

# Nineteenth Congress.

FIRST SESSION.

## SENATE.

Monday, January 16.

Mr. Maco, from the committee on Foreign Relations, to whom was referred, on the 28th December, the message of the President of the United States, nominating Richard C. Anderson and John Sergeant, to be Envoys Extraordinary and Ministers Plenipotentiary to the Assembly of the American Nations, at Panama; and, on the 10th instant, a message, communicating certain documents relating thereto, submitted the following report:

That they have examined the subject to them referred, with the most profound attention; and have bestowed upon it all the consideration demanded by its novelty, delicacy, and high importance to the character and future destinies of the United States. In making this examination, the committee found themselves not a little embarrassed at first, by the circumstance announced by the President, in his message to both Houses of Congress, at the commencement of the present session, that he had already accepted the invitation given to the United States, by some of the American Republics, to be represented at the contemplated Congress of American Nations, about to be assembled at Panama. But, seeing in the several communications made by the Secretary of State, to the different ministers of these Republics, that an express reference was made to the concurrence of the Senate, as the indispensable preliminary to the acceptance of this invitation; and finding, in the present message of the President, the explicit assurance, that he had not thought proper to take any step in carrying this measure into effect, until he could ascertain that his opinion of its expediency would concur with that of both branches of the Legislature; the committee believed it became a part of the duty they owed to the Senate, and would be evidence of the proper respect due to the President, that they should fully and freely examine into the propriety of the proposed measure, the expediency of adopting which was the subject that the Senate was thus invited to deliberate upon, and to make known their opinion.

Considerations of much higher importance than even these, induced the committee to adopt this course. In the ordinary progress of their proceedings, the Senate can rarely, if ever, find it either necessary or proper, to inquire as to the objects expected to be attained, by appointments, to which their advice and consent is asked. As to all offices created by statute, in which these objects are defined, and their attainment positively required, the single question arising before the Senate, must ever refer merely to the fitness of the persons nominated by the President, to fulfill such duties. The same will generally, be found the sole inquiry necessary to be made, in filling up vacancies, happening in preexisting foreign missions, designed to maintain the customary relations and intercourse of friendship and commerce between the United States and other nations. Very different, however, is the case, when it is proposed to create new offices, by nomination, or to despatch ministers to foreign States, for the first time, or to accomplish, by such missions, objects not specially disclosed, or under circumstances new, peculiar, and highly important. In all these cases, instead of confining their inquiries to the mere fitness of the person nominated to fill such offices, it is not only the right, but the duty of the Senate, to determine, previously, as to the necessity and propriety of creating the offices themselves; and, in deciding this question, not only the objects for the accomplishment by which it is proposed to create them, but every other circumstance connected with such a measure, must necessarily and unavoidably become a subject of their serious examination.

This right, conferred by the Constitution upon the Senate, is the only direct check upon the power possessed by the President, in this respect, which, relieved from this restraint, would authorize him to create and consummate all the political relations of the United States, at his mere will. And as, in the theory of their government, the high destinies of the People of the United States are never to be confided to the unrestrained discretion of any single man, even the wisest and best of their fellow citizens, it becomes a solemn duty which the Senate owe to the sovereign States, which are represented, most seriously to investigate all the circumstances connected with the novel measure now proposed by the President, as to the expediency of adopting which, they have been invited to aid him with their counsel and advice.

Entertaining these opinions, in the performance of the duty which they believe has been required by the Senate, and anxious to manifest to the President their high respect, by complying fully with the wish which he has expressed upon this subject, the committee will proceed to investigate the circumstances connected with the measure proposed, and, as to the documents to them referred, most deeply impressed with the importance of the consequences that may very probably result from it.

