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REMARKS

OF

MR. EDWARD EVERETT

ON THE

FRENCH QUESTION,

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

ON THE 7TH OF FEBRUARY AND 26 OF MARCH, 1835.

WITH THE

REPORTS OF THE MAJORITY AND MINORITY

OF THE COMMITTEE OF FOREIGN AFFAIRS,

ON THE SAME SUBJECT.

BOSTON:
NATHAN HALE, 14 WATER STREET.
1835.
THE FRENCH QUESTION.

REMARKS of Mr. EDWARD EVERETT, in the House of Representatives, on Saturday, February 7, upon the Resolution submitted by Mr. J. Q. ADAMS, instructing the Committee on Foreign Affairs to report forthwith, on the subject of our Relations with France.

Mr. Everett observed, that this did not appear to him to be a question of so much importance as seemed to have been given it in the present discussion. Whether the committee should be instructed to report on Monday week or Monday fortnight, or forthwith, could not, he conceived, be a matter of great moment. There are but a little more than three weeks remaining of the session. What has fallen from the Chairman of the Committee, will, of course, be regarded by the House as an assurance that the Committee will report before the close of the session. Such is my own understanding (said Mr. E.) of the purpose of the Committee. That report cannot well be delayed many days beyond the time now fixed in the resolution as modified; and whether the report come a few days earlier or later cannot be, I should think, of great consequence. While, therefore, I am willing to concur in the passage of the resolution of my distinguished colleague, I should also have voted for it as first moved by him. I should have been willing that the Committee should be instructed to report forthwith.

I have been in favor of the Committee's reporting forthwith, from the beginning of the session. I thought it very important—highly desirable to do so. So much time has since elapsed, and the difference between reporting forthwith and reporting at as late a period as it can well be done, is so inconsiderable, that I attach less consequence to it than I did. At the commencement of the session, I thought an immediate report from the Committee would have done great good. I differ, on this point, from the gentleman from New-York, (Mr. Cambrelen,) at the head of the Committee of Foreign Affairs. I think it would have been much better if we had reported long ago; if we had taken a ground like that assumed unanimously by the Senate of the United States, and which I understand the gentleman from New-York to censure,—

[Mr. Cambrelen explained, that he meant that it would have been better if the two houses had adopted a prompt action and bold front at the commencement.]
Mr. Everett continued: I was for acting as promptly and as boldly as the gentleman. It was precisely a prompt and bold course which I desired. I was not for war, nor reprisals, in the state of affairs then existing; and we are now told that neither of these measures was contemplated by any member of the House. What, then, could we have done promptly and boldly? We could have done this. We could have taken up the subject as one of eminent importance, admitting no delay in the consideration of the House. We could have shown the justice of the American side of the question in the strongest terms. We could have uttered the feeling and views of this House, in the strongest and most emphatic language.

Having shown the justice of our claims, we could have expressed our resolute determination to stand upon our rights under the treaty. Our firm purpose not to relax one tithe, nor recede one inch, and we could have adduced the reasons,—and such reasons there were, which might be urged in support of the opinion, that France would yet do us justice. I would have had a report of this character, bold, firm, and pacific, and would have hoped for it the unanimous concurrence of this House. And here, sir, I should have been inclined to stop. I would have had the rights of the country maintained, and our purpose never to recede from them asserted. But what Congress would do in the contingency,—somewhat distant of necessity,—never perhaps to arrive, I think I should not then have said. I would reserve my action on the contingency till it ceased to be one, and when that should be the case, then I would act promptly and vigorously, under the state of circumstances which should present itself. But I should have been indisposed to anticipate that event, and would not, therefore, undertake to say what measures I would adopt, should it happen. But I would have asserted our rights so broadly and distinctly, as to leave me at full liberty to adopt any measure of redress, which circumstances unfortunately might render necessary. The same course I would pursue now, though, from the lapse of time, I do not think all the good would result from it which might have been hoped, from the earlier action of the Committee. I agree with the Chairman of the Committee as to the character which the report must take. He says the Committee are not prepared to recommend any measure. I so understand it. In the present state of our information, nothing of the kind alluded to, under the name of a measure, can be recommended. And for this reason, I would still refrain from recommending any thing hypothetically, to be done upon the happening of a contingency, because the varieties of circumstances, the shades of human action, public as well as private, are infinitely too numerous to be foreseen.

I own, Sir, my anticipations are not so cheerful as they were. I entertained a strong hope, at the commencement of the session, of the speedy adjustment of this painful controversy. In the interval, little, I must own, has occurred to strengthen, and more than I could wish to discourage, that hope. I begin to contemplate, as a possible event, that things will go to extremes. But I am not ready, and I think the House, though it may share this apprehension, cannot be ready, to act on this anticipation. Even if the French Chamber
should refuse again to make an appropriation to execute the treaty, we cannot be sure that it may not be in a form, and with qualifications, that will justify us in further delay. We cannot know this: as we cannot know that the very reverse may not, by some deplorable fatality, happen. If, for instance, the suggestion of the gentleman from Ohio, (Mr. Lytle) should be realized—if the French Government should accompany the refusal by acts of affront and violence—by a hostile attempt on the squadron of the United States in the Mediterranean; an attempt which, every one knows, would be resisted to the last drop of the blood of officers and men—then, sir, there would be no delay; there would be no need of instructing the Committee to report forthwith; there would be no long debates in this House or the other House; but the two Houses, and the country, rising as one man, would take their position and sustain it. But I would not anticipate any such event as this. I would not take any step whatever, on the presumption that France, to the long denial of Justice— to the signal injustice, of which she has given us cause already to complain, could add a procedure of such outrageous madness. I will not say such a thing is beyond the range of possibility; nothing is impossible; but no gentleman, I think, on reflection, can consider it in any degree probable.

I have said already, sir, that my anticipations of the satisfactory adjustment of the business are less sanguine than they were. There are, however, some reasons for hope that the French Chambers will make the appropriation this winter. One of the chief reasons is, that the Chamber of Deputies of last year contained some members by no means entitled to the compliment paid to them by the gentleman from Kentucky, (Mr. Johnson,) of having understood the question thoroughly, and not having rejected the appropriation through ignorance. On the contrary, sir, there was exhibited, in my opinion, an entire ignorance of some of the most important facts of the case, and in reference to the most important of them all, a gross, not to say a discreditable ignorance, which I believe proved fatal to the passage of the appropriation bill, and which, should the two countries most unhappily be brought into collision, will throw a tremendous responsibility on those members.

You are aware, sir, that, on all sides, it was admitted that something was due to the citizens of the United States, and that it was merely on a question of how much, that the great issue of annulling or executing a treaty, was made to depend. In this state of the controversy, and just as the question was about to be taken, members arose in the French Chamber, and stated that of the five millions of indemnity, provided by the treaty under discussion, two millions, covering the St. Sebastian's cases, had already been paid under the Florida treaty between the United States and Spain! The assertion was immediately contradicted by the Minister of Foreign Affairs, whose exposition of the whole question was one of the most masterly parliamentary efforts I have seen. His contradiction was direct and positive, as to its purport; but if one may judge from the report of the debates, (very likely imperfect,) it was less decided and authoritative in manner, than could have been desired. At all events I have
been told by an intelligent American gentleman, who was present on
the occasion, that these statements were evidently fatal to the bill.
The question was taken immediately after. It was lost by only eight
votes.

We know, sir, that deliberate bodies may be taken by surprise, by
plausible statements. Were we ourselves about to appropriate five
millions of dollars in payment of an acknowledged debt, and should
member after member rise, with a treaty in their hands, maintaining
that two of the five millions had been already paid, and read us pas-
sages of the document to prove it, and if anything short of the most
positive contradiction, accompanied with the most satisfactory ex-
planation, were given, it would very likely prove fatal to the bill; cer-
tainly so, if the House were almost equally divided before. For these
reasons, as I said, I rely something on the fact, that the bill was re-
jected last winter, not in a full understanding of the facts, as the
gentleman from Kentucky seemed to think, but in an entire ignorance
of the most important of them all. And when the memoir, which has
been mentioned in Mr. Livingston's despatches to-day, shall have
proved to the French Chamber, (as I presume it will do, from the
character of some of the documents, which, during the recess of Con-
gress, have been furnished to the French Government at its request,
by ours,) that the statements I have alluded to were utterly destitute
of foundation, that the St. Sebastian's cases were all rejected by the
Commissioners under the Florida treaty, as not included in its pro-
visions, and that they have been all admitted by the Commissioners
now sitting under the present treaty, as notoriously provided for by
that treaty, I trust it will not be without its effect.

But I do not build with entire confidence on this, or any other
ground of encouragement. I see something ominous in the charac-
ter and composition of the opposition to the King and his ministry on
this question. What did the King tell Mr. Livingston? That he
might rely upon his honor as a King, and his promise as a man, that
the treaty should be executed. For myself, I place the most unquali-
fied dependence on this assurance. I believe that, as far as his in-
fluence extends, it will be strenuously exerted; that his constitutional
powers will be strained to the utmost, to procure the execution of the
treaty. But what, sir, is the melancholy truth, as to the condition of
the King's Government? I would not in wantonness, say anything
disparagingly of the internal condition of affairs in a country, between
which and our own the relations of amity still subsist; but when our
own rights and claims are made the sport of the state of parties in a
foreign country, it is a fair subject of comment. The King will do
his utmost to effect the fulfillment of the treaty; and not merely be-
cause it is a just treaty, but because (as he told Mr. Livingston) his
faith as a sovereign, and his honor as a man, are pledged. But what
is the position of the King himself? Does not all the world know,
that he does not fill the throne on the principles of what is called
legitimacy? That there are two powerful parties in France, agree-
ing in nothing else, but united in opposition to the present establish-
ment of the Government. I mean, of course, the party of the late
dispossessed family, on one side, and the extreme liberals on the
other. It is, as far as we can judge at this distance, mainly a combination of these two parties, taking along with it, of course, the natural opposition to all heavy money bills, which has hitherto defeated the execution of the treaty.

