

The Rutland Herald.

"LIBERTY AND UNION, NOW AND FOREVER ONE AND INSEPARABLE."—JEFFERSON.

VOLUME XLII.

RUTLAND, Tuesday, February 16, 1836.

NUMBER 8.

The Rutland Herald.

PUBLISHED EVERY TUESDAY, AT RUTLAND, VT. BY WILLIAM FAY.

Relations with France.

THE "SUPPRESSED LETTER."

Letter of the duke de Broglie to M. Pigeot. [Concluded.]

PARIS, 17th June, 1835.

Mr Livingston fully admits in his note of the 27th of April, the right of foreign governments, to take proper exception to the acts and language of the Government which he represents.

"Should the President," he observes, "do an official executive act affecting a foreign power, or use exceptional language in addressing it, thro' his Minister or through their mouth, a law has been passed injurious to the dignity of another nation, in all times, and other similar cases, a demand for explanation would be respectfully received, and answered in the manner that justice and a regard to the dignity of the complaining nation, would require."

But he maintains that these principles, the wisdom of which is evident, are not applicable to an act by which the President, sole representative of the nation towards foreign powers, gives to Congress an account of the situation of foreign relations.

"The utmost freedom," says Mr Livingston, "the utmost freedom from all restraint in the details into which he is obliged to enter, of international concerns, and of the measures in relation to them, is essential to the proper performance of this important part of his functions. He must exercise them without having continually before him the fear of offending the susceptibility of the powers whose conduct he is obliged to notice."

"Were any foreign powers," continued Mr Livingston, "permitted to scan the communications of the executive, whether real or affected, would involve the country in continual controversies; for the right being admitted, it would be a duty to execute it, by demanding a disavowal of every phrase they might deem offensive and an explanation of every word to which an improper interpretation could be given. The principle, therefore, has been adopted, that no foreign power has a right to ask for explanations of any thing that the President, in the execution of his functions, thinks proper to communicate to Congress, or of any course he may advise them to pursue."

We cannot, sir, admit such a principle; we cannot admit it, at least without condition or limit, in an absolute, general and peremptory sense.

It does not depend upon a nation from the mere fact of its having adopted such or such a form of Government, to acquire with regard to foreign powers, more rights than it would have had, or to arrogate to itself other rights than those which it would have enjoyed under any other form of government.

Nations are free to choose without any constraint the Government they please—precisely for this reason, and under this condition, that such a choice concerns them exclusively, and that whatever that choice may be, it cannot affect the rights or injure the legitimate interests of other nations.

Now it is the acknowledged right of every Government, when the legal representative, or when the official organ of another Government, expresses himself publicly in reference to it, in language which is deemed offensive, to demand an explanation of it. Such a right the Constitution of the United States can neither abolish, modify nor restrict. It is an international right (an droit international.) It suits the people of the United States to divide the power of the Union between a President and a Congress. Be it so. It suits them to oblige the President to give publicly to Congress an account of the state of foreign relations. Their right is unquestionable. But that the President of the United States, the official organ, the legal representative of the Union towards foreign nations, thereby acquires the right to press himself publicly upon foreign governments in language offensive to those governments; that he should, in asserting the liberty, the freedom, necessary for such communications, dispense with all reserve in his language, and with all responsibility towards the powers whom that language concerns, is what we cannot admit.

Irresponsibility, (l'inviolabilité) whether it relates to persons, to acts, or to words, irresponsibility, when it is legally established, is a pure national institution, a purely internal regulation, and can never be used as an argument in the intercourse which Governments hold with each other. If it were otherwise, and if we were disposed, after the example of Mr Livingston, to carry the argument to its extreme consequences, it might be maintained that the President of the United States has the right, provided it be in a Message to Congress, to impute publicly to foreign governments and to foreign nations the most odious acts, the most perverse intentions; to hold them up publicly to the animadversion of the world without these governments or these nations having the right to manifest the slightest resentment, since, according to this very strange doctrine, they would not even be allowed to take official notice of it.