The first question which suggested itself to the committee, at the very threshold of their investigation, was, what cogent reasons now existed, for adopting this new and untried measure, so much in conflict with the whole course of policy, uniformly and happily pursued by the United States, from almost the very creation of this Government, to the present hour? By the principles of this policy, inculcated by our wisest statesmen, in former days, and approved by the experience of all subsequent time, the true interest of the United States was supposed to be promoted, by avoiding all entangling connections with any other nation whatsoever. Steadily pursuing this course, while they have been desirous to manifest the most cordial good will to all nations, and to maintain with each, relations of perfect amity, and of commerce, regulated and adjusted by the rules of the most fair, equal, and just reciprocity, the United States have hitherto, sedulously abstained from associating themselves, in any other way, even with such nations for whose welfare the most lively sensibility has been, at all times, felt, and otherwise manifested.

During the conflict for freedom and independence, in which these new States of America were so long engaged with their former Sovereign, although every heart in the U. States beat with sympathy with them, and fervent aspirations were hourly put up

for their success; and although the relations then existing with Spain were well calculated to excite strong irritation and resentment on our part, yet the Government of the U. S. convinced of the propriety of a strict adherence to the principles it had ever proclaimed as the rule of its conduct in relation to other nations, forebore to take any part in this struggle, and maintained the most exact neutrality between these belligerents. Nor would it ever recognize the independence of these new Republics, until they had become independent in fact, and the situation of their ancient Sovereign, in relation to them, was such as to manifest that he ought no longer to be held responsible for their acts. So soon as this occurred, the U. States most gladly embraced the opportunity, and in being the first to proclaim the sovereignty and independence of these States, gave to them the strongest pledge of respect, and cordial friendship, and sincere anxiety for their prosperity.

Since that event, Ministers have been despatched to each of these new Republics, instructed to declare the sentiments sincerely and warmly felt for them by the U. S. and empowered to conclude treaties with them, the objects of which should be, to establish upon principles of the most perfect justice and equity, all the ordinary relations that exist between nations. Thus much was done, not less to them than to ourselves; and in going so far, we did all that our feelings dictated, and the interests of either seemed then to require. What necessity has since arisen to do more? What cause exists now, to prompt the U. States to establish new and stronger relations with them, and so to abandon that rule of conduct which has hitherto been here so steadily and happily pursued?

These inquiries necessarily called the attention of the committee to a minute examination of all the documents to them referred, in order that they might therein discover the reasons assigned by the new States of America for desiring the United States to be represented at the Congress about to be assembled at Panama, and the motives of the President for intimating his willingness to accept this invitation. And in making such an examination, many reflections presented themselves, as connected with the proposed measure, all of which the committee will now state to the Senate.

In a government, constituted as is that of the U. States, in which the sentiment so natural to freemen prompts them to scrutinize most exactly the extent of all the powers they grant, and to limit this extent by the objects desired to be accomplished by their exercise, the strongest anxiety is (and, it is to be hoped, always will be) felt, to learn distinctly what is the precise object desired to be attained, and what are the precise means proposed for its attainment. Even the confidence reposed in the long-tried patriotism and well-proved wisdom of our own best citizens, does not, and ought not to suffice, to quiet this anxiety, or to remove this jealousy, inspired by an ardent attachment to our rights and privileges. It was, therefore, much to be desired, and certainly to have been expected, that, before the destinies of the United States should be committed to the deliberation and decision of a Congress, composed not of our own citizens, but of the representatives of many different nations, that the objects of such deliberations should be most accurately stated and defined, and the manner of their accomplishment clearly and distinctly marked out.

In this opinion, the President himself seems to have concurred at the commencement of this negotiation; for in the report made to him on the 20th of December last, by the Secretary of State, this officer states that, agreeably to his directions, he had informed the Ministers, by whom the invitation to the proposed Congress at Panama was given, that, "before such a Congress assembled, it appeared to the President to be expedient to adjust, between the different Powers to be represented, several preliminary points, such as the subjects to which the attention of the Congress was to be directed, the nature and the form of the powers to be given to the diplomatic agents who were to compose it, and the mode of its organization and action." And it was made an express and previous condition to the acceptance of the invitation proposed to be given, that "these preliminary points should be arranged in a manner satisfactory to the United States."

