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BY GEORGE HOWARD.
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Miscellaneous.

SPECIAL MESSAGE.

To the Senate and House of Representatives:

Gentlemen: In my message at the opening of your session, I informed you that our Charge d'Affaires at Paris, had been instructed to ask for the final determination of the French Government, in relation to the payment of the indemnification, secured by the treaty of the 4th of July, 1831, and that when advices of the result should be received it would be made the subject of a special communication.

In execution of this design, I now transmit to you the papers numbered from 1 to 13, inclusive, containing, among other things, the correspondence on this subject between our Charge d'Affaires and the French Minister of Foreign Affairs from which it will be seen, that France requires, as a condition precedent to the execution of a treaty unconditionally ratified, and to the payment of a debt acknowledged by all the branches of her Government to be due, that certain explanations shall be made, of which she dictates the terms. These terms are such as that Government has already been officially informed cannot be complied with; and, if persisted in, they must be considered as a deliberate refusal on the part of France to fulfil engagements binding by the laws of nations, and held sacred by the whole civilized world. The nature of the act which France requires from this Government, is clearly set forth in the letter of the French Minister, marked No. 4. We will pay the money, says he, "when the Government of the U. States is ready, on its part, to declare to us, by addressing its claim to us officially, in writing, that it regrets the misunderstanding which has arisen between the two countries; that this misunderstanding is founded on a mistake; that it never entered into its intention to call in question the good faith of the French Government, nor to take a menacing attitude towards France," and he adds, "If the Government of the United States does not give this assurance, we shall be obliged to think that this misunderstanding is not the result of an error." In the letter marked No. 6, the French Minister also remarks, "that the Government of the United States knows, that upon itself depends henceforward the execution of the treaty of July 4, 1831."

Obliged by the precise language thus used by the French Minister, to view it as a peremptory refusal to execute the treaty, except on terms incompatible with the honor and independence of the United States, and persuaded that, on considering the correspondence now submitted to you, you can regard it in no other light, it becomes my duty to call your attention to such measures as the exigency of the case demands, if the claim of interfering in the communications between the different branches of our Government shall be persisted in. This pretension rendered the more unreasonable

by the fact, that the substance of the required explanation has been repeatedly and voluntarily given before it was insisted on as a condition—a condition the more humiliating, because it is demanded as the equivalent of a pecuniary consideration. Does France desire only a declaration that we had no intention to obtain our rights by an address to her fears rather than to her justice! She has already had it, frankly and explicitly given by our Minister, accredited to her Government, his act ratified by me, and my confirmation of it officially communicated by him, in his letter to the French Minister of Foreign Affairs, of the 25th of April, 1835, and repeated by my published approval of that letter after the passage of the bill of indemnification. Does France want a degrading, servile repetition of this act, in terms which she shall dictate, and which will involve an acknowledgment of her assumed right to interfere in our domestic councils? She will never obtain it. The spirit of the American people, the dignity of the Legislature, and the firm resolve of their Executive Government forbid it.

As the answer of the French Minister to our Charge d'Affaires at Paris, contains an allusion to a letter addressed by him to the representative of France at this place, it now becomes proper to lay before you the correspondence had between that functionary and the Secretary of State, relative to that letter, and to accompany the same with such explanations as will enable you to understand the course of the Executive in regard to it. Recurring to the historical statement made at the commencement of your session, of the origin and progress of our difficulties with France, it will be recollected that, on the return of our Minister to the United States, I caused my official approval of the explanations he had given to the French Minister of Foreign Affairs to be made public. As the French Government had noticed the message without its being officially communicated, it was not doubted that, if they were disposed to pay the money due to us, they would notice any public explanation of the Government of the United States in the same way. But, contrary to these well founded explanations, the French Ministry did not take this fair opportunity to relieve themselves from their unfortunate position, and to do justice to the United States.

Whilst, however, the Government of the United States was awaiting the movements of the French Government, in perfect confidence that the difficulty was at an end, the Secretary of State received a call from the French Charge d'Affaires in Washington, who desired to read to him a letter he received from the French Minister of Foreign Affairs. He was asked whether he was instructed or directed to make any official communication, and replied that he was only authorized to read the letter, and furnish a copy if required. The substance of its contents, it is presumed, may be gathered from Nos. 4 and 6 herebefore transmitted. It was an attempt to make known to the Government of the United States, privately, in what manner it could make explanations, apparently voluntary, but really dictated by France, acceptable to her, and thus obtain payment of the twenty-five millions of francs. No exception was taken to this mode of communication, which is often used to prepare the way for official intercourse, but the suggestions in it were, in their substance, wholly inadmissible. Not being in the shape of an official communication to this Government, it did not admit of reply or official no-

