To the House of Representatives:

I transmit the report of the Secretary of State in compliance with a resolution of the House of Representatives of the 5th ultimo.

It is presumed that the omission from the resolution of the usual clause, giving the Executive a discretion in its answer, was accidental; and as there does not appear to be anything in the accompanying papers which, upon public considerations, should require them to be withheld, they are communicated accordingly.

FRANKLIN PIERCE.

WASHINGTON, May 2, 1854.

DEPARTMENT OF STATE,

Washington, May 1, 1854.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 5th ultimo, requesting the President to furnish to that House, "copies of all the correspondence which has passed between the United States chargé d'affaires at Vienna, Austria, and the State Department, in regard to the case of the Rev. James Cook Richmond; also, all the correspondence which has passed between the same in regard to the rejection of the exequatur upon the commission of the United States consul appointed for Trieste"—has the honor to lay before the President a copy of the papers called for by the resolution, and specified in the accompanying list.

Respectfully submitted:

W. L. MARCY.

To the President of the United States.
List of papers accompanying the report of the Secretary of State to the President of the United States, of the 1st of May, 1854.

CASE OF THE REV. JAMES COOK RICHMOND.

Mr. Jackson to Mr. Marcy, (extract and enclosure,) November 23, 1853.

Same to same, (extract and enclosure,) January 6, 1854.

Same to same, (extract and enclosure,) January 21, 1854.

Mr. Marcy to Mr. Jackson, January 31, 1854.

Same to same, February 6, 1854.

Same to same, (extract,) February 20, 1854.

Mr. Jackson to Mr. Marcy, (extracts,) February 23, 1854.

Same to same, (enclosures,) February 28, 1854.

Same to same, (extract,) March 25, 1854.

EXEQUATUR OF THE UNITED STATES CONSUL FOR TRIESTE.

Mr. Marcy to Mr. Foote, May 25, 1853.

Mr. Hülsemann to Mr. Marcy, August 7, 1853.

Mr. Marcy to Mr. Hülsemann, August 24, 1853.

Same to Mr. Jackson, August 31, 1853.

Mr. Jackson to Mr. Marcy, (extract,) October 8, 1853.

Same to same, (extract and enclosure,) October 14, 1853.

Same to same, (extract,) November 11, 1853.

Same to same, (extract and enclosure,) November 23, 1853.

Same to same, (extract,) December 3, 1853.

Same to same, (extract and enclosure,) January 21, 1854.

Same to same, (enclosures,) January 30, 1854.

Same to same, (enclosures,) February 4, 1854.

Same to same, (extract and enclosure,) February 18, 1854.

Same to same, (extracts and enclosures,) February 23, 1854.

Same to same, (extract,) March 25, 1854.

CASE OF THE REV. JAMES COOK RICHMOND.

Mr. Jackson to Mr. Marcy.

[Extract.]

[No. 6.] LEGATION OF THE UNITED STATES, VIENNA, November 23, 1853.

Sir: * * * * * * *

I forward you the original of a letter from an Episcopal clergyman, at present resident at Pest, which I would respectfully request you to read. He desires me to procure from the Imperial government an apology for some harsh words used to him by a public officer, when, really, it has struck me that he has amply vindicated himself, has not come out of the contest second best, and has secured all the reparation which a reasonable man, and that, too, a clergyman, should desire.
With reference to to his being required to appear personally before the police, I have simply to say that I have now before me the usual directions given to strangers arriving at Vienna. "Every stranger arriving in the capital is required, within the space of twenty-four hours, to present himself at the 'director of police,' &c. I presume, of course, that the same or stricter rules are enforced at Pest, and I cannot but infer that Mr. Richmond announced himself "three times within twelve days," in response to a requisition, about which there was some misunderstanding, to appear in person.

That this rule is not always rigidly enforced, I believe. That Mr. Richmond has derived comfort from its relaxation in other parts of Austria, I do not doubt; but still it was the rule, which the officials had the right to enforce.

With reference to the opening of his letters in the post office, it is to be observed that he was the correspondent of the "London Daily News," a paper which I understand to be abusive of the Austrian government. He was writing from a suspicious vicinage, and this will probably account for the opening of his letters. He says that he can prove the fact, but does not mention what his evidence is. If you should think that this is a proper case upon which to make a question with this government, it will give me pleasure to make it; but I do not so think; and I trust that you will excuse me for saying so much upon this subject. I think that I fully realize, on the one hand, the proper regard which should be had for the rights of the American citizen, and the honor of the American name; and, on the other hand, the importance of maintaining the dignity of the American government, by not attaching importance to every little personal grievance and annoyance which may have been to some extent provoked, thus swelling the mole-hill into the mountain. The result of the Smyrna affair, in the masterly response of our government to the claims of Austria for reparation, while it has had the obvious effect of infusing a national pride and confidence into the bosoms of American citizens abroad, may not always have carried with it the same spirit of calm and courteous forbearance.

I am, sir, respectfully, your obedient servant,
HENRY R. JACKSON.

Hon. Wm. L. Marcy, &c., &c., &c,
Washington.

Mr. Richmond to Mr. Jackson.

PEST, PORTE RESTAUTE, (HOUGRIE,) November 14, 1853.

My Dear Sir: It is my intention in about ten days to go to the Turkish camp in Wallachia, or wherever it may then be. I have a handsome offer from the London D. N., in which half a dozen of my letters have appeared.

Now, no man can foresee the whims of the P. in this country, and
I wish to be strong, with your permission, if the least difficulty is thrown in my way. Mr. Lippett knows me; but if he is absent, I am a clergyman of the P. E. Ch. in United States—native and resident of Providence, R. I.—45 yrs.—6 ft., brown hair, eyes, &c., &c., according to my very legitimate and abundantly Austrianized passport. I have been in the A. dominions since July, and have met with nothing but politeness, until I came into this H. Kingdom (that was.) I think it also necessary, for the sake of our freedom and independence, to request you to take the proper steps in reference to the following matters. I have found that the only way to secure proper respect here, is to resist every, even the slightest, aggression on personal rights. I therefore wrote and sent to the Archduke Albert, military and civil governor of Hungary, the following letter, giving the spoken words in German:

Pest, October 15, 1853.

Imperial Royal Highness: The undersigned is a clergyman of the Anglo-Catholic church in the United States of North America. He was yesterday, October 14th, 1853, summoned from his bed by a servant of the police, at the order of the police counsellor, (Polisey-Rath) Kirchner. After waiting nearly three hours, he was shown into Mr. Kirchner, who instantly (I had said only “guten morgen,”) addressed him in the sharpest manner:

“Sie haben gefehlt; ich werde sie belehren, ich werde sie bestrafen.”

The undersigned begged to know what he had done, but was answered: “Sie wissen sehr gut: Ich scheine von huschul ist nur ein machehen: ich werde sie schon belehren wenn man in den Amerikanischen ur waldern: so handeln kann, es soll doch nicht hier segu.” The undersigned still insisted upon his utter ignorance of his crime, when he was told that he had not “personally appeared before the police,” which he never has done in a three months’ journey in the Austrian empire, and which it is not customary even here to do. On stating that he was not aware that a personal appearance was necessary, having, in twelve days, three times announced himself to the police, he was interrupted by Mr. Kirchner: “Das ist eine lüge, es ist nicht wahr;” a mode of address to which the undersigned is unaccustomed, and to which he replied: “In den Amerikanischen ur waldern eine solche audede hat nur eine antwort; aber sie sind ein österreichischer Beamter, und Können mich viel leicht durch das gesetz, zu einer antwort zwingen; aber mit Ihnen, als meusch, habe ich nichts weiter zu thun.”

The undersigned having been detained six hours, placed himself under the protection of his passport and his country, declining all further communication with M. Kirchner. Having met with great politeness in every other part of the Austrian empire, and from the other officials in Pest, he considers it his duty to bring to the notice of the Archduke the conduct of so responsible a person as M. Kirchner towards an American clergyman, and, with the highest regard, has the honor to be your highness’ &c., &c.,

J. C. RICHMOND.
I know no result, after one month, from this letter. They threatened me with a prison, when I instantly raised my arms, pointing first to my passport, and exclaimed before the officers of the police, (in German:) "There is my passport—that is my protection. A nation stands up offended in me. Talk not to me of a prison; a prison here has a balance (gagengewicht) in the Adriatic sea, and Trieste would soon hear of me in prison. I know where, who, and what I am. I am not here to be trodden upon, and will not submit to the slightest oppression;" raising my foot and planting it again with indignation upon the floor. I have since been treated with the most marked and delicate politeness; but am resolved, if I write to the President himself, to have an apology for the outrage, for the sake of that growing influence which we are gaining as a nation. They will listen to your remonstrance. I have done absolutely nothing against the laws. I went next day to M. Kirchner, showed him my letter to the Archduke, and said, "You will now have an opportunity of defending yourself, if your conduct admits of defence." He was then very polite, mild, &c., but did not say, "I have done wrong." (He is otherwise a polite and educated man.) I have also complained at the police that my letters from England, &c., are opened at the post office, which I can prove. One batch was kept twelve days, and another three days. The first was long, finely written, and required time for the honorable rascals to read my household affairs. My poor wife, in her long letters, has given them much trouble. The proof is long, but positive. Now, no man shall open my family letters without hearing of it from me; and I request that you will make the proper remonstrance, on both these points, at Vienna, so that I may not be obliged to appeal to the government at home for protection for the sacred person and the sacred letters of an American citizen.

Hoping to hear soon, with regards to Mr. Lippett, I have the honor to be, with high regard, your excellency's friend and fellow-citizen,

JAMES COOK RICHMOND.

His Excellency——Jackson,
American Ambassador at the Court of Vienna.

Mr. Jackson to Mr. Marcy.

[Extract.]

[No. 8.] Legation of the United States, Vienna, January 6, 1854.

Sir: I have been very much annoyed by constant applications from the Rev. James Cook Richmond, (about whom I wrote to you at some length in my despatch No. 6,) to obtain satisfaction in his behalf for various wrongs which he asserts to have been committed by the Austrian authorities in Pest against his person and his honor.

His relations with these officials have gradually become more and more serious, while he lingers in and about Pest, contrary to his former
design, and apparently with no other object than to continue this serio-
comic warfare.

I have written to him, time and again, urging him to abandon a field
in which he could expect to gain no laurels of real value, and to leave
the shadow of a government between which and himself there appeared
to be no Christian sympathy lost. In return, he has notified me that
our entire correspondence would be laid before you at Washington,
and before the American public in the newspapers; and I am to re-
spend to the allegation of having failed in the prompt discharge of my
official duty.

The Austrian authorities having gone so far, on one occasion, as to
seize his person, and to subject his effects to examination, I spoke to
the Under Minister of Foreign Affairs about his case, and requested
that he might be dealt with gently, as I had reason to doubt his sanity.
It may be proper for me to say, that, of course, this government has
always claimed the right to examine all persons who may fall under
suspicion, and to send any one out of the empire. In the kindest man-
ner possible, I was assured that if any further collision should occur
between Mr. Richmond and the authorities, what I had said would be
borne in mind, and he would not be severely handled.

But what is to be done with him? His last communication, enclos-
ing a private letter to the Emperor, satisfied my mind that his reason
must be unsettled. That you may have the evidence of that fact at
home, in case public attacks should be made upon me with reference
to this matter, ex abundantia prudentiae, I collect his voluminous corre-
spondence and send it to you. A cursory glance at it will satisfy your
mind, I think, that he must have passed the narrow boundary line
which sometimes separates a really superior intelligence from a mis-
chievous species of insanity.

His friends live (I think his first letter to me, already forwarded to
you, so states) in Providence, Rhode Island. To whom to address a
letter in reference to him, I do not know; and, therefore, if you con-
clude, as I think you will, that he is not in the full enjoyment of sound
reason, would it not be well to make some inquiries about him, and to
advise his friends of his situation? Were he to learn that I had made
an insinuation against his sanity, as his natural temperament appears
to be decidedly combative, I would lose what little influence I might
be enabled to exert over him for his good.

* * * * * * * * * * * * *

I am, sir, respectfully, your obedient servant,

HENRY R. JACKSON.

Hon. Wm. L. Marcy, &c., &c., &c.,
Washington.

Mr. Richmond to Mr. Jackson.

PEST, November 22 and 23, 1853.

My Dear Sir: Thanks for yours, received five minutes ago, and
which requires a long answer.
1. I do demand an apology, for the following reasons:

Although "personally" it matters nothing to me that Polisey-Rath Kirchner tells me, "That's a lie—that is not true—that's an untruth;" and, "I'll teach you—you must be punished;" and, "If you can do so in the American back-woods, you shan't do so here," &c., &c.; yet, for the honor, power, dignity, and influence of my country, offended indirectly in me, and directly by the last sentence from an otherwise respectable and highly-seated Austrian official, I ask the apology for my nation to me.

A hundred years' war has begun, in which America will be the final umpire in Asia, which is chiefly concerned; for the D. Principalities are not a drop in the bucket. Now, the influence of America is great everywhere, and increasing beyond computation. I have, in the last twenty-two months, visited all Europe, except Russia and Spain; also parts of Asia and Africa; and am astonished at the advance we have made in the minds of all men since my former journeys of 1828 to 1831.

In this important empire America is honored or dreaded, according to the tone of the thinker's mind; and the public insult which America received in me, (for my passport lay on the table,) is known far and near, in city and country! It has been the town-talk of this capital, and is widely known among the Magyar nobility, for I myself have told it to hundreds of them, whom I have visited familiarly; others have come to me and asked me about it; and others tell me they have heard it from strangers of all grades. Now, an American in this kingdom is a rare bird, indeed; and I find, at the police office, that I am the only Am. traveller, since the year began, (I don't know whether Mr. J. Jones, N. Y., remained over three days,) who has been a month (I'm nearly two) in the country. Perhaps I'm the only one, for a couple of years or more, who has mingled familiarly with all sorts of people, speaking their language, and having hundreds of personal friends or acquaintances among them. They know or daily inquire about all the circumstances—i.e. Mr. Kirchner's offence, by me unprompted entirely. The answer is necessarily called forth; my letter to the Archduke unanswered and unacted upon, (so far as I know;) and, for the last week, the literary men, especially, are on the tiptoe of expectation to know the view which the American ambassador will take of the question. Already I've been forced, in less than quarter of an hour, to show half a dozen the American eagle on your seal. Thus, then, it is not a personal but a national matter, and the apology will be made, (if required by you simply,) and will have the following good effects:

1. It will raise the American name here, more than you can estimate, in free and peaceful Vienna. (All things are only free, &c., by contrast.)

2. It will secure for all future American citizens deference, respect, or at least ordinary politeness, in these constant encounters with the Austrian authorities; for a personal appearance at the police office is the law, and is here enforced.

3. It will not only protect me against the ridiculous persecution to which I have been incessantly subjected, (without all cause;) but it may prevent a further and more decided interference on your part, and perhaps that of my nation; for every one believes that the course pursued towards me points to a final "house-examination," if not an arrest.
and imprisonment. And I’m resolved that every invasion, the slightest, of an American freeman’s rights, shall be resisted to the last moment.

4. The present moment is the very time for the American ambassador to speak with effect. The fleet is in the Mediterranean; the world asks why? This empire is neutral (?) for a week or two longer (perhaps?) The Koszta affair is enough for Austria, Prussia, and Russia. They do not wish to “invite the Americans, who will be over here soon enough!” (Czar.) Now, then, as K. was wholly wrong, and I was “all right,” the apology will be made. He knows he was wrong; but he has not said so to me.

I now leave that matter, (begging your kind attention before I leave for the Turkish camp, which must be soon,) and proceed to show what I called a ridiculous persecution. I can prove that I have been followed incessantly by spies, evening and day, for some fourteen days; for since that time I was convinced, though I suspected it before. I then went to all possible places, in all possible confusion of purpose, to lead them astray, confound them, and silently punish this abominable invasion of a man’s natural rights. I can call witnesses who will swear that I visited them, as strangers merely, to have it in my power to show the spies that I fooled them, if necessary.