It was, therefore, not without much surprise and great regret that the committee discovered, that, although in none of the communications subsequently made to this Government, by either of the Ministers of the several States by whom this invitation was given, are these preliminary points even stated; and, although the want of "a compliance with these conditions" is expressly noticed in the reply made to them by the Secretary of State; yet they were therein told, that the President had determined "at once" to send Commissioners to this Congress at Panama, provided the Senate would advise an assent to such a measure.

If, then, the Senate should now demand of this committee to inform them what are the objects to be accomplished at this Congress, and what are the means by which their accomplishment is to be effected, although, as to the objects, the documents referred to them will enable the committee to name a few—yet, as to all others, they must answer in the language of the communication made by the Mexican Minister, that they are those "to which the existence of the new States may give rise, and which it is not easy to point out or enumerate." As to the means, however, the committee can only reply, that, while it seems to be expected that the United States are to clothe their representatives, with "ample powers" to accomplish all the enumerated, and these other undefined objects also, yet the mode in which these powers, if granted, are to be used and exercised, is nowhere even hinted at.

One great question therefore, upon which the decision of the Senate is called for, will be, whether, in the existing state of things, it is wise or expedient that the U. States should be represented at a Congress of American nations, by agents endowed with undefined powers, to accomplish undefined objects; and this committee feel no hesitation in stating, as their opinion, that, if ever it may be proper to adopt such a measure, there is nothing known to them that requires or justifies it at this time.

It is true the power confided to the Senate, to ratify or reject any agreement that may be entered into by such agents, would constitute some safeguard to the important interests of the United States. But, long experience must have informed the Senate, that it is, generally, exceedingly difficult, and sometimes even impossible, to escape

from the embarrassments produced by the mere act of entering into a negotiation; and that it is much better to abstain from doing so, until its objects are distinctly known and approved, than to confide in the power of the Senate in the last resort, to refuse their assent to the ratification of an agreement, after it is adjusted by means of such negotiation.

In the present case, if the measure to be accomplished by the proposed Congress, whatever may be their object or character, should not meet the concurring opinion of all the parties there to be represented, we need not the lights of history to inform us, that many consequences, mischievous in themselves, and greatly to be deplored, not only may, but most probably will, result. And that a difference of opinion will exist, in regard to measures so important to themselves, and so various and diversified in their effects, upon nations differing from each other in almost every particular, is much to be apprehended. The power possessed by the Senate, of withholding its assent, ought not, therefore, to be regarded as furnishing sufficient assurance against the possible and probable effects of the proposed measures.

Turning from the undefined objects of this Congress, so imperfectly disclosed by the vague description given of them, that, if seen at all, they are presented most indistinctly to their view, and regarding those which are particularly mentioned, and described with more precision; this committee have not been able to discover, in any one of these last a single subject, concerning which the United States ought to enter into any negotiation with the States of America, to be assembled at the contemplated Congress of Panama.

Before proceeding to the enumeration of these objects, the committee cannot refrain from calling the attention of the Senate to a singular circumstance, disclosed by the documents to them referred. Although an enumeration of the subjects to which the attention of the proposed Congress was to be directed, was explicitly stated as a condition preliminary to the acceptance by the United States, of the invitation given to them to be there represented; although each of the ministers, giving this invitation, had communicated this to his Government, and received its instructions relative thereto; yet, great diversities will be found, in the enumeration of these subjects, made by each of these ministers, in pursuance of such instructions. And, what is still more remarkable, while many of the subjects of intended discussion, so enumerated, by each of these ministers, are not referred to in the message of the President to the Senate, others are therein stated, as matters for the deliberation of the proposed Congress, to which not the slightest allusion seems ever to have been made, by any one of the American Ministers, in any of their communications to this Government; nay, one of the subjects, (the most important, probably, of any, which the United States are desirous to discuss, at this Congress,) is neither noticed in the communications made to this Government, by any of the American States, nor in the message of the President to the Senate; and is to be only inferred from the documents last referred to this committee, received under the call made by the Senate, for further information: all which will be very clearly shown by the details, which the committee will now lay before the Senate.

