to Port-au-Prince, a place in the possession of British troops, although her papers declared she was proceeding from St. Thomas to Jacmel. He also declared that the name of the master of the Mercator indicated that he was a Frenchman or perhaps an Italian, while his crew were largely Portuguese. According to Danish law these could not legally command and navigate a Dan-
ish vessel. He further declared that Jared Shattuck was an American who had gone to St. Thomas to carry on an illicit and clandestine commerce with French ports. In order to make no mistake he had left undisturbed the papers on board the vessel and with an officer and four seamen had sent her to Cape Francois to be delivered to Silas Talbot, then commander of the public vessels of the United States in those waters, with the instruction that she should be delivered to her master if Commodore Talbot should clear her. About six hours later the Mercator was captured by the British privateer General Simcoe commanded by Joseph Duval who brought her to Jamaica where she was libeled as French or Spanish property in spite of the denial of Jared Shattuck. She was condemned as a lawful prize and confiscated to the captors. Maley therefore contended that since peace existed between the United States, Great Britain and Denmark, the Mercator would have been cleared in the British court if she had been Danish property.

Jared Shattuck presented proof that though born in Connecticut he was a Danish citizen, that Port-au-Prince, alias Port Republican, was not held by the British but by General Toussaint L'Ouverture, that all the papers were in good and regular order, that the master, though Italian by birth was a Danish citizen, and that Danish law did not require the crew of a vessel under the flag of Denmark to be Danish citizens in time of peace. The district court had awarded the owner $41,658.67. This had been changed in the Circuit Court to $33,244.67. From this decree Maley appealed to the Supreme Court of the United States which sustained the lower court.
While Shattuck won his case in the courts he had not yet obtained the money. As Maley was an officer of the navy and insolvent the government was asked to pay the damage. This in turn necessitated an act of Congress where the same difficulty was met as in the case of the Hendrick. In 1810 the Danish Minister Peder Pedersen requested that the award of the court be paid. By a Senate resolution the President was asked to lay before that body all the correspondence and documents connected with the case. This was done but the claim was not paid,\(^{17}\) as


other circumstances had now arisen with which we will deal later.

5. Danish Aid in Tripoli.

While the cases mentioned above were pending, the United States were involved in what is known as the Tripolitan War. Several times Americans had been captured and imprisoned in Tripoli. The consul of Denmark, Nicholas C. Nissen, residing at Tripoli did all in his power to aid the Americans. In 1802 Andrew Morris, captain of the brig *Franklin* wrote to a friend: "Through the interference of Mr. Nissen, his Danish Majesty's consul here, I have the liberty of the town." When in the year 1803 Captain William Bainbridge was captured with the officers and crew of the ship *Philadelphia* and imprisoned under such conditions that it was impossible for them to procure the necessary food and clothing, Mr. Nissen for more than nineteen months took care of the American prisoners, part of
the time even at his own expense. Writing to Commodore Samuel
Barron for a person to come ashore, Bainbridge suggested that it would be best for that individual to come under the guaranty of the Danish consul as he was "a man of unquestionable integrity" and was "actuated by a desire to serve." 19

The negotiations between Tobias Lear, commander of the United States frigate Constitution, and the Bashaw of Tripoli in 1805, which led to the final settlement of the Tripolitan trouble was also carried on through the Danish consul. 20

It is therefore no wonder that Congress in 1806 passed a joint resolution thanking Nicholas C. Nissen for his disinterested services.

6. Danish Spoliation of American Commerce.

The treaty of Tilsit in 1807 created a situation in which England was forced to act quickly and effectively. Consequently she demanded of Denmark that her navy should be surrendered to the safe keeping and control of the British fleet, but promised that it would be restored after the war. As England probably expected, Denmark rejected the proposition as it would make her a vassal of her powerful neighbor to the west. Great Britain, however, was confronted with a situation which
had to be settled without delay. As a result, on September 2, 1807 she bombarded Copenhagen which brought about the surrender of the Danish fleet, consisting of twenty two ships of the line, ten frigates, and forty-two smaller vessels. The natural outcome of this action was that Denmark joined France in her war against England. A large number of privateers were fitted out for the express purpose of preying on the English Baltic trade which was being carried on in spite of the fact that Alexander I of Russia had joined Napoleon. By a royal order given at Rendsborg September 14, 1807, Danish privateers were to bring into port all English vessels and property of any kind. This order made it very hazardous for English vessels to ply through the Danish Sound and Belts. England tried very hard to carry on her trade and a large number of her merchantmen sailed under armed convoy. The demand on the British navy, however, was so great that it was impossible to protect her whole merchant marine, consequently a large number of vessels found it necessary to protect themselves by posing as neutrals. With false papers and under the flag of the United States, the only nation that was neutral, they attempted to fool the Danish privateers. It would therefore be natural that Denmark should take every precaution to capture all ships under false flag. This course, of necessity, carried with it the danger of seizing a large number of vessels that were truly neutral, and try-
ing them under the smallest and flimsiest pretexts possible. To this danger was added the fact that the captains and crews of privateers shared a great part of the booty thus obtained, which made them greedy to capture vessels and have them condemned no matter whether they were enemy or neutral.

It was under those circumstances that forty-three American citizens in July 1809 from Christiansand, Norway petitioned the President of the United States for aid, as they had been captured by Norwegian privateers, subject to Denmark, while pursuing their lawful business. They admitted that many Americans had connived with England to cheat Denmark, and that England was fitting out her vessels to look like those of the United States, yet they felt that they had not been treated fairly in the courts of Norway. Even if they had proven in court that their property was neutral and their voyage legal, and their capture consequently illegal, yet they had been forced to pay from 400 to 600 rixdollars to their captors. The American consul, Mr. Saabye, of Copenhagen had been unable to aid them. They hoped for help from America as they were liable to starve. They also recommended that the President make a certain Peter Isaacsen, who had given them much aid, American consul in Norway.  


Closely following this request was a communication to our foreign office from Peter Isaacsen himself, dated August 11, 1809. In this he stated that there were twenty-six American vessels held captive in Norway at that time. Eighteen of
these had been tried and eight were still awaiting trial. Of the eighteen, eight had been cleared and ten condemned. He explained that England had used every conceivable means to deceive Denmark so that navigation had practically ceased to be considered an honest business. False, falsified or double sets of papers were so common that the strictest inquiry was absolutely necessary to secure the true identity of a vessel. This was the cause of the hardships experienced by American sailors in Norway. He promised to observe the interests of Americans as well as circumstances would permit. 25


In October of the same year, our consul at Copenhagen sent a list of fifty-one ships, which belonged to Americans according to their claims, but had been captured by Danish privateers. Twenty-one of these had been condemned, of which all appealed to a higher court except two. Twenty-two were cleared. Seven were cleared in the prize courts but the captors appealed the cases. One was still pending. About this time also seventy individuals and firms sent a communication from Philadelphia in which they showed the loss they had sustained as a result of Danish privateering. They requested that the government should interfere in their behalf. 26


By this time Denmark had already experienced that while her privateers were doing effective work in disturbing British trade in the Baltic they were also shutting off the importation of food supplies to Norway. August 6, 1809 Prince
Christian August, wrote to the King of Denmark that the conditions in Norway were very serious and that he believed a prohibition of privateering would be advantageous. The King replied that he had already repealed the order of September 14, 1807 until further notice. It was hoped that the prohibition of privateering would cause England to allow ships to enter Norwegian harbors, but it had the opposite effect. The English war vessels that had been busy fighting Danish privateers were now released so that they could more effectively blockade the Norwegian ports. It was therefore of no use that the government offered a bonus of two and one-half rixdollars for each ton of food shipped to Norway. Denmark now made a very wise move. On December 10, 1809 she established peace with England's ally, Sweden in the treaty of Jönköping. This gave an opportunity for Norway to secure food through Sweden and immediately the Danish privateers were sent out to harass English shipping. This explains President Madison's statement to Congress in his annual message December 5, 1810, in which he said: "The commerce of the United States with the North of Europe, hitherto much vexed by licentious cruisers, particularly under the Danish flag, has lately been visited with fresh and extensive depredations."
With these conditions in Europe the American government soon realized that it was necessary to have a representative in Copenhagen. It was therefore decided to send George W. Erving as special envoy to the Danish government. As soon as he arrived at his post he got in contact with the Danish Premier, Baron Rosenkrantz, who also had charge of foreign affairs. Erving requested that the action of Danish prize courts be temporarily suspended in American cases in order that more definite knowledge might be obtained concerning each case before them. This request was made June 6, 1811 shortly after he arrived in Copenhagen. At the same time he sent to Baron Rosenkrantz two lists of captured American ships, the cases of which were pending before the Danish courts. The first list, containing twelve ships, comprised vessels concerning ten of which there was no question in regard to nationality. They had been captured under "clause D" of the eleventh article of the royal instructions of March 10, 1810, declaring as a cause of condemnation, 'the making use of English convoy'. The second list was made up of sixteen ships which had been captured because among their papers were French certificates of origin, which were supposed to be forgeries, as Denmark had been informed by France that French consuls in America had been ordered to discontinue issuing them. 31

Mr. Erving did not wait to receive a reply to this letter, but on the day following he sent another note to Baron Rosenkrantz in which he entered more fully into the problem of
the cases under English convoy, and henceforth referred to as
the "convoy cases." Two of the twelve were loaded with goods
for England and no contention was made for them. The other ten,
however, were on their way from Baltic ports to America. They
had passed the Sound and paid the Sound Dues. When they entered
the Cattegat they had been arrested by a British naval force and
"compelled to join convoy." He contended that the instructions
of March 10, 1810 were unfair and contrary to international law
in this case, because they did not take into consideration the
circumstances that had brought the ships under enemy convoy.
He asked the Danish authorities to cite "examples in the prac­
tice of nations" to support the legality of the instructions.
On the other hand he claimed that even England had never gone
so far as to condemn a vessel on the mere ground that it had
been captured under enemy convoy. He called Denmark's atten­
tion to the brave fight she herself had undertaken to maintain
the rights of neutrals in 1780 and 1800, and he closed the let­
ter expressing the hope that justice would be done, which would
be so much easier in this case because the vessels had been cap­
tured by national ships and not by privateers.32

32 Ibid., Vol. III, pp. 524 - 525.

On June 28, 1811 Erving received a reply from Rosen­
krantz. After expressing his satisfaction because friendly
feeling had always existed between Denmark and the United States,
Rosenkrantz went on to explain the cases involved in their cor­
respondence. In regard to the "French certificates of origin"
it was now clear that the cases rested on a misunderstanding.
September 22, 1810 the French government had informed Denmark
that the consuls in America had been instructed not to issue them. As it now appeared these orders had not reached the consuls in America until November 13. The Danish government had therefore now ordered her judges of admiralty courts not to hold the French certificates against the ships, providing they were dated prior to that date.

In regard to the "convoy cases" the Danish government felt that the rule laid down in the instruction must be followed, as enemy convoy destroyed their neutral character. He held that this principle was just and would even be enforced if a Danish vessel should use English convoy. He called Erving's attention to the fact that at the time when all other European ports were closed to American vessels those of Denmark were open. This should convince the United States that Denmark desired their friendship and was doing nothing from hostile motives.33

33 Ibid., Vol. III, pp. 525 - 527.

In answer to this communication Erving immediately replied that he was thankful for the spirit expressed, which, of course, he had expected knowing the general trend of the Danish court. He was sorry, however, that the Danish prize courts did not always follow the spirit of His Majesty and mentioned the decision of the High Court March 11th, 1811 in the Swift case, which vessel had been condemned on the sole statement of the privateers, which he proved had perjured themselves. American evidence was not admitted in this trial.

He was unable, however, to agree with the arguments given in the "convoy cases". The United States would not dis-
pute the right of Denmark to enforce the instructions of March 10, 1810 on her own citizens, but it was quite a different matter when other nations were involved. In fact it would be inconceivable how a Danish ship, subject to capture by the British, could be found under his convoy. Such a ship would be carrying enemy property and therefore guilty of treason and would merit the severest punishment. He went on to show that the words "using convoy" in the royal instructions must surely at least be so construed as to mean "voluntary convoy", and could thus not cover the "convoy cases" as they had come under English convoy by force. To condemn vessels under such unfortunate circumstances would not be a just course of any power toward a friendly neutral.

In spite of this strong reasoning on the part of the American minister, Rosenkrantz declared in his next communication that His Majesty could not make any change in his instructions to his privateers. Any American vessel under the convoy of British war vessels, if captured in the future by Danish ships, would be considered a lawful prize. No European power had called in question the justice of this rule. In later correspondence Erving showed that two of the "convoy cases" were ships that had been captured by Denmark and released by the Danish courts because their neutrality was fully established. It was thus clear that the vessel had not voluntarily joined convoy. In the case of the Hope, Captain Rhea, the British commander, Charles Dashwood of H.M.S. Pyramus, had boarded the vessel and entered on the ship's papers that he had ordered her to join convoy to prevent her going to an enemy's port with pro-
visions and to prevent her from being captured by England's enemies.  


In the reports of Mr. Erving to the Secretary of State he made a statement in regard to the arguments he had put before the Danish government in behalf of the Americans. The most flagrant violations made by Denmark were those connected with the "convoy cases". He enclosed tabulated reports of the situation of American claims which show the following status May 30, 1811:

"Captures in 1809............................ 63
Captures in 1810............................ 124

Total, 187

Cleared........................................ 114
Condemned..................................... 31
Pending....................................... 14
Condemned cases of a desperate character 16
Cases transferred to Paris.................. 2
Convoy cases pending........................ 10

Total, 187"

As privateering at this date was still going on the number swelled to much greater proportions.  

Because many vessels had been condemned and sold by Danish prize courts, and because it was impossible to reverse such action, our minister, Mr. Erving, finally on November 4, 1811 presented reclamation claims to the Danish government. His communication was soon after answered by Baron Rosenkrantz who sent a counter-claim to Mr. Erving for the Hendrick and the Mercator cases, which we have described above. Soon after this Rosenkrantz sent a direct reply to Erving's note of November 4, the spirit of which was that as Denmark had been fair in her prize decisions it would be impossible to pay for the condemned vessels. Erving's counter-reply was very clear and straightforward. He reminded the Danish government that in the two cases mentioned the United States had broken no international law, but the cases had arisen through error of officers for which errors Denmark might yet expect to receive redress. The action of Denmark, on the other hand, was a direct violation of the laws of nations. If this were not so, he had invited the Danish Minister of Foreign Affairs to discuss the principle upon which the reclamation was founded. "Can it be deemed to be a satisfactory answer to such a reclamation that other nations have submitted to similar decisions? Can it be imagined that the term 'definitive' as applied to such decisions is conclusive against the United States? Can it be expected that they will acquiesce in a decision as just, because it is termed 'definitive'?" He explained that the various governmental instruments such as courts, were created by the sovereign, who was responsible for their action. When a foreign nation was injured by a tribunal the sovereign could
not refer it for justice to the instrument that caused the complaint. "What is this but to adopt the injustice complained of?" Since the courts have made their decisions the controversy is no longer between individuals, the ship-owners and the privateers, but between the American government and the Danish king. As Denmark could rest assured that America would pursue her reclamation claim, he hoped that a plan would be adopted which would satisfy our government. In a very conciliatory note of May 8, 1812, Rosenkrantz declared to Erving that if it should be proven that American subjects had just cause for complaints his Danish majesty would be very willing to redress their grievances. From this statement it would appear that the Danish foreign minister did not recognize that it had become a government affair only. 36


The last communication from George W. Erving to Baron Rosenkrantz was dated April 18, 1812. As stated, Rosenkrantz' reply came May 8. Soon after this Mr. Erving left Copenhagen for Paris and the United States consul of Hamburg, Mr. John M. Forbes, was sent as chargé d'affaires to take care of the few cases that were still pending before the courts of Denmark. As the War of 1812 started in June, the Danish situation naturally became a minor affair compared with the task of fighting England. At the same time it became impossible for American merchantmen to sail the high seas. Consequently Danish spoliation stopped for lack of material to capture. For the time being our claims on Denmark laid dormant. In a later chap-
ter the adjudication of the spoliation claims will be taken up. 37

37 Erving's correspondence concerning the Danish spoli-
tion is also found in Annals of Congress, 12 Cong., 1 Sess.,
Pt. II, pp. 1980 - 2016, and 12 Cong., 2 Sess., pp. 1201-
1222.
Chapter III

The Negotiation of Treaties and the Settlement of Claims. 1815 - 1847.

It is rather a strange fact that while the international relations we have traced in the two preceding chapters cover a period of more than forty years, during which time a large number of disagreements had arisen, yet friendly relations had continued to exist. It seems that a time must come, when either friendship will cease or a settlement must be made. It is the solution of these problems that will be traced in this chapter.

1. Danish Claims against the United States.

We have seen how Denmark attempted to obtain satisfaction for the loss of the Mercator and the Hendrick. In 1812 she renewed the claim in behalf of Jared Shattuck for the loss of the Mercator. A bill was introduced by the committee on claims, to the effect that relief should be given. This bill passed both houses of Congress, but as we find no further trace of it anywhere, we draw the conclusion that it must have been handed to the president for his signature at the close of the session, and he must have disposed of the bill by a pocket veto.¹


In December 1819 President Monroe laid before Congress the case of the brig Hendrick, for which Denmark had renewed her claim, through her minister at Washington and C. N.
Buck, consul-general of Hamburg at Philadelphia. The case was taken up in the Senate but reported on unfavorably on account of existing claims of the United States against Denmark.  

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2. The Treaty of 1826.

It was a rule in Denmark to discriminate against nations with which she had no treaty relations, by putting higher duties on material imported from them than was placed on goods imported from countries, with which treaties were established. It was for this reason that Washington in 1792 placed a consul at Copenhagen. This action, however, did not remove the discriminating duties. Several times the United States were reminded by her consuls at that port, that our merchants were paying half as much more in duties as those of Great Britain, Holland, France and the other nations which had treaties with Denmark. It seems probable that this situation would cause the United States to desire that treaty relations might be established, as it would naturally increase the export of raw material to the Danish domains. Just how much preliminary correspondence passed between the two governments before a treaty was finally made we can not say, but on April 26, 1826 a "Con-
vention of Friendship, Commerce and Navigation" was concluded between Peder Pederson, the Minister Resident of Denmark at Washington, and Henry Clay, our Secretary of State.

The treaty of 1826, which, with a few changes, is still in force, consists of twelve articles touching on the most vital points of international relations. In brief outline the contents are as follows:

Art. I. This contained the most favored nations clause.
Art. II. The coasting trade excepted, there should be freedom of trade between the two countries.
Art. III. Mutual privileges were established in regard to importation, exportation, and re-exportation of all articles, which might be lawfully handled in the respective countries. The duties of one country upon vessels of the other should not be higher than on native vessels.
Art. IV. Duties and prohibitions should not be placed on imports and exports between the two countries unless the same became equally binding on other powers.
Art. V. In regard to the duties in the Sound and Belts, the United States should be on the same basis as the most favored nations.
Art. VI. The convention should not pertain to the northern possessions of Denmark nor to the direct trade between Denmark and the Danish West Indies.
Art. VII. Taxation in either country, in case of removal of the respective subjects of the other, should not be higher than that paid by its own citizens.
Art. VIII. Mutual exchange of consular representatives on the basis of the most favored nations clause was to be established.

Art. IX. Exequatur having been granted, the representatives of the two powers should be recognized by all authorities and inhabitants in the district where they resided.

Art. X. Consuls, and their foreign servants, should be exempted from services and taxes, and the archives of the consulate should be inviolable.

Art. XI. The convention should be in force for ten years, and further until the end of one year after either party gave notice to terminate it.

Art. XII. Ratifications were to be exchanged within eight months.6


Before the Secretary of State was willing to put his signature to this document, he sent a note to Chevalier Pedersen, Minister Resident from Denmark, to the effect that this treaty should not be interpreted to mean that the United States waived her claims for indemnities due to her citizens from the Danish government. The minister was requested to transmit the note to Denmark together with the text of the treaty. Upon the acknowledgement of the receipt of this note by Mr. Pederson, Henry Clay signed the treaty.7
Soon after the treaty was ratified Steen Bille took up the work of Chevalier Pedersen as Danish representative at Washington. In November 1826 Henry Clay inquired of him whether he had received any information in regard to how Denmark intended to interpret Article VII of the treaty. It had been rumored in the United States that American citizens could not remove their property from the islands without paying the tax known as "sixths" and "tenths". It was expressly for the benefit of those very citizens that the clause had been inserted. Steen Bille answered immediately that he had anticipated such fears, and as soon as he arrived he informed his government of the interpretation that might be made by the authorities of the islands. He had received answer that the Danish government well understood why the article was included in the treaty. Americans could rest assured that nothing would be done which would defeat the original intent. 8

8 For the correspondence between Clay and Bille see _Niles' Weekly Register._ (1826) Vol. XXXI, pp. 220 - 221.


In pursuance of the intention to press our claims against Denmark, the House of Representatives in May 1826 requested the Secretary of State to lay before it a full report of the claims for indemnity due from that country. This report, given in January 1827, revealed that there were in all 167 claims amounting to $2,662,280.36. 9 It was very evident that if we
were ever to obtain payment for those losses we would have to send a minister to Denmark. Consequently Henry Wheaton was appointed to go to Copenhagen to negotiate a settlement. In May 1827 Henry Clay sent instructions to Wheaton and stated that where his instructions were silent he should follow international law and always keep in mind that we wanted a friendly feeling to exist between the United States and Denmark. After reviewing the history of the spoliation cases, which was based on the correspondence of George W. Erving and Baron Rosenkrantz, he proceeded to set forth the details connected with the cases. He showed that the seizures and condemnations were made on the following grounds:

1. Possession of false papers making British property appear to be American.

2. Sailing under British convoy, hereby losing the immunity our flag afforded.

3. Possession of French consular certificates of origin after the French consuls had been prohibited from issuing them, except to vessels bound for France.

In regard to the first of these grounds, Clay stated that the principle followed by Denmark was entirely correct. We were as anxious as any that those who sailed under our flag unlawfully should be punished. In these cases it was only a question of establishing the facts proving whether the vessels condemned were truly American or not.

He further held that in regard to the "convoy cases"
it was a question of whether convoy had been joined voluntarily or not. Even in the case of voluntary assumption of convoy it would depend on the purpose for which it had been joined. If neutrals had not joined convoy for an unlawful purpose there would be no reason why they should be captured and condemned by Denmark. Being unarmed they would not add to England's strength. Indeed, they would weaken her power, as they expanded her sphere of protection. If a friend's goods on an enemy's vessel was not liable to condemnation, there would be no reason why a friend's goods in a friend's vessel should be liable to condemnation just because it was under enemy convoy. In an enemy's vessel the goods of a friend would surely be more closely blended with that of the enemy than in the case of convoy.

The third ground for condemnation as alleged by Denmark, was void of basis of fact. French consuls could legally issue certificates of origin to the date they received orders to discontinue the practice, which was on November 13, 1810. The vessels seized had received them earlier than that. Even if these certificates were not genuine, that would not change the condition so far as Denmark was concerned. It might have warranted detention by the French and possibly condemnation in a French court, but to Denmark they were unimportant no matter whether they were genuine or false.

Having set forth these general principles, Clay proceeded to state, that Wheaton should keep in mind that after the arrival of George W. Erving Denmark had changed her attitude, which was shown by the restraint placed on her privateers and courts. She had, however, not given redress for
those already wrongfully condemned. The reason given for this was that the king could not reverse the sentences of his courts. We had already made clear to Denmark through Mr. Erving, that we were not now asking for a reversion of the sentences of the courts, but for indemnity due as a result of those sentences. The government would have to be responsible for the mistakes made by the courts, because the courts received their instructions from the government. This was especially true in regard to the "convoy cases", which were condemned on the bases of a special order, which declared as a lawful cause for condemnation "the making use of English convoy." The privateers and the tribunals, being instruments of the government, were under obligation to follow the orders. The courts declared they could only do as they did, because of the order of the king. The king in turn took refuge behind the courts, declaring that he could not change the decree, because the sentences of the courts were final. The American citizen was thus between the upper and the nether millstones.

When Mr. Erving departed from Denmark Mr. John M. Forbes was left in charge of American affairs, but during his seven years of residence he had been unable to secure indemnity for the loss. In 1818, Mr. George W. Campbell, United States Minister to Russia, stopped at Copenhagen on his way to St. Petersburg and had an interview with Baron Rosenkrantz, in which he reminded him of the claims. In 1825, Mr. Christopher Hughes on his way from Stockholm to the Netherlands renewed our claims to Count Schimmelman, the new Danish Minister of Foreign Affairs. The ground of the irreversibility of the court
sentences had been gone over again and again. Mr. Hughes had gotten the impression that Denmark was neither willing nor able to pay the indemnities. Finally Denmark had been reminded that we had not abandoned our claim, when in 1826 Clay himself had sent a personal note to Chevalier Pedersen, before the treaty was signed, stating that the treaty should not be interpreted as a waiver of our claims for indemnity.

The instructions suggested that a board of commissioners should ascertain the amount due the United States. The method, however, was not vital. To procure indemnity was the real object. If Denmark were financially unable to pay the full sum, we might be willing to make a compromise.10

10 Executive Documents, 22 Cong., 1 Sess., Vol. VI, Doc. 249, pp. 2 - 10.

These facts and arguments had been covered by George W. Erving before he left the Danish court in 1812. Henry Wheaton was somewhat delayed in presenting them to the Danish officials for two reasons. The cases of the Commerce and Hector were pending between the United States and Russia. One of these cases involved the question of reviewing a sentence pronounced by a prize court. This the Russian government refused to do, but finally consented to pay an indemnity. The point of reviewing a court decree was precisely the one at issue between the United States and Denmark. Therefore Wheaton waited to see what would be the outcome of the Russian case. The fact that Russia had paid an indemnity in a similar case naturally gave added strength to the arguments later presented by Wheaton. Further delay took place because of a royal marriage which so
engrossed the attention of the court that it was impossible to present the case. 11

11 Ibid., pp. 10 - 11.

In July 1828, however, Wheaton was able to present the matter to Count Schimmelman. He stated that he had full plenipotentiary power to negotiate and terminate the whole matter. He followed closely his instructions sent him by Henry Clay, and stated that we would be very willing to have a joint commission appointed to cover the whole field of spoliation claims, but if Denmark should prefer a settlement en bloc, which would have the advantage of avoiding "thorny discussions", that method would be satisfactory to the United States. After a great deal of discussion back and forth in which the same field of argumentation was ploughed and reploughed, Mr. Wheaton was at last able to report to his government January 31, 1829, that the king had finally appointed Count Schimmelman and the Minister of Justice, Count de Steman, as a committee to treat with him on the subject. 12

12 Ibid., pp. 12 - 16.

In the spring of that year a change of administration took place in the United States and the new Secretary of State, Martin van Buren, sent a full copy of all the claims against Denmark, under the direction of John Connell, a Philadelphia lawyer who was the special representative of many of the claimants interested in the indemnity. 13 In August 1829 a conference was held between the Danish commissioners and our representative in which the whole field of argumentation

13 Ibid., pp. 16, 18.
was reiterated. To end the matter and to avoid going into individual cases Denmark finally made a verbal offer to pay us 500,000 marcs bane of Hamburg, and would further waive her claim to indemnity for the Mercator and the Hendrick. This offer was made on the condition that all claims of the United States for captures by Danish cruisers should be forever foreclosed. Putting the value of the marc bane of Hamburg at thirty-five cents and the two Danish ships at $65,000, which was approximately what Denmark claimed they were worth, the offer of the commissioners would amount to about $230,000. This offer was wholly inadequate to cover the claims presented, which as stated, amounted to $2,662,280.36. Wheaton informed the commissioners and after a conference with John Connell made a counter proposition stating that we would accept 3,000,000 marcs bane of Hamburg, and Denmark should renounce her claims for the Mercator and the Hendrick. If that offer were accepted our indemnity would amount to about $1,700,000.

