

MINERS' & FARMERS' JOURNAL.

PRINTED AND PUBLISHED EVERY THURSDAY, BY THOMAS J. HOLTON, CHARLOTTE, MECKLENBURG COUNTY, NORTH-CAROLINA.

I WILL TEACH YOU TO PIERCE THE BOWELS OF THE EARTH AND BRING OUT FROM THE CAVERNS OF THE MOUNTAINS, METALS WHICH WILL GIVE STRENGTH TO OUR HANDS AND SUBJECT ALL NATURE TO OUR USE AND PLEASURE.—DR. JOHNSON.

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United States and France.

OUR RELATIONS WITH FRANCE.

The Report of the Committee on Foreign Relations, concludes with the following Resolution:

Resolved, That it is inexpedient, at this time, to pass any law vesting in the President authority for making reprisals upon French property, in the contingency of provision not being made for paying to the United States the indemnity stipulated by the treaty of 1831, during the present session of the French Chambers.

The question being upon agreeing to the Resolution as reported—

Mr. CLAY said, it was not his purpose, at the present stage of consideration of this resolution, and he hoped it would not be necessary for him at any stage, to say much with the view of enforcing the arguments in its favor, which are contained in the report of the Committee. In the present posture of our relations with France, the course which had appeared to him and to the Committee most expedient being to wait the issue of those deliberations in the French Chambers which may even at this moment be going on, it would not be proper to enter at large, at the present time, into all the particulars touched upon in the report. On all questions connected with the foreign affairs of this country, Mr. C. said, differences of opinion will arise, which will finally terminate in whatever way the opinion of the people of this country may so tend as to influence their representatives. But, said he, whenever the course of things shall be such that a rupture shall unfortunately take place between this country and any foreign country, (whether France or any other,) I make this opportunity of saying that, from that moment, whatever of energy or ability, whatever of influence I may possess in my country, shall be devoted to the carrying on that war with the utmost vigor which the arms and the resources of the United States can give to it. I will not anticipate, however, such a state of things—nay, I feel very confident that such a rupture will not occur between the United States and France.

With respect to the justice of our claim upon France for payment of the indemnity stipulated by the treaty, Mr. C. said, the report of the Committee is in entire concurrence with the Executive. The opinion of the Committee is that the claims stipulated to be paid are founded in justice; that we must pursue them; that we must finally obtain satisfaction for them, and, to do so, must, if necessary, employ such means as the law of nations justifies and the Constitution has placed within our power. On these points there was no diversity of sentiment between the Committee and the President; there could be no diversity between either the Committee or the President and any American citizen.

In all that the President has said of the obligation of the French Government to make the stipulated provision for the claims, the Committee entirely concur. If the President, in his Message, after making his statement of the case, had stopped there, and abstained from the recommendation of any specific measure, there could not have been possibly any diversity of opinion on the subject between him and any portion of the country. But when he declares the confidence which he entertains in the French Government; when he expresses his conviction that the Executive branch of that Government is honest and sincere in its professions, and recites the promise by it of a renewed effort to obtain the passage of a bill of appropriation by the French Chambers, it did appear to the committee inconsistent with these professions of confidence, that they should be accompanied by the recommendation of a measure which could only be authorized by the conviction that no confidence, or, at least, not entire confidence, could be placed in the declarations and professions of the French Government. Confidence and distrust (said Mr. C.) are unqualified allies. If we profess confidence in any where, especially if that confidence be not for a limited period, it should be unaccompanied with any indication whatever of distrust—a confidence full, free, frank. But to say, as the President, through our Minister, has said, that he will await the issue of the deliberations of the Chambers, confiding in the sincerity of the King, and this, after hearing of the rejection of the first bill of appropriation by the Chambers, and now, at the very moment when the Chambers are about deliberating on the subject, to throw out in a Message to Con-

gress what the President himself considered might possibly be viewed as a menace, appeared to the committee, with all due deference to the Executive, and to the high and patriotic purposes which may be supposed to have induced the recommendation, to be inconsistent to such a degree as not to be proper to be seconded by the action of Congress. It also appeared to the committee, after the distinct recommendation by the President on this subject, that there should be some expression of the sense of Congress in regard to it. Such an expression was proposed by the resolution now under consideration.