To state such a doctrine, is to refute it. However, sir, we do not wish to exaggerate any thing. Mr Livingston is perfectly right when he says that the cause which he supports is, in a general sense, common to all free countries.—That all Governments founded on the division of power, and all the publicity of debates, have an interest in repelling, on the part of foreign powers, any interference with the communications which the Prince and his Ministers in constitutional Monarchies, and in republics the magistrates entrusted with the executive power, are called upon to make to the Legislature. And this is the reason, as Mr Livingston very judiciously observes, that in France and in England, the language of the royal speeches is so reserved in every thing that concerns foreign relations; and it is this same motive, as you will observe, Sir, to the Cabinet of Washington, that has directed the conduct of France in relation to the Message of President Jackson. If the expression contained in that Message had been inserted in a proclamation, or any other act of the executive power of the Union, we would at once have

called for an explanation. Out of respect for the very nature of the act, the French government deemed it a duty to manifest the sentiments it felt on that occasion, by instantly recalling its Minister, and stating in a communication the motives for that recall; but it did not ask for explanations; it was contented to expect them from the justice of the Government of the United States, and from the ancient friendship of the American nation, not doubting that the Government of the United States would appreciate the difference in such cases, between an answering an interpellation and preventing by a spontaneous determination, by explanations readily offered, a misunderstanding always to be regretted.

The amendment of the Chamber of Deputies is conceived in the same spirit of reserve and conciliation. It does not make it the duty of the French government to ask for explanations; it merely supposes they will receive them.

We were not mistaken, Sir, in believing that the government of United States would appreciate that difference, since Mr Livingston, as he himself observes, hastened as early as the 29th of January last, when the Message of President Jackson had been only known a few days, to offer us explanations at great length, of every passage of that Message which treated of the relations between the United States and France; and since, that step and the explanations contained in his note of the 29th of January have received, as he informs us by his note of the 25th of April, the entire approbation of the President.

Mr Livingston was not astonished that those explanations, as long as they were presented only upon his personal responsibility, did not produce upon us the effect he intended; but he supposes that being now clothed with the approbation of the President, they must satisfy all that the nicest sense of national honor could desire.

He therefore makes it a point in his note of the 25th, to repeat and develop them, in the hope that the French government by examining them anew, under the impression that they had become the expressions of the sentiments of the President would deem them sufficient. He is so much more anxious to impart to us his own conviction on the subject, and he deems it impossible for the Government of the United States to go any further. He even seems to be apprehensive that future events which he need not specify, designating thereby no doubt the adoption of the amendment of the Chamber of Deputies by the other two branches of the Government, may hereafter render improper any allusion to explanations presented under the influence of different circumstances.

We sincerely wish, Sir, not to add to the difficulties of the situation in which the two countries are respectively placed. The question of date, to which Mr Livingston seems, in this case, to attach an importance which it belongs not to us to appreciate, does not in any way alter either the nature or the extent of the duties which are prescribed to us. If satisfaction had really been given to the just susceptibility of the French nation as early as the twenty-ninth of January, (the date of Mr Livingston's first note,) and therefore previous to the adoption of the amendment under consideration by the Chamber of Deputies, or as early as the twenty-seventh of April, (the date of Mr Livingston's second note,) that is to say, before the adoption of this same amendment by the other two branches of the Legislature, we would be sincerely gratified. The more the Government of the United States would have shown a willingness to explain itself, the more we should be ourselves disposed to find the explanations satisfactory, and to view the solicitude of that Government as a testimony in favor of the intentions which had dictated the Message of the President.

We will simply observe before we proceed. First, That even supposing the explanations given by the note of the 28th of January, to have been such as we might have wished them, they were on the 18th of April, the day of the passage of the amendment in the Chamber of Deputies, nothing more than the simple expression of the personal sentiments of Mr Livingston. This is an observation which did not escape his notice.

