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CORRESPONDENCE between Great Britain and Sicily,
relative to the Claims of British Subjects, for Losses consequent
upon the Sulphur Monopoly, in Sicily.—1840—1842.

Nº. 1.— Viscount Palmerston to the British Commissioners.

SIR

Foreign Office, November 17, 1840.

The Government of His Majesty the King of the French having tendered its good offices to the Government of Her Majesty for the settlement of certain differences which had arisen between Her Majesty's Government and the Government of Naples on the subject of a monopoly of the sulphur trade of Sicily, which was established by a decree of the King of Naples, dated the 9th of July, 1838; and Her Majesty's Government having accepted the offers thus made by the Government of France, a plan of arrangement proposed by the French Government was consented to by the Government of Her Majesty, and by that of His Majesty the King of the 2 Sicilies.

It was thereby agreed, that the contract concluded on the 9th of July, 1838, between the Neapolitan Government and the House of Taix, Aycard, and Co., with respect to the sulphur trade of Sicily, should be immediately abolished.

That a Commission should be appointed and should meet at Naples, to liquidate the claims of British subjects against the Neapolitan Government for losses sustained by them, in consequence of that contract; and that this Commission should be composed of 2 British Commissioners, of 2 Neapolitan Commissioners, and of 1 other Commissioner, to be named by France, but to be previously approved of by Great Britain and Naples, and who should act as umpire between the British and Neapolitan Commissioners on points on which they may differ.

Finally, that no claims should be admitted by the above-mentioned Commissioners, except such as should come under one of the following heads:

1st. The claims of persons who, having become proprietors or lessees of sulphur mines in Sicily before the 9th of July, 1838, the day on which the contract entered into with Messrs. Taix and Co. was dated, shall have been subjected to impediments either in the raising or in the exportation of sulphur, and who shall, in consequence of these impediments, have suffered losses duly substantiated.

2ndly. The claims of persons who, having, before the period above mentioned, entered into contracts for the delivery of sulphur, shall, by the operation of the monopoly, have been rendered unable to fulfill their engagements, or shall have been deprived of the benefit which ought to have arisen from their transactions.

Lastly. The claims of persons who, having bought sulphur, the exportation of which shall afterwards have been forbidden, limited, or subjected to burdensome conditions, shall have thereby suffered losses capable of positive proof.

It was further agreed, that the claimants should bring forward their claims, together with all the vouchers necessary to substantiate the same, within 3 months after the opening of the Commission at Naples; that the examination of the same by the Commissioners should be finished within a further period of 6 months; and that the compensation which may be finally awarded by the Commissioners, shall be paid to the parties within a year from the dissolution of the Commission.

The Neapolitan Government having, by a decree dated the 21st of July last,* abolished the contract with Messrs. Taix and Co., and having thus fulfilled the first condition of the arrangement, I have to inform you that Her Majesty's Government, in execution of the second condition, have selected you, and Mr. Sullivan, at present Secretary to Her Majesty's Legation at Munich, to be the Commissioners on the part of Great Britain; and I have to request that you will, at your earliest convenience, proceed to Naples, and place yourself in communication with Mr. Sullivan, and with your Neapolitan and French colleagues, with a view to enter upon the examination of the claims in question, and for the speedy settlement of the same.

Her Majesty's Minister at the Court of Naples has already communicated to the merchants in Sicily the terms of the arrangement which have been agreed upon, and will be enabled, on your arrival at Naples, to furnish you with such statements of claims as he shall already have received.

Mr. Temple will likewise furnish you with other papers and documents bearing upon the transactions out of which these claims have originated. These papers and documents it will be your duty carefully to peruse, in order to make yourself fully master of the merits of the general question, as well as of each individual case.

I am, &c.

Sir Woodbine Paris, and
S. H. Sullivan, Esq.

PALMERSTON.

N^o. 2.-The British Comm. to Visc. Palmerston.—(Rec. April 8.)
MY Lord, Naples, March 24, 1841.

