

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with resolutions of the Senate, copies of correspondence in relation to the Quintuple Treaty.

FEBRUARY 24, 1843.

Read, and ordered to be printed.

To the Senate of the United States:

I transmit to the Senate, in answer to their resolutions of the 20th of December, and of the 9th instant, the enclosed copies of papers from the Department of State, with an accompanying list.

JOHN TYLER.

WASHINGTON, February 24, 1843.

List of papers accompanying the President's message to the Senate of the 24th of February, 1843.

Mr. Webster to Mr. Cass	-	-	-	April 5,	1842.
Same to same	-	-	-	August 29,	"
Same to same	-	-	-	October 11,	"
Same to same	-	-	-	November 14,	"
Same to same	-	-	-	December 20,	"
Mr. Cass to Mr. Webster	-	-	-	February 15,	"
Same to same	-	-	-	April 30,	"
Same to same	-	-	-	May 17,	"
Same to same	-	-	-	May 26,	"
Same to same	-	-	-	May 31,	"
Same to same	-	-	-	September 17,	"
Same to same	-	-	-	October 3,	"
Same to same	-	-	-	October 29,	"
Same to same	-	-	-	December 11,	"
Mr. Webster to Mr. Everett (extract)	-	-	-	August 22,	"
Mr. F. Webster to same	do	-	-	September 13,	"
Mr. Everett to Mr. Webster	do	-	-	October 19,	"
Same to same	do	-	-	November 2,	"
Same to same	do	-	-	February 3,	1843.
Mr. Todd to Mr. Webster	do	-	-	September 29,	1842.
Mr. Wheaton to same	-	-	-	November 16,	"

Thomas Allen, print.

Mr. Webster to Mr. Cass.

DEPARTMENT OF STATE,
Washington, April 5, 1842.

SIR: By the arrival of the steampacket at Boston, on the 27th day of last month, I had the honor to receive your several despatches down to the 26th of February. That vessel had been so long delayed on her passage to America, that after the receipt here of the communications brought by her, there was not time to prepare answers in season to reach Boston before the time fixed for her departure on her return. The most I was able to do was to write a short note to Mr. Everett, to signify that the mail from London had come safe to hand.

The President has been closely attentive to recent occurrences in Europe, connected with the treaty of the five powers, of which we received a copy soon after its signature in December. He has witnessed with especial interest the sentiments to which that treaty appears to have given rise in France, as manifested by the debates in the chambers, and the publication of the Parisian press, and he is now officially informed of the course which you felt it to be your duty to take, by the receipt of a copy of the letter addressed by you to Mr. Guizot, on the 13th of February.

When the President entered upon the duties of his present office, in April of last year, a correspondence, as you know, had been long pending, and was still pending, in London, between the minister of the United States and her Britannic majesty's Secretary of State for Foreign Affairs, respecting certain seizures and detentions of American vessels on the coast of Africa, by armed British cruisers, and generally respecting the visitation and search of American vessels by such cruisers in those seas. A general approbation of Mr. Stevenson's notes to the British minister in regard to this subject was soon after communicated to that gentleman, by the President's order, from this Department. The state of things in England in the early part of last summer did not appear to favor a very active continuance or prosecution of this correspondence; and as Mr. Stevenson had already received permission to return home, no new instructions were addressed to him.

Circumstances occurred, as you are aware, which delayed Mr. Everett's arrival at the post assigned to him, as minister to London; and, in the meantime, in the latter part of August, the correspondence between Lord Palmerston and Mr. Stevenson was, somewhat unexpectedly, resumed afresh, not only on the subject of the African seizures, but on other subjects.

Mr. Everett arrived in London only in the latter part of November, and, in fact, was not presented to the Queen until the 16th day of December. While we were waiting to hear of his appearance at his post, the session of Congress was fast approaching; and, under these circumstances, the President felt it to be his duty to announce, publicly and solemnly, the principles by which the Government would be conducted in regard to the visitation and search of ships at sea. As one of the most considerable, commercial, and maritime states of the world, as interested in whatever may in any degree endanger or threaten the common independence of nations upon the seas, it was fit that this Government should avow the sentiments, which it has heretofore always maintained, and from which it can not, under any circumstances, depart. You are quite too well acquainted with the language of the message, on which your letter is bottomed, to need its recital here. It expresses, what we consider the true American doctrine

and that which will, therefore, govern us in all future negotiations on the subject.

While instructions for Mr. Everett were in the course of preparation, signifying to him in what manner it might be practicable to preserve the peace of the country, consistently with the principles of the message, and yet so as to enable the Government to fulfil all its duties, and meet its own wishes, and the wishes of the people of the United States, in regard to the suppression of the African slave-trade, it was announced that the English Government had appointed Lord Ashburton as special minister to this country, fully authorized to treat of, and definitely settle all matters in difference between the two countries. Of course, no instructions were forwarded to Mr. Everett, respecting any of those matters. You perceive, then, that, up to the present moment, we rest upon the sentiments of the message. Beyond the fair scope and purport of that document, we are not committed, on the one hand, nor on the other. We reserve to ourselves the undiminished right to receive or to offer propositions on the delicate subjects embraced in the treaty of the five powers, to negotiate thereupon, as we may be advised; never departing from our principles, but desirous, while we carefully maintain all our rights to the fullest extent, of fulfilling our duties also, as one of the maritime states of the world.

The President considers your letter to Mr. Guizot to have been founded, as it purports, upon the message, delivered by him at the opening of the present session of Congress; as intending to give assurance to the French Government that the principles of that message would be adhered to; and that the Government of the United States would regret to see other nations, especially France, an old ally of the United States, and a distinguished champion of the liberty of the seas, agree to any arrangement between other States, which might, in its influences, produce effects unfavorable to this country; and to which arrangement, therefore, this country itself might not be able to accede.

The President directs me to say that he approves your letter, and warmly commends the motives which animated you in presenting it. The whole subject is now before us here, or will be shortly, as Lord Ashburton arrived last evening; and without intending to intimate, at present, what modes of settling this point of difference with England will be proposed, you may receive two propositions as certain:

1st. That, in the absence of treaty stipulations, the United States will maintain the immunity of merchant vessels on the sea, to the fullest extent which the law of nations authorizes.

2d. That, if the Government of the United States, animated by a sincere desire to put an end to the African slave-trade, shall be induced to enter into treaty stipulations, for that purpose, with any foreign power, those stipulations will be such as shall be strictly limited to their true and single object, such as shall not be embarrassing to innocent commerce, and such especially, as shall neither imply any inequality, nor can tend in any way to establish such inequality, in their practical operations.

You are requested to communicate these sentiments to Mr. Guizot, at the same time that you signify to him the President's approbation of your letter; and are requested to add an expression of the sincere pleasure which it gives the President to see the constant sensibility of the French Government to the maintenance of the great principles of national equality upon the ocean. Truly sympathizing with that Government in abhorrence of the

African slave-trade, he appreciates the high motives and the comprehensive views of the true, permanent interest of mankind, which induces it to act with great caution in giving its sanction to a measure susceptible of interpretations, or of modes of execution, which might be in opposition to the independence of nations, and the freedom of the seas.

I am, &c.

DANIEL WEBSTER.

LEWIS CASS, Esq.,
 &c., &c., &c.

Mr. Webster to Mr. Cass.

DEPARTMENT OF STATE,
 Washington, August 29, 1842.

SIR: You will see by the enclosed the result of the negotiations lately had in this city between this department and Lord Ashburton. The treaty has been ratified by the President and Senate.

In communicating to you this treaty, I am directed by the President to draw your particular attention to those articles which relate to the suppression of the African slave-trade.

After full and anxious consideration of this very delicate subject, the Government of the United States has come to the conclusion which you will see expressed in the President's message to the Senate accompanying the treaty.

Without intending or desiring to influence the policy of other Governments on this important subject, this Government has reflected on what was due to its own character and position as the leading maritime power on the American continent left free to make such choice of means for the fulfilment of its duties, as it should deem best suited to its dignity. The result of their reflections has been, that it does not concur in measures, which, for whatever benevolent purpose they may be adopted, or with whatever care and moderation they may be exercised, have yet a tendency to place the police of the seas in the hands of a single power. It chooses rather to follow its own laws, with its own sanction, and to carry them into execution by its own authority.

Disposed to act in the spirit of the most cordial concurrence with other nations for the suppression of the African slave-trade, that great reproach of our times, it deems it to be right, nevertheless, that this action, though concurrent, should be independent; and it believes that from this independence it will derive a greater degree of efficiency.

You will perceive, however, that, in the opinion of this Government, cruising against slave-dealers on the coast of Africa is not all which is necessary to be done, in order to put an end to the traffic. There are markets for slaves, or the unhappy natives of Africa would not be seized, chained, and carried over the ocean into slavery. These markets ought to be shut. And in the treaty now communicated to you, the high contracting parties have stipulated "that they will unite in all becoming representations and remonstrances, with any and all powers within whose dominions such markets are allowed to exist; and that they will urge upon all such powers the propriety and duty of closing such markets effectually at once and for ever."

You are furnished, then, with the American policy in regard to this interesting subject. First, independent, but cordially concurrent efforts of mari-

time states, to suppress, as far as possible, the trade on the coast by means of competent and well-appointed squadrons, to watch the shores and scour the neighboring seas; secondly, concurrent becoming remonstrance with all Governments, who tolerate within their territories markets for the purchase of African negroes. There is much reason to believe that, if other states, professing equal hostility to this nefarious traffic, would give their own powerful concurrence and co-operation to these remonstrances, the general effect would be satisfactory, and that the cupidity and crimes of individuals would at length cease to find both their temptation and their reward in the bosom of Christian states, and in the permission of Christian Governments.

It will still remain for each Government to revise, execute, and make more effectual its own municipal laws, against its subjects or citizens who shall be concerned in, or in any way give aid or countenance to others concerned in this traffic.

You are at liberty to make the contents of this despatch known to the French Government.

I have the honor to be, sir, your obedient servant,

DANIEL WEBSTER.

LEWIS CASS, Esq., &c., &c., &c.

Mr. Webster to Mr. Cass.

DEPARTMENT OF STATE,
Washington, October 11, 1842.

SIR: I have to acknowledge the receipt of your despatch of the 17th of September last, requesting permission to return home.

I have submitted the despatch to the President, and am by him directed to say, that, although he much regrets that your own wishes should, at this time, terminate your mission to the court of France, where for a long period you have rendered your country distinguished service, in all instances to its honor and to the satisfaction of the Government, and where you occupy so favorable a position, from the more than ordinary good intelligence which is understood to subsist between you, personally, and the members of the French Government, and from the esteem entertained for you by its illustrious head; yet he can not refuse your request to return once more to your home and your country, so that you can pay that attention to your personal and private affairs which your long absence and constant employment, in the service of your Government, may now render most necessary.

I have, sir, to tender you, on behalf of the President, his most cordial good wishes; and am, very respectfully, your obedient servant,

FLETCHER WEBSTER,
Acting Secretary of State.

LEWIS CASS, Esq.,
&c., &c., &c.

Mr. Webster to Mr. Cass.

DEPARTMENT OF STATE,
Washington, November 14, 1842.

SIR: I have the honor to acknowledge the receipt of your despatch of the 3d of October, brought by the "Great Western," which arrived at New York on the 6th instant.

It is probable you will have embarked for the United States before my communication can now reach you; but as it is thought proper that your letter should be answered, and as circumstances may possibly have occurred to delay your departure, this will be transmitted to Paris in the ordinary way.

Your letter has caused the President considerable concern. Entertaining a lively sense of the respectable and useful manner in which you have discharged, for several years, the duties of an important foreign mission, it occasions him real regret and pain that your last official communication should be of such a character as that he can not give to it his entire and cordial approbation.

It appears to be intended as a sort of protest or remonstrance, in the form of an official despatch, against a transaction of the Government, to which you were not a party, in which you had no agency whatever, and for the results of which you were in no way answerable. This would seem an unusual and extraordinary proceeding. In common with every other citizen of the republic, you have an unquestionable right to form opinions upon public transactions and the conduct of public men. But it will hardly be thought to be among either the duties or the privileges of a minister abroad to make formal remonstrances against proceedings of the various branches of the Government at home upon subjects in relation to which he himself has not been charged with any duty or partaken any responsibility.

The negotiation and conclusion of the treaty of Washington were in the hands of the President and Senate. They had acted upon this important subject according to their convictions of duty and of the public interest, and had ratified the treaty. It was a thing done; and although your opinion might be at variance with that of the President and Senate, it is not perceived that you had any cause of complaint, remonstrance, or protest, more than any other citizen who might entertain the same opinion.

In your letter of the 17th of September requesting your recall, you observe: "The mail by the steunpacket, which left Boston the 18th, has just arrived, and has brought intelligence of the ratification of the treaties recently concluded with Great Britain. All apprehensions, therefore, of any immediate difficulties with that country are at an end, and I do not see that any public interest demands my further residence in Europe. I can no longer be useful here, and the state of my private affairs requires my presence at home. Under these circumstances, I beg you to submit to the President my wish for permission to retire from this mission, and to return to the United States without delay."

As you appeared at that time not to be acquainted with the provisions of the treaty, it was inferred that your desire to return home proceeded from the conviction *that, inasmuch as all apprehensions of immediate differences with Great Britain were at an end*, you would no longer be useful at Paris. Placing this interpretation on your letter, and believing, as you yourself allege, that your long absence abroad rendered it desirable for you to give some attention to your private affairs in this country, the President lost no

time in yielding to your request ; and in doing so, signified to you the sentiments of approbation which he entertained for your conduct abroad. You may then well imagine the great astonishment which the declaration contained in your despatch of the 3d of October, that you could no longer remain in France honorably to yourself or advantageously to the country, and that the proceedings of this Government had placed you in a false position, from which you could escape only by returning home, created on his mind.

The President perceives not the slightest foundation for these opinions. He can not see how your usefulness as minister to France should be terminated by the settlement of the difficulties and disputes between the United States and Great Britain. You have been charged with no duties connected with the settlement of these questions, or in any way relating to them, beyond the communication to the French Government of the President's approbation of your letter of the 18th of February, without previous instructions from this department.

