

throughout eternity, which yet will never touch. Of the essence of mind, of matter, and of their mystic union, we know nothing—nor shall we, until we have passed through the dark Valley of the Shadow of Death, and stand redeemed and regenerated in the presence of the Eternal. C. K.

## SPECIAL MESSAGE FROM THE PRESIDENT TO BOTH HOUSES OF CONGRESS, MONDAY, JANUARY 18. To the Senate and House of Representatives:

GENTLEMEN: In my message at the opening of your session, I informed you that our Charge d'Affairs at Paris had been instructed to ask for the final determination of the French Government, in relation to the payment of the indemnification, secured by the treaty of the 4th of July, 1831, and that when advices of the result should be received, it would be made the subject of a special communication.

In execution of this design, I now transmit to you the papers numbered from 1 to 13, inclusive, containing among other things, the correspondence on this subject between our Charge d'Affairs and the French Minister of Foreign Affairs, from which it will be seen that France requires, as a condition precedent to the execution of a treaty unconditionally ratified, and to the payment of a debt acknowledged by all branches of her Government to be due, that certain explanations shall be made of which she dictates the terms. These terms are such as that Government has already been officially informed cannot be complied with; and if persisted in, they must be considered as a deliberate refusal on the part of France to fulfil engagements binding by the laws of nations, and held sacred by the whole civilized world. The nature of the act which France requires of this Government, is clearly set forth in the letter of the French minister marked No. 3.

We will pay the money, says he, when "the Government of the United States is ready, on its part, to declare to us, by addressing the claim to us officially, in writing, that it regrets the misunderstanding which has arisen between the two countries; that this misunderstanding is founded on a mistake; that it never entered into its intention to call in question the good faith of the French Government, nor to take a menacing attitude towards France." And he adds, "if the Government of the United States does not give this assurance, we shall be obliged to think that this misunderstanding is not the result of an error." In the letter marked No. 6, the French Minister also remarks that, "the Government of the United States knows, that upon itself depends henceforward the execution of the treaty of July 4, 1831.

Obliged by the precise language thus used by the French Minister, to view it as a peremptory refusal to execute the treaty, except on terms incompatible with the honor and independence of the United States, and persuaded, that, on considering the correspondence now submitted to you, you can regard it in no other light, it becomes my duty to call your attention to such measures as the exigency of the case demands, if the claim of interfering in the communications between the different branches of our government shall be persisted in. The pretension is rendered the more unreasonable by the fact, that the substance of the required explanation has been repeatedly and voluntarily given before it was insisted on as a condition—a condition the more humiliating, because it is demanded as the equivalent of a pecuniary consideration. Does France desire only a declaration that we had no intention to obtain our rights by an address to her rather than to her justice. She has already had it, frankly and explicitly given by our Minister accredited to her Government, his act ratified by me, and my confirmation of it, officially communicated by him, in his letter to the French Minister of Foreign Affairs, of the 25th of April, 1835, and repeated by my published approval of that letter after the bill of indemnification.—Does France want a degrading, servile repetition of this act, in terms which she shall dictate, and which will involve an acknowledgement of her assumed right to interfere in our domestic councils? She will never obtain it. The spirit of the American people, the dignity of the Legislature, and the firm resolve of their Executive Government forbid it.

As the answer of the French Minister to our Charge d'Affaires at Paris, contains an allusion to a letter addressed by him to the representative of France at this place it now becomes proper to lay before you the correspondence had about that functionary and the Secretary of State relative to that letter, and to accompany the same with such explanations as will enable us to understand the course of the Executive in regard to it.—Recurring to the historical statement made at the commencement of your session, of the origin and progress of our difficulties with France, it will be recollect that, on the return of our Minister to the United States, I caused my official approval of the explanations he had given to the French Minister of Foreign Affairs to be made public. As the French Government has noticed the Message without its being officially communicated, it was not doubted that if they were disposed to pay the money due to us, they would notice any public explanation of the Government of the United States in the same way, but contrary to these well founded expectations, the French Ministry did not take this fair opportunity to relieve themselves from their unfortunate position, and do justice to the United States.