Tun French Commissioner, Count de Lurde, having arrived at Naples on the 20th instant, we addressed to the Neapolitan Commissioners a note, expressive of our desire that no further delay should take place in the opening of the Commission.

* Sec Vol. XXIX. Page 1225.

In consequence of this communication, we received from the Neapolitan Commissioners an invitation to meet them at the office of the Minister of Finance, for the purpose of declaring the formal installation of the Commission. The French arbitrator was also specially requested to attend upon this occasion.

We met accordingly yesterday, and signed a minute to that effect, a copy of which we have the honour herewith to transmit to your Lordship, together with a copy of the notice which we have addressed to the claimants, through Her Majesty's Consuls at Palermo and at Messina.

The Count de Lurde stated that he was provided with a full power, and the Neapolitan Commissioners were each furnished with a formal appointment, signed by the King, and countersigned by the Minister for Foreign Affairs.

We would venture, in consequence, to submit to your Lordship, that we also should be furnished with a like Commission, or with some formal instrument of appointment, which we may be enabled to exhibit to our Neapolitan colleagues, it having been agreed between us that we should mutually exchange the powers under which we act.

We have, &c.

WOODBINE PARISH.

S. H. SULLIVAN

Viscount Palmerston, G. C. B.

(Inclosure 1.)--Minute of the Installation of the Commission.

Naples, la 23 Mars, 1841.

LA Commission établie en conséquence de l'arrangement fait entre Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi du Royaume des 2 Siciles, sous la médiation de Sa Majesté le Roi des Français, pour la liquidation des demandes d'indemnité formées par les sujets Anglais. s'étant réunie aujourd'hui le 23 Mars, 1841, dans le Palais du Ministère des Finances à Naples; les membres qui la composent, après s'être communiqué leurs Pleins Pouvoirs et Lettres de Nomination, ont déclaré que la Commission était légalement instituée dès ce jour même.

MW. les Commissaires Anglais se sont chargés d'en donner la notification nécessaire aux réclamans Britanniques pour les mettre à même de produire devant la Commission les titres justificatifs de leurs demandes en indemnité, conformément aux 3 catégories stipulées dans le Conclusion de Juillet, 1840, et dans le délai de 3 mois à dater de l'institution de la Commission.

Ce terme finira le 24 du mois de Juin, 1841.

En foi de quoi les membres de la Commission ont signé le présent Procès Verbal.

WOODBINE PARISH.

S. H. SULLIVAN.

MICHELANGELO LA ROSA.

GUISEPPE BONGIARDINO.

COMTE DE LURDE.

*(Inclosure 2.)—T/re British Commissioners to the British Consuls at
Palermo and Messina.*

SIR,

Naples, March 23, 1841.

WE have the honour to acquaint you, for the information of the parties interested, that the Mixed Commission appointed to liquidate the claims of British subjects, arising out of the late sulphur monopoly, is now complete. We shall, in consequence, be ready to receive such claims as may be sent to us, from this date to the 24th of June next, being the 3 months prescribed for their presentation, conformably to the arrangement concluded between Her Majesty's Government and the Government of His Sicilian Majesty. We have to request that you will duly notify the same to all such of Her Majesty's subjects as may have claims to bring forward within your Consulate.

We have, &c.

*The British Consuls at
Palermo and Messina.*

W. PARISH.
S. H. SULIVAN.

*Nº. 3.—The British Commissioners to the Earl of Aberdeen.
(Received January 12, 1842.)*

(Extract)

Naples, December 29, 1841.

WE have the honour herewith to transmit to your Lordship the copy of a minute declaratory of the closing of the Mixed Commission appointed to liquidate the claims of British subjects arising out of the sulphur monopoly, which was signed on the 24th instant, by the British and Neapolitan Commissioners, as well as by the French arbiter.

We add a copy of our invitation to the Count de Lurde, to attend upon this occasion, together with his reply thereunto.

