

# Star & Republican Banner.

BY ROBERT WHITE MIDDLETON, EDITOR, PUBLISHER AND PROPRIETOR.

"I WISH NO OTHER HERALD, NO OTHER SPEAKER OF MY LIVING ACTIONS, TO KEEP MY HONOR FROM CORRUPTION."—SHAKS.

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## PRESIDENT'S MESSAGE.

### MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES to both HOUSES OF CONGRESS at the First Session of the Twenty-Fourth Congress, delivered last Tuesday: *Fellow-Citizens of the Senate and House of Representatives:*

In the discharge of my official duty, the task again devolves upon me of communicating with a new Congress. The reflection that the representation of the Union has been recently renewed, and that the constitutional term of its service will expire with my own, heightens the solitude with which I shall attempt to lay before it the state of our national concerns; and the devout hope which I cherish, that its labors to improve them may be crowned with success.

You are assembled at a period of profound interest to the American patriot. The unexampled growth and prosperity of our country having given us a rank in the scale of nations which removes all apprehension of danger to our integrity and independence from external foes, the career of freedom is before us, with an earnest from the past, that, if true to ourselves, there can be no formidable obstacle in the future to its peaceful and uninterrupted pursuit. Yet in proportion to the disappearance of those apprehensions which attended our weakness, as one contrasted with the power of some of the states of the old world, should we now be solicitous as to those which belong to the conviction that it is to our own conduct we must look for the preservation of those causes on which depend the excellence and the duration of our happy system of government.

In the example of other systems, founded on the will of the People, we trace to internal dissension the influence which have so often blasted the hopes of the friends of freedom. The social elements, which were strong and successful when united against external danger, failed in the more difficult task of properly adjusting their own internal organization, and thus gave way to the great principle of self-government. Let us trust that the admonition will never be forgotten by the Government or the People of the United States: and that the testimony which our experience thus far holds out to the great human family, of the practicability and the blessings of free government will be confirmed in all time to come.

We have but to look to the state of our agriculture, manufactures, and commerce, and the unexampled increase of our population, to feel the magnitude of the trust committed to us. Never, in any former period of our history, have we had greater reason than we now have, to be thankful to Divine Providence for the blessings of health and general prosperity. Every branch of labor we see crowned with the most abundant rewards: in every element of national resources and wealth, and of individual comfort, we witness the most rapid and solid improvements. With no interruptions to this pleasing prospect at home, which will not yield to the spirit of harmony and good will that so strikingly pervades the mass of the People in every quarter, amidst all the diversity of interest and pursuits to which they are attached; and with no cause of solicitude in regard to our external affairs, which will not, it is hoped, disappear before the principles of simple justice and the forbearance that mark our intercourse with foreign powers—we have every reason to feel proud of our beloved country.

The general state of our Foreign Relations has not materially changed since my last Annual Message.

In the settlement of the question of the Northeastern Boundary little progress has been made. Great Britain declined according to the proposition of the U. States, presented in accordance with the resolution of the Senate, unless certain preliminary conditions were admitted, which I deemed incompatible with a satisfactory and rightful adjustment of the controversy. Waiting for some distinct proposal from the Government of Great Britain, which has been invited, I can only repeat the expression of my confidence that with the strong mutual disposition which I believe exists, to make a just arrangement, this perplexing question can be settled with a due regard to the well founded pretensions and pacific policy of all the parties to it. Events are frequently occurring on the Northeastern frontier, of a character to impress upon all the necessity of a speedy and definitive termination of the dispute. This consideration, added to the desire common to both, to relieve the liberal and friendly relations so happily existing between the two countries, from all embarrassments, will no doubt have its just influence upon both.

Our diplomatic intercourse with Portugal has been renewed, and it is expected that the claims of our citizens, partially paid, will be fully satisfied as soon as the condition of the Queen's Government will permit the proper attention to the subject of them.—That Government has, I am happy to inform you, manifested a determination to act upon the liberal principles which have marked our commercial policy; the happiest effects upon the future trade between the United States and Portugal, are anticipated from it, and the time is not thought to be remote when a system of perfect reciprocity will be established.