With these two parties, instead of our gaining strength from the circumstance that the King's regal word and personal honor are pledged to fulfil the treaty, it is precisely for this reason that they oppose it. And they oppose it, not with a zeal measured by the simple merits and consequence of the treaty, but with an intensity of purpose, and depth of feeling, inspired by their hostility to the Government. Seeing the opposition to the treaty thus conducted by parties, who would move heaven and earth to shake the King from his throne, I own, sir, I look to see this question linked in with the very elements of the permanence of the present order of things in France. Could it be reduced simply and solely to this issue, all might be well; but with this powerful, deep-seated, far-reaching opposition, we must fear, as I have said, that what may be called the natural opposition to all such measures, will unite itself. The King will do everything to carry the treaty into effect. I am sure, if it were necessary, he would shed his blood to fulfil it. I should hear, with deep regret, a single word that would cast a shade of doubt on his sincerity. But whether he will even be able to sustain himself, who shall vouch? I trust he will. I believe it highly desirable for the peace of France, and the harmony of Europe, that he should. I have little doubt, should his government be overturned, it would be followed by disastrous consequences, not unworthy the high breach of faith toward the United States, with which the war against it seems to have commenced.

Sir, I reciprocate the sentiment of the Chairman of the Committee; I hope the House will act with unanimity on this subject. I trust we shall not allow ourselves to split on any subordinate questions. That of the present reference surely ought not to divide us. On a question of such great magnitude—if things are to go to extremes—it cannot be expected nor asked, that, on every point involved, all should think alike. Independent men, on such points must differ. Those who think for themselves, that is, who think at all, must differ to some extent, on such subjects. But if the worst come to the worst—if France shall make up her mind to withhold justice from us deliberately and conclusively, and in such a manner that true policy and honor will no longer admit of delay and forbearance, then, sir, I believe, whatever difference of opinion there may be as to any point of secondary consequence, that Congress and the country will move unanimously in the direction which its rights and honor shall point out.

But I think we should do nothing by way of anticipating that contingency. It may never arrive. Every man, I will not say of common humanity, but of common sense, in the United States, and France, must hope it never will arrive. When it does, there will be no division of feeling. I am satisfied from the expression of opinion here, and of public sentiment throughout the country, that we shall come to this result; and however this matter of reference may
be disposed of, (which at this late stage of the session I regard as of diminishing importance) I believe that in a firm resolution to stand on our rights, under the treaty, we shall be unanimous.

Mr. CAMERLEN, from the Committee on Foreign Affairs, made the following

REPORT:

The Committee on Foreign Affairs, to which was referred so much of the President's Message as concerns our political relations with France, and the Correspondence between the Ministers of the two Governments, Report:

That, at an early period of the session, the committee took into consideration the question of authorizing reprisals, and continued from time to time to discuss various motions and resolutions submitted by its different members. They could, however, concur in no proposition; and in that condition, a majority deemed it expedient to postpone their decision till further intelligence should be received from France. The committee had, within the week past, twice instructed its chairman to report resolutions, but the arrival of additional intelligence caused a suspension of these reports until an official communication should be received from the Executive. That communication places the relations between the two countries in a novel and interesting position. While there is satisfactory evidence that the French Government earnestly desires that the appropriation for indemnity should be made in pursuance of the stipulations of the treaty, and while there is reason to hope that the Chamber of Deputies will adopt that measure, and faithfully discharge the obligations of France to the United States, it is, on the other hand, to be feared that the conduct of that Government has placed us in a position at least embarrassing, even should it not produce an entire suspension of diplomatic intercourse between the two nations. In this new position of our relations, it is deemed expedient to dispense with further discussion on the subject of non-intercourse with, and reprisals on the commerce of France, to which the attention of the committee had been directed, and to leave the question of our political relations with that Government to the next Congress, whose action will, no doubt, be governed by the course which France may deem it expedient to pursue. We are not yet informed what may have been the decision of the King of the French as to the dismissal of our minister; nor can we conjecture what may be the fate of the appropriation in the Chamber of Deputies. While the committee is unwilling to anticipate any but an amicable and favorable result in both cases, it must be recollected that the King and the Chamber may decide adversely to the interests and harmony of the two nations. Such a decision on the part of France, however it may be regretted by the people of both countries, who have great and growing interests, commercial and political, to cherish, may lead to a result upon which the committee, while in doubt, and while a hope remains, will not enlarge.

The committee is therefore of opinion that, at such a crisis, when events may occur which cannot be anticipated, and which may lead to important consequences in our external relations, it would not discharge its duty to the country if it did not express a firm resolution to insist on the full execution of the treaty of 1881, and if it did not recommend to the House a contingent preparation for any emergency, which may grow out of our relations with France previous to the next meeting of Congress. It is a gratifying circumstance that our means are adequate to meet any exigency without resorting to loans or taxes. The bill now before the House, authorizing the sale of our stock in the Bank of the United States, would, if adopted, afford...
all the revenue necessary. The committee is of opinion that the whole or a part of the fund to be derived from that source should be appropriated for the purpose of arming our fortifications, and for making other military and naval preparations for the defence of the country, in case such expenditures should become necessary before the next meeting of Congress.

The committee, therefore, submit the following resolutions for the consideration of the House:

Resolved, That it would be incompatible with the rights and honor of the United States further to negotiate in relation to the treaty entered into by France on the 4th July, 1831, and that this House will insist upon its execution as ratified by both Governments.

Resolved, That the Committee on Foreign Affairs be discharged from the further consideration of so much of the President's Message as relates to commercial restrictions, or to reprisals on the commerce of France.

Resolved, That contingent preparation ought to be made to meet any emergency growing out of our relations with France.

Mr. EDWARD EVERETT made the following Report, on behalf of a minority of the Committee:

The undersigned, members of the Committee on Foreign Affairs of the House of Representatives, beg leave to submit to the House, in the following manner, their views of that part of the President's message at the beginning of the session, which relates to the failure of France to execute the convention of the 4th July, 1831, and of the messages and documents, on the same subject, which have been since referred to them.

The undersigned are deeply impressed with the delicacy and importance of the subject. They regard it as one of the most momentous ever submitted to the decision of the House. At an early period of the session, a proposal was made, in committee, that a bill should be reported, authorizing reprisals against France, in the event that an appropriation should not be made by the French Chambers, this winter, to carry the treaty into effect, with a power reserved to the President to arrest the reprisals, should he deem it expedient. That proposition was negative by a large majority of the committee, of which majority the undersigned formed a part. It is unnecessary, in this place, to state the considerations which induced the undersigned to oppose this measure. They will only observe that, as intelligence had been already received that the meeting of the Chambers had been ordered a month earlier than the period to which it stood adjourned, it seemed peculiarly desirable to the undersigned to forbear every measure, which might throw obstacles in the way of the unprejudiced action of the Chambers. For this reason, also, the undersigned were of opinion, that, as soon as the sense of the committee had been thus ascertained against authorizing reprisals, it was expedient to report a resolution to that effect to the House, setting forth, in a conciliatory manner, the grounds of such a resolution, but maintaining also, in the strongest terms, the obligation of the treaty. In this, however, they were overruled by a majority of the committee, who declined adopting a resolution to that effect.

At a subsequent period, a motion was made, in committee, to reconsider the vote by which the resolution authorizing reprisals had been rejected. A majority of the committee, and the undersigned among the number, were opposed to the reconsideration. But a renewed motion to report a resolution in accordance with the sense of the committee, that it was inexpedient
to authorize reprisals, again failed. Believing that the majority of the House would have sustained the majority of the committee in the opinion that it was inexpedient to authorize reprisals at this time, the undersigned regret that an opportunity had not been afforded the House at an early stage of the session, of expressing that opinion, on a report from the committee; as they conceive such a course, taken in connexion with a similar course pursued by the Senate unanimously, would have had a salutary effect abroad.

But the undersigned are not disposed unnecessarily to dwell on these points. They regard them as minor differences of opinion on a great subject, whose leading nature must be felt and understood alike by all. On the justice of the American cause, in the matter in dispute between France and the United States, the undersigned are happy in the belief, that there is but one opinion among their fellow citizens. If differences exist as to the proper measures to be pursued to obtain the justice which is due alike to the citizens and the Government of the United States, it is to be ascribed to the inevitable diversity of judgment on great and difficult questions. It may with truth be said, perhaps for the first time in the history of great national disputes, that there is but one opinion in the United States as to the grounds of the controversy between the two countries. The undersigned ardently hope that this auspicious unanimity, as to the origin and character of our complaints against France, will extend also to the measures adopted for obtaining satisfaction.

The controversy between the two countries is too familiar, in its origin and history, to require a minute survey. A few leading points may be briefly alluded to. A long series of outrages and depredations on our neutral commerce was terminated by the convention of September, 1800. Nothing short of a force of circumstances deemed imperative would have induced the United States to acquiesce in the conditions of that convention. Unsatisfactory as they were at the best, a portion of its stipulations have never, to the present time, been fulfilled. The property, of which restitution, or the payment of the equivalent, was stipulated by the fourth article of that treaty, has never, to this day, been restored, nor paid for; and, having been pretermitted in the arrangements of the Louisiana convention of 1803, is still included among the claims against France. But the great portion of the claims provided for by the convention of July, 1831, had their origin in the spoliations committed on our commerce, under what has commonly been called the continental system of the late Emperor of France. By way of enforcing that system, certain decrees were promulgated, subjecting American vessels to capture and condemnation, for reasons wholly unsanctioned by the law of nations; and, as if sufficient injury and outrage were not inflicted by these decrees, when regularly applied according to the usual forms of admiralty procedure, great depredations were committed on American commerce, without even the pretense of any warrant of public law. French squadrons were instructed to burn any American vessel they might encounter at sea. Vessels and cargoes, seized under the Berlin and Milan decrees, were confiscated, both before the existence of those decrees was known, and after they were repealed; and vessels and cargoes, sequestered in the ports of Holland and Spain, were sold without trial, and the proceeds deposited in the French Treasury.

The general pretence, on which these measures were founded, was as groundless and injurious, as the measures themselves were illegal and violent. It was pretended that France was authorised to resort to them, by the failure of the United States to cause their neutral rights to be respected by Great Britain. This pretence was in direct and notorious contradiction of the fact, that the United States were exerting themselves to the utmost to compel Great Britain to desist from her aggressions on our commerce;
and, from the first commencement of those aggressions, pursued a course of policy, which eventually terminated in the extreme measure of war. Had the course of the United States been less clear and unexceptionable in this respect, it is unnecessary to state that it would have furnished no justification for the unprecedented acts of violence, committed by the government of France on the commerce of America. To pretend that the vessels of a neutral power are denationalized, and, as such, subject to capture by one belligerent, because they have been spoken or boarded by another, and on the ground that the neutral has not sufficiently vindicated his rights against that belligerent, is as destitute of warrant, in the law of nations, as it is of foundation in justice or common sense. In fact, the undersigned need not characterize the policy of the French Emperor more strongly than he did himself, when he called it "a revival of the barbarity of the dark ages."

