

REPORT
OF
THE POSTMASTER GENERAL.

GENERAL POST OFFICE DEPARTMENT,
November 29, 1834.

To the *PRESIDENT of the United States* :

SIR: The report which I had the honor to make on the 30th November, 1832, exhibited a balance due from this department on the 1st July, 1833, beyond the whole amount of its available funds, of \$195,208 40.

The expenses for the transportation of the mail necessarily continued undiminished till the close of the year 1833, prior to which date the retrenchments stated in that report could not take effect; consequently the balance of debt against the department continued to augment till that period.

The gross amount of postages was, from July 1st to December 31st, 1833, - - - - - \$1,375,437 28

Compensation to postmasters, including the contingent expenses of their offices during the same period, amounted to - - - - - \$434,628 89

Incidental expenses of the department, during the same time, amounted to - 47,797 29

The expense for transportation of the mail from July 1 to December 31, 1833, was - - - - - 1,013,402 68

Making the total expenses of the department for that half year, - - - - - \$1,495,828 86

This sum, after deducting the gross amount of postages for that period, leaves a deficit for the six months ending 31st December, 1833, of - - - - - 120,391 58

To this sum add the deficit existing on the 1st of July, 1833, - - - - - 195,208 40

And the balance of the debt against the department, beyond the amount of its available funds, was, on the 1st of January, 1834, - - - - - 315,599 98

From the 1st of January, 1834, the retrenchments in the transportation of the mail, stated in my report of last year, began to take effect; and from that period the revenues of the department have exceeded its expenses.

The gross amount of postages, was, from January 1, to June 30, 1834,	\$1,448,269 69
Compensation to postmasters, including the contingent expenses of their offices within the same period, amounted to	\$461,433 64
Incidental expenses of the department for the same period amounted to	30,300 38
The transportation of the mail from January 1st to June 30th, 1834, amounted to	909,028 43
Making the total expenses of the department for the half year ending the 30th of June, 1834,	1,400,762 45
This sum, deducted from the gross amount of postages for that period, leaves a revenue beyond the amount of expenses for the half year from January 1 to June 30, 1834, of	47,507 24
This sum, deducted from the deficit existing January 1, 1834,	315,599 98
Reduces the balance of debt which existed against the department on the 1st of July, 1834, to	\$268,092 74

Such was the financial condition of the department on the 1st day of July last. The amount of this debt has been continually diminishing to the present time, and it continues to diminish in an increased ratio.

On the 1st day of July, 1834, the balance of the account with banks was \$398,616 99 against the department, consisting of loans, \$275,000, and overchecks to the amount of \$123,616 99. In this statement, the difference between loans and overchecks is rather nominal than essential.

When overchecks are mutually agreed upon to a certain definite amount as a standing order, they are called loans; but when they vary indefinitely as to time and amount, they are called overchecks. In either case they are debts due from the department to banks. This amount of balance against the department has been considerably reduced since the 1st of July last. On the first day of the present month it stood as follows:

Amount due for loans from banks,	\$275,000 00
Amount of overchecks, November 1, 1834,	55,969 09

Making, together, the sum of	330,969 09
On the same day the balances of bank deposits in favor of the department, constituting the amount of cash on hand, amounted to	82,031 34

Making the actual balance of the accounts with banks, against the department, on the 1st of November, 1834,	\$248,937 75
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The contracts for the southern section, including the States of Virginia, North Carolina, South Carolina, and Georgia, and the Territory of Florida, which will expire with the current year, have been renewed to

take effect from the 1st of January next, on such terms as will effect an annual saving from the amount now paid for transportation in that section, of about	\$120,000
Additional retrenchments have also been made in the expense of transportation subsequent to my last report, to the annual amount of about	59,000
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Making, together, an annual saving from the 1st of January next, of	<u>\$179,000</u>

From the savings thus effected, together with the current excess of revenue in favor of the department, it may be safely calculated that, without any reliance upon an increase in the gross amount of postages, the revenues of the department will exceed its expenditures during the ensuing calendar year, to the amount of \$270,000.

From a careful estimate, it may be anticipated, with entire confidence, that, before the close of the year 1835, the whole balance of debt against the department will be extinguished. No part of this debt was contracted upon the credit of the Treasury, nor upon any other credit or authority than that of the department alone. It was never regarded by either of the parties in the character of a debt of the Government, but a mere expedient to anticipate the resources of the department, based upon the credit of the resources alone. The means of its liquidation within a reasonable time were always within the legal control of the department, and no other means have at any time been sought or desired by the department.

In my report of November, 1833, the expense for transporting the mail, and for incidentals, from July 1 to December 31, 1833, was estimated at	\$1,061,644 71
The actual expense for that period was	1,061,199 97
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Varying from the estimate only	<u>\$444 74</u>

The nett proceeds for postages for the year ending 30th June, 1834, were then estimated at	\$2,037,410 81
The actual nett proceeds of postages for that year were	1,927,644 44
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Falling below the estimate by the sum of	<u>\$109,766 37</u>

Thus it appears that the expenses of the department have not essentially varied from the estimate; but the nett revenue arising from postages has fallen short of the estimate then made more than a hundred thousand dollars. This is believed to be, in a very considerable degree, attributable to the great increase of free letters. The progressive increase of population naturally brings with it an accumulation of business in the Executive offices, which tends in some measure to increase their correspondence; and, in addition to this, a law passed in March, 1833, extending to members of Congress the privilege of banking, during the whole recess. Every other year the session of Congress is protracted to a much greater length than in the alternate year, when a Congress terminates. The expenses for the delivery of free letters, at two cents each, have al-

way amounted to a much greater sum during the year when the session is protracted, than during the alternate year. To make a fair comparison between the amount of free letters before and after the extension of the franking privilege, it is necessary to take two entire years. Thus, the allowance to postmasters for the delivery of free letters for the two years ending July 30, 1832, (before the extension,) was \$40,556 89 For the two years ending July 1st, 1834, (after the extension,) it was

	54,158 88
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Making, since the extension, an increase of \$13,601 99 or payment for the delivery of 680,099 free letters more than were delivered during the two preceding years. But no allowance is made for the delivery of free letters at post offices where the postmasters' commissions exceed \$500 a quarter.

If the same proportion of free letters is delivered at offices where no allowances for them are made to postmasters, as at the smaller offices, then the increase since the franking privilege was extended is equal to 960,000 free letters, more than what were delivered within the same period of time prior to that extension. The postage on each of these letters, if not free, would be from six cents to two dollars. The average, it is believed, would not be less than twenty-five cents each, exclusive of the postmasters' commissions. If estimated at this average, they would amount to

	\$240,000 00
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To this add the allowance actually made for their delivery

	13,601 99
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And the increase of free letters within the last two years has actually cost the department \$253,601 99 which is more than equal to the balance of debt at this time existing against the department.

Estimates have been obtained from several of the Executive offices, of the amount of their official correspondence carried on through the Post Office establishment, under the franking privilege of the officers by whom it is conducted; and it appears that, from the Departments of State, Treasury, War, and Navy, the official correspondence by mail, on which no postage is paid, is estimated to be equal to 2,685,235 single free letters in a year, and that by far the greater proportion of them are sent the full distance for which the highest rate of postage could be chargeable. The average postage on these letters, if not free, it is believed, would be not less than 18 $\frac{1}{2}$ cts. each, which would amount to \$503,481 56. This estimate is exclusive of the offices of the Attorney General, Adjutant General, Commissary General, Inspectors General, Quartermaster General, Paymaster General, and Superintendent of the Patent Office, all of whom have the privilege of franking.

It is also estimated that the number of free letters passing under the frank of members of Congress amounts to 8,000 a day during the session. If the correspondence of the offices above mentioned, which are not embraced in the estimate, and the postages fairly estimated, which would be chargeable on the correspondence of members of Congress, if not free, should be added to the statement, it is believed that the annual amount of free letters would not fall short of a million of dollars, exclu-

sive of the correspondence of the Post Office Department itself. This is an annual contribution by the department to the Government.

Though the amount of revenue arising from postages for the year ending June 30, 1834, did not equal the estimate, yet there was a considerable increase above the amount of the preceding year. The gross amount of postages for the year ending June 30, 1833, was \$2,816,538 27 For the year ending June 30, 1834, it was - - 2,823,706 97

Making an increase in the gross amount of - - \$207,168 70

The nett amount of postages, after deducting commissions to postmasters, and the contingent expenses of their offices, was, for the year ending June 30, 1833 - - \$1,790,254 65 For the year ending June 30, 1834, it was - - 1,927,644 44

Making an increase in the nett proceeds of - - \$137,389 79

The finances of the department continue to be in an improving condition; and the solicitude which has been shown to obtain mail contracts, the reduced rates at which they have been taken for the Southern section, and the zeal with which contractors generally persevere in their services to the department, furnish ample demonstration that its credit is unimpaired.

The number of post offices in the United States was, on the 1st of July last, ten thousand six hundred and ninety-three, being an increase of five hundred and sixty-six over the number reported last year.

The annual amount of transportation has been but slightly varied since my last report. The mail is now carried in stages and steamboats about sixteen million nine hundred thousand miles a year, and on horseback and in sulkies about eight million six thousand hundred miles, making, together, about twenty-five million five hundred thousand miles a year.

The celerity of the mail should always be equal to the most rapid transition of the traveller; and that which shortens the time of communication, and facilitates the intercourse between distant places, is like bringing them nearer together. While it affords convenience to men of business, it tends to counteract local prejudices, by enlarging the sphere of acquaintance. It perpetuates existing friendships, and creates new ones, by which the bands of union are strengthened, and the happiness of society promoted. These considerations have always had their full weight upon my mind in making improvements in mail operations. The multiplication of railroads in different parts of the country promises, within a few years, to give great rapidity to the movements of travellers, and it is a subject worthy of inquiry, whether measures may not now be taken to secure the transportation of the mail upon them. Already have the railroads between Frenchtown, in Maryland, and Newcastle, in Delaware, and between Camden and South Amboy, in New Jersey, afforded great and important facilities to the transmission of the great Eastern mail. The railroad between this city and Baltimore will soon be completed, and the distance from the post office in this place to that of Baltimore will not be materially varied from the present road, 38 miles. From Baltimore, by Port Deposit, in Maryland, to Coatesville, in Penn-

sylvania, the line for a railroad is located, and the stock subscribed for its completion; and from Coatesville to Philadelphia a railroad is made and in operation. The distance between Baltimore and Philadelphia, on this road, will be one hundred and seventeen miles, about eighteen miles greater than the present land route. From Philadelphia to Trenton bridge, about twenty-eight miles, the railroad is nearly completed; and, from New Brunswick, in New Jersey, to Jersey City, on the west side of the Hudson river, opposite the city of New York, thirty miles, the railroad is in a state of progress. When these works shall be completed, the only interval will be between Trenton and New Brunswick, about twenty-six miles, to complete an entire railroad between this place and the city of New York; and it cannot be supposed that the enterprising State of New Jersey will long delay to perfect a communication of such great importance, passing through most of her largest and most flourishing towns.

When this shall be done, the whole distance between this city and New York, on a continuous railroad, will not exceed two hundred and forty miles, and the journey may be performed, at all times, with certainty, allowing ample time for stopping at important places on the road, in sixteen hours, and ordinarily in a shorter period. If provision can be made to secure the regular transportation of the mail upon this and upon other railroads which are constructing, and, in some instances, already finished, it will be of great utility to the public, otherwise these corporations may become exorbitant in their demands, and prove eventually to be dangerous monopolies.

I have the honor to be, most respectfully,

Your humble servant,

W. T. BARRY.

PROCEEDINGS AND DISCUSSIONS

IX

THE FRENCH CHAMBER OF DEPUTIES,

On the subject of the treaty between France and the United States, which was signed at Paris on the 4th of July, 1831, and the ratifications of which were exchanged at Washington on the 2d of February, 1832; from the first presentation of the treaty, on the 6th of April, 1833, to the refusal to carry it into effect, on the 2d of April, 1834.

[Translated from the Paris Moniteur by order of the Secretary of State of the United States.]

[The reports of proceedings in the French Legislature are occasionally defective, from the circumstance that they always appear in the Moniteur on the morning after the meeting in which they took place. Several passages occurred in the original of the following report, which the translator has rendered faithfully in English, without venturing to give his own opinion as to their intended meaning.]

[The Chamber of Deputies, which was in session when the treaty was ratified, (February 2, 1832,) adjourned on the 21st April following. It was again opened on the 19th of November, 1832. The first proceedings on the treaty took place on the 6th of April, 1833.]

SATURDAY, April 6, 1833.

M. HUMANN, Minister of Finance.

GENTLEMEN: At the opening of this session, the King informed you that he would lay before you the treaty between France and the United States of America, signed on the 4th of July, 1831. We are now, by order of his Majesty, about to do so.

The object and the result of this treaty have been to put an end to the differences which have been embarrassing the relations between France and the United States. For more than twenty years the Federal Government has been demanding indemnification for the confiscations of American vessels under the decrees of Berlin, Milan, and Rambouillét, and also after their repeal. It likewise claimed remuneration for a certain number of vessels burnt at sea by French squadrons, in order to conceal their movements from the enemy.

Without relating here the history and dispositions of the decrees of Berlin, Milan, and Rambouillét, it will be sufficient to recall to mind that these acts, however rigorous and prejudicial to the navigation of neutrals they may have been, were only issued by way of retaliation for the orders of the British Council. It was also as reprisals against France and England, that the United States on their part ordered the confiscation of all French and English vessels which should enter their ports, and of all productions of either country which should be brought to America in vessels of any nation. The adoption of such measures, it must be acknowledged, totally changed the position of the United States with regard to the complaints which had been provoked by the said decrees; and the Federal Government, by endeavoring to do itself justice, surrendered its right to be indemnified for confiscations made in virtue of them.

There are, however, some exceptions which equity requires should be

made; and while it was clear that France was not obliged to satisfy all the claims urged in behalf of American commerce, still there was a certain number which could not in justice be refused. Such for instance as those on account of—

American vessels seized and confiscated in virtue of the Berlin, Milan, and Rambouillét decrees, before the owners could have had notice of those acts;

American vessels condemned after the repeal of those acts, on the 1st of November, 1810;

American vessels burnt at sea by the French squadrons.

The Imperial Government had itself admitted the justice of the principles of these exceptions; and a negotiation set on foot some time before its fall, gave reason to suppose that an arrangement was about to be concluded on bases analogous to that on which the Chamber is now called to deliberate.

The Government of the Restoration, after having long repelled the American claims, by declining to be responsible for the acts which had occasioned them, had at length given up that ground. Like the Imperial Government, it admitted that a part of the claims were well founded, and appeared ready to accede to them, provided the United States on their part, would admit some just demands which France had to urge against them.

In addition to pecuniary claims of several kinds preferred by French citizens against the Federal Government, France had yet to obtain satisfaction with regard to the 8th article of the treaty of cession of Louisiana, concluded in 1803, which assured to our vessels forever the treatment of the most favored nations in the ports of that country.

The treaty concluded at Ghent, in 1814, between England and the United States, placed the English on the same footing with the Americans themselves, as to duties in the ports of the Union. The French Government, in virtue of the said 8th article of the treaty of cession, demanded the same equality for our vessels in the ports of Louisiana; but the Cabinet of Washington replied that the treaty did not admit of such an interpretation, and moreover contended that, as the constitution of the United States subjected all the States to the same regulations, it was not at liberty to grant to our navigation advantages in the ports of Louisiana, the exclusive nature of which would have afforded to this State in particular a sort of monopoly of French commerce.

The United States Government, although it always contested the principle of our demands, at length offered us, by way of accommodation, an important reduction in the duty on importation of our wines.

Such was the state of the negotiation when the revolution of July interrupted it; it was soon resumed under the influence of the sympathies excited anew between the two nations by this great and memorable event.

The principal difficulty was in the amount to be paid by France to the United States, which was estimated by the latter Government at no less than seventy-five millions of francs.

In a word, the question was one in which the oldness of the claims, the differences as to the pretensions, and the difficulty, if not impossibility, of arriving at a precise and rigorous valuation leave no other means of effecting a peaceable termination than by an arrangement or simple statement of accounts between the parties interested.

Political considerations had great weight with both parties in the nego-

tiation, and much influence in bringing about the result ; each being strongly impressed with the necessity of putting an end to discussions which had already lasted too long, and the existence of which was a bar to the increase of reciprocal relations.

The claims of the American merchants, brought forward at every session of Congress, and necessarily alluded to in the annual messages of the President of the United States, appear to have become rather a question of great political importance, than one of mere private interests; and if the Federal Government was obliged by every circumstance to urge these demands, the French Government was no less under the necessity of complying with them as far as justice required, particularly as the United States expressed their readiness to give satisfaction for all our grievances.

From these reciprocal considerations, and for the sake of the union which they gave reason to anticipate, the treaty of July 4, 1831 was concluded; it was ratified at Washington on the 2d of February, 1832. By it the amount of the American claims, reduced to one-third of that first demanded, is fixed at 25,000,000 francs, of which 1,500,000 francs are to be retained for the payment of the claims which French citizens may have upon the Federal Government. On the other hand, the United States, in compensation for the advantages which the 8th article of the treaty of 1803 provided for our navigation in the ports of Louisiana, have agreed to make a tariff of duties on French wines, of a nature so favorable, that for the ten years after the 2d of February, 1832, they will be admitted into the ports of the Union at duties lower than those imposed on all other foreign wines.

Finally, by an assimilation, which is to the interest of both countries, *long staple* American cottons are subject to the same duties in France as *short staple*.

These are the principal stipulations of an agreement which had become indispensable; an agreement which, by removing out of the way of our relations with the United States, a question ever irritating, and likely to compromise them all, will give place to sentiments of amity, and to relations of sympathy and union, which arose at an epoch glorious for both countries, and which so many causes of affinity so many natural reasons tend to strengthen. This treaty, gentlemen, it is true, adds another item to the budget; but it is to acquit a debt which, reduced to equitable terms, cannot be disavowed by us, which good faith should oblige us to accept, and the settlement of which was required by the exigencies of true policy. But, as we have seen before, this treaty is not exclusively to the advantage of the United States; the engagements taken in it are reciprocal, and the interests of our commerce, as well as the rights of French citizens, to whom the American Government is in debt, are thereby guaranteed.

Ever since the ratification of the treaty, on the 2d of February, 1832, the United States have been faithfully complying with the stipulations relative to the reduction of duties on the wines of France; we, on our side, have begun to carry it into effect, by establishing an entire equality as to duties between the *long* and *short staple* cottons of the United States in our ports. The financial part of the treaty now remains to be executed, by paying, at the stated terms, of which the first falls on the second day of next month, the sums stipulated in favor of the American merchants and of French citizens, to whom the United States are in-

debted. To this effect, we have the honor of submitting to the deliberations of the Chamber the following *projet de loi* :

BILL.

ART. 1. In order to carry into effect the treaty between France and the United States, signed on the 4th of July, 1831, the ratifications of which were exchanged at Washington on the 2d of February, 1832, and by the terms of which the sum of twenty-five millions of francs are to be paid by France, in six annual instalments, with interest at four per cent. on the amount of each instalment paid, and of the others remaining unpaid; the Minister of Finance is authorized to place on the budgets of each year, from 1833 to 1838 inclusive, the sums necessary to provide for the payments stipulated by the 2d article of said treaty.

ART. 2. A credit is therefore opened for 1833, to the Minister of Finance, for the sum of 5,166,666 francs 66 centimes, for the following purposes: 1. Four million one hundred and sixty-six thousand six hundred and sixty-six francs sixty-six centimes as the amount of the first sixth, due on the 2d of February, 1833. 2. One million of francs as interest, due at the same time.

ART. 3. The sum of 1,500,000 francs, which the Government of the United States has engaged to pay to France, to exonerate itself from the claims of French citizens, shall be set down as received, in a special article of the budget, at the rate of 250,000 francs per annum, with the interest thereon, according to the terms of the 3d and 4th articles of the said treaty; a credit for which sum, for 1833, is opened to the Minister of Finance, for the purpose of paying the claims of French citizens which may have been admitted.

Copy of the treaty of July 4, 1831, between France and the United States of America.

His Majesty the King of the French, and the United States of America, animated with an equal desire to adjust amicably, and in a manner conformable to equity, as well as to the relations of good intelligence and sincere friendship which unite the two countries, the reclamations formed by the respective Governments, have, for this purpose, named for their plenipotentiaries, to wit, his Majesty the King of the French, Count Horace Sebastiani, Lieutenant General of his Armies, his Minister Secretary of State for the Department of Foreign Affairs, &c., &c., and the President of the United States, by and with the advice and consent of the Senate, William C. Rives, Envoy Extraordinary and Minister Plenipotentiary of the said United States near his Majesty the King of the French, who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

ART. 1. The French Government, in order to liberate itself completely from all the reclamations preferred against it by citizens of the United States for unlawful seizures, captures, sequestrations, confiscations, or destructions of their vessels, cargoes, or other property, engages to pay a sum of twenty-five millions of francs to the Government of the United States, who shall distribute it among those entitled, in the manner and according to the rules which it shall determine.

ART. 2. The sum of twenty-five millions of francs, above stipulated, shall be paid, at Paris, in six annual instalments, of four million one hundred and sixty-six thousand six hundred and sixty-six francs sixty-six

centimes each, into the hands of such person or persons as shall be authorized by the Government of the United States to receive it.

The first instalment shall be paid at the expiration of one year next following the exchange of the ratifications of this convention, and the others at successive intervals of a year, one after another, till the whole shall be paid.

To the amount of each of the said instalments shall be added interest at four per cent. thereupon, as upon the other instalments then remaining unpaid: the said interest to be computed from the day of the exchange of the ratifications of the present convention.

ART. 3. The Government of the United States, on its part, for the purpose of being liberated completely from all the reclamations presented by France on behalf of its citizens, or of the Royal Treasury, (either for ancient supplies or accounts, the liquidation of which had been reserved, or for unlawful seizures, captures, detentions, arrests, or destructions of French vessels, cargoes, or other property,) engages to pay to the Government of his Majesty (which shall make distribution of the same in the manner and according to the rules to be determined by it) the sum of one million five hundred thousand francs.

ART. 4. The sum of one million five hundred thousand francs, stipulated in the preceding article, shall be paid in six annual instalments of two hundred and fifty thousand francs; and the payment of each of the said instalments shall be effected by a reservation of so much out of the annual sums which the French Government is bound, by the second article above, to pay to the Government of the United States.

To the amount of each of these instalments shall be added interest at four per cent. upon the instalment then paid, as well as upon those still due; which payments of interest shall be effected by means of a reservation similar to that already indicated for the payment of the principal. The said interest shall be computed from the day of the exchange of the ratifications of the present convention.

ART. 5. As to the reclamations of the French citizens against the Government of the United States, and the reclamations of citizens of the United States against the French Government, which are of a different nature from those which it is the object of the present convention to adjust, it is understood that the citizens of the two nations may prosecute them in the respective countries, before the competent judicial or administrative authorities, in complying with the laws and regulations of the country, the dispositions and benefit of which shall be applied to them in like manner as to native citizens.

ART. 6. The French Government and the Government of the United States reciprocally engage to communicate to each other, by the intermediary of the respective legations, the documents, titles, or other informations proper to facilitate the examination and liquidation of the reclamations comprised in the stipulations of the present convention.

ART. 7. The wines of France, from and after the exchange of the ratifications of the present convention, shall be admitted to consumption in the States of the Union at duties which shall not exceed the following rates by the gallon, (such as it is used at present for wines in the United States,) to wit, six cents for red wines in casks; ten cents for white wines in casks; and twenty-two cents for wines of all sorts in bottles. The proportion existing between the duties on French wines thus reduced, and

the general rates of tariff which went into operation the 1st January, 1829, shall be maintained, in case the Government of the United States should think proper to diminish those general rates in a new tariff.

In consideration of this stipulation, which shall be binding on the United States for ten years, the French Government abandons the reclamations which it had formed in relation to the 6th article of the treaty of cession of Louisiana. It engages, moreover, to establish on the *long staple* cottons of the United States, which, after the exchange of the ratifications of the present convention, shall be brought directly thence to France by the vessels of the United States, or by French vessels, the same duties as on *short staple* cottons.

ART. 8. The present convention shall be ratified, and the ratifications shall be exchanged at Washington, in the space of eight months, or sooner, if possible.

In faith of which, the respective plenipotentiaries have signed these articles, and hereto set their seals.

Done at Paris, the fourth day of the month of July, one thousand eight hundred and thirty-one.

The ratifications were exchanged at Washington, on the 2d February, 1832.

THE PRESIDENT OF THE CHAMBER.

The bill is received ; it will be presented and referred to the Bureaux.

[The session of the French Legislature closed on the 25th April, 1833, without any further action upon the subject. The next session began on the succeeding day.]

TUESDAY, June 11, 1833.

M. HUMANN, Minister of Finance.

Gentlemen : On the 6th of April last, we had the honor to submit to you a bill (*projet de loi*) for carrying into execution the financial part of the treaty between France and the United States signed on the 4th of July, 1831. The bill not having been discussed during the last session, the King has ordered us to present it to you again, it being the duty of his Government to be faithful to the engagements contracted in the name of France.

We have nothing to add to the general considerations presented in our first exposition, and we shall therefore merely explain in a few words, the alterations made in the bill.

By its first article, the Minister of Finance was to be authorized to place on the budgets of each year from 1833 to 1838 inclusive, the sum necessary for paying the annual instalments, as by the terms of the treaty. But, as the budget of 1832 has been voted without giving any place to the American claim, you should, if you admit the debt, authorize the payment in a more general manner.

The second article referred to the sums payable in 1833, on account of the first sixth of the capital, and of the interest, calculated up to the 2d of February last. Now, as the law was not passed, the payment of the first instalment was of course refused when it became due ; and it is impossible to calculate exactly the amount of interest which will be due on the day of payment : in this point also, the terms of the bill were too restrictive. We have suppressed the third article of the bill, for these

reasons: The mode prescribed by it for the acquittal of the sums due by the United States to French citizens, was entirely at variance with the plan hitherto observed in such settlements, which is simply to place the sums apart for those who may have a right to them. How would it have been possible to submit to the annual vote of the Chambers that which was merely deposited with the King, by a foreign Government, for a special purpose? How should we call on the Chambers to vote on an annual appropriation, which they can neither increase nor diminish, and which is intended to satisfy an obligation, not of the French, but of the American Treasury? The sums which the United States may pay to French citizens, are evidently the property of the lawful claimants entirely, and should be of right kept only for their use, and interest allowed on them from the moment of their payment. Besides, what difficulties may not arise from the delays within which the laws of the finances limit the application of credits? Is it not wrong too to give the claimants a right to call directly on the French Treasury? These considerations have induced us to suppress the third article, in order to effect the settlement in the usual manner, as lately adopted with regard to the Tunisian and Tripolitan indemnifications.

The bill, as altered, will read thus :

BILL.

ART. 1. In order to carry into execution the treaty between France and the United States, signed on the 4th of July, 1831, the ratifications of which were exchanged at Washington on the 2d of February, 1832, and, by the terms of which the sum of 25,000,000 francs is to be paid by France, in six annual instalments, with interest at 4 per cent. on each instalment paid, and on all the others remaining due, the Minister of Finance is authorized to pay the sums stipulated in the 2d article of said treaty, as they become due.

ART. 2. In consequence, a credit to the amount of the sum to be paid in 1833 is opened to the Minister of Finance, viz. 1st. For 4,166,666 francs 66 centimes, the amount of the first sixth, due on the 2d of February, 1833; and 2d. The sum requisite for the payment of the interest now due, and of that which will have become due on the day of payment of the first instalment.

THE PRESIDENT OF THE CHAMBER.

The bill presented by the Minister of Finance is received; it will be printed, and referred to the Bureaux.

The Chamber is aware that this treaty requires the most serious examination. All the documents which preceded it, and the reports of the several commissions, should be investigated—those which were unfavorable to its dispositions, as well as those recommending them, as by each comparison alone can we arrive at the truth. Nothing now can be done but lay the bill on the table: the Bureaux may call for it if they please.

THURSDAY, June 13, 1833.

GENERAL LAFAYETTE.

Gentlemen: The rapidity with which our labors are now conducted, and feelings of duty, oblige me to make some observations on the order of the day. A treaty with the United States was proposed and presented to

you by the King in his speech at the commencement of the last session. I shall make no observations as to the delays, of various sorts, which have occurred, and shall confine myself entirely to what was the other day submitted by the Minister of Finance. I shall not enlarge upon the sentiments of justice, national honor, and propriety, with regard to a nation which alone refused to unite with our enemies in 1814 and 1815; I may observe however, that if it had done so, its claims would have been long since settled, just as those of the other hostile Powers were. I will add, that if it had consented to charge a third Power, England for example, with this affair, it would have been adjusted also. But the United States would not present themselves as an enemy; they chose rather to wait until they could come forward with their claims in an amicable manner.

Nor will I dwell on one of our great interests, the greatest of our maritime interests—the *liberty of the seas*; and as we cannot place much confidence in such a coalition as was formed during the American war between the squadrons of Russia, Spain, Holland and France, I think that a union of our navy with that of the United States offers the only chance, under present circumstances, of having that liberty assured. I will confine myself to one of our most important commercial interests. I regret that our colleague, M. Fulchiron, is not here, as he could repeat the calculations which he made for me the other day. The city of Lyons alone (I will cite but one example) carried on a trade with the United States to the value of 55,000,000. Since the treaty, to which the United States have agreed, was made, this trade has arisen to 80,000,000, and will be 100,000,000 by the 1st of next January.

I could also recall what has been written by the Chamber of Commerce of Havre to one of our colleagues; I could speak of our wine-growing districts; but I will merely make one observation, which is, that unless the question of the treaty be terminated during this session, it is much to be feared that the American Congress, when it meets in December next, will take measures to restore things to the state in which they were previous to the treaty, in consequence of the neglect of the subject during two of our sessions. I leave you to judge how injurious this would be to our commerce.

After these short observations, and under the idea that the Minister of Foreign Affairs would support me in what I have said—and he has just told me that he would—I shall conclude by answering, beforehand, one objection which may be raised. It will be said that in this affair, I am a good American. Gentlemen, I am proud of that title; it is dear to my heart; but I think no one will say I have ever been other than a good Frenchman. I therefore move that this question be placed in the order of the day as soon as possible, in order that you may take it up before the end of the session; and my recommendation, if I may use the term, is, that, after a proper examination, the great interests which I have cited may not be forgotten.

THE PRESIDENT.

I must observe to General Lafayette that there will be a meeting of the Bureaux to-morrow, for the purpose of examining the law of which he speaks.

M. ODIER.

I second the motion of General Lafayette, on account of the interests of

French industry. About the treaty itself I say nothing ; but I hope the Chamber will take it up as soon as possible after the report on the bill has been presented.

TUESDAY, June 18, 1835.

M. BENJAMIN DELESSERT.

Gentlemen : The committee charged by you to examine the bill relative to the treaty concluded on the 4th of July, 1831, between France and the United States, has demanded a number of documents and reports, which must be examined, in order to obtain a complete knowledge of so important a transaction.

The committee was soon convinced that a conscientious examination of these papers would require much time ; and that, at so advanced a period of the session, its labors would have no definitive result. It regrets that, from motives which the Government only can explain, the bill was not presented earlier to the Chamber for discussion. It regrets this the more, as it is convinced of the importance of a treaty which essentially interests our maritime commerce, our agriculture, and our manufactures.

Several chambers of commerce, particularly those of Paris and Lyons, have manifested an ardent desire that the business should be speedily terminated.

The committee would be satisfied if, after a deeper study of the question, it could enlighten the Chamber with regard to the justice of the claims alleged by each of the parties to the treaty, and which form the basis of it ; but as time does not allow a definitive report to be made on the subject, it considers itself as the organ of the Chamber, in expressing the wish that this treaty be communicated at the opening of the next session ; and that its result may be such as to strengthen the bonds of friendship which must ever exist between two nations so long united by common interest and sympathy.

GENERAL LAFAYETTE.

Gentlemen : The committee named on the day before yesterday conceived that it should not delay for a single instant the communication you have just heard. I shall not myself enter into a question on which my opinion and sentiments are well known to you. I had the honor to repeat them the other day to the Chamber ; it will however, permit me to proclaim here once more my deep personal regret, and my intimate conviction, that as soon as the Chamber is enabled to do what depends on it, in this important and urgent affair, it will acknowledge as fully as I do, not only the perfect justice, but also the extensive bearing which it has upon our manufactures and our policy.

THE MINISTER OF FOREIGN AFFAIRS.

The Government has already expressed, through me, the great importance which it attaches to the discussion of this law. It has twice presented it to this Chamber, and its greatest desire was to have had it debated during this session. The reproach cast upon us of having presented the treaty too late, is, I think, unmerited. The Government found great difficulties at first ; it had reason to be apprehensive respecting the fate of the law, and endeavored to overcome the difficulties, by assembling all the documents calculated to throw light upon the question.

It did not, for its own part, need any of these documents to be convinced that the treaty was good, useful and just ; but all the documents had been demanded, and it was necessary to obtain some from America ; nor are all yet collected, which are calculated to throw light on the question. The facts occurred twenty years ago, and much trouble was required to collect the papers we have already ; and the motive which influenced the Government in delaying the presentation of the treaty was precisely its desire to give the Chamber ample information.

COUNT JAUBERT.

I am well aware, gentlemen, of the caution with which so delicate a subject should be handled ; particularly as it is a treaty concluded, one in which the word of the French Government is engaged, and wanting only the sanction of the Chamber, which is always necessary when payments are to be made. Nevertheless, I should be sorry if the session should end under the impression likely to be produced by the report you have heard, and the speech of our honorable colleague, General Lafayette.

I am not so far under the influence of sympathetic feelings as that honorable gentleman. I do not intend to enter into the discussion, but I think that the public should know, and the United States should not be ignorant, that serious objections have arisen against the treaty in question—objections which render a minute examination necessary. For we are not disposed to vote away such an enormous sum as twenty-five millions, without examining the treaty in all its bearings. We should be abandoning all the rights of the Chamber, if we did not make an express reservation in this case.

Let me here observe that, some few years since, under the Restoration, a negotiation was entered into on the subject ; and if I am rightly informed, instead of twenty-five millions, we could have got off much cheaper. (*Laughter.*) I should not wish to have it thought that we had settled the matter ; a treaty may be modified with the consent of both parties ; and perhaps, in this case, it may be proper to see if this should not be done. I think we should take into consideration the circumstance, that at a former period we could have arranged the affair with the United States on much lower terms. It would be singular if the Government of July should be worse treated by them, than that of the Restoration ; our sympathy would be rather burdensome to us.

THE PRESIDENT.

I think that the discussion should go no further, as we cannot now enter into the merits of the question. The right of the Chamber is clearly established ; no treaty of the sort now presented to us is perfect, or can be carried into execution in any of its parts, until the Chamber has given the Government the means of executing it. Nothing can be considered as definitive which is subject to the vote of the Chamber. The foreigner, who enters into contract with our Government, knows that well ; for every one must know the capacity of the party with whom he enters into engagements ; and our constitution is not only a rule for ourselves, but also serves to warn those who treat with us.

This principle is understood by all. The Minister of Foreign Affairs acknowledges that the vote of the Chamber ought to be preceded by the presentation of every document which can inform the members relative to the treaty, as he is occupied in obtaining them, and engages to submit

them to the Chamber at the opening of its next session. They will then be examined with the most serious attention.

[No further notice was taken of the treaty during this session, which ended on the 26th of June. The next session began on the 23d of December, 1833.]

MONDAY, January 13, 1834.

M. HUMANN, Minister of Finance.

Gentlemen: We last year had the honor to present to you a bill (*projet de loi*) relative to the execution of the treaty between France and the United States, signed on the 4th of July, 1831. The labors of a double session* not having allowed you to take up the subject, we now again submit it to you, and ask your sanction to the arrangements therein made. We consider it superfluous to repeat the exposition of the facts and considerations which have led to the convention in question: they have already been laid before you, with all the explanations calculated to demonstrate the necessity as well as the propriety of an act, the object of which was to put an end to differences injurious to both countries, and embarrassing their political and commercial relations.

It is sufficient to remind you that it imposes a new charge upon France, which is not, however, without compensation, as, independently of the sum of 1,500,000 francs, which the United States engages to pay on account of the claims urged by France in behalf of its citizens, important advantages have been secured for our trade in wines, which are to enter the United States at reduced duties during the space of ten years. You will, we have reason to hope, see that as our commercial interests and the rights of French citizens to whom the United States are indebted, are thus secured by this convention, the King's Government has fairly reconciled the sacrifice demanded by the Treasury, with powerful considerations of equity and policy. It is however the duty of the Minister of Foreign Affairs to give the Chamber all the explanations which it may desire on the subject.

The object of the bill is to give the Minister of Finance the necessary powers to fulfil the engagements contracted in the name of France, by the treaty of July 4, 1834.

BILL.

ART. 1. The Minister of Finance is authorized to take the necessary measures for carrying into effect the first and second articles of the treaty signed on the 4th of July, 1831, between the King of the French and the United States of America, the ratifications of which were exchanged at Washington on the 2d of February, 1832, and by the terms of which the sum of twenty-five millions of francs is to be paid by France.

ART. 2. The Minister of Finance shall provide for the execution of the dispositions resulting from the third and fourth articles of the said treaty, by which the Government of the United States engages to pay to France one million five hundred thousand francs, in order to free itself from claims presented in behalf of French citizens and of the public Treasury.

The receipts upon this sum of one million five hundred thousand francs,

* The Chambers were assembled in 1833, immediately after their prorogation.

and the employment of the same, shall be the object of a special account of receipts and expenses in the budgets of the State.

Done at Paris, at the palace of the Tuilleries, on the 2d day of January, 1834.

LOUIS PHILIPPE.

By the King : HUMANN. *Minister of Finance.*

THE PRESIDENT OF THE CHAMBER.

The bill is received, and ordered to be printed; to be referred to the Bureaux.

The committee charged with examining the bill consisted of the following nine Deputies, being one from each Bureau: Count Jaubert, M. Bessieres, M. Jay, M. Réalier Dumas, M. Berigny, M. Ganneron, M. Piscatory, Baron Bignon, and M. Odier.

On the 10th of March M. JAY presented, on behalf of the committee, the following

REPORT:

The committee charged by you with examining the treaty concluded on the 4th of July, 1831, between France and the United States, fully comprehended the importance of the objects with which it has been entrusted, and proceeded in this investigation with that conscientious attention and methodical application which the nature of its duties required. Your committee has conferred with the Minister of Foreign Affairs; it has obtained all the documents calculated to enlighten its judgment, which could be collected, and their authenticity and exactness were determined by two of its members. Finally, it has taken into consideration the negotiations relative to the claims of the United States, which have been suspended and recommenced several times since 1812. These are the elements of the work of which I am now, in the name of your committee, to present you the details and results.

Before entering on the examination of the treaty of 1831, we have thought proper to give a sketch of the incidents which preceded that transaction. The facts go back to a period distant in point of time, and rendered still more ancient by the multiplicity and the greatness of events, which seem to have thrown back the limits of ordinary life for those who were their contemporaries. After a simple analysis, we shall come as rapidly as possible to the principal questions which we have to discuss and resolve.

From the 18th of Brumaire, (Nov. 8, 1799,) France enjoyed the benefits of a regular administration, and beyond its limits victory had proved the power of our arms. It was at this time that the First Consul resolved to enforce the principle of free navigation, and to introduce the ordinary rules of national right into the maritime code of nations. This idea, at once liberal, grand, and politic, was applied in the convention signed on the 8th of Brumaire, in the year 9, (October 30, 1800,) between France and the United States; the right of blockade, and its conditions, the right of search, and its regulations, are there settled in a manner conformable with morality, with the just interests of the belligerent Powers, and with respect for private property. The treaty is only indeed a summary exposition of the fundamental principle that "*the flag covers the property*;" a principle to which France has always looked in her treaties, and which, thanks to the progress of general civilization, will one day effect the freedom of neutral flags, and the liberty of the seas.

One only difficulty was from the beginning adverse to the conclusion of

the treaty of 1800. The American minister claimed indemnification for losses sustained by several citizens of the United States, under the government of the Directory, as well as for other cases of legal condemnation. By the second and fifth articles of this treaty, the question was adjourned to a *more convenient time*; it was settled by a convention which is a complement to the treaty of cession of Louisiana of the 11th Floreal, year XI, (30th April, 1803,) and which was signed on the same day. The amicable relations which had subsisted between France and the United States since the convention of 1800, continued, to the reciprocal satisfaction of both nations, up to the moment when the British Government, then under the influence of the aristocratic party, took advantage of its naval superiority and its insular position, to arrogate to itself the exclusive dominion over the seas. Such a pretension, followed up by acts, would give to naval warfare a character of irritation and vengeance hitherto unknown. The Emperor Napoleon, for his own defence, was forced to make just reprisals, and to exercise a right which is paramount over all others—the supreme right of necessity.

It was but a short time after the rupture of the peace of Amiens that England first introduced these measures, equally repugnant to justice and to the laws of nations. A first order in council, of June 24, 1803, forbade the indirect commerce of neutrals between parent countries and their colonies. This system received a still greater extension by other orders in council, especially by those of the 9th of August, 1804, of the 8th of April, and of the 16th of May, 1806, which declared the French coasts from Dieppe to Ostend, and from the Elbe to Brest, in a state of blockade. The evident intention of the British ministry was to deprive France of all commercial communication with other nations, and of all assistance which it might otherwise receive in time of scarcity. Already, in 1805, had an order from the Cabinet of St. James' authorized the arrest of every American vessel laden with goods or merchandise not the product of the United States. The Government of the Union passed an energetic act in December, 1805, in reply to these hostile proceedings; it related to the impressment of seamen, numbers of whom had been carried off, although under the protection of the United States.

“This act of the American Government,” says one of our colleagues, in a distinguished historical work, “pleases the imagination and the judgment, as it presents an instance of a nation, which, notwithstanding the extreme inferiority of its forces, preserves its dignity towards a powerful State.”—(*Bignon's History of France.*)

Such was the situation of England with regard to France and the neutral Powers, when Napoleon, whom victory had led to Berlin, conceived this system of continental blockade, on which judgments so various have been passed, but which the English themselves even now consider to have been the most dangerous blow ever struck at their power and commerce. From this period, the advance of our manufactures may be dated. The aim of the Emperor was to free Europe from its subjection to the industry of England. He gave the impulse, and that impulse has created capitals, and caused certain branches of manufacture to be carried to such a degree of perfection, that competition being no longer dreaded, those barriers which prevent reciprocal interchange among nations, and which carry into a period of entire peace the restrictive combinations adapted to a state of war, may now be removed.

By the decree of Berlin, the Emperor declared the British islands in a state of blockade; all English productions, without exception, were good prize; and no vessel coming from an English port could be received in a French port. The pride of Britain was wounded by this act of retaliation, and exhibited itself in the order in council of November 11, 1807. By this order, all the ports of France and its allies are declared to be blockaded; all communication is interdicted to neutrals, as if those ports were effectively blockaded. Finally, articles, the produce of the United States or the colonies, exported to Europe by America, must be unloaded in England, and subject to the regulations and duties of re-exportation. The same measures were to apply to all vessels of other neutral Powers, and the English cruisers were ordered to search and conduct them to England.

The Emperor replied to these acts of violence, by the decrees of Milan of the 23d November and 17th December, 1807; the one ordering the seizure and confiscation of every vessel which, after having touched in England, should enter a port of France; the other declaring that every vessel which should pay any duty whatever to the British Government, should forfeit its national character.