Thus: I reside (in the Naköischem house, No. 10, Obere Donau-Zeil, second story, 21,) with a family, since the 9th instant. Before this period, I often went to visit the * * of the * *, (wholesale,) in order to read the forbidden Times. (It is every second day now withheld from him, he says, “in Beschlagnommen.”) One day, the door within a small entry being shut, I went hastily in, and in five seconds unexpectedly came out, when a ragged rascal instantly turned back (he was coming towards me at a rapid pace) and ran down stairs, joining two worthy compatriots. I looked hard at them and they retreated. My suspicions, which had never yet grown to the town’s opinion, now agreed with the universal idea and experience of people here. Consequently, I began to take some notice; but, being entirely innocent of any intention or offence, (against law, or “state of siege,”) I was still somewhat careless. Meantime, writing much daily, I walked for exercise to the post office and other places, at a pace twice or thrice more rapid than other people, and, of course, followers at that pace would be soon and easily noticed and detected. At length, as I was at a stationer’s to buy some pens, a gentleman with whom I had resided in October accidentally came in and said: “I’m glad to see you; I saw you last night; you were going very fast, but one Spitzer, well known here as a spy, ran after you. Just now I saw him after you again; but, coming to the corner, he stood mouth open, having lost you; and I, by accident, came in here.” I looked around me, and in a few moments after leaving the gentleman, I saw the person described, watching me. It was the same whom I suspected in Ofen a month ago. I made him a bow, laughed in his face, and went on. I next went into a flower dealer’s, where I am known, but who does not know the gentleman before mentioned. “O,” said the mother, “my daughter says that a man with a black beard (describing Spitzer’s appearance and dress) came in here, very politely inquiring ‘if the gentleman
knew German,’ &c. And my daughter, suspecting his object, replied, 'He speaks such bad German that I can hardly understand him.'" This, she told me afterwards, she said of purpose to let him see she knew what he was after; for I have often preached in German. Again, our "house-master" and his wife tell me that the same Spitzer spent ten days in this court, at the doors and near the bridge, where the three great doors of the house in various streets are commanded, for the house has some fifty dwellings, and always disappeared after me, and has often inquired of them about me. The house-master asked him what he wanted, as "the gentleman is a quiet, respectable person."

I now went to the police. "Will you be so kind as to have Spitzer well paid; for it is Saturday night, and he has worked very hard all this week. His legs are too short, and there is no man in town that can keep up with me. The next fellow should have longer legs." I afterwards put it all upon the ground that some persons must have a plot against my life, or intended to rob me, because the police then assured me that they knew nothing of such a Spitzer in this capacity! It was all a fancy of mine, they said; "people here were very suspicious." To which I replied that in England and America nobody was suspicious.

But Spitzer disappeared from my neighborhood, and I have not seen his "familiar face," as I called it at the police, since!! That certainly is proof, with the three separate witnesses and myself. The next day I went to the post office just about dark. I noticed a tall fellow in a light coat. I suspected him at once. I then went, without plan or purpose, (except detection,) in and out, through unusual streets and lanes. He and another followed me half an hour! I ran—they ran; I stopped—so did they; I turned—they turned; I crossed the street—so did they. The darkness was just enough to be favorable, for the form and the light coat could be seen, but not the notice I took. When I was sure of them, I went into an unfrequented lane, very fast upon one side of the lane, and they as fast upon the other. I suddenly whirled, when one was wise enough to keep on, but the light-coated, tall rascal was so confounded that he stood stock-still. I crossed and said to him, clapping my hand on his shoulder, "Good evening, my brave Spitzer!" (spy—so called here by the people—or "informer.") "You are a spitzer. My good soldier, here is a spitzer. Good people, this fellow in the light coat is a spitzer." He never stirred—he looked frozen with fear! I said, "Good bye! I'll tell the police of you!" I then went again to the police, and handed in a written petition for protection against "thieves and robbers from the Puszta, who are prowling about and lying in wait for me, an innocent stranger, and may do me some sad injury." Since that paper, three days ago, (Wednesday 23d) I am followed no longer; that is, I see no signs of it. Is any more proof necessary for this part of the business? Well! A few evenings ago, at supper with the family of Aloys Heller, an unaddressed note (anonymous) was handed me, left with the maid-servant by a boy, who ran away. It was well written on fine paper, in a disguised hand and spelling: "Ich bite, &c." English: "I beg you to get out of the way. You are already declared a spy; to-night you will be arrested. Some one comes to ask after you every day." The family were alarmed.
Heller went with a young fellow lodger, of their own accord, and without my knowledge, to the police, and begged that no disturbance, frightening his wife and children, &c., should be made in the night, since "he is a gentleman, who says he will present himself," &c. They told him, naturally, that were an arrest intended, it would not be notified! and if "he is arrested and innocent, he will be set at liberty again," pray mark that! They make no charge for imprisonment, but often make a clean present of ten days' imprisonment, and then tell the man that he is innocent, and at liberty to go about his business! But I went to Field-Marshal Lieutenant General Sichtenbury—"Excellency," (he knew me before :) "I have received this note; what ought I to do?" A conversation followed; he made a good deal of the affair, and promised to look after me. I gave him my address and yours, and that of a Liverpool friend. I then said, "I shall go to the police." "No!" he replied, "they will arrest you there!" (Observe that he is one of the first men here!) I said, "An innocent, well-protected man can walk into the lion's mouth!" I went home and slept quietly, (after I had deposited a letter to you with a friend, to be sent only in case of an arrest,) and next morning asked the police what it all meant. They wanted the note, but I gave them a copy, not to betray some frightened friend who might have written to me. They assured me that here there was "no suspicion, no thought of arrest, or of showing me out;" but "we do not know what may be intended at Vienna, &c." I then sought in vain among all my friends who could possibly have written the anonymous, and probably (the police may have abandoned their intention) false note; and at length it flashed upon me that probably Spitzer, finding he could discover nothing against me, had hit upon this plan, and sent a note in a female hand to try whether my own consciousness of guilt would induce me to play "the wicked man who flees when none pursues." There is a possibility that the police, wishing to get rid of a freeman, and anxious to avoid the appearance of revenge (for Koszta) which ordering me out would have, have given Spitzer instructions to try to "frighten me away." But their success is as problematical, at least, as my supposition. You can now judge whether I have cause to complain of "ridiculous persecution," and interference with my private rights.

My letters have been opened at the post office. I shall convince you of this, but perhaps a sworn jury might say there was room for a doubt; of course nobody sees them opened, but the proof is about as clear as finding a "house friend" (as they call him here) in your chamber at midnight when your wife is at home alone.

1. Everybody says the letters are opened. Nobody says it in America and England (you allow this) except in the Mazzini, Sir Jos. Graham case, which will last the "Hon." for his life-time.

2. A tailor got a letter from America. He was advised to show it at the post office. They told him "it was well for him, as they had read the letter already." A young girl received a letter, on the strength of which she was arrested while in the act of opening it. The French despatches in A. D. —— were laid before Kaiser Franz at the same moment they were presented to the French ambassadors. Officials have told how, and when, and where, and by whom it was done.
These numerous facts, with fifty more, some capable of proof, substantiate the universal opinion, strong of itself.

3. I complained at the post office, and the government officer told me, "It is most probable your letters are opened and read at V."

4. Such letters as were never delayed before, remain out, according to length, and the finer or more easily-read English writing of my wife from twelve to three days beyond the right time!

5. You have seen complaint in D. News and German papers, that letters now, for London, &c., are kept back seven to ten days, till lapse of time makes them useless. The post office being considered "chief spy," is not trusted; and the punishment comes in a deficient revenue. Indeed, there are some people very busy in cutting their own throats as rapidly as they find it convenient. This does not apply to that happy, paternal, and blessed government under which the contented people here live. My praise must be right, for I've seen the same in the V. newspapers.

6. I now come to particulars. I wrote to Liverpool, to Peter B. Drinkwater, esq., to write to me in Pest. The answered opened of itself, as a wafer does when it has been steamed, or plied with a little hot water, and carelessly closed again. I had written meantime for the letters in Botzen, Tyrol, which this letter assured me were lying there in the post office. But I did not write, as usual, to the post; I wrote to a friend, enclosing a direction for the post office at Botzen. The friend in Botzen wrote me a German letter, which was opened and quickly read, and said, "I send this letter with your note to the post, together, to the post office. The English letters, which should have travelled with the German, arrived after three days, from a little Tyrolean town, where mine were probably, in October, the only English letters in the post office, as they were short; others were twelve days after the time. Meantime, I plainly told the police that one of two things was now proved, viz: that the letters (more than once) had been kept back to my great injury, (it has delayed my journey some days,) either intentionally or negligently. The two letters arrived; one, sealed with fast English gum, came open, before the officials, like a fish-scale picked up from a sheet of paper; and the other convinced me and the officials, as I told them that similar English wafers, from the same English friend, on similar English paper, which required tearing open in America, had changed their nature here, and opened as easily and as softly as you would lift your finger from a lump of putty.

I have now written to my English friend to hammer his letters, and to send me the hammered metallic envelopes; and I daily expect to discover whether the "thieves and rascals" (of whom I have complained to the police) will now dare to tear open the metallic seal, and thus bring the government, the police, and me upon some track of the scoundrels, whom the just and wise laws of this blessed and free land would certainly punish for such an outrage against

Yours, most truly, with high regard,

J. C. RICHMOND.

23d.—I do not wish Mr. Kirchner to be removed, and I think he is tolerably punished. But I gave him various chances to say, "I've
acted hastily”—and now I only wish the government, or some authority, to say that it was wrong and hasty in Mr. Kirchner to call an American stranger out of his bed, and tell him at the first blush he “lies,” merely because the American says politely that, on a third visit, and in a now three months’ tour in Austria, he has always found it sufficient to send, (and had even forgotten,) never looking now at the German, Slavic, and Magyar papers, (suppose, as is usual with English and American travellers, I had known neither language!) which, all over the empire, requires a personal appearance; but custom has made that law a dead letter; and even here men send, and do not always appear. The facts are sufficient. Mr. Kirchner will not deny them. Justice, truth, comfort, and the sacred rights of down-trodden travellers, who have no American protection, will be more carefully regarded hereafter when the judges have, for once, been judged. Their customary bearing towards Austrian or H. subjects was not learned in “the back-woods;” for there they might be “bowied” or shot, without much hesitation. I told M. K. the next day, when he was quite tame, that “an Englishman would have knocked him down,” and that I, as a clergyman, held my hands fast to my side for fear of hurting myself by upsetting him.

This letter should reach you on the 24th; I post it 23d, 5 p. m. Please say if it did so arrive.

H. R. Jackson, Esq.,
American Ambassador at the Court of Vienna.

Pest, November 24, 1853.

My Dear Sir: As a supplement to my letter of yesterday, and to show the necessity and advantage of action in the affair, I proceed to say, that ten minutes after I had posted the letter to you, I discovered (with proof jury-convincing, and witnesses from the right quarter, but whom I cannot expose) who had really caused to be written that dirty anonymous note, “you are declared a spy,” &c., &c. I spent the next hour, 6 to 7 p. m., in a good-natured talk with the principal and very polite officer of the police, with whom I am really, now, on the most friendly terms. We carry on the war with smiles; and I truly believe that my open-hearted, straight-forward, and bold course, has prevented all further proceedings against me. They are doubtless uneasy at my being here, for the officer told me that “his chief,” and the others who do not know me personally at all, or so well as he, had particularly inquired “how long I intended to stay, and what object I proposed to myself;” &c., &c., into all which he was ordered to inquire!

I have purposely confounded all their secret operations, and (open-hearted as the day) have explained, at the same time, my real intentions. This has brought about, as I wished, an inextricable confusion in their brains, and I have now told them, in return for their goodness in letting me alone three whole days, that I have fooled and dumbfounded all their secret agents on purpose; and that, after the present explanation, (below,) they would be convinced that the safe and true policy was to believe me, and to let me be, what I would be in spite of
them, an American freeman in Austria, &c. I then told them that I "knew" positively (as 2 and 2 are 4) all that they knew about that note; and if my third supposition was not right, they knew it just as well as I did, and no better. Thus I continued:

I. A friend, frightened, might have written it.

II. The rascal Spitzer might have done it in order to frighten me into acting a confession.

III. It is desirable to get me out of the country for various reasons. They asked "why?" I gave them reasons which they did not deny. (I know it has been talked over how to get me out most quietly, for they are sure now of a thunder-storm if they touch me!) I have witnesses in the best places to know. I can say no more now. (Hereafter.)

Thus, then, went their logic:

1. "To shut him up would challenge you and invite the Americans, who will come over soon enough without invitation." (Czar) as aforesaid. There is no necessity for the Americans sailing up Adria.

2. To "order him out" would not be exactly advisable, for the consequences would be a universal noise, e.g. It was done out of a small revenge on account of the Smyrna Costa affair. An unimportant person, (they believe, however, I'm somehow a "minister of State!" and so bold, not by innocence, but because I've power; poor fellows!) this person gets the better of them in that noise, and a good public dinner, and fine speeches, in reversion, in New York or Boston, concerning "the blessings which those enjoy who live under the wise, happy, benignant, and paternal administration of affairs which exists," as the newspapers and the book writers very wisely say, (for we learn it first from them,) "in those dominions which, so far from being heterogeneous, as some men falsely say, are joined together in one great and glorious empire by nature, by God, and by uniformity of races, customs, laws, and tongues." I quote, for I'm ignorant myself. Therefore,

3. Let us frighten him away, for he never can suspect that we ordered such a dirty note; for, 1. If guilty, he will fly. 2. If innocent, he may be cowardly, like us, and still clear out; and, 3. If he stays, it, the note, can't hurt us. Aber, Du gerechter Himmel! ich warder limecte! (But, righteous Heaven! I was not the right one!) Or, according to the old proverb, they had fairly gone into the barn-yard, and, instead of a sheep, got hold of the same animal that the devil caught in the dark when he went a sheep-stealing, and being astonished by the unusual and squealing resistance, exclaimed philosophically, "Here's a great cry, but little wool!" They haven't got much of the last article out of me yet; and since I told them (and they owned up) that I was either too innocent or too acute for them, I think I shall now be allowed to enjoy the peaceful fruits of my conquest. The city rejoices. But now, I still insist upon finishing the lesson; and I believe if you blow the trumpet, you will find the old fortress ready to yield at the first simple and straight-forward summons for the apology for telling an innocent clergyman (hauling him out of bed and bringing him for half a day to the P. O., &c.) that "he lies!" &c., &c. The case is plain; and my victory completed, will benefit the future, teach the distant P. officers, and overthrow and expose such miserable, low-lived, and con-
temptible proceedings as I have described. If they open and read this, so much the better! But it comes from

Yours, NOBODY.

Hon. H. R. Jackson, Vienna.

Mr. Richmond to Mr. Jackson.

Pest, December 7, 1853.

My Dear Sir: I received your second letter, and had made up my mind to take your advice, especially, as I must confess, I thought with you, that I had already, by the force of innocence, boldness, and truth, sufficiently punished both the chief of the police, M. Kirchner, and also the whole police establishment, for setting spies to follow and watch me, and for the opening of my letters, both of which appear now to have ceased. But it turns out as I expected. Nothing will go down with this government but absolute downright force, fear and compulsion. I proceed with my history, calling your attention to the great probability that, unless some active steps are instantly taken, you may be called upon to interfere still more decidedly. Meantime, I premise with an extract from an English letter received this day, and beg an answer soon, as I must leave on Saturday morning:

Extract.—“Liverpool, Nov. 30, '53.—The correspondence between you and your minister I received this morning.”

“(This is wrong. I had no right to use your letters, perhaps, and, in fact, I only gave your opinion, in my own words, in two lines. The remainder was a copy of my own letters, which you have.) I think it better not to make the correspondence public in England; but I shall request Mr. Clark (firm of E. W. Clark & Co., Philadelphia, New York, &c., &c.) to lay it before Mr. Secretary Marcy. The whole must be published in America, in extenso. I was arrested in Spain, in 1850, in consequence of a mistake. I immediately wrote to the nearest English agent, and within half an hour he was in my place of confinement. I explained the cause of my arrest, and he demanded and received an immediate apology from the Spanish authorities, and all my grievances were satisfied. Had he acted less energetically, I might have been thrown into jail, and I should have laid the whole case before Lord Palmerston, and we know what he would have done. What our agent did in Cadiz, I should advise you to expect from your minister. It is America, not the Rev. J. C. Richmond, that is insulted. I have, therefore, forwarded the case to Mr. Secretary Marcy, &c., &c.”

Now, I was again, last evening, sent for by the police authorities, and for want of a decided and forcible appeal on the part of my government, I am threatened (and the execution of the threat may follow to-night) with a “house examination,” and possibly with imprisonment, for having said (as it is averred against me) “the government, last Saturday, declared itself bankrupt, refusing to take at par, at the custom-house, (mauth) the same paper gulden that it pays out at par.” An evident fact. It seems that one C. J. Malvieux, the broker here who
changed me a £10 circular "London and Westminster Bank" note, probably reported some similar observation, which is current in the city. I went to him and said contemptuously: "I have been called to the police office, and I instantly guessed why!" leaving his office before he had time to mark more than the contempt on my face. He said not a word; he had no time; and is held a spy in the city, as I afterwards found. The police officer in the foreigner's bureau, and who is friendly to me, (of this I have no doubt, for it has probably saved me from imprisonment) has informed me that if I remain three or four days longer I may be exposed to "something unpleasant." I instantly told him that I was not the right person to be terrified; that of all living men, I was well known in America, and not unknown in England; and whoever knew me, knew also this—that I fear neither governments, men, nor devils, for I fear only God; and he who fears God, is not obliged to be afraid of the other three. Therefore, though I had intended voluntarily to leave Pest, and begin my journey on Saturday, I was now doubtful about doing so. If they chose to order me out, or to imprison me, "here I am, and you have the physical power;" but the frightening system would not answer the purpose, as I was plainly an exceptionable case.

