

reference between the two Governments is not rather one of definition than of principle. Not only is the right of search properly so called, disclaimed by Great Britain, but even that of mere visit and inquiry is asserted with qualifications inconsistent with the idea of a perfect right.

In the despatch of Lord Aberdeen to Mr. Everett of the 20th of December, 1841, as also in that just received by the British Minister in this country, made to Mr. Fox, his lordship declares that if, in spite of all the precaution which shall be used to prevent such occurrences, an American ship, by reason of any visit or detention by a British cruiser, "should suffer loss and injury, it would be followed by prompt and ample remuneration," and in order to make more manifest her intentions in this respect, Lord Aberdeen, in the despatch of the 20th of December, makes known to Mr. Everett the nature of the instructions given to the British cruisers. These are such as if faithfully observed, would enable the British Government to approximate the standard of a fair indemnity. That Government has in several cases fulfilled her promises in this particular by making adequate reparation for damage to our commerce. It seems obvious to remark, that a right which is only to be exercised under such restrictions and precautions, and risk, in case of any assignable damage, to be followed by the consequences of a trespass, can scarcely be considered anything more than a privilege asked for and either conceded or withheld on the usual principles of international comity.

The principles laid down in Lord Aberdeen's despatches, and the assurance of indemnity therein held out, although the utmost reliance was placed on the good faith of the British Government, were not regarded by the Executive as a sufficient security against the abuses which Lord Aberdeen admitted might arise in even the most cautious and moderate exercise of their new maritime police; and, therefore, in my message at the opening of the last session, I set forth the views entertained by the Executive on this subject, and substantially affirmed both our inclination and ability to enforce our own laws, protect our flag from abuse, and acquit ourselves of all our duties and obligations on the high seas. In view of these assertions, the treaty of Washington was negotiated, and upon consultation with the British negotiator as to the quantum of force necessary to be employed in order to attain these objects, the result to which the most deliberate estimate led was embodied in the eighth article of the treaty.

Such were my views at the time of negotiating that treaty, and such, in my opinion, is its plain and fair interpretation. I regarded the 8th article as removing all possible pretext, on the ground of mere necessity, to visit and detain our ships upon the African coast because of any alleged abuse of our flag by slave traders of other nations. We had taken upon ourselves the burden of preventing any such abuse by stipulating to furnish an armed force regarded by both the high contracting parties as sufficient to accomplish that object.

Denying, as we did, and do, all color of right to exercise any such general police over the flags of independent nations, we did not demand of Great Britain any formal renunciation of her pretensions, still less had we the idea of yielding anything ourselves in that respect. We chose to make a practical settlement of the question. This we owed to what we had already done upon this subject. The honor of the country called for its honor of its flag demanded that it should not be used by others to cover an iniquitous traffic. This Government, I am very sure, has both the inclination and the ability to do this: and, if need be, it will not content itself with a fleet of eighty guns, but sooner than any foreign Government shall exercise the province of executing its laws and fulfilling its obligations, the highest of which is to protect its flag alike from abuse or insult, it doubt not, put in requisition for that purpose its whole naval power. The purpose of this Government is faithfully to fulfil the treaty on its part, and it will not permit itself to doubt that Great Britain will comply with it on hers. In this way, peace will best be preserved, and most amicable relations maintained between the two countries.

JOHN TYLER.

B. W. Leigh's Address TO THE VIRGINIA WHIG CONVENTION, On the 23d February, 1843.

Gentlemen: I take the chair as President of this Convention, to which you have called me, with no other sense of fitness for the place or worthiness of the honor it confers, but a consciousness of the sentiments I bring to it. I lay my hand on my heart, and most sincerely and conscientiously declare, that I have no political feelings which do not spring from an ardent desire to see the common weal of the whole Union, and the interest and happiness of every member of it, promoted and secured by an honest and judicious administration of the powers conferred by the constitution to the federal government, and of those reserved to the state governments—that I have no wish to promote, and feel no interest in promoting, the success of the Whig party, merely for the sake of the party; no wish for its success other than that which arises from a conviction, that its principles are just and sound, and that the policy it desires to have adopted and pursued, is calculated to foster, advance and secure the interests and happiness of my country—the whole country and every part of it. With a devotion to the constitution of the

