

Nineteenth Congress.

FIRST SESSION.

SENATE.

Report on the Panama Mission, concluded.

The committee see nothing in the documents to them referred, to prove that the States who originated the project of this Congress, and settled the subjects proper for its deliberation, and who most probably have already admitted the preliminary rules of that assembly, will admit, as fit matters of discussion, any other than those which they themselves have so previously announced.

The first of these subjects stated by the President is "the establishment of principles of a liberal commercial intercourse." The motives for desiring this are stated to be, that "the Southern American Nations, in their intercourse with the United States, have sometimes manifested dispositions to reserve a right of granting special favors and privileges to the Spanish nation, at the price of their recognition; at others, they have actually established duties and impositions, operating unfavorably to the United States, to the advantage of other European Powers, and sometimes they have appeared to consider that they might interchange among themselves a mutual concession of exclusive favor, to which neither European Powers nor the United States should be admitted."

In considering these reasons, it cannot escape the observation of any that, in manifest dispositions to establish such commercial relations, the Southern American Nations must have been actuated by the only motive that ever operates either upon nations or individuals, in regard to their mere commercial intercourse—a desire fairly to advance their own interests, and a belief that they could, by such means, properly accomplish this end. If, in this belief, these nations are right, then the United States can scarcely be viewed as acting towards them in that spirit of generous kindness and fraternal friendship they have professed, when they would strive to induce them to establish a liberal principle, such as would be injurious to the interests of these Southern Nations themselves. And, if they are wrong, it seems to this Committee, the task of exhibiting their errors, may be much better performed, as hitherto it hath been, by particular discussions with each separately, than by general demonstrations made to all, assembled as a Congress.

The interests of commerce are necessarily peculiar; they grow out of numerous circumstances, produced by locality, climate, population, manners, customs, and other causes, no one of which exists alike in any two nations on the globe. Few general principles, therefore, can ever apply, with equal truth, to so many peculiarities; and such as do so apply, need not the sanction of solemn compact to give them effect. They may be very safely confined to the natural disposition of man, promptly to discover, and eagerly to advance, his own best interests.

Whatever disposition, then, may have been manifested by the Southern Nations of America, this Committee think that their effects, both upon themselves and the United States, will constitute subjects much more fit for separate discussions with each, than of general investigation before all. And the Committee are the more confirmed in this opinion, by the assurance given by the President, in his message, that "in most of these cases, their regulations unfavorable to us, have already yielded to friendly expostulation and remonstrance;" and by the fact that the treaties recently concluded between these States, contain expressions of stipulations, that no event will they agree to enter into any treaty with Spain, or any other nation, to the prejudice of their independence, but to maintain, at all times, their mutual interests, with the dignity and energy proper to free independent States.

It is true, a difference of opinion appears to exist, at present, between the United States and one of the new Republics of America, in relation to a single principle of this commercial intercourse. When the Senate recollect, however, that treaties have been already concluded between the United States and three others of these Republics, in each of which treaties this point has been settled, as the United States themselves think right, the committee believe that the Senate will concur with them in the opinion, that it is much better to continue the discussion of this subject, with the dissenting State singly, urging upon her the example of her sister States, than to put forward the stipulations already secured, by voluntarily entering into an examination of their expediency, before the contemplated Congress.

"The consensuous adoption of principles of maritime neutrality, favorable to the navigation of peace and commerce in time of war," is the next object which, in the opinion of the President, should also form a subject of consideration to this Congress. In relation to this, so far as it regards the commerce of peace, the Committee have already expressed their opinions; and so far as it is intended to settle the rules of war, as applicable to navigation, the Committee will only remark, that there exists so much risk of compromising and destroying the relations of neutrality, which the United States are now maintaining, should they involve themselves, by any compact, relative to belligerent rights, entered into with only one of the parties to the present war, during its continuance, that, in their opinion, it could be highly inexpedient to make such an experiment at this time. Any principle relating to the rights of war, which one of the parties in the existing contest might be willing to adopt, as promoting its interests, could scarcely be regarded with indifference by the other. And the great maritime States of Europe would most probably consider that the United States had seized the occasion of this war, to enter into a confederacy with the other States of this continent, now actually engaged in it, for the purpose of settling principles intended to affect materially their future interests.