In examining the progress of this new maritime code, it is evident that France did not provoke its dispositions, but received them ready made from England. The strongest proof of this is the opinion of the Emperor himself on the decrees, as expressed in his message communicating to the Senate the extraordinary measures he had adopted. He says: "It is with great pain that we have thus made the interests of individuals dependent upon the quarrels of Kings, and have been obliged to return, after so many years of civilization, to the principles which characterize the barbarism of the earliest ages. But we have been constrained, for the good of our people and of our allies, to oppose to the common enemy the same arms which he wields against us. These resolutions are the result of a just sentiment of reciprocity, and have been inspired neither by passion nor by hatred."

Having defined the character of these violent legislative proceedings, we will now examine their effects on the United States, whose flag, at that period, covered every sea. A great number of American vessels were seized in obedience to the decrees of Berlin and Milan, either in the ports of France, or in places occupied by its troops, or by those of its allies. Other American vessels were also seized by virtue of the British orders in council; but so extensive was the commerce of the United States at that period, that those losses, frequent as they were, were more than covered by the profits.

The Federal Government issued a resolution on the 22d of December, 1807, the object of which was to preserve Americans from the consequences of these measures against neutrals. It established an *embargo* in all the ports of the Union; no American vessel could sail for any foreign destination, nor even go from one port to another of the United States, without previously giving security to the amount of double the value of herself and cargo. This resolution, which may be regarded not as an act of hostility, but as a means of preservation, did not answer the views of the American Government. The greater part of the American captains remained in Europe, and became the commercial agents of other nations. This circumstance made the French Government more severe; and the decrees of Berlin and Milan were most rigidly enforced.

The American Government, on its part, perceived the insufficiency of its

embargo, and replaced it by the *non-intercourse act*, applying only to England and France. All vessels under the flag of either of those nations were forbidden from entering the waters or ports of the United States, from the 20th of May following; that is to say, from the eightieth day after its passage, every vessel violating this act should be seized and condemned; no product of the soil or industry of France or England could be introduced into the United States, and all which was attempted to be introduced was to be seized and confiscated. It is to be remarked, to the honor of the United States, that vessels driven in by storm were not subject to the consequences set forth in the act—an exception worthy of a free people.

The *non-intercourse act* was undoubtedly a legitimate means of reprisal, but it must equally be admitted that it altered the position of the United States, and effected their neutrality. The misunderstandings already existing was augmented by it; and it brought on the decree of Rambouillet of March 23, 1810, declaring that every vessel under the flag of the United States, which should, after the 20th of May, 1810, enter a port of France, or its colonies, or any country occupied by its armies, should be confiscated, and the proceeds of the sale placed in the sinking fund, (*caisse d'amortissement*.)

Another decree, of August 5, 1810, ordered that all sums existing in the said fund should be transferred to the public Treasury. This decree conditionally revoked those of Berlin and Milan, which were to cease to have effect from the 1st of the following November, in case the British Government should recall its orders of blockade, and those subjecting neutral vessels to its regulations; or the United States should cause their independence to be respected. The way was thus opened for a reconciliation, and we shall see what were the results.

Here ends the series of repressive measures between France and the United States. It was soon observed that such a situation was injurious to the interests of both parties; and the necessity of an understanding became evident.

The United States had declared that their *non-intercourse act* would cease to apply to the nation which should first revoke its decrees affecting themselves. The French Government met these overtures favorably, and informed the minister plenipotentiary of the United States that the decrees of Berlin and Milan would, after the 1st of November, 1810, be regarded as if they had never existed (*comme non-avenus*) with respect to Americans.

The Federal Government, on being informed of this decision, declared, by a proclamation of November 2, 1810, that the *non-intercourse act* would cease to apply to France and its colonies: at the same time it was ordered that the act, the term of which was on the point of expiring, should again be enforced from the 10th of February, 1811, if, within that period, the English Government should not also have revoked its orders.

England resolved to persist in this system, and the American Congress again applied its *non-intercourse act*. This resistance to the orders of the British council decided the Emperor to declare, by decree of 28th April, 1811, that the prohibitive decrees were definitively revoked with regard to the Americans, from the 1st of November, 1810. As there had been no war, there was no treaty of peace, and amicable relations were renewed between the two nations, without any positive convention; a most extra-

ordinary situation, indeed, and one of which history offers no other example. To be sure, at that period, every thing was out of the common rules. The struggle between France and England had become so violent, so much interwoven with passion, that reconciliation seemed impossible. The complicated drama, of which Europe, or rather the whole world, was the theatre, could only be concluded by one of those acts of fate which strike nations with stupor, and impose upon them new conditions of existence which they can neither accept nor refuse. Destiny, however, had not yet pronounced its *fiat*.

The first care of the American Government was to demand indemnification for the seizures which it insisted had been illegally made. Mr. Barlow, minister plenipotentiary of the United States, was ordered to present and urge these claims on the French Government; but the military events which so rapidly succeeded, rendered his negotiations slow; he, however, obtained favor for future relations. His official correspondence even shows that he considered himself on the point of concluding a treaty of commerce. He went, in 1812, to Wilna, on the invitation of the Duke of Bassano, Minister of Foreign Affairs, with the hope of terminating this arrangement; all was, however, frustrated by the disasters of our army, and the American negotiator himself died in a little village in Poland, leaving his work unfinished.

We shall now proceed to an analytical examination of the negotiations which followed those of Mr. Barlow, from 1812 to the conclusion of the treaty of 1813.

The first document in chronological order is an extract from a report presented to the Emperor on the 11th of January, 1814, by the Duke of Vicenza, Minister of Foreign Affairs. The minister declared that no indemnification ought to be granted for vessels seized in virtue of the Berlin and Milan decrees. "But," he adds, "these observations cannot apply to vessels seized since the 1st of November, 1810, at which time these decrees were revoked in favor of the Americans; nor to the vessels against which they were enforced, although they had no knowledge of them before their arrival in our ports; nor to those vessels which had been destroyed at sea by vessels of the State; nor, finally, to those seized at St. Sebastian, which they had entered under the persuasion that the ports of Biscay were open to them.

The indemnifications amounted—

For the first class, to	-	-	-	1,800,000 francs.
For the second	-	-	-	1,700,000
For the third	-	-	-	2,200,000
For the fourth	-	-	-	7,300,000
Total,	-	-	-	<u>15,000,000</u>

"These estimates," says the minister, "were made from the lists of the vessels and sales furnished by the Department of Commerce: but as it may be admitted that the prices were generally below the real value, and that these lists are not yet complete, it may be supposed that the indemnification to be granted will surpass this sum, and may be stated at about eighteen millions of francs."

The United States were then carrying on a difficult and glorious war with Great-Britain. Under this point of view, Napoleon's policy had

been effectual, and it is natural to imagine that, by receiving the claims of the Americans favorably, he wished, at the same time, to do an act of justice, and to encourage them in their efforts. But he had not time: the hour was come. The Empire, rendered illustrious to the last moment by genius and glory, but weakened by the general desire for repose, and especially by the absence of liberty, tottered and fell under the weight of all Europe. The Restoration arose mournfully upon these vast ruins: and a new era began for France and for Europe.

The Restoration could have but little sympathy with a republic founded on the principle of national sovereignty, and which had arisen with greatness and distinction from a revolution. So it is easy to perceive, in the policy of the various ministers of the Restoration with regard to the claims incessantly urged by the United States, the manifest desire to evade them by every means which circumstances and the interpretation of former treaties could suggest. We shall see them in the following reasonings, while admitting the justice of certain claims, endeavoring to escape the consequences of such admission.

1. The 8th article of the treaty of cession of Louisiana, concluded in 1803, declares that French vessels shall be treated on the footing of the most favored nation, in the ports of that country. But, by the treaty of Ghent of 1814, the English received advantages in those very ports which the French have not; France has, therefore, a right to indemnification for the damages which its commerce may have sustained from this infraction. The indemnifications demanded on either side are to be weighed against each other; the questions are of the same character, and should be treated in the same negotiation.

2. The King's Government is not responsible for the acts of the Government of Napoleon; it acquits positive debts founded upon authentic titles, and susceptible of being made clear; beyond this limit, the Government does not consider itself obliged to make reparation for the acts of spoliations and injustice committed under the *regime* of the usurpation.

On the first point, drawn from the infraction of the 8th article of the Louisiana treaty, the claim of the Government was legitimate. Its justice was admitted by the Federal Government, and Mr. Rives, minister plenipotentiary of the United States, was authorized to make it the subject of a separate negotiation. There arose a difficulty. Propositions were made, and notes exchanged, but to no effect. The question, on being submitted to a commission, was determined in favor of the connexion between the two claims. The following are the conclusions of the report of this commission, presented on the 31st of May, 1830.

“It appears to us, that in making known to the American Government the determination of the King's Government never to make reparation for the acts of injustice, violence or spoliation, committed under the Imperial Government, it might be declared that France surrenders all claims on account of the infraction of the 8th article of the treaty of cession of Louisiana, on condition that the Federal Government, on its side, should renounce all claims relative to acts committed before the King's Government was in power.”

There is every reason to believe that the commission, in proposing to unite two questions, which were declared repeatedly by the American negotiators to be independent of each other, was only endeavoring to gain time for the French Government, or to place it in a more favorable position for terminating the negotiation.

We have endeavored to discover, from the documents furnished to us, whether any principle had been adopted during the negotiations of the period, in order to arrive at the amount of the losses for which the United States required indemnification.

We have found a decision on the subject made by the commission, in the following terms: "If it were judged necessary to give satisfaction to the United States on any of the species of claims advanced by them, we think the only proper mode would be to estimate, as nearly as possible, the amount of these claims, and give the United States Government a sum with which it should agree to satisfy the claimants."

The negotiation however proceeded, but was interrupted by the revolution of July, which shook all Europe, and gave reason to fear that a war of principle would force France to resume her long victorious arms. In this position, the Government thought it prudent and proper seriously to resume its negotiations with the United States, which had been raised by a long period of prosperity, to an eminent rank among maritime Powers, and were in a situation to make their flag respected. A commission was appointed to proceed to a minute examination of the respective claims of the two countries, and to propose a basis for a definitive arrangement.

It is remarkable that, after a long discussion on the principle of the indemnification, and on the terms of the treaty to be concluded, the majority of the commission had arrived at the same distribution of cases, and nearly at the same estimate which was presented to the Emperor in 1814. So, by each report, there would be a just claim for the same species of cases. By the first, the amount of the indemnification was 15,000,000 francs: by the second, it was 15,747,000; but there is one notable difference. The price at which the confiscated property was sold, was, from the calculations of the Duke of Vicenza, considered as in general below the real value, and the list of vessels as incomplete; from which considerations, the sum was raised to 18,000,000. In the second report, on the contrary, the cargoes were valued at only their price at the place of shipment; and the commission reduced the sum of the indemnification to 12,000,000 francs.

The infraction of the Louisiana treaty is but slightly noticed in the report of the commission of 1831. It left the Government to determine whether a counter claim should be founded on it, or whether it should be made the subject of a special negotiation.

The estimate of the indemnifications presented by the Americans was widely different from those of either of our own commissions. According to a message from the President of the United States to Congress, sent July 6th, 1812, we had at that period taken from the United States—

1. Before the date of the Berlin and Milan decrees,	-	206	vessels.
2. While those decrees were in force;	-	307	"
3. Since their repeal,	-	45	"
		<hr/>	
Total,	-	558	"

Mr. Rives, an active and skillful negotiator, presented, in 1831, claims for 485 prizes, valued at 14,000,000 dollars, declaring moreover in his accompanying letter, that the lists sent did not comprise all the claims. The sum was, after the first examination, reduced to 13,000,000 dollars, which, at 5 francs 40 centimes the dollar, made about 70,000,000 francs; equal to the demand made by Mr. Barlow, in his first note, during the negotiation of 1812.

The above is a summary account of the negotiations which were terminated in 1831, by a convention signed on the 4th of July, the glorious anniversary of the declaration of independence of the United States.

It is to carry this convention into effect, that the ministry now asks the concurrence of the Chamber. The same demand was made towards the close of our preceding session; a committee was ordered to examine the treaty; but the mere investigation of the papers presented on the subject required a great length of time, and the report could not have been submitted to you before the close of your labors. Under these circumstances, M. Benjamin Delessert, one of the committee, was requested to express its regret that the business could not be concluded within the time allowed. "The committee," added our honorable colleague, "regrets this the more deeply, as it is convinced of the importance of the treaty, and as several chambers of commerce, particularly those of Paris and Lyons, have expressed their ardent desire to see the matter promptly settled." ●

Your present committee has employed, in the task assigned to it, all the zeal and activity which could accelerate a conclusion so impatiently expected. It directed its labor to the determination of three principal questions, each of which will be discussed in its turn.

1. Are the claims of the United States founded on justice?
2. Admitting the justice of the claims, is twenty-five millions of francs more than their legitimate amount?
3. Are the commercial advantages granted by the Americans to be considered as sufficient compensation for the losses which were sustained by the commerce of France in consequence of the non-observance of the eighth article of the treaty of cession of Louisiana?

If the American Government had persisted in demanding, without exceptions, indemnification for the seizures made in virtue of the decrees of Berlin, Milan, and Rambouillet, their claim, urged in that form, could never have been listened to. No doubt a time will come, soon we hope, when private property will be respected on sea as it now is on land; when the neutrality of maritime Powers will be generally acknowledged in theory, and observed in practice. Ever since the treaty of Utrecht, in 1713, France has never ceased its endeavors to obtain these ameliorations in the code of national law. Such is still the wish of all who do not despair of seeing a complete alliance between morals and politics.

But in the present discussion we must refer only to the principles by which Governments were guided during the wars of the Empire. England forbade all commerce with France, under penalty of seizure and confiscation, and declared coasts blockaded on which there was not a single English vessel. The Imperial Government, in adopting the same system, and taking the same measures, exercised the just right of reprisal. Seizures by which the French suffered, had been made in American ports; the acts of all parties were irrevocable.

The question has been put on another footing. The minister plenipotentiary of the United States declared in 1812 that the American Government confined its claims within the following limits: it regarded as subject to restitution every seizure made since the 1st of November, 1810, the date of the repeal of the Berlin and Milan decrees, as far as they affected Americans. It attacked the seizures made before this period, which they had not been conducted according to legal forms; thus every thing which did not result from a condemnation by the Prize Council, every thing which had been done before the Americans could receive notice of

the prohibitive decrees, all seizures made in ports out of France, such as those at St. Sebastian, were considered by the United States as illegitimate, and requiring compensation. They also demanded reparation for the loss of a certain number of American vessels, which having been met at sea by French vessels, were burnt or sunk by them, in order to conceal their movements from the enemy.

It was upon these claims only that discussions were carried on. Your committee began by laying aside the principles of non-responsibility for the acts of the Imperial Government, which had been termed a usurping Government by the Restoration. Such an exception was untenable. A Government is to other nations only the representative of that whose exterior relations it conducts. The acts of the Emperor were the acts of a most legitimate power. The justice of certain American claims has been admitted in principle; negotiations had been begun, and were on the point of being concluded. This political proceeding of the Imperial Government was to be considered as the act of that which succeeded it, and which, on entering into power, took upon itself its burdens and its advantages. There may be an interruption in the existence of a Government; there can be none in that of a people, Governments, whatever be their pretensions, being only representatives; if the reproach of usurpation had been founded on justice (and it certainly was not) it could not prevail against those maxims of public law which guaranty the rights and reciprocal duties of nations.

This point being established, your committee took up the demands of Mr. Rives, the American minister, in 1831. They were presented under nine heads or classes, and he proposed to have them discussed by a joint commission, to be composed of commissioners from each country. The heads, or classes, [categories,] were as follows:

1. Vessels not definitively condemned by the Prize Council.
2. Vessels destroyed at sea.
3. Sums due for articles furnished.
4. Condemnations made contrary to the convention of 1800.
5. Condemnations made since November 1, 1810.
6. Condemnations made by incompetent tribunals.
7. Condemnations made without the ordinary forms of procedure.
8. Condemnations made by a retrospective application of the decrees.
9. All seizures for which the joint commission may agree that indemnification should be allowed.

According to the opinion of the commission of 1831, it was decided, 1st. That there should be no mixed commission. 2d. That we should treat for a fixed sum, the distribution of which should be abandoned to the United States, according to general principles agreed upon between the two Governments. 3d. That the heads, or classes, proposed by Mr. Rives, should be simplified, and reduced to the four which had been adopted in 1814, viz.

1. Vessels seized before the decrees of Berlin and Milan were known; that is to say, within eighty days after their publication.
2. Vessels seized after the 1st of November, 1810, the date of the repeal of those decrees.
3. Vessels seized in Spain, and sold at Bayonne.
4. Vessels sunk or burnt by the French squadrons.

It is the unanimous opinion of your committee that the Govern-

ment has acted justly in admitting the American claims embraced within those limits as the basis of a definitive arrangement with the United States.

The Government acted justly; for, by the principles of the laws of nations, if it be necessary to destroy neutral vessels in time of war for our own security, indemnification should be made for the injury. As to the seizures at St. Sebastian, several circumstances, among others, a letter published by General Thouvenot, commander of the military division of Guipuscoa, may have induced the Americans to believe that they might safely enter the port of that city, particularly as one American vessel had actually been allowed to unload and dispose of its cargo without molestation. Our national honor was interested in the admission of the claims under this head. With respect to the seizures made after the repeal of the prohibitive decrees, it must be granted that this retrospective proceeding was unjustifiable, especially as the United States were at the very time commencing a war with Great Britain, in vindication of their neutrality. Finally, it is conformable with propriety, and with equity, that no prohibitory measure should be carried into execution, until after a period sufficient to give the parties whom it would affect, an opportunity of knowing it. Eighty days were allowed for this purpose, in reciprocation of the same period granted to French vessels by the American *non-intercourse act*.

Having admitted the justice of the American claims, we took up the second question, to wit: Whether the sum of 25,000,000 francs could have been reduced; or, in other words, whether the Government could not have concluded a treaty with the United States on less onerous terms.

On this point opinions were divided. Some of the committee insisted that the American claims had by changing hands, become much depreciated; that the present holders would have considered themselves very fortunate in being able to surrender them at a price far less than the sum allowed them; and that, if the Government had urged this, it might have obtained better conditions.

Your committee know no fact, and had no rule by which those assertions could be weighed. In justice, the payment is due, upon proof of the debt, to the person who may be the holder of the claim. Let the public funds be ever so low, the capital is not the less justly due. The Government did not inquire into whose hands the claims had passed, but whether the sum of twenty-five millions did not exceed their value.

We will, therefore, without longer dwelling upon this consideration, which is foreign to the matter in question, proceed to examine the grounds on which the above estimate was founded. The documents presented were:

Several official lists furnished by the administration of the custom-houses, showing the vessels which were seized in Spain—those seized in Holland and sold at Antwerp—and those seized by the French authorities and sold in the same port; an official list, found in the archives of the Prize Council, of the American vessels condemned between the 1st of January, 1807, and the 1st of November, 1810; together with eleven lists drawn up under the Empire, from official sources, but incomplete. Among these we shall notice, 1st. A list of American vessels which had entered the ports of France before having knowledge of the Berlin decree of November 21, 1806, or the Milan decrees of November 23 and December 17, 1807. 2d. A list of the American vessels seized in France since the 1st of November, 1810. 3d. The official list, furnished by the Minister of Marine, of the American

vessels burnt or sunk at sea by vessels of the French navy. 4th. Several supplementary lists from the archives of the Council of State.

After an attentive examination of these various documents, the five following statements were made out, on which the estimate was founded :

Statement A.—Destroyed at sea by French vessels, without any other motive than the interests of our navy, 31 vessels—allow 31 vessels and 31 cargoes, of which 4 were valued by the Rochefort commission, to wit :

	Francs.	Cent.
The Hart	80,205	27
The Two Friends	177,078	05
The Alpha	105,119	32
The Minerva	264,523	85
Total	626,925	49

Statement B.—Seized and condemned by the Prize Council, or by Imperial decisions, in virtue of the Berlin and Milan decrees, before the expiration of eighty days from their publication. 42 vessels; from which are to be deducted—the *Angusta*, restored with her cargo; the *America*, which had lost her nationality, having been previously captured by an English brig, and carried into Portsmouth; and the cargoes of the *Speculator*, the *Charleston*, the *Hibernia*, and the *Thomas Jefferson*, which vessels were in ballast when captured. There remain, then, 40 vessels and 36 cargoes.

Statement C.—Seized in Spain, and carried into Bayonne, 36 vessels; from which are to be deducted, the cargo of the *Enterprise*, sold in Spain before the seizure, and the following eight vessels: the *Perseverance*, the *Deux Fils*, the *Commodore Rodgers*, the *Camilla*, the *Britannia*, the *Spencer*, the *Sully*, and the *Radius*. There remain, then, 28 vessels and 35 cargoes, of which the 35 cargoes brought 7,293,260 francs 99 centimes, exclusive of custom-house duties.

Twenty vessels only were sold by the custom-house for 262,075 francs; the other eight having been surrendered to the administration of Marine by Imperial decision.

The custom-house duties on the 35 cargoes sold, amounted, according to the official return of the custom-house, to 8,223,935 francs 27 centimes.

Statement D.—Condemned, though seized since the 1st of November, 1810, 15 vessels; from which are to be deducted the *Robinson* and her cargo, because the seizer came to an understanding with the party seized, with the approval of the authorities; and the *Belisarius*, restored with her cargo to the proprietors. There remain, then, 13 vessels and 13 cargoes.

Statement E.—Seized before the 1st of November, 1810, but condemned after the 28th April, 1811, that is to say, subsequent to the imperial decree repealing the prohibitory decrees from and after the 1st of November, 1810, 12 vessels; from which there being no deduction to be made, there are to be allowed 12 vessels and 12 cargoes.

There are, then, 124 vessels and 127 cargoes for which indemnification should be made.

The number of illegal seizures and sales having been thus estimated as nearly as possible, four methods were employed for arriving at their value :

1. Calculating from the known value of the cargoes sold, either at Bayonne or at Antwerp, and the valuation made at Rochefort of the four vessels sunk, the average value of each vessel and cargo was estimated at 294,230 francs 18 centimes.

2. Calculating from the valuations at Rochefort and the sales at Bayonne only, and excluding the sales made at Antwerp, the average value of each vessel and cargo would be 214,841 francs 86 centimes.

3. Calculating only from the valuations made at Rochefort of the four vessels in *statement A*, the average value of each vessel and cargo confiscated would be 156,735 francs 9 centimes.

4. Taking, for the vessels destroyed the valuation of the four made at Rochefort, and for those condemned the price of sale at Bayonne, the average value would be,

1st. For each of the vessels destroyed, 156,735 francs 9 centimes.

2d. For each of the vessels condemned, 221,482 francs 63 centimes.

The amount for the whole 124 vessels and 127 cargoes would be, according to

	Francs.	Cent.
The 1st method of ascertaining the value, - -	34,234,	329 32
2d - - - - - - - - - - - - - - - - -	27,245,	605 16
3d - - - - - - - - - - - - - - - - -	22,132,	209 40
4th - - - - - - - - - - - - - - - - -	26,081,	809 02

Such were the calculations made by the Government, for the purpose of arriving at the just amount of the indemnification.

We have observed that the claims presented at different times by Mr. Barlow and Mr. Rives were for seventy millions of francs. These negotiators included in their estimates the values of American vessels confiscated in Holland and sold at Antwerp, in virtue of an arrangement between Napoleon and the King of Holland. They also brought forward several other classes of claims, which could not be allowed. After numerous conferences, new discussions, and offers on both sides, the sum of twenty-five millions of francs was agreed upon as the amount of the indemnification, to be paid by instalments, and bearing an interest of four cent. per annum, until the whole sum was discharged.

Various objections have been urged against the estimates made by the Government.

It has been asked whether the four vessels and cargoes valued at Rochefort were subject to indemnification, there being no means of ascertaining whether they were, when destroyed, legally liable to seizure or not.

This uncertainty, and the principle (*incommoda vitantis melior quam commoda petentis est causa.*) requiring that, in doubtful cases, the interpretation and decision should be in favor of the party which loses, and not of that which gains, induced your committee to admit these vessels, for the determination of the amount of indemnification.

One of our colleagues was of opinion that *statement B*, of which the commission of 1830 had no knowledge, should not be taken into consideration by us; he proposed, in fact, that we should examine no document which had not been produced in 1830 and 1831. To this, the reply was, that it would be difficult to justify such a decision, it being our duty to collect every thing which could throw light on our deliberations, and on those of the Chamber. Besides which, the statement in question bore the same character of authenticity with the other documents officially furnished to the committee, and the vessels coming under that class were included in the lists found among the archives of the Council of State.

The committee then examined an observation of the commission of 1830, relative to the sales made at Bayonne. That commission proposed to take

as the basis of the estimate, not the selling price of the cargoes, but their price at the place of shipment, on the principle that colonial goods were at that time excessively dear in France. This remark, suggested to the Government in order that it might be used in the pecuniary discussion with the United States, should be now reduced to its real importance.

At the time the sales were made at Bayonne, that city was rather a place of war than of commerce, and there could have been but little competition in prices; besides which, the obligation to pay the custom-house duties in ready money, and the precipitate sale made of so great a mass of colonial productions at once, must have rendered such sale by no means advantageous. Of this, the best proof is in the difference between the products of the custom-house duties and of the sales; the duties amounting to eight millions, and the sales to but seven millions. On comparing these sales with those made at Antwerp, a city of great commerce, and where there was much established competition, we shall be astonished at the lowness of the valuations made at Bayonne and Rochefort. This lowness of price was acknowledged by the Duke of Vicenza in his report to the Emperor on the 11th of January, 1814. The price of a vessel and cargo sold at Antwerp, was 354,000 f. instead of 214,000 f., which would have been its value in proportion to the estimate at Bayonne. It must therefore be admitted that this latter valuation was not too high.

Some members have expressed doubts as to the justice of the indemnification for the twelve vessels in *statement B*, which had been seized before the 1st of November, 1810, and condemned after the 28th of April, 1811, the date of the official repeal of the decrees. It has been said that the date of the condemnation was not to be considered, but that of the seizure only; that the twelve vessels were seized while the prohibitory decrees were in force, that they were of right under the jurisdiction of the Prize Council, and that their condemnation was only the natural consequence of proceedings legally conducted.

Your committee was aware of the force of this objection; but taking into view the extreme rigor of the decrees, which had been declared by Napoleon himself "to be a return to the barbarism of the early ages;" and considering that if these decrees were to be judged according to the true principles of national law, in an age, not of barbarism but of civilization, they would be esteemed as evils which are indeed authorized in a state of war, but for which satisfaction should be made; considering also, that the matter in question between France and the United States was not a settlement in which amounts were to be positively ascertained and admitted, but an act of mutual kindness, a commercial and political approximation useful to both parties, your committee, though presenting the objection in all its force, has not thought proper to admit it as a ground of reproach to the ministry of 1831, nor to regard it as a sufficient motive for refusing to the present ministry the means of carrying the treaty into execution.

Your committee has endeavored to make estimates itself, for the purpose of comparing them with those made by the Government. In so doing, it has however deducted from *statement A* one vessel and cargo, (the *Governor Barnes*, captured by the *Uranie*,) because of the uncertainty as to the precise date of their destruction, admitting as certain the four vessels of *statement A*, and the twelve of *statement E*.

It has taken as the basis of its estimates—

1. For the vessels burnt or sunk at sea, the mean of the four valuations made by the commission at Rochefort, which is 156,735 f. 9 cent.

2. For the vessels and cargoes sold at Bayonne, the product of said sales, deducting the custom-house duties, which product is 7,293,260 f. 69 cent.

3. For all other cases, the mean resulting from the sales at Bayonne, combined with the valuation at Rochefort, which is 189,108 f. 86 cent.

From these we have arrived at the following estimates :

Statement.	Vessels.	Cargoes.	Francs. Cent.	Francs. Cent.
A	26	26	4,075,112 34	
	4	4 val. unc.		626,940 49
C	20	35	7,555,335 99	
B & D	53	49	9,318,749 14	
E	12	12 val. unc.		2,269,506 32
Total	115	126	20,949,197 47	2,896,246 81
			2,896,246 81	
			23,845,444 28	

So the certain values amount to nearly 21 millions, and those which are uncertain to nearly 3 millions. To which should be added the value of eight vessels not sold at Bayonne, and given to the administration of the Marine, in virtue of imperial decisions.

These calculations come very near the estimate on which the Government must have founded its ultimate determination of the amount of the indemnification. It appears, from Mr. Rives's correspondence, that he insisted at first on thirty-two millions. The minority of the committee of 1830 were in favor of admitting thirty millions; their opinion, however, was not received, either by the majority or by the Government.

A previous offer of fifteen millions had been made and refused; new conferences ensued, after which the Government proposed twenty millions, while the American minister on his side came down to thirty millions. The ministry then in power, viewing the question as one of great political and commercial moment, resolved to put an end to these harassing negotiations, and the American minister having further lowered his demands, the sum of twenty-five millions of francs was finally agreed upon.

If we compare the estimates presented by me, with those of the first valuation made January 11, 1814, which amounted to eighteen millions at the beginning, and take into consideration the known results of the convention of 1831, it must in honor be admitted, that the sacrifice imposed upon the Treasury of the State, how much soever it may be regretted, cannot be refused without wounding the principles of justice, and jeoparding the interests of our commerce and industry. Such is the opinion of your committee.

In the order of the discussion, we now arrive at the treaty of cession of Louisiana. By the eighth article of that convention, French vessels were to be treated in the ports of Louisiana on the footing of the most favored nation. France ceded that colony to the United States, and the commercial advantages which she reserved to herself were a part of the price for which the cession was made; these being fixed in the treaty, the American Government could neither limit the extent, nor the duration; and it followed, that if other nations obtained more favorable treatment in the ports of Louisiana, France was entitled to receive the same. Thus, when England obtained, by the Ghent treaty in 1815, the same privileges

for her vessels in the ports of the United States, which were enjoyed by American vessels. France considered herself justified in demanding that her vessels should receive the same favor in the ports of Louisiana.

Two objections were made to this claim. The United States urged that the concession made to England was not gratuitous; that they merely granted the same advantages which their own vessels enjoyed in the ports of the English colonies; and that, if they should receive from France the same favors, they would treat her in like manner. But this objection is controverted by the preceding observations. France had already paid the price of the privilege demanded, and that privilege had been granted to her without the exaction of any other conditions.

The second objection raised by the United States was, that they had no right, by their legislation, to grant special privileges in one part of the federal territory, which were not enjoyed by all other parts; and that therefore foreigners cannot be received in the ports of Louisiana in a manner different from that in which they are received in other ports of the Union. To this objection, it is sufficient to reply, that it was not urged when the United States reserved for France these special advantages in the ports of Louisiana, by the treaty of 1803, which was ratified by Congress according to the terms required by the constitution; yet the system of legislation was then the same as at present. Besides, the intercourse between nations is not regulated by the legislation of any one, but by treaties. The commercial privileges claimed by France were founded on express stipulations in a treaty formally made; and if that treaty were to be modified, such modification could only be made with the consent of both the parties to it.

It is therefore evident that France had a right to demand reparation of the injury sustained by its commerce, in consequence of the proceedings of the Federal Government. The difficulty consisted in finding some way in which this reparation could be conveniently made. Generally, when reparation or compensation is demanded, some material loss has been sustained, some object has been destroyed. But here the case is different. The loss sustained by the French merchants was of the opportunity of trading advantageously with Louisiana; and that which is to be estimated is an eventual benefit, which there is no positive mode of appreciating. The United States, in order to resolve this difficulty, consented to a considerable reduction in the duties on French wines in all their ports for the ensuing ten years—a concession which has already proved highly advantageous to the exportation of our wines. The reparation is of the same character with the damage sustained; profits are to be made in compensation for those which have not been made. The transaction is favorable to our foreign commerce, which only wants opportunity of extension, to become flourishing. The United States now offer the most advantageous market for the products of our soil and industry.

We have one last observation to make on this important head. The Minister of Foreign Affairs has told us that, from the researches he has made, the duties paid by French commerce exceed by 400,000 francs the sum which would have been paid had France been treated on the footing of the most favored nation in the ports of Louisiana. On the other hand, the commerce of France, in consequence of the reduction in the duties on our wines, allowed since the treaty of 1811, has gained 1,200,000 francs. So the loss of which France complained, has already been well compensated.

Of the 25,000,000 francs allowed as indemnification, 1,500,000 francs remain in the hands of the French Government. This sum is destined to satisfy the claims presented by France, in favor of its citizens, or of the public Treasury, either for articles supplied long since, and accounts the settlement of which had been reserved, or for seizures, captures, detention and illegal destruction of vessels, cargoes, or other French property. It is left to the Government to examine the demands for indemnification made by Frenchmen, some of which have been officially communicated to your committee. We doubt not that all claims founded in justice will be admitted; such is the duty of the administration, and its honor and justness are interested in performing it.

You have submitted to your committee a petition, addressed to you in the name of the members of the Legion of Luxembourg, by Mr. Briot, their attorney. They declare the United States indebted to them for old services, and that they have on different occasions made fruitless endeavors to obtain a settlement of their claims. They now propose that you should insert an amendment into the law, in their favor. Your committee could not enter upon the examination of this claim, which is accompanied by no document. As to the amendment proposed, it should not be taken into consideration; by adding any clause whatever to a treaty, the Chamber would go beyond its constitutional limits. This right belongs only to the Executive. The Chamber has the right to refuse the appropriations necessary for carrying into effect a treaty which may appear to endanger the dignity and interest of France, or to grant such appropriations if the treaty be evidently concluded according to the rules of justice, and for the real advantage of the country.

We have now to examine the main question in its most important character, that is, in its political and commercial points of view. The treaty of 1831 has effaced the last traces of misunderstanding between two free nations, the Governments of which have the same origin, which have no rivalry as to their respective interests, and which should be united by the same political views. This good understanding will be productive of happy results for both nations, at present and in future. They stand in need of each other, and the natural alliance of nations is principally founded on community of feelings and interests.

The United States are not in a situation to carry on manufactures, so as to compete with those of Europe, and especially of France. The high price of labor, the want of proper habits for such pursuits, and the ease with which they may obtain the products of a fertile soil of almost unlimited extent, must long prevent them from submitting to the irksome and steady labors of manufacturers. They will long continue to seek in agriculture and foreign trade that wealth and that power which are at present the most undoubted tests of the welfare of societies, and the strength of States.

On the other hand; the Americans, without being artists, are fond of the arts; and, without being manufacturers, seek for the more beautiful products of industry. Bronzes, marbles, the costly furniture of our Parisian workshops, our jewelry, carpets, porcelain, silks, &c. find in the United States a daily increasing market. The Americans consume our wines and brandies; they adopt our fashions, and dress in our stuffs. The city of Lyons alone sent them last year silks to the value of fifty millions.

of francs. And we, in return, receive the raw material which we want, and which, after having been worked up, again crosses the ocean; and thus is a constant interchange maintained, to the great advantage of both countries.

Scarcely had the ratifications of the treaty of 1831 been exchanged, when the American Government carried into effect the clause relating to the reduction of duty on our wines; it granted free entry to French silks, by keeping up a discriminating duty of ten per cent. on those imported from China, and has ever since that period manifested, on all occasions, the intention of establishing the most intimate commercial relations with France. The utility of these relations is generally appreciated in our manufacturing cities and maritime ports. Since 1830, the exportation of wines and manufactures has considerably increased; a fact interesting to our agriculture and industry, which has had considerable effect on the deliberations of your committee. The Americans undoubtedly participate in the advantages of this increase of trade, but that very circumstance is sufficient to ensure its extension and long duration. There is nothing left at present, which can give rise to mistrust or jealousy between France and the United States. The two nations, whose fraternal flags have waved in triumph over the same battle-field, for the same cause, should look on the progress of each other with satisfaction, and advance hand in hand in the way to social perfection. Such is the only rivalry which should exist between them.

From the considerations, which I have successively indicated, and which are submitted for your impartial examination, your committee propose the adoption of the following

BILL.

ART. 1. The Minister of Finance is authorized to take the necessary measures for carrying into effect the first and second articles of the treaty signed on the 4th of July, 1831, between the King of the French and the United States of America, the ratifications whereof were exchanged at Washington on the 2d of February, 1832, according to which the sum of twenty-five millions of francs is to be paid by France.

ART. 2. The Minister of Finance shall provide for the execution of the arrangements resulting from the third and fourth articles of said treaty, by which the United States engage to pay to France 1,500,000 francs, in order to free themselves from all the claims of French citizens or of the public Treasury. The disposal and distribution of the above sum shall be the object of a special account of debtor and creditor in the budgets of the State.

DEBATES.

FRIDAY, *March 28, 1834.*

THE PRESIDENT OF THE CHAMBER OF DEPUTIES.

Gentlemen: The order of the day is the discussion of the *projet de loi*, for carrying into execution the treaty of July 4, 1831, between France and the United States.

M. BOISSY D'ANGLAS.

Gentlemen: If the treaty submitted to us offered any real advantages for France, if it were established on principles of justice and reciprocity, I should not oppose the bill now before you; but as I find in it none of those characters, I think that we should not agree to the payment of an enormous sum, which the unfortunate situation of our finances does not allow us to part with gratuitously.

The resistance made by the Restoration to these claims should render us extremely cautious with respect to them; if the late Government, submitting as it did to the other immense demands made by foreigners, always refused to allow those of the United States, how can we accept a charge of which even it would never acknowledge the justice?

Three times, as you, gentlemen, all know, has the Government proposed to you the bill which we are now discussing; and I frankly avow that the reasons advanced in its favor by the Minister of Finance, on the 6th of April, 1833, instead of convincing me of the propriety of the treaty, have demonstrated the contrary to my satisfaction. It is only by the report of our honorable colleague, M. JAY, that we can learn the true state of the question; I render all justice to the labors of the committee, and to the luminous explanations which it has made; but I think that conclusions may be drawn from them of a nature entirely contrary to those which it has adopted.

The Minister of Finance, in his reasons for adopting the bill, expressly acknowledges "that however rigorous the decrees of Berlin, Milan, and Rambouillét may have been, and however prejudicial to the commerce of neutrals, they were nothing more than reprisals against the orders in council of the British Admiralty; that the United States, on their part, had in 1809 ordered, by way of reprisal against France and England, the confiscation of all vessels of France, England, and of some other countries, which should enter their ports, as also of all products of the soil or industry of France and England, brought into the United States by vessels of any nation whatever. The adoption of such measures totally changed the position of the United States with regard to their complaints about the Berlin, Milan, and Rambouillét decrees; and the Federal Government," adds the Minister of Finance, "by endeavoring to do itself justice, had lost its right to indemnification for seizures made in virtue of these decrees."

Your committee, gentlemen, has formally recognised this same principle: its report says, "Napoleon, for his own defence, was forced to make just reprisals, and to exercise a right paramount over all others—the supreme right of necessity." And again: "In examining the progress of this new maritime code, it is evident that France did not provoke its dispositions, but received them ready made from England."

So you see that, after such a recognition of the rigorous rights of war, France was forced to employ reprisals which had been provoked by its enemies, and imposed by necessity. We may well ask, after this, how our Government could have subjected itself to the payment of twenty-five millions to the United States, which confiscated our vessels, and the productions of our soil and industry in vessels of whatsoever nation they may have been introduced into America.

Other nations at war with France made use of measures with regard to the United States no less rigorous than those prescribed by the said decrees, and

no less prejudicial to their commerce, and in like manner confiscated their vessels and cargoes, by way of reprisals. From these nations the Federal Government has demanded nothing, because it recognised, with respect to them, the principles and consequences of a mutual compensation. Why should we not claim the same right, since the Restoration so successfully used it in repelling unjust exactions ?

If our Government be destined to submit to injustice from a nation which owes its very existence to the generosity of the French ; if we have not invoked a sacred right, which the Federal Government has respected in others ; if we are to be under the necessity of again passing, as in 1815, under the *furcæ cædixæ* of all nations, a treaty based upon the most rigorous justice can at most oblige us to pay only the excess of the injury received from us by this nation, which forgets that its independence was bought by the blood and treasure of France. It is only after an exact comparison of their losses with those which we have sustained from them, that it can be known whether or not we are their debtors. The Government should have made such a comparison before it subscribed to a losing treaty. Your committee was aware of the force of this objection ; its reporter has informed us of the investigations into which it entered ; and we see that, in order to determine the United States to declare war against England, and to encourage them in their endeavors to support it, the Emperor Napoleon did attend to the claims advanced by the Federal Government, and that negotiations were begun in 1812 with his Minister of Foreign Affairs.

But that which was then the effect of his far-reaching policy, and afterwards the result of the sad necessity in which he had been placed by his dreadful reverses, cannot now be alleged as a reason for paying a sum twice as great as then admitted, without taking into account the losses suffered by us, and for which we have on our part to demand satisfaction.

The report presented to the Emperor Napoleon by the Minister of Foreign Affairs, on the 11th of January, 1814, (recollect the date and the disasters of that period,) declares that nothing is due on account of vessels seized in virtue of the Berlin and Milan decrees, and that the indemnifications for vessels seized after their revocation may amount to thirteen millions. It is true, the minister admitted that, making a higher estimate of the values of the vessels and cargoes, this sum might be raised to eighteen millions.

The Chamber will not be deceived as to the real motive which, in 1814, induced this minister to propose such a sacrifice to Napoleon, in order to engage the United States in a war with Great Britain : he yielded to the dire necessity in which his disasters had placed him, for, as the reporter observes, *the last hour was come* : but it would be a great mistake to conclude, from this, that the Imperial Government renounced the principle of compensation, to which the right of reprisal had given origin. This is proved by the fact that nothing was said at the time about alleging, in opposition, the claims of French merchants, on account of the confiscations or destruction of their vessels, made by virtue of the resolution of the Federal Government, or by its infraction of the treaty of 1803.

I acknowledge with the committee, that if the Government of the Restoration had opposed the demands of the United States on no other grounds than that they were not called upon to repair injuries caused by the acts of the Emperor, it would have been in the wrong ; but its resistance was based on legitimate motives, the justice of which was admit-

ted in part by the plenipotentiary of the Federal Government, as the reporter informs you—I mean the infraction of the 8th article of the Louisiana treaty. If to this be added the amount of losses sustained by our commerce, in consequence of the political measures of the United States. I could prove that the treaty of 1831 cannot receive your assent: for this I need not recur to the acts and protocols of the Government of the Restoration; I have only to repeat the words of the Minister of Finance, in his reasons already cited. He says, “that, besides its just claims on account of losses, and the pecuniary demands of various sorts, made by French citizens, on the Federal Government, France had yet to obtain satisfaction respecting the 8th article of the treaty of cession of Louisiana, which secured to our navigation in the ports of that part of the Union the treatment of the most favored nation; of which advantage it was deprived by the refusal to give the same privileges which were, by the treaty of 1814, assigned to the English.” Thus, gentlemen, although we may believe that we cannot require that mutual compensation, which the state of hostility has legitimated; although we may admit the basis which the Imperial Government appeared willing to acknowledge, when near its downfall, in order to preserve the support of the United States against England, yet must we allow that from these thirteen millions are to be deducted the losses of French vessels, and the damages resulting from the infraction of the treaty of 1803.

Those are rights, gentlemen, which establish the most just demands; rights which should have formed the basis of the negotiations, and which we are now precluded from advancing, by the intervention of the treaty. In my opinion, the claims founded on them would exceed those of the United States: and were the latter even just, their amount cannot be placed in competition with the loss of the advantages of the 8th article of the treaty of 1803.