United States, and a strong feeling of attachment towards the people of sister states, consistent federalism, I am a Federalist; if a jealous and egotistical regard for the rights of the state governments, constitute a State Rights man, I know not what I am, and always have been one. I am not a strict constructionist, in the party sense of that phrase—one who, when those to whom I am opposed are contending with the administration of federal affairs, is disposed to deny all powers to the general government, or so to restrict its powers as to render them impracticable or nugatory; much less am I a latitudinarian, who, when my friends are in power, acknowledges no constitutional bounds to their discretion. We ought all to insist on a fair construction of the constitution, in whomsoever the administration may be confided, whether our political opponents be friends. No man is more sensible of human fallibility than I—I may err in my estimate of men, and in my opinions of measures—but I have truly declared my sentiments, and am quite sure they are right.

The great object we should all have at heart, and which in three times presents itself most prominently to every reflecting mind, is to restore the confidence of the people in their governments, state and federal, and (what is yet more important to social happiness) confidence between man and man—that confidence which seems now almost entirely gone—that confidence without which it is impossible our political institutions can have any healthful action. If it cannot be restored, we must abandon all hope of public prosperity, or of private happiness.

In all governments, the work of legislation, and the administration of public affairs, must necessarily involve a compromise of opinions and interests. And this is especially true in the government of the United States; a government extending over twenty-six states, all connected together, and yet in a great measure independent of each other—over such a vast extent of territory—over people having such diversity and variety of interests: the interests of various classes of individuals, in the same part of the country, diversified by their various pursuits; and the interests of some parts of the Union diversified from those of others, by variety in the employment of capital, variety in the productions of soil and climate as well as of industry. No man or set of men, no State, no portion of the States, East or West, North or South, Agricultural, Commercial or Manufacturing—Slaveholding or non-Slaveholding, can reasonably expect that their particular opinions shall prevail, or their individual or local interests be alone, or even most prominently the object of regard. The duty of the Statesman and the Patriot is to consult the opinions, the feelings, the wishes, the interests of each and all; to reconcile them when they are conflicting, if that be possible; and if it be found impracticable, to devise and pursue such measures as, requiring every one to yield something, but none to sacrifice all, shall be best calculated to promote the welfare of each to the utmost extent compatible with the welfare of others. The Constitution of the United States, to which we all profess so much attachment and devotion, was dictated by the most liberal spirit of compromise; and it is only by the continual exertion and influence of the same spirit, that the Federal Government can be upheld to any good purpose—that its powers can be made to work beneficially for the common weal—for the harmony, the prosperity, and the happiness of the Union and of all its members.

It may be supposed by others—indeed I am myself conscious—that I am uttering truisms. But, if I am not much mistaken (would to Heaven I could believe that I am not at all mistaken) in my view of the present state of public affairs, and especially of the state and temper of parties, it is really necessary, that we should be all awakened to a lively and serious sense of these very truisms; and the time has come, when it behooves all men, and all parties, to recall them to their minds and to their hearts, and to act, practically and with general consent, under their influence. If we can only be brought to remember these truisms, and act up to them, as our fathers did, with a reasonable degree of heat and general sympathy, though difficulties enough will still remain to exercise the wisdom of statesmen and patriots, all may yet be well—public confidence may be revived, social harmony may be renewed, industry and enterprise relieved from the pressure of despair, and the spring of national prosperity restored to its wonted elasticity and vigor—and we may soon be, once again, a contented, united, prosperous, and happy people.

The spirit of compromise I am speaking of, is a compromise of feelings, wishes, opinions, and even interests; a spirit of mutual concession, which shall impel each and all to offer up some sacrifice on the altar of patriotism, and which will be equally salutary, whatever party may obtain the ascendancy in the administration of the government. I am for no compromise, no abandonment or sacrifice of principle; which, under any administration, would be pernicious. Let me illustrate the distinction by one or two examples:

I alluded this morning to the proposed remission of the fine imposed upon Gen. Jackson, for his contempt of the writ of *habeas corpus* and of the court that awarded it (for the judge to this purpose was a court) not while he was engaged in military operations for the defence of New Orleans, but after the defence was victorious and complete; not at a time when further military operations were anticipated, but in truth after the enemy had retired, repulsed and broken; after

all military operations were at an end, and after all apprehension of any occasion to renew them had passed away. Now, if the proposal to remit this fine and to restore the amount with interest, to Gen. Jackson, had been put upon the ground, that the contempt for which the fine was imposed upon him, though acknowledgedly illegal, was yet dictated by an honest conviction in his own mind, that it was necessary for the safety of the country, he should have been permitted to do so, and to persist in his measures, or upon the ground, that a just consideration of his meritorious services, and of the uprightness of his intentions, outweighed all consideration of the irregularity of the means he thought proper to employ to accomplish his success over a formidable invading enemy; or on the ground, that a vast majority of the people have acquiesced in all his intentional fault, and to respect to them, not less than regard for him, required that he should be relieved from the punishment he justly incurred; or even upon the ground, that such a manifestation of the nation's pardon and affection would soothe the feelings of an eminent public servant, now in the last act of life; if the remission of this fine had been put on these or any like grounds, though with my opinions of the man, and my knowledge of the history of his conduct, I would not have approved the measure, I could yet with a safe conscience have deferred to the opinions and feelings of Gen. Jackson's friends and admirers—I could have compromised the matter with them—and if they had declared such reasons for remitting the fine, and expressly provided that the act should not be drawn into precedent, I should have been content. But General Jackson has publicly declared that the remission of the fine shall rest on no such grounds, and rendered all compromise impossible; he declines to accept pardon; he demands that the fine shall be remitted, as a condemnation of the Judge who imposed it upon him, and as a full justification of the conduct by which he incurred it. Condemnation of the Judge now when he has gone to the grave! Condemnation of the just Judge, who, in awarding the writ of *habeas corpus*, did what the most solemn obligations of his official duty required at his hands, and what it would have been a criminal and impeachable offence to refuse to do; and who, in vindicating his just and undoubted authority against the usurpations of military power, gave one of the most signal examples recorded in his story, of civic virtue, and moral and even personal courage—the imposition of a fine for an open and apparently wanton violation of the laws, upon a victorious General, who was still at the head of troops, flushed with the common victory, and who was sustained by a people apparently blinded for the time by the splendor of military renown that flashed in their eyes, and heated with enthusiastic gratitude to the offender, for their own safety recently achieved by his valor. To grant a remission of this fine, thus audaciously and imperiously demanded, as a condemnation of the Judge, is to warn the Judges of this land, that if ever, in time to come, they shall dare to issue a writ of *habeas corpus*, for the rescue of a fellow citizen from military arrest by a victorious General from imprisonment and trial before a Court martial, from illegal bonds and jeopardy of life, they may be expelled by the same military power, and driven with gloomy frowns from their families and homes, and from the seats of their jurisdiction; and that the "Democracy" will stand by the military power against the civil authority, and damn the Judges for doing their duty, even after they are dead and gone. To grant a remission of this fine, thus demanded as a justification of the General's conduct, is to make a formal and deliberate acknowledgment of the right of a commanding General of the United States to proclaim and to enforce martial law within the Union, over the whole State where he may be in command, and over all its citizens—to suspend, at his discretion, and for such time as he may think proper, all the civil authorities, State and Federal—and to shut out of their Hall (or shut up in it) the members of the State Legislature, presuming to assert their constitutional powers, (which they are sworn to maintain), and even for talking of exercising them, till the General shall give them leave. Is it not wonderful, that State-Rights men, indeed, who claim to be exclusive in their devotion to the rights of the States—can consent to proclaim such doctrines to the world? If this be Democracy, it is Democracy without Republicanism, which in its essence consists in a government of laws. A victorious General at the head of a victorious army in the bosom of the country itself, has at all times been dangerous to Republics—the danger is not so great when they are abroad—and if this precedent shall be established, the danger will be aggravated to a degree which it is impossible to estimate. If the commanding General has a rightful power to suspend, he has a rightful power, upon a like plea of necessity, to abolish the civil Government and the laws; and some future commanding General, flushed with victory, backed by his victorious Army, intoxicated with vain glory, irritated by opposition or even complaint, and incited by that ambition with which military laurels are so apt to poison the mind—counting, with this precedent before his eyes, on the support of "the Democracy" and the sympathy of the People and the States—may and will abolish all our institutions. The precedent may at least serve to cover his first movement in the criminal enterprise. To establish such a precedent, under such circumstances, is to court monarchy. No compromise in relation

to this measure, can now be made: any compromise would be a surrender of the fundamental principles of civil liberty and Republican Government. I am talking of the principles of the measure, and the danger of the precedent, not of the motives of the men who are urging it on; those are their own affair: I am sure they do not view it in the same light I do, or they would resist from it with as much horror and dismay; but whatever may be their motives, the mischief is the same to us all.