We will also observe that by the publication of Mr Livingston's correspondence, the Government of the United States had excited against him such a feeling of irritation, that it would have been out of our power, even supposing that we had considered that correspondence as containing nothing but what was right and proper, to avail ourselves of a document bearing his signature, to repel in one or the other of the Chambers the amendment under consideration.

I will now proceed to the examination of the explanations which have been offered to us. Mr Livingston is right in thinking that our objections to the Message of the President are confined to these two points.

1st. The Message impeaches the good faith of his Majesty's Government.

2d. It contains a threat to secure the execution of the treaty by the fear of reprisals.

It is indeed under this double point of view that the Message of President Jackson excited in France the indignation. The Cabinet of Washington will readily admit that if the allegation was true, the indignation would be just. No Government, no people, would for one moment listen without from either the direct or indirect imputation of a want of good faith, or the idea of another Government or another people endeavoring to obtain from it through menace, what could only be granted by it to justice. It must equally be admitted that when the impression produced by the appearance of any document is general; when that impression is felt, not only by the whole nation whom the document concerns, but even by foreigners, by uninterested people, by persons the least disposed to take a part in the contest, the very universality of that impression is a sufficient evidence against the general tenor of the document. If we examine in detail the Message of the President of the United States, (I mean that part of it which relates to the relations between the U. States and France,) it will possibly be found that passing successively from phrase to phrase, none will be met with that cannot bear an interpretation more or less plausible; none, of which, strictly speaking, it cannot be said that it is a simple exposure of such or such a fact true in itself, or the assertion of such or such a right which no one contests, or the performance of such or such an obligation imposed on the President by the very

nature of his functions. There will certainly be found several in which the idea of impeaching the good faith of the French Government, or of acting upon it through menace or intimidation, is more or less disavowed.

Yet when the whole succession of facts is taken into view; when we perceive the care which seems to have been taken to present them in an unfavorable light, without making allowance for circumstances which explained them, without paying any regard to considerations which the government of the U. States itself had previously admitted; when we see at the end of this uninterrupted series or allegations, which have the appearance of wrongs, for the sole reason that they are made to rest on isolated and incomplete statements, the unexpected proposition to say the least, to seize upon French property, it is impossible at first view, it is even difficult after reflection, to escape the thought that all this part of the Message had been written for the double purpose stated above.

It is not so, however; at least we hope it is not. But to banish entirely such an idea, what would be necessary; Nothing but what is very simple. We do not here contend about this or that phrase, this or that allegation, this or that expression; we contend about the intention itself, which has dictated that part of the Message. If it be true that the President of the United States, in presenting to Congress a statement of the facts connected with the Treaty of the 4th of July, had no intention to cast any doubt on the good faith of the French Government; if it be true that the President of the United States in proposing to Congress to decree the seizure by force of arms the French property, had not the intention to assume with regard to France, a menacing attitude, we cannot see how he could find any difficulty in declaring it. Is such a declaration really contained in Mr Livingston's note addressed to the French government on the 24th of January, or in that which the same Minister left at his departure on the 27th of April?

We would be equally at a loss to affirm or to deny it; and for this reason it is evident that neither the one nor the other can be considered sufficient. The note of the 28th of January, is intended to discuss, contradictory with the French government, the correctness of facts asserted in the Message of President Jackson. It is intended to prove that the view taken by him of these facts is at least plausible. It is in the midst of this long disquisition that two or three phrases are incidentally thrown out, on the just confidence which the government of the U. States has always entertained in the sincerity of the French government; confidence which Mr Livingston had always made it a duty to foster, and which, according to him, is not in contradiction with any of the ideas, or allegations expressed in the Message. The note of the 25th of April, is intended to make an indirect and anticipated examination of the amendment introduced by the Chamber of Deputies. While upon this examination, and with a view to prove that any demand for explanations would in future be useless in fact and inadmissible in principle, Mr Livingston refers to the testimony given by him in his first note, to the good faith of the French government; he refers to subsequent sanction given by the President to the contents of that note; he dwells on the paragraph in the Message of the President, in which all idea of threat is, he says, expressly disavowed.