The Federal Government demanded from France indemnification for American vessels seized, confiscated, or burnt at sea, during the war of the revolution. Your committee acknowledges that the Imperial Government had adopted measures as violent as the laws of war required, in retaliation for those adopted by the enemy.

If the United States believed they had a right to indemnification by France, they should have participated, in 1815, in those disgraceful treaties which Europe imposed upon her: they would then have obtained their part of the thousand millions which her enemies appropriated to themselves. They did not do so, because they saw, even at that sad period, that such a claim was unfounded.

In fact, gentlemen, you have seen, in the report of your committee, that an imperial decree of the 5th of August, 1810, revoked conditionally those of Berlin and Milan, and was to have effect from the 1st of November following, if the British Government repealed its orders of blockade, or if the United States should have caused their independence to be respected. That event happened, and put an end to reciprocal acts of hostility. If the Federal Government believed their right to indemnification just, it should have made it the condition of a return to reciprocal relations of good intelligence: by not doing so, it imposed on itself the obligation to demand nothing in future.

After an acknowledgment, which I regard as formal, of their abandonment of every demand, it is to be believed that, if the United States had not forgotten the immense sacrifices made by France to secure their independence, they would remember the misfortunes which she drew upon

herself by taking up arms to defend the American insurrection: they would have recollected that events long past had been productive of losses to those whom they affected, and they would have endeavored to make us forget those sacrifices and misfortunes which are beyond indemnification. If, laying aside such weighty considerations, we are forced to confine ourselves to the treaty which is submitted to us, what, gentlemen, do we find there? Twenty-five millions to pay; the loss of the advantages of the treaty of 1803; and a diminution in the duties on *long staple* cottons.

What do they offer in remuneration? 1,500,000 francs, as an indemnification for pecuniary claims, and a diminution of import duty upon our wines for ten years.

Can any one discover, in such stipulations, that reciprocity of advantages which the Government announces? Certainly not, gentlemen.

In the first place, our pecuniary claims, which I consider as important as the value of American ships lost, are fixed at so low a rate, compared with their real importance, that it appears to me shameful to accept it. Upon what basis was it settled? Upon what documents was it determined? The Government communicated to your committee those relative to the claims of the United States; but they did not communicate a statement of the losses sustained by our commerce. This 1,500,000 opposed to 25,000,000 to pay, is of trifling importance. Under what aspect must it be considered, when it appears certain to me that the losses sustained by our commerce would equal those of the Americans? If to this, you add the amount of the damage for the time we have been deprived of the advantages which were secured to us by the treaty of 1803, you will find that France gives 25 millions for nothing.

In the second place, gentlemen, what is the diminution during ten years only upon the duties of our wines, when compared with the abandonment forever of the advantages which the treaty of 1803 secured to us, added to that from the diminution in the duties paid in France upon *long staple* cottons? I hope to be deceived, gentlemen; but if you accept the proposed law, the diminution of duties upon the entry of our wines will soon suffer the same fate with the stipulation in the treaty of liberation with Hayti, which was withdrawn the day after it was promised. I do not count upon a sincere execution of that promise, which in one or two years will be to us what the treaty of 1803 has proved.

Thus you see, gentlemen, the consequence of the abandonment of that treaty; it deprives us, without return, of the illimitable advantages which were secured to our navigation in Louisiana, and assures them to England. In other words, it deprives us of all commerce with a vast country, which entertains for us the precious remembrance of ancient patronage, whose inhabitants have the same customs and wants with ourselves; whilst it will be impossible for us to compete with England, which will enjoy the favors renounced by us. Those advantages for our commerce were to have been unlimited and perpetual; henceforward, they will be limited to an inconsiderable consumption of one of our products.

By the treaty of 1803, France had secured to herself a market for all her productions in competition with England. By that which is now submitted to you, you lose this advantage, and you renounce forever the establishment of any other commerce, except that of wines for a limited time, in a vast country, which is French in its manners and inclinations. Can you discover in this trifling preference, granted to one of your productions, and during a short period, a just indemnification for so many

losses? And, moreover, we are made to pay twenty-five millions for it, besides a diminution of duty upon the introduction of *long staple* cottons.

I have hazarded nothing, gentlemen, when I asserted that the treaty which is submitted to you does not offer the reciprocity of advantages which the Minister of Finance pretended. I go further, and assure you that the introduction of the products of our vineyards, upon which those advantages are estimated, is an illusion; that, if it continues with the same results as down to the present time, it will become, on the contrary, an onerous charge. You have seen that the 7th article of the treaty of 1831 stipulates for this introduction upon a tariff of reduced duties; but it stipulates, also, that France shall establish the same duty upon the *long staple* cottons of the United States, as upon the *short staple*.

In reading the report of your committee, I observed that they assert that the diminution of the duties of importation upon wines will be an advantage to the French commerce of 1,200,000 francs.

An authentic document, which is your own work, goes to demonstrate not only that the French commerce cannot count on this brilliant advantage, but that the difference of duties paid on the introduction of *long staple* cottons absorbs and exceeds it.

It results from the report made by my honorable friend and colleague, M. Pelét de la Lozère, in the name of the Committee on Supplementary Credits, that the Government has demanded, and you have granted, a sum of 80,000 francs, to reimburse the United States for the extra duties paid on *long staple* cottons, since the ratification of the new treaty, more than had been returned on our wines. Permit me to read this part of the report of my honorable colleague.

“This article is connected with the treaty with the United States of the 4th July, 1831. Stipulations have been made in this treaty, independent of the indemnification of 25 millions to the credit of the United States, from which are to be deducted 1,500,000 francs to the benefit of France, for the reciprocal advantage of the commerce of the two countries. The United States had engaged to reduce the duties on the wines of France; and France had engaged not to exact a higher duty upon *long staple* cottons than upon *short staple*. The treaty was to take effect upon the exchange of ratifications, which exchange took place at Washington the 2d February, 1832. But between the date of the ratification of the treaty and the time when it became known in the ports of the two countries, the duties were collected both on wines and cottons according to the old tariff. The Government of the United States has made a deduction of the difference upon the wines of France since the ratification, and caused the same to be restored. They ask the same restitution for their cottons in favor of their commerce. It appears to be but just. It is to cover this expenditure that the sum of 80,000 francs is demanded.

“The committee proposes to allow this credit; but with the understanding that nothing is to be considered as thereby predetermined (*pre-jugé*) with regard to the treaty. This treaty consists of two parts entirely distinct; one relates to indemnification claimed by the United States for injuries done to their commerce by the execution of the decrees of Berlin and Milan; the other relates to the custom-house duties collected in the two countries.

“The latter part is of the nature of a commercial treaty ; and its execution is commenced, whilst the other is in suspense. The treaty as a whole, instead of taking effect from the date of its ratifications, can only do so from the date of the law which may be passed by the Chamber.

“On this occasion, the nature of our Government and of the constitution seems to have been forgotten. And we are presented with the anomaly of a treaty, part of which is being executed, while the remainder is under discussion.”

Thus, gentlemen, by the anticipated and perhaps illegal execution of a treaty, which, if properly considered, is at variance with the interests of France, the difference of the respective duties upon wines and *long staple cottons* is 80,000 francs to our loss. How can it be supported after this authentic fact, that France should promise herself any great advantage from the introduction of wines in the United States, when the diminution of the duties upon the *long staple cottons* of that country had made so great a difference to our disadvantage during the last year, and one which will increase in future from the activity of our manufactories ?

How has the committee discovered an advantage of 1,200,000 francs, when we have had to pay 80,000 francs to the United States ? Gentlemen, I wish to believe that, when performing their labor, they were not aware of the conscientious report of our honorable colleague, for if they had known it, they would not have presented to us hopes which your vote upon the required appropriation of 80,000 francs has annihilated.

However, gentlemen, do not apprehend that you have bound yourselves by the restitution you have decreed. The Committee of Supplementary Credits had wisely protested against the induction that might be drawn from this execution of the treaty : and you have declared by your organ that it was well understood that it was not to be considered as predetermining any thing connected with this treaty.

Without doubt, gentlemen, we ought to avoid alienating the affections of the American Government ; but to the sacrifices of every kind which France has made to secure her existence, shall we add an enormous sum, which the disordered state of our finances does not permit us to give gratuitously ? Shall we take from our citizens the price of their labors, to pay a demand from which justice absolves us ? Shall we add to the loans which we have already unfortunately authorized, a new loan more burdensome still ? No, gentlemen, we cannot, we ought not to do it, for we are here to defend the finances of the country. We should invoke the principles of justice, under these circumstances, and follow the example of the Restoration, which refused to yield to the demands of the Americans, when it shamefully submitted to those of all the petty princes of Europe.

To ourselves, we should have reason to fear that France may repeat the too well founded reproach, made the last year on account of the Greek loan, of our distributing, without necessity and without justice, millions to foreigners, who are not even grateful for it.

I shall vote against the bill which is now before you.

General HORACE SEBASTIANI. [*late Minister of Foreign Affairs.*]

Gentlemen : If it were enough that the weighty question you are about to decide had been neatly propounded, accurately studied, all its details thoroughly investigated, and all its doubtful points illustrated, after the ample and well drawn report read to you in the name of your committee, I ought to be silent ; but when stipulations which I have signed, when en-

gagements which I have not feared to subscribe in the name of the country, are submitted for your examination, I consider myself as fulfilling a duty to the Chamber, to the administration I have had the honor to direct, and perhaps to myself, in laying before you, at the commencement of your deliberations, a succinct statement of the principles as well as of the facts which have governed my conduct, and which I trust will secure for it your assent and sanction.

The author of the report, in expatiating, as he has, upon the origin of our disputes with the United States, has also saved me from the most arduous and the most important part of my task; for the mere history of the difficulties which have for so long a period embarrassed the relations of France with the Government of the Union, is at once the plainest and best justification of the act by which those embarrassments have been removed.

You have heard that narrative, and it is not my purpose to weary you by relating what is well known. The Chamber is aware that the claims of the United States date back more than twenty years; that they originated at that period of universal conflict which cost the people of Europe so much blood and treasure: the Chamber is aware with what blameable and violent measures those claims are connected, and how those measures were characterized by the very power which ordered them; that at the moment when the quarrel of which the Continent had until then been the scene, was also extended to the ocean, commerce was suddenly expelled to give place to battles, and our ally, an inoffensive third party, suddenly surprised between two lines of hostilities and reprisals, received blows which were not aimed at her; in fine, the Chamber is aware that a more regular state of things had scarcely permitted the Cabinets of Paris and Washington to restore their relations to their former footing, when the latter, protesting against the acts which had marked the late struggle, commenced its demands for indemnification, and the Imperial Government, acknowledging the justice of the complaints preferred against it, proceeded to decide upon them, and to negotiate for their payment. I will not revert to those facts, the correctness of which the author of the report has settled, and the consequences and bearing of which he has unfolded while examining them.

Before speaking of the negotiations continued by the King's Government, I will say a few words as to the state in which I found them.

The Imperial Government—I have just reminded you, gentlemen, and it is material that you should not forget it, for that opinion has served as our point of departure, and the guaranty of our estimate of the American claims—the Imperial Government had recognised their justice at least in part; and the report of M. de Caulaincourt shows that from fifteen to eighteen millions were to have been offered to the Government of the Union as indemnification. But the Emperor was then engaged in the last efforts of his terrible struggle, and the offer was not followed up, because of his increasing disasters; he fell, leaving to the country the debts incurred by the war. You know, gentlemen, whether France has paid them dearly or not: but in the midst of the gloomy reminiscences of that disastrous period, there is one of a different character, to which it is proper I should advert; namely, that when all the allied Powers were exacting from us at once indemnifications and contributions to so great an amount, the United States alone refused to apply for their claims through these Powers, and to unite their pecuniary demands with those of the European Coalition.

As soon as the storm was in a measure calmed, the Cabinet of Washington renewed to the Royal Government its demands for indemnification. The first note of the American minister to M. de Richelieu is dated in November, 1816. M. de Richelieu then intimated, that, considering the exhausted state of the French finances, a *tacit postponement* was the only way to reserve the rights of the United States; and when that minister asked the Chambers for an appropriation of seven hundred millions, he stated that it was for the purpose of settling the accounts of France with the European Powers only. This was in principle acknowledging and expressly reserving the American claims. No minister has since dared to retract that recognition, although more than one may have discussed its extent, and may have denied the entire accountability of the *legitimate royalty* for the proceedings of what was then called the *usurpation*. No minister has dared explicitly to deny the debt; but its amount remained unascertained. There were, besides, other grievances to be redressed, other claims to be satisfied. Such, gentlemen, were the conflicting pretensions on both sides, such the multiplicity of incidental matters raised and debated, that, after fifteen years of active, continuous, and pressing negotiations, pursued with ardor by three successive American plenipotentiaries at Paris, the basis of a settlement could not, ostensibly at least, be agreed upon.

You do not expect, gentlemen, that I should trace back the phases and the intricacies of those abortive negotiations; that I should acquaint you under what personal prepossessions, parliamentary difficulties, and financial embarrassments, each of the ministers of the Restoration treated the American question; that I should mention which of them sought only for plausible pretexts to postpone it, and to leave its burden to their successors; which of them met it in a more candid spirit, and with a desire to close it; by what means, and at what price, they might have done so, or what were the difficulties which impeded them. This is not the place for such details, and those who may be curious respecting them may find them in the diplomatic papers published by the Government of the Union. But I can, and it is my duty to say, that, during those fifteen years of delays and procrastination, the question had made such progress in the United States, it had excited in so marked a manner the solicitude of Congress, it had become so much a national and a political question, the instructions of the Cabinet at Washington to its plenipotentiary had become so firm and so strenuous, that the last administration of the fallen dynasty, foreseeing the possible consequences of a longer delay, and of a denial of acknowledged justice, began seriously to inquire how those difficulties might be terminated, and it was upon the point of an arrangement with the American minister at the moment of its overthrow.

Whatever may have been the intentions of that administration, nothing had been decided at the period of its overthrow, and it left to that which succeeded the painful inheritance of the Imperial Government, aggravated too by the embarrassments and even by the increased pecuniary burden which such delays may have occasioned.

Such, then, gentlemen, was the state of the American affairs when the King's Government was called upon to take them up.

On the one hand, a pecuniary claim to be divided into two parts, the first, being unquestionable, constituted against us a debt which had never been controverted in principle; the second, liable to discussion, offered

five or six principal classes of questionable claims, which amounted to about sixty millions. On the other hand, two States, natural allies, by their position and mutual wants, which the great event which had just occurred in France tended to draw nearer to each other, were kept in an attitude of suspense and upon the eve of a rupture. That is to say, gentlemen, we have on the one hand a question of money, in which the loyalty and the economy of the Government were at once interested, since they related to a debt recognised in part; and, on the other hand, a national question, in which the interests of our commerce and of our policy were concerned. Such is at least the double aspect under which the negotiation with the United States has, from the beginning, presented itself to the King's Government; such is the double solicitude under the influence of which that Government has uniformly conducted the negotiation.

To those who may nevertheless be of opinion that the claims of the Americans should be denied, who would repudiate our liability for the acts of the Imperial Government, and on the day after a revolution effected in the name of the law, maintain, in contempt of national morality, that to release itself from its debts, a State has only to change its sovereign; even to those who may think that, without formally pronouncing this, it was expedient to protract indefinitely a discussion of the claims which had been carried on for fifteen years—to such persons, gentlemen, I do not deem it incumbent upon me to reply; and the Chamber will attribute my silence to proper motives.

With respect to those who think that it is to the interest and dignity of the country, as well as the duty of the Government, to ascertain and settle the debt, and who would only investigate the manner in which that duty has been performed, they have heard the conclusions of the committee, and the ample discussions on which they were founded. I have promised not to return to this ground, gentlemen, and I only wish here to revert to a single result, at which the Government has arrived in the course of its researches; namely, that the strictest calculations allowed by the nature of the subject, calculations based upon a collection of data the most disadvantageous to the United States, here afforded, as the amount of the indemnification closely reckoned, a sum exceeding by several millions that which has been stipulated.

Once enlightened as to the basis and the extent of the debt, the King's Government proposed to that of the Union an arrangement analogous to those which usually terminate differences of this sort between nations—an arrangement by which the amount due in strict justice gives place to an equitable compromise; that is to say, a compromise for a certain sum, be the claims for more or less, in consideration of which France should be *at once and forever* relieved from all demands preferred against her by American citizens. An indemnification of twenty-five millions was offered; and after rather a protracted resistance on the part of the American plenipotentiary, who refused to allow the pretensions he had at first raised to be so much reduced, this sum was accepted, and was inserted in the treaty which is this day submitted for your approval. I will not inquire, as some have, whether this sum is, or is not, the very lowest with which we could have satisfied creditors tired with twenty years of often desperate solicitation; it would be repugnant to my sense and honor to follow upon that ground certain insinuations not remarkable for their delicacy. I shall content myself with saying that I am convinced we were bound in equity to offer that sum.

I do not scruple to proclaim aloud from this tribune, gentlemen, that after France had acknowledged the justice of a debt, it was unworthy of her to reduce it at the expense of good faith, and, like a dishonest debtor, to endeavor, by chicanery, to lessen its just amount. [*Marks of approbation.*] I have believed, and I still believe, that if it behoves a great nation to be frugal in its expenditures, it behoves it still more to be jealous of its honor; and that in a matter of public policy, as well as in private business, a minister of the King should conduct himself like an honest man. [*Marks of approbation.*] I have also believed, that having, at a period of difficulty and distress, paid so liberally our debts to all the nations of Europe, we should not, immediately after those days which have elevated our country to so high a stand, reject an old debt to a nation, which had right on its side, which our misfortunes only prevented from being incessant in the pursuit of that right, and of the noble forbearance of which regenerated France ought not to be unmindful. I thought that 1815 should be remembered in 1830. My conviction, moreover, upon all these points, was perfectly in concurrence with that of the man who then presided over the King's council; and I received from him the firmest support on the occasion. I ought not to speak of a transaction in which he took an active part, without rendering this testimony to his memory.

But, gentlemen, we were not actuated solely by justice and loyalty; we had on our side grievances of long standing to be redressed, and rights to vindicate; the discharge of the American debt was only the condition of an analogous discharge, by the United States, of claims presented by us; it was only the first clause of a treaty, in which we were to have inserted important stipulations, and which, as a whole, and in its result, was to serve at once the interests of commerce and the policy of France.

It should not be forgotten, gentlemen, that at the period when this treaty was signed, which, in putting an end to all the differences between the United States and us, placed our relations thenceforward upon the footing of the most perfect good understanding, a year had not elapsed since a revolution which made it perhaps necessary, or at least prudent, for us to secure powerful allies and faithful friends. [*Signs of approbation.*]

With regard to this second part of the treaty of the 4th July, 1831, that is to say, to those clauses which regulate French interests, I refer you, for their details, to the report of your committee, and will only speak of their tenor.

As to private interests, they secure an indemnification of 1,500,000 francs to French subjects, whose demands the United States had held in suspense, as a reprisal; and I ought to mention that this sum is far from being absorbed by the claims recognised as valid.

With respect to general interests, in return for the abandonment made by us of our claims, from the construction of certain articles of the treaty of cession of Louisiana, in which the United States persist, they stipulate for a considerable reduction of the duties levied, in the ports of the Union, upon our wines and silks, and henceforth make the United States the most advantageous market for the two most important products of our soil and industry; that is to say, gentlemen, according to the just observation of the author of your report, they place hereafter the commercial relations of the two nations under the best guaranty of their prosperity and their duration, to wit, the very nature of their interests and their reciprocal wants.

I shall conclude with recapitulating, gentlemen, that when the administration, of which I had for some time the honor to direct the foreign relations, took charge of the affairs of the country, it found them burdened with a pecuniary claim, the amount of which had not been ascertained; and upon this point a difference had arisen upon such grounds, and in such a way that it seemed impossible to come to a determination. With this difficulty were connected several questions, more or less important, to some of which recent events had imparted a weight and a bearing altogether novel. That administration was of opinion, that immediately after a revolution, which tended to strengthen the bonds connecting us with free nations, it was necessary to alter our course, to recognise our rights and those of others, and, having done so, to consecrate them by a loyal arrangement. That act now awaits your decision. You will decide whether he who has signed it, charged at once with the precious deposit of the interests of the Treasury, as well as with the honor and policy of France, has sacrificed the one to the other, or whether he has reconciled, as far as was in his power, the dignity of the country with economy of the public funds.

M. BIGNON.

Gentlemen: Whatever may be the determination of the Chamber, the question now before it should be well examined; the Chamber should know whether, in sanctioning the financial stipulations of the treaty of July 4th, 1831, it is really paying a just debt, or, by acquiescing in a condition, the justice of which is not demonstrated, it is making a sacrifice to its internal or to its external policy, or to both together; or, finally, whether, by acceding to a charge, to say the least, much too heavy, it is not paying a forced tribute to the convenience of the ministry, which has deferred the communication of a clause easily modified at first, but now rendered much more difficult to be changed.

It is only now, that is to say, two years after the signing of this treaty, that the bill for carrying it into execution is first presented to you. This presentation, besides being very late, was also incomplete, because the speech accompanying it, in this session, as in the last, had left the Chamber in the most absolute ignorance as to what was most important for it to know.

In truth, an immense mass of documents have been laid before the committee, out of which it had to make its choice. Among these documents is one which seems to me specially worthy of serious attention; it is a memoir, drawn up in 1831, by the commission appointed by the Government of that time. This commission was divided unequally in opinion. The majority, consisting of four members, considered that twelve millions of francs would be a reasonable and just satisfaction for all the American claims. The minority of two members thought the indemnification due on those claims was at least thirty millions. There was an immense difference between these two estimates. The ministry, by adopting twenty-five millions, gave the preference to the advice of the minority. On what motive? Certainly it should have told us, but it has not. Some previous examination is necessary in all arrangements for a round sum, but here we can find no trace of any.

You may suppose what was the embarrassment of your committee, on finding that the materials in support of the amount agreed upon were so inconclusive. It had to do of itself that which should have been done beforehand, and of which it should have been only required to ascertain

the correctness. Various statements have been drawn up by the Minister of Foreign Affairs. Many plans for forming estimates have been proposed, by which mean valuations have been found ; and from these, as the reporter of the committee has declared, the sum of twenty-five millions has been exactly calculated. For my own part, gentlemen, I must avow that I am by no means convinced, and I consider it my duty to state my doubts to the Chamber.

If the matter in dispute between France and the United States had been of a nature to depend entirely on an appreciation of losses alleged to have been sustained by the Americans, on the validity or non-validity of the seizures, on their date, and upon those of the trials or imperial decisions which pronounced their confiscation, or upon arithmetical calculations, independently of all other political considerations, the Government should, in my opinion, have been guided by the report of the majority of the commission of 1831.

The minister of the United States had presented a statement of losses, divided under nine heads or classes, in which the amount due by France was placed at seventy millions. We shall hereafter see that this estimate had been, in 1812, *abandoned by the Federal Government*. Bringing it up again thus, twenty years after, was nothing more than one of those common expedients, of exaggerating a demand beyond all measure at first, in order to obtain more in the end. The honorable commission of 1831 soon set aside these unfounded pretensions. It was discovered that, among the documents furnished by the American plenipotentiary, were duplicates, incorrect papers, and claims either entirely destitute of foundation, or raised above all admissible value. Here the minority agreed with the majority. The nine heads were reduced to four, and it was declared that they could not go beyond them. It was for the claims comprehended under these four heads, that the commission of 1831 declared twelve millions to be a fair compensation.

Admitting even that the question was to be determined only in reference to these data, I should consider this sum of twelve millions as the utmost concession which our Government ought to make ; but the question is not to be kept within such narrow limits, and we must, at least in my opinion, enter into another order of ideas and events before coming to a conclusion. There are some most important circumstances which appear to have escaped the commission of 1831, and which, had they been considered by it, would certainly have decided it to reduce the sum admitted still further. And it seems to me that the ministry, whose inadvertence is not to be excused, has by no means used all its advantages, and brought forward all the arguments which it might have urged.

The report of the present committee proposes three questions. The first is, whether any indemnification be due to the Americans ?

For myself, I answer plainly, yes ; and shall not, in order to support the contrary, have recourse to the strange arguments of the Restoration. Others might be adduced against the admission, more specious at least, if not more decisive, than those alleged by the Restoration. Among the four classes, I agree that there is at least *one* which cannot be contested. I mean that of American vessels burnt or sunk at sea, for the purpose of concealing the movements of French squadrons. For this species of losses indemnification is clearly, and by every reason, due.

The second question presented by the committee is—whether, admitting

the principle of the indemnification, the sum of twenty-five millions is greater than that justly due? On this point, as I have already declared, my opinion is contrary to that of the committee.

Among the other three heads or classes of seizures and confiscations, there is not one which does not admit of doubts, or does not afford matter for discussion as regards the facts. Moreover, as it is easy to show that the Americans, in the course of the war and favored by the war, have obtained, under various forms, more than compensation for their losses, it follows that the amount might have been reduced to a very moderate sum, in a convention founded on good will and good faith.

In order to demonstrate this, I shall be under the necessity of giving you a sketch of the events from which these claims originate, according to my views of them; and I must ask your indulgence in doing so, after the history which the reporter of the committee has with so much talent laid before you. There will not only be some difference in the light under which I shall place the facts already brought forward, but I shall also have some to produce, which have been as yet either omitted or neglected, and which may give an entirely different complexion to the question.

The war of the French revolution, begun as a war of principles, was, for our adversaries, only a war of power. After having fought for the purpose of subduing France, and sharing it among themselves, the continental States, often conquered and despoiled, had been reduced to fight for the preservation of the remainder of their possessions and of their independence. England, alone and untouched, had never abandoned one of her pretensions; but in 1814 and 1815, when, by a strange turn of fortune, the Governments in coalition remained, chiefly through the aid of that Power, in possession of the field, it was not England that reaped the principal fruits of victory. The continental Powers made immense acquisitions in territory and in population; England only preserved what could not be taken from her, and in certain respects has lost a great deal. Although Napoleon has fallen, yet men of his character, in passing through the world, give it an impulse which continues long after their disappearance; the man indeed ceases to exist, but the effects of his passage remain, and are often not known until after he himself is gone. At the moment in which England, by the overthrow of France, seemed to have reached the highest point of greatness, the order of the political world ceased to be the same. The empire of the seas does indeed appear to have become irrevocably hers; but this empire, now apparent and nominal, is no longer susceptible of the same applications. The nature of the last war, the controversies to which it gave rise, the unheard-of measures adopted during its continuance, have given a new face to maritime questions; and the dominion of the seas, so long held by England, has escaped from her, especially in this, that England herself would have no interest in resuming it, under its former character and conditions. What Government has profited, and will profit, the most by this great change? The Government of the United States, certainly. What nation has contributed the most to produce it? France. This important result of the war of our revolution ought not, I think, to be disregarded in estimating the American claims.

We can, with honest pride, say that France has always, in prosperity as well as in adversity, professed the most generous and liberal doctrines with regard to the neutrality of the seas. We do not, by this, cast any

reflection on those nations which have supported other ideas. Every nation, on finding itself not the strongest at sea, must be anxious for the existence of a system of maritime law, fixed, permanent, and common to all, as its own safeguard and protection. On the other hand, the nation which considers itself stronger at sea than all the others, either separate or united, will naturally admit nothing but conventional law, subject to variation, and depending upon special treaties, by which means it can impose upon each nation separately, such conditions as it may judge most favorable to its own interests. This is all perfectly natural; and we see, in the late wars, on one side, England alone, on the other, all the remaining commercial nations, among which France occupies an important position. Fortunately, in this instance, France supports the cause of justice and humanity.

This inheritance from the old monarchy was too precious to be neglected by the First Consul, who, as soon as he came into power, concluded the treaty of 1800 with the United States, based upon the principle of free navigation, the principal stipulations of which have been accurately laid before you by the reporter of the committee and the Minister of Foreign Affairs. It was in the same spirit that the First Consul favored the quadruple alliance of the North, formed by the Emperor Paul of Russia, for carrying into execution the principles of 1780.

This alliance was soon dissolved by the death of Paul, but the attachment to the principles of 1780, which had been revived at Berlin, Stockholm, and especially at Copenhagen, subsisted even after the defection of Russia. It was likewise in the same spirit, and with the same views, that the First Consul, in 1803, ceded to the United States the important possession of Louisiana. These two treaties were expressly intended to bind each of the parties not to bear any attack upon these essential rights, without which there can be no maritime neutrality. Which of the two countries was the first to break its engagements? Facts answer the question. The reporter of the committee has given you a detailed account of the British orders in council, which, from 1803 to 1805, were openly violating all the rights of neutrals; seizures, the right of search supported by violence, ports interdicted which were not actually blockaded, all these were suffered and submitted to by the Americans, because their commerce, notwithstanding the numerous spoliations undergone, still gave enormous, though disgraceful profits. At this time, the increase of their exports, together with the carrying trade to Europe in their vessels, was valued at one hundred millions of dollars a year. In revenge for these orders in council, particularly that of May 16th, 1806, by which all the ports between Brest and the mouth of the Elbe were declared in a state of blockade, was issued the celebrated decree of Berlin, of November 21st, 1806, declaring the British islands in a state of blockade.

Then commenced the seizures and confiscations which gave rise to the American claims. Gentlemen, the conflict thus carried on for twelve years between two gigantic Powers, offered an imposing, a terrific spectacle; all maritime nations were affected by it. From 1805 and 1806, England began to make known her intention, claiming it too as her right to establish a blockade not enforced by squadrons, or even single ships, as the law of nations had hitherto always required, but by a simple declaration of her will to that effect. Against this system of factitious, of *paper* blockade, Napoleon arose with more energy, and, it must be allowed, with more justice. The Berlin decree gave a heavy blow to England; the

consequences of the French reprisals were so much the heavier, as victory was every day enlarging the territory over which the power of France extended.

To the Berlin decree England opposed its orders in council of November 11, 1807, of which the substance and objects have been detailed in the report; you have also been shown there how Napoleon, who was not the man to recede in the bold and violent system begun by England, replied by a decree of November 23, 1807, and afterwards by that of December 13th, of the same year; the latter, as you know, declaring that every neutral vessel which should have submitted to the requisitions of England, was to be considered as having lost its nationality, (*denationalisé.*)

There was a time when, even in France, men devoid of patriotism, and as careless of the honor of their country as of truth, thought it clever to say that Napoleon, in order to justify his acts of violence against England, had been obliged to commit violence against our language, and to create new terms for new acts of injustice. No one ventures now to speak in this manner; prejudices have vanished, and the day of impartiality is come; the principle on which Napoleon rested, is, that all nations are under obligation to maintain the independence of their flag. His principle is just; its support is required by the interests of the whole human race. A Government may, if it pleases, bear with injuries as long as they only affect itself; but when they rebound upon other nations, they have a right to do all in their power to preserve themselves. When a neutral Government is placed between two belligerent parties, unless it makes its flag respected by one, it has no right to require that respect from the other. Napoleon said to the Americans, you admit all the pretensions of England; you suffer her cruisers to search your vessels, and to carry them into her ports, or you enter them yourselves in obedience to her orders, and there pay a duty on your cargoes. Thus you make yourselves the vassals, the subjects of England, and thenceforward you are in my eyes no longer Americans; your vessels are English vessels, your cargoes are English cargoes; in a word, your vessels have lost their national character, (*sont denationalisés.*) The expression was as just as the penalty enforced.

Allow me, gentlemen, to make another short digression. Some of you, perhaps, on hearing me thus defending the right of Napoleon's proceedings on the question of maritime neutrality, may consider it imprudent to recall occurrences, of a nature to affect the susceptibilities of the English nation, with which we are most anxious to maintain and to strengthen the bonds of good understanding. So far from entertaining any such fears, I think we should be glad of the opportunity now offered to have these old points of difference examined, with a view to prevent their recurrence. We must, besides, recollect, that from 1793 to 1814, it was much less the English nation than the English aristocracy which favored a war of extermination against France; as if both nations could not, at the same time, have prospered and been free: as if the prosperity of France was necessarily to bring on the ruin of the British nation. Ever since that period, there have existed in both Houses of Parliament generous men, who, rising above the selfish views of that aristocracy to which they belonged by their birth, openly blamed the extravagant and iniquitous pretensions of their Cabinet. The present British administration comprises many of these noble spirits, who have gone in advance of the age; who, while duly appreciating the interests of their own country, and coming forward ho-

norably in support of reform, have had the happiness to witness its peaceable completion, and by that circumstance alone, have levelled the barriers which have so long intervened between the two nations.

The policy of Napoleon is no more to be observed at the present day by France towards England, than the policy of Pitt and Castlereagh is to be the guide for England with respect to France. The two countries will, I hope, in future, have no important differences; the cabinets on both sides of the channel will not undoubtedly forget that, in the agitations of the human race, they are engaged in the same cause, and that they will long have opposed to them the same antipathies, and the same resistance; but even admitting that disputes may arise between the cabinets, which the nations will probably not enter into, admitting even the possibility of a war, the same maritime question which once excited the minds of all, will probably not furnish motives in future for the slightest conflict. England, perhaps, instead of reviving pretensions, the effect of which can be no longer the same, will find more advantage in a freedom of navigation, of which she will be the first to profit, and the most skillful in doing so, than in acts of rigor as fatal to herself as to other Powers. The forms of war will necessarily change. Are not the forms of peace already altered? What is the aspect of the European Continent at this moment? Napoleon, in order to defeat the manufacturing power of Great Britain, by enabling other countries to do without its productions, raised up other manufactories against it. He created sources of wealth on the Continent, which had never yet existed. What have those Powers done who succeeded through the aid of England to the supremacy of Napoleon? They have adopted his system, and are every day extending its applications. The only difference is, that what he did by war, they are continuing by their custom-house laws. Services are forgotten, and gratitude has disappeared. Of all the continental States, France, the old enemy of England, in consequence of greater progress in the true principles of political economy, and, above all, from an increasing sympathy between the two nations, is to be the first to come to a better understanding with England, for an increase of relations and exchanges. Thus, gentlemen, let us have no fear of openly examining the events of a past, to which the present has so little resemblance. The English nation of 1834 is as far as we from the passions of 1807; and we may now speak of our late wars as posterity will speak of them a century hence.

However rigorous were the decrees of Napoleon, they were eluded by the connivance of the Americans and the English. Thus, for instance, American vessels carried the productions of their soil to Madeira, where they received in exchange English articles, which they took to the ports of Europe. Other vessels contrived to get taken by English vessels and carried into English ports, where they paid the duties required; they then came to the ports of France, or those of her allies, with certificates showing that they had been by force compelled to touch in England. All the precautions of the French were nearly useless, and for one vessel seized and confiscated on account of fraud, there were twenty which escaped unpunished.

Nevertheless the hostilities committed by the English ships of war against the American nation, the impressment of their seamen under pretence of their being English deserters, the attacks upon several public vessels, particularly upon the frigate Chesapeake on the very waters of

the United States, had excited in the minds of all an indignation which appeared at one moment ready to break forth. These were certainly most legitimate causes of war. President Jefferson demanded of the English Government signal satisfaction; but the American people did not long sustain their Chief Magistrate. Resentment was soon calmed; the spirit of speculation rarely sacrifices an actual gain to the future prosperity, much less to the dignity of a country. The voice of private interest prevails over that of national honor.

The head of the Government, finding it impossible to take the energetic stand which he desired, endeavored at least to preserve his nation from the attacks every where directed against its independence; he cut off its communication with Europe. On the 22d of December, 1807, five days after Napoleon had signed the Milan decree, Jefferson laid an *embargo* on American vessels in all the ports of the Union. This measure could only in part be carried into effect. In vain did the Federal Government recall all American vessels from Europe; in vain did it issue threats of rigorous punishment against those which should not return. Its voice was not listened to. An immense American colony remained in the sea of Europe; a floating and adventurous colony, covering every coast, and endeavoring to penetrate into every port at the risk of an occasional confiscation, which was amply compensated by the greatness of the profits. It has been truly said, the American flag was every where, American commerce no where. American ships, carrying on the trade of all countries, were particularly engaged in transporting English productions wherever they could be sold. From the date of the embargo, at the end of 1807, all the exceptions made by the French Government in favor of the Americans arose from kindness and pure liberality; it might, without any great injustice, have refused to admit of any, such was the difficulty in many cases in distinguishing the true from the false, and so evident and manifest was the fraud in others. In proof of the latter, I will cite some facts which cannot be denied, and which will certainly have weight with you.

About the end of 1808, of twelve or fifteen vessels under the American flag seized at Rochefort and Rochelle, an American consul himself acknowledged that the papers of one-half the number had been fabricated at London, and he considered it very probable that the others were only English vessels with old American papers.

American vessels, at that time, were in the habit of coming to Spanish ports, as they pretended from foreign countries, yet bringing a great number of English passengers.

Also, at the same period, a number of these American or pretended American vessels used to sail under British escort for Gibraltar, whence they were dispersed over the whole Mediterranean.

As the ports of Italy, and even Austria, were closed against the British flag, that of the United States took its place. Vessels sailed from Trieste in the end of January, 1808, and returned thither with fresh cargoes in the following May. Their voyage was not long; they went from Malta to Trieste, and from Trieste to Malta. So, during the subsistence of the embargo, when the American flag should not have been found in Europe, no other was to be seen there. In the Baltic, as in the Mediterranean, it was under the American flag that English goods were carried to the great commercial *entrepôts*, whence they were distributed at every point which

offered them a suitable entry. If Austria had not, in 1809, declared war against France, and if she had proceeded to the full length against the American vessels which she had seized, the Federal Government would perhaps have had to demand from her twenty millions as indemnification, supposing it to act towards that Power as it has acted towards France; although, in those seizures made in Austria, there was never more than the vessel itself American, and often nothing but the flag.

In place of the *embargo*, which, at the expense of the American nation, enriched only the adventurous class of speculators who were occupied in Europe in the service of England, the Federal Government substituted, as you have been told, a *non-intercourse* act, forbidding all communication with Great Britain and France, but re-establishing it with other countries. The latter part of the act was illusory. At the moment when it was issued, the whole European continent was subject to the French decrees; there was but a single momentary exception to this universal application of them—that which produced the war between Austria and France; a war begun on the 9th April, and terminated on the 14th October, 1809. Every vessel under the American flag, which presented itself in the ports of a nation dependent on France, or which had embraced its political system, voluntarily ran risk of confiscation; and indeed the French Government might then have declared all vessels calling themselves American, which by any way fell into its hands, to be lawful prize.

The *non-intercourse act* might have been considered as a complete rupture, if the French Government had chosen to view it in that light; but it did not choose to do so: and during the whole of 1809, it abstained from every measure which could wound the Americans, and manifested towards them no other sentiments than those of constant good will.

The English ministry, on the other hand, whether from pride or disdain on its own part, or want of address on that of its agents, overwhelmed the Federal Government with insults and ill treatment. A British agent, Mr. Erskine, had announced to the President that the orders in council would cease to have effect on the 10th of June: this excited the utmost joy in the United States; and the new President, Mr. Madison, took credit to himself, on the brilliant success with which his administration had commenced: *fêtes* were in preparation to celebrate the renewal of commercial relations between the two countries. All on a sudden, by a new order in council, of the 24th of May, it appeared that the British Government refused to ratify the engagements entered into by Mr. Erskine. The English Cabinet pretended that its minister had acted not only *without authorization*, but even in *direct opposition* to his instructions. There was but one thing to be done; the *non-intercourse act* was maintained, with regard to England, in all its rigor.

However, in order to lessen the discontent of the Federal Government, a new English plenipotentiary was sent out. The patience of this Government was to be put to still stronger trials; the new plenipotentiary, Mr. Jackson, did not spare it; he began by declaring that his predecessor, Mr. Erskine, had acted *without powers*. So far, there was no offence, but he added that the President *knew it while treating with him*. And he carried the insult still further; for, on the 29th of October, he repeated, in writing, that which he had announced verbally. No relations could be kept up with a man capable of such conduct; all communication with him was suspended, and he returned to England. This took place in 1809.

In proportion as the British Government threw difficulties in the way of reconciliation with the United States, Napoleon appeared to be actuated by contrary feelings. While the Federal Government was publishing its *non-intercourse act*, of March 1st, Napoleon was authorizing American vessels to return to the United States, by his act of February 25. Several vessels took advantage of this authorization, and it was not revoked until after the new adoption of the *non-intercourse act*.

Some months later, in the midst of the operations of the Austrian campaign, Napoleon, as soon as he heard of the engagements entered into by Mr. Erskine with the Federal Government, ordered, by a letter dated Vienna, June 13th, that the relations of France with the United States should be replaced on the footing on which they stood before the Milan decree. But as the orders in council were not really revoked, the order of Napoleon was not carried into effect.

Shortly after, on the 22d of August, Napoleon, having conquered at Wagram, wrote from Altenburg, that if the orders in council of November 11th, 1807, were revoked, the Milan decree would cease of itself to have effect. Six months more having passed, without the Federal Government adopting any measure to have its neutrality respected by England, the French Government began, and not before 1810, its reprisals in return for the *non-intercourse act*, which had already been subsisting eleven months.

On the 10th of February, the Emperor ordered that American vessels, seized at St. Sebastian, should be carried to Bayonne and sold. On the 23d of March, by a decree, dated from Rambouillet, he ordered, as reprisals still, that every American vessel which, after the 20th of the succeeding May, should enter or have entered into a port of France, or its colonies, or the countries occupied by his arms, should be seized, and the product of the sale transferred to the sinking fund.

By a decree of August 5, he declared the sales which had been made to be definitive; and as Mr. Jay has observed in the report, the same decree contained an additional repeal of the Berlin and Milan decrees. It was not until after long discussions with England that the Federal Government did at length respond to the amicable appeal of France. A proclamation by the President, dated November 2, 1810, abolished the *non-intercourse act* as it respected France, and gave a term to England for the withdrawal of her orders in council; which withdrawal not having been made, the *non-intercourse act* was continued with regard to her. This continuation the Emperor considered as a resistance to the British orders in council, and in consequence, by a decree of April 28th, 1811, he declared those of Berlin and Milan to be definitively revoked with respect to the United States, from the 1st of November, 1810.

The imperial decree of August 5th, rendering definitive the sales already made, was only a measure of just reciprocity; for the *non-intercourse act* declared that the confiscations of French vessels should have effect, even though commercial relations should be renewed with France. That which the United States had declared their intention to do for French vessels, Napoleon applied to the Americans. Nothing could certainly be more just. Your committee, however, thought otherwise; thus it admits as due to the Americans the value of twelve vessels in *statement E*, amounting to 2,269,306 francs. These vessels were seized before November 1st, 1810; but their

condemnation had not been pronounced until after the 28th of March, 1811, the date of the official repeal of the decrees. The seizures were lawful; according to the principles adopted by the Federal Government towards us, we had a right to make them; the date of the condemnation was of little consequence. Your committee, in admitting the value of these twelve vessels into the indemnification, have done an act of pure munificence, not one of justice. Although I do not found my opinion on details of this nature, yet I have thought proper to notice this fact, in order that the Chamber may see how indulgently the claims of the Americans have been treated.

For many years France and the Federal Government had been hinting to each other the propriety of negotiations for a new treaty founded on the great principle of maritime neutrality, by which the union of the two countries might be rendered stronger. In 1811 and 1812, the negotiation began in reality. A *projet* was presented by the American minister, Mr. Barlow; its articles were debated between Mr. Barlow and a French plenipotentiary; and we have here to notice an important fact, which is, that the same claims which were raised to seventy millions in 1811, had been, at the commencement of Mr. Barlow's negotiation, estimated at the same sum, but were in the course of it reduced first to forty millions, then to thirty millions.

