

THE CAROLINA WATCHMAN.

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Gen'l Harrison.

NEW SERIES.

VOLUME VI—NUMBER 23.

SALISBURY, N. C., THURSDAY, OCTOBER 11, 1849.

Terms of the Watchman.
For Subscription, per year, Two Dollars—payable in advance. But if not paid in advance, Two dollars and fifty cents will be charged.
Advertisements inserted at \$1 for the first, and 25 cts. for each subsequent insertion. Court orders charged 25 per cent. higher than these rates. A liberal deduction to those who advertise by the year.
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OFFICIAL PAPERS
RELATING TO THE DIPLOMATIC MISUNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE MINISTER OF FRANCE TO THIS COUNTRY.

(CONCLUDED.)

Mr. Clayton to M. Poussin.
DEPARTMENT OF STATE,
WASHINGTON, April 21, 1849.

Sir: On the afternoon of the 18th instant a communication from you, dated Washington, April 17, 1849, (without showing the day on which it was written) was received at this office, relative to the claim of M. Port on the Government of the United States; and, having had occasion to address you a private note I learn through the messenger who was despatched to deliver it that you have been for the last two weeks absent from Washington, and that the period of your return hither from New York was quite uncertain.

Under these circumstances, (after a perusal of your note which was laid before me this morning,) I lose not a moment in requesting you to repair to this city without unnecessary delay.

I have the honor to be, very respectfully, sir, your obedient servant.

J. M. CLAYTON.
M. WM. TELL POUSSIN, &c.

Translation of a letter from the Minister Plenipotentiary of France.
LEGATION OF FRANCE IN THE U. S.,
WASHINGTON, May 12, 1849.

Sir: I have just received from the Minister of Foreign Affairs a report which had been addressed to the Minister of Marine by M. Lavallee, the acting Consul of the Republic at Vera Cruz, from which it appears that Mr. Carpenter, the commander of the American war-ship *Irish*, after hastening to the assistance of the French ship *Eugenie*, of Havre, which had struck on the bank of Riso, near the anchorage of Anton Lizardo, advanced claims wholly inadmissible on account of remuneration for his services; and, to secure their acquittal, he detained the *Eugenie* (a mis-embargo sur l'*Eugenie*) for two or three days. In consequence of the energetic remonstrances of M. Lavallee, and the honorable intervention of the Consul of the United States at Vera Cruz, Commander Carpenter desisted from his pretensions.

The Minister of Foreign Affairs requests me to address to the Cabinet of Washington the most serious observations on the abuse of authority committed by this officer, in illegally detaining the ship *Eugenie*.

You will easily comprehend, Mr. Secretary of State, how important it is that such occurrences should not be repeated; and that severe blame, at least, should be laid on those who thus considered themselves empowered to substitute arbitrary measures for justice; and I do not doubt that you will, without delay, give satisfaction to the just complaints of the French Republic.

I embrace this occasion, Mr. Secretary, to renew the assurance of my high consideration.

GUILLAUME TELL POUSSIN.
To the Hon. J. M. CLAYTON,
Sec. of State.

DEPARTMENT OF STATE,
WASHINGTON, May 28, 1849.

Sir: I have received the note which you did me the honor to address to me on the 12th instant, relative to the conduct of Commander Carpenter, of the United States Navy, who, it is alleged, after hastening to the assistance of the French ship "*Eugenie*," of Havre, which had struck on the bank of Riso, near the anchorage of Anton Lizardo, advanced claims on account of remuneration for his services wholly inadmissible, and to secure the acquittal of which he detained the "*Eugenie*" for two or three days; but in consequence of the remonstrances of M. Lavallee, the acting Consul of France at Vera Cruz, and the intervention of the Consul of the United States at that port, he desisted from his pretensions.

The Secretary of the Navy, to whom a translation of your note was sent, has communicated to the Department Commander Carpenter's explanation of the circumstances attending his rescue of the "*Eugenie*," a copy of which explanation I have the honor herewith to enclose to you; and trust that it will remove any misapprehension which may exist on the part of the French Government relative to his conduct on occasion in question.

I have the honor to be, with distinguished consideration, your obedient servant.

JOHN M. CLAYTON.
Mr. WM. TELL POUSSIN, &c.

Translation of a note from the Minister Plenipotentiary of France.
LEGATION OF FRANCE,
WASHINGTON, May 30, 1849.