In September a second conference was held. At this time the Danish commissioners argued that the United States could not support their claims on the mere assertion that they had sustained losses, because their vessels had been condemned. They must prove that the evidence which was to establish their neutral character was actually produced in court by those to whom they had entrusted the property. It must also be proven that the judges had pronounced arbitrary sentences and acted contrary to the duties of their office. It was to avoid the enormous work of going into details of each case that Denmark had been willing to make a proposition for settlement.14
This meeting was adjourned without making a reply to the new arguments. Later Mr. Wheaton showed that according to the authorities on international law as exemplified in specific cases connected with Russia, Prussia, England and the United States, there would be no way for Denmark legally to avoid paying the indemnity. Besides if the sentences of the Danish tribunals were to be considered conclusive, it would mean that a belligerent state was invested with legislative power over neutrals. It was clear that the decision of an admiralty tribunal could only be conclusive so far as the individuals were concerned. They would not be binding on foreign nations. The Danish commissioners had argued that if the decision of the highest tribunal was not to be considered final all civil government would be upset. Wheaton admitted this to be true in domestic cases, but not in the case of a foreigner who had been taken on the high seas and brought into the courts by force. He still retained the right to invoke the power of his own government to obtain for him the justice the foreign tribunal had failed to give. He next took up the three points upon which Denmark based her right to capture and condemn foreign vessels. In regard to the false papers everybody agreed with Denmark. In regard to the "convoy cases" Denmark was in the wrong, as she had no right to punish a neutral for the act of a belligerent. The neutral American ships had come under convoy by an act of force committed by armed vessels of Great Britain. On the question of the French certificates of origin,
Wheaton reiterated the statement made before, that so far as Denmark was concerned these papers were entirely "unimportant and superfluous." 15

15 Ibid., pp. 22-39.

When a report of the conferences and the Danish offer was made to the American government, the Secretary of State sent new instructions to Henry Wheaton. This was in January 1830. Martin Van Buren, under the influence of his chief, Andrew Jackson, expressed regret that Denmark was not more willing to make a settlement. Wheaton was instructed that if nothing could be done to complete a settlement he was to inform the government of Denmark that "the present Executive would not be wanting in all suitable exertions" to make good the declaration that a just indemnity was wanted. 16

16 Ibid., pp. 39-40.

In a friendly but firm note the Danish commissioners were informed of the attitude of the American government. 17

17 Ibid., pp. 40-42.

Without any question the Danish authorities realized from this communication, which was dated February 25, 1830, that the new executive in America meant business. Denmark's trade with the United States might in a comparatively short time suffer more than the price of a settlement. The commissioners, therefore, made another offer to Mr. Wheaton, which was embodied in a treaty soon after. It was signed by the commissioners, Count Henry de Schimmelman and Minister of Justice Paul Christian de Steman for Denmark, and by Henry Wheaton for the
United States, on March 28, and sent to the Senate for ratification, by President Jackson on May 27, 1830. In the message accompanying the document, the President expressed to the Senate his satisfaction with the contents of the treaty. He also stated that from information at hand he knew, that the proposed arrangements were entirely satisfactory to the citizens who had preferred the claims against Denmark. Two days later the treaty was ratified by the Senate, and having received the President's signature, ratifications were exchanged in Washington June 5, 1830.  

The treaty is very brief, containing only six articles. The first of these provided for the relinquishment of the claims for the Mercator and the Hendrick, and the payment of $650,000. by the Danish government to the United States. The second and third described how the money should be paid and distributed. The fourth and fifth articles released Denmark from any further payment of indemnity for spoliation claims. The last article dealt with the manner of the ratification of the treaty. 

It had been a long and tedious procedure to secure
this settlement. The provisions, however, were promptly carried out by the Danish government. In agreement with the terms of the treaty a necessary act was passed by Congress. To provide for the distribution of the money among the claimants a commission was appointed by President Jackson. It consisted of George Winchester, Jesse Hoyt, William J. Duane, and Robert Fulton. When its work was completed in March 1833 the commission gave a final report to the Secretary of State.\textsuperscript{20} At the close of the year 1833 all the money had been paid by Denmark and distributed by the commission.\textsuperscript{21}

\textsuperscript{20} For the text of this report, see J. B. Moore, \textit{International Arbitration}, Vol. V, pp. 4569 - 4572.

\textsuperscript{21} Senate Journal, 21 Cong., 2 Sess., p.218; House Journal, 21 Cong., 2 Sess., p. 396; Statutes at Large, Vol. IV, p. 446. Soon after the treaty was made several insurance companies presented claims to the United States for the Hendrick on the basis that according to the treaty Denmark had now released her claim. The committee which had the matter in charge made an unfavorable report. House Journal, 21 Cong., 2 Sess., p. 346.

4. Proposal of Reciprocity with St. Croix.

The measure known as the "Tariff of Abominations," passed in 1828, was very detrimental to the trade between the United States and the Danish West Indies. To create a better situation Denmark sent General P. von Scholten as a special envoy to Washington in the fall of 1830 to arrange for a reci-
procity treaty, the operation of which should be limited in its scope. General von Scholten, who was Governor-General of the Danish West Indies, reminded our government that Denmark reserved the whole trade of the islands to herself and the United States. On account of the proximity, the islands obtained practically all their supplies from us and we got their raw material, which was a situation very favorable to us. Denmark did not complain of this, but felt that it was unfair that the United States in return placed very high duties on her imports, thus leaving a very small profit for the islands. If this condition should continue it would become necessary to levy a duty on goods imported from the United States to the islands, thereby shifting the trade to other countries. To avoid this he proposed an extension of Art. VI of the treaty of 1826, which would bring about a state of reciprocity. He suggested the following proposition:

1. Only ships under the Danish and the American flags should be allowed to carry on trade in St. Croix.

2. Corn and corn meal should enter the island free of duty.

3. Other commodities should be arranged in a tariff schedule in such a way that not more than five percent *ad valorem* could be put on necessities of life and not more than ten percent *ad valorem* on luxuries.

4. In order to keep reciprocity in amount as well as in rate, the islands of St. Thomas and St. John should not be included in the treaty.22

22 *Senate Documents, 21 Cong., 2 Sess., Doc. 21, pp.2-9.*
After due consideration Martin Van Buren informed General von Scholten that we were unable to make such a treaty because of the most favored nations clause which was included in almost all of our treaties. If we should give concessions to Denmark, other nations could immediately claim the same privileges. We hoped that whatever measures Denmark should see fit to carry out, she would always be guided by principles consistent with the existing treaty, and directed by motives in harmony with the present friendly feeling between the two nations.  

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23 Ibid., pp. 9 - 11.

The Danish envoy expressed his regrets on account of the existing diplomatic situation. He requested, however, that the whole matter be laid before Congress for its consideration. Being assured of that by our Secretary of State he left the subject in the hands of the Danish chargé d'affaires, Steen Bille.  

24 Ibid., pp. 11 - 15.

The president laid the matter before Congress in December 1830.  


It was reported to the House by Mr. Cameron, of the committee on commerce, the next year in March. The whole situation was explained in the report together with General von Scholten's propositions. It was shown that the Danish West Indies were virtually a commercial appendix of the United States. On account of the diplomatic difficulties which would arise if the proposals were put into operation, the report, when read, was laid on the table.  

26 Denmark, however,
The total imports to the United States from the Danish West Indies for the year ending September 30, 1826 amounted to $2,067,900. The export to the islands for the same period equalled $1,391,004. In that same year our direct commerce with Denmark equalled $100,582. in exports and $49,246. in imports. Congressional Debates, 19 Cong., 2 Sess., Vol. III, Appendix a, folder.

did not carry out the idea, stated by von Scholten, of laying duties on American goods. On the contrary, she passed a law more liberal than any former one. President Jackson in his message to Congress intimated that she had set a good example in her colonial policy, which it would be well for other nations to follow.27


5. The Termination of the Jones' Claims.

In March 1806 Congress had paid $4000. to Peter Landaïs, the French captain of the Alliance which had captured the Union, the Betsy and the Charming Polly in 1779 and brought them into Bergen.28 It is possible that other claims arising
from the Bergen affair were put before Congress prior to 1812, but as many of our governmental records were destroyed in the fire of our capitol during the War of 1812, we have no definite record of some things that had been transacted. From records extant it appears that Monroe on December 14, 1812 sent a note to the Danish chargé d'affaires at Washington, stating that a report was current that Denmark had decided to pay the claims. If this report were true our government was interested to learn how it would be executed. A few days later an answer was received in which it was stated that Denmark had never recognised the claim "as a fair and legal one and it had for many years already considered it as a superannuated and abandoned affair."29

In January 1820 a claim, which the previous month, had been presented to Congress by James Warren, a lieutenant on board the Alliance, was acted upon unfavorably by that body.30

From this time no claim seems to have been presented till December 1836 when Janette Taylor, a niece of John Paul Jones, who had become his legal heir, presented a memorial, asking for the money due as a result of the Bergen prizes. She called the attention of Congress to the fact, that in 1806 relief had been
granted to Peter Landais, although at that time he was a dis­
graced officer incapable of serving in the United States navy, as the result of being court martialed January 6, 1781. Be­
sides, Jones was his superior in rank. She reminded Congress, that it was Jones who first had displayed the flag of the Uni­
ted States on board the Alfred before Philadelphia. On board the Ranger in Quiberon Bay, February 14, 1778, he had claimed and obtained from Monsieur La Motte Picquet the first salute received from a foreign power. Papers were presented to prove that Jones had taken enough British prisoners to redeem all our prisoners in Great Britain. In spite of repeated requests for relief he had died without receiving the money due him for the Bergen prizes. 31

31 For the legal documents connected with the Jones' claim, see Executive Documents, 24 Cong., 2 Sess., Vol. I, Doc. 19, pp. 1-29.

About this same time several other claims were pre­
sented to the government of the United States. William C. Parke claimed a share in the Bergen prizes on behalf of his father Mathew Parke, who had been a captain of marines on board the Alliance. Nathaniel Gunnison presented a claim in behalf of his father John G. Gunnison, who had acted on board the same vessel as a carpenter. Still another claim was advanced by Lucy Alexander, who likewise held an interest in the prizes. 32


As a result of these claims the president was requested by Con-
gress to present the matter to the government of Denmark. 33

33 Senate Journal, 24 Cong., 2 Sess., pp. 130, 385, 554.

It seems, however, that nothing was done at this time. Consequently the heirs of Jones again called the attention of our government to the claims and in 1843 the House of Representatives asked for and obtained from President Tyler the correspondence connected with the affair. 34


From the material obtained by the House it appears that an inquiry had been made whether the indemnity of $650,000 paid by Denmark in 1830 was supposed to cover the Jones' claim. John C. Calhoun, who was Secretary of State at the time, had stated that he saw nothing in the treaty to that effect. A letter had also been sent to Henry Wheaton, a Minister of the United States at Berlin, who was the man that negotiated the treaty with Denmark in 1830, asking for his opinion on the matter. This letter had been sent to Mr. Wheaton at the request of George L. Lowden of Charleston, S. C., the legal representative of the heirs of Jones. Henry Wheaton's answer was addressed to Abel P. Upshur who for a short time was Secretary of State under John Tyler. His argumentation is very clear and throws much light on the subject.

Dealing with the question whether the long time that had elapsed since the rise of the claims, had invalidated them, he stated, that certainly a time must come when a claim will become invalid as a result of the lapse of time. If this case
should be given over to a third power for arbitration, the claim would most likely not be held valid, because almost seventy years had passed since it arose. He suggested therefore that in order not to harm the case, his opinion on this point should be kept secret. He felt sure, however, that the claims were not precluded as a result of the indemnity treaty of 1830. Nothing was said in that treaty about the Bergen prizes and it was expressly stated that the $650,000 were paid for "the seizure and confiscation of American vessels and property by the cruisers of Denmark, or within the Danish territory during the war which commenced between Great Britain and Denmark in 1807 and was terminated by the peace of Kiel in 1814. 35


Touching the problem of international law involved in the Bergen prize case he made several comments. When a group of people form a revolution to shake off the government of the "metropolitan country" and to establish an independent nation, other nations may follow various courses while the struggle is still going on. They may remain passive; they may recognize the revolting portion formally and yet remain neutral in the struggle; and finally, they may join alliance with one of the parties. In the first case they are allowed to extend to both parties "all the rights which public war gives to independent states." In the second case they may make treaties of amity.
and commerce with the revolting party. In the third case it is evident that the opposing party in the contest has been rendered an enemy. It seems that Denmark followed the first course during the Revolutionary War. As she did not ally herself with either of the parties, it was her duty to extend impartial neutrality to both, "except so far as she might be bound by treaty obligations to Great Britain." In 1779 the United States formed a de facto government, the belligerent right of which even Great Britain had acknowledged "in the solemn exchange of prisoners by regular cartels; in respect shown to conventions of capitulations concluded by British generals and in the exercise of the other commercia belli usually practiced and recognized by civilized nations." He also called attention to the fact that the new nation had formed an alliance with France and that country as well as Spain had recognized its independence.

With these facts in view, what attitude ought Denmark to have shown toward the United States? A neutral state, without any doubt had the right to exclude belligerent vessels from bringing their prizes into her harbors, providing she acted impartially and let her intentions be known. She might even grant the privileges of her harbors to one of the belligerents and refuse it to the other, provided it had been stipulated by treaties existing previous to the war." Denmark, not being an ally of Great Britain, should as a neutral have shown hospitality to the vessels brought in by the Americans, provided she had no previous treaty with England which she was under
obligation to observe.

Neither could Denmark defend herself on the basis of the right of *postliminium* or reversion of previous condition. This does not exist except between subjects of the same state or between allies. Again, as Denmark was not an ally of Great Britain she could not take advantage of that international rule.


An exception might arise in case the capture had been made inside the limits of territorial jurisdiction, but as that factor was not involved in connection with the Bergen prizes it would not apply here.

Denmark seemed to rest her case largely on the fact that she had not recognized the independence of the United States. The question, however, was not whether she had acknowledged our independence or not, but whether such a state of war actually existed between the nations, as made it the duty of all nations to respect the rights of both. "Denmark must either have considered the United States as lawful belligerents, or as pirates, incapable of acquiring any of the rights of just war. In the former case, she was bound to perform towards them all the duties of impartial neutrality. In the latter, her conduct, if its motive had been avowed, might have provoked resentment, as an act of hostility, accompanied with
insult. In either alternative her interference to disturb the lawful possession of the captors would have justified immediate reprisals; though prudence might have induced the American government to refrain from resorting to this extremity."

Wheaton felt that much allowance should be made for the circumstances under which the affair occurred and for the ideas of the day. Denmark had not yet entered the Armed Neutrality and a revolt was considered a crime. Besides, England probably brought very powerful pressure to bear on the rather weak Danish state. It was clear from the correspondence connected with the case that Denmark sought to "excuse and palliate" rather than to justify her action.37

37 For the text of the letter from Henry Wheaton, see Executive Documents, 28 Cong., 1 Sess., Vol. II, Doc. 264.

Wheaton's letter, sent by our foreign office to William W. Irvin, our representative in Copenhagen in 1843, formed the basis of his communication to the Danish foreign office, dated February 10, 1845. More than two years passed before the Danish government replied. Finally June 4, 1847 the Danish Minister of Foreign Affairs, Count Reventlow-Criminil answered Irvin's letter. In this communication every argument that had come up in the whole controversy was taken up and answered. As Mr. Wheaton's letter was a masterpiece stating the American side of the question, so this letter was a close rival stating the Danish side. It is therefore important to give a complete review of the material.
He expressed his surprise frankly because the United States at so late a period should revive a claim which arose during an age when the peace of the world was disturbed with a large number of serious and complicated questions. The first question with which he dealt was that of Denmark's obligations to the two belligerent powers. In regard to these he informed Mr. Irwin, that the United States was wrong in stating that Denmark was under no obligation to comply with the demand of the British government for the release of the Bergen prizes. On the contrary she was bound by a treaty, then in force, to do just what England demanded of her. Mr. Irvin would find this treaty to be dated 1660, and Article V the part especially applicable to this case. No one could deny that the colonies were in revolt against England and were carrying on a civil war. As Denmark had not recognized the independence of the United States, the three prizes could not be regarded by her as anything but British property, which according to the treaty mentioned must be restored.  

38 The treaty provided that the contracting parties would not harbor the enemies or rebels the one of the other nor allow their subjects to do so. In the same way the property of the one being brought into the realms of the other by enemies or rebels, should forthwith be restored. For the text of Article V, see Appendix C.  

British envoy would have been to fail in the fulfilment of a positive obligation, and would have furnished a pretext for
Great Britain to drag Denmark into the formidable struggle in which she was then entangled with her colonies."

He went on further to show, that under the existing circumstances Bernstorff could not have entered upon official correspondence with Mr. Franklin without recognizing the independence of the colonies. This, he stated, must have been his reason for not producing the treaty in question. On the other hand the offer made by M. de Waltertorff was definitely styled as a gratuitous donation. It did not, therefore, signify any acknowledgment by the Danish government of a wrong committed. The offer was made to terminate the affair. On the basis of these arguments he held that the claims of Commodore Paul Jones were without legal foundation.

But there were further reasons why no claim should be made at this time. Not only were the claims in themselves invalid, but they were now both superannuated and prescribed. The United States had only made one very indefinite demand since 1788. That demand, if indeed it might be considered as such, was in a letter from the Secretary of State to the Danish charge d'affaires at Washington, dated December 18, 1812. Mr. Pedersen had not failed to answer, that Denmark had never recognized the claim as fair and besides it was now superannuated. No further demands had been presented and the matter was dropped. If the claims were recognized by lack of action to be superannuated then, how much more now thirty-five years later.

If the United States had still intended to put forth a claim it should have been presented in 1830 when a treaty was
made for the express purpose to put an end to all existing
claims. Although Henry Clay had sent a note to the Danish
charge d'affaires the day before the signing of the treaty of
1826, in order to prevent the conclusion of that treaty from
prescribing the claims against Denmark, yet Henry Wheaton in
his negotiations in 1830 had made absolutely no mention of
these claims, neither verbally nor in writing. The very
fact that the Secretary of State had sent the note mentioned
to Chevalier Pedersen was in itself a proof that the United
States recognized the principle of prescription, but even at
that time the claims based on the Bergen prizes had fallen in-
to oblivion. It seemed self-evident that a time must come when
a claim became outlawed because of the lapse of time. This
was in accordance with the best authorities on international
law. A claim "should at least be regarded as having expired,
when the rights claimed have been implicitly renounced by pub-
lic acts, which can not be interpreted otherwise without con-
troverting the most natural meaning of things and words."

Reventlow-Criminil closed by saying, that he was
firmly convinced that the arguments presented would "be suffi-
cient to put an end to the claims forever," and "to remove all
subjects of discord . . . between the government of the United
States and that of his august sovereign."39

39 For full text of the letter from Reventlow-Criminil
to W. W. Irvin, see Reports of Committees, 30 Cong., 1 Sess,
Doc. 9, pp. 54 - 56.
It is of interest to notice how well the arguments of Henry Wheaton and those of Reventlow-Criminil agree on the main points of international law. Both recognized statutes of limitation, although our government in the past had not recognized this principle. Expressing the opinion of a former committee on foreign affairs, Mr. Maclay, chairman of the Committee on Naval Affairs, February 10, 1846 made the following statement in the House of Representatives in regard to the Jones' case. "It is not, as intimated by Mr. Pedersen, an abandoned affair, nor is it a superannuated one. Questions of honor and right, as between sovereign states, are not to be summarily disposed of like the debt of an individual, by a statute of limitations. There is no lapse of time which discharges a nation of the right to demand of another nation reparation for a palpable wrong."40


The two men were also agreed in regard to obligations where a treaty existed. They did, however, not agree on the question of the recognition of independence. Wheaton took the stand that Denmark was under obligations to the United States no matter whether she had recognized their independence or not, while Reventlow-Criminil held that on account of the existing treaty Denmark was under obligations to England at least until she had recognized the independence of the colonies. Till that time she would have to treat them as rebels and could not enter into diplomatic relations with them.
It seems quite clear that for two reasons Denmark was under no obligation to pay the Jones' claims in 1846. The first of these is intrinsic in the case. When she gave back the Bergen prizes to Great Britain she was performing a duty under a treaty, hence could not be held culpable by a third party. The second reason is rather double in its character. Under the principle of prescription, which in this case became valid largely because of the lapse of time, she could not be forced to pay an indemnity. On the basis of this principle the rights of the United States must have terminated, if not earlier, at least in 1830. Denmark, however, committed what might be called a moral wrong by not setting forth more fully and convincingly the facts of the treaty of 1660 in the early stages of the negotiation. While under no legal obligation to do so, she should have produced a copy of the treaty on the basis of which she refused to pay an indemnity. Only a mere mention of the treaty had been made by Count de Blome to Mr. Franklin, and that mention even so cursory, that it carried with it, in the mind of that distinguished diplomat, the feeling of doubt rather than of conviction.

It appears that the matter was dropped. The claims of the heirs of Jones and others connected with the Bergen prize affair were, however, still before Congress. To get rid of the whole affair, as well as to honor the name of the great revolutionary commodore, Congress passed an act March 21, 1848 for the relief of all concerned. Thus ended the history of the Bergen prize case or the Jones' claims. The first and also
the longest drawn out controversy between the United States and Denmark.41

CHAPTER IV.

THE ABOLITION OF SOUND DUES AND OTHER PROBLEMS. 1841 - 1860.

1. Abolition of the Sound Dues.

The Baltic Sea would be a *mare clausum* if it were not for the three narrow straits, which, by their continuation through the Cattegat and the Skagerak, connect it with the North Sea and the Atlantic Ocean. The Little Belt between Jutland and the island of Fyn (Fuenen) is too shallow to be of much use to navigation. The Great Belt between Fyn and Sjaeland (Zealand) does not run in a favorable direction for ships bound for the eastern Baltic ports. Consequently the Æresund, or as it is known in the English tongue, the Sound, between Zealand and Sweden has always been the main entrance to the Baltic. From time immemorial the dues collected for the privilege of passing through the Sound or Belts have constituted a rich source of Danish revenue.

To understand why a difference should arise between the United States and Denmark in regard to the collection of the Sound Dues it is of importance to know approximately when and how these dues originated. Because of their early origin they were intrically interwoven with the political and economic systems, not only of Denmark, but of Europe. On account of their age also Denmark insisted on her right to collect the dues, the right being a part of the law of nations; while on the very same ground the United States insisted on her right...
of exemption from paying the dues, as she had never been the beneficiary of the acts and movements through which the dues had originated.

Students during the last fifty years have set forth the theory that the Sound Dues originated between the years 1423 and 1429. Their contention is based on a statement in the "Lübecker Tage" of July 1423, where it is reported that the king at Copenhagen levied a toll on the ships in the Sound.\footnote{This is the conclusion of the Danish historian J. A. Fredericia in his article, "Fra hvilken Tid skriver Sundtolden sig?" \textit{Historisk Tidsskrift}, 4\textsuperscript{de} Række, Bind 5, (1875 - 1877), pp. 1 - 20. The same opinion is held by the German historian Dietrich Schäfer in his article, "Zur Frage nach der Einführung des Sundzolls," \textit{Hansische Geschichtsblätter} 1875, pp. 31-43. For the basis of their statement see Appendix D.}

Their conclusion is somewhat strengthened by the fact that no records exist in the Danish archives dated before the year 1497. From that date till 1660, actual records are extant of the number of ships that passed the Sound, their nationality, and the amount of dues collected, for one hundred and ten years passim out of the one hundred and sixty three.\footnote{These records have been published by Nina Ellinger Bang, \textit{Tabeller over Skibsfart og Varetransport gennem Æresund}, 1497 - 1660.}
We believe, however, that the date 1423 is not the year of the origin of the Sound Dues. The Danish historian, Baden, has advanced the theory that the early Danish kings had complete control over the Sound and Belts. They felt it to be their duty to keep them cleared of pirates. When strangers wanted to sail through, either for the sake of war, for trade, or for obtaining herrings in the Sound, they had to secure permission of the Danish king. This could only be obtained through the payment of money. Thus the dues originated because the king rendered a service.3


This theory, although plausible, would not be of much value per se. Documents, however, are extant which show the existence of the dues earlier than 1423. On April 4, 1436 the City of Danzig sent an inquiry to the City of Lübeck asking what was their understanding in regard to the status of the Sound-Dues, since the peace with King Erick.4 Lübeck answered April 21, 1436 that according to the treaty between them and the King of Denmark (Erick of Pomerania) they were to enjoy all the old privileges, and as freedom from the payment of Sound-Dues was one of those privileges they did not intend to pay the dues.5 It seems clear, while not conclusive, that the dues


5 Ibid., pp. 486 - 487.
according to this statement must antedate the year 1423, or
the term "old privileges" must have a very peculiar meaning in
this place.

