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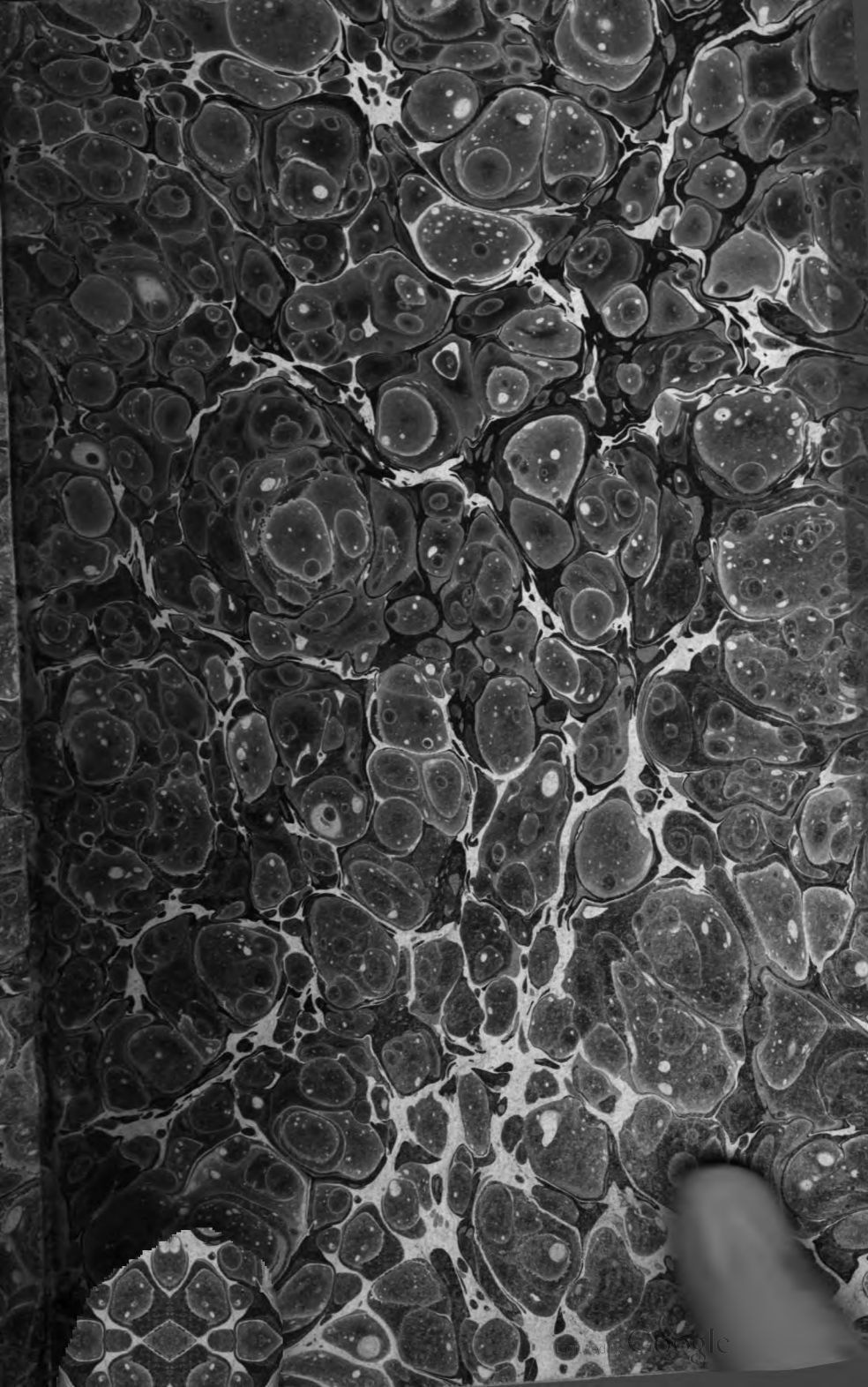
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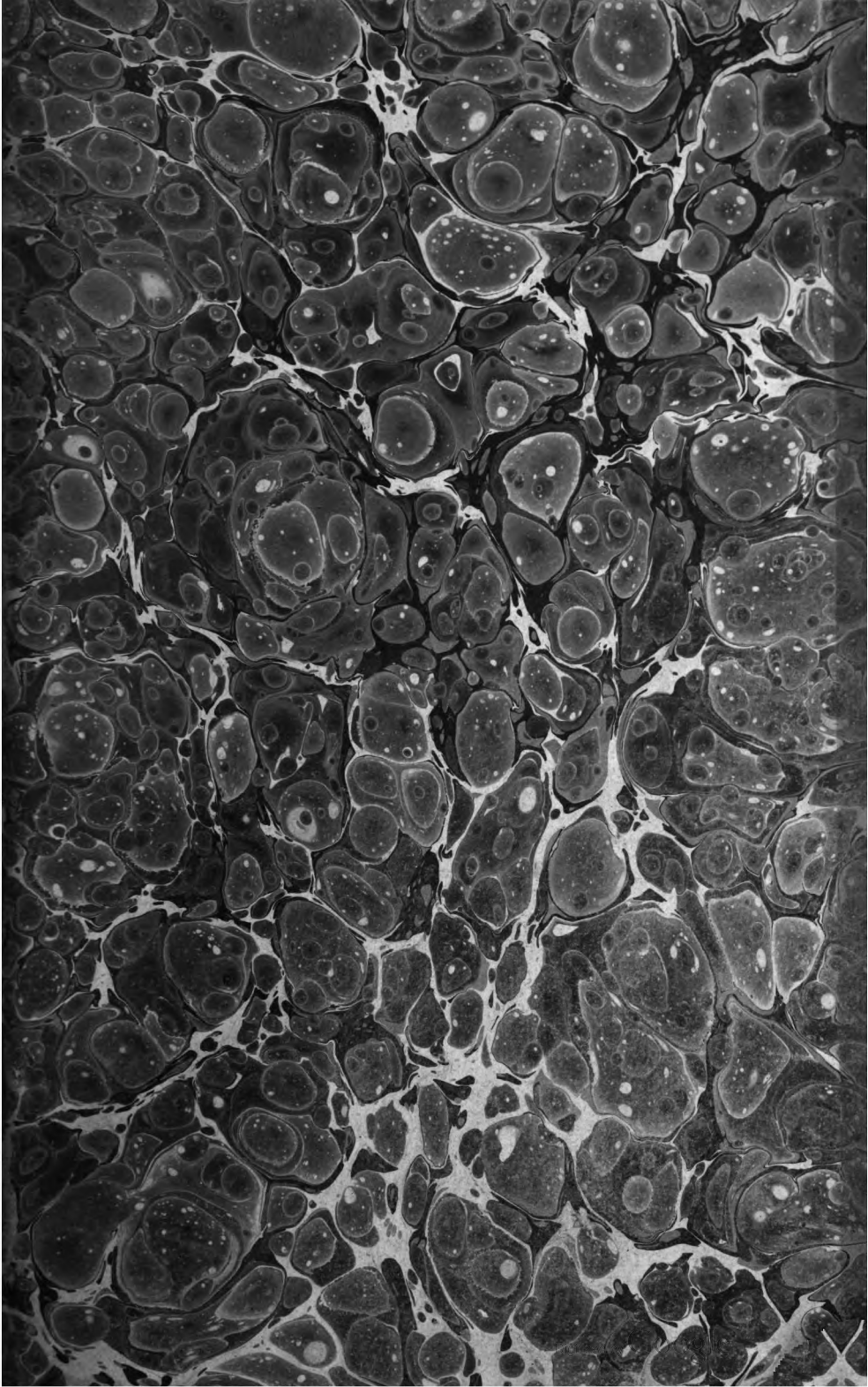
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THE
AMERICAN
ANNUAL REGISTER;

FOR

THE YEAR 1832—33,

OR THE

FIFTY-SEVENTH YEAR OF AMERICAN INDEPENDENCE.

NEW-YORK:

WILLIAM JACKSON, No. 53 CEDAR-STREET.

1835.



CONTENTS.

CHAPTER I.

	Page.
HISTORY OF THE UNITED STATES —General view of the course of Administration—Foreign Policy—Domestic Policy—Temporizing—Poor arrayed against the Rich—Foreign Influence—Naturalized Voters—Principles of the Government of the United States—Popularity of President—Result of Election—Policy after Election—Measures against the United States Bank—Appointment of W. J. Duane, Secretary of the Treasury—Refuses to Remove the Deposits—Dismissal of Mr. Duane—R. B. Taney appointed—Removal of Deposits—Commercial distress.	1

CHAPTER II.

French Treaty—Payment of Indemnity Refused—Neglect of French Government to procure Appropriations—Relations with Great Britain—Arrangement as to West India Trade—Disadvantageous to American Navigation—Treaties with Russia and Belgium—Relations with South America.	22
---	----

CHAPTER III.

South Carolina Legislature meet—Nullifying Acts—Union Convention—Crisis—Course of Federal Government—Military Preparations—Meeting of Congress—Proclamation of President—Of Gov. Hayne—Resignation of Vice President—New Tariff Reported in House—President's Message, asking new Powers—Mr. Calhoun's Speech—Enforcing Bill Reported—Mr. Calhoun's Resolutions as to Federal Powers—Mr. Grundy's—Mr. Clayton's—Resolutions of State Legislatures.	33
--	----

CHAPTER IV.

Tariff—Proceedings in House—In South Carolina—Enforcing Bill—Proceedings in Senate—Mr. Wilkins' Speech—Amendments—Mr. Clay proposes Compromise—Discussion on do—Discussion on Enforcing Bill—Mr. Calhoun's Speech—Mr. Webster's Reply—Mr. Forsyth's Amendments—Mr. Bibb's do—Bill passes Senate.	49
--	----

CHAPTER V.

TARIFF CONTINUED —Proceedings in Senate—Proceedings in House on Enforcing Bill—Passage of do—Passage of Tariff in Senate—Convention re-assembled in South Carolina—Ordinance repealed—Ordinance passed, declaring Enforcing Bill void.	167
---	-----

CHAPTER VI.

Meeting of Congress—President's Message—Public Lands—Mr. Clay proposes Land Bill—Proceedings in Senate—Proceedings in House—Bill passes—Retained by the President—United States Bank—Public Deposits—Three per cents—Bill on France—Proceedings in Congress.	181
--	-----

CHAPTER VII.

Treasury Report for 1832—Appropriations for Pensions—for support of Government—for Naval Service—for Fortifications—for Military Service—for Indian Department—for District of Columbia—for Internal Improvement—Light House Bill lost.	188
---	-----

CHAPTER VIII.

ENGLAND—Dissolution of Parliament—Elections—Meeting of Reformed Parliament—Re-election of Speaker—Debate on Address—Condition of Ireland—Bill for repressing Disturbances—Proclamation of Lord Lieutenant—Suppression of Irish Volunteers—Do. of National Trades Union—Reform of Irish Church—Abolition of Slavery in Colonies—East India Company—Renewal of Charter—China Trade Free—Bank of England—Renewal of Charter—Factory Children Bill—Parochial Saving Banks Bill—Reduction of Taxes—Tumult in Cold Bath Fields.	196
---	-----

CHAPTER X.

CONTINENTAL EUROPE—France—Policy of Louis Phillippe—Return of French Army from Belgium—Meeting of Chambers in 1833—Duchess of Berri—Prorogation of Chambers—Second Session of Chambers—Common School System—American Indemnity.	
PORTUGAL—Parties in Peninsula—Siege of Oporto—Algarves invaded—Don Miguel's Fleet captured—Lisbon taken—Donna Maria proclaimed—Measures of Don Pedro.	
SPAIN—Salic Law abolished—Dissatisfaction of Don Carlos—Illness of Ferdinand—Salic Law re-established—Again abolished—Death of Ferdinand—Donna Maria Isabella proclaimed—Rebellious movements of Carlists—Liberal Policy of Regency.	
TURKEY—War between the Pashas of Egypt and Syria—Capture of Acre—Rebellion of Pasha of Egypt—War between him and the Porte—Defeat of Grand Vizier—Interference of Russia—Peace and Annexation of Syria and Palestine to Egypt—Treaty of Constantinople.	
GREECE—Arrival of Otho—Greek Ministry—Courts of Justice established—Departure of French Troops—Greek Church declared independent—State of Commerce—Conspiracy suppressed.	210

LOCAL HISTORY AND DOMESTIC OCCURENCES.

Maine.....	227
New Hampshire,	231
Massachusetts,	234
Rhode-Island,	245
Connecticut,	247
Vermont.....	251
New-York, ³	254
New-Jersey,	260
Pennsylvania,	263
Delaware,	268
Maryland,.....	271
Virginia,.....	278
North Carolina,.....	282
South Carolina,.....	285
Georgia,.....	291
Alabama,	296
Mississippi,.....	301
Lousiana,.....	304
Tennessee,.....	306
Kentucky,.....	311
Ohio,.....	315

CONTENTS.

v

	Page.
Indiana,	319
Illinois,	323
Missouri,	324

APPENDIX.

List of officers of the United States government,	1
Members of 22d Congress,	2
Governors of States and Territories,	5
Public debt of United States,	6
Statement of duties of the United States for 1832,	7
Revenue of the United States from other sources, do.	8
Expenditures of United States for 1832,	9
Sales of Public Lands in 1833,	17
Revenue from other sources in do.	18
Expenditures in do.	19
Statement of commerce of each state, for year ending Sept. 30, 1832.	28
Do. for year ending 1833,	29
Statement of Tonnage entering and departing from each district, for year ending Sept. 30, 1832,	30
Do. for year ending 1833,	32
Statistical view of the Commerce of the United States for the year ending Sept. 30, 1832,	34
Do. for year ending 1833,	36
Tonnage of the several districts Dec, 31, 1831.	38
Do. 1832,	40
Comparative view of the Tonnage of the United States for 1831,	42
Do. for 1832,	44
Statement of Imports into the United States for year ending Sept. 30, 1832,	47
Do. for year 1833,	54
Statement of Exports of foreign goods, &c. from United States, for year ending Sept. 30, 1832,	69
Do. for 1833,	62
Do. Exports of domestic produce from United States for 1832,	75
Do. of do. 1833,	77
Statement of donations of Public Lands from 1789,	79

PUBLIC DOCUMENTS.

Message of President of United States to 22d Congress, 2d session,	80
Veto of bill allowing interest on claims for advances by the states,	94
Veto of the Light House bill,	95
Proclamation respecting South Carolina,	96
Message to Congress,	111
Treaty between United States and Naples,	130
Treaty between the United States and Russia,	132
Correspondence relating to the claims of citizens of the United States on France,	136

FOREIGN.

Message of President Santander, to the congress of New Granada,	355
Treaty between Peru and Equator,	361
Great Britain—King's Speech Feb. 5, 1833,	364
Do. August 29, 1833,	367
Speech of Lord Mulgrave to Assembly of Jamaica, 1832,	369
Do. dissolving Assembly,	374
Proclamation suppressing colonial unions, Jan. 25, 1832,	377
Speech of Lieutenant Governor to Legislature of Lower Canada,	378
Address by Legislature of do.	381

	Page.
Speech of do. to Legislature of Upper Canada,.....	384
FRANCE.—Speech of king to Chambers, Nov. 19, 1832,.....	386
HOLLAND.—Speech of King,.....	388
Convention relating to Belgium,.....	390
SPAIN.—Protest of Don Carlos,.....	392
Acts of 22d Congress, 2d session,.....	393

OBITUARY.

William H. Maynard,.....	416
Gen. Lamarque,.....	ib.
Duke of Reichstadt,.....	ib.
Walter Scott,.....	417
Sir John Leslie,.....	421
Letitiæ Buonaparte,.....	422
Chief Justice Abbott,.....	ib.
Count O'Reilly,.....	423
Stephen Olney,.....	424
Dr. Spurzheim,.....	425
Robert C. Sands,.....	426
Joseph Pratt,.....	427
Amos Binney,.....	ib.
John Hall,.....	428
Philemon Hawkins,.....	429
Gen. B. Tarleton,.....	ib.
Lord Exmouth,.....	430
Lord Fitzwilliam,.....	ib.
John H. Ashmun,.....	435
John Neilson,.....	437
Edmund Kean,.....	438
John Randolph,.....	439
Josiah S. Johnston,.....	445
Oliver Wolcott,.....	447
Savary,.....	448
Commodore Bainbridge,.....	449
Nicholas Fish,.....	452
William Wilberforce,.....	453
Hannah More,.....	454
Rajah Rammohun Roy,.....	455
Ferdinand VII,.....	457
Marshal Jourdan,.....	ib.

AMERICAN ANNUAL REGISTER,

FOR

THE YEARS 1832—33.

HISTORY OF THE UNITED STATES.

CHAPTER I.

General view of the course of Administration.—Foreign Policy.—Domestic Policy.—Temporizing.—Poor arraigned against the Rich.—Foreign Influence.—Naturalized Voters.—Principles of the Government of the U. S.—Popularity of President.—Result of Election.—Policy after Election.—Measures against U. S. Bank.—Appointment of W. J. Duane, Secretary of the Treasury.—Refuses to Remove the Deposites.—Dismissal of Mr. Duane.—R. B. Taney appointed.—Removal of Deposites.—Commercial distress.

THE term for which General Jackson was elected was now drawing to a close; and he being again presented as a candidate, the electors were called upon to express their opinions as to the merits of his administration.

During the canvass between Mr. Adams and himself, the principles by which he intended to be guided in conducting the government were so explicitly set forth, and the pledges of retrenchment and reform so positively given, that there could be no difficulty in determining if

those promises had been performed. This could be no longer a question. The annual reports of the secretary of the treasury, showed that there was no diminution of the public expenditure, but, on the contrary, an increase. The professed disinclination of the president to serve for more than one term no longer controlled him, as was evinced by his becoming a candidate for reelection. His determination to secure the legislative department of the government from executive influence, by rendering

members of congress ineligible to office during the term for which they were elected, was abandoned, and a greater number were appointed in his first term, than had been appointed by all his predecessors. Whether these departures from the course he promised to pursue, grew out of a subsequent conviction, that the government could not be administered upon such principles, or that these pledges were given merely to influence the popular choice, it is unnecessary to determine. The course of the president was a practical refutation of the promises of the candidate, and it only remained for the people to decide upon the policy adopted after his accession to power.

There were many circumstances, however, co-operating to prevent an unbiassed decision of this question. The policy pursued by the administration, in the management of the foreign relations of the country, indeed, was easily understood and generally approved. The adjustment of the controversy respecting the intercourse between the United States and the British colonies, it is true, presented an unfortunate exception, in which both the dignity and interests of the country were forgotten; but in general, the claims of the American government upon foreign countries, whether for indemnity for old spoliations, or for the protection of existing interests, were urged with ability and success.

The domestic policy was not so clearly developed. Whether it was that the cabinet was defi-

cient in a master mind capable of devising and promoting a system of policy calculated to advance the prosperity of the country, or that it was unwilling to assume the responsibility of deciding among conflicting interests; certain it is, that the principles by which it meant to be guided, were promulgated in oracular phrases of equivocal meaning, and easily construed to suit the purposes of all parties.

Not that it was without a policy of its own; but this aimed rather to follow than to lead public sentiment, and to propitiate the people, by deferring, on all occasions, to popular opinion.

Its own views on the great questions which had divided the community, such as the tariff and internal improvement, were consequently cautiously advanced in propositions of ambiguous import, until the public mind was prepared for a full developement of its policy, and its partisans enlisted in its support. Thus the recommendation by the president, of a reduction of the tariff, to a revenue standard, was coupled with an admission of the necessity of protecting all articles *required for the defence* of the country; and his doubts as to the constitutional right of congress to appropriate moneys to internal improvement, were declared not to extend to any appropriations for the construction of works of a *national character*. These declarations seemed to be put forth rather to propitiate popular favour, than as the settled convictions of a mind

acquainted with the various and extensive interests committed to its charge, and prepared with a system of policy to advance and sustain them. They were framed to suit the purposes of his partisans in different parts of the union, and could be made available to promote his popularity with parties of the most hostile principles.

To the advocates of a protecting tariff, it might be represented, that the protection of all that was required for the defence of the country, would necessarily embrace more than the country was now ready to manufacture: while its opponents were conciliated by a promise to reduce the duties to a revenue standard.

The enemies of internal improvement were secured by his veto of the Maysville-road bill; while its friends were prevented from deserting by an avowal of his willingness to sanction improvements of a national character.

On other questions, where no strong *interests* were arrayed in opposition, a more decisive course was taken.

Thus in relation to the Cherokee Indians, it was determined to withdraw from them the protection they had until then received from the federal government by virtue of its treaties, and to intrust them to the discretion of Georgia.

This determination,—the first unfortunate step in disregarding the obligation of the laws, and substituting in their place individual will and popular feeling,—was adopted upon his accession

to power, and served as a decided indication of the intention of the cabinet to build up and consolidate the administration party, by rewarding its supporters through the powers of the government.

This, in some measure, changed the character of the parties which existed previous to his election. They had until that event assumed a sectional hue, the south supporting him, and the north opposing him, and each hoping to control the policy of the government.

It was soon found, that by yielding altogether to the views of his southern supporters, too much would be hazarded in the middle and western states, where they could not be brought to sanction the southern policy as to the tariff and internal improvement.

A temporizing policy was therefore adopted upon those points, and an effort was made to introduce new questions creating broader parties, and consolidating the party strength by dividing the community on subjects, where sectional interests do not come in collision with party obligations.

This was the more necessary, as the alienation of Mr. Calhoun and his friends had taken from the administration a portion of its strength at the south, and rendered it incumbent on them to supply the deficiency from other quarters.

While such a direction, therefore, was given to the patronage and power of the government, as stimulated the prominent and

more active partisans to greater zeal and new exertions in the service of the party; appeals were constantly made to popular prejudices, and efforts were made to excite the jealousies of different classes of the community, and to array them against each other as hostile parties, having conflicting interests.

With this view, the propriety of re-chartering the U. S. bank was brought into discussion long before any movement was made by that institution for a renewal of its charter; and the public mind was agitated, and popular prejudice excited, by charging it with exercising an undue and improper influence over the currency, and with being a monopoly tending to foster the interests of overgrown capitalists at the expense of the labouring classes. The poor were told, that their interests were adverse to those of their more wealthy neighbours, and they were exhorted to array themselves in opposition to their employers.

The power of erecting corporations was stigmatized, as an usurpation tending to create monopolies inconsistent with the nature of a free government, and to increase the power of capitalists to the injury of the labouring classes.

These indications could not be mistaken. It was obvious, that those to whom the administration of the government was intrusted, were seeking to maintain their power by a most dangerous appeal to those very pas-

sions which government was established to control.

The conservative principles essential to the orderly existence of society were thus hazarded in a struggle to preserve the emoluments of office; and the singular spectacle was presented, of the party out of power striving to maintain the authority of the government and the supremacy of the laws, in opposition to the systematic efforts of those in power, to bring the principles upon which they depended into disrepute.

It was not probable, that all those who lent themselves to the propagation of these principles, were aware of their dangerous tendency. They only thought that they were popular, and looked no farther than to the manner in which they were received by the multitude for the evidence of their truth.

The legitimate result of these doctrines, however, led to a dissolution of all government, by weakening its powers at the same moment, that the disorderly passions of the idle and the ignorant were roused into action by addresses which stimulated their cupidity, and destroyed their reverence for legal authority.

Thus the determination of the president to acquiesce in the annulling by Georgia of the treaties and laws for regulating the intercourse with the Indians, was sustaining the will and interests of a state government, in opposition to the established law of the union. His continued acqui-

escence in the violation of those laws, after the decision of the supreme court of the United States, declaring the ground assumed by Georgia to be unconstitutional, was setting up his individual will in opposition to the constitutional tribunals of the country. His declaration, that he would construe the constitution for himself, was an example of insubordination, that too many were ready to follow.

His intimation, that "the rich and powerful too often bend the acts of government to their selfish purposes," tended to excite the poor against the rich, to create a contempt of legal restraint, and to stimulate the mass, through their cupidity, to the commission of excesses inconsistent with the good order of society; while the new test that he adduced of the constitutionality of his course, i. e. its approval by a majority of the people in the general election, was substituting a new and entirely different government in the place of that which had been framed by the convention of 1787.

That government was regulated by a written constitution, which was to be the supreme law of the land.

When any question arose as to the meaning of the constitution, the supreme court of the United States was constituted as the tribunal to decide finally upon its true meaning. When any alteration was required, either to extend or abridge the powers of the government, a mode was prescribed to effect that alteration: but nowhere is it to be found,

that the people in their primary or their legislative assemblies are to give a construction to that constitution, still less that an inference is to be drawn as to its true meaning from their votes at a general election.

They may alter the constitution, and they may elect representatives to administer it, but the courts, and not they, are to construe it; and until it is altered in the prescribed mode, all rights secured under it, whether to states, Indian tribes, or individuals, are sacred, or, if invaded, it can only be by the power of the majority, violating principle in the pride of strength. The obvious results of these new doctrines was to abolish the representative character of the government. According to these, a contested election was to decide, without appeal, all disputed constitutional questions, and the will of the people as expressed at the elections, was thus substituted in the place of a representative government under a written constitution.

In conformity with this view, great deference was manifested for the will of the people, and jealousies were studiously fomented among the labouring classes against all who had acquired, either by industry or talent, the means of independence.

Numbers alone were considered entitled to respect, and the appeals to principle, law and the constitution, became less frequent, and were less regarded as the election drew nigh.

In the zeal to swell the major-

rity by numbers, a more dangerous influence was invoked into the contest; and the national prejudices of the naturalized citizens were appealed to, in order to insure their undivided support to the administration.

It must not be supposed, that this discreditable effort to obtain the majority was confined to one party. The opposition also brought their cause into disrepute by their endeavours to enlist that class of voters, through their foreign prejudices, in their ranks.

The friends of the administration, however, were more successful in securing this support, and the party clamour against the aristocracy of wealth, found a ready response among those who, in their own countries, had always regarded, and with too much reason, the powers of the government as inseparably connected with the oppression and suffering, which had driven them from their native shores; and who looked upon what are called the higher orders of society as the hereditary and natural oppressors of the labouring classes. In their minds, the wealthy and the educated were associated with their ideas of an hereditary nobility, living upon the industry of the rest of the community, having no sympathy with the productive classes, and regarding society and government as objects of interest only so far as they furnish the means of gratification to the pampered appetites of an idle and luxurious aristocracy.

Wholly unlike as such a no-

bility are to the wealthy merchants and mechanics of the United States, (men who have gained their wealth by their own industry,) still the ignorant and deluded emigrants, who were admitted to the elective franchise, were not qualified to make the distinction, and eagerly enlisted themselves on the side of the administration, because it was "a contest between the poor and the rich," and in their own countries they had found too little of kindness from the rich to regard them with favour here.

By this class of voters, and they were both numerous and active, the merits of the administration were not taken into consideration. They were not qualified by education, nor by circumstances, to form a competent judgment upon the measures of the president, nor upon the principles upon which they were defended; and although laws passed at an early period, in a different state of the country, had conferred upon them the right of suffrage, the exercise of that right by a numerous class, under the influence of foreign feelings and prejudices, so far contributed to prevent the periodical elections from being a true expression of the opinions of the American people. It was in effect a departure from the theory of the government of the United States. That government is founded upon the maxim, that an enlightened people is competent to govern itself, and that political power is nowhere so safely vested, as in the mass of the community.

To prevent an abuse of this power, a system of general education extending to the family of the poorest labourer, was established, almost coeval with the government.

As the labouring classes acquired political power, intelligence and knowledge were imparted to them, in order to enable them to exercise it with discretion. However competent, therefore, the productive classes thus prepared may be to exercise the right of suffrage, no such competency was to be found in the emigrants, whom various causes, but all growing out of their wretchedness and political degradation at home, had thrown in such multitudes upon our shores since the general pacification of Europe.

It seemed as if those very classes which had previously supplied her armies and navies, now swelled the tide of emigration, and that America was thus used as a receptacle for a population both useless and dangerous in their native countries.

To such an extent had migration from Europe increased, that during the year 1832 38,183 alien passengers arrived in the seaports of the United States, and many thousands, of which no account could be taken, came over the frontiers from Canada and New-Brunswick.

Of these not a few were paupers, and there is too good reason to know, that many emigrants of this character were furnished with funds to pay their passage to this country by the public authorities, with the sole view of

relieving the community from the expense of their maintenance.

In some instances the bad faith of the municipal authorities in the European cities, went so far as to induce them to disgorge their prisons and penitentiaries upon our shores.

It could not, therefore, be expected that an influence of this description, introduced into our elections, could be exercised other than injuriously. So far as it produced any effect, it was necessarily adverse to the sober sense of the American people, and consequently prevented, to that extent, the elections from being the expression of the opinion of the country. Even among the native population, the contest did not turn entirely upon the policy of the administration.

The great military services of General Jackson had gained for him general popularity, and many who did not altogether approve of his measures, attributed his errors to mistaken views. His honesty of purpose was questioned by comparatively few, and all admired the boldness and firmness with which he pursued those measures, that had been adopted and avowed as the policy of his administration.

He was styled, too, the representative of the democratic party, and the people were constantly assured, that his sole object was to deprive the federal government only of those powers which it had usurped, and to bring it within the limits prescribed by the constitution.

The self-love of the electors was thus flattered. They were led to believe, that there had been a departure from the true principles of the government, which required their immediate interference to correct; that their decisions alone were infallible, and many were induced to array themselves in opposition to the settled practice of the government, merely with the view of displaying the force of popular authority.

It was not, therefore, a matter of great surprise, that the administration succeeded in the general elections. In the electoral colleges, the vote stood 219 for General Jackson, 49 for Henry Clay, 11 for John Floyd, and 7 for William Wirt.

For vice president, Martin Van Buren 189 votes, John Sargeant 49, Henry Lee 11, and Ellmaker 7, (vide table infra.)

Popular votes for Presidential Electors, in 1832.

STATES.	Jacks.	Clay.	Wirt.
Maine,.....	33291	27204	
New-Hampshire,.....	25486	19010	
Vermont,.....	7870	11152	13106
Massachusetts,.....	14545	33003	15235
Rhode-Island,.....	2126	2810	878
Connecticut,.....	11269	17755	3409
New-York,.....	168497		154896
New-Jersey,.....	23856	23393	480
Pennsylvania,.....	90983		66716
Delaware,.....	4110	4276	
Maryland,.....	19156	19160	
Virginia,.....	33821	11455	
North Carolina,.....	24862	4563	
South Carolina, (Legislature.).....			
Georgia,.....	20286		
Alabama, (estimated,).....	20000		
Mississippi.....	5919		
Louisiana,.....	4049	2528	
Tennessee,.....	28740	1436	
Kentucky,.....	36247	43396	
Ohio,.....	81246	76539	
Indiana,.....	31552	25452	
Illinois,.....	14147	5429	
Missouri, (majority,).....	5159		
	707217	328561	254720
	Total.	583281	
	Majority for Jackson,	123936	

SUMMARY OF VOTES FOR PRESIDENT AND VICE-PRESIDENT.

For Jackson and Van Buren,.....	603,512
Jackson and Barbour,.....	12,722
Jackson and Wilkins,.....	90,983
Clay and Sargeant,.....	328,561
Wirt and Ellmaker,.....	254,720
	1,290,498
Floyd and Lee, (South Carolina, by Legislature.)	

The majority in the electoral colleges was not, however, a fair test of the measure of approbation bestowed upon his administration. Many of the states were carried by small majorities, and although the electoral votes were more than three to one in his favour; the majority of the popular vote was barely ten per cent. over that cast for his opponents; and even that should be somewhat reduced, on account of the vote of South Carolina, where the electors were chosen by the legislature.

It was thus obvious, that the majority in the electoral colleges was not a fair representative of the support given by the people to the policy of the administration; and when an allowance is made for the votes of those, who were influenced by a grateful sense of the military services of the president, and of those who were governed by sectional views, it may be doubted whether there was any decision as to the merits of his policy, by a majority of the electors; and whether the question of his re-election was not in fact decided upon considerations altogether foreign to those which, by the theory of the government, are supposed to exercise a controlling influence over the popular vote.

In many states the anti-masonic excitement was used to prevent a direct decision by the electors, of the question in issue between the administration and its opponents.

Local and personal partialities, too, had their influence in

distracting the public mind, and the conduct of many of the leading men opposed to the course of the president was not such as to convince the people, that they themselves were so fully impressed with the importance of the crisis as they had professed.

An unwillingness to postpone individual advancement and private views to the good of the cause, was too often evinced in their councils, and the people were naturally led to imitate their leaders. They, too, considered that the elective franchise was not a trust to be exercised for the benefit of the community; but a personal right, or power to be exerted to gratify private feeling.

Their votes, therefore, were not so much the decision of the country upon the constitutionality or propriety of his course, as the expression of popular feeling in favour of the president.

The large majority received by General Jackson in the electoral colleges, however, was by him construed into an unqualified approval by his countrymen of all his measures.

Upon all points, where his course had been questioned by his opponents, his re-election was urged as the final decision of the people, from which there was no appeal.

His policy in relation to the Cherokee Indians,—sanctioning and aiding Georgia in violating the treaties of the federal government, it was said, had been approved of by the people, and the obligations of treaties,

and the injunctions of the constitution, were no longer to be urged in opposition to this final decision.

The rechartering of the United States bank,—a question depending upon the condition of the country, and requiring for a correct decision both financial talents and experience, was (as he declared in his manifesto read to the cabinet) decided by the people, at the presidential election.

All the doubtful measures of his administration were thus thrown upon the responsibility of the people; and instead of defending them upon general principles of expediency, policy or justice, they were to be tried by the simple test, whether they had been made subjects of discussion during the canvass: and if so, they had been decided by the popular vote.

Thus summarily disposing of the objections of his opponents, and presuming upon a continuance of the popular favour, the president now determined to take a new and decisive step in consolidating the strength of the party, which had elevated him to the executive chair.

The excitement of the political contest was at an end; nullification was virtually relinquished by South Carolina; and the modification of the tariff had tranquillized the public mind, and put an end to all apprehensions of a collision between that state and the general government.

The angry feelings engendered by the election had subsided, and in a tour, which the presi-

dent made through the eastern states in the early part of 1833, both parties united to do honour to the chief magistrate of the republic;—his opponents heartily approving of his course towards South Carolina, and of the principles avowed by him in his proclamation and message, and his supporters giving vent to those feelings, which had originally enlisted them as a party in his favour.

A political calm had succeeded the tempest, and it seemed as if the second term of Gen. Jackson's administration was about to prove as quiet and tranquil, as the first had been stormy and turbulent. This expectation was not destined to be realized. The cabal that surrounded the president saw too plainly, that their power could only be maintained by political agitation. Without an animated opposition, the passions and prejudices of parties would subside, and they doubted the result of a dispassionate examination of their measures.

It was necessary to take some steps to rouse the decaying embers of party discord, and to consolidate their strength.

The party had no bond of union, and already showed signs of disbanding. A new bond was to be created. The official patronage wielded by the government, although great, and exercising extensive influence, could be conveniently used only at particular periods.

When a vacancy is filled up, the effect is often produced of converting an active and efficient partisan into an official,

unwilling to hazard his station by taking too zealous a part in politics. "Ibit eo, quo vis, qui zonam perdidit," is not the prudent exclamation only of the soldier suddenly made rich by an exertion of desperate valour. The political partisan is often stimulated to extraordinary exertions by the hope of reward; and his zeal in the contest is not unfrequently equalled by the prudence, which dictates to the official incumbent, the propriety of not appearing to take too active a part in the contest, and thereby exposing the public to the hazard of losing, in case of an unfavourable result, the services of so valuable an officer.

Disappointed applicants, too, could not always be appeased by promises, and too often were the exertions of a successful candidate more than counterbalanced by those, whom he had prevented from being the recipients of executive favour.

It was, therefore, necessary to acquire another species of influence, possessing a more permanent activity.

The patronage of the government could only be relied upon in emergencies, and was not in itself sufficient to control the opinions of a community with such various interests, and occupying so extensive a country as the United States.

An opportunity was now presented to place in the hands of the executive, the influence so much desired.

By the law creating the United States bank, the public mo-

neys were required to be deposited in its vaults, and as an equivalent for that deposit, the bank assumed the responsibility of acting as the fiscal agent of the government.

In the act, however, it was provided, that the public deposits might be removed by the secretary of the treasury; but requiring him to lay his reasons for removing them immediately before congress.

If these public deposits could be removed from this institution, and be subjected to the discretion of the secretary of the treasury, to be placed in the local banks, and liable to be removed at pleasure, a new influence would be conferred upon the executive, operating upon all the monied institutions of the country, and through them upon the commercial community.

How far these motives influenced the step taken by the executive, shortly after the adjournment of congress, in relation to the public deposits, it is not our province to determine.

Other reasons were urged, as for example, the insecurity of the public moneys in the United States bank; the conduct of the bank in relation to the redemption of the three per cents.; its exaction of damages for the dishonour of the draft for the first instalment under the treaty with France; and its alleged interference with politics.

The first and only proper reason, however, was entirely without foundation, and the other reasons seemed rather the suggestions of prejudice and vindic-

tive feeling, than grounds of action for statesmen acting in behalf of the country.

No injustice will, therefore, be done in assigning to the desire of obtaining political influence, a prominent place among the motives, which determined the president, shortly after the adjournment of congress, to remove the public deposits from the United States bank, and to place them in local banks, subject to be removed by the secretary of the treasury.

An attempt had been made to procure the sanction of the congress to this step, at its second session.

The president in his opening message, and the secretary in his annual report, intimated that there were good grounds to doubt, whether the public moneys were safe in the custody of the bank; but the house of representatives, after a deliberate examination, declared by a vote of 109, to 46, that the public deposits might be safely continued in that institution.

Congress having thus positively refused to authorize the removal, new means were adopted to effect the contemplated end.

The secretary of the treasury, (Louis M'Lane,) who had expressed his determination not to sanction their removal, was transferred to the state department, and Wm. J. Duane, of Pennsylvania, was appointed his successor. It was soon, however, found that Mr. Duane was not willing to act in that matter

without sufficient reasons to sustain him before the world.

The president had urged him, during his northern tour in the summer of 1833, to remove the public moneys from the obnoxious institution, without convincing him of the propriety of the step. He finally obtained from him his consent to appoint Amos Kendall as an agent to inquire into the terms, upon which the local banks would take the public deposits upon the basis of mutual guaranty. This basis, however, was found to be inadmissible. The banks refused to guaranty for each other, and the secretary was soon made to understand, that it was the president's determination to remove the deposits at all hazards.

To this he explicitly refused to lend himself. He even refused to fix a day after the adjournment of congress, for their removal, in case that body did not act upon the subject.

The most he would agree to, was, to remove them in case congress ordered him so to do. In this dilemma, the president convoked the cabinet on the 10th of September, 1833, and laid before its members an exposition of his views upon this important question.

The doctrines advanced in this document were, that the power of the secretary to remove the deposits was unqualified, and not limited to particular contingencies; that the speedy termination of the charter of the bank rendered it incumbent on the secretary to introduce a plan for

keeping and disbursing the public revenue before its dissolution, to avoid any derangement consequent upon such a change at that moment; that the conduct of the bank in relation to the three per cents. and the bill on the French government, and its interference with politics, deserved punishment; and under those circumstances, the president assumed the responsibility himself, of removing the public deposits from the United States bank, and fixed upon the 1st of October, 1833, as the day for their removal.

The secretary of the treasury deliberated upon the question thus authoratively pressed upon him, and on the 21st of September, he announced to the president his determination not to carry his directions into effect. He also resolved not to resign, and as he was the only officer who could give a legal order for the removal of the public moneys, the president was compelled, in order to carry his designs into effect, to remove the secretary. This was done on the 23d of September, and Roger B. Taney appointed in his place.

The new secretary was known to entertain similar opinions to those of the president, both as to the right and expediency of removing the deposits, and he immediately issued the necessary orders for their removal.

Almost simultaneously with this step, an attempt was made to destroy the credit of the bank,

by suddenly presenting for payment, at one of the distant branches, a large amount of notes which had been secretly accumulated.

This demand was promptly met, but connected with the withdrawal of the 'public deposits, it evinced a settled hostility against the bank, and compelled the directors to adopt a general system of retrenchment, with a view to its own safety.

Great commercial distress immediately ensued. At the moment of taking this step, the business of the country was unusually active. The capitalist, and the merchants and mechanics, had unlimited confidence in each other, and all the monied institutions of the country had extended their loans to the utmost bounds of their ability.

At such a juncture, great and rigid retrenchment, attended with want of confidence, was necessarily productive of ruinous consequences. Private credit was deeply affected, and the business of the country was interrupted to a degree, that could be attributable only to the panic which followed this violent attack upon the pecuniary concerns of the community.

The period embraced in this volume terminated in the height of this distress, and we must defer, to a future opportunity, an account of the mercantile panic of 1833, and of the measures adopted in congress for its relief.

CHAPTER II.

French Treaty.—Payment of Indemnity Refused.—Neglect of French Government to procure Appropriations.—Relations with G. Britain.—Arrangement as to West India Trade.—Disadvantageous to American Navigation.—Treaties with Russia and Belgium.—Relations with South America.

In the Register for the years 1830–31, an account was given of the negotiation between the American and French governments, in relation to the claims upon the latter for spoliations, and of the conclusion of a treaty adjusting the amount to be paid by France, as a full indemnity for those claims. Although the sum stipulated to be paid (25,000,000 francs) did not amount to one half of the original spoliations, and no allowance was made for the interest accruing before the treaty, still it was deemed expedient to accede to the compromise; and both the government and the people of the United States congratulated themselves upon the final settlement of the only difficulty between them and their earliest ally.

This pleasing anticipation was not destined to be speedily realized.

By the second article of the treaty, the government of France agreed to pay the 25,000,000 of

francs, with 4 per cent. interest, in six annual instalments; the first to be paid at the expiration of one year from the exchange of the ratified treaties. These instalments were to be paid at Paris, to such person as should be authorized by the government of the United States to receive them.

The treaty was duly ratified by both governments, and on the 2d of February, 1832, the ratified treaties were exchanged at Washington.

Immediately after the treaties were ratified, congress passed the laws necessary for complying with the stipulations on the part of the United States; and the secretary of the treasury, on the 7th of July, 1833, drew a bill of exchange upon the minister of state and finance of the French government, directing the first instalment to be paid to the order of the cashier of the U. S. bank; and a full power of attorney was given by the president of the United States, authorizing

the assignee of the bill to receive the same, and to give a proper receipt to the government of France.

This prompt compliance with the treaty on the part of the United States, was not properly responded to by the French government.

Notwithstanding the treaties were ratified, and duly exchanged in the month of February, 1832, no steps were taken by the king or his ministers to carry it into effect.

By the constitution of France, the chambers have the control of the public treasury, and although the king was competent to form a treaty of indemnity, and indeed the only branch of the government with which foreign nations could negotiate, still it was necessary for him to obtain a grant from the chambers to enable him to execute it.

This, however, was a difficulty for the French government and the French nation to adjust for themselves. The United States had no concern with the form and manner, in which the treaty was to be carried into effect. They looked to the performance of the treaty as a poor, but still a full indemnity for claims which were irrefragable, and for which it was universally admitted, that satisfaction should be made. It was, therefore, with some surprise, that the government at Washington saw, that the king of France had not asked from the legislature the appropriations required for the performance of the treaty, at the commencement

of its session, on the 19th of November, 1832.

Still, having scrupulously performed all the stipulations on the part of the United States, there was no reason to forbear demanding a reciprocal performance by France.

A bill of exchange was, therefore, drawn for the amount of the first instalment, pursuant to the provisions of the treaty, and payment was demanded at Paris by the holder of the bill, with full powers to receive the amount in behalf of the United States.

This bill was not accepted, and now for the first time, suspicions were awakened against the integrity of the French government.

The chambers had been in session from the 19th of November, to the time when the payment of the first instalment was refused, and no steps were taken by the ministers, to procure the necessary appropriations.

Even the documents, which the French government had agreed to communicate to the American government, were withheld, under the pretence, that the originals could not be withdrawn from the courts, and when the American minister consented to accept copies, it was contended that the expense of making the copies should be borne by the United States.

After the presentation of the bill of exchange, it was deemed expedient to take some steps for the purpose of executing the treaty, or at least, to preserve the appearance of doing so.

Accordingly, on the 6th of April, 1833, a bill containing provisions for that purpose, was presented to the chambers, and M. Sherman, the minister of finance, explained the grounds upon which the treaty was formed.

The passage of the bill was not urged at that session, which closed on the 25th of April, nor at the succeeding session, which commenced the next day, and continued to the 26th of June.

The subject was, indeed, mentioned in the chambers on the 11th of June, and the bill received, and laid on the table; but nothing was done, notwithstanding General Lafayette urged the chambers to come to a decision, and warned the government of the danger of leaving a question so important to the character and welfare of France, in that dubious posture. Frivolous excuses were offered for not then taking up the bill, and another session, terminated without any steps being taken to vindicate the honour and integrity of the French government.

This neglect, which there was too much reason to suppose was intentional, was warmly resented by the American executive.

Instructions were given to the American minister, to urge upon the French government a prompt compliance with the treaty, and to inform it, that the United States would demand indemnity for the refusal to accept the bill for the first instalment.

A want of judgment was indeed shown, in selling the bill of exchange to the United States

bank, when there had been no appropriation made by the chambers to pay the indemnity; and a culpable eagerness to reward political favourites, at the expense of the public interests, was equally indicated, by sending Mr. Harris to act as chargé at this critical juncture; but the tone of earnest and indignant remonstrance, which was assumed upon this refusal of France to execute a treaty providing only a partial indemnity for our claims, was justified by the conduct of that country, and well calculated to force upon her conviction, the necessity, as well as propriety of paying some regard to national faith.

The chambers did not again meet during the period belonging to this volume, and the future disposition of this question must be reserved for a subsequent volume.

The management of the relations between the United States and Great Britain, did not bear equally strong testimony in favour of the sagacity and wisdom of those intrusted with the administration of the American government.

The subjects of dispute between the two countries, were, the colonial trade, the navigation of the St. Lawrence, and the northeastern boundary.

By an arrangement, in which congress was persuaded to confide the opening of our ports to the discretion of the president, the intercourse was again restored, and the country was called upon to extol the diplomatic skill

which had restored a trade, lost (as was alleged) through the neglect of his predecessor. It was, however, speedily discovered, that the intercourse was not precisely on the same footing as before. Instead of being carried on, chiefly in American vessels, it was found that British vessels engrossed the most profitable portion of the business, and as it was well known that the navigation of the United States could always maintain itself, in any trade where fair competition prevailed, a more critical examination took place into the terms of this compromise.

The government of the United States had so long and so steadily adhered, in all its commercial arrangements, to the principles of reciprocity, that an open abandonment of that principle, would not have been tolerated by the country.

The harsh and oppressive policy of England formed one of the chief grievances which led to the revolution; and those patriotic men, who, after having led their countrymen through the war, established a system of policy for their government, looked to a full and fair participation in the West India trade, as one of the legitimate results of independence.

They indeed knew that the mother country had the power to prohibit all intercourse with any, and all parts of the British empire; but they also knew that the West India islands were essentially dependent upon the United States for supplies, and

that they could, by countervailing regulations, compel England to supply her islands at a great sacrifice, in an indirect manner; or to place the direct intercourse upon terms where the American and British shipping could fairly compete for the carrying trade.

This was a point not to be yielded. It was essential to the entire enjoyment of our independence, that the commerce between this country, and all colonies, should be placed upon this footing. The European view of this question was upon different principles, and was justified upon different maxims.

To neither party was commercial intercourse necessary, and as all the great maritime powers had colonies, acquiescence was readily obtained in the colonial system of modern Europe.

The intercourse was confined to a trade between the mother country and her colonies, and the former did not seek, nor expect to carry on a trade between those colonies and the rest of the world. If that had been attempted, the jealous spirit of European commerce would soon have claimed a right to be consulted in arranging the terms of that intercourse.

By the severance of the United States from the British empire, a new state of things was presented.

Trade with the United States was necessary to the very existence of the West India colonies; and self respect, and national dignity forbade the United States

to permit this trade to be carried on exclusively in British vessels.

There was no reason, which could justify the exclusion of American navigation from that trade, that was not equally applicable to the direct trade with England.

All the negotiations of the American government were directed to the arranging the intercourse upon terms of reciprocity; and after ineffectually endeavouring to accomplish that object for more than a quarter of a century, it was at length reluctantly obliged to put an end to the intercourse altogether. This course was adopted at the earnest request of the shipping merchants in the principal seaports, who found that the advantages afforded to British vessels through the circuitous voyage by way of the West Indies, were such as to enable them to carry on the direct trade with England upon better terms than in our vessels. Upon their representations, Congress passed acts in 1818, 1820, and 1823, which effectually closed our ports to all British vessels seeking to supply the islands. The British government was thus reduced to the necessity of supplying the colonies at a cost beyond their value, or of partly giving up their colonial system.

They chose the latter, and by the act of July, 1825, the West India islands were opened, upon certain terms, to the commerce of all nations.

The nature of this offer, and the negotiations growing out of

this proposition, were fully detailed in the Annual Register for 1826-7, and it is unnecessary to state more, than that the negotiations terminated in an entire suspension of the trade.

In all these transactions and negotiations, the principle of reciprocity was strictly adhered to. Trade upon equal terms, or no trade, was the only alternative offered by the American government. More than that was not sought, and less than that would have been incompatible with national dignity.

That was the sole object of all the negotiations, and the only subject of dispute. When, therefore, it was proposed to confer upon the president power to open the ports of the United States to vessels from the British West Indies, Mr. Cambreleng, who presented the law to the house only four days before the close of the session, stated that it contained no new principle, but conformed to the instructions given by Mr. Clay to Mr. Gallatin.

As these instructions maintained, in its fullest extent, the principle of reciprocity, the law was passed without much opposition.

This act provided, that when the president should be satisfied, that Great Britain will open her colonial ports; and that American vessels and their cargoes shall not be subject to higher duties than British vessels and their cargoes arriving from the United States; and that American vessels may be permitted to carry on any trade between the islands and the United States, or any export trade between the islands

and foreign countries, except British possessions, that British vessels can carry on,—leaving the trade between the United States and the northern colonies upon its former footing, the president shall then be authorized to issue a proclamation, opening the ports of the United States to British vessels from the colonies, upon the same terms as to American vessels, and also to suspend or absolutely repeal the retaliatory acts of 1818, 1820, and 1823. In this act, the principle of reciprocity is thoroughly maintained, and the discretionary power entrusted to the president, was one often confided to his predecessors, and by them never exercised to the detriment of American interests.

The fault was in authorizing the president to open our ports, not when Great Britain should open hers, but when he should be satisfied that she would open hers. This exposed him to be overreached, by taking a final step, before the British government had taken any on the part of that country.

The ports of the United States were to be opened, and the terms of the intercourse, so far as our government could act, were to be adjusted upon an *understanding*, that the West India ports should be opened at some future time.

The terms on one side were to be definite, and carried into effect, while on the other, the *understanding* was yet to be executed, and could be so varied by an order in council, “as to

keep the word of promise to the ear, and break it to the hope.”

Besides, it opened our ports to British vessels several months before our vessels could participate in the trade; and thus conceded the point, that all participation in the colonial trade was a *boon*, to be granted or denied at the pleasure of England.

The disadvantageous position in which the United States was placed by this indiscreet eagerness of the administration, was not overlooked by the British government.

Finding that the opening of this trade was sought, and even solicited, with an earnestness altogether disproportionate to its importance, Lord Aberdeen determined to take this occasion to obtain from the American government an abandonment of the principle of reciprocity.

The steadiness with which this principle had been maintained by the United States under every previous administration, and the obvious justice by which it was recommended to the favour of other nations, had given a marked superiority to the American government in its commercial negotiations with Great Britain.

That latter power foresaw in this policy, a fatal blow aimed at its celebrated navigation act, and through that at the maritime supremacy of England.

It thus eagerly embraced this moment to exact an abandonment of the principle; and when the act of congress was communicated to Lord Aberdeen, he intimated to Mr. M'Lane, that

it was not intended by the British government, to give to American vessels the privilege (possessed by British vessels) of importing into the islands, from the United States, articles not produced in the United States; nor would it give any pledge as to the future regulations of the trade with the northern colonies. As both these conditions were requisite, in order to maintain the principle of reciprocity, and were, in fact, required by the act of congress, a departure from that act was demanded by the British government, before it would assent to opening the colonial ports upon the terms proposed by Mr. M'Lane.

Here, therefore, was an issue between the American government, demanding perfect and entire reciprocity, and the British government refusing it.

Congress had authorized no departure from that principle, and yet it must be given up, or the negotiation was at an end.

In this dilemma, Mr. M'Lane resolved to resort to his instructions given before the passage of the act, for such a construction of the law, as would enable him to meet the demands of Lord Aberdeen.

Disregarding the plain import of the act of congress, and taking his instructions for his guide, he inferred that because the president had authorized him to accede to the terms proposed in the act of July 5, 1825, the act of congress passed upon the recommendation of the executive, must have been intended as an assent to those terms.

He, therefore, hastened to assure Lord Aberdeen that the act of congress should be so construed as to yield the points required. Upon this assurance the understanding was entered into, and information being communicated to the president, he issued his proclamation, dated October 5, 1830, opening the ports, and absolutely repealing the retaliatory acts of 1818, 1820, and 1823.

The point so long and steadily contended for by the United States was thus yielded, and an additional advantage was given to England, by opening the ports of this country to British vessels more than two months before American vessels were enabled to participate in the trade.

This departure from the established policy of the country, and that, too, in violation of the plain import of the act of congress, was subsequently sanctioned by the president, and thus became the act of the government, so far as the executive could make it so.

In the letter from the state department to Mr. M'Lane, Mr. Van Buren assures him that the president had "adopted, without reserve, the construction given to the act of congress by Lord Aberdeen and himself," and authorizes him to express "to the British minister the satisfaction of the president—in not suffering the *inadvertencies of our legislation*, attributable to the *haste and confusion* of the closing scenes of the session, to defeat or delay the adjustment."

This mortifying assurance was conveyed to the British govern-

ment, and thus, by an *arrangement* made without the sanction of any department of the government except the executive, an act of congress was virtually overruled; the principle of reciprocity abandoned; the wise policy adopted at the commencement of the government, and hitherto steadily persevered in, frustrated; and the intercourse between the United States and the West Indies placed under the control of British legislation.

The policy of the British government now began to develop itself.

Upon receiving the assurances authorized by the president, and a copy of the proclamation, an order in council was issued, opening the colonial ports to American vessels from the U. States, with the produce of the U. States, and permitting them to export goods to all foreign countries.

Almost simultaneously with the adoption of this order, a schedule of duties was prepared, which ultimately became a law, and which was framed so as to give to British navigation a monopoly of the colonial trade.

This bill imposed heavy duties on various articles imported into the West Indies, from the United States, while it authorized their importation into the northern colonies free of duty.

By these duties the direct intercourse was so burdened, that the islands were supplied through the northern colonies, and as American vessels could not proceed from those colonies to the West Indies, the business was

chiefly carried on in British vessels.

Mr. M'Lane in vain remonstrated against the passage of this bill, and in his letter of November 30, 1830, complained that "it virtually destroyed the fair advantages of the direct intercourse between the United States and the West Indies." Lord Grey replied, that the British government had always insisted on the right to regulate this trade by law, instead of by treaty, and that "all its measures since 1825 had looked to the system of free ports in the northern colonies."

The remonstrances of the American minister did not consequently retard nor prevent the passage of the proposed law, and the new arrangement of the colonial trade went into effect, with a nominal equality between American and British vessels, in the direct intercourse, but so burdened with duties, that the trade was chiefly carried on through the northern colonies, where the longer voyage was exclusively secured to British vessels, with such advantages in the shorter voyages, as to enable them to appropriate a greater share of the carrying trade, than they could obtain in any really reciprocal intercourse.

The effect of this arrangement was, to greatly increase the trade with the northern colonies, and to diminish that with the West Indies, which was carried on almost altogether by British vessels.

The following extracts from the annual reports of 1828 and

1833, will best illustrate the change produced by that arrangement, in the mode of supplying the islands. In 1828, the American shipping engaged in that business was as follows:—

Cleared from the United States to the British	
Northern Colonies, - - - - -	63,801 tons.
British West Indies, - - - - -	7,974
Dutch, Swedish, and Danish Islands, - - -	106,041
	<hr/>
Total American Tonnage,	177,816

FOREIGN.

British Northern Colonies, - - - - -	10,658
British West Indies, none.	
Dutch, Swedish, and Danish Islands, - - -	3,369
	<hr/>

Total Foreign Tonnage 14,027

In 1833 the American shipping engaged in the same business was as follows:—

Cleared from the United States to the British	
Northern Colonies, - - - - -	219,403
British West Indies, - - - - -	64,659
Dutch, Swedish, and Danish Islands, - - -	44,534
	<hr/>

Total American, 328,596

FOREIGN.

British Northern Colonies, - - - - -	245,779
British West Indies, - - - - -	21,775
Dutch, Swedish, and Danish Islands, - - -	5,283
	<hr/>

Total Foreign, 272,937

Thus the American tonnage directly engaged in the West India trade had diminished in five years, from 114,015, to 109,193 tons, while the foreign tonnage had increased from 3,369, to 27,058 tons; and although this actual loss of business was partially compensated by the increased activity in the trade with the northern colonies, still, of that trade, British navigation was enabled, by being allowed to continue the voyage to the islands, to obtain more than

its share, and the longer voyage was entirely in the hands of the British merchants.

The other topics in discussion between the United States and Great Britain, were suffered to remain without being agitated on the part of the American government. In the mean time, the British government had assumed jurisdiction of the territory north and east of the line, as recommended by the king of Holland.

Her claim to the disputed territory was thus practically enforced, and was acquiring validity from the acquiescence of the United States.

Similar inattention, on the part of the American government, was strengthening her claim to the exclusive navigation of the lower part of the St. Lawrence.

The relations of business between the American producers and the Canadian merchants began to be established, and interests in opposition to a free navigation were growing up, without attention or remonstrance on our part.

In the mean time, the claim of England was acquiring force, and it was easy to foresee that a longer perseverance in this policy, would place in her hands the control of all internal commerce between the Gulf of St. Lawrence and those extensive countries bordering on the great American lakes.

The relations of the United States with other European powers, continued upon their accustomed footing.

With Russia a treaty of commerce was concluded in the month of December, 1832, upon the principles of reciprocity, and securing to the merchants of

both countries, the same privileges granted to the merchants of other nations.

Provision was also made to secure to the citizens of both countries the power of disposing of their personal estate, within the jurisdiction of either, by will or otherwise. It will be found in the Appendix.

A similar treaty was made with Belgium, but the ratifications were not exchanged.

Some claims of American merchants against Portugal for illegal captures, were prosecuted to a successful result, and an earnest and persevering effort was made by the administration to procure satisfaction from Spain, for illegal detentions and captures of American property, subsequent to the treaty of 1819, and an acknowledgment of their justice was finally extorted from that government.

No alterations worthy of notice occurred in the relations between this country and the neighbouring powers on this continent.

A treaty of commerce was concluded with Chili, and the time limited in the treaty for designating the boundary between the United States and Mexico, was suffered to expire through the neglect of Mexico, without adjusting that question.

CHAPTER III.

South Carolina Legislature meet.—Nullifying Acts.—Union Convention.—Crisis.—Course of Federal Government.—Military Preparations.—Meeting of Congress.—Proclamation of President.—Of Gov. Hayne.—Resignation of Vice President.—New Tariff Reported in House.—President's Message, asking new Powers.—Mr. Calhoun's Speech.—Enforcing Bill Reported.—Mr. Calhoun's Resolutions as to Federal Powers.—Mr. Grundy's.—Mr. Clayton's.—Resolutions of State Legislatures.

THE headlong course of South Carolina, during the year 1832, had placed the state government in such a hostile attitude towards the federal government, that a general expectation prevailed, that a violent collision would take place; and there was too much reason to apprehend a dissolution of the Union,—followed by civil war.

The convention which met in that state on the 19th of November, having passed the ordinance declaring the revenue laws of the Union void, adjourned—and enjoined the legislature to carry its decrees into effect. That body met directly after its adjournment, and with a promptitude and spirit which would have been beyond praise in a better cause, passed the laws necessary for that purpose.

The first act authorized the sheriff to replevy any goods

seized or detained under the U. States revenue laws, and to deliver them to the owner and consignee,—and in case of a refusal to deliver them, or of their removal, to seize double the amount of the personal estate of the offender.

It also provided, that any person arrested under any judgment in the United States courts for duties, might bring an action for damages; that any sale of real estate under such judgment, should be held void; that any person paying duties might recover them back with interest; and for the punishment of all persons disobeying or resisting officers in the execution of the act. As it was not supposed that the federal government would quietly acquiesce in the destruction of its revenue system; the next act authorized the governor to resist the federal

government in any attempt to enforce the revenue laws, with the whole force of the state ; and further provided for organizing the militia, and the purchase of munitions and ordnance. An act was also passed requiring all civil and military officers in the state to take an oath to execute and enforce the ordinance, and the laws passed in obedience thereto,—and the state was thus placed in an attitude of opposition to the federal government ; and striving to destroy the union.

The gravity of history is somewhat disturbed, when we contemplate the small means that were relied upon to accomplish the overthrow of a government, based upon the general interest, and sustained by the affections of a nation consisting of thirteen millions.

Still, enough of strength was to be found on the side of the nullifying party, to render it the duty of the federal government to make timely preparations to enforce the laws which had been declared void.

The constitutional authorities of a state, were arrayed in opposition to the federal authorities ; the legislature had enacted laws to arm and discipline the militia, and to impose oaths which compelled those taking them to act in violation of their allegiance to the United States.

The governor had manifested his earnest disposition to carry the designs of the legislature into effect ;—and while at home, he took steps to put the military force of the state in an efficient condition ; he caused cannons

and other warlike munitions, to be imported from the northern states, for the more effectual nullification of the tariff.

On the other hand, the union party in South Carolina, showed equal determination to sustain the laws of the Union.

A convention of the union party, was held at Columbia, in December, where resolutions were passed protesting against the ordinance as unconstitutional and oppressive—disfranchising nearly one half of the citizens of the state, for a difference of opinion—violating the right of trial by jury,—subverting the independence of the judiciary,—and virtually destroying the Union.

The convention, in which were assembled many of the most distinguished sons of South Carolina, then declared, that while they disclaimed all intention of lawless or insurrectionary violence, they were determined to protect their rights, by all legal and constitutional means, and, “that in doing so, they would continue to maintain their character of peaceable citizens, unless compelled to throw it aside by intolerable oppression.”

This resolution not to submit to the measures of the dominant party, was still more plainly expressed in the primary assemblies.

In Charleston, where they were as numerous, and in some of the mountainous districts, where they were more numerous than their opponents, meetings were held, in which it was resolved to sustain the federal government in its efforts to enforce

the revenue laws, and also to resist, by force if necessary, every attempt to carry into effect the laws passed by the state legislature, imposing unconstitutional oaths upon all civil and military officers.

An issue was now formed, which threatened an immediate resort to arms. A crisis had arrived, which could not be safely neglected.

The leading nullifiers were in possession of the state government, and acted under the imposing sanction of a state law, which, although unconstitutional, still carried a sort of authority with it. By their activity and talents, they had excited great enthusiasm among their followers, and were thus enabled to execute their measures with the cordial co-operation of a party, formidable both for its numbers and determination.

There was also no small degree of danger that should force be resorted to, the nullifiers would find supporters in some of the adjacent states.

The doctrines asserted by the nullifiers were not materially different from those of the celebrated resolutions prepared by Mr. Jefferson in 1798-9, for the Kentucky legislature: they had been directly asserted by the legislature of Virginia in 1829, and the state of Georgia had practically enforced them in relation to the Cherokee treaties, and the laws of congress passed to carry those treaties into effect.

How the citizens of those states would be disposed to act

in supporting those doctrines could not be foreseen.

There was a strong bond of sympathy between all the southern states; and although North Carolina and Alabama united in condemning nullification; there was too much reason to apprehend that any collision growing out of an attempt to enforce the tariff laws, would array a large portion of the population of the southern states on the side of South Carolina. The progress of events in that state, was consequently watched with much anxiety by the rest of the Union. With a strong conviction of the necessity of maintaining the supremacy of the federal government, there was joined a manifest reluctance to resort to force for that purpose.

The Union was, in the general opinion, too dear to be endangered, even by an adherence to a policy, which, although expedient, was not necessary. Still, those who, in defiance of the denunciations and violence of the dominant party in South Carolina, stood up for the constitution and the laws, could not be left without support in their hazardous position.

With the view of affording them the requisite aid, as well as to put down any open attempt to resist the execution of the revenue laws, a competent force was assembled at Charleston,—that being the port where the commerce of the state is chiefly carried on.

The commander-in-chief of the military eastern department

(General Scott) was directed to repair to that place, to aid the civil officers of the government in the execution of the laws; and two vessels of war were ordered there for the same purpose.

Orders were also given to the commanders of the forts in the harbour, to defend them against any assault to the last extremity, and to be vigilant against all attempts to surprise them.

The forts were immediately put in a state of defence, and all the disposable force of the government was concentrated in that quarter, but in such a manner as not to render those movements obnoxious and offensive to the community.

Moderation and forbearance were inculcated on the part of the commanding officers, and they were directed to act entirely on the defensive. Equal activity was evinced by the state authorities, in making preparations to execute their designs. Depots were established for provisions and military munitions, and the volunteers who were organized in different parts of the state, to the number of 12,000 for the purpose of sustaining the system of nullification, were disciplined, as far as citizens could be, in the duties of soldiers; and orders were issued, directing them "to hold themselves in readiness to take the field at a moment's warning."

The blow seemed to be impending, which was to dissolve the Union, and to array the citizens of a state in deadly hostility against the federal government.

In this aspect of affairs con-

gress assembled, and the nullifiers evinced a willingness to suspend their action against the tariff, until the termination of the session.

In the annual message, the state of affairs in South Carolina was alluded to, and an opinion was expressed that the laws were fully adequate to the suppression of all attempts which might be made to prevent the execution of the laws. If, however, any difficulty should occur, notice would be given to congress, with a suggestion of the measures proper to remedy the evil.

A revision of the tariff laws was urged upon congress, and a reduction of duties to the standard of expenditure, was earnestly recommended.

The public debt, the message stated, was about to be extinguished, and this event presented a proper occasion of reducing the duties. The system of affording a perpetual protection in the shape of high duties, never entered into the minds of but few of our statesmen, and the only protection anticipated, was that growing out of duties imposed for temporary purposes.

After stating that the protection afforded should not exceed what may be necessary to counteract the regulations of other nations, and to secure a supply of articles essential to the country in war, it was recommended that the protection afforded by duties higher than the ordinary revenue standard, should not be extended longer than was neces-

sary for the extinguishment of the public debt.

Shortly after the assembling of congress, the president issued his proclamation, written, as is generally believed, by Mr. Livingston, the secretary of state, announcing his determination to enforce the revenue laws, and exhorting the citizens of South Carolina, as they valued the Union, or the fame of their ancestors, not to persist in their disorganizing designs.

In this proclamation, which is dated Dec. 10, 1832, he maintained that the government of the United States was a political association of one people, and not the confederation of distinct states—that it acted upon the people individually, and not upon the states—that the states had surrendered many of the essential rights of sovereignty, and that the constitution of the United States and the treaties and laws made under it, are the supreme law of the land, which no state is at liberty to disregard or to annul—that if oppressive or unconstitutional laws are passed, the agrieved party may appeal to the people, who, in exercising the elective franchise, can afford a remedy to the former—or to the Supreme Court of the United States, which will declare the latter to be invalid. There is also a remedy afforded in the power reserved to the people, of altering the constitution, with the assent of three fourths of the states.

All other interference with the laws of the United States, he declared to be unauthorized, and

if persisted in, as leading directly to a dissolution of the Union. It was virtually a revolution, and must end in breaking up the country into hostile sectional parties, in a state of continual war with each other.

Such were the grounds assumed by the president in his proclamation, and they were so diametrically opposite to those upon which his southern partisans had urged his election, that their publication produced great sensation throughout the country. In the northern states, they were received with universal approbation, the principles being the same advocated by those, who had led the opposition to his administration; and his partisans fearing, in this crisis, to express their dissent to doctrines which every administration had felt itself obliged to act upon.

In the southern states, a different feeling was manifested.

The principles of the proclamation were so hostile to the political creed of that part of the Union, that those who revered the sage of Monticello as the founder of their faith, and had deemed it the greatest praise to call the president a second Jefferson, paused in their adoration, and were obliged to confess that there was some difference in their views of the federal constitution.

The few dissenting voices, however, were lost in the general approbation of the country, which held itself ready to sustain those principles, as essentially necessary to the existence of the Union.

Upon South Carolina, this re-

monstrance apparently produced no effect.

Pursuant to a resolution of the legislature, Gov. Hayne, on the 20th December, 1832, issued a counter proclamation, warning the citizens of that state against the attempt of the president to seduce them from their allegiance, and exhorting them, in disregard of his threats, to be prepared to sustain the state against the arbitrary measures of the president.

The state was now formally arrayed against the federal government, and it was with too much reason apprehended, that an unhappy accident might, at any moment, precipitate the country into the horrors of a civil war.

The nullifiers, however, hesitated to take any decisive step which should compel the federal government to exert its power, and without disclaiming their right to annul the laws of congress, they now professed a willingness to wait until the end of the session for relief from that body.

The vice president (John C. Calhoun) resigned his office on the 28th of December, and was elected a senator of the United States senate, in the place of Gov. Hayne, obviously with the view of enforcing and maintaining the principles promulgated by South Carolina, with his powerful talents; and the deliberations of congress upon the important questions before it, were expected with the most anxious solicitude by the whole country.

The opinions expressed by

the president in his message, were reiterated more at length in the annual report of the secretary of the treasury. That officer again urged upon congress a reduction of duties to the revenue standard, and declared that "there was not the same necessity for high protecting duties, as that which was consulted in our past legislation."

It was now distinctly foreseen that the final contest, relating to a protecting tariff, was about to be decided. The administration had, in various ways, manifested its hostility to the system, and the late triumph at the elections, it was supposed, would embolden the president to take still stronger measures to overthrow a policy which was originated in a great measure, by an obnoxious rival.

The country believed that the question would now be finally adjusted, and all parties prepared to act upon it, as the great question of the session.

Upon distributing the various subjects recommended to the consideration of congress, this was referred to the committee of ways and means.

Here the whole protecting tariff was remodelled, and on the 27th of December, a bill was reported, which was understood to embody the views of the administration.

In the senate, the tariff was made an object of attention, at the very commencement of the session. On the 13th of December, Mr. Smith, the chairman of the committee of finance, presented a resolution, calling on the

secretary of the treasury for a projet of a bill, in conformity with his suggestions. After some debate as to the propriety of calling on a branch of the executive department for an opinion, instead of facts or information, the resolution was adopted: ayes 16, nays 11.

The bill reported in the house, proposed a diminution of the duties on all the protected articles, to take effect immediately, and a further diminution on the 2d of March, 1834.

The permanent duties, after that day, were to be as follows:—

On woollen goods, an average duty of 15 per cent., except on cloths, kerseymeres, flannels,

baizes, carpets &c., on which 20 per cent. was proposed.

On cotton goods, 20 per cent.

On iron bars and bolts, \$15 per ton.

When made by rolling \$24 per ton.

Scrap, and old iron, \$12,50 per ton.

Pig iron, 40 cents per cwt.

Iron castings, 1 cent per lb.

Steel, \$1 per cwt.

Hemp, \$30 per ton.

Tarred cordage, 2 cts. per lb.

Untarred cordage, yarn twine, pack thread, 3 cts. per lb.

Cotton bagging and nankins, 15 per cent.

Manufactures from hemp or flax, 15 per cent.

Spirits, 1st proof, from grain, 20 cts. per gall. from other materials,

			18 cts. per gall.
“ 2d.	“	23	“
“ 3d.	“	26	“
“ 4th.	“	30	“
“ 5th,	“	34	“
Over 5th,	“	40	“

Salt, 5 cents per bushel.

Olive oil, 10 cents per gall.

Brown sugar, 2 cents per lb.

Whiteclayed do. 2½ cts. per lb.

Refined do., 10 cents per lb.

Molasses, 4 cents per gall.

Coffee, 1 cent per lb.

Teas, gunpowder, hyson, and young do., 10 cents per lb.

Hyson skin, and black tea, 3 cents per lb.

Bohea, 3 cents per lb.

Silk goods from beyond the Cape of Good Hope, 20 per ct.

From other places, 12½ per ct.

Engl b'd books, 25 cts. per lb.

Unbound do. 20 cents per lb.

Latin and Greek, bound, 12½ cents per lb.

Unbound, 10 cents.

Foreign languages, 4 cts. per vol.

Cotton, indigo, wool, and books printed more than thirty years, were to be admitted free of duty.

By this bill, a great and immediate reduction was contemplated, upon the chief manufactures of the country, and a further reduction to the revenue standard in 1834.

This would afford to the domestic manufacturer, a protecting duty, from 15 to 20 per cent., and with this advantage, the opponents of high duties, argued he should be content. On the other

side, it was contended that the diminution was too great; that in renewing the duties on tea and coffee, to supply the deficiency in the revenue, occasioned by the reduction of the duties on woollens, cottons, and iron, an additional injury was inflicted upon the manufacturer, without any corresponding benefit conferred upon the consuming classes; and that by suddenly bringing down the duties to the minimum point, the government would violate its faith with those who had been induced to embark in manufacturing, by the adoption of what was declared to be the settled policy of the country, and who would be ruined by a sudden and unexpected withdrawal of the protection of high duties.

The bill of last session, which was framed with the view of settling the question, had not yet been fairly tested, and it was insisted, that such a vacillating course on the part of the government, was positive injustice to those who had vested their capital under the existing laws.

This discussion, which commenced on the 8th of January, was continued in the ordinary manner, the advocates and opponents delivering prepared speeches, each occupying a day, until the 16th of January, when new interest was imparted to the subject by a message to congress from the president, communicating the South Carolina ordinance and nullifying laws, together with his own views as to what should be done under the existing state of affairs. After

stating the character of the South Carolina proceedings, and the necessary result of a conflict between the state and the federal officers, the message informed congress, that instructions had been given to the collector at Charleston to remove, if expedient, the custom house to castle Pinckney, in that harbour, and to take all the steps necessary to secure the duties on all goods imported into that port. All measures tending to create excitement were prohibited, but the enforcement of the laws was strongly enjoined. Orders had also been issued to the military and naval officers at that post, to protect the public property, and to defend the posts in that quarter; but in all other matters, to act in obedience to the legal requisitions of the civil officers.

The president thought, however, that the laws just passed by the state government, rendered some steps necessary on the part of congress.

The state courts were not permitted to administer the laws according to their oath under the constitution, but were sworn to disregard the laws of the Union, and to enforce only those of S. Carolina.

It was, therefore, necessary to make provision to secure a fair decision before a tribunal not previously bound to decide in a particular manner.

The authority conferred on the sheriff to call upon the posse comitatus to execute the writ of replevin, would also prevent the decisions of the federal courts from being carried into effect.

against those of the state courts. He, therefore, recommended that laws should be passed, providing that whenever, by any unlawful combination, it should become impracticable faithfully to collect the duties in any port, the president should be authorized to abolish such ports of entry as should be necessary, and to establish the custom house at some secure place within the state, where the collector should detain all vessels and cargoes, until the duties were properly secured or paid. That in such cases, it should be unlawful to take the vessel or cargo from the custody of the custom house officer, except by process from the federal courts, and that in case of an attempt to take the property by a force too great to be overcome by the revenue officers, it should be lawful to protect their possession by the naval and military forces of the United States, and by the militia. In order to protect those acting in the line of their duty from unconstitutional prosecutions in the state courts, it was further recommended, that an act should be adopted, providing for the removal into the federal courts of all suits brought against any persons for acts done under the laws of the United States, and that this removal might be made upon petition, without any return of the record. Provision was also recommended to be made for redress in the federal courts, of any injuries committed under the ordinance, and where the execution of the laws of the United States were prevented

by the actual employment of military force, to empower the president to take the proper steps to carry them into effect.

This message now presented the whole subject to the consideration of congress. Upon its being read in the senate, Mr. Calhoun rose, and repelled, in the most earnest manner, the imputation of any hostile feeling or intentions against the Union, on the part of South Carolina. The state authorities, he asserted, had looked only to a judicial decision upon the question, until the concentration of the U. States troops at Charleston and Augusta had compelled them to make provision to defend themselves against aggression.

Being apprized of these facts and the military preparation to coerce her, she resorted to the measures to which the message refers;—not with a view, on her part, to change the issue from the civil process, but simply to repel any unconstitutional or lawless attempt by force, on the part of the executive.

The president also assigns, he continued, as another reason for his inference that force was meditated, that no attempt had been made at redress before the courts of the United States. Here, again Mr. Calhoun said, he must express his regret that the president has not stated all the facts. He could not be ignorant that the question, whether the laws annulled by the state were constitutional or not, could not be decided by the court. The laws, upon their face, purport to be revenue laws; and it was

impossible, according to the forms of judicial proceedings, that the question whether they were in reality intended for revenue or protection, could be presented for decision, however clear the fact that protection and not revenue was intended. But facts do not hold out the president in his assertion, that no resort was had to the court to try the question of constitutionality. A spirited individual (Mr. Holmes) actually made an importation, with the express view of testing that question before the courts of the United States, and the result was as might be anticipated, that the court refused to take cognizance of the question of constitutionality.

In this connexion, there is another important fact that has immediate bearing on the point which the president ought, in justice, to have stated, before he undertook to impute the motives which he has, to the high-minded and gallant state, which Mr. C. had the honour to represent. It would be remembered by all, that when the bill of abomination, as it was justly called by the senator from Massachusetts, (for a bill of abomination it has proved, by bringing us to the very brink of civil war and dissolution,) was before the other house, that a delegate from the state of South Carolina moved to amend the title of the bill, so as to present its protective character, with the express view of trying the question of its constitutionality. The motion failed—it was voted down by the

tariff majority—and thus the state was deprived of the opportunity of testing the question before that very tribunal, which the president now tauntingly charges it with not having resorted to. Mr. C. said, that he could not but remark that there seemed now to be an extraordinary change within the last year, in reference to the powers of the court. He certainly inferred, from documents laid before congress, that the president did not consider the supreme court as the tribunal of the last resort, in a controversy between a state and the general government, where a neighbouring state was concerned. South Carolina and Georgia are divided by Savannah river. Was he to understand, that one rule of construction was to prevail on the east, another on the west side of that stream; or that the opinion of the president had undergone an entire change in so short a time? If so, he might allow, on the same subject, some latitude of opinion to others.

Another reason had also been assigned by the president for inculcating the motives of the state; that the state of South Carolina had not applied for an amendment to the constitution in the manner prescribed by it. It is a sufficient answer, to say that she has made the application; but it is said, she ought to have applied before she declared the acts in question unconstitutional. The answer to this objection was decisive. It was perfectly hopeless; she was in a fixed minority; the consti-

tution requires two thirds of the states to authorize the call; and how absurd, with the knowledge of these facts, would an application for a convention have been, prior to her acting. She was right in waiting until she had acted; and now that she has, she has come forward with an application to bring the whole subject before a general convention of the states, which has ample power to terminate the controversy, by granting or refusing the power in question. She hopes that her act will bring the other states to reflection, so as to induce them to meet her in convention, and thereby terminate the question, which has so long agitated and distracted the country.

We have at last reached a period which has been long approaching, when it must be practically decided whether ours is a consolidated government, without limitation, or a confederative system. The decision of the issue presented in the message will determine this question; and on this decision depends the continuance of our Union, our constitution, and our liberty. Every created animate existence has, it is said, from its birth, the principle of decay. The same might be said, he feared, of political systems, and in ours, the cause upon which they were now called upon to act, had existed from the origin of our government. From the beginning, an essential diversity of opinion whether ours was a consolidated or a confederated system of government, has divided the two great parties

of the country; and he was amazed at reflecting that we have succeeded in advancing through forty-four years of our existence, without having settled a question which, as one or the other side obtained the ascendancy, must necessarily have so powerful a bearing upon the practical operation of the system. That question must now be decided. The message has presented the issue, and the final decision can no longer be delayed. If its recommendation should be sustained, and the principles which it inculcates should prevail, ours would in fact become a great consolidated government, without limitation of powers, or constitutional check. He begged the senators to pause and reflect, before they came to so momentous a decision. It would be a gross deception, to suppose that there is the least distinction between a government, absolute and of unlimited powers, and one which has the right of deciding at pleasure the extent of its powers, as is maintained in effect by the message. Nor would the delusion be less gross, to suppose that such a government could long continue. It must end, and that speedily, in despotism, and that of the most oppressive character. Nothing could argue a more profound ignorance of human nature, and of the history of political institutions, not to see that in a country of such vast extent, and diversity of interests, a government of an absolute unchecked majority, must terminate as he had stated. If proof were wanting, the actual condi-

tion in which we now find ourselves, in the midst of this great and dangerous crisis, which threatens our very political existence, would furnish ample. How have we been brought to it? There has been no exterior difficulty for the last sixteen years; no conflict with any other power, nor any cause, not springing from the practical operation of the system, to disturb our repose; and yet, we find ourselves menaced with extreme danger, as acknowledged by all. No reason can be assigned for our present critical condition, but that we have practically departed from the great principle, that ours is a confederated government of limited powers; a principle which brought Mr. Jefferson into power in 1801, and which checked for a time, the disorders that must necessarily grow from an opposite view of our system of government. For the last ten or twelve years, these principles have been departed from; and the government has gradually assumed an unlimited control over the industry and capital of the country. The result has been such as ought to have been anticipated. The dominant interest has legislated with reference to its own benefit, without consulting the feelings or views of the weaker. It has terminated in producing violent conflicts between the two great sections of the country.

After apologizing for his warmth, Mr. C. concluded, and after ordering the message to be printed, it was referred to the judiciary committee.

On the 21st of Jan., 1833, the committee reported a bill to enforce the collection of the revenue, where any obstructions were offered to the officers employed in that duty. This bill, (ordinarily called the enforcing bill,) provided that, whenever by reason of unlawful combinations, or unlawful threats against the revenue officers, the president should deem it impracticable to execute the revenue laws in the ordinary mode, at any particular port, the president of the United States may direct the custom house to be kept at some secure place within that state, and the duties accruing there, to be paid in cash, deducting interest. The goods which may be in custody of such collector, shall not be removed by any authority but that of the courts of the United States: and if any attempt be made to seize or obtain possession of said goods, under colour of any other authority, the president of the United States may direct the employment of the land and naval forces of the U. States to resist and repel it.

The 2d. section provides, that the jurisdiction of the circuit courts of the United States shall extend to all cases in law or equity, arising under the laws of the United States: and any person suffering injury in his person or his property, for any act done under the laws of the U. States, may institute and prosecute a suit in the circuit court, and be entitled to damages proportioned to said injury. Property seized by any officer of the government, under the authority of the

laws of the United States, is to be repleviable only by process of courts of the United States: and any person who shall dispossess or rescue any property in custody of an officer, shall be deemed guilty of misdemeanour, and liable to fine and imprisonment, according to the act of 30th April, 1790.

The *third* section provides, that in any suit or prosecution, in any court of any state, against any officer, for any act done under the authority of the laws of the United States, it shall be lawful, at any time before the trial thereof, to remove the case, on petition and affidavit, to the circuit court of the United States, and any further proceedings thereon in the state courts, shall thereafter be null and void. This section further provides for continuation of all process and attachments, &c., as if the suit had been originally commenced in the circuit court. This section also contains provisions allowing the plaintiff to declare, *de novo*, in case of the refusal of the state court to return a copy of the record, and in default of such declaration, authorizing a judgment of non pros. against him.

The *fourth* section provides, that where any copies of papers or records of any state court, necessary to be used in any suit in a court of the United States, are refused, the federal court may direct and allow the record to be supplied by affidavit or otherwise, as the circumstances of the case may allow, and proceed without it, as if certified copies of such records and pro-

ceedings were regularly had before said court.

The *fifth* section provides, that whenever the president of the United States is officially informed that the execution of the laws of the U. States, or the decrees of the courts of the United States are obstructed by military force, he may proclaim and order the dispersion of such force; and, if it be not thereupon dispersed, he may employ the land and naval forces of the U. States to disperse the same, in conformity to the provisions of the acts of the 28th February, 1793, and 3d March, 1807.

The *sixth* section provides, that the marshal of the U. States, for any district, in case of the use of the jails of any state being refused for the safe-keeping of prisoners committed under the laws of the United States, shall, under the direction of the district judge of said district, use such other places, and adopt such other measures, as may be necessary and expedient in such cases.

The *seventh* and last section provides, that any judge of the circuit or district courts of the United States, may issue a writ of habeas corpus, to bring before him any individual confined in prison, under any law of any state, for the execution of any law of the United States, or of any decree of any court of the United States, and provides for the punishment of refusing to make a return, or making a false return to such writ, by fine and imprisonment.

The next day, 22d., some dis-

cession ensued, as to the proper time for taking up the bill; and after the 28th of Jan. was named, Mr. Calhoun rose, and after some animated remarks upon the character of the bill, he proposed, with the view of testing its principles, the following resolutions.

Resolved. That the people of the several states composing these United States, are united as parties to a constitutional compact, to which the people of each state acceded as a separate and sovereign community, each binding itself by its own particular ratification; and that the Union, of which the said compact is the bond, is an union *between the states* ratifying the same.

Resolved, That the people of the several states thus united by the constitutional compact, in forming that instrument, and in creating a general government to carry into effect the objects for which it was formed, delegated to that government, for that purpose, certain definite powers, to be executed jointly, reserving, at the same time, each state, to itself, the residuary mass of powers to be exercised by its own separate government; and that whenever the general government assumes the exercise of powers not delegated by the compact, its acts are unauthorized, void, and of no effect; and that the said government is not made the final judge of the powers delegated to it, since that would make its discretion, and not the constitution, the measure of its powers, but that, as in all other cases of compact among

sovereign parties, without any common judge, each has an equal right to judge for itself, as well of the infraction, as of the mode and measure of redress.

Resolved, That the assertions that the people of these United States, taken collectively as individuals, are now, or ever have been, united on the principle of the social compact, and as such, are now formed into one nation, or people, or that they have ever been so united, in any one stage of their political existence; that the people of the several states composing the Union have not, as members thereof, retained their sovereignty; that the allegiance of their citizens has been transferred to the general government; that they have parted with the right of punishing treason, through their respective state governments; and that they have not the right of judging in the last resort, as to the extent of powers reserved, and of consequence, of those delegated; are not only without foundation in truth, but are contrary to the most certain and plain historical facts, and the clearest deductions of reason; and that all exercise of power on the part of the general government, or any of its departments, deriving authority from such erroneous assumptions, must, of necessity, be unconstitutional; must tend directly and inevitably to subvert the sovereignty of the states; to destroy the federal character of the Union, and to rear on its ruins a consolidated government, without constitutional check, or

limitation, and which must necessarily terminate in the loss of liberty itself."

As these resolutions were intended to express the views of the nullifiers; with the intention of setting forth those of the administration, on the following day, Mr. Grundy offered the following resolutions, as substitutes for Mr. Calhoun's.

"Resolved, 1. That, by the constitution of the United States, certain powers are delegated to the general government, and those not delegated nor prohibited to the states, are reserved to the states respectively, or to the people.

"2. That one of the powers expressly granted by the constitution to the general government, and prohibited to the states, is that of laying duties on imports.

"3. That the power to lay imposts, is, by the constitution, wholly transferred from the state authorities to the general government, without any reservation of power or right on the part of the states.

"4. That the tariff laws of 1828 and 1832, are exercises of the constitutional powers possessed by the congress of the United States, whatever various opinions may exist as to their policy and justice.

"5. That an attempt on the part of a state to annul an act of congress passed upon any subject exclusively confided by the constitution to congress, is an encroachment on the rights of the general government.

"6. That attempts to obstruct or prevent the execution of the

several acts of congress imposing duties on imports, whether by ordinances of conventions, or legislative enactments, are not warranted by the constitution, and are dangerous to the political institutions of the country."

These latter resolutions were not deemed by a portion of the senate, fully to set forth the character of the government, and with the view of having placed upon record his opinions upon that point, Mr. Clayton, on the 25th, proposed a resolution setting them forth.

Mr. Clayton remarked, that the amendments of Mr. Grundy, while they declare the several acts of congress laying duties on imports to be constitutional, and deny the power of a single state to annul them, or any other constitutional law, tacitly yield the whole doctrine of nullification, by the implied admission that any unconstitutional law may be judged of by the state in the last resort, and annulled by the same authority. He dissented from this doctrine—and if he had rightly considered the proposed amendments, it became his duty to place on record his own sentiments, and that of the state he in part represented, on this most important subject, affirming the just powers of this government, and repudiating the whole doctrine contended for and asserted in the resolutions of the gentlemen from South Carolina. Differing on this subject, as he formerly had in debate here, from the gentlemen from Tennessee, he knew no middle ground on which they could meet, no point

of concession to which he should be willing to go, short of a full recognition of the true principles of the constitution, as asserted in the resolution he was about to offer. He then submitted the following resolution:—

“*Resolved*, That the power to amend the several acts of congress imposing duties on imports, or any other law of the United States, when assumed by a single state, is “incompatible with the existence of the Union, contradicted expressly by the letter of the constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed; that the people of these United States are, for the purposes enumerated in their constitution, *one people and a single nation*, having delegated full power to their common agents to preserve and defend their national interests for the purpose of attaining the great end of all government, the safety and happiness of the governed; that while the constitution does provide for the interest and safety of all the states, it does not secure all the rights of independent sovereignty to any; that the allegiance of the people is rightfully due as it has been freely given to the general government, to the extent of all the sovereign power expressly ceded to that government by the constitution; that the supreme court of the United States is the proper and only tribunal in the last resort for the decision of all cases in law and equity, arising

under the constitution, the laws of the United States, and treaties made under their authority; that resistance to the laws founded on the inherent and inalienable right of all men to resist oppression, is in its nature revolutionary, and extra-constitutional—and that, entertaining these views, the senate of the United States, while willing to concede every thing to any honest difference of opinion which can be yielded consistently with the honour and interest of the nation, will not fail in the faithful discharge of its most solemn duty to support the executive in the just administration of the government, and clothe it with all constitutional power necessary to the faithful execution of the laws and the preservation of the Union.”

Mr. C. then gave notice that, whenever the gentleman from Tennessee should move his resolution, by way of amendment, the above would be moved as a substitute for a part of the proposed amendment.

The whole subject was now before congress, and the state legislatures being generally in session, passed resolutions expressing their opinions as to the course which that body ought to adopt.

In those of Massachusetts, Connecticut, New-York, Delaware, Missouri, Tennessee, Indiana, the doctrines of nullification were entirely disclaimed, as destructive to the constitution.

Those of North Carolina and Alabama were no less explicit in condemning nullification, but

they also expressed an opinion, that the tariff was unconstitutional and inexpedient.

The state of Georgia, also, reprobated the doctrine of nullification as unconstitutional, by a vote of 102 to 51, but it denounced the tariff in decided terms, and proposed a convention of the states of Virginia, N. Carolina, S. Carolina, Georgia, Alabama, Tennessee, and Mississippi, to devise measures to obtain relief from that system.

The legislature of Virginia assumed a still more extraordinary ground. The subject was there referred to a committee on the federal relations, where a general discussion was had on the powers of the government, too tedious to be recapitulated, and finally, resolutions were passed, earnestly requesting of S. Carolina not to proceed further under the ordinance of congress, to reduce the import duties to a revenue standard, and declaring that the *people of Virginia expect* that the general government and the government of S. Carolina will carefully abstain

from all acts calculated to disturb the tranquillity of the country."

After further resolving that they adhere to the principles of the resolutions of 1798, but that they do not consider them as sanctioning the proceedings of South Carolina, or the principles of the president's proclamation; they proceeded to appoint Benjamin W. Leigh, as a commissioner on the part of the state, to proceed to South Carolina, to communicate the resolutions of Virginia, and to express their good will to the people of that state, and their anxious solicitude for an accommodation of the difficulties between them and the general government. The state of New-Hampshire expressed no opinion as to the doctrines of South Carolina, but the legislature passed resolutions in favour of reducing the tariff to the revenue standard.

On the other hand, the legislatures of Massachusetts, Vermont, R. Island, N. Jersey, and Pennsylvania, declared themselves to be opposed to any modification of the tariff.

CHAPTER IV.

Tariff.—Proceedings in House.—In South Carolina.—Enforcing Bill.—Proceedings in Senate.—Mr. Wilkins' Speech.—Amendments.—Mr. Clay proposes Compromise.—Discussion on do.—Discussion on Enforcing Bill.—Mr. Calhoun's Speech.—Mr. Webster's Reply.—Mr. Forsyth's Amendments.—Mr. Bibb's do.—Bill passes Senate.

WHILE the states were thus sustaining their respective views and interests, congress was slowly proceeding in the discussion of the questions belonging to the subject.

In the house, the tariff bill was subjected to an ordeal, that threatened to prove fatal to its passage through that body. The discussion upon its general principles, which occupied the house for two weeks after its introduction, was resumed from time to time during the examination of its details for the purpose of amendment; and but little prospect appeared of bringing about any satisfactory termination of this long disputed question. Amendment after amendment was introduced, each producing debate, and the session seemed drawing to a close, without any proposition being made, that was calculated to unite the votes of a majority of the house. The authorities of

South Carolina, in the mean time, did not relax in their exertions to increase the military force of the state. Munitions were provided, depots formed, and the militia in the nullifying districts were called upon to volunteer in her defence.

On the other hand, the union party were equally determined not to submit to the nullifying ordinance and laws, and prepared themselves with equal firmness and zeal to sustain the federal authorities. A spark was sufficient to kindle the flame of civil war, but fortunately no accident occurred to bring about a collision. The revenue laws, under the protection of the forces of the federal government, were carried into effect without any opposition by violence.

No attempt was made to enforce the laws under the ordinance, and on the 31st of January, at a meeting of the leading nullifiers at Charleston, after

reiterating their determination to maintain their principles, and expressing their satisfaction at the proposition to modify the tariff, it was resolved that during the session of congress, all collision be avoided, between the state and federal authorities, in the hope that the controversy might be satisfactorily adjusted.

During these proceedings in South Carolina, the enforcing bill, or the bill further providing for the collection of duties, was pressed forward to a vote. The discussion on this bill was commenced on the 28th of January, by Mr. Wilkins, (chairman of the judiciary committee.) Mr. Wilkins said that the bill was founded upon a message from the president, communicated on the 16th inst., and proposed to sustain the constitutionality of the doctrines laid down in that paper. In the outset of the discussion he admitted that the bill pointed to an afflicting state of things existing in a southern state of the Union. So far from being invidious, however, the bill was made general and sweeping, in its terms and application, for the reason that this course was thought to be more delicate in regard to the state concerned. The provisions of the bill were made general, for the purpose of enforcing every where the collection laws of the Union.

The bill, Mr. W. said, presents three very important and momentous considerations: Is there any thing in the circumstances of the country calling for legislation on the subject of the

revenue laws? Is the due administration of those laws threatened with impediments? and is this bill suited to such an emergency? He proposed to consider those points.

It is time, continued Mr. W., that the principles on which the Union depends, were discussed. It is time that congress expressed an opinion upon them. It is time that the people should bring their judgment to bear on this subject, and settle it for ever.

The bill is of great importance, not on account of its particular provisions, but of their application to a rapidly approaching crisis, which they were intended to meet. That crisis was in the control of this body, not of any branch of the government. He would now present to the senate a view of the position in which South Carolina had placed herself, in order to justify the committee in reporting the bill under consideration.

The excitement raised in the state, gave to the party a majority in the legislature of the state, and a convention was called, under the provision of the state constitution, authorizing its amendment. The convention met, and passed what is called the ordinance, establishing new and fundamental principles. Without repeating it, he would call the attention of the senate to some few of its provisions. It overthrew the whole revenue system. It was not limited to the acts of 1828 or 1832, but ended with a solemn declaration that, in that state, no taxes should

be collected. The addresses of the convention to the people of the United States, and of the state of South Carolina, used a tone and language not to be misunderstood. They tell you it is necessary for some one state to bring the question to issue—that Carolina will do it—that Carolina had thrown herself into the breach, and would stand foremost in resistance to the laws of the Union, and they solemnly call upon the citizens of the state to stand by the principles of the ordinance, for it is determined that no taxes shall be collected in that state. The ordinance gives the legislature the power to carry into execution, this determination. It contains within itself no seeds of dissolution:—it is unlimited as to time; contains no restrictions as to application; provides no means for its amendment, modification or repeal. In their private, individual capacity, some members of the convention held out the idea, which had been advanced by some members of this house, that if the tariff law was made less oppressive, the ordinance would not be enforced.

[Mr. Poindexter here remarked, that he said that any new tariff law, even if more oppressive than the law of 1832, were passed, the ordinance would not apply to it.]

If the terms of the ordinance are considered, continued Mr. W., there is no possible mode of arresting it; so sure as time rolls on, and four days pass over our heads, the ordinance, and the laws emanating from it, will lead

to the employment of physical force, by the citizens of South Carolina, against the enforcement of the revenue laws. Although many of the most influential citizens of Carolina protested against the idea that any but moral force would be resorted to, yet the excitement and determined spirit of the people would, in his opinion, lead speedily to the employment of physical force.

[Mr. Calhoun: It is not intended to use any force, except against force. We shall not stop the proceedings of the United States courts; but maintain the authority of our own judiciary.]

Mr. Wilkins: How can the ordinance refer to any laws of the United States, when they are excluded from any operation within the limits of the state? Why do the laws and ordinances of South Carolina shut out the United States courts from appellate jurisdiction? Why do they shut the doors of the state courts against any inquisition from the United States courts? They intend that there shall be no jurisdiction over this subject, except through their own courts. They cut off the federal judiciary from all authority in that state, and bring back the state of things which existed prior to the formation of the federal constitution.

If we abolish our revenue system, they remain quiet. But if we go a hair's breadth towards enforcing that system, they present secession. We have secession on one hand, and nullification on the other. The senator from South Carolina admitted

the other day, that no such thing as constitutional secession could exist. Then civil war, disunion, and anarchy must accompany secession. No one denies the right of revolution. That is a natural, indefeasible, inherent right—a right which we have exercised and held out, by our example, to the civilized world. Who denies it? Then we have revolution by force, not constitutional secession. That violence must come by secession, is certain.

Another law passed by the legislature of South Carolina, is entitled a bill to provide for the safety of the people of South Carolina. It advises them to put on their armour. It puts them in military array; and for what purpose but for the use of force? The provisions of these laws are infinitely worse than those of the feudal system, so far as they apply to the citizens of Carolina. But with its operations on their own citizens, he had nothing to do. Resistance was just as inevitable as the arrival of the day on the calendar. If we judge by newspaper and other reports, more men were now ready to take up arms in Carolina, than there were during the revolutionary struggle. The whole state was at this moment in arms, and its citizens are ready to be embattled the moment any attempt was made to enforce the revenue laws.

Mr. W. then passed to the consideration of the provisions in the bill. The first section of the bill, he said, contains provisions which are preventive and peaceful.

It enjoins forbearance on the executive, and gives him power to remove the custom house to a secure place, where the duties may be collected. Our object in removing the custom house, is to prevent all collision if possible. The power given in this clause is not new; the clause is simply declaratory of the existing law, as it has been held by our courts; for it has been decided, that where it is impossible to collect the duties, the officers of the customs may remove the custom house.

The next paragraph provides for the *cash* payment of duties, under circumstances which render it impossible to collect the duties in the ordinary way. Why should the practice of taking bonds be persisted in, when they say they are not bound to pay the bonds. It is a mockery to take bonds, when the constitution and the law release the people bound, from the obligation of the bonds. Suits must be brought to enforce the payment of the bonds, and the authority of the state and federal tribunals would thereby be brought into conflict, which conflict the bill seeks to avoid. The 62d section of the act of the 2d of March, 1799, refuses credit to merchants who have refused to pay their bonds. The same principle is applied to the present case, where people are combined to prevent the payment of bonds.

The third and remaining exigency provided for in this first section, is the authority to employ the land or naval forces, or militia. This provision is entirely defensive. It merely con-

firmly the authority for the protection of the custom house and revenue officers. The simple question is, do you require obedience to the laws? The custom house officers are not sufficiently numerous to enforce obedience to the laws: pains, penalties, indictments, all hang over the head of that man who is bold enough to exact payment. The legislature forbids the enforcement of the law; and he who attempts to enforce it, must suffer the penalty of the law, as surely as he is convicted of the offence. The marshal, in this stage of the business, cannot interpose. The militia cannot be called out, for the best reason in the world, that they are committed in support of the other side of the question. Now what is to be done? It is the duty of the president to take care that the laws shall be executed. He is invested with the power by the constitution, and the public hold him responsible for its exercise. You can vest the power nowhere else. The first section of the second article of the constitution invests the president with the "executive power," and he is required to take an oath faithfully to execute the office, and preserve the constitution. The second section of the same article makes him the commander-in-chief of the army and navy of the United States, and of the militia, when called into actual service. The only question is, is it necessary to give these means to enforce the laws? If we intend to enforce the obe-

dience of the laws, these powers must be given, and no where can they be constitutionally lodged but in the president. For this provision in the law, there is a precedent to which he would refer. The act of the 9th of January, 1809, sec. 11—13, to enforce the embargo, &c. The 2d section of the bill extends the jurisdiction of the circuit courts in revenue cases. It gives the right to sue, in these courts, for any injury incurred by officers, whilst engaged under the laws of congress, in the collection of duties on imports. It declares that property taken under the authority of the laws of the United States, shall be irrepleviable, and only subject to the order and decrees of the courts of the U. States; and it gives the penalty for the rescue of the property, as is prescribed by the act of 30th of April, 1790, section 22. The provisions of that law make the penalty not to exceed 300 dollars, and imprisonment for three months. This section has two objects in view: first, it gives power to the officers to sue in the federal courts; and second, it provides that they shall not be dispossessed of property seized by them, under the laws of the general government, without the authority of the courts of the United States. The object of this section is to meet legislation by legislation.

The laws of South Carolina, made to enforce the ordinance, are harsh and oppressive beyond any of the feudal laws. Under

the replevin act of South Carolina, the goods are first seized; if they are not given up, the return is made, and a *capias in withernam* issues; there is then a suit to recover back the duties; the custom house officer cannot remove the suit to any other court and the judges and jurors who are to decide the case, are under oath to support the ordinance. For this misdemeanour, the federal officers are subjected to a fine of \$500 and two years imprisonment. And they are liable to have their own property, to double the amount of the goods seized, taken, and carried away.

The constitution of the courts in South Carolina, makes it necessary to give the revenue officers the right to sue in the federal courts. It falls under the clause of the constitution, which gives jurisdiction to the United States courts, in all cases arising under the constitution, treaties, and laws of the United States. He would put a case in a few words: Suppose the collector of the port of South Carolina is prosecuted. He is carried to prison, or the *capias in withernam* is issued against him. His property is carried off and sold. The case comes before the state court. He sets forth that, under the laws of the United States, he was obliged to do his duty. On the other side, it is said that the laws of the United States have been nullified, and the state laws have taken their place. Out of this issue springs a case provided for by the bill. But it is objected that the case will arise under the state law. But, shape

it which way you may, the case arises out of the laws and constitution of the United States, and the judicial power extends to all cases in law and equity. It ought to be so. There ought to be a judicial power co-extensive with the power of legislation, and a co-extensive executive power. Without this co-extensive power, legislation would be useless in a free government. Neither domestic tranquillity, nor uniformity of rules and decisions, can be secured without it.

It may be said, (continued Mr W.) that in this way you overturn state legislation, and that they ought to give their own direction to state controversies. So they may, but let them not come in collision with the constitution and laws of the Union. In every controversy, within any state, arising under a state law, coming in collision with the constitution, or with a law of the United States, the federal courts have appellate jurisdiction. If appellate jurisdiction be given, the original could not be desired. All the residuum of jurisdiction remaining after the original jurisdiction given in specified cases, to the supreme court, might be exercised in any way by the inferior courts that congress might direct. These observations are applicable to the third section of the bill, which also provides for the extension of federal jurisdiction, by allowing the party, or officer of the United States sued in the state's court, for executing the laws of the Union, to *remove* the

case to the circuit court. It gives the right to remove at any time *before* trial, but not after judgment has been given, and thus affects in no way the dignity of the state tribunals. Whether in criminal or in civil cases, it gives this right of removal. Has congress this power in criminal cases? He would answer the question in the affirmative. Congress has the power to give this right in criminal as well as in civil cases, because the second section of the third article of the constitution speaks of "all *cases in law and equity*," and these comprehensive terms cover all.

The clause in the constitution to which he had adverted, refers to the character of the controversy, without regard to the parties, or the particular form of the action. The object of the suit, and not the tribunal, determined the jurisdiction. Was it to try the validity of an act of congress? That question determined the jurisdiction. Was it to try any indictment for treason? That question determined the jurisdiction. It was more necessary that this jurisdiction should be extended over criminal than over civil cases. If it was not admitted that the federal judiciary had jurisdiction over criminal cases, then was nullification ratified and sealed for ever: for a state would have nothing more to do than to declare an act a felony, or a misdemeanour, to nullify all the laws of the Union.

The fourth section of the bill is merely matter of form. There is no constitutional prin-

ciple involved in it. It only authorizes the courts of the United States to supply the want of a copy of the record. It was intended to obviate the difficulty which was likely to arise from the novel provision contained in the eighth section of the replevin law of South Carolina, which makes it penal in the clerk to furnish such record. This provision does not meddle with the penalty of the clerk of the state court, but contents itself with providing means to supply the deficiency.

The fifth section authorizes the employment of military force under extraordinary circumstances, too powerful to overcome without such agency, and to be preceded by the proclamation of the president.

The first precedent which he would notice, was to be found in the act of May 2d, 1792, repealed by the act of February 28, 1795, renewing the power to call forth the militia, which act was still in force. This law grew out of the western insurrection in Pennsylvania. Like the present bill, although it was merely intended to meet that exigency, it was so framed as to continue in force. So the bill under consideration, although it had special reference to South Carolina, pointed not to her alone. If the opposition to the laws should extend itself, and the spirit of disobedience should exhibit itself, whether in the south or the north, the general principles of the bill would be equally applicable. It is an amendment of our code of laws, to which the attention

of congress has now been called, and which is rendered immediately necessary, by the peculiarity of our present situation.

The second precedent to which he would invite the attention of the senate, was the act of the third of March, 1807, "to suppress insurrections and obstructions to the laws," and "to cause the laws to be duly executed." That act authorized the president to call out the land and naval force to suppress insurrections, &c. These were the objects for which then, as in the present bill, this extraordinary power had been conferred.

Another precedent would be found in the act of January 9, 1809, sec. 11, to enforce the embargo, and which gives the power to employ the land and naval forces, in general terms, to assist the custom house officers. There was at that moment a great excitement, although nothing like the solemn position in which S. Carolina has now placed herself. Yet it was deemed expedient to confer on the president this power.

He would now refer to the last precedent with which he should trouble the senate. It so happened in the history of Pennsylvania, that that state took from Virginia a strip of land bordering on the Alleghany and Ohio rivers. On this strip of land, where Virginia had been accustomed to exercise jurisdiction, for which she had opened the titles, and where she had held her courts, there arose an insurrection. This had been called the western insurrection,

but it was a singular fact that it was confined to this narrow strip of land which Pennsylvania took from Virginia. The president was then authorized to call out the militia of the state, because they were not committed against the United States, but were, willing to obey the call. The man, to whose name history has no parallel, put himself at the head of these troops, to quell the insurrection. All power was placed in his hands, by the act of November 24, 1794, and the president was authorized to place in west Pennsylvania, a corps of 2500 men either drafted or enlisted.

The sixth section of the bill had reference to the replevin law of South Carolina, and was justified and rendered necessary by the twelfth section of that act, which prohibited any person from hiring or permitting to be used, any building serving as a jail, for the confinement of any persons committed for a violation of the revenue laws, under penalty of being adjudged guilty of a misdemeanour, and fined 1000 dollars, and imprisoned for one year. The state law, therefore, closes all the jails and buildings of S. Carolina, against prisoners held by process from the United States, for a refusal to yield obedience to their laws. It was necessary, therefore, that something should be done. The case might not fully be met by the resolution of 3d March, 1791, and this section merely incorporates that provision, without the introduction of any novel principle.

The seventh and remaining section of the bill extends the writ of habeas corpus, to a case not covered by existing laws. These laws do not extend to any other than cases of confinement under the authority of the United States, and when committed for trial before the United States courts, or where persons are required to testify. Mr. W. referred the senate to the 14th section of the judiciary act. The present section merely extended the privileges of that act, which was so essential to the protection of the liberties of our citizens. It extended the act to cases of imprisonment for executing the laws of the United States. There would be nothing objectionable in this section; it came in conflict with no code of law. If a citizen were confined under the provision of the ordinance of the 24th November, 1832, he could have no remedy under the laws as they now exist. As all such cases arose under the laws of the state of South Carolina, this section only extended the privileges of the writ of habeas corpus to meet those particular cases which had originated in the present state of things.

He had now attempted to explain the reasons which had induced him to give his sanction to the bill. He should only say, in addition that if it were the pleasure of congress to enact this bill into a law, he should most fervently pray that no occasion might ever occur to require a resort to its provisions.

8

Mr. Wilkins was replied to by Mr. Bibb, of Kentucky, and the debate was continued by Messrs. Dallas, Clayton, Holmes, Frelinghuysen, Moore, and Webster, in favour of the bill, and by Messrs. Miller, Mangum, Brown, Tyler, and Calhoun, in opposition to its passage.

After the discussion had lasted to the 11th of February, Mr. Wilkins moved to amend the bill by striking out the words "unlawful threats," in the first section; to limit the second section to revenue laws; and also to add a new section to the bill, providing that the 1st and 5th sections of the act shall remain in force until the end of the next session of congress, and no longer.

Mr. Forsyth then moved to strike out the 3d section.

Mr. Forsyth was aware, he said, that there was a precedent for the provisions of this section; but he objected to them as injurious and unnecessary in application to the state of things in South Carolina. If Carolina persisted in her course, the case in her courts must go on, and both the state and federal courts will therefore proceed, *ex parte*. No cause can be fairly tried, when both of the parties are not heard. Conflicting judgments will be rendered by the courts at an early day, one to be enforced by the marshal, and the other by the sheriff. All the parties will be put to great cost and trouble. The jurisdiction of the United States court was sufficiently well secured in other respects by the bill. It would

be better, he thought, for the officer to carry the cause, first, to the highest court in the state, and then appeal to the federal court, if he do not obtain justice.

Mr. Webster thought this the most important provision of the whole bill, for the protection of the federal officers. After the case had been decided in the courts of South Carolina, there could be no writ of error of the case tried. It would be impossible to get any thing like a fair trial in a court where the jurors are sworn to support the ordinance; and the writ of error would only go on the law of the case. We give a chance to the officer to defend himself where the authority of the law was recognised. If the judgments of the state court conflicted with those of the federal court, the right of jurisdiction must be tried. There was a stronger reason now in favour of those provisions, than there was for a stronger law than this which was made during the existence of the non-intercourse and embargo acts. He hoped the senator from Georgia would reconsider the motion.

Mr. Wilkins said this section was indispensably necessary, and by the amendment just adopted, was applied to the revenue laws only. The committee thought this would be a less offensive mode of protecting the officers of the government, than to take an appeal from the solemn judgment of the highest state tribunal, which last course had been particularly offensive to some states of the

Union. The only question was, whether it would be better to risk a collision between the federal and state courts, or leave the officers at the mercy of the state tribunals, framed as they are. If the state resisted the judgment of the federal courts, unpleasant consequences must result; but if the state courts are so organized that an impartial jury trial is out of the question, he saw no propriety in leaving the officers whom we employ, at their mercy. An appeal after a decision by a state court would be ineffectual. Even to ask leave to appeal is an offence punishable by fine and imprisonment. Rather than expose a party to this penalty, or to an unlimited punishment for contempt of court, he would run the risk of a conflict of jurisdiction.

The senate adjourned without taking the question upon this amendment, until the next day, when it was rejected: ayes 5, nays 28.

This motion by Mr. Forsyth indicated a difference of opinion among the supporters of the administration, as to the measures to be adopted to enforce the revenue system. The doctrines of South Carolina so nearly resembled those of Virginia and Georgia, that there was much difficulty in reconciling the condemnation of the former, with an adherence to the latter.

The administration party in the house had shown itself utterly incapable of devising a tariff likely to be accepted by a majority of that body, and the session was rapidly passing,

without any prospect of realizing the hope of a satisfactory settlement of the question.

This hope, however, was destined to be at last realized. On the 12th of Feb., Mr. Clay, pursuant to notice, introduced a bill which had been prepared after much consultation, for the permanent adjustment of the tariff. This bill proposed that where the duties exceeded 20 per cent., there should be one tenth part of such excess deducted, after September 30, 1835, and one tenth each alternate year, until 1841, when one half of the excess was to be taken off, and in 1842 the other half. After the 30th September, 1842, consequently, the duties on all goods were to be reduced to 20 per cent., and were to be paid in cash.

This bill further provided, that the duty on plains, kerseys, or Kendall cottons, should be 50 per cent. ad valorem, instead of five per cent. ; and, also, that linens, silk manufactures coming from this side of the Cape of Good Hope, worsted stuff goods, shawls, and other manufactures of silk and worsted, should be admitted free of duty until September 30, 1842, and that after that day, the following articles should be admitted free of duty, to wit, unmanufactured cotton, indigo, quicksilver, opium, tin in plates and sheets, gum arabic, gum senegal, lac dye, madder, madder-root, nuts and berries used in dyeing, saffron, tumaric, woad or pastel, aloes, ambergris, burgundy pitch, cochineal, chamomile flowers, coriander seed, catsup, chalk, coculus indicus,

horn plates for lanthorns or horns, other horns and tips, india rubber, unmanufactured ivory, juniper berries, musk, nuts of all kinds, oil of juniper, unmanufactured rattans and reeds, tortoise-shell, tinfoil, shellac, vegetables used principally in dyeing and in composing dyes, weld, and all other articles employed chiefly for dyeing, except bichromate of potash, prussiate of potash, chromate of potash, and nitrate of lead, aquafortis, and tartaric acids, and all other dyeing drugs, and materials for composing dyes.

The bill also provided, that the duties might be increased in case of a war with a foreign power.

In introducing this bill, Mr. Clay said, in presenting the modification of the tariff laws which I am now about to submit, I have only two great objects in view. My first object looks to the tariff. I am compelled to express the opinion, formed after the most deliberate reflection, and on full survey of the whole country, that whether rightfully or wrongfully, the tariff stands in imminent danger. If it should even be preserved during this session, it must fall at the next.

By what circumstances, and through what causes, has arisen the necessity for this change in the policy of our country, I will not pretend now to elucidate. Others there are, who may differ from the impressions which my mind has received on this point. Owing, however, to a variety of concurrent causes, the tariff, as it

now exists, is in imminent danger, and if the system can be preserved beyond the next session, it must be by some means not now within the reach of human sagacity. The fall of that policy, sir, would be productive of consequences calamitous indeed. When I look to the variety of interests which are involved, to the number of individuals interested, the amount of capital invested, the value of the buildings erected, and the whole arrangement of the business for the prosecution of the various branches of the manufacturing art, which have sprung up under the fostering care of this government, I cannot contemplate any evil equal to the sudden overthrow of all those interests. History can produce no parallel to the extent of the mischief which would be produced by such a disaster. The repeal of the edict of Nantes itself was nothing in comparison with it. That condemned to exile and brought to ruin a great number of persons. The most respectable portion of the population of France was condemned to exile and ruin by that measure. But in my opinion, sir, the sudden repeal of the tariff policy would bring ruin and destruction on the whole people of this country. There is no evil, in my opinion, equal to the consequences which would result from such a catastrophe.

What, sir, are the complaints which unhappily divide the people of this great country? On the one hand, it is said by those who are opposed to the tariff, that it

unjustly taxes a portion of the people and paralyzes their industry; that it is to be a perpetual operation; that there is to be no end to the system; which, right or wrong, is to be urged to their inevitable ruin. And what is the just complaint, on the other hand, of those who support the tariff? It is, that the policy of the government is vascillating and uncertain, and that there is no stability in our legislation. Before one set of books are fairly opened, it becomes necessary to close them, and to open a new set. Before a law can be tested by experiment, another is passed. Before the present law has gone into operation: before it is yet nine months old, passed as it was, under circumstances of extraordinary deliberation, the fruit of nine months' labour: before we know any thing of its experimental effects, and even before it commences its operations, we are required to repeal it. On one side, we are urged to repeal a system which is fraught with ruin: on the other side, the check now imposed on enterprise, and the state of alarm in which the public mind has been thrown, renders all prudent men desirous, looking ahead a little way, to adopt a state of things, on the stability of which they may have reason to count. Such is the state of feeling on the one side and on the other. I am anxious to find out some principle of mutual accommodation, to satisfy, as far as practicable, both parties—to increase the stability of our legislation; and at some dis-

tant day—but not too distant, when we take into view the magnitude of the interests which are involved—to bring down the rate of duties to that revenue standard for which our opponents have so long contended. The basis on which I wish to found this modification, is one of time; and the several parts of the bill to which I am about to call the attention of the senate, are founded on this basis. I propose to give protection to our manufactured articles, adequate protection, for a length of time, which, compared with the length of human life, is very long, but which is short, in proportion to the legitimate discretion of every wise and parental system of government—securing the stability of legislation, and allowing time for a gradual reduction, on one side; and on the other, proposing to reduce the duties to that revenue standard for which the opponents of the system have so long contended. I will now proceed to lay the provisions of this bill before the senate, with a view to draw their attention to the true character of the bill.

Mr. C. then proceeded to read the first section of the bill. According to this section, he said, it would be perceived that it was proposed to come down to the revenue standard at the end of little more than nine years and a half, giving a protection to our own manufactures, which he hoped would be adequate, during the intermediate time. Mr. C. recapitulated the provisions of the section, and showed by

various illustrations how they would operate.

Mr. C. then proceeded to read and comment upon the second section of the bill. It would be recollected, he said, that at the last session of congress, with the view to make a concession to the southern section of the country, low priced woollens, those supposed to enter into the consumption of slaves and the poorer classes of persons, were taken out of the general class of duties on woollens, and the duty on them reduced to five per cent. It would be also recollected, that at that time the gentlemen from the south had said that this concession was of no consequence, and that they did not care for it, and he believed that they did not now consider it of any greater importance. As, therefore, it had failed of the purpose for which it was taken out of the common class, he thought it ought to be brought back again, and placed by the side of the other descriptions of woollens, and made subject to the same reduction of duty as proposed by this section.

Having next read through the third section of the bill, Mr. C. said that, after the expiration of a term of years, this section laid down a rule by which the duties were to be reduced to a revenue standard which has been so long and so earnestly contended for. Until otherwise directed, and in default of provision being made for the wants of the government in 1842, a rule was thus provided for the rate of duties there-

after, congress being in the mean time authorized to adopt any other rule which the exigencies of the country, or its financial condition, might require. That is to say, if, instead of the duty of 20 per cent. proposed, 15 or 17 per cent. of duty was sufficient, or 25 per cent. should be found necessary, to produce a revenue to defray the expenses of an economical administration of the government, there was nothing to prevent either of those rates, or any other, from being fixed upon; whilst the rate of 20 per cent. was introduced to guard against any failure on the part of congress to make the requisite provision in due season.

This section of the bill, Mr. C. said, contained, also, another clause, suggested by that spirit of harmony and conciliation which he prayed might preside over the councils of the union at this trying moment. It provided (what those persons who are engaged in manufactures have so long anxiously required for their security) that duties shall be paid in ready money—and we shall thus get rid of the whole of that credit system, into which an inroad was made, in regard to woollens, by the act of the last session. This section further contained a proviso that nothing in any part of this act should be construed to interfere with the freest exercise of the power of congress to lay any amount of duties, in the event of war breaking out between this country and any foreign power.

Mr. C. having then read the fourth section of the bill, said

that one of the considerations strongly urged for a reduction of the tariff at this time was, that the government was likely to be placed in a dilemma by having an overflowing revenue; and this apprehension was the ground of an attempt totally to change the protective policy of the country. The section which he had read, Mr. C. said, was an effort to guard against this evil, by relieving altogether from duty a portion of the articles of import now subject to it. Some of these, he said, would, under the present rate of duty upon them, produce a considerable revenue; the article of silks alone would probably yield half a million of dollars per annum. If it were possible to pacify present dissensions, and let things take their course, he believed that no difficulty need be apprehended. If, said he, the bill which this body passed at the last session of congress, and has again passed at this session, shall pass the other house, and become a law, and the gradual reduction of duties should take place which is contemplated by the first section of this bill, we shall have settled two (if not three) of the great questions which have agitated this country, that of the tariff, of the public lands, and, I will add, of internal improvement also. For, if there should still be a surplus revenue, that surplus might be applied, until the year 1842, to the completion of the works of internal improvement already commenced; and, after 1842, a reliance for all funds for purposes of internal improvement should

be placed upon the operation of the land bill, to which he had already referred.

It was not his object, Mr. C. said, in referring to that measure in connexion with that which he was about to propose, to consider them as united in their fate, being desirous, partial as he might be to both, that each should stand or fall upon its own intrinsic merits. If this section of the bill, adding to the number of free articles, should become law, along with the reduction of duties proposed by the first section of the bill, it was by no means sure that we should have any surplus revenue at all. He had been astonished indeed at the process of reasoning by which the secretary of the treasury had arrived at the conclusion that we should have a surplus revenue at all; though he admitted that such a conclusion could be arrived at in no other way. But what was this process? Duties of a certain rate now exist: the amount which they produce is known: the secretary, proposing a reduction of the rate of duty, supposes that the duties will be reduced in proportion to the amount of the reduction of duty. Now, Mr. C. said, no calculation could be more uncertain than that. Though, perhaps, the best that the secretary could have made, it was still all uncertainty; dependent upon the winds and waves, on the mutations of trade, and on the course of commercial operations. If there was any truth in political economy, it could not be that the result would agree with the prediction;

for we are instructed by all experience that the consumption of any article is in proportion to the reduction of its price, and that in general it may be taken as a rule, that the duty upon an article forms a portion of its price. Mr. C. said, he did not mean to impute any improper design to any one; but, if it had been so intended, no scheme for getting rid of the tariff could have been more artfully devised to effect its purposes, than that which thus calculated the revenue, and in addition, assumed that the expenditure of the government every year would be so much, &c. Could any one here say *what* the future expenditure of the government would be? In this young, great, and growing community, can we say what will be the expenditure of the government even a year hence, much less what it will be, three, or four, or five years hence? Yet it had been estimated, on assumed amounts, founded on such uncertain data, both of income and expenditure, that the revenue might be reduced so many millions a year!

Mr. C. asked pardon for this digression, and returned to the examination of articles in the fourth section, which were proposed to be left free of duty. The duties on these articles, he said, now varied from 5 to 10 per cent. ad valorem; but low as they were, the aggregate amount of revenue which they produced was considerable. By the bill of the last session, the duties on French silks was fixed at five per cent., and that on

Chinese silks at ten per cent. ad valorem. By the bill now proposed, the duty on French silks was proposed to be repealed, leaving the other untouched. He would frankly state why he made this distinction. It had been a subject of anxious desire with him to see our commerce with France increased. France, though not so large a customer in the great staples of our country as Great Britain, was a great growing customer. He had been much struck with a fact going to prove this, which accidentally came to his knowledge the other day; which was that within the short period of fourteen years, the amount of consumption in France of the great southern staple of cotton had been *tripled*. Again, it was understood that the French silks of the lower grades of quality could not sustain a competition with the Chinese without some discrimination of this sort. He had understood, also, that the duty imposed upon this article at the last session had been very much complained of on the part of France; and, considering all the circumstances connected with the relations between the two governments, it appeared to him desirable to make this discrimination in favour of the French product. If the senate should think differently, he should be content. If, indeed, they should think proper to strike out this section altogether, he should cheerfully submit to their decision.

After reading the fifth and sixth sections:

Mr. Clay said, he would now take a view of some of the objections which would be made to the bill. It might be said that the act was prospective, that it bound our successors, and that we had no power thus to bind them. It was true, that the act was prospective, and so was almost every act which we ever passed, but we could repeal it the next day. It was the established usage to give all acts a prospective operation. In every tariff law, there were some provisions which go into operation immediately, and others, at a future time. Each congress legislated according to their own views of propriety; their acts did not bind their successors, but created a species of public faith which would not rashly be broken. But, if this bill should go into operation, as he hoped even against hope, that it might, he had not a doubt that it would be adhered to by all parties. There was but one contingency which would render a change necessary, and that was the intervention of a war, which was provided for in the bill. The hands of congress were left untied in this event, and they would be at liberty to resort to any mode of taxation which they might propose. But, if we suppose peace to continue, there would be no motive for disturbing the arrangement, but, on the contrary, every motive to carry it into effect. In the next place, it will be objected to the bill, by the friends of the protective policy, of whom he held himself to be one, for his mind was im-

mutably fixed in favour of that policy, that it abandoned the power of protection. But, he contended, in the first place, that a suspension of the exercise of the power was not an abandonment of it; for the power was in the constitution according to our theory—was put there by its framers, and could only be dislodged by the people. After the year 1842, the bill provided that the power should be exercised in a certain mode. There were four modes by which the industry of the country could be protected:

First, the absolute prohibition of rival foreign articles. That was totally unattempted by the bill: but it was competent to the wisdom of the government to exert the power whenever they wished. Second, the imposition of duties in such a manner as to have no reference to any object but revenue. When we had a large public debt in 1816, the duties yielded 37 millions and paid so much more of the debt, and subsequently they yielded but eight or ten millions, and paid so much less of the debt. Sometimes we had to trench on the sinking fund. Now we have no public debt to absorb the surplus revenue, and no motive for continuing the duties. No man can look at the condition of the country and say that we can carry on this system, with accumulating revenue, and no practicable way of expending it. The third mode was attempted last session, in a resolution which he had the honour to submit last year, and which in fact ultimate-

ly formed the basis of the act which finally passed both houses. This was, to raise as much revenue as was wanted for the use of the government, and no more, but to raise it from the protected and not from the unprotected articles. He would say that he regretted most deeply that the greater part of the country would not suffer this principle to prevail. It ought to prevail—and the day, in his opinion, would come when it would be adopted as the permanent policy of the country. Shall we legislate for our own wants or that of a foreign country? To protect our own interests in opposition to foreign legislation was the basis of this system. The fourth mode in which protection could be afforded to domestic industry was to admit free of duty every article which aided the operations of the manufacturers. These were the four modes for protecting our industry; and to those who say that the bill abandons the power of protection, he would reply that it did not touch that power; and that the fourth mode, so far from being abandoned, is extended and upheld by the bill. The most that can be objected to the bill by those with whom he had co-operated to support the protective system, was that, in consideration of nine and a half years of peace, certainty and stability, the manufacturers relinquished some advantages which they now enjoyed. What was the principle which had always been contended for in this and in the other house? That, after the

accumulation of capital and skill, the manufacturers would stand alone unaided by the government, in competition with the imported articles from any quarter. Now give us time; cease all fluctuations and agitations, for nine years, and the manufactures, in every branch, will sustain themselves against foreign competition. If we can see our way clearly for nine years to come, we can safely leave to posterity to provide for the rest. If the tariff be overthrown, as may be its fate next session, the country will be plunged into extreme distress and agitation. I, said Mr. Clay, want harmony. I wish to see the restoration of those ties which have carried us triumphantly through two wars. I delight not in this perpetual turmoil. Let us have peace, and become once more united as a band of brothers,

It may be said that the farming interest cannot subsist under a twenty per cent. *ad valorem* duty. His reply was, "sufficient for the day is the evil thereof." He would leave it to the day when the reduction took effect, to settle the question. When the reduction takes place, and the farmer cannot live under it, what will he do? I will tell you, said Mr. Clay, what he ought to do. He ought to try it—make a fair experiment of it—and if he cannot live under it, let him come here and say that he is bankrupt, and ruined. If then nothing can be done to relieve him—sir, I will not pronounce the words, for I will believe that something will be done, and that relief will be

afforded without hazarding the peace and integrity of the Union. This confederacy is an excellent contrivance, but it must be managed with delicacy and skill. There were an infinite variety of prejudices and local interests to be regarded; but they should all be made to yield to the Union.

If the system proposed cannot be continued, let us try some intermediate system, before we think of any other dreadful alternative. Sir, it will be said, on the other hand—for the objections are made by the friends of protection principally—that the time is too long; that the intermediate reductions are too inconsiderable, and that there is no guaranty that, at the end of the time stipulated, the reduction proposed would be allowed to take effect. In the first place it should be recollected, the diversity of interests of the country—the measures of the government which preceded the establishment of manufactures—the public faith in some degree pledged for their security; and the ruin in which rash and hasty legislation would involve them. He would not dispute about terms. It would not, in a court of justice, be maintained that the public faith was pledged for the protection of manufactures; but there were other pledges which men of honour are bound by, besides those of which the law can take cognizance.

If we excite, in our neighbour, a reasonable expectation which induces him to take a particular course of business, we are in honour bound to redeem the

pledge thus tacitly given. Can any man doubt that a large portion of our citizens believed that the system would be permanent? The whole country expected it. The security against any change of the system proposed by the bill, was in the character of the bill, as a compromise between two conflicting parties. If the bill should be taken by common consent, as we hope it will be—the history of the revenue will be a guaranty of its permanence. The circumstances under which it was passed will be known and recorded—and no one will disturb a system which was adopted with a view to give peace and tranquillity to the country.

The descending gradations by which he proposed to arrive at the minimum of duties, must be gradual. He never would consent to any precipitate operation to bring distress and ruin on the community.

Now, said Mr. C., viewing it in this light, it appeared that there were eight years and a half, and nine years and a half, taking the ultimate time, which would be an efficient protection. The remaining duties would be withdrawn by a biennial reduction. The protective principle must be said to be, in some measure, relinquished at the end of eight years and a half. This period could not appear unreasonable, and he thought that no member of the senate, or any portion of the country, ought to make the slightest objection. It now remained for him to consider the other objection—the want of a guaranty to their being an ulte-

rior continuance of the duties imposed by the bill, on the expiration of the term which it prescribes. The best guaranties would be found in the circumstances under which the measure would be passed. If it was passed by common consent; if it was passed with the assent of a portion—a considerable portion of those who had directly hitherto supported this system, and by a considerable portion of those who opposed it—if they declared their satisfaction with the measure, he had no doubt the rate of duties guarantied would be continued after the expiration of the term, if the country continued at peace. And, at the end of the term, when the experiment would have been made of the sufficiency of the mode of protection fixed by the bill, while the constitutional question had been suffered to lie dormant, if war should render it necessary, protection might be carried up to prohibition; while, if the country should remain at peace, and this measure go into full operation, the duties would be gradually lowered down to the revenue standard, which had been so earnestly wished for.

But suppose that he was wrong in all these views, for there were no guaranties, in one sense of the term, of human infallibility. Suppose a different state of things in the south—that this senate, from causes which he should not dwell upon now, but which were obvious to every reflecting man in this country—causes which had operated for years past, and which continued

to operate. Suppose for a moment, that there should be a majority in the senate in favour of the southern views, and that they should repeal the whole system at once—what guaranty would we have that the repealing of the law would not destroy those great interests, which it was so important to preserve? What guaranty would you have that the thunders of those powerful manufacturers would not be directed against your capitol, because of this abandonment of their interests, and because you had given them no protection against foreign legislation. Sir, said Mr. C., if you carry your measure of repeal without the consent, at least, of a portion of those who are interested in the preservation of manufactures, you have no security, no guaranty, no certainty that any protection will be continued. But if the measure should be carried by the common consent of both parties, we shall have all security: history will faithfully record the transaction; narrate under what circumstances the bill was passed; that it was a pacifying measure; that it was as oil poured from the vessel of the Union to restore peace and harmony to the country. When all this was known, what congress, what legislature, would mar the guaranty? What man who is entitled to deserve the character of an American statesman, would stand up in his place in either house of congress, and disturb this treaty of peace and amity?

Sir, said Mr. C., I will not say that it may not be disturbed.

All that I say is, that here is all the reasonable security that can be desired by those on the one side of the question, and much more than those on the other would have by any unfortunate concurrence of circumstances. Such a repeal of the whole system should be brought about, as would be cheerfully acquiesced in by all parties in this country. All parties might find in this measure some reasons for objection. And what human measure was there which was free from objectionable qualities. It had been remarked, and justly remarked, by the great father of our country himself, that if that great work which is the charter of our liberties, and under which we have so long flourished, had been submitted, article by article, to all the different states composing this Union, that the whole would have been rejected; and yet, when the whole was presented together, it was accepted as a whole. He, (Mr. C.) would admit that his friends did not get all they could wish for; and the gentlemen on the other side did not obtain all they might desire; but both would gain all that in his humble opinion was proper to be given in the present condition of this country. It might be true that there would be loss and gain in this measure. But how was this loss and gain distributed? Among our countrymen. What we lose no foreign hand gains; and what we gain, has been no loss to any foreign power. It is among ourselves the distribution takes place. The distribution is founded on that

great principle of compromise and concession which lies at the bottom of our institutions, which gave birth to the constitution itself, and which has continued to regulate us on our onward march, and conducted the nation to glory and renown.

It remained for him now to touch another topic. Objections had been made to all legislation at this session of congress, resulting from the attitude of one of the states of this confederacy. He confessed that he felt a very strong repugnance to any legislation at all on this subject at the commencement of the session, principally because he misconceived the purposes, as he had found from subsequent explanation, which that state had in view. Under the influence of more accurate information, he must say, that the aspect of things since the commencement of the session had, in his opinion, greatly changed. When he came to take his seat on that floor, he had supposed that a member of this Union had taken an attitude of defiance and hostility against the authority of the general government. He had imagined that she had arrogantly required, that we should abandon at once a system which had long been the settled policy of this country. Supposing that she had manifested this feeling, and taken up this position, he (Mr. C.) had, in consequence, felt a disposition to hurl defiance back again, and to impress upon her the necessity of the performance of her duties as a member of this Union. But since his arrival here, he found

that South Carolina did not contemplate force, for it was denied and denounced by that state. She disclaimed it—and asserted that she is merely making an experiment. That experiment is this; by a course of state legislation, and by a change in her fundamental laws, she is endeavouring by her civil tribunals to prevent the general government from carrying the laws of the United States into operation, within her limits. That she has professed to be her object. Her appeal was not to arms, but to another power; not to the sword but to the law. He must say, and he would say it with no intention of disparaging that state, or any other of the states—it was a feeling unworthy of her. As the purpose of South Carolina was not that of force, this at once disarmed, divested legislation of one principal objection, which it appeared to him existed against it at the commencement of this session. Her purposes are all of a civil nature. She thinks she can oust the U. States from her limits; and unquestionably she had taken good care to prepare her judges beforehand by swearing them to decide in her favour. If we submitted to her, we should thus stand but a poor chance of obtaining justice. She disclaimed any intention of resorting to force, unless we should find it indispensable to execute the laws of the Union by applying force to her. It seemed to him the aspect of the attitude of South Carolina had changed—or rather, the new light which he had obtained,

enabled him to see her in a different attitude—and he had not truly understood her until she had passed her laws, by which it was intended to carry her ordinance into effect. Now, he ventured to predict that the state to which he had referred must ultimately fail in her attempt. He disclaimed any intention of saying any thing to the disparagement of that state. Far from it. He thought that she had been rash, intemperate and greatly in error; and, to use the language of one of her own writers—made up an issue unworthy of her. He thought the verdict and judgment must go against her. From one end to the other of this continent, by acclamation as it were, nullification had been put down, and put down in a manner more effectually than by a thousand wars or a thousand armies—by the irresistible force, by the mighty influence of public opinion. Not a voice beyond the single state of South Carolina had been heard in favour of the principle of nullification, which she has asserted by her own ordinance; and he would say, that she must fail in her lawsuit. He would express two opinions; the first of which was, that it was not possible for the ingenuity of man to devise a system of state legislation to defeat the execution of the laws of the United States, which could not be countervailed by federal legislation.

A state might take it upon herself to throw obstructions in the way of the execution of the laws of the federal government;

but federal legislation can follow at her heel quickly, and successfully counteract the course of state legislation. The framers of the constitution foresaw this, and the constitution has guarded against it. What has it said? It has declared in the clause enumerating the powers of this government, that congress shall have all power to carry into effect all the powers granted by the constitution, in any branch of the government, under the sweeping clause—for they have not specified contingencies, because they could not see what was to happen—but whatever powers were necessary, all—all are given to this government by the fundamental law, necessary to carry into effect those powers which are vested by that constitution in the federal government. That is one reason. The other is, that it is not possible for any state, provided this government is administered with prudence and propriety, so to shape its laws as to throw upon the general government the responsibility of first resorting to the employment of force; but if force at all is employed, it must be by state legislation, and not federal legislation; and the responsibility of employing that force must rest with, and attach to the state itself.

I (said Mr. C.) shall not go into the details of this bill. I merely throw out these sentiments for the purpose of showing you that South Carolina, having declared their purpose to be this, to make an experiment whether, by a course of legisla-

tion, in a conventional form, or a legislative form of enactment, she can defeat the execution of certain laws of the U. States, I, for one, will express my opinion, that I believe it is utterly impracticable, whatever course of legislation she may choose to adopt, for her to succeed. I am ready, for one, to give the tribunals and the executive of the country, whether that executive has or has not my confidence, the necessary measures of power and authority to execute the laws of the Union. But I would not go a hair's breadth further than what was necessary for those purposes. Up to that point I would go, and cheerfully go; for it is my sworn duty, as I regard it, to go to that point.

Again: taking this view of the subject, South Carolina is doing nothing more, except that she is doing it with more rashness, than some other states have done.

An opinion prevailed some years ago, that if you put the laws of a state into a penal form, you could oust federal jurisdiction out of the limits of that state, because the state tribunals had an exclusive jurisdiction over penalties and crimes, and it was inferred that no federal court could wrest the authority from them. According to that principle the state of Ohio passed the laws taxing the branch of the United States bank, and high penalties were to be enforced against every person who should attempt to defeat her taxation. The question was tried. It happened

to be my lot, (said Mr. C.) to be counsel at law to bring the suit against the state, and to maintain the federal authority. The trial took place in the state of Ohio; and it is one of the many circumstances, which redounded to the honour of that patriotic state, she submitted to federal force. I went to the office of the public treasury myself, to which was taken the money of the bank of the United States, it having remained there in sequestration, until it was peaceably rendered in obedience to the decision of the court without any appeal to arms. In a building which I had to pass in order to reach the treasury, I saw the most brilliant display of arms and musketry that I ever saw in my life; but not one was raised or threatened to be raised against the due execution of the laws of the U. S. when they were then enforced.

In Virginia, (but I am not sure that I am correct in the history of it,) there was a case of this kind—persons were liable to penalties for selling lottery tickets. It was contended that the state tribunals had an exclusive jurisdiction over the subject. The case was brought before the supreme court—the parties were a Myers and somebody else, and it decided as it must always decide; no matter what obstruction—no matter what the state law may be, the constitutional laws of the United States must follow and defeat it, in its attempt to arrest the federal arm in the exercise of its lawful authority. South Carolina has at-

tempted—and I repeat it, in a much more offensive way, attempted to defeat the execution of the laws of the United States. But, it seems that under all the circumstances of the case, she has, for the present, determined to stop here, in order that by our legislation, we may prevent the necessity of her advancing any further. But there are other reasons for the expediency of legislation at this time. Although I came here fully impressed with a different opinion, my mind has now become reconciled.

The memorable first of February is passed. I confess I did feel an unconquerable repugnance to legislation until that day should have passed, because of the consequences that were to ensue. I hoped that the day would go over well. I feel, and I think that we must all confess, we breathe a freer air than when the restraint was upon us. But this is not the only consideration. South Carolina has practically postponed her ordinance, instead of letting it go into effect, till the fourth of March. Nobody who has noticed the course of events, can doubt that she will postpone it by still farther legislation, if congress should rise without any settlement of this question. I was going to say, my life on it, she will postpone it to a period subsequent the fourth of March. It is in the natural course of events. South Carolina must perceive the embarrassments of her situation. She must be desirous—it is unnatural to suppose that she is not—to remain in the Union. What! a state

whose heroes in its gallant ancestry fought so many glorious battles along with those of the other states of this Union, a state with which this confederacy is linked by bonds of such a powerful character! I have sometimes fancied what would be her condition if she goes out of this Union. If her 500,000 people should at once be thrown upon their own resources. She is out of the Union. What is the consequence? She is an independent power. What then does she do? She must have armies and fleets, and an expensive government—have foreign missions—she must raise taxes—enact this very tariff which had driven her out of the Union, in order to enable her to raise money and to sustain the attitude of an independent power. If she should have no force, no navy to protect her, she would be exposed to piratical incursions. Their neighbour, St. Domingo, might pour down a horde of pirates on her borders, and desolate her plantations. She must have her embassies, therefore must she have a revenue. And, let me tell you, there is another consequence—an inevitable one; she has a certain description of persons, recognised as property south of the Potomac, and west of the Mississippi, which would be no longer recognised as such, except within their own limits. This species of property would sink immediately to one half of its present value, for it is Louisiana and the south western states which are her great market.

But I will not dwell on this

topic any longer. I say it is utterly impossible that South Carolina ever desired, for a moment to become a separate and independent state. If the existence of the ordinance, while an act of congress is pending, is to be considered as a motive for not passing that law, why this would be found to be a sufficient reason for preventing the passing of any laws. South Carolina, by keeping the shadow of an ordinance even before us, as she has it in her power to postpone it from time to time, would defeat our legislation for ever. I would repeat that, under all the circumstances of the case, the condition of South Carolina is only one of the elements of a combination, the whole of which together, constitutes a motive of action, which renders it expedient to resort, during the present session of congress, to some measure in order to quiet and tranquillize the country.

If there be any who want civil war—who want to see the blood of any portion of our countrymen spilt, I am not one of them. I wish to see war of no kind; but, above all, I do not desire to see a civil war. When war begins, whether civil or foreign, no human sight is competent to foresee when, or how, or where it is to terminate. But when a civil war shall be lighted up in the bosom of our own happy land, and armies are marching, and commanders are winning their victories, and fleets are in motion on our coast, tell me if you can, tell me if any human being can tell its dura-

tion? God alone knows where such a war will end. In what state will be left our institutions? In what state our liberties? I want no war; above all, no war at home.

Sir, I repeat, that I think South Carolina has been rash, intemperate, and greatly in the wrong; but I do not want to disgrace her, nor any other member of this Union. No, I do not desire to see the lustre of one single star dimmed of that glorious confederacy which constitutes our political sun; still less do I wish to see it blotted out, and its light obliterated for ever. Has not the state of S. Carolina been one of the members of this Union in "days that tried men's souls?" Have not her ancestors fought alongside our ancestors? Have we not, conjointly, won together many a glorious battle? If we had to go into a civil war with such a state, how would it terminate? Whenever it should have terminated, what would be her condition? If she should ever return to the Union, what would be the condition of her feelings and affections, what the state of the heart of her people? She has been with us before, when her ancestors mingled in the throng of battle, and as I hope our posterity will mingle with hers for ages and centuries to come in the united defence of liberty, and for the honour and glory of the Union. I do not wish to see her degraded or defaced as a member of this confederacy.

In conclusion, allow me to entreat and implore each indi-

vidual member of this body to bring into the consideration of this measure, which I have had the honour of proposing, the same love of country which, if I know myself, has actuated me; and the same desire of restoring harmony to the Union, which has prompted this effort. If we can forget for a moment—but that would be asking too much of human nature—if we could suffer, for one moment, party feelings and party causes—and and as I stand here before my God, I declare I have looked beyond those considerations, and regarded only the vast interests of this united people—I should hope that, under such feelings, and with such dispositions, we may advantageously proceed to the consideration of this bill, and heal, before they are yet bleeding, the wounds of our distracted country.

Mr. Clay concluded with asking leave to introduce his bill.

Mr. Forsyth presumed, he said, that the motion for leave, in its present stage, was a subject of discussion; if so, he begged leave to say a word or two in opposition to it. The avowed object of the bill would meet with universal approbation. It was a project to harmonize the people; and it could have come from no better source than from the gentleman from Kentucky, for to no one were we more indebted than to him for the discord and discontent which agitate us. But a few months ago it was in the power of the gentleman, and those with whom he acted, to settle this question at

once and for ever. The opportunity was not seized, but he hoped it was not passed. In the project now offered he could not see the elements of success. The time was not auspicious. But fourteen days remained of the session; and we had better wait the action of the house on the bill now before them, than, by taking up this new measure here, produce a cessation of their action. Was there not danger that the fourteen days would be exhausted in useless debate? Why twenty men, with a sufficiency of breath, for words they would not want, could annihilate the bill, though a majority in both houses were in favour of it. He objected, too, that the bill was a violation of the constitution, because the senate had no power to raise revenue. Two years ago the same senator made a proposition, which was rejected on this very ground. The offer, however, would not be useless; it would be attended with all the advantages which could follow its discussion here. We shall see it and take it into consideration as the offer of the manufacturers. The other party, as we are called, will view it as a scheme of diplomacy; not as their *ultimatum*, but as their first offer. But the bargain was all on one side. After they are defeated, and can no longer sustain a conflict, they come to make the best bargain they can. The senator from Kentucky says, the tariff is in danger: ay, sir, it is at its last gasp. It has received the immedicable wound—no hellebore can cure it. He con-

sidered the confession of the gentleman to be of immense importance. Yes, sir, the whole feeling of the country is opposed to the high protective system. The wily serpent that crept into our Eden, has been touched by the spear of Ithuriel. The senator is anxious to prevent the ruin which a sudden abolition of the system will produce. No one desires to inflict ruin upon the manufacturers; but suppose the southern people, having power to control the subject, should totally and suddenly abolish the system, what right would those have to complain who had combined to oppress the south? What has the tariff led us to already? From one end of the country to the other, it has produced evils which are worse than a thousand tariffs. The necessity of appealing now to fraternal feeling, shows that that feeling is not sleeping, but nearly extinguished. He opposed the introduction of the bill as a revenue measure, and upon it demanded the yeas and nays, which were ordered.

Mr. Smith, of Md., observed, that the bill was no cure at all for the evils complained of by the south. They wished to try the constitutionality of *protecting* duties. In this bill there was nothing but protection, from beginning to end. We had been told that if the bill passed with common consent, the system established by it would not be touched. But he had once been cheated in that way, and would not be cheated again. In 1816,

it was said the manufacturers would be satisfied with the protection afforded by the bill of that year, but in a few years after they came and insisted for more, and got more. After the first four years, an attempt would be made to repeal all the balance of this bill. He would go no farther than four years in prospective reduction. The reduction was on some articles too great. He would go no lower than 20 per cent. on cotton.

Mr. Holmes confessed that this was the first time but one that he ever heard an objection made to a motion of leave. Common courtesy required that any senator should have leave to introduce any bill he pleased. He did not know whether he should like the principles of this bill, but he would like to have it on the table, and see whether he would approve of it. As to punishment—the friends of protection would submit to none, for they had committed no crime. The cotton interest of the U. States had grown up under a protection of three cents a pound, which it had enjoyed since the year 1790; and since, by this crime, it had been protected enough, its friends were very willing to denounce protection. It was extraordinary that a proposition of reconciliation should not be received, and that the yeas and nays should be called upon it. When he reflected that this is a proposition intended as a peace-offering, and considered the manner of its reception, he almost wished that he had complied with the request of his con-

stituents a little before, and resigned. Then he would not have been here to see such a proposition rejected.

Mr. Forsyth replied, that if the senator from Kentucky had not explained the provisions of the bill, and shown them to be unconstitutional, he should have no objections to its introduction. If the senator from Maine had never before heard of an objection to a motion for leave to introduce a bill, he would probably hear of it hereafter. He had not spoken of any punishment for the friends of the protective system in this body, but of the manufacturers generally. I know, said Mr. Forsyth, that the friends of the manufacturers are undergoing their sentence at this moment.

Mr. Poindexter returned his hearty thanks to the senator from Kentucky for introducing this bill, and he hoped he would have leave. We have arrived at a singular state of things, (said Mr. P.) We see honourable senators decrying the tariff as ruinous and oppressive, and yet voting for fleets and armies to carry it into effect. When an honourable senator proposes conciliation, it is opposed as something which ought to be averted and avoided. Fourteen days we have spent here in idle debate, upon a question whether we should declare war upon S. Carolina or not. The senator from Kentucky has offered at last an olive branch; but though the senator from Georgia is willing to make war, to enforce the accursed tariff, yet he will refuse

the tender of an offer to remove its burdens. As to the constitutional point, the only violation of the rule prohibiting the senate from originating a bill raising revenue, would take place at the consummation, not at the inception of the measure. We have had a previous bill before us which ought to have been kicked out of this body as soon as it was shown here; but this measure, which looks to the peace and tranquillity of the country, did not meet with as much favour as that from the honourable senator from Georgia. The sovereign penance for healing all our wounds, and restoring perfect health to the body politic, is that which the judiciary committee has reported, viz: doses of cannon balls, bullets, and bayonets. He protested against an inconsistency which would bring out the whole of the country to carry the tariff laws into effect, and then refuse to receive any proposition to modify the tariff.

Mr. Sprague said time enough had not yet been afforded to determine whether he should be able to give this important bill his ultimate support or not. That would depend upon a more deliberate examination of its principles and details. The only question now before the senate was, whether leave should be given to introduce it—whether it should be laid before the senate. If the gentleman from Georgia (Mr. Forsyth) had confined himself simply to his constitutional objections, he, Mr. S., would not have arisen. But

what had the senate heard? What was the condition of the country? Disquieted, disturbed, almost convulsed, laws annulled, violent resistance to their enforcement threatened, apprehensions of disaster and ruin on the one hand, and civil war on the other, spreading far and wide. Already the din of preparation is borne upon the southern breeze; and we may almost hear the clangor of arms. On all sides of the house, and from all quarters out of the house, they had heard the anxious hope expressed, that some measure might be devised which should give peace to the country. It was their solemn and official duty to seek, anxiously to seek and embrace measures of tranquillity. A proposition to that effect, from a source entitled to the highest consideration, is presented to us, accompanied by an explanation conciliatory in its language, and elevated in its sentiments. How has it been met? and that, too, by a senator from that section of country which raised aloud the cry of oppression, and which the bill proposes to relieve? In the first place, by a sarcasm upon the honourable mover! By telling the gentleman from Kentucky that a measure of peace comes with peculiar propriety from him, who, of all men, had most contributed to the distraction which pervades the country. Is this the mode in which tranquillity is to be restored, by repelling propositions with reproaches upon its author? Are the feelings thus excited, in order to

produce harmony and concord?

But the gentleman did not stop there. The feelings of all who have heretofore sustained the great American system, were assailed in a manner to excite any emotions but those of conciliation. The gentleman sounded the note of triumph and victory, vaunting as over a fallen foe; and denouncing punishment and retribution! He would not even receive from them propositions of peace, unconditional submission seemed to be demanded. One would have thought that they were suppliants at his feet, and that he could trample upon them with impunity. But he warned the gentleman against trusting to so gross a delusion. They are yet erect, with arms in their hands, and vigour and spirits to wield them with effect. If war is to be waged, he will find that the battle is not yet won, and let him that putteth on the harness, boast not that he putteth it on. The time for his shout of victory and triumph has not yet arrived. Triumph over whom? the friends and supporters of protection—the north, middle and western sections of our country?

In his assumption, that this has emanated from the weakness of the friends of protection, the gentleman is in profound error—it proceeds not from their weakness, but their strength. The feeble cannot yield with safety or honour—the powerful may with both. It is a proposition from the strong to the weak; and it is because they are strong, that they can make the

concession with dignity. Does the gentleman suppose that the little cloud that lowers in the southern horizon—the speck of war there risen, has already overwhelmed the whole northern, middle and western country?—has brought them to unconditional submission? He much mistakes the temper of the times. The spirit of concession which he sees, is not the offspring of fear, but forbearance—it is from the magnanimity of conscious power, and which nothing is more likely to destroy than an imperious tone of demand in those toward whom it is extended.

There was yet another ground of objection. He says if this bill should be generally popular; if it should be every where received with favour, the effect might be to arrest the progress of a measure in the other house, and defeat an adjustment. That is indeed a danger which few would have had the sagacity to discover. The popularity, the acceptableness of a measure, being so great as to supersede all others, is to be the means of preventing the desired arrangement from being accomplished. To other minds, this would have appeared to be one of its greatest recommendations.

Mr. Forsyth said that he was in a very unfortunate condition, as he had drawn upon himself a fire from both parties in the senate. The opposing portions of the senate who had heretofore been disposed to war against each other, had now united to war upon him. He was the

friend of peace, and any proposition for peace, whether pacific or peaceful, should have his support, even to the last. He had been accused of meeting the proposition of the senator from Kentucky with a sarcasm. How so? Was it by referring to that which was the boast of the senator from Kentucky, that he was the steady and ardent friend of the protective system, which he had a right to support with the views he entertained—that it had elevated the standing and promoted the prosperity of the country, while they who resided in the southern states held the opposite opinion. It was, therefore, no sarcasm, it was not intended as such, but rather as a compliment, since it was the duty of the senator from Kentucky, standing at the head of a great party, to sustain his principles. He (Mr. F.) had not said that the senate should not receive the bill for the introduction of which the leave was asked. What he had said, was that if the senator from Kentucky would strike out the clause to which he objected as unconstitutional, he would give his vote in favour of granting leave; but he could not vote for granting the leave while that clause stood in the bill. He did not feel that he should be inclined to support the bill itself in its present form, because it asked too much. The gentleman from Maine had said that this was a proposition from strength to weakness. So it was at this moment; but it would not be so after the third of March next.

Was not every senator aware that a salutary change had taken place in public opinion on this subject, and after the close of the present session, was it not well known that they who were now the majority would have to submit to a majority entertaining opposite views, and representing the true opinions of a majority of the people. At the next session of congress, it was anticipated that the majority of congress would be in favour of the south, and that portion of the Union would then have the justice which they had so long asked for in vain.

The senator from Mississippi had adverted to another bill which was pending before the senate, and which he designated a bill to make war against S. Carolina. When that bill should be before the senate, it would be time enough to characterize it with epithets. He should feel it to be his duty to support that bill, because he believed that it was a constitutional measure, and that its effect would be to prevent the citizens of South Carolina, who had adopted different views of their duties—one party adhering to their allegiance to the state, and the other considering their first duty as due to the United States, from coming into conflict, and butchering one another.

Mr. Clay said, whether the remark of the senator from Georgia was intended as a sarcasm or not, he did not view it as material. He had prescribed to himself a course of action from which he would not suffer him-

self to be disturbed. He had resolved that while he was engaged in this work of peace, nothing which might be thrown out in the remarks of gentlemen, whether personal or not, should provoke him to any warmth of reply. He was, he must confess, somewhat surprised at the manner in which this request had been received. The gentleman from Georgia had intimated that this bill was the work of the manufacturers. The fact was not so. The bill was exclusively his own, and had been framed in opposition to the opinions and wishes of some manufacturers with whom he had conferred. If he had listened to them he should not have introduced this bill; but he had been moved by higher considerations, and had looked solely to the harmony and feelings of the whole Union.

In reference to the constitutional section, he reminded the gentleman that the bill was not a bill to raise the duties, but to reduce them, and, therefore, did not come within the reach of an equitable objection. If it had been a bill to raise the rate of duties, the objection to it would have been a valid one. The gentleman from New-Jersey (Mr. Dickerson) had formerly asked leave to introduce a bill similar in its character, and containing a clause for raising a duty, but not an objection was raised, and the bill was introduced. The constitution says, that all bills to raise revenue shall originate in the house of representatives. This was a bill to

reduce the duties, except in a single clause, and that clause relates to the act which had not yet gone into operation. It repeals the clause in that act, which relates to the duty on woollens, and then re-inserts a scale of duty in its room. He did not believe, that it was the intention of the constitution so far to restrict the right of the senate as to preclude the originating of a bill to repeal any existing law. Bills which come from the house were subject in the senate to any amendment which a member may make, and which the senate may think proper to make. It was perfectly clear that if there was any thing objectionable in the details of the bill, it could be corrected in its progress after it had been introduced.

Mr. Calhoun rose and said, he would make but one or two observations. Entirely approving of the object for which this bill was introduced—he should give his vote in favour of the motion for leave to introduce it. He who loves the Union, must desire to see this agitating question brought to a termination. Until it should be terminated, we could not expect the restoration of peace or harmony, or a sound condition of things, throughout the country. He believed that to the unhappy divisions which had kept the northern and southern states apart from each other, the present entirely degraded condition of the country—for entirely degraded he believed it to be, was solely attributable. The

general principles of this bill received his approbation. He believed that if the present difficulties were to be adjusted they must be adjusted on the principles embraced in this bill, of fixing *ad valorem* duties, except in the few cases in the bill to which specific duties were assigned. He said that it had been his fate to occupy a position as hostile as any one could in reference to the protecting policy; but, if it depended on his will, he would not give his vote for the prostration of the manufacturing interests. A very large capital had been invested in manufactures, which had been of great service to the country, and he would never give his vote to suddenly withdraw all those duties by which that capital was sustained in the channel into which it had been directed. But he would only vote for the *ad valorem* system of duties, which he deemed the most beneficial and the most equitable. At this time he did not rise to go into a consideration of any of the details of this bill, as such a course would be premature, and contrary to the practice of the senate. There were some of the provisions which had his entire approbation, and there were some to which he objected. But he looked upon these minor points of difference, as points in the settlement of which no difficulty would occur, when gentlemen met together in that spirit of mutual compromise, which he doubted not, would be brought into their deliberations, without

at all yielding the constitutional question as to the right of protection.

Mr. Dickerson said that, as the ayes and noes had been ordered, he felt himself bound to give a reason why he should feel himself constrained to vote against the granting of leave. It was not in reference to the merits of the bill; nor that he strongly and entirely approved or disapproved of any of its provisions, that he should record his vote. Such a bill as this could not, in his opinion, originate in the senate. The gentleman from Kentucky knew that he was, in no instance, disposed to go against any motion which came within the rules and rights of the senate. He stated that he had originated the bill to which reference had been made, by the instruction of the committee.

The gentleman from Kentucky said this was not a bill the object of which was to raise the revenue. Now he (Mr. D.) thought that although a bill might be nominally a bill to reduce the revenue, some of its provisions, by reducing duties, might so operate as to raise the amount of revenue collected. He did not, however, read the clause in the constitution in the same way as the gentleman from Kentucky did. To raise revenue according to the meaning of that instrument, was entirely a distinct thing from a mere question of the modification of duties. We have a bill which has been passed to raise revenue, and this which is now

under consideration is a bill to raise revenue. The term, as used in the constitution, implies the collecting and bringing money into the treasury. This was the view he had always taken of the meaning of the clause. And he hoped that the senator from Kentucky would excuse him, if, on the ayes and noes being taken, he should record his vote in the negative. Not that he was against the bill, although he had strong doubts whether, at this late period of the session, it could be productive of any good consequences.

Mr. Webster said, that as, by its title, the bill appeared to be merely a bill to *modify* the existing revenue laws, it could hardly be rejected, as a bill for raising revenue, which ought to originate in the other house, since there are many particulars, in which all the existing revenue laws might be modified, without raising more or less revenue. As the bill has not been read, (said Mr. W.), we seem to know no more of it, regularly, than its title purports. That title describes a bill, which may constitutionally originate in the senate: I shall, therefore, vote for the leave.

But I feel it my duty, Mr. President, to say a word or two upon the measure itself. It is impossible that this proposition of the honourable member from Kentucky should not excite in the country a very strong sensation; and in the relation in which I stand to the subject, I am anxious, at an early moment, to say, that as far as I understand the

bill, from the gentleman's statement of it, there are principles in it to which I do not, at present, see how I can ever concur. If I understand the plan, the result of it will be a well understood surrender of the power of discrimination, or a stipulation not to use that power, in the laying duties on imports, after the eight or nine years have expired. This appears to me to be matter of great moment. I hesitate to be a party to any such stipulation. The honourable member admits, that though there will be no positive surrender of the power, there will be a stipulation not to exercise it; a treaty of peace and amity, as he says, which no American statesman can hereafter stand up to violate. For one, sir, I am not ready to enter into the treaty. I propose, so far as depends on me, to leave all our successors in congress as free to act as we are ourselves.

The honourable member from Kentucky says the tariff is in imminent danger; that if not destroyed this session, it cannot hope to survive the next. This may be so; but if it be so, it is because the American people will not sanction the tariff; and if they will not, why, then, sir, it cannot be sustained at all. I am not quite so despairing as the honourable member seems to be. I know nothing which has happened, within the last six or eight months, changing, so materially, the prospects of the tariff. I do not despair of the success of an appeal to the American people, to take a just care of their own interests, and not to sacrifice

those vast intesests which have grown up under the laws of congress.

Mr. Forsyth said, that as the senator from Kentucky would not strike out from the bill the clause which he (Mr. F.) had considered as exceptionable, and as he found himself in a situation not to be sustained by many votes, he wished to fortify himself behind a decision, of the vice president (Mr. Calhoun) on a former bill, very similar to the present. A senator from Missouri (Mr. Benton) who was now in his seat, asked leave to bring in a bill to modify the duties on alum salt. The very objection was made to that bill, which he now made to the introduction of the bill of the senator from Kentucky. The president had decided that as a bill to regulate the duties on imports, in which salt was an item, was before the senate, the bill of the senator from Missouri would not be in order. There was a clause in this bill to raise the duty. On this point his objection was founded. Gentlemen might place what construction they chose on the term raising revenue. Used separately for raising or reducing revenue, the originating of the bill in this house was unconstitutional; but when a bill embraced both raising and reducing, it was constitutional. He begged to disclaim any idea of opposing the introduction of the bill on any other ground.

Mr. Forsyth expressed regret that he should have created so much discussion. He did not

oppose the object of the bill; he would not have raised his voice on the subject, if the motion did not call on him to violate a provision of the constitution of the United States. He had referred the senate to a case, in which the chair had evinced an inclination to decide that the bill could not be received. At the time when this intimation was given, he (Mr. F.) had thought that the decision was incorrect, and that then, as now, it was a question for the decision of the senate, and not of the president. A bill of this character, however, ought to pass first under the consideration of the immediate representatives of the people. He refused leave to introduce this bill, because the constitution forbids that the first action on a bill of this character should be in the senate. He had suggested, with a view to get rid of the difficulty, that the objectionable clause should be stricken out. The senator from Kentucky had no especial favour for it; but the gentleman from Kentucky had not met his wishes. He would now, with a view to get over the difficulty, move to amend the motion for leave, by adding to it the words "with the exception of those clauses which raise the duties on the articles named therein."

The chair pronounced the motion to amend to be out of order.

Mr. Clay said, that the clause which the senator from Georgia wishes to have stricken out was essential to the object of the bill. In the progress of the bill, the

whole of its provisions, even the title, might be stricken out. He admitted that it was the practice to call all these bills revenue bills. This bill, however, might with more propriety be called a bill for the reduction of protection. In reference to the bill of the senator from Missouri, it originated in this body, and contained an item raising the rate of duty, and it was on the question of the second reading that the president intimated a doubt whether it was in order.

He expressed his great regret that the senator from Massachusetts did not view this measure in so favourable a light at this moment, as he hoped that he would do on further examination of the bill. In reference to the dangers which surround the tariff, he would say that he believed that there was a majority of the people of the U. States decidedly in favour of protection in some form. Still he believed that from some causes, which the gentleman from Massachusetts was as well informed of as himself, the system was at this moment exposed to very great danger. He concurred with his friend from Massachusetts in the opinion, that these dangers might be temporary in their nature, and might be followed by a reaction, during which the tariff of protection might be revived. For one, he would say, without any affectation, that he felt himself to be growing old. He had seen enough of turmoil and strife; and if they could adopt any measure which would pacify the country, he would not

trouble himself concerning what might be the effect of it some eight or nine years hence, but would take the present practical good, and remove that alienation of feeling which has so long existed between certain parts of this widely spread confederacy, so as to enable us to transmit to after times the substantial blessings, as well as the name, of the glorious fabric of wisdom which our fathers bequeathed to us.

The call for the yeas and nays was then, with the assent of the senate, withdrawn, and leave given to introduce the bill.

The next day, February 13, pursuant to a notice given in the debate of the previous day, Mr. Webster offered the following resolutions :

Resolved, That the annual revenues of the country ought not to be allowed to exceed a just estimate of the wants of the government; and that as soon as it shall be ascertained, with reasonable certainty, that the rates of duties on imports, as established by the act of July 14, 1832, will yield an excess over those wants, provision ought to be made for their reduction; and that in making this reduction, just regard should be had to the various interests and opinions of different parts of the country, so as most effectually to preserve the integrity and harmony of the Union, and to provide for the common defence, and promote the general welfare of the whole.

But whereas, it is certain that the diminution of the rates of duties on some articles, would increase, instead of reducing, the aggregate amount of revenue

collected on such articles; and, whereas, in regard to such articles as it has been the policy of the country to protect, a slight reduction of one might produce essential injury, and even distress, to large classes of the community, while another might bear a larger reduction without any such consequences; but whereas, also, there are many articles, the duties on which might be reduced, or altogether abolished, without producing any other effect than the reduction of revenue: Therefore,

Resolved, That in reducing the rates of duties imposed on imports by the act of the 14th July aforesaid, it is not wise or judicious to proceed by way of an equal reduction, *per centum*, on all articles: but that, as well the amount, as the time of reduction, ought to be fixed, in respect to the several articles distinctly, having due regard in each case to the questions, whether the proposed reduction will affect revenue alone, or how far it will operate injuriously on those domestic manufactures hitherto protected, especially such as are essential in time of war, and such, also, as have been established on the faith of existing laws: and above all, how far such proposed reduction will affect the rates of wages, and the earnings of American manual labour.

Resolved, That it is unwise and injudicious, in regulating imports, to adopt a plan hitherto equally unknown in the history of this government, and in the practice of all enlightened nations, which shall either immediately or pro-

pectively reject all discrimination in articles to be taxed, whether they be articles of necessity or luxury, of general consumption, or of limited consumption, and whether they be, or be not, such as are manufactured and produced at home; and which shall confine all duties to one equal rate per centum, on all articles.

Resolved, That since the people of the United States have deprived the state governments of all power of fostering manufactures, however indispensable, in peace or in war, or however important to national independence, by commercial regulations, or by laying duties on imports, and have transferred the whole authority to make such regulations, and to lay such duties, to the congress of the United States; congress cannot surrender or abandon such power, compatibly with its constitutional duty; and, therefore,

Resolved, That no law ought to be passed on the subject of imports, containing any stipulation, express or implied, or giving any pledge or assurance, direct or indirect, which shall tend to restrain congress from the full exercise, at all times hereafter, of all its constitutional powers, in giving reasonable protection to American industry, countervailing the policy of foreign nations, and maintaining the substantial independence of the U. States.

The bill was then referred, after some discussion, to a select committee, composed of Messrs. Clay, Calhoun, Grundy, Webster, Clayton, Rives, and Dallas.

The debate on the enforcing bill was then resumed and continued by Mr. Rives, who sustained the course of the president, and drew a distinction between the doctrines of South Carolina and these promulgated by Virginia in 1798, which he said went no farther than an assertion of a right on the part of a state to declare a law of congress to be unconstitutional, but not of a right to annul the law.

This called up Mr. Calhoun, who, in a long and able speech, defended the grounds assumed by his native state. Mr. Calhoun said, he knew not which was most objectionable, the provision of the bill, or the temper in which its adoption had been urged. If the extraordinary powers with which the bill proposed to clothe the executive, to the utter prostration of the constitution, and the rights of the states, be calculated to impress our minds with alarm at the rapid progress of despotism in our country; the zeal with which every circumstance calculated to misrepresent or exaggerate the conduct of Carolina in the controversy, was seized on, with a view to excite hostility against her, but too plainly indicated the deep decay of that brotherly feeling which once existed between those states, and to which we are indebted for our beautiful federal system. It was not his intention, he said, to advert to all the misrepresentations, but there were some so well calculated to mislead the mind as to the real character of the con-

troversy, and hold up the state in a light so odious, that he did not feel himself justified in permitting them to pass unnoticed.

Among them, one of the most prominent was the false statement that the object of South Carolina was to exempt herself from her share of the public burthens, while she participated in the advantages of the government. If the charge were true—if the state were capable of being actuated by such low and unworthy motives, mother, as he considered her, he would not stand up on this floor to vindicate her conduct. Among her faults, and faults he would not deny she had, no one had ever yet charged her with that low and most sordid of vices—avarice. Her conduct, on all occasions, had been marked with the very opposite quality. From the commencement of the revolution—from its first breaking out at Boston till this hour, no state had been more profuse of its blood in the cause of the country; nor had any contributed so largely to the common treasury, in proportion to her wealth and population. She had, in that proportion, contributed more to the exports of the Union, on the exchange of which, with the rest of the world, the greater portion of the public burden had been levied, than any other state. No, the controversy was not such as has been stated; the state did not seek to participate in the advantages of the government without contributing her full share to the public treasury. Her object was far different. A

deep constitutional question lay at the bottom of the controversy. The real question at issue is, has the government a right to impose burdens on the capital and industry of one portion of the country, not with a view to revenue, but to the benefit of another; and he must be permitted to say, that after the long and deep agitation of this controversy, it was with surprise that he perceived so strong a disposition to misrepresent its real character. To correct the impression which those misrepresentations were calculated to make, he would dwell on the point under consideration for a few moments longer.

The federal government has, by an express provision of the constitution, the right to lay duties on imports. The state has never denied or resisted this right; nor even thought of so doing. The government has, however, not been contented with exercising this power as she had a right to do, but had gone a step beyond it, by laying imposts, not for revenue, but for protection. This the state considered as an unconstitutional exercise of power—highly injurious and oppressive to her and the other staple states, and had accordingly met it with the most determined resistance. He did not intend to enter, at this time, into the argument, as to the unconstitutionality of the protective system. It was not necessary. It is sufficient that the power is no where granted; and that from the journals of the convention which formed the

constitution, it would seem that it had been refused. In support of the journals, he might cite the statement of Luther Martin, which had already been referred to, to show that the convention, so far from conferring the power on the federal government, had left to the state the right to impose duties on imports, with the express view of enabling the several states to protect their own manufactures. Notwithstanding this, congress had assumed, without any warrant from the constitution, the right of exercising this most important power, and had so exercised it, as to impose a ruinous burden on the labour and capital of the state, by which her resources were exhausted—the enjoyments of her citizens curtailed—the means of education contracted—and all her interests essentially and injuriously affected.

There was another misstatement as to the nature of the controversy so frequently made in debate, and so well calculated to mislead, that he felt bound to notice it. It has been said that South Carolina claims the right to annul the constitution and laws of the United States; and to rebut this supposed claim, the gentleman from Virginia (Mr. Rives) has gravely quoted the constitution to prove that the constitution, and the laws made in pursuance thereof, are the supreme laws of the land; as if the state claimed the right to act contrary to this provision of the constitution. Nothing can be more erroneous; her object is

not to resist laws made in pursuance of the constitution; but those made without its authority, and which encroach on her reserved powers. She claims not even the right of judging of the delegated powers; but of those that are reserved, and to resist the former when they encroach upon the latter. He would pause to illustrate this important point.

All must admit that there are delegated and reserved powers; and that the powers reserved are reserved to the states respectively. The powers then of the government are divided between the general and the state governments; and the point immediately under consideration is, whether a state has any right to judge as to the extent of its reserved powers, and to defend them against the encroachments of the general government. Without going deeply into this point, at this stage of the argument, or looking into the nature or origin of the government, there was a simple view of the subject which he considered as conclusive. The very idea of a divided power implied the right, on the part of the state, for which he contended. The expression was metaphorical when applied to power. Every one readily understands that the division of matter consists in the separation of the parts. But, in this sense, it was not applicable to power. What, then, is meant by a division of power? He could not conceive of a division, without giving an equal right to each to judge of the extent of

the power allotted to each. Such right, he held to be essential to the existence of a division; and that to give to either party the conclusive right of judging not only the share allotted to it, but of that allotted to the other, was to annul the division, and would confer the whole power on the party vested with such right. But it is contended that the constitution has conferred on the supreme court the right of judging between the states and the general government. Those who make this objection, overlooked, he conceived, an important provision of the constitution. By turning to the 10th amended article of the constitution, it will be seen that the reservation of power to the states is not only against the powers delegated to congress, but against the United States themselves; and extends of course, as well to the judiciary as to the other departments of the government. The article provides that all powers, not delegated to the United States, or prohibited by it to the states, are reserved to the states respectively, or to the people. This presents the inquiry, what powers are delegated to the United States? They may be classed under four divisions: First, those that are delegated by the states to each other, by virtue of which the constitution may be altered or amended by three fourths of the states, when, without which, it would have required the unanimous vote of all. Next, the powers conferred upon congress, then those on the president; and, finally, those on the judicial de-

partment; all of which are particularly enumerated in the parts of the constitution which organizes the respective departments. The reservation of powers to the states is, as he has said, against the whole, and is as full against the judicial, as it is against the executive and legislative departments of the government. It could not be claimed for the one, without claiming it for the whole, and without, in fact, annulling this important provision of the constitution. Against this, as it appeared to him, conclusive view of the subject, it has been urged that this power is expressly conferred on the supreme court, by that portion of the constitution which provides, that the judicial power shall extend to all cases in law and equity, arising under the constitution, the laws of the United States, and treaties made under their authority. He believed the assertion to be utterly destitute of any foundation. It obviously was the intention of the constitution, simply to make the judicial power commensurate with the law-making and treaty-making powers; and to vest it with the right of applying the constitution, the laws and the treaties, to the cases which might arise under them; and not to make it the judge of the constitution, the laws and the treaties themselves. In fact, the power of applying the laws to the facts of the case, and deciding upon such application, constitutes in truth the judicial power. The distinction between such power, and that of judging

of the laws, would be perfectly apparent when we advert to what is the acknowledged power of the court in reference to treaties or compacts between sovereigns. It was perfectly established, that the courts have no right to judge of the violation of treaties; and that, in reference to them, their power is limited to the right of judging, simply of the violation of rights under them; and that the right of judging of infractions belongs exclusively to the parties themselves, and not to the courts; of which we have an example in the French treaty, which was declared by congress null and void, in consequence of its violation by the government of France. Without such declaration, had a French citizen sued a citizen of this country under the treaty, the court could have taken no cognizance of its infraction; nor after such a declaration, would it have heard any argument or proof going to show that the treaty had not been violated.

The declaration of itself was conclusive on the court. But it would be asked how the court obtained the powers to pronounce a law or treaty unconstitutional, when they come in conflict with that instrument? He did not deny that it possesses the right, but he could by no means concede that it was derived from the constitution. It had its origin in the necessity of the case. Where there were two or more rules established, one from a higher, the other from a lower authority, which might come into conflict, in applying

them to a particular case, the judge could not avoid pronouncing in favour of the superior against the inferior. It was from this necessity, and this alone, that the power which is now set up to overrule the rights of the states, against an express provision of the constitution, was derived. It had no other origin. That he had traced it to its true source, would be manifest from the fact, that it was a power which, so far from being conferred exclusively on the supreme court, as was insisted, belonged to every court—inferior and superior—state and general—and even to foreign courts.

He might push the argument much further against the power of the court, but he did not deem it necessary, at least in this stage of the discussion. If the views which had already been presented be correct, and he did not see how they could be resisted, the conclusion was inevitable, that the reserved powers were reserved equally against every department of the government, and as strongly against the judicial as against the other departments; and of course were left under the exclusive will of the states.

There still remained another misrepresentation of the conduct of the state, which has been made with the view of exciting odium. He alluded to the charge that South Carolina supported the tariff of 1816, and was therefore responsible for the protective system. To determine the truth of this charge, it becomes

necessary to ascertain the real character of that law—whether it was a tariff for revenue or for protection; which presents the inquiry of what was the condition of the country at that period? The late war with Great Britain had just terminated, which, with the restrictive system that preceded it, had diverted a large amount of capital and industry from commerce to manufactures, particularly to the cotton and woollen branches. There was a debt at the same time, of one hundred and thirty millions of dollars hanging over the country; and the heavy war duties were still in existence. Under these circumstances, the question was presented, to what point the duties ought to be reduced. That question involved another—at what time the debt ought to be paid,—which was a question of policy, involving in its consideration all the circumstances connected with the then condition of the country. Among the most prominent arguments in favour of an early discharge of the debt, was that the high duties which it would require to effect it, would have, at the same time, the effect of sustaining the infant manufactures, which had been forced up under the circumstances to which he had adverted. This view of the subject had a decided influence in determining in favour of an early payment of the debt. The sinking fund was accordingly raised from seven to ten millions of dollars, with the provision to apply the surplus which might remain in the treasury as a contingent

appropriation to that fund; and the duties were graduated to meet this increased expenditure. It was thus that the policy and justice of protecting the large amount of capital and industry, which had been diverted by the measures of the government into new channels, as he had stated, was combined with the fiscal action of the government, and which, while it secured a prompt payment of the debt, prevented the immense losses to the manufacturers which would have followed a sudden and great reduction. Still, revenue was the main object, and protection but the incidental. The bill to reduce the duties was reported by the committee of ways and means, and not of manufactures; and it proposed a heavy reduction on the then existing rate of duties. But what of itself, without other evidence, was decisive as to the character of the bill, is the fact that it fixed a much higher rate of duties on the unprotected than on the protected articles. He would enumerate a few leading articles only: woollen and cotton above the value of 25 cents on the square yard, though they were the leading objects of protection, were subject to a permanent duty of only 20 per cent. Iron, another leading article among the protected, had a protection of not more than nine per cent., as fixed by the act, and of but fifteen as reported in the bill. These rates were all below the average duties as fixed in the act, including the protected, the unprotected, and even the free articles.

Mr. C. said he had entered into some calculation in order to ascertain the average rate of duties in the act. There was some uncertainty in the data, but he felt assured that it was not less than thirty per cent. *ad valorem*; showing an excess of the average duties above that imposed on the protected articles enumerated, of more than ten per cent.; and thus clearly establishing the character of the measure, that it was for revenue and not protection.

Looking back, even at this distant period, with all our experience, he perceived but two errors in the act; the one in reference to iron, and the other the minimum duty on coarse cottons. As to the former, he conceived that the bill, as reported, proposed a duty relatively too low, which was still further reduced in its passage through congress. The duty, at first, was fixed at seventy-five cents the hundred weight; but, in the last stage of its passage, it was reduced by a sort of caprice, occasioned by an unfortunate motion, to forty-five cents. This injustice was severely felt in Pennsylvania, the state, above all others, most productive of iron, and was the principal cause of that great re-action, which has since thrown her so decidedly on the side of the protective policy. The other error was that, as to coarse cottons, on which the duty was as much too high, as that on iron was too low. It introduced, besides, the obnoxious minimum principle, which has since been so mis-

chievously extended; and, to that extent, he was constrained in candour, to acknowledge as he wished to disguise nothing, the protective principle was recognised by the act of 1816.

With these exceptions, he again repeated, he saw nothing in the bill to condemn. Yet, it was on the ground that the members from the state had voted for the bill, that the attempt was now made to hold up Carolina as responsible for the whole system of protection which has since followed, though she has resisted its progress in every stage. Was there ever greater injustice? And how was it to be accounted for, but as forming a part of that systematic misrepresentation and calumny, which has been directed for so many years, without interruption, against that gallant and generous state.

He might add, that all the southern states voted with South Carolina in support of the bill; not that they had any interest in manufactures, but on the ground that they had supported the war, and of course felt a corresponding obligation to sustain those establishments which had grown up under the encouragement it had incidentally afforded; while most of the New-England members were opposed to the measure, principally, as he believed, on opposite principles.

He had now, he trusted, satisfactorily repelled the charge against the state, in reference to the tariff of 1816. Whatever

support the state had given to the bill, had originated in the most disinterested motives.

There was not, within the limits of the state, so far as his memory served him, a single cotton or woollen establishment. Her whole dependence was on agriculture, and the cultivation of two great staples, rice and cotton. Her obvious policy was to keep open the market of the world unchecked and unrestricted—to buy cheap, and to sell high: but from a feeling of kindness, combined with a sense of justice, she added her support to the bill. We had been told by the agents of the manufacturers, that the protection which the measure afforded would be sufficient; to which we the more readily conceded, as it was considered as a final adjustment of the question.

Let us now, said Mr. C., turn our eyes forward, and see what has been the conduct of the parties to this arrangement. Have Carolina and the south disturbed this adjustment? No, they have never raised their voice in a single instance against it; even though this measure, moderate comparatively as it is, was felt with no inconsiderable pressure in their interests. Was this example imitated on the opposite side? Far otherwise. Scarcely had the president signed his name, before application was made for an increase of duties, which was repeated with demands continually growing, till the passage of the act of 1828. What course, now, he would ask, did it become Caro-

lina to pursue in reference to these demands? Instead of acquiescing in them because she had acted generously in adjusting the tariff of 1816; she saw in her generosity on that occasion, additional motives for that firm and decided resistance which she has since made against the system of protection. She accordingly commenced a systematic opposition to all farther encroachments, which continued from 1818 till 1828; by discussions and by resolutions; by remonstrances and by protests, through her legislature. These all proved insufficient to stem the current of encroachment; but notwithstanding the heavy pressure of her industry, she never despaired of relief, till the passage of the act of 1828—that bill of abominations—engendered by avarice and political intrigue. Its adoption opened the eyes of the state, and gave a new character to the controversy. Till then, the question had been, whether the protective system was constitutional and expedient, but after that, she no longer considered the question whether the right of regulating the industry of the states was a reserved or delegated power; but what right a state possesses to defend her reserved powers against the encroachments of the federal government; a question, on the decision of which, the value of all the reserved powers depends. The passage of the act of 1828, with all its objectionable features, and under the odious circumstances under which it was adopted, had al-

most, if not entirely, closed the door of hope through the general government. It afforded conclusive evidence that no reasonable prospect of relief from congress could be entertained; yet the near approach of the period of the payment of the public debt, and elevation of General Jackson to the presidency, still afforded a ray of hope—not so strong, however, as to prevent the state from turning her eyes, for final relief, to her reserved powers.

Under these circumstances commenced that inquiry into the nature and extent of the reserved powers of a state, and the means which they afforded of resistance against the encroachments of the general government; which has been pursued with so much zeal and energy, and he might add intelligence. Never was there a political discussion carried on with greater activity, and which appealed more directly to the intelligence of a community. Throughout the whole, no address was made to the low and vulgar passions. But, on the contrary, the discussion turned upon the higher principles of political economy, connected with the operations of the tariff system, which are calculated to show its real bearing on the interests of the state, and on the structure of our political system; going to show the true character of the relations between the state and the general government; and the means which the states possess of defending those powers which

they reserved in forming the federal government.

But while this active canvass was carried on, which looked to the reserved powers as their final redress, if all others failed, the state, at the same time, cherished a hope, as I have already stated, that the election of Gen. Jackson to the presidency, would prevent the necessity of a resort to extremities. He was identified with the interests of the staple states—and, having the same interest, it was believed that his great popularity, a popularity of the strongest character, as it rested on military services, would enable him, as they hoped, gradually to bring down the system of protection, without shock or injury to any interest. Under these views, the canvass in favour of General Jackson's election to the presidency was carried on with great zeal, in conjunction with that active enquiry into the reserved powers of the states, on which final reliance was placed. But little did the people of Carolina dream, that the man whom they were thus striving to elevate to the highest seat of power, would prove so utterly false to all their hopes. Man is, indeed, ignorant of the future; nor was there ever a stronger illustration of the observation, than is afforded by the result of that election.

Scarcely had he been elected, when it became apparent, from the organization of his cabinet, and other indications, that all their hopes of relief through him were blasted. The admission

of a single individual into the cabinet, under the circumstances which accompanied that admission, threw all into confusion. The mischievous influence over the president, through which this individual was admitted into the cabinet, soon became apparent. Instead of turning his eyes forward to the period of the payment of the public debt, which was then near at hand, and to the present dangerous political crisis, which was inevitable, unless averted by a timely and wise system of measures, the attention of the president was absorbed by mere party arrangements, and circumstances too disreputable to be mentioned here, except by the most distant allusion.

It was thus that the reasonable hope of relief, through the election of General Jackson, was blasted; but, still, one other hope remained—that the final discharge of the public debt, an event near at hand, would remove our burden. That event would leave in the treasury a large surplus; a surplus that could not be expended under the most extravagant schemes of appropriation, having the least colour of decency or constitutionality. That event at last arrived. At the last session of congress, it was avowed on all sides, that the public debt, for all practical purposes, was, in fact, paid; the small surplus remaining being nearly covered by the money in the treasury, and the bonds for duties which had already accrued; but with the arrival of this event, our last

hope was doomed to be disappointed. After a long session of many months, and the most earnest effort on the part of South Carolina and the other southern states to obtain relief, all that could be effected was a small reduction in the amount of duties; but a reduction of such a character, that while it diminished the amount of burden, distributed that burden more unequally than even the obnoxious act of 1828; reversing the principle adopted by the bill of 1816, of laying higher duties on the unprotected than the protected articles, by repealing, almost entirely, the duties laid upon the former, and imposing the burden, almost entirely, on the latter. It was thus, that instead of relief—instead of an equal distribution of the burdens and benefits of the government on the payment of the debt, as had been fondly anticipated, the duties were so arranged as to be, in fact, bounties on one side, and taxation on the other, and thus placing the two great sections of the country in direct conflict in reference to its fiscal action, and thereby letting in that flood of political corruption which threatens to sweep away our constitution and our liberty.

This unequal and unjust arrangement was pronounced, both by the administration, through its proper organ, the secretary of the treasury, and by the opposition, to be a *permanent* adjustment; and it was thus that all hope of relief through the action of the general government terminated, and the crisis so

long apprehended at length arrived, at which the state was compelled to choose between absolute acquiescence in a ruinous system of oppression, or a resort to her reserved powers—powers of which she alone was the rightful judge, and which only, in this momentous juncture, could save her. She determined on the latter.

The consent of two thirds of her legislature was necessary for the call of a convention, which was considered the only legitimate organ through which the people, in their sovereignty, could speak. After an arduous struggle, the state rights party succeeded; more than two thirds of both branches of the legislature favourable to a convention were elected; a convention was called—the ordinance adopted. The convention was succeeded by a meeting of the legislature, when the laws to carry the ordinance into execution were enacted; all of which had been communicated by the president—had been referred to the committee on the judiciary, and this bill is the result of their labour.

Having now, said Mr. C., corrected some of the prominent misrepresentations, as to the nature of this controversy, and given a rapid sketch of the movement of the state in reference to it, he would next proceed to notice some objections connected with the ordinance and the proceedings under it.

The first, and most prominent of these, is directed against what is called the test oath—which

an effort has been made to render odious. So far from deserving the denunciation which has been levelled against it, he viewed this provision of the ordinance as but the natural result of the doctrines entertained by the state, and the position which she occupies. The people of that state believe that the Union is a union of states, and not of individuals; that it was formed by the states, and that the citizens of the several states were bound to it through the acts of their several states; that each state ratified the constitution for itself, and that it was only by such ratification of a state, that any obligation was imposed upon the citizens,—thus believing, it was the opinion of the people of Carolina, that it belonged to the state which had imposed the obligation, to declare, in the last resort, the extent of that obligation, as far as her citizens were concerned; and this, upon the plain principles which exist in all analogous cases of compact, between sovereign or political bodies. On this principle the people of the state, acting in their sovereign capacity, in convention, precisely as they had adopted their own and the federal constitutions, had declared by the ordinance, that the acts of congress which had imposed duties under the authority to lay imposts, were acts, not for revenue, as intended by the constitution, but for protection, and therefore null and void. The ordinance thus enacted by the people of the state themselves, acting as a sovereign communi-

ty, was, to all intents and purposes, a part of the constitution of the state; and though of a peculiar character, was as obligatory on the citizens of that state, as any portion of the constitution.

In prescribing, then, the oath to obey the ordinance, no more was done than to prescribe an oath to obey the constitution. It was, in fact, but a particular oath of allegiance, and in every respect similar to that which is prescribed under the constitution of the United States, to be administered to all the officers of the state and federal governments; and was no more deserving the harsh and bitter epithets which had been heaped upon it, than that or any similar oath. It ought to be borne in mind, that, according to the opinion which prevailed in Carolina, the right of resistance to the unconstitutional laws of congress belongs to the state, and not to her individual citizens, and that, though the latter may, in a mere question of *meum* and *tuum*, resist through the courts an unconstitutional encroachment upon their rights, yet the final stand against usurpation rests not with them, but with the state of which they are members—and that such act of resistance by a state, binds the conscience and allegiance of the citizen. But there appeared to be a general misapprehension as to the extent to which the state had acted under this part of the ordinance. Instead of sweeping every officer, by a general proscription of the minority, as has been represented in debate, as far as the know-

ledge of Mr. C. extends, not a single individual had been removed. The state had, in fact, acted with the greatest tenderness, all circumstances considered, towards citizens who had differed from the majority; and in that spirit had directed the oath to be administered only in cases of some official act directed to be performed, in which obedience to the ordinance was involved.

It had been further objected that the state had acted precipitately. What? precipitately? after making a strenuous resistance for twelve years—by discussion here and in the other house of congress—by essays in all forms—by resolutions, remonstrances, and protests on the part of the legislature, and finally, by attempting an appeal to the judicial power of the United States. He said attempting, for they had been prevented from bringing the question fairly before the court, and that by an act of that very majority in congress which now upbraids them for not making that appeal; of that majority who, on a motion of one of the members in the other house from South Carolina, refused to give to the act of 1828 its true title; that it was a *protective* and not a *revenue* act. The state has never, it is true, relied upon that tribunal, the supreme court, to vindicate its reserved rights; yet they have always considered it as an auxiliary means of defence, of which they would gladly have availed themselves to test the constitutionality of protection, had the

not been deprived of the means of doing so by the act of the majority.

No! it is not Carolina which has acted precipitately, but her sister states, who have suffered in common with her, that have acted tardily. Had they acted as she has done—had they performed their duty with equal energy and promptness, our situation this day would be very different from what we now find it. Delays are said to be dangerous; and never was the maxim more true than in the present case—a case of monopoly. It is the very nature of monopolies to grow. If we take from one side a large portion of the proceeds of its labour and give it to the other, the side from which we take must constantly decay, and that to which we give must prosper and increase. Such is the action of the protective system. It exacts from the South a large portion of the proceeds of its industry, which it bestows upon the other sections in the shape of bounties to manufactures, and appropriations in a thousand forms—pensions, improvement of rivers and harbours, roads and canals, and in every shape that wit or ingenuity can devise. And this is the real reason of the fact which we witness, that all acts for protection pass with small minorities, but soon come to be sustained by great and overwhelming majorities. Those who seek the monopoly, endeavour to obtain it in the most exclusive shape; and they take care, accordingly, to associate

only a sufficient number of interests barely to pass it through the two houses of congress—on the plain principles that the greater the number from whom the monopoly takes, and the fewer on whom it bestows, the greater is the advantage to the monopolists. Acting in this spirit, we have often seen with what exact precision they count, adding wool to woollens, associating lead and iron, feeling their way, until a bare majority is obtained, when the bill passes, connecting just as many interests as is sufficient to insure its success, and no more. In a short time, however, we have invariably found that this *lean*, becomes a decided majority, under the certain operation which compels individuals to desert the pursuits which the monopoly have rendered unprofitable, that they may participate in those pursuits which it had rendered profitable. It is against this dangerous and growing disease which South Carolina has acted—a disease whose cancerous action would soon spread to every part of the system, had it not been speedily arrested.

There was another powerful reason why the action of the state could not be safely delayed. The public debt, as he had already stated, for all practical purposes, had already been paid; and, under the existing duties, a large annual surplus of many millions must come into the treasury. It was impossible to look at this state of things without seeing the most mischievous consequences; and, among

others, if not speedily corrected, it would interpose powerful and almost insuperable obstacles to throwing off the burden under which the south had been so long labouring. The disposition of the surplus would become a subject of violent and corrupt struggle, and could not fail to rear up new and powerful interests in support of the existing system; not only in those sections which have been heretofore benefited by it, but even in the south itself. He could not but trace to the anticipation of this state of the treasury, the sudden and extraordinary movements which had taken place at the last session in the Virginia legislature, in which the whole south was vitally interested. It was impossible for any rational man to believe that that state could seriously have thought of effecting the scheme to which he alluded, by her own resources, without powerful aid from the general government.

It was next objected, that the enforcing acts have legislated the United States out of South Carolina. They had been legislated out only to the extent that they had no right to enter. The constitution had admitted the jurisdiction of the United States within the limits of the several states, only so far as the delegated powers authorized; beyond that they were intruders, and might rightfully be expelled; and that they had been efficiently expelled by the legislation of the state through her civil process, as has been acknowledged on all sides in the debate, is only a con-

firmation of the truth of the doctrine for which the majority in Carolina had contended.

The very point at issue between the two parties there was, whether nullification was a peaceable and an efficient remedy against an unconstitutional act of the general government, and which might be asserted as such through the state tribunals. Both parties agree that the acts against which it was directed are unconstitutional and oppressive. The controversy was only as to the means by which our citizens might be protected against the acknowledged encroachments on their rights. This being the point at issue between the parties, and the very object of the majority being an efficient protection of the citizens through the state tribunals; the measures adopted to enforce the ordinance, of course, received the most decisive character. We were not children, to act by halves. Yet, for acting thus efficiently the state is denounced, and this bill is reported to overrule, by military force, the civil tribunals and civil process of the state. Sir, said Mr. C., I consider the bill, and the arguments which have been urged on this floor in its support, as the most triumphant acknowledgment that nullification is peaceful and efficient, and so deeply entrenched in the principles of our system, that it cannot be assailed but by prostrating the constitution, and substituting the supremacy of military force in lieu of the supremacy of the laws. In fact, the advocates of

this bill refute their own argument. They tell us that the ordinance is unconstitutional, that it violates the constitution of South Carolina: although to him, the objection appears absurd, as it was adopted by the very authority which adopted the constitution itself. They also tell us that the supreme court is the appointed arbiter of all controversies between a state and the general government. Why, then, do they not leave this controversy to that tribunal? Why do they not confide to it the abrogation of the ordinance, and the laws made in pursuance of it, and the assertion of that supremacy which they claim for the laws of congress? The state stands pledged to resist no process of the courts. Why, then, confer on the president the extensive and unlimited powers provided in this bill? Why authorize him to use military force to arrest the civil process of the state? But one answer can be given. That, in a contest between the state and the general government, if the resistance be limited on both sides to the civil process, the state, by its inherent sovereignty, standing upon its reserved powers, will prove too powerful in such a controversy, and must triumph over the federal government, sustained by its delegated and limited authority; and, in this answer, we have an acknowledgment of the truth of those great principles for which the state has so firmly and nobly contended.

Having made these remarks, the great question is now pre-

mented; has congress the right to pass this bill? The decision of this question involves the inquiry into the provisions of the bill. What are they? It puts at the disposal of the president the army and navy, and the entire militia of the country. It enables him, at his pleasure, to subject every man in the United States, not exempt from militia duty, to martial law—to call him from his ordinary occupation, to the field, and under the penalty of fine and imprisonment inflicted by a court martial, to imbrue his hand in his brothers' blood. There is no limitation on the power of the sword, and that over the purse is equally without restraint; for among the extraordinary features of the bill, it contains no appropriation, which, under existing circumstances, is tantamount to an unlimited appropriation. The president may, under its authority, incur any expenditure and pledge the national faith to meet it. He may create a new national debt at the very moment of the extinction of the former,—a debt of millions to be paid out of the proceeds of the labour of that section of the country whose dearest constitutional rights this bill prostrates.

And for what purpose is the unlimited control of the purse and of the sword thus placed at the disposition of the executive? To make war against one of the free and sovereign members of this confederation; which the bill proposes to deal with, not as a state, but as a collection of banditti or outlaws. Thus ex-

hibiting the impious spectacle of this government—the creature of the states, making war against the power to which it owes its existence.

The bill violates the constitution, plainly and palpably, in many of its provisions, by authorizing the president, at his pleasure, to place the different ports of the Union on an unequal footing, contrary to that provision of the constitution which declares that no preference should be given to one port over another. It also violates the constitution, by authorizing him, at his discretion, to impose cash duties on one port, while credit is allowed in others; by enabling the president to regulate commerce, a power vested in congress alone; and by drawing within the jurisdiction of the United States' courts, powers never intended to be conferred on them. As great as these objections were, they became insignificant in the provisions of a bill which, by a single blow—by treating the state as a mere lawless mass of individuals—prostrates all the barriers of the constitution. He would pass over the minor considerations, and proceed directly to the great point. This bill proceeds on the ground that the entire sovereignty of this country belongs to the American people, as forming one great community; and regards the states as mere fractions or counties, and not as an integral part of the Union; having no more right to resist the encroachments of the government, than a

county has to resist the authority of a state; and treating such resistance as the lawless acts of so many individuals, without possessing sovereignty or political rights.

Notwithstanding all that has been said, he must say that no one who had taken part in the debate had directly and fairly met the great questions at issue: Is this a federal Union? a union of states, as distinct from that of individuals? Is the sovereignty in the several states, or in the American people in the aggregate? The very language which we are compelled to use, when speaking of our political institutions, affords proof conclusive as to its real character. The terms union, federal, united, all imply a combination of sovereignties, a confederation of states. They are never applied to an association of individuals. Who ever heard of the United State of New-York, of Massachusetts, or of Virginia? who ever heard the term federal or union, applied to the aggregation of individuals into one community? Nor is the other point less clear—that the sovereignty is in the several states, and that our system is a union of twenty-four sovereign powers, under a constitutional compact, and not of a divided sovereignty between the states severally and the United States. In spite of all that had been said, he maintained that sovereignty is, in its nature, indivisible. It is the supreme power in a state, and we might just as well speak of half a square, or half of a tri-

angle, as of half a sovereignty. It is a gross error to confound the *exercise* of sovereign powers with *sovereignty* itself; or the *delegation* of such powers with a *surrender* of them. A sovereign may delegate his powers to be exercised by as many agents as he may think proper, under such conditions and with such limitations as he may impose; but to surrender any portion of his sovereignty to another, is to annihilate the whole.

In connexion with this part of the subject, he understood the senator from Virginia, (Mr. Rives,) to say that sovereignty was divided, and that a portion remained with the states severally, and that the residue was vested in the Union. By Union, he supposed that the senator meant the United States. If such be his meaning—if he intended to affirm that the sovereignty was in the twenty-four states, in whatever light he might view them, their opinions would not disagree; but, according to his (Mr. C's.) conception, the whole sovereignty was in the several states, while the exercise of sovereign powers was divided—a part being exercised under compact, through this general government, and the residue through the separate state governments. But if the senator from Virginia (Mr. Rives) meant to assert that the twenty-four states formed but one community, with a single sovereign power, as to the objects of the Union, it would be but the revival of the old question, of whether the Union was a union be-

tween states, as distinct communities, or a mere aggregate of the American people, as a mass of individuals, and in this light his opinions would lead directly to consolidation.

But to return to the bill. It is said that the bill ought to pass, because the law must be enforced. The law must be enforced. The imperial edict must be executed. It is under such sophistry, couched in general terms, without looking to the limitations which must ever exist in the practical exercise of power, that the most cruel and despotical acts ever have been covered. It was such sophistry as this, that cast Daniel into the lion's den, and the three innocents into the fiery furnace. Under the same sophistry, the bloody edicts of Nero and Caligula were executed. The law must be enforced. Yes, the "tea tax must be executed." This was the very argument which impelled Lord North and his administration in that mad career which for ever separated us from the British crown. Under a similar sophistry, "that religion must be protected;" how many massacres have been perpetrated! and how many martyrs have been tied to the stake! What! acting on this vague abstraction, are you prepared to enforce a law, without considering whether it be just or unjust, constitutional or unconstitutional? Will you collect money when it is acknowledged that it is not wanted?—He who earns the money, who digs it from the earth with the sweat of his brow, has a just

title to it against the universe. No one has a right to touch it without his consent, except his government, and it only to the extent of its legitimate wants; to take more is robbery, and you propose by this bill to enforce robbery by murder. Yes, to this result you must come, by this miserable sophistry, this vague abstraction, of enforcing the law without regard to the fact whether the law be just or unjust, constitutional or unconstitutional.

In the same spirit we are told that the Union must be preserved, without regard to the means. And how is it proposed to preserve the Union? By force!! Does any man in his senses believe that this beautiful structure—this harmonious aggregate of states, produced by the joint consent of all, can be preserved by force? Its very introduction will be certain destruction of this federal Union. No! no! You cannot keep the states united in their constitutional and federal bonds by force. Force may, indeed, hold the parts together; but such union would be the bond between master and slave; a union of exaction on one side, and of unqualified obedience on the other. That *obedience* which we are told by the senator from Pennsylvania, (Mr. Wilkins,) is the Union! Yes, exaction on the side of the master: for this very bill is intended to collect what can be no longer called taxes—the voluntary contribution of a free people; but tribute, tribute to be collected under the mouths

of the cannon! Your custom house is already transferred to a garrison, and that garrison with its batteries turned, not against the enemies of your country, but on subjects (I will not say citizens) on whom you propose to levy contributions. Has reason fled from our borders? Have we ceased to reflect? It is madness to suppose that the Union can be preserved by force. I tell you plainly, that the bill, should it pass, cannot be enforced. It will prove only a blot upon your statute book, a reproach to the year, and a disgrace to the American senate. I repeat that it will not be executed; it will rouse the dormant spirit of the people, and open their eyes to the approach of despotism. The country has sunk into avarice and political corruption, from which nothing could rouse it but some measure on the part of the government, of folly and madness, such as that now under consideration.

Disguise it as you may, the controversy is one between power and liberty, and he would tell the gentleman who are opposed to him, that as strong as might be the love of power on their side, the love of liberty is still stronger on ours. History furnishes many instances of similar struggles, where the love of liberty has prevailed against power, under every disadvantage, and among them few more striking than that of our own revolution; where, as strong as was the parent country, and as feeble as were the colonies, yet, under the impulse

of liberty and the blessing of God, they gloriously triumphed in the contest. There were, indeed, many and striking analogies between that and the present controversy: they both originated substantially in the same cause, with this difference, that, in the present case, the power of taxation is converted into that of regulating industry: in that the power of regulating industry, by the regulation of commerce, was attempted to be converted into the power of taxation. Were he to trace the analogy further, we would find that the perversion of the taxing power, in one case, has given precisely the same control to the northern section over the industry of the southern section of the Union, which the power to regulate commerce gave to Great Britain over the industry of the colonies; and that the very articles in which the colonies were permitted to have a free trade, and those in which the mother country had a monopoly, are almost identically the same as those of which the southern states are permitted to have a free trade by the act of 1832, and of which the northern states have, by the same act, secured a monopoly; the only difference is in the means. In the former, the colonies were permitted to have a free trade with all other countries south of Cape Finistere, a cape in the northern part of Spain; while north of that the trade of the colonies was prohibited, except through the mother country, by means of her commercial regulations. If we compare the pro-

ducts of the country north and south of Cape Finistere, we will find them almost identical with the list of the protected, and unprotected articles contained in the act of last year. Nor does the analogy terminate here. The very arguments resorted to at the commencement of the American revolution, and the measures adopted, and the motives assigned to bring on that contest, (to enforce the law,) are almost identically the same.

But, (said Mr. Calhoun,) to return from this digression to the consideration of the bill. Whatever opinion may exist upon other points, there is one in which he would suppose there could be none; that this bill rests on principles which, if carried out, will ride over state sovereignties, and that it will be idle for any of its advocates hereafter to talk of state rights. The Senator from Virginia (Mr. Rives) says that he is the advocate of state rights; but he must permit me to tell him that, although he may differ in premises from the other gentlemen with whom he acts on this occasion, yet in supporting this bill he obliterates every vestige of distinction between him and them; saving only that professing the principles of '98, his example will be more pernicious than that of the most open and bitter opponents of the rights of the states. He would also add, what he was compelled to say, that he must consider him (Mr. Rives) as less consistent than our old opponents, whose conclu-

sions were fairly drawn from their premises, whilst his premises ought to have led him to opposite conclusions. The gentleman has told us that the new fangled doctrines, as he chose to call them, had brought state rights into disrepute. He must tell him, in reply, that what he called new fangled, are but the doctrines of '98; and that it is he, (Mr. Rives,) and others with him, who, professing these doctrines, had degraded them by explaining away their meaning and efficacy. He (Mr R) had disclaimed, in behalf of Virginia, the authorship of nullification. Mr. C. would not dispute that point. If Virginia chose to throw away one of her brightest ornaments, she must not hereafter complain that it had become the property of another. But while as a representative of Carolina, he had no right to complain of the disavowal of the senator from Virginia, he must believe that he (Mr. R.) had done his native state great injustice, by declaring on this floor, that when she gravely resolved, in '98, that "in cases of deliberate and dangerous infractions of the constitution, the states, as parties to the compact, have the right, and are in duty bound, to interpose to arrest the progress of the evil, and to maintain, within their respective limits, the authorities, rights, and liberties appertaining to them," meant no more than to ordain the right to protest and remonstrate. To suppose that, in putting forth so solemn a declaration, which she afterwards sustained by so able

and elaborate an argument, she meant no more than to assert what no one had ever denied, would be to suppose that the state had been guilty of the most egregious trifling that ever was exhibited on so solemn an occasion.

Mr. C. said that, in reviewing the ground over which he had passed, it would be apparent that the question in controversy involved that most deeply important of all political questions, whether ours was a federal or a consolidated government. A question, on the decision of which depends, as he solemnly believed, the liberty of the people, their happiness, and the place which we are destined to hold in the moral and intellectual scale of nations. Never was there a controversy in which more important consequences were involved; not excepting that between Persia and Greece, decided by the battles of Marathon, Platea, and Salamis; which gave ascendancy to the genius of Europe over that of Asia, and which, in its consequences, has continued to affect the destiny of so large a portion of the world even at this day.

On the next day, Mr. Calhoun proceeded by remarking that he had omitted, at their proper place, in the course of his observation yesterday, two or three points to which he would now advert, before he resumed the discussion where he had left off. He had stated that the ordinance and acts of South Carolina were directed, not against the revenue, but against the system of

protection. But it might be asked, if such was her object, how happens it that she has declared the whole system void; revenue as well as protection, without discrimination? It is this question which he proposed to answer. Her justification will be found in the necessity of the case; and if there be any blame, it could not attach to her. The two were so blended throughout the whole, as to make the entire revenue system subordinate to the protection, so as to constitute a complete system of protection, in which it was impossible to discriminate the two elements of which it is composed. South Carolina, at least, could not make the discrimination, and she was reduced to the alternative of acquiescing in a system, which she believed to be unconstitutional, and which she felt to be oppressive and ruinous; or, to consider the whole as one, equally contaminated through all its parts, by the unconstitutionality of the protective portion; and, as such, to be resisted by the act of the state. He maintained that the state had a right to regard it in the latter character—and that if a loss of revenue followed, the fault was not hers, but of this government, which had improperly blended together, in a manner not to be separated by the state, two systems wholly dissimilar. If the sincerity of the state be doubted; if it be supposed that her action is against revenue as well as protection, let the two be separated; let so much of the duties as are intended for reve-

nue, be put into one bill, and the residue intended for protection be put in another, and he pledged himself that the ordinance and the acts of the state would cease as to the former, and be directed exclusively against the latter.

He had also stated, in the course of his remarks yesterday, and trusted he had conclusively shown, that the act of 1826, with the exception of a single item, to which he had alluded, was, in reality a revenue measure, and that Carolina and the other states in supporting it, had not incurred the slightest responsibility in relation to the system of protection, which had since grown up, and which now so deeply distracts the country. Sir, said Mr. C., I am willing, as one of the representatives of Carolina, and, I believe I speak the sentiment of the state, to take that act as the basis of a permanent adjustment of the tariff, simply reducing the duties, in an average proportion, on all the items, to the revenue point. I make that offer now to the advocates of the protective system; but I must, in candour, inform them, that such an adjustment would distribute the revenue between the protected and unprotected articles more favourably to the state, and to the south, and less so to the manufacturing interests, than an average uniform ad valorem, and, accordingly, more so than that now proposed by Carolina, through her convention. After such an offer, no man who valued his candour, will dare accuse the state, or

those who have represented her here, with inconsistency, in reference to the point under consideration.

After noticing (said Mr. C.) another omission, he would proceed with his remarks. Many relied with great emphasis on the fact that we are citizens of the United States. I do not object to the expression, nor shall I detract from the proud and elevated feelings with which it is associated; but he trusted that he might be permitted to raise the inquiry, in what manner are we citizens of the United States, without weakening the patriotic feeling with which he trusted it would ever be uttered. If by citizen of the United States, he meant a citizen at large, one whose citizenship extended to the entire geographical limits of the country, without having a local citizenship in some state or territory, a sort of citizen of the world, all he had to say was, that such a citizen would be a perfect non-descript; that not a single individual of this description could be found in the entire mass of our population. Notwithstanding all the pomp and display of eloquence on the occasion, every citizen is a citizen of some state or territory, and as such, under an express provision of the constitution, is entitled to all privileges and immunities of citizens in the several states; and it is in this, and in no other sense, that we are citizens of the United States. The senator from Pennsylvania, (Mr. Dallas,) indeed,

relies upon that provision in the constitution which gives congress the power to establish a uniform rule of naturalization, and the operation of the rule actually established under this authority, to prove that naturalized citizens are citizens at large, without being citizens of any of the states. He did not deem it necessary to examine the law of congress upon this subject, or to reply to the argument of the senator, though he could not doubt that he (Mr. D.) had taken an entirely erroneous view of the subject. It was sufficient that the power of congress extended simply to the establishment of a uniform rule, by which foreigners might be naturalized in the several states or territories, without infringing, in any respect, in reference to naturalization, the rights of the states, as they existed before the adoption of the constitution.

Mr. C. now resumed the subject. The senate would remember that he stated that the great question at issue was, whether ours is a federal or a consolidated system of government; a system, in which the parts are the integers, and the whole the multiple—or in which the whole is a unit and the parts the fractions; that he had stated, that on the decision of this question, he believed, depends not only the liberty and prosperity of this country, but the place which we are destined to hold in the intellectual and moral scale of nations.

He knew that it was not only

the opinion of a large majority of our country, but it might be said to be the opinion of the age, that the very beau ideal of a perfect government was the government of a majority, acting through a representative body, without check or limitation in its power; yet, if we may test this theory by experience and reason, we will find, that so far from being perfect, the necessary tendency of all governments based upon the will of an absolute majority, without constitutional check or limitation of power, is to faction, corruption, anarchy, and despotism; and this, whether the will of the majority be expressed directly through an assembly of the people themselves, or by their representatives. I know, (said Mr. C.,) that in venturing this assertion, I utter that which is unpopular, both within and without these walls; but, where truth and liberty are concerned, such considerations should not be regarded. He would place the decision of this point on the fact, that no government of the kind, among the many attempts which had been made, had ever endured for a single generation; but on the contrary, had invariably experienced the fate which he had assigned to them. Let a single instance be pointed out, and he would surrender his opinion. But, if we had not the aid of experience to direct our judgment, reason itself would be a certain guide. The view which considers the community as a unit, and all its parts as having a similar interest, is radically erro-

neous. However small the community may be, and however homogenous its interests, the moment that government is put into operation, and as soon as it begins to collect taxes and to make appropriations, the different portions of community must of necessity, bear different and opposing relations in reference to the action of the government. There must inevitably spring up two interests; a direction and a stockholder interest; an interest profiting by the action of the government, and interested in increasing its powers and action; and another, at whose expense the political machine is kept in motion. He knew how difficult it was to communicate distinct ideas on such a subject, through the medium of general propositions, without particular illustration; and, in order that he might be distinctly understood, though at the hazard of being tedious, he would illustrate the important principle which he had ventured to advance by example.

Let us then suppose a small community of five persons, separated from the rest of the world; and, to make the example strong, let us suppose them all to be engaged in the same pursuit, and to be of equal wealth. Let us further suppose, that they determine to govern the community by the will of a majority; and, to make the case as strong as possible, let us suppose that the majority, in order to meet the expenses of the government, lay an equal tax, say of \$100, on each individual of this little com-

munity. Their treasury would contain five hundred dollars. Three are a majority; and they, by supposition, have contributed three hundred as their portion, and the other two (the minority) two hundred. The three have the right to make the appropriations as they may think proper. The question is, how would the principle of the absolute and unchecked majority operate, under these circumstances, in this little community? If the three be governed by a sense of justice—if they should appropriate the money to the objects for which it was raised, the common and equal benefit of the five, then the object of the association would be fairly and honestly effected, and each would have a common interest in the government. But, should the majority pursue an opposite course; should they appropriate the money in a manner to benefit their own particular interest, without regard to the interest of the two, (and that they will so act, unless there be some efficient check, he who best knows human nature will least doubt,) who does not see that the three and the two would have directly opposite interests, in reference to the action of the government? The three, who contributed to the common treasury but three hundred dollars, could, in fact, by appropriating the five hundred to their own use, convert the action of the government into the means of making money, and, of consequence, would have a direct interest in increasing the taxes. They put in three hundred and

take out five; that is, they take back to themselves all that they had put in—and, in addition, that which was put in by their associates; or, in other words, taking taxation and appropriation together, they have gained, and their associates have lost two hundred dollars by the fiscal action of the government. Opposite interests, in reference to the action of the government, are thus created between them; the one having an interest in favour and the other against the taxes; the one to increase and the other to decrease the taxes; the one to retain the taxes when the money is no longer wanted, and the other to repeal them when the objects for which they were levied have been executed.

Let us now suppose this community of five to be raised to twenty-four individuals, to be governed in like manner by the will of a majority; it is obvious that the same principle would divide them into two interests—into a majority and a minority, thirteen against eleven, or in some other proportion: and that all the consequences which he had shown to be applicable to the small community of five, would be equally applicable to the greater—the cause not depending upon the number, but resulting necessarily from the action of the government itself. Let us now suppose that, instead of governing themselves directly in an assembly of the whole, without the intervention of agents, they should adopt the representative principle, and that, instead of being governed

by a majority of themselves, they should be governed by a majority of their representatives. It is obvious that the operation of the system would not be affected by the change; the representatives being responsible to those who choose them, will conform to the will of their constituents, and would act as they would do, were they present, and acting for themselves; and the same conflict of interest which we have shown would exist in one case, would equally exist in the other. In either case, the inevitable result would be a system of hostile legislation on the part of the majority, or the stronger interest against the minority or the weaker interest; the object of which, on the part of the former, would be to exact as much as possible from the latter, which would necessarily be resisted by all the means in their power. Warfare by legislation, would thus be commenced between the parties, with the same object, and not less hostile than that which is carried on between distinct and rival nations—the only distinction would be in the instruments and the mode. Enactments in the one case, would supply what could only be effected by arms in the other, and the inevitable operation would be to engender the most hostile feelings between the parties, which would merge every feeling of patriotism—that feeling which embraces the whole, and substitute in its place the most violent party attachment; and, instead of having one common center of attachment,

around which the affections of the community might rally; there would in fact, be two—the interest of the majority, to which those who constitute that majority would be more attached than they would be to the whole; and that of the minority, to which they in like manner would also be more attached than to the interest of the whole. Faction would thus take the place of patriotism, and, with the loss of patriotism, corruption must necessarily follow, and in its train anarchy, and finally despotism, or the establishment of absolute power in a single individual, as a means of arresting the conflict of hostile interests, on the principle that it is better to submit to the will of a single individual, who, by being made lord and master of the whole community, would have an equal interest in the protection of all the parts.

Let us next suppose that, in order to avert the calamitous train of consequences, this little community should adopt a written constitution, with limitations restricting the will of the majority, in order to protect the minority against the oppression which he had shown would necessarily result without such restrictions. It is obvious that the case would not be in the slightest degree varied, if the majority be left in possession of the right of judging exclusively of the extent of its powers, without any right on the part of the minority, to enforce the restrictions imposed by the constitution on the will of the majority. The point is

almost too clear for illustration. Nothing can be more certain, than that when a constitution grants power, and imposes limitations on the exercise of that power, whatever interests may obtain possession of the government, will be in favour of extending the power at the expense of the limitations; and that, unless those in whose behalf the limitations were imposed, have, in some form or mode, the right of enforcing them, the power will ultimately supersede the limitation, and the government must operate precisely in the same manner as if the will of the majority governed without constitution or limitation of power.

He had thus presented all possible modes, in which a government based upon the will of an absolute majority, would be modified, and had demonstrated that, in all its forms, whether in a majority of the people, as in a mere democracy, or in a majority of their representatives, without a constitution, or with a constitution, to be interpreted by the will of the majority, the result would be the same; two hostile interests would inevitably be created by the action of the government, to be followed by hostile legislation, and that by faction, corruption, anarchy, and despotism.

The great and solemn question here presented itself—is there any remedy for these evils; on the decision of which depends the question, whether the people can govern themselves, which has been so often asked

with so much scepticism and doubt. There is a remedy, and but one, the effects of which, whatever may be the form, is to organize society in reference to this conflict of interests, which springs out of the action of the government; and which can only be done by giving to each part the right of self-protection; which, in a word, instead of considering the community of twenty-four as a single community, having a common interest, and to be governed by the single will of an entire majority, shall, upon all questions tending to bring the parts into conflict, the thirteen against the eleven, take the will, not of the twenty-four as a unit, but that of the thirteen and that of the eleven separately, the majority of each governing the parts, and where they concur, governing the whole, and where they disagree, arresting the action of the government. This he would call the concurring, as distinct from the absolute majority. It would not be as was generally supposed, a minority governing a majority. In either way, the number would be the same, whether taken as the absolute, or as the concurring majority. Thus, the majority of the thirteen is seven, and of the eleven six, and the two together make thirteen, which is the majority of twenty-four. But though the number is the same, the mode of counting is essentially different; the one representing the strongest interest, and the other the weaker interests of the community. The first mistake was in supposing

that the government of the absolute majority is the government of this people—that beau ideal of a perfect government, which had been so enthusiastically entertained in every age by the generous and patriotic, where civilization and liberty had made the smallest progress. There could be no great error; the government of the people is the government of the whole community—of the twenty-four, the self government of all the parts; too perfect to be reduced to practice in the present, or any past stage of human society. The government of the absolute majority, instead of the government of the people, is but the government of the strongest interests, and when not efficiently checked, is the most tyrannical and oppressive that can be devised. Between this ideal perfection on one side, and despotism on the other, none other can be devised but that which considers society, in reference to its parts, as differently affected by the action of the government, and which takes the sense of each part separately, and thereby the sense of the whole in the manner already illustrated.

These principles, as he had already stated, are not affected by the number of which the community may be composed, and are just as applicable to one of thirteen millions, the number which composes ours, as of the small community of twenty-four, which I have supposed for the purpose of illustration; and are not less applicable to the twenty-four states united in one com-

munity, than to the case of the twenty-four individuals. There is, indeed, a distinction between a large and a small community, not affecting the principle, but the violence of the action. In the former, the similarity of the interests of all the parts, will limit the oppression from the hostile action of the parts in a great degree, to the fiscal action of the government merely; but in the large community, spreading over a country of great extent, and having a great diversity of interests, with different kinds of labour, capital and production, the conflict and oppression will extend, not only to a monopoly of the appropriations, on the part of the stronger interests, but will end in unequal taxes, and a general conflict between the entire interests of conflicting sections; which, if not arrested by the most powerful checks, will terminate in the most oppressive tyranny that can be conceived, or in the destruction of the community itself.

If we turn our attention from these supposed cases, and direct it to our government, and its actual operation, we will find a practical confirmation of the truth of what has been stated, not only of the oppressive operation of the system of an absolute majority, but also a striking and beautiful illustration, in the formation of our system, of the principle of the concurring majority, as distinct from the absolute, which he had asserted to be the only means of efficiently checking the abuse of power.

and, of course, the only solid foundation of constitutional liberty. That our government, for many years, has been gradually verging to consolidation; that the constitution has gradually become a dead letter; and that all the restrictions upon the power of government have been virtually removed, so as practically to convert the general government into a government of an absolute majority, without check or limitation, cannot be denied by any one who has impartially observed its operation.

It is not necessary to trace the commencement and gradual progress of the causes which have produced this change in our system; it is sufficient to state that the change has taken place within the last few years. What has been the result? Precisely that which might have been anticipated; the growth of faction, corruption, anarchy, and if not despotism itself, its near approach, as witnessed in the provisions of this bill. And from what have these consequences sprung? We have been involved in no war! We have been at peace with all the world. We have been visited with no national calamity. Our people have been advancing in general intelligence, and, I will add, as great and alarming as has been the advance of political corruption, the morals and virtue of the community at large, have been advancing in improvement. What, he would again repeat, is the cause? No other can be assigned but a departure from the fundamental principles of the

constitution, which has converted the government into the will of an absolute and irresponsible majority, and which, by the laws which must inevitably govern in all such majorities, have placed in conflict the great interests of the country, by a system of hostile legislation; by an oppressive and unequal imposition of taxes; by unequal and profuse appropriations, and by rendering the entire labour and capital of the weaker interest subordinate to the stronger.

This is the cause and these the fruits, which have converted the government into a mere instrument of taking money from one portion of the community to be given to another, and which has rallied around it a great, a powerful and mercenary corps of office holders, office seekers, and expectants, destitute of principle and patriotism, and who have no standard of morals or politics but the will of the executive—the will of him who has the distribution of the loaves and fishes. He held it impossible for any one to look at the theoretical illustration of the principle of the absolute majority in the cases which he had supposed, and not be struck with the practical illustration in the actual operation of our government. Under every circumstance, the majority will ever have its American system—(he meant nothing offensive to any senator)—but the real meaning of the American system, is that system of plunder which the strongest interest has ever waged, and will ever wage against

the weaker, where the latter is not armed with some efficient and constitutional check to arrest its action. Nothing but such check on the part of the weaker interest can arrest it; mere constitutional limitations are wholly insufficient. Whatever interest obtains possession of the government will, from the nature of things, be in favour of the powers and against the limitations imposed by the constitution, and will resort to every device that can be imagined, to remove those restraints. On the contrary, the opposite interest, that which he had designated as the stockholding interest—the tax payers, those on whom the system operates, will resist the abuse of powers, and contend for the limitations. And it is on that point, then, that the contest between the delegated and the reserved powers will be waged; but, in this contest, as the interests in possession of the government are organized and armed by all its powers and patronage; the opposite interests, if not in like manner organized and possessed of a power to protect themselves under the provisions of the constitution, will be as inevitably crushed, as would be a band of unorganized militia, when opposed by a veteran and trained corps of regulars. Let it never be forgotten, that power can only be opposed by power, organization by organization; and on this theory stands our beautiful federal system of government. No free system was ever farther re-

moved from the principle that the absolute majority, without check or limitation, ought to govern. To understand what our government is, we must look to the constitution, which is the basis of the system. He did not intend to enter into any minute examination of the origin and the source of its powers; it was sufficient for his purpose to state, what he did fearlessly, that it derived its power from the people of the separate states, each ratifying by itself—each binding itself by its own separate majority, through its separate convention, and the concurrence of the majorities of the several states forming the constitution; thus taking the sense of the whole by that of the several parts, representing the various interests of the entire community. It was this concurring and perfect majority which formed the constitution, and not that majority which would consider the American people as a single community, and which, instead of representing fairly and fully the interests of the whole, would but represent, as has been stated, the interests of the stronger section. No candid man can dispute that he had given a correct description of the constitution-making power—that power which created and organized the government; which delegated to it, as a common agent, certain powers, in trust for the common good of all the states, and which had imposed strict limitation and checks against abuses and usurpations.

In administering the delegated powers, the constitution provides very properly, in order to give promptitude and efficiency, that the government should be organized upon the principle of the absolute majority, or rather of two absolute majorities combined: a majority of the states considered as bodies politic, which prevails in this body; and a majority of the people of the states, estimated in federal numbers, in the other house of congress. A combination of the two prevails in the choice of the president, and, of course, in the appointment of judges, they being nominated by the president and confirmed by the senate. It is thus that the concurring and the absolute majorities are combined in one complex system; the one in forming the constitution, and the other in making and executing the laws; thus beautifully blending the moderation, justice, and equity of the former and more perfect majority, with the promptness and energy of the latter, but less perfect.

To maintain the ascendancy of the constitution over the law making majority, is the great and essential point on which the success of the system must depend; unless that ascendancy can be preserved, the necessary consequence must be, that the laws will supersede the constitution, and, finally, the will of the executive, by the influence of its patronage, will supersede the laws, indications of which are already perceptible. This as-

cedancy can only be preserved through the action of the states, as organized bodies, having their own separate governments, and possessed of the right under the structure of our system, of judging of the extent of their separate powers, and of interposing their authority to arrest the enactments of the general government within their respective limits. He would not enter, at this time, into the discussion of this important point; as it had been ably and fully presented by others who had preceded him in this debate, on the same side. It was only by this power of interposition that the reserved rights of the states could be peacefully and efficiently protected against the encroachments of the general government—that the limitations imposed upon its authority would be enforced, and its movements confined to the orbit allotted to it by the constitution.

It had, indeed, been said in debate, that this could be effected by the organization of the general government itself, particularly by the action of this body, which represented the states, and that the states themselves must look to the general government for the preservation of many of the most important of their reserved rights. He did not (said Mr. C.) underrate the value to be attached to the organic arrangement of the general government, and the wise distribution of its powers between the several departments, and in particular the structure and the important functions of

this body; but to suppose that the senate or any department of this government was intended to be the guardian of the reserved rights, was a great and fundamental mistake. The government, through all its departments, represents the delegated, and not the reserved powers; and it was a violation of the fundamental principle of free institutions, to suppose that any but the responsible representative of any interest, could be its guardian. The distribution of the powers of the general government and its organization, was arranged to prevent the abuse of power, in fulfilling the the important trusts confided to it; and not, as preposterously supposed, to protect the reserved powers, which are confided wholly to the guardianship of the several states.

Against the view of our system which he had presented, and the right of the state to interpose, it was objected that it would lead to anarchy and dissolution. He considered the objection as without the slightest foundation, and that so far from tending to weakness or disunion, it was the source of the highest power, and of the strongest cement. Nor was its tendency in this respect difficult of explanation. The government of an absolute majority, unchecked by efficient constitutional restraint, though apparently strong, was in reality an exceedingly feeble government. That tendency to conflict between the parts, which he had shown to be inevitable in such

governments, wasted the powers of the state in the hostile action of contending factions, which left very little more power than the excess of the strength of the majority over the minority. But a government based upon the principle of the concurring majority, where each great interest possessed within itself the means of self protection, which ultimately requires the mutual consent of all the parts, necessarily causes that unanimity in council, and ardent attachment of all the parts to the whole, which gives an irresistible energy to a government so constituted. He might appeal to history for the truth of these remarks, of which the Roman furnished the most familiar and striking. It is a well known fact, that from the expulsion of the Tarquins to the time of the establishment of the Tributarian power, the government fell into the state of the greatest disorder and distraction, and he might add, corruption. How did this happen? The explanation will throw important light on the subject under consideration. The community was divided into two parts—the patricians and the plebeians, with the powers of the state principally in the hands of the former, without adequate check to protect the right of the latter. The result was as might be expected. The patricians converted the powers of the government into the means of making money, to enrich themselves and their dependants. They, in a word, had their American system,

growing out of the peculiar character of the government and condition of the country. This requires explanation. At that period, according to the laws of nations, when one nation conquered another, the lands of the vanquished belonged to the victors; and, according to the Roman law, the lands thus acquired were divided into parts, one allotted to the poorer class of the people, and the other assigned to the use of the treasury, of which the patricians had the distribution and administration. The patricians abused their power by withholding from the people that which ought to have been allotted to them; and by converting to their own use that which ought to have gone to the treasury. In a word, they took to themselves the entire spoils of victory, and they had thus the most powerful motive to keep the state perpetually involved in war, to the utter impoverishment and oppression of the people. After resisting the abuse of power by all peaceable means, and the oppression becoming intolerable, the people, at last, withdrew from the city—they, in a word, seceded; and, to induce them to reunite, the patricians conceded to the plebeians, as the means of protecting their separate interest, the very power which he contended is necessary to protect the rights of the states; but which is now represented as necessarily leading to disunion. They granted to the people the right of choosing three tribunes from among themselves, whose persons should be

sacred, and who should have the right of interposing their veto, not only against the passage of laws, but even against their execution—a power which those who take a shallow insight into human nature, would pronounce inconsistent with the strength and unity of the state, if not utterly impracticable. Yet, so far from that being the effect, from that day the genius of Rome became ascendant; and victory followed her steps till she had established an almost universal dominion. How can a result so contrary to all anticipation be explained? The explanation appeared to him to be simple. No measure or movement could be adopted without the concurring assent of both the patricians and plebeians, and each thus became dependant on the other, and of consequence, the desire and objects of neither could be effected without the concurrence of the other. To obtain this concurrence, each was compelled to consult the good will of the other, and to elevate to office, not simply those who might have the confidence of the order to which he belonged, but also that of the other. The result was, that men possessing those qualities which would naturally command confidence, moderation, wisdom, justice, and patriotism, were elevated to office, and these, by the weight of their authority, and the prudence of their counsel, together with that spirit of unanimity necessarily resulting from the concurring assent of the two orders, furnishes the

real explanation of the power of the Roman state, and of that extraordinary wisdom, moderation, and firmness, which in so remarkable a degree characterized her public men. He might illustrate the truth of the position which he had laid down, by a reference to the history of all free states, ancient and modern, distinguished for their power and patriotism, and conclusively show, not only that there was not one which had not some contrivance, under some form, by which the concurring assent of the different portions of the community was made necessary in the action of government, but also that the virtue, patriotism, and strength of the state, were in direct proportion to the perfection of the means of securing such assent. In estimating the operation of this principle in our system, which depends, as he had stated, on the right of interposition on the part of the state, we must not omit to take into consideration the amending power, by which new powers may be granted; or any derangement of the system be corrected, by the concurring assent of three fourths of the states, and thus, in the same degree, strengthening the power of repairing any derangement occasioned by the executive action of a state. In fact, the power of interposition, fairly understood, may be considered in the light of an appeal against the usurpations of the general government, the joint agent of all the states, to the states themselves, to be decided under the amending power,

affirmatively in favour of the government, by the voice of three fourths of the states, as the highest power known under the system.