To these violent, injurious, and offensive measures of the Imperial Government, the United States opposed a steady course of counteractive but pacific measures, accompanied with the most earnest remonstrances and appeals to the justice of France. These appeals were, at length, by the force of events, rendered efficacious. A prospect of satisfaction was held out. Not only were the obnoxious decrees repealed, and the illegal captures suspended, but indemnity was promised for the losses which had been sustained. Mr. Barlow was invited by the French Minister to repair to the head quarters of the imperial army in Russia, with a view to the settlement of the points of difference between the two countries. His death in Poland, and the subsequent disastrous events of the campaign, prevented the pursuit of the negotiation.

It was renewed under his successor, Mr. Crawford. The Duc de Vicenza was directed by the Emperor to prepare a report on the subject of American claims. This report was presented to the Emperor on the 11th of January, 1814. The principle assumed was, that no indemnification ought to be made for vessels seized under the Berlin and Milan decrees; but that it was due for vessels seized after the 10th of November 1810, when the decrees were revoked in favor of the Americans; for vessels which were seized at a time when no notice had been received of the decrees; for vessels destroyed at sea; and for those seized at St. Sebastian's. These, were estimated to amount to about thirteen million francs, viz:

- Class the first, 1,800,000 francs.
- Class the second, 1,700,000.
- Class the third, 2,200,000.
- Class the fourth, 7,000,000.

12,700,000 francs.

These amounts were estimated on lists of the vessels and sales furnished by the Department of Commerce. "But," adds the report of the Duc de Vicenza, "as it may be admitted that the prices are generally below the real value, and as these lists are not yet complete, it may be supposed that the indemnifications to be granted will surpass this sum, and may be stated at about eighteen millions of francs."

Here the undersigned pause for a moment to remark on the extent of the admissions made by the Imperial Government of France, in January, 1814. It was then admitted that, for the four classes of cases named, indemnity was justly due; and that, under these heads, the sum payable was on the lists and estimates furnished, about 18,000,000 francs; but that, as the lists were incomplete, and the estimates doubtless low, about 18,000,000 francs might be considered due. Let it be remembered, then, that this is an ex parte estimate, made entirely without the concurrence of the claimants, or even of Mr. Barlow, who, on the contrary, rated the losses suffer-
ed by the American merchants at 70,000,000 francs; that it does not include the Antwerp cases, perhaps the strongest of all; that it is confessedly a low estimate, derived from official returns of forced sales, and where every inducement existed to underrate the value of the property, for the sake of lessening the amount of duties payable; and, finally, that it is a debt acknowledged to be due twenty years ago, and on which, consequently, a fair claim for interest exists, (itself amounting, for twenty years, to 21,600,000 francs); let all this be remembered, and who will deny that twenty-five millions of francs, payable at this time, are a very moderate, not to say inadequate remedy, on principles acknowledged to be correct by the French Government? If to all these considerations, be added, that captures and condemnations under the Berlin and Milan decrees were under the laws of nations, to the full, as unwarrantable as the destruction of property at sea, who can deny that the American Government, in accepting 25,000,000, by the treaty of 1831, gave a signal proof of moderation, and if liable to censure in any quarter, it was on the part of the claimants, receiving so small a portion of their just demands?

The downfall of the French empire, of course, arrested the progress of the negotiation with the United States. It was resumed with the Government of the Restoration. Mr. Gallatin, our minister at that time in France, was instructed to urge the claims on the French ministry. France was, at that time, severely burdened by the amount of the indemnities which she was bound to pay, by the treaties contracted with the allied sovereigns of Europe. The minister of France, (at this time the Duc de Richelieu), appealed to the considerate feelings of the American Government not to press its claims when they would be peculiarly onerous to France; and this appeal was successful. It has now recently been pretended, against the force of the precedent of indemnification set by the payments to the great European Powers on the restoration of the Bourbons, that they were of the character of military contributions made to Governments, and bore no resemblance to the reimbursement claimed by citizens of the United States.—That they may have been, in part, of the character thus pretended, is not denied; but that provision also was made for the payment of claims of a character identical with those for which indemnification has so long and so injuriously been withheld from American citizens, might, if the limits of this report admitted, be proved by specific instances.

At the earnest request of the French Minister, the American claims, as has been observed, were postponed. It was understood, however, and stated by the minister, that this postponement was not considered by him as a rejection. At length, after four years' delay, and when France had recovered from the exhaustion of European indemnities, the American claims were modestly preferred. They were sustained with equal perseverance, skill and force, by Mr. Gallatin, in his correspondence with several persons who successively filled the place of Minister of Foreign Affairs. Of several of his applications no notice was taken; some of his letters no answers were returned; and his efforts seemed to have been wholly unsuccessful, though marked with an ability not surpassed in diplomatic history. The first plea was positive inability. This was backed by the general argument of not being responsible for the acts of the Imperial Government. When the former excuse had happily ceased to have a foundation in fact, and the latter had been demonstrated to have no warrant in public law, the claim for indemnities was most unjustly attached to the controversy relative to the commercial intercourse between the two countries; and that being disposed of, the construction of the eighth article of the Louisiana treaty was brought up, as a still more effective ground for delay.

By the eighth article of the Louisiana treaty, it was stipulated that French ships should forever be admitted into the ports of Louisiana on the footing
of the most favored nation. At a period when, in consequence of a series of duties all but prohibitory on American vessels in France, similar tonnage duties were laid on French vessels in America, France set up the extravagant pretension, that her ships should be admitted free of tonnage duty in New Orleans, because English vessels were so admitted there, as in all the other ports of the United States, in virtue of the commercial convention between America and Great Britain, by which the discriminating duties on both sides were abrogated. The extravagance of this pretension,—apparent on its face,—becomes more so when it is reflected that, at the time it was brought forward, it would have driven all the trade between the two countries into French vessels, and into the single port of New Orleans.—The unreasonableness with which it has been urged as a bar to the satisfaction of the claims, is seen in the consideration that, by the commercial convention between France and the United States, of 1822, France actually enjoys this “favor” (if a purchased exemption can so be called) on the same terms on which Great Britain and all other nations enjoy it. It may be further added, in illustration of the spirit with which this obstacle has been thrown in the way of the settlement of the controversy, that the stipulations in favor of America, by the fourth article of the Convention of 1800, have (as has been already stated) remained unsatisfied by France to this day.

Nevertheless, this monstrous pretension was fastened on the question of payment of indemnity, and could not be shaken off. At length, in 1837, by the operation of the commercial convention between the two countries, the discriminating duties on both sides expired. As a practical question, nothing remained but the amount of indemnity to which the French navigators might be entitled for the burdems laid on their tonnage for the few preceding years; and, as a question of abstract right, it seemed difficult to make a serious affair out of the difference between an abolition of discriminating duties under the treaty of April 30, 1803, or the convention of June 12, 1822. Weary of the obstacles which this question threw in the way of the justice due to our citizens, it was determined by the President of the United States (Mr. Adams) to make an effort to remove it, by an offer to submit the question thus narrowed down to arbitration. On this new basis, the negotiation was resumed by Mr. Brown. On the return of this gentleman to America, the attempt was again made by his successor, Mr. Rives, on a basis substantially the same, to bring the French Government to the performance of its duty. The negotiation was carried on by this minister with great diligence, perseverance, and vigor, and brought, in his judgment, to a state promising a speedy and satisfactory arrangement. The Prince de Polignac, at this time the head of the French ministry, is stated by a Deputy in the debate in the French Chambers on the execution of the treaty, to have cautioned his successors, after the revolution of July, to beware how they paid the American claims, inasmuch as “he had investigated them, and found nothing was due.” Whether this discreditable sentiment is to be ascribed merely to perturbation of mind and confused recollection, (as charitably intimated by the French Minister of Foreign Affairs, in reply to the statement), or whether the Prince de Polignac had really been guilty of duplicity toward our minister, the undersigned are not called on to decide. At all events, the revolution of July, 1830, found the American claims unsatisfied.

With that auspicious event, a more promising aspect of the negotiation presented itself, but one not unencumbered with difficulties. The Government of July admitted the obligation of France to make indemnity for the wrongs done under the Government of Napoleon. As a Government founded on popular choice, it felt a sympathy with that of the United States, not to be expected on the part of the fallen family. Besides this, great influence was possessed, in the new Government, by individuals
supposed to be animated by friendly sentiments toward the United States. Such was believed to be the case on the part of his Majesty the King of the French; such, of course, was the case with General Lafayette. But, on the other hand, a portion of the Government of July maintained the validity of the Berlin and Milan decrees; although the titles or chapters of the law of nations, which give the slightest sanction to those outrageous decrees, have never been pointed out. France, at this period, represented herself embarrassed in the state of her finances, and her popular institutions were alleged to create obstacles to the consummation of treaties imposing pecuniary burdens.

Such were the difficulties, as well as facilities, existing in reference to the negotiation of the convention. The points of embarrassment were the amount of the claims justly due, and the unhappy question of the interpretation of the eighth article of the Louisiana treaty. A sum as low as twelve millions of francs was named by the French commissioners charged to investigate the subject, and seventy millions was stated by Mr. Rives as the amount to which the just claims of his fellow-citizens undoubtedly extended. The sum of twenty-five millions was, at length, accepted by Mr. Rives, as being evidently the maximum to which the French Ministry could be brought. The claim under the eighth article of the Louisiana treaty was considered as offset, by an important reduction of the duties on French wines for ten years, to the effect of giving them a discrimination over those of all other countries. France also stipulated, at the same time, to equalize the duties on long and short staple cottons, which, it is believed, has been so far done, that a royal ordonnance has been issued, admitting those two species of cotton into France, from all countries, on one and the same duty. In payment of claims of citizens of France, principally the Beaumarchais claim, a sum of one million five hundred thousand francs was stipulated, to be deducted from the amount of indemnity paid by France to our citizens.