You will easily conceive, Sir, and the Cabinet of Washington will, we think, understand it also, that such phrases incidentally inserted in documents, the purport and tenor of which are polemical, and surrounded, in some measure, by details of a controversy which is besides not always free from bitterness, cannot dispel sufficiently the impression produced by the perusal of the Message, nor strike the mind as would the same idea expressed in terms simple, positive, direct, and unaccompanied by any recriminations concerning facts or incidents no longer of any importance. Such is the motive, which, among many others, has placed the French government in the impossibility of acceding to the wish expressed by Mr Livingston towards the conclusion of his note of the 25th of April, by declaring [to the Chamber of Peers probably] that previous explanations given by the minister of the United States and subsequently by the President, had satisfied it.

The impression produced by the perusal of the Message was deep. It was so in France, in Europe, and even in the United States; the debates in Congress and public notoriety sufficiently prove the fact. Under the weight of this impression, the French Government did not hesitate to place itself in a situation to meet the engagement contracted in the name of France. In passing there for the present, and waiting for the fulfillment of those engagements to be claimed, or expecting them to be claimed, in terms consistent with the regard which is its due, it is not afraid of being accused, nor France which it represents, of being accused, of appreciating national honor by any number of millions which it could withhold, as a compensation for an injury offered to it. Mr Livingston is the first to repel such an idea. Far from it, the French Government will consider as a fortunate day, the one in which it will be able to deliver up honorably the trust that lies in its hands; but each State has duties to perform towards itself, each situation has its exigencies. Mr Livingston objects to the idea of seeing the President of the United States giving a new testimony to the good faith of the French Government, lest such a step reasonable and just in itself, should not appear to be exclusively dictated by justice and reason. He will not be astonished if the French Government, on its side, attaches an equal importance to show that in acknowledging openly a legitimate debt, and declaring itself ready to discharge it, it has exclusively consulted reason and justice.

You are authorized, Sir, to read the present despatch to Mr Forsyth, and if he desires, let him take a copy of it.

Accept, Sir, &c. &c. (Signed) V. BROGLIE.

On the 11th of Sept. last Mr Pigeot (charge d'affaires of France) read this letter to Mr Forsyth who refused to request a copy of it on the ground that "the President would think it the most proper that every communication upon the subject in difference between them, designed to influence his conduct, should, before it was submitted to his con-

sideration, be made to assume the official form belonging to a direct communication from one Government to another by which alone he could be enabled to cause a suitable reply to be given to it."

Dec. 1, Mr Pigeot transmitted a copy of the letter to Mr Forsyth, with a request that he would lay it before the President. Dec. 3, Mr Forsyth, with the advice of the President, refused to receive the copy, for the reason quoted above.

Dec. 5, Mr Pigeot rejoined, expressing his astonishment at the return of the paper and his deep regret that the misunderstanding between the two governments, already so serious, should be kept up, not by weighty difficulties which involve the interests and the dignity of the two countries, but by questions of form, as uncertain in their principle as doubtful in their application."

Jan. 2, Mr Pigeot ceases to act as an official agent and claims the protection of the Federal Government—which is granted.

21th Congress—1st Session.

CONGRESSIONAL DEBATES.

[It is unnecessary to say to our readers that the limits of our paper will admit but a small share of the numerous speeches in Congress on the various subjects before it, for they are all aware of it.—Hence, our only course is to give the substance in condensed forms; and even in doing this, and keep up the regular journal of sketches of the proceedings and the current news of the day, we necessarily often get behind hand, that is, behind the large semi weekly foreign papers, as is the case now.—This is a dilemma the more mortifying when there are subjects before Congress of great interest; but we will endeavor ultimately to bring up the rear, and hope our readers will exercise all due patience.]