This Government is not informed of any other act or proceeding of yours connected with any part of the subject, nor does it know that your official conduct and character have become in any other way connected with the question of the right of search ; and that letter having been approved, and the French Government having been so informed, the President is altogether at a loss to understand how you can regard yourself as placed in a false position. If the character or conduct of any one was to be affected, it could only be the character and conduct of the President himself. The Government has done nothing, most assuredly, to place you in a false position. Representing your country at a foreign court, you saw a transaction about to take place between the Government to which you were accredited and another power which you thought might have a prejudicial effect on the interest of your own country. Thinking, as it is to be presumed, that the case was too pressing to wait for instructions, you presented a protest against that transaction, and your Government approved your proceeding. This is your only official connexion with the whole subject. If, after this, the President had sanctioned the negotiation of a treaty, and the Senate had ratified it, containing provisions in the highest degree objectionable, however the Government might be discredited, your exemption from all blame and censure would have been complete. Having delivered your letter of the 13th of February to the French Government, and having received the President's approbation of that proceeding, it is most manifest that you could be in no degree responsible for what should be done afterward, and done by others. The President, therefore, can not conceive what particular or personal interest of yours was affected by the subsequent negotiation here, or how the treaty, the result of that negotiation, should put an end to your usefulness as a public minister at the court of France, or any way affect your official character or conduct.

It is impossible not to see that such a proceeding as you have seen fit to adopt might produce much inconvenience, and even serious prejudice to the public interests. Your opinion is against the treaty—a treaty concluded and formally ratified ; and to support that opinion, while yet in the service of the Government, you put a construction on its provisions such as your own Government does not put upon them—such as, you must be aware, the enlightened public of Europe does not put upon them, and such as England herself has not put upon them as yet, so far as we know.

It may become necessary hereafter to publish your letter, in connexion with other correspondence of the mission; and although it is not to be presumed that you looked to such publication—because such a presumption would impute to you a claim to put forth your private opinions upon the conduct of the President and Senate, in a transaction finished and concluded, through the imposing form of a public despatch—yet, if published, it can not be foreseen how far England might hereafter rely on your authority for a construction favorable to her own pretensions, and inconsistent with the interest and honor of the United States. It is certain that you would most sedulously desire to avoid any such attitude. You would be slow to express opinions in a solemn and official form, favorable to another Government, and on the authority of which opinions that other Government might hereafter found new claims, or set up new pretensions. It is for this reason, as well as others, that the President feels so much regret at your desire of placing your construction of the provisions of the treaty, and your objections to those provisions, according to your construction, upon the records of the Government.

Before examining the several objections suggested by you, it may be proper to take notice of what you say upon the course of the negotiation. In regard to this, having observed that the national dignity of the United States had not been compromitted down to the time of the President's message to the last session of Congress, you proceed to say: "But England then urged the United States to enter into a conventional arrangement by which we might be pledged to concur with her in measures for the suppression of the slave-trade. Till then we had executed our own laws in our own way. But yielding to this application, and departing from our former principle of avoiding European combinations upon subjects not American, we stipulated in a solemn treaty that we would carry into effect our own laws, and fixed the minimum force we would employ for that purpose."

The President cannot conceive how you should have been led to adventure upon such a statement as this. It is but a tissue of mistakes. England did not urge the United States to enter into this conventional arrangement. The United States yielded to no application from England. The proposition for abolishing the slave-trade, as it stands in the treaty, was an American proposition; it originated with the executive Government of the United States, which cheerfully assumes all its responsibility. It stands upon it as its own mode of fulfilling its duties and accomplishing its objects. Nor have the United States departed, in this treaty, in the slightest degree, from their former principles of avoiding European combinations, upon subjects not American; because the abolition of the African slave-trade is an American subject, as emphatically as it is an European subject; and indeed more so, inasmuch as the Government of the United States took the first great steps in declaring that trade unlawful, and in attempting its extinction. The abolition of this traffic is an object of the highest interest to the American people, and the American Government; and you seem strangely to have overlooked, altogether, the important fact, that, nearly thirty years ago, by the Treaty of Ghent, the United States bound themselves, by solemn compact with England, to continue "their efforts to promote its entire abolition;" both parties pledging themselves by that treaty to use their best endeavors to accomplish so desirable an object.

Again, you speak of an important concession made to the renewed application of England. But the treaty, let it be repeated, makes no conces-

sion to England whatever. It complies with no demand, grants no application, conforms to no request. All these statements, thus by you made, and which are so exceedingly erroneous, seem calculated to hold up the idea that in this treaty your Government has been acting a subordinate, or even a complying part.

The President is not a little startled that you should make such totally groundless assumptions of fact, and then leave a discreditable inference to be drawn from them. He directs me not only to repel this inference as it ought to be repelled, but also to bring to your serious consideration and reflection the propriety of such an assumed narration of facts, as your despatch in this respect puts forth.

Having informed the Department that a copy of the letter of the 24th of August, addressed by me to you, had been delivered to Mr. Guizot, you proceed to say: "In executing this duty I felt too well what was due to my Government and country, to intimate my regret to a foreign power that some declaration had not preceded the treaty, or some stipulation accompanied it, by which the extraordinary pretension of Great Britain to search our ships, at all times and in all places, first put forth to the world by Lord Palmerston on the 27th August, 1841, and on the 13th October following, again peremptorily claimed as a right, by Lord Aberdeen, would have been abrogated, as equally incompatible with the laws of nations and with the independence of the United States. I confined myself, therefore, to a simple communication of your letter."

"It may be true that the British pretension leads necessarily to consequences as broad and general as your statement. But it is no more than fair to state that pretension in the words of the British Government itself; and then it becomes matter of consideration and argument how broad and extensive it really is. The last statement of this pretension or claim by the British Government, is contained in Lord Aberdeen's note to Mr. Stevenson of October 13, 1841. It is in these words: "The undersigned readily admits, that to visit and search American vessels, in time of peace, when that right of search is not granted by treaty, would be an infraction of public law, and a violation of national dignity and independence. But no such right is asserted. We sincerely desire to respect the vessels of the United States; but we may reasonably expect to know what it really is that we respect. Doubtless the flag is *prima facie* evidence of the nationality of the vessel; and if this evidence were in its nature conclusive and irrefragable, it ought to preclude all further inquiry. But it is sufficiently notorious that the flags of all nations are liable to be assumed by those who have no right or title to bear them. Mr. Stevenson himself fully admits the extent to which the American flag has been employed for the purpose of covering this infamous traffic. The undersigned joins with Mr. Stevenson in deeply lamenting the evil; and he agrees with him in thinking that the United States ought not to be considered responsible for this abuse of their flag. But if all inquiry be resisted, even when carried no further than to ascertain the nationality of the vessel, and impunity be claimed for the most lawless and desperate of mankind in the commission of this fraud, the undersigned greatly fears that it may be regarded as something like an assumption of that responsibility which has been deprecated by Mr. Stevenson."

"The undersigned renounces all pretension on the part of the British Government to visit and search American vessels in time of peace. Nor is

it as American, that such vessels are ever visited ; but it has been the invariable practice of the British navy, and as the undersigned believes, of all navies in the world, to ascertain by visit the real nationality of merchant vessels met with on the high seas, if there be good reason to apprehend their illegal character."

"The undersigned admits, that if the British cruiser should possess a knowledge of the American character of any vessel, his visitation of such vessel would be entirely unjustifiable. He further admits that so much respect and honor are due to the American flag, that no vessel bearing it ought to be visited by a British cruiser, except under the most grave suspicions and well-founded doubts of the genuineness of its character.

"The undersigned, although with pain, must add that if such visit should lean to the proof of the American origin of the vessel, and that she was avowedly engaged in the slave-trade, exhibiting to view the manacles, fetters, and other usual implements of torture, or had even a number of these unfortunate beings on board, no British officer could interfere further. He might give information to the cruisers of the United States, but it could not be in his own power to arrest or impede the prosecution of the voyage and the success of the undertaking.

It is obvious, therefore, that the utmost caution is necessary in the exercise of this right claimed by Great Britain. While we have recourse to the necessary, and indeed the only means for detecting imposture, the practice will be carefully guarded and limited to cases of strong suspicion. The undersigned begs to assure Mr. Stevenson that the most precise and positive instructions have been issued to her majesty's officers on this subject."

Such are the words of the British claim or pretension ; and it stood in this form at the delivery of the President's message to Congress, in December last ; a message in which you are pleased to say that the British pretension was promptly met and firmly resisted.

I may now proceed to a more particular examination of the objections which you make to the treaty.

You observe that you think a just self respect required of the Government of the United States to demand of Lord Ashburton a distinct renunciation of the British claim to search our vessels, previous to entering into any negotiation. The Government has thought otherwise ; and this appears to be your main objection to the treaty, if, indeed, it be not the only one, which is clearly and distinctly stated. The Government of the United States supposed, that, in this respect, it stood in a position in which it had no occasion to demand anything, or ask for anything of England. The British pretension, whatever it was, or however extensive, was well known to the President at the date of his message to Congress at the opening of the last session. And I must be allowed to remind you how the President treated this subject in that communication.

"However desirous the United States may be," said he, "for the suppression of the slave-trade, they can not consent to interpolations into the maritime code, at the mere will and pleasure of other Governments. We deny the right of any such interpolation to any one, or all, the nations of the earth without our consent. We claim to have a voice in all amendments or alterations of that code ; and when we are given to understand, as in this instance, by a foreign Government, that its treaties with other nations can not be executed without the establishment and enforcement of new principles of

maritime police, to be applied without our consent, we must employ a language neither of equivocal import nor susceptible of misconstruction. American citizens, prosecuting a lawful commerce in the African seas, under the flag of their country, are not responsible for the abuse or unlawful use of that flag by others ; nor can they rightfully, on account of any such alleged abuses, be interrupted, molested, or detained, while on the ocean ; and if thus molested and detained, while pursuing honest voyages in the usual way, and violating no law themselves, they are unquestionably entitled to indemnity."

This declaration of the President stands. Not a syllable of it has been, or will be, retracted. The principles which it announces rest on their inherent justice and propriety—on their conformity to public law—and, so far as we are concerned, on the determination and ability of the country to maintain them. To these principles the Government is pledged, and that pledge it will be at all times ready to redeem.

But what is your own language on this point ? You say : " This claim [the British claim], thus asserted and supported, was promptly met and firmly repelled by the President, in his message at the commencement of the last session of Congress ; and in your letter to me approving the course I had adopted in relation to the question of the ratification by France of the quintuple treaty, you consider the principles of that message as the established policy of the Government." And you add : " So far, our national dignity was uncompromitted." If this be so, what is there which has since occurred to compromise this dignity ? You shall yourself be judge of this ; because you say, in a subsequent part of your letter, that " the mutual rights of the parties are in this respect wholly untouched." If, then, the British pretension had been promptly met, and firmly repelled, by the President's message ; if so far our national dignity had not been compromised ; and if, as you further say, our rights remain wholly untouched by any subsequent act or proceeding ; what ground is there on which to found complaint against the treaty ?

But your sentiments on this point do not concur with the opinions of your Government. That Government is of opinion that the sentiments of the message, which you so highly approve, are reaffirmed and corroborated by the treaty and the correspondence accompanying it. The very object sought to be obtained, in proposing the mode adopted for abolishing the slave-trade, was, to take away all pretence whatever for interrupting lawful commerce by the visitation of American vessels. Allow me to refer you, on this point, to the following passage in the message of the President to the Senate accompanying the treaty :

" In my message at the commencement of the present session of Congress, I endeavored to state the principles which this Government supports respecting the right of search and the immunity of flags. Desirous of maintaining those principles fully, at the same time that existing obligations should be fulfilled, I have thought it most consistent with the dignity and honor of the country that it should execute its own laws, and perform its own obligations, by its own means and its own power. The examination or visitation of the merchant vessels of one nation by the cruisers of another for any purposes, except those known and acknowledged by the law of nations, under whatever restraints or regulations it may take place, may lead to dangerous results. It is far better by other means to supersede any supposed necessity, or any motive, for such examination or visit. In.

interference with a merchant vessel by an armed cruiser is always a delicate proceeding—apt to touch the point of national honor, as well as to affect the interests of individuals. It has been thought, therefore, expedient, not only in accordance with the stipulations of the treaty of Ghent, but at the same time as removing all pretext on the part of others for violating the immunities of the American flag upon the seas, as they exist and are defined by the law of nations, to enter into the articles now submitted to the Senate.

“The treaty which I now submit to you proposes no alteration, mitigation, or modification of the rules of the law of nations. It provides, simply, that each of the two Governments shall maintain on the coast of Africa a sufficient squadron to enforce, separately and respectively, the laws, rights, and obligations of the two countries for the suppression of the slave-trade.”

In the actual posture of things, the President thought that the Government of the United States stands on its own rights; and its own solemn declarations would only weaken its position, by making such a demand as appears to you to have been expedient.

We maintain the public law of the world as we receive it and understand it to be established. We defend our own rights, and our own honor, meeting all aggression at the boundary. Here we may well stop.

You are pleased to observe that, “under the circumstances of the assertion of the British claim, in the correspondence of the British secretaries, and of its denial by the President of the United States, the eyes of Europe were upon these two great naval powers;” one of which had advanced a pretension, and avowed her determination to enforce it, which might at any moment bring them into collision.

It is certainly true that the attention of Europe has been very much awakened of late years to the general subject, and quite alive, also, to whatever might take place in regard to it between the United States and Great Britain. And it is highly satisfactory to find that, so far as we can learn, the opinion is universal that the Government of the United States has fully sustained its rights and its dignity by the treaty which has been concluded. Europe, we believe, is happy to see that a collision which might have disturbed the peace of the whole civilized world has been avoided in a manner which reconciles the performance of a high national duty, and the fulfilment of positive stipulations, to the perfect immunity of flags, and the equality of nations upon the ocean.

I must be permitted to add that from every agent of the Government abroad who has been heard from on the subject, with the single exception of your own letter (an exception most deeply regretted), as well as from every part of Europe where maritime rights have advocates and defenders, we have received nothing but congratulation. And at this moment, if the general sources of information may be trusted, our example has recommended itself, already, to the regard of states the most jealous of British ascendancy at sea; and the treaty against which you remonstrate, may soon come to be esteemed by them as a fit model for imitation.

Toward the close of your despatch you are pleased to say, “by the recent treaty we are to keep a squadron upon the coast of Africa.” We have kept one there for years—during the whole term, indeed, of these efforts to put a stop to this most iniquitous commerce. The effect of the treaty is, therefore, to render it obligatory upon us by a convention to do what we

have long done voluntarily, to place our municipal laws in some measure beyond the reach of Congress.

As to the effect of the treaty in placing our municipal laws in some measure beyond the reach of Congress it is sufficient to say that all treaties containing obligations, necessarily do this. All treaties of commerce do it; and indeed there is hardly a treaty existing, to which the United States are party, which does not, to some extent, or in some way, restrain the legislative power. Treaties could not be made without producing this effect.