Whilst, however, the Government of the United States was awaiting the movements of the French Government, in perfect confidence that the difficulty was at an end, the Secretary of State received a call from the French Charge d'Affaires in Washington, who desired to read to him a letter he had received from the French Minister of Foreign Affairs. He was asked whether he was instructed or directed to make any official communication, and replied that he was only authorized to read the letter and furnish a copy if requested. The substance of its contents, it is presumed, may be gathered from Nos. 4 and 5, herewith transmitted. It was an attempt to make known to the Government of the United States, privately, in what manner it could make explanations, apparently voluntary, but really dictated by France, acceptable to her, and thus obtain payment of the twenty-five millions of francs. No exception was taken to this mode of communication, which is often used to prepare the way for official intercourse, but the suggestions made in it were in their substance, wholly inadmissible. Not being in the shape of an official communication to this Government, it did not admit of reply or official notice, nor could it safely be made the basis of any action by the Executive or the Legislature; and the Secretary of State did not think proper to ask a copy, because he could have had no use for it. Copies of papers marked Nos. 9, 10 and 11, show an attempt on the part of the French Charge d'Affaires many weeks afterwards, to place a copy of this paper among the archives of this Government, which, for obvious reasons was not allowed to be done; but the assurance, before given was repeated, that any official communication which he might be authorized to make in the accustomed form, would receive a prompt & just consideration.

The indiscretion of this attempt was made more manifest, by the subsequent avowal of the French Charge d'Affairs, that the object was to bring this letter before Congress and the American people. If foreign agents, on a subject of disagreement between their Government and this, wish to prefer an appeal to the American People, they will hereafter, it is hoped, better appreciate their own rights, and the respect due to others, than attempt to use the Executive as the passive organ of their communications. It is due to the character of our institutions, that the diplomatic intercourse of this Government should be conducted with the utmost directness and simplicity, and, and that, in all cases of importance, the communications received or made by the Executive, should assume the accusatory official form.

It is only by insisting on this form, that foreign powers can be held to full responsibility, that their communication can be officially replied to; or that the advice or interference of the Legislature can, with propriety, be invited by the President. This course is also best calculated, on the one hand, to shield that officer from unjust suspicsons, and, on the other, to subject this portion of his acts to public scrutiny; and, if occasion shall require it, to constitutional animadversion. It was the more necessary to adhere to these principles in the instance in question, inasmuch as in addition to other important interests, it very intimately concerned the national honor; a matter, in my judgment, much too sacred to be made the subject of private and unofficial negotiation.

It will be perceived that this letter of the French Minister of Foreign Affairs was read to the Secretary of State on 11th of September last. This was the first authentic indication of the specific views of the French Government, received by the Government of the United States after the passage of the bill of indemnification. Inasmuch as the letter had been written before the official notice of my approval of Mr. Livingston's last explanation and remonstrance could have reached Paris, just ground of hope was left, as has been before stated, that the French Government on receiving that information, in the same manner the alleged offending message had reached them, would desist from their extraordinary demand, and pay the money at once. To give them an opportunity to do so, and, at all events to elicit their final determination, and the ground they intended to occupy, the instructions were given to our Charge d'Affairs, which were adverted to at the commencement of the present session of Congress. The result, as you have seen, is a demand of an official written expression of regrets, and a direct explanation addressed to France, with a distinct intimation that this is a sine qua non.

Mr. Barton having in pursuance of his instructions, returned to the United States, and the Charge d'Affairs of France having been recalled, all diplomatic intercourse between the two countries is suspended—a state of things originating in an unreasonable susceptibility on the part of the French Government, and rendered necessary on our part by their refusal to perform engagements contained in a treaty, from the faithful performances of which by us they are to this day enjoying many important commercial advantages.