Sir: I received on the 28th of May the note which you did me the honor to address to me on the same day, in answer to mine calling upon the Government of the United States to disavow the conduct of Commander Carpenter, of the American steamship *Irish*, towards the French ship *Eugenie*, of Havre, which had run upon the bank of Riso, near the anchorage of Anton Lizardo.

The explanations given by Commander Carpenter are not of a nature, Mr. Secretary of State, such as to dispel the discontent which his proceedings have caused to my Government.

He considered, as he says, and he still considers, that the case was one of salvage; that the rights acquired by him as the savior of the vessel saved, empowered him to keep possession of her until his extravagant pretensions were fully satisfied; but his opinions have little interest in my eyes, when we have occasion to condemn his conduct.

I called on the Cabinet at Washington, Mr. Secretary of State, in the name of the French Government, to address a severe reproof to that officer of the American navy, in order that the wrong which he has committed, on a point involving the dignity of your national marine, might not be repeated hereafter.

From your answer, Mr. Secretary of State, I am unfortunately induced to believe that your Government subscribes to the strange doctrine professed by Commander Carpenter, of the war-ship *Irish*; and I have only to pro-

test in the name of my Government, against these doctrines.

I have the honor to be, with distinguished consideration, your most obedient servant.

GUILLAUME TELL POUSSIN,
Hon. J. M. CLAYTON,
Secretary of State.

Secretary of State to M. Poussin.
DEPARTMENT OF STATE,
WASHINGTON, June 5, 1849.

Sir: The note which you addressed to me on the 30th ultimo, acknowledging the receipt of my letter to you of the 28th, transmitting Commander Carpenter's explanation of the circumstances attending his rescue of the French ship "*Eugenie*," of Havre, was duly received and will be communicated, together with the rest of the correspondence between you and this Department on the subject, to the Minister of the United States in France, with the instructions to submit it to the consideration of the French Government.

I have the honor to be, very respectfully, your obedient servant,

J. M. CLAYTON.
Mr. WM. TELL POUSSIN, &c.

The Secretary of State to the Minister of the United States in Paris.
DEPARTMENT OF STATE,
WASHINGTON, June 5, 1849.

Sir: You will receive with this despatch a copy of a correspondence that has recently passed between this Department and M. Poussin, the tone of which, on the Minister's part, is regarded as offensive to the American Government, and cannot, it is presumed, meet the approbation of the Government of the Republic which he represents.

From these papers you will learn that, in October of last year, Commander Carpenter, of the United States Navy, commanding United States war-ship "*Irish*," had the good fortune to rescue the French barque "*Eugenie*," of Havre, which had struck on the bank of Riso, near the anchorage of Anton Lizardo, on the coast of Mexico. Under the belief that the case was one which justly entitled his officers and men to salvage, the commander caused the rescued vessel to be moored in safety near the "*Irish*" until he could communicate with the consignee, Senor Gomez, at Vera Cruz; but, after waiting thirty hours, and receiving no answer from the consignee, he determined to deliver, and did deliver, the barque over to the charge of her captain. In the opinion he entertained respecting the right to salvage, Commander Carpenter was supported by Mr. Clifford, our Minister in Mexico, and his whole conduct was approved by that Minister.

On the 12th ultimo, M. Poussin, under instructions from his Government, addressed a representation of this subject in a note to this Department, complaining, in strong terms, of what he considers to be arbitrary and illegal conduct on the part of the commander of the *Irish*; suggesting that that officer should be severely blamed, and asking that speedy satisfaction should be given to the just complaints of the French Republic.

The Department lost no time in placing in M. Poussin's possession the explanations of Commander Carpenter, which had been obtained from the Navy Department; and, in communicating them, the hope was expressed that they would remove all misapprehension on the part of the French Government in regard to the conduct of the American officer. Commander Carpenter and his crew had actually saved the French barque and her crew from imminent peril, if not certain destruction; and for this signal service Commander Carpenter has received, not merited thanks, but odious and indignant animadversion from the Minister of the nation to which the vessel belongs.