tice, nor could it safely be made the basis of any action by the Executive or the Legislature; and the Secretary of State did not think proper to ask a copy, because he could have no use for it. Copies of papers, marked Nos. 9, 10, and 11, shows an attempt on the part of the French Charge d'Affaires, many weeks afterwards, to place a copy of this paper among the archives of this Government, which, for obvious reasons, was not allowed to be done; but the assurance before given was repeated, that any official communication which he might be authorized to make in the accustomed form, would receive a prompt and just consideration. The indiscretion of this attempt was made more manifest, by the subsequent avowal of the French Charge d'Affaires, that the object was to bring the letter before Congress and the American people. If foreign agents, on a subject of disagreement between their Government and this, wish to prefer an appeal to the American people, they will hereafter, it is hoped, better appreciate their own rights, and the respect due to others, than to attempt to use the Executive as the passive organ of their communications. It is due to the character of our institutions, that the diplomatic intercourse of this Government should be conducted with the utmost directness and simplicity, and that, in all cases of importance, the communications received or made by the Executive, should assume the accustomed official form. It is only by insisting on this form that foreign powers can be held to full responsibility; that their communications can be officially replied to; or that the advice or interference of the Legislature can, with propriety, be invited by the President. This course is also best calculated, on the one hand, to shield that officer from unjust suspicions, and on the other, to subject this portion of his acts to public scrutiny; and, if occasion shall require it, to constitutional animadversion. It was the more necessary to adhere to these principles in question, inasmuch as, in addition to other important interests, it very intimately concerned the national honor; a matter, in my judgment; much too sacred to be made the subject of private and unofficial negotiation.

It will be perceived that this letter of the French Minister of Foreign Affairs was read to the Secretary of State on the 11th of September last. This was the first authentic indication of the specific views of the French government, received by the government of the United States after the passage of the bill of indemnification. Inasmuch as the letter had been written before the official notice of my approval of Mr. Livingston's last explanation and remonstrance could have reached Paris, just ground of hope was left, as has been before stated, that the French government on receiving that information, in the same manner the alleged offending message had reached them, would desist from their extraordinary demand, and pay the money at once. To give them an opportunity to do so, and, at all events, to elicit their final determination, and the ground they intended to occupy, the instructions were given to our Charge d'Affaires, which were adverted to at the commencement of the present session of Congress. The result, as you have seen, is a demand of an official written expression of regrets, and a direct explanation addressed to France, with a distinct intimation that this is a *sine qua non*.

Mr. Barton having, in pursuance of his instructions, returned to the United States, and the

Charge d'Affaires of France having been recalled, all diplomatic intercourse between the two countries is suspended—a state of things originating in an unreasonable susceptibility on the part of the French government, and rendered necessary on our part by their refusal to perform engagements contained in a treaty, from the faithful performance of which by us they are to this day enjoying many important commercial advantages.

It is time that this unequal position of affairs should cease, and that legislative sanction should be brought to sustain Executive exertion in such measures as the case requires. While France persists in her refusal to the terms of a treaty, the object of which was, by removing all causes of mutual complaint, to renew ancient feelings of friendship, and to unite the two nations in the bonds of amity, and of a mutually beneficially commerce, she cannot justly complain if we adopt such peaceful remedies as the law of nations and the circumstances of the case may authorize and demand. Of the nature of these remedies, I have heretofore had occasion to speak; and, in reference to a particular contingency, to express my conviction that reprisals would be best adapted to the emergency then contemplated. Since that period, France, by all the departments of her government, has acknowledged the validity of our claims, and the obligations of the treaty, and has appropriated the moneys which are necessary to its execution; and though payment is withheld on grounds vitally important to our existence as an independent nation, it is not to be believed that she can have determined permanently to retain a position so utterly indefensible. In the altered state of the questions in controversy, and under all existing circumstances, it appears to me that, until such a determination shall have become evident, it will be proper and sufficient to retaliate her present refusal to comply with her engagements, by prohibiting the introduction of French products and the entry of French vessels into our ports. Between this and the interdiction of all commercial intercourse, or other remedies, you, as the representatives of the people, must determine. I recommend the former, in the present posture of our affairs, as being the least injurious to our commerce, and as attended with the least difficulty of returning to the usual state of friendly intercourse, if the government of France shall render us the justice that is due; and also as a proper preliminary step to stronger measures, should their adoption be rendered necessary by subsequent events.

The return of our Charge d'Affaires is attended with public notices of naval preparations on the part of France, destined for our seas. Of the cause and intent of these armaments, I have no authentic information, nor any other means of judging, except such as are common to yourselves and to the public; but, whatever may be their object, we are not at liberty to regard them as unconnected with the measures which hostile movements on the part of France may compel us to pursue. They at least deserve to be met by adequate preparation on our part, and I therefore strongly urge large and speedy appropriations for the increase of the navy, and the completion of our coast defences.

If this array of military force be really designed to affect the action of the government and people of the United States, on the questions now pending between the two nations, then indeed would it be dishonorable to pause a moment on the alternative which such a state of things would present to

us. Come what may, the explanation which France demands can never be accorded; and no armament, however powerful and imposing, at a distance, or on our coast, will, I trust, deter us from discharging the high duties which we owe to our constituents, to our national character, and to the world.