In speculating upon probabilities in regard to the course of the French Government, in reference to the Treaty, Mr. C. said, four contingencies might be supposed to arise: First, that the French Government may have made the appropriation to carry the Treaty into effect before the reception of the President's Message; Secondly, the Chambers may make the appropriation after the reception of the President's Message, and notwithstanding the recommendation on this subject contained in it; Thirdly, the Chambers may, in consequence of that recommendation, hearing of it before they shall have acted finally on the subject, refuse to make any appropriation until what they may consider a menace shall have been explained or withdrawn; Or, fourthly, they may, either on that ground, or on the ground of dissatisfaction with the provisions of the Treaty, refuse to pass the bill of appropriation. Now, in any one of these contingencies, Mr. C. said, after what had passed, an expression of the sense of Congress on the subject appeared to him indispensable, either to the passage of the bill, or the subsequent payment of the money, if passed.

Suppose the bill to have passed before the reception of the Message, and the money to be in the French Treasury, it would throw upon the King a high responsibility to pay the money, unless the recommendation of the Message should be explained or done away, or at any rate unless a new motive to the execution of the Treaty should be furnished in the fact that the two Houses of Congress, having considered the subject, had deemed it inexpedient to act until the French Chambers should have had an opportunity to be heard from. In the second contingency, that of the passage of a bill of appropriation after receiving the Message, a vote of Congress, as proposed, would be soothing to the pride of France, and calculated to continue that good understanding which it must be the sincere desire of every citizen of the United States to cultivate with that country. If the Chambers shall have passed the bill, they will see that though the President of the United States, in the prosecution of a just claim, and in the spirit of sustaining the rights of the United States, had been induced to recommend the measure of reprisals, yet that a confidence was entertained in both branches of Congress that there would be a compliance on the part of the French Government, with the pledges it had given, &c. In that contingency, the expression of such a sentiment by Congress could not but have a happy effect. In the other contingency supposed, also, it was indispensable that some such measure should be adopted.—Suppose the bill of appropriation to be rejected, or its passage to be suspended, until the Chambers, ascertain whether the recommendation by the President is to be carried out by the passage of a law by Congress, a resolution like this will furnish the evidence desired of the disposition of Congress.

If, indeed, upon the reception of the President's message the Chambers shall have refused to make the appropriation, they will have put themselves in the wrong by not attending to the distribution of the powers of this Government, and informing themselves whether those branches which alone can give effect to the President's recommendation, would respond to it.—But, if they take the other course suggested, that of suspending action on the bill until they ascertain whether the Legislative department of this Government coincides with the Executive in the contingent measure recommended, they will then find that the President's recommendation—the expression of the opinion of one high in authority, indeed, having a strong hold on the affections and confidence of the People, wielding the Executive power of the nation—but still an inchoate act, having no effect whatever without the Legislative action—had not been responded to by Congress, &c. Thus, under all contingencies happening on the other side of the water, and adopted to any one of those contingencies, the passage of this resolution could do no mischief in any event, but was eminently calculated to prevent mischief, and to secure the very object which the President doubtless proposed to accomplish by his recommendation.

Mr. C. said he would not now consume any more time of the House by further remarks, but would resume his seat with the intimation of his willingness to modify the resolution in any manner, not changing its

result, which might be calculated to secure, what on such a question would be so highly desirable, the unanimous vote of the Senate in its favor. He believed it, however, all-essential, that there should be a declaration that Congress do not think it expedient, in the present state of the relations between the United States and France, to pass any law whatever concerning them.

Mr. KING, of Georgia, rose and moved to amend the resolution by striking out all after the word "Resolved," and inserting the words, "that as the French Chambers have been convened earlier than was expected by the President of the United States at the opening of the present session of Congress, it is inexpedient to pass any law relating to the treaty of 1831, until further information shall be received from France."

Mr. KING said he perfectly agreed with the Senator from Kentucky, that an extensive discussion was not called for, and he should not deem it necessary to say more than a few words on the change of phraseology which his amendment contemplated.

The tone and tenor of the report of the Committee on Foreign Relations, he acknowledged, with a few exceptions, met with his entire and cordial approbation.—He had agreed to it, with these exceptions in the Committee, and he agreed to it here. He had agreed to a rejection of the recommendation of the President. He had agreed that we were not at present called upon for action, and that it was inexpedient, at this time, to legislate on the subject. What was the tone and character of the report of the Committee on Foreign Relations? He did not believe that it was introduced by the honorable member as a party paper.—He did not believe it was presented to the Committee as a party paper. He did not believe it was presented to the consideration of the Senate as a party paper. He did not believe it would be received by the people as a party paper, unless, by the effects of the public press, and by party politicians, it should be stamped with that character. And he further agreed, that in all important points the President was sustained by this report. In every part of the report the President was treated with the most perfect respect. The views of the President were treated with the most perfect respect. The motives of the President were treated with the most perfect respect. And even the recommendation of the President, as to the specific mode of action, is treated, in the report, with most entire respect. And the inference, at least, is left upon our minds, that the only difference between the President and the Committee has arisen from a difference of facts and evidence under which they were called on to act.