It is time this unequal position of affairs should cease, and that legislative action should be bro't to sustain Executive exertion in such measures as the case requires. While France persists in her refusal to comply with the terms of a treaty, the object of which was, by removing all causes of mutual complaint to renew ancient feelings of friendship, and to unite the two nations in the bonds of amity, and of a mutually beneficial commerce, she cannot justly complain if we adopt such peaceful remedies as may authorise and demand. Of the nature of these remedies, I have heretofore had occasion to speak; and in reference to a particular contingency, to express my conviction that reprisals would be best adapted to the emergency then contemplated. Since that period, France, by all the departments of her Government, has acknowledged the validity of our claims, and the obligations of the treaty; and has appropriated the moneys which are necessary to its execution; and though payment is withheld on grounds vitally important to our existence as an independent nation, it is not to be believed that she can have determined permanently to retain a position so utterly indefensible. In the altered state of the question in controversy, and under all existing circumstances, it appears to me, that, until such a determination shall have become evident, it will be proper and sufficient to retaliate her present refusal to comply with her engagements, by prohibiting the introduction of French products and the entry of French vessels into our ports. Between this and the interdiction of all commercial intercourse, or other remedies, you, as the representatives of the people, must determine. I recommend the former, in the present posture of our affairs, as being the least injurious to our commerce, and as attended with the least difficulty of returning to the usual state of friendly intercourse, if the Government of France shall render us the justice that is due, and also as a proper preliminary step to stronger measures, should their adoption be rendered necessary by subsequent events.

The return of our Charge d'Affairs is attended with public notices of naval preparations on the part of France destined for our seas. Of the cause and intent of these armaments, I have no authentic information, nor any other means of judging, except such as are common to yourselves and to the public; but whatever may be their object, we are not at liberty to regard them as unconnected with the measures which hostile movements on the part of France may compel us to pursue. They at least deserve to be met by adequate preparation on our part, and I therefore strongly urge large and speedy appropriations for the increase of the Navy, and the completion of our coast defences.

If this array of military force be really designed to effect the action of the Government and the people to the United States on the question now pending between the two nations, then in deed would it be dishonorable to pause a moment on the alternative which such a state of things would present to us. Come what may, the explanation which France demands can never be accorded: and no armament however powerful and imposing at a distance, on our coast, will, I trust, deter us from discharging the high duties which we owe to our constituents, to our national character, and to the world.

The House of Representatives at the close of the last session of Congress, unanimously resolved, that the treaty of the 4th July, 1831, should be maintained, and its execution insisted on by the United States. It is due to the welfare of the human race, not less than to our own interest and honor that this resolution should, at all hazards, be adhered to. If, after so signal an example of that given by the American people, during their long protracted difficulties with France, or forbearance under accumulated wrongs, and of generous confidence in her ultimate return to justice, she shall now be permitted to withhold from us the tardy and imperfect indemnification, which after years of remonstrance and discussion, had at length been solemnly agreed on by the treaty of 1831, and to set at naught the obligation it impresses, the U. States will not be the only sufferers.

The efforts of humanity and religion, to substitute the appeals of Justice and the arbitrament of reason for the coercive measures usually resorted to by injured nations, will receive little encouragement from such an issue. By the selection and enforcement of such lawful and expedient measures as may be necessary to prevent a result so injurious to ourselves, and so fatal to the hopes of the philanthropist, we shall therefore not only preserve the pecuniary interests of our citizens, the independence of our government, and the honor of our country but do much, it may be hoped, to vindicate the faith of treaties and

to promote the general interests of peace, civilization, and improvement.

ANDREW JACKSON.  
Washington, January 12, 1836.

## DOCUMENTS REFERRED TO IN THE FOREGOING MESSAGE.

### No. 1. Mr. Forsyth to Mr. Barton.

#### DEPARTMENT OF STATE, Washington, June 28, 1835.

SIR: Mr. Livingston arrived here the day before yesterday. By the mail of yesterday, your letter of the 7th of May, with a copy of Mr. Livingston's last note to the Duke de Broglie, was received.

After an attentive examination of Mr. Livingston's correspondence with this Department and the Government of France, elucidated by his verbal explanations, the President has directed me to say to you, that the Messrs. Rothschild have been authorized by the Treasury Department to receive the money due under the treaty with France. Of this authority they will be directed to give notice to the French Government, without demanding payment. For yourself, you will, if the bill of indemnity is rejected, follow Mr. Livingston to the United States. If the money is placed at the disposal of the King, conditionally, by the Legislature of France, you will await further orders from the United States, but maintain a guarded silence on the subject of the indemnity. If approached by the Government of France, directly or indirectly, you will hear what is said without reply—state what has occurred in full to the Department, and await its instructions. It is the desire of the President that you will make not even a reference to the subject of the treaty in your intercourse with the French Government, until the course intended to be pursued is definitely explained to the United States. Whatever may be said to Messrs. de Rothschild, it will be their duty to report to you, as well as to the Treasury Department, and whenever they converse with you they must be reminded, that it is expected that they will wait for express notice from the Government of France, that it is ready to pay before an application for payment is made.