February 6, 1386 a treaty was made between Denmark
and certain Prussian towns in which the latter were promised
free navigation of the Sound, providing they would not station
ships of war there, but trust to the Danish king to keep it
clear.\footnote{Regesta Diplomatica Historiae Daniae, p. 426.}
In 1328 King Christopher II granted exemption from
\footnote{For text of the agreement, see Hanserecesse, Abth. I,
Vol. II, pp. 372 - 373.}
toll in the Great Belt to the monastery of Soro. It is self-
evident that dues must have been charged in the Sound as early
as they were in the Belts, otherwise there would have been no
traffic in the Belts at all. Hence we may infer that the Sound-
Dues date back at least to 1328.\footnote{J.F.W. Schlegel, Danmarks og Hertugdømmernes Statsret, Chapter VII.}

Macgregor states: "The most ancient charter extant,
referring to toll payable in the Sound and Belts, is that
granted by Erick Menved in 1319 to the Town of Harderwieck
in Holland stipulating the rate of duty to be paid by
Dutch ships at Nyborg, upon the conveyance through the
Belts of cloth destined for sale." John Macgregor, Com-
mercial Statistics, Vol. I. p. 165, Note. We have been un-
able to find any other reference to this document.(Author)
From time to time Denmark's right to collect the Sound Dues was recognized in treaties established. It is not necessary to give here a history of the treaties dealing with this subject. It will suffice to state that the rate of dues was based on a schedule incorporated in the treaty of Christianople 1645. This was a treaty between Denmark and Holland. Certain obscure portions in this schedule were explained in a supplementary treaty with the Dutch in 1701. Upon this basis dues were collected till 1841, when a treaty was made between England and Denmark establishing a new schedule. This treaty, with a few changes established in an amendatory treaty of 1846, remained the basis until the dues were abolished in 1857.8

8 M. Thomas Antoine de Marien, Tableau des Droits et Usages de Commerce Relatifs au Passage du Sund; F. Hessenland, On Sound-Dues; H. Scherer, Der Sundzoll. These works give a good resumé of the subject.

The Sound Dues were not collected with equal regularity and for the same purpose at all times. By a royal decree of 1532 King Christian III ordered dues to be collected.9


If they were already being collected such a decree would be superfluous. In 1633 Christian IV caused special dues to be levied so that a better harbor might be built at Elsinore where
the ships had to lay in to pay the dues.\textsuperscript{10} In 1692 the dues were farmed out for the sum of 160,000 rixdollars, which sum must have been too large, as Eduart Krusse, the farmer of the revenue, complained he could not pay it.\textsuperscript{11} This condition was probably the cause of a royal decree which ordered dues to be collected from Danish vessels as well as foreign.\textsuperscript{12} The fact noted above that we have records for only one hundred and ten years between 1497 and 1660 may perhaps be explained on the same basis.

During the seventeenth century much dissatisfaction arose on account of these irregularities.\textsuperscript{13} When, however, the dues of every nation were put on the basis of the Dutch treaties of 1645 and 1701 the dissatisfaction disappeared. We draw this conclusion from the fact that we find no complaints during the eighteenth century.

The country that paid the greater part of the Sound Dues was naturally Great Britain. As stated, she had secured
considerable reduction by the treaties of 1841 and 1846. Because of the most favored nations clause incorporated in nearly every treaty, practically every country was benefitted by the Anglo-Danish treaties. So far every nation acquiesced, legally at least, in their existence.

The first nation that refused to pay the dues was the United States. The first popular discontent appeared in the Boston Monthly Magazine of January 1826. Here Caleb Cushing argued that it was not in harmony with our dignity to pay tribute to any nation, especially where no *quid pro quo* was received. Whether Denmark could justly claim the dues in the past was of little importance to us as there was not now an adequate reason why we should pay them.  


In May 1841, Daniel Webster, our Secretary of State, called the attention of the President to the fact that even though we had comparatively little direct commerce with Denmark, yet we paid a yearly sum of about $100,000 in Sound-Dues. Besides this we paid port dues even though we did not enter Danish ports except to pay the Sound-Dues. He recommended that our minister to Denmark should enter into communication with the Danish government to have this condition changed.  

When in 1844 Calhoun became Secretary of State, he wrote to Wm. W. Irvin for all the information he could get in regard to the navigation in the Sound, but requested that the matter be kept secret. Irvin sent this information and suggested that if the United States intended to terminate the treaty of 1826 in order to bring the Sound Dues question to a head, she had better not wait too long "as the wheels grind slow in Denmark." It appears that nothing further was done at this time. In 1848 the new minister Robert P. Flenniken in a conversation with the Danish Minister of Foreign Affairs broached the question of the abolition of the dues. The Danish minister, according to Flenniken, acknowledged that the dues were unfair and that he could not defend the principle upon which they were being collected. A little later our Secretary of State, James Buchanan in a letter to Mr. Flenniken expressed his satisfaction with the acknowledgment of the Danish minister. He suggested that as the reciprocity in the navigation arranged for in the treaty of 1826 was altogether onesided in favor of Denmark, it was fair that Denmark should abolish the Sound Dues on our vessels to even up matters. In 1847 out of forty four Danish vessels which entered American ports, only three came direct from Denmark. The rest were engaged in the triang-
ular trade. The United States had no corresponding triangular trade with Denmark. Buchanan even suggested that Mr. Flenniken might offer Denmark £250,000 if such an arrangement could be made permanent.17

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17 Ibid., pp. 38-42.

At the time when Mr. Flenniken laid Buchanan's offer before Count A. V. Moltke, the Danish Minister of Foreign Affairs, Denmark was engaged in the Three Years' War. Count Moltke asked our minister to put his request and offer in written form; which he did. The reasoning followed in this communication includes several points. Reciprocity in the triangular trade, as shown by the figures given by Buchanan, was unfair to the United States. According to the treaty of 1826, America was not allowed to enter all Danish ports, while Denmark was free to enter all of ours. Other nations paid Sound Dues for services Denmark had rendered to them in the past. Since we had never received any of those benefits we ought not to pay the dues. The Baltic being a free sea the entrance to it ought to be free. This was in accordance with the best authorities on international law. The very fact that Denmark had to make treaties in regard to the Sound Dues, was a proof that they were not sanctioned by the law of nations. No power would have to make a treaty with a foreign nation in regard to an act which it could perform as a right. Illustrations of this fact were numerous, as for instance, the collection of duties, the fortification of coasts, or the declaration of war.
Before closing his communication he made it clear to the Danish government that if Denmark should be unwilling to make a change the United States intended to discontinue the treaty of 1826. \footnote{18 Ibid., pp. 42 - 49.}

It was quite clear, however, that while Denmark was at war with Germany nothing definite could be done. Besides, the Danish government had borrowed money in England and her creditors had obtained a pledge that the Sound Dues should be kept sacred for the payment of interest on the loan. Added to this was the fact that Russia was favorable to Denmark and used Elsinore as a projected naval police station. It is evident, therefore, that those two countries would back Denmark in upholding the payment of the dues. \footnote{19 Ibid., pp. 49 - 51.}

At the close of the Three Years' War, Robert P. Flenniken, who had become well acquainted with the facts pertaining to the Sound Dues, was no longer our representative in Denmark. Two other men followed in quick succession. \footnote{20 See Appendix I.}

1854 Henry Bedinger was appointed to the post at Copenhagen. At this time William L. Marcy was Secretary of State under President Pierce. Marcy instructed Henry Bedinger to bring the subject to the attention of the Danish government, as it
must be settled. He showed to our representative that it was to England's advantage to keep up the Sound Dues because the duty on raw products was higher than on manufactured goods. Thus she gained by carrying raw products to England and making it into manufactured goods which were shipped to Baltic ports. He took as a special example the trade in cotton and cotton goods, on which the dues were three percent on the former and only one percent on the latter. Bedinger was further informed that we would not be willing to make any payments or give any commercial privileges in lieu of the abolition of the dues. 21

21 Executive Documents, 33 Cong., 1 Sess., Doc. 108, pp. 54 - 58.

Henry Bedinger broached the matter to the Danish foreign office, but was informed that Denmark could not abolish the dues without remuneration. Later the Danish Minister of Foreign Affairs expressed the hope that the United States would not press the matter just at that time (April 1854) because of the political situation in Europe. Some day, so he thought, there might be a possibility that Denmark, for a compensation, would abandon the dues altogether. Being reminded that the United States were unwilling to give any compensation, he stated that he had strong reasons to believe she would. 22

22 Ibid., pp. 59 - 61.

In spite of the request not to press the matter
while the Crimean War was in progress, Marcy pressed forward to bring the matter to a conclusion. Denmark was informed that we had decided to terminate the treaty of 1826. In answer to this information, the Danish government through Torben Bille, its representative at Washington, communicated to W. L. Marcy its views in regard to its right to collect the Sound Dues. The United States had claimed that the dues were not sanctioned by the law of nations, but were based on special conventions made between Denmark and the various powers. It was this point that Torben Bille especially refuted with the following arguments.

The Sound Dues were based on the law of nations by immemorial prescription. The right to collect them existed long before any treaties were made regulating the rate. If the right were based on treaties, it would mean that the various strong powers in Europe had voluntarily made a grant to Denmark. This was contrary to historical facts. Neither was it reasonable to suppose that Denmark was able to force her will upon the strong and powerful European states. In that case they would certainly never have incorporated them voluntarily in their treaties with Denmark. While the origin of the Sound Dues was shrouded in the uncertainty of antiquity, yet it was clear that when international affairs began to be regulated by definite rules, the right to collect the dues was
so well established, that without protest it was incorporated in treaties. Although the Danish government would be willing to recognize that according to the present interpretation of international law, the imposition of similar duties now, for the first time, could not be sanctioned, yet she would not admit that this would be a criterion by which to judge rights that had been in existence since time immemorial.

The treaty of Vienna recognized the Sound Dues in the settlement of European affairs, at a time when similar affairs were being remodeled. No one at that time complained that they were "unjust exactions and not sanctioned by the law of nations". Being based on immemorial prescription even the Baltic powers, whose commerce was especially subjected to the dues, recognized Denmark's right to collect them. Under those circumstances, the abrogation of the treaty of 1826, between the United States and Denmark, would not affect a right which existed independent of the treaty. It would only leave her shorn of the rights and benefits which she enjoyed as a result of the treaty. Because of the existence of other treaties, it would be impossible to exempt the United States from the payment of the duties on their commerce, as every other nation would claim the same advantage.24


The arguments of Torben Bille fitted in very well as Denmark's tardy reply to the communication sent by Robert P.
Flenniken to Count Moltke in November 1848. Marcy, however, did not even deem it worth while to answer Bille's letter, but replied to the Danish government by instructing Henry Bedinger to request, once more in a final appeal, that American commerce be relieved of the burden. If this should prove unsuccessful he was instructed to inform the Danish government that the treaty of 1826 was abrogated and to request acknowledgment of the fact from the Danish foreign office. Bedinger carried out his instructions. 25

25 Ibid., pp. 28 - 32.

It may be of interest at this point to take a brief survey to learn what was the general attitude of the leading powers towards the Sound Dues situation. In Germany we find that Prussia was very much opposed to the dues. The question was discussed in the Landtag by von Sanger who was backed by that body in his opposition. Unfavorable articles appeared in the papers of Köln and Hamburg, and a letter from Hamburg, containing the same sentiment, appeared in the New York Tribune. 26 A very rigorous pamphlet was published in Stettin in


German, English, and French condemning the dues as unjust and contrary to international law. 27

27 F. Hessenland, Le Droit du Sund, passim.
In England the sentiment in general does not appear to have been much opposed to the dues. We have found only one unfavor able expression, before the matter was taken up in Parliament. It runs as follows: "When the ten year treaty between Great Britain and Denmark made in 1841 comes to a close, some means ought to be found for the perpetual redemption of the Sound Dues." In 1856 Palmerston expressed his opinion to


Count Persigny, and Count Walewski, the French and the Russian Ministers at London, as being against the abrogation of the dues. Similar opinions were expressed at this time in Parliament. Bramley-Moore, sitting for Malden felt that to abrogate the dues by a money payment was to use public money for the benefit of a few traders. Besides, it would be unfair because the Sound Dues had been hypothecated in London for a loan to Denmark. In spite of these voices, however, England finally took a stand in favor of capitalization, as we shall see later.


In February 1854 Henry Bedinger wrote to Wm. L. Marcy that Russia was backing Denmark "by requiring her ports to refuse to receive the cargo of any vessel which has not paid the
According to a statement made by General D'Oxholm, the Danish representative at the court of St. James, to James Buchanan, our ambassador at the same court, Mr. Bedinger's report is hardly correct, as it was not through an act of the central government, but by municipal regulations that the ports made the above mentioned refusal. Russia, however, had made it clear to the Danish government that she would stand by Denmark in her demands.

The question naturally rises, why was Russia in favor of letting Denmark continue to collect the Sound Dues? There certainly were economic reasons why she should be in favor of their abolition. It seems very probable that her attitude was based on dynastic grounds. During the fifties it was evident that King Frederick VII would not leave any legal heirs. This caused the rise of the very unfortunate Danish succession problem. There were three sets of pretenders to Denmark and Schleswig-Holstein. The nearest heir to the Danish throne was Princess Louisa, of the House of Oldenburg, who was married to Duke Christian of Glücksburg, a gentleman who himself had a close claim to the duchies and a remote claim to Denmark. While
Louisa could inherit Denmark and Schleswig the *lex regia* was against her in Holstein, as it did not recognize female succession. The second pretender really had no true claim, as his father had sold his right for 3,000,000 rixdollars, which had been paid by Denmark. This claimant, of the House of Augustenburg, held, that as he was of age when his father sold the claim, his right was not included.\(^{34}\) The third pretender was


Czar Nicholas I of Russia, a descendent of Czarina Catharina II, who belonged to the House of Gottorp in Holstein. In order to secure a legal title to the Baltic provinces which Peter the Great had secured for Russia in the treaty of Nystad, she made a treaty with Denmark April 22, 1767 in which that country gave up all her claims to the provinces while Cathrina II renounced her right to the duchy of Schleswig.\(^{35}\) While this treaty referred only to Schleswig, there was a historic indissolvable union between the duchies. It was equally well understood that whoever ruled in Schleswig would also rule in Denmark, so that the three territories were tied together in a personal union.\(^{36}\) When the question of succession arose in Denmark Czar

\[^{35}\] *Danske Tractater*, 1751 - 1809, p. 232.

Nicholas began to hope that he might revive his claim, and thus secure for himself or some member of the Romanoff family the three Danish realms. It was his good fortune that he was able to make a treaty with Denmark June 5, 1851 in which the provisions of 1767 in regard to the succession was changed in his favor. With such prospects before him he would not want Denmark to give up anything that might become very valuable to him in the future. While the Protocol of London 1852 settled the succession on Christian of Glücksburg, "Russia... never lost the possibility of the succession out of view." When, however, it became clear that the Sound-Dues must be abolished, Russia became the leader in protecting the rights of Denmark.

Even in the United States, where the movement for the final abolition took form, all were not in favor of the attitude of our foreign office. Thomas H. Benton of the Senate held that we should not do anything to get rid of the Sound Dues, but we should by friendly negotiations always be sure that we were treated the same as the most favored nations. Having given the exact figures for the year 1850 he showed that our commerce in the Sound compared with that of Europe as one
to two hundred, "These figures show the small comparative inter­
test of the United States in the reduction, or abolition of
the dues -- large enough to make the United States desirous of
reduction or abolition -- entirely too small to induce her to
become the champion of Europe against Denmark; and, taken in
connection with our geographical position, and our policy to
avoid European entanglements, should be sufficient to stamp
as Quixotic, and to qualify as mad, any such attempt."


One of the members of the House, Hugh F. Mc Dermott,
published a series of articles in the New York Times from June
1, to November 6, 1855. These were also published in pamphlet
form. The letters argued that we should not disturb the Sound
Dues as it would be injurious to Denmark, a friendly nation,
and would not benefit the United States. The Sound Dues were
a part of the Baltic tariffs. All the dues paid by the Prussian
cities were refunded by the Prussian government to encourage
eastern trade, hence our action would be a great aid to the
Prussian treasury. It might be argued that we would be benefited
by lower prices on Baltic products shipped to America. As a
matter of fact this would not be so as all the Baltic countries
levied an export duty as high as the trade would bear. The
removal of the Sound Dues would give them a chance to raise
the export duties and we would have gained nothing. He also
showed that according to international law Denmark had a well
established right to collect the dues. "To suppose that Denmark
would quietly submit to having its ancient right treated as a wrong, merely because the Cabinet at Washington declares it to be such -- would be an insult to that small but respectable nation."  


Perhaps the most significant statement in regard to this subject was made by Abel P. Uphur, when in 1843 he suggested that Denmark "renders no service in consideration of that tax and has not even such right as the power to enforce it would give."  


When Denmark had been informed by Henry Bedinger that we had decided to terminate the treaty of 1826, she realized that she would have to take definite action. In October 1855 she sent a circular note to the powers inviting them to send delegates to a congress to meet in Copenhagen the following month, for the purpose of discussing the problem of the Sound Dues. The note stated that the time was unfavorable for a settlement of the question, but on account of the action taken by the United States, it was necessary for the powers to come to some agreement on the subject. Denmark wished to submit a proposition the plan of which she hoped would be favored by the various nations interested, and especially by the United States.
Bedinger wrote to Marcy for information as to representation from the United States and instructions on the matter. Marcy put the matter before the President and it was decided—and Bedinger so informed—not to take part in the proposed congress for the following reasons:

First. Based on the hypothesis that Denmark had the right to collect the Sound Dues, the congress would assemble to arrange for their capitalization. We were unwilling to take part in such an arrangement, because we denied the basic hypothesis.

Second. We wished to vindicate the principle that the sea was free to all. If Denmark could collect dues at the Sound, so could others at Gibraltar, Messina, the Dardanelles, and other places.

Third. The United States did not wish to become a party to the settlement of the balance of power in Europe. We understood from the invitation that the Sound Dues would be discussed from that angle.

Fourth. Finally the question would not be "considered as one of commerce or money, but as a political one. This would be in accordance with the history of the sound dues, and with the part which they have performed in the politics of the north of Europe." We insisted that our international rights
should not be restricted by or sacrificed to European expedi­

tions.

The United States, however, would not be unwilling
to pay her share of the expenses in the upkeep of lights, im­
provements and protection of the Sound; in fact, we would be
very liberal in compensating Denmark for such outlays. We
would, on the other hand, absolutely refuse to pay anything
for the use of the free waters of the Sound. 43

43 Executive Documents, 34 Cong., 1 Sess., Vol. I,
Doc. 1, pp. 38 - 41.

Although the United States refused to take part, the
proposed congress met in Copenhagen. Since we did not have a
representative there, we do not have an American account of the
proceedings. We are therefore fortunate that the report of the
British representative to his government is extant. The
Danish government also allowed a general report of the congress
to be published in the historical journal, Historisk Tids­

44 For the report of the British Ambassador, Andrew
Buchanan, to his government, see G. Fr. de Martens, op.
cit., Vol. XVI, Pt. II, pp 331 - 337. For the Danish re­
port, see "Afløsning af Sund og Belttolden," Historisk

On account of the short time which had been given
to prepare for the sending of delegates, the congress could not meet, as originally intended, in November 1855. The first session was held January 4, 1856. It was called to order by Count Bluhme, formerly Minister of Foreign Affairs but now Director of the Bureau of Sound Dues. He was assisted by Count Sponneck, Director-General of Tariff. Representatives were present from Austria, Belgium, France, Great Britain, Holland, Oldenburg, Prussia, Russia, Spain and Sweden. It was shown in this session that the dues naturally fell into two classes: first, those levied on merchandise according to the tariff schedules of 1841 and 1846; second, those levied on shipping. The second class was again divided into "light dues" and "expedition dues." The first of these were used for the upkeep of lighthouses and buoys, the second to defray the expenses of the custom-house. The Danish government did not claim any compensation for the "expedition dues," as the custom-house would not be needed, if the dues were abolished.

The Danish commissioner placed before the conference, tables compiled from the books of the custom-house, showing that according to the income from the dues in the year 1851, 1852, 1853, Denmark would receive 60,913,225 rixdollars, basing the redemption "at 4 percent, or 25 years' purchase." When some of the delegates ventured to state that this amount was exorbitant, the commissioners explained, that, in putting those figures before the conference, they were not making a proposal but merely stating facts, upon the accuracy of which they might
rely and use them as a basis of negotiation.

The next meeting of the conference was held February 2, 1856. At this time Count Bluhme presented figures to show that the average annual receipts on merchandise during the years 1842 to 1847 and 1851 to 1853 inclusive, amounted to 2,098,561 rixdollars. The years 1848 to 1850 were omitted as the figures for those years were inaccurate on account of the war with Prussia. The amounts collected annually during those same years on shipping as "light dues" averaged 150,018 rixdollars. This sum if redeemed at 4 percent, or 25 years' purchase would amount to 56,214,475 rixdollars. The Danish government, having given the question careful consideration, had authorized its representative to state that it would be willing to accept the sum of 35,000,000 rixdollars as a compensation for the total abolition of the Sound Dues.

The quota to be paid by each nation was worked out in the following manner. The amount of dues collected from each nation on its ships passing the Sound for Baltic ports, during the years mentioned in Bluhme's report, was averaged with the amount collected from the same nation on ships going in the opposite direction. The annual sum was then multiplied by twenty-five. This as stated above equalled 56,214,475 rixdollars. As Denmark offered to settle for 35,000,000 rixdollars the amount to be paid would be equal to 62.27 percent of the original sum demanded. The following table is worked out from the final treaty, Buchanan's report, and the Danish government report.
Payments by the leading Nations for the abolition of the Sound Dues.

<table>
<thead>
<tr>
<th>Nations</th>
<th>Average annual amounts of dues</th>
<th>Capitalized at 25 years' purchase for each nation which it paid</th>
<th>Percent of the whole</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>1,890</td>
<td>47,262</td>
<td>0.09</td>
</tr>
<tr>
<td>Belgium</td>
<td>19,367</td>
<td>484,175</td>
<td>0.86</td>
</tr>
<tr>
<td>Bremen</td>
<td>14,043</td>
<td>351,075</td>
<td>0.62</td>
</tr>
<tr>
<td>France</td>
<td>78,315</td>
<td>1,957,875</td>
<td>3.48</td>
</tr>
<tr>
<td>Great Britain</td>
<td>650,601</td>
<td>16,265,025</td>
<td>28.93</td>
</tr>
<tr>
<td>Hamburg</td>
<td>6,875</td>
<td>171,875</td>
<td>0.31</td>
</tr>
<tr>
<td>Hanover</td>
<td>7,927</td>
<td>198,175</td>
<td>0.35</td>
</tr>
<tr>
<td>Holland</td>
<td>90,461</td>
<td>2,261,525</td>
<td>4.02</td>
</tr>
<tr>
<td>Lübeck</td>
<td>6,617</td>
<td>165,425</td>
<td>0.29</td>
</tr>
<tr>
<td>Mecklenburg</td>
<td>24,006</td>
<td>600,150</td>
<td>1.07</td>
</tr>
<tr>
<td>Norway</td>
<td>42,866</td>
<td>1,071,650</td>
<td>1.91</td>
</tr>
<tr>
<td>Oldenburg</td>
<td>1,807</td>
<td>45,175</td>
<td>0.08</td>
</tr>
<tr>
<td>Prussia</td>
<td>285,250</td>
<td>7,131,250</td>
<td>12.62</td>
</tr>
<tr>
<td>Russia</td>
<td>625,747</td>
<td>15,643,675</td>
<td>27.83</td>
</tr>
<tr>
<td>Sweden</td>
<td>102,182</td>
<td>2,554,550</td>
<td>4.55</td>
</tr>
<tr>
<td></td>
<td>Nations which did not take part in the congress, but which later paid their share.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Baltic in General</td>
<td>14,899</td>
<td>372,475</td>
<td>0.66</td>
</tr>
<tr>
<td>Spain</td>
<td>65,531</td>
<td>1,638,275</td>
<td>2.91</td>
</tr>
<tr>
<td>United States</td>
<td>46,105</td>
<td>1,152,628</td>
<td>2.05</td>
</tr>
<tr>
<td>Denmark's own share</td>
<td>72,088</td>
<td>1,802,200</td>
<td>3.21</td>
</tr>
</tbody>
</table>

This amounted to almost 96 percent of the whole.

The rest was paid by smaller nations, but it appears that no reports were published of what each of these paid.
Russia, Oldenburg and Sweden were the first to notify Denmark of their intention to accept their quota as a fair and equitable settlement. Their representatives signed an agreement recording their acceptance, subject to the condition that the same terms should be accepted by the other powers.

Two new problems now appeared. The question arose "whether the transit dues on routes between the North-Sea or the Elbe and the Baltic ought not to be reduced or abolished simultaneously with the Sound dues," as these were also under the control of Denmark. The other problem arose in England where the government was of the opinion that Parliament would object to pay money out of the treasury to relieve burdens of a special trade.\textsuperscript{45}

\textsuperscript{45} \textit{Hansard's Parliamentary Debates,} Vol. CXLI, pp. 180 - 181; \textit{Ibid.,} Vol. CXLIV, pp. 2400 - 2404; \textit{New York Tribune,} August 12, 1856. For an explanation of the money used, see Appendix F.

After some consideration England expressed her willingness to pay a stipulated sum once for all, provided Denmark in the future would abolish all dues for the upkeep of the Sound and reduce the transit dues in the duchies. Denmark agreed to this.

While the negotiations were going on between Great Britain and Denmark during the summer of 1856, Prussia and France agreed that so important a question as that of opening the Baltic to the world, ought not to be handled by separate
treaties but should be embodied in a general treaty to be signed by Denmark and the majority of the nations interested. As England showed herself in harmony with this idea, a draft of a treaty was prepared. Before presenting this to Denmark a conference of the delegates was held and the draft submitted to discussion. At this conference representatives from Hanover, Mecklenburg and the Hansa Towns, besides those of states formerly mentioned, were present. The treaty was then presented to the Danish government February 3, 1857. After making a few changes, suggested by Denmark, the treaty was signed by the members of the congress March 14, 1857. 46

46 For full text of the treaty, see Martens, op. cit., Vol. XVI, Pt. II, pp. 345 - 358.

The treaty consists of eight articles.

ArtI. This article contains the agreement on the part of Denmark to cease collecting Sound and Belt-Dues of any kind, but the Danish government retains the right to make suitable arrangements with powers that have not taken part in the present convention.

Art. II. Denmark promises to keep up the light-houses, buoys and other improvements for facilitating the navigation in the Sounds, the Belts, and the Cattegat. Foreign vessels shall not be forced to use Danish pilots in those waters, but in case they desire to use them, the fees shall be the same as those paid by Danish vessels. The transit dues between the North Sea and the Baltic shall be limited to 16 skilling,
Danish currency, for each 500 pounds, Danish weight.

Art. III. The treaty shall take effect April 1, 1857.

Art. IV. The contracting parties are to pay to Denmark the sum of 30,476,325 rixdollars, but each party is only responsible for its own share.\(^\text{47}\)

\[^{47}\text{For the share of each of the contracting parties, see the table given above.}\]

Art. V. The specified amounts shall be paid in forty semi-annual payments.

Art. VI. By special treaty with each nation Denmark may make suitable arrangement for the mode of payment, the rate of exchange, and the place of payment.

Art. VII. The treaty is subject to ratification, according to the rules and formalities established in the various states of the contracting parties.

Art. VIII. The exchange of ratification shall take place at Copenhagen April 1, 1857 or as soon as possible after that date.