The instalments due under the Convention with the King of the Two Sicilies have been paid with that scrupulous fidelity by which his whole conduct has been characterized, and the hope is indulged that the adjustment of the vexed question of our

claims will be followed by a more extended and mutually beneficial intercourse between the two countries.

The internal contest still continues in Spain. Distinguished as this struggle has unhappily been by incidents of the most sanguinary character, the obligations of the late treaty of indemnification with us have been, nevertheless, faithfully executed by the Spanish Government.

No provisions having been made at the last session of Congress for the ascertainment of the Claims to be paid, and the apportionment of the funds, under the Convention made with Spain, I invite your early attention to the subject. The public evidences of the debt have, according to the terms of the convention, and in the forms prescribed by the U. States; and the interest, as it fell due, has been regularly paid upon them. Our commercial intercourse with Cuba stands as regulated by the act of Congress. No recent information has been received as to the disposition of the Government of Madrid on this subject, and the lamented death of our recently appointed Minister, on his way to Spain, with the pressure of their affairs at home, render it scarcely probable that any change is to be looked for during the coming year. Further portions of the Florida Archives have been sent to the U. States, although the death of one of the commissioners, at that critical moment, embarrassed the progress of the delivery of them. The higher officers of the local Government have recently shown an anxious desire, in compliance with the orders from the parent government, to facilitate the selection and delivery of all we have a right to claim.

Negotiations have been opened at Madrid for the establishment of a lasting peace between Spain and such of the Spanish American Governments of this hemisphere, as have availed themselves of the intimation given to all of them, of the disposition of Spain to treat upon the basis of their entire independence. It is to be regretted that simultaneous appointments, by all of Ministers to negotiate with Spain, had not been made; the negotiation itself would have been simplified, and this long standing dispute, spreading over a large portion of the world, would have been brought to a more speedy conclusion.

Our political and commercial relations with Austria, Prussia, Sweden and Denmark stand on the usual favorable bases. One of the articles of our treaty with Russia, in relation to the trade on the Northwest coast of America, having expired, instructions have been given to our Minister at St. Petersburg to negotiate a renewal of it. The long and unbroken amity between the two Governments, given every reason for supposing the article will be renewed, if stronger motives do not exist to prevent it, than, with our view of the subject, can be anticipated here.

I ask your attention to the message of my predecessor at the opening of the second session of the nineteenth Congress, relative to our commercial intercourse with Holland, and to the documents connected with that subject, communicated to the House of Representatives on the 10th of January, 1825, and 18th January, 1827. Coinciding in the opinion of my predecessor, that Holland is not, under the regulations of her present system, entitled to have her vessels and their cargoes received into the U. States on the footing of American vessels and cargoes, as regards duties of tonnage and impost, respect for his reference to it to the Legislature, has alone prevented me from acting on the subject. I should still have waited, without comment, for the action of Congress, but recently a claim has been made by Belgian subjects to admission into our ports, for their ships and cargoes, on the same footing as American, with the allegation we could not dispute, that our vessels received in their ports the identical treatment shown to them in the ports of Holland upon whose vessels no discrimination is made in the ports of the U. States. Giving the same privileges—the Belgians expected the same benefits—benefits that were in fact enjoyed when Belgium and Holland were united under one Government. Satisfied with the justice of their pretension to be placed on the same footing with Holland, I could not, nevertheless, without disregard to the principle of our laws, admit their claim to be treated as Americans, and at the same time, a respect for Congress, to whom the subject had long since been referred, has prevented me from producing a just equality by taking from the vessels of Holland, privileges conditionally granted by acts of Congress, although the condition upon which the grant was made, has, in my judgment, failed since 1822. I recommend, therefore, a review of the act of 1824, and such a modification of it as will produce an equality, on such terms as Congress shall think best comports with our settled policy, and the obligations of justice to two friendly powers.

With the Sublime Porte, and all the Governments on the coast of Barbary, our relations continue to be friendly. The proper steps have been taken to renew our treaty with Morocco.

The Argentine Republic has again promised to send, within the current year, a Minister to the United States.