The first subject stated by the Mexican Minister, as one which would occupy the attention of the contemplated Congress, and in the deliberations concerning which, the United States are expected to take a part, is, "the resistance or opposition to be made to the interference of any neutral nation, in the question and war of independence, between the new Powers of this continent and Spain." And in the deliberations upon this subject, it seems to be proposed, "to discuss the means of giving to that resistance all possible force;" and so to adjust, by previous concert, the mode in which each of the States represented at the Congress "shall lend its co-operation."

The same subject is also stated by the Minister of Colombia, and in terms still more explicit. He suggests, as a matter of useful discussion in the Congress, the formation of "an eventual alliance" of the States there to be represented for the purpose of preventing any European Power from interfering in the present contest between Spain and her former colonies; and that the treaty for this purpose should "remain secret, until the *causis faderis* should happen."

Notwithstanding this is so stated by both of these ministers, as the first and great object of the proposed Congress, yet the President, in his message, assures the Senate, "that the motive of the attendance of the United States is neither to contract alliances, nor to engage in any undertaking or project importing hostility to any other nation." It thus appears, that, in relation to this first and most important point, which seems to have given birth to the scheme of a Congress, the views and motives of the United States differ essentially from those of the other parties. And this difference of opinion, occurring as to the very first proposition, which is said to be "a matter of immediate utility to the American States that are at war with Spain, and is believed by them to be in accordance with the repeated declarations and protests of the Cabinet at Washington," must unavoidably excite doubts as to "the interests we take in their welfare, and our disposition to comply with their wishes;" and would so contribute not a little to defeat other subjects.

The next subject stated by the Mexican Minister, as presenting "another of the questions which may be discussed," & which he considers as being "in like predicament with the foregoing," is, "opposition to colonization in America by the European Powers."

The Minister of Colombia concurs in this enumeration. He places "the manner in which all colonization of European powers on the continent shall be resisted," at the very head of all the subjects of proposed discussion; and couples this with the former as an object to be effected by the joint and united efforts of all the States to be represented at the Congress, who should be bound by a solemn convention to secure this end.

The President concurs in part in the opinion as to the propriety of attaining this end, but differs radically as to the mode of accomplishing it. "An agreement between all the parties represented at the meeting, that each will guard, by its own means, against the establishment of any future European colony within its borders," he thinks, "may be found advisable." Now, if this he meant, that each nation shall, by its own means, protect its own territories against all encroachments upon them, attempted by any European or other Foreign State whatsoever, the

committee cannot discern either the necessity or expediency of entering into any formal agreement with other States to that effect, more than exists for reducing to treaty stipulations, any other of the high, just, and universally admitted rights of all nations. Such an idea, however, is obviously not that suggested by the ministers of Mexico and Colombia; and if more is meant to be comprehended in the agreement which the President thinks may be found advisable, every other article it would contain must, in the opinion of this committee, violate all the well-settled principles of the policy of the United States, and put at hazard their best interests, without any adequate motive for so novel an experiment. In the one case the views and motives of the President differ essentially, from those of the other parties to be represented at this Congress; and from the disclosure of these repeated differences of opinion, no good can possibly result. And in the other, should the views of the President concur with those of the other American States, (which the committee do not believe) the mutual stipulations growing out of such an agreement, would, in the opinion of this committee, prove fatal to the best interests of the United States, should the *casus faderis* ever happen.

To adjust the means of most effectual resistance, to the interference of neutral nations, in the war of independence between the new powers of this continent and Spain—and of opposition to colonization in America by the European Powers, are said by the Mexican Minister to be "the two principal subjects" of intended discussion at the contemplated Congress; and, indeed, are all the subjects of discussion which he particularly states. The Minister of Colombia, however, extends his enumeration of the subjects of intended discussion somewhat further; and, after mentioning those before stated, adds, as another, "the consideration of the means to be adopted for the entire abolition of the African Slave-trade."