It is well known to the Senate, moreover, that treaties already exist, between the United States and several of the new States of this continent, in which all the subjects alluded to by the President in this part of his message, are already settled, and no reason is known to this Committee to excite the slightest doubt, that the others of these States,

with whom treaties are not yet concluded, will feel any disposition to enter into similar stipulations for themselves.

"There is yet another subject," says the President, upon which, without entering into any treaty, the moral influence of the United States, may, perhaps, be exerted with beneficial consequences, at such a meeting—the advancement of religious liberty. And as a motive for making an effort to accomplish this object, he states, that "an exclusive church has been incorporated with the political constitutions of some of the Southern Nations without toleration of any other than the dominant sect."

To the opinion of this committee, there is no proposition, concerning which the People of the United States are now and ever have been more unanimous, than that which denies, not merely the expediency, but the right, of intermeddling with the internal affairs of other States; and especially of seeking to alter any provision they may have thought proper to adopt as a fundamental law, or may have incorporated with their political constitutions. And if there be any such subject more sacred and delicate than another, as to which the United States ought never to intermeddle, even by obtrusive advice, it is that which concerns religious liberty. The most cruel and devastating wars have been produced by such interferences; the blood of man has been poured out in torrents; and from the days of the crusades to the present hour, no benefit has resulted to the human family from discussions carried on by nations, upon such subjects. Among the variety even of Christian nations which now inhabit the earth, rare indeed are the examples to be found of States who have not established an exclusive church; and to far the greater number of these, toleration is yet unknown. In none of the communications which have taken place, is the most distant allusion made to this delicate subject, by any of the ministers who have given this invitation; and the committee feel very confident in the opinion that, if ever an intimation shall be made to the Sovereigns they represent, that it was the purpose of the U. States to discuss at the proposed Congress, their plans of internal civil polity, or any thing touching the supposed interests of their religious establishments, the invitation given would soon be withdrawn.

The Committee have thus exhibited to the Senate, in detail, all the subjects which they have been enabled to find particularly stated, either by the President in his first message, or by any of the ministers of the new States of America, as matters intended to be discussed at the contemplated Congress. In reviewing these, they will repeat, that a concurrence of opinion does not seem to exist, between the different parties, as to the subjects of deliberation; nor has the mode of discussion or dictation been in any way settled between them. In relation to some of the subjects alluded to, as fit matters for consideration, differences of opinion, radical and irreconcilable, seem already to exist, which discussion may aggravate, but cannot assuage. As to others, their very agitation in this mode, threatens seriously the commitment of the neutral relations which the United States are now maintaining, and have so successfully observed throughout this whole contest. Others, again, are unfit subjects for deliberation in this mode at all times, and any agreement resulting from their discussion, must impair that freedom of action which it is so necessary for the United States to preserve as to these; and, as to the residue, they are either not of sufficient importance to require the adoption of this new and untried experiment of a Congress of nations, or may be much better adjusted and settled in separate negotiations with each, than in a general conference with all. For these reasons, if there were none other, this committee should regard the adoption of the measure proposed by the President as highly inexpedient at this time.

Although, in the message of the President of the 9th instant, no new subject of deliberation at the contemplated Congress is specially stated, yet, from the documents accompanying that message, and therein referred to, as containing information, tending to show the expediency of adopting the proposed measure, it appears to this committee that the present and future condition of the remaining Spanish possessions in America, are considered as proper matters to be there agitated and settled. Such being the inference of this committee, they will proceed to lay before the Senate their opinion upon this subject also.

The committee are well aware, that the United States can never regard with indifference the situation and probable destiny of the neighboring Spanish Islands of Cuba and Puerto Rico; but, so far from believing it expedient to discuss these subjects at a Congress of all the American States, and especially at this time, the committee consider the great probability that such a discussion might be forced upon the United States, if they are there represented, as a circumstance furnishing in itself the strongest objections to the adoption of the measure proposed.