A Convention with Mexico for extending the time for the appointment of commissioners to run the boundary line has been concluded, and will be submitted to the Senate. Recent events in that country have awakened the liveliest solicitude in the U. States. Aware of the strong temptations existing, and powerful inducements held out, to citizens of the U. States to mingle in the dis-

sensions of four immediate neighbors, instructions have been given to the District Attorneys of the U. States, where indications warranted it, to prosecute, without respect to persons, all who might attempt to violate the obligations of our neutrality; while, at the same time, it has been thought necessary to apprise the Government of Mexico that we should require the integrity of our territory to be scrupulously respected by both parties.

From our diplomatic agents in Brazil, Chile, Peru, Central America, Venezuela, and New Granada, constant assurances are received of the continued good understanding with the Governments to which they are severally accredited. With these Governments upon which our citizens have valid and accumulating claims, scarcely an advance towards a settlement of them is made, owing, mainly, to their distracted state, or to the pressure of imperative domestic questions. Our patience has been, and will probably be still further, severely tried; but our fellow citizens whose interests are involved, may confide in the determination of the Government, to obtain for them eventually, ample retribution.

Unfortunately, many of the nations of this hemisphere are still self-tormented by domestic dissensions. Revolution succeeds revolution, injuries are committed upon foreigners engaged in lawful pursuits, much time elapses before a Government sufficient to justify stable is erected to justify expectation of redress. Ministers are sent and received, and before the discussions of past injuries are fairly begun, fresh troubles arise; but too frequently new injuries are added to the old, to be discussed together, with the existing Government, after it has proved its ability to sustain the assaults made upon it, or with its successor, if overthrown. If this unhappy condition of things continues much longer, other nations will be under the painful necessity of deciding whether justice to their suffering citizens does not require a prompt redress of injuries, by their own power, without waiting for the establishment of a Government competent and enduring enough to discuss and to make satisfaction for them.

Since the last session of Congress, the validity of our claims upon France, as liquidated by the treaty of 1831, has been acknowledged by both branches of her Legislature, and the money has been appropriated for their discharge, but the payment is, I regret to inform you, still withheld.

A brief recapitulation of the most important incidents in this protracted controversy, will show how utterly untenable are the grounds upon which this course is attempted to be justified.

On entering upon the duties of my station, I found the United States an unsuccessful applicant to the justice of France, for the satisfaction of claims, the validity of which was never questioned, and has now been most solemnly admitted by France herself. The antiquity of these claims, their high justice, and the aggravating circumstances out of which they arose, are too familiar to the American People to require description. It is sufficient to say, that for a period of ten years and upwards, our commerce was, with but little interruption, the subject of constant aggressions on the part of France—aggressions, the ordinary features of which were condemnations of vessels and cargoes under arbitrary decrees, adopted in contravention, as well of the laws of nations, as of treaty stipulations; burnings on the high seas, and seizures and confiscations under special imperial rescripts, in the ports of other nations occupied by the armies, or under the control of France. Such, it is now conceded, is the character of the wrongs we suffered; wrongs, in many cases, so flagrant that even their authors never denied our right to reparation. Of the extent of these injuries, some conception may be formed from the fact, that after the burning of a large amount at sea, and the necessary deterioration in other cases, by long detention, the American property so seized and sacrificed at forced sales, excluding what was adjudged to privateers, before or without condemnation, brought into the French treasury upwards of twenty-four millions of francs, besides large custom-house duties.

The subject had already been an affair of twenty years' uninterrupted negotiation, except for a short time, when France was overwhelmed by the military power of united Europe. During this period, whilst other nations were extorting from her, payment of their claims at the point of the bayonet, the United States intermitted their demand for justice, out of respect to the oppressed condition of a gallant people, to whom they felt under obligations for fraternal assistance in their own days of suffering and of peril.—The bad effects of these protracted and unavailing discussions, as well upon our relations with France as upon our national character, were obvious; and the line of duty was to my mind equally so. This was, either to insist upon the adjustment of our claims within a reasonable period, or to abandon altogether. I could not doubt that, by this course, the interest and honor of both countries would be best consulted. Instructions were, therefore, given in this spirit, to the Minister who was sent out once more to demand reparation.