Mr. C. said that he knew the difficulty, in our country, of establishing the truth of the principle for which he contended, though resting upon the clearest reason, and tested by the universal experience of free nations. He knew that the governments of the several states would be cited as an argument against the conclusion to which he had arrived, and which for the most part, were constructed on the principle of the absolute majority; but in his opinion a satisfactory answer could be given; that the objects of expenditure which fell within the sphere of a state government, were few and inconsiderable, so that be their action ever so irregular, it could occasion but little derangement. If, instead of being members of this great confederacy, they formed distinct communities, and were compelled to raise armies, and incur other expenses necessary to their defence, the laws which he had laid down as necessarily controlling the action of a state, where the will of an absolute and unchecked majority prevailed, would speedily disclose themselves in faction, anarchy, and corruption. Even as the case is, the operation of the causes to which he had referred, were perceptible in some of the larger and more populous members of the Union, whose governments had a powerful central action, and which already showed a strong tendency to

that monied action which is the invariable forerunner of corruption and convulsions.

But to return to the general government; we have now sufficient experience to ascertain that the tendency to conflict in its action, is between southern and other sections. The latter having a decided majority, must habitually be possessed of the powers of the government, both in this and in the other house; and being governed by that instinctive love of power so natural to the human breast, they must become the advocates of the power of government, and in the same degree opposed to the limitations; while the other and weaker section is as necessarily thrown on the side of the limitations. In one word; the one section is the natural guardian of the delegated powers, and the other of the reserved; and the struggle on the side of the former will be to enlarge the powers, while that on the opposite side will be to restrain them within their constitutional limits. The contest will, in fact, be a contest between power and liberty, and such he considered the present—a contest in which the weaker section, with its peculiar labour, productions, and situation, has at stake all that can be dear to freemen. Should they be able to maintain in their full vigour their reserved rights, liberty and prosperity will be their portion; but if they yield and permit the stronger interest to consolidate within itself all the powers of the government, then will its fate be more wretched than that of the aborigines which

they have expelled, or of their slaves. In this great struggle between the delegated and reserved powers, so far from repining that his lot, and that of those whom he represented, is cast on the side of the latter, he rejoiced that such is the fact; for though we participate in but few of the advantages of the government, we are compensated, and more than compensated, in not being so much exposed to its corruption. Nor did he repine that the duty, so difficult to be discharged as the defence of the reserved powers, against apparently such fearful odds, had been assigned to them. To discharge successfully this high duty, requires the highest qualities, moral and intellectual; and should we perform it with a zeal and ability in proportion to its magnitude, instead of being mere planters, our section will become distinguished for its patriots and statesmen. But on the other hand, if we prove unworthy of this high destiny—if we yield to the steady encroachment of power, the severest and most debasing calamity and corruption will overspread the land. Every southern man, true to the interests of his section, and faithful to the duties which Providence has allotted to him, will be for ever excluded from the honours and emoluments of this government, which will be reserved for those only, who have qualified themselves by political prostitution, for admission into the *Magdalen* asylum.

Mr. Webster replied to Mr. Calhoun's speech, with his usual force and success.

The gentleman from South Carolina, said Mr. Webster, has admonished us to be mindful of the opinions of those who shall come after us. We must take our chance, sir, as to the light in which posterity will regard us. I do not decline its judgment, nor withhold myself from its scrutiny. Feeling that I am performing my public duty with singleness of heart, and to the best of my ability, I fearlessly trust myself to the country, now and hereafter, and leave both my motives and character to its decision.

The gentleman has terminated his speech in a tone of threat and defiance towards this bill, even should it become a law of the land, altogether unusual in halls of congress. But I shall not suffer myself to be excited into warmth, by his denunciation of the measure which I support. Among the feelings which at this moment fill my breast, not the least is that of regret at the position in which the gentleman has placed himself. Sir, he does himself no justice. The cause which he has espoused finds no basis in the constitution—no succour from public sympathy—no cheering from a patriotic community. He has no foothold on which to stand, where he might display the powers of his acknowledged talents. Every thing beneath his feet is hollow and treacherous. He is like a strong man struggling in a morass; every effort to extricate himself, only sinks him deeper and deeper. And I fear the resemblance may be carried still further. I

fear that no friend can safely come to his relief; that no one can approach near enough to hold out a helping hand, without danger of going down himself also, into the bottomless depths of this Serbonian bog.

The honourable gentleman has declared that on the decision of the question now in debate, may depend the cause of liberty itself. I am of the same opinion; but, then, sir, the liberty which I think is staked on the contest, is not political liberty in any general and undefined character, but our own, well understood, and long enjoyed *American* liberty.

Sir, I love liberty no less ardently than the gentleman, in whatever form she may have appeared in the progress of human history. As exhibited in the master states of antiquity—as breaking out again from amidst the darkness of the middle ages, and beaming on the formation of new communities, in modern Europe, she has always and every where charms for me. Yet, sir, it is our own liberty, guarded by constitutions and secured by union; it is that liberty which is our paternal inheritance, it is our established, dear-bought, peculiar American liberty to which I am chiefly devoted, and the cause of which I now mean, to the utmost of my power, to maintain and defend.

Mr. President, if I considered the constitutional question now before us as doubtful as it is important, and if I supposed that this decision, either in the senate or by the country, was likely to

be, in any degree, influenced by the manner in which I might now discuss it, this would be to me a moment of deep solicitude. Such a moment has once existed. There has been a time, when, rising in this place, on the same question, I felt, I must confess, that something for good or evil to the constitution of the country might depend on an effort of mine. But circumstances are changed. Since that day, sir, the public opinion has become awakened to this great question; it has grasped it, it has reasoned upon it, as becomes an intelligent and patriotic community, and has settled it, or now seems in the progress of settling it, by an authority which none can disobey—the authority of the people themselves.

I shall not, Mr. President, follow the gentleman, step by step, through the course of his speech. Much has consisted of philosophical remark upon the general nature of political liberty, and the history of free institutions; and of other topics, so general in their nature, as to possess, in my opinion, only a remote bearing on the immediate subject of this debate.

But the gentleman's speech, made some days ago, upon introducing his resolutions; those resolutions themselves, and parts of the speech now just concluded, may probably be justly regarded as containing the whole South Carolina doctrine. That doctrine it is my purpose to examine, and to compare it with the constitution of the United States. I shall not con-

sent, sir, to make any new constitution, or to establish another form of government. I will not undertake to say what a constitution for these United States ought to be. That question the people have decided for themselves, and I shall take the instrument as they have established it, and shall endeavour to maintain it, in its plain sense and meaning, against opinions and notions which, in my judgment, threaten its subversion.

The resolutions introduced by the gentleman were apparently drawn up with care, and brought forward upon deliberation. I shall not be in danger, therefore, of misunderstanding him, or those who agree with him, if I proceed at once to these resolutions, and consider them as an authentic statement of those opinions, upon the great constitutional question, by which the recent proceedings in South Carolina are attempted to be justified.

These resolutions are three in number.

The third seems intended to enumerate and to deny the several opinions expressed in the president's proclamation, respecting the nature and powers of this government. Of this third resolution, I propose, at present, to take no particular notice.

The two first resolutions of the honourable member affirm these propositions, viz:

1. That the political system under which we live, and under which congress is now assembled, is a *compact*, to which the people of the several states, as

separate and sovereign communities are *the parties*.

2. That these sovereign parties have a right to judge, each for itself, of any alleged violation of the constitution by congress; and, in case of such violation, to choose, each for itself, its own mode and measure of redress.

It is true, sir, that the honourable member calls this a "*constitutional*" compact; but still he affirms it to be a compact *between sovereign states*. What precise meaning, then, does he attach to the term *constitutional*? When applied to compacts between sovereign states, the term *constitutional* affixes to that word *compact* no definite idea. Were we to hear of a *constitutional* league or treaty between England and France, or a *constitutional* convention between Austria and Russia, we should not understand what could be intended by such a league, such a treaty, or such a convention. In these connexions, the word is void of all meaning; and yet, sir, it is easy, quite easy, to see why the honourable gentleman has used it in these resolutions. He cannot open the book, and look upon our written frame of government, without seeing that it is called a *constitution*. This may well be appalling to him. It threatens his whole doctrine of *compact*, and its darling derivatives, *nullification* and *secession*, with instant confutation. Because, if he admits our instrument of government to be a *constitution*, then, for that very reason, it is not a compact between

sovereigns; a constitution of government, and a compact between sovereign powers, being things essentially unlike in their very natures, and incapable of ever being the same. Yet the word *constitution* is on the very front of the instrument. He cannot overlook it. He seeks, therefore, to compromise the matter, and to sink all the substantial sense of the word, while he retains a resemblance of its sound. He introduces a new word of his own, viz: *compact*, as importing the principal idea, and designed to play the principal part, and degrades *constitution* into an insignificant, idle epithet, attached to *compact*. The whole then stands as a "*constitutional compact!*" And, in this way he hopes to pass off a plausible gloss, as satisfying the words of the instrument; but he will find himself disappointed. Sir, I must say to the honourable gentleman, that, in our American political grammar, *constitution* is a noun substantive; it imports a distinct and clear idea of itself; and it is not to lose its importance and dignity—it is not to be turned into a poor, ambiguous, senseless, unmeaning adjective, for the purpose of accommodating any new set of political notions. Sir, we reject his new rules of syntax altogether. We will not give up our forms of political speech to the grammarians of the school of nullification. By the *constitution*, we mean not a "*constitutional compact*," but, simply and directly, *the constitution*, the fundamental law; and if there be one word in the lan-

guage, which the people of the United States understand, this is that word. We know no more of a *constitutional compact* between sovereign powers, than we know of a *constitutional indenture of co-partnership*, a *constitutional deed of conveyance*, or a *constitutional bill of exchange*. But we know what the *constitution* is; we know what the plainly written fundamental law is; we know what the bond of our Union and the security of our liberties is; and we mean to maintain and to defend it, in its plain sense and unsophisticated meaning.

The sense of the gentleman's proposition, therefore, is not at all affected, one way or the other, by the use of this word. That proposition still is, that our system of government is but a *compact* between the people of separate and sovereign states.

The first resolution declares that the people of the several states "*acceded*" to the constitution, or to the constitutional compact, as it is called. This word "*accede*," not found either in the constitution itself, or in the ratification of it by any one of the states, has been chosen for use here, doubtless not without a well considered purpose.

The natural converse of *accession* is *secession*; and, therefore, when it is stated that the people of the states *acceded* to the Union; it may be more plausibly argued that they may *secede* from it. If, in adopting the constitution, nothing was done but *acceding to a compact*; nothing

would seem necessary, in order to break it up, but to *secede* from the same compact. But the term is wholly out of place. *Accession*, as a word applied to political associations, implies coming into a league, treaty, or confederacy, by one hitherto a stranger to it: and *secession* implies departing from such league or confederacy. The people of the United States have used no such form of expression, in establishing the present government. They do not say that they *accede* to a league; but that they declare that they *ordain* and *establish* a constitution. Such are the very words of the instrument itself; and in all the states, without an exception, the language used by their conventions was, that they "*ratified the constitution*—" some of them employing the additional words "*assented to*" and "*adopted*," but all of them "*ratifying*." There is more importance than may, at first sight, appear, in the introduction of this new word by the honourable mover of these resolutions. Its adoption and use are indispensable to maintain those premises, from which his main conclusion is to be afterwards drawn. But, before showing that, allow me to remark, that this phraseology tends to keep out of sight the just view of our previous political history, as well as to suggest wrong ideas as to what was actually done when the present constitution was agreed to. In 1789, and before this constitution was adopted, the United States had already been a Union,

more or less close, for fifteen years. At least as far back as the meeting of the first congress, in 1774, they had been, in some measure, and to some national purposes, united together. Before the confederation of 1781, they had declared independence jointly, and had carried on the war jointly, both by sea and land; and this, not as separate states, but as one people. When, therefore, they formed that confederation, and adopted its articles, as articles of perpetual union, they did not come together for the first time; and, therefore, they did not speak of the states as *acceding* to the confederation, although it was a league, and nothing but a league, and rested on nothing but plighted faith for its performance. Yet, even then, the states were not strangers to each other; there was a bond of union already subsisting between them; they were associated, United States; and the object of the confederation was to make a stronger and better bond of union. Their representatives deliberated together on these proposed articles of confederation, and, being authorized by their respective states, finally "*ratified and confirmed*" them. Inasmuch as they were already in union, they did not speak of *acceding* to the new articles of confederation, but of *ratifying and confirming* them; and this language was not used inadvertently, because, in the same instrument, *accession* is used in its proper sense, when applied to Canada, which was altogether a

stranger to the existing Union. "Canada," says the 11th article, "*acceding* to this confederation, and joining in the measures of the United States, shall be admitted into the Union."

Having thus used the terms *ratify and confirm*, even in regard to the old confederation, it would have been strange, indeed, if the people of the United States, after its formation, and when they came to establish the present constitution, had spoken of the states, or the people of the states, as *acceding* to this constitution. Such language would have been ill suited to the occasion. It would have implied an existing separation or disunion among the states; such as never has existed since 1774. No such language, therefore, was used. The language actually employed is, *adopt, ratify, ordain, establish*.

Therefore, sir, since any state, before she can prove her right to dissolve the Union, must show her authority to undo what has been done, no state is at liberty to *secede*, on the ground that she and other states have done nothing but *accede*. She must show, that she has a right to *reverse* what has been *ordained*; to *unsettle and overthrow* what has been *established*; to *reject* what the people have *adopted*; and to *break up* what they have *ratified*: because these are the terms which express the transactions which have actually taken place. In other words, she must show her right to make a revolution.

If, sir, in drawing these

resolutions, the honourable member had confined himself to the use of constitutional language, there would have been a wide and awful *hiatus* between his premises and his conclusion. Leaving out the two words *compact and accession*, which are not constitutional modes of expression, and stating the matter precisely as the truth is, his first resolution would have affirmed that *the people of the several states ratified this constitution or form of government*. These are the very words of South Carolina herself, in her own act of ratification. Let, then, his first resolution tell the exact truth; let it state the fact precisely as it exists; let it say that the people of the several states ratified a constitution, or form of government; and then, sir, what will become of his inference in his second resolution, which is in these words, viz: "*that, as in all other cases of compact, among sovereign parties, each has an equal right to judge for itself, as well of the infraction as of the mode and measure of redress?*" It is obvious, is it not, sir, that this conclusion requires for its support quite other premises; it requires premises which speak of *accession* and of *compact* between sovereign powers, and without such premises it is altogether unmeaning.

If the honourable member will truly state what the people did in forming this constitution, and then state, what they must do if they would now undo what they then did, he would unavoidably state a

case of revolution. Let us see if it be not so. He must state, in the first place, that the people of the several states adopted and ratified this constitution, or form of government; and, in the next place, he must state that they have a right to undo this; that is to say, that they have a right to discard the form of government which they have adopted, and to break up the constitution which they have ratified. Now, sir, this is neither more nor less than saying that they have a right to make a revolution. To reject an established government, to break up a political constitution, is revolution.

I deny that any man can state accurately, what was done by the people, in establishing the present constitution, and then state accurately, what the people, or any part of them, must now do to get rid of its obligations, without stating an undeniable case of the overthrow of government. I admit, of course, that the people may, if they choose, overthrow the government. But, then, that is revolution. The doctrine now contended for is, that, by *nullification* or *secession*, the obligations and authority of the government may be set aside or rejected, without revolution. But that is what I deny; and what I say is, that no man can state the case with historical accuracy, and in constitutional language, without showing that the honourable gentleman's right, as asserted in his conclusion, is a revolutionary right merely; that it does not, and cannot exist under the constitution, or agree-

ably to the constitution, but can come into existence only when the constitution is overthrown. This is the reason, sir, which makes it necessary to abandon the use of constitutional language for a new vocabulary, and to substitute in the place of plain historical facts, a series of assumptions. This is the reason why it is necessary to give new names to things, to speak of the constitution, not as a constitution, but as a compact, and of the ratifications by the people, not as ratifications, but as acts of accession.

Sir, I intend to hold the gentleman to the written record. In the discussion of a constitutional question, I intend to impose upon him the restraints of constitutional language. The people have ordained a constitution; can they reject it without revolution? They have established a form of government; can they overthrow it without revolution? These are the true questions.

Allow me now, sir, to inquire further into the extent of the propositions contained in the resolutions; and their necessary consequences.

Where sovereign communities are parties, there is no essential difference between a compact, a confederation, and a league. They all equally rest on the plighted faith of the sovereign party. A league or confederacy, is but a subsisting or continuing treaty.

The gentleman's resolutions, then, affirm in effect, that these twenty-four United States are

held together only by a subsisting treaty, resting for its fulfilment and continuance on no inherent power of its own, but on the plighted faith of each state; or, in other words, that our union is but a league; and, as consequence from this proposition, they further affirm that, as sovereigns are subject to no superior power, the states must decide, each for itself, of any alleged violation of the league; and, if such violation be supposed to have occurred, each may adopt any mode or measure of redress which it shall think proper.

Other consequences naturally follow, too, from the main proposition. If a league between sovereign powers have no limitation as to the time of its duration, and contain nothing making it perpetual, it subsists only during the good pleasure of the parties, although no violation be complained of. If, in the opinion of either party, it be violated, such party may say that he will no longer fulfil its obligations on his part, but will consider the whole league or compact at an end, although it might be one of its stipulations, that it should be perpetual. Upon this principle, the congress of the United States, in 1798, declared null and void the treaty of alliance between the United States and France, though it professed to be a perpetual alliance.

If the violation of the league be accompanied with serious injuries—the suffering party, being sole judge of his own mode and measure of redress, has a right to indemnify himself

by reprisals on the offending members of the league; and reprisals, if the circumstances of the case require it, may be followed by direct, avowed, and public war.

The necessary import of the resolutions, therefore, is that the United States are connected only by a league; that it is in the good pleasure of every state to decide how long she will choose to remain a member of this league; that any state may determine the extent of her own obligations under it, and accept or reject what shall be decided by the whole; that she may also determine whether her rights have been violated, what is the extent of the injury done her, and what mode and measure of redress her wrongs may make it fit and expedient for her to adopt. The result of the whole is, that any state may secede at pleasure; that any state may resist a law which she herself may choose to say exceeds the power of congress, and that, as a sovereign power, she may redress her own grievances by her own arm, at her discretion; she may make reprisals; she may cruise against the property of other members of the league; she may authorize captures, and make open war.

If, sir, this be our political condition, it is time the people of the United States understood it. Let us look for a moment to the practical consequences of these opinions. One state holding an embargo law unconstitutional, may declare her opinion, and withdraw from the Union.

She secedes. Another forming and expressing the same judgment on a law laying duties on imports, may withdraw also. *She secedes.* And as, in her opinion, money has been taken out of the pockets of her citizens illegally, under pretence of this law, and as she has power to redress their wrongs, she may demand satisfaction; and, if refused, she may take it with a strong hand. The gentleman has, himself, pronounced the collection of duties, under existing laws, to be nothing but robbery. Robbers, of course, may be rightfully dispossessed of the fruits of their flagitious crimes; and, therefore, reprisals, impositions on the commerce of other states, foreign alliances against them, or open war, are all modes of redress justly open to the discretion and choice of South Carolina; for she is to judge of her own rights, and to seek satisfaction for her own wrongs in her own way.

But, sir, a *third* state is of opinion, not only that these laws of impost are constitutional, but that it is the absolute duty of congress to pass and to maintain such laws; and that, by omitting to pass and maintain them, its constitutional obligations would be grossly disregarded. She relinquished the power of protection, she might allege, and allege truly, herself, and gave it up to congress, on the faith that congress would exercise it. If congress now refuse to exercise it, congress does, as she may insist, break the condition of the grant, and thus manifestly vio-

late the constitution; and, for this violation of the constitution, she may threaten to secede also. Virginia may secede, and hold the fortresses in the Chesapeake. The western states may secede, and take to their own use the public lands. Louisiana may secede, if she choose, form a foreign alliance, and hold the mouth of the Mississippi. If one state may secede, ten may do so, twenty may do so, twenty-three may do so. Sir, as these secessions go on, one after another, what is to constitute the United States? Whose will be the army? Whose the navy? Who will pay the debts? Who fulfil the public treaties? Who perform the constitutional guaranties? Who govern this district and the territories? Who retain the public property?

Mr. President, every man must see that these are all questions which can arise only *after a revolution*. They presuppose the breaking up of the government. While the constitution lasts, they are repressed; they spring up to annoy and startle us only from its grave.

The constitution does not provide for events which must be preceded by its own destruction. *Secession*, therefore, since it must bring these consequences with it, is *revolutionary*. And *nullification* is equally *revolutionary*. What is revolution? Why, sir, that is revolution which overturns or controls, or successfully resists the existing public authority; that which arrests the exercise of the supreme power; that which intro-

duces a new paramount authority into the rule of the state. Now, sir, this is the precise object of nullification. It attempts to supersede the supreme legislative authority. It arrests the arm of the executive magistrate. It interrupts the exercise of the accustomed judicial power. Under the name of an ordinance, it declares null and void, within the state, all the revenue laws of the United States. Is not this revolutionary? Sir, so soon as this ordinance shall be carried into effect, a *revolution* will have commenced in South Carolina. She will have thrown off the authority to which her citizens have heretofore been subject. She will have declared her own opinions and her own will to be above the laws, and above the power of those who are intrusted with their administration. If she makes good these declarations, she is revolutionized. As to her, it is as distinctly a change of the supreme power, as the American revolution of 1776. That revolution did not subvert government in all its forms, It did not subvert local laws and municipal administrations. It only threw off the dominion of a power, claiming to be superior, and to have a right, in many important respects, to exercise legislative authority. Thinking this authority to have been usurped, or abused, the American colonies, now the United States, bade it defiance, and freed themselves from it by means of a revolution. But that revolution left them with their municipal laws still,

and the forms of local government. If South Carolina now shall effectually resist the laws of congress, if she shall be her own judge, take her remedy into her own hands, obey the laws of the Union when she pleases, and disobey them when she pleases, she will relieve herself from a paramount power as distinctly as the American colonies did the same thing in 1776. In other words, she will achieve, as to herself, a revolution.

But, sir, while practical nullification in South Carolina would be, as to herself, actual and distinct revolution, its necessary tendency must also be to spread revolution, and break up the constitution, as to all the other states. It strikes a deadly blow at the vital principle of the whole Union. To allow state resistance to the laws of congress to be rightful and proper, to admit nullification in some states, and yet not expect to see a dismemberment of the entire government, appears to me the wildest illusion, and the most extravagant folly. The gentleman seems not conscious of the direction or the rapidity of his own course. The current of his opinions sweeps him along, he knows not whither. To begin with nullification, with the avowed intent, nevertheless, not to proceed to secession, dismemberment, and general revolution, is as if one were to take the plunge of Niagara, and cry out that he would stop half way down. In the one case, as in the other, the rash adventurer must go to the bottom of the

dark abyss below, were it not that that abyss has no discovered bottom.

Nullification, if successful, arrests the power of the law, absolves citizens from their duty, subverts the foundation both of protection and obedience, dispenses with oaths and obligations of allegiance, and elevates another authority to supreme command. Is not this revolution? And it raises to supreme command four and twenty distinct powers, each professing to be under a general government, and yet each setting its laws at defiance at pleasure. Is not this anarchy, as well as revolution? Sir, the constitution of the United States was received as a whole, and for the whole country. If it cannot stand altogether, it cannot stand in parts; and if the laws cannot be executed every where, they cannot long be executed any where. The gentleman very well knows that all duties and imposts must be uniform throughout the country. He knows that we cannot have one rule or one law for South Carolina, and another for other states. He must see, therefore, and does see, every man sees, that the only alternative is a repeal of the laws, throughout the whole Union, or their execution in South Carolina as well as elsewhere. And this repeal is demanded because a single state interposes her veto, and threatens resistance! The result of the gentleman's opinions, or rather the very text of his doctrine is, that no act of

congress can bind all the states, the constitutionality of which is not admitted by all; or, in other words, that no single state is bound, against its own dissent, by a law of imposts. This is precisely the evil experienced under the old confederation, and for remedy of which this constitution was adopted. The leading object in establishing this government, an object forced on the country by the condition of the times, and the absolute necessity of the law, was to give to congress power to lay and collect imposts, *without the consent of particular states*. The revolutionary debt remained unpaid; the national treasury was bankrupt; the country was destitute of credit; congress issued its requisitions on the states, and the states neglected them; there was no power of coercion but war; congress could not lay imposts, or other taxes, by its own authority; the whole general government, therefore, was little more than a name. The articles of confederation, as to purposes of revenue and finance, were nearly a dead letter. The country sought to escape from this condition, at once feeble and disgraceful, by constituting a government which should have power of itself to lay duties and taxes, and to pay the public debt, and provide for the general welfare; and to lay these duties and taxes in all the states, without asking the consent of the state governments. This was the very power on which the new constitution was to depend for all its ability to do

good; and, without it, it can be no government, now or at any time. Yet, sir, it is precisely against this power, so absolutely indispensable to the very being of the government, that South Carolina directs her ordinance. She attacks the government in its authority to raise revenue, the very mainspring of the whole system; and, if she succeed, every movement of that system must inevitably cease. It is of no avail that she declares that she does not resist the law as a revenue law, but as a law for protecting manufactures. It is a revenue law; it is the very law by force of which the revenue is collected; if it be arrested in any state, the revenue ceases in that state; it is, in a word, the sole reliance of the government for the means of maintaining itself, and performing its duties.

Mr. president, the alleged right of a state to decide constitutional questions for herself, necessarily leads to force, because other states must have the same right, and because different states will decide differently; and, when these questions arise between states, if there be no superior power, they can be decided only by the law of force. On entering into the Union, the people of each state gave up a part of their own power to make laws for themselves, in consideration that, as to common objects, they should have a part in making laws for other states. In other words, the people of all the states agreed to create a common government, to be con-

ducted by common councils. Pennsylvania, for example, yielded the right of laying imposts in her own ports, in consideration that the new government, in which she was to have a share, should possess the power of laying imposts in all the states. If South Carolina now refuses to submit to this power, she breaks the condition on which other states entered into the Union. She partakes of the common councils, and therein assists to bind others, while she refuses to be bound herself. It makes no difference in the case whether she does all this without reason or pretext, or whether she sets up as a reason that, in her judgment, the acts complained of are unconstitutional. In the judgment of other states, they are not so. It is nothing to them that she offers some reason or some apology for her conduct, if it be one which they do not admit. It is not to be expected that any state will violate her duty without some plausible pretext. That would be too rash a defiance of the opinion of mankind. But, if it be a pretext which lies in her own breast—if it be no more than an opinion which she says she has formed, how can other states be satisfied with this? How can they allow her to be judge of her own obligations? Or, if she may judge of her obligations, may they not judge of their rights also? May not the twenty-three entertain an opinion as well as the twenty-fourth? And, if it be their right, in their own opinion, as expressed in the common

council, to enforce the law against her, how is she to say that her right and her opinion are to be every thing, and their right and their opinion nothing?

Mr. president, if we are to receive the constitution as a text, and then to lay down in its margin the contradictory commentaries which have been, and which may be made by different states, the whole page would be a polyglot indeed. It would speak with as many tongues as the builders of Babel, and in dialects as much confused, and mutually as unintelligible. The very instance now before us presents a practical illustration. The law of the last session is declared unconstitutional in South Carolina, and obedience to it is refused. In other states it is admitted to be strictly constitutional. You walk over the limits of its authority, therefore, when you pass the state line. On one side it is law—on the other side a nullity; and yet it is passed by a common government, having the same authority in all the states.

Such are the inevitable results of this doctrine. Beginning with the original error, that the constitution of the United States is nothing but a compact between sovereign states; asserting, in the next step, that each state has a right to be its own sole judge of the extent of its own obligations, and consequently, of the constitutionality of laws of congress; and, in the next, that it may oppose whatever it sees fit to declare unconstitutional, and that it decides for itself on the mode and measure of redress,

the argument arrives at once at the conclusion that what a state dissents from, it may nullify; what it opposes, it may oppose by force; what it decides for itself, it may execute by its own power; and that, in short, it is itself, supreme over the legislation of congress, and supreme over the decisions of the national judicature; supreme over the constitution of the country; supreme over the supreme law of the land. However it seeks to protect itself against these plain inferences, by saying that an unconstitutional law is no law, and that it only opposes such laws as are unconstitutional, yet this does not, in the slightest degree, vary the result; since it insists on deciding this question for itself; and in opposition to reason and argument, in opposition to practice and experience, in opposition to the judgment of others, having an equal right to judge, it says, only, "such is my opinion, and my opinion shall be my law, and I will support it by my own strong hand. I denounce the law: I declare it unconstitutional; that is enough; it shall not be executed. Men in arms are ready to resist its execution. An attempt to enforce it shall cover the land with blood. Elsewhere it may be binding, but here it is trampled under foot."

This, sir, is practical nullification.

And now, sir, against all these theories and opinions, I maintain:—

1. That the constitution of the United States is not a league, confederacy, or compact, be-

tween the people of the several states in their sovereign capacities; but a government proper, founded on the adoption of the people, and creating direct relations between itself and individuals.

2. That no state authority has power to dissolve these relations; that nothing can dissolve them but revolution; and that, consequently, there can be no such thing as secession without revolution.

3. That there is a supreme law, consisting of the constitution of the United States, acts of congress passed in pursuance of it, and treaties; and that, in cases not capable of assuming the character of a suit in law or equity, congress must judge of, and finally interpret this supreme law, so often as it has occasion to pass acts of legislation; and, in cases capable of assuming, and actually assuming the character of a suit, the supreme court of the United States is the final interpreter.

4. That an attempt by a state to abrogate, annul, or nullify an act of congress, or to arrest its operation within her limits, on the ground that, in her opinion, such law is unconstitutional, is a direct usurpation on the just powers of the general government, and on the equal rights of other states, a plain violation of the constitution, and a proceeding essentially revolutionary in its character and tendency.

Whether the constitution be a compact between states in their sovereign capacities, is a question which must be mainly

argued from what is contained in the instrument itself. We all agree that it is an instrument which has been, in some way, clothed with power. We all admit that it speaks with authority. The first question then is, what does it say of itself? What does it purport to be? Does it style itself a league, confederacy, or compact between sovereign states? It is to be remembered, sir, that the constitution began to speak only after its adoption. until it was ratified by nine states, it was but a proposal, the mere draught of an instrument. It was like a deed, drawn but not executed. The convention had framed it, sent it to congress then sitting under the confederation; congress had transmitted it to the state legislatures, and by these last it was laid before conventions of the people in the several states; all this while it was inoperative paper. It had received no stamp of authority, no sanction; it spoke no language. But when ratified by the people in their respective conventions, then it had a voice, and spoke authentically. Every word in it had then received the sanction of the popular will, and was to be received as the expression of that will. What the constitution says of itself, therefore, is as conclusive as what it says on any other point. Does it call itself a compact? Certainly not. It uses the word compact but once, and that is when it declares that the states shall enter into no compact. Does it call itself a league, a confederacy, a subsisting treaty

between the states? Certainly not. There is not a particle of such language in all its pages. But it declares itself a *constitution*. What is a *constitution*? Certainly not a league, compact, or confederacy, but a *fundamental law*. That fundamental regulation which determines the manner in which the public authority is to be executed, is what forms the *constitution of a state*. Those primary rules which concern the body itself, and the very being of the political society, the form of government, and the manner in which power is to be exercised—all, in a word, which form together the *constitution of a state*, these are the fundamental laws. This, sir, is the language of the public writers. But do we need to be informed, in this country, what a *constitution* is? Is it not an idea perfectly familiar, definite, and well settled? We are at no loss to understand what is meant by the constitution of one of the states; and the constitution of the United States speaks of itself as being an instrument of the same nature. It says, this constitution shall be the law of the land, any thing in any state constitution to the contrary notwithstanding. And it speaks of itself, too, in plain contradistinction from a confederation; for it says that all debts contracted, and all engagements entered into by the United States, shall be as valid under this *constitution*, as under the *confederation*. It does not say as valid under this *compact*, or this league, or this confederation, as under the former

confederation, but as valid under this constitution.

This, then, sir, is declared to be a *constitution*. A constitution is the fundamental law of the state; and this is expressly declared to be the supreme law. It is as if the people had said, "we prescribe this fundamental law," or "this supreme law;" for they do say that they establish this constitution, and that it shall be the supreme law. They say that they *ordain and establish* it. Now, sir, what is the common application of these words? We do not speak of ordaining leagues and compacts. If this was intended to be a compact or league, and the states to be parties to it, why was it not so said? Why is there found no one expression in the whole instrument indicating such intent? The old confederation was expressly called a *league*, and into this league it was declared that the states, as states, severally entered. Why was not similar language used in the constitution, if a similar intention had existed? Why was it not said, "the states enter into this new league,—the states form this new confederation," or "the states agree to this new compact?" Or, why was it not said, in the language of the gentleman's resolution, that the people of the several states acceded to this compact in their sovereign capacities? What reason is there for supposing that the framers of the constitution rejected expressions appropriate to their own meaning, and adopted others wholly at war with that meaning?

Again, sir, the constitution speaks of that political system which is established as "*the government of the United States.*" Is it not doing strange violence to language, to call a league or a compact between sovereign powers a *government*? The government of a state is that organization in which the political power resides. It is the political being, created by the constitution or fundamental law. The broad and clear difference between a government and a league or compact is, that a government is a body politic; it has a will of its own; and it possesses powers and faculties to execute its own purposes. Every compact looks to some power to enforce its stipulations. Even in a compact between sovereign communities, there always exists this ultimate reference to a power to insure its execution; although in such case, this power is but the force of one party against the force of another—that is to say, the power of war. But a *government* executes its decisions by its own supreme authority. Its use of force in compelling obedience to its own enactments is not war. It contemplates no opposing party having a right of resistance. It rests on its own power to enforce its own will; and when it ceases to possess this power, it is no longer a government.

Mr. president, I concur so generally in the very able speech of the gentleman from Virginia, near me, (Mr. Rives,) that it is not without diffidence and regret, that I venture to differ with him

on any point. His opinions, sir, are redolent of the doctrines of a very distinguished school, for which I have the highest regard, of whose doctrines I can say, what I also can say of the gentleman's speech, that, while I concur in the results, I must be permitted to hesitate about some of the premises. I do not agree that the constitution is a compact between states in their sovereign capacities. I do not agree that, in strictness of language, *it is a compact* at all. But I do agree, *that it is founded on consent or agreement*, or *on compact*, if the gentleman prefer that word, and means no more by it than voluntary consent or agreement. The constitution, sir, is not a contract, but the result of a contract; meaning, by contract, no more than assent. Founded on consent, it is a government proper. Adopted by the agreement of the people of the United States, when adopted, it has become a constitution. The people have agreed to make a constitution; but when made, that constitution becomes what its name imports. It is no longer a mere agreement. Our laws, sir, have their foundation in the agreement or consent of the two houses of congress. We say, habitually, that one house proposes a bill, and the other agrees to it; but the result of this agreement is not a compact, but a law. The law, the statute, is not the agreement, but something created by the agreement; and something which, when created, has a new character, and acts by its own authority. So,

the constitution of the United States, founded in or on the consent of the people, may be said to rest on compact or consent; but it is itself not the compact, but its result. When a people agree to erect a government, and actually erect it, the thing is done, and the agreement is at an end. The compact is executed, and the end designed by it attained. Henceforth, the fruit of the agreement exists, but the agreement itself is merged in its own accomplishment; since there can be no longer a subsisting agreement, or compact, *to form* a constitution or government, after that constitution or government has been actually formed and established.

It appears to me, Mr. president, that the plainest account of the establishment of this government presents the most just and philosophical view of its foundation. The people of the several states had their separate state governments; and between the states there also existed a confederation. With this condition of things the people were not satisfied, as the confederation had been found not to fulfil its intended objects. It was *proposed*, therefore, to erect a new common government, which should possess certain definite powers, such as regarded the prosperity of the people of all the states; and to be formed upon the general model of American constitutions. This proposal was assented to, and an instrument was presented to the people of the several states for their consideration. They ap-

proved it, and agreed to adopt it as a constitution. They executed that agreement, they adopted the constitution as a constitution, and, henceforth, it must stand as a constitution, until it shall be altogether destroyed. Now, sir, is not this the truth of the whole matter? and is not all that we have heard of compact between sovereign states the mere effect of a theoretical and artificial mode of reasoning upon the subject? a mode of reasoning which disregards plain facts for the sake of hypothesis?

Mr. president, the nature of sovereignty, or sovereign power, has been extensively discussed by gentlemen on this occasion, as it generally is, when the origin of our government is debated. But I confess myself not entirely satisfied with arguments and illustrations drawn from that topic. The sovereignty of government is an idea belonging to the other side of the Atlantic. No such thing is known in North America. Our governments are all limited. In Europe, sovereignty is of feudal origin, and imports no more than the state of the sovereign. It comprises his rights, duties, exemptions, prerogatives, and powers. But, with us, all power is with the people. They, alone, are sovereign; and they erect what governments they please, and confer on them such powers as they please. None of these governments is sovereign, in the European sense of the word, all being restrained by written constitutions. It seems to me, therefore, that we only perplex ourselves

when we attempt to explain the relations existing between the general government and the several state governments, according to those ideas of sovereignty, which prevail under systems essentially different from our own.

But, sir, to return to the constitution itself, let me inquire what it relies upon for its own continuance and support. I hear it often suggested that the states, by refusing to appoint senators and electors, might bring this government to an end. Perhaps that is true, but the same may be said of the state governments themselves. Suppose the legislature of a state, having the power to appoint the governor and the judges, should omit that duty; would not the state governments remain unorganized? No doubt, all elective governments may be broken up by a general abandonment, on the part of those intrusted with political powers, of their appropriate duties. But one popular government has, in this respect, as much security as another. The maintenance of this constitution does not depend on the plighted faith of the states, as states, to support it; and this again shows that is not a league. It relies on individual duty and obligation.

The constitution of the United States creates direct relations between this government and individuals. This government may punish individuals for treason, and all other crimes in the code, when committed against the United States. It has pow-

er, also, to tax individuals, in any mode, and to any extent; and it possesses the further power of demanding from individuals military service. Nothing, certainly, can more clearly distinguish a government from a confederation of states, than the possession of these powers. No closer relations can exist between individuals and any government.

On the other hand, the government owes high and solemn duties to every citizen of the country. It is bound to protect him in his most important rights and interests. It makes war for his protection, and no other government in the country can make war. It makes peace for his protection, and no other government can make peace. It maintains armies and navies for his defence and security, and no other government is allowed to maintain them. He goes abroad beneath its flag, and carries over all the earth a national character, imparted to him by this government, and which no other government can impart. In whatever relates to war, to peace, to commerce, he knows no other government. All these, sir, are connexions as dear and sacred as can bind individuals to any government on earth. It is not, therefore, a compact between states, but a government proper, operating directly upon individuals, yielding to them protection on one hand, and demanding from them obedience on the other.

There is no language in the whole constitution applicable to a

confederation of states. If the state be parties, as states, what are their rights, and what their respective covenants and stipulations? And where are their rights, covenants, and stipulations expressed? The states engage for nothing, they promise nothing. In the articles of confederation they did make promises, and did enter into engagements, and did plight the faith of each state for their fulfilment; but, in the constitution there is nothing of that kind. The reason is, that, in the constitution it is the people who speak, and not the states. The people ordain the constitution, and therein address themselves to the states, and to the legislatures of the states, in the language of injunction and prohibition. The constitution utters its behests in the name and by the authority of the people, and it exacts not from states any plighted public faith to maintain it. On the contrary, it makes its own preservation depend on individual duty, and individual obligation. Sir, the states cannot omit to appoint senators and electors. It is not a matter resting in state discretion or state pleasure. The constitution has taken better care of its own preservation. It lays its hands on individual conscience, and individual duty. It incapacitates any man to sit in the legislature of a state, who shall not first have taken a solemn oath to support the constitution of the United States. From the obligation of this oath no state power can discharge him. All the members of all the

state legislatures as are religiously bound to support the constitution of the United States, as they are to support their own state constitution. Nay, sir, they are as solemnly sworn to support it, as we ourselves are, who are members of congress.

No member of a state legislature can refuse to proceed, at the proper time, to elect senators to congress, or to provide for the choice of electors of president and vice president, any more than the members can refuse, when the appointed day arrives, to meet the members of the other house, to count the votes for those officers, and ascertain who are chosen. In both cases the duty binds, and with equal strength, the conscience of the individual member, and it is imposed on all by an oath in the same words. Let it then, never be said, sir, that it is a matter of discretion with the states, whether they will continue the government, or break it up, by refusing to appoint senators, and to elect electors. They have no discretion in the matter. The members of their legislatures cannot avoid doing either, so often as the time arrives, without a direct violation of their duty and their oaths; such a violation as would break up any other government.

Looking still further to the provisions of the constitution itself, in order to learn its true character, we find its great apparent purpose to be, to unite the people of all the states under one general government, for certain definite objects, and to

the extent of this Union, to restrain the separate authority of the states. Congress only can declare war—therefore, when one state is at war with a foreign nation, all must be at war. The president and the senate only can make peace; when peace is made for one state, therefore, it must be made for all.

Can any thing be conceived more preposterous, than that one state should have power to nullify the proceedings of the general government, respecting peace and war? When war is declared by a law of congress, can a single state nullify that law, and remain at peace? And yet she may nullify that law as well as any other. If the president and senate make peace, may one state, nevertheless, continue the war? And yet, if she can nullify a law, she may quite as well nullify a treaty.

The truth is, Mr. President, and no ingenuity of argument, no subtlety of distinction can evade it, that as to certain purposes, the people of the United States are one people. They are one in making war, and one in making peace; they are one in regulating commerce, and one in laying duties of impost. The very end and purpose of the constitution was to make them one people in these particulars; and it has effectually accomplished its object. All this is apparent on the face of the constitution itself. I have already said, sir, that to obtain a power of direct legislation over the people, especially in regard to imposts,

was always prominent as a reason for getting rid of the confederation, and forming a new constitution. Among innumerable proofs of this, before the assembling of the convention, allow me to refer to the report of the committee of the old congress, July, 1785.

But, sir, let us go to the actual formation of the constitution, let us open the journal of the convention itself, and we shall see that the first resolution which the convention adopted, was, "*that a national government ought to be established, consisting of a supreme legislature, judiciary, and executive.*"

This, itself, completely negatives all idea of league, and compact, and confederation. Terms could not be chosen, more fit to express an intention to establish a national government, and to banish for ever all notion of a compact between sovereign states.

This resolution was adopted on the 30th of May. Afterwards, the style was altered, and instead of being called a national government, it was called the government of the United States; but the substance of this resolution was retained, and was at the head of that list of resolutions which was afterwards sent to the committee who were to frame the instrument.

It is true, there were gentlemen in the convention, who were for retaining the confederation, and amending its articles; but the majority was against this, and was for a national government. Mr. Patterson's propo-

sitions, which were for continuing the articles of confederation with additional powers, were submitted to the convention on the 15th of June, and referred to the committee of the whole. And the resolutions forming the basis of a national government, which had once been agreed to in the committee of the whole, and reported, were recommitted to the same committee, on the same day. The convention, then, in committee of the whole, on the 19th of June, had both these plans before them; that is to say, the plan of a confederacy, or compact between states, and the plan of a national government. Both these plans were considered and debated, and the committee reported, "*that they do not agree to the proposition offered by the honourable Mr. Patterson, but that they again submit the resolutions formerly reported.*" If, sir, any historical fact in the world be plain and undeniable, it is that the convention deliberated on the expediency of continuing the confederation, with some amendments, and rejected that scheme, and adopted the plan of a national government, with a legislature, an executive, and a judiciary of its own. They were asked to preserve the league; they rejected the proposition. They were asked to continue the existing compact between states; they rejected it. They rejected compact, league, and confederation; and set themselves about framing the constitution of a national government, and they accomplished what they undertook.

If men will open their eyes fairly to the lights of history, it is impossible to be deceived on this point. The great object was to supersede the confederation by a regular government, because, under the confederation, congress had power only to make requisitions on states; and if states declined compliance, as they did, there was no remedy but war against such delinquent states. It would seem, from Jefferson's correspondence, in 1786, and 1787, that he was of opinion that even this remedy ought to be tried.

Indeed, sir, if we look to all cotemporary history, to the writings of the Federalist, to the debates in the conventions, to the publications of friends and foes, they all agree that a change had been made from a confederacy of states, to a different system; they all agree that the convention had formed a constitution for a national government. With this result some were satisfied, and some were dissatisfied; but all had admitted that the thing had been done. In none of these various productions and publications did any one intimate that the new constitution was but another compact between states in their sovereign capacities? I do not find such an opinion advanced in a single instance. Every where the people were told that the old confederation was to be abandoned, and a new system to be tried; that a proper government was proposed, to be founded in the name of the people, and to have a regular organization of

its own. Every where the people were told that it was to be a government with direct powers to make laws over individuals, and to lay taxes and impost without the consent of the states. Every where it was understood to be a popular constitution. It came to the people for their adoption, and was to rest on the same deep foundation as the state constitutions themselves. Its most distinguished advocates, who had been themselves members of the convention, declared that the very object of submitting the constitution to the people was, to *preclude the possibility of its being regarded as a mere compact*. "However gross a heresy," say the writers of the Federalist, "it may be to maintain that a party to a compact has a right to revoke that compact, the doctrine itself has had respectable advocates. The possibility of a question of this nature proves the necessity of laying the foundations of our national government deeper than in the mere sanction of delegated authority. The fabric of American empire ought to rest on the solid basis of the *consent of the people*."

Such is the language, sir, addressed to the people, while they yet had the constitution under consideration. The powers conferred on the new government, were perfectly well understood to be conferred, not by any state, or the people of any state, but by the people of the United States. Virginia is more explicit, perhaps, in this particular, than any other state. Her con-

vention assembled to ratify the constitution "in the name and behalf of the people of Virginia, declare and make known, that the powers granted under the constitution *being derived from the people of the United States*, may be resumed by them whenever the same shall be perverted to their injury or oppression."

Is this the language which describes the formation of a compact between states, or language describing the *grant of powers to a new government, by the whole people of the United States?*

Among all the other ratifications, there is not one which speaks of the constitution as a compact between states. Those of Massachusetts and New-Hampshire express the transaction, in my opinion, with sufficient accuracy. They recognise the Divine goodness "in affording the people of the United States an opportunity of entering into an explicit and solemn compact with each other, *by assenting to, and ratifying a new constitution.*" You will observe, sir, that it is the *people*, and not the states, who have entered into this compact, and it is the people of all the U. States. These conventions, by this form of expression, meant merely to say, that the people of the United States had, by the blessing of Providence, enjoyed the opportunity of establishing a new constitution, *founded in the consent of the people.* This consent of the people has been called by the European writers the *social compact*; and in conformity to this

common mode of expression, these conventions speak of that assent, on which the new constitution was to rest, as an explicit and solemn compact, not which the states had entered into with each other; but which the people of the United States had entered into.

Finally, sir, how can any man get over the words of the constitution itself?—" *We, the people of the United States, do ordain and establish this constitution.*" These words must cease to be a part of the constitution—they must be obliterated from the parchment on which they are written, before any human ingenuity, or human argument, can remove the popular basis on which that constitution rests, and turn the instrument into a mere compact between sovereign states.

The second proposition, sir, which I propose to maintain, is, that no state authority can dissolve the relations subsisting between the government of the United States and individuals; that nothing can dissolve these relations but revolution; and that, therefore, there can be no such thing as secession without revolution. All this follows, as it seems to me, as a just consequence, if it be first proved that the constitution of the United States is a government proper, owing protection to individuals, and entitled to their obedience.

The people, sir, in every state, live under two governments. They owe obedience to both. These governments, though distinct, are not adverse. Each has

its separate sphere, and its peculiar powers and duties. It is not a contest between two sovereigns for the same power, like the wars of the rival houses in England; nor is it a dispute between a government *de facto*, and a government *de jure*. It is the case of a division of powers, between two governments, made by the people, to which both are responsible. Neither can dispense with the duty which individuals owe to the other; neither can call itself master of the other; the people are masters of both. This division of power, it is true, is in a great measure unknown in Europe. It is the peculiar system of America; and, though new and singular, it is not incomprehensible. The state constitutions are established by the people of the states; this constitution is established by the people of all the states. How, then, can a state secede? How can a state undo what the whole people have done? How can she absolve her citizens from their obedience to the laws of the United States? How can she annul their obligations and oaths? How can the members of her legislature renounce their own oaths? Sir, secession, as a revolutionary right, is intelligible; as a right to be proclaimed in the midst of civil commotions, and asserted at the head of armies, I can understand it. But, as a practical right, existing under the constitution, and in conformity with its provisions, it seems to me to be nothing but a plain absurdity: for it supposes resistance to government, under the authority of govern-

ment itself; it supposes dismemberment, without violating the principles of union; it supposes opposition to law without crime; it supposes the violation of oaths, without responsibility; it supposes the total overthrow of government, without revolution.

The constitution sir, regards itself as perpetual and immortal. It seeks to establish a union among the people of the states, which shall last through all time. Or, if the common fate of things human must be expected, at some period to happen to it, yet that catastrophe is not anticipated.

The instrument contains ample provisions for its amendment at all times; none for its abandonment at any time. It declares that new states may come into the Union, but it does not declare that old states may go out. The Union is not a temporary partnership of states. It is the association of the people, under a constitution of government uniting their power, joining together their highest interests, cementing their present enjoyments, and blending in one indivisible mass, all their hopes for the future. Whatsoever is steadfast in just political principles—whatsoever is permanent in the structure of human society—whatsoever there is which can derive an enduring character from being founded on deep laid principles of constitutional liberty, and on the broad foundations of the public will, all these unite to entitle this instrument to be regarded as a permanent constitution of government.

In the next place, Mr. Presi-

dent, I contend that there is a supreme law of the land, consisting of the constitution, acts of congress passed in pursuance of it, and the public treaties. This will not be denied, because such are the very words of the constitution. But I contend further, that it rightfully belongs to congress, and to the courts of the United States, to settle the construction of this supreme law, in doubtful cases. This is denied; and here arises the great practical question. *Who is to construe, finally, the constitution of the United States?* We all agree that the constitution is the supreme law; but who shall interpret that law? In our system of the division of powers between different governments, controversies will necessarily sometimes arise, respecting the extent of the powers of each. Who shall decide these controversies? Does it rest with the general government, in all or any of its departments, to exercise the office of final interpreter? or may each of the states, as well as the general government, claim this right of ultimate decision? The practical result of this whole debate turns on this point. The gentleman contends that each state may judge for itself of any alleged violation, and may finally decide for itself, and may execute its own decisions by its own power. All the recent proceedings in South Carolina are founded on this claim of right. Her convention has pronounced the revenue laws of the United States unconstitutional; and this

decision she does not allow any authority of the United States to overrule or reverse. Of course, she rejects the authority of congress, because the very object of the ordinance is to reverse the decision of congress; and she rejects, too, the authority of the courts of the United States, because she expressly prohibits all appeal to those courts. It is in order to sustain this asserted right of being her own judge, that she pronounces the constitution of the United States to be but a compact, to which she is a party, and a sovereign party. If this be established, then the inference is supposed to follow, that, being sovereign, there is no power to control her decision, and her own judgment, on her own compact, is and must be conclusive.

I have already endeavoured, sir, to point out the practical consequences of this doctrine, and to show how utterly inconsistent it is, with all ideas of regular government, and how soon its adoption would involve the whole country in revolution and absolute anarchy. I hope it is easy now to show, sir, that a doctrine bringing such consequences with it, is not well founded; that it has nothing to stand upon but theory and assumption; and that it is refuted by plain and express constitutional provisions. I think the government of the United States does possess, in its appropriate departments, the authority of final decision on questions of disputed power. I think it pos-

sesses this authority, both by necessary implication, and by express grant.

It will not be denied, sir, that this authority naturally belongs to all governments. They all exercise it from necessity, and as a consequence of the exercise of other powers. The state governments themselves possess it, except in that class of questions which may arise between them and the general government, and in regard to which they have surrendered it, as well by the nature of the case, as by clear constitutional provisions. In other and ordinary cases, whether a particular law be in conformity to the constitution of the state, is a question which the state legislature or the state judiciary must determine. We all know that these questions arise daily in the state governments, and are decided by those governments; and I know no government which does not exercise a similar power.

Upon general principles, then, the government of the United States possesses this authority; and this would hardly be denied, were it not that there are other governments. But since there are state governments, and since these, like other governments, ordinarily construe their own powers, if the government of the United States construes its own powers also, which construction is to prevail, in the case of opposite constructions? And, again, as in the case now actually before us, the state governments may undertake, not only to construe their own powers, but to

decide directly on the extent of the powers of congress. Congress has passed a law as being within its just powers; South Carolina denies that this law is within its just powers, and insists that she has the right so to decide this point, and that her decision is final. How are these questions to be settled?

In my opinion, sir, even if the constitution of the United States had made no express provision for such cases, it would yet be difficult to maintain that, in a constitution existing over four and twenty states, with equal authority over all, *one* could claim a right for construing it for the whole. This would seem a manifest impropriety—indeed, an absurdity. If the constitution is a government existing over all the states, though with limited powers, it necessarily follows that, to the extent of those powers, it must be supreme. If it be not superior to the authority of a particular state, it is not a national government. But as it is a government, as it has a legislative power of its own, and a judicial power co-extensive with the legislative, the inference is irresistible, that this government, thus created *by* the whole, and *for* the whole, must have an authority superior to that of the particular government of any one part. Congress is the legislature of all the people of the United States; the judiciary of the general government is the judiciary of all the people of the United States. To hold, therefore, that this legislature and this judiciary are subordinate in au-

thority to the legislature and judiciary of a single state, is doing violence to all common sense, and overturning all established principles. Congress must judge of the extent of its own powers, so often as it is called on to exercise them, or it cannot act at all; and it must also act independent of state control, or it cannot act at all.

The right of state interposition strikes at the very foundation of the legislative powers of congress. It possesses no effective legislative power, if such right of state interposition exists; because it can pass no law not subject to abrogation. It cannot make laws for the Union, if any part of the Union may pronounce its enactments void and of no effect. Its forms of legislation would be an idle ceremony, if, after all, any one of four and twenty states might bid defiance to its authority. Without express provision in the constitution, therefore, sir, this whole question is necessarily decided by those provisions which create a legislative power and a judicial power. If these exist, in a government intended for the whole, the inevitable consequence is, that the laws of this legislative power, and the decisions of this judicial power, must be binding on and over the whole. No man can form the conception of a government existing over four and twenty states, with a regular legislative and judicial power, and of the existence, at the same time, of an authority, residing elsewhere, to resist, at pleasure or discre-

tion, the enactments and the decisions of such a government. I maintain, therefore, sir, that, from the nature of the case, and as an inference wholly unavoidable, the acts of congress, and the decisions of the national courts, must be of higher authority than state laws and states decisions. If this be not so, there is, there can be, no general government.

But, Mr. President, the constitution has not left this cardinal point without full and explicit provisions. First, as to the authority of congress. Having enumerated the specific powers conferred on congress, the constitution adds, as a distinct and substantive clause, the following, viz: "*To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.*" If this means any thing, it means that congress may judge of the true extent and just interpretation of the specific powers granted to it; and may judge also of what is necessary and proper for executing those powers, if congress is to judge of what is necessary for the execution of its powers, it must, of necessity, judge of the extent and interpretation of those powers.

And in regard, sir, to the judiciary, the constitution is still more express and emphatic. It declares that the judicial power shall extend to all *cases* in law or equity arising under the constitution, laws of the United

States, and treaties ; that there shall be *one* supreme court, and that this supreme court shall have appellate jurisdiction of all these cases, subject to such exceptions as congress may make. It is impossible to escape from the generality of these words. If a case arises under the constitution, that is, if a case arises depending on the construction of the constitution, the judicial power of the United States extends to it. It reaches the *case*, *the question*—it attaches the power of the national judicature to the case itself, in whatever court it may arise or exist ; and in this *case* the supreme court has appellate jurisdiction over all courts whatever. No language could provide with more effect and precision, than is here done, for subjecting constitutional questions to the ultimate decision of the supreme court. And, sir, this is exactly what the convention found it necessary to provide for, and intended to provide for. It is, too, exactly what the people were universally told was done when they adopted the constitution. One of the first resolutions adopted by the convention was in these words, viz : “ that the jurisdiction of the national judiciary shall extend to cases which respect the *collection of the national revenue*, and questions which involve the national peace and harmony.” Now, sir, this either had no sensible meaning at all, or else it meant that the jurisdiction of the national judiciary should extend to these questions *with a paramount au-*

thority. It is not to be supposed that the convention intended that the power of the national judiciary should extend to these questions, and that the judicatures of the states should also extend to them, *with equal power of final decision*. This would be to defeat the whole object of the provision. There were thirteen judicatures already in existence. The evil complained of, or the danger to be guarded against, was contradiction and repugnance in the decisions of these judicatures. If the framers of the constitution meant to create a fourteenth, and yet not to give it power to revise and control the decisions of the existing thirteen, then they only intended to augment the existing evil, and the apprehended danger, by increasing, still further, the chances of discordant judgments. Why, sir, has it become a settled axiom in politics, that every government must have a judicial power co-extensive with its legislative power ? Certainly, there is only this reason, viz ; that the laws may receive a uniform interpretation, a uniform execution. This object can be no otherwise attained. A statute is what it is judicially interpreted to be ; and if it be construed one way in New Hampshire, and another way in Georgia, there is no uniform law. One supreme court, with appellate and final jurisdiction, is the natural and only adequate means, in any government, to secure this uniformity. The convention saw all this clearly ; and the resolution which I have

quoted, never afterwards rescinded, passed through various modifications, till it finally received the form which the article now wears in the constitution. It is undeniably true, then, that the framers of the constitution intended to create a national judicial power which should be paramount on national subjects. And after the constitution was framed, and while the whole country was engaged in discussing its merits, one of its most distinguished advocates, [Mr. Madison,] told the people that it was true that, in controversies relating to the boundary between the two jurisdictions, the tribunal which is ultimately to decide is to be established under the general government. Every where it was admitted, by friends and foes, that this power was in the constitution. By some it was thought dangerous; by most it was thought necessary: but, by all, it was agreed to be a power actually contained in the instrument. The convention saw the absolute necessity of some control in the national government over state laws. Different modes of establishing this control were suggested and considered. At one time it was proposed that the laws of the states should, from time to time, be laid before congress, and that congress should possess a negative over them. But this was thought inexpedient and inadmissible; and in its place, and expressly as a substitute for it, the existing provision was introduced: that is to say, a provision by which the federal

courts should have authority to overrule such state laws as might be in manifest contravention of the constitution. The writers of the Federalist, in explaining the constitution, while it was yet pending before the people, and still unadopted, give this account of the matter, in terms, and assign this reason for the article as it now stands. By this provision, congress escaped from the necessity of any revision of state laws, left the whole sphere of state legislation quite untouched, and yet obtained a security against any infringement of the constitutional power of the general government. Indeed, sir, allow me to ask again, if the national judiciary was not to exercise a power of revision, on constitutional questions, over the judicatures of the states, why was any national judicature erected at all? Can any man give a sensible reason for having a judicial power in this government, unless it be for the sake of maintaining a uniformity of decision, on questions arising under the constitution and laws of congress, and insuring its execution? And does not this very idea of uniformity necessarily imply that the construction given by the national courts is to be the prevailing construction? How else, sir, is it possible that uniformity can be preserved?

Gentlemen appear to me, sir, to look at but one side of the question. They regard only the supposed danger of trusting a government with the interpretation of its own powers. But will they view the question in

its other aspect; will they show us how it is possible for a government to get along with four and twenty interpreters of its laws and powers? Gentlemen argue, too, as if in these cases, the state would be always right, and the general government always wrong. But, suppose the reverse; suppose the state wrong—and, since they differ, some of them must be wrong—are the most important and essential operations of the government to be embarrassed and arrested, because one state holds a contrary opinion? Mr. President, every argument which refers the constitutionality of acts of congress to state decision, appeals from the majority to the minority; it appeals from the common interest to a particular interest; from the councils of all to the council of one; and endeavours to supersede the judgment of the whole by the judgment of a part.

I think it is clear, sir, that the constitution, by express provision, by definite and unequivocal words, as well as by necessary implication, has constituted the supreme court of the United States the appellate tribunal in cases of a constitutional nature, which assume the shape of a suit, in law or equity. And I think I cannot do better than to leave this part of the subject by reading the remarks made upon it by Mr. Ellsworth, in the convention of Connecticut; a gentleman, sir, who has left behind him, on the records of the government of his country, proofs of the clearest intelligence, and of

the deepest sagacity, as well as of the utmost purity and integrity of character. "This constitution," says he, "defines the extent of the powers of the general government. If the general legislature should, at any time, overleap their limits, the judicial department is a constitutional check. If the United States go beyond their powers; if they make a law which the constitution does not authorize, it is void; and the judiciary power, the national judges, who, to secure their impartiality, are to be made independent, will declare it to be void. On the other hand, if the states go beyond their limits; if they make a law which is an usurpation upon the general government, the law is void; and upright, independent judges will declare it to be so."

And let me now only add, sir, that, in the very first session of the first congress, with all their well known objects, both of the convention and the people, full and fresh in his mind, Mr. Ellsworth reported the bill, as is generally understood, for the organization of the judicial department, and, in that bill made provision for the exercise of this appellate power of the supreme court, in all the proper cases, in whatsoever court arising; and that this appellate power has now been exercised for more than forty years, without interruption, and without doubt.

As to the cases, sir, which do not come before the courts; those political questions which terminate with the enactments of congress, it is of necessity that these

should be ultimately decided by congress itself. Like other legislatures, it must be trusted with this power. The members of congress are chosen by the people, and they are answerable to the people; like other public agents, they are bound by oath to support the constitution. These are the securities that they will not violate their duty, nor transcend their powers. They are the same securities as prevail in other popular governments; nor is it easy to see how grants of power can be more safely guarded, without rendering them nugatory. If the case cannot come before the courts, and if congress be not trusted with its decision, who shall decide it? The gentleman says each state is to decide it for herself. If so, then, as I have already urged, what is law in one state, is not law in the other. Or, if the resistance of one state compels an entire repeal of the law, then a minority, and that a small one, governs the whole country.

Sir, those who espouse the doctrines of nullification, reject, as it seems to me, the first great principle of all republican liberty; that is, that the majority *must* govern. In matters of common concern, the judgment of a majority must stand as the judgment of the whole. This is a law imposed on us by the absolute necessity of the case; and if we do not act upon it, there is no possibility of maintaining any government but despotism. We hear loud and repeated denunciations against what is called *ma-*

ajority government. It is declared with much warmth, that a *majority government* cannot be maintained in the United States. What, then, do gentlemen wish? Do they wish to establish a minority government? Do they wish to subject the will of the many to the will of the few? The honourable gentleman from South Carolina has spoken of absolute majorities, and majorities concurrent; language wholly unknown to our constitution, and to which it is not easy to affix definite ideas. As far as I understand it, it would teach us that the *absolute majority* may be found in congress, but the *majority concurrent* must be looked for in the states. That is to say, sir, stripping the matter of this novelty of phrase, that the dissent of one or more states as states, renders void the decision of a majority of congress, so far as that state is concerned. And so this doctrine, running but a short career, like other dogmas of the day, terminates in nullification.

If this vehement invective against *majorities* meant no more than that, in the construction of government, it is wise to provide checks and balances, so that there should be various limitations on the power of the mere majority, it would only mean what the constitution of the U. States has already abundantly provided. It is full of such checks and balances. In its very organization, it adopts a broad and most effectual principle in restraint of the power of mere majorities. A majority of the

people elects the house of representatives, but it does not elect the senate. The senate is elected by the states, each state having, in this respect, an equal power. No law, therefore, can pass without the assent of a majority of the representatives of the people, and a majority of the representatives of the states also. A majority of the representatives of the people must concur, and a majority of the states must concur in every act of congress, and the president is elected on a plan compounded of both these principles. But, having composed one house of representatives chosen by the people in each state, according to its numbers, and the other of an equal number of members from every state, whether larger or smaller, the constitution gives to majorities in these houses, thus constituted, the full and entire power of passing laws, subject always to the constitutional restrictions, and to the approval of the president. To subject them to any other power is clear usurpation. The majority of one house may be controlled by the majority of the other; and both may be restrained by the president's negative. These are checks and balances provided by the constitution, existing in the government itself, and wisely intended to secure deliberation and caution in legislative proceedings. But to resist the will of the majority in both houses, thus constitutionally exercised; to insist on the lawfulness of interposition by an extraneous power; to claim the right of defeating the

will of congress, by setting up against it the will of a single state, is neither more nor less, as it strikes me, than a plain attempt to overthrow the government. The constituted authorities of the United States are no longer a government, if they be not masters of their own will; they are no longer a government, if an external power may arrest their proceedings; they are no longer a government, if acts passed by both houses, and approved by the president, may be nullified by state vetoes or state ordinances. Does any one suppose it could make any difference, as to the binding authority of an act of congress, and of the duty of a state to respect it, whether it passed by a mere majority of both houses, or by three fourths of each, or the unanimous vote of each? Within the limits and restrictions of the constitution, the government of the United States, like all other popular governments, acts by majorities. It can act no otherwise. Whoever, therefore, denounces the government of majorities, denounces the government of his own country, and denounces all free governments. And whoever would restrain these majorities, while acting within their constitutional limits, by an external power, whatever he may intend, asserts principles which, if adopted, can lead to nothing else than the destruction of the government itself.

Does not the gentleman perceive, sir, how his argument against majorities might here be

retorted upon him? Does he not see how cogently he might be asked, whether it be the character of nullification to practise what it preaches? Look to South Carolina at the present moment. How far are the rights of minorities there respected? I confess, sir, I have not known, in peaceable times, the power of the majority carried with a higher hand, or upheld with more relentless disregard of the rights, feelings, and principles of the minority; a minority embracing, as the gentleman himself will admit, a large portion of the worth and respectability of the state; a minority, comprehending in its numbers men who have been associated with him, and with us, in these halls of legislation; men who have served their country at home, and honoured it abroad; men who would cheerfully lay down their lives for their native state in any cause which they could regard as the cause of honour and duty; men above fear, and above reproach; whose deepest grief and distress spring from the conviction that the present proceeding of the state must ultimately reflect discredit upon her; how is this minority, how are these men regarded? They are enthralled and disfranchised by ordinances and acts of legislation, subjected to tests and oaths, incompatible, as they conscientiously think, with oaths already taken, and obligations already assumed; they are proscribed and denounced as recreants to duty and patriotism, and slaves to a foreign power; both the

spirit which pursues them, and the positive measures which emanate for that spirit, are harsh and prospective beyond all precedent within my knowledge, except in periods of professed revolution.

It is not, sir, one would think, for those who approve these proceedings, to complain of the power of majorities.

Mr. President, all popular governments rest on two principles, or two assumptions:

First, that there is, so far, a common interest among those over whom the government extends, as that it may provide for the defence, protection, and good government of the whole, without injustice or oppression to parts.

Second, that the representatives of the people, and, especially the people themselves are secure against general corruption, and may be trusted, therefore, with the exercise of power. Whoever argues against these principles, argues against the practicability of all free governments. And whoever admits these, must admit, or cannot deny, that power is as safe in the hands of congress as in those of other representative bodies. Congress is not irresponsible. Its members are agents of the people, elected by them, answerable to them, and liable to be displaced or superseded at their pleasure; and they possess as fair a claim to the confidence of the people, while they continue to deserve it, as any other public political agents.

If then, sir, the plain intention

of the convention, and the cotemporary admission of both friends and foes, prove any thing; if the plain text of the instrument itself, as well as the necessary implication from other provisions prove any thing; if the early legislation of congress, the course of judicial decisions, acquiesced in by all the states for forty years prove any thing, then it is proved that there is a supreme law, and a final interpreter.

My fourth and last proposition, Mr. President, was, that any attempt by a state, to abrogate or nullify acts of congress, is an usurpation on the powers of the general government, and on the equal rights of other states, a violation of the constitution, and a proceeding essentially revolutionary. This is undoubtedly true, if the preceding propositions be regarded as proved. If the government of the United States be trusted with the duty, in any department, of declaring the extent of its own powers, then a state ordinance, or act of legislation, authorizing resistance to an act of congress, on the alleged ground of its unconstitutionality, is manifestly a usurpation upon its powers.

If the states have equal rights, in matters concerning the whole, then for one state to set up her judgment against the judgment of the rest, and to insist on executing that judgment by force, is also a manifest usurpation on the rights of other states.

If the constitution of the United States be a government proper, with authority to pass laws, and to give them a uniform interpretation and execution,

then the interposition of a state to enforce her own construction, and to resist, as to herself, that law which binds the other states, is a violation of the constitution.

And if that be revolutionary which arrests the legislative, executive, and judicial power of government, dispenses with existing oaths and obligations of obedience, and elevates another power to supreme dominion, then nullification is revolutionary. Or, if that be revolutionary, the natural tendency and practical effect of which is to break the Union into fragments, to sever all connexion among the people of the respective states, and to prostrate this general government in the dust, then nullification is revolutionary.

Nullification, sir, is as distinctly revolutionary as secession; but I cannot say that the revolution which it seeks is one of so respectable a character. Secession would, it is true, abandon the constitution altogether; but then, it would profess to abandon it. Whatever other inconsistencies it might run into, one, at least, it would avoid. It would not belong to a government, while it rejected its authority. It would not repel the burden, and continue to enjoy the benefits. It would not aid in passing laws which others are to obey, and yet reject their authority as to itself. It would not undertake to reconcile obedience to public authority, with an asserted right of command over that same authority. It would not be in the government, and above the government at

the same time. But, however more respectable a mode of secession may be, it is not more truly revolutionary than the actual execution of the doctrines of nullification. Both, and each, would resist the constitutional authorities; both and each would sever the Union, and subvert the government.

Mr. President, having detained the senate so long already, I will not now examine, at length, the ordinance and laws of South Carolina. These papers are well drawn for their purpose. Their authors understood their own objects. They are called a peaceable remedy, and we have been told that South Carolina, after all, intends nothing but a law-suit. A very few words, sir, will show the nature of this peaceable remedy, and of the law-suit which South Carolina contemplates.

In the first place, the ordinance declares the law of last July, and all other laws of the United States laying duties, to be absolutely null and void, and makes it unlawful for the constituted authorities of the United States to enforce the payment of such duties. It is, therefore, sir, an indictable offence, at this moment, in South Carolina, for any person to be concerned in collecting revenue, under the laws of the United States. It being declared unlawful to collect these duties by what is considered a fundamental law of the state, an indictment lies, of course, against any one concerned in such collection, and he is, on general principles, liable to be

punished by fine and imprisonment. The terms, it is true, are, that it is unlawful "to enforce payment of duties;" but every custom house officer enforces payment, while he detains the goods, in order to obtain such payment. The ordinance, therefore, reaches every body concerned in the collection of the duties.

This is the first step in the prosecution of the peaceable remedy. The second is more decisive. By the act commonly called the replevin law, any person whose goods are seized or detained by the collector for the payment of duties, may serve out a writ of replevin, and by virtue of that writ, the goods are to be restored to him. A writ of replevin is a writ which the sheriff is bound to execute, and for the execution of which, he is bound to employ force, if necessary. He may call out the *posse*, and must do so, if resistance be made. This *posse* may be armed or unarmed. It may come forth with military array, and under the lead of military men. Whatever number of troops may be assembled at Charleston, they may be summoned, with the governor or commander-in-chief at their head, to come in aid of the sheriff. It is evident, then, sir, that the whole military power of the state is to be employed whenever necessary, in dispossessing the custom house officers, and in seizing and holding the goods without paying the duties. This is the second step in the peaceable remedy.

Sir, whatever pretences may

be set up to the contrary, this is the direct application of force, and of military force. It is unlawful, in itself, to replevy goods in the custody of the collectors. But this unlawful act is to be done, and it is to be done by power. Here is a plain interposition, by physical force, to resist the laws of the Union. The legal mode of collecting duties, is to detain goods till such duties are paid or secured. But force comes and overpowers the collector and his assistants, and takes away the goods, leaving the duties unpaid. There cannot be a clearer case of forcible resistance to law. And it is provided that the goods thus seized, shall be held against any attempt to retake them, by the same force which seized them.

Having thus dispossessed the officers of the government of the goods, without payment of duties, and seized and secured them by the strong arm of the state, only one thing more remained to be done, and that is, to cut off all possibility of legal redress; and that, too, is accomplished, or thought to be accomplished. The ordinance decrees that *all judicial proceedings, founded on the revenue laws*, (including, of course, proceedings in the courts of the United States,) *shall be null and void*. This nullifies the judicial power of the United States. Then comes the test oath act. This requires all state judges and jurors in the state courts to swear that they will execute the ordinance, and all acts of the legislature passed in pursuance there-

20

of. The ordinance declares, that no appeal shall be allowed from the decision of the state courts to the supreme court of the United States; and the replevin act makes it an indictable offence for any clerk to furnish a copy of the record, for the purpose of such appeal.

The two principal provisions on which South Carolina relies, to resist the laws of the United States, and nullify the authority of this government, are therefore these:—

1. A forcible seizure of goods before the duties are paid or secured, by the power of the state, civil and military.

2. The taking away, by the most effectual means in her power, of all legal redress in the courts of the United States; the confining all judicial proceedings to her own state tribunals; and the compelling of her judges and jurors of these, her own courts, to take an oath beforehand, that they will decide all cases according to the ordinance, and the acts passed under it; that is, that they will decide the cause one way. They do not swear to *try* it on its own merits, they only swear to *decide* it as nullification requires.

The character, sir, of these provisions defies comment. Their object is as plain as their means are extraordinary. They propose direct resistance by the whole power of the state, to laws of congress; to cut off by methods deemed adequate, any redress by legal and judicial authority. They arrest legislation, defy the executive, and banish

the judicial power of this government. They authorize and command acts to be done, and done by force, both of numbers and of arms, which if done, and done by force, are clearly acts of rebellion and treason.

Such, sir, are the laws of South Carolina; such, sir, is the peaceable remedy of nullification. Has not nullification reached, sir, even thus early, that point of direct and forcible resistance to law, to which I intimated, three years ago, it plainly tended?

And now, Mr. President, what is the reason for passing laws like these? What are the oppressions experienced under the Union, calling for measures which thus threaten to sever and destroy it? What invasions of public liberty, what ruin to private happiness, what long list of rights violated, or wrongs unredressed, is to justify to the country, to posterity, and to the world, this assault upon the free constitution of the United States, this great and glorious work of our fathers? At this very moment, sir, the whole land smiles in peace, and rejoices in plenty. A general and a high prosperity pervades the country; and judging by the common standard, by increase of population and wealth; or judging by the opinions of that portion of her people not embarked in these dangerous and desperate measures, this prosperity overspreads South Carolina herself.

Thus, happy at home, our country, at the same time, holds high the character of her institutions, her power, her rapid

growth, and her future destiny, in the eyes of all foreign states. One danger only creates hesitation; one doubt only exists, to darken the otherwise unclouded brightness of that aspect, which she exhibits to the view and to the admiration of the world. Need I say, that doubt respects the permanency of our Union; and need I say, that that doubt is now caused, more than by any thing else, by these very proceedings of South Carolina. Sir, all Europe is, at this moment, beholding us, and looking for the issue of this controversy; those who hate free institutions, with malignant hope; those who love them, with deep anxiety and shivering fear.

The cause, then, sir, the cause! Let the world know the cause which has thus induced one state of the Union to bid defiance to the power of the whole, and openly to talk of secession.

Sir, the world will scarcely believe that this whole controversy, and all the desperate measures which its support requires, have no other foundation than a difference of opinion, upon a provision of the constitution between a majority of the people of South Carolina on one side, and a vast majority of the whole people of the United States on the other. It will not credit the fact, it will not admit the possibility that, in an enlightened age, in a free, popular republic, under a government where the people govern, as they must always govern, under such systems, by majorities, at a time of unprecedented happiness, without prac-

tical oppression, without evils, such as may not only be pretended, but felt and experienced; evils, not slight or temporary, but deep, permanent, and intolerable; a single state should rush into conflict with all the rest, attempt to put down the power of the Union by her own laws, and to support those laws by her military power, and thus break up and destroy the world's last hope. And well the world may be incredulous. We, who hear and see it, can ourselves hardly yet believe it. Even after all that had preceded it, this ordinance struck the country with amazement. It was incredible and inconceivable, that South Carolina should thus plunge headlong into resistance to the laws, on a matter of opinion, and on a question in which the preponderance of opinion, both of the present day, and of all past time, was so overwhelming against her. The ordinance declares that congress has exceeded its just power, by laying duties on imports, intended for the protection of manufactures. This is the opinion of South Carolina, and on the strength of that opinion she nullifies the laws. Yet, has the rest of the country no right to its opinions also? Is one state to sit sole arbitress? She maintains that those laws are plain, deliberate, and palpable violations of the constitution; that she has a sovereign right to decide this matter; and that, having so decided, she is authorized to resist their execution by her own sovereign power; and she declares that she will resist it, though

such resistance should shatter the Union into atoms.

Mr. President, I do not intend to discuss the propriety of these laws at large; but I will ask, how are they shown to be thus plainly and palpably unconstitutional? Have they no countenance at all in the constitution itself? Are they quite new in the history of the government? Are they a sudden and violent usurpation on the rights of the states? Sir, what will the civilized world say; what will posterity say, when they learn that similar laws have existed from the very foundation of this government; that for thirty years the power was never questioned; and that no state in the Union has more freely and unequivocally admitted it than South Carolina herself?

To lay and collect duties and imposts, is an *express power*, granted by the constitution to congress. It is, also, an *exclusive power*; for the constitution as expressly prohibits all the states from exercising it themselves. This express and exclusive power is unlimited in the terms of the grant, but is attended with two specific restrictions; first, that all duties and imposts shall be equal in all the states; second, that no duties shall be laid on exports. The power, then, being granted, and being attended with these two restrictions, and no more, who is to impose a third restriction on the general words of the grant? If the power to lay duties, as known among all other nations, and as known in all our history, and as it was

perfectly understood when the constitution was adopted, includes a right of discriminating, while exercising the power, and of laying some duties heavier, and some lighter, for the sake of encouraging our own domestic products, what authority is there for giving to the words used in the constitution a new, narrow, and unusual meaning? All the limitations which the constitution intended, it has expressed; and what it has left unrestricted, is as much a part of its will, as the restraints which it has imposed.

But these laws, it is said, are unconstitutional on account of the motive. How, sir, can a law be examined on any such ground? How is the motive to be ascertained? One house, or one member, may have one motive; the other house, or another member another. One motive may operate to-day, and another to-morrow. Upon any such mode of reasoning as this, one law might be unconstitutional now, and another law in exactly the same words, perfectly constitutional next year. Besides, articles may not only be taxed, for the purpose of protecting home products, but other articles may be left free, for the same purpose, and with the same motive. A law, therefore, would become unconstitutional from what it omitted, as well as what it contained. Mr. President, it is a settled principle, acknowledged in all legislative halls, recognised before all tribunals, sanctioned by the general sense and understanding of mankind,

that there can be no inquiry into the motives of those who pass laws, for the purpose of determining on their validity. If the law be within the fair meaning of the words in the grant of the power, its authority must be admitted until it is repealed. This rule, every where acknowledged, every where admitted, is so universal, and so completely without exception, as that even an allegation of fraud, in the majority of the legislature, is not allowed as a ground to set aside a law.

But, sir, is it true that the motive for these laws is such as is stated? I think not. The great object of all these laws is, unquestionably revenue. If there were no occasion for revenue, the laws would not have been passed; and it is notorious that almost the entire revenue of the country is derived from them. And as yet we have collected none too much revenue. The treasury has not been more exhausted for many years than at the present moment. All that South Carolina can say, is, that in passing the laws which she now undertakes to nullify, *particular articles were taxed from a regard to the protection of domestic articles, higher than they would have been had no such regard been entertained.* And she insists that, according to the constitution, no such discrimination can be allowed; that duties should be laid for revenue, and revenue only; and that it is unlawful to have reference in any case, to protection. In other words,

she denies the power of discrimination. She does not, and cannot, complain of excessive taxation; on the contrary, she professes to be willing to pay any amount for revenue, merely as revenue; and up to the present moment there is no surplus of revenue. Her grievance, then, that plain and palpable violation of the constitution, which she insists has taken place, is simply the exercise of the power of discrimination. Now, sir, is the exercise of this power of discrimination plainly and palpably unconstitutional? I have already said the power to lay duties is given by the constitution in broad and general terms. There is also conferred on congress the whole power of regulating commerce in another distinct provision. Is it clear and palpable, sir; can any man say it is a case beyond doubt, that under these two powers congress may not justly *discriminate* in laying duties for the *purpose of countervailing the policy of foreign nations, or of favouring our own home productions?*

Sir, what ought to conclude this question for ever, as it would seem to me, is that the regulation of commerce, and the imposition of duties are, in all commercial nations, powers avowedly and constantly exercised for this very end. That undeniable truth ought to settle the question; because the constitution ought to be considered, when it uses well known language, as using it in its well known sense. But it is equally undeniable that it has been, from

the very first, fully believed that this power of discrimination was conferred on congress: that the constitution was itself recommended, urged upon the people, and enthusiastically insisted on in some of the states, for that very reason. Not, that at that time, the country was extensively engaged in manufactures, especially of those kinds now existing. But the trades and crafts of the seaport towns, the business of the artizans, and manual labourers, these employments, the work of which supplies so great a portion of the daily wants of all classes, all these looked to the new constitution as a source of relief from the severe distress which followed the war. It would, sir, be unpardonable, at so late an hour, to go into details on this point; but the truth is as I have stated. The papers of the day, the resolutions of public meetings, the debates in the conventions, all that we open our eyes upon, in the history of the times, prove it.

But, sir, let us go to the first congress; let us look in upon this and the other house, at the first session of their organization.

We see in both houses men distinguished among the framers, friends, and advocates of the constitution. We see in both those who had drawn, discussed, and matured the instrument in the convention, explained and defended it before the people, and were now elected members of congress to put the new government into motion, and to carry the powers of the con-

stitution into beneficial execution.

At the head of the government was Washington himself, who had been president of the convention, and in his cabinet were others most thoroughly acquainted with the history of the constitution, and distinguished for the part taken in its discussion.

If these persons were not acquainted with the meaning of the constitution; if they did not understand the work of their own hands, who can understand it, or, who shall now interpret it to us?

Sir, the volume which records the proceedings and debates of the first session of the house of representatives, lies before me. I open it, and I find that, having provided for the administration of the necessary oaths, the very first measure proposed for consideration is, the laying of imposts; and in the very first committee of the whole into which the house of representatives ever resolved itself, on this its earliest subject, and in this its very first debate, the duty of so laying the imposts as to encourage manufactures was advanced, and enlarged upon by almost every speaker; and doubted or denied by none. The first gentlemen who suggests this as the clear duty of congress, and as an object necessary to be attended to, is Mr. Fitzsimmons, of Pennsylvania; the second, Mr. White, of Virginia; the third Mr. Tucker, of South Carolina.

But the great leader, sir, on

this occasion, was Mr. Madison. Was he likely to know the intention of the convention and the people? Was he likely to understand the constitution?

At the second sitting of the committee, Mr. Madison explained his own opinions of the duty of congress, fully and explicitly. I must not detain you, sir, with more than a few short extracts from these opinions, but they are such as are clear, intelligible, and decisive.

“The states,” says he, “that are most advanced in population, and ripe for manufactures, ought to have their particular interest attended to, in some degree. While these states retained the power of making regulations of trade, they had the power to cherish such institutions. By adopting the present constitution, they have thrown the exercise of this power into other hands; they must have done this with an expectation that those interests would not be neglected here.”

In another report of the same speech, Mr. Madison is represented as using still stronger language; as saying that the constitution, having taken this power away from the states, and conferred it on congress, it would be a *fraud* on the states and on the people, where congress to refuse to exercise it.

Mr Madison argues, sir, on this early and interesting occasion, very justly and liberally in favour of the general principles of unrestricted commerce. But he argues also, with equal force and clearness,

for certain important exceptions to these general principles.

The first, sir, respects those manufactures which had been brought forward under encouragement by the state governments. "It would be cruel," says Mr. Madison, "to neglect them, and to divert their industry into other channels, for it is not possible for the hand of man to shift from one employment to another without being injured by the change." Again: "There may be some manufactures which, being once formed, can advance towards perfection without any adventitious aid; while others, for want of the fostering hand of government, will be unable to go on at all. Legislative provision, therefore, will be necessary to collect the proper objects for this purpose; and this will form another exception to my general principle." And again: "The next exception that occurs is one on which great stress is laid by some well informed men, and this with great plausibility; that each nation should have, within itself, the means of defence, independent of foreign supplies; that in whatever relates to the operations of war, no state ought to depend upon a precarious supply from any part of the world. There may be some truth in this remark, and therefore it is proper for legislative attention."

In the same debate, sir, Mr. Burk, from South Carolina, supported a duty on hemp, for the express purpose of encouraging its growth on the strong lands of South Carolina. "Cotton," he

said, "was also in contemplation among them, and if good seed could be procured, he hoped might succeed." Afterwards, sir, the cotton seed was obtained, its culture was protected, and it did succeed. Mr. Smith, a very distinguished member from the same state, observed, "It has been said, and justly, that the states which adopted this constitution expected its administration would be conducted with a favourable hand. The manufacturing states wished the encouragement of manufactures; the maritime states the encouragement of ship-building; and the agricultural states the encouragement of agriculture."

Sir, I will detain the Senate by reading no more extracts from these debates. I have already shown a majority of the members of South Carolina, in this very first session, acknowledging this power of protection, voting for its exercise, and proposing its extension to their own products. Similar propositions came from Virginia; and, indeed, sir, in the whole debate, at whatever page you open the volume, you find the power admitted, and you find it applied to the protection of particular articles, or not applied, according to the discretion of congress. No man denied the power—no man doubted it; the only questions were, in regard to the several articles proposed to be taxed, whether they were fit subjects for protection, and what the amount of that protection ought to be. Will gentlemen,

sir, now answer the argument drawn from those proceedings of the first congress? Will they undertake to deny that that congress did act on the avowed principle of protection? Or, if they admit it, will they tell us how those who framed the constitution fell, thus early, into this great mistake about its meaning? Will they tell us how it should happen that they had so soon forgotten their own sentiments, and their own purposes? I confess I have seen no answer to this argument, nor any respectable attempt to answer it. And, sir, how did this debate terminate? What law was passed? There it stands, sir, among the statutes, the second law in the book. It has a *preamble*, and that preamble expressly recites, that the duties which it imposes are laid "for the support of government, for the discharge of the debts of the United States, and *the encouragement and protection of manufactures.*" Until, sir, this early legislation, thus coeval with the constitution itself, thus full and explicit, can be explained away, no man can doubt of the meaning of that instrument.

Mr. President, this power of *discrimination*, thus admitted, avowed, and practised upon, in the first revenue act, has never been denied or doubted, until within a few years past. It was not at all doubted in 1816, when it became necessary to adjust the revenue to a state of peace. On the contrary, the power was then exercised, not without opposition as to its expediency,

but, as far as I remember, or have understood, without the slightest opposition founded on any supposed want of constitutional authority. Certainly South Carolina did not doubt it. The tariff of 1816 was introduced, carried through, and established, under the lead of South Carolina. Even the *minimum* policy is of South Carolina origin.

Sir, it is no answer to say, that the tariff of 1816 was a revenue bill. So are they all revenue bills. The point is, and the truth is, that the tariff of 1816, like the rest, did discriminate: it did distinguish one article from another; it did lay duties for protection. Look to the case of coarse cottons, under the minimum calculation; the duty on these was sixty to eighty per cent. Something besides revenue certainly was intended in this; and, in fact, the law cut up our whole commerce with India in that article. It is, sir, only within a few years that Carolina has denied the constitutionality of these protective laws. The gentleman himself has narrated to us the true history of her proceedings on this point. He says that, after the passing of the law of 1828, despairing then of being able to abolish the system of protection, political men went forth among the people, and set up the doctrine that the system was unconstitutional. "And the people," says the honourable gentleman, "received the doctrine." This, I believe, is true, sir. The people did then receive the doctrine;

they had never entertained it before. Down to that period, the constitutionality of these laws had been no more doubted in South Carolina, than elsewhere. And I suspect it is true, sir, and I deem it a great misfortune, that, to the present moment, a great portion of the people of the state have never yet seen more than one side of the argument. I believe that thousands of honest men are involved in scenes now passing, led away by one-sided views of the question, and following their leaders by the impulses of an unlimited confidence. Depend upon it, sir, if we can avoid the shock of arms, a day for reconsideration and reflection will come; truth and reason will act with their accustomed force; and the public opinion of South Carolina will be restored to its usual constitutional and patriotic tone.

But, sir, I hold South Carolina to her ancient, her cool, her uninfluenced, her deliberate opinions. I hold her to her own admissions, nay, to her own claims and pretensions, in 1789, in the first congress, and to her acknowledgments and avowed sentiments through a long series of succeeding years. I hold her to the principles on which she led congress to act in 1816; or, if she has changed her own opinions, I claim some respect for those who still retain the same opinions. I say she is precluded from asserting, that doctrines which she has herself so long and so ably sustained, are plain, palpable, and dangerous violations of the constitution.

Mr. President, if the friends of nullification should be able to propagate their opinions, and give them practical effect, they would, in my judgment, prove themselves the most skilful "architects of ruin," the most effectual extinguishers of high raised expectation—the greatest blasters of human hopes, which any age has produced. They would stand up to proclaim, in tones which would pierce the ears of half the human race, that the last great experiment of representative government had failed. They would send forth sounds, at the hearing of which, the doctrine of the divine right of kings would feel, even in its grave, a returning sensation of vitality and resuscitation. Millions of eyes, of those who now feed their inherent love of liberty on the success of the American example, would turn away from beholding our dismemberment, and find no place on earth whereon to rest their gratified sight. Amidst the incantations and orgies of nullification, secession, disunion, and revolution, would be celebrated the funeral rites of constitutional and republican liberty.

But, sir, if the government do its duty; if it act with firmness and with moderation, these opinions cannot prevail. Be assured, sir, be assured, that among the political sentiments of this people, the love of union is still uppermost. They will stand fast by the constitution, and by those who defend it. I rely on no temporary expedients—on no political combination; but I rely

on the true American feeling, the genuine patriotism of the people, and the imperative decision of the public voice. Disorder and confusion, indeed, may arise; scenes of commotion and contest are threatened, and perhaps may come. With my whole heart, I pray for the continuance of the domestic peace and quiet of the country. I desire most ardently the restoration of affection and harmony to all its parts. I desire that every citizen of the whole country may look to this government with no other sentiments but those of grateful respect and attachment. But I cannot yield, even to kind feelings, the cause of the constitution, and the true glory of the country, and the great trust which we hold in our hands for succeeding ages. If the constitution cannot be maintained without meeting these scenes of commotion and contest, however unwelcome, they must come. We cannot, we must not, we dare not, omit to do that which, in our judgment, the safety of the Union requires. Not regardless of consequences, we must yet meet consequences; seeing the hazards which surround the discharge of public duty, it must yet be discharged. For myself, sir, I shun no responsibility justly devolving on me, here or elsewhere, in attempting to maintain the cause. I am tied to it by indissoluble bands of affection and duty, and I shall cheerfully partake in its fortunes and its fate. I am ready to perform my own appropriate part, whenever and wherever the oc-

casion may call me, and to take my chance among those upon whom blows may fall first, and fall thickest. I shall exert every faculty I possess, in aiding to prevent the constitution from being nullified, destroyed, or impaired; and even should I see it fall, I will still, with a voice, feeble perhaps, but earnest as ever issued from human lips, and with fidelity and zeal, which nothing shall extinguish, call on the *people* to come to its rescue.

The senate, upon the conclusion of this eloquent and argumentative speech, adjourned to Monday, the 18th Feb. On that day, an unsuccessful attempt was made to postpone the consideration of the subject. Mr. Forsyth then moved to amend the bill, by adding certain words to the last section of the bill, and striking out the words "first and fifth sections" therefrom. The object and effect of this amendment was to limit the existence of the entire act to the end of the next session of congress, instead of limiting the existence of the first and fifth sections only. He said, he regarded the measure merely as one intended to meet a certain exigency which he hoped would soon pass away.

Mr. Wilkins said, the committee were of the opinion that all the provisions, except the first and fifth sections, ought to be engrafted on our judiciary system. The case of the refusal of a clerk of a state court to furnish a copy of the record, had twice occurred, and had not been provided for except by this bill.

Mr. Kane suggested a modification of the amendment, so as to extend it to the limitation of all suits arising under the act which shall be pending at its expiration.

Mr. Forsyth accepted the modification. He did not look at the propriety or impropriety of other provisions of the bill, as a permanent and general measure. He viewed them only as applicable to a particular state of things. He did not like the judicial provisions. They were more objectionable than the military provisions, in his opinion.

Mr. Webster briefly noticed the effects of this amendment. The provisions of the bill which it was now proposed to limit, were the judicial processes intended to counteract those of the state of South Carolina. The provisions of that state were permanent in their character; and if the provisions of this bill were to be limited, after the expiration of that limit, there would be no remedy in existence against the measures of the state. He was quite willing that the sections, placing in the hands of the executive the military force, should be limited to the termination of the next session; but the proceedings of the courts, intended to countervail those of the courts of South Carolina, ought not to be limited, as the provisions of S. Carolina were unlimited. To limit these provisions to a single year, would be to defeat the object altogether, as there are certain proceedings to which they refer, which cannot arise within the year. The bill

would always be within the reach of congress to amend or repeal, whenever it might be deemed proper so to do. If any limitation were to be fixed, he would prefer to make it for a longer period. He desired to see these judicial provisions established as a part of our permanent system; and he believed, that had such been the case before, this contingency would never have occurred. He hoped the amendment would not prevail.

Mr. Calhoun asked if he had understood the senator from Georgia, as stating that his colleague had acquiesced in the judicial provisions of the bill? He said that he should vote for this amendment; but he believed that every part of the bill was a violation of the constitution, and that it was all throughout, liable to the strongest objections.

Mr. Forsyth said, that what he understood was, that the senator from South Carolina had principally objected to the provisions of the bill which were most directly warlike in their character; and had regarded the provisions providing for countervailing civil process as less odious. He regarded the objections of the senator from Massachusetts as applicable as well to the other provisions of the bill, as those now under consideration. For himself, he did not wish to view the bill, in any of its provisions, as a permanent measure. He had no desire to blend it into the permanent judicial system of the country. If it should ever be the desire of

congress so to blend it, he wished that it might be done at a time when no such topics should present themselves as were now so prominent in every senator's mind, and then the subject could be calmly and deliberately discussed.

The question was then taken on the amendment, and decided as follows:—

Yeas, Messrs. Benton, Bibb, Black, Calhoun, Dickerson, Forsyth, Hill, Kane, King, Mangum, Miller, Moore, Rives, Smith, Tyler, Waggaman, White, Wright, 18.

Nays, Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dudley, Ewing, Foot, Frelinghuysen, Grundy, Hendricks, Holmes, Johnston, Knight, Naudain, Prentiss, Poindexter, Robbins, Robinson, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Webster, Wilkins, 26.

Mr. Poindexter then rose and stated, that it must be evident that to carry into effect the provisions of the bill, some appropriation was necessary, the bill authorizing the calling into operation the military force of the country, but providing no means for defraying the expenses. The constitution had prohibited the withdrawal of any money from the treasury, unless under an appropriation by law. The senate was now about to employ the army and navy to carry into effect the provisions of the bill, and the president ought to be limited in the expenditures for this purpose.

He concluded with moving to amend the bill by inserting a

new section, providing that for the purpose of carrying into effect the provisions of this bill, the sum of _____ dollars shall be and is hereby appropriated.

Mr. Grundy expressed a hope that the gentleman from Mississippi would fill up the blank with some sum.

Mr. Poindexter said, he would leave that to the committee on the judiciary.

Mr. Grundy said, the judiciary committee wanted no money. But, if the gentleman from Mississippi was disposed to grant an appropriation, it would be agreeable to the committee to know what amount he was willing to give.

Mr. Calhoun expressed his surprise at the course of the gentleman from Tennessee. Did that gentleman mean to say, that no money would be required for the purposes of the bill? The fact must be apparent, that no appropriation is a universal appropriation. The president would be able to take from the treasury what he pleased, and the congress and the people would be pledged to replace it in the treasury. He was surprised at this course. It belonged to those who had introduced, and who advocated this bill, to say what amount of money would be required. It did not belong to the senator from Mississippi. If the senate intended to give the sword to the president, they ought not to give him the purse also. He looked upon this as one of the most arbitrary of all the provisions of this most arbitrary bill.

Mr. Grundy stated, that the senator from South Carolina was more competent than any other person to determine whether or not there would be any necessity for the employment of force. If the authorities of the state of South Carolina should offer resistance to the laws, then, would arise the necessity for the employment of force. But he was of opinion, that unless it was produced by the act of South Carolina, there would be no collision; and no expenditure would be necessary, unless there should be collision. The committee hoped that no such collision would arise; but if it should, provision could be made for the expenditure by the next congress.

Mr. Calhoun said that the whole of this business indicated an unsoundness of legislation. The bare possibility of a collision ought to be deemed sufficient to induce the committee to make the appropriation. Unsound legislation! He had never seen any instance of a nation hurrying so rapidly towards a state of despotism. The gentleman had said that there would be no expenditure unless resistance should be commenced by South Carolina. What did the senator mean by resistance? It would be seen that in this bill, the president had the power to interrupt the civil process in the state courts. Did the senator suppose that the state of South Carolina would acquiesce in this interruption? No! If the president had the power to interrupt the process,

he would also have the power to close the courts, and to close the hall of legislation. He might treat the legislature as a lawless assemblage, and what course, then, could be left to the state but resistance? She would be forced into resistance. Yes, she would be thus compelled to resist. But the question of time was a far different question. He thanked God that this question was in other hands to decide. South Carolina, in deciding this question, would make the issue with a deliberate judgment, but with irresistible firmness. He was amazed at the course which had been taken. The provisions of this bill went beyond any thing he could have conceived. He would reverse the argument of the senator from Tennessee, and say there could be no collision, unless it proceeded from the conduct of the general government.

Mr. Smith referred to the course which had been pursued, in reference to the dispute with Pennsylvania, when similar powers were vested in the president, and the military force was called out. An appropriation was made at the following session to defray the expenditures caused by that disturbance. He did not apprehend the occurrence of any war. He believed that the very first section of the bill put it out of the power of South Carolina to go to war. There could be no fighting, as a sufficient guard was provided against the state of South Carolina getting hold of any property which could produce such an evil.

The question was then taken, and decided as follows:—

Yeas, 5 ; nays, 41.

A motion was then made by Mr. Bibb, to limit the expenditure under the bill to \$3,000,000, which was negatived ; ayes 4 ; nays 38.

Mr. Bibb then moved an amendment, to authorize a defendant in any action under the second section, to take issue upon the question, whether the tariff of 1832 was enacted as a revenue act, or as a protecting act—and certain other amendments, altering materially the

character of the bill ; but they were negatived, ayes 7, nays 32.

The bill was then ordered to a third reading, ayes 32, nays 8.

The debate was further continued in opposition to the bill the next day, by Mr. Poindexter, and on the 20th Mr. Grundy and Mr. Ewing replied to him. The question was then taken on its passage, and its opponents having generally withdrawn, it passed by the following vote : ayes 32, nay, Mr. Tyler, and was sent to the house for concurrence.

CHAPTER V.

TARIFF CONTINUED.

Proceedings in Senate.—Proceedings in House on Enforcing Bill.—Passage of do.—Passage of Tariff in Senate.—Convention re-assembled in South Carolina.—Ordinance repealed.—Ordinance passed, declaring Enforcing Bill void.

THE next day after the passage of the enforcing act, (February 21,) Mr. Clay moved to take up the bill proposed by him for modifying the tariff, and the amendments reported by the select committee to whom it had been referred.

The amendments reported by the select committee were to the following effect: to add to the present *free* articles, table linen, linen napkins and linen cambrics, and to except sewing silk from the silks proposed to be made free; to add to articles to be admitted free after 1842, sulphur, crude saltpetre, steel, grind-stones, refined borax, emery, alum, and copperas, and to take out of the same list unmanufactured cotton, and all other dyeing drugs, &c., not particularized in the bill. The other amendments did not change the principle of the bill.

Mr. Clay then moved an amendment, the effect of which is *to make the home valuation of goods the standard for assessment of duties under this bill*, after the 30th September, 1842, instead of the foreign valuation.

A considerable discussion took place on this proposition to amend, but it was adopted, ayes 26, nays 16.

The 23d of February, Mr. Smith moved an amendment which went to permit plains, kerseys, and kendal cottons to be imported at five per cent., as under the act of 1832.

Mr. Foot and Mr. Bell opposed the amendment, and said this increase of duty on those articles was intended as a compensation to the manufacturers, for the general reduction, and that they should not vote for the bill, if the amendment prevailed, Mr. Chambers, Mr. Forsyth, and

Mr. Benton, urged that the increase of duty which the amendment obviated, rendered the originating the bill in the senate unconstitutional.

Mr. Webster said that he was opposed altogether to the bill, but the objection was one which it belonged to the house to make. It was a question of privilege, and the decision belonged solely to the house. After some further discussion, the amendment was rejected, ayes 14, nays 29. Mr. Kane then moved to exempt the duties on lead, and substances manufactured from lead, from the operation of the act, and Mr. Smith moved to add a clause exempting military munitions; but Mr. Smith's motion was negatived, ayes 14, nays 25, and Mr. Kane's shared the same fate, ayes 12, nays 27.

Mr. Forsyth then moved to amend the bill, so as expressly to permit the further discussion of the tariff before 1842, but it was rejected, ayes 13, nays 28.

Mr. Benton moved an amendment, reducing the drawbacks in proportion to the reduction of the duties, but it was negatived, ayes 18, nays 24.

Mr. Wright then moved an amendment, increasing the duty on raw wool, which was rejected, ayes 7, nays 32.

The bill was then reported, and the amendments concurred in, excepting that which provides that after 1842, such duties shall be levied "as an economical expenditure may require." It was contended by Mr. Webster, Mr. Dallas, Mr. Dickerson, and Mr.

Buckner, that these words, though not so intended, might be construed by the southern representatives in 1842, as an abandonment of the protective system, and a design on the part of those who introduced the bill, to make revenue alone the standard of future duties on imports.

Mr. Clayton, and Mr. Clay, regarded the language as authorizing no such constitution, and denied that any one would be justified in inferring that there was to be an abandonment of the system of protection. Mr. Clayton insisted that the government could not be maintained, if the principle should be abandoned, and declared that he would pause before he surrendered it, even to save the Union.

Mr. Forsyth regarded the clause as an absurdity, on which an argument might be erected, either for or against protection; but as it was the only absurdity which was agreeable to him, among the many absurdities contained in the bill, he would vote for it.

The question being taken, on striking out the words, it was negatived, ayes 14, nays 22, and the amendment was agreed to.

The bill was then ordered to a third reading, without a division being called.

The 25th of February, when the question was on its passage, Mr. Webster gave his sentiments in opposition to the bill. He paid, in the commencement, a tribute to the purity, zeal, and ability of the senator from Kentucky, for whom he had so long

entertained a high respect, and to elevate whom to a situation where his talents might be still more beneficial to his country, he had zealously laboured. He also complimented the talents and services of the senator from S. Carolina, with whom he had so often acted, and for whom he had always felt a sincere regard. He briefly reviewed his own course, when the former bills on the subject of the tariff were under consideration, and adverted to the conviction which was forced on the east, and other portions of the country, that the protective system was to be the settled policy of the government. New-England had resisted, in the first instance, the establishment of a high protective policy; but when that was determined on, the eastern states turned all their natural advantages, and their capital of wealth and industry, into the new channel thus marked out for them. The bill of 1826 was to carry out the promises made by the bill of 1824. He disliked the bill of 1828, yet he had voted for it on account of that feature in it which gave the woollens the protection which the government had pledged itself to give by the law of 1824. That bill decided the policy of the country, unless it was to be kept in a state of perpetual fluctuation and uncertainty.

After passing the law of last session,—a law containing some features of concession and compromise, when the country was not prepared for any change,—the present bill, professing to be a bill of peace, of arrangement, and

of compromise, is brought forward by the distinguished senator from Kentucky, who professes to have renounced none of his former opinions, as to the constitutionality and expediency of protection. The bill is also supported by a gentleman whose opinions are directly the reverse of those entertained by the senator from Kentucky. When it was supported by such opposite feelings, it was important to look into the provisions of the bill. He stated the various considerations which ought to weigh with those who, as friends of the protective system, voted for this bill.

He did not object to the prospective and biennial reductions made by the bill up to 1841, but he objected to the clauses which did, in effect, prohibit the repealing action of any subsequent congress upon this bill, until 1842. He also objected to the proviso in the fifth section, which was a restriction on the power of congress. He put it to the senator from Tennessee, (Mr. Grundy,) who had introduced the clause, to say if he did not intend that it should show that congress was to be considered as bound by the bill, as far as this congress could bind the future legislation of the country.

The protected articles may, by this bill, be reduced below 20 per cent. *ad valorem*, but cannot be raised above 20 per cent.

He opposed the bill, because it imposed a restriction on the future legislation of congress. He also opposed it, because it seemed to yield the constitutional

power of protection. Various arguments were advanced by him to show that the southern politicians would, if this bill were passed, tell every one of their constituents, that they had gained some concession to the opinions of the South. He said that he approved the sagacious silence of the southern gentlemen. They would not suffer themselves to be provoked by friend or enemy, to speak before the time should come when they ought to speak. They were masters of the game, and they knew it. He commended their policy, but he wished them to see that he understood it. In giving up specific duties, and substituting *ad valorem*, the bill had abandoned the policy of all wise governments, and the policy of our own government, and the policy always advocated by the senator from Kentucky. He viewed the bill as a surrender of all the interests of the smaller capitalists, and a concession in favour of overgrown monopolies. He pointed out the effects of this surrender on our own condition, and the handle which it would give to satirists, and foreign writers, and the poets laureate of all the monarchies of Europe, to turn our institutions and our pretensions into ridicule. If this principle were carried into our navigation, he stated that it would be immediately counter-vailed by Great Britain. By limiting our countervailing power, and leaving the countervailing power of Europe free, we put in her hands weapons to destroy us, and cast our wea-

pons of defence at her feet. Under a colonial system, our manufacturers would not be more completely shackled, than they will be by this bill.

He referred to the four powers by which the senator from Kentucky had said that our protective system could be preserved. 1st, prohibition; 2dly, the free list; 3dly, incidental protection—all of which would be found inadequate,—and the 4th, discrimination, or specific duties, was the only one which would avail. Discriminating and specific duties were the last resource, and if those were to be given up, there could be no longer any hope for the protective system, in war or in peace. He insisted, that not being owners of the property, but merely agents or administrators, we had no right to fetter a future congress. He regarded this bill as the last will and testament of this congress, which would be set aside by the people, but not on the ground of want of sanity in those principally engaged in making it, for he never saw gentlemen more fully in possession of that sagacity; nor on account of any undue influence, although he could not help thinking that panic had something to do with it, and that if the South Carolina ordinance and replevin law had not appeared, this bill would never have appeared in the senate.

In reference to the practical effect of the bill, he stated that he saw obstacles to the carrying this bill into effect, which appeared to him to be insurmountable.

He thought that it would be difficult to ascertain the legal value of cotton. He took a view of the different values attached to cotton, and of the professional constructions to which the clause concerning cotton would be subjected. In relation to iron, also, he thought that the difficulties in ascertaining the value would be such as to render the provision concerning that article inoperative. The duties on iron having hitherto been specific, no principle of valuation had been laid down. He considered that there was no legislative provision by which the value on iron could be assessed. The same remarks were applicable to sugar; and he stated a case to show the difficulty which exists in reaching a proper and fixed value as a basis for duty. He supposed the answer would be, that if difficulties arise, the secretary must get through them as well as he can; and if he cannot, he must come to congress.

As a measure of finance, he had no idea that the bill would be an efficient measure. He had not heard the assertion that the bill would at all reduce the revenue. He denied that the reduction of duties on boots and shoes, and clothing, would reduce the revenue. The bill would, in these branches, reduce thousands of mechanics to ruin, and by this operation would increase the revenue. In this point the bill aims a deadly blow on the poor, the young, the enterprising; on the labour and ingenuity of the country. By the introduction of foreign alcohol, at a reduced rate

of duty, the revenue would be increased; but he thought gentlemen should pause before they sanctioned this change. The entire breaking up of the printing establishments for printing calicoes, would be one of the consequences of the passage of the bill; and in proof, he read some extracts from a memorial of the Lowell manufacturers. These institutions might survive the three first reductions, but the fourth would be fatal to them. On the spinning and weaving, the effect, if not so disastrous, would scarcely be less objectionable. The large capitalists in that branch would be able to make money, by breaking down all young and enterprising establishments. In reference to woollens—with a duty of 20 per cent. on woollens, and 20 per cent on wool, it is impossible that they can stand. The depreciation of property would be the first consequence, and the depreciation of credit the next; and, by the surrender of their interests, long before this beneficent home valuation can come to their relief, their eyes will be sealed in death. As to iron, English iron, or Wales, costs \$26 a ton, and the supply is inexhaustible. Iron in Russia and Sweden costs \$40 a ton. English iron has been taxed at \$30, and Baltic iron \$18 dollars a ton. The change from specific to ad valorem duty, will work an injurious change. He believed that this surrender once made, we could never return to the present state of things, without such a struggle as would shake

the country much more than any thing has yet shaken it.

He might be wrong. There might be no pledge, no constitutional objection; but if so, why this bill? The people will not expect the passage of this bill. There was no expectation, at the commencement of this short session, that such a bill would be passed. The senate had not had time to know the pleasure of their masters. No opportunity had been offered for obtaining a knowledge of either the course of public opinion, or the effect of this measure on the public interests. It was said the next congress would pass this bill, if it was not passed now. He did not fear the next congress; but if that body should choose to undo what was now done, it would have the power so to do.

If it was true, as the senator from Kentucky believed, that the intention of South Carolina was merely to enter into a law suit with the United States, then there was no necessity for this sacrifice of great interests. He believed that if this bill should become a law, there will be an action on the part of the people at the next session to overthrow it. It will not be all requiem and lullaby when this bill shall be passed. On the contrary, he believed there would be discord and discontent. He had already expressed his views as to reduction in his resolutions. He believed there ought to be a reduction to the point of necessary revenue; and that, as soon as that point could be ascertained, any congress would be able to

make a tariff which would suit the country. The estimates of the secretary of the treasury as to the point of revenue, vary materially from those of others, but if the true point could be ascertained, he thought congress might at once proceed to an adjustment of the tariff with a prospect of success.

As he had commenced with doing justice to the motives of the gentleman on the other side, he asked that equal justice might be done to him in the opposition which he was compelled to make to a measure which had been ushered in with so much profusion of peace and harmony. He would do as much to satisfy South Carolina as any man. He would take this tariff and cut it down to the bone: but he did not wish to rush into untried systems. He believed that his constituents would excuse him for surrendering their interests, but they would not forgive him for a violation of the constitution.

Mr. Clay replied to the senator from Massachusetts. He paid a high tribute to the patriotism and purity of that gentleman, and said that he felt a deep and lasting regret that he had now to differ with him. He was happy, however, to find himself connected with his friend from Maine, with whom he had acted in the final adjustment of the Missouri question. He suggested that if the senator from Massachusetts could not make some appeal to a future congress for forbearance, he must be opposed to all compromise. He

repudiated any share in bringing the existing evils on the country, and declared that when he saw the torch applied to a favourite system, he would rush to save it, and to restore security and peace. The honourable member had seen nothing within the last six months, calculated to show that the tariff was not in danger. Had that gentleman not witnessed the results of the recent elections? Had he not heard the message which had been received from the president? Did he not know that a majority of the friends of the administration were opposed to the tariff? He wished to put the system on a permanent foundation for nine or ten years, that the manufacturer may go to his pillow at night without a fear that the system would be overthrown before morning. If he should have been able to convert a set of politicians, who had heretofore been steadily opposed to the protective system, into high tariff men, he should rejoice that he had been so successful in making proselytes. He maintained that the act of 1824 resorted to the policy of making a tariff without regard to revenue. He (Mr. C.) wished to be clearly understood as to the points which he had relied on for the protection of the industry of the country. He had named, 1st prohibition—2dly, the imposition of high duties without regard to the amount of revenue—3dly, a limitation of the revenue affording protection as far as he could—and 4thly, by encouraging the manu-

facturers by letting in articles free of duty. He might have added a 5th mode, by regulating sales by auction, an important object which the manufacturers had solicited congress to accomplish, but which had not yet been done.

He expressed his willingness to leave the effect of his bill to be decided by the opinions of the manufacturers themselves, a large number of whom are now assembled in Washington, and whose almost unanimous voice would be in favour of his bill. He referred to correspondence to prove that the bill before the house would be ruinous to their interests, while the bill before the senate would remove all fear of ruin. In reference to iron, he reminded the senator from Massachusetts, that, by a new process called coking, iron would soon be manufactured in this country at as low a rate as in England. His whole objection to the argument of the senator was, that he bounded forward to 1842, and undertook to prophecy what would be the state of things at that period. He would as soon rely on the forecast of the senator from Massachusetts as on any member of the senate, or of the community; but he could not believe that the senator could see results which would be found to be dependent on so many contingencies. An American statesman will look abroad upon all the interests of the country, and would comprehend in one view all its condition. He was as insensible to fear as any one, and therefore the im-

putation that this measure was introduced under the influence of a panic, could not affect him. But he could not be insensible to the change which had taken place in the situation of things, even since the commencement of the session. At that time South Carolina stood alone; but, since then, Virginia had sent a commissioner, or a minister, to South Carolina, to induce her to delay her operations of hostility. If South Carolina should accede to her request, will not Virginia go with her in her ulterior measures, in case her grievances should not be redressed? Civil war might be the result. He was not willing to apply the sword to reduce the south to obedience. Nor that circumstances might not arise, which would render it necessary to resort to force. But in reference to a foreign power, there was always a reluctance to engage in war, until every effort at negotiation had failed: and, if there was this unwillingness to engage in foreign war, how much more reluctance ought there to be to engage in a war at home, in a contest in which he who commands in chief might not be willing to stop until he should have placed himself on a throne. He did not fear any misconstruction of the pledge contained in the bill; and he hoped that the manufacturers would go on and prosper, confident that the abandonment of protection was never intended, and looking to more favourable times for a renewal of a more efficient tariff.

He saw no difficulty in put-

ting an estimate on the value of cotton. Congress lays down the principle, and it will remain for the secretary of the treasury, under the direction of the president, to carry the law into effect. The rule is prescribed, and he could not anticipate any difficulty in acting upon it. He went somewhat at large into statements and arguments to sustain his position in reference to cotton. In the worst form of construction which could be put on the law by the secretary of the treasury, the cotton interest would enjoy a sufficient protection until the year 1841. He showed what would be his own construction, which would leave that interest in a still better condition. It would be competent, however, for congress, who would again be in session before this law could go into effect, to correct any errors which might be made. In reference to the powers of the secretary to cause a proper appraisement to be made, he quoted from the act of 1832; but repeated, that any difficulty in this matter could be obviated by congress at its next session. He referred to the reductions which would be effected by this bill in the article of silks, and in other items. But even if the reductions should be down to the revenue point, there was a reservation to augment or diminish the revenue as circumstances might require. He stated that the last series of gradations in 1841 would leave the duties on woollens at 38 per cent. There were, he said, two classes of manufacturers, the political

and the business manufacturers. The political manufacturers were unwilling to give up any thing; but there was not a business manufacturer within his knowledge who was not satisfied with the present bill. He explained his bill as going on the broad principle of looking to the interests of all, and embracing the safety and security of all, and the conciliation of the country. He asked if the senator from Massachusetts was not willing that opposite interests should unite for the purpose of bringing about harmony and good feeling. The south had given up her constitutional objections, and had also yielded the home valuation, and it could not be said, therefore, that there had been no sacrifice of her interests. There had been, therefore, no abandonment of principle, but all parts of this great family had come together prepared to make mutual concessions for the purpose of restoring harmony.

Mr. Clay then stated that the manufacturers of iron would more readily be satisfied by this bill than any other proposition which had been offered. There were some who had said, let the tariff go down, if the next congress chooses, there will be a re-action afterwards, but he thought that these gentlemen took counsel of passions above which it was the duty of statesmen to elevate themselves. He was for encountering no certain danger for the purpose of providing some uncertain good. He wished to compromise all inte-

rests, and it was with this same policy, that he had proposed another great measure, which had twice received the sanction of a majority of the senate. He would not acquiesce in the views of those who relied on reaction. Similar was the expectation, at the last session, but there had been no beneficial result. He was for conciliating all interests, let whomsoever might fail, and whomsoever might succeed. He regretted that the bill, in select committee, had been injured by striking out the clause making cotton free, and stated that this was not done by his vote, or by that of his friend from Delaware. Still it was a measure calculated to promote the great object for which it was introduced. He was not disposed to throw himself forward to 1842; but he did not think that there was any cause for apprehension as to the provisions which look to that period.

The opponents of the bill, would send out a flaming sword; the friends of the bill would send out a flaming sword, accompanied by the olive branch. The gentleman from Massachusetts had thought proper to say that he (Mr. Clay) would have voted for the revenue collection bill. It was true he would have voted for it, but he felt no new born zeal prompting him to make speeches on the subject.

He thought of the administration as he always had thought, and he had determined to leave it to the friends of the executive to bear themselves out in defence of the bill. He would have

voted for it, but it would have been with reluctance, because of the consequences which may result from the measure. He stated that, with some exceptions, as to the high-toned doctrines which were to be found in the documents, he approved of the general tone of the proclamation of the president, and of his message to the senate on the subject of South Carolina.

The opponents of this bill rely on force; its friends cry out force and affection. One side cries out—power! power! power! The other side cries out power, but desires to see it restrained and tempered by discretion and mercy, and not to create a conflagration from one end of the Union to the other. He believed the gentlemen who opposed the bill did not wish for civil war, but the defeat of the bill would lead to consequences to be deplored. And he would not wish to see sacked cities, desolated fields, and streams of American blood shed by American citizens.

He had been accused of ambition in introducing this measure. He despised the groveling spirits from which the charge came, and dismissed the accusation to the winds. If congress would pass this bill, he would willingly retire to his home, to the groves of Ashland, where he could find a fidelity and an affection which he had not always found in public life.

The debate was further continued, until a late hour in the evening, by Messrs. Bell, Sprague, and Holmes, in support

of, and Mr. Dickerson in opposition to the bill, when Mr. Clay arose and stated, that inasmuch as it had been represented that a bill identical in its provisions to the one before the senate, had just been passed in the house, and would probably be presented the next day to the senate for approval, he would move an adjournment. This motion was carried, and the senate adjourned.

We must now go back to the proceedings in the house of representatives, which we left engaged in the discussion of the tariff reported from the committee of ways and means.

This discussion, which was commenced on the 8th of January, continued without any decision indicating a probability of its passage, until the passing of the enforcement act in the senate. Upon the coming of that bill into the house, Feb. 21st, it excited a warm feeling among the southern members, and an animated debate was caused on a motion to print the bill for the use of the members.

The next day, and the day following, all business was suspended in consequence of the death of Mr. Lent, a member from New-York, and the 24th being Sunday, it was not until the 25th, that the enforcing bill had its first reading.

Mr. Whittlesey then moved that it be read a second time, which, after an ineffectual attempt to postpone it, was ordered.

Mr. Carson then moved its reference to a committee of the whole, on the state of the Union.

As this motion would necessarily at this late period of the session have prevented the passage of the bill, it was resisted, and was negatived, ayes 84, nays 99. A motion to postpone its consideration to the 28th, shared the same fate, ayes 77, nays 108.

It was then made the special order for the next day, and the tariff was again taken up for discussion. By the vote in the senate on the 23d of February, it was apparent that the bill introduced by Mr. Clay, would pass that body, and that it would be accepted by the south as a compromise of the long agitated question.

Mr. Letcher accordingly, when the discussion was resumed, moved to strike out the bill before the house, and to substitute the bill proposed by Mr. Clay in its place.

This being objected to as out of order, he moved the recommitment of the bill with instructions to report Mr. Clay's bill to the house. This motion was agreed to, ayes 96, nays 54, and the bill being referred to the committee, the substitute was agreed to and forthwith reported to the house. Mr. Davis of Massachusetts, opposed the passage of the bill, as did Mr. H. Everett, but the question on the third reading was carried, ayes 105, nays 71.

The next day (26th) the discussion was renewed on the passage of the bill, which was carried in the affirmative, ayes 119, nays 85. The house then took up the enforcing bill, when

Mr. Arnold said that he had hitherto been in favour of its passage, but since the passing of the tariff, he thought it an empty form, and he should vote against it. A motion made by Mr. Daniel to lay the bill on the table was negatived, ayes 58, nays 132, and Mr. Dearborn moved the previous question, but this motion producing much excitement and confusion, he afterwards withdrew his motion, and the house, on the 27th, after an ineffectual attempt by Mr. Verplanck to obtain a preference for the appropriation bills, proceeded to an examination of the bill. Mr. Carson, Mr. Clayton, Mr. Root, Mr M'Duffie, Mr. Foster, and Mr. Daniel, opposed its passage, and denounced the bill as tyrannical, and as substituting a military despotism in the place of a government of laws. Mr. Daniel said that the principles of nullification as avowed by Mr. Hayne in the debate on Mr. Foot's resolutions, were sanctioned and warmly approved by the president himself, in a letter written by him to Mr. Hayne. That in that letter he said that the speech contained an exposition of the true principles of republicanism.

Upon Mr. Bell's inquiring whether Mr. Daniel had personally a knowledge that the president approved of those principles: Mr. Carson rose and said that the president expressed his appropriation of that speech to him. Mr. Wayne, Mr. Isaacs and Mr. Blair, supported the bill and urged its passage as in-

dispensable to the existence of the government.

The debate continued until a late hour of the evening of the 28th, when the previous question, on motion of Mr. Craig, was ordered, ayes 110, nays 44.

The bill was then ordered to a third reading, ayes 126, nays 34. A motion was then made for its final passage, and the previous question being ordered, the bill was passed, ayes 111, nays 40. The question being on its title, Mr. M'Duffie rose and said, he wished to perform a solemn duty. The house was about to destroy the rights of the States—was about to bury the constitution: he asked the poor privilege of writing its epitaph. He then offered an amendment to the title of the bill, by striking out its present title, and inserting the following in lieu thereof: "An act to subvert the sovereignty of the states of this union, to establish a consolidated government, without limitation of powers, and to make the civil subordinate to the military power."

Mr. Speight demanded the previous question, and the yeas and nays being taken, stood, yeas 150, nays 35. The title was then agreed to, Mr M'Duffie's amendment being cut off, and the house adjourned at half past one in the morning. The senate, which had been waiting for the final passage of the enforcing bill, now took up the tariff as it came from the house, with the view of passing it.

When it came into that body, on the 26th, Mr. Clay moved

that the bill introduced by him should lie on the table, and the bill from the house was taken up in its stead the next day, and, having been found to be word for word like the bill already before the senate, was reported without amendment, and ordered to a third reading. The senate then proceeded to other business, and on the 1st of March, after the passage of the enforcing bill in the house, the tariff was read a third time, and the question put on its passage. This question elicited some discussion, but the subject was exhausted, and the bill was passed; ayes 29, nays 16.

The passage of this bill was regarded by all as a concession to South Carolina, and many considered it as sanctioning the ultimate triumph of the principles advanced by that state.

The supporters of the bill who were friendly to the system of protection, insisted, on the contrary, that this was the only mode of preventing an entire and immediate destruction of the manufacturing interests. That the administration had a decided majority in the next congress; and if the question was not settled now, the manufacturers would be entirely at the mercy of their enemies.

The moment for obtaining favourable terms was passing away with the session, and they thought it better to agree to such a gradual reduction of the tariff, as should give time to the manufacturers to prepare for a general duty of 20 per cent. or to

reconcile the south to a higher duty if necessary, by the experience of the beneficial effects of a protecting tariff, rather than to intrust the manufacturing interests to those who merely sought to destroy them.

This reasoning did not satisfy those who looked to the ultimate results of this compromise, and who were not willing to purchase a temporary advantage by a permanent surrender of the power of the government over this subject to a state, which demanded it upon principles, and in a tone inconsistent with the continuance of the Union.

They preferred to test, rather than to surrender the powers of the government, and they strongly reprobated the idea of abandoning the policy of the government upon the demand of a single state.

The leaders of the nullifying party, on their part, affected to regard the compromise as an unqualified triumph.

Previous to the passage of the tariff, Gov. Hamilton issued a proclamation, calling the convention to meet on the 11th of March, on which day it accordingly assembled at Columbia, the capitol of the state. The ostensible reason of this call was the mission of Mr. Leigh, but the governor also called the attention of the convention to the laws just passed by congress modifying the tariff, and for the more effectually providing for the collection of the revenue.

It was deemed expedient by

the convention to regard the tariff just passed, as a sufficient accomplishing of the objects of nullification, and an ordinance was reported, repealing the ordinance of November, and all the acts, except the militia law, passed in pursuance thereof, by the legislature—a different body, having no connexion with the convention, except that the majority belonged to the same party. The ordinance then went on to nullify the enforcing law, but content with this empty bravado, did not enjoin on the legislature to pass laws to carry their decree into effect. An attempt was also made to declare an oath of allegiance to the state, but as the friends of the Union had resolved that they would not take such an oath, it was deemed the wisest course to refer the matter to the legislature.

In these legislative enactments the controversy ended. The final adjustment of the tariff question was merely postponed, and time was afforded to the country either to prepare for the change from a high protecting tariff, to one reduced to the wants of the revenue, or to adopt such modifications as the interests of the country shall then require.

One permanent good, however, was gained. The arm of the judiciary was strengthened by the enforcing act, and states seeking to carry into effect their own views, at the expense of the Union, and in defiance of the constitution, cannot hence-

forth prevent a judicial decision upon their acts, by inhibiting the state courts from furnishing the federal courts with a copy of their records.

The right of appeal to the courts of the United States, in

questions properly appertaining to them, is recognised and maintained, and a precedent is established for enforcing their decisions by the power of the Union.

CHAPTER VI.

Meeting of Congress.—President's Message.—Public Lands.—Mr. Clay proposes Land Bill.—Proceedings in Senate.—Proceedings in House.—Bill passes.—Retained by President.—United States Bank.—Public Deposites.—Three per cents.—Bill on France.—Proceedings in Congress.

THE second session of the 22nd congress commenced the 4th day of December, 1832.

Thirty-two members of the senate appeared in their places, and the vice president being absent, and Mr. Tazewell, the president pro tem, having resigned his seat, Mr. Lowrie called the senate to order, and they proceeded to elect a president pro tempore.

On the 5th ballot Hugh L. White of Tennessee, was declared duly elected, and he continued to act as such during the session. In the house 165 members answered to their names, and both branches of congress, being organized, information of that fact was communicated to the president, and the next day his annual message was transmitted to congress. That document will be found in the appendix, page 80.

A satisfactory account was

given of the foreign relations of the country.

The claims against Portugal had been acknowledged, the negotiations with Spain, and Naples for indemnity promised a favourable result.

Chastisement had been inflicted upon the pirates of Sumatra, for an injury committed upon our commerce.

The public finances were in the most prosperous condition, and congress was congratulated upon the near approach of the entire extinction of the national debt. As a consequence of this event the president recommended a reduction of the tariff, to the revenue standard.

He then alluded to the agency of the United States bank in postponing the redemption of the 3 per cents. to October, 1833, and suggested a doubt whether the public deposits were safe in that institution.

He also recommended a reduction of the price of the public lands, so as to prevent their becoming a source of revenue, and an amendment of the constitution so as to limit, and define the power of the general government over internal improvement. The policy of the government in relation to the Indians was applauded, and an extension of the judiciary system to the new western states, was again recommended.

The subject next in importance to nullification which attracted the attention of congress at this session was the public land system. In the last volume of this work, an account was given of the public domain, and of the general system adopted for its management.

Conflicting opinions had prevailed, since the absolute necessity of deriving a revenue from this source had ceased, as to the propriety of persevering in this system.

A party had arisen which sought to bring the whole public domain into market at once, for the purpose of enriching a few speculators at the expense of the public. Others advocated a reduction of the price as an approximation to the same result. Some urged a donation to the states, of the public lands within their respective limits, and various schemes, all indicating an unsettled, and restless state of the public mind, were started for the purpose of prodigally dissipating the great resources at

the command of the federal government in the public domain.

A majority, however, in both branches of congress, were too strongly impressed with the wisdom of the policy hitherto pursued hastily to abandon it, and the land bill introduced by Mr. Clay at the last session, was regarded by them as a means of securing the existing policy from hasty and improper innovations, by enlisting strong and active interests in its support.

This bill proposed that 10 per cent. of the proceeds of the public lands, should be reserved in addition to the 5 per cent. now reserved for internal improvements in the new states, and that the residue should be divided among all the states in proportion to their representation, to be applied under the direction of the state governments to the purposes of education, internal improvement, or colonization.

In consequence of the opposition of the administration, this bill was postponed in the house, after receiving the sanction of the senate, and in his message, the president expressed himself in favour of reducing the price of the public lands, so as to barely reimburse the expenses of their acquisition, and surveying.

This view of the subject was with good reason deemed as intended to subvert the existing land policy, and at an early period of the session, Mr. Clay asked leave to introduce a bill similar to the one which had

passed the senate at the last session. On the 12th of December, he accordingly introduced the bill, which being referred to the committee on public lands, on the 3d of January, Mr. Kane reported from this committee an amendment substituting instead of Mr. Clay's bill, a new bill, reducing the price of public lands to one dollar per acre, and to fifty cents, to actual settlers. Mr. Clay moved, upon the coming in of the report, that it be made the order of the day, for the 7th of January, when the subject was taken up.

Mr. Kane, Mr. Buckner, Mr. Black, Mr. Grundy, Mr. Hill, Mr. Moore and Mr. Benton, spoke in opposition to Mr. Clay's bill, and were replied to by Mr. Clay, Mr. Bibb, Mr. Poindexter and Mr. Ewing.

The opponents of the bill contended that the new states were not on an equality with the old; that they were kept down by one great landholder whose property was not subject to taxation for roads, education, and other public objects; and that while they were subject to these disadvantages, large sums of money were annually drawn from their limits, to be expended in the old states; that the price of the public lands was too high, and that it should be reduced to facilitate the settlement of the west.

It was contended, too, that it was unconstitutional to divide the public revenue among the states, and that such a course would introduce corruption

into our government; that congress had no right to delegate its authority to them, and that the proposition to divide the proceeds of the public lands, was only another mode of wasting the public revenue, and thereby prolonging the system of high protecting duties.

A doubt, too, was suggested, as to the right of the federal government to hold these lands, within states which had been created. Unless the property in the soil belonged to the state government, or its inhabitants, it could have no claim to be independent, and it was thus degraded to a dependant condition, and was merely a colony.

Those who supported the bill asserted that though it was true that the government owned a great part of the land, still it had made liberal appropriations for internal improvements and education, and now proposed to increase them; that it had protected the settlers, and defrayed the expenses of their government, while territories, out of the public treasury,; that the land was sold upon liberal terms, and that the west was settled so fast, that the political institutions of the country could hardly keep pace with its growth. That the proposition to divide the proceeds was not new; and that it could scarcely be deemed unconstitutional by those who had proposed to divide the whole surplus revenue in the same manner; that there was no danger of corrupting the states by a pro rata distribution of any branch of the revenue, and that the objects to

be promoted were of the utmost importance to the public welfare.

Various efforts were made to postpone taking the question, so that it was not until the 24th of January, that the vote on the substitute was taken, when the substitute was rejected, ayes 17, nays 26.

Mr. Benton then moved that each of the new states should have a grant of land equal to what had been granted to Ohio; but the amendment was negative, ayes 12, nays 26.

Mr. Benton now moved to deduct the expenses of the public lands, before dividing the proceeds; but the senate rejected it, ayes 14, nays 24. Mr Forsyth then moved to strike out colonization, as one of the objects to which the proceeds were to be applied; which was negatived, ayes 18, nays 21.

An amendment moved by Mr. Mangum, to strike out all restrictions on the application of the funds, shared the same fate; ayes 16, nays 23.

An attempt was made, the next day, January 25, to reconsider the vote as to colonization; but the senate refused, ayes 18, nays 27. Efforts to recommit and postpone were equally unsuccessful, and the bill was passed, ayes 24, nays 20. The bill was then sent to the house for concurrence. In that body, resolutions were offered at an early day, (Dec. 11) one by Mr. Boon, and also one by Mr. Clay of Alabama, to inquire into the expediency of reducing the price of all the lands which had been subject to private entry for five

years, and to surrender the refuse lands to the states after a given period, and the other by Mr. Mardis, for granting to actual settlers the right of pre-emption.

These resolutions were postponed to the 16th of December, and when taken up for consideration, a discussion commenced upon the general merits of the land policy of the government, which was only terminated by a motion to lay the resolutions upon the table.

The bill from the senate was not taken up until the 1st of March.

Two motions were then made in the committee of the whole house, to amend the bill, by Mr. Duncan, to reduce the minimum price to one dollar, and to set apart 20 per cent. instead of 12½, of the proceeds for the new states, which were negatived without a count.

Mr. Wickliffe then moved to strike out the objects to which the funds were to be applied, and to postpone the distribution until the public debt was paid, which amendments were carried. Mr. Clay, of Alabama, then moved to strike out the whole bill, and to substitute one reducing the price of the public lands, which, after a warm debate, was rejected without a division; as was a motion of Mr. Mason's, to deduct the expenses attending the management of the public lands before distribution.

The bill was then reported to the house, and the amendment of Mr. Wickliffe, which left the application of the funds to the

discretion of the states, was concurred in, and the other, referring to the public debt, was rejected. The other amendments were cut off by the previous question, and the bill was passed, ayes 96, nays 40, and sent back to the senate.

In that body, Mr. Chambers declared himself much dissatisfied with the amendment, but it was concurred in, ayes 23, nays 5.

These votes indicated that two thirds of both houses were in favour of the policy advocated by Mr. Clay, and if the president had returned the bill with his objections, it was understood that it would have become a law, notwithstanding the veto.

This opportunity, however, was not given to them, as the president retained the law until after the adjournment, and thus prevented congress from expressing its opinion upon his objections. The bill was thus defeated by the executive, who in this manner assumed an absolute, instead of the qualified veto upon the acts of the legislature, which was confided to him by the constitution.

Among the subjects recommended in the annual message to the attention of congress, was the propriety of removing the public moneys from the United States bank.

In incorporating this institution, it was provided in the act of incorporation, that the bank should act as the fiscal agent of the government in receiving, and disbursing the public funds, and

also in transferring them from one place to another, without charge. It was also provided that the public moneys should be deposited in the United States bank, unless the secretary of the treasury should otherwise direct; and in that case, the secretary was required to give his reasons to congress immediately upon its meeting.

For its exclusive privileges, of which this was one of the most important, the bank agreed to pay, and did pay, a bonus of \$1,500,000 to the United States government.

The deposit of the public moneys, therefore, was in pursuance of a contract, and the power of removal vested in the secretary, was obviously intended to enable him to secure the government from loss, should any event render the bank insecure as a place of deposit, or if the bank should prove itself unfaithful as a fiscal agent. After the act renewing the charter of the bank had been vetoed, the policy and constitutionality of creating such an institution by congress, became more pointedly the subjects of political discussion, and the administration and its supporters were finally arrayed in deadly hostility against the bank.

A striking proof of this feeling was given in the annual message, in the recommendation of the president to remove the public deposits, and a further indication was manifested when the secretary of the treasury, who had hitherto advocated its re-

charter, followed up this recommendation by the expression of his doubts as to their safety, if continued in its custody.

An agent, appointed by the treasury, to investigate the actual condition of the bank, shortly after made his report, and it appeared that this institution, whose solvency was thus openly attacked, had funds to the amount of \$79,593,870, and that its liabilities did not exceed \$37,296,950, having an excess of \$7,296,920, besides its capital of \$35,000,000.

Exception, too, was taken by the government, to the course adopted by the bank, in relation to the redemption of the three per cents. In his desire to extinguish the public debt, the president had determined to pay off the three per cents., although they were redeemable at pleasure, and were much below par.

In March 1832, accordingly the secretary of the treasury notified the bank that it was the intention of the government to pay one half of the three per cent. certificates to each stockholder, on the 1st of July next.

In reply, the president of the bank suggested, that a large amount of duties (\$9,000,000,) would fall due before that day, and that in order to accommodate the merchants, it would be better to loan the money to them, instead of paying it to the European stockholders, and consequently the payment of the debt had better be postponed for one quarter. This suggestion

was acceded to by the secretary, upon condition that the bank would pay the interest accruing on the three per cents. during the quarter, and upon that footing the redemption was deferred.

In the mean time, the cholera appeared in the country, and threatened to cause a suspension of business, and great commercial distress. In order to enable the bank to relieve the merchants, an arrangement was made by which it agreed with the foreign stockholders to pay the interest on their stock for an other year, if they would not present their stock for payment.

To this arrangement the government objected, and censured the bank for an arrangement which conflicted with the wish of the government to entinguish the debt. The bank had, however, in the mean time disavowed the arrangement which was made through its agent in Europe, and the stock was actually redeemed in the ordinary course of business at the treasury.

The president was not satisfied with this, and the arrangement was made the subject of much invective on the part of the administration press; and it was freely asserted that the disposition to postpone the redemption of the three per cents. proceeded from inability to pay over the deposits.

Another cause of crimination, grew out of the bill drawn

by the secretary of the treasury for the first instalment under the French treaty.

Instead of sending to the American minister at Paris an authority to receive the money, or even of remitting the bill for collection through the bank, the government took the unusual step of selling a bill to the bank at the current rate of exchange, and appropriated the proceeds to the current uses of the treasury.

The bill was not paid, and, to save the credit of the bank, its agents took it up.

A claim for damages pursuant to the ordinary custom of merchants, was made for the dishonour of the bill, and the president of the U. S. was indignant that the bank should call for damages, when he contended that the public moneys in the bank were more than sufficient to pay the amount of the bill. For these reasons the executive recommended to congress, to remove the public moneys from the custody of the bank, and also to sell the stock belonging to the government in that institution.

Pursuant to this recommendation, a bill was reported on the 13th of February by Mr. Polk, from the committee of ways and means, for the sale of the stock; but Mr. Wickliffe moved, upon

its first reading, that the bill be rejected, and it was accordingly rejected, ayes 102, nays 91.

The subject of the public deposits was referred to the same committee, and on the 1st of March, Mr. Verplanck made a report, in which he stated that the committee had examined the report of the treasury agent, and also the directors of the bank, under oath, and that it appeared that on the 1st of January, 1832, the bank had \$80,865,000 of available resources, and that its liabilities amounted to only \$37,800,000. The committee consequently recommended a resolution, that the government deposits may, in the opinion of the house, be safely continued in the bank of the United States.

Mr. Polk, from the minority of the committee, also made a report, in which the conduct of the bank was condemned, but no conclusion was drawn as to the propriety of continuing the deposits in its custody.

The next day the resolution was taken up for discussion, and after an earnest discussion by Mr. Polk in opposition, and Messrs. Ingersoll and M'Duffie in support of the resolution, the previous question was ordered, ayes 86, nays 30, and the resolution was passed, ayes 109, nays 46.

CHAPTER VII.

Treasury Report for 1832.—Appropriations for Pensions.—for support of Government.—for Naval Service.—for Fortifications.—for Military Service.—for Indian Department.—for District of Columbia.—for Internal Improvement.—Light-House Bill lost.

THE annual report of the secretary of the treasury on the state of the finances, was transmitted to congress on the 5th day of December, 1832.

The balance in the treasury on the 1st of January, 1832, was stated at \$4,502,914 45. The actual receipts, during the first three quarters of 1832, were estimated as follows:—

Customs,	21,730,717 99
Lands,	1,620,130 18
Bank dividends,	490,000 00
Incidental receipts,	87,811 34
	23,918,659 51
Estimated receipts during the fourth quarter, including Danish indemnity,	7,834,000 00
Total receipts,	\$31,752,659 51

The expenditures during the first three quarters of the same year were estimated as follows:

Civil, diplomatic, and miscellaneous,	2,663,955 42
Military, including pensions, Indian department,	

and internal improvement,	5,655,280 52
Naval service,	3,213,517 98
Public debt,	11,335,857 89
The expenditures for the fourth quarter, including \$6,744,199 57, an account of the public debt, were estimated at,	10,742,774 22

Making the total expenditure of the year, 34,611,466 03

Leaving in the treasury, on the 1st of January, 1833, including the Danish indemnity, \$1,644,107 93. Of this, however, \$1,400,000 were unavailable funds, consisting of the notes of broken banks.

The receipts for 1833 were estimated at 24,000,000.

Customs,	\$21,000,000 00
Public lands,	2,500,000 00
Bank dividends, and incidental and miscellaneous receipts,	500,000 00

The expenditures for the year 1833, for all objects, other than the reimbursement of the public

debt, are estimated at, 17,638,577 35, viz:—

Civil, foreign intercourse, and miscellaneous, . . .	3,045,361 70
Military service, including fortifications, ordnance, Indian affairs, pensions, arming the militia, and internal improvements, . . .	6,878,790 09
Revolutionary pensions under the act of 7th of June, 1832, including arrearages from the 4th of March, 1831, in cases in which payment has not been made,	4,000,000
Naval service, . . . ; . . .	3,377,429 38
Interest on the public debt, . .	336,996 18

During the year 1833, however, the moneys received from Denmark, for the payment of the indemnities due to American citizens, under the convention, will be payable, estimated at 694,000 00. Which, added to the expenditures, make the aggregate charge upon the treasury for the year, exclusive of the reimbursement of the public debt, 18,322,577 35. The public debt, on the 2d of January, 1832, amounted to \$24,322,235 18. The amount disbursed on that account, during 1832, was, for payment of principal, 17,302,410 82. Interest 777,646 64. Leaving only 7,001,898 83 of public debt, existing on the 1st January, 1833,

As the bank shares belonging to the United States, with the premium, amounted to more than that sum, the secretary regarded the stock as substantially extinguished, and congress was congratulated upon that event. The secretary then went on to recommend a reduction of the duties to the revenue standard.

The estimates for the public service, having been referred to the committees, the bills providing for the wants of the several departments, were reported by the committee of ways and means, and that providing for the pension list, was taken up in the house on the 3d of January, and, having received the sanction of both houses, became a law.

By this act \$624,685, were appropriated to the revolutionary pensioners, in addition to an unexpended balance of \$360,540: \$98,732, to the invalid pensioners, in addition to an unexpended balance of \$201,942, and \$5500 to widows and orphans.

A bill making appropriations in part for the support of the government for 1833, and for certain expenditures in 1832, was brought forward in the house on the 17th of December. By this bill, it was proposed to allow for the pay of congress, and its officers, \$342,268, and for stationery, and contingent expenses, \$25,600, for the senate, and \$100,000, for the house.

An amendment was proposed in the house by Mr. Foster, so as to prevent the expenditure of any part of the contingent fund for any printing, except such as was connected with the ordinary proceedings of congress, and executed under contract of the public printer.

This amendment was carried, ayes 101, nays 70, and the bill was sanctioned by the senate, and became a law.

The general appropriation bill for 1833, was not taken up in the committee of the whole house, until the 1st of March.

At this late period of the session, it was not possible to go into an examination of the public expenditures.

The committee on public lands had been directed to investigate the affairs of the land office, and Mr. Wickliffe, when this bill was taken up, stated that the committee had not been able, for want of time, to complete the investigation of the concerns of the land office, but from the progress which had been made, he was fully convinced that the commissioner had made an improper application of the funds placed in his hands.

Mr. Verplanck proposed an item to cover certain arrearages which had improperly accrued in that office. He said he did it with great reluctance, and merely because the government must of course pay debts contracted by its authority. But the expenditure had the decided disapprobation of the committee of ways and means.

This amendment was adopted, but one proposed by Mr. Verplanck allowing \$34,000, for extra clerk hire in the post office department, was promptly negatived, as was an amendment proposed by Mr. Washington, granting \$250,000, to enable the city of Washington to pay up its subscription to the stock of the Washington and Ohio canal.

An amendment was also

made, providing for the appointment of a commissioner of pensions, with a salary of \$2500, and the privilege of franking.

The bill was then reported to the house, and the next day was taken up in the house, and the amendments were agreed to.

The amendment providing for the appointment of a commissioner of pensions with privilege of franking, was amended, on motion of Mr. E. Everett, extending the franking privilege of members of Congress.

Mr. Verplanck moved an additional appropriation of \$34,000, for clerks in the post office department.

Mr. E. Whittlesey opposed this amendment.

Mr. Conner supported it—and read a letter from Mr. M'Lean, late postmaster General, on the subject.

Mr. Wickliffe opposed the amendment at length, which was further supported by Messrs. Connor and R. M. Johnson, and adopted.

Mr. Bell moved to amend the bill, by inserting a clause granting Stephen Pleasanton \$5,000 for certain extra services performed by him.

Mr. Hubbard moved the previous question on the bill as previously amended—which was sustained, and the bill was passed and sent to the senate for concurrence.

In that body, the bill was amended by making appropriations for custom-houses at Baltimore and Newburyport; ordering the instalments to be received from France, under the

treaty to be invested either in stock of the United States, or of the bank of the United States, or to be loaned to the United States bank upon interest; and allowing to the revenue officers the same income as before the tariff of 1832.

These amendments were concurred in by the house, and the bill became a law. By this act, the following appropriations were made.

For the expenses of the executive department, including vice-president's salary, and of the territorial governments,	\$793,500 72
survey of the public lands,	180,500
diplomatic intercourse,	256,282 35
Expenses of the judiciary,	335,400
of light houses, beacons, &c.	231,850
survey of the coast,	20,000
to execute the Chickasaw treaty,	50,000
Miscellaneous expenses,	561,192 74

The bill making the appropriations for the naval service, was taken up on the 9th of February, in committee. After various unimportant amendments were made without opposition, Mr. Wickliffe moved an amendment, prohibiting the increase of midshipmen without the authority of law. He said that of late, the power of appointment by the secretary, had been abused.

Four hundred and fifty midshipmen were now on the navy list, and within the two last years a great number of appointments had been made.

Mr. Anderson was not pre-

pared to support the amendment, until after a formal inquiry.

Mr. Dearborn hoped the amendment would not prevail. He would not presume that the secretary of the navy had abused the power intrusted to him, without full inquiry.

Mr. Hoffman said, that he was satisfied that the number of naval officers was too great, but he thought the house could not exercise a power in limiting the number in any other mode, than by limiting the pay, and emoluments of the officers.

Mr. Adams thought the subject ought not to be introduced in examining this bill, which was to provide for the service of the current year.

He was unwilling to do any thing which might look like a censure of the secretary of the navy, without giving him an opportunity of being heard; and he hoped that the amendment would not prevail.

The amendment, after some further discussion, was lost, ayes 59, nays 62. It was again pressed in the house, and was again rejected, ayes 88, nays 102. The bill was then passed, and having received a verbal amendment in the senate, became a law.

By that act, there were appropriated,

For pay, subsistence and provisions, - - -	\$1,905,000
repairs of vessels, - - -	506,750
medicines and hospitals, - - -	35,000
repairs and improvements of navy yards, - - -	328,863
superintendants and civil establishment at do., - - -	57,330
ordnance, - - - - -	10,000

For enumerated contingencies.	295,000
non-enumerated do, - - -	5,000
expenses of the marine corps, - - - - -	187,573
claims and miscellaneous expenses, - - - - -	96,718
suppression of the slave trade, - - - - -	5,000

An act was also passed for the gradual improvement of the navy, and appropriating \$500,000 annually for six years, from March, 1833, for that purpose. Provision was made therein, for the preservation of the live oak on the public lands, and all collectors were required to ascertain, before clearing vessels with live oak on board, whether it had been cut from the public lands.

The act for carrying on the fortifications of the United States was taken up on January 2nd, and passed into a law, without opposition.

By this act, there were appropriated

For completing forts already commenced,	\$575,900
For repairing forts,	67,100
And for contingencies,	10,000

An act was also passed, appropriating

For a fort on Throgg's neck,	\$25,000
Rebuilding fort Delaware,	50,000
A fort on Foster's bank, Pensacola,	25,000
Do. on Grande Terre Barabaria,	25,000

Additional appropriations were made for this branch of the public service in the act making appropriations for the engineer and ordinance departments.

By this act were appropriated

For a fort on Georges Island, Boston,	\$25,000
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Buildings at West Point,	16,000
For building and improving armories and arsenals,	95,995
For barracks at Savannah,	35,000
For repairs of old fort at St. Augustine,	20,000

The military appropriation bill was taken up on the 16th of February, and passed without any discussion worthy of note.

By this act the following appropriations were made for 1833

For pay, forage, and subsistence,	\$1,778,028
clothing,	280,000
medical and hospital department,	31,000
quarter master's do,	240,000
transportation,	165,000
West Point academy,	20,765
contingencies of army,	10,000
arrearages,	8,500
armories,	360,000
armament of fortifications,	100,000
ordnance service,	69,300
arsenals,	96,500
recruiting services,	46,996
pay of western militia, called into service in '29 and '32,	633,200
purchase of arms and cannon,	34,098
purchase of arms to be given to S. Carolina,	6,732
barracks,	43,300
repairing forts, and purchasing land,	22,560

An act was also passed, for the defence of the frontier, creating a regiment of dragoons.

The bill making appropriations for the indian department, was also taken up in the committee of the house, on the 16th of February, and passed in the same manner.

This act appropriated,

For the expenses of the Indian agencies,	\$66,000
presents to the Indians,	15,000
expenses of Indian intercourse,	21,500

For blacksmith's shops,	23,000
contingencies,	20,000
arreages,	515

Unexpended appropriations to the amount of 24,303 82.

By the other acts making appropriations for the Indian service, for the year 1833, there were appropriated,

For Indian annuities,	\$395,100
education and civilization of the Indians,	69,830
blacksmiths, millwrights, &c.,	31,360
transportation and distribution of annuities,	20,160
claims, and incidental expenses under treaties,	482,544
to enable president to extinguish Indian titles,	13,871
Incidental expenses of Indian intercourse,	7,063
To carry into effect Indian treaties,	211,040
To repress hostilities of western Indians,	100,000
Expenses of removing Indians,	654,271

The remaining appropriations of a public nature, made at this session, were for internal improvement, and for public buildings, and other objects in the District of Columbia.

By the act making appropriations for the public buildings, which was taken up the 26th of February, were appropriated,

For completing the penitentiary,	\$15,436
improvements at the capitol,	32,350
improvements at the President's house,	22,063
for furniture at do.,	20,000

By other acts appropriations were made for the following improvements in the district:—

For macadamizing Pennsylvania avenue,	\$69,630
a bridge over the Potomac, improving the navigation of the Potomac, between Alexandria and George-	200,000

town, and to make a public road from Georgetown to the district line over the Little Falls bridge, 150,000

\$150,000 were also granted to the city of Washington, to enable it to pay the debt contracted for the Washington canal, and the city gave to the government in exchange certain lands. \$5000 were also appropriated for enclosing the public walks.

The following appropriations were also made by separate acts for internal improvements in the territories, i. e.

For a road in Arkansas, from the Mississippi to the St. Francis river,	\$100,000
a post road through the Creek nation, from the Line Creek, Ala., to Columbus, Georgia,	21,000
repairing present road,	2,000
improving the navigation of the Escambia river,	5,000
do. of the Ochlochney,	5,000
do. of the Choctawhachie,	5,000
improving Chicago harbour,	25,000
a survey of White and St. Francis rivers,	,500

The bill making the general appropriations for internal improvements, or the harbour bill, as it is sometimes called, was taken up the 1st March, at too late a period to permit a protracted debate.

When in committee, various amendments were offered, and two important amendments were carried, i. e.

For surveys, under act of 1824,	\$25,000
For repairing the Cumberland road, in Virginia,	34,000

The next day, when the bill was before the house, Mr. Denney moved to appropriate

\$10,000, for a survey of the Alleghany river, between Pittsburg, and Olean, for the purpose of improving its navigation, but it was negatived.

Mr. Stewart moved an amendment, appropriating \$4,000, for repairs made on the Cumberland road, by Valentine Geesy, but it was negatived.

Mr. Duncan moved an appropriation of \$20,000, to construct a harbour at Chicago, which was also negatived.

\$30,000, were then added, on motion of Mr. Vinton, to the appropriation for continuing the Cumberland road, west of Zanesville, and the bill was passed without further opposition.

By this bill the following appropriations were made,

For carrying on the Delaware breakwater,	\$270,000
removing a sand bar at the mouth of the Black river, Ohio.	2,400
pier head at Cunningham creek, Ohio,	500
completing the removal of obstructions at the mouth of Ashtabula creek, Ohio,	3,400
completing the improvements of the harbour of Presque Isle, Penn.,	6,000
completing the pier at the mouth of Buffalo harbour, New-York,	31,700
improving the entrance of Genesee river, N. Y.,	15,000
removing obstructions at the mouth of Big Sodus bay, N. Y.,	15,000
completing the pier and mole at Oswego, N. Y.,	8,400
the completion of the breakwater at the mouth of the Merimack river,	4,900
repairing Plymouth beach, the breakwater at Hyannis, Massachusetts,	5,000
improving the harbours of New Castle, Marcus Hook, Chester, and Port Penn, in the Delaware,	4,000

For carrying on the improvement of Ocracoke inlet, improving Cape Fear river, below Wilmington, improving the navigation of the Ohio, Missouri, and Mississippi rivers, continuing the road from Detroit to Saganaw bay, completing the improvement of St. Marks' river and harbour, in Florida, the road from Detroit to Grand river of Lake Michigan,	16,700 28,000 50,000 15,000 1,500 25,000
continuing the road from Detroit towards Chicago, surveying and making the road from La Plaisance bay to Chicago,	8,000 15,608 76
completing the improvement of the inland channel between St. Mary's and St. John's in Florida,	9,000
the completion of the removal of obstructions in the harbour & river Apalachicola, in Florida, repairing Cumberland road, east of the Ohio, continuing the Cumberland road in Ohio; west of Zanesville,	8,700 125,000 130,000
continuing the Cumberland road in the state of Indiana,	100,000
continuing the Cumberland road in Illinois,	70,000
repairs of the Cumberland road in Virginia, payment of a balance due for marking out a road to the confines of New-Mexico,	34,440 1,504 54
defraying the expenses incidental to making examinations and surveys under the act, one thousand eight hundred and twenty-four,	25,000
payment of balance due Joseph C. Brown, for running the western boundary of the state of Missouri,	140

The bill making appropriations for light houses, and beacons, was not taken up until the 2nd of March. It was then amended in committee of the

whole, and reported to the house. Mr. Grundy objecting in the senate to its being read a second time on the same day, as contrary to rule, it was lost in the senate.

Mr. Polk then attempted to defeat it, by a motion to lay it on the table. This motion was negatived, ayes 43, nays 71, and the bill passed the house, but,

CHAPTER VIII.

ENGLAND.

Dissolution of Parliament.—Elections.—Meeting of Reformed Parliament.—Re-election of Speaker.—Debate on Address.—Condition of Ireland.—Bill for repressing Disturbances.—Proclamation of Lord Lieutenant.—Suppression of Irish Volunteers.—Do. of National Trades Union.—Reform of Irish Church.—Abolition of Slavery in Colonies.—East India Company.—Renewal of Charter.—China Trade Free.—Bank of England.—Renewal of Charter.—Factory Children Bill.—Parochial Saving Banks Bill.—Reduction of Taxes.—Tumult in Cold Bath Fields.

THE third of December, 1832, was the commencement of a new era in the history of Great Britain. On that day the last parliament, under the system of close burroughs, was dissolved, and writs were issued, returnable on the 29th of the succeeding month, for a new parliament, in which the commons of England should be more directly represented. A warm contest ensued between the respective parties, for the supremacy in the new house. The tory party, although defeated, was still strong, and determined not to retire from the field where they had so long held the ascendancy.

There were many strongholds in their possession, from which they had resolved not to be driven without a desperate struggle. On the other hand, the whigs deemed the reformation in the house of commons merely as the beginning of reform. The East India company, the corporate privileges in all parts of the empire, the Episcopal church, and the public expenditure, were prominent objects demanding the attention of a reforming administration.

Besides these parties which had so long represented the English nation, there was a new party which called for a more

radical reform. Although this party supported the ministers in their reforming measures, they could not be depended upon as staunch supporters. Their radical views were inconsistent with the cautious policy of Lord Grey's administration, and it was not improbable that the end of the session would find them arrayed in hostility against those with whom they had co-operated.

The Irish members who advocated the repeal of the Union, were upon the same terms of dubious friendship, and the ministerial party did not really possess the overwhelming majority over their opponents, that the returns indicated.

The elections terminated in the return of upwards of 400 in favour of the administration, 150 tories, and nearly 100 of radicals, Irish repealers, and independents.

No event of public importance took place before the meeting of parliament, on the 29th of January.

After parliament had been opened in due form, by the lord chancellor, and others acting as commissioners, the commons retired to elect a speaker. Mr. Hume immediately urged the propriety of electing a whig member to that office, and moved that Edward John Littleton should be placed in the chair. This motion was seconded by Mr. O'Connell; but lord Morpeth rose, and after highly eulogizing the ability and experience of Charles Manners Sutton, pro-

posed that he should be re-elected. This was seconded by Sir Francis Burdett, and Mr. Littleton also urged that Mr. Hume should not press a division.

This, however, was called for; when Mr. Sutton was elected, 241 to 31.

The house, after some discussion as to the retiring pension of the speaker, (which had been voted to Mr Sutton,) then adjourned, and on the 5th of February, the king's speech was delivered.*

In the discussion on the address, but little was said in the house of lords, and that chiefly in relation to the policy pursued towards Holland and Portugal, which was pointedly condemned by lord Aberdeen, and the duke of Wellington.

In the house of commons, the discussion was more animated, and Mr. O'Connell vehemently denounced the policy recommended towards Ireland, as bloody and brutal. He was replied to by Mr. Stanley, in a most masterly manner, and the house rejected Mr. O'Connell's motion to go into committee on the address, ayes 40, nays 428.

The address was finally agreed to.

The state of Ireland, which had been growing more gloomy daily, now imperiously demanded the attention of government.

The fury of the peasantry was so fearfully increased by the tithe agitation, that the clergy of the English church were compelled to flee from their homes by threats of assassination.

* This will be found page 364 Appendix.

The White-feet prowled through the country, committing the most atrocious murders. Society was completely disorganized, and probably no nation in modern times, not even jacobin France, presented a worse spectacle of crime, rapine and bloodshed, than Ireland exhibited in 1832. Mr. O'Connell, in the mean time, proceeded with his plan of agitation, and on the 18th of January met his self-styled national council of Irish representatives at Dublin.

Nothing of importance was done at this meeting, and the interest excited by the proceedings in parliament, soon caused the national council to be forgotten.

The inefficiency of the existing laws to preserve the peace of the country, now began to be strongly pressed upon the government from all quarters. Meanwhile the new tithe act, passed in the beginning of June, by which the right of collecting tithes was transferred to the government, experienced as determined a resistance on the part of the peasantry as had been offered to the exaction when it was made by the clergy. The agitation for the repeal of the Union, too, now that the proclamation act had expired by the rising of parliament, was renewed with increased zeal and activity; and, urged in all the forms of popular excitement, was rapidly making head against the utmost efforts of the government to discourage and put it down.

The ministry had at length become convinced that this state of disorder required a remedy, which was proposed in the bill for suppressing disturbances offered in the house of lords, on the 15th of Feb., by lord Grey.

This bill authorized the lord lieutenant to suppress any public assemblage deemed by him inconsistent with the administration of the law; and two justices of the peace were empowered to enter by force into any place where such assemblage was held, and order it to disperse,—persons refusing to obey to be punished by imprisonment. The lord lieutenant was also empowered to proclaim any district to be in a disturbed state, and all meetings in such district for petitioning or discussing any political grievances, were to be deemed unlawful, without the consent of the lord lieutenant. Any person attending to be deemed guilty of a misdemeanour, and to be tried and punished by a court martial. Persons out of the house in such proclaimed district, were to be liable to arrest, and to be punished for a misdemeanour; and all houses therein to be searched under a peace warrant, for arms, or to ascertain if the occupants are within; and if arms are found, or if the occupants are absent without a lawful excuse, it is to be deemed a misdemeanour. Other severe provisions were inserted, arming the government with powers utterly inconsistent with civil freedom; but lord

Grey made such strong statements of the unhappy condition of Ireland, that the bill was generally assented to in the house of lords.

Among other statements, he asserted, that in the year 1832, the number of homicides was 242, robberies 1179, burglaries 401, burnings 568, riots 203, firings with murderous intent 328, and that the various crimes growing out of the disturbed state of the country, amounted to 9002 within the year. In the house of commons the bill was more earnestly opposed, and the debate on the second reading was protracted through eight sittings. It was ordered to a second reading on the 11th of March, 363 ayes, 84 nays.

In committee, many attempts were made to amend it, but the opponents of the bill were left in small minorities, except as to an amendment acquiesced in by the ministers, preventing the powers of the act from being employed merely to collect tithes, which was carried, 284 to 81.

The bill was finally carried, 345 to 86, and became a law on the 2nd of April. Its powers were not long left in disuse. On the 6th of April the lord lieutenant proclaimed the city and county of Kilkenny to be in a state of disturbance, and ordered all its inhabitants to remain in doors after sunset.

On the 10th, he suppressed by proclamation the Irish volunteers, and on the 17th, the national Trades Political Union.

These decided steps had the

effect of producing a state of comparative tranquillity, which lasted until nearly the close of the year, when fresh symptoms of agitation became visible.

Before that time, however, in the month of September, the Marquis of Anglesea resigned, and lord Wellesley was appointed lord lieutenant in his place.

The tranquillity of Ireland was perhaps not altogether owing to the energetic measures adopted by the government. As much efficacy, probably, might be attributed to the plan for the reform of the Irish church, which was brought forward by lord Althorp, on the 12th of February, a few days before proposing the bill suppressing disturbances.

Its leading provisions consisted in reducing the bishoprics, by uniting the sees as the incumbents die, from 22 to 10: by reducing the income of the primate from £14,500 to £10,000; that of the bishop of Derry from £12,559, to £8000, and ultimately to £6000; the revenues of the other sees were to be reduced by a tax of five per cent. on all below £4000; 10 per cent. on all between £5000 and £10,000; 12 per cent. on all between £10,000 and £15,000: and 15 per cent. on all above that sum.

From all livings between £200 and £500, a tax of five per cent. was to be deducted; from all between £500 and £700, a tax of six per cent.; from all between £700 and £800, a tax of seven per cent.; from all between £800 and £1000, a tax of 10 per cent.; from all between 1000 and £1200, a tax of 12 per cent.; on

all above that sum, 15 per cent. Vestry cess, and first fruits, to be abolished. The leases of bishop lands are to be converted into perpetuities.

From these various sources it was calculated that a yearly income of £155,000 would be produced, which was to be placed in the hands of commissioners consisting of the primate, the arch-bishop of Dublin, of four other bishops, the lord chancellor, and lord chief justice of Ireland, to be applied to the augmentation of small benefices, the

building of churches, and other ecclesiastical purposes.

The board is also to have the power of suspending the appointment of ministers to parishes in the gift of the king, or of any ecclesiastical corporation, in which no service has been performed for the space of three years.*

Another act was also passed, authorizing the government to advance £1,000,000 to such of the clergy as could not recover their tithes, to be paid in five annual instalments. Such of

* *Present state of the Irish Church.*

	Net Revenue.	Acres.	Rents.
Archbishop of Armagh	£14,494	100,569	£4,634
Dublin	7,786	34,040	3,202
Cashel	6,308	20,046	2,100
Tuam	6,996	86,899	2,730
Bishop of Meath	4,068	29,269	3,065
Clogher	8,668	22,591	2,326
Down and Connor	4,204	30,244	1,352
Derry	12,159	77,102	2,593
Raphoe	5,052	1,392	1,451
Kilmore	6,225	28,531	1,537
Dromore	4,216	18,422	1,518
Kildare	60,61	5,074	2,629
Ossory	3,322	21,730	1,015
Ferns	5,730	26,294	2,096
Limerick	4,973	12,985	2,452
Waterford	3,933	13,189	2,493
Cork	3,901	11,485	1,471
Cloyne	4,091	12,482	1,341
Killaloe	3,966	16,765	1,345
Elphin	6,263	42,843	2,044
Clonfert	2,970	11,744	543
Killala	3,410	45,542	1,280
	£128,808	669,247	£45,258

The gross income of the deans and chapters is 4266*l.*; that of the vicars choral estates, 11,261*l.*; that of the minor canonries, 762*l.*; and that of the economy estates (the funds appropriated to the repair of cathedrals, &c.) 7316. The total income of these ecclesiastical corporations, therefore, is 23,606*l.*

There are, 1456 benefices or livings in the Irish church, of which, 1 is of the value of 2300*l.*; 10 are between 2000*l.* and 2600*l.*; 20 between 1500*l.* and 2000*l.*; and 23 between 1200*l.* and 1500*l.*; 48 between 1000*l.* and 1200*l.*; 74 between 800*l.* and 1000*l.*; 148 between 600*l.* and 800*l.*; 281 between 400*l.* and 600*l.*; 386 between 200*l.* and 400*l.*; and 465 between 30*l.* and 200*l.*

the clergy as accepted of this arrangement were to give up their tithes prior to 1831, and to deduct 25 per cent. from those of 1831 and 1832, and 15 per cent. on those of 1833. By an act passed the preceding session it had been enacted that, after the 1st of November, 1833, the tenants of land should no longer be liable to the payment of tithes, but that that burden should, in all cases, fall upon the landlord. Proceeding upon the principle of this salutary change, the present act provided for the repayment of the advance to be now made to the clergy, by extending the liability of the landlords back to the year 1831, and making them the parties from whom the five instalments were to be demanded. They were to have, in turn, their remedy against the occupiers of the soil.

The effect of these laws, was to place the church out of the way of collision with the people, and thus to put an end to one of the main causes of disturbance and agitation.

Among the chief objects forcing themselves upon the attention of parliament, was the abolition of slavery in the colonies. To this measure the government was virtually pledged by the resolutions proposed in the house of commons by Mr. Canning, in 1823. One of these resolutions recognised the expediency of emancipation as soon as compatible with the safety of the owners. Nothing had been done by the government to carry this revolution into effect, but the efforts of the friends of aboli-

tion had been untiring, and public opinion was so strongly excited in its favour, that the ministers were constrained to yield to its will.

At the late election, many representatives were required by their electors to pledge themselves to vote in favour of abolition, and the success of others was clearly owing to their known opinions on this question.

A large majority of the commons was undoubtedly committed to the views of the abolitionists, and it was evident, that something effectual must be done in compliance with the will of the British nation. The subject was not entirely without difficulties. Independent of those growing out of the ignorance of the negroes, and their incapacity to take care of themselves, if suddenly emancipated: it was not easy to reconcile the immediate abolition of slavery with strict justice, if considered merely with reference to the planters.

They had been induced by the established laws of the realm to vest their funds in this kind of property, and to take up their residence in the colonies. Many of them had inherited their plantations with the slaves.

If the labourers were made free, it was said that not only would the value of the slave be taken from the owner, but the value of the plantation itself would be diminished.

The planters would be ruined, and if the insubordination and confusion which was apprehended, from loosening the fetters of the slave should occur, they

would be exiled from their native shores, as dependents upon the charity of strangers.

If, therefore, emancipation must take the place, (and this was generally conceded,) it ought only to be effected upon condition of full compensation to the owner, and it was generally supposed that the claims for remuneration would be too extravagant for even the munificence of the British government. Different opinions, too, were entertained on this point.

Some of the abolitionists denied any right to compensation, and others, who admitted the right, differed widely as to the amount. The question was, therefore, full of difficulties, after disposing of the preliminary question, which was now no longer doubtful. Under these circumstances, the ministers determined to act cautiously, but at the same time to fulfil the expectations of the nation.

Their plan was brought forward on the 14th May, by Mr. Stanley, in a series of resolutions, which were afterwards formed, with some amendments, into a law.

The most important effect of the new law, will be the entire cessation of the further increase of slavery. All children born after the passing of the act, or who, at the time of its passing, shall be under the age of six years, are to be free, provided their respective parents shall take upon themselves the charge of their maintenance. Those children whose parents decline maintaining them, are to be bound apprentices to the

master of the parents, and to work for him without wages,—the males, till the age of twenty-four, and the females till that of twenty, at which periods they are to be absolutely free.

With regard to the grown-up negroes, it is proposed that they shall all become free within six years, in the case of agricultural, and four years in the case of domestic slaves, after the passing of the act. Only those who prefer being slaves, remain such after the expiration of that period.

Meanwhile, the condition of the slave is to be immediately altered, in various important respects. Every slave who chooses, is to be at liberty to claim to be registered as an apprenticed labourer to his master; and the effect of this change, in the relation between the two, will be at once to destroy and put an end to many of the most degrading distinctions by which the lot of the former is marked,—except in respect to the compulsion which he will still be under, to work for his master during a certain part of his time, he will immediately enter into the enjoyments of all the rights and privileges of a freeman. The power of inflicting upon him corporal punishment will be taken out of the hands of his master, and be transferred to the magistrate. Finally, instead of working for ten hours of the day, or more, he will be obliged, under his contract of apprenticeship, to work only three fourths of that time. And for this amount of labour, he may, at his own option, be either paid, as at present, by

being lodged, clothed, and fed, or by receiving a sum in money, weekly, to be fixed by a magistrate, with reference to the actual cost of the legal provision.

During the remaining fourth of his time, he is to be permitted to work for wages, either with his master, from whom he shall be entitled to claim employment, or elsewhere, if he pleases. Should he remain in the service of his master, he will receive wages at the following rates:—The master will fix a price upon him at the time of his apprenticeship, and of that he will be bound to pay him a twelfth part every year as his wages. By this scheme it is made equally the interest of the master not to fix that price either too high or too low. If he should fix it too high, he will have to pay the negro a correspondingly high rate of wages; if, on the other hand, he should name too small a sum, he will run the risk of being obliged altogether to forego the benefit of the negro's labour for that inadequate compensation, it being provided that the latter, on paying, at any time, the price fixed upon him, or such portion of it as may remain due, shall become absolutely free. The negro may obtain the money for this purpose, by borrowing it, and binding himself, for such period as may be agreed upon, as an apprenticed labourer to the lender.

In order to compensate the master, £20,000,000 sterling is to be granted to the proprietors of the West Indian estates

and slaves. It was first contemplated to obtain repayment of this sum by a half-yearly tax upon the negro's wages for that purpose, to be deducted from his earnings. This part of the plan, however, was abandoned, and in its stead an additional duty was proposed on sugar. This duty was not imposed, and the £20,000,000 may be fairly considered as a gift by the British nation towards the cause of emancipation.

For this sum the slave population of the British West Indies, consisting of 800,000 souls, were to be freed from the arbitrary control of their masters, and placed under the superintendence of the law.

Such are the outlines of the proposed plan. It may be considered as a scheme for the equitable distribution, among the different parties concerned, of the burthen to be borne in effecting the great object contemplated.

These parties are three in number,—the public, the planters, and the slaves. They all receive a certain share of the benefit, and are each called upon to pay something for what they receive. The public is to be gratified by the accomplishment of its strongly expressed desire for the abolition of slavery; and for that it is to pay £20,000,000 sterling, in money. The various advantages which are to accrue to the slave, have just been enumerated; but he is to purchase the immediate liberty of his children, and his own eventual emancipation, by being

subjected to compulsory labour for a certain period. The planter is to be deprived of various things in which he has hitherto had a legal right of property—of the labour of his slave for one fourth part of every day ; of the labour of the same slave for the whole day, after a period of twelve years—and of all the profit which he might have made of the negroes born within the last six years, or to be born in future on his estate. The advantages by which it is proposed that he shall be compensated for these sacrifices, consist in his deliverance from the obloquy and insecurity to which he is at present exposed, and the increased value which his property may acquire after the establishment of the new system.

This plan was opposed by various interests. Mr. O'Connell moved an amendment recognising the right of the slave to compensation for his whole labour, but this was negatived, 324 to 42. Mr. Rigby Watson, sought to deprive the masters of all compensation, but this was rejected, 383 nays, and 21 ayes.

The plan was finally sanctioned, 286 to 77, on the 11th of June, and a bill was brought in to carry it into effect. This bill after incorporating an amendment moved by Dr. Lushington, making free all slaves who were brought into the united kingdom, became a law the latter end of August, and the time for commencing its operation was fixed for the 1st of August, 1834 ; so that negro slavery will be at an

end in the British empire in 1840.

How this sudden emancipation of a large class of the population of the colonies is to succeed, and what effect it may produce upon the tranquillity and prosperity of the islands, are questions of the deepest importance which time alone can decide. The islands were exceedingly dissatisfied with the proposed plan, and in most of the colonial legislatures, they protested against the measure, as unjust and impolitic in the highest degree. The planters, however, soon became convinced that it would be madness to resist the demands of the British nation, and instead of carrying out their threats of declaring themselves independent ; or of "uniting themselves to some state who will cherish and protect and not insult and plunder them," they turned their attention towards appropriating the greatest share of the compensation.

A very material change was also made at this session, in the policy of the government in its management of the East India empire.

That part of the British empire had been hitherto governed, with some modifications, upon the plan prepared by Mr. Pitt, in 1784, and set forth in his celebrated India bill.

According to that plan, the home government of India was composed of a court of proprietors, who elected the directors, made dividends, and sanctioned all money grants beyond six

hundred pounds, and all parliamentary proceedings affecting the company. They could not, however, interfere with the court of directors, when supported by the board of control. The court of directors nominated the governors of the presidencies, and recalled them or any other servant of the company. They also conducted the commercial business of the company, and under the supervision of the board of control, directed the political government of India.

The executive government abroad was administered at Bengal, Madras and Bombay, the three presidencies. The governor general resided at Bengal, and, aided by three councillors, directed the government, both legislative and executive, of that presidency; as the other governors did in their respective presidencies. He had, moreover, a controlling power over the governors at Madras and Bombay.

There were two systems of judicature, concurrent and sometimes conflicting; the courts under the company and those under the king, the latter exercising jurisdiction over Europeans and residents near the presidencies. In the company's courts there is no trial by jury. There are three grades of European and two of native judges.

There was also a power exercised by the authorities in India,—that of ordering any person to leave the country without trial, which rendered the government entirely arbitrary, although this power was rarely exer-

cised. Natives were excluded from all but subordinate stations in every department of the government, and great jealousy was also manifested by the direction in regard to Europeans coming into its territories. Trade with this fertile part of the world was confined to the vessels and servants of the company, and even the trade to China was included in the monopoly. The revenues of India were appropriated to swell their dividends; but with all this power and all its exclusive privileges, the company was constantly embarrassed and in need of the aid of government.

Much hostility existed in the public mind against the company, and as the termination of the charter approached, efforts were made to prevent a renewal of a monopoly, which was injurious to the true interests of all portions of the empire, or at all events to modify it, so as to render it more conformable to the interests of the nation.

Some negotiation had taken place at an early period of the session, between the company and the government, and on the 13th of June, Mr. Charles Grant brought the subject before the house of commons. According to the plan of the ministers, the Chinese trade is to be thrown open, the charter is to be renewed for twenty years, from April 30th, 1834, and the company is to transfer to the crown all its privileges, and property, in the territory of India. Its commercial privileges, are to be in a state of abeyance for a certain fixed

period. The proprietors are to make over all their property in this country and in India to the government; and in lieu of all this, they are to receive an annuity of a given amount, which annuity is to be charged upon the territory of India. It is calculated that the resources of India will be sufficient to supply this annuity, which it is proposed should be 630,000*l.* a year, being the amount of the dividends which the proprietors receive; and it is further proposed that this should be redeemable at the rate of 100*l.* for every 5*l.* 5*s.* of annuity. It is proposed that the guaranty fund shall amount to 2,000,000*l.* for securing the payment of the annuity, as well as for paying off finally the capital stock of the company; and that the annuity in question shall be paid for a term of forty years, at the close of which period it shall be at the option of parliament, giving three years' notice, to redeem it at the rate of 100*l.* for every 5*l.* 5*s.* of annuity. The East India company is to retain the political administration of India for a period of twenty years, at the end of which period it may, if deprived of the government of India, demand the payment of their capital; but if at that period it does not demand it, then the payment of the annuity, is to be continued for a term of forty years. The principal changes made in the frame of the internal government of the country consist in the institution of a fourth presidency for the upper western provinces, and in

the conferring upon the governor-general a more efficient control over the subordinate governments. Slavery is to be mitigated, and to be abolished, as soon as practicable, and no native, nor natural born subject of the crown, resident in India, shall by reason of colour, religion, descent or place of birth, be disabled from holding any place or employment under the company.

Certain restraints were also placed upon the power of the company's officers, and a control over them vested in the crown. This new plan for the government of India, after having been sanctioned by parliament, without a division, in the shape of resolutions, was again presented in bills, which after some discussion became laws, and materially modified the government of this important portion of the British empire.

The commercial restrictions which had been so much complained of, were relaxed, and salutary restraints were placed upon the power of the company, so as materially to benefit the inhabitants of India, and to protect the European residents from vexatious and oppressive regulations.

The question as to the renewal of the other great monopoly, the bank of England, first chartered in 1694, came before parliament at the same session.

After some negotiation with the directors, lord Althorp, on the 31st of May, submitted the ministerial plan for the renewal of the charter in eight resolu-

tons. The real question had been, however, previously decided upon a resolution introduced by Mr. Attwood, on the 22nd of April, proposing an inquiry into the monetary system of England. To this resolution, lord Althorp proposed an amendment, declaring that any alteration in the system which should alter the standard of value, would be inexpedient, and dangerous. After some discussion, the house divided, 139 in favour of the motion, and 331 against it. The house then adopted the amendment, 304 to 49.

This vote really decided the question as to the recharter of the bank, and although the resolutions occasioned some discussion, yet they were carried by large majorities, and a bill rechartering the bank was accordingly introduced, and became a law. By this law the bank was to enjoy the exclusive privilege of issuing notes payable in London, or within 65 miles thereof.

The only one of the exclusive privileges of the bank, of which it was proposed to deprive it, was that by which country banks were prohibited from drawing bills on London for any sum less than 50*l*. No opposition was made to the removal of this restriction; and accordingly it is now provided, that banks beyond the limit of sixty-five miles may make and issue bills and notes, payable on demand or otherwise, by an agent or agents in London, as well as at any other place, for any sum for

which such notes may be issued; that is for any sum not under 5*l*. But the notes must not be re-issued in London, or within the circle of sixty-five miles.

There was, however, another supposed privilege of the Bank, which is declared in the present bill to be one which it neither shall possess for the future, nor ever did possess. It was generally understood that no banking company, having more than six partners, except the bank of England, could do business in London, or within sixty-five miles of it, even as a bank of deposit. The law advisers of the crown, however, after considering the point, came to the conclusion, that this common notion was quite unfounded. A clause was accordingly introduced into the bill, and passed as part of it, expressly authorizing the establishment of banks of deposit, with any number of partners, in the metropolis and its vicinity, as well as in any other part of the kingdom.

Such being the privileges which the bank is to enjoy, the following are the other stipulations of the new agreement. The sum formerly paid to the bank for the management of the public debt is above 250,000*l*. a year, of which 180,000*l*. is admitted to be profit. But hereafter the bank is to receive only 120,000*l*. The debt, also, due by government to the bank being about 14,500,000*l*., on which is paid interest at the rate of three per cent., one fourth part of that sum is to be repaid. The repayment is to take place

in October, 1834, and the money is to be divided among the bank proprietors, at the rate of 25*l.* for every 100*l.* of stock which each may hold. Bank paper is to be made a legal tender for all sums above 5*l.*, except by the bank itself or its branches. This regulation is to be in force "from and after the first day of August, 1834, unless and until parliament shall otherwise direct." There is to be in future a periodical publication of the accounts of the bank. A statement of the amount of the assets belonging to the company, and also of the notes which they have in circulation, is to be transmitted weekly to the chancellor of the exchequer; and from these weekly reports, an average state of the accounts for the preceding three months is to be published every month in the *London Gazette*. All bills for not more than three months are to be exempted from the operation of the usury laws, or, in other words, may be drawn so as to bear any rate of interest the parties may agree upon. This enactment may be expected greatly to facilitate all mercantile transactions in seasons when money is scarce; and it is, besides, valuable as the first relaxation of a principle which has been till now, vigorously maintained in opposition to the clearest rights of commerce.

Some other important laws were brought forward by the ministry, reforming existing abuses; but the most important enactments, were those regulating the labour of children in

factories, and allowing depositors in saving banks, to purchase government annuities.

By the first of these, children under nine years of age are not to be employed in the factories, those under thirteen, are to work not more than nine hours, and those under eighteen not more than twelve hours in the day, and not at all in the night. By the other act, parochial societies are authorized, the rector or resident justice of the peace, being one of the trustees for receiving deposits for the purchase of government annuities. The purchaser, if he live to the time when the annuity is to commence, will be entitled to receive an annuity equivalent to the value of all his payments, with compound interest; if he be unable to continue his yearly instalments, he may have his money back; or if he die before the commencement of the annuity, his family can obtain repayment of the sums paid.

Besides these measures, which looked directly to the improvement of the condition of the labouring classes, and to the relaxation of the monopolies created by the tory party, during its long continuance in power; the ministry also had contributed materially, to reduce the taxation under which the British nation had so long groaned. The reduction was estimated at about 1,545,000*l.*, which added to 1,709,000*l.*, repealed in 1831-2, would make a total repeal of taxes in three years, of 3,254,000*l.*

Notwithstanding this reduc-

tion, there was still a surplus of receipt over expenditure of 1,513,000*l.* This would be reduced by the interest on the West India compensation money, so as to permit a repeal of the house tax in 1834, and the landed interest was promised further relief by a commutation of tithes and a reform of the poor laws.

Another subject of first rate importance was brought forward during this session, but with no immediate effect, in relation to a system of national education. A resolution, pledging the house to take up this subject early in the next session, was moved by Mr. Roebuck, on the 30th of July, in a speech of great ability. The motion gave rise to a short debate, and was eventually withdrawn, members in general appearing to feel that it would be better to defer entering upon the consideration of the question, until it could be brought forward in a more definite shape. A beginning in this work was made in the course of the session by the government, in moving (on the 16th of August) for a grant of 20,000*l.* "to be issued in aid of private subscriptions for the erection of school-houses for the education of the children of the poorer classes."

One of the debates of the session which excited considera-

ble interest, was that which took place on the 15th of August, on Mr. Buckingham's motion against impressment. Having been met by the chancellor of the exchequer with the previous question, it was only lost by a majority of 59 to 54. On the second of April, also, Mr. Hume very nearly carried a motion against flogging in the army, except for the offences of mutiny, or of being drunk when on guard, or of theft; the numbers were, 140 in its favour, and 151 against it. An order was some time after issued from the horse-guards, prohibiting this punishment, except for certain specified descriptions of misconduct.

These improvements in the condition of the kingdom, and striking reforms in the public policy and legislation, contributed to restore quiet and tranquillity to the nation. With the exception of a tumult in Cold Bath Fields on the thirteenth of May, occasioned by an attempt on the part of the police to disperse a public meeting of the political unions, England has seldom enjoyed greater tranquillity than in the year 1833.

The people were contented with the government; and the reform of the political abuses of which they complained, seemed to be carried on with vigour, tempered with prudence.

CHAPTER X.

CONTINENTAL EUROPE.

FRANCE.—*Policy of Louis Phillippe.—Return of French Army from Belgium.—Meeting of Chambers in 1833.—Duchess of Berri.—Prorogation of Chambers.—Second Session of Chambers.—Common School System.—American Indemnity.*

PORTUGAL.—*Parties in Peninsula.—Siege of Oporto.—Algarves invaded. Don Miguel's Fleet captured.—Lisbon taken.—Donna Maria proclaimed.—Measures of Don Pedro.*

SPAIN.—*Salic Law abolished.—Disatisfaction of Don Carlos.—Illness of Ferdinand.—Salic Law re-established.—Again abolished.—Death of Ferdinand.—Donna Maria Isabella proclaimed.—Rebellious movements of Carlists.—Liberal Policy of Regency.*

TURKEY.—*War between the Pashas of Egypt and Syria.—Capture of Acre.—Rebellion of Pasha of Egypt.—War between him and the Porte.—Defeat of Grand Vizier.—Interference of Russia.—Peace and Annexation of Syria and Palestine to Egypt.—Treaty of Constantinople.*

GREECE.—*Arrival of Otho.—Greek Ministry.—Courts of Justice established.—Departure of French Troops.—Greek Church declared independent.—State of Commerce.—Conspiracy suppressed.*

FRANCE.

SINCE the death of Casimir Périér, in 1832, the policy pursued by Louis Phillippe has been essentially that which was laid down by this wise and energetic minister. Its principle is avoidance of extremes. While the bigoted royalists have been

striving to restore the ancient regime, and the republicans have been equally earnest to carry out the principle of the revolution of July—the government has been acting upon what is called the *juste milieu*, and has, with great success, prevent-

and the vessel of state from being driven too widely from her true course.

In spite of the union of the Carlists and the Republicans, the government has maintained its power—and if any conclusion can be drawn from the late history of France, it is that neither of the extreme parties have much strength in that country.

The partisans of both royalism and republicanism have been active and unscrupulous,—they have shown both talent and ardour, and yet all their attempts, from the hide-and-go-seek warfare of the Duchess of Berri, in La Vendée, to the popular outbreaks in Lyons and Paris, have only resulted in imparting new strength to the government,

In Paris, the national guards, composed of the middle classes, turned out with spirit in defence of the government, and did not retire from the contest with the armed insurgents, until they had driven them from the streets to their hiding places in the suburbs.

The year 1833 began in tranquillity at home and abroad. The troops that had aided in restoring peace to Belgium, having compelled the citadel at Antwerp to surrender, returned by easy marches to France, and were met by the King at Mons, where he rewarded the deserving with the cross of the legion of honour, and congratulated the army upon its success.

The king returned to Paris the 19th of January. The chambers were then in session, having been re-opened the 19th of

November, and the nominee of the ministers, M. Dupin, elected president of the deputies, over his competitor Lafitte, by a majority of 234 to 136.

The only extreme which the chamber now contained was the extreme left. Of this the above minority was composed. The monarchical party, which had formerly constituted the extreme right, was all but annihilated in this branch of the legislature. M. Berryer was almost its only representative. The centre, however, still continued to be divided into two sections—the right and the left centre, the former of which, alone properly constituted the party of the ministers, although they generally also received the support of the latter, whose chief was M. Dupin. In this new state of things, a new nomenclature of parties came to be adopted; and the Dupinists were designated as the *tiers parti*, or third party, the other two being the regular ministerialists, and the regular opposition.

The *tiers parti*, from its position, necessarily possessed great power, the vote, in fact, depending entirely upon which of the other two parties it chose to join. It generally sided with the ministry; but on one occasion, in the beginning of March, it gave a remarkable demonstration of its importance as one of the regulating forces of the political machine. Having suddenly thrown its weight on a particular vote into the scale of the opposition, it very nearly overset the government, and might have

done so entirely, if it had chosen to abide by its new alliance. But although strong enough to break up the existing cabinet, M. Dupin and his friends well knew, that they could not form another that would stand, composed of members of their own body.

On the 22d of February, the Duchess de Berri, who had been figuring the preceding year as a political incendiary, put an end to the apprehensions of the government, and the hopes of her partisans as to any disturbances, through her agency, by a declaration, that "pressed by circumstances," she felt bound to declare that she had been secretly married during her sojourn in Italy. This confession was soon followed, May 10, by the birth of a daughter, who was declared to be the child of count Hector Luchesi Pelli, a person in the service of her brother, the king of Naples. This unfortunate termination of her romantic attempt to emulate the adventures of the celebrated chevalier Charles Edward, threw no small ridicule upon the cause of the Carlists. They affected to disbelieve the whole story, but the voice of truth and ridicule was too strong for their loyal scepticism, and they were fain to compromise by avoiding all allusion to her name. The part she had acted, although destructive to her cause, still brought her the personal advantage of a restoration to freedom. About a month after her confinement, the royal wanton was released from her prison, and was transported with her daughter to Palermo, being considered

no longer dangerous as a political incendiary.

Meanwhile, on the 25th of April, the session of the legislative chambers had been brought to a close by a prorogation, by which, however, they were appointed to meet again, to commence a new session the next day. The object of this proceeding was to enable the budget for each year to be voted in future during the current year, or rather as near its commencement as possible, instead of, as heretofore, not till after its close. The supplies for 1832, for instance, had not been voted till the spring of 1833, after the expenses they were to meet had all been actually incurred; and what ready money the government required, had been granted in the meantime by what were called *douzièmes provisoires*, or votes of provisional credit. The chamber, however, was prohibited by law from voting more than one budget in the same session; and hence the necessity of commencing a new session before the budget of 1833 could be presented,

A bill was brought forward at this session, (April 6,) for the fulfilment of the treaty of indemnity between the United States and France. Its passage, however, was not urged upon the chambers, and after the minister of finance had explained the grounds of the treaty, the bill was suffered to remain on the table until the end of the session.

The second session commenced the 26th of April, and

continued till the 26th of June. At this session an act was passed, by which a system of national education was established throughout France. This measure had been introduced on the 2nd of January, by M. Goizot, in a speech of remarkable ability, and abounding with profound and enlightened views. The law establishes three descriptions of schools; elementary schools, of which every commune or parish is bound to maintain one, except when two or more small communes join to maintain the same school; middle schools, for the higher branches of education, of which there is to be one in every departmental town, and in every parish having more than 6000 inhabitants; and normal schools, for the training of teachers, of which there is also to be one for each department. The elementary education, which is to be given to every person born in the country, is to consist of reading, writing, French grammar, and arithmetic, together with moral and religious instruction. The masters in all these schools are

to have small salaries, paid by the parish or department; but are to derive the chief part of their emoluments from fees. Each parish school is to be under the immediate management of a communal committee, of which the *curé* of the parish is to be *ex officio* a member, and which is also to contain one minister of each of the other religious persuasions that may exist in the commune. The whole system is placed under the direction of the member of the cabinet known in France as the minister of public instruction. The plan is borrowed from that which has been for some years in operation in Prussia, to which country M. Cousin was some time ago sent by the government to examine and report on it.

The indemnity bill was again neglected, and although General Lafayette urged upon the chambers the necessity of disposing of this irritating subject, the session was suffered to expire without making any appropriation to comply with the express provisions of the treaty.

PORTUGAL.

EUROPE now seems to be divided into two portions, occupied by distinct parties, which are actuated by antagonist principles:

The northern powers, controlled by the policy of Russia, Austria, and Prussia, on the principle of arbitrary power; and the southern powers, influenced by the views of England, and France, on the principal of

constitutional government. Not that the lines of demarcation are clearly drawn, or that these parties are strictly confined to their respective districts. On the contrary, the liberals are making much progress in Germany, and even in Poland they chafe under a galling chain; while in the peninsula a severe, and not unequal contest, is raging between the adherents of an abso-

lute government, and the friends of constitutional monarchy.

The commencement of the year 1833, found the rival brothers, Don Pedro and Don Miguel, engaged in an arduous contest for the throne of Portugal: Don Pedro contending for the right of his daughter, Donna Maria, the legitimate representative, aided by English treasure, and volunteers from France and England; and Don Miguel maintaining his right as possessor of the crown, with the consent, and ardent support of all the Catholic subjects of Portugal. By the superiority of his force, Don Miguel was enabled to drive his brother and his army within the town of Oporto, where he was besieged from the early part of the summer, until the beginning of 1833, when he placed general Solignac, a French officer of distinguished ability, at the head of "the liberating army," still closely shut up in Oporto.

In April there were about 14,000 troops within the walls of the town, beleagured by about 20,000 men under the command of marshal Bourmont. The siege was conducted without much vigour, chiefly by means of attacks, which were always repelled, and bombardments without effect.

At length, Solignac, who did not agree with the advisers of Don Pedro, resigned, and returned to France, and Sartorius at the same time, retired from the command of the fleet.

General Saldanha was then appointed commander of the land, and captain Charles Napier, a

British naval officer of the naval forces. It was now determined to act upon the offensive. On the 21st of June, accordingly, admiral Napier took on board his ships at Oporto a force of 3,500 men, under the command of the brave count Villa Flor and the marquis of Palmella. On the 24th the expedition appeared before Villa Real, in the Algarves, where a garrison of 1200 Miguelites were presently dislodged by the fire from the ships. The Pedroite troops were then landed, and in the course of the day were joined by 800 Portuguese, who declared for Donna Maria. As soon as these successes were known in the interior, all the adjacent towns sent deputations to proclaim their adhesion to the young queen. The troops of Donna Maria were then divided into two columns, and marched through the ancient kingdom of the Algarves, without resistance. Admiral Napier sailed along the coast with his squadron, consisting of one ship of the line, two frigates, 2 corvettes, 1 brig, and five steamboats.

On the 3d of July, he fell in with the fleet of Don Miguel, much superior in force to his own, consisting of two ships of the line, two frigates, one corvette, and three brigs. With great gallantry, he at once determined to attack them, and although the steam-boats, which were hired as transports, refused to co-operate, yet aided by a favourable breeze, he bore down on them, and aided by his son, Captain Napier, who commanded a frigate, carried one of the

seventy-fours by boarding. This gallant action intimidated the enemy, and the rest of the squadron, except the brigs, was easily taken.

This victory was followed by the most important consequences. The army under Count Villa Flor moved upon Lisbon, and after defeating Telles Jordao, who sallied out to meet him, he entered the capital without further resistance, amidst the congratulations of the constitutional party. The prisons were opened, and 5000 men, confined for political offences, were released.

A national guard was formed, and Donna Maria proclaimed. In the mean time, Marshal Bourmont was making desperate efforts to take Oporto by storm. Having been twice repulsed, he raised the siege on the 9th of August, and marched towards Lisbon, to attack that city. On the 5th, 9th, and 14th of September, he made persevering and spirited assaults upon the capital, in one of which they penetrated to the palace of Adjuda. Finding, however, that Lisbon could not be taken, and that Don Pedro's cause was daily growing stronger, he left Don Miguel's service, together with the other French officers.

The young queen, Donna Maria, who with her mother, the duchess of Braganza, had been for some time residing in Paris, from whence they proceeded together on a short visit to the English court—arrived at Lisbon from Plymouth on the 22d of September. That city,

however, was not yet free from the horrors of war, and scenes of bloodshed were among the first she was to witness in her dominions. On the 10th of October, when the Miguelites had finished some redoubts before Lisbon, and were on the point of planting some formidable batteries against that city, a sally was made by four strong columns, which drove them from their positions. They rallied the next day; but were again repulsed with loss. They then retreated on Santarem, followed by the Pedroites.

This post, which is strongly situated on a lofty hill, within two days' march of Lisbon, they retained in their possession at the close of the year, and no further military movements of importance were made by either party.

Don Pedro, in the mean time, acting as regent, proceeded to the confiscation of church property, where hostility had been shown to the cause of his daughter. A court of ecclesiastical reform was instituted, composed entirely of churchmen, which decreed the abolition of two large monasteries, awarding their sacramental plate to poor parishes; their books, to public libraries; their furniture to the use of the government, and the remainder of their possessions to be applied by the government to religious purposes.

The contest still continued at the end of the year 1833, and we must postpone an account of its termination to another volume.

SPAIN.

While this fraternal strife was raging in Portugal, the elements of a similar contest between the royal brothers of Spain, were gathering in the adjoining kingdom.

When Ferdinand became the father of a daughter, in 1830, influenced by the natural desire that his children should succeed him, he issued a decree abolishing the salic law, by which females were prohibited from ascending the throne. This law was not, as in France, an ancient law of royal succession, but was first introduced into the Spanish monarchy by Philip V., who, in 1714, abrogated the law of succession, which had been until then observed in Spain, and established that of France.

This law, although an innovation, has, until the present time, not been called into action, as the regular succession has been through the male members of the royal family.

The decree of Philip V. has by many been deemed a fundamental law of succession, and as Don Carlos had always counted that the crown would as a matter of course devolve upon him, he was incensed by this decree of his brother, and looked about for allies to enable him to enforce his pretensions upon the death of Ferdinand. These allies he very naturally found among the friends of hereditary right, and the old absolute monarchy. He in this manner, as well as from his known disposition, became identified with that party, which

on its part relied on him for carrying out its favourite system of government. This party being thus secured in favour of Don Carlos, it became incumbent on the king to secure the good will of the moderates, and, if possible, that of the democrats, who might rally round the widow queen and the young infanta Donna Maria Isabella. This was to make, at once, any contention that might take place not a war of succession, but a war of political principle. To forward his views for the succession of his child, Ferdinand, as much as his disposition and habits would permit, adopted a milder plan of government. He also, on the 15th of October, 1832, eight months after the birth of his second daughter, granted an amnesty in favour of all individuals exiled or otherwise punished or pursued for political offences, excepting only such individuals as had voted in cortes the entire subversion of the throne, or had been at the head of armed bodies against him. A few days after this, being obliged, by his infirmities, to renounce for a while the cares of government, he appointed the young queen regent. A complete change was instantly made in the ministry, and a still more liberal course of politics adopted. Meanwhile, the party of Don Carlos contrived several underplots, and even procured from the king a counter decree, annulling that published in 1830, which abolished the salic law, and excluded his brother from

the throne. Ferdinand, however, having partially renewed his health, on the 31st of December, 1832, put forth an autograph declaration, importing that this last decree in favour of Don Carlos, had been *extorted* from him during his illness; that he hereby annulled it, and confirmed the decree of 1830, which regulated the new order of succession in favour of his daughter.

On the fourth of January, 1833, Ferdinand resumed the reins of government. Her majesty, however, continued to be associated with the king in the exercise of sovereign authority. A few days previously to Ferdinand's re-appearance on the theatre of government, 1500 absolutists made an unsuccessful attempt to get possession of the city of Toledo.

These proceedings induced Ferdinand to promulgate two documents—one ordering his subjects to take a general oath of allegiance to his elder daughter, and the other summoning the cortes to meet on the 20th of June. Don Carlos, who had retired with his family into Portugal in the middle of March, published on the 29th of April a declaration, stating, that with the conviction in which he remained, that he was the legitimate successor to the throne of Spain, in case the king should die without heirs male, neither his conscience nor his honour permitted him to take the oath of allegiance to the young princess.

To this declaration Ferdinand, on the 7th of May, replied, that

important political reasons, law, and even the repose of the infant Don Carlos himself, interdicted his return into Spain. He was, therefore, authorized to repair with his family to Rome, or any part of the Papal states. The king also insisted that no foreign power had a right to interfere in the internal administration of Spain, or to take any notice of the protest of Carlos. Eleven days after this reply, another protest was made by the reigning king of the two Sicilies, against Ferdinand's alteration of the order of succession.

In spite, however, of protests and declarations, the deputies of the provinces and cities of the kingdom of Spain, met on the 20th of June, and in the church of Saint Jerome, at Madrid, swore, with all due formality, to be faithful to the Infanta Donna Maria Isabella Louisa, princess of Austrias, as lawful heiress of the crown.

About three months after this, Ferdinand VII. expired, confirming by his last will his decree of 1830, and appointing the dowager queen, regent during the minority of his daughter. Having assured herself of the fidelity of the troops at Madrid, the king's death was announced, and the young queen and the regency were proclaimed.

Though her authority was recognised and maintained at Madrid, Carlist movements immediately took place in various parts of the kingdom. The great strength of this party proved to be in Navarre and

the Biscayan provinces. The Marquis de Valdespina, a man well known for his bigotry and devotion to the pretender, entered Bilbao, at the head of a considerable body of the priesthood and peasantry, and, after massacring many of the inhabitants, proclaimed Don Carlos as king. Pampeluna showed a disposition to rise, but was kept quiet by the presence of a strong body of troops. Vittoria declared for absolutism, and expelled the liberal portion of its citizens.

On the other hand, the liberals enthusiastically declared their adhesion to the young queen, in Tolosa, St. Sebastian and Barcelona. Saarsfield, the commander of the army of observation on the Portuguese frontier, Amarilles, captain general of Andalusia, and Murrillo, captain general of Gallacia, gave assurances of their fidelity, and it was understood that general Molitor, at the head of the French army of observation 50,000 strong, would cross the Pyrenees if any aid should be given to Don Carlos from Portugal.

After some delay in making the necessary preparations, movements were made to dispossess the Carlists of their strong posts, and orders were given to disarm the royal volunteers in places known to be disaffected. This was attended with some bloodshed, but at the end of the year the Carlist rebellion, if not suppressed, was at least at a stand. Strong symptoms of discontent were still occasionally manifested, and it

was not difficult to perceive that bigotry and ignorance were still too prevalent among the people to permit the easy and peaceful establishment of a constitutional government. In the mean time the government sought to improve the condition of the nation by promulgating several very important laws.

One of the most crying evils under the old order of things, was an all-pervading system of privileges and monopolies, which entirely checked freedom of trade. On the 22nd of October, the Madrid Gazette contained a decree which revoked the privileges of the royal manufactory of cut-glass. This was hailed as a forerunner of more important things; the preamble to the decree setting forth that it was the anxious wish of government to relieve the national industry from the shackles which had been put upon it. At the same time, a determination was intimated to attend immediately to the means of internal communication.

A decree was also issued, on the 24th of October, granting an annuity to the exiled liberals; prescribing a system for the internal government of Spain, similar to that of France, appointing two commissioners for regulating the corn trade, and defining the duties of the police. Again, on the 30th of October, the Madrid Gazette contained two others, appointing two commissions to remedy evils. One of these commissions was to revise the absurd old laws which prevent Spaniards from remov-

ing their establishments from one city or town to another. The other commission was to remodel the laws respecting the post office, the censorship of the press, and public education.

These indications of the liberal views of the new govern-

ment promise much for the future, and lead us to expect that a few years will witness the entire regeneration of a nation whose great natural advantages and noble qualities seem to have been hitherto bestowed in vain.

TURKEY.

WHILE the policy of England and France was thus triumphant in the south of Europe, the giant power of the north was making rapid strides in consolidating her power on her Asiatic frontier. The treaty of Adrianople had, in effect, placed her ancient Ottoman enemy in the power of Russia, and had given to the Czar a right of interference, which it was easy to foresee, would soon render Turkey merely a dependent province of that vast empire.

The "untoward event" of Navarino had afforded but little inducement to the "ancient ally of England" to apply in time of trouble for aid, either to that power or France; and it was obvious that the time had passed, when a diplomatic mission could rouse the Turks to arms against the infidels of the north. Indeed, the events of the year proved that the existence of Turkey as a separate power, depended upon the protection of her recently most dangerous enemy.

A quarrel which broke out in 1831, between Mehemet Ali, pacha of Egypt, and Abdallah, pacha of Acre, terminated in 1832, May 27, by the capture of the latter, after enduring a siege

at Acre for six months. As this war was undertaken by Mehemet without the permission of the Porte, such an act of insubordination outweighed his services in the war with Greece, and the sultan espoused the cause of Abdallah, and strongly reprobated the conduct of his conqueror.

This course determined Mehemet, who saw that there was no safety in submission, to act upon the offensive, and he accordingly sent his army under Ibrahim, into Syria, which was occupied almost without resistance.

Negotiations were then opened for an adjustment of the difficulty between the Porte and his ancient "vassal," but the terms demanded by the latter, i. e. the annexation of Palestine and Syria to Egypt, thus uniting under his sway a territory equal to the dominions of the Fatimite caliphs, were too hard for Mahmoud, and he preferred to abide the event of the war.

This was soon brought to a conclusion. The strong post of Koniah, (the ancient Iconium,) where the Turkish army awaited the Egyptians, was relinquished in consequence of the hostile disposition of its inhabitants, and

Reschid Pacha, the grand vizier, retreated to Acksheber, abandoning a great part of his ammunition and baggage. Here, near the defile of Mount Taurus, on the 21st of December, 1832, a sanguinary engagement took place, which ended in the total defeat of the grand vizier, who was taken prisoner by the Egyptians. This victory laid at the feet of the conqueror the whole of Asia Minor, where there no longer remained any means of defence, and where the mass of population was indifferent to the contest, or prepossessed in favour of Ibrahim Pacha. Smyrna, which is perhaps, in importance, the second city in the Ottoman empire, and Magnesia, a very considerable city, submitted at the summons of an Egyptian officer accompanied by a handful of men. Meanwhile, Ibrahim marched forward to Kutaiah, within a few leagues of the Bosphorus, whence he threatened Constantinople itself. At this crisis Sultan Mahmoud took the extraordinary resolution of applying for immediate aid to the Emperor of Russia. This prayer was joyfully granted by the Russian court, which sent orders that an auxiliary naval and military force should be instantly prepared on the Black Sea.

On this being known, the other ambassadors preferred the mediation of their respective governments, and the sultan was induced to ask the aid of Austria, England and France in conjunction with Russia.

A communication was made

to Ibrahim Pacha, and he concluded an armistice, on condition that the sultan should revoke the ex-communication pronounced against him and his father—that Syria and Palestine should be annexed to Egypt, and an indemnity paid by the Porte for the expenses of the war. In the mean time, Feb. 20th, the Russian fleet anchored in the Bosphorus; on the 16th of March, a large body of Russian troops crossed the Pruth, and on the fifth of April, a second Russian squadron with five thousand soldiers on board joined the fleet in the Bosphorus.

The negotiation had hitherto been protracted by the indecision of the sultan, now looking for aid to Russia, and then again seeking a peace through the mediation of France and the other powers; now agreeing to such reasonable terms as his mediators should arrange, and now refusing to cede the districts of Tarsus and Adana, both of which Ibrahim insisted on as preliminaries to the withdrawal of his army.

Before the arrival of the Russian reinforcements, the sultan had agreed to purchase peace by the cession of these places to Egypt.

Despatches to this effect had reached both Mehemet Ali and Ibrahim, and the pacha and his successful general equally believed that peace was secured. Elated by the presence of his auxiliaries, the wavering Mahmoud changed his purpose once more, and disavowed the proposals for giving up Adana.

The arrival of a third Russian armament for a while confirmed him in his last resolution, and the aspect of things seemed to indicate that the Emperor of Russia was to settle the affairs of the East in his own way, and with his own bayonets. But again the sultan wavered.

The united voices of the European ministers warned him not to trust to his new ally, and on the 4th of May, he consented to the cession of all the territories demanded by the Pacha of Egypt.

A firman of peace and reconciliation was published on the 6th of May; and, on the 24th, Ibrahim Pacha began to withdraw his troops from Asia Minor. From the results of this war, Mehemet Ali has become incomparably a more powerful monarch than Sultan Mahmoud. He is now left in undisputed possession of Egypt, the fine island of Candia, the Holy Land, and all the country of the Levant, from the confines of Asia Minor to the mouths of the Nile. In some of the districts—and particularly in that of Adana, which was so long the stumbling-block in the path of negotiation—he has made himself sure of an invaluable supply of forest-timber, fit for the purposes of his growing navy.

Mehemet Ali has also shown a disposition for the immediate improvement of these territories, having employed several foreign engineers, to survey the coasts and the interior of the country, with a view of facilitating communication by roads and canals,

for the purposes of commerce. At the same time, he has begun to strengthen the important passes of Mount Taurus with a succession of forts.

Other important results grew out of this war. On the 8th of July, and six days after the Russian troops began their march homeward, a perpetual treaty of alliance, offensive and defensive, was concluded between Russia and Turkey. By this treaty, Russia engages to furnish such forces by sea and land, as Turkey may require, and Turkey pledges herself to close the Dardanelles against the entrance of any foreign vessel upon the requisition of Russia.

The Czar now holding possession of Wallachia and Moldavia, styling himself the "protector" of the Servian subjects of Turkey, and claiming by treaty a right to close the Dardanelles, and to protect Turkey from all foreign aggression, needs but one step more to unite the shores of the Baltic and the Black Sea under one government in form as they are in reality. The sultan is now but a humble vassal of Russia; while, on the other hand, there is good reason to believe that the Pacha of Egypt, in strengthening himself by his late accession of territory, has been merely the instrument of the other powers in opposition to the ambitious designs of Russia.

They saw that Turkey must fall into the Russian empire, and their policy led them to aid in apportioning to the powerful Pacha of Egypt, as many of the provinces of Asia Minor, as

would form an obstacle to the further progress of Russia towards India.

The manner in which Mahmoud lent himself to the views of Russia, although he had no alternative, excited the indignation of the Turks. Immediately after the departure of the Russian forces, July 11th, a conspiracy against him was formed, but discovered. Early in August, threatening notices were posted up in various parts

of Constantinople. On August 30th, about one o'clock in the afternoon, it became evident that these threats had been carried into execution. In the course of that day, and the following night, about one fourth of the city was consumed. At the same time, great discontents prevailed in the Asiatic provinces; and in the European, the Bosniaks and a portion of the Albanians seemed again disposed for insurrection.

GREECE.

THE close of 1832 found Otho of Bavaria, the elected monarch of Greece, on his passage from Munich to Napoli. He arrived at this place on the 31st of January, and was received with great apparent joy. A Greek ministry was formed. The well known Tricoupi was its president, and at the same time minister of foreign affairs, and of commerce. Rizo, a man of considerable literary attainments, had the direction of religion and public instruction; one of the Mavrocordatos was charged with the finances: and the other departments were allotted to Greeks of fair reputation.

The first important step taken by the government of Otho, was to establish three courts of justice; one at Napoli di Romania, the second at Missolonghi, and the third at Thebes; each of these tribunals had a Greek president. The authority of the state was supported by a body of German soldiers, and by the troops of some of the *Capitani*.

The aspect of affairs was, for some months, flatteringly tranquil, and at the beginning of August, the residue of the French forces, who alone had preserved the country from a state of anarchy, during the period which elapsed between the assassination of Count Capo d'Istria, and the arrival of Otho, embarked and sailed for France. This step is said to have been in pursuance of a tripartite treaty between England, France, and Russia. Previously to this, the new regency and ministry had decided on the important measure, that the church government of free Greece should be entirely separated from that of the Greek church in the sultan's dominions, and rendered independent of the patriarch who resides at Constantinople. The kingdom of Greece was to have a separate head of its own church, as is the case with her co-religionist, Russia. Meanwhile, with the return of tranquillity, commerce had revived; and the revenue

derived from the customs had, in several of the ports, increased nearly three-fold.

In the midst of these promising circumstances, a formidable conspiracy was discovered in the month of October. At the head of this conspiracy was Colocotroni. Fifteen other individuals, among whom, it is said, was one of the three deputies who went to Munich to invite Otho to Greece, were implicated. The plot was fortunately discovered. The conspirators were arrested, and secured in the citadel of Napoli di Romania, where, from their own depositions, Colocotroni and Violiopolis

were convicted of high treason. Other turbulent Capitani and intriguing primates in the Morea were suspected ; but throughout the country the people remained perfectly quiet, making no attempt to release or assist their chiefs. The young king, almost immediately after, set out on a tour through his dominions, to give his subjects a proof of his confidence in them. About the same time, the regency decreed the opening of roads in several parts of the kingdom, which has been for many centuries lamentably deficient in such means of communication.

LOCAL HISTORY

AND

DOMESTIC OCCURRENCES,

FOR THE YEARS 1832—33.

DOMESTIC OCCURRENCES.

M A I N E.

BANKS—An abstract of the returns made in June, 1833, by twenty-three of the incorporated banks in this state, has been published. The other seven, being new banks, made no returns.

Capital stock, - - - -	\$2,440,000 00
Bills in circulation, - - -	1,158,350 00
Net profits on hand, - - -	60,869 21
Balances due other banks, -	117,588 47
Cash deposited—on interest, and not on interest,	550,895 39
<i>Total amount due from the banks, - - - -</i>	<i>4,327,703 07</i>
Specie in banking houses,	137,036 19
Real estate, - - - - -	74,323 86
Bills of other banks in the state,	71,056 96
“ “ “ out of the state, - - - -	34,699 00
Balances due from other banks,	278,361 99
All debts due except balanc- es from other banks, -	3,732,583 68
<i>Total amount of resources of the banks, -</i>	<i>4,328,120 68</i>
Amounts of last dividends of the several banks, -	77,025 00
“ reserved profits at decla- ring last dividend,	25,651 37
“ Debts considered doubt- ful, - - - - -	19,975 93

ELECTIONS.—*For Governor.*

Smith (administration) - - -	31,148
Goodenow (opposition) - - -	27,356
Scattering about - - - - -	1000

Jan. 1833. Ether Shepley was elected Senator.

In Senate, Shepley 14, Greenleaf 10.
House, do. 109, do. 60
Scattering, 7.

Feb. 17. The snow at Hallowel, was stated to be seven feet deep.

COMMON SCHOOLS.—The number of scholars attending these schools in Maine, is estimated at 140,000. The schools kept by the male teachers are open about eight weeks in the year, those kept by the female teachers about ten weeks.

TAXATION.—By a return made to the secretary of state, the following results, were exhibited for 1833.

Salaries paid to clergy, - - -	\$75,041
Town charge for paupers, - - -	74,601
Taxes paid for education, - - -	106,000
Town taxes, - - - - -	932,737
County taxes, - - - - -	56,993
State tax, including militia, - -	182,275
Roads and bridges, - - - - -	522,113

1833. The legislature of this state assembled at Augusta, January 2. The message of the governor was communicated to the legislature on the 4th. Governor Smith speaks with much severity of the doctrine of nullification, and with high approbation of the proclamation of the president.

The amount received for the sale of the public lands during 1832, was

\$99,199 for 124,154 acres, being an average of about eighty cents per acre. The amount paid for the state prison, was \$18,700, and the receipts arising from the labour of the convicts, \$18,000; but owing to the superior value of the stock on hand over that of the preceding year, the balance in favour of the institution is \$1800. The number of convicts is smaller by five, than at the beginning of last year. During the past year, the receipts into the treasury of the state were \$146,033 26, exclusive of the securities taken for the public lands sold; and the expenditures, including \$25,000 paid on account of the state debt, \$140,402 54. The present amount of the debt is \$43,000.

The number of militia is stated to be 40,006.

The joint committee to whom was referred the message of the governor, upon the South Carolina address and resolutions, reported that although a majority of the people of Maine have always condemned the policy of high duties, they do not justify the course menaced by South Carolina. The report was accompanied with four resolutions.

The first resolution declares, that the legislature is not insensible to the wrongs of that state, and is ready to unite with her in any peaceable and lawful measure to redress them; but that it regards nullification neither as a safe, peaceable, nor constitutional remedy, and therefore entreats the people of South-Carolina to pause in their precipitate career. By the second it is declared, that the tariff laws; so far as they were passed palpably and solely for the protection of particular branches of industry, are unequal in operation, and contrary to the true spirit and intent of the federal com-

pact. The third declares it to be due to a spirit of justice, to the demands of conciliation, to a decent respect for the opinions and interests of large portions of the community, that these laws should be "gradually but speedily abated," to the imposition of such duties only, as may be required for the purpose of a revenue sufficient to defray the ordinary expenses of the government, confined to its appropriate objects, and economically administered. The fourth resolution applauds the policy of general Jackson, and looks with confidence to him for the preservation of the Union. A counter report was presented by the minority of that committee, which enters at some length into a vindication of the constitutionality and expediency of the protecting system, and denies the reasons given in favour of its modification or abandonment at the present time.

The resolutions were afterwards taken up, and passed by both branches of the legislature.

NORTH-EAST BOUNDARY.—On the 1st of March, the governor communicated a message to the senate in reply to a request of the legislature, that he would transmit to that body the report of the commissioners in relation to the north-east boundary. He declined acceding to this request, on the ground, that the publication might prejudice the negotiation which has been instituted by the president with Great Britain, upon that subject; but assures the legislature that no final action upon it is contemplated until it shall have been submitted to their consideration.

Just before the adjournment of the legislature, the following resolutions were passed:

Resolved, That so much of the

resolve passed the third day of March, 1832, respecting the north-eastern boundary, as provides for the submission to the legislature, "for approval or rejection," of the agreement or treaty therein contemplated to be made by the commissioners therein mentioned, be, and the same is hereby repealed.

Resolved, That no arrangement, provisional agreement or treaty, already made, or that may hereafter be made, under, or in pursuance of, the resolve to which this is additional, shall have any binding force, effect, or operation, until the same shall have been submitted to the people of this state, in their primary assemblies, and approved by a majority of their votes.

LEGISLATION.—At the session of the legislature forty-three public acts were passed.

BANKS.—The cashier of each bank is required to make returns on the first Mondays in January and June in each year, and to transmit the same to the secretary of state.

It shall be the duty of the secretary of state, after receiving the returns of the several banks, to cause a true abstract of the returns to be printed, and transmit a copy to the cashier of each bank in the state.

From and after October 1, 1833, no bills of the denomination of five dollars, or over, impressed from Perkins' stereotype plate, shall be issued by any bank, unless they also bear upon the back of them the impress of the Perkins' stereotype check plate.

Besides the Perkins' stereotype bills, now allowed by law to be used, it shall be lawful for any bank to issue bills of such other plates of finer engravings, superior workmanship, and greater security against

counterfeits, as may from time to time be allowed and approved by the bank commissioners of the state.

BRIDGES.—The proprietors of bridges are authorized to prohibit any person from riding or driving any horse at a pace faster than a walk, over such bridges.

The selectmen of towns are also vested with authority to prohibit any person from riding or driving as aforesaid, over any bridge covered with plank for the length of fifty feet, such bridge being part of highway or townway.

Persons violating the provisions of this act to be liable to a penalty not exceeding five dollars.

COUNTY COMMISSIONERS.—An act giving remedies on judgments rendered by the courts of county commissioners, and prescribing the mode of levying executions against towns and plantations.

Whenever any highway shall be established by the commissioners, leading through any unincorporated tract of land, they are to decide whether such land will be enhanced in value by the road, and, after having divided the land into divisions, to assess upon each division which they shall deem to be enhanced in value, toward the expense of making and opening such road, such sum as, in their judgment, shall be proportionate to the value thereof, and to the benefits to be derived thereto, by the establishment of such road.

DEPOSITIONS.—This act contains further provisions in regard to the mode of taking depositions, empowering the justice to issue a *capias*, directing any proper officer to apprehend any deponent neglecting to appear in pursuance of a citation, and to bring him before the justice

at the time and place to which the taking of the deposition may be adjourned.

ELECTIONS.—Three acts were passed regulating elections, prescribing the mode by which the residents in unincorporated places may become entitled to vote in state elections, &c.

EXHIBITIONS, PUBLIC, &c.—If any person shall, for money, exhibit any living animal, or collection of animals, or exhibit any feats of balancing, wire dancing, personal agility, slight or dexterity, without having first obtained license therefor, in manner herein specified, he shall pay a fine for every such offence, not exceeding \$100, nor less than \$10.

FERRIES.—An act was passed to prevent obstructions to ferries.

INNOLDERS.—It is made the duty of the officers of towns, in their warrants for convening the inhabitants at their annual meetings, to insert an article, to see if the town will vote to authorize the licensing, by the proper officers, of persons to sell wine, rum, and other spirituous liquors, to be drunk in their stores or shops. If any person shall feel aggrieved at the doings of the officers of any towns, &c. in refusing or revoking a license for selling spirituous liquors, he may apply to the county commissioners, who are authorized to take cognizance of the subject. A duty of six dollars per year is be paid for each license.

INSPECTION LAWS.—Acts were passed to regulate the inspection of pork, fish, lime, and lime casks, &c.

LIBEL.—In every prosecution for writing and publishing any libel, it shall be lawful for any defendant to give in evidence, in his defence, the truth of the matter charged as libel-

lous; and the truth of such matter being established, the same shall be held a complete justification, unless it shall be made to appear that the matter charged as libellous originated from corrupt or malicious motives.

MILITIA.—No company, battalion, regiment, or brigade, shall be paraded, marched, or exercised, within fifty rods of the court-house of any county, whilst any judicial court shall be in session therein; and if the commanding officer of any company, &c. shall so parade, &c., the same, except when called out to suppress insurrection, repel invasion, or enforce the laws, he shall, for every such offence, forfeit and pay a fine not less than \$20 nor more than \$100.

An additional act was passed to organize, govern, and discipline the militia of the state. No company is to be required to perform any military duty, except on the second Thursday of September annually, unless for the choice of officers, or for the purpose of repelling invasion, quelling insurrection, or enforcing the laws; the commissioned officers in the several brigades are to meet within the limits of their respective brigades, on two successive days in September annually, for the purpose of military drill and instruction, and are to receive the sum of one dollar for each day's service and drill aforesaid, actually performed, and also travelling fees, at the rate of five cents per mile. In case of neglect on the part of any such officer to appear and perform the duty above required, he is to forfeit the sum of five dollars, unless there was sufficient reason for such neglect.

MINORS AND PERSONS NON COMPOS.—Whenever any minor, or per-

son non compos, shall have any interest in any real estate, and it shall be made to appear to the judge of probate that it would be for his benefit that the same should be disposed of, and the proceeds put out at interest, the judge may authorize some suitable person to sell the same.

A similar authority was given for the sale of growing trees and timber belonging to minors.

OIL.—An act was passed for the prevention of frauds in the sale of oils.

REAL ESTATE.—The right which any debtor may have, of redeeming from the purchaser any equity of redemption which may have been sold on execution against such debtor, and, also, the right which any debtor may have of redeeming from a judgment creditor, his executors, &c., any real estate, which may have been set off on execution against the debtor, may be attached on mesne process or execution against such debtor, and may be sold on execution, by public auction: and the same proceedings are to be had as are required on the sale of equities of redemption, but the debtor shall have the same right of redemption as is now allowed by law, upon the first sale of rights in equity, of redeeming mortgaged real estate.

REPLEVIN.—In all actions of replevin before any justice of the peace, or before the judge of the municipal court of Portland, the original writ, execution, and all other processes, may be directed to the officers of any adjoining county, who are authorized to execute such precepts, and make return thereof.

SCHOOLS.—All sums received by the state for the tax on the several banks, excepting the sum of \$1000 appropriated for the benefit of the Parsonsfield Seminary, are appropriated to the support of primary schools; but nothing in this act shall exonerate any town or plantation from raising and expending for the support of schools, the sums now required of them respectively.

TRESPASS.—In actions for trespass upon property, when judgment shall be rendered for the plaintiff, and the judgment is rendered for a trespass committed wilfully: and if the defendant shall be committed to jail, and remain in close confinement on such execution, he shall not be entitled to the benefit of the poor debtor's oath, until after having notified the creditor, which notice shall not be issued until thirty days after his said commitment; and if he shall have the liberty of the jail-yard, on having given bond to the creditor, the notice of his intention to take the poor debtor's oath shall not be issued until ten months after said commitment, and until one month after the expiration of the time limited in his bond, for him to surrender to go into close confinement.

WITNESSES.—No person who believes in the existence of a Supreme Being, shall be adjudged an incompetent or incredible witness, in the judicial courts, or in the course of judicial proceedings in this state, on account of his opinions in matters of religion; nor shall such opinions be made the subject of investigation or inquiry.

NEW-HAMPSHIRE.

BANKS.—Abstract of the report on the state of the banks, May, 1832.

Banks	No.	22
Capital stock paid in	\$2,971,308	
Real estate	79,194	
Amount of debts due	3,390,83	

Specie in the vaults - - - -	464,571
Bills of other banks - - - -	86,013
Deposites - - - - -	361,860
Bills in circulation - - - -	1,238,643
ELECTIONS—(1833)—for Governor.	
Samuel Dinsmore, - - - -	28,270
Other Candidates, - - - -	5,177

COMMON SCHOOLS.—It is stated that the annual tax raised by law in New-Hampshire for the support of schools is \$90,000. This gives \$455 to each town, or about \$1 to every individual of suitable age to attend school, and is more than is raised by the Connecticut fund, which last year produced but \$76,933. Besides this, there is a school fund in land, or the proceeds of land, belonging to most of the towns; and also a general "Literary Fund," raised from the banks, which, since 1829, has amounted to \$95,582, and will average hereafter at least \$10,000 a year. There are thirty-eight Academies, of which two have a fund of over \$40,000, and which have an aggregate of one thousand five hundred students.

LEGISLATION.—The Legislature of this state convened at Concord, on the 21st of November, 1832. The governor's message gives the following statement respecting two interesting classes of the community. In one hundred and forty-one towns, being all from which returns have been received, there appear to be of indigent deaf and dumb persons between the ages of ten and thirty, exclusive of those at the American Asylum at Hartford, 45; under the age of ten years, 12. The whole number of insane, reported from the same towns, is 189; 90 males, and 99 females, 103 of whom are paupers. The whole number of those now in confinement is 76, of whom 25 are in private houses, 34 in poor houses, 7 in cells and

cages, 6 in chains and irons, and 4 in jails.

The sums ascertained to have been expended for the maintenance and security of a part only of those reported, amount annually to \$9,396 58.

During this session a resolution was passed directing the sense of the electors to be taken relative to holding a convention for revising the constitution. This proved to be against such revision.

A resolution was also introduced, and carried through without adjourning, for the removal of judge Harris from the bench of the superior court. We did not understand that any charges were exhibited against him, as a motive for this removal.

1833. LEGISLATION.—The legislature assembled in Concord on the first Wednesday in June.

The message of governor Dinsmore states, that there are few subjects to which he considers it necessary to invite the attention of the legislature. Of the militia system he says, that a disposition hostile to some of its features, prevails so generally, as to render it impossible to carry it into complete effect. In what manner a reform of the system can be effected, he does not indicate, but believes that no remedy for the existing defects will be found sufficient, that does not materially reduce the number now liable to military service, or provide either for a moderate compensation to the soldier, or a diminution of his public charges. He proceeds to observe, that the late decision of a great majority of the people against the call of a convention for the revision of the constitution, may be regarded as a gratifying proof of the veneration in which the framers of that

instrument are still held, and of the excellence of the system of government which they established. He urges on the attention of the legislature the propriety of establishing a hospital for the insane, as required alike by policy and humanity, and presents to their consideration the expediency of making provision for the education of the indigent blind belonging to the state, in the asylum established in this city. After congratulating the legislature on the probable termination of the controversy with South-Carolina, he closes, by announcing his determination to retire from office at the expiration of his present term of service. In the house of representatives, a resolution for the appointment of a committee to nominate a chaplain was indefinitely postponed, by a vote of 109 to 76. On the following day, a resolution was submitted, inviting each clergyman who is a member of the house to serve as chaplain during the session, "provided they feel free to do so." After several amendments were proposed, the resolution was ordered to lie on the table.