If the existing war between Spain and the new States of America continues, the United States could scarcely endeavor to arrest the progress of that war, in the only direction it can hereafter take, or prevail upon one of the belligerents not to strike their enemy, where alone he is now assailable and most vulnerable by them, without announcing a determination to take part in the contest; and if peace shall happily be restored, all apprehension of the effects of such a blow must cease of course. Why then discuss the merits of such a question, which it seems probable may never arise? Or why place the United States in a situation, where, if the question does arise, and they must speak, the language which they utter must be regarded as equally unfriendly to all the new States; and where, if the United States keep silence, this very silence will be misinterpreted?

Should the situation or policy of the United States induce them to look with indifference upon the new direction that the existing war may take, and to abstain from all interference in it, even through the neighboring islands of Cuba and Puerto Rico may be threatened or assailed, then the very announcement of such a purpose must contribute much to accelerate an event that cannot be desired by us. In whatever light, therefore, this subject is viewed, it does not seem to be one which the United States should discuss with the other American States assembled at a Congress. The inexpediency of pursuing such a course, appeared more obvious to this committee, when they considered, that many of the nations of Europe must also feel, that their interests were materially involved in its decision; and that they would not abstain from making some movement in relation to it, which must greatly embarrass

any course that the United States may wish hereafter to pursue.

While the United States retain the position which they have hitherto occupied, and manifest a constant determination not to mingle their interests with those of the other States of America, they may continue to employ the influence which they possess, and have already happily exerted, with the nations of Europe, in favor of these new Republics. But, if ever the United States permit themselves to be associated with these nations in any General Congress, assembled for the discussion of common plans, in any way affecting European interests, they will, by such an act, not only deprive themselves of the ability they now possess, of rendering useful assistance to the other American States, but also produce other effects, prejudicial to their own interests. Then, the powers of Europe, who have hitherto confided in the sagacity, vigilance, and impartiality of the United States, to watch, detect, announce, and restrain any disposition that the heat of the existing contest might excite in the new States of America, to extend their empires beyond their own limits, and who have therefore considered their possessions and commerce in America safe, while so guarded, would no longer feel this confidence. Each would therefore endeavor to secure its own interests, by its own means; and the power of Spain not being considered by any as equal to the protection of her remaining American possessions, a struggle would probably commence, who should first obtain the Islands of Cuba and Puerto Rico, the possession of which must ever be of the last importance to the commerce of this hemisphere. Or, if such should not be the case, the interest of many European nations might seem to require that they should make common cause with Spain for the purpose of preventing these Islands from falling into other hands. To the United States it would be of little moment which of these events should occur; for, it cannot be expected that any such contest could be carried on so near them, without the most imminent danger to their neutrality.

The very situation of Cuba and Porto Rico, therefore, furnishes the strongest inducement to the United States not to take a place at the contemplated Congress, since, by so doing, they must be considered as changing the attitude in which they hitherto have stood, as impartial spectators of the passing scenes, and identifying themselves with the new Republics.

These reasons, strong as they have appeared to this committee, are not the only objections to the proposed measure, disclosed by the documents to them referred. The manner in which this invitation has been given, of itself, furnishes many forcible obstacles to its acceptance; and in the opinion of this committee, the United States will neither consult their own dignity, nor what is due to the proper respect they have a right to claim from all nations, and especially from the new States of America, if they now agree to co-operate in carrying this proposed measure into effect.

The history of the transaction, so far as it is disclosed to this committee, seems to be this: So early as the year 1821, the project of assembling a General Congress of their Representatives, to consider and adopt the best plan for defending the States of the new world from foreign aggression, and to conclude treaties of alliance, commerce and friendship, for the promotion of their happiness and prosperity, appears to have been conceived by one, at least, of the new States of America. This scheme of forming a continental system for America, to resemble that already formed in Europe, was communicated to the others of these States, who, concurring in the project, negotiations were instituted between them for the purpose of concluding conventions to provide for this object.

