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DOMESTIC.

PRESIDENT'S MESSAGE.

Fellow citizens of the Senate and House of Representatives: In the discharge of my official duty, the task again devolves upon me of communicating with a new Congress. The reflection that the representation of the Union has been recently renewed, and that the constitutional term of its service will expire with my own, heightens the solicitude with which I shall attempt to lay before you the state of our national concerns, and the devout hope which cherishes, that its labors to improve them may be crowned with success. You are assembled at a period of profound interest to the American patriot. The unexampled growth and prosperity of our country having given us a rank in the scale of nations which removes all apprehension of danger to our integrity and independence from external foes; the career of freedom is before us, with an earnest from the past, that, if true to ourselves, there can be no formidable obstacle in the future to its peaceful and uninterrupted pursuit. Yet in proportion to the disappearance of those apprehensions which attended our weakness, as once contrasted with the power of some of the states of the old world, should we now be solicitous as to those which belong to the conviction that it is to our own conduct we must look for the preservation of those causes on which depend the excellence and the duration of our happy system of government. In the example of other systems, founded on the will of the people, we trace to internal dissension the influences which have so often blasted the hopes of the friends of freedom. The social elements, which were strong and successful when united against external danger, failed in the more difficult task of properly adjusting their own internal organization, and thus gave way the great principle of self-government. Let us trust that this admonition will never be forgotten by the Government or the People of the United States; and that the testimony which our experience thus holds out to the great human family, of the practicability and the blessings of free government will be confirmed in all time to come. We have but to look at the state of our agriculture, manufactures, and commerce, and the unexampled increase of our population, to feel the magnitude of the trust committed to us. Never, in any former period of our history, have we had greater reason than we now have, to be thankful to Divine Providence for the blessings of health and general prosperity. Every branch of labor is crowned with the most abundant rewards; in every element of national resources and wealth, and of individual comfort, we witness the most rapid and solid improvements. With no interruption to this pleasing prospect of harmony and good will, that so strikingly pervades the bosom of the People in every quar-

ter, amidst all the diversity of interest and pursuits to which they are attached; and with no cause of solicitude in regard to our external affairs, which will not, it is hoped, disappear before the principles of simple justice and the forbearance that mark our intercourse with foreign powers,—we have every reason to feel proud of our beloved country.

The general state of our Foreign Relations has not materially changed since my last annual message.

[The President then gives a brief sketch of our Foreign relations, and continues as follows:]

Since the last session of Congress, the validity of our Claims upon France, as liquidated by the treaty of 1831, has been acknowledged by both branches of her Legislature, and the money has been appropriated for their discharge, but the payment is, I regret to inform you, still withheld. A brief recapitulation of the most important incidents in this protracted controversy, will show how utterly untenable are the grounds upon which this course is attempted to be justified.

On entering upon the duties of my station, I found the United States an unsuccessful applicant to the justice of France, for the satisfaction of claims, the validity of which was never questionable and has now been most solemnly admitted by France herself. The antiquity of those claims, their high justice, and the aggravating circumstances out of which they arose, are too familiar to the American People to require description. It is sufficient to say, that, for a period of ten years and upwards, our commerce was, with but little interruption, the subject of constant aggression on the part of France—aggressions, the ordinary features of which were condemnations of vessels and cargoes under arbitrary decrees, adopted in contravention, as well of the laws of nations, as of treaty stipulations; burnings on the high seas, and seizures and confiscations under special imperial rescripts, in the ports of other nations occupied by the armies, or under the control of France. Such, it is now conceded, is the character of the wrongs we suffered; wrongs, in many cases, so flagrant that even their authors never denied our right to reparation. Of the extent of these injuries, some conception may be formed from the fact, that after the burning of a large amount at sea, and the necessary deterioration in other cases, by long detention, the American property so seized and sacrificed at forced sales, excluding what was adjudged to privateers, before or without condemnation, brought into the French treasury upwards of twenty-four millions of francs, besides large custom-house duties.

The subject had already been an affair of twenty years' uninterrupted negotiation, except for a short time, when France was overwhelmed by the military power of united Europe. During this period, whilst other nations were extorting from her, payment of their claims at the point of the bayonet, the United States intermitted their demand for justice, out of respect to the oppressed condition of a gallant people, to whom they felt under obligations for fraternal assistance in their own days of suffering and of peril. The bad effects of these protracted and unavailing discussions, as well upon our relations with France as upon our national character, were obvious; and the line of duty was in my mind equally so. This was, either to insist upon the adjustment of our claims, within a reasonable period, or to abandon them altogether. I could not doubt that, by this course, the in-