The following laws were passed at the June session of the legislature, in 1833.

CORPORATIONS.—All shares in any corporation liable to be taxed by the laws of the state, shall be taxed in the same manner when owned by a corporation, as if owned by an individual.

If the principal officer of any corporation in this state, the shares or property of which are liable to be taxed, on application of the selectmen of any town in this state, shall neglect for the space of four days to furnish an account in writing, under oath, of all the shares, property or deposits in such corpo-

ration, and their amount in value owned by any corporation, or by any inhabitant or resident of any town in this state, he shall forfeit for every such offence a sum not less than \$100 nor more than \$1000.

All shares or deposits in any corporation in this state, for which residents are liable to be taxed, shall, when not owned by inhabitants of this state, be taxed to the corporation in the town where such corporation is located.

All shares or stock in any corporation or company situated without this state, belonging to any person or corporation in this state, shall be taxed in the same way and manner as said shares or stock would be liable to be taxed, if said company or corporation were located in this state; provided said shares or stock be not assessed in public taxes, in the state where such corporation or company is situated.

HIGHWAYS.—An act was passed to amend the act for the prevention of encroachments upon highways. Whenever there shall be occasion for any fence or gate across any highway leading through land liable to freshets, the selectmen of the town are authorized to grant a license to the applicant, to keep a gate at a suitable place, under such restrictions as shall best accord with the accommodation of the applicant and the public convenience.

MILITIA.—This act makes further provision for the regulation of the militia of the state, prescribes the mode of levying fines by distress, &c.

PAUPERS.—An act was passed providing that when any poor person shall happen to die in any town not chargeable by law with his

maintenance, the overseers of the poor shall cause him to be buried; and such town may recover by action the expenses thereof, of the town or person chargeable with his maintenance; but if such poor person shall not be an inhabitant of the state, nor by the laws thereof the proper charge of any town or person in this state, then the expenses so incurred shall be a proper charge on the county.

WEIGHING OF BEEF.—An act was passed regulating the weighing of beef in this state.

STATE TAX.—An act providing that the sum of \$45,000 shall be raised for the use of the state.

BLIND, AND DEAF AND DUMB PERSONS.—The sum of \$1500 was appropriated for the purpose of educating indigent deaf and dumb children belonging to this state, at the asylum in Hartford; and the sum of \$500, for the education of blind children belonging to this state, at the New-England asylum in Boston.

By resolution the governor was requested to direct the selectmen of the several towns to make inquiries as to the number and condition of all such persons, as are blind or par-

tially blind, within their respective towns, and to report to the legislature, at its next session.

REPORT OF DECISIONS.—The secretary of state is authorized to procure to be bound a sufficient number of the surplus sets of the New Hampshire Reports remaining in his or the treasurer's office, and exchange for the reports of the decisions of courts of such states as may offer or be willing to exchange.

NULLIFICATION AND THE TARIFF.—A resolution was passed, declaring, that it is inexpedient at this time, to legislate on the subject of the tariff and the doctrines of nullification; and that it is also inexpedient for congress to call a convention for proposing an amendment to the constitution at this time.

From the list of the private acts passed at this session, it appears that four religious and charitable societies were incorporated.

Seven manufacturing companies were incorporated.

Acts were passed to incorporate three fire insurance companies, two savings banks, two canal companies and one marine railway company.

MASSACHUSETTS.

BANKS.—Abstract of the returns of banks in Massachusetts, showing the state of said banks, on the first Saturday of October,

	1833.	1832.
Capital stock paid in,	\$23,236,250	24,520,200
Bills in circulation, -	7,889,111	7,122,856
Net profits on hand, -	1,293,280	1,031,900
Balances due to other banks, -	2,881,447	1,993,904
Cash deposited, &c. not bearing interest, -	3,716,163	2,938,970
Cash deposited, bearing interest, -	7,949,440	6,268,585
Due from the banks, -	52,120,113	43,906,900
Gold, silver, &c. in banks, -	922,301	902,206

Real estate, - - -	791,822	738,613
Bills of banks in this state, - - - -	1,546,310	1,037,363
Bills of banks elsewhere, - - -	25,022	174,569
Balances due from other banks, - -	3,363,716	2,207,784
Due to the banks, excepting balances, -	45,261,003	33,889,727
Total resources of the banks, - - - -	52,132,219	44,042,007
Amount of last dividend, - - - -	822,225	639,275
Amount of reserved profits, - - -	709,439	437,709
Debts secured by pl'dge of stock, -	847,550	944,762
Debts due and considered doubtful, -	207,236	211,915

Rate of dividend on amount of capital of the banks, as existing when dividend was made, $3\frac{1}{4}$ per cent. nearly: for 1832, $3\frac{1}{2}$ per cent.

ELECTIONS.—1832.

For Governor.

Levi Lincoln, - - - - -	33,946
Marcus Morton, - - - - -	15,197
Samuel Lathrop, - - - - -	14,755
Scattering, - - - - -	327

MILITIA.—The total number of the militia for the year 1832 was 46,786; and, exclusive of the commissioned officers, of 44,472, of which last number the cavalry are 726, artillery 2,694, infantry 22,074, and light infantry and grenadiers 6,978. Of the ordnance belonging to the state, there are 92 pieces of brass, two of iron. There are also 15,277 muskets, and 2,383 rifles.

STATE PRISON.—From the fifth annual report of the inspectors of this institution, it appears that at the beginning of the year 1832, there were 258 convicts in the prison, of whom 84 were discharged on the expiration of their sentences, 10 by pardon, and 11 by death. The number received was 76, and the number now in prison, is 227. Of these 9 are hospital patients, and 21 are employed in domestic services, and the remaining 197 in the various arts and trades pursued in the prison.

The whole expenses of the prison were \$24,907—of which \$2,898 were for clothing convicts, \$5,793 for provisions, \$12,250 for salaries. The income was \$29,099.

THE POOR.—From a report on the pauper system of the state, it appears that in sixty-eight towns, containing a population of 264,327 inhabitants, the whole number of poor assisted by the overseers the last year, is estimated at 12,331—about one in $21\frac{1}{2}$ of the population. By an approximate estimate, it is there

calculated, that of this number 5,927 were state's poor, or foreign paupers. In 1792, the amount allowed by the state for this class of poor was \$14,000, and in 1820, \$72,000, an increase of more than 500 per cent. in twenty-eight years. To relieve the commonwealth from this accumulating burden, the allowance for the maintenance of foreign paupers has been reduced at different times, and is now seventy-cents a week for adults, and less for children. This, however, has had but little if any effect in reducing the number of this class. There were in the almshouse, Boston, 160 white men, and 134 white women, 82 white boys, and 59 white girls, and 29 coloured persons. Total 256 males, and 208 females—together 464 persons.

Of the adult males 88 are foreigners—48 Irish; of the adult females 65 are foreigners—36 Irish; of the children 105 are of foreign parents. So that of the whole number in the almshouse, no less than 258, or considerably more than one half, are foreigners.

STATE FINANCES.—1832.

Receipts, - - - - -	\$384,141
Expenditures, - - - - -	304,613

No state tax was required for 1833.

State Debt, - - - - -	170,000
Funds applicable to the same, -	568,831

SCHOOLS.—There are in Massachusetts 140,000 children, of five years of age and under fifteen years; and not less than 150,000 pupils who receive instruction in the primary free schools.

PUBLIC LANDS.—The lands belonging to Massachusetts, situate in Maine, are estimated at 4,750,000 acres. There are involved in the question of boundary betwixt Maine and New-Brunswick, 1,250,000 acres, leaving 3,500,000 acres,

valued at forty cents the acre, and worth, at that rate, \$1,400,000.

FISHERIES.—Many of the towns in the colony of Massachusetts began, at an early date, to cultivate their river fisheries. In 1641, 300,000 dry fish were sent to market. Previously to the American revolution, the cod fishery of Massachusetts employed 28,000 tons of shipping and 4,000 seamen; making an annual value of industry and enterprise of about \$1,000,000. In 1775 Great Britain broke up this profitable employment, by prohibiting the colonies the exercise of the right of fishery on the banks of Newfoundland. The restoration of peace with Great Britain, revived this branch of industry and hardy enterprise, which was further stimulated by a bounty granted by congress in 1789, on exported fish, and a few years after, to vessels employed in the business. In 1807, 71,000 tons of shipping were employed in the cod fishery alone, and the average value of exports from this country, of the productions of the sea, for that and the four preceding years, was estimated at \$3,000,000. The unwise restrictions then imposed on our commerce, caused the fisheries to diminish in value, from that period until the close of the second war with Great Britain. The return of peace again effected their revival, and the very next year 68,000 tons of vessels, employing 10,000 seamen, were again upon the ocean. In 1804 the number of barrels of mackerel packed in Massachusetts was 8,079; in 1811, 19,000. The war nearly destroyed this business; but in 1815 it rose again to 16,000 barrels. In 1820 the increase was so rapid, that the number of barrels packed amounted to 236,243. This was before the separation of Maine. In

the subsequent year, Massachusetts alone packed 111,000 barrels—and in 1831, the amount had swelled to 348,750 barrels. The number of vessels employed in 1831, was near 400, and the seamen probably exceeded 4,000. The probable value of the mackerel fishery for 1831, exceeded \$1,500,000.

From Marblehead alone there are 54 vessels engaged in the bank cod fishery, employing 324 men and 46 boys. In 1832, their product consisted of 60,000 quintals of fish, 810 barrels of oil, valued at \$160,000, and sounds and tongues valued at \$6000.

SHOE MANUFACTURES.—In 1831 the whole value of boots and shoes made at Lynn was \$942,000: 60 manufactories; total average of stock on hand \$153,015; average to each one \$2,550; materials used in the manufacture worth \$413,350; of which the *lasting* cost \$98,531, sole leather \$145,236, *ribbon* \$31,236, morocco skins \$35,735, *galloon* \$17,575, sheep skins \$19,188, neats leather \$14,224, domestic sheeting \$8,192, *shoe thread* \$7,401, Russia sheeting and ticklenburg \$21,936, sewing silk \$6,500, and even the *binding thread* \$3,955, and the steel ornaments \$3,938; all these, exclusive of several thousand dollars worth of rosin, paste and other small articles. The total number of boots and shoes made was 1,675,781; average number of journeyman employed 1,741; of binders 1,675, in the whole business, about seven eighths of the working people of the town, besides some hundreds from other towns.

LOWELL.—In 1818 a small sating mill, employing about 20 hands, was established in this place, which was then a small part of Chelmsford, and contained about two hundred inhabitants. The town embraces

about four miles square, and is situated where the Concord falls into the Merrimack river. The chief fall however is derived from the Merrimack, by a canal sixty feet wide, and eight feet deep, extending from above the falls to the Concord river. In 1823 this canal, which had been used for the conveyance of lumber round the rapids, was bought, together with a large tract of land, by the lock and canal company. In 1825 the Merrimack manufacturing company was founded, with a capital of \$1,500,000; the same year the Hamilton, with a capital of \$800,000. In 1828 there were incorporated the Appleton, Lowell and Middlesex companies, with capitals of half a million each, the Mossis falls with 200,000, and the Lowell brewery with \$50,000.

In 1830 there were incorporated, the Suffolk, with \$450,000 capital, the Zensmount, \$500,000, and the Lawrence, 1,200,000.

The whole amount of capital invested, is 6,150,000 dollars. The number of large mills in actual operation is 19; these mills are each about 157 feet in length and 45 feet in breadth—of brick, five stories high, each averaging from ten to thirteen feet high, thus giving opportunity for a free circulation of air. The aggregate number of spindles used is 84,000, looms 3,000. The whole number of operatives employed is about 5,000, of which 1,200 are males, 3,800 are females. The quantity of raw cotton used in these mills per annum, exceeds 7,000,000 lbs., or 20,000 bales. The number of yards of cotton goods of various qualities manufactured annually, is about 27,000,000. In this estimate is included about 2,000,000 of yards of course mixed cotton and woollen negro clothing, in the manu-

facture of which about 80,000 lbs. of wool are used per annum.

The quantity of wool manufactured annually into cassimeres, is about 150,000 lbs., making about 150,000 yards.

The Lowell carpet manufactory is in itself a curiosity; 68 looms are kept in operation by hand labour, viz: 50 for ingrained or Kidderminster carpeting, 10 for Brussels, and eight for rugs of various kinds. 140,000 lbs. of wool in the course of a year, are manufactured into rich and beautiful carpets, the colours of which will vie with any imported. The number of yards of carpeting made per annum, is upwards of 120,000, besides rugs. The operatives employed in all these mills receive for their labour about \$1,200,000 per annum.

The Lawrence company's mills will contain about 16,500 additional spindles for cotton, and 550 looms, and will use 2,500,000 lbs. of raw cotton annually, furnishing employment for 700 operatives.

The Middlesex company has lately erected another mill for the manufacture of cassimeres and broadcloths, which is said to be one of the first manufacturing edifices in the United States. It is 153 feet in length, by 46, and six stories high. Nearly 1,000,000 of bricks has been used in its construction. It will go into operation in about two months, and will contain 2,880 spindles, and 64 looms for cassimeres, and 40 for broadcloths. It will work up about 300,000 lbs. of wool annually, and employ about 225 operatives.

The edifice in which all the machinery employed in the mills is manufactured, is termed the "machine-shop," belonging to the locks and canal company, and is probably the largest "shop" in the country,

being built of brick, four stories high, 220 feet in length, and 45 feet in width. About 200 machinists, some of them the most skilful and ingenious workmen in the United States, or in the world, are constantly employed. About 600 tons of cast and wrought iron, two thirds of which at least are of American production, are annually converted into machinery, besides a large quantity of imported steel.

It is computed that upwards of 5,000 tons of anthracite coal are annually consumed in the Lowell manufacturing establishments and machine-shop, besides immense quantities of charcoal and pine, and hard wood fuel.

The rail road between this place and Boston was laid out through the whole line in 1832, and was rapidly pressed towards completion in 1833.

TRIAL OF MAGISTRATES.—The mayor and aldermen of Boston were presented and tried in 1833 for having omitted to make a return of the votes given to Mr. Odiorne, the anti-masonic candidate for congress. The omission seems to have been purely accidental; the jury found a verdict of not guilty.

LEGISLATION.—The legislature commenced its annual session the 1st Wednesday of January, 1833.

On the 5th, the governor and lieutenant governor elect appeared before a convention of the two houses and took the customary oaths of office.

In his address to the legislature, the governor expresses an opinion, that the vending of ardent spirits is a subject that demands the attention of the legislature. The sale of the public lands in Maine has been very productive,—*one hundred and eighty thousand dollars* having been realiz-

ed from that source. Owing to the increased prices of wild lands, the commonwealth's property in the state of Maine continues undiminished. The governor recommends that additional powers be conferred on the land agent. The trigonometrical survey of the state, for the purpose of constructing a new and correct map, is going on, and will probably be completed in the course of another year. The geological survey is already completed. A commission, agreeably to a resolve of the last legislature, has been appointed to collate, arrange, and revise the statute laws of the commonwealth, but the commissioners have not yet made much progress. The state lunatic hospital is just completed. The state prison is in a most prosperous condition, and the balance in its favour, after paying all expenses, exceeds \$4000.

The legislature of Massachusetts, at the January session of 1833, passed two hundred and twenty-two acts; of which, one hundred and six are acts establishing new corporations.

ACTIONS, PARTIES TO.—At any time before issue joined, on a plea of non-joinder of a party as defendant in any action founded on debt or contract, the plaintiff may, on motion, be allowed to amend his writ, by inserting the name of any other persons as defendants; and the same proceedings shall be had on said amended writ, as if the same had been the original writ issued in the action, saving, however, to the plaintiff the benefit of any attachment, endorsement or security had upon the service of the first writ.

Seven academies and three female seminaries were incorporated.

TAXES.—In lieu of all duties here-

tofore imposed on sales by auction, of shares in the corporate property of turapike road, bridge, canal, railroad and railway companies, and in incorporated athenseums and libraries, there is to be paid one tenth of one per cent. on the amount of such sales.

The assessors of towns and districts are not to be responsible for the assessment of any tax upon the inhabitants of any school district, when the clerk thereof shall have certified to said assessors, that such tax was voted to be raised at a legal meeting of the inhabitants of such school district; but the liability, if any, shall rest solely with said school district.

BANKS AND BANKING.—If any person shall issue or pass any note, bill, order or check, other than foreign bills of exchange, the notes or bills of some bank incorporated by the laws of this commonwealth or by the laws of the United States, or of some one of the United States, or by the laws of either of the British Provinces in North America, with the intent that the same shall be circulated as currency, he is to forfeit for every such offence fifty dollars.

Fourteen banking companies were incorporated, the aggregate capital stock of which amounts to \$3,250,000. Six banks were allowed to increase their capital stocks by sums amounting in the whole to \$450,000. Two savings banks were also incorporated.

BRIDGES.—Two companies were incorporated.

An act was passed in relation to Warren bridge.

CHARCOAL, ADMEASUREMENT OF.—In the sale of charcoal, it is to be measured in boxes of the following capacities, viz. two bushels, five bushels, ten bushels, and twenty

bushels; and the boxes are to be first duly sealed; in case of violation of this act, the offender forfeits one dollar for each offence, to the use of him who shall sue for the same.

Two companies were incorporated for the purpose of mining and vending coal, with capitals of \$600,000 and \$250,000.

An act was passed to divide the state into twelve districts for the choice of representatives in congress, and to prescribe the mode of election.

POOR.—Any two justices of the quorum, in any county except Suffolk, may liberate from prison any poor convict within the county for which they are commissioned, if it appear that he has continued in prison, for three months, for fine and costs only, and that he has no property.

CORPORATIONS.—Whenever, by reason of the death, or other legal impediment of the officers of any corporation, there shall be no person authorized to call or preside at a legal meeting thereof, any justice of the peace in the county where the corporation is situated, is authorized, on the written application of five of the proprietors, or other legal members thereof, to issue a warrant to either of said proprietors, directing him to call a meeting of said corporation, and said meeting, when duly organized, may elect officers to fill vacancies, and act upon such other business as may be transacted at regular meetings of a corporation.

The mode of calling the first meeting of all corporations, shall be by a notice, setting forth the time, place and purposes of the meeting, signed by any one or more of the persons named in the act of incor-

poration, and seven days at least previously to the meeting, delivered to each member, or published in some newspaper in the county where the corporation may be established, or if there be no newspaper in the county, then in some adjacent county; but the notice of the first meeting of religious societies may be affixed to some conspicuous part of their meeting-houses. Nothing in this act is to affect any existing provisions of law.

Whenever any process shall be commenced, which shall by law be required to be served upon any monied corporation, the service thereof may be made upon the officer having charge of their business, not less than fourteen days before the sitting of the court.

All petitions for acts of incorporation for canal, railroad, or turnpike road companies, shall be accompanied by plans of the proposed route, profiles of the land proposed to be taken, embankments and cuttings, and a report of the character of the soil, estimated expense of the work. The plans are to be drafted on a horizontal scale of eighty rods to an inch, and on a perpendicular scale of fifty feet to an inch, and shall also exhibit the true and magnetic meridian; they are to be retained in the state library.

HIGHWAY.—No petition for a jury to alter or discontinue any highway, or to estimate damages, or for a committee, if the same is or shall be agreed upon, shall abate by the death of the petitioner; but his executor or administrator, or the heirs or devisees, or the surviving petitioner or petitioners, may prosecute the petition to effect.

ELECTIONS.—The collectors of state and county taxes, are required, in February and October in every year, to return to the

selectmen a list of all persons from whom they shall have received payment of any state or county tax, subsequently of the next preceding return; and the selectmen are to post up lists of voters, ten days at least before the second Monday of November, annually.

The officers of the several towns are to make and seal up a separate list of the persons voted for as governor, lieutenant governor, counsellors and senators, and representatives in congress, and transmit the same to the secretary of state, or to the sheriffs of their respective counties. The seals are not to be broken, until they are delivered to the two branches of the general court, or to the executive authority.

Selectmen, before entering on the execution of their official duties, are to take an oath or affirmation that they will faithfully discharge those duties respecting all elections.

ESCAPE.—No sheriff, deputy sheriff, coroner, constable, or deputy jailor, shall be liable to be sued in an action of debt, for any escape.

FARM SCHOOL.—An act was passed incorporating the proprietors of the Boston Farm School, for the education and reformation of boys, who are exposed to extraordinary temptation and are in danger of becoming vicious or useless members of society.

FORGERY AND COUNTERFEITING.—If any person shall have in his possession any counterfeit bill or note, in the similitude of the bills or notes payable to the bearer thereof, issued by any bank, which shall purport to be established in any foreign state, knowing it to be counterfeit, he shall be punished by solitary imprisonment for a term not exceeding three months, and by confinement afterwards to hard labour

for a term not exceeding three years, or by fine not exceeding \$1000 and imprisonment not exceeding one year.

If any person shall engrave, form, make or mend any plate, paper, rolling press, or other tool, designed for forging any such bill, or shall have them in his possession for that purpose, he is liable to the same punishment, except that the fine in this case is not to exceed \$500.

In all prosecutions for offences described in the first section, the testimony of the president or cashier of any such bank may be dispensed with, and the testimony of other witnesses is to be admitted.

GUARDIANS.—Judges of probate are authorized to appoint guardians to persons residing on lands, not included in any incorporated towns; and the duties now required of selectmen relative to the appointment of guardians, are to be performed by the assessors of the several districts, and if there are no assessors, by the selectmen of the oldest adjoining town.

The county commissioners of any county, are authorized to establish the whole or any part of any turnpike road lying in such county, as a common highway, with the assent of the turnpike corporation and of the towns through which it passes.

The county commissioners are to have power to allow to the corporation reasonable damages, to be paid out of the county treasury; but a part of the damages, not exceeding one half, is to be paid into the county treasury by the towns, &c.

All original writs, writs of error, scire facias, or review, bills in equity, libels for divorce, petitions for partition, mandamus, certiorari, new trial, review, or for a sale by mechanics and others, having by law a lien upon any buildings or land,

if the plaintiff or petitioner is not an inhabitant of the state, shall, before they shall be entered, be endorsed by some responsible inhabitant of the state.

If during the pendency of any of the processes aforesaid, the plaintiff or petitioner remove out of the state, the court, on motion, shall order him to procure such endorser; if the plaintiff or petitioner fail to comply with such order, the process is to be dismissed.

In case of the avoidance or inability of the plaintiff or petitioner, the endorser of such process is to be liable for the costs to the defendant.

INSURANCE COMPANIES.—Where an insurance company has expired by the limitation of its charter, any stockholder may apply to the supreme court, for the appointment of two or more trustees, to settle the affairs of the company.

Eight insurance companies were incorporated, whose united capitals amount to \$1,000,000; five mutual insurance companies were also incorporated.

LOTTERIES.—Lotteries were prohibited, also the sale of any ticket in any lottery not authorized by the laws of the state, under a penalty of not less than \$100 nor more than \$2000.

All money drawn and received by any inhabitant or resident of this state upon any lottery ticket, &c. purchased therein, is forfeited to the state.

LUNATICS.—The judges of probate, in the several counties, are authorized to commit to the hospital any lunatic, who in their opinion is so furiously mad as to render it manifestly dangerous to the peace and safety of the community, that such lunatic should continue at large.

Three land companies, with

\$2,000,000 capital, and nineteen manufacturing companies, were incorporated; the aggregate capital stock which they are authorized to hold amounts to \$2,825,000.

MORTGAGES.—Whenever a bill in equity shall be brought for the redemption of a mortgage, the plaintiff shall pay to the defendant his costs, unless it shall appear to the court that the mortgagee has refused or unreasonably neglected, to render a true account of the money due on the mortgage, or has otherwise by his default prevented the plaintiff from performing the condition of the mortgage before the commencement of the suit.

An act was passed to prevent fraud in the sale of oils.

PROBATE COURT.—After the decease of any alien intestate, in this state, leaving no widow or next of kin therein, administration of his goods and estate shall, within thirty days, be granted to the consul or vice consul who shall have been duly appointed for the state by the government in which such alien shall have been born. After the expiration of the thirty days, the judge of probate may commit administration of such estate to some of the principal creditors, and, in case of their refusal or neglect, to such other person as the judge shall think fit.

In all cases in which a person has been or shall be prevented from prosecuting his or her claim to the commissioners of insolvency on any estate duly represented insolvent, within the time limited by law for the presentation of claims against such estate, the judge of probate may, upon the petition of such person, and notice to the executor or administrator, authorize the executor or administrator to pay the claim; and in case of his neglect or

refusal, the judge may empower the claimant to institute a suit at common law for the recovery of the same.

In any suit brought by virtue of the provisions of this act, such executor or administrator may prove, under the general issue, that he has fully administered on said estate, or that there is only sufficient remaining to pay the said claim in part; and if it shall be necessary, in order to ascertain the amount of the property so remaining, that the same should be sold, the court are to continue the suit until the sale can be made.

This act is not to extend to any case, where such estate shall prove to be insolvent, or where the petition is not presented, and notice thereof given within four years from the granting of administration on said estate.

RECOGNISANCE.—In all cases where a city, town, parish, or precinct shall be required by law to enter into a recognisance, the mayor and aldermen of the city, the selectmen of the town, and the assessors of the parish or precinct, respectively, may, by an order or vote, authorize any person to enter into such recognisance in behalf of such city, &c. which shall be binding upon such city.

RAIL-ROADS.—An act was passed to establish the Andover and Wilmington rail-road corporation, for the purpose of constructing a rail-road from Andover to the Lowell rail-road in Wilmington. The western rail-road corporation was incorporated, and authorized to construct a rail-road from the western termination of the Boston and Worcester rail-road to Springfield, and thence to the western boundary of the state, towards the Hudson river.

An act was also passed to in-

incorporate the Worcester and Norwich rail-road company.

A general act was passed to define the rights and duties of rail-road corporations in laying out their roads, &c.; it also prescribes the mode of transferring shares.

RELIGIOUS SOCIETIES.—Nineteen religious societies were incorporated.

SCHOOLS AND SCHOOL DISTRICTS. Whenever, at any meeting of a school district, a clerk of such district shall be chosen, and no justice of the peace shall be present to administer the oath required by law, the moderator of the meeting is authorized to administer the same.

SHERIFFS.—Sheriffs are authorized to appoint special deputies in any of the counties of the state, to execute those duties only which deputy sheriffs are empowered to perform by St. 1820, c. 52.

TRUSTEE PROCESS.—Any party who may be authorized to sue out an original writ, returnable to the supreme court, for the recovery of any sum of money, shall be entitled to the benefit of the provisions in the several acts concerning the trustee process; and an original writ may be issued under the seal of the supreme court.

TURNPIKE CORPORATIONS.—An act was passed providing a mode of calling meetings of such corporations, when the regular meeting may have been omitted.

WHARVES.—Thirteen acts were passed authorizing the construction and extension of wharves, &c.

WIDOWS AND MARRIED WOMEN. Whenever any widow shall waive the provision made for her in the will of her deceased husband, the judge of probate may make to her such allowances from the personal estate of the testator, as he is now authorized to make to widows of persons deceased intestate.

When any married man has heretofore absented, or may hereafter absent himself from the state, abandoning his wife, without sufficient provision for her support, the supreme court may, upon her application, authorize any person holding money or other personal estate, to which her husband may be entitled in her right, to pay or deliver the same or any part thereof to her; and her release or discharge shall be as valid as if made by the husband.

The following resolves were also passed.

Resolves, In relation to a bill now pending in the congress of the United States.

Whereas, The committee of ways and means of the house of representatives of the United States, have reported a bill for the further reduction of the duties on imported goods, the passage of which into a law would materially affect the interests of the people of this commonwealth, and

Whereas, It is important that the opinion of the general court should be expressed upon the subject, in order that the senators and representatives of this commonwealth may be better enabled to understand, and give effect to the wishes of their constituents; therefore

1. *Resolved by the senate and house of representatives of the commonwealth of Massachusetts in general court assembled,* That the passage into a law of the bill for the further reduction of the duties on imported goods, now pending in the house of representatives of the United States, would prostrate the principal branches of our domestic manufactures, destroy our agricultural enterprise, paralyze our commerce and fisheries, and condemn to bankruptcy and ruin thousands of our most industrious and enterprising

citizens, and materially affect in the most injurious manner the prosperity of the whole country.

2. *Resolved*, That it is the usage and the duty of enlightened and prudent governments, to proceed with great deliberation in their legislation on all important subjects, and that no greater political evil can well be imagined, than frequent and rapid changes of the laws, especially such as affect the property and industry of the citizens:—that for congress, after having recently revised the revenue laws with great consideration, and made a new arrangement of them by an unexpectedly large and satisfactory majority, to take up the subject again before the new law has even gone into operation, and at a short session, when the little time at their disposal is plainly insufficient for a careful examination of it, would be a proceeding manifestly at variance with the plainest rules of discretion, and only to be justified by the intervention of some very great change in the political situation of the country.

3. *Resolved*, That since the passage of the law of the last session of congress, which has not yet gone into operation, no change has occurred in the political situation of the country, of a nature to affect the action of the government upon the subject, except the assembling, and acts of the South Carolina convention, by which that state threatens to secede from the union, unless the protecting policy be immediately abandoned; and that these proceedings, far from affording a sufficient motive for new legislation on the subject at the present moment, would form of themselves a strong objection to it; that no moment could well be imagined less favourable for a cool and dispassionate examination of

any general subject, than one in which it should be accidentally embarrassed by a particular incident of a novel, dangerous and irritating character, and that a prudent, firm and patriotic government would on no account expose the great interests of the people to the risk which they would run, by being debated and decided upon in the midst of civil commotions.

4. *Resolved*, That the bill now reported by the committee of ways and means, is not merely an injudicious and impolitic attempt to legislate, under circumstances unfavourable to a calm and cool consideration of the subject, but wears upon the face of it the aspect of submission, and that it grants substantially what South Carolina demands; that, taking into view, in connexion with its tenor and objects, the manner in which it has been brought forward, and pressed upon the consideration of congress, it amounts to nothing less than a proposal to sacrifice, and that in a precipitate manner, inconsistent with our ideas of national honour and dignity, the rights and prosperity of twenty-three of the states to the menaces of one.

5. *Resolved*, That while we cannot for a moment anticipate the possibility of the passage into a law of a bill of this description, in a congress, which, within a few months, has, by a large majority, pledged itself to the policy which it is now proposed to abolish, we yet deem it our duty formally to protest against the adoption of the measure proposed, as subversive of the best interests of the country, derogatory to the national honour, and involving a gross and palpable abuse of power in the government.

6. *Resolved*, That whilst the people of this commonwealth, in the

spirit of patriotism and of fraternal conciliation, are ready, at all times, to submit to such reasonable changes of national policy, as the deliberate judgment of the whole country shall require for the common good, they are not bound silently to acquiesce in destructive revolutions in principles and policy, effected by threats of violence through the forms but in contempt of the spirit and power of the constitution.

7. *Resolved*, That our senators in congress be instructed, and our

representatives requested to use all the means in their power to prevent the bill reported by the committee of ways and means, from passing into a law.

8. *Resolved*, That his excellency the governor be requested to transmit a copy of these resolves, with the report preceding them, to each of the senators and representatives of the commonwealth in congress, and to the governors of all the states.

RHODE ISLAND.

<i>Banks</i>	
Capital stock paid in	\$7,438,848
Deposites	1,453,358 83
Profits on hand	232,166 55
Debts due from the banks on interest	128,668 38
Bills in circulation	1,264,394 03
Debts due from directors	928,235 06
Debts due from stockholders	742,597 80
Debts due from all others	7,521,013 67
Specie	403,696 52
Bills of other banks	273,934 13
Deposits in other banks	293,564 11
Bank and other stocks	79,862 33
Real estate	213,794 41
Furniture and other property	41,385 70
Increase of capital stock since last report	3,075
Blackstone canal stock	155,750
Expenses	2,250 98
Dividends	436 25

ELECTIONS—(1833)—Members of congress,

Whole number of Votes,	5,350
Tristram Burges	3,162
Dutée J. Pearce	2,073
Wilkins Updike	1,904

Tristram Burges elected, and no other person.

At a subsequent election in November, Mr. Pearce was elected by a majority of 423 over Mr. Dixon.

Feb. Ashur Robbins was elected senator from March 3, 1833. The vote was, for

Robbins	41
E. R. Potter	26
D. J. Pearce	12

June. For Governor.

John B. Francis	4,026
Lemuel H. Arnold	3,272

COMMON SCHOOLS.—The whole number of public schools in the state of Rhode Island is 323. This is an average of about ten schools to each town in the state. The whole number of scholars taught in these public schools is 17,034. This is an average of about 53 scholars to each school. The average time these schools are continued in each year is three months. These schools are all supported without laying any state tax upon the people.

LEGISLATION—AGENTS AND FACTORS.—Every person in whose name any merchandise shall be shipped, shall be deemed the true owner thereof, so far as to entitle the consignee to a lien thereon, for any money advanced or negotiable note given by such consignee, for the use of the person in whose name such shipment shall be made; provided that such consignee shall not

have previous notice, that such person is not the actual owner thereof. Any person intrusted with any goods for the purpose of sale, or any bill of lading, or any warrant or order for the delivery of goods, shall be deemed to be the true owner of the goods, so far as to give the same validity to his contracts for the sale or disposition of the same, or for the deposit or pledge thereof, as if such contracts had been so made by the *bona fide* owner; provided that the person so contracted with shall not have notice that the person so intrusted is not the actual and *bona fide* owner. Any person who shall accept or take any such goods or documents, in deposit or pledge from any such agent, as security for any antecedent debt or demand, shall not acquire thereby any right to such goods, &c. other than was possessed by such agent at the time of the deposit or pledge.

The last section of the act provides that if any such agent or factor shall deposit or pledge any goods or any such document as is before mentioned, which shall have been intrusted or consigned to his care or management, with any person as a security for any money or other property borrowed by such agent or factor, and shall apply the proceeds thereof to his own use, with intent to defraud the owner thereof, he shall, on conviction on indictment before the supreme court, be fined not exceeding \$1000, and be imprisoned for a period not exceeding one year.

CONGRESS, REPRESENTATIVES IN. If at any election of representatives in congress, neither candidate or only one shall have a majority of the votes, and a new election or elections shall be ordered, if two representatives are to be elected,

the two candidates having the highest number of the votes given at such election so ordered shall be declared duly elected; and if only one of the candidates shall have such plurality, then he shall be declared duly elected, and another election shall be ordered.

CONVEYANCES.—So much of the act regulating conveyances of real estate as requires the judge, justice, mayor, or notary public, without this state, when taking an acknowledgment of deeds of real estate, situate within this state, to certify the same under his seal, is repealed.

FEMALES, IMPRISONMENT OF.—All original writs issued against any female, founded on contract not under seal, shall be writs of summons and not writs of arrest; and no execution shall issue against the body of any female in this state on any judgment founded on contract not under seal, where the debt or damages recovered do not exceed \$50. But this act is not to affect the remedy on any contract which now exists.

LOTTERIES.—No person shall transact business as a vender of domestic lottery tickets, without first obtaining a yearly license therefor from the town-council. For a license to sell in Providence the applicant is required to pay \$100; but in the other towns of the state, a less sum is required. If any person shall sell any domestic lottery ticket or part of any such ticket without license, he shall forfeit \$100. The act also empowers town-councils, upon request of the applicant, to include in the same license, authority to sell foreign and domestic lottery tickets, and to transact business as a money broker.

MILITIA.—An act was passed to re-organize the militia.

OATHS.—If any person shall administer to any person in this state any oath, affirmation or obligation in the nature of an oath, not authorized by law, or shall knowingly permit any such oath, &c. to be administered to him, he shall forfeit \$100 for the first offence; upon conviction for a second offence, the party convicted shall, in addition to this penalty, be forever disqualified for holding any office of honour or profit under this state.

QUARANTINE.—The governor was authorized to employ one or more vessels for the purpose of aiding in enforcing the laws in relation to quarantine; such vessels to be under his directions, and the officers and crews to be removable at his pleasure. He was also empowered to provide a suitable hospital, for such persons not citizens of this state, as may be attacked by the Asiatic cholera.

The several boards of health are authorized to enact such rules as they may deem expedient, to pre-

vent any person or persons, from infected places, from entering the town or city where such rules and regulations shall be made, and shall affix such penalties for the breach of such rules as to them shall seem necessary, not exceeding \$100.

At the session of 1833, the Rhode-Island legislature in acting upon an anti-masonic memorial praying that "the masonic corporations should be cited to appear and show cause why their charters should not be declared void," passed a resolution calling upon masonic bodies, to appear at the next session, and show cause why the prayer of the petitioners should not be granted; or, in other words, to show cause why they should not be called upon to defend their charters."

TAXATION.—1833.

Town taxes - - - - -	\$138,590
State do. - - - - -	9,900
Salaries of clergy - - - - -	25,530
Expense of roads and bridges	17,346
Paupers - - - - -	29,297
Education - - - - -	11,490

CONNECTICUT.

ELECTIONS.—For Governor.

1833.—April, J. S. Peters, opp. - 9212
 H. W. Edwards, Adm., - - - - 9030
 Z. Storrs, Anti-mason, - - - - 3250

A majority being required for a choice, it was left to the legislature to select, and a majority of that body being of the administration party, H. W. Edwards was elected by 147 votes, Mr. Peters receiving 70 votes, and ten being blank.

Statistics of Connecticut, for the year 1832.

The following is a brief abstract of the various subjects of taxation, as returned by the assessors for March, 1832:

42,852 dwelling houses, valued at - - - - -	\$21,948,740
2,622,676 acres of land - - - - -	50,782,455
1,572 mills - - - - -	843,511
1,896 stores - - - - -	146,748

283 distilleries - - - - -	54,052
1,521 manufactories - - - - -	1,637,149
25 quarries - - - - -	38,350
183 fisheries - - - - -	98,625
1 ferry - - - - -	200
34,250 horses, &c. - - - - -	1,990,694
237,989 neat cattle - - - - -	3,347,557
271,625 sheep - - - - -	333,657
Silver plate - - - - -	10,614
5,196 riding carriages - - - - -	238,797
22,893 clocks and watches	174,843
Bank stock, state banks - - - - -	3,143,736
Do. U. S. bank - - - - -	17,880
Insurance stock - - - - -	53,642
Turnpike do. - - - - -	157,363
Money at interest - - - - -	2,087,976
Three folds - - - - -	17,679
Assessments - - - - -	147,683
Polls - - - - -	689,315

\$88,592,398

Finances.

There was received at the treasury during the year ending the 31st of March, 1833 \$90,302 00

Viz:—From interest on U. S. three per cent	1,382 00
Tax on non-resident owners of bank stock	2,817 00
Avails of state prison	5,000 00
Dividends on bank stock, owned by the state	25,670 00
Fines and miscellaneous receipts	7,448 00
State tax	37,984 00
	<hr/> \$80,302 00
The disbursements were	71,626 00
Viz:—For the ordinary expenses of government	60,852 00
For public buildings and institutions	10,774 00
	<hr/> \$71,626 00

CONNECTICUT SCHOOL FUND.—The capital of this fund consists of bonds, contracts and mortgages, viz :

Against residents of the state	
of New-York	\$575,929 34
" Connecticut	526,387 18
" Massachusetts	233,544 27
" Ohio	88,815 43
" Vermont	7,943 79
Stock in Connecticut banks,	147,450 00
Cultivated lands and buildings, viz :	
In Massachusetts,	114,020 67
Connecticut,	65,366 52
New-York,	17,630 95
	<hr/> 197,018 14
Wild lands in Ohio,	84,444 66
" New-York,	35,844 40
" Vermont,	13,913 00
	<hr/> 134,302 06
Stock and farming utensils,	1,810 00
Principal on hand, 1st April, 1833,—Cash,	16,638 29
	<hr/> \$1,929,738 50

TAXATION.

Town taxes,	\$398,389
County do.	4,871
State do.	130,146
Salaries of clergy,	159,779
Expense of roads and bridges,	105,609
Paupers,	68,809

1833. *May*. The Connecticut river rose 20 feet above the ordinary height, and occasioned much damage.

ATMOSPHERIC PHENOMENON.—By Professor OLMSTED.

The meteors.—About day-break this morning, our sky presented a

remarkable exhibition of fire balls, commonly called *shooting stars*. The attention of the writer was first called to the phenomenon about half past five o'clock, from which time until near sunrise, the appearance of these meteors was striking and splendid, beyond any thing of the kind he has ever witnessed or heard of.

To form some idea of the phenomenon, the reader may imagine a constant succession of fire balls, resembling sky rockets, radiating in all directions from a point in the heavens near the zenith, and following the arch of the sky towards the horizon. They proceeded to various distances from the radiating point, leaving after them a vivid streak of light, and usually exploding before they disappeared. The balls were of various sizes, and degrees of splendour: some were mere points, but others were larger and brighter than Jupiter or Venus, and one, seen by a credible witness, before the writer was called, was judged to be nearly as large as the moon. The flashes of light, though less intense than lightning, were so bright as to awaken people in their beds. One ball that shot off in the north-west direction, and exploded near the star Capella, left, just behind the place of explosion, a phosphorescent train of peculiar beauty. This line was at first nearly straight, but it shortly began to contract its length, and dilate in breadth, and assume the figure of a serpent folding itself up, until it appeared like a small luminous cloud of vapour. This cloud was borne eastward by the wind, opposite to the direction in which the meteor had proceeded, remaining in sight several minutes. The light was usually white, but was occasionally prismatic, with a predominance of blue.

A little before six o'clock, it appeared to the company, that the point of radiation was moving eastward from the zenith, when it occurred to the writer to mark its place, accurately, among the fixed stars. The point was then seen to be in the constellation Leo, within the bend of the *sickle*, a little to the westward of Gamma Leonis, and not far from Regulus. During the hour following, the radiating point remained stationary in the same part of Leo, although the constellation in the mean time, by the diurnal revolution, moved westward to the meridian, nearly 15 degrees. By referring to a celestial globe, it will be seen, that this point has a right ascension of 150 degrees, and a declination of about 20 degrees. Consequently, it was 20 degrees 18 minutes south of our zenith.

The weather had sustained a recent change. On the evening of the 11th, a very copious southerly rain fell, and on the 12th, a high westerly wind prevailed, by gusts. Last evening the sky was very serene; a few falling stars were observed, but not so numerous as to excite particular attention.

The writings of Humboldt contain a description of a similar phenomenon observed by Bonpland, at Cumana. It is worthy of remark, that this phenomenon was seen nearly at the same hour of the morning, and on the 12th of November.

As the cause of "falling stars" is not well understood by meteorologists, it is desirable to collect all the facts attending this phenomenon, stated with as much precision as possible. The subscriber, therefore, requests to be informed of any particulars which were observed by others, respecting the *time* when it was first discovered, the position of

the *radiant point* above mentioned, whether progressive or stationary, and of any other facts relating to the meteors.

DENISON OLMSTED.

Yale College, November 12, 1833.

LEGISLATION.—Public statutes passed at the May session of the legislature of Connecticut, in 1833.

ANATOMICAL SUBJECTS.—Whenever any person shall die in any town in this state who may be, at the time of such death, supported by the public, whose interment must be at the public expense, and in case no kindred, relation, or friend of such deceased person shall, within thirty-six hours after such death may take place, appear and object to the delivery of the body of such deceased person, then it may be delivered to such professor, surgeon, or physician, as the selectmen may deem proper, to be used for the advancement of anatomical and medical science; but before such delivery, the person entitled to receive the body is required to give a bond in the penal sum of \$500, conditioned that the body shall be so used, and that the remains thereof shall afterwards be interred; the application of any professor, belonging to any medical college in this state, shall be entitled to a preference over other applications.

BANKS.—Six banking companies were incorporated, the aggregate capital stock of which is \$1,350,000, which may be increased, upon certain conditions, to \$2,800,000.

BIRDS.—Acts were passed for the protection and preservation of birds and feathered game, and for the protection of cornfields against crows.

CORPORATIONS.—Whenever any bond, note or other security, taken and executed to the officers of any corporation in this state, wherein

the beneficial interest appears to belong to such corporation, all suits or actions at law or in equity to recover or enforce the same may be commenced, and prosecuted to final judgment, by such corporation in their own corporate name.

The cashiers of banks, and the secretaries of insurance and turn-pike companies, are required annually on the first of October, to make out on oath, and deliver to the comptroller of public accounts, a true statement of the whole amount of capital stock of their respective institutions, and how much thereof belonged on said first day of October to resident, and how much to non-resident stockholders; and the secretaries, treasurers, or clerks of all banks for savings are also required to return to the comptroller a true statement of all the moneys belonging to their respective institutions at the same time, under the penalty of \$100.

DEBTORS.—The discharge of any debtor from imprisonment for debt, by the direction of the creditor, shall not operate as a release or discharge of the debt, so as to prevent the creditor from collecting the same out of the property of such debtor; but no debtor so discharged, shall thereafter be imprisoned for such debt.

If any debtor imprisoned for debt shall not, within three months from his commitment, be admitted to take the poor debtor's oath, he shall be deemed an absconding debtor within the meaning of the act authorizing the collection of debts by foreign attachment; and the creditor may proceed against his goods, effects, and credits, in the manner provided in that act.

JUSTICES OF THE PEACE.—Where a justice shall not be reappointed, all processes which shall have been

begun before such justice, may be continued before said justice, to final judgment and execution. Where any writ, &c. shall be made returnable before any justice, and at the time appointed, he shall be absent from the town where the trial is to be had, he may, at any time within twenty days thereafter, proceed to try the cause, upon giving six days' previous notice to the parties.

LIMITATIONS.—Where the time limited by the statute of limitations for the commencement of any personal action, which survives to the representatives of any deceased person, shall not have elapsed at the time of his decease, the term of one year shall be allowed to his executor or administrator from the time of such decease to institute a suit therefor.

MORTGAGES.—The foreclosure of any mortgage shall not preclude the mortgage creditor from recovering so much of his demand as the property mortgaged shall be insufficient in value to satisfy; and where an action is brought by such creditor upon his demand, after foreclosure, this shall not open the foreclosure.

NOTARIES PUBLIC.—Notaries public are authorized to administer oaths in any case in which a justice of the peace might administer the same, and also to take acknowledgements of deeds.

All grants, deeds of bargain and sale, and mortgages of lands, executed by any grantor resident in any foreign state or country, without the limits of the United States, and acknowledged before any notary public or justice of the peace in such foreign state or country, shall be valid.

PARTNERSHIPS.—An act was passed in addition to the act authorizing limited partnerships, prescribing the mode of renewing such partnerships,

requiring the terms to be published in some newspaper, &c.

TAXES.—So much of the act for the assessment of taxes, as exempts ministers of the gospel of all denominations, during the time of their ministry, instructors of colleges and incorporated academies, from the poll tax, is repealed.

WAR, EXPENSES OF.—This act provides that when the money advanced by the state for its defence, during the war with Great Britain, shall be received from the government of the United States, it shall be the duty of the treasurer of the state to apportion it among the several towns in the state.

An act was passed by a vote of 116 to 62, repealing so much of an existing statute as prohibits "all servile labour and vain recreation" on fast and thanksgiving days.

An act to repeal two acts by which the amount of the state claim upon the United States for services rendered during the late war, was appropriated for the benefit of Yale College, and the different religious sects of the state. This bill was passed in the house 190 to 5.

Another act, which was severely censured in various ways, grew out of the circumstances which gave notoriety to the town of Canterbury,

in reference to the determination of a Miss Crandall to establish in that town a school for the education of coloured females. The preamble recites, that attempts have been made to establish literary institutions for the education of coloured people belonging to other states, "which would tend to the great increase of the coloured population of the state, and thereby to the injury of the people." It is therefore enacted, that any person who shall establish a school for the education of coloured persons now belonging to the state, or shall become an instructor in any such school, or shall harbour any such coloured person for the purpose of being instructed, without the consent of "a majority of the civil authority," and of the selectmen of the town where such school is situated, shall pay a fine of \$100 for the first offence, for a second \$200, \$400 for the next, and so on. Another section renders any coloured person, who shall come into the state for the purpose of being instructed, liable to be removed.

A section of a previous act in relation to settlement of persons providing for the infliction of corporal punishment, was repealed.

VERMONT.

ELECTIONS, (1832)—For Governor.

Mr. Palmer, Anti-mason, - - -	17,318
Mr. Crafts, nat. rep., - - -	15,499
Mr. Meech, adm., - - - - -	8,210

There being no choice, the legislature, after 43 ballotings, elected Mr. Palmer by 112 votes, Mr. Crafts having 72, Mr. Meech 33, and Mr. Bradley 1 vote.

1833.—Mr. Palmer, - - - - -	20,565
Mr. Meech, - - - - -	15,683
Mr. Seymour, - - - - -	1,765
Scattering, - - - - -	120

ABOLITION OF MASONRY.—October, 1833.

The grand lodge met at Montpelier on the second Tuesday of this month, and by a vote of 79 to 41 surrendered its charter; declared the masonic body, so far as it existed under the grand lodge, at an end, and recommended its property to be appropriated to the support of common schools.

1833. **MANGANESE.**—There has been discovered in the state of Ver-

mont, a mine or bed of manganese, of a quality superior to the imported article. The manganese mine is in the town of Chittenden, Rutland co., 29 miles from the shore of Lake Champlain, and has been worked since 1826. The manganese is raised from the mine, cleansed from the earthy particles, and is sent to New-York and other markets in barrels. The principle use of manganese is for making the chloride of lime, or bleaching powders, and for glass. The price of the manganese is between thirty and forty dollars per ton in market.

LEGISLATION.—At the October session of the legislature of Vermont, in 1832, twenty seven public acts, seven resolutions, and sixty-four private acts were passed.

ACTIONS, LIMITATION OF.—If any person, against whom there may be any cause of action, of a personal or transitory nature, shall leave the state before such cause of action shall be barred by the statute of limitations, and shall not have known property within the state which could be attached, the statute of limitations shall not run against any such cause of action, during the absence of such person.

Every clause of any statute of limitations, exempting any person without any of the United States from the operation of any statute of limitations, is repealed.

BANKS.—Four banking companies were incorporated, the aggregate capital stock of which is \$300,000.

CHAMPLAIN, LAKE.—The governor is requested, by a resolve of the legislature, to open a correspondence with the governor of Lower Canada, upon the subject of removing obstructions at the outlets of this lake.

DEAD, DISTURBING THE REMAINS

OF.—Justices of the peace are required, upon complaint and oath of any person, that the remains of any dead person have been disinterred and removed, and that the person making such complaint has reason to believe that they are secreted in any dwelling-house, &c., to issue a warrant to make search in such place, for such dead person; and such officer shall not be made liable, in any suit or prosecution, for executing said warrant, if such dead person is or is not found.

FIRE COMPANIES.—An act was passed prescribing the mode of forming fire companies, authorizing the selectmen to establish the limits of villages, for the purpose of forming fire societies therein, &c.

FOXES.—By an act to encourage the destruction of foxes, a premium of twenty-five cents is directed to be paid to any person who shall destroy any fox within the state.

LANDS, PUBLIC.—The senators and representatives were requested to sustain, by all proper means, a division of the moneys arising from the sale of public lands, in accordance with the principles contained in the report made by Mr. Clay, to the senate of the United states, at the session of congress in 1831—32.

MANUFACTURING CORPORATIONS. Acts were passed to incorporate the Olympus Mineral Company, with a capital of \$209,000; the Lake Dunmore Glass Company, with a capital of \$80,000; the Ascutney Manufacturing Company, with a capital of \$100,000; and the Rutland woollen Manufacturing Company, with a capital of \$200,000.

MILLS.—The act relating to mills and millers is not to be so construed as to make any owner or occupier of any mill liable to the penalty therein named, who shall neglect or refuse to grind any grain, brought to

such mill, to be ground for the avowed or apparent purpose of manufacturing such grain into distilled spirits.

MILITIA.—Companies are to be called together on the first Tuesday in June, annually, for the purpose of taking an exact account of every man's arms and equipments, and also, for company discipline and drill: and the polls of the militia returned equipped, and who shall perform the duty required by law, shall be exempt from the payment of all taxes, except district school taxes, taxes for making and repairing highways and bridges, and for the payment of damages assessed to individuals through whose lands any road may be laid, and ten dollars shall be deducted by the listers, from the list of any parent, master or guardian, who shall equip any minors, liable to do military duty, under his care.

PEDLERS.—No license to any person to be a hawker and pedler within this state, shall be granted for a shorter period of time than one year.

RAIL-ROAD COMPANY.—The Vermont Rail-road Company was incorporated with power to construct a rail-road from some eligible point on the eastern shore of Lake Champlain—thence following the valley of Onion river, and extending to such point on Connecticut river as will most conveniently meet the rail-road, contemplated in New-Hampshire, to pass by Concord, towards Boston; the corporation is to have succession for the term of 50 years, and is required within three years to complete the survey of the rail-road; within ten years to construct one fourth part of the rail-

road; within fifteen years one half; and within twenty years to complete and put in operation the whole of the rail-road.

STATE HOUSE.—The sum of \$15,000 was appropriated for the erection of a state house at Montpelier.

TAXES.—A tax of three cents on the dollar on the list of the polls and ratable estate of the inhabitants of this state, for the year 1832, is to be assessed.

The legislature also adopted the following resolutions, with proper preambles, the two first unanimously, and the last by a vote of 91 to 45.

Resolved, The governor and council concurring therein, that our senators in congress be instructed, and our representatives be requested, to oppose any and every modification of the tariff laws, which shall have any tendency to weaken or destroy their efficiency as a system of protection to domestic manufactures in their various branches.

Resolved, The governor and council concurring therein, that our senators in congress be instructed, and our representatives requested, to aid in procuring appropriations for such works of internal improvement as shall, in their opinions, be of great and national importance.

Resolved, The governor and council concurring herein, that our senators be instructed, and our representatives be requested, to use their endeavours to procure a re-charter of the present bank of the United States, with such powers and provisions as they shall deem most proper for the attainment of the objects of its institution, and most conducive to the general welfare.

NEW-YORK.

BANKS.
Aggregate statement of sixty-nine Banks reporting to the Bank Commissioners, January 1, 1834.

Notes discounted - -	\$43,712,955 98
Bonds and mortgages -	730,951 51
Debts in judgment -	302,700 99
Debts in suit - - -	131,140 80
Special loans - - -	1,421,876 30
Over drafts - - -	196,867 28
Stocks owned by the banks - - - -	121,249 86
Real estate - - -	1,071,100 15
Personal estate - -	14,255 94
Expenses - - -	208,201 20
Bank fund - - -	229,075 71
Specie - - -	2,196,657 79
Bills of other solvent banks - - - -	5,623,522 53
Cash items - - -	844,037 12
Due from corporations and bankers - - -	7,538,226 29
Due from branch banks - - - -	438,934 56
	<hr/>
	\$64,782,853 25

Capital - - - -	\$22,730,264 00
Bank notes in circulation - - - -	15,402,705 54
Profits - - - -	3,005,560 77
Deposits to apply on debts - - - -	141,563 19
Dividends unpaid - -	186,168 75
Due state of New-York Do. Commissioners of Canal fund - -	2,572,590 86
Do. United States - -	2,409,533 86
Do. other banks - -	8,722,281 76
Do. individual depositors - - - -	8,402,739 36
Special loans - - -	693,106 89
Due parent banks by branches - - - -	437,016 72
	<hr/>
	\$64,782,853 25

ELECTIONS—(1832)—for Governor.
 Wm. L. Marcy, (administration) 166,410
 Francis Granger, (opposition) 156,672
 Congress, 32 administration,
 8 opposition.

FINANCES.—Receipts and payments.

Comptroller's statement of moneys received into the treasury during the year ending Sept. 30, 1833.

GENERAL FUND.	
<i>Permanent revenue, for interest on bonds, bank stock, &c., pedlers licenses, &c., - - - -</i>	\$62,232 26
<i>Capital, bonds for lands, &c., and sale of stock in Bank of</i>	

America, (\$66,880) - -	125,917 70
Miscellaneous, loan from the bank fund, - - - -	83,149 83
Sundries, - - - -	40,962 89
	<hr/>
	\$312,262 68

CANAL FUND.	
Erie and Champlain Canal Fund - - - - -	1,768,143 01
Oswego Canal Fund - - -	21,497 04
Cayuga and Seneca Canal Fund - - - - -	14,783 59

COMMON SCHOOL FUND.	
Revenue - - - - -	109,117 77
Capital - - - - -	140,985 14
	<hr/>
	\$250,102 91

LITERATURE FUND.	
Revenue - - - - -	22,577 22
Capital - - - - -	12,155 00
	<hr/>
	\$34,732 22

BANK FUND.	
Revenue - - - - -	3,954 79
Capital - - - - -	95,381 48
	<hr/>
	\$99,336 27

Total receipts, \$2,500,857 72.

PAYMENTS.
 Warrants on the treasury during the year ending Sept. 30, 1833.

<i>Permanent Appropriations, viz:</i>	
For salaries and office expenses of officers of government - - - -	141,809 64
Commissioners of the Canal Fund, for Oswego, Cayuga, and Seneca and Chemung Canals - - - -	73,078 56
State Prison expenses - -	11,848 43
Indian expenses, - - -	18,239 64
Miscellaneous, including interest, printing, library, &c. - - - -	87,065 40
	<hr/>
	\$332,041 67

<i>Special appropriations and temporary expenses, - -</i>		73,949 98
Erie and Champlain Canal Fund - - - - -	1,761,932 42	
Oswego Canal Fund - - -	21,497 04	
Cayuga and Seneca Canal Fund - - - - -	14,783 59	
Common School Fund - -	113,238 36	
Literature Fund, dividends to academics, &c. - - -	10,470 96	
Bank fund, salaries of Bank Commissioners - - - -	4,500 00	
Loan to the General Fund -	83,149 83	
Total amount of warrants on the treasury, \$2,415,563 85.		

RECEIPTS AND EXPENDITURES

Of the Commissioners of the Canal Fund,
for the year ending Sept. 30, 1833.

ERIE AND CHAMPLAIN CANAL FUND.	
Balance (exclusive of bonds for sales of lands) on hand	
Sept. 30, 1832	\$3,055,247 65
<i>Receipts during the year.</i>	
Tolls	1,324,421 63
Vendue or auction duty	181,014 23
Salt duty	227,860 05
Interest upon deposits	122,236 74
do. on loan and stocks	18,083 16
do. on bonds for lands	934 43
Penalty and sale of stone	64 17
Oswego Canal fund returned	2,631 78
Chemung Canal fund transferred	5,646 78
	<hr/>
	\$1,882,892 97

Total \$4,938,140 62.

<i>Payments.</i>	
Interest on canal loans	356,794 88
Stocks purchased and cancelled	1,478,376 57
Premium paid on do.	87,933 46
Repairs of canals by superintendents	330,759 44
Expenses on do. by commissioners	35,264 66
Proprietors of Albany basin	6,470 25
Printing	2,016 61
Tolls refunded	551 22
Clerk hire	5,782 66
Crooked Lake Canal transferred	2,490 46
Chemung Canal advanced	400 00
Sundry expenditures	7,303 19
Crooked Lake Canal for premium on stock	20,402 26
	<hr/>
	\$2,335,545 86
Balance on hand, Sept. 30, 1833	2,602,594 76
	<hr/>
	\$4,938,140 62

OSWEGO CANAL FUND.

<i>Receipts.</i>	
From tolls	20,950 23
sales of lands	221 81
rents of surplus water	325 00
	<hr/>
	21,497 04
From the general fund	13,738 82
	<hr/>
	\$35,235 86
<i>Payments.</i>	
Interest on loans	21,367 36
Superintendent of repairs	11,236 72
Erie and Champlain Canal	

Fund returned	2,631 78
	<hr/>
	\$35,235 86

CAYUGA AND SENECA CANAL.

Balance on hand, Oct. 1, 1832	\$578 68
<i>Receipts.</i>	
For tolls	14,783 59
General fund	5,826 44
	<hr/>
	\$21,188 71
<i>Payments.</i>	
Interest on loans	11,850 00
Superintendent of repairs	7,338 71
	<hr/>
	\$21,188 71

CHEMUNG CANAL.

Balance on hand, Oct. 1, 1832,	\$13 066 39
<i>Receipts.</i>	
Loans and Premium	30,243 55
Interest on deposits	2,072 98
General fund	43,730 28
Erie and Champlain Canal Fund, temporary advances	400 00
	<hr/>
	\$89,533 20

Payments.

To Canal Commissioners and Superintendents	\$83,886 42
Erie and Champlain Canal Fund transferred	5,646 78
	<hr/>
	\$89,533 20

CROOKED LAKE CANAL.

Balance on hand, Oct. 1, 1832	\$19,205 87
<i>Receipts.</i>	
From Erie and Champlain Canal Fund, (loan)	20,000 00
Do. for premium on \$113,347	20,402 26
Erie and Champlain Canal Fund transferred	2,490 46
Interest on deposits	3,506 78
	<hr/>
	\$46,399 50
<i>Payments.</i>	
To Canal Commissioner	52,461 30
Interest on loans	5,250 00
Balance on hand	7,894 07
	<hr/>
	\$65,605 37

CHENANGO CANAL.

<i>Receipts.</i>	
Principal of loan	50,000 00
Premium on do.	7,755 00
	<hr/>
	\$57,755 00
<i>Payments.</i>	
To Canal Commissioner	9,222 65

Interest on loan - - - -	1,042 81
Printing notices - - - -	57 33
Balance on hand - - - -	47,432 21

\$57,755 00

Total cost of Erie and Champlain canals,
\$10,731,595.

CANAL DEBT.

<i>Stock bearing six per cent. interest.</i>	
Redeemable July 1, 1837	1,429,870 65
do. 1845	850,000 00

• \$2,279,870 65

<i>Stock bearing interest at five per cent.</i>	
Redeemable, 1837 - - - -	1,004,249 93
do. 1845 - - - -	2,288,538 81
do. 1846 - - - -	577,347 00
do. 1849 - - - -	87,000 00
do. 1850 - - - -	436,000 00

\$4,393,135 64

Total Canal debt, Sept. 30,	
1833 - - - - -	\$6,673,006 29
(Annual Interest, \$356,449 02.)	

New-York city finances for the
year ending Dec. 31, 1833.

Receipts - - - - -	\$1,432,932
Expenditures - - - - -	1,444,999
Balance in treasury - - - -	8,052
City Debt,—1832 - - - - -	894,810
do. 1833 - - - - -	836,345

LEGISLATION.—At the fifty-sixth session of the legislature of New-York, begun on January 1, 1833, three hundred and twenty-three acts and four resolutions were passed.

ACADEMIES.—Five academies were incorporated.

ACTIONS.—An act prescribing the duty of the sheriff as to the service of declarations, the continuance of the terms of the supreme court for certain purposes.

The eighth section provides that in all actions at law the certificate of a notary, under his hand and seal of office, of the presentment of any promissory note or bill of exchange for acceptance or payment, and of any protest of such bill or note for non-acceptance or non-payment, and of the service of notice thereof on any or all of the parties to such bill of exchange or promissory note, and specifying the mode

of giving such notice, and the reputed place of residence of the party to whom the same was given, and the post-office nearest thereto, shall be presumptive evidence of the facts contained in such certificate; but this section is not to apply to any case in which the defendant shall annex to his plea an affidavit denying the fact of having received notice of the non-acceptance or non-payment of such note or bill. By the ninth section, it is enacted that every written instrument, except promissory notes, bills of exchange, and wills, may be proved or acknowledged in the manner now provided by law, for taking the proof or acknowledgement of conveyances of real estate; and the certificate of the proper officer endorsed thereon, shall entitle such instrument to be received in evidence on the trial of any action, with the same effect, and in the same manner, as if such instrument were a conveyance of real estate.

BANKS.—Eight banking companies were incorporated, the capital stocks of which amount to \$1,950,000. The Greenwich Savings Bank was also incorporated.

BANK BILLS.—Every person who shall mutilate, cut, deface, disfigure, or perforate with holes, or shall unite or cement together, or to any other thing, any bank bill, or evidence of debt, issued by any incorporated bank in this state, with intent to render such bank bill, &c. unfit to be re-issued by such bank, shall, upon conviction, forfeit \$50 to the corporation which shall be injured thereby.

BANK FUND.—An act was passed relative to the investment of this fund; the fifth section authorizes the comptroller to borrow whatever of said fund may be in the treasury for the purpose of defraying the ex-

penses of government whenever it may become necessary, and to issue certificates of stock therefor to the treasurer, in trust for said fund, redeemable at pleasure, and bearing an interest of four and one half per cent. ; the 7th section enacts that every corporation required to contribute to this fund, may, with the consent of the comptroller, at any time before the expiration of the limited period, pay into the treasury the whole amount of the three per cent. upon its capital.

BOUNDARY LINE OF THE STATE.—

The governor is authorized to appoint three commissioners to meet commissioners appointed by New-Jersey, for the purpose of determining the territorial limits and jurisdiction of the two states.

BRIDGES.—Twenty acts were passed relating to the erection of bridges.

CANALS.—The canal commissioners were authorized to construct the Chenango canal, leading from Binghamton up the valley of the Chenango river, to the Erie canal.

An act was also passed to prevent the interruption of the navigation of the canals.

CERTIORARI.—No certiorari shall be dismissed on account of any informality or other imperfection in the bond executed in behalf of the party obtaining such certiorari, if he and his sureties consent to amend the same, or if another sufficient bond shall be filed.

CHANCERY.—A defendant shall be compelled to answer any bill in chancery, where by law a bill may be filed, charging the defendant with being a party to any conveyance or assignment of any estate or interest in lands, goods, or things in action, made or created with intent to defraud prior or subsequent purchasers, or to hinder, delay, or defraud creditors, or other persons, or where

the defendant shall be charged with any fraud whatever, affecting others.

No such answer shall be read in evidence against any party thereto, on any complaint, or on the trial of any indictment, for the fraud charged in such bill.

Masters in chancery are required to give bonds with sufficient sureties for the faithful performance of the duties of their office.

CHAPLAINS.—So much of the revised statutes as provides for the payment of chaplains of each house of the legislature, is repealed.

COLUMBUS, LIFE OF.—A resolution was passed, recommending to the trustees of the several school districts to introduce the abridgment of Irving's Life and Voyages of Columbus, as a class book.

CONSTITUTION OF THE STATE.—Acts were passed to submit to the people of the state, amendments of the constitution, authorizing the election of mayor of the city of New-York, by the people, and to restore the duties on the manufacture of salt and auction sales to the general fund.

FOREIGN CONVICTS.—If the commander of any vessel arriving from a foreign country, knowingly bring any person into this state, with intent to land, or permit to land such person, and such person shall have been a foreign convict of any felony, which if committed in this state would be punishable therein, he shall be punished by fine or imprisonment, not to exceed \$300, nor shall the imprisonment exceed one year.

The court may remit the punishment, if satisfied that such commander has re-conveyed such convict to the place whence he took him, on payment of the costs of prosecution.

COURTS.—The governor may, at

any time during the vacation of the court of errors, or the supreme court, appoint a different place for holding the next ensuing session, from that provided by law, if he shall deem it requisite, by reason of war, pestilence, or other public calamity, or the danger thereof.

DEAF AND DUMB PERSONS.—The directors of the institution for the instruction of the deaf and dumb, are authorized to receive from each senate district of this state five indigent pupils, in addition to the number now provided for by law, at an annual expense not exceeding \$130 for each pupil, to be paid by the state.

DISTRESS FOR RENT.—The property of boarders at taverns and boarding-houses is not to be liable to distress for rent; but no officer making a distress shall be liable for seizing or selling property belonging to any such boarder, unless notice of the claim of such boarder be given to the officer.

FIRE COMPANIES, &c.—Three fire companies were incorporated. An act was also passed to incorporate the fire department of the city of Utica.

GAS-LIGHT COMPANY.—The Albany gas-light company was incorporated; capital stock not to exceed \$100,000.

LAWS.—Acts were passed relating to the inspection of sole leather, green hides and skins, and flour and meal.

INSTITUTE.—The mechanics' institute of the city of New-York was incorporated.

INSURANCE COMPANIES.—Nine insurance companies were incorporated, the capital stocks of which amount to \$2,300,000.

JUSTICES OF THE PEACE.—An act was passed relative to the election

and classification of justices of the peace.

LOTTERIES.—The lotteries authorized by law to be drawn within this state, may be continued until the close of the present year, after the end of which period it shall not be lawful to continue or draw any lottery within this state.

MANUAL LABOUR SEMINARY.—The Aurora Manual Labour Seminary, in the county of Erie, was incorporated.

MANUFACTURING COMPANIES.—Two manufacturing companies were incorporated, with a capital of \$100,000, each.

MECHANICS' SOCIETIES, &c.—The Utica Mechanics' Association was incorporated.

Acts were passed to incorporate the Mechanics' Benefit Society, and the Mechanics' Institute of New-York. An act was passed relative to the General Society of Mechanics and Tradesmen of the city of New-York.

MILITIA.—A resolution was passed, instructing and requesting respectively, the senators and representatives of the state in congress, to use their exertions to procure such amendments of the act of congress organizing the militia, as shall relieve the people, as far as practicable, from the burdens of the system, without impairing its efficiency.

MORTGAGES OF PERSONAL PROPERTY.—Every mortgage of personal property, not accompanied by an immediate delivery, and followed by an actual and continued change of possession of the things mortgaged, shall be void, as against creditors and subsequent purchasers and mortgagees, in good faith, unless the mortgage, or a true copy thereof, shall be filed in the office of the town clerk, &c., in the city or town where

the mortgagor shall reside; and if he is not a resident, then in the city or town where the property mortgaged shall be at the time of the execution of the mortgage; every mortgage so filed shall cease to be valid as against creditors, &c., after the expiration of one year from the filing thereof, unless within thirty days next preceding the expiration of the said year, a true copy of such mortgage, together with a statement exhibiting the interest of the mortgagee, shall be again filed.

NEW-ENGLAND SOCIETY.—A society was incorporated for the purpose of affording pecuniary relief to poor persons of New-England origin, and also of establishing a library.

NON-RESIDENTS.—All debts owing by inhabitants of this state, to persons not residing therein, for the purchase of any real estate, or secured by a mortgage on real estate, are to be deemed personal property within the town and county where the debtor resides, and as such shall be liable to taxation in the same manner as the personal estate of citizens of this state; the assessors are to ascertain debts of this description, and are authorized to administer oaths to persons whom they may think proper to examine, except in cases where lists of such debts verified by oath shall be furnished to the county treasurers by the agents of the non-resident creditors; and any such agent who shall neglect to furnish such list annually, shall forfeit the sum of \$500; at the meetings of the assessors to correct their rolls, creditors or their agents may, by their own affidavits, or other proof, adduce testimony to the said assessors to show that any error exists in the

said rolls, or that any part of any debt therein stated is desperate and not collectable: and the assessors shall review and alter the said rolls according to the facts so established; collectors may receive from the debtor the amount of the tax assessed upon the debt, and shall thereupon give a receipt for the amount so paid; and the sum so paid shall be deemed to be a payment by such debtor on the debt, and may be set-off against the claim of such creditor, or of any assignee of such claim. The act contains numerous other provisions in relation to the assessment and collection of the tax, authorizing the levy of it by distress and sale of the property of the non-resident creditor.

PARTNERSHIP.—No person shall hereafter transact business in the name of a partner not interested in his firm; and where the designation "and company," or "& Co." is used, it shall represent an actual partner or partners; persons offending against this act are to be deemed guilty of a misdemeanour, and to be punished by a fine not exceeding \$1000.

MISSION SOCIETY.—The New-York Protestant Episcopal City Mission Society was incorporated.

RAIL-ROADS.—Acts were passed to incorporate the Binghamton and Susquehanna Rail-road Company, with a capital of \$150,000; the Buffalo and Black-Rock Rail-road Company, with a capital stock of \$100,000; the Utica and Schenectady Rail-road Company with a capital of \$2,000,000; and the Whitehall and Rutland Rail-road Company; capital, \$100,000, with power to increase the same to \$150,000.

SEAMEN.—The American Seaman's Friend Society was incorporated.

SHIPWRIGHTS AND CAULKERS.—An act was passed to incorporate the New-York Journeymen Shipwrights and Caulkers Benevolent Society.

TOWNS, &c.—A large number of towns and villages were erected and incorporated.

TURNPIKE ROADS.—Six turnpike road companies were incorporated.

WASHINGTON MONUMENT ASSOCIATION. An association was incorporated, for the purpose of erecting a monument in the city of New-York to the memory of Washington; its capital stock is \$100,000.

WHALING COMPANIES.—Three whaling companies were incorporated, the capitals of which amount to \$800,000.

The following resolutions were also passed:

Resolved, That we regard the union of these states as indispensable to their prosperity and happiness; that we participate fully in the de-

sire which has been manifested by the president to restore harmony and conciliate affection amongst all the people of the United States, by a seasonable and equitable modification of the tariff—adapting it to the present condition of the country; that we approve the measures he has adopted and recommended to sustain the authority and execute the laws of the United States; and that the government and people of this state will cordially co-operate with him, in the exercise of all the means which may be necessary and proper to secure those objects.

Resolved, That the governor be requested to transmit a copy of the foregoing report and resolutions to the executive of the state of South Carolina, and to the executives of the other states respectively, to the end that they may be communicated to the legislatures thereof, and also a copy of the same to the president of the United States, and to each of our senators and representatives in congress.

NEW-JERSEY.

The message of Governor Southard was communicated to the legislature on the 11th of January. The principle subjects of state affairs, recommended to their consideration, are the taxes, the school fund and system, and a revision of the laws, and especially of those relating to executors, guardians, and the orphan's court, and the state prison. The school system is said to be inefficient—requiring a larger fund, an intelligent commissioner to devise and see executed a uniform system of instruction, more competent teachers, and the active co-operation of the townships, in raising the money

to be expended. With regard to the state prison, it is said that the present building, and the discipline necessarily connected with it, are extremely defective, expensive, and inadequate to the purposes of punishment. The subject was referred to a committee at the last session, who are now expected to make a report. When a new prison is erected, it is recommended to convert the present into a state arsenal, which is much needed. The orphan's court is represented as very defective, and as failing to secure the ends of justice intended by its establishment. The principles of

law and modes of proceeding in this court, are not as well understood, generally, as those in use in the ordinary courts. The appointment of a learned lawyer, as a member of the court, with a competent salary, who should also be a member of the courts of common pleas, sessions, and oyer and terminer, is suggested among the means of remedying the defects, and increasing the efficiency of this court. In connexion with this subject, the separation of the offices of governor and chancellor, which by the constitution are united in the same individual, is strongly urged. Imprisonment for debt alone, without fraud, is declared to be justifiable by no principle congenial to our institutions. The revision and perfecting of the insolvent laws are suggested, so as to secure the personal liberty of the debtor, and protect the creditor against dishonesty. The finances of the state are in a prosperous condition. The revenue is increasing, and an addition to it of \$30,000 will soon be made from the works of internal improvement in progress and near completion. The revenue will exceed the expenses of the state; and the surplus may be added to the school fund, or appropriated in other modes to advance the prosperity of the state.

Acts of the fifty-seventh general assembly of New-Jersey, at a session begun at Trenton on October 23, 1832.

ABATEMENT OF SUITS.—In suits in chancery, in which there may be but one plaintiff or one defendant, if the plaintiff die, his lawful representatives, or any other person or persons interested, are to be admitted to prosecute the suit. But if the defendant die, and the plaintiff choose to make the representatives of the

deceased, or others who may become interested by his death, parties to such suit, no bill of revivor or *subpœna ad revivendum* shall be necessary, but the court may, by rule or order, direct the suit to stand revived: and unless such representatives, &c. appear and put in their answer, or signify their disclaimer of the suit, the plaintiff may cause their appearance to be entered, and in such case, the answer of the deceased party, if any there be, shall be deemed the answer of such representatives, &c.; but nothing in this act is to prevent the reviving any such suit by bill of revivor, when the plaintiff, &c. may prefer that course of practice, or when the court may deem it expedient.

APPEALS.—From any judgment rendered, by any justice of the peace, when the trial took place in the presence of the parties, it may be lawful for either party to appeal, although the judgment shall have been rendered in his absence; provided the appeal be in other respects lawful.

AQUEDUCT COMPANY.—A company was incorporated for the purpose of supplying the village of Orange with water.

BENEFICIAL SOCIETIES.—Four beneficial societies were incorporated.

BOUNDARY LINE.—The governor is authorized to appoint three commissioners to meet commissioners on the part of the state of New-York, for the purpose of determining the territorial limits and jurisdiction between the two states.

BRIDGES.—Six acts were passed in relation to bridges, regulating the mode of applying to the legislature for bridges, enacting penalties for injuring them, or for leaving the draws open, &c.

CANAL COMPANY.—The Manas-

quan River and Barnegat Bay Canal Company was incorporated, for the purpose of constructing a canal or an artificial navigation from or near the mouth of Manasquan river to the head-waters of Barnegat bay, at Layton's pond.

CRIMINAL LAW.—The governor was authorized to appoint some person learned in the law, to revise, alter, modify, amend and digest, all acts relating to crimes and their punishment, and to criminal proceedings; such persons is to be requested to make his report at the next session of the legislature.

DAIRY COMPANY.—The New-York and Bergen Dairy Company was incorporated, with a capital stock of \$150,000, for the purpose of supplying the city of New-York with pure and wholesome milk.

DELAWARE RIVER.—An act was passed further to regulate the fisheries in this river. A resolution was also passed, authorizing the appointment of commissioners to meet commissioners on the part of Pennsylvania, for the purpose of viewing the obstructions in this river, and making a report thereon to the governors of the respective states.

DIVORCES.—Thirteen acts of divorce were passed.

ELECTIONS.—The judges and inspectors of elections are vested with power to administer oaths and affirmations, and to examine persons touching the qualifications of voters who shall offer to vote, and if any person, on such examination, shall knowingly swear falsely, he shall be deemed guilty of wilful and corrupt perjury. If any person offer to vote, at any general or annual election, who is not legally entitled to vote, he shall forfeit \$20.

FIRE COMPANIES.—Two fire companies were incorporated.

INSURANCE COMPANY.—The Rahway Mutual Fire Insurance Company was incorporated.

LANDS.—Thirty-four acts were passed in relation to certain lands, authorizing trustees, executors, administrators and guardians, to sell and convey, &c.

A resolution was passed by which the legislature declared that the land bill, then before congress, embraced and provided for the interests of all the people of the United States, and that the impartial justice and comprehensive equity of its provisions deserved the support of their senators and representatives in congress.

LAWS OF THE STATE.—The governor is empowered to employ some proper person to compile and prepare for the press all acts and parts of acts which are of a general and permanent nature, and all acts of incorporation which are declared to be public acts, which have been passed since the last revision of the public laws in force; the acts are to be printed in chronological order.

MANUFACTURING COMPANIES.—Five Companies were incorporated.

PEAT COMPANY.—The New-Jersey Peat Company was incorporated.

PENITENTIARY.—The sum of 30,000 is appropriated to the erection of a state penitentiary, capable of holding one hundred and fifty prisoners; it is to be constructed on the plan of the state penitentiary of the eastern district of Pennsylvania.

RAIL-ROADS.—An act was passed to incorporate the Delaware and Jobstown Rail or McAdamized Road Company, with a capital of \$60,000, and the liberty to increase it to \$200,000.

SOUTH CAROLINA.—A resolution was passed, disapproving of the ordinance, &c. of the state of South Carolina, approving the principles contained in the proclamation of the president, &c.

STATE TAX.—An act was passed to raise, by a state tax, the sum of \$40,000, for the year 1833.

EXPENSES OF THE GOVERNMENT.—The appropriation bill gives to the governor, for the current year, a salary of \$2,000; the chief justice \$1,200; the two associate justices, each \$1,100; the state treasurer \$1000; the law reporter and chancery reporter, each \$200; the attorney-general \$80; the quartermaster general \$100; the adjutant-general \$100; the vice-president of council, and the speaker of the house are each allowed \$350; and the members of either house \$3 a day during the sitting of the legislature, and \$3 for every twenty miles travel in going to and returning from the seat of government. The clerks of the two houses are also each allowed \$3 a day, 8 cents for writing every 100 words in the records, and for copies to the printers. The sergeant-at-arms and the

door keepers, are each allowed \$2 a day. It is proper to add that the governor receives, being ex-officio chancellor, fees for his chancery duties, and that there are perquisites, though inconsiderable in amount, attached to the duties of the justices of the supreme court. The attorney-general also receives fees in all cases of criminal conviction. The legislature, at the late session, authorized the governor to borrow ten thousand dollars, at 5 per cent. for building a new penitentiary.

The following resolution also was passed in the house of assembly, by a vote of thirty-one to fourteen.

Be it resolved by the council and general assembly of the state of New-Jersey, That our senators be instructed, and our representatives in congress be requested, to use their best endeavours to maintain the present judiciary system of the United States inviolate, to give adequate protection to American industry, to foster and uphold internal improvements, and to vote for and advocate the renewal of the charter of the bank of the United States, with such modifications as may be deemed necessary.

PENNSYLVANIA.

BANKS. 1833.—From the report of the auditor general, it appears that the whole amount of banking capital in this state is - - - \$17,061,944 51
 Notes in circulation - - - 10,336,251 61
 Due to depositors - - - 7,708,764 25
 Due to other banks - - - 2,696,409 46
 Specie on hand, - - - 2,898,145 76
 Due by other banks - - - 2,560,160 72
 Notes of other banks - - - 3,714,901 22
 Notes discounted - - - 29,968,408 15
 Unclaimed dividends - - - 325,946 17
 Real estate - - - - 1,216,212 74
 Contingent fund - - - - 1,780,606 01
FINANCES for the year ending the 31st of October, 1833.

Receipts—

Lands and land office fees \$48,379 64

Auction commissions -	15,700 00
Auction duties - - -	79,038 08
Dividends on bank stock -	143,230 00
Dividends on bridge, navigation and turnpike stock -	28,535 20
Tax on bank dividends -	45,404 91
Tax on offices - - -	14,399 51
Tax on writs, &c. - - -	24,771 00
Fees, secretary of state's office	728 33
Tavern licenses - - -	52,267 16
Duties on dealers in foreign mer- chandize - - -	61,480 86
State maps - - -	131 30
Collateral inheritances -	160,626 26
Pamphlet laws - - -	96 26
Militia and exempt fines -	1,693 00
Tin and clock pedlers' licences	2,461 93
Hawkers' and pedlers' licences	3,025 45

Increase of county rates and levies	185,177 32
Tax on personal property	43,685 37
Escheats	1,746 99
Canal tolls	151,419 69
Loans	2,539,987 00
Premiums on loans	335,651 72
Premiums on bank charters	102,297 70
Old debts and miscellaneous	5,119 74
	<hr/>
	4,047,050 62
Balance in treasury, Nov. 1, 1832	117,167 16
	<hr/>
	\$4,164,217 78

<i>Expenditures—</i>	
Internal improvements	\$2,588,879 13
Expenses of government	212,940 95
Militia expenses	20,776 99
Pensions and gratuities	29,303 21
Education	7,954 48
House of refuge	5,000 00
Interest on loans	94,317 47
Pennsylvania claimants	351 00
State maps	187 30
Internal improvement fund	755,444 01
Penitentiary at Philadelphia	44,312 50
Penitentiary near Pittsburg	23,047 75
Conveying convicts	1,350 22
Conveying fugitives	581 50
Miscellaneous	12,187 97
Defence of the state	160 00
	<hr/>
	3,796,794 48
Balance in the treasury, Nov. 1, 1833	367,423 30
	<hr/>
	\$4,164,217 78

Canal Tolls	\$151,419 69
ELECTIONS, 1832.—For Governor.	
For Wolf	91,235
Ritner	88,186
Congress Administration	15
Opposition	13

PHILADELPHIA.	
Deaths for 1833—	
Adults	2099
Children	2341
	<hr/>
	4440
Births—	
Males	3640
Females	3802
	<hr/>
	7642

COMMON SCHOOLS.—By an act passed by the legislature, and approved by the governor, in April, 1831, it is provided that the proceeds

of certain public lands shall be set apart in order to constitute a fund for the support of common schools. No portion of this fund can, however, be applied, until it shall yield an annual interest of \$100,000, when the interest only may be employed as directed by the legislature. The amount of money credited to this fund, on the 1st April, 1833, was \$203,332 16, and it is expected that in the course of this year it will increase to \$546,563 72. Progressing in the same ratio, it will still require between eight and nine years to raise an amount sufficient to realize an interest of \$100,000. A writer in the Susquehanna register, computes the exact date for distribution on the 1st July, 1842, but it is evident that the revenue of the fund may vary considerably from the estimates he has formed of its annual increase. The act, however, ceases by limitation in 1836, at which time, it is calculated, the fund will yield but \$600,879 32.

This appropriation, however, is but ideal, the whole fund having been expended in internal improvement, and the state of education in Pennsylvania is probably far behind that of any of the middle or northern states.

Several years ago, it was ascertained that more than half of the children between the ages of five and fifteen, were not in the habit of attending any school; and, according to the report, the situation of things is not much better at the present time. A plan is therefore proposed of establishing the several counties as *divisions*, which are to be subdivided into school districts, under general regulations. Among these, the income of the state school fund is to be divided, on condition that an additional sum shall be raised by assessment within the districts.

1832. *Dec.*—The message of Governor Wolf to the legislature, is occupied almost exclusively with the domestic affairs and internal improvements of the state. The loans authorized by the last legislature to be effected in behalf of the state, for the several sums of \$2,348,680, and \$300,000 to be applied to the public improvements, were both taken—the former at \$114 08, and the latter \$115 09, for \$100 of stock, bearing five per cent. interest, and redeemable after July, 1860. With these funds, twenty-two miles of the Philadelphia and Columbia rail-road were completed with a single track, and a continuous navigation of 171 miles by canal and slack water navigation was opened from Columbia to Hollidaysburg, in Huntingdon county, on the eastern division of the Pennsylvania canal. Seventy-one miles of canal, rail-road, and slack water navigation, was the whole amount of work executed during the year, and they make the total extent of internal communication within the state, open and ready for active operations, more than *five hundred miles*—all made within six years. Such further progress the governor observes has been made, that if the legislature provide the necessary means, 112 miles more of canal and slack water navigation, and 96 miles of rail-road, will be completed within the next session. A single rack upon the Philadelphia and Columbia rail-road, from its present termination to the borough of Columbia—distance 59 miles—may also be finished at the pleasure of the legislature.

When those works shall have been completed, Pennsylvania will, and by her own means, have constructed, within seven years, 593 miles of canal and slack water navigation, and 118 miles of rail-road—making an

aggregate of 711 miles of internal improvement.

LEGISLATION.—At the session of the legislature of Pennsylvania in 1832–33, one hundred and seventy-five acts, and twenty-four resolutions, were passed.

APEALS.—An act was passed to facilitate appeals by guardians from the judgments of justices of the peace, and from the awards of arbitrators.

ANNUITIES.—Twenty-two acts were passed granting annuities and gratuities to a number of soldiers and widows of soldiers of the revolutionary war.

BANK.—The Merchants and Manufacturers Bank of Pittsburg was incorporated, with a capital stock of \$600,000.

BRIDGES.—Six acts were passed in relation to different bridges; six bridge companies were incorporated.

BOROUGHs.—Thirteen boroughs were incorporated.

CEMETERY.—The Philadelphia Cemetery Company was incorporated.

CORPORATIONS.—The service of any civil process upon the toll-gatherer of any corporation, in the proper county, and next to the place where the damage or damages shall have been committed, shall be as good and valid in law, as if served on the president, or other principal officer of any corporation; but where a suit shall be commenced, and the process served on the toll-gatherer, it shall be the duty of the plaintiff to cause reasonable notice to be given to some one of the officers of the company aforesaid, of the commencement of any such suit, before trial and final judgment.

When information shall be given to the auditor-general, that any lands in this state have been purcha-

sed by any incorporated company, in its corporate capacity, or in the name of trustees or feelees, for its use, without the license of this commonwealth, or have come into their possession by any manner or device whatever, he shall proceed to appoint a deputy escheator, who shall forthwith hold an inquest, in the manner prescribed by existing laws relative to escheats, and the deputy escheator and all other officers and persons concerned shall have like powers, be entitled to like fees, and be subject to the same restrictions and liabilities, as is provided in the case of the escheat of the lands of an individual, for the want of heirs or known kindred.

If any such associations, now engaged in mining, shall discontinue all their operations, under their several acts of incorporation, within one year, then and in that case, the commonwealth does hereby release to the individuals composing said associations, according to their respective interests, all the right, title, and interest which the commonwealth has acquired to the real estate of said associations, respectively, in pursuance of the laws and statutes relative to mortmain.

The Delaware Coal Company, and the North American Coal Company were authorized to continue their operations, with the powers, and subject to the liabilities of corporations created in this state, on the lands now held by them, under their respective charters, for a period of three years, before or at the end of which period they shall dispose of their lands.

COAL COMPANIES.—An act was passed to incorporate the Lycoming Coal Company; the capital is not to exceed \$500,000.

The Delaware Coal Company,

and the North American Coal Company, are vested with the same corporate powers and privileges as those granted to the Lycoming Coal Company, for five years; and they are authorized respectively to create a capital stock not exceeding \$300,000; but these powers are to cease unless they relinquish the charters obtained from other states.

COURTS.—In all cases where letters rogatory shall be issued out of any court of any territory or state of the Union, requesting any court of common pleas in this state to afford its aid in the examination of any witnesses within the limits of its jurisdiction, such court of common pleas may issue subpoenas to such witnesses, requiring their attendance either before such court of common pleas, or before commissioners, under a penalty not exceeding \$100; in case of the non-attendance of any such witness, process of attachment may be issued; and any party injured by such non-attendance, shall be entitled to the same remedies at law against the person subpoenaed, as are provided where a subpoena is issued from a court of record of this state in a case pending therein; if any person subpoenaed refuse to testify, he shall be liable to the same proceedings on the part of such court of common pleas, as if he had refused to testify in a case pending in any court of record of this state.

DEBT, IMPRISONMENT FOR.—No person shall be imprisoned for any debt or sum of money due on contract, contracted from and after the 4th of July, 1833, where the debt demanded, or judgment obtained, is less than \$5.34 cents, exclusive of costs.

DESCENT AND DISTRIBUTION OF ESTATES.—An act was passed con-

taining numerous provisions as to the descent and distribution of the estates of intestates.

FIRE AND HOSE COMPANIES.—Eleven fire and hose companies were incorporated.

HOSPITALS.—The Philadelphia hospital was incorporated.

INTERNAL IMPROVEMENT.—The following appropriations were made for the purpose of continuing the improvement of the state by rail-roads and canals: for the Philadelphia and Columbia rail-road \$1,111,958; for the Alleghany Portage rail-road, \$414,793; for the Columbia line of the eastern division of the Pennsylvania canal, \$35,835; for the Frankstown line, \$32,712; for the Wyoming line of the north branch division, \$115,202; for the Lycoming line of the west branch division, including the Lewisburg cross cut, \$47,007; for the French Creek division, \$162,491; and for the Beaver division, \$197,159.

The governor was authorized to borrow, on the credit of the state, and at a rate of interest not exceeding five per cent. per annum, the sum of \$2,540,661, to be applied to the payment of the contracts necessary to be made to complete the works directed to be completed.

The sum of \$100,000 is appropriated to the construction of feeders, towing paths, guard locks, weigh locks, bridges, &c., and other necessary works on old lines of canal; the sum of \$100,000 to the payment of claims for damages against the state, arising out of the construction of canals and rail-roads; the sum of \$300,000 to the payment of the expenses of repairs on canals and rail-roads; and the sum of \$30,000 to the construction of certain works on the river Susquehanna. The governor was authori-

zed to borrow the sum of \$530,000 for these purposes.

The governor was authorized, for the purpose of aiding the Union Canal Company, to subscribe on behalf of the state, for 1000 shares of the stock of the company; for the payment of which subscription, he is to issue to the company a certificate of loan for \$200,000, bearing an interest of four and a half per cent.; the principal redeemable after April 10, 1863.

The following rail-road companies were incorporated:

The Wyoming and Lehigh Rail-road Company; capital not to exceed \$600,000.

The Philadelphia and Reading Rail-road Company.

The Morristown and Mount Carbon Rail-road Company; capital not to exceed \$2,000,000.

The Susquehanna Rail-road Company; capital not to exceed \$2,000,000.

A large number of acts were passed in relation to the construction and alteration of state roads, &c. Acts were also passed for the incorporation of fourteen turnpike road companies. Two free road companies were incorporated.

INSURANCE COMPANIES.—The Chambersburg Insurance Company was incorporated, with a capital of \$50,000. By the same act the trustees of the Fire Association of Philadelphia were incorporated.

LANDS.—A resolution was passed, declaring that the proceeds of the public lands of the United States, when no longer required for the payment of the public debt, ought to be distributed among the several states of the Union, in just and equitable proportions.

LOTTERIES.—From and after Dec. 1, 1833, all and every lottery

is to be utterly and entirely abolished. After that day, any person who shall be in any wise concerned in the sale or exposure to sale of any lottery ticket, and any person who shall advertise, or be in any way concerned in the managing, or drawing of any lottery, or device in the nature of a lottery, shall, for every such offence, forfeit and pay a sum not less than \$100, nor more than \$10,000, or be sentenced to an imprisonment not exceeding six months, at the discretion of the court.

A resolution was passed by which the governor was requested to transmit a copy of the preceding act, together with a copy of the resolution to the several states, and request their co-operation to effect the entire abolition of lotteries. The governor is also requested to transmit the same to the president, with a request that he lay the same before congress, and use such measures as may, in his opinion, be best calculated to effect the abolition of lotteries in the district of Columbia.

LOUISVILLE AND PORTLAND CANAL.—The senators and representatives in congress from this state were requested to use their exertions to obtain the passage of a law to enable the general government to open and render free for the passage of boats and other craft, the Louisville and Portland canal.

PENITENTIARIES.—An act was passed appropriating the sum of \$190,000 for the purpose of altering the western state penitentiary,

and completing the eastern state penitentiary.

PITTSBURG.—The auditor general is directed to apply to the mayor, &c. of Pittsburg for the sum of \$43,906, the amount expended by the agents of the commonwealth on the canal improvements in the said city, over and above the sum of \$65,567; in case a settlement of the claim is not obtained within three months, the governor is instructed to institute legal proceedings against the city. It appears that this claim arose from a guaranty by the city of the payment of the excess of expenditure in the construction of a canal through the city of Pittsburg, beyond the sum of \$65,567.

RELIGIOUS SOCIETIES.—Four religious societies were incorporated.

SAVING FUND SOCIETIES.—Three savings fund societies were incorporated.

SCREW DOCK COMPANY.—The Kensington Screw Dock Company was incorporated.

THEOLOGICAL SEMINARY.—The trustees of the theological seminary at Canonsburg, belonging to the synod of the associate presbyterian church of North America, were incorporated.

TARIFF.—A resolution was passed, asserting the constitutionality of the tariff, and denying the right of a state to nullify the acts of congress.

WILLS AND TESTAMENTS.—An act was passed in relation to wills and testaments.

DELAWARE.

ELECTIONS.—1832.

For Governor.

Bennet, administration, - - - 4220
Naudain, opposition, - - - 4166

For Congress.

Milligan, opposition, - - - 4263
Bates, administration, - - - 4142

LEGISLATION.—Laws passed at a session of the General Assembly, commenced at Dover, on January 3, 1833.

ADMINISTRATORS AND EXECUTORS.—Where any creditor shall

recover judgment before a justice of the peace, against any executor or administrator, for a debt under \$50, and there are no assets applicable thereto, the creditor may apply to the register of the county to issue a citation to the executor or administrator to appear and show cause why he shall not prefer a petition to the orphan's court of the county wherein any lands, &c. of such deceased person are situate, to make an order for the sale of the same, for a payment of such part of the debts of the deceased as his personal estate is insufficient to satisfy. If upon a hearing before the register, it shall appear that the personal estate is insufficient, and that the creditor will be remediless without such sale, the register is authorized to direct the executor or administrator to apply to the orphan's court for such order.

COAL COMPANIES.—The Broad Mountain Coal Company, and the Powhattan Coal Company, were incorporated.

CANALS.—An act was passed to incorporate a company for the purpose of constructing a canal between the waters of Nanticoke river, and Broad Kiln creek; the capital is \$500,000.

A company was also incorporated, with a capital of \$250,000, to construct a canal connecting Lewis' creek with Indian river and Chesapeake bay, by Pocomoke river.

CHANCELLOR.—By this act it is provided, that the chancellor shall not sit in any cause in which his parent, grandparent, child, grandchild, brother or sister, nephew or niece, uncle or aunt, brother-in-law or son-in-law, shall be a party.

COLLEGE.—An act was passed to establish a college at Newark.

LANDLORD AND TENANT.—When ever any rent is in arrear, whether

it be rent-charge, rent-sock, quit-rent or otherwise, (except rent in arrear upon the demise of lands, &c.) issuing out of or charged upon any lands, &c., the person entitled to such rent may distrain, as well the grain, grass and other produce found on the premises, whether growing or severed, as the horses, cattle and other goods and chattels, being upon the premises, chargeable with the said rent. The husband of a wife entitled to rent as aforesaid, shall have the same remedy as during her life, for the arrears of the rent accruing during the marriage; and a person entitled to any rent as aforesaid, for the life of another person, may distrain in the same manner after the death.

LOTTERY TICKETS.—No person shall sell or dispose of any lottery ticket, or of any part or share of a lottery ticket, without having first obtained a license; for which there shall be paid \$100; which license shall continue in force one year, and shall limit the sale of lottery tickets to one stand or shop. If any person shall sell or dispose of any lottery ticket, &c., contrary to the provisions of this act, he is to forfeit \$20 for every such lottery ticket, &c. so sold.

MAYHEM.—Mayhem of a general member is made punishable with death.

MARRIAGE.—It shall be lawful for a preacher of the gospel, ordained and appointed according to the rules of the church to which he belongs, to solemnize all marriages where the parties are negroes or mulattoes, without any license or publication of the bans; before any such marriage shall be solemnized, each of the parties (being free) shall produce the certificate of some justice of the peace of the county in which he or she may reside re-

spectively, of his or her freedom ; or (being a servant or slave) shall produce the written consent of his or her master or mistress, to such marriage. If any minister shall solemnize any marriage contrary to the provisions of this act, he shall forfeit the sum of \$20.

MANUFACTURING COMPANY.—The New Castle Manufacturing Company was incorporated, with a capital of \$200,000.

PARTITION.—A further act was passed in relation to the partition of lands and tenements among joint tenants and tenants in common.

STEAM NAVIGATION COMPANY.—An act was passed to give effect in Delaware, to an act of the legislature of Maryland, incorporating the People's Steam Navigation Company, for the conveyance of passengers and transportation of merchandise, between the cities of Philadelphia and Baltimore.

RAIL-ROADS.—A company was incorporated for building a rail-road from Dover to Mahon's river. A company for making a rail-road and cutting a canal, from the town of Milford, to Mispilian creek. The Wilmington and Susquehanna Rail-road Company was authorized to form a union with companies in Pennsylvania, and Maryland, for the purpose of constructing rail-roads in those states, to unite with the Wilmington and Susquehanna rail-road.

SLAVES.—The chief justice or any associate judge, upon petition to him in vacation, shall have power to grant a license to the owner of any slave, to export the same from this state, or to bring the same from any other into this state, upon such conditions as may be deemed proper ; he is also authorized to grant a license to the owner or owners of any tract of land, situate in the state

of Maryland adjoining this state, to employ his, her or their slave or slaves upon such tract of land, and to pass and repass them, to and from the state of Maryland to this state, for such purpose. No slave exported from or brought into this state, or passed or repassed to and from the state of Maryland to this state, pursuant to such license, shall, by reason thereof, be entitled to his or her freedom.

The following resolutions were passed in reply to the resolutions of South Carolina.

Resolved, That the constitution of the United States of America, which is a form of government established by the people of the United States of America, has expressly provided a tribunal in the supreme court of the United States for the settlement of all controversies between the United States and the respective states, and of all controversies arising under that instrument itself.

Resolved, That the constitution of the United States of America, does not recognise any such tribunal or political assemblage as a convention of the states ; but has expressly provided for modes of amendment, if amendment be necessary, in the fifth article—as follows : The congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution ; or on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification

may be proposed by the congress. Any other mode must therefore be repugnant to its provisions.

Resolved, That such a convention to propose amendments, when called by congress, must be, in the nature of things, a convention of the people from whom the constitution derived its authority, and by whom alone it can be altered, and not a convention of the states.

Resolved, That no such political assemblage as a convention of the states, could take place as a *constitutional* organ of government; and that, if assembled, it could have no such power as that set forth by the resolution of South Carolina, to *consider* and *determine* such questions of disputed power as have arisen between the states of this confederacy and the general government.

Resolved, That it is not expedient for congress to call a convention for proposing amendments at this time. But that if any amendments be necessary, it comports with the views of the general assembly of this state, that they should be proposed in the other mode provided by the constitution—by two thirds of both house of congress.

The following resolutions were

also adopted by the legislature of this state.

Resolved, That in the opinion of this legislature, it would greatly promote the interest, comfort and prosperity of the inhabitants of the peninsula, formed by the waters of the Chesapeake and Delaware bays, if they were united under one government.

Resolved, That it comports with the views and wishes of the people of this state, that the people of the eastern shore of Maryland and of this state, should be united under one government, and that the region of country inhabited by them respectively, should be denominated the *state of Delaware*.

Resolved, That the governor of this state be and he hereby is authorized and empowered, in case the above measure should meet the approbation of the legislature of the state of Maryland, to appoint three commissioners on the part of this state to meet such as may be appointed on the part of the state of Maryland, to carry the measure into execution and settle the details thereof, subject to the final ratification of the legislatures of the two states, and that of the congress of the United States.

MARYLAND.

ELECTIONS—1832.—James Thomas was elected governor of the state by the legislature.

Thomas	69
Blank	14

Joseph Kent was elected senator from March, 1833.

For Kent	64
S. Smith	25

FINANCES.—The receipts into the treasury for 1833, including the cash balance in the treasury at the beginning of the year, were \$568,913 02, and the actual expenditures \$537,082 74. Upon this balance

of \$31,830,28 there are claims for unsatisfied appropriations to the amount of \$42,967—exhibiting an actual deficit of \$11,136 82.

For the year 1834, the receipts are estimated at \$245,580 14, and the expenditures at \$264,523 73, exhibiting a further deficit of \$18,943 59. Total deficit \$30,080 41.

The common free school fund of the state, invested in productive capital, is \$97,300; the free school fund of the counties so invested, is

\$50,168 66 ; the uninvested balance of cash is \$17,017 09 ; making together \$164,485 75, as the aggregate of the state school funds—of which the receipts for the year were \$16,172 23.

The aggregate of the productive capital of the *sinking fund* for the redemption of the debt for the tobacco inspection ware-houses, the penitentiary, the university and the Baltimore and Ohio rail-road stock, is \$51,156 13.

The *productive capital* of the state, in stocks and cash on interest (\$335,104 74,) loans and bonds, amounts to \$993,859 80 ; which is worth an average premium of *ten* per cent. The revenue from that capital is \$51,516 58.

The *unproductive capital*, consisting of stocks, bonds, &c. which yet pay no interest, amounts to \$1,217,442 76.

The aggregate capital in the treasury, therefore, at par value, is \$2,151,302 56.

This does not include the real property belonging to the state in public buildings, the government offices, hospital, university, penitentiary, wharves, ware-houses, &c. nor the appropriations made for public objects, the cleaning out of the harbour of Baltimore, the Washington monument, &c. all which would amount to several millions more.

1833—GEOLOGICAL SURVEY.—Messrs. Ducatel, Alexander, and Tyson, the gentlemen appointed by the executive to make a geological survey of the state, were engaged this summer in exploring the county of Montgomery. They discovered strong indications of great mineral wealth in Alleghany county ; and it is supposed that that heretofore neglected part of the state is destined to become the Wales

of Maryland, yielding inexhaustible supplies of iron and coal.

A memorial presented to the legislature of Maryland, states that 4381 emigrants arrived at Baltimore in 1831, and 7946 in 1832, and that a large proportion were destitute of the means of subsistence.

OBSTRUCTIONS IN THE SUSQUEHANNAH.

Copy of a letter from Josiah Bayly, Esq., attorney general, to the governor of Maryland, relative to the obstructions in the Susquehannah.

CAMBRIDGE, Feb. 27th, 1832.

His excellency the Governor and Council.

The clerk of the council, by the direction of your honourable body, has transmitted to me copies of a resolution, passed at the last session, of the report of commissioners, appointed in pursuance thereof, and of a resolution passed at the present session of the general assembly, relative to certain dams heretofore constructed in the Susquehannah river, within the territorial limits of the state of Pennsylvania, and by her authority, some of which have recently been destroyed. The object of the last resolution is to prevent the reconstruction of such as have been destroyed, and for that purpose, the governor is requested forthwith to take such measures as he, by and with the advice and consent of the council, may deem proper and expedient to prevent such re-construction : My opinion and advice are requested.

In the performance of my official duty, I have carefully examined the several documents, by which it appears that the claim of Maryland has been urged, at different times, on several distinct principles, the law of nations, prescription, compact and contract within the meaning of

the federal constitution, the power of congress to regulate commerce with foreign nations and among the several states, and the grant of the immunities and privileges of citizens of the several states, to the citizens of each state. These principles are irrelevant to this case, and the claim cannot be sustained upon either of them.

Remonstrance to the legislature of Pennsylvania, as heretofore, is, in my opinion, the only proper measure that can be taken. Measures of coercion or of compulsion, cannot with propriety be adopted, or legally enforced. If the right to continue, or to reconstruct the dams shall continue to be asserted and redress refused, there is no remedy. The subject matter of complaint proceeds from the local regulations enacted by Pennsylvania, in aid of her internal improvements, and cannot be noticed by the judicial tribunals. The exclusive right of sovereign jurisdiction within the territorial limits of a state to enact municipal laws, regulating internal improvements and domestic police, and declaring public highways by land or water, to be opened, obstructed, changed, altered or improved, is a power reserved to the states and not inconsistent with the constitution. Maryland and every state of the union claim, and have exercised the same prerogative. The Pennsylvania acts of 1801 and 1827, which gave rise to the present contest, are of this character, and cannot be judicially impeached.

The power vested in congress to regulate commerce with foreign nations and among the several states, has never been construed to confer any constitutional right to control, impede, prevent or interfere with the municipal laws, and internal regulations of either foreign nations or of

the states. They have been respected and held inviolable.

The clause of the constitution granting to the citizens of each state, the privileges and immunities of the several states, has never been construed to confer any such power or authority, but its construction has been strictly confined to the subject matter to which it relates, and to none other.

The report of the commissioners admits, that the act of Pennsylvania, 1801, is not a compact, agreement, or contract, within the meaning of the constitution, and that the acts of 1801 and 1827, are constitutional; if so, they are subject to repeal, amendment, or modification, at the will and discretion of the legislative power, and the exercise of such authority cannot be controverted by any judicial tribunal.

The right of a state to those parts of navigable rivers, creeks or other waters within the territorial bounds of other states, claimed or derived from the law of nations, or by prescription, may be well questioned. If such rights are tenable and can be sustained, why did Maryland and Virginia, in 1785, make a compact upon that subject, and thereby ascertain and establish their respective rights, as may be seen by reference to the act of confirmation, passed at November session, 1785. If the right was sufficient, the compact was unnecessary.

Why has the general government, in admitting new states into the union, cautiously required and imposed a fundamental provision reserving such rights to the citizens of other states, as the indispensable and unqualified condition of their admission? If the right existed and was valid by the law of nations or by prescription, such provision and indispensable condition would be

unnecessary. Congress has thought otherwise.

Why were the Maryland act of 1799 and the act of 1813, passed? If the Susquehanna river in Pennsylvania, was at that time a public highway, these acts were unnecessary, and could give no additional right; but these acts, in connexion with others, incontestably prove, that at that time the river was not navigable, according to the common acceptance of the term; that individuals or bodies corporate, had no authority to remove the natural obstructions impeding the navigation within the limits of Pennsylvania, without her assent; and that a right by the law of nations in prescription, was not claimed or relied on by Maryland. After a careful consideration of the subject, I conclude, that remonstrance to the proper authorities of Pennsylvania, is the only measure; I cannot advise any other.

JOSIAH BAYLY.

LEGISLATION.—1833.—The message of governor Howard was transmitted to the legislature on the 3d of January. In consequence of the probable fate of the United States bank, the governor recommends the immediate chartering of a state bank, to be founded upon the funds of the state. In regard to the works of internal improvement in progress within the state, he states that an unexpected obstacle to the prosecution of the Baltimore and Ohio rail-road had arisen, in the refusal of the canal company to permit the rail-road to pass the difficult and narrow places in the valley of the Potomac in company with the canal. Besides refusing the permission requested by the state of Maryland, the directors of the canal have changed its original location along the narrow passes between the point of rocks and

Harper's ferry, and have occupied the ground in such a manner as to prevent the possibility of the rail-road being extended through that part of the valley. The governor complains of this discourtesy on the part of the canal company, and suggests measures for inducing the company to retrace its steps. Notwithstanding this impediment, there is no fear that the rail-road will not be completed, though with considerable additional expense.

Lotteries are denounced, and it is proposed to procure the co-operation of all the states to abolish them throughout the union.

The legislature of Maryland at its session, begun on December 31, 1832, passed three hundred and eighteen acts, and eighty-nine resolutions.

ACADEMIES.—Five academies were incorporated.

AMERICAN COLONIZATION SOCIETY. An act was passed to repeal the act of 1826, making appropriations for the benefit of the American Colonization Society; the reasons given are that, on account of the restrictions of that act, the society had not drawn on the treasurer for the appropriation, and that the state had now embarked in the work of colonization on her own resources.

APPEALS.—An act was passed granting appeals from the court of chancery, and from the several county courts, as courts of equity, to the court of appeals in certain cases.

Another act was passed respecting appeals in cases of issues sent for trial from the orphans' courts.

From and after September 1, 1833, where any judgment of any county court shall be affirmed by the court of appeals, and it shall appear to the latter court that the appeal or writ of error was taken, or sued out merely for delay, the

court of appeals shall award, over and above the interest, damages for delay, at the rate of four per cent. per annum, for the time between the rendition of the judgment in the county court and the affirmance thereof.

ATTACHMENT.—An act was passed to subject stocks and funded property to attachment and execution for debt.

CANALS.—Acts were passed to incorporate the Beaver Dam and Harrington Branch Canal Company; and the Lewis and Pocomoke Canal Company.

COLLEGES.—The Mount Hope Institution, in the vicinity of Baltimore, was established and constituted a college; an act was also passed to incorporate the Washington Medical College of Baltimore.

CONSTITUTION OF THE STATE.—Whereas doubts have arisen in regard to the true construction of the constitution of this state, in relation to persons holding offices of trust or profit, under the authorities of this state, who may hold an appointment under the general government, and for the more fully explaining the same, therefore it is enacted that no postmaster or his deputies, no marshal or his deputies, shall hold any office under the government of the state, or exercise any of the functions of any office which he now has or may hereafter receive from the executive of this state, after May 1, 1833, under the penalty of \$50 for every such offence.

CORPORATIONS.—The provisions of the several acts prescribing the manner of suing out attachments, are to apply to all debts due from, and claims against, and judgments recovered against, and to all debts due, and claims accruing to any corporations, in all cases of debts

from, or claims, &c. against any corporations in favour of, or belonging to any minor, feme covert, or lunatic, the guardian, husband, or committee respectively, is to be competent to make the oath or affirmation required by the acts above referred to; in cases of debts, &c. accruing to any corporation, the president, treasurer, cashier, or other officer of such corporation, for the time being, shall be competent to make such oath or affirmation; where any attachment shall issue against the property of any corporation, such corporation may in cases where a natural person if defendant might, by entering special bail to the action, dissolve such attachment, dissolve the same, by entering into bond with security for paying and satisfying the judgment that may be rendered against said corporate body.

An act was passed to regulate the mode of proceeding against corporations, in case of the abuse or non-user of their powers and franchises, for the purpose of vacating and annulling their charters.

The governor with the consent of the council, is required to appoint three suitable persons to represent the state at all meetings of the stockholders of any and all joint stock companies, which have been, or may be hereafter incorporated to make roads and canals, and to vote there-in according to the interests of the state.

COURTS.—This is an act further to regulate the proceedings in the several courts of equity. The 7th section provides, that where any infant feme covert shall, in respect to her dower, unite with her husband in any conveyance or lease, executed and acknowledged in form for passing feme covert's real estate,

and the court of chancery, or any county court, as a court of equity shall deem such conveyance or lease expedient, such court may, according to the rules of equity, proceed to adjudge that such conveyance or lease be confirmed and declared valid. Where the defendants in any suit shall be infants, residing in any other state, on the petition of the complainant a commission may be issued to any two persons, in the discretion of the chancellor, or any judge of the equity court, as commissioners, authorizing them, or either of them, to appoint a guardian to answer for such infants, and to take the answer of such guardian; and the answer of every infant so taken, in any case, shall be as effectual as if taken under a commission duly executed within the jurisdiction of such court.

IMPRISONMENT FOR DEBT.—The act of 1830 to abolish imprisonment for debt, on certain judgments, rendered by justices of the peace, was repealed; but this is not to be construed to extend to judgments obtained before March 20, 1833.

TAXES.—This act was passed to facilitate the collection of taxes on the estates of deceased persons, requiring executors and administrators to render an account in writing to the commissioners, &c. of the property of deceased persons, which is liable to assessment &c.

DIVORCES.—Twenty-five acts of divorce were passed.

FREEMASONS.—An act to incorporate the Cambridge Lodge.

HAY, &c.—All hay and straw sold by weight in this state, shall be sold by the net hundred, and every twenty hundred pounds net weight shall be considered a ton.

HORTICULTURAL SOCIETY.—An

act was passed to incorporate the Horticultural Society of Maryland.

INSPECTION LAW.—An act was passed to provide for the inspection of plaster of Paris in Baltimore.

INSURANCE COMPANY.—The General Insurance Company of Maryland was incorporated with a capital of \$300,000, which the company is authorized to increase to \$1,000,000.

LICENCES.—This act provides that nothing therein contained shall be construed to require persons to take out a license for the sale of cider or small beer made by the person offering to vend the same, or to prohibit the distiller of spirituous liquors from selling without license, in quantities less than a quart, the spirits distilled by the seller.

NOTARIES PUBLIC.—Notaries are empowered to administer oaths and affirmations, in all cases of a civil nature in which they may be administered by a justice of the peace; and a certificate under the notarial seal of any notary public, is to be sufficient evidence of his having administered such oath.

ODD FELLOWS.—Three lodges of the order of Independent Odd Fellows were incorporated.

OYSTERS.—It is provided, that whenever the sheriff of any county shall have summoned his *posse comitatus*, with the intention to proceed to the capture and arrest of any boats or vessels, which may be engaged in taking oysters in violation of the law, he shall have power and authority to seize upon and take possession of any vessel or steam-boat in his bailiwick, which he may find it necessary to employ for such purpose; but in case any injury may be sustained by such vessel or steam-boat, the owners shall be en-

titled to receive from the state full indemnity for the same, and also compensation and indemnity for the use of, and detention of such vessel or steam-boat.

PASSENGERS.—An act was passed in relation to the importation of passengers into the state; masters of vessels are required to report the names, ages, &c. of alien passengers, and to pay in respect to every such passenger who shall be above the age of five years, the sum of one dollar and fifty cents to the clerk of the county in which alien is landed, or to the mayor or register of Baltimore, if he is landed there; or they may become bound by specialty, with sureties to such clerk, &c. in a sum not exceeding \$150 for each passenger, as aforesaid, to indemnify the county, &c. from all expenses which may be incurred at any time within two years for the maintenance of such passenger; penalties are provided in cases of violation of the act.

PILOTAGE.—Vessels of the burden of 130 tons and under, engaged in the coasting trade, shall not be obliged to take a pilot or pay half pilotage from the port of Baltimore to the capes in Virginia; where a controversy shall arise between the master of any coasting vessel and a regularly licenced pilot, the parties are authorized to take the case before a single justice of the peace for a hearing and settlement of the dispute.

RAIL-ROADS.—Acts were passed, providing for the continuation of the Baltimore and Ohio rail-road to Harper's Ferry; and incorporating the Somerset and Worcester Rail-road Company; the capital of the latter company is \$100,000.

SAVINGS INSTITUTIONS.—Fifteen

savings institutions were incorporated.

NEGROES.—Several acts were passed in relation to free negroes and slaves.

In all cases where the wife or the husband of any slave held and owned in this state, by any citizen thereof, shall be a slave owned and possessed by an inhabitant of any adjoining state, district, or territory, the owner of such slave may purchase, import and bring into this state, from such adjoining state, &c. the said wife &c.; provided the solemnization of the marriage ceremony between such slaves, according to the form of some one of the churches, or religious communities of this state, be proved by the affidavit in writing of the person so purchasing such slave, or by the affidavit of some other credible white person, and left to be recorded with the clerk of the county court of the county into which such slave shall be introduced; and provided also, that such marriage ceremony shall have been performed before the passage of the act of December, 1831.

LAND COMPANIES.—The South Baltimore Land Company was incorporated, with a capital of \$500,000, and the Toulon Company, with a capital of \$2,000,000, for the improvement of lands in the vicinity of Baltimore, the erection of wharves, &c.

GEOLOGICAL SURVEY.—A resolution provides for the appointment of an assistant to the engineer to be appointed on the subject of a state map; the assistant is to make the necessary geological researches, and report upon the expediency and probable cost of a geological survey of the state.

NULLIFICATION, &c.—A resolution was passed, denying the right of any state to nullify an act of congress, or to secede from the Union, &c.

REVOLUTIONARY PENSIONS.—Numerous pensions were granted, in consideration of revolutionary services.

COLONIZATION.—In the house of delegates, January 16th, it was, on motion of Mr. Johnson,

Ordered, That the committee on the coloured population be instructed to inquire into the propriety and practicability of designating some future day, beyond which all slaves, who may be born in this state after that period, shall be free upon arriving at a given age, and upon condition not to be permitted to remain in this state; but shall be removed to Africa, or some other place of safety, beyond the limits of the United States, as may be provided for by law, and make report to this house.

PUBLIC LANDS.—The following resolution was passed by the house of delegates, by a vote of 48 to 23.

Resolved, That the recommendation by the president of the United States in his last annual message to congress, to cede the public lands to the new states in which they are located, is impolitic, unjust and highly injurious to the fair and legitimate claims of Maryland; and that it is our duty to those whom we represent, solemnly to protest against the adoption of such a policy, and at the same time earnestly to request our representatives in congress to give a zealous support to the passage of the bill, from the senate, providing for the distribution of the proceeds of the sales of the public lands amongst the several states and territories of this union, now pending in the house of representatives of the United States.

VIRGINIA.

FINANCES.—The following is a statement of the public funds of the state, deposited in the banks, on the 3d of November, 1832:

To the credit of the commonwealth	\$588,132 04
Literary fund	45,707 53
James river company	28,564 45
Board of public works	14,457 11
North western T. R. road	52,417 29
Gain in change	4 85
	<hr/>
	\$729,283 27

PENITENTIARY, 1833.—In the Virginia penitentiary the whole number of convicts does not exceed 150, white and black, and of these only 8 are females, all of whom are

black. To the honour of the state be it said that there is not a single white woman amongst them. The legislature, session before the last, pardoned the only one white female who was confined within its walls.

To the editors of the Lynchburg Virginian.

ATMOSPHERIC PHENOMENON.

GENTLEMEN: On this morning, between two o'clock and daybreak, we were presented with a most beautiful display of electrical excitement in the upper regions of the atmosphere, probably not excelled in interest by the similar meteoric phenomenon of November, 1802.

At 10 o'clock last night, I was struck with the uncommon transparency of the atmosphere and brilliance of the stars. Soon after having my attention thus called to the peculiar state of the air, I felt a slight repetition of the tremulous motion of the earth, which has repeatedly been observed in this vicinity of late.

The *shooting stars*, of which we had so impressive an exhibition this morning, made their first appearance in our hemisphere between 2 and 3 o'clock, but I did not notice them until about 5 o'clock. From the vast number and brightness of the meteors, the sight was, at that time, indescribably beautiful. Their general course was from the south-east to the north-west, the most of them appearing to the south-west of our zenith. They first came into view 20 or 30 degrees to the east of our celestial meridian, and extended their flight 40 or 60 degrees to the west of it. Their general motion was probably horizontal, although, from the position of the observer, they seemed to fall. Their path was marked by a train of light which was most brilliant near the point of their disappearance, continuing from 3 to 7 or 8 seconds, and sprinkling the heavens with long, bright *dashes* of light, resembling in their form the marks made on the window, by the first drops of a shower driven against the glass. The colour of the light was generally a pure white, but sometimes tinged with a reddish hue; and so great was the number and frequency of the meteors, as to illuminate the night sensibly, though slightly. The average flight of each ball was over an arc of about 50 degrees. The phenomenon was most brilliant to the south and west of Lynchburg, at an elevation of from 30 to 60 de-

grees. The meteors vanished from sight without a visible or audible explosion, and for the most part without scintillations.

No appearance of the aurora borealis was observed, nor the slightest vapour of any kind. The air continued, as on the evening before, entirely pellucid.

At half past 6 o'clock, the thermometer stood at 54 degrees, Far., the barometer at 29 inches and 4 tenths, and the hygrometer at about 28 degrees. No change was noticeable to the magnetic dip, variation or intensity. Gold leaf electrometers were excited by a touch; Bennet's, placed on the prime conductor, with the cushion insulated, rose on a slight motion of the machine. The pendulum of De Luc's *dro pile* was accelerated.

Your most obedient servant,

F. G. SMITH.

Lynchburg, November 13, 1833.

NULLIFICATION.—At the commencement of the session of the legislature on the 1st monday of December, 1832, a message was transmitted to the legislature by governor Floyd, in which strong ground was taken against the tariff, and an evident leaning was manifested towards the doctrines of South Carolina.

Shortly after the passage of the ordinance, and the issuing of the proclamation, by the president of the United States, an additional message was sent in, communicating those papers to the legislature. They were immediately referred, on motion of Mr. Brodnax, to a select committee, and a long and elaborate report was made on the 20th of December, which after being debated, modified, and amended by both branches of the legislature, resulted in the following resolutions, which were passed in the house, ayes 77,

nays 47, and in the senate, ayes 28, nays 4.

Whereas, The general assembly of Virginia, actuated by an ardent desire to preserve the peace and harmony of our common country, relying upon the sense of the people of each and every state of the union, as a sufficient pledge that their representatives in congress will so modify the acts laying duties and imposts on the importation of foreign commodities, commonly called the tariff acts, that they will no longer furnish cause of complaint to the people of any particular state, believing accordingly, that the people of South Carolina are mistaken in supposing that congress will yield them no relief from the pressure of those acts, especially as the auspicious approach of the extinguishment of the public debt, affords a just ground for the indulgence of a contrary expectation; and confident that they are too strongly attached to the union of the states, to resort to any proceedings which might dissolve or endanger it, whilst they have any fair hope of obtaining their object by more regular and peaceful measures; persuaded, also, that they will listen willingly and respectfully to the voice of Virginia, earnestly and affectionately requesting and entreating them to rescind, or suspend their late ordinance, and await the result of a combined and strenuous effort of the friends of union and peace, to effect an adjustment and reconciliation of all public differences now unhappily existing; regarding, moreover, an appeal to force on the part of the general government, or on the part of the government of South Carolina, as a measure which nothing but extreme necessity could justify or excuse in either; but apprehensive, at the same time, that if the present state

of things is allowed to continue, acts of violence will occur which may lead to consequences that all would deplore; cannot but deem it a solemn duty to interpose and mediate between the high contending parties, by the declaration of their opinions and wishes, which they trust that both will consider and respect: therefore

1. *Resolved, by the general assembly, in the name, and on behalf of the people of Virginia*, That the competent authorities of South Carolina be, and they are hereby earnestly and respectfully requested and entreated to rescind the ordinance of the late convention of that state, entitled, "an ordinance to nullify certain acts of the congress of the United States, purporting to be laws laying duties and imposts on the importation of foreign commodities;" or, at least, to suspend its operation until the close of the first session of the next congress.

2. *Resolved*, That the congress of the United States be, and they are hereby earnestly and respectfully requested and entreated so to modify the acts laying duties and imposts on the importation of foreign commodities, commonly called the tariff acts, as to effect a gradual but speedy reduction of the resulting revenue of the general government, to the standard of the necessary and proper expenditures for the support thereof.

3. *Resolved*, That the people of Virginia expect, and, in the opinion of the general assembly, the people of the other states have a right to expect, that the general government, and the government of South Carolina, and all persons acting under the authority of either, will carefully abstain from any and all acts whatever which may be calculated to disturb the tranquillity of the

country, or endanger the existence of the union.

4. *And whereas*, considering the opinions which have been advanced and maintained by the convention of South Carolina in its late ordinance and addresses on the one hand, and by the president of the United States, in his proclamation, bearing date the 15th day of December, 1832, on the other, the general assembly deem it due to themselves, and the people whom they represent, to declare and make known their own views in relation to some of the important and interesting questions which these papers present: *Therefore, resolved by the general assembly*, That they continue to regard the doctrines of state sovereignty and state rights, as set forth in the resolutions of 1798, and sustained by the report thereon, of 1799, as unquestionably true, and worthy of all acceptance; but that they do not consider them as sanctioning the proceedings of South Carolina indicated in her said ordinance, nor as countenancing all the principles assumed by the president in his said proclamation, many of which are in direct conflict with them.

Resolved, That this house will, by joint vote with the senate, proceed on this day to elect a commissioner, whose duty it shall be to proceed immediately to South Carolina, and communicate the foregoing preamble and resolutions to the governor of that state, with a request that they be communicated to the legislature of that state, or any convention of its citizens, or give them such other direction, as in his judgment may be best calculated to promote the objects which this commonwealth has in view; and that the said commissioner be authorized to express to the public authorities and people of our sister state, in such

manner as he may deem most expedient, our sincere good will to our sister state, and our anxious solicitude that the kind and respectful recommendations we have addressed to her, may lead to an accommodation of all the difficulties between that state and the general government."

Benjamin Watkins Leigh was then unanimously chosen a commissioner under the last resolution.

At a subsequent period of the session, the following preamble and resolution was moved by Mr. Knox:

"Whereas, a bill is now pending before the senate of the United States, which proposes to invest the president with the authority of employing at discretion the land and naval forces of the country, for the purpose of carrying into effect the revenue laws of the general government; and whereas, in the opinion of the general assembly of Virginia, there exists no necessity for clothing the president with such unlimited powers, *Resolved, therefore*, by the general assembly of Virginia, that John Tyler and William C. Rives, senators in the congress of the United States from the state of Virginia, be, and they are hereby instructed to vote against the said bill, and to use their best exertions in order to defeat the passage of the same; and likewise request our representatives in congress to do likewise."

After some debate, and a refusal to defer the fate of the resolution, by laying it on the table, it was indefinitely postponed (*rejected*) by a vote of 75 to 51.

COLONIZATION.—In the house of delegates, the committee of finance, to whom had been referred the various petitions for legislative aid to the colonization society, made a report conformable thereto. A mo-

tion was made by Mr. Brodnax to lay the report on the table, which was, after much discussion, rejected. Mr. Dade moved the indefinite postponement, which also, after considerable debate, was decided in the negative—ayes 57, noes 57. The house adjourned without disposing of the subject. On Monday, Mr.

Ritchie' moved to take up the report—several members desired that the vote on the taking up should be considered as a test vote. The question was then taken, the ayes and noes being called, and it was taken up—ayes 61, noes 59. It was then referred to a select committee.

NORTH-CAROLINA.

FINANCES.—It appears by the report of the treasurer of North-Carolina, that the balance in the treasury on the 1st of November, 1832, was \$7,924 73, and the receipts between that period and the 1st November, 1833, \$188,819 97. The disbursements during the same period were \$138,867 46; leaving a balance in the treasury at the beginning of November, of \$57,877 24. The present amount of the literary fund is \$117,024 81, no expenditures from it having been made during the year. The present amount of the internal improvement fund is \$979, being merely nominal.

ELECTIONS—1832.—The balloting for governor in the legislature lasted three days. D. L. Swain, was at length put in nomination, and Mr. Polk and Mr. Branch being severally withdrawn, he was elected, receiving 99 votes, Speight 85, and 10 scattering.

INTERNAL IMPROVEMENTS.—A convention to promote internal improvements met at Raleigh on the 4th of July, 1833, and having appointed governor Swain the president, it proceeded to recommend to the general assembly that a fund should be created for this object, and that the state should subscribe two fifths of the stock of all companies chartered for internal improvements.

ORGANIC REMAINS.—**SEPTEMBER, 1833.**—Among the organic remains found in the marl pits of Lucas Benners, Esq. in Craven county, North Carolina, are the following:

Several pits have been dug, some of them to the depth of 25 feet below the surface of the earth, and ten feet below the present surface of the river. In the course of these excavations a great variety of interesting organic remains have been found, consisting of sea shells, bones and teeth of fishes, and the bones of land animals of prodigious size. Mr. B. mentions that the following is the order in which these remains have been found: 1st, Sharks' teeth, and the fragments of bones of marine fishes mingled with sea shells. 2d, Teeth, horns, hoofs, ribs, vertebrae, &c. of quadrupeds that inhabited the land, mingled with sea shells of great variety. These remains of land animals are found at the depth of from 20 to 25 feet below the surface of the earth. Among them are recognised with certainty the teeth of the great mastodon, (Mastodon giganteum of Cuvier,) the hoofs, horns and vertebrae of an elk of great size, and the teeth of an animal supposed to be the hyena.

LEGISLATION.—The acts passed by the general assembly of North Carolina, at the session of 1832-33,

are, in number, one hundred and sixty-seven; of which twenty-four are public acts. Fifty-three resolutions were adopted.

ACADEMIES.—Eleven academies were incorporated.

CAPITOL.—Fifty thousand dollars was appropriated for the rebuilding of the capitol in the city of Raleigh.

COURTS.—Nine acts were passed in relation to different county courts.

LANDS.—An act providing for the registration of copies of grants of land. It shall be lawful for any person to cause to be registered in the office of the register, any *certified copy* of a grant from the office of the secretary of state, for the lands lying in such county; and such registration shall have the same effect as if the original had been registered.

MILITIA.—Thirty acts were passed in relation to the militia.

Every militia captain in the state is required to enrol on his muster list all Quakers, Moravians, Dunkards, Menonists, and others conscientiously scrupulous of bearing arms, residing within his district, and between the ages of eighteen and forty-five; but they shall not be compelled to muster or perform military duty except in cases of insurrection, or invasion, or to pay any tax for said exemption. They are in these cases to furnish a substitute, or pay an equivalent. Every major general shall review his division once in every three years; and every brigadier general to review his brigade once in every two years. If any general officer fail to review, equip himself, or to make an annual return of his division or brigade, the governor is required to cause the adjutant general to give such delinquent officer thirty days notice of his neglect of duty; and if such delinquent does not,

within forty days thereafter, render a satisfactory excuse for such neglect, it shall be the duty of the governor to strike his name from the list of officers, and report to the next legislature accordingly. Captains of the several companies, except volunteer corps within this state, are not to call their men together, without their consent, for the purpose of company musters, more than twice in each year, except in cases of insurrection or invasion. The commanding officer, at any muster, is to cause the militia to be exercised not less than two hours on each day. Field officers of cavalry are required, once in every two years, to review the cavalry companies.

Twenty-two military companies were incorporated.

SLAVES.—If any person shall wickedly, willingly and feloniously, carry, convey or conceal any slave, the property of any citizen or citizens of this state, without the consent, in writing, of the owner, with the intent of enabling such slave to effect an escape out of this state, every such person shall suffer death without benefit of clergy.

HISTORICAL SOCIETY.—The North Carolina Historical Society was incorporated.

HOTEL COMPANY.—By this act the La Fayette Hotel Company, in the town of Fayetteville, was incorporated; its capital stock is not to exceed \$25,000.

AGRICULTURAL SOCIETY.—Certain persons were incorporated by the name of the Macon County Agricultural Society.

BOATING COMPANY.—The Haywood Boating Company was incorporated for the purpose of facilitating transportation between the towns of Haywood, Fayetteville and Wilmington; the capital stock \$2,000.

WITNESSES.—Two acts were passed to restore to credit the persons therein named, in as full and ample manner as if they had never been convicted of any crime.

RAIL-ROAD COMPANY.—An act was passed, incorporating the Portsmouth and Roanoke Rail-road Company.

The Experimental Rail-road Company was incorporated.

CLERKS OF COURTS.—An act was passed vesting the right of electing the clerks of the county and superior courts in the several counties within this state in the free white men thereof.

TURNPIKE ROAD AND BRIDGE COMPANIES.—Three turnpike road companies, and two companies for the erection of bridges, were incorporated.

BANKS.—Three new banks were chartered, viz: the bank of North Carolina, with a capital of \$1,500,000. The state is at liberty to take \$600,000 of the stock, and to appoint four directors. The remainder of the stock to be subscribed for by individuals, who are to appoint six directors. The Merchants' bank of Newbern, and the Albemarle bank at Edenton; the capital of the former is \$250,000; of the latter \$200,000.

The capital of the bank of Cape Fear, whose charter was renewed, is \$800,000.

NULLIFICATION.—The following resolutions were passed in the senate, 47 to 7, and in the house, 98 to 22.

Resolved, That the general assembly of the state of North Carolina, doth entertain and doth unequivocally express a warm attachment to the constitution of the United States.

Resolved, That the general as-

sembly doth solemnly declare a devoted attachment to the federal union, believing that on its continuance depend the liberty, the peace and prosperity of these United States.

Resolved, That whereas diversity of opinion may prevail in this state as to the constitutionality of the acts of congress imposing duties on imports, yet it is believed, a large majority of the people think those acts unconstitutional; and they are all united in the sentiment that the existing tariff is impolitic, unjust, and oppressive; and they have urged, and will continue to urge its repeal.

Resolved, That the doctrine of nullification avowed by the state of South Carolina, and lately promulgated in an ordinance, is revolutionary in its character, subversive of the constitution of the United States, and leads to a dissolution of the union.

Resolved, That our senators in congress be instructed, and our representatives be requested to use all constitutional means in their power, to procure an adjustment of the existing controversy between the state of South Carolina and the general government, and to produce a reconciliation between the contending parties.

Resolved further, That a copy of these resolutions be respectfully communicated by his excellency the governor of this state, to his excellency the governor of South Carolina.

A resolution submitted by Mr. Potts, in relation to the controversy between South Carolina and the general government, which deprecates a resort to force by either party, was taken up for consideration, towards the close of the session, and, after discussion, was, on Mr.

Polk's motion, again laid on the table, by a vote of 73 to 22. Another resolution which had passed the senate, requesting South Carolina to postpone the execution of her ordinance, was taken up in the house of commons, and laid on the table until the 3d Monday in

November next—tantamount to *rejection*.

A bill to extend the jurisdiction and laws of the state over the Indian territory within her limits, was rejected on its second reading, in the house of commons, by a vote of 82 to 21.

SOUTH CAROLINA.

FINANCES.—The committees of ways and means reported that there was a balance in the treasury, on the 1st of Oct., 1832, of . . . \$272,533 58
And in favour of the sinking fund 456,883 15

\$729,416 73

And, it is added, that the first payment of the six per cent. stock does not become due until the year 1840.

Gov. Hayne, in his message, 1833, stated that on the 1st of October there was a favourable balance of \$162,037. The surplus for the ensuing year will not fall short of \$50,000. \$50,000 annually are expended by the state in behalf of the South Carolina College and Free Schools.

The income of the public works of the state is very small, not exceeding \$15,000 per annum, over the cost of management, although the state has incurred a debt of \$2,000,000 in constructing them. In many parts of the state canals have been constructed, which do not yield sufficient to pay their current expenses; and, with the exception of the state road, and the Columbia canal, there is hardly a public work in the state, which, put up at public auction, would find a purchaser.

NULLIFICATION.—Upon the assembling of the legislature at Columbia, Nov. 26, 1832, Governor Hamilton transmitted a message to the legislature recommending mea-

sures to be taken to carry the nullifying ordinance into effect, and also to provide means of resisting any counteractive steps taken on the part of the federal government; "you must look to," he says, "and provide for all possible contingencies. In your own limits, your own courts of judicature must not only be supreme, but you must look to the ultimate issue of any conflict of jurisdiction and power between them and the courts of the United States.

"There is one contingency in particular for which you ought to provide, and that is, in case the collectors of the customs, in any one of the ports of this state, under the instructions of the general government, should refuse to grant clearances to vessels outward bound, that no injury should accrue to our trade, or those who may be carrying on friendly commercial intercourse with us, the governor should, under such circumstances, be authorized to grant, instantly, certificates of clearance under the seal of the state.

* * * * *

"We claim that our remedy is essentially of a pacific character. When we set up this claim, all we mean to say is, that of right it ought to be, and, as far as we are concerned, it shall be so. To the peaceful redress afforded by our courts in the restitution which they shall decree, and to the ultimate ar-

bitrament of our sister states, in a general convention assembled, on the disputed powers, we look with confidence for an adjustment of this painful controversy; but the final issue may be adverse to this hope."

To prepare for the alternative, the governor recommended that the executive be authorized to accept of the services of 2000 volunteers for the defence of Charleston, and 10,000 additional volunteers from the rest of the states; and that appropriations be made to supply munitions of war.

The legislature accordingly proceeded, with great promptitude, to pass an act to carry into effect the ordinance to nullify the several acts of congress laying duties on the importation of foreign commodities, passed by a convention of this state, at Columbia, November 24, 1832. According to this act, if any goods or merchandise shall be seized under pretence of securing the duties imposed by any of the said acts of congress, or for the non-payment of any such duties, or under any process, order or decree, mesne or final, or other pretext, contrary to the true intent and meaning of the said ordinance, the consignee of such goods and merchandise, or the person entitled to the possession of the same, may, upon making affidavit of such seizure, &c. proceed to recover possession thereof, with damages, by an action of replevin; or such persons may proceed in any other manner authorized by law, in cases of unlawful seizure or detention of personal property.

Before the sheriff shall deliver the goods to the plaintiff in replevin, he shall take from such plaintiff a bond with sufficient security, conditioned that he will prosecute the

suit with effect, and abide the final judgment of the court.

In case of refusal to deliver the goods, or of removal of the same in any way, so that the writ of replevin cannot be executed on the return of the sheriff to that effect, and an affidavit of the facts made before any justice of the quorum, the plaintiff in replevin may sue out a writ in the nature of a *capias in withernam*, requiring the sheriff to distrain the personal estate of the person so refusing, &c. to the amount of double the value of the goods, and to hold the same until such goods are produced and delivered to the sheriff; but this is not to be construed to deprive the sheriff of any power which he now has in the execution of the writ of replevin.

If after the delivery of such goods by the sheriff to the plaintiff in replevin, any attempt shall be made to recapture or to seize the same, or the same shall be actually recaptured or seized under pretence of securing the duties imposed, &c., the sheriff is required, on affidavit made to that effect, to prevent such recapture, &c. or to re-deliver the goods to the plaintiff, as the case may be.

If any person shall pay any of the duties imposed by the said acts of congress, he may recover back the same within one year from the time of such payment, with interest thereon, in an action for money had and received, in any court of competent jurisdiction.

If any person shall be arrested or imprisoned, by virtue of any order or execution for the enforcement or satisfaction of any judgment or decree obtained in any federal court, for duties claimed under the acts of congress so annulled, as aforesaid, or upon any other proceedings con-

trary to the true intent of the ordinance; he shall be entitled to the privileges secured by the *habeas corpus* act, in case of unlawful arrest or imprisonment, and may also maintain trespass for such arrest, &c.

If the property of any person shall be levied on, or sold in satisfaction of any judgment in any federal court, for duties claimed under such acts of congress, such levy and sale shall be held in the courts of this state to be illegal, and shall not divest the title of the defendant.

If any clerk, commissioner, master or register, shall furnish a record, or copy of a record, in his office, of any case wherein is drawn in question the authority of the said ordinance, or the validity of the acts of the legislature giving effect thereto, or the validity of the said acts of congress, or shall permit any such record, or copy of such record to be taken, he shall, on conviction, be punished by a fine not exceeding \$1000, nor less than \$100, and by imprisonment for a term not exceeding one year, nor less than one month.

If any person shall disobey or resist any process under this act, or shall secrete or remove any goods, &c., or do any other act to prevent the same from being replevied according to the provisions of this act, such person, and his abettors, shall be punished by fine, not exceeding \$5000, nor less than \$1000, and be imprisoned for a term not exceeding two years, nor less than six months, and shall also be liable to indictment, &c. for any other offence involved in the commission of such misdemeanor.

If any person, after the delivery of the goods by the sheriff to the plaintiff in replevin, recapture or seize the same, or attempt so to do,

under pretence of securing the duties, &c., such person, and his abettors, shall be punished by fine, not exceeding \$10,000 nor less than \$3,000, and by imprisonment for not more than two years, nor less than one year, besides being liable to indictment for any other offence involved in the commission of said misdemeanor.

If any jailor shall receive and detain any person arrested by virtue of any process, &c. issued to enforce the collection of duties, he shall be imprisoned for a term not exceeding one year, nor less than one month, and fined in a sum not exceeding \$1000, nor less than \$100, and shall also be liable to the person aggrieved, in an action of trespass.

If any person shall let or hire, or use, or permit to be used, any place, house or building, to serve as a jail for the confinement of any person arrested by virtue of any process issued to enforce the collection of such duties, &c. he shall be imprisoned for a term not exceeding one year, nor less than one month, and fined in a sum not exceeding \$1000, nor less than \$100.

No indictment under this act shall be subject to traverse.

The fines collected under this act are to be paid into the public treasury.

On the trial of any action in which the ordinance or this act shall be brought into question, they may be given in evidence without being specially pleaded.

This act shall be in force from and after February 1, 1833."

This act opposed an effectual obstacle to the execution of the federal revenue laws, and through the federal courts; and in order to secure a decision favourable to their views in the state courts, the legislature

passed the following act to compel the courts to such a decision.

“*Whereas*, by the ordinance passed in convention, &c. it is ordained that all persons now holding any office of honour, profit, or trust, civil or military, under this state, (members of the legislature excepted,) shall, within such time and in such manner as the legislature shall prescribe, take an oath well and truly to obey, execute, and enforce the said ordinance, and such act or acts of the legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same; and on the neglect or omission of any such person or persons so to do, his or their office or offices shall be forthwith vacated, and shall be filled up, as if such person or persons were dead or had resigned.

Be it therefore enacted, That the form of the said oath should be as follows:—

I do solemnly swear or affirm, that I will well and truly obey, execute, and enforce, the ordinance to nullify certain acts of the congress of the United States, purporting to be laws laying duties and imposts upon the importation of foreign commodities, passed in convention of this state at Columbia, on the 24th of November, in the year of our Lord one thousand eight hundred and thirty-two, and all such act or acts of the legislature, as may be passed in pursuance thereof, according to the true intent and meaning of the same, so help me God.

The said oath may be administered by any person authorized by law to administer an oath, and likewise by all military officers to those under their command.

Every judge of the court of appeals, judge of the circuit court, chancellor and recorder of the city court of Charleston, now in office,

shall take the said oath at or before the time when he shall sit in judgment upon any case or matter, civil or criminal, at chambers or in open court, in which shall be in question, directly or indirectly, the aforesaid ordinance, or any act or acts of the legislature that may be passed in pursuance thereof; and every civil officer who held his office at the passing of the said ordinance, shall take the said oath, before or at the time when in the execution of his office, he may be required to perform any duty consequent upon, or in any wise connected with the said ordinance, or any act of the legislature passed in pursuance thereof, except the administering of an oath, or filing a certificate under this act.

Every military officer who held his office at the passing of the said ordinance, shall take the said oath, before or at the time when he shall be called into service under any act of the legislature passed in pursuance of the said ordinance, or for carrying the same into effect.

The governor may, whenever in his opinion the public interests demand it, by proclamation, require all or any particular officers, civil or military, within the state, or within any particular district thereof, to take the said oath within not less than one week from the publication of the proclamation, in the district in which such officer may be, and such officer shall take the oath within the time required by the said proclamation, and on refusal, neglect, or omission to do so by any such officer, his office shall be vacated.”

After the passage of this act the result of a legal contest could no longer be doubtful; the federal tribunals being excluded, and the state bound to decide only one way.

Nullification must necessarily suc-

ceed in the courts, and the only thing remaining was to provide the means of resisting such counteractive measures as might be taken by the government of the United States.

This was done in an act by which the governor is authorized to resist the employment of the naval or military force of the United States, for the purpose of enforcing the acts declared null by the convention; and with this view, placing at his command all the military force of the state. In case of any demonstrations of coercion on the part of the United States, by assembling an unusual force in or near the state, the governor is directed to issue his proclamation for volunteers, whose services he is authorized to accept. The militia is divided into four classes, to be called into service by classes, as the public exigencies may require. The time of service of the militia is twelve months, and of the volunteers six. The remainder of the act provides for the organization of the troops.

But little else was done at this session of the legislature, the controversy in relation to the tariff absorbing the attention of all.

TOWNS AND VILLAGES.—Acts were passed to incorporate the villages of Abbeville, Pendleton and Newberry, and the town of Winnsborough.

COLLEGE.—The medical college of South Carolina was incorporated.

RELIGIOUS SOCIETIES.—An act was passed incorporating ten religious and charitable societies.

MANUFACTURING COMPANIES.—Two manufacturing companies were incorporated.

PRACTICE.—Where an appeal shall be hereafter taken in any case, tried before one of the judges of the court of appeals, sitting as a circuit judge or chancellor, such judge

shall not sit upon the trial of the appeal; but one of the circuit judges or chancellor shall be called in by the court in the room of said judge of the court of appeals.

MARRIAGE SETTLEMENTS AND PAROL GIFTS.—An act was passed in relation to the registration of marriage settlements. The act also provides that no parol gifts of any chattel shall be valid against subsequent creditors, purchasers or mortgagees, except where the donee shall be separate and apart from the donor, and actual possession shall at the time of the gift be delivered to and remain and continue in the donee, his or her executors, administrators or assigns.

FEDERAL RELATIONS.—Resolutions were passed recommending a convention of the states condemning the proclamation of the president, &c.

The contest as to nullification seemed to be approaching its crisis. A quantity of sugar was imported by governor Hamilton, in order to test the question, but he permitted it to be put into the custom-house stores, until it was ascertained what would be done in congress. On the other hand, instructions were transmitted from the secretary of the treasury to the collector, enjoining him to cause a sufficient number of officers of cutters and inspectors to be placed in charge of every vessel arriving from a foreign port, who should anchor her in some safe place, and remain on board until the reports and entries required by law, should be made, the duties paid or secured to his satisfaction, and a regular permit granted for landing the cargo. The collector was also directed, in case of any attempt to remove the vessel or cargo from their custody, by the form of legal process, issuing from

the state tribunals, not to yield the possession, but to consult the attorney of the district, and employ all legal means to resist such process, and prevent such removal. Should the entry of such vessel or cargo not be completed, and the duties paid or secured, within the time limited by law, he was also to land and store the cargo at Castle Pinckney, or some other place, and in due time if the duties should remain unpaid, to sell it. All vessels departing from the port of Charleston, were also to be boarded by the officers of the cutters, who were authorized to seize and detain those which should not be entered and cleared in the manner required by law. The military and naval officers at this post were ordered to aid and protect the revenue officers in the execution of their duties. Under these instructions, the collector detained two vessels, which arrived from Greenock and Havana on the 1st of February, but satisfactory security for the duties having been given, they were released. Upon the adjournment of the legislature, governor Hayne, who had been elected upon the resigning of governor Hamilton, proceeded to Charleston, appointed 23 aids de camp, and both sides *seemed* resolved upon coming to actual collision.

The latter part of January, however, at a meeting of the leading nullifiers, it was resolved to suspend all proceedings under the nullifying ordinance until the adjournment of congress, in the expectation that the proceedings before the federal legislature might terminate in a satisfactory adjustment of the controversy.

Before any adjustment however was had, a proclamation was issued, February 13, by Gov. Hamilton for the convention to assemble on the 2nd Monday of March, 1833, to

take into consideration the proffered mediation of Virginia.

Previous to the meeting of this body, Mr. Clay's compromise bill had passed, and after a reference of the whole subject to a committee in the convention, and some discussion as to whether the state had gained her object or not, the nullifying ordinance was repealed, the following resolutions passed, and an ordinance nullifying the force bill, was also passed by a vote of 132 to 19.

“*Resolved*, That whilst this convention, as an offering to the peace and harmony of this union, in a just regard to the interposition of the highly patriotic commonwealth of Virginia, and with a proper deference to the united vote of the whole southern states in favour of the recent accommodation of the tariff, has made the late modification of the tariff, approved by act of congress of the 2d March, 1833, the basis of the repeal of her ordinance of the 24th November, 1832—yet this convention owes it to itself, to the people they represent, and the posterity of that people, to declare that they do not, by reason of said repeal, acquiesce in the principle of the substantive power existing on the part of congress to protect domestic manufactures: and hence, on the final adjustment, in 1842, of the reductions, under the act of 2d March, 1833, or at any previous period, should odious discriminations be instituted for the purpose of continuing in force the protective principle, South Carolina will feel herself free to resist such a violation of what she conceives to be the good faith of the act of the 2d March, 1833, by the interposition of her sovereignty, or in any other mode she may deem proper.

“*Resolved*, That it is the opinion of this convention, that the military

preparations heretofore begun by the state should be continued, and that effectual measures should be adopted and completed, for putting the state in a firm attitude of defence."

"AN ORDINANCE to nullify an act of the congress of the United States, entitled 'an act further to provide for the collection of duties on imports,' commonly called the force bill.

"We, the people of the state of South Carolina in convention assembled, do declare and ordain, that the act of the congress of the United States, entitled 'an act further to provide for the collection of duties on imports,' approved the 2d day of March, 1833, is unauthorized by the constitution of the United States, subversive of that constitution, and destructive of public liberty, and that the same is and shall be deemed null and void within the limits of this state; and it shall be the duty of the legislature, at such time as they may deem expedient, to adopt such measures and pass such acts as may be necessary to prevent the enforcement thereof,

and to inflict proper panalties on any person who shall do any act in execution or enforcement of the same within the limits of this state.

"We do further ordain and declare, that the allegiance of the citizens of this state, while they continue such, is due to the said state, and that obedience only, and not allegiance, is due by them to any other power or authority, to whom a control over them has been, or may be delegated by the state: and the general assembly of the said state is hereby empowered, from time to time, when they may deem it proper, to provide for the administration to the citizens and officers of the state, or such of the said officers as they may think fit, of suitable oaths or affirmations; binding them to the observance of such allegiance, and abjuring all other allegiance; and, also, to define what shall amount to a violation of their allegiance, and to provide the proper punishment for such violation.

Done at Columbia, the eighteenth day of March, one thousand eight hundred and thirty-three."

The convention then adjourned.

GEORGIA.

1833.—From the exhibits of the different banks made in October last to the executive, there appears to be,

Banking capital paid in,	\$4,488,935 00
Specie on hand,	1,126,461 61
Notes issued by banks,	2,870,836 00
Due to individual depositors,	924,414 77
Notes and bills of exchange due to banks,	6,262,764 37

FINANCES.—1833. Nov.—The balance in the treasury, Oct. 31, was only \$21,000, and the taxes

receivable about \$40,000. The aggregate capital of the state funds is about \$2,500,000, one million of which is in bank stock, one million in discounted paper, &c. in the Central Bank, and the balance in bonds, specie, &c. There are, besides, some public lands. The whole annual profit and income from these investments is only \$120,000.—\$40,000 are expended annually in aid of public education.

ELECTIONS.—1832. Oct.

FOR CONGRESS.			
Wayne,	34,269	Terrell,	21,429
Wilde,	29,898	Haynes,	21,410
Gilmer,	26,178	Watson,	21,018
Clayton,	26,145	Branham,	20,566
Foster,	25,386	Harris,	19,559
Gamble,	24,415	Stewart,	19,388
Jones,	22,590	Nownan,	16,354
Schley,	22,520	Lamar,	16,300
Coffee,	22,185	Milton,	5,176
Owens,	21,581		

1833. Nov.

FOR SENATOR.			
John P. King,	-	-	142
J. M. Berrien,	-	-	106
Scott,	-	-	2

1833.—CONSTITUTION.—A convention assembled early in May, to revise the constitution of the state, and propose an amendment that should reduce the number of members in the legislature. Their deliberations closed on the 14th of May. The senate is to consist of thirty-six members. When the general assembly shall find that this plan has been ratified by the people, the two branches are required to meet as one body, and make provision for the division of the state into thirty-six senatorial districts, which are to be composed of contiguous counties, and arranged in as compact forms as may be practicable; and each district is to be entitled to elect a senator. The basis on which the representation of the people in the house of representatives was ultimately fixed, is as follows:—the house is to consist of one hundred and forty-four members; fifteen counties, having the largest white population, are to be entitled to three members each; twenty-five counties, having the next highest number of white population, to two members each; and the remaining forty-nine counties to one member each. After every census, a new apportionment is to be made, and should new counties

have been created, the counties entitled to a larger number of representatives than one, may be reduced. This plan was adopted by a vote of 140 to 92.

LEGISLATION.—Acts of the general assembly of Georgia, passed at the session in November and December, 1832.

ACADEMIES.—Four academies were incorporated.

APPROPRIATIONS.—For the support of government during the year 1833, a sum not exceeding 20,000 dollars was appropriated to the printing fund, and the sum of 20,000 dollars was set apart as a contingent fund, subject to the order of the governor. By another act, the sum of 15,000 dollars was appropriated for the pay and support of the Georgia guard, for the protection of the Indians and the fractions, during the year 1833.

BANKS.—No body corporate invested with banking privileges, or person, shall issue or circulate any bank bill, either of the banks of this state, or of any other state, of a less denomination than five dollars, under the penalty of \$100.

If any bank shall refuse or fail to pay specie for any of its bills, &c. when demanded by any individual, such individual, in addition to the lawful interest, shall recover ten per cent. damages for such refusal, but this is not to authorize any bank, other incorporated institution, or broker, to recover such damages.

An act was passed, requiring the presidents and directors of all the banks in the state, to make semi-annual returns, under oath, of the condition of such banks.

CONSTITUTION.—Several amendments of the constitution of the state were proposed. One in relation to divorces provides, that they shall be final and conclusive, when the par-

ties shall have obtained the concurrent verdicts of two special juries authorizing a divorce upon legal principles.

DUELLING.—All persons who may have been heretofore engaged in a duel, are discharged from all disabilities imposed by preceding acts in relation to duelling, so far as the oath against duelling is concerned. All persons who may be hereafter engaged in duelling, either as principals or seconds, shall be guilty of a high misdemeanor, and upon conviction, shall be punished in the penitentiary, for a term of years not less than four, nor more than eight years.

MANUFACTURING CORPORATIONS. Acts were passed to incorporate the De Kalb Manufacturing Company, with a capital of \$30,000, which may be increased to \$50,000; and a woollen and cotton manufacturing company, to be established in the county of Richmond; its capital is \$50,000, and it may be increased to \$100,000.

MINING COMPANIES.—An act was passed incorporating the Augusta, the Habersham, and the Naucocchy mining companies.

ICE COMPANY.—The Augusta Ice Company was incorporated.

INDIANS.—An act was passed to protect the Cherokees in the peaceable possession of the lands secured to them by the existing laws of the state; and to provide for bringing to trial of the trespassers upon the lots or fractions of land belonging to the state in the Cherokee country. Ten men under the command of a fit and qualified officer, shall be continued in the Cherokee country, who shall have full and complete power to protect each and every Indian in his and their persons, and also in the enjoyment of all their personal property; and it shall be the duty

of said commanding officer and his guard to prevent the intrusion, no matter by whom, on any lot of land already or hereafter to be drawn, or fraction undisposed of, on which any Indian or Indians may and do actually reside and occupy; the commanding officer and his guard are to visit and inspect the Indian habitations and settlements; a person is to be appointed to act as agent or guardian of the Indians, whose duty it shall be to reinstate any Indian who may have been illegally dispossessed of his real or personal property; but the person setting up any claim to such property, may appeal to the Superior Court; the agent is also required to guard diligently the fractions lying in the county in which he resides, belonging to the state, and to prosecute persons trespassing in said fractions by digging gold or otherwise. Justices, sheriffs, military officers, &c. are herby enjoined to see impartial justice done to said Indians, and to aid in sustaining their just rights; any person who shall dispossess them of their personal property, or attempt to do so, shall be subject to a fine of fourfold the value of the property so taken or attempted to be taken, besides such other fine, not exceeding \$200, as the court may deem fit; any person who shall by any act either forcibly deprive, or in an illegal manner, endeavour to deprive any Indian or Indians of the possession or occupation of any lot of land on which, or any part thereof, the said Indian has resided as a home, on conviction, shall forfeit all right and title to said lot, or any part thereof, and be fined in a sum not less than \$100, nor more than \$1,000; it is further enacted, that though the oaths of Indians are not admitted in the state courts, for the purpose of protecting their persons,

property and lands, their rights shall be recognised for these special purposes, and be considered as standing on the same footing with free white citizens of the state; any person who shall be guilty of any trespass upon the premises of the Indians resident aforesaid, shall be guilty of a high misdemeanor, and upon conviction thereof, shall be punished by a fine not less than \$100, nor more than \$500, and confinement in the county jail, for a term not less than three nor more than six months; no inferior court while sitting as a court of ordinary, shall grant letters of administration to any person on the estate of any deceased Cherokee Indian, or the descendant of a Cherokee Indian.

By another act the governor is required to discharge the guard placed in the Cherokee country for the protection of the gold mines, and to enforce the laws of the state.

FOREIGN ATTACHMENT.—All corporations in the state, are to be liable to garnishment both in cases of attachment and in cases at common law; they are to answer under their corporate seal by their presiding officer; summonses in garnishment shall in all cases be served personally; but no corporation shall be liable to be garnished for the salaries of any of its officers.

JURY FEE.—In actions commenced in the superior or inferior courts, the jury fee is to be \$3 on all verdicts which may be signed, and \$1 on all judgments which may be confessed.

BAIL.—No person shall give bail more than twice for the same offence before trial therefor.

LANDS.—A number of acts and resolutions were passed in relation to the gold and land lotteries.

PENITENTIARY.—An act was passed to improve the penitentiary edi-

fic, and to regulate the management of its concerns. The system of penitentiary punishment is to be re-established.

PILOTAGE.—An act was passed to amend the several laws in force in this state, regulating the pilotage of vessels.

NEGROES.—An act was passed to establish an infirmary for the relief and protection of aged and afflicted negroes.

Resolutions were adopted approving the measures pursued by the president, for the purpose of inducing the Cherokees to remove; requiring the governor to appoint commissioners to prepare a plan for the buildings of the penitentiary, and digest a system of laws for its government.

Also a law, forbidding the employment of any slave or free person of colour, as a compositor, (type setter,) in any printing office in that state, under a penalty of \$10 for every day during any part of which said black should be thus unlawfully employed.

Also the following resolutions, which received in the house of representatives a vote of 97 affirmatives, 57 negatives.

For as much as throughout the United States, there exist many controversies growing out of the conflicting interests, which have arisen among the people, since the adoption of the federal constitution, out of the cases in which congress claims the right to act under constructive or implied powers; out of the disposition shown by congress, too frequently to act under assumed powers, and out of the rights of jurisdiction, either claimed or exercised by the supreme court; all of which tend directly to diminish the affection of the people for their own government, to produce discontent, to repress

patriotism, to excite jealousies, to engender discord, and finally to bring about the event, of all others most deeply to be deplored, and most anxiously to be guarded against, viz. a dissolution of our happy union, and a severance of these states into hostile communities, each regarding and acting towards each other with the bitterest enmity.

And the experience of the past having clearly proved, that the constitution of the United States needs amendment in the following particulars :

1. That the powers delegated to the general government, and the rights reserved to the states or to the people, may be more distinctly defined.

2. That the power of coercion by the general government over the states, and the right of a state to resist an unconstitutional act of congress, may be determined.

3. That the principle involved in a tariff for the direct protection of domestic industry, may be settled.

4. That a system of federal taxation may be established, which shall be equal in its operation upon the whole people, and in all sections of the country.

5. That the jurisdiction and process of the supreme court, may be clearly and unequivocally settled.

6. That a tribunal of last resort may be organized to settle disputes between the general government and the states.

7. That the power of chartering a bank, and of granting incorporations, may be expressly given to, or withheld from congress.

8. That the practice of appropriating money for works of internal improvement, may be either sanctioned by an express delegation of

power, or restrained by express inhibition.

9. That it may be prescribed what disposition shall be made of the surplus revenue, when such revenue is found to be on hand.

10. That the right to, and the mode of disposition of the public lands of the United States may be settled.

11. That the election of president and vice-president may be secured, in all cases, to the people.

12. That their tenure of office may be limited to one term.

13. That the rights of the Indians may be definitively settled.

Be it therefore resolved, by the senate and house of representatives of the state of Georgia, in general assembly met, and acting for the people thereof, That the state of Georgia, in conformity with the fifth article of the federal constitution, hereby makes application to the congress of the United States, for the call of a convention of the people, to amend the constitution aforesaid, in the particulars herein enumerated, and in such others as the people of the other states may deem needful of amendment.

Resolved further, That his excellency the governor be, and he is hereby requested to transmit copies of this document to the other states of the union, and to our senators and representatives in congress.

Agreed to, 12th December, 1832.

The following additional resolution was offered, and carried by a vote of 102 to 51 :—

Resolved, That we abhor the doctrine of nullification, as neither a peaceful nor constitutional remedy ; but, on the contrary, as tending to civil commotion and disunion ; and while we deplore the rash and revolutionary measures recently

adopted by a convention of the people of South Carolina, we deem it a paramount duty to warn our fellow citizens against adopting her mischievous policy.

From the Savannah Georgian.

LAND LOTTERIES.—The lotteries commenced on the 22d September. The following are the number of draws placed in the wheels, and the prizes to be awarded to them, viz:

In the land lottery, in which the prizes are square lots of 150 acres each: names given in 85,000; prizes 18,309; or about four and a half blanks to a prize.

In the gold lottery, in which the prizes are square lots of forty acres each: names given in, 133,000; prizes, 35,000; or nearly four blanks to a prize.

At a subsequent meeting of the legislature, one of the commissioners of the land lottery was impeached for high crimes, misdemeanor, and forgery. One of the tracts of land which he contrived to draw for himself, was the residence of Ridge, the Cherokee chief, estimated to be worth \$40,000.

He was arrested by the warrant of the speaker. His name is Shadrach Bogan, of Gwinnett county.

ALABAMA.

CREEK TERRITORY.—In the summer of 1833, Col. Hardeman Owens was shot by the United States troops, for resisting an attempt to remove him from the Creek country, where he had established himself in violation of the federal laws. The legislature had passed an act dividing the Creek territory in this state into counties, and as the president made no remonstrance against the law, pretensions were set up by the state, not only to the sovereignty, but to the property of the soil. Many whites were induced to settle in the "nation" with the view of obtaining by force or fraud the lands reserved by the Indians. Complaints being made, the intruders were notified by the United States marshal to leave the territory, and upon the refusal of Owens to go, the troops were called in to remove him. This he resisted; and, when about to discharge a pistol at the soldiers, was himself fired upon, and killed by one of them.

This act caused some sensation in Alabama. An indictment was

found against the soldier, which Major McIntosh, the commander of the troops, would not permit to be executed, and ultimately the soldier escaped by desertion, rather than submit to trial in a state where he thought that like Tassel, in Georgia, he might be hanged before a judgment against him could be reversed.

Governor Gayle issued a proclamation denouncing the removal, but the marshal went on to enforce the laws of the United States, and the intruders were finally removed.

In this state, however, the local courts were indisposed to disregard the laws and constitution of the United States.

In September, 1833, Scott Mankiller, a Cherokee, was tried before the circuit court for St. Clair county, (William J. Adair, presiding,) for the murder of his brother.

A plea to the jurisdiction of the court was filed, stating in substance that the said Scott Mankiller was a native of the Cherokee nation of Indians—that the offence charged was committed in that nation—that he

was amenable to the laws thereof, and not subject to the jurisdiction of the tribunal before which he was then arraigned. The solicitor put in a special replication, to the effect that the offence was committed within the constitutional limits of the state of Alabama, and in that part of the so called Cherokee nation, which had been attached to, and made part of, the county of St. Clair.

In the argument, two points were taken for the prisoner. 1st, That the state of Alabama had no right to extend its jurisdiction over the Indian nations within its chartered limits; and 2d, conceding the right, the act of the legislature did not embrace the case under consideration.

The court sustained the plea to the jurisdiction, and discharged the defendant, upon the ground that Alabama had become a member of the Union, with a full knowledge of the treaties then subsisting between the United States and the Cherokee Indians—that they were the supreme law of the land, and guaranteed in terms or by implication, the right of soil and jurisdiction, and that the state, in extending the laws over the Indians, had transcended her constitutional powers.

1832.—The legislature of this state held an extra session, in the fall of this year, in order to remedy a defect in the law relating to the election of president and vice president. In his message to the legislature, the first domestic topic which the governor urges upon their attention, is the necessity of a thorough revision of the criminal code of the state. The present code, he observes, is admitted to be altogether too severe to be longer continued, either in policy, justice, or humanity. There are no less than twenty-one offences pun-

ishable by death, twenty-one by whipping, four by the pillory, and four by branding; modes of punishment which are disproportioned to the crime, barbarous and sanguinary in their nature, and inconsistent with the enlightened spirit of the times. He recommends the adoption of a penitentiary system, as a substitution for every kind of punishment except for the most heinous offences. The governor recommends several amendments to the militia laws, which, in that state, as every where else, are defective and insufficient. He speaks with great zeal and gratification upon the condition and prospects of the state university.

Resolutions were passed at this session relating to the tariff and nullification. The first resolution condemns the tariff, as being against the spirit of the constitution. The second declares, that the act of 1832 is not to be considered as a recognition of the principle of protection; but should be esteemed as the harbinger of a better state of things, and as a pledge that the principle will be abandoned. The third condemns nullification as unconstitutional and revolutionary. The fourth is an appeal to the people of the state to rely on the justice of the government, and to avoid nullification; it concludes by solemnly adjuring congress to abstain from the exercise of the dubious and constructive powers claimed under the constitution. And the fifth recommends the call of a federal convention.

LEGISLATION.—Acts passed at the extra and annual sessions of the legislature of Alabama, begun and held in Tuscaloosa, on the first Monday in November, 1832.

TONNAGE DUTY.—A resolution was passed, requesting congress to authorize the state to lay a tonnage

duty of three cents per ton, for the support of a harbour-master for the port of Mobile.

ATTACHMENTS.—An act was passed in relation to attachments.

BASTARDS, LEGITIMATION OF, &c. If the father of any bastard children shall file, in open court, in the county in which he resides, a declaration in writing, setting forth the names of the children, their ages, the name of their mother, that they are his natural children, that he thereby recognises them and makes them capable of inheriting his estate in the same manner as if they had been born in lawful wedlock, the declaration being signed by him, and attested and recorded by the clerk, such children shall become legitimate, and capable of inheriting the estate of their father.

NAMES, CHANGE OF.—If any person shall desire to change his name, he shall file in the county or circuit court a declaration in writing, setting forth his name and the name to which he desires to change it; which declaration shall be signed by him, and attested and recorded by the clerk; whereupon the latter name shall become the lawful name of such person. But such person shall, notwithstanding, be liable for five years, to be sued by his original name, unless when a contract in writing shall be made with him subsequently to his change of name, in which his latter name shall be recognised, or to which it shall be subscribed.

BILLS OF EXCHANGE.—Hereafter, upon all bills of exchange drawn by any person in this state, and payable at any place within this state, or in New-Orleans, which may be purchased or discounted by the bank of the state of Alabama, and which may be protested for non-

acceptance or non-payment, the damages shall be five per cent.

BONDS.—Bonds and other instruments payable in bank shall be governed by the rules of the law-merchant, as to days of grace, demands and notice, in the same manner that bills of exchange and notes payable in bank now are.

An act was passed to provide for taking a census of the state in the year 1833.

CHILDREN.—Courts of chancery shall have power in all cases of separation between man and wife; and where neither party shall obtain a divorce, to give the custody and education of the children to either the father or mother, as to them may seem right and proper, having regard to the prudence and ability of the parents, and the age and sex of the child or children.

COMMISSIONERS.—The governor of this state is authorized to appoint commissioners in each of the other states of the Union, to take depositions and acknowledgments of deeds of real and personal property, lying and being in this state; such commissioners may also receive the proof of all wills and testaments, bequeathing any property within this state, which shall be executed without this state; copies of such wills and testaments are to be admitted to probate, when proof of the same shall have been duly certified by the commissioner, under his hand and seal.

CONSTABLES.—Hereafter, whenever any property is taken by a constable, by virtue of an execution issued by a justice of the peace, and the defendant in execution or other person for him, shall give bond and security, in double the amount of the plaintiffs' demand, including all costs, for the forthcoming of said

property on the day of sale, the constable shall permit the property to remain in possession of such person until the day of sale; and in case such property is not forthcoming, agreeably to the condition of such bond, the constable shall endorse on such bond, *forfeited*, and return the same, together with the execution, to the justice; such bond, so endorsed, shall have the force of a judgment, and the justice shall issue execution thereon against all the obligors in said bond, and shall endorse thereon, *no security of any kind is to be taken on this execution*; and the constable to whom the same may be delivered shall act accordingly.

An act was passed prescribing the duties of coroners; the jury of inquest is to consist of six householders.

Whenever any sheriff, deputy sheriff, or coroners, shall execute a *capias* upon any person charged by indictment or presentment, with an offence against the laws of this state, and wherein bail before a justice of the peace, by law, is allowed to be taken, such sheriff, &c. shall be authorized to take the recognisance, for the appearance of such person at court.

ELECTORS.—In all elections of president and vice president of the United States, where the whole number of electors shall not attend at the place appointed for giving in their votes, it shall be the duty of those in attendance, before they proceed to vote, to appoint so many additional electors as may be absent.

ESTATES, SETTLEMENT OF.—In all settlements hereafter to be made by executors, administrators or guardians, with the orphans' court, in which the judges of said court may have been employed as counsel,

or may be otherwise interested in such settlement, it shall be the duty of said judge to give immediate information of the fact to one of the judges of the supreme or circuit courts, who shall thereupon issue a commission to three persons of the proper county, directing and empowering them to make said settlement. In case of the neglect or refusal of the judge of the orphans' court to give such information, then the judge of the supreme or circuit court shall, on the application of the executor, &c., or other person interested in such settlement, direct said commission in the same manner as on information of said judge of the orphans' court.

An act was passed to prevent fraud in the sale of oil and sugar.

GENERAL ASSEMBLY.—No member of the general assembly of the state shall be elected to any office of honour, trust or profit, during the time for which he is elected, which office is filled by a joint vote of the two houses of the general assembly. No member shall become security for any person, upon any note to be offered at the bank of the state of Alabama, or any of its branches.

GOVERNOR.—The governor shall reside at or in the vicinity of the seat of government.

JAILORS.—Whenever any slave shall be committed to jail during inclement weather, or shall remain in jail until the weather shall become inclement, the jailor shall furnish such slave with two good blankets, for which he shall be paid by the owner, before the slave shall be released from custody.

MEDICINE.—The 2d and 8th sections of the act of 1823, regulating the licensing of physicians, shall not be so construed as to prevent any person from practising medicine on the botanical system of Dr. Samuel

Thompson, and recovering reasonable compensation for the same; provided, that if the said persons practising on the Thompsonian or botanical system shall bleed, apply a blister of Spanish flies, administer calomel or any of the mercurial preparations, antimony, arsenic, tartar emetic, opium or laudanum, they shall be liable to the penalties of the act aforesaid.

Pedlers and hawkers are required to pay \$50 for their licenses. All notes, bonds, or promises made to any hawker or pedler for wares sold shall be void, unless the party selling the same shall have first procured a license to sell.

PROPERTY EXEMPT FROM EXECUTION.—The following articles shall be retained for the use of every family in this state, exempt from levy and sale under any execution or other legal process: two beds and furniture, two cows and calves, two spinning wheels, two axes, two hoes, five hundred weight of meat, one hundred bushels of corn, all the meal that may at any time be on hand, two ploughs, one table, one pot, one oven, two water vessels, two pair of cotton cards, all books, one churn, three chairs, one work horse, mule, or pair of work oxen, one horse or ox cart, one gun, all tools or implements of trade, and twenty head of hogs.

An act was passed to simplify *scire facias* in criminal cases.

SLAVES.—The first eight sections, and the twentieth and twenty-first sections of the act of January, 1832, for preventing the introduction of slaves into the state, were repealed. Vide last vol. p. 268.

USURY.—It shall not be lawful for the obligor or maker of any bond or note, on which suit may hereafter be brought, to establish the fact of

usury by his own oath, where the obligee or payee shall have deceased.

Where the borrower of any sum of money, or other thing alleged to be on usurious consideration, shall have died before the trial of any suit in which the plea of usury may, can, or shall be filed, the legal representative or representatives of such borrower shall be entitled to the benefit of the fourth section of the act to regulate the rate of interest, passed in December, 1819, upon making affidavit that he believes the contract sued on to be usurious; but this section shall have no effect where the lender shall have died. If any person, against whom such evidence is offered to be given, will deny, upon oath, to be administered in open court, the truth of what such witness offers to swear against him, then such evidence shall not be admitted; if any witness or party shall forswear himself, in any such matter, he shall suffer the penalties by law inflicted on persons convicted of perjury.

WILLS.—When the validity of any will shall be contested in any county court, it shall be the duty of the judge, at the request of either party, to cause jurors to be summoned for the trial of such contest.

ACADEMIES.—Four academies were incorporated.

INSURANCE COMPANIES.—Two insurances were incorporated.

MANUFACTURING COMPANY.—An act was passed to incorporate the bell factory, with a capital of \$100,000.

RAIL ROAD.—An act was passed to incorporate the Daletown, Woodville and Greensborough rail road company; its capital is not to exceed \$1,000,000.

MISSISSIPPI.

NEW CONSTITUTION—1832.—A convention was held this year to amend the constitution of the state, and P. Rutilius R. Pray was appointed president. The amended constitution is too long for insertion in this volume. Among the amendments were the following: The town of Jackson is agreed upon as the permanent seat of government until the year 1850. The right of suffrage is extended to all free white males over twenty-one years of age, who have resided in the state twelve months preceding an election. In the senatorial branch the members of the legislature shall hereafter be thirty years of age, and shall have resided four years in the state, and twelve months in the county or district choosing them. Members of the other house are required to be twenty-two years of age—to have resided two years in the state, and twelve months in the county they are to represent. No property qualification is required for members of the legislature, nor for any other officer of the state. Great efforts were made in convention to substitute biennial for annual sessions, and a strong dislike to such a clause in the constitution was shown, not only in convention, but among the people. In the executive department, it is agreed that the governor shall be chosen every two years; and that he shall be ineligible for a longer period than *four* out of *six* years; that he shall be allowed no *veto power* upon the acts of the general assembly, unless those acts involve constitutional points. The president of the senate is constituted by virtue of his office, the lieutenant governor. The proposition to elect the state house officers (the secreta-

ry of state, auditor and treasurer) by the people, was lost. The sheriffs are to remain in office so long as the people choose to continue them. By a vote of 26 to 19, the convention determined that judges of the supreme court shall be chosen by the people. A session of the legislature was authorized under the new constitution for the winter of 1833, and the general elections will hereafter take place on the first Monday of May.

LEGISLATION.—At the sixteenth session of the legislature of this state, begun on January 7, 1833, at Jackson, one hundred acts and eighteen resolutions were passed.

ACADEMIES.—Four academies were incorporated.

ATTORNEY GENERAL.—An act was passed prescribing the duties of the attorney general and district attorney. The attorney general is to be chosen by the qualified electors of the state, for the term of four years; his salary is to be \$1,000; that of the district attorney is to be \$600.

BANKS.—An act was passed to establish the Agricultural Bank of Mississippi; its capital stock is not to exceed \$2,000,000. By another act, authority was given to the Planters' Bank to increase its capital stock \$1,000,000.

CENSUS.—An act was passed providing for the enumeration of the free white inhabitants of the state.

CHURCHES.—Acts were passed incorporating three churches.

COURTS, &c.—An act was passed to establish circuit courts, and to define their powers and jurisdiction in law and equity; the judges are to be elected by the qualified electors of their respective districts; the 14th

section provides, that for the better preservation of the sanctity of the right of trial by jury, pure and uninfluenced, no judge before whom any issue of fact may hereafter be tried by a jury, shall sum up or comment upon the evidence; nor shall said judge charge the jury on points or principles of law applicable to the case before them, unless the parties to such issue or their counsel differ in opinion as to the same, or one of the parties or counsel shall ask the charge of said judge to be given upon some point in controversy in said issue, which shall be distinctly specified in writing by the party asking such charge; and the judge shall charge to no other point than that to which his opinion is required.

An act was also passed to establish a separate superior court of chancery, and to define the powers and jurisdiction thereof; the chancellor is to be elected by the qualified voters of the state; salary \$2,000.

Provision is made for the establishment of a board of police, consisting of five members, in each county of the state; these boards, in addition to the jurisdiction vested in them by the constitution, are to exercise all such jurisdiction as is at present vested in the county courts, provided they shall have no jurisdiction over matters given to courts of probate; they are to divide the public roads into districts, apportion the labour on such roads, appoint overseers of roads, &c.

An act to establish a court of errors and appeals, and to define the powers and jurisdiction thereof; the court are required, in every case they may decide or decree, to deliver their opinions in writing, which are to be recorded by the clerk;

and if any judge of this court neglect to comply with this provision, he shall be deemed guilty of a misdemeanor in office, and shall be liable to removal.

An act was passed to carry into effect the article in the constitution, providing for the establishment of courts of probate in the several counties of the state.

CONSTITUTION.—By this act it is proposed to amend the second section of the seventh article of the constitution, so that it may read as follows: The legislature of this state shall have, and are hereby vested with power to pass, from time to time, such laws regulating or prohibiting the introduction of slaves into this state, as may be deemed proper and expedient.

DIVORCES.—Eight resolutions were passed (two thirds of both branches of the legislature concurring therein) to confirm decrees of the court of chancery, granting divorces.

ELECTIONS.—An act was passed to regulate elections in this state.

INFANTS.—This act empowers certain minors to take charge of, manage, and administer their estates, and to enter into all civil contracts, which may be made and entered into by persons who have attained the age of twenty-one years.

GOVERNOR.—This is an act to define certain duties of the governor, and to establish his salary; it prescribes the duty of the governor in relation to the removal from office of state and county officers, &c.; salary, \$2,500.

JUSTICES OF THE PEACE.—Justices of the peace are to be elected for the term of two years.

LITERARY FUND.—An act was passed for the distribution of the literary fund, now amounting to

\$50,000, among the several counties of the state; the divisions alone are to be appropriated.

FREE-MASONS.—Two masonic lodges were incorporated.

INSURANCE COMPANY.—The Mississippi Insurance Company, in Vicksburg, was incorporated; its capital is \$500,000.

BILLS OF EXCHANGE.—All inland bills, drawn after the passage of this act, are placed on the same footing, and the same liability is incurred in every respect, in all cases of protest, without regard to the business or occupation of the drawer or drawee.

SUITS AGAINST THE STATE.—It shall be competent for any person, to exhibit and file a bill in equity, in the superior court of chancery, against the state of Mississippi; the complainant is to enter into bond with sureties, in the sum of \$250, conditioned to indemnify the state against all costs; and it shall be the duty of the attorney general to answer, defend, or demur to said bill; either party may appeal to the high court of errors and appeals; no execution whatever shall ever issue on any decree in chancery against the state, whereby the state may be dispossessed of lands and tenements, goods and chattels.

SEMINARY LANDS.—An act was passed to provide for selling the thirty-six sections of land, granted by the United States to the state for a seminary of learning, and for investing the proceeds in stock of the Planters' Bank.

STATE HOUSE.—The sum of \$95,000 was appropriated for the erection of a state house; and \$10,000 for the erection of a house for the governor, in the town of Jackson.

NOTARIES PUBLIC.—When it may be necessary to have the testimony

of any notary public in any suit or controversy, arising on any protested promissory note, bill of exchange, or other instrument of writing, the official act of such notary public, certified under his hand and notarial seal, shall be deemed conclusive evidence of the protest; and the notary shall not be required by any subpoena to go beyond the limits of the county of his residence. When any notary public shall protest any such instrument, he shall make and certify, on oath, a full and true record of what shall have been done thereon by him, in relation thereto; and such record shall have the same effect, in all courts of record, as if the notary were present and interrogated in court; and if any notary public shall falsely and wilfully set down and certify any matter untruly in his record, he shall, on conviction, be deemed guilty of perjury, and be liable to punishment accordingly; but all notaries public are required to attend the courts of the counties of their respective residences, when thereto required by subpoena. Parties to suits, in any court of this state out of the county of the residence of any notary public, may cause his testimony to be taken by deposition or interrogatories, before a justice of the peace of the county in which he may reside.

RESOLUTIONS.—Resolutions were passed, non-concurring in a resolution of the legislature of Louisiana, requesting the president to order the United States engineers to make all the necessary surveys and estimates for a rail-road from New-Orleans to Washington City; disapproving strongly of the doctrine of nullification; and non-concurring in a resolution of the state of Georgia, in relation to the calling of a convention of the people of the United States, to amend the federal constitution.

LOUISIANA.

ELECTIONS.—*Dec.* 1833.—Alexander Porter was elected senator, in the place of J. S. Johnston deceased, by a vote of 32 to 30.

1833.—The legislature of Louisiana met at New-Orleans on the 7th of January. The leading topic in the communication of Governor Roman, is the state of the controversy between South Carolina and the U. States. Governor Roman declares his conviction, that the principles avowed by the majority in that state "inevitably tend to the total disorganization of public order, and to destroy the very foundations of the Union.

There is a paragraph against the lottery system, recommending its discouragement by an onerous tax.

The message recommends the erection of a new penitentiary, on the plan of those in the northern states, in which the labour of the convicts is made to exceed the costs of confining and maintaining them. The support of criminals in Louisiana last year cost the state \$20,809.

The treasury is in a flourishing condition. The unexpected balance is \$95,018 28; and after paying all the current expenses, and all the appropriations of the last two legislatures, there will still remain a surplus of receipts during the year of about \$20,000.

He recommends the establishment of an annual appropriation, as a fund for internal improvement.

LEGISLATION.—Acts passed by the legislature of Louisiana, at its session in New-Orleans, begun on January 7, 1833.

ACADEMIES.—The sum of \$2,500 is to be paid annually out of the state treasury, for four years, for

the support of the Montpelier Academy, and the sum of \$1,000, to be paid annually, for ten years, for the maintenance of an academy in Alexandria.

AGRICULTURAL SOCIETY.—An act was passed to incorporate the Agricultural Society of Louisiana; the corporation is empowered to raise, by subscription or otherwise, a capital fund not exceeding \$500,000; a model plantation is to be purchased, on which experiments shall be made in agriculture and horticulture.

BANKS.—The Commercial Bank of New-Orleans was incorporated, the chief object of which is to be the conveying of water from the river into the city of New-Orleans and its faubourgs, and into the houses of its citizens; the original capital stock of the company is to be \$3,000,000, and is to be exempt from taxation.

The Mechanics' and Traders' Bank of New-Orleans was incorporated, with a capital stock of \$2,000,000.

An act was passed, to establish, in New-Orleans, a bank under the name of the Citizens' Bank of Louisiana, with a capital of \$12,000,000, which is to be formed and procured by a loan; subscriptions to the capital stock are to be guaranteed and secured by mortgages of real estate and slaves, which shall form the basis and stand as a full security for such loan or loans and the interest thereon; the state is at all times to be entitled to a credit with the said bank, of at least \$500,000, on the bonds or obligations of the state, being furnished in such manner as may be provided by law, bearing an interest which shall not exceed

five per cent. ; and every stockholder, on pledging his certificate of stock, shall be entitled to a credit equal to one half of the total amount of his stock ; and in proportion as any such stockholder shall use the said credit, he shall give his notes or obligations to the said corporation for the amount so lent him. The charter is to continue in force fifty-one years.

CENSUS.—An act was passed to provide for taking a census of the voters in the state.

CHURCHES.—Acts were passed to incorporate four churches.

COLLEGE.—The sum of \$20,000 was appropriated for the benefit of the college of Jefferson.

COMMITTEES.—The chairman, or person acting as chairman of any committee of the legislature, is authorized to administer oaths to witnesses called before them, to testify in relation to any subject referred to their consideration.

COTTON PRESS COMPANY.—An act was passed to incorporate the Orleans Cotton Press Company ; its capital is \$600,000, and may be increased to \$1,000,000.

EDUCATION.—An act was passed supplementary to the several acts relative to public education.

FERRY COMPANY.—An act was passed, granting to the New-Orleans Steam Ferry Company, the exclusive privilege of establishing and maintaining one or several steamboats in front of the city, for the purpose of crossing the river, during the term of ten years.

GAS LIGHTS.—Certain persons were invested with the exclusive right of introducing and vending gas lights in the city of New-Orleans and its fauxbourgs, during the term of twenty-five years.

INJUNCTIONS.—The power granted to clerks of courts, to grant or-

ders of injunction, was withdrawn.

BOARD OF PUBLIC WORKS.—An act was passed to establish a board of public works, and to create a fund for internal improvement.

LYCEUM.—The New-Orleans Lyceum was incorporated.

LOTTERIES.—Any person who shall sell, or otherwise dispose of any lottery ticket, in this state, after January 1, 1834, shall, on conviction, be subject to a fine of not less than \$1,000, and not more than \$5,000, and to imprisonment for not less than three months, nor more than one year.

MAYOR OF NEW-ORLEANS.—The city council are authorized to increase his salary to any amount not exceeding \$6,000.

NAVIGATION COMPANY.—An act was passed to incorporate the Bayou Boeuf and Red River Navigation Company.

PENITENTIARY.—The commissioners appointed to superintend the erection of a penitentiary at Baton Rouge, are not to be required to adhere to the plan of the penitentiary at Weathersfield in Connecticut.

RAIL-ROADS.—If any person place any obstructions upon any rail-road with an intent to obstruct or endanger the free passing thereon, he shall, if a free person, on conviction, be imprisoned for a term not exceeding six months, nor less than one month, and fined in a sum not exceeding \$500, nor less than \$100 ; but if a slave, he shall be sentenced to receive twenty-five lashes, and to wear a chain, in the service of his master, for the term of twelve months.

Acts were passed to incorporate the New-Orleans and Carrolton Rail-road Company, with a capital of \$300,000 ; the Clinton and Port Hudson Rail-road Company, with a capital of \$100,000, which may be

increased to \$200,000; and two rail-road companies in the parish of Rapides.

SLAVES.—The senators and representatives of the state in congress, were requested to call the attention of the general government to the propriety and expediency of entering into stipulations with the Mexican government, by which the citizens of the United States may recover their runaway slaves that may find shelter in the Mexican territory.

An act was passed, repealing that portion of the second section of the act to amend the "act relative to the introduction of slaves," which

includes Kentucky, Tennessee, and Missouri, among those states and territories from which it is forbidden to introduce slaves.

STEAM TOW BOAT COMPANY.—The Louisiana Steam Tow Boat Company was incorporated; capital \$120,000.

SUGAR REFINING COMPANY.—The Louisiana Sugar Refining Company of New-Orleans was incorporated with a capital of \$500,000, which may be increased to \$1,000,000.

WEIGHING OF HAY, &c.—An act was passed, supplementary to the "act to appoint weighers of cotton and hay, in and for the city and parish of New-Orleans."

TENNESSEE.

ELECTIONS.—Oct. 1833.—Felix Grundy was re-elected to the United States senate, on the 55th ballot. The vote stood—

For Grundy,	33
Eaton,	18
Foster,	9

STATISTICS.—1833.

PUBLIC DEBT.—The state is entirely free from public debt, other than that created for stock in the Union Bank, \$500,000.

ANNUAL EXPENDITURES.—The annual expenses of the government amount to \$71,243.

REVENUE.—The amount and sources of the state revenue are as follows, to wit:

Tax on land,	\$23,190
Do. do. town lots,	2,096
Do. do. white polls,	8,880
Do. do. black polls,	12,384
Do. do. stud horses,	3,372
Do. do. pleasure carriages,	1,091
Do. do. law proceedings,	8,769
Do. do. conveyances,	1,008
Do. do. taverns,	1,110
Do. do. merchants,	31,563

Total, \$93,380

PUBLIC LANDS.—The estimated value of the public lands to which the Indian title is not extinguished, is \$500,000.

REAL PROPERTY.—The estimated value of real property within the limits of the state, is \$150,000,000.

The annual expenses of the state, which are put down at \$71,243, may properly be termed the ordinary expenditures: as that sum does not constitute any part of the expense incurred for education and internal improvement.

In relation to the revenue, it will be observed that the estimate is put down at \$93,388, being somewhat short of the average amount.

The estimated value of the public lands is confined to the section of country within the Cherokee boundary, which is subject to be appropriated by Tennessee for her own benefit so soon as the Indian title is extinguished. The proceeds of the sales of the Hiwassee lands amounted to \$706,246; and the latter section of country does not

exceed the former more than one fifth.

The unappropriated lands in the western district, are not taken into view, as the state is merely acting in the character of trustee in the appropriation; but it is not improbable that a considerable fund may be derived from this source at no distant day.

LEGISLATION.—At an extra session of the legislature in 1832, the following resolutions were adopted on the subject of nullification unanimously in the senate, and only six dissenting in the house.

Believing that a crisis has arrived which renders it important that Tennessee should declare to the world her opinions, upon the subject of the relative powers of the federal and state governments, this general assembly, that no misapprehension may exist as to what are their political principles, do declare that they regard the resolutions adopted in the legislature of Virginia, in the year 1798, and the commentaries of Mr. Madison thereon, as furnishing a true and safe exposition of the principles of the federal constitution. Yet, as the supporters of nullification claim to be adherents to the same doctrines, it becomes the duty of this general assembly, distinctly to denounce nullification as a heresy, the more dangerous as it professes to rest upon the basis of the doctrines of 1798.

Therefore, resolved by the general assembly of the state of Tennessee, That we regard the doctrine, that a state has a right, under the constitution, either by its legislature, or by a convention of the people of the state, to render inoperative and void a law of congress within the limits of the state, as unwarranted

by the federal constitution, and dangerous to the existence of the Union.

Resolved, That we regard nullification by either of these means, as destructive to the principles of the government, and, under the guise of a peaceful and constitutional remedy, calculated to precipitate the country into civil war.

Resolved, That the doctrine that a state has the right, under the constitution, to resist or render inoperative within her limits an act of congress, whenever the same may be declared unconstitutional by a legislative enactment, or in its highest political attitude by a convention of the people of the state, is wholly unwarranted by the constitution, dangerous to the existence of the Union, inconsistent with the preservation of the federal government, and tending directly, under the guise of a peaceful remedy, to bring upon our country all the horrors of civil war.

Public acts passed at the first session of the twentieth general assembly, begun and held at Nashville, on September 16, 1833.

APPEALS.—In all cases originating before a justice of the peace, where judgment may be rendered in favour of the plaintiff, and the plaintiff shall appeal to the county or circuit court, and such court shall not give a judgment more favourable to the plaintiff than that given by the justice, making allowance for the interest accruing, it shall be the duty of said court to give judgment in favour of the plaintiff for the amount so by him recovered, together with the costs recovered before the justice, and at the same time to give judgment in favour of the defendant, for all costs occasioned by such appeal.

In all causes commenced in the

county court, where judgment may be given in favour of the plaintiff, and the plaintiff shall appeal to the circuit court, with like effect, a similar judgment shall be rendered by the circuit court.

PRACTICE.—If in a suit in any court of equity, an affidavit shall be made that the residence of such defendant cannot be discovered, the court shall order such defendant to appear at a certain day, which order shall, within sixty days, be inserted in some gazette published in this state; and if the defendant do not appear within the time specified, then the plaintiff's bill shall be taken *pro confesso*.

In all cases where a bill may be necessary to be filed to divest title to land, and the party or parties against whom said bill is contemplated to be filed, reside beyond the limits of this state, said bill may be filed in the district or county in which the land lies; and in all cases where such bills have been filed, and before the rendering of the decree, the defendant or defendants were dead, such decree shall not be void, but the heirs of such party may, at any time within five years from said decree, apply and have themselves made parties, and the cause shall be then proceeded in, in the same manner as if said heirs had been originally made parties.

The judges of circuit courts and chancellors are authorized to appoint receivers in vacation.

Where lands or interests in lands are specifically directed to be sold by order of the court of chancery, upon the application of the complainant, the court is empowered to order the property to be sold on a credit of not more than two years nor less than six months; and when the sale is made by the master or commissioner, and confirmed by the court,

no right of redemption or repurchase shall exist in the debtor or other creditors, but the title of the purchaser shall be absolute.

When any defendant to any bill filed in chancery shall be a non-resident of this state, the complainant may, after filing his bill, have publication against such defendant.

BANKS.—Acts were passed to establish the Planters' Bank of Tennessee, at Nashville, with branches; its capital is to be \$2,000,000; and the Farmers' and Merchants' Bank of Memphis, with a capital of \$600,000.

A resolution was passed, instructing and requesting the senators and representatives of the state in congress respectively, to vote against a re-charter of the Bank of the United States.

EXECUTION, PROPERTY EXEMPT FROM.—Where any person shall die, leaving a wife, or a wife and children, or absconds and leaves his family, the property now exempt, or which may hereafter be exempt from execution or sale, shall be set apart for the use of the widow or wife.

Sheriffs, &c. are not to levy executions on any crop growing or attached to the freehold, before the 15th day of November next after such crop is matured.

In addition to the property heretofore exempt from execution, there shall also be exempt in like manner, in the hands of a person engaged in agriculture, one plough, one hoe, one set of gears for ploughing, one iron wedge, and one farm horse, mule, or yoke of oxen. There shall also be exempt, one set of mechanical tools, such as is usually employed by and necessary for one workman, at any particular trade, if the defendant in execution shall usually follow such trade as an employment.

All property exempted from execution in the hands of a debtor, shall be exempt in the hands of his widow, executor, administrator or heirs; such property shall also be exempt from seizure by attachment. The benefits of this act shall extend only to the heads of families.

NEGROES, &c.—No stage contractor, or driver, or owner, or captain of any steam-boat or other water craft, shall receive and carry from any place in this state, to any other place, any coloured person, unless such person shall produce the certificate of the clerk of the court of the county from which the stage-coach, steam-boat, &c. is about to depart, that such coloured person is free, or generally reputed to be so; but if said coloured person is a slave, a verbal or written authority from the owner shall be sufficient; penalty, not less than \$200 nor more than \$500, and imprisonment not less than three nor more than six months, and liable to an action of trover at the suit of the owner.

Where any slave shall have concealed himself in any steam-boat, stage coach, &c. without the knowledge or consent of the owner, captain, &c. and the same shall not have been discovered before the departure of the steam-boat, &c.; if the owner, captain, &c. shall imprison such slave in the nearest county jail in the direction they are going at the time of such discovery, and make publicity to the same, in some convenient newspaper, he shall not be subject to the penalties provided by the preceding act.

If any coloured person shall make an assault upon any white woman, with intent to commit a rape, he shall suffer death by hanging.

An act was passed to explain the act concerning free persons of colour,

and for other purposes, passed December 16, 1831.

An act was passed to aid the society for the colonization of the free black population of Tennessee, on the coast of Africa, authorizing the payment of ten dollars to such society for every free black person that shall be removed from the state to the coast of Africa; but the sums so paid are not to exceed \$500 in any one year.

HORSE-RACING.—Every person betting on, or running, or aiding in running any horse along any public road, shall be liable to be indicted, as unlawful gambling.

CHEROKEE INDIANS.—An act was passed to extend the laws and jurisdiction of the state to the southern limits thereof, over that tract of country now in the occupancy of the Cherokees. No tax is to be levied upon any native Cherokees residing in the said tract, nor are they to be required to work on roads, or to perform militia duty; they are to be secured in the unmolested enjoyment of their improvements and all personal property, according to their customs and usages, and may enforce their rights before the courts of the state; and nothing in this act shall interfere with or invalidate their marriage customs. Such of the native Cherokees, as have had or shall have the rights of citizenship extended to them, shall be subject to the same duties, and liable to the same public dues, as other citizens of the state. The courts of the state are not to take jurisdiction of any criminal offence committed in such territory by Cherokees resident therein, except murder, rape and larceny; and the usages and customs of the Cherokees in all other respects are allowed to them, within the territory,

until such time as it may be deemed necessary and proper further to abridge or abrogate them; saving always from the benefits and privileges of this exception, such of the native Cherokee Indians as have had or may have the rights of citizenship extended to them. This act is not to authorize any white man to settle within such territory; and nothing in this act contained shall be construed to invalidate any law or treaty of the United States, made in pursuance of the constitution thereof; nor shall it be construed to authorize any entry, or appropriation, or occupancy of any of the lands in such territory, or to extend our laws for the entry of vacant and unappropriated lands over any part thereof.

RAIL-ROADS.—An act was passed to incorporate the Western Rail-road Company, with a capital of \$500,000, for the construction of a rail-road from Jackson to the Mississippi river. The Pulaski and Florence Rail-road Company was incorporated, with a capital of \$150,000, for the purpose of constructing a rail-road from Pulaski, to meet a rail-road which it is contemplated will be constructed from Florence in Alabama, to said line.

LIEN.—When any debt shall be contracted by the master, or owner, by and on account of any work done, or materials or articles furnished for, or towards the building, repairing, fitting, furnishing or equipping steam or keel boat, or for wages due to the hands of said steam or keel boat, such debt shall be a lien upon such steam or keel boat, her tackle and furniture, provided that suit, &c. be commenced within three months from the time said work is finished.

INSOLVENT ESTATES.—An act was passed to regulate and simplify the

distribution and division of the estates of persons dying insolvent.

FIRE HUNTING.—If any person shall be guilty of fire hunting in the night time, and thereby kill or injure any stock of any kind, the person so offending shall be guilty of malicious mischief, and tried and punished as other persons guilty of malicious mischief.

INSURANCE COMPANY.—The Tennessee Marine and Fire Insurance Company was incorporated, with a capital of \$300,000.

POISONING OF FISH.—It shall not be lawful for any person to destroy the fish in any of the waters of this state, by putting any poisonous substance in said waters; offenders are made liable to a fine of ten dollars.

CONVENTION.—An act was passed to provide for the calling of a convention to revise the state constitution.

CLERKS.—If any clerk of a county court shall fail or refuse to furnish the tax list, at the time and in the manner prescribed by law, he shall be liable to indictment, and, upon conviction, he may be removed from office.

RELIGIOUS ASSEMBLIES.—If any person shall prepare any barbacue, or other eatables for sale, or shall sell or offer for sale fruits or bread stuff, confectionaries, fermented liquors, or any other articles of whatever sort, kind or description, within one mile of any worshipping assembly, so as to interrupt said worshipping assembly, they shall be dealt with as rioters at common law, and shall be fined in a sum not less than five dollars; provided that nothing herein contained shall prevent any person authorized by law from selling the articles above mentioned, at the usual places of selling the same. If any person shall maliciously throw down any fence or enclosure of any camp ground, he shall, on conviction,

tion before any justice of the peace, pay the sum of ten dollars.

REGISTRATION.—An act was passed to amend the registration laws of this state, and to regulate probate of deeds and other instruments.

WEST POINT ACADEMY.—By this resolution, the senators and representatives of the state in congress were respectively instructed and requested to oppose the passage of all laws making further appropriations for the support of this institution.

NEW CONSTITUTION.—By this resolution, the legislature most respectfully recommended to the people to urge it upon the candidates for the convention in the several districts, and upon the delegates elected to said convention, that, when the new constitution shall have been formed, it shall be submitted back to the people to receive their sanction by a majority of the votes in the state, before it shall become the established constitution.

KENTUCKY.

ELECTIONS.—*Aug. 1832.*

For Governor.

Breathitt, (Adm.)	40,715
Buckner, (Opp.)	39,473

Lieutenant Governor.

Morehead, (Opp.)	40,073
Taylor, (Adm.)	37,491

The legislature of Kentucky met at Frankfort, on Monday, November 3d. J. J. Crittenden was elected speaker of the house of representatives without opposition. In the senate, lieutenant governor Morehead took his seat as presiding officer. The message of governor Breathitt was received on the same day.

The internal improvement of the state is pressed therein upon the consideration of the legislature. The improvement of the navigable stream of the state is recommended, especially that of the Green river, which has been surveyed, and can be cleared of its obstructions at a small expense. Forty-five miles of the Maysville and Lexington road have been put under contract; forty of which will be finished and opened for travel during the present year, and the remaining portion by the next. Only eighteen miles will remain to complete the whole.

Great interest is expressed for

the Lexington and Ohio rail-road, and the completion of the Louisville and Portland canal is announced.

Some changes are suggested in the mode of selecting juries, and it is especially recommended that they should receive a reasonable compensation for their services. Improvements in the militia system are pointed out as necessary, and alterations suggested in the laws relative to riots and the licensing of taverns, with a view to the suppression, as far as practicable, of the vice of intemperance.

On the subject of the state finances, the governor announces a balance *against* the treasury, on the 10th of October last, of \$147,534. The state has an unproductive capital of nearly *six hundred thousand* dollars, originally derived principally from the sales of Green river lands, and invested in stock of the Bank of Kentucky. That charter having been repealed, the state's proportion of the stock, as distributed and received, has been subscribed as stock in the bank of the commonwealth, where it has also been unproductive, that bank having also ceased to do business. The governor proposes the charter-

ing of a new bank, based on a substantial capital, in which the state funds shall be re-invested.

LOUISVILLE CANAL.—The Louisville and Portland canal is about two miles in length, intended for steam-boats of the largest class, and to overcome a fall of twenty-four feet in the Ohio river, occasioned by an irregular bed of limestone rock, through which the canal is cut in its whole length, a part to the depth of 12 feet, averaging about 8 feet. The depth of the canal is 42 feet; it is 50 feet wide at the bottom, and 200 feet wide at the top; the width at the water line varies according to the height of water, which varies from 4 to 40 feet. There are one guard and three lift locks all combined; the line of lock wall is upwards of 900 feet; the guard-lock is 100 feet in the clear in length, 42 feet high, and 50 feet wide; the lift locks are each 185 feet long, clear measure, 50 feet wide and 20 feet high, all based on solid rock.

At extreme low water, full 4 feet can be found in the canal, at which time 10 inches only are on the falls, and 18 inches on the bars, above and below Louisville.

LEGISLATION.—At the session of the forty-first general assembly of this state, in 1832-3, two hundred and forty-five acts and eleven resolutions were passed.

LUNATIC ASYLUM.—The committee of any person regularly found to be a lunatic, shall have the privilege of having such lunatic kept in the lunatic asylum, upon the same terms the state is charged. When it shall appear to the satisfaction of the circuit court, that any idiot or lunatic permitted to go at large, and is dangerous to the people of the neighbourhood, the court is required to order said idiot or lunatic to the lunatic asylum; if

any such idiot or lunatic have an estate, the proceeds of which are sufficient to maintain him, it is to be appropriated to that purpose. Where, in the opinion of the physician and trustees of the asylum, any person confined in the asylum ought to perform moderate and necessary labour, it shall be lawful for the trustees and the manager to assign to any such person labour or work to perform; and the said trustees are further authorized to sell or exchange the product of all such labour, or appropriate it for the use of the asylum, and comfort of the subjects of confinement.

BAIL.—It shall not be lawful to require any person to enter into a recognizance or to give surety to keep the peace, or to be of good behaviour for a longer period than one year, at any one time.

In all applications to bind over to keep the peace, or to be of a good behaviour, the court or justice is to hear testimony on the part of the defendant or defendants, if offered, proving or tending to prove, that the application ought not to be sustained, and the applicant may offer countervailing testimony; and the court or justice shall thereupon decide whether the defendant or defendants shall be so bound over.

BANK.—An act was passed to establish the Bank of Louisville, with a capital stock of \$2,000,000; the third section of the act provides, that if the bank shall at any time owe an amount exceeding twice the amount of capital stock actually paid in, exclusive of sums due on deposits, the president and directors shall be liable for any debts of the bank in their private capacities, provided the property of the bank be inadequate to satisfy the excess.

COAL COMPANY.—The Louisville

and Bonharbour Coal Company was incorporated; its capital is \$200,000, which may be increased to \$500,000.

EVIDENCE.—It shall form no objection to the competency of any witness introduced on the part of the commonwealth, on the trial of a prosecution for forgery, that he or she is the person by whom the instrument charged to be forged, purports to have been executed; and the judgment of conviction in the criminal prosecution, shall not destroy the legal validity of the writing charged to have been forged, or be used in any civil controversy relative to the same.

GAMING.—The person losing, or his heirs or executors, may at any time within five years, sue for and recover the money or other property so lost; if the loser, &c. does not sue within six months, then any other person may sue for and recover the same; if any stakeholder be notified by the person making the deposit, not to pay the same over, but to return it to the owner, he is required so to do, otherwise he is liable to an action therefor. Any creditor of the loser, at the time of the unlawful gambling, or before the delivery of the property lost, is authorized to levy his execution and sell such property, in the same manner as if it were still in the possession of or belonging to the debtor, or to file a bill in chancery in the same manner, and have like redress as in the case of a fraudulent conveyance of property by a debtor to defraud his creditors; every person convicted of being a keeper of a faro table, or other table, tables, or instrument, used, and at which money is won or lost, contrary to the laws, shall be guilty of a high misdemeanor, and shall be deprived of the right of suffrage and of holding any office of trust or profit. Persons

permitting any gambling in their houses, &c. are made liable, for every such offence, to a fine of not less than \$200 nor more than \$500. Town or city marshals are authorized to seize all sums of money which may be found staked or placed in bank; it shall be no excuse to any witness called on to give evidence, from deposing the whole truth, that he is a party concerned, or was so, in the unlawful game or gaming; but the evidence given by such witness shall not be used against him in any trial or proceeding whatever. Nothing in this act shall be so construed as to prevent the running of horses in this commonwealth, except as heretofore prohibited by law.

HOTEL COMPANY.—The Louisville Hotel Company was incorporated, with a capital stock of \$200,000.

INSURANCE COMPANY.—An act was passed to incorporate the Franklin Insurance Company; its capital stock is \$100,000.

CRIMES AND OFFENCES.—If any person, having charge of any book or paper in relation to the election of any of the officers of the commonwealth, shall change, alter or vary the same, or permit another to do so, with intent and so as to produce a result different from the real fact and truth of said election, he shall, on conviction, undergo a confinement in the state jail and penitentiary, for a length of time not less than one nor more than three years, at the discretion of the jury.

Every free person and his abettors, who shall maliciously destroy, or attempt to destroy, any of the locks of the Louisville and Portland canal, or the bridge over it, or injure or attempt to injure them, so as to obstruct the use thereof, shall, upon conviction, be sentenced to im-

prisonment in the state jail and penitentiary, for a period of time not less than two nor more than four years. If any slave be guilty of such offence, he shall, upon conviction, suffer death by hanging.

MEDICAL INSTITUTION.—An act was passed to establish a medical institution in Louisville, for the promotion of medical science.

RAIL-ROAD COMPANY.—The Bardstown and Louisville Rail-road Company was incorporated; its capital is \$350,000.

RIVER.—An act was passed, appropriating the sum of \$20,000, for the purpose of removing the obstructions to navigation at the falls of Green river.

SAVINGS INSTITUTION.—The Louisville Savings Institution was incorporated.

SLAVES.—Any court of equity is authorized, upon the petition of all the owners of any slaves held by two or more, or if any of the owners be minors, upon the petition of their guardians, and the adult owners, to order a sale of such slaves; and any one or more of several joint tenants or tenants in common of any slaves, may file his or their bill in equity, against the other joint tenants, &c. for partition; and if it shall appear to the court that partition in kind cannot be made, the court is empowered to decree a sale.

Every person who shall import into this state any slaves, or who shall sell or buy, or contract for the sale or purchase for a longer term than one year, of the service of any such slaves, knowing the same to have been so imported, shall forfeit the sum of six hundred dollars for each slave so imported, &c. This provision is not to apply to emigrants

to this state, if such emigrants shall, within sixty days after their arrival, have taken an oath before some justice of the peace, that they intend to become citizens of the state, and have brought no slaves with the intention of selling them, and caused such oath, within thirty days thereafter, to be recorded in the office of the clerk of the county court; nor shall the provision apply to travellers making only a transient stay, and who shall have brought slaves with them, for the purpose of necessary attendance, and with the intention of again carrying them out of the state; nor shall the provision extend to the importation of slaves by residents who shall derive title to such slaves by will, descent, distribution, or marriage, or gift in consideration of marriage. In every case of conviction, the prosecuting attorney shall be entitled to a fee of twenty per cent. out of the money collected, and the balance shall be paid into the public treasury, and set apart as a fund, to be under the direction of the governor, and such other or others as the legislature may appoint, for colonizing free persons of colour on the coast of Africa. The owners of any slaves who may have hired them to any person out of the state, are authorized to bring them into the state, if such owners be citizens of this state, and have in their possession in this state such slaves at the time of the hire. Prosecutions for the violation of the provisions of this act, are to be commenced within five years from the time of the commission of the offence, and not after.

SOUTH CAROLINA.—Resolutions were passed, disapproving of the nullifying ordinance of the late convention of South Carolina.

OHIO.

1832.—ELECTIONS.

FOR GOVERNOR.	
Lucas, - - -	71,251
Lyman, - - -	63,185

1833.—Jan.

MILITIA.—17 divisions, 54 brigades, 178 regiments, and 132,161 officers, non-commissioned officers and privates. The arms belonging to the militia are reported at 14,591 muskets, and 18,550 rifles.

The state contains 16,613,399 acres taxable land, valued at \$44,521,110; town lots valued with improvements at \$10,492,302; 213,694 horses, rated at \$3,547,760; 404,717 cattle, valued at \$3,237,736; merchants' and brokers capital and money at interest, amounting to \$7,296,122; pleasure carriages, valued at \$148,002. The whole amount of taxable property in the state, is \$74,243,032.

TAXES.—

Town taxes, - - -	\$531,911
County taxes, - - -	250,388
State and canal tax, - - -	379,826
Salaries of clergy, - - -	193,302
Expense of roads and bridges,	240,000
Support of free schools,	525,00

CANALS.—It is announced in the Chillicothe Gazette, of the 3d Oct. 1832, that the Ohio canal, extending from Lake Erie to Portsmouth, on the Ohio river, is completed, with the exception of a single lock on the Sciota river, intended to be used only when the Ohio river is at its lowest stage of water.

On the Ohio canal, the toll on the staple articles of agricultural produce, in all distances beyond 200 miles, was reduced, in 1833, from 5 to 3 mills per 1,000 lbs. per mile. The toll charged on the staple articles of agricultural produce from

Portsmouth to Cleaveland is 15 cents 8 mills per 1,000. Under the present rates of toll, flour may be transported from Cleaveland to New-York for \$1 per barrel, covering all expenses.

During the year ending Dec. 31, 1832, the gross amount collected for tolls and water rents was,

On the Ohio canal,	\$32,867 40
On the Miami canal,	40,926 81

Making a gross sum collected on both canals, of \$123,794 21

The total amount of payments on contracts, and to superintendents of repairs, for the year ending on the 10th of November 1832, is \$5,163,725 24.

The aggregate length of the canals is 400 miles, comprising 184 lift locks, overcoming a total amount of ascent and descent of 1,547 feet; 9 guard locks; 22 aqueducts, 242 culverts, 182 of stone, and 60 of wood; 9 dams for crossing streams, and 12 feeder dams. Both canals have a minimum breadth of 40 feet at the water line, 26 feet at bottom, and 4 feet deep. The locks are of stone, 15 feet broad, 90 feet in length between the gates, admitting boats 78 by 14 feet 10 inches.

1833.—FRESHET.—The Ohio rose *forty-three feet* above low water mark at Cincinnati, about the 20th of May, and much damage was done to fences, and the crops on the bottom lands.

LEGISLATION.—The general assembly of Ohio met at Columbus, on Monday, the 3d of December, 1832. The message of governor Mc Arthur was received on the same day.

The aggregate amount paid into

the treasury for canal and state purposes during 1832, added to the balance remaining at the last report, is \$271,292. The total amount of disbursements during the same period for the same purposes is \$240,527 55; leaving a balance in the treasury of \$20,784 94. The estimated amount of taxes levied for the same purposes during that time was \$250,000. The amount of foreign canal debt is \$4,400,000, and the interest payable annually to foreign stockholders is \$260,000. The amount borrowed from the School fund in aid of the canal funds, is \$134,847; and the interest on that sum about \$25,000. The whole canal debt of the state is therefore \$4,834,847; and the whole amount of interest (payable on the 1st of January, 1833) \$285,000.

The sales of land granted to the state by congress for canal purposes, amounted, during the past year, to \$58,103 78.

The tolls received on the Miami canal were	34,956 86
On the Ohio canal	76,403 93
	<hr/> 111,420 79
Deduct expenses	7,118 26
	<hr/> 104,302 53

which is applicable to the payment of interest on the canal debt.

The Deaf and Dumb Asylum is in prosperous operation. The number of pupils now in this institution, is 31, of whom 17 are supported entirely by the state, and one in part. The whole expenses for the three quarters of a year ending July 31st, 1832, were but \$3,409 16.

At the first session of the thirty-first general assembly of Ohio, begun on December 3, 1832, thirty-

three acts of a general nature were passed.

PRISON BOUNDS.—The limits of the prison bounds of the several counties in the state, are hereafter to be coextensive with the limits of the counties respectively.

DIVORCES.—So much of the third section of the act concerning divorce and alimony, passed Jan. 7, 1824, as authorizes the supreme court to decree a divorce from bed and board only, instead of a dissolution of the marriage contract, is repealed.

JUSTICES OF THE PEACE.—In all actions instituted before a justice of the peace founded upon any instrument in writing, for the payment of a sum of money certain, if the whole amount of money therein promised is due, it shall be the duty of the plaintiff, to file the bond, &c. with such justice; and if upon the trial, judgment shall be entered thereon in favour of the plaintiff, such bond, &c. shall be retained by the justice, who shall endorse thereon the sum for which he shall have entered judgment, and shall subscribe his name thereto; and upon payment or tender of the amount of such judgment, together with the costs accruing thereon, or securing the payment of the same by putting in bail for the stay of execution, it shall not be lawful for the plaintiff to institute any other suit upon said bond, &c. for the recovery of any further sum, the payment of which is secured by the same bond, &c. But when an appeal shall be taken from the judgment of such justice, he is required to deliver any bond, &c. produced before him on trial, to the clerk of the court of common pleas to which such cause shall have been appealed; nothing herein contained shall be construed to affect the right which any creditor may

now have to demand from any justice of the peace any joint and several obligation, for the purpose of prosecuting any party to said obligation, other than the party against whose judgment may have been rendered.

PROSECUTING ATTORNEYS.—There shall be elected in each organized county of the state, biennially, one prosecuting attorney, who shall hold his office for two years, and until his successor shall be qualified. He is required to prosecute for and in behalf of the state all complaints, suits and controversies in which the state shall be a party, within the county. No person shall be eligible to this office, who is not an attorney and counsellor at law, duly licensed to practise in this state. No such prosecuting attorney shall be a member of the general assembly; and no county treasurer, county recorder, county auditor, or postmaster, shall be eligible to the office.

TAVERNS.—When any person shall make application in writing for a license to keep a tavern without retailing ardent spirits, the court, if they are satisfied that a tavern is needed, and that such applicant is a suitable person to keep a tavern, and is provided with suitable accommodations for that purpose, may grant a license to him, which shall continue for the term of one year; the court granting the license are to fix the price thereof, which shall not be less than \$2, nor more than \$20, per annum.

ESCHEATED LANDS.—Where any person or persons die, having right or title to any real estate, and the same shall escheat to the state, the court of common pleas for the county shall appoint some person to take charge thereof, and lease or

rent the same to the best advantage, and collect the rents and pay them over to the treasurer of state; and the person so appointed is required to give bonds, &c.

DEEDS, &c.—So much of the first section of the act to provide for the proof, acknowledgment, &c. of deeds, &c., as requires the person taking such acknowledgment, to certify that he is satisfied from personal knowledge, or from the testimony of some witness, that the person or persons making such acknowledgment is or are the person or persons they represent themselves to be, is repealed; and all deeds, mortgages, &c. by which any lands, &c. have heretofore been conveyed or encumbered in law, and the acknowledgment whereof does not contain the certificate mentioned in this act, shall nevertheless be as good and valid, both in law and equity, as if the same had been therein contained. Where any deed, &c. for the conveyance of land, shall have heretofore been executed, and the officer taking the acknowledgment shall not have affixed his seal to the acknowledgment, such acknowledgment shall nevertheless be valid.

DEAF AND DUMB ASYLUM.—The trustees of this asylum are required to admit into the asylum three indigent pupils, to be selected from each judicial circuit in this state: the term of tuition of the pupils supported by the state, may be extended by the trustees, if they shall deem it expedient, to four years.

SCHOOLS.—An act was passed for the regulation of common schools, the apportionment of the school money, &c.

MILLS, &c.—No person possessed of the right to any water privilege, shall be required to erect a bridge over any mill-race or water-

course, excavated or constructed by such person across any public road or highway for hydraulic purposes; nor shall any person be required to keep in repair any bridge that has been, or that may hereafter be erected over any mill-race or water-course so, as aforesaid, excavated or constructed; provided that when any public road or highway shall hereafter be laid out, it shall be the duty of the person possessed of such right, within one year thereafter, to file in the office of the auditor of the proper county, a declaration in writing of such right, describing the same, setting forth therein the place at which (as near as practicable) he intends at some future day to excavate and construct a mill-race or water-course, as aforesaid, across said road or highway, which declaration, shall be recorded by said auditor, and thereafter such right shall be considered valid in law for the benefit of such person, his heirs and assigns; nothing in this act shall be so construed as to prevent any person possessed of such right, from constructing a mill-race or water course across any public road or highway that has been laid out heretofore, on giving the notice required by the second section of this act.

When any person shall, for the purposes in the first section of this act, excavate or construct any mill-race or water-course across any public road or highway, he is required to give notice in writing to the trustees of the proper township, at least thirty days previously, and in case of failure to do so, the supervisor of the proper district is required, if in his opinion the public good demands it, to fill up such mill-race or water-course, at the expense

of the person so neglecting to give notice; and the expense is to be recovered by the supervisor, together with fifty per cent. thereon, and costs of suit, for the use of such road district, in any action before any court of competent jurisdiction.

AGRICULTURAL SOCIETIES.—An act was passed to encourage the establishment of agricultural societies in the several counties of the state. The county commissioners, in June, 1833, and annually afterwards if they deem it necessary, are to give notice that a meeting will be held at the court-house of the county, on the last Friday of June, for the purpose of organizing a county agricultural society. If there shall assemble any number of persons exceeding twenty, they may proceed to organize the society, by choosing a president, directors, &c., who shall hold their offices for one year, and until their successors are elected. Annual meetings are to be held for the choice of officers, and transaction of other business. No member of any such society shall be liable to pay, for the benefit of the society, a greater sum than \$5 in any one year; and all moneys paid by the members, and donations from other persons, are to be appropriated to the encouragement of agriculture, horticulture, domestic manufactures, &c. The county commissioners of any county are authorized, if they deem it expedient, to appropriate out of the county funds, for the benefit of the society, a sum not exceeding \$50 in any one year; and the directors of each society are annually to transmit to the legislature a report of the state of the society, its effect on the agricultural interests of the county, &c.

INDIANA.

TAXES.

Town taxes,	\$61,599
County, including support of 407 poor,	72,138
State tax,	164,750
Salaries of clergy,	112,726
Expense of roads and bridges,	56,874

LEGISLATION.—At the seventeenth session of the legislature of Indiana, commenced on the first Monday in December, 1832, one hundred and eighty three acts, and twenty five joint resolutions were passed.

APPROPRIATIONS.—By the act making general appropriations for the year 1833, the sum of \$21,000 is appropriated for the expenses of the general assembly; for the executive department, \$2,800; for the judiciary department, \$7,900; for probate judges, \$2,500; for other expenses, \$5,950.

ASYLUM.—An act was passed to incorporate the trustees of the St. Joseph Orphan Asylum.

BRIDGES.—By this act a company was incorporated for the purpose of constructing a bridge across the great St. Joseph River, at or near south bend.

CANAL.—The canal commissioners are directed to put under contract the middle division of the Wabash and Erie canal, at such times previous to June 1, 1833, as they may deem most conducive to the interest of the state.

A resolution was also passed in relation to the same canal. The preamble states, that whereas the course pursued by our sister state, Ohio, in relation to the extension of this canal through her boundaries, seems to afford no certainty of her action, and tends to create doubts in the minds of some of our citizens of

the proper course of action this state should adopt to perfect this important work; therefore it was resolved that the governor be requested to communicate by mail, with the governor of Ohio, in relation to the contemplated extension of the canal through that state, so as to procure from him a special message in relation thereto, to the general assembly of that state now in session at Columbus, and ask for immediate attention to the subject, in order to afford to this state some certainty of her views, upon which it may safely shape its ultimate course of proceeding.

COLLEGES.—By this act the name of Hanover Academy was changed to that of Hanover College; and the faculty of the college were authorized to confer degrees; the students who may be of sufficient bodily ability, during the time they continue such, are to be instructed in some species of agricultural or mechanical labour, in addition to the scientific and literary branches there taught; and the trustees are required annually to report to the legislature, the plan, progress and effects of such agricultural and mechanical exercise and instruction, upon the health, studies and improvement of the students.

The Christian College was incorporated, to be established at New Albany, in Floyd county, with power to confer degrees; by the fundamental laws of the institution it is provided that no religious doctrine or tenets peculiar to any sect of professing Christians, shall ever be taught the students of said institution, as such, either directly or indirectly, by any of the professors, in-

structors, tutors, or members of the corporation, or any other person or persons connected therewith, under the penalty of immediate expulsion.

DISTRIBUTION.—The widow of any person dying testate shall be entitled to the same portion of the real and personal estate of her deceased husband, as is, by the act of January 29, 1831, secured to the widows of intestates, except when such widow shall have accepted of a devise or legacy, made to her by the will of her deceased husband, in satisfaction of such portion.

DIVORCES.—Each circuit court, as a court of chancery, shall have jurisdiction of any libel or petition praying for divorce. The defendant may, by general denial, without oath or affirmation, controvert the alleged cause or causes of divorce, and may also allege any cause or causes of divorce to apply to such complainant; but on the setting down such cause for hearing or trial, no want of such denial or absence of such defendant shall dispense with the proof by such complainant, of such cause or causes alleged for such divorce; nor shall any want of denial of the complainant, of any cause or causes of divorce so alleged, as aforesaid, against said complainant, dispense with the proof of such cause or causes, by the said defendant. In every such cause witnesses may be examined *viva voce*; and depositions and every other kind of evidence shall be admitted in such cause, under the same regulations, as in civil causes other than suits in chancery in circuit courts. The circuit courts are vested with power to determine petitions for divorces in any county where the complainant may reside, without regard to the place where the

causes assigned for divorce occurred.

EXECUTION.—Whenever any property shall be sold by virtue of an execution, and the purchaser shall neglect to pay the purchase money, he shall be liable, on motion, three days notice of such motion having been given, to a judgment for the amount of the purchase money, and ten per cent. thereon, together with the costs of such motion; and no stay of execution shall be allowed on any such judgment; but nothing herein contained shall prevent the officer making such sale from re-exposing the same property to sale; and if the amount of such second sale shall not be equal to the amount of the first sale and the costs of the second sale, the first purchaser shall be required to pay the deficiency, and be liable to a motion and judgment therefor as aforesaid.

HORSE-RACING, &c.—Every person found horse-racing, or shooting at a mark, along or across any public highway, shall, upon conviction thereof before any justice of the peace, be fined in any sum not exceeding \$3.

HORSE THIEVES.—Whenever any horse thief may be convicted of stealing any horse or mule, the county commissioners of the county where such theft may have been committed, are authorized to allow the person apprehending such felon, any sum out of the county treasury not exceeding \$40.

INTEREST, RATE OF.—The rate of interest is fixed at six per cent., unless a stipulation to pay a higher rate be made in writing, and signed by the party to be charged; but in no case shall the interest exceed the rate of ten per cent. If any person receive a greater rate of interest than ten per cent., he shall, on con-

viction by presentment or indictment, pay a fine to the state, in double the amount of the excess of interest above ten per cent. so received.

JUSTICES OF THE PEACE.—In any civil cause to be tried before a justice of the peace, where the sum does not exceed \$20, at the request of either party, the justice shall direct the constable to summon and cause to come before him six citizens of the proper county, having the qualifications of jurors, who shall be empanelled to try such cause. Justices of the peace are to have the same jurisdiction, in all cases where executors, administrators or guardians are plaintiffs, that they might of right exercise if such executors, &c. were suing in their own right; but where any defendant shall plead any matter of payment, set-off, or other special matter, in bar to such executor's, &c. cause of action, the plaintiff may, after such plea shall have been filed, require the justice to certify all the proceedings to the proper probate court; and on filing an affidavit for that purpose, may require the defendant to enter into special bail to appear before the probate court, to answer to the suit.

LIBRARY.—By a joint resolution, the secretary of state was instructed not to make any expenditures of the library fund in the purchase of novels or romances.

MILITIA.—Any person subject to perform militia duty, commissioned officers excepted, shall be annually exempted from the fines which may be imposed on him by law for each annual failure to perform such duty, except in case of war, invasion, insurrection, or in aid of the civil authorities, who shall pay for each such annual failure, the sum of one dollar to the officer of his county,

who may have the legal charge of the seminary fund of such county, for the use and benefit of said fund, or to the school commissioner of such county, at the option of the person paying the same; and every person conscientiously scrupulous, may avail himself of the rights and privileges secured by this act to persons subject to perform militia duty, on making the payment above mentioned, to the officer of his county having charge of the seminary fund of such county.

NOTARIES PUBLIC.—Every notary public in this state shall be authorized to take and certify all affidavits and depositions, all proofs of deeds, &c. and all other instruments in writing authorized to be taken and certified by justices of the peace; and his certificate and attestation, with his official seal, shall be taken and received in all cases, to be of equal verity and validity with the certificate, attestation and seal of a clerk of the circuit court.

PRACTICE IN SUITS AT LAW.—An act was passed regulating the practice of the law in the courts of the state, &c.

RIVERS.—A memorial and joint resolutions were passed, soliciting congress to appropriate land or money sufficient to defray the expense of removing the various obstructions to a safe steam-boat navigation in the Wabash and White rivers; and whilst dilating on the acknowledged advantages of improving the navigation of those rivers, the memorialists beg leave further to represent the importance of improving the navigation of the St. Joseph of Lake Michigan, a beautiful river which runs through a part of the territory of Michigan and Indiana.

ROADS.—This memorial represents to congress, that the memo-

rialists deem an additional appropriation of \$150,000, for the construction of the national road through Indiana, during the session of congress, to be of vital importance to the state.

By another memorial and resolution, the legislature solicits of the United States an ample appropriation of public lands or money, to improve the great western thoroughfare and mail route through the state, leading from Louisville, Kentucky, to St. Louis, Missouri.

Two turnpike road companies were incorporated. Acts were passed providing for the establishment of fifty-two state roads. An act was also passed, appropriating \$500 out of the three per cent. fund, to each county in the state, for the purpose of opening and improving state roads, constructing bridges, &c.

SCHOOLS.—An act was passed, consisting of two hundred and five sections, incorporating each congressional township in the state, and providing for public schools therein.

A memorial was also addressed to congress, on the subject of such sixteenth sections (reserved in such congressional township for the purpose of establishing common schools) as may be unproductive; in which the legislature, on behalf of the citizens of townships in which such unproductive reservations may be situated, ask, that congress will provide by law, for a grant to them of a section of good land, in lieu of such unproductive sixteenth sections, or land scrip to the amount thereof, at the rate of one dollar twenty-five cents per acre, at the option of the inhabitants of such townships; and a similar grant or privilege to the inhabitants of any township or fractional part thereof, which is now

destitute of any sixteenth section or fractional part thereof, reserved for the purpose of common schools, to be located or entered in any of the unsold public lands of this state, in such manner as the legislature thereof may direct.

SEMINARIES.—Two county seminaries were incorporated. The Western Union Seminary was also incorporated. The act declares, that whereas the object of the subscribers to the above institution is to establish a seminary of education for youth, purely scientific, and entirely free from sectarian influence, no religious creed, catechism, dogmas, or confession of faith, shall ever be taught in said seminary.