The plan being so far matured, the U. States were, for the first time, informally applied to, during the last Spring, by the Ministers of two of the new States, separately, to learn whether an invitation to be represented at this Congress, if given by both these Republics, would be accepted. To this communication, informally made, the President as informally replied, that he believed such a Congress, as was proposed, might be highly useful for several purposes; but that, before it assembled, it appeared to him expedient to adjust between the Powers to be represented, several preliminary points, such as the subjects to be discussed, the nature of the powers to be given to the agents who were to compose it, and the mode of its organization, and action. And if these preliminary points could be arranged, in a manner satisfactory to the United States, the Ministers to whom this communication was made, were informed, that the President thought the United States ought to be represented at the contemplated Congress. Each Minister undertook to transmit to his Government this answer thus given.

The affair remaining in this posture as to the United States, the negotiations previously entered into between the new States were brought to a close, and conventions providing for the objects of the proposed Congress, were actually concluded, some of them so far back as the 6th day of July, 1822.

After the conclusion of all these conventions, and only a few weeks since, during the month of November last, separate formal communications were made to the United States, by the Ministers of Mexico, Colombia, and Guatemala, respectively, disclosing some of the objects intended to be discussed at the proposed Congress, in the manner already stated by the committee, and giving the invitation to the United States to be there represented. In some of the communications, the United States were informed that instructions, and ample powers for the attainment of the proposed objects, would be given by at least one of the new Republics, and a wish was expressed that the agents of all the others might bear the same. In none, however, is any mention made, either of the mode of organization or action of the Congress, nor is it anywhere stated who would be the parties, or what representatives were either invited, expected, or would be received. But, in the very communication which conveys the information already stated, the United States are told, that, at the date of that communication, (Nov. 3d.) the representatives from Colombia, Peru, Guatemala, and Mexico, would have arrived at Panama, the agreed place of assembling, and would be engaged in settling the preliminary rules of the assembly, and in discussing the questions, which should be proposed by them to be long exclusively to the belligerents.

It thus appears, that every thing relative to the meeting of the proposed Congress had been settled, by formal negotiations and treaties between themselves, the United States have been thus loosely invited by the other

American States, as if in mere courtesy, to attend its deliberations. Should the U. States accept such an invitation, the denunciations which they may send to Panama will there be associated, with they know not whom, or for what purposes, or in what mode. When these deputies shall enquire of the Congress as to any of these important particulars, they will receive the information they ask, in resolutions and compacts adjusted and concluded before their arrival. And if, waiving all these things, which none ought to consider as mere ceremonial, the agents of the United States will take the places previously assigned them, and propose to take a part in the discussions, they will find all the leading principal topics for deliberation already passed upon and concluded.

The Committee are well aware that the interest and character of free States should never be permitted to rest upon matters of mere fashionable etiquette and ceremonious observance; but even in the intercourse between individuals, and much more in that between sovereignties, there is a point at which form becomes substance, and when scrupulous attention to the minutest ceremonials that civility and respect exact, is due to the sacred character and dignity of the Republic. At that point, the committee believe the United States should ever make a stand, and resting there, should always exact, even from the most ancient and puissant sovereign of the earth, every thing required by their own self respect. Nor should anything be then waived even to manifest their sensibility to whatever concerns the prosperity of the American Hemisphere, or the sincere friendship which they feel for these new Republics.

As the most ancient State in the new world; the first acknowledged, sincere friend of those more recently existing; as a State from whose experience more light is said to be expected to be shed upon the subjects to be discussed, and the principles to be established, at the contemplated Congress, than from the other States; the United States had a right to expect, that when this project of a Congress of American Nations was conceived, it should have been communicated to them as early as to any others whose presence by their representatives, was deemed desirable. That they too should be asked whether such a measure would be acceptable. That they too should have been consulted, as to the time, the place, and the manner of assembling such a Congress. That they too should have been permitted to assist in the enumeration of the subjects to which its attention might properly be directed; in the adjustment of the nature and form of the powers to be given to the diplomatic agents who were to compose it; in the mode of its organization and action; and above all, others, in the settlement of the great question, who should be invited to take a part in its deliberations.—The United States had also a right to expect that the result of all such consultations should be fixed and secured by solemn pacts and conventions, in which they too should be parties.