Such were the conditions of the convention,—a compact of that best of all kinds, viz. those which are mutually advantageous to both parties, for such the undersigned will presently endeavor to prove it. No time was lost by the American Government in carrying it into execution. A law was passed, at as early a period as was practicable, providing for those parts of it which required the co-operation of Congress. The payment of fifteen hundred thousand francs to French claimants was sanctioned by the appropriation of that sum out of the Treasury, and the stipulated reduction was made in the duties on French wines. At the same session of Congress, in the general revision of the tariff of duties on imports into the United States, the discrimination in favor of European silks over those from beyond the Cape of Good Hope was carefully maintained. Suggestions have been made in France that this discrimination was kept up from general considerations of policy, and not from any purpose of serving or gratifying France. That the discriminating duties on the trade beyond the Cape of Good Hope were, in the origin of our revenue system, laid for the supposed convenience of the Treasury, and because it was thought that this trade could bear a surcharge of duties, is perhaps true. The undersigned, however, are of opinion, that such views, if ever entertained, have been long since exploded; that the trade beyond the Cape of Good Hope is now admitted to rest on the same general principles as the trade this side of the Cape of Good Hope, and that a discrimination between the two is an entire anomaly in our system. The discrimination in favor of French silks was notoriously regarded as a great boon, by those most concerned to promote the interests of France. If doubts on this point exist in Paris, they will probably vanish on an examination of the archives of the Department of Foreign Affairs. The debates in Congress will not less conclusively demonstrate, that the friends of this discrimination in the two Houses supported its continuance, from friendly
considerations towards France. At the succeeding session of Congress, a law was passed providing for a gradual and general reduction of all duties on imports. By this law, the discrimination in favor of French wines was still kept up: and, while French silks were allowed to be imported free of duty after the 31st of December, 1833, those of China remain charged with a duty of 10 per cent. The undersigned have not the least doubt that the silk manufacturers of France would deem it to their advantage to advance a capital of 25,000,000 francs, for the sake of securing this discrimination. The interest on such a capital, at 5 per cent., is 1,250,000, which is not much over a third of a duty of 10 per cent. on the amount of French silks imported into the United States in 1833. But a release from the payment of so much duty is by no means the extent of the benefit accruing to France from this exemption. If no discrimination existed, a considerable part of the importation of French silks would cease altogether. On the other hand, to the United States it must be comparatively a matter of indifference whether the silks of China or France are consumed: the amount of this article required for their population would remain the same; the means of payment would remain the same; and the quantity of American produce exported would also, of course, remain the same. The undersigned might go further, and maintain that, as silk fabrics are not an article of American manufacture, the duty on foreign silks is a duty of that description, which imposes a burden on the country without any benefit, enhancing prices, diminishing consumption, and lessening the amount of domestic exports. The burden is laid upon the American citizen for the benefit of the European manufacturer.

Thus faithfully, and more than faithfully, did the United States fulfill, on their part, the stipulations of the treaty. On the part of France, an unexpected and highly to be regretted failure to fulfill the stipulations on their side, has taken place. It cannot be matter of surprise to the French Government or people, that this failure has created great discontent in the United States. Suppose the case had been reversed. Suppose France, as the United States have done, had punctually executed her portion of the stipulations—paid the twenty five millions, and passed the requisite laws for equalizing the duties on cottons; and the Congress of the United States, after securing the money, had refused to reduce the duties on wines, would not such a refusal have been the source of equal surprise, disgust, and offence, on the part of France?

The French Chamber of Deputies claims the right, under the constitutional charter of France, of withholding appropriations to carry a treaty like that of the 4th of July, 1831, into effect.

The French charter contains two articles, which are alone drawn in question, in arriving at the conclusion that the concurrence of the Chambers is necessary to the validity of a treaty. By article 13, it is stipulated that "the King makes treaties of peace, alliance and commerce," and by article 40, "that no tax can be established, or collected, if it has not been consented to by the two Chambers, and sanctioned by the King." It is affirmed, on the part of France, that the treaty of 4th July, 1831, is not a treaty of peace, alliance, nor commerce, but one of indemnity, and, consequently, that it is not such a treaty as the King can alone make. To this it may be replied, 1st, that it is purely a treaty of commerce, making provision for two objects, intimately connected with commerce, and nothing else. One of these objects is, satisfaction for certain spoliations formerly committed upon our commerce: the other, the duties to be levied on certain articles.

"Art. 13, de la Chartre constitutionnelle.
"Le Roi est le chef supreme de l'etat; il commande les forces de terre et de mer, declare la guerre, fait les traites de paix, d'alliance, et de commerce." &c.

Art. 40. "Aucun impot ne peut etre etabli ni percu s'il n'a ete consenti par les deux Chambres, et sanctionne par le Roi."
of commerce in the two countries respectively. The undersigned believe that it would be very difficult to propose any rational definition of a commercial treaty, which would not include one whose provisions are of this character. Again, it deserves to be considered, that if the treaty of 4th July, 1831, is neither a treaty of friendship, alliance, nor commerce, then the charter of France contains no authority by which such a treaty can be made and concluded, either with or without the concurrence of the Chambers. The whole treaty making power in France is confined to the words cited above from the 13th article of the charter. If these words do not give the King of the French the power to negotiate such a treaty, it is not vested in any branch of the French Government, nor in all together, and does not exist: a proposition which no one has presumed to advance.

But it is admitted in the French Chambers that the King has the initiative in negotiating such a treaty, but that, as it is a treaty for the payment of a sum of money, it requires, under the 40th article, the concurrence of the Chamber of Deputies. This argument would prove too much; it would prove that the concurrence of the Chambers is necessary, not merely to the negotiation of all treaties, but to the performance of many other functions expressly vested in the King. The argument is, that treaties of peace, alliance, and commerce may be concluded by the King, but that a treaty of indemnity, involving the payment of money, requires the concurrence of the Chambers. But does not a treaty of peace commonly involve expenditures of money? Does not a treaty of alliance involve the expenditure of money, stipulating, as it may, that France shall make common cause with its ally, and thereby making it necessary to raise armies and equip navies? In like manner, treaties of commerce usually contain provisions absolutely requiring, under the French charter, the concurrence of the Legislature; as, for instance, all duties on imports, which, as taxes, “must be consented” to by the Chambers. Thus, the three kinds of treaties, which it is admitted are within the absolute prerogative of the King, all require legislative co-operation. If this necessity of legislative co-operation proves, in reference to the treaty of July 4, 1831, that the King could not definitely conclude that treaty, it proves the same thing, for the same cause, of all other kinds of treaties, which are acknowledged nevertheless to be within his exclusive competence.

But it is supposed in France that this claim on the part of the Chambers is supported by the analogy of the American constitution. The undersigned do not so understand the constitution of the United States. By that instrument, the treaty making power is vested exclusively in the President and the Senate; and a treaty, duly made by them, is declared by the same instrument to be the supreme law of the land. By other provisions of the federal, as of the French constitution, the power to lay and collect taxes is vested in the Legislature; and it is a provision of the federal constitution, to which the undersigned do not find a parallel in that of France, that no money shall be raised from the Treasury except by appropriations made by law. It follows, of course, that Congress has the power, in all cases, to prevent the execution of a treaty requiring an appropriation of money, and it would have a right to exercise that power in any extreme case in which the treaty-making authority had so abused its trust, as to impose on the other branches of the Government the painful necessity of refusing to execute a compact constitutionally entered into with a foreign power. But this right, (a high conservative right, to be applied when flagrant evils require extreme remedies), is not confined to a check on the treaty-making power by the two Houses of Congress. As no legislative act can be consummated without the concurrence of both Houses, either House possesses the same power, and, in an extreme case, the same right, not only to check the treaty-making power, but to arrest the whole action of the Government. Thus, also, in France the King is the commander-in-chief by land and by
sea, and has the sole power of declaring war—a power which has been exercised by his present majesty. It would seem to result from the doctrine of the necessary co-operation of the Chambers in all executive acts drawing after them an appropriation, that a declaration of war, and a movement of troops, would not be lawful (and, if not lawful, then necessarily predatory and piratical) till the Chambers had voted the expenses of the campaign. The undersigned cannot but regard it as a singular paradox, to admit that the King of the French has the sole right to declare war against half the Powers of Europe, (a right which some of those most opposed in France to the American treaty have loudly urged him to exercise;) to put in motion every soldier, and every ship of war, in the French service, and involve the kingdom in an expense of a thousand million dollars, but that he has no power, for the sake of preserving the relations of good intelligence and sincere friendship which unite the two countries, to enter into a contract with the United States for the payment of twenty-five millions of francs, in compensation for spoliations committed on their commerce.

The undersigned, of course, are not ignorant that, in the early history of the constitution of the United States, the right of the House of Representatives to exercise an ordinary control over the treaty-making power became a controverted question; that, in a time of violent excitement, this right was maintained by one political party opposed to the administration of General Washington, and that it was denied by that illustrious man, and those who sustained his administration. But the undersigned believe that the people of the United States have, generally, settled down upon the construction then given by President Washington to the constitution. They fully accord with the opinions entertained by the present Executive and our minister in France, as expressed in the letter of Mr. Livingston to the Duke de Broglie, of October 5, 1835, that “a treaty made and ratified by the constitutional power, pledges the faith of the nation to the performance of its conditions;” and that the power possessed by the legislative to check the treaty-making branch of the Government can only be lawfully exercised in extreme cases. It is plain that such a power, so limited in its application, cannot, without the prostration of all the principles of constitutional government, be converted into one of the ordinary functions of the political system. Great practical inconvenience, injustice, and evil, would result from the attempt to throw the negotiation of treaties into large deliberative bodies, where the other party to the compact would have no representative. It is a course of procedure encumbered with difficulty, essentially invidious and unfair, and which, if attempted to be brought into ordinary use, would go far to render the negotiation of treaties a political chimera. Where is there to be an end to such a negotiation, with the Atlantic Ocean between the parties? The French Chamber proposes to cut down the sum to three millions. The American Congress may think it should be raised to ten. Is it not plain that no treaty could ever be concluded under these embarrassments? Or is it meant in France, that while the United States are bound by the five millions as a maximum, they may reopen the negotiation by an ex parte procedure in their Chambers, to reduce it as much lower as they please.