The following resolutions were also passed on the 9th of January, 1833, on the subject of nullification:

Resolved, That we deeply deplore the political heresies, and threatened disorganization recently promulgated by a portion of our brethren of South Carolina.

That we cordially concur in the persuasive appeals of our venerable chief magistrate, to the people of South Carolina, to pause ere it be too late to save themselves from ruin.

That the sentiment, "our union must be preserved," meets with a hearty response from the people of Indiana, bound as they are by *interest* and *honour*, to that confederacy into which they voluntarily entered, and from which they will never willingly be severed.

That we regard the present juncture of our national affairs, as involving the preservation of our liberties, and as scarcely inferior in importance to that in which they were achieved.

That as regards the important question, all minor differences should

be forgotten ; that devotion to party should be lost in devotion to country, and that the great contest among Americans, should be as to the means best calculated to prevent the temple of our union from crumbling into ruins.

That the constitutional doctrines advanced, and views of policy embraced in the president's proclamation on the present difficulties in

South Carolina ; the patriotic spirit pervading that able document, and the prompt and decisive manner in which he has rebuked the pernicious doctrines and unjustifiable course, recently adopted by a portion of that state, command our entire approbation, and have crowned with new laurels the defender of his country.

ILLINOIS.

ELECTIONS—1832.

Congressional.

1st District	Slade	2467	elected
	Edwards	2078	
	Breeze	1771	
	Dunn	1020	
	Webb	557	
2d	Casey	3208	elected
	Archer	2168	
	Kitchell	1593	
3d	Duncan	8093	elected
	Pugh	2318	

1832-3.—The legislature passed a resolution approving the sentiments expressed by the president of the United States, relative to the future disposition of the public lands ; and soliciting such a reduction of the price of public lands to actual settlers, as will meet the views of the president.

It also passed resolutions, declaring that whereas the president of the United States, in his proclamation of the 10th instant, has exhibited a just view of the origin of our free constitution, and of the powers confided by that sacred instrument, to the states and the general government : *And whereas*, by the said proclamation, the assumed power of a state to annul a law of congress is conclusively shown to be incompatible with the existence of the Union, contradicted expressly by the letter

of the constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed: *And whereas*, the particular application of this assumed power to the alleged grievances of South Carolina, is most ably and unanswerably refuted, and the dangerous and treasonable doctrine of the right of secession combated by the clearest reasoning, is denounced in a spirit of devoted attachment to the Union : *And whereas, also*, the executive has expressed a confident reliance on the undivided support of the nation, in his determination to execute the laws, to preserve the Union by all constitutional means, and to arrest, if possible, by moderate but firm measures, the necessity of a recourse to force :

Therefore resolved, by the people of the State of Illinois represented in the general assembly, That we highly approve the sentiments contained in the said proclamation, and the avowed purpose of repelling the unconstitutional and dangerous designs announced in the disorganizing edict of the South Carolina convention.

Resolved, That whilst we admire the firmness that would resist the

mad project of disunion, we cordially approve the spirit of moderation which deprecates any offensive act on the part of the United States.

Resolved, That disunion by armed force is treason, and should be treated as such by the constituted authorities of the nation.

Resolved, That whilst we deplore the spirit of disaffection manifested by our South Carolina brethren, and should hail with unmingled satisfaction their return to the first great principles of our Union, we hold it to be the duty of every citizen of the United States, without distinction of sect or party, to rally to the support of the great charter of American freedom.

Resolved, That, should the pacific invitation and solemn warning of our illustrious president fail to recall the disaffected to their duty; should

the anti-republican doctrine of nullification be persisted in, and treason rear its polluted form within the bosom of our prosperous, patriotic, and peaceful republic; we do hereby instruct our senators in congress, and request our representatives, to unite in the most speedy and vigorous measures on the part of the general government for the preservation of the peace, integrity, and honour, of the Union; and we hereby solemnly pledge the faith of our state in support of the administration of the laws and constitution of our beloved country.

Resolved, That a copy of the foregoing resolutions be transmitted to the president of the United States, to the heads of the several departments at Washington, and to our senators and representatives in congress.

MISSOURI.

POPULATION.—According to a census taken under a law of the state in 1832, the population appears as follows:

White males	-	-	-	76,000
—females	-	-	-	67,373
Slaves	-	-	-	32,184
Free persons of colour	-	-	-	681
				<hr/>
				176,236

The United States census in 1830 showed an aggregate of only 140,455.

The whole amount of the revenue of the state, arising from taxes and licenses, &c. was \$62,312 86; of which the city and county of St. Louis paid \$18,507 90.

Town taxes	-	-	-	30,381
County do. including support of 57 paupers	-	-	-	36,561
State tax	-	-	-	57,953
Expenses of roads and bridges	-	-	-	29,244

LEGISLATION.—At the 1st session of the legislature, begun and held at

Jefferson, November 19, 1832, 96 public and 37 private acts were passed.

Amendments were proposed to the constitution for the purpose of changing the tenure of judicial office, and to make the three judges of the supreme court elected by the legislature for six years,—one judge to vacate his office every second year.

The circuit judges and clerks of courts are to be elected by the people, also for six years.

Also, an amendment proposing to extend the boundary of the state with the consent of congress, so as to include all north of the Missouri, and west as far as congress shall consent; also all the lands lying in the fork of the Mississippi and Des Moines rivers.

APPROPRIATIONS.

Expenses of the government	\$86,242
Interest on state loans	38,896

APPORTIONMENT.—An act apportioning the members of the legislature among the several counties, and 22 senatorial districts, sending 24 senators.

CIVIL OFFICES.—Clerks of courts shall not keep their offices out of the county, and the minutes of each day shall be read and signed by the judge, at the rise of the court.

Any civil officer addicted to drunkenness, shall be deemed guilty of a misdemeanor, and removed from office.

CONVEYANCES.—Married women within the state are authorized to convey the real estate belonging to them—the husbands joining in the conveyance, and the wife acknowledging before a proper officer that she executes the deed voluntarily. Similar provisions are made for the conveyance of lands in Missouri, by married women residing out of the state. The deed is to be acknowledged before a court of record.

SLAVES.—No keeper of a tavern, dram shop, &c. shall permit any slave to be at his tavern, &c. unless expressly sent by his master, or overseer, under the penalty of not less than \$5, nor more than \$50. Any slave or person of colour disturbing any religious congregation, may be ordered by any sheriff or justice to forthwith disperse; and upon refusing, any justice of the peace, after conviction by a jury, may order him to be whipped not more than 20 lashes.

DEPOSITIONS.—The official character of a magistrate before whom a deposition is taken out of the state, is to be proved by the certificate of a clerk of some court of record in the state where the magistrate resides.

DIVORCE.—Extreme cruelty, or conviction of an infamous crime, is declared to be a good cause of

divorce; and when a person shall be thus divorced, it shall be lawful for the other party to marry again after two years. No divorce is to be granted by the legislature, unless two months notice be given to the opposite party, if residing in the state; and five weeks notice in the newspaper, if residing out of the state, and the cause of divorce must have taken place more than two months preceding the meeting of the legislature, and be without relief in the courts.

EVIDENCE.—Printed copies of ordinances, &c. of any town in Missouri, published under authority of the town, or copies certified under the hand and seal of the proper officer, are made evidence in the courts.

Mayors of cities are authorized to take acknowledgments of deeds, &c.

INTERNAL IMPROVEMENT.—The 3 per cent. fund received from the United States, was ordered to be divided rateably among the several counties of the state, to be applied under the direction of the county courts to making and repairing roads and bridges, and making canals, and the courts are to report annually to the legislature the mode in which it has been expended. The courts however are authorized by a subsequent act, to loan the same on bond and security, at 10 per cent. interest, and the interest is to be appropriated to the same purpose.

INTEREST.—Where the interest named is not greater than 10 per cent., the interest on judgments is to be the same as that named in the contracts on which they are founded.

IMPRISONMENT.—County courts are authorized to discharge persons imprisoned for non-payment of fines or costs; but their property is to be liable for payment of the same.

MILITIA.—The militia are to be

divided into ten classes, each to perform a tour of duty in turn. When bands of Indians are found roaming or hunting within the state, except where stipulated by treaty, the governor may cause them to be removed.

REDEMPTION.—All land sold for taxes of which the state has become purchaser, may be redeemed before January 1, 1835, upon payment of the taxes with 15 per cent interest, and all expenses.

REVISION OF LAWS.—A person is ordered to be appointed to revise the statute laws passed since 1825.

ROADS.—The evidence necessary to sustain an indictment against an overseer of roads, is declared to be, 1. evidence of his appointment, 2. that he was notified, 3. the legal assignment of hands to work upon the road, 4. and that the road under his care, is not kept in repair. Sheriffs are ordered to notify overseers of their appointment; justices of the peace are to make assignment of hands to work upon the roads, and clerks to furnish to grand juries and district attorneys, the names of the overseers, and a transcript of notices and assignment of lands, which are made evidence.

TAXES.—The rate of taxes is fixed at 12½ cents on \$100; a poll tax of 37½ cents is laid, and all stock in corporate bodies, except hospitals and literary institutions, is made taxable. Improvements on land not taxable, are to be also exempt from taxation. All taxes improperly paid, are to be refunded by the county clerk. 12½ cents on \$100 are imposed as a tax on merchandise, except the produce of the state received for sale, and 50 cents fee to the clerk for issuing a license to each vender.

VENUE.—Where a circuit judge is indicted, the venue may be changed to another county by the public attorney: also where the judge is of kin to, or owner of the person indicted, or where the public mind in the county is so prejudiced, that a fair trial cannot be had.

Forty-eight divorces were granted. Two colleges, two literary associations, two steam-mill companies, and three towns were incorporated. Two lotteries were granted.

Acts were passed organizing the counties of Carroll, Clinton, Greene, Lewis, Morgan, Pettis, Pulaski, Ripley and Warren, and several acts defining the boundaries of other counties. The governor was authorized to pay off the state debt. A state penitentiary was ordered to be erected. Twenty-four private acts were passed.

Resolutions were passed, approving of the principles and doctrines, laid down in the veto on the bill re-chartering the United States Bank—disapproving of Mr. Clay's land bill, and "instructing the senators, and requesting the representatives of the state to use their best exertions to accelerate the extinction of the federal title to the public domain in the western states, by a general pre-emption law, by graduating the price to the quality of the land, by granting donations to the poor and actual settler, and finally by ceding the lands to the states"—also asking of congress aid to remove the sand bar in the Mississippi, in front of St. Louis, and additional protection against the Indians. Also, a resolution authorizing the governor to appoint three persons to form a system of common primary school instruction throughout the state.

APPENDIX.

EXECUTIVE OFFICERS

OF THE

UNITED STATES OF AMERICA.

	<i>Nativity.</i>	<i>Salary.</i>
Andrew Jackson, President,	S. C.	\$25,000
John C. Calhoun, Vice-President,	S. C.	5,000
Edward Livingston, Secretary of State,	N. Y.	6,000
Lewis M'Lane, Secretary of the Treasury,	Penn.	6,000
Lewis Cass, Secretary of War,	N. H.	6,000
Levi Woodbury, Secretary of the Navy,	N. H.	6,000
Roger B. Taney, Attorney General,	Md.	4,000
William T. Barry, Post-Master General,	Ken.	6,000

JUDICIARY.

<i>Nativity.</i>	<i>Salary.</i>	<i>Nativity.</i>	<i>Salary.</i>
John Marshall, Chief Justice, Va.	\$5,000	Smith Thompson, N. Y.	4,500
William Johnson, Asst. Just. S. C.	4,500	John M'Lean, Ohio.	4,500
Gabriel Duvall, Md.	4,500	Henry Baldwin, Penn.	4,500
Joseph Story, Mass.	4,500	William I. Carroll, Cl'k, Fees.	

DIPLOMATIC CORPS.

TO GREAT BRITAIN AND IRELAND.

	<i>Nativity.</i>	<i>Salary.</i>
Aaron Vail, Chargé d'Affaires	N. Y.	\$4,500
FRANCE.		
William C. Rives, Envoy, &c.	Va.	9,000
Nathaniel Niles, Secretary,	Vt.	2,000

A

RUSSIA.		
	<i>Nativity.</i>	<i>Salary.</i>
James Buchanan, Envoy, &c.	Pa.	9,000
John Randolph Clay, Secretary,	Va.	2,000
SPAIN.		
Cornelius P. Van Ness, Envoy, &c.	Vt.	9,000
Charles S. Walsh, Secretary,	Md.	2,000
NETHERLANDS.		
Auguste Davezac Chargé d'Affaires,	La.	4,500
BELGIUM.		
Hugh S. Legaré, Chargé, &c.	S. C.	4,500
SWEDEN AND NORWAY.		
Christopher Hughes, Chargé, &c.	Md.	4,500
PORTUGAL.		
Thomas L. L. Brent, Chargé, &c.	Md.	4,500
NAPLES.		
I. Nelson, Chargé, &c.	Md.	4,500
TURKEY.		
David Porter, Chargé, &c.	Mass.	4,500
COLOMBIA.		
Thomas P. Moore, Envoy, &c.	Ken.	9,000
J. C. Pickett, Secretary,	Ken.	2,000
MEXICO.		
Anthony Butler, Chargé, &c.		4,500
BRAZIL.		
Ethan A. Brown, Chargé, &c.	Ohio,	4,500
BUENOS AYRES.		
Francis Baylies, Chargé, &c.	Mass.	4,500
PERU.		
Samuel Larned, Chargé, &c.	R. I.	4,500
CHILI.		
John Hamm, Chargé, &c.	Ohio,	4,500

TWENTY-SECOND CONGRESS—SECOND SESSION.

S E N A T E.

President of the Senate, pro tempore, HUGH LAWSON WHITE,
FROM TENNESSEE.

<i>Maine</i> —John Holmes, Peleg Sprague.	<i>Connecticut</i> —Samuel A. Foote, Gideon Tomlinson.
<i>New Hampshire</i> —Samuel Bell, Isaac Hill.	<i>Vermont</i> —Horatio Seymour, Samuel Prentiss.
<i>Massachusetts</i> —Nathaniel Silsbee, Daniel Webster.	<i>New-York</i> —Charles E. Dudley, Silas Wright, jr.
<i>Rhode Island</i> —Nehemiah Knight, Asher Robbins.	<i>N. Jersey</i> —Mahlon Dickerson, Theo. Frelinghuysen.

<i>Pennsylvania</i> —George M. Dallas, William Wilkins.	<i>Tennessee</i> —Hugh L. White, Felix Grundy.
<i>Delaware</i> —John M. Clayton, Arnold Naudain.	<i>Ohio</i> —Thomas Ewing, Benjamin Ruggles.
<i>Maryland</i> —Ezekiel F. Chambers, Samuel Smith.	<i>Louisiana</i> —Josiah S. Johnston George A. Waggaman.
<i>Virginia</i> —John Tyler, William C. Rives.	<i>Indiana</i> —William Hendricks, John Tipton.
<i>N. Carolina</i> —Bedford Brown, Willie P. Mangum.	<i>Mississippi</i> —George Poindexter, John Black.
<i>Carolina</i> —Stephen D. Miller, John C. Calhoun.	<i>Illinois</i> —Elias K. Kane, John M. Robinson.
<i>Georgia</i> —George M. Troup, John Forsyth.	<i>Alabama</i> —William R. King, Gabriel Moore.
<i>Kentucky</i> —George M. Bibb, Henry Clay.	<i>Missouri</i> —Thomas H. Benton, Alexander Buckner.

HOUSE OF REPRESENTATIVES.

Speaker, ANDREW STEVENSON, VIRGINIA.

<i>Maine.</i> John Anderson, James Bates, George Evans, Cornelius Holland, Leonard Jarvis, Edward Kavanagh, Rufus McIntire.	<i>Rhode Island.</i> Tristram Burges, Dutee J. Pearce.	Ulysses F. Doubleday, William Hogan, Michael Hoffman, Freeborn G. Jewett, John King, Gerrit Y. Lansing, James Lent, Job Pearson, Nathaniel Pitcher, E. H. Pendleton, Edward C. Reed, Erastus Root, Nathan Soule, John W. Taylor, Phineas L. Tracy, Gulian C. Verplanck, Frederick Whittlesey, Samuel J. Wilkin, G. H. Wheeler, Campbell P. White, Aaron Ward, Daniel Wardwell.
<i>New-Hampshire.</i> John Brodhead, Thomas Chandler, Joseph Hammons, Henry Hubbard, Joseph M. Harper, John W. Weeks.	<i>Connecticut.</i> Noyes Barber, William W. Ellsworth, Jabez W. Huntington, Ralph I. Ingersoll, William L. Storrs, Ebenezer Young.	<i>New-Jersey.</i> Lewis Condict, Silas Condit, Richard M. Cooper, Thomas H. Hughes, James F. Randolph, Isaac Southard.
<i>Massachusetts.</i> John Quincy Adams, Nathan Appleton, Isaac C. Bates, George N. Briggs, Rufus Choate, H. A. S. Dearborn, John Davis, Edward Everett, George Grennell, jr. Joseph G. Kendall, John Reed, James L. Hodges, Jeremiah Nelson.	<i>Vermont.</i> Heman Allen, William Cahoon, Horace Everett, William Slade, Hiland Hall.	
	<i>New-York.</i> William G. Angel, Gamaliel H. Barstow, William Babcock, Joseph Bouck, John T. Bergen, John C. Broadhead, Samuel Beardsley, John A. Collier, Bates Cook, C. C. Cambreleng, John Dickson, Charles Dayan,	

- Pennsylvania.*
 Robert Allison,
 John Banks,
 George Burd,
 John C. Bucher,
 Thomas H. Crawford,]
 Richard Coulter,
 Harmer Denny,
 Lewis Dewart,
 Joshua Evans,
 James Ford
 John Gilmore,
 William Heister,
 Henry Horn,
 Peter Ihrie, jr.
 Adam King,
 Henry King,
 Joel K. Mann,
 Henry A. Muhlenberg,
 T. M. McKennan,
 Robert M'Coy,
 David Potts, jr.
 Andrew Stewart,
 Samuel A. Smith,
 Philander Stephens,
 Joel B. Sutherland,
 John G. Watmough.
- Delaware.*
 John J. Milligan.
- Maryland.*
 Benjamin C. Howard,
 Daniel Jenifer,
 John L. Kerr,
 Benedict I. Semmes,
 Charles S. Sewall,
 John S. Spence,
 Francis Thomas,
 George C. Washington,
 J. T. H. Worthington.
- Virginia.*
 Mark Alexander,
 Robert Allen,
 William S. Archer,
 William Armstrong,
 John S. Barbour,
 Thomas T. Bouldin,
 Nath'l H. Claiborne,
 Robert Craig,
 Joseph W. Chinn,
 Richard Coke, jr.
- Thomas Davenport,
 Joseph Draper,
 William F. Gordon,
 John Y. Mason,
 Lewis Maxwell,
 Charles Fenton Mercer
 William M'Coy,
 Thomas Newton,
 John M. Patton,
 John J. Roane,
 Andrew Stephenson,
 Joseph Johnson.
- North Carolina.*
 Daniel C. Barringer,
 Laughlin Bethune,
 John Branch,
 Samuel P. Carson,
 Henry W. Conner,
 Thomas H. Hall,
 M. T. Hawkins,
 James M'Kay,
 Abraham Rencher,
 William B. Shepard,
 A. H. Shepperd,
 Jesse Speight,
 Lewis Williams.
- South Carolina.*
 Robert W. Barnwell,
 James Blair,
 Warren R. Davis,
 William Drayton,
 John M. Felder,
 John R. Griffin,
 Thomas R. Mitchel,
 George McDuffie,
 William T. Nuckolls.
- Georgia.*
 Augustine S. Clayton,
 Thomas F. Foster,
 Henry G. Lamar,
 Daniel Newnan,
 Wiley Thompson,
 Richard H. Wilde,
 James M. Wayne.
- Kentucky.*
 John Adair,
 Chilton Allan,
 Henry Daniel,
 Nathan Gaither,
 Albert G. Hawes,
- Richard M. Johnson,
 Joseph Lecompte,
 Robert P. Letcher,
 Chittenden Lyon,
 Thomas A. Marshall,
 Christopher Tomkins,
 Charles A. Wickliffe.
- Tennessee.*
 Thomas D. Arnold,
 John Bell,
 John Blair,
 William Fitzgerald,
 William Hall,
 Jacob C. Isaacks,
 Cave Johnson,
 James K. Polk,
 James Standifer.
- Ohio.*
 Joseph H. Crane,
 Elutheros Cooke,
 William Creighton, jr.
 Thomas Corwin,
 James Findlay
 William W. Irvin,
 William Kennon,
 Humphrey H. Leavitt,
 William Russell,
 William Stanbery,
 John Thompson,
 Joseph Vance,
 Samuel F. Vinton,
 Elisha Whittlesey.
- Louisiana.*
 Henry A. Bullard,
 Philemon Thomas,
 Edward D. White.
- Indiana.*
 Ratliff Boon,
 John Carr,
 Jonathan M'Carty.
- Mississippi.*
 Franklin E. Plummer.
- Illinois.*
 Joseph Duncan.
- Alabama.*
 Clement C. Clay,
 Dixon H. Lewis,
 Samuel W. Mardia.
- Missouri.*
 William H. Ashley.

GOVERNORS OF STATES.

DELEGATES.

Michigan Territory. *Arkansas Territory.* *Florida Territory.*
 Austin E. Wing. Ambrose H. Sevier. Joseph M. White.

OFFICERS OF CONGRESS.

OFFICERS OF THE SENATE.		OFFICERS OF THE HOUSE.	
<i>Secretary.</i>		<i>Clerk of the House.</i>	
Walter Lowrie,	\$3000	M. St. Clair Clark,	\$3000
<i>Sergeant at arms.</i>		Samuel Burch, Chief Clerk,	1800
Montjoy Bayley,	1500	<i>Sergeant at arms.</i>	
<i>Chaplain.</i>		Thomas B. Randolph,	1500
Charles C. Pise,	500	<i>Chaplain.</i>	
		William Hammet,	500

GOVERNORS OF STATES.

States.	Governors.	Elected by the	Term begins.	Term expires.	Salary.
Maine,	Samuel E. Smith,	People,	Jan. 1832.	Jan. 1833.	\$1500
N. H.	Samuel Dinsmoor,	do.	June do.	June do.	1200
Mass.	Levi Lincoln,	do.	Jan. do.	Jan. do.	3666,67
R. I.	Lem. H. Arnold,	do.	May 1831.	May, 1832.	400
Conn.	John S. Peters,	do.	May 1832.	May, 1833.	1100
Vt.	William A. Palmer,	do.	Oct. do.	Oct. do.	750
N. Y.	Enos T. Throop,	do.	Jan. 1831.	Jan. do.	4000
N. J.	Elias P. Seely,	Legis.	Oct. 1832.	Oct. do.	2000
Penn.	George Wolf,	People,	Dec. do.	Dec. 1835.	2000
Del.	Caleb P. Bennett,	do.	Jan. 1833.	Jan. 1836.	1333,33
Md.	James Thomas,	Legis.	Jan. 1832.	Jan. 1834.	3500
Va.	John Floyd,	do.	Mar. 1831.	Mar. do.	3333,33
N. C.	David L. Swain,	do.	Dec. 1832.	Dec. 1833.	2000
S. C.	Robert Y. Hayne,	do.	Dec. do.	Dec. 1834.	3500
Geo.	Wilson Lumpkin,	People,	Nov. 1831.	Nov. 1833.	3000
Ala.	John Gayle,	do.	Nov. do.	Nov. do.	2000
Mississ.	Abraham M. Scott,	do.	Jan. 1832.	Jan. 1834.	2500
Louis.	A. B. Roman,	do.	Jan. 1831.	Jan. 1835.	7500
Tenn.	William Carroll,	do.	Sept. do.	Sept. do.	2000
Ken.	John Breathitt,	do.	Sept. 1832.	Sept. 1836.	2000
Ohio,	Robert Lucas,	do.	Dec. do.	Dec. 1834.	1000
Ind.	Noah Noble,	do.	Dec. 1831.	Dec. do.	1000
Ill.	John Reynolds,	do.	Dec. 1830.	Dec. do.	1000
Missouri.	Daniel Dunklin,	do.	Nov. 1832.	Nov. 1836.	1500

TERRITORIES.

Territories.	Governors.	Term begins.	Ends.	Salary.
Michigan,	George B. Porter,	April, 1831.	April, 1834.	\$2000
Florida,	William P. Duval,	February, 1832.	Feb. 1835.	2500
Arkansas,	John Pope,	February, do.	Feb. do.	2000

**STATEMENT of the Funded and unfunded Debt of the United States
on the 1st of January, 1833.**

	Act creating stock.	Redeemable.	Amount.
Five per cent. stock,	March 3, 1821.	Jan. 1, 1835.	\$4,735,296 30
4½ per cent. stock,	May 26, 1824.	Jan. 1, 1835.	2,227,363 98
Unfunded debt,			6,962,660 28 39,038 05

**ESTIMATE of the Funded and Unfunded Debt of the United States
on the 1st of January, 1834.**

Stocks.	Act creating stock.	Redeemable.	Amount.
Funded debt—5 p. c.	Mar. 3, 1821.	1st Jan. 1835.	\$4,722,260 29
Unfunded debt,		On Presentation	27,476 70
			<u>\$4,760,082 08</u>

**Amount of Moneys previously advanced for the payment of the
Public Debt, and remaining in Treasury.**

OFFICE.	Aggregate a- mount unap- plied for at each office, 1st October, 1833.	Am't and time of advance.	
		Amount.	Time.
Portsmouth, - - - -	3,608 55	400 00	*Jan. 1817.
Boston, - - - -	5,417 39	12,228 59	Dec. 1824.
Providence, - - - -	1,362 02	6,121 55	June, 1826.
Hartford, - - - -	2,818 69	387 13	June, 1827.
New-York, - - - -	117,708 11	250,871 99	June, 1828.
Trenton, - - - -	1,184 98	29,160 58	Dec. 1828.
Philadelphia, - - - -	565,438 66	48,071 57	June, 1829.
Baltimore, - - - -	660 64	18,082 16	June, 1830.
Richmond, - - - -	7,198 10	337 63	June, 1831.
Fayetteville, - - - -	2,346 47	3,052 67	Dec. 1831.
Charleston, - - - -	7,845 69	11,310 32	Mar. 1830.
Savannah, - - - -	1,264 96	208,295 56	Sept. 1830.
Washington, - - - -	56,257 72	184,792 23	Dec. 1830.
	<u>\$773,111 98</u>	<u>\$773,111 98</u>	

* Payable in 1806, when the funds were placed in the old Branch Bank of the United States at Richmond, and subsequently transferred to the present branch.

Statement of revenue received through customs for 1832.

DUTIES ON		DRAWBACK ON		Domestic refined sugar and domestic distilled spirits.	Bounties and allowances.	Gross revenue.	Expenses of collection.	Net revenue.
Merchandise.	Tonnage and light money.	Foreign Merchandise.						
28,270,578 09	49,561 40	4,582,641 89	45,950 65	234,137 27	23,457,409 68	1,276,674 38	22,178,735 30	

Exhibit of the operations of the Land Offices of the United States during the year 1832.

	1832.	Lands sold after deducting erroneous entries.		Amount received in cash.	Amount received in scrip.		Aggregate receipts.	Amount paid into the Treasury.
		Acres.	Purchase money.		Forfeited land stock.	Military land scrip.		
State of Ohio		\$412,714 61	\$541,275 05	\$430,619 37	\$16,115 00	\$94,540 68	\$541,275 05	\$360,641 14
Do. Indiana	do.	546,844 24	684,209 69	543,680 24	6,255 85	134,273 60	684,209 69	527,366 48
Do. Illinois	do.	227,375 91	284,936 17	254,363 83	3,057 92	27,514 42	284,936 17	228,292 69
Do. Missouri	do.	251,280 09	313,141 12	312,775 67	365 45	-	313,141 12	305,624 72
Do. Alabama	do.	412,682 79	522,337 64	512,990 53	9,347 11	-	522,337 64	451,886 36
Do. Mississippi	do.	261,313 67	326,578 90	322,963 91	3,614 99	-	326,578 90	307,900 51
Do. Louisiana	do.	78,453 48	98,280 29	96,848 67	1,431 62	-	98,280 29	100,455 00
Territory of Michigan	do.	252,211 44	320,284 83	319,584 00	700 83	-	320,284 83	317,63 42
Do. Arkansas	do.	10,179 47	12,724 33	12,724 33	-	-	12,724 33	13,538 05
Do. Florida	do.	9,286 46	11,608 07	11,608 07	-	-	11,608 07	10,040 66
Total for 1832		2,462,342 16	3,115,376 09	2,818,158 62	40,888 77	256,328 70	3,115,376 09	2,623,381 03

STATEMENT of Moneys received into the Treasury from all sources other than Customs and Public Lands, for the year 1832.

From dividends on stock in the Bank of the United States,	-	- 490,000 00
Sales of stock in the Bank of the United States,	-	- 169,000 00
Arrears of direct tax,	\$6,791 13	
Arrears of internal revenue,	11,630 65	
Fees on letters patent,	14,160 00	
Cents coined at the mint,	21,845 40	
Fines, penalties, and forfeitures,	8,868 04	
Surplus emoluments of officers of the customs,	81,965 46	
Postage on letters,	244 95	
Consular receipts, under the act of 14th April, 1792,	1,884 52	
Interest on debts due by banks to the United States,	136 00	
Persons unknown, stated to be due the United States,	500 00	
Moneys obtained from the Treasury on forged documents,	115 00	
Moneys previously advanced on account of compiling, printing, and binding Biennial Register,	37 00	
Securing the light-house on the Brandywine Shoal, Delaware,	1,000 00	
Light-house on Mahon's Ditch, Del.	4,975 00	
Balances of advances made in the War Department, repaid under the 3d section of the act of 1st May, 1820,	15,679 24	
	<u> </u>	\$119,832 30
From which deduct amount relinquished by the Secretary of the Treasury in a compromise and final settlement of the claim of the United States on the Commercial Bank of Lake Erie, made in pursuance of the act for the relief of said bank, approved the 10th February, 1832,	1,889 50	
	<u> </u>	117,942 80
		776,942 89
From the Customs,	-	22,178,735 30
Public lands,	-	2,623,361 08
		<u> </u>
		\$25,579,059 23

EXPENDITURES IN 1832.

STATEMENT OF THE EXPENDITURES OF THE UNITED STATES FOR THE
YEAR 1832.

Civil, Miscellaneous and Foreign Intercourse.

Legislature,	\$871,813 68
Executive Department,	562,415 38
Officers of the mint,	9,750 00
Surveyors and their clerks,	25,971 73
Commissioner of Public Buildings in Washington,	2,000 00
Governments in the Territories of the United States,	50,783 99
Judiciary,	278,022 96
	1,800,757 74
Payment of sundry pensions granted by the late and present Governments,	1,398 57
Mint establishment,	63,995 00
Extending the mint establishment,	37,500 00
Unclaimed merchandise,	221 09
Light-house establishment,	189,522 30
Building light-houses, &c.	70,595 09
Surveying the public lands,	81,072 22
Survey of private land claims in Florida,	8,000 00
Survey of the Choctaw cession in Mississippi,	43,788 00
Survey of the lands ceded by the Creeks,	50,000 00
Registers and receivers of land offices,	1,666 21
Preservation of the public archives in Florida,	1,125 00
Land claims in Florida,	60 00
Survey of the coasts of the United States,	8,125 00
Marine hospital establishment,	76,877 87
Do. at Charleston, S. Carolina,	169 80
Roads within the state of Ohio, (3 per cent. fund,)	5,118 94
Roads and canals in the state of Indiana, (3 per cent. fund,)	35,257 81
Do. Mississippi, do.	5,879 62
Do. Alabama, do.	26,081 11
Do. Missouri, do.	3,746 99
Roads and levees within the state of Louisiana, (5 per cent. fund,)	24,717 46
Encouragement of learning within the state of Illinois, (3 per cent. fund,)	32,237 81
Public buildings in Washington,	90,550 00
Purchase of the rights of the Washington Bridge Compa- ny, and for the erection of a public bridge on the site thereof,	32,000 00
Penitentiary for the District of Columbia,	29,360 00
Subscription to the stock in the Chesapeake and Ohio Canal Company,	50,000 00
Boundary line between Arkansas and Louisiana,	1,000 00
Do. do. Florida and Alabama,	1,800 00

B

Fifth census of the United States,	\$32,218 86
Revision of all the former censuses of the U. S.	229 00
Revolutionary claims, per act 15th May, 1828,	172,938 52
Liquidating and paying certain claims of the state of Virginia, under the 1st and 2d sections of the act of 5th July, 1832,	380,888 66
Do. do. 3d section of said act,	242,509 81
Sundry judgments against the former Marshal for the eastern district of Pennsylvania, and for the relief of J. & W. Lippincott & Co.	299,933 34
Compilation of documents, per act of 2d March, 1831,	55,000 00
Consular receipts,	3,270 00
Building custom-houses and ware-houses,	3,185 84
Relief of sundry individuals,	144,407 51
Miscellaneous expenses,	45,755 21
	<hr/>
	2,451,202 64
Salaries of ministers of the United States,	44,410 85
Do. <i>chargés des affaires</i> ,	59,936 66
Do. secretaries of legation,	9,000 00
Outfits of the ministers to Great Britain, France and Russia,	22,500 00
Do. <i>chargés des affaires</i> to Holland, Belgium, Central America, Buenos Ayres, and Naples,	22,500 00
Contingent expenses of the missions abroad,	27,218 18
Outfit and salary of a <i>chargé d'affaires</i> , salary of a drogoman at Constantinople, and for contingencies of the legation,	3,000 00
Salary of a drogoman, and for contingencies of the legation to Turkey,	37,500 00
Contingent expenses of foreign intercourse,	20,631 00
Agency in relation to the Northeastern boundary,	538 70
Expenses of the commission under the convention with Denmark,	14,623 98
Do. do. with the King of the French,	2,857 91
Relief and protection of American seamen,	19,890 13
Salaries of agents at London and Paris,	5,500 00
Intercourse with the Barbary Powers,	32,819 58
Awards under the 1st article of the treaty of Ghent,	2,254 08
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	325,181 07

Military Establishment.

Pay of the army, and subsistence of officers,	1,165,003 60
Arrearages in the Pay Department,	500 00
Subsistence,	334,932 99
Quartermaster's department,	313,857 98
Transportation of officers' baggage, &c.	55,118 03
Do. of the army, &c.	158,400 58
Forage,	42,249 97

Purchasing Department,	\$179,130 03
Clothing for officers' servants,	21,811 77
Bounties and premiums,	28,009 19
Expenses of recruiting,	13,748 87
Medical or Hospital department,	28,041 55
Contingencies of the army,	11,209 06
Arrearages to 31st December, 1816,	5,319 82
Invalid and half pay pensions,	117,702 69
Pensions to widows and orphans,	7,644 63
Revolutionary pensions,	700,360 24
Invalid pensions, per act 20th May, 1830,	1,953 50
Revolutionary pensions, per act 20 May, 1830,	1,075 01
Do. do. do. 7th June, 1832,	355,686 33
Military Academy at West Point,	23,590 00
National armories,	371,943 43
National army at Harper's Ferry,	7,500 00
Arsenals,	64,132 51
Arsenal in Florida,	5,000 00
Ordnance,	62,516 10
Armament of fortifications,	94,483 15
Arming and equipping the militia,	195,082 68
Repairs and contingencies of fortifications,	10,409 82
Fort Adams,	86,000 00
Fort Calhoun,	62,800 00
Fort Columbus and Castle William,	50,124 00
Fort Hamilton,	10,000 00
Fort Macon,	40,734 03
Fort Monroe,	51,300 00
Fort at Oakland island, Cape Fear, N. C.	12,800 00
Fort at Mobile point,	82,800 00
Fort on Cockspur island, Georgia,	31,600 00
Arrearages for preservation of Pea Patch island,	2,000 00
Preservation of George's island, Boston harbour,	8,780 00
Fortifications at Charleston, S. C.	45,358 26
Do. Pensacola, Florida,	100,000 00
Barracks at Fort Winnebago, Northwestern Territory,	1,909 56
Do. Fort Crawford, Prairie du Chien, North-western Territory,	1,532 11
Do. Key West, and for other purposes,	15,923 90
Do. quarters, hospital, and storehouses at Green Bay,	2,000 00
Jefferson Barracks, Missouri,	2,287 52
Barracks at Michilimackinac,	
Breakwater, Delaware bay,	225,750 00
Do. Hyannis harbour, Massachusetts,	3,399 90
Do. in Merrimack river, do.	2,000 00
Do. and dyke in Mill river, Connecticut	3,380 00
Light-house, Buffalo harbour, New-York,	2,500 00
Sea Wall, Deer island, Boston harbour,	11,890 00
Piers at Oswego, N. Y.,	150 69

Stone pier head and mole at Oswego, New-York,	\$26,470 00
Piers at Buffalo, New York,	9,569 63
Work at Black Rock harbour, New-York,	2,502 27
Work at Dunkirk harbour, New-York,	5,000 00
Pier head in Cunningham's creek, Ohio,	1,500 00
Repairing Plymouth beach, Mass.	2,500 00
Deepening the channel at the mouth of Pascagoula river, Mississippi,	2,000 00
Do. do. through the Pass au Heron, Alabama,	3,000 00
Improving the navigation of the Ohio and Mississippi rivers,	5,174 03
Do. do. Ohio and Mississippi rivers from Pittsburg to New Orleans,	42,700 00
Do. do. do. Ohio, Missouri, and Mississippi rivers,	39,100 00
Do. do. do. Genesee river, New York,	16,000 00
Do. do. do. Conneaut Creek, Ohio.	4,600 00
Do. do. do. Cumberland river, Tenn.	10,000 00
Do. do. do. Red river, Louisiana and Arkansas,	965 00
Do. do. do. Cape Fear river, N. Carolina,	28,800 00
Do. the harbours, of New Castle, Marcus Hook, Chester, and Port Penn,	5,550 00
Improving the harbour of Presque Isle, Penn.	3,000 00
Do. do. Cleaveland, Ohio,	4,147 50
Removing obstructions, Kennebeck river, Maine,	2,000 00
Do. do. Berwick branch of Piscataqua river, Maine,	250 00
Do. do. Nantucket harbour, Massachusetts,	2,575 00
Do. do. Big Sodus bay, New York,	17,000 00
Do. do. Huron river, Ohio,	1,070 00
Do. do. Black river, Ohio,	5,580 60
Do. do. Grand river, Ohio,	2,500 00
Do. do. Ashtabula creek, Ohio,	3,400 00
Do. do. Ocracock inlet, North Carolina,	20,644 38
Do. do. Savannah river, Georgia,	5,000 00
Do. do. river and harbour, St. Marks, Florida,	11,500 00
Surveys and estimates of roads and canals,	17,916 22
Cumberland road in Ohio, west of Zanesville,	112,274 79
Cumberland road in Indiana,	102,080 00
Do. in Illinois,	87,500 00
Repairs of the Cumberland road east of the river Ohio,	56,000 00
Repairs of the Cumberland road,	5,829 58
Road from Mottanawcook to Mars hill, Maine,	8,980 80
Road from Detroit to Fort Gratiot,	8,000 00
Do. Detroit to Saganaw bay,	8,000 00
Do. Detroit to Chicago,	7,500 00
Do. Detroit to Grand river,	1,750 00
Do. La Plaisance bay to the Chicago road,	500 00

EXPENDITURES IN 1832.

13

Road from Fort Smith to Fort Towson,	390 85
Do. Little Rock to the St. Francis river, Arkan.	5,000 00
Do. Washington to Jackson, Arkansas,	14,500 00
Do. Pensacola to Tallahassee, Florida,	4,000 00
Do. St. Augustine to Tallahassee, Florida,	2,500 00
Do. Alagua to Marianna, Florida,	110 00
Do. Coleraine to Tampa bay, Florida,	
Opening the old King's road in Florida,	1,185 25
Florida canal,	73 53
Payment of Georgia militia claims,	425 20
Payment of Missouri militia claims in 1829,	9,075 68
Payment of militia claims for services, &c. 1831,	55,200 00
Pay of militia and volunteers of Illinois and other states,	398,500 34
Claims of South Carolina,	167,259 16
Ransom of captives of the late war,	40 00
Relief of officers and others engaged in the Seminole war,	379 79
Relief of a company of rangers under Captain Bigger,	52 50
Relief of sundry individuals,	47,218 03
Civilization of Indians,	11,637 66
Pay of Indian agents,	33,526 95
Pay of Indian sub agents,	17,367 90
Presents to Indians,	11,870 74
Pay of interpreters and translators,	22,335 02
Pay of gun and blacksmiths, and assistants,	17,615 65
Iron, steel, coal, &c. for gun and blacksmiths' shops,	4,871 96
Transportation and distribution of annuities,	8,144 82
Provisions for Indians at the distribution of annuities,	14,298 56
Provisions for Indians moving west in 1831,	2,608 92
Houses for agents and blacksmiths' shops,	2,730 00
Effecting treaty with Cherokees,	18,456 27
Extinguishment of Cherokee claims to lands in Georgia,	14,233 91
Conducting a deputation of Indians from the head waters of the Missouri to Washington city and back,	5,750 00
Corn and other provisions for Seminole Indians,	2,500 00
Contingencies of Indian department,	18,135 51
Indian annuities, and other similar objects, per act 4th June, 1833,	288,951 70
Choctaw schools,	2,121 08
To provide for an exchange of lands, and the removal of Indians,	291,412 66
Vaccination of Indian tribes,	5,692 00
Visits of Indians to the seat of government,	394 42
Effecting treaty with the Florida Indians,	195 00
Effecting treaty with Creek Indians,	7,342 94
Compensation to Cherokee emigrants from Georgia,	10,551 30
Effecting treaty with Pottawatomies,	200 00
Wyandott delegation to Washington in 1832,	400 00
Cherokee delegation to Washington in 1832,	675 50
Relief of friendly Indians on the Northwestern frontier,	3,795 00
Deficiency due to Seneca Indians,	2,614 40
Three commissioners to treat with Indians,	4,000 00

Effecting certain Indian treaties, act 24th May, 1828,	\$5,127 85
Effecting certain Indian treaties, act 25th March, 1830,	1,932 84
Effecting treaty of Butte des Morts,	249 90
Effecting treaty with Seneca Indians,	1,269 50
Expenses of holding certain Indian treaties, act 7th April, 1830,	687 42
Expenses of holding certain Indian treaties, act 9th Ju- ly, 1832,	20,000 00
Effecting certain Indian treaties, act 13th January, 1831,	1,000 00
Effecting certain Indian treaties, act 2d March, 1831,	71,886 25
To effect certain Indian treaties, per act 2d March, 1831, and 4th June, 1832,	57,235 02
Stipulations of certain treaties for 1831, per act of 20th April, 1832,	44,796 50
Stipulations of certain treaties with Creeks, Shawnees, &c. per act 4th June, 1832,	101,230 01
Effecting certain Indian treaties, per act 13th July, 1832,	167,080 63
Extinguishment of Indian titles to lands in Missouri and Illinois, and other purposes, per act of 14th July, 1832,	56,00,63
Annuities,	5,012 50
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	7,988,499 55

From which deduct the following repayments :

Fort Jackson,	\$96 35
Arrearages of Indian Department prior to 1829,	734 14
Treaty with the Choctaws and Chickasaws for lands in Mississippi,	1,214 38
Suppression of Indian aggressions on the frontiers of Georgia and Florida,	359 31
Aiding Creeks in their removal,	2,808 34
Effecting treaty with the Choctaws,	410 00
	<hr/>
	5,622 52
	<hr/>
	7,982,877 03

Naval Establishment.

Pay and subsistence of the navy,	1,334,053 ^r 33
Pay of superintendant, naval constructors, &c.	62,921 23
Provisions,	369,987 66
Medicines and hospital stores,	21,317 56
Repairs and improvement of navy yards,	48,429 09
Navy yard, Portsmouth, N. H.,	30,606 00
Do. Boston, Massachusetts,	41,361 21
Do. New-York,	52,278 82
Do. Philadelphia,	8,838 71
Do. Washington City,	19,783 80
Do. Norfolk, Virginia,	76,070 68
Do. Pensacola, Florida	24,546 01

EXPENDITURES IN 1832.

15

Timber shed, Portsmouth, New Hampshire,		\$121 58
Timber sheds, Norfolk, Virginia,		6,166 30
Do. docks, Washington, Norfolk, and Boston,		4,952 37
Wharf at navy yard, Pensacola,		25,539 25
Repairing and enlarging wharves at Washington and Norfolk,		8,772 43
Repairs of storehouses at Washington, and for two building ways at Norfolk,		6,417 40
Ordnance and ordnance stores,		11,746 35
Gradual increase of the navy,		11,754 35
Gradual improvement of the navy,		475,735 99
Repairs of vessels,		560,080 81
Covering and preserving ships in ordinary,		8,065 00
Building, equipping, and employing three schooners,		17,864 94
Rebuilding the frigate Macedonian,		8,768 00
Navy hospital at Norfolk,		27,055 90
Furniture for navy hospital at Norfolk		4,774 25
Navy hospital fund,		7,515 56
Navy pension fund,		160,047 05
Agency on the coast of Africa, (prohibiting slave trade,)		1,659 45
Removal and erection of naval monument,		200 00
Survey of Narraganset bay,		2,911 17
Arrearages for surveys of coasts and harbours,		3,891 50
Relief of sundry individuals,		4,795 73
Balance due Waters Smith,		3,330 61
Contingent expenses;	312,938, 07	
From which deduct the following re- payments :		
Contingent expenses for 1831,	5,123 87	
Do. 1825,	6 25	
Do. 1829,	4,275 58	
Do. not enumerated in 1829	682 54	
	<hr/>	10,088 24
		<hr/>
Pay and subsistence of the marine corps,		302,849 83
Clothing for the marine corps,		31,923 04
Medicines and hospital stores for the marine corps,		5,417 58
Military stores of the marine corps		3,112 49
Fuel for marine corps,		7,674 45
Contingent expenses of the marine corps,		15,929 82
Marine barracks at Philadelphia,		6,000 00
		<hr/>
		3,957,849 37

From which deduct the following
repayments.

Privateer fund	\$991 40
Timber shed at Washington,	139 55
Repairs of sloops of war,	349 13
	<hr/>
	1,479 08
	<hr/>
	\$3,956,370 29

Public Debt.

Interest on the funded debt,	772,561 50
Redemption of the 4½ per cent. stock per act 24th May, 1824	1,739,524 01
Redemption of the exchanged 4½ per cent. stock, per act 26th May, 1824,	2,205,956 41
Redemption of the exchanged 5 per cent. stock, per act 20 th April, 1822,	56,704 77
Redemption of the 3 per cent. stock,	13,064,723 18
Principal and interest of Treasury notes,	591 68
Paying certain parts of domestic debt,	247 74
	<hr/>
	17,840,309 06
	<hr/>
Total, \$34,356,608 06	

EXHIBIT of the operations of the Land Offices of the United States in the several States and Territories, during the year ending December 31, 1833, and of payments made into the Treasury on account of Public Lands.

	Lands sold after deducting erroneous entries.		Amount received in cash.		Amount received in scrip.		Aggregate receipts.	Amount paid into the Treasury.
	Acres.	Purchase money.	Amount received in scrip.		Forfeited land stock.	Military land scrip.		
State of Ohio 1833.	\$551,153 59	\$692,426 09	\$511,482 94	\$11,924 31	169,018 84	\$692,426 09	\$475,812 82	
Do. Indiana do.	554,681 78	693,522 40	543,048 77	7,314 84	143,158 79	693,522 40	459,839 82	
Do. Illinois do.	360,240 51	450,242 70	415,156 02	2,998 67	32,088 01	450,242 70	374,138 51	
Do. Missouri do.	226,285 68	296,522 58	296,423 38	99 20	-	296,522 58	334,860 02	
Do. Alabama do.	451,319 73	565,818 90	544,434 42	21,384 48	-	565,818 90	531,722 54	
Do. Mississippi do.	1,121,494 97	1,531,390 31	1,528,545 58	2,844 73	-	1,531,390 31	1,153,054 83	
Do. Louisiana do.	89,441 18	111,809 34	111,420 72	389 62	-	111,809 34	108,018 09	
Territory of Michigan do.	447,780 17	563,264 92	541,422 56	275 70	21,566 66	563,264 92	501,272 79	
Do. Arkansas do.	41,859 43	52,324 42	52,324 42	-	-	52,324 42	18,114 27	
Do. Florida do.	11,970 52	14,963 18	14,963 18	-	-	14,963 18	10,847 86	
Total for 1833	3,856,227 56	4,972,284 84	4,559,221 99	47,230 55	365,832 30	4,972,284 84	3,967,681 55	

STATEMENT of moneys received into the Treasury from all sources other than Customs and Public Lands, for the year 1833.

From dividends on stock in the Bank of the United States,	474,985 00
Sales of stock in the Bank of the United States,	135,300 00
Third instalment for claims under the convention with Denmark, - - - - -	221,315 17
Arrears of direct tax, - - - - -	394 12
Arrears of internal revenue, - - - - -	2,759 00
Fees on letters patent, - - - - -	17,730 00
Cents coined at the Mint, - - - - -	25,374 18
Fines, penalties, and forfeitures, - - - - -	2,889 84
Persons unknown, stated to be due United States,	232 09
Surplus emoluments of officers of the customs, -	33,243 90
Moneys obtained from the Treasury on forged documents, - - - - -	1,158 33
Sale of houses on Greenleaf's Point, belonging to the United States, - - - - -	1,400 00
Rent of houses on property purchased for the erection of warehouse in Baltimore, - - -	60 03
Moneys previously advanced on account of removing the remains of former Members of Congress, - - - - -	29 00
Lighthouse on the Outer Thunder Bay island, in Lake Huron, - - - - -	77 35
Building custom-houses and warehouses, - - -	181 63
Fifth census, - - - - -	8,135 13
Balances of advances made in the War Department, repaid under the 3d section of the act of 1st May, 1820,- - - - -	22,970 11
	<hr/>
	\$948,234 79
From Customs, - - - - -	29,032,508 91
Lands, - - - - -	3,967,682 55
	<hr/>
Total,	\$33,948,426 25

STATEMENT of the Expenditures of the United States for the year 1833.

Civil, Miscellaneous, and Foreign Intercourse.

Legislature,	\$469,073 83
Executive departments,	658,608 41
Surveyors,	26,908 97
Commissioner of Public Buildings,	2,000 00
Officers of the Mint,	12,575 00
Governments in the Territories of the United States,	54,750 00
Judiciary,	338,841 72
	<hr/>
	1,562,758 28
Payment of sundry pensions granted by the late and present Government,	1,367 93
Mint establishment,	40,134 03
Extending the Mint establishment.	11,000 00
Payment for unclaimed merchandise,	210 19
Light-house establishment,	265,684 32
Building light-houses, &c.	48,245 82
Surveying public lands,	84,000 00
Survey of the Choctaw cession in Mississ. and Ala.	45,000 00
Survey of the public lands recently purchased from the Indians in Indiana,	7,000 00
Registers and Receivers of Land Offices,	2,871 20
Repayment of lands erroneously sold,	88 62
Keepers of the public archives in Florida,	1,000 00
Survey of the coasts of the United States,	18,313 48
Marine hospital establishment,	68,948 73
Roads within the State of Ohio, three per cent. fund,	32,190 43
Roads and canals within the State of Indiana, do.	28,075 47
Do. do. do. Alabama, do.	19,790 62
Do. do. do. Missouri, do.	16,145 45
Road from Line creek to the Chattahoochee river,	2,000 00
Public buildings in Washington,	185,359 03
Purchase of the rights of the Washington Bridge Co. and for the erection of a bridge on the site thereof,	13,000 00
Support and maintenance of the penitentiary in the District of Columbia,	17,000 00
Furniture of the President's house,	20,000 00
Purchase of the rights of Washington Canal Co.	150,000 00
Improving the navigation of the Potomac river between Georgetown and Alexandria, and for other purposes,	100,000 00
Aqueduct across the Potomac at or near Georgetown,	50,000 00
Stock in the Chesapeake and Ohio Canal Company,	299,000 00
Boundary line between Florida and Alabama,	200 00
Western boundary line of the State of Missouri,	140 00
Revision of all the former estimates of the population of the United States,	300 00

Consular receipts,	614 53
Payment of certain certificates,	1,026 30
Building custom-houses and warehouses,	250,415 23
For the discharge of sundry judgments against the former marshal for the eastern district of Pennsylvania, and for the relief of J. & W. Lippincott & Co.	450 30
For liquidating and paying certain claims of the state of Virginia,	289,576 59
Relief of sundry individuals,	132,172 55
Miscellaneous expenses,	110,772 14
Revolutionary claims,	184,237 93
Duties refunded on merchandise,	701,760 70
	<hr/>
	3,198,091 77
Salaries of the ministers of the United States,	37,049 57
Do. secretaries of legation,	7,396 61
Do. chargés des affaires,	58,348 94
Outfits of the ministers to G. Britain, France, and Russia,	4,500 00
Outfits of the chargés des affaires to Great Britain, Cen- tral America, and Colombia,	13,500 00
Contingent expenses of all the missions abroad,	20,721 37
Salary of a dragoman and for contingencies of the legation to Turkey,	6,500 00
Diplomatic services of George W. Slocum, consul at Buc- nos Ayres,	4,870 00
Diplomatic services of Michael Hogan, rendered in Chili, Outfit and services of John R. Clay, acting as chargé des affaires at St. Petersburg,	18,112 50
	7,200 00
Arrearages on account of the services of Washington Ir- ving as chargé des affaires at London,	1,833 35
Contingent expenses of foreign intercourse,	20,000 00
Expenses of conveying the Netherlands minister and suite from New-York to Curacoa,	1,182 78
Expenses of accommodating the chargé des affaires at Constantinople, and for conveying the consul at Tan- giers from Port Mahon to Tangiers, and for conveying the consul at Tripoli from Port Mahon to Tripoli,	500 00
Services of George F. Brown, consular agent at Algiers, Intercourse with the Barbary Powers,	3,366 00
	12,649 47
To indemnify Sweden on account of injuries sustained by her subjects at St. Bartholomews,	5,666 66
Compensation and expense of an agent to Havana to pro- cure the archives of Florida,	4,000 00
Expenses of the commission under the convention be- tween the United States and Denmark,	7,200 86
Expenses of the commission under the convention between the United States and the king of the French,	18,802 58
Expenses of the commission under the convention between the United States and the King of the two Sicilies,	2,541 67
Salaries of the agents of claims at London and Paris,	4,000 00

EXPENDITURES IN 1833.

21

Relief and protection of American seamen,	25,835 24
Payment of claims under the 9th article of the treaty with Spain,	6,175 00
Awards under the first article of the treaty of Ghent,	281 76
Awards under the convention with Denmark,	663,161 04
	<hr/>
	955,395 88

MILITARY ESTABLISHMENT.

Pay of the army and subsistence of officers,	1,260,108 62
Arrearages of the pay department,	99 23
Subsistence,	324,649 97
Quartermaster's department,	169,424 52
Transportation of officers' baggage, &c.,	62,479 14
Transportation of the army,	208,143 78
Forage,	49,047 98
Purchasing department,	256,507 60
Clothing for officers' servants,	27,389 35
Bounties and premiums,	8,441 41
Expenses of recruiting,	20,992 94
Gratuities,	146 50
Medical, or hospital department,	34,416 14
Arrearages of the medical or hospital department,	3,000 00
Contingencies of the army,	10,555 54
Arrearages prior to 1st July, 1815,	3,629 60
Invalid and half-pay pensions,	288,007 13
Pensions to widows and orphans,	6,284 15
Revolutionary pensions,	787,376 88
Revolutionary pensions, per act 7th June, 1832,	3,507,484 24
Fuel, forage, stationery, &c. at West Point,	8,500 00
Repairs and improvements of the buildings and grounds at West Point,	4,000 00
Pay of adjutant's and quartermaster's clerks at West Point,	900 00
Increase and expenses of the library at West Point,	1,400 00
Models for drawing at West Point,	900 00
Models for engineering at West Point,	600 00
Philosophical apparatus at West Point,	890 00
Miscellaneous items at West Point,	1,575 00
Expenses of board of visitors at West Point,	2,000 00
National armories,	360,140 65
Dwelling houses at Springfield,	7,000 90
Shop for grinding at Springfield,	6,000 00
Additional machinery at Springfield,	3,500 00
Dwelling houses at Harper's Ferry,	8,600 00
Double racks at Springfield,	4,500 00
Three new water wheels at Harper's ferry,	8,400 00
Repairs, &c. of dam, &c. at Harper's Ferry,	3,374 55
Right to water power at Harper's Ferry	2,600 00
Enlargement of canal at Harper's Ferry,	10,000 00

Repairing workshops at Harper's Ferry,	51,00 00
Arsenals,	115,345 89
Arsenal in Florida,	15,000 00
Forty-five acres of land at Watervliet,	9,000 00
Ordnance,	62,370 39
Armament of fortifications,	132,994 65
Arming and equipping the militia,	212,505 58
Repairs and contingencies of fortifications	9,556 23
Accoutrements and swords,	2,900 50
Fort Adams,	159,606 41
Fort Calhoun,	81,000 00
Fort Columbus and Castle Williams,	32,000 00
Fort Delaware,	50,000 00
Fort Jackson,	3,266 29
Fort Macon,	7,521 59
Fort Monroe,	57,500 00
Fort at Oak island, Cape Fear, North Carolina,	21,490 00
Fort at Throg's Neck, New-York,	10,000 00
Fort at George's island, Massachusetts,	1,100 00
Fort on Cockspur island, Georgia,	85,300 00
Fort at Mobile point, Alabama,	49,998 00
Fort on Foster's bank, Pensacola harbour,	14,900 00
Wharf at Fort Washington,	1,500 00
Fort on Grand Terre, Louisiana,	5,000 00
Preservation of Castle island, and repairs of fort Independence,	37,000 00
Repairs of fort Marion, and sea wall at St. Augustine,	18,470 00
Fortifications at Charleston, South Carolina,	114,110 74
Fortifications at Pensacola, Florida,	132,000 00
Purchase of ground at fort Trumbull,	400 00
Purchase of land at fort Gratiot,	1,600 00
Wharf and site at fort Preble,	3,770 00
Do. at fort Independence,	1,500 00
Do. at fort M'Henry,	90 40
Barracks at fort Crawford, Prairie du Chien, Northwest Territory,	8,000 00
Barracks at fort Howard, Green bay	10,000 00
Barracks at fort Severn, Annapolis,	300 0
Do. quarters, &c. at Savannah,	28,000 00
Do. quarters, &c. near New-Orleans,	40,000 00
Do. and hospital at Baton Rouge,	2,000 00
Do. at Key West, and for other purposes,	5,805 95
Storehouse and stable at Pittsburg,	4,740 00
Purchase of one acre of land near Pittsburg,	3,500 00
Erection of a storehouse at Baton Rouge,	
Breakwater, Delaware bay,	331,058 02
Breakwater, Hyannis harbour, Massachusetts,	9,920 10
Breakwater, Merrimack river, Massachusetts,	2,500 00
Breakwater and dyke in Mill river, Connecticut,	1,110 43
Sea wall, Deer island, Boston harbour,	40,200 00

Pier and mole at Oswego, New-York,	8,400 00
Piers at Buffalo, New-York,	19,377 57
Work at Black Rock harbour, New-York,	2,597 73
Work at Dunkirk harbour, New-York,	5,200 00
Piers in Kennebunk river, Maine,	1,700 00
Pier head in Cunningham creek, Ohio,	500 00
Piers in La Plaisance bay, Michigan,	8,123 07
Preservation of Provincetown harbour, Massachusetts,	4,456 23
Repairing Plymouth beach, Massachusetts,	600 00
Deepening channel, mouth of Pascagoula river, Missis- sippi,	3,000 00
Improving the navigation of the Ohio and Mississippi ri- vers, from Pittsburg to New-Orleans,	10,300 00
Improving the navigation of the Ohio, Missouri, and Mis- sissippi rivers,	60,900 00
Improving the navigation of Genesee river, New-York,	15,000 00
Improving the navigation of Cumberland river, Ten- nessee,	17,000 00
Improving the navigation of Cape Fear river, N. C.	17,488 00
Improving the navigation of Arkansas river,	15,000 00
Improving the navigation of Conneaut creek, Ohio,	3,200 00
Improving the navigation of Ocklockney river, Florida,	5,000 00
Improving the navigation of Choctawhatchie river, Florida,	2,500 00
Improving the harbours of Newcastle, Marcus Hook, Chester, and Port Penn,	7,500 00
Improving the harbour of Presque Isle, Pennsylvania,	7,500 00
Improving the harbour of Cleaveland, Ohio,	2,473 89
Improving the harbour of Chicago, Illinois,	17,360 00
Improving the navigation of Red river, Louisiana and Ar- kansas,	21,663 00
Removing obstructions in Kennebeck river, Maine,	263 91
Removing obstructions, Big Sodus bay, New-York,	15,000 00
Removing obstructions in Huron river, Ohio,	39 49
Removing obstructions in Black river, Ohio,	4,500 00
Removing obstructions in Grand river, Ohio,	68 51
Removing obstructions in Ahstabula creek, Ohio,	1,125 02
Removing obstructions in Ocracoke inlet, N. C.	14,400 00
Removing obstructions in Savannah river, Georgia,	5,400 00
Removing obstructions in Appalachicola river, Florida,	5,000 00
Removing obstructions in Escambia river, Florida,	2,150 00
Removing obstructions in the river and harbour of St. Marks, Florida,	5,420 00
Survey of White and St. Francis rivers, Arkansas,	500 00
Purchase of instruments for ascertaining the northern boundary of Ohio,	6,110 00
Expenses of taking observations for northern boundary of Ohio,	2,800 00
Surveys and estimates of roads and canals,	35,212 38
Cumberland road in Ohio, west of Zanesville,	122,747 39
Cumberland road in Indiana,	101,000 00

Cumberland road in Illinois,	40,000 00
Repairs of Cumberland road east of Ohio,	218,961 58
Repairs of Cumberland road in Virginia,	34,440 00
Repairs of Cumberland road,	38 42
Road from Mattanawcook to Mars Hill, Maine,	17,832 42
Road from Detroit to Fort Gratiot,	15,000 00
Road from Detroit to Saganaw bay,	4,000 00
Road from Detroit to Chicago,	14,931 82
Road from Detroit to Grand river,	11,750 00
Road from La Plaisance bay to the Chicago road	16,930 00
Road from Fort Howard to Fort Crawford,	3,277 00
Road from Little Rock to the St. Francis river, Arkansas,	15,000 00
Road from Washington to Jackson, Arkansas,	1,906 38
Road from Lime creek to the Chattahoochie,	500 00
Surveys of canals between the bays of St. Andrew's and Chattahoochie, Florida, &c.	2,959 74
Payment of militia claims for services in 1831,	32 00
Payment of militia and volunteers of Illinois and other states,	442,449 01
Pay and subsistence of mounted rangers,	131,447 00
Subsistence of militia to suppress Indian hostilities	55,163 20
Regiment of mounted dragoons	273,627 71
Balance due for printing infantry tactics,	410 59
Relief of sundry individuals,	14,436 41
Civilization of Indians,	8,975 44
Pay of Indian agents,	24,620 00
Pay of Indian sub-agents,	14,646 95
Pay of interpreters and translators,	15,806 00
Pay of gun and blacksmiths and assistants,	11,320 64
Presents to Indians,	10,041 82
Provisions for Indians at the distribution of annuities,	9,326 10
Iron, steel, coal, &c. for gun and blacksmiths' shops,	4,567 37
Transportation and distribution of annuities,	6,392 51
Houses for agents and blacksmiths' shops,	1,483 14
Provisions for Indians moving west in 1831,	2,391 08
Surveying reservations for half-breed Sac and Fox Indians, Surveying the northwestern boundary of the Miami and Pottawatamie cession,	2,000 00
Removing Indian boundary line in Florida,	227 00
Provisions and assistance to Indians emigrating, and those settled on Kansas river,	135 49
Corn and other provisions for Seminole Indians,	605 18
Additional expenses at the Red river agency,	1,000 00
Claims against Osages by citizens of the United States,	1,300 00
Extinguishment of title of Creeks to lands in Georgia,	834 50
Extinguishment of the claims of the Cherokees to lands in Georgia,	4,989 57
Purchase of the Creek and Cherokee reservations,	21,072 14
Treating with Choctaws and Chickasaws for lands in Mississippi,	11,283 00
	3,126 17

Effecting treaty with the Creeks,	1 44
Effecting treaty with the Cherokees,	4,217 54
Effecting treaty of Butte des Morts,	894 60
Effecting treaty with the Winnebagoes	768 40
Annuities to various Indians and Indian tribes	233,500 87
Education of Indian youths,	21,121 00
Blacksmiths, gunsmiths, millers, &c.,	25,463 67
Transportation and distribution of annuities, &c.,	8,617 00
Claims against the Ottawas,	21,242 25
Advances to Ottawas,	2,000 00
Arrearages of Indian Department prior to 1829,	744 54
Cherokee schools,	42,490 00
Medals for Indian chiefs,	2,000 00
Vaccination of Indians,	775 50
Effecting treaty with the Creek Indians,	2,622 45
Effecting treaty with the Seneca Indians,	2,153 60
Extinguishing titles of Delawares to reservations in Ohio,	307 84
Three commissioners to treat with Indians,	16,000 00
Provisions for Quapaws,	1,000 00
Relief of friendly Indians on the northwestern frontier,	883 55
Effecting certain Indian treaties, per act 13th Jan. 1831,	970 75
Effecting certain Indian treaties, per act of 2d March, 1831,	22,767 40
To effect certain Indian treaties, per acts of 2d March, 1831, and 4th June, 1832,	66,692 14
Stipulations of certain treaties for 1831, per act of 20th April, 1832,	4,565 00
Stipulations of certain treaties with Creeks, Shawanees, &c. per act 4th June, 1832,	123,565 00
Effecting certain treaties, per act 13th July, 1832,	1,072 50
Extinguishment of Indian titles to lands in Missouri, Illinois, &c., per act of 14th July, 1832,	9,908 05
To carry into effect certain Indian treaties, and for other purposes, per act 2d March, 1833,	735,329 79
Excess of expenditures by commissioners to hold treaty with Pottawatamies,	3,700 00
Services of A. L. Davis, secretary to commissioners,	171 00
Removing and subsisting Indians, per 7th article treaty 24th January, 1826,	2,438 23
Repayment of improvement to Creeks under the 11th article of treaty 24th January, 1826,	9,300 75
Deputation of Chickasaws to the seat of Government,	1,650 00
Delegation of New-York Indians to visit Green bay,	1,890 00
Removing Shawanees from Ohio,	1,640 00
Payment of two negroes to George Fields,	700 00
Expenses of Sac and Fox prisoners as hostages,	2,489 14
Removing and subsisting Indians,	367,602 42
Annuities per act of 19th February, 1808,	48 84
Annuities, per act of 3d March, 1819,	484 15
Annuities, per act of 26th May, 1824,	268 13
Annuities, per act of 20th May, 1826, and 2d March, 1827,	1,270 00
Annuities, per act of 26th May, 1826,	3,500 00
	\$13,199,146 99

From which deduct the following repayments :

For Rigolets and Chef Menteur,	14	17
Repairing battery at Bienvenue,	89	10
Security of Peapatch island, Fort Delaware,	727	17
Survey of the harbour of Westbrook, Conn.	69	06
Survey of the harbour of Sag Harbour, N. Y.	15	71
Survey of the river Thames, Connecticut,	5	24
Examining piers at Sandy bay, Mass.	3	32
Survey of Tucker's island, New-Jersey,	29	20
Survey of the harbour of Stamford, Conn.	16	60
Road from St. Augustine to Tallahassee,	34	28
Permanent annuity to Miamies for 1831,	2	50
Contingencies of Indian department,	95,474	82
Exchange of lands with Indians, and their re- moval,	181	20
Aiding Creeks in their removal,	412	52
Annuities, per act of 25th February, 1799,	5,073	00
Annuities, per act of 21st April, 1806,	666	67
Tobacco, iron, steel, and labourers for Mia- mies for 1831,	180	00
	<hr/>	102,994 56
		<hr/>
		13,096,152 43

Naval Establishment.

Pay and subsistence of the navy,	1,348,868	49
Pay of superintendents, naval constructors, &c.	54,013	86
Provisions,	376,269	63
Medicines and hospital stores,	33,734	16
Navy yard, Portsmouth, New-Hampshire,	27,407	49
Do. Boston, Massachusetts,	71,573	47
Do. New-York,	53,571	18
Do. Philadelphia,	5,124	29
Do. Washington city,	36,248	00
Do. Norfolk, Virginia,	150,877	45
Do. Pensacola, Florida,	28,976	64
Ordnance and Ordnance stores,	24,879	04
Gradual increase of the navy,	1,859	24
Gradual improvement of the navy,	272,552	96
Repairs of vessels,	668,631	12
Building, equipping, and employing three schooners,	379	89
Timber to rebuild the Java and Cyane,	4,167	97
Rebuilding the frigate Macedonian,	62,666	08
Iron tanks,	73,886	06
Navy hospital at Norfolk,	3,944	10
Furniture for navy hospital at Norfolk,	1,825	75
Navy asylum at Philadelphia,	27,300	00
Furniture for navy asylum at Philadelphia,	4,856	25
Navy hospital at Charlestown, Mass.	26,000	00
Navy hospital at Brooklyn, New-York,	20,000	00
Navy hospital at Pensacola, Florida,	12,800	00

EXPENDITURES IN 1833.

27

Privateer pension fund,	1,014	36
Agency on the coast of Africa, (prohibiting slave trade,)	1,650	00
Purchase of a bridge at Norfolk,	16,000	00
Survey of Narragansett bay,	1,217	99
Compensating board of officers for revising rules, &c. of naval service,	4,512	56
Captors of Algerine vessels,	20	85
Relief of sundry individuals,	6,795	97
Contingent expenses for 1831,	4,370	16
Contingent expenses,	268,644	39
Contingent expenses not enumerated,	4,467	40
Arrearage of contingent enumerated, prior to 1832,	3,292	88
Pay and subsistence of the marine corps,	124,971	92
Subsistence on shore,	13,645	52
Extra emoluments of officers of marine corps,	113	00
Allowances to certain officers of the marine corps,	18,337	28
Clothing for the marine corps,	29,519	17
Medicines and hospital stores for the marine corps,	2,371	25
Military stores for the marine corps,	253	04
Fuel for the marine corps,	10,641	57
Contingent expenses of the marine corps,	14,321	23
Marine barracks at Philadelphia,	3,000	00
	<u>3,921,573</u>	<u>42</u>

From which deduct the following repayments:

Navy hospital fund,	18,123	56
Navy pension fund,	415	35
Covering and preserving ships in ordinary,	423	00
Timber shed, Portsmouth,	511	61
Timber shed, New-York,	6	97
Timber docks at Washington, Norfolk, and Boston,	1	00
Building ten sloops of war,	44	66
Contingent expenses prior to 1824,	67	73
Contingent expenses 1826,	2	60
Contingent expenses 1829,	191	36
Contingent expenses 1830,	420	02
Contingent expenses not enumerated for 1831,	8	81
	<u>20,216</u>	<u>67</u>

3,901,356 75

Public Debt.

Interest on the funded debt,	303,796	87
Redemption of the exchanged $4\frac{1}{2}$ per cent. stock of 26th May, 1824,	1,001,533	30
Redemption of the 5 per cent. stock of 3d March, 1821,	23,346	71
Redemption of the 3 per cent. stock,	213,886	56
Principal and interest of Treasury notes,	929	13
Paying certain parts of domestic debt,	50	81
	<u>1,543,543</u>	<u>38</u>

\$24,257,298 49

STATEMENT of the Commerce of each State and Territory, commencing on the first day of October, 1831,
and ending on the 30th day of September, 1832.

States and Territories.	Value of im-ports.		Value of Exports.		Navigation.			
	Domestic pro-duce.	Foreign pro-duce.	Domestic pro-duce.	Foreign pro-duce.	American Tonnage.		Foreign Tonnage.	
					Entered.	Departed.	Entered.	Departed.
Maine, - - -	1,123,326	907,286	74,157	58,576	67,128	64,414	64,720	
New-Hampshire, - - -	115,171	115,582	-	7,744	4,777	250	250	
Vermont, - - -	214,672	349,820	-	14,430	14,680	-	-	
Massachusetts, - - -	18,118,900	4,656,635	7,337,133	213,608	204,239	22,906	25,676	
Rhode Island, - - -	657,969	377,656	156,803	27,398	26,672	355	80	
Connecticut, - - -	437,715	430,466	-	17,281	20,944	521	367	
New-York, - - -	53,214,402	15,037,250	10,943,95	329,842	242,749	116,481	101,967	
New-Jersey, - - -	70,460	53,991	7,803	1,732	782	572	800	
Pennsylvania, - - -	10,678,358	2,008,991	1,507,075	64,268	46,726	17,671	14,131	
Delaware, - - -	23,653	16,242	-	313	699	2,525	333	
Maryland, - - -	4,629,303	3,015,873	1,484,045	51,360	49,380	20,937	15,648	
District of Columbia, - - -	188,047	1,146,066	8,408	7,482	14,748	2,239	3,089	
Virginia, - - -	553,639	4,493,916	16,734	19,925	50,783	16,968	19,383	
North Carolina, - - -	215,184	338,246	3,795	18,126	26,272	4,536	3,412	
South Carolina, - - -	1,213,725	7,685,833	66,898	19,995	47,893	32,974	41,836	
Georgia, - - -	253,417	5,514,681	1,202	10,897	42,780	18,856	21,557	
Alabama, - - -	306,845	2,733,554	2,833	10,700	18,764	11,915	12,384	
Mississippi, - - -	8,871,653	14,105,118	2,425,812	68,637	88,236	56,942	59,620	
Louisiana, - - -	12,392	58,394	-	277	269	1,341	1,341	
Ohio, - - -	107,787	62,636	3,080	7,131	6,344	615	901	
Florida Territory, - - -	22,648	9,234	-	-	-	-	-	
Michigan Territory, - - -	101,029,266	63,137,470	24,039,473	949,622	974,865	393,038	387,505	
Total dollars, - - -								

STATEMENT of the Commerce of each State and Territory, commencing on the 1st day of October, 1832, and ending on the 30th day of September, 1833.

States and Territories.	Value of Imports.	Value of Exports.		American Tonnage.		Foreign Tonnage.	
		Domestic produce.	Foreign produce.	Entered.	Departed.	Entered.	Departed.
Maine,	1,380,308	989,187	30,644	59,197	65,488	98,441	98,735
New-Hampshire,	167,754	145,355	9,903	10,347	6,002	-	-
Vermont,	523,260	377,399	-	35,482	35,106	-	-
Massachusetts,	19,940,911	5,150,584	4,532,538	225,551	201,097	30,801	31,785
Rhode Island,	1,042,286	380,869	154,612	24,710	26,032	189	189
Connecticut,	352,014	427,603	-	19,773	15,458	340	606
New-York,	55,918,449	15,411,296	9,988,821	454,218	384,175	161,949	153,566
New-Jersey,	170	30,853	1,900	-	1,424	-	-
Pennsylvania,	10,451,250	2,671,300	1,407,651	67,714	49,109	24,336	22,378
Delaware,	9,043	45,911	-	-	186	3,469	-
Maryland,	5,437,057	3,301,014	761,453	58,507	47,181	24,136	25,499
District of Columbia,	150,046	981,366	21,450	4,740	12,962	2,032	2,140
Virginia,	690,391	4,459,354	8,053	15,393	46,527	14,884	21,960
North Carolina,	198,758	432,986	49	20,030	37,604	5,291	4,925
South Carolina,	1,517,705	8,337,512	96,813	17,831	49,099	32,012	37,478
Georgia,	318,990	6,270,040	-	11,101	40,022	21,420	23,232
Alabama,	265,918	4,522,221	5,740	11,238	29,067	9,918	9,286
Missouri,	5,881	-	-	-	-	-	-
Louisiana,	9,590,505	16,133,457	2,807,916	71,476	86,021	62,346	60,580
Ohio,	8,353	225,544	-	624	2,041	4,281	4,125
Florida Territory,	85,386	64,613	192	2,828	3,915	386	345
Michigan Territory,	63,876	9,054	-	681	644	524	210
Total dollars,	108,118,311	70,317,698	19,822,735	1,111,441	1,142,160	496,705	497,039

STATEMENT exhibiting the quantity of American and Foreign Tonnage entered into, and departed from, each District, during the year ending on the 30th day of September, 1832.

Districts.	American.		Foreign.	
	Entered.	Departed.	Entered.	Departed.
	Tons.			
Passamaquoddy, -	3,553	4,222	63,356	63,274
Machias, -	117	41	42	
Frenchman's Bay, -	582	270	414	578
Penobscot, -	1,921	1,592		
Waldoborough, -	825	245		
Wiscasset, -	483	567		
Bath, -	8,319	10,616	39	39
Portland, -	39,975	43,858	563	829
Kennebunk, -	1,222	1,977		
Belfast, -	1,488	3,163		
Saco, -	91	577		
York, -				
Portsmouth, -	7,744	4,777	250	250
Vermont, -	14,430	14,686		
Newburyport, -	6,964	6,618	68	68
Ipswich, -				
Gloucester, -	3,833	4,904	80	160
Salem, -	16,357	20,482		
Marblehead, -	1,977	1,316		
Boston, -	136,369	125,751	21,442	22,427
Plymouth, -	2,393	882	44	
Barnstable, -	674	101		
Nantucket, -	2,125	115		
Edgartown, -	14,782	4,126		
New Bedford, -	26,346	38,203	339	2,468
Dighton, -	1,788	1,741	933	553
Newport, -	7,208	5,232	174	
Bristol, -	7,621	10,500		
Providence, -	12,569	10,940	181	80
New London, -	7,070	10,147	154	
Middletown, -	1,925	1,332	121	121
New Haven, -	7,678	8,738	107	107
Fairfield, -	608	727	139	139
New-York, -	298,127	218,490	102,358	90,900
Sag Harbour, -	283			
Champlain, -	19,878	19,960	320	320
Oswego, -	337	337	868	868
Sacket's Harbour, -	6,350	1,307		

STATEMENT—continued.

Districts.	American.		Foreign.	
	Entered.	Departed.	Entered.	Departed.
Tons.				
Genesee, - - -	3,811	1,294	2,442	832
Niagara, - - -	253	160	9,047	9,047
Cape Vincent, - - -	803	1,201	1,446	
Perth Amboy, - - -	1,340	782	572	800
Little Egg Harbour, - - -	225			
Bridgetown, - - -	125			
Great Egg Harbour, - - -	42			
Philadelphia, - - -	64,268	46,726	17,671	14,131
Delaware, - - -	213	699	2,525	383
Baltimore, - - -	50,936	48,933	20,957	15,648
Snow Hill, - - -	424	360		
Vienna, - - -	-	87		
Georgetown, D. C., - - -	1,071	3,075		
Alexandria, - - -	6,411	11,673	2,239	3,089
Norfolk, - - -	10,639	17,384	13,209	12,778
Petersburg, - - -	3,520	6,519		545
Richmond, - - -	3,513	23,905	3,759	6,060
Yorktown, - - -	87			
East River, - - -	466	231		
Tappahannock, - - -	485	1,160		
Folly Landing, - - -	696	716		
Cherry Stone, - - -	519	868		
Wilmington, - - -	10,144	14,464	4,298	2,989
Newbern, - - -	2,102	2,844	80	80
Washington, - - -	1,099	1,224	158	158
Edenton, - - -	1,227	2,256		
Camden, - - -	2,618	3,508		
Plymouth, - - -	627	1,521		100
Beaufort, - - -	168	99		85
Ocracoke, - - -	141	356		
Charleston, - - -	19,995	47,893	32,974	41,836
Savannah, - - -	10,794	42,157	18,412	21,035
Brunswick, - - -	103	623	444	532
Pensacola, - - -	1,290	1,878		
St. Johns, - - -	205			
Appalachicola, - - -	664			
Key West, - - -	4,972	4,466	615	901
Mobile, - - -	10,700	18,764	11,915	12,384
Mississippi, - - -	68,637	88,236	56,942	59,620
Cuyahoga, - - -	272	269	1,341	1,341
Sandusky, - - -	5			
Total,	949,622	974,865	393,038	387,505

STATEMENT exhibiting the quantity of American and Foreign Tonnage entered into, and departed from, each District, from the first day of October, 1832, to the 30th day of September, 1833.

Districts.	American.		Foreign.	
	Entered.	Departed.	Entered.	Departed.
Tons.				
Passamaquoddy, -	3,889	3,438	97,669	97,669
Machias, -	433	96	61	273
Frenchman's Bay, -	336	-	323	323
Penobscot, -	4,517	2,400		
Waldoborough -	353	168		
Wiscasset, -	628	227		
Bath, -	8,640	10,694	233	233
Portland, -	37,761	42,823	155	237
Kennebunk, -	1,158	1,813		
Belfast, -	1,298	3,546		
Saco, -	184	283		
York, -				
Portsmouth, -	10,347	6,002		
Vermont, -	35,482	35,106		
Newburyport, -	6,884	7,181		
Ipswich, -	-	88		
Gloucester, -	3,028	3,262	160	160
Salem, -	16,435	17,918		
Marblehead, -	1,252	1,749		
Boston, -	149,550	130,012	29,013	27,813
Plymouth, -	1,276	603		
Nantucket, -	708	-	49	49
Edgartown, -	13,179	4,943	150	
New Bedford, -	28,547	34,459	350	2,414
Barnstable, -	577			
Dighton, -	4,115	882	1,079	1,349
Newport, -	5,236	6,115		
Bristol, -	7,740	10,374		
Providence, -	11,734	9,543	189	189
New-London, -	8,815	9,280	-	335
Middletown, -	2,020	919	271	271
New Haven, -	8,204	7,797	69	
Fairfield, -	734	462		
New-York, -	314,409	232,395	106,099	101,007
Champlain, -	31,940	31,940	55	55
Oswego, -	6,480	7,177	10,043	9,955
Oswegatchie, -	7,172	15,694	3,920	5,023
Buffalo Creek, -	57,107	57,107	2,074	2,074

STATEMENT—continued.

Districts,	American.		Foreign.	
	Entered.	Departed.	Entered.	Departed.
	Tons.			
Sackett's Harbour, -	13,846	14,930		
Genesee, - - -	4,838	14,195	3,688	3,339
Niagara, - - -	9,018	1,329	31,214	27,257
Cape Vincent, -	9,408	9,408	4,856	4,856
Perth Amboy, - -	-	1,424		
Philadelphia, - -	67,714	49,109	24,336	22,378
Delaware, - - -	-	186	3,469	
Baltimore, - - -	58,170	46,804	24,136	25,499
Snow Hill, - - -	337	290		
Vienna, - - - -	-	87		
Georgetown, - - -	408	2,031		
Alexandria, - - -	4,332	9,931	2,032	2,140
Norfolk, - - - -	8,341	23,144	13,314	17,199
Petersburg, - - -	3,281	3,988	291	561
Richmond, - - -	2,198	17,020	1,279	4,103
East River, - - -	123			
Tappahannock, - -	596	1,121	-	97
Folly landing - - -	206	427		
Cherry Stone, - -	648	827		
Wilmington, - - -	11,664	22,493	5,070	4,704
Newbern, - - - -	2,555	2,653	39	39
Washington, - - -	1,311	2,832	94	94
Edenton, - - - -	1,118	2,731		
Camden, - - - -	1,961	3,045		
Plymouth, - - - -	635	2,166		
Beaufort - - - -	451	316	88	88
Ocracocke, - - - -	335	1,368		
Charleston, - - -	17,831	49,099	32,012	37,478
Savannah, - - -	10,780	39,662	20,780	22,592
Brunswick, - - -	321	360	640	640
Mobile, - - - -	11,238	29,067	9,918	9,286
Mississippi, - - -	71,476	86,021	62,346	60,580
Cuyahoga, - - - -	607	2,041	4,086	4,045
Sandusky, - - - -	17	-	145	80
Pensacola, - - - -	930	2,310	96	96
Appalachicola, - -	77			
Key West, - - - -	1,821	1,605	290	249
Detroit, - - - -	681	644	524	210
Total,	1,111,441	1,142,160	496,705	497,039

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STATISTICAL VIEW of the Commerce of the United States, exhibiting the Value of every description of Imports from, and the Value of every description of Exports to, each Foreign Country; also, the Tonnage of American and Foreign Vessels arriving from, and departing to, each Foreign Country, during the year ending on the 30th day of September, 1832.

Countries.	Commerce.			Navigation.				
	Value of Exports.		Total.	American Tonnage,		Foreign Tonnage.		
	Value of Imports.	Domestic produce.		Foreign produce.	Entered in- to the U. S.	Departed from U. S.	Entered in- to the U. S.	Departed from U. S.
	Dollars.	Dollars.	Dollars.	Tons.	Tons.	Tons.	Tons.	
Russia,	3,251,852	121,114	461,568	582,682	21,824	3,146	1,832	391
Prussia,	27,927	11,116	152,365	366,413	268	179	1,868	3,078
Sweden and Norway,	1,097,394	214,048	7,478	148,727	12,401	1,868	7,478	644
Swedish West Indies,	53,410	141,249	350,115	531,720	2,058	4,651	4,268	723
Denmark,	63,342	181,605	982,841	1,675,831	779	4,268	1,49	3,803
Danish West Indies,	1,119,366	1,393,490	2,870,490	5,103,282	21,560	39,762	1,870	8,372
Netherlands,	1,360,668	2,232,792	46,644	404,164	29,912	38,770	5,630	80
Dutch West Indies and American Colonies,	328,832	357,520	503,504	528,020	10,176	9,511	-	680
Dutch East Indies,	668,974	24,516	2,875,137	29,507,205	5,084	7,456	110,788	96,615
England,	34,848,562	26,632,068	20,864	1,146,762	179,679	187,579	19,631	9,410
Scotland,	1,580,812	1,125,898	4,115	157,028	4,565	3,932	11,147	-
Ireland,	491,891	152,913	3,700	3,700	2,584	1,791	162	-
Guernsey, Jersey, &c.,	534	3,700	185,074	613,907	5,666	14,989	353	431
Gibraltar,	279,858	428,833	339,235	528,453	7,249	5,916	66,769	19,357
British East Indies,	2,588,938	189,218	33,828	1,689,276	61,408	66,769	27,328	219
British West Indies,	1,422,237	1,655,448	45,083	3,614,385	470	428	108,671	146,292
Newfoundland, &c.,	1,229,526	3,569,302	7,840	7,840	74,001	65,056	-	-
British American Colonies,	2,551	7,840	1,652,670	4,088,212	167	240	18,452	25,778
Other British Colonies,	2,865,096	2,435,542	1,536,771	10,565,256	20,741	18,452	11,994	12,769
Hanse Towns,	10,931,983	9,028,485	1,140,376	2,054,467	71,680	79,330	2,313	3,698
France on the Atlantic,	1,243,775	914,091	19,182	624,975	13,207	16,486	8,282	4,448
France on the Mediterranean,	578,857	605,793	425,493	1,669,003	20,578	26,677	-	316
French West Indies and American Colonies,	2,053,386	1,243,510	425,493	1,669,003	30,387	29,990	1,067	1,279
Other French African ports,								
Haiti,								

COMMERCE, 1882.

35

Spain on the Atlantic,	677,483	302,584	44,681	347,265	9,371	6,033	819	2,093
Spain on the Mediterranean,	740,701	186,864	1,054	187,918	9,813	3,286	896	1,808
Tonerrife and the other Canaries,	154,837	14,567	7,851	22,418	2,971	925		
Manilla and Philippine Islands,	332,230	20,906	113,414	134,320	2,343	1,289		
Cuba,	7,068,857	3,681,397	1,630,754	5,312,161	111,805	123,588	29,135	25,632
Other Spanish West Indies,	1,889,182	322,559	72,552	395,111	26,741	9,343	1,657	717
Portugal,	123,816	28,262	300	28,596	8,087	1,177	1,166	600
Madeira,	228,318	145,667	929	146,596	1,958	4,623	124	124
Fayal and the other Azores,	21,682	23,402	11,363	34,765	828	812	191	
Cape de Verd Islands,	87,706	66,856	19,707	86,295	2,430	2,603	150	162
Other Portuguese African ports,	23,742		193					
Italy,	1,619,795	178,507	509,056	687,563	11,672	6,042	243	732
Sicily,	156,617	3,088		3,088	3,491		603	432
Trieste and other Austrian Aadr. ports,	362,027	199,911	936,775	1,136,686	3,405	6,497	1,020	1,521
Turkey, Levant, and Egypt,	923,629	64,722	681,886	746,608	7,356	4,805	247	
Mexico,	4,293,954	845,777	2,621,764	3,467,541	25,459	24,111	9,457	9,364
Central Republic of America,	288,316	139,206	196,101	335,307	5,286	4,389		116
Colombia,	1,439,182	406,857	710,167	1,117,024	9,258	9,443		269
Honduras, Campeachy, &c.	34,162	65,459	17,397	82,856	1,736	2,677	825	97
Brazil,	3,890,845	1,332,077	822,717	2,054,794	31,222	30,439	3,314	356
Argentine Republic,	1,560,171	464,622	458,408	923,040	11,881	6,987		
Chilapine Republic,		3,325		3,325	103	378		
Chili,	504,623	579,370	641,749	1,221,119	4,194	8,105		
Peru,	720,098	7,126	10,834	17,960	244	72		
South America, generally,	12,015	41,302		41,302	214	1,564		
Cape of Good Hope,	5,344,907	336,162	924,360	1,260,522	322	155		
China,	24,025					7,232		
Arabia,	111,180	42,838	409,489	512,327	2,153	6,520		
Asia, generally,					297	1,342		
East Indies, generally,	12,740	556,446	6,508	562,954	1,950	12,879		4290
West Indies, generally,		174,182	7,411	181,593	1,897	1,951		622
Europe, generally,	321,532	257,422	106,549	363,971	4,896	4,997		247
Africa, generally,	15,175	30,096	12,838	42,934	38,483	52,573		
South Seas,	920							
Sandwich Islands,								
Northwest Coast of America,	5,028	46,078	50,526	96,604		782		
Uncertain ports,								
Total,	101,029,266	63,137,470	24,039,473	87,176,943	949,622	974,865	393,038	387,505

STATISTICAL View of the Commerce of the United States, exhibiting the value of every description of Imports from, and the value of every description of Exports to, each Foreign country; also, the tonnage of American and Foreign vessels arriving from, and departing to, each Foreign country, during the year ending on the 30th day of September, 1833.

Countries.	Value of Imports.			Value of Exports.			Navigation.		
	Value of Imports.	Value of Exports.		Total.	American tonnage.		Foreign Tonnage.		
		Domestic produce.	Foreign produce.		Entered in- to the U. S.	Departed from U. S.	Entered in- to the U. S.	Departed from U. S.	
Dollars.									
Russia,	2,772,550	223,734	480,071	703,805	17,075	6,498	1,139		
Prussia,	124,570	12,812		12,812	496				
Sweden and Norway,	1,168,697	244,587	70,262	314,849	11,573	1,806	9,591	2,898	
Swedish West Indies,	32,202	100,163	5,057	105,220	2,256	3,395	260	283	
Denmark,	28,172	180,511	112,453	292,964	853	2,907		791	
Danish East Indies,					314				
Danish West Indies,	1,138,700	1,279,670	267,200	1,546,870	22,657	32,642	2,418	3,512	
Netherlands,	1,166,856	1,634,353	722,409	2,356,762	18,590	22,463	4,864	6,338	
Dutch East Indies,	750,250	93,852	680,989	774,841	3,934	7,497	1,740	1,488	
Dutch West Indies,	380,871	288,205	54,038	342,243	15,939	11,478	290	80	
Dutch Guiana,	49,396	92,515		92,515					
Belgium,	139,628	644,112	361,499	1,005,611	5,815	4,463	371	4,993	
England,	36,668,315	29,582,673	1,452,768	31,035,441	199,177	183,998	111,485	87,602	
Scotland,	1,025,229	1,186,469	21,058	1,207,527	2,876	2,523	16,565	9,860	
Ireland,	152,250	120,482		120,482	1,529	1,406	15,232	1,343	
Gibraltar,	182,508	573,076	164,570	737,646	4,206	18,311	403	1,370	
Malta,	31,073	50,828		50,828					
Guernsey, &c.									
British East Indies,	1,832,059	136,156	188,843	324,999	5,955	6,735	110		
British West Indies,	1,358,239	1,754,305	59,760	1,814,065	53,537	64,659	26,638	21,775	
British Guiana,	7,448	4,752		4,752					
British American Colonies,	1,793,393	4,390,081	81,003	4,471,084	209,958	219,403	208,054	245,779	
Newfoundland,					1,961	2,569	2,233	3,707	
Cape of Good Hope,	13,700	7,562		7,562		207			
St. Helena,		7,854		7,854					
Other British Colonies,									
Mauritius,	21,621				646	152	407	97	
Hanse Towns,	2,227,726	2,108,110	795,186	2,903,296	232	9,296	22,895	313	
France on the Atlantic,	12,351,626	9,769,685	2,196,812	11,966,497	14,421	77,127	9,585	27,163	
France on the Mediterranean,	1,080,052	1,036,898	768,826	1,805,724	70,264	14,976	3,574	14,797	
French East Indies,									
Bourbon,	19,993	6,586	2,968	9,554		371		3,922	

COMMERCE, 1833.

French West Indies,	511,242	613,719	24,346	638,065	22,095	27,367	8,825	6,716
French Guiana,		4,693		4,693				1,537
Spain on the Atlantic,	337,794	201,619	24,571	226,190	9,144	5,723	665	2,059
Spain on the Mediterranean,	806,714	136,150	546	136,696	10,076	4,845	422	97
Teneriffe and other Canaries,	148,090	24,313	15,355	39,668	3,236	2,342	.	
Manilla and Philippine islands,	504,498	1,021	8,376	9,397	3,334	994	.	
Cuba,	9,754,787	3,966,113	1,706,587	5,672,700	122,694	133,698	34,053	31,081
Other Spanish West Indies,	1,879,324	393,992	27,398	421,390	28,762	13,869	1,824	219
Portugal,	170,169	73,313	5,330	78,643	9,315	2,138	1,671	1,026
Madeira,	319,349	119,341	15,642	134,983	2,157	3,801	369	369
Fayal and the other Azores,	26,281	15,387	3,528	21,915	1,404	910	.	
Cape de Verd Islands,	39,318	162,033	44,987	207,020	4,124	5,944	.	816
Other Portuguese African ports,						70		
Italy,	999,134	70,364	301,822	372,186	10,676	6,055	747	832
Sicily,	165,714	6,123	2,940	9,063	2,491	376	376	376
Trieste,	314,611	146,517	408,447	554,964	4,654	3,304	1,724	1,701
Turkey,	786,044	167,208	518,471	685,679	3,876	3,876	.	203
Hayti,	1,740,058	1,147,809	280,154	1,427,963	30,424	28,425	655	656
Mexico,	5,452,818	1,649,314	3,758,777	5,408,091	30,002	30,548	5,122	4,359
Central America,	267,740	267,760	307,256	575,016	2,626	2,933	.	170
Honduras,	101,615	70,522	28,724	99,246	2,176	1,527	96	
Colombia,	1,524,622	439,981	517,559	957,543	10,574	9,467	1,117	1,014
Brazil,	5,089,693	2,474,555	797,546	3,272,101	35,024	49,735	209	1,017
Argentine Republic,	1,377,117	494,391	205,337	699,728	11,522	7,696	269	385
Cislatino Republic,					1,982	1,129		
Chili,	334,130	730,140	733,800	1,463,940	2,080	8,590		
Peru,	654,630				192	73		
South America, generally,	18,409	121,050		121,050	1,088	324	485	
China,	7,541,570	537,774	895,985	1,433,759	15,334	9,538		
Europe, generally,			520	45,950	2,493	533		270
Asia, generally,	269,425	60,152	477,042	537,194	2,809	6,599		
Africa, generally,	441,809	215,222	120,146	335,368	7,675	6,762	222	824
West Indies, generally,		353,061	14,712	367,773	1,061	11,348		2,601
East Indies, generally,						780		
South Seas,	21,557	53,305	79,793	133,098	41,605	55,406		
Sandwich Islands,	1,094							
Northwest coast of America,		22,292	11,266	33,558		341		
Uncertain ports,	1,811							
Total,	108,118,311	70,317,698	19,822,735	90,140,433	1,111,441	1,142,160	496,705	497,039

STATEMENT exhibiting a condensed View of the Tonnage of the several Districts of the United States on the last day of December, 1881.

Districts.	Registered Tonnage.	Enrolled and licenced tonn.	Total tonnage of each district
	Tons. 95ths.		
Passamaquaddy, - Maine,	5,952 20	3,652 60	9,604 80
Machias, - - - - - "	195 00	3,868 83	4,063 83
Frenchman's Bay, - - - - - "	920 24	4,360 14	5,280 38
Penobscot, - - - - - "	2,682 73	17,316 63	19,999 41
Belfast, - - - - - "	4,087 12	11,579 20	15,666 32
Waldoborough - - - - - "	2,963 47	19,446 29	22,409 76
Wiscasset, - - - - - "	1,853 62	5,073 73	6,927 40
Bath, - - - - - "	16,752 52	9,484 65	26,237 22
Portland, - - - - - "	9,598 12	13,246 81	22,844 93
Saco, - - - - - "	1,123 23	2,347 77	3,471 05
Kennebunk, - - - - - "	3,625 15	2,057 67	5,682 82
York, - - - - - "	-	879 33	879 33
Portsmouth, - N. Hamp.	8,790 36	5,909 60	14,700 01
Newburyport, - Mass.	10,487 65	7,172 23	17,659 88
Ipswich, - - - - - "	-	1,567 31	1,567 31
Gloucester, - - - - - "	2,762 06	10,076 68	12,838 74
Salem, - - - - - "	19,058 89	6,480 55	25,539 49
Marblehead, - - - - - "	1,309 31	5,605 50	6,914 81
Boston, - - - - - "	99,266 64	38,907 56	138,174 25
Plymouth, - - - - - "	9,940 44	7,935 54	17,876 03
Dighton, - - - - - "	645 17	3,254 30	3,899 47
New Bedford, - - - - - "	56,614 56	7,434 80	64,049 41
Barnstable, - - - - - "	2,392 26	24,465 67	26,857 93
Edgartown, - - - - - "	1,777 73	842 79	2,620 57
Nantucket, - - - - - "	20,971 84	3,706 41	24,678 30
Providence, - R. Island.	12,589 31	4,338 69	16,928 05
Bristol, - - - - - "	7,167 68	2,200 48	9,368 21
Newport, - - - - - "	4,763 00	3,104 38	7,867 38
Middletown, - Conn.	1,922 06	6,634 51	8,556 57
New London, - - - - - "	11,977 62	5,888 33	17,866 00
New Haven, - - - - - "	2,698 47	3,993 53	6,692 05
Fairfield, - - - - - "	466 23	7,769 50	8,235 73
Vermont, - - - - - Verm't,	877 38	-	877 38
Champlain, - - - - - N. Y.	2,417 38	-	2,417 38
Sackett's Harbour, - - - - - "	-	1,379 11	1,379 17
Oswego, - - - - - "	144 31	731 16	875 47
Niagara, - - - - - "	-	-	-
Genesee, - - - - - "	-	420 44	420 44
Oswegatchie, - - - - - "	-	-	-
Buffalo Creek - - - - - "	-	-	-
Sag Harbour, - - - - - "	5,913 55	3,018 78	8,932 38
New-York, - - - - - "	122,457 92	163,980 62	286,438 59
Cape Vincent, - - - - - "	-	165 23	165 23
Perth Amboy, N. Jersey,	1,085 42	6,651 78	7,737 25
Bridgetown, - - - - - "	31 37	10,688 85	10,720 27
Burlington, - - - - - "	-	2,726 40	2,726 40
Little Egg Harbour, - - - - - "	-	2,386 85	2,386 85
Great Egg Harbour, - - - - - "	143 20	8,523 84	8,667 09

TONNAGE, 1831.

39

STATEMENT—continued.

Districts.	Registered tonnage.	Enrolled and licensed tonn.	Total tonnage of each district.
	Tons 95ths.		
Philadelphia, - Penn.	51,293 79	28,674 46	79,968 30
Pesque Isle, - "	-	550 87	550 87
Wilmington, - Delaware,	99 83	13,452 14	13,552 02
Baltimore, - Maryland,	25,295 96	17,967 68	43,263 69
Oxford, - "	-	9,218 70	9,218 70
Vienna, - "	663 50	10,884 13	11,547 63
Snow Hill, - "	-	4,370 92	4,370 92
Annapolis, - "	-	3,472 77	3,472 77
St. Mary's, - "	-	2,038 76	2,038 76
Georgetown, - Dist. Col.	1,355 89	4,042 40	5,398 34
Alexandria, - "	4,716 29	4,706 53	9,422 82
Norfolk, - Virginia,	4,581 27	7,760 63	12,341 90
Petersburg, - "	2,633 91	1,871 78	4,505 74
Richmond, - "	1,900 24	2,075 34	3,975 58
Yorktown, - "	135 61	1,330 08	1,465 69
Tappahannock, - "	1,636 83	4,728 70	6,365 58
Folly Landing, - "	433 33	2,697 21	3,130 54
Cherrystone, - "	325 51	1,504 55	1,830 11
East River, - "	753 33	2,974 16	3,727 49
Wilmington, - N. Car.	8,696 04	522 77	9,218 81
Newbern, - "	931 29	1,750 69	2,682 03
Washington, - "	1,186 87	1,377 03	2,563 90
Edenton, - "	1,229 16	3,728 46	4,957 62
Camden, - "	2,557 76	2,506 18	5,063 94
Beaufort, - "	530 00	858 71	1,388 71
Plymouth, - "	318 11	544 65	862 76
Ocracoke, - "	828 16	571 64	1,399 80
Charleston, - S. Car.	5,527 11	7,481 61	13,008 72
Georgetown, - "	275 77	1,558 12	1,833 89
Beaufort, - "	-	-	-
Savannah, - Georgia,	4,474 69	1,159 33	5,634 07
Sunbury, - "	-	-	-
Hardwick, - "	-	-	-
Brunswick, - "	424 53	490 72	915 30
St. Mary's, - "	-	525 61	525 61
Miami, - Ohio.	-	-	-
Cuyahoga, - "	126 80	1,327 18	1,454 03
Sandusky, - "	-	288 66	288 66
Detroit, - Michigan,	-	1,202 50	1,202 50
Michilimackinac, - "	-	-	-
Mobile, - Alabama,	2,137 56	3,923 68	6,061 29
Blakely, - "	-	-	-
Pearl River, - Mississippi,	-	930 49	930 49
New Orleans, - Louisiana,	16,408 57	38,998 80	55,407 42
Teche, - "	-	-	-
Pensacola, - Florida,	119 02	994 76	1,113 78
St. Augustine, - "	-	463 37	463 37
St Mark's, - "	-	-	-
Key West, - "	428 43	380 32	808 75
Total,	620,451 92	647,394 32	1,267,846 29

STATEMENT exhibiting a condensed View of the Tonnage of the several Districts of the United States, on the last day of December, 1832.

Districts.	Registered ton-	Enrolled and li-	Total Tonnage
	nage.	enced tonnage.	of each district.
Tons and 95ths.			
Passamaquoddy, Maine,	7,515 84	5,854 85	13,370 74
Machias, - - -	235 85	4,911 18	5,147 08
Frenchman's Bay, -	1,000 59	6,107 75	7,108 39
Penobscot, - - -	3,530 82	18,584 87	22,115 74
Belfast, - - -	5,018 73	13,557 91	18,576 69
Waldoborough, - -	3,766 25	21,181 93	24,948 23
Wiscasset, - - -	1,706 40	5,382 15	7,088 55
Bath, - - -	21,846 29	11,634 20	33,480 49
Portland, - - -	33,174 80	14,767 48	47,942 33
Saco, - - -	2,061 19	2,819 10	4,879 29
Kennebunk, - - -	4,629 49	2,350 18	6,979 67
York, - - -	-	1,077 18	1,077 18
Portsmouth, N. H.,	10,435 83	6,690 66	17,126 54
Newburyport, Mass.,	11,854 00	8,277 90	20,131 90
Ipswich, - - -	140 10	1,622 80	1,762 90
Gloucester, - - -	3,305 57	9,960 52	13,266 14
Salem, - - -	21,475 75	8,817 24	30,293 04
Marblehead, - - -	1,364 18	5,834 85	7,199 08
Boston, - - -	113,877 78	57,168 06	171,045 84
Plymouth, - - -	9,133 54	8,536 28	17,669 82
Dighton, - - -	1,167 87	3,469 56	4,637 48
New Bedford, - - -	62,808 70	7,741 36	70,550 11
Barnstable, - - -	3,186 60	24,966 69	28,153 34
Edgartown, - - -	1,807 70	825 64	2,633 39
Nantucket, - - -	24,386 49	4,194 40	28,580 89
Providence, Rhode Island,	13,626 54	5,509 87	19,136 46
Bristol, - - -	10,747 71	2,131 09	12,879 45
Newport, - - -	5,789 48	2,801 73	8,591 26
Middletown, Conn. -	1,870 20	7,860 39	9,730 59
New London, - - -	15,749 78	8,475 46	24,225 49
New Haven, - - -	3,026 68	5,003 76	8,030 37
Fairfield, - - -	422 09	10,470 28	10,892 29
Vermont, Vermont,	968 90	562 09	1,531 04
Champlain, New-York,	2,417 38	-	2,417 38
Sackett's Harbour, -	-	1,660 17	1,660 17
Oswego, - - -	-	1,249 47	1,249 47
Genesee, - - -	-	601 84	601 84
Oswegatchie, - - -	-	678 02	678 02
Buffalo Creek, - - -	-	3,736 71	3,736 71
Sag Harbour, - - -	6,235 20	3,236 79	9,471 89
New-York, - - -	129,307 62	169,524 92	298,832 59
Cape Vincent, - - -	-	561 53	561 53
Perth Amboy, N. J.,	256 28	6,838 87	7,095 20
Bridgetown, - - -	-	12,690 67	12,690 67
Burlington, - - -	-	2,563 08	2,563 08
Little Egg Harbour, -	-	1,545 55	1,545 55
Great Egg Harbour, -	-	9,248 93	9,248 93

TONNAGE.

41

STATEMENT—continued.

Districts.	Registered ton-	Enrolled and li-	Total tonnage of
	nage.	censed tonnage.	each district.
		Tons and 95ths.	
Philadelphia, Penn.	45,956 32	31,147 05	77,103 37
Presque Isle,	-	966 86	966 86
Pittsburgh,	-	10,091 78	10,091 78
Wilmington, Delaware,	-	13,265 64	13,265 64
Baltimore, Maryland,	26,502 70	20,626 44	47,129 19
Oxford,	-	9,911 46	9,911 46
Vienna,	750 69	12,378 75	13,129 49
Snow Hill,	147 85	4,722 90	4,870 80
Annapolis,	-	3,523 69	3,523 69
St. Mary's,	-	2,137 92	2,137 92
Georgetown, D. C.,	1,474 35	5,151 49	6,625 34
Alexandria,	5,382 59	5,217 05	10,599 64
Norfolk, Virginia,	6,100 34	9,690 04	15,790 38
Petersburg,	2,761 01	1,870 37	4,631 38
Richmond,	2,257 04	2,687 71	4,944 75
Yorktown,	-	1,681 52	1,681 52
Tappahannock,	1,631 15	5,517 55	7,148 70
Folly Landing,	152 05	3,190 71	3,342 76
Cherry Stone,	92 39	2,026 72	2,119 16
East River,	790 76	3,327 89	4,118 70
Wilmington, N. Carolina,	9,699 05	456 24	9,155 29
Newbern,	909 09	2,230 11	3,139 20
Washington,	1,580 11	1,363 49	2,943 60
Edenton,	1,217 64	4,343 74	5,561 43
Camden,	2,518 33	4,236 72	6,755 10
Beaufort,	599 15	988 64	1,587 79
Plymouth,	723 40	389 82	1,113 27
Ocracoke,	1,176 17	710 17	1,886 34
Charleston, S. Carolina,	5,502 87	7,741 23	13,244 15
Georgetown,	334 29	1,982 22	2,316 57
Savannah, Georgia,	3,608 47	3,146 22	6,754 69
Brunswick,	416 46	406 58	823 09
St. Mary's	437 10	636 53	1,073 63
Cuyahoga, Ohio,	-	1,967 21	1,967 21
Cincinnati,	-	7,589 26	7,589 26
Sandusky,	-	127 25	127 25
Nashville, Tennessee,	-	3,047 01	3,047 01
Detroit, Michigan,	-	1,753 74	1,753 74
Mobile, Alabama,	2,330 83	4,909 43	7,240 31
Pearl River, Mississippi,	-	926 43	926 43
New Orleans, Louisiana,	21,888 88	39,282 81	61,171 74
Pensacola, Florida,	320 85	1,144 06	1,464 91
St. Augustine,	81 44	364 83	446 32
Key West,	796 53	295 19	1,091 72
Total,	686,989 77	752,460 39	1,439,450 21

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A comparative view of the Registered, Enrolled, and Licensed Tonnage of the United States from 1815 to 1832, inclusive.

Years.	Registered tonnage.	Enrolled and licensed tonnage.	Total tonnage.
		Tons and 95ths.	
1815	854,294 74	513,833 04	1,368,127 78
1816	800,759 63	571,458 85	1,372,218 53
1817	809,724 70	590,186 66	1,399,911 41
1818	606,088 64	609,095 51	1,225,184 20
1819	612,930 44	647,821 17	1,260,751 61
1820	619,047 53	661,118 66	1,280,166 24
1821	619,096 40	679,062 30	1,298,958 70
1822	628,150 41	696,548 71	1,324,699 17
1823	639,920 76	696,644 87	1,336,565 68
1824	669,972 60	719,190 37	1,389,163 02
1825	700,787 08	722,323 69	1,423,111 77
1826	737,978 15	796,212 68	1,534,190 83
1827	747,170 44	873,437 34	1,620,607 78
1828	812,619 37	928,772 50	1,741,391 87
1829	650,142 88	610 654 88	1,260,977 81
1830	576,475 33	615,301 10	1,191,776 43
1831	620,451 92	647,394 32	1,267,846 29
1832	686,989 77	752,460 39	1,439,450 21

RECAPITULATION of the Tonnage of the United States for the year 1831.

Registered Tonnage.

The registered vessels employed in foreign trade at the close of the year 1831, - - - - -	Tons. 95ths. 620,451 92
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Enrolled and Licensed Tonnage.

The enrolled vessels employed in the coasting trade at the close of the year 1831, -	516,086 18
The licensed vessels under twenty tons, do.	23,637 56
	539,723 74

Fishing Vessels.

The enrolled vessels employed in the cod fishery, - - - - -	57,238 55
Do. do. mackerel fishery, - - - - -	46,210 80
Do. do. whale fishery, - - - - -	481 82
The licensed under twenty tons employed in the cod fishery, - - - - -	3,739 26
	107,670 53
	Total tons 1,267,846 29

The registered tonnage employed, other than in the whale fishery, during the year 1831, - - - - -	538,136 13
Employed in the whale fishery, - - - - -	82,315 79
	As above 620,451 92

The increase of Registered Tonnage is shown as follows :

	Registered Vessels.					Registered Tonnage.
	Ships.	Brigs.	Schr's.	Sloops.	Steam-boats.	Tons,95ths.
Built during the year, 1831,	66	72	45	7	4	45,720 83
	66	72	45	7	4	45,720 83
Sold to foreigners in 1831,	9	21	31	7	-	9,750 05
Lost at sea in the year 1831,	9	53	48	3	-	17,446 38
Condemned as unseaworthy,	7	23	5	2	-	7,288 20
The difference in favour of increased registered tonnage is,	41	-	-	-	4	11,236 20
	66	72	45	7	4	45,720 83
The difference in the enrolled tonnage brought down, -						3,738 67
The actual increase of tonnage appears to be, - -						76,069 81

The increase of Enrolled and Licensed Tonnage, is shown as follows :

	Enrolled Vessels.					Enrolled Tonnage.
	Ships.	Brigs.	Schr's.	Sloops.	Steam-boats.	Tons,95ths.
Built during the year, 1831,	6	23	371	87	30	40,241 80
	6	23	371	87	30	40,241 80
Sold to foreigners in 1831,						
Lost at sea in the year, 1831,	1	4	61	17	-	6,361 83
Condemned as unseaworthy,	-	-	14	16	-	1,571 10
The difference in favour of increased enrolled tonnage is,	5	19	296	54	30	32,308 82
	6	23	371	87	30	40,241 80

Recapitulation of the Tonnage of the United States for the year 1832.

REGISTERED TONNAGE.		Tons. 95ths.
The registered vessels employed in foreign trade at the close of the year, 1832	-	686,989 77
ENROLLED AND LICENSED TONNAGE.		
Tons. 95ths.		
The enrolled vessels employed in the coasting trade at the close of the year 1832,	-	624,159 04
The licensed vessels under 20 tons,	do.	25,468 36
		<hr/> 649,627 40
FISHING VESSELS.		
The enrolled vessels employed in the cod fishery,	-	51,725 19
Do. mackerel fishery,	-	47,427 72
Do. whale fishery,	-	977 47
Licensed vessels under 20 tons, do. cod fishery,	-	3,302 51
		<hr/> 102,832 94
		<hr/> <hr/> 1,439,450 21
The registered tonnage employed other than in the whale fishery during the year 1832,	-	614,120 88
Employed in the whale fishery,	-	72,868 84
		<hr/> 686,989 77

TONNAGE, 1892.

RECAPITULATION,—continued.
 The aggregate amount of the tonnage of the United States on the 31st of December, 1892, is stated at 1,439,450 21

Whereof,			
Permanent registered tonnage,	.	.	589,605 38
Temporary do.	.	.	97,384 39
			<u>686,989 77</u>
Total registered tonnage,	.	.	.
Permanent enrolled and licensed tonnage,	.	.	719,844 91
Temporary do.	.	.	3,844 51
			<u>723,689 47</u>
Total enrolled and licensed tonnage,	.	.	.
Licensed tonnage under 20 tons employed in the coasting trade,	.	.	25,468 36
Do.	do.	cod fishery,	3,302 51
			<u>28,770 87</u>
Total licensed tonnage under 20 tons,	.	.	.
			<u>1,439,450 21</u>

Of the enrolled and licensed tonnage, there were employed in the coasting trade, 624,159 04
 Do. do. whale fishery, 377 47
 Do. do. cod fishery, 51,725 19
 Do. do. mackerel fishery, 47,427 72

723,689 47

Of the enrolled tonnage employed in the coasting trade, amounting to 686,989 77 tons, as above stated—
 There were employed in steam navigation 90,632 93 tons.

The increase of the Registered Tonnage for the year 1832, is shown as follows :

	Registered vessels.					Registered tonnage.
	Ships.	Brigs.	Schr's.	Sloops.	Steam-boats.	Tons.95ths.
There were built in 1832,	124	93	67	7	1	72,982 47
There were sold to foreigners,	4	9	18	4	-	6,083 41
There were lost at sea,	25	39	24	3	-	18,901 17
There were condemned as unseaworthy,	3	18	10	-	-	4,906 75
Difference in favour of real increase of registered tonnage,	92	27	15	-	1	43,091 09
	124	93	67	7	1	72,982 47

The increase of the enrolled tonnage for the year 1832, is shown as follows :

	Enrolled vessels.					Enrolled tonnage.
	Ships.	Brigs.	Schr's.	Sloops.	Steam-boats.	Tons.95ths.
There were built in 1832,	8	50	501	115	99	71,556 64
There were sold to foreigners,	-	5	51	25	-	5,694 78
There were lost at sea,	-	2	16	22	-	1,970 21
There were condemned as unseaworthy,	-	-	-	-	-	-
Difference in favour of real increase of enrolled tonnage,	8	43	434	68	99	63,891 60
	8	50	501	115	99	71,556 64

SUMMARY STATEMENT of the quantity and value of goods, wares, and merchandise imported into the United States, commencing on the 1st day of October, 1831, and ending on the 30th of September, 1832.

VALUE OF MERCHANDISE FREE OF DUTY.

Articles imported for the use of the United States, - - 814

Articles specially imported for incorporated philosophical societies.

Philosophical apparatus, instruments, &c.	- -	7,160
Books, maps, and charts,	- -	10,969
Statuary, busts, casts, and specimens of sculpture,	- -	3,325
Paintings, drawings, etchings, and engravings,	- -	
Cabinets of coins and gems,	- -	50
Medals and collections of antiquity,	- -	
Specimens of botany,	- -	8,862
Models of invention and machinery,	- -	80
Anatomical preparations,	- -	128
Antimony, regulus of,	- -	15,692
Lapis calaminaris, teutenegue, spelter, or zinc,	- -	18,767
Burr stones, unwrought,	- -	31,036
Brimstone and sulphur,	- -	61,177
Cork tree, bark of,	- -	3,211
Clay, unwrought,	- -	14,211
Rags of any kind of cloth,	- -	466,387
Furs of all kinds,	- -	335,577
Hides and skins, raw,	- -	4,680,128
Plaster of Paris,	- -	104,745
Barilla,	- -	78,990
Wood, dye,	- -	418,386
Do. unmanufactured mahogany and other,	- -	317,836
Animals for breed,	- -	24,451
Pewter, old,	- -	3,139
Tin in pigs and bars,	- -	125,531
Brass in pigs and bars,	- -	6
Do. old,	- -	4,447
Copper in pigs and bars,	- -	752,937
Do. in plates, suited to the sheathing of ships,	- -	624,340
Do. for the use of the mint,	- -	20,490
Do. old, fit only for re-manufacture,	- -	177,427
Bullion, gold,	- -	102,021
Do. silver,	- -	736,711
Specie, gold,	- -	614,665
Do. silver,	- -	4,454,107
All other articles,	- -	31,650

Total, - - - 14,249,453

VALUE OF MERCHANDISE SUBJECT TO DUTIES AD VALOREM.

Manufactures of wool, or of which wool is a component material,—		
Not exceeding 50 cents per square yard,		944,631
Exceeding 50 and not exceeding 100 cents per do.		2,262,193
Do. 100 do. 250 do.		1,804,701
Do. 250 do. 400 do.		78,006
Do. 400 cents per square yard,		12,310
Blankets,		602,796
Hosiery, gloves, mits, and bindings,		260,563
Hats and caps,		59,836
Bombasins,		327,623
Worsted stuff goods,		2,615,124
All other manufactures of,		351,132
Cotton—Printed or coloured,		6,355,475
White,		2,258,672
Hosiery, gloves, mits, and bindings,		1,035,513
Twist, yarn, and thread,		316,122
Nankeens,		120,629
All other manufactures of,		313,242
Silks from India, China, &c.—		
Piece goods,		2,564,262
Sewing silk,		129,134
Hosiery, gloves, mits and binding,		455
Other articles,		2,481
Silks from other places.—		
Piece goods,		4,000,010
Sewing silk,		552,241
Hosiery, gloves, mits and bindings,		204,635
Other articles,		1,641,348
Lace, silk,		53,146
Do. thread,		160,948
Do. cotton,		632,319
Do. coach,		3,603
Flax, linens bleached and unbleached,		3,391,503
Do. checks and stripes,		37,056
Do. other manufactures of,		644,605
Hemp, ticklenburgs, osnaburgs and burlaps,		366,320
Do. sheeting brown,		305,896
Do. white,		40,131
Do. other manufactures of,		84,114
Clothing ready made,		120,443
Hats, caps, &c. of Leghorn, chip, straw, grass, &c.		193,591
Iron and iron and steel.—		
Side arms and fire arms, other than muskets and rifles,		305,205
Drawing knives, axes, adzes, and socket chisels,		62,774
Bridle bits of every description,		99,977
Steelyards, scalebeams, and vises,		67,613
Cutting knives, sickles, scythes, reaping hooks, spades and shovels,		133,677

STATEMENT—continued.

Screws weighing 25 lbs. or upwards,	183,968
Wood screws,	3,894,298
Other articles, not specified,	6,103
Copper, vessels,	36,404
all other manufactures,	9,327
Gold and silver lace,	767,572
watches and parts of,	
articles composed wholly or chiefly of	
pearls, &c.	82,895
Wares, glass, not subject to specific duties,	367,031
China, or porcelain,	166,478
earthen and stone,	1,857,542
japanned,	57,556
plated,	301,189
gilt,	130,493
Brass,	789,548
Tin,	19,328
Pewter and lead, except shot,	26,748
Wood, including cabinet ware,	174,263
Leather, including saddles, bridles and harness,	649,418
Plated saddlery, coach and harness furniture,	109,651
Marble, and manufactures of,	29,191
Square wire, used for umbrella stretchers,	43,093
Ciphering slates,	9,375
Prepared quills,	30,101
Black lead pencils,	4,721
Paper hangings,	93,873
Brushes of all kinds,	24,140
Hair seating,	32,818
Bolting cloths,	52,257
Copper bottoms, cut round, raised to the edge, &c.	8,826
Quicksilver,	263,347
Brass, in plates,	13,144
Tin, in plates,	525,417
Crude saltpetre,	427,028
Lead ore,	
Opium,	243,884
Raw silk,	48,938
Articles not especially enumerated—	
at 12½ per cent.	943,052
at 15 do.	3,975,604
at 20 do.	141,029
at 25 do.	109,972
at 30 do.	646,219
at 33½ do.	3,827
at 35 do.	6,477
at 40 do.	619
at 45 do.	267
at 50 do.	4,295
	<hr/>
	52,777,381

SPECIES OF MERCHANDISE PAYING SPECIFIC RATES OF DUTY.

Manufactures of wool, not exceeding 33½ cts. per sq. yd., sq. yds.	Quantity.	Value.
Carpeting, Brussels, Turkey, and Wil- ton, - - - - - "	1,868,544	503,197
Venetian and ingrain, - - - - - "	144,066	210,335
all other of wool, flax, hemp or cotton, - - - - - "	512,793	346,589
Patent painted or stained floor cloth, "	814	851
Oil cloth, other than patent floor cloth, "	25,488	25,394
Furniture oil cloth, - - - - - "	2,957	1,162
Floor matting of flags or other materials "	51,859	13,411
Sail duck, - - - - - "	109,858	12,169
Cotton bagging, - - - - - "	2,703,628	776,191
Wines, Madeira, in casks, - - - - - gallons.	803,489	87,966
in bottles, - - - - - "	120,715	244,738
Sherry, in casks, - - - - - "	13,417	
in bottles, - - - - - "	40,551	55,134
Red, of France and Spain, - - - - - "	372	
of France, Spain, &c. not enumerated, - - - - - "	2,062,396	445,570
of Sicily and other coun- tries, in casks, - - - - - "	2,781,043	923,341
in bottles, - - - - - "	585,690	716,696
Spirits, from grain, - - - - - "	241,372	
from other materials, - - - - - "	689,605	321,903
Molasses, - - - - - "	2,120,535	1,043,115
Beer, ale, and porter, - - - - - "	15,860,553	2,524,281
Vinegar, - - - - - "	71,343	73,733
Oil, spermaceti, - - - - - "	57,580	11,161
whale and other fish, - - - - - "	52	493,733
olive, in casks, - - - - - "	421	
castor, - - - - - "	91,827	
linseed, - - - - - "	87	
rapeseed, - - - - - "	719,898	
hempseed, - - - - - "	240	
Teas, Bohea, - - - - - pounds.	348	
Souchong, - - - - - "	637,341	2,788,353
hyson skin, - - - - - "	2,960,764	
hyson, - - - - - "	1,345,600	
imperial, - - - - - "	4,142,919	
Coffee, - - - - - "	819,982	9,099,464
Cocoa, - - - - - "	91,722,329	
Chocolate, - - - - - "	1,622,366	83,596
Sugar, brown, - - - - - "	6,342	2,021
white, - - - - - "	60,117,717	2,536,441
candy and loaf, - - - - - "	6,334,571	397,247
other refined, - - - - - "	36,479	2,916
	124	15

STATEMENT—continued.

	Quantity.	Value.
Fruits, almonds, pounds.	1,606,762	
currants, "	287,887	} 463,938
prunes, "	261,777	
figs, "	678,012	
rasins, in jars, "	2,615,668	
other, "	1,767,679	
Spices, ginger, "	2,875	} 306,013
cayenne pepper, "	1,024	
mace, "	2,144	
nutmegs, "	46,802	
cinnamon, "	10,567	
cloves, "	102,707	
black pepper, "	2,765,021	
pimento, "	1,106,775	
cassia, "	476,079	
Candles, spermaceti and wax, "	2,743	1,072
tallow, "	174,531	12,235
Cheese, "	198,709	20,073
Soap, "	768,645	46,695
Tallow, "	225,920	12,445
Lard, "	723	41
Beef and pork, "	90,837	2,115
Bacon, "	24,305	2,204
Butter, "	3,666	592
Saltpetre, "	333	31
Vitriol, blue or Roman, "	4,557	} 313
oil of, "	16	
Camphor, crude, "	9,887	} 6,317
refined, "	3,216	
Salts, Epsom, "	926	} 41
Glauber, "	424	
Tobacco, manufactured, other than snuff and segars, "	1,401	226
Snuff, "	1,284	664
Indigo, "	1,114,827	978,179
Cotton, "	442,688	34,520
Gunpowder, "	33,032	9,382
Bristles, "	410,206	110,722
Glue, "	310,673	27,373
Ochre, dry "	1,527,986	25,678
in oil, "	240	35
White and red lead, "	557,781	30,791
Whiting and Paris white, "	340,465	2,711
Orange mineral, "	367	22
Sugar of lead, "	353,563	40,611
Lead, bar, sheet, and pig, "	5,333,588	124,311
shot, "	8,563	321
Cordage, tarred and cables, "	2,459,301	116,389

STATEMENT—continued.

	Quantity.	Value.
Cordage, untarred and yarn, - pounds.	79,129	3,999
Twine, packthread and seines, - "	452,850	95,772
Corks, - - - - - "	235,054	52,252
Copper, rods and bolts, - - - - - "	16,794	3,077
nails and spikes, - - - - - "	5,010	1,069
Fire arms, muskets, - - - - - "	4,399	14,239
rifles, - - - - - "	23	349
Iron, and steel wire, not above No. 14, - - - - - }	243,390	91,069
above No. 14, - - - - - }	419,605	
tacks, brads, &c. not above 16 oz. per M. - - - - - M.	30,388	3,394
above 16 oz. - - - - - "	2,497	
nails, - - - - - "	746,544	47,130
spikes, - - - - - "	150,623	5,635
cables and chains, or parts thereof, mill cranks, mill saws, - - - - - No.	4,121	11,964
anchors, - - - - - pounds.	78,921	4,087
anvils, - - - - - "	1,393,295	77,139
hammers and sledges, - - - - - "	90,637	3,669
castings, - - - - - "	2,999,039	59,545
brazier's rods, - - - - - "	525,313	13,727
nail rods, - - - - - "	126,542	2,063
sheet and hoop, - - - - - "	6,391,578	182,559
slit or rolled, - - - - - "	7,334	176
pig, - - - - - cwt.	203,025	222,303
bar and bolt, rolled, - - - - - "	427,745	701,549
hammered, - - - - - pounds.	85,456,164	1,929,493
slabs, blooms, &c.		
Steel, - - - - - cwt.	54,929	645,510
Hemp, - - - - - "	150,739	866,865
Flax, unmanufactured, - - - - - "	1,837	16,194
Wool, do. - - - - - pounds	4,042,838	698,721
Alum, - - - - - cwt.	78	1,206
Copperas, - - - - - "	448	458
Wheat flour, - - - - - "	9	29
Salt, - - - - - bushels.	5,041,326	634,910
Coal, - - - - - "	2,043,389	211,017
Wheat, - - - - - "	1,168	1,151
Oats, - - - - - "	1,187	331
Potatoes, - - - - - "	45,816	18,436
Paper, folio, - - - - - pounds.	20,449	136,555
foolscap, - - - - - "	752,322	
printing, - - - - - "	4,829	
sheathing, - - - - - "	9,394	
all other, - - - - - "	38,928	

STATEMENT—continued.

	Quantity.	Value.
Books, printed previous to 1775,	volumes. 954	} 133,626
in other languages than English, &c. “	70,920	
Latin or Greek,	pounds. 8,085	
all other,	“ 86,703	
Glass ware, cut and not specified,	“ 24,221	10,079
all other articles,	“ 1,060,291	128,175
Glass, apothecaries' vials, not above		
6 oz., and less,	groce. 1,356	} 3,237
above 6 and not above 8 oz.	“ 19	
bottles, not above 1 quart,	“ 25,874	} 119,835
above 1, and not above 2 quarts	“ 64	
2, do. 1 gal. “	16	
demijohns,	No. 58,410	17,013
window, not above 8 by 10		
inches,	100 sq. ft. 394	} 63,241
10 by 12 do.	“ 469	
above 10 by 12 and not above		
10 by 15,	“ 856	
above 10 by 15,	“ 3,183	
uncut, in plates,	“ 2	
Fish, dried,	quintals. 1,359	} 28,584
salmon,	barrels. 2,104	
mackerel,	“ 32	
all other,	“ 264	
Shoes and slippers, silk,	pairs. 2,604	} 17,170
prunelle, and other of stuff, &c. “	3,160	
leather, &c., for men and women, “	16,535	
children's,	“ 5,819	
Boots and bootees,	“ 2,007	3,428
Segars,	M. 42,516	473,134
Playing cards,	packs. 2,688	176
Roofing slates, not exceeding 12 by 6		
inches,	tons. 134	} 81,732
12 by 14 do.	“ 584	
14 by 16 do.	“ 3,665	
16 by 18 do.	“ 606	
18 by 20 do.	“ 974	
20 by 24 do.	“ 700	
above 20 by 24 do.	“ 13	
Value of merchandise, subject to		
specific rates of duty,	-	34,002,432
Do. do. ad valorem do.	-	52,777,381
Do. free of duty,	-	14,249,453
Total value,		101,029,266

SUMMARY Statement of the quantity and value of Goods, Wares, and Merchandise, imported into the United States in American and Foreign Vessels, commencing on the 1st day of October, 1832, and ending on the 30th day of September, 1833.

MERCHANDISE FREE OF DUTY.

	Quantity.	Value.
Articles imported for the use of the U. States,		1,885
<i>Articles specially imported for incorporated philosophical societies.</i>		
Philosophical apparatus, instruments, &c.,		1,215
Books, maps, and charts, - - -		19,729
Statuary, busts, casts, and specimens of sculpture, - - -		405
Paintings, drawings, &c., - - -		1,222
Cabinets of coins and gems, - - -		30
Medals and collections of antiquity,		
Specimens of botany, - - - -		16,644
Models of invention and machinery, - - -		20
Anatomical preparations, - - - -		109
Antimony, regulus of, - - - -		16,964
Lapis calaminaris, teutenegue, spelter or zinc,		68,899
Burr stones, unwrought, - - - -		22,783
Brimstone and sulphur, - - - -		21,160
Bark of the cork tree, - - - -		2,694
Clay, unwrought, - - - -		14,221
Rags of any kind of cloth, - - - -		411,785
Furs, undressed, - - - -		233,329
Hides and skins, undressed, - - -		3,588,819
Plaster of Paris, - - - -		205,698
Barilla, - - - -		49,177
Dye wood, - - - -		489,911
Unmanufactured mahogany, - - - -		275,636
Animals for breed, - - - -		15,283
all other, - - - -		54,819
Pewter, old, - - - -		2,156
Tin in pigs and bars, - - - -		235,036
Brass in pigs and bars, - - - -		72
old, - - - -		2,346
Copper in pigs and bars, - - - -		575,103
in plates suited to the sheathing of ships,		824,405
for the use of the Mint, - - -		5,685
old, fit only to be remanufactured,		144,931
Bullion, gold, - - - -		48,287
silver, - - - -		297,840
Specie, gold, - - - -		563,585
silver, - - - -		6,160,676
Teas from China, India, &c., - - - pounds	12,588,640	4,779,649
Coffee, - - - -	66,628,900	6,997,051

STATEMENT—continued.

	Quantity.	Value.
Cocoa, pounds.	2,333,804	157,504
Fruits, almonds, "	1,162,917	82,862
currants, "	503,496	21,683
prunes, "	279,196	25,230
figs, "	663,760	23,413
raisins in jars, "	2,203,871	151,923
all other, "	2,835,953	62,811
Camphor, "		86,821
Spices, mace, "	6,678	7,979
nutmegs, "	106,538	92,185
cinnamon, "	31,960	45,253
cloves, "	206,646	46,357
pepper, "	6,042,064	255,764
pimento, "	2,194,176	166,827
cassia, "	961,945	88,646
ginger, "	246,958	20,368
All other free articles, "		4,063,065
Total.		32,447,950

MERCHANDISE SUBJECT TO DUTIES AD VALOREM.

	Value.
Manufactures of wool—	
clothes and cassimeres,	6,128,194
merino shawls,	5,249
blankets,	1,165,260
hosiery, gloves, mits and bindings,	463,348
yarn,	4,640
other manufactures of,	510,539
Worsted stuff goods,	4,281,309
Worsted Yarn,	98,079
Manufactures of cotton—	
printed and coloured,	5,181,647
white,	1,181,512
hosiery, gloves, mits and bindings,	623,369
twist, yarn, and thread,	343,059
nankeens,	37,001
other manufactures of,	293,861
Silk and worsted goods,	339,824
Camlets and goats' hair, &c.,	110,780
Silk from India, piece goods,	1,562,263
hosiery, gloves, mits, &c.,	825
sewing silk,	42,504
other manufactures of,	3,828
From other places, piece goods,	6,195,980
hosiery, &c.,	168,557
sewing silk,	251,796
other manufactures of,	948,446
Lace, thread and cotton,	1,099,402

STATEMENT—continued

	Quantity.	Value.
Lace, silk, silk veils, &c.	126,657
Flax, linens, bleached and unbleached,	2,352,085
checks, stripes, and died linens,	259,756
other manufactures of,	520,717
Hemp, ticklenburgs, osnaburgs, and burlaps,	648,891
Russia sheeting,	327,513
sail duck,	527,632
other manufactures of,	40,622
Hats and caps, Leghorn, chip, &c.	169,354
fur, wool, leather, &c.,	20,492
Side arms and fire arms.	231,903
Drawing knives, axes, adzes, and socket chisels,	40,126
Steelyards, scale beams, and vices,	47,560
Cutting knives, sickles, sithes, spades and shovels,	97,071
Squares of iron and steel,	2,864
Wood screws,	110,343
Other manufactures of iron and steel,	2,831,715
of copper,	33,244
of brass,	370,764
of tin,	11,887
of pewter,	11,945
of lead, except shot,	40
of wood, inc'g cabinet wares,	154,506
of leather,	828,297
of marble, except busts,	21,416
Manufactures of gold and silver, articles comp'd, &c.	151,556
watches and partsof,	571,189
lace,	2,175
Glass ware, cut, and not specified, . . pounds	52,245	17,533
plain and other glass,	788,748	106,122
all other articles of,	210,227
Wares, China,	148,851
earthen and stone,	1,669,330
japanned,	9,069
plated,	160,720
gilt,	50,084
Saddlery, common tinned and japanned,	62,360
plated, brass, and polished steel,	111,880
Bridle bits previous to 4th March, 1833,	15,268
Coach and harness furniture,	19,124
Carriages and parts of,	1,974
Slates of all kinds,	76,362
Prepared quills,	19,339
Black lead pencils,	3,001
Paper hangings,	74,271
Bolting cloths,	62,162
Hair cloth and hair seating,	25,323
Brushes of all kinds,	15,594

STATEMENT—continued.

	Quantity.	Value.
Copper bottoms,		11,807
Brazier's copper,		3,596
Sheet and rolled brass,		45,615
Silvered or plated wire,		1,778
Opium,		87,638
Crude saltpetre,		100,104
Tin in plates and sheets,		86,855
Raw silk,		135,348
Quicksilver,		31,205
Indigo,	968,600	839,717
Wool exceeding 8 cents per pound, pounds.	950,205	240,892
Articles not especially enumerated, 5 per cent.		44,328
10 do.		382
12 do.		33,936
12½ do.		311,957
15 do.		1,933,307
20 do.		27,732
25 do.		642,600
30 do.		181,534
33⅓ do.		10
35 do.		1,875
40 do.		30
50 do.		179,909
Total ad valorem,		49,354,349

MERCHANDISE PAYING SPECIFIC DUTIES.

Woollens, not exceeding 33½ cts. per square yard, - sq. yd.	479,417	139,829
Flannels, - "	288,788	118,151
Baizes, - "	89,427	28,319
Carpeting, Brussels, Wilton, and treble ingrained, - "	104,108	147,820
Ingrained and Venetian, - "	240,668	171,606
All other, - "	337	166
Floor cloths, patent, painted or stained, - "	23,592	23,995
Oil cloths, - "	62,563	17,402
Floor matting, - "	2,745	480
Sail duck, - "	1,267,040	332,691
Cotton bagging, - "	1,421,185	158,681
Felts or hat bodies, - No. of	12	28
Wines, Madeira, - gallons.	209,970	391,382
Sherry, - "	82,725	121,382
Sicily, - "	155,202	76,614
French, in bottles, - "	258,137	429,381
Red, of France, Spain, and Austria, in casks, - "	1,497,379	419,878

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STATEMENT—continued.

	Quantity.	Value.
Wines, other, of France, Spain, Germany, and Mediterranean, gallons.	1,326,927	464,073
Of other countries, in casks, "	429,712	307,391
Of other countries, in bottles, "	11,188	29,398
Foreign distilled spirits, from grain, other materials, "	709,041	331,958
Molasses, "	2,245,247	1,205,268
Beer, ale, and porter, "	15,693,050	2,867,986
Vinegar, "	88,244	94,325
Oil, Spermaceti, "	46,323	14,712
Whale, and other fish, "	7	529,922
Olive, in casks, "	6,571	
Castor, "	182,737	
Linseed, "	14	
Teas, Bohea, pounds.	738,751	704,954
Souchong, "	267,723	
Hyson skin, and other green, "	496,594	
Hyson and young hyson, "	215,992	
Imperial, "	845,390	3,570,248
Coffee, "	225,483	
Cocoa, "	33,326,120	43,948
Chocolate, "	955,260	647
Sugar, Brown, "	2,291	3,982,877
White clayed, "	85,689,044	
Candy and loaf, "	11,999,088	769,466
Other refined, "	46,035	3,480
Fruits, Almonds, "	271	33
Currants, "	119,193	
Prunes, "	263,657	437,382
Figs, "	89,397	
Raisins, in jars, "	1,167,631	
all other, "	3,027,794	
Spices, Mace, "	2,773,461	196,114
Nutmegs, "	7,711	
Cloves, "	19,488	
Pepper, "	211,861	
Pimento, "	1,583,807	
Cinnamon, "	740,405	
Cassia, "	8,114	
Ginger, "	90,245	
Cayenne pepper, "	2,576	
Candles, Wax and Spermaceti, "	1,089	
Tallow, "	5,107	1,912
Choesc, "	47,239	3,225
Soap, "	237,315	23,832
Tallow, "	118,440	7,997
Beef and pork, "	1,346,238	83,209
Bacon, "	379,270	11,748
	14,881	1,691

STATEMENT—continued.

	Quantity.	Value.
Butter, pounds.	2,758	381
Vitriol, oil of, "	3,659	155
Camphor, crude, "	9,443	9,797
refined, "	11,106	
Salts, Epsom, "	565	15
Snuff, "	903	507
Segars, M.	45,699	484,456
Tobacco, other than snuff and segars, pounds.	307	54
Indigo, "	171,854	146,685
Cotton, "	471,748	46,850
Gunpowder, "	9,470	5,249
Bristles, "	273,769	101,293
Glue, "	126,019	17,644
Ochre, dry, "	1,732,509	27,550
White and red lead, "	625,069	36,049
Whiting and Paris white, "	604,438	3,694
Orange mineral, "	332	21
Sugar of lead, "	123,039	11,213
Lead, bar, sheet, and pig, "	2,282,068	60,660
shot, "	2,086	85
pipes, "	22,201	765
old and scrap, "	985,701	27,509
Cordage, Cables, and tarred, "	3,012,738	142,538
untarred, and yarn, "	148,509	10,543
Twine and packthread "	655,029	118,739
Corks, "	201,704	54,117
Copper, rods and bolts, "	17,414	2,441
nails and spikes, "	4,202	687
Fire arms, muskets, No. of	11,160	34,421
rifles, "	41	663
Iron, and steel wire, not above No. 14, pounds.	328,445	52,643
above No. 14, "	191,131	
cap and bonnet, "	8,293	2,284
tacks, brads, and sprigs, not above 16 oz. per M. M.	4,979	1,435
exceeding 16 oz. pounds.	3,291	
nails, "	686,228	48,399
spikes, "	108,263	4,134
cables and chains, "	4,216,261	192,022
mill saws, No. of	2,540	7,865
anchors, pounds.	322,904	17,891
anvils, "	943,203	56,545
hammers and sledges, "	63,418	2,648
castings, "	6,080,186	123,448
brazier's rods, "	506,447	12,834
nail and spike rods, "	214,240	6,080
sheet and hoop, "	7,505,246	245,848
band and scroll, "	26,556	2,063
pig, cwt.	186,601	217,668

STATEMENT—continued.

	Quantity.	Value.
Iron old and scrap, cwt.	19,963	24,035
bar and bolt, rolled, "	560,566	1,002,750
other, "	722,486	1,837,473
Steel, "	42,629	523,116
Hemp, "	94,026	470,973
Flax, unmanufactured, "	996	8,656
Copperas, "	310	416
Wheat flour, "	37	110
Salt, bushels.	6,822,672	996,418
Coal, "	2,588,102	261,575
Wheat, "	1,600	1,606
Oats, "	348	110
Potatoes, "	51,395	18,356
Paper, folio and 4to. post, pounds.	15,814	} 63,083
foolscap, "	255,696	
printing, "	3,202	
sheathing, "	1,808	
all other, "	42,584	
Books, printed previous to 1775, volumes.	3,503	} 163,881
in other languages than English, &c. " "	78,341	
Latin and Greek, pounds.	11,497	
all other, "	110,599	
Vials, apothecaries' groce.	846	3,655
perfumery and fancy, "	88	725
Bottles, not above 1 quart, "	26,024	} 118,820
above 1 quart, "	22	
Demijohns, No. of	54,997	15,390
Window glass, not above 8 by 10 inches, 100 sq. ft.	1,195	} 78,15½
10 by 12 do. "	1,392	
above 10 by 12 do. "	5,952	
Fish, foreign caught, quintals.	6,068	} 45,649
salmon, barrels.	1,652	
mackerel, "	20	
all other, "	840	
Shoes, silk, pairs.	3,899	} 25,810
prunella, "	911	
leather, "	32,328	
children's, "	4,844	
Boots and bootees, "	2,895	6,688
Playing cards, packs.	289	87
Roofing slates, not exceeding 12 by 6 inches, tons.	14	} 14,219
12 by 14 do. "	116	
14 by 16 do. "	553	
16 by 18 do. "	367	
18 by 20 do. "	613	
20 by 24 do. "	280	
above 20 by 24 do. "		

STATEMENT—continued.

	Quantity.	Value.
Saltpetre, pounds.	336	28
Alum, cwt.	11	42
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Total value of merchandise, paying specific duties,		26,316,012
Do. do. ad valorem do.		49,354,349
Do. free of duty,		32,447,950
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Total value, dollars,		108,118,311

A STATEMENT exhibiting the quantity and value of Certain Articles imported, which were free of duty after the 4th of March, 1833; and of Indigo and Sail Duck, the duties on which are assessed on the value, instead of the quantity, under the act of the 14th of July, 1832.

ARTICLES.	Imported in 1833.						Total.
	Previous to 4th March.		After the 4th March.		Quantity.	Value.	
	Quantity.	Value.	Quantity.	Value.			
Texas.....lbs.	2,051,182	704,954	12,588,640	4,779,649	14,639,822	5,484,603	
Coffee.....	33,326,120	3,570,248	66,628,900	6,997,051	99,955,020	10,567,299	
Cocoa.....	955,260	43,948	2,333,804	157,504	3,289,064	201,452	
Almonds.....	119,193		1,162,917	82,862	1,282,110		
Currants.....	263,657		503,496	21,683	767,153		
Prunes.....	89,397		279,196	25,230	368,593		
Figs.....	1,167,631	437,382	663,760	23,413	1,831,391	805,304	
Reisins, muceatel, &c.....	3,027,794		2,203,871	151,923	5,231,665		
Do. other.....	2,773,461		2,835,953	62,811	5,609,414		
Mace.....	7,711		6,678	7,979	14,389		
Nutmeg.....	19,488		106,598	92,185	126,026		
Cinnamon.....	8,114		31,960	45,253	40,074		
Cloves.....	211,861		206,646	46,357	418,507		
Pepper.....	1,583,807	196,114	6,042,064	255,764	7,625,871	919,493	
Pimento.....	740,405		2,194,176	166,827	2,934,581		
Cassia.....	90,945		961,945	88,646	1,052,190		
Ginger.....	2,376		246,958	20,968	249,584		
Camphor.....		9,797					
Indigo.....	171,854	146,685	968,600	86,821	1,140,454	96,618	
Sail duck.....square yards	1,267,040	332,691		839,717		986,402	
				537,639		860,323	

SUMMARY Statement of Goods, Wares, and Merchandise, of the growth, produce, and Manufacture of Foreign Countries, exported from the United States, commencing on the 1st day of October, 1832, and ending on the 30th day of September, 1833.

SPECIES OF MERCHANDISE FREE OF DUTY.

	Quantity.	Value.
Lapis calaminaris, teuteneque, spelter or zinc,		135
Burr stones, unwrought,		52
Brimstone and sulphur,		5,690
Rags of any kind of cloth,		672
Undressed furs of all kinds,		27,306
Hides, raw,		572,413
Plaster of Paris,		180
Wood, dye,		553,144
unmanufactured mahogany,		95,891
Barilla,		1,405
Tin in pigs and bars,		9,325
Copper in pigs and bars,		38,699
in plates suited to the sheathing of ships,		50,089
old, fit only to be remanufactured,		1,480
Bullion, gold,		26,773
Specie, gold,		495,890
silver,		1,722,196
Teas from India, China, &c., in Amer. vessels,	964,482	391,913
Coffee,	14,696,152	1,806,583
Cocoa,	1,813,017	132,029
Fruits, almonds,	36,143	4,889
currants,	9,962	552
prunes,	794	126
figs,	57,673	2,954
raisins in jars and boxes,	75,407	7,270
other,	15,486	1,205
Camphor,	1,248	725
Spices, nutmegs,	857	1,082
cinnamon,	7,302	12,035
cloves,	22,307	6,077
black pepper,	1,290,780	98,595
pimento,	572,126	49,671
cassia,	407,362	64,960
ginger,	26,821	2,709
all other articles,		1,226,051
Total dollars,		7,410,766

PAYING DUTIES AD VALOREM.

	Quantity.	Value.
Manufactures of wool, cloths and cassimeres,		329,666
blankets, - - - - -		49,723
hosiery, gloves, mits and bindings,		3,070
woollen yarn, - - - - -		4,128
all other, - - - - -		45,789
worsted stuff goods, - - - - -		88,463
cotton, dyed, coloured, printed or stain'd,		1,352,286
white, - - - - -		710,193
hosiery, gloves, mits and bindings,		45,937
twist, yarn, and thread, - - - - -		134,229
nankeens, - - - - -		112,718
all other, - - - - -		149,155
silks from India, piece goods, - - - - -		580,142
hosiery, gloves, mits, and bindings,		5,577
sewing, - - - - -		7,376
other articles, - - - - -		58,602
silk, from other places, piece goods,		435,500
hosiery, gloves, mits and bindings,		31,949
sewing, - - - - -		20,407
other articles, - - - - -		121,580
silk and worsted goods, - - - - -		1,891
lace, thread and cotton, - - - - -		40,332
lace, silk, silk veils, shawls and shades,		5,283
flax, linens, bleached and unbleached,		1,161,270
checks, and stripes, - - - - -		10,994
other articles, - - - - -		24,343
hemp, ticklenburgs, osnaburgs, and		
burlaps, - - - - -		77,393
Russia sheeting, brown and white,		309,283
sail duck, - - - - -		59,471
other articles, - - - - -		21,468
hats and bonnets, Leghorn, &c.		57,835
fur, wool, &c., - - - - -		15,830
wood, cabinet wares, - - - - -		13,387
other articles, - - - - -		7,222
iron, or iron and steel,		
side arms, - - - - -		21,568
fire arms not specified,		1,276
cutting knives, - - - - -		571
hatchets, &c., - - - - -		610
wood screws, - - - - -		14
all other, - - - - -		125,242
copper, - - - - -		1,800
brass, - - - - -		1,588
tin, - - - - -		360
leather, - - - - -		5,975
marble, except busts, - - - - -		1,499

STATEMENT—continued.

	Quantity.	Value.
gold and silver, and all articles of		
pearls, &c., - - -		17,105
watches, and parts of, - - -		2,813
glassware, cut, and not specified, pay-		
ing 30 per cent., and 3 cents per lb.,	1,519	304
plain and other, paying 20 per cent.,		
and 2 cents per lb., - - -	41,557	12,796
other articles paying 20 per cent.,		14,013
wares, China and porcelain, - - -		6,043
earthen and stone, - - -		62,543
japanned, - - -		240
plated, and not specified, - - -		506
copper vessels, - - -		653
slates, of all kinds, - - -		256
quills, prepared, - - -		5,244
black lead pencils, - - -		41
paper hangings, - - -		260
hair cloth and hair seating, - - -		999
brushes, of all kinds, - - -		786
silvered or plated wire, - - -		20
Indigo, - - - pounds.	345,686	410,514
Wool, unmanufactured, exceeding		
8 cents per pound, - - -	676,574	146,935
Raw silk, - - -		66,456
Quicksilver, - - -		75,788
Tin in plates, - - -		14,359
Crude saltpetre, - - -		6,430
Opium, - - -		53,679
Articles not enumerated, paying a		
duty of 5 per cent., - - -		898
12 do. - - -		1,924
12½ do. - - -		128,960
15 do. - - -		696,122
20 do. - - -		51,188
25 do. - - -		95,038
30 do. - - -		70,669
35 do. - - -		3,477
40 do. - - -		475
50 do. - - -		59,852

STATEMENT—continued.

	Quantity.	Value. 5
Oil cloth, other than patent floor cloth, sq. yd.	3,213	1,651
Floor matting of flags or other materials "	2,578	351
Sail duck, "	202,329	53,205
Cotton bagging, "	65,833	7,343
Wines, Madeira, gallons.	17,892	23,236
Sherry, in casks, and bottles,	730	535
Sicily, in casks and bottles "	9,764	5,810
French, in bottles, "	17,587	17,90
Red, of France, Spain, and Aus- tria, in casks, "	159,492	48,725
other of France, Spain, Germa- ny, and Mediterranean, in casks, of other countries not enumera- ted, in casks, "	141,418	56,989
of other countries, not enumera- ted, in bottles, "	85,328	39,645
Spirits, from grain, "	24,037	25,964
from other materials, "	20,681	12,331
from other materials, "	707,925	430,112
Molasses, "	18,730	5,450
Beer, ale, and porter, "	13,676	7,347
Vinegar, "	5,347	1,539
Oil, spermaceti, "	2,170	
whale and other fish, "	102,436	} 56,743
olive, in casks, "	6,359	
linseed, "	20,997	
Coffee, pounds.	10,200,962	1,235,106
Cocoa, "	1,157,244	91,562
Chocolate, "	700	83
Teas, bohea, "	103,610	
souchong, and other black, "	390,315	} 317,609
hyson skin, and other green "	7,651	
hyson, and young hyson, "	100,315	
imperial, &c., "	146,406	
Sugar, brown, "	2,001,424	115,220
white, clayed, and powdered, "	4,475,869	294,446
loaf and candy, "	11,131	1,121
other refined, "	130,730	15,595
Fruits, almonds, "	40,549	
currants, "	1,204	} 37,547
prunes, "	448	
figs, "	88,207	
raisins, in jars, "	259,577	
other, "	8,008	
Cheese, "	111,021	15,945
Candle, wax and spermaceti, "	2,098	848
tallow, "	31,890	3,740
Soap, "	24,367	1,592
Tallow, "	65,959	5,699

STATEMENT—continued.

	Quantity.	Value.
Beef and pork, pounds.	161,081	6,453
Bacon, "	5,539	650
Glue, "	1,240	578
Saltpetre, "	670,247	53,006
Camphor, crude, "	199	} 281
refined, "	200	
Indigo, "	186,736	218,855
Spices, ginger, "	9,032	} 142,760
nutmegs, "	219	
cinnamon, "	13,371	
cloves, "	7,506	
black pepper, "	383,341	
pimento, "	635,679	
cassia, "	50,279	
Tobacco, manufactured, snuff, "	1,391	296
segars, M.	8,776	108,909
other than snuff and segars, pounds		1,600
Cotton, "	12,000	1,600
Gunpowder, "	438,617	48,450
Bristles, "	24,592	4,827
Ochre, dry, "	1,250	1,007
in oil, "	14,078	259
White and red lead, "	779	25
Sugar of lead, "	55,555	4,292
Lead, pig, bar, and sheet, "	2,417	461
shot, "	2,221,000	74,883
pipes, "	4,800	292
old and scrap, "	11,642	865
Cordage, cables, and tarred, "	516,361	14,386
untarred, and yarn, "	2,148,063	148,667
Twine, packthread, &c., "	11,859	623
Corks, "	57,967	12,190
Copper nails and spikes, "	20,266	6,826
Muskets, No.	1,286	275
Iron and steel wire, pounds.	9,534	34,871
Iron, tacks, brads, &c., not exceeding 16 oz. per M. "	1,697	349
Nails, "	1,060	265
Mill cranks and mill iron, of wrought iron, "	16,949	1,458
Iron, anvils, "	923	189
castings, vessels of, "	9,632	770
all other, "	2,120	520
nail or spike rods, &c., "	2,878,653	87,641
sheet and hoop, "	500	30
pig, cwt.	265,085	11,241
old and scrap, "	740	1,396
bar, rolled, "	564	13
otherwise, "	14,841	44,805
	6,432	23,786

STATEMENT—continued.

	Quantity.	Value.
Steel, - - - - - cwt.	2,777	21,014
Copperas, - - - - - "	206	4,200
Hemp, - - - - - "	288	3,117
Alum, - - - - - "	1	8
Flax, unmanufactured, - - - - - "	116	1,400
Salt, - - - - - bushels.	44,570	14,501
Coal, - - - - - "	8,784	1,716
Potatoes, - - - - - "	926	408
Paper, folio and quarto post, - - - - - pounds.	2,378	67,541
foolscap, drawing and writing, - - - - - "	189,876	
printing, copperplate and stainer's, - - - - - "	14,500	
sheathing, binders', wrapping and boxboards, - - - - - "	7,074	
all other, - - - - - "	144,118	
Books printed previous to 1775, - - - - - volumes.		18,26
in other languages than Eng. &c. - - - - - "	1,480	
all other, - - - - - "	14,343	
Apothecaries' vials and bottles not exceeding 6 oz. each, - - - - - groce.	8	26
Bottles not above one quart, - - - - - "	894	5,678
exceeding one quart, - - - - - "	94	
Window glass not above 8 by 10 inch. 100 sq. f.	30	470
above 8 or 10, and not above 10 by 12 inch., - - - - - "	30	
above 10 by 12 inches, - - - - - "	4	
Demijohns, - - - - - No.	22,146	10,816
Fish, dried, - - - - - quintals.	244	4,552
salmon, - - - - - barrels.	10	
mackerel, - - - - - "	660	
all other - - - - - "	439	
Shoes and slippers, leather, kid and morocco, - - - - - pairs.	3,162	2,204
children's, - - - - - "	1,680	
Boots and bootees, - - - - - "	337	480
Slates, - - - - - tons.	62	1,984
Total value of merchandise paying specific duties, - - - - -		4,151,588
Do. do. paying ad valorem duties - - - - -		8,260,381
Do. do. free of duty, - - - - -		7,410,766
Total, - - - - -		19,822,735

SUMMARY Statement of Goods, Wares, and Merchandise, of the growth, produce, and manufacture of foreign countries, exported, commencing on the 1st of October, 1831, and ending on the 30th of September, 1832.

Lapis calaminaris, teuteneque, spelter or zinc,	26,286
Burr stones, unwrought,	70
Brimstone and sulphur,	5,021
Rags of any kind of cloth,	360
Furs of all kinds,	36,917
Hides and skins, raw,	712,306
Plaster of Paris,	117
Barilla,	704
Wood, dye,	464,833
unmanufactured mahogany and other,	41,943
Tin, in pigs and bars,	1,022
Copper, in pigs and bars,	15,785
in plates suited to the sheathing of ships,	35,267
old, fit only to be remanufactured,	4,586
Bullion, gold,	7,615
silver,	255,517
Specie, gold,	630,850
silver,	3,351,417
	<hr/>
Total free of duty,	5,590,616

MANUFACTURES PAYING DUTIES AD VALOREM.

Of wool, not exceeding 50 cts. per square yard,	22,138
exceeding 50 and not exceeding 100 cts. per sq. yd.	31,615
100 and not exceeding 250	89,501
250 and not exceeding 400	67,778
exceeding 400	4,998
blankets,	39,763
hosiery, gloves, mits, and bindings,	454
hats and caps,	9,875
bombasins,	5,229
worsted stuff goods,	53,738
all other manufactures of,	49,095
Of cotton, printed and coloured,	1,094,412
white,	782,356
hosiery, gloves, mits, and bindings,	62,775
twist, yarn, and thread,	29,026
nankeens,	185,945
all other manufactures of,	167,573
Of silk, from India, piece goods,	608,732
sewing silk,	10,491
other articles of,	29,831
from other places, piece goods,	479,763
sewing silk,	14,804
hosiery, gloves, mits and bindings,	17,467
other articles of,	108,353

STATEMENT—continued.

Of lace, silk,	16,832
thread,	1,877
cotton,	29,506
coach,	490
Of flax, linen, bleached and unbleached,	598,606
checks, and stripes,	4,938
other manufactures of,	29,494
Of hemp, ticklenburgs, osnaburgs, and burlaps,	98,480
sheeting, brown,	325,303
white,	79,923
other manufactures of,	26,445
Clothing ready made,	16,174
Hats, caps, &c. of Leghorn, chip, straw, &c.	13,129
Of iron, side arms, and fire arms other than muskets and rifles,	15,944
drawing knives, axes, adzes, &c.	
bridle-bits of every description,	
steelyards, scalebeams, and vices,	10
cutting knives, sickles, sithes, reaping hooks, . spades, and shovels,	13,701
screws weighing 24 lbs. or upwards,	
wood screws,	1,104
other articles, not specified,	115,596
Of copper, vessels,	710
all other manufactures of,	787
Of gold and silver lace,	
watches and parts of,	3,598
articles composed wholly or chiefly of pearls, &c.	20,226
Of wares, glass, not subject to specific duties,	29,468
China, or porcelain,	9,515
earthen and stone,	55,644
japanned,	112
gilt,	1,244
plated,	1,497
Of brass,	2,522
tin,	253
pewter and lead, except shot,	163
wood, including cabinet wares,	2,263
leather, including saddles, bridles and harness,	8,009
plated saddlery, coach and harness furniture,	1,200
marble,	235
ciphering slates,	360
prepared quills,	625
black lead pencils,	14
paper hangings,	224
brushes of all kinds,	3
hair seating,	622

EXPORTS, 1831—1832.

71

STATEMENT—continued.

Of bolting cloths,		
Quicksilver,		309,206
Brass, in plates,		625
Tin, in plates,		14,476
Crude saltpetre,		153,624
Opium,		96,110
Raw silk,		48,800
Articles not especially enumerated, 12½ per cent.		393,594
	15 do.	886,218
	20 do.	23,701
	25 do.	46,996
	30 do.	165,818
	35 do.	566
	40 do.	43
	45 do.	6,866
	50 do.	8,604
		<hr/>
Total dollars,		7,649,805

MERCHANDISE PAYING SPECIFIC DUTIES.

	Quantity.	Value.
Manufactures of wool, not exceeding 33¼ cents per square yard, . . . sq. yds.	598	299
Carpeting, Brussels, Turkey, and Wilton,	106	346
Venetian and ingrain,	232	390
all other,	150	574
Patent painted or stained floor cloths	312	200
Oil cloth, other than patent floor cloths,	1,932	986
Furniture oil cloth,	1,948	1,097
Floor matting of flags or other materials,	4,938	1,766
Sail duck,	465,560	127,773
Cotton bagging,	9,922	1,230
Wine, Madeira, in casks, . . . gallons.	10,781	} 16,916
in bottles,	695	
Sherry, in casks,	4,659	} 2,919
in bottles,	153	
red of France and Spain, in casks,	124,088	48,597
other of France, Spain, &c., in casks,	144,979	62,241
of Sicily and other countries, and all wines not enumerated, in casks,	101,785	} 88,841
do. in bottles,	36,785	

STATEMENT—continued.

	Quantity.	Value.
Foreign distilled spirits, from grain,	gallons. 27,173	13,580
from other materials,	" 635,204	305,449
Molasses, - - - - -	" 29,656	8,783
Beer, ale, and porter, - - - -	" 7,729	6,028
Vinegar, - - - - -	" 8,922	2,262
Oil, foreign fishing, spermaceti,	" 1,555	} 56,357
whale and other fish,	" 36,462	
olive, in casks, - - - -	" 22,836	
castor, - - - - -	" 240	
linseed, - - - - -	" 29,918	
Teas, bohea, - - - - -	pounds. 93,890	} 702,014
souchong and other black,	" 521,501	
hyson skin and other green,	" 13,004	
hyson and young hyson,	" 340,474	
imperial, gunpowder, and gomee,	" 310,593	
Coffee, - - - - -	" 55,251,158	6,583,344
Cocoa, - - - - -	" 1,418,352	92,551
Chocolate, - - - - -	" 159	56
Sugar, brown, - - - - -	" 14,230,070	695,943
white, clayed, &c. - - - -	" 3,258,875	233,982
candy and loaf, - - - - -	" 35,650	3,337
other refined, - - - - -	" 12,243	1,244
Fruits, almonds, - - - - -	" 59,363	} 36,698
currants, - - - - -	" 12,621	
prunes and plums, - - - -	" 8,451	
figs, - - - - -	" 82,477	
raisins, in jars, &c. - - - -	" 148,841	
other, - - - - -	" 62,167	
Spices, ginger, - - - - -	" 349	} 293,954
cayenne pepper, - - - - -	" 1,961	
mace, - - - - -	"	
nutmegs, - - - - -	" 795	
cinnamon, - - - - -	" 11,737	
cloves, - - - - -	" 21,206	
black pepper, - - - - -	" 1,898,502	
pimento, - - - - -	" 513,408	
cassia, - - - - -	" 178,306	
Candles, spermaceti and wax,	" 6,878	1,890
tallow, - - - - -	" 152,784	15,669
Cheese, - - - - -	" 140,198	17,752
Soap, - - - - -	" 86,022	9,490
Tallow, - - - - -	" 24,768	2,263
Lard, - - - - -	"	
Beef and pork, - - - - -	"	
Butter, - - - - -	"	
Olives, - - - - -	"	
Cocoa butter, - - - - -	"	

STATEMENT—continued.

	Quantity.	Value.
Tobacco, manufactured, other than snuff and segars, pounds.	1,678	265
Snuff, “	62	19
Indigo, “	303,108	358,526
Cotton, “	452,977	50,508
Gunpowder, “	13,675	2,735
White and red lead, “	72,113	5,498
Sugar of lead, “	150	26
Lead, bar, sheet, and pig, “	3,089,720	97,304
shot, “	8,088	363
Cordage, tarred and cables, “	1,330,434	96,883
untarred and yarn, “	345,192	23,220
Twine packthread, and seines, “	36,782	4,259
Corks, “	17,233	6,532
Copper, rods and bolts, “	700	150
nails and spikes, “	43,313	7,118
Fire arms, muskets, No. of	4,770	17,911
Iron, and steel wire, not above No. 14, pounds.		
above No. 14, “		
tacks, brads, and sprigs, not above 16 oz. per M. M.		
nails, pounds.	36,918	2,863
cables and chains, or parts of, “		
mill saws, No. of		
anvils, pounds.		
castings, vessels, all other, “	24,590	369
nail and spike rods, slit, “	179,185	3,180
sheet and hoop, “	235,477	8,878
in pigs, cwt.	4,146	7,408
bar and bolt, hammered, pounds.	681,804	19,817
rolled, cwt.	9,796	31,331
Steel, “	2,416	15,662
Flax, unmanufactured, “	65	717
Wool, unmanufactured, pounds.	1,227,959	197,219
Alum, cwt.	2	19
Salt, bushels.	29,350	9,188
Potatoes, “	15	14
Paper, folio and 4to. post, pounds.	12,835	
foolscap, drawing and writing, “	882,884	} 178,267
printing, copperplate, stainers’ “	120	
sheathing, “	1,232	
all other, “	56,072	
Books, printed in other languages, &c. volumes.	5,961	} 7,617
all other, “	1,796	
Glass ware, cut and not specified, “	65	87
other articles, “	44,037	9,682
Apothecaries’ vials, not above 6 oz. or less, grocc.		

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STATEMENT—continued.

	Quantity.	Value.
vials, above 6 and not above 8 oz.	groce. 21	197
bottles, not above 1 quart,	" 624	} 4,878
exceeding 1 and not above 2 qts, "	" 75	
window, not above 8 by 10 inches,	100 sq. ft. 15	} 690
10 by 12 and not above 10 by 15 inches,	" 150	
above 10 by 15 do.	" 25	
Demijohns,	No. of 18,911	
Shoes, and slippers, silk,	pairs. 84	} 221
prunella, &c.	" 624	
Boots and bootees,	" 190	627
Fish, all other,	barrels. 303	972
Segars,	M. 9,979	120,991
Playing cards,	packs. 180	26
Roofing slates, not exceeding 12 by 14 inches,	tons. 6	} 1,406
18 by 20 inches,	" 22	
Total value of merchandise, paying specific duties,		10,799,052
Do. do. ad valorem do.		7,649,805
Do. free of duty,		5,590,616
Total value, dollars,		24,039,473

SUMMARY STATEMENT of the value of the Exports of the Growth, Produce, and Manufacture of the United States, during the year commencing on the 1st day of October, 1831, and ending on the 30th September, 1832.

THE SEA.		
Fisheries—		
Dried fish or cod fisheries.....		\$749,909
Pickled fish, or river fisheries, herring, shad, salmon mackerel.....		306,812
Whale and other fish oil.....		1,009,728
Spermaceti oil.....		38,161
Whale bone.....		186,595
Spermaceti candles.....		267,333
		\$2,558,538
THE FOREST.		
Skins and furs.....		691,909
Ginseng.....		99,545
Product of wood—		
Staves, shingles, boards, and hewn timber	\$1,522,053	
Other lumber.....	188,608	
Masts and spars.....	73,368	
Oak bark and other dye.....	52,944	
All manufactures of wood.....	312,678	
Naval stores, tar, pitch, rosin, and turpentine.....	476,291	
Ashes, pot and pearl.....	930,398	
		3,556,340
		4,347,794
AGRICULTURE.		
Product of animals—		
Beef, tallow, hides, horned cattle.....	774,087	
Butter and cheese.....	290,820	
Pork, pickled, bacon, lard, live hogs.....	1,928,196	
Horses and mules.....	164,034	
Sheep.....	22,385	
		3,179,522
Vegetable food		
Wheat.....	93,500	
Flour.....	4,880,623	
Indian corn.....	278,740	
Indian meal.....	480,035	
Rye meal.....	75,392	
Rye, oats, and other small grain and pulse	78,447	
Biscuit or ship bread.....	255,735	
Potatoes.....	42,077	
Apples.....	15,314	
Rice.....	2,152,631	
		8,352,494
		11,532,016
Tobacco.....		5,999,769
Cotton.....		31,724,682
All other agricultural products—		
Flax seed.....	123,036	
Hops.....	25,448	
Brown sugar.....	11,232	
		159,716
MANUFACTURES.		
Soap, and tallow candles.....	701,184	
Leather, boots and shoes.....	277,388	
Household furniture.....	169,038	
Coaches and other carriages.....	45,277	
Hats.....	310,912	

SUMMARY STATEMENT—continued.

Saddlery.....		\$29,572	
Wax.....		62,444	
Spirits from grain, beer, ale, and porter.....		127,583	
Snuff and tobacco.....		295,771	
Lead.....		4,483	
Linseed oil and spirits turpentine.....		33,304	
Cordage.....		13,863	
Iron, pig, bar, and nails.....		65,979	
castings.....		26,629	
manufactures of.....		120,222	
Spirits from molasses.....		38,221	
Sugar, refined.....		74,673	
Chocolate.....		2,255	
Gunpowder.....		96,023	
Copper and brass.....		105,774	
Medicinal drugs.....		130,238	
			\$2,730,833
Cotton piece goods—			
Printed or coloured.....	\$104,870		
White.....	1,052,891		
Nankeens.....	341		
Twist yarn and thread.....	12,618		
All other manufactures of.....	58,854		
		1,229,574	
Flax and hemp—			
Cloth and thread.....		1,570	
Bags, and all manufactures of.....		2,685	
Wearing apparel.....		80,803	
Combs and buttons.....		124,305	
Brushes.....		4,754	
Billiard tables.....		1,310	
Umbrellas and parasols.....		20,361	
Leather and morocco skins not sold per pound		42,565	
Printing presses and type.....		22,558	
Musical instruments.....		4,952	
Books and maps.....		29,892	
Paper and other stationery.....		64,847	
Paints and varnish.....		24,611	
Vinegar.....		4,677	
Earthen and stone ware.....		6,333	
Fire engines and apparatus.....		7,758	
Manufactures of glass.....		106,855	
tin.....		3,157	
pewter and lead.....		983	
marble and stone.....		3,455	
gold and silver, and gold leaf		653	
Gold and silver coin.....		1,410,941	
Artificial flowers and jewelry.....		14,852	
Molasses.....		2,493	
Trunks.....		5,314	
Brick and lime.....		3,502	
Domestic salt.....		27,914	
			3,253,674
Articles not enumerated—			
Manufactured.....	477,267		
Other.....	353,181		
			830,448
			\$63,137,470

SUMMARY STATEMENT of the value of the Exports of the Growth, Produce, and Manufacture of the United States during the year commencing on the 1st day of October, 1832, and ending on the 30th day of September, 1833.

	Dollars.	Dollars.	Dollars.
THE SEA.			
Fisheries—			
Dried or cod fisheries,.....		712,371	
Pickled fish or river fisheries, her- ring, shad, salmon, mackerel,.....		277,973	
Whale and other fish oil,.....		924,810	
Spermaceti,.....		42,589	
Whalebone,.....		185,329	
Spermaceti candles,.....		259,451	
			2,402,469
THE FOREST.			
Skins and furs,.....		841,933	
Ginseng,.....		183,194	
Product of wood—			
Staves, shingles, boards, hewn timber,	1,969,191		
Other lumber,.....	249,036		
Masts and spars,.....	32,625		
Oak bark and other dye,.....	93,609		
All manufactures of wood,.....	318,641		
Naval stores, tar, pitch, rosin and turpentine,.....	483,712		
Ashes, pot and pearl,.....	814,398		
		3,961,212	
			4,986,339
AGRICULTURE.			
Product of animals—			
Beef, tallow, hides, horned cattle,....	958,076		
Butter and cheese,.....	268,452		
Pork, (pickled,) bacon, lard, live hogs,	2,151,558		
Horses and mules,.....	167,330		
Sheep,.....	21,464		
		3,556,880	
Vegetable food—			
Wheat,.....	29,592		
Flour,.....	5,613,010		
Indian corn,.....	337,505		
Indian meal,.....	534,309		
Rye meal,.....	140,017		
Rye, oats, and other small grain and pulse,.....	102,568		
Biscuit or shipbread,.....	252,555		
Potatoes,.....	52,052		
Apples,.....	33,262		
Rice,.....	2,744,418		
Indigo,.....	180		
		9,839,468	
			13,396,348
Tobacco,.....			5,755,968
Cotton,.....			36,191,105
All other agricultural products—			
Flaxseed,.....		228,300	
Hops,.....		92,963	
Brown sugar,.....		7,635	
			328,898
MANUFACTURES.			
Soap and tallow candles,.....		673,076	
Leather, boots, and shoes,.....		213,510	
Household furniture,.....		200,635	

STATEMENT—continued.

	Dollars.	Dollars.	Dollars.
Coaches and other carriages,.....		28,830	
Hats,.....		243,271	
Saddlery,.....		33,051	
Wax,.....		178,748	
Spirits from grain, beer, ale and porter,		144,069	
Snuff and tobacco,.....		288,973	
Lead,.....		5,685	
Linseed oil, and spirits of turpentine,...		30,293	
Cordage,.....		23,140	
Iron, pig, bar, and nails,.....		72,177	
castings,.....		48,009	
manufactures of,.....		113,626	
Spirits from molasses,.....		28,463	
Sugar, refined,.....		40,327	
Chocolate,.....		2,148	
Gunpowder,.....		139,164	
Copper and brass,.....		203,880	
Medicinal drugs,.....		126,355	
			2,837,430
Cotton, piece goods—			
Printed or coloured,.....	421,721		
White,.....	1,802,116		
Nankeens,.....	2,054		
Twist, yarn, and thread,.....	104,335		
All other manufactures of,.....	202,291		
		2,532,517	
Flax and hemp—			
Cloth and thread,.....		5,964	
Bags, and all manufactures of,.....		18,985	
Wearing apparel,.....		43,943	
Combs and buttons,.....		142,970	
Brushes,.....		3,157	
Billiard tables and apparatus,.....			
Umbrellas and parasols,.....		21,380	
Leather and morocco skins not sold per			
pound,.....		38,267	
Printing presses and type,.....		16,599	
Fire engines and apparatus,.....		9,791	
Musical instruments,.....		5,400	
Books and maps,.....		48,946	
Paper and other stationery,.....		46,484	
Paints and varnish,.....		22,552	
Vinegar,.....		3,347	
Earthen and stone ware,.....		12,159	
Manufactures of glass,.....		93,494	
tin,.....		2,928	
pewter and lead,.....		2,010	
marble and stone,.....		5,087	
gold and silver, and gold leaf,		381	
Gold and silver coin,.....		366,842	
Artificial flowers and jewelry,.....		10,433	
Molasses,.....		2,279	
Trunks,.....		7,608	
Brick and lime,.....		3,866	
Domestic salt,.....		18,211	
			3,485,600
Articles not enumerated—			
Manufactured,.....		600,892	
Other,.....		332,649	
			933,541
			70,317,698

STATEMENT rendered in pursuance of a Resolution of the House of Representatives, January 25, 1832.

State or Territory.	Estimated amount of lands to which the Indian titles have been extinguished.	Estimated amount of acres to which the Indian title has not been extinguished.	Appropriated for internal improvements, education, or charitable institutions.		Lands appropriated for seats of government.	Valuable reservations.	Aggregate appropriations for each State and Territory.
			Number of acres for internal improvements.	No. of acres for colleges, academies, and universities.			
Ohio, . . .	5,242,221	344,613	922,937	*92,800	•	•	1,737,838
Indiana, . . .	12,699,096	3,681,040	384,828	46,080	2,560	23,040	1,012,592
Illinois, . . .	28,237,859	3,158,110	480,000	46,080	2,560	206,128	1,712,225
Missouri, . . .	84,547,152	3,744,000	•	46,080	2,449	46,080	1,181,248
Mississippi, . . .	21,211,465	6,529,280	•	46,080	1,280	•	733,244
Alabama, . . .	20,167,725	7,760,390	400,000	46,560	1,620	23,040	1,216,450
Louisiana, . . .	25,198,234	•	•	46,080	•	•	920,053
Michigan, . . .	17,883,681	82,905,536	•	46,080	10,000	•	599,973
Arkansas, . . .	31,912,381	288,000	•	46,080	•	•	996,338
Florida, . . .	30,194,070	5,166,500	•	46,080	1,120	•	947,724
Aggregate, †	227,293,894	113,577,869	2,187,665	508,000	7,952,538	89,605	298,288
					21,589	23,040	11,057,685

* Including salt spring reservations, which are authorized to be sold by the State, and the proceeds applied to literary purposes.
 † Including lands appropriated for schools in Clark's grant.
 ‡ Section No. 29, appropriated for religious purposes, in the purchases made by John C. Symmes and the Ohio Company.
 § For the benefit of the Connecticut Deaf and Dumb Asylum.
 || For the benefit of the Kentucky Deaf and Dumb Asylum.
 ¶ The aggregate of unsold lands is to the 31st December, 1831.

PUBLIC DOCUMENTS.

I.—DOMESTIC.

Message of the President of the United States to the Twenty-second Congress.—Second Session.

Fellow Citizens of the Senate,
and House of Representatives,

It gives me pleasure to congratulate you upon your return to the Seat of Government, for the purpose of discharging your duties to the people of the United States. Although the pestilence which had traversed the old world has entered our limits, and extended its ravages over much of our land, it has pleased Almighty God to mitigate its severity, and lessen the number of its victims, compared with those who have fallen in most other countries over which it has spread its terrors. Notwithstanding this visitation, our country presents, on every side, marks of prosperity and happiness, unequalled, perhaps, in any other portion of the world. If we fully appreciate our comparative condition, existing causes of discontent will appear unworthy of attention, and with hearts of thankfulness to that Divine Being who has filled our cup of prosperity, we shall feel our resolution strengthened to preserve, and hand down to posterity, that liberty and that union which we have received from our fathers, and

which constitute the sources and the shield of all our blessings.

The relations of our country continue to present the same picture of amicable intercourse that I had the satisfaction to hold up to your view at the opening of your last session. The same friendly professions, the same desire to participate in our flourishing commerce, the same disposition to refrain from injuries, unintentionally offered, are, with few exceptions, evinced by all nations with whom we have any intercourse. This desirable state of things may be mainly ascribed to our undeviating practice of the rule which has long guided our national policy, to require no exclusive privileges in commerce, and to grant none. It is daily producing its beneficial effect in the respect shown to our flag, the protection of our citizens and their property abroad, and in the increase of our navigation, and the extension of our mercantile operations. The returns which have been made out since we last met, will show an increase during the last preceding year of more than 80,000 tons in our shipping.

and of near forty millions of dollars in the aggregate of our imports and exports.

Nor have we less reason to felicitate ourselves on the position of our political than our commercial concerns. They remain in the state in which they were when I last addressed you, a state of prosperity and peace, the effect of a wise attention to the parting advice of the revered Father of his country, on this subject, condensed into a maxim for the use of posterity, by one of his most distinguished successors, to cultivate free commerce and honest friendship with all nations, but to make entangling alliances with none. A strict adherence to this policy has kept us aloof from the perplexing questions that now agitate the European world, and have more than once deluged those countries with blood. Should those scenes unfortunately recur, the parties to the contest may count on the faithful performance of the duties incumbent on us as a neutral nation, and our own citizens may equally rely on the firm assertion of their neutral rights.

With the nation that was our earliest friend and ally in the infancy of our political existence, the most friendly relations have subsisted through the late revolutions of its government, and, from the events of the last, promise a permanent duration. It has made an approximation in some of its political institutions to our own, and raised a monarch to the throne who preserves, it is said, a friendly recollection of the period during which he acquired among our citizens the high consideration that could then have been produced by his personal qualifications alone.

Our commerce with that nation is gradually assuming a mutually beneficial character, and the ad-

justment of the claims of our citizens has removed the only obstacle there was to an intercourse not only lucrative, but productive of literary and scientific improvement.

From Great Britain I have the satisfaction to inform you, that I continue to receive assurances of the most amicable disposition, which have, on my part, on all proper occasions, been promptly and sincerely reciprocated. The attention of that government has latterly been so much engrossed by matters of a deeply interesting domestic character, that we could not press upon it the renewal of negotiations which had been unfortunately broken off by the unexpected recall of our minister, who had commenced them with some hopes of success. My great object was the settlement of questions which, though now dormant, might hereafter be revived under circumstances that would endanger the good understanding which it is the interest of both parties to preserve inviolate, cemented as it is by a community of language, manners and social habits, and by the high obligations we owe to our British ancestors for many of our most valuable institutions, and for that system of representative government which has enabled us to preserve and improve them.

The question of our northeastern boundary still remains unsettled. In my last annual message, I explained to you the situation in which I found that business on my coming into office, and the measures which I thought it my duty to pursue for asserting the rights of the United States before the sovereign who had been chosen by my predecessor to determine the question; and also the manner in which he had disposed of it. A special message to the senate, in their executive capacity, afterwards brought before

them the question, whether they would advise a submission to the opinion of the sovereign arbiter. That body having considered the award as not obligatory, and advised me to open a further negotiation, the proposition was immediately made to the British government; but the circumstances to which I have alluded have hitherto prevented any answer being given to the overture. Early attention, however, has been promised to the subject, and every effort on my part will be made for the satisfactory settlement of this question, interesting to the Union generally, and particularly so to one of its members. The claims of our citizens on Spain are not yet acknowledged. On a closer investigation of them than appears to have heretofore taken place, it was discovered that some of these demands, however strong they might be upon the equity of that government, were not such as could be made the subject of national interference. And, faithful to the principle of asking nothing but what was clearly right, additional instructions have been sent, to modify our demands so as to embrace those only on which, according to the laws of nations, we had a strict right to insist. An inevitable delay in procuring the documents necessary for this review of the merits of these claims retarded this operation, until an unfortunate malady which has afflicted his Catholic Majesty, prevented an examination of them. Being now, for the first time, presented in an unexceptionable form, it is confidently hoped the application will be successful.

I have the satisfaction to inform you, that the application I directed to be made for the delivery of a part of the archives of Florida, which had been carried to the Havana, has produced a royal order

for their delivery, and that measures have been taken to procure its execution.

By the report of the secretary of state, communicated to you on the 25th June last, you were informed of the conditional reduction, obtained by the minister of the United States at Madrid, of the duties on tonnage levied on American shipping in the ports of Spain. The condition of that reduction having been complied with on our part, by the act passed the 13th of July last, I have the satisfaction to inform you that our ships now pay no higher nor other duties in the continental ports of Spain than are levied on their national vessels.

The demands against Portugal for illegal captures in the blockade of Terceira, have been allowed to the full amount of the accounts presented by the claimants, and payment was promised to be made in three instalments. The first of these has been paid; the second, although due, had not, at the date of our last advices, been received, owing, it was alleged, to embarrassments in the finances, consequent on the civil war in which the nation is engaged.

The payments stipulated by the convention with Denmark have been punctually made, and the amount is ready for distribution among the claimants as soon as the board now sitting shall have performed their functions.

I regret that by the last advices from our chargé d'affaires at Naples, that government had still delayed the satisfaction due to our citizens, but, at that date, the effect of the last instructions was not known. Despatches from thence are hourly expected, and the result will be communicated to you without delay.

With the rest of Europe, our re-

iations, political and commercial, remain unchanged. Negotiations are going on, to put on a permanent basis the liberal system of commerce now carried on between us and the Empire of Russia. The treaty concluded with Austria, is executed by his Imperial Majesty, with the most perfect good faith,—and as we have no diplomatic agent at his court, he personally inquired into and corrected a proceeding of some of the subaltern officers to the injury of our consul in one of his ports.

Our treaty with the Sublime Porte is producing its expected effects on our commerce. New markets are opening for our commodities, and a more extensive range for the employment of our ships. A slight augmentation of the duties on our commerce, inconsistent with the spirit of the treaty, had been imposed; but on the representation of our chargé d'affaires, it has been promptly withdrawn, and we now enjoy the trade and navigation of the Black sea, and of all the ports belonging to the Turkish Empire and Asia, on the most perfect equality with all foreign nations.

I wish earnestly, that in announcing to you the continuance of friendship, and the increase of a profitable commercial intercourse with Mexico, with Central America, and the states of the south, I could accompany it with the assurance that they all are blessed with that internal tranquillity and foreign peace which their heroic devotion to the cause of their independence merits. In Mexico, a sanguinary struggle is now carried on, which has caused some embarrassment to our commerce, but both parties profess the most friendly disposition towards us. To the termination of this contest, we look for the establishment

of that secure intercourse, so necessary to nations whose territories are contiguous. How important it will be to us, we may calculate from the fact, that even in this unfavourable state of things, our maritime commerce has increased, and an internal trade by caravans, from St. Louis to Santa Fe, under the protection of escorts furnished by the government, is carried on to great advantage, and is daily increasing. The agents provided for by the treaty with this power, to designate the boundaries which it established, have been named on our part; but one of the evils of the civil war now raging there has been, that the appointment of those with whom they were to co-operate has not yet been announced to us.

The government of Central America has expelled from its territory the party which some time since disturbed its peace. Desirous of fostering a favourable disposition towards us, which has on more than one occasion been evinced by this interesting country, I made a second attempt, in this year, to establish a diplomatic intercourse with them; but the death of the distinguished citizen whom I had appointed for that purpose, has retarded the execution of measures from which I hoped much advantage to our commerce. The union of the three states which formed the Republic of Colombia has been dissolved; but they all, it is believed, consider themselves as separately bound by the treaty which was made in their federal capacity. The minister accredited to the federation, continues in that character near the government of New Granada, and hopes were entertained, that a new union would be formed between the separate states, at least, for the purposes of foreign intercourse.

Our minister has been instructed to use his good offices, whenever they shall be desired, to produce the reunion so much to be wished for the domestic tranquillity of the parties, and the security and facility of foreign commerce.

Some agitations naturally attendant on an infant reign have prevailed in the empire of Brazil, which have had the usual effect upon commercial operations, and while they suspended the consideration of claims created on similar occasions, they have given rise to new complaints on the part of our citizens. A proper consideration for calamities and difficulties of this nature has made us less urgent and peremptory in our demands for justice than duty to our fellow citizens would, under other circumstances have required. But their claims are not neglected, and will on all proper occasions be urged, and, it is hoped with effect.

I refrain from making any communication on the subject of our affairs with Buenos Ayres, because the negotiation communicated to you in my last annual message, was, at the date of our last advices, still pending, and in a state that would render a publication of the details inexpedient.

A treaty of amity and commerce has been formed with the Republic of Chili, which, if approved by the senate, will be laid before you. That government seems to be established, and at peace with its neighbours; and its ports being the resorts of our ships which are employed in the highly important trade of the fisheries, this commercial convention cannot but be of great advantage to our fellow citizens engaged in that perilous but profitable business.

Our commerce with the neighbouring state of Peru, owing to the onerous duties levied on our principal articles of export, has been on

the decline, and all endeavours to procure an alteration have hitherto proved fruitless. With Bolivia, we have yet no diplomatic intercourse, and the continual contests carried on between it and Peru have made me defer until a more favourable period, the appointment of any agent for that purpose.

An act of atrocious piracy having been committed on one of our trading ships by the inhabitants of a settlement on the west coast of Sumatra, a frigate was despatched with orders to demand satisfaction for the injury, if those who committed it should be found members of a regular government, capable of maintaining the usual relations with foreign nations; but if, as it was supposed, and as they proved to be, they were a band of lawless pirates, to inflict such a chastisement as would deter them and others from like aggressions. This has now been done, and the effect has been an increased respect for our flag in those distant seas, and additional security for our commerce.

In the view I have given of our connexion with foreign powers, allusions have been made to their domestic disturbances or foreign wars, to their revolutions or dissensions. It may be proper to observe, that this is done solely in cases where those events affect our political relations with them, or to show their operation on our commerce. Further than this, it is neither our policy nor our right to interfere. Our best wishes on all occasions, our good offices when required, will be afforded, to promote the domestic tranquillity and foreign peace of all nations with whom we have any intercourse. Any intervention in their affairs further than this, even by the expression of an official opinion, is contrary to our principles of international policy, and will always be avoided.

The report which the secretary of the treasury will, in due time, lay before you, will exhibit the national finances in a highly prosperous state. Owing to the continued success of our commercial enterprise, which has enabled the merchants to fulfil their engagements with the government, the receipts from customs during the year, will exceed the estimate presented at the last session; and with the other means of the treasury will prove fully adequate, not only to meet the increased expenditures resulting from the large appropriations made by congress, but to provide for the payment of all the public debt which is at present redeemable. It is now estimated that the customs will yield to the treasury, during the present year, upwards of twenty eight millions of dollars. The public lands, however, have proved less productive than was anticipated; and according to present information will fall short of two millions. The expenditures for all objects other than the public debt, are estimated to amount during the year to about sixteen millions, while a still larger sum, viz. eighteen millions of dollars, will have been applied to the principal and interest of the public debt.

It is expected, however, that in consequence of the reduced rates of duty which will take effect after the 3d of March next, there will be a considerable falling off in the revenue from customs in the year 1833. It will, nevertheless, be amply sufficient to provide for all the wants of the public service, estimated even upon a liberal scale, and for the redemption and purchase of the remainder of the public debt. On the first of January next, the entire public debt of the United States, funded and unfunded, will be reduced to within a fraction of se-

ven millions of dollars; of which \$2,227,363 are not of right redeemable until the 1st of January, 1834, and \$4,735,296, not until the 2d of January, 1835. The commissioners of the sinking fund, however, being invested with full authority to purchase the debt at the market price, and the means of the treasury being ample, it may be hoped that the whole will be extinguished within the year 1833.

I cannot too cordially congratulate congress and my fellow citizens on the near approach of that memorable and happy event, the extinction of the public debt of this great and free nation. Faithful to the wise and patriotic policy marked out by the legislation of the country for this object, the present administration has devoted to it all the means which a flourishing commerce has supplied, and a prudent economy preserved for the public treasury. Within the four years for which the people have confided the executive power to my charge, fifty eight millions of dollars will have been applied to the payment of the public debt. That this has been accomplished without stinting the expenditures for all other proper objects will be seen by referring to the liberal provision made during the same period for the support and increase of our means of our maritime and military defence, for internal improvements of a national character, for the removal and preservation of the Indians, and lastly for the gallant veterans of the revolution.

The final removal of this great burthen from our resources affords the means of further provision for all the objects of general welfare and public defence which the constitution authorizes, and presents the occasion for such further reduction in the revenue as may not be

required for them. From the report of the secretary of the treasury, it will be seen that after the present year such a reduction may be made to a considerable extent, and the subject is earnestly recommended to the consideration of congress, in the hope that the combined wisdom of the representatives of the people will devise such means of effecting that salutary object, as may remove those burthens which shall be found to fall unequally upon any, and as may promote all the great interests of the community.

Long and patient reflection has strengthened the opinions I have heretofore expressed to congress on this subject; and I deem it my duty on the present occasion, again to urge them upon the attention of the legislature. The soundest maxims of public policy and the principles upon which our republican institutions are founded, recommend a proper adaptation of the revenue to the expenditure, and they also require that the expenditure shall be limited to what, by an economical administration, shall be consistent with the simplicity of the government, and necessary to an efficient public service. In effecting this adjustment, it is due in justice to the interests of the different states, and even to the preservation of the Union itself, that the protection afforded by existing laws to any branches of the national industry should not exceed what may be necessary to counteract the regulations of foreign nations, and to secure a supply of those articles of manufacture, essential to the national independence and safety in time of war. If, upon investigation it shall be found, as it is believed it will be, that the legislative protection granted to any particular interest is greater than is indispensably requisite for these objects, I recommend

that it be gradually diminished, and that as far as may be consistent with these objects, the whole scheme of duties be reduced to the revenue standard as soon as a just regard to the faith of the government and to the preservation of the large capital invested in establishments of domestic industry will permit.

That manufactures adequate to the supply of our domestic consumption would, in the abstract, be beneficial to our country there is no reason to doubt, and to effect their establishment, there is, perhaps, no American citizen who would not for a while, be willing to pay a higher price for them. But for this purpose, it is presumed that a tariff of high duties, designed for perpetual protection, has entered into the minds of but few of our statesmen. The most they have anticipated is a temporary and generally incidental protection, which they maintain has the effect to reduce the price by domestic competition below that of the foreign article. Experience, however, our best guide on this, as on other subjects, makes it doubtful whether the advantages of this system are not counterbalanced by many evils, and whether it does not tend to beget in the minds of a large portion of our countrymen a spirit of discontent and jealousy dangerous to the stability of the Union.

What then shall be done? Large interests have grown up under the implied pledge of our national legislation, which it would seem a violation of public faith suddenly to abandon. Nothing could justify it but the public safety, which is the supreme law. But those who have vested their capital in manufacturing establishments cannot expect that the people will continue permanently to pay high taxes for their benefit when the money is not re-

quired for any legitimate purpose in the administration of government. Is it not enough that the high duties have been paid as long as the money arising from them could be applied to the common benefit in the extinguishment of the public debt?

Those who take an enlarged view of the condition of our country must be satisfied that the policy of protection must be ultimately limited to those articles of domestic manufacture which are indispensable to our safety in time of war. Within this scope, on a reasonable scale, it is recommended by every consideration of patriotism and duty, which will doubtless always secure to it a liberal and efficient support. But beyond this object, we have already seen the operation of the system productive of discontent. In some sections of the republic its influence is deprecated as tending to concentrate wealth into a few hands, and as creating those germs of dependence and vice which in other countries have characterized the existence of monopolies, and proved so destructive of liberty and the general good. A large portion of the people in one section of the republic declares it not only inexpedient on these grounds, but as disturbing the equal relations of property by legislation, and therefore unconstitutional and unjust.

Doubtless, these effects are, in a great degree, exaggerated, and may be ascribed to a mistaken view of the considerations which led to the adoption of the tariff system; but they are nevertheless important in enabling us to review the subject with a more thorough knowledge of all its bearings upon the great interests of the republic, and with a determination to dispose of it so that none can with justice complain.

It is my painful duty to state, that in one quarter of the United

States, opposition to the revenue laws has risen to a height which threatens to thwart their execution, if not to endanger the integrity of the Union. Whatever obstructions may be thrown in the way of the judicial authorities of the general government, it is hoped they will be able peaceably to overcome them by the prudence of their own officers and the patriotism of the people. But should this reasonable reliance on the moderation and good sense of all portions of our fellow citizens be disappointed, it is believed that the laws themselves are fully adequate to the suppression of such attempts as may be immediately made. Should the exigency arise, rendering the execution of the existing laws impracticable from any cause whatever, prompt notice of it will be given to congress, with the suggestion of such views and measures as may be deemed necessary to meet it.

In conformity with principles heretofore explained, and with the hope of reducing the general government to that simple machine which the constitution created, and of withdrawing from the states all other influence than that of its universal beneficence in preserving peace, affording a uniform currency, maintaining the inviolability of contracts, diffusing intelligence, and discharging unfelt its other superintending functions, I recommend that provision be made to dispose of all stocks now held by it in corporations, whether created by the general or state governments, and placing the proceeds in the treasury. As a source of profit, these stocks are of little or no value; as a means of influence among the states, they are adverse to the purity of our institutions. The whole principle on which they are based is deemed by many unconstitutional,

and to persist in the policy which they indicate is considered wholly inexpedient.

It is my duty to acquaint you with an arrangement made by the bank of the United States with a portion of the holders of the three per cent. stock, by which the government will be deprived of the use of the public funds longer than was anticipated. By this arrangement, which will be particularly explained by the secretary of the treasury, a surrender of the certificates of this stock may be postponed until October, 1833; and thus the liability of the government, after its ability to discharge the debt, may be continued by the failure of the bank to perform its duties.

Such measures as are within the reach of the secretary of the treasury have been taken, to enable him to judge whether the public deposits in that institution may be regarded as entirely safe; but as his limited power may prove inadequate to this object, I recommend the subject to the attention of congress, under the firm belief that it is worthy of their serious investigation. An inquiry into the transactions of the institution, embracing the branches as well as the principal bank, seems called for by the credit which is given throughout the country to many serious charges impeaching its character, and which, if true, may justly excite the apprehension that it is no longer a safe depository of the money of the people.

Among the interests which merit the consideration of congress, after the payment of the public debt, one of the most important in my view is that of the public lands. Previous to the formation of our present constitution, it was recommended by congress, that a portion of the waste lands owned by the states should be ceded to the United

States, for the purposes of general harmony, and as a fund to meet the expenses of the war. The recommendation was adopted, and at different periods of time, the states of Massachusetts, New-York, Virginia, North and South Carolina, and Georgia, granted their vacant soil for the uses for which they had been asked. As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people. In examining this question, all local and sectional feelings should be discarded, and the whole United States regarded as one people, interested alike in the prosperity of their common country.

It cannot be doubted that the speedy settlement of these lands constitutes the true interest of the republic. The wealth and strength of a country are its population, and the best part of that population are the cultivators of the soil. Independent farmers are every where the basis of society, and true friends of liberty.

In addition to these considerations, questions have already arisen, and may be expected hereafter to grow out of the public lands, which involve the rights of the new states and the powers of the general government; and unless a liberal policy be now adopted, there is danger that these questions may speedily assume an importance not now generally anticipated. The influence of a great sectional interest, when brought into full action, will be found more dangerous to the harmony and union of the states than any other cause of discontent; and it is the part of wisdom and sound

policy to foresee its approaches, and endeavour, if possible, to counteract them.

Of the various schemes which have been hitherto proposed in regard to the disposal of the public lands, none has yet received the entire approbation of the national legislature. Deeply impressed with the importance of a speedy and satisfactory arrangement of the subject, I deem it my duty on this occasion to urge it upon your consideration; and, to the propositions which have been heretofore suggested by others, to contribute those reflections which have occurred to me, in the hope that they may assist you in your future deliberations.

It seems to me to be our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they be sold to settlers in limited parcels at a price barely sufficient to reimburse to the United States the expense of the present system, and the cost arising under our Indian compacts. The advantages of accurate surveys and undoubted titles, now secured to purchasers, seem to forbid the abolition of the present system, because none can be substituted which will more perfectly accomplish these important ends. It is desirable, however, that in convenient time this machinery be withdrawn from the states, and that the right of soil, and the future disposition of it, be surrendered to the states respectively in which it lies.

The adventurous and hardy population of the west, besides contributing their equal share of taxation under our impost system, have, in the progress of our government, for the lands they occupy, paid into the treasury a large proportion of forty millions of dollars, and of the revenue received therefrom, but a small

part has been expended amongst them. When to the disadvantage of their situation in this respect, we add the consideration that it is their labour alone which gives real value to the lands, and that the proceeds arising from their sale are distributed chiefly among states which had not originally any claim to them, and which have enjoyed the undivided emolument arising from the sale of their own lands, it cannot be expected that the new states will remain longer contented with the present policy after the payment of the public debt. To avert the consequences which may be apprehended from this course, to put an end for ever to all partial and interested legislation on this subject, and to afford to every American citizen of enterprise the opportunity of securing an independent freehold, it seems to me, therefore, best to abandon the idea of raising a future revenue out of the public lands.

In former messages I have expressed my conviction, that the constitution does not warrant the application of the funds of the general government to objects of internal improvement which are not national in their character, and both as a means of doing justice to all interests, and putting an end to a course of legislation calculated to destroy the purity of the government, have urged the necessity of reducing the whole subject to some fixed and certain rule. As there never will occur a period, perhaps, more propitious than the present to the accomplishment of this object, I beg leave to press the subject again upon your attention.

Without some general and well-defined principles, ascertaining those objects of internal improvement to which the means of the nation may be constitutionally applied, it is ob-

vious, that the exercise of the power can never be satisfactory. Besides the danger to which it exposes congress of making hasty appropriations to works of the character of which they may be frequently ignorant, it promotes a mischievous and corrupting influence upon the elections, by holding out to the people the fallacious hope that the success of a certain candidate will make navigable their neighbouring creek or river, bring commerce to their doors, and increase the value of their property. It thus favours combinations to squander the treasure of the country upon a multitude of local objects, as fatal to just legislation as to the purity of public men.

If a system compatible with the constitution cannot be devised, which is free from such tendencies, we should recollect that that instrument provides within itself the mode of its amendment; and that there is, therefore, no excuse for the assumption of doubtful powers by the general government. If those which are clearly granted shall be found incompetent to the ends of its creation, it can at any time apply for their enlargement; and there is no probability that such an application, if founded on the public interest, will ever be refused. If the propriety of the proposed grant be not sufficiently apparent to command the assent of three fourths of the states, the best possible reason why the power should not be assumed on doubtful authority is afforded; for if more than one fourth of the states are unwilling to make the grant, its exercise will be productive of discontents which will far overbalance any advantages that could be derived from it. All must admit, that there is nothing so worthy of the constant solicitude of this government as the harmony and union of the people.

Being solemnly impressed with the conviction, that the extension of the power to make internal improvements beyond the limit I have suggested, even if it be deemed constitutional, is subversive of the best interests of our country, I earnestly recommend to congress to refrain from its exercise, in doubtful cases, except in relation to improvements already begun, unless they shall first procure from the states such an amendment of the constitution as will define its character, and prescribe its bounds. If the states feel themselves competent to these objects, why should this government wish to assume the power? If they do not, then they will not hesitate to make the grant. Both governments are the governments of the people: improvements must be made with the money of the people; and if the money can be collected and applied by those more simple and economical political machines, the state governments, it will unquestionably be safer and better for the people, than to add to the splendour, the patronage, and the power of the general government. But if the people of the several states think otherwise, they will amend the constitution, and in their decision all ought cheerfully to acquiesce.

For a detailed and highly satisfactory view of the operations of the war department, I refer you to the accompanying report of the secretary of war.

The hostile incursions of the Sac and Fox Indians necessarily led to the interposition of the government. A portion of the troops under Generals Scott and Atkinson, and of the militia of the state of Illinois, were called into the field. After a harassing warfare, prolonged by the nature of the country, and by the difficulty of procuring subsistence, the Indians were entirely defeated, and the disaffected dispersed or de-

stroyed. The result has been creditable to the troops engaged in the service. Severe as is the lesson to the Indians, it was rendered necessary by their unprovoked aggressions; and it is to be hoped, that its impression will be permanent and salutary.

This campaign has evinced the efficient organization of the army, and its capacity for prompt and active service. Its several departments have performed their functions with energy and despatch, and the general movement was satisfactory.

Our fellow citizens upon the frontiers were ready, as they always are, in the tender of their services in the hour of danger. But a more efficient organization of our militia system is essential to that security which is one of the principal objects of all governments. Neither our situation nor our institutions require or permit the maintenance of a large regular force. History offers too many lessons of the fatal result of such a measure not to warn us against its adoption here. The expense which attends it, the obvious tendency to employ it because it exists, and thus to engage in unnecessary wars, and its ultimate danger to public liberty, will lead us, I trust, to place our principal dependence for protection upon the great body of the citizens of the republic. If in asserting rights, or in repelling wrongs, war should come upon us, our regular force should be increased to an extent proportioned to the emergency; and our present small army is a nucleus around which such force could be formed and embodied. But for the purposes of defence in ordinary circumstances, we must rely upon the electors of the country. Those by whom, and for whom, the government was instituted and is supported, will constitute its protection in the hour of

danger, as they do its check in the hour of safety.

But it is obvious that the militia system is imperfect. Much time is lost, much unnecessary expense incurred, and much public property wasted, under the present arrangement. Little useful knowledge is gained by the musters and drills, as now established, and the whole subject evidently requires a thorough examination. Whether a plan of classification, remedying these defects, and providing for a system of instruction, might not be adopted, is submitted to the consideration of congress. The constitution has vested in the general government an independent authority upon the subject of the militia, which renders its action essential to the establishment or improvement of the system. And I recommend the matter to your consideration, in the conviction, that the state of this important arm of the public defence requires your attention.

I am happy to inform you, that the wise and humane policy of transferring from the eastern to the western side of the Mississippi, the remnants of our aboriginal tribes, with their own consent, and upon just terms, has been steadily pursued, and is approaching, I trust, its consummation. By reference to the report of the secretary of war, and to the documents submitted with it, you will see the progress which has been made since your last session, in the arrangement of the various matters connected with our Indian relations. With one exception, every subject involving any question of conflicting jurisdiction, or of peculiar difficulty, has been happily disposed of, and the conviction evidently gains ground among the Indians, that their removal to the country assigned by the United States for their permanent residence, fur-

nishes the only hope of their ultimate prosperity.

With that portion of the Cherokees, however, living within the state of Georgia, it has been found impracticable, as yet, to make a satisfactory adjustment. Such was my anxiety to remove all the grounds of complaint, and to bring to a termination the difficulties in which they are involved, that I directed the very liberal propositions to be made to them which accompany the documents herewith submitted. They cannot but have seen in these offers the evidence of the strongest disposition on the part of the government to deal justly and liberally with them. An ample indemnity was offered for their present possessions, a liberal provision for their future support and improvement, and full security for their private and political rights. Whatever difference of opinion may have prevailed respecting the just claims of these people, there will probably be none respecting the liberality of the propositions, and very little respecting the expediency of their immediate acceptance. They were, however, rejected, and thus the position of these Indians remains unchanged, as do the views communicated in my message to the senate of February, 1830.

I refer you to the annual report of the secretary of the navy, which accompanies this message, for a detail of the operations of that branch of the service during the present year.

Besides the general remarks on some of the transactions of our navy, presented in the view which has been taken of our foreign relations, I seize this occasion to invite to your notice the increased protection which it has afforded to our commerce and citizens on distant seas, without any augmentation of

the force in commission. In the gradual improvement of its pecuniary concerns, in the constant progress in the collection of materials suitable for use during future emergencies, and in the construction of vessels and the buildings necessary to their preservation and repair, the present state of this branch of the service exhibits the fruits of that vigilance and care which are so indispensable to its efficiency. Various new suggestions contained in the annexed report, as well as others heretofore submitted to congress, are worthy of your attention; but none more so than urging the renewal, for another term of six years, of the general appropriation for the gradual improvement of the navy.

From the accompanying report of the post master general, you will also perceive that that department continues to extend its usefulness without impairing its resources, or lessening the accommodations which it affords in the secure and rapid transportation of the mail.

I beg leave to call the attention of congress to the views heretofore expressed in relation to the mode of choosing the president and vice-president of the United States, and to those respecting the tenure of office generally. Still impressed with the justness of those views and with the belief that the modifications suggested on those subjects, if adopted, will contribute to the prosperity and harmony of the country, I earnestly recommend them to your consideration at this time.

I have heretofore pointed out defects in the law for punishing official frauds, especially within the District of Columbia. It has been found almost impossible to bring notorious culprits to punishment, and according to a decision of the court for this district, a prosecution is barred by a lapse of two years

after the fraud has been committed. It may happen again, as it has already happened, that during the whole two years, all the evidences of the fraud may be in the possession of the culprit himself. However proper the limitation may be in relation to private citizens, it would seem that it ought not to commence running in favour of public officers until they go out of office.

The judiciary system of the United States remains imperfect. Of the nine western and south western states, three only enjoy the benefits of a circuit court. Ohio, Kentucky, and Tennessee, are embraced in the general system; but Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana, have only district courts. If the existing system be a good one, why should it not be extended? If it be a bad one, why is it suffered to exist? The new states were promised equal rights and privileges when they came into the Union, and such are the guaranties of the constitution. Nothing can be more obvious than the obligation of the general government to place all the states on the same footing, in relation to the administration of justice, and I trust this duty will be neglected no longer.

On many of the subjects to which your attention is invited in this communication, it is a source of gratification to reflect that the steps to be now adopted are uninfluenced by the embarrassments entailed upon the country by the wars through which it has passed. In regard to most of our great interests, we may consider ourselves as just starting in our career, and, after a salutary experience, about to fix upon a permanent basis the policy best calculated to promote the happiness of the people and facilitate their progress towards the most complete

enjoyment of civil liberty. On an occasion so interesting and important in our history, and of such anxious concern to the friends of freedom throughout the world, it is our imperious duty to lay aside all selfish and local considerations, and be guided by a lofty spirit of devotion to the great principles on which our institutions are founded.

That this government may be so administered as to preserve its efficiency in promoting and securing these general objects, should be the only aim of our ambition, and we cannot, therefore, too carefully examine its structure, in order that we may not mistake its powers, or assume those which the people have reserved to themselves, or have preferred to assign to other agents. We should bear constantly in mind the fact that the considerations which induced the framers of the constitution to withhold from the general government the power to regulate the great mass of the business and concerns of the people, have been fully justified by experience, and that it cannot now be doubted that the genius of all our institutions prescribes simplicity and economy as the characteristics of the reform which is yet to be effected in the present and future execution of the functions bestowed upon us by the constitution.

Limited to a general superintending power to maintain peace at home and abroad, and to prescribe laws on a few subjects of general interest, not calculated to restrict human liberty, but to enforce human rights, this government will find its strength and its glory in the faithful discharge of these plain and simple duties. Relieved by its protecting shield from the fear of war and the apprehension of oppression, the free enterprise of our citizens, aided by the state sovereignties,

will work out improvements and ameliorations which cannot fail to demonstrate that the great truth, that the people can govern themselves, is not only realized in our example, but that it is done by a machinery in government so simple and economical as scarcely to be felt. That

the Almighty Ruler of the Universe may so direct our deliberations, and overrule our acts, as to make us instrumental in securing a result so dear to mankind, is my most earnest and sincere prayer.

ANDREW JACKSON,

December 4th, 1832.

Veto of the Bill allowing Interest on the Claims of the States.

Washington, December 6th, 1832.

To the Senate of the United States :

I avail myself of this early opportunity to return to the senate, in which it originated, the bill entitled "an act providing for the final settlement of the claims of states for interest on advances to the United States made during the late war," with the reasons which induced me to withhold my approbation, in consequence of which, it has failed to become a law.

This bill was presented to me for my signature on the last day of your session, and when I was compelled to consider a variety of other bills of greater urgency to the public service. It obviously embraced a principle in the allowance of interest different from that which had been sanctioned by the practice of the accounting officers, or by the previous legislation of congress, in regard to advances by the states, and without any apparent grounds for the change.

Previously to giving my sanction to so great an extension of the practice of allowing interest upon accounts with the government, and which, in its consequences, and from analogy, might not only call for large payments from the treasury, but disturb the great mass of

individual accounts long since finally settled, I deemed it my duty to make a more thorough investigation of the subject than it was possible for me to do previously to the close of your last session. I adopted this course the more readily, from the consideration that as the bill contained no appropriation, the states which would have been entitled to claim its benefits, could not have received them without the fuller legislation of congress.

The principle which this bill authorizes, varies not only from the practice uniformly adopted by many of the accounting officers in the case of individual accounts, and in those of the states finally settled and closed previously to your last session, but also from that pursued under the act of your last session, for the adjustment and settlement of the claims of the state of South Carolina. This last act prescribed no particular mode for the allowance of interest, which, therefore, in conformity with the directions of congress in previous cases, and with the uniform practice of the auditor by whom the account was settled, was computed on the sums expended by the state of South Carolina for the use and benefit of the United States, and which had been repaid

to the state, and the payments made by the United States were deducted from the principal sums, exclusive of the interest; thereby stopping future interest on so much of the principal as had been reimbursed by the payment.

I deem it proper, moreover, to observe, that both under the act of the 5th of August, 1790, and that of the 12th of February, 1793, authorizing the settlement of the ac-

counts between the United States and the individual states, arising out of the war of the revolution, the interest on these accounts was computed in conformity with the practice already adverted to, and from which the bill now returned is a departure.

With these reasons and considerations, I return the bill to the senate.

ANDREW JACKSON.

Veto of the Light House Bill.

To the House of Representatives.

In addition to the general views I have heretofore expressed to congress on the subject of internal improvement, it is my duty to advert to it again in stating my objections to the bill entitled "an act for the improvement of certain harbours and the navigation of certain rivers," which was not received a sufficient time before the close of the last session to enable me to examine it before the adjournment.

Having maturely considered that bill within the time allowed me by the constitution, and being convinced that some of its provisions conflict with the rule adopted for my guide on this subject of legislation, I have been compelled to withhold from it my signature, and it has therefore failed to become a law.

To facilitate as far as I can the intelligent action of congress upon the subjects embraced in this bill, I transmit herewith a report from the engineer department, distinguishing, as far as the information in its possession would enable it, between those appropriations which do, and those which do not, conflict with the rules by which my conduct, in this

respect, has hitherto been governed. By that report it will be seen that there is a class of appropriations in the bill for the improvement of streams that are not navigable, that are not channels of commerce, and that do not pertain to the harbours or ports of entry designated by any law, or have ascertained any connexion with the usual establishments for the security of commerce, external or internal.

It is obvious that such appropriations involve the sanction of a principle that concedes to the general government an unlimited power over the subject of internal improvements, and that I could not, therefore, approve a bill containing them, without receding from the positions taken in my veto of the Maysville road bill, and afterwards in my annual message of December 7th, 1830.

It is to be regretted that the rules by which the classification of the improvements in this bill has been made by the engineer department, are not more definite and certain, and that embarrassment may not always be avoided by the observance of them; but, as neither my own reflection, nor the lights de-

rived from other sources, have furnished me with a better guide, I shall continue to apply my best exertions to their application and enforcement. In thus employing my best faculties to exercise the powers with which I am invested, to avoid evils, and to effect the greatest attainable good for our common country, I feel that I may trust to your cordial co-operation; and the experience of the past leaves me no room to doubt the liberal indulgence and favourable consideration of those for whom we act.

The grounds upon which I have given my assent to appropriations for the construction of light houses, beacons, buoys, public piers, and the removal of sand bars, sawyers, and

other temporary, or partial impediments in our navigable rivers and harbours, and with which many of the provisions of this bill correspond, have been so fully stated, that I trust a repetition of them is unnecessary. Had there been incorporated in the bill no provisions for works of a different description, depending on principles which extend the power of making appropriations to every object which the discretion of the government may select, and losing sight of the distinctions between national and local character which I had stated would be my future guide on the subject, I should have cheerfully signed the bill.

ANDREW JACKSON.

December 6th, 1832.

PROCLAMATION.

By ANDREW JACKSON, *President of the United States.*

WHEREAS a convention assembled in the state of South Carolina have passed an ordinance, by which they declare, "that the several acts and parts of acts of the congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and more especially" two acts, for the same purposes, passed on the 29th of May, 1828, and on the 14th of July, 1832, "are unauthorized by the constitution of the United States, and violate the true meaning and intent thereof, and are null and void, and no law," nor binding on the citizens of that state or its officers;

and by the said ordinance it is further declared to be unlawful for any of the constituted authorities of the state, or of the United States, to enforce the payment of the duties imposed by the said acts within the same state, and that it is the duty of the legislature to pass such laws as may be necessary to give full effect to the said ordinance:

And whereas, by the said ordinance it is further ordained, that in no case of law or equity, decided in the courts of said state, wherein shall be drawn in question the validity of the said ordinance, or of the acts of the legislature that may be passed to give it effect, or of the said laws of the United States, no appeal shall be allowed to the supreme

court of the United States, nor shall any copy of the record be permitted or allowed for that purpose; and that any person attempting to take such appeal shall be punished as for a contempt of court.

And, finally, the said ordinance declares that the people of South Carolina will maintain the said ordinance at every hazard; and that they will consider the passage of any act by congress abolishing or closing the ports of the said state, or otherwise obstructing the free ingress or egress of vessels to and from the said ports, or any other act of the federal government to coerce the state, shut up her ports, destroy or harass her commerce, or to enforce the said acts otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the union; and that the people of the said state will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connexion with the people of the other states, and will forthwith proceed to organize a separate government, and do all other acts and things which sovereign and independent states may of right do:

And whereas the said ordinance prescribes to the people of South Carolina a course of conduct in direct violation of their duty as citizens of the United States, contrary to the laws of their country, subversive of its constitution, and having for its object the destruction of the union; that union which, coeval with our political existence, led our fathers, without any other ties to unite them than those of patriotism and a common cause, through a sanguinary struggle to a glorious independence; that sacred union, hitherto inviolate, which, perfected by our happy constitution, has

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brought us, by the favour of heaven, to a state of prosperity at home, and high consideration abroad, rarely, if ever, equaled in the history of nations. To preserve this bond of our political existence from destruction, to maintain inviolate this state of national honour and prosperity, and to justify the confidence my fellow citizens have reposed in me, I, ANDREW JACKSON, *President of the United States*, have thought proper to issue this my PROCLAMATION, stating my views of the constitution and laws applicable to the measures adopted by the convention of South Carolina, and to the reasons they have put forth to sustain them, declaring the course which duty will require me to pursue, and, appealing to the understanding and patriotism of the people, warn them of the consequences that must inevitably result from an observance of the dictates of the convention.

Strict duty would require of me nothing more than the exercise of those powers with which I am now, or may hereafter be, invested, for preserving the peace of the union, and for the execution of the laws. But the imposing aspect which opposition has assumed in this case, by clothing itself with state authority, and the deep interest which the people of the United States must all feel in preventing a resort to stronger measures, while there is a hope that any thing will be yielded to reasoning and remonstrance, perhaps demand, and will certainly justify, a full exposition to South Carolina and the nation of the views I entertain of this important question, as well as a distinct enunciation of the course which my sense of duty will require me to pursue.

The ordinance is founded on the indefeasible right of resisting acts which are plainly unconstitu-

tional, and too oppressive to be endured, but on the strange position that any one state may not only declare an act of congress void, but prohibit its execution; that they may do this consistently with the constitution; that the true construction of that instrument permits a state to retain its place in the union, and yet be bound by no other of its laws than those it may choose to consider as constitutional. It is true, they add, that, to justify this abrogation of a law, it must be palpably contrary to the constitution; but it is evident, that to give the right of resisting laws of that description, coupled with the uncontrolled right to decide what laws deserve that character, is to give the power of resisting all laws. For as by the theory there is no appeal, the reason alleged by the state, good or bad, must prevail. If it should be said that public opinion is a sufficient check against the abuse of this power, it may be asked why it is not deemed a sufficient guard against the passage of an unconstitutional act by congress. There is, however, a restraint in this last case, which makes the assumed power of a state more indefensible, and which does not exist in the other. There are two appeals from an unconstitutional act passed by congress—one to the judiciary, the other to the people and the states. There is no appeal from the state decision in theory; and the practical illustration shows that the courts are closed against the application to review it, both judges and jurors being sworn to decide in its favour. But reasoning on this subject is superfluous when our social compact in express terms declares, that the laws of the United States, its constitution, and treaties made under it, are the supreme law of the land; and, for greater caution, adds, "that

the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding." And it may be asserted without the fear of refutation, that no federative government could exist without a similar provision. Look, for a moment, to the consequence. If South Carolina considers the revenue laws unconstitutional, and has a right to prevent their execution in the port of Charleston, there would be a clear constitutional objection to their collection in every other port, and no revenue could be collected any where; for all imposts must be equal. It is no answer to repeat that an unconstitutional law is no law, so long as the question of its legality is to be decided by the state itself; for every law operating injuriously upon any local interest will be perhaps thought, and certainly represented, as unconstitutional, and, as has been shown, there is no appeal.

If this doctrine had been established at an earlier day, the union would have been dissolved in its infancy. The excise law in Pennsylvania, the embargo and non-intercourse law in the eastern states, the carriage tax in Virginia, were all deemed unconstitutional, and were more unequal in their operation than any of the laws now complained of; but fortunately, none of those states discovered that they had the right now claimed by South Carolina. The war into which we were forced, to support the dignity of the nation and the rights of our citizens, might have ended in defeat and disgrace, instead of victory and honour, if the states, who supposed it a ruinous and unconstitutional measure, had thought they possessed the right of nullifying the act by which it was declared, and denying supplies for its pro-

secution. Hardly and unequally as those measures bore upon several members of the union, to the legislatures of none did this efficient and peaceable remedy, as it is called, suggest itself. The discovery of this important feature in our constitution was reserved to the present day. To the statesmen of South Carolina belongs the invention, and upon the citizens of that state will unfortunately fall the evils of reducing it to practice.

If the doctrine of state veto upon the laws of the union carries with it internal evidence of its impracticable absurdity, our constitutional history will also afford abundant proof that it would have been repudiated with indignation, had it been proposed to form a feature in our government.

In our colonial state, although dependent on another power, we very early considered ourselves as connected by common interest with each other. Leagues were formed for common defence, and before the Declaration of Independence, we were known in our aggregate character as THE UNITED COLONIES OF AMERICA. That decisive and important step was taken jointly. We declared ourselves a nation by a joint, not by several acts; and when the terms of our confederation were reduced to form, it was in that of a solemn league of several states, by which they agreed that they would, collectively, form one nation for the purpose of conducting some certain domestic concerns, and all foreign relations. In the instrument forming that union, is found an article which declares that "every state shall abide by the determinations of congress on all questions which by that confederation should be submitted to them."

Under the confederation, then, no state could legally annul a decision of

the congress, or refuse to submit to its execution; but no provision was made to enforce these decisions. Congress made requisitions, but they were not complied with. The government could not operate on individuals. They had no judiciary, no means of collecting revenue.

But the defects of the confederation need not be detailed. Under its operation we could scarcely be called a nation. We had neither prosperity at home nor consideration abroad. This state of things could not be endured, and our present happy constitution was formed; but formed in vain, if this fatal doctrine prevails. It was formed for important objects that are announced in the preamble made in the name and by the authority of the people of the United States, whose delegates framed, and whose conventions approved it. The most important among these objects, that which is placed first in rank, on which all the others rest, is, "*to form a more perfect union.*" Now, is it possible that, even if there were no express provision giving supremacy to the constitution and laws of the United States over those of the states, it can be conceived, that an instrument made for the purpose of "*forming a more perfect union*" than that of the confederation, could be so constructed by the assembled wisdom of our country as to substitute for that confederation a form of government dependent for its existence on the local interest, the party spirit of a state, or of a prevailing faction in a state? Every man of a plain unsophisticated understanding, who hears the question, will give such an answer as will preserve the union. Metaphysical subtlety, in pursuit of an impracticable theory, could alone have devised one that is calculated to destroy it.

I consider, then, the power to annul a law of the United States, assumed by one state, INCOMPATIBLE WITH THE EXISTENCE OF THE UNION, CONTRADICTED EXPRESSLY BY THE LETTER OF THE CONSTITUTION, UNAUTHORIZED BY ITS SPIRIT, INCONSISTENT WITH EVERY PRINCIPLE ON WHICH IT WAS FOUNDED, AND DESTRUCTIVE OF THE GREAT OBJECT FOR WHICH IT WAS FORMED.

After this general view of the leading principle, we must examine the particular application of it which is made in the ordinance.

The preamble rests its justification on these grounds: It assumes as a fact, that the obnoxious laws, although they purport to be laws for raising revenue, were in reality intended for the protection of manufactures, which purpose it asserts to be unconstitutional; that the operation of these laws is unequal; that the amount raised by them is greater than is required by the wants of the government; and, finally, that the proceeds are to be applied to objects unauthorized by the constitution. These are the only causes alleged to justify an open opposition to the laws of the country, and a threat of seceding from the union, if any attempt should be made to enforce them. The first virtually acknowledges that the law in question was passed under a power expressly given by the constitution, to lay and collect imposts; but its constitutionality is drawn in question from the motives of those who passed it. However apparent this purpose may be in the present case, nothing can be more dangerous than to admit the position of an unconstitutional purpose, entertained by the members who assent to a law enacted under a constitutional power, shall make that law void; for how is that purpose to be ascertained? Who is to make the

scrutiny? How often may bad purposes be falsely imputed? in how many cases are they concealed by false professions? in how many is no declaration of motive made? Admit this doctrine, and you give to the states an uncontrolled right to decide, and every law may be annulled under this pretext. If, therefore, the absurd and dangerous doctrine should be admitted, that a state may annul an unconstitutional law, or one that it deems such, it will not apply to the present case.

The next objection is, that the laws in question operate unequally. This objection may be made with truth to every law that has been or can be passed. The wisdom of man never yet contrived a system of taxation that would operate with perfect equality. If the unequal operation of a law makes it unconstitutional, and if all laws of that description may be abrogated by any state for that cause, then indeed is the federal constitution unworthy of the slightest effort for its preservation. We have hitherto relied on it as the perpetual bond of our union. We have received it as the work of the assembled wisdom of the nation. We trusted to it as to the sheet anchor of our safety, in the stormy times of conflict with a foreign or domestic foe. We have looked to it with sacred awe as the palladium of our liberties, and, with all the solemnities of religion, have pledged to each other our lives and fortunes here, and our hopes of happiness hereafter, in its defence and support. Were we mistaken, my countrymen, in attaching this importance to the constitution of our country? Was our devotion paid to the wretched, inefficient, clumsy contrivance, which this new doctrine would make it? Did we pledge ourselves to the support of an airy nothing—a bub-

ble that must be blown away by the first breath of disaffection? Was this self-destroying, visionary theory, the work of the profound statesmen, the exalted patriots, to whom the task of constitutional reform was intrusted? Did the name of Washington sanction, did the states deliberately ratify, such an anomaly in the history of fundamental legislation? No. We were not mistaken! The letter of this great instrument is free from this radical fault: its language directly contradicts the imputation: its spirit—its evident intent contradicts it. No, we did not err! Our constitution does not contain the absurdity of giving power to make laws, and another power to resist them. The sages whose memory will always be revered, have given us a practical, and, as they hoped, a permanent constitutional compact. The father of his country did not affix his revered name to so palpable an absurdity. Nor did the states, when they severally ratified it, do so under the impression that a veto on the laws of the United States was reserved to them, or that they could exercise it by implication. Search the debates in all their conventions—examine the speeches of the most zealous opposers of federal authority—look at the amendments that were proposed: They are all silent—not a syllable uttered, not a vote given, not a motion made, to correct the explicit supremacy given to the laws of the union over those of the states, or to show that implication, as is now contended, could defeat it. No, we have not erred! The constitution is still the object of our reverence, the bond of our union, our defence in danger, the source of our prosperity in peace. It shall descend, as we have received it, uncorrupted by sophistical construction, to our posterity; and the sacrifices of local interests, of

state prejudices, of personal animosities, that were made to bring it into existence, will again be patriotically offered for its support.

The two remaining objections made by the ordinance to these laws are, that the sums intended to be raised by them are greater than are required, and that the proceeds will be unconstitutionally employed. The constitution has given expressly to congress the right of raising revenue, and of determining the sum the public exigences will require. The states have no control over the exercise of this right, other than that which results from the power of changing the representatives who abuse it, and thus procure redress. Congress may undoubtedly abuse this discretionary power, but the same may be said of others with which they are vested. Yet the discretion must exist somewhere. The constitution has given it to the representatives of the people, checked by the representatives of the states, and by the executive power. The South Carolina construction gives it to the legislature or the convention of a single state, where neither the people of the different states, nor the states in their separate capacity, nor the chief magistrate elected by the people, have any representation. Which is the most discreet disposition of the power? I do not ask you, fellow citizens, which is the constitutional disposition—that instrument speaks a language not to be misunderstood. But if you were assembled in general convention, which would you think the safest depository of this discretionary power in the last resort? Would you add a clause giving it to each of the states, or would you sanction the wise provisions already made by your constitution? If this should be the result of your deliberations when providing for the future, are you—can you be—ready to risk

all that we hold dear, to establish, for a temporary and a local purpose, that which you must acknowledge to be destructive, and even absurd, as a general provision? Carry out the consequences of this right vested in the different states, and you must perceive that the crisis your conduct presents at this day would recur whenever any law of the United States displeased any of the states, and that we should soon cease to be a nation.

The ordinance, with the same knowledge of the future that characterizes a former objection, tells you that the proceeds of the tax will be constitutionally applied. If this could be ascertained with certainty, the objection would, with more propriety, be reserved for the law so applying the proceeds, but they surely cannot be urged against the laws levying the duty.

These are the allegations contained in the ordinance. Examine them seriously, my fellow citizens; judge for yourselves. I appeal to you to determine whether they are so clear, so convincing, as to leave no doubt of their correctness; and even if you should come to this conclusion, how far they justify the reckless, destructive course, which you are directed to pursue. Review these objections, and the conclusions drawn from them, once more. What are they? Every law, then, for raising revenue, according to the South Carolina ordinance, may be rightfully annulled, unless it be so framed as no law ever will or can be framed. Congress have a right to pass laws for raising revenue, and each state has a right to oppose their execution—two rights directly opposed to each other; and yet is this absurdity supposed to be contained in an instrument drawn for the express purpose of avoiding collisions between the states and the

general government, by an assembly of the most enlightened statesmen and purest patriots ever embodied for a similar purpose.