Mr Benton's resolutions, in the Senate, to appropriate all the surplus revenue of the U. States to means of defence, being deemed somewhat of a War measure, has elicited a torrent of debate far from being uninteresting.

On the introduction of these resolutions Mr B. reviewed the state of affairs with France, in which, he said, in order to give efficiency to his motion and stimulate its immediate adoption, pictured out a powerful French fleet on our coast, menacing us. He referred also to the Treaty by which France has been enjoying extraordinary benefits while she fails to fulfil on her part. He had never spoken unkindly of France, but we must be prepared for the worst. He then changed his theme, and spoke of the loss of the fortification bill last session, recounting its extensive provisions, and charging the loss of the bill, with the three million amendment of the House on the evening before Congress rose, to the Senate. As a specimen of his matter, we give his closing remarks:—

"The fourth circumstance on which Mr Benton relied to show that the Senate was responsible for the present naked and defenceless condition of the country, and for the humiliation to which we were now subjected in being superintended by the heroes of Algiers and Navarino, the project of certain Senators to apply the public moneys in a different direction, namely, to divide them among the States and which requires them to keep the sum for distribution as large as possible, in order to present captivating dividends to each distribute. The plan of putting the country in a posture of defence, was incompatible with these plans of distributing the revenues. The two plans cannot go on together; one or the other must give way, and he had purposely drawn the resolution under consideration to make an issue between them, and to draw the line between those who will put their country in a state of defence, and those who will leave it naked and helpless.

"Mr B. had felt it his duty to bring to the notice of the Senate the approach of the French squadron of observation, and to show that it came because 'America had not force capable of being opposed to it.' It was a subsidiary argument, and a far illustration of the dangers, and humiliation of a defenceless position. It should stimulate us to instant and vigorous action;—to the concentration of all our money, and all our forces, to the sacred task of national defence. For himself he did not believe there would be war, because he knew that there ought not to be war; but that belief would have no effect upon his conduct."

The correspondent of the Portland Advertiser has given the substance of Mr Webster's reply to the charges of Col. Benton, and some notice of the remarks of previous speakers. The debate has been continued since, and the House, as a party interested were by the cars, on Friday and Saturday, (22d and 23d) on the subject of this bill. We quote from the Advertiser, under date of Washington, Jan. 18.

This morning Mr Benton's proposition to appropriate the entire surplus revenue of the country to its defence, which was introduced the other day came up for consideration. It will be remembered that Mr Webster had given notice that he should, after the Senate had once more been in Executive session, be enabled to give such a reply to Mr Benton's imputation, that it was to the Senate that the present defenceless state of the country was to be attributed, as would satisfy the most incredulous that such an imputation was far from the fact. That very day he moved to go into Executive session, and there made a motion that the injunction of secrecy be removed from the proceedings of the Senate in Executive session on the last night of the last Congress. It was carried, and thus obtained the power derived by Mr Webster to set the matter alluded to by Mr Benton, the other day, clearly before the nation.

Mr Ewing had the floor, and replied to the remarks of Mr Benton, made on the introduction of his motion, a few days since. Mr E. was, as he

always is, clear, direct, and argumentative. He was followed by Mr Goldsborough, to the same effect, and then Mr Benton made some more remarks, going over very much the same ground as before. Mr Porter of Louisiana, then made a most brilliant speech, in defence of the course pursued by the Senate on the fortification bill at the last session, and in comment upon the motives, inference, arguments and illusion of Mr Benton, in his speech, on introducing the resolution before the Senate. It was a most able effort, and deserves to be ranked among the proudest ever offered on that floor. As soon as he took his seat.