Thus the matter stands; and I beg you will instantly, before I am "visited," or arrested, write such a letter as will teach these authorities what they have to deal with when they tell a quiet, unoffending American citizen that "he lies!" and, after spies, anonymous frightening letters, &c., &c., threaten him (privately?) with "something disagreeable," if he does not get out of the way. Probably my influence, as a free man, has been too expensive for them; for I visit, familiarly, some of the noblest Hungarian families, though I am far more loyal towards the government than all the Magyars; for there is only one sentiment here, in man, woman, child, servant—noble burgher, peasant, people—this government has lost Hungary forever, and might have won her easily by political pardons and—love. But it is too late! There is no redemption for the House of H. in Hungary! He must be blind, indeed, who is two months in the land without seeing, feeling, hearing, and breathing this. It fills the whole atmosphere—a universal groan, and a universal resolution!

But I have been loyal. I have obeyed the laws. I have not uttered to others these sentiments of the people, nor have I written for the first time to you. But, nevertheless, I am also loyal to myself and my country. I am resolved that I will hold and keep all my rights inviolate, as a man, as a stranger here, and as an American citizen. Had they spared this last most childish and most unnecessary announcement, I should have left Hungary in peace; and they knew it. But they wish, after I am gone, to counteract the effect of the vision of a freeman in the streets, by spreading a report that the government "ordered me out," and, perhaps, "sent a guard with me to the boundary." Now, they shall not do this with me. I will die before I will yield one jot or tittle of an American's rights.

There is something more to be said, by the next mail, perhaps; but
Hon. H. R. Jackson,
American Embassy near the Court of Vienna.

Mr. Richmond to Mr. Jackson.

Keckskemet, December 26, 1853.

My dear Sir: Many thanks for your third letter. After receiving it, I left Pest, to spend the Christmas holidays with my friends in this place. It has fallen out as I expected; and I now have to call your attention to the violation of my personal rights, and to require from you an immediate application to the government for satisfaction for every offence, from the attack upon my veracity, by M. Kirchner, up to the last proceedings. In your second letter you observe, "It is needless to say that no wrong can be inflicted upon your personal rights as an American citizen, which will not be attended to by me."

Yesterday, Christmas day, when I returned from the afternoon church, and while I was quietly conversing with my friends, the rittmeister, or commander of the gendarmes, Jacob Schraml, made his appearance, and requested to speak with me alone. I took him to my room; and, after announcing that his errand was not a pleasant one, he proceeded to inform me that he had received an order from the highest authority in Pest to subject my effects to a personal examination. He was accompanied by one of the gendarmes, who remained without the house, and was afterwards dismissed. In the name of my country, and under the protection of my passport, I protested against this proceeding as a violation of the rights of an American citizen, and of the hospitality which Austria owes to strangers upon her soil. I declared that Austria had no right to proceed in this manner to violate the sacred rights of an American, and asked what course the officer would now pursue. He said he should be obliged to telegraph my refusal to Pest. Naturally, had this been done, I should have been under arrest during the interval, and was so, indeed, for the moment, as the presence of the gendarme proves, and the examination would, in the end, have been more rigid. I was also informed that the government demanded that I should proceed as quickly as possible to my destination. In order to be quite sure, I inquired, "Does the Archduke Albert, as civil and military governor of Hungary, know of this proceeding?" The officer replied, "Certainly." It follows, therefore, that the highest authority in Hungary orders against me a forcible examination of my papers, letters, books, &c., &c.; in case of necessity, i.e., of my refusal, an arrest or placing under guard naturally follows, with a final violent intrusion into my secret affairs; and, in the third place, that I am ordered out of the kingdom.

I now saw that the shortest way would be to protest against the violence, while I yielded to power. The matter was conducted with
the utmost politeness and high-bred courtesy on the part of M. Rittmeister Schraml, and he informs me, to-day, that he has instructed his government that the unpleasant duty had been "performed under Mr. Richmond's protest, as an American citizen," against this violent interference with his personal rights.

I shall immediately write to the Archduke Albert in Pest, to the Emperor at Vienna, and, through Mr. Secretary Marcy, to the President of the United States, and trust you will lose no time in taking immediate steps to obtain satisfaction for me, since the outrageous conduct of M. Kirchner, on the 14th of October, together with the absolute facts, which I am ready to prove, of a vexatious and long-continued espionage, of anonymous letter-writing, by order of the police of Pest, (in order to frighten me away!) of a constant petty meddling in my most private affairs, and of an almost demonstrated opening of my letters, and a proved withholding of them at the post office.

Hoping to hear from you soon at Orsova, poste restante, in this matter, which I now hand over to my country, as an important State question between her and Austria, I have the honor to remain, with high regard, most truly yours,

JAMES COOK RICHMOND.

H. R. Jackson, Esq.,
American Ambassador near the Court of Vienna.

Felegyhazi, 28th.

In pursuance of a telegraphic despatch from the commandant of the district of Pest, "He is to be compelled to depart immediately, and then inform us," ("1st unverwelt abreisen zu machen und dann zu berichten," ) a gendarme intruded into my bedroom this morning, and, ordering me up between four and five o'clock, compelled me to leave Kéckskemét in a violent snow-storm, in a peasant's lumbering wagon, and I am now suffering from the badness of the roads in addition. I reached this place only two hours before the train, by which, as I had promised, I should have departed, and so exhausted that I could not continue my journey. In all my travels I was never exposed to so dangerous a violence. Please take immediate steps, or you will next hear that I am arrested, and be obliged to come and set me at liberty. I am satisfied that had you before protested, I should have escaped this ill usage, which, it is confessed, I have done nothing to deserve. The commandant reported that "nothing was found; but, on the contrary, he was convinced that my papers were of the most innocent character: descriptions of costumes, manners, religious usages, history," &c. I do not now ask, but demand the fullest reparation, and shall take no advice to the contrary, nor cease to pursue the matter to the uttermost, both here and at home. America has been attacked in me, and the insult to my country shall not pass unnoticed. Hoping that you will give me instant and effective aid, and take care that my
letter be laid before the Emperor himself, (it would not reach him by post or minister) after reading and sealing it,

I remain, most truly yours, with high regard,

J. C. RICHMOND.

Mr. Richmond to the Emperor.

KECKSKEMET, December 26, 1853.

Sire: The undersigned, a clergyman of the Anglo-Catholic church, and a citizen of the United States of North America, begs to lay his grievances at the foot of the throne, upon which one sits distinguished, even in early youth, for prompt and personal attention to the weighty cares of a mighty empire.

The undersigned is sure that the Emperor cannot approve of the manner in which police officials (M. Kirchner, Polisey-Rath in Pest, October 14, 1853) tell an unoffending stranger, without provocation, “Es ist eine lüge, das ist nicht wahr, das ist eine lenwahrheit,” and “Wenn man in den Amerikanischen urwäldern so handeln kann, so soll man es doch hier nicht thun,” &c.

Nor can the Emperor see, without disapproval, a stranger, whose pursuits are entirely innocent, exposed to a perpetual, petty, and vexatious espionage, till the matter, to use the expression of the police official, becomes “the city talk.” The opening of private family letters, the withholding of the same often many days—once twelve, and once three days—and the writing of anonymous frightening letters, by order of the police, are matters to which an American citizen is wholly unaccustomed, and the Emperor will at once see the propriety of his complaints of such proceedings, which are to us utterly unknown, and would not be tolerated one instant. Even if the President of the United States should disgrace himself by opening one private letter of the humblest citizen, he would be driven with contempt from his seat, and made amenable to the laws, if not compelled to quit the country in disgrace.

But the sanctity of my private affairs was yesterday invaded, and no better day could be chosen for this violent and unauthorized proceeding than that on which the Western or Latin Christian world rejoices to celebrate the nativity of the Saviour of mankind, the King of kings and the Lord of lords. While I rejoiced with my friends that He was come who brought light and life and liberty to man, I was summoned from these sublime and holy thoughts to waste my Christmas hours in attendance on the officer who, with a violent invasion of a free American’s rights, examined the innocent letters and papers which had already been detained and read at the post office. The officer in question, however, performed his duty with the utmost courtesy and politeness.

I have the honor to inform the Emperor that the question now lies between the Austrian empire and my country; and, with a renewed
protest against every pretence of Austria to interfere with the sacred rights of an American citizen,

I have the honor to remain your Majesty's sincere friend and well-wisher,

JAMES COOK RICHMOND,
Presbyter of the Church.

Felegyhaza, December 28.

In pursuance of a telegraphic despatch from Pest, ("Ist unverweilt abriesen zu machen und dann zu berichten,"') a gendarme intruded this morning into my bedroom, ordered me up between four and five o'clock, and compelled me to leave Kéckskemét in a violent snowstorm. This exposure in the jolting peasant's wagon, over frozen roads, exhausted me and prevented me from continuing my journey. I reached this place scarcely two hours before the arrival of the train by which I had voluntarily promised to depart. It is avowed there is nothing against me, except that I am a freeman and an American citizen, which I cannot well avoid, and which I trust your Majesty considers less dangerous than the officials seem to imagine. Nothing was found among my papers, and I have often given the sacred word of a man, of a gentleman, of a clergyman, that I have no political connexions in the whole world. As I have this day been exposed to more dangerous violence than I ever suffered in many long journeys, during many years, I have no doubt your Majesty will vindicate the rights of insulted Austrian hospitality, defend an American citizen who trusted to the protection of your throne, and manifest the same love of justice which so gloriously distinguished the great founder of the house of Hapsburg.

With the prayer that God may guide your Majesty into all truth, I remain, &c.

29th. I was last night arrested in my bed under aggravating circumstances, (such as breaking down the door with the utmost violence,) and personally examined with disgusting minuteness, as the American ambassador will instruct your Majesty's government. I appeal without fear to the Emperor's love of justice, liberty, truth, and magnanimity.

To the Emperor.

Letter II.—To the American Ambassador.

Felegyhaza, December 29.

My Dear Sir: Last night, after finishing my notice to you of the ill usage to which the government yesterday exposed me, I went to bed weary and almost ill. I had scarcely extinguished the light before I heard a violent rapping at the door, with a loud, brutal command,
"Open the door!" (Machen sie auf!) Thinking that some drunkard had lost his way to his bedroom, I paid no attention to the summons, and had almost fallen asleep, when the door was violently broken down into two pieces, and in a moment the coverlid was pulled from my person, and turning round I saw three gendarmes at my bed-side. The commanding officer ordered me to get up! I replied, "I am an American citizen, and if you touch me you will have to answer to a nation. I am no subject of Austria." "Get up," was the brutal reply, "or you will be shot dead!" (Stehen sie auf, oder sie werden erschossen.) I got up and showed my passport, pointing to the word America as my protection. The officer paid no attention, but said he was commanded to arrest me; that I was under arrest; and to confiscate all my papers. I was in no mood to help this violent and coarse attack; the greatest violence I have ever suffered in Europe, except, perhaps, when I was robbed on the highway many years ago in Greece. By command of the officer, and after I had again vainly appealed to my passport, the two gendarmes proceeded to rifle my pockets of everything contained in them—papers, seals, money, penknife, compass, keys, &c., &c. During this time questions were put to me in the most insulting manner, to which I refused to answer. After having unbuttoned my vest, and thrust their dirty hands into my bosom, and felt of all my clothes, at the command of the officer, to "see if he has papers sewed under his garments," I again advised him to be more moderate; that he had undertaken a great matter, and was making trouble for the empire. I also told him that I had been examined already on Tuesday; but the more I remonstrated, the more violent he grew, replying, "You never fell into the right hands before." It turns out that I had been examined in Keckskemet by his own commander. After gathering all my small pocket effects together, the question arose what to do with the money, seals, &c. He then offered to restore them to me. But I replied, that as I had protested against all his operations in the name of America, I would take back nothing at his hands. He was then obliged to send for paper, and passed the midnight hours in making out a long and tedious protocol, in which he called two gold and silver pencil-cases "a perspective," and the compass "a second indicator." He made so many other mistakes, and some important ones, that after the three gendarmes and the trembling little host (who would have sworn that I struck the officer if he had required it) had signed the precious document, with the written declaration that they would confirm its truth under oath, if necessary, he required me also to sign it; but refused when I told him that I was going to write that I would, under oath, declare the protocol to be false in several important particulars. He several times gratuitously told me he "would teach me;" and committed so many offences against common decency, and uttered such oaths as I cannot relate. At length, by one o'clock in the morning they had finished, and ordered me to go with them. I then asked "if I could take what they had not found." They asked, "What?" But I merely repeated my question, and with the understanding that I would not be again examined, or rather rifled, I took from under the pillow my watch and money in paper. I was now conducted through another snow-storm to the barracks, and on arrival the officer proceeded
to examine my person again. "What!" I exclaimed, putting my hands across my breast, "another search?" His reply was an order to one of the gendarmes, "Cock your gun," (Spann den hahn!) with a remark that he would teach me to reverence spears and muskets. He then took the money from my pocket, and after making a mistake in counting it, put it away. They did not leave me a pencil nor a piece of paper. The officer now pointed to a soldier's bed, which appeared to have been slept in a fortnight, with the remark "that there was a good bed at my disposal." I laid down in my clothes, or half undressed, while the gendarmes, in the guard-room, played at cards and drank and swore through the rest of the night.

This morning I asked to telegraph to you at Vienna; it was refused. No private telegraph is allowed. I asked to write to you by the morning post. Refused. I now found an opportunity, which I think was given me on purpose, by the Hungarian who brushed my boots, and who approached the out-house door under the pretence of sweeping away the snow, to agree with him to look into my boots in the morning, and drop the note he would find there for you into the post office. He agreed to do it, and I procured a bit of white paper, but at 10 a. m. I was sent for by the Hussar Rittmeister, Herr Von Volkenhayn, who had ordered the whole proceedings, and who now appeared to be alarmed by the correctness of my passport and what he had heard of my unshaken appeal to my country. He made no apology, but evidently trembled and shrank together when I simply said that you would answer for me; that I should now reply to no questions; that I denied his right to question me; that the matter would be settled between Austria and America, and that I had nothing further to do with it. The accused and the judge soon changed places. He then said I should be set at liberty, if I would depart from the place, after all my effects had been restored. I instantly remembered St. Paul's declaration, "They have beaten us openly and uncondemned, being Romans," and thought it proper to follow the apostle's example. I threw myself quietly upon the sofa, while the officer stood, and I said, "It is easier to arrest an American citizen than to get rid of him;" and that I had told the other officer who was present, with a solemn warning, last evening, that he "could imprison me much more easily than he could set me at liberty." After all my effects had been restored, except such papers as I chose to leave, (and which have already been opened and read at the post office, and examined in Keckskemet,) I was told these should be sent to Pest, and I would remain under observation of the gendarmes. I then informed them that I had one pocket which they had not found, and that nine-tenths of all my effects and papers were at the railway station. These having escaped their notice, though they thought themselves most rigid in the search, while I had attempted no concealment, they would probably acknowledge the vanity of attempting to examine any one who might wish to conceal letters and other papers from them. They were somewhat confounded by this revelation. Though Herr Von Volkenhayn made no direct apology, he ordered the subdued officer to find me a good room, at the expense of the State, and to allow me every privilege. He was evidently greatly alarmed. In an hour my
passport was sent to me, with the rest of my papers. I have not been invited to pay for the broken door. Now they have filled this place also with talk about the free American, of whom they are evidently afraid, before the people. *Quem deus vult perdere, prius dementat.* The government is evidently desperate, and the orders are most amusingly contradictory. Yesterday I was ordered to pursue my journey without delay; to-day I am hindered by imprisonment; again I am set at liberty and begged to go if I please; and probably before I can get this letter off, something else, in the shape of a new suspicion, whim or vagary, will come down from Pest or Vienna, for the government troubles itself about the smallest matters. The orders about me, within three days, have proceeded from the capital, and from two of the larger towns. I know well such folly, and so useless and hurtful, too, seems incredible; but it is mere history. Within eighteen hours, as is the case in this matter, they say to each other, (I heard them,) "We have made fools of ourselves before this American;" and then, within a few hours more, they do it again, in a different manner.

But though I have been, *thus far*, in *every instance* victorious in these battles which the government has *forced me* to fight with them, yet the amusement grows rather too animated when, within some three days, I am examined, ordered out, arrested, re-examined, and set at liberty, with no assurance that I shall not be again subjected to some insane proceeding on the part of the authorities within an hour.