But your remark would seem to imply that, in your judgment, there is something derogatory to the character and dignity of the country, in thus stipulating with a foreign power for a concurrent effort to execute the laws of each. It would be a sufficient refutation of this objection to say, that, if in this arrangement there be anything derogatory to the character and dignity of one party, it must be equally derogatory, since the stipulation is perfectly mutual, to the character and dignity of both. But it is derogatory to the character and dignity of neither. The objection seems to proceed still upon the implied ground that the abolition of the slave-trade is more a duty of Great Britain, or a more leading object with her than it is or should be with us; as if, in this great effort of civilized nations to do away the most cruel traffic that ever scourged or disgraced the world, we had not as high and honorable, as just and merciful a part to act, as any other nation upon the face of the earth. Let it be forever remembered that in this great work of humanity and justice the United States took the lead themselves. This Government declared the slave-trade unlawful, and in this declaration it has been followed by the great powers of Europe. This Government declared the slave-trade to be piracy, and in this, too, its example has been followed by other states. This Government—this young Government, springing up in this new world, within half a century, founded on the broadest principles of civil liberty, and sustained by the moral sense and intelligence of the people, has gone in advance of all other nations, in summoning the civilized world to a common effort to put down and destroy a nefarious traffic, reproachful to human nature. It has not deemed, and it does not deem that it suffers any derogation from its character or its dignity if, in seeking to fulfil this sacred duty, it act, as far as necessary, on fair and equal terms of concert with other powers having in view the same praiseworthy object. Such were its sentiments when it entered into the solemn stipulations of the treaty of Ghent. Such were its sentiments when it requested England to concur with us in declaring the slave-trade to be piracy, and such are the sentiments which it has manifested on all other proper occasions.

In conclusion, I have to repeat the expression of the President's deep regret at the general tone and character of your letter, and to assure you the great happiness it would have afforded him, if, concurring with the judgment of the President and Senate, concurring with what appears to be the general sense of the country, concurring in all the manifestations of enlightened public opinion in Europe, you had seen nothing in the treaty of the 9th of August to which you could not give your cordial approbation.

I have the honor to be, with respect, your obedient servant,

DANIEL WEBSTER.

LEWIS CASS, Esq.

Mr. Webster to Mr. Cass.

DEPARTMENT OF STATE,

Washington, December 20, 1842.

SIR: Your letter of the 11th instant, has been submitted to the President. He directs me to say, in reply, that he continues to regard your correspondence, of which this letter is part, as being quite irregular from the beginning. You had asked leave to retire from your mission; the leave was granted by the President, with kind and friendly remarks upon the manner in which you had discharged its duties. Having asked for this honorable recall, which was promptly given, you afterward addressed to this Department your letter of the 3d of October, which, however it may appear to you, the President can not but consider as a remonstrance, a protest, against the treaty of the 9th of August; in other words, an attack upon his administration, for the negotiation and conclusion of that treaty. He certainly was not prepared for this. It came upon him with no small surprise, and he still feels that you must have been at the moment under the influence of temporary impressions, which, he can not but hope, have ere now worn away.

A few remarks upon some of the points of your last letter must now close the correspondence.

In the first place, you object to my having called your letter of October 3d, a "protest or remonstrance" against a transaction of the Government; and observe, that you must have been unhappy in the mode of expressing yourself, if you are liable to this charge.

What other construction your letter will bear, I can not perceive. The transaction was *finished*. No letter or remarks of yourself or any one else could undo it, if desirable. Your opinions were unsolicited. If given as a citizen, then it was altogether unusual to address them to this Department in an official despatch; if as a public functionary, the whole subject-matter was quite aside from the duties of your particular station. In your letter you did not propose anything *to be done*, but objected to what had been done. You did not suggest any method of remedying what you were pleased to consider a defect, but stated what you thought to be reasons for fearing its consequences. You declared that there had been, in your opinion, an omission to assert American rights, to which omission you gave the Department to understand that you would never have consented.

In all this, there is nothing but protest and remonstrance; and though your letter be not formally entitled such, I can not see that it can be construed, in effect, as anything else; and I must continue to think, therefore, that the terms used are entirely applicable and proper.

In the next place, you say: "You give me to understand that the communications which have passed between us on this subject, are to be published, and submitted to the great tribunal of public opinion."

It would have been better if you had quoted my remark with entire correctness. What I said was, not that the communications which have passed between us, *are to be* published, or *must* be published, but that "it may become necessary hereafter to publish your letter, in connexion with other correspondence of the mission; and although it is not to be presumed that you looked to such publication, because such a presumption would impute to you a claim to put forth your private opinions upon the

conduct of the President and Senate, in a transaction finished and concluded, through the imposing form of a public despatch, yet, if published, it can not be foreseen how far England might hereafter rely on your authority for a construction favorable to her own pretensions, and inconsistent with the interest and honor of the United States."

In another part of your letter you observe: "The publication of my letter, which is to produce this result, is to be the act of the Government and not my act. But if the President should think that the slightest injury to the public interest would ensue from the disclosure of my views, the letter may be buried in the archives of the Department, and thus forgotten, and rendered harmless."

To this I have to remark, in the first place, that instances have occurred, in other times, not unknown to you, in which highly important letters from ministers of the United States in Europe to their own Government, have found their way into the newspapers of Europe, when that Government itself held it to be inconsistent with the interest of the United States to make such letters public.

But it is hardly worth to pursue a topic like this.

You are pleased to ask: "Is it the duty of a diplomatic agent to receive all the communications of his Government, and to carry into effect their instructions, *sub silentio*, whatever may be his own sentiments in relation to them? Or, is he not bound, as a faithful representative, to communicate freely, but respectfully, his own views, that these may be considered, and receive their due weight, in that particular case, or in other circumstances involving similar considerations? It seems to me, that the bare enunciation of the principle is all that is necessary for my justification. I am speaking now of the propriety of my action, not of the manner in which it was performed. I may have executed the task well or ill. I may have introduced topics unadvisedly, and urged them indiscreetly. All this I leave without remark. I am only endeavoring here to free myself from the serious charge which you bring against me. If I have misapprehended the duties of an American diplomatic agent upon this subject, I am well satisfied to have withdrawn, by a timely resignation, from a position in which my own self-respect would not permit me to remain. And I may express the conviction that there is no government, certainly none this side of Constantinople, which would not encourage rather than rebuke the free expression of the views of their representatives in foreign countries."

I answer, certainly not. In the letter to which you were replying, it was fully stated, that, "in common with every other citizen of the republic, you have an unquestionable right to form opinions upon public transactions, and the conduct of public men. But it will hardly be thought to be among either the duties or the privileges of a minister abroad to make formal remonstrances and protests against proceedings of the various branches of the Government at home, upon subjects in relation to which he himself has not been charged with any duty, or partaken any responsibility."

You have not been requested to bestow your approbation upon the treaty, however gratifying it would have been to the President to see, that in that respect you united with other distinguished public agents abroad. Like all citizens of the republic, you are quite at liberty to exercise your own judgment upon that, as upon other transactions. But neither your observations, nor this concession, cover the case. They do not show that, as a public min-

ister abroad, it is a part of your official functions, in a public despatch, to remonstrate against the conduct of the Government at home, in relation to a transaction in which you bore no part, and for which you were in no way answerable. The President and Senate must be permitted to judge for themselves in a matter solely within their control. Nor do I know that, in complaining of your protest against their proceedings in a case of this kind, anything has been done to warrant, on your part, an invidious and unjust reference to Constantinople. If you could show, by the general practice of diplomatic functionaries in the civilized part of the world, and, more especially, if you could show, by any precedent, drawn from the conduct of the many distinguished men who have represented the Government of the United States abroad, that your letter of the 3d of October, was, in its general object, tone, and character, within the usual limits of diplomatic correspondence, you may be quite assured that the President would not have recourse to the code of Turkey, in order to find precedents the other way.

You complain that in the letter from this Department, of the 14th of November, a statement contained in yours of the 3d of October, is called a tissue of mistakes; and you attempt to show the impropriety of this appellation.

Let the point be distinctly stated, and what you say in reply be then considered.

In your letter of October 3, you remark, that "England then urged the United States to enter into a conventional arrangement by which we might be pledged to concur with her in measures for the suppression of the slave-trade. Till then, we had executed our own laws in our own way. But yielding to this application, and departing from our former principle of avoiding European combinations upon subjects not American, we stipulated in a solemn treaty that we would carry into effect our own laws, and fixed the minimum force we would employ for that purpose."

The letter of the Department of the 4th of November, having quoted this passage, proceeds to observe, that, "the President can not conceive how you should have been led to adventure upon such a statement as this. It is but a tissue of mistakes. England did not urge the United States to enter into this conventional arrangement. The United States yielded to no application from England. The proposition for abolishing the slave-trade, as it stands in the treaty, was an American proposition; it originated with the Executive Government of the United States, which cheerfully assumes all its responsibility. It stands upon it as its own mode of fulfilling its duties and accomplishing its objects. Nor have the United States departed in the slightest degree from their former principles of avoiding European combinations upon subjects not American; because, the abolition of the African slave-trade is an American subject as emphatically as it is an European subject; and, indeed, more so, inasmuch as the Government of the United States took the first great step in declaring that trade unlawful, and in attempting its extinction. The abolition of this traffic is an object of the highest interest to the American people and the American Government; and you seem strangely to have overlooked, altogether, the important fact, that nearly thirty years ago, by the treaty of Ghent, the United States bound themselves by solemn compact with England to continue their efforts to promote its entire abolition; both parties pledging themselves by that treaty to use their best endeavors to accomplish so desirable an object."

Now, in answer to this, you observe, in your last letter: "That the particular mode in which the Governments should act in concert, as finally arranged in the treaty, was suggested by yourself, I never doubted. And if this is the construction I am to give to your denial of my correctness, there is no difficulty upon the subject. The question between us is untouched. All I said was, that England continued to prosecute the matter; that she presented it for negotiation, and that we thereupon consented to its introduction. And if Lord Ashburton did not come out with instructions from his Government to endeavor to effect some arrangement upon this subject, the world has strangely misunderstood one of the great objects of his mission, and I have misunderstood that paragraph in your first note, where you say that Lord Ashburton comes with full powers to negotiate and settle all matters in discussion between England and the United States. But the very fact of his coming here, and of his acceding to any stipulations respecting the slave-trade, is conclusive proof that his Government were desirous to obtain the co-operation of the United States. I had supposed that our Government would scarcely take the initiative in this matter, and urge it upon that of Great Britain, either in Washington or in London. If it did so, I can only express my regret, and confess that I have been led inadvertently into an error."

It would appear, from all this, that that which in your first letter appeared as a direct statement of facts, of which you would naturally be presumed to have had knowledge, sinks at last into inferences and conjectures. But in attempting to escape from some of the mistakes of this tissue, you have fallen into others. "All I said was," you observe, "that England continued to prosecute the matter; that she presented it for negotiation, and that we therefore consented to its introduction." Now the English minister no more presented the subject for negotiation than the Government of the United States presented it. Nor can it be said that the United States consented to its introduction in any other sense than it may be said that the British minister consented to it. Will you be good enough to review the series of your own assertions on this subject, and see whether they can possibly be regarded merely as a statement of your own inferences? Your only authentic fact is the general one, that the British minister came clothed with full power to negotiate and settle all matters in discussion. This you say is conclusive proof that his Government was desirous to obtain the co-operation of the United States respecting the slave-trade; and then you infer, that England continued to prosecute this matter; and presented it for negotiation, and that the United States consented to its introduction, and give to this inference the shape of a direct statement of a fact.

You might have made the same remarks, and with the same propriety, in relation to the subject of the "Creole"—that of impressment, the extradition of fugitive criminals, or any thing else embraced in the treaty or in the correspondence—and then have converted these inferences of your own into so many facts. And it is upon conjectures like these, it is upon such inferences of your own, that you made the direct and formal statement in your letter of the 3d October, that "England then urged the United States to enter into a conventional arrangement by which we might be pledged to concur with her in measures for the suppression of the slave-trade. Till then we had executed our own laws in our own way. But yielding to this application, and departing from our former principle of avoiding European combinations upon subjects not American, we stipulated in a solemn treaty

that we would carry into effect our own laws, and fixed the minimum force we would employ for that purpose."

The President was well warranted, therefore, in requesting your serious reconsideration and review of that statement.

Suppose your letter to go before the public unanswered and uncontradicted: suppose it to mingle itself with the general political history of the country as an official letter among the archives of the Department of State, would not the general mass of readers understand you as reciting facts rather than as drawing your own conclusions? As stating history rather than as presenting an argument? It is of an incorrect narrative that the President complains. It is that, in your hotel at Paris, you should undertake to write a history of a very delicate part of a negotiation carried on at Washington, with which you had nothing to do, and of the history of which you had no authentic information; and which history, as you narrate it, reflects not a little on the independence, wisdom, and public spirit of the administration.

As of the history of this part of the negotiation, you were not well informed. The President can not but think it would have been more just in you to have refrained from any attempt to give an account of it.

You observe further, "I never mentioned in my despatch to you, nor in any manner whatever, that our Government had conceded to that of England the right to search our ships. That idea, however, pervades your letter, and is very apparent in that part of it which brings to my observation the possible effect of my views upon the English Government. But in this you do me, though I am sure unintentionally, great injustice. I repeatedly state that the recent treaty leaves the rights of the parties as it found them. My difficulty is, not that we have made a positive concession, but that we have acted unadvisedly in not making the abandonment of this pretension a previous condition to any conventional arrangement upon the general subject."

On this part of your letter I must be allowed to make two remarks. The first is, inasmuch as the treaty gives no color or pretext whatever to any right of searching our ships, a declaration against such a right would have been no more suitable to this treaty than a declaration against the right of sacking our towns in time of peace, or any other outrage.

The rights of merchant vessels of the United States on the high seas, as understood by this Government, have been clearly and fully asserted. As asserted, they will be maintained; nor would a declaration such as you propose have increased its resolution or its ability in this respect. The Government of the United States relies on its own power, and on the effective support of the people, to assert successfully all the rights of all its citizens, on the sea as well as on the land; and it asks respect for these rights not as a boon or favor from any nation. The President's message, most certainly, is a clear declaration of what the country understands to be its rights, and its determination to maintain them; not a mere promise to negotiate for these rights, or to endeavor to bring other powers into an acknowledgment of them, either express or implied. Whereas, if I understand the meaning of this part of your letter, you would have advised that something should have been offered to England which she might have regarded as a benefit, but coupled with such a declaration or condition as that if she received the boon it would have been a recognition by her of a claim which we make as matter of right. The President's view of the proper duty of the Government has certainly been quite different. Being convinced that the doctrine

asserted by this Government is the true doctrine of the law of nations, and feeling the competency of the Government to uphold and enforce it for itself, he has not sought, but on the contrary he has sedulously avoided, to change this ground, and to place the just rights of the country upon the assent, express or implied, of any power whatever.