I shall mention another subject of general, deep and exciting interest, which calls for mutual concession; which must be settled, and can only be settled by a spirit of fair and mutual compromise—the tariff of duties on imported goods. In its very nature, it involves conflicting interests; and unhappily, in our country, these conflicting interests, or at least the conflicting opinions and feelings on the subject, are marked by geographical bounds. Like most of my fellow-citizens of the Southern Agricultural States, I am, what was called an anti-tariff man, though not what may, perhaps, be now so called, since according to some opinions, those only are regarded as anti-tariff men, who think it proper to raise revenue for the support of Government by direct taxation, rather than raise the whole, if the whole can be conveniently raised, as doubtless it can, from the customs. I am opposed to the raising of more revenue from the customs, than what is really wanting for the support of Government upon an economical system of expenditure; an economical, not a parsimonious niggardly system of expenditure, stinting the Army, the Navy and the civil list, leaving the fortifications to go to ruin, and disappointing the creditor of prompt payment; and I am opposed to the imposition of duties on foreign goods for the mere purpose of protection to home industry, and especially "domestic" manufactures, without regard to revenue. Now, if the representatives of that portion of the country which is chiefly engaged in manufactures only ask that in raising the necessary revenue for the support of government, the tariff shall be adjusted on a system of discriminating (not prohibitory) duties, which will afford incidental protection to their manufactures (and this, as far as I can collect from the debates in Congress, is all they do ask.) I think we ought cheerfully to concede this much to them. Is there any good reason, in respect to our own interests, why we should insist on a horizontal tariff—to use the metaphor lately introduced in Congress, which seems more fruitful of good metaphor than of any other good thing—a system of *ad valorem* duties on all or most of the imported articles, those which are now dutiable and those that are free, in preference to a system of discriminating duties on a part of those articles which come into competition with our own productions? Supposing the same amount of revenue, be that what it may, is to be raised from the customs, whatever system of duties shall be adopted, I really cannot see how any greater burdens are likely to be imposed on us of the South by the system of discriminating duties which will afford incidental protection to home productions, than will probably result from a horizontal tariff. According to my information, the aggregate value of imported articles, free of duty, is (or was before the present tariff was enacted) nearly equal to the aggregate value of the dutiable articles. If so 20 per cent. *ad valorem* on all, would yield about the same amount of revenue, as an average of 40 per cent. of discriminating duties on half. The consumption, both of the free and of the dutiable articles, must, I suppose, be nearly uniform throughout the United States—as great in the manufacturing States as in the others. If, under the system of discriminating duties I am to pay 40 per cent. upon the cloth coat I wear and nothing on the silk gown my wife wears, I shall contribute about the same amount towards the revenue as if I were required by a horizontal tariff, to pay 20 per cent. on the cloth and 20 per cent. on the silk. I know very well that no general reasoning of this kind will square exactly with practical details; nor am I, on this occasion, studious of accuracy: The general thought has occurred to my mind—that whether the principal of the horizontal system, or that of discriminating duties shall prevail in the regulation of the tariff, each and every part of the country will have to contribute as large, or nearly as large, an amount towards the support of Government, under the one system as the other. And this general thought is thrown out for consideration. If I be correct, or approximate to correctness, far from preferring to pay my contribution under a horizontal tariff, which will relieve me from so part of my burden and confer incidental benefit on no portion of my fellow-citizens, rather than pay it under the system of discriminating duties, which will add nothing to my burden, and from which a large portion of my fellow-citizens will derive an incidental advantage, I say plainly, I should prefer the latter. The manufacturers are our fellow-citizens; and if we may give them a benefit, without injury to ourselves, it is very little to say we ought to do it. I have a real feeling of fellow-citizenship for them. However, these suggestions of mine, whether well or ill-founded, are of little importance to the main point I insist on; which are, that this subject of the Tariff ought to be adjusted in a spirit of liberal compromise—adjusted and settled, that the compromise I have mentioned is in principle, a fair one; and that the general system ought to be settled, with a view to some degree of permanency. It has been said, that since the present Tariff went into operation, there has been a great decrease of