This letter will convey a lively idea of the position in which the Austrian government believes itself to be; and, indeed, the captain of the watch was going a little too far and stopped himself, after saying to me, "The position of Austria is such—". She feels that she is over a volcano, and yet constantly adds brimstone and applies the match.

I will only add, that in every case my personal contacts with the officials have ended by making them my cordial, and sometimes hearty, friends. This is especially the case with the head of the strangers' office in Pest, and with the captain of the gendarmerie in Kecksikmet, as well as with the young officer who arrested me last night. He has just begged my address in America, and thanked me with both hands, and would have added a German embrace, had I allowed it. He has nobly begged my pardon, without my requiring it, for executing his orders in too violent a manner. Praising his personal resolution, I took the opportunity to assure him, that while many common men were tender without decision, and as many decided without tenderness, it is the rare union of the two which builds up a few men to a real greatness, far surpassing the position of ordinary mortals. While, therefore, my dear sir, I demand, in the name of my country, that ample satisfaction which Austria cannot now refuse to render, I wish, in every case, that the individual officials, who are now my personal friends, should be spared. It is true that they have not, with the exception of my young hotspur, ("Spann den hahn,"') had nobleness of soul sufficient to say, "we have been too hasty." But let us ascribe this weakness to that pride, the primal cause, which half-emptied heaven and half-filled hell; and not expect from every man a true nobility of soul, which would make even an angel more angelic, and which alone can prompt the truly great words, *I have done wrong!*
Begging you to instruct me at Orsova, and to watch over my future liberties,
I remain most truly yours, with the highest regard,

JAMES COOK RICHMOND.

H. R. JACKSON, Esq.,
Ambassador &c., &c.

Mr. Jackson to Mr. Marcy.

[Extract.]

[No. 10.] LEGATION OF THE UNITED STATES, VIENNA,
January 21, 1854.

Sir: * * * * * * * * *

The Rev. Mr. Richmond is still a subject of annoyance to me. By the last accounts which I received he was under arrest, and I have felt it my duty to address the Minister of Foreign Affairs with reference to him. I shall do all in my power to procure his release, and, from what has already passed between the ministry and myself, I believe that I shall be listened to in a friendly spirit. I again send you, however, his last letter to me, and a publication which he has made in the English papers. The publication appeared at first in "The News." The extract which I enclose is from "The Times," and a statement of the case is going the rounds of the European press. From his last letter to me, I am quite satisfied that the Austrian authorities were simply engaged in showing him out of the empire. Still I am anxious to know that such was the fact, and therefore have addressed the note to Count Buol, of which I send you a copy.

I must beg you to pardon me for showing some uneasiness about this case; I have been at a loss how to treat Mr. Richmond. Sometimes I have thought him a man thirsting for notoriety and anxious to be victimized; at others, I have considered him insane; and at others, again, have feared that he might really have suffered from personal outrage. Whatever he may in fact be, he is troubled with a "caccethes scribendi," which not only annoys me here, but which may possibly injure my character, through the press, at home; since it is hardly to be hoped that, when fairly out of Austria, he will not turn his batteries in some new direction. Believing him to be insane, I confidentially mentioned that fact in advance to this government, fearing that he might involve himself in serious trouble, and might need such a plea in his behalf.

If our relations with Austria are to be friendly, (and certainly nothing is to be gained by rendering them otherwise) it is to be regretted that individuals of distempered fancies or inordinate egotism should visit this country, to signalize themselves by remarking upon matters which do not concern them, by provoking unnecessary collisions with the authorities, (who, as a usual thing, are not impolite) and by arousing natural jealousies by disagreeable and uncalled for allusions. Such conduct must, in the end, be seriously injurious to American travellers generally.
Since writing the above, I have received still another communication from Mr. Richmond, dated at Belgrade, in which he informs me that he is safe. From his own account, he appears to have been bowed out of Austria in no very impolite manner. He informs me that he will write to you upon the subject of his grievances. I therefore send you both of his recent letters to me, and if you have doubts with reference to his case, I respectfully request you, in justice to me, to read his correspondence, the whole of which I have forwarded to you. I would prefer, naturally, that your decision be made upon the same evidence which has fashioned mine.

I am, sir, respectfully, &c.,
HENRY R. JACKSON.

Hon. W. L. MARCY.

LEGATION OF THE UNITED STATES,
January 17, 1854.

The undersigned, chargé d'affaires of the United States of America, regrets the necessity of directing your excellency's attention to the case of an American citizen, by the name of the Rev. James Cook Richmond, who has complained to this legation of a series of wrongs committed against his personal rights, by the Austrian authorities in Hungary. These wrongs he alleges to have commenced in October, or early in November last, in Pest, at which time he advised this legation of having been rudely treated by the chiefs of police of that city, language of a very insulting character having been used to him. The undersigned has been informed, from time to time, by Mr. Richmond, of other acts of a similar and more serious character, on the part of the authorities of Pest, towards him, but has not thought it proper to make a formal complaint to your excellency about them. He feels constrained, however, in the discharge of his official duty, now to bring to your excellency's notice that, on December 25th, 1853, at Keckskemet, Mr. Richmond complains that by the commander of the gendarmerie his person and effects were subjected to examination; that, on the night of the 28th and 29th, the door of his sleeping apartment was broken in, and he was arrested in bed, and conducted to prison through a violent snow-storm, being subjected to the rudest and most insulting personal treatment; that, nothing being found to convict him of improper conduct and designs, he was released; but that, on the 4th instant, in Szegedin, he was again placed under arrest, and taken a prisoner to Beba, and thence to St. Nicholas, from which place he wrote to this legation, under date of the 5th instant. He complains of many indignities committed upon his person, which had undergone repeated, minute, and insulting examinations, of arrests at the most unseasonable hours, and exposures to the greatest hardships; and, finally, of being subjected to an imprisonment, the cause of which he did not comprehend, and the duration of which he could not even surmise. He asserts that during the whole of his sojourn in Hungary, his life has been unexceptionable, and that the authorities have found nothing in his conduct, or among his effects, to justify even suspicion against him; that
he holds an American passport, which has been treated with marked disrespect, and he ascribes the outrages of which he complains to the simple fact of his being an American citizen. In conclusion, he states that unless this legation should hear from him in the course of a week, his silence must be ascribed to his being confined in prison, and being prevented from making his situation known.

The undersigned had hoped that it might not be necessary to give your excellency trouble with reference to this matter; but as he has heard nothing further from Mr. Richmond, he is left to the conclusion that he must now be in durance, and is, therefore, constrained to direct your attention to the circumstances of the case, and to request light as to his present situation, and the reasons of his imprisonment.

The undersigned avails himself of this occasion to renew to your excellency the assurance of his highest consideration.

HENRY R. JACKSON.

(From the London Times.)

An American Clergyman in Austria.

The Rev. James Cook Richmond, an American clergyman, gives the following account of his treatment by the Austrian police while travelling in Hungary:

"Felegyhaza, Dec. 28.—This morning, between 4 and 5 o'clock, a gendarme intruded into my bedroom, ordered me up, and, in a violent snow-storm, compelled me to leave Keckskemet in a jolting wagon, over frozen roads. I arrived only two hours before the midday train, by which I had voluntarily promised to leave, and so exhausted that I could not continue my journey.

"Dec. 29.—Last night I hoped to rest. Three gendarmes, by order of the Hussar Rittmeister, Herr Von Valkenhayn, of Felegyhaza, broke down the door, (which was split into two pieces,) and threatened to 'shoot me dead' if I did not instantly arise. I arose, showed the word 'America' in my regular passport, and told them that you had declared that the rights of an American citizen should not be violated with impunity, but should be reverenced throughout the world. With brutal, coarse, and disgusting minuteness and violence, they proceeded to examine my dress, thrusting their dirty hands into my bosom, and rifled my pockets of my papers and money. They told me I 'had never fallen into the right hands before, and they would teach me that my obstinacy (in refusing to answer their insulting questions) would soon be diminished,' &c. The officer of the three then declared me under arrest, and taking me, at 1 o'clock in the morning, through another snow-storm, showed me a soldier's dirty bed in the guard-room, saying, 'There's a good bed at your disposal.' Meantime, as they had forgotten to look under the pillow in the room where I was arrested, I had asked permission to take what they had left, with the understanding that I was not to be searched again. I then took out my watch and paper money, which I did not suffer them to see. As soon as I reached
the guard-room, the officer who had before commanded the gendarmes ‘to feel for letters sewed under my clothes,’ undertook to examine me again. On my manifesting surprise, he said to one of the soldiers, ‘Cock your gun,’ (Spann den hahn.) He then thrust his hands into my pantaloons pockets, rifled them of my paper money, miscounted it, and put it away. Without undressing, I laid down upon the bed a prisoner, while the gendarmes in the guard-room played at cards, drank, quarreled, and swore, during the remainder of the night. I asked permission in the morning to telegraph or write to the American ambassador at Vienna. Refused. At 10 a.m., I was taken to the Rittmeister, (commander of hussars,) Herr Von Valkenhayn, who, meantime, had become alarmed by the possible consequences of these proceedings executed under his orders. I must confess that the accused and the judge rapidly changed places, and, on his questioning me, I replied that the matter was now out of my hands, and must be settled between the Austrian empire and my country. He promised to restore my papers and set me at liberty if I would immediately depart. I reminded him of the declaration of the apostle Paul, ‘They have beaten us openly and uncondemned, being Romans,’ and told him it was easier to arrest an American citizen than to set him at liberty. It was finally resolved, on my part, that I should demand satisfaction from Austria through the American ambassador; and on his, that I should remain under police observation till the answer came down from Vienna. This last was only a ruse to alarm me, for in an hour my papers and passport were sent to me, with a wish that I should leave the place. This I shall do as soon as it suits my convenience. I have not been invited to pay for the broken door.

“It is absolutely necessary that this occasion should be used to teach the Austrian government that an innocent American traveller, whose papers are almost more than perfect, (my passport is covered with signatures of Austrian ambassadors, from Baron Hulsemann, through Paris, Italy, here, &c.,) cannot with impunity, between Christmas and December the 29th, be searched, ordered out, violently arrested, imprisoned, and twice minutely searched again, with exposure to an hourly and childish repetition of these capricious and dangerous proceedings. They must learn that there is an important difference between their subjects, exposed without remedy to all their whims, and a freeman from the United States. Not doubting that the President will take immediate and decided steps in this important matter, I remain, with the highest regard, as before, &c.,

“J. C. R.”

Temesvar, Saturday, January 7, 1853.

My Dear Sir: According to the understanding in my letter from Lovrin, that I should write if still at liberty, I proceed with my journey. The eight peasants, who guarded the house of the good village justice, were dismissed, and I was handed over to two gendarmes, and, with the change of these and the horses at every station, reached Temesvar yesterday about sunset; seventy such miles, in such convey-
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anees, I never travelled. It was curious to see how much childish notice was taken of the little Murano glass globe, (which was regularly handed over by each set of gendarmes,) with the three national colors, of which, as I said, I was unaware. In every case, the strictest inquiry was made, "Who gave it you?" But I never give names. Besides, it is no crime to possess a green, white, and red ribbon, though a yellow and black one shows more loyalty, but certainly less taste; for, intrinsically, yellow and black are not a beautiful combination.

I was kept at the police office, after being delivered up against a receipt by the two gendarmes, corporal, and man, about two hours. The police usually contrive to destroy at least half of my time; and this morning I was again sent for, and taken out of my bed, to wait upon these gentlemen. I was allowed no night-clothes, brush, nor comb, as everything was locked up, and the master had gone "with the gracious" (his wife) to the opera; so I appeared unkempt. Observing the rough manner in which the poor people were handled—as "out with you;" "go about your business;" while they trembled and supplicated—I quietly seated myself (without being asked) inside of the bureau, to which, however, I was led. Presently a thorough bailiff appeared, with cap on his head, and said, "You will continue your journey to-morrow;" and laughing, significantly added, "You will not go alone!" I quietly replied, "I shall not travel to-morrow, for even if I did not expect letters and money here, I could not go to-morrow." "Why not?" said the official. "Because, most Americans and Englishmen, and especially clergymen, are not in the habit of travelling on Sunday; it is a matter of conscience." "You will go to-morrow," was his answer. "I will not go to-morrow," I replied; "thus far my conscience has not been touched—only my body—and if you set a whole regiment upon me, they will not find it easy to dress me. I tell you, once for all, if you do not wish to arouse the anger of two nations, beware how you touch my conscience." He gave way then, and said I should go on Monday. But it is by no means certain that they will not attempt to drive me out to-morrow. The chief of the police appeared, and the same scene ensued. He said, "not to travel on Sunday was (kinderei) childishness." I instantly replied, before the assembled force, "There are many things childish (kindereiien) in Austria." He put his finger to his lips, and warned me against saying such things here. "Then," I replied, "you must not wake me up; you have made more trouble with me than we should do with fifty thousand Austrians. We are born and live free as the air; we are by nature, and by God's right, quiet republicans. We are not like your European democrats, communists, socialists, &c. As there is no force employed, except against the wicked, so there are none of the fruits of resistance, which are here so abundant." I was now allowed to retire, with my most indispensable articles.

Sunday, 8th.—It is my duty to add that, since writing the above, the officials seem to have come to the conclusion that I am exactly what I profess to be; and their treatment of me from that time has been as polite and considerate as what I have thus far described was violent and childish. I have been not only freed from the presence of the gendarmes, but, as I believe, from all other spies, and go wherever it
pleases me. When I expressed a desire to find a more quiet place than the hotel, a room was instantly offered me in the police buildings, which I accepted, with the full understanding that I was free to look for any other quarters. As the journey to Semlin is difficult and expensive, the "master of the watch" has ordered letters to be written so that horses will stand ready for me all the way between this and the Turkish boundary, and the expense will not be more than one-fourth of the usual outlay. I wish, therefore, when the matters hitherto treated are brought to the notice of the government, that the polite, courteous, and hospitable attentions of the police officials in Temesvar (after they had begun to use their own senses and judgment, instead of depending upon the letter written by the district commissioner at St. Nicholas) should receive as much praise as the others deserve condemnation; not in every case, for sometimes they imply fulfilled orders, but for the violent manner in which those orders were executed, and the peril in which they might really have placed one who was less acquainted with the language, and less resolute in his reliance upon truth and justice, and his national protection.

Meantime I have not only remained, throughout the whole history, the same person, but you will perceive, by the foregoing, that I met the proposed violence at Temesvar with even more determined resolution (as a matter of conscience) than I had hitherto shown in other places. You will hence gather that my own deportment, throughout all these difficulties, does not justly lie open to accusation. I have been watchful, in all cases, to render obedience to the law; and even when violence has been used, while protesting, with the utmost earnestness, against the attack on an American citizen, appealing always to my open pass, and to my nation, I have treated the officials in such a manner that we always parted friends. But if I needed any proof in reference to the entire absence, on my part, of offensive words or unlawful deeds, the change here described in the deportment of the officials of Temesvar would be my sufficient testimony. I hope this will now continue to the end, as telegraphic orders may be sent before me to treat me considerately. It is always possible, however, that these last may be nullified by superior orders from officials, who do not know me personally in Pest.

Semlin, January 12.—I afterwards found that my effects were opened at the police office and examined, by the confession of the officer in whose house I resided in Temesvar. Whether false keys were used I cannot say, as I am not absolutely sure that the articles locked up were examined. But the others certainly were; for they found and abstracted a book-mark in red, white, and green! and asked me whence I had it, which, of course, I refused to answer. They never got the name of one of my acquaintances or friends from me. How far this (with us) dastardly proceeding annihilates the polite treatment I received, you can judge.

Here I hoped to await my letters in quiet for a day or two. An officer has just been here to inform me that I must leave Austria in a couple of hours; and I shall send this letter from Belgrade, after passing the Turkish boundary. I hope my Austrian history is now finished. We shall soon see.
Belgrade, January 13.—I do not intend, my dear sir, to take good words in apology. I demand downright substantial and tangible damages, for the outrageous, abominable, and tyrannical treatment I have received.

Yours, with the highest regard,

J. C. RICHMOND.

Belgrade, January 13, 1854.

My Dear Sir: I believe I am now safe. I now discover, in this feeling of security, how much I have really suffered, in body and mind, through the causeless and childish tyranny of the Austrian government. Pray do not come to any absolute conclusion without my knowledge. This affair must be settled solemnly and deliberately, and with the full knowledge of the government at home. I shall now write to Mr. Secretary Marcy. You must be aware that such outrages demand not only the fullest satisfaction, (good words cost Austria nothing,) but the opportunity is the most favorable that can possibly occur to put America in the right position before the Austrian empire, and before Europe. Hoping that you will take care that the occasion be not lost,

I remain, with the highest regard, &c.,

J. C. RICHMOND.

Address, poste restante, Widdin, Bulgarien.