Upon the meeting of Congress, in December, 1829, I felt it my duty to speak of these claims, and the delays of France, in terms calculated to call the serious attention of both countries to the subject. The then French Ministry took exception to the message, on the ground of its containing a menace, under which it was not agreeable to the

French Government to negotiate. The American Minister, of his own accord, refused the construction which was attempted to be put upon the message, and at the same time called to the recollection of the French Ministry, that the President's message was a communication addressed, not to Foreign Governments, but to the Congress of the U. States, in which, it was enjoined upon him, by the constitution, to lay before that body information of the state of the Union, comprehending its foreign as well as its 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 and not from any intention of holding a menace over a foreign power. The views taken by him received my approbation, and the French Government was satisfied, and the negotiation was continued. It terminated in the treaty of July 4, 1831, recognizing the justice of our claims in part, and promising payment to the amount of twenty-five millions of francs, in six annual instalments.

The ratifications of this treaty were exchanged at Washington on the 2d of February, 1832, and in five days thereafter it was laid before Congress, who immediately passed the acts necessary, on our part, to secure to France the commercial advantages conceded to her in the compact. The treaty had previously been solemnly ratified by the King of the French in terms which are certainly not mere matters of form, and of which the translation is as follows:

"We, approving the above convention in all and each of the dispositions which are contained in it, do declare by ourselves, as well as by our heirs and successors, that it is accepted, approved, ratified, and confirmed; and by these presents, signed by our hand, we do accept, approve, ratify, and confirm it; promising, on the faith and word of a King, to observe it, and to cause it to be observed inviolably, without ever contravening it, or suffering it to be contravened, directly or indirectly, for any cause, or under any pretence whatsoever."

Official information of the exchange of ratifications in the United States reached Paris whilst the Chambers were in session. The extraordinary, and to us injurious, delays of the French Government in their action upon the subject of its fulfilment, have been heretofore stated to Congress, and I have no disposition to enlarge upon them here. It is sufficient to observe that the then pending session was allowed to expire, without even an effort to obtain the necessary appropriations—that the two succeeding ones were also suffered to pass away without any thing like a serious attempt to obtain a decision upon the subject—and that it was not until the fourth session—almost three years after the conclusion of the treaty, and more than two years after the exchange of ratifications—that the bill for the execution of the treaty was pressed to a vote, and rejected. In the mean time, the United States having full confidence that a treaty entered into and so solemnly ratified by the French King, would be executed in good faith, and not doubting that provision would be made for the payment of the first instalment which was to become due on the second day of February, 1833, negotiated a draft for the amount through the Bank of the U. States. When this draft was presented by the holder, with the credentials required by the treaty to authorize him to receive the money, the Government of France allowed it to be protested. In addition to the injury in the nonpayment of the money by France, conformably to her engagement, the U. States were exposed to a heavy claim on the part of the Bank, under the pretence of damages, in satisfaction of which that institution seized upon, and still retains, an equal amount of the public moneys. Congress was in session when the decision of the Chambers reached Washington; and an immediate communication of this apparently final decision of France not to fulfil the stipulations of the treaty, was the course naturally to be expected from the President. The deep tone of dissatisfaction which pervaded the public mind, and the correspondent excitement produced in Congress by only a general knowledge of the result, rendered it more than probable that a resort to immediate measures of redress would be the consequence of calling the attention of that body to the subject. Sincerely desirous of preserving the pacific relations which had so long existed between the two countries, I was anxious to avoid this course if I could be satisfied that, by doing so, neither the interests nor the honor of my country would be compromised. Without the fullest assurances upon that point, I could not hope to acquire myself of the responsibility to be incurred in suffering Congress to adjourn without laying the subject before them. Those received by me were believed to be of that character.