It would be perceived, after these views of the tone and character of the report, that the objections he had to the resolution were of no very serious character. He was merely of opinion that it was important to connect the tone of the report with that of the proposition with which it concluded. He wished to carry out the views in the report, so as to obviate any difference of opinion. These were the reasons which had actuated him in making the change in the resolution contemplated by his amendment. His object was to connect the report and resolution on the point which he had introduced, so that, in the general position, that France was in the wrong, and the United States were in the right, there was no difference between the two propositions. He believed they were in perfect harmony.

The object of the latter part of the amendment was perfectly conveyed in the language.

He did not intend to commit himself or the Senate of the United States to any specific mode of action on the subject. He was disposed to hold out the idea, which he believed to be true, not only to France, but to the American people, that we are not to be tied down on the subject of the treaty; not to be so committed that we could not indulge any further action during the present session, if circumstances should arise to justify specific action, though not pledged to adopt the action of the President; yet in the event of information being received from France of such importance as to justify action, if willing and justified, and disposed to further action, we might accordingly act. He was not particularly wedded to the language of his resolution, but he deemed that the positions on which we seemed to be unanimous, should be sanctioned by something like the amendment. He did not pledge himself to vote against the resolution of the Committee unless his amendment was adopted; because he agreed with the Committee in the position taken in their report, that it was inexpedient to carry out the views of the President without further information.

Mr. CLAY said that it gave him very great pleasure to say, that he had found the honorable Senator from Georgia actuated by the best spirit in the consideration which the committee had been called on to give to this subject. It gave him great pleasure to say that the honorable Senator was frank,

open, unreserved. It also gave him great pleasure to find now, that, in the proposition offered by that gentleman, the shades of difference between it and the original resolution, were so slight and unimportant. He was happy to find in the resolution now offered no ground for serious opposition.

But he must still think the resolution objectionable in two particulars. The report of the committee was an argumentative document, presenting all the reasoning from which had been deduced the conclusions to which the committee had arrived; and it was not usual to recapitulate, in the concluding resolution, the reasoning contained in the report. If the resolution repeated one of these reasons, it might with equal propriety be called on to repeat all the reasons in that document. One objection, therefore, was, that the resolution assigned only one of the various reasons which led the committee to adopt the resolution they had reported, and that one, not, in his opinion, the strongest of the reasons assigned in the report. The resolution of the Senator from Georgia assigned, as the reason for non-concurrence in the recommendation of the President, that the French Chambers had assembled earlier than was expected when that recommendation was submitted.

His objection to the resolution in this form, was that the gentleman from Georgia had drawn down into it, from the body of the report, one only of the many reasons which carried the Committee to their conclusion, and that reason not the strongest. Now, if it was proper to select one of the reasons of the report, it might be proper to take all; for each Senator may be operated upon by a different reason than the one assigned in the resolution for aiming at the conclusion; and in a body composed of forty-eight members, it was not very probable that any one of the reasons would be found to operate with equal force on all.

There had been several things left undone by France, which had been promised to be done. The French Government had declared in a letter to the Secretary of State that they would carry the bill of appropriation into the Chambers the day after the commencement of the session. He could not say positively that this had not been done, but as far as reports had reached us, it had not been done. The tone and spirit of the original resolution were adopted under a general impression that there existed a desire on the part of the French Government to act justly, and that the Executive Government of France were pursuing with sincerity, every means in their power to produce that just action; and that they best understood the character of their Legislature, and the direct mode of management to be resorted to for the attainment of the desired effect. The Committee therefore, had come to the conclusion, which he now repeated, that we ought not to throw out any reproach against the French Government, because they had not called together the Chambers 60 or 90 days earlier than it had been convened; or because they had not gone the day after the meeting of the Chambers, with the appropriation bill in their hand, to urge its passage. If the Government of France were acting in that sincerity, of which he saw no reason to doubt, they were themselves most competent to determine the course most likely to ensure success. He therefore, could not consent to a resolution which drew down only one of the reasons contained in the report.