Hungary, Lovrin, a Village in the “Banat,”

January 5, 1854.

My Dear Sir: I wrote you from Szegedin, a few days ago, and hope to receive the answer in Orsova. In that letter, which may not have reached you, I gave a detailed history of, first, an examination of my effects by the commander of the gendarmerie, in Keckskemet, on Christmas day; and, second, of my being ordered to pursue my journey between 4 and 5 a.m. in a snow-storm, on the morning of the 28th. These two outrages were committed by order of the highest authority in Hungary, Pest. Third, on the night of the 28th and 29th my door was broken in and I was arrested in bed by three gendarmes, and conducted to the guard-room, through another snow-storm, and detained a prisoner. Fourth, this arrest was accompanied by great violence, coarseness, and repeated minute examination of my person, and rifling of my pockets, &c., &c.

I continue my history. On the afternoon of January 4th, at 3 o’clock, I was quietly sitting and writing in the house of Oreg Mar, (the Senior Mar) in Szegedin, when two gendarmes made their appearance, and commanded me, according to a telegraph order from Pest, to leave the place “instantly.” I plainly told them that I was weary of the sport, and that American legs were not compelled to move to that tune; that they would have to procure the means, as I should not move
round this place under arrest, to look for a carriage; but they would find me so more than obedient to their orders, that I would even rise from my chair, and put myself in a good wagon, when it should appear before the door. One of the gendarmes was despatched for a conveyance, when the other said to me, "What are you writing?" "That which pleases me," I replied. He then stormed and threatened to send me out in irons ("ketten chains") to which I coolly answered: "I will teach you to adhere to your orders: you are commanded to bring me out of this town, but not to ask me what I am writing." The wagon came. I bade my friends farewell; shook hands with one gendarme, and the other, in uniform, with carbine, took his place at my side, and bade me "good bye" as soon as we were over the river Theiss. The peasant lost his way upon the desolate Puszta, where a gallows only varied the monotony of the night scenery; but I found the road again by the compass, and we reached Beba in safety, late in the evening. I took care to let the government pay the expenses. This morning I chose my own time and man, but on reaching St. Nicholas (Szent Niklos) I thought I had lost my passport, and going to the "commissary of the district," found it while there. He undertook to put his hands into my vest pocket; but I told him that was not allowed. He did, however, take out of my great-coat pocket a small glass globe, which had been given me in Szegedin; within this he found the three national colors, red, white and green, and consequently proceeded to take possession of me. (They even threatened to take down my trousers, &c., &c.) I warned them; and at length, after the most violent threats, and telling me that "the Americans had done as they pleased about Coszta, and we have you in our hands," to all of which I coolly assented, and told them to go to work, but they should answer to my country for every breach of my rights. The commissary told me I "could go," when I voluntarily showed the papers in my pockets, &c. In the mean time a gendarme accompanied me to the hotel, and here some forty young men were playing at billiards, &c. The waiter had seen me in Pest, and told me that the company were much troubled at my situation. I told him they might be quiet—I should be cared for by a powerful nation. Two gendarmes were now placed beside me in the wagon, and we reached this place after sunset. As no gendarmes could be found to convey me further to-night, I was handed over to the village justice (Dorf Richter,) who now snores quietly in this room; both he and his good wife, who got me a capital bowl of bread and milk, appearing to believe me a very innocent sort of person. However, eight peasants have been set round the house as guards, two of whom are now watching me through the window. It is a rainy night. I have told the poor fellows I am sorry I cannot say "Schlafen he woht;" and therefore could only bid them good night. Thus I am again fairly a prisoner. To-morrow the gendarmes take me on to Temesvar. A prophet only can tell what orders have been sent to this fortress from Pest or Vienna. I shall now be carefully watched, and perhaps not allowed to write again in Austria. The good judge has promised to send this letter to the post, which is some miles distant; and as I cannot procure a stamp here, I cannot pay the postage. Should you not hear within a week from me in Temesvar, Orsova,
or Semlin, you may conclude that I am under durance in one of those places, and take the necessary steps for my liberation.

I have no doubt you have already moved in behalf of the insulted liberties of my country, in the person of a perfectly loyal, innocent, and law-obeying citizen. They have found nothing against me.

With the highest regard, &c.,

JAMES COOK RICHMOND.

H. R. JACKSON, Esq.,
American Embassy at Vienna.

Mr. Marcy to Mr. Jackson.

[No. 6.] Department of State, Washington, January 31, 1854.

Sir: My attention has been specially called to the case of the Rev. James Cook Richmond, an American citizen, who has become involved in unpleasant difficulties with the authorities of Pest. I entirely approve of the prudent course you have pursued in reference to this matter, in appealing in his behalf to the Foreign Office. And the assurances you have received that he will, under the circumstances, be treated with proper lenity and forbearance, are quite gratifying to this department, and to the friends of Mr. Richmond, who have been here anxiously inquiring about him. They admit that his condition is such as you have represented it to be. It is difficult to give you any instructions on the subject, because the department has no funds at its disposal out of which the expenses that might be incurred in sending him home could be paid. You are requested, however, to continue to exercise a watchful care and protection over him, and to induce him, if possible, to quit the Austrian territory, and return to his native country. It is probable, indeed, that any change of place would produce a salutary influence upon his mind.

I am, sir, respectfully, your obedient servant,

WM. L. MARCY.

Mr. Marcy to Mr. Jackson.

[No. 7.] Department of State, Washington, February 6, 1854.

Sir: In my number 6, written on the 31st ultimo, I addressed you in relation to the case of the Rev. James Cook Richmond, brought by you to the notice of the department. This case is exciting a widespread interest in the United States, and appears also to be attracting considerable attention in England, and elsewhere in Europe.

If the rights of Mr. Richmond, as an American traveller or sojourner,
have been really outraged by the authorities of Austria, the government of his country will require ample reparation for him. It will be your duty to ascertain as correctly and as speedily as possible the precise nature of the wrongs of which he complains, and to communicate them to me in detail. It may be advisable, for the better accomplishment of this object, that you would repair to Pest, in order that you may the more correctly inform me of all the circumstances attendant upon his arrest, and the treatment of him under it.

I scarcely need reiterate the expression of my deep solicitude for the restoration of Mr. Richmond to his family and friends, if, as you suppose, as do also some of his acquaintances, he is laboring under a diseased mind. Whatever may be his condition, you must regard him as a fellow-citizen, entitled to all the just aid and protection it is in your power, as the representative of his country, to bestow upon him.

I am, sir, respectfully, your obedient servant,

WM. L. MARCY.

HENRY R. JACKSON, Esq., &c., &c.,
Vienna.

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Mr. Marcy to Mr. Jackson.

[Extract.]

[No. 9.] DEPARTMENT OF STATE,
Washington, February 20, 1854.

SIR: * * * * * * * * *
The department entirely approves of the prudent steps you have taken in the case of the Rev. Mr. Richmond, and learns with pleasure that he is no longer on Austrian territory, and that you are at length relieved from the annoyance and anxiety to which you have been subjected on his account.

I am, sir, respectfully, your obedient servant,

W. L. MARCY.

HENRY R. JACKSON, Esq., &c., &c.,
Vienna.

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Mr. Jackson to Mr. Marcy.

[Extract.]

[No. 15.] LEGATION OF THE UNITED STATES, VIENNA,
February 23, 1854.

SIR: * * * * * * * * *
I have received your despatch, No. 6, referring to the case of Rev. James Cook Richmond.

Mr. Richmond, as you have already been advised, was taken out of Austria by the authorities. I have just received a reply from the Minister of Foreign Affairs to my note making inquiries as to his fate, and
as to the causes of the harsh treatment he complains of having received. That reply is a long detail of various acts of misconduct, on the part of Mr. Richmond, during his sojourn in Hungary; among them, one of an unpleasant character, which, if it actually occurred, must be ascribed to the diseased state of his mind. As his case is at an end, I have not thought it necessary or advisable to make and forward a translation copy of this note. Should you differ from me in opinion, however, it can be furnished hereafter. The note concludes by stating that, in consideration of Mr. Richmond's mental infirmity, he had not been dealt with according to the gravity of his misconduct, but, on the contrary, had been treated with the utmost forbearance. It expresses the hope that this statement of facts will be satisfactory to me. And to me it certainly is satisfactory. I am clear in opinion that the Austrian authorities, so far as Mr. Richmond is concerned, are entitled to the gratitude of his friends.

Upon the eve of sealing this despatch, yours of the 7th instant, still referring to Mr. Richmond's difficulties, has come to hand. It is now too late to prepare a translation copy of the note from the Minister of Foreign Affairs, stating the cause of complaint against him, (to which I have already alluded) that it may accompany this despatch. I shall send it, however, by the next steamer; and I shall, in response to your instructions, "communicate to you in detail," "as correctly and as speedily as possible, the precise nature of the wrongs of which he complains." My past despatches must have indicated how much of thought I have given to his case. In truth, it has been a source to me of constant anxiety. Reviewing all that I have written to you, and all that I have written to him, and the course of action which I have pursued with reference to his grievances, I must be allowed to say that I can find nothing which my judgment now condemns. My opinions, so often expressed to you, remain unchanged.

If the expression of those opinions has suggested the idea that I have ever relaxed in any proper effort to serve him, or that I have ever failed "to regard him (in the language of your despatch) as a fellow-citizen, entitled to all the just aid and protection it was in my power, as the representative of his country, to bestow upon him," I am unfortunate—the idea is unjust. Nor is the expression of my own opinions to you to be taken as an indication of my course with reference to the government here. I have thought it my duty to write to you fully upon all subjects relating to my official position, and not to shrink from the responsibility of expressing an opinion. Should you differ from that opinion, however, I have made no admission whatever to this government which will interfere with any demand you may see proper to make for reparation, in behalf of Mr. Richmond. I shall represent such demand to the utmost of my ability, satisfied that my cause will have lost none of its strength from the fact of my waiting to be sure that I am right. I shall, however, send you, in the form of another despatch, an analyzed statement of the case, and must beg the favor, should my correspondence have been prematurely called for, or should other circumstances render such a
step proper for my personal vindication against attack, to allow it, with these closing remarks, to go before the public.

I am, sir, respectfully, your obedient servant,

HENRY R. JACKSON.

Hon. Wm. L. Marcy,
Secretary of State.

Mr. Jackson to Mr. Marcy.

[No. 16.] Legation of the United States, Vienna, February 28, 1854.

Sir: In your despatch No. 7, you direct me “to ascertain, and to communicate to you, as speedily as possible, the nature of the wrongs” which the Rev. James Cook Richmond complains of having suffered from the Austrian authorities. His alleged grievances, as detailed by himself, are to be found in his numerous letters already forwarded to you.

He complained, in the first instance, of harsh and insulting language used towards him by an officer of police at Pest, and required of me to demand, in his behalf, a suitable apology from the imperial government. I was struck by the peculiarly combative tenor of his letter as proceeding from a minister of religion, and although I could not attach serious consequence to his complaints, I sent that letter to you, and directed your attention to his case in my despatch No. 6, (Nov. 23.) I then expressed the belief, based solely upon his own representations, and upon my knowledge of the Austrian law, that his altercation with the officer of police (in which, by the way, from his own statement, I could not perceive that he had been the loser) must have been occasioned by his having “announced himself three times within twelve days” (using his language) to the aforesaid official, instead of obeying the usual summons, in his case thrice repeated, to appear in person, and I supposed that he might have misunderstood the nature of that summons. According to the police report furnished to the Imperial Ministry of Foreign Affairs, (as will appear from the copy of Baron Werner's note to me, which accompanies this despatch,) I was right in my first supposition, but wrong in the last; and, unfortunately for Mr. Richmond, an examination of one of his subsequent letters to me will confirm the representation of the police, that he well understood the nature of the summons served upon him, for he argues that an apology obtained for the insult alleged to have been offered him would be a triumph in behalf of American citizens, since it was the law and custom in Pest to require all strangers arriving at that city to appear in person before the police.

I have been the more ready to believe that Mr. Richmond provoked the language complained of, from the fact that, although (with an eye to his case) I have made it a point to inquire of Americans what treatment they had received from the Austrian authorities, I have not met with one who failed to give them the credit of being altogether civil.
and polite. Nay, Mr. Richmond himself admits, in his letters, that the aforesaid officer at Pest (between whom and himself he alleges the lie to have passed) is a kind-hearted, well educated man, intimates that his subsequent association with him was pleasant, and, while he still insists upon an apology for the insult received, begs that the person who gave it may be in no wise molested.

Impressed by these singular inconsistencies, I was coming rapidly to the conclusion that Mr. Richmond's mind was disordered, and determined to treat him accordingly. In reply to his first letter, I had written him to say that I did not think the honor of his country had suffered in his person, and to ask him for the evidence to sustain another complaint which he had preferred, that his private letters were detained and opened in the post office. In response to succeeding letters, still demanding redress, I wrote as follows:

Vienna, November 25, 1853.

My Dear Sir: Yours of the 23d has come to hand this morning, later than you had anticipated, but with no appearance of having been opened.

You probably have good grounds for supposing that your letters have been opened, but up to this time I do not think you have sufficient evidence to establish the fact.

With reference to the breach of courtesy on the part of Mr. K., I think you would do well to pass it by, especially as you are about to leave the country. I think that you vindicated yourself to the fullest extent. It is needless to say that no wrong can be inflicted upon your personal rights as an American citizen, which will not be attended to by me; but I really think that the offensive language may have been possibly the result of some misunderstanding, and, as you do not wish the official punished, it would be wise to pass it by. I shall forward your letter.

Yours respectfully,
HENRY R. JACKSON.

Rev. James Cook Richmond.

Mr. Richmond next complained of a series of wrongs which, as his letters will show, were vague and intangible; that he was an object of constant attention to the police; that he was followed by spies; that his privacy was invaded, &c., &c. At the same time showing, by his own admissions, that he had rather nursed up the suspicions so strongly excited against him.

Still anxious to induce him, if possible, to leave the country, I wrote him again as follows:

Vienna, December 10, 1853.

My Dear Sir: Yours of the 7th inst. has just come to hand. It bears the post-mark of the 8th, at Pest. I have but to repeat to you once more the advice which I have already given you, that as your interest and inclinations would take you from Austria, it is not wise to involve yourself in a controversy with Austrian officials. I do not
think that your country has, as yet, suffered the slightest humiliation in your person; nor do I think it incumbent upon you, for the purpose of maintaining the rights of an American inviolate, to heed the reports which may be set on foot by Austrian officials. Once again, therefore, I would advise you, in a spirit of the utmost kindness and friendship, to leave Pest upon your anticipated journey. In fact, I feel anxious about you, for it would seem to me, from the tenor of your letters, that you have become too much excited by past occurrences, and that you may say something, or do something, which would not be prudent, and which would involve you in trouble.

Until some right of yours guarantied by the international law is actually violated, your own intelligence must show you that I can do nothing in your behalf. As yet, I cannot see that such violation has occurred, and you simply wish me to write a threatening letter. I think it wiser for you quietly to leave the shadow of a government between which and yourself there is so little sympathy.

You say in your letter that you intend to leave Pest to-day. I answer it immediately upon its receipt, with the hope, however, that it may not find you at Pest.

Respectfully yours,

HENRY R. JACKSON.

Rev. James Cook Richmond.

From the police report furnished to the Ministry of Foreign Affairs, it appears that Mr. Richmond had his passport visé at Pest on the 10th December, to go direct to Semlin. We find him next, however, on the 25th December, at Keckskemét, where he is charged with having behaved in such a way as to arouse suspicion, and where his effects were consequently subjected to examination. It was about this time, and it may have been at this place, (though upon this point I am not certain,) that he said in public (according to his letters, to which I beg to refer,) that the imperial government had declared itself bankrupt in refusing to receive at par value its own paper currency. The letter announcing to me the examination of his effects, accompanied by a letter addressed to the Emperor, at once satisfied me that his mind was deranged, and gave me an opportunity of directing the attention of the ministry to his case, this examination of his effects being the first act upon the part of the Austrian authorities sufficiently serious to warrant my interposition. Your despatch No. 6, "entirely approving of the prudent course" I had pursued in suggesting to the ministry my belief that he was deranged, led me to suppose that up to this point your judgment had concurred with mine in reference to the general features of his case.