The Government thought no skilfully-extorted promises necessary in any such cases. It asks no such pledges of any nation. If its character for ability and readiness to protect and defend its own rights and dignity is not sufficient to preserve them from violation, no interpolation of promises to respect them, ingeniously woven into treaties, would be likely to afford such protection. And as our rights and liberties depend for existence upon our power to maintain them, general and vague protests are not likely to be more effectual than the Chinese method of defending their towns, by painting grotesque and hideous figures on the walls, to fright away assailing foes.

My other remark on this portion of your letter is this :

Suppose a declaration to the effect that this treaty should not be considered as sacrificing any American rights, had been appended, and the treaty, thus fortified, had been sent to Great Britain, as you propose ; and suppose that that Government, with equal ingenuity, had appended an equivalent written declaration that it should not be considered as sacrificing any British right—how much more defined would have been the rights of either party, or how much clearer the meaning and interpretation of the treaty ? Or, in other words, what is the value of a protest on one side, balanced by an exactly equivalent protest on the other ?

No nation is presumed to sacrifice her rights, or give up what justly belongs to it, unless it expressly stipulates that, for some good reason or adequate consideration, it does make such relinquishment ; and an unnecessary asseveration that it does not intend to sacrifice just rights, would seem only calculated to invite aggression. Such proclamations would seem better devised for concealing weakness and apprehension than for manifesting conscious strength and self-reliance, or for inspiring respect in others :

Toward the end of your letter you are pleased to observe :

“ The rejection of a treaty, duly negotiated, is a serious question, to be avoided whenever it can be, without too great a sacrifice. Though the national faith is not actually committed, still it is more or less engaged. And there were peculiar circumstances, growing out of long-standing difficulties, which rendered an amicable arrangement of the various matters in dispute with England a subject of great national interest. But the negotiation of a treaty is a far different subject. Topics are omitted or introduced at the discretion of the negotiators, and they are responsible, to use the language of an eminent and able Senator, for ‘ what it contains and what it omits. ’ This treaty, in my opinion, omits a most important and necessary stipulation, and therefore, as it seems to me, its negotiation, in this particular, was unfortunate for the country. ”

The President directs me to say, in reply to this, that in the treaty of Washington no topics were omitted, and no topics introduced, at the mere discretion of the negotiator ; that the negotiation proceeded from step to step, and from day to day, under his own immediate supervision and direction ; that he himself takes the responsibility for what the treaty contains, and what it omits and cheerfully leaves the merits of the whole to the judgment of the country

I now conclude this letter, and close this correspondence, by repeating onc

more the expression of the President's regret that you should have commenced it by your letter of the 3d of October.

It is painful to him to have with you any cause of difference. He has a just appreciation of your character and your public services, at home and abroad. He can not but persuade himself that you must be aware, yourself, by this time, that your letter of October was written under erroneous impressions, and that there is no foundation for the opinions respecting the treaty which it expresses; and that it would have been far better, on all accounts, if no such letter had been written.

I have the honor to be, sir, your obedient servant,
DAN'L WEBSTER.

Mr. Cass to Mr. Webster.

LEGATION OF THE UNITED STATES,
Paris, February 15, 1842.

SIR: I have not heretofore considered it necessary to write you officially respecting the state of affairs here, having relation to the question of the right of search depending between the American and British Governments. But though no direct diplomatic action seemed advisable till recently, I did not the less observe the progress of events, nor neglect, by proper conversations and explanations with those who, from their position, influenced them, to convey a just notion of the subject, in its relation not only to the United States, but to all other maritime powers who do not seek the supremacy of the seas. And I have the satisfaction to believe that my exertions were not wholly useless, either with respect to public opinion or to public measures. I have kept you informed in my private communications of the progress of affairs, as well as of my own course of unofficial action; and I have transmitted also such of the French journals as seemed, in addition to the other information, best calculated to convey to you a correct idea of the state of affairs here, and of public feeling.

But I have just taken a step which renders necessary a full and free report of the condition of things here, and of the reasons which have led me to adopt this measure. My letter of the 13th instant to the Minister of Foreign Affairs, a copy of which I enclose, will make known to you my general sentiments concerning the relation in which we are placed with the French Government by the signature of the quintuple treaty for the suppression of the slave-trade, and by the declarations of Lord Palmerston and Lord Aberdeen concerning the measures which they claim to be indispensable to its execution. I need add nothing upon this subject.

I hesitated, at first, respecting the true course to be adopted. That it was proper to bring officially to the notice of the French Government the declaration of that of Great Britain, that the conclusion of these treaties created an obligation and conferred a right to violate the flag of the United States, I did not entertain a doubt. What was true of the duty of one of the parties, was true of the duty of each of them. Either, therefore, the claim of Great Britain was well founded, and in that event the Government of France was about to contract new obligations which might bring it into collision with the United States—a result I was certain it did not contemplate; or the

claim was unjust, and in that event the treaty was about to be made the pretext of a direct attack upon our rights and honor by one of the parties, assuming to be governed by the obligations it had contracted toward the other associated powers: a state of things which gave us a right to call upon them to disavow such pretensions, and either to withdraw from an arrangement which was becoming so menacing to us, or to declare by a solemn act that it was not susceptible of such a construction, and should not, with their consent, be employed for such a purpose. My first impression was, to present a formal protest against the ratification of the treaty; but considering that I had no instructions to take so decided a measure, and that it would be more respectful to the French Government, of whose friendly disposition to the United States I have had numerous evidences, and probably quite as useful, to state generally the bearing of the whole matter upon the United States, without claiming any specific action, I finally determined to take this course, and the letter to Mr. Guizot is the consequence.

I shall now proceed to make some remarks upon this general subject which may not be useless in the consideration which the Government will necessarily give to it. For some years the English journals have with much art turned the public attention of Europe from the great question of maritime right and of the freedom of the seas, involved in our discussions with Great Britain, connected with the measures to be adopted for the suppression of the slave-trade, and directed it to that infamous traffic, sometimes asserting and sometimes insinuating that our opposition to the co-operation their Government proposed originated in the miserable motive of profit—the profit to be derived from the most wretched of all commerce. But, thanks to the progress of truth, our cause is now well understood upon the continent of Europe; and, as in all sudden reactions where injustice has been unwillingly done, the public sentiment here and elsewhere is setting strongly in our favor. The question has not again been presented in either of the chambers, but the indications in the journals, and in all societies, are too clear to be misunderstood.

Circumstances have placed us in a position which, if firmly maintained, will be equally honorable to ourselves and useful to all other powers interested in the freedom of the seas. Depend upon it we have reached one of those epochs in the progress of a nation to which history looks back, if not as decisive of its destiny, at all events as influencing it, and as controlling its character and its conduct for a long series of years. England has advanced a pretension which we can never submit to without dishonor. And in its enunciation she has spared our pride as little as our rights. On the 27th August, 1841, she avows the determination, and claims the right, to search our ships; and this interpolation into the law of nations is advanced with a coolness which might well surprise us, if anything could surprise us, in the march of human ambition.

The pretension is not put forth as a debateable point, to be discussed between the two Governments, and to be settled in a mutual spirit of amity. But Lord Palmerston distinctly tells us that the exemption of the vessels of the United States from search *is a doctrine to which the British Government never can nor will subscribe*. And he adds, with a rare comity indeed, that he hopes “the day is not far distant when the Government of the United States will cease to confound two things which are in their nature entirely different—*will look to things and not to words*—and, becoming wiser from the lessons thus taught, will suffer the British cruisers to search

their vessels, at all times and in all places, and content themselves with calling it a visit! For myself, I see no mutual concession by which the parties may be brought together. A contested territory may be divided, and a claim for pecuniary injury may be reduced and satisfied, but we can not divide a great principle—one of the attributes of our independence—nor reduce the sphere of its operation. We can only demand its inviolability with its just consequences. Under these circumstances, the first question is, if we shall yield? and that being answered in the negative, as I am satisfied it will be by the universal feeling of the country, the next is, will England yield? It is our safer course to believe that she will not; and looking to her line of policy, that too is our most rational course. Wherever she has planted her foot, whether on marsh, moor, or mountain, under the polar circles as under the tropics, I will not say never, that word does not belong to the deeds of man, but rarely has she voluntarily withdrawn it. Whenever she has asserted a pretension, she has adhered to it through evil report and through good report, in prosperity and in adversity, with an iron will and with a firm hand, of which the history of the world furnishes perhaps no equal example since the proudest days of the Roman empire. In this consistency of purpose, and in the excess even of patriotism, which ministers to it, there is something noble and imposing; and I am among the last to deny the beautiful traits of the English character, or the benefits which England has rendered to the world by her example and her efforts. But she is not the less dangerous in her schemes of ambition from these redeeming considerations; and the time has come when we must look her designs in the face, and determine to resist or to yield. War is a great evil; but there are evils greater than war, and among these is national degradation. This we have never yet experienced, and I trust we never shall. If Lord Ashburton goes out with such modified propositions upon the various questions now pending between the two Governments as you can honorably accept, the result will be a subject of lasting gratification to our country; and more particularly if, as I trust, before entering into any discussions, he is prepared to give such explanations as will show that we have misunderstood the intentions of the British Government respecting this claim of a right to change the law of nations in order to accommodate it to their treaty stipulations and its practical consequence—a claim to enter and search our vessels at all times and in all places. This preliminary proceeding would be worthy of the gravity of the circumstances and equally honorable to both Governments. It seems to me it is due to us. I allude to it in this connexion because the subject now necessarily presents itself to the French Government, and because I feel confident that they are not prepared to support the pretensions of Great Britain.

We have already given one memorable example of moderation to the world in the rejection of a unanimous application from a neighboring people for admission into our confederacy; and this, too, of a territory among the most fertile and valuable upon the face of the earth, and destined to become our rival in the production of some of our richest staple articles. When accused of ambition, we may point to this proof of self-denial, and challenge an equal instance of its exercise. It is a fact worth volumes of professions of disinterestedness and of disclaimers of all desire of self-aggrandisement.

It is not to be disguised that the quintuple treaty for the suppression of the slave-trade was intended to act upon the United States by its moral force. As to France and England, their co-operation in the necessary meas-

ures for the abolition of that traffic was already secured by the treaties of 1831 and 1833; and as to Prussia, Russia, and Austria, I suppose neither of them ever had, or ever will have, a vessel engaged in that commerce. But it was hoped, certainly by one of the parties, that this great combination would either induce the United States to follow their example and submit themselves to the measures indicated, or that it would lead to the establishment of some new principles of maritime law without them. But the subject is now so well understood that we have little to fear from this great combination so long sought and so highly applauded. Its moral force, as the "*Journal des Debats*" justly observes, is gone. The discussion in the Chamber of Deputies, and the almost unanimous condemnation of the treaty, will have indicated to you the true state of feeling here; and you will not fail to appreciate the importance of the emphatic declaration of Mr. Guizot, during the debates, that the *Americans* were right, and that *France*, in the same circumstances, would do the same thing. The value of this testimonial to the justice of our course, made by such a statesman in the face of Europe, can hardly be overrated.

Our true policy is to discourage all great combinations having for their object the regulation of maritime principles and police. European confederations for the regulation of European questions do not come within the sphere of our policy, as they touch neither our rights nor our interests. But when these powers extend their care and their jurisdiction over the ocean, I think the time has arrived for us to make ourselves heard. No nation is more interested than we are in the freedom of commerce, and we do not advance a single pretension which can give just cause of umbrage to any other country. If, indeed, a general congress of nations could be assembled where all might be represented, the weak as well as the strong, then we might fairly take our place there and recognise its decisions as obligatory. But this is a measure so doubtful in itself, as well as in its consequences, that it is our interest, as it is the interest of all people who do not conceal any projects of aggrandisement in a professed desire to meliorate the maritime code of nations, to adhere to that code as they find it. This adherence to the established state of things is certainly not inconsistent with any arrangement which two nations may be disposed to make for a single purpose and for a limited time, to which they may be impelled by considerations of general benevolence. Certainly if Great Britain and the United States choose to restrain their citizens from any traffic condemned by moral considerations, and to regulate their joint action upon the subject, they may do so without subjecting themselves to any imputations of interested or ambitious motives. Each must judge for itself whether such a combined movement is in accordance with its policy or with the nature of its institutions. Both may agree to keep squadrons upon the coast of Africa to suppress the slave-trade, and upon the coast of China to suppress the opium-trade—branches of commerce destructive of human life and happiness; the latter of which has the advantage of being prohibited by the Government of China, and the disadvantage, if we can credit but a small part of the statements of that Government, of being far more injurious in its operation than the former. But these mutual agreements, dictated by the most charitable motives, would act merely upon the citizens of the respective countries, executing them without overawing others by their imposing form, and without leading to the establishment of any new principle of maritime law.

Nothing can explain to us more clearly the danger of these great combinations, if it does not reveal the object of one or more of the parties in their establishment, than the principle, so frankly developed by Lord Aberdeen, that this "happy concurrence" creates new duties and obligations, before whose *justice and necessity* the law of nations gives way, and to which the interests and independence of nations are sacrificed. I was therefore much pleased to read, in the message of the President of the United States to Congress at the commencement of the present session, his emphatic declaration that the United States would not submit to any such pretension. The powers of Europe, strong or weak, must understand, if necessary, that our country, in taking her place in the family of nations, took it with the same rights as the greatest of them, and there will maintain it, unmoved by any confederation which may be formed, and wholly without the sphere of its operations.

The quintuple treaty has not yet been ratified by France, nor will it be, I think, without some essential alterations. It is understood that the English Government are much dissatisfied at this determination. The Queen's speech, however, at the opening of the session, and Sir Robert Peel's remarks last week in answer to a question of Lord Palmerston, seem to take for granted the French ratification. But certainly, when the British premier made those remarks, he knew the discussion in the Chamber of Deputies and the state of public opinion here, and he ought to have known that a constitutional ministry would hesitate before they would incur the responsibility of such an act.

I observe that Lord Palmerston, in the remarks prefatory to his question, dwells upon the *disinterestedness* of his country and of the other parties to this treaty. This is the old topic of eulogy for England, as its reverse is intended to be of reproach for us. But its day has gone by. Europe fully understands the subject, and in public as in private life it is not the most disinterested who are always avowing the purity of their intentions. One would think there were objects of misery enough at home to occupy the attention of any English statesman, without that excess of philanthropy which would tilt a spear at every nation, and light up the flames of a general war, in order to accomplish its own charitable views in its own exclusive way, almost at the end of the world. It brings forcibly to recollection one of the vagaries of Rousseau, that there are people who love those who are placed at the extremities of the earth, in order to excuse themselves for not loving their own neighbors.