It is moreover to be observed, that in 1812 easy terms were offered to the Imperial Government. A proposition was made to free it from all demands, provided eighty licenses were granted to the American commerce, to import from *any country or place, either in America or in Europe*, into French ports, certain colonial or other American productions: in exchange, the Americans were to export from France or Italy articles to the value of those introduced by virtue of the licenses. When the American minister offered France such a method of payment, with such an obligation too attached on his side, is it not clearly proved that his estimates, even the lowest, were rated above the just value? We may also add, that among the vessels seized, for which indemnification was demanded, there were some which would have been seizable even by the American laws themselves; and the Federal Government indeed admitted that we had received what they should have taken themselves.

This is not all, gentlemen; other expedients had been thought of for freeing the French Government, without subjecting it to any actual payment. One of them was to give, by a new convention, a greater extension to the limits of Louisiana, which had never been correctly defined. Another service which the Federal Government was at one period ready to accept in lieu of indemnification, was the concurrence of France in obtaining for it possession of the Floridas; but as circumstances afterwards permitted the American Government to take provisional possession of those provinces without our intervention, it determined to treat in future only with Spain. That Government, as we see, neglects none of the chances offered by fortune; this remark is made to its honor, and we should be glad to hear it made respecting ourselves.

In the midst of those discussions, the United States declared war against Great Britain. Napoleon, then in Russia, invited Mr. Barlow to come to Wilna, in order to put the seal to a treaty, which would have been a real alliance between the two nations. Every one is but too well acquainted with the events which then changed the appearance of the world. The

American minister fell a victim himself to the fatality which pursued us : he set off sick from Paris, and died at a short distance from Warsaw. The negotiation was necessarily interrupted. When it was resumed in 1813, the Federal Government, in order to give its claims on Napoleon a better chance of being settled, hinted that the continuance of the war in which it was engaged with England might depend upon the manner in which the Americans were treated. The Emperor, viewing the question in this light, ordered the Duke of Vicenza to draw up the report of January 11th, 1814, which has been cited to you, for his own information, and to serve as a basis for discussion ; this report acknowledged a debt of thirteen millions, which it considered might be raised to eighteen.

In order to form an estimate of the character of this report, we need only look at its date. Was Napoleon about to pay a debt ? He was only giving the American Government encouragement to persevere with additional vigor in the struggle in which our common interests were at stake. We may only wonder that he did not offer more.

Debts from one nation to another do not increase in value by age. Time lessens, and at length extinguishes them. Whenever a Government to which another is in debt, concludes a new arrangement with the latter, without obtaining the payment to which it lays claim, the reservations made on the occasion are nothing but empty pieces of formality. Every fresh reserve is only another sponge passed over the debt ; and if, in the end, any satisfaction be obtained by mutual consent, it is never more than a small portion of the original sum. Unfortunately, in our case, exactly the opposite course has been pursued. There are, in truth, circumstances in which all claims are good, as, for instance, when there has been a war, and the battle is lost ; but such is not our position with regard to the Americans. There is really more than liberality in paying twenty-five millions in 1834, when, in January, 1814, a year in which France had so strong an interest in conciliating the United States, Napoleon only admitted a debt of thirteen millions, which might perhaps, at furthest, be raised to eighteen. Let us look back again to 1814.

Napoleon fell : Louis XVIII replaced him, and France was laid under contribution by the other Powers. We are told that the Americans had been generous in not joining those Powers. There is a great inadvertency in this assertion. In 1814, when our territory was first occupied, the Americans could not join our enemies, because they were themselves then at war with Great Britain : they did not, indeed, make peace until the 24th December following. At the beginning of that year, instead of being among our enemies, they were, on the contrary, in fact, our allies, since they had a common enemy with us. But there is another most important circumstance respecting this period of 1814, which no one seems willing to notice. The Americans at first asked nothing from the Royal Government ; this I believe, and good reason they had for abstaining. If they had asked indemnification at that time, their demand would have been too easily repelled. The late negotiations were too fresh in the memory of all. For eighty licenses they had offered to absolve France from all their demands. When Napoleon had fallen, it was not eighty ships only that were admitted into our ports ; they came there by hundreds, and under no conditions, *the country whence they came not being regarded*. Remark, gentlemen, in what a singular state things were. England, in coalition with the Continent, conquered France ; and immediately the Americans, though

at war with the English, take advantage of the victory gained over us by them. Our disasters give them opportunities of making immense profits.

When the Americans, thanks to the triumph of the coalition over their friend France, had thus paid themselves, and more than paid themselves, the amount of their claims against her, they then addressed the Royal Government, declaring it their debtor, as the successor of the Imperial Government. Under one point of view, we agree with them. The Restoration succeeded to the debts of Napoleon's Government; agreed: but it also inherited its rights. Now, if Napoleon, though vanquished, had not been overthrown in 1814, he would either not have allowed American vessels to enter our ports, or he would have said to the Federal Government—you consented to receive eighty licenses in lieu of your claims, now I admit all your vessels, without exception; you have been amply indemnified; we are quits; otherwise England would have been triumphing for you, while you are even yet at war with her. What could the Federal Government have objected to this? This must be the reply, which the Government of the Restoration might have made to the pretensions of the Americans, was by it neglected. In truth, it first did not need it. The American claims were considered of no importance until 1818.

Let us admit another hypothesis. Suppose that, in 1830, the Imperial Government had been re-established, could it not, by this simple reasoning, have been authorized in rejecting all the claims of the Americans? What the Imperial Government could have done, the Government which sprung from the revolution of July had a right to do. Many other considerations might have been urged in opposition to the claims of the Americans, by the Imperial Government, which subsist yet in all their force and solidity for us.

From the long exposition which I have made of the events in question, the positions of the Federal Government and of France, with regard to each other, seem to be these: France and the Federal Government united, in 1800, for the guaranty of the rights of neutrals. What did this treaty of 1800 really signify? Was it not a species of alliance, for giving effect to the principles which it set forth? In order still further to engage the United States in this, France, in 1803, ceded Louisiana to them; from 1803 to 1814, France has been certainly fighting in a cause which is more their own than ours. It was not until after ten years of outrages, borne by the United States with a degree of patience which proved most injurious to us, that the United States came at length to a declaration of war. Here we must give them great credit for valor and perseverance. They withstood the invasion of a foreign foe most nobly; the struggle, though not long, was honorable for them; and, from this eighteen months' struggle, they came forth with their strength gloriously proved, with the certainty that in future wars these principles of neutrality, so energetically defended by France, and so essential to themselves, would not be liable to great infractions: in a word, they came out of the war stronger, more powerful, and more sure of their independence than when they began it; they came out of it with a great augmentation of territory, possessing Louisiana, and, as a natural consequence, the Floridas. Which of the two nations, France or the United States, had, in justice, the strongest claim to indemnification from the other? And, while the United States, after the war, found themselves in the situation above mentioned, what was the condition of France?

And it is in 1818, when France, reduced to its limits of 1789, laboring under severe wounds, needs all its blood for its recovery, that the Federal Government comes to renew its demand for indemnification for losses sustained in a war which has ended so profitably for itself; for indemnification already richly made by the admission of its vessels into our ports, from the moment after the fall of Napoleon. And this American Government, which was content with the miserable reasons urged against it by the Government of the Restoration, which bent under the Restoration because it acted firmly, which negotiated and concluded conventions with it, without obtaining any thing, merely inserting vain reservations, the value of which is well known: this Government comes, directly after the revolution of July, summoning us, with rare pertinacity, to satisfy claims already rejected by the Restoration. A most admirable effect this is indeed of sympathy between the principles of Governments. I do not blame, gentlemen; I only relate. If blame is to fall on any, it is not surely on the Federal Government; the opportunity appeared favorable; it believed you to be in an embarrassed situation, of which it took advantage. Generosity is no more a virtue of cabinets in the new world, than in the old; in republics than in monarchies. Far from blaming the Americans, I should be inclined to say—go on, you are in the right track, and will prosper; you deserve it for your address.

But is the same eulogium to be bestowed on the ministry which, in 1831, submitted to conditions which the Restoration had resisted for fifteen years? Did it fear that the Federal Government might not acknowledge our new dynasty? Of what importance is such an acknowledgment to us? France exists of itself, and cares little for foreign sanction. But such an apprehension would have been ridiculous; the American Government acknowledges Don Miguel to-day, Donna Maria to-morrow; it knows nothing but *de facto*, and very properly ridicules our quarrels about legitimacy. Supposing its claims to have been ever so just, the time of negotiation was badly chosen for us. The French ministry should have told the Federal Government, that, after it had waited so long and patiently under the Restoration, it should at least give us four or five years of respite; it should have shown that Government that such a convention, concluded so shortly after the revolution of 1830, would be as little creditable to France as to the United States; as we should appear to be buying their friendship, and they to be selling it. Do you think, gentlemen, that if the treaty of 1831 were again to be concluded, there could be now found a minister who would dare subscribe the whole of its stipulations?

In a state of things such as I have exposed, what signify all the arithmetical calculations of the ministry, and of the committee, those old and new statements, those bases of valuation, and all the other means employed to come at just twenty-five millions? The art of arranging figures no doubt has its merits, but it is not in this way that such a question should have been determined.

I now come to the third question proposed by the committee: May the commercial advantages granted by the Americans be considered as sufficient compensation for the loss sustained by French commerce in consequence of the non-compliance with the terms of the eighth article of the treaty of cession of Louisiana? On this question, too, the American Government has amply demonstrated its skill in negotiation. I do certainly rejoice as much as any one in the advantages which we have obtained

by the introduction of the produce of our soil and industry into the United States ; but I must confess that, in examining the matter closely, I find that those of the advantages from which we expect most at present, might have been obtained independently of the financial stipulation in the treaty of 1831. A single glance will convince us of this. See with how much address the Federal Government proceeds ; it owes France incontestably indemnification on account of the eighth article of the Louisiana treaty. Does it acknowledge this from the first ? No, it denies it, raises objections, brings forward miserable reasons, reasons which it knows to be miserable, and does not yield until after a long discussion. Then it appears to resolve upon a great concession, which is in reality no concession at all, because the measure is not adopted in consideration of our interests. The Federal Government promises a reduction of duties on our wines ; and since the treaty was signed, it has likewise abolished all duty on our silks. These are the facts. Now let us examine their value and bearing.

The American Government is the only one in existence which, being out of debt, and having revenues more than sufficient for its expenses, can afford to make considerable reduction in its taxes. Now, in the United States, the most productive tax, and the only one which is at all felt, is that levied through the custom-houses ; therefore any diminution of the contributions paid by the people should begin in the custom-house ; and of all the articles imported into the United States, is there one on which a reduction of duties could be made more suitably than on French wines ? Are they not almost among the necessaries of life for the people of that country ? In making this reduction, the Federal Government has consulted its own interests entirely, and not ours ; and we can only admire the talent with which they have induced us to receive as a favor that which they only did in reality for their own advantage.

The same may be said of the duty on silks ; the reduction was made there also on their own account, as it is not stipulated in the treaty ; yet it is vaunted as one of the consequences of the treaty. On this subject, too, I hear the name of Lyons mentioned every where : " Take care," it is said, " if we refuse to sanction the treaty of 1831, Lyons will be unemployed immediately ; and what will become of that city ?" Gentlemen, do not be afraid. The American Government, in extinguishing the duty on French silks, thought no more about France than about China ; than about China, gentlemen. There was a duty of 80 per cent. on Chinese silks, and of 20 upon French silks, previous to the late change. The duty on our silks has been extinguished, and the duty on Chinese silks has been reduced to 10 per cent. ; so the proportion remains just as it was. Perhaps there may have been some 8th article, on which the United States had to give satisfaction to the Chinese Government.

If the reduction of the duties in question are to be considered as a real concession on the part of the Americans, we should have, in like manner, allowed them to consider in the same light the assimilation as to duties made by us between the *long* and *short staple* cottons of the United States : but, so far from doing this, and indeed with a view to relieve the Americans from all gratitude on the subject, our Cabinet has taken pains to declare that it was a measure which had been already long contemplated for our own private advantage. The Americans are not so candid and yielding as we are.

Whatever may have been the motives which induced the Federal Go-

vernment to adopt these resolutions, I do not value them the less ; but do not allow the threats which have been held out to affect you. These resolutions, which are undoubtedly favorable to us, were taken with a view to its own interests, and, for the same reasons, it will maintain them. It shows but little knowledge of that wise Government ; it is, indeed, an affront to it, to suppose that a few millions of francs will induce it to relinquish measures adopted after mature deliberation—not in favor of us, but entirely for their own benefit.

The Government of the United States knows better than any other, that, in a representative Government, no political convention containing a stipulation for any payment whatever can be considered definitive, until the consent of the body which has the right of voting the appropriation has been obtained to that particular stipulation. It also well knows that there are circumstances in which public interest commands the rejection of an engagement, although it has been signed by plenipotentiaries. Thus, in 1807, President Jefferson refused to give his sanction to a treaty concluded at London by Messrs. Monroe and Pinkney, and Congress approved his refusal. The dignity of the Cabinet with which the negotiation was carried on, is by no means compromised by such a refusal ; and certainly it is never less a question of honor than when the difficulty is of a pecuniary nature.

The honor of the American nation cannot be interested in having the French Treasury delivered as a prey to a few speculators, who are probably not all Americans ; in requiring that France should surrender 25,000,000 francs, to be divided among these speculators, for doubtful claims, bought at the lowest price by the actual holders. Not only is the sum stipulated a heavy charge on our Treasury, but there is in such conventions something more afflicting, more deplorable, than the actual loss of money ; it is, that, after having been pillaged by our enemies, we have not been spared by our friends ; it is, that always in our discussions with Governments, whether free or despotic, they come off well in the end, and we never.

Gentlemen, my own conviction is that the question of our debt to the United States should have been determined upon principles different from those adopted by the ministry.

I am convinced that, according to the principles not only of political equity, but of natural equity, France is not bound to indemnify the Americans for the accidental losses which they suffered in a long contest, undertaken for the defence of common rights, the triumph of which has consolidated their power, and secured to them immense advantages in future ; whilst France is left mutilated and exhausted, having lost all but her honor.

I am convinced, that even proceeding upon the principles adopted by the ministry, as the numerous frauds practised by the Americans, with the connivance of the English, must render it impossible to ascertain that all the confiscated vessels were really American property, the debt of France might have been, without any injustice, reduced to a moderate amount ; particularly, as the Americans had been recompensed more than a hundred fold for the losses sustained during the war, by the greatness of their profits, and, still more, by the admission of their vessels into our ports, in consequence of the victories of our enemies.

I am convinced that an arrangement by which the indemnification would have amounted only to twelve millions of francs, would have given

considerable profits to the holders of the claims, whether good or bad, which are to be satisfied.

But, gentlemen, if you consent to pay the sum stipulated by the treaty of 1831, let it be at least with a full knowledge of all the circumstances attending it; let it proceed from motives more noble and more just than those which have been set forth. Do not consent to this payment from the fear that a refusal, which on your part should only betoken a wish to have the amount reduced, might alter the friendly relations between us and the United States. Your relations with that Government would be of little value, indeed, if they depended on a few millions of francs. Do not consent from the fear that the American Government will re-establish its former duties on our wines; the reduction made in those duties was with a view to their own interests much more than ours; and I do not blame them for it. As to the silks, it has treated us as it treated China.

If you consent, do so from considerations more worthy of yourselves and of the American Government. Three years have passed without the Chamber having had an opportunity of expressing itself on the financial stipulation of 1831. This delay is not to be attributed to us. The ministry committed the fault; and, unluckily, the nation will have to suffer for it. It must be allowed that when a treaty has been ratified three years, the Government which is to benefit by it should naturally consider its rights to such advantages as acknowledged. This is in fact the case with the Federal Government at present; and it would have a right to complain not of us, but of our Cabinet, for having left it so long under the persuasion that the stipulations of 1831 would be fulfilled. If you can determine to make a sacrifice under these circumstances, it is important that the Federal Government should be convinced of your doing so, purely from sentiments of delicacy and generosity.

It would be ridiculous and shameful to appear blind or duped; to acknowledge and pay as justly due a debt so doubtful and contestable. The loss of money is of little consequence, in such cases, compared with the loss of dignity; dignity should be preserved above all things. Besides, whatever we do should be done with an entire knowledge of circumstances. Thus, gentlemen, if, instead of paying some millions which may be justly due, you submit to a payment of twenty-five millions, which are not justly due, it is because you cannot decently refuse in 1834 what you would have refused without hesitation in 1831; it is because you act in obedience to a certain sense of propriety; you yield to a sort of moral violence, which in your opinion does not allow you to recall an engagement entered into three years ago with a nation whose friendship is so dear and precious to us.

Pay the twenty-five millions then, if you think proper; but, while paying them, take care to declare that you do not owe them.

As for myself, gentlemen, although the consideration of propriety is the only one which could have any weight with me, it is impossible for me to admit that an obligation of that sort, arising purely from a ministerial neglect of duty, ought to prevail so far in a case of such importance to the public Treasury. It is because I honor highly the Federal Government; because I take great pleasure in rendering signal homage to its wisdom and straight-forwardness; because I have faith in its knowledge, in its spirit of justice, in its practical acquaintance with the rights and duties of

a representative Government ; because a nation so much enlightened as the United States, and which knows so well how to defend its own interests, could only esteem us more highly for defending our own, that I act with regard to this concession, which I consider unreasonably heavy, just as I am certain that the Congress of the United States would act under similar circumstances. I vote against the bill.

[*This speech was heard with attention, and appeared to make a great impression on the Chamber. The orator, in ascending from his tribune, received the felicitations of a number of members. After some interruptions,*]

THE DUKE DE BROGLIE, [Minister of Foreign affairs.]

Allow me, gentlemen, to rectify a mistake at once.

The honorable member who addressed you last, accuses the French Government of having voluntarily delayed presenting the law now before you so long, that, in his opinion, we cannot possibly retract, and that the Chamber is no longer at the same liberty at which it would have been, had the law been presented at a more early date.

Gentlemen, the treaty was ratified on the 22d of February, 1832, and the law was presented at the first session after that ratification ; it was presented again at each of the two following sessions. You see, gentlemen, that the Government could not have presented the law earlier than in the session immediately following the ratification of the treaty.

M. JAY.

It cannot be expected that I should follow the orator who has addressed you so much at length, through all the points of his opinion. I have neither the means nor the time to do so at present. I only ask the attention of the Chamber for a few minutes.

The illustrious General Lafayette, who has been prevented from attending to-day, has sent me some notes, which, being relations of facts, should be laid before the Chamber. He says :

“ But there are facts which I can assert, as having been myself a witness to them ; and which I submit to my honorable colleague, the reporter of the committee.

“ 1. I can give my testimony to the withdrawal of the decrees of Berlin and Milan, before the seizures and destructions for which indemnification is demanded.

“ 2. Although the United States remained alone out of the coalition against France, the allies who possessed entire power over the Restoration invited them to join their claims with others which they were causing to be accepted. This offer was indignantly refused by Mr. Crawford, then minister of the United States at Paris. He declared that his country, instead of making common cause with the enemies of France, would wait until its account against her could be amicably settled.

“ 3. I saw Mr. Barlow set off for Wilna, in the conviction, from his correspondence with the Imperial Cabinet, that the claims would soon be settled ; and at the moment of our revolution of July, Mr. Rives considered himself certain of terminating his negotiation even with the Restoration, which had no great affection for the United States, on account of their having remained the friends of France, whilst itself had been, during the whole period, with her enemies.

“ Among the classes admitted in the report, I do not see *the seizures at Antwerp*. Although my recollections of that affair are strong, yet I have

had recourse to the Duke of Bassano, whose authority, considering the situation he then held, is above that of any other. I can say that no confiscation had been pronounced; that sale was only made because the goods would be injured by keeping; and that a claim based on an act of the French Government should be regarded as just; and, finally, that this Government considered the product of the articles sold to be *deposited in the caisse d'amortissement** as *American property*, which makes an addition of more than two millions, without counting the *Maria*, another vessel and her cargo, which were similarly situated.

“It is from these positive data, and from some others of the same nature, founded on the fact of entries, improper, in my opinion, but effective in the Treasury, that, even exclusive of the French claims against the United States, I had from my own judgment, valued the sum due to the United States at 38 millions; and this amount was not so unjustifiable as it has been stated to be, although I give due credit to the ministry which reduced the treaty within the narrowest limits.”

You see, gentlemen, from these facts, that the assertions of our honorable colleague, M. Biguon, are not justified. It is certain that the Restoration entered into negotiations with the American Government, and that, at the moment of the overthrow of the Restoration, the American minister had reason to think that the negotiation would end favorably.

I now come to the objections of the Hon. M. Bignon. He speaks of the commission of 1831 as if that commission could have afforded a basis for the estimate of the Government, or for that of the committee. The report of that commission went, not to establish a positive settlement, but to furnish the Government with the means of making the sum due as small as possible.

Your committee was in a different situation from that of the commission of 1831. Its object was not to consider about making a treaty, but to examine one already concluded. Thus it went upon grounds entirely different from those of the commission of 1831.

I repeat, that we had no other grounds for our estimate than those presented by the Government; and we were strongly induced, by the great political and commercial interests which make it imperative upon us to keep up amicable relations with the United States, the only country in reality promising advantageous markets for the productions of our commerce and industry.

M. Bignon justifies the Berlin and Milan decrees. They are said by him to have been reprisals against England. Gentlemen, depredations on the commerce of neutrals are a singular species of reprisals against England. On the other hand, I think that these decrees were directed against neutral Powers, which had never committed a single act of hostility; that they were not reprisals, but really aggressions. Our honorable colleague, in his estimate of the morality of the Berlin and Milan decrees, has forgotten that Napoleon himself has arraigned these acts of his own administration, by saying that they were a *return to barbarism*. And this return to barbarism it is which you are called on to consider as an act of justice. Are such morals to be preached to us after the revolution of July? They were quite natural under a despotic regime, but do not suit a free people.

It is pretended that M. de Caulaincourt, (Duke of Vicenza,) in his report to the Emperor, did not recognise the debt to the United States, and that it was a mere political act. Now the very classes presented by the

* Place of deposits for funds destined to the payment of national debts.

Imperial Government itself, in 1814, have served as the basis for the estimates of the Government, and for those of the committee. So the debt was recognised, and admitted to be eighteen millions. Now, is twenty-five millions a large compensation for eighteen millions which have been due 20 years ?

The ministry of 1831 has been violently attacked ; it is not my business to justify it, but it would be easy to do so. You recollect what was our situation then at home, and with respect to other nations. We had the absolute Kings of Europe ready to pour their armies down upon us. We heard daily from the tribune the words " War is inevitable. There can be neither peace nor truce between the revolution of July and the absolute Governments." The treaty was concluded amidst the cries of war. It was concluded for the advantage of France, and no one thought of complaining of it. Why did no one complain of this treaty then ? Because it was wise, it was politic, to conciliate the friendship of a maritime Power, which was in a situation to maintain its neutrality, and which, in case of war, would have been of great assistance to us.

Not wishing to fatigue the Assembly, I shall say but little more in reply to the attacks made against the ministry of 1831, which has rendered us such signal services. I said that the fear of a European war was general ; that the treaty was then made with the United States ; and that no one then complained of it, because the measure was wise and politic. I now say that, by this act of justice, the ministry inspired great confidence in the revolution, and in the Government of July. Instead of blame, it deserves nothing but praise, for concluding the treaty.

[After some interruptions] M. AUGUIS.

After the speech which has been delivered from this tribune by the honorable M. Signon, there remains little for me to say ; yet there are some observations which I ask permission of the Chamber to submit.

You have been informed of the decisions of the British cabinet, which declared the ports of France in a state of blockade, and of the imperial decrees, which, in retaliation, interdicted all communication between the ports of Great Britain and the Continent.

The United States of America, feeling their interests aggrieved, deemed it their duty to adopt restrictive measures. The bill of the 1st of March, 1809, was the consequence, upon which sufficient stress has not been laid ; it provided that the productions of neither the French nor English soil should be admitted into the United States.

It is important to establish these facts, in order to show, in the clearest manner, that England began ; that the United States, injured in their interests, had followed the example of England ; and that France, looking to her own preservation, and the defence of the interests of her commerce, could only resort to reprisals under these difficult circumstances.

It is likewise ascertained that the interests of the three commercial Powers, France, England, and the United States, had suffered alike ; but the United States alone now demand indemnification for losses which they sustained from 1807 to 1811, inclusive.

If, gentlemen, you admit the claim which is now made, you must necessarily expect to see new ones arise, and of greater magnitude too. It has been said, though as yet vaguely, still it has been represented, that indemnifications will be asked by Poland, which suffered immense losses during its occupation by France. I entreat you to recollect that there already

exists, near the Minister of Foreign Affairs, a commission denominated the commission of Warsaw. We do not yet know the result of the labors of this commission; but it is to be supposed, when the accounts are rendered, you will have to pay Poland, or, more correctly speaking, Russia, an indemnification much more considerable than that now demanded of you by the United States.

It is not the only claim of this nature with which you are threatened. There is another demand in store from Denmark, on account of the bombardment of Copenhagen. Although this event seems of so old a date, yet, encouraged by the example of the United States, Denmark is on the point of preferring a claim to which you cannot refuse to do justice, if you admit that which is now demanded by the Americans.

There are yet other claims of the same nature. You will call to mind, gentlemen, that England seized upon the Dutch fleet because Holland, adopting the French system, incurred the displeasure of England. There will be an opportunity for a long account. The time is not yet arrived, it is true, because the French Government is in a delicate situation with respect to the Government of Holland. [*Laughter.*] But when the difficulties which at this moment exist shall be settled, a new account will be placed before you, and they will come armed with the precedent which you will have this day settled; and you cannot, without a denial of justice, altogether unworthy, refuse that to Holland which you have accorded to the United States.

Spain herself, whose fleet subsequently became the property of England from the same causes, will not fail to address to you her just demands, and you cannot but yield them a favorable reception.

There are other debts of the same nature, from which it will be difficult to escape, gentlemen. There are the Lithuanian debts, accepted by France, and authenticated by the signature of the agents sent by the French Government to Lithuania, and which are unpaid, because the financial state of France did not afford the means to meet such demands.

There are others which have been presented by Dalmatia and Spain. These debts have been liquidated; the sums have been determined; and, moreover, you have rejected them, because your finances are not yet in a state to permit you to receive them favorably.

The United States now demand of you indemnifications to the amount of twenty-five millions; you have been reminded, from this tribune, that this demand, in the beginning, as in 1812, was seventy millions, and had been presented with that sum by Mr. Barlow. Subsequently, Mr. Rives reduced the sum, and it gradually fell to twenty-five millions. Gentlemen, either France owes the United States the sum of seventy millions, or owes them nothing. [*Exclamations.*]

Every one is entitled to his own opinion in these matters.

It appears to me extraordinary that a Government which pretends to have a well founded claim to a sum of seventy millions, should consent to reduce it to twenty-five millions.

The honorable M. Bignon told you from this tribune, that the Imperial Government, either from slight examinations, or from interests purely political, because it felt the necessity of conciliating the United States, in order to establish a counterpoise to England, had considered that eighty licenses should be granted to the United States as indemnification for the sums which were at that period claimed.

If gentlemen will take the trouble to refer to that time, they may form an estimate of the value of eighty licenses under the Imperial Government. I do not hesitate to declare from this tribune that they were equivalent to a capital of eighty millions. And what is now demanded of you? Only twenty-five millions, that is to say, two-thirds less than what was first claimed.

Gentlemen, M. Bignon has perfectly established that, by their carrying trade and agencies, the United States were more than indemnified for the losses which they had sustained for all their vessels sunk or seized, or cargoes sold. They now demand of us indemnification; but, I repeat it, the Union has been already more than indemnified.

I had intended to present to the Chamber a statement of the debts of the United States to France, balanced by those of France to the United States, anterior to the treaty of navigation of the 11th Vendémiaire, in the year 9, (September 30th, 1800.) But in consequence of the observation which was made by the Minister of Foreign Affairs, that this treaty had closed all accounts, I have renounced the intention which I had at first formed, of showing what sacrifices France had made in favor of the United States, from 1777 to 1833, since, by that treaty, the account has been definitively settled.

But there is another treaty, the stipulations of which have not been executed on the part of the United States, as has been established from this tribune. It is the treaty of 1803, by which France ceded Louisiana to the United States. Now, it would be desirable that the report of the committee had indicated, in some way, how this treaty had been executed, and how the payments had been made to France.

The most profound silence has been maintained relative to the execution of this treaty. I remember that, besides the extinction of all the claims which the United States pretended to have upon France, they agreed to pay to the French Government the sum of thirty-six millions.

It appears to me that it would have been a matter of some importance to have shown to us the manner in which these thirty-six millions had been paid into the treasury of the State; it has not been done, and yet it was important to tell us.

Gentlemen, when we follow the different phases through which the amount of this claim has passed, we are astonished to see that it has dwindled, as I have already informed you, to twenty-five millions; and, as I am well informed, at another time and under other circumstances, the pretensions of the Union were much lower than they were in 1831.

In effect, under the Government of Louis XVIII, they would have been content with ten millions, and, subsequently, eight millions would have been accepted under the Government of Charles X.

It is true, as the reporter of the committee has told you, that times have changed; that the French Government having a common origin with the American Government, political considerations should be admitted into the account, which, added to the financial considerations, ought necessarily to produce the acceptance of the demand now urged. Commercial considerations have been added to these political views. You have been told to-day that the exportations from France to the States of the Union were so considerable, that France could with an ill grace refuse to grant something for a market which offered so many advantages to her commerce.

Well! I ask you! Do you believe that if these twenty-five millions now

claimed by the Union be not granted, the commerce of France with the United States will suffer from restrictions? For myself, I do not believe it; it is not in the hope that the United States will be paid from the twenty-five millions which they claim, that our commercial exchanges can be to the advantage of France. It is only because the United States receive from them great advantages for themselves; for, do not deceive yourselves, it is their own interest which governs them in that circumstance. You have been told of the exportation of fifty millions of silks ordered from Lyons to the United States—do you believe that it was with the demand of twenty-five millions in perspective, that these fifty millions of silks were ordered from Lyons? No, the twenty-five millions demanded could not and did not have the least influence upon the orders which were given to the second city of the kingdom.

If, on the other hand, we pay some attention to the reduction in the exportations from France to our colonies, you must admit that this difference proceeds from the introduction of American goods. In fact, it has been stated, and I believe correctly, that France formerly exported to her colonies seventy-five millions of her products, and now, gentlemen, these exports do not amount to forty-five millions, and notwithstanding the wants of the colonies have not been lessened; on the contrary, they are greater.

Gentlemen, you cannot explain this reduction in the amount of our exportations, but by the introduction of goods which the Anglo-Americans import into our colonies, to the exclusion of French merchandise. I ask the Chamber if, with so many resources, so many advantages, when the United States, down to the restoration of 1814, have been the commercial agents and carriers of all Europe, when they have exported sometimes under one flag, sometimes under another, every description of merchandise, when they have been benefited in every way, indemnification is due to them, above all, since it would open the way to so many claims which will arise on all sides.

I conceive very well that the constitutional sympathies which exist between America and France may engage us to do for that country what we would not grant to certain other countries; but as it is a question of accounts, a question of money to be paid by the people, it should be closely looked into.

One other observation is important. Observe that it is not one nation in the presence of another nation, placing national interests against other national interests. What does North America demand of you? She demands indemnification for losses, a statement of which has been made out and presented in the report of your committee.

It is not then a national interest—it is an aggregate of individual interests.

I know that it will be observed, in reply, that the interests of a nation are only composed of individual interests. However, the two should not be confounded on this occasion.

You have been presented with the list of names of vessels captured at such a time, sold at such a time, some at St. Sebastian, others at Bayonne, others at Antwerp. You have had accounts of vessels destroyed by our military expeditions, in order to deceive, or for the purpose of concealing their destination.

If there is a thing difficult, or rather impossible to determine, it is the number of vessels which have been sunk by our ships of war upon their expeditions.

You are told that an estimate has been made. I do not doubt the correctness of the estimate which has been submitted to the committee; but I may be allowed to believe that there are some things which it is almost impossible to prove, and this is one of them.

Gentlemen, in accepting the enumeration, the calculation of these vessels, of their value and the amount of their cargoes, I ask if the French Government should not be placed in the same situation with the American Government, viz. If, on its side, it ought not to present to the United States a statement of individual claims which could be preferred by France against the United States.

It is true, as stated in the report, that a sum of 1,500,000 francs will be retained to meet the claims made by individuals; but, gentlemen, to determine this sum, the amount of the claims should be known, as well of those addressed to the Minister of Foreign Affairs, as of those to the Government. Yesterday and this morning memoranda were distributed, which presented an enormous amount.

I declare that I would not vouch for the exactness of these sums. I neither know the individuals who present these claims, nor their validity; but I have read with scrupulous care the memorials which have been presented. One of these claims alone amounts to more than two millions and a half.

Some, it is true, are of an older date, for one of them is dated 1718, or 1719. It is about a grant made to Law, author of the famous Mississippi scheme, in which the greater part of the inhabitants of the capital were ruined. I do not say that the claim is well founded, but it is presented in the most serious manner, and the land in question is stated as being nine square leagues in extent, which would be of considerable value in that country.

Something is said too about six thousand Germans who were sent formerly to that country, at an enormous expense to the Governments which undertook the enterprise. As these countries now form part of Louisiana, and are under the American dominion, I do not know if the claim be not worth examining.

You are likewise presented with the claim of a Sicur Renault, who is said to have settled in the country of lead mines, and to have carried with him five hundred workmen, who made valuable improvements, and merited the gratitude of the country.

There are still other claims, such as that of the Count Coëtlogon, of great amount.

Gentlemen, I believe that an attentive examination should be made of all these claims, in order to ascertain which should be paid, throwing aside those which merit no attention; and that the French claims thus preferred shall be made offsets to the claims of the United States, in settling the amount; provided always, it be acknowledged in principle that any thing is due to the United States. As for myself, I believe, after the exposition of the facts which have been made from this tribune, that France not only stands acquitted towards the United States, but that, if there is a debt existing between the countries, it will be found that France has a claim upon the Union.

MONDAY, March 31, 1834.

M. REALIER DUMAS.

Gentlemen: The honor and the interests of France, on the one hand, and the friendly ties which connect us with the United States on the other, combine to render the question now under consideration one of no little delicacy and embarrassment, whenever made the subject of debate in this Assembly. For which reason, your committee were anxious to foresee, and, clearly to define beforehand, the difficulties which might arise during the discussion. Our worthy colleague, M. Jay, has set forth, in a report, which does him no less honor as a man than as a writer, the principles upon which these difficulties might have been removed. As a member of this committee, I have deemed it my duty to step forth in defence and support of the conclusions therein embraced, convinced that they are founded upon the principles of national and universal right, on justice, and on the true interests of our commercial relations with the United States. Our honorable colleague, M. Bignon, may rest assured it is not a mere act of generosity, much less a sacrifice to cabinet policy, but an act of justice, which the committee demand, in presenting for your sanction this treaty between France and the United States. It is now twenty years since the Federal Government first claimed indemnification for vessels seized and confiscated, not only under the Berlin, Milan and Rambouillét decrees, but after the repeal of those decrees. It is also demanded for the destruction of vessels burnt at sea by French squadrons, whose object it was, in this way, to conceal from the enemy the secrets of their expeditions. Meanwhile, France had, on her part, to make good pretensions which are not without their share of importance. Long negotiations were held at the close of the empire and under the Restoration, but without any result. They were only resumed at the period of our glorious revolution. On the 4th of July, 1831, was signed the convention which defines and fixes the rights of the two contracting parties, subject however to the concurrence of the Chambers, which concurrence it this day demands, in the execution of the financial part of the treaty. This treaty embraces two things entirely distinct: the one relates to the confiscation of American vessels during the continental blockade; the other, to the non-execution of the treaty for the cession of Louisiana, the 8th article of which secures to the commerce of France the benefits since rendered null by the treaty of Ghent, concluded between England and the United States.

Touching the first question, the French Government engages to pay the United States twenty-five millions of francs for seizures, confiscations, and other losses sustained by citizens of the United States, of which, however, 1,500,000 francs are retained to indemnify French citizens, to whom the United States are indebted, and whose claims are of the same nature with those of the Federal Government.

With respect to the second question, the French Government renounces, absolutely and explicitly, all pretensions based on the non-execution of the treaty for the cession of Louisiana. It reduces, in favor of American commerce, the duty on *long staple* cottons to the same standard as that on *short staple*. In return for these advantages, the American Government consents to a reduction, for ten years, of the duties on French wines imported for consumption in the United States.

The committee, to enable themselves fully to explain their views of the

bill which has been submitted to you, were bound to make, and have made, the most careful and minute examination of all the facts, all the claims, and all the negotiations commenced, suspended and resumed, from 1812 to the date of the signature of the treaty. As it is necessary, in order fully to comprehend the great question now before you, thoroughly to understand and appreciate these facts, these demands, and the negotiations respecting them, I shall endeavor briefly to define and elucidate them. England had taken advantage of the first wars of our revolution to seize upon the commerce of the whole of Europe. Between the 24th of June, 1803, and the 19th of May, 1806, she placed in a state of blockade not only all the ports of France, but all those situated on the Ems, the Weser, the Elbe, and the Trave. The empire of the sea was wholly hers. It was then that Napoleon conceived a project as vast as was his genius—a project which would have been less the subject of invective, had it been from the first properly understood. I allude to the continental system. On the 21st of November, 1806, he issued a decree at Berlin, which declared the British islands to be in a state of blockade, and enjoined the seizure of all vessels belonging to England and her colonies. This decree was followed by the two orders of the English Admiralty, of the 7th of January and 11th of November, 1807. The former forbade all commerce between the United States of America and the ports of Europe, which were in a state of warfare with Great Britain. The latter declared that American vessels should be boarded at sea, their cargoes conveyed to and landed in England, and subjected to the regulation and laws of re-exportation; whereupon, the decrees of the 29th of November and 17th of December, 1807, were issued by Napoleon at Milan.

The first ordered the seizure and confiscation of all vessels which, after touching in England, should enter the ports of France. The second declared all vessels which should undergo a visit from an English vessel, and pay any duty whatever to the British Government, to have lost their nationality (*denationalisé.*) Napoleon should have waited till the United States had caused their neutrality to be respected by England. He did not. An immense number of American vessels were seized either in the ports of France, or in those in possession of her troops or of her allies. The Federal Government restricted itself to the passing of a law on the 22d of December, 1807, by which an embargo was laid on all the ports of the Union. No American vessel was permitted to sail for a foreign port. This law, which was meant not as an act hostile to France, but merely as a means of self-preservation, failed to produce its proposed effects, because American captains remained in Europe, became agents for the commerce of other nations, and thus were rendered subject to the effects of the Berlin and Milan decrees. On the 1st of March, 1809, for the embargo act was substituted the *non-intercourse act*, which extended only to England and France. This law ordered the seizure of all French vessels, and, moreover, declared that the confiscations which might be made should not cease to have effect, even though amicable relations should be re-established between the two countries.

This act, which was equivalent to a hostile proceeding against France, induced the Emperor to make reprisals. On the 10th of February, 1810, he caused to be issued a secret order to seize at St. Sebastian, and carry to Bayonne, to be there sold, the several American vessels which, be it remembered, would not have entered the ports of Biscay but for the promise of

the French authorities that their property should be respected. He did more. He issued, on the 23d of March, 1809, a decree at Rambouillet, which declared that all vessels sailing under the flag of the United States should be seized, and that the proceeds accruing from their sale should go into the sinking fund. These violent proceedings on both sides tended to stir up feelings of strife between two nations which ought really to have been confederated. A community of interests, an absence of all political rivalry, should, it would seem, have ensured to them the most amicable relations, the most perfect mutual understanding. Advances were first made by America to France at a time when France had not so much as thought of making them to America.

On the 1st of May, 1810, a law was passed by the United States, suspending the prior enactments relative to non-intercourse, and giving France and England till the 1st of March, 1811, to repeal their respective decrees. This law was communicated by Mr. Armstrong, the representative of the United States, to the Minister of Foreign Affairs, who, in his note to him of the 5th of August, 1810, stated that the decrees of Milan and Berlin were revoked, and that they would cease to have effect from the 1st of November, 1810, should the English have then withdrawn their orders in council, or the Americans have forced them to respect the neutrality of the Union. It is painful to mention that it was on this very 5th of August, 1810, at the moment when a reconciliation was about to take place between the two countries, that the Emperor issued a decree ordering that the proceeds accruing from the sale of American merchandise, and previously deposited in the *caisse d'amortissement*, should be transferred to the public Treasury. It is well to mark the effect which the note of the 5th of August, 1810, had on the Government of the United States. On the 29th of November, the President announced by proclamation the repeal of the French decrees, and summoned England to retract her admiralty orders. This the British Government having refused to do, the President of the United States, on the 2d of March, 1811, revoked the suspension of the *non-intercourse act* with respect to England. Nevertheless, and I say it with regret, the condemnations of American vessels continued, not only after the note of the 5th of August, but subsequently even to the 1st of November, 1810. Besides, it was not till the 10th of May, 1812, that Mr. Barlow, the minister of the United States, received the decree of the 23th of August, 1811, which repealed the decrees of Milan and Rambouillet, the repeal to take effect from the 1st of November, 1810. Mr. Barlow hastened to communicate this decree to the English Government, which thereupon withdrew, on the 12th of June, its orders in council. But it was too late—the United States had declared war against England.

Such are the facts on which the Americans rest their claims for indemnification. I shall now come to the negotiations. They were begun and prosecuted by Mr. Barlow, in 1812, who met with his death amid the snows of Poland, whither he had gone at the invitation of the Minister of Foreign Affairs. The amount then claimed by the United States was as high as seventy millions. A report had been communicated to the Emperor, by the Duke of Vicenza, under date of the 11th January, 1814, wherein the minister declared that indemnification ought not to be allowed for vessels seized in virtue of the decrees of Berlin and Milan, with the exception, first, of those seized since the 1st of November, 1810; secondly, of those confiscated prior to their knowledge of these decrees; thirdly, of ships

burnt at sea : and, fourthly, of those seized at St. Sebastian ; the amount of indemnification for all which therein allowed by the Duke was thirteen millions ; but, as he deemed the list of vessels incomplete, he proposed to make it eighteen millions.

The Restoration had no great regard for a Government based on the principle of popular supremacy. It did not dispute the justice of these claims of the United States ; but it was fertile in excuses for evading a question which it was no part of its policy frankly, and openly to meet. This was not the case after the revolution of July. France felt the necessity and the expediency of a more strict union with a Government which, based like her own on the principle of liberty, had proved faithful to her cause at a time when victory had abandoned it. A commission was named ; the principles which had been assumed by the Duke of Vicenza, in 1814, were made the basis of decision. United as to the principle of indemnification, they were divided as to the question of the amount to be paid. By the majority it was fixed at twelve millions of francs ; by the minority raised to thirty millions. This sum, however, fell far short of that demanded, in 1831, by Mr. Rives, the negotiator on the part of the United States, who produced claims for four hundred and eighty-five prizes, the value of which was estimated at 70,560,000 francs, but at length reduced to 70,000,000. Such were the conflicting principles of the negotiation, when the convention between France and the United States, of the 4th of July, 1831, was concluded. It becomes us now to examine whether the treaty accords with the principles of strict justice, and of the true commercial interests with France. The questions which naturally present themselves to the minds of your committee are the following :

Are the United States entitled to indemnification ? If entitled, do we owe them twenty-five millions ?