But granting to the majority of the French Chambers (what, for the reasons stated, the undersigned can never admit) that the faith of France is not irrevocably pledged to the United States for the faithful execution of this treaty, it will not surely be denied that the faith of that country is at least most seriously committed. By her constitutional charter, she has recognised a sovereign as “the supreme head of the State,” seated upon a throne for life, to be transmitted to his successors. In this high functionary,
whose person is declared by the charter to be inviolable and sacred, the
the treaty-making power is vested. To discredit a treaty duly made and
ratified by him, is to affix a stigma on the permanent head of the Government,
and while, by a kind of mockery, his person is declared sacred, to
attain his honor. We are informed by Mr. Livingston, that, in assuring
him that the treaty should be fulfilled, the King added, "I tell you this not
only as a King, but as an individual whose promise will be fulfilled." In the
United States, the President and Senate who should negotiate a treaty so
objectionable that the House of Representatives would refuse to execute it,
would probably be removed from their trust at the next elections, and
might be impeached. But so long as the Chambers refuse to carry into ef
fect a treaty negotiated by the King, who can neither be removed by elec
tion, nor proceeded against by impeachment, they hold up their sovereignty
to the world as a functionary whose contracts will not be fulfilled, whose en
gagements will not be respected by his own subjects, whose full powers give
no power, and who, when he "concludes and signs a treaty," concludes
nothing; and signs a piece of parchment, which the Chamber of Deputies
are competent to trample under foot, despite of his Majesty's name in its cap
tion, and the great seal of France affixed to its folds. If the Chambers
declare it not binding, they declare it a nullity, not to say a mockery. Would
it be a grateful spectacle to them to have it treated as a nullity, or a mockery,
in the bureau of the State Department at Washington? to see this solemn
document, of the highest class known to the law of nations, signed by the
Minister of the King of the French, in virtue of full powers, "in good and
due form," and fortified by the royal seal of France, swept out as worthless
and delusive rubbish?

There are hundreds of individuals in America reduced, some to narrow
means, others to absolute poverty, by the lawless acts of the French Gov
ernment, and whose hopes and prospects in life were resuscitated when the
word of the King of the French was passed, that their property should be
restored to them. What will be their feelings, when they find (if they
must) that the word of the King of the French is to avail them nothing; and
that the Legislature of France is willing, at a period of boasted light and
civilization, to sanction the unexampled infractions of public law and neu
tral right, by which their property, twenty-five years ago, was swept from the
Ocean.

But the undersigned have done violence to their feelings, in supposing,
for the sake of argument, even the possibility of a state of things so painful
and unnatural. Their object has been merely to illustrate that peculiar ne
cessity of tenderness to the engagements of the sovereign, resulting from a
monarchical form of Government, with which any supposed right on the part
of the Chambers, to annul a treaty, should be exercised.

But to clear the question of all conceivable embarrassments, the under
signed will now admit (of course merely for the sake of the argument)
that the Chambers have not merely the power, but the full right to annul
the treaty; and that they could do it without committing the honor of the
King. These admissions would bring the question down to one of mere
policy; and the undersigned cheerfully undertake to show, that it is decid
edly for the interest of France that the Chambers should provide for the
execution of the treaty. It is an advantageous treaty to France. It is for
her interest to execute it. In saying this, the undersigned do not mean to
assert that it is not an advantageous treaty for the United States, although
they deem it vastly more advantageous to France than it is to the United
States. But it is advantageous to France, which is all that is necessary to
prove.

It was admitted in the French Chamber, by those opposed to the treaty,
that a considerable sum of money was due on account of the claims. There
was a general willingness to admit that this just debt amounted at least to
the sum at which it was rated by the Emperor Napoleon in 1814, viz: at
from thirteen to eighteen million francs. But even this sum, justly due then,
would amount now to more than the indemnity provided by the treaty.—
And if due then, it is due with interest now, But America has always
contended that much more was then due; and the commissioners employed
to liquidate the claims under the convention of 1831, have already received,
examined, and admitted claims to the amount of four times the stipulated
sum! These claims are all verified on the oath of parties, and examined
with the greatest caution by the commissioners, large amounts being sus-
pended, and no inconsiderable ones wholly rejected.

It is then certain that an amount is justly due to the American claimants,
greater than the treaty provides. The treaty, therefore, is advantageous to
France, in procuring her a release for 25,000,000 francs of a greater amount
of debt. And even if she brought down the debt to the sum admitted by
the Government of the Emperor Napoleon, it would amount, by this time,
to the sum provided for by the treaty. But if France saved not a dollar in
the amount of the indemnity, the treaty would still be advantageous to her,
for when an onerous debt, and one which has been the cause of irritation, is
paid, the debtor has, to say the least, as much reason to congratulate him-
self as the creditor. As a matter of interest to the United States as a peo-
pole, the pecuniary value of the indemnity is very inconsiderable; it may
amount to about thirty cents a head to her population. But, on the score
of national character to the French, it is of great moment to be finally ex-
onerated from an unpopular debt.

While the undersigned are considering the amount of the debt, which
really seems to have been the cause of the defeat of the appropriation bill,
they cannot but notice one of the extraordinary mistations which were
made in the French Chamber,—mistations which seem to have contrib-
uted essentially to the loss of the bill. Toward the close of the discussion,
two or three members of the Chamber of Deputies, in the manner of per-
sons who seemed to themselves to have made an important discovery, an-
nounced to the Chamber that the vessels and cargoes seized at St. Sebast-
ian's and other ports in Spain, had already been paid for, to the United
States, by the Florida treaty, to the amount of eight millions of francs, and
that the indemnity ought to this extent to be reduced. It was stated in re-
ply by the Minister of Foreign Affairs, and with perfect accuracy, that these
cases were not, in point of fact, provided for by the Florida treaty. But
notwithstanding this denial, a member persisted in reiterating the statement,
and gave in detail the proofs of what was not, and is not, true; and under
this apparently strong impression, the question was taken, and the bill lost
by a majority of but eight. Now, it seems not unlikely, inasmuch as the
chief objection to the indemnity was that it was placed too high, that if these
plausible statements, relative to the St. Sebastian's cases, could have been
effectively contradicted, the small number of eight votes might, at least,
have been obtained. On this side of the water it is notorious that the St.
Sebastian's cases were excluded from all indemnity under the Florida treaty,
and that the greater part of them have actually been admitted by the com-
misheen's now sitting under the convention of 1831. The undersigned
cannot forbear stating, that, among these cases, are several of American
vessels, which, after being captured by French cruisers, were taken into the
public service of France as national vessels.*

* List of American vessels seized at St. Sebastian's, and taken into the public service
under an Imperial decree of 22d Sept. 1810.
Schooner Exchange, of Baltimore, Capt. Dye, was taken into the public service, and
sent with despatches to Philadelphia, where she was libelled by American owners, and
It is, indeed, somewhat humiliating to reflect that American vessels, in a time of profound peace, carrying on a lawful commerce, invited by the French authorities, for their own convenience, into ports under the jurisdiction of France, should be suddenly, and (in the circumstances of the case it is not too much to say) treacherously seized by France, and some of them converted into national ships, and not only no indemnity be made to their rightful owners, after years of patient solicitation; but when satisfaction is at last stipulated by treaty, in all the constitutional forms known to the two Governments, it should be gravely and effectively urged as a reason for not executing this treaty, that Spain had paid this debt of France twelve years before!

From all these debts, which it so nearly imports the justice of France to pay, the treaty releases her for a sum of 25,000,000 francs, which the undersigned firmly believe to be less than one-third of the principal sum originally due.

Nor do they deem the mode in which the Louisiana question is disposed of less favorable to France. They have already briefly explained the nature of that question. It has been shown that the French interpretation of the convention gives her nothing which she has not long enjoyed. Some of the orators in her Chamber, in opposing the treaty, evidently labor under the persuasion that the United States, in contesting the French claim under the eighth article of the treaty, withhold from her some boon, great or small, to which she is justly entitled. Not so. She has already, under the commercial convention of 1822, all that she claims; nor is there the least probability that she will ever cease to enjoy it. And though she claims it under the Louisiana treaty, and enjoys it only under the commercial convention, yet, as she enjoys all she claims, it really seems rather an unworthy cause for which to disturb the harmony of two great nations, and drive the United States into war, that we will not agree with her as to the ground on which she ought to enjoy it.—France, too, must remember that, though she is very confident her interpretation is right, we also are very confident ours is right. One of her orators permitted himself to say, that the Government of the United States deprived France of her rights under the eighth article of the treaty, on “miserable pretences—pretences which they knew to be miserable.” This is not the kind of logic by which the United States are to be persuaded that their interpretation of the treaty, sustained as it has been by their most distinguished statesmen, is erroneous. And while France, as is actually the case, has received all that she claims, it seems really somewhat unnecessary to dispute about the considerations which have led the United States to concede it.

The only reasonable claim that France could advance under this head, was, as has been said, the reimbursement of what she deems the unjustly levied duties on her tonnage, which were paid between 1815 and 1827.—Besides, that the amount of these duties is probably not a tenth, as great as that of the sums due our citizens, under the fourth article of the convention of 1800, the United States deny that the duties were unjustly levied. But

restoration ordered by Judge Washington, in the circuit court; sentence afterwards reversed in the Supreme Court, on the ground of her being a national vessel of war!

Schr. Tin, of Baltimore, Capt. Bunbury.
Schr. Eleanor, of Baltimore, Capt. Grover.
Schr. Hawk, of Baltimore, Capt. Godf.
Schr. Fawn, of Baltimore, Capt. Young.
Schr. Prosper, of New York, Capt. Seiby.

The remaining 29 American vessels seized at St. Sebastian's were sacrificed at auction by order of the French Government to the highest bidder, and brought very little, say not more than a franc on each dollar of their cost in the United States.
fatigued with a controversy and unwilling to let a matter really so trifling stand in the way of the payment of the indemnity due to our citizens, the United States offer to grant to France important favors in the tariff of duties on her wines; favors worth to France, on the computation of her Minister of Foreign Affairs, 800,000 francs per annum, for ten years; a sum greatly exceeding—many times exceeding—the utmost amount to which the loss above alluded to can be supposed to extend. While, then, the eighth article of the Louisiana treaty practically gives to the French nothing on their own construction—that is, nothing which they would not enjoy on the general commercial system of the United States—the treaty of July, 1831, gives them, for ten years, an advantage in the impost on their wines of 800,000 francs per annum, even supposing that the consumption will not increase in consequence of the reduction of duties; the contrary of which is notoriously the case.