We have the honour further to inclose a list of the several claims, and of the awards which have been delivered on each case by the Commission.,

From these documents your Lordship will observe that the claims laid before the Commission amounted to 373,978 ducats, or 65,610 1. 5s. 5d. sterling, and that the total of the awards of the Mixed Commission amounts to 121,454 ducats, or 21,307 1. 14s. sterling. with interest at 6 per cent. thereupon, calculated from the date of the claim to the period at which the payment may be effected.

A certificate of each award, signed by the 4 Commissioners, has been issued to the claimants, according to the form herewith inclosed, and we are given to understand that His Sicilian Majesty has caused arrangements to be made for paying off the sums awarded, with as little delay as possible; although, according to the agreement concluded between Her Majesty's Government and the Government of His Sicilian Majesty, a year's delay, calculated from the (late of the closing of the Commission, is allowed for their final settlement.

We thought it right to warn the claimants beforehand, at the time when they were preparing their claims, that, although we should not fail to support, to the utmost of our ability, their just rights to an equitable indemnity for positive losses, yet that we did not consider it to be our duty to advocate cases solely got up for the occasion, or exaggerated demands not contemplated by either of the 2 Governments in the agreement entered into by them, under the mediation of the King of the French.

We believe that we have ultimately obtained for the claimants all that could have been demanded under that agreement, and perhaps more than we should have obtained if we had resorted to the extremity of appealing to the arbiter, whose official interference we had to apply for in one instance only, namely, the claim of Messrs. Wood and Co., for the Riesi mines; and in that case the reference was withdrawn, as his good offices were sufficient to induce the Neapolitan Commissioners to accede to our propositions.

Although most of the cases laid before the Commission varied more or less from each other, and consequently rendered it difficult to fix precisely the same rules for all, we nevertheless established for our own guidance certain general principles applicable to each class of claims, to which, as far as possible, we adhered throughout.

According to the terms of the agreement concluded between Her Majesty's Government and the Government of His Sicilian Majesty, the cases to be decided upon were divided under 3 heads, viz.:

1st. Of those parties who, having become mine proprietors or lessees previously to the 9th of July, 1838, the date of the contract with Taix and Co., may have experienced impediments in the extraction or exportation of their sulphur, and may, in consequence of those impediments, have suffered losses duly substantiated.

2nd. Of those who, previously to the said period, having entered into contracts for the delivery of sulphur, may have found it impossible to fulfill their engagements, or may have been deprived of the profits stipulated for on their transactions.

3rd. Of those who, having bought sulphur, the exportation of which had been either prohibited or limited, or subjected to more onerous conditions, may have in consequence sustained losses capable of positive proof.

With respect to the first of these classes of claims—viz. of mine proprietors or lessees, for impeded production of sulphur, the main points to establish were:

1st. The proper quantities of sulphur to be charged for; and

2nd. The proper valuation or price at which those quantities were to be paid for.

In order to establish the former point, we determined to admit, in the first instance, the quantities as estimated by the claimants,

and then to make a reduction from those quantities of 20 per cent. as an allowance for casualties, according to custom in all mining calculations.

We found that the principal claimants under this class had themselves made a similar deduction when they originally submitted an estimate of their losses to Mr. Temple.

With regard to price, we adopted 3 earlins per cantar as the rule, instead of 4 carlins per cantar, as charged by the claimants. In the case of the Favara mine, where the sulphur was of the lowest quality, and where the cost of production amounted only to two-thirds of that of the mines of Riesi and of Gallati, we reduced the price in proportion to the cost to 2 carlins per cantar.

The second class of claims—viz., for losses upon pending contracts which could not be fulfilled in consequence of the restrictions imposed by the monopoly, differed from those under the first and third categories, inasmuch as they were capable of positive and satisfactory proof, and most of them were consequently admitted with a very trifling alteration upon due evidence being given of the loss which had actually accrued to the claimant.

With respect to the third class of claims, comprising those for sulphur, which, although purchased previously to the monopoly, was not permitted to be exported during the continuance of the monopoly, we laid down the following as a principle for indemnity:

To grant to the claimant the difference between the price paid for the sulphur before the monopoly, and the price at which he was able to sell it, after the abolition of the monopoly. This difference, with the charges for interest of money and warehouse rent, consequent upon the sulphur remaining on hand, constituted the amount of the positive loss incurred by the claimant.