But M. Poussin himself was not satisfied with the explanations furnished, and without descending to refer the matter to his Government and await their instructions, he declared his explanations to be not of a nature calculated to dispel the discontent of his Government. Having also failed to bring upon Commander Carpenter the severe reproof of this Government for an alleged error "committed," as M. Poussin rashly asserts, "on a point involving the dignity of your [our] national marine," the Minister taunts the Government of the United States with subscribing to the erroneous "doctrines" of the commander, against which doctrines he therefore proceeds to protest in the name of his Government.

The attention of this Government would not, perhaps, have been so strongly attracted to the tone and temper of M. Poussin, excepting as they are, had not that Minister, on a previous occasion, and that quite recently, made use of highly insulting language, in a note he addressed to this Government under date of the 18th April last, the offensive portions of which he was afterwards indolently suffered to withdraw. In resolving to overlook this mark of disrespect was guided by a sincere desire to omit nothing which would tend to promote the friendly and harmonious relations of the two Governments. But, at the same time, not feeling disposed to countenance communications from any quarter which question or impugn the honor and dignity of the American Government, the President has deemed it proper to direct me to transmit to you the accompanying correspondence, which he wishes you to submit to the French Government. You will readily perceive that the language objected to, and the temper which M. Poussin has not been able to conceal, must necessarily tend to obstruct diplomatic intercourse, and are essentially calculated to embarrass rather than to promote a friendly discussion of questions that concern the honor and interests of the two Republics.

I am, sir, respectfully, your ob't serv't,
JOHN M. CLAYTON.
RICHARD RUSH, Esq., &c.

The Attorney General to Mr. Clayton.
ATTORNEY GENERAL'S OFFICE,
JUNE 20, 1849.

Sir: In compliance with the request of your

note of the 11th instant, I proceed to give you a more formal opinion than I have heretofore done upon the question some time since submitted to this office, in the case of the salvage claim, at one time made by Captain Carpenter, of the United States steamer *Irish*, in behalf of himself, officers, and crew, for saving the French ship *Eugenie*, off Vera Cruz, whilst on the rock of El Riso, near the anchorage of Anton Lizardo, in 1848.

I do not understand that it is denied that the service rendered entitled the parties rendering it to salvage, except upon the ground that themselves and their vessel constituted a portion of the naval marine of the United States. Nor could such a denial have been made. The property saved was in the most imminent peril, and its destruction certain, but for the aid of Captain Carpenter and his men. It had every element of a salvage case, and, upon general principles, independent of the official character of the salvors, their title to such an allowance would have been perfectly clear. The single objection then to the claim was, & is, that they were a part of the naval marine of the United States. Is this a valid objection? I think not; and I propose to examine it briefly, first upon authority, and second, upon principle.

Unless there be, upon some ground of reciprocity, a different rule upon this subject, in relation to French vessels and property rescued from danger, under circumstances entitling to salvage, than exists in relation to American and other vessels and property, it will be found, upon authority, to be a perfectly plain question.

How is the law in England? Does there exist there any distinction between salvage service rendered by a public and a private vessel, or to a domestic and a foreign vessel? There does not. This will be plain from the citation of a few cases. First: That the service is rendered by a public vessel. In the case of the *Gage*, (6 Rob. 273.) civil and military salvage were both decreed, and in the *Lord Nelson*, (1 Edwards 79.) civil salvage; in each, the service being rendered by English men-of-war, and the property saved being also English. No objection was interposed by the bar or bench to the claim because of the official character of the salvors—an omission utterly inconsistent with the existence there of a distinction in such cases between public and private vessels rendering salvage service. Second: Is the rule there a different one when the vessel and property saved are foreign, and not domestic?—Clearly not.

In the case of the *Pensamento Felix*, (Edwards 115.) the vessel saved was Portuguese, and the claim actually made by the salvors was resisted, not upon that ground, or upon the ground of the public character of salvors, but because the service was not of a military kind entitling salvage. In answer to this, Sir William Scott said: "Now, supposing it were clear that there was really no salvage of war, the effect of this objection would only be that I should put the parties to the expense of a new proceeding in the Instance Court. There is no doubt that a Court of Admiralty has a general jurisdiction to reward services of this nature, and that the party would recover by action in the Instance Court."

He evidently considered the claim as perfectly clear, doubting only as to the character of the salvage to be awarded; that is, whether it should be military or civil. But the right to it, notwithstanding the salvors belonged to the naval service of England, and the property saved was foreign, was esteemed too plain for question.