The House of Representatives, at the close of the last session of Congress, unanimately resolved, that the treaty of the 4th of July, 1831, should be maintained, and its execution insisted on by the United States. It is due to the welfare of the human race, not less than to our own interests and honor, that this resolution should, at all hazards, be adhered to. If, after so signal an example as that given by the American people, during their long protracted difficulties with France, of forbearance under accumulated wrongs, and of generous confidence in her ultimate return to justice, she shall now be permitted to withhold from us the tardy and imperfect indemnification, which, after years of remonstrance and discussion, had at length been solemnly agreed on by the treaty of 1831, and to set at naught the obligation it imposes, the United States will not be the only sufferers. The efforts of humanity and religion, to substitute appeals of justice, and the arbitrament of reason, for the coercive measures usually resorted to by injured nations, will receive little encouragement from such an issue. By the selection and enforcement of such lawful and expedient measures as may be necessary to prevent a result so injurious to ourselves and so fatal to the hopes of the philanthropist, we shall therefore not only preserve the pecuniary interests of our citizens, the independence of our Government and the honor of our country, but do much, it may be hoped to vindicate the faith of treaties, and to promote the general interests of peace, civilization, and improvement.

ANDREW JACKSON.
Washington, Jan. 15, 1836.

Frauds in packing Cotton.—Extract of a letter from Liverpool dated December 7:—There have been so many complaints of late about Cotton falsely packed, that the subject has attracted the attention of all those interested in the trade. A memorial from the association of Cotton Brokers was presented to the Chamber of Commerce of American Merchants, signed by fifty nine of the first Brokers pointing out the evil consequences which must ensue from this cause, to a trade of such magnitude which hitherto has been characterised for honor and fair dealing. A resolution was adopted to suggest to the American Merchants to consider the expediency of applying to the Legislatures of the respective states for the enactment of laws to make it imperative on the gin owner to have his name and residence stamped on each bale—and that meanwhile the planters be requested voluntarily to adopt this plan thereby insuring to their cotton a preference over what is not thus marked.—*Pet. Int.*

Another project.—A correspondent of the Norfolk Beacon, writing from Chowan, N. C. Dec. 26th, states that "a project is on foot for constructing a Rail Road from Norfolk to Charleston S. C." He sketches the route, and states that the only stream of consequence to impede the progress of this road, would be the Santee river, which, from its great depth, would have to be crossed by steam boats.

Nineteen mob cases have been tried at Baltimore. The

last convicted was a Mr. Lynch and a splendid barouche was sent by an unknown friend to the court to convey him to the jail; but the Judge would not permit the indulgence of this ostentatious exhibition of unmerited commiseration, and Lynch was sent to close-quarters in the usual style of such culprits.

North Carolina Wine.—We have been favoured with a few bottles of wine from the Scuppernon Grape. It is white, and of the flavour of sweet Malaga—much sweeter and stronger than Muscat. We see no reason why in the sandy soil of that state the grape cannot be cultivated extensively, and persons would find their account in taking up the matter seriously, when foreign wines may soon be at a higher price.
N. Y. Star.

Small Pox.—Since our last, there have been a few new cases of this disease in our town, say from five to six. None within four or five days past, except one, we understand, this morning.
Eliz. City Times.

Great Fire in New York.—It has been clearly ascertained that the great fire originated as was supposed, in the store of Messrs. Comstock & Andrews, 25 Merchant-street. The occupants of other stores in the vicinity heard an explosion about 6 o'clock of the fatal evening; and immediately thereafter the flames burst from the first and fourth stories of the building aforesaid, occupied as above, while the intermediate stories, in the possession of another firm, remained for some minutes perfectly dark. Of course, the conflagration must be attributed to the explosion of a gas-pipe, and no blame can be attached to any person.

More Lynching!—It is stated in the New Orleans Post, that a white man named Williams, and a negro man, were summarily put to death by the mob, at Jackson, Louisiana, 26th Dec. in consequence of its being believed that they were instigators in an expected insurrection among the slaves. Great excitement prevailed in that and the adjoining Parishes.

Fatal Mistake.—A party on Christmas eve, went on a frolic late at night, into the house of Mr. Ray in Munroe co. Geo. when supposing it to be a negro insurrection, Mr. Ray rose from his bed and fired his gun amongst the party, killing one man.

Abraham Prescott, the murderer of Mrs. Cochran, was executed at Hopkinton, N. H. on Wednesday. He appeared perfectly indifferent, and gave the signal himself. About 18,000 persons were present. Nothing can surpass the morbid avidity of people for such spectacles. We wonder if as many could be mustered so quickly in this cold weather to drive back a foreign invasion.

An afflicted husband.—A Mr. Andrew Wilhelm, of Penn. advertises that a man named Frederick Tarr, has run away with his wife and black mare. He offers a reward of twenty-five dollars to any body who will return him the black mare, but nothing for his wife, although she has left him with five children.

Sewing by Machinery.—The Rochester Daily Democrat says that a mechanic of that city has invented a machine for making clothes which will "hereafter take the place of fingers and thumbs."