To this subject the President makes no allusion in his Message; and, after the examination which it has received in the Senate, during two successive years, this committee deem it quite unnecessary to say much in relation to it at this time. Some of the Sovereign States, here represented, were the first in the world to proclaim their abhorrence of this traffic. Since the formation of this Government, the United States have exerted (and as this committee believe, have exerted effectually) all the means in their power to arrest its progress, so far as their own citizens were concerned; and, if all other nations, and especially those nations holding possessions in America, would follow their example, the African slave trade would no longer exist. The United States, however, have not certainly the right, and ought never to feel the inclination, to dictate to others who may differ with them upon this subject, nor do the committee see the expediency of insulting other States, with whom we are maintaining relations of perfect amity, by ascending the moral chair, and proclaiming, from thence, mere abstract principles, of the rectitude of which, each nation enjoys the perfect right of deciding for itself.

The Minister of Colombia states, as another subject of discussion, at the contemplated Congress, "on what basis the relations of Hayti, and of other parts of our hemisphere that shall hereafter be in like circumstances, are to be placed." To this matter, also, the President makes no allusion in his Message. And, surely, if there is any subject within the whole circle of political relations, as to which it is the interest and the duty of all States to keep themselves perfectly free and unshackled, by any previous stipulation, it is that which regards their future connections with any other people, not parties to such an argument. Of the propriety or impropriety of such connexions, each must ever be permitted to judge freely for itself, because the benefit or disadvantage to result from them, must be peculiar, and very different to each; and that relation which is highly desirable at one time, may become hurtful at another. In the opinion of this committee, therefore, the U. States should never permit themselves to enter into discussion with any foreign State whatever, as to the relations they should be obliged to establish, with any other people not parties to such discussions. And the objections to such a course become infinitely stronger, when the discussions are intended to refer, not only to those who then exist, but also to others, who may hereafter be considered as placed "in like circumstances."

These are all the points particularly suggested by the Minister of Colombia, as subjects of discussion at the contemplated Congress. The Minister of Guatemala, (who also unites in the invitation given to the United States) has stated no particular subject as matter of discussion at this Congress. He intimates, however, "that, as Europe had formed a Continental system, and held a Congress, whenever questions affecting its interests were to be discussed, America should also form a system for itself."

How far this general suggestion meets the views of the President, the Committee are not enabled by any document to them referred to decide. But they will present to the Senate their own ideas in relation to it, rather as it seems now to be the prominent object of the proposed Congress, the magnitude and variety of details belonging to which defined present enumeration, and particular specification.

Without adverting to the great and obvious diversities subsisting between the States of this Continent and those of Europe, by which the system here alluded to has been established—diversities growing out of the state of their people, the nature of their governments, and the positions they occupy, not only in relation to each other, but to the rest of the civilized world, this Committee will state, as their opinion, that no effect yet produced by the Continental system of Europe, is of a character to invite the States of this Union to take that system as a model or example fit for their imitation. The great object of the Continental system of Europe, is to preserve ancient institutions, and relations long known and well understood, in the position which they now occupy, and for many centuries have done.

The operation of this system is, by the combination of powers, and the application of mere force, to arrest the progress of improvement in the science of government, and in the condition of society. Ends which all free States must reprobate, as much as they do the means employed for their accomplishment. If this were not so, however, a system formed for this continent, for the same or even different objects, would produce the worst effects. The short political existence of all the States on this continent, even of the United States themselves, the most an-

cient of any, hath enabled them to profit so little as yet by experience, and it would seem rash to prohibit their perfection, at this time, or to pledge any of them to perpetuate either their present institutions, or existing political relations. Our own excellent Constitution is based upon the supposition of its own probable imperfections, and most wisely provides for its amendment, whenever such defects shall be discovered to exist. We cannot, therefore, stipulate to preserve it as it is; and no compact with other States can be necessary to bestow upon each the power it now possesses, to effect any change which experience may hereafter show to be beneficial to itself. And a stipulation to "make such changes, as the good of any others may hereafter require, would either be futile in itself or must inevitably lead to discord and to war."