We are fully satisfied that the claimants have been fully indemnified for such of their losses as can, strictly speaking, be attributed to the monopoly contract which was abolished in July, 1840.

Earl of Aberdeen.

W. PARISH.
S. H. SULIVAN.

(Inclosure 1.)—Minute of the Closing of the Commission.

Naples, la 24 Décembre, 1841.

La Commission mixte établie en conséquence de l'arrangement fait entre Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi du Royaume des 2 Siciles, sous la médiation de Sa Majesté le Roi des Français. pour la liquidation des demandes d'indemnité formées par les sujets Britanniques dans l'affaire des soufres de Sicile, s'étant réunie aujourd'hui le 24 Décembre, 1841, au Palais du Ministère des Finances, après avoir invité M. le Commissaire Surarbitre à se joindre à elle, a procédé à la signature du Procès-Verbal de clôture de ses travaux, conformément aux stipulations du Conclusion de Juillet, 1840. En conséquence, se référant:

1°. A son Procès-Verbal du 23 Mars, 1841, qui établit, à partir de ce même jour, l'institution légale de la Commission, accordant aux réclamans Britanniques le délai de 3 mois, pour la présentation de leurs demandes en indemnité;

2°. A son Procès-Verbal du 25 Juin, 1841, par lequel le terme de 3 mois, accordé par le Conclusion de Juillet, 1840, aux réclamans Britanniques, pour produire devant la Commission, leurs demandes en indemnité, est déclaré expiré le 24 Juin, 1841,

Les Soussignés déclarent que le délai de 6 mois, stipulé par le Conclusion de Juillet, 1840, et qui a commencé le 24 Juin, 1841, jusqu'au jour d'aujourd'hui, pendant lequel espace de temps, toutes les réclamations des sujets Britanniques, présentées en temps utile, ont été examinées, liquidées, ou rejetées, est écoulé. Un état général de cette liquidation a été dressé et joint au présent Procès-Verbal sous le titre d'Annexe lettre A.

Cet état, ainsi que le présent Procès-Verbal, a été revêtu des signatures des 4 Commissaires, ainsi que de celle du Commissaire Surarbitre.

Les Commissaires de Sa Majesté Britannique et de Sa Majesté Sicilienne ont signé les certificats qui, selon ce qui avait été réglé dans la séance du 20 Décembre, 1841, devaient être remis à chacun des réclamans, afin de lui donner un titre dont il pourra se servir pour obtenir le paiement de l'indemnité qui lui a été accordée.

Ce document, portant intérêt à 6 pour cent, à partir de la date de la réclamation, jusqu'au jour de paiement, inclusivement, devra être soldé, dans le délai d'une année, ainsi qu'il a été spécifié dans le Conclusum cité plus haut, de Juillet, 1840.

En foi de quoi, les Soussignés, Commissaires de Sa Majesté Britannique, Commissaires de Sa Majesté Sicilienne, et Commissaire Surarbitre Français, ont signé le présent Procès-Verbal par lequel la Commission établie à Naples pour la liquidation des réclamations des sujets Britanniques dans l'affaire des soufres de Sicile, est déclarée dûment et réellement close.

WOODBINE PARISH.

MICHELANGELO LA ROSA.

S. H. SULLIVAN.

GUISEPPE BONGIARDINO.

COMTE DE LURDE.

(Inclosure 2.)-The Member; of the Mixed Commission to file Count de Lurde.

Naples, le 20 Décembre, 1841.

Les Soussignés, Membres de la Commission Mixte, ont l'honneur de prier M. le Comte de Lurde, Commissaire Surarbitre, de vouloir bien se réunir avec eux le 24 de cc mois, à une heure après midi, au Palais du Ministère des Finances, pour signer le Procès-Verbal de la clôture des séances de la Commission.