In vain have these sages declared, that congress shall have power to lay and collect taxes, duties, imposts, and excises; in vain have they provided that they shall have power to pass laws which shall be necessary and proper to carry those powers into execution; that those laws and that constitution shall be the "supreme law of the land; and that the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding." In vain have the people of the several states solemnly sanctioned these provisions, made them their paramount law, and individually sworn to support them whenever they were called on to execute any office. Vain provisions! ineffectual restrictions! vile profanation of oaths! miserable mockery of legislation! If a bare majority of the voters in one state may, on a real or supposed knowledge of the intent with which a law has been passed, declare themselves free from its operation—say, here it gives too little, there too much, and operates unequally—here it suffers articles to be free that ought to be taxed, there it taxes those that ought to be free—in this case the proceeds are intended to be applied to purposes we do not approve, in that the amount raised is more than is wanted. Congress, it is true, are invested by the constitution with the right of deciding these questions according to their sound discretion. Congress is composed of the representatives of all the states, and all the people of all the states; but we, part of the people of one state, to whom the constitution has given no power on the subject, from whom it has

expressly taken it away—we, who have solemnly agreed that this constitution shall be our law—we, most of whom have sworn to support it—we, now abrogate this law, and swear, and force others to swear, that it shall not be obeyed; and we do this, not because congress have no right to pass such laws; this we do not allege; but because they have passed them with improper views. They are unconstitutional, from the motives of those who passed them, which we can never with certainty know; from their unequal operation, although it is impossible from the nature of things that they should be equal; and from the disposition which we presume may be made of their proceeds, although that disposition has not been declared. This is the plain meaning of the ordinance in relation to laws which it abrogates for alleged unconstitutionality. But it does not stop there. It repeals, in express terms, an important part of the constitution itself, and of laws passed to give it effect, which have never been alleged to be unconstitutional. The constitution declares that the judicial powers of the United States extend to cases arising under the laws of the United States, and that such laws, the constitution and treaties shall be paramount to the state constitutions and laws. The judiciary act prescribes the mode by which the case may be brought before a court of the United States, by appeal, when a state tribunal shall decide against this provision of the constitution. The ordinance declares there shall be no appeal; makes the state law paramount to the constitution and laws of the United States; forces judges and jurors to swear that they will disregard their provisions; and even makes it penal in a suitor to attempt relief by appeal. It further declares

that it shall not be lawful for the authorities of the United States, or of that state, to enforce the payment of duties imposed by the revenue laws within its limits.

Here is a law of the United States, not even pretended to be unconstitutional, repealed by the authority of a small majority of the voters of a single state. Here is a provision of the constitution which is solemnly abrogated by the same authority.

On such expositions and reasonings the ordinance grounds not only an assertion of the right to annul the laws of which it complains, but to enforce it by a threat of seceding from the union, if any attempt is made to execute them.

This right to secede is deduced from the nature of the constitution, which, they say, is a compact between sovereign states, who have preserved their whole sovereignty, and, therefore, are subject to no superior; that, because they made the compact, they can break it when, in their opinion, it has been departed from by the other states. Fallacious as this course of reasoning is, it enlists state pride, and finds advocates in the honest prejudices of those who have not studied the nature of our government sufficiently to see the radical error on which it rests.

The people of the United States formed the constitution, acting through the state legislatures in making the compact, to meet and discuss its provisions, and acting in separate conventions when they ratified those provisions; but the terms used in its construction, show it to be a government in which the people of all the states collectively are represented. We are ONE PEOPLE in the choice of the president and vice president. Here the states have no other agency than to direct the mode in which the votes shall be given.

The candidates having a majority of all the votes are chosen. The electors of a majority of states may have given their votes for one candidate, and yet another may be chosen. The people, then, and not the states, are represented in the executive branch.

In the house of representatives there is this difference, that the people of one state do not, as in the case of president and vice president, all vote for the same officers. The people of all the states do not vote for all the members, each state electing only its own representatives. But this creates no material distinction. When chosen, they are all representatives of the United States, not representatives of the particular state from which they come. They are paid by the United States, not by the state; nor are they accountable to it for any act done in the performance of their legislative functions; and, however they may in practice, as it is their duty to do, consult and prefer the interests of their particular constituents when they come in conflict with any other partial or local interest, yet it is their first and highest duty, as representatives of the United States, to promote the public good.

The constitution of the United States, then, forms a *government*, not a league; and whether it be formed by compact between the states, or in any other manner, its character is the same. It is a government in which all the people are represented, which operates directly on the people individually, not upon the states: they retained all the power they did not grant. But each state having expressly parted with so many powers as to constitute, jointly with the other states, a single nation, cannot from that period possess any right to secede, because such secession does

not break a league, but destroys the unity of a nation; and any injury to that unity is not only a breach which would result from the contravention of a compact, but it is an offence against the whole union. To say that any state may at pleasure secede from the union, is to say that the United States are not a nation; because it would be a solecism to contend, that any part of a nation might dissolve its connexion with the other parts, to their injury or ruin, without committing any offence. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right is confounding the meaning of terms; and can only be done through gross error, or to deceive those who are willing to assert a right, but would pause before they made a revolution, or incur the penalties consequent on a failure.

Because the union was formed by compact, it is said the parties to that compact may, when they feel themselves aggrieved, depart from it: but it is precisely because it is a compact that they cannot. A compact is an agreement or binding obligation. It may, by its terms, have a sanction or penalty for its breach, or it may not. If it contains no sanction, it may be broken with no other consequence than moral guilt; if it have a sanction, then the breach incurs the designated or implied penalty. A league between independent nations, generally, has no sanction other than a moral one; or, if it should contain a penalty, as there is no common superior, it cannot be enforced. A government, on the contrary, always has a sanction, expressed or implied; and, in our case, it is both necessarily implied and expressly given. An attempt by force of arms to destroy a government, is an offence, by what-

ever means the constitutional compact may have been formed ; and such government has the right, by the law of self defence, to pass acts for punishing the offender, unless that right is modified, restrained, or resumed, by the constitutional act. In our system, although it is modified in the case of treason, yet authority is expressly given to pass all laws necessary to carry its powers into effect, and under this grant provision has been made for punishing acts which obstruct the due administration of the laws.

It would seem superfluous to add any thing to show the nature of that union which connects us ; but as erroneous opinions on this subject are the foundation of doctrines the most destructive to our peace, I must give some further development to my views on this subject. No one, fellow citizens, has a higher reverence for the reserved rights of the states, than the magistrate who now addresses you. No one would make greater personal sacrifices, or official exertions, to defend them from violation ; but equal care must be taken to prevent on their part an improper interference with, or resumption of, the rights they have vested in the nation. The line has not been so distinctly drawn as to avoid doubts in some cases of the exercise of power. Men of the best intentions and soundest views may differ in their construction of some parts of the constitution ; but there are others on which dispassionate reflection can leave no doubt. Of this nature appears to be the assumed right of secession. It rests, as we have seen, on the alleged undivided sovereignty of the states, and on their having formed in this sovereign capacity a compact which is called the constitution, from which, because they made it, they have the right to secede. Both of these po-

sitions are erroneous, and some of the arguments to prove them so have been anticipated.

The states severally have not retained their entire sovereignty. It has been shown, that in becoming parts of a nation, not members of a league, they surrendered many of their essential parts of sovereignty. The right to make treaties, declare war, levy taxes, exercise exclusive judicial and legislative powers, were all of them functions of sovereign power. The states, then, for all these important purposes, were no longer sovereign. The allegiance of their citizens was transferred, in the first instance, to the government of the United States ; they became American citizens, and owed obedience to the constitution of the United States, and to laws made in conformity with the powers it vested in congress. This last position has not been, and cannot be denied. How then can that state be said to be sovereign and independent, whose citizens owe obedience to laws not made by it, and whose magistrates are sworn to disregard those laws, when they come in conflict with those passed by another ? What shows conclusively that the states cannot be said to have reserved an undivided sovereignty, is, that they expressly ceded the right to punish treason—not treason against their separate power—but treason against the United States. Treason is an offence against *sovereignty*, and sovereignty must reside with the power to punish it. But the reserved rights of the states are not less sacred, because they have for their common interest made the general government the depository of these powers. The unity of our political character (as has been shown for another purpose) commenced with its very existence. Under the royal government we had no separate

character; our opposition to its oppressions began as UNITED COLONIES. We were the UNITED STATES under the confederation, and the name was perpetuated, and the union rendered more perfect, by the federal constitution. In none of these stages did we consider ourselves in any other light than as forming one nation. Treaties and alliances were made in the name of all. Troops were raised for the joint defence. How, then, with all these proofs, that under all changes of our position we had, for designated purposes, and with defined powers, created national governments; how is it, that the most perfect of those several modes of union should now be considered as a mere league, that may be dissolved at pleasure? It is from an abuse of terms. Compact is used as synonymous with league, although the true term is not employed, because it would at once show the fallacy of the reasoning. It would not do to say that our constitution was only a league; but, it is laboured to prove it a compact, (which in one sense it is,) and then to argue that, as a league is a compact, every compact between nations must, of course, be a league, and that from such an engagement every sovereign power has a right to recede. But it has been shown, that in this sense the states are not sovereign, and that even if they were, and the national constitution had been formed by compact, there would be no right in any one state to exonerate itself from its obligations.

So obvious are the reasons which forbid this secession, that is necessary only to allude to them. The union was formed for the benefit of all. It was produced by mutual sacrifices of interests and opinions. Can those sacrifices be recalled? Can the states who magnanimously surren-

dered their title to the territories of the west recall their grant? Will the inhabitants of the inland states agree to pay the duties that may be imposed without their assent by those on the Atlantic or the gulf, for their own benefit? Shall there be a free port in one state, and onerous duties in another? No one believes that any right exists in a single state to involve all the others in these and countless other evils, contrary to the engagements solemnly made. Every one must see that the other states, in self defence, must oppose at all hazards.

These are the alternatives that are presented by the convention: a repeal of all the acts for raising revenue, leaving the government without the means of support; or an acquiescence in the dissolution of the union by the secession of one of its members. When the first was proposed, it was known that it could not be listened to for a moment. It was known if force was applied to oppose the execution of the laws, that it must be repelled by force; that congress could not, without involving itself in disgrace, and the country in ruin, accede to the proposition; and yet, if this is not done in a given day, or if any attempt is made to execute the laws, the state is, by the ordinance, declared to be out of the union. The majority of a convention assembled for the purpose have dictated these terms, or rather this rejection of all terms, in the name of the people of South Carolina. It is true that the governor of the state speaks of the submission of their grievances to a convention of all the states; which he says, they "sincerely and anxiously seek and desire." Yet this obvious and constitutional mode of obtaining the sense of the other states on the construction of the federal compact, and amending it,

if necessary, has never been attempted by those who have urged the state on this destructive measure. The state might have proposed the call for a general convention to the other states; and congress, if a sufficient number of them concurred, must have called it. But the first magistrate of South Carolina, when he expressed a hope that "on a review by congress and the functionaries of the general government of the merits of the controversy," such a convention will be accorded to them, must have known that neither congress nor any functionary of the general government has authority to call such a convention, unless it be demanded by two thirds of the states. This suggestion, then, is another instance of the reckless inattention to the provisions of the constitution with which this crisis has been madly hurried on; or of the attempt to persuade the people that a constitutional remedy had been sought and refused. If the legislature of South Carolina "anxiously desire" a general convention to consider their complaints, why have they not made application for it in the way the constitution points out? The assertion that they "earnestly seek" it is completely negated by the omission.

This, then, is the position in which we stand. A small majority of the citizens of one state in the union have elected delegates to a state convention; that convention has ordained that all the revenue laws of the United States must be repealed, or that they are no longer a member of the union. The governor of that state has recommended to the legislature the raising of an army to carry the secession into effect, and that he may be empowered to give clearances to vessels in the name of the state. No act

of violent opposition to the laws has yet been committed, but such a state of things is hourly apprehended, and it is the intent of this instrument to PROCLAIM, not only the duty imposed on me by the constitution "to take care that the laws be faithfully executed," shall be performed to the extent of the powers already vested in me by law, or of such others as the wisdom of congress shall devise, and entrust to me for that purpose; but to warn the citizens of South Carolina who have been deluded into an opposition to the laws, of the danger they will incur by obedience to the illegal and disorganizing ordinance of the convention; to exhort those who have refused to support it to persevere in their determination to uphold the constitution and laws of their country, and to point out to all the perilous situation into which the good people of that state have been led, and that the course they are urged to pursue is one of ruin and disgrace to the very state whose rights they affect to support.

Fellow citizens of my native state! let me not only admonish you, as the first magistrate of our common country, not to incur the penalty of its laws, but to use the influence that a father would over his children whom he saw rushing to certain ruin. In that paternal language, with that paternal feeling, let me tell you, my countrymen, that you are deluded by men who are either deceived themselves, or wish to deceive you. Mark under what pretences you have been led on to the brink of insurrection and treason, on which you stand! First, a diminution of the value of your staple commodity, lowered by over production in other quarters, and the consequent diminution in the value of your lands, were the sole ef-

fect of the tariff laws. The effects of those laws are confessedly injurious, but the evil was greatly exaggerated by the unfounded theory you were taught to believe, that its burthens were in proportion to your exports, not to your consumption of imported articles. Your pride was roused by the assertion that a submission to those laws was a state of vassalage, and that resistance to them was equal, in patriotic merit, to the opposition our fathers offered to the oppressive laws of Great Britain. You were told that this opposition might be peaceably—might be constitutionally made; that you might enjoy all the advantages of the union, and bear none of its burthens.

Eloquent appeals to your passions, to your state pride, to your native courage, to your sense of real injury, were used to prepare you for the period when the mask which concealed the hideous features of DISUNION should be taken off. It fell, and you were made to look with complacency on objects which, not long since, you would have regarded with horror. Look back at the arts which have brought you to this state—look forward to the consequences to which it must inevitably lead! Look back to what was first told you as an inducement to enter into this dangerous course. The great political truth was repeated to you, that you had the revolutionary right of resisting all laws that were palpably unconstitutional and intolerably oppressive; it was added, that the right to nullify a law rested on the same principle, but that it was a peaceable remedy! This character which was given to it, made you receive, with too much confidence, the assertions that were made of the unconstitutionality of the law and its oppressive effects. Mark, my fel-

low citizens, that by the admission of your leaders, the unconstitutionality must be *palpable*, or it will not justify either resistance or nullification! What is the meaning of the word *palpable*, in the sense in which it is here used?—That which is apparent to every one; that which no man of ordinary intellect will fail to perceive. Is the unconstitutionality of these laws of that description? Let those among your leaders who once approved and advocated the principle of protective duties, answer the question; and let them choose whether they will be considered as incapable, then, of perceiving that which must have been apparent to every man of common understanding, or as imposing upon your confidence, and endeavouring to mislead you now. In either case, they are unsafe guides in the perilous path they urge you to tread. Ponder well on this circumstance, and you will know how to appreciate the exaggerated language they address to you. They are not champions of liberty, emulating the fame of our revolutionary fathers; nor are you an oppressed people, contending, as they repeat to you, against worse than colonial vassalage. You are free members of a flourishing and happy union. There is no settled design to oppress you. You have indeed felt the unequal operation of laws which may have been unwisely, not unconstitutionally passed; but that inequality must necessarily be removed. At the very moment when you were madly urged on the unfortunate course you have begun, a change in public opinion had commenced. The nearly approaching payment of the public debt, and the consequent necessity of a diminution of duties, had already produced a considerable reduction, and that too on some articles of general con-

sumption in your state. The importance of this change was understood, and you were authoritatively told, that no further alleviation of your burthens was to be expected, at the very time when the condition of the country imperiously demanded such a modification of the duties as should reduce them to a just and equitable scale. But, as if apprehensive of the effect of this change in allaying your discontents, you were precipitated into the fearful state in which you now find yourselves.

I have urged you to look back to the means that were used to hurry you on to the position you have now assumed, and forward to the consequences it will produce. Something more is necessary. Contemplate the condition of that country of which you still form an important part! Consider its government, uniting in one bond of common interests and general protection so many different states, giving to all their inhabitants the proud title of **AMERICAN CITIZENS**, protecting their commerce, securing their literature and their arts, facilitating their intercommunication, defending their frontiers, and making their name respected in the remotest parts of the earth! Consider the extent of its territory, its increasing and happy population, its advance in arts, which render life agreeable, and the sciences, which elevate the mind! See education spreading the lights of religion, humanity, and general information into every cottage in this wide extent of our territories and states! Behold it as the asylum where the wretched and the oppressed find a refuge and support! Look on this picture of happiness and honour, and say—**WE, TOO, ARE CITIZENS OF AMERICA**; Carolina is one of these proud states: her arms have defended,

her best blood has cemented this happy union! and then add, if you can, without horror and remorse, this happy union we will dissolve—this picture of peace and prosperity we will deface—this free intercourse we will interrupt—these fertile fields we will deluge with blood—the protection of that glorious flag we renounce—the very name of **AMERICANS** we discard. And for what, mistaken men! for what do you throw away these inestimable blessings—for what would you exchange your share in the advantages and honour of the union? For the dream of a separate independence—a dream interrupted by bloody conflicts with your neighbours, and a vile dependence on a foreign power. If your leaders could succeed in establishing a separation, what would be your situation? Are you united at home—are you free from the apprehension of civil discord, with all its fearful consequences? Do our neighbouring republics, every day suffering some new revolution, or contending with some new insurrection—do they excite your envy? But the dictates of a high duty oblige me solemnly to announce that you cannot succeed.

The laws of the United States must be executed. I have no discretionary power on the subject—my duty is emphatically pronounced in the constitution. Those who told you that you might peaceably prevent their execution, deceived you—they could not have been deceived themselves. They know that a forcible opposition could alone prevent the execution of the laws, and they know that such opposition must be repelled. Their object is disunion; but be not deceived by names: disunion, by armed force, is **TREASON**. Are you really ready to incur its guilt? If you are, on the heads of the instigators of the

act be the dreadful consequences—on their heads be the dishonour, but on yours may fall the punishment; on your unhappy state will inevitably fall all the evils of the conflict you force upon the government of your country. It cannot accede to the mad project of disunion, of which you would be the first victims. Its first magistrate cannot, if he would, avoid the performance of his duty; the consequence must be fearful for you, distressing to your fellow citizens here, and to the friends of good government throughout the world. Its enemies have beheld our prosperity with a vexation they could not conceal; it was a standing refutation of their slavish doctrines, and they will point to our discord with the triumph of malignant joy. It is yet in your power to disappoint them. There is yet time to show that the descendants of the Pinckneys, the Sumpters, the Rutledges, and of the thousand other names which adorn the pages of your revolutionary history will not abandon that union to support which so many of them fought, and bled, and died. I adjure you as you honour their memory—as you love the cause of freedom to which they dedicated their lives—as you prize the peace of your country, the lives of its best citizens, and your own fair fame, to retrace your steps. Snatch from the archives of your state the disorganizing edict of its convention; bid its members to re-assemble and promulgate the decided expression of your will to remain in the path which alone can conduct you to safety, prosperity, and honour; tell them, that compared to disunion all other evils are light, because that brings with it an accumulation of all; declare that you will never take the field unless the star-spangled banner of your country shall float over you; that you

will not be stigmatized when dead, and dishonoured and scorned while you live, as the authors of the first attack on the constitution of your country! Its destroyers you cannot be. You may disturb its peace; you may interrupt the course of its prosperity; you may cloud its reputation for stability; but its tranquillity will be restored, its prosperity will return, and the stain upon its national character will be transferred, and remain an eternal blot on the memory of those who caused the disorder.

Fellow citizens of the United States! The threat of unhallowed disunion—the names of those, once respected, by whom it is uttered—the array of military force to support it—denote the approach of a crisis in our affairs on which the continuance of our unexampled prosperity, our political existence, and perhaps that of all free governments may depend. The conjunction demanded a free, a full, and explicit enunciation, not only of my intentions, but of my principles of action; and as the claim was asserted of a right by a state to annul the laws of the union, and even to recede from it at pleasure, a frank exposition of my opinions in relation to the origin and form of our government, and the construction I give to the instrument by which it was created, seemed to be proper. Having the fullest confidence in the justness of the legal and constitutional opinion of my duties which has been expressed, I rely with equal confidence on your undivided support in my determination to execute the laws—to preserve the union by all constitutional means—to arrest, if possible, by moderate but firm measures, the necessity of recourse to force; and, if it be the will of heaven that the recurrence of its primeval curse on man for the shedding of a brother's blood should

fall upon our land, that it be not called down by any offensive act on the part of the United States.

Fellow citizens! The momentous case is before you. On your undivided support of your government depends the decision of the great question it involves, whether your sacred union will be preserved, and the blessing it secures to us as one people shall be perpetuated. No one can doubt that the unanimity with which that decision will be expressed, will be such as to inspire new confidence in republican institutions, and that the prudence, the wisdom, and the courage which it will bring to their defence, will transmit them unimpaired and invigorated to our children.

May the Great Ruler of nations grant that the signal blessings with

which He has favoured ours, may not, by the madness of party or personal ambition, be disregarded and lost; and may His wise Providence bring those who have produced this crisis, to see the folly, before they feel the misery of civil strife, and inspire a returning veneration for that union which, if we may dare to penetrate his designs, He has chosen as the only means of attaining the high destinies to which we may reasonably aspire.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the city of Washington, this 10th day of December, in the year of our Lord one thousand eight hundred and thirty-two, and of the Independence of the United States the fifty-seventh.

ANDREW JACKSON.

By the President:

Edward Livingston, Secretary of State.

Message transmitting the Proclamation to Congress.

Gentlemen of the Senate
and House of Representatives,

In my annual message, at the commencement of your present session, I adverted to the opposition to the revenue laws in a particular quarter of the United States, which threatened, not merely to thwart their execution, but to endanger the integrity of the union. And although I then expressed my reliance that it might be overcome by the prudence of the officers of the United States, and the patriotism of the people, I stated that should the emergency arise, rendering the execution of the existing laws impracticable, from any cause whatever, prompt notice should be given to congress, with the suggestion of such views and measures as might be necessary to meet it.

Events which have occurred in the quarter then alluded to, or which have come to my knowledge subsequently, present this emergency.

Although unknown to me at the

date of the annual message, the convention which assembled at Columbia, in the state of South Carolina, passed, on the 24th of November last, an ordinance declaring certain acts of congress therein mentioned within the limits of that state to be absolutely null and void, and making it the duty of the legislature to pass such laws as would be necessary to carry the same into effect, from and after the 1st of February next. A copy of that ordinance has been officially transmitted to me by the governor of South Carolina, and is now communicated to congress.

The consequences to which this extraordinary defiance of the just authority of the government might too surely lead were clearly foreseen, and it was impossible for me to hesitate as to my own duty in such an emergency. The ordinance had been passed, however, without any certain knowledge of the recommendation, which, from a view of the interests of the nation at l

the executive had determined to submit to congress, and a hope was indulged that by frankly explaining his sentiments and the nature of those duties which the crisis would devolve upon him, the authorities of South Carolina might be induced to retrace their steps. In this hope I determined to issue my proclamation of the 11th of December last, a copy of which I now lay before congress.

I regret to inform you that these reasonable expectations have not been realized, and that the several acts of the legislature of South Carolina, which I now lay before you, and which have all and each of them finally passed after a knowledge of the desire of the administration to modify the laws complained of, are too well calculated, both in their positive enactments and in the spirit of opposition which they obviously encourage, wholly to obstruct the collection of the revenue within the limits of that state.

Up to this period, neither the recommendation of the executive, in regard to our financial policy and impost system, nor the disposition manifested by congress promptly to act upon that subject, nor the unequivocal expression of the public will in all parts of the union, appears to have produced any relaxation in the measures of opposition adopted by the state of South Carolina, nor is there any reason to hope that the ordinance and laws will be abandoned. I have no knowledge that an attempt has been made, or that it is in contemplation to re-assemble either the convention or the legislature; and it will be perceived, that the interval before the 1st of February is too short to admit of the preliminary steps necessary for that purpose. It appears, moreover, that the state authorities are actively organizing their military resources, and providing the means, and giving the most solemn assurances of protection and support to all who shall enlist in op-

position to the revenue laws. A recent proclamation of the present governor of South Carolina has openly defied the authority of the executive of the union, and general orders from the head-quarters of the state have announced his determination to accept the services of volunteers, and his belief, that should their country need their services, they will be found at the post of honour and duty, ready to lay down their lives in her defence. Under these orders, the forces referred to, are directed to "hold themselves in readiness to take the field in a moment's warning," and in the city of Charleston—within a collection district and a port of entry, a rendezvous has been opened for the purpose of enlisting men for the magazine and municipal guard. Thus South Carolina presents in the attitude of hostile preparation, and ready even for military violence if need be, to enforce her laws for preventing the collection of the duties within her limits.

Proceedings thus announced and matured must be distinguished from menaces of unlawful resistance by irregular bodies of people, who, acting under temporary delusion, may be restrained by reflection and the influence of public opinion from the commission of actual outrage. In the present instance aggression may be regarded as committed when it is officially authorized, and the means of enforcing it fully provided.

Under these circumstances, there can be no doubt that it is the determination of the authorities of South Carolina, fully to carry into effect their ordinance and laws, after the 1st of February. It therefore becomes my duty to bring the subject to the serious consideration of congress, in order that such measures as they in their wisdom may deem fit, shall be seasonably provided, and that it may be thereby understood, that while the government is disposed to remove all just cause of

complaint, as far as may be practicable, consistently with a proper regard to the interest of the community at large, it is nevertheless determined that the supremacy of the laws shall be maintained.

In making this communication, it appears to me to be proper, not only that I should lay before you the acts and proceedings of South Carolina, but that I should also fully acquaint you with those steps which I have already caused to be taken for the due collection of the revenue, and with my views of the subject generally, that the suggestions which the constitution requires me to make in regard to your future legislation, may be better understood.

This subject having early attracted the anxious attention of the executive, as soon as it was probable that the authorities of South Carolina seriously meditated resistance to the faithful execution of the revenue laws, it was deemed advisable, that the secretary of the treasury should particularly instruct the officers of the United States in that part of the union, as to the nature of the duties prescribed by the existing laws.

Instructions were accordingly issued on the 6th of November, to the collectors in that state, pointing out their respective duties, and enjoining upon each a firm and vigilant, but discreet performance of them in the emergency then apprehended. I herewith transmit copies of these instructions, and of the letter addressed to the district attorney, requesting his co-operation.

These instructions were dictated in the hope that as the opposition to the laws by the anomalous proceeding of nullification was represented to be of a pacific nature, to be pursued substantially according to the forms of the constitution, and without resorting, in any event, to force

or violence, the measures of its advocates would be taken in conformity with that profession; and, on such supposition, the means afforded by the existing laws would have been adequate to meet any emergency likely to arise.

It was, however, not possible altogether to suppress apprehension of the excesses to which the excitement prevailing in that quarter might lead; but, it certainly was not foreseen that the meditated obstruction to the laws would so soon openly assume its present character.

Subsequently to the date of those instructions, however, the ordinance of the convention was passed, which, if complied with by the people of that state, must effectually render inoperative the present revenue laws within her limits. That ordinance declares and ordains "that the several acts and parts of acts of the congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities," and now having operation and effect within the United States, and more especially "an act in alteration of these several acts imposing duties on imports," approved on the 19th of May, 1828, and also an act entitled "an act to alter and amend the several acts imposing duties on imports," approved on the 14th of July, 1832, are unauthorized by the constitution of the United States, and violate the true intent and meaning thereof, and are null and void, and no law, nor binding upon the state of South Carolina, its officers and citizens; and all promises, contracts and obligations made or entered into, or to be made or entered into, with purpose to secure the duties imposed by the said acts, and all judicial proceedings which shall be hereafter had in affirmance

thereof, are and shall be held utterly null and void.

It also ordains "that it shall not be lawful for any of the constituted authorities, whether of the state of South Carolina, or of the United States, to enforce the payment of duties imposed by the said acts within the limits of the state; but that it shall be the duty of the legislature to adopt such measures and pass such acts as may be necessary to give full effect to this ordinance, and to prevent the enforcement and arrest the operation of the said acts and and parts of acts of the congress of the United States, within the limits of the state, from and after the 1st of February next; and that it shall be the duty of all other constituted authorities, and of all persons residing or being within the limits of the state, and they are hereby required and enjoined, to obey and give effect to this ordinance, and such acts and measures of the legislature as may be passed or adopted in obedience thereto." It further ordains, "that in no case of law or equity, decided in the courts of the state, wherein shall be drawn in question the authority of this ordinance, or the validity of such act or acts of the legislature as may be passed for the purpose of giving effect thereto, or the validity of the aforesaid acts of congress, imposing duties, shall any appeal be taken or allowed to the supreme court of the United States, nor shall any copy of the record be permitted or allowed for that purpose; and the person or persons attempting to take such appeal, may be dealt with as for a contempt of court."

It likewise ordains, "that all persons holding any office of honour, profit, or trust, civil or military, under the state, shall, within such time, and in such manner as the legislature shall prescribe, take an oath

well and truly to obey, execute and enforce this ordinance, and such act or acts of the legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same; and on the neglect or omission of any such person or persons so to do, his or their office or offices shall be forthwith vacated, and shall be filled up as if such person or persons were dead, or had resigned; and no person hereafter elected to any office of honour, profit or trust, civil or military, shall, until the legislature shall otherwise provide and direct, enter on the execution of his office, or be in any respect competent to discharge the duties thereof, until he shall, in like manner, have taken a similar oath; and no juror shall be empaneled in any of the courts of the state, in any cause in which shall be in question this ordinance, or any act of the legislature passed in pursuance thereof, unless he shall first, in addition to the usual oath, have taken an oath that he will well and truly obey, execute and enforce this ordinance, and such act or acts of the legislature as may be passed to carry the same into operation and effect, according to the true intent and meaning thereof."

The ordinance concludes, "and we, the people of South Carolina, to the end that it may be fully understood by the government of the United States and the people of the states, that we are determined to maintain this ordinance and declaration at every hazard, do further declare that we will not submit to the application of force on the part of the federal government to reduce this state to obedience; but that we consider the passage, by congress, of any act authorizing the employment of a military or naval force against the state of South Carolina, her constituted authorities or citizens, or

any act abolishing or closing the ports of this state, or any of them, or otherwise obstructing the free ingress and egress of vessels, to and from the said ports; or any other act on the part of the federal government to coerce the state, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the union; and that the people of this state will henceforth hold themselves absolved from all further obligation to maintain or preserve their political connexion with the people of the other states, and will forthwith proceed to organize a separate government, and do all other acts and things which sovereign and independent states may of right do."

This solemn denunciation of the laws and authority of the United States has been followed up by a series of acts on the part of the authorities of that state which manifest a determination to render inevitable a resort to those measures of self defence which the paramount duty of the federal government requires, but upon the adoption of which that state will proceed to execute the purpose it has avowed in this ordinance of withdrawing from the union.

On the 27th of November the legislature assembled at Columbia; and, on their meeting, the governor laid before them the ordinance of the convention. In his message on that occasion, he acquaints them that "this ordinance has thus become a part of the fundamental law of South Carolina;" that "the die has been at last cast, and South Carolina has at length appealed to her ulterior sovereignty as a member of this confederacy, and has planted herself on her reserved rights. The rightful

exercise of this power is not a question which we shall any longer argue. It is sufficient that she has willed it, and that the act is done; nor is its strict compatibility with our constitutional obligation to all laws passed by the general government, within the authorized grants of power, to be drawn in question, when this interposition is exerted in a case in which the compact has been palpably, deliberately, and dangerously violated. That it brings up a conjuncture of deep and momentous interest is neither to be concealed nor denied. This crisis presents a class of duties which is referable to yourselves. You have been commanded by the people, in their highest sovereignty, to take care that within the limits of this state their will shall be obeyed."

"The measure of legislation," he says, "which you have to employ at this crisis is the precise amount of such enactments as may be necessary to render it utterly impossible to collect within our limits the duties imposed by the protective tariffs thus nullified." He proceeds: "That you should arm every citizen with a civil process, by which he may claim, if he pleases, a restitution of his goods seized under the existing imposts, on his giving security to abide the issue of a suit at law, and at the same time define what shall constitute treason against the state, and by a bill of pains and penalties compel obedience and punish disobedience to your own laws, are points too obvious to require any discussion. In one word, you must survey the whole ground. You must look to and provide for all possible contingencies. In your own limits your own courts of judicature must not only be supreme, but you must look to the ultimate issue of any conflict of jurisdiction and power between them and the courts of the United States."

The governor also asks for power to grant clearances, in violation of the laws of the union. And, to prepare for the alternative, which must happen unless the United States shall passively surrender their authority, and the executive disregarding oath and refrain from executing the laws of the union, he recommends a thorough revision of the militia system, and that the governor "be authorized to accept, for the defence of Charleston and its dependencies, the services of two thousand volunteers, either by companies or files," and that they be formed into a legionary brigade, consisting of infantry, riflemen, cavalry, field and heavy artillery; and that they be "armed and equipped from the public arsenals completely for the field, and that appropriations be made for supplying all deficiencies in our munitions of war." In addition to these volunteer drafts, he recommends that the governor be authorized "to accept the services of ten thousand volunteers from the other divisions of the state, to be organized and arranged in regiments and brigades, the officers to be selected by the commander-in-chief, and that this whole force be called *the state guard*."

A request has been regularly made of the secretary of state of South Carolina, for authentic copies of the acts which have been passed for the purpose of enforcing the ordinance, but up to the date of the latest advices that request had not been complied with; and on the present occasion, therefore, reference can only be made to those acts as published in the newspapers of the state. The acts to which it is deemed proper to invite the particular attention of congress are:

1. "An act to carry into effect, in part, an ordinance to nullify certain acts of congress of the United States, purporting to be laws laying

duties on the importation of foreign commodities, passed in convention of this state, at Columbia, on the 24th November, 1832."

This act provides that any goods seized or detained under pretence of securing the duties, or for the non-payment of duties, or under any process, order or decree, or other pretext, contrary to the intent and meaning of the ordinance, may be recovered by the owner or consignee by an act of replevin; that in case of refusing to deliver them or removing them, so that the replevin cannot be executed, the sheriff may seize the personal estate of the offender to double the amount of the goods; and if any attempt shall be made to retake or seize them, it is the duty of the sheriff to recapture them; and that any person who shall disobey the process, or remove the goods, and any one who shall attempt to retake or seize the goods under pretence of securing the duties, or for non-payment of duties, or under any process or decree contrary to the intent of the ordinance, shall be fined and imprisoned, besides being liable for any other offence involved in the act.

It also provides that any person arrested or imprisoned, on any judgment or decree obtained in any federal court for duties, shall be entitled to the benefit secured by the habeas corpus act of the state in cases of unlawful arrest, and may maintain an action for damages; and that if any estate shall be sold under such judgment or decree, the sale shall be held illegal.

It also provides that any jailor who receives a person committed on any process or other judicial proceedings to enforce the payment of duties, and any one who hires his house as a jail to receive such person, shall be fined and imprisoned. And, finally, it provides, that per-

sons paying duties may recover them back with interest.

The next is called "an act to provide for the security and protection of the people of the state of South Carolina."

This act provides, that if the government of the United States, or any officer thereof, shall, by the employment of naval or military force, attempt to coerce the state of South Carolina into submission to the acts of congress declared by the ordinance null and void, or to resist the enforcement of the ordinance, or of the laws passed in pursuance thereof, or in case of any armed or forcible resistance thereto, the governor is authorized to resist the same, and to order into service the whole, or so much of the military force of the state as he may deem necessary; and that in case of any overt act of coercion or intention to commit the same, manifested by an unusual assemblage of naval or military forces in or near the state, or the occurrence of any circumstances indicating that armed force is about to be employed against the state, or in resistance to its laws, the governor is authorized to accept the services of such volunteers, and call into service such portions of the militia as may be required to meet the emergency.

The act also provides for accepting the service of the volunteers, and organizing the militia, embracing all free white males between the ages of 16 and 60, and for the purchase of arms, ordnance and ammunition. It also declares that the power conferred on the governor shall be applicable to all cases of insurrection or invasion, or imminent danger thereof, and to cases where the laws of the state shall be opposed, and the execution thereof forcibly resisted by combinations too powerful to be suppressed by the power vested in the sheriffs and other civil of-

ficers; and declares it to be the duty of the governor in every such case to call forth such portions of militia and volunteers as may be necessary promptly to suppress such combinations, and cause the laws of the state to be executed.

3d. Is "an act concerning the oath required by the ordinance, passed in convention at Columbia, the 24th of November, 1832."

This act prescribes the form of the oath, which is to obey and execute the ordinance and all acts passed by the legislature in pursuance thereof; and directs the time and manner of taking it by the officers of the state, civil, judicial, and military.

It is believed that other acts have been passed embracing provisions for enforcing the ordinance, but I have not yet been able to procure them.

I transmit, however, a copy of Governor Hamilton's message to the legislature of South Carolina; of Governor Hayne's inaugural address to the legislature, as also of his proclamation, and a general order of the governor and commander-in-chief, dated the 20th December, giving public notice that the services of volunteers will be accepted under the act already referred to.

If these measures cannot be defeated and overcome by the powers conferred by the constitution on the federal government, the constitution must be considered as incompetent to its own defence, the supremacy of the laws is at an end, and the rights and liberties of the citizens can no longer receive protection from the government of the union. They not only abrogate the acts of congress, commonly called the tariff acts of 1828 and 1832, but they prostrate and sweep away, at once, and without exception, every act, and every part of every act imposing

any amount whatever of duty on any foreign merchandise, and, virtually, every existing act which has ever been passed authorizing the collection of revenue, including the act of 1816, and also the collection law of 1799, the constitutionality of which has never been questioned. It is not only those duties which are charged to have been imposed for the protection of manufactures that are hereby repealed, but all others, though laid for the purpose of revenue merely, and upon articles in no degree suspected of being objects of protection.

The whole revenue system of the United States in South Carolina is obstructed and overthrown; and the government is absolutely prohibited from collecting any part of the public revenue within the limits of that state. Henceforth not only the citizens of South Carolina and of the United States, but the subjects of foreign states, may import any description or quantity of merchandise into the ports of South Carolina, without the payment of any duty whatsoever. That state is thus relieved from the payment of any part of the public burdens; and duties and imports are not only rendered not uniform throughout the United States, but a direct and ruinous preference is given to the ports of that state over those of all the other states of the union, in manifest violation of the positive provisions of the constitution.

In point of duration, also, these aggressions upon the authority of congress, which, by the ordinance, are made part of the fundamental law of South Carolina, are absolute, indefinite, and without limitation. They neither prescribe the period when they shall cease, nor indicate any condition upon which those who have thus undertaken to

arrest the operation of the laws, are to retrace their steps, and rescind their measures. They offer to the United States no alternative but unconditional submission. If the scope of the ordinance is to be received as the scale of concession, their demands can be satisfied only by a repeal of the whole system of the revenue laws, and by abstaining from the collection of any duties and imposts whatsoever.

It is true, that in the address to the people of the United States, by the convention of South Carolina, after announcing the fixed and final determination of the state, in relation to the protecting system, they say, that "it remains for us to submit a plan of taxation in which we would be willing to acquiesce, in a liberal spirit of concession, provided we are met in due time, and in a becoming spirit, by the states interested in manufactures." In the opinion of the convention, an equitable plan would be, that "the whole list of protected articles should be imported free of all duty, and that the revenue derived from import duties should be raised exclusively from the unprotected articles, or that whenever a duty is imposed upon protected articles imported, an excise duty of the same rate shall be imposed on all similar articles manufactured in the United States." The address proceeds to state, however, that they "are willing to make a large offering to preserve the union, and with a distinct declaration, that as a concession on our part, we will consent that the same rates of duty may be imposed upon the protected articles that shall be imposed upon the unprotected, provided that no more revenue be raised than is necessary to meet the demands of government for constitutional purposes, and provided, also, that a duty sub-

stantially uniform be imposed upon all foreign imports."

It is also true, that in his message to the legislature, when urging the necessity of providing "means of securing their safety by ample resources for repelling force by force," the governor of South Carolina observed, that he "cannot but think that on a calm and dispassionate review by congress and the functionaries of the general government, of the true merits of this controversy, the arbitration, by a call of a convention of all the states, which we sincerely and anxiously seek and desire, will be accorded to us."

From the diversity of the term indicated in these two important documents, taken in connexion with the progress of recent events in that quarter, there is too much reason to apprehend, without in any manner doubting the intentions of those public functionaries, that neither the terms proposed in the address of the convention, nor those alluded to in the message of the governor, would appease the excitement which had led to the present excesses. It is obvious, however, that should the latter be insisted on, they present an alternative which the general government, of itself, can by no possibility grant; since, by an express provision of the constitution, congress can call a convention for the purpose of proposing amendments, only "on the application of the legislatures of two thirds of the states." And it is not perceived that the terms presented in the address are more practicable than those referred to in the message.

It will not escape attention, that the conditions on which it is said in the address of the convention they "would be willing to acquiesce," form no part of the ordinance. While this ordinance bears all the solemnity of a fundamental law, is to be

authoritative upon all within the limits of South Carolina, and is absolute and unconditional in its terms, the address conveys only the sentiments of the convention, in no binding or practical form. One is the act of the state; the other only the expression of the opinions of the members of the convention. To limit the effect of that solemn act, by any terms or conditions whatever, they should have been embodied in it, and made of import no less authoritative than the act itself. By the positive enactments of the ordinance, the execution of the laws of the union is absolutely prohibited, and the address offers no other prospect of their being again restored, even in the modified form proposed, than what depends on the improbable contingency, that amid changing events and increasing excitement the sentiments of the present members of the convention and of their successors will remain the same.

It is to be regretted, however, that these conditions, even if they had been offered in the same binding form, are so undefined, depend upon so many contingencies, are so directly opposed to the known opinions and interests of the great body of the American people, as to be almost hopeless of attainment. The majority of the states and of the people will certainly not consent that the protecting duties shall be wholly abrogated, never to be re-enacted at any future time, or in any possible contingency. As little practicable is it to provide that the "same rate of duty shall be imposed upon the protected articles that shall be imposed upon the unprotected," which, moreover, would be severely oppressive to the poor, and in time of war, would add greatly to its rigours. And, though there can be no objection to the principle, properly understood, that no more

revenue shall be raised than is necessary for the constitutional purposes of the government; which principle has been already recommended by the executive as the true basis of taxation; yet it is very certain that South Carolina alone cannot be permitted to decide what those constitutional purposes are.

The period which constitutes the due time in which the terms proposed in the address are to be accepted, would seem to present scarcely less difficulty than the terms themselves. Though the revenue laws are already declared to be void in South Carolina, as well as the bonds taken under them, and the judicial proceedings for carrying them into effect, yet, as the full action and operation of the ordinance are to be suspended until the first of February, the interval may be assumed as the time within which it is expected that the most complicated portion of the national legislation, a system of long standing, and affecting great interests in the community, is to be rescinded and abolished. If this be required, it is clear that a compliance is impossible.

In the uncertainty, then, which exists as to the duration of the ordinance and of the enactments for enforcing it, it becomes imperiously the duty of the executive of the United States, acting with a proper regard to all the great interests committed to his care, to treat those acts as absolute and unlimited. They are so, as far as his agency is concerned. He cannot either embrace or lead to the performance of the conditions. He has already discharged the only part in his power, by the recommendation in his annual message. The rest is with congress and the people; and, until they have acted, his duty will require him to look to the existing

state of things, and act under them according to his high obligations.

By these various proceedings, therefore, the state of South Carolina has forced the general government, unavoidably, to decide the new and dangerous alternative of permitting a state to obstruct the execution of the laws within its limits, or seeing it attempt to execute a threat of withdrawing from the union. That portion of the people at present exercising the authority of the state solemnly assert their right to do either, and as solemnly announce their determination to do one or the other.

In my opinion, both purposes are to be regarded as revolutionary in their character and tendency, and subversive of the supremacy of the laws and of the integrity of the union. The result of each is the same; since a state in which, by an usurpation of power, the constitutional authority of the federal government is openly defied and set aside, wants only the form, to be independent of the union.

The right of the people of a single state to absolve themselves at will, and without the consent of the other states, from their most solemn obligations, and hazard the liberties and happiness of the millions composing this union, cannot be acknowledged. Such authority is believed to be utterly repugnant both to the principles upon which the general government is constituted, and to the objects which it was expressly formed to attain.

Against all acts which may be alleged to transcend the constitutional power of government, or which may be inconvenient or oppressive in their operation, the constitution itself has prescribed the modes of redress. It is the acknowledged attribute of free institutions that under them the empire of reason

and law is substituted for the power of the sword. To no other source can appeals for supposed wrongs be made consistently with the obligations of South Carolina; to no other can such appeals be made with safety at any time, and to their decisions, when constitutionally pronounced, it becomes the duty no less of the public authorities than of the people, in every case, to yield a patriotic submission.

That a state, or any other great portion of the people, suffering under long and intolerable oppression, and having tried all constitutional remedies without the hope of redress, may have a natural right, when their happiness can be no otherwise secured, and when they can do so without greater injury to others, to absolve themselves from their obligations to the government, and appeal to the last resort, need not, on the present occasion, be denied.

The existence of this right, however, must depend on the causes which may justify its exercise. It is the ultima ratio, which presupposes that the proper appeals to all other means of redress have been made in good faith, and which can never be rightfully resorted to, unless it be unavoidable. It is not the right of the state, but of the individual, and of all the individuals in the state. It is the right of mankind, generally, to secure, by all means in their power, the blessings of liberty and happiness; but when, for these purposes, any body of men have voluntarily associated themselves under a particular form of government, no portion of them can dissolve the association without acknowledging the correlative right in the remainder to decide whether that dissolution can be permitted, consistently with the general happiness. In this view it is a right

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dependent upon the power to enforce it.

Such a right, though it may be admitted to pre-exist, and cannot be wholly surrendered, is necessarily subjected to limitations in all free governments, and in compacts of all kinds freely and voluntarily entered into, and in which the interest and welfare of the individual become identified with those of the community of which he is a member. In compacts between individuals, however deeply they may affect their relations, these principles are acknowledged to create a sacred obligation: and in compacts of civil governments, involving the liberty and happiness of millions of mankind, the obligation cannot be less.

Without adverting to the particular theories to which the federal compact has given rise, both as to its formation and the parties to it—and without inquiring whether it be merely federal, or social, or national, it is sufficient that it must be admitted to be a compact, and to possess the obligations incident to a compact; to be a compact by which power is created on the one hand, and obedience is exacted on the other, a compact freely, voluntarily, and solemnly entered into by the several states, and ratified by the people thereof respectively; a compact by which the several states and the people thereof respectively have bound themselves to each other, and to the federal government, and by which the federal government is bound to the several states, and to every citizen of the United States. To this compact, in whatever mode it may have been done, the people of South Carolina have freely and voluntarily given their assent, and to the whole and every part of it they are, upon every principle of good faith, inviolably

bound. Under this obligation, they are bound, and should be required to contribute their portion of the public expense, and to submit to all laws made by the common consent, in pursuance of the constitution, for the common defence and general welfare, until they can be changed in the mode which the compact has provided for the attainment of those great ends of the government and of the union. Nothing less than causes which would justify revolutionary remedy can absolve the people from this obligation; and for nothing less can the government permit it to be done without violating its own obligation, by which, under the compact, it is bound to the other states, and to every citizen of the United States.

These deductions plainly flow from the nature of the federal compact, which is one of limitations, not only upon the powers originally possessed by the parties thereto, but also upon those conferred on the government and every department thereof. It will be freely conceded, that by the principles of our system, all power is vested in the people, but to be exercised in the mode, and subject to the checks which the people themselves have prescribed. These checks are, undoubtedly, only different modifications of the same great popular principle which lies at the foundation of the whole, but are not, on that account, to be less regarded or less obligatory.

Upon the power of congress, the veto of the executive, and the authority of the judiciary, which is "to extend to all cases in law and equity arising under the constitution and laws of the United States made in pursuance thereof," are the obvious checks, and the sound action of public opinion, with the

ultimate power of amendment, are the salutary and only limitations upon the powers of the whole.

However it may be alleged that a violation of the compact by the measures of the government can affect the obligations of the parties, it cannot even be pretended that such violation can be predicated of those measures until all the constitutional remedies shall have been fully tried. If the federal government exercises powers not warranted by the constitution, and immediately affecting individuals, it will scarcely be denied that the proper remedy is a recourse to the judiciary. Such undoubtedly is the remedy for those who deem the acts of congress laying duties on imports and providing for their collection to be unconstitutional. The whole operation of such laws is upon the individuals importing the merchandise; a state is absolutely prohibited from laying imposts or duties on imports or exports, without the consent of congress, and cannot become a party under those laws without importing in her own name, or wrongfully interposing her authority against them. By thus interposing, however, she cannot rightfully obstruct the operation of the laws upon individuals. For their disobedience to, or violation of the laws, the ordinary remedies through the judicial tribunals would remain. And, in case where an individual should be prosecuted for any offence against the laws, he could not set up, in justification of his act, a law of a state, which, being unconstitutional, would therefore be regarded as null and void.

The law of a state cannot authorize the commission of a crime against the United States, or any other act which, according to the supreme law of the union, would be otherwise unlawful. And it is

equally clear, that, if there be any case in which a state, as such, is affected by the law beyond the scope of judicial power, the remedy consists in appeals to the people either to effect a change in the representation, or to procure relief by an amendment of the constitution. But the measures of the government are to be recognised as valid, and consequently supreme, until these remedies shall have been effectually tried; and any attempt to subvert those measures, or to render the laws subordinate to state authority, and afterwards to resort to constitutional redress, is worse than evasive. It would not be a proper resistance to "*a government of unlimited powers,*" as has been sometimes pretended, but unlawful opposition to the very limitations on which the harmonious action of the government and all its parts absolutely depends. South Carolina has appealed to none of these remedies, but, in effect, has defied them all. While threatening to separate from the union if any attempts be made to enforce the revenue laws otherwise than through the civil tribunals of the country, she has not only not appealed in her own name to those tribunals which the constitution has provided for all cases in law or equity arising under the constitution and laws of the U. States, but has endeavoured to frustrate their proper action on her citizens by drawing the cognizance of cases under the revenue laws to her own tribunals, specially prepared and fitted for the purpose of enforcing the acts passed by the state to obstruct those laws, and both judges and jurors of which will be found by the import of oaths previously taken to treat the constitution and laws of the Uited States in this respect as a nullity. Nor has the state made the proper appeal to

public opinion and to the remedy of amendment. For without waiting to learn whether the other states will consent to a convention, or if they do, will construe or amend the constitution to suit her views, she has of her own authority altered the import of that instrument, and given immediate effect to the change. In fine, she has set her own will and authority above the laws, has made herself arbiter in her own case, and has passed at once over all intermediate steps to measures of avowed resistance, which, unless they be submitted to, can be enforced only by the sword.

In deciding upon the course which a high sense of duty to all the people of the United States imposes upon the authorities of the union, in this emergency, it cannot be overlooked that there is no sufficient cause for the acts of South Carolina, or for her thus placing in jeopardy the happiness of so many millions of people. Misrule and oppression, to warrant the disruption of the free institutions of the union of these states, should be great and lasting—defying all other remedy. For causes of minor character, the government could not submit to such a catastrophe, without a violation of its most sacred obligations to the other states of the union, who have submitted their destiny to its hands.

There is, in the present instance, no such cause either in the degree of misrule or oppression complained of, or in the hopelessness of redress by constitutional means. The long sanction they have received from the proper authorities and from the people, not less than the unexampled growth and increasing prosperity of so many millions of freemen, attest that no such oppression as would justify, or even

palliate such a resort, can be justly imputed either to the present policy or past measures of the federal government. The same mode of collecting duties, and for the same general objects, which began with the foundation of the government, and which has conducted the country through its subsequent steps to its present enviable condition of happiness and renown, has not been changed. Taxation and representation, the great principle of the American revolution, have continually gone hand in hand; and at all times, and in every instance, no tax of any kind has been imposed without the participation, and in some instances which have been complained of, with the express assent of the representatives of South Carolina in the councils of the government. Up to the present period, no revenue has been raised beyond the necessary wants of the country, and the authorized expenditures of the government. And as soon as the burthen of the public debt is removed, those charged with the administration have promptly recommended a correspondent reduction of revenue.

That this system, thus pursued, has resulted in no such oppression upon South Carolina, needs no other proof than the solemn and official declaration of the late chief magistrate of that state, in his address to the legislature. In that he says, that "occurrences of the past year, in connexion with our domestic concerns, are to be reviewed with a sentiment of fervent gratitude to the Great Disposer of human events; that tributes of grateful acknowledgments are due for the varied and multiplied blessings he has been pleased to bestow on our people; that abundant harvests in every quarter of the state have crowned the exertions of agricultural labour;

that health, almost beyond former precedent, has blessed our homes; and that there is not less reason for thankfulness in surveying our social condition;" it would, indeed, be difficult to imagine oppression, where, in the social condition of a people there was equal cause of thankfulness as for abundant harvests, and varied and multiplied blessings with which a kind Providence had favoured them.

Independently of these considerations, it will not escape observation, that South Carolina still claims to be a component part of the union, and to participate in the national council, and to share in the public benefits without contributing to the public burthens; thus asserting the dangerous anomaly of continuing in an association without acknowledging any other obligation to its laws than what depends upon her own will.

In this posture of affairs, the duty of the government seems to be plain: it inculcates a recognition of that state as a member of the union, and subject to its authority, a vindication of the just power of the constitution, the preservation of the integrity of the union, and the execution of the laws by all constitutional means.

The constitution, which his oath of office obliges him to support, declares, that the executive "*shall take care that the laws be faithfully executed.*" and providing that he shall, from time to time, give to congress information of the state of the union, recommend to their consideration such measures as he shall judge necessary and expedient, imposes the additional obligation of recommending to congress such more efficient provision for executing the laws as may, from time to time, be found requisite.

The same instrument confers on

congress the power, not merely to lay and collect taxes, duties, imposts and excises; to pay the debts and provide for the common defence and general welfare; but "to make all laws which shall be necessary and proper for carrying into effect the foregoing powers, and all other powers vested by the constitution in the government of the United States, or in any department or office thereof;" and also to provide for calling forth the militia for executing the laws of the union. In all cases similar to the present, the duties of the government become the measure of its powers; and whenever it fails to exert a power necessary and proper to the discharge of the duty prescribed by the constitution, it violates the public trust not less than it would in transcending its proper limits. To refrain, therefore, from the high and solemn duties thus enjoined, however painful the performance may be, and thereby tacitly permit the rightful authority of the government to be contemned, and its laws obstructed by a single state, would neither comport with its own safety, or the rights of the great body of the American people.

It being thus shown to be the duty of the executive to execute the laws, by all constitutional means, it remains to consider the extent of those already at his disposal, and what it may be proper further to provide.

In the instructions of the secretary of the treasury to the collectors in South Carolina, the provisions and regulations made by the act of 1799, and also the fines, penalties, and forfeitures for their enforcement, are particularly detailed and explained. It may be well apprehended, however, that these provisions may prove inadequate to meet such an open, powerful, or-

ganized opposition, as is to be commenced after the first of February next.

Subsequently to the date of those instructions and to the passage of the ordinance, information has been received from sources entitled to be relied on, that owing to the popular excitement in the state, and the effect of the ordinance, declaring the execution of the revenue laws unlawful, a sufficient number of persons in whom confidence might be placed, could not be induced to accept the office of inspectors, to oppose, with any probability of success, the force which will, no doubt, be used when an attempt is made to remove vessels and cargoes from the custody of the officers of the customs; and indeed, that it would be impracticable for the collector, with the aid of any number of inspectors whom he may be authorized to employ, to preserve the custody against any such attempt. The removal of the custom house from Charleston to castle Pinckney, was deemed a measure of necessary precaution; and though the authority to give that direction is not questioned, it is nevertheless apparent, that a similar precaution cannot be observed in regard to the ports of Georgetown and Beaufort, each of which, under the present laws, remains a port of entry, and exposed to the obstructions meditated in that quarter.

In considering the best means of avoiding or of preventing the apprehended obstruction to the collection of the revenue, and the consequences which may ensue, it would appear to be proper and necessary to enable the officers of the customs to preserve the custody of vessels and their cargoes, which, by the existing laws they are required to take, until the duties to which they are liable shall be paid or secured. The

mode by which it is contemplated to deprive them of that custody is the process of replevin and that of *capias ad withernam*, in the nature of a distress from the state tribunals organized by the ordinance.

Against the proceeding in the nature of distress it is not perceived that the collector can interpose any resistance whatever; and against the process of replevin authorized by the law of the state, he, having no common law power, can only oppose such inspectors as he is by statute authorized, and may find it practicable, to employ; and these, from the information already adverted to, are shown to be wholly inadequate. The respect which that process deserves must therefore be considered.

If the authorities of South Carolina had not obstructed the legitimate action of the courts of the United States, or if they had permitted the state tribunals to administer the law according to their oath under the constitution, and the regulations of the laws of the union, the general government might have been content to look to them for maintaining the custody, and to encounter the other inconveniencies arising out of the recent proceedings. Even in that case, however, the process of replevin from the courts of the state would be irregular and unauthorized. It has been decided by the supreme court of the United States, that the courts of the United States have exclusive jurisdiction of all seizures made on land or water for a breach of the laws of the United States; and any intervention of a state authority, which, by taking the thing seized out of the hands of the United States officer, might obstruct the exercise of this jurisdiction, is unlawful: that in such case the court of the United States having cognizance of the seizure, may en-

force a re-delivery of the thing by attachment or any other summary process; that the question under such a seizure, whether a forfeiture has been actually incurred, belongs exclusively to the courts of the United States, and it depends on the final decree whether the seizure is to be deemed rightful or tortuous; and that not until the seizure be finally judged wrongful and without probable cause by the courts of the United States, can the party proceed at common law for damages in the state courts.

But by making it "unlawful for any of the constituted authorities, whether of the United States or of the state, to enforce the laws for the payment of duties, and declaring that all judicial proceedings which shall be hereafter had in affirmance of contracts made with purpose to secure the duties imposed by the said acts, are and shall be held utterly null and void," she has in effect abrogated the judicial tribunals within her limits in this respect—has virtually denied the United States access to the courts established by their own laws, and declared it unlawful for the judges to discharge those duties which they are sworn to perform. In lieu of these, she has substituted those state tribunals already adverted to—the judges whereof are not merely forbidden to allow an appeal, or permit a copy of the record, but are previously sworn to disregard the laws of the union, and enforce those only of South Carolina; and, thus deprived of the function essential to the judicial character, of inquiring into the validity of the law and the right of the matter, become merely ministerial instruments in aid of the concerted obstruction of the laws of the union.

Neither the process nor authority of these tribunals, thus constituted,

can be respected consistently with the supremacy of the laws, or the rights and security of the citizen. If they be submitted to, the protection due from the government to its officers and citizens is withheld, and there is at once an end, not only to the laws, but to the union itself.

Against such a force as the sheriff may, and which, by the replevin act of South Carolina, it is his duty to exercise, it cannot be expected that a collector will retain his custody with the aid of the inspectors. In such case, it is true, it would be competent to institute suits in the United States courts, against those engaged in the unlawful proceeding; or the property might be seized for a violation of the revenue laws, and being libelled in the proper courts, an order might be made for its re-delivery, which would be committed to the marshal for execution. But in that case, the 4th section of the act, in broad and unqualified terms, makes it the duty of the sheriff "to prevent such re-capture or seizure, or to re-deliver the goods, as the case may be," even under any process, order, or decrees, or other pretext, contrary to the true intent and meaning of the ordinance aforesaid." It is thus made the duty of the sheriff, to oppose the process of the courts of the United States, and for that purpose, if need be, to employ the whole power of the country; and the act expressly reserves to him all power, which, independently of its provisions he could have used. In this reservation it obviously contemplates a resort to other means than those particularly mentioned.

It is not to be disguised, that the power which it is thus enjoined upon the sheriff to employ, is nothing less than the posse comitatus, in all the rigour of the ancient common law. This power, though it may be used against unlawful resistance to judi-

cial process, is in its character forcible, and analogous to that conferred upon the marshals by the act of 1795. It is, in fact, the embodying of the whole mass of the population under the command of a single individual, to accomplish by their forcible aid, what could not be effected peaceably, and by the ordinary means. It may properly be said to be a relict of those ages in which the laws could be defended rather by physical than moral force, and, in its origin, was conferred upon the sheriffs of England, to enable them to defend their country against any of the king's enemies, when they come into the land, as well as for the purpose of executing process. In early and less civilized times, it was intended to include "the aid and attendance of all knights and others who were bound to have harness." It includes, the right of going with arms and equipments, and embraces larger classes and greater masses of population than can be compelled by the laws of most of the states, to perform militia duty. If the principles of the common law are recognised in South Carolina, (and from this act it would seem they are,) the powers of summoning the posse comitatus will compel, under the penalty of fine and imprisonment, every man, over the age of fifteen, and able to travel, to turn out at the call of the sheriff, and with such weapons as shall be necessary; and it may justify beating, and even killing such as may resist. The use of the posse comitatus is therefore a direct application of force, and cannot be otherwise regarded, than as the employment of the whole militia force of the county, and in an equally efficient form, under a different name. No proceeding which resorts to this power, to the extent contemplated by the act, can be properly denominated peaceable.

The act of South Carolina, however, does not rely altogether upon this forcible remedy. For even attempting to resist or disobey, though by the aid only of the ordinary officers of the customs, the process of replevin, the collector and all concerned are subject to a further proceeding in the nature of a distress of their personal effects, and are moreover made guilty of a misdemeanour, and liable to be punished by fine of not less than one thousand dollars, nor more than five thousand, and to imprisonment not exceeding two years, nor less than six months; and for even attempting to execute the orders of the court for retaking the property, the marshal and all assisting would be guilty of a misdemeanour, and so liable to a fine of not less than three thousand dollars, and to imprisonment not exceeding two years, nor less than one; and in case the goods should be retaken under such process, it is made the absolute duty of the sheriff to retake them.

It is not to be supposed, that in the face of these penalties, aided by the powerful force of the county which would doubtless be brought to sustain the state officers, either that the collector could retain the custody in the first instance, or that the marshals could summons sufficient aid to retake the property, pursuant to the order or other process of the court.

It is moreover obvious, that in this conflict between the powers of the officers of the United States and the state, (unless the latter be passively submitted to,) the destruction to which the property of the officers of the customs would be exposed, the commission of actual violence, and the loss of lives, would be scarcely avoidable.

Under these circumstances, and

the provisions of the acts of South Carolina, the execution of the laws is rendered impracticable, even through the ordinary judicial tribunals of the United States. There would certainly be fewer difficulties, and less opportunity of actual collision between the officers of the United States and of the state, and the collection of the revenue would be more effectually secured—if indeed it can be done in any other way—by placing the custom house beyond the immediate power of the county.

For this purpose it might be proper to provide, that whenever, by any unlawful combination or obstruction, in any state, or in any port, it should become impracticable faithfully to collect the duties, the president of the United States should be authorized to alter and abolish such of the districts and ports of entries as should be necessary, and to establish the custom house at some secure place within the same port or harbour of such state; and in such cases, it should be the duty of the collector to reside at such place, and to detain all vessels and cargoes, until the duties imposed by law be properly secured, or paid in cash, deducting interest; that in such cases it should be unlawful to take the vessel and cargo from the custody of the proper officer of the customs, unless by process from the ordinary judicial tribunals of the United States; and that in case of an attempt otherwise to take the property by a force too great to be overcome by the officers of the customs, it should be lawful to protect the possession of the officers by the employment of the land and naval forces and the militia, under provisions similar to those authorized by the 11th section of the act of the 19th January, 1809.

This provision, however, will not shield the officers and citizens of the United States, acting under the laws from suits and prosecutions in the tribunals of the state, which might thereafter be brought against them, nor would it protect their property from the proceeding by distress; and it may well be apprehended that it would be inefficient to insure a proper respect to the process of the constitutional tribunals in prosecutions for offences against the United States, and to protect the authorities of the United States, whether judicial or ministerial, in the performance of their duty. It would, moreover, be inadequate to extend the protection due from the government, to that portion of the people of South Carolina, against outrage and oppression of any kind, who may manifest their attachment, and yield obedience to the laws of the union.

It may therefore be desirable to revive, with some modifications better adapted to the occasion, the 6th section of the act of 3d March, 1815, which expired on the 4th of March, 1817, by the limitation of that of 27th of April, 1816, and to provide that in any case where suit shall be brought against any individual in the courts of the state, for any act done under the laws of the United States, he should be authorized to remove the said cause by petition into the circuit court of the United States, without any copy of the record, and that that court should proceed to hear and determine the same as if it had been originally instituted therein; and that in all cases of injuries to the persons or property of individuals acting under the laws of the United States for disobedience to the ordinance and laws of South Carolina in performance thereof, re-

dress may be sought in the courts of the United States.

It may be expedient, also, by modifying the resolution of the 3d of March, 1791, to authorize the marshals to make the necessary provision for the safe keeping of prisoners committed under the authority of the United States.

Provisions less than these, consisting, as they do for the most part, rather of a revival of the policy of former acts called for by the existing emergency, than of the introduction of any unusual or rigorous enactments, would not cause the laws of the union to be properly respected and enforced. It is believed these would prove adequate, unless the military forces of the state of South Carolina authorized by the act of the legislature, should be actually embodied and called out in aid of their proceedings, and of the provisions of the ordinance generally. Even in that case, however, it is believed that no more will be necessary than a few modifications of its terms to adapt the act of 1795 to the present emergency; as by that act the provisions of the law of 1792 were accommodated to the crisis then existing: and by conferring authority upon the president to give it operation during the session of congress, and without the ceremony of a proclamation, whenever it shall be officially made known to him by the authority of any state, or by the courts of the United States, that within the limits of such state the laws of the United States will be openly opposed, and their execution obstructed, by the actual employment of military force, or by any unlawful means whatsoever, too great to be otherwise overcome.

In closing this communication I should do injustice to my own feel-

ings not to express my confident reliance upon the disposition of each department of the government to perform its duty, and co-operate in all measures necessary in the present emergency.

The crisis undoubtedly invokes the fidelity of the patriot and the sagacity of the statesman; not more in removing such portion of the public burthen as may be unnecessary, than in preserving the good order of society, and in the maintenance of well-regulated liberty.

While a forbearing spirit may, and I trust will be exercised towards the errors of our brethren in a particular quarter, duty to the rest of the union demands, that open and organized resistance to the laws should not be executed with impunity.

The rich inheritance bequeathed by our fathers has devolved upon us the sacred obligation of preserving it by the same virtues which conducted them through the eventful scenes of the revolution, and ultimately crowned their struggle with the noblest model of civil institutions. They bequeathed to us a government of laws, and a federal union, founded upon the great principle of popular representation. After a successful experiment of 44 years, at a moment when the government and the union are the ob-

jects of the hopes of the friend of civil liberty throughout the world, and in the midst of public and individual prosperity unexampled in history, (we are called upon to decide whether these laws possess any force, and that union the means of self preservation. The decision of this question by an enlightened and patriotic people cannot be doubtful. For myself, fellow citizens, devoutly relying upon that divine Providence, which has hitherto watched over our destinies, and actuated by a profound reverence for those institutions I have so much cause to love, and for the American people, whose partiality honoured me with their highest trust, I have determined to spare no effort to discharge the duty which in this conjuncture is devolved upon me. That a similar spirit will actuate the representatives of the American people is not to be questioned; and I fervently pray that the Great Ruler of nations may so guide your deliberations and our joint measures, as that they may prove salutary examples, not only to the present, but to future times, and solemnly proclaim that the constitution and the laws are supreme, and the union *indissoluble*.

ANDREW JACKSON.

Washington, January 16th, 1833.

CONVENTION BETWEEN THE UNITED STATES AND NAPLES.

Convention between the Government of the United States of America and his Majesty the King of the Kingdom of the Two Sicilies, to terminate the reclamations of said Government for the depredations inflicted upon American commerce by Murat, during the years 1809, 1810, 1811, and 1812.

THE government of the United States of America, and his Majesty the king of the kingdom of the Two Sicilies, desiring to terminate the reclamations advanced by said government against his said Majesty,

in order that the merchants of the United States may be indemnified for the losses inflicted upon them by Murat, by the depredations, seizures, confiscations, and destruction of their vessels and cargoes, during the years 1809, 1810, 1811, and 1812, and his Sicilian Majesty desiring thereby to strengthen with the said government the bonds of that harmony not hitherto disturbed; the said government of the United States, and his aforesaid majesty the king of the kingdom of the Two Sicilies, have, with one accord, resolved to come to an adjustment; to effectuate which, they have respectively named and furnished with the necessary powers, viz. the said government of the United States, John Nelson, Esquire, a citizen of said States, and their chargé d'affaires near his majesty the king of the kingdom of the Two Sicilies; and his majesty, his excellency D. Antonio Maria Statello, prince of Cassaro, Marquis of Spaccaforno, Count Statello, &c. &c. &c., his said majesty's minister, secretary of state for foreign affairs, &c. &c., who, after the exchange of their respective full powers found in good and due form, have agreed to the following articles:

ARTICLE I.

His majesty the king of the kingdom of the Two Sicilies, with a view to satisfy the aforesaid reclamations, for the depredations, sequestrations, confiscations, and destruction of the vessels and cargoes of the merchants of the United States, (and for every expense of every kind whatsoever, incident to, or growing out of the same,) inflicted by Murat during the years 1809, 1810, 1811, and 1812, obliges himself to pay the sum of two million one hundred and fifteen thousand Neapolitan ducats to the government of the United States;

seven thousand six hundred and seventy-nine ducats, part thereof, to be applied to reimburse the said government for the expense incurred by it, in the transportation of American seamen from the kingdom of Naples, during the year 1810, and the residue to be distributed among the claimants by the said government of the United States, in such manner, and according to such rules as it may prescribe.

ARTICLE II.

The sum of two million one hundred and fifteen thousand Neapolitan ducats, agreed on in article the first, shall be paid in Naples, in nine equal instalments of two hundred and thirty-five thousand ducats, and, with interest thereon at the rate of four per centum per annum, to be calculated from the date of the interchange of the ratification of this convention, until the whole sum shall be paid. The first instalment shall be payable twelve months after the exchange of the said ratifications, and the remaining instalments, with the interest successively, one year after another. The said payments shall be made in Naples into the hands of such person as shall be duly authorized by the government of the United States to receive the same.

ARTICLE III.

The present convention shall be ratified, and the ratifications thereof shall be exchanged, in this capital, in the space of eight months from this date, or sooner if possible.

In faith whereof, the parties above named have respectively subscribed these articles, and thereto affixed their seals. Done at Naples on the 14th day of October, one thousand eight hundred and thirty two.

JNO. NELSON. [L. S.]

IL PRINCIPE DI CASSARO. [L. S.]

Treaty of Navigation and Commerce between the United States of America and his Majesty the Emperor of all the Russias, concluded at St. Petersburg on the 1st day of December, in the year of our Lord one thousand eight hundred and thirty-two.

In the name of the most Holy and Indivisible Trinity :

THE United States of America and his Majesty the Emperor of all the Russias, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective states, and of extending and consolidating the commercial intercourse between them, have agreed to enter into negotiations for the conclusion of a treaty of navigation and commerce : for which purpose, the President of the United States has conferred full powers on James Buchanan, their envoy extraordinary and minister plenipotentiary near his Imperial Majesty ; and his Majesty the Emperor of all the Russias has conferred like powers on the Sieur Charles Robert Count de Nesselrode, his vice chancellor, Knight of the order of Russia, and of many others, &c. ; and the said plenipotentiaries having exchanged their full powers, found in good and due form, have concluded and signed the following articles :

ARTICLE I.

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective states shall mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs,

and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

ARTICLE II.

Russian vessels arriving, either laden or in ballast, in the ports of the United States of America ; and reciprocally, vessels of the United States arriving either laden or in ballast, in the ports of the empire of Russia, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the same place, with respect to the duties of tonnage. In regard to light-house duties, pilotage, and port charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied upon vessels or commerce, in the name or to the profit of the government, the local authorities, or of any private establishments whatsoever, the high contracting parties shall reciprocally treat each other upon the footing of the most favoured nations with whom they have not treaties now actually in force, regulating the said duties and charges on the basis of an entire reciprocity.

ARTICLE III.

All kinds of merchandise and articles of commerce, which may be lawfully imported into the ports of the empire of Russia in Russian vessels, may, also, be so imported in

vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishment whatsoever, than if the same merchandise, or articles of commerce had been imported in Russian vessels. And reciprocally, all kinds of merchandise and articles of commerce, which may be lawfully imported into the ports of the United States of America, in vessels of the said States, may, also, be so imported in Russian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been imported in vessels of the United States of America.

ARTICLE IV.

It is understood that the stipulations contained in the two preceding articles are, to their full extent, applicable to Russian vessels and their cargoes, arriving in the ports of the United States of America; and reciprocally, to vessels of the said States and their cargoes, arriving in the ports of the Empire of Russia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

ARTICLE V.

All kinds of merchandise and articles of commerce, which may be lawfully exported from the ports of the United States of America in national vessels, may, also, be ex-

ported therefrom in Russian vessels without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been exported in vessels of the United States of America. And reciprocally, all kinds of merchandise and articles of commerce, which may be lawfully exported from the ports of the Empire of Russia in national vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been exported in Russian vessels.

ARTICLE VI.

No higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of Russia; and no higher or other duties shall be imposed on the importation into the Empire of Russia of any article the produce or manufacture of the United States, than are, or shall be, payable on the like article, being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States or of Russia, to or from the ports of the United States, or to or from the ports of the Russian Empire, which shall not equally extend to all other nations.

ARTICLE VII.

It is expressly understood that the preceding articles II, III, IV, V, and VI, shall not be applicable to the coastwise navigation of either of the two countries, which each of the high contracting parties reserves exclusively to itself.

ARTICLE VIII.

The two contracting parties shall have the liberty of having in their respective ports, consuls, vice consuls, agents, and commissaries, of their own appointment, who shall enjoy the same privileges and powers as those of the most favoured nations; but if any such consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same place.

The consuls, vice consuls, and commercial agents, shall have the right as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order or the tranquility of the country, or the said consuls, vice consuls, or commercial agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

ARTICLE IX.

The said consuls, vice consuls, and commercial agents, are author-

ized to require the assistance of the local authorities, for the search, arrest, detention, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose, they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. But if not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE X.

The citizens and subjects of each of the high contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being citizens or subjects

of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same at will, paying to the profit of the respective governments such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall be decided, finally, by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate, within the territories of one of the high contracting parties, such real estate would, by the laws of the land, descend on a citizen or subject of the other party, who, by reason of alienage, may be incapable of holding it, he shall be allowed the time fixed by the laws of the country, and in case the laws of the country actually in force may not have fixed any such time, he shall then be allowed a reasonable time to sell such real estate and to withdraw and export the proceeds without molestation, and without paying to the profit of the respective Governments any other dues than those to which the inhabitants of the country wherein said real estate is situated shall be subject to pay in like cases. But this article shall not derogate, in any manner, from the force of the laws already published, or which may hereafter be published, by his Majesty the Emperor of all the Russias, to prevent the emigration of his subjects.

ARTICLE XI.

If either party shall, hereafter, grant to any other nation any particular favour in navigation or commerce, it shall, immediately, become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

ARTICLE XII.

The present treaty, of which the effect shall extend, in like manner, to the kingdom of Poland so far as the same may be applicable thereto, shall continue in force until the first day of January, in the year of our Lord one thousand eight hundred and thirty-nine; and if, one year before that day, one of the high contracting parties, shall not have announced to the other, by an official notification, its intention to arrest the operation thereof, this treaty shall remain obligatory one year beyond that day, and so on, until the expiration of the year which shall commence after the date of a similar notification.

ARTICLE XIII.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by his Majesty the Emperor of all the Russias, and the ratifications shall be exchanged in the city of Washington within the space of one year, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed the present treaty, in duplicate, and affixed thereto the seal of their arms.

Done at St. Petersburg, the 1st December, in the year of Grace one thousand eight hundred and thirty-two.

JAMES BUCHANAN. [L. S.]
CHARLES COMTE DE NESSELRODE. [L. S.]

SEPARATE ARTICLE.

Certain relations of proximity, and anterior engagements, having rendered it necessary for the Imperial Government to regulate the commercial relations of Russia with Prussia, and the kingdoms of Sweden and Norway, by special stipulations, now actually in force, and which may be renewed hereafter; which stipulations are, in no manner, connected with the existing regulations for foreign commerce in general; the two high contracting parties, wishing to remove from their commercial relations every kind of ambiguity or subject of discussion, have agreed that the special stipulations granted to the commerce of Prussia, and of Sweden and Norway, in consideration of equivalent advantages granted in these countries, by the one to the commerce of the kingdom of Poland,

and by the other to that of the Grand Duchy of Finland, shall not, in any case, be invoked in favour of the relations of commerce and navigation, sanctioned between the two high contracting parties by the present treaty.

The present separate article shall have the same force and value as if it were inserted, word for word, in the treaty signed this day, and shall be ratified at the same time.

In faith whereof, we the undersigned, by virtue of our respective full powers, have signed the present separate article, and affixed thereto the seals of our arms.

Done at St. Petersburg, the 17th of December, in the year of Grace one thousand eight hundred and thirty-two.

JAMES BUCHANAN. [L. S.]
CHARLES COMTE DE NESSELRODE.
[L. S.]

CORRESPONDENCE RELATING TO THE CLAIMS OF CITIZENS OF THE UNITED STATES ON FRANCE.

Extracts from the General Instructions of John Quincy Adams, Secretary of State of the United States, to James Brown, dated at Washington, 23d December, 1823.

“ The subjects of immediate concern in the relations between the United States and France, which will require your attention, are,

“ 1. The claims of many citizens of the United States upon the French government for indemnity.

“ 2. The pretension raised by the French government to special and exclusive privileges in the ports of Louisiana, by virtue of the 8th article of the Louisiana cession convention, &c. &c. &c.

* * * * *

“ All these subjects, except the

last, [the turning away of the Congress frigate from Cadiz,] have been discussed between the two governments during the missions of your predecessors; most of them so fully, that a renewal of the discussion can scarcely be expected to adduce any novelty of argument or of illustration. All the correspondence concerning them will be before you, and you will, immediately after your reception, earnestly call the attention of the French government to the claims of our citizens for indemnity.

" You will, at the same time, explicitly make known that this government cannot consent to connect this discussion with that of the pretension raised by France on the construction given by her to the 8th article of the Louisiana cession treaty. The difference in the nature and character of the two interests is such, that they cannot, with propriety, be blended together. The claims are for reparation to individuals for their property taken from them by manifest and undisputed wrong. The question upon the Louisiana treaty is a question of right upon the meaning of a contract. It has been fully, deliberate-

ly, and thoroughly investigated; and the government of the United States are under the entire and solemn conviction, that the pretension of France is utterly unfounded. We are, nevertheless, willing to resume the discussion, if desired by France: but to refuse justice to individuals, unless the United States will accede to the construction of an article in a treaty, contrary to what they believe to be its real meaning, would be not only incompatible with the principles of equity, but submitting to a species of compulsion derogatory to the honour of the nation.

* * * * *

Mr. Adams to Mr. Brown.

Department of State,
Washington, 14th Aug., 1824.

SIR,

I HAVE had the honour of receiving your despatches to No 4, inclusive, dated 28th May, with their enclosures.

The subject which has first claimed the attention of the president, has been the result of your correspondence with Viscount de Chateaubriand in relation to the claims of numerous citizens of the United States upon the justice of the French government.

I enclose herewith a copy of a report of the committee of foreign relations of the house of representatives upon several petitions addressed to that body at their last session by some of those claimants, and of a resolution of the house adopted thereupon.

The president has deliberately considered the purport of Mr. de Chateaubriand's answer to your

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note of the 28th April upon this subject; and he desires that you would renew, with earnestness, the application for indemnity to our citizens for claims notoriously just, and resting upon the same principle with others which have been admitted and adjusted by the government of France.

In the note of Viscount de Chateaubriand to you, of 7th May, it is said that he is authorized to declare a negotiation will be opened with you upon the American claims if this negotiation should also include French claims, and particularly the arrangements to be concluded concerning the execution of the eighth article of the Louisiana treaty.

You are authorized, in reply, to declare that any just claims which subjects of France may have upon the government of the United States will readily be included in the negotiation, and to stipulate any suit-

able provision for the examination, adjustment, and satisfaction of them.

But the question relating to the eighth article of the Louisiana treaty, is not only of a different character—it cannot be blended with that of indemnity for individual claims, without a sacrifice, on the part of the United States, of the principle of right. The negotiation for indemnity presupposes that wrong has been done; that indemnity ought to be made; and the object of any treaty stipulation concerning it, can only be to ascertain what is justly due, and to make provision for the payment of it. By consenting to connect with such a negotiation that relating to the eighth article of the Louisiana convention, the United States would abandon the *principle* upon which the whole discussion concerning it depends. The situation of the parties to the negotiation would be unequal. The United States, asking reparation for admitted wrong, are told that France will not discuss it with them unless they will first renounce their own sense of right, to admit and discuss with it a claim, the *justice* of which they have constantly denied.

The government of the United States is prepared to renew the discussion with that of France, relating to the eighth article of the Louisiana treaty, in any manner which may be desired, and by which they shall not be understood

to admit that France has *any* claim under it whatever.

A change having taken place in the French department of foreign affairs, it is hoped that a new application in behalf of the claims will be more successful than those which have hitherto been urged in vain. It may, perhaps, be proper to offer to discuss further the Louisiana treaty question before entering upon the negotiation for the claims; but you will not fail to press seriously upon the French government, that, as the United States cannot see in the result of the discussion hitherto, *any* just claim of France arising from the article of the treaty, so, in the persevering refusal of France to discuss and adjust the well-founded claims of the citizens of the United States to indemnity for wrongs, unless in connexion with one which they are satisfied is unfounded, the United States could ultimately perceive only a determination of France to deny justice to the claimants altogether.

From the tenor of the resolution of the house of representatives, a copy of which is enclosed, you will discern the necessity of obtaining a positive and ultimate answer, in season to be communicated to congress at an early period of their next session.

I am, with great respect, &c. &c.
JOHN QUINCY ADAMS.
James Brown, Esq., &c. &c.

Mr. Clay to Mr. Brown.

Department of State,
Washington, 28th May, 1827.
JAMES BROWN, Envoy Extraordinary,
and Minister Plenipotentiary to France.
SIR,
I TRANSMIT herewith, a report

from this department to the house of representatives, made at the last session of congress, in pursuance of a resolution of the house, containing a schedule of claims of citizens of the United States on foreign govern-

ments, arising out of spoliations committed on our commerce during the wars of the French revolution. The schedule is as comprehensive as the materials in the possession of the department would admit : but it is not to be taken as by any means exhibiting the full amount of the just claims of our citizens. The common casualties incident to human nature, have probably prevented the transmission to the department of many claims. Some did not come in until after the expiration of the period fixed in the resolution of the house of representatives for their being forwarded to the department, and others were received subsequently to the presentation of the schedule to the house. The claims which are excluded ought not to be considered as affected in the least degree by their omission. The design of the house of representatives, in requiring a statement of the amount of claims upon foreign governments, was to obtain a general and proximate view of their extent, without any purpose of impairing the validity of those which, from whatever cause, should not be forwarded.

Although, for the reasons just mentioned, the schedule ought to be received as an imperfect exhibit of the total number and amount of the claims which it was intended to include, the aggregate sum which it, in fact, presents is sufficient to enlist the best exertions of the government to procure for the claimants the indemnity to which they are justly entitled. Whether we regard the enormity of the aggressions out of which those claims spring, the numerous persons interested in the liquidation of them, or the vast amount at issue, the government of the United States can never be indifferent to their satisfactory adjustment; and however unpromising appearances may, from time to time

be, it will preserve to the last, until indemnity be obtained.

The schedule was referred, by the house of representatives, to its committee on foreign affairs, which, on the 23d of February last, made a report, of which a copy is herewith transmitted. The committee conclude their report by observing that the confidence which they entertain "that the measures within the competence of the executive will eventually prove successful, is measured by the reliance which is felt in the justice and honour of foreign governments. Till those measures shall have been exhausted and found inadequate, the time will not have arrived for legislative interference." It is the expectation of the claimants, of congress, and of the country, that a renewed appeal shall be made, through the executive, to the justice of France. The committee properly remark in their report, that "justice could not, perhaps, with propriety be enforced from other powers before, nor dispensed with after, it shall have been done to our citizens by this powerful, prosperous, and magnanimous state, of whose elevated and liberal policy the people of the United States have had too many proofs to fear a final difference of sentiment on this subject." It should be added that France may be properly considered as the parent source of all the wrongs inflicted by the continental powers during the revolutionary wars, on the commerce of the United States; and both for that reason, and on account of the greater magnitude of the claims upon France, which, according to the schedule, is nearly double the amount of those upon all the other continental governments together, there is an evident fitness in that nation's taking the lead in equitable reparations, which took the lead in the original aggression.

It is, therefore, the president's wish that you should again bring the subject of the American claims to the view of the French government, and demand that satisfaction which has been so long unjustly withheld. In executing this duty, it may not be unprofitable that you should present to its notice a brief review of the treatment which has been given, by the present government, since the final overthrow of Napoleon, to similar demands when urged by your predecessor and yourself. In the exhibition of such a review, you will remind that government that, as early as the 9th November, 1816, Mr. Gallatin transmitted a note to the Duke de Richelieu, the French secretary of state for the department of foreign affairs, in which he made a general statement of the claims of our citizens arising under various illegal acts of the French government, and demanded the indemnity due on their account. Having received no answer to that note, on the 26th December following, Mr. Gallatin requested an interview for the purpose of communicating to this government the result of his application. On the 16th of January, 1817, the Duke appointed the 20th of the same month for the interview, at which Mr. Gallatin reports him to have said, in answer to the basis which he had proposed in his note of the 9th of November, "that his (the Duke's) offer would fall very short of our demand; that he would not go beyond an indemnity for vessels burnt at sea, and for those, the proceeds of which had been only sequestered and deposited in the Caisse d'Amortissement." He added "that he would make his proposal in writing, and that this would not be attended with much delay." On the 13th April, 1817, in another interview with Mr. Gallatin, he announ-

ced "that he had concluded not to give a written answer to the note of the 9th of November." The pretext for this alteration in the Duke's determination, was stated to be the unexpected amount of claims against France which were brought forward by European powers. He said, "that, whilst unable to face the engagements which superior force had imposed on them, it was utterly impossible for his Majesty's government to contract voluntarily new obligations. They were not willing to reject, absolutely and definitively, our reclamations in toto: they could not, at *this time*, admit them. What he had now verbally communicated could not, for many reasons, become the ground of an official answer to my note. He had, therefore, concluded that a silent *postponement* of the subject was the least objectionable course, since, having now made our demand for indemnity in an official manner, the question would be left entire for discussion at some more favourable time, after France was in some degree disentangled from her present difficulties." Mr. Gallatin states, in a despatch under date the 12th of July, 1817, narrating the substance of a conversation recently held with the same French minister, that the Duke said "that he wished it be *clearly* understood that the postponement of our claims for spoliations was not a rejection; that a portion of them was considered as founded in justice; that he was not authorized to commit his majesty's government by any positive promise; but that it was their intention to make an arrangement for the discharge of our just demands as soon as they were extricated from their present embarrassments." In April, 1818, when communicating to the legislative chambers of France the engagements which had been contracted to foreign powers, the

Duke de Richelieu uses the following terms: "France is liberated, both as to principal and interest, from all the debts contracted towards the subjects of the other *European* powers prior to the 20th November, 1815." This limitation of the communication to *European* powers, to the exclusion of the United States, was made at the instance of Mr. Gallatin, and was intended to preclude all supposition that any decision had been taken unfavourable to the American claims, (see Mr. Gallatin's despatch to the secretary of state, under date the 3d of April, 1818.) On the 11th of February, 1819, on the occasion of presenting a note, under that date, to the Marquis Dessolle, the French minister of foreign affairs, in behalf of the claim of Mr. Parish, Mr. Gallatin invites the attention of that minister to the consideration of American claims generally, by referring to his official notes to which he had received no answer. On the 29th December, 1819, the council of state rejected the petition of the proprietors and owners of the American ships *Telegraph* and *Dolly*, captured by the French frigates *Medusa* and *Nymphe*, and subsequently burnt at sea. On the 15th March, 1820, Mr. Gallatin addressed to Baron Pasquier an official remonstrance against that decision, and especially the grounds on which it was placed, and he demanded that the subject be laid before the king of France, and that the decision be revised and rescinded. He was afterwards informed by the Baron, that the remonstrance was referred to the minister of justice, who, to this day, as far as we are informed, has never reported or decided upon it.

On the 9th May, 1820, yielding to the entreaty of Mr. Parish, Mr. Gallatin addressed to Baron Pasquier a note in support of the class

of claims known under the designation of the Antwerp cases, of which Mr. Parish's was one. To this note no answer was ever received. On the 31st October, 1821, Mr. Gallatin addressed another note to Baron Pasquier in behalf of the claim of Richard Paxon, a citizen of the United States, and took that occasion to remind the French minister that his note of the 15th March, 1820, relative to the case of the *Dolly* and *Telegraph*, was unanswered. To this note no answer was ever given. On the 10th January, 1822, Mr. Gallatin addressed a note to the Viscount de Montmorency on the subject of the Antwerp claims, in which he discusses the subject at large. Neither to this note was any written answer given; but, on the 27th January, 1822, (see Mr. Gallatin's despatch to the secretary of state of the 28th of that month,) he had a conference with the viscount on the subject of it, in the course of which, having referred him to the previous notes of the 9th November, 1816, and the 22d April, 1817, he again pressed the subject of our claims, and stated that, notwithstanding his repeated applications during a period of near six years, he had not been able to obtain redress in one single instance, and had not been even honoured with an answer. The Viscount Montmorency at once answered, "that he had read the papers relative to the Antwerp sequestrations, and that he was struck with the justice of the claim: he regretted, he added, that the settlement of this reclamation should have fallen on the present ministry." Mr. Gallatin in a letter addressed to the secretary of state, under date the 23d April, 1822, writes: "In several conversations I had with the Viscount de Montmorency on the subject of the Antwerp cases, he always evinced

a sense of the justice of the claim, and a disposition that indemnity should be made, but I have not yet been able to obtain an official answer. Mr. Gallatin obtained from the Viscount permission to confer on the subject with Mr. de Villele. In that conference, it appeared to Mr. Gallatin that, although Mr. de Villele was cautious not to commit himself, "he was already satisfied, from the inspection of the papers in his department, and without having seen my arguments, that the claim was just; and that the ground assumed by Baron Louis, in his letter to Mr. Parish was untenable." Without disputing the justice of the claim, Mr. Villele suggested several objections, founded on the magnitude of the wrongs committed by Bonaparte, and the alleged impossibility that France should repair them all. "The payments made by France to other governments were the result of an agreement, (d'une transaction,) founded on equitable principles, and on an abandonment, on the part of the foreign powers, of a considerable part of their claims. It appeared to him impossible that an application for funds should be made to the Chambers for the purpose of satisfying American claims, unless it was also the result of a transaction of a similar nature."

"Even in that case, the engagement to pay any sum at this time, for that object, would, for the reasons already stated, and for many others arising from the change of government, appear extremely hard. The only way to render it palatable, was, that it should be accompanied by the grateful information that our commercial difficulties were arranged in a satisfactory manner. He regretted, therefore, extremely, that the discussions of the two subjects had been separated, one being treated in the United States, and the

other here; and he asked whether it was probable that the result of the negotiation at Washington would be known at Paris before the next session of the chambers, which is to take place in June next." Mr. Gallatin adds: "I must say that these observations did not appear to me to be made with an intention of throwing new obstacles in the way of an adjustment of our claims; but for the purpose of stating the difficulties which the government would have to encounter, in any attempt to effect that object."

On the 3d of May, 1822, Mr. Gallatin addressed a letter to Viscount de Montmorency on the subject of the Antwerp claims, and, on the 18th of the same month, he had a conference with the Viscount on the subject of the American claims, which turned, principally, on the difficulties which France would find in effecting an arrangement with us. The result of a free conversation on what was practicable, seemed to be that a definitive agreement was preferable to a partial payment, and that the choice must, in that respect, be between the two following modes: either the payment of a stipulated sum, in full discharge of the demand of the United States for spoliations, and to be distributed by their government; or the reference of the whole case to a joint commission, which, in case of disagreement, would refer the disputed points to a sovereign chosen by the two governments. On the 1st of June, 1822, the Viscount Montmorency returned an answer to the note of Mr. Gallatin of the 3d of May, in which he states: "The object of your claim is, without doubt, interesting to a great number of individuals, and we have also individual claims to make, which are likewise of great interest to the subjects of the king whom they con-

cern. I would be the first to wish that the government could be engaged with them, but you are not ignorant, sir, that there is, at this moment, at Washington, a negotiation which embraces general interests of the highest importance to the navigation of France and America. The king's council has judged that it was better to put off the examination of the individual claims until the negotiation upon the general interests was concluded, and, as soon as that shall take place, I shall hasten, sir, to move in the king's council, the examination of the claims which form the subject of your letter of the 3d of May."

On the 13th of June Mr. Gallatin, in a note under that date, addressed to the Viscount Montmorency, in reply, protested against this new cause of procrastination.

Meanwhile the convention of the 24th day of June, 1822, was concluded at Washington, and, on the 17th of August, Mr. Gallatin, in a note to Mr. de Montmorency, informs that minister, "that the cause assigned by your excellency, in your letter of the 1st of June last, for suspending their consideration, being happily removed by the late commercial arrangement, I trust that no further delay will take place, and that, in conformity with the tenor of that letter, your excellency will be pleased to bring that important subject before the king's council."

On the 24th of September, 1822, Mr. Gallatin, in a note addressed to the secretary of state under that date, states, "I had yesterday a conference with Mr. Villele on the subject of our claims. He expressed his wish that a general arrangement might take place, embracing all the subjects of discussion between the two countries; stated those to be, the reclamations of the

United States for spoliations on their trade: those of France on account of Beaumarchais' claim, and of the vessels captured on the coast of Africa, and the question arising under the Louisiana treaty; and asked whether I was prepared to negotiate upon all these points? I answered, that I was ready to discuss them all, but that I must object to uniting the Louisiana question to that of claims for indemnity, as they were essentially distinct; and as I thought that, after all that had passed, we had a right to expect that no further obstacles should be thrown in the discussion of our claims by connecting it with subjects foreign to them."

On the 6th November, 1822, Mr. de Villele addressed a letter to Mr. Gallatin, in which, after adverting to the recent conclusion at Washington of the commercial convention between the two countries, he proceeds to observe: "If any partial difficulties shall still remain to be removed, they will be easily arranged between two powers who sincerely wish to establish their relations upon the most perfect equity.

"In this spirit of reciprocal justice, I have received the claims which you have done me the honour to transmit to me, and, without prejudging any thing in their regard, I must, first of all, sir, remark to you that France has also claims pending, or to be produced to the government of the United States. It would appear agreeable to the interest of both parties, and to the reciprocity of justice and of protection to which the subjects of the two states have equally a right, that these affairs should be examined and arranged, unanimously, by way of negotiation.

"His majesty's intention would be, that these claims, and the other

points in dispute upon which the convention of the 24th of June has not been able to pronounce, should be the object of this negotiation, in order to terminate simultaneously, and in a definitive manner, every dispute between the two states, especially in what concerns the duties received in Louisiana on the French commerce contrary to the tenor of the eighth article of the treaty of cession.

“You will only perceive, sir, in this intention of his majesty, the most firm desire of leaving, in future, no cause or pretext of misunderstanding or of complaints between the two states, and on the part of their respective subjects.

“If you are authorized, sir, to follow this march, I pray you let me know, and I will hasten to demand of the king the necessary powers to a negotiator charged with treating with you.”

In his answer, under date of the 12th November, 1822, to that letter of Mr. de Villele, Mr. Gallatin says: “I have special power to negotiate a convention providing for the just claims of citizens of the United States against France, as also for the like claims of French subjects against the United States, with such person or persons as may have a like authority from his most Christian Majesty. As minister of the United States, I am authorized to discuss the question respecting the construction of the eighth article of the Louisiana treaty, and to give and receive explanations on that subject, but the negotiation on that point having been transferred to Washington, no special powers, in that respect, have been transmitted to me. I had understood, in the course of the conference I had the honour to have with your excellency on the 23d of September, and had, accordingly, written to my go-

vernment, that it was not intended to insist that that subject should be blended with that of private claims. It is, indeed, obvious that it would be utterly unjust to make the admission of those to depend on the result of a negotiation on a subject with which they have no connexion whatever, and the difficulties respecting which are of a date posterior to that of the claims.

“All the representations which his majesty’s government has made to that of the United States, whether on private or public subjects, have uniformly been taken into consideration, and received that attention to which they were so justly entitled. In no instance has the government of the United States declined to open a discussion on any subject thus offered to their consideration by France, or made it a preliminary condition that the discussion should also embrace some other subject in which they might happen to take a greater interest. The question concerning the eighth article of the Louisiana treaty has, in particular, been the subject of a voluminous correspondence, in the course of which the arguments in support of the construction insisted on by each party, respectively, were made known to the other. I have in the meanwhile, for six years, made unceasing applications to his majesty’s government for the settlement of claims to a vast amount, affecting the interests of numerous individuals, and arising from flagrant violations of the law of nations and of the rights of the United States, without having ever been able to obtain, to this day, satisfaction in a single instance, or even that the subject should be taken into consideration and discussed. After so many vexatious delays, for which different causes have, at different times, been assigned, it

cannot now be intended again to postpone the investigation of that subject, by insisting that it should be treated in connexion with one foreign to it, and which has already been discussed. The United States have at least the right to ask that their demands should also be examined and discussed, and I trust that, since I am authorized to treat, as well concerning the claims of French subjects against the United States, as respecting those of American citizens against France, a distinct negotiation to that effect will be opened without any further delay."

Mr. de Villele, on the 15th of November, in reply to Mr. Gallatin's note of the 12th, insists upon the negotiation embracing all the points of disagreement between the two governments, and, of course, the construction of the eighth article of the treaty of Louisiana as well as of the American claims. In transmitting this note to his government, Mr. Gallatin justly remarks: "The object is too obvious to require any comment on my part, and this final decision leaves me no other course than to refer the whole to my government."

The Viscount de Chateaubriand having succeeded Mr. de Villele in the French department of foreign affairs, Mr. Gallatin having, the more he reflected on the subject, become better satisfied "that it was impossible that the United States should depart from the true construction of that article, and acquiesce in that contended for by France, and that a renewed discussion on that subject would be unprofitable, and lead to no result whatever," on the 27th February, 1823, in a note addressed to the Viscount, expressed this conviction.

Mr. Gallatin having returned to the United States, and left at Paris Mr. Sheldon in charge of our af-

airs, Mr. Adams, on the 13th August, 1823, addressed a despatch to him, transmitting copies of a correspondence which had passed at Washington between him and the Count de Menou, the chargé d'affaires of France. In the course of that correspondence, the Count had offered, for his government, to open a negotiation comprehending both the subjects of American claims and the construction of the eighth article of the treaty of Louisiana. But these matters being totally distinct in their nature, the American government declined acceding to the proposal to couple them together; and Mr. Sheldon was instructed respectfully to make a representation to that effect to the French government, with the assurance of the readiness of this government to discuss the question upon the Louisiana convention further if desired by France, but of our final conviction that it was not to be blended with the claims of our citizens for mere justice.

Accordingly, on the 11th October, 1823, Mr. Sheldon addressed a note to Viscount Chateaubriand, remonstrating against the forced connexion between those two subjects, and insisting upon a dissolution of that connexion, and that the American claims might be taken up "on their own merits, and receive the consideration they deserved, unincumbered with other discussions." To this note no answer was received.

This narrative brings me down to the period of the commencement of your mission, and, for the purpose of extending it out to the present time, I will briefly advert to what has occurred on this interesting subject during your residence near the French government.

On the 23d December, 1823, you were instructed by the secretary of

state, "immediately after your reception, earnestly to call the attention of the French government to the claims of our citizens for indemnity. You will, at the same time, explicitly make known that this government cannot consent to connect this discussion with that of the pretension raised by France on the construction given by her to the eighth article of the Louisiana cession treaty. The difference in the nature and character of the two interests is such, that they cannot, with propriety, be blended together. The claims are of reparation to individuals for their property taken from them by manifest and undisputed wrong. The question upon the Louisiana treaty is a question of *right* upon the meaning of a contract. It has been fully, deliberately, and thoroughly investigated, and the government of the United States are under the entire and solemn conviction that the pretension of France is unfounded. We are, nevertheless, willing to resume the discussion if desired by France."

In execution of this instruction, you addressed a note to Mr. de Chateaubriand, under date of the 28th April, 1824. On the 7th of the next month you received his answer, which, adhering to the ground previously taken, concludes by stating: "His Majesty authorizes me, sir, to declare to you, that a negotiation will be opened with you on the American claims, if this negotiation should also include the French claims, and particularly the arrangements to be concluded concerning the execution of the eighth article of the Louisiana treaty."

On the 14th August, 1824, you were informed by the secretary of state, that "the president has deliberately considered the purport of Mr. Chateaubriand's answer to your

note of the 28th April upon this subject, and he desires that you will renew, with earnestness, the application for indemnity to our citizens for claims notoriously just, and resting upon the same principle with others which have been admitted and adjusted by the government of France. You are authorized, in reply (to the Viscount's note,) to declare that any just claims which subjects of France may have upon the government of the United States will readily be included in the negotiation, and to stipulate any suitable provision for the examination, adjustment, and satisfaction of them. But the question relating to the eighth article of the Louisiana treaty is not only of a different character—it cannot be blended with that of indemnity for individual claims, without a sacrifice, on the part of the United States, of a principle of right."

In conformity with this instruction, you addressed a note, under date the 22d October, 1824, to Baron de Damas, who had been recently appointed minister of foreign affairs.

Receiving no answer to that note, you requested a conference with that minister, for which the 25th of November, 1824, was appointed.

At this conference the Baron stated, as reasons for his omission to reply to your note, his recent appointment, the voluminous correspondence on the subject, and press of business, but promised an answer, though he could not specify any precise time when he could transmit it.

On the 24th December, 1824, you addressed a note to the French minister, urging him to send you the promised answer.

On the 17th January, 1825, you reminded him, in a personal interview, of the time which had elapsed

without your being favoured with it. He replied, that the subject was of great importance; that he was disposed as soon as possible to bestow upon it his most deliberate consideration; that much information was wanted from the different bureaux, and that it could not be very speedily procured. He asked "if our claims might not have been more favourably received if they had been presented to, and pressed upon the French government about 1816?" You told him that Mr. Gallatin had submitted our claims to the consideration of the French government in that year, and had been induced not to press for an immediate answer, merely upon the suggestion made to him by the Duke de Richelieu; that he might expect a more favourable one by waiting until France could be relieved from the pressure of the army of occupation, and the claims made upon her by the allied powers. The Baron again renewed his promise to give an answer to your note as soon as he could find time to do so.

The answer being still withheld, you again addressed to the French minister a note, on the 18th March, 1825, on the subject of our claims, and the unnatural connexion which had been created by the French government between them and the Louisiana treaty, and urged him to answer your note of the 23d of the preceding October.

On the 20th September, 1825, being still without the answer, you sought an interview with the French minister, in the course of which he observed "that he could not perceive that the United States had any well founded claim to indemnity; that he did not mean to say that the citizens of the United States had no cause of complaint against the former government of France; he only intended to be understood as saying that

the wrongs they had suffered were the consequences of a war, during the progress of which, injuries and acts of injustice had been committed upon other nations by France, to an amount which rendered it utterly impossible for her to make adequate reparation; that her whole territory, if sold for that purpose, would be insufficient to enable her to satisfy such claims; that, with a full knowledge of this fact, she had limited her indemnities to cases of the most flagrant description; that this principle had been observed in the treaties made between her and the European powers; that other nations had suffered injuries similar to those of which the United States complained, and yet they had been excluded from indemnity; and that we had no right to expect that a different rule would be applied to the cases in which the interests of our citizens were concerned.

The French minister also intimated "that we ought to have urged the payment of our claims at the moment when France was entering into engagements to pay large sums to other powers; and he seemed to think that, if we had done so, we might have obtained a portion of these claims."

At length, on the 11th November, 1825, you received from the Baron de Damas the answer which had been so long delayed, and so often promised. In that letter, the Baron states, "the king of France, on re-ascending the throne, could not take, nor has taken, the engagement to satisfy all the charges imposed on him as indemnity for the acts of violence, and for the depredations committed by the usurping government. The powers which had united against that government, and which, after having overthrown it, occupied with an armed force the greater part of the territory and the metropolis of France, enacted, on

the restoration of peace, and as a pledge of the general reconciliation, her admission of certain claims preferred by their respective subjects against the preceding government. Such was the object of the stipulations contained in the 19th and following articles of the treaties of 1814, and mentioned in two of the conventions of 1815. Those stipulations would not have been necessary, had the royal government been considered as inheriting all the charges existing against the government, which had just disappeared.

“The federal government may have seen that, in its willingness to forbear from availing itself of the motives which authorized it to decline a discussion of the American claims, the king’s government gave to that of the United States a particular proof of benevolence, by consenting to the examination of those claims, and by announcing its intention to make it, together with other objects, a matter for negotiation.

“But it were erroneous to believe that this intention to negotiate respecting the American claims necessarily implied an acknowledgment of their validity. If their validity had been acknowledged, it would have been unnecessary to make them the object of negotiation; the only question would have been touching their liquidation. It is then with a view to discuss the rights of the American claimants, that the king’s government has declared its readiness to enter into communication with the federal government. Now, the latter having appeared to believe that it would be difficult for it to admit the claims preferred by France respecting the execution of the eight article of the Louisiana treaty, it is natural to suppose that this subject ought to be included in the same negotiation with the Ame-

rican claims, on which the king’s government finds itself authorized to express a similar opinion. It is, besides, but strictly fair that the claims of French subjects against the United States should equally be comprised in it.

“From these considerations, sir, your government will be surprised to hear that the king’s government persists in declaring that it will never consent to enter into negotiation on the American claims, unless that negotiation should equally comprise the French claims, and particularly the arrangements to be adopted as to the execution of the eighth article of the Louisiana treaty.”

Such is a faithful account, derived from official correspondence, of the course of conduct which France has deemed proper to pursue in respect to the demands made by the American government for satisfaction of just claims, amounting, according to the schedule before mentioned, to a sum little short of ten millions of dollars, and founded upon unexampled wrongs. The American government cannot contemplate it without unmixed regret and dissatisfaction. The arguments offered to the consideration of the French government in support of those claims, by your predecessor and by yourself, dispense with the necessity of my renewing, at this time, the discussion. They stand, to this day, unanswered, because they are unanswerable. I shall content myself with a few observations only, upon some of the more prominent features of the correspondence.

The justice of the American claims has never been controverted by France, unless what has recently passed in the communication from Baron de Damas to yourself, (and which will be hereafter more particularly noticed,) is to be regarded

as controverting them. It cannot be denied, that a large portion of those claims has been expressly admitted to be just by more than one French secretary of foreign affairs. A verbal offer was made upwards of ten years ago, by the Duke of Richelieu, then filling that department, of indemnity for vessels burnt at sea, and for those, the proceeds of which have been only sequestered and deposited in the Caisse d' Amortissement, which offer was promised to be put into writing, but the promise was not fulfilled. In subsequently declining to commit the French government by a written proposal, it was stated by the duke they were not willing to reject, absolutely and definitively, our reclamations, but that they could not admit them at *that time*. And he afterwards repeated that he wished it to be *clearly* understood that the postponement of our claims was not a rejection. More than five years ago, the Viscount de Montmorency stated to Mr. Gallatin that he had read the papers relative to the Antwerp sequestrations, and that he was struck with the justice of the claim. On a subsequent occasion, (the 18th May, 1822,) a prospect, unfortunately not afterwards realized, was presented of a satisfactory arrangement, by the payment of a stipulated sum in full discharge of the demands of the United States for spoliations, to be distributed by the American government, or the reference of the whole case to a joint commission.

The causes which have hitherto delayed or obstructed the fulfilment of the well-founded expectations of the American government are far from being satisfactory. When our claims were first presented by Mr. Gallatin in 1816, and for some time afterwards, the embarrassed state of France was

urged by the French government as a consideration for their postponement to a more auspicious period. This period at last comes, when France is again powerful and prosperous, and her finances flourishing. We are then told that our claims might have been more favourably received in 1816. We have been unfortunately too soon or too late.

The commercial difficulties which afterwards arose between the two countries, and which originated with France, were made the pretext of a further postponement until those difficulties should be adjusted. They were happily terminated by the convention at Washington, of 1822. Then we had a right confidently to expect the long deferred indemnity. But where the disposition to redress wrongs does not exist, the means of evasion and procrastination will never be wanting. We can regard in no other light the claim brought forward by France under the eighth article of the Louisiana treaty. That claim has been fully examined, and elaborately discussed by the two governments. Every argument has been exhausted; and the most respectful and patient consideration has been given to the pretensions of France. A clear conviction is felt by the American government that they are without foundation. Even if we could suppose France to entertain the opposite conviction, it would afford no just reason for withholding satisfaction of our claims. The two subjects are perfectly incongruous; one appertains to a contract, about the interpretation of which the parties may sincerely differ; the other arises out of wrongs committed in notorious violation of the public law, the character of which admits of

no difference of opinion. One is national, the other individual. Supposing the respective claims of the two countries to be similar in their nature, the priority of injury gives us a right to prior satisfaction; nor can there be perceived any adequate motive for withholding that satisfaction, from the consideration of settling *all* matters of difference. The expediency of removing all causes of misunderstanding, if it be practicable, is readily admitted; but if that be not attainable, it does not follow that none should be removed; and, especially, it does not follow that those should not be obviated which are attended with a deep sense of the aggressions from which they have had their origin.

It may be true, as alleged by Baron de Damas, that the King of France, in reascending the throne, "could not take, nor has taken, the engagement to satisfy all the charges imposed on him as indemnity for the acts of violence, and for the depredations committed by the usurping government;" and yet the obligations of France to redress those acts and depredations may be perfect. It is not necessary to discuss the question of usurpation which is put forward. It is sufficient for us that those acts and depredations proceeded from the actual government of France; and that the responsibility of France to make reparations for wrongs committed under the authority of any form of government which she may have adopted, or to which she may have submitted, from time to time, cannot be contested. The king of France, in reascending the throne of his ancestors, assumed the government, with all the obligations, rights, and duties which appertain to the French nation. He can justly claim absolution from none of those obligations or duties. And our complaint is pre-

cisely, that he has *not* taken upon himself the engagement to make that indemnity to which American citizens are entitled in consequence of the wrongful acts committed under previous French Governments.

That engagement might have been voluntarily assumed by the king of France from a spontaneous sense of justice, and the claims of American citizens satisfied without the interposition of the government of the United States. It is because that has not been done, that this interposition became necessary, and, for the last ten years, has been constantly made.

The government of the United States is ever ready to acknowledge any proofs of justice or benevolence which may be exhibited by foreign nations towards its citizens. It regrets that it cannot concur with Baron de Damas in estimating, as among that number, any consent which France has hitherto given to examine the American claims, especially since that examination has been hitherto eluded, and the consent itself coupled with inadmissible conditions.

Nor can the president admit the propriety of associating, in the same negotiation, the disputed demand under the 8th article of the Louisiana treaty, and the incontestible claims of American citizens, a large portion of which, it has been seen, so far from being questioned, has been admitted by France to be just.

He sees, therefore, with surprise and regret, the adherence of France to the principle of such an unnatural connexion. But whilst the American government must constantly protest against it, and reiterate its strong conviction that the French pretension under the Louisiana treaty has no just foundation, I am charged by the president to

instruct you, to afford a new and signal proof of the equitable disposition of this government, by proposing to that of France, as a basis for the settlement of the question under that treaty, that it be referred to arbitration. Should that basis be agreed to, it will then become necessary to specify the particular question to be submitted, and the details of the arbitration. By the commercial convention between the two powers, concluded in 1822, there will be, on the first day of October next, a perfect equalization of duties on the vessels, and their cargoes, of the two countries employed in the trade between them. The complaint of France has been, that this equality did not exist, but that French vessels and their cargoes have been liable, in the ports of Louisiana, to pay the alien duties imposed by the laws of the United States, from which duties British vessels were exempt: and her claim is, the reimbursement of those duties. Should the proposed basis, therefore, be acceded to, you are authorized to refer to arbitration the question whether France be entitled or not to have refunded any of those alien duties, collected from French vessels or their cargoes between the periods of the date of the Louisiana treaty and the first day of October, 1827; and if the demand be sustained by the arbitrators, that they shall then proceed to determine the amount which is to be so refunded; which amount shall be credited to France against the American claims, and, if it should exceed them, the excess shall be paid by the United States.

Two modes of constituting an arbitration present themselves: One is, to refer the question to a friendly power; the other, to submit it to individuals to be chosen by the parties. If it were referred to a

friendly power, some functionary of the government of that power would probably be designated to examine, and, in effect, decide the question. For that reason, and because no friendly power would, perhaps, be very willing to undertake the arbitration, it would be most expedient to submit the controversy, at once, to individuals selected by the parties themselves. You are authorized, therefore, to propose that each power shall appoint one or two citizens or subjects, being natives of some other nation, and that the two or four so appointed, shall be authorized to appoint a third or fifth, also being a citizen of some nation other than the United States or France; and that the three or five persons, (as the case may be,) thus appointed, shall be empowered to hear and decide the question, as above stated, arising under the eighth article of the Louisiana treaty; and if the decision be favourable to France, to affix the amount to which, in consequence of it, she may be entitled.

Should the arbitration be agreed to, other details will be necessary as to the oath to be taken by the arbitrators, their compensation, the time and place of their meeting, the duration of the arbitration, and the right of the parties to be heard by their agents; to all of which you are authorized to agree. Models for the draft of articles, comprehending similar details, are furnished in several of our treaties, particularly those with Great Britain in 1794, and in 1814 at Ghent.

It will probably be most advisable to propose the basis of an arbitration in general terms, and not to state the precise question as above defined, and the other details, until that basis shall have been agreed to.

Possibly the French government may offer to refer the question, up-

on the condition of submitting to the same arbitration the American claims and those of France. You will oppose that condition on the ground of the difference in the character of the two subjects, and for the reasons which have been urged by this government against their being comprehended in the same negotiation.

Should France prefer the reference of the question to a sovereign power, instead of private persons, you may agree to such a reference. We are not prepared, nor is it necessary in the present stage of the business, to designate the sovereign power, nor the persons to whom we should be willing to submit the matter. Ample time will probably be afforded, during the progress of the negotiation, to make such a nomination; or, should France promptly agree to the reference, and you should deem it inexpedient to wait for further in-

structions from this department as to the arbitrators, a clause may be inserted in the convention, providing that the two governments shall, within a period of (say) six months, agree upon a nomination of them.

Whatever may be the nature of the reception, or the ultimate fate of the overture which you are now authorized to make for the settlement of the question growing out of the Louisiana treaty, you will earnestly press for a satisfaction of our claims. The instructions heretofore given to your predecessor and to yourself, indicate the modes according to which the amount of them may be ascertained, and indemnity may be secured, and also authorize provision for any just claims of French subjects on the American government.

I am, with great respect,
Your obedient servant,
H. CLAY.

Department of State,
Washington, 17th May, 1828.

SIR,

UPON consulting with the president, he authorizes me to say, that it is left entirely to your option to return at the time you have asked permission to return, or to postpone it till the next spring. Whether at the one period or the other, you will commit the charge of our affairs to Mr. Sheldon, the secretary of legation, if he be still with you.

Referring to the instructions under date the 28th May last, relative to a reference to arbitration of the disputed question arising under the eighth article of the Louisiana treaty, you are authorized (if you

cannot prevail upon the French government to consent to the reference, in the qualified manner proposed in that instruction,) to agree to the reference of the general question involved in that dispute; that is, one so stated as to embrace all the rights claimed by France according to her interpretation of that article. In other respects, you will consider the above-mentioned instruction unmodified.

I am, respectfully
your obedient servant,
H. CLAY.

JAMES BROWN, *Envoy Extraordinary and Minister Plenipotentiary to France.*

Extract from the General Instructions of the Honourable M. Van Buren, Secretary of State of the United States, to William C. Rives, Esq., Minister Plenipotentiary of the United States to France, dated

Department of State,
Washington, 20th July, 1829.

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THE archives of the legation will inform you of the various other subjects which have been committed to your predecessor, are yet undisposed of, and will require your attention.

Those of the most immediate concern, and greatest importance, are,

1. The claims of many of the citizens of the United States upon the French government for indemnity.

2. The pretension raised by the French government to special and exclusive privileges in the ports of Louisiana, by virtue of the eighth article of the Louisiana cession convention, and for the reimbursement of duties alleged to have been wrongly paid to the United States in said ports.

The claims of our citizens are a subject of the deepest interest, not only on account of their amount, the aggravated injuries of which they are the results, and the great length of time during which those injuries have remained unredressed; but, also, because a continued disregard, on the part of France, of the reiterated appeals which have been made to her justice, must have an unavoidable tendency to

jeopard the friendly relations now happily existing between the two countries, and which it is the earnest desire of the president to preserve. It is his wish that their adjustment upon terms of reciprocal justice, should be made the subject of your early and unremitting exertions. The instructions of your predecessors will give you a general view of their character, with conjectures founded on insufficient materials as to their probable amount. As many of these claims are founded upon different principles, and are viewed in different lights by the French government, I have thought it useful to make a discrimination between them, by throwing them into different classes, with the best estimate that could be made, from the evidence in this department, as to the probable amount of each class. This classification is made from materials of an uncertain character, and is, probably, in many respects, incorrect. But as it is not to be made the basis of a specific allowance, but merely to facilitate your discussions, and to enable you to judge more understandingly of such offers as may, in the course of your negotiation, be made by the French government, the possibility of errors in description and amount is not regarded as detracting much from its usefulness.

The following is the classification to which I allude :

First Class. Claims prior to 30th September, 1800, recognised by the fourth and fifth articles of the treaty of that date, but either pretermitted by the treaty of the 30th of April, 1803, or, through various causes, not included in the settlement made at Paris by the board of claims, and remaining in force by virtue of the treaty of 1800, and the

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10th article of that of 1803, amounting, per schedule herewith, to \$1,488,833 99

Second Class. Claims accruing between the 30th September, 1800, and the 30th of April, 1803, for debts contracted within that period, and provided for by the 12th article of the treaty of 1803, amounting, as per schedule, to 134,786 06

Third Class. Claims accruing between the 30th of September, 1800, and the 30th April, 1803, from all causes other than debts, and captures made between the date and ratification of the treaty of 1800; those debts and captures being provided for by the 4th and 5th articles of that treaty, and included in the first class, amounting, as per schedule herewith, to 75,704 53

Fourth Class. Claims between the 30th of April, 1803, and the year 1805, and arising from all causes whatsoever, amounting, as per schedule herewith, to 1,065,081 98

Fifth Class. 1st. Claims subsequent to 1805, chiefly growing out of the decrees and orders of the French government, on which no final condemnation was passed, amounting, as per schedule herewith, to - \$6,256,647 69

2d. Claims of the same nature, but finally condemned by the council of prizes, council of state, or by imperial decisions and orders, amounting as per schedule herewith, to 3,026,231 84

9,282,879 53

Exclusive of interest. Aggregate \$12,047,286 09

Schedules of the particular cases included in each of the classes are herewith delivered to you, with numbers corresponding with the printed lists, also, herewith placed in your hands.

The justice and present validity of these claims have already been fully discussed on the part of this government. By a reference to the archives of the legation, you will be able to possess yourself of the grounds which have been taken in their support. Those originally insisted on by us, remain to this day unanswered by the French government, otherwise than by occasional suggestions in the conferences which have, from time to time, taken place between their respective ministers of foreign affairs and the representatives of the United States at the

court of France. Indeed, the justice of large portions of the claims of our citizens has been again and again admitted, and sometimes in the strongest terms, by several of the French ministers of foreign affairs, since the year 1816, when the subject was brought to the notice of the present government of France by Mr. Gallatin. The reports made to this department by Mr. Gallatin and Mr. Brown, of which copies will be found among the papers of the legation, will supply you with information as to the extent and character of those admissions, and it is, therefore, deemed unnecessary to repeat them here. Among the French ministers who have, at times, evinced a desire to consult the honour of that government, and the true interests of France, by admitting the

justice of our claims, and by a disposition to contribute to their adjustment, will be found the respectable names of the Duke de Richelieu, Viscount de Montmorency, Mr. de Villele, and Count de la Ferronnays.

It is worthy of observation, that those who have been intrusted with the management of the foreign relations of France since the restoration, have studiously avoided committing the honour of their government, by a distinct denial either of the justice of our claims or their binding obligation upon the present government, in their official communications. The only instances which may be claimed as exceptions, are, the letter of Baron Louis, minister of France, to Mr. Parish, (a claimant,) of the 22d May, 1819, and one from the Baron de Damas to Mr. Brown, of the 11th of November, 1825. These militate but slightly, if they do at all, against the truth of the position I have advanced. The letter of Baron Louis was not the act of the French government. It was not addressed to this government, but in the form of an answer to a private application in behalf of one of our citizens. Viscount de Montmorency, whilst minister of foreign affairs, expressed his regret to Mr. Gallatin, that such an objection as that raised by Baron Louis had been made; and Mr. de Villele, whilst in the department of finances, appeared, in an interview with Mr. Gallatin, (which was had by the permission of the minister of foreign affairs, Viscount de Montmorency,) to be satisfied, from an inspection of the papers in his department, and without having read Mr. Gallatin's argument, that our claims were just, and that the ground assumed by Baron Louis, in his letter to Mr. Parish, was untenable.

The struggle in the mind of Ba-

ron de Damas, between an unwillingness to commit this government by an explicit denial of the validity of our claims, and the difficulty of still further delaying their adjustment without doing so, is very discernible in his letter to Mr. Brown of the 11th November. To extricate himself from this embarrassment, he commences by denying what had not been affirmed, viz. that the king of France, on re-ascending the throne, had taken upon himself the engagement to satisfy all the charges imposed upon him as indemnity for the acts of violence of the usurping government, and concludes by converting a distinct, unvarying, and definitive denial, on our part, of their claims under the Louisiana treaty, into an appearance of a belief that it would be *difficult for our government to admit them*, for the purpose of enabling himself to say that the king's government finds itself authorized to express a similar opinion. That such were the feelings under which his letter was written, and such its designs, is plainly to be inferred from its contents.

But although such has been the course of the French government in its official communications with this, it is nevertheless true, that her public functionaries have repeatedly, in their informal conferences, attempted to weaken, if not wholly to impeach, the justice of the claims of our citizens. A critical examination of the reports which have, from time to time, been made to this department by our ministers in France, so far as they bear upon this point, is recommended to you. It will show you that the views of the French government, in relation to our claims, have not been as favourable as the published correspondence would induce you to suppose. This arises from the suppression, (in most, if not all, cases

necessary,) of parts of the correspondence of our ministers. It will also inform you of the different grounds taken, in resisting our claims, by the French ministers; and thus enable you to meet them by appropriate replies, should they be revived.

The objections alluded to, though in some few instances tantamount to a denial of the validity of the whole of our claims, have been urged rather in the form of inducements to dissuade us from insisting upon their satisfaction at particular times, and to their whole extent, than as a positive rejection of them as untenable.

They will be found to consist chiefly in the following assumptions, viz.

1st. That they are state claims, and ought to have been pressed at an earlier period.

2d. That we had similar claims upon England and Naples; and, not having enforced them, we ought not to insist upon their satisfaction by France.

3d. That the present government of France is not responsible for the acts of what is called the usurping government.

4th. That our claims are very large, and that their allowance would be acknowledging a responsibility, on the part of France, which she would not have the ability to discharge; and that, as the European powers have been satisfied with portions of their demands only, and those received upon principles of compromise, we ought to do the same. And,

5th. That there is a distinction between two classes of the cases since 1805; and that for one of those, in particular, we have no ground of claim.

You will have but little difficulty in refuting objections so unfounded.

I shall only touch upon a few of the most prominent views which may be taken of them.

The objection that this is, on the part of this government, the revival of ancient claims which have been heretofore virtually abandoned, is unfounded in fact, and comes with an extremely bad grace from the present government of France.

It appears abundantly, from the correspondence between the two governments, that our claims previous to 1805 have never been lost sight of. With respect to the great mass of the claims, being those which grew out of the French decrees, and accrued since 1805, the allegation is still more strikingly ungracious and untrue. The remonstrances and applications for redress commenced with the aggressions which occasioned them, and kept pace with their progress. Mr. Barlow was sent out soon after their termination, with special instructions to insist upon their satisfaction. A protracted discussion of their merits took place between him and the then French government, and we have every reason to believe that the terms of an adjustment were concluded upon by him, which would have secured redress for a great portion of our claims, had the consummation of the treaty not been prevented by his premature and lamented death. His successor, Mr. Crawford, was enjoined to make the subject of our claims a leading object of his attention, and instructed to decline all negotiation with the French government, if portions of them, at least, were not promptly recognised. Immediately after the restoration, Mr. Gallatin was sent to France, and the subject of our claims made a prominent point in the affairs committed to his charge. He brought the subject distinctly to the notice

of the French government; and the six years of his mission were distinguished by the most earnest, able, and incessant, but entirely unsuccessful, appeals to its justice. From the period of his return to the present day, the subject has not been suffered to sleep, as the archives of the legation will prove.

This objection is ungracious on the part of the present government of France, because it will appear, by their own records, that Mr. Gallatin was earnestly solicited, in 1816, shortly after the restoration, not to press the settlement of our claims at that period, on account of the then distressed and embarrassed condition of France; because, whatever of relaxation took place, was in consequence of appeals to the generosity and magnanimity of this government, accompanied by the most flattering assurances of a more favourable consideration under more auspicious circumstances; and, finally, because it is a fact, (as will hereafter be seen,) that all the subsequent delay has resulted from obstacles interposed by France, which it is difficult to reconcile with any thing like a sincere desire to do us justice.

Assuming, what should not be contended, that one nation can find its justification for her disregard of claims of admitted justice in a similar delinquency on the part of other nations, still the circumstances of the different cases would not, in this instance, allow France to screen herself behind so ungracious a pretension. It was, among other causes, for the aggressions upon our commerce under the orders in council, that the United States made war upon Great Britain; and, having negotiated a peace without stipulation for indemnity in that particular, her case is widely distinguishable from that of France. If we

were now to prefer a claim against France for the many millions of which the citizens of the United States were despoiled by her previous to the year 1800, and for which no provision was made by the treaty of that year, there might be some analogy in the cases, and, consequently, more force in the argument. The character of Murat's domination in Naples, too, furnishes a pretext to that government to delay doing us justice, of which France cannot avail herself; to say nothing of the influence which she herself had in causing the injuries of which we complain, and the consequent impropriety of all attempts to shelter herself under the cover of the Neapolitan aggressions.

The alleged irresponsibility of the present government of France for the acts of those which have preceded it, is matter of graver import, and, if it could be sustained, would be an objection that would strike at the root of all our claims. The first consideration worthy of notice, is the manner in which this widely operative doctrine has been advanced by France. It was not until the discussion had continued for rising of a year between the Duke de Richelieu and Mr. Gallatin, that the former ventured to broach a doctrine so flagrantly unjust, and then it was done hesitatingly, and in an informal conference. To the present day, notwithstanding the discussions upon the subject of our claims have been carried on with no less than eight different ministers of foreign affairs, the principle has never been distinctly avowed in the official communications of the French government. Of the extent to which the acting governments of France, upon whose acts the claims of our citizens are founded, were acquiesced in by the French people, and recognised

by other nations, it cannot be necessary to say any thing. The facts are familiar to you, are known to the world, and cannot be made matters of contestation. That the present government of France is, by the established principles of public law, responsible for those acts, is not, at this day, an open question among civilized nations. The consequences of an opposite doctrine would strike at the root of all confidence in the dealings between different nations. If a people could discharge itself of its obligations by changing a government of its own establishment, or which it had made legitimate by its acquiescence, all security for national transactions would be at an end, and one of the greatest advantages which has been produced by the lights of civilization and improvement defeated. There are no governments in Europe to which France could look for countenance in maintaining such a doctrine, for there are none who have not themselves acted upon a different principle. The doctrine advanced is no less inconsistent with her own conduct. In the indemnity made by her to the principal powers of Europe, in the years 1814 and 1815, not only France, but all these powers, gave their assent in the most solemn manner to the principle for which the United States contend. It is in vain to say that those indemnities were for the debts of the preceding government, and not for spoliations, or to refer to the condition of France at that period. There were reasons of the most imperative character, to which it is not necessary to make to you particular references, and which are not applicable to the United States, why the abandonment of claims for spoliations on their part, should not furnish a rule for the adjustment of those of which we com-

plain; and France will not, it is believed, avow, even now, that those who came to deliver her from oppression, availed themselves of their power to increase that oppression, by making France responsible, without right, for injuries which they themselves had received from the same source. So far from that being then supposed to be the case, the principle of indemnity was claimed by the allies, and distinctly admitted by the French plenipotentiaries. Whatever deductions the allied powers might, for various reasons, see fit to make from the amount of their claims, the fact that whatever was allowed was claimed and paid upon the avowed and uncontested principle of the responsibility of the present government of France for the acts of the former government, is in no sense doubtful.

It is only so far that these transactions are entitled to a bearing upon the present question, and their influence should be deemed obligatory. Even with the United States does France act upon a different principle. Upon what grounds, other than that the present government succeeds of right to all the advantages secured to France by stipulations made in favour of the former government, is it, that her claims under the eighth article of the Louisiana treaty are founded; and could she allow herself to contend that she should be permitted to reap all the advantages accruing from the acts of the preceding government, without being subject, also, to the liabilities and disadvantages flowing from the same source? She has, also, in the administration of her internal affairs, in many instances, and in the most solemn manner, given her assent to the obligatory character of the acts of the sovereign authority for the time be-

ing. Upon what other principle have the sales of the national domains, and of the estates of the emigrants, been confirmed, or the latter indemnified for the property of which they had been divested by a former government? These were two of the most important acts of the existing government, and both find their justification in the same principle.

The president is not insensible to the considerations of delicacy that belong to the subject, and which grow out of past transactions, in which the present reigning family of France have been made to suffer by the same power against whose acts we now call upon them to indemnify us; nor is he unwilling to give to that circumstance all allowable influence. If entitled to any weight at all, it can only be as to the amount of remuneration upon which the United States should insist; for it must not be forgotten, that, in respect to them also, the doctrine contended against has bearings steering wide of, and of infinitely greater importance than the subject under discussion. The same principle which would exonerate France from her liability for the claims in question, could, with equal propriety, be made hereafter the pretext for questioning our title to territories which constitute two of the sovereign states which compose this confederacy.

There is no good reason to apprehend that the allowance of our claims by France, would revive similar, but dormant claims on the part of European powers. Their claims have been adjusted upon terms which have received their fullest sanction, and, even if the cases were similar, a present allowance to the United States would not furnish ground for an application to open settlements so solemnly and

so deliberately made; for there were inducements that entered into those arrangements which could not be expected to operate on the present occasion. But, as has been before said, the cases are entirely dissimilar. The aggressions complained of by them, were belligerent acts committed in a time of open war, for which, by the law of nations, the aggressor was not bound to make remuneration. Those of the United States were of a directly opposite character, and, of course, subject to very different rules.

The extent of our claims, the hardship of the case in consequence of the change of government in France, the amounts which she has already paid, and her ability to meet them with convenience to herself, if entitled to weight, can only be taken into consideration in fixing the amount of compensation to be made.

In almost all the discussions and conferences which have taken place between the ministers of the two governments, a distinction has been attempted between that portion of our claims which is for property that never was condemned, and for that which has actually been confiscated. The first embraces vessels burnt at sea, and those which have been sequestered by order of the government, without any condemnation or final decision, and the proceeds deposited in the *caisse d'amortissement*. For these two classes of claims, the French government has repeatedly shown itself disposed to make compensation, and it is not expected that you will be troubled with much discussion in regard to them. They admit of but one reply, save that of their satisfaction, and that is, an obstinate and indiscriminate determination to refuse to do us justice.

The grounds relied upon by the

French government to defeat the other class of cases is wholly untenable. The decrees of France out of which those claims have arisen, were, in themselves, a violation of the established law of nations; and, as such, no condemnation under them could justify the seizures that had been made, nor exonerate the government from its liability to make indemnity whenever the period should arrive in which acts of unmeasured and inexcusable aggression gave way to a just consideration of private rights, and a respect for public law. So far as it respects all seizures prior to the 31st of July, 1809, (the period at which the treaty of 1800 terminated,) they were in direct contravention to that treaty. But even admitting that France had a right to issue the Berlin and Milan decrees, the manner of their execution was, in most cases, such as to sustain the claims that are now presented. Several confiscations were made by "imperial decisions," without previous trial or condemnation, in direct violation of the law of nations, and of the treaty of 1800, limiting to prize courts the cognizance of such cases. Some of the decisions of the council of prizes had been made without the forms prescribed by law. The decrees of Berlin and Milan were made to have a retrospective operation. Forty-eight vessels and cargoes, previously captured, were condemned subsequently to their revocation; and several vessels, captured after the revocation, were condemned on frivolous pretences.

These, and other considerations, constitute just grounds for the revision of the condemnations that were made under the circumstances referred to; a course by no means novel, authorized by the practice of England, and which was made the subject

of a treaty stipulation between her and the United States in 1794.

That claims so well founded, so promptly asserted, and assiduously prosecuted, should remain to this day unredressed, is a matter of surprise and regret, and gives interest to a review of the causes by which such injurious and unjustifiable delay has been produced. It is unfortunately too true, that, in the reasons which have from time to time been assigned for procrastination on the part of the French government, will be found too much ground for inferring a settled indisposition, on its part, to come to a just and liberal adjustment of the matters in difference between the two countries. Nothing is farther from the wishes of the president, than a desire to increase the asperities already existing, by an indulgence in unprofitable invectives; but to say less than this might with much propriety be regarded as evincing a want of proper sensibility to the violated rights and unmerited sufferings of our citizens.

In the early stages of Mr. Gallatin's mission, as has been already stated, the consideration of our claims was deferred on the express ground of the embarrassments of France, and under assurances of future redress, which might well be regarded as precluding all apprehension of an ultimate rejection. It is not the least among our causes of mortification and complaint, that the delay thus created should afterwards be urged as an evidence of a waiver of the claims in question. When France, by the force of her almost unequalled resources, had redressed herself, and recovered her former prosperity, her attention was again called to the subject. The existence of commercial difficulties between the two countries was next assigned as a ground for further delay—the propriety of attending to national

in preference to individual interests strongly urged, accompanied with assurances on the part of the then minister of foreign affairs, that, after those were arranged France would *hasten* to an adjustment of the subject of our claims. By objections raised to the commercial convention, which experience has shown to have been unreasonable and unwise, that negotiation was protracted until June, 1822, and thus a delay in the examination of the subject of our claims for several years effected. Immediately after the conclusion of that treaty, the French government was again invited to open a negotiation upon the subject of our claims, when she interposed her pretensions under the eighth article of the Louisiana treaty, and insisted upon making it a branch of the same negotiation. That the United States would ever acquiesce in the construction put upon that treaty by France, could hardly have been expected by her. Its assertion, together with an unyielding determination to mingle its discussion with the entirely dissimilar subject of private and incontestable rights, has had the effect not only to defeat the adjustment of our claims for the last six or seven years, but has also hitherto prevented all negotiation upon the subject. That it never should have been suffered to defeat the satisfaction of the just demands of our citizens, is certain; how far it ought to have been allowed to produce the latter result, is another question. Of this, a fuller notice shall be hereafter taken. It is, in the first instance, important that you should be fully and distinctly apprized of the effects already produced by the interposition of this claim, and the positions which have from time to time been occupied by the respective governments in reference to that matter.

In August, 1822, Mr. Gallatin, in
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a note to Mr. de Villele, reminded him of the conclusion of the negotiation at Washington, and of the promise of the French government to enter upon the consideration of our claims as soon as that measure should have been accomplished. Mr. de Villele, in reply, expressed his readiness to open a negotiation upon all the remaining subjects of difference between the United States and France, which he describes to be the claims of Americans against France for spoliations, and those of France against the United States on account of the Beaumarchais claim, and particularly her claim under the eighth article of the Louisiana treaty; and desired to know whether Mr. Gallatin had authority to conclude an arrangement upon those points. Mr. Gallatin declared that his authority extended to discuss the right of France to a claim under the Louisiana treaty, but not to conclude an arrangement upon that point; stated the expectation of his government that those subjects would be kept separate, and expressed his readiness to enter upon a final negotiation of the other matters in difference. Mr. de Villele, in reply, insisted upon including all the subjects. Mr. de Chateaubriand having succeeded Mr. de Villele, Mr. Gallatin, before he left France, addressed a note to him, complaining of the course pursued by Mr. de Villele in insisting upon connecting the two subjects in one negotiation, and assigning his reasons why they ought to be separated, and why he would regard a perseverance in that course as tantamount to an indefinite postponement of the American claims.

Mr. Sheldon was informed by Mr. Chateaubriand, after Mr. Gallatin's departure, of the readiness of the French Government to open a negotiation upon both points, and of

the reasons for insisting upon the propriety of so doing. Count de Menou was also instructed to communicate the regrets of Mr. de Chateaubriand that Mr. Gallatin had not been provided with the necessary powers to carry on the twofold negotiation; that he would be ready to commence it with Mr. Gallatin if he should return with such powers, or with Mr. Sheldon, if his government should think proper to authorize him to that effect. This was communicated in July, 1823, to our government, and Count de Menou informed by Mr. Adams that this was government would *never* consent to connect the two subjects in the same negotiation. This correspondence was sent to Mr. Sheldon, and the views of this government in that respect repeated to the French minister of foreign affairs, who, in a verbal conference with Mr. Sheldon, reasserted the grounds the French government had taken, and the reasons for it.

Mr. Brown was sent out early in 1824. He was instructed to call the immediate attention of the French government to the subject of our claims, but to inform them, preliminarily and distinctly, that we could not consent to make the two matters the subject of the same negotiation. Mr. Brown, on the 28th of April, 1824, communicated the views of this government to that of France, and requested the commencement of a negotiation upon all the subjects of difference, except the construction of the Louisiana treaty. He was informed by Mr. de Chateaubriand, on the 7th of May, that the excepted French claim had been presented during the negotiation of the convention of 1822; that, the plenipotentiaries having differed upon that subject, it was not insisted on, in order not to impede the settlement of the commercial difficulties; that

his government had therefore reserved it for future consideration, but had never abandoned it; that it was for this reason that his predecessors had desired to embrace it in the negotiations, and that he was authorized to open one with Mr. Brown upon that and all other points of difference between the two governments; but that they could not consent to waive the subject of their claims under the Louisiana treaty in the proposed negotiation.

After the succession of Baron de Damas to the office of minister of foreign affairs, Mr. Brown, in October, 1824, placed before him his correspondence with Mr. Chateaubriand; informed him that any just claims which French subjects might have upon the United States, might be embraced in the negotiation; but the question under the Louisiana treaty, being one of a different character, could not be blended with that of claims for indemnity; but avowed his readiness to continue the discussion upon the subject, if it was desired.

In November, 1825, Baron de Damas replied, and after denying the claims of the United States, in the form already stated, a denial which there is every reason to believe was called out by the emphatic manner in which Mr. Adams, in his note to Count de Menou, had insisted upon the fact that our claims had never been controverted by France, and declared that the French government would *never* consent to enter into negotiation on American claims, unless that negotiation should equally comprise the French claims, and particularly the arrangement to be adopted as to the execution of the eighth article of the Louisiana treaty.

An unsuccessful attempt was made, on the part of this government, in the year 1827, to extricate the negotiation from this preliminary

embarrassment, by an offer to submit the question upon the construction of the Louisiana treaty to arbitration; but the offer was not accepted by France, as will be more particularly stated hereafter. The relative positions of the two governments have undergone no material change from the period of their respective declarations, in regard to the admission on the one side, and exclusion on the other, of the question arising upon the Louisiana treaty, each insisting upon its demand as a *sine qua non* to the commencement of any negotiation. In several conferences between Mr. Brown and the Count de la Ferronnays, during the short period that the latter was Minister of foreign affairs, he evinced very liberal and friendly views, but did not commit his government upon any point. Since that time nothing has been done.

The views of France could not have been better served than by the posture of affairs since 1822. By it they have been enabled to avoid as well the just claims of our citizens, as the necessity of giving to them a direct and definite rejection, and to draw the discussions between the two governments, from the merits of the respective claims, to the forms of the negotiation for their adjustment. In this, however wrong her government may be in its position, France is, nevertheless, a great gainer.

It will be your first business to endeavour to relieve the future discussion from the embarrassments that have resulted from the past; and to do this without committing your government upon a point which it can never yield, or justifying expectations which cannot be realized, will not be the least delicate or difficult portion of your official duties.

The president concurs in the ex-

pediency of separating the two subjects, if that can be done; but he does not find, in the circumstances of the case, any consideration sufficiently imposing to justify a refusal to negotiate, unless our wishes in that respect are complied with.

His instructions to you, therefore, are, that an earnest attempt be first made to induce the French government to open a negotiation upon the principles advocated by the late administration of this government, but that, in the event of a failure to produce that result, you shall agree to one embracing all matters in difference between the two countries. It is not believed that other than informal conferences will be necessary to satisfy yourself on the first point. Should, you, however, find it otherwise, you will pursue such course as may seem to you best adapted to effect the object in view.

It will be your special duty to see that the change of the present positions of the two governments be effected in such a form as not to commit this upon the claims set up by France under the Louisiana treaty. The apprehension appears to have been that, by consenting to negotiate upon that subject, we would admit the construction set up by France, and thus bring the question down to one as to the extent of indemnity only.

The Baron de Damas, in his letter to Mr. Brown, of the 11th November, 1825, says: "It were erroneous to believe that the consent to negotiate implied an acknowledgment of the validity of those (the American) claims. Had this validity been acknowledged, no negotiation would have been necessary, and the only question would have been touching their liquidation. It is in order to discuss the rights of the American claims that the king's go-

vernment has declared its readiness to enter into communication with the federal government," &c.

The application of these views to the opening of your negotiation with the French government, will effect all the just objects of both parties. Our claims upon France do not stand in need of any aid from inferences and deductions which may be supplied by the forms of negotiation: no such assistance is desired, nor can we consent to give any advantage to her in that respect. Whatever may be considered to be the principles of diplomacy upon a similar point, they must at all times be subservient to the declared views and explanation of the parties. In making such as you may deem requisite on the occasion, you will be careful, whilst you preclude the inference alluded to, to avoid a form of expression which will show on its face, that our consent to the negotiation, in the mode proposed, is merely formal. Such is not the case. Our desire is to bring the two governments, if possible, to a happy and satisfactory adjustment of all the points of collision, but, at all events, to an intelligible and definitive expression of their respective determinations; so that one or the other of these results be effected, we are indifferent as to the form of negotiation through which it is to be approached.

In the negotiation thus commenced, you will exhibit the claims of the United States in behalf of our citizens, in such form as you may deem best calculated to possess the French government fully of their character and extent. If they agree to make indemnity, you are authorized to adopt the mode of liquidation and adjustment, and the terms of payment, proposed by Mr. Gallatin in his letter to the Duke de Richelieu, of the 9th November,

1816, making allowances and provision for such claims as are upon the schedules now delivered to you, and which were not embraced by that letter.

If the French government again interposes its pretensions under the eighth article of the Louisiana treaty, you will place before it a brief but explicit and full view of the grounds upon which this government cannot concur in the construction claimed by France.

The discussions which have already taken place between the two governments upon this point, and which are of great length, are herewith delivered to you. The matter is, in our estimation, so plain, and susceptible of such simple and easy demonstration, that it cannot, it is supposed, be necessary that you should encumber the discussion by drawing into it many considerations, which, though in themselves proper, are not necessary to the vindication of the ground we take, and seem only to furnish food for collateral and protracted debate. It is only by losing sight of the words of the treaty by the means of desultory discussion upon abstract points, that the truth of our construction can be for a moment obscured. France desires privileges in the ports of Louisiana on the ground that these privileges are granted as *favours* to other nations, and that she is entitled, by the eighth article of the cession treaty to an equal participation of privileges with the most favoured nation; whilst the truth is, that the privileges she claims are not granted by the United States as a *favour* to any nation, but are the result of purchase by the rendition of an equivalent. France asserts her right to "be treated upon the footing of the most favoured nation," in the ports of Louisiana, and she insists upon

a practical exercise of that right, which would place her upon a "footing" essentially, and to the United States injuriously, different from that of any other nation. She invokes to her aid the memorial presented by Mr. Livingston to the first consul for an object confessedly, and to every fair intent, materially different, and seeks through its means to induce the United States to acquiesce in a construction which is shown by their archives to be contrary to the intentions of their plenipotentiaries. If she inquires, what then was the object of the article, and what right does it secure to France? the answer is obvious: It was to give to France privileges in the ports of Louisiana greater in duration, but more restricted in their kind, than those secured for a limited period to France and Spain, by the seventh article: and the rights secured to France by the eighth article is an obligation on the part of the United States to make with France any compact in favour of commerce, in reference to the ports in question, which they might, at any time, thereafter, make with any other nation. This, as to all the rest of the world, is optional on the part of the United States, but, when once made with any nation, its extension to France became a matter of right in those ports.

Mr. Brown was instructed by the late administration to propose a submission of the question to arbitration, first, to a limited extent, viz. so as to embrace the French claim for remuneration only, but he was subsequently authorized to agree to it in such a form as to cover the entire claim of France, including, of course, the true construction and *permanent operation* of the contested article of the Louisiana treaty. The several communications

to him from this department will apprise you of the particulars of the proposed plan. The proposition was formally submitted to the French government, but has never received an official and definitive answer from it. Baron de Damas declared to Mr. Brown that he did not believe it would be satisfactory to them, or productive of much good. He inquired whether our government would include the subject of claims in the same arbitration? and, on being asked whether they would desire such an arrangement on their part, he replied that he did not believe that, even in that form, it would be acceptable.

Should the subject of the arbitration be again brought under consideration, you are instructed to repeat the offer in the same general terms that it was made by Mr. Brown. But whatever is said or done upon this subject, you will have constantly in view that the president cannot consent to submit the permanent operation of the eighth article of the Louisiana treaty, nor the subject of our claims, to arbitration.

As a means for obtaining redress for the extensive claims of our citizens, and in the full confidence that the United States are clearly right in their construction, he will consent to abide by the offer of the late administration, as first proposed, but not to the extension of it. The consequences that might result from an erroneous decision in the former case, would only be a certain and limited allowance by way of remuneration for duties received by the United States, to be deducted from the claims of our citizens, but in the latter it would be of a far more extensive and serious operation.

The claim by France, of permanent commercial privileges in the ports of Louisiana, without an equi-

valent, and wholly independent of her own commercial regulations in respect to the vessels and productions of the United States, can never be voluntarily submitted to by them, and the president cannot consent to put it in the power of any third party to determine that such shall be the case.

The United States cannot, under the circumstances of the case, promise themselves much advantage from the submission of their claims to any sovereign power to which it is likely that France would accede; and a dependence upon individual responsibility only, in a case of such extensive amount, would be dangerous.

But it is hoped that you will not be under the necessity of communicating these views. Your proposition will leave you at liberty to insist upon the restriction suggested in the event of a favourable reception by France, (which is not expected,) and you can only be called upon to decide upon the submission of the claims, in answer to a counter proposition by France. Such counter proposition, it is believed, she will be deterred, by the circumstances of the case, from making, and particularly by the consideration that, if the decision of the arbitration be against her, it would make her liable for the approved claims to their whole extent, and thus put aside the idea of a compromise.

The reasons which constrain this government to resist the claims of France in regard to the Louisiana treaty, are equally imperative in preventing a deduction from our claims on that account. The result of such a course would be claims on our government from those of our citizens who are interested in those we are presenting against France for the amount thus deducted. Although the president

would take great pleasure in facilitating any measure which would promote the views of the claimants, he cannot consent to do so at the expense of the great mass of our citizens who have no interest in those claims, by acknowledging a responsibility which does not exist. If the United States consent to discharge France, upon receiving a measure of indemnity which falls short of the true amount of the claims of their citizens, it must be from other considerations, and the course of your negotiation must always be such as to preclude a contrary inference. You will find no difficulty in possessing the French government fully of the views of this upon that subject, and the applications which yet continue to be made to it for claims alleged to have been abandoned by the treaty of 1800, will serve to confirm their correctness.

If the great extent of our claims, the sacrifices which France has already been called upon to make in consequence of the acts of the former government, the state of her finances, the improbability of obtaining supplies from the legislature, and such like grounds, are urged against the allowance, by her, of our claims, you are authorized to say that the president will so far respect considerations of that character, as to receive, in full satisfaction of all our claims, and as a definitive adjustment of all matters in difference between the two countries, a gross sum, to be distributed amongst the claimants by the United States; provided that sum shall bear a reasonable proportion to the actual extent of our claims.

The circumstance that France has, at different times, evinced a disposition to prefer the satisfaction of one class of American claims to others, and has at no time expressed its definitive views as to the re-

jection of either, and the inability of the president to appreciate such considerations as she may urge in the final discussion of the subject, put it out of his power to pronounce understandingly upon the lowest amount on which he would consent to conclude a final arrangement. It is, moreover, in other respects, fitting that the party seeking an abatement from a valid claim, should take the lead in submitting propositions to that end. All that the French government have a right to ask, is to be satisfied that that of the United States is sincerely willing to adjust the whole affair upon that basis. Of this you may give the fullest assurance, as also that any offer which is made to you will be received for reference to your government, and shall be promptly replied to. Should your discussions take this direction, you will not fail to place before the French minister a view of our claims in their whole extent, including interests, and to press upon him the importance of making such an offer as there is reason to hope will be accepted, and will serve the great purposes of justice and conciliation.

It is not improbable, from the intimations heretofore given by the French ministers, that the claims of the heirs of Beaumarchais upon this government, for supplies furnished by him to this country during the revolutionary war, will be brought forward as a set-off to the claims of our citizens. The opportunities for its examination, which have been afforded to you by your situation in congress, and particularly by your participation in their examination by a committee of the house of representatives in the year 1824, render it unnecessary to enter into any thing like an investigation of the merits of that

claim. The station you are about to occupy will afford you facilities to make yourself more fully acquainted with the facts and circumstances connected with the transaction, and which are still involved in doubts and mystery. It is the wish of the president that you should do so in any event. Although the character of this claim will be a good deal changed, if brought forward and acknowledged to be valid by the French government, yet the better opinion will probably still be, that it is an antiquated demand, which can only find countenance in the absence of that complete knowledge of the facts which has been lost through time and circumstances; yet, in consideration of the great amount of claims which our citizens have on France, and of the sincere desire which the president entertains to obliterate any source of future contention between the two governments, he would not object to deduct the one million of livres claimed by the heirs of Beaumarchais from the amount allowed by France to satisfy the claims of American citizens: provided, that that allowance be such, in your opinion, as will satisfy all the claims which, upon a close examination, shall be found justly chargeable to her. If that is not done, you will receive whatever proposition is made upon this branch of the subject, for reference to your government.

If there was any sincerity in the language used by the French government at different times, it is believed that the course now prescribed to you cannot fail to lead to an amicable and satisfactory adjustment. I cannot anticipate what other pretext can be found for longer declining it. If we are disappointed in this reasonable expectation; if France, either because the

United States will not allow a claim which they are satisfied is wholly untenable, and which they have reason to apprehend is only used as an obstacle to the allowance of claims, on their part, which France cannot, upon principle, reject; or, for any other cause, shall refuse, or longer delay to do us justice in that respect, we shall be constrained to conclude that her purpose is to renounce every idea of a friendly adjustment with the United States. Should you find reason to apprehend a bias in the minds of the public functionaries of France so unjust to us, and so adverse to the honour and true interests of France herself, you will not fail to make every effort in your power to produce a better feeling, and wiser and worthier views. The precise tone in your communications most likely to effect that object, can only be decided upon correctly with a full knowledge of all the circumstances, and must therefore be left to your own judgment: in its exercise, you will remember that, when you have received the ultimate decision of the French government, the executive branch of this will have exercised all its functions; and that, in the event of an unfavourable determination, it will belong chiefly to another department to decide upon the measures of redress which may be demanded by the occasion. Whilst, therefore, you do not, in effecting the purposes of the executive, fall short of a frank, full, and energetic exposition of the rights and injuries of your country, you will discharge that duty in such a manner as will leave that department untrammelled in its consideration of the course which a due sense of the honour and interest of the nation may suggest.

It is the intent and sincere desire of the United States to live upon

terms of peace and honest friendship with all nations who respect their rights, but it is equally their duty and their determination to protect those rights against encroachments from any and every quarter. Our claims upon France have been already too long under discussion. She must, long since, have made up her mind in regard to them, and it is due to the sincerity which ought to be observed between friendly powers, that she should communicate her final determination to this government. The president wishes to be informed of that determination, whatever may be its character. Notwithstanding the feeling of partiality to France with which the recollection of early friendship and past favours have impressed his mind, the president cannot conceal his regrets at finding that the conduct of the French government in relation to the just claims of our citizens, when contrasted with that of ours, gives tokens as little auspicious to the true interests of France herself, as the rights and just objects of the United States. The persevering evasions of the settlement of our claims, for such (whatever may have been the views of France) have been the facts, are not calculated to inspire confidence, or strengthen friendship. It will be your duty to make the French government sensible of the influence which the disposition of the existing questions must necessarily have upon the future. The United States are earnestly desirous of maintaining the most amicable relations with France, and are disposed to make many sacrifices to secure so desirable an object, but they can never abandon the claims of their citizens. The public mind here is deeply impressed with the justice and validity of those claims,

and you must make the French government sensible of the very high dissatisfaction which a refusal to discharge them would produce with the government and people of these states.

Mr. Van Buren to Mr. Rives.

Department of State,
Washington, 2d April, 1830.

SIR,

YOUR several despatches, to No. 14, inclusive, have been received at this department, and submitted to the president. He approves fully of your reply to the observations of Prince Polignac in regard to portions of his message to congress which refer to the state of our affairs with France. It contains, as far as it goes, a fair exposition of his sentiments upon the point alluded to.

The friendly predilections which have so long existed between the citizens of the United States and the subjects of his Most Christian Majesty; the unceasing endeavours of this government to place the relations between the two countries upon the footing of a still more friendly and mutually beneficial intercourse; the liberality displayed by the United States in not pressing upon France, in the hour of her difficulties, the immediate discharge of her responsibilities to our citizens; the undeviating delicacy with which they have presented their claims in the season of her prosperity, and the patience with which they have awaited the result, are considerations which should dissuade the king of France from too readily construing into a tone of menace the frank, but not unfriendly, language in which the president has expressed the sentiments of the government and people of the United States.

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In looking through the history of this unpleasant subject of discussion, the past is found to be so pregnant with causes of dissatisfaction at the course pursued by France in so perseveringly refusing, for a lapse of fifteen years, to satisfy our just claims, that, if surprise be at all excited, it should be rather at the patient forbearance which has characterized the conduct of the United States, than at any expression of discontent which these long delays have produced among the numerous class of citizens directly interested in the result of the negotiations. It needs no uncommon degree of penetration to discover that this unhappy cause of difference has exercised a baleful influence over other subjects of negotiation, involving the general interests of the two nations, and that it is constantly undermining the friendly spirit by which the people of the two countries are naturally drawn towards each other, and which, if properly fostered and directed, would be productive of incalculable advantages. This conviction, and a lively sense of the sufferings of those of our citizens in whose behalf so frequent and so earnest appeals have been made to the justice and honour of the French government, have created, in the breast of the president, a degree of anxiety for the termination of the present state of things, which he could not conceal from the national legislature.

He has, however, no desire nearer his heart than that of preserving the most harmonious relations with all the world, but particularly with his majesty the king of France, who, with his throne, has, it is confidently believed, inherited the liberality and love of justice which distinguished his august ancestor, the early friend and ally of the United States. It was to enable the president more certainly to obtain the fulfilment of this first wish of his heart, that he called the national attention, in a spirit of regret and apprehension, to the possible consequences of a protracted continuance of the present untoward state of things. A brave and generous mind never assumes an attitude of menace as long as any thing can be hoped from a love of justice, and a regard to the rights of others. On neither of these, as motives on the part of his most Christian majesty to a fair adjustment of this fruitful source of misunderstanding between the two countries, has the president ever entertained a doubt.

I m, sir,

With great respect,

Your obedient servant,
M. VAN BUREN.

WILLIAM C. RIVES, Esq.,

*Envoy Extraordinary and
Minister Plenipotentiary of the
United States to France.*]

P. S. After the preceding was prepared, and at the moment of its transmission, I received your despatch No. 15, by which I am informed that the impression Prince Polignac had received in regard to that part of the president's message which forms the principal subject of this communication, had yielded to a more accurate examination of that document by the prince him-

self; and, also, that a negotiation has actually commenced upon the subject of claims. This declaration, and the subsequent course of the prince, do justice to the occasion, and are worthy of the high source from which they have emanated. Although the contents of your despatch might well be regarded as rendering the preceding letter unnecessary, I am, nevertheless, directed by the president to transmit it as additional evidence of his desire that the negotiation should be conducted with the most scrupulous regard to the personal feelings of his majesty the king of France. The president is not insensible to the impressions which the circumstances under which the claims of our citizens accrued, are calculated to make upon the mind of his majesty, and will, at all times, be found willing to meet the advances of his majesty's government by every concession which, upon the most liberal view of the subject, can with justice be regarded as reconcilable with his official duty.

The declaration of the prince upon certain points of the matters in contestation, although falling far short of the just expectations of this government, are, nevertheless, gratifying to the president, as affording strong evidence of a sincere desire on the part of his majesty's government to respect the just rights of our citizens, and relieve the relations between the two countries from the baleful influence of this old and vexatious subject of difference. If these enlightened and just views can be brought to a successful and satisfactory termination, we may with confidence anticipate the happiest results from the future intercourse between the two nations.

M. V. B.

Mr. Van Buren to Mr. Rives.

Department of State,
Washington, 20th April, 1830.

Sir,

YOUR despatches, Nos. 15 and 16, of the 16th and 25th of February, were received on the 3d and 10th of this month, and have been submitted to the president. He was particularly gratified in learning from the first, that the repugnance of the French government, heretofore exemplified in reference to all former attempts on the part of this, to enter into a negotiation respecting the claims of our citizens upon that government, has at length yielded to your discreet and judicious efforts to overcome that obstacle; and that a negotiation between yourself and Prince Polignac for the adjustment of these important interests, may be considered as now actually commenced, under auspices, too, that hold out a cheering prospect that, through the continued employment of similar efforts on your part, it will be brought to a satisfactory conclusion.

From the prorogation of the chambers to a distant day, announced in your despatch No. 17, received on the 12th instant, it is hoped that the minister will now be able to devote the necessary attention to this great object, and that the negotiation will experience no further or material interruptions. The intelligence, therefore, of that occasioned by the temporary indisposition of Prince Polignac, communicated by your No. 15, was received with peculiar concern, though it was known to have occurred at a period when other cares, incident to the then approaching assemblage of the chambers, would probably have absorbed most of his attention, and left him but little time to devote to

other matters, however pressing or important; but your despatch No. 16, received a few days afterwards, relieved us from all anxiety upon this score, by the information which it brought of the recovery of that minister, though it would have been still more gratifying if it had been accompanied by intelligence that the negotiation had been resumed on his part.

The project of a convention prepared by yourself, and enclosed in your No. 16, has been submitted, likewise, to the consideration of the president, by whom I am instructed to inform you, as it gives me great pleasure to do, that it meets with his general approbation as a safe and convenient basis for the adjustment of the claims of our citizens upon the government of France. I am instructed to state to you, however, that instead of the mixed commission which it proposes to establish to effect that object, a gross indemnity for these claims, to be distributed amongst those for whose benefit it was made by this government, would be preferred by the president. In this case, full reliance is placed upon the discreet exertion of your efforts, under the best estimate which you have been able to form of the just indemnities demandable, to procure as good terms as possible. If the business cannot be arranged in this way consistently with your general instructions, then the course suggested, of providing for the settlement of the claims through the instrumentality of a mixed commission, may be adopted, although there are powerful objections to a tribunal of that sort, for the adjustment of claims of any description, favourably or unfavourably affecting the respective governments of

July, 1822, for carrying into effect the first article of the treaty of Ghent. In that case, your project for effecting the object is entirely approved, except that a commission, composed of one commissioner and one arbitrator on each side, would be preferred to the one proposed, of two commissioners and one arbitrator, unless the other, or a different arrangement, not essentially varying the character of the commission, should be insisted upon by the French government.

On the subject of the abatement which may be required by the French government from the amount of indemnities claimed on our part, you are already apprized of the president's views in relation to it; that he is anxious to obtain satisfaction for all just claims whatever of citizens of the United States upon the French government, without regard to the classes to which they belong; that he is disposed to yield none, but upon unavoidable necessity, and to avert a greater injury, by foregoing the opportunity to procure a satisfactory adjustment of the best and largest portion of them. It is expected, therefore, that your strenuous exertions will be used to induce the French government to allow all that can be sustained upon fair and equitable principles. The president is well aware, however, that there are considerations appertaining to the subject, which may lead that government to insist upon a reduction in reference to particular classes of the claims, or, perhaps, the entire abandonment of such by this. In that case, it may be found best to yield something of what, under other circumstances, might be insisted upon, on our part, for the sake of obtaining all that is practicable. Should the necessity of doing this, or to forego the opportunity of effecting an arrangement other-

wise desirable, become apparent and imperious, the president, in that case, would agree to the adoption of such a course.

As your opportunities and situation will enable you to form a better judgment in regard to the precise class of cases which, in that event, it might be advisable to abandon, or the extent of the reductions required by circumstances, the president necessarily very much relies upon your discretion in both these points, that as little be given up as possible. This, of course, will be greatly regulated by the objections urged against particular claims in your discussions with the French government; by the degree of estimation in which the different classes of all these claims are held by that government; by existing circumstances in reference to the probability of that government's yielding, or not, in essential points, with respect to them; and by a variety of other considerations, which can be better, if not alone, judged of by yourself.

Under these circumstances, desirous as the president is to assume all practicable responsibility in relation to the important interests concerned, he is, nevertheless, constrained to leave much to your judgment and discretion towards the adjustment and settlement of them, upon the best terms attainable; and whilst he reposes the utmost confidence in the prudence of the measures which you shall adopt upon this occasion, you have a sure pledge, in the confidence inspired by your talents and patriotism, that, whatever may be the issue, if it shall appear that you have acquitted yourself as is anticipated of the high trust thus committed to your charge, with the zeal and ability which have heretofore distinguished your career in the public service,

your conduct will be approved by your country.

The president, however, concurs in the opinion which you have expressed, that, if reductions are insisted upon, the claim for interest, and those originating in transactions antecedent to the treaties of 1800 and 1803, are the classes in which concessions should be made. You are, therefore, hereby invested with his authority to abandon these, or a portion of them, under such renunciations as may be required by the French government, if it should appear that this is made a *sine qua non* to the successful prosecution of the residue; but this is not to be proposed except in the last resort.

The mode proposed by you for selecting the arbitrator, is deemed greatly preferable to that which was provided by the treaty of 1794 between the United States and Great Britain; and the president hopes that you will find no difficulty in securing its adoption. If the French government should refuse to enter into a positive stipulation to pay for any proportion or classes of the property condemned, you are authorized (the other claims being satisfactorily provided for) to adopt the basis upon which Mr. Gallatin's propositions to the Duke de Richelieu appear to have been founded, by leaving that question to be determined by the joint commission.

You are, moreover, authorized to submit the restricted question upon the eighth article of the Louisiana convention to the mixed commission, if it should become indispensably necessary to a successful prosecution of your negotiation upon the subject of claims; but, in that case, you will take especial care that the submission be made in such a form as to exclude the general question of the future and permanent construction of that article, according

to the tenor of your general instructions upon this head.

I am, sir,

With great respect,

Your obedient servant,
M. VAN BUREN.

WILLIAM C. RIVES, Esq., &c., &c.

P. S. Upon a more careful examination of the convention of 1822, it is found that, agreeably to the intimation in the closing paragraph of your despatch No. 16, the abolition of discriminating duties it provides for, is confined to the cargoes imported in vessels of the respective parties; and that the alien tonnage duty of 94 cents per ton on French vessels in the ports of the United States, and of five francs on American vessels in the ports of France, is expressly retained by the 5th article of that convention. The erroneous impression in relation to this subject, to which you refer, was the result of a construction given to the letter from Mr. Clay to Mr. Brown, of the 28th May, 1827. In further confirmation of your and my present view of the subject, I have found, upon inquiry at the treasury department, that the alien tonnage duty has, down to the present time, been actually levied upon French vessels entering the ports of Louisiana since the expiration of the twelve years during which they were, agreeably to the provisions of the 7th article of the Louisiana convention, exempted from the payment of such duty.

Should, therefore, the proposed reference to the commission, contemplated by your projet, of the question arising under the eighth article of that convention, be decided against the United States, the sum to be refunded to France will be the aggregate of the alien duty levied upon French vessels in the ports of Louisiana during a period

commencing with the abolition of similar duties upon British vessels, under the convention between the United States and Great Britain, of the 3d July, 1815, which constitutes the first instance of such an abolition in favour of any nation, and ending with the date of the convention or agreement which will terminate the negotiation in which you are now engaged.

A statement of the duties thus

levied is now preparing at the treasury department, and, if completed in time, will accompany this despatch. It is communicated to you for information only, and not with a view to its being used by the French government as a basis upon which it may estimate the amount of its demand in the event of an award in its favour.

M. V. B.

[Referred to in the preceding despatch.]

Statement exhibiting the quantity of French tonnage which entered the ports of Louisiana during the several years ending 31st December, 1815, to 1829, inclusive; showing, also, the rates of duty to which it was subject during those years.

Years.	Rates of Duty.				Tonnage duties.	Light money, 50 cts. per ton.	Total.
	6 cts pr.	50 c. pr.	200 c. p.	§18 per.			
	Ton.						
1815	390	-	511	-	1,045 40	255 50	1,300 90
1816	1,110	-	2,587	-	5,240 60	1,203 50	6,534 10
1817	-	4,586	1,334	-	4,961	2,960	7,921
1818	-	10,002	-	-	5,001	5,001	10,002
1819	-	9,139	-	-	4,569 50	4,569 50	9,139
1820	-	6,634	-	-	3,317	3,317	6,634
1821	-	-	-	1,161	20,898	580 50	21,478 50
1822	-	380	-	582	10,666	481	11,147
1823	-	2,197	-	-	1,098 50	1,098 50	2,197
1824	-	1,819	-	-	909 50	909 50	1,819
1825	-	4,920	-	-	2,460	2,460	4,920
1826	-	4,925	-	-	2,462 50	2,462 50	4,925
1827	-	2,006	-	-	1,003	1,003	2,006
1828	-	4,620	-	-	2,310	2,310	4,620
1829	-	2,460	-	-	1,230	1,230	2,460
Total.	1,500	53,688	4,432	1,743	67,172	29,931 50	97,103 50

Extracts—Mr. Van Buren to Mr. Rives.

Department of State,
Washington, 27th Sept. 1830.

SIR,

Your despatches to No. 38, inclusively, have been received at this department.

Conformably with the existing state of things in France, I have the pleasure to transmit to you, herewith, the credential letter of the president accrediting you to the new government of that country, in the character of envoy extraordinary and minister plenipotentiary of the United States, addressed to his M. C. Majesty, Louis Philippe, king of the French, &c. &c.

* * * * *

It is greatly to be regretted that circumstances should have prevented you, at the time, from taking advantage of, or Prince Polignac from giving effect to, the favourable dispositions evinced by him towards the close of his career as minister of foreign affairs under the late king, with regard to the claims of our citizens upon the government of France, for bringing that important concern to a satisfactory conclusion: but it is confidently expected by the president, that, under dispositions equally, or still more favourable, upon the part of the present government, that that

important business will be speedily and satisfactorily terminated. You will accordingly press the subject upon that government by all the arguments and suggestions which you know so well how to employ advantageously to that end; and, in doing this, you will, if you should deem it prudent to present the subject in this point of view to its consideration, explicitly state that the known sympathies of the people of the United States, as far as they have been exemplified in the short space of time that has elapsed since intelligence was received here of the establishment of that government upon the ruins of the late one, are universally and enthusiastically in favour of that change, and of the principle upon which it was effected; that in proportion to the extent of these sentiments, and of the degree of their confidence in the enlightened wisdom and equitable councils of those who have been called to the administration of that government, their disappointment would be so much increased by further unnecessary procrastination in the adjustment of the claims referred to.

* * * * *
WILLIAM C. RIVES, Esq.,
&c. &c. &c.

Extracts—Mr. Van Buren to Mr. Rives.

Department of State,
Washington, 16th Oct. 1830.

Sir,

Your despatch No. 40 has been received. The assurances of the king, although general in their

terms, when taken in connexion with the confidence which the president reposes in the justice and liberality of his majesty, and the reliance he places upon the sympathies of regenerated France, inspire him

with a lively hope that the long standing and vexatious subject of our reclamations will now be speedily and satisfactorily adjusted.

It is the wish of the president to take upon himself all the responsibility in the negotiation which can be assumed without endangering either its success abroad, or that of his exertions to bring it to a conclusion which will prove satisfactory to those of our citizens who are directly and individually interested in its results. It is in pursuance of this disposition, that, in regard to our claims upon France, the instructions already given to you are far more specific than any which have heretofore proceeded from this government upon the same subject. The only restraint which, in this regard, he feels it to be his duty to respect, arises from the consideration that if, which is now more probable than ever, the settlement should ultimately take the form of the allowance of a gross sum by France, the various rights and claims to precedence which may be urged by our own citizens, will have to be settled by congress, either directly, or through the agency of a tribunal to be organized by them for that purpose; and from the expediency that that body should, in the discharge of this duty, be left at liberty to exercise a free discretion, as far as practicable, unfettered by any opinions previously and unnecessarily expressed by the executive in the course of the negotiations, as to what will, in that event, become conflicting claims advanced by our citizens.

Upon a careful re-examination and re-consideration of the instructions which have been already given to you, as well in regard to that portion of the claims which is for property not condemned, as those of

all other descriptions, it is found that they are sufficiently full and explicit to enable you to carry into effect the wishes of this government in this respect, as far as the dispositions of that of France may allow you to do. If, however, upon a review of the subject, you should still think otherwise, and so inform this department, such further directions as you may desire will be promptly and explicitly given.

It is not apparent from your last despatch whether you expect that the proposition submitted by you to Prince Polignac, in regard to the reciprocal reduction of duties upon the wines of France and the cotons of the United States, will again come up for consideration. The president has, however, submitted your views upon that subject to an intelligent merchant and practised statesman for his opinion, and, when it is received, I shall communicate further with you upon that point. We hope, however, without at all meaning to intimate an opinion unfavourable to the expediency or fitness of the measure referred to, that you will be able to satisfy the French government of the injustice of continuing the use which has heretofore been made of the construction given by it to the eighth article of the Louisiana treaty, and of the superior fitness of an independent adjustment of the matter of reclamations. I have already alluded to the increased confidence of the people of this country in the justice and amity of the present ruling power in France, and to their expectations, consequent thereon, in regard to the speedy and liberal settlement of our claims. This government is well aware, that, in this respect, due weight is not given to the obstacles which you will yet have to

tontend with, and does all in its power to save you from possible prejudice on that account, by repressing any excess of confidence

wherever that can be done with propriety.

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WILLIAM C. RIVES, *Esq.* &c. &c.

Extracts.—Mr. Van Buren to Mr. Rives.

Department of State,
Washington, 8th November, 1830.

SIR,

I received some time ago, and laid before the president, your despatches Nos. 28 and 30, with their enclosures; and, according to the intimation in my despatch to you of the 16th of October, I now proceed to give you, under direction of the president, such instructions as are called for by those despatches, upon the propositions submitted by you to Prince Polignac, in your note to him of the 20th of May, a copy of which note came subjoined to the first mentioned of them. There would be cause of regret and disappointment, if the French government should still persist in connecting with the negotiation for a settlement of the claim of our citizens upon it a negotiation concerning its pretensions under the eighth article of the Louisiana convention; thus keeping united two subjects of totally distinct characters, and bearing no sort of affinity to each other: one exclusively and entirely appertaining to *bona fide private* claims of our citizens for the proceeds of a large amount of property, many years ago wrested from them in violation of all acknowledged principles of public law, under authority of the then existing government of France, and carried into the treasury, or applied to the public purposes of that government; and the other appertaining to a *national* contract, in the interpretation

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of which there may exist an honest difference of opinion between the parties; the first looking to the recovery and liquidation of uncontroverted and incontrovertible private claims, the other to the establishment of a *doubtful national* one, about which the parties entertain an irreconcilable difference of opinion. If this, however, should prove to be the case, the president sees no objection to your concluding a convention with the French government upon the basis of the propositions contained in your note to Prince Polignac above referred to, stipulating a reciprocal and reasonable reduction of the duties upon French wines on their importation into the United States, taking proper care, however, that the stipulation for this reduction of duties does not conflict with our engagements to other nations, by which we are bound to impose no higher duties upon articles the produce of the soil or industry of those nations, than upon similar articles of other nations, when imported into the United States, and a correspondent reduction of the duties upon our cottons, when imported into France; but he would not be willing to consent to a longer period than ——— years for the continuance of such a convention, though there would be no objection to its containing a provision for the further continuance of it, indefinitely, unless one or other of the parties should give notice to the other, as in the case of the con-

vention with Prussia of the 1st of May, 1828, of its intention to arrest the operation of it.

* * * * *

P. S. Since the foregoing was prepared, your despatches to No. 48, inclusively, have been received at this department. It is perceived with the deepest concern, from these despatches, particularly that numbered 43, that the new French government is actuated by a policy, with regard to the claims of our citizens, at variance with all the anticipations entertained and cherished here upon the subject; that the *mere amount* of indemnities demandable,

or of that which we might be willing to accept in satisfaction of them, without reference to the justice or validity of the claims themselves, is now made an obstacle to their adjustment!

You will take care to make that government acquainted with the extent of the disappointments which the president has already experienced in the multiplied postponements of that adjustment upon professedly other grounds than this, and that the avowal of such an one, in such a quarter, both surprises and disappoints him.

M. V. B.

WILLIAM C. RIVES, &c. &c. &c.

Extract.—Mr. Van Buren to Mr. Rives.

Department of State,
Washington, 22d Dec., 1830.

SIR,

I took occasion in my despatch to you numbered 21, to acknowledge the receipt of your several communications to No. 49, inclusively, and to state that no time would be lost in making you acquainted with the views of the president respecting the various points to which the last of those communications more particularly refers. These have received his earnest attention, and, although we are not yet in possession of the promised answer of Count Molé to your note to him of the 25th September last, yet, the account given by you of your interview with that minister, of the 15th October, is so far indicative of the sentiments then entertained by the French cabinet in relation to the pending negotiation respecting our claims on France, as to justify our anticipating the

contents of the promised communication, by apprising you of the views of your government upon the subject, for the purpose of enabling you promptly to avail yourself of any favourable advance in the negotiation to bring it to a speedy and satisfactory termination.

The hopes entertained by the president, that this desirable object will, without much longer delay, be accomplished, have been increased by the indications contained in your last despatches, of a disposition, on the part of the French government, to bring the negotiation to such a turn as will enable the parties to come to a final understanding upon all the points of controversy which have arisen in the course of their discussions upon the subject of claims. Although he does not flatter himself that the government of France is yet fully impressed with the justice of our demands in their whole extent, yet he cannot deny himself

the satisfaction of believing that its professed desire of effecting an adjustment of this subject, will lead to some decisive step on its side in relation to it; and that the liberal principles which now animate the French nation and her councils, will secure to the United States a fair hearing, and a just settlement of their demands.

The first subject which recommends itself to our consideration, is the report presented by Count Molé to the king, and approved and signed by his majesty, the conclusions of which were submitted for your perusal. Of the character of that report, nothing can now be said, as its premises are yet unknown here; but the president considers, as an advance in the negotiation, the recommendation contained in the conclusions of that report, that the negotiation be resumed with you.

With respect to the commission of investigation, to consist of members of the two chambers, the formation of which is likewise recommended by the conclusions of the report referred to, the president cannot regard it in any other light than as a preliminary step on the part of the French government to arrive at a more correct understanding of the whole subject, nor consider its decisions as precluding any portion of the claims of our citizens to indemnity, or affecting the obligations of France to do justice to their demands.

The president, ever disposed to listen, and, as far as it is competent for the executive branch of the government, to do full justice to any fair demands which may be preferred against it, sees with satisfaction the proposed reference to the same commission of the alleged claims which the French government has, at various times in the course of the negotiations, brought

forward against the United States, as an offset to those of our citizens. It is hoped that, after such an investigation, that government will, in a spirit of justice, discriminate between those which can in its opinion be sustained upon principle, and those resting upon grounds which the United States cannot admit; and that the pretensions of France, when thus separated from all matters foreign to the subject, will, like those of the United States, present simple questions, on which it will be more easy for the two governments to arrive at an amicable understanding.

Owing to the uncertain character and inadequacy of the information possessed by this government respecting the claims which it may be the intention of that of France to submit to the investigation of the proposed commission, and to bring forward on the renewal of the negotiation, it is found impracticable to state precisely what views it will ultimately take of them: some of these claims being now mentioned for the first time, and finding us entirely unprovided with the means of ascertaining even their general character. If by "claims for supplies," he meant that which has several times been presented to congress in the name of the heirs of Caron de Beaumarchais, its official presentation by the French government to the executive of the United States, before whom it never has been presented in that form, would undoubtedly claim in its behalf that degree of attention, on the part of this government, to which all demands emanating from a similar source must ever be entitled; and if, upon examination by a competent authority, it should be found to constitute a fair claim upon the United States, the president would feel it his duty to consent to its being em-

braced in any arrangement to which you may agree, having for its object a reciprocal and final adjustment of all demands of indemnity on both sides. This subject was adverted to in your original instructions, and what is there said respecting it is again recommended to your notice.

With regard to the claim growing out of the destruction, by fire, at Savannah in 1811, of the French privateer "Vengeance," likewise referred to in Count Molé's report as intended to be called up at the renewal of the negotiations, the accidental loss of the records of the correspondence of this department during the period of that occurrence, and the absence of documentary information respecting the circumstances attending it, render it difficult to form a correct estimate of the merits of that claim. It appears, however, that the burning of the *Vengeance* was an act of violence committed by an exasperated mob during a very severe contest between French sailors and a party of rioters, in consequence of an affray which had taken place before, and in which an American had been killed, and a French sailor mortally wounded. It appears, also, from the communications of Mr. Serurier, then minister of France in the United States, to the secretary of state, that, notwithstanding the interference of the police and military of Savannah, the circumstances of the riot were such as to induce him to make a formal demand upon this government for the immediate commencement of a legal prosecution, and for the exemplary punishment of the guilty; of satisfaction to his sovereign for the insult alleged to have been offered to the French flag, and of indemnity to the owners of the vessel destroyed on that occasion.

The loss of the record referred to above, and of the report which was made at the time by the district attorney for Georgia, deprives us of the means of ascertaining the view which was then taken of the matter by the government of the United States, and what answer was returned to Mr. Serurier's communications. Measures have been adopted to supply that loss, which, if successful, will doubtless enable the president to cause more precise information as to the validity of the claim to be communicated to you.

This department is more at a loss to understand what is meant by the French government in its mention of "claims of French subjects to lands in Louisiana." So far its inquiries have led to no result calculated to aid its judgment in relation to those pretended claims. The subjoined memorandum from a senator familiar with the entire subject of land claims in that country, constitutes all the data I have as yet been able to collect upon the subject, confirms the president in his opinion that the claim is entirely groundless, and strengthens my own conviction that an investigation of its merits will lead to the establishment of the correctness of these opinions.

The president, however, is unwilling that any obstacles of this nature should interpose themselves to a satisfactory adjustment of all the claims which either of the two nations may have upon the other, and will not refuse his assent to any proposition which may lead to an investigation of the real merits of this claim, and of that arising from the destruction of the "*Vengeance*." He is, moreover, ready to consent that satisfaction be made for them by this government, if, after a proper investigation of all the circumstances, they should appear to con-

stitute a fair demand upon the justice of the United States.

As the claimants under the grants to the Baron Bastrop and Marquis de Maison Rouge are understood to reside in this country, it is believed that your supposition that they are amongst those referred to by the French government is erroneous.

As regards the subject of the French pretensions under the eighth article of the Louisiana treaty, which have been the cause of so much discussion, and so long served as a pretext for a denial, on the part of France, of the justice due to our citizens, the opinion of the president as to the principle involved in that question, is now, as it must ever remain, unchanged. It would therefore be as unprofitable as useless, at this time, to renew the discussions touching those principles. The former instructions of this department, as contained in my despatch numbered 20, have so fully explained to you the manner in which the president is willing to compromise this unhappy subject of difference, as to render any further mention of it unnecessary. The arrangement proposed in this respect has the twofold object, to dispose for ever of this vexatious subject of dispute, and to facilitate, at the same time, the development of the commercial resources of the two countries, and bind them still more strongly together by the ties of mutual interests. The president indulges the confident expectation that his majesty's government, to whom, doubtless, you will, ere this, have communicated his liberal proposition, will discover in the measures it contemplates an earnest of his friendly sentiments towards the French nation, and of his desire to do his utmost to remove all difficulties which may stand in the way of a final settlement of all differences between the two countries.

The instructions heretofore transmitted to you, have put you fully in possession of the views of the president in reference to the last point mentioned by you, as intended to be referred to the proposed commission, that is to say, the method to be adopted for the liquidation of the claims admitted. If a preference has hitherto been given by him to one mode over another, it was done upon views of convenience alone, of which no circumstances have yet occurred to produce a change. The president is unwilling to insist upon the adoption of any particular mode, and will readily assent to one which, without sacrificing or abridging the rights of the claimants, will meet the views of the French government, and lead to a prompt and satisfactory settlement.

I regret to have to state to you, that, notwithstanding the earnest desire of the department to ascertain the views of the claimants as to the terms upon which they would agree to a final arrangement and to produce a concert of action among them, that desirable object has not yet been accomplished, and that the probability that it ever will be attained is remote. It is therefore extremely difficult, if not impracticable, at this time to furnish you with positive information as to the reduction in the total amount of the claims to which it would be just or prudent to agree. Nothing can, consequently, now be added to the views which have already been made known to you upon this branch of the subject. The president is not insensible to the force of the considerations alluded to in your last despatch, as drawn from the staleness of the claims, the difficulties unavoidably attending their adjustment, the unsettled state of political affairs in Europe, and particularly in France, and the financial embarrassments of that country

arising from the present reduction in her revenue. These considerations, although in no way affecting the rights of the claimants, or the obligation of France to indemnify them, cannot be totally divested of that degree of influence which similar considerations must needs exercise over all relations between debtor and creditor. The president is not now more disposed than he ever was to yield any thing of the just rights of his fellow citizens; but he cannot so far disregard the force of the considerations to which reference has just been made, as to decline receiving, in the most indulgent and conciliatory spirit, any reasonable offer which may be made by the French government in full satisfaction of our claims, provided it shall bear a fair proportion to the amount which, upon a view of the whole subject, shall be deem-

ed sufficient to cover the claims, which this government ought, under the circumstances, to insist upon. Your own acquaintance with the subject, as derived from the instructions and documents furnished you by this department and from other sources of local information, must be your guide in considering the amount which would be deemed acceptable by your government, whom you will ever find disposed to give a liberal support to any act of yours founded in the spirit of your instructions, and dictated by existing circumstances, which shall have for its object the real interests of the claimants, and the final adjustment of differences, in the settlement of which each day's delay adds fresh injury to the interests involved in them.

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WILLIAM C. RIVES, Esq., &c., &c.

Paper Referred to in the preceding despatch (No. 23) to Mr. Rives.

Senate Chamber, December 14, 1830.

Mr. Benton complies with the request of Mr. Van Buren, in stating what he knows of the two ancient French grants referred to.

1. The grant on the Arkansas to Mr. Law.

Mr. B. presumes this to be the grant on which the German emigrants were settled under the patronage of Mr. Law; and who, upon the failure of that gentleman, abandoned the possession, with the view of returning to Europe, but stopped at New-Orleans, accepted other grants from the governor of Louisiana on the coast of the Mississippi, above the city, and formed what has been called ever since

"the German coast." The grant on the Arkansas to Mr. L., I now consider as a nullity. It has probably been re-granted, perhaps to Winter.

2. The grant near the old fort Toulouse, on the Alabama.

This was in the heart of the Creek nation of Indians. They continued to occupy the country supposed to be covered by the grant until the nation was conquered by General Jackson, in 1814. It was then ceded to the United States by treaty, and has since been sold under our land laws, and is now occupied and cultivated by American citizens. I consider this grant also a nullity.

No. 32.

Mr. Van Buren to Mr. Rives.

Department of State,
Washington, 7th April, 1831.

SIR,

Herewith you will receive a copy of a resolution adopted by the house of representatives during the late session of congress, reïerring the claim of the heirs of Caron de Beaumarchais to the president of the United States as a matter of negotiation, together with an extract of a private letter in relation to that claim, which I have just received from Mr. Speaker Stevenson.

According to your general instructions of 20th July, 1829, you are given to understand that the president would not object to the deduction of the one million of livres, claimed by those heirs, from the amount that might be allowed for satisfaction of the claims of Ameri-

can citizens upon the French government, provided the sum so allowed by that government should, in your opinion, be commensurate with the object; but the mode of making or affecting this deduction is not particularly described; and was, therefore, intended to be left very much to your discretion. If the suggestions of Mr. Stevenson, on this point, could be turned to advantage, consistently with the spirit of those instructions, it would be very agreeable to the president that the proposed arrangement should, in that case, be made to correspond with them.

I am, with great respect, sir,

Your obedient servant,

M. VAN BUREN.

WILLIAM C. RIVES, Esq., &c., &c.

Mr. Livingston to Mr. Rives.

Department of State,
Washington, August 4th, 1831.

SIR,

At the date of your last despatch, No. 72, the position of our affairs was such as to excite hopes of a favourable termination to our just and long protracted demand for compensation to our citizens. We, therefore, looked with some impatience for the arrival of the succeeding packet. Two have, within a few days, arrived—one of the 10th June, bringing only duplicates of your despatches Nos. 71 and 72, and the other of the 22d, bringing only newspapers. In whatever state the negotiation may be, it is very important that we should, by every packet, be advised of its pro-

gress or interruption. The president is perfectly convinced, from your diligence and energy in urging the settlement of these claims, that no new instructions are necessary to give activity to your exertions. But he requests me to direct if, on the arrival of this letter, some specific offer that you may deem worthy of being referred to your government be not made, that you will signify to the French ministry the extreme disappointment felt by the president at the delays which have intervened under the present government, more especially since the justice of our claim was conceded by the last. You will add, that pains have been taken by our government to repress the expression of

the feelings of impatience which pervade not only the parties interested, but the whole community, on this subject, which, if not allayed, must naturally create an unfriendly national feeling; and unless prompt measures are taken to render justice, will be communicated from the people to their representatives, who are soon to assemble; that the president, in the exercise of his constitutional duty, must lay before congress a true statement of this important feature in our foreign relations; that its effects cannot but tend to injure that harmony and kind feeling which, as yet, subsist between the two nations, and which,

but for this denial of justice, would become stronger and more intimate; that it will be your duty to report any longer delay, as a proof that nothing more can be expected; and that, for that purpose, you request such an answer as will enable us to judge what we are to expect.

I repeat, by the president's desire, a former request, that we may hear from you by every packet, whether you have any thing important to communicate or not.

I am, with great respect,
Your obedient servant,
EDW. LIVINGSTON.
WILLIAM C. RIVES, Esq., &c., &c.

Mr. Brown to Mr. Clay.

Paris, 8th September, 1827.

Sir,

I ADDRESSED a note to his excellency Baron de Damas, requesting an interview. He returned me an answer, appointing the 7th instant, at half past one o'clock, to receive me. I waited on him at that hour, and in order to comply with your instructions of the 28th May, I briefly, but distinctly, brought to his recollection the various measures to which the United States had resorted in order to obtain from France a settlement of the claims of our citizens for spoliations on their commerce. Arriving, in the course of my narrative, at that period when the negotiations were arrested by the unexpected interposition of the claim of France under the eighth article of the Louisiana treaty, I stated fully the reasons assigned by my government for refusing to unite that claim in the same negotiation with the claim of citizens for indemnity. It

can hardly be necessary that I should, in this place, state all that passed on this subject, as it could amount to little more than a repetition of the substance of your last instructions, and of the notes which had, at different times, been addressed to the French government, either by my immediate predecessor or by myself. I shall, therefore, merely observe, that the review of what had passed was full and comprehensive, embracing a statement of the principal facts and arguments which appeared in the correspondence commencing with Mr. Galatin's letter to the Duke of Richelieu, of the 16th November, 1816, and ending with that of his excellency Baron de Damas to me, dated the 11th November, 1825.

I told him that my government could not admit the propriety of associating, in the same negotiation, the disputed demand under the eighth article of the Louisiana treaty, and incontestible claims of

American citizens, a large portion of which, as I had already stated, so far from being questioned, had been admitted by France to be just; and that it was with surprise and regret that the United States perceived the persevering adherence of France to the principle of the unnatural connexion. But, whilst the American government must constantly protest against it, and repeat its strong conviction that the pretensions of France, under the Louisiana treaty, has no just foundation, I had been instructed to afford a new and signal proof of the equitable disposition of my government, by proposing to him, as a basis of the settlement of the question under that treaty, that it be referred to arbitration; that this appeared to present the only amicable mode of obtaining a decision on that point; and that, if the proposed basis should be accepted by him, I was then authorized and prepared to proceed with him to state the precise question to be submitted, to provide for the appointment of arbitrators, and to enter into all such other stipulations as would make the decision obligatory on both nations.

The Baron de Damas answered that he did not believe that the proposition made by me would be accepted by France. I requested him to be so kind as to state his objection to it. He answered, that he did not believe it would produce any beneficial result. I replied, that the decision would settle a question upon which, after an elaborate discussion between the ministers of the respective nations, and a candid consideration of all the arguments offered on both sides, the two governments had found it impossible to agree; that this question had, for several years, arrested the progress of a negotiation, hav-

ing for its object the adjustment of the claims of individuals to a large amount; and that, by removing this obstacle out of the way, that negotiation would probably result in the amicable settlement of the differences between the two nations. He asked me whether we proposed to submit our claims also to arbitration? Without giving any direct answer, either affirmatively or negatively, to this question, and without stating what my instructions were on that point, I repeated that the United States had, at various times, assigned their reasons for thinking that the two subjects ought not to be connected in the same negotiation; and I asked him if he meant to express *his wish* that the submission to arbitration should embrace as well the question under the treaty as that of the claims of individuals? He replied, that, although he was not then prepared to give a definitive answer to my question, yet he did not believe he could consent to an arbitration even on that broad submission; that the government of the United States seemed to believe that France had no well-founded claim under the Louisiana treaty, and that he was strongly inclined to think that we had no just claim for indemnity on the present government of France on account of injuries done to our commerce under the authority of Napoleon; that he did not mean to say that we had not reason to complain of the treatment we had received from the imperial government, but that the injuries which we had sustained took place in a time of usurpation, anarchy, and war, and that France was neither able nor bound to pay for all the injuries done under the reign of the usurper.

He observed, that we must recollect, also, that whilst all Europe was suffering from the ravages of

war, we had enjoyed a commerce which, after all the spoliations of which we complained, had been profitable; that we had also acquired the fine and flourishing colony of Louisiana for a sum small in comparison with its intrinsic value, and that, since the restoration, he believed that France had given to the United States no just cause of complaint.

I remarked, that the irreconcilable difference of opinion between France and the United States respecting the meaning of the eighth article, which he had stated as constituting an objection to a reference to arbitration, appeared to me to present the strongest argument in favour of it, and that an expedient of that kind could never be necessary, except in those instances where the two nations found it impossible to decide the question in the ordinary mode of negotiation. I next adverted to his remarks respecting our claims, and expressed my surprise at the ground he had taken. I told him that the justice of a large portion of them had been explicitly admitted by more than one of his predecessors in office; that an offer had been made more than ten years ago by the Duke de Richelieu, then minister of foreign affairs, of indemnity for vessels burnt at sea, and for those, the proceeds of which had only been sequestered and deposited in the Caisse d'Amortissement, which offer he had proposed to reduce to writing; that he had afterwards declined to do so, alleging, as his excuse, the unexpected amount of claims which had been demanded by the European powers, but, at the same time, stating that, as the claims of American citizens had been presented in an official manner, the question would be left open for their discussion at some more favourable time, after

France had, in some degree, disentangled herself from her then existing difficulties; that, several years ago, the Viscount de Montmorency stated to Mr. Gallatin that he had examined the papers in relation to the Antwerp sequestrations, and was struck with the justice of those claims. I observed, that I could not but consider it as a very remarkable circumstance that, through the course of eight or ten years, it had not been made an objection to our claims that they arose out of the acts of the former government, and that therefore the present government was not under any obligation to satisfy them; that I submitted it to him to decide whether, after an acknowledgment of the justice of a considerable portion of our claims, after postponing them for years under various pretexts, and after interposing the question under the eighth article as the only reason assigned for declining to proceed with the discussion of them, the doubt he now expressed as to their validity did not appear extraordinary. I observed, that I did not think it necessary to examine the question of the usurpation. It was sufficient for the United States that the wrongs of which we complained proceeded from the actual government of France; that the nation was always liable for the acts of its rulers; and that to the nation, under whatever form of government it might assume, we looked, and had a right to look for reparation; that the existing government had, to some nations, fulfilled engagements contracted during the imperial government, and was equally bound to do so to the United States; and that this obligation was rather increased than impaired by their neutral position in the wars in which France was involved anterior to the restoration.

I then proceeded to notice his ob-

servations on the beneficial trade which we had carried on with the belligerents, and remarked that, admitting the fact to be as he had stated, I could not perceive that the right of the United States to ask, and the duty of France to grant, indemnity for spoliations on our commerce could be affected by it; that the trade with the belligerents was permitted and protected by the laws of nations, and we had a perfect right to enjoy all its advances, and to claim reparation for injuries done to our citizens whilst engaged in carrying it on. I added, that I was not exactly able to perceive what connexion the purchase of Louisiana could have with the subjects in discussion between France and the United States. It had, I thought, been admitted on all sides, that the acquisition of that province had been made in perfect good faith, and that we had paid the stipulated sum for it. Whether the purchase had been profitable or unprofitable, was foreign, as it appeared to me, to the subject of our conference, and that therefore I should, on that point, add but a single observation, which was, that, considering the terms on which France obtained it, and the difficulty she then apprehended in defending it against Great Britain, she had perhaps equal reason with the United States to be satisfied with the disposition which had been made of it.

The Baron de Damas observed, that our trade with Europe must, after all our losses, have been very profitable, and that, had it been otherwise, we should not have persisted in it when we found it harrassed by the spoliations and other injuries of which we now complained. I answered, that our merchants knew that the trade in which they were engaged was permitted and protected by the laws of nations;

that it was entitled to an exemption from the wrongs we sustained, and that the aggressors were bound, in justice, to make reparation for them; that they had reason to hope that the exertions of their own government, and a returning sense of justice on the part of France, would give them indemnity for their losses, and security against future aggressions; and that upon these grounds, we might explain their persisting in the trade during the war, without supposing it to have been productive of any unusual profits. I added, that I was convinced the government of France was too magnanimous and just to wish to set off the fair and legitimate acquisitions of our commerce against our claims of indemnity for property taken from us in violation of the laws of nations.

Having understood from the Baron de Damas that he was not then prepared to give a definitive answer to my proposal, and having brought the whole subject before him, we separated, after a conversation of an hour, he assuring me, at parting, that he would receive the orders of the king on my proposition.

It is unnecessary to make any comments on what I have stated as being substantially the conversation which passed at our interview. I could not discover that conciliatory disposition on the part of France which the United States had a right to expect, from the manner in which they had conducted the negotiation. I confess, from the time at which I received the Baron de Damas's letter of the 11th of November, 1825, I have not been very sanguine in my hopes of a satisfactory arrangement with France.

I have the honour to be,

very respectfully, sir,

your most ob't serv't.

JAMES BROWN.

Mr. Brown to Baron de Damas.

Paris, 19th December, 1827.

SIR,

In my answer to the letter which I had the honour to receive from your excellency, dated the 11th November, 1825, I expressed to you my belief that my government, not satisfied with the reasons assigned for postponing the settlement of the claims of American citizens for indemnity, would persist in renewed applications to his majesty's government for their fair and final liquidation. In this expectation, founded on a conviction of the justice of those claims, and a reliance on the honour and magnanimity of the French government, I have not been disappointed. The situation of the claimants, reduced in many instances from affluence to poverty by the loss of property taken from them by the arbitrary acts of the French authorities, has enlisted the sympathies of their fellow citizens, and induced them to transmit memorials to congress, calling upon that body to endeavour, by all constitutional means, to obtain redress for wrongs inflicted in direct violation of the laws of nations. The attention of both branches of the national legislature having thus been immediately called to this subject, the house of representatives, at the last session, passed a resolution requesting the president to continue to urge these claims; and expressing a hope, founded on the elevated and liberal policy of his majesty's government, that a mode might be discovered for their final settlement.

In the various conversations which I had with your excellency on the subject of the American claims, but more particularly in the conferences of the 7th of September, and 23d of November last, I presented you with

a statement of the manner in which these claims had been treated by the present government of France, since the restoration, when presented by my predecessor and myself. Whilst this retrospect will present, on the one side, hopes excited and disappointed, and arguments left without answers, it will, on the other, it is believed, discover a sincere disposition to urge no unfounded pretensions to facilitate the liquidation of just claims, and to hope that, by patience, moderation, and perseverance, we might at last receive proofs of the justice of the French government in their final adjustment. It will further prove that, since the restoration, no effort has been wanting on the part of the government of the United States to present these claims, with the irresistible proofs by which they are supported, fully before his majesty's ministers, and to leave no room for the suggestion of a doubt as to their validity. If any delay has taken place in bringing the negotiation to a termination, it must be sought for elsewhere, and cannot be attributed to the wishes or conduct of my government.

Your excellency will permit me again to remind you, that as early as the 9th of November, 1816, Mr. Gallatin addressed a note to the Duke de Richelieu, then his majesty's minister of foreign affairs, in which, after making a general statement of the claims of our citizens arising under the various illegal acts of the French government, he demanded indemnity on their account. Receiving no answer to this note until the 26th of December following, he requested an interview for the purpose of being enabled to communicate to his government the result of his application. This in-

terview took place on the 20th of January, and, in answer to the basis proposed by Mr. Gallatin in his note of the 9th of November, the Duke de Richelieu observed, that his offer would fall very short of our demands; that he would not go beyond an indemnity for vessels burnt at sea, and for those, the proceeds of which, after being sequestered, had been deposited in the Caisse d'Amortissement. He added, that he would, without much delay, reduce his proposals to writing. In a subsequent interview, on the 13th of April, 1817, he told Mr. Gallatin that he had concluded not to give a written answer to the note of the 9th November. In explanation of this change of determination, the Duke stated, that it was produced by the unexpected amount of the claims brought against France by the European powers. He said that, whilst unable to meet the engagements imposed by the invading armies, it was not to be expected that his majesty's government would voluntarily contract new obligations; that, although it was not willing to reject absolutely and definitively the claims of American citizens, yet it could not, *at that time*, admit them; that what he had just communicated could not, for many reasons, be made the grounds of an official answer to the note of the 9th of November, 1816; and that, therefore, a silent postponement of the subject was, perhaps, the least objectionable, since, the demand for indemnity having been officially made, the question would be left entire for discussion at a more favourable time, when France might be disengaged from her existing embarrassments. In a despatch from Mr. Gallatin to the American secretary of state, dated the 12th July, 1817, stating what had passed between him and the Duke de Riche-

lieu in a recent interview, he reports the Duke to have said, that he wished it to be distinctly understood that the postponement of our claims for spoliations did not imply a rejection of them; that a portion of them was considered as founded in justice; that he was not authorized to commit his majesty's government by any positive promise, but that it was their intention to make an arrangement for the discharge of our just demands, as soon as they could extricate themselves from their actual embarrassments.

In the spring of 1818, France concluded treaties, by which she stipulated the amount due from her to each of the European powers respectively; and, in communicating these treaties to the two chambers, in the month of April in that year, the Duke de Richelieu made use of the following expressions: "France is liberated from all the debts contracted towards the subjects of the other *European* powers, prior to the 20th of November, 1815." The limitation of the declaration to *European* powers, to the exclusion of the United States, was made at the suggestion of Mr. Gallatin, and was intended to preclude the supposition that any decision has been made by the French government unfavourable to American claims.

On the 11th of February, 1819, Mr. Gallatin presented a note to the Marquis Dessolles, French minister of foreign affairs, on behalf of a claim of Mr. Parish; and, in that note, particularly invited the attention of that minister to the subject of American claims, generally, by referring to his preceding official notes, which had remained without answers. The council of state, on the 29th December, 1819, having rejected the petition of the owners of the American ships *Telegraph* and *Dol-*

ly, captured by the French frigates *Menduse* and *Nymphé*, and subsequently burnt at sea, Mr. Gallatin, on the 15th March, 1820, addressed to Baron Pasquier an official remonstrance against that decision, and more especially the grounds on which it was placed; and demanded that the subject should be laid before the king, and that decision reversed and rescinded. He was afterwards informed by Baron Pasquier that the remonstrance had been referred to the minister of justice, who has not yet reported upon it, as far as I have been informed.

Mr. Parish having a deep interest in a certain class of claims, distinguished as the Antwerp cases, Mr. Gallatin, at his earnest request, addressed to Baron Pasquier a note in support of them, dated the 9th of May, 1820. To this note no answer was ever received. On the 31st of October following, Mr. Gallatin addressed another letter to the Baron Pasquier, on behalf of the claim of Richard Faxon, a citizen of the United States; and, in that note mentioned that his letter of the 15th of March preceding, relative to the cases of the *Dolly* and *Telegraph*, remained without an answer. To this note no answer was given. On the 10th of January, 1822, the same minister sent a letter to the Viscount de Montmorency, in which he enters fully into the discussion of the Antwerp claims. No notice was taken of this communication; but, in giving an account to the secretary of state of a conference which he had with the Viscount Montmorency, on the 27th of January, 1822, on the subject of those claims, Mr. Gallatin states that, on pressing our claims generally, and referring, in their support, to his communications of a preceding date, he complained that, not-

withstanding his repeated solicitations during a period of six years, he had not been able to obtain of the French government redress in a single instance; nor had he yet been honoured with an answer. The Viscount de Montmorency answered that he had read the papers relative to the Antwerp claims, and had been struck with their justice. He expressed "his regret that the settlement of this reclamation should have fallen on the present ministry." In a letter from Mr. Gallatin to the secretary of state, dated 23d April, 1822, he writes as follows: "In several conversations I had with the Viscount de Montmorency on the subject of the Antwerp cases, he always evinced a sense of the justice of the claim, and a disposition that indemnity should be made; but I have not been able to obtain an official answer." Mr. Gallatin, after having obtained the permission of the Viscount de Montmorency to converse with Mr. de Villele on the same subject, states that, in his conference, this minister had observed to him, "that he was already satisfied, from the inspection of the papers in his department, and without having seen any argument, that the claim was just, and that the ground assumed by Baron Louis, in his letter to Mr. Parish, was untenable. Without disputing the justice of the claim, Mr. de Villele suggested several objections, founded on the magnitude of the wrongs committed by Napoleon, and the alleged inability of France to repair them all. The payments made by France to European governments had been the result of arrangement, (*d'une transaction*;) founded on equitable principles, and on an abandonment, on the part of those governments, of a considerable part of their claims. It appeared to him impossible that an application for funds could be

made to the chambers for the purpose of satisfying American claims, unless it was the result of a transaction of a similar nature.

"Even in that case, the engagement to pay any sum at this time for that object would, for the reasons already stated, and for many others arising from the change of government, appear extremely hard. The only way to render it palatable was, that it should be accompanied by the grateful information that the commercial difficulties were arranged in a satisfactory manner. He regretted, therefore, extremely that the discussion of the two subjects had been separated, one being treated in the United States, and the other here; and he asked whether it was probable that the result of the negotiations at Washington would be known at Paris before the next session of the chambers, which is to take place in June next?" Mr. Gallatin, in conclusion, adds, "I must say that these observations did not appear to me to be made with an intention of throwing new obstacles in the way of an adjustment of our claims, but for the purpose of stating the difficulties which the government would have to encounter in any attempt to effect that object."

On the 3d of May, 1822, Mr. Gallatin addressed a letter to the Viscount de Montmorency on the subject of the Antwerp claims; and, on the 18th of the same month, he had a conference with that minister on the subject of the American claims generally; which turned on the difficulties which France would have to encounter in the liquidation of them. "The result," Mr. Gallatin states, "of a free conversation on what was practicable, seemed to be that a definitive agreement was preferable to a partial payment;

and that the choice must, in that respect, be between the two following modes: either the payment of a stipulated sum in full discharge of all the demands of the United States for spoliations, and to be distributed by their government; or the reference of the whole case to a joint commission, which, in case of disagreement, would refer the disputed points to a sovereign chosen by the two governments."

On the 1st of June, 1822, the Viscount Montmorency returned an answer to the note of Mr. Gallatin, in which he states, "the object of your claims is, without doubt, interesting to a great number of individuals; and we have also individual claims to make which are likewise of great interest to the subjects of the king, whom they concern. I would be the first to wish that the government could be engaged with them; but you are not ignorant, sir, that there is at this moment, at Washington, a negotiation which embraces general interests of the highest importance to the navigation of France and America.

"The king's council has judged that it was better to put off the examination of the individual claims, until the negotiation upon the general interests was concluded; and, as soon as that shall have taken place, I shall hasten, sir, to move, in the king's council, the examination of the claims which form the object of your letter of the 3d of May."

In a note, dated the 13th of June, addressed to the Viscount de Montmorency, Mr. Gallatin, in reply, protested against this new cause of procrastination.

In the mean time, the convention of the 24th of June, 1822, was concluded at Washington; and, on the 17th of August, Mr. Gallatin, in a

note to the minister, informs him that "the cause assigned by your excellency, in your letter of the 1st June last, for suspending their consideration, being happily removed by the late commercial arrangement, I trust that no further delay will take place, and that, in conformity with the tenor of that letter, your excellency will be pleased to bring that important subject before the king's council."

In a despatch, dated the 24th of September, 1822, addressed to the American secretary of state, Mr. Gallatin states; "I had yesterday a conference with Mr. de Villele on the subject of our claims. He expressed his wish that a general arrangement might take place, embracing all the subjects of discussion between the two countries; stated those to be the reclamations of the United States for spoliations on their trade; those of France, on account of Beaumarchais' claim, and of the vessels captured on the coast of Africa, and the question arising under the Louisiana treaty; and asked me if I was prepared to negotiate upon all those points? I answered that I was ready to discuss them all, but that I must object to uniting the Louisiana question to that of claims for indemnity, as they were essentially distinct; and as I thought that, after all that had passed, we had a right to expect that no further obstacle would be thrown in the way of the discussion of our claims, by connecting it with subjects foreign to them."

On the 6th of November, 1822, Mr. de Villele transmitted a note to Mr. Gallatin, in which, after alluding to the convention recently concluded at Washington, he proceeds to observe that, "if any partial difficulties shall still remain to be removed, they will be easily arranged between two powers, who sincerely wish to

establish their relations upon the most perfect equality.

"In this spirit of reciprocal justice, I have received the claims which you have done me the honour to transmit to me, and, without prejudging any thing in their regard, I must, first of all, sir, remind you that France has also claims pending, or to be produced to the government of the United States. It would appear agreeable to the interest of the two parties, and to the reciprocity of justice and of protection to which the subjects of the two states have equally a right, that these affairs should be examined and arranged simultaneously by way of negotiation.

"His majesty's intention would be that these claims and the other points in dispute, upon which the convention of June has not been able to pronounce, should be the object of this negotiation, in order to terminate simultaneously, and in a definitive manner, every dispute between the two states, especially in what concerns the duties received in Louisiana on the French commerce, contrary to the tenor of the eighth article of the treaty of cession.

"You will only perceive, sir, in this intention of his majesty, the most firm desire of leaving, in future, no cause or pretext of misunderstanding or of complaint between the two states, and on the part of their respective subjects.

"If you are authorized, sir, to follow this march, I pray you to let me know, and I will hasten to demand of the king the necessary powers to a negotiator charged with treating with you."

In answering this note, Mr. Gallatin, in his letter to Mr. de Villele, dated the 12th November, says: "I have special powers to negotiate a convention providing for the just

claims of the citizens of the United States against France, as also for the like claims of French subjects against the United States, with such persons as may have a like authority from his most Christian majesty. As minister of the United States, I am authorized to discuss the question respecting the construction of the eighth article of the Louisiana treaty, and to give and to receive explanations on that subject. But the negotiation on that point having been transferred to Washington, no special powers, in that respect, have been transmitted to me. I had understood, in the course of the conference I had the honour to have with your excellency on the 23d of September, and had accordingly written to my government, that it was not intended to insist that that subject should be blended with that of private claims. It is indeed obvious that it would be utterly unjust to make the admission of these to depend on the result of a negotiation on a subject with which they have no connexion whatever, and the difficulties respecting which are of a date posterior to that of the claims.

“All the representations which his majesty’s government has made to that of the United States, whether on private or on public subjects, have uniformly been taken into consideration, and received that attention to which they were so justly entitled. In no instance has the government of the United States declined to open a discussion on any subject thus offered to their consideration by France, or made it a preliminary condition that the discussion should also embrace some other subject on which they might happen to take a greater interest. The question concerning the eighth article of the Louisiana treaty has, in particular, been the subject of a voluminous

correspondence; in the course of which, arguments, in support of the construction insisted on by each party respectively, were made known to the other. I have, in the mean while, for six years, made unceasing applications to his majesty’s government for the settlement of claims to a vast amount, affecting the interests of numerous individuals, and arising from flagrant violations of the law of nations and of the rights of the United States, without having ever been able to obtain, to this day, satisfaction in a single instance, or even that the subject should be taken into consideration and discussed. After so many vexatious delays, for which different causes have, at different times, been assigned, it cannot now be intended again to postpone the investigation of that subject, by insisting that it shall be treated in connexion with one foreign to it, and which has already been discussed. The United States have, at least, the right to ask that their demands should also be examined and discussed; and I trust that, since I am authorized to treat, as well concerning the claims of French subjects against the United States, as respecting those of American citizens against France, a distinct negotiation to that effect will be opened without any further delay.”

The reply of Mr. de Villele to this letter, continuing to insist that all the points of disagreement should be embraced in one negotiation, Mr. Gallatin had no alternative left but that of referring the whole affair to his government, which was accordingly done.

Mr. Gallatin, on his departure from Paris, left Mr. Sheldon in charge of the affairs of the United States, who, having received instructions to that effect, addressed a note to the Viscount Chateaubriand,

then his majesty's minister of foreign affairs, insisting on entering into a discussion of the American claims without connecting it with the question under the eighth article of the Louisiana treaty, which note remained unanswered.

On the 28th of April, 1824, and soon after my arrival in France, I presented to the same minister a note to the same effect with the one presented by Mr. Sheldon, and on the 8th day of May, received his answer, in which he insists on connecting, in a single negotiation, all the points of difference between the two nations. Having communicated this answer to my government, it thought fit, after the accession of his present majesty to the throne, and your excellency's appointment to the office of minister of foreign affairs, to instruct me to make another effort to obtain a hearing of our claims, unconnected with the subject of the eighth article; and, accordingly, in conformity with my instructions, I addressed a note to your excellency to that effect, dated the 22d of October, 1824.

I shall not fatigue your excellency by reverting to the delays which interposed themselves between the date of this note and its answer, but shall content myself with expressing my regret that this answer adhered to the determination of your predecessor, and contained a refusal to discuss the claims otherwise than in connexion with all the other points of disagreement between the two governments.

I have thus presented your excellency with a brief but faithful review, derived from official correspondence, of the course of conduct pursued by France in relation to the claims of our citizens for spoliations on their property, amounting to many millions of dollars, and

founded on wrongs of the most aggravated character.

I shall forbear from repeating the arguments which have been urged at various times in support of those claims. They have never been answered by the government of France, and are believed to be unanswerable. Their justice has not yet been denied, nor in any way controverted, unless the letter of your excellency of the 11th of November, 1825, upon which I shall hereafter remark, shall be considered as intended for that purpose. The justice of a very large portion of them has been expressly acknowledged by more than one of his majesty's ministers of foreign affairs. An offer was made more than ten years ago by the Duke de Richelieu of indemnity for vessels burnt at sea, and for those of which the proceeds had only been sequestered and deposited in the *caisse d'amortissement*; which promise he expressed his intention to reduce to writing, but afterwards declined to do; stating, at the same time, that he was not willing to reject the claims of our citizens definitively, but that they could not be admitted *at that time*. He afterwards stated that he wished it to be clearly understood that a postponement did not amount to a rejection. Nearly six years ago the Viscount de Montmorency stated to Mr. Gallatin that he had read the papers relative to the Antwerp sequestrations, and that he had been impressed with a sense of the justice of the claim. On a subsequent occasion, the 18th May, 1822, a prospect, unfortunately not afterwards realized, was presented of a satisfactory arrangement by the payment of a stipulated sum, in full discharge of the demands of the United States for spoliations, to be distributed by the American go-

vernment, or by the reference of the whole case to a joint commission.

The causes which have hitherto delayed or obstructed the fulfilment of the well-founded expectations of the government of the United States, are far from being satisfactory. When these claims were first presented by Mr. Gallatin in 1816, and for some time afterwards, the embarrassed state of France was assigned as a motive for their postponement until a more auspicious period. This period arrives, when France is again rich, prosperous, and powerful, and her finances flourishing. It is then intimated by France that our claims might have been more favourably received had they been pressed forward at an earlier day. We have unfortunately, it would seem, always been too soon or too late.

The commercial difficulties which afterwards arose between the United States and France, and which originated with the latter, were made a cause for the further postponement of the American claims until those difficulties should be adjusted. These were happily removed by the convention concluded at Washington in June, 1822. The United States had then a right confidently to expect the long deferred indemnity. In this they were disappointed by the interposition, on the part of France, of a claim under the eighth article of the Louisiana treaty, which, I am sorry to say, appears to my government in the light only of another mode of procrastinating the adjustment of its claims. The claim of France under the Louisiana treaty has already been fully examined and elaborately discussed by the two governments: every argument has been exhausted, the most respectful and patient attention has been given to the pretensions of France, and the result

has been full conviction, on the part of my government, that those pretensions rest on no solid foundation. Even on the supposition that France entertains the opposite conviction, it is not easy to perceive how she can derive from it any just reason to withhold satisfaction of our claims. The two subjects are incongruous and unconnected. The one rests upon a contract, in the interpretation of which the parties may sincerely differ; the other arises out of wrongs committed in notorious violation of the law of nations, the character of which admits of no difference of opinion. The one is national, the other individual. Supposing the respective claims of the two nations to be similar, the priority of injury gives to the United States a right to prior redress. Nor can any adequate motive be perceived for withholding that redress from the consideration of settling *all* matters of difference.

The propriety of removing, if practicable, *all* causes of misunderstanding, is readily admitted; but if that be not attainable, it does not follow that none should be removed; and, especially, it does not follow that those should not be obviated which are attended with a deep sense of the injuries from which they have originated.

It may be true, as your excellency has alleged, that his majesty, on ascending the throne of his ancestors, could not take, nor has taken, the engagement to satisfy all the charges imposed on him as indemnity for the depredations committed by the usurping government, and yet the obligation of France to redress the injuries suffered by the citizens of the United States may be perfect. I do not consider it necessary to discuss the question of the usurpation which is presented in your excellency's letter. It is suf-

cient for the United States that those wrongs and depredations proceeded from the actual government of France for the time being, and that the responsibility of France to make reparation for wrongs committed under the authority of any form of government which she may have established, or to which she may have submitted, from time to time, cannot be reasonably contested. The king of France, on ascending the throne of his ancestors, assumed the government with all the duties, rights and obligations, which appertained to the French nation, and, it is believed, cannot justly claim absolution from any of those obligations or duties. The complaint of my government is precisely that his majesty's government has *not* taken upon itself the engagement to make that indemnity to which American citizens are entitled in consequence of the wrongful acts committed under previous French governments. That engagement might have been voluntarily assumed by his majesty's government from a spontaneous sense of justice, and the claims of American citizens liquidated without the interposition of the government of the United States. It is because that has not been done, that the interposition of the United States became necessary, and has been constantly made during the last twelve years.

The government of the United States is always ready to acknowledge any proofs of justice or benevolence which may be exhibited by other nations towards its citizens. It cannot, however, entirely concur with your excellency in estimating as among the number any consent which France has hitherto given to examine the claims of American citizens, connected as that consent has been with inadmis-

sible conditions. Nor can my government admit the propriety of associating, in the same negotiation, the disputed demand under the eighth article of the Louisiana treaty with incontestible claims of American citizens, a large portion of which claims, as I have already had the honour to show, so far from being questioned, has been admitted by France to be just.

The president of the United States has seen, with surprise and regret, the adherence of France to the principle of such an unnatural connexion. But whilst my government must constantly protest against it, and reiterate its strong conviction that the claim of France under the eighth article of the Louisiana treaty has no just foundation, I have been instructed, with a view of affording a signal proof of the equitable and conciliatory disposition of the United States, to propose to you, as a basis for the settlement of the question arising under that article, that it be submitted to arbitration. I have now the honour of making to you, sir, distinctly, that proposal, and, should that basis be agreed to by his majesty's government, I am authorized, and shall be ready, in concert with your excellency, to proceed to agree upon and state the precise question to be submitted, and to arrange and prepare whatever may be necessary to carry the arbitration into effect. I sincerely hope that this proposal may be accepted in the same friendly and conciliatory spirit in which it is made, and that it may remove the great obstacle which has hitherto opposed itself to the adjustment of all the existing subjects of dispute between the two governments. Whatever may be your excellency's decision upon this proposal, I hope I shall be favoured with an

answer at as early a day as your convenience will permit, and I avail myself with pleasure of this occasion to renew to your excellency

the assurances of the high consideration with which I have the honour to be, &c.

JAMES BROWN.

No. 80.

Mr. Brown to Mr. Clay.

Paris, 27th February, 1828.

SIR,

The Baron de Damas, late minister of foreign affairs, not having returned any answer to the letter which I addressed to him on the 19th of December last, I resolved to resume the subject with his successor, as soon as I could ascertain that the new ministry had found, in the disposition of the two chambers, some security for their continuance in office. The best view which I have been able to take of the temper and composition of the chambers, having satisfied me that no immediate changes would probably be made, at least none in the department of foreign affairs, I requested and obtained an interview with the Count de la Ferronnays, at which, after presenting him with a brief outline of the negotiation for indemnity, and the manner in which it had been unexpectedly arrested by the interposition, on the part of France, of her claim under the eighth article of the Louisiana treaty, I expressed my earnest wish that he would give me his answer to the proposal which I had made to submit the question under that article to arbitration. I told him that the president had always considered the delay occasioned by the claim of France, under that article, as a grievous hardship to such of our citizens as had been unjustly deprived of their property by acts of the French authorities, and there-

fore felt the most earnest solicitude to remove out of the way every pretext for the further postponement of the adjustment of their claims. I observed that it was with this view, and also in order to afford France a striking proof of his conciliatory disposition, that he had instructed me to propose the submission of that question to arbitration. I added, that I could perceive no reasonable objection which France could urge against the mode proposed, which seemed to be the only one left for deciding a question upon which, after the most elaborate discussions, and perhaps with an equally sincere desire of coming to a friendly understanding, the two governments had not been able to agree. I concluded by repeating, in the most earnest manner, my hope that I might be favoured with an early and definitive answer to the proposal contained in my letter.

In reply to my observations, Count de la Ferronnays remarked, that circumstances which he presumed were known to me, (alluding, as I believe, to his long absence from France as ambassador at the court of St Petersburg, and his recent appointment to the department of foreign affairs,) together with the urgency of business arising out of the present state of affairs, had hitherto prevented him from devoting his attention to the subject of our negotiation; that the mode I had proposed of deciding the question under

the Louisiana treaty, had, he believed, already, in some instances, been advantageously resorted to by the government of the United States; that he felt himself deeply sensible of the importance of preserving the good understanding which had so long existed between France and the United States, and was sincerely disposed to place the relations of the two countries on the most friendly footing; that, although he was not at that moment sufficiently well acquainted with the subject to accept or reject the proposed mode of adjustment, yet, that he would, with as little delay as possible, examine the correspondence, and give me his definitive answer. He added that, after an attentive examination of the subject, and before he should send me his answer in writing, he would seek an opportunity of having a frank and friendly conversation with me on the points in dispute between France and the United States, in order to pave the way to a settlement of all differences now existing between the two nations.

I assured him that I should at all times be ready and willing to enter with him upon the examination of the subject, and that I felt a strong expectation that, with mu-

tual good dispositions, we might arrive at an amicable and satisfactory settlement of them.

With all the disappointments we have experienced in the course of this long, vexatious, and hitherto unprofitable negotiation, fresh in my recollection, I cannot suppress a hope that we shall meet in the disposition of the present ministry a more favourable course of proceeding in relation to our claims, than we experienced from the last.

The high reputation the Count de la Ferronnays enjoys for candor and justice, his habits of business, and I trust freedom from any unreasonable prepossessions against our claims, justify a hope that he will not unnecessarily retard the settlement of them, by insisting that we shall surrender our rights under the Louisiana treaty in order to obtain indemnity.

However this may be, I shall lose no time in obtaining, if possible, a satisfactory answer on the subject of the proposed arbitration.

I have the honour to be,

With great respect, sir,

Your obedient and

Faithful servant,

JAMES BROWN.

HON. HENRY CLAY,

Secretary of State, Washington.

No. 84.

Mr. Brown to Mr. Clay.

Paris, May 12, 1828.

SIR,

I addressed a note to his excellency the minister of foreign affairs, requesting an interview, and received his answer, appointing the 8th instant for that purpose. My object was to urge him to answer the letter which I addressed to his prede-

cessor on the 19th day of December, 1827.

I told him that I had delayed pressing for that answer until sufficient time had been allowed him to examine the whole correspondence on the subject of our claims; but, that I hoped he was now prepared to communicate his decision upon

the point to which my letter related.

He observed that the American claims were large in amount; that, even omitting for the present any objections he might find it necessary to make to them, he feared he could not encourage a hope that they would be satisfied, because, in the present state of the finances of France, with a large deficit in the revenue, a proposal for a large loan, and the probability of augmented expenses on the part of the government, arising out of the state of affairs in Europe, he could not perceive how ministers could, with any prospect of success, apply to the chambers for an appropriation sufficiently large to satisfy the American claimants.

I answered, that the amount of the claims proved the extent of the injury sustained by the claimants, but could not be urged as a reason why France ought not to liquidate them: that the object of the letter to which I had immediately called his attention, was to remove, by arbitration, an objection which had for some years been made to the discussion of our claims, and that I hoped it would be convenient for him, without any further delay, to inform me whether the proposal

made by the president had or had not received his approbation.

He replied that, on examining the question, he had determined to submit it to the council for its decision, that he would prepare a statement for that purpose, and, as soon as he obtained a decision, he would send an answer to my letter.

In the course of the conversation, he intimated that our claims might have had a better prospect of success had they been presented and urged with the European claims at the general settlement which took place anterior to the evacuation of France by the allied armies. I observed that we had been neutral in the war which led to that settlement, and could not properly become parties to it; that our claims were against France for injuries done to our citizens at a time when the two countries were in a state of peace, and that we had always relied on the justice of the French government for indemnity. As he did not further insist on this point, I presume he considered it as having no important bearing on the question.

I have the honour to be,

With great consideration, sir,

Your faithful and obd't serv't,

JAMES BROWN.

HON. HENRY CLAY, &c. &c. &c.

No 85.

Mr. Brown to Mr. Clay.

Paris, July 29, 1828.

SIR,

In my despatch No. 84, I had the honour to inform you that the minister of foreign affairs had assured me that he would submit to the council my letter of the 19th December last, and communicate its decision by an answer to that letter.

At that time, and, indeed, for some time after, it was not considered altogether certain that the present ministry could command a majority in the two chambers. The course pursued by them since the opening of the legislature, has so well corresponded with the public opinion, that they have succeeded in passing

all the important laws proposed by the king by large majorities, and, consequently, that they have a fair prospect of a long tenure of their places: our claims for indemnity were mentioned in favourable terms by some member of the chamber of deputies, and I considered the moment as having arrived when I could press them with some hope of success. I therefore sought a conference with the minister of foreign affairs, who received me on the 24th instant, at ten o'clock in the morning.

I introduced the subject by remarking that I had permitted some time to elapse since my last conversation with him on the subject of indemnity; and on the subject of my letter to the Baron de Damas, of the 19th of last December, that I was not ignorant that much of his time was necessarily devoted to the important discussions in the two chambers, but that I hoped enough had remained to enable him to submit the correspondence on the subjects to the council, and that he was then prepared to communicate to me its decision.

He replied that he regretted very much that he could not then offer me a satisfactory answer; that he had, on more than one occasion, mentioned the subject in council, and expressed his wish that the negotiation should be brought to a close; that he thought we had a right to expect it; that he had stated in council that his own situation was unpleasant in being compelled to meet our applications for a decision by postponements; that, for himself, he preferred an immediate examination of our claims, in order that, if groundless, they might be definitively rejected; if just, that they might be admitted, and provision made for their payment. He added that, although he did not meet

in council with any decided opposition in the course he wished to pursue, yet it was believed that these claims not having been presented at the general settlement, and being now of ancient date, could not be fairly examined until after the adjournment of the chambers.

I told him that an attentive perusal of the correspondence would satisfy any impartial mind, that the claims to indemnity ought not to be objected to on either of the grounds which had been mentioned; that the United States had, during the long war in which France had been involved, preserved their neutrality; that they had no share in the events which led to the settlement which terminated that war; that, in reporting the settlement of the claims on France, the Duke of Richelieu had pronounced in the chambers that she had discharged her engagements with, and satisfied the claims of the *European* powers—omitting the American claims from the communication, they being reserved for discussion and settlement at the express suggestion of the minister of the United States. I observed, that as early as the date of the obnoxious decrees, in consequence of which, we suffered the losses for which we now ask indemnity, our minister at Paris had remonstrated against them, and against the spoliations and wrongs we suffered under them; that Mr. Barlow had been sent to France, instructed to demand reparation of the Imperial government, which, but for his unfortunate death, he would probably have obtained; that, notwithstanding the existence of the war between the United States and Great Britain, Mr. Crawford, not long after Mr. Barlow's death, arrived in Paris with instructions and powers to carry on the negotiation, but had been prevented from proceeding in it, by

the great events which happened in 1814 and 1815; that, early in 1816, Mr. Gallatin arrived, and, after presenting the claims, continued during nearly seven years earnestly urging their settlement. I concluded by mentioning that my efforts to bring the negotiation to a close had, for more than four years, been as unre-mitted as they had been unsuccessful, and that I could not, under these circumstances, conceive how our claims could be objected to on account of their ancient date. He repeated what he had already said

as to his own wish to bring the negotiation to a close, and assured me that he would again, as soon as the session shall have closed, submit the question in council, and transmit to me his answer to my letter of the 19th December.

On the 26th, I addressed to him a note, of which I have now the honour to enclose a copy.

I have the honour to be,

With great consideration, sir,

Your most obedient servant,

JAMES BROWN.

HON. HENRY CLAY, &c., &c., &c.

Mr. Brown to Count de la Ferronnays.

Paris, July 26, 1828.

SIR,

In the interview with which your excellency honoured me on the 24th instant, I expressed to you the regret I felt at the delay, on the part of the French government, in adjusting the claims for indemnity on behalf of certain citizens of the United States, and in giving an answer to my letter addressed to your predecessor on the 19th of last December, in which I proposed to submit to arbitration the question arising under the eighth article of the Louisiana treaty.

The intimation given me by you, that some objection had been made to those claims because they had not been presented with those of the allied powers anterior to the evacuation of France, and because of their ancient date, excited some surprise. The United States had never been parties to the war which was to be terminated by that liquidation, but had always occupied a neutral position in relation to France. The correspondence between the two

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governments, if carefully examined, will prove that any postponement of the adjustment of American claims which has taken place is attributable to the French government alone, which has, on various alleged grounds, declined entering into a discussion of them, and not to the United States, who have constantly urged their final settlement.