The transactions which he complains of as having occurred on the 28th and 29th of December at Felegyhazi, and on the 4th January at Szegedin, appearing to me of a still more serious character, (although it was my conviction that the only compulsion used by the Austrian authorities was in taking him out of the empire in the very direction which he had contemplated going a month before, and even this idea of force has become, after reading the police report, a matter of doubt,) I prepared a formal note to Count Buol, calling for information with
reference to his alleged wrongs. I forwarded you a copy of that note with my despatch No. 10. I now forward the reply; and this reply, with Mr. Richmond’s letters, will furnish you all the light it is in my power to obtain. In obedience to your suggestion, I would cheerfully “repair to Pest,” and to the other scenes of his difficulties, did I suppose that by so doing I could more correctly inform you “of all the circumstances attendant upon his arrest, and the treatment of him under it.” But it is hardly to be expected that I could obtain a statement of facts materially differing from the one already furnished to the Ministry of Foreign Affairs, even assuming that statement to be based upon falsehood.

You will perceive that, according to Baron Werner’s note, again at Felegyhaza, Mr. Richmond positively refused to obey the legal summons to appear in person before the police, and that for this reason his door was opened and his person arrested. The second arrest at Szege-din is roundly denied.

I allude to the charge against his moral character, simply to say that it will, of necessity, be drawn more fully into view should a demand be made upon this government for reparation. I had been disposed (as my last despatch will show) to leave it buried in the original German in which it is made, believing that if the alleged fact really occurred, it is to be ascribed, with Mr. Richmond’s other unaccountable acts, to the disordered state of his mind.

In conclusion, I have made no admission to this government which will interfere with any demand for reparation in his behalf; and although I have felt it my duty to express my judgment against him fully and freely to you, I have taken a constant interest in his fate, rendered the more intense by what I believed to be his great misfortune.

I am, sir, respectfully, your obedient servant,

HENRY R. JACKSON.

Hon. Wm. L. Marcy,
Secretary of State.

[Translation.]

PRO MEMORIA.

Immediately upon the receipt of the esteemed note of Mr. Jackson, chargé d’affaires of the United States of the North, dated on the 17th of the last month, and relating to the complaints which the Rev. James Cook Richmond, American citizen, and minister of the Protestant Episcopal church, had preferred against the imperial authorities of the public peace in Hungary, relative to the course of procedure against his person, the undersigned hastened to give the necessary orders for the purpose of obtaining the most exact details of the acts imputed to the respective authorities. The undersigned has now the honor to inform the chargé d’affaires, that according to the reports which have been
received from the military and civic government of Hungary, the most minute information which has been obtained in this matter does not confirm in any point the charges of Mr. Richmond, but proves, on the contrary, that the steps which have been taken against him were altogether conformable to the existing laws, and, had there been a disposition more strictly to enforce those laws, would have been much more severe.

Upon his arrival at Pest, which occurred on the night of the first or second of October of the last year, Mr. Richmond should have presented himself within twenty-four hours, in accordance with the law established with reference to passports, to the prefect of police; but although a notice in due form had been placed in his hands to that effect, which must have been well understood by him, from his perfect acquaintance with the German language, nevertheless, for a long time, he obstinately refused to comply with it. When, subsequently, he was compelled to conform to it, he was guilty of conduct altogether improper, and even provoking, in presence of the authorities, who, notwithstanding, received him very politely. Finally, during his subsequent sojourn at Pest, he seized upon all possible occasions to speak injuriously, as well of the imperial government as of its established institutions, and especially those of Hungary.

For this conduct, as well as in consequence of reiterated threats not to submit to the law prohibiting him from preaching publicly, Mr. Richmond might very readily have induced the authorities to institute against him the penal proceedings which, according to the letter of the law, would have been fully justified. In consideration, however, of the fact that he did not appear to be in full enjoyment of his mental faculties, this alarming excitement was ascribed to a mental malady, which was still more fully confirmed by his own declarations, that he had been already placed, at New York, on account of derangement, for six months under charge of a physician. On this account alone he was relieved from criminal proceedings; but his prompt departure was the more required of him, since Mr. Richmond had given occasion for well-grounded suspicions, by his political opinions, and by the continued intercourse which he had cultivated with persons compromised in political matters, and from whom he moreover accepted hospitality, instead of taking up his residence in a hotel, as is more or less the custom of travellers.

Mr. Richmond had his passport viséed on the 10th of December of the past year to go directly to Semlin. Instead of proceeding there without delay, he stopped several days at Keckskemet, and again with individuals greatly compromised, where he conducted himself in a manner so suspicious, that it was found necessary to examine his effects, which led to the discovery of a large number of portraits of Kossuth and Bem, chiefs of the Hungarian insurrection.

In spite of these events, Richmond in nowise changed his conduct. Upon arriving at Felegyhaza, it was altogether similar to that at Keckskemet. He not only objected to respond to the notice which was served upon him, to give some opportunity for seeing his person, but likewise refused to open his door to the imperial gendarmes, who were sent to his quarters for that purpose. His resistance likewise led to his
arrest. He was not conducted to prison, but, for the time being, was guarded in the barracks of the gendarmes, where, after his papers had been verified, he was upon the next morning placed in condition to continue his journey. The assertion of Richmond that he was again arrested at Szegedin, is as false as that the passport by which he was protected had not been properly respected, and had been treated with marked contempt by the imperial authorities. These fabrications, together with the fact that, in his not following up his letter of accusation with subsequent reports, it was necessary to attribute to his imprisonment the non-reception of such communication, while he had already arrived, on the 12th of last month, at Belgrade—all this, placed in connexion with the course of conduct he had pursued during his sojourn in Hungary, leaves no doubt that his object was to create a scandal and an outcry against the imperial government.

Mr. le Chargé d’Affaires, from this exposé, will be able to determine for himself whether the complaints which Mr. Richmond has preferred against the imperial authorities are of account, and whether the procedures against his person were not provoked by himself. If, in addition to this conduct, which passes all the bounds of propriety, and to the expression of his political opinions, subjecting him to great suspicion, we look to his moral behavior, we will find that it has not been at all as he himself pretends, exempt from blame, as is proved, not only by complaints for which he had given cause from the time of his sojourn in Pest, but, above all, by the crime of rape, for which he rendered himself culpable, at Nagg-Körös, and of which the wife of Professor Csikáy would have been the victim, if, by her cries for assistance, she had not been delivered from his violence, in causing him to be chased with blows of sticks from her house. From this fact alone, it cannot be a matter of doubt that the imperial authorities have given evidence of great forbearance towards the above-named individual, and they have not exercised that severity which they had it in their power to use under the strict letter of the law, and to which every stranger, in whatever condition he may be, and for whatever length of time may be necessary, is obliged to submit. It is, then, in a great measure, to the consideration of the state of mental disease under which the last named person appeared to labor, that the leniency of the imperial authorities must be attributed.

The undersigned, not doubting that Mr. Jackson, chargé d’affaires of the United States, will assent to these views, seizes upon this occasion to renew to him the assurance of his very distinguished consideration.

For the Minister of Foreign Affairs, the Under Secretary of State,

WERNER.

VIENNA, February 20, 1854.

Mr. Henry R. Jackson,
Chargé d’Affaires of the United States of the North.
Mr. Jackson to Mr. Marcy.

[Extract.]

[No. 18.]  Legation of the United States, Vienna,

March 25, 1854.

Sir: From your despatch of the 20th February, I infer that no demand for reparation will probably be made in behalf of Mr. Richmond. If this be so, would it not be wise for me, in response to the last note from the Ministry of Foreign Affairs, to express my content with the police report from Hungary, and to make some acknowledgment for the forbearance with which Mr. Richmond was treated, and for the kind spirit in which I have been met? His case, following a previous case of the Rev. Mr. Brace, who succeeded in exciting the suspicions of the police in Hungary, some three years since, in having himself arrested, and in being the subject of quite an extended diplomatic correspondence, has been, as I had anticipated, prejudicial to American travellers. It is now exceedingly difficult to have an American passport issued in this city for Hungary; and I feel it my duty to repeat to you, that this condition of things is not ascribable to naturally unkind feeling on the part of the Austrian authorities. I am perfectly sure that any American who chooses to come to Austria, who has never violated Austrian laws, who will quietly conform to police regulations, and attend to his own business, will meet the most civil treatment.

I am, sir, respectfully, your obedient servant,
HENRY R. JACKSON.

Exequatur of the United States consul appointed for Trieste.

Mr. Marcy to Mr. Foote.

[No. 8.]  Department of State,

Washington, May 25, 1853.

Sir: I transmit, enclosed, the commission of Wyndham Robertson, of Louisiana, who has been appointed by the President consul of the United States for the port of Trieste, on the receipt of which you will apply to the government of Austria for an exequatur, to be transmitted, when obtained, with the commission, to Mr. Robertson, at the place for which he has been appointed.

It being understood that the granting of exequatures to American consuls, appointed to reside in Austria, has been heretofore, in some instances, attended by considerable delay, you are instructed in the present case to express to the Austrian government the hope that Mr. Robertson may be recognised in his capacity as consul for the port of Trieste with as little loss of time as practicable.

I am, sir, respectfully, your obedient servant,

W. L. MARCY.

THOMAS M. FOOTE, Esq., &c., &c., Vienna.
Mr. Secretary of State: I have been instructed to make the following communication to you:

Mr. Foote, chargé d'affaires of the United States at Vienna, has forwarded from London, under date of June last, the 11th, to the Count de Buol Schauenstein, our Minister of Foreign Affairs, the enclosed commission, by which Mr. Wyndham Robertson had been appointed consul at Trieste, adding a request that the usual exequatur might be granted to Mr. Wyndham Robertson, and that he might be allowed to exercise his functions as consul of the United States.

According to the principles acted upon in Austria in relation to foreign consuls, such consuls are only admitted at the capital and at the seaports of the monarchy. In the first instance, the official authority of the consul is confined to the city of Vienna; and in the latter, to the district bordering on the Austrian coast which has been expressly designated to him by the government that appointed him. The commission herewith enclosed makes no mention of the district to which the authority of said consul ought to be confined; but it is stated therein that he is to exercise the functions of consul at Trieste, and at such other places as may be nearer to Trieste than to the residence of any other consul or vice-consul of the United States.

This commission is not, therefore, drawn up in the proper form, in order that the exequatur may be granted to Mr. Wyndham Robertson; and it would be necessary to strike out the phrase which leaves the consular district undetermined, and substitute in its place another, mentioning the district on the Adriatic coast for which the consul has been appointed by the government of the United States.

As Mr. Foote's communication accompanying Mr. Wyndham Robertson's commission reached Vienna at the same time with the letter of the Secretary of State of the United States announcing the recall of Mr. Foote, and the new chargé d'affaires of the United States had not yet arrived there, Count de Buol Schauenstein, in order to lose no time, has directed me to send you, Mr. Secretary of State, the commission in question, in order that the difficulty may be removed, by means of the above mentioned change in the wording thereof.

I avail myself of this occasion, Mr. Secretary of State, to renew to you the offer of my high consideration.

Hülsemann.

Hon. Wm. L. Marcy,
Secretary of State of the United States, Washington.
Mr. Marcy to Mr. Hülsemann.

Department of State,
Washington, August 24, 1853.

The undersigned, Secretary of State, has the honor to acknowledge the receipt of the Chevalier Hülsemann's note of the 7th instant, enclosing the commission of Wyndham Robertson, esq., appointed consul of the United States at Trieste in the empire of Austria, which had been forwarded from London by Mr. Foote, the late chargé d'affaires of the United States at Vienna, to the Count de Buol Schauenstein, the Minister of Foreign Affairs, for the purpose of obtaining the proper exequatur.

The Chevalier Hülsemann states in his communication that he has been instructed to make known to the undersigned the principles acted upon by Austria in relation to foreign consuls, to wit: that such consuls are only admitted at the capital and at the seaports of the monarchy; in the first instance, the official authority of the consul being confined to the city of Vienna; and in the latter, to the district bordering on the Austrian coast which may have been expressly designated by the government that appointed him; and it is further stated, that the commission of Mr. Robertson makes no mention of the district to which his authority as consul ought to be confined, but that he is to exercise his functions of consul "for the port of Trieste, in the empire of Austria, and for such other parts as shall be nearer thereto than to the residence of any other consul or vice-consul of the United States within the same allegiance;" and, finally, in order that an exequatur may be granted, the commission is sent back to the Department of State of the United States, for the purpose of having the phrase above quoted, relating to the consular jurisdiction, stricken out, and another substituted mentioning the district on the Adriatic for which the consul has been appointed by this government.

In reply, the undersigned has to inform the Chevalier Hülsemann that the principles acted upon by Austria, as alleged by him, in relation to foreign consuls, are now for the first time communicated to this government. In no instance heretofore, as it is believed, has any objection been raised to the issue of an exequatur to a United States consul in consequence of the insertion in his commission of the clause to which exception is now taken. An exequatur was granted to Mr. Lippett, the United States consul at Vienna, on the 3d of May last, whose commission contained the identical words above mentioned, though the Chevalier Hülsemann now states that the official authority of the consul is confined to the city of Vienna; and for the last thirty years the commissions of the several United States consuls at Trieste, without an exception, have been in all respects similar to that of Mr. Robertson.

Presuming that, for some reasons not disclosed, the Austrian government may wish to have new territorial limits fixed to the consulate at Trieste, and that without such limitation an exequatur will not be granted to Mr. Robertson, the undersigned desires that the Chevalier Hülsemann will indicate the restrictions which are required, and without which an exequatur will be withheld. As our consuls have judicial powers over our own citizens in certain cases happening within
their districts, in commercial matters, it is very desirable that this district should include the ports to which the consulate at Trieste has heretofore extended.

The undersigned avails himself of this occasion to renew to the Chevalier Hülsemann the assurance of his high consideration.

W. L. MARCY.

The Chevalier Hülsemann, &c., &c., &c.

Mr. Marcy to Mr. Jackson.

[No. 2.] Department of State, Washington, August 31, 1853.

Sir: I transmit herewith the commissions of Mr. Wyndham Robertson and Mr. Donald G. Mitchell, who have been appointed by the President consuls of the United States, respectively for the ports of Trieste and Venice, in the empire of Austria, on the receipt of which you will apply to the Austrian government for exequaturs, to be forwarded, when obtained, with the commissions, to Messrs. Robertson and Mitchell, at the places for which they have been appointed.

It is proper to state that the original commissions of the above-named gentlemen, which were transmitted to your predecessor with suitable instructions, have been returned to this department by the representative of Austria in this country—his government having refused to grant exequaturs corresponding to the consular jurisdiction assigned to Messrs. Robertson and Mitchell in those commissions—and that the commissions now sent have been worded conformably to the suggestions of the Austrian chargé d'affaires.

I am, sir, respectfully, your obedient servant,

WM. L. MARCY.

Henry R. Jackson, Esq., &c., &c., Vienna.

Mr. Jackson to Mr. Marcy.

[Extract.]

Legation of the United States, Vienna, October 8, 1853.

Sir: Your despatch of the 31st August last, with the commissions of Mr. Wyndham Robertson and Mr. Donald G. Mitchell, appointed consuls for the ports of Trieste and Venice, came to hand seventeen days since. Immediately upon its receipt, I took the commissions to the Minister of Foreign Relations, and directing his attention to the delay which had been occasioned by the exceptions taken to their original form by the Austrian government, and to the fact that they had been reformed in accordance with the suggestions of Mr. Hülsemann, requested that the
necessary exequaturs upon them might be granted at the earliest practicable time.

Having occasion to address a note to the minister a week subsequent to my visit, I again directed his attention to the subject; but I regret to say that, as yet, the exequaturs have not been granted, nor has any explanation been given for the delay.

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I am, very respectfully, &c.,

HENRY R. JACKSON.

Hon. W. L. MARCY,
Secretary of State.

Mr. Jackson to Mr. Marcy.

[Extract.]

LEGATION OF THE U. S. OF AMERICA, VIENNA,
October 14, 1853.

Sir: I have the honor to transmit to you a copy of a communication from the Minister of Foreign Affairs, with reference to the books presented to the Austrian government from the State Department at Washington, and with reference to the exequaturs upon the commissions of Messrs. Robertson and Mitchell, United States consuls, &c., &c.

* * * * * * * * *

I am, sir, very respectfully, your obedient servant,

H. R. JACKSON.

[Translation.]

In relation to the pending business of the exequaturs of the consuls of the United States for Trieste and Venice, Messrs. Robertson and Mitchell, the Minister of Foreign Affairs has the honor to inform the chargé d'affaires that he has not failed to transmit, without loss of time, the commissions of the above-named consuls, which were handed to him the 23d instant, to the competent authorities, signifying to them to endeavor, if there are no longer any obstacles, to obtain the exequaturs with all possible despatch. As there are various formalities to be observed before the exequaturs can be received, and as it is necessary even to have the consent of the Emperor, the chargé d'affaires will readily comprehend that the course of these different negotiations will require time.

The undersigned seizes upon this occasion to renew the assurance of his high consideration.

From the Minister of Foreign Affairs, the Under Secretary of State,

VIENNA, October 8, 1853.