In agreement with this treaty, Denmark made treaties with the various nations interested in the navigation of the Sound.\(^\text{48}\)

\[^{48}\text{For the text of these treaties, see Martens, \textit{op. cit.}, Vol. XVI, Pt. I and Vol. XVII, Pt. II, passim.}\]

It is evident from the amount received by the Danish government, that she was paid not only for the upkeep of improvement in the Sound and Belts, but also for the surrender
of her right to collect the dues. The dues paid for lights, buoys, etc., known as droits de fanal, constituted less than six percent of the annual amounts paid. 49 Denmark has used


the money she received from the various powers to establish a fund, the proceeds of which is used for the upkeep of improvements in the Sound and Belts. This made the powers more willing to pay as they did not and could not expect a small nation at her own expense to keep the straits improved for the benefit of wealthy commercial interests of other countries. At the same time it was a wise act for Denmark to remove the problem entirely by accepting a cash payment. Sooner or later she might have lost the Sound Dues without any reimbursement. 50


When it became evident that the European powers were willing to pay large sums to Denmark to abolish the Sound Dues, the United States decided to pay her share. April 15, 1857 a treaty was concluded between Lewis Cass, the new Secretary of State under James Buchanan, and Torben Bille, the Danish representative at Washington. We do not know the nature of the negotiations that preceded this treaty, as this diplomatic correspondence has not been published. Marcy, as stated above, had declared that the United States would not pay any money
to Denmark for ceasing to collect the dues. Perhaps the fact that a new man was at the head of our foreign affairs made it easier for Torben Bille to negotiate the treaty.

The treaty is very short, and agrees in general with the treaty of March 14, 1857 between Denmark and the powers represented at the Copenhagen congress. It contains the following points:

Art. I. The abolition of Sound Dues on American vessels was recognized by the Danish government.

Art. II. Denmark agreed to keep up the improvements of the Sound and Belts as in the past. If the increasing traffic in the Sound should require additional improvements, Denmark agreed to make them without cost to the United States.

Art. III. The United States agreed to pay $393,011 or 717,829 rixdollars to Denmark on the day when the convention went into effect.

Art. IV. The United States was restored to her status of most favored nation.

Art. V. The treaty of 1826, which was abrogated by the United States April 15, 1856, became binding again between the two nations, Article V dealing with the Sound Dues excepted.

Art. VI. The convention should take effect as soon as possible but not later than twelve months from the date of signing.

Art. VII. Exchange of ratification should take place in Washington within ten months.

51 For text of the treaty, see W. M. Malloy, Treaties, etc., Vol. I, pp. 380 - 383; Senate Documents, 35 Cong.,
The treaty was proclaimed in effect by the President of the United States January 13, 1858. The original amount and interest equaling a total of $408,731.44 was paid to Denmark according to agreement in 1858.


Soon after the last note connected with the Jones' claims, a war broke out between Denmark and the German Bund. This is known in Danish history as the "Three Years' War," or the "First Schleswig-Holstein War," 1848 - 1850. The problem involved in the war is of no importance to this work, and will therefore not be discussed. It seems that the Bund had anticipated the war, as some time before it had decided to build a navy. In consequence of this policy Germans were sent to the United States to study naval plans and American officers were offered positions in the new navy of the Bund.


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When the war broke out this state of affairs could not very well continue, and our Secretary of the Navy, William B. Preston wrote on March 19, 1849 to Commodore M. C. Perry that on account of the war existing between Germany and Denmark, he must "abstain from any further participation, either by advising or otherwise, in the preparation and equipment of the steamship United States, now at New York, recently purchased for the use of the German empire."  

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55 Ibid., p. 28.

Meanwhile the building of this war vessel had come to the notice of the Danish representative, Steen Bille, at Washington. He appealed to our Secretary of State, John M. Clayton, in behalf of the Danish government, asking that work on the ship be stopped, as the intention was to use the vessel against Denmark. Mr. Clayton immediately advised Baron von Roenne, the German Minister to the United States, that according to the law of April 20, 1818 there was a heavy penalty for fitting out a vessel in the United States, if it were to be used against a power friendly to us. If the vessel United States were to be used against Denmark, we were determined to act vigorously in the case. Mr. Roenne's word of honor that the ship would not be so used, would, however, be sufficient to us, as we wanted the friendship of Germany as well as of Denmark.  

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In his answer Baron von Roenne stated that he was much surprised to learn from the Secretary of State that the vessel was "really" to be used against Denmark. He himself was in possession of no such information. So far as he knew the vessel would proceed from New York harbor to Bremerhaven and there receive further orders. Besides, he was well aware of the existence of the Act of 1818 and in order to avoid doing anything contrary to law he had consulted a distinguished member of the New York bar on the subject. This gentleman had informed him that so far as he had the facts in hand he did not feel that the German government was doing anything contrary to law. 57


Secretary Clayton, however, was not disposed to bandy words or terms of legal phraseology and thus give time for the ship to escape. He answered Roenne that he was sorry he had not received an answer to the request made in his last communication in which he had asked that a formal declaration should be made that the vessel should not be used against a power friendly to the United States. He also informed the German minister that he had secured an opinion, from the Attorney-General on the subject, which he enclosed. This held forth that since war existed between Germany and Denmark, and since the vessel was being fitted out as a war vessel, a ship "so armed and fitted, when upon the high seas, in a state of war, is
false to its flag and honor, if it does not "commit hostilities" upon an enemy whenever and wherever it meets one," Mr. Clayton therefore hoped that Bron von Roenne would give the assurance solicited. 

After several exchanges of notes, in which the German minister tried to avoid the real issue and explain away the purpose of the vessel, the Secretary of State finally took the stand that since Roenne avoided to make a full and free promise that the United States would not be used against Denmark, Germany would have to subscribe to the provisions of the law of April 20, 1818 and give a bond amounting to twice the value of the vessel, its armament and cargo. Before clearing the vessel would have to be registered as a vessel of the German empire. In order to clear the vessel at all, Germany had to submit to these conditions. She tried to get away from the obligations of the bond by changing the name of the vessel and calling it the Horsa, by taking advantage of an armistice, and by misconstruing the Act of April 20, 1818, but to no avail. The United States government— to the great satisfaction of the Danish authorities— held Germany rigidly to the obligations of the bond. The United States arrived at Liverpool as a peaceful vessel, but it does not appear that she ever took part in
the war. Our Minister Niles at Turin later stated to the Secretary of State that European statesmen with whom he had conversed, expressed their approbation of the stand our government had taken in the case of the United States, and that the strict observation of the principles of international morality would do much to raise the character of the American government in the eyes of Europe.  

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While the United States and Denmark were negotiating about the abolition of the Sound Dues, a very interesting case arose, known in our diplomatic correspondence as the Butterfield Claims. The negotiations concerning these claims extended over a period of nearly forty years and the matter was finally settled by arbitration.

In September 1854 the Benjamin Franklin, a steamship of 850 tons burden, and the bark Catharine Augusta cleared from New York harbor for the island St. Thomas, one of the Danish West Indies. Both vessels were equipped for war and the Catharine Augusta carried a cargo of uniforms, muskets, ammunition and other material of war. It was not fully known to whom these ships belonged, but they were in charge of a certain John N. Olcott, who executed a letter of attorney which authorized Mr. Jose Gener of the City of Mexico to negotiate a sale for them.
Before the vessels left New York, the Venezuelan consul to that port informed the United States government that the vessels were being fitted out for an expedition prejudicial to his government. At this time a rebellion was going on in Venezuela under the leadership of General José A. Paez. It was believed that the vessels were being fitted out to aid the rebels. An affidavit having been sworn out to that effect by the Venezuelan minister R. Azpurua the vessels were detained and a suit of libel instituted in the Southern District of New York. The claimants, however, were unable to sustain their charge, hence an order was issued discharging the vessels from custody and the libel was dismissed.

Toward the close of September 1854 the vessels arrived at St. Thomas. The Catharine Augusta had suffered so much from rough weather that it was necessary for her to make repairs before she could go further. It was found that repairs could not be made without unloading the cargo.

Meanwhile Charles Eames, our representative to Venezuela, informed Charles J. Helm, our consul at St. Thomas, of the suspicion of the Venezuelan government toward the two vessels. Our acting commercial agent, John E. Ruhl answered Charles
Eames, as Mr. Helm was absent for the time being. He stated that the vessels had already been examined at New York because of the same suspicion. If they had ever been intended for an expedition against Venezuela he was sure that intention had been abandoned. The Danish government was also aware of the suspicion and had refused to allow one of the ships to unload her cargo in order to undergo repairs. He felt that according to existing treaty relations Denmark could not persist in her refusal but she might attach conditions to her permission.

When Mr. Helm returned the Danish authorities finally gave permission to allow the Catharine Augusta to be unloaded. Four conditions, however, were attached to the permission. First, the unloading had to be done under the personal supervision of Mr. Helm. Second, the material unloaded should remain in storage until Mr. H. H. Berg, the governor of the island and Mr. Helm were both satisfied that it had a legitimate destination. Third, no breach of the laws of nations or treaty stipulations would be permitted. And fourth, a bond of $20,000 was required to secure faithful performance of duty. This was entered into voluntarily by the people controlling the vessels.
While the Catherine Augusta was being repaired, the Benjamin Franklin was idle in the port. It happened that the British steamer Parana from Southhampton arrived late at St. Thomas, and the various windward and leeward bound mail steamers had left. Mr. J. B. Cameron, the agent for the British Royal Mail Steam Packet Co., therefore chartered the Benjamin Franklin to carry the newly arrived passengers and mail to the windward islands and Barbadoes. The vessels of the Royal Mail Steam Packet Co. had the privilege at any time to enter or leave the St. Thomas harbor without notification. When the Benjamin Franklin had cleared, it sailed out of the harbor after sunset December 21, 1854. As it passed Fort Frederick, the commander of the fort Major Castonier fired on the vessel. He claimed later that he had had no official notice that the vessel should be allowed to leave. According to his orders therefore, he fired a blank fore and one aft. As the vessel did not stop he lodged a shot in the hulk. It was fortunate that no one was harmed. The vessel did not turn till the fourth shot was fired. 65

65 Ibid., pp. 7 - 9, 24, 29.

This affair created quite a stir. The shot which was lodged in the hulk of the vessel came very near harming several individuals. From the correspondence it seems that Major Castonier knew that the Benjamin Franklin was to leave but he had been informed that the vessel would "be cleared as usual by the consignees". The facts that he knew of the sus-
picion attached to the vessel, and that the clearance was not reported to him by the captain of the vessel nor by the company officials, made him think that she was sneaking out of the harbor unlawfully. Report would have it that Major Castonier was court-martialed, reduced in rank and transferred to St. Croix. The facts were that the Major and Gov. H. H. Berg did not agree very well. This was the cause of his transfer. The Benjamin Franklin proceeded on her journey as soon as she was repaired. 66

66 Ibid., pp. 25, 27. New York Tribune, January 12, 1855; May 1, 1855.

Meanwhile the repairs of the Catharine Augusta were completed and Mr. Jose Gener succeeded in selling the two vessels and the cargo to the Mexican government through the firm Cammet and Co. The vessels were to be delivered to any port in the Gulf of Mexico demanded by the buyers. The price was $500,000 cash. When, however, the Mexican government learned of the suspicion in regard to the original destination of the vessels the offer was withdrawn in order to avoid complications with Venezuela. 67 Somewhat later Jose Gener succeeded in selling the vessels direct to the Mexican government but at a very reduced price, and payment in Mexican certificates which had to be sold below their face value. 68


68 Ibid., p. 16, 53 - 54.
On May 7, 1855 J. T. Pickett, our consul at Vera Cruz, having received authority from John N. Olcott, asked the Danish authorities at St. Thomas for the delivery of the cargo. Gov. H. H. Berg replied that the papers presented were altogether too general in their nature to prove that the provisions under which the cargo had been unloaded would be fulfilled. Besides, the bond for $20,000 given by Moron and Co. would still be held binding until the cargo should arrive at San Blas, Mexico, which was its final destination as presented by Mr. Pickett. The Danish government would also demand proof of the arrival of the cargo at the said port before the bond could be released. Taking advantage of a clause in the bond which stated that duty would be paid on the cargo "in the event of its being exported for the account of others but the original owners," the authorities claimed that since the Mexican government was now the owner of the cargo, duty should be paid. The owners claimed that the Mexican government would not become the owner until the cargo was delivered at San Blas. After some delay the proper documents were produced. It appears that the authorities waived the claim for duty. Clearance was given to the two ships May 26, 1855. 70

70 Ibid., pp. 63 - 64.

The Benjamin Franklin, it was claimed, was so badly
damaged by the shot fired at her that she had to be taken to Norfolk, Va. for partial repairs and later to Baltimore where the repairs were completed. From this place the vessel was cleared for Vera Cruz where she arrived in January 1856. The contract of sale had been changed to allow this.

The Catharine Augusta started on her long journey around Cape Horn for San Blas. Being badly worm-eaten because of her stay at St. Thomas and encountering bad weather and rough seas, she was forced to lay in at Pernambuco, Brazil for repairs. The contract of sale having been changed in her behalf also, she arrived at Vera Cruz in June 1856. 71

71 Ibid., p. 64.

The owners of the vessels felt that their property had been damaged as a result of the action of the Danish authorities in St. Thomas. They held that Denmark was responsible for their loss for the following reasons: the firing of the shot at the Benjamin Franklin; the unsuccessful transaction through Cammet & Co., caused by the suspicion of the Danish authorities; the loss on their capital by the delay in releasing the cargo of the Catharine Augusta; and the wormeaten condition of the same ship caused by its detention. In October 1857 a claim was prepared including the following items:

Value of the two vessels and the cargo $500,000
Actually received in cash $315,000
Loss through reduced sale price and de-preciated Mexican certificates $185,000
Interest at 12% on $185,000 Sept. 1, 1855 to Sept. 1, 1857. 44,400
Repairs, interest, traveling expenses
translation fees, documents, etc.
having their origin in the acts of the Danish authorities 72,814.08

Total 301,814.08

Interest on this amount from September 1, 1857 to the date of final payment of the claim was to be added to this sum. 72

72 Ibid., pp. 53 - 54, 64. The bill is abbreviated from the original.

June 20, 1860 this bill with claim for payment was laid before Mr. Hall, the Danish Minister of Foreign Affairs, by James M. Buchanan, our representative at Copenhagen. Two months later a reply was received in which the Danish government claimed it was not liable for damages because the authorities at St. Thomas in delaying the vessels had done nothing more than their duty. 73

73 Ibid., pp. 56 - 59.

As the settlement of this case will be treated in a later chapter Mr. Hall's reply will be more fully treated there.
CHAPTER V.

DANISH AMERICAN RELATIONS RESULTING FROM
THE CIVIL WAR. 1860-1872.

Most of the affairs with which we will deal in this chapter have their origin in the Civil War either directly or indirectly. It is pleasant to relate that during the trying days of this war Denmark stood as a firm and never swerving friend of the Union government. The Danish government was one of the few that did not want to see the United States divided.

1. Negotiations Concerning the Confederacy.

In her diplomatic relations with foreign powers, the United States had two definite problems that sprang directly from secession. The most prominent of these was the labor to prevent the Confederacy from obtaining aid in European countries. The other problem was to forestall the recognition of the independence of the Confederacy. It was but natural that the South would attempt to secure aid from foreign powers. This was foreseen at Washington. Even before the first battle of Bull Run, William H. Seward wrote to Bradford R. Wood, our representative at Copenhagen, warning him to counteract any movement that might be made by the Confederacy to obtain aid from Denmark. As a result Mr. Wood sounded the Minister of Foreign Affairs, M. Hall, as to his attitude towards the rebellion that had broken out. Mr. Hall's answer was very def-
inite and clear. He was decidedly in favor of the Union in its struggle against the rebellion. He went even a step further and despatched a man-of-war to the Danish West Indies for the purpose of preventing privateering and illicit trade and preserving neutrality.\(^1\)

\[\text{1. Foreign Relations of the United States, 1861 - 1862, Pt. I, pp. 311 - 314.}\]

From time to time Confederate emisaries visited Copenhagen for the purpose of obtaining aid and recognition, but the stand of Mr. Hall was firm in refusing to receive them as governmental representatives. Dudley Mann, who was sent to Copenhagen by the Confederacy finally succeeded in getting a private interview with Mr. Hall. He attempted to prove that the Union strength was giving way, as was shown by the fact that gold was much higher in the North than in the South. He hoped that Denmark would not be the last nation to recognize the independence of his government. Mr. Hall replied that other sources of information convinced him that the success of the Confederacy was by no means sure. In regard to the question of recognizing the independence of the South he stated, "that though Denmark might not be the last to do this, she certainly would not be the first." \(^2\)

\[\text{2. Foreign Relations of the United States, 1862, p.780.}\]
In spite of this stand by Denmark, rumor reached the United States that her government had recognized the independence of the Confederacy. Wood was instructed to request the Danish officials to revise the decree in which this action had been taken. Upon investigation it was learned that the rumor was untrue. In 1865 when Mr. Bluhme had become Minister of Foreign Affairs in Denmark he stated to Mr. Wood "that the government of the King has never recognized the so-called Confederate States as a belligerent party." When the Second Schleswig-Holstein War broke out in 1863 the United States showed its good will towards Denmark by strictly enforcing her neutrality laws, so that the German powers received no aid from America. The war, however, threatened the traffic between New York and the ports of northwestern Germany, especially Bremen and Hamburg. Seward requested Denmark to allow this traffic to continue as it was very valuable to us, "more so now than heretofore, owing to the embarrassment of our commerce." He wanted Denmark clearly to understand that it was not a demand, but if the Danish government would make the concession and allow the steamers to continue to ply between the two points, we would consider it "as a gratifying evidence of the friendship and good will of Denmark." From the
later correspondence it does not appear directly what answer was given to this request, but it seems that B. R. Wood must have made satisfactory arrangements, as Seward in one of his dispatches included the following sentence: "Your proceedings in regard to the Bremen steamers are approved."  

The friendly relations that existed between the two nations was perhaps augmented by President Lincoln, when in the fall of 1862 he sent a pair of Colt's pistols to the Danish King. His Majesty was very pleased and expressed freely his hope that the Union would be preserved. Referring to this gift B. R. Wood stated: "I think the Danish officials appreciate very highly this kindness on the part of the President; for, whatever may be their opinion as to the possibility of preserving the Union, they, unlike some others, do not wish its destruction."  

Captain Charles Wilkes, made famous by the Trent affair, had made it a practice to sail into neutral ports and watch neutral vessels. If he had any suspicion that a vessel was carrying on illicit trade he would follow her and capture her as soon as she was out of territorial waters. This was especially done at St. Thomas. In June 1863 Denmark complained
that Wilkes misused her friendly hospitality and asked that the practice be stopped. As a result a very definite and firm order was issued to the Naval Department in July by President Lincoln. As we hear of no other complaints we take it that the order was obeyed. 7


2. The Case of the Jürgen Lorentzen.

The attitude of the two powers towards each other which has just been described, was well exemplified in two maritime cases which arose during the war. The first of these was connected with the bark Jürgen Lorentzen of Aabenraa. On December 26, 1861 this vessel with a cargo of coffee and under the command of Captain T. W. Reimer, was on its way from Rio de Janeiro to Havana, Cuba where it was to receive further orders. At eleven o'clock in the forenoon she met the United States warship Morning Light in 7° N. Lat. 38° 30' W. Long. This location was almost straight north of Ceara, Brazil.

Lieutenant H. T. Moore, who commanded the American vessel, demanded the papers of the Jürgen Lorentzen. As these stated that she might go to New Orleans or to New York, and as he did not examine the ship's register nor the papers proving her nationality, he took for granted that she was on an unlawful journey to a Southern city. He put Lieutenant P. Giraud and several other Americans on board the vessel and ordered them to take
the ship to New York. Seven of the Danish crew he put on board his own vessel and forced them to serve as a part of his crew. Captain Reimer claimed he was badly treated by the captors.

The Danish representative at Washington, General W. R. Raasloff brought the matter to the attention of our government and asked for an investigation. The Secretaries Wm. H. Seward and Gideon Welles did all in their power to uncover the facts and found that the allegations were largely true. Lieutenants Giraud and Moore excused themselves by stating that some of the complaints were not well founded, and others, being well founded were the result of inexperience and zeal to serve their country well. They alleged that they had no bad intentions in anything they had done. Moore requested that, if his explanations were not satisfactory, he might be ordered to go to Washington for a full investigation.

The American authorities, however, did not wish to prolong the discussions. Seeing that Denmark could not well be made to suffer for the inexperience of our men, they offered to settle the matter by arbitration. As the case was largely a question in regard to facts and no vital point of international law or honor was involved, General Raasloff accepted the offer in behalf of the wronged party. A commission of two men was to be appointed and both sides were bound to abide by its decision. Wm. H. Seward appointed Moses Taylor of New York and General Raasloff appointed H. Dollner, the Danish consul at New York. After a thorough investigation they agreed on a
statement of damages covering eleven points and amounting to $1,850. The original amount claimed was $2,646.57. The master of the Jürgen Lorentzen waived all claims for damages on his own part. 8


March 14, 1862 President Lincoln transmitted to Congress a copy of the correspondence and the findings of the commission in connection with the case. He recommended that an appropriation be made for the amount of the award of the referees. 9 Congress followed the President's advice and the case was thus settled without bad feelings. 10

9. J. D. Richardson, op. cit., Vol. VI, p. 70.


3. The Case of the Stonewall.

The second maritime case that arose during the Civil War concerned a Confederate cruiser. In the latter part of the year 1864 it came to the notice of our representatives in Denmark, Consul George P. Hansen at Elsinore and Minister Bradford R. Wood at Copenhagen, that an "iron-clad, brig-rigged,
steam ram" had come to Copenhagen from Bordeaux, France, where it had been built by the firm Arman. The ship bore the name Steerkodder. It had arrived under the French flag, without guns. These arrived later in a British vessel. Soon after her arrival her French crew was discharged, and the vessel remained in the harbor till January 1865. At this time either De Reviere, the agent of Arman, or Mr. Puggard, a Danish merchant to whom she was assigned applied for permission to secure a Danish crew to sail her back to Bordeaux under the Danish flag. Because the Danish government, which had originally ordered the ship built, had refused to accept the vessel, on the ground of non-compliance with construction regulations, this permission was given. She sailed into the Cattegat, but returned soon after for some cause or other and landed De Reviere. She later put into Christiansand, Norway to take in coal, the money for which had been furnished by De Reviere. She proceeded to the coast of Holland, where she took on board De Reviere and "another man" and sailed for Quiberon Bay where she anchored in French waters. The Danish captain and crew were now informed that the ship had been sold, after which they departed taking the Danish flag with them. The vessel, which at various times was known as the Sphinx, the Steerkodder, the Clinde, and the Stonewall, received coal from a French collier, and ammunition and a crew from an English vessel. She then unfurled the Confederate flag. The crew which came on board was the old crew of the Florida. II Captain V. P. Page became her

As it looked on the surface, Denmark had been guilty of selling a vessel to the Confederate States. The general opinion was that she had ordered the vessel while her war with Prussia and Austria was going on. Being poverty stricken at the end of the disastrous conflict she had taken the opportunity to sell a piece of property worthless to her. In that case she was guilty of a very unfriendly act and ought to be held responsible for the results. The Danish government, however, has put up a very strong case arguing in favor of its innocence. In a communication from Minister Bluhme to B. R. Wood in March 1865 the following facts were set forth explaining Denmark's part in the case:

First, In March 1864 the vessel, which was already in the process of building, had been contracted for by the Danish government on the condition that she should be finished by June 10. The work of completing her should be under the control of a Danish naval officer and according to certain specifications.
Second, Mr. Schonheyder, who was the officer appointed to supervise the work, refused to accept the vessel because she was not constructed according to contract.

Third, Mr. Arman, hoping that the Danish government might accept the vessel in spite of Mr. Schonheyder's action, sent the vessel from Bordeaux to Copenhagen at his own risk. For the sake of saving expense the French captain and crew were dismissed immediately upon arrival.

Fourth, The Danish naval authorities having inspected the vessel refused to accept her. Consequently the contract was annulled.

Fifth, The vessel would now have to return to Bordeaux, hence the permission was given to allow Mr. Arman to secure a Danish captain and crew, as the property was French.  

14. French law prohibited a vessel from sailing under French flag, unless at least two-thirds of the crew were French. Foreign Relations of the United States, 1865-1866, Pt. III, p. 168.

Sixth, Consequently the Danish government was "entirely unconnected" with the transfer of the vessel as she had never been Danish property.  

15. For text of the letter, see, Ibid., pp. 173-174.

In a later communication from Mr. Bluhme it was made clear that if any Danish citizen in any way should break the
laws of neutrality, very heavy punishment would be meted out upon their conviction. While several investigations were held, it does not appear that anyone was punished. 16

16. Ibid., pp. 174, 175, 176, 178.

We now know that during the early part of the Civil War, Napoleon III of France did not object to the building of Confederate cruisers in French ports. Consequently the Confederates ordered six very powerful ships to be built by French firms. One of these was the Sphinx. Together with its sister ship Cheops it was being built at Bordeaux by Arman. A little later, while these ships were being constructed, Napoleon realized that it was bad for his Mexican policy to allow such action. Hence he ordered the discontinuance of further building. It was therefore necessary for the firm Arman to sell them to some neutral power. As a result of this the Sphinx was sold to Denmark. This agrees with Bluhme's statement, that when the Danish government ordered the vessel to be built it was already under construction.

What happened at this juncture is hard to tell. Denmark certainly wanted the ship in the early part of 1864 as she was at war and needed her. Perhaps Arman found that the time was too short and so had to hurry the work too much. This may have resulted in poor construction, which was the cause of Denmark's refusal to accept the vessel. Another probability exists. The Confederate agents may have bribed the
firm to deviate from the specifications of the Danish contract so that the vessel would not be acceptable to that government. At any rate Arman had been informed by Mr. Shonheyder that the Danish government would not accept the vessel. The trip to Copenhagen was without any doubt planned to evade the French laws and get the vessel away from Bordeaux. This is proven by the fact that the Steerkodder had 180 tons of coal on board when she left Bordeaux, an amount about twice as great as was needed for a trip to Copenhagen and return. Besides, she put in at Cherbourg on her way north and took on more coal. If Arman honestly hoped to get the Danish government to accept the ram why should he have been so anxious to fill her bunkers with coal? 17

17. Ibid., Pt. II, pp. 213 - 219. John Bigelow, who was United States Minister to France in 1865, has given a very fine account of this affair in his book France and the Confederate Navy, pp. 57-103. He exonerates Denmark.

It seems clear that the responsibility for the escape of the Stonewall rests with the firm Arman. His agent, Amous de la Reviere, was a contract broker for the Confederate government. This gentleman was peeved at the Union government because when he offered to make guns for the United States he had been refused. 18

from Copenhagen to Bordeaux and not complete the voyage. It would devolve on the French government to punish the perpetrators if the Stonewall should commit any act detrimental to the United States. France would be responsible to the United States for whatever might happen, as England was forced to be for the acts of the Alabama and others.