In addition to this, we have already observed that the French silks enjoy a most valuable discrimination over those of China. This, it is true, is not stipulated by the treaty, but it was kept up, in the last revision of the tariff, out of friendly consideration of the interests of France; and there is no particular reason to think that it will be suppressed, should friendly relations be continued between the two countries. But it will be abrogated, as a matter of course, if the treaty is not executed. The undersigned would not be thought ignorant of the fact, that a good commercial treaty is mutually beneficial, and that the United States enjoy advantages in an active commerce with France. But so they do in an active commerce with any other country. The undersigned are not satisfied that discriminations in favor of French wines or silks are of any benefit to the U. States. They change the course of trade, but do not, of necessity, increase the amount of products exchanged; perhaps they diminish it. And whatever particular course of policy may be pursued by the United States, on the failure of France to execute the treaty, these commercial discriminations in her favor will be abrogated, never to be renewed! They are so far anomalous in our system; liable to such objections on the part of other Powers, and of benefit so questionable to ourselves, that once lost by France, they will never be regained.

There is another consideration, which well deserves to be weighed by France. Her commerce with the United States is considerably more important than that which she carries on with any other nation. According to a statement of her commerce for 1833, which appears to be derived from official sources in France, her exports that year to the United States amounted to 117,396,536 francs, and her importations from the United States the same year amounted to 99,079,212 francs. These statements, it is

* Extract from the Garde National. MARSEILLES, December 19, 1834.

GENERAL STATEMENT OF THE COMMERCE OF FRANCE IN 1833.

The second result offered by the administration of the custom house, in its Tableau Général, is that of the whole of our relations with each of the great commercial Powers of the world.

The United States continue to be placed very far ahead of the nations with which we hold the most extensive trade. In 1833 our importations amounted to 99,079,212 francs, and our exports to 117,396,536 francs. After the United States, the following is the order of the Powers with which our relations are the most extensive:

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<th>Country</th>
<th>Imports (1833)</th>
<th>Exports (1833)</th>
</tr>
</thead>
<tbody>
<tr>
<td>England, comprising Malta, Gibraltar and the Ionian Islands,</td>
<td>39,741,829</td>
<td>116,195,858</td>
</tr>
<tr>
<td>Belgium</td>
<td>68,848,928</td>
<td>62,949,152</td>
</tr>
<tr>
<td>Spain, including the Canary Islands,</td>
<td>48,243,579</td>
<td>63,291,500</td>
</tr>
<tr>
<td>Sardinia, island and continent,</td>
<td>68,737,000</td>
<td>49,687,152</td>
</tr>
<tr>
<td>Austria, including the Lombard Venetian Kingdom,</td>
<td>31,168,003</td>
<td>58,191,659</td>
</tr>
<tr>
<td>Switzerland</td>
<td>31,168,003</td>
<td>58,191,659</td>
</tr>
<tr>
<td>Germany</td>
<td>28,567,138</td>
<td>41,943,770</td>
</tr>
<tr>
<td>Russia</td>
<td>23,105,900</td>
<td>10,555,791</td>
</tr>
<tr>
<td>Prussia</td>
<td>20,491,292</td>
<td>7,401,060</td>
</tr>
<tr>
<td>India</td>
<td>27,466,158</td>
<td>5,205,112</td>
</tr>
<tr>
<td>Turkey, including the Islands of the Archipelago,</td>
<td>17,164,911</td>
<td>14,412,772</td>
</tr>
</tbody>
</table>
true, appear to be much exaggerated. The American custom house returns for the same year, give our imports from France at 15,963,000, and our exports at 14,425,000 dollars.† But, in the debate on the execution of the treaty in April, 1834, a member stated the exports from France to America at 110,000,000 francs for 1831, and 106,000,000 for 1833. This commerce unquestionably is of great mutual benefit. But it may be safely said, that while the manufacturers of France can bear no burden upon the raw material of those fabrics, in which they have a difficult competition to sustain with other countries, it is a matter of comparative indifference to America, whether she derives the articles which form the bulk of her imports from France, or some other country. Is it expedient for France to derange and break up a commerce like this, for the sake of escaping a payment of eight or ten millions of francs, of what she deems excess in the stipulations of a treaty, the principles of which she does not contest?

It is then greatly for the interest of France to execute the treaty; and though the undersigned hope that it is not set up as a principle, that treaties not advantageous may be broken at pleasure, yet the demonstrated advantages of this compact cannot be overlooked by France; and, it may be hoped, will have their natural effect on her councils.

How does France expect to dispose of the affair in any other way than by executing the treaty? She admits that something is due; and will she not trust her King and Ministers in a negotiation with the envoy of the United States to settle the amount? or rather, after it is settled, will she claim the right in her legislative bodies, where America has no representative, by ex parte statements, and monstrous mistatements, to reduce the amount stipulated by the treaty? The United States will never consent to this course of procedure: no branch of her Government will consent to it; not one of her citizens will consent to it. Whatever be the event, the United States will never reopen the convention, nor accept of one dollar less than the stipulated amount.

Will France take upon herself, under these circumstances, to refuse to execute her own treaty, to annul the act of her own Executive Government, and withhold the payment even of what she has acknowledged justly due? Can she promise herself national honor or benefit in such a course? Will

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*The following statements are taken from the official tables for the financial years, ending the 30th September of each year:---

**Imports from France.**

<table>
<thead>
<tr>
<th>Years</th>
<th>Total</th>
<th>Silks</th>
<th>Wine</th>
<th>Brandy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1824</td>
<td>8,121,000</td>
<td>2,340,000</td>
<td>200,000</td>
<td>580,000</td>
</tr>
<tr>
<td>1825</td>
<td>11,026,000</td>
<td>5,632,000</td>
<td>412,000</td>
<td>650,000</td>
</tr>
<tr>
<td>1826</td>
<td>9,490,000</td>
<td>4,120,000</td>
<td>632,000</td>
<td>480,000</td>
</tr>
<tr>
<td>1827</td>
<td>9,449,000</td>
<td>4,284,000</td>
<td>565,000</td>
<td>684,000</td>
</tr>
<tr>
<td>1828</td>
<td>10,288,000</td>
<td>3,928,000</td>
<td>438,000</td>
<td>1,064,000</td>
</tr>
<tr>
<td>1829</td>
<td>9,517,000</td>
<td>4,363,000</td>
<td>444,000</td>
<td>614,000</td>
</tr>
<tr>
<td>1830</td>
<td>8,241,000</td>
<td>3,540,000</td>
<td>565,000</td>
<td>210,000</td>
</tr>
<tr>
<td>1831</td>
<td>14,738,000</td>
<td>6,988,000</td>
<td>651,000</td>
<td>256,000</td>
</tr>
<tr>
<td>1832</td>
<td>12,755,000</td>
<td>5,044,000</td>
<td>902,000</td>
<td>610,000</td>
</tr>
<tr>
<td>1833</td>
<td>13,963,000</td>
<td>6,266,000</td>
<td>920,000</td>
<td>250,000</td>
</tr>
</tbody>
</table>

**Exports to France.**

<table>
<thead>
<tr>
<th>Years</th>
<th>Total</th>
<th>Cotton—lbs.</th>
<th>Value</th>
<th>Am. ton.</th>
<th>Fr. ton.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1824</td>
<td>10,232,000</td>
<td>40,698,000</td>
<td>6,436,000</td>
<td>104,500</td>
<td>8,900</td>
</tr>
<tr>
<td>1825</td>
<td>11,801,000</td>
<td>30,018,000</td>
<td>5,916,000</td>
<td>150,500</td>
<td>14,500</td>
</tr>
<tr>
<td>1826</td>
<td>12,106,000</td>
<td>62,243,000</td>
<td>8,179,000</td>
<td>131,500</td>
<td>15,000</td>
</tr>
<tr>
<td>1827</td>
<td>13,653,000</td>
<td>70,423,000</td>
<td>7,350,000</td>
<td>147,750</td>
<td>16,500</td>
</tr>
<tr>
<td>1828</td>
<td>12,098,000</td>
<td>53,480,000</td>
<td>5,903,000</td>
<td>130,200</td>
<td>14,400</td>
</tr>
<tr>
<td>1829</td>
<td>13,832,000</td>
<td>67,464,000</td>
<td>6,855,000</td>
<td>157,700</td>
<td>12,100</td>
</tr>
<tr>
<td>1830</td>
<td>11,806,000</td>
<td>76,103,000</td>
<td>7,546,000</td>
<td>148,700</td>
<td>11,400</td>
</tr>
<tr>
<td>1831</td>
<td>10,673,000</td>
<td>46,127,000</td>
<td>4,354,000</td>
<td>98,800</td>
<td>7,000</td>
</tr>
<tr>
<td>1832</td>
<td>13,245,000</td>
<td>77,467,000</td>
<td>7,723,000</td>
<td>122,600</td>
<td>21,500</td>
</tr>
<tr>
<td>1833</td>
<td>14,426,000</td>
<td>76,833,000</td>
<td>8,845,000</td>
<td>119,800</td>
<td>25,470</td>
</tr>
</tbody>
</table>
the voice of an enlightened age sustain her? Will her conduct command the respect of the nations of Europe, of Russia, Denmark, Sweden, Great Britain, Portugal, Spain, the Two Sicilies, who have all made satisfaction, and several of them to a large amount, to the citizens of the United States, for claims of a similar character? Will the Governments of Europe deem it wise that the public peace should be disturbed, and the commerce of the world interrupted in such a cause? Especially will France withhold the satisfaction of our claims, after having formally stipulated it in a treaty ratified in all the forms of the Constitutions of the two countries, faithfully executed by the United States, and after three years' unrequited enjoyment on the part of France of its beneficial provisions? That France has so long delayed to execute it, is matter of equal surprise and regret. The delay is in her wrong; and the impartial world will hold her responsible for the consequences. She has her own wrongful non-execution of the treaty alone to blame, for all that may be done or said to her displeasure or reproach.—The refusal to execute a treaty concluded at the close of a long and unpleasant negotiation, besides the grievous private injury done to the claimants, throws back the Government and the people of the United States upon the unnoted outrages of 1809 and 1810. Is it an enlightened policy in France to throw upon her King the discredit of vacating a treaty which he has ratified, and to do this for the sake of assuming the responsibility of those remorseless violations of the law of nations, out of which the complaints of America arose?

Since the foregoing views on this important affair were prepared, a message has been sent by the President, to the House of Representatives, and referred to this Committee, containing official intelligence of the recall of the French Minister; of the tender of passports made to Mr. Livingston, by the French Minister of Foreign Affairs; and of the presentation of a bill for the execution of the treaty to the Chamber of Deputies. The President also informs the House that he has directed Mr. Livingston to leave France with the legation, in case the bill for executing the Treaty should be rejected by the Chamber. In his letters of the 11th and 14th January, Mr. Livingston, from the means of information possessed by him at Paris, expresses the opinion that the bill will become a law. On the supposition that such may be the fact, the incidents connected with the interruption of the usual diplomatic intercourse between the two countries do not seem to require the legislative action of Congress, especially as the Executive has taken the steps which were deemed proper on the occasion.