Hon. Chargé d'Affaires, Mr. Jackson.
Mr. Jackson to Mr. Marcy.

[Extracts.]

LEGATION OF THE UNITED STATES, VIENNA,
November 11, 1853.

Sir: I have to inform you that up to this time the exequaturs upon the commissions of Messrs. Mitchell and Robertson have not been granted by this government. After having twice directed the attention of the Minister of Foreign Affairs pointedly to the matter, and after having received his note of the 8th ult. (a copy of which I forwarded to you) with reference to the delays ascribable to "formalities" and "negotiations," about the importance or necessity of which it is not, perhaps, strange that I should be ignorant, I have not deemed it becoming in me to make further application to him in the premises. In the meantime I am in the receipt of complimentary letters upon the subject from Messrs. Mitchell and Robertson, who are justly impatient.

I must therefore respectfully ask to be directed what I am to do in case these exequaturs should still be delayed.

I have the honor to be, &c.,
HENRY R. JACKSON.

Hon. W. L. Marcy,
Secretary of State.

Mr. Jackson to Mr. Marcy.

[Extract.]

[No. 6.] LEGATION OF THE UNITED STATES, VIENNA,
November 23, 1853.

Sir: Herewith I have the honor to forward to you the copy of a letter written by myself to Mr. Mitchell, United States consul at Venice, in response to certain questions propounded by him to me with reference to his official duties. Before advising him to take possession of the seals of office, and other United States property attached to his consulate, &c., I had ascertained that both Mr. Lippett, the consul here, and Mr. Robertson, the consul at Trieste, had pursued the same course while awaiting their exequaturs, and no exceptions had been taken to their so doing by this government. In fact, Mr. Robertson has granted a number of passports which have been presented at this legation, and which had been respected by the Austrian authorities. But for this exercise of power upon his part, a number of American seamen would have been placed in a most awkward position.

The exequaturs of this gentleman and Mr. Mitchell are still delayed, and during the progress of the "formalities" necessary to their being granted, it is to be assumed that the government here will recognise
the proper exercise of a consular power, when it is imperatively de-
manded.

* * * * * * * *

I am, sir, respectfully, &c.,
HENRY R. JACKSON.

Hon. W. L. Marcy,
Secretary of State.

LEGATION OF THE UNITED STATES, VIENNA,
November 13, 1853.

Sir: I had the honor to receive in due time your letter of the 14th October, notifying me of your arrival at Venice, and of your desire to receive your *exequatur* as consul, &c. I have also now to acknowledge the receipt of your favor of the 8th instant.

In response to the two, I regret to say that it is not in my power as yet to forward your *exequatur*.

Six weeks ago I received from Washington the commissions of your- self and Mr. Robertson, consul at Trieste, which had been returned by the government here, on account of some exception taken to their form. They had been reformed at Washington, and I was instructed to urge the importance of granting the *exequaturs* with all possible despatch. This I have done, but as yet they have been delayed; as soon as yours is received, it will be forwarded to you.

In the mean time, in response to your question as to whether you shall at once take possession of the "seals, &c.," of your consulate, now in the hands of a ship-broker, (Italian,) or "wait quietly the action, or rather inaction, of the authorities," I would suggest to you to take possession of all property belonging to the United States attached to the consulate. So far as your own government is concerned, your authority is complete; and I entertain no doubt that it will recognise your duty to possess yourself of its property, and to protect its rights, so far as you do not transgress the rights or the laws of Austria.

You further ask me what course you are to pursue in reference to a demand for passports on the authority of a mere court certificate of "intent to become citizen," and you desire to know whether "any special form of safe conduct is in such cases granted."

In the absence of instructions upon that point, I would advise you, in case of such application, to exercise a sound discretion. If you have reason to believe that the applicant has "*bona fide*" declared his intention to become a citizen of the United States, and that he is absent in Europe upon his private business, with an absolute intention to return, I would advise you for the present to grant a passport. I shall, however, take early occasion to request instructions in this matter from the department at Washington. I know of no form of passport appli- cable in the case; and would therefore suggest the usual form, regard- ing an individual so situated upon foreign soil as being, so far as the enjoyment of this right is concerned, an American citizen.

I regret to learn your intention to resign your post at Venice. That it should not have been agreeable up to this time, is not surprising, in
view of all attendant circumstances; but I would venture to express the belief that, should the friendly relations between the United States and Austria be continued, (as I have little doubt they will be,) your position, after a short time, would doubtless become more pleasant, if not more profitable, to you.

In case, however, you should determine not to reconsider your present intention, and the government at home should not be able immediately to supply your place, will you furnish me with the name of some proper gentleman to discharge the duties of the office for the time being.

I am, sir, respectfully, your obedient servant,

H. R. JACKSON.

DONALD G. MITCHELL, Esq.,
United States Consul, Venice.

Mr. Jackson to Mr. Marcy.

[Extract.]

[No. 7.] LEGATION OF THE UNITED STATES, VIENNA,
December 3, 1853.

Sir: I have the honor to inform you that, in response to a serious complaint which I personally preferred yesterday, in reference to the consular exequaturs for Trieste and Venice, the Minister of Foreign Affairs explained the delays which have attended their consideration, by stating that they had passed from his department into another, (the Department of the Interior;) that such delays were not unusual in similar cases, but that in the present instance he himself had been annoyed by them, and would immediately see that efficient attention should be given to the issuing of the exequaturs. He assured me, further, that he knew of no special objection to their being granted, and fully approved of the advice I had given to Mr. Mitchell to proceed in the discharge of his official duties, saying that the acts of the two consuls would be respected by the government, pending the consideration of their exequaturs.

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I am, sir, respectfully, &c.,

HENRY R. JACKSON.

Hon. W. L. MARCY, &c., &c., &c.

Mr. Jackson to Mr. Marcy.

[Extract.]

[No. 10.] LEGATION OF THE UNITED STATES, VIENNA,
January 21, 1854.

Sir: In my last despatch (No. 9) I mentioned the fact that I received Mr. Mitchell's commission, with the exequatur upon it, accom-
panied by a note from Count Buol, stating that it was not in his power to give me an answer with reference to the commission of Mr. Robertson. I now send you a copy of that note. I am apprehensive that there may be, possibly, some special objection to Mr. Robertson, since both commissions were handed to Count Buol at the same time. It appears that this government is exceedingly vigilant with reference to such appointments, obtaining all possible light as to the personal character of the appointee before deciding upon the question of his recognition.

I am, sir, respectfully, &c.,

HENRY R. JACKSON.

[Translation.]

PRO MEMORIA.

In the course of the month of September of the past year, the American embassy remitted to the Ministry of Foreign Affairs the commissions of the North American consuls, Messrs. Donald G. Mitchell and Wyndham Robertson, designated for the ports of Venice and of Trieste, for the purpose of obtaining the imperial exequatur.

With reference to the exequatur of the North American consul Mr. Wyndham Robertson, designated for the port of Trieste, the imperial ministry has not, as yet, in its power to give to the chargé d'affaires a final decision, and finds itself, consequently, obliged to reserve the matters for future communication.

COUNC BUOL.

Mr. Jackson to Mr. Marcy.

[No. 11.] Legation of the United States, Vienna, January 30, 1854.

Sir: I have the honor to forward herewith a copy translation of a note received from the Ministry of Foreign Affairs with reference to the commission of Mr. Robertson, appointed consul for Trieste. From it you will learn that the Emperor has declined to grant his exequatur upon that commission, and also the grounds upon which that refusal is based. Shortly after the receipt of the note, I had a personal interview with Count Buol. Referring to the general character of the allegation against Mr. Robertson, I requested to know from him what particular expressions or language Mr. Robertson had made use of to render himself obnoxious to the government. The reply was that he had criticised, in an offensive way, the Austrian government and its measures; that no desire was felt to injure him, but that the President
ought to send a more quiet man. The idea conveyed by Count Buol's language was, that Mr. Robertson had exhibited a disposition to interfere with matters of politics in a disagreeable way, but that it was not the intention of the ministry, who had rendered the decision against him, to make any more explicit charge than this, or to confront him with the witnesses upon whose testimony their judgment has been formed. I asked whether this decision was final, and expressed a desire to open a correspondence with Mr. Robertson for the purpose of ascertaining from him whether a satisfactory explanation could not be given of all which had been imputed to him, expressing my own belief (although personally unacquainted with him) that if he had, indeed, said or done anything to deserve this marked rebuke, it must have resulted simply from the indiscretion of a young man, which I had no doubt would be hereafter controlled. His reply was, that such an effort on my part would be useless, as the Ministry of the Interior had taken time to decide carefully upon the matter; that he himself had made known to them his desire that the exequatur, if possible, should be granted; that the decision was not hastily made, and that the ministry were unanimous in pronouncing it. At a favorable moment I expressed regret that this refusal to grant an exequatur to an American consul, upon such grounds, should have occurred, and at this time especially. In response, he claimed that such refusal was but the exercise of a power belonging to all governments; that there was no national feeling in this decision, and that he had a right to expect me so to represent the case to my government; his own being prepared to recognise, with pleasure, a proper person commissioned by the President.

I immediately communicated the fact of his rejection, and the result of my conversation with Count Buol, to Mr. Robertson, from whom I received a letter in reply, of which I now forward the copy. He likewise sent to me a sealed communication directed to the Minister of Foreign Affairs, the contents of which I am left to surmise. Since answering his letter I have concluded, positively, not to present this communication, whether they be offensive to this government on the one hand, or derogatory to the character of our own government on the other. Of course, I have no reason for supposing anything of the sort in the case of Mr. Robertson. I simply adhere to what I shall consider as the rule of my duty, applicable to all cases, until otherwise directed. Notwithstanding, however, the very decided manner in which Count Buol responded to my application to give Mr. Robertson some opportunity of explanation, (that it would be useless,) I shall not hesitate to make any proper and becoming representation to him in Mr. Robertson's favor.

It is with sincere regret that I am compelled to make known to you the result of this long pending matter of Mr. Robertson's exequatur. Were it proper for me to offer any suggestions with reference to the grounds of the decision of this cabinet, or the object which they have in view, I should be at a loss what to say. All the lights before my mind are likewise, and equally, before yours. I know positively nothing touching the case except what is embraced in the papers I send you. I have never had the pleasure of seeing Mr. Robertson; and our only correspondence has been with reference to his exequatur, and the murder of
the American sailor at Sania, and some point of consular power upon which he desired advice. I have heard nothing whatever as to his departure at Trieste.

I think he has good cause of complaint, judging of his case by the ordinary rules which control such matters at home, in the fact that no specific charge is made against him, and no opportunity given him to repel it; but, unfortunately, the great principles of American justice are not always applicable to proceedings in Austria. I think, likewise, that his conclusion, in an American point of view, is altogether sound, that this declining to specify any particular breach of propriety to sustain this decision, casts suspicion upon the fairness of the decision itself. It is my duty, however, to make known to you the fact that this government positively denies that it has been controlled by any other motives than those specified in the note to me. Whether their decision, based upon such grounds, will be respected, or whether some other disavowed motive has really prompted it, are questions to be finally decided elsewhere. For the present, and until I am otherwise directed by you, I shall first strive, in a proper, respectful, yet not undignified manner, still to secure Mr. Robertson's exequatur. Failing in that, I shall acquiesce in the decision of the government, to the extent of looking to American interests in Trieste by appointing a consul to act ad interim. In our conversation, Count Buol suggested that I should designate some foreign consul to act in that capacity, which I declined doing, except in the event of failing to secure an American. My present intention is to transfer Mr. Mitchell (if he will consent) from Venice (which he designs leaving, at any rate, on the first of March) to Trieste, until such time as your pleasure may be known. Trieste is the only important port in Austria, and Mr. Mitchell possesses the confidence of his own government, and is altogether acceptable to this.

It is proper for me to add that Count Buol expressed the wish to gratify me in any proposition I might make, simply requesting that I should place it in the form of a note, which he could refer to the Minister of the Interior.

I am, sir, respectfully, your obedient servant,
HENRY R. JACKSON.

Hon. Wm. L. Marcy, &c., &c.,
Washington City.

United States Consulate, Trieste,
January 27, 1854.

Dear Sir: I received this morning your friendly letter of the 25th, in which you inform me that the Emperor has declined granting his exequatur upon my commission. The ground of objection, it would seem, proceeds from a too liberal expression of opinion upon political matters, either with regard to Austrian or American politics. If I be not mistaken, this is the first occasion that similar objections have been raised to consular representatives of our country, who have nothing to do with diplomacy, and consequently can take no part or lot in political affairs. A consul can commit no wrong, therefore, other than the ex-
pression of his views, which do not reach the public eye. But permit me to assure you, in all sincerity, that I have been grossly misrepresented to the Minister of Foreign Affairs.

The Koszta affair has been the only subject touching Austria to which I have ever referred, and that in the most delicate manner, in private circles.

In giving circulation to a few pamphlets, sent under the seal of the State Department for that purpose, I purposely forbore from entering into any discussion which might be distasteful either to citizens or officials, while, at the same time, I felt that my nationality, and approval of the positions taken by Gov. Marcy in his correspondence with Mr. Hülsemann, entitled me at least to an endorsement of them. Though connected, at one time, with an influential party paper in New Orleans, and urged to correspond with other journals in New York and elsewhere, I replied invariably that I did not feel that propriety would justify me in doing so, and that I should try and make myself acceptable to the Austrian authorities, by saying nothing that might irritate them or embarrass me. This, sir, is the true statement of the case. It is no exaggeration; and the fact that the cause of objection is withheld, and they (the authorities) refuse to say how or where I offended, is conclusive to my mind that I have been placed in a false light, and that the grossest injustice has been done me.

I would esteem it a personal kindness if you would see Count Buol again, and give him my honest assurances that I know of no act or word spoken which could entitle me to occupy the painful position of being discredited by his government. I shall prepare, however, a letter for him, which I beg you may present.

In the mean time, I trust that the matter may remain in abeyance until I make a proper effort to reinstate myself.

Believe me, dear sir, yours with great regard,

WYNDHAM ROBERTSON.

Hon. H. R. Jackson,
Chargé d'Affaires, &c., &c., &c., Vienna.

[Translation.]

PRO MEMORIA.

The commissions for Messrs. Donald G. Mitchell and Wyndham Robertson, which during the month of September were transmitted by the American embassy to the Ministry of Foreign Affairs, were placed, without delay, before the competent authorities, that their attention might be directed to the subject. The inquiries which have been made by the aforesaid authorities in reference to Mr. Mitchell, in no way prevent that the exercise of the functions of consul of the United States of the North, at Venice, should be confided to him; and it was with unfeigned pleasure that the Ministry of Foreign Affairs found itself enabled to remit to Mr. Henry Jackson, chargé d'affaires of the United States of the North, accompanied by the note of the fifteenth
of this month, the exequatur which his Majesty has deigned to grant upon the commission of Mr. Donald G. Mitchell, that it might be sent to the above named consul.

Mr. Wyndham Robertson, on the contrary, during his sojourn at Trieste, has announced sentiments which, if such should be the case, (meaning, if such announcements should thus be made by a public officer,) could not fail to change the good understanding which now reigns between these two States. It is for this reason, alone, that the imperial authorities (of the Interior) have unanimously pronounced against his license to exercise consular functions in the Austrian States, and that his Majesty the Emperor has not deigned to grant the exequatur upon the commission of Mr. Wyndham Robertson.

The Ministry of Foreign Affairs, in making known to the chargé d'affaires of the United States of the North the decision which the imperial cabinet has found itself under the painful necessity of rendering in this matter, has the honor to return the commission in question.

The undersigned seizes upon this occasion to renew to Mr. H. Jackson the assurance of his most perfect consideration.

Vienna, February 24, 1854.

COUNT BUOL.

LEGATION OF THE UNITED STATES, VIENNA,

January 29, 1854.

My Dear Sir: Your favor of the 27th has just been received, accompanied by a sealed letter addressed to the Minister of Foreign Affairs. Did I think that it would tend to advance your interests, I would transmit this communication at once to its destination; but it is my present conviction that the minister would not recognise your right to address him, and would regard it as a breach of propriety that it should be attempted. In my personal instructions, I find the following clause:

"In the transaction of their official duties, the consuls are often in necessary correspondence with their ministers or chargés d'affaires, through whom alone they can regularly address the government of the country in which they reside." You will perceive at once that a rule which applies to consuls already recognised by the foreign government, would apply with still greater force to one whose recognition has been refused.