That the feelings produced in the U. States by the news of the rejection of the appropriation, would be such as I have described them to have been, was foreseen by the French Government, and prompt measures were taken by it to prevent the consequences. The King, in person, expressed, through our Minister at Paris, his profound regret at the decision of the Chambers, and promised to send, forthwith, a national ship, with despatches to his Minister here, authorizing him to give such assurances as would satisfy the Government and the people of the U. States that the treaty would yet be faithfully

executed by France. The national ship arrived, and the Minister received his instructions. Claiming to act under the authority derived from them, he gave to this government, in the name of his, the most solemn assurances, that as soon after the new elections as the charter would permit, the French Chambers would be convened, and the attempt to procure the necessary appropriations renewed; that all the constitutional powers of the King and his Ministers should be put in requisition to accomplish the object; and he was understood, and so expressly informed by this Government, at the time to engage that the question should be pressed to a decision, at a period sufficiently early to permit information of the result to be communicated to Congress at the commencement of their next session. Relying upon these assurances, I incurred the responsibility, great as I regarded it to be, of suffering Congress to separate without communicating with them upon the subject.

The expectations justly founded upon the promises thus solemnly made to this Government by that of France, were not realized. The French Chambers met on the 31st of July, 1834, soon after the election, and although our Minister in Paris urged the French Ministry to press the subject before them, they declined doing so. He next insisted that the Chambers, if prorogued without acting on the subject, should be reasssembled at a period so early, that their action on the treaty might be known in Washington prior to the meeting of Congress.—This reasonable request was not only declined, but the Chambers were prorogued to the 29th of December, a day so late, that their decision, however urgently pressed, could not, in all probability, be obtained in time to reach Washington before the necessary adjournment of Congress by the constitution. The reasons given by the Ministry for refusing to convoke the Chambers at an earlier period, were afterwards shown not to be insuperable, by their actual convocation on the 1st of December, under a special call for domestic purposes, which fact however did not become known to this Government until after the commencement of the last session of Congress.

Thus disappointed in our just expectations, it became my imperative duty to consult with Congress in regard to the expediency of a resort to retaliatory measures, in case the stipulations of the treaty should not be speedily complied with; and to recommend such, as in my judgment, the occasion called for. To this end, an unreserved communication of the case, in all its aspects, became indispensable. To have shrunk, in making it, from saying all that was necessary to its correct understanding, and that the truth would justify, for fear of giving offence to others, would have been unworthy of us.—To have gone, on the other hand, a single step further, for the purpose of wounding the pride of a Government & people with whom we had so many motives for cultivating relations of amity and reciprocal advantage, would have been unwise and improper.—Admonished by the past, of the difficulty of making even the simplest statement of our wrongs without disturbing the sensibilities of those who had, by their position, become responsible for their redress, and earnestly desirous of preventing further obstacles from that source, I went out of my way to preclude a construction of the message, by which the recommendation that was made to Congress might be regarded as a menace to France, in not only disavowing such a design but in declaring that her pride and her power were too well known to expect any thing from her fears. The message did not reach Paris until more than a month after the Chambers had been in session, and such was the insensibility of the Ministry to our rightful claims and just expectations, that our Minister has been informed, that the matter, when introduced, would not be pressed as a Cabinet measure.

Although the message was not officially communicated to the French Government, and notwithstanding the declaration to the contrary which it contained, the French Ministry decided to consider the conditional recommendation of reprisals, a menace and an insult, which the honor of the nation made it incumbent on them to resent. The measures resorted to by them to evince their sense of the supposed indignity, were, the immediate recall of their Minister at Washington, the offer of passports to the American Minister at Paris, and a public notice to the Legislative Chambers, that all diplomatic intercourse with the U. States had been suspended.

Having, in this manner, vindicated the dignity of France, they next proceeded to illustrate her justice. To this end, a bill was immediately introduced into the Chamber of Deputies, proposing to make the appropriations necessary to carry into effect the treaty. As this bill subsequently passed into a law, the provisions of which now constitute the main subject of difficulty between the two nations, it becomes my duty, in order to place the subject before you in a clear light, to trace the history of its passage, and to refer, with some particularity, to the proceedings and discussions in regard to it.—The Minister of Finance, in his opening speech, alluded to the measures which had been adopted to resent the supposed indignity, and recommended the execution of the treaty as a measure required by the honor and justice of France. He, as the organ of the Ministry, declared the message, so long as it had not received the sanction of Congress, a mere expression of the personal opinion of the President, for which neither the Government nor the People of the U.