It is not to be expected that in the few days which remain of the session, official intelligence will reach us that the question is finally disposed of.—The undersigned are willing, with the American Minister at Paris, to anticipate that the bill for executing the treaty will become a law. The contrary, however, is possible; and, in this event, the action of Congress will be required. It is, however, at all times difficult to provide for events, future and contingent, with great precision, by acts of provisional legislation. If no other objection existed to such legislation, a strong one would grow out of the want of time properly to mature the measures, which might be suggested. Should no intelligence reach us before the close of the session, requiring the immediate action of the Legislature, the subject will be in the hands of the succeeding Congress. If any thing should occur to make it necessary that they should act upon it before the usual time of their assembling, the President has the power to call an extra session. Those measures of security, which prudence at all times dictates, and which belong to the general care of the public safety, have already, at the present session, received the attention of the appropriate Committees and of Congress; and the undersigned are prepared cheerfully to co-operate in any further measures of the same character, which the wisdom of Congress may sanction.
Nothing seems left, therefore, in the approaching dissolution of the present Congress, but to consign the whole subject to the people at large, (with whom it is still, in some degree, a matter of novel impression,)—to the wisdom of the next Congress, who will have all the information necessary for further action, if, contrary to the expectation of our Minister at Paris, further action should be required,—and to the disposal of an overruling Providence. In respectfully submitting these views of the question, the undersigned will only add, as a closing sentiment, that they fully concur in what they believe to be the unanimous opinion of the present Congress, that the treaty of the 4th of July, 1831, should be maintained, and its execution insisted on, at all hazards, and such, they doubt not, is the sense of the whole country.

House of Representatives,
February 27, 1835.

EDWARD EVERETT,
ROBT. P. LETCHER,
R. COULTER.

REMARKS OF MR. E. EVERETT.

Debate in the House of Representatives, on our Relations with France.—Monday, March 2.

MR. SPEAKER:
When the Committee of the Whole on the state of the Union rose last Saturday, it was on my motion. I wished, at the late hour of the day, at which we had arrived, to take a short recess, and, returning in the evening, dispose of the question, finally, before the House should adjourn. Circumstances occurred, after the Committee rose, which are in the recollection of the House, and which defeated this purpose. It was my intention, had the House resumed the discussion on Saturday evening, to have said a few words on the form in which the question had been placed by the last movement of the Chairman of the Committee of Foreign Affairs; and this still seems my duty, under the circumstances of the case. I did not, but for this, purpose to enter into the debate. To do so, at this stage of the session, is grievously to offend against the public service. I have had an opportunity, in another form, to submit the general views entertained of the question, by two of my colleagues on the Committee and myself, to the House and the country. Sir, there is another reason for not debating this question. It is next to impossible to do so on any side of the House, without saying what had better not be said. I think it must have crossed the mind of every gentleman on the floor, that there has not been a speech made which did not contain some sentiment which might prejudice the public interest at home or abroad. I cannot hope to avoid the same danger.

But the gentleman from New York, by detaching a portion of a sentence from the concluding paragraph of the minority report, and submitting it to the House in the form of a resolution, has compelled me to make some explanations of the purport of the sentiment expressed in that extracted sentence, to prevent the misconceptions
of which it has been and may still be the subject. These explanations shall be as brief as possible.

Sir, this subject came before the Committee of Foreign Affairs, at the commencement of the session, under the reference of the President's Message, in which he recommended, that in case no appropriation should be made by the French Chambers, at their present session, to execute the treaty, reprisals should be authorized against the commerce of France. A proposition to that effect was distinctly submitted to the Committee, at an early period, by its late Chairman, Mr. Wayne. I thought the recommendation and the measure in the highest degree, inexpedient, and equally so, whether they were to be adopted or not; for if the measure was to be adopted, this previous notice might naturally have the effect of putting the other party on his guard, and leading him to anticipate it. The Committee by a very large majority—six to three—rejected that measure, and it was publicly known that they had done so, on the day on which the resolution of the Senate was adopted, or the day after.

But, still more effectually to counteract the unfavorable operation of the recommendation, I wished the committee and my colleagues of the minority were of the same mind, to report their non-concurrence in the President's recommendation to the House. But to prevent such a course from operating in the slightest degree to the injury of the American cause, or implying the remotest purpose to abandon the treaty, I wished the resolution, declaring it as the sense of the House that reprisals were inexpedient, to be accompanied by a report, which should effectually preclude any such inference. Such a report I prepared, but the committee was pleased to entrust the duty of making its reports to the far abler hands of the gentleman from New York, (Mr. Cambreleng) which may account for my not obtruding on them the views I took on the subject. But the majority of the committee, while they steadily rejected the proposed measure of reprisals, as steadily declined reporting to the House; and thus the session has passed off, and no report been made, till at the last moment, when we are unquestionably less prepared to act on it, than ever before; when the utmost we know is, that very important movements are going on of which we know nothing; we are called upon, not to consider—there is no time for that—but to dispose of the question, on the resolutions now submitted.

These resolutions were offered in the committee on the 20th of February, little over a week ago. The gentleman from New York, if I understood him across the House, said the minority of the committee would vote neither one way nor the other, and that he could not tell whether we are for or against them. I regret these disorderly allusions to the doings of the committee. They are of very recent introduction, in reference to that committee, and the House will bear me witness, never resorted to by me, but in self-defence. Sir, I never for a moment, concealed my opinions on the resolution, by silence, or in any other way. I uniformly and distinctly said, that I was utterly opposed to the first part of the resolution, which went to close the door on negotiation. I as distinctly said, that I approved the sentiment of the second portion of the resolution, viz: that the
treaty was to be insisted on, but I thought and said, that I doubted the expediency of submitting a resolution to the House. I was at a great loss as to the proper language for such a resolution, as it would be wise to adopt; but I had not decided that I would vote for no resolution whatever, although it was my prevailing opinion, that this, upon the whole, was the safer course. Accordingly, in preparing our minority report, where, of course, we had full opportunity unembarrassed to present the subject to the House in the form which we thought best, my colleagues and myself forbore to offer any resolutions to the House. But the majority insisted on reporting resolutions, and adopted those which are before the House, as, in their opinion, the resolutions likely to unite the greatest number of voices.—These the Chairman thought it expedient to submit, without an exposition of the case.

The minority, therefore, had nothing left but to pursue their own course, and submit their views of this great subject to the House and the people. In doing this, four things were to be attended to: First, to state their dissent from the proposed measure of reprisals; a most important point, which if justice was to be done to the views of the minority, should have been extracted from their report, in conjunction with its closing sentence. This dissent, however, is stated by us in the mildest terms possible towards our colleagues, who were disposed to adopt the President's recommendation.—The second point was to set forth the origin and justice of the claims, and the obligation of the treaty, in reply to a portion of the arguments against it in the French Chambers. Those arguments have been scattered by the House through the country, by the publication of ten thousand copies of the pamphlet which contains them. The minority thought that some counter statements on so grave a subject ought to go out to the people, who are just beginning to discuss it, to show, that in standing on the treaty we stand on a basis of truth and justice. Thus far there was no difficulty. The third point was one of delicacy. It was the degree to which the recent diplomatic collisions varied the state of the question. This is one of the topics which I had in my mind, when I said it was next to impossible freely to canvass the question, without saying something which had better not be said. I will not, in repeating it, disregard my own caution. I will only say the majority thought for to be greatly affected by these diplomatic collisions, the minority thought otherwise. This opinion is intimated with great moderation in the minority report. I would still adhere to the language of prudence on this subject; but I will say to this House I deem it the most important office which Congress has to perform on this question, to keep the great controversy on its original basis and merits: There is difficulty enough in it. Do not let it be aggravated by a diplomatic controversy, recent, superinduced, and personal. Let not "factions subjects of collision," as Mr. Livingston truly calls them, in writing to the Count de Rigny, be substituted for the main question of the execution of the treaty. But I will not go into this matter. I have an opinion, a very decided one in reference to it; but I will only repeat what is stated, in the report of the minority,
that in our judgment the occurrences connected with the interrup-
tion of the usual diplomatic intercourse, between the two countries,
(as far as they have been communicated to us, which is but imper-
fectly,) do not admit the interference of Congress. From these
premises, we came to our fourth proposition, that nothing ought to
be done at this session of Congress, although we avowed our will-
ingness, if any measures were deemed necessary in the ordinary
course of legislation, for the public defence and safety, to co-op-
erate in their passage. Our reference was to bills before this
House, or the other, or their committees, for the repair and arma-
ment of the fortifications. The confidential friends of the Executive,
who compose the majority of the Committee of Ways and Means
in this House, thought it expedient at the beginning of the session
to follow up the recommendation of reprisals, (a hostile if not a
warlike measure,) with a reduction to one half of the usual amount
of the ordinary appropriations for fortifications; and I was for one
prepared to support the amendments moved in the Senate to the bills
of this House to supply this singular omission.

And with this exposition of their views the minority deemed it
expedient to stop, consigning the whole subject, in all its human
bearsings, to the consideration of the people and the deliberations of
the next Congress. But to prevent the misconception of their views,
toward which they thought they perceived some tendency, they ad-
ded, as a closing sentiment, the words which the gentleman from
New York has detached from their context, and offered as a reso-
lution.

Sir, these words contain my opinion, my feeling, my judgment;
but they are not my resolution. I did not draft them nor offer them
as a resolution.—In the hands of the gentleman from New York,
and in the use to which he puts them, they are open to some objec-
tion: for a resolution they are not, entirely in parliamentary style.
But they appear to suit the gentleman from New York for that pur-
pose; he adopted them two days ago, declared they met the unani-
umous approbation of the majority of the committee, and he still ad-
heres to them.

A motion has been made to strike out the words, "at all hazards,"
which, if the sentence passes as a resolution would, I think, be an
improvement in the phraseology, though not changing the sense;
for I take it when a man says he insists on a thing, he does not
mean, that he insists on it, if nobody makes objection, but if his
right is disputed he will give it up. And when a nation insists, I
do not understand that the meaning is that she insists so long as
things go smoothly, but if any one encroaches, she will step back.
No, sir, I take it that to insist is precisely to claim your right, at
whatever hazard. To stand or fall by it. For this reason, though
the qualification is naturally enough introduced for the purpose of
emphasis in a discussion, I think it better omitted in a resolution.