Such the committee believe ought to have been, and would have been the course pursued by the United States towards the other American States, if the project of convening a Congress of American Nations had occurred to us, as a measure useful and beneficial to the American Continent; and being never disposed to exact from others more respect than in like circumstances they are willing themselves to pay, the United States, in the opinion of this committee, owe it to themselves, if an opinion should be entertained that anything exists requiring the adoption of such a measure at this time, courteously to decline the invitation given under the circumstances stated, and to institute the proper proceedings necessary to its consummation, in the mode which friendship, civility, and deference to others require. Such a movement belongs to the high character which the United States enjoy in the estimation of all the world, the merit of which is accorded to them by none more willingly than by the new born States of this continent; and if it be not now made, the time will go by when the position may ever hereafter be properly assumed.

The committee would not be understood as suggesting the expediency of any such measure at this time. In their opinion there exists no adequate motive to induce its adoption. Every spot known or habitable in America, is already appropriated by different nations, whose rights of territory all recognize; and if trifling differences may exist between any, upon the subject of mere common boundary, these differences constitute fit matter of friendly discussion between them alone. The idea of colonization in America, therefore, no longer exists; and in the present posture of Nations, there is little reason to apprehend the wilful encroachment of any upon the American possessions of another. Each passing hour strengthens the just claims which the new States of America have preferred, to be recognized as sovereign and independent, by all other Nations; and the quiet efflux of time, if it has not already done so, must very soon place their sovereignty upon the same basis on which rests that of the most ancient nations of the Earth. Spain possesses not the ability to give them any cause of serious concern; and enjoying the friendship and proclaimed recognition of the United States and Great Britain, there is no sufficient reason to apprehend the interference of any European nation in the question and war of their independence. Compacts have been already concluded, or are now negotiating, between each of the States of this Continent, wherein their mutual interests, both genuine and particular, will be firmly fixed upon principles of the most perfect justice and liberal equity. And no common subject now remains, of sufficient magnitude to require a movement so new and important as the assembling of a Congress of American Nations, which cannot but excite suspicion and jealousy in the other Hemisphere and might so affect injuriously the interests of the new States themselves.

Should this happy state of things ever change, the lively interest which the United States have ever taken in the welfare of these their sister sovereignties, ought to be regarded by them as the surest pledge, that we cannot be indifferent to any thing that concerns them. An eye the most vigilant we shall ever direct to their prosperity; the appearance of the first cloud, rising to obscure its light, will be announced to them; and the United States will then manifest the deep interest which they feel in all the nations of the new world.

When such an event shall occur, the United States will probably be the first to solicit the assembling a Congress of American Nations, and the invitations which they shall then give to others to be there represented will be such as their friendship and respect shall dictate, and upon terms the most fair and liberal principles of policy require. The

same, this committee have no doubt, would have been the character of the invitation given to the United States, upon this occasion if the new States of America, when they conceived or matured the scheme for assembling the Congress at Panama, had entertained the most remote idea that the United States either would or ought to be there represented. All the conventions concluded between these States, however, prove, beyond doubt, that even at the date of the most recent of all their compacts, none others were expected or desired to be represented at this Congress but the States of America who had formerly been colonies of Spain, and who were then engaged in war with that power. That the great object of this Congress, was to adjust between themselves the most effectual means of conducting this war to the most speedy and happy conclusion; and that the presence of no neutral State could, therefore be anticipated.

Before they conclude their report, the committee beg leave to remark, that the intimation given by the President, in his first message to the Senate, that this measure, in which he had thought proper to take no step before ascertaining that his opinion of its expediency would concur with that of both branches of the Legislature, was nevertheless deemed by him to be within the constitutional competency of the Executive, did not escape their notice. But as the correctness of this opinion, entertained and expressed by the President, will constitute proper matter for the deliberation and discussion of the Senate, when they shall enter upon the consideration of a resolution now lying on their table, and not referred to this committee, they do not believe that they were authorized by the Senate to consider this subject. The Committee therefore forbear from saying any thing in relation thereto.