Your excellency has expressed to me your intention again to submit the questions now depending between France and the United States to the council, so soon as the urgent business of the session of the chambers shall have terminated; and I have now earnestly to request that you will carefully examine the whole correspondence, and particularly notice the repeated and constant efforts which have been made by my government to obtain a settlement of those claims; efforts which, I have reason to believe, would have been successful, but for the delays which had been opposed by France to the progress of the negotiation.

With a sincere and, I trust, mu-

tual desire to settle these questions, which are the only ones which can by possibility disturb the harmony which has so long and so happily existed between the United States and his majesty's government, I have reason to hope that we shall

be enabled to bring them to a speedy and satisfactory conclusion.

I have the honour, &c.,

JAMES BROWN.

His excellency COUNT DE LA FER-
RONNAYS,
Minister of foreign affairs, &c., &c.

Mr. Brown to Mr. Clay.

Paris, November, 12, 1828.

Sir,

The minister of foreign affairs having returned to Paris from the mineral waters of Germany, where he spent some weeks for the benefit of his health, I addressed to him a note requesting an interview.

He appointed the 6th instant to receive me. I called upon him on that day, and reminded him of the promise he had made me at our last conference, to lay before the council the American claims for indemnity, and also the proposition I had made to submit to arbitration the question arising under the eighth article of the Louisiana treaty of cession; and I expressed my anxiety to obtain his answer on both those subjects.

He observed that he regretted to find himself under the necessity of again postponing his answer; that he had more than once mentioned the subject in council; that there appeared to be some diversity of opinion respecting our claims; certain persons intimating that, as they arose under the government of Napoleon, the present dynasty was not responsible for them; others believing that the claims of citizens of the United States ought to have been presented and adjusted contemporaneously with those of the subjects of European sovereigns: that it was his intention again to

bring the question before the council, which would avail itself of the information which might be derived from Count de Ravenal, who, having been employed in the department of foreign affairs at the time when our claims against France originated, could probably throw much light on the facts and circumstances connected with them. He observed that the constant neutrality of the United States during the wars in which France was involved anterior to the restoration, and the appeals they had made, not to force, but to reason and justice, in order to obtain the liquidation of their claims, constituted a strong argument in favour of them. He concluded by repeating what he had said on former occasions, that no person could desire, more than he did, that all the matter in dispute between the two nations should be brought to an amicable conclusion.

I observed that the objections which had been made to our claims, as stated by him, had already been met, as I conceived, by conclusive answers; that I regretted every renewed postponement of the question the more deeply, in as much as the ancient date of our claims had been suggested as an objection to them; and that I sincerely hoped that the time would soon arrive when we might commence the discussion with that mutual disposition

to terminate it satisfactorily, which I hope was felt by both governments.

He promised me his early attention to it; and, as I could see no probable advantage which could be derived from pressing the business

further at this time, we terminated the interview.

I have the honour to be, with great consideration, sir, your faithful and obedient servant,

JAMES BROWN.

No. 5.

Mr. Rives to Mr. Van Buren.

Paris, November 7, 1829.

DEAR SIR,

In my last communication, I mentioned that I had requested a conference with the Prince de Polignac, for the purpose of calling his attention to the principal subjects with which I was charged, and that he had fixed Monday, the 2d day of this month, for the interview. On that day, accordingly, I waited on him, and opened the conference, on my part, by observing that there were several questions of considerable interest between the United States and France, which remained unsettled. That the president of the United States, being sincerely desirous of cultivating the most friendly relations with his Majesty's government, and fearing that, if these questions should remain longer unsettled, they would create feelings of dissatisfaction, and tend greatly to impair the good understanding which had heretofore existed, was anxious that they should be now disposed of. That the most important of these questions was that which related to the indemnity due to us for the various and aggravated injuries committed upon our neutral rights and commerce by the former government of France. That this claim had been pending for a very long time; that it had never ceased to be prosecuted by us with

a thorough conviction of its justice; but that it had never yet been decided on by his majesty's government.

Here the prince interposed, by remarking that he "feared it had been decided on that *they* had nothing to do with the acts of Bonaparte."

I replied that, without occupying his time at that moment with any argument in support of the doctrine, I would only remark, that we considered it an *established* principle, that the acts of the existing government of a country, (especially one which had been so long recognised by the other powers of the world as that of Bonaparte) attached to the nation, and devolved, with all their consequences and responsibilities, upon every succeeding government which should administer the affairs of the nation, and that this principle had been practically admitted by his majesty's government at the period of the restoration, in the various indemnities granted to the allied sovereigns for injuries and losses proceeding from the acts of Bonaparte.

The Prince then remarked, that he did not think that any of the cases in which indemnities had been granted to the allied sovereigns were the same as ours. To which I replied, that, although the cases might not be identical in their

individual circumstances, the claim to indemnification proceeded on one and the same principle in all, to wit, the obligation of the present government of France to repair injuries and losses occasioned by the acts of the preceding government. I also remarked, that if any discrimination were to be made between the United States and the allied powers, we might reasonably expect a more favourable consideration for our claims than theirs; for, while those powers had neither regarded the convenience nor consulted the free will of France in pressing their demands at the time and under the circumstances they did, we had, without ever having relaxed in the friendly prosecution of ours, patiently waited for their final adjustment until she had recovered from her embarrassments, and had heretofore relied exclusively on the moral energies of justice and reason to sustain them. I also added, that, instead of his majesty's government having heretofore decided *against* our claims, as he seemed to suppose, we had every reason to believe that many of his majesty's ministers, the predecessors of his excellency in the department of foreign affairs, had entertained and expressed far different opinions concerning them. I then referred, in very general terms, to the favourable sentiments understood to have been entertained or expressed by the Duke de Richelieu, Viscount de Montmorency, Mr. Villele, and the Comte de Ferronnays, and added, that we should expect not less favourable views when he came to investigate the subject from his own elevated sense of justice.

To this he replied that whatever was just must be done; that he did not profess to be particularly acquainted with the subject; that the

papers relating to it were all in his department; that he would examine them as soon as practicable, and, when he had done so, would invite me to another interview.

I then called his attention to the subject of the discriminating duties levied on the cargoes of American vessels which had touched at intermediate ports in their voyage to France; explained to him the circumstances under which this had been done, and that we considered it a manifest departure from the commercial convention of 1822, which, entirely silent as to the character of the voyage either as direct or indirect, made the national character of the cargo and the vessel the sole condition of its benefits.

He remarked that, where vessels stopped at intermediate ports, there was always danger of fraud, and that articles not the produce of the United States might be added to the cargo. To which I thought it necessary to make no other reply than that, in the cases which had occurred, no fraud was alleged, and that the fact was proved, beyond question, that the vessels and cargoes were *wholly* of United States' origin and ownership.

I then mentioned to him the promptitude with which the government of the United States had, on the representation of Baron Mareuil, given orders for the restitution of the discriminating duties which had been demanded by its custom-house officers in the instance (much less clearly entitled to the benefit of the convention) of French vessels which had not merely touched, but actually disposed of, a portion of their cargoes in the French West India Islands, which seemed to strike him with considerable force. He said he would examine the papers con-

nected with the subject, and, when he had done so, would let me hear from him.

I thought this first occasion of opening the subjects of my official intercourse with the minister of foreign affairs a fit one for communicating to him other acts of the government of the United States, which, manifesting the liberal spirit of our councils towards France, would have a tendency, I hoped, to elicit corresponding dispositions on the part of her government towards us. In this view, I explained to him, with some detail, the recent and highly favourable regulations of our tariff in regard to the most interesting objects of the industry and commerce of France—her silks and her wines. I represented to him that some of these regulations were special favours granted to France, and proceeded from a sincere desire to strengthen our good understanding with her by substantial advantages given to her trade; that, in thus evincing the friendly sentiments of the United States for his majesty's government, we were encouraged to hope for such reciprocal dispositions on its part, as would not only lead to a more equal adjustment of the commercial relations of the two countries, but to a just and equitable settlement of all the other questions now pending between them; and that I should be proud, at all times, to concur with his excellency in every measure calculated to give the full effect to these dispositions on both sides.

The prince very frankly, and with apparent satisfaction, recognised in the acts to which I referred evidences of the friendly dispositions of the United States towards France, and said that I might be

assured he would do every thing on his part to preserve the friendship which had heretofore existed. He concluded, by repeating that he would examine, as soon as practicable, the two subjects I had presented to his consideration, and, when he had done so, would invite me to another interview.

In taking leave of him, I expressed the hope that his examination would be attended with as little delay as possible, as that which had already taken place in the settlement of these questions, had given rise to feelings of discontent in the United States, which, if there should continue to be occasion for them, might derogate very much from the force of the motives now felt by both governments to cultivate a friendly intercourse with each other.

The object of this interview being a mere preliminary exposition of the subjects I was instructed to present to the consideration of the French government, and with which it was evident the new minister had very little previous acquaintance, I did not think it either necessary or proper to enter into any formal discussions of them at that time. I therefore contented myself with such observations, *en passant*, as his own remarks of the same character would alone have justified. The next interview, in developing the more mature and better informed views of the minister, will, in all probability, call for more precise and detailed discussion on my part.

I have the honour to be, with sentiments of great respect, your obedient servant,

W. C. RIVES.

To the Hon. M. VAN BUREN,
Secretary of State.

No. 8.

Mr. Rives to Mr. Van Buren.

Paris, December 17, 1829.

DEAR SIR,

You will perceive, from the enclosed note, that, after waiting for some time for the promised invitation of Prince Polignac to another interview on the subjects of my former conference with him, I determined to ask one myself. The situation of the minister, as being heretofore entirely unacquainted with the subjects of discussion between the two governments, and and having been very much occupied with other affairs, both foreign and domestic, since he came into office, seemed to me fairly to claim for him a liberal allowance of time for his investigations. For this reason, as well as that, under existing circumstances, the manifestation of impatience on my part could do no good, and might possibly do harm, I forbore to ask an interview earlier, especially, as, in one or two casual meetings with him, of which I profited to recall his attention to the matters I had presented for his consideration, he informed me that he was then engaged investigating them.

The time, however, seemed to me at length to have arrived when a farther acquiescence in this delay, on my part, might be subject to misconstruction in regard to the importance which the government of the United States attached to the demands I had presented. I therefore, on the 10th instant, addressed the enclosed note to Prince Polignac, to which I received his answer, fixing Monday, the 14th instant, for the interview.

He opened the interview on that day, by saying that he was not yet ready to *discuss with me* the principal subject I had presented to his

consideration; that he had been very much engaged, as he presumed I was aware, with other matters; that the subject itself was a complicated one, and involved in a large mass of documents and papers, some of which it was necessary to obtain from other parts of Europe; that the whole subject was now undergoing examination, but that he had as yet been able to acquire only a very imperfect knowledge of it himself.

I remarked, that it was hardly necessary to trouble himself with all the details he had alluded to; that the general character of our claims, and the principles applicable to them, lay within a much narrower compass, and could be readily gleaned from the correspondence which had taken place here between the respective organs of the two governments.

He said he was aware of this, but that, in a matter of so much importance, he preferred having a view of every thing, however minute, himself, and that, moreover, he wished to put down his views in *writing*.

I then repeated the hope, which I had already very earnestly expressed, that he would suffer as little delay as possible to occur in the farther investigation of the subject: and I endeavoured to impress upon him the importance of an early attention to it, by alluding to the recent proceedings of the United States, which manifested the deep interest felt in it by the nation: to which I added, that the government entirely sympathized in this national sentiment; that the question was considered not as affecting the interests of individuals only, but, from the nature of the outrages

which had given rise to the claims of our citizens, as one deeply involving the rights and honour of the government and nation: and that, in all its bearings, the subject must exert an important influence on the future relations of the two countries.

The prince renewed his promise to examine the subject with as little delay as the nature of the investigation, and his other engagements, would admit; and here the interview seemed to have reached its termination. But after a short pause he remarked that what he was about to say he hoped I would not consider as the expression of an *opinion*; but he must say that, as far as he had yet gone in the investigation of our claims, he did not view them in the same favourable light that I did.

I thought this a fit opening for meeting some of the prepossessions which my first interview with him had disclosed the existence of on his part; and I took advantage of it accordingly.

I adverted first to the impressions he seemed to entertain that his majesty's government had heretofore decided *against* our claims; and reviewed somewhat in detail, the history of the negotiation, for the purpose of showing that the failure to settle them was in no sense a rejection, but proceeded from various collateral considerations, alleged as grounds of postponement merely; these postponements, too, being accompanied, in most of the instances, with expressions of opinion, on the part of his majesty's ministers, decidedly favourable to the intrinsic validity of a large portion of our claims.

He said very promptly that, on this point, he found he had been mistaken.

I then referred to the idea intimated by him in our first interview,

that his majesty's government could not be held answerable for the acts of Bonaparte; and remarked that, independently of the long-settled and well-established principles of international responsibility in such cases, there were considerations connected with the American claims which made it *clearly equitable* that his majesty's government should indemnify us for these wrongs of Bonaparte; that most of the property for which we now claimed compensation, had been actually applied to defray the expenses of the French government, had supplied the place of national contributions, or public loans, and diminished, by so much, the burdens which had been imposed on the nation, or which had descended from Bonaparte upon his majesty's government; and that his majesty's government and the French nation, having thus received the benefit of the wrongs committed, were in equity, as well as on the sterner principles of international law, now bound to repair them.

He said this argument might be admitted to be a good one, if its effect were not to subject his majesty's government to new and indefinite demands from the European powers. That, at the period of the restoration, they claimed nothing on behalf of their subjects for property forcibly taken away, but only for supplies furnished by virtue of contracts.

I replied, that the American claims seemed to me to present a much stronger case; for, while the subjects of the European powers had voluntarily yielded their property to the purposes, and advanced it on the credit of the usurping government, that of our citizens, not less serviceable in supplying the real wants of the nation, had been appropriated by the violence of the government,

without their consent, constituting, in effect, a species of forced loan.

I also remarked, that I did not understand that the reclamations of the European powers which had been allowed by his majesty's government, were confined to cases of contract. The arrangement with Great Britain, particularly, made his most Christian majesty responsible for "all property, real or personal, of British subjects, which had been *unlawfully confiscated* since 1792."

I also mentioned, as exceptions to the supposed principle, two very striking examples in the arrangement with the continental powers: The first, that of the Hamburg bank, from which Marshal Davoust, in the year 1813, forcibly abstracted funds to the amount of fifteen millions of francs, and for which his majesty's government, in pursuance of the third article of the convention of the 20th November, 1815, with the continental powers, had made compensation by a special convention with the senate of Hamburg, on the 27th day of October, 1816; the second, that of the merchants of the Grand Dutchy of Berg, in whose hands Bonaparte had, by an arbitrary and capricious order, issued at Nossen on the 8th day of May, 1813, seized and confiscated a large amount of colonial produce, (sugar, coffee, cotton, &c.,) and whose reclamations were allowed by the fourth article of the convention of the 20th November, 1815, above mentioned, and afterwards paid by his majesty's government, including interest as well as principal.

To these observations, the prince replied, by resolving, through the medium of implications more or less remote, the indemnities granted to British subjects into cases of *contract*; and as the other cases mentioned did not admit of being explain-

ed away by that ingenious process, he said, generally, that the government of the United States, from the principles of its policy, dealing alike with all *established* governments, and abstaining from any participation in the contests which questions of *right* had given rise to in Europe, did not come within the influence of all the considerations which naturally applied in favour of the European powers who had taken part in the great struggle which had terminated in the restoration of his majesty to the throne of his ancestors.

He added, that whatever might be the ultimate opinion of his majesty's ministers on the subject of the claims of American citizens, no money could be had to satisfy them but¹ by recourse to the chambers; and that, in the present disposition of parties, it remained to be seen whether the ministers had influence enough with those bodies to obtain the ordinary supplies.

I need not extend this communication, by repeating here the obvious replies which some of these remarks suggested. It was apparent, through the whole course of the conversation, that the prince, under a sense of the precariousness of his situation, had not seriously turned his attention to a subject of which it was doubtful how long he might have the official cognizance, and that he sought only to make the most plausible excuses for delay. I fear that, while this state of uncertainty as to the ability of the ministers to sustain themselves shall continue, no effective negotiation, favourable or otherwise, can be commenced.

Some days ago Paris was full of rumours as to impending and radical changes in the composition of the ministry. It was confidently asserted that a distinguished personage had received the royal mandate

to form a new administration; and that, in pursuance of it, propositions were made to several individuals who had formed a part of the late ministry, but who declined to associate themselves with the leading member of the present ministry, whom it was desired still to retain.

Since the failure of this effort, it is supposed that the ministers have taken the resolution to abide their chances before the chambers, and

that they will henceforward adopt a course of energy and boldness in the spirit of their system, which will give a more marked development to the issue between them and their adversaries, and render the victory, on which ever side it may be, more permanent and decisive.

I have the honour to be,
With great respect,
Your obedient servant,
W. C. RIVES.

Mr. Rives to Mr. Van Buren.

Paris, January 7th, 1830.

DEAR SIR,

In the communication which I had the honour to address to you on the 17th of the last month, I referred, generally, in reciting a conversation I had with Prince Polignac, to some cases of European indemnities mentioned by me as not reconcilable with the principle of a responsibility for *contracts* only, which the prince had stated was the sole basis of all the indemnities granted by the present government of France to subjects of the European powers. As those cases have not been brought into view heretofore, so far as I am informed, I have supposed it proper to submit to you, as I now do in the accompanying paper, a fuller statement and explanation of them, vouched by the authorities on which they rest.

I have addressed a note to Prince Polignac requesting another conference, to which I have not yet received his answer appointing a time for the purpose.

No important change in the political condition of the country has occurred since my last communication. The ministry, contrary to

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the expectations entertained by many, still maintains its negative attitude, avoiding the responsibility of any of those new measures which have been said to enter into its system. The chambers, which had been expected to meet early in the next month, it is now supposed will not be convoked till some time in March. This delay, connected with the circumstance of the continued inaction of the ministry affording no fresh cause of discontent, certainly adds to their chances of obtaining a majority in the chambers, by giving more time for the excitement of the opposition to wear itself out, and for themselves to profit of the various resources of influence and propitiation which they have at their disposal.

I have the honour to be,
With great respect,
Your obedient servant,
W. C. RIVES.

To the Hon. M. VAN BUREN,
Secretary of State.

P. S. The ordonnance of the king has just been published, convoking the chambers for the second day of March.

Mr. Rives to Mr. Van Buren.

Paris, January 16, 1830.

DEAR SIR,

The interview with Prince Pögnac, which you were informed by my last despatch I had requested, took place, by his appointment, on the 11th instant. In the course of it, much that had already been said was repeated with trifling variations. I had the satisfaction, however, to perceive that the representations I had made to him in previous interviews had had the effect, at least, of awakening his attention to the importance of the subject, and that he had been looking into it seriously.

He commenced the conversation, by observing that he did not see on what principle we could claim compensation for the injuries committed under the Berlin and Milan decrees; that however unjust in themselves, they constituted the law of the land at the time; but that there was another class of injuries which stood on a different ground—mentioning the vessels burnt at sea.

I replied, that the Berlin and Milan decrees, though nominally the law of the land, were in conflict with a superior law—the established law of nations; and that they violated, at the same time, express and positive stipulations of existing treaties between France and the United States; that, therefore, with whatever forms of authority they may have been clothed, they were absolute nullities in the eye of public law, and could give no validity to any thing done under them.

He said he did not perceive how this reasoning could be reconciled with the general doctrine on which we held the present government of France to be responsible for the

acts of Bonaparte. He understood that doctrine to be, that Bonaparte's government was to be regarded as being, at the time, the lawful government of France: if so, its acts in the form of law must be respected; that if the Berlin and Milan decrees were to be treated as nullities, other acts of the same formal character should also be set aside; and mentioned, as an example, the treaty for the cession of Louisiana, which Bonaparte, having no just title to, could not, in strictness, make a valid conveyance of; that, if acts which operated against us were to be set aside as null and void, the rules of reciprocal justice required that similar acts, when they operated in our favour, should also be set aside. He added that, in their own internal concerns, Bonaparte had committed many wrongful acts in the form of law, but that they had been acquiesced in. He instanced particularly the deprivations of the emigrants of their estates, which had never been restored to the rightful proprietors.

I replied, that the principle on which our reclamations against his majesty's government for the acts of Bonaparte rested, was this: that from the necessity of the case, and the established principles of public law, Bonaparte's government, as the actual government of the French nation at the time, was to be regarded by foreign powers, (who had no right to interfere in the domestic politics of France,) as competent to act for and bind the nation to the *same extent as a rightful sovereign*, and that succeeding governments, therefore, were responsible for its acts; that the effects of this responsibility, however, were different, according to the

nature of the subject matter; that where the acts of Bonaparte were such as sovereigns may rightfully perform, the responsibility of the succeeding government is to abide by and fulfil them, but where they were such as no sovereign, however legitimate, could lawfully perform, the responsibility is to correct and redress them. That this obvious consideration suggests, at once, the distinction between the Berlin and Milan decrees on the one hand, and the Louisiana treaty on the other. The alienation of territory is an act which sovereigns are competent to execute, and, in point of fact, frequently do execute: Bonaparte's cession of Louisiana is therefore valid. The Berlin and Milan decrees, being gross violations of the public law and the faith of treaties, are such acts as no sovereign can rightfully perform, and must, therefore, be regarded as null and void. I added, that the course pursued by his majesty's government in regard to the Louisiana treaty, and the other case which his excellency had referred to, had always been regarded by us as a clear recognition of the principle on which our reclamations rested. His majesty's government had claimed, very strenuously, certain privileges under the 8th article of the Louisiana treaty, which could be on no other principle than that the authority which made it, however deficient in moral right, was practically competent to this highest function of sovereignty. The sale of the emigrants' estates, in being confirmed, was, in like manner, recognised as the emanation of a competent sovereign authority, though that consideration, while it left the purchasers undisturbed in their possession, had not prevented his majesty's government from repairing the injustice of the act, by granting

a million in indemnities to the original proprietors. The government of the United States asked the application of no other rule than this to the claims of its citizens.

To these observations, the prince offered no reply. He remarked that, in the settlement with the powers of Europe, no claims were allowed which had arisen under the Berlin and Milan decrees, though those decrees were applicable to them as well as to the United States.

I answered that, although those decrees were, in their terms, applicable to all nations, yet, in point of fact, their effects had fallen almost exclusively on the neutral commerce of the United States. I adverted to the different character of the relations in which the other powers of Europe stood to France, (they being either her allies or enemies, while the United States were neutral,) as giving rise, of course, to a different description of claims on their part; and remarked on the obvious injustice there would be in holding the United States concluded by an arrangement to which not only they were not a party themselves, but no other power of influence, having similar interests with them, was a party.

The prince said it was impossible to redress all the wrongs of Bonaparte—it was necessary to make a discrimination among them. Some of his acts were of such a character that they could not now be reversed: in regard to them, the motto must be, what was done, was done. But, in relation to others, they were such sheer and naked outrages, that the redress of them might be more reasonably expected; and here he again mentioned the cases of vessels burnt at sea, which he characterized as acts of piracy.

I told him that I could not recognise the justness of the distinction he made, and that I was sure the government of the United States could not consent to renounce the claims of its citizens for a class of spoliations, which it had always remonstrated against as the grossest and most unwarrantable outrages. Wishing, however, to ascertain the precise extent to which his ideas of redress went, I remarked to him that, besides vessels burnt at sea, there were other cases which had not been attended with those formal sanctions which the usage of civilized nations required; that captures and seizures of our property had been made professedly by virtue of the Berlin and Milan decrees, which the provisions of those decrees themselves did not authorize; and that, in many instances also, the property captured or seized had been merely ordered to be sold, and its proceeds sequestered, but that it had never been condemned by the sentence of any judicial tribunal. I asked him if his ideas of redress would not embrace those cases equally with the vessels burnt at sea?

I understood him as assenting to this extension of his views, though his answer was not very distinct, and I am not sure that it was founded on a thorough com-

prehension of the full bearing of my inquiry.

I then told him that, although the measure of redress suggested could not, in its greatest extent, be accepted as a complete discharge of the just claims of our citizens, yet, as some advance towards the settlement of a long-standing and disagreeable subject of discussion, I should be glad that he would state in writing the precise extent of what he proposed. He very promptly consented to do so, but said I must first address to him a note presenting, in a general way, the demand made by the government of the United States on behalf of its citizens. In pursuance of this understanding, I addressed to him, on the 13th instant, the note of which the enclosed is a copy, in which I sought to present the demand under those aspects, and to enforce it by those considerations, which, while they conformed to the principles maintained and the dispositions professed by the government of the United States, seemed to me, at the same time, best adapted to the feelings of, and most likely to secure a favourable hearing from, this government.

I have the honour to be,

With great respect,

Your obedient servant,

W. C. RIVES.

Hon. M. VAN BUREN,

Secretary of State.

Paris, January 13, 1830.

MONSIEUR LE PRINCE: In the several conferences with which your excellency has favoured me, I have had the honour to present to your consideration the renewed and earnest demand of the government of the United States for the indemnification of its citizens for the

flagrant wrongs heretofore committed upon them by the authorities of France. The knowledge which your excellency possesses of the character of these wrongs, and the ample details to be found in the correspondence which has therefore taken place between the two governments on the subject, render it

unnecessary for me to occupy your excellency's time with a specification of them here.

The acts which mainly inflicted them were met by the government of the United States, in the moment of their promulgation, by the most earnest and emphatic remonstrances, and a determination never to submit to them, evinced by a course of measures which would have terminated in the last appeal of nations, but for the ultimate abrogation of the most obnoxious of these acts. After their withdrawal, the United States steadily and earnestly prosecuted their demand for the redress of the injuries committed under them, from the authority with which they originated, and a satisfaction of that demand is believed to have been prevented only by the death of their minister on the point of concluding a treaty. Soon after the happy event which brought back the reign of law and justice in the persons of his majesty's illustrious family occurred, and gave new reasons to the United States to hope that the injuries which had been wantonly inflicted upon their citizens in the name, and under the sanction of his majesty's people, would now find an ample and effectual redress; a hope cherished with so much the more confidence from seeing the promptitude with which the subjects of other powers had been indemnified for wrongs flowing from the same source.

The temporary financial embarrassments, however, produced by the previous assumption of so heavy a responsibility to the powers of Europe, suspended the consideration of American claims, and the United States, anxious to see France recovered from the effect of those embarrassments, and happy, prosperous, and powerful, under her ancient sovereigns, acquiesced in the

delay. That state of things has now been realized. France is again happy, prosperous, and powerful. The other causes which have been, from time to time, alleged for the postponement of the claims of our citizens, have also ceased to operate. The government of the United States, therefore, now entertains the expectation, founded on a thorough confidence in the justice, wisdom, and magnanimity of his majesty's councils, that the adjustment of these claims will be no longer postponed.

The president is so much the more anxious for this adjustment, because he is sincerely desirous of cultivating the most cordial good understanding with his majesty's government, and because he cannot but be sensible that the longer continuance of a subject of discussion, in which so many delays and disappointments have already been experienced, must have a very unfavourable influence on the feelings and relations of the two countries. Believing that no two governments can have, whether in the interests of the present or the recollections of the past, stronger motives to a cordial friendship with each other, he ardently wishes that this single thorn, threatening an ulceration of feeling so much to be deprecated, should be extracted from their relations.

The claims of the citizens of the United States to indemnity for the injuries suffered by them, are of such a character that they can never be abandoned by their government. Arising from acts which equally violated the rights of the nation as well as of the individual sufferers, the honour of the government is concerned in their redress.

Deeply impressed by my government with the sentiments I have had the honour to express, I perceived, with lively satisfaction, in my recent interview with your ex-

cellency, the manifestation of a desire, on the part of your excellency, to enter, in good earnest, on the consideration of this subject. This disposition, enlightened by the wisdom, and guided by the justice which preside over his majesty's councils, will ultimately lead, I cannot doubt, to a satisfactory result.

I need not repeat that the measure of compensation at which your excellency hinted, (if I comprehend it correctly,) cannot be received by the government of the United States as a complete and adequate discharge of the just claims of our citizens. Still, as it is desirable to know precisely to what extent his majesty's government is at this time willing to go in the liquidation of these claims, (the justice and validity of which, to a greater or less extent, have been repeatedly admitted by your excellency's predecessors,) I shall await with anxiety

the fulfilment of your excellency's promise to communicate to me, in writing, the limits of the redress you are prepared to offer, not doubting that, in the progress of your reflections, they will attain an extension corresponding with the magnitude of the wrongs suffered by our citizens, and the elevated justice which now holds such ample means of redressing them.

I beg your excellency, in the mean time, to accept the assurances of the great respect and distinguished consideration with which I have the honour to be, your excellency's most obedient and most humble servant,

WM. C. RIVES.

His excellency the PRINCE DE POLIGNAC, *Minister Secretary of state for foreign affairs, and President of the Council of Ministers.*

Mr. Rives to Mr. Van Buren.

Paris, January 28, 1830.

DEAR SIR,

Not having heard from Prince Polignac in answer to my note of the 13th instant, and deeming it important to improve, by a diligent pursuit on my part, the favourable dispositions which had been manifested in our last interview, I requested, some days ago, another interview, which has just taken place.

On the subject of the claims, the prince said he was not prepared to discuss it with me; that he was then examining all the papers, and was about to make a naked report of the facts for the personal consideration of the king, and that when he was ready to discuss the matter

with me, he would invite me to another interview.

I reminded him of his promise, in our last interview, to state to me in writing the extent of the compensation they were disposed to offer us; that this implied an examination already made, and that I could not, therefore, learn, without surprise, that the examination yet remained to be made, and that new deliberations were to be commenced. He said nothing in reply, except that their attention was occupied with a great variety of other pressing business.

In taking my leave, I remarked to the prince that it was impossible, by any form of words, to disguise the facts that a *crisis* must soon oc-

cur, if it had not already occurred, in the relations of France and the United States on this disagreeable subject; that it was alike inconsistent with the dignity of both governments that the question should remain much longer in its present condition; and that seeing the favourable state of our affairs, both with England and Russia, as developed in the president's message, it was for the government of France now to consider whether, by her perse-

vering neglect of our just demands, she did not incur the hazard, at least, of our establishing more friendly relations with other powers, which, however reluctantly on our part, might alienate us from her.

I have the honour to be,

With great respect,

Your obedient servant,

W. C. RIVES.

To the Hon. M. VAN BUREN,

Secretary of State.

Mr. Rives to Mr. Van Buren.

Paris, February 16, 1830.

DEAR SIR,

Shortly after my communication of the 28th ultimo, I had an informal opportunity, at Prince Polignac's own house, of testing the character and extent of the dissatisfaction which had been expressed at the president's message. I commenced the conversation by observing to him that, since our last interview, in which he had informed me, to my great surprise, of the dissatisfaction felt at the passage in the president's message which related to our affairs with France, I had critically re-examined that portion of the message, and that my first impressions, in regard to its conciliatory and respectful character, had been fully confirmed. I recalled to him the terms in which the president had expressed himself with respect to the magnanimity of the French nation, and the known integrity of the king, as clearly evincing that his reliance for justice was upon these distinguished attributes, and that he could not have intended an appeal to less manly considerations. I observed to the

prince that, as he thoroughly understood the English language, and the import of the expressions used by the president, I should hope that he would set this matter in its true light before his majesty and the members of the council.

He remarked, that the expressions I had cited were every thing they could have wished, but that the phrase "possible collision" conveyed an intimation under which it was not very pleasant to act.

I told him it should be recollected that the president's message was a communication addressed, not to foreign governments, but to the congress of the United States, in which it was enjoined upon him by the constitution to lay before congress "information of the state of the union," comprehending its foreign as well as domestic relations; and that if, in the discharge of this duty, he felt it incumbent upon him to summon the attention of congress, in due time, to what might be the possible consequences of existing difficulties with any foreign government, he might fairly be supposed to do so under a sense of what was

due from him in a frank communication with another branch of his own government, and not from any intention of holding a menace over the head of a foreign power.

These observations were received in a very friendly spirit by the prince, and he finally remarked that the matter was now at an end, intimating that it was not intended to say any thing more about it on their part.

Having thus ascertained that this circumstance was not to be laid hold of as an excuse for breaking off the discussions which had been commenced, I availed myself of another informal occasion, which occurred very soon afterwards, to make some intimations to the prince, which I thought would smooth the way for a more favourable resumption of our discussions. I had observed, in all my interviews with him, a very strong repugnance to the idea of coming before the chambers in his present precarious relations with them, with any extraordinary demand for money. I, therefore, remarked to him that it was very far from the wish of my government, in pressing the claims of its citizens at this time, to do any thing which would inconveniently embarrass the finances of France, or impose upon him, as minister, an ungracious and disagreeable task. That our great object was to have the just claims of our citizens acknowledged, and put in a train of liquidation and adjustment; that, with respect to the time of payment, the government of the United States had always expressed its willingness to show a liberal regard to the convenience of France; and that if nothing else could be done at present, we might at least fix the principles upon which the claims could be adjusted, and adopt

some arrangement for commencing their liquidation.

These suggestions were received in a manner which evidently marked the sensible relief the mind of the prince derived from them.

Having, by these preliminary and formal conversations, endeavoured to smooth the way for resuming our official conferences, I addressed, on the 8th instant, a note to the minister, requesting an interview; to which I received his answer appointing the 11th instant. On that day I accordingly waited upon him at the office of foreign affairs; but, as he had just received a summons to attend the king on some affair of urgency, he begged me to excuse him, and to call again the next day at 11 o'clock.

He opened the conversation on the following day, by reverting to what had been the basis of the settlement made with the allied powers at the period of the restoration. He said that, seeing that it would be physically impossible for his majesty's government to redress all the wrongs which Bonaparte had committed, it had been agreed to limit the redress to one class of cases only—supplies furnished by virtue of contracts. Then passing to the consideration of our claims under the Berlin and Milan decrees, he said those decrees were, undoubtedly, gross violation of the law of nations; but if his majesty's government once recognised the principle of making compensation for all of Bonaparte's violations of the law of nations, infinite and diversified as they were both in number and character, the entire resources of the French nation would soon be exhausted by the demands which such a principle would give rise to. He said that his majesty's government, therefore, could not undertake to indemnify us for

the injuries arising from those decrees, where they had been carried into final execution, but there were some cases which they were willing to consider more favourably; as where property had not been definitively condemned, but put into some of the public chests; in such cases his majesty's government had no wish to retain the benefit of the property so sequestered. He again mentioned the cases of vessels destroyed at sea, as standing on a like favourable footing, and afterwards, in the progress of our discussion, added the case of supplies.

Though I was glad to perceive in a portion of these observations a substantial confirmation of the impressions I had received of the prince's admissions in our interview of the 11th ultimo, I addressed myself, in this stage of our conversation, exclusively to the unfavorable part of his observations. I remarked that the government of the United States could not acquiesce in the distinction he had suggested between property of its citizens which had been condemned, and that which had not been condemned, under the Berlin and Milan decrees; that sentences of condemnation could no more impart validity to decrees, otherwise void, than decrees admitted to be unlawful, could give a legal sanction to sentences of condemnation; that we could not therefore abandon the claims of our citizens for property unlawfully condemned. I repeated what I had had occasion to say several times before, as to the error of supposing that the indemnities granted to the European powers had been confined to cases of contract, and the injustice, if it were so, of holding the United States bound by that arrangement. I stated that the satisfaction of our claims under the Berlin and Milan decrees would not be

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a precedent of which other powers could take advantage; for, besides the fact that those decrees had fallen almost exclusively on the neutral commerce of the United States, we were entitled to a special protection against them by virtue of our convention with France of 1800; and, moreover, that the European powers, having made their own bargain by the conventions of 1814 and 1815, and the final liquidation of 1818, would be precluded from bringing forward any new demands.

The prince remarked that the fact, however, was, that new claims were constantly presented, and they had just had occasion to reject some; that, though it might be true that the Berlin and Milan decrees had fallen almost exclusively on the commerce of the United States, yet if his majesty's government should agree to redress these acts as being violations of the law of nations, other powers would claim the benefit of the *principle*, and extend it to all other violations of the law of nations by Bonaparte; that for this reason his majesty's government could not undertake, generally, to pay for property *confiscated* under the Berlin and Milan decrees; but that there were, no doubt, among those confiscations, cases distinguished, more or less, by peculiar circumstances; that they would be willing to single out as many of these cases as practicable for redress; but that they could not commit themselves to all the bearings of the general principle.

I told him that the government of the United States was not solicitous for the establishment of an abstract principle; that the substantial satisfaction of the just claims of its citizens was all it wished; and that if any mode could be devised of accomplishing that object without an express recognition of the principle

he deprecated, I should have no objection to concur in an arrangement founded upon such a basis.

I then proceeded to remark that, as we could come to no conclusion on this branch of the subject at present, I wished to know precisely to what extent we had agreed; that I understood him to say that "in all cases where the property had not been definitively condemned, and for all vessels and cargoes destroyed at sea," his majesty's government would indemnify. He replied "certainly; there it was clearly right." For the purpose of testing more completely the accuracy of my impressions on this topic, I several times alluded incidentally to this admission, and, as often as I did so, it was promptly and unequivocally confirmed. You will have perceived, also, from the foregoing recital, that the admissions obtained from him went beyond this, and to an extent greater than the declarations of any of his predecessors, comprehending an undefined portion of the cases of condemnations, all of which have been heretofore invariably and decidedly negatived. But this admission not being accompanied with such criteria as served to mark the precise extent of it, I was not enabled to challenge a specific confirmation of it.

I suggested to the prince the propriety of his addressing me a note embodying his propositions, to the extent, at least, to which we were agreed. He said he would do so as soon as he had obtained the sanction of the king and his colleagues on a report he was about to draw up; and that he would embrace in his note a proposition for a mixed commission, (which had been alluded to in the course of our conversation,) to examine and liquidate the claims.

Last night, being at the prince's

house with some other company, he requested me, as I was leaving the room, to remain a few minutes longer, as he wished to converse with me. As soon as he was disengaged from the individual with whom he was then conversing, he told me that he had already consulted the king and his colleagues on the subject of our last conference; that they approved of the plan of adjustment he had proposed; and that in a few days he would wish to see me again, that we might settle the principles of adjustment, and adopt the necessary measures for constituting a mixed commission. I told him I received the information with great pleasure, and that I should hold myself in readiness to obey his summons at the earliest moment. He said he was then very much occupied with other subjects, and it might be several days before he should be prepared to see me.

A negotiation, therefore, may be considered as having, at least, commenced, though what progress it is destined to make, or what termination it may have, I have already had, myself, too much experience of the uncertainties of diplomacy, and read too many mournful lessons of the same kind in the experience of my predecessors, to venture to form an opinion. I believe there are some considerations operating at this moment, which dispose the minister to settle this question, if it can be done without risking too great a re-action. I have lost no opportunity of urging such of these considerations as it was proper for me to present myself, while I have endeavoured to have such as I could not properly suggest impressed by others. I shall continue to use my most strenuous and unceasing efforts to bring this disagreeable subject to a satisfactory termination. The near approach of the great political

struggle which will be ushered in by the meeting of the chambers, leaves a brief interval for negotiation; but the moment is one which it may be of the highest importance to seize vigorously, and to improve diligently.

It is worthy of remark, that the French claim under the eight article of the Louisiana treaty has never been mentioned but once, and then historically only, as being one of the subjects of discussion between the two governments; that Beaumarchais's claim has not been allu-

ded to; and no allusion, indeed, has been made to any private claims of French subjects, except a very vague one to claims for ships which had been seized or captured. These, however, I presume, are all reserved for the closing scenes of the diplomatic drama.

I have the honour to be,

With great respect,

Your most ob't servant,

W. C. RIVES.

To the Hon. MARTIN VAN BUREN,
Secretary of State, Washington.

Mr. Rives to Mr. Van Buren.

Paris, February 25, 1830.

SIR,

The day after the date of my last despatch, I addressed a note to Prince Polignac, of which a copy is enclosed. The moment appeared to me to be a critical one, rendered the more so by the near approach of the meeting of the chambers; and I therefore determined, even at the risk of seeming somewhat importunate, to request another interview with him at once. Having failed in my efforts to obtain from him a note which should reduce to writing the admissions and propositions he had several times made verbally, you will perceive that, as a provision against any unfavourable contingency which might occur, I made use of this occasion to recapitulate the substance of those admissions, in my note to him, as constituting the next best evidence, and of equal validity, indeed, if not contradicted, with a note from himself. With the same view, I also took occasion, in mentioning that I had a full power to conclude a convention with him on the subject of

the claims, to suggest, incidentally, the expediency of some record of the results of our negotiation, as they should be progressively agreed upon and settled between us.

The whole frame of the note was designed to test his earnestness in what had passed between us. If he were really disposed and prepared to settle the claims on the principles indicated in conversation, my note, in exhibiting my readiness to meet him effectively on that ground, could not be otherwise than welcome. If, on the other hand, he was either not disposed or not prepared to consummate his words by corresponding acts, I foresaw that the note would probably occasion him some embarrassment.

In this state of things, having waited five days without hearing from him, I had determined to send Mr. Harper to the department of foreign affairs, to make a courteous inquiry of the under secretary on the subject, by way of stimulating the minister, when it was announced in the journals that the minister had been seriously indisposed for several

days. His sickness is announced in all the journals, of the 22d instant. Hearing, however, in the course of the next day, that he was sufficiently recovered to attend to business, I addressed him another note, simply requesting an interview. To this note I received his answer on the following day, expressing his regret at his inability to receive me during the present week, in consequence of his multiplied occupations. A copy of his answer is enclosed.

Thus has terminated the prospect opened by the facts communicated in my last despatch, of accomplishing something before the meeting of the chambers, without leaving any sanguine confidence, on my part, in the better success of future efforts. I had hoped that, in the circumstances of the present moment, the ministry would have derived an additional and extrinsic motive to a just settlement of our claims, from the probability of thereby conciliating a portion of the opposition party in the chambers, which, from political or commercial considerations, was supposed to favour such a settlement. Representations of this kind, though not proper to be made by myself, had been made by others, and, I had reason to believe, not without effect. The moment, however, for drawing profit from them, seems to be now past. Much allowance is undoubtedly due to the bad health of the minister of foreign affairs, and his necessary occupation, as president of the council, with a great variety of affairs, preparatory to the meeting of the chambers.

But whatever might be the good faith or favourable dispositions of the minister, the modes of thinking in relation to questions of this sort oppose a great obstacle to doing us justice. Of this, a more striking proof could not be afforded, than in

an article you will find in one of the gazettes accompanying this despatch—the *Constitutionnel* of yesterday. The writer, upon the strength of an idle invention that the minister of foreign affairs had agreed to pay the United States thirty millions of indemnities, makes it a serious reproach to him, without once, however, questioning the *justice* of our claims, but simply because he had not contrived, by some sort of diplomatic alchemy, to convert the responsibility of the French nation for acknowledged wrongs, into a means of profit to its own treasury. The article, in other respects, is full of false facts as well as false reasoning; but, such is the state of the French press, enslaved in its very licentiousness to the dominion of party, that it is in vain to seek a correction of its errors through the channel which propagates them. Notwithstanding these discouragements, I hope the president will be assured that I shall continue to use every possible exertion to bring this prominent object of the duties with which he has charged me, to a satisfactory conclusion.

I can hardly promise myself any profitable discussions with the minister of foreign affairs during the session of the chambers, which meet in five days from this time. The vital character of the struggle which will mark the proceedings of these bodies, will, no doubt, absorb all his attention and solicitude. It is admitted, on all hands, that there is a decided majority opposed to the ministers in the chamber of deputies; of which the probable consequence will be an address, (in answer to the speech from the throne,) expressing their want of confidence in his majesty's ministers. The ministers, however, will, in all probability, disregarding the address, proceed to lay before the chambers

their projects of laws, chiefly financial, and try the sense of the chambers upon them. If they should be accepted, the ministers will, of course, be enabled to retain their places. If, on the other hand, the chambers should have courage enough to reject the budget, the ministers must either resign, or dissolve or prorogue the chambers. These are the vital issues involved in the parliamentary struggle so near at hand. As time must very soon resolve them, it would be idle for me to speculate upon them, though my present impression is, that, by means of some one of the contingencies above mentioned, the official existence of the prime minister, at least, will survive the impending conflict.

This consideration makes it very desirable that I should be possessed, as speedily as possible, of the views of the president with regard to the arrangement which had occurred to my mind, and which, you will perceive from my note to the minister, I had intended to suggest to him on the subject of the vessels and cargoes condemned under the Berlin and Milan decrees. My last despatch will have informed you of what had passed between the minister and myself on this subject. He had said that, while his majesty's government could not consent to pay, generally, for condemnations under these decrees, on the naked ground of their being contrary to the law of nations, in consequence of the heavy and indefinite demands of other powers, to which the recognition of such a *principle* would subject them, that they would be willing to go as far as they could, in the payment of cases which might be distinguished by a peculiarity of circumstances. As there were special reasons in perhaps all the cases of condemnation under the Berlin and Milan decrees, for setting aside

those condemnations, independent of the illegality of the decrees themselves, (as, for example, that the condemnations were in contravention of the convention of 1800, were not made by regular prize tribunals, or in the forms prescribed by law, &c., &c., &c.) it immediately occurred to me that an article might be framed which would, at the same time, consult the views as expressed by the minister and provide for the just claim of our citizens.

I accordingly prepared an article arranging the condemnations which his majesty's government should positively stipulate to pay, into separate classes, according to special grounds of reversal applying to each, with a supplementary clause, that they should pay for all other cases of condemnation which, from *any consideration*, a mixed commission should decide that his majesty's government was justly bound to make compensation for. In drawing this article, I was guided chiefly by the statement contained in Mr. Gallatin's letter to the Duke de Richelieu of the 9th November, 1816; and the classification of cases I made, corresponded, as you will perceive, in numeral order as well as in principle, with the specifications of that statement.

It seemed to me that such an article, while it was accommodated to the views expressed by the minister of France, had a decided advantage for us over that which had been proposed by Mr. Gallatin to the Duke de Richelieu. According to Mr. Gallatin's projet, the government of France was not bound positively to pay for any of the condemnations; but the whole question of their obligation to do so, was made dependant upon the decision of a mixed commission. According to that which I had thought of suggesting, the government of France would positively

bind itself to pay for five distinct classes of condemnations, comprehending, in all probability, nearly the whole that had taken place, referring the question of its obligation to pay in any cases which might not be included in those classes, to the determination of a mixed commission.

There is one other difference between the two projects, which as you may deem it important, I beg leave to invite your attention to. In the second section of Mr. Gallatin's first article, the decision of the mixed commission is to be governed by a consideration of what condemnations were "*contrary to public law and justice, &c.*" In consequence of the jealousy and repugnance manifested by the minister of foreign affairs to any arrangement which would recognise the *principle* of paying for Bonaparte's violations of the law of nations, I thought it best to avoid any express reference to *public law*, and, in lieu thereof, to leave it to the commission, in general terms, to decide what condemnations, not enumerated, his majesty's government "*is justly bound to make compensation for.*" The two forms of expression, perhaps, are not intrinsically of different import, and it would seem that such was Mr. Gallatin's understanding of them, as, in the second section of his second article, in defining the functions of the mixed commission, he uses the phrase, "*justly bound.*"

The article prepared by me on this subject, you will find incorporated as the second article in a project of a convention which accompanies this despatch. Supposing that, in the favourable dispositions expressed by the minister, some arrangement might possibly be concluded with him before the meeting of the chambers, and deeming it important towards securing such a

result to have every thing ready, on my part, I drew up this project, with the intention of communicating it to him at our next conference, but with such reservations as would prevent it from binding me as an official paper. The first article, you will perceive, provides for the cases in regard to which I understood that the minister and myself had agreed. The particular views which determined the shape of the second article, have been already explained.

The claims originating prior to the conventions of 1800 and 1803, and forming the subject-matter of the two or three first classes of claims mentioned in my instructions, I considered as virtually embraced by these articles, particularly by the clause of the first article relating to supplies and debts, and the clause of the second article relating to condemnations in contravention of the convention of 1800. The latter clause was framed mainly with reference to condemnations under the Berlin and Milan decrees prior to 31st July, 1809, which, besides their illegality on general principles, were in violation of the 12th, 13th, and 14th articles of the convention of 1800, which secured to each party, in time of war, the benefit of an unmolested commerce with the territories, or in the productions of the enemies of the other; but, it was recommended to me by the further consideration of making France reponsible, at the same time, for the more ancient claims arising from condemnations contrary to the tenor of the 4th article.

As the classes of claims here referred to had not been insisted on in any of the discussions which had taken place between the two governments for the last twenty-five years, and seemed, indeed, to have been mutually considered as either

settled or abandoned, I thought it would have a very bad effect to bring them forward distinctly and avowedly. Indeed I supposed that the motive for comprehending them in my instructions was not so much a distinct recognition of them, as to swell the aggregate amount of our claims in the event of a proposition for a compromise en bloc, and thereby enable us the better to obtain a sum adequate to cover all the claims of a more unquestionable character.

The other articles of the projet relate entirely to the organization of a mixed commission. On this subject there was nothing in my instructions to guide me, but a general authorization "to adopt the mode of liquidation and adjustment, &c., proposed by Mr. Gallatin in his letter to the Duke de Richelieu of the 9th November, 1816." On recurring to that letter I found that, although Mr. Gallatin's mode of adjustment called for a joint commission, he had not developed any plan for its organization. Looking back, however, to the instructions of May 1, 1816, under which he acted, I found he was authorized "to provide for the organization of a board of claims, on the principle of that under the treaty of 1794 with Great Britain." That treaty, therefore, became my guide on this subject. I departed from it, however, in one respect, in which the more recent experience of the United States, as well as that of other governments, seemed to require the variation.

The treaty of 1794 provides for the choice, by lot, of a fifth commissioner, who shall be permanently associated with the other commissioners, and act with them in all the cases submitted to the joint commission. The St. Petersburg convention, however, conforming to the

model of the numerous joint commissions which grew out of the treaty of Paris of 1814, and the subsequent conventions for the payment of indemnities to the European powers, provided for the preliminary appointment of two arbitrators by the contracting parties respectively, of whom one was to be drawn by lot, whenever the commissioners were divided in opinion in any particular case, to act with the commissioners in that case only; a fresh choice to be made by lot as often as a case occurred in which the commissioners should be equally divided in opinion. According to the first plan, whatever bias the arbitrator might have, would act upon the whole mass of cases; according to the other, that bias would act upon individual cases only—a bias in one case being liable to be counteracted by a contrary bias in some other.

This projet is now submitted for your consideration. Having been compelled, in the absence of specific instructions, to rely very much on my own judgment in the preparation of it, an early communication of the president's views on the several points embraced by it, (which would, in all probability, reach me before my negotiations can be resumed with the minister,) would be very desirable to me. As considerable abatements will, probably, be insisted on from the demands of the projet, it would be also important for me to be informed, at the same time, how far claims which might seem either rigorous or doubtful, (such as interest, and the claims prior to 1800 and 1803,) may be eventually abandoned, if it should become necessary as the *sine qua non* of an arrangement.

On two other points I beg leave to ask for explanations. 1. If the government of France should refuse

to enter into a positive stipulation to pay for any portion or classes of the property condemned, would the United States be willing to leave that question to be determined by a joint commission, the other claims being satisfactorily provided for? Mr. Gallatin's proposition to the Duke de Richelieu seems to have been founded upon this basis; and I should have had no doubt that such was also the view of the present administration, but for the remark in the latter part of my instructions, that "the president cannot consent to submit the subject of our claims to arbitration." This remark, however, I presume, was intended to be applied only to the general principle and entire mass of our claims. 2. Would the United States be willing to refer the *restricted* question under the eighth article of the Louisiana treaty, to the same commission which may be constituted to liquidate and determine the other claims. My instructions authorize me to repeat the offer made by Mr. Brown on this subject. That offer, however, under the instructions of Mr. Clay, contemplated a tribunal of a different organization, though no sufficient

reason is perceived why the question might not be properly submitted to the same commission which should have cognizance of the other claims.

While on this subject, I beg leave to call your attention to the fact, that although the discriminating duties of *impost* on French vessels in the United States have ceased under the operation of the convention of 1822, since the 1st October, 1827, the discriminating duties of *tonnage* still continue. My impression when I left the United States (which I think was yours also) was, that discriminating duties of every kind had ceased on both sides from that date; but such, I find, is not the fact. Hence a difficulty arises, in stating the question for reference, to designate a period down to which the United States shall be bound to refund the discriminating duties in the event of a decision against us.

I have the honour to be,

With great respect,

Your most ob'd't serv't,

W. C. RIVES.

To the HON. MARTIN VAN BUREN,
Secretary of State, Washing-
ton.

Paris, February 17, 1830.

The undersigned requests his excellency the Prince de Polignac, minister secretary of state for foreign affairs, to have the goodness to indicate an hour when the undersigned can have the honour of holding another conversation with his excellency.

His excellency the Prince de Polignac and the undersigned having already agreed as to certain classes of the reclamations of citizens of the United States, which

his excellency has expressed the willingness of his majesty's government to provide for, to wit, all vessels and cargoes not definitively condemned, vessels and cargoes destroyed at sea, and supplies; the undersigned in the hope of a like accord on the remaining class of reclamations, to wit, for vessels and cargoes condemned, is desirous of suggesting an arrangement which he flatters himself will afford the means of conciliating the views expressed by his excellency

in a late conference, with the just rights of American citizens, as understood and presented by the government of the United States.

The undersigned, having been furnished by his government with a full power to conclude a convention on this subject, and presuming that the plan of an adjustment contemplated cannot be carried into execution otherwise than by a convention, will have the honour to present this full power to his excellency the Prince de Polignac, and

the negotiation can thence forward proceed by protocol, or with such other formalities as may be usual and proper.

The undersigned prays his excellency the Prince de Polignac to accept the cordial assurances of his most distinguished consideration.

W. C. RIVES.

To his Excellency the PRINCE DE POLIGNAC, *Minister Secretary*, &c. &c.

[TRANSLATION.]

His most Christian majesty, the king of France and Navarre, and the United States of America, desiring to extinguish all source of misunderstanding, and to consolidate the friendly and cordial relations which it is the wish and interest of both powers to cherish, have respectively named their plenipotentiaries, to wit :

who, having exchanged their full powers, have agreed to, and concluded the following articles :

ART. I. His most Christian majesty will make compensation to the citizens of the United States for all losses and damage sustained by reason of illegal or irregular captures, seizures, and sequestrations of their vessels and cargoes under the authority of France, in all cases where the said vessels and cargoes have not been definitively condemned by the council of prizes, as also for all losses and damage sustained by the unlawful destruction of their vessels and cargoes at sea, and for all supplies derived from citizens of the United States, or debts otherwise due by virtue of contract.

ART. II. His most Christian ma-

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jesty also engages to make compensation to the citizens of the United States for all losses and damage sustained by reason of condemnations of their vessels and cargoes in the following cases, to wit : 1st. Where the condemnations were in contravention of the convention of 3th September, 1800, between France and the United States; 2dly. Where the condemnation was not pronounced by a regular prize tribunal; 3dly. Where the proceedings were not according to the forms prescribed, by law, for securing a fair trial on a hearing of both parties; 4thly. Where the sentences of condemnation gave a retrospective effect to the decrees under which they purported to be made; 5thly. Where condemnations which purported to be made by virtue of the Berlin and Milan decrees, were pronounced subsequent to the day from and after which the said decrees, in being definitively repealed, were, according to the declarations and acts of the French government, to be thenceforward considered as not having existed; and, 6thly. Where, from any other cir-

cumstance or consideration, the mixed commission hereinafter provided for shall determine that his majesty's government is justly bound to make compensation, whether the condemnation was by virtue of the before-mentioned decrees, or any other decree or order, or upon some other pretence.

ART. III. For the purpose of liquidating the sums due to citizens of the United States according to the foregoing principles and provisions, and to determine in what cases, not specially designated, his majesty's government is justly bound to compensate, four commissioners and two arbitrators shall be appointed, and authorized to meet and act in the manner following, to wit: two commissioners and one arbitrator shall be appointed by his most Christian majesty, and the remaining two commissioners, and one arbitrator, shall be appointed by the president of the United States, by and with the advice and consent of the senate thereof. The said commissioners and arbitrators shall first meet at Paris, but they shall have power to adjourn from place to place, as they may see fit. At their first meeting, and before they proceed to act, they shall respectively take the following oath or affirmation in the presence of each other; which oath or affirmation, being so taken and duly attested, shall be entered by their secretary, (whom they shall have power to appoint,) on the record of their proceedings, to wit: "I, A B, one of the commissioners (or arbitrators, as the case may be,) appointed in pursuance of the convention concluded at _____ on _____ between _____ do solemnly swear (or affirm) that I will honestly, diligently, impartially, and carefully examine, and to the best of my judgment, according to the princi-

ples and provisions of the said convention, decide all matters submitted to me as commissioner (or arbitrator, as the case may be,) under the said convention." All vacancies occurring, by death or otherwise, shall be filled up in the manner of the original appointment, and the new commissioners or arbitrators shall take the same oath or affirmation, and perform the same duties, as their predecessors.

ART. IV. The said commissioners are hereby empowered and required to go into an examination of all the claims presented to them under this convention, and to determine the same according to the merits of the several cases, under the principles and provisions herein before established. In the investigation of the said claims, the commissioners shall have power to examine all such persons as shall come before them, on oath or affirmation, touching the premises; and also to receive, in evidence, according as they may think most consistent with equity and justice, all written depositions, or books, or papers, or copies or extracts thereof; every such deposition, or book, or paper, or copy, or extract, being duly authenticated, according to the legal forms now respectively existing in the two countries, or in such other manner as the said commissioners shall see cause to require or allow.

ART. V. In the event of the commissioners not being able, by a majority of voices, to decide any particular case under examination, or any collateral question arising therein, then, and in that case, they shall draw by lot the name of one of the two arbitrators, who, after having given due consideration to the matter contested, shall consult with the commissioners, and a final decision shall be given, in that case, conformably to the opinion of the

majority of the commissioners, and of the arbitrator so drawn by lot; and the arbitrator, when so acting with the commissioners, shall be bound, in all respects, by the same rules of proceeding, and shall be vested with the same powers as the commissioners, and be deemed, for that case, a commissioner.

ART. VI. The decision of the commissioners, or of the commissioners and arbitrator, as provided for by the preceding article, shall in all cases be final and conclusive, both as to the justice of the claim, and the amount of the sum to be paid to the claimant; and his most Christian majesty engages to cause the sum so awarded to be paid to such claimant, in specie, without de-

duction, at such place or places, and at such time or times, as shall be awarded by the commissioners; and on condition of such releases or assignments, to be given by the claimant, as the commissioners shall also direct.

ART. VII. It is farther agreed that the commissioners and arbitrators shall be respectively paid in such manner as shall be settled between the two governments at the time of the exchange of the ratifications of this convention; and all other expenses attending the execution of the commission shall be defrayed jointly by the two parties, the same being previously ascertained and allowed by the majority of the board.

No. 19.

Mr. Rives to Mr. Van Buren.

Paris, March 21, 1830.

SIR,

I have the honour to enclose the copy of a note received from Prince de Polignac, together with a copy of my answer, and to accompany them with a statement of what has passed between us, verbally, on the subject of the pending negotiation, since the date of my despatch No. 16. Four or five days after the receipt of his note of the 24th ultimo, (in which he excused himself from the interview I had requested,) I attended an evening party at his house, when he invited me to call on him at the foreign office on the following Thursday, (the 4th of March,) on which day, he said, the chamber of peers (of which he is a member) would probably not be in session. I called accordingly on that day, when he observed that he had been preparing a paper to be sent to me; but it was not yet in a

state to be communicated. Having brought with me the projet of a convention I had drawn up, (the same which was transmitted to you with my despatch No. 16,) and believing that there would be some advantage in furnishing the frame of an arrangement to which any propositions he might make would probably be shaped, I told him that I had myself drawn up a sketch of an arrangement, which I had no objection then to show him, though I did not mean to communicate it as an official paper, and that he must not consider it as such. He replied, he certainly should not, and that it was not communicated in the mode of presenting official papers.

I explained to him the considerations which led to the particular form of the second article, (stating the special circumstances which applied to the several classes of reclamations therein mentioned,) and

added, that it had been framed with the intention of meeting the views expressed by him in a former conference.

He then read over the projet, and, after having done so, said it was exceptionable; that it took no notice of the French claims; that the claims, on both sides, ought to be examined at the same time; and no money paid till the liquidation had been completed, and the claims on the one side deducted from those on the other.

I told him I had not said any thing of the French claims, because, not understanding the nature of them, I had thought it most proper to leave them to be presented by himself, and added, that the government of the United States would not object to an arrangement fairly reciprocal, providing for all claims of French subjects against the United States, which should be *founded on the same principles* with those of American citizens against France.

He said he would examine my projet more deliberately if I would leave it with him, and in a few days furnish me his, presenting such additions or alterations in mine as he might think necessary. He expressed no other objection to the projet than what is mentioned above, and, in the close of the interview, said he had no doubt but that we should be able to settle the whole subject satisfactorily.

On the day after the prorogation of the chambers, the enclosed note was received from him. His re-

ference to the Louisiana question will, of course, arrest your attention. I certainly never have given him the smallest reason to suppose that the pretension of the French government on that subject ever could be acknowledged by the United States. On the contrary, in the only instance in which it has ever been alluded to in our conferences, I stated that the government of the United States, after bestowing the most patient attention on the arguments of France, found itself still unconvinced. Nevertheless, in my answer to his note, I thought it best to intimate my dissent as delicately as possible, reserving the farther disclosure of our views for a personal conference, in which the positions to be taken, under my instructions, might be better adapted to circumstances. The declaration which the answer contains, of the dispositions of the government of the United States as to the reciprocal adjustment of the claims of French subjects, is such as has been usually made by my predecessors, and seemed due, indeed, to the loyal character of our government, as well as the necessary consequence of the principles on which we are demanding justice for our own citizens.

I have the honour to be,

With great respect,

Your obedient servant,

W. C. RIVES.

Hon. M. VAN BUREN,
Secretary of State, Washing-
ton.

[TRANSLATION.]

Paris, March 19, 1830.

SIR,

I have the honour to acknowledge the receipt of the projet of a treaty which you were so good as to deliver me, and which tends to terminate the discussions existing between France and the United States. I am going to make it the object of the most serious examination. I am not yet prepared to express an opinion on the clauses which it contains; but, to judge of it by the disposition you have expressed to me verbally on the part of your government, to do justice to the reclamations of France, and particularly to that which she presents in virtue of the eighth article of the treaty of cession of Louisiana, I cannot but hope for the prompt and happy solution of a question so long contested. In expressing to you all

my gratification at this state of things, I take pleasure, sir, in acknowledging that I have always found in your conversations and in your correspondence, the most conciliating tone and manner. This happy circumstance induced me to interpret, in the most favourable sense, certain passages of a message addressed to the American congress, which, at first sight, might appear to have been dictated by an entirely opposite spirit, and which made the king's government apprehend, for an instant, that his dignity would not permit him to pursue the negotiation to which they alluded.

Accept the assurances of the high consideration with which I have the honour to be, sir, &c. &c. &c.

PRINCE DE POLIGNAC.

Mr. RIVES, &c. &c. &c.

Paris, March 20, 1830.

MONSIEUR LE PRINCE,

I have received, with great pleasure, the note which your excellency did me the honour to address to me yesterday.

I hail, with lively satisfaction, the prospect it announces of a speedy and happy solution of a question which, however it may have deranged, for a time, the natural relations of the two governments, is destined, I trust, by its honourable termination, to make the bonds of their ancient friendship stronger than ever. I felicitate myself that your excellency should have found in my manner of conducting the

communications which I have had the honour of holding with your excellency, a subject for the favourable expressions you are pleased to employ; a felicitation so much the more allowable for me, as I feel persuaded that no other manner would have faithfully represented the sentiments and dispositions of my government.

Your excellency is not mistaken in supposing that the government of the United States will not object to the application of a just reciprocity in a simultaneous adjustment of like reclamations on behalf of the citizens or subjects of both countries. In regard to the reclamation

which has been made under the eighth article of the treaty of cession of Louisiana, as that stands on a peculiar footing, and has not yet been the subject of any particular *eclaircissement*, I should be glad to have the opportunity of a verbal conference with your excellency, as best fitted for the detailed explanations it may require. For that pur-

pose, I pray your excellency to indicate an hour when it will be convenient to afford me an interview.

In the mean time, I beg your excellency to accept the renewed and cordial assurances of my most distinguished consideration.

W. C. RIVES.

H. E. the PRINCE DE POLINAC, &c.

[TRANSLATION.]

Paris, March 23, 1830.

SIR,

I have received the letter which you did me the honour to write to me the 20th of this month, and in which, while you express to me the wish to see the differences which yet exist between our two governments terminated by a speedy and happy reconciliation, you manifest to me the desire to confer with me, verbally, on that one of our reclamations which relates to the eighth article of the treaty of cession of Louisiana; but it seems to me that, in the actual state of the negotiation, that conference would necessarily be without result. In effect, the meaning of the article in question no longer remains to be determined: we have agreed, with regard to it, that that article ought to be understood as France has always understood it; and this accord, as I have

already had the honour to tell you, was even the indispensable preliminary to the negotiation which has been opened upon the whole of the affairs of which we have to treat. The question, therefore, so far as Louisiana is concerned, now only is to determine the manner and amount of the indemnity which France is entitled to claim for having been, during fifteen years, deprived of the advantages guaranteed to her navigation by a formal treaty. With this question I am now diligently occupied, and as soon as I shall have collected sufficient data to establish my opinion positively, you may be assured that I will hasten to communicate it to you.

I have the honour to be, with great consideration, sir, &c. &c.

PRINCE DE POLIGNAC.

Mr. RIVES, &c., &c., &c.

Paris, March 26, 1830.

The undersigned had the honour to receive, yesterday, his excellency the Prince of Polignac's note under the date of the 23d instant, and would not fail to confirm what seems to be his excellency's impression of

the state of the negotiations now pending between them, in their supposed bearing on the question which has been raised under the eighth article of the Louisiana treaty, if such had been his understanding of their import and effect.

The government of the United States, however, has, upon a thorough conviction of its incorrectness, constantly denied, and can never admit, unless its opinions should undergo a radical and unexpected change, the construction of that article heretofore asserted by the government of France, and it has certainly been very far from the intention of the undersigned to authorize a contrary inference; nor is he able to recall any thing, in his communications with his excellency, sufficient to support such an inference. The undersigned repeats that the government of the United States is willing to settle all just claims of French subjects against it on principles of perfect reciprocity

with those of its own citizens upon the government of France; and, with respect to the disputed construction of the eighth article of the Louisiana treaty, it has given the strongest proof of its just and equitable dispositions in the basis proposed by it, two years ago, for the amicable settlement of that question, and in regard to which it has not yet received the answer of his majesty's government.

The undersigned embraces this occasion to renew to his excellency the Prince de Polignac, the assurances of his distinguished consideration.

WM. C. RIVES.

His excellency the PRINCE DE POLIGNAC, &c., &c., &c.

Paris, March 27, 1830.

MONSIEUR LE PRINCE,

I had the honour, yesterday, to address a note to your excellency, simply for the purpose of making a statement in answer to your excellency's note under the date of the 23d instant, which the good faith and loyalty of our discussions required should be made without delay.

I beg leave now to state, more in detail, the part which has been acted by the government of the United States in relation to the question which formed the subject of your excellency's note. The eighth article of the Louisiana treaty had received its execution, according to the construction which the government of the United States has invariably put upon it, more than two years before any objection was suggested, on the part of his majesty's government, to that construction.

When, for the first time, that objection was presented to the government at Washington, in the latter part of the year 1817, it received the most deliberate and respectful consideration, the result of which was a clear conviction, on the part of the government of the United States, that the article in question had been executed according to its true intent and meaning. An answer to that effect was promptly returned to the representative of his majesty's government, containing a detailed statement of the reasons on which that conviction was founded. After the lapse of six months, the objection was renewed on the part of his majesty's government; and, from that period to the latter part of the year 1821, the question has been the subject of repeated and the most minute and elaborate discussion between the representatives of the two governments at Washington.

In the progress of these discussions, which seem to have exhausted, by their variety and extent, every possible view of the subject, the government of the United States has never failed to give the most earnest and anxious attention to all the arguments presented, on behalf of his majesty's government, in support of its interpretation. But not finding those arguments, after the most careful and dispassionate consideration of them, sufficient to overrule what seemed to it to be the obvious import of the terms of the compact, it was compelled to adhere to its original conviction; and, in justification of that adherence, has given full, precise, and distinct answers on every point presented by the discussion. An opinion bottomed on the plain language of the treaty, and the established acceptation of that language, it has found sustained as to the actual intention of the negotiators, not only by the evidence furnished by its own archives in the communications of its plenipotentiaries, but by every conclusion to be drawn from the recently published narrative of the French negotiator himself.

An opinion thus formed after a careful and respectful hearing of all the adverse arguments, tested by repeated discussions, fortified by the most respectable authority, reviewed and adopted by succeeding administrations, it could hardly be supposed would be now lightly abandoned by the government of the United States, and still less that its abandonment, and that too without discussion, would be required as a preliminary to opening a negotiation for the redress of undisputed wrongs, long prior in their origin, and wholly distinct in the principles and considerations applying to them. Certainly, I have not supposed that such a condition has been or would be

required by his majesty's government.

The energy of the language used by your excellency leads me to believe that there must be some misconception as to the actual treatment of French vessels in the ports of Louisiana. An idea seems to be entertained, that the United States grant to the vessels of other nations, in the ports of Louisiana, favours which are denied to French vessels. I beg leave to state to your excellency, that, according to the commercial system of the United States, no nation enjoys any favours, properly so called, in their ports. Every privilege or advantage enjoyed by foreign vessels in our ports is the reciprocation of corresponding privileges or advantages granted to our vessels in their ports. The footing of the most favoured nation, therefore, in the United States, is that of reciprocity—the treatment of its vessels in the same manner in which it treats ours.

France has always enjoyed, not only in the ports of Louisiana, but in all the ports of the United States, this footing of the most favoured nation. No duty or burden of any sort is imposed on her vessels which she has not first imposed on ours; and in proportion as she has consented to relieve our commerce from burdens in her ports, we have promptly extended the like exemptions to her commerce in ours.

Since the 1st of October, 1827, from which period, under the operation of the commercial convention of 1822, the discriminating duties on both sides have in great part ceased, French vessels are admitted into the ports of Louisiana, and the other ports of the union, on the same terms (with the exception of a trifling remnant of the ancient discriminating duties) as the vessels of the United States themselves; and

as soon as France will consent to abolish that remnant of discrimination, her vessels will be received, to the fullest extent, and in every respect, on the same terms as national vessels.

Several nations have already secured this benefit, by stipulating to receive the vessels of the United States in their ports on the same terms with their own vessels. But this stipulation on their part has been the indispensable condition of the benefit. To extend the benefit to France, without her compliance with the condition, would be to place her, not on that footing of equal favour with other nations, (which is all that the treaty of Louisiana secures to her after her twelve years of special and exclusive privileges,) but on a footing of greater favour than all other nations. The pro-

mise of equal favour, where the advantage claimed is granted to others only on certain conditions, can infer no other obligation than to grant the same advantage on a compliance with the same conditions.

Thus clear and simple has been the interpretation of this treaty by the government of the United States, and such has been the course of its procedure in relation to it, guided constantly by an anxious desire to fulfil all its obligations with that scrupulous good faith which it believes to be the essential bond of friendly intercourse among nations.

I have the honour to be, with sentiments of distinguished consideration, your excellency's most obedient and most humble servant,

W. C. RIVES.

H. E. PRINCE DE POLIGNAC, &c.
&c. &c.

No. 23.

Mr. Rives to Mr. Van Buren.

Paris, April 6, 1830.

SIR,

On the 30th ultimo, I addressed a note to the minister of foreign affairs, simply requesting an interview; in answer to which he gave me an appointment for the 5th instant. Yesterday, accordingly, I waited on him at the office of foreign affairs. He received me in his accustomed manner; and, to my great surprise, made no allusion to the misapprehension which had given rise to our recent correspondence. When, in the course of conversation, it was incidentally alluded to by myself, he did not at all dwell upon it, and seemed to be entirely satisfied in regard to my conduct on the occasion. He turned very promptly to the general subject of the claims: said,

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that finding the details connected with them too extensive to be thoroughly examined by himself, he had appointed a committee of three to examine them, and to report to him; and when that report should be made, he would be prepared to submit to me, definitively, his proposition.

In the course of the interview, the construction of the eighth article of the Louisiana treaty became the subject of some conversation between us. He maintained, with a good deal of earnestness and apparent conviction, the justness of the interpretation contended for by the government of France. He said, however plausible our construction might be, if it concerned the stipulations of an ordinary commercial

treaty, the question was altogether different in relation to a political treaty, (as he denominated the treaty of Louisiana,) and when considered in connexion with the purchase of territory which was the subject of that treaty. He also insisted that, according to our construction, the article in question would be nugatory and insignificant, as other nations might obtain commercial advantages in our ports by stipulations of such a character on their part, that it would be physically impossible for France to render the same equivalent.

To these observations I replied, by stating that the terms of the article had an inherent and an established meaning, which did not admit of variation. What that meaning was, I deduced from the practical consequences of a contrary interpretation, as well as from the sense in which the same words were obviously employed in other treaties: that, if these words were susceptible of different constructions, according to the nature of the instrument in which they were used, as the dispositions of the Louisiana treaty were partly commercial and partly political, and as the words in question were used in one of its dispositions which was commercial, they ought to be understood in their commercial sense. In regard to the impossibility he had suggested of an execution of the treaty according to our construction, in certain remote contingencies, I remarked, that extreme cases might be imagined under the plainest questions, which would present difficulties: that no difficulties, however, existed in the actual case. The equivalent given by other nations for their commercial privileges in our ports, it was clearly in the power of France to render. It was not likely, from the nature of the

subject, that equivalents of any other character ever would be required on the one hand, or stipulated on the other. But if a case ever should occur in which, from the inability of France to render the identical equivalent given by other nations, a specific and literal execution of the treaty should become impracticable, recurrence should be had, as in all such cases, to the good faith of the parties to execute it, according to its general scope and spirit, by agreeing upon some other equivalent as a substitute; and that while it might be illiberal on the part of the United States, in such a case, to insist inflexibly on the precise equivalent given by other nations, and which it was not in the power of France to render, it would be a pretension certainly not less unwarrantable on the part of France to demand, without the rendition of any equivalent whatever, privileges which were granted to other nations only for valuable consideration.

This discussion did not seem to produce any change in the force of the Prince's convictions. But while he adhered, with earnestness, to the interpretation contended for by the government of France, he did not at all insist upon it, (as his note of the 23d ultimo had led me to apprehend he might do,) as the condition of a farther prosecution of our negotiations. On the contrary, he spoke of our claims, as I have already mentioned, as being in a course of examination preparatory to the presentation of a proposition on his part; and, in the close of the interview, repeated, what he had said on several other occasions, that he had no doubt but that we should be able to settle the whole subject satisfactorily.

In the course of the conversation he spoke of the proposition to sub-

mit the question to arbitration. He said the government of France never would consent to refer the question to the decision of a foreign power. That, in all her arrangements of this sort, the agency of a mixed commission had been preferred; and intimated, as I understood him, a desire that this question, together with all others which could not be definitively settled between the parties themselves, should be referred to such a tribunal.

It is impossible for me to foresee, amid the intricacies and surprises of diplomacy, what shape the propositions of the minister may take. Much confidence is undoubtedly felt, not only by the government, but, to my surprise, by many of the enlightened people of France, in the justice of the Louisiana pretension; and you will perceive from Prince Polignac's note, of the 23d ultimo, that this pretension reaches far beyond a simple restitution of the discriminating duties which have been levied on their vessels in the ports of Louisiana. It demands "indemnities for the advantages of which their navigation has been deprived." It is hardly to be expected, therefore, that this pretension will be gratuitously abandoned.

I have thought, however, that its abandonment might be procured, on good terms for the United States,

by the substitution of some other commercial easement, as, for instance, a reduction of the duties on French wines, which, while it would be of far more real advantage to France, would not be in the slightest degree onerous to the United States. Indeed, I perceive that a proposition has been already made in the senate for the *unconditional* repeal of all duties on wines, silks, and some other productions of France. I doubt whether this proposition is as conformable to the canons of diplomacy as to the maxims of political economy. Until our present differences with France are terminated, and the commercial relations of the two countries, also, be put upon a satisfactory footing, I think the true policy of the United States is not to *give away* what fairly entitles us to an *equivalent*, and what may be the only means in the hands of the government of peaceably obtaining justice to our citizens, and reciprocity to our commerce. The mere proposition of such liberal measures tends greatly to weaken this important resource of negotiation.

I have the honour to be,
With great respect,
Your obedient servant,
W. C. RIVES.

HON. MARTIN VAN BUREN,
Secretary of State.

No. 27.

Mr. Rives to Mr. Van Buren.

Paris, May 18, 1830.

Sir,

In my last despatch, I mentioned that I had, by a note of the preceding day, solicited another interview with the minister of foreign affairs. On the 10th instant I re-

ceived from Baron Deffandis, the director of that division of the foreign department in which the United States are comprehended, a note written by the direction of the minister, of which a copy is enclosed. On the following day I accordingly

called at the office of foreign affairs for the purpose of conversing with Baron Deffandis.

I stated to him that I had requested an interview with the minister, in the hope that he would be enabled to communicate to me something definitive on the subject of our claims, in regard to which the motives and necessity for coming to some determination were daily becoming more and more urgent. He said that the multiplied occupations of the minister recently, particularly those which had been imposed upon him by the pending expedition against Algiers, had heretofore prevented him from giving me an answer; but that, in the course of that week, he would send me an answer to my last communication.

Understanding him to refer to the note I had written in relation to the French claim under the eighth article of the Louisiana treaty, and apprehending that a renewed discussion on that question might throw obstacles in the way of the negotiation already commenced, I made several remarks tending to show the unreasonableness and injustice of uniting that question, especially in the way which had been intimated, with the subject of our claims. He replied, that he thought there was a very fair and proper connexion between them; that, although the two subjects differed in their particular attributes, they were both of the same general character. His majesty's government, he said, was not in strictness (*à la requereur*) responsible for the acts of the Imperial government; that the recognition of a limited responsibility in the conventions of 1814 and 1815, with the European powers, was extorted by the presence of an armed force; that the United States, in presenting the more extensive claims of their citizens, must be considered as

appealing only to the friendly and equitable dispositions of his majesty's government; that his majesty's government, therefore, was justified in saying to the United States, we cannot give you this proof of our friendly settlements, unless you will, at the same time, give us a proof of a corresponding liberality on your part, by the equitable settlement of a question in which, though you do not admit the validity of our demand, it seems to us to be as well founded as yours.

I need not detain you by saying in what manner I answered a course of reasoning, founded on the obvious error of transforming claims which are *ex debito justitia* in the strictest sense, into an *applicationex gratia*, addressed to the mere favour of his majesty's government. I remarked to Monsieur Deffandis that I should regret very much if such a position should be taken, and that it could not be viewed otherwise than very unfavourably by my government.

I have waited till now in the hope that I might be enabled to send you the answer of the minister, whatever it might be; but, although more than a week has elapsed since my conversation with Baron Deffandis, no communication has been yet received from the department of foreign affairs.

I yesterday met with the minister at a reception of the diplomatic corps by the king and queen of Naples, and snatched a moment of hurried conversation with him, in which I endeavoured to impress on him the expediency of turning his attention, at once, to maturing the details of some practical arrangement, instead of renewing a profitless, and, possibly, a mischievous discussion. He seemed to think it necessary to maintain their ground on the Louisiana question in the correspondence, whatever might be the disposition

ultimately made of it; but promised to consider my suggestion.

It is to be regretted that the minister, for some time past, has been so much occupied with a variety of other affairs, being charged, ad interim, with the portfolio of the war department, in addition to his own proper duties, sufficiently complicated and burdensome, as secretary of state for foreign affairs and president of the council, that he seems recently to have bestowed but little of his personal attention on the subject of our claims. I hope that, when his committee shall have made their report, he may be induced to give his attention to the subject with a view to some practical result.

Though I have not had, and could not properly have, any direct communications with this committee, I have sought to obtain all the information I could as to their proceedings, and to supply, on my part, through unofficial channels, that which I supposed to be necessary to conduct them to a right conclusion. Their investigation being essentially an *ex parte* one, I felt that we were placed under a disadvantage by it, which it was desirable to counteract as far as practicable. The means of doing this was happily afforded me by the intermediary of Mr. Mèchin, a French advocate of great intelligence and probity, who, by his marriage with an American lady, having a personal interest in the claims, and representing, professionally, the interests of some other claimants, and being already in relations with the same commission concerning other foreign claims referred to them, could properly communicate with them in

those characters, without appearing to come from me. His communications have been with the Marquis Dubouzet, heretofore the secretary of the commission in their investigation of other foreign claims, but now associated with them as a co-commissioner on the subject of the American claims, and charged by his colleagues with the preparation of their report to the minister. I enclose the copy of a note received from Mr. Mèchin, some days ago, giving a brief statement of a conversation with the Marquis Dubouzet, the indications of which are quite favourable. The report will probably not be made as soon as Mr. Mèchin anticipated, though I hope it will not be postponed much longer, as I see no prospect of an effectual advance in the negotiation till it is laid before the minister.

You will perceive from the gazettes accompanying this despatch, that the chamber of deputies has been at length dissolved, and both chambers convoked for the third of August. The contest in the new elections, which are to take place in the latter part of next month and the first of July, will be, no doubt, a very animated one, as it must be most important in its results. The recent reports of the prefects of the departments are said to be more favourable to the success of ministers, though the opposition seem not yet to have lost any portion of their confidence.

I have the honour to be,

With great respect,

Your obedient servant,

W. C. RIVES.

HON. MARTIN VAN BUREN,
Secretary of State, Washington.

No. 28.

Mr. Rives to Mr. Van Buren.

Paris, May 20, 1830.

SIR,

You will perceive, from my recent despatches, that the claim asserted by France under the eighth article of the Louisiana treaty has, for some time past, been impending, with a very dubious aspect, over the course of the negotiations here. I have had no *discussion* with the minister upon the merits of it since that which is detailed in despatch No. 23; but it has been, several times, alluded to by him in such a way (though in a very few words, and those very vague) as to make me apprehend that it might yet be made use of to interrupt the negotiations which had been commenced. The conversation I had with Baron Deffandis, on the 11th instant, furnished new ground for that apprehension, by announcing the intention of the minister to address me another note on the subject. Fearing that, in the temper which had been manifested on this point, positions might be taken which would greatly lessen, if not destroy, the chances of an accommodation, and being thoroughly convinced that an accommodation of some sort or other, in relation to it, it would be inflexibly insisted on, I determined, after the most deliberate and anxious reflection, to try the effect of the suggestion contained in my despatch No. 23.

This I did, in very guarded terms, in the brief interview I had with the minister on the occasion mentioned in my despatch of the 18th instant. In *expostulating* with him on the inexpediency of a renewed discussion on a question concerning which the two governments could not agree, and the injustice of blending it with another subject wholly foreign in its character and principles, I re-

marked to him, incidentally, that though the government of the United States (believing the claim of France, under the eighth article of the Louisiana treaty, wholly destitute of foundation,) could not feel any obligation to offer an equivalent for its abandonment; yet, in a spirit of friendly liberality, it might be induced, by a prompt and satisfactory settlement of existing differences, to grant, in lieu of it, some other commercial advantage, as, for example, a reduction of the duty on French wines. The suggestion seemed, at once, to gain his favourable attention, though he intimated that the ground already taken on the merits of the question must be maintained, whatever might be the basis on which it should be ultimately arranged.

He asked me to call at the foreign office, and leave with Baron Deffandis a memorandum of what I had suggested, that he might more maturely reflect on it. In consequence of this request, I drew up an informal paper, of which a copy is enclosed; and, being disappointed in not finding Mr. Deffandis at the foreign office, I have, this day, communicated it in a private note to the minister, of which a copy is also enclosed. You will perceive that, in the form of these communications, I have taken every precaution required by the usages of diplomacy, to prevent them from being considered as authorized and binding official acts.

I have not, however, ventured upon this step without a full sense of my personal responsibility in taking it without the sanction of instructions. The expediency of the measure, however, appears to me so obvious, and its necessity so urgent, that I flatter myself I have incurred but little hazard of the president's disapprobation in adopt-

ing it. The negotiation had been at a stand for more than two months. All my efforts to put it again in motion had, as yet, been without effect. An intention had been announced of renewing the discussion on the Louisiana question; which, in the actual state of feeling on that subject, could not but throw new obstacles in the way. I was thoroughly convinced that, although they might possibly keep up the forms of a negotiation without insisting on a previous recognition, on our part, of the Louisiana claim, they never would consent to pay our reclamations, unless some accommodation should be made, at the same time, with regard to their claim under the treaty of Louisiana. Time pressed; the chambers had been dissolved, new elections were to take place the last of June and the first of July, and the chambers were convoked for the first of August.

The continuance of the present minister in office, in the event of an unfavourable issue of this appeal to the nation, might be very short. Delay, therefore, was almost as bad as a rejection of our claims. It may well be supposed that, after the heavy responsibility assumed by ministers in the enormous expenses of the Algerine expedition, without a previous grant of supplies for the chambers, they would feel great reluctance to add to this responsibility, by imposing a new debt (arising from the acknowledgment of our claims) on the nation. In the plan suggested by me, while it was safe, and even advantageous for us, I hoped the prime minister would see so much advantage for France, and for himself, politically, in the present crisis, that he would be quickened into a more willing and prompt attention to the subject, and might be induced, without farther delay, to

bring the negotiation to a practical and favourable conclusion.

The proposition suggested by me, instead of being any sacrifice on our part, would be the acquisition of an absolute advantage to the United States. You will perceive that it has in view the duty imposed on cheap French wines only, "those imported in casks," as described in the act of congress. As low as the duty of ten cents the gallon on those wines seems to be, it is yet disproportionately high, compared with the duties on other wines—Madeira, for example. Supposing the average price of Madeira wines, in the United States, to be four dollars a gallon, a specific duty of fifty cents the gallon, (which is the present rate of duty on those wines,) is equivalent to an ad valorem of twelve and a half per cent. only. The average price, in France, of such wines as are exported in casks, is about fifteen cents the gallon. The cost in the United States would, probably, be double, or it might be as much as forty cents the gallon. Supposing the latter to be the price there, a specific duty of ten cents the gallon is equivalent to an ad valorem of twenty-five per cent. A reduction of the duty on this description of wines, therefore, seems to be but fair and reasonable towards France; while, by introducing more freely among us a pleasant and unintoxicating drink, within the reach of the pecuniary means of almost every class of society, it would have a most beneficial effect on the public morals; and the increased consumption, arising from the more general use of them, under a system of low duties, would, I doubt not, produce a material increase of revenue.

This would be the state of the matter, if the proposed reduction of

the duty on French wines in the United States stood alone. But you will perceive that I have connected with it a simultaneous reduction of the duties on American cottons in France. In looking over, while at Washington, the files of Mr. Gallatin's correspondence, I observed in a report of one of the consuls to him, (Mr. Strobel, I think,) a statement that the cottons of America were subjected to a higher rate of duty than those of some other countries. On my arrival here, my attention was early directed to this subject; and the result of the information I obtained, was, that while the cottons of Turkey, without distinction of kind, pay a duty of fifteen francs the one hundred killograms, only, and the long staples of India pay a duty of twenty-five francs, and the short staples of the same country a duty of ten francs the one hundred kilos. only, the long staples of the United States and of America, generally pay as much as forty francs, and their short staples as much as twenty francs the one hundred kilos. The reduction and equalization of these duties on our cottons would be an important advantage gained to the commerce of the United States, and a full equivalent for any sacrifice which might be supposed to be made in the suggested reduction of the duty on French wines, in any possible view, however unfavourable, of that measure.

I was confirmed the more in my impression of the advantages of this arrangement for the United States, from having seen that a proposition emanating from very high authority on commercial subjects, was before the senate for the gratuitous and unconditional repeal of all duties on foreign wines. My view extended only to a reasonable reduction in consideration of fair equi-

valents, and the stipulation, of course, to be limited, in point of time, to a term of some ten or twelve years. I persuade myself that it cannot fail to obtain the approbation of the president, whose previous sanction the critical and urgent circumstances of the moment rendered it impossible to await, without losing an opportunity which might not, perhaps, very soon occur again.

What effect the suggestions made will have upon the minister, remains to be seen, though I cannot but hope, from the manner in which they were received in our personal interview, that it will be decidedly favourable. I have constantly sought to awaken his attention to the importance and value of the commercial relations of France with the United States, and, at the same time, to intimate to him, very intelligibly, that the advantages of these relations were essentially dependent on an early and satisfactory adjustment of our claims. This view I have been enabled to enforce, with particular effect, by putting into his hands a memorial of the merchants of Philadelphia, presented to congress in January last, demanding an equalization of the duties on French and India silks, and supporting the application by very persuasive arguments. He is fully aware of the value of this interest of the commerce of France, and manifests a quick sensibility to whatever threatens it with a loss of its present advantages. I have, also, derived aid from their own official documents in impressing these considerations, particularly from an important document accompanying the recent report of the minister of finance to the king, in which a full view is exhibited of their whole foreign commerce, and which carries the valuation of their commerce with the United States to a much

higher amount than the annual treasury statements of the United States. The solicitude of the minister, therefore, being already aroused on the subject, I am the more induced to anticipate a favourable effect from the suggestions contained in the paper just communicated to him.

The changes in the ministry, announced this morning, add not a little to the force of the motives for taking, at once, some step which may afford a chance of bringing the pending negotiation to a close. Comte de Peyronnet and Monsieur Chantelauze, who take the places of Counte Chabrol and Monsieur Courvosier in the ministry, are of a much higher tone of royalist politics than their predecessors, and their names will, undoubtedly, ren-

der the ministry still more the object of national aversion. Comte de Peyronnet was one of the most obnoxious of the Vellile ministry, which fell before the elections of 1827. Being, however, a man of talent, and of great boldness, it may be expected that his presence in that department which more immediately superintends the elections, may extort from the prudent fears of the voters, what could not be obtained from their confidence or their affection.

I have the honour to be,
With great respect,
Your obedient servant,
W. C. RIVES.

To the Hon. M. VAN BUREN,
Secretary of State, Washing-
ton.

Paper submitted by W. C. Rives to Prince de Polignac, May 20, 1830.

[PRIVATE AND CONFIDENTIAL.]

In lieu of the privilege claimed by France under the eighth article of the Louisiana treaty, let her obtain from the United States a stipulation to receive her wines at a still lower rate of duty. The duty in the United States on the greater part of French wines, which is stated in the *Petition des Propriétaires de Vignes, &c.*, of 1828, at nine dollars the barique, is now ten cents the gallon, or six dollars the barique. But the United States, in a spirit of liberal accommodation to the feelings and interests of the French government, might be induced, by a prompt and satisfactory adjustment of the questions now pending, to favour the commerce of French wines by a still farther reduction of duties:—to make them, for exam-

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ple, instead of six dollars the barique — dollars the barique.

Would not a substantial privilege of this sort, obtained in all the ports of the United States, for the most important, and at the same time the most suffering branch of the national industry of France, be worth infinitely more than the advantage, (almost entirely nominal, it is believed,) sought for the French navigation in the ports of Louisiana alone, by a construction which the United States have uniformly opposed, and must ever oppose, as destitute of foundation?

The representations of the vine proprietors to the chambers show that their great want, at this moment, is that of exterior débouchés for their products, among which

they particularly refer to the market of the United States as an important one. It is believed that the consumption of French wines in the United States is already as great, or nearly so, as that of any country in Europe, (except France herself,) since the great diminution of the consumption of the north of Europe, which is said to have been occasioned by the French duties on foreign irons and linens. It is to be remarked, however, that the taste for French wines is just beginning to be formed in the United States. When that taste shall be definitively decided in favour of them, as it undoubtedly would be by a freer and more favourable introduction of them under a system of low duties, the value of that market to the vignobles of France can be measured only by the extent of its territory, and the rapid increase of its population. If, on the other hand, that taste should be now checked by an unfavourable state of the commercial or political relations of the two countries, the habits of using other drinks, or the establishment of the vine culture there, would for ever deprive France of that market. It is to be also observed, that the opportunity now afforded to France of securing a permanent and valuable débouché for her wines in the United States, is not subject to any of the objections which, it is presumed, would attend the acquisition of débouchés in other quarters. It is hardly to be supposed that the governments of the north of Europe would consent to a reduction of their duties on French wines, unless France should, at the same time, consent to reduce her duties on their irons and linens—a measure which would very injuriously affect the manufacture of those articles in

France. On the contrary, the suggested arrangement with the United States naturally draws to it a measure which would essentially promote the manufacturing interests of France, in admitting the raw material of its cotton fabrics, from the United States, on the same terms as from other portions of the world. This is no *favour* to the United States. It is a measure which has been already recognised as being required by the interests of France herself, and the projet of a law to that effect has been for some time past, it is understood, in readiness to be laid before the chambers.

If these suggestions should meet the acceptance which it seems impossible, indeed, to withhold from them, they might be arranged in a short commercial treaty, to be executed simultaneously with the plan of indemnities heretofore submitted, and the one to be dependant on the other.

They are submitted for consideration, not from the idea that France can rightfully expect any equivalent for the abandonment of a pretension believed to be wholly untenable, or for the satisfaction of claims of unquestionable justice, but in a spirit of the most friendly liberality; and with a sincere desire to render an act of justice on the part of France, (which all parties here seem agreed must sooner or later be performed,) at the same time an act of interest, a source of permanent advantage to the nation, and of popularity and credit to the administration which concludes it.

If these suggestions should not lead to a satisfactory arrangement now, it will not accord with the views or policy of the United States to grant the same advantage at any future period.

[TRANSLATION.]

Paris, May 20, 1830.

SIR,

The letters which you did me the honour to write me the 26th and 27th of March, have given me the greatest pain, by causing the hope I had conceived of a speedy settlement of the differences existing between France and the United States to vanish. I find that I misunderstood your words, and that the government of which you are the representative persists in rejecting the interpretation we have never ceased to give to the eighth article of the treaty of cession of Louisiana. From that moment, I say it with regret, the negotiation which had been opened between us is indefinitely adjourned. I should confine myself to this painful declaration, if some passages of your letter, in expressing, on the whole of this subject, views which appear to me altogether inaccurate, did not impose upon me the obligation to restore the question to its true light.

You seem to think, sir, that the claims of the United States are so well founded in justice and in right, that it is impossible for us even to contest the obligation to satisfy them. Such, however, is very far indeed from being the case, and those claims would be inadmissible if we chose to reason from strict right. In effect, the king's government cannot be held responsible, *without distinction*, for all the acts of the governments anterior to the restoration. The European powers formally acknowledged this at a period when, masters of France, they thought proper, for the interest of their subjects, to impose on us very rigorous conditions, and when nothing compelled them to limit their

exactions. They laid it down as a principle, by the treaties of 1814 and 1815, that, of the credits which their subjects had against France, none should be admitted but such as sprung from contracts or other positive obligations. The United States have, therefore, fallen into a serious error, so often as they have cited those treaties as an example and authority in support of their claims; since it is a fact that none of those claims have the slightest analogy with those which it was the object of the treaties of Paris to guaranty. Consequently, those instruments, far from being against us, afford us occasion to remark, that what victorious enemies did not feel at liberty to exact, a power which has not ceased to be our ally, and treats with us on terms of equality, can have still less claim to impose.

I repeat, that we should be justified by strict right in rejecting the claims of the United States. If we have consented to discuss them, it is from a sentiment of equity, and still more from a spirit of good will toward the federal government; but we had a right, at the moment we were giving such a proof of our conciliating dispositions, to hope that the United States would not refuse us the enjoyment of the advantages stipulated by a formal clause of a treaty; and when I thought I understood from your language that those secured to us by the eighth article of the treaty of the cession of Louisiana would be no longer contested; that, consequently our navigation would enjoy henceforward, in the ports of that province, the footing of the most favoured nation; I only saw in that (though tardy) acknowledgment of an in-

contestible right, a most imperfect compensation for the generous concessions which France showed herself disposed to make.

But, sir, you now inform me that I was mistaken. You tell me that the government of the United States never can admit our interpretation of the article in question, unless a total and unexpected change ensue in its dispositions, and, in support of this assertion, you offer me a series of arguments which I am going to examine.

After having stated that the opinions of the United States have never varied on the point in question, you say that the eighth article of the treaty of cession of Louisiana was applied, for more than two years, in the sense against which we now remonstrate, before we thought of raising any objection.

This demands some explanations.

It must be observed, in the first place, that only in 1815 can the abuse of which we complain have begun. It may be readily conceived that, in the situation in which France then was, she might not have perceived the wrongs her navigation suffered in another hemisphere; it may even be conceived that her navigation might have been so much depressed by the effect of the circumstances of the moment, as not to be sensible immediately of the irregular treatment reserved for it.

It appears, in effect, from the documents which I have found in the offices of my department, that, until the last months of the year 1817, the French government was absolutely ignorant of the grievance of which it has not ceased since then to demand the redress. At that period it was that the reclamation of a captain of a merchant vessel aroused our attention for the first time to this subject, without making us acquainted, however, with the

motive or pretext of this denial of justice. Mr. Hyde de Neuville, then minister at Washington, was immediately charged to make inquiries, and to claim the full and entire execution of the treaty of 1802.

This statement will suffice, sir, to reduce to its true value the inference (in itself sufficiently inconclusive,) which you seem to draw from the pretended silence of France originally as to the state of things which is now the subject of her complaints.

You are acquainted with the discussions which took place from 1817 to 1821, on this important question. They were continued so long as France could indulge the faintest hope of their leading to a satisfactory result. If we at last suspended our just reclamations, it was because it had become evident that the government of the United States was, for the moment, well determined to pay no regard to them, but we have never thought of abandoning a right incontestible in our opinion, and we have always reserved the privilege of bringing it forward at a seasonable opportunity.

I have said that we considered that right as incontestible. I do not intend to repeat here all the arguments which Mr. H. de Neuville submitted, at the time, to the government of the United States. It will suffice for me to re-state that that government asserts the right to refuse us the enjoyment, in the ports of Louisiana, of the advantages conceded in 1815 to English navigation in the ports of all the United States, for the alleged reason that England has obtained them for a valuable consideration by reciprocity, and that the United States, in offering to extend them to us on the same condition, fulfil all their engagements with us. To this we have always replied, and we reply again, that we also claim those advantages for

a valuable consideration; that we have paid for them in advance by the cession of Louisiana; and that now, to grant reciprocity besides, would be to double the price, which we cannot, and do not choose to do. It has also been objected, that the principles received in the United States do not allow any state of the confederacy to be placed, in matters of this nature, under regulations from which the others are excepted, as we require with respect to Louisiana. Not satisfied to oppose to this objection facts which destroyed even its apparent force, we have shown that it is moreover inapplicable to us, and that a principle of internal administration cannot prevail against the stipulations of a treaty.

You tell me now, sir, that according to the commercial system of the United States, no nation enjoys in their ports any favour, properly so called; that every privilege or advantage granted to foreign vessels is the reciprocation of corresponding privileges or advantages granted to the vessels of the United States in the ports of those foreign nations. These arguments are too completely involved in those of which I have just pointed at the refutation, for me to think it necessary to impugn them specially.

I will only add that, in giving me to understand that your government refuses the condition of reciprocity to no foreign nation, you furnish a yet stronger evidence of the justice of our reclamations. It is manifest, in effect, that the object of the eighth article of the treaty of 1802 was to secure to us some advantage or other, and it would be a complete nullity if it only guaranteed to us that which is withheld from nobody. Such a supposition is not admissible.

You further cite, sir, in support of your interpretation of the article in question, the opinion of the French

plenipotentiary who negotiated it. Besides that that opinion would not be conclusive, unless consigned in an official act, and with direct reference to the treaty, I must confess to you that I am entirely ignorant of the circumstances on which you can found that assertion.

I will not push further a discussion which would be, at this moment, without object. My only aim in presenting you these observations, has been to guard against the government of which you are the representative, deceiving itself as to the real dispositions of France relatively to the two questions treated in this letter. I wished to establish the fact, that the reclamations of the United States are far from being viewed by us as incontestible; that, on the other hand, we have never for an instant ceased to interpret the eighth article of the treaty of cession of Louisiana in the sense which I have just indicated; and that the advantages promised us by that article so interpreted, constituting, in part, the price of the cession of that country, we have never admitted that the clauses of a convention, on which repose interests so essential, particularly to the United States, could be thus rescinded. Suffice it to say that, in limiting ourselves to a refusal to consent to the repetition of claims very susceptible of argument, so long as you should not acknowledge in our favour a right, in our eyes, incontestible, we surely only make use of very moderate and even very incomplete reprisals. I repeat, then, that the negotiation which we had begun is suspended; but the confidence which I take pleasure in placing in the sentiments of justice of your government, inducing me to hope that it will soon enable us to resume it, I have wished to remove, as much as lay in my power, the difficulties

which might impede its progress, and the commission, of which my letter of the 9th of March announced to you the formation, continues to occupy itself with the examination of the documents relating to the reclamations of the United States.

Accept the assurances of the high consideration with which I have the honour to be, sir, your most humble and most obedient servant.

LE PCE. DE POLIGNAC.

MR. RIVES, &c., &c., &c.

Paris, May 26, 1830.

MONSIEUR LE PRINCE,

I will not allow myself to express to your excellency all the surprise I have felt at the contents of the letter which you did me the honour to address to me under the date of the 20th instant, and which was received on the 22d. I need not remind your excellency that, since the delivery of my notes of the 26th and 27th of March, to the declarations contained in which you are pleased to refer the suspension you have notified to me of the negotiations which have been commenced between us on the subject of American claims, I have had the honour of several conferences with your excellency, in which, far from intimating such an intention, you have led me to expect a formal proposition from you for their adjustment, as soon as a commission you had charged with the examination of certain questions connected with them should have made their report to you. But if, in the circumstances of this communication, there be matter for surprise, there is not less in the cause you have assigned for it. What is that cause, I beg leave to ask your excellency? That the United States will not previously acknowledge to be correct an interpretation of a treaty relating to a wholly different subject, which it has invariably believed to be incorrect and unfounded. Some of the predecessors of your excellency, I am aware,

have declined a negotiation on the American claims, unless the government of the United States would, at the same time, consent to negotiate on the claim asserted by France under her construction of the eighth article of the Louisiana treaty; and in that demand, requiring the united discussion only of two subjects having no proper connexion with each other, the United States have always seen a condition sufficiently exceptionable. But a pretension, which your excellency's predecessors felt themselves warranted only in asking should be made the subject of negotiation, your excellency transforms into one of such clear evidence and paramount character, that its absolute admission is demanded as an indispensable preliminary to the negotiation.

The government of the United States never could consider the position taken by your excellency's predecessors (so much less exceptionable than that now assumed by your excellency) in any other light than as a temporary postponement of claims whose justice was not denied, and which it was intended ultimately to satisfy. When your excellency, therefore, entered into negotiation with me on the subject of those claims, without attempting to combine with them an irrelevant and litigious question, and had actually agreed with me as to the validity of the greater part of those claims before any allusion

was made to that question, I saw in that course only a recognition that the time had arrived when the loyalty of his majesty's government admitted of no longer delay in the fulfilment of its just intentions. In what manner the contents of your excellency's letter of the 20th instant have answered to these indications of a just and friendly policy, it is needless, as it would be painful, for me to say.

It is important, however, to present the true state of the question which has now arisen, and I beg leave to invoke your excellency's serious attention to it. The citizens of the United States have sustained the most flagrant and unwarrantable wrongs from the authorities of France; their property, to a large amount, has been forcibly taken away from them, in violation alike of the principles of public law and the faith of treaties, and that property has been applied to defray the expenses, and to aid the resources, of the French nation. These facts have not and cannot be denied. When the government of the United States demands restitution or indemnity, will your excellency answer, "however true it is that your property has been lawlessly and wrongfully wrested from you, we will not restore it, or make you any indemnification for it, unless you will first admit our interpretation of the eighth article of the Louisiana treaty, though you may believe that interpretation to be altogether unfounded?" Governments act under the sanction of a moral responsibility as well as individuals, and it is, therefore, allowable to test their proceedings by the same principles which would be applied to the conduct of individuals in similar circumstances. I may, therefore, be permitted to ask your excellency, what judgment the moral

sense of mankind would pronounce on the conduct of an individual who, being wrongfully in possession of the property of another, should answer the demand of restitution by saying, it is true I have possession of your property, which has been wrongfully taken from you, but I will not give it up unless you first assent to my construction, however erroneous you believe it, of the contract between us, about which we have so long differed in opinion?

Your excellency will not, I presume, seek to evade the force of this statement by saying that the wrongs of which the United States complain were not committed by the present government of France. There is no principle more firmly established by the maxims of public law, or the practice of nations, than that the rights and obligations of nations towards one another cannot be affected by mutations of their governments, or changes in their interior political organization. If it were otherwise, what security could there be in transactions among nations, and how anti-social must their relations become! But the reclamations of the United States do not rest alone on this acknowledged principle of international law. The property wrested from American citizens was applied, as already remarked, to defray expenses which must otherwise have been levied upon the French nation, or been met by an increase of its public debt. France, therefore, has received, and still enjoys, the benefit of this property, and the obligation to restitution, which the established principles of public law impose, finds itself, at the same time, enforced by the clearest considerations of equity and moral justice.

Your excellency has thought proper to refer to the treaties of

1814 and 1815 between France and the European powers, for the purpose of proving that the government of the king cannot be made responsible, without distinction, for all the acts of the preceding governments; and has informed me that the principle laid down in those treaties is that of responsibility for claims arising from contracts or other positive obligations only. I must first remark, that the government of the United States has never considered those treaties as furnishing rules applicable to the claims of its citizens; nor can they possibly be supposed to do so, when reference is had to the different relations in which the powers of Europe and the United States then stood to France. The powers of Europe who were parties to the treaties of Paris, were, as your excellency states, enemies of France, and the losses and injuries which their subjects had sustained by acts of violence were the consequences of war. For these, therefore, redress in general was not demanded on either side.

Altogether different, however, was the situation of the United States. They were neutrals, and the property of their citizens, under the double guaranty of public law and the faith of treaties, was rightfully exempt from every species of violence. This difference of position must, of course, give rise to a corresponding difference in the character of European and American reclamations, but the principle of a transmitted responsibility is the same in both; and, indeed, it would seem that those who had been lawlessly deprived of their property without their consent, should meet with a more favourable consideration from his majesty's government than those who had voluntarily parted with theirs for the uses, and on

the credit, of the usurping government.

Though for the reason stated, the mass of the claims provided for by the treaties of 1814 and 1815 with the European powers, are unlike those of the citizens of the United States in their particular character, your excellency is undoubtedly mistaken in saying that none of those claims bear the least analogy to the American reclamations. I will here mention, as examples of the contrary, the additional articles concluded with Great Britain on the 30th May, 1814, by which the French government stipulated to pay for all property, real or personal, of British subjects unlawfully confiscated or sequestered by the French authorities since 1792; the treaty of the 20th July, 1814, with Spain, containing a similar stipulation in favour of Spanish subjects; articles 3d of the convention of the 20th November, 1814, respecting the spoliation of the bank of Hamburg; and article 4th of the same convention, providing indemnity for certain seizures and confiscations in Germany under the decree of Nossen. A farther research might disclose other similar cases, but these suffice to show that your excellency has fallen into error, when you have said that none of the reclamations provided for by the treaties of 1814 and 1815 bear the least analogy to those of the United States; for, exclusive of claims founded on contract, it is precisely for unlawful seizures, spoliations, sequestrations, and confiscations of their property, that they have been so long seeking redress from his majesty's government.

Having thus exposed the true nature of the reclamations of the United States, showing their origin in injuries of the grossest kind, and the foundation of their obligation

Upon his majesty's government in the clearest principles of public law and moral justice—principles so often recognised by his majesty's government, and not, indeed, denied by your excellency—I will now contrast with them that pretension under the eighth article of the Louisiana treaty, which your excellency has produced with a positiveness of assertion never before observed in any of the communications of his majesty's government on the same subject, and which seems, in effect, to deny that equal right of interpretation which essentially belongs to both parties to a compact. In the exercise of that right on the part of my government, I hope to place its interpretation on grounds of reason and evidence which cannot be impugned.

Whether France enjoys an equal footing with the most favoured nation in the ports of Louisiana, depends simply upon the true meaning of those terms. Now, the United States say that the necessary, inherent, and only rational meaning of equal favour with another, is to grant *in the same manner* to one, that which has been granted to another; if the thing in question has been given gratuitously to one, to give it also gratuitously to the other; if it has been conceded to one on the performance of certain conditions, to concede it to the other on the performance of the same conditions: that, to give to one absolutely and unconditionally, an advantage which has been granted to another only on the performance of certain conditions, is evidently to put the former not on a footing of equal favour with, but of much greater favour, than the latter.

This obvious exposition of the terms is not denied by your excellency. But when you are informed that the advantages enjoyed by the vessels of several European

powers in our ports have not been given to them gratuitously, but for a valuable consideration, your excellency replies that it is for a valuable consideration, also, that France claims these advantages; that she has paid the price of them in advance by the cession of Louisiana. Does not your excellency, however, perceive that this is assuming the very question in dispute? What is it that France has paid for by the cession of Louisiana? Not the specific advantages enjoyed by Danish, Dutch, and English vessels, for they could not be foreseen, but, in general, the footing of the most favoured nation. The question then still recurs, what does the footing of the most favoured nation mean? Why, to grant to France gratuitously any advantages which may be granted to other nations gratuitously, and if advantages are granted to other nations on the performance of certain conditions, to extend the same advantages to her on the performance of the same conditions. This is what France obtained by the treaty of Louisiana, and what the United States have never, and will never, deny to her.

The advantages enjoyed by the vessels of Denmark, Holland, England, and several other powers, in our ports, have been granted to them only on the condition of the reciprocal treatment of our vessels in their ports. Let France comply with this condition, and her vessels will at once enjoy the same advantages to the fullest extent. To grant them to her while she refuses the condition demanded of all other nations, would be, as has been already said, to put her, not on a footing of equal favour with, but of much greater favour than any other nation, and thus to convert, what was evidently meant as an *equal* privilege with the most favoured of

other nations, into an *exclusive* one, possessed by no other nation.

Here is the radical source of the error which pervades the arguments of your excellency. Your excellency seems constantly to suppose that the eighth article of the Louisiana treaty was intended to secure to France an *exclusive* privilege. But such was certainly not the fact. The seventh article secured, and was intended to secure, for a limited time, an exclusive privilege to France, in stipulating expressly that, during the term of twelve years, her vessels should be received on a better footing than those of any other nation, Spain only excepted. But, with the twelve years, the exclusive privilege ceased, and thenceforward, by the eighth article of the treaty, her vessels are to be received on an equal footing with those of the most favoured of other nations, but not on a better footing than theirs.

Your excellency, however, remarks, that, as in the actual commercial policy of the United States, they offer the terms of reciprocity alike to all nations, this construction of the eighth article of the Louisiana treaty would render it altogether unmeaning; that it must have been intended to secure to France some advantage, but that it would convey none, if it only entitled her to that which is refused to no power. Your excellency, however, does not seem to recollect that the commercial regulations of a country are, in general, subject entirely to its own discretion. It may, at its pleasure, grant favourable terms to one nation and withhold them from another. Though the United States, at the present day, have adopted a system of common and equal favour to all nations, they may, at any moment, depart from that system, and enter into

special arrangements, granting to one power advantages which they may choose not to grant to another.

The value of the stipulation contained in the eighth article of the Louisiana treaty consists in the protection it gives France against any discriminations of this sort; and in entitling her, as a matter of right, to claim from the United States *on the same terms* any advantages which they may grant to other nations—gratuitously, if they are granted to others gratuitously—on the performance of the same conditions, if granted conditionally to others. This would be purely optional on the part of the United States with regard to other powers, but, in relation to France, it becomes, by virtue of the eighth article of the Louisiana treaty, binding and imperative. If a stipulation of this sort be without advantage, and an unmeaning nullity, as your excellency has remarked, it is, nevertheless, such an one as the most enlightened commercial nations have been in the practice of contracting for, and which the illustrious sovereign who was a party to our first treaty with France thought it important to obtain, when, by the second article of that treaty, it was stipulated that, whatever favour might be granted to other nations by the United States, should be enjoyed by France “freely, if the concession was freely made; for the same compensation, if the concession was conditional.”

The French government, in urging its pretensions on this subject, has several times represented the stipulation in question as an essential and substantive part of the price given by the United States for the cession of Louisiana, and your excellency speaks of it in the same manner. If it were so, I have already shown the real nature and

extent of that price, and that it has been faithfully rendered by the United States. But it is apparent from the form of the transaction itself, that this stipulation was not considered as forming any part of the equivalents for the cession. The cession, and the equivalents for it, were not included in the same treaty. The cession itself, its limits, all that related to the transfer of the territory, and its future political and commercial condition, formed the subject of one treaty; the equivalents were contained in two separate conventions of the same date. The stipulation in question is not found in the conventions which fixed the equivalents, but in the treaty of cession.

The obvious inference arising from the form of the transaction is, to-day, confirmed by the testimony of the French negotiator, who, in his recently published history of the negotiation, says, "the negotiation had three objects: the cession, the price, and the indemnities claimed by the United States; and that it was agreed to treat of those objects *separately*, and to make of them three *distinct* acts or treaties." The true price of the acquisition, therefore, must be looked for, not in the treaty of cession, but in the conventions accompanying it, which fixed that price at eighty millions of francs, being thirty millions more, as is proved by the same authentic authority, than was required by the chief of the French government, and which, in the extreme uncertainty then existing as to the limits of the cession, and the acknowledged impossibility of preserving the territory from the grasp of a powerful enemy in the moment of renewed hostilities, was signally advantageous for France, and onerous to the United States. How forcibly, then, might I return a remark of

your excellency, and ask with what reason the United States, who have already paid for this acquisition almost double the price which was deemed sufficient by the vendor, can be now required to treble that price in the shape of commercial privileges, which have been shown, I trust, to have no sanction in a just interpretation of the treaty?

It is not, surely, by a pretension of this sort that the loyalty of his majesty's government will seek to offset the just reclamations of our citizens for the flagrant and undeniable wrongs of which they have been the victims. Are the members of a friendly nation never to be indemnified for property of which they have been deprived by the most lawless acts, because the governments of the two countries cannot agree in their construction of some compact between them in relation to a different matter? Where is the relation or dependence between the two questions? Is it the less true that the citizens of the United States have suffered the grossest injuries from the authorities of France, for which they are entitled to redress, because the government of the United States cannot persuade itself that the interpretation which France chooses to put on the eighth article of the Louisiana treaty is correct? If a sovereign government can thus avoid its obligations, then all national justice is an illusion, for nothing more would be necessary to repel the most incontestible claims, but for the government of which they are demanded to raise some disputable pretension against the government of the claimants: the more unfounded the better, as it would be so much more impossible for the latter to admit it.

But your excellency tells me that the rights of our citizens are

to be withheld as a reprisal upon the United States for not admitting the interpretation which France puts on the eighth article of the Louisiana treaty. In what code of national law this doctrine of reprisal is to be found, I am at a loss to know. Is reprisal, then, a legitimate remedy for a difference of opinion? Has one party to a compact an exclusive right of interpretation, which it can enforce by penalties and confiscations? I need not say how little such a doctrine accords with the profession of moderation which accompanies it, or in what light it must be viewed by a government which, sincerely desiring the maintenance of the most friendly relations with that of his majesty, has not been wanting in

the proposition of amicable modes to adjust this and all other differences between them. A perseverance in this position can be regarded in no other light than as a final denial of the justice which has been so long sought for the wrongs of our citizens. I entertain a firm confidence that your excellency's enlightened sense of justice, and the well-known loyalty of his majesty's government, will avert such a result.

I have the honour to be, with distinguished consideration, your excellency's most obedient and most humble servant,

W. C. RIVES.

His Excellency the PRINCE DE
POLIGNAC, &c., &c., &c.

No. 30.

Mr. Rives to Mr. Van Buren.

Paris, June 8, 1830.

SIR,

I have the honour to enclose the copy of a private note received from Prince Polignac, on the subject of the suggestions contained in the informal paper I had addressed to him on the 20th ult., and also a copy of my reply. You will perceive that I availed myself of the occasion to remind him of his commitments, and also to make an appeal to the personal sentiments of the king. I was the more induced to do this, because I had just heard that the commission had, a day or two before, contrary to the expectation previously entertained, made a report very unfavourable to our claims.

The history I have of it is this. Baron Mounier, the president of

the commission, had obtained a congé of two or three months' absence from Paris, and was to have taken his departure on the evening of the 30th ult. The note I had addressed to the minister on the 26th ult., however, having excited some inquietude, the minister, in meeting with Baron Mounier, in the morning of the thirtieth ult., at St. Cloud, (where the Baron attended the usual weekly reception for the purpose of taking his leave of the king, previous to his departure from Paris,) insisted that the commission should make a report before the Baron left Paris. Baron Mounier, being thus delayed in the moment of his intended departure, assembled his colleagues the next day, in the course of which, possessing great influence over the rest of the

commission, he prevailed with them to join in a very hurried and ill-considered report, and the following morning left Paris.

The report, I understand, affirms that the king, having succeeded to the rights and engagements of Napoleon, ought not to pay that which Napoleon *would not* have paid, and arrives at the conclusion that the utmost amount which his majesty's government can be made responsible for, is eight millions of livres tournois, (francs,) subject to considerable deductions, too, on account of counter-claims of France. What respect the minister will pay to this report, if it be of this character, it is impossible to say. In order to provide against such a contingency, I have repeatedly taken occasion, in conversation with him, to remark that the proceedings of the commission being unilateral and *exparte*, it would be unjust that the rights of the American claimants should be, in any manner, concluded by them; and he has invariably answered, that their report would not be at all definitive, and was only intended to furnish materials upon which he would freely form his own judgment.

I have not yet been able to obtain an interview with the minister, though I addressed him a note on the 1st instant, requesting one. I have this moment received the note of which a copy is enclosed, in answer to it, from which you will perceive that the minister again turns me over to Baron Deffandis. This, I think, is unfortunate, as it deprives

me of the benefit of what has been already *agreed* and *settled* in my interviews with the minister; and I cannot help thinking that it is to get rid of the embarrassment which the minister experiences from that circumstance, as well as on account of his "numerous occupations," that he refers me to Baron Deffandis.

It must be admitted, however, that his occupations are very numerous and very absorbing. As the head of the ministry, he must, of course, be very much occupied with all the various arrangements preparatory to the approaching elections, on which so much depends: the nomination of the presidents of the electoral colleges; the instructions to public functionaries in regard to their duties as electors: the royal proclamation to be issued on the eve of the elections; all of which matters, it is said, have of late very much employed and divided the councils of the ministers. At the same time, great anxiety prevails, as you may suppose, respecting the Algerine expedition, of the first operations of which they are every moment expecting intelligence. The circumstances of the crisis, therefore, are certainly very unfavourable for our objects. Whatever can be done, however, I shall continue to employ my best efforts to accomplish, however discouraging the prospect.

I have the honour to be,
With great respect,
Your obedient servant,
W. C. RIVES.

Hon. M. VAN BUREN.

[PRIVATE—TRANSLATION.]

Paris, May 31, 1830.

SIR,

I have received the private letter you did me the honour to

write me the 20th instant, in which you suggest to me the possibility of terminating, by a sort of compromise, the differences existing be-

tween our two governments. The conciliatory sentiments you express to me are too conformable to my own, for such a proposition not to have engaged all my attention. You will readily understand that a few days have not sufficed to enable me to form, with regard to it, even an approximative opinion. Besides, it appeared to me that the first thing

to be done was, to resolve a doubt which has occurred to me on the nature of this proposition. You will find it stated in the accompanying note, and I hope you will be pleased to afford me the explanations necessary to elucidate it.

I have the honour to be, &c.

THE PCE. DE POLIGNAC.

Mr. RIVES, &c.

[TRANSLATION.]

It is proposed to the French government to renounce, in consideration of a reduction of the duties imposed in the United States on the wines of France, the privilege which it claims for her navigation under the eighth article of the treaty of cession of Louisiana.

Before proceeding to the examination, necessarily complicated, of the advantages which such a proposition, or any other of the same nature, may offer to French commerce, it is absolutely indispensable to resolve a preliminary question.

France could not exchange a privilege secured to her for ever, except for an advantage equally per-

petual. She would not consent, therefore, to accept, as a compensation, any stipulation whatever which the mere will of a foreign government might, at any moment, revoke without her participation.

Would the proffered reduction of duties be of this character, or, on the contrary, would it take that of a synallagmatic and obligatory engagement?

In the first case, (it is said with regret,) other modes must be sought to reconcile the differences existing between the two countries.

In the second, a thorough examination of the intrinsic value of the proposition might be entered into.

[PRIVATE.]

Paris, June 2, 1830.

MONSIEUR LE PRINCE,

I had the honour, yesterday, to receive the private letter your excellency addressed to me the day before, for the purpose of inquiring whether the reduction of the duties on French wines in the United States, which I had suggested as a friendly concession to the commerce

of France, in the event of a prompt and satisfactory settlement of the questions now pending, was to be regarded as revocable, at any moment, at the pleasure of the American government, or whether it was proposed to give it the character of an obligatory and synallagmatic engagement. My idea certainly was to make it absolutely binding

and obligatory upon the government of the United States, during the period which might be agreed upon for its continuance. But as the perpetual conventional establishment of a given rate of duty would be incompatible with that freedom of commercial regulation which all governments ultimately reserve to themselves, it would be necessary, of course, to fix a term to the duration of the obligatory character of the arrangement. When your excellency considers the convictions entertained by the government of the United States on the several points now in discussion between the two governments, which I have had the honour to express to you more fully, together with the grounds of them, in another communication, your excellency cannot fail to appreciate the true spirit in which this proposition has been made, or to see in it a signal proof of the friendly and liberal dispositions of the American government.

I recognise, with great pleasure, the conciliatory sentiments your excellency is pleased to express. Such sentiments, corresponding with those which are so sincerely felt by the

government of the United States, cannot fail to remove the causes of complaint and dissatisfaction which have heretofore existed. Notwithstanding the painful disappointments of the past, the government of the United States has never ceased to confide in the ultimate justice of his majesty's councils. That confidence has been revived and strengthened in an especial degree by the declarations of your excellency, which it has been my duty, from time to time, to communicate to my government; and it now awaits with anxiety the completion of our labours, as the harbinger of a thorough and cordial re-establishment of the ancient and friendly relations of the two governments. The enlightened sense of justice which has been invariably manifested by your excellency in all the interviews I have had with you, and the noble and generous sentiments which I know to inhabit the breast of his majesty, assure me that this expectation will not be disappointed.

I have the honour to be, &c., &c.

W. C. RIVES.

H. E. the PRINCE DE POLIGNAC, &c.

[TRANSLATION.]

Paris, June 15, 1830.

SIR,

I received, on the 31st May, only, the letter you did me the honour to write to me on the 26th of the same month, in reply to that which I had addressed to you some days before on the subject of the differences existing between France and the United States. You therein announce to me that you persist entirely in your opinion, and the man-

ner in which you combat my arguments would be but too well adapted to make me apprehend the uselessness of a further discussion, if other circumstances did not allow the hope of a more favourable result. However that may be, and without intending, at this time, to recur to the details of the question, I must, in order not to seem to acquiesce in objections of which I am far from admitting the validity, offer

you some observations on different passages of your letter.

You again lay it down as a fact, that the justice of the claims of the United States is incontestable and uncontested; that France has admitted the obligation to satisfy them, and that I myself have acknowledged it. Once more, sir: never has the king's government pronounced itself to that effect. It may have expressed the opinion that several of those claims, provided a thorough examination should not alter their character, inspired some interest in an equitable point of view, but never has it acknowledged, or can it have acknowledged them to be founded on a positive and incontestable right. It has constantly held all decision on this point dependant upon a verification which had not yet taken place, which was an indispensable preliminary to it; and, on the other hand, it has thought itself justified in refusing to enter into the examination of a question so completely litigious, so long as you should not satisfy it on another question which, in its view, was not susceptible of any serious difficulty—that which relates to the execution of the eighth article of the treaty of cession of Louisiana.

You object that it is not natural that France should exact a complete satisfaction, such as an acknowledgment of the meaning she attaches to the article in question, as the price of her simple consent to examine the claims of the United States, and to admit such as might appear to her to be well founded. To this I will reply, that this alleged peculiarity results from the very nature of things: the claims of the United States comprehend a multitude of varying questions, which can only be decided separately, which render necessary a previous and detailed examination; the claim of France, on the contrary, em-

braces but one very simple question, which a single word can resolve. Until now, the government of the United States has constantly declared that it rejected our claim: it would therefore have been truly idle to demand of it to examine it again, since a new examination, according to every appearance, and particularly to judge from the terms of your letter of March 27th, would again produce a negative answer. On the contrary far, our consent to discuss the claims of American subjects carries with it the presumption that we are disposed to admit them, at least in part. It suffices to say, that we are in the alternative of exacting a previous acknowledgment of the right we claim, or of contenting ourselves, as the price of a real concession, with a promise illusive and altogether devoid of meaning. I could have conceived that the government of the United States, in order to introduce some sort of equality into the positions of the two governments, should have wished to stipulate, in acknowledging our right, that acknowledgment should be of no effect unless we consented to liquidate the legitimate credits of its subjects. Such a pretension, without, by a great deal, satisfying strict justice, would at least have presented itself in a specious manner, and the French government might have taken it into consideration. But I repeat it, sir, the pretended equality which you wish to make me see in a mutual engagement to examine the respective claims would, in reality, constitute to our prejudice an enormous inequality. That is too evident for it to be possible to suppose that my predecessors ever entertained an opinion different from mine. If their expressions were less precise, less formal, it is because the issue was not so distinctly join-

ed as now. Besides, the government of the United States, in repelling, with an energy always increasing, the principle of our reclamation, has rendered more evident to us, every day, the inutility, and even insignificance, of a mere promise to examine.

I remark that you now revert to an argument which I did not think it necessary to notice in your first communications, not supposing that you attached any great importance to it. You say that the claim which we oppose to those of the United States has no relation to the latter: you seem thence to conclude that your government would be justified in refusing to treat of them conjointly, and in deferring the discussion of the one until the others should be settled. I have, sir, but one thing to reply: if the United States have, in effect, such a right, France has it equally, and she also would be justified in exerting it conversely, that is, in demanding not only (as she does) the recognition of the right conferred upon her by the eighth article of the treaty of cession of Louisiana, but also, (which she does not,) the payment of the indemnities which are due to her for the deprivation of the right, for fifteen years, before examining the claims of the United States. From that moment, and if, as it is probable, neither government would yield, no further negotiation would be possible. It may be boldly affirmed, that a right leading to such consequences can belong to nobody. It is much more consistent with reason and equity that each, in rendering justice, should require, at the same time, satisfaction for its own complaints.

To place, in a more prominent view, the justice of the claims which you are charged to support, you state that the product of the confis-

cated property of the subjects of the United States was applied to the payment of expenses which otherwise would have fallen upon the French nation. I suppose, without the proof that such, in effect, was the appropriation of the product of the confiscations, as it generally is, that of all that goes into the treasury; but I confess that I do not well understand how that circumstance can operate more especially in your favour, for there is no pecuniary claim in support of which it may not be invoked, and it can neither fortify nor weaken the validity of any claim whatsoever.

You repel the authority of the treaties concluded in 1814 and 1815, between France and the other European powers; you may remark that the United States cannot be bound by acts in which they did not participate. This observation would be conclusive did it not rest upon an incorrect view of my meaning. I cited to you the treaties in question, only because your government has repeatedly endeavoured to take advantage of them against us in the present question: I wished to prove to you that they do not pronounce against us, as had been given to understand, but, on the contrary, in our favour. Without pretending to give them, with regard to the United States, an obligatory character, I thought, as the government at Washington had thought, that they constituted at least a precedent of respectable authority; the more so, as principles of public law applied by victorious powers could not be suspected of excessive indulgence.

After having denied, in general terms, the inference from those treaties, you make the subsidiary objection that the position of the United States is essentially different from that of the powers coalesced

against France ; that the losses sustained by the subjects of the former was a natural consequence of war, whilst the wrongs inflicted upon Americans were in violation of the law of nations. Not to enter, with respect to this, into a discussion which would demand a detailed examination of the claims themselves, I will beg you to observe, that if there was not war between the imperial government of France and the United States, there was at least a state of demi-hostility, arising both from the measures of France, and from the reprisals exercised by the government at Washington ; reprisals which, far more contrary to public law than the acts which occasioned them, might be regarded by us as signally impairing the principle of the claims raised by the United States. Whether those reprisals, however, have or have not compensated completely for the result of the acts which they were intended to repress, is a circumstance which in nothing alters the state of the question ; and what I wish particularly to establish is, that the position of the United States towards us has more analogy than you suppose with that in which we stood, in 1814 and 1815, towards the allies.

As a final objection on the subject of the treaties made at that period, you quote to me the additional articles concluded with England, the 30th May, 1814 ; the treaty of 20th July with Spain ; the convention relating to the spoliation of the bank of Hamburg, &c. You thence conclude that I was mistaken in affirming that the claims which we then acknowledged had no analogy with those now presented by the United States. I might remark to you, that this want of analogy still exists, at least in some of the examples of which you remind

me ; but without pausing upon collateral points, I will content myself with observing that, when I adduced the treaties of Paris, I had in view the general treaties, the only ones which can be considered as fixing principles of public law, since they alone were common to all the powers ; for the private stipulations exacted in favour of certain states, and contained either in additional articles or in special conventions, must evidently be considered as so many exceptions, extorted by force of arms or the dominion of circumstances, and which only serve to confirm the rule.

You then pass, sir, to what concerns the meaning we attach to the eighth article of the treaty of cession of Louisiana. Permit me, in the first place, to observe to you, that we do not *interpret* that article ; we appeal to the text itself. It is the government of the United States that is obliged to comment upon it at great length, in order to extract the signification which it gives it. This observation answers the astonishment you manifest to me repeatedly at the right of interpretation alleged to be reserved by us to the exclusion of the United States. That reproach could be justly addressed only to the Federal government. We limit ourselves to repelling its interpretation, for the reason that the text, perfectly clear, needs none, and that it is contrary to all the principles of the matter to pretend to interpret a stipulation, the terms of which present a single and precise meaning. After this preliminary objection, I will not repeat all that I have already had the honour to submit to you on this important subject in my letter of 20th May. I think I have anticipated most of the arguments which you now offer, and, in the state which the discussion has reached, it would

be more than superfluous to refute them over again. You yourself admit, moreover, that the eighth article of the treaty of cession of Louisiana, interpreted in your sense, would in reality offer us no advantage: you add only that there might occur a state of things in which it would offer us real benefits. I leave you to judge whether, from a general view of circumstances, from the maxims of political economy professed in the United States, the change which you suggest, has the slightest probability, and whether, therefore, it is natural to presume that negotiators can have had the puerility to stipulate a clause which, except in some all but impossible event, was to be entirely void of meaning.

You quote to me the second article of the first treaty concluded between France and the United States, at the period of the foundation of the American Republic. That article provided that France should enjoy all favours granted by the United States to other nations freely, if the concession was freely made, and, if it was conditional, for the same compensation. From this you infer that the eighth article of the treaty of cession of Louisiana must be understood with this restriction. Just the reverse: the single fact that it is omitted in the latter treaty, while it is found in an analogous and antecedent act, removes even the slightest possibility of supposing it to be understood, and this inference is not one of the least proofs in support of our opinion.

You remind me that the convention relating to the cession of Louisiana and to the rights which France reserved to herself there, is not the same as that which fixed the pecuniary indemnity stipulated in our favour. It would follow,

according to you, from this circumstance, that the advantages, whatever they may be, granted to us by the eighth article, do not form an integral part of the price of the cession. I do not comprehend, I confess, such a distinction: the eighth article does not, it is true, form a part of the treaty relating to the indemnity in money, but it forms a part of the treaty of cession, and to annul it is to annul also the article which stipulates the cession itself; for you will agree with me that one of the contracting parties cannot rescind a treaty in order to retain what is favourable to itself, and reject what is unfavourable; and the passage which you cite on this subject, from a work published by Mr. Barbé Marbois, seems to me to be totally immaterial to the question.

As to the argument you draw from the amount of the pecuniary indemnity paid for the cession of Louisiana, an amount so much greater, according to you, than the proper price of that cession, that it cannot be supposed to have been necessary to add to it further advantages, I shall not undertake to calculate the value of that beautiful region; I will not inquire whether the United States are disposed or not to consider as advantageous the treaty which gave it to them; whether they would consent to annul that treaty, if that were possible: I will only say that, even if it did grant us excessive advantages, which I am far from allowing, that would not be a reason for taking them away from us if they flowed, like that which we claim, from its express provisions.

I will not push further the discussion of the passages of your letter which have appeared to me susceptible of refutation. Many others also might furnish ground

for observations, on my part, but I have thought it sufficient to combat those which tended to accuse of inconsistency and contradiction the course pursued by France in this prolonged negotiation. I think I have completely vindicated, in that respect, the policy of the king's government. I am anxious for the time, sir, when we may both advance frankly in a direction better suited to lead to an accommodation, and with great reluctance only would I return to a system of reproaches and recriminations, of which the only possible result is to remove further and further the end we are both equally solicitous to attain. You are too enlightened not to feel that, if it is possible for each of our two governments to find, in

the numerous papers of a correspondence of thirteen years' duration, the means of embarrassing its adversary; of entrapping him, to a certain extent, in his own words; such a triumph would be as little glorious as it would be useless to the success of our claims. I do not fear such a contest; I will sustain it, if I must; but I prefer to hope that a new direction given to a negotiation heretofore so fruitless, will enable us to labour more effectually to satisfy the interests confided to us.

Accept the assurance of the high consideration with which I have the honour to be your most obedient and most humble servant,

LE PCE. DE POLIGNAC.

Mr. RIVES, &c., &c., &c.

[TRANSLATION.—PRIVATE.]

Paris, June 15, 1830.

SIR,

I have received the private letter you did me the honour to write me the 2d instant. In clearing up the doubts which had arisen in my mind relatively to the proposition you have made to me with the view of compromising the differences existing between the two governments, it has put it in my power to examine it in all the aspects it presents; and although that examination necessarily demands much research, and

the verification of numerous documents, I hope to be able, some time hence, to let you know its result. I take pleasure in expressing to you at once, the lively satisfaction produced in me by the loyal and conciliatory sentiments you exhibit, and which are so conformable to those by which the king's government itself is animated.

Accept the assurances, &c.

LE PRINCE DE POLIGNAC.

Mr. RIVES, &c., &c., &c.

Paris, June 25, 1830.

MONSIEUR LE PRINCE,

I had the honour to receive, on the 19th instant, the letter which your excellency addressed to me under the date of the 15th. I have

considered, with the most respectful attention, the additional observations which your excellency there presents to me on the several points in discussion between us, and have still to regret that I find myself un-

able to concur in the views expressed by your excellency.

Your excellency first offers a series of arguments for the purpose of showing that France is entitled to demand of the United States the admission of the claim asserted by her under the eighth article of the Louisiana treaty, as the condition of any examination of the American claims. This condition, so contrary to the usual course and true ends of negotiation, is alleged to result, in the present instance, from the nature of things, inasmuch as the American reclamations are complex in their character, requiring an examination of details, while the claim of France is simple, which a single word would suffice to resolve. Without stopping to compare the claims of the two governments in this respect, I will only remark that I cannot perceive, in the simplicity of a demand, an adequate reason for its acknowledgment, as demands the most inadmissible in principle, are often, and indeed generally, the most simple and absolute in form.

Your excellency next remarks, that, as an examination of the American claims would involve an admission of them, in part at least, while an examination of the claim of France, under her construction of the Louisiana treaty, would probably terminate in its rejection, a mutual engagement of the two governments to examine, at the same time, their respective pretensions, would be attended with a real inequality to the disadvantage of France. If such should be the result of an examination, I know no other means of explaining it, but the difference existing in the intrinsic character of the pretensions themselves; and an inequality of that sort, created by the immutable principles of reason and justice, cannot

be remedied by any arrangement of diplomacy.

Your excellency suggests that the government of the United States might have been expected, at least, to make a contingent admission of the claim asserted by France, under the Louisiana treaty, to be binding only in the event of an adjustment of the American claims by the government of France. This suggestion proceeds upon a misapprehension of the true spirit of the objections urged by the United States. The government of the United States would, at once, admit the construction put by France upon the 8th article of the Louisiana treaty, if it could persuade itself that that construction was correct, without seeking to connect with it any condition or stipulation for its own benefit. It will never demand a price for admitting a claim which it believes to be just in itself. But being convinced, after the most anxious and candid search of the true meaning of the article in question, that the construction put upon it by the government of France is not correct, it does not perceive with what reason it can be required to assent to that construction as the sole condition upon which it can obtain justice for the wrongs of its citizens.

Your excellency seems to labour under a like misapprehension of what has been said by the government of the United States respecting the want of connexion between these two subjects and the unreasonableness of making one an offset to the other. Deducing from thence the supposition that the government of the United States considers itself entitled to refuse a discussion of the claim of France, under the Louisiana treaty, until its own claims for indemnities should be first resolved,

your excellency remarks that, if such a right exists for the United States, it belongs equally to France; that France, in the exercise of it, might demand, not only the acknowledgment, but the satisfaction of her claim, before she would consent to examine the reclamations of the United States; that, if neither government should yield, as is probable, no negotiation would be possible; and that it may be boldly affirmed that a right leading to such consequences can exist for no one. I will first remark that your excellency is entirely mistaken in imputing such a pretension to the government of the United States. Its whole procedure has been altogether different. When the reclamation of France, founded on her construction of the eighth article of the Louisiana treaty, was presented to the American government at Washington, it did not refuse, (whatever sanction the example of the government of France might have afforded it in doing so,) to consider that reclamation, until its own reclamations were first acknowledged; but without any reference to that subject, it promptly entered into an examination of the pretension brought forward on the part of France, candidly discussed all the arguments adduced in support of it, and has ever since been willing to renew the discussion in the same manner, and in a spirit of perfect candour and good faith, whenever the government of France should desire it. While such has been the procedure of the government of the United States, the government of France has, in effect, adopted that very course which your excellency says could be justified only as a retaliation of a similar pretension on the part of the United States; and the consequence which your excellency justly invokes as demonstrating the

absolute nullity of any pretension that would lead to it, now results from the sole pretension of France herself; for what could more completely destroy the possibility of any negotiation, than to demand the preliminary admission of the truth of a proposition, (unconnected, too, with the real subject of negotiation,) which one of the parties had invariably believed to be unfounded and inadmissible?

Having answered, satisfactorily I trust, the observations made by your excellency to justify the position recently assumed on the part of his majesty's government with regard to the incipient terms of negotiation, I will not reiterate what I have already had the honour to address to your excellency in a late communication respecting the true nature and character of that position. The views there expressed coincide too plainly with the spontaneous dictates of justice, to require to be urged on the acknowledged loyalty of his majesty's government. Not doubting the result of a candid exercise of that loyalty on the present question, I pass to what your excellency is pleased to say concerning the reclamations themselves, which form the objects of negotiation.

Your excellency first informs me that his majesty's government has never, in any manner, recognised the justice of any part of the American reclamations; but that it has always held its opinion, on that point, dependant on the result of a verification which has never yet taken place. If this be the case, the government of the United States has been labouring under a great delusion. It certainly had flattered itself that its long and patient representations, though they had hitherto failed to be crowned by that final and practical success to which

they were entitled, had not been altogether fruitless in impressing his majesty's government with the justice of the reclamations which formed the subject of them. This belief was derived from repeated and explicit declarations of his majesty's ministers, which, though falling far short of the just claims of our citizens, unequivocally admitted the justice of several classes of those claims, and authorized the hope that all of them, intrinsically founded in the same principles of justice, would ultimately receive the same measure of redress. I need not detail those declarations here, as your excellency will find many of them, particularly those of the Duke de Richelieu, the Viscount de Montmorency, and Monsieur Villele, briefly recapitulated in a letter addressed by my predecessor, on the 19th December, 1827, to his excellency Baron de Damas, then his majesty's secretary of state for foreign affairs, which is presumed, of course, to be among the archives of your department. To what extent I supposed your excellency to have recognised the justice of these reclamations, sufficiently appears from the note I had the honour to address to your excellency on the 17th of February last, which, if it had inaccurately stated the result of the repeated discussions that had taken place between your excellency and myself, would have been followed, it was to be presumed, by a prompt correction.

However discouraging it may be to the government of the United States, after all that has passed, to learn that no progress has yet been made in convincing his majesty's government of the justice of the reclamations in question, such is its confidence, both in the honourable and enlightened spirit of his majesty's councils, and in the merits of

the reclamations themselves, that it cannot doubt for a moment the ultimate and entire conviction of his majesty's government on this point. In regard to the general question of a subsisting responsibility for the acts of the former government of France, this is so clearly founded on the acknowledged maxims of public law, the usage of nations, and the repeated recognition of the principle by his majesty's government itself, both in its foreign and domestic transactions, that it cannot be necessary to discuss such a question with one so intimately acquainted with all these considerations as your excellency is; and, indeed, the observations contained in your excellency's letter, bearing, as they do, much more on the details than the principle of our reclamations, assure me that such a discussion would be altogether superfluous.

In the note I had the honour to address to your excellency on the 26th of the last month, I took occasion to remark that the responsibility created by the maxims of public law for the wrongs committed upon our citizens by the former government of France, was enforced, at the same time, by considerations of natural equity, because the nation and the present government of France had received and still enjoyed the benefit of those wrongs in a corresponding diminution of the public charges, the place of which had been supplied by the proceeds of the property taken from our citizens. Your excellency, admitting the fact, remarks, that you do not perceive in what manner it strenghtens the American reclamations, as there is no claim of pecuniary indemnity in support of which it may not be equally alleged. This remark of your excellency, however, seems not to have been duly considered, for cases may occur, and have oc-

curred, in which property wrested from its owners by the violence of a lawless government, has in no manner contributed to lessen the burdens of the nation by whose government the act was committed. In these cases, the obligation of the succeeding government to repair the wrong, though not less clear according to the established principles of public law, may sometimes present an appearance of hardship. When the nation, however, has received, and still enjoys the benefit of the property taken, all the appearance of hardship ceases, and the reparation demanded is not so much an indemnity as a simple act of restitution, the refusal of which would be equivalent to the original perpetration of the wrong.

Your excellency, in referring again to the treaties of 1814 and 1815, says, that you had not cited them as obligatory upon the United States, but only as a precedent of respectable authority. Taken with the qualifications which a difference of circumstances necessarily imposes, the government of the United States is far from declining the application of this precedent. On the contrary, the *principle* of it gives conclusive support to our reclamations. In the note which I had lately the honour to address to your excellency, I stated the difference of circumstances which rendered the particular rules of those treaties inapplicable to the United States; but the fundamental principle of responsibility for the acts of the preceding government of France, which is recognised and established by those treaties, applies with all its force in favour of the reclamations of the United States. On the same principle that the present government of France is responsible for the contracts of the preceding government in the case of belligerents, is it lia-

ble for the trespasses of that government on the property of neutrals. The history, as well as the particular dispositions of the treaties of Paris, prove that violent and forcible wrongs were not, in general, comprehended in those treaties among the acts of the preceding government, for which the restored government was made responsible, because injuries of that description, in the case of belligerents, were considered as calamities of war, and the natural consequences of the position in which the contracting powers stood to each other. In that view, they would not have constituted a subject of reclamation against the preceding government itself, and, of course, not against the restored government. The property of neutrals, however, being lawfully exempt from all violence, any forcible invasion of that property by the preceding government, constituted, at the least, as strong a subject of reclamation against the present government of France, the general principle of responsibility being once established, as any contracts of the preceding government with the subjects of belligerents.

Your excellency seems to admit the justness of this conclusion, in endeavouring to show, by a statement which, I must confess, has altogether surprised me, that the United States cannot claim the character of neutrals in regard to the imperial government of France. Your excellency remarks that, if there was not war between them there was a state of demi-hostility at least, resulting, at once, from the measures taken by France, and the reprisals exercised by the government of the United States; reprisals, your excellency adds, much more contrary to the principles of public law than the acts which had occasioned them. I cannot suppose

your excellency to be unacquainted with the outrageous character of the measures of the imperial government, which, in violation of the acknowledged principles of public law, and the faith of treaties, sunk and burnt our unoffending vessels on the high seas, arrested and captured the lawful commerce of our citizens on the same element, or seized and confiscated their property in the ports of France. What, then, was the character of those measures adopted by the government of the United States, which your excellency says were still more contrary to the principles of public law than this dark catalogue of outrages? First, an embargo laid on our own vessels to keep them from that theatre on which they were exposed to those licentious depredations; and, finally, a suspension of commercial intercourse with France—a measure equally extended to her enemy, England, who had, at the same time, violated the neutral rights of the United States, and accompanied with a proposition to both, that, whenever either of them should cease to violate those rights, the intercourse with that power should be immediately renewed, while it should remain suspended with the other, if it did not likewise cease from its aggressions on our commerce. If, in the execution of this moderate and pacific, and unquestionably lawful system of measures, the property of a single French subject was ever confiscated or condemned, the fact has hitherto been unknown to the government of the United States. In what circumstance, therefore, your excellency has found cause for this strong denunciation of the proceedings of the United States towards the imperial government of France, I am at a loss to know. If your excellency shall think proper to enter into that

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field of discussion, the government of the United States will be, at all times, ready to vindicate the unquestionable legality of its own measures, as well as to demonstrate the iniquitous and unwarrantable character of the measures of the imperial authority.

Before I leave this branch of the subject, I cannot avoid noticing an idea, which so frequently recurs in both of your excellency's recent communications, that I must suppose no small importance is attached to it. The stipulations of the treaties of Paris are represented as rigorous conditions imposed by victorious enemies, who, mistresses of France, had nothing but their own will to put bounds to their demands; and it seems to be implied that the great principle of responsibility for the acts of the preceding government, which those stipulations acknowledged and established, was extorted by superior force, in opposition to the principles of justice and public law. It is not for me to judge how far this solution accords with the elevated spirit and noble pride of the French government and nation on the one hand, or with the consideration due to the conduct and motives of his majesty's allies on the other. But I may be permitted to appeal to the nature of the transaction itself, and its attendant circumstances, as affording contrary presumptions of the strongest character. The allied sovereigns were not the enemies of the government on which the fulfilment of these national obligations devolved. The war which they prosecuted was made exclusively, in the terms of their own declaration, "against Bonaparte and his adherents." They were the friends and allies of the restored government, and came into France expressly for the purpose of re-establishing it. They felt

and declared that it "was necessary to the peace and happiness of Europe, that France, under her legitimate kings, should be great and powerful." Under the influence of such interests, their transactions with the restored government could have been in no other spirit than one of lenity and indulgence, falling short of, instead of transcending, the limits of strict right; and whatever exceptions might be taken to principles acknowledged between parties, treating under such circumstances, as precedents applicable to others, an excess of rigour never can be objected.

I will not follow your excellency in the observations you have made on the construction of the eighth article of the Louisiana treaty. Your excellency first remarks, in answer to the surprise I had testified at the *exclusive* right of interpretation which France seems to claim, that the government of France does not *interpret* the article in question—that it invokes its text—that it is the government of the United States which comments upon it, for the purpose of enforcing the signification it gives it, and thus, contrary to all the principles of the subject, seeks to interpret that which, being sufficiently clear and precise in itself, requires no interpretation. But I cannot perceive how this remark removes the objection. The government of the United States also invokes the *text* of the article in question: it contends for the true meaning of that text, which it, too, considers perfectly clear and precise; and if it has supported its exposition by some very obvious reasons, while France may be content merely to assert hers without any, it is not perceived that the correctness of its exposition, or its equal right to judge of

the true meaning of the text, is, for that reason, the more questionable. But the truth is, that France does not deny, but impliedly admits, the meaning attributed to the text by the government of the United States, when she puts the whole force of her argument in the simple assertion of fact that the compensation which the United States allege to be required by the true meaning of of the text, in the case of a conditional grant of commercial favours, has actually been paid in advance by France. What little foundation there is for that argument, I have elsewhere endeavoured to show.

Your excellency next remarks, that I agree, myself, that the article in question, interpreted in our sense, would not offer any real advantage to France, that I only say that there might happen a state of things in which it would present a real advantage. And your excellency then appeals to me to say, whether, according to the principles of political economy professed in the United States, that state of things is at all likely to occur, and if it is natural to presume that negotiators would have had the puerility to stipulate a clause which, except in an event almost impossible, would be altogether unmeaning. Your excellency, however, is mistaken in saying that I had agreed that the eighth article of the Louisiana treaty, interpreted in our sense, offers no real advantage to France. On the contrary, I endeavoured to show that it offers, at all times, a substantial and important advantage to France, in *obliging* the United States to extend commercial favours to her, which it is purely *optional* with them to extend or not to other nations. The advantage is not the less real because the United States,

according to their present system of commercial policy, make no discriminations among the nations with whom they trade. What other nations enjoy precariously, by *courtesy*, and for the moment, France holds securely *by right*, and for ever. Your excellency appeals to me to say, whether it is at all probable that the present system of commercial policy of the United States will be changed? To this I can only answer, that the system of general reciprocity was never established by law in the United States until the year 1815, twelve years subsequent to the date of the Louisiana treaty; that it is subject to be modified or revoked at any moment by the will of the national legislature, and that I can well conceive many cases in which it may be both the will and the interest of the nation to grant commercial facilities and advantages to one power, and withhold them from another. With regard to the views of the negotiators, I am far from seeing any puerility in stipulating for the permanent and indefeasible enjoyment, through all future time, of a favourable basis of commercial intercourse, which would otherwise have been subject to all the modifications and vicissitudes that the unrestrained will or accidental policy of a foreign government might introduce. At all events, as the negotiators of the treaty of 1803 can hardly be supposed to have foreseen the adoption of a general reciprocity system in the United States in 1815, I can perceive no more ground for ascribing puerility to them in the stipulation of a clause such as the eighth article of the Louisiana treaty is understood by the United States to be, than to the negotiators of the treaty of 1778 in stipulating the second article of that treaty, which, on its face, is expli-

citedly explained in the sense which your excellency pronounces to be unmeaning.

Your excellency says that, as the explanatory clause which accompanies the second article of the treaty of 1778, is not contained in the eighth article of the treaty of 1803, it is to be inferred from its omission, that the parties had a different meaning. But I would ask your excellency if it is not more reasonable to suppose that the two nations having in their first treaty, for greater certainty, explained what they intended by the stipulation of being placed on the footing of the most favoured nation, it was thenceforward deemed unnecessary to repeat the explanatory words, and that stipulations of a similar nature would be always understood by them in the same sense, without the definition already given, especially as the terms themselves, though general, intrinsically carried the same and no other meaning. Accordingly, in every subsequent commercial arrangement between the two countries, though several of them have contained similar stipulations, which, there can be no doubt, were meant, and have always been understood, in the same sense, the explanatory words have been invariably omitted. This natural and reasonable supposition is in strict conformity to a rule of interpretation laid down by one of the highest authorities on such subjects, (Vattel, law of nations, book ii. chap. xvii. sec. 284;) where it is said, that if two contracting parties have, in a former treaty, "clearly shown their intention with respect to any thing, we ought to give the same sense to what they may have said more generally or obscurely, in a posterior treaty, on the same affair."

Your excellency seems not to have apprehended correctly the

purpose for which I referred to the fact, that the conventions which fixed the price to be given for the cession of Louisiana were distinct from the treaty which contains the article under which the commercial advantages in question are claimed. The purpose was this: As if to swell those advantages to an importance beyond their obvious and natural dimensions, they had been often represented, on the part of France, as the principal part of the price given for the acquisition of Louisiana. This idea seemed to be very naturely repelled by the fact, that all which related to the equivalents for the cession was contained in instruments of which the clause in question formed no part; while it was founded in another instrument, the object of which was merely to attest the cession, to arrange the transfer, and to regulate the future political and commercial condition of the territory. This separation of the instruments, and their respective subjects, appeared, moreover, from the testimony of one of the negotiators, to be the result of an express agreement of the negotiators, for reasons stated, to treat of the cession and the price of it separately, and to make of them distinct acts. In this state of things, if the commercial advantages in question had formed, as is alleged, the principal part of the price of the cession, would not the clause reserving them have found its place in the conventions which fixed the price, and not in the treaty of cession? It was with this simple and direct view that the reference in question was made, and not certainly from any idea that the clause is less sacred in the treaty of cession than it would be in the conventions, or with any expectation of giving rise to your excellency's remark, that, to annul it, would be to annul

the cession; it being clear, your excellency adds, that one of the contracting parties cannot rescind so much of a treaty as is against it, maintaining that which is in its favour. Your excellency may rest assured that the government of the United States has no disposition to rescind any of its obligations arising from this or any other treaty, though it has heretofore supposed that it had some right to judge what the real nature and extent of those obligations are.

I have but the same answer to make to another observation of your excellency on what I had said respecting the amount of the price actually obtained for Louisiana, which, according to the authentic authority just mentioned, was thirty millions of francs more than the sum deemed adequate by the vendor. From thence I drew the conclusion, that, when the government of France had secured a price for this territory so much beyond its own estimate of its value, it was not very probable that it should endeavour still farther to enhance that price in the shape of extraordinary commercial exactions, which are believed to be wholly unwarranted by the language of the treaty. Your excellency, however, remarks that, if the treaty had granted excessive advantages to France, this would be no reason for depriving her of them. This is readily admitted. The question, however, always recurs, have the advantages claimed been really granted? and, on that question, the government of the United States considers itself entitled to an opinion, which it has formed after the most careful investigation, and supported by proofs which it believes have not yet been confuted.

The sentiments expressed in the close of your excellency's communi-

cation are reciprocated with an entire and hearty concurrence. Nothing can be more remote from the wishes of the government of the United States than to enter into a system of reproach and recrimination. It would be as unbecoming its own character as inconsistent with the respect which it sincerely entertains for that of his majesty's government. The language of reproach, therefore, it never has and never will employ. If, at any time, it has dwelt with earnestness on particular facts, which seemed to carry in themselves a sentence of reproach, it has always been with reluctance, and only in reply to observations made on behalf of his majesty's government, of a tone and character so strongly marked as to render it impossible to pass them in silence. I learn, therefore, with sincere satisfaction, that, so far as depends on your excellency, there will be no farther occasion for unpleasant discussion; and that your excellency sincerely wishes for the time when we may advance in ways better calculated to lead to accommodation.

I may be permitted to add, that the time has arrived when all the important interests involved in a cordial good understanding of the two governments impressively demand a settlement of the existing subject of discussion. I need not remind your excellency how long and how patiently the government of the United States has sought redress for the flagrant and multiplied wrongs inflicted upon its citizens by the authorities of France; how frequently that redress has been postponed from collateral considerations, unconnected with the merits of the reclamations themselves; how all these alleged causes of postponement had successively disappeared, one after another, when a new and

unexpected obstacle was interposed in a subject of controversy, on the part of France, wholly foreign, both in its origin and principles, to the reclamations of the United States, and in regard to which the two governments had constantly differed in opinion after thorough and repeated discussions. The government of the United States, unable to perceive any possible connexion between the two subjects, and believing that each should be decided independently on its own merits, refused for a time, as it was well justified in doing, to blend them in the same negotiation. At length, however, from deference to the wishes of his majesty's government, and with an anxious desire to terminate, if possible, all differences between the two governments, a blended discussion of the two subjects has taken place. What effect may be produced on the opinions of his majesty's government by the additional views I have had the honour to express to your excellency in this communication, I cannot, of course, know, but, as yet, no change appears to have been produced on either side. Is this difference of opinion on a foreign and irrelevant question, should it unfortunately continue, for ever to obstruct the redress due for the unquestionable wrongs of our citizens? Though the government of the United States has become more and more convinced, by each renewed discussion, of the correctness of its construction of the eighth article of the Louisiana treaty, it has, for the sake of conciliation, and to afford his majesty's government a decisive proof, both of the sincerity of its convictions and of the equity of its dispositions, proposed to refer this question to the decision of impartial and enlightened arbiters. It certainly cannot be expected to do

more towards an accommodation which shall finally settle all the subjects of discussion between the two governments. The rest depends on his majesty's government alone; and the government of the United States feels a thorough confidence that the result will answer to that character of loyalty and justice which has so eminently dis-

tinguished his majesty's government in all other transactions.

I pray your excellency to accept the assurances of the high consideration with which I have the honour to be, your excellency's most humble and most obedient servant,

W. C. RIVES.

His Ex'cy the PRINCE DE POLIGNAC,
&c., &c., &c.

No. 36.

Mr. Rives to Mr. Van Buren.

Paris, July 17, 1830.

Sir,

Notwithstanding the many discouragements I have experienced, and the obstacles opposed to an effective prosecution of the negotiation for indemnities, I have continued to employ every effort in my power to stimulate the attention of the French government to the subject, and to bring it to some practical result. On the 3d instant I called on Baron Deffandis for the purpose of ascertaining more precisely when I might expect to receive the projet of a treaty they had promised to send me. He had told me, in a former interview, that they would send it to me in the course of the present month; but, on this occasion, he said that count Beugnot, the president of the bureau of commerce, with whom the minister wished to consult before he sent me his projet, had gone to the country to attend the elections; that he would not return until towards the end of the month; and that, therefore, the projet could not be sent to me till some time in the month of August. I observed to him that this delay was unexpected and discouraging, and that I hoped it would

be avoided, if possible, as a question so fruitful of irritation and discontent in the relations of the two countries ought not to remain longer unsettled. To this he answered by general promises to mature the business for a final decision as soon as possible.

The minister having promised, in one of my interviews with him, to communicate to me the report of the commission he had charged with the examination of our claims, I availed myself of this occasion to mention to Baron Deffandis the promise of the minister, and added that, as the commission had advised against the payment of our claims, it seemed to be but fair to afford us an opportunity of meeting the views and facts on which that advice had been founded. He replied that the report of the commission was not at all in form, having been drawn up hastily; that it was a confidential paper; and that the minister, not having yet had an opportunity of reading it, could not have formed a full estimate of these considerations. I did not feel myself authorized to press the request, nor did I, indeed, consider it very important. The manner of declining it, however, led

me to believe, what I had already suspected, that, however adverse, practically, the report was to the payment of our claims, it admitted principles which ought to have led to a different conclusion.

Wishing to keep the subject alive and in progress, if possible, in the mind of the minister, as well as in that of his under-secretary, and believing that the capture of Algiers (the intelligence of which arrived here on the 9th instant, but too late to be communicated to you by the packet of the 10th,) was likely to give rise to some questions with foreign powers, and England particularly, which would make it the more important to France to conciliate the friendship of the United States, I obtained an interview with the minister on the 12th instant. Without referring, in express terms, to the Algerine question, I endeavoured to intimate to him, with sufficient intelligibility, that the friendship of the United States might become of very high importance to France; that the question of indemnities for past wrongs, however, involving as it did the primary considerations of national honour and justice, was now at the root of all the relations between the two countries; that, till that question was settled, there could be no cordial good understanding between them; that, on the contrary, a continued refusal of France to do us justice must be expected to lead to an interruption, in some form or other, of the beneficial relations yet subsisting; and that thus two nations which, in their natural circumstances and position, had every motive to cultivate friendship with each other, might become not only alienated in sentiment, but hostile in fact. This appeal, though made with all the directness and freedom which the tone of respectful representation admitted, did not

produce the effect I had hoped from it under existing circumstances. The minister, while professing, as usual, the most friendly dispositions towards the United States, recurred to the position heretofore taken respecting the Louisiana pretension, and said it would be impossible for France to pay the claims of the United States for indemnities, unless the United States would at the same time satisfy her claim under the Louisiana treaty.

I remarked that, after the promise he had made me to send me the projet of a treaty, I was not at all prepared for this inflexible adherence, on his part, to the Louisiana pretension. He said they were now engaged in preparing the projet he had promised to send me, but, to be candid with me, that projet would be founded either on an express recognition of the Louisiana claim, or the substitution of some other advantage of like perpetuity. I told him that a projet of that sort never could be acceded to, and could be viewed by us, indeed, in no other light than a virtual and final refusal of our just demands. The interview, however, terminated with the understanding that a projet should be sent to me as soon as practicable, that it might be seen whether any thing could be made of it.

It was perfectly apparent to me throughout the whole of this conversation, that the mind of the minister had been, and was still so occupied with other questions more nearly affecting him, that he had not recently bestowed any attention on the subject of our claims. I determined, therefore to call again on Baron Deffandus, which I did on the 14th instant. I told him that the Prince de Polignac, in conversation I had had with him two days before, had surprised me very

much by informing me that it was intended, in a project of a treaty which they had promised to send me, still to insist on a full acknowledgment of the Louisiana pretension, or the grant, in lieu of it, of some privilege of equal duration; that I had been induced to hope that the projet they had promised to send me might be the means of leading to an adjustment of existing difficulties; that a project of the character mentioned, however, could have no such effect, and would, indeed, be altogether illusory; that, in this state of things, it became the more important to have their projet as speedily as possible, that we might see if it afforded any real prospect of an adjustment, the object of my government being to know truly the final determination of his majesty's government with regard to claims which had now been pending for twenty years. Baron Deffandis, in reply, intimated that the minister had been so much occupied with other very weighty matters, that he could not be supposed to be conversant with all the details of this, and promised me that, within a very few days after the return of Count Buegnot to Paris, which was now expected about the 25th of the month, they would send me their projet, and added, that he hoped it would be the means of an arrangement.

The capture of Algiers, as I have already mentioned, is likely, I think, to give rise to questions which ought to render the government of France very desirous to secure the friendship of the U. States. Whatever may have been the diplomatic declarations of the French government, the feelings of the French nation are decidedly in favour of keeping their conquest, and founding a colonial establishment there. Eng-

land is very much opposed to this permanent occupation by France, and Russia not disposed to favour it. It is said, and I believe truly, that the minister of foreign affairs had verbally declared, to the representatives of the European powers supposed to be principally interested, that it was not the intention of France to keep permanent possession of Algiers in the event of its conquest. No such declaration, however, was made in writing. At the time of the sailing of the expedition, a circular was addressed to the representatives of the *great* powers, as they are called—Russia, Austria, Prussia, and England—informing them that, if Algiers should be taken, its ulterior destiny should be made the subject of diplomatic conferences here, and requesting them to obtain instructions from their respective courts with reference to that contingency. Further than this, the government of France does not probably consider itself committed to foreign powers. In this state of things, I have been glad to perceive that considerable anxiety is felt, in several quarters, to know what will be the views of the government of the United States on the subject. Lord Stewart, the British ambassador, has, in two or three conversations with me, discovered great solicitude respecting our course of policy in the question. Although Prince Polignac has never mentioned the subject to me, his under secretary, Baron Bois le Courte, having charge of what is called the first division of the department of foreign affairs, has expressed a lively desire to know the views of the government of the United States in relation to it, and informed that a despatch had been sent to Count de Menou, as long ago as March, instructing him to make a communication to you upon

the subject. To all these inquiries my answer has been guarded and brief, saying but little more than that I had not yet received any instructions from my government on the subject.

You will perceive that my absence from the *Te Deum* in celebration of the taking of Algiers, was made the subject of a newspaper paragraph here. Having reason to believe that this was the result of a diplomatic manœuvre, intended to excite an unfriendly feeling *at court* towards the government of the United States to lead to a rejection of our claims, and thereby produce a breach between France and the United States, which, in the present crisis, might be turned to the account of other parties, I had an unceremonious interview on the following morning with the Prince de Polignac, in which I called his attention to this article; told him it was equally unjust to my government and to myself; that no person had more sincerely rejoiced in the glorious success of the French arms than I had done; that the efforts so constantly employed by my government to repress and chastise piracy every where, as well as the friendly sentiments it had always entertained towards his majesty's government, assured me that, both for the sake of humanity, and as a glorious illustration of his majesty's reign, no government would more sincerely sympathize with his majesty in the brilliant success of his noble enterprise than the government of the United States; and begged him to take occasion to intercept or remove from his majesty's mind the injurious impressions which

the statement in question was calculated to make. He received this explanation in the most cordial manner, and assured me that he would take great pleasure in counteracting a statement, which it needed no assurances to convince him was altogether unjust. In making this explanation, which, under existing circumstances, seemed to be a matter of prudence at least, I took especial care not to go beyond the exigencies of the occasion, and observed to the Prince that, in expressing these sentiments as to the happy and glorious termination of the expedition, I did not wish to be understood as saying any thing in regard to ulterior questions upon which I had yet received no instructions from my government. The real cause of my absence from the *Te Deum* was an indisposition which confined me to my bed for the greater part of the day, connected with a belief that it was a matter of entire indifference whether I was there or not; an opinion confirmed by learning since that several other members of the diplomatic corps were also absent.

You will perceive from the accompanying gazettes that the new elections, which are now nearly completed, leave no doubt of a powerful and increased majority against ministers in the chamber of deputies. No indication, however, is yet given of any intention on their part to retire.

I have the honour to be,

With great respect,

Your most obedient servant,

W. C. RIVES.

Hon. M. VAN BUREN,

Secretary of State.

No. 37.

Mr. Rives to Mr. Van Buren.

Paris, July 30, 1830.

SIR,

I enclose the copy of a letter which I addressed to Prince Polignac on the 23d instant. Believing that a disposition was really felt, from whatever cause, to cultivate friendly relations with the United States, I thought it important to intimate to him as intelligibly as I could, that the preservation of those relations must depend on a prompt adjustment of the reclamations which had been so long pending; and that no plan of adjustment would be favourably received, unless it held out the prospect of a fair and substantial indemnity, unclogged with exceptionable conditions. I have every reason to think, not only from my late conversations with Baron Deffandis, who seemed to have the whole subject exclusively in his own hands, but also from other information on which I could rely, that a projet of that character would have been sent to me, and that a final and satisfactory adjustment of this disagreeable subject would be completed in a few weeks; indeed, among those connected with the ministry of foreign affairs, the question was spoken of as already settled.

But these prospects have, for the present, ceased by consequence of one of the most wonderful revolutions which have ever occurred in the history of the world. At this moment the tri-coloured flag waves over the palace of the Tuilleries, and the city of Paris, after passing through three days of commotion and bloodshed, is now as tranquil, under its provisional government, as I have ever seen it under the royal authority. The king, who, with all his ministers, remained at St.

Cloud's during the troubles here, has, it is said, abandoned St. Cloud, and taken the route of the Netherlands. The whole of his troops stationed at Paris, amounting to thirty thousand, have, after sustaining severe losses from the heroic and enthusiastic onsets of the people, either been driven out of the city, or joined the standard of their fellow citizens.

The cause of this sudden and wonderful revolution is to be found in certain ordonnances of the king, which, amid the prevailing expectation of a meeting of the chambers on the 3d day of August, announced the dissolution of the new chamber of deputies, made radical changes in the system of elections, (depriving three fourths of the electors of the right of suffrage, abolishing the secret vote, and reducing the number of deputies from 430 to 258,) and at the same time suspended the liberty of the press, and suppressed all the journals of the opposition. These ordonnances took the nation by surprise. The public mind had, some time before, been disquieted by rumours of unconstitutional measures meditated by the ministers; but for several days past this uneasiness had give way to the declarations of the ministerial gazettes, and to the known fact that the usual letters had been addressed to the peers and deputies, summoning them to attend the opening of the chambers on the 3d day of August. These summonses were issued in consequence of the result of a royal council held on Wednesday the 21st instant; but on Sunday, the 25th instant, another council was held, when, owing to some changes of sentiment or policy, which is as yet unexplained, it was determined to

dissolve the new chamber of deputies, and to adopt the extra-legal measures embraced in the ordonnances.

The ordonnances were promulgated on Monday the 26th instant, and immediately produced a profound sensation through the whole population of Paris. No public disorder, however, occurred on that day, with the exception of a little commotion in front of the hotels of some of the ministers, and a transient tumult at the Palais Royal. On Tuesday the assemblages of people in the streets were increased by large accessions of the labouring classes, who had been thrown out of employment by the suppression of the journals, or other effects, direct or indirect, of the ordonnances. The military, in attempting to disperse them, encountered a very spirited resistance, and several engagements took place between them and the multitude in different parts of Paris.

On Wednesday morning a proclamation of the king appeared, declaring Paris to be in a state of seige, and placing Marshal Marmont, the Duke of Ragusa, at the head of the troops. In the mean time, the people also had extended their preparations and increased their force. Many members of the National Guard, which had been suppressed in 1827, re-appeared in uniform and with their arms; and the young men belonging to the polytechnic school, the school of medicine, and the school of law, united themselves with enthusiasm to the mass of the people. They took possession of one or two public depots of arms, and, adding to that supply the arms of the detachments of the Royal Guard, whom they subdued in various posts throughout the city, they soon found themselves well furnished with the means of attack as well as defence. To

prevent the advance or to cut off the retreat of the troops, they barricaded the streets and the Boulevards with carriages, or by tearing up the stones of the pavement, or cutting down the trees on the margin of the public walks.

Thus prepared on both sides, the contest on Wednesday assumed a more serious and sanguinary character. There were severe and prolonged engagements at various points in the city: at the porte St. Denis, at the porte St. Martin, at the Pont-neuf, and at the Place de Griève. The possession of the Hotel de Ville, standing on the margin of the Place de Griève, was the object of a most obstinate conflict, in the course of which it was several times taken and re-taken, but finally remained in the hands of the people, who, before night, raised the tri-coloured flag upon its steeple. During the night partial rencontres took place in various parts of the city, and the discharge of cannon and musketry was heard at intervals through the whole course of the night.

On Thursday the people made vigorous assaults on the Louvre and the Tuilleries, to which the military, having been beaten and driven back in all the previous engagements, had retired; both were finally carried, and the remnant of the military force, thus driven from their last hold in the city, retired beyond the walls. At two o'clock the whole contest was ended, and the tri-coloured flag floated peacefully over the domes of the palaces: since then not a gun has been fired in the city but in token of the public joy. In the progress of the contest, several detachments of the military force, from the impulse of patriotic feeling, passed over to the side of the people.

Yesterday a provisional civil go-

vernment was organized, with the general assent of the people, by the deputies who found themselves in Paris : it is composed of Messrs. Lafitte, Casimer Perrier, Odier, and three or four others. The national guard has been re-established, and General Lafayette, as in 1789, again placed at the head of it. General Gerard is named commander of the troops of the line who have joined the popular cause.

It is understood that the chamber of deputies will meet on the 3d of August, the day originally fixed by the king for the meeting of the chambers ; till then it is probable that no definite measures will be taken as to the political organization of the country. Every thing at present indicates that the Bourbons will no longer reign : the most probable supposition is, that the Duke of Orleans will be called to the throne.

No news has been yet received from the departments as to the effect produced there by the events which have occurred in the capital ; but there seems to be no reason to doubt that the national sentiment will

second what has been done here. I have not heard of a single outrage perpetrated by the people in this agitating crisis. Their conduct has been marked throughout by the calm but enthusiastic devotion of men contending for their rights in the exalted spirit of freedom. Indeed, nothing could more strikingly mark the wonderful advances made by this people in the knowledge and practice of free institutions, than their noble conduct on the present occasion contrasted with the excesses of their first revolutionary convulsion.

I write in haste, and with the uncertainty of this letter reaching you by the packet of the first of next month, for which it is intended, as all the public communications have been much interrupted, but the importance of the events to which it relates, induces me to profit of whatever chance there may be.

I have the honour to be,
With great respect,
Your obedient servant,
W. C. RIVES.

HON. M. VAN BUREN.
Secretary of State.

Paris, July 23, 1830.

MONSIEUR LE PRINCE,

The question which has been so long pending between the government of the United States and that of his majesty, has, at this time, so important a bearing on the general relations of the two countries, that your excellency will excuse me for again earnestly invoking your attention to it with a view to a definitive result. So long as this question shall remain unsettled, involving, as it does, considerations of the deepest interest to the rights

and honour of the American nation, it cannot fail to obstruct that mutual good understanding, which it is believed to be the interest of both governments, as it is certainly the sincere wish of that of the United States, to cultivate and preserve.

As your excellency has promised to send me the projet of an arrangement in the view of terminating this unpleasant discussion, and as the prospect of a satisfactory termination must depend on the character of that projet, I trust your ex-

cellency will enable me, by a prompt communication of it, to judge how far my government may indulge the hope of seeing its ancient friendly relations with his majesty's government re-established and confirmed.

I have the honour to be, with sentiments of distinguished consi-

deration, your excellency's most humble and most obedient servant,
W. C. RIVES.

H. E. the PRINCE de POLIGNAC,
Minister, Sec'y of State of Foreign Affairs, and President of the Council of Ministers.

No. 38.

Mr. Rives to Mr. Van Buren.

Paris, August 8, 1830.

SIR,

A declaration was yesterday adopted by the chamber of deputies, almost unanimously, and concurred in by the chamber of peers, calling the Duke of Orleans to the throne. The declaration contains, at the same time, some very important modifications of the charter, and stipulations for certain organic laws, which have been long demanded by the wishes of the nation. There can be no doubt that the Duke of Orleans will heartily assent to these conditions, and will immediately ascend the throne as king of the French, which, you will perceive, is the new title to be borne by the monarch.

The late king and his family, attended by three commissioners of the provisional government as a safeguard, are now on their route to Cherbourg, whence they will embark for some foreign country, most probably Scotland. After leaving St. Cloud, he went to Rambouillet with about 1500 troops. He and the Dauphin there signed an abdication in favour of the Duke of Bordeaux, (the infant grandson of Charles X.,) which was sent to the Duke of Orleans, already declared lieutenant general of the kingdom,

with an intimation, wearing the aspect of a royal order, that he should immediately take measures for proclaiming the Duke of Bordeaux king, under the name of Henry V. Exorbitant pretensions were at the same time advanced in regard to pecuniary allowances for himself and his household. Demands so unsuitable to the character of a dethroned monarch, kindled a universal flame of indignation in Paris as soon as the fact was known; and, in a few hours, thirty or forty thousand men under arms were on their march to Rambouillet for the purpose of driving this infatuated man and the remnant of his followers out of the kingdom. Admonished of the approach of this formidable and enraged force, he immediately left Rambouillet under the safe conduct of the commissioners sent by the provisional government to give him protection. The national troops returned to Paris; and perfect tranquillity has prevailed ever since, and will be more and more confirmed by the new order of things.

Two of the late ministers, Peyronnet and Chantilauze, have been arrested, and will be tried for high treason. The rest of them have made their escape. Prince Polignac, it is said, is at Brussels.

The re-appearance of the journals, filled as they are with ample accounts of every thing that has passed here, renders it unnecessary for me to occupy your time with farther details of what you will see so fully stated in them.

I enclose copies of two letters received from Marshal Jourdan, the provisional commissioner of foreign affairs, and my answers to them. The principles upon which the government of the United States has always acted in its relations with foreign powers, in regard to changes of their internal organization, and my perfect conviction that the change which had taken place here was a permanent one, left me without any hesitation as to the course I should adopt; which, I have been since pleased to find, corresponds with that pursued by Mr. Crawford under similar circumstances. It will, of course, be necessary that I should be furnished with a new letter of credence. It is desirable that these letters should be sent as speedily as possible, as nothing can be concluded, even if I should be able to enter into negotiation, without that formality.

In regard to the probable dispositions of the new government on the subject of our claims, I have seen no reason to change the opinion which I expressed to you in a private letter some time ago. It is an unquestionable fact, strange as it may appear at first sight, that the liberal party, who will now come into power, have been, heretofore, much

more opposed to our claims than the royalists. A solution of this phenomenon must be found in the circumstance that the liberals, from their popular attachments and connexions, have more sympathy for the public purse, while, from their former connexions with the imperial authority, they are less inclined to admit the iniquitous character of the acts for which we demand indemnity. This latter consideration, as well as the great principle of *national* sovereignty established by the revolution which has just taken place, will, in all probability, prevent them from recurring to the ground of *irresponsibility* for the acts of preceding governments. What has been done, too, under the late ministry, must have some effect. Great reluctance, however, will be undoubtedly felt to *pay* our demands, and every effort will be made to reduce the *amount* by excepting to particular classes of claims. That the matter was not consummated with the late ministry, with whom it had been brought into a favourable train for speedy adjustment when they were driven from the stage, was (I hope the president will be satisfied) owing to no want of strenuous and persevering efforts on my part, to the last moment.

I have the honour to be,

With great respect,

Your most ob'd't serv't,

W. C. RIVES.

To the HON. MARTIN VAN BUREN,
Secretary of State.

No. 40.

Mr. Rives to Mr. Van Buren.

Paris, August 18, 1830.

SIR,

My last despatch informed you of the proceedings of the chambers on the 7th instant, by which they called the Duke of Orleans to the throne. The Duke accepted, "with-out restriction or reserve," the modifications of the charter, and all the other conditions contained in the declaration of the chambers, and, on the ninth instant, took the oath to observe them, in presence of both chambers. He reigns under the name of Louis Philippe.

The king, in one or two days after ascending the throne, made definitive appointments of his ministers. Two only of the provisional appointments were continued, Dupont de l'Eure as keeper of the seals, and Guizot as minister of the interior. Baron Louis (the same who as minister of finance, in 1819, addressed the letter to Mrs. Parish, which is among the documents communicated to congress on the subject of the claims) is again minister of finance; Comte Molé is minister of foreign affairs; General Sebastiani, minister of the marine; General Gerard, minister of war; and the Duc de Broglie, minister of public instruction. A majority of these ministers were the friends of Napoleon, enjoyed his confidence, and held employments, of one kind or another, under him. All of them have been, more or less, in opposition to the late government. They are all members of the one or other chamber—the Duc de Broglie and Comte Molé of the chamber of peers, and the others of the chamber of deputies. They are all men of talents and men of business.

Comte Molé, with whom I shall have more direct relations than with

the rest of the ministers, is said to possess great energy of mind and character, and very extensive information, though he has never been practically connected with foreign affairs. Under the Emperor, he held successively the posts of director general of roads and bridges, and of minister of justice, and under Louis XVIII., for a short time, that of minister of the marine; but he is now, for the first time, connected with the department of foreign affairs. I have received two communications from him, which, with my answers, are enclosed, together with a note previously received from the provisional minister, marshal Jourdon, and my answer.

I have had no opportunity yet of knowing the particular dispositions of the new government in regard to our claims. I called, a few days ago, at the foreign office to pay my respects to Comte Molé, but he was not there. He has been very much occupied with re-organizing his department, and will, in all probability, continue to be very much occupied with that and the preliminary communications with the neighbouring powers, arising from the change of government here, for some time to come.

I had the honour to dine with the king the day before yesterday. He received me with great cordiality, expressed, in warm terms, the friendly interest with which the visit he made to the United States, thirty years ago, had inspired him; assured me that, as king, he would preserve the sentiments of the Duke of Orleans; and that every effort should be made, on his part, to settle the differences, if differences they might be called, between the two countries, and desired me to

communicate his sentiments to the president.

The king, I have no doubt, entertains a sincere desire to cultivate the most friendly relations with the United States, and the same desire is, I believe, shared by all his ministers. The considerations, however, alluded to in my last despatch, as well as the spirit of *economy* which so strongly marks the first movements of the new government, and will, doubtless, continue to actuate it, ought to prepare the claimants for the utmost allowable reduction of the *amount* of the indemnities which will be paid.

It is hardly probable, I think, that I shall be able, with propriety or prudence, to renew my communications on this subject with the new government, till my letter of credence has been received. It is, therefore, desirable, that the letter of credence should be sent as speedily as possible, together with any additional instructions which

the occasion may suggest. It is to be expected that the negotiation will now take a new turn, and that a proposition will be made for a transaction *en bloc*, far short however of the full amount of the claims. In that case, what is to be done with those claims, (the Gracies', for example,) which have been committed to me as standing upon special and distinct grounds, and more free from exception than the mass of the claims? Can they, with the rest, be subjected to a pro rata abatement? I should be very glad to be favoured with your views upon this subject, as well as the other questions arising out of the past course or present state of the negotiation, upon which I have not been heretofore instructed.

I have the honour to be,
 With great respect,
 Your obedient servant,
 W. C. RIVES.
 Hon. MARTIN VAN BUREN,
Secretary of State.

No. 43.

Mr. Rives to Mr. Van Buren.

Paris, September 8, 1830.

SIR,

The sickness of Mr. Harper, about the time of the sailing of the last packet, prevented me from sending you, then, the enclosed copies of notes addressed by me to the minister of foreign affairs, and minister of finance, on the tobacco question, and of their answers, as it did also the regular transmission of the duplicates of former despatches and of the journals. Although I had heard, as I informed you in my supplemental despatch of the 19th ult., that the minister of finance had pronounced his decision in favour of

the proposed change, yet as nothing of an irrevocable nature had yet been done, I thought it expedient to call the attention of the minister of foreign affairs as well as that of the minister of finance, to the subject. At the same time, as the question was of a peculiar character, appertaining rather to their system of internal economy than to that of ordinary diplomatic relations, I did not feel myself authorized to press it farther than by asking a candid consideration of the views, I had presented in my communication to the late minister of finance.

On the subject of the claims, I

have not yet had any direct communication with the new minister. I have called once or twice at the foreign office to see him, but have not been so fortunate as to find him. I thought it would be premature and impolitic, occupied as the new government has been with its own reorganization, and being myself as yet unaccredited, regularly, to press the subject in any formal communication. I have, however, availed myself of the intermediary channels existing in the friendly dispositions of ——— and ———, to awaken the mind of the minister to a proper consideration of the subject. This has certainly been done by them in a very friendly spirit; but every thing which has yet transpired affords a confirmation of the views I have heretofore expressed to you with regard to the probable temper of the new government on this question. The principle of responsibility they seem ready to admit, as, indeed, it would be impossible to contest it, without attacking the vital principle of their own existence. The late rulers of France, claiming by a tenure of *legitimacy*, independent of, or paramount, as they conceived, to the national will, might, with some face of plausibility at least, deny their responsibility for the acts of preceding governments of a revolutionary origin. But the present government of France, having nothing to stand upon but the principle of sovereignty in a nation, must, of necessity, admit its responsibility for all acts which attached to the nation, or, in other words, for the acts of all preceding governments, for all of them were created, or acquiesced in, by the nation. While, therefore, they are compelled to admit the principle of responsibility, a reluctance, or a fear to touch the purse of the nation, disposes them

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to dispute the consequences of its application by every sort of pretext.

I yesterday had a conversation with ——— at the foreign office, on his own invitation, which furnished a striking illustration of the views and feelings of the new government. He told me that he had, several times, conversed with Count Molé on the subject of our claims; that the minister was anxious to cultivate the most friendly relations with the United States, and that his dispositions, personally, on the subject of our claims, were favourable; that the principle of responsibility he was ready to admit; but that, popular as our nation was in France, our claims were not so; that a minister would incur great responsibility in a settlement of them; that Count Molé had thought of the organization of another commission, consisting of members of the two chambers, to consider and examine the subject, and had suggested it in a late council of ministers, but, from a difference of opinion even on the principle of our claims, as I understood him, the suggestion was not adopted; that, under these circumstances, the prospect of an adjustment would depend on a material reduction of the extent of our demands, and that, in the amplitude we had given them, their admission would be impossible.

I stated to ——— that I regretted exceedingly to hear what he had just communicated to me; that I had hoped that the new government of France would have been animated with more liberal views; that the admission of the principle of responsibility, (a principle which the late events in France rendered it impossible to deny,) while its application was disputed, would be of very little avail; that, in private transactions, an individual who

should admit that he was indebted to another, but disputed every item of the account, would oppose as great obstacles to the demands of justice, as one who roundly denied that he was indebted at all; that such a course on the part of France, with regard to our claims, while it seemed to me alike unsuitable to the character of the question, of the parties, and of the high interests involved, would only serve to increase the feelings of irritation and dissatisfaction for which too much occasion had been already afforded; that we asked nothing but justice in the redress of undeniable wrongs; that, as the wrongs had been great, the measure of redress ought to bear some fair proportion to the magnitude of the injury; that, with regard to the amount of our claims, if France sought a reduction of them, it was incumbent upon her to say frankly what she was willing to pay, and if her offer approximated to justice, it would certainly be considered, with every proper feeling, by the government of the United States; that considerations, however, of much higher importance than money, connected with the general relations of the two countries, were involved in the adjustment of this question; and in enforcement of this view, I took occasion to mention, (upon the faith of indirect information of the successful issue of Mr. McLane's negotiation,) that Great Britain, setting a much higher value on the friendship of the United States than France seems to do, had, in a case involving no demand upon her justice, and even at the expense of the interests of a large portion of her own subjects, just settled the only question we had with her, in a spirit of liberal conciliation, and with the enlightened policy of drawing closer her friendly relations with us.

This is but a brief and general outline of the conversation with ———. It being frequently interrupted by the calls of other persons, and abruptly terminated, at last, by the entrance of Mr. Rayneval, the ambassador of France at Vienna, I was not able to give it all the development, or to pursue it to the extent I wished. The sketch I have given you will serve to show the spirit which actuates the new government on this subject, and the difficulties we are yet to encounter in its adjustment—difficulties which can be overcome only by the continued manifestation of a firm and determined purpose, on the part of the government of the United States. ——— took occasion several times in the course of the conversation, to say that his communication with me was without the knowledge or authority of the minister, and suggested only by his friendly sentiment for me and my government. From the situation, however, which he occupies, it is impossible to consider his conversation as entirely unofficial. I have thought that the time has arrived when I might, without impropriety or imprudence, have some conversation with the minister himself on this subject, and I have accordingly addressed a note to him to-day, soliciting an interview.

You will perceive from the journals accompanying this despatch, that there have been recently some disorders in Paris, (but no violence,) arising from associations of mechanics, complaining of various grievances, some real and some imaginary, connected with their several branches of industry. The government has wisely felt the necessity of acting with moderation, and a certain degree of tenderness towards these classes, whose power and patriotism were so conspicuous—

ly exerted in the late revolution. Measures have been taken, which, by the regular and peaceful action of the civil authority alone, promise, in due time, an entire suppression of these disorders, which have indeed already ceased to present any appearance of serious commotion. Disorders of a similar character have occurred in some of the departments; and at Nismes, for a day or two, a sort of religious war between the Catholics and Protestants raged among its inhabitants, of a character much more alarming, and attended with consequences more fatal. All these disorders, however, have been, or are begin-

ning to be quieted; and whatever may be the hopes or machinations of discontented spirits, I see nothing in the present state of France which threatens any serious reaction against the existing order of things. All eyes here are turned with anxiety on the troubles in Belgium, which, if not speedily composed, may become the germ of a general war in Europe.

I have the honour to be, with great respect, your most obedient and most humble servant,

W. C. RIVES.

To the Hon. M. VAN BUREN,
Secretary of State.

No. 45.

Mr. Rives to Mr. Van Buren.

Paris, September, 18, 1830.

SIR,

To my note of the 8th instant, soliciting an interview with Count Molé, the minister for foreign affairs, I received his answer the same evening, fixing the next morning for the interview. I was received by him with great politeness, and after some general conversation of little importance, I proceeded to call his attention to the subject of our claims. I observed to him that they had now become a most important point in the relations of the two countries; that the character and extent of the injuries we had sustained, and the long delay (under vexatious pretexts) of the redress to which we were entitled, had very naturally excited a high degree of sensibility in the United States; that it was important to the harmony and interests of both countries that so unpleasant a discussion should be terminated as speedily as possible, and that I ho-

ped his earnest and early attention would be given to it.

He replied that his attention had been already directed to it; that he sincerely desired its adjustment upon fair and honourable principles, and to cement by all other means the friendship between the two governments, to which the late events in France had furnished new motives; that there were two distinct questions connected with our claims: first the principle of responsibility, and then the amount due; that though he had not yet had an opportunity of knowing the sentiments of his majesty's government on the subject, he thought the principle would be admitted, but that the amount was a very complex question, depending on a great variety of considerations, and requiring minute and detailed examination; that he believed our claims would encounter much less opposition with the *government*, (meaning the king and his ministers,) than

with the chambers; that he had thought of the organization of a commission to examine the subject, consisting of members of both chambers, as the best means of preparing those bodies for an ultimate decision; and that he should submit the proposition, at an early day, to the council.

I remarked to him, that an expedite commission of the kind he suggested was attended with many inconveniences, and from the very nature of its constitution, was exposed to the bias of one-sided and too narrow views, and that, whatever might be its opinion, our rights could not, of course, be concluded by it; that I thought it would be a better plan for him, as the appropriate organ of the foreign relations of the country, to proceed at once to examine and settle with me all the questions connected with the subject, which might be done in one of two modes: either to fix, by a convention, the principles on which the claims were to be settled, and to provide for the organization of a *mixed* commission, which should examine the claims in detail, and decide upon them according to the principles stipulated; or, otherwise, to agree upon a round sum in total discharge of all the claims, which would be a more simple, and perhaps in every respect a preferable arrangement for both countries; that I was prepared to treat with him upon either of these bases; and I terminated my remarks by observing, that, whatever means might be thought best for the attainment of the end which both of us had in view, I hoped the subject would be brought to a conclusion with the least delay possible.

The minister, without seeming to relinquish his idea of a French commission, which I apprehend is re-

commended to him chiefly as an expedient to screen himself from responsibility, assured me that the settlement of this question was one of the objects of highest interest to his majesty's government, and that every exertion should be made, on his part, to bring it to an early decision.

Though I was left by the minister under the impression that he would bring our claims under the consideration of the council at their next meeting, I learn that no step has yet been taken by him in relation to the subject, though two councils, at least, have since intervened. There is an evident reluctance and timidity, on the part of the government, in approaching this subject, arising from the pecuniary responsibilities it involves. This reluctance, I fear, is not likely to be diminished by the condition of the public finances. Great difficulties, and an absolute suspension, for a time, have been recently experienced (as you will perceive from a report made by the ministry to the chambers on the 13th instant) in the collection of the imposts, and the public funds have been undergoing a progressive and rapid depreciation for some days past. The amount of treasure obtained at Algiers has been greatly exaggerated. It will fall considerably short, I learn, of the actual expenses of the expedition. In the midst of these embarrassments, there is an importunate cry for economy from all quarters, which creates a still further obstacle in the way of our claims.

I have the honour to be,

With great respect,

Your most ob't servant,

W. C. RIVES.

Hon. M. VAN BUREN.

No. 46.

Mr. Rives to Mr. Van Buren.

Paris, September 29, 1830.

SIR,

I have the honour to enclose the copy of a note I addressed to Count Molé on the 20th instant, and also of his answer.

Finding that nothing had been done with regard to our claims, notwithstanding the assurances and professions made by the minister in my conference with him on the 9th instant, and having received an intimation, indeed, that a more formal application in writing would be the only means of stimulating his attention, and of putting the subject again into motion, I determined to adopt that course; a further motive to which was found in the consideration that it was highly desirable, if possible, to obtain some authentic indication of the views and feelings of the new government on this question, in time to be communicated to the president before the meeting of congress. In presenting the subject, I sought to bring forward those considerations which seem best suited to impress the mind of the minister with the critical importance of the question, and to appeal most strongly to the interests and calculations, as well as honourable sentiments of the new government. The answer of the minister, though very brief, is evidently cold, cautiously avoiding any commitment, and affecting to consider our reclamations as the affair of "quelques citoyens," *some citizens* only of the United States. This impression, derived from the communications of their ministers in the United States, has taken deep root here; and it will require the unequivocal exhibition of a firm and determined attitude on the part of both the legislative and executive

branches of our government to convince them that the question is really considered, and intended to be pursued, as a *national* one.

The frequent changes of ministers, which embarrassed so much the relations of foreign powers with the late government of France, seem destined to continue under the new. During the last week, it was confidently announced, as you will perceive from the journals, that a thorough change of the present ministry, involving the retreat of a majority of its members, and among them the minister of foreign affairs, was about to take place. It is certain that a serious division had occurred in the cabinet with regard to the measures to be taken for the restraint or suppression of the popular societies recently formed in Paris; and for several days it was believed by the ministers themselves that the formation of a new cabinet would be indispensable. The difficulty, however, was adjusted; and the question of a change of ministry has been adjourned for the present.

The internal condition of France, at the present moment, presents the aspect of general order and tranquillity. Her foreign relations, however, must, in all probability, be soon disturbed. The troubles in Belgium have terminated, as you will perceive from the journals accompanying this despatch, in a state of open war between the king and his Belgian subjects. The government of France has pledged itself not to intervene in this quarrel so long as other powers shall abstain from interference. But the interests of other powers in maintaining the consolidation of Belgium with Holland, and the treaty engagements

by which some of them are bound to that object, seem to preclude the expectation of an acquiescence, on their part, in the success which is likely to attend the Belgian insurrection, if the parties are left to themselves. The events passing in that quarter, combined with other elements of discord, will render it a

matter of extreme difficulty, if, indeed, it be possible at all, to preserve the peace of Europe.

I have the honour to be,
With great respect,
Your most ob't servant,
W. C. RIVES.

To the Hon. M. VAN BUREN,
Secretary of State.

Paris, September 20, 1830.

MONSIEUR LE COMTE,

The subject to which I had the honour of calling your attention in the interview with which your excellency favoured me on the 9th instant, so deeply affects the friendly relations of France and the United States, that your excellency will, I am persuaded, find in my solicitude to preserve those relations from interruption, a sufficient and excusable motive for again inviting your attention to it.

The reclamations of the government of the United States are for injuries of the most aggravated character, committed in violation, alike, of the acknowledged law of nations, and of the positive stipulation of treaties. These injuries produced, at the time, a state of the relations between the two countries which must have eventuated in the last appeal of nations, but for the final revocation, by the government of France, of the orders and decrees under the authority of which the wrongs in question had been committed.

Since that period, the government of the United States has not ceased to demand, with a firm but friendly spirit, the indemnities due for the wrongs it had sustained, and always with a hope (authorized by the declarations of the French government) of ultimate redress. That

redress, however, has continued to be postponed from time to time; and, though the delay was patiently acquiesced in for a long period, from considerations, among which a friendly and sincere sympathy with France in her vicissitudes was always the most influential, yet the time was at length come when, in the opinion of the government of the United States, it was alike inconsistent with the dignity of both governments that so important a question should remain longer unsettled.

My efforts, therefore, by the instructions of my government, have been unceasingly exerted, since my arrival in France, to bring the question to a definitive conclusion. Your excellency will find, upon a reference to the correspondence between the late minister of foreign affairs and myself, that, after a protracted discussion, and the intervention of many delays, he had finally promised to send me the projet of an arrangement. I was in daily expectation of that projet, as your excellency will perceive from my letter of the 23d July, when the events which soon after occurred, overthrew the government of which the minister was the organ.

It is presumed that, with the loyal and enlightened policy which actuates his majesty's government, there can be no longer any diffi-

culty on the subject. If the doctrines professed by the late government in regard to the origin and tenure of its power might have given, in the eyes of any one, a colour of plausibility to its attempts to qualify its responsibility for the acts of the government which preceded it, it is confidently believed that the principles consecrated by the late memorable events, and upon which his majesty's government has justly expressed its pride in reposing, must, in future, preclude the possibility of any question on that point.

While this consideration, combined with the frank and elevated character of his majesty's government, forbids all doubt of its disposition to do justice to the reclamations of the United States, your excellency will permit me to remark, that the delays and evasions which have heretofore taken place, have seriously disturbed the friendly relations between the two countries; and that it is much to be desired, for the sake of a cordial and sincere re-establishment of those relations, that the justice so long delayed, should be now promptly and frankly rendered. When your excellency shall review the numerous postponements to which the reclamations of the United States have been subjected, and the unsatisfactory character of the motives alleged for those postponements; when your excellency, moreover, reflects that the claims of all other powers, including those even of the pirate recently chastised and expelled by the arms of France, have been welcomed and discharged, while justice has been withheld from the United States only, that all the objections heretofore alleged against

our claims have resolved themselves into the ungracious reproach that we were not among the enemies of France; when these things are considered, your excellency will not be surprised at the high degree of sensibility which exists in the United States on this subject, and will, doubtless, think it inconsistent with a wise regard to the harmony of the two countries, (which the government of the United States, on its part, has shown so sincere a desire to preserve and cultivate,) to leave any longer open so unpleasant a source of controversy.

As the congress of the United States will again assemble on the first Monday in December, when a development of the foreign relations of the country is always expected of the president, it is much to be desired that he could be enabled to communicate to them, at that time, the final and honourable adjustment of this subject, which, while it would be the means of a cordial renewal and progressive amelioration of the friendly relations between the two governments, would be, at the same time, a pledge to all nations of the spirit of justice and political morality which it was the determination of his majesty's government to carry into all its proceedings.

I pray your excellency to accept the assurances of the distinguished consideration with which I have the honour to be, your excellency's most obedient and most humble servant,

W. C. RIVES.

To his Exc'y COMTE MOLE,
*Minister Secretary of State for
Foreign Affairs.*

No. 49.

Mr. Rives to Mr. Van Buren.

Paris, October 19, 1830.

SIR,

The note of the minister of foreign affairs, of the 25th ultimo, was of so unsatisfactory a character, that I thought it expedient he should be apprized of the light in which it was viewed by me. Thinking it best, however, that a communication of that sort should reach him indirectly, I sought an opportunity of conversing with — — — and — — —, both of whom are in familiar relations with the minister, in the design that they should communicate to him what I had said to them.

I remarked to them that I thought we had a right to expect from the frankness and loyalty of the new government of France, as well as from the verbal declarations of the minister to me, a very different reception of our claims than that given by this note; that the object of the communication I had addressed to the minister was to obtain, at least, some such expressions of the opinions and dispositions of the new government as would enable the president to inform congress what prospect there now was of adjusting this long pending controversy; that so far as any indication was given by the note, it seemed to me to be unfavourable; and that, unless something more explicit should be sent to me very soon, the president, while announcing the amicable settlement of our differences with all other powers, with England, Denmark, &c., would be compelled to say that our differences with France alone remained unadjusted, and that the new government had evinced less disposition to do justice than its predecessor, with whom the subject was

believed to be in a train of early adjustment.

I added some other remarks in the same spirit, hoping that the communication of them to the minister would stimulate him to act with more of promptitude and decision. After waiting the effect of this indirect communication for some days, I determined to ask an interview with him myself, as the period was approaching when the last opportunity, upon which any reliance could be placed, of sending a despatch in time for the opening of congress, would have passed with the packet of the 20th of this month. On the 10th instant, therefore, I addressed him a note requesting an interview, his answer to which gave an appointment somewhat late, (for the 15th,) with the express design, in all probability, of being then able to communicate to me that something had been done.

When I arrived at the foreign office, at the hour he had indicated, he had not yet returned from a council of ministers held that day under the presidency of the king. He, however, very soon returned; and the moment I was introduced into his room, he presented me a paper, which he said was the report he had that day made to the king in council on our affairs, and which had been approved and signed by the king. He invited me to read the conclusion of the report, which recommended the resumption of the negotiation with me; and proposed, as a first step, the formation of a commission, consisting of members of both chambers, to consider and report their opinions on the respective claims of the two governments.

The business of this commission, as traced in the conclusion of the report, is—

1st. To examine the American reclamations as presented in my projet of a treaty; and to say which of the classes of reclamations mentioned in that projet, may be “admitted to an examination, and, if need be, to liquidation.”

2d. To examine and report upon, in like manner, the reclamations of France, specifying particularly claims for supplies, (alluding, I presume, to the Beaumarchais affair;) the case of a French privateer burnt by a mob at Savannah in the autumn of 1811; claims of French subjects to lands in Louisiana, derived under the French government, but which have been since superseded by grants from the United States; and the claim under the eighth article of the Louisiana treaty.

3d. To consider, if this claim should be withdrawn, what compensation the government of the United States ought to make for it; and if in the form of a reduction of duties on the productions of France, for what time and to what extent that reduction should be made. And, lastly, to advise what method should be adopted to liquidate the claims admitted.

The minister having given me leave to read the conclusion of the report only, I did not see what were the particular views presented in the previous part of it; but I infer from the conclusion of it that a discrimination was made among our claims, some of them being considered well founded, and others not so.

In all probability, the distinction heretofore taken, between the cases of sequestration and those of condemnation, is again insisted on. You will observe, also, that some

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French claims, never before mentioned in connexion with this negotiation, are now brought forward.

The land claims referred to, I learn, are principally some derived under an ancient grant of the French government to the celebrated author of the Mississippi scheme, John Law, and have been heretofore presented to the consideration of congress. In what name they were presented to congress, I have not been able to learn. The principal heirs of Law, I understand, are the family of Marshal Lawriston, and their agent is said to be a Mr. D’Autremont. In one or other of these names, probably, the land claims, heretofore alluded to, have been presented to congress. It is also possible that some ramifications of the land claims which have been so long under the consideration of congress, in the names of the Marquis de Maison Rouge and of Baron Bastrop, may be intended to be embraced. It seems to me, however, that no claims of this character have any affinity with the present negotiation, or can be made the subject of diplomatic arrangement.

The other additional claim now brought forward has an aspect of somewhat more plausibility, and will be the more difficult to get rid of, in consequence of having the sanction of a recent report in the chamber of deputies, which, at the same time, manifests a friendly spirit towards our reclamations. I send you, herewith, a copy of that report, in the *Moniteur* of the 13th of September. It would be desirable for me to have the president’s instructions in regard to these claims with as little delay as possible. I presume that all of them are not intended to be individually insisted on. Some of them are, perhaps, brought forward more as the means of procuring an abatement of the

amount to be paid to citizens of the United States, than with a view to a special satisfaction of the claims themselves. The most natural termination of a negotiation, like the present, is a transaction *en bloc*; and it is most probably that which the French government now has in contemplation. With a view to that result, it would be very desirable for me to have some indication of the lowest amount that the American claimants would be satisfied to accept. In fixing that amount, the staleness of the claims, the difficulties inseparable from their adjustment, the uncertain state of things here, the financial embarrassments of the country, (there having been, as you will perceive from the journals, a falling off of ten millions of francs in the revenue of the last month, besides the universal derangement of credit and commerce,) all these considerations should have their proper weight.

Count Molé, after having communicated to me the conclusions of his report, and mentioning, as an evidence of the anxious desire of his majesty's government to arrange this question with the United States, that the council had unanimously consented, when he presented his report, to give it priority, in their deliberations, over several other subjects of great importance, informed me of the names of the persons who would compose the commission. They are, Vicomte Lainé, Benjamin Dellessert, Monsieur Bessay, G. W. Lafayette, and Monsieur

Pichon. The first is a distinguished member of the chamber of peers, and all the others are members of the chamber of deputies, with the exception of Monsieur Pichon, who was formerly chargé d'affaires in the United States. In the composition of this commission, if I have not been misinformed as to the characters and dispositions of its members, there seems to be a pledge of a determination to do something on the subject of our claims.

In the close of our interview, it was agreed that the minister should address me a letter, to be communicated to my government with this despatch, and in time to go by the packet of the 20th instant, in order to reach Washington before the meeting of congress. That letter has not yet been received, though I have kept back this despatch a day later than the usual time of sending off my despatches for Havre, in order to be accompanied by it. This delay has excited a good deal of surprise in my mind, after what passed between the minister and myself. The letter is promised to-day certainly, in time to go by estafette with this communication, which will be retained to the latest moment practicable, to be accompanied by the promised letter, if it should be received.

I have the honour to be,

With great respect,

Your obedient servant,

W. C. RIVES.

To the Hon. MARTIN VAN BUREN,
Secretary of State.

No. 50.

Mr. Rives to Mr. Van Buren.

Paris, October 20, 1830.

SIR,

I have now the honour to enclose you a copy of the expected letter from the minister of foreign affairs. I retained my despatch yesterday to the latest moment which the arrangement of the mail admitted, in the hope that the letter would arrive in time to accompany it. Being again disappointed, I went to the office of foreign affairs, as I had done the day before, to urge the importance of transmitting the letter without delay; but, in the moment of arriving there, I found a messenger charged with it, and just leaving the office to bring it to me. The delay, it seems, had arisen from the circumstance that the draft of the letter made in the bureau of the director not being found satisfactory, the minister determined to write it himself; but

his time having been very much occupied in council, to which some agitations in Paris, for the last three or four days, had furnished occasion for important deliberations, he had not been able to prepare it earlier. As a declaration of the dispositions and intentions of the new government on the subject of the claims, and as an express recognition of the *principle* of them, it seems to be fair, manly, and candid; and if the proceedings of detail which are to follow should be in the same spirit, we may look forward to an amicable termination of this unpleasant controversy.

I have the honour to be,

With great respect,

Your most ob'tserv't,

W. C. RIVES.

To the Hon. M. VAN BUREN,
Secretary of State.

[TRANSLATION.]

Paris, October 19, 1830.

MONSIEUR,

I hasten to announce to you that the king, wishing to bring to a conclusion as soon as possible the negotiation commenced between you and the late government on the subject of the private reclamations which interest the two countries, has just named a special commission charged to examine all these reclamations, and to lay down the basis of a projet of treaty, which will become the object of a communication I shall have the honour to make to you as soon as it shall be finished. Admitting the principle which is the

basis of the reclamations, the French government has wished that all the claims to which it may be applicable should be carefully examined, and the work of the commission cannot but tend to abridge delays, and to accelerate the conclusion of an arrangement equally desirable for both countries, and proper to draw closer the bonds of friendship and good understanding which already exist between them.

Accept, Monsieur, the assurances of my high consideration.

MOLE

MONSIEUR RIVES,

Minister of the United States.

No. 51.

Mr. Rives to Mr. Van Buren.

Paris, November 8, 1830.

Sir,

I had the honour to receive, on the 1st instant, your despatch No. 17, under date of the 27th September, accompanied with a letter from the president to the king of the French, accrediting me as envoy extraordinary and minister plenipotentiary of the United States near his majesty. I immediately put the minister of foreign affairs in possession of a copy of the letter, and requested him to ascertain and inform me when it would be the pleasure of the king to grant me an audience for the purpose of delivering the original. The minister sent me a note the next day, informing me that the king would receive me on the following day, the 3d instant.

The king received me in a very cordial and flattering manner. In replying to the brief address I made him, in conformity to usage and the instructions of the president, he repeated, with much warmth, the friendly sentiments he had heretofore expressed to me for the United States; said he had been much *moved* by the accounts of the enthusiastic welcome we had given to the late revolution which had brought him to the throne; and that he had nothing more at heart than to cherish the most friendly relations with the government of the United States, of which he desired me to give the president the most explicit assurances.

In the course of the address I made to the king, I thought it would be well to make an allusion to the unsettled differences between the two countries, with the view of eliciting a renewed expression of his feelings and intentions on that sub-

ject, since it had been brought more particularly under his consideration. I therefore remarked, that the United States, desiring more than ever to cultivate a cordial friendship with France, on account of the esteem they had always cherished for his majesty's personal virtues, it was with particular satisfaction that the president saw in those distinguished attributes a certain guaranty that the only circumstance which could prevent or impair that friendship would be now speedily extinguished by his majesty's enlightened sense of justice. The king took up the allusion with great frankness: he said he had told me, immediately after his accession, that every thing should be done on his part to settle those differences satisfactorily; that, accordingly, among the first acts of his government had been the adoption of such measures as seemed to him best calculated to lead to a speedy and just result; that they should be pursued with earnestness and good faith; that it was true our reclamations would impose an inconvenient burden upon his government in the present embarrassed state of its finances; but, nevertheless, justice ought, and, so far as depended on him, should be done.

The dispositions of the king, as well with regard to this subject as to the general relations between the two countries, are every thing we could desire. The difficulty exists in the extreme reluctance of the nation to pay any more *indemnities*, and the necessity the government feels itself under of consulting the representatives of the nation, and of securing their approbation, to any arrangement which may be

ultimately concluded. The commission, of the formation of which I have already apprized you, has grown entirely out of this feeling.

I have, of course, had no direct or formal communication with it; but my personal relations with several of its members, particularly _____ and _____, have enabled me to learn something of their proceedings, as well as to supply information, from time to time, which seemed necessary to a proper elucidation of the subjects of their investigation. Some of the members of the commission, I apprehend, are very strongly opposed to our claims, and even those who are more favourably disposed give back before the pecuniary operation, and evince a desire either to protract the adjustment, or to make a great reduction in the amount of the claims. They are unanimous, I learn, in the opinion that the French construction of the eighth article of the Louisiana treaty is correct. Even _____, with the favourable sentiments he might be supposed to entertain in regard to the American side of the question, tells me that he cannot view that article in any other light than as securing to France a *special* advantage, and that, according to our construction, there would be nothing *special* in it. I can hardly suppose, however, that they will be disposed to make of this article a complete bar to our claims.

A week or two more will, in all probability, elapse before they will make their report to the minister. I shall continue to avail myself of every opportunity of explanation and candid representation to those members of the commission with whom I have personal relations, to lead them to a just conclusion, without, however, entering into such formal communications as might

seem to make us a party before the commission, or afford a colour for pretending that we ought to acquiesce in the result of a proceeding completely unilateral and ex-parte.

Another impediment to the progress of our claims has recently occurred in the change of ministers, of which, with its causes and attendant circumstances, you will see a full account in the journals accompanying this despatch. After a series of abortive deliberations, which held all France in painful suspense for more than a week, the ministry was new modelled by the following changes: Mons. Laffitte, late president of the chamber of deputies, succeeds Baron Louis as minister of finance, with the super-added character of president of the council; Count Montalivet takes the place of Mons. Guizot, as minister of the interior; Marshal Maison that of Count Molé as minister of foreign affairs; and Monsieur Mérilhou that of the Duke de Broglie as minister of public instruction. General Sebastiani, Marshal Gerard, and Monsieur Dupont de l'Eure, members of the late ministry, retain their places in the new as minister of the marine, minister of war, and minister of justice respectively. The change is supposed to be in favour of liberalism and a more rapid development of the consequences of the late revolution, though I doubt much whether it will be followed by any marked alteration in either the internal or foreign policy of the government.

The change of minister of foreign affairs will, at least, throw us back in regard to the claims, if it should be attended with no worse consequence to them. Count Molé was beginning to make himself well acquainted with them, and had given evidences of a disposition to act upon the subject in a spirit of good

faith and conciliation which promised a good result. Supposing dispositions equally favourable in the new minister, of which I have yet had no opportunity of judging, not having been so fortunate as to see him when I called a few days ago to converse with him, some time must necessarily elapse before he can, with the abundant occupation which European affairs now give him, make himself master of so complex a subject, with which, I presume, he has been heretofore entirely unacquainted.

The speech of the king of England produced great sensation here, and gave rise to much variety of interpretation. Its tone seems to me to be decidedly opposed to that principle of non-interference with the internal affairs of other countries

which France had laid down as the new public law of Europe. The government of France, however, in its great desire to preserve peace, (which the king told me was the most anxious wish of his heart,) seems content to put a different construction upon it; and, with the continuance of these strong pacific dispositions on its part, war may yet be avoided, though not without great difficulty.

I have the honour, herewith, to return the blank sent with your despatch of the 27th September, and remain, with great respect, your most obedient and most humble servant,

W. C. RIVES.

To the honourable M. VAN BUREN,
Secretary of State.

No. 55.

Mr. Rives to Mr. Van Buren.

Paris, December 18, 1830.

SIR,

I am not yet enabled to communicate to you the close of the labours of the commission charged with the investigation of the claims. In my last despatch, I mentioned that the commission had called for additional documents, which they supposed would be useful in fulfilling the object of their inquiries. The application was addressed to the department of foreign affairs during the short ministry of marshal Maison, but, it seems, was not then acted on. It was not until after my first interview with the present minister that it was taken up, and the documents called for being then considered as not pertinent or necessary to the inquiries with which the commission

was charged, a letter to that effect was addressed by the minister to the president of the commission.

Among the pieces of information which the commission had called for, they had requested the minister, it seems, to obtain from me a list of our claims, arranged into classes corresponding with those indicated in my projet of a treaty. The minister replied to them, that, as they were required to express their opinion on the validity of the several classes of claims in *principle* only, it could not be important to them, in that view, to know the number or amount of the claims comprehended in each class, nor would it be proper for him to apply to me for such a statement. In a meeting of the commission, however,

which was convoked shortly after the receipt of the letter addressed by the minister of foreign affairs to the president of the commission, it was determined that an *inofficial* application should be made to me, by one of their own members, for such statements of our claims as I might be able to present, and should not be indisposed to communicate. This application was made to me, on behalf of the commission, by ———

———. As the commission was charged, among other things, with suggesting "the basis of a treaty," and as they, as well as the minister, had evidently in view a transaction *en bloc*, I thought it desirable that they should possess as full a view as could be presented of the amount of our claims, (of which I had reason to apprehend that they had not yet had an adequate idea,) and I did not hesitate, therefore, to comply with their request. We therefore compiled, from the materials in the office of the legation, and chiefly from the schedules communicated to congress from the department of state, a tabular statement of the claims, (without any particular classification of them, however,) framed in such a manner as I thought best calculated to answer the purpose in view, which was sent to ———, with a note, of which a copy is herewith enclosed.

In my communication with the members on the commission, as well as with the minister, I have not ceased to urge all the important considerations which call for the speedy settlement of this question.

The state of feeling existing here at present, however, has imposed upon me the necessity of preserving as much delicacy in the manner of my importunities as the subject admitted. Insinuations have reached me, repeatedly, that the pressure of

our claims at the present moment, when the finances of France were so much embarrassed, and when her safety was so seriously threatened by enemies within and without, was not reconcilable with the sympathy we had professed in the revolution she had just accomplished, or with a proper sensibility to the services she had rendered us in our own revolutionary struggle. Objections of this character have been encountered in quarters where there might have been the least reason to apprehend them.

In the conversations I have had with the members of the commission, these sentiments have been several times manifested, and by none more frequently than by ———, whose habitual remark to me is, that "the present moment is not well chosen for the settlement of this business." After reminding him that a delay of twenty years had already taken place, and that the late government was on the point of doing us justice when its existence was terminated by the revolution, I have said to him that we thought we had a right to expect dispositions at least equally just from the present government; and that it was, in fact, the interest of France, no less than of the United States, that a question which, so long as it should remain unsettled, must be a source of heart-burnings and discontent, should be now definitively adjusted, and that nothing should remain to obstruct the full exercise of those friendly feelings which the two nations cherish for each other.

These and similar considerations have, I flatter myself, had their proper influence on all to whom I have had occasion to address them, and the matter is now in a train which cannot fail, I hope, to lead to an ad-

justment. My hopes of this are materially strengthened by the recent designation by the commission of _____ to examine the documents referred to them, and to prepare their report. This work had been expected of their President, _____, whose general sentiments towards the United States, as well as his particular dispositions on the subject of the claims, are, I have reason to believe, far from being favourable.

I have not thought it necessary to have an official interview with the minister of foreign affairs since my last despatch, though I have had several conversations with him in occasional meetings in society. Nothing, however, of sufficient importance has passed in those conversations to merit special communication, as he seems to feel himself bound to await the report of the commission.

At this moment, an intense anxiety occupies all minds here in regard to the trial of the ex-ministers, which is now going on, not only on account of its particular result, but

the effect which that result may have on the popular feeling. It is to be hoped that all will pass well, though it cannot be disguised that there is great inquietude. A few days more will terminate this painful suspense, as it is understood that the court of peers will certainly pronounce their judgment by the 25th of this month.

The journals which accompany this despatch will inform you of the important events which have recently occurred in Poland. Very few details have reached Paris, but enough is known to give them a character of great gravity, and to cause their further progress to be looked to as likely to have a most important influence on the general state of Europe.

I have the honour to acknowledge the receipt of your despatch No. 19, under date of the 18th October last; and remain, with great respect, your most ob'd't serv't,

W. C. RIVES.

To the Hon. M. VAN BUREN,
Secretary of State.

No. 60.

Mr. Rives to Mr. Van Buren.

Paris, January 18, 1831.

SIR,

I had the honour to receive, a week or two ago, your despatch No. 21, enclosing two autograph letters from the president to the king of the French, in answer to letters received from his majesty, announcing, respectively, his accession to the throne, and the death of his uncle the Duke of Bourbon. I solicited, through the minister of foreign affairs, an audience of the king for the purpose of presenting these letters,

which was granted on the 14th instant.

I thought the occasion might be usefully and properly embraced, to express to the king the sentiments of personal respect and esteem entertained by the president towards him, and the especial reliance which the president placed on the virtuous and distinguished qualities of his majesty, to bring to a speedy and happy termination the differences between the two countries. I remarked to his majesty that the pre-

sident felt persuaded that there were no two countries which, in the natural state of their relations, had more motives to cultivate a cordial good understanding with each other than France and the United States — motives, the force of which had been increased by his majesty's accession, and by the sentiments of esteem and affectionate recollection which were every where cherished towards him in the United States; and, in proportion as the president sincerely participated in these sentiments, he ardently desired that every germ of discontent which might disturb the future harmony of the two governments should be eradicated from their relations as speedily as possible.

The king, in replying to these remarks, reiterated the sentiments he had heretofore expressed to me, and referred to the measures he had taken with a view to bring the differences between the two countries to a conclusion. He said he was sorry that the president could not have felt himself authorized, in his message, to assure congress that every thing had been done with that view which could have been done; and then asked me if the commission was not in "activity;" to which inquiry, deeming it best to respond in an indefinite manner, the king proceeded to say that, since reading the president's mes-

sage, he had "remonstrated" against all unnecessary delays in the prosecution of the business, and assuring me that every thing should be done, on his part, to bring it to the earliest termination, notwithstanding the disastrous state of their finances. He concluded the interview by requesting me to thank the president for the handsome things he had said of their revolution in his message, and for the friendly sentiments towards himself which had just been expressed by me in the name of the president.

The day after my audience of the king I received a note from ———, a copy of which is enclosed, and which, in the pressure he mentions as being made upon him by the minister, seems to furnish some proof of the "remonstrances" of the king. In the evening of the same day that I received ———'s note, I had a conversation, also, with the minister, in which he assured me that the commission was actively prosecuting its labours, and as soon as its report was made he would enter upon the subject with me, in the sincere wish to bring it to an early and friendly conclusion.

I have the honour to be,

With great respect,

Your most obedient servant,

W. C. RIVES.

To the Hon. M. VAN BUREN,
Secretary of State.

No. 61.

Mr. Rives to Mr. Van Buren.

Paris, January 28, 1831.

SIR,

Not having yet received a new full power, and as the want of such an one, adapted to the change of government here, *might* give rise to difficulties or delays in the conclu-

sion of an arrangement by treaty, more particularly if special commissioners should be appointed to treat with me, as it is possible, after the presentation of the report of the commission, there may be, I beg leave to recall this circumstance to

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your recollection. It is desirable that the new "full power" should be as comprehensive as the one furnished me on my departure from the United States, and that it should be sent to me with the least possible delay.

I have the honour to be,
 With great respect,
 Your most ob't serv't,
 W. C. RIVES.

To the Hon. M. VAN BUREN,
Secretary of State.

P. S. The authority contained in the "full power" which I was furnished on my departure from the United States, is of the following tenor: "For and in the name of

the United States, to meet and confer with any person or persons authorized by his most Christian majesty, being furnished with like power and authority, and with him or them to agree, treat, consult, and negotiate of and concerning the claims to indemnity of citizens of the United States on the government of France, or of subjects of France on the government of the United States, and concerning the general commerce between the United States and France, and its dominions or dependencies, and of all matters and subjects connected therewith, which may be interesting to the two nations; and to conclude and sign a treaty or treaties," &c., &c.

No. 62.

Mr. Rives to Mr. Van Buren.

Paris, February 8, 1831.

SIR,

Being convinced from my communications with ——— that the researches in which he was engaged, and the views he was preparing to present of our claims, were of much importance, and calculated to enforce upon his government, both in point of justice and policy, the obligation of discharging them, I thought it best, during the progress of his labours, to abstain from any measure which might injuriously precipitate the presentation of his report; intending, so soon as he should be ready to make his report to the commission, to renew my pressure upon the minister, with a view to accelerate the action of the commission when the work of ——— should be before them.

On the 30th ult., I learnt from ——— that his report was nearly finished, of which he had given no-

tice to the president of the commission, and that the commission had been, in consequence, convoked for the 1st day of this month to receive it. On the following day, therefore, I addressed a note to the minister of foreign affairs, of which a copy is enclosed, and in which, as you will perceive, I urged upon him with earnestness the necessity of advancing towards a final adjustment of the subject.

Having received no answer to this note, I went yesterday to the department of foreign affairs, for the purpose of inquiring of Baron Deffandis, the directeur, whether my note had been received, and to make use of the occasion to present such observations as I might think best calculated to awaken the attention, and stimulate the speed of the department. Baron Deffandis being detained from his bureau by sickness, I asked to see the sous-direc-

teur, who informed me that an answer to my note had been drawn in the bureau several days ago, but that the minister had been so much occupied with other pressing affairs, that he had not signed it. The purport of the answer, he told me, was to inform me that the commission had not yet made their report, that they were now busily engaged in preparing it, and as soon as it was presented to the minister, as it was expected to be in a very short time, he would enter into a communication with me on the subject.

I remarked to the sous-directeur that great and very unexpected delay had already taken place; that the backwardness of the new government of France in the adjustment of claims for which its responsibility could no longer be denied, had created much disappointment in the United States, and was calculated to have a prejudicial influence on the relations of the two countries;

and that, however much the attention of the minister might be occupied with other affairs, there was no object which more nearly concerned the true interests of France, than to conciliate, by an act of justice, the United States, whose commerce at all times, and whose friendship in the event of war, were resources of such incalculable value to her. The sous-directeur told me that he should see the minister in the evening; that he would communicate to him the observations I had made, and suggest to him to address a note to the president of the commission, urging the necessity of their making their report as speedily as possible.

I have the honour to be,
With great respect,
Your most ob'd't serv't
W. C. RIVES.

To the Hon. M. VAN BUREN,
Secretary of State.

No. 63.

Mr. Rives to Mr. Van Buren.

Paris, February 18, 1831.

SIR,

The commission have not yet made their report to the ministers. They were to have met on Monday, the 14th instant, for the purpose of resuming their deliberations on _____'s report; but one or two of the members being absent, in consequence of the agitations which took place here on that day, those who attended did nothing, and adjourned the meeting to Monday, the 21st.

From what I have been able to learn of _____'s report, it is favourable throughout to the principle of our claims. It excludes, however, the claims of American citi-

zens in the nature of debt, or supplies, as being alien to the general scope of the controversy between the two governments, and also American claims of every description originating previous to the date of the Louisiana arrangement in 1803, which has been invariably alleged by this government to be in full satisfaction of all claims then existing. It also assumes the original cost of the shipments, and not their enhanced value, actual or speculative, in the markets of Europe, to be the fair average measure of compensation in a political transaction like the one in view. It sets, I understand, in a strong light the atrocious character of the acts of the im-

perial government towards the United States, and enforces the obligation of the government of France to indemnify our citizens for the wrongs they sustained by those acts, whether committed under the sanction of the Berlin and Milan decrees, or by virtue of other orders and proceedings less formal and regular in their character. On these points,

however, it does not, I hear, meet with a thorough acquiescence on the part of all the members of the commission.

I have the honour to be,
With great respect,
Your most ob't serv't,
W. C. RIVES.

To the Hon. M. VAN BUREN,
Secretary of State.

No. 64.

Mr. Rives to Mr. Van Buren.

Paris, 10th March, 1831.

SIR,

Having recently obtained a copy of the enclosed document, it has appeared to me to be of so much importance, particularly for the light it sheds on the real state of my negotiations with the late government at the period of its fall, that I have thought it my duty to communicate it to you. It is the report presented by the minister of foreign affairs to the king, in the month of October last, on the subject of our reclamations, and proposing the renewal of the negotiation with me. It was prepared by Baron Deffandis, the directeur of that division of the department of foreign affairs in which the United States are comprehended, and who, in the same quality, you will recollect, had the management of the correspondence, and, in a great part, of the negotiations with me, under the ministry of Monsieur Polignac.

It will be seen from this document, that the opinion expressed by me in my despatch of the 29th July last, that I should have been able, in some short time, to have effected a settlement of this long pending and disagreeable subject with the late government, but for its sudden and unexpected overthrow, did not rest

on slight grounds. The report shows that the great obstacle of the Louisiana question, which had defeated all prior attempts at negotiation, had been successfully removed; that the government of the Bourbons had become convinced that the ground heretofore taken of irresponsibility for the *wrongs* of the imperial government could not be maintained; and that they had, in fact, made up their minds, (without negating the others,) to expressly admit five important classes of our reclamations, comprehending condemnations, (heretofore deemed altogether desperate,) as well as sequestrations.

To appreciate the true extent and importance of these admissions, it will be necessary to turn to the projet of a treaty communicated with my despatch No. 16, under date of February 25th, 1830, which is referred to by the report as classing our reclamations into nine general categories. The second article of the projet, which relates exclusively to condemnations, consists, as you will perceive, of six numbered subdivisions. In order to make out the nine categories of which the report speaks, it is to be presumed that they have also subdivided the 1st article, so as to make three ad-

ditional categories of it, of which the first category would be sequestrations, where the property "had not been definitively condemned by the council of prizes," the 2d, "vessels destroyed at sea," and the 3d, "supplies."

The categories, therefore, which the late government had already determined to admit, were the 1st and 2d of the 1st article of the projet, and the 5th of the 2d article, upon the examination made by the commission of liquidation of foreign claims; and the 3d of the 1st article, and the 4th of the 2d article, upon the supplemental examination made by the department of foreign affairs.

As to the vague and conjectural estimate which the report attempts, without the aid of sufficient data, to make of the amount embraced by some of the categories admitted, it is obviously incorrect. That, however, is altogether immaterial, as the respective categories being admitted *on principle*, they would, of course, carry whatever amount the *principle* could be shown to embrace; and it should be recollected that the object in view, with the late government, was not a transaction *en bloc* for a round sum, but a settlement of *principles*, according to which a mixed commission was to decide upon the claims presented, and to determine the amount to be paid. A correct analysis of the claims shows that the categories admitted by the late government embrace, under one head or another, almost the whole mass of reclamations. The 1st category of the 1st article of the projet alone, (the amount embraced by which the report supposes not to be considerable,) comprehends, in fact, more than one half of the whole amount of the claims,

as will be seen by reference to the classification of the claims contained in my original instructions, where the category in question is represented by part 1st of the 5th class.

With the extensive ground thus secured, and in the dispositions produced by the appeals I had successfully addressed to their commercial apprehensions, (the influence of which, together with that of other considerations employed by me, you will, doubtless, trace in many parts of the report, sometimes in the identical reproduction of the topics I had urged to them,) there is no reason to suppose that any questions which might have remained would have opposed an obstacle to a final adjustment.

The concluding part of the report expressly shows that the negotiation now pending with the actual government of France, reposes on the ground conquered from the last; and whatever new hopes may have been conceived by our citizens from the change of regime here, every day's observation convinces me the more that, if any thing shall be ultimately done towards the redress of their wrongs, it will be the result of the progress made under the late government.

I have the honour to be,

With great respect,

Your most ob't servant,

W. C. RIVES.

To the Hon. M. VAN BUREN.

Secretary of State.

P. S. You will perceive that the recent change in the arrangement of the packets, which now leave Havre but twice instead of thrice a month, has occasioned a longer interval than usual between my despatches.

No. 67. *Extract of a letter from Mr. Rives to Mr. Van Buren.*

Paris, March 30, 1831.

SIR,

Having been informed by the minister of foreign affairs that the commission were to make their report on Monday, the 21st instant, I addressed a note to him on the 23d, asking an interview, which took place, by his appointment, on the 26th. I soon found, however, from my conversation with him, that the report had not yet been made, and that he was not prepared to enter into any conference of an useful character on the subject of the reclamations.

I reminded him how many unexpected delays this question had already met with since the establishment of the present government; that, when his majesty came to the throne, an universal and confident expectation prevailed in the United States that justice would be immediately done to our reclamations; that nine months had now elapsed, and we were not so far advanced as under the late government; that the commission, which had been announced to me as a means of accelerating the business, had been an obstacle; that these disappointments could not but exercise a very unfavourable influence upon the relations of the two countries, which were already, in fact, far from being satisfactory, and which it was no less the interest of France than of the United States to establish upon a different footing.

To these remarks he replied, that, in matters of a litigated character (*contentieux*), it had been always the usage in France to form a commission for a preliminary examination of them; that the investigations of the commission, in the

present instance, had been necessarily long; that their report was probably now signed, and, as soon as it was presented to him, he would enter upon an examination of the subject himself; and that, "in the course of a month, it should be terminated."