The Stonewall proceeded into Spanish waters and later crossed the Atlantic. When the war ended the Confederacy surrendered her to the Spanish government of Cuba, which delivered her to the United States. Later she was sold to Japan. As she never succeeded in doing any harm it does not appear that Arman or his agent were punished. 19


4. The Question of Allegiance.

One of the great measures passed in America during the Civil War was the law popularly known as the Homestead Act. The fact that a man could secure a large tract of land simply by settling on it caught the fancy of thousands of people in Denmark. The man who in that country labored a lifetime and through hard toil and prudent management was able to become the possessor of a few acres, had reasons for feeling proud at the end of life's journey. What a contrast to the American conditions under which 160 acres might be had almost for the asking. The Dane is proverbially a farmer, but before
the Civil War comparatively few Danes had migrated to the United States. The opening up of the Mississippi valley, coupled with the fact that title to land could be secured easily, caused the Danish population in the United States to increase from 9,962 to 35,431 between 1860 and 1870.  


America did not forget to let their relatives in the old country know about the wonderful opportunities that existed here. In a circular letter sent by a Danish Baptist church in Wisconsin June 10, 1862 to the Baptist churches in Denmark is found the following extract. "As far as our earthly conditions are concerned we must say that they are very good. The land is rich and produces an abundance of all things, so that the cost of living is low.....The government is also very good and has recently passed a law by which each man can get 160 acres of land if he will settle on it. This law will be a great boon to a large number of our younger men, who have decided to go out together and each get a piece of land, if the Lord wills it."  

21. The original of this letter was found in Denmark by Rev. August Broholm. It is preserved in the archives of the Danish Baptists in America, located at Clark's Grove, Minn.
Danish in the large Danish settlements in the Mississippi valley.

The increased number of immigrants produced the problem of naturalization and allegiance. It is a well known fact that England did not recognize expatriation, but she was not the only nation that took that stand. Our diplomats abroad were constantly appealed to by Americans of foreign birth because, when they returned to the mother country for a visit, they were pressed into the military service. This was so in spite of their American citizenship.\footnote{House Executive Documents, 40 Cong., 2 Sess., pp. 663 - 678.}

Induced by this situation which existed in Denmark and Germany George H. Yeaman, our representative in Denmark, wrote an extensive article in 1867 on the subject: "Allegiance and Citizenship." This was sent to Secretary Seward. Yeaman held that there were only three reasons why a foreign power might seize a man on his return: first, unpaid debt; second, crimes; third, escape from military service. The two first were self-evident and fair; the third was only fair provided he had left his home country to escape the service. If, however, he went away to establish a home in a foreign country and returned only for a short visit, he should be protected by the country of his new allegiance. General Raasloff, who had been the Danish representative at Washington for many years and had now become Minister of War...
in Denmark, had read Yeaman's article and agreed with it in the main. He suggested, however, that the state department of each country should keep a record of each case of naturalization and should notify the foreign office of the country from which the subject came, whenever naturalization was completed. Said Raasloff: "He naturalizes in the United States; goes elsewhere and gets into trouble; is dealt with as an American but claims to be a Dane. The Danish government desiring to discharge its duties of protection, would yet not wish to be imposed upon. It has no evidence here of citizenship,\footnote{23} and 

\begin{quotation}
23. He most likely means naturalization.
\end{quotation}

the man is still \textit{prima facie} a citizen."\footnote{24}

\begin{quotation}
\end{quotation}

General Raasloff's idea was reported to Seward by Mr. Yeaman. Seward, however, showed that while the plan might work in Europe, it would be absolutely impossible to make it work in the United States where 250,000 people immigrated every year. He held it would not be long before the European countries would have to recognize the principle of expatriation. A man had "a natural right" to choose his home wherever he pleased. The sooner the European states accepted that theory the better it would be for everybody concerned.\footnote{25}

\begin{quotation}
\end{quotation}

During the late sixties the question of allegiance,
naturalization, and expatriation took a very prominent part in politics. The Fenian movement had done its share to bring it before the people. In 1868 many of the state party platforms, and both of the large national party platforms contained planks on the subject. 26


This serves as the background to the formation of a treaty between Denmark and the United States concluded July 20, 1872. This treaty, which was only one out of many negotiated with other countries about the same time, covered the whole field of naturalization, readmission to former status, and renunciation of acquired status of citizens. It was negotiated by Michael J. Cramer, our representative at Copenhagen, and Baron O. D. Rosenørn-Lehn, the Danish Minister of Foreign Affairs.

27. For text of the treaty, see W. M. Malloy, Treaties, etc., Vol. I, pp. 384 - 386. For treaties with other countries on the same subject, see Ibid., pp. 434, 533, 691, 1132, 1758. Although Art. I of the treaty of 1872 expressly declared that United States citizens naturalized in Denmark should by that act be recognized by our government as citizens of Denmark, yet Denmark continued to refuse to naturalize any American citizen until a certificate of expatriation was received from the foreign office at Washington. For this subject, see Foreign Relations
5. The First Attempt to Purchase the Danish West Indies.

The three islands known as the Danish West Indies were discovered by Columbus on his second voyage in 1493. They form the most important part of the group known as the Virgin Islands, and have a total area of 138 square miles. The inhabitants are largely negroes and mulattoes, but some whites live in the islands, having migrated from Denmark, England and the United States. Although the islands have belonged to Denmark for a long time, yet the language of the inhabitants is English. During the Danish possession, however, the official language was Danish. It has already been shown that most of the trade of the islands was carried on with the United States. From the commercial standpoint, therefore, it was not necessary to buy them, as Denmark would not allow any other foreign nation to trade there. Most of the trade with the islands was carried on through the harbor of St. Thomas, the largest of the group. Its harbor at Charlotte Amalie is one of the finest in the world. 28


As the Civil War had demonstrated the value of this harbor, the administration became anxious to secure it. In January 1865 when the various foreign representatives made their New Year's call at the executive mansion President Lin-
coln paid special attention to General Raaslöff, the Danish minister. This gentleman was especially well liked at Washington because of his outspoken sympathy with the Union cause.\textsuperscript{29}

\textsuperscript{29} James Parton, \textit{The Danish Islands}, p. 7.

On January 7, 1865 a dinner party was held at the residence of M. de Geoffroy, \textit{chargé d'affaires} of France. It happened that Wm. H. Seward and General Raaslöff arrived about half an hour early and found themselves in a drawing room almost alone. The Secretary of State seized the opportunity and broached the subject of purchasing the Danish islands. The General was personally unfavorable to such action and declared that the islanders were content under their present sovereignty. He promised, however, to report the matter to his government.\textsuperscript{30} On April 12 he reported to Mr. Seward that he had heard from Copenhagen in regard to the subject of the Danish West Indies and it was his duty to inform the American government that Denmark did not care "much" to sell the islands.\textsuperscript{31}

\textsuperscript{30} Ibid. \textsuperscript{31} Ibid., p. 10.

The assassination of President Lincoln and the attempt on Seward's life put a quietus on the subject for some time. On December 29, 1865 General Raaslöff informed Mr. Seward that Denmark was now more favorable toward the subject of selling the islands and he was instructed to find out what the
United States would be willing to pay for them. The financial embarrassment in which Denmark found herself after the Prussian attack, and the loss of the duchies in 1864, tempted her to sell her West India possessions. 32

32. Ibid., p. 11.

Mr. Seward was somewhat taken with surprise and was unable to say just how much the United States would pay for the islands. After a cruise to the West Indies in the spring of 1866 during which time he visited and inspected the islands, he made an offer of $5,000,000 to General Raaslöff. This offer was made July 17, 1866. Denmark refused the offer and informed our government, that it might not even be possible to sell one of the islands, St. Croix, as France might object on the basis, that it was stipulated in the treaty by which she ceded the island to Denmark in 1733, that Denmark should not sell it to another country. Thus the matter was undecided till January 1867 when Seward pressed the matter, through our representative in Copenhagen, for a final conclusion one way or the other. Finally in May of that year Count Frijs, the Danish Minister of Foreign Affairs made a counter-proposition in which he offered the three islands, St. Thomas, St. John, and St Croix to the United States for $15,000,000. This offer, however, was subject to ratification by the Danish Rigsdag and to the consent of the inhabitants of the islands expressed by a plebiscite.

Mr. Seward answered by offering $7,500,000, but he objected to the plebiscite, stating that it was unnecessary.
If any of the inhabitants were dissatisfied they would be given the opportunity to leave the islands within two years. This offer was refused and Denmark made a new offer of $11,250,000 or 20,000,000 Danish rixdollars, for the three islands, or $7,500,000 for St. Thomas and St. John. Denmark would thus retain the largest and most valuable of the islands from the standpoint of production, but the United States would get St. Thomas, the most valuable from the standpoint of navigation. Whichever of the two offers the United States should accept, the Danish government would insist on a plebiscite and no treaty would be accepted if this condition were not included. For some time the question hung fire. In the latter part of the summer of 1867 Senator Doolittle was sent to Copenhagen to aid Mr. Yeaman in the negotiations. A visit of Admiral Farragut to the same city was for the same purpose, but to no avail. Denmark continued to insist on the plebiscite. Finally the United States gave in and a treaty was concluded October 24, 1867 between Count Frijs and Mr. Yeaman, by the terms of which we were to secure the two islands for $7,500,000.33 The day after the treaty was concluded the Danish king caused a royal proclamation to be made to the inhabitants of the two islands. In this he stated that the treaty had been made subjected to their rat-

33. Ibid., pp. 25 - 31; Congressional Record, 64 Cong., 2 Sess., Vol. LIV, Pt. VI, p. 694.
ification. He therefore hoped that they would show their wishes in regard to the cession by a free and extensive vote. He concluded by saying: "With sincere sorrow do we look forward to the severing of those ties which for many years have united You to Us, and never forgetting those many demonstration of loyalty and affection We have received from you, We trust that nothing has been neglected on our side to secure the future welfare of Our beloved and faithful Subjects, and that a mighty impulse, both moral and material, will be given to the happy development of the Islands under the new Sovereignty."  

34. For the text of the proclamation translated from the Danish as it appeared in the St. Thomas Tidende, see De Booy and Faris, The Virgin Islands, pp. 18 - 19.

Denmark sent a commissioner to the islands to supervise the election. To work in harmony with this gentleman Mr. Seward sent Rev. Charles Hawley of Auburn, New York. Later Admiral Palmer with the Susquehannah and Commodore Bissel with the Monongahela, were sent to the islands to be of any service that the authorities might call for. The Monongahela was placed at the disposal of the authorities for transportation purposes.


Their work was somewhat interrupted November 18, 1867 by a very severe earthquake which caused much damage. There seemed to be only one obstacle to the transfer so far as the islanders were concerned. Under Denmark the St. Thomas harbor had been a free
port. The St Thomas merchants feared that this would be changed if the United States secured the islands. The Danish commissioner, Chamberlain Carstensen and Rev. Charles Hawley were sent to Washington to learn what was the attitude of our government on that point. Seward informed them that in case of transfer the port would not be free. In spite of this information, the sentiment of the islanders was overwhelmingly in favor of transfer. January 9, 1868 the election was held. The vote in St. Thomas stood 1039 in favor and 22 against transfer; in St John 205 in favor and none against.\(^\text{36}\) The Danish Rigsdag ratified the treaty soon after and on January 31, 1868 it was signed by the king.\(^\text{37}\)

\(^\text{36}\) Ibid., pp. 34 - 39.

\(^\text{37}\) Congressional Record, 64 Cong., 2 Sess., Vol. LIV, Pt. VI, p. 694.

When the treaty was presented to the United States Senate, that body was in the midst of the great fight of Reconstruction, and the day of the impeachment and trial of President Johnson was close at hand. It soon became evident that the question of ratification of the treaty would be handled as a partisan measure. It was feared that the purchase of the islands would enhance the power of the administration, hence the work of ratification was purposely delayed. As the day drew near that the time stipulated in the treaty for ratification
would expire, Seward negotiated a supplementary treaty extending the time limit. Action having been delayed again, the time was extended till April 14, 1870. Through the influence of Charles Sumner, who was chairman of the committee on foreign relations the treaty was kept in committee till March 24, 1870. At that time it was reported adversely and the Senate sustained the report.

When the Danish government was notified of the action of the Senate, King Christian IX promulgated another royal proclamation to the people of the islands. He explained that the heavy debt caused by the disastrous war a few years earlier had been the cause of Denmark's decision to sell the islands. The action on the part of the United States Senate spared both the home country and the colonies the pain of separation. He hoped that by united efforts the interests of the islands might be promoted.

It is hardly possible to believe that the sale of the islands would have caused any tears either in Denmark or the West Indies. The plebiscite of January 9, 1868 abundantly
substantiates this view so far as the islanders are concerned. The Danish West Indies were not colonized from Denmark, consequently the ties of consanguinity, which tied England to her colonies, were not found to exist among the Danish people.

When George H. Yeaman on February 1, 1868 telegraphed to Washington that the treaty had been ratified by the Rigsdag and signed by the King, he added in cipher, "Several European powers hope it will fail in Congress." These powers—England was one of them—had their wish granted by the action of our Senate.

The Senators who took part in the action do not admit that internal politics was the cause of the defeat of the treaty. In personal letters from Senators Cameron of Pennsylvania, Patterson of New Hampshire and Harlan of Iowa to Edward L. Pierce in 1889 it was brought out that the reason the Senate defeated the treaty was because the committee on foreign relations felt the price was too high. These gentlemen were members of this committee. It was also contended that Denmark was not mistreated because the House of Representatives had given warning in November 1867 that it would not support the purchase of any more territory.  

Edward L. Pierce, *A Diplomatic Fiasco*. This is a pamphlet of 18 pages published in 1889. It argues against the purchase. For the House Resolution of November 25, 1867, see *Congressional Globe, Appendix*, 40 Cong., 1 Sess,
To balance the statement of these honorable members of the committee on foreign relations it will not be amiss to state what was the attitude of the Danish people on the subject. April 24, 1869 an article appeared in Dagbladet, a Copenhagen newspaper, which stated that Denmark was well aware that the United States Senate had the right to reject the treaty. As a country with a constitutional government she had given the same power to her Rigsdag. She was as anxious as any nation to see that such a right was maintained. But it was an unfair and a very unfriendly act for the Senate to exercise that right in the form of a delay. The United States had taken the initiative in the purchase of the islands. If the Senate did not agree with the administration it was its duty to be frank about it and not keep the Danish government and more especially the people in the islands in suspense. The word "No" was honorable and justifiable but it was not courteous to let the matter go by default. Such action did not show "international good breeding." 43

43. "The St. Thomas Treaty," Editorial in Dagbladet, Copenhagen, April 24, 1869. The article in translation is found in the Library of Congress.

The islanders were very much disappointed. As we shall see later they showed their dissatisfaction from time to
time until the purchase by the United States was finally consumated. 44

44. A couple of events took place during the sixties which were not connected with the Civil War. In 1861 a consular convention of two articles was added to the treaty of 1826. See W. M. Malloy, Treaties, etc., Vol. I, p. 383. In 1864 the Missionary Society of the M.E. Church sought aid from the State Department to secure permission to operate in Denmark. This was granted by the Danish government. Foreign Relations of the United States, 1864 - 1865, Pt. IV, p. 344; Ibid., 1865 - 1866, Pt. III, pp. 180 - 181. After the assassination of President Lincoln letters of condolence were received by our government from the Danish foreign office and from the Governor of the Danish West Indies. Foreign Relations of the United States, Appendix, 1865, pp. 43-45.

During the period between 1870 and the end of the nineteenth century, a number of events took place which entered into the diplomatic relations between the United States and Denmark. They are too varied in their nature to be followed in their chronological order. They will be organized into groups and each group traced chronologically.

1. Danish Exportation of Criminals.

Early in 1868 our government was informed by Consul Geo. P. Hansen at Elsinore, that it was the practice of the Danish authorities to send convicts to the United States. Recently Ole Sørensen, a notorious criminal had been promised his freedom if he would leave the country. The man was a vagrant, a thief, and under suspicion for murder. The consul had learned through the papers that the police at Copenhagen had sent him to the United States, as they thought it was cheaper to ship him out of the country than to keep him. Having communicated with V. C. Crone, the director of police at Copenhagen he had received no reply. He had, however, succeeded in getting a lithograph of the criminal and had sent it to the chief of police in New York and told him to be on the lookout for the man.¹

¹. Senate Documents, 40 Cong., 2 Sess., Vol. II, Doc. 71, pp. 1 - 2. Our government was informed of a similar practice going on very extensively in the provinces of Westphalia and Bavaria in Germany.
When this information reached our government Secretary Seward immediately instructed George H. Yeaman to remonstrate to the Danish government against the practice. The President, Andrew Johnson, sent a message to Congress stating the facts and recommending that a law be passed "making it a penal offense to bring such persons to the United States." That body, however, true to its policy of opposition to the administration must have preferred to have the criminals come rather than to humor the President. No law was passed on the subject till the year 1875.

In 1874 another case arose. In the spring of that year the Secretary of State, Hamilton Fish wrote to our representative in Copenhagen, Michael J. Cramer, that the S.S. Washington had recently brought six convicts from Denmark. Each had a draft for $7.60 drawn on the American Emigrant Co. All but one would be prevented from landing and returned to Copenhagen. He instructed Cramer to make a rigid inquiry of the case.
We would consider it as an "unfriendly act" if the King's government should participate in the practice of sending criminals to America. The Danish representative at Washington, J. Hegerman Lindencrone, had excused the government of Denmark on the basis that the men had served out their terms and were therefore like other immigrants. It should be made plain to Denmark that we were unwilling to have such people come here.  


Henry B. Ryder, our chargé d'affaires, ad interim, revealed another case in 1882. In a letter to the Secretary of State, F. F. Frelinghuysen, he informed our government that a certain Mads Jensen, alias Jürgensen, a criminal from Oldrup, Jutland was about to be sent to the United States by the police at Copenhagen. As there was no time to work through the Minister of Foreign Affairs, he had written a letter to the chief of police at Copenhagen, which had prevented the criminal from leaving for America. Later he had presented the matter to the foreign office, as a result of which this individual case was ended. The minister, however, had asked him for an interpretation of Section 5 of the Act of Congress of March 3, 1875.  

6. The immigration act of March 3, 1875.

"Sec. 5. That it shall be unlawful for aliens of the following classes to immigrate into the United States,
namely, persons who are undergoing a sentence for conviction in their own country of felonious crimes other than political or growing out of or the result of such political offenses, or whose sentence has been remitted on condition of their emigration, and women imported for the purpose of prostitution."...And for all violations of this act, the vessel, by the acts, omissions, or connivance of the owners, masters, or other custodian, or the consignees of which the same are committed, shall be liable to forfeiture, and may be proceeded against as in cases of frauds against the revenue laws, for which forfeiture is prescribed by existing law." Statutes at Large, Vol. XVIII, Pt. III, p. 477.

to interpret or construe acts of congress as that power belonged to the courts. In the event of a Danish convict coming to the United States, the courts would interpret it in each particular case. The United States would appreciate very much if the Danish government would prevent convicts from immigrating to America even if they had served out their term.7 John Davis, the acting Secretary of State, answered Ryder's communication and recommended him for his discreetness in the Jensen case. He further stated that it was the duty of every representative abroad to prevent such persons, as well as paupers, from entering the United States. We would deprecate very much
to learn that any government would aid an undesirable class of its population to migrate to America. The moral wrong of such a policy should be prevented as an act of courtesy due to a friendly nation.  

8. Ibid., p. 252.

Another convict case arose in 1887. Acting Secretary of State, James D. Porter, wrote in September of that year to Rasmus B. Anderson, United States Minister Resident at Copenhagen that Denmark was still sending ex-convicts to the United States as soon as they had served their term. He was informed that they were aided financially by the Danish government in various ways. Minister Anderson was instructed to get all the information he could on the subject.  


A month later Anderson replied that the information obtained by the foreign office at Washington had most likely come as the result of an article which appeared in the Danish paper Morgenbladet. From this it appeared that two notorious swindlers had been released from prison on condition that they should go to the United States. So far as Anderson was able to learn the following were the facts in the case. Two men, Salomansen and Riemenschneider, had been engaged in the business of book publishing. Being hard pressed for cash, Riemenschneider, who was an expert engraver, had made several Danish 1000 kroner
notes. The fraud was detected and both men convicted of counterfeiting and sentenced to serve a term in the penitentiary. Some time before the expiration of their terms both had been offered their freedom on the condition that they should leave the country for ever. Salomansen declined the offer, and was still serving his term, while Riemenschneider accepted and went to the United States. It was impossible to tell which way he had gone. Some rumors had it that he had been sent by one of the Thingvalla steamers while others claimed that he had left over Hamburg or England. At any rate it was quite sure that he had gone to the United States, probably under an assumed name.

Anderson also stated that during the previous winter he had heard of paupers being shipped out of the country. Some of the poor-house boards seemed to think that that was the cheapest way to get rid of some of their paupers. The reason he had said nothing about that in his despatches was because he had not been able to get definite facts.

He added that it was the custom in many European countries to pardon convicts on the condition that they should leave the country, but it was left to the convict to decide where he would go. This was a reprehensible practice but it seemed that if the governments would not desist, the United States would have to be more rigid in her immigrant inspection. In fact much of the practice was carried on without the knowledge of
the government, therefore it would be difficult to stop it.\textsuperscript{10}

\begin{enumerate}
\item \textit{Ibid.}, pp. 476 - 477.
\end{enumerate}

There can be no question but that Mr. Anderson was right in regard to the fact that other European governments aided their convicts in going to the United States. We have already shown that this was so in Germany. The same thing was true in regard to France,\textsuperscript{11} and it is clear from the correspondence between Secretary of State T. F. Bayard and Rufus Magee, our representative at Stockholm in 1886, that the same practice existed in the kingdoms of Sweden and Norway.\textsuperscript{12} The assistance was given, as shown by the German, Danish and Swedish correspondence, by organizations formed for that purpose. While the central governments in these countries were declaring that they were not aware of the practice and were anxious to assist to prevent it, yet it seems clear that the work of those organizations as well as the action of poor-house boards and prison officials could not continue to go on without the knowledge of the higher government officials. France was more honest than the rest. She acknowledged that the practice had been carried on and when the United States remonstrated with
her, she gave orders to stop it. 13


2. The Problem of Extradition.

While the United States insisted that she did not want Danish convicts nor those of any other foreign nation, yet unlike many European states she was unwilling to take care of her own criminals. In 1878 Secretary of State Evarts wrote to M. J. Cramer at Copenhagen that we had extradition treaties with all the European nations except five, and that Denmark was one of these. Her peculiar location with her excellent shipping facilities made it especially desirable that treaty relations should exist on that subject, as she might otherwise become a rendezvous for American criminals. Cramer was instructed to sound the Danish government on the subject and to find out her attitude in regard to the matter. He enclosed copies of two treaties recently made with other governments, which might be used as models. If Mr. Cramer should find that Denmark's attitude was favorable, the necessary power and instructions would be sent to him for negotiating the treaty. 14


Upon inquiry the Danish Minister of Foreign Affairs was found to be favorably inclined towards the proposition. He stated that he had an "a priori willingness". Having been
given the two models the minister took up the matter with the other members of the cabinet. He later reported to Mr. Cramer that Denmark would be willing to make a treaty with the United States on the subject of extradition but it would have to differ from the models in three respects:

"First. An increase in the list of crimes, especially under the head of forgery, but without specifying any particular crimes;

"Second. To have criminals provisionally arrested by telegraphic orders to the consuls at the ports where such fugitives may be supposed to land; and

"Third. The curtailment of expenses connected with the arrest and delivery of fugitives."

Our government suggested to Mr. Cramer that he work out a treaty following the models of Denmark's treaty with Great Britain and our treaty with Spain of 1877 on the same subject.\(^\text{15}\) When he and the Danish officials had come to an agreement he would be given power to sign it.\(^\text{16}\) The two parties, however, were unable to agree on the terms. The President reported to Congress in 1880: "The attempt to negotiate a treaty of extradition with Denmark failed on account of the
objection of the Danish Government to the usual clause providing that each nation should pay the expense of the arrest of the person whose extradition it asks."  


Some years later an incident happened which made clear to both nations the value of a treaty of extradition. In the fall of 1887 two men, known as John D. Pomeroy and William B. Franks, came to Copenhagen. Pomeroy stated that his home was in Montreal while Franks claimed Victoria, British Columbia as his place of residence. They made people believe that they were cattle buyers who came to Denmark for pleasure. As the two men did not act like cattle men the police became suspicious. Later two scrapbooks were found in their possession which contained a large number of clippings relating to a "Benson" case. This was brought to the notice of the American minister R. B. Anderson. Upon further investigation, after the two men were arrested, it was found that John D. Pomeroy was really John A. Benson a contractor from California who was under indictment for conspiracy and fraud. He had forged governmental documents to secure extensive land grants. Wm. B. Franks was a brother of Benson who had accompanied him as a companion. Personally he was not a criminal except as an accessory after the fact. Minister Anderson immediately inquired of the United States government whether Benson was wanted, stating that Denmark was willing to extradite even in the absence of a treaty.
The answer of our government was in the affirmative, but to the message was added: "Department assumes that Denmark extradites without treaty. It should be understood that under our system the United States can only extradite when there is a treaty." later when Secretary Bayard sent the documents needed for extradition to Anderson he stated that the extradition was to be asked as a courtesy of the Danish government, which on account of existing laws we could not reciprocate.

As no indictment existed against the brother of Benson, he was soon released and sent to the United States on the S. S. Thingvalla. United States Marshal J. C. Franks of San Francisco was sent to Denmark to take John A. Benson and all the papers found in his possession into custody. He left with his prisoner by way of Bremen January 30, 1888 on the S. S. Lahn. Before leaving Copenhagen Marshal Franks asked the Danish authorities to let a Danish police officer accompany him to Bremen. This, however, was not granted as Denmark feared complications with Germany, the laws of which country prohibited a foreign nation from transporting a prisoner through its territory without first obtaining permission. An officer, however, was detailed to accompany him to the German border.
The American consul Loening at Bremen was notified to assist Marshal Franks on German soil.20

20. For the facts of the Benson case, see Ibid., pp. 479 - 483.

It is hardly possible to say that this case caused the two powers finally to agree on the terms of an extradition treaty. It may, however, have had its influence. But even if this case had not come up, it would have been clear to both powers that such a treaty should exist. During the early part of Roosevelt's administration Secretary John Hay succeeded in concluding a treaty with Constantin Brun, the Danish Envoy Extraordinary and Minister Plenipotentiary at Washington. This was proclaimed in force April 17, 1902. It is very much like the formerly mentioned treaty with Spain of 1877. The rock upon which treaty negotiations of 1879-1880 stranded, was here eliminated by including in Article XI that the expenses of extradition should be borne by the state asking the extradition, "Provided, that the demanding government shall not be compelled to bear any expense for the services of such public officers... as receive a fixed salary; and Provided, that the charge for services of such public officers as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the law of
the country of which they are officers." 21


In 1905 a supplement was made to this treaty, in which it was provided that in case the fugitive should be found in the island possessions of the contracting parties, located in America, the extradition papers might be executed by the chief executive of the islands. In case the fugitive should be found in island possessions not in America, the application for extradition should be made through the diplomatic channel. The list of crimes for which extradition might be demanded was also enlarged. 22


3. The Negotiation of Minor Treaties.

For the sake of facilitating the passage of mail between the United States and Denmark a postal convention was negotiated between the two nations in 1871. 23 When in 1873 Den-

mark changed her coinage to the present decimal system a new schedule of postal rates was worked out, which went into effect in 1874. That same year Denmark and the United States were both signatories to the "General Postal Union" treaty signed at Berne, Switzerland October 9, 1874. The following year a weights and measures convention was negotiated with several nations, Denmark being one of these. A mutual and reciprocal agreement for the exemption of vessels from readmeasurements, was made in February 1886. Each nation agreed to recognize the tonnage stated in the certificate of registry of vessels entering its ports under the flag of the other nation. This would save a great deal of unnecessary labor of measuring each vessel as it entered, the result of which would usually be found to be the same as stated in the registry.