importation; and this has been accounted for upon the supposition or rather assertion, that the duties imposed on many of the most important articles, are in truth prohibitory. If this be so, surely it ought to be corrected. But the present Tariff has had no fair experiment. The decrease of importation may have been owing to the embarrassed state of the country; and whether this be the cause, or not, or one of the operating causes, may, I suppose, be ascertained by an inquiry whether there has not been a decrease of importation of the free articles, as well as of those subject to duty. There is another cause which may alone have sufficed to produce such an effect—the apprehension of a sudden alteration of the Tariff, greatly reducing the duties, and exposing the importers to loss and ruin. This was threatened. But, however, all this may be, I say again, I only invoke a fair and liberal spirit of compromise.

In selecting a gentleman for the chief magistracy, we should never look for a man who agrees with us in all things; we shall find no such man. If there is any competitor for the office, whose opinions are moulded by the interests of his ambition; and consults the feelings and opinions of his fellow-citizens only to get their votes, that man is unworthy of our confidence. If there is any competitor for the office, who professes exclusive devotion to the interests of any one portion of the empire, who rests his claims to our suffrage entirely upon that devotion, whose opinions entirely renders him incapable of any concession to others, and who disclaims all compromise in matters of policy that can only be adjusted by compromise, that man is not fit for the place. I know a man, who has approved himself capable of exactly that kind of compromise I approve; who has ever avowed his principles with the utmost candor, and maintained them with independence, and who yet, whenever the interest of his country has required, has been ready to make the most liberal concessions, in matters of policy, to the opinions, the wishes, the feelings, and the interests of others; who, without forgetting, much more sacrificing, the interests of his own part of the Union, extends his generous regards to those of every quarter of the empire; and whose abilities and wisdom are equal to any and every exigency of State affairs—That man is HENRY CLAY.

The Whigs of Virginia have thought proper to convene us together on the birth day of Washington—hoping, I presume, that the memory of that generous and magnanimous devoted to the interests of his whole country, and that just and equal regard for every part of it, which he so signally manifested in all his actions, may inspire us with emulation of his illustrious example.

From the National Intelligencer.

LIST OF ACTS.

Of a public nature, passed at the third session of the 27th Congress.

- An act making appropriations for the civil and diplomatic expenses of Government for the half calendar year ending the 30th day of June, 1843.
- An act making appropriations for the civil and diplomatic expenses of Government for the fiscal year ending the thirtieth day of June, eighteen hundred and forty-four.
- An act making appropriations for the support of the Army and of the military academy, and for armories, arsenals, arms and munitions of war, and surveys, for the half calendar year ending the thirtieth day of June, on thousand eight hundred and forty-three, and for the fiscal year beginning the first day of July, one thousand eight hundred and forty-three, and ending the thirtieth day of June, one thousand eight hundred and forty-four.
- An act making appropriations for the naval service for the half calendar year beginning the first day of January, and ending the thirtieth day of June, one thousand eight hundred and forty-three, and for the fiscal year beginning on the first day of July, one thousand eight hundred and forty-three, and ending on the thirtieth day of June, one thousand eight hundred and forty-four.
- An act making appropriations for fulfilling treaty stipulations with various Indian tribes, and for the current and contingent expenses of the Indian department, for the half calendar year beginning on the first day of January and ending on the first day of July, one thousand eight hundred and forty-three; and for the fiscal year beginning on the first day of July, one thousand eight hundred and forty-three, and ending on the thirtieth day of June, one thousand eight hundred and forty-four.
- An act further to continue in force the act for the payment of horses and other property lost in the military service of the United States.
- An act to provide for carrying into effect the treaty between the United States and Great Britain, concluded at Washington on the ninth day of August, one thousand eight hundred and forty-two.
- An act providing the means of future intercourse between the United States and the Government of China.
- An act making appropriations for the payment of navy pensions due on the first day of July, one thousand eight hundred