The course adopted by Mr. Livingston has been fully approved, and the hope is indulged that his representations have had their just influence on the counsels of the King of France. However that may be, the President's determination is, that the terms upon which the two Governments are to stand towards each other, shall be regulated, so far as his constitutional power extends, by France.

A packet from the Treasury, addressed to the Messrs. de Rothschild, and containing the instructions of the Secretary, accompanied by a special power, appointing them the agents of the United States to receive the payments due under the treaty of 1831, is forwarded herewith. The copy of a letter from this Department to M. Pageot is also enclosed for your perusal.

I am, sir, your obedient servant,

JOHN FORSYTH.

THOMAS P. BARTON, Esq. &c.

### No. 2. Mr. Forsyth to Mr. Barton.

#### DEPARTMENT OF STATE, Washington, September 14, 1835.

SIR: So much time will have elapsed before this despatch can reach you, since the passage of the law by the French Chambers, placing at the disposition of the King, the funds to fulfil the treaty with the United States, that it is presumed the intention of the French Government will have been, by that period, disclosed. It is proper, therefore, in the opinion of the President, that you should receive your last instructions in relation to it. It has always been his intention that the Legation of the United States should leave France if the treaty were not fulfilled. You have been suffered to remain after the departure of Mr. Livingston, under the expectation that the Government of France would find, in all that has occurred, its obligation to proceed, forthwith, to the fulfilment of it, as soon as funds were placed in its hands. If this expectation is disappointed, you must ask for your passports, and return to the United States. If no movement has been made on the part of France, and no intimation given to you, or to the banker of the United States, who is the authorized agent of the Treasury to receive the instalments due, of the time that payment will be made, you are instructed to call upon the Duke de Broglie, and request to be informed what are the intentions of the Government in relation to it, stating that you do so by orders of your Government, and with a view to regulate your conduct by the information you may receive from him. In the present agitated state of France, it is the particular desire of the President that your application should be made in the most conciliatory tone, and your interview with the Duke marked by expressions, as coming from your Government, of great personal respect for that Minister, and of an anxious desire for the safety of the King of France. If the Duke should inform you that the money is to be paid on any fixed day, you will remain in France: otherwise you will apply for your passports, and state the reason to be that the treaty of indemnity has not been executed by France.

The President especially directs that you should comply with these instructions so early that the result may be known here before the meeting of Congress, which takes place on the 7th of December next.

I am, sir,  
Your obedient servant,  
JOHN FORSYTH.

THOMAS P. BARTON, Esq.

### No. 3. Mr. Barton to the Duke de Broglie.

#### LEGATION OF THE UNITED STATES OF AMERICA, Paris, October 24, 1835.

MONSIEUR LE DUC: Having executed, to the letter, the last instructions of my Government, in the interview which I had the honor to have with your Excellency, on the 26th of this month, in order further to comply with those instructions, I am about to return to the United States. Before leaving France, however, I have thought that it might be altogether useless to address your Excellency, and to submit to you the conversation which then took place between us, word for word, as I understand it. In pursuing this course, I am prompted by a double motive: first, by a sincere desire to avoid even the slightest misunderstanding as to the precise meaning of any expressions used on either part; and also with a view, in presenting myself to my Government, to furnish indisputable proof of my fidelity in executing the instructions with which I had the honor to be charged. This last motive, Monsieur le Duc, does not interest you personally; but the first, I am sure, will not appear without importance to you.

Having said that I was instructed to employ both language and manner the most conciliatory, I begged to believe, should any thing appear to you not to partake of that character, that the fault must be attributed to me alone, and not to my Government; as, in that case, I should be certain that I neither represented its dispositions, nor faithfully obeyed its orders.