In all that precedes, I believe, there is not a word which, if need be, would not be re-echoed by every American citizen in Paris. We are here in the midst of stirring circumstances, and can form a safe judgment of the dangers which menace us. If England pushes her purpose into action, we shall have a severe struggle to encounter, and the sooner and the more vigorously we prepare for it the better. If she does not, we shall gain by our exhibition of firmness, and the very state of preparations may lead her to recede. But permit me to press upon you the necessity of instant and extensive arrangements for offensive and defensive war. All other questions, personal, local, and political, should give way before this paramount duty. England has fearful means of aggression. No man can yet tell the effect which the use of steam is to produce upon great warlike operations, and, with her accustomed sagacity, she has accumulated a large force of steam-vessels. A hostile squadron might at any time carry to the Unite

States the first news of war. And it would not be a war like the last one, conducted in many cases by incompetent officers and feebly prosecuted; but she would put forth her utmost strength, and she would be felt and ought to be met at every assailable point. I can not but hope that the excellent suggestions of the Secretaries of War and of the Navy respecting national defence may find general support.

You may naturally think that this is not a very diplomatic despatch. It is not so, certainly, so far as diplomacy consists in mystery either of thought or expression. I have felt strongly, and I have attempted to speak plainly. I do not belong to the school of that well-known French statesman who said that language was given to conceal thoughts. If necessary, I must claim your indulgence for my candor in consideration of my motives. I see the difficult position of my country, and most anxious am I that it should be seen and appreciated at home. That done, I have no fear for the result. If the sentiments I have expressed are not those of the Government and people of my country, then I have lived a stirring life and mixed with my countrymen in every situation, without having learned the American character.

You will perceive that, in my letter to Mr. Guizot, I have taken upon myself the responsibility of my interposition. Your course is perfectly free to avow or disavow my conduct. The President will decide as the public interest requires. I do not shut my eyes to the gravity of the circumstances in which I am placed. In the unforeseen emergency which presents itself, I have pursued the course that appeared to me to be dictated by the honor and interest of our country, and I have the satisfaction to believe that my measures will not be wholly without beneficial results. It is now for the Government to judge what is its own duty, and to determine whether my conduct shall be approved or disapproved.

I am, sir, very respectfully, your obedient servant,

LEW. CASS.

Honorable DANIEL WEBSTER,
Secretary of State, Washington.

LEGATION OF THE UNITED STATES,
Paris, February 13, 1842.

SIR: The recent signature of a treaty, having for its object the suppression of the African slave-trade, by five of the powers of Europe, and to which France is a party, is a fact of such general notoriety, that it may be assumed as the basis of any diplomatic representations which the subject may fairly require.

The United States, being no party to this treaty, have no right to inquire into the circumstances which have led to it, nor into the measures it proposes to adopt, except so far as they have reason to believe that their rights may be involved in the course of its execution. Their own desire to put a stop to this traffic is everywhere known, as well as the early and continued efforts they have adopted to prevent their citizens from prosecuting it. They have been invited by the Government of Great Britain to become a party to the treaty, which should regulate the action of the combined Governments upon the subject. But, for reasons satisfactory to themselves, and I believe satisfactory to the world, they have declined this

united action, and have chosen to pursue their own measures, and to act upon their own citizens only, without subjecting these to any kind of foreign jurisdiction.

In a communication from Lord Palmerston, her Britannic majesty's principal Secretary of State for Foreign Affairs, to Mr. Stevenson, the American minister at London, dated 27th August, 1841, Lord Palmerston claims a right for the British cruisers, and avows the intention of his Government to exercise it, to search American vessels at sea in time of peace, with a view to ascertain their national character. He adds, that "this examination of papers of merchantment, suspected of being engaged in the slave-trade, even though they hoist a United States flag, is a proceeding which it is absolutely necessary that British cruisers employed in the suppression of the slave-trade should continue to practise," &c., &c.

In a communication from the successor of Lord Aberdeen, to Mr. Stevenson, dated October 13, 1841, the views and determination announced in the first are confirmed; and Lord Aberdeen thus states the ground upon which rests this pretension to search American vessels in time of peace: "But the undersigned must observe, that the present happy concurrence of the states of Christendom in this great object (the suppression of the slave-trade), not merely justifies, but renders indispensable, the right now claimed and exercised by the British Government." That is to say, the right of entering and examining American vessels to ascertain their nationality.

It is no part of my duty to offer any comments upon this pretension, nor upon the reasons advanced in support of it. And if it were, I should find the duty far better performed for me, than I could perform it for myself, in the annual message of the [President of the] United States to Congress of December 7, 1841. In that document will be found the views of the American Government upon this subject; and it is there emphatically declared that "However desirous the United States may be for the suppression of the slave-trade, they can not consent to interpolations into the maritime code, at the mere will and pleasure of other governments. We deny the right of any such interpolation to any one, or all the nations of the earth, without our consent. We claim to have a voice in all amendments or alterations of that code; and when we are given to understand, as in this instance, by a foreign government, that its treaties with other nations can not be executed without the establishment and enforcement of new principles of maritime police, to be applied without our consent, we must employ language neither of equivocal import, or susceptible of misconstruction."

You will perceive, sir, by these extracts, that the British Government has advanced a pretension which it asserts to be indispensable to the execution of its treaties for the suppression of the slave-trade, and to which the President of the United States has declared that the American Government will not submit. This claim of search, it will be observed, arising, as is asserted, out of existing obligations, has relation to the isolated treaties for the abolition of this traffic, which were in force at the date of the communications of Lord Palmerston and of Lord Aberdeen. It is now known, that the combined treaty upon this subject is more extensive in its operations and more minute in some of the details of its execution than the separate treaties with France which preceded it, and equally indefinite in the duration of its obligations. Of course, measures which were no,

only "justifiable, but indispensable" for the execution of the later, will find equal justice and necessity in the obligations of the former.

With this previous declaration made by one of the parties to this quintuple treaty, concerning its operations, the American Government can not shut their eyes to their true position. The moral effect which such a union of five great powers, two of which are eminently maritime, but three of which have perhaps never had a vessel engaged in that traffic, is calculated to produce upon the United States, and upon other nations who, like them, may be indisposed to these combined movements, though it may be regretted, yet furnishes no just cause of complaint. But the subject assumes another aspect when they are told by one of the parties that their vessels are to be forcibly entered and examined in order to carry into effect these stipulations. Certainly the American Government does not believe that the high powers, contracting parties to this treaty, have any wish to compel the United States by force, to adopt their measures to its provisions, or to adopt its stipulations. They have too much confidence in their sense of justice to fear any such result; and they will see with pleasure the prompt disavowal made by yourself, sir, in the name of your country, at the tribune of the chamber of deputies, of any intentions of this nature. But were it otherwise, and were it possible they might be deceived in this confident expectation, that would not alter in one tittle their course of action. Their duty would be the same, and the same would be their determination to fulfil it. They would prepare themselves with apprehension indeed, but without dismay—with regret, but with firmness, for one of those desperate struggles which have sometimes occurred in the history of the world, but where a just cause and the favor of Providence have given strength to comparative weakness, and enabled it to break down the pride of power.

But I have already said the United States do not fear that any such united attempt will be made upon their independence. What, however, they may reasonably fear, and what they do fear, is, that in the execution of this treaty measures will be taken which they must resist. How far the acts of one of the parties putting its construction upon its own duties, and upon the obligations of its co-contractors may involve these in any unlooked-for consequences, either by the adoption of similar measures or by their rejection, I do not presume to judge. Certain it is, however, that if the fact, and the principle advanced by Lord Aberdeen are correct, that these treaties for the abolition of the slave-trade can not be executed without forcibly boarding American ships at sea in time of peace, and that the obligations created by them confer not only the right thus to violate the American flag, but make this measure a duty, then it is also the duty of France to pursue the same course. Should she put this construction upon her obligations, it is obvious the United States must do to her as they will do to England if she persists in this attack upon their independence. Should she not, it does not become me to investigate the nature of her position with respect to one of her associates, whose opinion respecting their relative duties would be so widely different from her own. But I may express the hope that the Government of his majesty, before ratifying this treaty, will examine maturely the pretensions asserted by one of the parties, and see how these can be reconciled not only with the honor and interest of the United States, but with the received principles of the great maritime code of nations. I may make this appeal with the more confidence from the relations subsisting between France and the United States, from a commu-

nity of interest in the liberty of the seas, from a community of opinion respecting the principles which guard it, and from a community in danger should it ever be menaced by the ambition of any maritime power.

It appears to me, sir, that in asking the attention of his majesty's Government to the subject of the quintuple treaty, with a view to its reconsideration, I am requesting nothing on the part of the United States inconsistent with the duties of France to other powers. If, during the course of the discussions upon this treaty, preparatory to the arrangement of its provisions, England had asserted to the other parties, the pretension she now asserts to the United States, as a necessary consequence of its obligations, I can not be wrong in presuming that France would not have signed it without guarding against this impending difficulty. The views of England are now disclosed to you, but fortunately before its ratification. And this change of circumstances may well justify the French Government in interposing such a remedy as it may think is demanded by the grave interests involved in this question.

As to the treaties of 1831 and 1833, between France and Great Britain for the suppression of the slave-trade, I do not consider it my duty to advert to their stipulations. Their obligations upon the contracting parties, whatever these may be, are now complete; and it is for my Government alone to determine what measures the United States ought to take to avert the consequences with which they are threatened by the construction which one of the parties has given to these instruments.

I have the honor to transmit herewith a copy of the message of the President of the United States to Congress, in December last, and of the annual documents which accompanied it. Among the latter will be found the correspondence between the British Secretaries of State and Mr. Stevenson upon the subject herein referred to. From these you will learn the respective views of the American and British Governments.

It is proper for me to add that this communication had been made without any instructions from the United States. I have considered this case as one in which an American representative to a foreign power should act without awaiting the orders of his Government. I have presumed, in the views I have submitted to you that I express the feelings of the American Government and people. If in this I have deceived myself, the responsibility will be mine. As soon as I can receive despatches from the United States in answer to my communications, I shall be enabled to declare to you either that my conduct has been approved by the President, or that my mission is terminated.

I avail myself, &c.

LEWIS CAS S.

His Excellency Mr. Guizot,
Minister of Foreign Affairs.

Mr. Cass to Mr. Webster.

LEGATION OF THE UNITED STATES,
Paris, April 30, 1842.

SIR: The quintuple treaty, purporting to be for the suppression of the slave-trade, has not yet been ratified by France, and the manifestations of

public opinion against it are so numerous and decisive, that it seems to be too clearly the part of true wisdom to yield to them, to render it probable that that measure will ever be adopted.

Mr. Guizot has not answered my letter of the 13th February, and I have now no expectation he will do so, till the course of our Government upon the subject is known here. I have yet received nothing from you upon the subject, but I am expecting every day your instructions. If the President should disapprove the step I have taken, I could no longer remain here with honor to myself, or with advantage to our country.

I am, sir, very respectfully, your obedient servant,

LEW. CASS.

HON. DANIEL WEBSTER,
Secretary of State, Washington.

Mr. Cass to Mr. Webster.

LEGATION OF THE UNITED STATES,
Paris, May 17, 1842.

SIR: I have the honor to acknowledge the receipt of your despatch of the 5th April, and am happy to find that the course which I considered it necessary to take in relation to the ratification by France of the quintuple treaty for the suppression of the slave-trade has met the approbation of the President.

Immediately on the receipt of your letter, I sought an interview with Mr. Guizot; and, after some conversation with him, I placed the letter in his hands. I thought this mode of procedure far better than to trust myself to make a verbal statement, to be afterward put in the form of an official communication to him. As you instructed me to make known the sentiments of the President upon the whole matter, I was sure I could not perform this task as well as I found it performed for me; and this view was not checked by any considerations arising out of the nature of the despatch. There was nothing in it which might not be seen by all the world.

Mr. Guizot was touched by the frankness of the proceeding, and testified his gratification, after the perusal of the letter. He then asked for a copy of it, which I did not hesitate to promise him; and since then I have sent it; and have thus, in my opinion, in the best mode in my power, carried into effect your instructions.

Mr. Guizot said nothing on the subject of an answer. If the treaty is not ratified, as I have now the confident expectation that it will not be, it is possible he may consider that the occasion for an answer has passed by.

I am, sir, respectfully, your obedient servant,

LEW. CASS.

HON. DANIEL WEBSTER,
Secretary of State, Washington.

Mr. Cass to Mr. Webster.

LEGATION OF THE UNITED STATES,
Paris, May 26, 1842.

SIR: Since my despatch of the 17th instant, the question of the ratification of the quintuple treaty has been discussed in the Chamber of Peers and in the Chamber of Deputies; and the sentiments expressed were unanimously against the measure. It is now well understood that the subject is at rest in France, and that no ministry will venture to recommend ratification. Efforts will no doubt now be made, and I think eventually with success, for the abrogation of the treaties of 1831 and 1833.

The question of the budget is a subject which, by the usage of the French chambers, allows great latitude of discussion. Connected with this matter, the commercial relations between France and the United States have just been warmly debated. I send you the *Moniteur*, which contains an account of the proceedings. It is well worth your examination, and I think ought to be translated and published for the information of the country. It is lamentable to find such erroneous notions prevailing in such a high place, respecting the true character of the trade between France and the United States. You will see that the speakers complain of two grievances: first, of the navigation, and, second, of the duties proposed to be levied on foreign productions imported into the United States. As to the former, it is, as you know, upon a footing of perfect equality; and as to the latter, if it were, as it is not, a just subject of interference for a foreign Government, France is one of the last countries which has any just right to complain. Her prohibitive system, commenced so long ago as Cobett, has been continued, with little relaxation, to this day. You can not fail to be struck by the views advanced by most of the speakers, and the gravity with which they urge reprisals against the United States. But I assure you that these sentiments are general in France; and such are the exclusive views taken of these subjects by the press, that it is hopeless to expect to change public opinion. We have nothing to do but to pursue our own measures firmly, leaving to other Governments to meet them as they think proper.

As soon as I read the debate in the *Moniteur*, I called upon Mr. Guizot, to converse with him upon the subject. I found him very reasonable, though not fully acquainted with the details of the matter. He says, however, that he is looking into it, and that nothing will be hastily done. It is my decided opinion that there is no efficient remedy for the present state of things, but by a commercial treaty which shall regulate our intercourse with France. I recommend that measures with that view be taken without delay; and I think the negotiations can be better carried on at Washington than here. If full powers and general instructions are given to the French minister there, you may calculate with a reasonable probability upon a successful termination of your efforts. He would understand the true state of things better than they are or can be understood here. The Government has too many important subjects on hand, to be able to devote the proper time for the acquisition of all the necessary facts which belong to this subject.

I am, sir, respectfully, your obedient servant,

LEW. CASS.

Hon. DANIEL WEBSTER,
Secretary of State, Washington.

Mr. Cass to Mr. Webster.