With this change, the resolution will stand, that the treaty ought
to be maintained and its execution insisted upon. Ought it not, sir?
Is there any dissentient voice? Is there any man here who thinks
that the treaty ought not to be maintained, that its execution ought
not to be insisted on? Of course not. There may be difference
of opinion as to the expediency of expressing that sentiment, by way of resolution; there can be none as to the sentiment itself. The gentleman from Virginia (Mr. Archer) has moved an amendment to the effect, that the House, entertaining a just expectation that the treaty will be complied with, forbears, at the present time, to adopt any measure.

[Mr. Binney here intimated to Mr. E. that those words had been since omitted by Mr. Archer.]

A very judicious change; for certainly those expressions "forbears," and at "the present time," were liable to all the objections, which would apply to the adoption, at this moment, of a resolution relative to the measures which would be resorted to, when the just expectation, now entertained, should be disappointed, and forbearance cease to be a duty.

But what is the course of policy we would recommend, in saying that the treaty should be maintained, and its execution insisted on? for if this proposition is to be submitted to the House, it is proper that its import should not be mistaken.

First, then, let me say what the course recommended is not, neither in its letter nor in its spirit.—It is not that the execution of the treaty is to be enforced, at all hazards. We say nothing about that, positively nor negatively. What a man will insist on he knows; what he will enforce, is beyond the grasp of human foresight. But the treaty is to be maintained, and its execution insisted on: never abandoned; never compromised: steadily pursued, by such a course of policy, as shall be thought best adapted to effect the object. What is that course of policy? It is, in the first place, to abstain from everything irritating and minatory. The question is necessarily beset with some grave difficulties.—Great care, as I have already observed, should be taken, to exclude from it "all faction" subjects of collision.

Then, instead of shutting the door of negotiation, we would keep it wide open to the last. How else is the difficulty to be remedied? Look at Mr. Livingston's last despatch. Awkwardly situated as he was; doubtful whether he had been dismissed by the French Government, he yet tells Mr. Forsyth that he will endeavor to obtain an explanation from the minister, relative to the omission of interest in the projet de loi. And what is this but negotiation? When the first resolution was in the Committee on Foreign Affairs, I objected to it on this ground; I said then, as my distinguished colleague (Mr. Adams) said the other day, that I would not pass a resolution not to negotiate, not even flagrante bello. No sir, not though burning, blazing war was raging from Georgia to Maine, and over all the ocean. Is it to burn for ever? How is it to be extinguished? The gentleman from Virginia, (Mr. Archer) asks how you can negotiate, if you first resolve you will insist on the treaty? I answer, negotiate on that basis. Negotiation does not imply that every thing is subject to be surrendered. Our commissioners in 1782 negotiated on the immovable basis of the recognition of the independence of the United States.

But suppose the negotiation fails? What would I do then? That question it is not possible, nor if possible either necessary or expedient
to answer. Who can foresee—define the future. We must be governed by circumstances; and the only thing of which there can be no doubt, is, that, in the language of the resolution, we could still maintain the treaty, and insist upon its execution. For simple non-execution I would not go to war. I would, among other alternatives, try the experiment of commercial restrictions. I would do away the discriminations now existing in favor of some branches of French commerce; and thus bring the question home to the manufacturers, merchants, and agricultural interest in France.—I had as lief trust the starving weavers of Lyons to negotiate for me, as the most skilful of our diplomats. I believe they would plead our cause successfully. Mr. Livingston is of the same opinion.—He says in his letter of the 11th of January, "Should Congress propose commercial restriction or determine to wait to the end of the session before they act, this will be considered as a vote against reprisals; and then the law will be proposed, and I think carried." Yes, sir, Mr. Livingston, after having received the message, built his hopes of the execution of the treaty by France, on the expectation that Congress would reject the President's recommendation of reprisals and adopt commercial restrictions. But in ordering these restrictions, it would be expedient to adopt such only as would not interfere with the treaty of 1831.

But should this measure fail, what other could be resorted to? A non-intercourse has been proposed as a milder, and probably more efficacious measure than hostilities. Memorials to that effect, from the quarter of the country I have the honor in part to represent, are before the House. It is within the competence of the United States, by giving six months notice, to relinquish the Convention of 1822, and thus disembarass these measures of all question of right, under existing compacts.

And if this course should fail? What should then be done? Sir, I know not. I go no further in indicating a practicable course; others may, who are wiser. Into that dark and inauspicious condition of things, which will arise, should every measure suggested fail, I presume not to penetrate. I will not try to lift the veil that hangs over the future. There are great and eventful crises in the affairs of all nations, but it is wantonness to sport with predictions of the form, the time and the causes of their occurrence. This I will only say, that in my present judgment, the mere non-execution of a treaty, unaccompanied with affront, insult, outrage or any other circumstance touching the character of the nation, will not probably be thought, by the country or by Congress, a necessary cause of war. But I leave that question to those who will have to decide it. I would not shun my share of responsibility, did it devolve upon me; but it does not.

'Another day, sir, will close my humble career in this place. If, before leaving it, in all probability never to return; if on parting, most certainly never to meet again, from many respected, and some whom I may call beloved associates, I might use the privilege of one who, faithful to his political friends, has yet never designedly assumed the character of a violent opponent, not wandered far from the path of moderate counsels; if from the bottom of a heart, which
(if I know it) bears no malice, political or personal, to any human being, I might utter one word of farewell to my esteemed associates who will still occupy these seats, and of appeal to those who will come to fill our vacant places; that word should be, in the name of Heaven to preserve the peace of the country. I do not address this to the minority, to my political friends, the only part of the House to whom I could, in strict propriety, offer a suggestion. We, sir, in the present division of parties, can do nothing, borne down, I will not say, trampled down, as we are by numbers, on this floor; without the control of a single committee, and with no means to exercise an influence in the country but by the fearless utterance of the truth. But I speak to the majority; to the leaders of the majority; men whom I could name here and elsewhere, did not delicacy forbid; men, whose talents I respect; whose motives I will not impugn; and to whom, without a shade of envy, I wish the happy enjoyment of their honors; I say to them, In the name of Heaven, preserve the peace of the country. They can do it; it is in their hands; and I declare on my conscience, I believe the next twelve months are hanging over them, full of consequences more momentous, than are ordinarily brought about in an age. I adjure them by all they value, by their love of honest fame, as they prize the good opinion of good men, as they cherish the welfare of their families and the public interest—I implore them to preserve the peace of the country. I beseech them to manage this great question with firmness, resolutely, but gently, patiently, wisely; and if they would not deserve the execrations of honest men, to the end of time, to exclude from it every thought and calculation of partizan policy.

Sir, if I might go farther, if I thought my humble voice would reach the President of the United States, a voice which, if it never flattered him, never vilified him, nor ever withheld from him the meed of praise to which his services are entitled, I would say to him, I adjure you, sir, to use your tremendous power to preserve the peace of the country.—Our institutions are popular—democratic: but at this moment, and on this question, (I say it not invidiously, but because it is true) the President of the United States exercises a greater power than any King or Emperor that ever filled a throne; ten times the power of the king of the French, who appears in some degree, as a party opposed to the President in this painful controversy. Let me adjure the President to exercise his vast power, to preserve the peace of the country. Let the last years of his eventful life, already crowned with a singular variety of success and honor, be signalized by the glories of a war,—not gallantly braved but honorably avoided. Let him add to his laurels, one more precious than all, the olive wreath of bloodless triumph, victoria sine clade—a continued peace and all its blessings. I too, sir, with my distinguished colleague (Mr. Adams) admire the President's spirit. But spirit is not all that is wanted for the conduct of great affairs. There must be prudence, there must be moderation, there must be wisdom. Nobody doubts the President's spirit. Would to God he would carry the country through this crisis, in such a manner
as to gain the praise of a masterly discretion,—a heroic forbearance; and enable us, his opponents, to say,

'tis much he dares;  
And to that dauntless temper of his mind,  
He hath a wisdom, that doth guide his valor
To act in safety.

Sir, if the President will so temper his policy, on this occasion, as to carry this country honorably through the controversy, without a war—and I think it can be done—he will draw down upon his head the blessings of men, whose voices have never mingled with the incense of his flatterers; and his name, in the eyes of all mankind and of an impartial posterity, will appear fairer and brighter, than when he came out from the blazing lines of New Orleans, in all the freshness of his victory, and its honors.

Let the President pursue this policy, in this temper, and he will carry the people along with him, whatever may betide. As one of the humblest of her sons, I engage for New England. The public mind, I think, is entirely sound on this question. The people are anxious: it is natural. There is a vast property afloat; our merchants have connexions with every accessible port on the habitable globe. There are two entire capitals, not less than a hundred millions each, in transit. These are great interests. The people do not want war—do not want war with France—do not want war for five millions of dollars. Neither do they want the rights of the country sacrificed or abandoned; and less than all, do they wish to submit to affront or outrage. I will answer for the merchants of Massachusetts; give them a just and necessary cause, and they will say to you as John Hancock did in 1775, when asked his opinion in Congress, on the expediency of destroying Boston, then in the hands of the enemy: “My property, my all is there, and if the public good requires it, I give it for my country.” This spirit is as strong now as ever, in town and in country. But the people are not blind to the dreadful evils of war. It is, at best, a dire calamity. They do not wish to plunge into it. They look to their Government to do its duty firmly, but prudently; and they look to France to do her duty. The burden of remaining at peace does not rest exclusively on us. It rests equally on the other party. France, her King, her Ministers, her Chambers, and leading men, have a great responsibility to bear. The great original wrong—the plunder of our commerce—was on the part of France. The first wrong step since the treaty was hers, in refusing to execute it. France has placed herself eminently, signally in the wrong. There, sir, for Heaven’s sake, let us keep her. So long as we stand on that advantage ground, we cannot be shaken. The moment we quit it, half our strength is lost. Let us keep in the right, and I believe we shall keep at peace; and if that hope fails, we shall go as one man to the contest.

NOTE. The Resolution was finally adopted, by the unanimous vote of the House, in the following terms:

Resolved, That in the opinion of this House, the treaty with France of the 4th of July 1831, should be maintained, and its execution insisted on.