States were responsible, and that an engagement had been entered into, for the fulfilment of which the honor of France was pledged. Entertaining these views, the single condition which the French Ministry proposed to annex to the payment of the money, was, that it should not be made until it was ascertained that the Government of the U. States had done nothing to injure the interests of France; or, in other words, that no steps had been authorized by Congress of a hostile character towards France.

What the disposition or action of Congress might be, was then unknown to the French Cabinet. But on the 14th of January the Senate resolved, that it was at that time inexpedient to adopt any legislative measures in regard to the state of affairs between the United States and France, and no action on the subject had occurred in the House of Representatives. These facts were known in Paris prior to the 28th of March, 1835, when the committee to whom the bill of indemnification had been referred, reported it to the Chamber of Deputies.—That committee substantially re-echoed the sentiments of the Ministry, declared that Congress had set aside the proposition of the President, and recommended the passage of the bill without any other restriction than that originally proposed. Thus was it known to the French Ministry and Chambers, that if the position assumed by them, and which had been so frequently and solemnly announced as the only one compatible with the honor of France, was maintained, and the bill passed as originally proposed, the money would be paid, and there would be an end of this unfortunate controversy.

But this cheering prospect was soon destroyed by an amendment introduced into the bill at the moment of its passage, providing that the money should not be paid until the French Government had received satisfactory explanations of the President's message of the 2d December, 1834; and what is still more extraordinary, the President of the Council of Ministers adopted this amendment, and consented to its incorporation in the bill. In regard to a supposed insult, which had been formally resented by the recall of their Minister, and the offer of passports to ours, they now, for the first time, proposed to ask explanations. Sentiments and propositions which they had declared could not justly be imputed to the Government or People of the U. States, are set up as obstacles to the performance of an act of conceded justice to that Government and people. They had declared that the honor of France required the fulfilment of the engagement into which the King had entered, unless Congress adopted the recommendations of the message. They ascertained that Congress did not adopt them, and yet that fulfilment is refused unless they first obtain from the President explanations of an opinion characterized by themselves as personal and inoperative.

The conception that it was my intention to menace or insult the Government of France, is as unfounded, as the attempt to extort from the fears of that nation what her sense of justice may deny, would be vain and ridiculous. But the constitution of the U. States imposes on the President the duty of laying before Congress the condition of the country in its foreign and domestic relations, and of recommending such measures as may in his opinion, be required by its interests. From the performance of this duty he cannot be deterred by the fear of wounding the sensibilities of the people or Government of whom it may become necessary to speak—and the American People are incapable of submitting to an interference by any Government on earth, however powerful, with the free performance of the domestic duties which the constitution has imposed on their public functionaries. The discussions which intervened between the several departments of our Government belong to ourselves; and for any thing said in them, our public servants are only responsible to their own constituents, and to each other. If, in the course of their consultations, facts are erroneously stated, or unjust deductions are made, they require no other inducement to correct them however informed of their error, than their love of justice, and what is due to their own character; but they can never submit to be interrogated upon the subject as a matter of right, by a foreign power. When our discussions terminate in acts, our responsibility to foreign powers commences, not as individuals, but as a nation. The principle which calls in question the President for the language of his message, would equally justify a foreign power in demanding explanation of the language used in the report of a committee, or by a member in debate.

This is not the first time that the Government of France has taken exception to the messages of American Presidents. President Washington and the first President Adams, in the performance of their duties to the American People, fell under the animadversions of the French Directory. The objection taken by the Ministry of Charles the Tenth, and removed by the explanations made by our Minister upon the spot, has always been adverted to. When it was understood that the Ministry of the present King took exception to my message of last year, putting a construction upon it which was disavowed on its face, our late Minister at Paris, in answer to the note which first announced a dissatisfaction with the language used in the message, made a communication to the French Government, under date of the 29th of January, 1835 calculated to remove all impressions, which an unreasonable susceptibility had created. He repeated, and called the attention of the French Govern-