LEGATION OF THE UNITED STATES,
Paris, May 31, 1842.

SIR: I have the honor to transmit herewith the copy of a letter which I have received from the Minister of Foreign Affairs in answer to my letter to him of 13th February, concerning the quintuple treaty.

I have merely said in acknowledging the receipt of this letter, that I should transmit it to my Government for its information.

I am, sir, very respectfully, your obedient servant,

LEWIS CASS.

HON. DANIEL WEBSTER,
Secretary of State, Washington.

PARIS, le 26 Mai, 1842.

Monsieur le Général : J'avais reçu, dans le temps, la lettre que vous m'aviez fait l'honneur de m'écrire le 13 Février, au sujet du traité signé le 20 Décembre, entre les plénipotentiaires de France, d'Autriche, de la Grande Bretagne, de Prusse, et de Russie, dans le but d'arriver à une répression plus efficace de la traite des Noirs. En m'y exprimant le desir que le Gouvernement du Roi ne ratifiât pas ce traité, vous me disiez que vous alliez rendre compte à votre Gouvernement d'une démarche que vous aviez cru devoir faire, sans autorisation, sous votre responsabilité ; et que dès que vous en auriez appris l'approbation ou le désaveu, vous vous empresseriez de m'en donner connaissance. Je viens de recevoir, avec votre lettre du 3 de ce mois, la copie de celle que vous a écrite Mr. Webster, pour vous annoncer l'approbation donnée par le Président à votre dépêche du 13 Février ; et cette dépêche ayant acquis par là un caractère officiel, dont jusqu'à présent elle était dépourvue, je ne crois pas devoir différer une réponse, qui auparavant m'eût semblé prématurée.

Vous m'exprimiez, monsieur, l'inquiétude que le traité du 20 Décembre ne constituât, de la part des parties contractantes, l'engagement de créer un nouveau principe international, qui soumettrait au droit de visite, réglé par ses stipulations les navires des puissances mêmes qui n'y auraient pris aucune part. L'acte dont il s'agit n'ayant pas été ratifié par la Gouvernement du Roi, et par conséquent n'existant pas, en ce moment, en ce qui concerne la France, je pourrais m'abstenir d'entrer à ce sujet dans aucun éclaircissement. Mais les relations amicales établies entre la France et les Etats Unis me font un devoir d'aller, par des explications franches et complètes, au devant de tout mal-entendu ; et d'ailleurs nous avons constamment porté, dans cette affaire, des intentions trop droites et trop loyales, pour que nous ne devions pas saisir avec empressement l'occasion de les mettre au jour.

Il ne m'appartient pas de discuter la valeur des inductions que vous tirez, par rapport aux vues particulières du Cabinet de Londres, de certaines passages des dépêches écrites par Lord Palmerston et par Lord Aberdeen, à Mr. Stevenson : mais je n'hésiterai pas à dire quelle est la pensée du Gouvernement du Roi sur la grave question que vous soulevez. Le traité du 20 Décembre, 1841, quelles que puissent être à l'avenir ses destinées, n'est pas fondé sur un autre principe que les conventions de 1831 et 1833. Les stipulations de ces conventions n'engageant que la France et l'Angleterre : le

traité du 20 Décembre les étend à l'Autriche, à la Prusse, et à la Russie, en y apportant quelques changemens plus ou moins graves, mais qui n'en altèrent pas la nature. Pour qu'on pût en faire découler l'intention fort extraordinaire d'imposer aux autres Etats l'obligation de s'y soumettre, il faudrait que cette intention, que n'indique en aucune façon l'acte du 20 Décembre, résultât des conventions antérieures. Jamais nous ne les avons entendues, jamais nous n'avons pu les entendre ainsi.

J'hésite d'autant moins, Monsieur, à en consigner ici l'assurance formelle et à mon avis, tout-à-fait superflue, que le Gouvernement du Roi, de son côté, met une pleine confiance dans la ferme résolution, si souvent proclamée par le Gouvernement Fédéral, de concourir, par les plus sincères efforts, à l'abolition définitive de la traite. La dépêche de Mr. Webster, que vous me faites l'honneur de me communiquer, est de nature à augmenter encore cette confiance. Elle semble indiquer, en effet, que le Cabinet de Washington entrevoit la possibilité de conclure, avec les Etats qui ont adhéré ou droit de visite réciproque pour la répression de la traite, des arrangements propres à atteindre le but qu'ils se sont proposé. Nous attacherions d'autant plus de prix à ce concours qu'en même temps qu'il hâterait l'entier anéantissement de la traite, il aurait pour effet, en plaçant tous les gouvernemens dans une situation identique, sous le rapport des mesures adoptées pour la réprimer, de donner, aux droits maritimes et à l'activité commerciale de tous les peuples, des garanties de sécurité difficiles à obtenir au milieu des complications et des causes de collision qui résultaient nécessairement de l'opposition ou de la diversité des systèmes. Quoiqu'il en soit, au surplus, dût cet espoir être trompé, dussent les Etats Unis persister dans leur insolence, nous avons la conviction qu'ils regarderont comme un devoir sacré, d'empêcher que cet isolement ne procure à une spéculation infâme de trop nombreuses chances d'impunité.

Agréez, Monsieur le Général, l'assurance de la haute considération avec laquelle j'ai l'honneur d'être votre très humble serviteur,

(Signé.)

GUIZOT.

Monsieur le Général Cass,
G^{en}., G^{en}., G^{en}.

[Translation.]

PARIS, *May* 26, 1842.

GENERAL: I had received some time since the letter which you did me the honor to write to me on the 13th of February, on the subject of the treaty signed on the 20th of December between the plenipotentiaries of France, Austria, Great Britain, Prussia, and Russia, with the view of arriving at a more effectual suppression of the negro slave-trade. In expressing to me therein your desire that the King's Government should not ratify this treaty, you said to me that you were about to inform your Government of a step which you had thought it your duty to take, without authority, on your own responsibility; and that as soon as you should have learned of its approval or disavowal, you would hasten to apprise me.

I have just received, with your letter of the 3d of this month, a copy of that which Mr. Webster has written to you, to announce to you the approval given by the President to your despatch of the 13th of February, and this

despatch, having thus acquired an official character, which up to this time it wanted, I think I ought not longer to defer an answer, which before would have seemed to me premature.

You expressed to me, sir, an anxiety lest the treaty of the 20th of December should constitute, on the part of the contracting parties, an engagement to create a new principle of international law, which should subject the vessels, even of those nations which had not participated in the arrangement, to a right of search (*visite*), as established by its stipulations.

The treaty in question not having been ratified by the King's Government, and consequently not existing at this time, as far as France is concerned, I might abstain from entering into any explanation on the subject. But the friendly relations established between France and the United States make it my duty to anticipate, by free and complete explanations, all misunderstanding; and, moreover, we have always been actuated in this matter by motives too correct and honest not to seize with eagerness an occasion to make them manifest.

It does not belong to me to discuss the value of the inferences in regard to the private views of the cabinet at London, which you draw from certain passages in the despatches written by Lord Palmerston and by Lord Aberdeen to Mr. Stevenson, but I shall not hesitate to say what is the idea of the King's Government on the grave question which you raise.

The treaty of the 20th of December, 1841, whatever may be its destiny, is founded on no principles different from those of the conventions of 1831 and 1833.

The stipulations of these conventions bound France and England alone. The treaty of December 20 extends them to Austria, Prussia, and to Russia, making in them some changes more or less important, but which do not alter their nature. To be able to deduce from them the very extraordinary intention of imposing on other States an obligation to submit to them, it is necessary that this intention, which is in nowise indicated by the treaty of the 20th December, should result from the previous conventions. Never have we so understood them—never could we so understand them.

I hesitate the less, sir, in giving here a formal and, in my opinion, altogether superfluous assurance that the King's Government, on its part, places entire confidence in the firm resolution, so often proclaimed by the Federal Government, of concurring most sincerely in the efforts for the final abolition of the slave-trade.

Mr. Webster's despatch, which you have done me the honor to communicate to me, is of a nature still further to increase this confidence. It seems to indicate, in fact, that the cabinet of Washington perceives the possibility of concluding with those States which have adhered to the reciprocal right of search for the suppression of slave-trade, some arrangements calculated to attain the end which they have proposed to themselves.

We should attach so much the more value to this concurrence as, at the same time that it would hasten the entire annihilation of the trade, its effect, by placing all Governments in the same situation with regard to the measures adopted for this purpose, would be to afford the maritime rights and the commercial activity of all nations guarantees of security difficult to obtain in the midst of the complications and the causes of collision which would necessarily result from an opposition or a diversity of systems.

However this may be, shall this hope prove vain, shall the United States

persist in their isolation, we trust that they will regard it as a sacred duty to prevent this isolation from affording to an infamous traffic too many opportunities of impunity.

Accept, general, the assurance of the high consideration, with which I have the honor to be your very humble servant,

GUIZOT.

General CASS,
Envoy Extraordinary, &c.

Mr. Cass to Mr. Webster.

LEGATION OF THE UNITED STATES,
Paris, September 17, 1842.

SIR: The mail by the steampacket which left Boston the 1st instant has just arrived, and has brought intelligence of the ratification of the treaties recently concluded with Great Britain. All apprehensions, therefore, of any immediate difficulties with that country are at an end, and I do not see that any public interest demands my further residence in Europe. I can no longer be useful here, and the state of my private affairs requires my presence at home. Under these circumstances, I beg you to submit to the President my wish for permission to retire from this mission, and to return to the United States without delay. In the hope that there will be no objection to this measure, I shall proceed to make my arrangements to leave here about the 13th November, so as to embark in the steamer of the 19th November. I can not delay my departure any longer, as I am anxious to finish my voyage before the winter weather.

I have therefore to pray you to favor me with an answer by the return steampacket, enclosing my letters of recall, and authorizing me to transfer the legation to the secretary, Mr. Ledyard, a chargé d'affaires, till a minister can be sent out. He is every way competent to discharge the duties.

I am, sir, respectfully, your obedient servant,

LEW. CASS.

Hon. DANIEL WEBSTER,
Secretary of State, Washington.

Mr. Cass to Mr. Webster.

LEGATION OF THE UNITED STATES,
Paris, October 3, 1842.

SIR: The last packet brought me your letter of August 29, announcing the conclusion of a treaty with Great Britain, and accompanied by a copy of it and the correspondence between the ministers charged with the negotiations, and directing me to make known to Mr. Guizot the sentiments of the American Government upon that part of the treaty which provides for the co-operation of the United States in the efforts making to suppress the African slave-trade. I thought I should best fulfil your intentions by com-

communicating a copy, *in extenso*, of your letter. This I accordingly did yesterday. I trust I shall be able, before my departure, to transmit to you the acknowledgment of its receipt by Mr. Guizot.

In executing this duty, I felt too well what was due to my Government and country to intimate any regret to a foreign power that some declaration had not preceded the treaty, or some stipulation accompanied it, by which the extraordinary pretension of Great Britain to search our ships, at all times and in all places, first put forth to the world by Lord Palmerston on the 27th August, 1841, and on the 13th October following again peremptorily claimed as a right by Lord Aberdeen, would have been abrogated as equally incompatible with the laws of nations and with the independence of the United States. I confined myself, therefore, to a simple communication of your letter.

But this reserve ceases when I address my own Government, and, connected as I feel my official conduct and reputation with this question of the right of search, I am sure I shall find an excuse for what might otherwise be considered presumption; if, as one of the last acts of my official career, I submit to you, and through you to the President, the peculiar circumstances in which I am placed by the conclusion of this treaty, and by the communication of your letter to Mr. Guizot.

Before proceeding further, however, permit me to remark that no one rejoices more sincerely than I do at the termination of our difficulties with Great Britain, *so far as they are terminated*. That country and ours have so many moral and material interests involved in their intercourse, that their respective Governments and inhabitants may well feel more than ordinary solicitude for the preservation of peace between these two great nations. Our past history, however, will be unprofitable if it do not teach us that unjust pretensions, affecting our rights and honor, are best met by being promptly repelled when first urged, and by being received in a spirit of resistance worthy the character of our people and of the great trust confided to us as the depositaries of the freest system of Government which the world has yet witnessed.

I had the honor, in my letter of the 17th ultimo, to solicit permission to return to the United States. That letter was written the day a copy of the treaty reached Paris, and the remark which I then made to you, that "I could no longer be useful here," has been confirmed by subsequent reflection and by the receipt of your letter and of the correspondence accompanying it. I feel that I could no longer remain here honorably for myself or advantageously for our country.

In my letter to you of the 15th February last, transmitting a copy of my protest against the ratification of the quintuple treaty for the suppression of the African slave-trade, I took the liberty of suggesting the propriety of demanding from Lord Ashburton, previously to entering into any negotiation, a distinct renunciation of this claim to search our vessels. I thought then, as I do now, that this course was demanded by a just self-respect, and would be supported by that tribunal of public opinion which sustains our Government when right and corrects it when wrong. The pretension, itself, was one of the most flagrant outrages which could be aimed at an independent nation, and the mode of its enunciation was as coolly contemptuous as diplomatic ingenuity could suggest. We were told that, to the doctrine that American vessels were free from the search of foreign

cruisers in time of peace, "the British Government never could or would subscribe." And we were told, too, there was reason to expect that the United States would themselves become converts to the same opinion; and this expectation was founded on the hope that "they would cease to confound two things which are in their nature entirely different, and would look to things and not to words." And the very concluding paragraph of the British correspondence tells us, in effect, that we may take whatever course we please, but that England will adhere to this pretension to board our vessels when and where her cruisers may find them. A portion of this paragraph is equally significative and unceremonious. "It is for the American Government," says Lord Aberdeen, "alone to determine what may be due to a just regard for their national dignity and national independence." I doubt if, in the wide range of modern diplomacy, a more obnoxious claim has been urged in a more obnoxious manner.

This claim, thus asserted and supported, was promptly met and firmly repelled by the President in his message at the commencement of the last session of Congress; and in your letter to me, approving the course I had adopted in relation to the question of the ratification by France of the quintuple treaty, you consider the principles of that message as the established policy of the Government. Under these circumstances of the assertion and denial of this new claim of maritime police, the eyes of Europe were upon these two great naval powers, one of which had advanced a pretension, and avowed her determination to enforce it, which might at any moment bring them into collision. So far our national dignity was uncompromitted.