Since my interview with the minister, the report of the commission, at least upon the most important of the questions submitted to them, has been made, and was put into his possession, I learn, on the 28th instant. It presents the opinions, I understand, of both the majority and minority of the commission, (as I mentioned to you in my last despatch, that I had heard it was proposed to do;) the majority consisting of four, including the president of the commission—the minority of only two.

From what I have been able to learn of these opinions, that of the majority is of a character calculated to excite much surprise. They undertake, I understand, to defend the general system of measures adopted by the imperial government, comprehending the Berlin and Milan decrees, as well as the Rambouillet and other special decrees, as being justified, on the principles of the law of nations, by the conduct of the British government on the one hand, and that of the American government on the other. Assuming the general legality of this system of measures, they come to the conclusion that no redress is due for cases in which there was a regular application of it; but that, in cases where it was abusively or irregularly applied, indemnity may be demanded. The result of this view is, that they consider only three

categories of claims as admissible, to wit: vessels burnt at sea; captures made after the first of November, 1810, the period fixed for the report of the decrees; and cases in which the decrees may have been applied retrospectively.

The minority of the commission, (who are understood to be ——— and ———,) considering this whole system of measures as violating the principles of the law of nations, as well as the provisions of the convention of 1801, until the period of its expiration, recognise our claim to indemnity in all cases where it was applied, whether regularly or irregularly, to a fair and bona fide commerce. Both branches of the commission have, I understand, indicated the sum which they supposed to be fairly demandable by the United States according to the principles assumed in their respective opinions; the majority between

10 and 15 millions of francs, the minority about 30 millions of francs.

They have made a distinct report on the Louisiana question, in which they all concur in affirming the correctness of the French construction of the eighth article of the treaty of cession, and express, at the same time, the opinion that very little advantage would accrue to France from the suggested reduction of the duties on wine. They have not yet made their report on the claims of French subjects against the United States, although it is expected to be made in a very few days.

The character of these proceedings will serve to show in what little favour our reclamations are with France, and the extent of the difficulties that remain to be overcome in the settlement of this troublesome question.

No. 69.

Mr. Rives to Mr. Van Buren.

Paris, April 14, 1831.

SIR,

Count Sebastiani having promised, in the interview I had with him on the 26th ultimo, to give his early attention to the subject of our reclamations, I sought and obtained, on the 4th instant, another interview with him, in the hope of commencing, seriously, the work of negotiation. I found him, however, still unprepared to enter into any useful discussion. He had read, he said, the reports of the commission, in part only, and could not, therefore, express any precise views on the questions in dispute. He added, however, that he had gone far

enough in the examination to see that our claims were greatly exaggerated; and, on the question of the eighth article of the Louisiana treaty, he said the interpretation of it by the French government was so clear and incontestable, that he was much surprised that the American government had ever insisted on a different construction.

I replied that, in regard to the amount of our claims, however large it might appear to him to be, the fact was well known, and vouched by the public history of the times, that the commerce and property of American citizens had been subjected to the most enor-

mous violations by the acts of the imperial government; that while, on the one hand, I could not undertake to say that every claim contained in the tables I had communicated to the commission was well founded or accurately stated, yet, on the other, I had every reason to believe that there were claims of considerable amount and indisputable justice, which those tables did not embrace; and that, as he had already expressed to me the desire of the French government to adjust the subject by a *transaction*, a desire which my government was willing to meet in a friendly and equitable spirit, I waited some specific proposition from him to that end. With respect to the Louisiana question, I told him that the government of the United States, after the most mature and careful examination, was thoroughly convinced of the correctness of the interpretation for which it contended; that it was altogether useless to enter again into a discussion of it, as the arguments on both sides had been fully insisted on in the correspondence between Monsieur Polignac and myself, which I invited him to read; that we had never been able to see the propriety of connecting a litigated question of that character with the consideration of indemnities due to our citizens for violent and indisputable wrongs; and that the government of the United States relied on the candour and good faith of the present government of France, to put aside all obstacles derived from an extrinsic and irrelevant controversy, which the United States had, moreover, proposed to settle by the fair and usual mode of a reference to the decision of impartial and enlightened arbiters.

In answer to these observations,

the minister gave me to understand that he could not make any specific offer, with a view to a *transaction*, till he had the sanction of the council, before whom he proposed to lay the whole subject. In regard to the Louisiana question, after repeating his conviction of the obvious meaning of the eighth article of the treaty of cession, he said that, in what seemed to them so plain a case, the government of France could not recognise the propriety of submitting its rights to the opinion of any third party. His declarations on this point were of so positive a character as to preclude all hope of settling the question otherwise than by means of the proposition made to Monsieur Polignac on the 20th May last; and the success of that, I fear, is likely to be counteracted by the opinion which the commission is understood to have expressed as to the little advantage that France would derive from the diminution of the duties on its wines in the United States. The interview terminated with a renewed promise on the part of the minister to occupy himself diligently with the subject of the negotiation, and to bring it to a close as speedily as possible.

On the 9th instant, I had another interview with him, but without any profitable result, or the occurrence of any thing which deserves to be made the subject of special communication. He said that the pressure of other duties upon him had prevented him from making any progress in his investigation since our last interview; that the chamber of deputies would be dissolved in the course of a week, and that he would then be enabled to give more of his attention to our negotiation, the importance of which, to both countries, he properly esti-

mated, and which he felt every disposition to bring to an early conclusion.

The report of the commission on the claims of French subjects against the United States, has not, I understand, been yet made.

In my last despatch, I stated that, from what I had been able to learn of the opinion of the majority (consisting of two thirds) of the commission, they had indicated between 10 and 15 millions of francs as the amount of indemnities demandable by the United States. Information since received, upon which I can rely, fixes 10 millions of francs as the precise sum indicated by them. The same authority confirms my original statement as to the sum indicated by the two dissentient members of the commission.

Nothing has occurred since my last despatch to form any exception to the tranquillity which then characterized the internal condition of France. So far, the measures and

policy of the new ministry appear to have been attended with flattering success.

The news of the recent success of the Poles, of which you will find ample details in the accompanying journals, together with the simultaneous occurrence of an extensive insurrection in the province of Lithuania, has given new hopes to the friends of that heroic and devoted people.

The state of Europe, in other respects, has undergone no material alteration since my last despatch, though appearances are somewhat more favourable in regard to the preservation of peace.

I have the honour to acknowledge the receipt of your despatches Nos. 28, 29, and 30 ;

And remain,

With great respect,

Your most ob'tserv't,

W. C. RIVES.

To the Hon. M. VAN BUREN,
Secretary of State.

No. 70.

Mr. Rives to Mr. Van Buren.

Paris, April 28, 1831.

SIR,

On the 16th instant, I again had an interview with the minister of foreign affairs, in which I pressed the necessity of making some specific proposition, on his part, with a view to bringing our discussions to a practical issue. He said I must indulge him till the prorogation of the chambers, which was to take place certainly on the following Wednesday, the 20th instant; when, being relieved of a portion of his burdensome duties, he would turn his attention earnestly to

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our affairs, with the sincere purpose of bringing them to a conclusion.

I remarked to him that I hoped he was not unmindful of the great importance of a speedy settlement of this controversy to France as well as to the United States; that, however pressing other questions might be, there was none, I believed, of more real importance to France than one on which depended the preservation of friendly relations with the United States; that it was impossible that the relations between the two countries could much longer remain in the equivocal

cal state into which they had been brought by the continued postponement of our just reclamations; that I had been instructed to bring the subject to a definite conclusion, one way or the other; and that, however much the government of the United States desired such a result as, conforming to the dictates of justice, would be the means of consolidating the friendship of the two countries, it believed that a decisive result, whatever might be its nature, was now imperiously called for by the character and dignity of both governments.

After an earnest conversation of an hour, in which I endeavoured to impress upon the minister, under various points of view, and by the exhibition of details, the great importance to France of friendly connexions with the United States; while he, not denying the justness of those views, spoke of the intrinsic difficulty of all *money* questions in a representative government, increased, in the present instance, by the almost unanimous report of the commission, (points on which I addressed to him, in reply, the observations which seemed to me appropriate;) the interview terminated with the repetition, by the minister, of the promise he had already made, that, after laying the subject, at an early day, before the council, he would make me a specific proposition.

Having already experienced the uncertainty of these promises, and knowing that, in the habits of French diplomacy, no great importance is attached to verbal communications, I determined to make a more formal appeal to the attention of the government, in writing. This appeared to me the more necessary, as Monsieur Deffandis, the directeur of the second division of the department of foreign affairs, in a conver-

sation I sought with him, intimated to me that, although the minister had proposed a transaction *en bloc*, it could be arrived at regularly only by a previous discussion on the several categories of claims contained in the projet of a treaty originally submitted by me. The most effectual means of cutting off this discussion, now become useless for all purposes but those of delay, seemed to be to place on record the proposition for a transaction *en bloc*, which had, with the consent of both parties, put aside the original projet. On the 21st instant, the day after the prorogation of the chambers, therefore, I addressed to the minister of foreign affairs a note, of which a copy is enclosed, in which, after urging the necessity of a definite adjustment of this subject, by a combined appeal to the interests, the honour, and the good feelings of France, I stated formally the assent of the United States to the wish which he had expressed for closing the affair by a transaction *en bloc*, and called upon him to make me a specific proposition with a view to that result.

Meeting with him two days after the presentation of this note, I proposed to call upon him the following day to receive his proposition; but he requested me to postpone my call two days more, to the 26th instant, when he hoped to be able to make me an offer. On that day, accordingly, I waited upon him, and found Monsieur Deffandis with him, who remained during the whole of the interview.

The minister commenced the conversation by stating that he felt a sincere desire to see the two countries united in the bonds of the closest friendship; that the only mode of attaining this result was, by a simultaneous adjustment of all differences by one and the same trans-

action; that France had her complaints as well as the United States; that she had been deprived of most valuable privileges secured to her navigation by the eighth article of the treaty of cession of Louisiana; and the proposition he was about to make to me contemplated the payment by France of such a sum as might appear to be fairly due to the United States, after balancing against our reclamations the value, both past and prospective, of her rights under the Louisiana treaty.

I remarked that the government of the United States would never consent to any reduction from the incontestable claims of its citizens on account of this disputed, and, as it believed, wholly unfounded pretension of France under the eighth article of the Louisiana treaty; that there was no proper connexion between the two subjects; that the government of the United States, however, while it was firmly and irrevocably determined never to admit any abatement of the just demands of its citizens on account of the pretension in question, had already, in a spirit of conciliation and friendly liberality, proposed a choice of two distinct bases for its arrangement; one of which, in fact, had been acceded to by the late government.

Monsieur Deffandis here interposed, by observing that, although the late government had given its assent to the basis referred to, yet it had been done in a confidential correspondence, which did not carry with it an absolute obligation.

After some further conversation on this topic, which amounted to very little more than a repetition of what had been said in former conferences, Count Sebastiani, referring to the report made by the commission, said that, notwithstanding the great weight due to that

report, his majesty's government, in its sincere desire to give satisfaction to the United States, had determined not to limit itself to the sum indicated by the commission, but, in a spirit of signal good faith, (*avec une bonne foi extreme,*) had authorized him to propose the sum of fifteen millions of francs as a definitive adjustment of all the subjects in controversy between the two countries.

I replied to him that I was altogether astonished at such a proposition; that the government of the United States, instead of seeing in it an evidence of good faith, could regard it in no other light than as a mockery, and equivalent to an absolute refusal of justice; that if it was to be considered as a definitive proposition on the part of France, I had only to say that the negotiation was at an end, and that it would be for each government to recur to its rights, and its sense of its own dignity and honour.

He protested that the French government thought it far from being an unreasonable offer, and that I must reflect upon it.

I replied that such a proposition did not require a moment's reflection; that it was not only unreasonable, but derisory; and that no other answer could be given to it than that which I had already expressed.

In the course of this interview, which continued more than an hour, many incidental points, such as the alleged exaggeration of the amount of the claims; the true measure of indemnity as depending on the original cost of the cargoes in the United States, or the enhanced sales in France, &c., &c., &c., were earnestly discussed on both sides. It is not deemed important, if it were practicable, to recapitulate all that was said. The interview termina-

ted with a firm renewal of the declaration I had made, if the proposition of the minister was to be regarded as definitive; while he, not willing to say that it was so, begged me to reflect upon it.

Having already had several conversations with Monsieur Casimir Perrier, the president of the council of ministers, on the subject of our reclamations, and knowing the great influence which his character and official station would give him in the ultimate decision of the question, I had addressed a note to him requesting a conference; for which his answer fixed the 27th instant, the day after my interview with the minister of foreign affairs.

I waited on him at the time appointed, and commenced the conversation by calling his attention to the high interests for France involved in a good understanding with the United States; the preservation of which must now depend on the adjustment of the controversy which had already so much disturbed the natural relations of the two countries. I told him how totally inadmissible was the proposition made, the day before, by Count Sebastiani, and that I hoped he would see the necessity of authorizing him to make one of a very different character. He said he felt all the importance of cultivating good relations with the United States, and that he was sincerely desirous of adjusting this ancient controversy, but that their finances, as I saw, were exceedingly deranged, and that there would be great difficulty in reconciling the chamber of deputies to an additional charge on the enfeebled resources of the state, for claims, too, which had not arisen from any wrong done by the present government of France. Still, he was anxious that

justice should be done to the United States, and that the two countries should be restored to their national cordiality and good feelings; that Count Sebastiani, in a few days, would be authorized to make me another proposition, which he hoped would be satisfactory; and that the United States would be expected, on their part, to show a friendly consideration of the actual situation of France, by every practicable indulgence. This is but a brief outline of the conversation, which is sufficient, however, to give you a correct idea of its spirit and tendency.

In dining at the Palais Royal on the 25th instant, I had an opportunity of renewing the appeal to the personal sentiments of the King, in the course of a conversation which permitted me, without an appearance of impertinence, to allude to the importance of consolidating, by an act of justice, the friendship between the two countries. The King expressed, as he has always done, very cordial sentiments for the United States; said he had frequently called the attention of his ministers to the necessity of settling our reclamations; that they had always objected the embarrassed state of their finances, but he hoped they would yet find the means of doing justice.

Although the proposition made by the minister of foreign affairs is a very discouraging *debut*, yet the feelings expressed by the king, and the declarations of the president of the council, superadded to the professions which have already been made by the minister of foreign affairs, of a desire to terminate the existing differences with the United States in an honourable manner, forbid me, absolutely to despair. I am aware, however, that gene-

ral declarations are a very unsubstantial ground of hope; and the farther progress of the negotiation, in which no exertion shall be omitted, on my part, must be awaited, to form an opinion as to the possibility of bringing this old and disa-

greeable controversy to any admissible conclusion.

I have the honour to be,

With great respect,

Your most ob't servant,

W. C. RIVES.

To the Hon. M. VAN BUREN,
Secretary of State.

Note to Count Sebastiani.

Paris, 21st April, 1831.

MONSIEUR LE COMTE: Although the various interviews with which your excellency has favoured me, leave but little to add to the observations I have had the honour of presenting to you orally, in relation to the flagrant wrongs heretofore suffered by citizens of the United States from acts of the French government, and for which indemnity has been so long demanded, it is, nevertheless, my duty, under the instructions of my government, again to call your excellency's attention to the importance of an early and definitive disposition of this unpleasant subject.

The present unsatisfactory state of the relations between France and the United States cannot but be a subject of painful reflection to the patriots of both countries. There are no two governments, it is firmly believed, which have more motives to cultivate a cordial good understanding with each other than those of his majesty and of the United States; and yet such has been the unhappy influence of this long protracted question, that their relations, at the present moment, exhibit an aspect altogether equivocal and precarious. This unnatural state of things, so contrary to the interests and sentiments of the two people, the government of the

United States anxiously desires to see terminated.

Your excellency is apprized that the late government of France, notwithstanding the pretexes for repelling our reclamations afforded by the political doctrines it professed, was on the point of adjusting them when the events of July last put an end to its existence. His majesty's accession, in the pledges of his well known personal virtues, and in the elevated probity of high national morality which were announced as the ruling maxims of his government, could not but give increased confidence to the expectation of a prompt and loyal termination of this unpleasant question. I need not say what, under these circumstances, would be the disappointed and painful impression produced upon the feelings of the government and people of the United States, if they should now find their just demands opposed by new delays.

Your excellency, I flatter myself, cannot but see that the interests of France are deeply concerned in the speedy suppression of this germ of discord between the two countries. France cannot, it is hoped, regard with indifference the preservation of friendly connexions with the United States. Not to speak of the importance of those connexions to her,

in a political point of view, arising from the position and resources of the United States as a maritime power, her commerce alone with the United States is, in itself, a consideration sufficiently important to awaken all the attention of her enlightened statesmen. That commerce is shown by the official documents of France to be by far the most valuable foreign trade she now enjoys. It forms, indeed, at the present moment, the great support, externally, of the leading branches of French industry, and is destined, in the future, if fostered by a wise and friendly policy, to receive progressive developments, of which the rapid increase of population, and of the means of consumption over an immense territory, will be the only assignable limit.

Interests so vast and important ought not, surely, to be compromised, when nothing is wanting but an act of unquestionable justice on the part of France to place them on a stable foundation, and to open before them a career of unbounded extension. If that act of justice were now promptly and frankly rendered, the two governments would at once return into the cordial relations natural to them; and the influence of those ancient attachments and faithful sympathies, of which the recent manifestations in the United States have been so enthusiastic and unanimous, would be seen in the lasting consolidation of a sincere friendship, and the rapid development of a varied and beneficial intercourse.

While, however, so fundamental a question as that involved in the pending reclamations shall remain unsettled, touching, as it does most intimately, the sensibility as well as the rights of the American people, there can be nothing stable or satisfactory in the relations of the two countries. It is in the ardent desire

of preserving their harmony from interruption, and of establishing, on a lasting foundation, those friendly relations which are the interest of both, that the government of the United States now insists upon the definitive adjustment of a subject which has been fruitful of so much discontent and unpleasant discussion.

I have already had the honour of submitting the projet of an arrangement, with a view to this result. That projet, after fixing the principles upon which the reclamations were to be liquidated, provided for the formation of a joint commission to examine and decide upon the validity of the respective claims, and to ascertain, in each case, the amount to be paid by France. Your excellency, however, has intimated to me that his majesty's government desires to settle the subject by a transaction *en bloc*, in which the United States shall agree to accept a gross sum in discharge of all the claims. My government, anxious to conform, as far as possible, to the wishes and convenience of his majesty's government, will not object to concluding an arrangement on that basis.

I therefore await the proposition which your excellency has promised to make me to that end, trusting that it will be made without farther delay; and that, keeping in view the magnitude and aggravated character of the injuries sustained by our citizens, it will be such an one as shall answer the great purposes of justice and conciliation.

I have the honour to be, with distinguished consideration, your excellency's most obedient and humble servant,

W. C. RIVES.

HIS EXC'Y COUNT SEBASTIANI,
Minister Sec'y of State for
Foreign Affairs.

No. 71.

Mr. Rives to Mr. Van Buren.

Paris, May 7, 1831.

Sir,

The firmness of the declaration made by me, in my interview with the minister of foreign affairs on the 26th ultimo, was not without its effect. On the 28th he addressed me a note, (the copy of which is enclosed,) inviting me to another conference on the following day. I waited upon him accordingly at the time appointed: he commenced the conversation, by asking me if I had reflected upon the proposition he had made me in our last interview; to which I replied that, having had twenty years to reflect upon our grievances, it required very little time now to decide upon the proposition he had made.

He then said he had again brought the subject before the council, and that they had, in a spirit of great liberality, authorized him to offer me twenty millions of francs. I answered that that sum was also entirely inadmissible, and I entered into various calculations, derived from sources independent of the tabular statements I had communicated to the commission, for the purpose of showing that the amount of the claims was not so much exaggerated as he supposed. These calculations were founded chiefly on a report of the secretary of state, communicated by the president to congress on the 6th of July, 1812, stating the whole number of American vessels captured or seized under the authority of France, taken in connexion with an averaged price deduced from an official return of the sales of thirty-six American vessels and cargoes sold by order of the French government at Bayonne, on the 2d of August, 1810, and on

the estimate presented by Mr. Barlow to the Duke d'Alberg in 1812, of which I had no knowledge at the time that the statements communicated to the commission were prepared in the office of the legation.

The minister still insisted that our claims were vastly exaggerated, but said, as a last evidence of the equitable and friendly dispositions of his majesty's government, he would agree to go as far as 24 millions of francs, payable by instalments in six years, which was more than double the sum fixed by the commission; that this was their ultimatum, and he repeated several times, with much earnestness, that it was the extreme and last offer, (*le dernier mot.*)

I said to him that I would not accede to it; that however disposed the government of the United States was to make every practicable concession for the sake of terminating this unpleasant discussion, the abandonment of so large a portion of the amount claimed by its citizens was a sacrifice it could not make.

He replied that the offer he had just made was one of extreme liberality; that it would subject the ministers to a severe responsibility before the chambers; that he had been already warned from various quarters that he would be held to a strict account for his settlement of this affair; and added that Mr. Roux had written that fifteen millions of francs would be willingly received by the claimants and by the government of the United States, and that nobody in the United States expected more than twenty millions.

I remarked that it was hardly probable that Mr. Roux knew bet-

ter than myself the expectations and feelings either of the claimants or of the government of the United States; that, in regard to the difficulties he apprehended in the chambers, their reproaches would certainly be much louder, if, by refusing to do an act of unquestionable justice, he should forfeit to France the advantages, so important to her both in a commercial and political point of view, of friendly relations with the United States; that the opposition had already reproached the ministry (unjustly, I have no doubt,) with not having secured any allies for France in the existing crisis; and that nothing could afford a more triumphant answer to that reproach than to be able to say that they had re-established a cordial friendship with their ancient ally the United States, and at no other expense than that of fulfilling an obligation of the strictest justice.

The interview terminated with the renewed protestation, on his part, that the proposition he had just made was their ultimatum, "le dernier mot," and with the declaration, on mine, that I could not accept it.

Meeting with Monsieur Sebastiani the following day at the Palais Royal, on the occasion of the king's fête, and deeming it important to keep up an active pursuit of the subject now that it was under serious consideration, I asked him to indicate a time when I might have another conversation with him. He proposed an early hour the next morning, (the 1st of May,) when I called upon him, and remarking that, in an affair of so much importance to both countries, no effort at accommodation ought to be omitted, I said that though I could not accept the sum he had proposed the day before, yet the government of the United States, animated with a

sincere spirit of conciliation, would be willing to accept a sum considerably below the amount claimed; and I then mentioned the sum of forty millions of francs as one to which it might accede as a compromise.

He said the government of France would never consent to such a transaction; that they had already done all that it was possible for man to do (*tout ce qui est humainement possible*;) in offering 24 millions of francs; that they could go no further; that he and Monsieur Perrier were the only members of the council who were willing to go so far; all the rest were strongly opposed to it, and were exceedingly discontented that the offer had been made.

After many arguments on my part to show the liberal character of the proposition I had made, all of which were contested, and met by contrary statements on his, I remarked that the government of the United States could not but see with painful sentiments the reluctance of France to satisfy its just demands, while those of all other powers had been long ago discharged; and that, in the impossibility which seemed to exist of agreeing upon a transaction for a given sum, it only remained for me to recur to my original projet for the formation of a mixed commission to examine all the reclamations, and to determine the amount really due.

He said that he did not think that the present government of France ever could consent to put itself in the power of any tribunal, but that, upon the course which the negotiation ought now to take, he would consult the council.

Dining with the president of the council in the evening of the same day, I availed myself of the opportunity again to call his attention to

the subject of the negotiation, but as the conversation was necessarily brief and hurried, I asked his permission to call upon him at some moment of leisure, as I was anxious to convince him, by the exhibition of some official and authentic documents, that the losses sustained by our citizens were not so much exaggerated as they had been represented to be. He proposed an early hour the next morning, when I waited upon him, but as he had just received a message to attend the king, the interview was adjourned to the following day, the 3d instant. I then called upon and showed him the statement of the number of captures, &c., presented to congress in 1812, the official return of the sales made at Bayonne in 1810, the estimate of Mr. Barlow, &c., drawing from them the same conclusions I had done in my interview with the minister of foreign affairs on the 29th ultimo.

He said he had already seen the most of these pieces; that he was satisfied the losses sustained by our citizens had been very great, though the amount of them still seemed to him very much overstated. It ought always, however, to be borne in mind that these losses had not proceeded from any act of the present government of France; that our claims for indemnity, moreover, had been faintly urged during the whole period of the restoration; that the settlement of them ought to have been insisted on when the claims of the European powers were adjusted; that it was particularly hard that the burden of their adjustment should now fall upon the existing government in the present crippled state of its resources, and when all of its expenses were upon a war footing; that the chambers would be exceedingly opposed to their payment; and that it was

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certainly not the interest of either country to make an arrangement which the legislative authority here might refuse to carry into execution. He then added, that, as two sums had now been indicated as the basis of a transaction—one by the minister of foreign affairs, another by me—the subject would again be submitted to the council which was to meet that evening, and the next day, or the day after, the minister of foreign affairs would be able to communicate to me the result.

After some further conversation, in the course of which I made the explanations that seemed to be called for as to the circumstances attending the prosecution of our claims during the period of the restoration, I dwelt, in taking leave of him, on the great importance of a perfect re-establishment of cordial relations between the two governments, which I flattered myself was a good work reserved for the illustration of a ministry that had given so many other proofs of its wisdom. He responded to this appeal, by saying, with great earnestness, that there was nothing he more anxiously desired.

In pursuance of the intimation given by the president of the council, I called, on the 5th instant, at the office of foreign affairs, to learn from the minister what determination had been taken by the council. He said the council remained immovable, (*inébranlable*;) that they would not agree to go beyond the sum he had already offered; and that they were sorry, indeed, (*fort embarrassés*;) that so much had been offered. I repeated that the offer he had made was inadmissible, and I entered into additional reasonings and illustrations to show its inadequacy. I again alluded to the feelings that would be excited in the United States by the distinction which the government of France

seemed to make in the settlement of our claims and those of some other powers.

He said the only power whose claims had been paid, in any large proportion, was Great Britain; and that the claims presented by her were of a character wholly peculiar, being for property in the public funds, held under all the guaranties of national faith; that the claims of the other powers of Europe were entirely different from ours, being founded on positive engagements, and though their reclamations had been urged, with arms in their hands, France had paid them a much smaller proportion of what they claimed than that which was now offered to us; that we ourselves had accepted from Denmark a much smaller proportion of our claims than what was now offered by France, though, in that case, the claims were addressed to the same government that had committed the wrongs; that the proposition he had made to me was, in truth, a great sacrifice on their part, and intended as a special mark of their consideration and friendship for the United States; that, whatever might be the abstract theory of the law of nations, it was impossible that the present government of France could be bound to make full and entire compensation for all the wrongs committed by Bonaparte; that the whole property of the nation would be insufficient for the purpose.

I need not detain you with the observations I made in reply. I concluded by remarking that the government of the United States had manifested its willingness to adjust this affair on reasonable and liberal terms; but as we had not been able to agree upon the sum which might properly form the ba-

sis of a transaction, no other means seemed to remain for arriving at a friendly termination of the discussion, than to constitute a mixed commission for the purpose of examining the various reclamations, and of determining their just amount. Having perceived the decided repugnance of the minister to this proposition, I thought it expedient to urge it as the most likely means of inducing him to offer better terms for a transaction. The interview terminated with the renewal of the declaration he had already made, that the government of France never could consent to submit questions of much importance to any tribunal other than that which existed in its own sense of justice.

Meeting with the president of the council again in the evening of the same day, he made some general remarks on the subject of our claims, and expressed a disposition to have a further conversation with me. He seemed not to be apprised of what had passed between the minister of foreign affairs and myself, in the morning. On the following day I addressed a note to him, in which, availing myself of the permission he had given me, I asked him to indicate an hour when it would be convenient to him to grant me another interview. His answer, of which a copy is enclosed, informed me that, as soon as he should have seen and conferred with the minister of foreign affairs, he would again write to me, and fix the time for an interview.

I have the honour to be,

With great respect,

Your most ob't servant,

W. C. RIVES.

To the Hon. M. VAN BUREN,

Secretary of State.

No. 72.

Mr. Rives to Mr. Van Buren.

Paris, May 29, 1831.

SIR,

Notwithstanding the positive declaration of the minister of foreign affairs, detailed in my last despatch, I still had hopes, particularly from the remarks made to me by the president of the council on the 5th instant, that they might yet advance beyond the offer they had made me. I awaited, therefore, the fulfilment of the promise contained in his note of the 6th instant, that, after conversing with the minister of foreign affairs, he would again write to me, and give me an appointment for a conference.

About this time, however, as you will see from the journals of that date, considerable agitations again occurred here, and were renewed from day to day. Taking it for granted that these disorders, the surveillance and repression of which appertained to the department of the interior, of which the President of the council is minister, would exclusively occupy him for several days, I thought it might not be altogether useless, in the mean time, to have another interview with the minister of foreign affairs. This I obtained on the 10th instant.

From the strong aversion he had discovered to a mixed commission, nothing appeared to me more likely to produce an effect on him than again to urge that as the necessary and only alternative, provided we could not agree on the terms of a transaction. He had objected, in a former conversation, that it would be incompatible with the just pride and dignity of the French government to submit itself to the decisions of any tribunal whatever; and he repudiated the precedents of similar commissions, constituted in France

at the period of the restoration, as being drawn from an era of national degradation, and submission to foreign bayonets. Having mentioned to him that there had been many examples of these commissions in our relations with England, whose government had never been supposed to be wanting in a just sentiment of self respect and of national pride, I carried with me, on this occasion, the collection of our treaties, in which I pointed out to him the examples alluded to. He said in all those instances, the situation of the British government was different from that occupied by the government of France; that the commissions it had agreed to constitute, were the means of fixing its responsibility for its own acts; but that, in the case of France, the responsibility sought to be enforced was for the acts of a distinct government; and that the present government of France never would admit the principle of an absolute and indiscriminate responsibility for all the wrongs of the imperial regime.

After some farther discussion on this point, which it is not deemed important to detail, the conversation returned to the question of the adequacy of the offer he had made for a transaction; in regard to which, however, all my efforts were yet unavailing to produce a change of the position he had heretofore taken.

On the 14th instant, I had my interview with the president of the council. After some preliminary conversation on points which had already been discussed, he remarked, that the sum I had proposed as a compromise was so much beyond what they could, under any circumstances, think of paying, that it

rendered all prospect of an arrangement hopeless; but if I would name some sum considerably below that, an arrangement might yet be practicable. I replied that, knowing the sincere desire of my government to bring this disagreeable question between the two countries to an amicable conclusion if it were possible, I was disposed, on my part, to make every reasonable and proper concession; that in the present state of the negotiation, the natural and only means of accord seemed to be mutual approximation by mutual and equal concessions; and that, acting on that principle, in a spirit of frankness and conciliation, I would be willing, upon my own responsibility, to meet them at a middle point between the two sums which had been respectively proposed by the minister of foreign affairs and myself. He said that point was too high; but, after the declaration I had made, he hoped and thought an arrangement might yet be effected, and that every thing which was practicable should be done, on his part, to accomplish it.

Immediately after this interview with the president of the council, I called on the minister of foreign affairs, to whom I repeated the declaration I had made to the president of the council, accompanied with a renewed and earnest enforcement of all the considerations of policy, as well as good feeling, which so strongly invited to a frank and loyal termination of this unpleasant controversy. After speaking of the many difficulties of the question, he said he was sincerely desirous of terminating it in a satisfactory manner if it were possible, and that he would again bring it before the council in the shape which was now given to it, and in a few days would be able to communicate to me the

result. On my asking him when I should again call to receive that communication, he said that, on the following Tuesday or Wednesday, he would, in all probability, be able to give me a definitive answer.

On Tuesday, the 17th instant, therefore, I again called upon him; but he said the council had been so much occupied with other questions of great urgency, that he had not had an opportunity of laying before them what had passed in our last conversation. He would, however, do so at the earliest moment, and in four or five days I might expect he would be prepared to give me an answer. With this understanding, the interview ended; not, however, until I had profited of the occasion again to impress upon him the great importance of an early, as well as satisfactory adjustment of a question which so seriously affected the relations between the two countries.

On the 21st instant, I repeated my call on the minister, who then informed me that, since our last interview, he had brought before the council the question arising out of my late conversations with the president of the council and himself. But that two of the ministers (the minister of war and the minister of commerce) were absent with the king, (who had set out on an excursion to Normandy, on the 16th instant,) and that a majority of the others were of opinion that a question of so much importance and responsibility as that presented by our claims, could not, with propriety, be acted upon but in the presence of a full council; that the further consideration of it, therefore, had been adjourned till the return of the king; but that immediately after his majesty's return, which was expected in five or six days, he would again call up the question, and obtain an

early decision of it. Indulging the expressions of regret which the disappointment called forth, I had no other alternative than an acquiescence in this new delay.

The king returned on the morning of the 27th instant, and on the following day I called both on the president of the council and the minister of foreign affairs. In my interview with the president of the council, I remarked to him that, after the conversation which had passed between us a fortnight ago, I had hoped that the disagreeable question with which we had been so long occupied would have been promptly arranged. He referred to the absence of the king and of the two ministers who accompanied him, as having rendered the delay inevitable. He then said that but for the chambers there would be less difficulty in arranging this question; but that he apprehended a very serious opposition to it on their part, which might even more seriously embroil the relations of the two countries by refusing to carry into execution any arrangement which should be made. He added, that two months, sooner or later, could not be of much importance in the settlement of this question, and asked me if there would be any objection to adjourning its decision till the meeting of the chambers, when the ministers could have an opportunity of consulting some of the leading members of the two houses?

I replied that, after the long delays to which we had already been subjected, such a proposition never could be assented to, and could not be viewed otherwise than as wanting in respect to the United States; that the king, by his ministers, was the organ and representative of the nation towards foreign powers; that the charter had given him full

power to conclude treaties with other states; that foreign ministers were accredited to him alone, and could not be turned over, directly or indirectly, to any other department of the government. I added, too, with emphasis, that, in the lively sensibility which existed on this subject in the United States, a prompt termination of the discussion had become indispensable to a continued harmony between the two countries.

He acknowledged the justness of these observations: said he had not intended, formally, to propose an adjournment of the question till the meeting of the chambers, but had only suggested it in the way of inquiry; and, in concluding the interview, promised distinctly that the subject should be again brought before the council at a very early moment, with a view to a definitive arrangement, if that should be found practicable, as he hoped it might be.

After leaving the President of the council, I went to the office of foreign affairs, and reminded the minister of his promise to bring our negotiation to a conclusion immediately after the return of the king. I dwelt upon the present unsatisfactory state of the relations between the two countries, and told him how indispensable it was to the preservation of their mutual good understanding, that an end should be promptly put to this disagreeable question. He suggested at first, as the president of the council had done, the idea of postponing it till the meeting of the chambers; but, after the observations I made, he abandoned the suggestion, and promised to bring the subject again before the council at the earliest moment practicable.

In the recital of the numerous conferences with the minister of foreign affairs and the president of

the council, of which an account is rendered in this and the preceding despatch, it has not been possible for me to detail all the observations which were made, on both sides, in the course of so many conversations of a very diversified range, and generally of protracted duration. My object has been to furnish a faithful history of the successive stages of the negotiation, in giving the spirit and substance, as well as the result, of each interview; and to report much more fully the observations of the king's ministers than my own, deeming it important, in the present state of the relations between the two countries, that every means should be afforded of appreciating the conduct and

principles of this government by the declaration of its own organs. On my part, I flatter myself that no consideration of justice or policy; no argument, whether of principle or detail, derived from the nature and character of the reclamations themselves, or from the interests of France in the preservation of friendly relations with the United States, has been omitted to be urged with the zeal and energy which the occasion has demanded.

I have the honour to be,

With great respect,

Your most obedient servant,

W. C. RIVES.

To the Hon. MARTIN VAN BUREN,
Secretary of State.

No. 73. Extract.—*Mr. Rives to Mr. Van Buren.*

Paris, June 14, 1831.

Sir,

On the first instant, supposing that sufficient time had elapsed for the deliberations of the council, I called again on the minister of foreign affairs for the purpose of receiving the final decision of the French government.

The minister told me that he had brought the subject again before the council, and that it had been most maturely and deliberately considered; that he and Monsieur Perrier, the president of the council, had, with much difficulty, prevailed on them to add one more million to the offer which had been already made me, but that was unequivocally their *ultimatum*, and he was directed to announce it to me, in the most solemn form, as such; that it was the opinion of the most enlightened and influential men, members

of both chambers, that the offer of twenty-four millions, heretofore made, was greatly too much; that _____, _____, _____, _____, and other leading members of the one chamber or the other, whom he mentioned, had already expressed that opinion to him, and emphatically warned him of the serious difficulties to which this affair would expose ministers before the chambers; that, under these circumstances, nothing but high *political* considerations, and the strong desire they felt to establish the most friendly relations with the United States, had induced them to go as far as they had done, but that they had now advanced to a limit which nothing whatever could induce them to pass.

I replied that, after the numerous and detailed discussions which had already taken place, it was useless

to discuss the adequacy of the proposition he had just made : my only object was to know the *final* determination of the French government, that I might come to a determination alike final on my own part, and thus avoid the necessity of further unpleasant, as well as unprofitable discussions.

He repeated, that what he had just stated to me was the final and unchangeable determination of the French government, and he wished me to consider it as then announced to me in the most solemn manner.

I then observed to Count Sebastiani, that nothing had yet been said of *interest* upon the sum proposed to be paid by the French government, but that it was an indispensable element in judging of the proposition he had made, and must be understood, before I could come to a decision upon that proposition.

He replied that, under the circumstances of the case, interest was by no means a matter of course ; that their offer had always been accompanied with the express condition of payment in six years ; that they were not bound, therefore, by the addition of interest, to make it equivalent to a cash payment ; but nevertheless the council, in their anxious desire to terminate the affair, had authorized him, if I insisted upon it, to agree to pay an interest of four per cent., which was the highest they had ever paid to a foreign government, in a similar transaction.

With these explanations the interview terminated.

In this state of things, finding nowhere a more authoritative estimate of the just amount of the claims of our citizens than that contained in Mr. Gallatin's despatch of 14th January, 1822, to Mr. Adams, and in which he expresses the opinion that all the claims of every description,

justly due, do not exceed five millions of dollars, two millions of which, he adds, "there can be no expectation ever will be obtained," I thought no time ought to be lost in securing the benefit of the proposition now made by the French government. I therefore prepared the projet of a convention, (of which a copy accompanies this despatch,) and, on the third of June, presented it to the ministers.

After reading it over, he signified his approbation of the principal dispositions of it, with a special exception, however, of the fifth article, which contains a renunciation of the French claims, and particularly of the claim founded on the eighth article of the Louisiana treaty. He said there were claims of French subjects against the United States of indispensable justice, which the American government could not certainly refuse to satisfy in the moment of obtaining justice for its own citizens ; and that, in regard to their claim under the eighth article of the treaty of cession of Louisiana, it was too well founded, and of too much importance to be abandoned, without a fair and just equivalent, especially after the liberal proposition they had made for the payment of the claims of our citizens.

I observed, that no allusion having been made in the course of our negotiation to the claims of French subjects, I had taken it for granted that there were none which were supposed to merit the patronage of the French government ; and that, with respect to the Louisiana question, I had flattered myself that the present government of France would no longer insist on a pretension which had been heretofore used chiefly as an expedient for evading the justice due to our citizens.

He replied, that the negotiation in which we were engaged, as ex-

pressly stated in the report approved by the king in October last, had three distinct objects: first, the liquidation of the claims of American citizens against France; secondly, the liquidation of the claims of French subjects against the United States; and, thirdly, the adjustment of the great question respecting the execution of the Louisiana treaty; that the natural march of discussion was to treat these objects successively; that he had not thought it necessary or proper to say any thing of the claims of French subjects till those of American citizens had been disposed of: but, having now come to an understanding respecting the latter, it remained to adjust the former, as well as the reclamation relative to the eighth article of the Louisiana treaty, which, he repeated, was too clearly founded in the language of that instrument, as well as in the convictions of the French government and nation, ever to be gratuitously abandoned.

The minister then sent for Baron Deffandis to give information respecting the claims of French subjects against the United States, as well as the manner in which it was proposed to settle the Louisiana question. The Baron mentioned the claim of the heirs of Benumarchais; the French vessels destroyed at Savannah and Norfolk, in 1811; the four which were captured by Captain Stockton, on the coast of Africa, in 1822; and divers other claims, some of which I then heard of for the first time. In regard to the manner of settling the question concerning the eighth article of the Louisiana treaty, after alluding to the understanding which had taken place in the time of Monsieur Polignac's ministry for an abandonment of this pretension, in consideration of a temporary reduction of the duties on French wines in the United

States, he said that the commission, unanimously concurring in the opinion that the claim asserted by the French government was clearly supported by the language of the treaty, and the nature of the transaction itself, thought that the proposed reduction of duties on French wines did not offer an equivalent for its abandonment; but that the United States ought also to grant a corresponding reduction of the duties on French brandies.

After some further conversation, which it is not important to detail, the minister remarked that he was as yet very imperfectly informed as to the points which remained to be adjusted, and that it would be necessary, therefore, to reserve the discussion of them for another occasion.

Finding that the claim of the heirs of Beaumarchais, which alone amounted to more than three millions of francs, was to be earnestly insisted on, I thought it important to possess the mind of the minister as promptly as possible with those circumstances belonging to the history of the times, which had produced a belief in the United States that the supplies which formed the subject of the claim, were, in fact, derived from the gratuitous assistance of the French monarch.

On the 4th instant, therefore, I again called on him, and entered into an historical exposition of this claim, and of the circumstances connected with it, founded on the documents which had been published in the United States. Count Sebastiani remarked that he knew very little of the intrinsic *merits* of this claim, but it seemed to him that the government of the United States stood *committed* by the letter of Mr. Gallatin to the Duke de Richelieu, of the 2d December, 1816, connected with the duke's answer, to pay it, and it was

a matter of much surprise in France that it had not been heretofore paid. I replied by calling his attention to the language of the correspondence between Mr. Gallatin and the Duke de Richelieu, as not justifying the inference he had drawn from it.

The minister then said he had not yet had time to make himself thoroughly acquainted with this claim, or the others which would be presented; that he would be necessarily occupied with other matters of great urgency before the departure of the king, who was to set out on the 6th instant on an excursion into the eastern departments; but that, if I would call again on Wednesday the 8th instant, he hoped then to be able to enter with me on this part of our negotiation.

On the 8th instant, accordingly, I called again at the office of foreign affairs; but the minister informed me that an exposition of the French claims, which was preparing in the bureau, had not yet been completed, and he was consequently not ready to enter upon the subject with me; that it would probably be finished that day or the next, and, after reading it, he would immediately send it to me, that I might make my observations upon it.

On the 10th instant, not having yet received the promised exposition, I renewed my call at the office of foreign affairs; but the minister, being urgently occupied with the affairs of Belgium, which had at that moment assumed a very criti-

cal and menacing aspect, from the refusal of the congress to comply with the demand of an unqualified adhesion to the protocols of the London conference, he sent me an apology for not being able to see me, and requested that I would return on the following day.

On the 11th, when I returned, the minister was on the point of leaving his hotel, on an occasion connected with the same engrossing topic of Belgian affairs, and I was again disappointed in the hope of a conference.

In this state of things, I thought it important that the proposition which had been made by the French government for the adjustment of our claims should be put on record, and, with that view, as well as to accelerate the progress of the negotiation, I yesterday addressed to the minister a note accompanied by the projet of a convention, copies of both of which are herewith enclosed.

I have the honour to be,

With great respect,

Your most ob'd't scrv't,

W. C. RIVES.

To the Hon. MARTIN VAN BUREN
Secretary of State.

P. S. Lest by possibility the important despatch of Mr. Gallatin, of the 14th January, 1822, herein before referred to, may not be on the files of the state department, I enclose a copy of it taken from the books of this legation.

W. C. Rives to Count Sebastiani, Minister Secretary of State for the Department of Foreign Affairs.

Paris, June 13, 1831.

MONSIEUR LE COMTE :

The explanations which have already taken place in the numerous conferences which I have had the honour of holding with your excellency on the subjects of the negotiation with which we have been recently occupied, leaving very little more to be done than the formal execution of what has been mutually agreed upon, it has appeared to me that the readiest mode of bringing the negotiation to a termination, would be the presentation of regular conventional articles. I have, therefore, the honour to submit to your excellency the projet of a convention, in English and in French, which your excellency will recognise to be the same as that I had the honour to hand you on the 3d instant, except that the blanks left in that are now filled up according to the terms of your excellency's

proposition, to wit, the blank for the principal sum to be paid with the sum of twenty-five millions of francs, that for the interest with four per cent., &c. &c. .

If this projet should not meet the views of your excellency in all respects, as the general approbation of it expressed by you assures me that it does in the main, I take the liberty to invite your excellency to state the result of your observations upon it, in the form of admission, modification, or substitution of the respective articles, that being obviously the best means for arriving at the prompt practical conclusion which is believed to be equally in the interests and wish of both parties.

I have the honour to be,

With distinguished consideration,
your excy's most
obed't servant,

W. C. RIVES.

Projet of Convention.

The United States of America, and his majesty the king of the French, equally desiring by a just and amicable termination of the discussions which have arisen between the governments of the two countries, to extinguish all source of misunderstanding between them, and to establish their friendship and harmony on a lasting foundation, have, for this purpose, respectively named their plenipotentiaries, to wit, the president of the United States

of America, by and with the advice and consent of the senate, William C. Rives, envoy extraordinary and minister plenipotentiary of the said United States at the court of his majesty the king of the French; and his majesty the king of the French, * *

* * * who, after having exchanged their full powers, found in good and due form, have agreed upon, and concluded the following articles.

ARTICLE 1.

His majesty the king of the French engages to pay to the government of the United States the sum of twenty-five millions of francs on account of the reclamations preferred by the said government in behalf of its citizens for the alleged capture, seizure, sequestration, condemnation, or destruction, of their vessels and cargoes or other property, by the public or private armed ships, the tribunals, officers, or other authorities of France; which sum of twenty-five millions of francs the government of the United States agrees to receive, and to cause to be distributed among the several claimants.

ARTICLE 2.

The aforesaid sum of twenty-five millions of francs shall be paid at the city of Washington, in six annual instalments, of frcs. 4166.666.66 each, and to such person or persons as shall be authorized by the government of the United States to receive the same; the first of the said instalments to be paid at the expiration of one year following the date of this convention, and the others at successive intervals of a year, one after another, till the whole shall be paid.

At the payment of each of the said instalments, the interest thereupon, as well as upon the other instalments then remaining unpaid, which is hereby fixed at the rate of four per centum, to be computed from the date of this convention, shall be likewise paid.

ARTICLE 3.

The final adjustment of the claims in question, and the distribution of the above mentioned sums, shall be

made in such manner, and upon such principles, as shall be determined by the congress of the United States, or by a tribunal to be organized by them for that purpose.

ARTICLE 4.

In order to facilitate the investigation and adjustment of the said claims, his majesty the king of the French engages, when thereunto requested, to cause to be delivered to any person or persons who shall be duly authorized for that purpose, by the government of the United States, all such documents, papers, judicial acts or other proceedings, existing in the archives of the prize tribunals, or of other departments of the French government, as relate to the acts for which the foregoing indemnity is stipulated to be paid.

ARTICLE 5.

The government of the United States hereby definitively renounces the reclamations which have been, or might hereafter be, formed, respecting the illegal captures, seizures, sequestrations, condemnations, and other injuries hereinbefore mentioned; and his majesty the king of the French, on his part, abandons the reclamations which have been heretofore presented by the government of France against the United States, particularly in what relates to the discussions which have taken place between the two governments respecting the execution of the eighth article of the treaty of cession of Louisiana.

ARTICLE 6.

The present convention shall be duly ratified on both sides, and the ratifications shall be exchanged at Washington in the space of

months after the date of the signature hereof, or sooner if possible. signed these articles, and thereto set our seals.

In faith whereof, and in virtue of our respective full powers, we have Done at Paris, the _____ day of _____ 1831,

[TRANSLATION.]

Mr. Rives to Count Sebastiani.

Paris, June 13, 1831.

MONSIEUR LE COMTE:

After the explanations which have been made on both sides in the many conferences we have had on the subject of this negotiation, I conceive that as nothing but a formal conclusion remains to be made, the best plan would be for me to present a draught of a convention. Therefore, I now have the honour of transmitting to your excellency a projet drawn up in English and French, which will be found to be the same submitted by me on the 3d instant, except that the blanks left in the latter have been filled up in this, according to the terms proposed by your excellency, to wit: the blank relating to the principal to be paid by the sum of twenty-five millions of

francs; that respecting the interest by the words "*four per cent.*," &c., &c.

I can have no doubt, after the approbation expressed by your excellency, of the general tenor of the treaty, that the chief propositions will be adopted; but, in case any portions should not exactly conform to your views, I request that your excellency will have the kindness to make known your wishes under the form of admissions, modifications, or substitutions, of the proposed articles. This will clearly be the easiest method to arrive at a definitive conclusion, which is equally required by the wishes and interest of both parties.

I have the honour, &c., &c.

W. C. RIVES,

[TRANSLATION.]

Projet of a Convention between the United States and France, submitted by Mr. Rives to Count Sebastiani, on the 13th June, 1831.

His majesty the king of the French, and the United States of America, being equally desirous to terminate the existing differences between the two countries in a just and amicable manner, and thus, by

destroying all causes of misunderstanding, to establish, on a lasting basis, that friendship and harmony which should hereafter unite them, have, to that effect, named their respective plenipotentiaries, to wit:

His majesty the king of the French, * * * and the president of the United States, by and with the advice and consent of the senate, William C. Rives, envoy extraordinary and minister plenipotentiary of the said United States near the court of his majesty the king of the French; who, having communicated to each other their full powers, found to be in due and proper form, have agreed upon the following articles :

Article 1. His majesty the king of the French engages to pay to the government of the United States the sum of twenty-five millions of francs, in acquittal of the claims preferred by said government in behalf of its citizens, on account of illegal captures, seizures, sequestration, condemnation, and destruction of their vessels, cargoes, and other property, by the armed ships of the state, or of private individuals, and by the tribunals, officers, and other authorities of France; which sum of twenty-five millions of francs the government of the United States consents to receive and distribute among the various claimants.

Article 2. The abovementioned sum is to be paid at Washington, in six annual instalments of four millions one hundred and sixty-six thousand six hundred and sixty-six francs sixty-six centimes, each, to such person or persons as the government of the United States may authorize to receive them; the first instalment to be paid at the end of one year after the signing of the present convention, and the others at the end of each year, successively, until the whole be paid. To the amount of each annual payment shall be added the interest of the sum then paid, as well as that of the whole sum which

remains to be paid; the interest being fixed by this convention at the rate of four per cent. per annum, to be calculated from the day of the signing of said convention.

Article 3. The definitive settlement of the claims in question, and the distribution of the specified sums, will be conducted after the manner, and according to the principles, which may be laid down by the congress of the United States, or by the tribunals which it may establish for the purpose.

Article 4. In order to facilitate the examination and adjustment of these claims, his majesty the king of the French engages that all documents, judicial or other papers, relating to the objects of this convention, and existing among the archives of the councils, prize courts, or other branches of the administration, or departments of the government, shall be delivered on demand of persons duly authorized thereto by the government of the United States.

Article 5. The government of the United States does hereby renounce all claims which are or may be preferred on account of seizures, captures, or other wrongs, enumerated above; and his majesty the king of the French, on his part, abandons the claims hitherto preferred by the French government against the United States, more especially those on account of the execution of the eighth article of the treaty of cession of Louisiana.

Article 6. The present convention shall be duly ratified by the two contracting parties, and the ratifications shall be exchanged at Washington within six months after the date of the signature thereof, and as soon within that period as possible.

In faith whereof, and in virtue of their respective full powers, the

above-mentioned plenipotentiaries Done at Paris, this day
 have signed the preceding articles, of , in the year eighteen
 and have thereunto affixed their hundred and
 seals.

From the Minister of Foreign Affairs of France to Mr. Rives.

Paris, June 15, 1832.

The minister of foreign affairs has the honour of transmitting to Mr. Rives, according to his promise, sixteen notes, containing an exposition of all those French claims against

the United States which have been considered as properly comprehended in the negotiation now going on. He takes this occasion to assure Mr. Rives of his high consideration.

[TRANSLATION.]

Claims of France.

	Francs.	Cs.
1. Claim of the heirs of Beaumarchais for articles furnished according to account admitted on the 3d of February, 1806; being principal and interest to that date, - - - - -	2,699,999	
Interest on the above sum since February 3, 1806, according to contract, - - - - -	1,000,875	
2. Value of the privateers Vengeance and Franchise, burnt by a mob at Savannah, in 1811, - - -	170,000	
3. Value of the privateer la Revanche du Cerf, burnt in the harbour of Norfolk, in 1811, by an unlawful force, - - - - -	70,000	
4. Claim for damages sustained by the ship St. Francois, which was obliged to alter her course, and to receive on board 36 English prisoners from the American sloop of war Wasp, - - - - -	30,000	
5. Claim for the Jeune Emilie on account of damages similar to those sustained by the St. Francois, - - -	40,000	
6. Claim for damages on account of the detention of the ship Minerve by the American frigate Constellation, in the port of Mahon, in 1823, - - - - -	946	
7. Claim on account of the illegal detention of the Eugene by the custom-house officers of St. Mary's river, in Florida, in 1820, - - - - -	20,000	

8. Claim on account of exorbitant salvage duties levied by the United States' schooner Terrier on the French ship Calypso, viz.	
For the ship,	30,000
For the cargo,	80,000
9. For overcharge of duties on the French ship Pactole, at Pensacola, in 1827,	12,000
10. Damages sustained by the Jeune Eugenie, from her being illegally seized on the coast of Africa by the United States' schooner Alligator, and from depre- dations,	263,897
11. For damages sustained by the ship Mathilde on ac- count of detention by the United States schooner Alligator,	60,000
12. For damages of the same character sustained by the Julie,	80,000
13. For detention of the Eliza by the Alligator,	30,000
14. For payment of four drafts upon the treasury of the union, made payable to the order of the cashier of the French treasury on account of the cession of Louisiana,	101,534 41
15. For the amount of prizes due to Frenchmen of the legion of Luxembourg by the state of South Ca- rolina; said amount now lying in the Charleston bank. See memorial.	
16. Claims of Frenchmen to lands granted them by the Indian tribes before they became under the go- vernment of the United States. See memorial.	
Sum total of accounts made out,	<u>4,689,241 41</u>

[TRANSLATION.]

Note 1.—*Beaumarchais' Claim.*

The heirs of Beaumarchais claim from the government of the United States payment for arms and clothing furnished to the United States during the war of independence. The amount, as calculated by the American treasury in 1806, February 3d, was, in principal, 667,250 livres, and in interest up to that date, 2,032,749 livres. The interest since that period, according to the terms of the contract, will be about 1,000,875 francs more; so

that the whole debt, up to this mo-
ment, is 3,700,874 francs.

The government of the United States, however, refuses to pay this debt, alleging, *first*, that Mr. Beau-
marchais received from Count de Vergennes, in 1776 the sum of one million (livres) out of the secret fund of the ministry of foreign af-
fairs, which he was to employ in furnishing the very articles for which his heirs now demand pay-
ment; and that he had thus received

more than he laid claim to as having been advanced.

Secondly. That the above-mentioned million was afterwards counted in the *donation of three millions* made by France to the United States, according to the financial treaty of February 26, 1783.

To this the heirs of Beaumarchais reply, that this million was not employed in furnishing the articles for which payment is now demanded; and that M. Beaumarchais had rendered account thereof to the French government, which alone had a right to inquire into the subject, and receive such account.

Things being in this state, Mr. Gallatin, on the 2d December, 1816, addressed to M. de Richelieu a request that he would give him some explanation as to the manner in which said million had been expended, adding, that an explicit negative declaration by the French government would silence the objection made to the claim by the United States.

M. de Richelieu replied on the 16th December, 1816, in a manner entirely favourable to the heirs of Beaumarchais; for he declared, formally, that "the million given on the 10th of June, 1776, had immediately reached its intended destination, and that, (according to the custom of that time,) a simple ap-

proval by the king was the only definite account (*pièce comptable*) of the use which had been made of it; this approval was dated December 7, 1776, but a few months after the delivery of the money;) and that, moreover, from a new examination of the facts, it appeared that the million in question had not been employed by M. Beaumarchais in purchasing the articles which had been sent to the United States."

M. de Richelieu had, therefore, reason to hope that congress would act favourably and speedily on a claim founded upon the most sacred obligations.

Several presidents of the United States, two attorneys general, and the greater portion of the congressional committees, have been in favour of acquitting this claim, and, in fact, after the express declaration made by the French government, no reason can be given for deferring the payment.

It may be observed, besides, that the United States house of representatives appears to have considered the question ended, by its adoption of the report of a committee made February 16th, 1824, which hinted that the executive should include this claim in the negotiations then going on between the United States and France.

[TRANSLATION.]

Note 2.—Claim on account of the French vessels Vengeance and Franchise.

The French privateer *Vengeance*, and the despatch vessel *Franchise*, were, on the 15th of November, 1811, burnt in the port of Savannah, by a mob which had been raised on

purpose against the French. The owners claim indemnification for their losses, which they have proved to be equal to 170,000 francs.

It is universally admitted that all

damages sustained in consequence of popular tumults are to be repaired either by the district in which they were received, or by the government of the country; for, in such cases, the ordinary tribunals are incapable of rendering justice to the individuals who have suffered. The governments under the faith and protection of which strangers place their persons and property, and more especially, their navigation and commerce, should secure them from acts of violence of this nature, which, on account of the number of persons engaged, become public acts. In the United States, strangers neither can nor ought to know any other than the general government of the union; and if the responsibility rest in the end upon

the state of Georgia or the city of Savannah, it is the duty of the federal government, towards a country in peace with the United States, to use its power in obtaining justice for the injured.

The minister of France at Washington demanded indemnification for the loss of these two vessels as early as 1812, but the success of this demand became naturally involved in the examination, then going on, of claims against France which the United States was preparing to assert.

The chamber of deputies has strongly recommended that this claim should be admitted in the negotiation now pending between France and the United States.

[TRANSLATION.]

Note 3.—*Claim on account of the French Privateer La Revanche du Cerf.*

The French privateer *La Revanche du Cerf*, of 70 tons, carrying four guns, entered the bay of Norfolk in April, 1811. The inhabitants were at that time exasperated against the French, and some false reports which had been circulated against the vessel were the cause of a popular tumult: in fine, on the night of the 15th of April, the privateer was surrounded by boats filled with armed men, who

boarded her, seized and tied the crew, and then set her on fire.

This striking violation of the rights of nations remained unpunished; but the demand for indemnification is founded upon the same principles with that for the destruction of *La Vengeance*, and the right is equally incontestible.

The claim amounts to 70,000 francs.

[TRANSLATION.]

Note 4.—*Claim on account of the French ship St. Francois.*

The French ship *St. Francois*, during her passage from Marseilles to Cayenne, was stopped, on the 25th September, 1814, by the

United States sloop of war *Wasp*, of 22 guns, whose commander, Captain Blakely, compelled the master of the *St. Francois* to receive on

board his vessel 36 English prisoners, under peril of having her burnt in case he refused.

The *St. Francois* not having on board provisions enough, was obliged to stop at Madeira, where the prisoners were delivered up to an English frigate: the owners, however, sustained a heavy loss, which can be proved to have been occa-

sioned entirely by the violent and arbitrary proceedings above related. Indemnification to the amount of 30,000 francs is now demanded of the government of the United States, which is clearly responsible for the acts of its navy officers. The claim is for being forced to quit her course, and for expenses of prisoners.

[TRANSLATION.]

Note 5.—*Claim on account of the French brig La Jeune Emilie.*

The brig *La Jeune Emilie*, of St. Malo, while fishing for cod on the banks of Newfoundland in August, 1814, was boarded by the American privateer *Whig*, Captain Clark, of New-York, and obliged, at the risk of being sunk, to receive eleven English prisoners, for whose support no provisions were furnished. In consequence of this, the brig was obliged to quit the banks, with

only one third of a cargo of fish, and the owners sustained a loss, for which they claim indemnification, to the amount of 40,000 francs.

The conduct of the privateer was clearly at variance with the laws of nations and maritime usages; and the United States, being responsible for the acts of its privateers against neutrals, cannot refuse the claim of the owners of the *Jeune Emilie*.

[TRANSLATION.]

Note 6.—*Claim on account of the brig La Minerva.*

The French brig *La Minerva*, while in the act of leaving Port Mahon, was, on the third of January, 1823, boarded by a detachment of fourteen men from the United States frigate *Constitution*: they came under pretence of looking for a deserter, and the midshipman who commanded them used great violence towards the captain of *La Minerva*, in consequence of which he was obliged to drop anchor, and

lay his complaints before the French consul. The matter being inquired into, the American commander disavowed the proceedings of the midshipman and sailors; but *La Minerva* was detained twelve days, which, at the rate expressed in her papers, was equivalent to a loss of 900 francs, besides the expenses of protestations, &c., which were 46 francs, making in all 946 francs, which the captain claims,

and which the American government should pay, as it is clearly responsible for the acts of its officers towards other countries.

[TRANSLATION.]

Note 7.—*Claim on account of the ship Eugene.*

The French ship *Eugene* sailed from Malaga to a Florida port on the 30th of September, 1820. On the 21st November she cast anchor at St. Josephs, on the side of the river St. Mary, which then belonged to Spain, and made her declaration at the Spanish custom-house of St. Augustine. But, on the 26th, the officers of the American custom-house of St. Mary's wished to oblige him to pay duties at that port, and, on his refusal, forced him to quit the coast.

The *Eugene*, thus driven off, went to Savannah, and there finished its business, at a loss, however,

the cargo being selected for another port. This loss amounted to 20,000 francs, for which the owners have been long endeavouring, in vain, to obtain indemnification.

This proceeding of the custom-house officers is certainly an abuse of powers and jurisdiction, and indeed it has been formally acknowledged to be such; and, as the government of the United States cannot refuse to acknowledge its responsibility for the acts of its officers, the sentiments of justice with which it is imbued will not prevent a longer delay in settling this claim.

[TRANSLATION.]

Note 8.—*Claim on account of the ship Calypso.*

The French ship *Calypso*, on her way from St. Domingo, laden with 500,000 lbs. coffee and 50,000 francs in gold, was, on the first of November, 1824, taken by a pirate off the coast of Cuba; her crew were put into a boat and abandoned; two days after they were met by the English sloop *Lion* and the American corvette *Terrier*, which two vessels, on the information received from the French captain, set off, and, in a few days, found the *Calypso* ashore. The pirates, who were

plundering her, made off, and the ship was got afloat, but instead of her being restored to her rightful owners, an American prize master was put on board, and she was carried into Key West: there a jury was raised by virtue of a pretended law of Florida, which, on the 2d of December, ordered the *Calypso* to be sold, and out of the proceeds, (very small,) 80 per cent. to be paid as salvage to her captors, 8 to her crew, and but 12 per cent. to the owners.

The captain's protest was in vain, and the claims of the persons interested have, as yet, received no attention. Among the claimants, the principal is Mr. Martin Lafitte. At length, however, the government examined the pretended law under which the unjust decision was given, and has declared the same to be null and void ; still it has not done any thing for the relief of the victims. At present, however, it will doubtless consider itself bound in honour

to indemnify the owners for the injustice committed towards them in the territory of the United States, under the semblance of legality, and through a usurpation of power not granted by the constitution. It should also be considered that those who profited by the seizure were officers and seamen of the United States' navy, whom it may oblige to refund. The losses sustained amount to about 110,000 francs.

[TRANSLATION.]

Note 9.—*Claim on account of the ship Pactole.*

The custom-house of Pensacola, in 1826, laid upon the cargo of the French ship Pactole, over and above the duties as fixed for that period by the convention of June 24, 1822, an additional duty of ten per cent. as imposed by the tariffs of the United States upon foreign shipping : this unjust demand was complied with, amounting to about 12,000 francs.

The secretary of state informed the minister of France, on the 28th

January, 1831, in reply to his demand for restitution of the above sum, that he hoped a decision would be passed favourable to his wishes, which was indeed only delayed by some accidental circumstances.

The payment of this just claim cannot reasonably be delayed beyond the period when France shows herself anxious to do justice to the demands of the United States.

[TRANSLATION.]

Note 10.—*Claim on account of the Jeune Eugenie.*

The Jeune Eugenie, from Guadeloupe, bound for Malaguette on the African coast, was taken in 1821, May 17, while lying at the mouth of the river Gallinas, by the American schooner Alligator, under pretence that she was engaged in the slave trade, that she was built in America,

and that there was no proof of her having become French property.

The officers and sailors were put in irons, and the captain, who happened to be ashore at the time, was left there : the Jeune Eugenie was then sent to Boston with an American crew.

Messrs. Raibant and Labatut, on receiving news of this, sent an agent to Boston, and, on the 24th August, 1821, the French minister demanded of the secretary of state the restoration of the vessel to the French consul at Boston.

The American government, being convinced that the *Jeune Eugenie* was bona fide French property, ordered her to be surrendered: this was done on the 10th of March, 1822. Moreover, the secretary of state, in a note to the French minister, declared that the navy department had issued orders to the commanders of the vessels employed in putting down the slave trade, to board no vessels sailing under

any other than the United States flag. The French minister, in his note of the 22d June, 1822, informed the secretary that the French government was satisfied; but that the question of indemnification would be left undetermined, and that the right of demanding it still remained with the owners.

The claim for indemnification is unquestionable, being based upon the responsibility of the general government for the acts of its officers.

The sum demanded is 233,897 francs for damages, and 30,000 francs for articles taken from the vessels.

[TRANSLATION.]

Note 11.—*Claim on account of the Matilda. August 30, 1830.*

The schooner *Matilda*, on the 25th May, 1821, boarded and captured at Grand Bacha, on the African coast, under pretence that she was engaged in the slave trade, although nothing could be adduced as proof. The crew was put in irons, and its place supplied by Americans. On the 10th June, when the prisoners were permitted to change their clothes, Capt. Philibert and his

men seized the opportunity to rise upon the prize crew, and retook the vessel. Captain Philibert then made sail for Cayenne, where he gave up the Americans, and made his declaration.

The claim for indemnification is based on the same grounds with that of the *Jeune Eugenie*: the sum demanded is 60,000 francs.

[TRANSLATION.]

Note 12.—*Claim on account of the Julie.*

The French vessel *Julie*, while lying in the Rio Pongo, was, on the 9th May, 1821, boarded by thirty men: her cable was cut, and she was forcibly carried alongside the

American ship *Alligator*. While on her way, she struck on a sand bank, and could not be got off until the tide had risen; and afterwards struck four times against rocks.

When she reached the Alligator, her captain and supercargo were carried on board of that ship, where her papers were examined by the American captain, who declared that he had no right to detain her, and should instantly set her free. This was done in spite of the protestations of the French captain, who declared, that, in the condition in which his vessel then was, it would be impossible to keep the sea. The Julie, then being unable to reach her former anchorage, made sail for Havana, where she was condemned as unseaworthy.

The French minister complained

of the violence committed by the Alligator : on the 20th June, 1822, the secretary of state replied, that the American cruisers on the African coast are ordered to prevent American vessels only from engaging in the slave trade, and that they had received express orders not to interfere with those of any other nation.

Indemnification is due by the United States ; and the right of claiming it has been reserved for the owners of the Julie, as in the case of the Jeune Eugenie.

The amount of damages sustained is estimated at £0,000 francs.

[TRANSLATION.]

Note 13.—*Claim on account of the Eliza.*

The French schooner the Eliza, under the command of M. Theodore, her second captain, (presumed mate,) was boarded on the 26th of May, 1821, while lying in the harbour of Triton, on the African coast, by a detachment from the American ship Alligator, under pretence that she was engaged in the slave trade. Her crew were put in irons, their places being supplied by Americans. On the 27th of

June the French crew succeeded in retaking the vessel ; and two days after the Americans were, at their own request, put on board a schooner called the Leona Oriental, with which they happened to meet. Captain Theodore then set sail for Martinique, where he made his declarations.

The owners lay claim to 30,000 francs, as indemnification for losses sustained.

[TRANSLATION.]

NOTE 14.—*Claim of the Royal Treasury of France.*

By the convention of the 30th April, 1803, between France and the United States, the latter became bound to supply France with twenty millions of francs, which were to be appropriated to discharging

the debts due by the French government to citizens of the United States.

As some discussions arose as to the mode of transacting the business of these accounts, General

Armstrong proposed, in the name of his government, that the funds should be transmitted by means of four drafts, amounting altogether to 101,534 francs 41 centimes, which he would draw upon the American treasury, payable to the order of the cashier of the French treasury.

This proposition was accepted; the drafts were drawn; and on the 14th March, 1809, the royal treasury gave General Armstrong a certificate of the accounts being closed, the drafts being placed to the credit of the United States. But when the drafts were presented for payment, the federal government refused to honour them, until proof had been obtained that all the debts to citizens of the United States, which had been provided for in the treaty, had been paid.

This refusal was not only contrary to all principle, but the reason given for it yields before a simple explanation.

In the first place, bills of exchange are of an executive character, and are used to transfer credit from one quarter to another; those in question were signed by General Armstrong, without re-

serve or condition, as being within the limits of his instructions. The United States cannot refuse payment on the ground of necessity to examine a transaction which is already past. In the next place, the convention of 1803 binds the United States to pay twenty millions to France; and the American creditors of France, who are to receive payment out of that sum, have no right, nor ever can have right, to call on the American treasury, which is under no obligation towards them; moreover, not a single receipt for sums due to Americans has ever been transmitted to the United States; the French treasury is the sole depository thereof, as being alone concerned in them. Besides, it is true, that of six of the American creditors who were yet to be paid, five had demands of very small value; and the sixth for 81,124 francs would probably have opposed to him a claim of equal value, as General Armstrong was informed at the time.

These drafts are therefore clearly still payable to the French treasury, with the exception of those engagements which are set forth in the treaty of 1803.

[TRANSLATION.]

Note 16.—*Claim on account of the Legion of Luxembourg.*

On the 1st March, 1803, the king of France lent the ship *Indien* for the term of three years, to the prince of Luxembourg. The prince then ceded his right to the state of South Carolina; and in order to man the vessel, a legion was raised in France, called the legion of Luxembourg.

The state of South Carolina

agreed to pay the prince 100,000 francs cash; and, in case the vessel should be lost, 400,000 francs more; in addition to which the prince was to receive one quarter of the value of the prizes. The legions were engaged upon the terms at which persons were then commonly enlisted to serve on board ships of war.

The prince, at the period of these engagements owed the king 248,000 francs for sums advanced to him.

The Indien, under the name of *South Carolina*, made many prizes while in the employment of the American state, but was finally taken by the enemy.

Two orders of creditors then present themselves, claiming their shares of the prize money; to wit, the prince of Luxembourg, and the members of the legion.

After the peace, as the prince was indebted to France, the royal treasury protested against the sum being paid to him. In consequence, an arrangement was effected, by which the prince's debt was ultimately discharged by South Carolina in 1807. There now remain only the claimants of shares in the prizes in the name of the legion.

The lapse of time, the character of the claimants, death and dispersion, have caused these claims to pass into an infinite number of hands. Syndics of doubtful cre-

ation, or whose powers are obsolete, lawyers in the same predicament, the smallness of the individual claims, and other circumstances, combine to lengthen out the proceedings, and increase the accumulation of papers, without advantage to any one except the agent, who has established himself for life, as he expects, at Charleston.

All these difficulties cannot but increase, on account of the deaths of the primitive claimants; and especially to the United States, will their heirs become troublesome.

But one equitable mode of adjusting the affair presents itself. Let the state of South Carolina, which has no interest in the distribution, surrender to the French government, as the natural protector of the rights of its subjects, and, above all, as the guardian of the French seamen, all the shares of the prize money now deposited in its care; the French government being charged with distributing it to those who make good their claims.

[TRANSLATION.]

Note 16.—*Claims on account of lands withheld by the United States, which had been granted to Frenchmen by Indians.*

Endeavours have been long making by several subjects of France, to obtain possession of lands which had been ceded to them by Indian tribes, either directly, or through the agency of companies authorized by certain states to treat with those tribes, or by the possessors or authorities in the country before it was annexed to the United States. All these endeavours have been fruitless; the reply being, *that the United States' government, from mo-*

tives of policy, were obliged to declare all cessions of land by Indians, to other than itself as null and void.

Now, although it be admitted that a government may declare any class of its citizens incapable of contracting within the limits of its own jurisdiction, and that strangers who are ignorant of such law, or misinterpret it, must bear the penalty; yet surely the case is different, in which the contracts were made

with Frenchmen before the Indians were *recognised subjects* of the United States, or where the lands in question were not embraced within the legal limits of the United States at the period of their being ceded. The relations between the United States and the Indians were thus regulated, at first, by formal treaties, which supposed each party to be independent, and the contracts reciprocal; and it was thus, by a series of treaties and mutual agreements, that the United States successively acquired most of the territories which had been occupied by the aborigines. Others were secured to them, and the limits fixed by convention; and it is only in a few of these treaties that the condition of selling only to the government was inserted. In all cases in which this latter condition had not been imposed, the Indians certainly possessed the right of selling or ceding their lands to whomsoever they pleased, and nothing but a formal treaty could divest them of this right, or render void the cessions or sales thus made. Indeed, the rights of strangers to lands thus acquired should be considered as particularly sacred in cases where the state governments authorized the cessions made by Indians; for, if those governments have gone beyond the limits of their powers in so doing, certainly the stranger who acts with good faith should not be made the sufferer.

As to cessions made by the authorities or proprietors, not Indian, before the country was annexed to the United States, the greater portion of these were in Louisiana, and constitute the property of individuals, whose rights were formally

admitted and guaranteed by the fourth article of the treaty of cession of that country. Nevertheless, instead of testing the validity of the rights of those holders by their accordance with the terms of the treaty, instead of examining them with reference to the state of things when the cessions of the lands were made, taking, also, into consideration the distance of the period, the interruption of relations between the two countries on account of the long European wars, the agents of the federal government, guided, doubtless, by their zeal, have proceeded to examine into the titles of these proprietors, and to submit them to new laws. In truth, it must be owned that the claimants have been received with favour by the federal government, and committees have been named for the purpose of proposing an equitable mode of recognising the rights of proprietors which are based upon ancient titles, and guaranteed by treaty. Moreover, it being impossible to set a value upon the losses sustained by the French, and thus to fix the indemnifications to which they would be entitled in the cases of each class of cessions, stated above, the most equitable method of regulating these indemnifications would be, to name a commission composed of persons of the two nations, (commission mixte,) which should be charged with the examination of all the grants to Frenchmen which should be presented and proved within a given period. All that would be necessary, would be to establish the principle upon which such commission would be formed, and under which it would act, in the treaty which is now in progress.

T t

Paris, June 19, 1831.

MONSIEUR LE COMTE :

According to your excellency's desire expressed to me on the 17th instant, I have now the honour to transmit to you some observations, hastily thrown on paper, in relation to the French reclamations presented in the memoir which accompanied your excellency's note of the 15th. The time has not permitted, nor have I supposed it ne-

cessary, after the numerous oral explanations which have taken place, to enter into a more detailed examination of these reclamations.

I have the honour to be, with distinguished consideration, your excellency's most obedient and most humble servant,
W. C. RIVES.

A SON EXC^e LE COMTE SEBASTIANI,
Minister Sec. d'Etat, &c. &c. &c.

No. 1.—*Affaire Beaumarchais.*

This question has its origin in a recital contained in the contract concluded between Count de Vergennes and Dr. Franklin, on the 25th February, 1783, in which, in addition to the loans made by the king of France to the United States, mention is specially made of "*aids and subsidies furnished*" to the congress of the United States, under the title of gratuitous assistance, from the pure generosity of the king; three millions of which were granted before the treaty of February, 1778, and six millions in 1781. Two millions only having come to the hands of the congress of the United States, or of their official agents previous to the treaty of February, 1778, it became necessary to investigate through what channel and in what manner the other million had been furnished to the United States. A suspicion immediately arose that this million had been received by Mr. Beaumarchais, who had sent a large amount of military supplies to the United States, for which, though he had been already paid four or five

millions of francs, his account yet remained to be definitively adjusted. Inquiries were accordingly addressed to the French government on the subject, to which an answer was returned, that, besides the two millions furnished in 1777, one million, (that in question,) was paid out of the royal treasury on the 10th day of June, 1776; but a copy of the receipt was refused, and the minister also declined to disclose the name of the person who had received the money. The opinion continuing every day to gain strength that this million had been received by Mr. Beaumarchais, who, in that case, would be accountable for it to the United States, a formal application was addressed by the minister of the United States to the French government on the 21st day of June, 1794, asking for information relative to the million advanced in June, 1776, to whom it was paid, and for what objects expended; and stating, expressly, that the purpose of the application was to charge Mr. Beaumarchais with this sum in the settlement of his account for sup-

plies, if it should appear that he was the person who received it. Monsieur Buchot, then commissary of exterior relations, in answer to this application, sent a copy of a receipt for one million of francs, dated the 10th June, 1776, and signed by Monsieur Beaumarchais; which receipt, Monsieur Buchot adds, appears to be "celle dont le gouvernement des Etats Unis a besoin pour regler ses comptes." No doubt thenceforward remaining that the million advanced on the 10th of June, as "aid and subsidy to the United States, had been received by Mr. Beaumarchais for their use, he was held accountable for it by the officers of the treasury, and formally charged with it in a definitive settlement of his accounts which took place in the year 1805. That settlement still left a balance of 222,046 francs due to Monsieur Beaumarchais, which, in the following year, was paid to his heirs. Since that period the question in regard to the disputed million has been revived by the heirs of Beaumarchais in an appeal to the congress of the United States from the decision made by the treasury department. They allege that the million received by Monsieur Beaumarchais was applied by him to some *secret service*, unconnected with the purchase of supplies; and, in support of that assertion, they have adduced certain declarations made by the ministers of France:

1st. That the French government "est ressé constamment étranger à toutes les transactions mercantiles de Monsieur Beaumarchais avec les Etats Unis."

2d. That the million paid to Mr. Beaumarchais, on the 10th June, 1776, "était donné pour un objet de service politique secret, dont le Roi s'est reserve la connaissance."

These declarations have never

appeared to the government of the United States sufficient for the purpose for which they have been cited. The first is understood only to affirm that the French government had no participation in the commercial risks, profits, or losses, of Mr. Beaumarchais: it was not intended to convey the idea that they had made no sales or advances to him on account of the supplies, may be inferred from the admitted fact that a considerable part of those supplies was taken from the king's stores and arsenals. The second declaration does by no means exclude the idea that the million in question was given to Mr. Beaumarchais to purchase military supplies for the use of the United States; for an advance made with the view of thus aiding revolted English colonies, in June, 1776, when the king of France was in full peace with Great Britain, might very naturally and properly be considered a *secret political service*.

The supposition that this million was given to Mr. Beaumarchais, not to reach the United States in a material and tangible service, but to be paid to some other person for what is technically called *secret service*, is plainly inconsistent with the language of the financial contract already cited, in which this million is mentioned as an "*aid and subsidy furnished* to the congress of the United States;" and, also, with that used by count de Vergennes, in a letter to the king of France, on the 2d of May, 1776, in which, referring to this same million, he speaks of the measures he proposed to adopt, "pour faire passer aux Americaines, &c." The letter of the duke de Richelieu, referred to in the notes, if examined with attention, will be found not to contain that "simple, but explicit negative declarations" of a matter of fact which

Mr. Gallatin had suggested. He makes no new declaration whatever in regard to the application of the million, but merely comments and reasons upon the sufficiency of those which had been already made, and concludes with saying, "Je suis donc fondé, &c. à persister dans les precedentes, declarations, &c."

In regard to the essential merits of this reclamation, an invariable opinion prevailed in the councils of the United States that it is not just. This opinion is founded on numerous communications of the American commissioners who resided in France at the time, on repeated assurances given to those commissioners by the ministers of the king, on the language used by the most confidential of those ministers with regard to the million in question, in the letter and instrument already cited; to which may be now added the language used by the king himself in a letter addressed by him, on the 8th January, 1778, to the king of Spain, in which, urging the policy of France and Spain encouraging the revolt of the American colonies, he speaks of the "secours d'argent et autres que nous leurs avons donné *le tout étant passé sur le compte du commerce.*"

If, as is mentioned in the *notes*, some of the public functionaries of the United States, and a part (though not a majority) of the committees in congress who have examined the subject, have recommended the payment of this reclamation, it has not been from any conviction of its justice; but, as their respective recommendations will show, from different considerations. Certain it is, that the congress of the United States, with whom alone the decision rested, has heretofore uniformly refused to admit it.

The report of the 16th of February, 1824, referred to in the *notes*, far from recognizing the justice of the claim, expresses the opposite opinion on its merits, and proposes to refer it to the executive, to be discussed in the pending negotiations, only because it had been already introduced into those negotiations by the French government; and in order, as the report adds, to obtain, on the scene of the transaction itself, such further developments as might tend to dispel the obscurity, and remove the doubts then existing.

No. 2.—*Affaire de la Vengeance, et de la Franchise.*

I have no knowledge of the circumstances of this case, except what has been derived from a hurried glance at some documents shown me by an agent of the claimants. From those documents, it appears that the affair originated in a *rixe* which took place between the American and French sailors at a house of bad fame, in which an American was killed, and a French sailor severely wounded. It appears, more-

over, from the report made in the chamber of deputies on the 11th September last, that the state, within whose jurisdiction this affair occurred, offered to make reparation for it; but that the minister of France in the United States opposed himself to the consummation of the arrangement. If this should be the case, it would, according to the principle even assumed in the *note*, materially impair the application now

presented for indemnity. In the total ignorance in which I am of the facts, it is impossible to form a decided opinion as to the merits of this reclamation. Though it forms a case obviously different from those wrongs committed *under express orders* of the government of France, for which the United States now claim redress, I doubt not that my government would be disposed to make a candid examination of it, and, if found to constitute a fair demand on the justice of the United States, to make prompt reparation for it.

No. 3.—*Affaire la Ravanche du Cerf.*

I am wholly unacquainted with the facts of this case, having never before heard of it, and can form an opinion of it only from the statement contained in the note. From that statement it appears that the act complained of was committed with perfect secrecy under cover of the night, excluding thereby all opportunity for the protective interposition of the laws or of the public authority. Without, therefore, inquiring into any of the circumstances which may have formed the provocation to this act, it seems sufficiently clear that there is no principle of public law which can render the government of the United States responsible for it.

No. 4.—*Affaire du St. Francois.*

This case is altogether new to me, and, it is presumed, has never been presented to the government of the United States. If it were intended to found a demand of indemnity upon it, it would seem obviously just to have, in the first instance, carried it to the knowledge of the American government, and thus to have afforded an opportunity for investigating the facts, by receiving the statement of the officer whose conduct is complained of. The result of such an investigation might entirely change the aspect of the affair: at all events, justice requires that both parties should be heard.

No. 5.—*Affaire la Jeune Emilie.*

This is a demand of indemnity for being forced, by the act of an American privateer, to quit the banks of Newfoundland before completing a fishing adventure. American fishing vessels have experienced frequent molestations from French vessels of war on the banks of New-

foundland, of which formal representations have been made by the minister of the United States to the government of France. If indemnity be demanded for such irregularities, it ought, clearly, to be reciprocal.

No. 6.—*Affaire de la Minerve.*

It appears from the statement of this case contained in the note, which is all the information I have concerning it, that the conduct of the American midshipman was promptly disavowed by the commanding officer. There was no necessary detention of the *Minerva*, arising from

the act of the midshipman. The subsequent delay of twelve days at Mahon, being entirely voluntary, so far as appears, on the part of the captain, it is not seen on what principle the government of the United States can be charged with it.

No. 7.—*Affaire de l' Eugene.*

I have no knowledge whatever of this case, except what is derived from the statement contained in the note, and that is not sufficiently precise to furnish the ground of an opinion. The nature of the means used by the custom-house officers to oblige the vessel to quit the river, is not mentioned, nor are other essential circumstances stated. The river St. Marys is a small river, forming the boundary between the ancient territory of the United States and the former Spanish possessions in Florida, and affording great facilities (which were often used) for evading the revenue laws of the United States. This circumstance called for great vigilance on the part of the custom-house offi-

cers of the Union. What cause of suspicion they may have had against the *Eugene*, which led to the adoption of the measures complained of, is not known here; though doubtless the whole matter is understood at Washington, where, it would seem from an allusion in the note, that it has been the subject of discussion. The damages claimed are altogether speculative, founded on the supposition that a more advantageous sale of the cargo might have been made in Florida than at Savannah. It is difficult to recognise in a speculative calculation of that sort, under any circumstances, a substantial foundation for indemnity.

No. 8.—*Affaire de la Calypso.*

As it seems, from the statement contained in the note, that this affair has been under discussion at Washington, I take it for granted that full explanations respecting it have been given there. Wholly uninformed as I am of the facts, it is, therefore,

the less necessary for me to make any observations on the subject. One consideration, however, is too obvious to be omitted—that the laws of the United States furnished the means of redressing any injustice which the parties may have suffered.

by appealing to the higher tribunals constituted for the express purpose of correcting the errors of inferior local authorities. From the exigencies of the case, and in conformity to what is believed to be the usage of all other countries, France herself included, questions like that arising in the case of the *Calypso* must, necessarily, in the first instance, be decided by some local tribunal. Citizens of the United States frequently experienced the most serious grievances, in similar cases, from the irregular and improper action of the local authorities in France. In one case, particularly, mentioned by Mr. Gallatin in a letter to Viscount Montmorency, of the 29th July, 1822, the vessel and cargo were sold by an inferior officer (who would not permit the intervention of the consular agent of the United States)

for less than the value of the cables and anchors! These irregularities of the French local authorities have heretofore been made the subject of representation to the government of France, with a view to preventive measures to guard against their recurrence, and not to found upon them a demand of indemnities. But if indemnities are demanded for acts of this character, justice clearly requires that they should be reciprocal, and extended to all cases depending on the same principle.

There is one reflection connected with this affair, which the claimants seem to have entirely forgotten, but which cannot, in justice be lost sight of—that, but for the intervention of the recaptors, their property would have been wholly lost to them; and that, under the circumstances, the restoration of any part of it is, in fact, a gain for them—

No. 9.—*Affaire du Pactole.*

This, a demand for the restitution of discriminating duties alleged to have been imposed on a French vessel at Pensacola, contrary to the stipulations of the commercial convention of 24th June, 1822. Without entering into the circumstances of this case, of which I have no knowledge, it is sufficient to remark, that the government of the United States, on behalf of its citizens, has, for several years past,

demanding of the government of France the restitution of discriminating duties imposed in France on American vessels, in contravention of the same treaty, and that a distinct negotiation is still pending on this subject. The government of the United States would, doubtless, be eager to embrace any occasion for the *reciprocal* adjustment of these reclamations on both sides.

No. 10, 11, 12, 13.—*Affaire de la Jeune Eugénie, la Matilde, la Julie, l'Eliza.*

All these reclamations stand on the same foundation. The four

vessels were all captured in the course of the same month, (May,

1821,) on the coast of Africa, by an American ship of war sent there to aid in the suppression of the slave trade. These vessels were engaged in that traffic, and the American officers judging from the construction of some of them that they were in fact American property, successively took forcible possession of them all. Only one of them, the *Jeune Eugénie*, was sent to the United States, where the American government, having acquired proof that she was French property, immediately ordered her release. Of the three others, one was released by the American officer, and the remaining two effected their own release. Representations on account of the insult offered to the national flag were addressed by the minister of France to the government at Washington, which immediately issued orders to the com-

manders of vessels charged with the suppression of the slave trade not to visit or search any vessels except those bearing the flag of the union. The French government declared itself satisfied with these measures, and the affair has been thenceforward considered as at an end. An injury had been done to the French nation in the violation of its flag by an American officer, and atonement was promptly made for it, which was declared to be satisfactory. The American government owed no redress, nor the French government any protection, to the individual interests concerned, which had forfeited all right to the one or to the other by being engaged in a traffic odious to humanity, and the suppression of which the moral feelings of mankind have made the common cause of all nations.

No. 14.—*Affair of the "Trésor Royal."*

I know nothing of the circumstances of this claim, except so far as they are disclosed by the statement contained in the note. From that it appears that the treasurer of the United States has been willing to pay the drafts in question whenever the French government would produce the evidence that the individual creditors, for whose claims they were drawn, had been paid. The French government has refused to do this, alleging that the United States can have no interest in the production of this evidence, that they owe no responsibility to the individual creditors, and that the convention of 1803 "has imposed upon them the pure and simple obligation

to pay to France the twenty millions of francs." This reasoning, however, is not sustained by the convention itself, the third article of which declares that "the principal and interest of the said debts" (that is, the debts due by France to American citizens) "shall be discharged by the United States," &c. ; and the sixth article further shows, that these debts are to be discharged by *direct* payments made by the United States to the American creditors, who, upon obtaining a certain certificate, *auront droit au mandats sur le Trésor des Etats Unis.*" The government of the United States, therefore, by the convention, has evidently contracted an obliga-

tion to the American creditors, and is interested in having proper evidence of the payment of their claims. It cannot be doubted, however, that the difficulty which has arisen might be easily arranged by proper explanations between the two governments. The subject, it is believed, has never been present-

ed to the political department of the government at Washington, which would listen, as it has done on all other occasions, with loyalty and good faith, to any representations which the government of France might think proper to address to it concerning this affair.

No. 15.—*Affaire des Legionnaires de Luxembourg.*

This is obviously a question between the Legionnaires and the state of South Carolina, to which

the government of the Union is entirely a stranger.

No. 16.—*Affaire de Concession Terrains.*

This reclamation relates to grants of land in different parts of the Union, obtained from Indian tribes living within its limits, or derived under governments which formerly possessed a portion of the territory now belonging to the United States. The *note* maintains the validity of the first mentioned grants, on the principle that the Indian tribes are virtually sovereign and independent, and, as such, have an incontestable right to dispose of their lands to whomsoever, and in whatever manner they please. This position is contradicted by the invariable practice of all the European governments who have at any time had possessions in America, and by solemn and repeated decisions on the point itself by the highest tribunals in the United States. Whatever may have been the form in which we have chosen to conduct our relations with the Indians, no principle of our polity is better understood

or more firmly established, than that the Indian tribes occupying portions of our territory do not possess a single attribute of national sovereignty, but are completely subject to the paternal dominion and *tutelage* of the United States, in whom only the *sovereignty* of the country resides. This is a question which it belongs to the United States *alone* to determine, and they have determined it on numerous occasions, and in the most solemn form, by the highest authorities known to the laws and constitution of the country. Whatever regulations the government of the United States may have found it necessary to establish in relation to the transactions of individuals with the Indian tribes, and that, too, in the interest of the Indians themselves, whom too much care could not be taken to protect against fraud, these regulations apply alike to their own citizens and to foreigners; and a foreign government cer-

tainly has abundant cause of satisfaction, when it knows that its own subjects are put on the same footing as natives.

The grants of land referred to as having been derived under governments which formerly possessed a portion of the territory now belonging to the United States, are said to be chiefly in the state of Louisiana; and an article of the treaty of cession of that country is invoked, as if it had specifically guaranteed the grants in question. But I find nothing else in the treaty than a general declaration that "*les habitants seront incorporée dans l'Union des Etats Unis et admis, aussitot qu'il sera possible, &c., &c., et en attendant, seront maintenus et protégés dans la jouissance de leurs libertés propriétés, et dans l'exercise des religions qu'ils professent.*" If there be any thing else in this treaty, or in any other treaty, which may be supposed to have a bearing on the grants in question, it is sufficient to say that all treaties made with foreign powers are solemnly declared by the constitution of the United States "*to be the supreme law of the land,*" and that the tribunals of the country are bound, and do in fact govern their decisions by them. When controversies arise in regard to *land titles*, it is the common law

of all nations that they should be decided according to the laws and by the tribunals of the country where the lands are situated. In judging claims of this character in which foreigners may be interested, the tribunals of the United States are governed, with a rigid impartiality, by the same rules and principles which are applied to similar claims of native citizens. Nothing more can be fairly demanded by a foreign government. If from an inherent vice in the titles themselves, or from a non-compliance with the conditions of their grants, some of the natives of France have failed to establish their pretensions before the regular tribunals constituted for the purpose, the fault is certainly not that of the United States. If when a claim cannot be judicially sustained, there yet may exist circumstances to recommend it to a benevolent consideration of the legislative authority, the appeal must be to congress, where it seems that the claimants in question have already met with a reception that leaves them no cause of complaint. But to admit a FOREIGN agency in the determination of questions of this character, would be a derogation of national sovereignty to which the government of the United States can never consent.

No. 74.

Mr. Rives to Mr. Livingston.

Paris, June 29, 1831.

SIR,

On the 15th instant I again called on the minister of foreign affairs for the purpose of urging upon him the necessity of bringing our negotiation to a definitive conclusion. I found Baron Deffandis with him, who entered into various explana-

tions and arguments respecting the French claims. A general conversation on the subject ensued, which was necessarily vague and inconclusive, as no formal specification of these claims had yet been presented to me. Baron Deffandis said that the exposition which they had been preparing in the bureau,

was nearly completed; and the minister promised to send it to me as soon as it was finished.

I remarked to Count Sebastiani, that, as some of the claims which had been mentioned were obviously unsustainable, I hoped he would present none others than such as were approved by his personal convictions of their justice. He assured me that none should be presented but such as seemed to be founded in principles of equity.

In the evening of the same day, I received from the minister a note, accompanied by a list of fourteen pecuniary claims, amounting to 4,689,251 francs, and distinct expositions of each, together with two additional memoirs on claims of a peculiar character; copies of all which are herewith enclosed.

On the 17th instant, having examined, as far as the means in my possession would enable me, the merits of these reclamations, I again called on the minister of foreign affairs, and discussed with him and Baron Deffandis, (who was again present,) in considerable detail, the greater part of them. The minister then suggested, that, as they had presented their claims in a written exposition, it would be more satisfactory and useful to receive my observations on them in the same form, after which we might more readily come to an understanding in a personal interview. He said that, on Tuesday, the 21st instant, he would be able to devote several hours to a farther discussion of the subject with me, provided I could prepare, in the mean time, my written observations on the several claims which had been presented, and would send them to him at least one day beforehand. To this arrangement I very promptly assented.

Although I felt the justice of

several of these reclamations, and the plausibility of others, yet, as the best means of leading to a favourable compromise, it appeared to me expedient, in drawing up my observations, to state as strongly as I could, consistently with fair discussion, objections and arguments which might be urged against each of them. It was with this view, particularly, that, in treating the claim of the heirs of Beaumarchais, I brought forward, in as strong relief as the narrow limits of the discussion would admit, the circumstances which had, from time to time, formed the ground of the argument against it in the United States among those who were opposed to its allowance.

There were, among the claims presented, several others which had been the subject of diplomatic discussion at Washington; but altogether uninformed of the ground which had been taken there, and having no other knowledge of the facts than what I could collect from the imperfect sketches presented by the French government itself, I was compelled to confine myself to general views of them. My observations were prepared in the course of the 17th and 18th of the month, and, in order to avoid the necessity of translation at the department for foreign affairs, they were communicated in the French language. On the 19th instant they were transmitted to the minister, with a note, a copy of which, as well as of the observations, is herewith enclosed.

On the 21st instant, the day proposed by the minister for our interview, I again called at the office of foreign affairs. The minister said he had read and considered my observations with attention; that he did not deem it necessary to enter into a separate discussion of the several claims with me; that

the principal one, and greatly exceeding all the others in amount, was that of the heirs of Beaumarchais; that the council before whom he had brought the subject considered the claim just, and had determined to insist upon it; he had reason to believe, however, that the parties interested, in order now to secure their claim in a certain and definite manner, might be induced to accept a sum less than the whole amount they had claimed; that the other claims, among which there were some of unquestionable justice, might, in like manner, be compromised, and that the whole subject of private French claims might thus be terminated by a transaction *en bloc*, and, in all probability, for two or three millions of francs.

He then sent for Baron Deffandis to give information on this point; but the baron being detained at home by sickness, Count Sebastiani said it was necessary that he should see him before he could come to a definitive conclusion on the subject, and invited me to call again on the following morning. I remarked to the minister, that, though I might not be disinclined to a compromise of these claims if he would be content with a reasonable allowance for pretensions so questionable, yet I could not consent to so high a sum as he had mentioned.

On the following day (the 22d) I called again on the minister of foreign affairs, as he had proposed, and found Baron Deffandis with him. The discussion was resumed on the French claims, and particularly on that of the heirs of Beaumarchais. After a great deal of conversation, which it is not deemed necessary to detail, the subject was arranged by the minister's agreeing to accept a gross sum of fifteen hundred thousand francs in satisfaction of all the claims.

The claim of the heirs of Beaumarchais alone amounted to 3,700,874 francs. From the peculiar nature of this claim, and the connexion of the French government with it, the honour of the United States seemed now imperiously to demand its adjustment, whether intrinsically well founded or not. The million which, with its interest, had been charged to the account of Beaumarchais, was not alleged to have been paid to him by the United States. It was claimed as a *gift* put into his hands by the *French king*, for the purpose of purchasing the supplies with which he had furnished the United States. But the French government had repeatedly declared that it was not applied to the purchase of those supplies, but to an object of *secret* political service, of which Beaumarchais had rendered a satisfactory account to his own government.

Under these circumstances, the claim had been successively recommended to the favourable consideration of congress, by presidents Jefferson, Madison, and Monroe; two attorneys general of the United States, Messrs. Rodney and Pinckney, had given their official opinion that the credit claimed by the United States was not sustainable on legal principles; and, of ten committees of the house of representatives who had examined the subject, *six*, (for since the preparation of my observations addressed to the minister of foreign affairs, I find that a *majority* of these committees had made reports favourable to it,) have recommended its payment.

If the claim were to be adjusted in the United States, it appeared impossible to separate the interest claimed from the principal. The committees of congress which had

made favourable reports on it, (particularly the select committee which made its report on the 28th January, 1823, and the committee of foreign affairs, which reported on the 1st April, 1828,) seem always to have regarded the interest on this claim as necessarily incident to the principal; and Mr. Gallatin, then the secretary of the treasury, in his letter of the 27th January, 1806, to the chairman of the committee of claims, it will be perceived, treats the interest as *equally due* with the principal. To get rid of this claim, amounting, alone, to more than three and a half millions of francs, and of others, (among which are some of clear justice,) amounting to one million more, for a gross sum of one and a half million of francs, was an arrangement so obviously advantageous for the United States, that I did not hesitate to adopt it.

The question respecting the eighth article of the treaty of cession of Louisiana then remained to be adjusted. The minister declared that the national sentiment, as well as the convictions and determination of the French Government, rendered a simultaneous arrangement of this question the indispensable condition of the acknowledgment of our reclamations; but that he was willing, with some little addition, to arrange it on the same basis which had been agreed upon between Monsieur Polignac and myself.

Monsieur David, the secretary general of the bureau of commerce, who had been consulted by the minister of foreign affairs on this subject, was present, and exhibited a projet he had prepared for a considerable reduction of duties on French wines and brandies. I explained to the minister the considerations connected with the interests of our own industry, which rendered it impossible for me to ac-

cede to any reduction of the duties on French brandies. After a protracted conversation, with the details of which it is unnecessary to trouble you, it was finally agreed that the United States should stipulate to reduce, for a term of *ten* years, the duties on French wines, to the following rates, by the gallon, to wit: on wines, in bottles, from 30 to 22 cents; on white wines, in casks, from 15 to 10 cents, and on red wines, in casks, from 10 to 6 cents; in consideration of which France should entirely abandon her pretension under the eighth article of the treaty of cession of Louisiana, and, moreover, agree to abolish the distinction now made in the French tariff between the *long staple* and the *short staple* cottons of the United States, the effect of which will be a reduction of the duty on the former from 40 to 20 francs the 100 kilogrames.

The motives and advantages of this arrangement on the part of the United States, are so fully developed in my despatch of the 20th May, 1830, that I need not here enter into the subject again. That the increased consumption of French wines in the United States, under the reduced duties, will produce a material increase of the revenue arising from this source, I cannot doubt; while the salutary influence of the measure on the public health and morals in the free introduction of a cheap and unexciting drink, no less recommends it to the approbation of an enlightened patriotism, of which it is known, indeed, to have been long a favourite and cherished object.

I will remark, only, that the proposition made to Monsieur Polignac in May, 1830, had chiefly in view a reduction of the duty on wines in *cask*. But the minister of foreign affairs desired a simultaneous reduction of the duties on other

wines, with a view of conciliating the wine-growing interest of Champagne and Bourgoyne, as well as of the south of France. Instead, therefore, of a reduction of 50 per cent. in the duties on red wines in cask only, (which the calculations made in my despatch of the 20th May, 1830, would require, in order to establish an equality, in that respect, with Madeira wines,) it was agreed to grant an average reduction of about $33\frac{1}{3}$ per cent. in the duties on all kinds of French wines.

Satisfactory explanations were given by the minister in regard to the differences in the rates of duties established, at present, in France, on the cottons of Turkey and India, and those of other countries; and I was convinced, indeed, notwithstanding this difference of duty, that the cottons of the United States had nothing to fear from a competition with the inferior qualities and reduced supplies of the cottons of other countries.

I had every reason, therefore, to be content with the equalization of the duties on the *long staple* and *short staple* cottons of the United States, operating a reduction of one half of the duties now imposed on the former; especially as the real motive of the stipulated reduction of duties on French wines in the United States was not to gain commercial advantages, but to get rid of a claim of perpetual privileges, founded on the language of a treaty which had heretofore proved an invincible obstacle to the just reclamations of our citizens, and might be most onerous and embarrassing for the future.

Mr. Gallatin, in his letter of 27th February, 1823, to Monsieur Cha-teaubriand, shows that the effect of this pretension, on the part of France, might be to put in her power to monopolize, in favour of the French navigation, the carriage of the whole commerce between her dominions and the ports of Louisiana. Between the risk of such a consequence, which would have been entailed upon the United States "for ever," in the event of an unfavourable issue of the arbitration proposed by the American government in 1823, and a temporary arrangement which, at the same time that it finally extinguishes the pretensions of France, is intrinsically advantageous to ourselves, there cannot, it is presumed, be any hesitation in making an election.

The arrangements which had been agreed upon in this interview, left nothing to be done but to settle, definitively, the form of the treaty in which they were to be incorporated. As the minister of foreign affairs had not yet presented a *contre projet*, it was understood that he would prepare these additional stipulations, and make them a part of his *projet*. On the following day, (the 23d,) I returned to the office of foreign affairs for the purpose of consulting with Baron Defandis (on whom the *reduction* of the *contre projet* devolved) in relation to several points of it; on which, for the most part, we agreed. He promised, as soon as the *contre projet* should have been approved by the council, to send it to me for examination. On the 26th instant I received it, and have now the ho-

nour to enclose a copy. Yesterday I called on the minister of foreign affairs, and proposed some slight alterations in it, most of which were readily acceded to. Some few points of expression only remain to be farther considered. In a few days more, I have every reason to hope that the matter will be definitively

consummated by the signature of the treaty.

I have the honour to be,
With great respect,
Your most ob'd't serv't,

W. C. RIVES.

To the Hon. EDWARD LIVINGSTON,
Secretary of State.

No. 75.

Mr. Rives to Mr. Livingston.

Paris, July 8, 1831.

SIR,

I have the honour to transmit, herewith, the treaty which has been concluded with the government of France. It was reduced to its definitive form on the 30th ultimo; but the necessity of submitting it to the king, who had just returned from his tour in the eastern departments, and the subsequent absence of the minister of foreign affairs, who accompanied the king in another excursion to Melun and Fontainebleau, on the 2d and 3d instant, prevented its signature till the 4th.

In communicating the result of this long and arduous negotiation, I do not suppose it necessary to enter into an analysis of the articles of the treaty, which either sufficiently explain themselves, or are already explained by the details given in my previous despatches. It will be perceived that the whole sum which the French government is to pay on account of the reclamations of citizens of the United States for unlawful seizures, captures, &c., is twenty-eight and a half millions of francs. In regard to the adequacy of this sum to pay the just claims of our citizens, I have already had the honour to re-

fer to the despatch of Mr. Gallatin of the 14th of January, 1822; and beg here to cite the passage of it which relates to this subject.

“Although I have enumerated all the cases within my knowledge, where actual condemnation had not taken place, I must add, that it is possible that some vessels captured, and probably that some burnt at sea whilst the Berlin and Milan decrees were in force, have not yet been definitively condemned. But there *can* be no expectation that indemnity will *ever* be obtained either for those, or in any of the cases where there has been such condemnation. From all the documents which I have yet seen, I do not believe that the total amount of this last mentioned class, after deducting the cases where the destination of the vessels was concealed, enemy's property covered, or which might generally afford plausible grounds of condemnation, can exceed *two millions of dollars* in value. The Danish prizes, and the vessels and cargoes seized at Naples, are not included in that estimate. The amount of sequestrations and vessels burnt at sea, where no condemnation has taken place, may be estimated at about *three millions of dollars*. This last estimate cannot

be far from the truth, since we know the amount of the two largest claims, the St. Sebastian and the Antwerp sequestrations. The answer which this government may give to my last note, will show whether we have any thing to expect from its justice in any case whatever; for, if the Antwerp claim is rejected, there can be no expectation that they will voluntarily allow any other."

If the opinion here expressed be correct, and certainly none enjoys, or is entitled to more respect, the sum stipulated to be paid by the French government will be amply sufficient to satisfy all the just claims of our citizens, of *every description*, comprehended in the scope of the negotiation.

The schedules founded on statements of the claimants, which have from time to time been presented to congress, carry the amount of the claims much higher; but, for obvious reasons, they are not a safe guide, either in regard to the validity or the amount of the claims. During the past winter, I put these schedules into the hands of a most intelligent countryman, whose practical acquaintance with such subjects, and a personal knowledge of many of the transactions themselves, derived from a residence in Europe at the time, gave particular value to his opinion. He communicated to me the result of his examination in a letter, a copy of which, as showing the large deductions to be made from the schedules, and as containing other observations which may be found useful in the ultimate investigation of the claims, I herewith transmit.

The result which has been gained in the interest of the claimants has not been achieved without the greatest difficulty. The correspondence of Mr. Crawford, of Mr.

Gallatin, and of Mr. Brown, with the department of state, (the unfavourable parts of which have, for obvious reasons, not heretofore been given to the public,) shows that they regarded this whole subject as almost entirely hopeless. The difficulties, instead of being diminished, have been increased by the recent revolution here; the causes of which have been hinted at in several of my previous despatches, and particularly in that of the 8th August, 1830. The more *popular* genius of the new government, in creating a greater tenderness for the public purse, and stronger sympathies with the interests of the tax-payers, has itself been a serious obstacle; to which have been added the pressure of extreme financial embarrassments, and the absorbing pre-occupation of European politics.

An arrangement which, amid so many difficulties, has secured for claims of our citizens (prosecuted in vain for the last twenty years, and a large portion, if not the whole, of which has been considered as *desperate*) a sum sufficient, in all probability, to pay every cent justly due, and nearly treble the amount pronounced to be due by the commission charged with their examination here, which has, at the same time, extinguished claims of French subjects against the United States to the amount of near five millions of francs, by a stipulation to pay a million and a half; and has finally gotten rid of a most embarrassing claim (founded on the language of a treaty) of perpetual privileges in the ports of one of the states of the union, by a temporary measure intrinsically advantageous to ourselves, and in the definitive settlement of these unpleasant questions, has laid a lasting foundation of harmony and friendship between two

Countries having the most important common interests, political and commercial: an arrangement marked by these features cannot, I trust, fail to be satisfactory, and to justify the responsibility which, under the discretionary powers the president has been pleased to confide to me, I have not hesitated to assume, both

in the progress and termination of this complex negotiation.

I have the honour to be,

With great respect,

Your most obedient servant,

W. C. RIVES.

To the hon. EDWARD LIVINGSTON,
Secretary of State.

No. 78.

Mr. Rives to Mr. Livingston.

Paris, September 28, 1831.

SIR,

It has occurred to me that it might not be altogether without utility to furnish you some additional explanations respecting a clause of the 7th article of the treaty concluded with this government on the 4th July last. That article, after providing for a reduction of the duties on French wines, to the rates therein specified, for a term of ten years, adds "that the proportion existing between the duties on French wines thus reduced, and the general rates of the tariff which went into operation on the 1st January, 1829, shall be maintained in case the government of the United States should think proper to diminish those general rates in a new tariff."

The minister of foreign affairs insisted on this addition as a *sine qua non* of the execution of the treaty.

He said that, without it, the stipulation to reduce the duties on French wines would be perfectly nugatory, as the United States might immediately, after reducing the duties on French wines to the rates agreed upon, make a very large reduction in the duties on the wines of other countries, and thus

place the wines of France, relatively to those of other countries, in a much more disadvantageous position than ever. Feeling, myself, the justice of this observation, and the minister of foreign affairs declaring that, without the insertion of the clause in question, he could not sign the treaty, I saw no occasion for making a serious difficulty of it on my part.

At the same time, I did not lose sight of what is said in the instructions addressed to me on the 30th November, 1830; which, while sanctioning the proposition I had informally made to Monsieur Polignac respecting a reduction of duties on the wines of France, added that "proper care should be taken that the stipulation for this reduction of duties does not conflict with our engagements to other nations, by which we are bound to impose no higher duties upon articles the produce of the soil or industry of those nations, than upon *similar* articles of other nations when imported into the United States."

If the views presented in my despatch of 20th May, 1830, respecting the unequal rates of the existing duties on the wines of France and those of other countries, be correct, as they are believed to be,

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the effect of the stipulated reduction in the duties on French wines will be, not to admit them on more favourable terms than those of other countries, but simply to restore them to a just equality.

But a consideration not less conclusive is, that we have no engagement, of the kind referred to, with any wine-growing country.

The only countries with which we have entered into a stipulation to levy "no higher or other duties on their productions than are or shall be payable on the like articles the produce or manufacture of other foreign countries," are Great Britain, (in reference to her European possessions only,) Prussia, Denmark, Sweden, the Hanseatic Republics, Austria, and perhaps some of the South American States. With Spain and Portugal, the principal wine-growing countries after France, we have no such stipulations. Of the countries above enumerated, none produce wine, unless the small quantity made in the Rhenish provinces of Prussia should be thought to make it an exception.

It is with that country only, then, that any question could, by possibility, arise respecting our agreement to reduce the duties on French wines. Conceding even that the stipulation of equal treatment to her productions would oblige us to extend to her, without any equivalent whatever, a reduction of duties granted for a special and valuable

consideration to another power, and also that the wines of her provinces are, in the language of the treaty with her, like (*mêmes*) articles with the wines, so peculiar and distinct, of France, her reclamations, if any should be made, (which is highly improbable,) might be satisfied by a correspondent reduction of duties on the wines of the Prussian provinces on the Rhine, without giving to France, in the terms of the stipulation made with her, a right to call for a farther reduction of duties on French wines; for it is only in case the government of the United States should diminish the "general rates" of the tariff in foreign wines, that France would be entitled to a farther proportional reduction on hers.

I have thought it proper to furnish you these explanations, (which the numerous other matters crowding upon my attention, at the time of sending the treaty, prevented me from then communicating,) not because I suppose them to be absolutely necessary, but *ex abundanti cautela*, and with a desire to possess you of every circumstance which might, by possibility, be deemed useful in estimating its provisions.

I have the honour to be,
With great respect,
Your most ob't serv't,
W. C. RIVES.

To the hon. EDWARD LIVINGSTON,
Secretary of State.

II. FOREIGN.

NEW-GRENADA.

MESSAGE of PRESIDENT SANTANDER, at the opening of the Congress.

Fellow Citizens of the Senate,
and House of Representatives,

The representative government adopted by New-Grenada, would be a mere form, were you not authorized to express the will of the nation, and to investigate the conduct of all its agents. The people of Grenada have sent you to inquire into its wants, to supply them if in your power, to revise and improve the laws, and bring nearer to perfection that system which it has cost so much to rear. It is my duty to aid you in this difficult task, by laying before you a statement of the political and military situation of our country, its revenues, its expenses and resources; with a sketch of those ameliorations and reforms, which may be introduced into each branch of the administration. This duty I shall fulfil with that sincerity and candour which is required for the advantage of the country, the character of the government, and my own honour; leaving it to the secretaries of state to inform you of the particulars relating to their several departments. Should the picture which I shall present, not prove, on all points, as flattering as we could desire, yet no charge of dishonour can, on that account, be laid against our country; twenty-three years of war, discord and disaster, form a sufficient apology, if the results of the glorious enterprise which we commenced in 1810, be not so great as was then expected. But if the beneficial effects already produced by our independence, and those which we have begun to experience,

since the re-establishment of the laws, offer any assurance of future prosperity, New-Grenada must obtain those advantages which it sought when the yoke of Spain was thrown off, and a government substituted without a throne, aristocracy, or privileges; a government founded on the principle of national sovereignty, and the system of popular representation. The strength and stability of this government are not to be appreciated solely by the time which it has already endured, but by the nature of the institutions, by the progress made towards the attainment of the great ends of society, by the feelings of true patriotism which it has excited, by the sympathy which it has created abroad.

Our foreign relations have been, of course, affected by the political situation in which imperious circumstances have placed us. On the dissolution of the republic of Colombia, New-Grenada respected the treaties which had been concluded with the United States, Great Britain and Holland, recognising, to the fullest extent, the obligations contracted with each; and though the agents of all those powers with which Colombia had entered into diplomatic correspondence, have continued to reside in this capital, thus acknowledging *de facto* the system adopted by our republic, France alone has as yet formally accredited a chargé d'Affaires to the Grenadian government. A provisional treaty of amity and commerce has, in consequence, been concluded with

that kingdom, which will shortly be presented for your approval.

The honour of the nation and my own duty will be the only guides in my endeavours to preserve the existing amicable relations with foreign states; and in its intercourse with them, the executive will make it a rule of conduct to dispense equal justice to all, complying with every requisition of each, which is founded on terms of treaty, and insisting on the same observances from all.

The good understanding which has existed between Colombia and the other new American republics, remains unchanged; and now that our internal discords are at an end, we should assiduously occupy ourselves in strengthening these fraternal relations, and extending our alliances with states which are bound to us by the ties of identity of feeling, and identity of principles. This desirable object cannot, however, be effected, until the interests which the three Colombian states have in common are actually defined and settled, as well as the obligations to be discharged by each. The lamentable differences which have for some time subsisted between New-Grenada and Equator, have rendered it hitherto impossible to treat on this delicate matter; but now that Providence has sent us peace, of the duration of which there can be no doubt, we have to resolve one of the most important political questions: one in which the cause of liberty throughout the new world is most deeply interested. The executive has lately invited the governments of Venezuela and Equator to appoint commissioners to meet those of New-Grenada, for the purpose of discussing these affairs, and deliberating on the relations which are to subsist between the three states. Whatever be the result, it will be preferable to a continuance

of the doubts, anxieties, and difficulties which have for three years beset us, producing distrust abroad, and giving the most effectual aid to the machinations of enemies at home.

The state of New-Grenada now comprehends the whole territory designated in the fundamental law of November 17th, 1831. It was believed that we should not recover the southern provinces then occupied by the government of Equator, without much bloodshed and calamity; but owing to the prudence displayed by the executive, to the skill of the commander-in-chief of the first division of our army, who conducted the operations in that quarter, to the influence of public opinion, which was in our favour, and, finally, to the justice and liberality exercised towards the government of Equator, the existing difficulties were terminated by a treaty, not only defining the limits of the states, but also giving promise of strict amity between them. This important document will be submitted to you, and, I doubt not, be received with pleasure.

It is most gratifying to the executive to state, that peace and tranquillity prevail throughout the vast extent of our territory, as the immediate result of the assent given by the great majority of the people, to the institutions which we have sworn to protect, and of the endeavours made by the executive and its agents, to have the laws fulfilled. The constitutional elections have been conducted with order, and the people have named their magistrates, representatives and judges. The provinces of Pasto and Buenaventura alone, from the recency of their incorporation into the state, could not exercise this privilege.

The provincial legislatures met at the time appointed by the law,

and have rivalled each other in patriotic exertions for the welfare of the provinces under their jurisdiction. Education and public instruction have been specially attended to by the government; the courts established by the constitution are engaged in dispensing justice in their respective districts; the manumission of the slaves is proceeding, and a class degraded by servitude is thus restored to society: new modes of communication have been opened between distant parts of the country, and the civil rights of no citizen have been violated with impunity.

But all these advantages cannot be secured, nor can we hope for others, until we have been extricated from the labyrinth in which we have been entangled by the confusion and irregularity of our previous legislation. It is difficult, nay, impossible, to define the functions of the various officers; to discover the means of settling a variety of cases which occur in the management of public affairs, or to keep within legal limits, amid the infinity of laws and decrees, issued by the different administrations which have successively presided over the country. Ever since 1821, each government, whether *de facto* or *de jure*, has been constantly employed in making new regulations for the departments, or in altering or adding to former ones, without any regard to principle or system. An entire revision and reform is absolutely necessary, and I solicit it, as being the greatest benefit which could now be conferred on the people. I also recommend to your most earnest attention, the plan for public instruction, the law which designates the rights and limits of power of the provincial legislatures, and that respecting judicial proceedings. Such a re-

form as this, in the internal administration of the state, would produce the most precious results to New-Grenada; for as the true prosperity of a nation is founded upon the acquisition of the means of subsistence, the preservation of political independence, and the assurance of his civil rights to each citizen, the provincial legislatures will advance the first, public education the second, and a proper administration of justice the last. Above all, let public instruction be attended to; it is a duty which should be rigidly fulfilled, to provide every citizen with the means of learning to read, write, and cast accounts; and with that view, to allow out of the public funds a certain sum for the support of schools in each parish. I shall send you a special message on this subject, which, with the reports of revenue and expenditure, will enable you to form an opinion.

As it is my earnest desire to produce a complete reconciliation and unity of feeling among all our countrymen, I will submit to you in the course of the ensuing session, my ideas with respect to a modification of the law of November 28, 1831. At the time that law was passed by the constituent convention, it was perhaps necessary and prudent to use some severity, in order to restrain the interference of excited passions, and to prevent a repetition of excesses fatal to social order. But now, that our constitutional system begins to acquire strength, and that less is to be feared from the actions of misguided persons, I think it would advance the happiness of New-Grenada, without endangering its peace, if some of the provisions of the law were repealed. —I cannot, indeed, as yet, ask for its entire abrogation; my duty is to insure the public tran-

quillity, and I have therefore only to propose such alterations as will gradually extinguish the discontent of some individuals, with the hope that the time may come when they will, by proper conduct, have earned a right to claim reward as faithful servants to their country.

The government, in entering on the exercise of its constitutional powers, found the treasury not only exhausted, but also loaded with a heavy foreign debt, contracted, in a great part, for the purpose of restoring the empire of the laws. The financial affairs had been conducted without system. Civil discord, which had made so many ravages in all the branches of the administration, in morals and in politics, had also occasioned the public revenues to be dissipated in a most extravagant manner. The government employed itself assiduously in arranging a system which should give a proper direction, and due effect, to this most important department; economizing where possible, enforcing the collection and payment of the revenues, defining the duties and powers of the several officers of the treasury, and punctually fulfilling every obligation which it was under the necessity of contracting. I can safely assure you, that during the present state of tranquillity, if due economy be observed, there will be no need of increasing the public burthens, by additional taxes or duties.

The revenue during the financial year, beginning on the 1st of July, 1831, and ending on the last day of June, 1832, amounted to 2,327,310 dollars, 6 reals; and the calculated expenses of the present year amount to 2,171,621 dollars, 3 $\frac{1}{2}$ reals, exclusive of 346,080 dollars destined for the purchase, freight, and carriage of tobacco; because in the

statement of revenues, the product of the sale of that article only was given, without noticing the quantity remaining in the factories and warehouses, which is probably worth as much more. But even if it should prove to be less, no embarrassment will be caused to the treasury by the difference against it, between the calculated expenditure, and the statement of revenue for the last financial year: for, in the documents which will be laid before you by the secretary of the treasury, you will observe,

1. That the revenue for the five months between July and November, 1832, was much less than that for the latter five months of the financial year, ending with the 30th of June last, which arises from the prevalence of tranquillity within, from the regularity introduced by the new system, and the zeal of the officers employed; all which circumstances give a reason to hope, that the total income of this year will be greater than that of the last.

2. That in the calculation of expenditure, not only all the expenses of the administration and the army are included, but also those which might possibly be necessary for the complete security of the state, which latter may, and probably will, be less than rated.

3. That the 150,000 dollars named for contingent expenses, are not to be employed of course; for of 200,000 dollars granted under that denomination for the past year, scarcely 19,000 were expended. If we add, that some military men may be appointed to civil offices, and will thus receive but one salary, that vacancies often occur which are not filled within the year, and that the southern provinces are now incorporated into the republic, it may be fairly supposed, that no augmen-

tation of taxes will be necessary. This is a most fortunate circumstance; for while the people are yet labouring under the evils produced by civil discord, they would be unable to bear any addition to their burthens.

Congress should, however, revise the laws establishing duties on imports and exports. Custom houses are, throughout the world, intended to serve two purposes: to supply the public treasury, and to favour the national industry; both highly important to us at present. Statesmen and writers on political economy have been long discussing the question, whether restrictions and prohibitions laid on foreign commerce had any real effect, or not, in protecting national industry. The executive is strongly inclined to the opinion of experienced men, sustained, too, by the example of all nations, who conceive that restrictions should be imposed, either directly or indirectly, on foreign articles, when the same can be produced or manufactured at home; and popular opinion being likewise in favour of protecting, by this means, certain productions of our soil, as well as the manufactories which now begin to supply our interior provinces, the executive conceives that this system should be adopted, even if with no other view than that of trying its effects in our own case; and will therefore submit to you a plan for that purpose.

Opinions have also been much divided with regard to the tax on tobacco, and an opportunity seems now to be offered for examining them. I will begin by observing, that any change from our present system, made upon other than strong grounds, might render it impossible to obtain the revenue necessary for the support of government; nor

would it be easy if this were found to be the case, to restore things to their former situation. It was, in fact, a fear of this kind which induced the French legislature, in 1814, to continue the monopoly of tobacco. This duty produced during the last financial year, 488,770 dollars, of which the treasury received net 211,560 dollars. The produce and duty will this year be greater, as may be inferred from the fact, that during the last five months 206,174 dollars were received; a reduction has moreover been made in the expenses of collection, and a plan yet more simple and effectual for that purpose will be laid before you. Calculating, therefore, that the tax of ten per cent. will assist our factories, as it has already, the executive conceives that it should be retained, and that the planting of tobacco should be extended, as far as necessary, to meet foreign demands. If this be the pleasure of the legislature, the secretary of the treasury will inform you of certain ameliorations of the system, calculated to advance the objects in view; namely, to provide for the supply of the interior, and to afford an income to the treasury for the use of the administration, and the payment of the national debt.

The national debt is a subject of the deepest interest to the government. **WE ARE DEBTORS, AND WE MUST PAY.** The constituent convention has acknowledged that portion of the foreign debt which falls to the share of New-Grenada; and it becomes you to arrange some effectual method of gradually extinguishing it.

Whatever may be the result of the meeting of the commissioners of the three states, New-Grenada has pledged herself to pay a part of the

debt contracted by the government of Colombia. It would be most honourable to the country, and to the legislative body, that means were taken immediately to show that we are really anxious to make good our promises. Fortunately there are now in this capital representatives of our creditors, duly authorized to make propositions for having the interest of the debt secured, and for definitively arranging the whole business. I therefore intreat you to bestow the utmost attention on this delicate subject ; and that you will, as soon as possible, appoint a committee to confer with the representatives of our creditors, and regulate the affair with due regard to prudence, and to the honour of our country.

I must recommend a similar course with regard to the arrangement of the domestic debt, contracted likewise by the republic of Colombia ; this, however, could not be easily effected, until after the meeting of the commissioners of the three states, on account of the difference in the origin of the several debts composing it, the difference in the rates of interest, and the fact, that among the creditors are subjects of all the three sections now independent. The honour of the nation, however, requires that we should postpone the arrangement of this debt until we have settled that of our foreign obligations.

The army has acted up to the principles proclaimed when it lent its powerful aid to the people, and thus hastened the downfall of a government founded on a usurpation of their rights. It has done good service in restoring the integrity of our territory : and whenever called upon to preserve the public peace, by its discipline and forbearance, it has merited the confidence of the go-

vernment, and conciliated the feelings of all. The army is aware that it forms only a part of the people, and that arms are confided to it exclusively for the purpose of defence against foreign invasion, and against attempts to overthrow our constitutional laws. I recommend to your favour this branch of the public service, observing that some reform is necessary in the laws respecting its organization and discipline.

The organization of the national guard is also defective ; every care should be taken to secure the preservation and efficiency of a force which offers so strong a guaranty to our political system. While the national guard is so organized as to be employed usefully when called upon, and our little navy duly fostered, the state will not only be able to dispense with a large portion of the standing force, but will have on hand a body capable of repressing all internal disturbances, and of defending the country against foreign invasion, at least until a regular army could be raised.

I have directed your attention only to those subjects which were most worthy of immediate examination : it would be impossible in one session to provide for all the wants, and to supply all deficiencies in our system. The evils consequent upon our former colonial existence cannot, at once, be remedied ; we are as yet but in the infancy of political life, and time is required for every reform, either in the habits or modes of thinking of a people. It is our sacred duty to maintain the political system adopted by New-Grenada, and to improve it when an opportunity offers. The evils which the nation has already experienced have been produced almost entirely by the instability of

the former governments; we want repose for the re-establishment of the public morals, for the acquisition of wealth, and for the purpose of gaining confidence abroad. The people are wearied with commotions, and anxious to rest under the safeguard of institutions which derive their origin from the only legitimate source—the will of the nation.

For my own part, I am not only bound by solemn oath, to support the constitution and laws, but I am

likewise from principle ready to lay down my life in their defence; nothing shall induce me to swerve from the cause of duty, or to abandon the sacred cause of my country. I place my trust in Providence, and the patriotism of the representatives of the nation; with those aids, our institutions must flourish, and the sacrifices of a virtuous people will not have been made in vain.

FRANCISCO DE SANTANDER.

Bogota, March 1, 1833.

Treaty of Commerce and Navigation between Peru and Equator.

Augustin Gamara, Grand Marshal, President of the Peruvian Republic, &c.

Whereas, on the 12th day of July, 1832, a treaty of commerce was concluded and signed at Lima, between the republic of Peru and the state of Equator, through the medium of plenipotentiaries, duly authorized by both parties to that effect, which treaty is, word for word, as follows:

IN THE NAME OF ALMIGHTY GOD—
The republic of Peru, and the state of Equator, being convinced of the necessity of establishing upon a solid basis, the friendship and alliance formed by means of the treaty bearing date this day, and animated by a sincere desire of contributing to the prosperity of each other, have determined to regulate their commercial intercourse in a manner calculated to prove advantageous to both countries; with which intent they have appointed their respective plenipotentiaries, to wit:

The republic of Peru—Jose Ma.
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ria de Pando, its minister of state for foreign relations; and

The state of the Equator—Diego Novoa, its minister plenipotentiary;

Who, having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon the following Articles:

ARTICLE I.

Citizens of Peru shall pay in Equator the same duties, and enjoy the same commercial privileges and exemptions as if they were Equatorians; and citizens of Equator shall pay in Peru the same duties, and enjoy the same commercial privileges and exemptions as if they were Peruvians.

ARTICLE II.

All laws of prohibition and monopoly, which impede the free commerce of the fruits and productions of Peru and Equator, shall be abolished in each state.

ARTICLE III.

The productions of the soil and industry of Equator, can be only introduced into the ports of Peru in Peruvian or Equatorian vessels; and the productions of the soil and industry of Peru, can only enter the ports of Equator, in vessels of one or the other nation.

ARTICLE IV.

All articles imported from either country in the other, according to the terms of the foregoing article, shall pay no other duty than that of eight per cent. on their valuation at the place of entry, which duty shall include that known under the title of *duty of consulado*.

ARTICLE V.

Shall be excepted, however, from the regulation established in the preceding article, all brandy and sugar imported into Equator from Peru, the duties on which shall be, viz: twelve per cent. on the value of the sugar at the place of importation, and twelve reals on each *arroba* of brandy.*

ARTICLE VI.

In order that a vessel should be considered Peruvian or Equatorian, her master or mate, and at least one third of her crew, must be natives of the republic whose flag she bears, and she must moreover carry a certificate of her having been duly registered in her own country.

ARTICLE VII.

The minor ports (those which are not ports of entry) of each country, shall be open to Peruvian or Equatorian vessels, carrying the productions of their respective countries,

and foreign articles which have already paid duties in the ports of entry; but no foreign goods taken on board during the voyage, or on which duties have not been paid, can be landed in any minor port.

ARTICLE VIII.

Equatorian vessels shall, however, be required to touch at some Peruvian port of entry, and there to pay duties on their cargoes according to invoice, before they can proceed to any of the minor ports of Peru for which they may be bound. They may, however, sail directly for a minor port, for the purpose of there taking in a cargo of Peruvian productions.

ARTICLE IX.

Peruvian vessels bound for any of the minor ports of Equator, shall touch first either at *Guayaquil* or *Monte Cristi*, which latter shall be immediately declared a port of entry. They may, however, enter freely into any port, for the purpose of taking a cargo of Equatorian productions.

ARTICLE X.

Foreign goods warehoused in either state cannot be withdrawn for exportation in foreign vessels, to any port in Peru or Equator, unless said goods, previous to their being warehoused, shall have formed a part of the cargo of the same vessel in which they are to be exported.

ARTICLE XI.

A foreign vessel withdrawing warehoused goods, by virtue of the latter part of the tenth article, must take a certified list of the same. Whenever a foreign vessel does not discharge the whole of its cargo at any port in Peru or Equator, a list

* The *arroba* measures 981 cubic inches, or four gallons and one quart English wine measure.

of the remainder, specifying the number, marks, and contents of the packages, as by the manifest shall be made at the custom-house, and delivered sealed to the captain, which list he must present before he can be allowed to unload at any port of entry in the other country.

ARTICLE XII.

As Equatorian vessels are to be considered Peruvian in Peru, and Peruvian vessels Equatorian in Equator, neither shall in the ports of the other pay any higher duties, of tonnage, anchorage, or any description whatever, than are paid by the vessels of the country in which the port is situated.

ARTICLE XIII.

Vessels of either nation may be repaired and equipped in the ports of the other, in perfect security, receiving the same protection, and subject to no other duties or liabilities than those of the country. This arrangement extends to ships of war, whose commanders, however, are to agree with the local authorities as to the period of their stay.

ARTICLE XIV.

No vessel can load or unload, unless she arrives and departs furnished with the proper documents from the respective custom-houses. The custom-houses of each state shall correspond with those of the other, in order to communicate information as to the documents thus furnished; and they shall require from the captains of vessels certificates of their having complied with the proper forms in the ports from which they came.

ARTICLE XV.

All officers of either country,

guilty of having furnished false papers to vessels, shall, on complaint being made by the government which suffered injury therefrom, be punished according to the law of their own nation, in the same manner as if the crime had been committed against itself.

ARTICLE XVI.

All productions of either country entering the other by land, shall be entirely exempt from all duty whatsoever.

ARTICLE XVII.

Foreign goods introduced from the province of Piura (Peru) into that of Loja (Equator) shall pay a duty of four per cent. upon their value.

ARTICLE XVIII.

The governments of the contracting parties may establish consuls wherever they may think necessary, for the reciprocal protection of commerce, who shall enjoy all the immunities customary among European nations.

ARTICLE XIX.

The regulations of the post between the two countries, shall remain as at present established.

ARTICLE XX.

The present treaty shall be ratified, and the ratifications exchanged, within sixty days after the date thereof, or sooner if possible, and submitted for the constitutional approval of the respective congresses at their next sitting.

ARTICLE XXI.

The present treaty shall take effect in three months from the date of its publication, and shall

continue in full force for ten years after the day on which it shall have received the approbation of both congresses; it may, however, be renewed or ratified again, by both governments, before or after the expiration of that term.

ADDITIONAL ARTICLES.

It being stipulated that the citizens of Peru shall pay in Equator the same duties as if they were Equatorians, and that citizens of Equator shall pay the same duties in Peru as if they were Peruvians:

We, the undersigned ministers, have agreed upon the following articles:

ARTICLE I.

Peruvians in Equator, and Equatorians in Peru, shall pay only two dollars for the seal placed on their passports for any place to which they may be going.

ARTICLE II.

The preceding shall be considered an additional article of the treaty of commerce concluded this day.

In faith whereof, we, the undersigned ministers, have affixed our signatures to this present treaty of commerce, and sealed it with the seals of our respective re-

publics, in the city of Lima, on this 12th day of July, in the year of our Lord 1832, and of the independence of Peru the thirteenth.

RATIFICATION.

Therefore, having seen and examined the above treaty of commerce, and it having been approved by the congress of the republic, according to the 5th section of the 48th article of the constitution, I have, in virtue of the powers conferred on me by the 13th section of the 90th article of said constitution, accepted, confirmed and ratified it, and do hereby accept, confirm and ratify each and all of its articles and clauses, solemnly pledging the national honour for the entire and exact fulfilment of the same. In faith whereof, I have caused to be issued these presents, signed by my hand, sealed with the great seal of the republic, and countersigned by the secretary of state for foreign relations.

Done at Lima this 27th of December, in the year of our Lord 1832, and of the independence of Peru the 13th.

AUGUSTIN GAMARRA.

By the President:

MANUEL DEL RIO,
Secretary of State for Foreign Relations.

GREAT BRITAIN.

King's Speech on the opening of Parliament, February 5, 1833.

My Lords and Gentlemen,

The period being now arrived at which the business of the parliament is usually resumed, I have called you together for the discharge of the important duties with which

you are intrusted. Never at any time did subjects of greater interest and magnitude call for your attention.

I have still to lament the continuance of the civil war in Portugal,

which for some months has existed between the princes of the house of Braganza. From the commencement of this contest, I have abstained from all interference, except such as was required for the protection of British subjects resident in Portugal; but you may be assured that I shall not fail to avail myself of an opportunity that may be afforded me to assist in restoring peace to a country with which the interests of my dominions are so intimately connected.

I have also to regret that my earnest endeavours to effect a definitive arrangement between Holland and Belgium have hitherto been unsuccessful. I found myself at length compelled, in conjunction with the king of the French, to take measures for the execution of the treaty of the 15th Nov., 1831. The capture of the citadel of Antwerp has in part accomplished that object, but the Dutch government still refusing to evacuate the rest of the territories assigned to Belgium by that treaty, the embargo which I had directed to be imposed on the Dutch commerce has been continued. Negotiations are again commenced; and you may rely on their being conducted, on my part, as they have uniformly been, with the single view of insuring to Holland and Belgium a separate existence, on principles of mutual security and independence.

The good faith and honour with which the French government has acted in these transactions; and the assurances which I continue to receive from the chief powers of Europe of their friendly dispositions, give me confidence in the success of my endeavours to preserve the general peace. I have given directions that the various papers which are necessary for your in-

formation on the affairs of Holland and Belgium should be laid before you.

The approaching termination of the charter of the bank of England and of the East India company, will require a revision of these establishments, and I rely on your wisdom for making such provisions for the important interests connected with them, as may appear, from experience and full consideration, to be best calculated to secure public credit, to improve and extend our commerce, and to promote the general prosperity and power of the British empire.

Your attention will also be directed to the state of the church, more particularly as regards its temporalities and the maintenance of the clergy. The complaints which have risen from the collection of tithes appear to require a change of system, which, without diminishing the means of maintaining the established clergy in respectability and usefulness, may prevent the collision of interests, and the consequent derangement and dissatisfaction which have too frequently prevailed between the ministers of the church and their parishioners. It may also be necessary for you to consider what remedies may be applied for the correction of acknowledged abuses, and whether the revenues of the church may not admit of a more equitable and judicious distribution.

In your deliberations on these important subjects, it cannot be necessary for me to impress upon you the duty of carefully attending to the security of the church established by law in these realms, and to the true interests of religion.

In relation to Ireland, with a view of removing the causes of complaint which had been so generally felt, and which had been at-

tended with such unfortunate consequences, an act was passed during the last session of parliament for carrying into effect a general composition for tithes. To complete that salutary work, I recommend to you, in conjunction with such other amendments of the law as may be found applicable to that part of my dominions, the adoption of a measure by which, upon the principle of a just commutation, the possessors of land may be enabled to free themselves from the burthen of an annual payment.

To the further reforms that may be necessary, you will probably find that, although the established church of Ireland is by law permanently united with that of England, the peculiarities of their respective circumstances will require a separate consideration. There are other subjects hardly less important to the general peace and welfare of Ireland, affecting the administration of justice, and the local taxation of the country, to which your attention will also be required.

Gentlemen of the House of Commons,

I have directed the estimates for the service of the year to be laid before you. They will be framed with the most anxious attention to all useful economy. Notwithstanding the large reduction in the estimates of the last year, I am happy to inform you that all the extraordinary services which the exigencies of the times required, have been amply provided for. The state of the revenue, as compared with the public expenditure, has hitherto fully realized the expectations that were formed at the close of the last session.

My Lords and Gentlemen,

In this part of the United Kingdom, with very few exceptions, the public peace has been preserved; and it will be your anxious but grateful duty to promote, by all practical means, habits of industry and good order among the labouring classes of the community.

On my part, I shall be ready to co-operate to the utmost of my power in obviating all just cause of complaint, and in promoting all well-considered measures of improvement. But it is my painful duty to observe, that the disturbances in Ireland to which I adverted at the close of the last session, have greatly increased.

A spirit of insubordination and violence has risen to the most fearful height, rendering life and property insecure, defying the authority of the law, and threatening the most fatal consequences, if not promptly and effectually repressed.

I feel confident that to your loyalty and patriotism, I shall not resort in vain for assistance in these afflicting circumstances, and that you will be ready to adopt such measures of salutary precaution, and to intrust to me such additional powers as may be found necessary for controlling and punishing the disturbers of the public peace, and strengthening the legislative union between the two countries, which, with your support, and under the blessing of Divine Providence, I am determined to maintain, by all the means in my power, as indissolubly connected with the peace, security and welfare of my dominions.

THE KING'S SPEECH, PROROGUING PARLIAMENT.

House of Lords, August 20th, 1833.

My Lords and Gentlemen,

In opening the present parliament I stated that never, at any time, had subjects of greater interest and magnitude called for your attention.

The manner in which you have discharged the duties thus committed to you, now demands my warmest regard, and enables me to close a session, not more remarkable for its extended duration, than for the patience and persevering industry which you have employed in many laborious inquiries, and in perfecting the various legislative measures which have been brought under your consideration.

I continue to receive from my allies, and from all foreign sovereigns, assurances of their friendly disposition.

I regret that I cannot yet announce to you the conclusion of a definite arrangement between Holland and Belgium; but the convention, in conjunction with the king of the French, I concluded in May last, with the king of the Netherlands, prevents a renewal of hostilities in the Low Countries: and thus affords fresh security for the general continuance of peace.

Events which have lately taken place in Portugal have induced me to renew my diplomatic relations with that kingdom, and I have accredited a minister to the court of her most faithful majesty Donna Maria.

You may rest assured I look with great anxiety to the moment when the Portuguese monarchy, so long united with this country by the ties

of alliance, and by the closest bonds of interest, may be restored to a state of peace, and may regain its former prosperity.

The hostilities which had disturbed the peace of Turkey have terminated, and you may be assured that my attention will be carefully directed to any event which may affect the present or the future independence of that empire.

Your investigation, carefully prosecuted during the last session, has enabled you to renew the charter of the bank of England, on terms which appear to be well calculated to sustain public credit, and to secure the usefulness of that important establishment.

The laborious inquiries carried on by committees of both houses of parliament, for several successive sessions, have also enabled you to bring the affairs of the East India Company to a satisfactory adjustment. I have the most confident expectation that the system of government thus established will prove to have been wisely formed for the improvement and happiness of the natives of India, and by the opening of the China trade, a new field has been afforded for the activity and the enterprise of British commerce.

The state of slavery in my colonial possessions has necessarily occupied a portion of your time and attention commensurate with the magnitude and the difficulty of the subject. Whilst your deliberations have been guided by the paramount consideration of justice and humanity, the interests of the colonial pro-

prietors have not been overlooked. I trust that the future proceedings of the colonial legislatures, and the conduct of all classes in my colonies, may be such as to give full effect to the benevolent intentions of the legislature, and to satisfy the just expectations of my people.

I observe with satisfaction that the amendment of the law has continued to occupy your attention, and that several important measures have been adopted, by some of which the title to property has been rendered more secure, and the conveyance of it more easy; while by others the proceedings in courts both of law and equity, have been made more expeditious, and less costly.

The establishment of the court of privy council is another improvement which, while it materially assists suitors at home, will, I trust, afford substantial relief to those in my colonial possessions.

You may rest assured that there is no part of your labours which I regard with a deeper interest than that which does, by well considered amendments of the law, make justice easily accessible to all my subjects. With this view I have caused a commission to be issued for digesting in one body the enactments of criminal law, and inquiring how far, and by what means the criminal process may be assimilated to the other branch of our jurisprudence.

I have also directed commissions to be issued for investigating the state of the municipal corporations throughout the United Kingdom. The result of their inquiries will enable you to procure those means which may seem best fitted to place the internal government of corporate cities and towns on a solid foundation, in respect of their finances, their government, and their po-

lice. In the mean time, two important acts have been passed for giving constitutions, upon sound principles, to the royal and parliamentary burghs of Scotland, and your attention will hereafter be called to the expediency of extending similar advantages to the unincorporated towns of England, which have now acquired the right of returning members to parliament.

It is with the greatest pain that I felt myself compelled to call upon you for additional powers to control and punish the disturbers of the public peace in Ireland. This call was answered, as I confidently anticipated, by your loyalty and firmness. I have not found it necessary, except in a very limited degree, to use the powers thus confided to me, and I have now the satisfaction of informing you that the spirit of insubordination and violence which had prevailed to so alarming an extent, has in a great measure subsided. I look forward with anxiety to the time when the painful necessity of continuing those measures of great but unavoidable severity shall cease; and I have given my assent, with unqualified satisfaction, to the various salutary and remedial measures which, during the course of the present session, have been proposed to me for my acceptance. The act which, in pursuance of my recommendation, you passed with respect to the temporalities of that branch of the united church which is established in Ireland; and for the immediate and total abolition of vestry assessments, and the act for the better regulation of juries, both as to their civil and criminal functions, affords the best proof that full reliance may be placed on the parliament of the United Kingdom for the introduction of such beneficial improvements as may insure the

welfare of all classes of my subjects, and thus effectually cement that legislative union which, with your support, it is my determination to maintain inviolate.

Gentlemen of the House of Commons :

I thank you for the supplies which you have granted for the service of the year. The estimates proposed to you by my direction were considerably lower than those of the former session, and you have wisely applied the reduction which has thus been effected to the diminution of the public burthens. In the course of judicious economy, combined with a due regard to the exigencies of the state, I am persuaded that you will persevere, and thus confirm the title which you have to general confidence, as the faithful guardians of the honour of the crown, and the true interests of the people.

My Lords and Gentlemen :

In returning to your respective homes, you will carry with you the

gratifying reflection, that your labours have been sedulously employed for the benefit of your country.

During the recess, your attention will be equally directed to the same important object, and in this useful and honourable discharge, both of your public and private duties, under the blessings of Divine Providence, I confidently rely for the encouragement and support of my people in that love of liberty, and in that spirit of industry and obedience to the law, and that moral worth which constitutes the safety and happiness of nations.

His majesty having concluded his speech,

The lord chancellor said, it is his majesty's royal will and pleasure that this present parliament be now prorogued, and this parliament is accordingly prorogued until Wednesday the 31st day of October next.

His majesty then left the house in the same state as he entered.

JAMAICA.

The earl of Mulgrave, the new governor of Jamaica, at the opening of the session of the legislature in 1832, addressed to the members of the two houses a long speech on the affairs of the island, in the course of which the following passage occurs :

"Since you last met, both branches of the imperial legislature have been engaged in an inquiry as to the actual relations of society in the slave colonies. *This investigation was undertaken in one house at the especial desire of the West India pro-*

prietors, and in the other was so limited in the terms of reference, as to show that no forced departure was intended from the principles of the resolutions of 1823. The proceedings of these committees have been interrupted by the close of the session, but will be resumed at the next meeting, and their final report, when prepared, will be the dispassionate and impartial result of ample and patient examination. Under these circumstances I am authorized to inform you, that I have not again to press for your adoption the order in

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council of last November. I have therefore, at present, no official communication to make to you on the subjects contained therein; but I cannot, at the same time, avoid expressing to you personally my own anxious desire, that, availing yourselves of this opportunity, you would give a patient and favourable consideration to any measures of amelioration which, in your wisdom and experience, you may think could with safety be adopted, for, important as it is, that amelioration in the condition of the slave should be progressive, the advantage at the present moment of any effectual step of this nature, emanating from yourselves, would be doubly great, extending its beneficial influence over the feelings alike of the lowest individuals in this colony, and of the highest authorities of the mother country. The gratitude of the slave would be due, where it might most safely be directed, to the immediate representatives of his master, and the committees of the imperial legislature would acknowledge with peculiar satisfaction, by any instance of spontaneous co-operation in the objects of their labours from such a quarter."

The reply of the assembly was perfectly cordial as respects his excellency, but the house used the following remarks in reference to the powers of the British parliament, and the proceedings of the anti-slavery party in E. gland.

"This house was no party to the measure by which an inquiry was obtained in one house of the British parliament, by the West India proprietors residing out of this island; nor do we admit that the house of commons can institute any effectual inquiry in relation to the social institutions of this island, or its internal affairs. To understand the laws

of any society, and the influence of customs and habits over those laws, a personal residence among the inhabitants of the country is indispensable. No evidence can convey over 4500 miles those circumstances which most materially affect the welfare of a people, and which to be appreciated must be seen. Countries might be mentioned where the laws in theory have been considered perfect, but where, after centuries of legislation, the people are starving and wretched. This, we are proud to say, is not the case in Jamaica, notwithstanding all the defects incident to the state of slavery, originally forced on us by Great Britain.

"As this house never did recognize the resolutions of parliament in 1823: as this house never did admit the right of the house of commons to legislate on the internal affairs of Jamaica, even when the West Indies were indirectly represented in parliament, we never can concede that a house of commons, which is to exist upon the principle that actual representation should be the foundation of legislation, can justly claim to legislate over us, their free fellow countrymen, in all respects their equals, but who have not, and cannot have, any voice whatever at their election, by whom, in consequence, we are not represented: who are strangers to our condition and interest, and whose attempts to dictate to us would consequently upon their own principles, the principles of their own existence as a legislative body, be tyranny, and not legislation.

"Experience prevents us from deluding ourselves with the hope of a dispassionate and impartial result from the proceedings of any committee of the commons house in relation to the West Indies; nor are

we strangers to the fact that pledges are now being exacted from candidates for seats in the imperial parliament, to vote, in respect of the colonies, according to popular dictation, and not after ample and patient examination.

"This house has always declared, that they will constantly and readily adopt every measure for substantially benefiting the condition of the slave population, which our own local experience convinces us would really conduce to their welfare, and not injure those rights of property which our constituents were forced by the British government to acquire.

"By a reference to the laws of Jamaica, your excellency will perceive that this island was spontaneously providing for the protection and civilization of the slave, whilst the country which sold him to us was only calculating the profits of the traffic.

"Our sovereign has declared to us that his majesty has observed with great satisfaction various provisions for the improvement of the condition of the slaves, which, as his majesty has stated, originated entirely with the colonial legislature.

"The finances of the country have been so impoverished by the recent insurrection, that it will scarcely be possible to provide for the island pay and subsistence of his majesty's garrison; and this house regrets that your excellency has not as yet received from his majesty's ministers any answer to the humble memorial to our sovereign for relief in this respect; but we do trust the reply to it will be dictated by a desire to show consideration for the effects of the late unfortunate revolution.

"Your excellency may with

confidence rely upon our aid in enacting every measure which may be required to discourage seditious and inflammatory language, of the evil effects of which the recent disasters and our present sufferings have furnished most melancholy proofs.

"No endeavour of this house shall be wanting to unite all classes of our society; and your excellency may depend upon our zealous co-operation in every effort directed to maintain the honour of our sovereign, and to promote the welfare of this island."

To these remarks the noble earl made the following reply :

"Mr. Speaker, and
Gentlemen of the House of Assembly,

"I return you my most sincere thanks for those portions of your address personal to myself, in which you express confidence in my character, and approbation of the first acts of my government. These assurances acquire even additional value from their being shared, as you state them to be, by all classes of your constituents. I have also heard with much satisfaction, that it is your intention to take measures for preserving inviolate the public faith, as well in relation to the garrison, as in all other prospects, so far as is compatible with that consideration for the distresses of our constituents, which it is your peculiar province to show, and in which distresses I most truly sympathize.

I wish that, consistently with my sense of duty, I could here close my reply, and refrain from expressing to you the supreme surprise, and deep disappointment excited in my mind, by various sentiments, and by much of the general tone of your address. The speech with which I thought fit to open your session

was one which, there is none amongst you can doubt, was conceived in the most conciliatory spirit; nor do I believe that any one has thought of accusing it of containing one word at variance with such a spirit. It broached no theory, it required no sacrifice. It announced, only for the present, a boon and a concession; and for the future, patient examination at home, and a determination on my part, to report faithfully and fully from hence: I know not therefore how it called for a reply of so extraordinary and desultory a nature. You state mutual forbearance and conciliation to be the principles by which the legislature of Jamaica has always been guided. I regret the more that this day, when I thought that I had least right to expect it, you should have shown towards me this exception of your general rule. Many of the topics you have introduced, I consider most inopportunately addressed to me on this occasion, and to them, therefore, I hold it to be needless to make any reply.

“How far, for instance, you may consider it fitting in the present state of society, to make a disclaimer of any community of interest with the great body of West India proprietors, residing in England, is a question entirely between you and them, and on which I shall give no opinion farther than this: that when you make use of that distinction in protesting your utter disregard and indifference with respect to the proceedings of the parliamentary committees, you might, in consistency, have recollected, that the first of these inquiries, to which you state yourselves to have been no party, was repeatedly pressed upon the government, in conjunction with the West India body, by your own accredited agent, with whom you

are in constant communication, at the very moment too, when you had vacated the chair of your own house, in order that your most distinguished member should, according to your own votes, ‘embark for England, so as to be in time to meet the next session of the imperial legislature.’

“It certainly would not become me to enter into any discussion with you as to the principles on which you suppose the representation of the people of England to have been amended by the bill passed for its reform; nor do I know by what right you assume in addressing me, that the West Indies were ever indirectly more represented in parliament than they will be now. It was then, as now, only as representatives, legally elected by the people of the united kingdom, to superintend the interests of the whole empire, that gentlemen connected with this island could have a seat in that house, or could belong to one branch of that imperial legislature, the omnipotence of whose united voice to legislate for the whole empire, if it so think fit, is beyond dispute. This is a subject which nothing should have induced me to originate. (It is one whose fruitless agitation can only lead to unnecessary irritation.) I regret most deeply that on such an occasion, you should have chosen gratuitously to raise so invidious a question, by stating that you never did admit the right of the house of commons to legislate on the internal affairs of Jamaica. For all your established privileges I shall always maintain the most inviolable respect. But as the representative here of your sovereign and of mine, I cannot listen to the declaration of any such doubt addressed to me, without asserting in the most unequivocal

terms, the transcendent power of the imperial legislature, regulated only by its own discretion, and limited only by restrictions they themselves have imposed. The long experience of the past, as to a right which has always existed, is your best security for the future, that it will never be exerted, but in extreme cases; and no one would more deplore than myself, should imperious necessity ever require such direct interference. But it is unfortunate at this moment, that you could not have rather preferred a temperate appeal to the justice, than a vain denial of the rights of the British nation. The undisturbed consciousness of strength on the part of a great and generous people, is the surest safeguard that the nicest strength of equity will continue to act as a self-imposed restraint, on the exercise of unusual, but indisputable power. You repeat the complaint, that distance, coupled with other causes not before enumerated, occasion you often to be misrepresented in the mother country; and, in reference to this, you kindly state your conviction, that my efforts will be directed by a desire to do you justice. The short experience I have yet had of Jamaica has interested me much in her welfare; and with her extraordinary natural resources, it seems impossible not to hope, that she must be destined to see better days; and any plan by which such prospects may be improved, shall always engage my immediate attention, whilst to my professed determination to report you faithfully, improved as my opinions must be by the further opportunities of observation, I will at all times adhere. But in the spirit of candour which I professed, I must recommend you to judge others as you would be judged yourselves, and to

consider that distance may have prevented you also from acquiring adequate sources of information before you prejudice the report of a future house of commons on no better authority than a few scattered pledges, alleged to have been exacted from certain candidates not yet chosen for a parliament, not yet selected, who might become members of a committee not yet formed, and which committee you therefore refuse to believe can be impartial on a question on which it is impossible it can be interested. It is such premature complaints, such groundless accusations, which alienate the public mind in Europe from the cause of the colonists; and if you continue thus to speak for yourselves, I much fear that it will be in vain that any one will attempt to speak for you there.

“In the opinion which I have most unwillingly felt it to be my duty to express upon the tone of this address, I have endeavoured to soften every topic, even to avoid any phrase which might, through misconstruction, be injurious, by exciting erroneous impressions in the minds of certain classes within this island, or elsewhere. Under all the unexpected discouragement of this address, I shall continue speedily to pursue that course which I consider for the benefit of the colony. I am grateful for your expressions of personal good feeling. I am willing to believe that some parts of this address were not so cautiously considered by the whole house as perhaps might have been expected, on account of the importance it derives from its general diffusion as an appeal to the executive. I trust, therefore, that your further proceedings will be more in accordance with the spirit in which I have first addressed you: but under any possible

circumstances, I have the greatest reliance, that not only by the present consistency of the island, but by the inhabitants in general, the motives of any act of my government will be justly appreciated, so long as I am cheered and supported by the internal conviction that I have no other object than the promotion of the welfare of all classes of the community, which his majesty has committed to my charge."

This message was referred to a committee, who made the following Report.

"*Mr. Speaker*, Your committee, to whom was referred his excellency's speech at the opening of the session, the address of this house in an answer, and his excellency's reply; recommend to the house to come to the following resolution:

"*Resolved*, That this house observe with regret the animadversions of his excellency the governor on some parts of their address, in answer to his excellency's speech at the opening of the session. The house disavow any intention on their part to deviate from that tone of conciliation which pervades his excellency's speech. It was the most anxious wish of the house to express to his excellency their devoted attachment to their sovereign, and their high respect and personal consideration for his excellency as governor of the island. The house, however, feel it imperative on them, and in accordance with former precedents, to declare, without meaning to offend or to infringe on the rights of others, that it is their determination, as it is their duty, to maintain steadily the privileges and immunities which the free inhabitants of Jamaica are entitled to in common with other British subjects; these are so well defined by law, and sanctioned by

long usage, as not to be mistaken. The house therefore rely with perfect confidence, that whilst they confine themselves to the conscientious discharge of their duty, they will receive from the representative of their sovereign the most favourable construction of their acts and intentions which is due to them as legal and faithful subjects; but this the house must protest, on behalf of their constituents, as well as of themselves, against the doctrine stated by his excellency as applicable to this colony, which asserts as beyond dispute, the transcendent power of the imperial legislature, 'regulated only by its own discretion, and limited only by restrictions they may themselves have imposed.' Such a doctrine is as subversive of the acknowledged rights, as it is dangerous to the lives and properties of his majesty's faithful and loyal subjects of this island, who, although they acknowledge the supremacy of a common sovereign over the whole empire, never can admit such supremacy in one portion of his majesty's subjects residing in the parent state, over another portion of their fellow subjects resident in Jamaica."

Speech of the Earl of Mulgrave, dissolving the Jamaica House of Assembly.

Kingston, Dec. 2, 1834.

"Gentlemen of the Council, Mr. Speaker, and Gentlemen of the House of Assembly—

"Those considerations of public convenience which might have induced me to postpone, for a few days, the conclusion of the session, have necessarily been superseded by that unfortunate collision between the two branches of the legislature, which renders it hopeless to expect

hat any further business could now be brought to a satisfactory termination.

“In taking the only course which is thus left to me, I do not think it necessary to make any comment with respect to the question in dispute, further than this, that those who are so ready to assert their own claim to privileges, which are not parliamentary, upon the mere plea of undisturbed assumption on their part, would have shown more discretion in not so prematurely and arbitrarily denying to others the right to a privilege which, unless withheld by special provision, belongs, as matter of course, to a legislative body, which likewise appears to have been formerly recognised by the resolution of the house itself, and which is supported by the undeniable evidence of acts in the journals, which owed their origin to the second branch of the legislature.

“Mr. Speaker and Gentlemen of the House of Assembly—

I could not but foresee, by the tendency of your first proceedings, that I might at any time find myself obliged to take the disagreeable step which is this day forced upon me. When inflammatory topics were wantonly introduced in your first address to me, it was impossible to calculate how soon the most conciliatory intentions might be diverted from the original direction, by an imperious sense of duty. In continuation of the same line of conduct, you thought proper afterwards to place certain resolutions upon your journals on the subject of your address and my reply. As those resolutions were not communicated to me by message, I thought, that acting under the intention I expressed, under any provocation,

steadily to pursue the course which I conceived to be for the benefit of the colony, I might avoid taking immediate notice of it, and allow the public business to proceed to its close; and to that determination, I should have adhered, but for this difference between you and the other branch of the legislature, with which I have myself no direct concern; but I cannot dismiss you from your attendance here, without noticing a resolution in which you stated, that a doctrine advanced by me, was subversive of your acknowledged rights, and dangerous to your lives and properties. The doctrine you have thought fit to stigmatize, is not mine. It is one laid down by every constitutional lawyer. It is maintained by the practice of your own courts. It has uniformly been asserted in official communications with my predecessors, by all successive advisers of the crown, under every different administration. When you speak, therefore, of your acknowledged rights, I am at a loss to conceive by whom and when those rights which you now assume were ever acknowledged. The right of the imperial parliament of legislating for all his majesty's subjects, when it so thinks fit, is inherent in that body, and has never been abandoned except as regards internal taxation. The 18th of George the Third, which makes that exception, proves the general right of legislating over the colonies. You must always recollect that I never originated this discussion. The question is of your own raising—the dispute of your own seeking; the provocation was given entirely by you, and with you must its consequences rest. When you assert a perfect equality with your fellow subjects in other parts of his majesty's dominions, there is no doubt

that, as individuals, you are all equal in the eye of the law. But this is not an independent kingdom; and as a legislature, we, who are here assembled, are not equal to the imperial parliament, consisting of the three estates of the realm—king, lords, and commons. It is, indeed, most fortunate for a fair consideration of your interests, that such a question should have been so inopportunately brought forward. It is not by the vehemence of your denial, that you can negative the existence of the right; but by the moderation of your conduct, that you might for ever avert its exercise. Should such interference ever take place, it would not be for any vain display of selfish superiority; but in the furtherance of measures, to the ultimate accomplishment of which, the parliament of Great Britain is pledged, and which experience should have shown, that the legislatures of the colonies would not themselves adopt.

I must now thank you for those portions of the annual supplies which you have already voted. Your task has, in this respect, been much lightened, by the liberality of the British government, in taking upon itself the payment of his majesty's troops, during the present year. I am sure that the people of this colony will not be insensible to the double obligation which they owe to the paternal care of their sovereign, in having, at the same time, increased the numbers of the garrison, and relieved you from the charge of its subsistence, showing equal solicitude for your safety, and sympathy for your distresses. At the same time I must say, that on your side you might have considered, that in moments of difficulty and danger, the adequate protection of an armed force, is hardly more im-

portant, than the efficient administration of criminal justice; and I therefore peculiarly regret, that at such a moment, your next act should have been the refusal of any provision whatever to the chief justice of the island, who had been appointed by your sovereign.

"I have no intention of enumerating the other instances in which you have disappointed my expectations; so much of your conduct appears to court that crisis which is now arrived, that you cannot be surprised when I announce to you, that it is not my intention again to call together the present house of assembly. As soon as the circumstances of the present season render it expedient, I shall appeal to an enlightened constituency. The liberality of that enactment, which did away with all distinctions of colour, I duly appreciate. I have no doubt that the newly-enfranchised freeholders will show they deserve the trust reposed in them, and that in its exercise, there will be no more emulation on all sides, than a desire to prove the soundness and moderation of their principles, the extent and devotion of their loyalty.

"Gentlemen of the Council,
Mr. Speaker, and Gentlemen of the
House of Assembly:

"You are now about to return to your homes, at a moment which, after the experience of last year, it is impossible not to feel to be one of some anxiety. I have myself no apprehension, that any persons will be found misguided enough, again to brave the penalties of rebellion; I have the greatest confidence in the efficiency of the measures taken for the immediate suppression of any such attempt. But as the representative of my sovereign, I speak his sentiments, when I ex-

press through you to the slave population, that solicitous as his majesty always is for their welfare, any criminal endeavours on their parts, to wrest from their masters advantages to which they have no legal claim, can have no other effect than to draw down upon them the severest punishment. For myself, I can assure you, that no personal exertion shall be wanting on my part, to extend to you, at all times, in the most prompt and rigorous manner, that protection which it is the duty of my office to afford. On your part, I trust that, forgetting all minor differences which may have occurred between you, you will unite cordially in one common feeling, of the permanent obligation of preserving the peace and tranquillity of the country.

"I now," said his excellency, "dissolve this general assembly, and it is hereby dissolved accordingly."

Proclamation for suppressing the Colonial Unions, promulgated at Kingston, on the 25th of January, 1832.

BY THE KING—A PROCLAMATION.

WILLIAM R.

Whereas it hath been represented to us, that divers of our subjects, resident in our island of Jamaica, have associated themselves together into certain voluntary societies, under the name of Colonial Church Unions, or other similar designations, and that public meetings of such societies have been holden in different parts of our said island, on which occasions resolutions have been entered into, for the forcible removal from our said island, of divers teachers and ministers of religion dissenting from the doctrine or discipline of the established Church of England and Ireland: And whereas it hath been further

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represented to us, that the several resolutions aforesaid, have been printed and dispersed throughout the said island, to the great disquiet and alarm, not only of such religious teachers, as aforesaid, and of their several congregations, but of all other peaceable and well disposed inhabitants of our said island: And whereas, such proceedings as aforesaid are contrary to law, and tend to the imminent danger of the public peace in our said island: Now, therefore, we do hereby declare and make known to all whom it may concern, that we are purposed and firmly resolved, in the exercise of our lawful authority, to maintain within our said island the principles of religious toleration, and to protect and defend all our subjects and others resident there, in the public worship of Almighty God, according to their own consciences, although such worship may not be conducted according to the doctrines or discipline of the Church of England and Ireland aforesaid, so long as such persons shall conform and be obedient to the laws. And we do hereby admonish all persons resident within our said island, that if any attempts shall be made to carry into effect any such resolutions as aforesaid, for the forcible removal from our said island of any such teachers and ministers as aforesaid; or if any such society, or any other persons within our said island, shall republish any such illegal resolutions as aforesaid, that then, and in every such case, we will enforce against all persons presuming to offend, all such pains and penalties as they may incur by such their offences; and we do hereby strictly warn and admonish our subjects, and all others resident within the said island, that they do abstain from associating themselves with every society formed, or which may

be formed for any such illegal purpose as aforesaid, as they will answer the contrary to us, at their peril. And we do especially and strictly command all judges, custodes, justices of the peace, and all our officers, civil and military, in our said island, that they not only abstain from associating themselves with any such society as aforesaid, but that, according to their several charges and trusts, they do, to the utmost of their respective abilities, and according to their several trusts, give full effect to the law, for the maintenance of toleration in matters of religion, and do co-operate in bringing to justice all persons who may offend in the premises. And we do further admonish all our faithful subjects in our said island, who may feel themselves aggrieved

by any such illegal proceedings as aforesaid, that they do abstain from the adoption of any violent or illegal measures for obtaining redress in the premises, as they shall answer the same at their peril; it being our firm purpose and resolution to use the power in us vested by the law, in such a manner as may secure effectual protection to all our subjects, within our said island, in the peaceable and orderly discharge of their several lawful callings, and in the enjoyment of all the rights, privileges, and franchises to them, or any of them, belonging.

Given at our Court at St. James, this third day of December, one thousand eight hundred and thirty-two, and in the third year of our reign.

LOWER CANADA.

Speech of his Excellency, the Governor-in-Chief, on opening the session of the Legislature, Nov. 15, 1832.

Gentlemen of the Legislative Council,
Gentlemen of the House of Assembly:

I have called you together at the period precisely corresponding with that of your last year's meeting, being still under the impression that it is the best suited to the convenience of the majority of the members of the two houses of the provincial parliament.

It is, besides, peculiarly desirable that the present session should commence at an early period, in order to afford sufficient time for bringing to maturity such measures as were in progress at the close of the

last session, and for taking up the consideration of such other measures as the growing wealth and prosperity of the province may suggest.

The period having arrived for effecting a new adjustment of the proportion to be paid to Upper Canada, of certain duties levied in this province, the commissioners nominated on the part of the two provinces respectively, under the provisions of the Act 3d Geo. IV. Chap. 119, have recently met and entered largely into the consideration of that subject; and although the discussion which ensued thereupon was conducted with no less cordiality and good feeling, than with ability and diligence on both

sides, I am concerned in having to announce to you, that the commissioners have separated without coming to any decision upon the important question intrusted to their management; and having, moreover, differed in regard to the appointment conjointly, of a third commissioner, or arbitrator, it becomes necessary, according to the provisions of the above mentioned act, (section) to refer the matter to his majesty's government, for the purpose of obtaining the appointment of an arbitrator under the royal sign manual.

The subject of the currency has been brought under your notice upon more than one occasion during the last few years; but no practical measure having resulted from the consideration of it, I think it necessary to advert to it again; not so much with a view to the adoption of any general and comprehensive system, as to suggest the expediency of providing for the wants of the public, by the creation of a metallic currency of inferior value, to replace the silver coins, and copper, now in circulation, the intrinsic value of which, (especially of the latter,) is notoriously much below its current value.

Of the temporary acts of the legislature which are about to expire, I desire to call your particular attention to the following, namely:—

1st—An act relating to the fisheries in the county of Gaspé, repealed in part by the 1st of William the IV., chapter 22—which expires on the first of May, 1833.

2dly.—An act to establish registry offices in the counties of Drummond, Sherbrook, Stanstead, Shefford, and Missiskoui, amended, and extended by 1st of William IV. chap. 3—second section further extended by 2d William IV. chap. 7—duration till the 1st of May, 1833.

And 3dly.—An act to establish boards of health within this province, and to enforce an effectual system of quarantine, which expires on the 1st of May, 1833.

I think it necessary here to refer to that part of my speech to you at the opening of the last session, which relates to the townships. The increasing importance of that interesting portion of the province—the habits of its population—and their wishes connected with the advancement of their own peculiar interests, are subjects which well deserve the attention of the legislature.

By the enactment of laws calculated to meet the diversified wants of a mixed population, like that of Lower Canada, the general prosperity of the country will be advanced, and the peace and countenance of all classes of his majesty's subjects in the province, established upon a solid and lasting basis.

The foregoing remark embraces a truth so obvious, that it may perhaps be thought superfluous to introduce it on the present occasion; but my mind is so deeply impressed with a sense of the importance (I might perhaps add the necessity) of effecting a strict and cordial union of interests and public feeling throughout the province, that I cannot abstain from seizing upon every opportunity which presents itself for promoting the success of an object of such paramount interest; an object, which, (as it appears to me,) it is no less the duty, than it is manifestly the true interest of every inhabitant of Lower Canada, to assist in promoting to the utmost of his ability, and in preference to every other consideration.

Gentlemen of the House of Assembly:

The supply bill voted during the last session, which, in consequence

of particular circumstances, with which you are already acquainted, and in conformity with the instructions received by me from his majesty's government, was reserved for the signification of his majesty's pleasure, has subsequently received the royal sanction. Upon this subject it will be my duty to make an early communication to you by a special message.

The appropriation of last session, for giving effect to the provisions of the act to establish boards of health within this province, and to enforce an effectual system of quarantine, although liberal in its amount, has nevertheless proved inadequate to it. But the excess has not been so considerable as there was reason to apprehend from the prevalence of Asiatic cholera morbus in most parts of the province, which rendered necessary the creation of boards of health with their corresponding establishments, in addition to the expensive establishment at Gross Isle.

I trust that the excess above alluded to will be provided for, with the same liberality which prompted the original grant.

I avail myself of this opportunity to suggest the expediency of making provisions for the possible necessity for incurring further expense on the same account during the current year.

The accounts of the general expenditure of the province during the past year, are in a forward state of preparation, and will, I trust, be in readiness to be laid before you at the period prescribed by legislative regulations. Should any delay take place in rendering these accounts, it is to be ascribed to the great labour necessary in preparing the voluminous and detailed statements required from the executive branch of

the legislature of all its disbursements of public money.

An estimate of the expenses of the civil government for the ensuing year, framed according to the instructions of his majesty's government, will, in like manner, be laid before you.

Gentlemen of the Legislative Council,
Gentlemen of the House of Assembly:

The apprehension evinced by the legislature during the last session, by the passing the act to establish boards of health within this province, and to enforce an effectual system of quarantine, have been but too fatally realized; and the frightful disease, the introduction of which it was the principal object of that act to prevent, has visited the colony with a degree of violence, of which there are few examples on record, in other parts of the world.

Happily that disease is now considered to have ceased to prevail epidemically in the province; but in the event of its re-appearance, it may be presumed that the experience acquired during its late visitation will, (if those establishments are to be maintained,) enable the several boards of health to improve on the regulations adopted by them.

I should be guilty of injustice towards individuals composing, and connected with those establishments, especially the gentlemen of the medical profession, were I to pass over in silence the meritorious services performed by them, in the discharge of an arduous, important, and (in many instances) an invidious duty. The nature of that duty being altogether new in this country, the performance of it was attended with many difficulties in the commencement—these have been gradually overcome through the united efforts of zeal and experience; and I

trust that the services to which I now allude, will be duly appreciated by the public, for whose benefit they were undertaken.

The gratuitous assistance rendered to the poorer classes of society by the medical faculty throughout the province, is also entitled to warm commendation.

Before I take leave of this subject, and close the present address, I must not omit to offer the tribute of praise due in a quarter, which I approach with sentiments of the most profound respect:—You will, I am sure, have anticipated me when I add, that I here allude to the meritorious exertions of the clergy in general, during that awful visitation with which it has pleased Divine Providence to afflict this land. In that season of terror and dismay, when even to approach the dwellings of those who were suffering under the influence of the prevailing disease required with many persons an effort of the mind; the ministers of religion went courageously forth, and entered the abodes of disease and death, were there to be found, day after day and night after night, bending over some devoted victim of the fatal malady; and, whilst inhaling the tainted breath that issued from his distempered frame, pouring words of comfort and consolation in his ear, and preparing his soul for its passage into another state of existence. Such exalted instances of self devotion are far, very far, beyond the reach of any praise that I have the power to bestow; and I will therefore only add, that by their conduct during the late prevalence of disease in the province, the clergy in general, have acquired new claims upon the love, the gratitude, the veneration, and the confidence of the people committed to their spiritual care.

Address to the King by the Legislative Council, on the state of the province.

Quebec, Tuesday, April 2, 1833.

TO THE KING'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign—

We, your majesty's dutiful and loyal subjects, the Legislative Council of Lower Canada, in provincial parliament assembled, having had under our serious consideration, the dangerous and unconstitutional proceedings, adopted by the assembly, are impelled by a sense of duty to your majesty, and your majesty's Canadian people, humbly to approach your majesty's throne, with a representation of the alarming posture of the affairs of this province, and our earnest supplication for immediate and effectual relief.

From the enviable state of peace and prosperity, to which we had attained under the constitution, bestowed upon us by your majesty's royal father, and the imperial parliament, we are approaching to a state of anarchy and confusion—unceasing attempts are made to destroy the confidence which has hitherto subsisted between the subjects of your majesty of different origin and language—the interests of agriculture and commerce, and the wants of the people, are neglected for the advancement of the cabals of party—your majesty's representative is falsely charged with partiality and injustice in the exercise of the powers confided to him—your majesty's officers, both civil and military, are deliberately libelled, as a combined faction, actuated by interest alone, to struggle for the support of a corrupt government, adverse to the rights and wishes of the people—and thus unmerited

abuse has, for years past, been as frequent within the walls of the assembly as without—nor can it be doubted that this system has been adopted and urged with a wicked intention to degrade the local authorities in the eyes of the people, and thereby ultimately to render them powerless and inefficient for the support of your majesty's government in this province.

Every thing indicates a continuance, if not an increase, of the evils which we have briefly enumerated—for while your majesty's officers, and particularly the judges of your majesty's courts of law, are accused and defamed, a competent tribunal within the colony, to which they might appeal for trial and vindication, is refused—whereby a timid, instead of a fearless and independent exercise of their functions, is to be apprehended; and with a view to the completion of its designs, the assembly has ventured on the daring step of addressing your majesty to render the legislative council elective.

The crisis at which we have arrived is pregnant with consequences of the deepest interest to the happiness and welfare of your majesty's subjects in this province, and at such a moment it would be criminal in the legislative council to withhold from your majesty the frank and candid avowal of its sentiments.

The efforts of the assembly have been obviously directed for several years past to the attainment of power and influence, at the expense of the crown, and in direct violation of the constitutional rights and privileges of the legislative council. In illustration of this, we respectfully advert to the persevering endeavours of that house to obtain the entire control and disposal of all the provincial revenue and in-

come; refusing, at the same time, to make any adequate permanent provision for the expenses of the civil government, and to provide for the judiciary, to the conditions and instructions annexed to the votes of certain sums contained in the bill of supply, sent up during the present session, which strike at the existence of your majesty's prerogative to appoint to all offices of honour or profit in the colony,—to the claim advanced by the assembly to preserve the extensive and important part of your majesty's dominions (in which there is room for millions of inhabitants,) as a colony to be settled only by Canadians of French origin and descent, contrary to the just and manifest rights of your majesty's native born subjects—and, lastly, in the attempt to induce your majesty to adopt measures which would destroy the equilibrium of the constitution, by substituting an elective council for the intermediate branch established by law. In reference to the pretension last noticed, we humbly entreat your majesty's attention to the undeniable fact, that in proportion as your majesty has graciously been pleased to increase the constitutional weight and efficiency of the legislative council, by the addition of members, unconnected with the local administration, and largely taken from the assembly itself, the efforts of that house for its entire abolition, have become more and more violent and daring.

That the constitution of government established in this province, under the act passed in the 31st year of the reign of his majesty, King George the Third, chapter 31, has been efficacious in promoting the welfare and happiness of the inhabitants thereof, and in confirming their attachment to the British

throne, are facts powerfully attested by the peaceable submission of the people to the laws, and the readiness with which they have on all occasions defended the province against foreign aggression, as well as by the petitions laid at the foot of the throne, in the years 1814 and 1828, and the addresses, at those periods, of the assembly itself, in which they entreated his late majesty and the imperial parliament "to maintain the inhabitants of Canada in the full enjoyment of the constitution as established by law, without any change whatever."

It was in the year 1831, after the general election for the assembly now in session, and when some grounds of complaint against the local administration were in course of being redressed by the interposition of the imperial government, that a desire for a change in the constitution was first openly avowed in that body, and it is a matter of astonishment, that a violent and reckless party in that house, should be able to induce a majority of its members into an attempt to destroy a form of government, under which your majesty's Canadian people have enjoyed a state of peace, security and contentment, scarcely exceeded by any part of the world, and against which no considerable portion of the people have yet formally complained.

While, therefore, the legislative council desire not to conceal from your majesty the actual state of the province, they are far from believing that the great body of the people yet participate in the views and wishes of the majority of the assembly, but in a community in which learning has made so little progress, even the well-disposed, the happy, and contented, are too liable to be misled by the factious and designing.

The constitution enables your majesty to uphold an independent branch of the legislature by a judicious selection of the members chosen to compose it, and we venture, with all humility, to state to your majesty, that a branch so chosen is essential to sustain your royal prerogative, to maintain the connexion which happily subsists between this colony and the mother country, and to give security to a numerous class of your majesty's subjects of British origin, now numbering about one hundred and fifty thousand souls, scattered over the province, whose interests cannot be adequately represented in the assembly, seven-eighths of the members whereof are of French origin, and speak the French language.

It is under the circumstances above described that the assembly have proposed to your majesty to abolish this house, and to substitute in its place a council to be elected by proprietors of estates of ten pounds annual value; a measure well conceived to further the desired object of obtaining a legislative body, in all respects the counterpart of the assembly, inasmuch as that would virtually embrace the whole constituency of the country.

Having maturely considered, we trust without improper bias, the nature of the alterations in the constitution, proposed by the assembly, we entreat your majesty duly to weigh the opinion which we now humbly submit, as to the fatal consequences which may be expected to result from such a change. Its more immediate effects would be to render all offices in the colony elective—to unsettle the minds of your majesty's subjects of British origin respecting the security of life and property, which they now enjoy—to prevent their further increase through emigration, and to sever

the ties which bind the colony to the parent state; while its ultimate result would bring into collision the people of Upper and Lower Canada, and drench the country with blood; for it is our solemn conviction that the inhabitants of Upper Canada will never quietly permit the interposition of a French Republic between that province and the ocean.

When the leaders of the assembly in the year 1831, first openly declared themselves against the constitution, they found means of inducing a member of this house to proceed to England for the sole avowed purpose of supporting the petitions of the assembly to your majesty, and they have since, from year to year, procured the prolongation of his mission. We humbly submit that the representations made by this gentlemen to your majesty's government, ought to be received with extreme caution, because the legislative council have never assented to his mission—have never had any official communication of any instructions given to him, or despatches received from him; and he has committed a gross breach of the constitutional rights of the

house, by receiving a large annual salary from the assembly, knowing the same to be without the sanction of the law, paid to him out of the public money, advanced upon the simple votes of that house for defraying its ordinary contingent expenses.

Under these circumstances, the legislative council earnestly beseech your majesty to take into your serious consideration the present alarming posture of affairs in your majesty's once happy province of Lower Canada—to be graciously pleased [to recommend to the imperial parliament, to amend the act 31 George III. chap. 31, by enacting a sufficient qualification for the members of the assembly of this province] and to adopt such measures, as in your wisdom will tend to tranquilize the minds, to maintain the constitutional rights and liberties of all your majesty's subjects therein, and thus guaranty the permanence of the existing connexion between the colony and the parent state.

The several paragraphs of the above address were unanimously agreed to by the council, except the last, from which the words within brackets are expunged.

UPPER CANADA.

The Legislature of Upper Canada was prorogued at York on the 13th of February, 1833.

Governor's Speech.

Hon. Gentlemen of the Legislative Council,
and Gentlemen of the
House of Assembly—

In relieving you from your legislative duties, I may state with confidence, that many of the measures resulting from the consideration

which you have directed this session, to subjects of general importance, as well as to those bearing on the interests of particular districts, cannot fail to be highly conducive to the prosperity and welfare of the province.

The bill passed for the settlement of claims, founded on the losses sustained by individuals during the war, decides a question which His Ma-

jesty's government has long anxiously desired to bring to a satisfactory conclusion; and enables an arrangement to be made for the immediate payment of that proportion of the original award, which was ordered to be conditionally liquidated by the lords commissioners of his majesty's treasury.

The enlarging of the jurisdiction of the courts of request, will, I trust, tend greatly to simplify the practice of those courts, and facilitate the disposal of cases which can be brought under their cognizance.

The enactment which you have sanctioned for the amendment of the penal code, must, while it renders the administration of justice more efficacious, prevent that frequent recurrence of mitigation of punishment appointed by the statutes, which has hitherto necessarily taken place through the intervention of the power of the crown, and which enervated the general authority of the law.

Gentlemen of the House of Assembly—

I have to thank you, in his majesty's name, for the supplies which you have granted for the public service, and for carrying on public works and improvements, and for the support of charitable institutions.

Hon. Gentlemen and Gentlemen—

An efficient measure, having in view the means of extending instruction in every township, is now, perhaps, become more necessary, and would prove more acceptable

to the province, than at any former period.

During the recess, much information may be obtained by you, in different townships with which you are in constant communication, that may assist you in maturing a system for the accomplishment of this object.

With respect to the distribution of school lands, I may assure you that should it be desirable to select small portions of land for the especial use of any particular district or township, such arrangements as may be required, can be made without difficulty. Indeed I am convinced that the reservation of large blocks of land for the support of schools, depreciates the value of the endowment, and impedes the settlement of the country.

Under the present very favourable circumstances, in availing yourselves of the credit and resources of the province to improve the navigation of rivers, and to construct harbors and canals, you are, doubtless, providing ample means for augmenting the capital of the colony; but it is impossible to estimate too highly the advantage the province will derive by establishing carriage roads from the canals and lakes to the back townships; although the outlay in forming them would be great, the revenue of every individual would be increased in proportion to the expense, and capital would be impelled into those channels which are most beneficial to the community.

SPEECH OF THE KING OF FRANCE ON THE OPENING
OF THE CHAMBERS.—Nov. 19, 1832.

Gentlemen—

I am glad, after a long separation, again to have recourse to your wisdom and support. In the interval, my government has been exposed to serious trials. It has overcome them by its own strength; it has triumphed over factions.

Deceived by the generosity of our institutions, by our respect for the guaranties of public rights, they have miscalculated the strength of a legal and moderate policy. In Paris, in the name of the republic—in the west, in the name of the counter-revolution—they have attacked by force of arms the established order.

The attempts at republicanism, as well as counter-revolution, have been quelled.

The days of the 5th and 6th of June have made manifest the perversity and the imbecility of the friends of anarchy. They have made clear the danger of a policy which would temporize with subversive passions instead of crushing them in their birth. Constitutional monarchy has recognised its true friends and its true defenders in that generous population of Paris, in that intrepid national guard, in that brave and faithful army who have so energetically repulsed such attempts.

I have been very happy that my presence, by encouraging good citizens, has hastened to put down sedition.

It has been seen what force a constitutional king may find in the support of the nation, when compelled to have recourse to arms to defend the crown which he has been called on to wear, and the institu-

tions which he has sworn to maintain.

We have had to deplore in the west, insurrections and odious crimes. The mass of the population have not taken any part in it; and whenever the rebellion has broken out, it has been speedily extinguished. Let, therefore, the culpable authors of civil war, who have so many times desolated those districts, lose all hope of a counter-revolution, as impossible in my eyes as in yours; for they find us unanimous to suppress it, always faithful to our oaths, and ready to unite our destinies with those of the country.

A recent event, and decisive for the public peace, will destroy the last illusions of this party.

Gentlemen, at Paris, as in the west, my government has been able to borrow from the existing laws all the energy compatible with justice. For like crimes like repression is necessary. In these critical days it was necessary that the defenders of public order and of liberty should find in the firm resolution of the governing power the support which they demanded.

It will be your task to examine whether our legislative provisions do not require in all this respect to be revised and completed, and by what measures the safety of the state and the liberty of the subject may at once be guaranteed.

It is by persevering in this course of moderation and justice that we shall show ourselves faithful to the principles of our glorious revolution. This is the system which you have strengthened by your concurrence, and which has been sustained with

so great constancy by the able and courageous minister whose loss we deplore. Already the happy effects of this system are everywhere felt.

Within, confidence revives; commerce and industry have resumed their course; Providence has spread its treasures over our fields; the scourge which so cruelly desolated us, has gone from us, and every thing promises us the prompt reparation of the evils by which we are afflicted.

Without, the pledges of national prosperity are not the less secure.

I have every reason to reckon on the pacific dispositions of foreign powers, and on the assurances which I every day receive.

The intimate union which has been formed between France and Great Britain, will be to both nations a fertile source of welfare and of strength, and to all Europe a new guaranty of peace.

One question alone, might have prolonged in Europe some uneasiness. Notwithstanding the efforts of my government, the treaty of the 15th of November, 1831, which was to consummate the separation of Belgium and Holland, remained unexecuted; the means of conciliation seem to be exhausted; the object was not obtained. I considered that such a state of things could not continue without compromising the dignity and interests of France. The moment was come to provide for the execution of treaties, and to fulfil the engagements contracted towards Belgium. The king of Great Britain has participated in my sentiments. Our two flags wave together at the mouths of the Scheldt; our army, whose discipline and good spirit equal its valour, has arrived at this moment under the walls of Antwerp. My two sons are in its ranks.

In giving to the king of the Belgians my dear daughter, I have strengthened by a new tie the alliance of the two nations. The act which consecrated this solemn union, will be laid before you.

I have also given orders to my ministers to communicate to you the treaty concluded on the 4th of July, 1831, between my government and that of the United States of America. This transaction puts an end to the reciprocal claims of the two countries.

You will also be informed of the treaty by which Prince Otho of Bavaria is called to the throne of Greece. I shall have to request of you the means of guaranteeing efficiently with my allies, an indispensable loan for the consolidation of a new state, founded by our care and assistance.

I request that our fundamental legislation may be promptly completed. The laws announced by the 69th article of the Charter, will be presented to you in the course of the session.—You will have to deliberate on the responsibility of ministers, on the departmental and municipal administrations, on the organization of public instruction, and on the condition of officers.

Several other laws of less political importance, but of great interest to the affairs of the country, will also be presented to you.

I regret that I am not able at present to propose to you any reduction of the public charges; our duty towards France, and the circumstances in which we are placed, impose on us still heavy sacrifices; but the general position of Europe permits us to anticipate their conclusion. The future appears to us under favourable auspices; credit is sustained and is strengthened, and indubitable signs attest the progress of national wealth.

A few efforts more, and the last traces of the anxieties inseparable from a great revolution will disappear. The feeling of confidence in the future; and then will be realized the most cherished of my

wishes—that of seeing my country raise itself to the height of prosperity, for which it has a right to aspire, and of being able to say, that my efforts have not been useless in the fulfilment of its destinies.

SPEECH OF THE KING OF HOLLAND.

The session of the states-general of Holland was opened at the Hague on the 15th Oct. 1832 by the king in person, when his majesty delivered the following speech.

High Mightinesses—

During the last months of the session that has just closed, I had some hope of being able, at the opening of this session, to announce to you the cessation of the state of disquietude in which the country has been kept for these two years, in consequence of the Belgian revolution. My hopes have not been fully realized; the forbearance which North Holland has displayed, and the sacrifices I imposed upon myself, instead of leading to a reasonable solution, have of late only increased the exactions it is sought to force upon us.

The communications that will be made to you by my orders, respecting the state of the negotiations, will convince you that the condescension of which we have given proofs, has reached its utmost bounds—those which are fixed by the honour, the independence, and the safety of the country. In the meanwhile I am happy in being able to announce to you, that I have received from the foreign powers fresh marks of interest. I am equally happy to be able, in this state of things, to assure your high

mightinesses, that the means of defence organized along our frontiers are on the most satisfactory footing, and that our land and sea forces merit the greatest praise for their discipline, their warlike ardour, and their fidelity, and fully answer to the care that has been constantly bestowed upon them.

If, contrary to all expectation, the interest of the country should require a greater display of forces, I am even now prepared for that purpose with all the necessary means, fully relying on the assent of the nation.

The provincial and communal administrations have terminated their labours relative to the levy of the militia and communal guards (Schuttereyen,) for the present year; these labours have been executed with promptitude and perfect order. The young conscripts manifest the greatest eagerness in joining their corps, and rival our old soldiers in faithfully performing their duty. The fate of the defenders of the country has excited my anxious solicitude. All the supplies of the war department are ensured by the generous gifts of the Netherlanders.

Amidst the internal and satisfactory tranquillity of the country, our colonies are supplied with the troops and ships necessary for their defence. The fisheries and commerce have

received the requisite protection. Tranquillity also prevails in our possessions beyond sea. A more economical administration, which we have established in the East Indies, and the great extension given there to agriculture, the salutary influence of which is already felt, inspire us with a hope that our possessions in the East Indies will soon supply our commerce with a new element tending to the prosperity of the country. Our commerce and our navigation, have experienced an increase rather than a diminution, thanks to the activity and intelligence of the mercantile classes, and ship owners. If the force of circumstances has diverted them from their primitive directions, new openings for enterprise have been made, and they have considerably extended.

Thus your high mightinesses will perceive that we still occupy among commercial nations the rank that belongs to us, and which I hope to preserve to my beloved and loyal subjects, in spite of all violent and treacherous attempts. (Here the king mentioned the flourishing state of agriculture, the order now prevailing in every branch of the administration, the excellent state of the canals and dykes, the improvement of literature and the sciences, and the appearance of the cholera in Holland.)

Several important laws will be presented to you. Several questions for modifying the civil code are ready to be laid before you. I even entertain a hope that during the present session, you will be able to revise the whole of the civil code.

Following up the measures already adopted, I shall submit to your high mightinesses a statement

of the increase in the wants of the state for next year, and the means that have been thought most efficacious to supply them.

As to the extraordinary expenses which may result from a prolongation of existing circumstances, I wish to continue the use of the means which you have found eligible for some time past, and which the persons interested have adopted without hesitation. Thus the necessity of forced contributions is removed; public credit is improving, and the treasury, managed with order and economy, remains in a state to answer every demand.

Nevertheless the burthens which the nation has to support continually are heavy, and the prospect of the future is still gloomy; but the Netherlanders, animated with a sense of honour and a spirit of patriotism, bear them with resignation, and gladly bring their gifts for the defence of their fellow citizens.

These sentiments are tranquilizing for us. A nation who call to mind the glory of their ancestors, and who, in the present day, distinguish themselves by their love of order and submission to the laws, has a right to the respect of other nations.

It is in the approbation of the nation and in the sentiment of our just rights, that we find the most powerful support for the consolidation of the interests of the kingdom, as well as the well-grounded hope that, strengthened by measured confidence in the decrees of the Almighty, we shall enable our compatriots, when the time shall come, to gather the fruit of the most noble perseverance.

HOLLAND AND BELGIUM.

Embargo on Dutch vessels taken off.

At the court of St. James's, the 20th day of May, 1833, present the king's most excellent majesty in council—It is this day ordered by his majesty in council, that his majesty's order in council of the 6th of November last, directing that no ships or vessels belonging to any of his majesty's subjects be permitted to clear out for any of the ports within the dominions of the king of the Netherlands until further orders; and that an embargo be laid upon all ships and vessels belonging to the subjects of the king of the Netherlands which then were, or which should thereafter come into any of the ports, harbours or roads within any part of his majesty's dominions; and that the commanders of his majesty's ships of war should detain and bring into port all merchant ships and vessels bearing the flag of the Netherlands, be revoked, and the same is hereby revoked accordingly; and it is hereby further ordered, that the said embargo be taken off, and that all such ships and vessels be permitted to depart with their cargoes to their respective ports of destination; and the right hon. the lords commissioners of his majesty's treasury, the lords commissioners of the admiralty, and the lord warden of the Cinque Ports, are to give the necessary directions therein, as to them may respectively appertain.

W. L. BATHURST.

Convention between his majesty and the king of the French on the one part, and the king of the Netherlands on the other part; together

with an explanatory article thereunto annexed. Signed at London, May 21, 1833.

[TRANSLATION.]

Their majesties the king of the United Kingdom of Great Britain and Ireland, the king of the French, and the king of the Netherlands, grand duke of Luxemburg, being desirous of re-establishing the relations between them as they existed before the month of November, 1832, have for that purpose resolved to conclude a convention, and have named as their plenipotentiaries, viz.—

[Here are recited the names and titles of the plenipotentiaries—who having exchanged their full powers, &c.]

Art. 1. Immediately after the exchange of the ratifications of the present convention, their majesties the king of the United Kingdom of Great Britain and Ireland, and the king of the French, will take off the embargo which they have placed upon the ships, vessels and goods belonging to the subjects of his majesty the king of the Netherlands; and all the vessels detained, together with their cargoes, shall be immediately released, and restored to their respective owners.

In like manner, his majesty the king of the Netherlands will revoke the measures taken in his states with respect to the English and French flags.

Art. 2. At the same period the Netherland troops, both of the royal navy and army, at present detained in France, shall return to the states of his majesty the king of the Netherlands with their arms, baggage,

carriages, horses and other effects belonging either to the corps or to individuals.

Art. 3. So long as the relations between Holland and Belgium shall not be settled by a definite treaty, his Netherland majesty engages not to recommence hostilities against Belgium, and to leave the navigation of the Scheldt entirely free.

Art. 4. Immediately after the exchange of ratifications of the present convention, the navigation of the Meuse shall be open to commerce; and until the definite arrangement shall be made in this respect, it shall be subject to the provisions of the convention signed at Mentz the 31st of March, 1831, for the navigation of the Rhine, so far as those provisions may be applicable to the said river.

The communications between the fortress of Mæstricht and the frontier of North Brabant, and between the said fortress and Germany, shall be free and without impediment.

Art. 5. The high contracting parties engage to occupy themselves, without delay, about the definitive treaty which is to fix the relations between the states of his majesty the king of the Netherlands, grand duke of Luxemburg, and Belgium. They will invite the courts of Austria, Prussia, and Russia, to become parties thereto.

Art. 6. The present convention shall be ratified, and the ratifications shall be exchanged at London in ten days, or sooner if possible.

In witness thereof, the respective plenipotentiaries have signed their

names, and affixed thereto the seals of their arms.

Done at London, the 21st day of May, in the year of our Lord 1833.

(L. S.) PALMERSTON,
(L. S.) TALLEYRAND,
(L. S.) DEDEL.

Explanatory Article.

It is agreed between the high contracting parties, that the stipulation relative to the complete cessation of hostilities, contained in article 3 of the convention of this day, comprehends the grand duchy of Luxemburg, and that part of Limburg which is provisionally occupied by the Belgium troops. It is moreover understood that until the conclusion of the definitive treaty, of which mention is made in the said article 3 of the convention of this day, the navigation of the Scheldt shall take place on the same footing as before the first of November, 1832.

The present explanatory article shall have the same force and validity as if it were inserted word for word in the convention of this day. It shall be ratified, and the ratification exchanged at the same time as those of the said convention.

In witness thereof, the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the 21st day of May, in the year of our Lord 1833.

(L. S.) PALMERSTON,
(L. S.) TALLEYRAND,
(L. S.) DEDEL.

SPAIN.

Reply of Don Carlos to the King's invitation to swear allegiance to his daughter at the approaching Cortes.

My well-beloved brother, &c.—

This morning, at ten o'clock, Plazaola came to me to say that your minister at this court, Cordova, had requested to know when it would be convenient for me to receive a communication of a royal order. He was answered that twelve would be a fitting time for such a purpose. He returned a few minutes before one, and I immediately saw him. He presented me with an official paper, which I read, and having done so, I said that my dignity and my character would not permit me to delay in stating that you were my king and my lord, and besides my brother, and always my much loved brother, further endeared by having shared in all your misfortunes.

You wish to know whether I intend, yes or no, to swear to your daughter, as princess of Asturias. Now, as far as wishes go, you will believe me, because you know me, when I say, that with all my heart would I take that oath, and that nothing would give me greater pleasure than to be the first to recognise your daughter, and to spare you any offence or possible inconvenience which my declining to do so might occasion. But my conscience and my honour do not permit it; I possess rights so legitimate, that I could not divest myself of them—

rights which God gave me when it was his pleasure that I entered upon existence, and which God alone can take away, by transferring them to a male child of yours, which I desire so much, it may be even more than yourself do. Moreover, in this I am defending the justice of the rights of all those who are called after me, and therefore I feel myself called upon to transmit to you the subjoined declaration, which I have made with the greatest formality, and addressed to all the sovereigns, to whom I hope you will communicate it.

Adieu, my well-beloved brother, and be assured that your welfare will always be the first object of the prayers of your affectionate brother,

CARLOS.

“ Declaration.

“ I, Carlos Marias Isidoro de Borbon y Borbon, Infante of Spain, convinced of the legitimate rights which I possess to the crown of Spain, and assured that your majesty has no heir male to the same, do say, that neither my conscience nor my honour permit me to swear to, or recognise, any other than those rights, and this I solemnly declare. To the senor our king, his affectionate brother and faithful vassal,

“ THE INFANTE DON CARLOS DE
BORBON Y BORBON.

“ In the palace of Ramaha,
the 20th of April, 1833.”

ACTS

Passed at the Second Session of the Twenty-second Congress of the United States.

N. B. Andrew Jackson, President. John C. Calhoun, Vice President and President of the Senate. Andrew Stevenson, Speaker of the House of Representatives.

CHAP. 1. An Act making appropriations, in part, for the support of Government for the year one thousand eight hundred and thirty-three, and for certain expenditures of the year one thousand eight hundred and thirty-two.

CHAP. 2. An Act making appropriations for the Revolutionary and other Pensioners of the United States, for the year one thousand eight hundred and thirty-three.

CHAP. 3. An Act making appropriations for carrying on the Fortifications of the United States, during the year one thousand eight hundred and thirty-three.

CHAP. 4. An Act for the relief of the children of Charles Comb and Marguerite Lavoilet, his wife.

CHAP. 5. An Act for the relief of Eugene Borell.

CHAP. 6. An Act to change the names of William B. Finch and Elizabeth B. Finch, to that of William Compton Bolton, and Elizabeth Bolton.

CHAP. 7. An Act for the relief of Joseph Easton, an assistant Surgeon in the Army of the United States.

CHAP. 8. An Act for the relief of Matthews Flournoy, and R. J. Ward, of the state of Mississippi.

CHAP. 9. An Act for the relief of Archibald Gamble.

CHAP. 10. An Act for the relief of William B. Keen and John L. Martin, and for other purposes.

CHAP. 11. An Act for the relief of Peter M'Cormick.

CHAP. 12. An Act to establish a land office in the territory of Michigan.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all that part of the territory of Michigan, which is comprehended within the following boundaries, shall, from and after the passage of this act, constitute one land district for the sale and entry of the public lands, viz: lying between the third and fourth ranges of townships south of the base line, and east of the principal meridian, except so much thereof, as lies north of the river Huron of Lake Erie; and also, the first, second, third, fourth, fifth, and sixth ranges of townships, south of said base line, and west of said principal meridian. And there is hereby established a land office within the same, to be located at such place as the President, in his discretion, shall think proper to designate.

SECT. 2. *And be it further enacted,* That there shall be appointed by the President, by and with the advice and consent of the Senate, under the existing laws, a register and receiver in and for said district, whose compensation shall be the same as provided for other registers and receivers.

CHAP. 13. An Act for the relief of the heirs of Jean Baptiste Saucier.

CHAP. 14. An Act for the relief of William A. Tennille, of Georgia.

CHAP. 15. An Act for the relief of George Mayfield.

CHAP. 16. An Act for making Calais and Pembroke, in the state of Maine, ports of delivery.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the towns of Calais and of Pembroke, in the state of Maine, shall be ports of delivery, to be annexed to the district of Passamaquoddy.

CHAP. 17. An Act for the relief of Sylvester Havens.

CHAP. 18. An Act for the relief of Daniel Johnson.

CHAP. 19. An Act for the relief of Andrew Moore.

CHAP. 20. An Act amendatory to an act, entitled "An act for the relief of Robert C. Jennings, and of the executors of James Roddy, deceased."

CHAP. 21. An Act authorizing the commissioner of the general land office to issue patents to persons therein named.

CHAP. 22. An Act for the relief of Joel Thomas.

CHAP. 23. An Act to explain an act, entitled "An act to reduce the duties on coffee, tea, and cocoa," passed the twentieth of May, one thousand eight hundred and thirty.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in all cases in which the importers of coffee or cocoa, which remained in the custom house stores under the bond of the importer, on the thirty-first day of December, one thousand eight hundred and thirty, shall have paid on the same a greater amount of duty than is imposed by the act passed on the twentieth day of May, one thousand eight hundred and thirty, on coffee or cocoa, imported after the thirty-first day of December, one thousand eight hundred and thirty, the secretary of the treasury is directed to refund, out of any

money in the treasury not otherwise appropriated, to such importer the amount of such excess so collected.

SECT. 2. *And be it further enacted,* That, in all cases in which the importers of coffee, tea, or cocoa, which remained in the custom house stores on the thirty-first day of December, one thousand eight hundred and thirty-one, under the control of the proper officer of the customs, shall have been compelled to pay on the same a greater amount of duty than is imposed by said act, on coffee, tea, or cocoa, imported after the thirty-first day of December, one thousand eight hundred and thirty-one, the secretary of the treasury is directed to refund, out any money in the treasury not otherwise appropriated, to such importers, the amount of such excess so collected.— Approved, February 9, 1833.

CHAP. 24. An Act for the relief of the heirs of Nicholas Hart, deceased, and the heirs of John Grayson, deceased, and Jacob Bosworth.

CHAP. 25. An Act for the relief of the administrator of the late Colonel John Thornton, deceased.

CHAP. 26. An Act for the relief of James Brownlee.

CHAP. 27. An Act for the relief of Russell Hotchkiss and others, owners of the brig Stranger.

CHAP. 28. An Act for the relief of Gabriel Godfroy and Jean Baptiste Beaugraud.

CHAP. 29. An Act for the relief Josiah Barker.

CHAP. 30. An Act to amend an act, entitled "An act to alter and amend an act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive;" approved nineteenth February, one thousand eight hundred and thirty-one.

CHAP. 30. An Act to amend an act, entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution."

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second section of the act, entitled

“An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution,” approved the seventh day of June, one thousand eight hundred and thirty-two, shall not be construed to embrace invalid pensioners; and that the pensions of invalid soldiers shall not be deducted from the amount receivable by them under the said act.

Approved, February 19, 1833.

CHAP. 31. An Act for the further improvement of Pennsylvania Avenue.

CHAP. 32. An Act for the payment of horses and arms lost in the military service of the United States, against the Indians on the frontiers of Illinois and the Michigan territory.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any mounted militiaman or volunteer whilst in the service of the United States, in the late expeditions against the Indians, on the frontiers of Illinois and the territory of Michigan, who sustained damage by the loss of any horse which was killed in battle, or died in consequence of a wound received therein, or in consequence of a failure on the part of the United States, to furnish such horse with sufficient forage whilst in the service, or in consequence of the owner being dismounted, or separated and detached from the same, by order of the commanding officer, or in consequence of the rider being killed or wounded in battle, shall be allowed and paid the value of such horse at the time of going into service: *Provided,* Such loss was not the result of negligence on the part of the owner; the time employed in going to the place of rendezvous, and returning home after being discharged, to be taken and considered as actual service.

SECT. 2. *And be it further enacted,* That any person in the aforesaid service of the United States, as a volunteer or drafted militiaman, who furnishes [?] himself with arms and military accoutrements, and has sustained loss by the capture or destruction of the same, without fault or negligence on his part, shall be allowed and paid the value thereof.

SECT. 3. *And be it further enacted,* That all claims arising under this act shall be examined, allowed, and paid in the same manner, by the third auditor, that similar claims were under “an act to authorize the payment of property lost, captured or destroyed by the enemy, while in the military service of the United

States, and for other purposes,” passed ninth of April, one thousand eight hundred and sixteen, and the act in amendment thereof, passed the third of March, one thousand eight hundred and seventeen: this act to be and remain in force three years from and after its passage.

CHAP. 33. An Act for the purchase of certain copies of Watterston and Vanzandt's statistical tables, and to authorize a subscription for a continuation of the same.

CHAP. 34. An Act for the relief of John D. Sloat.

CHAP. 35. An Act for the relief of Crosby Arey.

CHAP. 36. An Act for the relief of Enoch Wilhoet.

CHAP. 37. An Act for the relief of William P. Zantzingher.

CHAP. 38. An Actmaking appropriations for the naval service for the year one thousand eight hundred and thirty-three.

CHAP. 39. An Actmaking appropriations for Indian annuities, and other similar objects, for the year one thousand eight hundred and thirty-three.

CHAP. 40. An Act to authorize the leasing out and constructing a road from Lime Creek to the Chatahooche, and for repairing the road on which the mail is now transported.

CHAP. 41. An Act to authorize the legislature of the state of Ohio, to sell the land reserved for the support of religion in the Ohio Company's, and John Cleeves Symmes' purchases.

CHAP. 42. An Act further to extend the time for entering certain donation claims to land in the territory of Arkansas.

CHAP. 43. An Act for the relief of Sarah Carr, widow of Richard Carr, deceased.

CHAP. 44. An Act for the relief of Abraham Adams.

CHAP. 45. An Act for the relief of the widow of Joseph Knight.

CHAP. 46. An Act for the relief of Glover Broughton, of Marblehead, late owner of the fishing schooner Union; and, also, for the relief of the crew of said vessel.

CHAP. 47. An Act for the relief of Josiah P. Creesy, and others.

CHAP. 48. An Act for the relief of John S. Delvin.

CHAP. 49. An Act for the relief of Alexander Donelson.

CHAP. 50. An Act for the relief [of] Riddel, Becktle, and Headington.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the proper accounting officers pay unto Riddle, Becktle, Headington, and company, or to their legal representatives, out of any money in the treasury not otherwise appropriated, the sum of two hundred and sixteen dollars and twenty-eight cents, with interest from twenty-sixth May, one thousand eight hundred and thirteen, in full of the damages and interest on a protested bill of exchange drawn by Bartholomew Shaumburg, a deputy quarter master general of the United States, in favour of the said Riddle, Becktle, and Headington, dated at New Orleans, on the twenty-ninth of March, one thousand eight hundred and thirteen, presented at the treasury department on the twenty-sixth of May, one thousand eight hundred and thirteen, and paid the fourth of September, one thousand eight hundred and thirteen; it being the interest and damages which accumulated on the said bill of exchange, from the twenty-sixth May, one thousand eight hundred and thirteen, to the fourth of September, one thousand eight hundred and thirteen.

Approved, February 27th, 1833.

CHAP. 51. An Act for the relief of the heirs of John Wilson, deceased.

CHAP. 52. An Act for the relief of Archibald Watt.

CHAP. 53. An Act making appropriations for the civil and diplomatic expenses of government for the year one thousand eight hundred and thirty-three.

CHAP. 54. An Act to modify the act of the fourteenth of July, one thou-

sand eight hundred and thirty-two, and all other acts imposing duties on imports.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the thirty-first day of December, one thousand eight hundred and thirty three, in all cases where duties are imposed on foreign imports, by the act of the fourteenth day of July, one thousand eight hundred and thirty-two, entitled "An Act to alter and amend the several acts imposing duties on imports," or by any other act, shall exceed twenty per centum on the value thereof, one tenth part of such excess shall be deducted; from and after the thirty-first day of December, one thousand eight hundred and thirty-five, another tenth part thereof shall be deducted; from and after the thirty-first day of December, one thousand eight hundred and thirty-seven, another tenth part thereof shall be deducted; from and after the thirty-first day of December, one thousand eight hundred and thirty nine, another tenth part thereof shall be deducted; and from and after the thirty-first day of December, one thousand eight hundred and forty-one, one half of the residue of such excess shall be deducted; and from and after the thirtieth day of June, one thousand eight hundred and forty-two, the other half thereof shall be deducted.

SECT. 2. *And be it further enacted,* That so much of the second section of the act of the fourteenth of July aforesaid, as fixes the rate of duty on all milled and fulled cloth, known by the names of plains, kerseys, or kendal cottons, of which wool is the only material, the value whereof does not exceed thirty-five cents a square yard, at five per centum ad valorem, shall be, and the same is hereby repealed. And the said articles shall be subject to the same duty of fifty per centum, as is provided by the said second section for other manufactures of wool; which duty shall be liable to the same deductions as are prescribed by the first section of this act.

SECT. 3. *And be it further enacted,* That, until the thirtieth day of June, one thousand eight hundred and forty-two, the duties imposed by existing laws, as modified by this act, shall remain and continue to be collected. And from and after the day last aforesaid, all duties upon imports shall be collected in ready money; and all credits now allowed by law, in the payment of duties, shall be, and hereby are abolished; and such duties shall be laid for the purpose of raising such revenue as

may be necessary to an economical administration of the government; and from and after the day last aforesaid, the duties required to be paid by law on goods, wares and merchandise, shall be assessed upon the value thereof at the port where the same shall be entered, under such regulations as may be prescribed by law.

SECT. 4. *And be it further enacted,* That, in addition to the articles now exempt by the act of the fourteenth of July, one thousand eight hundred and thirty-two, and the existing laws, from the payment of duties, the following articles imported from and after the thirty-first day of December, one thousand eight hundred and thirty-three, and until the thirtieth day of June, one thousand eight hundred and forty-two, shall also (be) admitted to entry, free from duty, to wit: bleached and unbleached linens, table linen, linen napkins, and linen cambrics, and worsted stuff goods, shawls, and other manufactures of silk and worsted, manufactures of silk, or of which silk shall be the component material of chief value, coming from this side of the Cape of Good Hope, except sewing silk.

SECT. 5. *And be it further enacted,* That from and after the said thirtieth day of June, one thousand eight hundred and forty-two, the following articles shall be admitted to entry, free from duty, to wit: indigo, quicksilver, sulphur, crude saltpetre, grindstones, refined borax, emory, opium, tin in plates and sheets, gum Arabic, gum Senegal, lac dye, madder, madder root, nuts and berries used in dyeing, saffron, tumeric, wood or pastel, aloes, ambergris, Burgundy pitch, cochineal, camomile flowers, coriander seed, catsup, chalk, coculus indicus, horn plates for lanterns, ox horns, other horns and tips, India rubber, manufactured ivory, juniper berries, musk, nuts of all kinds, oil of juniper, unmanufactured rattans and reeds, tortoise shell, tin foil, shellac, vegetables used principally in dyeing and composing dyes, weld, and all articles employed chiefly for dyeing, except allum, copperas, bichromate of potash, prussiate of potash, chromate of potash, and nitrate of lead, aqua fortis, and tartaric acids. And all imports on which the first section of this act may operate, and all articles now admitted to entry from duty, or paying a less rate of duty than twenty per centum ad valorem, before the said thirtieth day of June, one thousand eight hundred and forty-two, from and after that day may be admitted to entry subject to such duty, not exceeding twenty per centum ad valorem, as shall be provided for by law.

SECT. 6. *And be it further enacted,* That so much of the act of the fourteenth day of July, one thousand eight hundred and thirty-two, or of any other act as is inconsistent with this act, shall be, and the same is hereby, repealed: *Provided,* That nothing herein contained shall be so construed as to prevent the passage, prior or subsequent to the said thirtieth day of June, one thousand eight hundred and forty-two, of any act or acts, from time to time, that may be necessary to detect, prevent or punish evasions of the duties on imports imposed by law, nor to prevent the passage of any act, prior to the 30th day of June, one thousand eight hundred and forty-two, in the contingency either of excess or deficiency of revenue, altering the rates of duties on articles which, by the aforesaid act of fourteenth day of July, one thousand eight hundred and thirty-two, are subject to a less rate of duty than twenty per centum ad valorem, in such manner as not to exceed that rate, and so as to adjust the revenue to either of the said contingencies.

CHAP. 55. An Act making appropriations for the Indian Department for the year one thousand eight hundred and thirty-three.

CHAP. 56. An Act further to provide for the collection of duties on imports.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, it shall become impracticable, in the judgment of the President, to execute the revenue laws, and collect the duties on imports in the ordinary way, in any collection district, it shall and may be lawful for the President to direct that the custom-house for such district be established and kept in any secure place within some port or harbour of such district, either upon land or on board any vessel; and, in that case, it shall be the duty of the collector to reside at such place, and there to detain all vessels and cargoes arriving within the said district, until the duties imposed on said cargoes, by law, be paid in cash, deducting interest according to existing laws; and in such cases it shall be unlawful to take the vessel or cargo from the custody of the proper officer of the customs, unless by process from some court of the United States; and in case of any attempt otherwise to take such vessel or cargo by any force, or combination, or

assemblage of persons too great to be overcome by the officers of the customs, it shall and may be lawful for the President of the United States, or such person or persons as he shall have empowered for that purpose, to employ such part of the land or naval forces, or militia of the United States as may be deemed necessary for the purpose of preventing the removal of such vessel or cargo, and protecting the officers of the customs in retaining the custody thereof.

SECT. 2. *And be it further enacted,* That the jurisdiction of the circuit courts of the United States shall extend to all cases, in law or equity, arising under the revenue laws of the United States, for which other provisions are not already made by law; and if any person shall receive any injury to his person or property for or on account of any act by him done, under any law of the United States, for the protection of the revenue or the collection of duties on imports, he shall be entitled to maintain suit for damage therefor in the circuit court of the United States in the district wherein the party doing the injury may reside, or shall be found. And all property taken or detained by any officer or other person under authority of any revenue law of the United States shall be irremovable, and shall be deemed to be in the custody of the law, and subject only to the orders and decrees of the courts of the United States having jurisdiction thereof. And if any person shall dispossess or rescue, or attempt to dispossess or rescue, any property so taken or detained as aforesaid, or shall aid or assist therein, such person shall be deemed guilty of a misdemeanor, and shall be liable to such punishment as is provided by the twenty-second section of the act for the punishment of certain crimes against the United States, approved the thirtieth day of April, anno Domini one thousand seven hundred and ninety, for the wilful obstruction or resistance of officers in the service of process.

SECT. 3. *And be it further enacted,* That in any case where suit or prosecution shall be commenced in a court of any state against any officer of the United States, or other person, for or on account of any act done under the revenue laws of the United States, or under colour thereof, or for or on account of any right, authority, or title, set up or claimed by such officer, or other person, under any such law of the United States, it shall be lawful for the defendant in such suit, or prosecution, at any time before trial, upon a petition to the circuit court of the

United States, in and for the district in which the defendant shall have been served with process, setting forth the nature of said suit or prosecution, and verifying the said petition by affidavit, together with a certificate signed by an attorney or counsellor at law of some court of record of the state in which such suit shall have been commenced, or of the United States, setting forth that, as counsel for the petitioner, he has examined the proceedings against him, and has carefully inquired into all the matters set forth in the petition, and that he believes the same to be true; which petition, affidavit and certificate, shall be presented to the said circuit court, if in session, and if not, to the clerk thereof, at his office, and shall be filed in said office, and the cause shall thereupon be entered on the docket of the said court, and shall be thereafter proceeded in as a cause originally commenced in that court; and it shall be the duty of the clerk of said court, if the suit were commenced in the court below by summons, to issue a writ of certiorari to the state court, requiring said court to send to the said circuit court the record and proceedings in said cause; or if it were commenced by *capius*, he shall issue a writ of habeas corpus cum causa, a duplicate of which said writ shall be delivered to the clerk of the state court, or left at his office by the marshal of the district, or his deputy, or some person duly authorized thereto; and, thereupon it shall be the duty of the said state court to stay all further proceedings in such cause, and the said suit, or prosecution, upon delivery of such process, or leaving the same as aforesaid, shall be deemed and taken to be moved to the said circuit court, and any further proceedings, trial or judgment therein in the state court shall be wholly null and void. And if the defendant in any such suit be in actual custody on mesne process therein, it shall be the duty of the marshal, by virtue of the writ of habeas corpus cum causa, to take the body of the defendant into his custody, to be dealt with in the said cause according to the rules of law and the order of the circuit court, or of any judge thereof, in vacation. And all attachments made and all bail and other security given upon such suit, or prosecution, shall be and continue in like force and effect, as if the same suit or prosecution, had proceeded to final judgment and execution in the state court. And if, upon the removal of any such suit, or prosecution, it shall be made to appear to the said circuit court that no copy of the record and proceedings therein, in the state court, can be obtained, it shall be lawful

for said circuit court to allow and require the plaintiff to proceed *de novo*, and to file a declaration of his cause of action, and the parties may thereupon proceed as in actions originally brought in said circuit court; and on failure of so proceeding, judgment of *non pros.* may be rendered against the plaintiff with costs for the defendant.

SECT. 4 *And be it further enacted,* That in any case in which any party is, or may be by law, entitled to copies of the record and proceedings in any suit or prosecution in any state court, to be used in any court of the United States, if the clerk of said state court, shall, upon demand, and the payment or tender of the legal fees, refuse or neglect to deliver to such party certified copies of such record and proceedings, the court of the United States in which such record and proceedings may be needed, on proof, by affidavit, that the clerk of such state court has refused or neglected to deliver copies thereof, on demand as aforesaid, may direct and allow such record to be supplied by affidavit or otherwise, as the circumstances of the case may require and allow; and, thereupon, such proceeding, trial, and judgment, may be had in the said court of the United States, and all such processes awarded, as if certified copies of such records and proceedings had been regularly before the said court.

SECT. 5. *And be it further enacted,* That whenever the President of the United States shall be officially informed, by the authorities of any state, or by a judge of any circuit or district court of the United States, in the state, that within the limits of such state, any law or laws of the United States, or the execution thereof, or of any process from the courts of the United States, is obstructed by the employment of military force, or by any other unlawful means, too great to be overcome by the ordinary course of judicial proceeding, or by the powers vested in the marshal by existing laws, it shall be lawful for him, the President of the United States, forthwith to issue his proclamation, declaring such fact or information, and requiring all such military and other force forthwith to disperse: and if at any time after issuing such proclamation, any such opposition or obstruction shall be made, in the manner or by the means aforesaid, the President shall be, and hereby is, authorized, promptly to employ such means to suppress the same, and to cause the said laws or process to be duly executed, as are authorized and provided in the cases therein mentioned by the act of the twenty-eighth of February, one thousand seven hundred and ninety-five,

entitled, "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, repel invasions, and to repeal the act now in force for that purpose;" and also, by the act of the third of March, one thousand eight hundred and seven, entitled "An act authorizing the employment of the land and naval forces of the United States in cases of insurrection."

SECT. 6. *And be it further enacted,* That in any state where the jails are not allowed to be used for the imprisonment of persons arrested or committed under the laws of the United States, or where houses are not allowed to be so used, it shall and may be lawful for any marshal, under the direction of the judge of the United States for the proper district, to use other convenient places, within the limits of said state, and to make such other provision as he may deem expedient and necessary for that purpose.

SECT. 7. *And be it further enacted,* That either of the justices of the supreme court, or a judge of any district court of the United States, in addition to the authority already conferred by law, shall have power to grant writs of habeas corpus in all cases of a prisoner or prisoners, in jail or confinement, where he or they shall be committed or confined on or by any authority or law, for any act done, or omitted to be done, in pursuance of a law of the United States, or any order, process, or decree, of any judge or court thereof, any thing in any act of Congress to the contrary notwithstanding. And if any person or persons to whom such writ of habeas corpus may be directed, shall refuse to obey the same, or shall neglect or refuse to make return, or shall make a false return thereto, in addition to the remedies already given by law, he or they shall be deemed and taken to be guilty of a misdemeanor, and shall, on conviction before any court of competent jurisdiction, be punished by fine, not exceeding one thousand dollars, and by imprisonment not exceeding six months, or by either, according to the nature and aggravation of the case.

SECT. 8. *And be it further enacted,* That the several provisions contained in the first and fifth sections of this act, shall be in force until the end of the next session of Congress, and no longer.

CHAP. 57. An Act to explain and amend the eighteenth section of "An act to alter and amend the several acts imposing duties on imports," approved the fourteenth July, one

thousand eight hundred and thirty-two.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all articles upon which the duties were reduced by "An act to alter and amend the several acts imposing duties on imports," approved the fourteenth July, one thousand eight hundred and thirty-two, and which may not have been deposited under the provisions of the eighteenth section of the act aforesaid, whether the said articles were imported, or the duties thereon were secured or paid, before or after the passage of said act, may, to obtain the benefit of said act and this amendment thereto, be deposited at any time before the 1st of April next, in the custom-house stores, or in the manner prescribed in the following section, by the importer, consignee, or any subsequent purchaser or owner, and all wines now in bond, or which may be imported at any time previous to the fourth day of March one thousand eight hundred and thirty-four, and which may remain in the custody of the customs on that day, shall be entitled to the benefit of this act, and of that to which it is an amendment: *Provided,* That no merchandise imported in packages, bales, or casks, shall be entitled to the benefit of this act, or of that to which it is an amendment, unless they are as originally imported: and that all articles placed in the custody of the customs under this act shall so remain, for inspection and examination, till the fourth day of March, next: *Provided, also,* That nothing contained in this act shall be so construed as to extend the provisions thereof to any merchandise, which, under the existing laws would not be entitled to the benefits of drawback.

SECT. 2. *And be it further enacted,* That, in all cases where the quantity of merchandise entitled to the benefits of the acts aforesaid shall exceed ten packages, bales, or casks, or where the article may be in bulk, or otherwise than in packages, bales, or casks, the collector of the district where the same may be, is hereby authorized to direct that the said merchandise shall not be removed from the warehouse of the owner, but that the same shall be there placed in the custody of a proper officer of the customs, who shall examine the same, and keep them under the keys of the custom-house, till the first of April, as aforesaid: *Provided,* The collector shall consider the same a safe place of deposit, and that application be made to

him for that purpose on or before the twenty-fifth March next.

SECT. 3. *And be it further enacted,* That all articles remaining under the control of the proper officer of the customs, according to the provisions of this act, on the first April next, and all wines which shall remain in the same manner after the fourth day of March one thousand eight hundred and thirty-four, shall be subject to no higher duty than would be levied under the act aforementioned, approved the fourteenth of July last; and if any higher duty shall have been paid, such excess shall be refunded, out of any money in the treasury not otherwise appropriated, to the person placing the same in the custody of the customs, and any outstanding bond or bonds which may have been given for duties on the same shall be cancelled; and if a sum equal to the amount of duties levied by the said act of the fourteenth July, shall not have been collected, and the bond or bonds given shall amount to more than the duties imposed by the said act, the Secretary of the Treasury shall direct that a debenture certificate or certificates, the form of which shall be prescribed by him, for such excess of duty, shall be issued to the persons placing the same in the custody of the customs, payable out of the bond or bonds given for duties on the same, the collectors to give the debtors credit on their bonds for the difference between the high and low duties, and to cancel the bonds on payment of the balance.

SECT. 4. *And be it further enacted,* That the Secretary of the Treasury shall cause the amount of excess of duties, as aforesaid, to be ascertained and paid, or the credit given, as the case may be, as soon as practicable after the first of April next: and that he shall be authorized to cause all articles under the control of the proper officers of the customs to be examined; and where the merchandise may have passed out of the possession of the importer or consignee, to require satisfactory evidence of the transfer or transfers to identify the same; and to make all other rules and regulations which may be necessary and proper to carry this act into effect.

SECT. 5. *And be it further enacted,* That the Secretary of the Treasury is hereby authorized and directed to extend relief to all persons, whose cases are provided for in this act, who may have been deprived of the benefit thereof in consequence of the collector's not having received his instructions in pursuance of it, from the Secretary of the Treasury.

SECT. 6. *And be it further enacted,*

That the seventeenth section of the aforesaid act of the fourteenth day of July, one thousand eight hundred and thirty-two, as far as the same relates to the duty on pulverized or crushed sugar, shall take effect on the fourth day of March, of the present year.

CHAP. 58. An Act making appropriations to carry into effect certain Indian Treaties, and for other purposes, for the year one thousand eight hundred and thirty-three.

CHAP. 59. An Act making appropriations for the engineer and ordnance departments.

CHAP. 60. An Act making appropriations for the support of the army for year one thousand eight hundred and thirty-three.

CHAP. 61. An Act to explain and amend the act to alter and amend the several acts imposing duties on imports, passed July fourteenth, one thousand eight hundred and thirty-two, so far as relates to hardware, and certain manufactures of copper and brass, and other articles.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisos of the tenth and twelfth clauses of the second section of the act to alter and amend the several acts imposing duties on imports, passed July fourteenth eighteen hundred and thirty-two, be, and the same are hereby suspended until the first day of June, eighteen hundred and thirty-four.

SECT. 2. *And be it further enacted,* That, so much of the act to alter and amend the several acts imposing duties on imports, passed July the fourteenth, eighteen hundred and thirty-two, as repeals the duties heretofore levied on copper bottoms cut round, and copper bottoms raised to the edge, and still bottoms cut round and turned upon the edge, and parts thereof, and on copper plates or sheets, weighing more than thirty-four ounces per square foot, commonly called brazier's copper, and on tobacco leaves, or unmanufactured, be, and the same is hereby repealed.

SECT. 3. *And be it further enacted,* That nothing contained in the act of the fourteenth of July, eighteen hundred and thirty-two, to alter and amend the several acts imposing duties on imports, shall be

so construed as to authorize the exemption from the payment of duty on sheet and rolled brass, but the same shall be charged with the payment of a duty of twenty-five per centum ad valorem.

CHAP. 62. An Act making appropriations for the erection of certain fortifications.

CHAP. 63. An Act for improving the navigation of certain rivers in the territories of Florida and Michigan, and for surveys, and for other purposes.

CHAP. 64. An Act in relation to the Potomac bridge.

CHAP. 65. An Act to improve the navigation of the Potomac river between Georgetown and Alexandria, and for other purposes.

CHAP. 66. An Act [in] addition to the act for the gradual improvement of the Navy of the United States.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the gradual improvement of the Navy of the United States, the sum of five hundred thousand dollars, out of any money in the treasury not otherwise appropriated, be, and the same is hereby appropriated, annually, for six years, from and after the third day of March, eighteen hundred and thirty-three, when the present appropriation expires.

SECT. 2. *And be it further enacted,* That the President of the United States be and he is hereby authorized and empowered to cause the abovementioned appropriation to be applied, as directed and prescribed by the act of the third of March, eighteen hundred and twenty-seven, to which this is in addition, the provisions whereof are hereby continued in force for the term abovementioned, and to be applied also to the purchase of other necessary materials as well as timber suitable for the construction of vessels of war.

SECT. 3. *And be it further enacted,* That in addition to the provisions now in force on the subject of the live oak growing on the public lands, it shall be the duty of all collectors of customs within the territory of Florida, and the States of Alabama, Mississippi, and Louisiana, before allowing a clearance to any vessel laden in whole or in part with live oak timber, to ascertain satisfactorily that such timber was cut from private

lands, or, if from public ones, by consent of the Navy Department. And it is hereby made the duty of all officers of the customs, and of the land officers within said territory and states, to cause prosecutions to be seasonably instituted against all persons known to be guilty of depredations on, or injuries to, the live oak growing on the public lands.

CHAP. 67. An Act to improve the condition of the non-commissioned officers and privates of the Army and Marine Corps of the United States, and to prevent desertion.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passage of this act, all enlistments in the army of the United States, shall be for three years; and that the monthly pay of the non-commissioned officers and soldiers, shall be as follows, viz: to each sergeant major, quartermaster sergeant, and chief musician, sixteen dollars; to the first sergeant of a company, fifteen dollars; to all other sergeants, twelve dollars each; to each artificer, ten dollars; to each corporal, eight dollars, and to each musician and private soldier, six dollars; and that all enlistments in the marine corps shall be for four years; and that the monthly pay of the non-commissioned officers and soldiers in said corps, shall be as follows, viz: to each serjeant major and quartermaster sergeant, seventeen dollars; to the drum major, file major, the orderly sergeants of posts, and first sergeants of guards at sea, sixteen dollars each; to all other sergeants, thirteen dollars; to each corporal, nine dollars; to each musician, eight dollars; and to each private, seven dollars.

SECT. 2. *And be it further enacted,* That one dollar of the monthly pay of every musician and private soldier, shall be retained until the expiration of the two first years of their enlistment, when each shall receive the twenty-four dollars retained pay, which shall have so accrued: *Provided,* He shall have served honestly and faithfully that portion of the term of his first enlistment.

SECT. 3. *And be it further enacted,* That every able bodied musician or private soldier, who may re-enlist into his company or regiment, within two months before, or one month after, the expiration of his term of service, shall receive two months' extra pay, besides the pay and other allowances which may be due to

him on account of the unexpired period of any enlistment.

SECT. 4. *And be it further enacted,* That every able bodied musician or soldier, who shall re-enlist into his company or regiment, as specified in the third section of this act, shall receive his full pay, at the rate of six dollars per month, without any temporary deduction therefrom.

SECT. 5. *And be it further enacted,* That no premiums to officers for enlisting recruits, nor bounties to recruits for enlisting, shall be allowed after the passage of this act.

SECT. 6. *And be it further enacted,* That no person who has been convicted of any criminal offence, shall be enlisted in the army of the United States.

SECT. 7. *And be it further enacted,* That the seventh section of the act, entitled "An act making further provision for the army of the United States," passed on the sixteenth May, one thousand eight hundred and twelve, be, and the same is hereby repeated, so far as it applies to any enlisted soldier, who shall be convicted by a general court martial of the crime of desertion.