terest and honor of both countries would be best consulted. Instructions were, therefore, given in this spirit, to the Minister who was sent out once more to demand reparation. Upon the meeting of Congress, in December, 1829, I felt it my duty to speak of these claims, and the delays of France, in terms calculated to call the serious attention of both countries to the subject. The French Ministry took exception to the message, on the ground of its containing a menace, under which it was not agreeable to the French Government to negotiate. The American Minister, of his own accord, refuted the construction which was attempted to be put upon the message, and at the same time called to the recollection of the French Ministry, that the President's message was a communication addressed, not to Foreign governments, but to the Congress of the United States, in which it enjoined upon him, by the constitution, to lay before that body information of the state of the Union, comprehending its foreign as well as its domestic relations; and that if, in the discharge of this duty, he felt it incumbent upon him to summon the attention of Congress in due time to what might be the possible consequences of existing difficulties with any foreign Government, he might fairly be supposed to do so, under a sense of what was due from him in a frank communication with another branch of his own Government, and not from any intention of holding a menace over a foreign power. The views taken by him received my approbation, the French Government was satisfied, and the negotiation was continued. It terminated, in the treaty of July 4, 1831, recognising the justice of our claims in part, and promising payment to the amount of twenty-five millions of francs, in six annual instalments.

The ratifications of this treaty were exchanged at Washington on the 2d of February, 1832, and in five days thereafter it was laid before Congress, who immediately passed the acts necessary, on our part, to secure to France the commercial advantages conceded to her in the compact. The treaty had previously been solemnly ratified by the King of the French in terms which are certainly not mere matters of form, and of which the translation is as follows:

"We, approving the above convention in all and each of the dispositions which are contained in it, do declare by ourselves, as well as by our heirs and successor, that it is accepted, approved, ratified, and confirmed; and by these presents, signed by our hand, we do accept, approve, ratify, and confirm it; promising, on the faith and word of a King, to observe it, and to cause it to be observed inviolably, without ever contravening it, or suffering it to be contravened, directly or indirectly, for any cause, or under any pretence whatsoever."

Official information of the exchange of ratifications in the United States reached Paris whilst the Chambers were in session. The extraordinary, and to us injurious, delays of the French Government in their action upon the subject of its fulfilment, have been heretofore stated to Congress, and I have no disposition to enlarge upon them here. It is sufficient to observe that the then pending session was allowed to expire, without even an effort to obtain the necessary appropriations—that the two succeeding ones were also suffered to pass away without any thing like a serious attempt to obtain a decision upon the subject—and that it was not until the fourth session—almost three years after the conclusion of the treaty, and more than two years after the exchange

of ratifications—that the bill for the execution of the treaty was pressed to a vote, and rejected. In the mean time, the Government of the United States, having full confidence that a treaty entered into and so solemnly ratified by the French King, would be executed in good faith, and not doubting that provision would be made for the payment of the first instalment which was to become due on the second day of February, 1833, negotiated a draft for the amount through the Bank of the United States. When this draft was presented by the holder, with the credentials required by the treaty to authorize him to receive the money, the Government of France allowed it to be protested. In addition to the injury in the nonpayment of the money by France, conformably to her engagement, the United States were exposed to a heavy claim on the part of the Bank, under pretence of damages, in satisfaction of which, that institution seized upon, and still retains, an equal amount of the public moneys. Congress was in session when the decision of the Chambers reached Washington, and an immediate communication of this apparently final decision of France not to fulfil the stipulations of the treaty, was the course naturally to be expected from the President. The deep tone of dissatisfaction which pervaded the public mind, and the correspondent excitement produced in Congress by only a general knowledge of the result, rendered it more than probable, that a resort to immediate measures of redress would be the consequence of calling the attention of that body to the subject. Sincerely desirous of preserving the pacific relations which had so long existed between the two countries, I was anxious to avoid this course if I could be satisfied that, by doing so, neither the interests nor the honor of my country would be compromised. Without the fullest assurances upon that point, I could not hope to acquit myself of the responsibility to be incurred in suffering Congress to adjourn without laying the subject before them. Those received by me were believed to be that character.

That the feelings produced in the United States by the news of the rejection of the appropriation, would be such as I have described them to have been, was foreseen by the French Government, and prompt measures were taken by it to prevent the consequences. The King, in person, expressed, through our Minister at Paris, his profound regret at the decision of the Chambers, and promised to send, forthwith, a national ship, with despatches to his Minister here, authorizing him to give such assurances as would satisfy the Government and people of the United States that the treaty would yet be faithfully executed by France. The national ship arrived, and the Minister received his instructions. Claiming to act under the authority derived from them, he gave to this Government, in the name of his, the most solemn assurances, that, as soon after the new elections as the charter would permit, the French Chambers would be convened, and the attempt to procure the necessary appropriations renewed: that all the constitutional powers of the King and his Ministers should be put in requisition to accomplish the object; and he was understood, and so expressly informed by this Government, at the time, to engage that the question should be pressed to a decision, at a period sufficiently early to permit information of the result to be communicated to Congress at the commencement of their next session. Relying upon these assurances, I

incurred the responsibility, great as I regarded it to be, of suffering Congress to separate without communicating with them upon the subject.