On account of the very favorable reputation of American goods in Denmark, many countries sold their goods to Danish merchants and these in turn resold them to the public as American goods. This was reported by Michael J. Cramer as
early as 1879. He proposed that we should have conventions with other nations to protect our trade marks. On the other hand the United States sold large quantities of butter to Denmark. Danish buttermakers would "rework" and "repack" this butter and sell it to England. Because of the great reputation of Danish butter the Danish merchants would receive twice what they paid for it. This practice could not be stopped because American trademarks were not protected in Denmark. As the


Danish buttermakers were the masters of the world in their trade, our representatives in Denmark urged the United States to secure Danish buttermakers to teach the Americans how to make good butter. 29

29. Ibid., 1877, Appendix, pp. 33 - 36.

The disregard of American trademarks in Denmark finally brought our government to realize that we needed a treaty to protect our goods. Such a treaty was concluded by Clark E. Carr, and the Danish Minister of Foreign Affairs, Reedtz-Thott, June 15, 1892. It provided for the reciprocal protection of trade-marks and trade-labels. The conditions were that the extent of time on these should be the same as in the country of their origin, and the formalities for filing should be
the same as the law provided for domestic trade-marks.\textsuperscript{30} Thus


if an American manufacturer wanted to protect an article under his trade-mark, he would file that trade-mark with the Danish government the same as a Danish manufacturer would do with his trade-mark.

By an act of Congress of March 3, 1891 the President of the United States was authorized to extend the benefits of our copyright laws to foreign publications, provided, the nation of the author gave substantially the same protection to American publications. As Denmark extended such privileges to the productions of American authors, reciprocity in copyrights was proclaimed in May 1893 by President Cleveland.\textsuperscript{31}

\textsuperscript{31.} J. D. Richardson, \textit{op. cit.}, Vol. IX, pp. 395, 443; Statutes at Large, Vol. XXVIII, p. 1219.

4. Diplomacy Concerning Trade.

a. The Interpretation of "the Most Favored Nation" Clause.

By a law of Congress of June 26, 1884, section fourteen, a tonnage duty of six cents per ton, not to exceed thirty-cents per ton for any one year, was levied on vessels entering the United States from foreign ports. By the same section a provision was made that vessels which entered our ports from Central America, the West India Islands, Bermuda, Newfoundland,
and a few other places should only pay a tonnage of three cents per ton not to exceed fifteen cents for any year. By the most favored nations clause in Art. I of the Dano-American treaty of 1826 it was agreed that neither nation should grant any favors to a third power which should not immediately become common to the other party. 32

32. For the Act of Congress of June 26, 1884, see Statutes at Large, Vol. XXIII, pp. 53-60, 841-843.

On the basis of these facts P. Lövenorn of the Royal Danish Legation wrote Secretary Bayard in August 1885, that Denmark claimed the right of having tonnage duties on her vessels entering United States ports reduced from six to three cents. 33 After some delay an answer was received from the Secretary of State stating that because several other nations had made similar claims the matter had been referred to the Attorney-General, who had made the ruling that the law was geographical in its character. Its benefits might become operative on any vessel of any nation plying between the privileged regions and the United States. The treaty and the act of Congress would not warrant a reduction of tonnage dues on vessels clearing from ports in Denmark for the United States, but Dan-
lish vessels taking part in the trade mentioned in the Act of June 26, 1884 would be benefitted by its provisions.\textsuperscript{34} As no further correspondence ensued on the subject it is probable that the Danish government acquiesced in the reasoning of the Attorney-General.

Upon inquiry by Mr. Bayard through our minister at Copenhagen, R. B. Anderson in regard to the treatment of American vessels in the Danish ports, it was learned in a reply from Baron Rosenørn-Lehn in February 1888 that United States vessels were treated exactly like Danish vessels. Denmark would even be willing to open the coasting trade to the United States on the basis of reciprocity, the trade with Greenland excepted. All trade with this Danish colony was reserved to the crown. Not even private Danish vessels were allowed to trade there.\textsuperscript{35}

\textsuperscript{35} Ibid., 1888, Pt. I, pp. 484-485.

It was thus evident that Denmark was extending the advantages of the most favored nations clause to citizens of the United States.

In a treaty between the United States and Hawaii of January 30, 1875 \textsuperscript{36} it was arranged that sugar from the Hawaiian islands should be allowed to enter the United States free of

\textsuperscript{36} W. M. Malloy, Treaties, etc., Vol. I, pp. 915-917.
duty. A suit based on this situation was decided in the United States Supreme Court in 1887. The court in this case, known as Bartram vs. Robertson, decided that since Hawaii extended favors to the United States in the treaty of 1875 the situation was in reality one of reciprocity. The favor to Hawaii was thus extended for a compensation. When similar compensation should be made by Denmark, Danish sugar from St. Croix might enter free of duty.37

37. Bartram vs. Robertson, 122 United States, 116-121.

For another decision following the same reasoning, see Whitney vs. Robertson, 124 United States, 190.

August 3, 1882 Congress levied a tax of fifty cents on each immigrant "who shall come by steam or sail vessel from a foreign port to any port within the United States." From the wording quoted it is evident that the tax did not apply to anyone coming across the border from Canada or Mexico. This constituted a privilege to those two countries, according to the Thingvalla Steamship Line. On the basis of the most favored nations clause this firm claimed exemption from the tax and brought suit to recover money that had been paid as head tax on passengers on the S. S. Geyser. The case came up in the Court of Claims. In the opinion delivered by Justic Richardson no denial was made in regard to the claim, made by the Danish firm, that by the law a privilege was extended to Canada
and Mexico. He claimed, however, that Denmark could not obtain redress because the act of 1882 was later than the treaty with Denmark. If Congress saw fit to enact a law the provisions of which were contrary to an existing treaty that was its privilege and the act must prevail in the courts of the country. 38

38. For the Immigration Act of 1882, see Statutes at
Large, Vol. XXII, pp. 214-215; for the decision, see
Thingvalla Line vs. United States, 24 Court of Claims,
255 - 264.

It seems unfair that when a treaty has been made between two nations, thus forming a contract, which is the real portent of a treaty, that one of the nations shall make a part of the contract of no effect by passing a municipal law. The most favored nations clause as it appears in most of the United States treaties is based on reciprocity. This is at any rate true about the treaty of 1826 with Denmark. When Congress passes a law which conflicts with the provisions of existing treaties she thereby abrogates part of the treaty. Yet this is the practice that our government is following. Says J. P. Hall of the University of Wisconsin: "Where an act of the Congress of the United States conflicts with a prior treaty provision, the courts will give preference to the act of Congress, for it is not for the courts to interfere if the government sees fit to ignore the treaty into which it has entered." 39

This is in agreement with other writers on international law.


and in harmony with the action of the Supreme Court.

41. Bottiller vs. Dominguez, 130 *United States*, 238.


As early as 1883 the German empire tried to persuade the Danish government to stop the importation of American pork. Germany objected to the Dano-American pork trade, as it seems, because a great part of the more than five million dollars worth of pork exported to Germany was not the product of Danish grain fed, but of American corn fed hogs. The American product was shipped to Denmark where it was treated by experts, repacked and shipped to Germany as Danish pork. This was before the trade-mark and trade-label convention was concluded between the United States and Denmark. Germany threatened to cut off all trade in pork with Denmark if she did not stop buying the American product.

42. *Foreign Relations of the United States*, 1883, p.252.

This anti-American movement was renewed in 1887.
with much vigor because Germany claimed that several cases of trichinosis discovered in Hamburg had been caused by eating pork imported from Denmark and claimed to have been an American article. This claim seems, however, to have been poorly founded as no case of trichinosis had appeared in Denmark for two and a half years. Minister Anderson claimed that the reason the Germans contracted the disease was because they ate the pork raw while the Danes cooked it thoroughly before eating.43


Germany continued to force the issue onto the Danish government. Although the Director General for the Danish foreign office had stated that Denmark would not exclude American pork, yet Anderson felt she might have to do so in order to retain her excellent German market.44

44. Ibid., pp. 478-479.

Unfortunately at this time the "pork plague" (probably the hog cholera, or the mouth and hoof disease) started to rage in Denmark and other European countries. The Germans were busy spreading the notion that the epidemic had come from America. The theory used "most rigorously" in explaining how the disease had been conveyed to Europe was to the effect that the wooden containers in which the American pork products were shipped contained the germs. Later this lumber was used for
building purposes and thus the European hogs had been exposed to the contagion. However absurd this theory might be, it seemed to find a large number of adherents. 45

45. Ibid., pp. 478, 480-481, 483.

This condition and the German influence finally forced the Danish Government March 10, 1888 to issue an order prohibiting the importation of raw hog products from the United States until further notice. 46 This order remained in force till 1891.

46. Ibid., p. 486.

when our minister, Clark E. Carr succeeded in getting the Danish government to revoke it, by promising that a rigid inspection of all meat products from America would be carried out. 47

47. Ibid., 1891, pp. 487 - 488.

For some time following this arrangement Denmark allowed the importation of meat products from America. In August 1894 what is known as the Wilson-Gorman tariff was passed. This provided for a duty of forty per cent ad val. on sugar imported into the United States and an additional tariff of one-eighth and one-tenth of one cent per pound on sugar imported from countries where a bonus was paid, either directly or indirectly, for the exportation of the article. 48 It seems

that "in the nature of a retaliation for the tariff imposed on her sugar," Germany in November of that year prohibited the importation of American cattle and meat. As has been shown before, Germany would be liable to get these products through Denmark, unless the importation to that country could also be stopped. Just what pressure she brought to bear on her small neighbor to the north we can not say, but judging from her former action, and statements made later by our representative in Denmark, it was a case of threat. 49


Shortly after Germany's action, the Danish minister of the interior published an order in the official government newspaper, Berlinske Tidende, prohibiting the importation of live cattle (Kvæg) and fresh meat from America. The order stated that the reason for the prohibition was to avoid the spread of the "Texas fever, now prevailing in America." When this matter was called to the attention of the Danish foreign office, Mr. Vedel, the Director-General, acknowledged that he was not aware that such a condition existed in America, but stated that matters of that kind were left to the Minister of the Interior. The fact that Mr. Vedel admitted that he did not know of the existence of the "Texas fever" in America lends further weight to the suspicion that the order was originally "made in Germany." 50
Our representative at Copenhagen, John E. Risley, also presented to the Danish government the fact that the order used the word Kvaeg, which in the Danish language means not only horned cattle, but also hogs and sheep. The Minister of Foreign Affairs, Reedtz-Thott, explained that while it was true that the word Kvaeg was used in the order the Minister of the Interior had promised him that it would be interpreted as if the word Hornkvaeg had been used. Thus the products of hog and sheep could be freely imported, as well as hermetically sealed canned meats. In October 1895 Mr. Risley handed to the Minister of Foreign Affairs a copy of the law of March 2, 1895, which deals with the handling and inspection of cattle and meat, as well as a copy of the rules and regulations worked out by the Department of Agriculture, and requested that the restrictions be removed entirely. He pointed out from those documents that our system of inspection was so well organized and carried into effect that there was no reason for Denmark to fear that unfit products would be shipped out. When Mr. Reedtz-Thott had conferred with the Minister of the Interior on the subject, he reported to Mr. Risley that so long as Germany continued to have the present attitude towards the subject it would be impossible for Denmark to revoke the pro-
hibitive order. At the end of the century the order was still in force. 51

51. Ibid., 1895, pp. 210-213. For the law of March 2, 1895, see Statutes at Large, Vol. XXVIII, pp. 727-738.

c. American Aid to Danish Interests in China.

In 1874 J. Hegerman-Lindeørne, the Danish Minister at Washington, appealed to Hamilton Fish in behalf of the Great Northern Telegraph Company of Copenhagen. This firm had obtained permission from the Chinese government to build a telegraphic line from Woosung to Shanghai. The local magistrates objected to the existence of the line and caused considerable trouble. Denmark therefore asked the United States to use her influence with China so that the work might be completed.

Secretary Fish promised that he would have our representative to China look into the matter and make a report. Mr. Fish also used the opportunity to remind the Danish representative that in 1869 the United States had proposed a telegraphic convention to Denmark 52 but had never received a reply.

52. The communication is not published.

The Danish government later replied to this that she had sent an answer in May 1870, 53 but the communication, it would seem

53. It does not appear what the answer was.
failed to reach the American government.

Our representative to China, S. Wells Williams, took up the matter of the Danish telegraph line with the Chinese government. It appears that the Chinese merchants were anxious to have the line built but the government officials of the province were prejudiced against it. These finally acquiesced and the line was completed. Said Mr. Williams in reporting to our foreign office: "A good thing is always its own best argument and vindicator." The Danish government extended due thanks for the service we rendered.54


d. The Petroleum Test Bill.

As the result of a lecture given before the Insurance Companies' Union at Copenhagen the Danish ministry of justice caused the Polytechnic Institute to make various experiments with kerosene. Based on these experiments this institution recommended that petroleum which gave off ignitible vapors at a temperature lower than 23° Celsius under a barometric pressure of 760 m.m. should not be sold to the public without being marked as explosives. The current standard was 40° Celsius under the pressure mentioned. This recommendation was embodied in a bill and laid before the Danish Rigsdag in 1887. If
the bill should pass it would be a severe blow to American petroleum and a very favorable move towards the Russian product. Our foreign office instructed R. B. Anderson to do what he could through diplomacy to prevent "unfriendly discrimination against our commerce." On account of political troubles in Denmark, peculiar to her government at that time the petroleum bill hung fire for a long time and finally was amended to become more favorable to the United States. It failed to become a law in the session of the 1887-1888 Rigsdag. We are not informed whether the bill passed later, but from the fact that we hear nothing more about it in the diplomatic correspondence we may infer that the matter was dropped.  


e. The Sugar Tariff.

The Wilson-Gorman tariff act of 1894, as noted above, levied an extra duty on all sugar imported from countries where bounties were paid for exportation. Denmark taxed the manufacture of beet sugar, but in case the sugar was later exported the tax was refunded. As a result of this the United States put her on the list with those which gave bounties for exportation. Count F. Reventlow, the Danish representative at Washington, remostrated against this and explained that the Danish system was not giving bounties but simply exemption from a domestic tax. There was only one exception to this, namely,
on sugar darker than the Amsterdam standard No. 19. On this kind of sugar there was a manufacturer's tax of 2.25 öre per pound. One hundred pounds of this sugar would through the refining process produce eighty pounds of granulated sugar (melis), ten pounds of brown sugar (farin), and seven pounds of molasses (sirup), while three pounds were lost through evaporation. In case these products were exported the government refunded 2 kroner and 40 öre on the eighty pounds of melis, 22½ öre on the ten pounds of farin, and 7 öre on the seven pounds of sirup, a total of 2 kroner and 69½ öre. Deducting the tax of 2 kroner and 25 öre there would remain a bounty of 44½ öre for each one-hundred pounds, or 0.556 öre per pound of melis. Even this bounty, as a matter of fact, did not enter into the sugar trade between Denmark and the United States, because nearly all the sugar sold direct from Denmark was unrefined. During the years 1889-1893 no refined sugar had been shipped here for American consumption, although 2,660 pounds had been shipped here for consumption on board of the vessels in which it was shipped. In the Danish West Indies no bounty system of any kind existed as there were no refineries there. Under those circumstances, Count Reventlow asked in behalf of the Danish government that Denmark be struck off the list of countries offering export bounties on sugar. 56

Secretary of State, W. Q. Gresham answered Count Reventlow by stating that a bill was before Congress providing for the repeal of the differential duty. As soon as more definite rules were made on the subject he would communicate them to him. Shortly after Acting Secretary, Edwin F. Uhl informed Reventlow that the Secretary of the Treasury had ruled that in view of the explanation of the Danish bounty system the collectors of the department had been given orders to tax only those sugars from Denmark proper upon which bounties were actually paid when they were exported. 57

57. Ibid., pp. 206-207. For the Wilson-Gorman Tariff Act, see Statutes at Large, Vol. XXVIII, pp. 509-570. For the tariff on sugar, Schedule E, p. 521.

5. Arbitration of the Butterfield Claims.

The leading facts connected with the origin of this case have been stated in Chapter IV. The claim for $301,814.08 with accruing interest till the date of payment was laid before the Danish government in June 1860. Mr. Hall, the Minister of Foreign Affairs registered the objections of his government in a note of August 10, 1860. He argued that since there had been a delay of nearly six years in presenting the claims it would now be very difficult to substantiate the facts in the
case. He also called attention to the letter of Mr. Helm, dated October 19, 1854, in which he approved the action of Gov. H. H. Berg in requiring a bond as guarantee that no hostile act would be committed, and especially to the remark in the same letter that whatever may have been the destination of the vessel at the outset, he was able to give assurance "that there is now no hostile intention on the part of the owners or agents of these vessels towards any government or nation whatever."58

58. For the text of Helm's letter, see Executive Documents, 45 Cong., 3 Sess., Vol. XVI, Doc. 33, pp. 21-22.

This remark by Mr. Helm recognized Mr. Berg's motive as fair, which was to discharge his duty and prevent a hostile expedition from being aided in Danish territory when it was directed against a friendly state.

In regard to the firing on the Benjamin Franklin he needed only to say that the Secretary of State, Wm. L. Marcy by his action had recognized that the incident had "arisen out of negligence on the part of the captain of the vessel." Since therefore all the measures the Danish government had taken were legal and necessary, the government of the United States could not hold her responsible for damages.

On account of the outbreak of the Civil War the case was allowed to be temporarily forgotten. When the war was ended Wm. H. Seward in May 1866 urged the claim on the Danish gov-
ernment and offered an explanation in regard to the delay. The first had been occasioned by Mr. Pickett and later by Mr. Soule, both being somewhat slow in getting the necessary documents together. There was, however, less than four years between the dates the final amount of the damages had been ascertained and the date the claim was put before the Danish foreign office. 59

59. Ibid., pp. 60 - 65.

The arguments in favor of the claims were presented to our representative in Denmark through Mr. Seward by Lewis and Cox, the attorneys for the claimants. When George H. Yeaman put the facts before the Danish government he pointed out that there was no statute of limitation between nations as between individuals. Said Yeaman: "It will not be overlooked by His Majesty's Government that it once, after a lapse of more than twenty years from the commission of the acts complained of, made honorable satisfaction of claims preferred by the Government of the United States in behalf of citizens injured by those acts."60 The fact that Wm. L. Marcy had said nothing

60. Ibid., p. 67.

more about the case, after he had presented the matter to Torben Bille and received his reply in 1856, did not mean that the case was dropped, so far as the claim for damages was concerned for no claims had been presented to de Bille. In regard to
Helm's statement, mentioned by Mr. Hall, he observed that it should not be construed to mean that the United States recognized the vessels as having had an original criminal intent. On the contrary, an investigation had been held which cleared them of such suspicion. If Helm's statement was taken to prove that the vessels had been under suspicion it must also be taken to prove that such suspicion no longer existed. In international affairs a suspicion was not enough ground for action. Recently a great European power had not deemed it sufficient reason to detain a vessel even after much proof had been presented that the vessel was being built for a purpose hostile to the United States. As Denmark was a nation especially interested in the just observance of international maritime law it was hoped that she would not disregard the justice of this claim. 61

61. Ibid., pp. 66 - 71.

The Danish Minister of Foreign Affairs, Count E. Juelwind Frijs, to whom Mr. Yeaman's letter was addressed, answered four months later in a very clear and definite note that the claim was outlawed "by the sole fact that it had not been insisted upon in due time (qu'on omis de la faire valoir en temps utile)." This was especially true in this case because a definite knowledge of the facts was absolutely essential to understand the case. On account of the time elapsed it was next to impossible to place the events in their true light.
But whatever might be said in regard to the statute of limitation there was another fact of greater importance. Denmark was unwilling to recognize the justness of the claims. She had a duty to perform towards Venezuela as well as towards the United States. The vessels were suspected not only by Venezuela and the authorities of the Danish West Indies, but also by the United States government. This was proved by the fact, that an inquiry had been held before the *Catharine Augusta* left New York. The fact that the American government had "discharged the sequestration" was no reason why the authorities at St. Thomas should hold them innocent. Each state was responsible for its own action and must therefore take its own precautions. The Danish authorities, having been lax in the enforcement of their neutrality laws, could not have taken refuge behind the action of the American magistrates if Venezuela had later suffered by acts of the suspected vessels.

Referring to Mr. Yeaman's statement in regard to England's attitude toward the building of Confederate cruisers in her docks and their escape without detention, Count Frijs used a pleasant but rather effective twit, when he observed, "that the unfavorable reception which that tolerance of the Government of Her Britanic Majesty has found in the Northern States and the steps taken by the government of the United States to prevent England from proceeding in a similar manner in the future, seem to indicate that the Cabinet at Washington
have not been very well satisfied with the great liberty al-
lowed to the above mentioned ships."

In closing he expressed the hope that the United
States might realize the unfairness of the claims presented
and hence pursue the matter not further. 62

62. Ibid., pp. 72 - 74.

In the summer of 1869 the United States took up the
case again. The new Secretary of State, Hamilton Fish commun-
icated with the Danish charge d'affaires at Washington, F. de
Bille, stating that since the matter had been presented twice
to the Danish government and each time rejected, the matter
had taken such form that either one of the nations would have
to give in or they would have to consent to arbitration. He
therefore proposed that the matter be referred to the British
or Russian minister at Washington and that his decision should
be binding. 63

63. Ibid., p. 75.

De Bille promised to put the proposition before his
government but it appears that no answer was received. In
April 1874 J. C. B. Davis, Acting Secretary of State, instructed
Michael J. Cramer to put the matter before the Danish govern-
ment again. 64 When these instructions were carried out, the

64. Ibid., pp. 75 - 76.
Danish Minister of Foreign Affairs, Rosenørn-Lehn, stated that he was very sorry that the United States had presented the matter again, and that he wished the proposal for arbitration would be withdrawn. Through J. Hegermann-Lindencrone, the Danish representative at Washington a request was put before our government officially asking the withdrawal of the proposition for arbitration. Four reasons were given why the matter should be dropped. First. Too long time had elapsed since the events occurred which gave rise to the claims. Second. Many of the men connected with the events were now dead. This was true of Feddersen, Berg, Castonier and others. Those who were still living could no longer remember the details. Third. The American officials, and especially Mr. Helm, had agreed that the laws of neutrality should be guarded to the satisfaction of the Danish authorities. As soon as satisfactory proof was presented that the cargo of the Catharine Augusta had a lawful destination it was released. Mr. Marcy had admitted that the shot fired at the Benjamin Franklin had been occasioned by the negligence of the captain. No disrespect had been shown at the time to the American flag because the Benjamin Franklin was flying the British colors. Fourth. Every time the Danish government in the past had put the whole case in its true light, it had been dropped for a while. It was not fair to continue to present the case.

Perhaps it can be said that the statute of limitation,
absence of witnesses, denial of facts and objection to methods were the four points upon which the Danish government based its request for the withdrawal of the proposal for arbitration. It was also contended that so long as there was no true claim there was nothing to arbitrate. Venezuela was in the same situation in which the United States government found itself a few years later. A rebellion had broken out within her borders and her representatives urged upon the Danish government at St. Thomas, as the United States did upon England, not to give aid to the rebels. Since the United States government had successfully demanded damages from England on account of the Alabama, it was unfair to hold that the Danish government should have taken the same stand towards Venezuela that England did to the United States. 65

65. Ibid., pp. 80 - 84.

Hamilton Fish answered the Danish government through Michael J. Cramer in a memorandum forwarded soon after the receipt of Hegermann-Lindencrone's communication. The note which was brief and to the point contained the following arguments in favor of the claims. First. The question of time was of no account as a statute of limitation did not obtain between nations. Second. The periodic presentation of the claims was caused by circumstances and could therefore not invalidate them. Third. The facts in the case were well established, so it was of no consequences that witnesses could not be called. Fourth.
Admissions by any American officials could not alter the facts in the case. Fifth. As a belligerent could not capture arms and ammunitions from an enemy in a neutral port, he could not ask a neutral to do it for him. 66 Mr. Cramer sent the memo-

randum of Hamilton Fish to Baron O. D. de Rosenørn-Lehn August 15, 1874, 67 but it does not appear that a reply was ever re-

ceived from the Danish government.

Several years passed by during which no mention was made of the Butterfield Claims. May 25, 1878 the House of Rep-

resentatives passed a resolution requesting the Secretary of State to furnish it with a statement and the documents concern-

ing the claims. 68 These were transmitted by the President in

January 1879. 69 It does not appear, however, that anything was

done at that time and for nearly a decade it seems that the case was forgotten.

What took place to bring the case up again can not be related here as the documents have not been published. In

66. Ibid., pp. 85 - 86.

67. Ibid., p. 87.


1888 the question of arbitrating the Butterfield claims was taken up in Copenhagen by Rasmus B. Anderson, Minister Resident of the United States. He succeeded in getting Denmark to agree to arbitration. A convention concluded December 6, 1888 was ratified by our Senate the next year in May. It provided in its first article that the claims should be referred to Sir Edmund Monson, the British representative to Athens, as sole arbitrator. The second article provided that duly certified copies of all documents connected with the case should be furnished by each government to the arbitrator and that duplicates of the copies presented to him should be presented to the other government. The time for filing the documents with the arbitrator should be limited to seventy days from the day the government received notification of his acceptance. The expenses, according to the third article, should be shared equally by the two governments. The fourth article provided that the two governments should abide by the decision of the arbitrator and perform his decree without delay. His decision should be final. The fifth and last article provided for the ratification of the convention.70

70. For text of the treaty, see W.M. Malloy, Treaties, etc., Vol. I, pp. 387 - 388.

Sir Edmund Monson accepted the position as arbitrator.71 January 22, 1890 he rendered his award, a copy of which
71. For the correspondence relative to the extension of the invitation to Sir Edmund Monson to become the arbitrator in the case, see *Foreign Relations of the United States, 1889*, pp. 152 - 158.

was sent to the Secretary of State, James G. Blaine. It contains the following facts.