This Committee doubt, moreover the authority of the Government of the U. States to enter into any negotiation with foreign nations, for the purpose of settling and promulgating, either principles of internal policy, or mere abstract propositions, as parts of the public law. And if the proposed Congress is viewed but as a convenient mode of conducting a summary negotiation, relative to existing interests, important to this Continent alone, it not only may, but most probably will, be considered, by all civilized nations, as a confederacy of the States therein represented, for purposes as prejudicial to the interests of the old, as they are supposed to be beneficial to those of the new world. Many of the provisions in the different conventions, already concluded between some of the new States, relative to this very Congress, and which are now public, are well calculated to produce such a suspicion, if they do not justify a belief in its truth. And whenever this suspicion shall be entertained by the nations of the old world, and especially by those who still hold possessions on this continent, it must be obvious to all, that consequences such to be deplored will unavoidably result.

Nothing that can be done hereafter, by any department of this Government, in refusing to sanction the stipulations, concluded at a Congress regarded in this light, will suffice to avert the calamity. And the U. States who have grown up in happiness, to their present prosperity, by a strict observance to their old well known course of policy, and by manifesting entire good will, and most profound respect for all other nations, must prepare to embark for their future destinies, upon an unknown and turbulent ocean, directed by little experience, and destined for no certain haven. In such a voyage, the dissimilitude existing between themselves and their associates, in interest, character, language, religion, manners, customs, habits, laws, and almost every other particular; and the rivalship these diversities must surely produce among them, would generate discords, which, if they did not destroy all hope of a successful termination, would make even success itself the cause of new and direful conflicts. Such has been the issue of all such enterprises in past time; and we have therefore strong reasons to expect in the future, similar results from similar causes.

The Committee having thus examined the several subjects of proposed discussion, stated or alluded to by each of the ministers of the new States of America, as matters of deliberation at the contemplated Congress, will now proceed to the investigation of others; not mentioned or referred to by any of them, but exhibited in the message of the President.

[To be concluded in our next.]

### MANAGERS' OFFICE, RALEIGH, N. C.

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\$60,000 DOLLARS.

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TO BE DRAWN ON THE 26TH OF  
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### FIRST CLASS.

#### SCHEME.

1 Prize of	\$60,000	is	\$60,000
1	40,000		40,000
1	25,000		25,000
1	20,000		20,000
1	15,000		15,000
1	10,100		10,100
54	1,000		54,000
185	500		93,000
372	100		37,200
1302	40		52,080
13950	20		279,000

15,870 Prizes  
26,970 Blanks  
\$683,440

42,840 Tickets.  
Whole Tickets, . . . \$20  
Halves, . . . . . 10  
Quarters, . . . . . 5  
Eighths, . . . . . 2.50

April 2, 1836.

### LIVE OAK.

Navy Commissioners' Office,  
27 March, 1836.

SEALED Proposals will be received until the 31st day of July next, for the supply of LIVE OAK TIMBER, for the frames of three Frigates, cut to moulds; one of which, with 1800 cubic feet of promiscuous lumber, to be delivered up or before the first day of September, 1837, at each of the Navy Yards at Boston, New-York and Philadelphia; also, for nine Live Oak Beams for a frigate of the first class, to be delivered at the Navy Yard at New-York.

### Yadkin Navigation Company.

A general meeting of the Stockholders of this Company will be held at the House of William H. Slaughter, in the town of Salisbury, on the Thursday of Rowan Superior Court—being the 13th day of April next.

A. D. MURPHY, President.  
March 7.