There was also another part of the resolution to which he could not consent. It concluded with declaring the inexpediency of acting on the recommendation of the President, until further information should be received from France. Now this language implied what all the Committee, what he himself, and the Senator from Georgia, had been most anxious to avoid, and might be viewed in the light of a menace by the French Chambers. The Chambers might argue that, as Congress had barely said that it was inexpedient to legislate until further information was received from France, his inference was, that, if the Chambers did not make the appropriation at the present session, Congress would, in that case, resort to the measure which the President had recommended. Now he was rather disposed to abide by the decision of the Committee, and by the view which he had before thrown out. If he was asked what he would do, should France fail to do her duty, he could not say what he would do;—"Sufficient for the day is the evil thereof."

It would be necessary, before any answer to that question could be given, to be in possession of all the circumstances attending that refusal, if it should ever take place.—And until he had all that information, he was not prepared to say what would be the proper measures. The President had recommended one measure, that of a restriction of French property. He was of the opinion that we ought to stand uncommitted as to any measure to which we might think proper to resort, in the event of a final refusal of the French Chambers to pass the bill of appropriation. The President had recommended the specific measure of

Reprisals. He had also expressed himself adverse to commercial restrictions, for reasons which appeared to him to be conclusive. For himself, he was not now prepared, nor, in his opinion, was it expedient, new to pronounce for or against any measure. Congress might, when the time came, prefer open and undisguised war. They might adopt the measure of reprisals. They might prefer the more pacific and moderate course of commercial restrictions. It was even possible that they might think it expedient to await the issue of further negotiation.

He was in favor of leaving Congress free and uncommitted; at liberty to act as they pleased, in the event of a refusal of the Chambers to make the appropriation. In every view, this absolute and entire uncommitted was desirable. As related to ourselves, we should desire every possible information, before we are called upon to act. It ought to be known to us, whether the King had himself abandoned our claims, or whether he would still continue to press them, Legislature after Legislature, until they were successful. We ought, therefore, to desire the most full and accurate information, and in justice to ourselves, and also in reference to this Congress, which will terminate its existence on the 3d of March, our hands ought to be left untied. The propriety of remaining uncommitted, with our hands untied, must be obvious. There would be a new Congress after the 3d of March. Ought we to commit that Congress; or ought we not to leave that Congress as free as we ourselves are to consider the subject with all the lights, as to the concurrent circumstances which they may be able to obtain, to show the tendency of the measure which may be adopted, whether it is to the ultimate recognition of the claims, or the extinction of all hope.

With these views, he should move to amend the amendment of the Senator from Georgia, by striking out the parts to which he objected.

Mr. WEBSTER said he had prepared a proposition for the consideration of the Senate, to correspond entirely with the amendment to the amendment, which had been suggested by the gentleman from Kentucky. He (Mr. W.) thought the object of a united vote of the Senate on this important question was so great, and the practical difference of opinion so far as he could learn, between honorable Senators, so small, that pains should be taken to throw the resolution, about to be passed, into such a shape that it may meet with the unanimous vote of the Senate. And it appeared to him to be the prevailing opinion of this body, to approve entirely the general views taken in the President's message, of the nature of the controversy between the United States and France, and of the clear right of the former, as insisted upon, at least by our side of it, and also of the utter impossibility that the councils of this country, under any circumstances, can depart from their just expectation of the just, reasonable, and reasonable fulfillment of that treaty by the French Government.

Upon that point in the message, in which there is made a suggestion or recommendation of a particular course of legislative action, he supposed there was no diversity of opinion in the Senate or the country. If he was right in that supposition then, and if there were various reasons, some of them occurring since the transmission of the message to Congress, which had produced a change of sentiment in the Senate, it seemed to him our course was peace, and that determination should be expressed in the fewest words. He thought there was an objection to the amended form of the resolution as proposed by the gentleman from Georgia, (Mr. KING,) because it placed the vote of the Senate on one of several reasons, and it left an implication in the sentiment which might be otherwise avoided, that the reason had ceased to exist, but that a certain line of conduct might be adopted, which would lead Congress to a different result.

Now, he was not prepared, nor did he wish to say what it might be necessary to do hereafter. He held it as policy and prudence to seeing that nothing was presented which required an intimation from the Senate as to what would be done in a future contingency. The proposition of the honorable Senator was liable to this objection: that it founds the report on reasons which may cease to exist to-morrow in effect, and we might not choose to be committed by the recommendation in the Message, even if the reason did not exist at the convocation of the Chambers, supposing that the Chambers, contrary to anticipation, should reject the bill; that the Executive Councils of France, feeling themselves bound by good faith to fulfil the treaty, should dissolve the present Chambers, and call the new Chambers; he did not wish to say, he did not wish to predict, what would be the opinion of the Government in that state of things. In short, he desired to leave the whole question entirely open, without any stipulation, any modification, any intimation, one way or the other, what would be done hereafter.

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