Mr WEBSTER next addressed the Chair. It is not my purpose, Mr. President, (said he,) to make any remarks on the state of our affairs with France. The time for that discussion has not come, and I wait. We are in daily expectation of a communication from the President, which will give us light and we are authorized to expect a recommendation by him of such measures as he thinks it may be necessary and proper for Congress to adopt, I do not anticipate him. I do not forewarn him. In this most important and delicate business, it is the proper duty of the Executive to go forward, and I, for one, do not intend either to be drawn or driven into the lead. When official information shall be before us, and when measures shall be recommended upon the proper responsibility, I shall endeavor to form the best judgment I can, and shall act according to its dictates.

I rise, now, for another purpose. This resolution has drawn on a debate upon the general conduct of the Senate during the last session of Congress, and especially in regard to the proposed grant of the three millions to the President on the last night of the session. My main object is to tell the story of this transaction, and to exhibit the conduct of the Senate fairly to their view. I owe this duty to the Senate. I owe it to the committee with which I am connected; and although whatever is personal to an individual is generally of too little importance to be made the subject of much remark, I hope I may be permitted to say that, in a matter, in regard to which there has been so much misrepresentation, I wish to say a few words for the sake of defending my own reputation.

This vote for the three millions was proposed by the House of Representatives as an amendment to the fortification bill; and the loss of that bill, three millions and all, is the charge which has been upon the Senate, sounded over all the land, and now again renewed. I propose to give the true history of this bill, its origin, its progress, and its loss.

Before attempting that, however, let me remark for it is worthy to be remarked, and remembered that the business brought before the Senate last session, important and various as it was, and both public and private, was all gone through, with most uncommon dispatch and promptitude. No session has witnessed a more complete clearing off and finishing of the subject before us. The communications from the other House, whether bill or whatever else, were especially attended to in proper season, and with that ready respect which is due from one House to the other. I recollect nothing of any importance which came to us from the House of Representatives, which was here neglected, overlooked, or disregarded.

On the other hand, it was the misfortune of the Senate, and, as I think, the misfortune of the country, that, owing to the state of business in the House of Representatives towards the close of the session, several measures which had been matured in the Senate, and passed into bills, did not receive attention, so as to be either agreed to or rejected in the other branch of the Legislature. They fell, of course by the termination of the session.

Among these measures may be mentioned the following, viz: The post office reform bill, which passed the Senate unanimously and of the necessity for which the whole country is certainly now most abundantly satisfied;

The Custom House Regulations Bill, which also passed nearly unanimously, after a very laborious preparation by the Committee on Commerce, and a full discussion in the Senate.

The Judiciary Bill, passed here by a majority of thirty one to five, and which has again already passed the Senate at this session with only a single dissenting vote;

The bill indemnifying claimants for French spoils taken before 1800;

The bill regulating the deposits of the public moneys in the Deposit Banks;

The bill respecting the tenure of certain offices, and the power or removal from office; which has now again passed to be engrossed, in the Senate, by a decisive majority.

All these important measures, matured and passed in the Senate in the course of the session, and many others whose importance was less, were sent to the House of Representatives, and we never heard any thing more from them.—They there found their graves.

It is worthy of being remarked, also that the attendance of members of the Senate, was remarkably full, particularly toward the end of the Session. On the last day every Senator was in his place till very near the hour of adjournment, as the journal will show. We had no breaking up for want of a quorum; no delay, no calls of the Senate; nothing which was made necessary by the negligence or inattention of the members of this body. On the vote for the three millions of dollars, which was taken at about eight o'clock in the evening, forty-eight votes were given, every member of the Senate being in his place and answering to his name. This is an instance of punctuality, diligence, and labor, continued to the very end of an arduous session, wholly without example or parallel.

The Senate, then, sir, must stand, in the judgment of every man, fully acquitted of all remissness, all negligence, all inattention, amidst the fatigue and exhaustion of the closing hours of Congress. Nothing passed unobserved, nothing was overlooked, nothing forgotten, and nothing slighted.

And now, sir, I would proceed immediately to give the history of the fortification bill, if it were not necessary, as introductory to that history, and as showing the circumstances under which the Senate was called on to transact the public business