The committee feel most sensibly the embarrassing situation in which they are placed. On the one hand, the duty which they owe to themselves, and to the Senate; and to the President, required that they should examine fully and freely the measure proposed, and should state the reasons that led to the conclusion, which they felt themselves bound to adopt. On the other, they were well aware, that the adoption of this conclusion, and the assignment of the reasons which produced it, might contribute not a little to embarrass the President, whose acceptance of the invitation given, was already announced. Placed in this delicate situation, after bestowing on the subject the most mature consideration, believing it to be a sacred duty which the Senate owed to the sovereign States that they here represent, to exercise the constitutional power conferred upon them, by examining at this time, every feature of this new project, and deciding upon its expediency or inexpediency, as to them might seem right, the committee could not hesitate to disclose all their views in relation to this important matter, in order that these, being fully exhibited to the Senate might be by them, either adopted or corrected. The committee were induced to adopt this course, with less reluctance, by the assurance given by the President, that until he could be aided by the advice and consent of the Senate, he would take no step to carry the measure he had proposed into effect. Most willingly would the committee recommend to the Senate to abstain from pronouncing any opinion on this now delicate subject, if they could permit themselves to propose to this body a declaration of its bounden duty, or the adoption of any course that might lead it to shrink from its high responsibility. But, convinced that the Senate had the right, and were bound to decide directly upon the expediency of this new scheme, without limiting their decision to the mere nominations incidentally connected with it, and convinced that the project itself, viewed in any light, was highly inexpedient, at this time, the committee thought it better to exhibit these their views, and to advise the expression of the opinion of the Senate in relation thereto, in the first instance. Abstaining therefore, from any remark, at present, as to the nominations to them referred, the committee recommend the adoption of the following resolution: Resolved, That it is not expedient, at this time, for the United States to send any Ministers to the Congress of American Nations assembled at Panama.

The Report and Resolutions were read.

Notice.

On the second Monday in May next, will be sold in the town of Hockford, the following Tracts of Land, or as much thereof, as will be sufficient to satisfy the Taxes that are due thereon for the year 1824, with cost of advertising:

- 187 1/2 acres given in by Canon Brown, adjoining Enos Windsor, lying on Hunting creek.
- 99 acres, given in by Jess. Crews, adjoining Jones Moss, lying on Hunting creek.
- 137 acres, given in by Geo. Long's heirs, adjoining James Masters.
- 150 acres, given in by Joseph Bowles, adjoining Wm. Bowles, lying on Pleasant Branch.
- 40 acres, given in by Robert Middleton, adjoining Azariah Denny, Jun. lying on Ararat river.
- 500 acres given in by Harden H. Moore, adjoining Wm. Carter, lying on Lovin's creek.
- 2400 acres, given in by Jane Moore, adjoining William McCraw, lying on Lovin's creek.

THOS. B. WRIGHT, Sheriff. March 1. Page of adv. 3 50

State of North Carolina, Granville County.

Court of Pleas and Quarter Sessions, February Term, A. D. 1826.

Thomas Brown, surviving partner of Geo. and Thomas Brown, vs. James Pittard's Heirs. Sci. Fa. vs. The Heirs of Deceased Intestate to change real estate. Appearing to the satisfaction of the Court that Honore Summers, one of the defendants, is not an inhabitant of this State: It is ordered by the Court, that publication be made for three months in the Raleigh Register, giving notice to the said Defendant to appear at the Court of Pleas and Quarter Sessions, to be held for the County of Granville, at the Court-House in Oxford, on the first Monday in May next, then and there to answer, plead or demur, otherwise judgment will be taken pro confesso, and the same set for hearing ex parte. Witness Stephen K. Sneed, Clerk of our said Court at office in Oxford, the first Monday in February, A. D. 1826. STEPHEN K. SNEED, Clk.