To-morrow (this being Sunday) I shall make some inquiries as to whether this letter can with propriety be presented to Count Buol; and if so, it will be laid before him. But I have thought it wisest to give you at once my present views upon the subject, for the purpose of saving time. I have a delicacy about breaking seals, or I might take the liberty of opening your letter to Count Buol, in case I should determine not to transmit it to him, for the purpose of ascertaining what are the points upon which you base your application for a re-opening of the decision rendered against you. I am most anxious to do all in my power to serve you; and while it is best for me to repeat to you
again, that the positive and emphatic language of Count Buol, in our interview, has left but little, I might almost say absolutely no hope, that your exequatur will be granted to you, still I will present to him, in your behalf, any statement which you may desire to make. I would therefore suggest to you that you write to me the argument which you have made, or would desire to make to him, and I will take care that it be presented in full force to the government.

That you may understand fully the grounds upon which the refusal of your exequatur is placed, I now give you a copy of that portion of Count Buol's note which refers to yourself. After saying that the inquiries of the Ministry of the Interior made with reference to Mr. Mitchell and Mr. Robertson had discovered nothing to prevent the recognition of the former as consul, etc., etc., and after alluding to the unfeigned pleasure which it had afforded the ministry to make this fact known to me, the note proceeds:

"Mr. Wyndham Robertson, on the contrary," &c., &c.

As it is impossible to foresee when an answer will be returned to any communication which I may make in your behalf, I shall be constrained to notify the government at home of what has occurred, but shall send to them a copy of your letter to me, and shall retain your commission at this legation.

I am, sir, respectfully, your obedient servant,

HENRY R. JACKSON.

Mr. Jackson to Mr. Marcy.

[No. 12.] Legation of the United States, Vienna, February 4, 1854.

Sir: I have the honor to acknowledge the receipt of your despatch (No. 5), referring to the case of Simon Tousig. As you have already been informed by my recent despatches, that case is at an end, Tousig having been relieved from serious punishment. In the commencement of your remarks, however, upon the manner in which he procured his passport, you say: "It is only to citizens that passports are issued." This has rendered me somewhat uncertain as to the correctness of the views I entertain upon the subject of granting passports. I send you a copy of a letter to Mr. Mitchell, written in response to certain questions touching the propriety of granting a passport to a Mr. Gasporini, in which those views are fully expressed. Unless I should be otherwise directed by you, I shall still feel authorized to grant special passports under peculiar circumstances, always exercising great caution in so doing. The general rule which you lay down as applicable to the government itself, I do not suppose to be without exception in the case of its representatives abroad.

I send you, likewise, the copy of another letter from Mr. Robertson, with reference to his rejection by the imperial government, and the copy of a note addressed by myself to Count Buol, based upon the representations contained in that letter. As I stated in my last despatch, I know nothing at all of the facts of the case beyond what ap-
pears upon the face of the various papers which I have promptly forwarded to you. I take it for granted that Mr. Robertson is a gentleman who would make no statement which is not strictly true. It consequently follows that he has been rejected by this government upon gross misrepresentations of his acts and conversation, or that his circulation of the pamphlets received from the State Department, and his defence, in private intercourse, of the positions taken by yourself in your correspondence with Mr. Hülseman, is the secret of his offending. I cannot suppose that a decision rejecting its consul upon either of these grounds, will be satisfactory to the government of the United States; and I have felt it my duty to express, in my note to Count Buol, the belief I entertain that it will view with surprise the fact of the refusal to recognise Mr. Robertson upon the ground simply of the announcement of sentiments, without specifying what those sentiments were, or when or how that announcement was made.

From my last conversation with him, (of which I have already forwarded you the substance) I cannot expect a favorable response to my note. In fact, his expressions were so positive with respect to the finality of the decision rendered by the Ministry of the Interior, as almost to preclude further correspondence between us on the subject. I have felt, however, that common justice to Mr. Robertson required that his denial of the grounds of their decision should be made known to the quasi court which has sat in judgment upon his personal deportment, and pronounced against him, unheard, its sentence of condemnation. I shall await with no little anxiety the directions which you may see proper to give in view of the circumstances attending the rejection of Mr. Robertson.

I am, sir, respectfully, your obedient servant,

HENRY R. JACKSON.

CONSULATE OF THE UNITED STATES, TRIESTE,
January 31, 1854.

My Dear Sir: I have received your communication of the 29th ultimo, for which I am very thankful.

The refusal of the Austrian cabinet to grant my exequatur, and the objections expressed, have been deliberately considered. I cannot justify the decision, because no act of mine has provoked it; and while the right no doubt exists to exclude consular representatives when they may be disagreeable, yet it should not be exercised for trivial causes, such as a mere declaration of opinion upon matters of government already published to the world, and upon which public sentiment had been passed.

The following are my views, prepared for the eye of the Austrian ministry, which I beg may be presented in full force:

1st. I was not aware that an expression of opinions upon matters of government could be obnoxious, the same being known to the world, and historical.

2d. Had I been recognised as consul by the Emperor, and been inclined afterwards to indulge in ungenerous observations upon the prin-
ciples of the Austrian government, I might have then deserved the refusal of the “exequatur;” but not having been recognised, my acts, therefore, so far as Austria is concerned, are invalid, and should be regarded as nothing.

3d. I am not known personally, nor are my family, to twenty citizens of Trieste; the society being exclusively foreign, and unfamiliar with the English language.

4th. I neither speak, nor do I understand, the German or the Italian languages, having only commenced taking lessons in French within the last two months.

5th. I have no knowledge of ever having spoken a word (certainly not with a view to offend) calculated to prejudice the mind of any man or men towards the principles of Austrian rule; nor have I frequented public places, or in any manner criticised the conduct of the Austrian authorities.

Whenever I have alluded to the affair at Smyrna, no reference was ever made to any opinions other than those embodied in the State papers of Mr. Marcy and Mr. Hüseemann; and not until they had appeared officially, and public opinion expressed thereon.

A stranger, who appreciates and admires the laws and constitution of his country, is apt when abroad to make comparisons, with no intention at the same time of giving offence, and certainly with no desire to embarrass his official relations.

I have thus imperfectly and crudely expressed myself upon a subject which has given me much annoyance and regret. I am quite confident, come what may, that I shall be sustained, because more “sinned against than sinning.” If I mistake not the character of the American people, the right of “freedom of speech” is regarded as among the most valuable auxiliaries in fighting the great battle of human liberty, and necessary for the preservation of our republican constitution and laws.

I have the honor, &c.,

WYNDHAM ROBERTSON.

Hon. H. R. Jackson,
United States Chargé d’Affaires, &c., Vienna.

Legation of the United States, Vienna,
February 4, 1854.

The undersigned, chargé d’affaires of the United States of America, read with extreme regret your excellency’s note of the 24th ultimo, announcing the fact that his Majesty the Emperor had declined granting his exequatur upon the commission of Mr. Wyndham Robertson, appointed by the President consul for the port of Trieste. This is the first time, in the history of the foreign relations of the United States, that one of their consuls has been rejected upon the ground set forth in your excellency’s note; and the undersigned, after mature deliberation, has been brought to the conclusion that he would fail in the discharge of his official duty, did he not frankly express to your excellency his
belief that the decision of the imperial government will be received with surprise by his own.

Of course, the right of his Majesty the Emperor to reject its consul will not be disputed. The question involved is simply a question of international courtesy. It is in this view of it, doubtless, that the imperial ministry have given a reason for the exercise of this right, and have thus, of necessity, presupposed on the part of the government of the United States the right to judge for itself of the sufficiency of that reason. But the general character of the allegation against Mr. Robertson virtually excludes them from the exercise of that right, the decision of the imperial cabinet not being based upon facts historic, notorious, or admitted, but upon the allegation of a fact not of necessity coming before the public eye, having relation to the private intercourse of Mr. Robertson at Trieste, resting, as it must rest, upon individual testimony to sustain it, and the existence of which, in the present instance, is most emphatically denied by Mr. Robertson himself.

In justice to this gentleman, who has fully enjoyed the confidence of the President of the United States, and now finds himself in the painful position of being discredited by the imperial government, the undersigned begs leave to represent to your excellency that he, (Mr. Robertson,) altogether surprised by the decision of the imperial cabinet against him, denies that he has done aught or said aught to deserve it. He assures the undersigned that his life, during his sojourn at Trieste, has been altogether private and secluded; that he has not frequented public places; that, not understanding or speaking the German or Italian languages, neither he nor his family is personally known to twenty citizens of Trieste, the society of that city being almost wholly unfamiliar with the English language; that the opportunity, consequently, has not been afforded him (supposing even the disposition upon his part) to say a word upon political matters which was calculated to affect the mind of a subject of his Majesty the Emperor; that he is not conscious of having uttered a word to any one whatsoever, or of having announced any sentiment whatsoever, calculated to interfere with the amicable relations between the governments of Austria and the United States; but that, on the contrary, he has studied so to conduct himself as to render his official intercourse agreeable and free from all embarrassment.

The only political subject, bearing upon the relations between Austria and the United States, upon which Mr. Robertson remembers to have spoken to any one, is the much regretted transaction at Smyrna; but he positively denies having done so in an unbecoming or offensive manner, and avows that he expressed no other opinions than those previously declared by his own government, and that he expressed them only in conversations naturally arising from the publication of the official correspondence between Mr. Marcy and Mr. Hülsemann.

Mr. Robertson did not suppose that such expressions of opinion, under such circumstances, could be objectionable to the imperial government, nor does he now suppose it. He is, therefore, forced to the belief that he has been grossly misunderstood, or gravely misrepresented; and finds himself in a most unfortunate and distressing position, since he knows not when, where, or in what he is charged with having
offended, or upon what testimony the Ministry of the Interior have rendered decision against him, thus pronouncing upon alleged but not existing facts in his personal life.

And the undersigned would respectfully express to your excellency his belief that the government of the United States will not turn an altogether deaf ear to the representations on the part of one of its accredited agents, and will regret that something more specific has not been said in the decision of the Imperial Ministry of the Interior with reference to the causes of complaint against Mr. Robertson.

The undersigned would beg leave to add, that he has not abandoned the hope that your excellency may yet find it proper, in view of the full, explicit, and emphatic denial by Mr. Robertson of the cause of complaint alleged against him, to recommend to the Ministry of the Interior to re-open their decision for the purpose of taking this denial into consideration, not doubting for a moment that Mr. Robertson's conduct as consul, should his Majesty's imperial government still conclude to grant him its exequatur, will be altogether satisfactory.

And he takes this occasion to assure your excellency of his highest consideration.

HENRY R. JACKSON.

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Mr. Jackson to Mr. Marcy.

[Extract.]

[No. 14.] LEGATION OF THE UNITED STATES, VIENNA,

February 18, 1854.

Sir: *

No answer has been made to my note to Count Buol with reference to the decision of the cabinet rejection of Mr. Robertson. From this delay, in connexion with the fact that no publication has appeared in the official paper of his rejection, and that he is still (so far as I am informed) allowed to discharge the duties of acting consul at Trieste, I am induced to encourage the hope that the ministry may still re-open and reverse their decision. This hope, however, from what has passed, is necessarily faint. As I have thought it best to send to you all of his correspondence relating to this subject, I forward herewith a copy of his last letter to me.

I am, sir, respectfully, your obedient servant,

HENRY R. JACKSON.

Hon Wm. L. Marcy, &c., &c.,
Washington City.

CONSULATE OF U. S. A., TRIESTE,

February 7, 1854.

My Dear Sir: I was very glad to receive this morning a copy of your communication to the Austrian Minister of Foreign Affairs. The subject to which it refers is clearly and ably presented, and will be the
means, I trust, of reversing a decision which is unwarrantable, hasty, and unjust.

Recent developments leave not a doubt upon my mind that the circulation of the pamphlets printed in the German language, and sent from Washington with an urgent request that a proper distribution might be made of them, had the effect of exasperating the authorities here, who may have felt it their duty to move against me. It will devolve upon our government, under the circumstances, to sustain an agent in his compliance with positive instructions. Be the result, however, as it may, I am emboldened by a consciousness of rectitude, and by a settled belief that my conduct will receive, as it deserves, the approval of all who may be advised of the causes of complaint preferred by the Austrian ministry.

With assurances of sincere gratitude for your manly and efficient action in my behalf, I have the honor to remain, dear sir, with great regard, your most obedient servant,

WYNDHAM ROBERTSON.

Hon. H. R.Jackson.

Mr. Jackson to Mr. Marcy.

[Extracts.]

[No. 15.] Legation of the United States, Vienna,

February 23, 1854.

Sir: I take great pleasure in being able to inform you that the imperial government have determined to reverse their decision rejecting Mr. Robertson, and to grant the exequatur upon his commission.

This gratifying announcement was made to me last evening, during a ball at the British embassy, by Count Buol, in a conversation sought by himself.

Alluding to my last note upon the subject, he was pleased to express his thanks to me for having afforded him an opportunity to submit the case to further consideration. He told me that Mr. Robertson’s exequatur would now be granted him, and in exceedingly kind and courteous language requested me simply to give Mr. R. some prudent advice in sending him his commission. The announcement itself, and the manner in which it was made, were gratifying to me in a high degree; and I said to Count Buol, that the result would give pleasure to my government, desirous as I knew it to be of cultivating friendly relations with Austria. Indeed, I do not now allow myself to doubt that those relations are destined to become, as in times past, altogether pleasant, and that any cause of suspicion and ill feeling between the representatives of the United States and the imperial government will be removed.

I have hastened this morning to return Mr. Robertson’s commission to Count Buol, accompanied by a note, of which I enclose a copy.

Since writing the earlier portion of this despatch, I have received a note from Count Buol with reference to Mr. Robertson’s exequatur, of
which you will find herewith a copy. It was evidently signed before the receipt of my communication of the same date. Count Buol in this note seems to lay stress upon assurances given of Mr. Robertson's future good conduct, as if there had been some admission of different behavior in the past. No such admission was made in my note; none such has been made by me in conversation. I have thought it best, under the circumstances, to pass this by in silence, since it would hardly be generous to dispute about this shadow of a pretext for a change of decision so complete, and by me, after what had passed with reference to this case, so wholly unexpected.

I am, sir, respectfully, your obedient servant,

HENRY R. JACKSON.

Hon Wm. L. Marcy,
Secretary of State.

LEGATION OF THE UNITED STATES, VIENNA,
February 25, 1854.

The undersigned, chargé d'affaires of the United States, referring to the conversation of last evening in which your excellency gave him the gratifying intelligence that the Imperial Ministry of the Interior, at your excellency's suggestion, had given a favorable ear to the appeal which the undersigned had the honor to make to your excellency in behalf of Mr. Wyndham Robertson, appointed United States consul for Trieste, and that the imperial exequatur would be granted upon his commission, hastens to place that commission at your excellency's disposal. In so doing he prays to be allowed to reiterate the expression of the sincere gratification which this decision has afforded already to himself, and will afford to the government of the United States. With unfeigned pleasure he seizes upon this occasion to renew to your excellency the assurance of his highest consideration.

HENRY R. JACKSON.

His Excellency Count Buol Schauenstein.

[Translation.]

PRO MEMORIA.

The undersigned, Minister of Foreign Affairs, has received the esteemed note of the Hon. Mr. Jackson, chargé d'affaires of the United States of the North, addressed to him under date of the fourth of the present month, in which he requests the interposition of the undersigned to the end that his august master, the Emperor, ("sa majesté, son auguste maître,"') may deign to grant the exequatur upon the commission of Mr. Wyndham Robertson, appointed United States consul at Trieste, which, for the reasons set forth by the undersigned in his note (1068) of the 24th January of present year, up to this time, has not been accorded to that functionary.
After having taken into view the declarations contained in the aforesaid note of the chargé d'affaires, relative to Mr. Robertson personally, ("relative à la personnalité de Mons. Robertson," ) and upon the assurances given that this last will hereafter pursue the course of conduct which he ought to observe, the undersigned, in consideration of these assertions, has willingly consented at once to recommend this request of the chargé d'affaires to the high favor of his Majesty, the Emperor, and is delighted in being now enabled to announce to Mr. Jackson that his Majesty, placing confidence in these assurances, has consented to give his high orders that Mr. Robertson be recognised on the part of the Austrian authorities in the quality of consul of the United States at Trieste, and that he be admitted to the discharge of its appropriate functions. The undersigned has, therefore, the honor to pray of the chargé d'affaires to be kind enough to place him again in possession of the commission of the above named consul, that the suitable steps may be taken to expedite the obtaining of the exequatur; and, at the same time, seizes upon this occasion to renew to the chargé d'affaires the assurance of his very distinguished consideration.

Vienna, February 23, 1854.

Mr. Jackson to Mr. Marcy.

[Extract.]

[No. 18.] Legation of the United States, Vienna, March 25, 1854.

Sir: 

Two days since, I received from the Minister of Foreign Affairs Mr. Robertson's commission, with the imperial exequatur upon it, accompanied by a short note, stating that the proper notice of his recognition had been given to the authorities of Trieste. The commission was immediately forwarded to him.

I am, sir, respectfully, your obedient servant,

HENRY R. JACKSON.