I could multiply English cases if I thought it necessary. The objection, indeed, is nowhere, that I have been able to discover, suggested either in any English or American case, or by any English or American commentator. Nor is it necessary to cite but one American case—The *United States vs. the Amistad*, 15 Peters, 518. The facts, as far as this question is concerned, were these: The *Amistad*, a Spanish schooner, on the 17th June, 1839, cleared from Havana, in Cuba, for *Puerto Principe*, in the same island, having on board Capt. Ferrer, and Ruiz and Montez, Spanish subjects, and fifty-four negroes. During the voyage the negroes rose, killed the captain, and took possession of the vessel. They spared the lives of Ruiz and Montez, on their engaging to aid in steering the schooner for Africa, or to a place where negro slavery did not exist. The negroes were, however, in this deceived, and the vessel steered for the United States, where she arrived off Long Island on the 26th of August, and anchored within half a mile of the shore. In this condition she was discovered by the *United States brig Washington*, Lieutenant Gedney. With the assistance of his officers and crew, he took possession of her and of the negroes, and brought them into the district of Connecticut, and there libeled vessel, cargo, and negroes for salvage. The Spanish owners of a part of the cargo filed their claim to it, and denied salvage. The District Court decreed it to Lieut. Gedney, his officers, and crew, to the amount of one-third of the value of vessel and cargo, rejecting it for the negroes; and the owners of the cargo appealed to the Circuit Court. That Court affirmed *pro forma* the decree, and the case was brought to the Supreme Court of the United States. There were many other questions, growing out of facts which I have not stated, because they have no bearing upon the one I am considering. It will be seen that, as far as that question is involved, the case is directly in point. The property saved, vessel and cargo, were foreign, and the salvors a portion of the naval marine of the United States. It was even stronger in this, that there the United States themselves intervened, maintaining that it was their duty, under the treaty with Spain of the 27th October, 1795, as continued in 1819 and 1821, to have the property delivered *entire* to the Spanish owners, without any abatement for salvage, or any other claim. The then Attorney General, Mr. Gilpin, concludes his argument by saying that "the Court below has erred, because it has not decreed any part of the property to be delivered *entire*, &c. From the vessel and cargo, it has deducted the salvage, diminishing them by that amount." But neither in the court above nor below was the title to salvage contested, except upon the ground of

the supposed treaty obligation to restore Spanish property in the condition in which this was found. It was not pretended that any objection to it existed in the public character of the salvors or of their vessel. In giving the opinion of the Supreme Court, Mr. Justice Story says: "No question has been here made as to the proprietary interests in the vessel and cargo. It is admitted that they belong to Spanish subjects, and that they ought to be restored. The only point on this head is, whether the restitution ought to be on the payment of salvage or not."—(15 Peters, 592.) And, after examining the other questions which the case presented, he concludes the point of salvage in these words: "As to the claim of Lieut. Gedney for his salvage service, it is understood that the United States do not now desire to interpose any obstacle to the allowance of it, if it is deemed reasonable by the Court. It was highly meritorious and useful service to the proprietors of the ship and cargo, and such as by the general principles of maritime law is always deemed a just foundation for salvage. The rate allowed by the Court (being, as stated, one-third the value) does not seem to us to have been beyond the exercise of a sound discretion, under the very peculiar and embarrassing circumstances of the case." And the decree as to that was accordingly affirmed. This must be held to be conclusive upon the proposition. The point was distinctly made, and distinctly decided. It is not, therefore, with us an open question, nor indeed, upon the pretensions upon which I understand it to be resisted in the case of Captain Carpenter, (the public character of the salvors,) was it, in England or the United States, ever doubted. In the case of the *Amistad* that character existed, as also the foreign ownership of the saved property; and it was in relation to service so rendered, to property so owned, that the Court said that it was "such as by the general principles of maritime law is always deemed a just foundation for salvage."

The doctrine upon the subject is therefore obviously the same with us in England, or, to use the language of Story, in his edition of *Abbot on Shipping*, page 379, No. 1, "the general principles as to the allowance of salvage are the same in American as in English jurisprudence."

The only point, therefore, that could possibly arise in the present case is, whether we have a different rule in regard to the salvage of French property. I can find none stated or intimated anywhere. The rule I hold, then, to be universal in the United States, that salvage service rendered by the naval marine of the United States is to be compensated in like manner as that rendered by the private marine.