Are the benefits secured to our commerce by the treaty in question, a sufficient compensation for the loss sustained from the non-execution of the 8th article of the treaty of cession of Louisiana ?

It was the wish of your committee, in order to arrive at a solution of the first question, to obtain a perfect knowledge of all the demands made by the Government of the United States on that of France. Fearing that the Duke of Vicenza might, in 1811, have consulted the interests of the imperial policy rather than those of justice ; that the decision of the commission of 1831 might have been too severe, from their not having before them many of the documents since furnished, or that the Government may have been too indulgent, each demand was separately made the subject of minute examination, and submitted to the tests of the strict principles of right and the most exact rules of justice.

Among the numerous pretensions of the United States, there are many which cannot be made the subject of grave discussion ; but there is one which merits the most profound consideration. It respects the question whether the French Government had a right to seize and confiscate vessels sailing under the protection of a neutral flag, recognised as such by various treaties. The United States refer to the treaty of 1800, based on the liberal principle that the flag covers the property, as strictly entitling them to indemnification for all seizures made in virtue of the decrees of Berlin, Milan and Rambouillet. Your committee are of opinion that the decrees of Berlin and Milan, were, in a manner, forced on the Imperial Government by the first of all laws, that which allows the means of self-

defence and self-preservation. These decrees were acts of retaliation against a hostile Power. Their intention was not in any way hostile to the United States. They forbade them, it is true, all commerce with England; but did they not, in exchange, open to them the ports and ensure to them the supply of the whole Continent? Instead of complaining, they ought to have thanked the Emperor for these decrees, as the very source of the commercial prosperity which they have since attained. The Federal Government should have caused its neutrality to be respected by England at an earlier day. It was not in 1812, but in 1807, that the honor, the dignity, the interests of the United States demanded from them a declaration of war with Great Britain. Had this declaration then been made, the empire would have escaped its own disasters; England would have recognised the liberty of the seas; and the union would have preserved the immense benefits which our policy ensured to it, and have avoided the war which it was, after all, forced to declare in 1812.

With what reason can the United States complain of the decree of Rambouillet? The *non-intercourse act* was an act hostile to France, and had preceded that decree, the lawfulness of which no Power on earth had a right to dispute. Judge then, for yourselves, gentlemen, of the *indulgence*, to avail myself of an expression of our colleague, M. Bignon, with which we have admitted these claims of the United States.

Your committee have rejected these pretensions, so far as they bore, generally, upon all the considerations arising from the decrees of the empire; yet they could not but except such ships as were captured prior to their knowledge of the existence of these decrees; the principles of national and universal law, and of equity, forbidding that a prohibitory measure should be considered as taking effect before the parties interested had come to a knowledge of it.

Your committee are also of opinion that indemnification was justly due for ships seized since the 1st of November, 1810, the date of the repeal of those decrees. It is an undoubted principle, that an act should be deemed inoperative from the moment of its repeal.

Another question of deep interest to your committee, was that in relation to vessels seized in Spain, and afterwards sold at Bayonne; a question, the most important details of which they have carefully investigated. It is to them a fact demonstrated, that these vessels would never have entered the port of St. Sebastian, but for the previous pledge of the French authorities that they should not be deemed as coming within the scope of the existing decrees. We are therefore of opinion that to withhold indemnification for these vessels would be to compromise the honor of France. The same is true of vessels sunk or burnt at sea. The right which permits the commander of a squadron to destroy vessels in time of war, not for any culpable act of theirs, but on the mere supposition that they might, if suffered to proceed, make known to the enemy the secrets of his expedition, is acknowledged to be an extraordinary right, and a doubt has never been raised that the claimants of property so destroyed are entitled to reparation.

Your committee are also of opinion that indemnification is due the United States; but that it is due only, 1st, For vessels seized prior to a knowledge, on their part, of the decrees of Berlin and Milan. 2dly. For vessels seized since the 1st of November, 1810. 3dly. For vessels confiscated in Spain, and sold at Bayonne. 4thly. For vessels sunk or burnt by French

squadrons; all which is in accordance with the opinion of the Duke of Vicenza, in 1814, and with that of the commission appointed in 1831.

The principle of indemnification having been once admitted, and the claims which it ought to affect once specified, your committee had next to examine the reasons which led the Government to increase the sum, and to fix it at 25 millions. We had a visit from the Minister of Foreign Affairs: the result was our conviction, from documents furnished by him, that the Government has always held, that if indemnity were due, it was due but to these four classes of claims, the justice of which, I think, has been fully proved; and that these, and these alone, have formed the basis of its negotiations with the United States.

Another duty remained to be discharged by your committee, which was to furnish a statement of the number and the value of cargoes and vessels, for the loss of which they had decided that indemnification should be made.

The minister of the United States had presented, in 1831, claims for 485 prizes. The committee, after an examination of all the lists produced by both Governments, have admitted, as entitled to indemnification, but 124 vessels and 127 cargoes. This done, your committee had only to make out an estimate of the value of the cargoes and vessels, and to compare it with the sum of 25 millions, which the French Government has engaged to pay to the United States, deducting, however, that of 1,500,000 francs for the indemnification of French citizens, creditors of the United States, whose claims are of the same nature as those of the Americans.

The result of this estimate and comparison was a perfect conviction, on the part of the committee, that the sum of 25 millions is justly due to the United States. In fact, the value of vessels confiscated amounted to 25 millions, omitting that of the eight not sold at Bayonne, but surrendered to the Marine Department, in virtue of the imperial decisions.

As respects the second part of the treaty relative to compensation allowed for the benefits secured to us by the 8th article of the Louisiana treaty, by estimates made from those which have already resulted to our commerce from the free entry, so to speak, of our wines and our silks into the United States, your committee have every reason to believe that the French Government has, in signing this treaty, acted justly, wisely, and for the interests of the country.

Permit me to answer certain objections made by the opponents of the bill to the report of your committee.

I would first remark to my honorable colleague, M. Boissy d'Anglas, that he errs if he thinks that the French Government is the only Government from which that of the United States would have demanded this indemnification. It has exacted and received millions from England, from Spain, from Sweden, and the Two Sicilies.

I have, with every member of this chamber, admired the consummate power and address shown in the speech made by our honorable colleague, M. Bignon, in the course of this debate. Such is the force of talent, that he would have infallibly convinced even myself, had I not profoundly studied the question now before us. There were, however, two points in this speech with which I was particularly struck. The first was, that, after adopting the principles of the committee, he was unwilling to admit the conclusions rationally resulting from them; the second was, that the policy of the empire found in him a most eloquent opponent.

Our honorable colleague admits the principle that indemnification is due

the United States, but rejects, with one exception, all the grounds upon which it can be justly predicated; grounds admitted by the Duke of Vicenza, and even by the Emperor himself, in 1814. In other words, he is of opinion that *something* is due the United States; but he denies that *this something* should be paid them.

M. Bignon wishes the indemnification to extend only to such vessels as were burnt at sea by our squadrons; denying it on account of the vessels confiscated before the parties interested could have had knowledge of the decrees, of those seized after the revocation of these decrees, and of those seized at St. Sebastian and sold at Bayonne; and his reason for so doing is, that the grounds on which the allowance of indemnification for these vessels is predicated, afford matter for doubt and discussion.

I ask pardon of my colleague; the grounds admitted by the committee cannot afford matter for doubt and discussion; because principles, which are the same at all times and all places, forbid that these grounds should be rationally contested. Do you reject the principle that a law can never have a retrospective effect? the principle that a decree revoked is an inoperative decree? Can you silence the voice of conscience while it tells you that the price of the ships—pardon the expression—*robbed* at St. Sebastian, ought to be repaid?

The strongest objection made by M. Bignon to the report of your committee is this—you should not have allowed indemnification for the twelve vessels condemned after the 1st of November, 1810, but seized before that date. It is because the note of the 5th of August, 1810, had declared that the decrees were revoked; because the United States were the first to make advances to us, in repealing the *non-intercourse bill*; because we were the cause of the war which they declared against Great Britain in 1812, that we have less consulted the strict rule of right with respect to these twelve vessels, than the dictates of equity.

The second part of the treaty which we offer for your ratification, has found as little favor with my colleague, M. Bignon. If the United States reduce their duties on our wines and our silks, it is, forsooth, an act in them of mere stratagem and address. They reduce their custom-house duties because they no longer know what to do with their money: meanwhile we hear nothing talked of but American bankruptcy. Your committee are neither so sharp-sighted nor so far-sighted as our honorable colleague. The only question with them, on this head, has been, whether a reduction of duties on our wines and on our silks is a sufficient compensation for the loss of the benefits promised by the Louisiana treaty. The question is affirmatively answered by the estimates themselves, and requires no further investigation. My honorable colleague thinks that the Americans would make no change in their tariff, even should you not ratify the treaty of the 4th of July. But, if the Americans are as selfish as M. Bignon considers them, will they not be eager to wrest, by their duties, from the commerce, what they have not been able to obtain from the justice of France? What will then become of Lyons and Bordeaux? Reflect! gentlemen; there is cause for reflection. Thus, gentlemen, right and equity both demand your assent to the bill before you. In giving that assent, you will perform an act not of justice only, but of the wisest policy. It is by a reunion of the bonds which should connect us with America that you will oppose the encroachments of a Power which, not having dared to make war upon you by acts of violence, has endeavored to do so by its

tariffs. It is by opening new outlets to the products of our soil and of our industry, by increasing for the working classes the elements of labor, that we may usefully serve the country. Spirits are at work among us, whose agitation threatens to explode. There is but one way to lay the storm, and that is to open to them new opportunities of action; they are restless only because they have no place in society. Let us colonize Algiers; and let us seriously consider the state of Corsica, which requires but a few millions usefully expended, to become one of the most populous countries in Europe.

M. BOISSY D'ANGLAS.

I wish to offer a reply to a statement made by M. Réalier Dumas.

Gentlemen, when a deputy rises in this tribune to fulfil one of the dictates of conscience, that of protecting the interests of the country, he should be certain as regards the facts stated by him, otherwise he will lead those of his colleagues into error, who are ready to place dependence upon him. M. Réalier Dumas has told you that I had, no doubt thoughtlessly, affirmed that no other Powers had indemnified the United States for the losses experienced during the continental blockades, of which the imperial decrees of Berlin and Milan were the inevitable results. I ask you, gentlemen, to allow me to show you where the charge of incorrectness will apply.

It may be said that, immediately after the glorious revolution of July, the agents, and the friends also, of the Federal Government, recommenced urging those claims which had been rejected by that of the Restoration; the new Government, with a view to policy, passed an ordinance on the 14th October, 1830, creating an administrative commission to examine this business.

To name the members who formed a part of this commission, is to furnish a guaranty of its impartiality: M. Lainé, Peer of France, was its president, and furnished its report; M. Bellet, senior, M. Benjamin Delessert, M. George Lafayette, M. Pichon, and M. d'Audiffret, were the other members.

Upon the pretensions of the United States, M. Lainé made a report* marked by force and argument; in it the different questions were examined and resolved, agreeably to the principles of public rights. After two months of the most assiduous labor, a sum was fixed upon, very inferior to that which is now demanded of you; this amount was determined without having previously examined and considered the negotiation which had taken place between the United States and three other Powers, relative to indemnifications demanded, under circumstances in some degree similar; but the commission was aware that the analogy was very far from being perfect, and that the sacrifices to which England, Spain, and Denmark had quietly submitted, were amply compensated by incontestable advantages. The following, gentlemen, are, moreover, the terms of the report:

"A majority has allowed indemnification in three classes of cases, believing that equity towards others ought to prevail over the motives for rejection given by the Governments of the Empire and of the Restoration; it has therefore been their object to maintain harmony between two friendly Powers, and to establish reciprocal and beneficial commercial relations; for which ends France has already made great sacrifices, not having been influenced by the example of England, of Spain, and of Denmark.

* Never published.

“ If, for the captures made during the war of 1793, England has judged it expedient to recompense the United States, it was because she had gone beyond the boundaries of injustice itself, in regard to neutral Americans ; because she wished to detach her from France ; and she had been amply indemnified by the treaty made by her with the Federal Government, at the end of the year 1794, as that treaty struck at the grand compact of 1788, between France and the United States.

“ The convention of indemnification with Spain was combined with the acquisition of the Floridas ; for the accomplishment of which France afforded many facilities to the United States.

“ As for the convention with Denmark, we may find in the Department of Foreign Affairs the motives by which this Power was governed : it would then be proved that the sum allowed under the name of indemnification was given without regular accounts, and was very far below what was claimed.”

Such, gentlemen, are the words of the report itself, made by M. Lainé : you will understand, that, when I observed that no indemnification had been given by the different Powers to the Federal Government, I meant that no indemnification had been allowed upon the grounds assumed in the claims of the United States against France ; most assuredly I would not assert that at no time, and under no circumstances, had any arrangements been made ; but I was perfectly correct in affirming that, under parallel circumstances, for reasons such as are now given, and simply as the payment of a debt, no pecuniary sacrifice has been made by either of these three Powers.

An honorable general has told you that it is to our own honor to pay that which we owe ; yes, undoubtedly, gentlemen, States, as well as individuals, are bound to fulfil their engagements, under penalty of being disgraced if they do not ; but, gentlemen, if you are not in debt, as I am persuaded you are not, do not allow yourselves to be duped ; otherwise, in place of fulfilling the demands of honor, we shall become *the laughing stock of Europe*.

Recollect, gentlemen, that extraordinary expenditures are those which produce the ruin of empires ; ordinary expenditures are easily borne, because we provide for them corresponding resources ; from these there can be nothing more than momentary uneasiness ; but for extraordinary expenditures, credit must be resorted to, the future must be pledged, and there is no power sufficiently strong to bear up against the continued abuse of such expedients.

Gentlemen, I have quoted the report of M. Lainé, but I will now make a new observation ; for this purpose I shall call upon the Minister of Foreign Affairs, and I beg of him to grant me a moment's attention.

I say, then, it is somewhat extraordinary that the report of M. Lainé, given as the result of the labors of the commission, has not been added to the printed documents. In that report it is said that the commission of 1831 asked but twelve millions for the United States. There is a great difference between that sum and twenty-five millions demanded by the new commission. I therefore request the Minister of Foreign Affairs to have the goodness to lay that report upon the table of the president, in order that it may be printed and distributed.

The DUKE DE BROGLIE, [*Minister of Foreign Affairs.*]

The report has been communicated to the committee.

M. BOISSY D'ANGLAS.

The minister tells me that this report has been given to the committee. I declare that I have sought for it in vain; and if I have had any knowledge of it, I should say that it was obtained in a manner almost fraudulent, for it has been communicated to me just as though there were no obligation to do so. It is proper, however, that the Deputies should not be thus compelled to obtain their information in a clandestine manner.

THE MINISTER OF FOREIGN AFFAIRS.

The report has been communicated to the committee; it is in its possession.

M. BOISSY D'ANGLAS.

The committee has not deposited it in the committee room.

M. PETOU.

It is indispensable that the report should be communicated to us; until that is done, it will be proper to put off the vote on the law.

M. RÉALIER DUMAS.

I will observe that the report in question has been communicated to the committee, of which I am a member.

M. PETOU.

That is not sufficient.

M. RÉALIER DUMAS.

It is not surprising that the commission of 1831 extended the amount to twelve millions only; because that commission had not before it the documents with which we have been furnished. It is proper for me to say that all the documents have been furnished to us, not only by the United States and by the Minister of Foreign Affairs, but that we have collected others in the archives of the Council of State, of the Department of Marine, and of the administration of the Customs. And I aver that the committee has performed this labor conscientiously, and has made its estimates according to the strictest rules of justice.

M. BOISSY D'ANGLAS.

I persist in demanding the report made by M. Lainé.

M. PETOU.

Remember that Napoleon determined to pay but thirteen millions.

M. AUGUIS.

Gentlemen: I will begin by submitting to the Chamber a short reply to some of the observations which have just been made by the honorable M. Réalier Dumas, member of the committee.

M. Réalier Dumas has just affirmed that the committee was furnished with all the necessary documents; that they did not restrict themselves to an examination of those which have been supplied by the Minister of Foreign Affairs; that they have searched the archives for some, and applied to the Council of State for others; and, in fine, that they had obtained documents from every possible source.

I apprehend, gentlemen, that our colleague is mistaken. If, in fact, he had taken the pains to make a more attentive examination in the archives of the Department of Foreign Affairs; if he had asked for the papers relative to the claims made by Frenchmen against the United States, in consequence of the cession of Louisiana, in virtue of the

treaty of the 3d of April, 1803, he would have found there claims which, though not mentioned in the report, nevertheless are for a very considerable sum, and have been long since preferred; he would have seen that the claim of the heirs of Sieur Renault, to which I had the honor of calling the attention of the Chamber on the sitting of Friday, has also been long in suit; he would have found there a correspondence of the Duke of Richelieu, at the time when he was Minister of Foreign Affairs, in the course of which, the Duke, in a despatch to our minister plenipotentiary in the United States, had required of him some information relative to this very claim.

If he had taken the trouble to consult the work of Brackenridge on the natural and artificial products of Upper Louisiana, he would have found that the sum to which this claim, if allowed, would entitle the holder, is no less than 1,525,000 francs per annum; the details respecting it may be found in the work just mentioned; he would have seen that the claims of the heirs of the celebrated Law had been also submitted to the United States through the Minister of Foreign Affairs; he would have seen that the claims of Count Coëtlogon had also been the theme of subsequent instructions; that a voluminous correspondence had been carried on with M. Hyde de Neuville; that the United States had been several times reminded of these claims; that committees had been appointed by the Congress, the reports of which had not pronounced the claims presented to them invalid; but, on the contrary, that far from considering the demands of those claimants to have been silenced by the treaty of the 4th of April, 1803, the Federal Government had considered them as subjects for re-examination. There are papers which may be found in the journals of Congress for 1829, in those for 1827, and in those for 1828, which make mention of these same claims, and avow the necessity of more ample testimony to enable them to decide definitively upon them. Gentlemen, I have had the honor to declare to you, for myself, that I am unable to attest the correctness of the amount mentioned by these claimants; but that, supposing the sums to be susceptible of considerable reduction, yet the 1,500,000 francs will be insufficient to meet the claims now presented on the part of the heirs of Renault, Law, Luxembourg, and Coëtlogon. Gentlemen, the claims of the United States are made up from the amount of different claims preferred by individuals on account of partial losses sustained between 1806 to 1811. It is true that you must examine narrowly, in order to determine precisely, the sum which ought to be paid to the United States, whatever may be the principle admitted, as well as that which ought to be retained by the French Government to meet those claims which may be presented at a future day. Gentlemen, before examining the principle, and before acknowledging, in fact, that the French Government owes any indemnification to the Federal Government for the losses which they may be able to prove subsequently to the new modifications of the imperial decrees diminishing the severity of those of Milan and Berlin, we must learn whether the advantages derived by the American Government are not more than a compensation for the losses which they have thus sustained. The honorable M. Bignon proved to us, on Friday last, by facts and by reasonings which have not as yet been contradicted, that not only the American Government had no claims to prefer against France, but ra-

ther, if either of the two countries has a right to demand indemnification of the other, it would probably be France, and not the American Government. Gentlemen, when, in 1814, arrangements were made between France and the different foreign Powers, it resulted, from a recapitulation which was placed before the Chamber of Peers, by M. Roy, in the session of 1832, that France had just claims to the amount of 235,000,000. Examine well this amount; 235,000,000 due to France by foreign Powers! I have reason to fear, gentlemen, that we have too easily given up a debt so considerable; and, notwithstanding this, we now see foreign Powers addressing the Government of July, in demand for sums which are small indeed when compared with those which we have a right to demand from them.

Gentlemen, in such a state of things, would it not be proper to form a new committee, which should examine the claims of each, and determine how much is due by each, so that the difference may be paid by the party which may appear in the end to be indebted to the other?

I am of opinion that, under such circumstances, the Chamber would act imprudently, and with a precipitation prejudicial to our finances, if at once, and without a more full examination, it should acknowledge France to be indebted to the United States to the amount of 25,000,000, and consent to the payment of it without the deduction which I have had the honor to suggest to you. Do not imagine that this is a question of royal prerogative. There is an essential distinction to be observed between the diplomatic treaty made in 1831, and the financial arrangements of the same treaty. No one is less disposed than I am to dispute with the Crown the right of making treaties, that is, diplomatic treaties; treaties essentially political. As regards any financial arrangements which these treaties may embrace, you are omnipotent; your power cannot be limited or questioned. Examine then at once, with religious attention, with truly financial accuracy, whether it be not imprudent and rash to determine at once upon this settlement. It has been made for the United States, as I have already had the honor to observe to you; but I fear not to declare that it has not been made in accordance with our own essential interests.

The amounts are considerable; on the one hand, a sum, the yearly interest of which is 1,525,000 francs; on the other, our claims, of which one alone amounts to two millions and a half: there are others not yet reduced to figures, but which may nevertheless be considerable. I think it in accordance with the purity of the Government, and with the dignity of the nation, to examine these different accounts with especial care; otherwise, you will pronounce upon them lightly, and thereby give authority to the other Powers who are reserving their claims, to come afterwards, and demand indemnification more or less heavy, on the strength of the precedent you will have established; you will, I say, consecrate these claims, because, without falsifying this precedent, you could not refuse to lend an attentive ear to the claims which might be made upon you.

I persist then, as I had determined on Friday last, in requesting the organization of a new committee, which may duly weigh the rights of each party, so that, after they have been established, the Chamber may be called upon to do what is just.

M. PÉrou.

Seconded! Seconded! We pay every where, and nobody pays us.

SEVERAL MEMBERS.

Spain owes 80 millions. Holland, Belgium, Saxony, every one owes us.
The DUKE DE BROGLIE, [Minister of Foreign Affairs.]

Gentlemen: I appear before you on this occasion to defend, in the name of the Government, the law which is proposed to you: I come to justify in your presence all the clauses, all the conditions of a treaty founded on strict right—founded on equity and reason—founded on the reciprocal interests of the two countries between which it has been concluded.

This treaty has not been spared in the discussion which has taken place; it has been painted in the darkest colors, to the view of our opponents, as an act doubly onerous to France; onerous in the first place, as imposing upon us a heavy burden; and onerous in this sense, that it sacrifices evident rights to delusive advantages.

Our adversaries have gone further. The Restoration has found grace in this respect, in their eyes. If we are to believe them, the Restoration had shown itself jealous of the honor of France, and careful of her interests; the Government of July, less skilful and less firm, has accepted every thing.

If the Restoration, gentlemen, is entitled to this glory—if it be true that the Restoration, in this instance, has preserved us from paying tribute to a foreign nation, certainly the fact is rare; it is the only one of its kind, and ought to be inscribed in letters of gold in the annals of the discarded Government; that would be compensation enough.

But let us not hasten to proclaim this miracle upon the strength of assertions made by nameless persons; let us first ascertain the truth of the fact, and not lavish our incense and our gratitude at random, for we may be only losing both.

I shall take up the facts of the case at their origin; it is the only way of understanding them correctly. I shall endeavor to present them in their natural order, and to place them in their true light. I am under the necessity of soliciting from the Chamber a little attention, much indulgence, and, above all, much patience; for it is not my fault that these facts are very numerous and very complicated.

During the course of that long maritime war, which dates from the beginning of 1793, and ended only with the peace of Amiens, great differences sprung up between the Executive Directory of the Republic and the Government of the United States. Infractions of pre-existing treaties, and acts of violence, had been committed on both sides; retaliatory laws had been passed in both countries; the convention of the 30th September, 1800, put an end to the differences; the convention of 1800 re-established the commercial and political relations of the two countries upon a footing of the most perfect good understanding. This convention has been represented to us as a sort of coalition—as a treaty of alliance between these two Governments, in favor of a maritime neutrality.

This is going much too far; the object of the convention of the 30th September (it is only necessary to cast our eyes upon it to be convinced of this fact) was to put an end to this state of semi-hostility which existed between the two countries, and to regulate the reparations to be made by each for injury which had been committed on the other.

But it is true that, of the 27 articles of which this convention is com-

posed, there are many which are devoted exclusively to the re-establishment of those principles of national law, in respect to the navigation of neutrals, which France has always proposed, and of which she has endeavored to procure the observance by all countries. You know these principles; they are extremely simple. We hold as a general axiom, that the sea is the common domain of all the nations whose shores it bathes; that all may traverse it with equal rights; we consequently hold, that a state of war between two or more maritime Powers does not at all affect the rights of neutrals; that the belligerent Powers have no right to fetter the commerce of neutrals, which may freely frequent all the ports, harbors, or roads of all countries; in fine, that the merchant vessels of neutral Powers retain in time of war the right of transporting, wherever they see fit, all kinds of merchandise—even those which come from countries belonging to the belligerent Powers.

We admit, it is true, two or three exceptions to these general rules. Thus, merchant vessels of neutral Powers have a right to frequent the ports, harbors, or roads of the belligerent Powers, provided always that those ports are not blockaded by naval forces in a situation to dispute the entrance to them; in which case, the neutral ship, being duly warned, ought to depart, or, if she persist, it is then at her own risk and peril.

Thus, also, neutral vessels have a right to transport wherever they may see fit, all kinds of merchandise; they are forbidden nevertheless to furnish the belligerent Powers with arms or munitions of war. Arms and munitions designated by the technical name of *contraband of war*, are liable to be seized if found in neutral ships by the armed vessels of one belligerent Power, when they are destined to be furnished to the other.

In fine, to determine whether neutral vessels do or do not carry articles that are contraband of war; to determine whether vessels which bear a neutral flag, actually belong to the country whose colors they wear, we admit, in time of war, the right of visiting, provided that it be subjected to certain forms and certain precautions. When, however, a neutral vessel sails under the escort or convoy of a ship of war of her own country, we hold then, out of respect to the Government which takes her under its guaranty, that all presumption of fraud ceases. And we no longer admit the right of visiting.

Such are, in a few words, the rules of the law of nations. These rules were for a long time acknowledged by all Europe. It is not more than eighty years since a single Power, England, has thought it might depart from them more or less.

As to the French Government, if it has not always put these principles in practice, it has always professed them, and, when opportunity has presented itself, it has endeavored to introduce them into the text of treaties. This is what it did in 1800, and on twenty other occasions; and it does so still at this day, in the treaties with the Republics of South America, without pretending to enter into an alliance or coalition with them.

The sense of these treaties is, that the two countries engage with each other to observe these rules, and nothing more. But it is to be remarked, that at the moment when the French Government entered into such an engagement with the Government of the United States, it was at war with England, and that England did not observe the rules in

question; consequently, the French Government was not ignorant that it placed itself in regard to its enemy in a position of relative inferiority, since it imposed upon itself restrictions in respect to neutrals, which its enemy did not assume; but it thought then, and I believe rightly, that the maintenance of these tutelary principles presented advantages to France of an elevated description; permanent advantages, which compensated, and more than compensated, for the inconvenience of showing a little more fairness than her enemy.

The peace of Amiens put an end to the war between France and England; but the peace of Amiens, you know, was only a truce; the war soon broke out again, and broke out with increased animosity and energy.

The French Government not being in a situation itself to carry on its own commerce with its own colonies, adopted the course of offering it to neutral Powers. By an order in council of the 24th June, 1803, the English Government interdicted it to them. Very soon afterwards it re-established it, but indirectly; that is to say, by subjecting the neutral Powers to hold commercial intercourse with the French colonies only through the medium of free ports, which it took care to establish in the British colonies. This was the object of the two orders in council, of the 27th June and 3d August, 1805.

This was the first check given to the navigation of neutrals; others soon followed.

An order in council, of the 19th January, 1804, had declared the colonies of Guadaloupe and Martinique in a state of blockade. Another order in council, of the 9th August of the same year, declared the coasts of France, from Dieppe to Ostend, in a state of blockade; finally, two other orders in council, of the 9th April and 15th May, 1806, extended the blockade from Brest to the mouth of the Elbe.

Until then the Imperial Government had observed the rules of the law of nations; it had religiously respected the convention concluded in the month of September, 1800; but irritated by these orders in council, which fell like one thunderbolt after another upon the commerce between France and the countries that were neutral, it issued on the 21st of November, 1806, a decree, known in the history of the law of nations under the name of the decree of Berlin.

This decree declared the British islands to be in a state of blockade; but neither the Berlin decree, nor the order in council, created any real blockade: the blockade was fictitious, as neither Power had a naval force sufficient to make it effectual. With regard to ourselves, our squadrons then rarely ventured upon the ocean; neutrals were merely warned not to trade with the designated ports, and that their vessels, if stopped at sea when bound for one of those ports, would be seized and declared good prize.

The appearance of the Berlin decree raised two great questions applied to neutrals in general; it was a violation of the principles of the law of nations, according to the view I have just taken of them; principles, in virtue of which we do not recognise a fictitious blockade: for, according to us, neutrals should be free to frequent all ports not effectively blockaded. Applied to the Americans in particular, it was an infraction of the convention of the 30th September, 1800, the 12th article of which is explicit upon the subject.

The right of reprisal is alleged in justification ; but does that right extend to a violation of the rights of third parties ? This is an important question.

My enemy attacks me, and I defend myself ; nothing is plainer. He deals a blow at me, which I return ; nothing could be more just. But my enemy, for the purpose of indirectly injuring me, despoils an innocent party. Have I a right, in order to injure my enemy indirectly, to despoil an innocent party ? This would be a question easily answered in morals ; is it less simple in politics ? I will not take it upon myself to say. Others have been bolder than I am.

It is also alleged, by way of justification, that the French Government signed the convention of 1800, with an understanding that the American Government should cause its rights to be respected by the English ; that it should declare war against the English if those rights were disregarded, and that, not having done so, the French Government was released from its obligations under that treaty.

Is it indeed allowable to supply, by gratuitous suppositions and implication, which nothing authorizes or justifies, the absolute silence of a treaty, and especially of a treaty concluded in time of war, and in the face of the difficulty itself ? I would not dare answer affirmatively ; it is a serious affair to make up by suppositions and implications for the silence of a treaty.

The French Government, notwithstanding, at first seemed to hesitate ; the Minister of Foreign Affairs was absent ; the Count de Decrès, Minister of Marine, was at that time charged by the Emperor with the relations of France with the foreign legations. General Armstrong, the envoy of the United States, applied directly to him, and officially demanded his opinion in relation to the Berlin decree, and whether it would be applied to American vessels. The Minister of Marine did not hesitate to reply officially that the convention of the 30th September would be respected, and that the Berlin decree would not be applied to it ; this official declaration, being transmitted to the United States, was communicated by the President to the House of Representatives in a message of the 7th January, 1807.

Nevertheless, the acts were not conformable with the words, and American vessels were not only seized in virtue of the Berlin decree, but seized a long time before the news of the existence of that decree could have reached the shipowners ; for it was indeed peculiar in relation to this decree, and to all the others of which I am about to speak, that they were put into execution the day after their date. General Armstrong demanded explanations respecting these seizures. Evasive answers were given him. Finally, at the expiration of a year, and on the 7th of October, 1807, the Imperial Government decided that the Berlin decree was applicable to American vessels as well as to those of other nations.

After having once entered upon this course, the two Governments continued in it. The English Government, by three orders in council, dated the 7th January, 26th June, and 11th November, 1807, declared in a state of blockade, first, all the ports of France ; then, all the ports of the allies of France ; and, finally, all those ports which chanced at the time to be occupied by the French armies. To be sure, it admitted certain exceptions in favor of neutral vessels which might be willing to submit to some

conditions; such as stopping in England, unloading their cargoes there, and paying certain duties. By way of retaliation, the French Government issued from Milan, on the 23d November and 17th December, 1807, two decrees, declaring that any vessel which submitted to the conditions thus imposed, should forfeit its national character, and be deemed good prize.

Such, then, was the state of things towards the close of 1807. On the one hand stood the French Government, at the head of all the maritime Powers of the Continent; on the other was England alone, but more powerful upon the sea than all the continental Powers together; and between these two belligerents the United States were placed as a neutral.

The English Government interdicted commerce between the United States and the States of continental Europe; and the French Government interdicted commerce between the United States and the British islands. The American Government adopted the only course that it could, in this almost desperate state of things; it saw that whatever direction the vessels of the Union might take, they would encounter certain ruin; that, if they escaped the English orders in council, they fell under the French decrees, and *vice versa*; and that, if by good fortune they should escape both, they would have to run a third risk; for the French squadrons had contracted a singular habit in their few expeditions; they destroyed all the vessels they met with, whether friend or foe, whether they complied with, or transgressed the decrees; they destroyed them for fear that they might apprise the English fleets of the course they (themselves) had taken.

The American Government, seeing that their shipping could scarcely escape the dangers which beset them on all sides, with parental care adopted the expedient of forbidding their departure from their own ports, by the law of the 20th September, 1807, which placed an embargo upon all the vessels of the Union in all its ports, and did not suffer them even to proceed from one port of the Union to another without giving security.

This was purely and simply accepting the conditions to which the two belligerents had subjected her; and it was, besides, a municipal act merely, which applied only to American vessels. It was an inoffensive act, and one not marked by hostility towards any. It, nevertheless, appears to have excited, in a great degree, the displeasure of the Imperial Government.

The latter replied by an act of retaliation. The natural method of retaliating was to place an embargo upon French vessels in the ports of France, or at least upon those bound for the United States.

But the embargo was not of this sort. It was put upon American vessels in the ports of France. The decree laying this *embargo* cannot be found in the archives; but we have the decree dated the 25th February, 1809, by which the *embargo* was raised.

The American *embargo* did not succeed. A large number of American vessels did leave the ports of the Union; those which had not returned to them, kept away; and the owners continued to play the great game of neutral commerce, very much like the sons of high families, whom the watchfulness of their parents cannot keep away from the gambling table. [Laughter.]

The honorable deputy from Andelys, (M. Bignon,) to whom you

listened the day before yesterday, laid much stress on what he called the immense profits of the American ship owners. Those profits may be estimated as high as you please ; but I am a little surprised that the honorable deputy should have told you that, since some have been made rich, others had no right to complain, and that the gains of some were an adequate compensation for the losses of others. Supposing the honorable deputy were a citizen of the United States, (which we should very much regret ;) and supposing he had embarked his whole fortune in a vessel confiscated at Antwerp, at Bayonne, or in Holland, pursuant to the imperial decrees ; and that, upon his appearing to claim indemnification of us, we should tell him—no doubt you are ruined, but there is your neighbor who has made a large fortune, you should be contented, and ought not to ask any thing of us ; what would the honorable deputy say ? [*Marks of approbation.*]

You are now asked, gentlemen, not to indemnify the American Government, but to place in the hands of that Government a sum for the purpose of compensating those who may have suffered by the improper application of the Berlin and Milan decrees. We cannot, therefore, say that the profits of some are a recompense for the losses of others.

The American Government, notwithstanding, did not deem the condition of American commerce as prosperous as you have represented it, and, in proof of this, it did all it could to remedy the evil.

Seeing that an embargo was ineffectual, another expedient was devised ; the embargo was repealed on the 1st of March, 1809, and an act, known in the history of the law of nations as the *non-intercourse act*, or law interdicting commercial intercourse, was substituted for it.

By this law the commerce of the world was again opened to American shipping, but the ports of France and England were closed against it ; and the act went on to say, that if, after the 10th of May, 1809, any French or English vessel should, except in distress, enter a port of the Union, such vessel should be seized and condemned.

This act is the only one on the subject, of which the French Government can make any just complaint against the United States ; and, indeed, such complaint would not be well founded, for the *non-intercourse act* does not at all resemble the Berlin and Milan decrees ; it did not interdict neutral commerce with France, but it exerted a power which belongs to every Government, namely, that of closing its own ports, as every man has a right to shut up his own house. But it must be confessed that the convention of 1800, which had yet three months to run, is at variance with the spirit of this law. I ought to add, that the law was never applied, and that not a single French vessel was condemned under it.

It may well be supposed that the *embargo* law having occasioned so much irritation to the Imperial Government, the *non-intercourse law* would occasion still more, but it did not. During the whole of the year 1809, and the first month of 1810, the French Government does not appear to have regarded that law. In fact, during all that time, an indirect trade, which was not prohibited either by the French laws or by those of the United States, was carried on between France and the American ship owners. It originated, and was kept up, through the medium of those ports which were in the temporary occupation of the French armies. These were chiefly St. Sebastian, Bilboa, and other ports in the vicinity, to which the American vessels were attracted, not only by the prospect of

gain, but by the express invitation of General Thouvenot, who commanded at St. Sebastian.

This fact is confirmed by a letter from the Minister of Foreign Affairs, dated Vienna, 13th June, 1809.

The Imperial Government tolerated this commerce until the 10th February, 1810, when all of a sudden it issued an order to seize all vessels and cargoes which might be found in those ports, and to bring them to Bayonne. Six weeks afterwards a decree issued at Rambouillet, on the 23d of March, 1810, directed that all these vessels and their cargoes should be sold, and the proceeds deposited as consignments, *à la caisse des dépôts et consignations*.

The decree also provided that, by way of retaliation for the *non-intercourse law*, all American vessels then in the ports of France, or which might thereafter enter them, or those ports occupied by French troops, should be seized and sold, and that the proceeds should be deposited as consignments.

There are two things to be considered in relation to this decree: 1st. That a retroactive operation is announced in it, in terms as plain and as unambiguous as were ever used in an official act. 2d. That upon this occasion, also, the Imperial Government hesitated as to the consequences of its own decisions; for it did not say that the proceeds of the sales of the vessels seized should be placed in the public Treasury, but that they should be deposited as consignments.

Nevertheless, the American Government did not seem determined to push things to the last extremity. The *non-intercourse law*, enacted for a year on the 1st of March, 1809, expired on the 1st of March, 1810. The American Government did not renew it, but it published a proclamation, in which it apprised the Governments of France and England that the law would be again put in force on the 1st of March, 1811, if they did not revoke their decisions relative to neutrals.

The Imperial Government met these advances; and the Minister of Foreign Affairs, in a letter addressed to the envoy of the United States, on the 5th of August, 1810, pledged himself that the Berlin and Milan decrees would be repealed so far as concerned the United States, from and after the 1st of November, 1810. Yet, on the same day, by a decree dated at Trianon, the Imperial Government directed that all condemned American vessels should be sold, and that the proceeds of the sales should no longer be deposited as consignments, but be placed in the public Treasury. The same decree directed that the proceeds of the vessels already sold should be withdrawn from that place of deposit, and conveyed to the public Treasury; that is to say, on the very day when it was stipulated to repeal the Milan and Berlin decrees, an order was issued to condemn those American vessels respecting which doubts had been entertained.

And, stranger still, this decree is based upon a report in which it is stated that the decree was designed as a measure of retaliation for the *non-intercourse law*; and the same report also establishes, on the one hand, that the *non-intercourse law* was no longer in existence, and, on the other, that it was never applied to French vessels.

The declaration of the French Government, that from and after the 1st of November, 1810, it would revoke, as respected Americans, the Berlin and Milan decrees, produced in the United States the effect that was to have been expected. Therefore, on the 2d of November, the President,

by proclamation, declared that the *non-intercourse law* was repealed forever, so far as it related to France. The Americans had cause to expect that, from and after the 1st of November, 1810, the seizures and condemnations would cease; but it was not so; they were continued in 1810, through the whole of 1811, and the three first months of 1812; the envoy of the United States requested in vain, during that long space of time, that the engagement to his Government should be officially promulgated. It was not until the 10th of May, 1812, that he could obtain a communication of the decree of the 28th April, 1811, which converted the stipulation into an authentic act. I repeat, during eighteen months, the seizures and condemnations were persisted in.

Nevertheless, in 1812, the relations being restored to a footing of friendship and good understanding, Mr. Barlow the new minister of the United States, addressed the French Government, and entered upon two distinct negotiations with it.

The object of one was the renewal of the convention of 1800, subject to such modifications as circumstances might require. The object of the other was to obtain indemnification for the proceedings which I have just related.

He supported his demand with such arguments as these: "From the date of their promulgation," said he, "to the 31st June, 1809, when the convention of 1800 ceased to be in force, the imperial decrees enacted with reference to American vessels could not be applied but in violation of the stipulations of that convention; from the 1st June, 1809, to the 1st November, 1810, they could not be applied except in violation of principles of public law, which both the Americans and the French pride themselves upon respecting; and from the 1st November, 1810, until the 12th May, 1812, except in violation of a solemn engagement entered into with the United States."

"Besides," added he, "even if the legitimacy of the Berlin and Milan decrees were admitted, could their application to facts anterior to their existence be justified, or at least anterior to the time allowed for obtaining intelligence of them?"

"Could their application to things which did not naturally fall within their scope be justified? Could they be applied without trial, without judgment, without condemnation?" And a great number of cases were adduced to which these exceptions were applicable. In the sequel, I shall have the honor to acquaint the Chamber with the facts upon which these assertions are founded.

Mr. Barlow pursued this double negotiation with an activity which cost him his life. He followed the Emperor Napoleon to Russia; he arrived at Wilna, and died during the retreat a victim to the severity of the season.

The minister who has the honor to address you being then on his way from Vienna to head-quarters, discharged the mournful duty of receiving the last sighs of that unfortunate man in a hamlet of the Grand Duchy of Warsaw.

At the time of his death, Mr. Barlow left this double negotiation in a very advanced state. We learn from a report of the Minister of Foreign Affairs, dated the 6th October, 1812, first, that all the bases of a new arrangement were determined on; and, in the second place, that the prin-

ciple of indemnification was admitted. It was admitted in relation of two classes of case : namely, of vessels destroyed upon the ocean, and of those arising from the application of the Berlin and Milan decrees subsequent to their repeal.

A second report, dated the 27th November, 1812, adds a third class of cases, that of vessels seized before they could have obtained knowledge of the existence of the Berlin and Milan decrees.

In a third report, dated the 5th February, 1813, the necessity and justice of indemnifying the Americans for these three classes of cases are established with great force.

Finally, in a fourth report, dated the 11th January, 1814, a report written under the dictation of M. de Caulaincourt, (Duke of Vicenza,) Minister of Foreign Affairs, these claims are estimated at about eighteen millions of francs.

You have been told, with respect to the sum of eighteen millions, that it was not an estimate based upon the admitted principles, but an offer made to the Americans to induce them to take vigorous measures against the English Government.

That assertion is in direct contradiction with both the letter and the spirit of the report, in which the sum of eighteen millions is specified as the probable result of the estimate in pursuance of the classifications I have just mentioned.

Such was the state of things at the period of the Restoration. A negotiation was begun; the principle of indemnification was conceded; three classes of cases were admitted, which were to serve as the basis of that indemnification, and its probable amount was estimated at eighteen millions.

I ask the pardon of the Chamber for detaining it so long upon these points.

[Several members here cried, No! no! on the contrary, go on.]

My first intention was not to enlarge upon the proceedings of the Restoration in relation to this business. The Government of the Restoration has fallen; thank God, it has fallen to rise no more, and no one is better disposed than I am to respect the ashes of the dead; nevertheless, the praises lavished upon that Government constrain me to enter into details. I will do so as briefly as I can, and without acrimony. I will again content myself with stating facts; to you, gentlemen, I will leave the task of drawing inferences.

Louis XVIII ascended the throne on the 2d of April, 1814. The first note concerning claims addressed to the Government of that monarch by the minister of the United States, is dated the 9th November, 1816. Thus eighteen [?] months elapsed, during which time the Government of the United States abstained from renewing its application. For this long silence it assigns a motive which does honor to its delicacy. As was declared, it saw France crushed beneath the weight of the treaties of 1815; it saw that the 4th article of one of those treaties imposed upon France a contribution of seven hundred millions, and it refused to make common cause with those who estimated their alliance and their friendship at so high a price.