Parvenus au terme de leurs travaux, les Soussignés, tout en se réjouissant d'avoir pu arriver entr'eux, à l'amiable, à un arrangement définitif des réclamations qui leur ont été soumises, se plaisent à reconnaître que les bons offices de M. le Comte de Lurde ont contribué à amener cet heureux résultat en faisant éviter la nécessité de tout appel à son intervention officielle. Les Soussignés, &c.

WOODBINE PARISH.

S. H. SULLIVAN.

Le Comte de Lurde.

MICHELANGELO LA ROSA.

GUISEPPE BONGIARDINO.

(Inclosure 3.)— Count de Lurde to the Members of the Mixed Commission.
MESSIEURS,

Naples, le 21 Décembre, 1841.

J'AI reçu la lettre que vous m'avez fait l'honneur de m'adresser hier, et je m'empresserai de me rendre, le 24 de ce mois, à la réunion que vous m'indiquez.

En vous remerciant, Messieurs, des témoignages flatteurs que votre lettre renferme à mon égard, permettez-moi d'ajouter que c'est surtout à vos dispositions, également éclairées et conciliantes, que l'heureux résultat de la liquidation qui nous était confiée, doit être attribué; et la bienveillance avec laquelle vous avez toujours écouté les observations -que je croyais devoir vous faire, a constamment rendu mon rôle aussi facile qu'agréable. Recevez, &c.

COMTE DE LURDE.

MM. Les Membres de la Commission Mixte.

(Inclosure 4.)—Form of Certificate of Award delivered to the Claimants.

Naples, le 24 Décembre, 1841.

LA Commission établie en conséquence du Conclusion de Juillet, 1840, fait à Paris sous la médiation de Sa Majesté le Roi des Français, pour la liquidation des demandes d'indemnité formées par les sujets de Sa Majesté Britannique, ayant procédé à l'examen de la réclamation de, enregistrée dans la liste des réclamations, No., a décidé, dans la séance du 1841, que la somme de serait accordée comme indemnité aux dits pour leur réclamation relativement à avec l'intérêt de 6 pour cent, à dater du 24 Juin, 1841, jusqu'au jour de paiement, inclusivement..

WOODBINE PARISH.

S. H. SULLIVAN.

MICHELANGELO LA ROSA.

GUISEPPE BONGIARDINO.

N.B. Aux termes du même Conclusion, la dite indemnité sera soldée dans une année, à dater dès aujourd'hui, jour de la dissolution de la Commission Mixte.

(Signed as before.)

N^o. 4.—*Sir Woodbine Parish to the Earl of Aberdeen.*
(Received January 31.) Mr Loan,

Naples, January 14, 1842.

IN our report to your Lordship of the 29th ultimo, we stated it to be the intention of His Sicilian Majesty's Government to pay the indemnities awarded by the Mixed Commission with as little delay as possible, and I have now the satisfaction of acquainting your Lordship that the parties interested have had notice that they may receive at once the sums awarded to them, upon presenting at the bank the certificates which have been issued to them by the Mixed Commission; further, it has been intimated to them that after the notice aforesaid, the Neapolitan Government will not be responsible for the payment of any interest upon the awards after the expiration of the present month.

This determination to pay off the claimants at once, instead of at the end of the year, allowed to His Sicilian Majesty under the arrangement between the 2 Governments, is the natural consequence of our having stipulated that the awards should bear interest at the rate of 6 per cent., so long as they remain unsettled.

I have, &c.

The Earl of Aberdeen

WOODBINE PARISH.

N^o 5. - *The Earl of Aberdeen to the British Commissioners*

GENTLEMEN,

Foreign Office, February 28, 1842.

I HAVE to acknowledge the receipt of your despatch of the 29th December last, announcing the final closing of the Commission assembled at Naples for the settlement of the claims of British subjects, arising out of the contract entered into between the Government of the 2 Sicilies and the house of Taix, Aycard, and Co., with respect to the sulphur trade of Sicily; and I have to communicate to you the entire approval of Her Majesty's Government of the manner in which you have executed the duties which were assigned to you.

Sir Woodbine Parish.
S. H. Sullivan, Esq.

I am, &c.

ABERDEEN.