And this brings me to inquire, secondly, How should the rule be upon principle? That the public policy of all nations should encourage a service of this description is manifest. Safety of life and property demand it, and the experience of the commercial world recommends it to universal adoption. It is the end to be attained, which entitles it to and secures to it public favor, irrespective of the character of the means by which it is accomplished. The former addresses itself with persuasive influence to all. The end, as life and property are dear, is, if possible, to be secured, and all fair and lawful means to effect it are consequently to be encouraged. Why, then, is it that the officers of public armed vessels are not to have the same incentive to exertions necessary to the end with others? Are they under any other special obligation to do such deeds of kindness and humanity? Do officer and citizen are alike impelled to such service by general considerations of social duty. But the law has deemed it wise to add to the incentive of mere duty that of pecuniary reward. The service is often attended with great peril, and the experience of the world has proved that it should be stimulated by the prospect of pecuniary compensation. In the language of Sir William Scott, in the case of the *Louisa Dodson*, 318, "and, though it is certainly the duty of the King's ships to afford assistance to all his Majesty's subjects whom they may meet with in distress, yet I don't know that it is incumbent upon them, at the hazard perhaps of their lives, and without any prospect of reward, to take charge of a ship in a sinking state. Any hesitation in affording assistance might be of dangerous consequence to the property of persons so circumstanced, and it is therefore proper, for the encouragement of prompt and signal exertions on the part of King's officers and men to hold out to them the prospect of reward."

The whole doctrine rests, in truth, upon an enlarged policy, and from its very nature must be irrespective of the private or public character of the salvors. In the words of Chief Justice Marshall, in the case of *Mason et al. vs. Ship Blaureau, 2 Cranch, 210*—a French vessel, by-the-by, rescued from danger by the claimants of salvage—"the allowance of a very ample compensation for these services (one very much exceeding the mere risk encountered and labor employed in assisting them) is intended as an inducement to render them, which it is for the public interests and for the general interests of humanity to hold forth to those who navigate the ocean."

If such considerations be well founded—and who can doubt it?—it might prove a perilous experiment for France to adopt the rule, and obtain its recognition by the other nations of the world, that no salvage shall be allowed those who might rescue French life and property upon the ocean from impending destruction.

There is, however, no such rule now existing, and I am therefore very clear in the opinion that the case before me was one for salvage.

I have the honor to be, &c.
REVERDY JOHNSON.
Hon. JOHN M. CLAYTON, Sec'y of State.

The Minister of the United States in France to the Secretary of State.
LEGATION OF THE UNITED STATES,
PARIS, August 13, 1849.

Sir: I acknowledged in my number 97 your number 36 of the 5th of June, covering a copy of the correspondence (and documents belonging to it) between the department and Mr.

Poussin, French Minister at Washington, growing out of the claim to salvage by Commander Carpenter, of the United States war steamer *Irish*, for rescuing the French barque "*Eugenie*," when she had struck on the bank of Riso; and of another case, in which the Minister preferred a claim to indemnity on behalf of a French merchant, for an alleged grievance suffered when our army was in Mexico; the tone of which correspondence on the part of the French Minister was deemed offensive to our Government.

My number 98 next informed you that I had submitted the correspondence to the French Government, with an explanatory note, dated the 7th of last month, a copy of which I transmitted.

I have now the honor to enclose a copy of the answer from the Minister of Foreign Affairs. It bears date the 9th instant, and was received yesterday.

As your instructions of the 5th of June simply charged me to submit the correspondence to the French Government, I do not feel that I have any warrant to discuss the answer of the Minister of Foreign Affairs.

My duty, as it seems to me, will be fulfilled by hastening to enclose it to you for the President's consideration.

This despatch will go by the British mail steamer that leaves Liverpool on Saturday, and a duplicate of it will follow by the American mail steamer *Washington*, from Southampton, on Monday.

I have the honor to remain, with great respect, your obedient servant,
RICHARD RUSH.
Hon. JOHN M. CLAYTON, Sec'y of State.

Mr. de Tocqueville to Mr. Rush.
[Translation.]
PARIS, August 9, 1849.