I began the conversation by informing you that I had requested an interview, by order of my Government, and that on the result of that interview would depend my future movements. I said that I was ordered to convey to the French Government assurances of the very lively satisfaction felt by the President, on receiving the news and confirmation of the King's safety; and that I was further instructed by the Secretary of State, to assure you, personally, of his high consideration. After an obliging answer of your Excellency, I had the honor to submit the following question:

"Am I instructed by my Government to inquire of your Excellency, what are the intentions of his Majesty's Government, in relation to the funds voted by the Chamber?"

And I understood you to make the following answer: "Having written a despatch to his Majesty's Charge d'Affaires at Washington, with instructions to communicate it to Mr. Forsyth, and M. Pageot having read it to Mr. Forsyth, I have nothing to say in addition to that despatch."

I said, "I am also instructed to inquire of your Excellency, whether his Majesty's Government is ready to pay those funds?"

And you returned this answer—"Yes, in the terms of the despatch."

I added, "I am instructed to ask another question. Will his Majesty's Government name any fixed, determinate period, when they will be disposed to pay those funds?"

To this question, the following was your Excellency's answer, as I understood it:

"To-morrow, if necessary. When the Government of the United States shall, by a written official communication, have expressed its regret at the misunderstanding which has taken place between the two Governments; assuring us that this misunderstanding was founded on an error; that it did not intend to call in question the good faith of his Majesty's Government—the funds are there, we are ready to pay. In the despatch to M. Pageot, we gave the views of our Government on this question. Mr. Forsyth not having thought proper to accept a copy of

that despatch, and having said that the Government of the United States could not receive a communication in such a form, I have nothing to add—I am forced to retrench myself behind that despatch. If the Government of the United States does not give this assurance, we shall be obliged to think, that this misunderstanding is not the result of an error, and the business will stop there."

To your Excellency's offer to communicate to me the despatch to M. Pageot, I replied, that as my instructions had no reference to that question, I did not think myself authorized to discuss it.

After some minutes, I arose and said, "In a short time I shall have the honor of writing to your Excellency."

You answered, "I shall, at all times, receive with pleasure any communication addressed to me on the part of the Government of the United States;" and our conversation ended.

Such, Monsieur le Duc, as far as my memory serves me, are the literal expressions employed by both of us. Should you discover any inaccuracies in the relation which I have the honor to submit to you, it will give me pleasure, as it will be my duty, to correct them. If, on the contrary, this relation should appear to you, in every respect, conformable to the truth, I take the liberty of claiming from your kindness a confirmation of it, for the reasons which I have already, I believe, sufficiently explained.

I eagerly avail myself of this occasion, Monsieur le Duc, to renew the assurances of the very high consideration with which

I have the honor to be, your Excellency's

Most obedient humble servant,

THOMAS P. BARTON.

His Excellency the Duc de Broglie,  
Minister of Foreign Affairs, &c.

### No. 4. The Duke de Broglie to Mr. Barton.

#### PARIS, October 26, 1835.

SIR: I have received the letter which you did me the honor to address to me, on the 24th of this month.

You are desirous to give your Government a faithful account of the conversation which you had with me on the 20th; while communicating to me a statement of that conversation, you request me to indicate the involuntary errors which I may remark in it. I appreciate the motives which influence you, and the importance which you attach to the exactness of this statement; and I therefore hasten to point out three errors, which have found their way into your report; acknowledging at the same time its perfect conformity to all other points, with the explanations interchanged by us.

I regretted this resolution of yours, sir, at the time, because, in the first place, it appeared to be at variance with (*écarteler de*) that conciliatory spirit, which so particularly characterized the communication just made to you; and next, as it seemed in a manner to deprive the cabinet at Washington, of the means of knowing, in their full extent, the views of the King's Government, of which an attentive examination of the Duke de Broglie's letter, could alone have enabled it to form a just estimate. These regrets, sir, have not been diminished; and at the moment when the President is about to communicate to Congress, the state of the relations between France and the United States, I consider it useful and necessary for the interests of all, to endeavor to place him in possession of all the facts which may afford him the means of giving an exact account of the real dispositions and views of the King's Government on the subject of the existing difficulties.