The honorable member from Andelys (M. BIGNON) has given another construction to the conduct of the American Government, and that con-

struction is one so singular, that although I listened attentively to the orator, I am not sure that I comprehended his meaning. I have been obliged to have recourse to the *Moniteur* to dissipate my doubts in that respect. [*Some interruptions.*]

According to the honorable M. Bignon, and in that only he is right, the minister of the United States would have consented, he would even have desired, in 1812, to close the business of the American claims for a grant of eighty licenses, that is, for permission to eighty American vessels to enter French ports, laden with colonial produce, and to sell it for the exorbitant price it then bore under the continental system. This is very true, gentlemen, and the bargain would have been a good one: for, according to all the calculations of the Minister of Foreign Affairs at that time, those licenses would have produced a sum of 91,200,000 francs, with which the Government of the United States might have liberally paid its citizens.

But the honorable deputy adds, that the Government of the Restoration went still further, for it opened its ports to American vessels of whatsoever character; that is to say, gentlemen, because the American Government would have deemed itself indemnified if it could have enjoyed the advantages arising from the continental system, by selling colonial produce at an exorbitant price; it should also consider itself indemnified, inasmuch as, after the continental system had been destroyed, and colonial produce had fallen to its natural level, the French Government did not close its ports to American vessels, while it opened them to all the world. To state such an argument is to refute it. I will not dwell upon it.

Nevertheless, it was not long before we received proof that the motives assigned for its silence by the Government of the United States were the true motives. Indeed, at the moment when the note of the 9th November, 1816, was addressed to the French Government, that Government had to contend with new difficulties.

By the 19th article of the treaty of the 30th May, 1814, it had rather inconsiderately stipulated to pay all the debts it had contracted to individuals or to public establishments, beyond its territory, for supplies, contracts, or any other obligations whatever.

Two conventions, bearing date the 20th November, 1815, regulated the method of settlement; and I repeat, that at the time the note of the American Government was received, nearly a thousand millions of francs had been allowed.

It was not without deep regret that M. de Richelieu, then Prime Minister, saw the demand of the Americans added to the burden beneath which France was already sinking. Still, as he was a man full of loyalty and honor, he plainly recognised the debt; in an interview he had with the minister of the United States, on the 20th January, 1817, he confessed that indemnification was due to the American merchants; in a second interview, which took place on the 12th of April, 1817, he renewed this declaration; but he at the same time requested that the payment of the debt might be postponed to better times.

I do not say that the Government of the Restoration was wrong in thus placing France in the position of a debtor who craves time from his creditor; I am convinced that upon that occasion every thing was done

that could and should have been done. But I ought to remark, that France was not thereby released from its debt to the United States; on the contrary, that debt was made a question of honor and delicacy, and thus rendered still more obligatory.

The American Government suspended its operations for five years; this unquestionably proves the good will of the Government of the United States; but in the meanwhile whenever an opportunity offered, it did not neglect to keep up the recollection of its claim. Thus, when, in 1818, the French Government had negotiated for the claims of the subjects of foreign Powers, and had agreed to pay for them a sum of three hundred million eight hundred thousand francs; when the Minister of Foreign Affairs announced this convention to the Chamber of Deputies, he declared that France was released with regard to the *European Powers*, and this restriction was inserted at the official demand of the Government of the United States.

Thus also on the 11th February, 1819, the 15th May, 1820, and the 21st October, 1820, that Government presented to the French Government certain separate claims of its citizens, and, at the same time, incidentally adverted to the rights and the claims of all the others.

It was in 1822, five years subsequently to the period I have just mentioned, that France being relieved from foreign occupation, and the French finances appearing to be in a prosperous condition, the Government of the United States renewed its operations, by addressing, on the 11th of January of that year, a note to the Vicomte de Montmorency, then Minister of Foreign Affairs. In an interview which took place on the 27th of January, he formally acknowledged the debt. A few days afterwards, during a second interview, the President of the Council also acknowledged it. I pray the Chamber to pay particular attention to these two facts; it is seen that not a single doubt was raised by the Government of the Restoration as to the debt to the United States. Still the Vicomte de Montmorency did not disguise from the American minister the great displeasure he felt because this burden fell to the share of the ministry, of which he made a part; and the mind of the President of the Council, very fertile in expedients, suggested to him more than one device for repelling the difficulty from himself, so that it should fall upon the shoulders of his successors; he did it in this way.

At that time, there existed between the French Government and that of the United States some serious differences concerning navigation duties: which differences were of two sorts. In the first place, France had in 1814 imposed duties upon the vessels of foreign nations, from which French vessels were exempted. She also imposed several extra duties upon merchandise imported in foreign vessels, from which the same merchandise was exempt when imported in French vessels.

The Government of the United States, on the contrary, offered to admit the flags of all foreign nations upon terms of reciprocity. The offer was accepted by England, Prussia, and Sweden.

The French Government having resisted, the Government of the United States imposed upon French vessels a discriminating duty of eighteen dollars per ton; and the French Government, by way of retaliation, independently of the additional duty imposed upon all foreign flags

without distinction, added a special duty of ninety francs a ton, exclusively applicable to American vessels.

In the second place, France, on ceding Louisiana to the United States in 1803, had stipulated that her own vessels should be received in that country on the same terms as American vessels, during the succeeding twelve years; and from the expiration of that time, forever, on the terms of the most favored nation. Now we have just seen that the English flag had been placed upon the same footing with the American in all the ports of the Union. The French Government claimed, as a matter of right, the same terms in the ports of Louisiana. To this the Americans answered, whether correctly or incorrectly I will not say, that, by placing the English flag on the same footing with their own, they had not intended to confer a favor; that it was a conditional, not a gratuitous concession, and that the condition was reciprocity—We offer the same to you, said they, upon the same conditions. If you do not accept the offer, you acknowledge that it is not a favor, and that you have no right to it—A negotiation upon this subject was carried on at Washington.

Messrs. de Montmorency and de Villele took advantage of this, and intimated to the envoy of the United States, that, although they acknowledged the debt to America, they had no hope of obtaining from the Chambers the appropriation necessary for paying it, so long as the question of navigation duties remained unsettled. They intimated, besides, that, as soon as these differences were settled, they would discuss the mode of payment either by arbitration or by a direct bargain.

On the 18th of June, the envoy of the United States protested against this new postponement; but on the 24th of June, that is, six days afterwards, a convention was signed at Washington, which provided that those duties should be abolished; that is, first reduced one-fourth in the two following years; then one-fourth on each succeeding year, until they were extinguished, with the exception, however, of a duty of five francs per ton for light money and pilotage.

The envoy of the United States had scarcely received this convention, when he presented himself to the French Government, and required the performance of its promise. The French Government replied—We are ready to discuss with you the amount of the indemnification; but there are claims of French citizens upon the Government of the United States, which we will have settled by the same treaty. The difficulty relative to Louisiana still exists; it has not been arranged at Washington; we will include it in the same treaty.

The American minister refused to consent to this. He made no difficulty upon the first point, but he declared that he had neither adequate powers nor instructions with regard to the other; and the discussion remained in this state for seven years, while Messrs. Damas, Chateaubriand, and Laferronnays successively occupied the Department of Foreign Affairs. The negotiation made no progress. It was carried on first at Paris, then at Washington, then again at Paris, without any result. Thus the French Government said, I am ready to settle the amount of indemnification, provided you consent to treat respecting the French claims, and the pretensions advanced by us under the 8th article of the Louisiana treaty.

The American minister replied—We cannot connect the Louisiana question with the debt of which we claim payment from you; the two questions are entirely distinct. In the first, our right is acknowledged by you; in the second, your right is disputed by us. We are unwilling to confound all the questions in one and the same act; but we do not refuse to treat the two questions separately, and to terminate them by separate acts.

In saying that the French Government had not denied that the Americans were substantially right, I do not desire it to be understood that it did not from time to time make attempts, and even shameful attempts, if I may so express myself, to get rid at once of these inconvenient claims; for instance, there was scarcely a Minister of Foreign Affairs who did not begin by saying in conversation with the minister of the United States, Why did you not have your claims settled at the same time with those of the European Powers?

The answer was plain. It was at the express request of the French Government that the business was postponed; there would have been a want of delicacy in not acceding to that request. Another odious argument was advanced, which has also been repeated from this tribune; namely, that the legitimate Government was not responsible for the acts of the usurping Government; that application should be addressed to the usurper or to his representative, but that the legitimate sovereign owed nothing. Gentlemen, it must be said to the honor of the Restoration, that this argument was not seriously used. It was, to be sure, put forward; but the ministers who employed it instantaneously withdrew it, and returned to the true state of the affair. I believe that it was advanced but once in an official note.

It will not escape you, gentlemen, that, according to the turn this negotiation had taken, its result was entirely in the hands of the Government of the United States; the French Government declared its readiness to treat respecting the indemnity to be granted to the United States, provided the Louisiana questions were included in the same act. It followed, that from the time the American Government agreed to treat simultaneously on the claims and the Louisiana question, the French Government was taken at its word, and driven to the wall; there was no further retreat.

Well, the American Government took this course in 1830. Mr. Rives, the minister of the United States, came from Washington, furnished with instructions authorizing him in the last extremity, when he could no longer avoid it, to give up treating the two questions separately, and to combine them in one and the same negotiation. On his arrival, he found the ministry of the 8th of August formed; he found it rather anxious respecting its existence—uncertain whether it could obtain from the Chambers the ordinary appropriations; and, consequently, not much disposed to ask them for such as were extraordinary. At first, therefore, he was not very cordially received, and had to put up with the long list of evasions which I have just recited, and which, after being advanced upon this as well as upon many other occasions, were soon abandoned. In an interview he had on the 11th of January, 1830, with the then Minister of Foreign Affairs, [Prince Polignac,] that minister explicitly admitted the right of the American Government relative to the vessels destroyed at sea, which he characterized as acts of piracy.

It was the same with respect to all those vessels seized, the proceeds of the sale of which had been deposited as consignments. In another conversation, on the 11th of February, the Minister of Foreign Affairs even confessed that indemnification was due for supplies, which had not been mentioned until then, during the negotiation. The admissions were such, that the American minister formed from them the basis of a scheme of settlement, in which he stated the admissions, one after another, and which he sent to the Department of Foreign Affairs. The scheme was received, and an answer to it was promised.

If the American minister found the French Minister of Foreign Affairs tractable enough as to the right of indemnification, he found him entirely liberal in regard to the Louisiana question. He then determined to make use of the power with which he was clothed.

Two negotiations, one official, the other confidential, were from that instant set on foot between the then Minister of Foreign Affairs and the minister plenipotentiary of the United States.

In the official negotiation, the minister of the United States endeavored to take advantage of the concessions he had obtained, and the Minister of Foreign Affairs tried to get over those concessions. During this time they had recourse to a confidential negotiation.

Mr. Rives had offered not only to settle the two questions by one and the same treaty, but to dispose of the Louisiana question for the consideration of a reduction by the Government of the United States of the duties upon French wines.

This overture was favorably received, and, upon the application of the Minister of Foreign Affairs, it became the object of a confidential memorandum, which was sent to him on the 20th of May.

In a letter of the 31st May, also confidential, the minister asked for some explanations as to the duration of the proposed reduction; which explanations were given on the 15th of June. He appeared satisfied, and promised, on his own part, to submit a project of a definitive settlement of the two questions.

Things were in this state when the revolution of July occurred, which overturned the Restoration.

I ask pardon of the Chamber for being obliged to enter into all the details. [SEVERAL MEMBERS: Go on! Go on!] They are indispensable. I beg the Chamber to let me rest a few moments. [After some repose,]

I have sketched, gentlemen, the state of the business before you at the time of the revolution of July. The statement I have just made will enable you to give its just value to the assertion so often made from this tribune,—that the Government of the Restoration had freed France from the American claims.

You have seen, gentlemen, that the Government of the Restoration had uniformly recognised the debt; and that, when the revolution of July burst forth, it was upon the point of doing that which has been since done by the Government of July.

I should say as much of a proposition which has not been openly advocated from this tribune, but which has been so often repeated, that I will take this opportunity to reply to it, to wit: that the Government of the Restoration, had it been willing to treat, might, upon more than one occasion, have obtained more advantageous terms.

I affirm that upon no other occasion did the ministers of the Restoration, or any one of them, discuss the amount of claims with the minister of the United States. When, therefore, it is avrrred that the Government of the United States would have been satisfied with less, such an assertion is purely gratuitous, and not based upon any ascertained fact.

This being established, what could the Government which sprung from the revolution of July do? What ought it to have done? Should it have told the Government of the United States, as it was advised to do from this tribune two days ago—upon the whole, your prosperity was greatly increased: we have indeed destroyed and confiscated your vessels, and ruined a large number of your citizens; but, as others have made great profits, we are equal. Moreover, we had a hand in driving you into a war with England; that war did you honor. It is true you have seen your country invaded; your capital taken by assault; your fleets burnt; but you made a noble resistance; you behaved like brave men; accept our compliments, we have nothing else to offer you.

I am of opinion, gentlemen, that this argument would not have sufficed. Ought we, as the Government of the Restoration had done, or rather had timidly attempted to do, ought we to plead the irresponsibility of a new Government for the acts of the old Government? We would have blushed to do so—such an argument was unworthy of us. Finally, ought we to have tried to avail ourselves of the Louisiana question? The Government of the United States had itself offered to treat concerning this question. It was clear, therefore, that we must do one of two things; either confess that we owed, but declare that we would not pay; or else end by a single treaty all the questions in controversy.

The first of these two measures would have disgraced us. It would have been followed by a rupture with the United States; a rupture to the consequences of which I shall presently have occasion to advert. The second measure was the only sensible, honest, and admissible one, and we adopted it.

Nevertheless, do not believe that the Government bound itself by this transaction blindly or at haphazard, without looking before or behind. On the contrary, it took wise precautions; it chose, as has been said from this tribune, very enlightened men to form a commission—men taken from the two Chambers, of every shade of opinion; so that this commission was incapable of suffering itself to be led astray by the spirit of party. All the facts, all the documents were spread before it. Every thing was given to it. All questions were submitted to it. It unanimously decided that indemnification was due to the American merchants. With regard to all the rest, there was not the same unanimity. The minority thought the American claims might be admitted in their whole extent, and that the application of the imperial decree was at all times irregular, and in contravention of the law of nations. The majority, on the contrary, were of opinion that the imperial decrees were justifiable in themselves, and that indemnification was due only for their abuse, and for their retrospective, irregular application.

The same diversity of opinion was manifested upon incidental matters. Thus, it was agreed by all that indemnification was due for the application of the imperial decrees anterior to the period when a knowledge of them might have been obtained.

But what time was to have elapsed when such knowledge should be

presumed to have been obtained? The minority asked for four months, the time fixed by our ordinance relative to maritime prizes. The majority decided upon eighty days, which had been fixed upon by the *non-intercourse law*.

There was the same concurrence of opinion that the imperial decrees could not be lawfully applied after to their repeal. But, by condemning vessels after the 1st of November, 1810, which had been seized before that time, was such an application made of the decrees? The minority decided this question in the affirmative; the majority in the negative. It was the same with the question, whether it was lawful to condemn upon mere decisions of the cabinet, without argument or adjudication.

Upon all these points, gentlemen, the Government sided with the majority; consequently, with the opinion most disadvantageous for the Americans, and the most advantageous for France. There were two points with respect to which it could not accede to the opinion of the majority: the first, because it was contrary to the intention of the majority itself; and the other, because it was based upon a question of figures, and such questions cannot be decided by majorities.

The first of these points was to determine how the American vessels and cargoes were to be valued—whether at the price of cost in America, or at the price of sale in France. The majority of the commission conceived that they should be valued at the price of cost in America, and not at that of sale in France; because, said they, colonial goods were exorbitantly high at that time, and the estimate made on the latter base would be extravagant.

On this point we could not adopt the opinion of the commission, and for this reason, that although colonial goods were really very high at that time, there had been such a glut, and so much hurry in the sales, that the ships and cargoes had been sold very low; and if the opinion had been adopted, it would have led to conclusions very different from those at which the commission wished to arrive.

It is sufficient to compare the American statements drawn up from the prices of purchase in America, with the French statements drawn up from the selling prices in France, to be convinced that there would be a difference of twice the amount in favor of the Americans, between the price of purchase in America and the amount of sales effected in France.

Thus, with regard to the twenty-two ships, valued in the American statement at 8,747,203 francs, from the prices at the places of exportation, we find the French statements drawn up from the sales give a value only of 4,271,890 francs.

That was a point upon which the Government did not agree with the commission; it adopted the price of the sales in France, instead of the cost in the United States.

The second point upon which there was a difference arose from a settlement of the indemnification upon the principles admitted.

The commission determined upon the sum of twelve millions; we arrived at a much higher amount. Every document had been furnished to that commission; every statement had been placed in its possession. The publication of the report of that commission has been eagerly called for, and I now declare, on behalf of the Government, no obstacle has been

interposed; we transmitted that report to the committee of the Chamber, and they have extracted from it whatever they judged convenient.

I will here also remark to those who demand the publication, that they will not find what they seek. They will not find there the series of calculations, made in accordance with adopted principles, from which the commission arrived at the sum of twelve millions. If such a series of calculations exist any where, I know nothing of them. I examined the report at the time I was occupied with the affair, and I have remarked, and you will see when it is printed, that the commission confine themselves to laying down general principles, giving only the total; but as for the series of calculations by which they arrived at that sum total, it is wanting in their report.

Will it be found elsewhere? I do not know. I have inquired; it could not be furnished. It does not exist at the Department of Foreign Affairs. What followed? We were compelled to go over the whole labor, that is to say, to take up the statements which had been placed before the commission of 1830, and likewise before your committee, to dissect those statements, in order to apply the principles laid down by the commission itself to the various cases enumerated; a very different result was the consequence, as you perceive.

To what is this difference attributable? I do not know; but I have settled the fact, that the error is not on our side. The statements, I repeat, are the same which were submitted to the commission of 1830, as well as to the present committee. The principles were settled by the commission of 1830. The investigation was made with great care upon these principles. I transmitted the result of that examination to your committee, and I entreat it to compare them, and see if the calculations were exact, and, if they found the least difficulty, to come to the Department of Foreign Affairs and reinvestigate the matter with us. They compared the condensed statements with the originals. Two of the committee were delegated to the department to communicate with the person charged with this labor. They found it perfectly correct; and I venture to affirm that it will be impossible to discover the least error. I have caused them four times to be verified. The committee itself compared them.

That point settled, and, moreover, the Government having adopted all the principles of the commission of 1830, it endeavored to make them available in the negotiation, without concealing the objections which there would be to surmount. A treaty resulted, composed of three series of arrangements. The first six articles provide that the French Government shall pay to the American Government a sum of 25 millions, which shall be paid in six annual instalments, with interest at four per cent., the American Government being charged with the distribution to the respective claimants to whom it is due. The American Government, on its part, is to pay to the Government of France the sum of 1,500,000 francs, upon the same terms and conditions, to be distributed by the French Government to whomsoever it belongs. By the seventh article, the French Government renounces its pretensions founded on the eighth article of the treaty of cession of Louisiana, and the American Government, in requital, agree to grant, for the space of ten years, a reduction in the duty on French wines. I have not, at this moment, the amount before me; but it is particularized in the treaty.

Thirdly, the French Government engages to establish the same duty upon *long staple* cottons, as upon *short staple* cottons.

I intend to discuss separately the three distinct points of the treaty. I might, with propriety, dwell only upon the first, for the Chamber is not now deliberating upon the treaty: it is deliberating on a law, the object of which is to authorize the Government to execute the first six articles of the treaty; strictly speaking, then, these six articles only are under discussion. But I grant that a treaty is indivisible; that all its stipulations are connected and linked together, and that one being rejected, the whole falls to the ground; therefore, it is better to discuss the whole question at once, than to postpone the debate to another period.

The claims of the American Government, extending to the entire application of the imperial decrees of Berlin, Milan, Rambouillet, and Trianon, amounted to 71,095,961 fr. 12 c. They claimed, at the same time, interest at 5 per cent. upon that sum, from 1814, which added 52,208,925 fr. 87 c. They claimed, besides, 5,055,445 fr. 38 c. for debts and supplies prior to 1806. It is thus that the account of the American Government was established.

It has been remarked from this tribune, that in 1812 the Government had lowered its pretensions from 71 millions to 40 millions, and even to 30 millions. I do not know whence the orator who made this statement has obtained it. I have no knowledge that the sum of the indemnification was so discussed in 1812, between the minister of the United States and the Department of Foreign Relations, nor that the American Government produced, at that period, a statement of its claims. I only know that, in many of the reports presented to the Emperor by the Minister of Foreign Relations himself, he valued the American claims one while at 30, then at 40, and even at 50 millions. In that he only expressed his own opinion; but I have not found any traces of discussion on the subject, or that the minister of the United States ever consented to reductions.

Such, then, was the state of the American demands. The first effort of the negotiation was to induce the American negotiator to relinquish the claim of interest, and the accessory demand of 5 millions for ancient debts and supplies. It was not without trouble that we obtained this concession.

The question was at length definitely reduced to the capital. The French negotiator declared himself totally unauthorized to admit the illegitimacy of the decrees of Berlin and Milan, inasmuch as they were regularly applied, and useful at the time; that he would only be able to allow indemnification for the irregular application of those decrees; that is to say, in those cases where they were applied, before the knowledge of their existence was duly communicated and understood, and where they were made to apply posterior to their repeal, and for the destruction of ships upon the high seas.

The two negotiators could not agree upon those principles; but they agreed that a general offer should be made, without regard to principles.

The French negotiator began by offering 15 millions. That offer was peremptorily refused, and the negotiation appeared to be broken off.

It was upon the express demand, and after the strictest investigation of M. Casimir Perrier, then President of the Council, whose position as Prime Minister, and at the same time occupying an elevated rank in the

commerce of France, rendered him a good judge of the question; it was at his solicitation that the Council of Ministers decided that a higher offer should be made.

The negotiation was then resumed; it was pursued with much diligence through all difficulties. In fine, from reciprocal concessions, from offer to offer, from one reduction to another, the sum of 25 millions was adopted.

In fixing upon this sum, did the French negotiator compromise his responsibility? Did he exceed the limits which were found settled by principles which he himself had laid down? No! He was not the first, for they had been already more highly estimated by the Emperor himself, who will not be accused of making bad bargains relative to his own acts, and the interests of his treasury; and the estimates of the ministers of the Restoration, and of every commission down to 1830, were higher.

Before I proceed, I will say, had that been the case—and I request the Chamber to consider it as stated hypothetically—I will repeat, had the French negotiator even exceeded the principle which he had laid down, still he would not be censurable, for every transaction of this kind is effected by compromise, and the mutual abandonment, in a certain degree, of the positions first assumed. Each party takes his own ground; each makes concessions to the adverse party; and every convention is essentially a mean between the two.

But there is no need here of recurring to general principles in conventions. It is easy to demonstrate, with statements in hand, that, in applying the principles settled by the Emperor Napoleon and by every commission down to, and including that of 1830, to the facts known to us, the sum would far exceed 25 millions; and this I will endeavor to prove to the Chamber.

I am obliged to repeat to you, that the facts which I shall place before you consist of correct extracts from statements furnished by the Marine Department, of vessels burnt; by the administration of the Customs, of vessels sold; by the Council of Prizes, of vessels condemned; and from the archives of the Secretary of State, of vessels condemned by the simple decision of the Cabinet. The selection of these statements was made with the greatest care, and they were transmitted to your committee. The committee appointed two of its members to examine them, and that committee, entertaining doubts on certain points, came to the Department of Foreign Affairs, and had those doubts removed; consequently, I advance nothing which is not the result of the most scrupulous investigation.

The first class of acts which are used to serve as a basis for indemnification, is the class of vessels burnt upon the high seas. Not a single orator whom you have heard, refuses to admit this class. Every one agrees that when the property of a third party is destroyed for personal interests, indemnification should be made.

How were we to learn the number of ships destroyed at sea? It was necessary to consult the correspondence of the Marine.

There were no legal statements (*procès verbaux*) drawn up by the administration of the custom-houses, because there were no custom-houses at sea. It therefore became necessary to examine the journals of the different squadrons, and the correspondence of the Minister of Marine, with the

commanders of squadrons. That minister has furnished a statement, containing a list of 25 vessels.

In comparing this statement with the statement of claims brought forward by the American owners, a difference of 19 ships is discovered. These claims were communicated to the Marine Department. New researches were made among their correspondence, and it is admitted that the claims for 13 of the 19 vessels were well founded. Six were struck off. On the other side, it was observed that of the 25 vessels given in the first statement, there were seven which the commanders of squadrons reported would have been seized as contravening the imperial decrees. Proceedings were commenced; but it does not appear that they were prosecuted to a termination.

In fact, from a suspicion only, we have stricken those vessels from our calculations. Eighteen then remained from the first statement, that is to say, 25 less 7; and thirteen from the second, that is to say, 19 less 6.

There were, in the whole, 31 vessels, which it is certain were burnt or sunk, without any other motive than to conceal the movements of our squadrons. Such is the basis of that part of our operations.

What was the value of those vessels? As no legal statement of their value was drawn up, we were compelled to seek it by approximation. Four of those vessels had been valued by an Imperial Commission, sitting at Rochefort. The average of these four ships gave as the value of the ships destroyed at sea, 156,735 fr. 9 centimes. This average applied to 31 ships, produced the sum of 4,858,787 fr. 19 centimes. It is a fact that the commission were about to reject five of these vessels, solely because the date of their destruction was not precisely fixed. I will here remark, that the date in this case was of no importance. The date of facts is important, relative to the application of the decrees of Berlin and Milan, because the question arises whether they were applied at a proper period; but with respect to ships burnt at sea, it matters little whether it was two or three months sooner or later, provided that it happened during the course of the maritime war with England. Consequently, I could not admit the reduction which your committee introduced. As we are yet too high, I only ask permission to make the retrenchment at the end of the account.

The second class is composed of vessels seized and confiscated within the 80 days allowed for the promulgation of the imperial decrees. The term of 80 days, fixed by the commission of 1830, has been considered as the least term in which the knowledge of those decrees could be communicated to the other side of the Atlantic. The statements furnished on this subject are extracted from the archives of the Council of Prizes, containing all the vessels which were regularly condemned; and extracts from the archives of the Secretary of State, comprising a greater number of vessels, confiscated without any form or process, in virtue of a simple decision of the Cabinet.

This statement shows 42 vessels seized in the 80 days, one of which had lost her national character, having been captured by an English brig. Another was released. Forty remained; of those 40, four were in ballast, and of a fifth half the cargo only was confiscated. There were then 40 ships and 36 cargoes, and a fraction of a cargo, which I neglect.

So much for the second class.

The third class consisted of vessels seized at St. Sebastian, Bilboa, and at Port Passage, and were condemned by the retroactive decree of Rambouillét.

I have had the honor to show to the Chamber already that the decree of Rambouillét interdicted the entrance of American vessels in the ports of France for the future, and pronounced the condemnation of those which had already entered, not only without any opposition from the French Government, but upon an express invitation of the French authorities. It has always been admitted that indemnification should be made for those seizures.

The statements with respect to these were furnished by the Administration of the customs which presided at the sales. The statement of the administration of the customs comprises twenty-eight ships and thirty-five cargoes. There is a difference between the ships and cargoes, because the whole of the ships were not sold: the best were selected, and turned over to the Marine Department, which transformed them into national vessels. We omit these seven ships, although placed in the service of France, so that we count only twenty-eight ships and thirty-five cargoes.

The fourth class comprises condemnations subsequent to the 1st November, 1810, that is to say, posterior to the repeal of the decrees of Berlin and Milan. These cases have never been contested. It is impossible not to acknowledge that indemnification is due for confiscation made in virtue of decrees which no longer existed.

With respect to these, there has been a difference of opinion between the Government and your committee. The disagreement is as follows: Upon a first list were placed the ships which had been seized and confiscated since the 1st of November, 1810. There is no difficulty on this point, but there were ships seized anterior to the 1st November, 1810, and condemned posterior to that date.

The commission of 1830 had been of opinion to reject the last; to determine from the date of seizure, and not from the date of confiscation. We thought this method of proceeding extremely rigorous, and that at least it should be from the 23d April, 1811; that is to say, from the period when the French Government declared itself fully satisfied with its relations with the Government of the United States; from the time when the Government of the United States were placed in a state of semi-hostility to England upon the demand of the French Government. There was no longer sufficient reason to continue a system of reprisals, when the motive no longer existed in the resolutions of the American Government, and which never had, in their actions, for there had not been a single French vessel confiscated in America.

We had then presented, as a subdivision of the second class, the ships seized anterior to the 1st November, 1810, but condemned posterior to the 28th April, 1811. Your committee have rejected those ships, and I have heard, not without surprise, orators from this tribune reproaching it for having admitted them. Without doubt they had not read the report with sufficient attention. Although we considered it just, yet I do not insist upon the subdivision; I only wish to make the retrenchment in the sum total.

The amount of the whole we find to be ninety-three ships and ninety-six cargoes. In order to value these ninety-three ships and ninety-six

cargoes, we have adopted the mean of the sales which were made at Bayonne of the thirty-five cargoes and twenty ships. This was the only ground afforded us for estimating the value of the ninety-three ships and ninety-six cargoes. The average of the sales made at Bayonne gives the sum of 221,482 fr. 20 c. as the price of a ship and cargo, which, multiplied by the number of ships, amounts to 21,223,021 fr. 25 c.; add for the ships destroyed at sea 4,858,787 fr. 19 c., giving for the total amount of the four classes, 26,081,819 fr. 2 c.

In striking off the twelve ships spoken of above, and the five destroyed at sea, there will be a deduction of 3,225,140 fr. 45 c.; we then obtain a sum total of 22,856,688 fr. 57 c. I declare my belief that this amount cannot be attacked with a shadow of reason. Is this all, gentlemen? Certainly not, and I admit it must be my fault that I did not explain myself with sufficient clearness before the committee so as to give them all my ideas.

I had pointed out three orders of facts entering among the classes formed by the commissioners of 1830, and which have not been mentioned in the report of your committee. Those three orders of facts are, first, of the ships seized at Antwerp in 1807; secondly, of the ships seized in Holland in 1809; and, thirdly, of the custom-house duties paid on the seized ships.

I ask permission of the Chamber to explain these facts in the first place, and then to express my opinion.

Seven vessels entered at Antwerp in the first months of 1807; the decree of Berlin was then in force; the decree of Milan had not been promulgated, it was dated the 17th December of the same year. These ships had touched in England; that was their crime. According to the terms of the decree of Berlin, they were liable to expulsion, but not to confiscation; nevertheless, they were seized; subsequently, their declarations having been found to be true, the consignees were permitted to send away the vessels, but the cargoes were detained under the pretext that they might be English property, and that an investigation was to be made. To save the cargoes from destruction, they were sold, and the proceeds deposited in the public office appropriated to that object. A trial took place, and it was established upon that trial that the cargoes belonged to Americans, and were not English property.

The consignees claimed the value of these cargoes. They were not told that they did not belong to them, but they were put off with evasive answers. For two years the proceeds were locked up in the public chest; then came the decree of Trianon, which directed that all the proceeds of American property, so deposited, should be paid into the public Treasury, in retaliation for the *non-intercourse law*; that is to say, that the proceeds of the cargoes should be subjected to the *ex post facto* decree of Trianon, and that they were condemned in retaliation for an act of the American Government, passed two years afterwards. These cases are included in that class in which the imperial decrees have been considered retroactive. The custom-house informs us that the price of the cargoes amounted to 3,360,392 fr. 20 c.

Let us now look at the case of the ships seized in Holland, which is not less strange. These ships arrived in the ports of Holland in the beginning of 1810; they came direct from the United States, had not

touched in England, had encountered no English cruisers. The decrees of Berlin and Milan could not be applied to them: nor were they applied. The ships were left at the disposition of the consignees, the cargoes were landed in Holland, and stored till the payment of duties.

The treaty of the 15th March, 1810, was then concluded, by which the French Government stipulated to restore all the American property in the hands of the Government in Holland. These cargoes never were restored; they were sold, and the proceeds placed in deposit. Afterwards came the decree of Trianon; by virtue of it, these cargoes were condemned, against which there had not been the slightest accusation.

The price of these cargoes amounted to the sum of 1,550,576 fr. 41 c. which, added to the sums already enumerated, gives a total of 27,767,639 fr. 18 centimes.

There remains another consideration, viz. the duties which were paid upon the confiscated cargoes; and it appears to me difficult to oppose any argument to the restitution of those duties. A custom-house duty is a deduction from the profit of the merchant who introduces merchandise. Therefore, there are no duties to be levied upon confiscated cargoes; and nevertheless it is what happened to the vessels seized at Bayonne; received as friends, treated as such during a whole year, they had paid the duties; after these duties were paid, the cargoes were confiscated. We now return them not their full value, but the half or the third of the original cost at the port of departure. It would have been difficult in a negotiation to pass over such acts.

The duties paid for the ships confiscated at Bayonne and Antwerp amount, for the first, to 8,223,935 francs 57 centimes, and for the second, to 5,875,668 francs 18 centimes, which, added to the other calculations which I have submitted already, make an aggregate of 41,756,292 francs 22 centimes.

Such is the result of the bases established by Napoleon, by all the ministers of the Restoration, and by the commission of 1830. Upon these data the Minister of Foreign Affairs had to negotiate. I add, that if any one believes these valuations to have been exaggerated, he is grossly deceived. Do you know, gentlemen, at what price each ship is valued? At 13,000 francs. I ask whether a vessel for a fishing or a coasting voyage would not be valued at a higher price than that. With respect to the valuation of cargoes, an attentive observation is only necessary to compare the duties paid by the ships seized at Bayonne, with the estimate of their cargo. The duties amounted to eight millions, and the cargoes to 7,293,260 francs, that is to say, the cargoes were not sold for a price equal to the duties paid. It was by these facts that the Minister of Foreign Affairs of France was governed.

I say, then, that if the American minister had been possessed of the principles settled by the French Government, not by the Government of July only, but by every Government which had ruled in France for fifteen years—settled by the commission of 1830 itself; if he had abandoned all the claims which those principles excluded; if he had adopted entirely the system of the minister with whom he treated, and only required the liquidation to be made on the basis settled by the Government itself, we should have arrived at a result of not less than forty millions.

And it is because the French negotiator had the wisdom and address,

(not speaking of myself, I can say the wisdom and address) to shift the question, to disengage himself from the precedents which had been imposed on him, and to make this question an amicable one, one of good faith, of reason, and of good sense; to take into consideration the general circumstances in which he was placed after a lapse of time; to make, in good faith, the best of a bad bargain, by which a debt has been reduced to twenty-five millions, which, had it been liquidated in conformity to the principles settled by the commission, would have amounted to forty millions; it is after this, we are told, that the Government has sacrificed the interests of the country; for myself, I declare, there is something wanting to this reproach, which may be found in the treaty, viz. justice and reason.

M. BIGNON. I demand the floor.

THE MINISTER OF FOREIGN AFFAIRS. I now proceed to the second portion of the treaty—to the Louisiana question. The Chamber understands it already.

The Chamber knows that we claim for our vessels the same treatment as American vessels in the ports of our ancient colony, inasmuch as the English have obtained that treatment but on condition of reciprocity.

The Chamber knows that the American Government answered, “If you consider that treatment upon the condition of reciprocity a favor, we offer it to you; you will not accept it; then, by your own admission, it is not a favor, and you have no right to it.”

The Chamber knows, in fact, that we claim the advantage without making any return; we ask for national treatment without reciprocity.

On which side were right and reason?

It matters little at the present day.

The American Government in effect has yielded this point. It has recognised the right of France; whether the acknowledgment has been induced by conviction, by their being weary of the controversy, or from any other motive, is indifferent; it is acknowledged, since they offer to redeem it with an equivalent.

The only question then to be settled, and which is not difficult of explanation, is, whether the equivalent is a full remuneration.

What advantage would result to the French commerce from the privileges we claim, founded upon the eighth article of the treaty of Louisiana? It is that no discriminating duties will exist on French shipping. What may be the amount of the discriminating duty levied upon French ships in all the ports of the Union, those of Louisiana included? The duty is of five francs per ton by the convention of the 24th June.

What should we gain by it? That depends on the number and the size of the ships admitted into the ports of Louisiana.

I have directed a statement to be prepared of the number and tonnage of vessels admitted into the ports of Louisiana, leaving intervals between the years, for the sake of greater precision.

There entered the ports of Louisiana,

in the year 1818,	-	29 vessels, of	-	7,250 tons.
1824,	-	6	-	1,817
1828,	-	8	-	2,671
1830,	-	4	-	1,096
1831,	-	7	-	1,040
1832,	-	15	-	3,561

The amount of the average duty paid is 14,102 francs 50 centimes. It was not so vexatious as to require much notice.

Now what advantage should we reap? I must here first remark, that the French commerce with Louisiana is at least stationary, if not declining, for, in 1828, twenty-nine French vessels entered the ports of Louisiana, and, in 1831, only seven.

The benefit we are to enjoy is a reduction in the duties upon wines. Our commerce in wines with the United States is in a steady and regular increase. Thus our exportations of wines amounted

in 1828, to	-	-	-	-	2,573,466 francs.
1829,	-	-	-	-	4,509,093
1830,	-	-	-	-	4,948,632
1831,	-	-	-	-	5,570,378
1832,	-	-	-	-	5,295,549

If we take as the basis of our calculation, the year 1832, which is not the highest, there were imported into America 1,600,000 gallons, equal to 6,000,000 litres, French measure; on which, at a mean duty of 17 cents, an amount of 1,200,000 francs was paid. In 1834, in virtue of the reduction, made by the terms of the very treaty which we are now discussing, supposing that our commerce has not augmented, taking the year 1832 as a rule, and the wines being taxed at the rate of 7½ cents, they would not pay more than 80,000 dollars, equal to 400,000 francs. Here then is an advantage of 800,000 francs per annum.

It is true, and I readily admit it, that there is not an exact parity in the cases, inasmuch as the advantage resulting from the treaty of Louisiana was perpetual, while the diminution of duties which the treaty accords to us is only for ten years. But the disproportion is so great that this consideration is of no importance.

In fact, what will have happened at the end of ten years, supposing things to remain as they are? The French commerce will have been benefited ten times 800,000 francs, that is to say, eight millions, whilst, upon the other hypothesis, it would be benefited ten times 14,000 francs, that is to say, 140,000 francs. It therefore would require six or seven centuries for the latter to equal the former.

If we are told that the French commerce will increase in the ports of Louisiana, we can reply, the commerce in wines will also increase in the ports of the United States, and that there is a greater likelihood of the latter than of the former.

I believe then, that, in relation to the second portion of the treaty, the advantage is wholly on the side of French commerce.

I have only a word further to say upon the question of French claims, and the duty upon cottons.

Respecting the French claims—since 1814, the Government has never ceased urging those demands, and calling upon all those interested to bring them forward, and make them known at the Department of Foreign Affairs.

These claims are 31 in number; and it should here be stated, that all those mentioned in the handbills which have been printed and circulated about the Chamber for the last two days, were comprised in this number. These claims were submitted to the commission of 1830. Four only were found to be susceptible of admission in a diplomatic transaction.

In effect, gentlemen, there are many claims which may be founded in

right, but for the decision of which application may be made to the proper tribunals in the United States. They are questions of property, which are not to be settled diplomatically.

The commission of 1830 reduced those claims to four, and the sum total of these four only amounts to one million and fifty odd thousand francs. The Government believing that the commission had been somewhat too rigorous, felt it their duty to interest themselves in favor of some other of the claims which appeared most worthy of their interference. They obtained 1,500,000 francs; and I dare assert that it is enough, and more than will be required to satisfy all the claimants for whose rights stipulations can be made in a treaty.

The question relative to cottons is plain. The difference of duty between *long staple* and *short staple* cottons was created by the law of 1816, and did not exist in 1814; at that time the difference of duty corresponded to the difference of value between the two species of cottons, and it was that which justified it. Since that time the art of spinning has been so much improved that the difference in value has disappeared; hence, a difference in duty came to be regarded as an absurdity, which ought to be abolished. Memorials were presented on this subject by French merchants. In a treaty which the French Government made with Brazil, in 1826, an equality of duties was stipulated on *long* and *short staple* cottons, and in a law presented in 1829, it was proposed, on the part of the customs, to equalize the duties upon the two species of cottons. When, therefore, at the moment of signing the treaty of 1831, the American negotiation requested that equalization of duties which the French Government had itself proposed, there was no possible reason for refusing.

In the commencement, gentlemen, of this long, perhaps too long discourse, I asserted that the treaty was based upon right and equity; I believe I have proved it; indemnification is due to American ship owners; we may discuss the amount, or the facts; we may debate upon this or that application; but we cannot discuss the ground of right.

I have taken it upon me equally to advance that this treaty was based upon equity and reason. I believe I have proved that the sum granted by the bill is lower, much lower, than would have been attained by a rigorous adjustment, settled upon the principles professed by the French Government itself, at all times. It is then true that both negotiations have taken into account all that a lapse of time could retrench from the amount of such claims.

I have said, in fine, that this treaty was based upon the reciprocal interests of the two contracting countries. But a word, a word more, (I am already much fatigued,) will suffice to explain my thought.

It depends upon you, gentlemen, to render this treaty null and void.

I ask pardon of the Chamber. I have spoken very long, and am exhausted with fatigue. It depends upon you, gentlemen, to render this treaty null and of no force: it depends upon you to reject the law which is before you. Here, on this side the Atlantic, it is merely a matter of black and white balls for voting; but permit me to assure you that it does not depend on you to make the Government of the United States accept your decision. The power of depriving them of the natural means they possess of paying themselves with their own hands does not rest with your control.

The exports of France for the year 1831 amount to 424,202,754 francs. Of this value our exports to the United States amount to 110,351,696

francs. You consequently perceive that the United States absorb more than one-fourth of our whole foreign commerce.

It will not be necessary to add a great many centimes upon the duties now collected upon an amount of such value, to place annually at the disposition of the Government of the United States the sum of 4,600,000 francs.

The question is not, then, whether France shall pay the stipulated sum, but what Frenchmen shall pay it; whether it be taken from the general treasury, to which all contribute, or paid by the manufacturers of Lyons, the merchants of Bordeaux, by that portion of the French commerce and industry which maintain habitual relations with the United States.

To impose a burden exclusively upon one portion of our commerce and industry, would be revolting injustice, for the damage was caused by the French Government; that is to say, by the representative of the taxable inhabitants generally. Another equally great absurdity, permit me to say, would follow; for, proceeding by increasing their tariff, the American Government would be led to impose restrictions upon French industry, productive of infinitely greater injury than the amount of the sum collected. The ordinary result of high tariffs is to restrict and limit the markets.

You have been, indeed, told that you have not this result to fear; that the American Government will view, with a tranquil eye, with entire want of interest, and without any sentiment of displeasure, the rejection and annulment of the treaty in debate.

You have been told that they would remain passive spectators of the result. I am under the impression that the foretellers of such events have not attentively read the debates which took place two years since in the Congress of the United States; that they have not attentively read the annual messages of the President of that republic. If they had read them, I am convinced that their confidence, in this respect, would have been much weakened.

In order to prove to you that the American tariff was framed only with a view to American interests, and not relating to ours, the question of silks has been cited. The illustration is not happy. It is true that the American Government, by a general measure, reduced the duties upon the silks of France simultaneously with those of China, viz. the first from 22 per cent. to 5 per cent., and the latter from 56 per cent. to 10 per cent. But it should have been added, that the result of this double reduction disturbed the established proportion between the duties upon the two kinds of silk, and the effect produced was the almost entire exclusion of our silks from the markets of the United States.