Sir: I have received with the letter which you did me the honor to write to me on the 7th of last month the copy of the correspondence which has taken place between the Secretary of State for Foreign Affairs of the United States and the Minister of France at Washington, upon the subject of two claims, which the latter had been charged to present to the Federal Government: one against the irregular detention of the French ship *Eugenie*, by Commodore Carpenter, off Vera Cruz; and the other for the purpose of asking for an indemnification in favor of M. Port, a French merchant, for the abrogation of the sale of a certain quantity of tobacco struck off to him by the commander of the American forces at Puebla.

These two affairs, having hitherto been discussed at Washington, where they are to be concluded, it is not my province to examine their merits. Besides, I am too certain of the integrity of the Government of the Union to doubt that it will ultimately acknowledge every claim founded in right; and, on its part, it cannot think that the French Government allows itself to be drawn by the desire of protecting its subjects to support pretensions the justice of which has not been demonstrated to it.

These sentiments of reciprocal confidence being of a nature to avert and prevent, in the discussions of private interests, those susceptibilities and misunderstandings which cannot fail to complicate them, we have seen with as much astonishment as regret the turn which the communications exchanged between our Envoy and Mr. Clayton have taken. Even before I had received the letter which you have written me to call my attention to them, M. Poussin had transmitted copies of them to me. I had been painfully impressed to find in that correspondence a tone of acerbity and harshness very little conformable to the friendly relations between the two countries; but I ought to say, without entering into useless recriminations, without seeking for the side whence the first injuries proceeded, it had appeared to me that this observation was not alone applicable to the letters written by the Minister of France.

M. Poussin, doubtless misconstruing some expressions in those which have been addressed to him by the Secretary of State, believed he saw in them a want of respect, for which he may have manifested his resentment with too much spirit; but if a passage of his letter of the 4th of April may have hurt Mr. Clayton, it seems to me that there is no longer any ground to take advantage of it against him after he has consented to withdraw it; and he has given a pretty signal proof of his conciliatory spirit in abstaining from animadversion upon an expression in the answer addressed to him by that Minister on the 21st of April, which, estimated with a certain degree of susceptibility, might have seemed to be rather an imperious summons than a diplomatic invitation.

Furthermore, sir, it is not necessary for me to tell you that I entirely concur in the opinion which you express upon not deviating in negotiations from the observances and forms of a benevolent courtesy.

I invite M. Poussin never to forget this rule in his intercourse with the Government of the United States, and I am sure that, if it is reciprocated, the observance of it will be rendered easy to him.

Receive, sir, the assurance of the high consideration with which I have the honor to be, your very humble and obedient servant,
ALEXIS DE TOCQUEVILLE.

The Secretary of State of the United States to the Minister of Foreign Affairs of France.
DEPARTMENT OF STATE,
WASHINGTON, SEPT. 8, 1849.

M. ALEXIS DE TOCQUEVILLE,
Minister of Foreign Affairs of the French Republic.

Sir: I have received a despatch from Mr. Rush, the American Minister in Paris, of the 13th of August, covering a note from you to him, dated the 9th of that month. Both have been submitted to the President, with the correspondence to which they relate. As Mr. Rush is returning home, and Mr. Rives, who has been appointed to succeed him as Minister to France, has probably not yet arrived in Paris, I hasten to avail myself of the only means of communication between the Governments we represent, addressing you directly on the subject of your note.

You acknowledge the receipt of the corres-

pondence "which took place between the Secretary of State for Foreign Affairs of the United States and the Minister of France at Washington," from which it must have been obvious to your mind that the latter had repeatedly and gratuitously addressed communications to this Government highly offensive and discourteous, both in manner and in substance.

That correspondence was submitted simply to enable your Government to decide upon the proper course to be taken in regard to its own Minister. You appear to have considered the occasion as one which called upon you to construct an apology for that Minister, by indiscriminately censuring both parties to the correspondence. You were not invited to decide as an arbitrator upon the mode in which the American Government conducted that correspondence, which was not only courteous and respectful in terms, but entirely unexceptionable in spirit; and you could not have failed to observe that this Department had not, in any instance, descended to recrimination, whether useless or otherwise, with Mr. Poussin.

Should the correspondence of any Minister of this Republic prove insulting to the friendly Government of France, that Government is too confident of our desire to maintain kind relations with it to doubt that the President of the United States would feel it to be a high duty to examine the complaint, and to render a prompt and proper account for the injuries. But the issue presented in the correspondence of Mr. Poussin cannot be evaded by any charge of recriminations. If that charge can be made with any shadow of truth, let it be separately presented, and it will be promptly and most respectfully considered.