The expectations justly founded upon the promises thus solemnly made to this Government by that of France, were not realized. The French Chambers met on the 31st of July, 1834, soon after the election, and although our Minister in Paris urged the French Ministry to press the subject before them, they declined doing so. He next insisted that the Chambers, if protracted without acting on the subject, should be reassembled at a period so early, that their action on the treaty might be known in Washington prior to the meeting of Congress. This reasonable request was not only declined, but the Chambers were prorogued to the 29th of December, a day so late, that their decision, however urgently pressed, could not, in all probability, be obtained in time to reach Washington before the necessary adjournment of Congress by the constitution. The reasons given by the Ministry for refusing to convoke the Chambers at an earlier period, were afterwards shown not to be insuperable, by their actual convocation on the 1st of December, under a special call for domestic purposes, which fact however did not become known to this Government until after the commencement of the last session of Congress.

Thus disappointed in our just expectations, it became my important duty to consult with Congress in regard to the expediency of a resort to retaliatory measures, in case the stipulations of the treaty should not be speedily complied with; and to recommend such as, in my judgment, the occasion called for. To this end, an unreserved communication of the case, in all its aspects, became indispensable. To have shrunk, in making it, from saying all that was necessary to its correct understanding, and that the truth would justify, for fear of giving offence to others, would have been unworthy of us. To have gone, on the other hand, a single step further, for the purpose of wounding the pride of a Government and people with whom we had so many motives for cultivating relations of amity and reciprocal advantage, would have been unwise and improper. Admonished by the past, of the difficulty of making even the simplest statement of our wrongs without disturbing the sensibilities of those who had, by their position, become responsible for their redress, and earnestly desirous of preventing further obstacles from that source, I went out of my way to preclude a construction of the message, by which the recommendation that was made to Congress might be regarded as a menace to France, in not only disavowing such a design, but in declaring that her pride and her power were too well known to expect any thing from her fears. The message did not reach Paris until more than a month after the Chambers had been in session, and such was the insensibility of the Ministry to our rightful claims and just expectations, that our Minister has been informed, that the matters, when introduced, would not be pressed as a Cabinet measure.

Although the message was not officially communicated to the French Government, and notwithstanding the declaration to the contrary which it contained, the French Ministry decided to consider the conditional recommendation of reprisals, a menace and an insult, which the honor of the nation made it incumbent on them to resent. The measures resorted to by them to evince their sense of the supposed indignity, were, the

immediate recall of their Minister at Washington, the offer of passports to the American Minister at Paris, and a public notice to the Legislative Chambers, that all diplomatic intercourse with the United States had been suspended.

Having in this manner, vindicated the dignity of France, they next proceeded to illustrate her justice. To this end, a bill was immediately introduced into the Chamber of Deputies, proposing to make the appropriations necessary to carry into effect the treaty. As this bill subsequently passed into a law, the provisions of which now constitute the main subject of difficulty between the two nations, it becomes my duty, in order to place the subject before you in a clear light, to trace the history of its passage, and to refer, with some particularity, to the proceedings and discussions in regard to it. The Minister of Finance, in his opening speech, alluded to the measures which had been adopted to resent the supposed indignity, and recommended the execution of the treaty as a measure required by the honor and justice of France. He, as the organ of the Ministry, declared the message, so long as it had not received the sanction of Congress, a mere expression of the personal opinion of the President, for which neither the Government nor the people of the United States were responsible, and that an engagement had been entered into, for the fulfilment of which the honor of France was pledged. Entertaining these views, the single condition which the French ministry proposed to annex to the payment of the money, was, that it should not be made until it was ascertained that the Government of the United States had done nothing to injure the interests of France; or, in other words, that no steps had been authorized by Congress of a hostile character towards France.

What the disposition or action of Congress might be, was then unknown to the French Cabinet. But on the 14th of January the Senate resolved, that it was at that time inexpedient to adopt any legislative measures in regard to the state of affairs between the United States and France, and no action on the subject had occurred in the House of Representatives. These facts were known in Paris prior to the 26th of March, 1835, when the committee to whom the bill of indemnification had been referred, reported it to the Chamber of Deputies. That committee substantially re-echoed the sentiments of the Ministry, declared that Congress had set aside the proposition of the President, and recommended the passage of the bill without any other restriction than that originally proposed. Thus was it known to the French Ministry and Chambers, that if the position assumed by them, and which had been so frequently and solemnly announced as the only one compatible with the honor of France, was maintained, and the bill passed as originally proposed, the money would be paid, and there would be an end of this unfortunate controversy.

But this cheering prospect was soon destroyed by an amendment introduced into the bill at the moment of its passage, providing that the money should not be paid until the French Government had received satisfactory explanations of the President's message of the 2d December, 1834; and what is still more extraordinary, the President of the Council of Ministers adopted this amendment, and consented to its incorporation in the bill. In regard to a supposed insult which had been formally resented by the recall of their Minister, and the offer of passports to ours, they now, for the first time, proposed to ask explanations.