What have we done? We have availed ourselves of the treaty you are now debating; and, advancing those important considerations which result from its existence, and from the nature of the relations which it establishes between the two Governments, we solicited the restoration of the proportion.

The Government of the United States listened to us, and, at our request, they hastened to reduce the duties upon French silks, even to the point of admitting them free of duty, still maintaining the duties which had been established upon the silks of China.

I ought to inform the Chamber, upon the declaration of persons skilled in those matters, that, upon the continuance of this difference, which we

have obtained by reason of this treaty, will be decided the admission of French silks in the markets of the United States, or their exclusion from them. [*Much sensation in the Chamber.*]

It will be unnecessary for me to dwell upon considerations of public order, which are inseparable from the question. I will only observe to the Chamber, that if, by a decision which I must be permitted to call deplorable, there should be suddenly produced any great discouragement in many branches of our industry, any great disturbance in our foreign markets, it would multiply considerably the chances of disorder in our country; and that the least of these inconveniencies would oblige us to do for Bourdeaux, for Lyons, and for other cities, what we have been compelled to do for La Vendée, to increase our military establishment. [*A slight agitation in the Chamber.*] It would not be necessary that this increase should be very great to absorb the saving which is proposed for the relief of the tax-payers. [*Murmurs more distinctly pronounced.*]

Gentlemen, one of the honorable members said, in concluding his speech, "do you believe that if the treaty of 1831 was yet to be made, a minister could be found who would consent to sign it?" My reply will be very short, and very plain. I believe that treaty to be just; I believe it to be wise. I accept, in all that concerns me personally, the responsibility bequeathed me by my predecessor. As to the responsibility for events and consequences, from this moment forward, gentlemen, it is not upon our head that it rests. Our task is finished; yours commences. [*Loud signs of approbation followed this speech of the Minister of Foreign Affairs.*]

THE PRESIDENT.

M. Berryer has the floor.

M. BERRYER.

M. Bignon wishes to reply to something which concerns him personally.

M. BIGNON.

After the discourse which you have just heard, the ingenuity of which I admire, although I cannot approve of the conclusions, the deputy from Andelys entreats the Chamber to extend to him their indulgence.

Before I enter upon the question, I must recur to a circumstance to which the minister adverted during the sitting of the Chamber on Friday last. He repeated an assertion which I had made, and which he considered incorrect. There was an error of language on my part, but the idea was true. I said the minister was tardy in presenting his bill. I should have said that the debate on the bill had been deferred, and that this delay was the work of the ministry.

When the bill was brought to the Chamber, for the first time, if I am well informed, the committee were astonished at the refusal of the minister to supply the documents which they requested; and no report was made upon it. At the following session the bill was presented somewhat later. If the minister had truly attached any importance to an early discussion of the law, I here declare that the Chamber would have taken up the matter immediately. If the discussion has not taken place, it is because it was not desired. [*Murmurs.*] Gentlemen, when we deliberate upon burdening the nation with a contribution of twenty-five millions, the question should not remain long undecided. On that subject the minority and majority perfectly agree. The delay which has occurred, then, does not attach to us.

In listening to the minister, I avow that I was much surprised at hearing such a speech uttered by a French Minister of Foreign Affairs; his language would better have suited an American minister.

I have always thought that, under all forms of Government, whether republican, imperial, or royal, the interest of France was always the same: but the minister has judged otherwise. He has ransacked the archives of his department for the discovery of wrongs inflicted by the Imperial Government. Does he suppose that if we could penetrate the cabinets of foreign nations, and examine their archives, all their resolutions would be found just, frank and irreproachable? He does not believe it. In his reflections he has suffered the moralist and the philosopher to supersede the statesman. Gentlemen, it is not possible to follow the minister throughout the long course of his explanations. It will be sufficient for me to reply to the principal points of his discourse.

On Saturday last, one of the positions I assumed was, that the losses of the Americans had been amply compensated by the immensity of their profits. The minister says that the profits of a part do not compensate for the losses of the remainder. That is true; but it was one of those unavoidable calamities which nations, placed between great belligerent Powers, must endure. Under such circumstances, they should indemnify their own citizens. They are rich enough to do it. The Americans have the ways and means in abundance.

Since the minister has again dwelt on the severity of the Berlin decree, he obliges me to return to the demonstration made by the Americans themselves, that the English decidedly took the lead in those measures. In 1810 the American Government wrote to Mr. Pinkney, their minister in London, to urge upon the British ministry "*the revocation of the illegal blockade of the French ports, declared anterior to the decree of Berlin,*" as a step towards the ulterior demand of the revocation of that decree.

"It is impossible," continued the Federal Government, "to sustain, that a blockade, such as that of May, 1806, of the whole coast, from the Elbe to Brest, that is, declared four years ago, without ever having been executed, or attempted to be executed by a naval force, can be in conformity with the laws of nations, or compatible with the rights of neutrals."

The British Cabinet insisting that the blockade existed, inasmuch as they had it in their power to enforce it, the Federal Government replied: "If it were admitted that a sufficient force, from the very fact of its existence, be susceptible of being applied to this particular object, we see evidently how absurd it is to confound the power of doing the thing with the reality of the action. The absurdity of such reasoning is manifest; a port blockaded by sea without a ship before it, is a contradiction of terms, as well as a violation of law and common sense." This is not my language; it is the language of the American Government. It appears to me that the argument is unanswerable. Whatever applies to the decree of Berlin, is equally applicable to all the measures successively adopted by their Government.

A great part of the minister's speech was intended to establish the fact that indemnification was due, without determining the amount. Upon that point we agree with him perfectly, and I declared so at the beginning of the debate.

The minister has thought proper to indulge himself in some ironical remarks upon the comparison which I drew between the relative situations

of France and the American Government at the conclusion of the war of 1814. I admire wit under many circumstances ; but I think it ill-timed, when so grave a question is under debate. I doubt that it would prove acceptable to the tax-payers.

The point upon which the minister most strenuously insisted, was, the commercial advantages given in exchange for those secured to us by the treaty of Louisiana.

Gentlemen, I will not repeat what I have said relative to the motives which induced the Americans to make the concessions which they appear to have made. But as they adopted those measures for themselves, they will continue them for their own interests. Those interests the Federal Government understands marvellously well ; let us take care of our own.

If the American Government should determine upon any rigorous measures towards us, we have it in our power to retaliate. In the treaty of 1822, the French Government consented to a sort of reciprocity upon the tonnage of French and American ships.

That clause has been very advantageous to the United States, as their navigation is conducted more economically than ours. Their ships fill our harbors. Few French vessels go to the United States. If, therefore, which I do not believe however, the American Government should manifest any unfavorable dispositions towards us, retaliation is prompt and easy ; may it please Heaven to avert such an event ! For my own part, I have too much confidence in the wisdom and ability of the American Government, ever to believe in the necessity.

Gentlemen, whatever the Minister of Foreign Affairs may have said, the question is divided into two principal parts : first, the origin of the pecuniary disputes between the United States and France ; and, secondly, the payments which have been agreed upon.

The pecuniary dispute originated from the great measure adopted in 1803, and agreed upon between the two countries for the independence of the flag. From the moment that the American Government ceased to cause its flag to be respected by the English, they had no right to demand that it should be respected by France.

The Federal Government submitted to every species of violence which the English Government chose to inflict. On the other hand its profits were immense. The profits were for them ; the losses for us. They ought not in conscience to be so avaricious.

The minister pretends that the argument I used, showing that the Americans had indemnified themselves, was not admissible, and carried with it its own refutation.

I beg pardon of the minister : if the Emperor Napoleon had not fallen in 1814, he could with justice have said to the Americans—your commerce with France is now prosecuted only on certain conditions : you are at war with England ; I maintain, with respect to you, existing conditions, and I will not repeal them until these claims, about which you are so importunate, are settled between us—the American Government would have yielded, and the claims would have been cancelled.

This leads me to the observation of the minister relative to the eighty licenses, which he thinks could not be estimated at less than eighty millions. He has supposed the price of each of these licenses at a million, whilst they could not in general be more than half a million francs, which would reduce the sum to forty millions. It should be further remarked,

that when the Americans demanded to be paid thus with licenses, they engaged at the same time to import into the United States from France or Italy, an amount equal to the proceeds of the merchandize imported in virtue of the licenses. Here is a capital point, an important consideration for estimating the indemnification.

We see, from this, that the Americans at that time did not extend their claims higher than twenty or twenty-five millions. It was the Emperor who decided not to grant those licenses, because he perceived that this mode of indemnification would give rise to shameful speculations, incompatible with the dignity of the two countries.

Gentlemen, I have not contested the principle of indemnification. I have read with attention the report of the commission of 1831—I found it well and skilfully drawn up. In it I recognised the sentiments of wise and conscientious men, who had reduced our debt to its just value. I think the sum of twelve millions would suffice to pay what is justly due to the Government of the United States. I conclude this discourse, therefore, as I did my former one.

M. BERRYER.

Gentlemen: I ask pardon of the Chamber for prolonging this discussion; but I could not resist the desire of submitting some observations, which are called for by the speech of the Minister of Foreign Affairs. Reason and equity have been invoked in defence of the treaty before you, to which the bill now submitted is intended to give sanction. It appears to me that, as regards equity and reason, there are many other considerations which attach to the facts which the minister has stated with so much ingenuity, but upon which he does not seem to have pondered at all.

The history of diplomatic relations, during the course of thirty years of hostilities, undoubtedly presents a long succession of acts of violence and animosity: but one reflection, of much force, arises from the speech of the Hon. M. Bignon, delivered at a previous sitting of the Chamber. It is, that in the midst of all the calamities of the belligerent Powers, in the midst of the depredations under the orders in council, or under the imperial decrees of Berlin, Milan, and Rambouillét, a Power exists in the world, which, notwithstanding the calamities of all others, has gone on regularly increasing and prospering.

This Power is that of the United States, with their territory considerably augmented, extending to the Pacific Ocean; their rivalry with the maritime force of England happily sustained and increasing. Such is the spectacle offered us by the United States; and in the mean time, it is to the subjects of this Power that we are now to determine what indemnification France shall allow. This general consideration, which has been presented by M. Bignon, appears to me of a nature to make an impression upon all minds, in a question which may be reduced, after all, to one of equity and reason; but let us return to facts.

The minister, in reviewing the period between 1793 and 1800, has noticed those outrages committed in violation of the law of nations, and of the rules admitted by nations with respect to maritime rights. It is very true that during that period, measures unheard of were adopted by the French Government, and neutral rights constantly invaded. The Directory even carried things so far as to break the happy alliance with the United States, which was the fruits of the generous policy of Louis XVI. But in 1800 the Government passed into abler hands, and became animated with

a better spirit. The treaty of September, 1800, was then formed, which only re-established between the two Powers a recognition of the common rules of right.

Relative to the claims of neutrals, or to the depredations which they had suffered, nothing was said, or at least nothing was done. This treaty showed that the subject would be discussed at a future period.

Three years elapsed. Peace had been attempted in the intervening period. It was even concluded; but that peace, you know, was only a truce. The First Consul was eager to effect political objects, which he was probably soon obliged to abandon, in order to conclude an arrangement with Spain respecting the rights of France to Louisiana. Scarcely was he invested with this right—he had not even obtained possession—when he understood that his position was different, and felt that it would be impossible to preserve to France the magnificent territory of New Orleans. He said to his council, that it would be folly to persist in the idea of its preservation; that it was evident, from the situation of the two Powers, England could easily obtain possession of our posts in Louisiana by a single hostile movement, and that it was absolutely necessary to surrender them to satisfy the demands made by the Government of the United States, which claimed the free navigation of the Mississippi, and the port of New Orleans. I will do more, said he; I will give the whole colony. The Emperor spoke thus, in the belief of the increasing prosperity of the United States, and of the advantages which a good understanding between France and that nation would some day produce to French commerce.

The treaty of 1803 followed, wherein, yielding every satisfaction required by the United States, exceeding that even, he abandoned to them not only all they asked, but the possession of Louisiana, for the sum of 80 millions, of which 20 millions were assigned to indemnify the citizens of the United States for spoliations committed during the preceding period.

This treaty, besides the special stipulation for 80 millions, contained two clauses, arts. 7 and 8, for the advantage of France.

Art. 7 stipulated that, for the period of twelve years, the vessels of France should be admitted in the ports of the Union upon the same footing as American vessels. Art. 8 stipulated that, after the lapse of twelve years, French vessels should be received, forever, as the minister has said, in the ceded territories, upon the footing of the most favored nations. This was briefly said in terminating his speech, and the minister appeared to attach but little importance to the stipulations in art. 8, affecting the French commerce. He has contemptuously placed them in contrast with the 5th article of the treaty of 1831, which regulates the tariff for the introduction of the wines of France in the ports of the Union; he has shown their disproportion; and that it would require six or seven centuries to obtain, by the execution of the 8th article, the advantages which will be derived in ten years from the execution of the 5th article of the treaty of 1831. I believe I understood him correctly.

I will reply hereafter to this point; but at present I must assert that the consequences of the treaty of 1803 were not so lightly appreciated at the time when that treaty was formed. Animated debates took place in Congress when the question was agitated, whether the treaty should be ratified, and whether they should give to President Jefferson the necessary powers to ratify it.

The envoys of the United States at Paris, Mr. Livingston and Mr. Monroe who had been specially associated with him, represented the important consequences of the execution of the 8th article of the proposed treaty, and declared that the United States were giving immense advantages to France.

The correspondence relative to these negotiations has been published in America; every member of the Senate was possessed of it. We do not enjoy this advantage in France. Our committees receive some communications; but it is impossible for the members of the Chamber, who are not of the committee, to acquire an exact knowledge of facts. We are also compelled to be silent relative to details, and to argue upon general considerations from authentic documents.

I come to what is public. In 1803 Bonaparte said, "By the cession of Louisiana, I maintain the stability of the United States; I guaranty their strength; and I succeed in creating upon the ocean a formidable rival to England, which sooner or later will humble her pride."

On the other side, Mr. Livingston said, in his note, "that as France, by the 8th article of the treaty, acquires the right to be treated in our ports as the most favored Power, she will have in truth the advantages of the colony of Louisiana without the expense." This is the language of Mr. Livingston's note—assertions which, in the conferences that ensued, were not refuted.

I recall these facts for the purpose of showing what is true, that neither in France nor America, in a long course of years, has so little importance ever been attached to the execution of the 8th article, as the Minister of Foreign Affairs appears to attach to-day. However it may be, let us see what acts followed the treaty of 1800, by which principles had been settled, and bonds had been formed, for uniting more closely the Government of the United States to France. The acts which followed contradict notoriously the noble professions of the principles of the treaty of 1800. I will not recapitulate the succession of acts either of England, France, or the United States; but it was in the midst of this general conflagration, that the Americans obstinately persisted in directing their vessels to the ports of France, or to the countries occupied by the French armies. You must have felt the force of the observation made by the Minister of Foreign Affairs. In retaliation for the decrees of Milan and Berlin, and to protect their subjects, they passed the *embargo act*, hoping thus to escape the double danger with which they appeared to be menaced by the English orders in council and the imperial decrees.

The commercial advantages for the United States were so considerable, in consequence of the enormous price which the products of America commanded on the Continent, that you find the subjects of the States of the Union disobeying the laws of their own country. Notwithstanding the embargo in all the ports of the Union, which interdicted the sailing of ships, you find these ships launching forth and carrying their merchandise to every part of the globe. I am therefore not surprised that they should expose themselves to the decisions of the English tribunals, or to the effect of the imperial decrees of France. I can comprehend the powerful charm which enticed them to run the chances. And when the American Government understood that the *embargo law*, which appeared to be a measure of wisdom to protect their own subjects, did not restrain them, and that the great profits enticed them to run every risk between the belligerent

Powers, they enacted the *non-intercourse law*; and you have seen, notwithstanding this formal prohibition to Americans, made by their Government, to carry on any commerce either with France or England, or to import into the United States any of the productions of France or England, yet they persisted, for the interest of their commercial speculations, and to obtain the great profits of a good voyage, which might cover several bad ones, violated the law of *non-intercourse*.

Upon the point of equity, M. Bignon has told you, that when we treat with a State, we should take into consideration commercial operations generally, and before we make the people of France pay twenty-five millions to the Americans, we should examine the true position of the American Government. Profits were so considerable, that, in spite of both the acts of their own Government, the Americans encountered the risk of two or three unfortunate voyages, to cover by one successful one, the two or three preceding failures. M. Bignon was then correct in opposing to the losses which were arrayed on one side, the enormous profits which had been realized on the other.

It has been said that those who were the sufferers by the confiscation or destruction of their vessels were not indemnified for their losses by the profits which others reaped in other voyages; that is very possible; but we are not now in treaty with individuals in arbitration between France and each of the citizens of the United States. The intention even of the treaty is not to pay the indemnification judicially and individually awarded to each of the complaining parties of the United States; but we are debating a treaty with the American Government which provides for payment to them of a sum of money which they will divide among the claimants.

The question being considered under this general point of view, as between State and State, and as a question of good faith and equity, in the midst of all these outrages, when the Americans had been led to brave them by the thirst of gain, with the certainty that the success of a single enterprise would cover the loss of several, does equity demand that indemnification should be made to the American merchants?

It is asserted that, after these dates, viz. 1807, 1809, 1810, and 1811, during which things were in this situation, the Americans pursuing upon the ocean their hazardous enterprises, the Imperial Government was animated with favorable dispositions to the United States. That, upon the arrival of Mr. Barlow in France, negotiations were commenced; that reports were made to the Emperor; reports, in which, without naming a definite sum, a disposition was manifested to do justice to the claims of Americans who had been injured in consequence of the general measures which the Emperor had been compelled to adopt during the war against England; and that thirteen millions might be an equitable indemnification—[*A Member, "Eighteen millions."*] I am aware that it was stated that the sum might be raised as a greater favor to eighteen millions; but that named in 1812 was only thirteen millions.

I will not attack the policy of 1812. Nevertheless, we should bear in mind the circumstances in which the Imperial Government was placed, before we condemn ourselves, as if there had emanated from this Government a positive recognition of the justice of the claim of the Americans, and as if a report made to the Emperor upon some possible indemnification was an engagement for France to pay it.

What was the position of the Emperor and of the United States? War had been declared between the United States and England. This war was prosecuted with great vigor. The English enterprise against New Orleans was in preparation. It was important to the policy of Napoleon, whose vast genius moved the destinies of the whole world, to sustain the United States in their hostility to England. I can very well understand why, in 1812, the Emperor flattered the hopes of the Americans with the possibility of a sacrifice of thirteen millions, to satisfy their claims, whether well or ill founded. I can understand that he might have made this sacrifice voluntarily, in order to secure steadiness of intention on the part of the United States against England, with which he was struggling at that period.

Thus, gentlemen, let us attach to the acts of 1812, to the report estimating the possible indemnification at thirteen millions, that importance only which they merit on account of the relative positions of England and Napoleon, of the United States and Napoleon, and of England and the United States.

These are the circumstances which enable us to appreciate the true character of the hopes which Napoleon had given to Barlow, and other American ministers. The year 1814 comes round, and every thing suddenly changes. The great English expedition against New Orleans had failed; but it was not known at Ghent in December, 1814, that the enterprise had been unsuccessful. They were then negotiating with the Americans at Ghent, and a treaty was there concluded between England and the United States.

What were the stipulations, and what were the consequences of this treaty? They were announced, I believe, in the exposition accompanying the bill which was presented to us a year ago. They were, that English vessels shall enjoy the privileges of American, in the ports of the Union; to which was added, that a reciprocity was consented to by England.

At the close of 1816 the Americans presented a note to the French Government. M. de Richelieu, in the noble idea of seeking to establish a durable harmony amongst all Powers, in his excessive desire to exhibit France fulfilling all just obligations, gave no decision; but he returned a favorable answer to the minister of the United States, and intimated that, under more favorable circumstances, France would do justice to that note. This act of M. Richelieu was an act of loyalty—the act of an honest man. In the position of the Government, at that time, in the midst of excessive embarrassments, at the moment when all Europe was pressing upon her, France was obliged to consent to the enormous indemnifications arising from the long war of 30 years. M. Richelieu intimated to a friendly Government, to a Government which owed its existence to the protection of France, to the policy of the Cabinet of Louis XVI, that all would be done which could be done to give it satisfaction.

Nevertheless, if we were to consider as engagements the letters which he wrote under the general idea he entertained in that loyalty, for which he was universally respected, it would be going too far. The United States were not the only Power with which he made no engagements; he made similar promises to others.

He expressed himself to the same effect, and even in more positive terms, with regard to Denmark.

Denmark has also a claim for losses during the war, and for supplies

for the French troops. [*Denials from the ministerial benches.*] Fourteen millions are claimed. This claim is not abandoned, and so far from being suspended, that I hold in my hands the powers given to French speculators by the King of Denmark himself, to urge them in his name.

M. GUIZOT, [*Minister of Instruction.*]

There are none such.

M. BERNIER.

I ask pardon. This claim is still before the French Government. It has occasioned the exchange of a great number of notes, which the Minister of Foreign Affairs can find among the archives of his department. Many of those notes were known to me personally. This claim of fourteen millions grew out of the acts which took place during the war, and upon the kind of promise made by M. Richelieu. We have it in our power to cite some other cases.

The consequences of the treaty of Ghent between the United States and England were soon apparent. What has been the language of the French administration when the question of indemnifying the Americans has been brought forward, from time to time, as if to lead to a more important discussion? What has been its answer?—Begin by executing treaties with us; for twelve years we were prevented from profiting by the advantageous stipulations of the 7th article of the treaty concluded in 1803, and you now come to prefer this claim; but the 8th article still remains, which assures us that we shall be treated on the footing of the most favored nations. Very well; but you have stipulated with England for treatment on a national footing; grant us the same thing; treat France as you treat England; and, in the payment of imports and tonnage duties, let French vessels be considered as American or English. This was, gentlemen, requiring that treaties be kept.

The Americans answered—and the minister has just repeated some of those objections; that the engagement of 1803 was contrary to the general rights of the Union; that it was not possible to apply particular regulations to any one of the States incorporated in the General Confederacy. The regulation must be common to all the members of the Confederacy of the United States.—To which it is easy to reply, that such engagements are regulated by treaties, and not by the private laws of any people. Now, here the engagement results from the treaty of 1803. This treaty was authorized by the American Legislature, and it was in virtue of that authorization that Jefferson ratified it.

Relative to the treaty of 1814, with England, the minister says there is this difference to be observed, that the English had consented to a reciprocity in such way that this reciprocity is considered by the minister as the price of the concession made to England, to be treated on a national footing in the ports of the Union. Have we not a well-founded claim to the same advantage in virtue of article 8 of the treaty of 1803? Have we not already paid for this treatment by the cession of Louisiana? It is the surrender of that colony which gives us the right to be treated in the United States as the most favored nation; a right equivalent to a stipulation of eighty millions.

Thus, we have paid by the treaty of 1803 for the treatment which we should receive now, as the English have paid in the treaty of 1814, by the reciprocity to which they agreed with the American Government. I, there-

fore, can see no reason why the United States should disavow the obligations resulting from the treaty of 1803 in our favor.

Such, however, has been the question during the space of seven or eight years. The United States demanding some settlement, and France saying, "treat us conformably with treaties, in a manner as favorable as you treat England."

In 1822, a treaty of commerce was formed. The negotiations were conducted between M. Hyde de Neuville, on the part of France, with the President of the United States. Every question was discussed in this correspondence, which is very voluminous, and is printed. We there see that the envoy of France, in regulating the conditions of the treaty of commerce, reserves all the rights resulting from the treaty of 1803; and in a correspondence which continued from the 15th December, 1817, to the date of the signature of the treaty, viz. to the 22d June, 1822, in every note which passed between the President or the Secretary of State of the United States, and the envoy of France, allusion is made to the treaty of 1803; but I do not discover a single instance in which the American Government thought proper to mention the indemnification now demanded.

You are told that the United States, in their silence, had consideration for the financial position of France, after the payment of indemnification by it to every Power. I admit the claims were not formally discussed between the Governments; but it is very remarkable that when France had her envoy in the United States, when that envoy discussed every question of the treaty of commerce, and made reservations on the subject of the 8th article of the treaty of 1803, I am forcibly struck with the fact, that in this treaty the question of the indemnification now demanded was never once raised.

In fine, gentlemen, in 1822 the treaty of commerce was assented to: the Americans, through the different changes of ministry, continued successively to address notes to the Cabinet, to recall to mind that there were questions in dispute.

In fact, I can easily conceive that the United States (which nation has always been discontented with the clause of the treaty of 1803, establishing a difference in French commerce between Louisiana and the other States of the Union) should have been incessantly engaged in raising claims, and seeking questions proper to bring about a definitive settlement of that question so onerous and so embarrassing, resulting from the 8th article. In order to have justice done to one of these claims, a special commission was formed in 1830, a commission which was composed of several persons who had been members of this Assembly, and whose chairman I believe was M. Hely d'Oissel.

[Many members—"No, M. Pichon was the chairman."]

M. Hely d'Oissel also made a report.

That commission was of opinion that, considering the fact of there being grievances on each side, there was no indemnification to be made to the United States; not on account of the ill-advised argument, that Governments ought not to answer for the acts of Governments which have preceded them, but for diplomatic reasons which I have already shown, viz. that the United States had taken advantage of events; that the loss had been on our side; and on the strength of the terms of the treaty of 1803, they refused indemnification.

The revolution of July takes place. The United States repeat their applications, and the question of indemnification finds zealous advocates. Among others there was a celebrated personage in France, [Gen. Lafayette,] who was animated by strong sentiments of affection, and by the remembrance of a glorious patronage by the United States. He became the protector of the claim, he is named a member of the commission; this commission is composed of six members, among whom are found the honorable deputy I have indicated, and his son—

M. GEORGE LAFAYETTE.

I demand the floor.

M. BERRYER.

As well as four other members taken from this Chamber, or the other House. Among these members, two were of one opinion; four of another; and the result of the examination of this commission was, that twelve millions ought to be sufficient to satisfy the claims of the United States.

Do not expect me now to go into the discussion into which the Minister of Foreign Affairs entered, or to the cabinet labors of the Minister of Foreign Affairs, in order to arrive at the sum of twenty-five millions, from the same basis which the commission of 1830 had adopted, and from which it had arrived only at twelve millions.

In relation to that matter, it appears to me that it has been completely settled by M. Bignon. I have not the necessary documents to discuss the merit of the valuations which have been made, but I observe that the price of 27 vessels and their cargoes has been settled by approximation, and by making an average of the vessels. In a word, nothing can be more uncertain and impossible to justify, than these estimates.

Thus we rest upon a calculation completely erroneous, completely false; and we give twenty-five millions, without any one of us being able to say what is the real state of the losses upon which this estimate of twenty-five millions is made.

However that may be, I do not think the question of twenty-five millions is the most important one relative to the treaty of 1831; I do not think it should be considered otherwise than an accessory.

The principal question, the interesting question to come at, is the renunciation of the advantages of the 8th article of the treaty of 1803. Under this point of view, I dispense with many observations which I had to make, and will only reply to the last observations of the minister, convinced that the principal article is that which appears to be little attended to; I mean that which affects the renunciation of a right resulting to France from the treaty of 1803.

The minister has told us that our right was recognised by the United States; that they gave us in exchange considerable advantages, so much surpassing all the advantages of the treaty of 1803, that it is not possible to hesitate between the new and the old conditions. On this subject the minister has told us: "They grant us a fixed reduced tariff on all our wines which enter the ports of the Union. This reduction of the tariff saves to us 800,000 francs per annum, which, in ten years, is a saving of eight millions. Most assuredly, the benefits of the 8th article of the treaty of 1803 would never procure an equal advantage to French commerce."

Gentlemen, what is the consequence of the abolition of article 8 of the treaty of 1803 ?

By a provision of the treaty of 1814, confirmed, I believe, by a treaty of 1828, English vessels are treated as American. Our vessels, on the contrary, in the ports even ceded by France, those in which she claims national treatment—our vessels find themselves subject to every duty which can be charged upon the different acts of foreign commerce, and assimilated with the vessels of nations which do not enjoy near that Government the same advantages as English vessels. Hence the difficulty of competition for French vessels.

What says the minister ? “But there is a benefit for you in the reduction of the duty upon wines.”

Gentlemen, the reduction which is spoken of, reduces the duty from 17 to 7½ cents per gallon ; now, the gallon is equivalent to four bottles ; it is about two cents and a half a bottle in the price of wine. I ask, do you believe that this duty, after all, is reimbursed by the consumer ?

[A member from the centre. You are mistaken, it is greater than that.]

I do not think so, however, I only use the figures of the Minister of Foreign Affairs. It is then a difference in duty of two cents and a half a bottle, which is accorded to France ; a duty which would be immediately reimbursed by the consumer. The consumption has been progressive during the last ten years, and more so from 1826 and 1827 to 1831—a year in which the minister has given us a much larger exportation than in 1832. I do not know the amount of the exportation for 1833.

Now it is easy to see that there is here some commercial confusion. If the difference of duty was only such that, in not striking it out, restraint would be placed upon consumption, I could understand the argument which has been urged ; but when it is so light that the consumption cannot suffer from its existence or suppression, I do not see how the argument can be admitted.

In all other respects, France is upon the footing of a stranger, whilst England is upon a national footing. The result, I say, is an evident difference against the commerce of France.

Thus, independent of the twenty-five millions, which is an enormous charge on the revenue ; when, in 1812, thirteen millions were considered sufficient ; when, in 1830, the commission formed by the minister himself, were of opinion that twelve millions only should be paid, independent of this concession, by which France suffers, we have renounced the rights secured to us by the 8th article of the treaty of 1803, which renunciation will be a considerable loss to France.

You know the position of Louisiana relatively to the other States of the Union. You know its fertility, the prosperity of this magnificent colony, the increase of its population. You know that New Orleans is the most commercial and most prosperous place in that part of America ; that it is precisely at a point where there is the most considerable commercial movement, where the population increases every day, where Napoleon saw in the distance future benefits to be derived from the situation to enable us to contend with all the nations of Europe ; it is precisely at this point that, by our renunciation of the advantages of the treaty of 1803, we are about to lower our position.

To this it has been answered, that the Americans can pay themselves

in establishing duties upon French ships, and thus the French merchants will have to pay what is now asked of you for the support of Government.

It is a bad way of treating the question, or rather it is another question. If we consider the utility, the immense advantage to France in the stipulation of the act or tariff which is in the treaty of 1831, and are then told that this advantageous condition must be bought with twenty-five millions, it resolves into a mere custom-house question. But it is not that—we have to pronounce on a question of right, of reason, and of equity; are we or are we not the debtors? If, on the contrary, the question is to know whether the tariff will be so useful as to be worth the sacrifice of twenty-five millions to buy it, we shall know the ground upon which we are deliberating. But when we are told, “Pay twenty-five millions because you owe them,” it is another matter.

As for what has been told us, drawn from considerations of public order, of commercial advantages, of increased exportation, to the extent that the commercial embarrassments of our cities are immediately to cease; that there will even be a saving in the expenses of the *Gendarmerie*, I avow I do not understand such reasons. It is not by giving money to the Americans that Government will ensure the repose of France.

M. GEORGE LAFAYETTE.

Having been designated by name by the orator who has just descended from the tribune, I thought I ought to explain a fact which he has incorrectly stated. I shall certainly not undertake to defend the commission of which I was a member, from the accusation brought against it, that it was under the influence of any one, while it was charged with the deliberation and examination of an important subject; but I ought to rectify an error. It was said, if I heard correctly, that my father and I were associated on the commission; my father was not on it, and as for myself, I cannot pretend to have exercised any influence over the commission, since my opinions did not prevail with the majority. In fact, I was in the minority of the commission, and was convinced that there was due to the United States a sum infinitely greater than the commission accorded to them. [*Some applause.*]

TUESDAY, April 1, 1834.

M. DE LAMARTINE.

Gentlemen: The discussion, as it was yesterday left, seemed to me to be no longer one of political right, but rather one of political expediency and national good faith. Therefore, from a wish not to trespass, at this time, too far on the patience of the Chamber, I shall view it in the latter light.

The old maxim, “honesty is the best policy,” applies with even more truth to affairs of a public, than to those of a private nature; to the acts of nations, than to those of individuals. To the latter, the infringement of it is sure to prove a loss of time and of treasure; to the former, not of time and of treasure only, but of honor, of credit and of blood.

Let us remember this, gentlemen, at the close of a debate, during which I have with pain seen one, whose word is of so much authority with you, striving to draw you into the labyrinth of an intricate diplomacy, instead of the plain, straightforward course of a policy true to its engagements, and to the great interests of commerce and alliance; considerations which ought, in my opinion, to determine this whole question. Permit me to reduce it,

in a few words, to its proper limits. I regret the necessity of being compelled to oppose, in any way, the able and judicious statement of the question yesterday made by the honorable M. Bignon; but I do not wish that certain principles therein advanced, principles opposed to the pledges and the interests of our commercial, and to the honor of our moral policy, should be given out from this tribune, and in the presence of these representatives, without reply and without remonstrance. The honorable gentleman has, it seems to me, reduced us to the old diplomacy of the Empire. Gentlemen, he mistakes the times. I admire, gentlemen, every thing relating to the Empire, from the *Code Civile* to the column of the *Place Vendôme*; from the victories of Italy to the glorious defeat of Waterloo—every thing except its morals, its liberty, and its diplomacy; the imperial diplomacy was nothing but brutal force under the mask of absurd ceremonial, disguised by a few conventional forms of imperious politeness. The sole negotiator was the sabre; some Berlin or Milan decree was daily announcing some new principle of public right; and whenever the orders of the world's master were not promptly obeyed by foreign Cabinets, an agent of the police, backed by an armed detachment, forced the door, tore up the protocols, and carried off a Pope from the Vatican, or a King from Madrid or Bayonne, and there was an end of the negotiation.

Nothing but the recollections of this period could have induced gentlemen to utter a maxim so disdainful, and especially so strange in the history of diplomacy as that *France exists of herself, and needs not the sanctions of other Powers*. Of what, gentlemen, does the individuality of a nation consist, if not in the consciousness of its existence and of its rights as a member of the great family of nations? If not in its relations of amity and alliance with co-existing nations? Of what use to them are their policy, their negotiations, their treaties, their alliances, offensive and defensive, their diplomacy, their Ministers of Foreign Affairs—in a word, their whole external existence, if not to establish, to sustain, and to strengthen these relations and these necessary dependencies among all the nations of Europe? What nation is it which exists like the Deity, independent of all relations with others? Such maxims, gentlemen, might, on the eve of a battle, sound well in the mouth of a soldier; but I am astonished to hear them gravely avowed in an assembly of legislators. We cannot too highly estimate the value of alliances; they involve the future destiny of nations.

It was with no less pain I heard the same gentleman declare that *generosity was not a virtue of Cabinets*, and recommend as a rule of national conduct the mercantile policy, which looks not to the right, but the fact; which regards not what is just, but what is expedient; which takes advantage of opportunity and of weakness, to advance its claims or put off its engagements; and whose avowed and sole moral rule is, that dexterity ensures success.

No! gentlemen; this should not be a rule for the conduct either of individuals, or of Governments. We are bound to tell them what is true; the same moral code, the same sense of justice, the same elevation of feeling, which should regulate the relations of individuals, and which over triumphs over mere address, should also regulate those of nations. We are bound to say to them not—you will prosper if you use address; but—you will prosper, if you are just, if you are grateful, if you adhere in prosperity to the promises made in adversity; if you keep your word; if you pay your debts; if

you manifest in your relations with your allies not the narrow, vulgar, and selfish views which characterize a community of traders, but the magnanimity of conduct, the elevation of thought, and the readiness to do justice, which become a great people, and which are the inborn traits and virtues of the French nation.

We are bound to say—follow the example yourselves have set. France, crushed in 1814 by the weight of all Europe, bargained with no one; right or wrong, she has paid all Europe; she has put the seal to her glory; she has paid to other nations all she owed them; all—even for the fields of battle whereon she had vanquished them; and her very credit has been the offspring of her distress; her fidelity has been the mother of her riches; and the faith and the friendship of nations have rendered to her a hundred-fold the interest of her generosity. France is at this day the treasurer, and perhaps the arbitress of Europe.

I shall not weary the Chamber with an analysis of the grounds of these claims. You yesterday heard M. Réalier Dumas, and the proofs of their correctness which he presented to the Chamber in the name of the committee leave nothing on this head to be added or replied to. I should be happy, likewise, to recall the clear and conscientious statement of the Minister of Foreign Affairs, but for some political assertions, which I can neither palliate nor approve. But I defend the treaty, not the ministry.

I have something to say in reply to the gentleman (M. Berryer) who closed the debate of yesterday. His words, I confess, made as strong an impression on me as they did on the Chamber. But eloquent, ingenious, and powerful as he is, in order to oppose the treaty, he was forced to leave the question actually before us. He indeed transferred the question entirely to the Louisiana affair, and the stipulations arising out of it. He has told the Chamber that, by the non-execution of the treaty of 1803, by which Louisiana was ceded, the United States had paid themselves in advance. Here, gentlemen, is the error. The treaty of 1803 could not, from its very nature, provide beforehand for the renunciation of indemnification due for losses which might be sustained hereafter. It could not provide for captures and the destruction of vessels by fire at sea, during a war the length of which it could not foresee, a war which lasted ten years, and might have lasted twenty more. It could not renounce, in 1803, claims for losses of subsequent yearly occurrence—losses which could neither be ascertained nor proved till 1814. The benefits which the United States might indirectly derive from the non-execution of the treaty, could not affect the rights in question. The claim for indemnification remained entire. But as far as respects proper feelings, and that delicacy which should be shown by one nation to another, the sentiments of M. Berryer accord perfectly with my own. In reading the history of latter times, I have ever been astonished at the small degree of sympathy and gratitude shown us by the Americans. I have been even pained to observe with what indifference they regarded the fate of Louis XVI; with what apathy they gazed, as it were, on the scaffold of their royal liberator. But the object of the treaty in question is not the exaction of national gratitude; and, if America has at times forgotten our services, it is no argument, gentlemen, in favor of our forgetting our debts. I have read, you have all read, a line which Franco may repeat with pride—

“Il est beau, il est grand de faire des ingrats.”

It is glorious to afford opportunities for the display of ingratitude in others, but I have never read that it was glorious to be ungrateful.

The same gentleman has told you that the Government of the Restoration never recognised the justice of this debt, or of these claims for indemnification. My reply is in his own words. He has told you that M. de Richelieu had officially admitted the principle in his correspondence as President of the Council. To one acquainted with the scrupulous honesty of M. de Richelieu as a politician, his word has the force of a treaty. He would never, in this instance, have given his word, had not the debt been conscientiously admitted by him as a statesman, and intentionally, if not verbally, admitted by his Government. I certainly will not cast upon the diplomacy of the Restoration the reproaches due to that of the Empire. The financial policy of the former won confidence by the force of its own good faith. I shall never believe that a Government which paid all that was justly due, which, without distinction, satisfied indiscriminately all the demands of the past, and of Europe the armed enemy of France, would have withheld from America the acknowledgement of a debt which, from motives of honesty, of friendship, of gratitude and of honor, it was bound to pay. The debt remains entire; but when the thing has been, for fifteen years, debated between the two Governments, and by different negotiators referred to arbitration, and this arbitration verified by three Legislatures, through their committees; when, in short, the only man living, to whom neither France nor America can object, General Lafayette, has himself told you that this is justly a debt of thirty millions, do you refuse twenty-five? That we may, if we choose, by trick and demur, reduce it to a less amount, and strike off a couple of millions, I shall neither grant nor deny; but that is not the question. The exports to the United States, from Lyons and Bourdeaux alone, thanks to the reduction of duties secured by the treaty, are valued at eighty millions. You lose, then, by trick and delay, the means of recovering from the United States a hundred times more than you give. You do France an injury, an immense injury, for the sake of a few petty pretensions to self-respect, and the exercise of a little diplomatic skill. M. Bignon has told you that he thinks twelve millions will suffice; that he thinks too well of the American Government to believe that it will use its rights, and, virtually, restore the duties; but has the honorable gentleman any grounds for his belief? Shall we, in this way, hazard on an individual opinion, to whatever respect it may be entitled, the prosperity of France; the commerce, the industry, of our two largest manufacturing cities? What shall we say to our constituents, gentlemen, if, in three months' time, we should learn that the duties are restored; that our ships are excluded from the American ports; that our silks and our wines are no longer admitted; that the looms of Lyons are idle—[*Interruption.*]

A MEMBER.—That is not the question.

M. SEBASTIANI.

Pardon me; it is the true question.

M. DE LEMARTINE.

that the vessels of Bourdeaux are dismantled; that nothing but bankruptcy, the inevitable consequence of disappointed expectations, and the sudden suspension of an immense trade, is heard of in our maritime towns? Will the solitary opinion of a member of this Chamber suffice as an excuse for the assumption of so enormous a responsibility? No, gentlemen; in ques-

tions of this magnitude, Government and Opposition, majority and minority, are words without meaning : we act for France, and for France only. Its honor, and its interest, are to be consulted, and those only. Once more, then, let us renounce all recollection of the imperial policy ; it no longer accords with the present state of things. There is a diplomacy which negotiates with the cannon, which holds its Congress on the field of battle, whose protocols are victory and defeat ; a diplomacy which sports with public morals, recognises no right but address or force, and proclaims—wo to the vanquished : that species of diplomacy leads to Moscow, and ends at Waterloo ; it gives nothing but military glory, trophies of victory, and the enmity and the curses of nations. There is another which respects the rights of others, that they may be induced to respect its own ; which has no arms but those of justice ; the sole appeal of which is to its own right, and to the conscience of Europe. Such diplomacy inspires nations with mutual confidence and good will, makes the moral law the universal law, forms friendships and alliances, and establishes the wealth of a people, its credit, and its future prosperity. I fear not to recommend it to France, and I consider the whole subject as embraced in a few short questions, to which I shall myself respond.

Are we in debt to the United States ? Yes ; no person here disputes it.

To the amount of twenty-five millions ? Yes ; since this debt, debated, contested, reduced, submitted to arbitration, verified by Governments, and by different negotiators, and by General Lafayette himself, has been fixed at that amount.

Ought we, for the sake of a reduction of this debt which may or may not be made to jeopard the interests of Lyons and Bourdeaux, our silk trade, our vineyards, our industry, our commerce, and our whole mercantile marine ? No ; for the sake of the mere chance of saving two or three millions, we should lose hundreds of millions, and destroy our friendly relations with the United States.

Finally, gentlemen, comes the most important question of all.

Would it be an act of justice, of honor, of delicacy, in us, who, in 1815, paid a thousand millions to Europe our enemy, with the bayonet at our throats, longer to hesitate to indemnify America, which alone remained faithful to us, and alone refused to take advantage of our distress, to exact reimbursement ? No, gentlemen ; such a course of proceeding would not only do violence to our interests, but to our feelings.

Considerations of our real interests, of honor, of faith, of credit, of national gratitude, all resolve themselves into, all are involved in, the fate of the treaty. I vote for the treaty and for the bill.

M. DUPUY.

Are Governments less amenable than individuals to the rules of equity ? I think not. It is not, then, the principle of the indemnification that I shall contest, for I acknowledge its justice ; I do not inquire whether the United States have claimed and obtained for the same causes, or on any ground whatever, indemnification elsewhere : good faith does not seek its conviction in the consciences of others.