The arbitrator held that there were no substantial difference in the representation of facts by the two governments. The decision would therefore hinge on the interpretation of those facts. The United States claimed indemnity from the Danish government for the following reasons:

"First. The seizure and detention of the American bark *Catharine Augusta*.

"Second. The refusal to her of the ordinary right to land her cargo for the purpose of making repairs, and herein of the exaction of the unusual, onerous, and illegal conditions.

"Third. The seizure and detention of the steamer *Benjamin Franklin*.

"Fourth. The wrongful firing of a shot into the last named steamer, and the injuries resulting therefrom."

The United States held that the vessels had a right when injured by the elements to enter a friendly port for repairs and to land her cargo if needed to effect the repairs. She further claimed that under the rules of international law
it was unlawful to fire upon a peaceful vessel.

The Danish government contended that aside from the original merits of the case no indemnity was due the United States because of the long time which elapsed between the rise of the claims and the first time they were presented to the Danish authorities. She further contended that the actions of the authorities of the island St. Thomas were legitimate and that the merits of the case must be decided on the basis of the following questions:

"Had the local authorities legitimate grounds of suspicion warranting them in taking precautions?

"Is there reasonable ground for objecting to the nature and extend of the measures taken by those authorities?

"Were those measures allowed to remain in force for a longer period than necessary?"

Taking up the first contention of the Danish government which involved the question whether a statute of limitation obtained between nations as between individuals, the arbitrator decided that the lapse of time would not preclude payment if the merits of the case should prove that compensation ought to be made. It might, however, be a just cause for legitimate criticism by the Danish government. It is interesting to note here that Sir Edmund Monson disagreed on this subject with Henry Wheaton when in regard to the Bergen prize claims
he stated that a certain time must come when claims become invalid on account of the lapse of time. If a third party were to arbitrate the case the claims would most likely be held invalid as nearly seventy years had passed since they arose.  


Taking up the three questions proposed by the Danish government the arbitrator held the answer to those would form a basis for his decision, except on the subject of firing on the Benjamin Franklin. This he would consider by itself. In regard to the question whether there were legitimate grounds for suspecting the two vessels he answered in the affirmative. It was therefore the duty of the Danish authorities to take precaution. Concerning the second question, whether there was reasonable ground to object to the measures taken by the Danish authorities he observed that the facts in the case did not correspond with the terms "seizure and detention" used in the American argumentation. The measures used by the authorities of St. Thomas consisted in demanding a "bond of moderate amount" and a personal guarantee that if the vessel were allowed to be repaired in a Danish port, neither it, nor its cargo would be used against a nation friendly to Denmark. This was necessary in virtue of the Danish law in existence forbidding the free
export of arms. "The ships were in no sense seized nor detained and the precautionary measures...were cheerfully acquiesced in by the consignees and the commercial agent of the United States." He therefore held that the measures were reasonable and the United States had no cause for complaint. Dealing with the third question whether the measures had been kept in force too long he observed, that the request to reload the cargo was made May 7, 1855 and the permission given shortly after. There is

73. As stated in Chapter IV clearance was given to the two ships May 26, 1855, after the proper documents had been presented to the authorities. Executive Documents, 45 Cong., 3 Sess., Vol. XVI, Doc. 33, pp. 63 - 64.

no evidence that clearance might not have been obtained earlier had it been asked for. There is therefore no ground to show "that the precautionary measures...were maintained longer than was necessary."

On the basis of these facts the claims were disallowed which were founded on the precautionary measures of the St. Thomas authorities taken toward the Benjamin Franklin and the Catharine Augusta.

The question of the firing on the Benjamin Franklin was then taken up. The arbitrator held that the chartering of this vessel by the British steamship company did not in itself entitle the vessel to enjoy the privileges of the regular steam-
ers of the company to enter or leave at night without special permission. Even steamers under the Danish flag did not have this privilege. The argument made by the United States that Major Gastonier was court-martialed and dismissed from his appointment was contrary to fact. He acted on this occasion as he should act towards every steamer, except the regular steamers of the Royal Mail Steam Packet Company, which did not go through the formality of notification. "It is clear that the captain of the Benjamin Franklin neglected to comply with these formalities, and consequently the Danish Government can not be fixed with the responsibility of what unfortunately ensued."

From all the facts in the case it was clear "that neither in respect to the firing upon the steamship Benjamin Franklin, any more than in the treatment of that steamer and of her consort, the Catharine Augusta, is any compensation due from the Danish Government."74


6. The Mormon Problem.

During the last seventy years regular waves of Mormon missionary propaganda have swept over Denmark. The first
one came in 1850 when two "Apostles" Snow and Dykes arrived from Utah. Snow made the capital Copenhagen his center of activity, while Dykes labored around Aalborg in Jutland.  

75. Hansen og Olsen, De Danske Baptisters Historie, pp. 74, 91.

years later the Mormons attempted to establish their work on the island Bornholm.  

76. Ibid., p. 111.

Denmark to Utah because there they could practice their newly embraced doctrines of polygamy. During the seventies our foreign office inquired of the Danish government what was being done to prevent migration to America for polygamous purposes. The Minister of Foreign Affairs answered that his government was pleased to know that the United States was interested in the problem, as Denmark was powerless in the matter because it was not against the law to join the Mormon church. There was no legal way to stop emigration which had for its purpose a future state of polygamy as according to Danish law a purpose which had been given no expression was not punishable. The only way to put a stop to Mormon emigration was to stop polygamy in Utah. That would remove the condition which aided the propagation of the Mormon faith in European countries.  

77. Foreign Relations of the United States, 1880, pp. 346-347.
In May 1897 John E. Risley received a petition from C. N. Lund, president of the Scandinavian Mission of the Mormon Church requesting the intervention of the American representative as two Mormon missionaries who were American citizens were expelled from Denmark because they preached Mormon doctrines. They claimed that they had not preached polygamy and had not broken the law of the land. Mr. Risley was uncertain which course to take, hence he wrote to Washington for instructions. These were sent in July of the same year and were to the effect that if any doctrines were preached which were contrary to the laws of Denmark the Mormon missionaries could not expect American protection. If, however, they obeyed the laws of the land and were "law-abiding and moral teachers, they should have equal treatment with other propagandists." 78

78. Ibid., 1897, pp. 121-124. It does not appear from the correspondence what Mr. Risley did for the Mormons.

In March 1900 the Mormon question came up again because the Danish government banished two Mormon missionaries. They appealed to Laurits S. Swenson, the American representative at Copenhagen for protection. He succeeded in getting the foreign office of Denmark to stay the execution of the decree of banishment, which had been issued by the Ministry of Justice. An investigation was held in regard to the work of the two missionaries which revealed that they had done nothing
contrary to law but had been banished for preaching Mormonism in general. It was shown by several affidavits that polygamy was no longer a tenet of Mormonism. The American minister therefore asked the Danish government to revoke its decree of banishment. He received the reply that since the United States in 1879 and 1881 had requested that Denmark should prevent the migration of Mormons to the United States and since the emigration records showed that a large number of people of the Mormon faith had been migrating to Utah, to the detriment of the Danish state the order could not be revoked. A month's stay of the execution of the decree was, however, granted. 79

79. Foreign Relations of the United States, 1900, pp. 413-422.

Since 1900 the Mormon question has caused very little trouble as the Danish government has become more liberal on the subject. 80 Perhaps the fact that polygamy has disappeared in the United States has done its part to remove the problem.

7. The Status of the American Representative to Denmark.

Denmark has followed the principal of keeping the rank of her representatives to foreign countries as low as possible. This was generally done for economic reasons. It was
the custom of the United States to give a representative to a
foreign country the same rank which that nation's representa-
tive held in Washington. Consequently our representative at
Copenhagen held a rank very low compared with the size of the
nation he represented. This was humiliating to our represent-
tive for two reasons. Since his rank in the diplomatic ser-
vice was low his salary was very small. At the time when the
representatives of the larger European nations at Copenhagen
were paid $25,000 a year, our representative received only
$5000. Unless he was wealthy he was unable to take part in
the court affairs and the social functions of the diplomatic
corps. On the other hand our representative felt humiliated
when on various business occasions, because of his low rank,
he would have to wait till the representatives of very small
countries, but with high diplomatic ranks, had finished their
business at the foreign office.

During the early part of the nineteenth century our
representative in Denmark had held the rank of chargé d'affaires.
During the seventies he was styled Minister Resident and his
salary was $7500. The latter part of that decade his rank


was changed again to chargé d'affaires and his salary reduced
to $5000. For the year 1883 the rank was again changed

82. Ibid., Vol. XIX, p. 170.

to Minister Resident and the office of Consul-General was ad-
ded, but the salary continued at $5,000.\textsuperscript{83} Thus it remained

\textsuperscript{83} Ibid., Vol. XXII, p. 128.

for several years. On account of this condition Rasmus B. Anderson recommended to the foreign office that the rank should be raised to Envoy Extraordinary and Minister Plenipotentiary, that the salary should be raised to $7500 and that there should be no secretary at the legation.\textsuperscript{84}

\textsuperscript{84} Senate Miscellaneous Documents, 51 Cong., 1 Sess., Vol. II, Doc. 135, pp. 1, 2.

In spite of this recommendation nothing had been done in 1889 when Mr. Anderson left Copenhagen and Clark E. Carr took his place. This new minister found it even harder to get along on the small salary as he had his family with him while Mr. Anderson had left his family in the United States.\textsuperscript{85} In 1890 the matter was brought before Congress by Senator John Sherman who was in favor of adopting R. B. Anderson's recommendations. Consequently the rank was changed and the salary raised by law of July 14, 1890 to $7500.\textsuperscript{86} In 1892 a rumor reached Denmark.

\textsuperscript{85} Ibid., pp. 3-4.

\textsuperscript{86} Ibid., pp. 5-6; Statutes at Large, Vol. XXVI, p. 272; Congressional Record, 51 Cong., 1 Sess., Vol. XXI, Pt. VIII, p. 7264. For full record of the bill in Congress, see Ibid., Index, p. 428, House Bill 9603.
that the American legation would be discontinued. Mr. Carr in-
formed the Secretary of State that this rumor seriously hampered
negotiations with Denmark in regard to the World's Fair. 87 The

87. Senate Miscellaneous Documents, 52 Cong., 1 Sess.,

rumor, however, was either unfounded or the threat was not car-
rried out. By law of February 22, 1907 the salary of our rep-
resentative to Denmark was raised to $10,000, 88 at which figure


it still remains. 89

89. Ibid., Vol. XL, Pt. I, p. 1326. In 1895 the United
States sought and obtained permission from the Danish gov-
ernment for the Peary Relief Expedition to land in Green-
207 - 210. The same year complaints were made through F.
Reventlow, the Danish minister at Washington, that American
cattle shippers were in the habit of securing Danish cit-
izens as helpers on board the cattle boats and leave them
destitute in foreign ports. Secretary of State Gresham
answered that although the practice was deplorable nothing
could be done to remedy the situation at present because of
the lack of appropriate laws under which to prosecute the
shippers. Ibid., p. 214.
The events of the last twenty years are so recent that they have scarcely become history. Were it not for one outstanding event this period would be left for the historian of the future. The event is the purchase by the United States of the Danish West Indies in 1916-1917. Before taking up this subject, however, it may be well to mention a few minor matter which have occurred during the twentieth century.

1. Reciprocal Protection of Industrial Designs.

According to the laws of the United States industrial designs and models made by aliens residing in another country are protected by our government only when the country in which that individual lives and from which he holds his patent extends reciprocity in protecting the designs and models patented in the United States. When the proper conditions exist the President of the United States may by proclamation extend protection to foreign patents.¹


In accordance with this law the Danish Envoy at Washington, Constantin Brun notified our state department June 8,
1906 that under the law of April 1, 1905 Denmark granted protection to American industrial designs and models on the basis of reciprocity. He therefore requested that the necessary promulgation be made by the United States, and promised that a corresponding promulgation would be made in Denmark. The promulgations were made in due order, by the United States June 22, 1906 and by Denmark August 14, 1906.

3. Ibid., p. 397. For the Danish promulgation in the Danish language, see Ibid., p. 398.

2. Reciprocal Protection for Trade-Marks in China.

A similar arrangement was made in 1904. The Danish government through Mr. Brun requested the United States to protect Danish trade-marks duly registered in America against infringement by our citizens in China. Reciprocally the Danish government would protect American trade-marks, duly registered in Denmark, against infringement by Danish citizens in China, by having violators brought before the Danish consular court at Shanghai and punished in accordance with the provisions of the laws of Denmark, dated April 11, 1890 and December 19, 1898 and of the Royal Ordinances dated September 28, 1894 and September 12, 1902. He also requested that the arrangement be made effective by exchange of notes.

Our foreign department responded soon after and ex-
pressed its willingness to enter into such an agreement, as we already had similar agreements with other nations. It was pointed out, however, that we had no law making the infringement of a trade-mark a criminal offense, but that effective provisions existed by which damages might be obtained by civil action. It should be understood that so far as the United States were concerned the word "punishment" should refer to civil action only and not to criminal procedure.

The Danish government accepted this condition and instructed its consul at Shanghai to act against violators accordingly. The United States representative at Peking was instructed to inform our consular agents in China to protect the Danish trade-marks in their courts according to the agreement.4

4. For text of the correspondence on this subject, see W. M. Malloy, Treaties, etc., Vol. I, pp. 399–401.

3. Payment of the Samoan Claims.

In a treaty between the United States, Germany and Great Britain in regard to Samoa, signed November 7, 1899, it was arranged (Article III) that claims arising as a result of the warlike operations at Apia should be paid jointly by the United States and Great Britain. Danish subjects put forth a claim for $2700 for the "destruction of live stock, injury to houses, fences, plantations, tanks, and the destruction of furniture and other effects." Two agents were appointed to
investigate the claims. C. J. B. Hurst served for Great Britain and R. Newton Crane for the United States. They found that the value of the material destroyed was exaggerated and on December 6, 1905 rendered a decision that $1520 should be paid by the two governments. By law January 30, 1906, the share of


the United States amounting to $760 was allowed to the Danish claimants.


For the Samoan treaty, see Ibid., Vol. XXXI, pp. 1875-1877.

4. Arbitration Conventions.

In agreement with Article XIX of The Hague Convention of 1899 of which the United States and Denmark were signatories, an arbitration treaty was concluded at Washington May 18, 1908 by Acting Secretary Robert Bacon and Constantin Brun. It provided that matters of a legal nature and questions relating to the interpretation of treaties failing to be settled by diplomacy should be referred to the Permanent Court of Arbitration at The Hague, provided they did not involve "the vital in-
terests, the independence, or the honor of the two Contracting States, and do not concern the interests of a third party."

It was further agreed that before any case was put before the court a special agreement should be concluded "defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the period to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure."

Those preliminary agreements should be satisfied in due form. This convention was to last for a period of five years. It


does not appear that any case was settled under its provisions.

During the early years of Woodrow Wilson's administration, his Secretary of State, William J. Bryan concluded a series of conventions "for the advancement of the cause of general peace." One of these was concluded with Denmark April

9. For the index to Bryan's treaties for the advancement of general peace, see Statutes at Large, Vol. XXXVIII, Pt. II, p. 2299.

17, 1914 and was signed by Mr. Bryan and Constantin Brun. It provided that disputes which should fail to be adjusted by diplomacy should be submitted to an International Commission
of five members. "One member shall be chosen from each coun-
try, by the Government thereof; one member shall be chosen by
each Government from some third country; the fifth member shall
be chosen by common agreement between the two Governments."
Neither country should declare war nor begin hostilities while
the work of the commission was going on. The two governments
pledged themselves to "endeavor to adjust the dispute directly
between them upon the basis of the Commission's finding." The
treaty was to remain in force for five years and further until
twelve months after one of the parties had given notice for
its termination.10

10. Ibid., pp. 1883 - 1885.

5. The Purchase of the Danish West Indies.

The attempt made by President Lincoln and William
H. Seward to purchase the islands of St. Thomas and St. John
ended, as noted in Chapter V, in failure, largely for polit-
ical reasons. The refusal of the Senate to ratify the treaty,
which had originated in this country, left our government in
a peculiar situation. As the Monroe Doctrine is generally in-
terpreted, the United States would oppose the transfer of the
islands to another European country. It was our good fortune
therefore, that Denmark was not very anxious to get rid of the
islands. Had she decided, after the Senate's refusal to rati-
fy the treaty, to transfer the islands to some European power, say Germany, it seems that our government would either have had to acquiesce or change its mind on the question of purchase.

The unsuccessful transaction of the sixties had a peculiar influence on the inhabitants of the islands. The plebiscite had shown that they were all in favor of the transfer. The action of the Senate cruelly disappointed the islanders and left them restless and discontented. They had hoped for much improved conditions under the government of the United States. The people, whether Caucasian or Negro, had very little in common with Denmark. Even the language used was English, although the official language was Danish. Men of the past who were far-seeing realized that the purchase of the islands by the United States at some future date was inevitable. 11


The question of the transfer of the islands came to the front again and again until the purchase was finally consummated. It was a constant temptation for Denmark to sell the West India possessions because the sale might bring a neat sum of money into the Danish treasury. Added to this was the fact that the islands were a financial burden to the mother-country, while both Germany and Great Britain were willing to purchase them, and were in every way better equipped to take care of them.
In 1874 a rumor reached the United States that Germany was trying to negotiate a treaty with Denmark by which Danish Schleswig, which Prussia had taken by force in 1864, was to be receded to the mother country for the island of St. Thomas. Hamilton Fish instructed Michael J. Cramer to ferret out whether there was any truth in the rumor. Cramer reported that the charge d'affaires of the German Empire at Copenhagen (the regular minister being absent) had stated positively that there was no truth in the rumor. George Bancroft, our representative at Berlin, stated that he had assurances from the German government that no negotiations were in progress and that it did not even want the Danish islands as a gift. He stated, however, that the decision on the Alabama claims had shown the German naval authorities how weak would be their position in case of a war, and that they desired coaling stations in various parts of the world. It seems that Hamilton Fish was not convinced for he gave orders to our representatives abroad to be watchful in case any negotiations of that character should occur.


As stated above the people of the Danish West Indies became dissatisfied and restless under the Danish government. This came to a head in October 1878 when a revolt broke out in St. Croix as the result of a decrease in wages when the labor-
ers asked for an increase. A riot was started in which forty-three sugar plantations were destroyed, the damages amounting to $1,100,000. About one half of the town of Fredericksted was burned to the ground. Only with difficulty was the riot finally quelled.\[13\] During the following winter a commission of three was sent from Denmark to investigate the conditions. The report of this commission was very gloomy. The Minister of Finance had a measure introduced in the Rigsdag to the effect that the government should make temporary loans to the sufferers.\[14\]

Since 1867 conditions in the Danish West Indies had grown worse year by year. Before that date the islands had been able to furnish money for their own government expenses and even at times to pay money into the state treasury. The sugar export from Croix had decreased from 15,000 hogsheads in 1865 to 3,800 in 1878. When introducing the bill for financial aid to the islands, the Minister of Finance said: "it is high time that a final determination should be reached as to the exact position to be assumed by the mother country toward these islands, for the present state of things is no longer tenable."\[15\]
It is not at all unnatural that under those circumstances a rumor should arise again that Denmark was trying to sell the islands. Our foreign office instructed Michael J. Cramer to inquire in regard to this, as we could not look with indifference upon their transfer to any European power. The reply of the Danish government was to the effect that there was nothing definite going on in the line of negotiations, but that the islands were suffering much and England would be better able to take care of them. Just what England would do was not known to Denmark. It would seem that both at this time as well as in 1874 there was some truth in the rumor in spite of official denials.

For more than ten years the matter rested, but in 1892 when Clark E. Carr visited Mr. Jacob Estrup, the Danish Premier, to obtain copies of the Islandic books containing the sagas of the discovery of America by the Northmen for the Columbian Exposition at Chicago, the conversation accidentally turned to the unsuccessful treaty of 1867. Mr. Estrup made the statement that while Denmark was not seeking a buyer for the islands, she would be willing to consider a proposal by the United States. Later the same opinion was expressed by the Minister of Foreign Affairs, Reedts-Thott. Premier Estrup authorized
Mr. Carr to mention the matter to his government. In writing to our foreign office about this Mr. Carr showed that Denmark was not in financial difficulties, but various improvements which she intended to make might become a reality if money could be obtained. 18


Although the correspondence of Mr. Carr did not state to what he referred by the term "improvements," except in mentioning the reerection of Christiansborg Castle, which had burnt to the ground in 1884, there can be very little doubt in the minds of those that know the history of Denmark during that period. For years the conservative or Højre party had been in favor of a policy of military fortifications at certain strategic points, especially at the capital Copenhagen. This was opposed by the liberals or Venstre. The Højre party had a majority in the aristocratic, appointive, upper house of the Rigsdag known as the Landsting, but (after the election of 1884) could only count on twenty out of one hundred and two members in the lower house, or Folketing. It was therefore impossible for the conservatives to carry any measure proposed. When the administration under the leadership of the Premier Jacob Estrup attempted to follow their cherished plans, the liberals under the leadership of Kristen Berg blocked them by refusing to allow money for the ordinary government expenses. This was
done the first time when the Rigsdag failed to pass the finance bill for the fiscal year April 1, 1877 to March 31, 1878. The King, therefore issued a royal ordinance, which provided for the raising of money without the consent of the Rigsdag. This, of course was unconstitutional and had to be enforced by gendarmes who patrolled the country to prevent rioting. The royal ordinance continued in force for many years as neither the Højre nor the Venstre party was willing to give in. 19 It is very natural that under those circumstances Estrup might wish to raise money for the administration's program through the sale of the Danish West Indies.

A short time after the suggestion was made to Clark E. Carr, a new party got into control at Washington and somewhat later Jacob Estrup was succeeded by Reedtz-Thott, who by wise concessions was able to compromise with the liberals and obtain money through constitutional means. 20 Consequently the

19. For the text of the royal ordinance and the early part of the party struggle, see Foreign Relations of the United States, 1877, pp. 119-124. For fuller accounts of the parliamentary struggle in Denmark from 1875-1901, see Cambridge Modern History, Vol. XII, 292-293; Frederick A. Ogg, Governments of Europe, pp. 559-568; R. N. Bain, Scandinavia, pp. 428-431.

20. Ibid.
question of the transfer of the islands was lost sight of for the time being, although John W. Foster had sent a telegram to Clark E. Carr February 4, 1893 telling him to go ahead with the negotiations. 21


In January 1896, the new representative at Copenhagen, John E. Risley wrote to the Secretary of State Richard Olney that the New York papers had created quite a stir in Copenhagen by stating that negotiations were in progress for the sale of the islands, and if the United States did not buy the islands, Germany would. Mr. Risley asked the Director-General of Foreign Affairs in regard to the truth of the rumor. This official stated that the rumor was not true but that Denmark would be willing to sell the islands. Since the defeat of the treaty of 1867 in the United States Senate Denmark surely would not take the official initiative in reopening the question. If the United States should make a proposition it would receive courteous consideration. 22

22. Ibid., pp. 2798-2799.

It does not appear that the Democratic party was in favor of the purchase, as nothing was done during Cleveland's administration. The Republican party, however, seemed to be favorable toward the idea. In the national platform of that
party in 1896 there was a plank favoring the purchase of the islands in order to get a naval station in the West Indies.  


That party had reversed itself on the subject since the days of Charles Sumner. Speeches were made and articles written by men in favor of the purchase. Charles Sumner and his associates were taken to task for their shortsightedness.  


was very natural then that the Republicans should attempt to purchase the islands. Before a definite treaty was made a little episode took place which ought to be mentioned.

It appears that a Danish naval officer, known as Walter Christmas, who had been courtmartialed and dismissed from the service, conceived the idea of recuperating his social standing by leading in a movement to sell the Danish West Indies to the United States. He also hoped to restore his wasted fortune by obtaining a commission of ten per cent on the sale.  


In December 1899 he succeeded in getting into personal con-
tact with President McKinley, who referred him to John Hay, the Secretary of State. Mr. Hay seemed quite interested and gave Christmas a letter of introduction to the American Ambassador at London. The Danish Envoy at Washington and the American representative at Copenhagen knew nothing about the work of Christmas.

Christmas and Henry White, the secretary of the American Legation at London went to Denmark to negotiate the sale with the Danish officials. Mr. Ravn, the Danish Minister of Foreign Affairs was much surprised to learn what was going on. While he treated Mr. White very courteously he flatly refused to admit Christmas to his office. Christmas, however, appealed to the Danish Premier and used effectively John Hay's letter of introduction. As a result he finally gained admittance to the foreign office. He was assisted in the negotiations by three other Americans, Niels Grön, Henry H. Rogers, and Charles R. Flint. Christmas informed the Danish officials that he could negotiate a sale for the islands, but that money would be needed to carry the treaty through the United States Senate. When this was brought out Denmark refused to carry the matter any further and the affair was dismissed. 27

27. The Nation, Vol. LXXV, p. 320; North American Review, CLXXV, pp. 500 - 505. In the spring of 1902 the whole affair was investigated and proven to be a frame up by Walter Christmas and his associates. See the "Richardson Investigation," House Reports, 57 Cong., 1 Sess., Vol. IX, Doc. 2749.
During Roosevelt's first administration the Danish representative at Washington, Constantin Brun, and John Hay succeeded in negotiating a treaty for the transfer of the islands to the United States for $5,000,000. This treaty was ratified by the Senate and by the Danish Folketing, the lower house of the Rigsdag, but was rejected by the Landsting, the upper house of that body. It is generally conceded, or at least believed, that the defeat was due to German influence.  


For some time the question of purchasing the Danish West Indies was resting. The feeling, however, grew strong both in Denmark as well as in the islands that a transfer to the United States would be desirable. Economic conditions were getting worse and worse in the islands and the population was decreasing. 29 The approaching completion of the Panama Canal made it still more desirable for the United States to have a good harbor in the West Indies. From the standpoint of location the harbor at St. Thomas was the best in existence. It was therefore very natural that the question of purchasing the islands would arise again.  