But England then urged the United States to enter into a conventional arrangement, by which we might be pledged to concur with her in measures for the suppression of the slave-trade. Till then, we had executed our own laws in our own way. But yielding to this application, and departing from our former principle of avoiding European combinations upon subjects not American, we stipulated, in a solemn treaty, that we would carry into effect our own laws, and fixed the minimum force we would employ for that purpose. Certainly, a laudable desire to terminate this horrible man-stealing and man-selling, may well justify us in going further, in changing one of the fundamental principles of our policy, in order to effect this object, than we would go to effect any other. It is so much more a question of feeling than of reasoning, that we can hardly be wrong in yielding to that impulse, which leads us to desire to unite our efforts with those of other nations for the protection of the most sacred human rights. But while making so important a concession to the renewed application of England, it seems to me we might well have said to her, *Before we treat upon this matter, there is a preliminary question connected with it, which must be settled. We will do no act which may, by any possibility, appear to be a recognition of your claim to search our vessels. That claim has arisen out of this very subject, or at any rate, this subject has been the pretext for its assertion, and if we now negotiate upon it, and one concurrence is yielded, you must relinquish, as solemnly as you have announced, this most offensive pretension. If this is not done, by now making a conventional arrangement with you, and leaving you free to take your own course, we shall, in effect, abandon the ground we have assumed, and with it our rights and honor.*"

In carefully looking at the seventh and eighth articles of the treaty, providing for our co-operation in the measures for the suppression of this traffic,

I do not see that they change, in the slightest degree, the pre-existing right claimed by Great Britain to arrest and search our vessels. That claim, as advanced both by Lord Palmerston and Lord Aberdeen, rested on the assumption that the treaties between England and other European powers upon this subject, could not be executed without its exercise, and that *the happy concurrence of these powers not only justified this exercise, but rendered it indispensable*. By the recent treaty, we are to keep a squadron upon the coast of Africa. We have kept one there for years, during the whole term, indeed, of these efforts to put a stop to this most iniquitous commerce. The effect of the treaty is, therefore, to render it obligatory upon us by a convention to do what we have long done voluntarily; to place our municipal laws, in some measure, beyond the reach of Congress; and to increase the strength of the squadron employed on this duty. But if a British cruiser meet a vessel bearing the American flag, where there is no American ship of war to examine her, it is obvious, that it is quite as *indispensable and justifiable*, that the cruiser should search this vessel to ascertain her nationality, since the conclusion of the treaty as it was before. The mutual rights of the parties are in this respect wholly untouched; their pretensions exist in full force; and what they could do prior to this arrangement they may now do; for though they have respectively sanctioned the employment of a force to give effect "to the laws, rights, and obligations of the two countries," yet they have not prohibited the use of any other measure which either party may be disposed to adopt.

It is unnecessary to push these considerations further; and in carrying them thus far, I have found the task an unpleasant one. Nothing but justice to myself could have induced me to do it. I could not clearly explain my position here, without this recapitulation. My protest of 13th February distinctly asserted that the United States would resist the pretension of England to search our vessels. I avowed, at the same time, that this was but my personal declaration, liable to be confirmed or disavowed by my Government. I now find a treaty has been concluded between Great Britain and the United States, which provides for the co-operation of the latter in efforts to abolish the slave-trade, but which contains no renunciation by the former of the extraordinary pretension, resulting, as she said, from the exigencies of these very efforts, and which pretension I felt it my duty to denounce to the French Government. In all this, I presume to offer no further judgment than as I am personally affected by the course of the proceedings; and I feel they have placed me in a false position, whence I can escape but by returning home with the least possible delay. I trust, therefore, that the President will have felt no hesitation in granting me the permission which I asked for.

I am, sir, very respectfully, your obedient servant,

LEW. CASS.

HON. DANIEL WEBSTER,
Secretary of State, Washington.

Mr. Cass to Mr. Webster.

NEW YORK, December 11, 1843.

SIR: Upon my arrival here yesterday, the duplicate of your letter of November 11 was delivered to me. I embrace the first moment in my power to acknowledge its receipt.

I am too well aware of what is due from me to the Government to renew, or unnecessarily to prolong, the discussion of the subject contained in my letter of October 3. In submitting to you the views I entertained, I fulfilled a duty which, in my opinion, circumstances imposed upon me. But I should consider myself obnoxious to the censure of improper interference, with which you have not sparingly reproached me, but from which I trust I shall satisfy you I am free, did I seek to make my correspondence with the department the vehicle for obtruding my sentiments upon the Government. Still I am anxious not to be misunderstood, and more especially since you give me to understand that the communications which have passed between us upon this subject are to be published, and thus submitted to the great tribunal of public opinion, which will be called upon to decide respecting the course I have deemed it necessary to adopt, as well as the manner in which I have fulfilled the task. And as you have in several instances misapprehended my views, and adapted your reasoning to your constructions, rather than to my sentiments, and as I have full confidence in your desire to do me justice, I must beg leave briefly to lay before you such considerations connected with my letter, and your comments upon it, as are essential to a correct judgment between us.

And, first, with respect to the procedure on my part.

You object to my whole course of action in this matter, because it appears to you to be "intended as a sort of protest or remonstrance against a transaction of the Government," &c.

I have been very unhappy in the mode in which I have expressed myself, if I am justly liable to this charge. My letter is not a protest, or remonstrance. It is a simple answer to a despatch which I had the honor to receive from you. In your letter of August 29, you communicated to me the views of the President in relation to the treaty then recently concluded with England; and you also authorized me to make known these views to the French Government. This I did, both in conversation and in writing. Here was a despatch requiring my action, and which received it in good faith. But I did not coincide with you in opinion respecting an important bearing of this treaty. I thought it left us in a worse position than it found us; and so thinking, I deemed it my right, and felt it my duty, to lay before you the impression which the whole matter had left upon my mind. I did so, and the result is before you. Under these circumstances, was I guilty of indiscretion, or of an impertinent interference, still more offensive, which, it seems to me, from the tone of your letter, is the construction you put upon my action?

This question will perhaps be best answered by another. Is it the duty of a diplomatic agent to receive all the communications of his Government, and to carry into effect their instructions, *sub silentio*, whatever may be his own sentiments in relation to them? Or, is he not bound, as a faithful representative, to communicate freely but respectfully his own views, that these may be considered and receive their due weight in that particular case, or in other circumstances involving similar considerations? It seems to me that the bare renunciation of the principle is all that is necessary for my justification. I am speaking now of the propriety of my action, not of the manner in which it was performed. I may have executed the task well or ill; I may have introduced topics unadvisedly, and urged them indiscreetly. All this I leave without remark. I am only endeavoring here to free myself from the serious charge which you bring against me. If I

have misapprehended the duties of an American diplomatic agent upon this subject, I am well satisfied to have withdrawn, by a timely resignation, from a position in which my own self-respect would not permit me to remain. And I may express the conviction that there is no Government, certainly none this side of Constantinople, which would not encourage, rather than rebuke, the free expression of the views of their representatives in foreign countries. But, independently of this general objection to all action on my part, you present me with another, perhaps still more formidable, but which is applicable only to the circumstances of this case. Without repeating in full the view you urge upon this part of the subject, I shall condense the objection into the proposition that the expression of my sentiments to the Government upon this occasion might induce England hereafter "to rely upon my authority for a construction favorable to her own pretensions, and inconsistent with the interest and honor of the United States."

In the first place, I would remark that I have written for my own Government, and not for that of England. The publication of my letter which is to produce this result is to be the act of the Government, and not my act. But if the President should think that the slightest injury to the public interest would ensue from the disclosure of my views, the letter may be buried in the archives of the department, and thus forgotten and rendered harmless.

But even were immediate publicity to be given to it, I know my own insignificance too well to believe it would produce the slightest influence upon the pretensions or the course of England. The English public, and especially the English statesmen, are too sagacious to need the suggestions of any foreigner, and too pertinacious in the assertion of their claims to seek his authority for their support. When England, in her progress to that supremacy upon the ocean, which has been the steady object of her ambition for centuries, and will continue to be so, abandons a single pretension, after she has once advanced it, then there may be reason to believe she has adopted a system of moderation, which may be strengthened or weakened, as the opinion of others is favorable or unfavorable to her. There is no evidence that that time is near. But were it otherwise, does it follow that in all discussions between nations it is the duty of every man to believe his own Government has attained every object which the interest or honor of the country requires, or not believing it, to remain silent, and to refrain from all representations, either to the Government itself, or to the public, with a view to the ultimate correction of the error, and to the relief of his country from a false position? I must confess I do not carry my patriotic devotion thus far. I agree, that when nations have appealed from argument to force, and when a war is raging, it is the duty of every citizen to put all other considerations behind him, and, avoiding profitless and party discussions upon the past, to join with head, heart, and hand, to repel the common foe. At such a time, I would not speak words of censure even to my countrymen, lest I should be overheard by the enemy. And that this is not with me a barren doctrine, I trust I have given sufficient evidence in perilous times. But I was not prepared for that excess of patriotic zeal (pardon me the expression, for such it appears to me) which would carry this reserve into all the actions of the Government, as well in peace as in war. I believe that in our recent treaty with England, sufficient precaution was not taken to guard against her claim to search our ships. This belief I entertain in common with many other citizens, in office and out of office; and I, as well as they, have expressed it. It has been de-

clared in the Senate, in the public journals, in every district of our country. And I can not feel that this avowal of our sentiments, in whatever form it is made, whether official or unofficial, justly subjects us to the charge of taking a course which may hereafter enable other governments to "set up new pretensions."

Permit me now to advert to the serious charge you have made against me, of venturing upon *a statement, which is a tissue of mistakes*. This statement you quote, and it is that part of my letter in which, after showing that, to a certain point of time, our national honor had been preserved inviolate, I proceed to show that the subsequent course of events had not been equally fortunate. I remark, that England never urged the United States to enter into a conventional arrangement by which the joint action of the two countries in the suppression of the slave-trade might be secured. You pronounce this statement a mistake, and assert that the proposition came from our Government.

That the particular mode, in which the Governments should act in concert, as finally arranged in the treaty, was suggested by yourself, I never doubted. And, if this is the construction I am to give to your denial of my correctness, there is no difficulty upon the subject. The question between us is untouched. All I said was, that England continued to prosecute the matter, that she presented it for negotiation, and that we, therefore, consented to its introduction. And if Lord Ashburton did not come out with instructions from his government to endeavor to effect some arrangement upon this subject, the world has strangely misunderstood one of the great objects of his mission; and I have misunderstood that paragraph in your first note, where you say that Lord Ashburton comes with full powers to negotiate and settle all matters in discussion between England and the United States. But the very fact of his coming here, and of his acceding to any stipulations respecting the slave-trade, is conclusive proof, that his Government were desirous to obtain the co-operation of the United States. I had supposed our Government would scarcely take the initiative in this matter, and urge it upon that of Great Britain, either in Washington or in London. If it did so, I can only express my regret, and confess that I have been led inadvertently into an error.

You then proceed to remark, in continuation of this *tissue of mistakes*, that, in entering into this arrangement, the United States did not depart from the principle of avoiding European combinations upon a subject not American, because the abolition of the slave-trade is equally an American and European subject. This may be so; I may be wrong in the application of the principle. But such an erroneous conclusion scarcely justifies the epithet of an *adventurous statement, one of a tissue of mistakes*. But, apart from this, I still think that combinations of this kind are among the "entangling alliances," against which the great statesman, whose exposition of our constitution will go down to posterity with the instrument itself, warned his countrymen. And the perpetually recurring difficulties which are presenting themselves in the execution of the conventions between France and England upon this subject should be a caution to nations against the introduction of new maritime principles, whose operations and results it is difficult to foresee.

But is the suppression of the African slave-trade one of those American objects, in the attainment of which we ought to seek the co-operation of other nations, and regulate our own duties and theirs by treaty stipulations? I do not think so. In the first place, the principle would necessarily lead

us to form alliances with every maritime nation. It is not England alone whose flag rides over the seas. Other countries must co-operate, if any co-operation is necessary. And if we have made propositions to England to join us in this effort, I do not see why we stop there and deprive ourselves of the aid which the action of other nations would afford. I doubt if the people of this country are prepared for such extensive combinations.

But again, while fully agreeing with you in all the odium you cast upon that infamous traffic, it appears to me that any object interesting to humanity, and in which nations may with propriety engage, has the same claim, if not in degree, at least in principle, upon our interference, and calls upon us for a union with other nations to effect it. It may be easily seen, not where such a doctrine would conduct us that escapes human sagacity, but toward what ruinous consequences it leads.

You conclude this branch of the subject, by informing me that you are directed by the President to bring to my "serious consideration and reflection the propriety of such an assumed narration of facts, as your despatch in this respect puts forth."

I shall not say one word to give the President any cause of offence, and if I felt that I was justly obnoxious to this censure, I should submit to the rebuke in silence. He would have a right to make it, and it would be my duty to acquiesce. But I have that confidence in his innate love of justice, that he will receive my explanations, and judge me by my words, and not by unauthorized constructions.

Now in all that I have said in the paragraph to which you allude, and which you have so strongly qualified, you have pointed out but one fact, as erroneous, and that is the assertion, that the introduction of the subject of the slave-trade into the treaty was due to the application of England. And whether even this was an error depends upon the construction to be given to your explanation. All else, I repeat it, all else, to the very least idea, is matter of inference. It is my deduction from the circumstances of the case. I may be right or wrong, logically, in the conclusions I have reached, but certainly I am not morally responsible for their correctness, as I should be if I asserted merely naked facts. It is, therefore, with not a little astonishment I have read and re-read what I wrote, and the commentary you have been pleased to make upon it. It is neither necessary nor proper that I should renew the general subject of my letter, and therefore I do not feel it my duty to trouble you with any remarks respecting the views you have presented me of the pretensions of the British Government to search our ships. But when you proceed to array me against myself, I must claim the right to vindicate my own consistency. You quote me, and quote me correctly, as saying, that, up to the delivery of the annual message of 1841, our national dignity was uncompromitted. You then ask what has since occurred to compromise this dignity, and you add emphatically that I shall myself be the judge of this, because in a subsequent part of my despatch I say the mutual right of the parties are wholly unchanged. And you ask, if they are unchanged, what ground there is on which to found a complaint against the treaty. I think that a very brief retrospect will be the best answer I can give to this question, and that it will redeem me from the implied charge of inconsistency.

I never said nor intimated in my despatch to you, nor in any manner whatever, that our Government had conceded to that of England the right to search our ships. That idea however pervades your letter, and is very apparent in that part of it which brings to my observation the possible effect

of my views upon the English Government. But in this you do me, though I am sure unintentionally, great injustice. I repeatedly state, that the recent treaty leaves the rights of the parties as it found them. My difficulty is not that we have made a positive concession, but that we have acted, unadvisedly in not making the abandonment of this pretension a previous condition to any conventional arrangement upon the general subject. I had supposed, till I read your letter, that this view was too distinctly expressed in my despatch to admit of any misconstruction. I will condense into a small space what I deem it necessary to say in defence of my consistency.