The President instructs me to say to your Excellency that, as from the whole tone of your communication to Mr. Rush, which has struck him with much surprise, it would seem that the disrespectful language of the French Minister at Washington had been received with indignation, and held worthy of punishment by the distinguished Minister of Foreign Affairs of France, who has manifested no disposition to redress the wrong, he, as the Chief Magistrate of the United States, feels himself now at perfect liberty, and in fact constrained, with a view to preclude opportunities which might be again abused, to perform, without any further delay, an unpleasant duty, from which he had hoped his friendly appeal to the French Government would have relieved him.

This Government is the guardian of its own honor, and, as on all occasions it seeks to avoid giving cause of offence, so it will it never submit to intentional disrespect. By the time this letter reaches your Excellency, Mr. Poussin will have been informed that no further correspondence will be held with him by the Executive of the United States, and that every proper facility will be afforded him should he desire to return to France.

The President further instructs me to express to your Excellency the friendly sentiments of himself and of the Government for the President, the Government, and the People of France. He does not doubt that these kind sentiments are reciprocated by them, and he anticipates, with lively satisfaction, the arrival of Mr. Poussin's successor, with whom it will be the study of this Government to cultivate agreeable and friendly intercourse, in the terms and the spirit of mutual courtesy, which will be equally honorable to both the sister Republics.

In the mean time prompt and respectful attention will be given to any communication touching the interests of our respective countries which may be made through any other diplomatic agent whom the French Government may see fit to select.

I avail myself of this opportunity to offer to your Excellency the assurance of my most distinguished consideration.

JOHN M. CLAYTON.
DEPARTMENT OF STATE,
WASHINGTON, SEPTEMBER 14, 1849.

Sir: The President has devolved upon me the duty of announcing to you that the Government of the United States will hold no further correspondence with you as the Minister of France; and that the necessity which has impelled him to take this step at the present moment has been made known to your Government. In communicating the President's determination in regard to yourself personally, I avail myself of the occasion to add that due attention will be cheerfully given to any communications from the Government of France, which may reach this Department through any other channel.—Your own Government will be able to explain to you the reasons which have influenced the American Executive in delaying the present step, and to satisfy you that every proper facility for quitting the United States will be promptly given, at any moment when you may be pleased to signify that it is your desire to return to France.

I am, sir, very respectfully, your most obedient servant,
JOHN M. CLAYTON.
Mr. WILLIAM TELL POUSSIN, &c.

MORAL TREASON.

When, some three years since, that portion of the American people who believed the war with Mexico was unnecessary and unjust, exercised the freeman's privilege and gave utterance to their sentiments, they were not only roundly abused by the loco-foco press, but even President Polk so far forgot the dignity of his station and his good manners as a gentleman, as to charge moral treason on those citizens of this free country. All who ventured an opinion adverse to the policy of the Administration, was charged with giving "aid and comfort" to the enemy. By no one was this Presidential slang more freely retailed than by the editor of the Union. Against the National Intelligencer, particularly, were the Union's charges aimed. The "foreign affinities," as they were termed, of the Intelligencer, supplied the Union with almost daily editorials, and Messrs. Gales & Seaton were held up to the people as very little, if any better, than traitors. Our country, right or wrong, was then the slogan of the Union. Now however, the tune is changed. The Democracy have not the management of our foreign relations, and they do not hesitate to exercise the right which they denied to their opponents. The Union and the New York Evening Post are siding against our own Government in the difficulty with France. Now, while we utterly disagree with the Editors of these papers, and believe that our Government acted precisely as it should have done in regard to France, we congratulate them on having, even at this late day, discovered that an American citizen can freely criticize the policy of his Government without committing "moral treason"—without giving "aid and comfort" to other nations. If the Union and Post really believe that our Government is to blame if they are not influenced by that captious and caviling spirit that has prompted them to assail every thing that the Administration has done, or left undone, they are right to give expression to their views, and no one, but he who is fit to be a slave, will charge them with "moral treason" or with giving "aid and comfort" to France.—*Petersburg Intelligencer.*

Arkansas Marble.—The Little Rock (Ark.) Democrat says that black marble has been discovered near the head of steamboat navigation, on White River. It appears on the bank on either side of the stream.