

THE STAR, North-Carolina State Gazette, Published weekly, LAWRENCE & LEMAY.

Subscription, three dollars per annum... All letters to the editors must be post-paid.

TURKISH MISSION.

SPEECH OF MR. LIVINGSTON, Of Louisiana, in the Senate of the United States, February 25, 1831, on the Turkish Mission, in answer to a Resolution of the Senate.

It is a practice of appointing secret agents with our existence as a nation, and beyond our acknowledged powers as such.

These instances show that even prior to the establishment of the Federal Government, Pleni-potentiaries were known as well in the practice of our own country as in the law of nations...

During the administration of the next President, Thomas Jefferson, only one treaty with the Barbary powers (that with Tripoli) was made; but as the negotiation was carried on by Mr. Lear, the public minister of the United States at that place, nothing can be inferred from this transaction that bears on the question; but Jefferson's co-operation in the two appointments, which I have quoted, by General Washington, leaves no doubt of his construction of the Constitution.

But, than the one we are now warring against, because in more points it contradicts the construction that is affirmed as the only true and orthodox faith by which we may be politically saved.

Will it be said that this example does not apply? Let the difference be pointed out; and where they differ the example set by Washington will be found more at variance with the principles laid down by the Senator from Virginia than the acts which he now denounces as unconstitutional.

Will he refer again to the war conducted power, and call the treaty with Algiers an armistice? The treaty itself replies to this answer—it is a treaty of commerce as well as of peace.

Again, difficulties having arisen as to the execution of the treaty with Algiers, another commission was issued on the 24th of August, 1816, to William Shaler and Isaac Chauncey, who renewed the former treaty, with alterations, on the 23d December, of the same year.

power, but to a Congress of powers, it was not supposed to be strictly diplomatic, nor agents, it was feared, were to act as deputies to a confederative government, rather than as ministers.

There are two other Presidents, whose acts and opinions on this subject we have to examine, in order to complete the series.

On Mr. Monroe's accession to the Presidency, he found our peace secured, with the Barbary powers; he had, therefore, no commissioners to appoint to them; but he had participated, as the head of the Department of State, in those which had been sent by Mr. Madison; and we may, therefore, fairly suppose, that if the occasion had offered, he would have followed the same course.

Again, when Mr. Adams came to the Presidency, he, in like manner, in the year 1825, commissioned Mr. Clay to treat of and conclude a treaty of commerce and navigation with the Minister of Denmark, which treaty was signed on the 26th April, in the same year, during the sitting of the Senate.

if he may make such an appointment for a negotiation here, can he not make a similar appointment for a negotiation to be carried on in Constantinople? If the latter is forbidden, where is the clause that authorizes the former? If the former is legal, where is the clause that excludes the latter?

But to remove all ground for the distinction, take an instance from the same collection of treaties which I have before quoted. In the year 1818, Mr. Gallatin, then our Minister in France, was commissioned, jointly with Mr. Rusi, our Minister at St. James', to negotiate a treaty with England, in the same manner that the Secretaries of State were commissioned to negotiate at Washington.

On the 24th of February, Livingston replied to Mr. Tyler and Mr. Tazewell as follows: Both the Senators from Virginia have thought it extraordinary that any observations should have been made on the terms in which it was deemed proper to stigmatize the conduct of the President of the United States, and by anticipation that of those who should support him.

wish him with a covert phrase, (as I think he called it,) that should express his idea without offence. Far be it from me, far from me the presumption of endeavoring to restrain the noble spirit of independent zeal that animates those who make the accusation, fostered as it is by the influence of climate, and strengthened by habits of freedom of speech.

But to remove all ground for the distinction, take an instance from the same collection of treaties which I have before quoted. In the year 1818, Mr. Gallatin, then our Minister in France, was commissioned, jointly with Mr. Rusi, our Minister at St. James', to negotiate a treaty with England, in the same manner that the Secretaries of State were commissioned to negotiate at Washington.

On the 24th of February, Livingston replied to Mr. Tyler and Mr. Tazewell as follows: Both the Senators from Virginia have thought it extraordinary that any observations should have been made on the terms in which it was deemed proper to stigmatize the conduct of the President of the United States, and by anticipation that of those who should support him.

That special appointment has been uniformly given by the President, without, in a single instance, submitting it to the Senate; and the unquestioned practice proves that in special appointments of commissioners, may equally be made without submitting them to the Senate.

First, in case of Pleni-potentiaries to treat of Peace. This is asserted by an encomium from the Senator's last address to you, on the diplomatic law of nations, and he lauds it particularly for a character which I never before heard attributed to it—its great certainty and precision.

My construction of the constitution, as to the power of appointing in recess, is discarded with the single observation, that it is bottomed on an assumed transposition of words in the clause. Not so, it stands on stronger grounds.

Another certain doctrine of this certain law which is destroyed by my argument is this: That, in a state of war, every individual of one belligerent nation is in hostility to every individual of the other; that in this situation of things, no Minister of one nation could be sent to another; that his personal safety would be endangered from the first man he met; and it never yet was known, says the Senator, very emphatically, that a Minister was sent by a Power at war to its enemy, *flagrant bello*, and therefore he concludes that Pleni-potentiaries to treat of peace are not Ministers.