CHAP. 68. An Act making appropriations for carrying on certain works heretofore commenced for the improvement of harbours and rivers, and also, for continuing and repairing the Cumberland road, and certain territorial roads.

CHAP. 69. An Act making appropriations for the public buildings, and for other purposes.

CHAP. 70. An Act for the construction of a road from the Mississippi river to William Strong's, on the St. Francis river, in the Territory of Arkansas.

CHAP. 71. An Act prolonging the Second Session of the Fifth Legislative Council of the territory of Michigan.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Legislative Council of the territory of Michigan, now in session, be, and is hereby authorized to continue its present session thirty days beyond the time now limited by law.

SECT. 2. *And be it further enacted,* That, for the purpose of defraying the incidental expenses and for paying the mem-

bers of said legislative council for the additional time employed as aforesaid, the sum of two thousand dollars be, and is hereby appropriated, out of any money in the treasury not otherwise appropriated.

[Approved, March 2, 1833.]

CHAP. 72. An Act in addition to, and in alteration of, an act entitled "An act vesting in the corporation of the city of Washington all the rights of the Washington Canal Company, and for other purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the secretary of the treasury is hereby authorized to pay, out of any moneys in the treasury not otherwise appropriated, unto the mayor, aldermen, and common council of the city of Washington, the sum of one hundred and fifty thousand dollars, to aid them in fulfilling the objects and requirements of an act entitled "An act vesting in the corporation of the city of Washington all the rights of the Washington Canal Company, and for other purposes;" approved May thirty-first, one thousand eight hundred and thirty-two: *Provided,* That the said mayor, aldermen, and common council, relinquish all title to the land vested in them by the eighth section of the act above named, and, also, relinquish all rights and privileges granted by the eighth, tenth, eleventh, twelfth, thirteenth, and fourteenth, sections of said act: *And provided also,* That the sum herein granted shall be applied to pay and extinguish any debt which has been, or may be contracted in the purchase either of the Washington city canal, or in the completion of the same, and shall not be applicable to any other object or purpose until said debts be extinguished.

SECT. 2. *And be it further enacted,* That the commissioner of the public buildings is hereby authorized to cause all the open grounds belonging to the United States which, in the original plan of the city, were reserved for public walks, lying between the Maryland and Pennsylvania avenues, to be enclosed with a wooden fence, and to lay down the same, according to such plan for the improvement thereof as the President of the United States may approve, in grass, and intersect it by suitable paths and roads for intercourse and recreation: *Provided,* That there shall not be more than three streets or roads across the same to connect the streets on the north and south sides of said public grounds.

SECT. 3. *And be it further enacted,* That there be paid out of any appropriated money in the treasury, for the purposes of the second section of this act, the sum of five thousand dollars.

[Approved, March 2, 1833.]

CHAP. 73. An Act establishing a port of entry and delivery at the village of Fall River in Massachusetts, and discontinuing the office at Dighton.

CHAP. 74. An Act to authorize the President of the United States to exchange certain lands belonging to the navy-yard at Brooklyn, for other lands contiguous thereto.

CHAP. 75. An Act for the more perfect defence of the frontiers.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in lieu of the battalion of mounted rangers authorized by the act of the 15th of June, one thousand eight hundred and thirty-two, there be established a regiment of dragoons, to be composed and organized as follows, to wit: one colonel, one lieutenant colonel, one major, one quartermaster-sergeant, and two chief buglers, one adjutant, who shall be a lieutenant, one sergeant major, one chief musician and ten companies; each company to consist of one captain, one first lieutenant, and one second lieutenant, exclusive of the lieutenant who is to be the adjutant of the regiment; four sergeants, one of whom shall act as quartermaster-sergeant to the company, four corporals, two buglers, one farrier and blacksmith, and sixty privates.

SECT. 2. *And be it further enacted,* That the officers, non-commissioned officers, musicians, and privates, when mounted, be entitled to the same pay and emoluments as was allowed to dragoons during the war, and when on foot, the same pay and emoluments as are now allowed to the officers, non-commissioned officers, musicians, and privates of a regiment of infantry; and that the farrier and blacksmith be allowed the same pay and allowances, as are allowed to an artificer of a lery.

SECT. 3. *And be it further enacted,* That the said regiment of dragoons shall be liable to serve on horse, or foot, as the President may direct; shall be subject to the rules and articles of war, be recruited in the same manner, and with the same limitations; that the officers, non-commission-

ed officers, musicians, farriers, and privates, shall be entitled to the same provisions for wounds and disabilities, the same provisions for widows and children, and the same allowances and benefits in every respect, as are allowed the other troops constituting the present military peace establishment.

SECT. 4. *And be it further enacted,* That the President of the United States be authorized to carry into effect this act, as soon as he may deem it expedient, and to discharge the present battalion of mounted rangers, on their being relieved by the said regiment of dragoons.

SECT. 5. *And be it further enacted,* That the sum required to carry into effect the provisions of this act, is hereby appropriated, in addition to the appropriations, for the military establishment for the year one thousand eight hundred and thirty-three.

CHAP. 76. An Act to create sundry new land offices, and to alter the boundaries of other land offices of the United States.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of the lands ceded to the United States by the treaties made and concluded with the Choctaw tribe of Indians, near Doak's stand, on the eighteenth day of October, one thousand eight hundred and twenty, and at Dancing Rabbit creek, on the twenty-seventh day of September, one thousand eight hundred and thirty, as is situated north of the line dividing townships nineteen and twenty, and west of the line dividing range seven and eight, east, be, and the same is hereby established into a land district, to be designated as the north-western district.

SECT. 2. *And be it further enacted,* To so much of the land ceded by the Choctaw tribe of Indians to the United States, by said treaty of the twenty-seventh day of September, one thousand eight hundred and thirty, as is situated west of the basis meridian, and south of the dividing line between townships nineteen and twenty north, be, and the same is attached to the Choctaw district, established by an act of the seventh of May, eighteen hundred and twenty-two.

SECT. 3. *And be it further enacted,* That so much of the lands ceded to the United States by said treaty of the twenty-seventh of September, eighteen hundred and thirty, as is situated north of the dividing line between townships seven and

eight, east of the basis meridian, and south of the northwestern district, and the southern boundary of the lands of the Chickasaw tribe of Indians, shall constitute a land district to be designated as the northeastern district; and the lands of the United States in the counties of Monroe and Lowndes, now subject to sale in the Choctaw district, shall, from and after the first day of May next, be subject to sale at the land office in the said northeastern district; and it shall be the duty of the Register at Mount Salus, under instructions from the Commissioner of the general Land Office, to transfer all such books, maps, records, field notes, and plats or transcripts thereof relating to the surveys of the public lands in Monroe and Lowndes counties, to the Register of the northeastern district, as may be necessary to enable him to comply with the provisions of this act.

SECT. 4. *And be it further enacted,* That so much of the land ceded to the United States by the said treaty of the twenty-seventh of September, eighteen hundred and thirty, as is situated south of the dividing line between townships seven and eight, be attached to, and constitute a part of the Augusta land district.

SECT. 5. *And be it further enacted,* That, for the disposal of the public lands in the northeastern and north-western districts, a land office shall be established in each, at such convenient place as the President of the United States may designate; and, for each of said offices a Register and Receiver shall be appointed by the President, by and with the advice and consent of the Senate, who shall severally give bond and security according to law, before entering on the duties of their respective offices. They shall receive the same compensation, fees and emoluments, and shall perform similar duties, and possess the same powers, with all other Registers and Receivers of public moneys of the United States, and shall be governed by the laws of the United States providing for the sale of public lands.

SECT. 6. *And be it further enacted,* That so much of the Edwardsville land district as lies north and north west of the Illinois river, between said river and the Mississippi, be, and the same is hereby attached to the Quincy land district, in the State of Illinois; and that ranges one and two west of the third principal meridian embracing all townships from the base line to the southern boundary of the Sangamon land district, be, and the same is hereby attached to the Vandalia land dis-

tract in said state, the said transfer to be effected under the direction of the Secretary of the Treasury.

SECT. 7. *And be it further enacted,* That all the lands situated south of the district line, and south of the diving line between townships twenty and twenty-one, and north of the line dividing townships eleven and twelve, and west of the line dividing ranges nine and ten west, to the west boundary line of the State of Alabama, shall constitute a land district, to be known and called the Demopolis district.

SECT. 8. *And be it further enacted,* That the lands in the United States in the counties of Green and Marengo, now subject to sale in the Tuscaloosa, Cahawba, and Saint Stephen's land districts, or comprehended in the above described district: *Provided,* That the land district hereinafter created by the tenth section of this act, shall be bounded on the south by the line dividing townships twenty-six and twenty seven, and on the east by the line dividing ranges six and seven, and the lands in said district now in market shall be subject to entry at the land offices at Crawfordsville and Fort Wayne, as heretofore, until the first day of July next, and no longer; shall, from and after the first day of June next, be subject to sale at the land office in the said Demopolis land district; and it shall be the duty of the Registers at Tuscaloosa, Cahawba and St. Stephens, under instructions from the commissioner of the General Land Office, to transfer all such books, maps, records, field notes and plats, or transcripts thereof, relating to the surveys of the public lands hereby added to the said Demopolis land district, to the Register of the Demopolis land district.

SECT. 9. *And be it further enacted,* That there shall be a Register and Receiver appointed for the said land district, with the same compensation, fees and emoluments, and who shall perform all the duties usually performed by Registers and Receivers appointed to superintend the sale of the public lands of the United States.

SECT. 10. *And be it further enacted,* That all that district of country, in the state of Indiana, lying west of the line dividing ranges seven and eight east of the second principal meridian, and north of the line dividing townships twenty-four and twenty-five, shall form a separate land district; and the land office for the sale and disposal of all the public lands in said district, shall be, and hereby is, established at Laporte; and for said land office, a Register and Receiver shall be appointed in like manner, and be subject to like

rules and regulations, and receive the same salary, fees and compensation for their services, as is designated and provided for in other cases by the fifth section of this act; and it shall be the duty of the Secretary of the Treasury, as soon as it can be done, to cause the necessary tract books, plats, maps, and surveys of the public lands in said district, to be filed in said office: *Provided,* That the President may, whenever in his judgment the public interest and the convenience of the people require it, remove said office to a more central and suitable place in said district.

CHAP. 77. An Act making provision for the publication of the documentary History of the American Revolution.

CHAP. 78. An Act declaring the assent of Congress to an act of the General Assembly of the State of Virginia hereinafter recited.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the assent of the United States be, and the same is hereby given to an act of the General Assembly of Virginia, entitled "An act concerning the Cumberland road," passed February the seventh, one thousand eight hundred and thirty-two; such assent to remain in force during the pleasure of Congress: *Provided,* That this act shall not be construed as preventing the United States from resuming whatever jurisdiction it may now have over the said road, whenever, in its discretion, it shall deem it proper so to do: which act of the said General Assembly is in the words and figures following, to wit:

Be it enacted by the General Assembly, That whenever the Government of the United States shall have surrendered so much of the road, commonly called the Cumberland road, as lies within the limits of this state, the President and Directors of the Board of Public Works shall be, and they are hereby authorized to take the same under their care in behalf of this state; and to cause a gate or gates, and a toll-house or houses, to be erected on said road: *Provided* the same shall not exceed two in number.

Be it further enacted, That a superintendent shall be appointed by the President and Directors of the Board of Public Works, removable at pleasure, whose duty it shall be to erect said gate or gates, and toll-house or toll houses, and to exercise all reasonable vigilance and diligence in

the care of said road committed to his charge; to contract for, and direct the application of the labour, materials, and other things necessary for the repair, improvement and preservation of said road; and he shall pay for the same out of the fund arising from the tolls; he shall have power to appoint and remove at pleasure, the collectors of tolls, and to take from such collector or collectors, bond with good security, conditioned for his, her, or their faithfully discharging his, her, or their duty, and accounting for, and paying over to such superintendent or his successors in office, all moneys or tolls by him, her or them collected or received; and it shall be the duty of the superintendent every six months, before the county or superior court for Ohio county, or before some one by either of said courts appointed for that purpose, to render, under oath, an account of all moneys by him received or expended, particularly setting forth in such account, the time when, and from whom, he shall have received such money, and the time when, and to whom, and on what account the same shall have been disbursed or expended. He shall before he shall have entered on the duties of said office, take before the county court of Ohio county, or some justice of the peace for said county, an oath that he will faithfully, justly, and impartially discharge the duties of his said office; and he shall also, before said court, enter into bond with two good securities, at least, in the penalty of ten thousand dollars, conditioned for his faithfully performing, in all things, the duties of his office of superintendent, to account, as is before provided for, and also to pay over to his successor or successors in office or to such person as the county court of Ohio county may, for this purpose, name and appoint, all tolls by him received, and not expended, by virtue of the provisions of this act. He shall, immediately on the receipt thereof, deposit in the Northwestern Bank of Virginia, all moneys by him received for tolls or otherwise, and the same, as superintendent, check for, as he may want the same in repairing, improving, or preserving said road. And in case of death, resignation, or removal from office, or from the state, any and all moneys standing to his credit in bank, as superintendent, shall be passed to the credit of his successor in office. If the superintendent shall fail or omit for two calendar months, to render his accounts as is before required, he shall, for every such failure, forfeit and pay, for the benefit of said road fund, five hundred dollars, to be recovered as is after provided for; or, if he shall fail or

omit to pay over all moneys in his hands as is before required, it shall be lawful in the name of the president and directors of the Board of Public Works, to obtain judgment against him, his security or securities, his or their heirs, executors or administrators, upon motion in the county or superior courts of Ohio county, upon giving ten days' notice to such superintendent, his security or securities, his or their heirs, executors or administrators. In all motions, actions, or bills in chancery against such superintendent, his security or securities, his or their heirs, executors, or administrators, whenever judgment or decree shall be pronounced against the defendant or defendants, for any money by such superintendents wrongfully detained, such judgment shall be for the principal sum due, with interest thereon from the time at which the principal sum shall have been due, together with fifteen per centum damages thereon, to be made and levied in manner provided for by law. The said collectors shall monthly, or oftener if required by the superintendent, under oath, account for, and pay to the superintendent then in office, all moneys or tolls collected by him or them, and which shall remain after deducting his or their compensation; and if such collector or collectors shall fail herein, it shall be lawful for the superintendent, in the name of the president and directors of the Board of Public Works, to obtain judgment against such collector or collectors, his, her or their security or securities, his or their heirs, executors or administrators, by motion in the county or superior court for Ohio county, for the sum he, she, or they may be in arrear, with interest and damages as is above provided for in the case of defaulting superintendents: *Provided*, That such collector or collectors, his, her, or their security or securities, his or their heirs, executors, or administrators, shall [have] had ten days' previous notice of such motion. When the said collector shall have paid over to the superintendent, the superintendent shall give him duplicate receipts therefor, one of which he, the said collector, upon pain of forfeiting fifty dollars for every failure, shall file with the clerk of the county court of Ohio county. The bonds hereby required of superintendents or collectors shall be made payable to the president and directors of the Board of Public Works, and be deposited for safe keeping, with the clerk of the county court of Ohio county. But all moneys, and all fines and forfeitures recovered of them, or either of them, shall be collected and received by the superintendent in office. or

by such person as the county court of Ohio county may appoint to receive the same. The said superintendent, and the said collector or collectors, shall be allowed by the county court of Ohio county a reasonable compensation for their services; to be by them respectively retained out of said tolls or the proceeds thereof: *Provided, however,* That the compensation to the superintendent shall not exceed three hundred and thirty-three and one-third dollars per annum. And for the better order and management of the said fund, and the preservation of said road, the said superintendent and collector or collectors, shall observe and conform to such instructions as the president and directors of the Board of Public Works may, from time to time prescribe.

That, as soon as the said gates and toll-houses shall be erected, it shall be the duty of the said toll-collector, or collectors, and they are hereby required to demand and receive, for passing the said gates, the tolls and rates hereafter mentioned: and they may stop any person riding, leading, or driving, any horses, cattle, sulky, chair, phaeton, cart chaise, wagon, sleigh, sled, or other carriage of burden or pleasure, from passing through said gate or gates, until they shall have respectively paid for passing the same; that is to say: if there be but one gate, for every score of sheep or hogs, six and a quarter cents; for every score of cattle, twelve and a half cents; for every led or drove horse, three cents; for every mule or ass, led or driven three cents; for every horse and rider, six and a quarter cents; for every sled or sleigh drawn by one horse or ox, six and a quarter cents; for every horse or ox in addition, three cents; for every dearborne, sulky, chair, or chaise, with one horse, six and a quarter cents; for every horse in addition, six and a quarter cents; for every chariot, coach, coacher, stage, or phaeton with two horses, twelve and a half cents; for every horse in addition, six and a quarter cents; for every other carriage of pleasure, by whatever name it may be called, the like sum, according to the number of wheels and horses drawing the same; for every cart, or wagon, whose wheels do not exceed two and a half inches in breadth, twelve and a half cents; for each horse or ox drawing the same, four cents; for every cart or wagon whose wheels shall exceed two and a half inches in breadth, and not exceeding four inches, six and a quarter cents; for every horse or ox drawing the same, three cents; and for every other cart or wagon, whose wheels shall exceed four inches and

not exceeding five in breadth, four cents; for every horse or ox drawing the same, two cents; and all other wagons or carts, whose wheels shall exceed six inches in breadth, shall pass said gates free and clear of all tolls: *Provided however,* That nothing in this act shall be so construed as to authorize any tolls to be received or collected from any person passing to or from public worship, or to or from a visit to a friend, or other place within the county in which he resides, or to or from any musters, elections or courts, or to or from his common business on his farm or wood land, or to or from a funeral, or to or from a mill or school, or to or from his common place of trading or marketing within the county in which he resides, including the wagons, carriages and horses, or oxen drawing the same: *Provided, also,* That no toll shall be received or collected for the passage of any stage or coach conveying the United States' mail, or horses bearing the same, or any wagon or carriage laden with property of the United States, or any cavalry or other troops, army or military stores, belonging to the same, or to any of the states comprising the Union, or any person or persons on duty in military service of the United States, or of the militia of any of the states: *And, provided further* That the superintendent may commute the rates of tolls with any person or persons by taking of him or them a certain sum annually, in lieu of the tolls aforesaid: *And, provided further,* If two gates shall be erected on said road, then only one half of the said rates or tolls shall be received or collected at each gate; and that the superintendent and three discreet free holders of Ohio county, to be appointed for this purpose by the county court of Ohio county, shall determine the number of gates (not exceeding two as aforesaid) and the site or location of such gate or gates; and said superintendent and persons to be appointed by the county court as aforesaid, are duly authorized to purchase, for the purpose of erecting a toll-house or toll-houses on said road, as much ground as they shall deem necessary and advantageous to said road fund; to be paid for out of the tolls aforesaid.

Be it further enacted, That the moneys so collected, and all fines, penalties and forfeitures, accruing under this act, shall constitute a fund, to be denominated the Cumberland road fund, and shall be applied by the superintendent to be appointed as aforesaid, solely and exclusively to the preservation, repair, and improvement of said road, and the expenses incident thereto, and to no other purpose whatever.

Be it further enacted, That the General Assembly reserves to itself at any future session thereof, without the consent of Congress, to change, alter, or amend this act: *Provided,* That the same shall not be so changed, altered, or amended, as to reduce or increase the rates of toll hereby established, below or above the sum necessary to defray the expenses incident to the repair and preservation of said road, to the erection of gates and toll-houses thereon, and for the payment of the fees or salaries of the superintendent, the collector of tolls, and of such other agents as may be necessarily employed in the preservation and repair of the said road, according to the true intent and meaning of this act.

Be it further enacted, That directors shall be set up at proper and convenient situations, to caution all conductors and drivers of carriages or wagons on the road, as aforesaid, that they shall always pass on the left of each other, under the penalty of five dollars for every offence; and there shall also be set up, at some conspicuous place at each gate, a board on which shall be legibly printed the rates of toll as is provided for in this act; and if any toll collector shall unreasonably delay or hinder any passenger or traveller at any of the gates, or shall demand or receive more toll than is by this act established, he shall, for each and every such offence, forfeit and pay to the party aggrieved, the sum of ten dollars.

Be it further enacted, That if any person shall purposely and maliciously deface, or otherwise injure any of the milestones, parapet walls, culverts, or bridges, or any masonry whatsoever, or any of the gates or toll-houses of, or belonging to the said Cumberland road, in this state, as the same is now constructed, or may hereafter be constructed, every person so offending, upon conviction thereof, or judgment, information, or presentment, in the county or superior court of Ohio county, be fined in a sum not exceeding five hundred dollars, or imprisonment in the jail of the county not exceeding six months, or both, at the discretion of the court; and if any person shall purposely fill, choke or otherwise obstruct any of the side drains, valleys, gutters, or culverts of said road now made, or hereafter to be made, or shall connect any private road or cartway with said Cumberland road, or if any surveyor of a county road shall connect the same with the said Cumberland road, without making at the point of connection, a stone culvert or paved valley, or other good and sufficient fixture so as to secure a free passage for the water along such side drain

where such private or county road or cartway connects with said Cumberland road, and so as to secure such Cumberland road from injury by reason of such county or private road, or way, being connected with said Cumberland road, every person so offending shall upon conviction thereof, be, for every such offence, fined in a sum not less than five dollars, nor more than twenty dollars; and if any person shall stand his wagon and team, or either of them, overnight upon the pavement of said road now made, or which may hereafter be made, or shall at any other time stand a wagon and team, or either of them, upon the said pavement for the purpose of feeding, or if he shall, in any other manner, purposely and wilfully obstruct the travel upon said road, or if he shall fast-lock or rough-lock either of the wheels of any wagon, coach, chaise, gig, sulky, carriage, or other two or four wheeled vehicle while travelling upon said road as now made, or as it may hereafter be made, (excepting, however, such parts of said road as may be, at the time of said locking, covered with ice,) every person so offending shall, upon conviction thereof, be fined in a sum not less than two, nor more than twenty dollars.

Be it further enacted, That all fines, penalties, and forfeitures, incurred under the provisions of this act, may be recovered by presentment or indictment in the county or superior courts of Ohio county, or by information or action of debt in the name of the governor, for the use of said road fund, in the same courts; or, the said fines, penalties and forfeitures, where the same shall be less than twenty dollars, may be recovered by action of debt in the name and for the use aforesaid, before any justice of the peace for Ohio county; but an appeal may be had, as in other cases, to the next monthly court of Ohio county, from the judgment of any justice of the peace, when the same shall be a greater sum than five dollars, exclusive of costs, and it shall be the duty of the superintendent and collectors of tolls to prosecute all offences against the provisions of this act, and he or they shall not be liable for costs where the person or persons prosecuted shall be acquitted, unless the court or justice will certify that the prosecution is groundless and without good cause.

Be it further enacted, That if more than one gate be erected upon said road, it shall be lawful for any person, desirous to do so, to pay the whole toll at any one gate, and thereupon, the collector shall grant him a proper certificate thereof, which certificate shall be a sufficient warrant to procure his passage through the other gate.

Be it further enacted, That this act shall not have any force or effect till the government of the United States shall assent to the same.

VIRGINIA, *Richmond city, to wit* :

I, George W. Mumford, Clerk of the House of Delegates, and Keeper of the Rolls of Virginia, do certify that the foregoing is a true copy of an act concerning the Cumberland road, passed February the seventh, eighteen hundred and thirty-two.

Given under my hand, this thirteenth day of February, eighteen hundred and thirty-two.

CHAP. 79. An Act to secure to mechanics and others payment for labour done and materials furnished in the erection of buildings in the district of Columbia.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all and every dwelling-house or other building, hereafter constructed and erected within the city of Washington, in the town of Alexandria, or Georgetown, in the district of Columbia, shall be subject to the payment of the debts contracted for or by reason of any work done or materials found and provided by any brick-maker, bricklayer, stone-cutter, mason, lime merchant, carpenter, painter and glazier, ironmonger, blacksmith, plasterer, and lumber merchant, or any other person or persons employed in furnishing materials for, or in erecting and constructing such house or other building, before any other lien which originated subsequent to the commencement of such house or other building. But if such dwelling house or other building, or any portion thereof, shall have been constructed under contract or contracts, entered into by the owner thereof, or his or her agent, with any person or persons, no person who may have done work for such contractor or contractors, or furnished materials to him, or on his order or authority, shall have or possess any lien on said house or other building, for work done or materials so furnished, unless the person or persons employed by such contractor to do work on, or furnish materials for such building, shall within thirty days after being so employed, give notice in writing to the owner or owners of such building, or to his or their agent, that he or they are so employed to work or to furnish materials, and that they claim the benefit of the lien granted by this act. And if such house

or other building should not sell for a sum sufficient to pay all demands for such work and materials; then, and in such case, the same shall be averaged, and each of the creditors paid a sum proportionate to their several demands: *Provided, always*, That no such debt for work and materials shall remain a lien on the said houses or other buildings longer than two years from the commencement of the building thereof, unless an action for the recovery of the same be instituted, or the claim filed within three months after performing the work or furnishing the materials, in the office of the clerk of the court of the county in which the building shall be situated: *And provided also*, That each and every person, having received satisfaction for his or their debt, for which a claim has been or shall be filed, or action brought as aforesaid, shall, at the request of any person interested in the building on which the same was a lien, or in having the same lien removed, or of his or their legal representative, on payment of the costs of the claim or action, and on tender of the costs of office for entering the satisfaction, within six days after such request made, enter the satisfaction of the claim in the office where such claim was or shall be filed, or such action brought, which shall for ever thereafter discharge, defeat and release the same; and if such persons having received such satisfaction as aforesaid, by himself or his attorney, shall not, within six days after request and payment of the costs of the claim or action, and tender as aforesaid, by himself or his attorney duly authorized, enter satisfaction as aforesaid, he, she or they neglecting or refusing so to do, shall forfeit and pay unto the party or parties aggrieved, any sum of money, not exceeding one half of the debt, for which the claim was filed, or action brought as aforesaid, to be sued for and demanded by the person or persons indemnified, in like manner as other debts are now recovered by the existing laws for the recovery of debts.

SECT. 2. *And be it further enacted*, And in all cases of lien created by this act, the person having a claim filed agreeably to its provisions, may, at his election, proceed to recover it by personal action, according to the nature of the demand against the debtor, his executors or administrators, or by scire facias against the debtor, or owner of the building; and where the proceedings are by scire facias, the writ shall be served in like manner as a summons upon the persons named therein, if to be found within the county, and if not found within the county, then by fix-

ing a copy of the writ upon the door of the building against which the claim is filed; and upon the return of service and failure of defendants to appear, the court shall render judgment as in case of a summons; but if they, or either of them appear, they may plead and make defence, and the like proceedings shall be had as in personal actions for the recovery of debts: *Provided*, That no judgment rendered in such *scire facias* shall warrant the issuing an execution, except against the building or buildings upon which the lien existed as aforesaid.

CHAP. 80. An Act to authorize the county commissioners for the county of Peoria, in the state of Illinois, to enter a fractional quarter section of land for a seat of justice, and for other purposes.

CHAP. 81. An Act authorizing an alteration in the election districts for members of the Legislative Council of the territory of Michigan.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Legislative Council of the territory of Michigan be, and hereby is authorized to provide for such alterations in the election districts of said territory as will more effectually secure to the different sections of said territory a more equal representation in said Legislative Council.

SECT. 2. *And be it further enacted*, That if the said Legislative Council shall have adjourned before the first day of April next, the Governor of said territory shall, by proclamation, district the said territory according to the provisions of the foregoing section.

CHAP. 82. An Act supplementary to an act, entitled "An act concerning a seminary of learning in the territory of Arkansas," approved the second of March, eighteen hundred and twenty-seven.

CHAP. 83. An Act supplemental to the act entitled "An act for the final adjustment of the land claims in Missouri."

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provisions of the act to which this is a supplement, shall be extended to and embrace in its operations, every claim

to a donation of land in the state of Missouri, held in virtue of settlement and cultivation; and the commissioners appointed under the above recited act, shall proceed to consider, decide and report upon the aforesaid claims, under the provisions of the several acts of Congress heretofore passed in relation to said claims, and under such provisions and restrictions of the act to which this is a supplement, as may be applicable thereto.

SECT. 2. *And be it further enacted*, That it shall and may be lawful for the Recorder and Commissioners aforesaid, to continue to take the testimony of all such claims as heretofore described, for and during the term of two years from the date of the act to which this is a supplement, any law to the contrary notwithstanding.
Approved, March 2, 1833.

CHAP. 84. An Act authorizing the removal of the office of Surveyor General of Public Lands, south of Tennessee.

CHAP. 85. An Act granting certain city lots to the president and directors of the Georgetown College in the district of Columbia.

CHAP. 86. An Act to amend an act entitled "An act to grant a quantity of land to the state of Illinois, for the purpose of aiding in opening a canal to connect the waters of Illinois river with those of lake Michigan," and to allow further time to the state of Ohio for commencing the Miami canal from Dayton to lake Erie.

CHAP. 87. An Act to incorporate the Georgetown Free School and Orphan Asylum, in the district of Columbia.

CHAP. 88. An Act to authorize the President of the United States to cause the public surveys to be connected with the line of demarcation between the states of Indiana and Illinois.

CHAP. 89. An Act further to extend the powers of the board of Canal Commissioners for the improvement of the Tennessee river, in the state of Alabama.

CHAP. 90. An Act prescribing the mode by which patents for Public Lands shall be signed and executed.

SECT. 1. *Be it enacted by the Senate*

and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the President of the United States, by and with the advice and consent of the Senate, to appoint a Secretary, with a salary of one thousand five hundred dollars per annum, whose duty it shall be, under the direction of the President, to sign in his name, and for him, all patents for lands sold or granted under the authority of the United States.

SECT. 2. *And be it further enacted,* That this act shall continue and be in force until the fourth day of March, one thousand eight hundred and thirty-seven, and no longer.

Approved, March 2, 1833.

CHAP. 91. An Act to revive the act entitled "An act supplementary to the several laws for the sale of public lands."

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in all cases in which persons were settlers or occupants of the public land prior to the first day of May, one thousand eight hundred and thirty-two, and were authorized to enter under the provisions of the act entitled "An act supplementary to the several laws for the sale of public lands," approved April fifth, one thousand eight hundred and thirty-two, and were prevented from making their entries, in consequence of the public surveys not having been made and returned, or where the land was not attached to any land district, or where the same has been reserved from sale in consequence of a disputed boundary between two states, or between a state and territory, the said occupants shall be permitted to enter the said lands on the same conditions, in every respect, as were prescribed in said act, within one year after the surveys are made, or the land attached to a land district, or the boundary line established; and if the land shall be proclaimed for sale before the expiration of one year as aforesaid, then the said settlers or occupants shall be permitted to enter before the sale thereof.

Approved, March 2, 1833.

CHAP. 92. An Act to establish a town at St. Marks, Florida.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be and he is hereby authorized to cause so

much of the public lands at or near St. Marks, in the territory of Florida, as he may deem proper, to be laid off in town lots, not to contain more than one quarter of an acre each, and into streets, avenues and out lots and public squares, for the use of the town, and whenever the survey of the same shall be completed, it shall be the duty of the surveyor for the territory of Florida, to cause two plats thereof to be made out, on which the town and out lots shall respectively be designated by progressive numbers; one of which shall be transmitted, with a copy of the field notes, to the Commissioner of the General Land Office, and the other to the Register of the land office for the proper district: *Provided,* That the President may adopt, if he shall approve, such plan as may have been already reported to the General Land Office.

SECT. 2. *And be it further enacted,* That the aforesaid town and out lots at said site, with the exception of such of them as the President may reserve for fortifications, shall be offered for sale to the highest bidder, under the direction of the register and receiver of the proper land office, at such times and places as the President shall, by public proclamation, designate for that purpose; and all lots remaining unsold at the closing of the public sales shall be subject to entry at private sale at the proper land office: *Provided,* That no town lot shall be sold for less than twenty five dollars, nor any out lot for less than at the rate of twenty-five dollars per acre; and they shall, in every other respect, be sold on the same terms and conditions as are provided for the disposal of the other public lands of the United States.

SECT. 3. *And be it further enacted,* That previous to offering the aforesaid town and out lots at public sale, the President of the United States shall cause the value of any improvements which may have been made thereon to be ascertained in such a manner as he may prescribe for that purpose; and the purchaser at public sale of any lot upon which there are such improvements, other than the owner thereof, shall, in addition to the sum to be paid to the United States, be, and hereby is, required to pay to the owner of the improvements, the value of them as thus ascertained; and, if payment therefor shall not be made upon the day on which the same was purchased, the lot shall be again offered at public sale on the next day of sale, and such person shall not be capable of becoming the purchaser of that or of any other lot offered at that public sale: *Provided,* That, if any lot so offered and bid off

on the last day of the public sale shall not be thus paid for, the same may be entered at private sale, upon paying to the United States the sum at which it was bid off, and to the owner of the improvements the previously ascertained value thereof: *And provided further*, That the President be not authorized to offer any part of said town lots for sale, till he shall be satisfied that the site proposed for said town is not included within the limits of any conflicting Spanish title, which may not be released or decided to be invalid.

CHAP. 93. An Act granting an additional quantity of land for the location of revolutionary bounty land warrants.

CHAP. 94. An Act to extend the provisions of the act of the third March, one thousand eight hundred and seven, entitled "An act to prevent settlements being made on lands ceded to the United States, until authorized by law."

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all offences prescribed in the act, entitled "An act to prevent settlements being made on lands ceded to the United States until authorized by law," approved the third of March, one thousand eight hundred and seven," when committed upon public lands not situated within any state or organized territorial government, shall be cognizable in the District Court of the United States held in the state nearest where the said offence may have been committed: and the offenders upon conviction, shall be punished accordingly.— And the said court shall also have jurisdiction to hear and determine all suits or prosecutions, instituted for the recovery of all fines and penalties imposed by the said act.

SECT. 2. *And be it further enacted*, That it shall be lawful for the President of the United States, to direct the Indian Agents at Prairie du Chien and Rock Island, or either of them, when offences against the said act shall be committed on lands recently acquired by treaty from the Sac and Fox Indians, to execute and perform all the duties required by the said act to be performed by the Marshals, in such mode as to give full effect to the said act, in and over the lands acquired as aforesaid.

CHAP. 95. An Act to carry into effect

the Convention between the United States and his majesty the King of the Two Sicilies, concluded at Naples on the fourteenth day of October, one thousand eight hundred and thirty-two.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States, by and with the advice and consent of the Senate, shall appoint three Commissioners, who shall form a board, whose duty it shall be to receive and examine all claims which may be presented to them under the Convention between the United States and the King of the Two Sicilies of the fourteenth day of October, one thousand eight hundred and thirty-two, which are provided for by the said Convention, according to the provisions of the same, and the principles of justice, equity, and the law of nations. The said board shall have a Secretary, versed in the French and Italian languages, and a clerk, both to be appointed by the President, by and with the advice and consent of the Senate: And the commissioners, secretary and clerk, shall, before they enter on the duties of their offices, take oath well and faithfully to perform the duties thereof.

SECT. 2. *And be it further enacted*, That the said Commissioners shall be, and they are hereby, authorized to make all needful rules and regulations, not contravening the laws of the land, the provisions of this act, or the provisions of the said Convention, for carrying their said commission into full and complete effect.

SECT. 3. *And be it further enacted*, That the members of the board so constituted shall meet at the city of Washington, and their salaries shall begin to be allowed within thirty days after the exchange of the ratifications of the Convention shall have been proclaimed by the President of the United States; and, within one year from the time of said meeting, they shall terminate their duties. And the Secretary of State is required as soon as the said proclamation of the President shall have been made, to give notice of the said meeting: to be published in two newspapers in Washington, and in such other papers as he may think proper.

SECT. 4. *And be it further enacted*, That all records, documents or other papers, which now are in, or hereafter during the continuance of this Commission may come into the possession of the Department of State, in relation to such

claims, shall be delivered to the commission aforesaid.

SECT. 5. *And be it further enacted,* That the compensation of the respective officers, for whose appointment provision is made by this act, shall not exceed the following sums, namely: to each of the said Commissioners, at the rate of three thousand dollars per annum: to the Secretary of the board, at the rate of two thousand dollars per annum; and to the clerk, at the rate of fifteen hundred dollars per annum. And the President of the United States shall be, and he is hereby authorized to make such provisions for the contingent expenses of the said commission as shall appear to him reasonable and proper; and the said salaries and expenses shall be paid out of any money in the Treasury not otherwise appropriated.

SECT. 6. *And be it further enacted,* That the said commissioners shall report to the Secretary of State a list of all the several awards made by them; a certified copy thereof shall be by him transmitted to the Secretary of the Treasury, who shall thereupon distribute in ratable proportions, among the persons in whose favour the awards shall have been made, such moneys as may have been received into the treasury in virtue of this act, according to the proportions which their respective awards shall bear to the whole amount then received, first deducting such sums of money as may be due to the United States from said persons in whose favour said awards shall be made: and shall cause certificates to be issued by the Secretary of the Treasury, in such form as he may prescribe, showing the proportion to which each may be entitled of the amount that may thereafter be received: and on the presentation of the said certificates at the treasury, as the net proceeds of the general instalments, payable by the Neapolitan government, shall have been received, such proportions thereof shall be paid to the legal holders of the said certificates.

SECT. 7. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury, to cause the several instalments, with the interest thereon payable to the United States, in virtue of the said Convention, to be received from the Neapolitan government, and transferred to the United States, in such manner as he may deem best, and the net proceeds thereof to be paid into the treasury, and the same are hereby appropriated, to satisfy the awards herein provided for.

SECT. 8. *And be it further enacted,* That all communications to and from the

Secretary of the Board of Commissioners on the business of the commissions, shall pass by mail, free of postage.

SECT. 9. *And be it further enacted,* That as soon as said Commission shall be executed and completed, the records, documents, and all other papers, in the possession of the commission or its officers, shall be deposited in the office of the Secretary of State.

CHAP. 96. An Act to authorize the Governor of the territory of Arkansas to sell the land granted to said territory by an act of Congress approved the fifteenth of June, one thousand eight hundred and thirty-two, and for other purposes.

CHAP. 97. An Act for the relief of John Bruce, Administrator of Philip Bush, deceased.

CHAP. 98. An Act for the relief of John Thomas and Peter Foster.

CHAP. 99. An Act for the relief of James Taylor, of Kentucky.

CHAP. 100. An Act for the relief of Peter Barge, Jr., Stephen Norton and Hiram Wolverton,

CHAP. 101. An Act for the relief of the legal representative of John Miller, deceased.

CHAP. 102. An Act for the relief of Robert Eaton.

CHAP. 103. An Act for the relief of the heirs and representatives of John Campbell, late of the city of New York, deceased.

CHAP. 104. An Act for the relief of Eleanor Courts, widow of Richard Henly Courts.

CHAP. 105. An Act for the relief of Elizabeth Scott, assignee of Alexander Scott, Junior.

CHAP. 106. An Act for the relief of the heirs of Doctor Isaac Ledyard, deceased.

CHAP. 107. An Act for the relief of the heirs of Colonel John Ely, deceased.

CHAP. 108. An Act for the relief of

- certain invalid pensioners, therein named.
- CHAP. 109. An Act for the relief of Adam Caplinger.
- CHAP. 110. An Act for the relief of Thomas Triplett.
- CHAP. 111. An Act for the relief of Robert Kaine.
- CHAP. 112. An Act for the relief of William Osborn.
- CHAP. 113. An Act for the relief of the heirs and legal representatives of George Hodge, deceased.
- CHAP. 114. An Act for the relief of Major Abraham A. Massias.
- CHAP. 115. An Act for the relief of Archibald W. Hamilton.
- CHAP. 116. An Act for the relief of Daniel Goodwin, executor of Benjamin Goodwin, deceased.
- CHAP. 117. An Act supplemental to an act entitled "An act for the relief of Alexander Claxton," passed on the twenty-eighth day of May, one thousand eight hundred and thirty.
- CHAP. 118. An Act for the relief of Lieutenant George D. Ramsay, of the Army of the United States.
- CHAP. 119. An Act for the relief of James Range, a soldier of the revolution.
- CHAP. 120. An Act for the relief of Joshua P. Frothingham, and the heirs of Thomas Hopping, deceased.
- CHAP. 121. An Act to authorize the issuing of a patent or patents to Samuel Hall, an alien, non-resident.
- CHAP. 122. An Act for the relief of Parish Carter.
- CHAP. 123. An Act for the relief of the mother of Fitz Henry Babbit, late a lieutenant in the navy of the United States.
- CHAP. 124. An Act for the relief of Algernon S. Thruston.
- CHAP. 125. An Act for the relief of Absalom Bolles.
- CHAP. 126. An Act for the relief of Samuel Goods.
- CHAP. 127. An Act for the relief of William Tharp.
- CHAP. 128. An Act for the relief of Edward B. Babbit.
- CHAP. 129. An Act for the relief of Joseph Gaston, of South Carolina.
- CHAP. 130. An act for the relief of the widows and orphans of the officers and seamen who were lost in the United States' schooner, the Sylph.
- CHAP. 131. An Act for the relief of Raphael Paine and Elias Arnold.
- CHAP. 132. An Act for the relief of Newton Berryman.
- CHAP. 133. An Act for the relief of the legal representatives of John Peter Wagnon, deceased.
- CHAP. 134. An Act for the relief of Jared E. Groce, of the state of Alabama.
- CHAP. 135. An Act for the relief of Thaddeus Phelps and Company.
- CHAP. 136. An Act for the relief of William Stewart.
- CHAP. 137. An Act in aid of an act, entitled "An act for the relief of James Barnett."
- CHAP. 138. An Act for the relief of Lieutenant Harvey Brown.
- CHAP. 139. An Act for the relief of Hugh Beard.
- CHAP. 140. An Act for the relief of Jane Dauphin, administratrix of John Dauphin.
- CHAP. 141. An Act for the relief of James Gibbon, and Sarah Price, widow of William Price and Philip Slaughter.

RESOLUTIONS.

No. 1. A Resolution authorizing the delivery of certain papers in the Department of State to the Commissioners for settling claims under the treaty with France, of the second February, one thousand eight hundred and thirty-two.
 Approved, February 19, 1833.

No. 2. A Resolution in relation to the execution of the act supplementary to the "Act for the relief of certain surviving officers and soldiers of the revolution."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the execution of the act supplementary to the "Act for the relief of certain surviving officers and soldiers of the revolution" approved June seventh, one thousand eight hundred and thirty-two, whenever it shall be made to appear that any applicant for a pension under said act entered the army of the revolution in pursuance of a contract with the Government, made previous to the eleventh

day of April, one thousand seven hundred and eighty-three, and continued in service until after that period, it shall be the duty of the Secretary of War, to compute the period of any such applicant's service, from the time he then entered the army, and until the date of the definitive treaty of peace, and to allow him a pension accordingly.

Approved, March 2, 1833.

No. 3. A Resolution for the relief of sundry owners of vessels sunk for the defence of Baltimore.
 Approved, March 2, 1833.

No. 4. A resolution authorizing the Secretary of War to correct certain mistakes.

No. 5. A resolution providing for the continuation of and Gales & Seaton's Compilation of State Papers.

No. 6. A Resolution to place thirty copies of the Diplomatic Correspondence of the American Revolution at the disposition of the Secretary of State.

OBITUARY.

WILLIAM H. MAYNARD.

August 28th. 1832.—In New-York, William H. Maynard, of Utica, aged 45.

Mr. Maynard was a member of the New-York Senate, from the county of Oneida. He went to the city of New-York, a week or two before his death, to attend a convention of that body, sitting as a Court of Errors, where he was attacked with cholera, to which a consecutive fever succeeded, and terminated his life.—He was a native of Conway, Mass. the son of a respectable farmer in moderate circumstances, and early gave indications of a vigorous mind. His own industry and enterprize supplied the want of patrimonial resources; and after completing his preparatory studies under the instruction of the Rev. Moses Halleck, of Plainfield, he entered Williams College at the age of about 20. Notwithstanding the drawbacks occasioned by necessary absence, at intervals to procure the means of prosecuting his education, he maintained a distinguished rank in his class, and graduated in 1810, with high honours. He next turned his attention to the study of law, which he prosecuted with his accustomed ardour, in the office of Gen. Joseph Kirkland, then of New Hartford, Oneida county. As editor of the *Utica Patriot*, which he conducted for several years, in conjunction with his professional labours, he exerted an extensive and salutary influence both in politics and morals. His known integrity and conscientious regard to truth, added weight to every sentence which his gifted pen indited. He afterwards devoted his entire energies to the practice of law, and was for several years associated with the late Attorney General, Samuel A. Talcott, Esq. His merits in this profession are well known to the public, especially in the district which was the field of his labours. As a member of the Senate and of the Court for the Correction of Errors, his labours were unremitting, and evinced an unceasing devotion to his public duties. Along with uncommon acuteness of intellect, he possessed a most tenacious memory, sound judgment, and an honesty of purpose which was above

suspicion. His character was not only free from blemish, but combined a rare union of excellencies.

By his last will, he left a legacy of \$20,000 for the organization of a Law school, at Hamilton College, N. Y.

GENERAL LAMARQUE.

June 1, 1832.—At Paris, aged 60, General Lamarque.

Maximilian Lamarque was born at St. Sevre. He entered the army as a private soldier; but soon became a captain of grenadiers, and at the age of twenty was adjutant-general. He rendered important services in the wars of the republic, the campaigns of Austerlitz, Tyrol, Naples, and Wagram. His astonishing achievement in the capture of Capraa, added greatly to his fame; he was thereupon selected to reduce Calabria, and afterwards engaged in the obstinate and difficult campaigns of Spain.

He did not return to France until 1814, and was not employed during the first restoration. Napoleon, on returning from Elba, gave him successively the command of Paris, and of a division on the Belgic frontier; and named him in May, General in chief of the army of La Vendée. On the second restoration, Lamarque was inscribed on the list of proscriptions of the 24th July, 1815. In 1826 he was elected to the Chamber of Deputies.

DUKE OF REICHSTADT.

July 22, 1832.—At the palace of Schoenbrunn, near Vienna, of consumption, aged 21, Napoleon-Francis-Charles-Joseph, Duke of Reichstadt, son of Napoleon.

He was born at Paris, March 20, 1811, the only offspring of the ill-omened alliance of Napoleon and the Archduchess Maria Louisa; and immediately upon his birth received the title of King of Rome. The occurrence was received with the most rapturous demonstrations of joy by the

French people. He received the names of Francis and Charles in compliment to his maternal grandfather and uncle, and that of Joseph from his paternal uncle the King of Spain.

On his father's abdication, the Empress was in 1814 declared Duchess of Parma, and her son was styled Prince of Parma, until the reversion of that principality was assigned to a Prince of Sardinia.—On the 22d of July, 1818, he was created Duke of Reichstadt, with a large estate and castle in Bohemia.

The Duke of Reichstadt had a separate establishment in a wing of the quadrangle of the Imperial Palace; and removed with the court for the summer months to the palaces of Schoenbrunn or Lachsenburg. The surveillance under which, at the instigation of Metternich, this young Prince was kept, from the period of his arrival in Vienna, was very strict. Until he attained his nineteenth year, he was never suffered to stir from the palace of the Burg, without his governor, Count Dietrichstein, or his sub-governor; whether to attend his lessons at the swimming school, or take a walk on the bastions, or a ride in the Prater. Although of a very lively turn he was not suffered to form an intimacy with any young person of his own age. Naturally of a feeble constitution and delicate conformation, he outgrew his strength so early as his sixteenth year, and never attained any thing like robust health; while the damp atmosphere of the palace of Schoenbrunn, which is situated in a hollow, overhung by a range of hills, tended to his state of further enervation. His disposition was naturally prone to melancholy; and several anecdotes have been related which are tinged with that characteristic. A few weeks before his death, he is said to have exclaimed, "So young, is there then no remedy? My birth and my death then will be the only points of remembrance." Some time since, his mother sent to him the superb cradle that was given at his birth by the city of Paris. He deposited it in the imperial treasury, and recalling the circumstance to his mind a few days since, he cried, "My tomb will be near my cradle."

The Duke of Reichstadt certainly possessed some of the intellectual talents of his illustrious father; and evinced very early an amiable disposition and a generous temper. Napoleon ruined himself for the sake of offspring: the rock of St. Helena and the early grave of the Duke of Reichstadt, are the results of that fatal error. The faithful Josephine has indeed

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been fully avenged; nor has there ever occurred a more striking example of the vanity of human wishes!

WALTER SCOTT.

Sept. 21. 1832.—At Abbotsford, county Roxburgh, N. B., aged 51, Walter Scott, Bart., the greatest name in the modern annals of literature.

Sir Walter Scott was the son of Walter Scott, Esq., writer to the Signet, by Anne, daughter of Dr. John Rutherford, professor of the practice of medicine in Edinburgh. His ancestry, both paternal and maternal, was distinguished by martial reputation. His father was not remarkable for literary talents; but his mother was not only intimate with Allan Ramsay, Blacklock, Beattie, Burns, and other eminent men, but was herself, says one authority, "a poetess of taste and genius;" this, however, has been denied, though it seems to be admitted that her character of mind was such as to exert great influence on the taste and intellect of her son.

Sir Walter was born at Edinburgh on the 15th of August, 1771. He was the third of a family consisting of six sons and one daughter. When an infant, Sir W. was ailing and weak; from an early age he was lame of the right foot—whether this deformity arose from organic disorder or from falling out of the arms of a careless nurse, is a matter of some dispute.

Sir Walter was not distinguished in his early years above his comrades, excepting by one qualification, and that was—story-telling. To tell tales of "knight-errantry, and battles, and enchantments," drawn sometimes from recollection, and sometimes invented, and continued from day to day as opportunity offered, was the dearest luxury of the future romance writer. He entered the High School of Edinburgh in 1779, and so far was he from thriving in his class, that, it is said, the twenty-fifth place was no uncommon situation for the future author of the *Waverley* novels. As a scholar, indeed, he never became remarkable for proficiency. There is his own authority for saying, even that in the exercise of metrical translation he fell far short of some of his companions; although others preserve a somewhat different recollection, and state that this was a department in which he always manifested a superiority. It is, however, unquestionable, that in his exercises he was remarkable, to no inconsiderable extent, for blundering and incorrectness;

his mind apparently not possessing that aptitude for mastering small details, in which so much of scholarship, in its earliest stages, consists. About this time an attempt was made to teach him music, but his instructor soon abandoned him, with the declaration "that he had no ear."

After having been two years under the Rector of the High School, he was placed in the University of Edinburgh, October, 1783. It would appear that Sir Walter did not proceed regularly through the academical course. He was matriculated or booked, in 1783, at once, for the Humanity or Latin class under professor Hill, and the Greek class under Professor Dalzel; and for the latter, once more, in 1784.—But the only other class for which he seems to have matriculated at the college was that of logic, under professor Bruce, in 1785. Although he may, perhaps, have attended other classes without matriculation, there is reason to believe that his irregular health produced a corresponding irregularity in his academical studies. The result was that he entered life much in the condition of his illustrious prototype, the Bard of Avon, "with little Latin and less Greek."

His reading, about this time, was miscellaneous, and very extensive, especially in works of fiction. His taste resembled much that of Milton's early days. He soon commenced studying for the bar, to which he was called as an advocate in 1792. He began life in an elegant house, in the most fashionable part of the town, but it was not his lot to acquire either wealth or distinction at the bar. He had, perhaps, some little employment at the provincial sittings of the criminal court, and occasionally acted in unimportant causes as junior counsel, but the emolument derived from professional sources was very inconsiderable. At all events, his success was not so flattering as to draw him off from the pursuit in which his heart was more especially engaged. He had, while in school, "perpetrated" a poem of six lines, on a thunder storm; an unsparing criticism on which, by an apothecary's wife, drove rhymes so effectually out of his head, that he tells us, "for ten years he had not indulged the wish to couple so much as *dove* and *love*," when finding Lewis, the author of "Tales of Wonder," in possession of much reputation on account of his translations and imitations from the German, he was excited by the desire to imitate this style himself. In this circumstance originated his first work, "The Chase, and William

and Hellen," from the German, published in 1798. It was by no means successful; he tells us himself, "A great part of the edition was condemned to the service of the trunk-maker." His second publication was a tragedy, translated from the German of Goethe, entitled, "Goetz of Berlichingen." Ballad poetry was his favourite at the time, and his first original attempts are in this style—"Glenfinlas," and the "Eve of St. John." Previous to this, in 1797, he had married Miss Carpenter, a young lady of the Isle of Jersey, by whom he had two sons and two daughters. Lady Scott died in 1826. In 1799 he was appointed Sheriff of Selkirkshire. In 1802, appeared "The Minstrelsy of the Scottish Border," a work which laid the foundation of Sir Walter's fame. The materials for those volumes were collected by actual research amongst the inhabitants of the border, from whose lips many of the ballads were taken down.

In 1803, Sir Walter resolved upon abandoning his profession, of which, he says, in the words of Slender, "there was no great love between us at the beginning, and it pleased Heaven to decrease it on further acquaintance." This resolution gave birth to "The Lay of the Last Minstrel," which appeared in 1805. It was sold by him for 600*l*. In 1806, he was made Principal Clerk of Session, a situation of which the profits were seldom much below 1200*l*. a year. "Marmion" appeared in 1808, and obtained 1000*l*. for its author. A new edition of "Dryden," "Saddler's State Papers," "Somers's Tracts," "The Lady of the Lake," "Rokeby," "The Lord of the Isles," "The Bridal of Triermain," and "Harold the Dauntless," followed in rapid succession; all previous to the appearance of Waverley; which though partly written in 1805, was not published until 1814. To Waverley succeeded, in 1815, "Guy Mannering;" in 1816, "The Antiquary," and "The First Series of the Tales of my Landlord," containing the Black Dwarf, and Old Mortality; in 1818, "Rob Roy," and "The Second Series of the Tales of my Landlord," containing the Heart of Mid-Lothian; and in 1819, "The Third Series of the Tales of my Landlord," containing the Bride of Lammermoor, and A Legend of Montrose.—In 1820 came "Ivanhoe;" then, in the same year, "The Monastery," and "The Abbott;" in the beginning of 1821, "Kenilworth;" making twelve volumes published, if not written, in as many months. In 1822, he produced "The Pirate," and

"The Fortunes of Nigel;" in 1823, "Peveril of the Peak," and "Quentin Durward;" in 1824, "St. Ronan's Well," and "Red Gauntlet;" in 1825, "Tales of the Crusaders;" in 1826, "Woodstock;" in 1827, "Chronicles of the Canongate, first series;" in 1828, "Chronicles of the Canongate, second series;" in 1829, "Anne of Gierstein;" and in 1831, "A Fourth series of Tales of my Landlord," in four volumes, containing two tales, respectively entitled Count Robert of Paris, and Castle Dangerous. These novels, with those formerly enumerated, make up the amount of his fictitious prose compositions to the enormous sum of seventy-four volumes.

Throughout the whole of his career, both as a poet and a novelist, Sir Walter was in the habit of turning aside occasionally to less important avocations of a literary character. He was a contributor to "The Edinburgh Review" during the first few years of its existence, though for the last twenty years, perhaps, he had not so much as opened the work. To "The Quarterly Review" he was a considerable contributor, especially for the last five or six years of his life; during which, that periodical was conducted by his son-in-law, Mr. Lockhart. To "The Supplement of the Sixth Edition of the Encyclopædia Britannica," he contributed the articles Chivalry, Romance, and the Drama. In 1814, he edited the Works of Swift, in nineteen volumes, with a Life of the Author, a heavy work, but which, nevertheless, required a reprint some years afterwards. In 1814, Sir Walter gave his name and an elaborate Introductory Essay to a work entitled "Border Antiquities," (two volumes quarto), which consisted of engravings of the principal antique object on both sides of the Border, accompanied by descriptive letter-press. In 1815, he made a tour through France and Belgium, visiting the scene of the recent victory over Napoleon. The result was a lively traveller's volume, under the title of "Paul's Letters to his Kinsfolk," and a poem styled "The Field of Waterloo." In the same year, he joined with Mr. Robert Jameson and Mr. Henry Weber, in composing a quarto, "On Icelandic Antiquities." In 1819, he published "An Account of the Regalia of Scotland," and undertook to furnish the letter-press to a second collection of engravings, under the title of "Provincial Antiquities, and Picturesque Scenery of Scotland."—In 1822, appeared his dramatic poem of "Halidon Hill;" and in 1823, he contributed a smaller dramatic poem, under the

title of "Macduff's Cross," to a collection by Miss Joanna Bailie; and, to conclude the enumeration of his poetical works, "The Doom of Devergoil," and "The Auchendrane Tragedy," appeared in one volume, in 1830. As an Historian, Sir Walter is known by "The Life of Buonaparte," which appeared in 1827, and produced him, it is said, 12,000*l.*, being at the rate of 33*l.* a day for the time he had been engaged on it. He contributed also, to "The history of Scotland," in two volumes, to "Lardner's Cyclopædia;" nor must "The History of Scotland," in "The Tales of a Grandfather," be forgotten. He on one occasion presented the world with a single "Sermon;" which, however, did no particular credit to his talents in theology. He was created a Baronet of the United Kingdom, in 1820, by George the Fourth.

In 1831, an indisposition, considered to have arisen from violent and protracted mental exertion, began to assume a settled character, and his physician recommended a residence in Italy as almost the only means of delaying the approach of a most dangerous illness. He in consequence, set sail for Italy on October 29, 1831; but, after an absence of nine months returned to England in a more unfavorable state of health than when he departed. He lingered on until the 21st of September, when he expired at half past one in the afternoon.

Sir Walter Scott possessed in an eminent degree, the power of imagination, with the gift of memory. If to this be added his strong tendency to venerate past things, we at once have the most obvious features of his intellectual character. A desultory course of reading had brought him into acquaintance with almost all the most fictitious literature that existed before his own day, as well as the minutest points of British, and more particularly Scottish history. His easy and familiar habits had, also, introduced him to an extensive observation of the varieties of human character. His immense memory retained the ideas thus acquired, and his splendid imagination gave them new shape and colour. Thus, his literary character rests almost exclusively upon his power of combining and embellishing past events, and his skill in delineating natural character. In early life, accident threw his exertions into the shape of verse—in latter life, into prose; but in whatever form they appear, the powers are not much different. The same magician is still at work, re-awaking the figures and events of history, or sketching the charac-

ters which we every day see around us, and investing the whole with the light of a most extraordinary fancy. His versified writings, though replete with good feeling, display neither the high imaginings nor the profound sympathies, which are expected in poetry; their charm lies almost entirely in the re-creation of beings long since passed away, or the conception of others who might be supposed to have once existed. As some of the material elements of poetry were thus wanting, it was fortunate that he at last preferred prose as a vehicle for his ideas—a medium of communication in which no more was expected than what he was able or inclined to give, while it afforded a scope for the delineation of familiar character, which was nearly denied in poetry. As the discoverer and successful cultivator of this kind of fictitious writing, Sir Walter Scott must rank among the very highest names in British literature,—Shakspeare, Milton, and Byron, being the only others who can be said to stand on the same level.

Among the minor powers of his mind, humour was one of the most prominent. Both in his prose writings and in private conversation, he was perpetually making droll application of some ancient adage, of some snatch of popular literature, or some whimsical anecdote of real life, which he happened to think appropriate to the occasion. He was characterized to a degree uncommon in men of much less genius, by his worldly sagacity and common sense: the whole tone of his conversation was eminently rational—replete, no doubt, with benevolence, with humour, and with lively illustration, but never for a moment forsaking the walk of sound reflection and wisdom.

It is also to be remarked, as a still stronger proof of his possessing this enviable faculty, that throughout his whole life, even when engaged most deeply in abstracting studies and pursuits, he maintained his credit as a prudent man of the world. A strong feeling of nationality was another of the features of his character, though perhaps it ought, in some measure, to be identified with his tendency to admire whatever belonged to the past. He loved Scotland and Scotchmen, but it may be remarked, fully as much with a view to what they were, and what they did long ago, as to their later or present condition. Of the common people, when they came individually before him, it cannot be said that he was a despiser; to them, as to all who came in his way, he was invariably kind and affable. Never-

theless, from the highly aristocratic tone of his mind, he had no affection for the people as a body. He seems to have never conceived the idea of a manly and independent character in middle or humble life; and in his novels, where an individual of these classes are introduced, he is never invested with any virtue, unless obedience, or even servility to superiors, be of the number. Among the features of his character, it would be improper to omit noticing his passion for field sports, and for all the machinery by which they are carried on. He was so fond of a good horse, that he would turn the most serious conversation, in order to remark the strength and speed of one of these animals which he saw passing. He has also recorded his attachment to dogs, by being frequently drawn with one by his side. Considered simply as a writer of the English language, he does not rank high. His sentences are not only deformed to a great degree by the errors called Scotticisms, but are often constructed in a slovenly and defective manner. It is also obvious that, in his attempts to compose history, he neither takes the pains necessary for insuring correctness, nor can prevent his imagination from giving too much aid to the picture. It was not, perhaps, altogether without grounds, that General Gourgaud spoke of his *Life of Napoleon* as the last romance by the author of *Waverley*.

It is by far the greatest glory of Sir Walter Scott, that he shone equally as a good and virtuous man, as he did in his capacity of the first fictitious writer of the age. His behaviour through life was marked by undeviating integrity and purity, insomuch that no scandalous whisper was ever yet circulated against him. The traditional recollection of his early life, is burdened with no stain of any sort. His character as a husband and a father is altogether irreproachable. Indeed, in no single relation of life does it appear that he ever incurred the least blame. His good sense, and good feeling united, appear to have guided him aright through all the difficulties and temptations of life: and even as a politician, though blamed by many for his exclusive sympathy in the cause of established rule, he was always acknowledged to be too benevolent and too unobtrusive to call for severe censure. Along with the most perfect uprightness of conduct, he was characterized by extraordinary simplicity of manners. He was invariably gracious and kind, and it was impossible ever to detect in his conversation a symptom of his grounding the

slightest title to consideration upon his literary fame, or of his even being conscious of it.

SIR JOHN LESLIE.

Novr. 3, 1832.—At his seat of Coates, Fifeshire, Professor Sir John Leslie.

This eminent philosopher was born in April, 1766, and was originally destined by his parents to follow the humble occupation connected with a small farm and mill. Before, however, he reached his twelfth year, his fondness for calculation and geometrical exercises introduced him to the late Professor John Robinson, and through him to Professors Playfair and Stuart. When they first saw him he was still a boy, and they were much struck with the extraordinary powers which he then displayed. After some previous education, his parents were induced, in consequence of strong recommendations, to enter him a student at the University of St. Andrews. Having passed some time in that ancient seminary, he removed to Edinburgh, and while a student in the university there, he was introduced to and employed by Dr. Adam Smith, to assist the studies of his nephew, Mr. Douglass, afterwards Lord Reston. Disliking the church, he proceeded to London, after completing the usual course of study in Edinburgh. He carried with him some recommendatory letters from Dr. Smith; and recollected that one of the most pressing injunctions by which he was honoured by that illustrious philosopher was, *to be sure, if the person to whom he was to present himself was an author to read his book before approaching him, so as to be able to speak of it, if there should be a fit opportunity.*

Mr. Leslie's first important undertaking was a translation of Buffon's Natural History of Birds, which was published in 1793, in 9 8vo. volumes.

The sum he received for it, laid the foundation of that pecuniary independence, which, unlike many other men of genius, his prudent habits, fortunately enabled him early to attain. The preface to this work, which was published anonymously, is characterized by all the peculiarities of his later style: but it also speaks a mind of great native vigour and lofty conceptions, strongly touched with admiration for the sublime and the grand in nature and science. Some time afterwards he proceeded to the United States of America, as a tutor to one of the Randolphs.

At that period Mr. Leslie first struck into that brilliant field of inquiry where he

became so conspicuous for his masterly experiments and striking discoveries, regarding radiant heat, and the connexion between light and heat, we are unable to say. His differential thermometer, one of the most beautiful and delicate instruments that inductive genius ever contrived as a help to experimental inquiry, and which rewarded its author by its happy ministry to the success of some of his finest experiments, was invented before the year 1800; as it was described in Nicholson's Philosophical Journal, some time during that year. The results of those fine inquiries, in which he was so much aided by this exquisite instrument, were published to the world in 1804, in his celebrated "Essay on the Nature and Propagation of Heat." The remarkable discoveries which distinguish this publication far more than atone for its great defects of method, its very questionable theories, and its transgressions against that simplicity of style which its aspiring author rather spurned than was enabled to exemplify, but which must be allowed to be a quality peculiarly indispensable to the communication of scientific knowledge. In 1805 Mr. Leslie was elected to fill the mathematical chair in the university of Edinburgh.

In the year 1810, he arrived, through the assistance of his hygrometer, at the discovery of that singularly beautiful process of artificial congelation, which enabled him to convert water and mercury into ice.

Mr. Leslie was removed to the chair of Natural Philosophy in 1819, on the death of Professor Playfair. He had previously published his "Elements of Geometry," and an account of experiments on instruments depending on the relation of air, heat and moisture. Of his "Elements of Natural Philosophy," afterwards compiled for the use of his class, only one volume has been published. He wrote, besides the works mentioned, some admirable articles in the "Edinburgh Review;" and several very valuable treatises on different branches of physics, in the supplement to the "Encyclopedia Britannica." His last, and certainly one of his best and most interesting compositions, was a "Discourse on the History of Mathematical and Physical Science," during the eighteenth century, prefixed to the seventh edition of that National Encyclopædia.

It would be impossible, we think, for any intelligent and well constituted mind to review the labours of this distinguished man, without a strong feeling of admiration for his inventive genius and vigorous powers, and of respect for that extensive knowledge which his active curiosity, his various

reading, and his happy memory, had enabled him to attain. Some few of his contemporaries, in the same walks of science, may have excelled him in profundity of understanding, in philosophical caution, and in logical accuracy: but we doubt if any surpassed him, whilst he must be allowed to have surpassed many, in that creative faculty, one of the highest and rarest of nature's gifts, which leads, and is necessary, to discovery, though not all-sufficient of itself for the formation of safe conclusions; or in that subtlety and reach of discernment, which seizes the finest and least obvious relations among the objects of science, which elicits the hidden secrets of nature, and ministers to the new combinations of her powers.

LETTIA BUONAPARTE.

At Rome, aged 82, Madame Letitia Buonaparte, mother of Napoleon.

It was in the midst of civil discord, fights, and skirmishes, that Carlo Buonaparte married Letitia Ramolini, one of the most beautiful young women in the Island of Corsica. She possessed a great firmness of character, and partook the dangers of her husband during the years of civil war. She is said to have accompanied him on horseback in some military expeditions, or perhaps hasty flights, shortly before the birth of the future emperor; and on the very day of that occurrence, having been induced to attend mass, (it being the festival of Assumption,) she was obliged to return home immediately, and, as there was no time to prepare a bed or bed-room, she was delivered of the future conqueror upon a temporary couch prepared for her accommodation, and covered with an ancient piece of tapestry representing the heroes of the *Iliad*.

Though left a widow in the prime of life, Feb. 24, 1785, she had already borne her husband thirteen children, of whom five sons and three daughters survived him. 1. Joseph, the eldest, who now bears the name of Count Survilliers, and is resident in this country; 2. Napoleon himself; 3. Lucien, now Prince of Cassino; 4. Louis, once king of Holland, now Count de St. Leu, and resident in Italy; and 5. Jerome, once king of Westphalia, now duke of Montfort, in Wurttemberg; having married a sister of the king of Wurttemberg, and cousin to the emperor of Russia. His palace at Rome is the rendezvous for all the distinguished travellers from the north of Europe who visit Italy. The females were: 1. Maria-Anne, afterwards Elza, grand duchess

of Tuscany; she died at Trieste in 1820; 2. Pauline, Princess of Borghese; she died at Florence in 1825; and 3. Caroline, wife of Murat, king of Naples, and afterwards of Marshal Macdonald, now living in Austria as countess of Lipano.

BARON TENTERDEN.

Nov. 4, 1832.—At his house in London, aged 78, Charles Abbott, Baron Tenterden, of Hendon, Middlesex, Chief Justice of the Court of King's Bench.

This eminent judge was born at Canterbury, Oct. 7, 1762. His father was a hair-dresser, whose house stood on the left hand side of the western entrance to the cathedral, and who has been described as "a tall, erect, primitive looking man, with a large club-pigtail behind him, and the instruments of his business under one arm, attended frequently by his son (the Chief Justice) a youth as decent, grave, and primitive-looking as himself."

Mr. Abbott was entered as a member Corpus Christi College, Oxford, in the year 1780 or 1781, about six years after Lord Eldon, and his brother, Lord Stowell, had become members of University College; the latter of these able men being the tutor of his college, whilst Mr. Abbott was at Oxford. Thus at the same period, there were three men at the university (one of them a scholar holding an exhibition not exceeding sixteen pounds per annum, the two others holding fellowships not exceeding one hundred and twenty pounds annually), who were destined to become the three heads of the law—the one as Lord Chancellor, the second as Lord Chief Justice, and the third as Judge of the Admiralty and Prerogative Courts. Perhaps there were not at the time three more simple, humble, modest-looking men within the compass of the university, and certainly not three men from whose air and deportment any one would less have augured such a splendid futurity.

Like Lord Eldon and Lord Stowell, Mr. Abbott was very soon elected to a fellowship in his college, and, like the latter of these noblemen, he became a tutor.—Whilst in this office, one of the sons of Sir Francis Buller, the eminent judge, fell under his tuition, and the father became so much pleased with the talents of Mr. Abbott, that he immediately adopted him into his patronage, and recommended him to quit his collegiate life, and to take his chance at the bar. Mr. Abbott complied with the recommendation, giving up his tutorship, but keeping his fellowship. He

came up to town, entered himself as a student of law, and commenced the study of reports and the practice of special pleading.

Whilst at the bar, Mr. Abbott wrote his celebrated work upon Shipping, which he dedicated to Lord Eldon, at that time Lord Chancellor, stating that his lordship had himself suggested the work, and that he had undertaken it by his advice. It is very strongly marked with that common sense and diligent reading which had always characterized the author.

On the 17th of January, 1816, Mr. Justice Heath died, and a vacancy occurred in the Common Pleas. It was immediately filled up with the name of Mr. Abbott; who was sworn into the degree of Serjeant-at-law on the 12th of February; on the same morning he was sworn a Judge of the Common Pleas. Upon taking his place, he was almost unknown in the court, and his elevation excited very general surprise.

In his performance of the duties of this office, Mr. Justice Abbott displayed that degree of useful knowledge, for which the Lord Chancellor had given him credit; and when the death of Sir Simon Le Blanc occurred, in the following April, and opened a place in the Court of King's Bench, the Chancellor again advanced Mr. Justice Abbott; who, together with Sir George S. Holroyd, Sir James Allan Park, and Sir James Burroughs, was knighted on the 21st of May. In the Court of King's Bench, he had a better opportunity for displaying his talents of business, his competency, his prudence and his aversion to all innovation upon the received practice of the court and its officers. The frequent indisposition of Lord Ellenborough afforded him these occasions, and his conduct gave the fullest satisfaction to the Chancellor. Accordingly, the death of Lord Ellenborough no sooner afforded a third opportunity for his further advancement, than in Nov. 1818, he was made Chief Justice of the King's Bench.

To extensive acquaintance with the common law of England, the deceased judge united extraordinary (though not invariable) calmness of temper; the more remarkable, as he was constitutionally vehement and imperious; patience in watching and balancing the arguments of counsel on the facts disclosed in evidence; and skill in laying the merits of the most complex case before a jury. Although without much personal dignity beyond what was inseparable from suavity of manners, directed by good sense, Lord Tenterden

continued to keep his court in most admirable order. The most arrogant spirits sank habitually under his steady and grave rebuke. As a judge between private individuals, he was ever upright and dispassionate.

When the late Lord Gifford was raised to a peerage, in Jan. 1824, it was generally understood, that the same dignity was also offered to Sir Charles Abbott, but declined. It was afterwards conferred, by patent, dated April 25, 1827.

Lord Tenterden married, July 13, 1795, Mary, eldest daughter of John Lagien Lamotte, Esq. of Basildon, Berks, by whom he had two sons and two daughters.

COUNT O'REILLY.

At Vienna, at the patriarchal age of 92, Andrew *Count O'Reilly*, general of cavalry in the Austrian army, chamberlain commander of the imperial military order of Maria Theresa.

This venerable soldier may be considered as having been the last warrior of the distinguished class of Irish officers, the contemporaries or *élèves* of the Lacys, Dauns, Loudons, Browns, and Bradys, so renowned in the reigns and wars of Maria Teresa and Joseph the second—that is, during the seven years' war, and the campaigns against the Turks. Count O'Reilly was the second son of James O'Reilly, of Ballincough, county of Westmeath (Ireland,) and Barbara, daughter of Thomas Nugent, Esq. of Dysart, (grand daughter of Thomas, fourth Earl of Westmeath.) General O'Reilly filled in succession all the military *grades* in the Austrian service, with the exception of field-marshal.

Of the events of his life, which led to his elevation, we attempt not to give even a summary; but cannot omit mentioning the fact, that "by the brilliant charges made by the dragoons of O'Reilly, were the remnants of the Austrian army saved from annihilation at the close of the fatal fight of Austerlitz." We find him subsequently—that is, on the 12th of May, 1809, Governor of Vienna. The discomfiture of the archduke Ferdinand's force, by Napoleon, having brought the conqueror under the walls of the capital of the empire, on Gen. O'Reilly devolved the trying and difficult task of making an honourable capitulation with an enemy flushed with pride and victory.

An important incident, in the early part of general O'Reilly's career, is not unworthy of notice, illustrative, as it is, of the manners of the period termed chivalric.

He and a brother-officer, the count de Klebelsberg, were rivals in their pretensions to the hand of a rich and beautiful Bohemian heiress, the countess Wuyrbna. As both could not succeed, they determined on removing any difficulty the lady might feel in selection by a duel *à outrance*. The intended affair was, however, reported to the authorities, and they were both placed under arrest. Their purpose was not, however, to be thus summarily defeated; they accordingly betook themselves to Poland, and their in the neutral territory of Cracow, met and fought. For a considerable time victory was doubtful; at length, however, the antagonist of O'Reilly bit the dust, but not until the latter had received many dangerous wounds. The lady's affections, hand and fortune, were the reward of the conqueror. General O'Reilly died childless.

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CAPT. STEPHEN OLNEY.

At North-Providence, R. I. Nov. 23, Capt. STEPHEN OLNEY, aged 77. Capt. Olney was born in North-Providence, in October, 1755. He was lineally descended from Thomas Olney, joint purchaser of Providence with Roger Williams; and he lived and died on an estate that formed a part of the original purchase. He entered the army of the revolution in 1775, in his 20th year, and marched to Cambridge as lieutenant in Captain Jeremiah Olney's company of Infantry. After the evacuation of Boston by the British, in 1777, he marched with the army to New-York, and was in the disastrous actions on Long Island in that year; also at White Plains and other places in the vicinity of New-York, and was in the retreat through New-Jersey. In 1777, he fought in the battles of Brandywine and Germantown. In the severe engagement at Springfield, he received his first wound from a ball in the arm. In the gallant defence of Fort Mercer at Red Bank, when stormed by Count Donop, his youthful bravery was highly distinguished; and he received promotion to a captaincy shortly after. He was next engaged in the battle of Monmouth, and hutted with the army at Morristown in the winter of 1778. When Cornwallis was ravaging North-Carolina and Virginia, Captain Olney's company was ordered to join the detachment under the command of the Marquis de Lafayette, who endeavoured to check the progress of the enemy. The prowess of this brave detachment is well recollected. They afterwards re-joined the main army before Yorktown, and assisted in its reduction and the capture of

Cornwallis. The conduct of Capt. Olney at this place is precious among the deeds of revolutionary valour. It became necessary to the completion of the second parallel of the besiegers to take two redoubts lying several hundred yards in front of the enemy's lines; and it was decided by the commander-in-chief to carry them by storm. To excite emulation, the attack on the redoubt upon the right, was committed to the Americans under the Marquis de Lafayette and Colonel Hamilton, accompanied by Colonel Laurens, and upon the other on the left to the French, commanded by the Baron de Viomeauil, and other officers. Towards night on the 14th Oct. 1781, after a brief exhortation from their commanders, the troops, animated with the assurance that the result of the siege depended greatly on the success of this attack, and that victory would bring their toils to a close, pressed forward with great impetuosity, under the fire of the enemy, the Americans with unloaded muskets being determined to decide the affair by their bayonets. Captain Olney at the head of his company, led the assault on the right redoubt, and hastily passing the abatis, was the first to mount the parapet, and standing there alone, gave with a loud voice, in the face of the enemy, his heroic command, "*Let Captain Olney's company form here!*" This was a signal for a general attack upon him from within, which he parried with his spontoon, receiving, however, several bayonet wounds, one severe, in the side, before the troops poured in, and put an end to all resistance. As he was carried away to the hospital, amidst the applause of the army, the commander-in-chief hearing it said that poor Olney was mortally wounded, happened to inquire who was borne in the litter on which he lay. Upon this Captain Olney raised his head and replied, "*A full blooded Yankee;*" and this he was, to the last.

Captain Olney soon recovered, and the war being apparently near its conclusion, he resigned his commission, and returned home to the care of his domestic concerns, and to the occupation of an independent, substantial farmer. He was called to represent his native town in the General Assembly, and continued in that office for about twenty years. He was also for many years President of the town council, and held other appointments from the town and state, with ability, honour and entire acceptance, until the weight of age and infirmities induced him to decline all public business.

Captain Olney suffered greatly for several years, from a diseased condition of one of his arms, so that in 1831 amputation became necessary to save his life. But his

health was so much impaired that the remainder of his days was passed in great bodily suffering, which was relieved by death on the 23d of November.

DR. SPURZHEIM.

Dec. 10.—At Boston, in the United States of America, Dr. Spurzheim, the highly celebrated phrenologist.

He was born on the 31st of December, 1776, at Tongeuits, a village near Treves, on the Moselle. His parents cultivated a farm of the rich Abbey of St. Maximin de Treves, and he received his college education at the university of that city. He was destined for the church, but in 1799, when the French invaded that part of Germany, he went to study medicine at Vienna, where he became acquainted with Dr. Gall, with whom he remained for so many years in close connexion. He entered with great zeal into the consideration of the new doctrine of Phrenology, and, to use his own words, "he was simply a hearer of Dr. Gall till 1804, at which period he associated with him in his labours, and his character of hearer ceased."

Having completed his medical studies, he and Dr. Gall quitted Vienna in 1805, to travel together, and to pursue in common their researches into the anatomy and physiology of the whole nervous system. During the period which elapsed between the introduction of Dr. Gall's lectures at Vienna, and the time when he and Dr. Spurzheim quitted that capital, the doctrine had made a rapid progress, not only in general diffusion, but in solid and important additions, by their joint labours.

From 1804 to 1813 they were constantly together, and their researches were conducted in common. They left Vienna in March, 1805, to proceed direct to Berlin, and from that time until November, 1807, visited the following places, jointly lecturing and pursuing dissections of the brain:—Leipzig, Dresden, Halle, Jena, Weimar, Goettingen, Braunschweig, Copenhagen, Keil, Hamburg, Bremen, Munster, Amsterdam, Leyden, Dusseldorf, Frankfort, Wurtzbourg, Maubourg, Stuttgart, Carlsruhe, Tustall, Friezbourghen, Brisgau, Doneschingue, Heidelberg, Manheim, Munich, Augsburg, Ulm, Zurich, Berne, and Basle.

From this period until 1810 he was engaged with Dr. Gall in compiling and bringing out in Paris their great work, en-

titled "Anatomie et Physiologie du Systeme Nerveux en général, et du Cerveau en particulier."

After its completion their joint labours ceased, when Dr. Spurzheim published his "Observations sur Phrenologie," his works on education, and some other small works in French. In 1813 he paid another visit to Vienna, where he took his degree of M. D. In 1814 he arrived in England. During his stay there he published two editions of his Physiognomical System, in 8vo.; his Outlines, 12mo.; and his octavo work on Insanity. He delivered lectures in London, Bath, Bristol, Dublin, Cork, Liverpool, and Edinburgh.

Dr. Spurzheim continued his labours in Paris until 1825, contributing "largely to the advancement of Phrenology, by enriching it with important discoveries; by introducing into it philosophic arrangement, and pointing out its application to many interesting purposes connected with the human mind." In 1825, at the solicitation of a great number of his friends, he again visited London, and gave a course of lectures at the Crown and Anchor, to a numerous class; another short course at Willis's rooms; and several courses of dissection of the brain at St. Thomas's and St. Bartholomew's hospitals, and some in the medical schools. During his residence there he published his "Phrenology, or the Doctrine of the Mind, and of its Relations between its Manifestations and the Body," with fifteen engravings; also "A view of the Philosophical Principles of Phrenology." Having made a considerable impression, he was again invited to visit England, when, after lecturing in London, he went to Bath, Bristol, Birmingham, Manchester, Liverpool, Derby, and Cambridge university; and during this and the following years he sojourned at most of the principal places in England, Ireland, and Scotland, lecturing to very large classes. During this latter period he published, "The Anatomy of the Brain, with a general view of the Nervous System," with eleven plates; "Phrenology in Connexion with the Study of Physiognomy," with thirty-four plates; "A sketch of the Natural Laws of Man;" "Outlines of the Science;" and several pamphlets, letters, and answers to the objections made to the science.

Some of the views taken in these works by Dr. Spurzheim, differ from those advanced in the writings of Gall; and to the list of organs, given by the latter, Dr. S. has added nine others. To these he has

given the names of Inhabitiveness, Conscientiousness, Hope, Marvellousness, Size, Weight or Resistance, Order, Eventuality, and Time.

In the year 1832, Dr. Spurzheim departed for the American continent, and having arrived in Boston, commenced a series of lectures. He had finished his course, with the exception of the concluding lecture, when he was prevented from continuing by severe indisposition, of which there had previously been some striking indications. At length his physical powers, strong as they appeared to be, yielded to the disease, which, perhaps, operated also with augmented strength upon a constitution of great susceptibility, and in a climate to which it was not habituated.

ROBERT C. SANDS.

In New-York, Dec. 17, ROBERT C. SANDS, in the 34th year of his age. He was in the enjoyment of good health, until four hours previous to his death, which was caused by an apoplexy.

Mr. Sands was the son of Comfort Sands, then the only survivor of the Convention of 1777, in the state of New-York, for the formation of the state constitution. The deceased was educated at Columbia College, and graduated in 1815. At this institution—the Alma Mater of many fine scholars—Sands was pre-eminent. In his very boyhood, there was a classical ease, grace, and correctness in his writings, that made them fit models for riper years. When only 14 years of age, he published the *Academic Recreations*, a work extending to three hundred pages. On leaving college, he studied law, and opened his office, but he never loved the practice of his profession, and was constantly found in the grove of the Muses.

In 1817, he was engaged with two or three literary friends in producing a series of essays in the *Daily Advertiser*, under the title of *The Neologist*. These essays extended to many numbers, and attracted much attention.

In 1819, in concert with some of the same literary club, he was engaged in writing another series of papers in the *Commercial Advertiser*, under the signature of "The Amphilogist." These gave their authors a high rank in the literary world;—they were critical, moral, playful and instructive productions, but most remarkable for their purity of taste. Some of the translations from the Greek and Roman authors,

were specimens of the highest order, evincing a thorough knowledge of the original, and a most felicitous command of language.

In 1822, Mr. Sands was one of the editors of the *Atlantic Magazine*, and afterwards of the *New-York Review*—journals that were marked in every page by taste and talent. In 1820, appeared "Yamoyden, by the late J. W. Eastburn and his friend." Mr. Sands was this friend. This work was popular, but never received its due meed of praise. It contains the sweet melancholy of Lytleton, and the harmonious flow of *Beattie*. These twin-sons of the Muse were among the first who ever strove to do honour to the patriotism and valour of the native children of the American forest.

In 1827, Mr. Sands became an assistant editor of the *Commercial*, and continued as an assistant until his death; but still, he found ample time to employ his pen in occasional works of a literary character. He was one of the three joint authors of the *Talisman*, published by E. Bliss. This work was equal to any ever published in the country in point of fine writing, and professional execution; but it was discontinued for want of sufficient patronage. Mr. Sands was also a contributor to works issued from the prolific press of the Harpers. The last piece of composition from his pen was an article for a forthcoming magazine. The last of his poetical compositions, was printed in the *Commercial*, of Nov. 30, entitled, "THE DEAD of 1832." It was a requiem over departed genius, and receives a melancholy beauty by his sudden and unexpected fate.

Mr. Sands was not only a genius of high order, a ripe and deep scholar, but his affections were of the purest kind. His enmities, if he ever had any thing in his breast that would come under that name, were momentary, but his friendships were lasting. He was free from all literary jealousy, as if every particle of his knowledge had come by inspiration, not by labour. He could hear his rivals praised without feeling any rankling at his heart, and assisted his compeers with delicacy when they were at a loss for words or thoughts. His classical ear detected every instance of false measure in a line of poetry, and he suggested a correction without any attempt to show his superiority. He had the command of the satiric muse, but she always came to him with a smile, for she knew the purity of his soul too well to drop one accent of bitterness in her inspiration.—*Com. Adv.*

CAPT. JOSEPH PRATT.

In Oxford, N. H. Capt. JOSEPH PRATT. Capt. Pratt sailed from Salem, Mass., as commander of several privateers, and was engaged in this service through the revolutionary war. The last which he commanded was the *Grand Turk*. In this famous privateer, he made three cruizes; during the first cruize, he took the *Providence*, Capt. Hancock, an English man-of-war brig of 16 six pounders; on this cruize he also captured several rich prizes loaded with fish, sugar, and rum. He entered the English channel, and from thence steered for the West Indies, and after numerous captures, returned to Salem. In the second cruize he went off Halifax, where he captured an eight gun schooner; thence off cape North, where he fell in with five light ships, and after manning two of them, steered his way off New-York. Here he ran alongside a French ship in the hands of the enemy, lying near the light-house, but was obliged to relinquish the prize, owing to the appearance of an English man-of-war in chase after the privateer. In making off, he fell in with a vessel from New-York, which he took, and brought into Salem harbour. The third and last cruize was from Salem to the West India seas; there he was very successful in the capture of rich prizes. It was here that he fell in with the British ship *Pompey*, of 22 long nines and 70 men, which struck after a short fight, and was brought into Salem. He then fell in with a privateer ship of 16 four-pounders, which he took and carried into Martinique, where she was sold. As soon as the government of the country was established, this gentleman commenced his commercial career, and in memory of his success in the war, named the first large ship launched in Salem, the "*Grand Turk*." This ship, under the command of Capt. Benj. Hodges, opened the commerce with the East Indies, and laid the foundation of intercourse with the commercial nations of the East.

AMOS BINNEY.

In Boston, Jan. 10, 1833, AMOS BINNEY, aged 65.

Colonel Binney was born at Hull, Massachusetts, in the year 1768, and being left an orphan at an early age, he entered upon the active duties of life, without the previous advantage of a single day's tuition, at any school, public or private—all the knowledge he possessed was acquired by his own efforts, while actively engaged in business pursuits.

Prompted by a desire to become acquainted with the natural advantages of our own soil, Mr. Binney in his youth made a pedestrian excursion throughout the whole interior of New-England. With a mind naturally prone to take enlarged and liberal views of men and things—habits extremely systematic and methodical, and a memory remarkably retentive, the information he acquired, on this excursion, proved exceedingly useful, and eventually of much importance in its bearings upon his subsequent pursuits. After his return to Boston, he embarked in trade, and by industry and application soon acquired sufficient property to live with competence and ease. At this time he took a commission in the militia, and soon after became somewhat distinguished as a partizan of the national administration, opposed, of course, to the then dominant party in Massachusetts.

Just before the commencement of the late war, Col. Binney was appointed navy agent for the port of Boston, an office which he retained until the year 1826. His official conduct was made the subject of severe scrutiny, upon charges preferred against him soon after the war terminated, but the investigation resulted in his full acquittal. It may well be doubted whether there was another person in the United States, in office or out, during the late war, from whose individual exertions so much advantage and glory resulted to the country, as flowed from the personal efforts of the navy agent at Boston. This may seem a bold assertion, yet it is true. The want of confidence in the Federal government, the embarrassed state of the national finances—the spirit of opposition to the war in New-England generally, and at Boston in particular, are well known facts. It is not so generally known, though equally true, that the navy agent at Boston was repeatedly without funds of the government for several weeks, at times when the sinews of war were urgently wanted to fit the ships of our gallant navy for sea. On more than one occasion *Old Iron-Sides herself* must have remained in ordinary, had not the means to *prepare her for sea, to recruit her crew, and to supply her stores*, been furnished upon the personal responsibility of the navy agent. His accounts duly settled at the Treasury show very large balances against the government, at the end of each quarter, for several successive terms. This money he was enabled to advance, partly by the mortgage and sale of his own real estate, and partly by the aid of the late Wm. Gray, who loaned him large sums, on his personal responsi-

bility, to be appropriated to the use of the navy. That much of the advantage and glory of the war was gained by the Constitution, all will admit. That she was enabled to put to sea, in proper time and in proper condition, was owing to the patriotic efforts of Amos Binney; and it is but an act of justice, that the fact should now be made known to the community, among whom the unpopularity of the national administration, cast a shade over the actions of its agents, however meritorious.

From the commencement to the close of the active duties of life, the course of Mr. Binney, was eminently *enterprising*. His judgment was acute and penetrating. Whatever his hands found to do, he did it with all his might. He was an early and steady advocate and patron of American manufactures. His attention was particularly directed to the mineral treasures of our country, and he was always ready to test, by practical experiment, any scheme which in theory offered a fair prospect of success. He did not withhold his aid until expectation became certainty, through the instrumentality of others. His physical and mental energies were freely exerted, and his means employed, in numerous plans of public benefit and convenience, in the establishment of manufactories—in the opening of mines and in the occupation and improvement of waste lands, near the city and elsewhere, thus giving employment and dwellings to numerous families and individuals.

It may be said with truth of Mr. Binney, that those who knew him *best* esteemed him *most*. Connected, as he was, with the national administration during the last war, and exposed to a virulent prosecution for alleged malversation in office—although the charges against him were clearly disproved, yet, there seemed to have remained a lurking feeling of dissatisfaction with the result, in the minds of his political antagonists, which time alone could dissipate. But political prejudice, before his departure, yielded to the mild but irresistible influence of truth. He had become known to the community as an honest, upright, able, and energetic man, possessing an extraordinary aptness for business, and a sound discriminating judgment. The confidence reposed in him, by his associates, in the numerous corporations and public institutions of which he was and had been a member, is the best evidence of the estimation in which he was holden.

JOHN HALL.

At his residence in Warrenton, N. C..

Jan. 29, 1833, JOHN HALL, recently a judge of the Supreme Court, of N. C. in the 64th year of his age. Judge Hall was a native of Staunton county, Va., and was born in the year 1769. After going through the course of academical preparation usual at that time, he finished his education in William and Mary College in Williamsburg. When Mr. Hall had completed his professional studies, he removed to North Carolina, in the year 1792, and in the 23d year of his age, he settled in the village of Warrenton, of which he continued a resident to the day of his death. His studious habits, his untiring attention to business, and fidelity to clients, obtained for him an encouraging share of practice, while the modesty and amiableness of his private character, secured him friends who esteemed and loved him, and some of whom discharged towards him the last mournful duties of kindness and affection. His merit, in a few years after he commenced the practice of the law, attracted the attention of the legislature, who appointed him a judge of the Supreme Court under the old district system, in the year 1801. The fact of his elevation to the bench, after so short a residence in the state, shows strikingly the high estimation in which he was held. Upon the adoption of the present Superior Court system, in the year 1806, he continued to hold his office, and rode the circuit regularly until the year 1818. During that year, the present Supreme Court was organized, and he was elected one of the three judges—an imposing evidence of his popularity on the bench below, and a high compliment to his legal qualifications. Judge Hall continued to preside in the Supreme Court until his recent resignation. Few men ever sustained throughout life a more unblemished and unexceptionable character. Few ever possessed purer and more elevated moral feelings and principles. In his official capacity, he was, indeed, an honour to the bench. His judicial opinions always evinced the soundest principles of truth, justice, and morals, and the most thorough, accurate, and profound legal information. He was well qualified for the enlightened, dignified and venerable forum to which he belonged in the latter part of his life, and the part he acted in the highest tribunal in North Carolina was eminently satisfactory to the public and to individuals. During the thirty-one years he presided in the different tribunals of the state, he held with an impartial hand the scales of justice, and decided all causes that came before him, if ever a judge did, without "fear, favour, or affection." The proverbial purity of his life,

the high and holy motives of his conduct, made him deservedly the object of implicit confidence during his long judicial career.

PHILEMON HAWKINS.

At his residence, in Warren county, North Carolina, January 28, 1833, PHILEMON HAWKINS, the last of the signers of the Constitution of the State of North Carolina in 1776. He was born on the 3d December, 1752; and, at the early age of sixteen, was sworn in as Deputy Sheriff for the county of Granville, and performed the whole of the duties of that office for his principal. He belonged to the troop of cavalry at the battle of the Allernance, which was fought on the 16th of May, 1771, and for the distinction he merited on that occasion, was presented by the commander-in-chief, governor Tyron, with a beautiful rifle. Before he was of age, he was elected a member of the general assembly for the county of Bute. He continued as a member of the legislature, mainly from the county of Granville, with the intermission of two years only, for thirteen years. The last term of his service was at Fayetteville, in the year 1789. He raised the first volunteer company in the cause of American independence, that was raised in the county of Bute, and which consisted of 144 men. In the year 1776, he was elected a colonel of a regiment by the convention at Halifax, and in that command performed many services; but ultimately left the army, and continued to act as a member of the legislature. He was a member of the convention which ratified the Constitution of the United States, and frequently a member of the executive council. He was a man of strong mental powers, which he retained to the last, and possessed an accuracy of recollection, which enabled him to be the living chronicle of his times.

BANASTRE TARLTON.

Jan. 20, 1833.—At Leintwardine, Shropshire, aged 78, Gen. Sir Banastre Tarlton, Bart., for twenty-two years M. P. for Liverpool.

He was descended from an ancient family, seated for many generations at Aigburth, in Lancashire, and latterly in the town of Liverpool, and was born Aug. 21, 1754, the third son of John Tarlton, Esq., mayor of Liverpool in 1764. He was intended for the profession of the law;

but he became weary of the toil and drudgery attendant on this line of study, and entered the army in 1775, by purchasing a coronetcy in the king's dragoon guards. In 1776 he obtained leave to go to America, and in the month of December, he commanded the advanced guard of the patrol which made General Lee prisoner. During the years 1777 and 1778, he witnessed nearly the whole of the actions in the Jerseys, Maryland, and Pennsylvania, until the return of the army to New-York, on which occasion he commanded the rear-guard of Sir Henry Clinton's army. Immediately after this service, he was appointed lieutenant-colonel of provincial cavalry, and soon rose to the command of the British legion. When Sir H. Clinton carried a considerable part of the army to the southward, for the siege of Charleston, and operations in the Carolinas, he intrusted the command of the cavalry to Lieutenant-Colonel Tarlton. A series of successes attended his movements, until the British army was, as a whole, overpowered by that of the Republicans. At the battle of Eutaw Springs, in 1781, Lieutenant-colonel Tarlton lost a considerable part of his right hand. After his return home, he published "a history of the campaigns of 1780 and 1781, in the southern provinces of North America," 4to., 1787.

In the house of commons he uniformly sided with the opposition; and, in consequence, the tory party endeavoured to prevent his re-election in 1796. Their candidate was his own brother, John Tarlton, Esq., who had sat in the preceding parliament for Seaford; but the tactics of the general were too powerful for him. In 1802 he was again opposed, but triumphed as before.

In 1806 the late Mr. Roscoe was returned in his room; but in 1807 he was again elected, and finally gave place to Mr. Canning in 1812.

From the peace of 1783 to 1788, he was on half-pay as Lieutenant-colonel-commandant of cavalry. In 1790 he attained the rank of colonel, and in 1794 that of major-general. On the 1st of Jan., 1801, he received the rank of lieutenant-general, and shortly afterwards he was sent to the command of the southern district of Ireland, where he remained until the treaty of Amiens. Soon after the renewal of hostilities, he was again despatched to Ireland as second in command; whence he was removed to the Severn district, which he held for six years. He obtained the rank of general Jan. 1, 1812.

LORD EXMOUTH.

Feb. 6th, at Teignmouth, Edward Pel-
lew, Viscount Exmouth, aged 76.

Edward Pellew was born in 1757, at Dover, where the earlier years of his life were spent. His father, Samuel Pellew, of Flushing, near Falmouth, was a Cornish gentleman. He entered the navy before he was fourteen, and his first cruise was in the *Juno*, Captain Stout. He next went with the same officer, in the *Alarm*, to the Mediterranean. He next sailed in the *Blonde* frigate; then in the *Carlton* schooner, where he had the first opportunity of distinguishing himself; and his conduct in the battle on Lake Champlain gave earnest of his future career. On his return to England, after the convention of Saratoga, he was promoted to the rank of lieutenant. He then joined the *Apollo* frigate, Captain Pownoll, then off the Flushing coast. In an engagement with one of the enemy's cruisers, his captain was killed by his side. The command thus devolving on Mr. Pellew, he continued the attack with unabated spirit, till the cruiser took refuge under the batteries of Ostend, then a neutral port. On this occasion, the young lieutenant was made commander of the *Hazard* sloop. In 1782 he obtained his commission as post-captain, and was transferred to the *Salisbury*, off the coast of Newfoundland. The war now broke out with France, and his action with the *Cleopatra*, when in command of the *Nymphé*, was one of the most desperate ever fought; ending with the signal defeat of the French ship.

The next action, alike courageous and humane, which distinguished this excellent officer, was one which gained him the admiration of the whole civilized world. His rescue of the unfortunate crew, and those on board of the *Dutton*, at Plymouth, was an act of self-devotedness and heroism such as it would be difficult to surpass. The corporation of Plymouth testified their sense of his noble conduct by presenting him with their freedom. Sir Edward Pellew was soon afterwards advanced to the dignity of a baronet, and appointed to the command of the *Indefatigable*. He next served on the expedition against Ferrol; and in 1802 the *Impéteur*, which he then commanded was dismantled. About this time Sir Edward was nominated a colonel of the marines, and in the same year returned member for Barnstable. On the renewal of the war, he was appointed to the *Tonnant*, promoted to the rank of Vice Admiral, and finally named to the important office of Commander-in-Chief in India. Sir

Edward Pellew was next employed in the blockade of Flushing, and then Commander-in-Chief in the Mediterranean during the remainder of the war. In 1814 he was raised to the peerage by the title of Baron Exmouth, of Canonteign, in the county of Devon; immediately after he became Admiral of the Blue, and in 1815 was made a K. C. B. On the return of Napoleon from Elba, his lordship proceeded to his command in the Mediterranean: assisted in the restoration of Joachim, King of Naples; in reducing the rebellious Toulonese; and concluded treaties with Algiers, Tunis and Tripoli, for the abolition of Christian slavery. On his return to England, he found that the Algerines had violated the treaty in the most flagrant manner. Government deeming it necessary to inflict signal chastisement on the refractory Dey and his nest of pirates, his lordship embarked on board the *Queen Charlotte* for Algiers. The records of the memorable battle of Algiers are well known. In this action Lord Exmouth was slightly wounded in the leg and the cheek, and his coat was cut to pieces by grape and musket balls. Lord Exmouth's conduct and bravery were rewarded by the thanks of both houses of Parliament, and he was raised to the rank of Viscount. After Sir Thomas Duckworth's demise he was appointed to the chief command at Plymouth; but since the year 1821, he had retired from public service. He enjoyed a pension of 2000*l.* per annum for his naval services, conferred on him by Act of Parliament.

EARL FITZWILLIAM.

William Wentworth Fitzwilliam, Earl Fitzwilliam, died on the 9th of February, 1833, at Milton House, Northamptonshire.

This amiable and estimable nobleman is entitled to a distinguished notice in American biography—if American biography may embrace those, who like Lafayette, favoured our cause, although foreigners to our soil. Lord Fitzwilliam was known by his early patriotic opposition to the ministerial measures tending to subjugate this country; and was through a long and a spotless life, the uniform friend of freedom and humanity.

He was born May 30th, 1748, and succeeded to the earldom and a large patrimonial estate by the death of his father, when he was only eight years old. His education was commenced at *Easton* School, where he was classmate with Charles James Fox, with whom he formed

an intimacy which was never interrupted, but which was ripened with their after years; and where the development of his uncommon youthful virtues drew forth an affectionate tribute, which has been often quoted, from the contemporary muse of his poetical friend, the Earl of Carlisle. He was conspicuous at school for those benevolent qualities, carried there almost to excess, which being moulded in his constitution became tempered into habit; and blended also, with high degrees of firmness, intrepidity and independence, made the basis of his character. He pursued his studies with success at the University of Cambridge; and after passing through the most thorough preparation of manly and elegant accomplishment for all the duties of his future sphere, he took his hereditary seat in the House of Peers at the interesting period in American affairs of 1769.

His entry into political life was upon the pure principles marked out by his illustrious maternal uncle, the Marquis of Rockingham, whose plan was to establish an administration upon the honest original policy of the whig party, free from the dominion of cabal, court influence and intrigue, and especially the well known political mystery of the double cabinet. Lord Fitzwilliam united himself with other sagacious and patriotic statesmen of that period, under this virtuous leader, in opposition to the pernicious policy of Lord North; and he bore an able and efficient part in the body to which he belonged, by the motions he introduced and the zealous support he afforded to the measures of his political friends, thus contributing to the ultimate overthrow of that disastrous administration, on whose downfall depended the pacification which was necessary to complete the independence of America.

To the administration subsequently formed by the Marquis of Rockingham, Earl Fitzwilliam, who, however, did not occupy a place in the cabinet, gave his cordial support. The death of that eminent nobleman in the course of the year succeeding the treaty of peace with the United States, devolved his vast wealth upon his worthy relative, who well inherited all that belonged to that generous and lamented friend of America, excepting the title, which has been suffered to lie dormant, although it could not have rested upon a more kindred representative.

The division which ensued on the death of the prime minister, among the

surviving members of that able but short-lived administration, through the instrumentality attributed, with whatever justice, to Lord Shelburne, became the subject of severe rebuke and animadversion from Lord Fitzwilliam. "Does the King," says he, among other indignant remarks, "need a confessor, and master of ceremonies both in one? Let him choose the Earl of Shelburne. I know no one who can quibble more dextrously, or bow more gracefully." It was the resentment raised by the unexpected elevation of this last mentioned nobleman to the station which had been occupied by Lord Rockingham, connected as the movement was believed to have been with court artifice and interference, which led to the ungenial and inauspicious combination of all the elements of opposition against the administration of Lord Shelburne, to which the star of the second Pitt owed its early rise and rapid ascendancy. Such a coalition of parties, it may be observed, was not without a precedent, under circumstances somewhat parallel, in the confederacy which was formed between the elder Pitt himself, and the Duke of Newcastle, and followed by the most splendid epoch in English annals after the triumphant co-operation of Godolphin and Marlborough. Under the temporary arrangement referred to, Earl Fitzwilliam supported the celebrated project of Mr. Fox for the direction of East India affairs, and was himself designated to the presidency of the Board of Commissioners, in which the general powers of provincial government over that part of the empire were vested. It was the fate of this certainly remarkable and original measure to yield to the alarm excited in the mind of the sovereign against it as a meditated invasion of the constitutional prerogative. This regal apprehension put an end to Mr. Fox's administration.

It is settled at this day by historical evidence beyond doubt, that all the endeavours and arrangements of the *whigs* to obtain power during the reign of George III. were constantly frustrated and defeated by the watchful purposes of that monarch, imputed to the early lessons of Lord Bute, from whom he imbibed his leading maxims of government, to avail himself always of the first opportunity to liberate himself from what he considered the thralldom of *their* councils. This unceasing vigilance extended also, to any incidental attempts to obtain either relief or reform upon whig principles, and led eventually to the resignation, or more pro-

perly rejection of Mr. Pitt himself, for disturbing the catholic question, as well as to the early abandonment of his father's principles and his own to acquire his sovereign's favour.

These discomfitures from time to time were alleviated by the hopes entertained from the more liberal influence exercised over the mind of the heir apparent; according in some manner to the proscriptive law of the house of Brunswick, which placed the Prince of Wales in political opposition to his father.

The prospects from this quarter, which were early shadowed by the dissipated tastes of this otherwise promising prince, and the spell which his thirst for pleasure threw over his talents and accomplishments, became finally extinguished under the despotic influence of the epicurean propensities of the royal voluptuary.

In the part taken by Mr. Fox, Lord Fitzwilliam and their distinguished associates, relative to the Regency question, it seems probable that they were influenced by political sympathy and personal predilections, in regard to the measure of authority they were disposed to claim for the hereditary successor to the sovereignty, as much as by strictly constitutional principles. In the warmth of debate upon this exciting subject, it is stated that Lord Camden and Lord Fitzwilliam mutually retorted upon each other with some piquancy a tendency to republican principles. In the arrangements contemplated by the whig party on this interesting and extraordinary occasion, it was intended to invest Earl Fitzwilliam with the viceroynalty of Ireland. The increasing importance of that high charge was beginning to engage more deeply the patriotic concern of the true friends of both parts of the empire; and Lord Fitzwilliam was indicated to that office, both by his extensive property in the island and the opinion prevailing among the inhabitants of the virtues of his character, evinced in a particular manner by his liberal and benevolent treatment of his own tenantry, between whom and himself he admitted none of that class known by the denomination of middle-men. The effect of such a happy designation, however, was postponed to a period when it was not permitted to be tried under equally favourable auspices. Upon the recovery of the king, a magnificent reception was given by earl Fitzwilliam to the heir apparent at Wentworth House in Yorkshire, with national

games, rural sports, fetes and other accompaniments, in the most abundant and splendid style of ancient English hospitality; of which the habit was continued, it may be observed, in a manner suited to the advancing years of the venerable nobleman, to the last periodical occasion previous to his decease.

The French revolution now came to cast the apple of discord among the friends of liberal principles. Mr. Burke, who had been in the cherished confidence of Lord Rockingham, and his coadjutor in parliamentary and ministerial affairs, was also the political preceptor of Earl Fitzwilliam. The character of that great practical philosopher, splendid as it is acknowledged to have been on the score of intellectual power, has not been sufficiently comprehended by those who have been principally struck with the parts which it was allotted to him to take, at different periods, and under distinct and widely marked states and conditions, in the circumstances of his own country and the world. These different postures in which he was thus placed, were undoubtedly rendered more striking and set in stronger relief by those bold and broad generalizations which he was in the habit of employing, and by his custom of dealing with subjects of momentous and absorbing public interest, according to their existing pressure and importance, more than according to their purely speculative, academic and systematic relations. He treated things of this nature in their true character of politics, and not as metaphysics, while he was always master of a manner the most dialectic and philosophical. His grand and powerful abstractions grew out of his profound perception of original, essential principles; and they were invariably attendant upon those great practical interests and pressing concerns of mankind with which it was his fortune, both as a statesman and a legislator, to be pre-eminently conversant. The portentous aspect of the times acting upon a temperament of peculiar acuteness, increased by the falling shadows of age, probably imparted some exaggeration to the objects of his mental apprehension, as it unquestionably added extraordinary energy to his accising and averting eloquence. But with vast interests in view and great events advancing, his mind was inspired and expanded by the occasion. He looked abroad upon the large expanse of ages; and on a theatre more spacious, with a power more copious and more absolute

than has been granted to any other statesman of our times; he proclaimed himself the organ of the past and the future to all mankind. Hatred of oppression, more than any other single cause, may be regarded as the main-spring, or master-key of Burke's political conduct and principles; and who can deny such a sentiment to be a just principle of thinking and acting in an enlarged and an enlightened code of political ethics. This roused his resistance to the ministerial tyranny of the mother country. It caused him to raise his voice for the relief of the catholics, as well as dissenters, both in England and Ireland. It interested and engaged him in measures for the improvement of the condition of negroes. It kindled his implacable indignation against those who plundered and oppressed the natives of India; and in the main, too, it was the same cause which awoke his unmeasured and unmitigated invective against the sanguinary excesses of the revolutionists in France; because they were not contented with obtaining freedom for themselves, without trampling upon every thing that stood in the way of their tyrannical career. Burke beheld the whole dreadful scene of blood and ruin at its first volcanic outbreak, under the worst and most ferocious aspect of democratic despotism; and denounced the extremest wo of superhuman wrath upon those, who, with professions of liberty and fraternity the most passionate and profuse, were without mercy to their species, in their march of emancipation and empire. Although the period has passed away, the pages inscribed by that revolution, in the visions of that raptured seer, are still prophetic; and the enormities of that epoch, which almost filled his breast with their own fury, remain, if not unrelieved, still without recorded parallel.

The opinions of Burke on this absorbing subject, it is well known, exercised a predominant influence in Great Britain. At this period Earl Fitzwilliam united with the Duke of Portland, Earl Spencer, Mr. Windham, and a considerable portion of the whig party, in supporting the political measures of the administration; at the head of which the Duke of Portland was placed, while the principal direction of affairs remained in Mr. Pitt; and, with the advice of Mr. Burke, Lord Fitzwilliam accepted the presidency of the council. Although the harsh and unrelenting displeasure of Mr. Burke toward Mr. Fox was manifested in the extraordinary letter communicated to the Duke of Portland and Earl Fitzwilliam, which afterwards found its way to the public through some

improper channel, the political agreement of Lord Fitzwilliam with Mr. Burke in the unhappy circumstances of excitement, that finally separated the latter from Mr. Fox, did not alter the cordial sentiments of regard which always existed between Mr. Fox and himself. Lord Fitzwilliam conveyed to Mr. Fox the information of Mr. Burke's last illness. It is mentioned that Mr. Fox was so much affected, when Mr. Burke refused to see him, as to burst into tears. Mr. Fox himself, in his last moments, was visited by Lord Fitzwilliam; and, although unable to speak, his countenance is said to have expressed the overflowings of his heart; and his noble friend fainted, and remained for some time insensible after the shock of the parting scene.

In the year succeeding his appointment to the place of president of the council, he was selected for the office of Lord Lieutenant of Ireland. The same situation had been filled by one of his ancestors, a friend of Sir Philip Sydney, with the title of Lord Deputy, for five successive terms, under the reign of Queen Elizabeth. He was descended also, by the maternal side, from a more unfortunately celebrated person, who sustained the same office with a widely different fame—Wentworth, afterwards Earl of Strafford.

Lord Fitzwilliam was recommended to this station by the reputation of his probity and peculiar qualifications, his known sentiments towards the catholics, his personal dispositions, towards the inhabitants generally, and the corresponding confidence and esteem which those qualities had won for him in the community. These circumstances may undoubtedly be viewed not merely as among the motives, but as being the principal causes of the appointment, which was regarded of itself, as a proof of sincerity and conciliation towards Ireland. It was received accordingly, and the arrival of Earl Fitzwilliam in this beneficent capacity, was greeted with universal demonstrations of joy. The Irish parliament, after a cordial address of welcome, unanimously presented the most ample vote of supplies that had ever been granted in that part of the kingdom. A bill was shortly brought in by Mr. Grattan, with the unquestionable approbation of the Lord Lieutenant, for the relief of the catholics. Individuals who had rendered themselves justly obnoxious to public displeasure by their conduct in office, were removed, and their places supplied by successors of undoubted merit. The most satisfactory results were inferred from

circumstances so auspicious to the public expectation; and entire confidence was cherished in the apparent intentions of government; but this fair prospect, the fairest that had dawned upon that portion of the kingdom, was suddenly changed and clouded. The evil star of Ireland recovered its ascendancy. Implacable resentments were roused; other counsels prevailed; and to them was sacrificed the system of policy that had been resolved upon, to be carried into effect through the instrumentality of Earl Fitzwilliam. The measure of concession, which had been tendered with the full concurrence of the royal representative, for which he conceived himself to be vested with competent authority, was refused a sanction by the British cabinet. His recall took place in consequence, after an administration of only three months, and Lord Camden was appointed his successor. The disappointment and grief attending this abrupt termination of his commission, could only be compared with the delight and hope with which his appointment had been hailed. The day of his departure from Dublin was marked as a day of mourning: the shops were closed, and a common feeling of despondence pervaded the whole community.

This unforeseen and unfortunate turn of affairs became the topic of animated discussion upon Earl Fitzwilliam's return to England, and continued for some time to form an interesting subject to the public mind. One or two letters were communicated to the press, addressed by him to Earl Carlisle, vindicating the manner in which he had proceeded in the execution of the trust confided to him; asserting the competency of his authority for the purpose in question; and animadverting with great severity upon the arts which had been exerted to overthrow his administration. He appeared also in the house of lords, and challenged an investigation of his conduct in the face of the country; and maintained that his instructions had fully warranted the proceeding which the cabinet had subsequently seen fit to disavow. Blame had been publicly cast upon him as the representative of the sovereign, and he exhibited himself there in a calm and dignified attitude, ready to take up the gauntlet which the government had thrown down. No reply was attempted. The Duke of Norfolk then gave notice of a motion for an address to the king, requesting that the correspondence between the ministry and the late Lord Lieutenant relating to his recall, should be laid before parliament; and a similar motion for inquiry was introduced into the house of

commons, without, however, leading to any satisfactory result. It was evident that the opportunity sought for was shunned, and that the government chose to shield its injustice by its silence.

In the debate which occurred in the house of peers, Earl Fitzwilliam publicly declared that he possessed sufficient authority for the measure which he had proposed to adopt in regard to the catholics, and further stated that no objection was opposed to the course of proceeding on his part previous to the dismissal of certain active individuals from office on account of their political violence. This, he said, produced the clamours and misrepresentations which led to his removal, and would, as he feared, in time, be followed by worse consequences. This closing remark was obviously prophetic. The disadvantage of losing the timely and favourable opportunity then offered for effecting a conciliatory settlement of the distracting question of Irish catholic emancipation was long experienced, and has not yet entirely ceased to be felt. What sufferings would that unhappy country have been spared; how much blood would have been saved that has been poured out upon the scaffold; how much which has flowed into foreign climes might have been preserved within her own bosom, if that boon which was so long deferred, and so ungraciously and reluctantly accorded, had been granted under circumstances when it might have been received with gratitude.

From this period Lord Fitzwilliam withdrew in a great measure from political affairs, until the cessation of hostilities with France, when he joined with Lord Grenville and others, in condemning the delusive and short-lived peace of Amiens. On the formation of the whig ministry upon the death of Mr. Pitt, in 1806, Lord Fitzwilliam was again called to his former seat as president of the council. After the dissolution of that able and virtuous administration by the death of Mr. Fox, Lord Fitzwilliam did not intermit his attendance in the house of peers, until an advanced period, but ceased to take any further part in public affairs than belonged to the discharge of his senatorial duties. Faithful, however, at once to the original instinct and sympathies of his nature, and to those principles of education, which had distinguished his character from his first entrance upon the stage of life; he drew upon himself a decided mark of the displeasure of the ministerial government under the administration of Lord Liverpool in 1819, by presiding at a public meeting, for the purpose of inquiring into

the conduct of the magistrates concerning the massacre at Manchester. In consequence of this, he was dismissed from the office of Lord Lieutenant of the west riding of Yorkshire, to which he had been appointed after his recall from Ireland.

The character of this excellent and lamented nobleman is best sketched by the plain and simple recital of his life. It was marked by his private virtues, his public spirit, his liberal opinions, and the ample means which he employed of benevolence and munificence. Popular and indulgent as one of the largest landed proprietors in the realm, placed by Providence in a sphere of extensive and important influence, he was the inflexible enemy of every species of corruption and oppression. The purity and elevation of his purposes was never for a moment questioned. Through that portion of local patronage belonging to him under the late system of representation, which has been the subject of reform, and which was now more purely exercised, it may be observed that some of the most eminent and patriotic members have obtained their seats in parliament. As one of these distinguished individuals, it may be sufficient to allude to Sir James Mackintosh, a name well deserving to be associated in the same record with the illustrious object of the equal favour and respect of the Marquis of Rockingham; and it may be mentioned as an eminent felicity in the dispensation of this aristocratic power, in the illustrious line which has been traced, that the roll which began with Burke, should end at this point with Mackintosh. Although opposed, at one period, in their view of foreign politics, between Burke and Mackintosh there existed an affinity, drawing their minds into a mutual esteem and affection for each other, founded on their common hatred of oppression, and love for the good and beautiful in the constitution of their kind.

The descent of Earl Fitzwilliam is traced from an ancient stock, claiming consanguinity to the confessor, and deriving historical distinction from the hand of the conqueror. But he has acquired higher titles to the veneration of the present age, and the respect of posterity; titles, by which his honest and well earned fame will be cherished beyond those of Norman or Saxon origin, or of the heraldic honours by which the house was adorned under the Tudors, or the latter dignities to which it was raised by the reigning branch.

JOHN HOOKER ASHMUN.

At Cambridge, April, 1833, John Hooker Ashmun, Esq., aged 33, Royal Professor of Law in Harvard University.

The state of professor Ashmun's health had been such for a long time, that his death was any thing but unexpected to his friends, and though the death of such a man can never be unseasonable, so far as he himself is concerned, it must always be so in relation to those who survive him. He was a man of so marked a character, exerting so uncommon an influence over all who approached him, and so completely filling his office and station, that however we may have supposed ourselves prepared to hear of his death, we feel, when the event has taken place, that we had never realized the extent of the loss we were to sustain.

He was a man cast in a peculiar mould. His mind had been developed, and his character formed, each by its own unassisted energies, and with very few external influences. He was highly independent in opinions and conduct; he made up his mind deliberately, and acted and spoke resolutely, according to his convictions. His mind was one of a high order; it was acute, discriminating, vigorous, philosophical, and creative. No man had a clearer and more intellectual piercing sight; he saw all things in their true forms, and exact proportions. He walked in the steady day-light of truth; he was never led astray by phantoms and unsubstantial gleams; he never mistook shadows for substances. He detected at once, sophistry, loose and inconsequential reasoning, fanciful distinctions, subtle refinements, and all the arts by which ardent partizans deceive others, and often themselves, and treated them with no mercy. His love of truth was a remarkable trait in his mind: he would not tolerate, even in conversation, those rash and extravagant assertions, which are always taken with more or less of qualification, according to the temperament of the speaker. He felt that it was wrong to be disloyal to truth, even in the smallest things. He had a great deal of wisdom—the perfection of good sense. His remarks were striking, and often profound. He looked upon life with a penetrating and sagacious eye, and his observations upon it were made with depth, sometimes with severity, never with bitterness. He did not talk much, but he said a great deal in a few words. His constant ill health, which often prevented him from reading and

studying, gave him more opportunity to think, and preserved the originality and freshness of his mind unimpaired.

Of his professional character, we feel hardly qualified to speak, but it is generally acknowledged that, as a lawyer, he had few equals, and no superior among those of his own standing. The early age at which he died, and his constant sickness, prevented him from making various and extensive acquisitions, but there were certain portions of the law, particularly the law of real property, of which he was thoroughly master. But his legal eminence arose from the remarkable original powers which he brought to the study of the science. Wherever he directed his concentrated efforts, he disentangled the knottiest points, and shed light upon the darkest, and most abstruse subjects. He applied general principles with great sagacity and skill. He traced rules, apparently arbitrary, to their origin, and showed that they had a foundation, either in reason or abuse. Every subject that passed through his mind appeared in a new form, or was held up in a more striking light. Well versed in special pleading, familiar with all the technicalities of the law, and with a power of seeing minute distinctions, he could at once shake off all these trammels, and view the law as a liberal and expansive science, resting on immutable foundations, and capable of being moulded to meet the claims of justice, the demands of reason, and the progress of society.

His method of instruction in the law, was peculiar to himself. He did not think it expedient to explain every thing, and remove every difficulty from the learner's path. He preferred to awaken in the student's mind the desire of overcoming obstacles himself, and thought that what was gained in that way, was much more valuable than what was told him by his teacher. His commentaries and explanations were always given in few words, but were thoroughly satisfactory, and were treasured up in the memory like axioms. He acquired great influence over his pupils: he treated them as friends and companions; and his own mind was so vigorous and original, that it gained an ascendancy over all who approached him familiarly. His examinations were so searching, and the desire of his approbation was so strong, that all, even the most indolent, if they pretended to study at all, studied faithfully, and learned accurately. The written lectures which he delivered, on certain portions of the law, will always be remembered by those who heard them,

as among the most valuable portions of their legal education.

The character of Mr. Ashmun could only be understood by those who saw him familiarly. His ill health, and a slight deafness with which he was afflicted, prevented him from mingling much in society, but this seemed to bind him more closely to those who knew him intimately. His affections were strong and constant, and his disposition eminently social. His bodily infirmities made him appear sometimes austere and irritable, but no man had a warmer heart, or a deeper sensibility. If he had ever given pain, he felt it no less himself, and always made up for it by some marked kindness in tone, looks, or manner. He associated with his pupils on terms of perfect equality, and gained their attachment, while he preserved their respect, and parted with none of the dignity of his station and character. He delighted to mingle with them, and to be surrounded with the fresh and buoyant spirits, which are the natural heritage of youth and health, but to which he had been long a stranger. Though his heart was heavy, he loved the sunshine of happy faces. His feelings were not only strong, but tender and delicate. He was not in the habit of revealing in words what was passing within him, but with his friends, the tones of his voice, and the expression of his face, were an unerring index to the emotions which were stirring his soul.

For several months past, his mind literally kept his body alive. His life was always a constant struggle, and a constant victory—a victory of the spirit over the flesh, of the immortal essence over its dying tenement. There was something heroic and inspiring in this moral strength, this power to rise superior to all bodily infirmities, and to keep the post of duty to the last. He bore his sickness with the firmness of a martyr. He never complained, and never fell into that habit so common with invalids, of talking about himself, and his own feelings, till the ear of affection itself became weary of the sound. He had too much dignity and self-respect, to be perpetually drawing upon the sympathy of others, and making them bear the burden of his afflictions. His ill health, which made the world, perhaps, do him injustice, made his society more interesting to his friends, and the influence of his character more important upon them. In moments of doubt and despondency, there was something invigorating in the thought, that if he, at his early age, and with such

a weight of infirmity to sustain, had accomplished so much, how much more could they do, when aided by such good angels as hope and health.

JOHN NEILSON.

In New-Brunswick, N. J., Col. John Neilson, an officer in the war of the revolution. This brave man was born in the vicinity of New-Brunswick, on the 11th day of March, 1745, and passed his minority in and near that place, excepting a few years in Philadelphia for his education. In 1769 he settled at the head of a young family at New-Brunswick, in a mercantile establishment, with the prospect of a favourable and prosperous business, until disturbed by the breaking out of the war in 1776. While the government of Great Britain were pursuing their wild and unjust project of taxation, Mr. Neilson united his influence with the guardians of our land, in opposition to their iniquitous measures. The controversy having assumed a serious complexion, he raised a company of militia; and, being appointed their captain, was soon after called into service, on an expedition to the east end of Long-Island, under the command of General Heard, for the purpose of disarming the disaffected population in that part of the county. When relieved from that service, he resumed the care of his business, and attended the training of his company, in order to make them soldiers.

On the 31st of August, 1775, he was appointed colonel of the battalion of minute-men in the county of Middlesex, and commissioned by the deputies of the several counties of New-Jersey, in provincial congress. This commission was signed Hendk. Fisher, President.

Early in 1776, he was solicited to become a deputy to the continental congress at Philadelphia; but such were, at that time, the exigencies of the service, that he felt it to be his duty to remain with his regiment, and he never took his seat in that distinguished body.

To evince how justly his sentiments, and the propriety of his conduct on this occasion, were appreciated, it is only necessary to state, that when soliciting individuals in the different states, known to be efficient friends to that measure, with a view to their influence in securing a favourable reception, congress transmitted the copy of the declaration for that part of New-Jersey to Colonel Neilson. When received, the sentiments of the people of New-Brunswick upon that subject, were

unknown. A meeting, comprising most of the population, was convened in the public streets, and a decided and violent opposition from many of the inhabitants was apprehended. Fearless of personal consequences, Colonel Neilson ascended a stage, hastily prepared for the occasion, and with a firm and audible voice, proceeded to read the declaration to the assembled multitude. At the conclusion, he was greeted with loud huzzas by so great a majority, that the opponents of the measure did not dare to avow themselves.

On the first day of August, 1776, he was appointed to the command of the regiment of infantry, for the county of Middlesex; and, in September and October, served in command of his own regiment, and the militia of Somerset, on the lines in Essex and Bergen counties. In November he was relieved by other militia, and returned to his family. In December, of the same year, a large division of the British army invaded the state of New-Jersey, made a rapid march to New-Brunswick, on their way to the Delaware; and the militia of Middlesex and Somerset being now dispersed, the field officers of his regiment, including himself, Lieutenant Colonel Taylor, Major Van Embury, with Colonel Frelinghuysen, and others of the county of Somerset, joined the American army, then on their retreat to the west side of the Delaware river, as volunteers.

On the 31st of December, 1776, General Washington issued an order, directing Colonel Neilson, with the militia officers before mentioned, to proceed into the state of New-Jersey, and use their exertions to call together and embody the militia of the state.

The British troops, after the capture of the Hessians at Trenton, retreated, and the head quarters of their army being then in New-Jersey, halted, and went into winter quarters at New-Brunswick. The militia of the state being now partially embodied, part joined the main army, whilst those of Middlesex, with others, were placed under the command of Colonel Neilson, and ordered to take post at Cranberry. Early in 1777, and soon after the establishment of the post at Cranberry, information was communicated to him by a deserter from the British lines, that an outpost of British troops under the command of a refugee officer, was formed at Bennett's Island, two or three miles from the main army at New-Brunswick. A plan for surprising them being immediately formed by Colonel Neilson, a messenger was despatched to General Putnam,

then commanding at Princeton, for assistance. The general very promptly despatched a reinforcement, consisting of from 40 to 50 riflemen. These having arrived in good season, and being united to his own command at Cranberry, Col. Neilson commenced his line of march about sunset, and moved steadily forward by the direct route to Bennett's Island. The night was clear and frosty, and the ground covered with snow, yet the movement was conducted with such circumspection, that they leaped and passed the stockade within which the British were quartered, and were in the midst of them before they were discovered. The surprise was so complete, that the commanding officer of the post, and his whole force, amounting to sixty or seventy men, with their arms, &c., were made prisoners. On this occasion, Colonel Neilson narrowly escaped with his life. Being one of the first to leap the stockade, a sentinel pressed his gun against his breast, while at the same instant, Captain Farmer, a true Jersey Blue, flourished his sword over his head, exclaiming "throw up your gun, you d—d scoundrel, or I will cut you down." The man being intimidated, obeyed, and the Colonel escaped unhurt. The party returned with only the loss of a man or two, to Cranberry, and on the succeeding day, he had the satisfaction of forwarding his prisoners, with their arms and accoutrements, to General Putnam, at Princeton.

In the months of September, October, and November, 1777, he was on service at the lines, at Elizabethtown, with the militia of Somerset and Middlesex, under the command of General Dickinson. In June and July, 1778, he served in Monmouth county, being part of the time under the command of General Dickinson, and a part of the time holding a separate command. In Sep. and Oct., 1778, he was engaged in repelling an invasion of the enemy, and in May, June, and July, 1779, in commanding the militia on the lines at Elizabethtown, Newark, &c. On the 18th September, 1780, he was appointed by the Quarter-Master-General of the United States' army, his deputy, for the state of New-Jersey, and continued in that department till the close of the war. While engaged in these various services, he held an extensive correspondence with General Washington, Governor Livingston, and other superior officers, which contains much valuable information, and now remains in the possession of his family.

The character and services of Colonel Neilson were highly appreciated by his

fellow-citizens; and so well assured were the enemy of the importance of his influence and exertions to the American cause, that many attempts were made to seize his person. His popularity was the means of preserving him from these attempts, as he always received a sufficient notice from some one of his numerous friends to enable him to escape.

As soon as the great object of independence was secured, and the blessings of peace restored to our land, Col. Neilson returned, with renewed ardour, to the business and duties of private life. Once, only, during the long period of years that have since elapsed, could he be drawn from his retirement. The occasion was worthy of the patriot, and the appeal too strong to be resisted. He was elected by the people of his native county one of the delegates to the convention of the people of New-Jersey, to take into consideration the constitution of the United States, submitted for "*their assent and ratification.*"

A zealous and influential advocate of that glorious and happy constitution, he saw it adopted and ratified by the whole people; and feeling that union, justice, and liberty were secured to his country, rejoiced in the assurance that he might ever thereafter live withdrawn from the busy theatre of public action. Out of 40 members who composed that convention, embracing the best and wisest of New-Jersey's favourite sons, Colonel Neilson was the latest survivor.

EDMUND KEAN.

May 15, 1833, at his house, Richmond Green, aged 45, Edmund Kean, the accomplished actor.

Kean was born November 4, 1787, in Castle-street, Leicester-square. His father, Aaron Kean, was a tailor, and brother to Moses Kean, the celebrated ventriloquist; his mother was a daughter of George Saville Carey, a lyrist of the last century. He was so neglected in nursing, that his deformity at four years of age disqualified him for posturing feats on the Dury-lane stage; and it was only by timely application of bracing-irons, that his limbs ever resumed any thing like symmetry. His "first appearance on any stage" was on the head of the Elephant in Bluebeard. At five years old, he re-appeared at Dury-lane, in John Kemble's goblin corps in Macbeth. He was afterwards sent to school in Orange court, whence he ran away, and went as cabin boy on board of a vessel bound for Me-

deira: he there fell sick, and returned penniless to his native shore. After the death of his uncle, the young wight joined Saunders' vaulting troop. He continued an unruly wayward boy till the age of 14, when he joined a small company.

Kean played at Birmingham with moderate success, but at Edinburgh triumphantly, for twelve successive nights, as Hamlet. This fame was but ephemeral; for, until 1812, he played all the varieties enumerated by Polonius. His talents were almost universal; but he never succeeded in light comedy.

He selected *Shylock* for his first appearance at Drury lane, in 1813, by the advice of Mr. Nation, for the merits of his *Richard* were then unknown; indeed, he had had but few opportunities of appearing in Shakspeare. The pit was not more than two-thirds full; but the overflow from Covent Garden, where a new and popular opera was performing, soon filled the house respectably. The first scene went off flatly; but he made a great impression in the scene with *Tribal*, in the third act; and his triumph was complete in the trial scene. The committee presented him with fifty guineas after his performance of *Shylock*, and one hundred after that of *Richard*.

From this period, till within a few weeks of his death, a period of nineteen years, Kean continued to perform in London and the chief towns of the United Kingdom, with extraordinary, if not always with equal success. Fame and money have been showered on him unsparingly; and there may be some persons inclined to consider him as a spoiled child of fortune. In the United States, where he stayed from October, 1820, to June, 1821, his success was equal to that in his native country. In France, in 1818, he was differently received; though Talma, a complete master of his science, entertained the highest opinion of Kean's abilities.

In person, Mr. Kean was scarcely the middle height, and was accordingly deficient in the dignity of deportment requisite for certain characters, as that of *Coriolanus*. His features, though not sufficiently regular to be termed handsome, were capable of almost illimitable expression; his eyes, as it were, played with the passions, in the very spirit of mastery; his voice, in the under tones, boomed with melancholy music, and in sudden transitions abounded

with fine, meteor-like effect; and, although he was not of dignified stature, he walked the stage with the ease and self-possession attainable only by true genius. He was generous even to profuseness, and his largesses were often injudicious. He gave the receipts of benefits to public charities, played gratuitously for needy managers, subscribed liberally to benevolent institutions, and was open-handed to the applications of private suffering. In a spirit of enthusiasm for his profession, he raised, in 1821, a monument at New-York, to the memory of Cooke, and after the example of Doggett, he, since the year 1818, gave annually a wherry to be rowed for on the Thames.

About the year 1808, he married Miss Chambers; she and her sister were natives of Ireland, and dancers at the Cheltenham Theatre. They had two sons, Howard, who died in 1813, and Mr. C. Kean, who inherits much of the genius of his father. Mr. Kean's last public appearance was on the stage of Covent Garden Theatre, as *Othello*, with his son as *Jago*, the only time he publicly acted with his son: during the performance, he was taken ill, and borne from the scene, the last line he uttered, being the conclusion of the touching valediction,—

'Farewell! *Othello's* occupation's gone.'

Poor Kean's worldly affairs were so deranged at the time of his death, that it was for some time a matter of doubt whether it was worth while to administer to his effects. Yet his usual engagement in London was 60*l.* per night, for three times a week, and he often performed in the country the other three nights. The total sum received by Mr. Kean in England, America, and France, since 1814, is stated at 176,000*l.*, or averaging upwards of 9,000*l.* per annum, for nineteen years.

JOHN RANDOLPH.

In Philadelphia, May 24, 1833, John Randolph of Roanoke, many years a member of congress, and afterwards Minister Plenipotentiary to the Court of St. Petersburg, aged 61 years.

His father was John Randolph, a descendant, in the sixth degree, from Pocahontas,* and his mother a Miss Bland, sister of Theodore Bland. The early

* 1. Pocahontas. 2. Thomas Rolfe. 3. Jane Bolling. 4. John Bolling the elder. 5. John Bolling the younger. 6. Jane Randolph. 7. John Randolph of Roanoke, the elder. 8. John Randolph of Roanoke, the younger.

portion of this eccentric individual's life, is so characteristically portrayed in the following letter from himself, that we insert it. It was written to his nephew, who has since deceased.

† Dec. 13, 1813.—You shall “know something of my life,” nay, every thing, my dear son, that it can be desirable or profitable for you to know. It is a tale not devoid of interests or events, and might be wrought up into a more engaging narrative, than ninety-nine out of a hundred of the hasty volumes which minister to the mental green-sickness of our misses and masters. Like yourself, I was left by my father an orphan, when too young to be sensible of my loss. The first thing that I can remember, is, finding myself in my mother's family, the *pin-basket* of the whole house. I think that I can recollect some circumstances that must have happened in 1776; but I distinctly remember events which took place in the year following. I shared my mother's widowed bed, and was the nestling of her bosom. Every night after I was undressed, and in the morning before I rose, I kneeled down in my bed, and putting up my little hands, repeated after my mother the Lord's prayer and the “belief;” and to this circumstance I attribute some of my present opinions. I say *present*, because they lay long dormant, and as if extinguished within me.”

In the autumn of the year 1783, my mother married St. George Tucker. At his instance, I was sent, at the age of *nine*, to the school of Walker Murray, in the county of Orange: then, and perhaps yet, a wild and savage country, inhabited by the coarsest, the most ignorant, and vicious of the human race! A new world was opened to me. Our school-fellows, (your father and uncle Theodorick were at the same school,) were, with the exception of one or two *gentlemen's* sons, adepts in every species of profligacy—vulgar, brutal, savage. Our schoolmaster was the most petulant and malignant wretch in creation. We had scarcely the necessities of life; without an opportunity to acquire any thing more than as much Latin, as sufficed to furnish out a bald translation of the ordinary school books. Indignant at his treatment, your father, hardly thirteen years old, determined to desert and go home. From our step-father, we looked for nothing like sympathy or tenderness. My brother was deterred by his expostulations from executing his purpose. Murray transferred his school to Williamsburgh, and we were transferred along with it. In 1784, the

state of my health induced my mother to send me to Bermuda, where I arrived in the month of July; and just twelve months afterwards, she came over with her whole family, and remained till November, 1785!

My sojourn in Bermuda was of essential service to me in many respects. There was a good country-gentleman's library in old Mr. Tucker's house, where I staid; and here I read many sterling English authors. Your father and myself were always book-worms. It was a sort of bond to the affection that united us. Our first question at meeting was, generally, “What have you read? Have you seen this or that work?” By going to Bermuda, however, I lost my Greek: I had just mastered the grammar *perfectly*, when I left Williamsburgh. Walking round the base, (it was a circular iron railing that protected it) of Lord Botetourt's statue, I had committed the Westminster grammar to memory, so as to be able to repeat every word of it. The pendulum of the great clock which vibrated over my head, seemed to concentrate my attention on my book. My Bermudian tutor, Ewing, had no Greek class, and would not take the trouble of teaching a single boy.

After our return, we went back to Williamsburgh; your father continuing to board with Murray, but attending Mr. Wythe in Greek, Mathematics, and I think Latin also. Soon afterwards he entered college. We were at the grammar school kept in the old capitol, which has been since pulled down, to save the expense of repairing the hall where Henry spoke and independence was declared. The shocking barbarity of Murray towards my brother Theodorick, drove him from the school, (our mother was then in New-York for her health,) and soon after I left it. Having spent some months at home, we (Theodorick and myself) were sent in March, 1787, to Princeton, where we were joined in the summer by your father. Doctor Witherspoon, in order to make the most out of us, put Theodorick and myself into the grammar school, although we were further advanced than any of the freshmen or most of the sophomores. In this subterranean abode of noise and misrule, I was pent for five long months, and in September was transferred to the college, with habits acquired in that school, by no means propitious to study. At Christmas, Theodorick and I went to New-York, to spend what little money we had hoarded for that purpose; and were recalled in a few days, by a letter from your father, enclosing one from our mother, which summoned us to her dying

bedside. We hastened home, and saw her for the last time. In January, 1788, she died. The sun rose and set; the rivers flowed; the order of nature went on. This seemed to me at first unnatural and shocking. My mother had been a faithful executrix of my father's will, a faithful steward of the effects committed to her charge, in trust for her children. She left clear accounts, and money (not a small sum) in hand. In May, 1788, Theodorick and I were sent to college in New-York.

Your father joined us in New-York. He was in his nineteenth year, and the most manly youth, and most elegant gentleman that I ever saw. Mrs. Bingham, of Philadelphia, used to send him invitations to her parties, and he often went from New-York to that city to them! Yet he was neither debauched, nor dissipated. He was regular, studious, above low company of any sort, "the great vulgar or the small;" his "apparel," according to Lord Burleigh's advice, was "costly, not fine;" and you might see in his old attendant, Syphax, whom he carried with him to New-York, that his master was a gentleman. Columbia College was not yet recovered from the shock of the revolution; it was just emerging out of chaos. The professor of humanity, (Cochrane, now in the college of Nova-Scotia,) was an Irishman, educated at Trinity college, Dublin, and a most accomplished scholar. With him I entered as a private pupil, paying eight dollars a month, (out of my own allowance for clothes, &c.) for the privilege. I had devoted the fall vacation at Princeton, (1787,) to an attempt at regaining my Greek; and now, (July, 1788,) burning with the thirst of knowledge, (which I was not permitted to slake at the fountain of Nassau,) and emulous of literary distinction, I sat seriously to work, and was greatly encouraged by my tutor, who was, or affected to be, amazed at the rapidity of my progress. To my irreparable loss, he left college about two or three months after I had entered myself as his private pupil. Your father's return to Virginia left me without a friend. "Where," you will ask, "was my uncle Theodorick?" Alas! my poor brother differed in every respect from your noble father. Of all things in the world, he detested most a book. Devoted to pleasure and "fun," as he termed it, he not only set me a bad example, but, with his dissolute companions, absolutely prevented me from reading. Often have they forced the door of my study, and tossed the books over the floor, sometimes out of the window. In two years, he

Hah

undermined his constitution, and destroyed his health for ever; and after lingering a long time a mere skeleton of himself, he died at Bizarre, just before the birth of your brother St. George. My guardian—for under the impulse of the ascendancy he had acquired over me, I had chosen Mr. Tucker as such—was so scanty in his supplies, that I became necessitous; of course, unhappy; and (why should I conceal it?) gradually fell into the habits and way of life of my unfortunate brother—with this difference, that I continued to read, but books of amusement only, enervating and almost destroying my intellectual powers, and vitiating my taste. Your father was married on the last day of the year 1789; and, in the summer following, Theodorick and I left New-York for Virginia. In consequence of my mother's death, her husband left Matoax, to reside in Williamsburgh, where Edmund Randolph, just appointed Attorney-General of the United States, at that time lived. He proposed to Mr. Tucker, that I should study law under him; accordingly I went to Philadelphia in the month of September, 1790, the year of the removal of congress from New-York. I had seen the old congress expire and the new one rise like a Phœnix from its ashes. I saw the coronation (such in fact it was) of General Washington in 1789, and heard Ames and Madison, when they first took their seats on the floor of the house of Representatives. Congress met at Philadelphia, and Mr. Randolph was too much engrossed by politics and his own necessities, to think of me. For what cause I know not, Mr. Randolph put into my hands, by way of preparation for a course of law, Hume's metaphysical works. I had a great propensity for that sort of reading. The conduct and conversation of Mr. Tucker and his friends, such as Colonel Jones and Beverly Randolph, (every other word an oath,) had early in life led me to regard religion as the imposition of priestcraft. I soon became a deist, and, by consequence, an atheist. (I shudder whilst I write it; although my intentions were pure, and I was honestly seeking after truth.) I say "by consequence," because I am convinced that deism necessarily leads, by the fairest induction, to that conclusion. My late friend, Joseph Bryan, was placed by Major Pierce Butler, then in the senate from South Carolina, also under the direction of Mr. Randolph, to read law. The Attorney general had no office, and we were to read at our rooms such books as he pointed out. After getting almost

through the *first book* of Blackstone, Bryan and myself abandoned a profession, for which neither of us had been qualified by a regular education, and commenced men of pleasure,—plunging into the “gaiety that fills the mouth with blasphemy, the heart with wo.” In July, 1792, I returned to Virginia, from want of means for remaining in Philadelphia. In 1792, I spent some weeks at William and Mary’s College, and made a slight beginning in mathematics and natural philosophy. In this town, on my way to Williamsburgh, I was taken ill with the scarlet fever, and brought to the brink of the grave. So few charms had life for me, so strong was the disgust that I had taken to the world, that I was indifferent as to the issue of the disease. Reaching Williamsburgh, I saw for the first time Mr. Tucker’s new wife. * * * I shall never forget the chilling coldness of my reception. In a few days I set out for Bizarre, and was once more restored to the society of the fondest of brothers. The events that soon followed, are those which I have already related to you, and which you say, most truly, can never be forgotten. In July, 1793, I again returned to Philadelphia, at my guardian’s instance, to while away the time of my minority; and after encountering the horrors of the yellow fever, (which broke out a few days after my arrival, and drove my friend Bryan to Georgia,) I passed the winter less unpleasantly than the two former which I had spent there, and left the right-angled city in April or May, 1794. In June I came of age. The crop of that year was destroyed, and also that of 1795, by the flood. My guardian showed me no accounts, paid me nothing for the profits of my estate during a minority of nineteen years, and I myself overwhelmed with overseers’, blacksmiths’, and sheriffs’ claims, of several years standing. This reconciled me to the sale of Matoax, urged by your father. I made his house (at his request) my home, and lived the life of a mere loungeur.

The society of your father, the conversation and company of T. Thompson, (for I was half my time in Petersburg,) did not rouse my literary ambition. I rode about from one race field to another; and whilst at New-Market races, my earliest friend, (your father excepted,) Henry Middleton Rutledge, son of Edward Rutledge, and nephew of the celebrated John Rutledge, of South Carolina, called at Bizarre, on his way to Charleston, and not finding me at home, left a letter, informing me of his intended voyage

to Europe. I knew Rutledge in New-York; we were in college together, and I burned with desire to see him once more. My guardian had always frowned upon my wish to travel; and now I had not the means of indulging the inclination to any extent. I borrowed, however, money, and in 1796, visited Charleston and Savannah. In 1799, chance threw me into public life. With this superficial and defective education, I commenced politician. I can truly say, that except from my mother, who taught me to read, I never learned any thing from one of my preceptors. The little that I know, has been self taught, picked up from the most desultory reading, and chiefly from an intercourse with the world.”

At this time, Mr. Randolph was 26 years of age, having been elected in opposition to Powhatan Bolling, a descendant in the same degree from Pocahontas. Mr. Randolph was so youthful in his appearance, that the speaker, Theodore Sedgwick, hesitated to administer the oath of office, and asked him if he were of the constitutional age. “Ask my constituents,” was his brief and characteristic reply.

His first speech was on the raising the army in 1800, and of course in opposition to that measure. Indeed his hostility to the army, led him to use expressions in the house, that exposed him to an insult from an officer, in the public theatre. This conduct he complained of, in a letter to President Adams, in which he stated that he had been “insulted by one of his myrmidons.”

This letter, Mr. Adams transmitted to the house, in a message, stating that the conduct complained of, was a breach of privilege, and that it belonged to that body to notice it. A committee was at once raised, to inquire into the matter, but Mr. Randolph declined appearing before it, and the subject was prosecuted no farther.

Mr. Randolph’s ardour, talents and epigrammatic style, attracted much attention, even at this early day, and he soon became a distinguished member of the opposition. His pithy remarks obtained universal currency, and secured him the public ear. Thus, in speaking of the inefficiency of written constitutions, he said, “the people went to sleep with their parchments under their heads, and awoke in chains;” and in describing a timid politician, who was both timid and versatile, he said, “he was the camelion on the aspen, always trembling, always changing.”

When Mr. Jefferson came into power,

he was placed at the head of the committee of ways and means, and was regarded as the leader of the administration party in congress.

He acquired unbounded influence, which he exercised so waywardly, as alternately to excite irritation by his capricious and overbearing demeanour, and admiration of his genius, wit, eloquence and unrivalled powers of sarcasm. So great was this influence, that finally the administration began to entertain a dread of so much power, combined with so much caprice, and it was generally believed, that both Jefferson and Madison were not unwilling to see him defeated in the impeachment of Judge Chase, to the prosecution of which, Randolph had bent all his energies, and to the success of which, he looked as a signal proof of his control over both branches of congress. Mr. Randolph attributed this motive to them, and shortly after he became a secret, and finally an avowed opponent to the administration.

It has, however, been said, that his hostility proceeded from another cause. Mr. Christopher Clerk, a devoted admirer of his from an adjoining district in Virginia, presuming that Mr. Randolph was desirous of a mission to England, (a country for which he always professed great admiration,) proposed to Mr. Jefferson to send him there. Neither Mr. Jefferson nor Mr. Madison, (to whom it was mentioned,) approved of such an appointment, and Mr. Randolph's pride was wounded at the refusal. It was said that this act of Mr. Clerk was unauthorized, and even unknown to Mr. Randolph, and as both Mr. Randolph and Mr. Clerk concurred in this, it probably should be so considered.

Admitting this, yet by one of such sensitive pride, and strong resentments, the refusal of a favour, although not even desired, might easily be regarded as a mortal affront.

Mr. Randolph continued in the opposition, during Mr. Madison's administration, and of course during the war.

After he became an opponent of Mr. Jefferson's administration, he was opposed in his district unsuccessfully by Jeremiah Baker. J. W. Eppes, who had married Miss Jefferson, then moved into his district, as was supposed, for the purpose of opposing him. His first canvass was unsuccessful, but his perseverance, aided by the influence and popularity of the President, carried him through the second election in 1813, and Mr. Randolph was left at home. He was again elected

to congress at the end of two years, and voted in favour of the compensation law, allowing \$1500 each session, to a member of congress, instead of daily pay. This gave such general dissatisfaction that he declined offering at the next election, in the spring of 1817.

After another vacation of two years, he was again elected in 1819, and continued in the house until 1825, when he was chosen to the senate, to fill the vacancy occasioned by the appointment of James Barbour to the war department.

In this body he made himself conspicuous, by a series of electioneering speeches, having scarcely a reference to any subject under consideration, but filled with rambling anecdotes, epigrammatic remarks, flashes of wit and occasional eloquence, but more with personal sarcasm, and even coarse abuse of Mr. Adams and his cabinet.

One of the remarks made in that body, led to a hostile meeting between him and Mr. Clay, in which Mr. R. narrowly escaped, his morning gown, in which he was enveloped, being pierced by his antagonist's ball.

The course taken by Mr. Randolph in the senate, soon met with a fitting rebuke. Virginia, although in the opposition, was not prepared to sanction conduct which had entirely changed the character of the senate, and upon the termination of the term for which he was elected, in 1827, the legislature by a vote of 115 to 110 chose John Tyler, as his successor. On failing to be elected to the senate, he was returned to the house—Dr. Crump, who represented his old district resigning, to give him a place. He continued in the house during that congress, until the accession of Gen. Jackson to the presidency. Shortly after that event, in June, 1830, he was appointed minister to Russia.

His acceptance of this appointment, was the cause of much dissatisfaction among his friends.

The strong manner in which he habitually spoke of those who lived out of "the public crib," had created an impression that he was above the temptation of office, and proportionably great was the disappointment when he accepted an appointment to a post for which he was neither qualified by temper, character, nor education. Still greater was the mortification of his friends, when, after staying eight days at St. Petersburg, during which time he attracted universal attention, by his strange eccentricities, he departed for

England, where he remained during the residue of his mission, upon leave of absence.

Nor was this mortification confined to his friends. Mr. R. himself felt, upon his return to the United States, how much he had sunk in the public estimation by his sharing in the public bounty, and he was not slow in letting the administration know, that though he had accepted of the bribe, they had not been able to buy him up. The proclamation excited his peculiar displeasure, and it was easy to perceive, that in no great length of time he would be arrayed in deadly hostility against the administration which he had mainly contributed to bring in power. This short period, however, was denied him. Mr. Randolph's constitution, which was always frail, was now fast breaking up.

In the beginning of May he travelled towards the north, apparently with the intention of sailing for Europe. When he arrived at Philadelphia, however, he found himself too ill to proceed, and sent for Dr. Parish for medical advice.

The physician soon found that his case was hopeless, and so informed him.

The remainder of the scene is in the words of Dr. Parish :

"He now made preparations to die. Between him and his faithful servant there appeared to be a complete understanding. He directed John to bring his father's breast button, which was immediately produced. He then directed him to place it in the bosom of his shirt. It was an old fashioned, large size gold stud. John placed it in the button hole of his shirt bosom; but to fix it completely, required a hole on the opposite side. When this was announced to his master, he quickly said, 'get a knife and cut one.' I handed my penknife to John, who cut the hole, and fixed the valued relic to the satisfaction of the expiring patient. A napkin was also called for, and was placed by John over the breast of the patient. For a short time he lay perfectly quiet; his eyes were closed, and I concluded he was disposed to sleep. He suddenly roused from this state, with the words 'Remorse! Remorse!' It was twice repeated, the last time at the top of his voice, evidently with great agitation. He cried out, 'Let me see the word.' No reply followed, having learned enough of the character of my patient to ascertain that when I did know *exactly* what to say, it was best to say nothing. He then exclaimed, 'Get a dictionary—

let me see the word.' I cast my eyes around, and told him I believed there was none in the room. 'Write it down, then—let me see the word.' I picked up one of his cards from the table, 'Randolph, of Roanoke,' and inquired if I should write on that? 'Yes, nothing more proper;' then with my pencil I wrote *Remorse*. He took the card in his hand in a hurried manner, and fastened his eyes on it with great intensity. 'Write it on the back,' he exclaimed. I did so, and handed it him again. He was excessively agitated at this period: he repeated, 'Remorse! You have no idea what it is—you can form no idea whatever: it has contributed to bring me to my present situation; but I have looked to the Lord Jesus Christ, and hope I have obtained pardon.' He then said 'Now let John take your pencil, and draw a line under the word; which was accordingly done. I inquired what was to be done with the card? He replied, 'Put it in your pocket—take care of it—when I am dead, look at it.'"

He now requested other persons to be called, in order that he might formally emancipate his slaves, and to enforce his directions in his last will for their subsequent maintenance and support. He soon afterwards sunk into a state of insensibility, and died without a struggle.

Mr. Randolph was remarkable at school for his proficiency, although his reading was desultory. He was also noted for a quarrelsome temper, and what would not have been readily supposed, for a disposition to flatter those whom he sought to propitiate. He was thoroughly skilled in English literature, and also in the history and topography of that country. This taste led him to acquire that kind of information, and it was of great service to him in his congressional career.

Mr. Randolph was tall and thin in person; his complexion sallow, and his physiognomy unprepossessing. His eyes were dark and brilliant, and his mouth indicated genius, but his face was diminutive, and not characteristic of a high order of intellect.

As an orator his qualifications were extraordinary, although peculiar. His readiness, a remarkable felicity of expression, rarely using any but the aptest word; his unrivalled powers of sarcasm, his epigrammatic style, and a gesticulation which gave a full effect to his keen retorts, all combined to awaken the attention of the audience. Still, although the imagination

was pleased, and the admiration of the hearer excited, his judgment was rarely satisfied. Mr. Randolph was deficient in his reasoning powers. He had not that strong grasp of intellect which enables its possessor to comprehend the whole subject at once, and to present it, every part, in due proportion to the consideration of his audience. He was still more wanting in high resolve and disinterested purpose. His mind was incapable of elevating itself to the consideration of the various interests of this great republic. It could not embrace them all, as belonging to the union, nor realize that that union was one and indivisible.

Mr. Randolph never considered himself as a citizen or representative of the United States. He was merely a citizen of Virginia; and as such, he regarded himself as representing no other interests than hers. Hence it was, that with all his advantages and peculiar qualifications for public life, his political career may be deemed an entire failure. During twenty-six years that he passed in congress, exercising always a great, and for a part of the time, a controlling influence in the public councils, he never proposed a measure of permanent and obvious utility, or which is calculated to endear his name to the affections of posterity. No part of the public policy bears the impress of his genius.

Although the congressional debates are filled with his pointed sayings and epigrammatic remarks, he has left no evidence in the statute book of his ever having been in the national legislature; and his whole history seems intended to exemplify the inferiority of wit to wisdom; and to show of how little avail to their possessor are the highest powers of eloquence and imagination, aided by the purest taste, and the happiest choice of language, when not guided by enlarged views and patriotic purposes.

In private life, and at home, Mr. Randolph presented a more attractive portrait. As a friend, although capricious, he was sincere and affectionate. As a neighbour, he was kind and hospitable; and as a master, his slaves testified by their attachment, to his humanity and benevolence. The last act of his life indicated his regard for their welfare, and their future comfort and happiness. Had the same disposition predominated more largely in his public career, the world would not have witnessed such a total perversion of his powers, nor lamented that they were worse than lost to the public service,

from the absence of all proper motive for their direction and control.

JOSIAH S. JOHNSTON,

May 19, 1833, by the explosion of the steam-boat *Lioness*, on the Red River, Josiah Stodard Johnston, senator of the U. S.

Mr. Johnston was a native of Connecticut. At the age of nineteen or twenty he removed, with his father, the late Dr. Johnston of that state, to the neighbourhood of Maysville, where his father continued to reside, till his decease, the last year. Mr. Johnston's professional education was received in Kentucky; but, after a short time passed there, he resolved to enter on the wide field of liberal adventure, which was opening in the southwestern part of the Union. After a short time spent at Natchez, he determined to repair to the Red river country, where he established himself at Alexandria, in the parish of Rapides, in the profession of the law. Nothing could seem more uninviting than the state of society which then existed in this part of the country. The population consisted of a remnant of Spanish colonists, and of adventurers from the U. S.: the neighbourhood of the Spanish frontier rendered it a stopping place for many persons whose relations to society, in the old states, were such as to make it very convenient for them to be able, at any moment, to escape in a foreign jurisdiction. The new government was, as yet, scarcely authorized; and, in a population of this description, could derive no strength from that public opinion, which is the best support of all government. Something very near a state of nature accordingly prevailed, with very little borrowed from civilization but its vices. Fatal quarrels were continually happening. The neighbourhood was distracted by feuds of the most embittered character. Affrays in the street were of constant occurrence, and duels not less so. Every body went armed; and life was too easily taken to be of high account. Where life is so little regarded, manners, of course, are wild and reckless.

Such was the population, in which Mr. Johnston, a young New Englander, established himself at the age of two or three-and-twenty, in the practice of the law, and with immediate and entire success. His native frankness of character made him the favourite of all classes; and his extraordinary discretion kept him from being entangled in their controversies.

He was never engaged in a quarrel, in a community where it was so difficult to avoid it; but, on very many occasions he had the good fortune, by his prudent umpirage between those who were at issue, to prevent a resort to the field. In a very short period he was advanced to the bench, where he was equally successful, in maintaining the dignity and authority of the magistracy. He was soon elected as a member of the house of assembly in the new state of Louisiana. When New-Orleans was threatened by the British troops, at the close of the war, a regiment was raised in Rapides, under Mr. Johnston's command as colonel. He hastened to the capital, but did not arrive till after the overthrow of the enemy. On his return to Alexandria, he resumed his judicial functions, daily growing in the regards of his fellow-citizens. In 1821 he took his seat in the house of representatives as a member of the seventeenth congress; and, on the appointment of Mr. Brown, a year or two afterwards, as minister of the United States to Paris, Mr. Johnston was elected to fill his place, and has been twice re-elected, to the senate of the United States.

As a member of congress, Mr. Johnston enjoyed a reputation of the most enviable character. Mr. Johnston's style of debate was business-like and conversational. He rarely rose except to speak briefly, and closely to the matter in hand. He did not aim at oratorical display, but sought, by a pertinent statement of facts, and a common-sense logic, to satisfy and convince his audience. He rarely addressed the senate in what is called a set speech; but his speech on Foote's resolutions was one of the soundest, and most instructive, which was made in that debate. During Mr. Adams' administration, he filled, with great ability, the place of chairman of the committee on commerce, in which capacity he made a very able report on the British colonial trade question, which he also supported in a speech. He was also a member of the senate's committee of finance. He had paid particular attention to the great question of the bank of the United States, and understood the subject thoroughly. The subject of the tariff engaged much of his attention, not merely as a question vitally important to Louisiana, but as closely interwoven with the general weal. He wrote one or two very able pamphlets, one of which was published with his name, on the effect of the repeal of the duty on sugar; and pointed out, with singular felicity, the extent to

which the prosperity of almost every other great interest in the country was connected with the culture of this important staple. This was done on a conviction of duty to his state and to the Union. He was himself, as a planter, exclusively engaged in the culture of cotton. This circumstance caused him to feel the unsoundness of the statements of the nullifiers, as to the effect of the tariff on the price of cotton. His personal observation enabled him to trace the languishing state of that culture in South Carolina, to its true cause—a cause so notorious and powerful in its operation, as to make it wonderful that any other should be thought of—the competition of the inferior and exhausted soils of South Carolina, with the newer and richer soils of the south-west. As a cotton planter, Mr. Johnston bore the clearest testimony to the beneficial effects of the establishment of American manufactures upon the prosperity of that branch of industry.

Convinced from his own observation and experience, that the complaints of the south, against the tariff, were without foundation in fact, Mr. Johnston of course looked upon the heresy of nullification with peculiar disapprobation. He regarded it as a preposterous remedy for an imaginary evil; and all his influence was thrown into the scale of the constitution. Such, however, was the mildness of his manner, such the kindness of his disposition, such his candour, such his known personal disinterestedness, that, perhaps, there was not a member of congress who possessed, to an equal extent, the personal respect of those, who differed from him on this great and exciting question.

He was unremitting in his devotion to the duties of his station. To his constituents, he was faithful, to a degree not easily surpassed. Their interests were ever uppermost in his mind; and every act of legislation, which concerned them, received his unwearied attention, from its inception to its close. He made their affairs, public or private, which were committed to him, his own, till he had done all in his power, to accomplish what was desired. No labour was too great, in committee, on the floor, or in private conference with other members, when he saw the possibility of advancing the interests intrusted to his care.

Few persons had pursued their political career with more flattering success; but this success left Mr. Johnston perfectly unambitious. His total freedom from selfish aims, was one great cause of his influence and popularity. No one ever suspected, that he had a private end in view,

in any thing which he either did or forebore to do. During the administration of Mr. Adams, he ranked among the most prominent of the political friends of the President; and was known to be on the most intimate footing of confidence with the secretary of state. His character, talents, and merits, would have well warranted the executive, in gratifying any wish which could have been entertained for his higher advancement, by his warmest friends. But nothing would have pained him more, than to have had it thought, that he would permit interest to be made on his behalf, for any office in the gift of the administration. It was the wish of his friends, two or three years since, to tender him a nomination as Governor of Louisiana; but, highly as he respected the state of his adoption, he found no temptation in the honours of her chief magistracy. He had a passion for active efficient usefulness, and the honour and *eclat* of station were the part of it, which was not only not attractive, but peculiarly burdensome to him.

Mr. Johnston's disposition was eminently social. The Kentucky cordiality of manner, had in him been engrafted on the New-England discretion. He selected his intimate associates with care; but no one possessed, in a higher degree, the happy art of keeping up an agreeable and friendly intercourse, with a large number of persons, of various tempers and tastes. He adapted himself to every kind of society, with peculiar ease, and his company was equally welcome in all the circles of the metropolis,—political, fashionable, and domestic.

No man ever understood more thoroughly, or practised more faithfully, the sacred duty of friendship. His time, his advice, his purse, were freely bestowed, wherever they could serve a friend. He could sacrifice his convenience and interest with as much alacrity, in the service of a friend, as most men manifest in the pursuit of their own ends. His personal intercourse was characterized by great gentleness and suavity of manner. The rights and feelings of the absent, were always safe in his keeping; and he probably had passed through life, the object of as little personal enmity, as any public man in the country. Even party malignity, which spares so few, left him unassailed.

No man was more perfectly free from affectation and pretence. Honesty, cordiality, and singleness of purpose, were striking qualities of his character. He never made an effort to give himself consequence,—never attuned his voice to his

own praise; and wore the multiplied honours, which had been bestowed upon him, with the unconscious ease of true merit.

Nor was he less exempt from intrigue. Although the greater part of his life had been passed as a public man, in which capacity he had filled a succession of stations, most of them depending on popular favour, he knew the arts of the demagogue only as he saw them daily practised by others. He knew no path to public favour, but public usefulness. Content to serve the people, he never courted nor flattered them; and, residing in that part of the country where the personal interference of candidates in the elections is not discountenanced by public sentiment, probably no individual, who had been as long and as variously in public life, had left his advancement more entirely to the care of others.—*N. E. Mag.*

OLIVER WOLCOTT.

In New-York, on the evening of the first of June, 1833, OLIVER WOLCOTT, in the 74th year of his age. The name of Oliver Wolcott, signed by the father of him whose death is now commemorated, to the declaration of independence, is associated in our historical annals with nought but illustrious deeds. The signer of the declaration of independence, and who was afterwards made a Brigadier-general on the field of battle at Saratoga—and subsequently to the peace was long governor of Connecticut—had in him who is now gone to join the heroic band of the revolution, a worthy son. While yet a boy, he marched as a volunteer in the hastily mustered forces that repelled the British marauders, who, during the revolutionary war, attacked Danbury in Connecticut, and burnt Norwalk. His mother, with Spartan heroism, buckled on his knapsack, and placed the musket in his hands. His whole subsequent life proved that the virtues and patriotism of such parents were not degenerate in him. Educated for the bar, he had hardly entered upon his career when the discerning eye of Washington selected him for comptroller of the treasury; in which office he remained till Alexander Hamilton retired from the post of secretary of the treasury, when the same unerring judgment promoted the comptroller to the head of the department, and made him secretary. This office Mr. Wolcott filled, with unquestioned ability and integrity, during the residue of General Washington's administration, and the whole

term of that of John Adams. He was one of the circuit judges appointed by Mr. Adams under the judiciary act passed at the close of his administration, but which, ere it had well gone into effect, was repealed under Mr. Jefferson. Thus thrown out of public life, at the early age of forty, Mr. Wolcott removed to New-York in 1800, and commenced business as a merchant. He was soon at the head of a flourishing house in the China trade, and was president of the Merchants' Bank, and subsequently of the Bank of America. On the breaking out of the war with Great Britain, in 1812, he closed his mercantile concerns, and, under the full conviction that the war was both just and politic, gave the whole support of his name, and means, and talents, to the administration—differing therein from the political friends with whom he had always before acted. After the close of the war, Mr. Wolcott returned to his native village of Litchfield, in Connecticut, occupying himself in the quiet cultivation of a farm, and the society of his books. He was soon called by the voice of his fellow-citizens to preside over the state—as his father for many years had done before—and for ten successive elections he was chosen governor of Connecticut.

At the close of this period he removed again to New-York, to be in the vicinity of his children, who were settled there; and, living in great retirement and privacy, he there breathed his last. The character of Mr. Wolcott was strongly marked. Stern, inflexible, and devoted, in all that duty, honour, and patriotism enjoined, he was in private life of the utmost gentleness, kindness, and simplicity.

SAVARY, DUKE OF ROVIGO.

June 1. At Paris, the Duke of Rovigo, one of the ministers of France under the Emperor Napoleon.

Anne Jean Marie René Savary was a native of Mare, a little village in Champagne, and born April 26, 1774.

Like his father, major in the fortress of Sedan, Savary entered the army at an early age. His promotion was not rapid; though he served in the campaigns under Hoche, and Pichegru, and Moreau, at the time of the expedition to Egypt, he had obtained no higher rank than that of Lieutenant-colonel.

In the Egyptian campaign he was aid-

de-camp to General Dessaix, with whom he returned to France, and hastened to join the first consul, in Italy. When that brave chief fell at his side, he went to communicate the event to Buonaparte, who placed him on his personal staff.

Savary was not slow in perceiving that the surest way to fortune was the favour of the first consul, whose ready instrument he became. He neither hesitated to superintend the murder of the Duke d'Enghien, nor to preside over the most odious system of espionage ever devised. As head of the counter, or private police, his object was not merely to spy the spiers—to watch the motions of Fouché and his police—but to trace the footsteps of every one whom he suspected to be unfriendly to Buonaparte.

After the peace of Tilsit, Savary was sent on a mission to St. Petersburg, not so much to transact any important business, as to spy out the sentiments of the court and people. On his first arrival, the very inn-keepers refused to admit him. The emperor, indeed, received him with civility, but the empress and the whole court regarded him with equal scorn and hatred.

The next exploit of General Savary was to prevail on the Prince of the Asturias to meet Buonaparte at Bayonne.

When Napoleon, in the consciousness of power, declared that the house of Bourbon had ceased to reign, and that the crown of Spain must adorn the brows of his brother Joseph, Savary, whom he had created Duke of Rovigo, was sent to assume *ad interim* the command of the French forces at Madrid. He was soon recalled; and such was the indignation of the people at the part he had acted, in the imprisonment of Ferdinand, that he had the utmost difficulty to leave Spain alive. He disguised himself in mean apparel, and rode some miles in advance of his carriage.

In the Austrian campaign of 1809, Savary, as usual, accompanied the emperor, and served with some distinction. Soon after his return, (June, 1810,) on the disgrace of Fouché, he was presented with the portfolio of the general police; an appointment which gave great dissatisfaction to the Parisians.

It was Fouché's task to initiate the new minister into the secrets of his office; but according to his statement he did no such thing; he communicated only what he could not avoid; he showed the wheels

of the machine, but not the secret springs which put it in motion.

Savary soon proved that he was unfit to succeed so extraordinary a man as Fouché. The 23d of October, 1812, while the emperor was absent in Russia, he was seized in his own bed by the soldiers engaged in a conspiracy, and conveyed to prison, even without being allowed to put on his clothes. There, however, he did not long remain: the conspiracy was immediately suppressed, and the leaders punished. Napoleon censured him for want of vigilance, no less than for suffering himself to be conveyed to prison, but did not deprive him of his office. After the first abdication, Savary, as he was not well received by the king, retired to the country. He was deeply implicated in the plot for the emperor's return, yet that event brought him no other advantage beyond a seat in the chamber of peers, and the inspectorship of the *gens-d'armes*. The portfolio of police was given to Fouché. When, after the disasters at Waterloo, Napoleon fled to Rochfort, the Duke of Rovigo accompanied him, and would have proceeded with him to St. Helena, had not the British government opposed his intention, and landed him at Malta. Afraid to return to France, where the fate of Labedoyere and Ney might have awaited him, and not being permitted to reside in England, he proceeded, by the advice of a friend, to Smyrna. There, however, he did not find the repose for which he sighed. Through the French ambassador at the Porte, he was again constrained to depart, and with precipitation. In June, 1819, he landed in England, where he obtained permission to remain a short time. Tired of his wandering, uncertain course of life, he resolved to visit Paris, though he well knew that he had been condemned to death for contumacy by a council of war. He proceeded by way of Dover, Ostend, and Brussels, where he bought a vehicle, and, attended by an English officer, he audaciously passed the frontiers, and reached the capital without being arrested. A council of war was summoned—less to punish him, for the day of vengeance, and even of justice was past—than to revise the former sentence. He was unanimously acquitted, permitted to retain his honours and to live in retirement.

Since the accession of the house of Orleans, the Duke of Rovigo has again been employed in public service, as governor of Algiers. His death was owing to an inveterate cancer in the throat.

Iii

COMMODORE WILLIAM BAINBRIDGE.

July 27.—In Philadelphia, Commodore William Bainbridge, aged 59.

Commodore Bainbridge was born at Princeton, New-Jersey, on the 7th of May, 1774. At the age of 16 he was placed as an apprentice to the sea service, in the employ of Miller & Murray, merchants, of Philadelphia. In their employ he made many voyages, and rose to command. At 17 years of age, while mate of the ship *Hope*, on her way to Holland, the crew rose upon the officers, seized the captain, and had nearly succeeded in throwing him overboard, when young Bainbridge, hearing the alarm, ran on deck, with an old pistol without a lock, and being assisted by an apprentice boy and an Irish sailor, rescued the captain, seized the ringleaders, and quelled the mutiny. At the age of 19, he received the command of a ship, and from the year 1793 till 1798, he commanded merchant ships in the trade from Philadelphia to Europe. In the year 1796, on his way from Bordeaux to St. Thomas, in the ship *Hope*, with four small carriage guns and nine men, he had an engagement with a British schooner of 8 guns and 35 men, commanded by a sailing master in the navy, and after a smart action, compelled her to strike her colours. As, however, the two countries were at peace, and he, of course, acting on the defensive, he could not take possession of her; but sent her off contemptuously to make a report of her action.

In the month of July, 1798, he received, without any application on his part, an offer of the command of the U. S. schooner *Retaliation*, of 14 guns, to be employed against France, between which power and the United States hostilities had recently commenced. Having accepted the appointment, he sailed in the *Retaliation*, and accompanied the squadron under Commodore Murray, on a cruise in the West Indies. While cruising to the windward of Guadaloupe, the *Retaliation* was captured by two French frigates and a lugger, and taken into that island, where she remained three months. He reached home in February, 1799, and his exchange being soon effected, he received a commission of master-commandant, and sailed in the brig *Norfolk*, of 18 guns, on a second cruise to the West-Indies. Here he remained, convoying the trade of the United States, for some months, during which time he captured a French privateer, ran ashore another of 16 guns, destroyed a number of barges, besides taking several of the enemy's merchant vessels.

When he returned to the United States, he received a captain's commission, and was appointed to the command of the frigate *George Washington*, in which he shortly after sailed for Algiers, with the presents which the United States were by treaty bound to make to that regency. He arrived in safety at Algiers, on the 17th September, 1800, and was received with every demonstration of good feeling. In a few days, however, these friendly appearances vanished, and the Dey made a most unexpected and extraordinary demand, that the *George Washington* should carry his ambassador with presents to the grand seignior at Constantinople.

Captain Bainbridge resisted this unexampled demand vigorously for some time, till at length, exasperated by opposition, the Dey sent for him, and peremptorily demanded, that the frigate should go to Constantinople, threatening, in case of refusal, to make slaves of all the Americans in Algiers, to detain the frigate, and send out his cruisers against the defenceless trade of the United States. Moved by the danger to which the persons and commerce of his countrymen were exposed by his refusal, Bainbridge at length consented to receive the Algerine ambassador on board.

They sailed from Algiers on the 19th of October, and the frigate anchored at Constantinople in 23 days from her departure. The next day three officers were sent on board in succession, to know what ship that was, and what colours she had hoisted. They were told, it was an American frigate and an American flag. They said they did not know any such country. Captain Bainbridge then explained that America was the new world; by which name they had some idea of the country. After these inquiries the frigate came into the harbour, and Captain Bainbridge was received with unusual honours. The mission of the Dey of Algiers, however, failed in its objects, and after a month's delay, the *George Washington* sailed from Constantinople, carrying the Algerine ambassador's secretary back to Algiers, with an account of the unfortunate result of his embassy.

Bainbridge sailed from Algiers about the last of January, and arrived at Philadelphia in the month of April, 1801. Before his return, the cessation of hostilities with France had caused a reduction of the navy, and there were retained only nine captains, of which he had the satisfaction

of finding himself one. In the following June he received the command of the frigate *Essex*, which was built and presented to government by the merchants of Salem. About this time, the regency of Tripoli, emboldened by the success of the Algerines, commenced hostilities against the United States; to oppose which, a squadron of frigates, among which was the *Essex*, was sent to the Mediterranean. Here he continued for thirteen or fourteen months, but did not fall in with any of the Tripolitan cruisers.

He returned to New-York in July, 1802, and in May, 1803, was appointed to the command of the *Philadelphia*. In July he sailed in her to join the Mediterranean squadron, then under Commodore Preble. He was here employed in blockading the harbour of Tripoli, and, on the 31st of October, gave chase to a strange ship that was seen running for the harbour of Tripoli. The chase was unsuccessful, and the *Philadelphia* was returning, when, she ran upon rocks about four miles and a half from the town. As soon as she had grounded, the gunboats came out to attack her; but while she continued upright, with the few guns that could be brought to bear, she kept the enemy at a distance; but she soon lay over so much on one side that she could not use her guns. At length, after sustaining the enemy's fire for five or six hours, a council of war of all the officers unanimously advised a surrender. The magazine was therefore drowned; the arms and every article of value thrown overboard; the ship scuttled, the pump choaked, and the colours were then hauled down.

The frigate was plundered of every thing that could be got at, when the Tripolitans went on board. They took from Capt. Bainbridge his watch and epaulets, and the cravat from his neck; but with much struggling and difficulty he saved the miniature of his wife. The officers and crew, however, were pretty well treated as prisoners of war, after they were landed in Tripoli. Several attempts were made to escape, but all were unsuccessful. The prisoners were often obstinate, uncomplying, and mischievous; yet the Tripolitans who had charge of them were rarely provoked to punish them. They used often to say, that the Americans were the most difficult to manage of any people they had ever seen.

A treaty of peace between the United States and Tripoli was concluded in 1806, and on the third of June the prisoners

were liberated, after a confinement of thirteen months, and soon after sailed for America. Capt. Bainbridge was received rather as a returning conqueror than as a vanquished prisoner, and was acquitted of all blame by a court of inquiry held at his request.

From 1806, to 1812, he occupied himself part of the time in the merchant service, and the remainder of the time was employed in various naval duties. In 1812, he was appointed to the command of the Navy Yard at Charlestown; and on the arrival at Boston of Capt. Hull, after his victory over the British frigate *Guerriere*, he having applied for a furlough, Commodore Bainbridge was permitted to take command of the *Constitution*.

"In a few weeks he sailed, in company with the sloop of war *Hornet*, Capt. Lawrence, on a cruise to the East Indies. After parting company with Capt. Lawrence, he was running down the coast of Brazil, when on Thursday, the 29th of December, he discovered, about nine in the morning, two sail, one of which was standing off shore towards him. He immediately made sail to meet the strange ship, and finding, as he approached her, that she did not answer his private signals, proceeded out to sea in order to separate her from her companion, and draw her off the neutral coast. About one o'clock, having reached what he considered a proper distance from the shore, he hoisted his ensign and pendant, which was answered by English colours, and perceiving that she was an English frigate, (the *Java*, Captain Lambert,) he took in the royals, tacked, and stood for the enemy. The *Java* immediately bore down, intending to rake, which the *Constitution* avoided by wearing. The enemy being now within half a mile to windward, and having hauled down his flag, the *Constitution* fired a gun ahead to make him show his colours, and immediately poured in her whole broadside, on which English colours were hoisted, and the fire returned. On this the action became general, within grape and canister distance. In a few minutes the wheel of the *Constitution* was shot away; and in about a half an hour, Commodore Bainbridge finding that his adversary still kept too far off, determined to close with him at the risk of being raked. He therefore luffed up so close to the *Java*, that, in passing, her jib-boom got foul of the *Constitution's* mizen rigging; and having now gained a nearer position, he poured in so well-directed a fire, that in ten minutes he shot away the

Java's jib-boom and part of the bowsprit; in five minutes more the foremast went by the board—the main topmast followed—then the gaff and spanker boom, and lastly, the mizenmast, went nearly by the board. At five minutes past four, one hour and fifty-five minutes from the commencement of the action, the *Java's* fire was completely silenced, and her colours being down, Commodore Bainbridge supposed that she had struck; he therefore shot ahead to repair his rigging; but while he hove to for that purpose, discovered that her colours were still flying, although her mainmast had just gone by the board. He therefore bore down again upon her, and having got close athwart her bows, was on the point of raking her with a broadside, when she hauled down her colours, being a completely unmanageable wreck, entirely dismasted, without a spar of any kind standing. On boarding her, it was found that Captain Lambert had been mortally wounded, and that the *Java* was so much injured, that it would be impossible to bring her to the United States. All the prisoners and the baggage were therefore brought on board the *Constitution*, a service which it required two days to perform, there being but a single boat left between the two frigates. On the 31st she was blown up, and the *Constitution* put into St. Salvador. The *Java* carried forty-nine guns, and upwards of four hundred men: she was bound to the East-Indies, and had, in addition to her own crew, upwards of one hundred supernumerary officers and seamen, for different ships on the East-India station.

"Her loss was sixty killed; and among those was Captain Lambert. Of the wounded, the accounts varied from one hundred and one (which were ascertained positively) to one hundred and seventy.

"On board the *Constitution*, nine were killed, and twenty-five wounded, among whom was the Commodore himself.

"This victory was scarcely less honorable to Commodore Bainbridge, than the generosity with which he exercised the right of a conqueror. While on board, the prisoners were treated with the most respectful attention. Immediately on their landing at St. Salvador, they were set at liberty on parole, and received every article of their baggage; and particularly a service of plate belonging to General Hisslop, was carefully preserved and restored to him. These proofs of honorable courtesy were not lost on the prisoners, who expressed their gratitude in a manner as cre-

ditable to themselves as to the victors."

The decayed state of the Constitution, and other circumstances, combining to interfere with the original plan of the cruise, Commodore Bainbridge now left the *Hornet* to blockade a superior British force at St. Salvador, and returned to the United States.

This was the only action in which Commodore Bainbridge was engaged during the war. After the peace of 1815, having superintended the building of the Independence 74, he had the honour of waving his flag on board the first line of battle ship belonging to the United States, that ever floated. He was ordered to form a junction with Commodore Decatur, to cruise against the Barbary powers, who had shown a disposition to plunder our commerce. In company with his own squadron, he arrived before the harbour of Carthage, where he learned that Commodore Decatur had concluded a peace with the regency of Algiers. He now, according to his instructions, presented himself before Tripoli, where also he learned that Commodore Decatur had anticipated him by a previous visit. He returned to the United States on the 15th November, 1815; was afterward appointed one of the navy commissioners; and resumed the command at the Navy Yard in Charleston. His health had been declining some time before his removal to Philadelphia; and little or no hope of his recovery was entertained at that time.

COL. NICHOLAS FISH,

June 20th, 1833.—At New-York, Col. NICHOLAS FISH, aged 75 years.

Nicholas Fish was the only son of Jonathan Fish, whose grandfather removed to this country from Wales in the latter part of the 17th century. His mother was Elizabeth Sackett, of English parentage. Nicholas Fish was born in the city of New-York, 28th August, 1758. Having pursued his studies, preparatory to admission into college, under the late Bishop Moore, he entered Princeton College at the age of 16. He soon, however, left college, and commenced the study of the law in New-York, in the office of Gen. John Morin Scott, between whom and his pupil a strong and abiding friendship soon arose. At this time, Col. Fish joined a small debating society in Columbia College, of which Gen. Hamilton, Col. Troup, and Governor Lewis, were members, and there commenced an intimacy and friend-

ship with those individuals which was interrupted only by death.

At the commencement of the revolution, in the spring of 1776, he joined a volunteer corps raised in the city of New-York, under the command of Brig. Gen. Scott, by whom he was appointed his aid-de-camp, and on the 21st of June, 1776, he was appointed by the "Congress of the Colony of New-York," major of brigade in the New-York militia, under Gen. Scott's command. On the 21st of November following, he was appointed by Congress major of the second New-York regiment of the continental army, commanded by Colonel (afterwards Gen.) Pierre Van Cortlandt, and served with that rank during the revolutionary war, and was at the close, by a resolution of Congress, commissioned as lieutenant colonel. He was in the battles of the 19th September, and 7th October, 1777, at Bemis' Heights, in New-York, which preceded the surrender of Gen. Burgoyne's army, on the 17th day of October of the same year. Early in 1778, he was appointed by Gen. Washington a division inspector of the army under Gen. the Baron Steuben, who was then inspector-general of the continental army; and on the 28th June, 1778, Col. Fish commanded a corps of light infantry in the celebrated battle of Monmouth, New-Jersey. In 1779 his regiment and himself were in Sullivan's expedition against the Six Nations of Indians, in which, after enduring every privation, they succeeded in destroying the Indian power. In 1780 he was attached to a corps of light infantry under the command of Gen. Lafayette. In 1781 he went with his regiment into Virginia, and took a very active part in the battles which eventuated in the surrender of the British army commanded by Lord Cornwallis, on the 19th of October, in that year. He was a major of the corps of infantry, commanded by Colonel (afterwards General) Hamilton, which so gallantly stormed one of the British redoubts at Yorktown. In 1782, Col. Fish was with the main army under Gen. Washington, at Verplanck's Point, in New-York, and continued there, at West Point, and at the cantonment at Newburgh, until the close of the revolutionary war. Col. Fish's character in the army was that of an excellent disciplinarian and a very gallant soldier; and he possessed in a very high degree the confidence of Washington, Lafayette, and Hamilton. After the war he returned to his native city, which he entered with the American army, on the 25th November, 1783. Here,

at the age of 25, finding his sword and good name his only inheritance, his first resolution was to continue in the army; but a soldier's life in time of peace little suited the feelings of a youthful, ardent temperament, flushed with recent triumph, and ambitious of future advancement. He therefore resigned his commission in the army of the United States, and received the appointment of Adjutant General of the State of New-York in April, 1786, which office he held for many years, and the duties of which allowed an attention to his other callings.

At the time of the formation of the federal constitution, he attached himself warmly to the party which advocated its adoption, and which subsequently gave its cordial support to the administration of him who was "first in war, and first in peace." In 1794, he was appointed by President Washington, supervisor of the revenue for the district of New-York, which office he held until the change of parties brought Mr. Jefferson into power, and Col. Fish was selected as one of those who were to make room for the appointment of some partisan of the new administration.

In the year 1806, Col. Fish was elected an alderman of the city of New-York, and was annually returned for ten successive years, and previous to and during the late war, he held the station of chairman of the committee of defence, under whose direction the fortification of the harbour and adjacent country was conducted.

In 1817 he retired to private life, with a determination never again to mix in the active scenes of public employment, nor to take any active part in the political strifes of the day; a resolution which, to the end of his life, he rigidly observed, with the single exception that at the time of the alteration of our state constitution, he opposed the calling of the convention, and with his own consent was a candidate for a seat in that body. His subsequent years were passed in a quiet and pleasant retirement, surrounded by a circle of devoted friends. To the close of his life, he continued an active member of many of the benevolent, literary, and religious institutions of his native city, and on the 20th of June, 1833, quietly terminated an useful, honourable, and unimpeachable course.

WILLIAM WILBERFORCE, Esq.

July 29, 1833.—At the house of Mr. Smith, in Cadogan place, aged 73, William Wilberforce, Esq., M. A., the venerable opponent of slavery.

He was the son of Robert Wilberforce, Esq., a merchant of Hull, and grandson of William Wilberforce, Esq., who twice served the office of mayor of that town.

Mr. Wilberforce was born August 24, 1759. He was educated at the free school of Pocklington; and afterwards at St. John's college, Cambridge, where he graduated B. A. 1781, M. A. 1788. Having become of age only a few weeks before the election of 1780, he was almost unanimously returned as one of the representatives of his native town; and at the election of 1784, he was not only re-elected for Hull, but also chosen for the county of York, for which he made his election.

It was at the particular solicitation of the celebrated Mr. Clarkson that Mr. Wilberforce was first induced to interest himself on the subject of slavery. Having also undertaken to bring the matter before the house of commons, he gave notice of that intention soon after the meeting of parliament in 1787. In 1788 he was for some time very ill, and in consequence of petitions on the subject from all parts of the country, Mr. Pitt brought forward a motion in his name, hoping that by the next session Mr. Wilberforce would himself be able to take the conduct of it. The business was not, however, proceeded with until nearly twelve months afterwards, when Mr. Wilberforce's first motion respecting the trade in slaves was carried without a division; in the next, however, he was less successful, for in 1791 his motion to bring in a bill to prevent the further importation of African negroes into the British colonies, was lost by a majority of 75. In 1792, having doubled his efforts, and been greatly assisted in them by Mr. Fox and Mr. Pitt, they were crowned with success, and the question for a gradual abolition of the trade was carried, only 85 having voted against it. In 1807 an act for the total abolition of the trade by British merchants, completed all that the legislature could accomplish on that branch of the question.

In 1797 Mr. Wilberforce published "An Apology for the Christian Sabbath;" and also a work entitled "A Practical View of the prevailing Religious System of Professed Christians in the Higher and Middle Classes of this Country contrasted with real Christianity," which has had a very extensive circulation, having passed into three editions within twelve months of its publication, and twelve or fifteen since.

Mr. Wilberforce was re-elected for the county of York, at the elections of 1790, 1796, 1802, and 1806; but at the election of 1807 had to encounter a powerful com-

petition from the two great families of Fitzwilliam and Lascelles, who were each supposed to have spent upwards of 100,000*l.* upon the contest. Mr. Wilberforce, however, was supported by a public subscription collected throughout the county, and was again successful.

In 1813 Mr. Wilberforce retired from the representation of Yorkshire; and was elected for Bramber, for which borough, he also sat in the two subsequent parliaments, until he finally retired from his senatorial duties, by accepting the Chiltern Hundreds, in 1825. He had then sat in parliament for forty-five years.

Mr. Wilberforce possessed in perfection two most essential attributes of popular declamation—the choicest flow of pure and glowing English, and the finest modulation of a sweet and powerful voice. The exclusive and limited system of opinions which he adopted, not only with sincerity but with passion, rendered him earnest, vehement, affecting, where a philosopher would be indifferent and frigid. In the course of his parliamentary career, he supported Catholic emancipation and parliamentary reform; reprobated the lotteries as injurious to public morals; insisted that the employment of boys of a tender age in the sweeping of chimnies was a most intolerable cruelty; and, shortly after the hostile meeting took place between Tierny and Pitt, attempted, although in vain, to procure a legislative enactment against duelling. By the present lord chancellor he has been described as the “venerable patriarch of the cause of the slaves; whose days were to be numbered by acts of benevolence and piety; whose whole life had been devoted to the highest interests of religion and charity.”

In 1823 Mr. Wilberforce published an “Appeal to the Religion, Justice, and Humanity of the Inhabitants of the British Empire, on behalf of the Negro Slaves in the West-Indies.” He was the writer of an introductory essay to Wetherspoon’s Treatises on Justification and Regeneration, in a series of Christian Authors, published at Glasgow; and he also made many communications to the Christian Observer.

Mr. Wilberforce married, at Walcot Church, near Bath, May 30, 1797, Barbara, the eldest daughter of Isaac Spooner, Esq. of Eldon House, in Warwickshire, by whom he has left four sons.

The spot selected for Mr. Wilberforce’s last resting-place is within about three yards of the tombs of Canning, Pitt, and Fox, nearly equi-distant from each. Mr. Wilberforce was in person below the mid-

dle size, of a spare habit, and of rather a weakly constitution; nor were his great oratorical exertions unattended by subsequent suffering. But his main characteristic was philanthropy, and that philanthropy took its origin in love to God; it was kindled at the sacred fire of Divine love, and burned with a bright and steady lustre, because it was daily replenished from its hallowed source.

MRS. HANNAH MORE.

Sept. 7, 1833.—At Windsor-terrace, Clifton, in her 88th year, Mrs. Hannah More.

This deservedly celebrated lady was born in 1744, at Stapleton, Gloucestershire. She was one of the five daughters of a school-master, who at the time of her birth, kept the charity school at the Fishponds, Stapleton. His means were not sufficient to give his children many of the advantages of education; but this deficiency was supplied by their own talents and perseverance; and the literary abilities of Hannah having been made known to some of the neighbouring gentry, a subscription was formed for establishing her and her sisters, in a school of their own.

Her first publication, “The Search after Happiness, a pastoral drama,” was written when the authoress was eighteen years of age, although not published until 1773, when it was dedicated to Mrs. Gwatkin, of Cornwall, through whose means the Misses More, had obtained many pupils from that county and Devonshire. Another of their warmest friends was the Rev. Sir James Stonehouse, Bart., who was a very popular preacher at Bath Abbey Church. The establishment proved eminently successful, and for a long series of years stood foremost among the female schools in the west of England.

Miss More’s next production, was “The Inflexible Captive, a Tragedy,” printed in 8vo., 1764. It was founded on the story of Regulus, and was acted one night at Bath. In the same year, she published “Sir Eldred of the Bower, and the Bleeding rock, two Poetical Tales.”

Through the means of Sir James Stonehouse, she was now introduced to Mr. Garrack, and her intimacy is marked by an “Ode to Dragon, Mr. Garrick’s house-dog,” which was printed in 4to., 1777. Her tragedy of Percy, which was her next and best approved dramatic work, was brought forward at Covent Garden.

Her last tragedy, “The Fatal Falsehood,” was produced in 1779, but acted for only three nights, at Covent Garden.

Shortly after, her opinions on public theatres underwent a change; and, as she has herself stated in the preface to the third volume of her works, "she did not consider the stage in its present state as becoming the appearance or countenance of a Christian; on which account she thought proper to renounce her dramatic productions, in any other light than as mere poems."

In 1785, Miss More wrote a biographical preface to the poems of Ann Yearsley, the milk-woman, a person by whom she was subsequently treated with singular ingratitude, and which led to some bitter satirical attacks; a collection of the controversy on which would form an octavo volume. In 1786, she published "Florio, a Tale for Fine Gentlemen and Fine Ladies;" and the "Bas Bleu, two poems;" and in 1786, "Slavery," a poem.

Her first prose publication was "Thoughts on the Importance of the Manners of the Great," printed in 1788; and followed, in 1791, by her "Estimate of the Religion of the Fashionable World," both of which attracted considerable attention.

About the same time, she wrote a series of cheap "Tales of the Common People," one of the most popular of which was "The Shepherd of Salisbury Plain." In 1793, she published "Village Politics," in 12mo.; and after retiring about this period from the school at Bristol, to a residence at Mendip, she actively employed herself in establishing schools in that rude mining district. In 1793, she published, "Remarks on the Speech of M. Du Pont in the National Convention, on Religion and Education." In 1799, appeared her "Strictures on the Modern System of Female Education;" a work which so greatly confirmed her already high character as a preceptress, that, when the education of the Princess Charlotte of Wales became a subject of serious attention, her advice and assistance were requested by Queen Charlotte. Her ideas on the subject were afterwards given to the world, under the title of "Hints towards forming the Character of a Young Princess," 2 vols. 8vo. 1805.

In 1809, appeared in 2 vols. 8vo., her "Celebs in search of a Wife." The title of this work was attractive, and the subject captivating, especially to young persons; and it was seasoned throughout with a happy vein of sarcasm, which enlivened the conveyance of its graver morals. There were no less than ten editions in less than one year.

Her chief subsequent productions were:—"Practical Piety, or the Influence of the

Religion of the Heart on the Conduct of Life," 2 vols., 1811; "Christian Morals," 2 vols., 1812; "Essay on the Character and Writings of St. Paul," 2 vols., 1815; and "Moral Sketches of Prevailing Opinions and Manners, Foreign and Domestic, with Reflections on Prayer." The collection of her works is comprised in eleven octavo volumes.

Few persons have enjoyed a higher degree of public esteem and veneration than Mrs. Hannah More. Early in life she attracted general notice by a brilliant display of literary talent, and was honoured with the intimate acquaintance of many highly eminent individuals. But she quitted in the prime of her days the bright circles of fashion and literature, and devoted herself to a life of active Christian benevolence, and to the composition of various works having for their object the religious improvement of mankind. Her practical conduct beautifully exemplified the moral energy of her Christian principles. She was the delight of a widely-extended sphere of friends, whom she charmed by her mental powers, edified by her example, and knit closely to her in affection by the warmth and constancy of her friendship.

Mrs. More, is said to have realized upwards of 30,000*l.* by her writings. Her charitable bequests amount to upwards of 10,000*l.*

RAJAH RAMMOHUN ROY.

Sept. 27, 1833—At Stapleton Park, the residence of Dr. Lant Carpenter, near Bristol, the Rajah Rammohun Roy.

This learned Brahman, who, during his sojourn in this country has attracted a large portion of public attention, was the son of Ram Hant Roy. His grandfather resided at Moorshedabad, and filled some important offices under the Moguls; but being ill-treated by them towards the end of his life, his son took up his abode in the district of Bordouan, where he had landed property. There Rammohun Roy was born. After studying at Benares, and travelling to Persia and other countries of the East, he accepted employment under the East India Company, and attained the highest trust which could be enjoyed by a native, that of *dewan*, or revenue officer of the province of Rungpoor. Here he formed a friendship with Mr. Digby, a servant of the company, who assisted him in acquiring the English language.

The body of Hindoo theology is comprised in the Veds, which are writings of

very high antiquity, very copious, but obscure in style. Rammohun Roy translated them into the Bengalee and Hindoo language, for the benefit of his countrymen; and afterwards published an abridgment, for gratuitous and extensive distribution, of which he published an English translation in 1816. He subsequently printed, in Bengalee and in English, some of the principal chapters of the Veds.

The father, Ram Hant Roy, died about 1804 or 5, having divided his property among his three sons. It was not long before Rammohun Roy became the only survivor; and he thereby possessed considerable property. From this period he appears to have commenced his plans of reforming the religion of his countrymen; and in the progress of his efforts to enlighten them, he must have expended large sums of money, for he gratuitously distributed most of his works which he published for the purpose. He now quitted Bordouan and removed to Moorshedabad, where he published in Persian, with an Arabic preface, a work entitled "Against the Idolatry of all Religions." No one undertook to refute this book; but it raised up against him a host of enemies, and in 1814 he retired to Calcutta, where he applied himself to the study of the English language both by reading and by conversation; and he also acquired some knowledge of Latin, and paid much attention to the mathematics.

On directing himself to the Christian religion, Rammohun Roy found himself much perplexed by the variety of the doctrines which he found insisted upon; he resolved, therefore, to study the original Scriptures for himself; and for this purpose, he acquired the knowledge of the Hebrew and Greek languages. Becoming strongly impressed with the excellence and importance of the Christian system of morality, he published in 1820, in English, Sanscrit, and Bengalee, a series of selections, principally from the three first Gospels, which he entitled "The Precepts of Jesus, the Guide of Peace and Happiness." He passed by those portions of the Evangelists which have been made the basis of distinctive doctrines; and also (except where closely interwoven with the discourses of Christ) the narratives of miracles, believing these not fitted to effect the convictions of his countrymen. This work brought upon him some severe and unexpected animadversions in "The Friend of India." Under a designation of "Friend to Truth," Rammohun Roy published "An Appeal to the Christian

Public in defence of the 'Precepts of Jesus';" in which he declares, "That the compiler believed, not only in one God, whose nature and essence is beyond human comprehension, but in the truths revealed in the Christian system." Dr. Marshman, of Serampore College, also published a series of animadversions, which led to a very remarkable reply from Rammohun Roy, with his name prefixed, which is distinguished by the closeness of his reasoning, the extent and critical accuracy of his Scriptural knowledge, the comprehensiveness of his investigation, the judiciousness of his arrangement, the lucid statement of his own opinions, and the acuteness and skill with which he controverts the position of his opponents.

His long-formed purpose to visit Europe, and England in particular, seems to have been suspended by legal proceedings, which were instituted for the purpose of depriving him of caste, and thereby of his patrimonial inheritance; but which, at an immense expense, and by means of his profound acquaintance with the Hindoo law, he eventually defeated. At length, the Emperor of Delhi having given him, by firman, the title of Rajah, he embarked for England, where, shortly after his arrival, he was presented to his Majesty by the President of the Board of Control, and had a place assigned to him at the Coronation among the ambassadors.

While in London he was present at several anniversary dinners, and other public meetings; and repeatedly attended the worship of the Unitarians, at their different chapels in or near the metropolis. It was, however, his system to avoid so far identifying himself with any religious body, as to make himself answerable for their act and opinions; and he also wished to hear preachers of other denominations, who had acquired a just celebrity.

The Rajah died of a fever, accompanied by inflammation of the brain. In consequence of a dread of further attacks on the property and the caste of his children, on the part of his bigoted countrymen, in case his body should have been deposited in a Christian cemetery, it was silently interred, October 18, within the precincts of Stapleton Grove.

It is added that, so soon as he thought himself seriously ill, he called his native servant, Ram Rotton, to him, and directed him to closely observe all his actions, that he might on his return to India testify to his countrymen that he had never changed his religion, or lost his caste.

FERDINAND VII., KING OF SPAIN.

Ferdinand VII., King of Spain and the Indies, son of Charles IV., and of Maria Louisa of Parma, was born in the Palace of St. Ildefonso, on the 14th of October, 1784; consequently, at his demise, (September, 1833,) he had not quite completed his 49th year. At the age of six, he was proclaimed Prince of the Asturias. On the 19th of March, 1808, upon the abdication of his father (who lived till the 19th of January, 1819,) he ascended the throne. Six or seven years previously to this, Godoy, the Prince of Peace, undertook to bring about a marriage between Ferdinand and a Princess of England; but the rupture with Britain put a stop to the negotiation, and a double alliance was concluded between the heir of Spain, with his cousin, Maria Antoinette, daughter of Ferdinand IV., King of the Two Sicilies, and between the Prince Royal (now King of the Two Sicilies) and the Princess Maria Isabella, of Spain. The marriage took place in 1802. Ferdinand was devotedly attached to his wife; but she was hated by the King and Queen of Spain; and, after a life spent chiefly in melancholy retirement, she died childless, suddenly, and not without suspicion of poison.

Godoy proposed, as a second wife for Ferdinand, a French lady of the house of Beauharnois; but the Prince refused the connexion. It was not until the year 1816, that King Ferdinand again married. He was then united to his own niece, the Infanta Isabella of Portugal, daughter of King John VI. She died on the 26th of December, 1818; and, in 1819, he married his third wife, Maria Josephine, daughter of Prince Maximilian of Saxony. Her Majesty died on the 17th of May, 1829. Shortly afterwards, he married his surviving Queen, Maria Christina, (born April 27th, 1806,) third daughter of Francis I., present King of the Two Sicilies, and consequently, niece of Ferdinand. By her, he had a daughter, Donna Isabella, in favour of whose succession he obtained the sanction of the Cortes.

Ferdinand's eldest brother, Carlos Maria Isidore, was born on the 29th of March, 1788; and he married, on the 29th of September, 1816, the Infanta Maria Frances, daughter of John VI. of Portugal; by whom he has three sons, the eldest of whom is in his sixteenth year.

MARSHAL JOURDAN.

Nov. 23.—At Paris, aged 71, Marshal Jourdan, Governor of the Hotel des Invalides.

In 1790, he became Captain of Chas-
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seurs in the National Guard of his native town.

In 1791 he commanded a battalion of volunteers of Haute-Vienne, which he led to the army of the North, and distinguished himself under Dumourier in the campaign of Belgium. His military talents were appreciated; and, in May, 1793, he obtained the rank of General of Brigade. In 1794 he was advanced to the command of the army of the Moselle. At the head of these troops he gained the victory of Fleurus, and planted his colours on the Rhine from Coblenz to Clevés.

In the succeeding year he crossed the Rhine, and maintained the war with various success till 1796. In 1797 he started in his political career, having been nominated to the Council of Five Hundred. On the 18th Brumaire he was among those who foresaw the ambitious views of Bonaparte, and who acted on the reserve. The Emperor eyed him with disfavour, but he eventually rendered justice to his deserts and his unbending integrity.

In 1802 he was called to the Council of State; the year succeeding saw him at the head of the army of Italy: and on the memorable 19th of May, 1804, he was created a marshal; but on the breaking out of the Austrian war (1805) he was superseded by Massena, an indignity of which he complained. In 1806 he governed Naples under Joseph Bonaparte; and in 1808 he accompanied that personage to Spain as his major-general. In the latter post Marshal Jourdan was overwhelmed with disgust, and his counsels were met with contempt, by the courtiers who surrounded the King of Spain; he demanded and obtained his recall at the close of 1809.—However, when the Russian campaign was decided, to his chagrin he was sent back to Spain, where he conducted the inglorious retreat from Madrid, and was at length overwhelmed in the ruin of Vittoria. Jourdan had already the reputation of having sustained more defeats than any other French general; but this last threw all his former ill success into the shade. Jourdan retired to Paris. There he quietly watched the declining fortunes of his master; after whose abdication he received a command from Louis.

When Bonaparte returned from Elba, Jourdan retired into the country. He was one of the first to recognise the authority of Louis after the second restoration. In 1817 he was placed over the seventh military division, and in the year following, was admitted among the new peers. During the first days of the revolution of July, he was called to the ministry for Fo-

reign Affairs, but the men of the next day came in, and he willingly surrendered to them his place. Shortly afterwards he was appointed Governor of the Invalids, where he made himself as beloved by the aged warriors under his care as he had been by the soldiers when he was in the army.

Marshal Jourdan was the last representative of the military glories of the Republic. "Jourdan is a poor general," said Napoleon, at St. Helena; "but he possessed the virtues, rare among his competitors, of honour, integrity, and humanity."

GENERAL INDEX

FOR THE

FIFTH, SIXTH, SEVENTH AND EIGHTH VOLUMES

OF THE

AMERICAN ANNUAL REGISTER :

Comprehending from 4th March, 1829, to 1834.

A.

Acts of Congress—

- Relating to the navy and naval service, vol. v. 205. vii. 330.
Relating to the army, v. 228. 229. viii. 402.
Relating to pensions and pensioners, v. 205. viii. 330. 331. 336. 338.
Relating to drawbacks, v. 206.
Relating to appropriations, v. 206. 235. viii. 393. 395. 402.
Relating to the public lands, v. 206. 207. 218. 221. 225. 227. 228. 229. 231. vi. 203. 207. 209. 213. 227. vii. 329. 331. 334. 337. 340. 341. 342. 355. 356. viii. 404. 410.
Relating to taking 5th census, v. 207.
Relating to improvements of certain harbours, v. 213.
Relating to the judiciary, v. 215. 218. 231. vi. 208. 226. vii. 330. 332.
To reduce duties and for the collection of duties, vi. 217. 222. 229. vii. 347. viii. 394. 396. 397. 401.
For the distribution of books, v. 219.
For the removal of the Indians, v. 224.
To appoint a solicitor of the treasury, v. 225.
To regulate the commercial intercourse with colonies of Great Britain, v. 230.
Relating to revolutionary soldiers, v. 232. 234.
Relating to repeal of tonnage duties, v. 233.
Relating to copy rights, vi. 203.
Relating to convention between United States and Denmark, v. 210.
Relating to the District of Columbia, vi. 211. 217. vii. 335. viii. 403. 409.
Relating to insolvent debtors, vi. 214. vii. 353.
Relating to the United States Road, vi. 222. viii. 405.
Relating to fortifications, vii. 330.
For extending the benefits of vaccination, vii. 332.
For the apportionment of representatives, vii. 333.
For exempting Portuguese vessels from tonnage duties, vii. 334.
Concerning patents for useful inventions, vii. 339. 345.
To carry into effect convention with the king of the French, vii. 345.
To enforce quarantine regulations, vii. 345.
Relating to territorial government in Florida, vii. 354.
Alabama, viii. 296.
Algiers. Expedition against, v. 279. Surrender of, v. 301. Colonization of, v. 305.
Ancona. The French take possession of, vii. 189.
Antwerp. Citadel reduced by the French, vii. 192.
Appropriations, vi. 80. 119. vii. 123. viii. 189.
Austria. Treaty with, vi. 78.

B.

- Bank of U. S., v. 147. vii. 69. viii. 21. 185.
Belgium. Declaration of Independence, vi. 217. Exclusion of the House of Orange, vi. 218. Election of Prince Leopold, vi. 222. Hostilities commenced by Holland, vi. 223. Opening of the Belgic Chambers, vi. 224.
Belgium. Treaty with, viii. 31.
Berri, Duchess of, vii. 188. viii. 212.
Black Hawk, capture of, vii. 12.
Bolivar, his death, v. 242.
Bourbons, banished from France, vii. 180.
Brazil. Treaty with, v. 33.
Bristol. Riots at, vi. 280. Trial of rioters, vii. 203.

Brussels. Revolution at, v. 410.
 Buenos Ayres. Condition of the country, v. 244. Civil war, v. 245. Treaty with Santa Fe, v. 247. Rosas elected governor, v. 247. Invasion of Cuyo, v. 249. Meeting of legislature, v. 250. Monte Video, v. 250.

C.

Calhoun, John C. rupture with President Jackson, v. 25.
 Capo d'Istria, assassinated, vi. 162.
 Census for 1830, vi. 375.
 Cherokees. Treaty with them, v. 43. Condition of Cherokees, v. 45. Their constitution, v. 46. Their controversy with Georgia, v. 5. Proceedings in Congress respecting Cherokees, v. 53.
 Chili. Treaty with, viii. 31.
 Choctaw Indians. Treaty with, vi. 84.
 Cholera, its origin, progress, &c. vii. 21.
 Colombia. Mosquera elected President, v. 222. Congress convoked, v. 223. Revolt of Cordova, v. 224. Bolivar resigns, v. 230. Bolivar's message to congress, v. 231. Mosquera chosen president, v. 237. Commotions at Bogota, v. 239. General Sucre assassinated, v. 239. Bolivar re-assumes the government, v. 241. Bolivar's death, v. 242. Physical aspect of Colombia and productions, vi. 123. Government under Spain and religion, vi. 125. Character of the people, vi. 126. Miranda's expedition, vi. 131. Independence, vi. 136.
 Commerce of United States, v. 493. vi. 19. 25. vii. 22. viii. 28.
 Connecticut, v. 528. vi. 320. vii. 343. viii. 247.
 Creek Indians. Treaty with, vii. 94.

D.

Debt of United States, viii. 6.
 Delaware, v. 559, vi. 340. vii. 253. viii. 268.
 Denmark. Claims on, v. 27. Settlement of claims, v. 27. Convention with, v. 49.
 Diplomatic corps, v. 469.
 Duties in 1829, v. 477.

E.

England. Catholic question, v. 420. Meeting of parliament, v. 424.

Speech from the throne, v. 427. Character of George IV., v. 435. Death of George IV., v. 433. Accession of William IV., v. 440. Dissolution of parliament, v. 442. Threatened riots in London, v. 451. Duke of Wellington resigns, v. 455. Earl Grey, Premier, v. 459. Parliamentary reform, v. 460. Riots in the country, v. 465. State of public feeling, vi. 235. Meeting of Parliament, vi. 258. The church, vi. 258. The privy list, vi. 259. Reform bill, vi. 262. Passed House of Commons and rejected by House of Lords, vi. 276. Public excitement, vi. 279. Riots at Bristol, vi. 280. Political unions, vii. 201. Reform bill introduced, vii. 202. Trial of Bristol rioters, vii. 203. Second reading of reform bill, vii. 205. Ministers defeated in committee, vii. 207. Ministers resign, vii. 208. Public excitement, vii. 209. Reform bill passes, vii. 211. Nature of reform, vii. 213. Tithes, vii. 216. West India emancipation, v. 222. Dissolution of Parliament, vii. 225. Elections, viii. 196. Bank of England, viii. 206. Reduction of taxes, viii. 208. Tumult in Cold Bath Fields, viii. 209.
 Executive officers, v. 469. vi. 1. vii. 1. viii. 1.
 Expeditures, v. 458. vi. 13. vii. 15. viii. 9. 19.
 Exports, v. 512. vi. 35. vii. 37. viii. 63.

F.

Falkland Islands, viii. 16.
 Federal Government. Powers of, v. 63.
 Ferdinand, king of Spain, his death, viii. 217.
 France. Claims on, v. 26. Origin of claims, v. 26, 28. Treaty with, vi. 81.
 France. Vicissitudes in, v. 251. Polignac ministry, v. 252. Public opinion, v. 253. Lafayette at Lyons, v. 253. Breton association, v. 257. Parisian Café's, v. 259. Journalism, v. 262. The Moniteur, v. 263. Polignac's position in regard to the press, 269. Jesuits, v. 271. District of the Jesuits, v. 272. Assembling of the Chambers, v. 278. Expedition against Algiers, v. 279. State of parties, v. 281. Speech of the

- king, v. 285. Address of the Deputies, v. 287. Dissolution of the Chambers, v. 291. New ministers, v. 291. Elections, v. 292. Algiers expedition, v. 294. Surrender of Algiers, v. 301. Colonization of Algiers, v. 305. Ministerial arrangements, v. 306. State of parties, v. 310. The ordinances, v. 312. Their effect, v. 316. Protest of journalists, v. 318. Police arrangements, v. 326. "The three days," v. 328. Marmount, v. 329. Dispersion of the people, v. 330. Deputation of citizens, v. 337. Civil war, v. 338. Movements of the troops, v. 343. Polytechnic school, v. 347. Capture of the Louvre, v. 353. Evacuation of Paris, v. 354. Conduct of the people, v. 356. Provisional government, v. 357. Lafayette, v. 358. Proposal of the king, v. 359. Duc d'Orleans made lieutenant general, v. 361. State of Paris, v. 364. Proceedings of the Chambers, v. 380. New charter, v. 388. Duc d'Orleans king, v. 391. Impeachment of ex-ministers, vi. 293. State of Paris, vi. 297. New ministry, vi. 300. State of parties, vi. 302. vii. 178. Banishment of the Bourbons, vii. 180. Riots at Lyons, vii. 181. Death of Casimir Perrier, vii. 184. Riots of June, vii. 186. Duchess of Berri, vii. 188. viii. 212. Landing at Ancona, vii. 189. Reduction of citadel of Antwerp, vii. 192. Policy of Louis Philippe, viii. 210. Return of French army from Belgium, viii. 211. Meeting of Chambers, viii. 211. American indemnity bill, viii. 212.
- G.
- Georgia, v. 575. vi. 356. vii. 265. viii. 291. Conduct of Georgia on Indian affairs, vi. 26.
- George IV., his death and character., v. 435.
- Germany. Importance of, vi. 137. Constitution of the Holy Roman Empire, vi. 139. German confederacy, vi. 141. Literature in Germany, vi. 146. Journals, vi. 147. Insurrections, vi. 150. vii. 193.
- Governors of states, v. 475. vi. 5. vii. 5. viii. 5
- Greece, vi. 159. vii. 195. Leopold offered the Greek crown, vi. 160.
- State of Greece, vi. 160. Greek fleet destroyed, vi. 162. Capo d'Istria assassinated, vi. 162. Arrival of king Otho, at Napoli, viii. 222. Greek ministry, viii. 222. State of commerce, viii. 223.
- H.
- Hanover, vii. 193.
- Holland. Claims on, v. 30.
- I.
- Illinois, v. 599. vi. 372. vii. 279. viii. 323. Imports, v. 503. vi. 30. vii. 31. viii. 47.
- Indiana, v. 598. vi. 371. vii. 278. viii. 319.
- Indian bill, 1830, v. 189.
- Indian annuities, v. 514.
- Internal improvements, v. 10. 191. vi. 68. vii. 158.
- J.
- Jackson, Andrew, inaugurated President, v. 9. His political principles, v. 11. Inaugural address, v. 14. His cabinet, v. 16. His professions on executive patronage, v. 29. Chosen President 2d term, viii. 16.
- K.
- Kentucky, v. 588. vi. 365. vii. 274. viii. 311.
- L.
- Lafayette, his reception at Lyons, v. 256. Commander of the National Guard, v. 358.
- Land offices, vii. 13. viii. 17.
- Law cases and legal decisions.
- James Jackson, ex dem. Haman & Hart vs. Elias Lamphire. Conflicting claim to a military tract in state of New York, v. 293.
- Hiram Craig, John Moore and Ephraim Moore, vs. State of Missouri. Construction of an act of Missouri establishing Loan Offices, v. 241.
- John Souldard, widow & others, vs. the United States. John T. Smith appellant, vs. the United States, on claims of land in State of Missouri, claimed under titles from the Spanish government, v. 260.
- The Providence Bank, plaintiffs in error vs. Alpheus Billings and Thomas G. Pitman. Construction of an act taxing banks, v. 261.

- The Cherokee Nation vs. the State of Georgia**, vi. 229.
- The State of New-Jersey**, complainant, vs. the people of the State of New-York, for the purpose of ascertaining and settling the boundary between the two states, vi. 261. vii. 363.
- Pierre Menard**, plaintiff in error, vs. **Aspacia**, defendant in error, vi. 264.
- Asa Greene**, plaintiff in error, vs. the lessee of **Henry Neal**, defendant in error. Construction of statute of limitation of state of Tennessee, vii. 358.
- Samuel A. Worcester**, plaintiff in error, vs. the State of Georgia. Constitutionality of acts of Georgia, relating to Indians, vii. 364.
- State of Georgia vs. Samuel A. Worcester**, **Elizur Butler** and others. Indictment for a misdemeanour, vii. 365.
- The State of Georgia vs. B. F. Thompson** and others, and the State vs. **Elizur Butler**, **Samuel A. Butler** and others. Indictment for residing in the Cherokee nation without license, vii. 366.
- Samuel A. Worcester vs. the State of Georgia**. Opinion of the supreme court of the United States, vii. 367.
- Light House bill lost, viii. 192.
- Louisiana v.** 583. vi. 361. vii. 271. viii. 304.
- Louis Philippe**, king of the French, his policy, viii. 210.
- Lyons**, riots at, vii. 181.
- M.
- Maine**, v. 519. vi. 305. vii. 229. viii. 227.
- Malay forts destroyed**, vii. 18.
- Mamiout**, v. 329.
- Maryland v.** 560. vi. 342. vii. 254. viii. 271.
- Massachusetts**, v. 523. vi. 314. vii. 258. viii. 234.
- Mexico**, condition of the country, v. 217. Invasion from Havana, v. 218. Defeat of invaders, v. 218. Abdication of **Guerrero**, v. 220. **Bustamenta** chosen President, v. 221.
- Mexico**, treaty with, vii. 20. 76.
- Missionaries** condemned in Georgia, vi. 30.
- Mississippi**, v. 582. vi. 360. vii. 270. viii. 301.
- Missouri**, v. 582. vi. 360. vii. 270. viii. 324.
- Monte Video**, v. 250.
- N.
- Naples**, claims on adjusted, vii. 19. Convention with, viii. 130.
- Navy promotions**, v. 472.
- Netherlands**, v. 395. Creation of Kingdom of Netherlands, v. 396. Condition in 1819, v. 407. Trial of **M. de Potter**, v. 408. Revolution at Brussels, v. 410. Bombardment of Antwerp, vi. 215.
- New-Hampshire**, v. 521. vi. 313. vii. 236. viii. 231.
- New-Jersey**, v. 550. vi. 332. vii. 249. viii. 260.
- New-York**, v. 530. Canals, v. 532. **Morgan's abduction**, v. 537. Do. vi. 323. vii. 246. viii. 254.
- North Carolina**, v. 568. vi. 350. vii. 260. viii. 282.
- Nullification**, v. 64. Debates on, v. 108. 117. vii. 29.
- O.
- Obituary**. **Sir David Baird**, v. 265. **Queen of Portugal**, v. 269. **Hon. G. Tierney**, v. 271. **George IV.**, vi. 209. **Marinus Willet**, vi. 277. **Pope Pius VIII.**, vi. 282. **Benjamin Constant**, vi. 283. **Countess de Genlis**, vi. 293. **King of Sardinia**, vi. 294. **Field Marshal Diebitsch**, vi. 296. **John Trumbull**, vii. 381. **Richard Varick**, vii. 386. **Stephen Girard**, vii. 387. **Robert Campbell**, vii. 390. **J. W. Van Goethe**, vii. 392. **Casimir Perrier**, vii. 395. **Sir James Mackintosh**, vii. 398. **Samuel Ward**, vii. 405. **Duke of Reichstadt**, viii. 416. **Sir Walter Scott**, viii. 417. **Letitia Buonaparte**, viii. 422. **Count O'Reilly**, viii. 423. **Doctor Spurzheim**, viii. 425. **Capt. Joseph Pratt**, viii. 424. **Judge John Hall**, viii. 428. **Bushrod Washington**, v. 267. **Sir Thomas Lawrence**, v. 269. **Marquis de Lally Tollendal**, v. 273. **Isaac Parker**, vi. 272. **King of Naples**, vi. 281. **General Sucre**, vi. 282. **Simon Bolivar**, vi. 284. **Rev. Robert Hall**, vi. 294. **Mrs. Siddons**, vi. 295. **James Monroe**, vi. 287. **Oliver Peabody**, vii. 385. **William Barton**, vii. 387. **Robert Troup**, vii. 389. **George Abbe**, vii. 390. **M. Champollion**, vii. 399. 3. **Nathaniel Rochester**, vii. 396.

- Thomas Sumpter, vii. 402.
 Wm. H. Maynard, viii. 416.
 General La Macque, viii. 416.
 Sir John Leslie, viii. 421.
 Baron Tenterden, viii. 422.
 Capt. Stephen Olney, viii. 424.
 Robert C. Sands, vii. 426.
 Amos Binney, viii. 427.
 Philemon Hawkins, viii. 429.
 General Tarlton, viii. 429.
 Earl Fitzwilliam, viii. 430.
 Edmund Kean, viii. 438.
 Josiah S. Johnston, viii. 445.
 Savary, Duke of Rovigo, viii. 448.
 Lord Exmouth, viii. 430.
 John Neilson, viii. 437.
 John Randolph, viii. 439.
 Oliver Wolcott, viii. 447.
 Nicholas Fish, viii. 452.
 William Wilberforce, viii. 453.
 Hannah More, viii. 454.
 Rajah Rammohun Roy, viii. 455.
 Ferdinand VII., viii. 457.
 Marshal Jourdan, viii. 459.
 Ohio, v. 550. vi. 367. vii. 275. viii. 315.
 Orleans, Duke of, made Lieutenant
 General of France, v. 361. Chosen
 king, v. 301.
 Otho, king, arrives in Greece, viii. 222.
 Ottoman Porte, treaty with, vii. 91. 97.
- P.
- Peck, Judge, impeachment of, vi. 155.
 Pennsylvania, v. 553. internal improve-
 ment in, v. 554.
 Do. vi. 334. vii. 250. viii. 263.
 Perrier, Casimir, French Premier, his
 death, vii. 184.
 Philadelphia, v. 558.
 Poland. Partition of, vi. 168. Policy of
 Napoleon, vi. 169. Tyranny of the
 Russians, vi. 174. Conspiracy of
 1825, vi. 174. Oppression of Ni-
 cholas, vi. 175. Polish revolution,
 vi. 179. Provincial government,
 vi. 181. State of Warsaw, vi. 185.
 Various engagements, vi. 189.
 Advance of the Poles, vii. 204. Re-
 treat of the Poles, vii. 208. Fall of
 Warsaw, vii. 212. Dispersion of
 Polish army, vi. 212. State of
 Poland, vii. 195.
 Portugal. State of, v. 418. Emigrants,
 vi. 151. Distress of, vi. 153. Re-
 gency at Terceira, vi. 156. Remarks
 on, vii. 197. Siege of Oporto, viii.
 214. Don Miguel's fleet captured,
 viii. 214. Donna Maria proclaimed,
 viii. 215. Measures of Don Pedro,
 viii. 215.
- Post Office. Removals in, v. 22.
 Provincial government of France, v. 357.
 Prussia. Treaty with, v. 43.
 Public Documents—
 President's message, 21st congress, v. 1.
 _____returning Mays-
 ville road bill, v. 22.
 _____21st congress,
 2d session, vi. 47.
 _____22d congress,
 1st session, vii. 45.
 _____Veto of the U. S. Bank
 Bill, vii. 60.
 _____Message, 22d congress,
 2d session, viii. 80.
 _____Veto of bill allowing in-
 terest to states, viii. 94.
 _____Veto of Light House bill,
 viii. 95.
 _____Proclamation on South
 Carolina ordinance, viii. 96.
 _____Message transmitting
 Proclamation to congress, viii. 111.
 Proclamation of French deputies, v.
 185.
 Speech of the King of the Netherlands,
 v. 187. vi. 183. viii. 388.
 Greek Protocol, v. 193.
 Greek Documents, v. 196.
 Resignation of Leopold, v. 201.
 Regent's Speech to Belgian congress,
 vii. 310.
 Documents relating to Germany, vii.
 315.
 _____Russia and Po-
 land, vi. 189. 197. vii. 317.
 Convention between France and Eng-
 land, vii. 321.
 Danish constitution, vii. 325.
 Convention between France and the
 Netherlands, viii. 390.
 Treaty with Brazil, v. 33.
 Do. Prussia, v. 43.
 Convention with Denmark, v. 49.
 Documents relating to trade between
 U. S. and British colonies, v. 52. vii.
 262.
 Secretary of War to Cherokee delega-
 tion, v. 124.
 Opinion of Attorney General respect-
 ing Cherokee treaties, v. 128.
 Memorial of Cherokee Indians, v. 133.
 Cherokee Address, v. 137.
 Treaty with Austria, vi. 78.
 _____France, vi. 81.
 _____Ottoman Porte, vii. 91.
 And correspondence, vii. 97.
 Treaty with Choctaws, vi. 84.
 _____Mexico, vii. 76.
 _____Creek Indians, vii. 94.

Correspondence relating to treaty with Denmark, vii. 214.
 Convention between U. S. and Naples, viii. 130.
 Correspondence relating to claims on France, viii. 136.
 Documents relating to Georgia and the Cherokees, vi. 91.

—————N. E. bound-
 ary of Maine, vi. 94.

Mexican Documents, v. 146. 156.
 Colombian do. v. 149.
 Venezeulian do. v. 155.
 Brazilian do. v. 158.
 Banda Oriental do. v. 159.
 Chilian do. vi. 154.
 New Grenada do. viii. 355.
 Peruvian do. viii. 361.
 King of England's speeches to Parlia-
 ment, v. 161. vi. 157. vii. 292. viii.
 364. 367.

Speeches of Governor of Upper Can-
 ada, v. 163. vi. 168. viii. 384.

—————Lower do.
 v. 165. vi. 162. vii. 296. viii. 378.

—————King of France, v. 167.
 173. vii. 307. viii. 386.

Address of Chamber of Deputies, v.
 171.

Minister's Report to King of France,
 v. 174.

Decrees of the King of France, v. 180.
 Governor of Jamaica's speech, viii.
 369.

Protest of Don Carlos, viii. 392.
 Constitutional Charter of the French,
 vi. 169.

Lafayette's Letter to National Guard,
 v. 179.

Public Lands, v. 65. Debates in Senate
 on, v. 71.

Public Debt, of U. S., vi. 6.

R.

Randolph, John, minister to Russia, vi.
 99.

Reform and Retrenchment, v. 18. 145
 Reform bill in England, v. 460. vi. 262.
 276. vii. 202.

Removals from office, v. 19.

Revenue in 1829, v. 429., in 1830, vi. 7.,
 in 1831, vii. 7., 1832, viii. 7.

Rhode Island, v. 527. vi. 318. vii. 242.
 viii. 245.

Russia, vii. 196.

S.

Sacs and Foxes, war with, vii. 11.
 Senate of United States, rejections by,
 v. 21.

Slave question, debates on, v. 79.

Spain. Claims on, v. 27.

Spain. Condition of, v. 414. Queen's
 death, v. 415. The new Queen, v.
 416. Law of succession, v. 418.
 Salic Law abolished, viii. 216. Dis-
 satisfaction of Don Carlos, viii. 216.
 Death of Ferdinand, viii. 217. Dona
 Maria Isabella proclaimed Queen,
 viii. 217. Movements of Carlists,
 viii. 218. Policy of the Regency,
 viii. 218.

South Carolina, v. 272. vi. 353. vii.
 260. viii. 285.

Switzerland. Constitution of the old
 Republic, vi. 226. Public law, vi.
 231. State of the Cantons, vi. 234.

T.

Tariff, debates on, v. 151.

Tennessee, v. 585. vi. 363. vii. 273. viii.
 306.

Tithes, vii. 216.

Tonnage duties, debates on, v. 167.

Tonnage of U. S., v. 496. vi. 22. vii.
 21. 24. viii. 29.

Treasury Reports, v. 176.

Trials and legal decisions, v. 239. vi. 229.
 vii. 359.

Turkey. Treaty with, v. 33.

Turkey. vi. 163. War between Egypt
 and Syria, viii. 219. Capture of
 Acre, viii. 219. Rebellion of Pacha
 of Egypt, viii. 219. Interference of
 Russia, viii. 220. Treaty of Con-
 stantinople, viii. 221. Fire at Con-
 stantinople, viii. 222.

U.

United States. Situation of, v. 26. Tre-
 aty with Cherokees, v. 43. vi. 32.
 Bank, v. 147. Prosperity of, v. 175.
 Policy of Administration in 1830,
 vi. 9. Policy of the southern states,
 vi. 10. Policy of the northern states,
 vi. 12. New cabinet, vi. 20. Anti-
 Masonic party, vi. 22. Conduct of
 Georgia on Indian affairs, vi. 26.
 Condemnation of missionaries, vi.
 30. Debates on Indian affairs, vi.
 37. Claims on France, vi. 39.
 Treaty with France, vi. 42. Inter-
 course with British West India, vi.
 44. N. E. boundary, vi. 50. vii. 13.
 21st congress, 2d. session, vi. 53.
 President's message, vi. 54. Im-
 peachment of judge Peck, vi. 155.
 Judicial system, vi. 56. Internal
 Improvement, vi. 68. vii. 158. Ap-
 propriations, vi. 80. 119. vii. 123.
 viii. 189. Debates on Public Lands,

vi. 38. vii. 123. Debates on mission to Russia, vi. 99. Debates on Turkish Treaty, v. 111. Hostility to Supreme Court, vii. 3. Laws of Georgia declared void, vii. 4. Rejection of Van Buren, vii. 6. vii. 110. Van Buren nominated vice President, vii. 7. Treaty with Denmark, vii. 9. Cherokee question, vii. 10. War with Sacs and Foxes, vii. 11. Capture of Black Hawk, vii. 12. Falkland Islands, vii. 16. Malay forts destroyed, vii. 18. Claims on Naples adjusted, vii. 17. Treaty with Mexico, vii. 20. Cholera, its origin, progress, &c., vii. 21. Nullification, vii. 29. Decisions of Supreme court, vii. 31. Tariff convention, vii. 35. Free trade convention, vii. 34. Debates and proceedings in congress, on tariff, vii. 41. viii. 167. South Carolina ordinances nullifying revenue laws, vii. 44. viii. 32. Public lands, costs, mode of sale, &c., vii. 49. viii. 182. Bank of U. S. Hostility to bank. Renewal of charter. President's veto, &c., vii. 69. viii. 21. viii. 185. Assault on Mr. Stanbury, and proceedings thereon, vii. 117. Principles of administration, viii. 13. Naturalized citizens, viii. 15. Gen. Jackson chosen president, 2d term, viii. 16. French treaty, viii. 22. Indemnity refused, viii. 23. Relations with Great Britain, viii. 24. Treaty with Russia,

viii. 31. Claims against Portugal settled, viii. 31. Treaty with Belgium, viii. 31. Treaty with Chili, viii. 31. Proceedings in South Carolina, and course of the federal government, viii. 32. Enforcing bill reported, viii. 41., and passed senate, viii. 166. South Carolina ordinance repealed, viii. 179. Proceedings in South Carolina on enforcing bill, viii. 179. President's message, 2d session, 22d congress, viii. 281. Mr. Mr. Clay's land bill, and debates thereon, viii. 184. Treasury report for 1832, viii. 182. Light house bill lost, viii. 192.

V.

Van Buren, rejected as minister to England, vii. 6. vii. 110. Nominated vice President, vii. 7. Vermont, v. 522. vi. 322. vii. 244. viii. 261. Virginia. v. 563. vi. 345. vii. 256. viii. 278.

W.-

Wellington, Duke of, resigns, v. 455. West Indies. Trade with, v. 35. Negotiations respecting trade of, v. 37. Closing of the Ports, v. 39. President's message respecting trade of, v. 40. William IVth., his ascension to the English crown, v. 440.