- and forty-three, and on the first day of January, one thousand eight hundred and forty-four.
- An act authorizing the release of Treasury notes, and for other purposes.
- An act to bring into the Treasury moneys received by certain public officers before they can be disbursed, and for other purposes.
- An act to authorize the chief clerk in the office of the Secretary of State to frank public and official documents sent from that office.
- An act making appropriations for pensions for the half calendar year beginning on the first day of January and ending on the thirtieth day of June, one thousand eight hundred and forty-three; and for the fiscal year beginning on the first day of July, one thousand eight hundred and forty-three, and ending the thirtieth day of June, one thousand eight hundred and forty-four.
- An act to permit the entry of merchandise recovered from shipwreck, in certain cases, free from duty.
- An act declaring Robinson, in the State of Maine, to be a port of delivery.
- An act to amend the laws regulating imprisonment for debt within the District of Columbia.
- An act to perfect the titles to lands south of the Arkansas river, held under New Madrid locations and pre-emption rights, under the act of 1814.
- An act in relation to the two per cent. fund of the State of Mississippi.
- An act regulating the currency of foreign gold and silver coins in the United States.
- An act to fix the value of certain foreign moneys of account in computation at the custom-houses.
- An act to test the practicability of establishing a system of electro magnetic telegraphs by the United States.
- An act to modify the act entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or partly by steam," approved July seventh, one thousand eight hundred and thirty-eight.
- An act to repeal the bankrupt act.
- An act in relation to the exemplification of the records of land patents and other evidences of title, and amendment of the act entitled "An act to reorganize the General Land Office."
- An act authorizing the sale of lands with the improvements thereon erected by the United States, for the use of their agents, teachers, farmers, mechanics, and other persons employed amongst the Indians.
- An act to provide, in certain cases, for the sale of the real estate of infants within the District of Columbia.
- An act granting a pension to certain widows of Revolutionary soldiers.
- An act to authorize the election or appointment of officers in the Territory of Wisconsin.
- An act for the protection of commerce on the western shore of Lake Michigan.
- An act providing for the settlement of claims for supplies furnished the Florida militia.
- An act to set aside certain reservations of lands, on account of live oak, in the southeastern district of Louisiana.
- An act authorizing an examination and survey of the harbor of Memphis in Tennessee.
- An act to authorize the investigation of alleged frauds under the pre-emption laws, and for other purposes.
- An act providing for the sale of certain lands in the States of Ohio and Michigan, ceded by the Wyandot tribe of Indians, and for other purposes.
- An act to amend an act entitled "An act making an appropriation for the erection of a marine hospital at or near Ocracoke, North Carolina."
- An act amendatory of an act establishing the branch mint at Dahlonsa, Georgia, and defining the duties of assayer and coiner.
- An act to fix the compensation of the Commissioner of Public Buildings.
- An act to reduce the salary of the surveyor of the port of Camden, New Jersey.
- An act to repeal an act entitled "An act to extend the collection district of Wisconsin."
- An act directing the survey of the northern line of the reservation for the half-breeds of the Sac and Fox tribe of Indians, by the treaty of fourth of August, one thousand eight hundred and twenty-four.
- An act amendatory of "An act for the relief of sick and disabled seamen."
- An act altering the times of holding the circuit court of the United States for the district of Connecticut.
- An act to amend the charter of the town of Alexandria.
- An act to re-enact and continue in operation the several acts now in force for the relief of insolvent debtors of the United States.
- An act to continue the office of Commissioner of Pensions.
- An act to authorize the Legislatures of the States of Illinois, Arkansas, Louisiana and Tennessee to settle the lands heretofore appropriated for the use of schools in those States.
- An act to provide for holding circuit courts at Williamsport, in the western district of Pennsylvania.
- An act to change the time of holding the circuit and district courts of the district of East Tennessee.
- An act to change the place of holding the circuit and district Courts in the district of Maine.
- An act to continue in force an act therein mentioned, relating to the port of Baltimore.
- An act for the payment of seven companies of Georgia militia for services rendered in the years 1815 and 1841.
- An act to amend an act establishing a