England claimed the right, in order as she said, to carry into effect certain treaties she had formed for the suppression of the slave-trade, to board and search our vessels upon the high seas, wherever she might find them. Our Government, with energy and promptness, repelled this pretension. Shortly after, a special British ambassador arrived in our country, having powers to treat upon this matter of the slave-trade. The negotiation terminated by an arrangement which secures the co-operation of the United States in the efforts that England is making upon this subject. But not a word is said upon the serious claim that subjects to the naval inquisition of a commercial rival our ships, which the enterprise of our merchants is sending to every part of the globe. And yet this claim arises out of the very subject-matter embraced in this treaty. We negotiate with England for the suppression of the slave-trade, at the very moment her statesmen are telling us in no measured terms, that to suppress it she will violate our flag, and that she will never give up this pretension. Now here it appears to me the Government should have stopped. The English negotiator should have been told, "We abhor as much as you do the traffic in human beings, and we will do all that our peculiar institutions permit to put an end to it. But we will not suffer this matter to be made the pretext for wounding our honor and violating our rights. We will not take a single step till you renounce this claim. We have denounced it already, and if we should negotiate upon the subject-matter without settling this preliminary question, it may seem like an abandonment of the ground we have taken, or an indifference to the consequences."

Had this course been pursued, the sincerity of the British Government would have undergone a practical test, from which there would have been no escape. It would not have been necessary to quote the last despatch of Lord Aberdeen to show what he meant in another, or Lord Palmerston in the first. If such a proposition had been made and accepted, our honor would have been vindicated, our rights secured, and a bright example of sincerity and moderation would have been given to the world by a great nation. If it had been rejected, that would have proved that our co-operation in the suppression of the slave-trade was a question of minor importance, to be sacrificed to the preservation of a pretension intended to introduce an entire change in the maritime police of the world.

Why this very obvious course was not adopted, I am utterly at a loss to conjecture; and that it was not, is precisely the objection to which the whole arrangement is liable. Instead of the high ground we should then have occupied, we now find ourselves seriously discussing the question, whether or not England will enforce this claim. That she will do so when her interest requires it, I have no more doubt than I have that she has already given us abundant proof that the received code of public law is but a feeble barrier when it stands in the way of power and ambition. Lord Palmerston and Lord Aberdeen both tell us she will.

You refer to that part of my letter in which I observe that the effect of the new stipulation is to place our municipal laws in some measure beyond the reach of Congress, and remark that such is often the effect of commercial treaties. It is so, and we can only expect to obtain commercial advantages by stipulations for corresponding advantages, which, while they ensure, are beyond the reach of ordinary legislation. This is matter of necessity. But this necessity does not exist in the punishment of crimes. We are able to enforce our own laws; and I do not see that the power to enforce those of England gives us any just compensation for permitting her to interfere in our criminal code, whether the offence is committed upon the land or upon the water. It seems to me a principle fraught with dangerous consequences, and which a prudent Government had better avoid.

There is but one other topic which I consider it necessary to advert to, but that is an important one, and I pray your indulgence while I briefly allude to it.

You speak of the ratification of the treaty by the President and Senate, and add that it does not appear to you that I had any grounds of complaint because their opinion was at variance with mine. I submit that this is making an issue for me which I have not made for myself. In no part of my letter will be found the slightest imputation upon the President or Senate for the ratification of this treaty. I could not make such an imputation for the plain reason that I never censured the ratification. I am under the impression that if I had had a vote to give I should have been found among the majority upon that occasion. This, however, would have been upon the condition that some declaration should be annexed to the act of ratification denouncing the pretension to search our ships. I would then have sent the instrument to the British Government, and placed upon them the responsibility of its final rejection or ratification; and I am sure we should have had the opinion of the world with us under such circumstances.

The rejection of a treaty duly negotiated, is a serious question; to be avoided whenever it can be without too great a sacrifice. Though the national faith is not actually committed, still it is more or less engaged; and there were peculiar circumstances, growing out of long-standing difficulties, which rendered an amicable agreement of the various matters in dispute with England a subject of great national interest. But the negotiation of a treaty is a far different subject. Topics are omitted or introduced at the discretion of the negotiators, and they are responsible, to use the language of an eminent and able Senator for "what it contains and what it omits." This treaty, in my opinion, omits a most important and necessary stipulation, and therefore, as it seems to me, its negotiation in this particular was unfortunate for the country.

In conclusion, I beg you to tender to the President my thanks for the kind appreciation he made of my services in the letter of recall, and to express to him my hope that, on a full consideration of the circumstances, he will be satisfied that if my course was not one he can approve, it at all events was such as to relieve me from the charge of an improper interference in a subject not within the sphere of my duties.

I must pray you, as an act of justice, to give the same publicity to this letter that you may give to my letter of October 3d and to your answer.

Very respectfully, sir, I have the honor to be, your obedient servant,
LEW. CASS.

HON. DANIEL WEBSTER, *Secretary of State.*

Mr. Cass to Mr. Webster.

LEGATION OF THE UNITED STATES,
Paris, October 29, 1842.

SIR: I have the honor to transmit, herewith, a copy of the letter of the Minister of Foreign Affairs of the 14th inst., acknowledging the reception of my letter to him of the 2d inst., enclosing a copy of your communication of August 29th, respecting the conclusion of the recent treaty with Great Britain.

I am, sir, very respectfully, your obedient servant,

LEW. CASS.

Hon. DANIEL WEBSTER,
Secretary of State, Washington.

PARIS, le 14 Octobre, 1842.

MONSIEUR LE GENERAL: J'ai reçu avec la lettre que vous m'avez fait l'honneur de m'adresser le 2 de ce mois, une copie de la dépêche par laquelle Mr. le Secrétaire d'Etat Webster, en vous communiquant le résultat de ses négociations avec le plénipotentiaire de S. M. B'que, Lord Ashburton, vous fait connaître les vues du Gouvernement fédéral relativement à la repression de la traite des noirs.

Je vous remercie de cette communication, et je saisis avec empressement l'occasion de vous renouveler les assurances de la haute considération avec laquelle j'ai l'honneur d'être, votre très humble et très obéissant serviteur,

GUIZOT.

M. le Général CASS, &c., &c., &c.

[Translation.]

PARIS, October 14, 1842.

GENERAL: I have received, with the letter which you did me the honor to address to me on the 2d instant, a copy of the despatch wherein Mr. Webster, the Secretary of State, while communicating to you the result of his negotiations with Lord Ashburton, her Britannic majesty's plenipotentiary, informs you of the views of the Federal Government with regard to the repression of the slave-trade.

I thank you, sir, for this communication, and I embrace with satisfaction this opportunity to renew to you the assurance of the distinguished consideration with which I have the honor to be your very humble and obedient servant,

GUIZOT.

Mr. Webster to Mr. Everett.

[Extract.]

DEPARTMENT OF STATE,
Washington, August 22, 1842.

SIR: The Senate of the United States having given its constitutional advice and consent to the treaty with Great Britain recently negotiated

here, the President has ratified it on the part of the Government of the United States, and I now transmit to you by Mr. Derrick, who will deliver you this letter, the American ratification, to be exchanged against that of her Britannic majesty. You will accordingly, upon the receipt of this despatch, inform the British Secretary of State for Foreign Affairs that the treaty has been ratified on our part, and that you are authorized to exchange the ratifications with such person as may be duly empowered for that purpose on the part of the British Government.

No difficulty or delay in the ratification of the treaty by Great Britain is anticipated. As soon as the exchange of the ratifications takes place, it is desirable that you should forward, without unnecessary delay, the British ratification to the United States.

Mr. F. Webster to Mr. Everett.

[Extract.]

DEPARTMENT OF STATE,

Washington, September 13, 1842.

SIR: I enclose you a copy (confidentially) of a communication from this Department addressed to the representative of this Government near that of his majesty, the King of the French; and I take leave to refer you to it for the views entertained by the Government of the United States in relation to the suppression of the African slave-trade.

Mr. Everett to Mr. Webster.

[Extracts.]

LONDON, October 19, 1842.

* * * * *

I received, on the 13th instant, a note from Lord Aberdeen, informing me that he was prepared on that day to exchange the ratification of the treaty. I accordingly attended at the Foreign Office, and performed that agreeable duty. Mr. Derrick will, agreeably to your instructions, be intrusted with the British ratification. He has taken passage in the Great Western, which sails on the 22d instant.

* * * * *

A portion of the press in opposition to the Government, and particularly the "Morning Chronicle," continues its attacks upon the treaty. They have been ably answered. * * * * *

By the mass of the people, as well as by all intelligent persons, who have no party ends to serve, the treaty is, as far as I have had opportunities to observe, regarded with great satisfaction. This feeling does not, as far as I can judge, proceed from an opinion that its conditions are, in any respect, particularly favorable to Great Britain. On the contrary, an opposite impression is very general. But there is an undisguised and honorable pleasure at the restoration of friendly intercourse between the two countries in the world which are most able to benefit and to injure each other.

Mr. Everett to Mr. Webster.

[Extract.]

LONDON, *November 2, 1842.*

The treaty of Washington continues an object of party warfare. A portion of the press, of both of the great party descriptions, is strenuously laboring to show, that the rights and interests of Great Britain have been sacrificed by Lord Ashburton. The French press is assiduous in attempting to prove, that, in the articles relative to the suppression of the slave-trade, England has virtually abandoned the policy of the quintuple treaty of December 20, 1841; and the Government of France is loudly called upon to insist upon the abrogation of the treaties of 1831 and 1833.

Mr. Everett to Mr. Webster.

[Extract.]

LONDON, *February 3, 1843.*

Parliament was opened by commission yesterday. The Queen's speech and the very interesting debates upon the addresses in the two houses, will be found in the papers of to-day, which accompany this despatch. I attended the debate in the House of Commons. You can judge of the surprise with which I listened to the remarks of Sir Robert Peel on the alleged fact, that Lord Aberdeen's letter to me of the 20th December, 1841, remained to this day "unacknowledged and unanswered." It was acknowledged by me in a note, dated two days afterward (December 23, 1841), which, however unimportant, was transmitted to Mr. Fox by Lord Aberdeen, and afterward communicated to Parliament, and printed. In this note of acknowledgment, I informed Lord Aberdeen, that I would avail myself of an early opportunity of making some remarks on the very important topics treated in this letter. I pursued this course of an immediate acknowledgment of the receipt of Lord Aberdeen's note, with notice of a purpose of replying in due season to its contents, because, being just arrived at my post, I had not received the instructions which you had informed me I might soon expect on this topic, and which, as Lord Aberdeen's note modified the ground and disclaimed the language of his predecessor, it was my duty to await. Such instructions I would, no doubt, in due time have received; but on the 27th December, Lord Aberdeen informed me, that the special mission had been determined on; that Lord Ashburton would go to America, with full powers to settle every point in discussion, including what was called the right of search, which he deemed the most difficult; and expressed the opinion, that it would hardly be worth while for us to continue the correspondence on matters in dispute between the two countries; and remarked, though he was willing to consider and reply to any statement I might think proper to make on any subject, that, pending the negotiation that might take place at

Washington, he supposed no benefit would result from a simultaneous discussion here.

Such were Lord Aberdeen's observations, as reported by me in my despatch of December 31. The negotiations took place, and a mode of dealing with, and settling the question, was happily agreed upon, which made it unnecessary to resume the discussions so long carried on upon the subject. In fact, from the moment the special mission was announced, I considered the discussions at an end; and as little to be resumed in reference to search and visitation, as the boundary, or the "Caroline."

Mr. Todd to Mr. Webster.

[Extract.]

LEGATION OF THE UNITED STATES OF AMERICA,
St. Petersburg, September 17 [29], 1842.

* * * * *

The intelligence as to the treaty with Great Britain, and the new tariff, has been received here with satisfaction; both events being regarded as essential to a permanent commercial intercourse with us. So long as there was the least probability of a war with England, or the rate of duties was not fixed, no shipments of any consequence would be made to America; and you will concur with me in the opinion that Russia, recollecting the principles governing Catherine as to neutral rights, can not regret that the late treaty is more happy in reference to the British practice of visitation than the quintuple treaty of 1841, in which she was prevailed upon, for reasons yet undeveloped, to unite.

Mr. Wheaton to Mr. Webster.

BERLIN, November 16, 1842.

SIR: Your despatch No. 36, enclosing copy of the treaty recently concluded at Washington, between the United States and Great Britain, has just reached me. I beg leave to congratulate you, sir, on the happy termination of this arduous negotiation, in which the rights, honor, and interests of our country have been so successfully maintained. The arrangement it contains on the subject of the African slave-trade is particularly satisfactory, as adapted to secure the end proposed by the only means consistent with our maritime rights. This arrangement has decided the course of the French Government in respect to this matter. Its ambassador in London notified to the conference of the five great powers the final determination of France not to ratify the treaty of December, 1841, and, at the same time, expressed her disposition to fulfil the stipulations of the separate treaties of 1831 and 1834 between her and Great Britain. The treaty of 1841, therefore, now subsists only between four of the great powers by whom it was originally concluded; and as three of these (Austria, Prussia, and Russia) are very little concerned in the navigation of the ocean and

the trade in the African seas, and have, besides, taken precautions in the treaty itself to secure their commerce from interruption by the exercise of the right of search in other parts, this compact may now be considered as almost a dead letter.

The policy of the United States may consequently be said, on this occasion, perhaps for the first time, to have had a most decisive influence on that of Europe. This will probably more frequently occur hereafter; and it should be an encouragement to us to cultivate our maritime resources, and to strengthen our naval arm, by which alone we are known and felt among the nations of the earth.

I have the honor to enclose an official copy of the revised tariff of the Germanic Customs' Association for the years 1843, '44, and '45, as agreed upon at the Congress of Stuttgart, and subsequently ratified by the respective states of the association. It will be seen that none of the very few alterations made in the duties on imports affect our trade with Germany. They are principally levelled at French goods, and especially the articles of luxury manufactured at Paris, which is stated to be intended as a retaliation of the increased duties recently levied in France on linen threads. These respective measures will probably produce a negotiation for a reciprocal reduction of duties.

Baron Bulow has recently stated to me that the Prussian Cabinet had been invited by some of its allies in the Germanic Customs' Association to concur in measures of retaliation against our tariff, which is much complained of as too fiscal and even prohibitive of many German commodities. He intimated that Prussia was not disposed, at present at least, to take such a step, but would await the result of the deliberations of our Congress at the ensuing session, to determine the course of policy which the association ought to pursue. With a view to collect the necessary information respecting the actual working of the tariff on our trade with Germany, I have addressed a circular to the different consuls in correspondence with this legation, and shall communicate the result of my inquiries to the department.

I have the honor to be, with the highest consideration, sir, your obedient servant,

HENRY WHEATON.

HON. DANIEL WEBSTER, &c., &c., &c.