The outbreak of the war in 1914 and the fact that it was believed that Germany would make a strong bid for the Danish West Indies if she should come out victorious in the World War, were perhaps the main reasons why negotiations were renewed for the purchase of the islands. A treaty was concluded between the two powers in the city of New York August 4, 1916 and signed by Robert Lansing for the United States and by Constantin Brun for Denmark. The Senate ratified the treaty September 7, 1916. The exchange of ratification took place January 17, 1917 and the formal transfer of the islands was made on March 31, 1917 at which time the purchase price of $25,000, 000 was paid to the Danish Envoy at Washington.30


Besides the customary articles in treaties of that type providing for cession and payment, Article III mentions a large number of grants, concessions and licences which the Danish government had granted various firms. These are guaranteed to remain inviolate under the government of the United States. The question of the Danish National Church as existing and supported in the islands became the subject of separate notes exchanged between the two governments January 3, 1917. The arrangement here made was to the effect that the islands might be put on the same basis in regard to religion as that guaranteed by the Constitution of the United States.31
In conformity with the Danish constitution the treaty had to be ratified by the Rigsdag. Before the subject was taken up in that body for discussion the administration caused a plebiscite to be held in the islands which turned out to be overwhelmingly in favor of the transfer. The question was also put before the people of the home country in order that the Rigsdag might know public opinion in regard to the matter. The date set for the election was December 14, 1916. The liberal students of Denmark, backed by the administration and the Copenhagen newspaper Politiken, led the movement in favor of the sale. They argued that Denmark should concentrate her attention on her northern colonies, Greenland, Iceland and the Færoë islands and get rid of the unprofitable West Indies. The conservatives, backed by the Nationaltidende, another Copenhagen newspaper, held that Denmark should not part with any of her territory. During the week December 6 - 12, 1916

33. Politiken, December 4, 7, 14, 1916. Practically every issue of Politiken from August 1 to December 28, 1916 contains articles dealing with the sale of the islands. December 7, 1916 the paper issued a supplement edited by the Radical Students' Association. This contained state-
ments by every member of the Council for the Colonies, who were all in favor of the sale. See Tillaeg til Politiken, December 7, 1916.

Great mass meetings were held in twenty-five strategic points in different parts of the kingdom. These meetings were under the leadership of the radical students who spoke vehemently against the "unsound sentimentalism" of the conservatives. 34

34. Ibid.

The fact that since the treaty was made and ratified by the United States a very destructive cyclone passed over the islands and destroyed close to a million dollars worth of property was also used effectively by the pro-sale element. 35


When the election returns were complete, it was shown that out of 1,250,000 votes in the kingdom only 441,290 had used the ballot. Of these about 283,000 were in favor of the sale and the rest against. From this the conservatives drew the conclusion that as only one fifth of the votes had expressed themselves in favor of the sale, the West Indies should be retained. The conclusion, however, might legitimately be reached that the election showed that the people in general did not care a whit whether the islands were sold or retained. De-
December 20, 1916 the Folketing voted 90 to 16 in favor of the sale, and the following day the Landsting followed with a favorable vote of 40 to 19. The King signed the treaty December 22, 1916. As stated above the transfer was completed three months later. Thus was completed a transaction which was surely beneficial to Denmark and we trust will not be regretted by the United States. At the time the transfer took place the United States Congress had already passed an act providing for a temporary government as well as for the payment of $25,000,000 to Denmark.


37. For a brief history of the Danish West Indies, see House Documents, 57 Cong., 1 Sess., Vol. XLVII, pp. 2765 ff; Congressional Record, 64 Cong., 1 Sess., Vol. LIV, Pt. VI, pp. 694 - 697. For a more complete history of the islands, see Waldemar Westergaard, The Danish West Indies, 1671-1917.

APPENDIX A.

An extract of a letter from Andreas Peter Bernstorff to Ditlev Reventlow, dated Copenhagen, December 27, 1777.

"Si l'indépendance de l'Amérique septentrionale n'avort pas d'autres suites que de mettre des bornes à l'ambition des Anglois et de les mettre hors d'état d'usurper l'empire tyrannique sur les mers, je la regarderois comme un bonheur, et je n'aurois pas besoin d'arguments pour m'en consoler, mais quand je pense aux difficultés qu'il y aura de soutenir alors nos possessions dans ces parages éloignés, la diminution du commerce de la Baltique, le danger que la pêche de Groenlande, si voisine de l'Amérique, ne peut que courir, la rivalité pour toutes les productions du nord en général et la supériorité que la France reprendra dès l'instant que l'Angleterre cessera de la lui disputer, alors je ne puis que m'inquiéter, et prévoir un avenir rempli de doutes et d'incertitudes. L'Angleterre se propose certainement de se stipuler, même en reconnaissant l'indépendance de ses colonies, des avantages dans le commerce suffisants pour faire entrer les produits de l'Amérique et surtout le tabac dans sa propre balance, mais cette ressource lui sera encore vivement contestée. Je soupçonne qu'il existe déjà un traité de commerce entre le congrès et la France, qui assurera à celle-ci des avantages futurs décisifs, et si mes conjectures sont fondées, je crains que ce sera là le germe d'une guerre presque certaine, que l'Angleterre poussera jusque à son
triomphé ou jusques à son anéantissement parfait. L'emprunt de 25 millions que la France vient d'ouvrir, est uniquement destiné aux dépenses que le rétablissement de sa marine exige.\(^1\)


**APPENDIX B.**

An extract of a letter from A. P. Bernstorff to the Council of State, dated March 17, 1780.


1) Es is eine Unmöglichkeit für Dännemark seine Colonien, die als Zuckerinseln ein besonderer Gegenstand des Neides der Nordamericaner sind, gegen künftige Angriffe derselben zu vertheydigen.

2) Können wir verschiedene producten dieser Länder, als z.E. des Reises, Tobacks, und Indigo nicht gänzlich entbehren, haben aber selber keine, die ihnen nützlich seyn könnten und
zum Tausche dienlich waren: müssen sie also mit baarem Gelde oder mit Zucker bezahlen.

3) Sind sie in Ansehung aller unserer zur Ausfuhr dienlichen Wahren, fast ohne Ausnahme, unsere Rivale: Insonderheit was das Korn, das Holz, und was noch bedenklicher ist, die Fischerey betrifft. Ja sie haben in Ansehung des Wallfish... wegen ihre Lage solche natürliche Vortheile, dass so bald sie nicht mehr werden bezwungen seyn, diese Ihre Wahren nach England zu führen sondern nach alle Märkte und Häfen von Europa bringen können sie Uns ohnfehlbar von denselben gänzlich ausschliessen werden.....

4) Wird durch ihre directe Farth nach den Häfen der Mitteländische See, der Handel mit den producten der an dem Ostsee belegenen Länder, dergestalt fallen, dass der Zundzoll so beträchtlich leiden wird, dass der Schäde wohl vorausgesehen, aber gewiss nich berechnet werden kann...."\(^2\)


APPENDIX C.

The treaty to which the Danish diplomat referred in his negotiation with Franklin was that between Charles II of
England and Frederik III of Denmark. It was concluded February 13, 1660, Old Style, or February 23, 1661 New Style. Article V reads as follows:

"Concordatum quoque est, quod neuter praedictorum Regum alterius inimicos seu rebelles in Regnis et Provinciis suis recipiet, aut tolerabit dummodo inimicos ejus aut rebelles esse resciverit. Et si forte aliqua tapeta.... vel alia cujuscunque bona mobilia ad Regem Magnae Brittanniae spectantia penes Regem Daniae et Norwegiae, aut aliquem subditorum suorum jam nunc sunt, aut de futuro, protinus restituantur, et transmittantur ad Regem Magnae Brittanniae, aut tradantur iis quos sua Majestas ad ea recipienda deputaverit. Item, si qui eorum, qui rei sunt illius nefandi paricidii in Regem Carolum Primum Brittanniae Magnae admissi, ac legitime de eodem scelere attincti, condamnati et convicti, vel jam sunt in Dominis Regis Daniae, vel post illuc adventient, statim quam Regi Daniae, vel aliquibus officiariis innotuerit, vel relatum fuerit, prehensi in custodiam dentur, et vincti in Angliam remittantur, vel in eorum manus tradantur, quos dictus Rex Magnae Brittanniae iis custodiendis, denique revehendis praefecerit."


The treaty is thus introduced: "De koninklijke Denemarcksche Secretarius hier door passerende communiceerde dit volghende Tractaet tusschen zijn koning ende die van
Engelandt gemaeckt/ hoewel sonder dato/ ofte onderschrijvinge."

4. We have obtained the date from Ivaro Quistgaard, Index Chronologicus, 1200-1789, p. 104.

The following footnote is also found in Du Mont, op. cit., Vol. VI, p. 346. "Ce meme Traite se trouve deux fois dans la premiere edition de ce Grand Recueil de Hollande Tom. IV. la premiere fois pag. 29, avec un Preambule, sur la Copie d'Aitzema, et la seconde fois pag. 697, sur une Copie manuscrite; datée du 13 Fevrier 1660. Celli-ci difere en quelque de toutes les autres et peut passer pour authentique, ayant été publiée sous les yeux de la Cour et du Parlement, par l'Imprimeur du Roi. On croit que la Date en doit etre entendue selon le stile d'Angleterre qui revient au mois de Fevrier 1661, stile Gregorien."

APPENDIX D.

The statement upon which the historians, Fredericia and Shäfer base their conclusions in regard to the origin of the Sound Dues reads as follows:

"Vom Lübecker Tage im Juli 1423 erfahren wir: 'Na der tiid begherden se (des koninges rad to Kopenhavene), uppe dat de crone wat hebben mochte to erer herlicheyd, int erste, dat eyn islik schip in dem Orssunde streke unde geve also vele, alse de stede sulven wolden, dat redelik were, edder dat alle
Zweevand der cronen halff worde unde halff deme dat tovoren tobehorede, efte dat men den tollen to Schone vorhogede, wente de schepe vormerden sik van dage to dage unde de penning vorerghede sik. Unde bii dem sulven lesten artikele bleven se'°


APPENDIX E.

Aabent Kongebrev.

Juli 20de, 1633.

"Efftersom vi haffuer ladett sette brokar ved den haffn for vor kjøbsted Helsingör, da haffuer vi naadigste for quod andseet, at her effter skall ungiffues haffne penge i saa maader som effterfölger: først skall huer skude eller skibe giffue aff huer lest om sommeren to schilling Dansch, och huer som vil legge offuer om vinteren skall giffue 4 schilling Dansch; desligeste skall huer baad giffue om sommeren 1 sosling og om vinteren 1 skilling Dansch."°

APPENDIX F.

Table of Money Values. 7

7. This table is worked out from facts gathered from Executive Documents, 33 Cong., 1 Sess., Doc. 108, p. 3; William Guthrie, A New Geographical, Historical, and Commercial Grammar, p. 662, folder; and John Macgregor, Commercial Statistics, Vol. I, p. 158.

Danish Currency before 1873.

<table>
<thead>
<tr>
<th>Currency</th>
<th>Equivalent</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Rosenoble</td>
<td>4 1/2 Rixdollars</td>
<td>$2.27</td>
</tr>
<tr>
<td>1 Specie dollar</td>
<td>2</td>
<td>1.07</td>
</tr>
<tr>
<td>1 &quot;</td>
<td>12</td>
<td>1.07</td>
</tr>
<tr>
<td>1 &quot;</td>
<td>192</td>
<td>1.07</td>
</tr>
<tr>
<td>1 &quot;</td>
<td>48</td>
<td>1.07</td>
</tr>
<tr>
<td>1 Goldgulden</td>
<td>1 1/3 Rixdollars</td>
<td>.71</td>
</tr>
<tr>
<td>1 Rixdollar</td>
<td>3 Marc banco of Hamburg</td>
<td>.53 1/6</td>
</tr>
<tr>
<td>1 &quot;</td>
<td>6 Mark (Danish)</td>
<td>.53 1/6</td>
</tr>
<tr>
<td>1 &quot;</td>
<td>4 Ort (or Rixort)</td>
<td>.53 1/6</td>
</tr>
<tr>
<td>1 Ort</td>
<td>24 Skilling</td>
<td>.13 1/4</td>
</tr>
<tr>
<td>1 Mark</td>
<td>16 Skilling</td>
<td>.08 5/6</td>
</tr>
<tr>
<td>1 Rixmark</td>
<td>20 Skilling</td>
<td>.11</td>
</tr>
<tr>
<td>1 Stiver</td>
<td>4 Skilling</td>
<td>.02 1/5</td>
</tr>
<tr>
<td>1 Skilling</td>
<td></td>
<td>.0055</td>
</tr>
</tbody>
</table>
Modern Danish Currency.

1 Krone = 100 Øre = $ .26.8
1 American Dollar = 3 Kroner 76 Øre.

APPENDIX G.

Sundzollpass.8

8. Each ship passing the Sound had to obtain a similar certificate as a receipt that Sound Dues were paid. This sample is taken from H. Scherer, Der Sundzoll, Beilage B, pp. 302 - 303.

BEI SR. KONIGL, MAJESTAT VON DANEMARK, DER WENDEN, ETC,ETC.


Oeresund - Zollkammer, den 25 November 1844.

Holten.

Vorbemeldeter Schiffsführer hat geladen:

"819 Stück eichener Schiffshölzer

Zoll: 24 Rthl. 28 St.

Föring: 23 " 47 "

Feuergelder: 4 " 24 "

28 Rthl. 5 St.

G. Prosch.
<table>
<thead>
<tr>
<th>Zollamts-Gebüren:</th>
<th>Sp. Rdlr. St.</th>
<th>3 --</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspecteur:</td>
<td>1 6 --</td>
<td>N B. weshalb? Unvollst. Schiffspapiere?</td>
</tr>
<tr>
<td>Copie:</td>
<td>-- 8  --</td>
<td>N B. Für Abschrift des Passes.</td>
</tr>
<tr>
<td>Mulct:</td>
<td>1 -- --</td>
<td>N B. Weil die Papiere wahrscheinlich nicht durch den Capt. oder Steuermann zur Tollkammer gebracht sind.</td>
</tr>
</tbody>
</table>

APPENDIX H.

**Specification 9**

9. A similar bill was made out by the customhouse officers for the cargo of each ship. This sample is taken from H. Scherer, *Der Sundzoll*, Beilage N, p. 312.

SHIPPERS

<table>
<thead>
<tr>
<th>Joao d'Almeida Lima</th>
<th>A. Vieira Maciel.</th>
</tr>
</thead>
<tbody>
<tr>
<td>JAL 17/1 &amp; 3/2 &amp; 9/6 Pipes Wine ..........</td>
<td>Sp. 40</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Domingos Ribeiro de Carvalho</th>
<th>Do.</th>
</tr>
</thead>
<tbody>
<tr>
<td>D.R.G. 20 Pipes Wine ..........</td>
<td>&quot; 40</td>
</tr>
</tbody>
</table>

Schultz in Stettin.

A. V. Maciel

<table>
<thead>
<tr>
<th>FRLP.</th>
<th>71/1 --&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>IFPS</td>
<td>3/2 --&quot;</td>
</tr>
<tr>
<td></td>
<td>5/6 --&quot;</td>
</tr>
<tr>
<td></td>
<td>2/2 --&quot;</td>
</tr>
</tbody>
</table>

A. V. Maciel.
Without bills of Lading according to the Manifest

4/1 & 4/2 & 1/4 & 18/6 Pipes Wine . . . . .

Belonging to the Captain

1/2 Pipe Wine free . . . . . . . .

Sound Customhouse the 8 Juli 1843.

pr. Olrik. Engelsen.

APPENDIX I.

United States representatives at Copenhagen.

<table>
<thead>
<tr>
<th>Name and residence</th>
<th>Rank</th>
<th>Time of service</th>
</tr>
</thead>
<tbody>
<tr>
<td>John M. Forbes</td>
<td>Chargé d'affaires</td>
<td>1812-1819.</td>
</tr>
<tr>
<td>No representative</td>
<td></td>
<td>1819-1827.</td>
</tr>
<tr>
<td>Henry Wheaton, N.Y.</td>
<td></td>
<td>1827-1835.</td>
</tr>
<tr>
<td>Jonathan F. Woodside, Ohio</td>
<td></td>
<td>1835-1841.</td>
</tr>
<tr>
<td>Isaac R. Jackson, Pa.</td>
<td></td>
<td>1841-1842.</td>
</tr>
<tr>
<td>Wm. W. Irwin, Pa.</td>
<td></td>
<td>1842-1846.</td>
</tr>
<tr>
<td>Miller Grieve, Ga.</td>
<td></td>
<td>1852-1853.</td>
</tr>
<tr>
<td>Henry Bedinger, Va.</td>
<td>Minister Resident</td>
<td>1853-1858.</td>
</tr>
<tr>
<td>Name and residence</td>
<td>Rank</td>
<td>Time of service</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-----------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>James M. Buchanan, Md.</td>
<td>Minister Resident</td>
<td>1858-1861.</td>
</tr>
<tr>
<td>Henry B. Ryder</td>
<td>&quot; ad interim</td>
<td>1882-1883.</td>
</tr>
<tr>
<td>Wickham Hoffman</td>
<td>Minister Resident</td>
<td>1883-1885.</td>
</tr>
<tr>
<td>Rasmus B. Anderson, Wis.</td>
<td>&quot;</td>
<td>1885-1889.</td>
</tr>
<tr>
<td>Clark E. Carr, Ill.</td>
<td>(Envoy Extraordinary)</td>
<td>1889-1893.</td>
</tr>
<tr>
<td></td>
<td>(and Minister Plen-)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(ipotentiary)</td>
<td></td>
</tr>
<tr>
<td>Lauritz S. Swenson, Minn.</td>
<td>&quot;</td>
<td>1897-1905.</td>
</tr>
<tr>
<td>Maurice F. Egan, D.C.</td>
<td>&quot;</td>
<td>1907-1918.</td>
</tr>
<tr>
<td>Norman Hapgood, N.Y.</td>
<td>&quot;</td>
<td>1919.</td>
</tr>
</tbody>
</table>

Danish Representatives at Washington

<table>
<thead>
<tr>
<th>Name</th>
<th>Rank</th>
<th>Time of service</th>
</tr>
</thead>
<tbody>
<tr>
<td>J. Blicker Olson</td>
<td>Minister Resident</td>
<td>1800-1805.</td>
</tr>
<tr>
<td>Peder Pedersen</td>
<td>&quot;</td>
<td>1805-1826.</td>
</tr>
<tr>
<td>Steen Bille</td>
<td>Chargé d'affaires</td>
<td>1826-1854.</td>
</tr>
<tr>
<td>Torben Bille</td>
<td>&quot;</td>
<td>1854-1858.</td>
</tr>
<tr>
<td>W.R. Raasloff</td>
<td>&quot;</td>
<td>1858-1866</td>
</tr>
<tr>
<td>J. Hegermann-Lindencrone</td>
<td>&quot;</td>
<td>1866-1880.</td>
</tr>
<tr>
<td>Carl Steen Andersen Bille</td>
<td>Minister Resident</td>
<td>1880-1884.</td>
</tr>
<tr>
<td>P.L.E. de Lövenorn</td>
<td>&quot;</td>
<td>1884-1888.</td>
</tr>
<tr>
<td>Name</td>
<td>Rank</td>
<td>Time of service</td>
</tr>
<tr>
<td>--------------------</td>
<td>-------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>F.W. Sponneck</td>
<td>Minister Resident</td>
<td>1888--1894.</td>
</tr>
<tr>
<td>F. de Reventlow</td>
<td></td>
<td>1894--1895.</td>
</tr>
<tr>
<td>Constantin Brun</td>
<td>Envoy Extraordinary and Minister Plenipotentiary</td>
<td>1895--1908.</td>
</tr>
<tr>
<td>Count Moltke</td>
<td></td>
<td>1908--1913.</td>
</tr>
<tr>
<td>Constantin Brun</td>
<td></td>
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I. Primary Sources.


American State Papers, Foreign Relations. Edited by the Secretary of State. 6 vols. Washington, 1832-1859.

American State Papers, Naval Affairs. Edited by the Secretary of State. 4 vols. Washington, 1834-1861.


Appleton's Annual Cyclopedia, 1868. New York. For the political platforms of 1868.

Bang, Nina Ellinger, *Tabeller over Skibsfart og Varetransport*
Bilingual, Danish and French.


Bernard, Jacques, Recueil des Traités. 5 vols. Amsterdam, 1700.


Bigelow, John, France and the Confederate Navy. New York, 1888. This contains much of the correspondence connected with the Stonewall case.


Census Reports.


Congressional Record.
45 Cong., 2 Sess., Vol. VII, Pt. IV.
51 Cong., 1 Sess., Vol. XXI, Pt. VIII.
64 Cong., 2 Sess., Vol. LIV, Pts. IV and VI.
Washington, 1873--


Danske Tractater, 1751-1800.
København, 1882.


Du Mont, Jean, Corps Universelle Diplomatique. 6 vols.
Amsterdam, 1728.


Hansard, T. C. (and others), Parliamentary Debates. Vols. CXLI, CXLII, AND CXLIV. London, 1812—

Hanserecesse. 1. Serie, 8 Band; 2 te Serie, 7 Band; 3te Serie, 9 Band. Leipzig, 1870-1913. This is a collection of reprints of old documents pertaining to the Hansa towns.


King, Charles R., Life and Correspondence of Rufus King. 6 vols. New York, 1894.


Malloy, William M., Treaties, Conventions, International


Martens, G. Fr. de, Recueil des Traités. 1494-1874.
Gottingne, 1876.
1776-1907. Gottingne, 1900-1910. 96 vols. in all.


Niles' Weekly Register. (1826), Vol. XXXI, pp. 220-221;


Quistgaard, Ivaro, Index Chronologicus, 1200-1789.
Gottingae, 1792.

Regista Diplomaticae Historiae Daniae. Köbenhavn, 1880.

Register of Debates in Congress. (Congressional Debates), 1824-1834.


Sparks, Jared, Diplomatic Correspondence of the American Revolution. 6 vols. Boston, 1829-1830.

State Papers and Public Documents of the United States,

Statutes at Large of the United States, 1789-1919.
Washington, 1789-1919.


The Diplomatic Correspondence of the United States of America, from the Treaty of Peace to the Adoption of the Present Constitution. 7 vols. Washington, 1834.


Toldforordning for Hertugdømmene Slesvig og Holsten, Mai 1, 1838. Kjobenhavn, 1838.

Uldall, P., Efterladte Optegnelser. Udgivet af Klausen og Rist. København, 1914. This is the memoirs of the lawyer who defended Caroline Matilde in the divorce trial.

United States Documents.

Executive Documents.

22 Cong., 1 Sess., Vol. VI, Doc. 249, Ser. no. 221.
28 Cong., 1 Sess., Vol. II, Doc. 264, Ser. no. 444.
33 Cong., 1 Sess., Doc. 108, Ser. no. 726.
34 Cong., 1 Sess., Vol. I, Doc. 1, Ser. no. 840.
35 Cong., 1 Sess., Vol. VII, Doc. 31, Ser. no. 950.
35 Cong., 1 Sess., Vol. IX, Doc. 36, Ser. no. 955.
45 Cong., 3 Sess., Vol. XVI, Doc. 33, Ser. no. 1858.
Executive Documents and Reports of Committees.

27 Cong., 1 Sess., Doc. 1, Ser. no. 392.

House Documents.

57 Cong., 1 Sess., Vol. XLVII, Ser. no. 4314.

House Executive Documents.

40 Cong., 2 Sess., Denmark, Ser. no. 1322.
53 Cong., 3 Sess., Denmark, Ser. no. 3292.

House Journal.

21 Cong., 2 Sess., Ser. no. 205.
25 Cong., 2 Sess., Ser. no. 320.
30 Cong., 1 Sess., Ser. no. 513.
37 Cong., 2 Sess., Ser. no. 1126.

House Reports.

57 Cong., 1 Sess., Vol. IX, Doc. 2749, Ser. no. 4407.

Miscellaneous Documents.

35 Cong., 1 Sess., Vol. I, Doc. 50, Ser. no. 961.

Report of Committees.

30 Cong., 1 Sess., Vol. I, Doc. 9, Ser. no. 524.

Senate Documents.

21 Cong., 2 Sess., Doc. 21, Ser. no. 203.
23 Cong., 1 Sess., Doc. 1, Ser. no. 238.
24 Cong., 1 Sess., Vol. III, Doc. 198, Ser. no. 281.
31 Cong., 1 Sess., Vol. I, Doc. 1, Ser. no. 549.
35 Cong., 1 Sess., Vol. VII, Doc. 28, Ser. no. 924.
57 Cong., 1 Sess., Vol. XX, Doc. 284, Ser. no. 4239.
59 Cong., 1 Sess., Vol. IV, Doc. 160, Ser. no. 4912.
61 Cong., 2 Sess., Vol. XLVIII, Doc. 357, Ser. no. 5647.

**Senate Executive Documents.**

37 Cong., 2 Sess., Vol. IV, Doc. 11, Ser. no. 1121.

**Senate Journal.**

24 Cong., 2 Sess., Ser. no. 296.
30 Cong., 1 Sess., Ser. no. 502.
37 Cong., 2 Sess., Ser. no. 1116.

**Senate Miscellaneous Documents.**

51 Cong., 1 Sess., Vol. II, Doc. 135, Ser. no. 2698.
52 Cong., 1 Sess., Vol. V, Doc. 127, Ser. no. 2907.

**Senate Reports.**


**United States Reports, Cases Adjudged in the Supreme Court.**

J.C.B. Davis, Reporter. Vols. CXXII, CXXIV, and CXXX.

Washington, George, Writings of George Washington.

Edited by Worthington C. Ford. 11 vols. New York, 1889-1891.

--- *Rigsarkivets Aarsberetninger*.


II. Secondary Sources.


Bain, R.N., *Scandinavia; a Political History of Denmark, Norway and Sweden from 1513-1900*. Cambridge, 1905.


De Booy, Theodore, and Faris, John T., *The Virgin Islands*,
Our New Possessions and the British Islands.

Falkenskiold, M. De, "Danish Revolution under Struensee."

Edinburgh.

Falkenskiold, M. De, "Danish Revolution under Struensee,"


Fredericia, J. A. "Fra hvilken Tid skriver Sundtolden sig?"
Historisk Tidsskrift. 4 de Række, Bind. V, København, 1875-1877.


Hall, James Parker, Constitutional Law. This is Vol. X of


Hessenland, F., Le Droit du Sund. Stettin, 1854. Published in French, German, and English.

Holm, Edvard, "Danmarks Neutralitetsforhandlinger, 1778-1780,"
Historisk Tidsskrift. 3 dje Række, Bind V. This contains much source material.


Johnson, Willis F., America's Foreign Relations. 2 vols.


Mahlman, Augustus, "Caroline Matilda, Queen of Denmark,"


Parton, James, *The Danish Islands; Are We Bound in Honor to Pay for them?* Boston, 1869.


3 Bind. Kjøbenhavn, 1845-1852.


Steenstrup, Joh., Erslev, Kr., Heise, A., Molerup, V., Fredericia, J. A., Holm, E., Jørgensen, A. D., og Neergaard, N., *Danmarks Riges Historie.* 6 Bind. København og Kristiania, n.d. This is the most complete history of Denmark we have. It is written on the same principle as *Cambridge Modern History.*