Notwithstanding the explanations given yesterday by the Minister of Foreign Affairs, I have some doubts respecting the estimate of the indemnification : I ask permission of the Chamber to submit to it my remarks ; they are drawn from considerations purely commercial.

It was rightly intended to limit the indemnification strictly to the repa-

ration of damages—to the simple restitution of the actual loss; in the same way that reimbursement is made by underwriters in case of accidents at sea, without taking into consideration the profits of the operation.

Your committee, gentlemen, having remarked that the sales at Bayonne had produced less, by two-fifths, than those at Antwerp; and then that the custom-house duties at Bayonne exceeded the value of the cargoes, these same duties being deducted, it would seem that it has inferred from these two circumstances, that the sums realized at Bayonne were only equal to the first cost of the commodities. It has determined, for this reason, to permit the entry of the proceeds of the thirty-five cargoes sold at Bayonne, exclusive of custom-house duties, as one of the principal items of the estimate.

I perceive an error in this.

At that time, so fruitful in extraordinary events, in which the violence of the struggle between two great nations caused the maritime laws of nations to be forgotten, and erased the clause in the treaty of Utrecht, which guaranteed the independence of the neutral flag—at that time the commodities of tropical countries reached Europe only through a thousand difficulties, and in quantities insufficient to supply the demands for consumption; they lost in the places of production the greater part of their market value, whilst their value in Europe was augmented in a surprising degree.

These circumstances combined to excite the speculating and adventurous spirit of the Americans to the highest pitch, and allowed them to realize many fortunes in this way. On the other hand, the custom-house duties, wherever the dominion of France was extended, might be raised much beyond the first cost of the article in the colonies, without affecting the selling price in Europe, more sensibly than the duties at this day affect the existing prices.

Thus, though the cargoes sold at Bayonne, deducting the duties, may have produced only forty-seven per cent. of the gross amount of the sales, yet this fraction might, nevertheless, represent a sum greater than the first cost.

For the want of documents I can neither obtain, nor present mathematical proof of this assertion; but the fact cited by the committee in its report, viz. that the commission appointed in 1831 to estimate the indemnification had fixed it at 13,747,000 francs, reduced to round numbers, twelve millions, value at the port of departure, is equivalent, in my judgment, to a demonstration.

The committee of 1834 having adopted the classes admitted by the commission of 1831, it must be perceived that the difference in the estimates arises from the mode of valuing the articles. But I must acknowledge that the explanations of the Minister of Foreign Affairs have not enlightened me on this subject. There is some error or perplexity, on his part, in regard to the custom-house duties.

Instead of proceeding by inductions, as the committee of 1834 seems to have done, there is, doubtless, a means of verifying the amount of the indemnification as regards the cargoes, with more exactness; it is to consult the prices current of the foreign ports whence the shipments were made, at their respective dates. The capacity of the vessels, and the nature of the lading, should also necessarily enter into the calculations; and very probably this may still be found.

The revision of this part of the labors of the committee appears to me indispensable. The Government of the United States is too honorable to refuse its assent, because it would not wish to profit by an error.

I am but little moved, gentlemen, by any of the considerations at variance with the strict rules of honesty which have been alleged in favor of the sum set down in the treaty. The Chamber ought, in the first place, to examine whether the twenty-five millions are legitimately due. As to the secondary question—commercial relations, they are established between nations in consequence of reciprocal advantages; and these advantages should not be bought either with gold, or at the expense of the national dignity. Besides, would it not be calumniating the character of the Government of the United States, to suppose it accessible to feelings of cupidity, and to resentments unworthy of a great people, in regard to a discussion of interest, in which, on both sides, the strict correctness of the amount is honestly sought?

I conclude, then, that the discussion of the treaty be suspended until the committee revise its labors, and calculate the amount of the indemnification, after having received more precise notices respecting the first cost of those cargoes for which it has been admitted that the proprietors should be indemnified. I will not descend from this tribune without remarking that the principles which dictated the stipulations of the treaty of 4th July, 1831, require perhaps that the claims of the old grantees of the India Company, and those of the heirs of the purchasers of a part of the territory of Louisiana, should more strongly excite the solicitude of the French negotiator; and that, instead of referring them to the tribunals of the country for the prosecution of their rights, the French Government should be charged with making their prosecution.

If the Chamber cannot touch this part of the treaty without overstepping its privileges, it ought, at least, to invite the attention of the ministry to the heirs of the first colonists of Louisiana.

M. DUCHATEL.

After the explanations which are given in the report of the committee, and in the speech of the Minister of Foreign Affairs, relative to the origin of the American claims, the progress of the negotiations, and the basis which served for a determination, there remains nothing further to be said on the part of those who advocate the bill, either in respect to the value or the legitimacy of the debt to the United States. It is upon other considerations that I ask the attention of the Chamber for a few moments; and although the discussion is far advanced, and I am desirous to avoid intruding upon the patience of the Chamber, nevertheless, the interests involved in the debate are of so serious a character, and the facts which I have to submit so conclusive, that I should reproach myself if, while entertaining this conviction, I did not advance the reasons which have influenced my opinion.

As I have said, I will not return to the debt itself; I will only point out to the Chamber the commercial and political interests which are involved in the adoption of the treaty upon which we are now deliberating.

There can be no doubt, that if the debt were not established, if France owed nothing to the United States, it would be unreasonable to appear asking the Chamber for a grant of money in favor of a custom-house tariff, or for some commercial advantage. But, notwithstanding what has been said at the last meeting by an honorable member, the defenders of the bill are not reduced to that alternative.

Since the debt is admitted, (and for my part I think it fully established,) it is proper to present every consideration bearing upon the adoption of the treaty. In offering to the Chamber those considerations, I do not believe I shall depart from the question, notwithstanding what was said at the close of the session of yesterday.

The treaty of 1831 has been made : in discussing that treaty, we are not limited to the principles of justice ; every argument may be adduced, whether of policy or of interest. Upon this view of the question, I ask permission of the Chamber to examine the subject as briefly as possible.

In the first place, however, I wish to reply to an argument which was advanced at the first sitting, and twice brought forward yesterday.

It was said, without doubt a debt exists. No one supposes the debt can be contested ; but have you no offset to oppose to it ? The Americans have grown rich in the progress of that war, when so many losses occurred, and so much injustice was committed. The Americans have profited by that war ; they found the price of their sacrifices in the immense advantages which the wants of the war procured them. While the belligerents were suffering great losses, the Americans grew rich without fighting themselves ; they reaped the fruits of the victories of others.

Thus, say they, if you compare the situation of the United States, as it was at the beginning of the war, with what it was at the end, the result of this comparison will show an enormous increase of power and prosperity.

And you would wish, it has been added, in the face of these advantages, to recognise yourselves as debtors to America ; but in payment of your debt, you have already given them an increase of power and prosperity. Are not those advantages compensation sufficient ?

As for myself, gentlemen, I do not think that this sort of compensation can be justly urged. The reason is plain ; this debt originated in acts of injustice committed when we were at peace with the United States, and not in a state of war, whilst the advantages which the United States reaped were not of our conferring, but fortuitous. Can we take this ground in a question of justice and equity, and, in a manner entering into partnership with fortune, pay our debts with its benefits ?

No, gentlemen, there would be no justice in that sort of compensation resulting from our acts, or acts produced by causes independent of the will of the French Government.

After having replied to this objection, to which I have recalled the attention of the Chamber only because it has been so often brought forward in this debate, with the permission of the Chamber I will proceed, as rapidly and clearly as possible, to explain what are the commercial stipulations of the treaty respecting which so many strange errors have been committed ; and, further, to call the attention of the Chamber to the serious consequences to which a vote of rejection would lead.

The commercial stipulations of the treaty are three in number :

1st. The renunciation by us of the contested right founded on the 8th article of the treaty of 1803, relative to the cession of Louisiana.

2d. Privileges granted to the French wines by the United States, as an equivalent for that renunciation.

3d. The reduction in the duty, upon our side, on *long staple* cottons ; an affair in itself so trivial, that but for the frequent notice taken of it in this discussion, it would claim no attention.

These are the three commercial stipulations which figure in the treaty of 1831.

I begin with the Louisiana question. Much was said of it yesterday from this tribune. One member (M. Berryer) went so far as to say it was the whole question ; the chief point upon which the debate turned. He told us that the 25 millions was a secondary consideration with him ; he ac-

cused the Government of sacrificing the elements of the future prosperity and greatness of France by renouncing the privileges of the treaty of 1803.

It is only by facts and figures that such questions can be decided. General considerations possess a little too much of theory, and never lead to positive results. We must calculate the value of the advantages ceded to the United States, and the value of those obtained in compensation.

You will observe, in the first place, that this right which we pretend to in Louisiana—a right which I will not dispute; (from this tribune, and especially in doubtful cases, I never would attack a right which might belong to my country)—you will observe, I say, that it was not a right in possession fully acquired. It had been long disputed. We therefore did not cede an advantage which we held for an equivalent. We have ceded, not a real possession, but a ground of litigation, a questionable right, which we possessed not the means of making good.

Behold what we have ceded! Now let us see what we have acquired. Real and important advantages, as I will presently demonstrate.

It will be first necessary to establish the true character of the ceded right, by calculating its importance; in order to do so, we must look into the operations of our navigation and commerce with Louisiana. You know the nature of the difficulty, either in Louisiana or in any other State of the Union. There are no discriminating duties upon our merchandise; those duties were suppressed in virtue of the treaty of 1822; there remains only a tonnage duty of five francs per ton. In all the States of the Union we pay five francs per ton tonnage duty more than American vessels. Their vessels pay the same excess of duty in our ports.

It is evident that the importance of the duty depends upon the extent of the navigation. What is the amount of our navigation with Louisiana? An estimate was exhibited yesterday by the Minister of Foreign Affairs. I will add, that the duty is of little importance, if we consider the sum total of it with all the States of the Union. If we take the mean of several years, our navigation with the United States is limited to thirteen or fourteen thousand tons; not with Louisiana alone, but with all the States of the Union. The duty, multiplied by this number, gives a sum of sixty-five to seventy thousand francs. Here, then, is an annual charge of sixty-five thousand francs upon our exportation during the last year, of one hundred and six millions of francs. From such a tariff is it possible there can result any real unfairness?

But there is yet another consideration. Without doubt, we cannot pretend to compete with the United States in the carrying trade; all that we can claim is a portion of the direct trade between France and America. Unfortunately, our navigation is more expensive than that of other nations; all pretensions, therefore, to the carrying trade, are out of the question, and we can only enjoy the direct trade between France and Louisiana. If we examine the state of navigation, we find that no third flag meddles with this commerce; it belongs exclusively to French and American vessels. As there is no third flag, I ask how favors granted to a third flag can have any weight.

Between the French and American navigation, the conditions are equal; for if our ships pay five francs more in the ports of the Union, on the other side the vessels of the United States pay five francs more in our ports. The reciprocity is then perfect. We cannot hope to triumph over American commerce in their own ports. If, then, there is a semblance of disadvan-

tage for us, it disappears in reality ; for the commerce on which we would claim privileges, is reserved entirely to French and American vessels.

I ask pardon of the Chamber for dwelling upon these details relative to Louisiana ; but as it is the point upon which most stress has been laid, I believed it my duty to explain the matter, more especially as explanation was so easy.

Now, in compensation for that claim, reduced to its just value, what have we have obtained ? A reduction of vast importance upon our wines—a reduction of which I will submit a calculation to the Chamber. This reduction, it is true, is only temporary ; but, because it is so, it does not follow that its advantages may not be compared with an advantage that is perpetual. In commerce, a temporary annuity may be exchanged for a perpetual stock. The annuity must only be of higher value ; the difference of time counterbalances the difference of value.

You shall see the result of the calculation. The duties upon wines, (I am obliged to use figures, but in so serious a matter precision is requisite)—the duties upon wines in the United States before the treaty were regulated in three different ways : a certain duty was exacted upon wines in bottles ; another duty upon wines in casks ; and the third duty varied in its application to white or red wines. The duties on wines in bottles were then about forty-two francs the hectolitre, for wines in bottles of every quality ; on white wines in casks, twenty-one francs the hectolitre ; on red wines, fourteen francs. From the 1st February, 1832, the duties were reduced from forty-two to thirty francs, from twenty-one to fourteen francs, and from fourteen to eight francs. This reduction was important in itself ; but it remains to be added, that from the 3d March, 1834, a further reduction took place of fifty per cent., on the last duties, so that wine in bottles now only pays fifteen francs the hectolitre ; white wines in casks, seven francs ; red wines, four francs.

These duties are very moderate, and will open a wide field to our commerce ; and not only the duties we pay are low, but we have an advantage in the higher duties paid on wines of all other countries. Upon some qualities this difference amounts to six francs ; upon others, to five francs ; and on a third description, to three francs.

Estimating by the cask, instead of the hectolitre, the difference in our favor amounts to sixty, fifty, and thirty francs.

You were told yesterday that the renunciation of the Louisiana privilege costs us annually 14,000 francs. We shall gain 800,000 francs, and when the duty is reduced one-half, that sum will be again doubled. It is true we shall only enjoy it for ten years ; but I ask those acquainted with financial affairs, if the equivalent is not obtained, when we exchange a perpetual endowment of 15,000 francs for an annuity of ten years, which may amount to a million, or a million and a half, per annum.

Having reduced the Louisiana question to its true value, I will now turn my attention to the third stipulation of the treaty—to that relative to cottons. These details are dry, but they are indispensable to the understanding of the treaty. [Go on, go on.]

By the treaty, long staple cottons are assimilated with short staple. An honorable member has spoken of this assimilation as being an augmentation of duty. He was wrong. It was a reduction. The duties upon the long staple cottons were reduced to the same rate with short staple cottons.

This is but a trivial benefit to the United States. Commerce had long

required it. The bill for regulating the custom-house duties, in 1829, proposed the assimilation. The quantity of *long staple* cottons imported from the United States in 1831 amounted to 250,000 kilogrammes. This quantity, multiplied by 20 francs per 100 kilogrammes, the amount of the reduction, produces a sum of 50,000 francs. Behold the amount of the benefit we have accorded to the United States. We had already granted the same to Brazil.

Now that I come to the bearing of the commercial stipulations of the treaty, I beg to call its attention to the commercial interests involved in the question.

Our commerce with the United States affords us the amplest foreign market. Last year they received 106,000,000 of our merchandise. I know this sum exceeds that of several other years, but I here present you the precise amounts for a number of years. They will enable the Chamber to appreciate the extent of that commerce.

We exported to the United States productions of our manufactories, to the amount of—

In 1827, -	-	-	-	-	-	76,000,000
In 1828, -	-	-	-	-	-	66,000,000
In 1829, -	-	-	-	-	-	65,000,000
In 1830, -	-	-	-	-	-	69,000,000
In 1831, -	-	-	-	-	-	110,000,000

In 1832, from various circumstances, the cholera and stagnation of trade, our exportations fell to 58,000,000 ; but they recovered their level in 1833, and rose to 106,000,000.

The products we receive in exchange are raw materials of the highest importance to our manufactories. Raw cotton is the principal article ; of this we bought, in 1833, to the value of 51,000,000.

The commerce of which I speak is not only the first in its amount, but promises the greatest extension in future.

The favorable conditions upon which our commerce is placed with the United States are worthy of notice. Their productions bear no resemblance to ours. There can be no rivalry. The American nation is in possession of a soil which opens to its industry a boundless career ; its population increases every day ; its riches augment with a marvellous rapidity unknown to any other nation of the world, and which none other may even hope to equal. It is this country, then, which promises to your commerce the most brilliant expectations for the future ; it offers a market for our manufactures, which is every day enlarging.

I have here to reply to two objections.

You have been told, in the first place, that the measures taken by the United States, bearing upon our commerce, were by no means taken in consequence of the treaty. You are then told, that whatever may be the conduct of the French Government, whatever may be the fate of the treaty now under consideration, the United States will make no change in their commercial regulations.

I will reply to these two points in succession ; they are of immense importance in the question.

Is it true that the United States have not been governed, in the modifications of their tariff, by the treaty under consideration ? It is easy to prove the contrary. You have seen that we enjoy a considerable advantage over other Powers, in the duty upon our wines. Why did the United States subscribe to that advantage, if it was not to favor France ? And

wherefore will they favor France, if France, in return, does not entertain friendly relations with them; if she refuses to pay a debt which appears to be a legitimate one, to the Government of the Union, and concerning the justice of which there is no doubt?

It is not, therefore, as has been recently stated, from financial considerations alone that the United States have reduced their tariff. Without doubt, the general reduction which has been effected in their custom-house duties proceeds from that happy financial condition so different from ours: but the reductions which regard France only, which give to her preferences and commercial privileges, must have been made with a view to French interests solely, and not to those of America.

It is the same in the case of silks. The duties which were formerly thirty per cent. upon the silks of China, and twenty per cent. on those of France, were reduced at first, the former to ten, and the latter to five per cent.; but, in consideration of the advantages which they obtained by the treaty, America consented to abolish entirely all duties upon our silks. Here, then, is another stipulation, wholly French, based upon considerations which concern France alone.

We now come to that view of the question which demands your most serious deliberation. Does any one believe that there is no danger from the rejection of the treaty? Does any one believe we can thus break with the Government of the United States without peril? Can it be believed that a treaty which has been ratified, and upon the execution of which the Government and people of the United States count, can be annulled without creating resentment on the part of the Americans; without altering our commercial relations? Yet it has been so affirmed; but, in my opinion, he who affirms it assumes a heavy responsibility.

I know very well that mankind never had a true interest in all these commercial quarrels; that, if they were wise, they would listen only to the dictates of prudence; that they would never use reprisals; that they would never come under the influence of anger or passion. But who will venture to answer that, in a country where public opinion is so powerful; where it influences so strongly the determinations of Government—who will venture to answer that it will be interest only, the coldest wisdom, and prudence the most circumspect, which will dictate the resolutions of the Government and Congress of the United States?

We are told that the United States will receive the rejection of the treaty of 1831 with great tranquillity. To this hypothetical assertion it is only necessary to oppose facts. We must examine and see how the minds of men are disposed with regard to this question in America. We have only to read the messages of the President, the debates in Congress, and the discussions in the papers of the United States. In the face of these facts, what is adduced? Suppositions, vague presumptions founded upon the prudence of Government—upon the wisdom of men! But, in truth, gentlemen, for a long time we have seen other motives than reason or interest governing the events of the world. Interests, passions, and national susceptibilities have long been exerting much influence in political affairs.

During the two years since the conclusion of the treaty, has there not been so strong an excitement in the United States, has not the subject been engrossing the public mind so far, that M. Bignon, who spoke most forcibly against the treaty, has told you that, although he would not accept it, yet he acknowledged that there might be sufficient reasons with many

persons for adopting the treaty? He even added that the delay alone had been a species of moral violence committed upon the Chamber. For my own part, I do not admit this moral violence; but I acknowledge that a question becomes different when, from being simply the claim of individuals, it arises to be that of a Government. Before the treaty, there were individual claims advocated by the American Government, and for the sake of which the Government of the Union was interested, without, however, inducing any decided steps in behalf of the claimants; but since the treaty, it has become a Government question—a national affair.

I do not say that your prerogative is not entire; I only say in this respect, adopting the opinion of the honorable M. Bignon, that there is something more at stake since the treaty than there was before.

Who, then, will take upon himself the responsibility to guaranty that the United States will use no species of retaliation if the treaty be rejected; that they will employ no means to recover the debt? Seeing that the principle of the debt is not contested, that positive calculations were made to determine the amount, and that no opposite calculation has been produced, no offset against the United States, will not that Government proceed to pay itself from the means in its power?

Gentlemen, nothing can be easier; our commerce with them last year amounted to one hundred and six millions. Now do you think there will be any difficulty in establishing, instantaneously, discriminating duties upon our goods, to compensate and exceed the twenty-five millions we owe them? This discriminating duty will not be paid by the consumers in the United States; for a duty of that kind does not fall on the consumer, but upon the nation struck at. The evil, then, will fall upon our commerce exclusively, and would not end when the damage equalled the debt of twenty-five millions; for in such a system no one can say—we will injure the commerce of the nation which owes us and will not pay us, by every means in our power, but we will stop when the debt is paid. In order to estimate the damage which may accrue to us, we must count not only the sums which will be paid into the Treasury of the United States, but the losses which our commerce will have to endure from this retaliation.

The evil will be great—more extensive than calculation can reach; it would interrupt for a long time the relations upon which the prosperity of many cities of France at this moment depends. Your manufactories and your vineyards demand a steady market; they require new outlets that you will not be always able to procure them. Do not, therefore, to-day, from considerations not founded in justice, close the markets upon which their prosperity depends.

I repeat, then, that this question is one of the most serious character which can be debated. I repeat, that no one can guaranty that the rejection of the treaty will not produce measures injurious to commerce; to both nations undoubtedly; but always most fatal to that which receives the first blow.

I will only add a word more. We were told yesterday that it would be very easy on our side to resort to a retaliatory system; that, if the Government of the United States can pay itself by its own measures, France can retaliate likewise.

That, gentlemen, we have great reason to doubt, and upon that subject the future presents enough to excite all your fears. If once that course is adopted, that war of commerce once declared, the consequences would be most disastrous to our affairs.

Having given to the Chamber my thoughts on commercial interests, I will add a few words upon the political reasons which I think should determine the acceptance of the treaty.

France has always sustained the cause of the liberty of the seas. It was her right, it has been her glory. It is her pride, that in her political relations she has been always found combating on the side of justice; for the weak against the powerful, for the oppressed against the oppressor; in fine, for the cause of liberty and right. For this cause, what chance of success is there, if not in an intimate alliance between France and that nation in possession of the next strongest marine after England? France has the most direct and positive interest in a strict alliance with the United States; and in deciding upon this transaction, in deciding upon this covenant with the Government of the United States, I will pronounce that we have pursued a wise policy, and the only policy worthy of France.

This policy will be not only useful to France at the present day, but it will be still more so in future, for the liberty of the seas depends upon the agreement which subsists between us and the Government of the United States. Recall to mind the situation of France when that treaty was concluded; there were then two nations in the world, one in the new world, the other in the old, which professed the same doctrines with us, whose Governments reposed upon the same principles with our Government; that is to say, upon the principle that the law ought to be the expression of the national majority, and not the will of one man, or of an aristocracy. These two Powers were England in the old world, and the United States in the new.

You have been often told that it was the true interest of France to ally herself with liberal Governments; I agree in the sentiment, gentlemen, and therefore I approve the conduct of the Government in this case. But the alliance we should cultivate is not that cold neutrality of which the honorable M. Bignon has spoken—it is not that common acknowledgment which the United States accord to every Government *de facto*, which is successively given to Don Miguel and Donna Maria, but a lively sympathy, a strict alliance, a community of efforts responsive to a community of principles and interests. Gentlemen, I conceive that those considerations did not operate with the Government of the Restoration. It had other supporters; it relied for assistance upon the Holy Alliance, upon Governments avowing its own principles. It was of less importance to them than to us to injure the United States.

To return to the question, gentlemen, for I do not wish to tire the patience of the Chamber, I say, then, that in my opinion France is truly indebted to the United States; that positive calculations have been produced to show us the amount due. In the speeches of those who have opposed the treaty, I have found neither the same exactness, nor the same strictness of calculation; and, in fine, the compensation spoken of cannot, in my opinion, be admitted to be just. The question of justice being established, I think we should jeopard, by the non-execution of the treaty, all the interests of our true policy, as well as of our commerce.

No other guaranties are given me against these dangers, than mere opinions and pure hypotheses. I have more faith, gentlemen, in the acts, and, I may also say, in the language of our Government; it is charged with the superintendance of our foreign relations, and certainly it deserves to be believed when it warns us of danger in this portion of our

affairs. Convinced as I am that the consequences of a rejection will be disastrous, and that, if the Chamber adopt that course, it will experience a bitter but superfluous regret, I cannot assume the responsibility of a refusal : I shall give my vote for the bill. [*Approbation.*]

M. SALVERTE.

Gentlemen : The honorable members who have defended the bill during the session, lay much stress on the commercial regulations embraced in the treaty. I will follow them in this discussion, not that I cannot add other considerations to those calculated to disprove the existence of an absolute debt on the part of France to the United States, but I feel that the debate is too far advanced to permit me to take up your attention on that point.

In the course of debate upon the commercial part of the question, it has been affirmed, that if we do not adopt the proposed treaty, we shall jeopard our relations with the United States, and shall so embarrass them as to produce consequences not only grievous, but frightful and disastrous.

The orator whom you have just heard has explained very clearly the principles which ought to govern nations in their commercial relations. I am surprised that, after he had so well explained them, he did not make the application of them to our true situation. In fact, gentlemen, the days of wars of custom-houses are past with enlightened nations, with those who understand and practise a sound commercial theory. We no longer impose duties to injure a neighboring people. We impose them because it is our interest to do so ; and, as we know very well that retaliations are bad, we renounce them altogether.

What is the position of the United States with respect to us ? In order to show that, I am forced to go back to the treaty of cession of Louisiana ; and I am under the greater necessity of doing so, since the honorable M. Duchatel has treated so lightly the 8th article of the treaty of Louisiana, upon which the whole question rests. When Napoleon desired to cede Louisiana to the United States, it was not a litigated right which he wished to cede to them. Spain had made a full and entire abandonment to us. The cession on her part was not completely executed ; but the French authorities had been several months in Louisiana, in order to receive possession, which was much desired by the inhabitants.

It was in this state of things that Napoleon concluded the treaty of cession. The Spaniards, who had protested at first, no longer thought of opposing any obstacle to its execution. M. Lambot, as Prefect, took possession in the name of France, and the American authorities received from the French authorities, and not from those of Spain, the possession and the proprietorship of the State.

No doubt then exists as to the entire right of France ; no doubt as to the honest intention and the importance of the two conditions of the cession. A sum of eighty millions, of which twenty were applicable to the claims of the United States, for losses which their commerce had suffered from the commencement of the war between France and England ; such was the first condition. Observe, gentlemen, that it was then acknowledged by the American plenipotentiaries themselves, that this sum of twenty millions was probably greater than the amount of the well founded claims, and they even expressed a desire that France would renounce all claim to any excess there might be. This merits your attention.

You see upon what footing, even in the conditions of the definitive treaty,

the claimants value the losses for which they demand compensation; of themselves, and without the charge being made, the Americans acknowledged that their demands were probably too high. The second condition of the cession, stipulated by article 8, promised, *forever*, and not temporarily, to Frenchmen, all the advantages attached to nationality in Louisiana.

M. Duchatel has endeavored, by figures, to show that those advantages were of little value, and to prove that they do not merit the importance which has been attached to them. In the mean time, gentlemen, it is certain that the United States firmly refused to perform the 8th article; when they urged their pecuniary claims, and when France demanded the execution of the 8th article, they refused to recognise the obligation. It is only in 1831 that they appear to consent to the recognition, and then they obtained the surrender in the treaty which is now proposed for your sanction. It is not then a trivial right; an imaginary right; so much the less so, as it was to have been enjoyed forever.

Notwithstanding what M. Duchatel has said relative to the proposition of the United States, we have not forgotten the extent of Louisiana, that immense territory, stretching from the Gulf of Mexico to the Pacific Ocean, and which the current of population from the east to the west of North America is daily recovering from the state of nature. The greater the advancement of the United States of America is admitted to be in their commercial relations, or home industry, the more important you must acknowledge the right we should have enjoyed in Louisiana to have been; its importance is such indeed, that, at the end of half a century, that right would have yielded not merely an advantage of thirteen or fourteen thousand francs, as has been said, but incalculable commercial benefits.

What has been given as compensation for that advantage? A temporary reduction of duty on our wines; a reduction compensated in another place by a similar reduction of duties upon American cottons. It is objected that there is no similarity in the cases, that our commerce required a reduction of duty upon cottons; without doubt; but why not suppose that the commerce of the United States equally required a reduction upon those of wines? What proves that it does not? You agree that their consumption of wine augments every day; it is therefore evident that it is to their advantage to facilitate that consumption.

In relation to national preferences, I say frankly I think we may dispense with belief in them. If our wines are preferred to those of other countries, it is because our wines are much better; not from any particular regard, or individual kindness, of which I believe there is very little in matters of trade.

The soundest calculations are those upon which the United States of America act, because they are essentially a commercial and calculating people. They are so considered by every one who has lived in the United States; by all who have had intercourse with their merchants, or with their cabinet at Washington. We are asked, if we believe that the Government of the Union will see this treaty rejected, which it regards as concluded, without some resentment? If it were necessary to reply to that objection, I should perhaps have to raise my voice, not against the United States, but against those ministers who have placed us in a position to excite such a fear.

In fact, the treaty was ratified by the United States of America on the 2d of February, 1832. Nothing prevented the ministers of the King from

receiving the news of that ratification during the month of April following, and, as the Chamber was then in session, from communicating the fact to it. Instead of which, the treaty was only brought to the Chamber during the two sessions of 1855, and always in such a manner as to prevent immediate action. A great number of laws were presented for discussion, before that which was to confirm the treaty.

We do not dispute the right of the Chamber to debate one law in preference to another; but we do say that the ministers, having a reasonable assurance of a majority in the Chamber, might easily have obtained a fair hearing for the law relative to the treaty with the United States. They did not endeavor to do so, and we find ourselves to-day almost compelled to accept this treaty. In a word, we are placed in a position in which a refusal will appear almost an outrage to the Government with which we treat. Is that the position we should occupy? Have the ministers nothing to reproach themselves with? Do they wish to make the vote of the Chamber of Deputies a mere registering? Is it not with this law as with those granting supplementary appropriations, and which are proposed to us in the *name of necessity*, with the words—the expense has been incurred, and must be repaid? If such a situation produces difficulty, and some little loss of dignity, it is not the fault of the Chamber; gentlemen, you know to whom the fault belongs.

But, gentlemen, if you do not accept the treaty, you endanger an important commerce. The United States will absolutely exclude your silks. You put to hazard all the tariffs which regulate your commerce with the United States.—In reply to that assertion, I only suppose one thing, namely, that in fact the United States may have no interest in admitting your silks; that it may be their interest to exclude them, and to modify their tariff of duties. Now, I ask you, after the treaty shall have been ratified, and the payment made, what is to prevent the United States from changing their tariff and excluding our silks? It would be here only a delay of four or five years. In fact, nothing is less certain than the pretended danger: and, as I said at the beginning, that nation which is essentially calculating and prudent, will regulate its conduct by its commercial interests. In stating that the Americans would renounce the French silk trade, and relinquish the consumption of articles to which they give a preference, hear in what language the Minister of Foreign Affairs expressed himself yesterday. The words are very important; I request the attention of the Chamber.

“It will be unnecessary for me to dwell upon considerations of public order, which are inseparable from the question. I will only observe to the Chamber that, if by a decision, which I must be permitted to call deplorable, there should be suddenly produced any great discouragement in many branches of our industry, any great disturbance in our foreign markets, it would multiply considerably the chances of disorder in our country; and that the least of these inconveniences would oblige us to do for Bourdeaux, for Lyons, and for other cities, what we have been compelled to do for La Vendée, to increase our military establishment. It would not be necessary that this increase should be very great, to absorb the saving which is proposed for the relief of the tax payers.”

I read a little further:

“As to the responsibility for events and consequences, from this moment, gentlemen, it no longer rests with us; our task is finished—yours commences.”

Thus, gentlemen, you see in what light you are to consider the discussion. If you reject the law, you are told the commerce of silks and wines of France will cease in America; this interruption will inevitably induce disturbances at Lyons, and even at Bourdeaux; and these disturbances will be productive of such violent movements, that it will be necessary to increase your military force.

And these words fell from the lips of the Minister of Foreign Affairs! Observe, first, gentlemen, their effect abroad; for you must know that this tribune has its echoes; that the language here uttered is heard afar, especially when it falls from the mouth of a minister of the King.

Henceforward, gentlemen, all nations having commercial relations with us, either essential or advantageous to our industry, are invited, are encouraged, to bring forward their claims against us, well or ill founded, and to carry their pretensions as high as they please; since all then can threaten, after the language of the Minister of Foreign Affairs, to interrupt their commerce with you in case of refusal, and involve the nation in the most violent troubles.

It is of little importance, when the consequences may be so serious, that the language of the minister was addressed to the Chamber of Deputies, to the elected Representatives of France. Now, if in effect it should happen, by any misfortune, that the labors of the silk manufactories of Lyons should be suspended; that the products should remain on hand; that new troubles should break forth in consequence, in the second city of the kingdom, to what cause would they be attributed? Who would be pointed out to the animosity of the workmen, suffering with hunger and distress? You—you who have refused to vote for a treaty oppressive and burdensome to France.

Recently an article has been pointed out to you, inserted in the official journal, which exposed the Chamber of Deputies to the animosity of the army, on account of a reduction which they voted in the war budget. The ministers of the King have honestly disavowed that article; it is only to be regretted that it has not been explained how it came to be admitted in a journal where no political article can get access without their order or authority. It is not in a newspaper article to-day that an attack, no less severe, has been made upon the Chamber. From this tribune even has it been proclaimed to the workmen—if employment fails, if the commerce in silks, which feeds you, languishes, declines, or is threatened with annihilation, you may attribute your miseries to the Chamber of Deputies, which refuses to sanction a treaty perhaps unjust, but which they ought to accept as a necessary sacrifice, in order to purchase the continuance of our commercial relations.

In making this explanation, gentlemen, I certainly do not arraign the intentions of the minister whose words I have recited; but I cannot avoid remarking, that this language, intended to make an impression upon your minds, will have a wider range and a more dangerous tendency.

In this state of things, as I do not participate in those fears, so I hope you will not; and, above all, gentlemen, that you will not accept the treaty as a yoke which you must bear. I think that if it were for us to determine the clauses of the treaty, we could propose an amendment, and offer to treat, if I may so express myself, by compromise; and in order to terminate all discussions, we could vote a sum of ten or twelve millions;

but to grant that only on condition of obtaining justice for our claim under the 8th article of the treaty of cession of Louisiana, seeing that this article possesses much greater importance than has been given to it—an importance acknowledged by the United States themselves.

But we are debating upon a treaty which we cannot modify. Then let us not hesitate to reject it; a refusal will not be the signal of a rupture between the United States and France. The immediate consequence of a rejection will be an overture for, and conclusion of, a new and more equal convention, based upon right and justice, in which the interests of France, and those of the United States, will be both attended to.

M. JAY, reporter to the committee.

Gentlemen: The question submitted to you is of so much importance, that I hope you will listen with attention to the reflections which the reporter of your committee is charged to present to you.

Numerous objections have been raised against the bill which is submitted to your deliberations. Never has a more spirited opposition been manifested; never have discordant opinions been more effectually concentrated in order to defeat a proposition of the Government; in this there is nothing to surprise us. With some, the difficulty lies in embracing, in all its parts, a question so complicated; with others, it is a very natural desire of escaping from a pecuniary sacrifice, which is never yielded to but with repugnance; and we too, gentlemen, we have deplored this sacrifice; and it is only after a long discussion of the inconveniences and advantages of the treaty; after having maturely weighed the justice of the American claims, that our conviction has been formed, and that we have decided, out of regard both to the moral and pecuniary interests of the country, to propose to you the adoption of this bill.

The objections which have been presented to you may be divided into two classes—general objections, and particular objections. I proceed to examine them in succession.

The decrees of Berlin and Milan were just in their application to the commerce of the United States, since the Federal Government did not make its flag respected. This objection has been twice presented at this tribune. I shall only examine it in regard to the public morals, which, as M. Lamartine has said, is the highest of all interests.

Our honorable colleague, M. Bignon, has said to you, “that a neutral Government, placed between two belligerent parties, which does not make its flag respected by one of them, has no right to demand that it shall be respected by the other.” These words have been pronounced with so much assurance as an axiom of public law, that I have considered the proposition in all its aspects, in order to determine its correctness; and after a mature examination, I do not hesitate to declare that it is immoral, and contrary to the first principles of national law. It might be made the fundamental principle of a code of maritime depredation; and this I proceed to prove.

In order that a neutral vessel placed between two belligerent parties may make its flag respected, it is necessary to admit, at least, that it have the necessary strength to command and obtain this respect; otherwise, you justify injustice by injustice. I reject this justification in the name of

humanity and reason. It would result, from the principles avowed by M. Bignon, that weakness justifies spoliation. A merchant vessel belonging to a neutral Power might find herself under the guns of an English frigate; she might be forced to submit to an examination of her papers and merchandise. This operation at an end, she might resume her voyage, and meet, perhaps the same day, a French cruiser; and because she had suffered a visit which she had not power to prevent, she is to be seized and condemned. Here is an exemplification of what is given to us as a principle of the law of nations.

Fortunately, I can oppose to M. Bignon a most respectable authority; and that authority is himself.

To render the proposition of our honorable colleague admissible, it should be thus modified. A neutral Government placed between two belligerent Powers, and *strong enough to defend the honor of its flag*, ought to make it respected by both parties. This is precisely what the Americans did. As soon as they had a tolerable navy, they declared war against England; and that, in order to have their flag respected. Well, notwithstanding this perilous situation, at war with a maritime Power like England, depredations were committed by us on their commerce. These depredations are entered on one of the lists which were used in calculating the indemnification.

Again, it has been said, "as it is easy to demonstrate that in the course of the war, and by means of the war, the Americans have in different ways obtained much more than a compensation for their losses, it follows that the amount of indemnification, in the present case, should be reduced very low."

It is, perhaps, for the first time, that the legitimate benefits derived by a neutral nation, from the natural extension of its commerce, are urged as a compensation for its losses, caused by a violation of the law of nations, and for which it claims satisfaction. Undoubtedly the United States, under the circumstances in which they were placed, and with their wise policy, did profit by occurrences which unsettled the whole world. The victims of the fury of all parties—the oppressed of all nations—all those who sought a refuge from the general storm—found protection and safety in the United States. They carried there, some their wealth, others their talents and industry. Thus, in the course of the war, and by means of the war, their population and their resources were increased. It is by this means, and by their commerce, that they have raised up a maritime force, to which we shall, one day, owe the great blessing of the liberty of the seas.

But, I ask you, what is there in common between these causes of prosperity and the claims of quiet citizens, who, against all right, all justice, have been violently stripped of their property, and ruined by illegal confiscations? How can the prosperity of a State be a compensation to an unfortunate man reduced to misery?

A Government is the natural protector of its subjects: it cannot abandon their cause without risking its own dignity. As the private individual cannot enforce his rights, his Government is under an obligation to have them respected: it is a tacit convention between the members of a society and the power which represents it. A citizen may abandon his rights: a Government never. Such are the principles of the law of

nations, which it is in vain to endeavor to obscure by sophisms. The American Government presents in this case an example by which all free Governments would do well to profit. No one can reproach it for this. In claiming indemnification for its citizens unjustly despoiled, it but discharges a duty. It is yours to examine whether the demand is just or unjust. No other consideration ought to influence your deliberations : and the justice of this claim has been constantly acknowledged for twenty years.

Our colleague, the deputy from Eure, (M. Bignon,) has said to you that debts from one State to another are not such as improve by age : thus, the older a debt is, the more justice there is in refusing to pay it. This is a principle of morals entirely behind our age, and one which I cannot admit : besides, the present question is not concerning a debt from one State to another ; it is a debt from a State to the citizens of another country : it is not the Federal Government that has suffered ; it is the American merchants who have sustained the damage for which reparation is demanded.

I will now answer an objection presented by M. Boissy d'Ang' -the American Government ought to take into consideration the services which France rendered to the United States during the war of independence. Undoubtedly the armed intervention of France was a great assistance to the United States in their contest with England. The Americans have not forgotten it : the remembrance of the bravery and discipline of the French army, of the good conduct, disinterestedness, and skill of its illustrious chief, Marshal Rochambeau, will be always popular in the United States : but it is here that we may say, the services of one State to another do not improve by age. It was not only by sympathy in the independence and liberty of the English colonies that the French Government was led to form an alliance with them : it determined to efface, if possible, the disgrace which it had contracted by the treaty of 1763 ; to weaken England, and restore the balance among the maritime Powers. That war had not a sentimental object ; it had a political object : it was for the interest of France that it was undertaken. This service rendered to the United States, from calculation, does not in any manner justify spoiliations which have been committed to the prejudice of American citizens.

It is proposed to us to follow the example of the Restoration, which was never willing to acknowledge the American claims. It is certain that there has been more sympathy with the republic of the United States since the revolution of July, than existed under the Restoration : there is no need of explaining the reasons. However, it would be unjust to say that the ministers of the Restoration denied the justice of the American claims ; they acted like debtors who plainly acknowledge their debts, but never pay them. The Minister of Foreign Affairs has explained to you with great clearness the different phases of the negotiations which were carried on at that period. You have seen that the Americans were not willing to join the Powers which coalesced against France, and profited by our disasters to exhaust our treasury. If the United States had entered into the Holy Alliance, they would have had nothing to ask of us at this day. They are blamed for having resumed the negotiation after the revolution of July. It is said they have been too impatient. Observe, gentlemen, that they have been negotiating for twenty years ; certainly, if they have shown some impatience to come to a conclusion, I cannot reproach them for it ; much less discern in that circumstance a sufficient

cause for refusing them justice. The ministry of which M. Casimir Perier was president, has been censured with bitterness; it has been said that no other ministry would have approved the treaty. The present Minister of Foreign Affairs has nobly refused the exception. No complaint, as I have already said, was raised at the time against the treaty. The decision of M. Casimir Perier was drawn from high political considerations. It was necessary to extend our commercial relations; to revive our then languishing manufactures; to draw closer the bonds of friendship with a free people, who had received with enthusiasm the news of the revolution of July. And what was required to accomplish these ends? A simple act of justice, which did honor to the nation and its Government. Motives, which were then very powerful, appear to have lost their force to-day. But, gentlemen, is our future so certain that you are willing to risk a rupture with a friendly nation, which, under the Directory and under the Empire submitted to so many violations of the law of nations, without committing against us a single act of hostility; and which, at the crisis when the Empire was sinking, was at war with our most formidable enemy? And to enable us to dispense with being just, I ask you, have we made an eternal compact with peace?

I have now arrived at the last general objection which has been presented to you against the treaty. You have been told that "for eighty licenses the United States were willing to liberate France from her whole debt to them. Napoleon falls; it is not eighty vessels that are admitted into our ports; they arrive by hundreds, without any condition, and without regard to the country from which they may come." It is hence concluded that the American Government complains with a bad grace, after having been so largely indemnified.

Gentlemen, I am embarrassed to know how to treat this objection. It has been said that it was not serious; and if I did not know that the speaker who has submitted it to you (M. Bignon) has a character as serious as his talents are elevated, I should be tempted to think so myself. It is necessary, then, that I should resolve to examine it seriously.

There is a great difference of opinion as to the value of the licenses which were issued by the Government during the continental blockade. I think I recollect that they were then very much sought after, and that they bore a considerable value. In estimating them at 500,000 francs, (and I do not think that this estimate is exaggerated,) it was a sum of forty millions that the United States would have received as a compensation for the indemnification due to them. The fall of the Empire brought about another order of things. Peace was re-established, and the ports of France were opened to the commerce of all maritime Powers. How can any one assimilate the exercise of a right common to all nations, to privileged licenses which would have profited only a single nation, and which would have conferred advantages from which the others would have been excluded? This, gentlemen, passes my conception. If the United States had been allowed to bring into France the products of the colonies, they would have reaped great advantages, which might have served to indemnify their citizens, because these colonial products were then of considerable value: but when peace was made, this kind of merchandise fell, in consequence thereof, to its natural price, and nothing remained to the merchants, of whatever country they might be, but the profits of ordinary commerce. These two situations were very different, and, as I have just said, no similitude can be established between them.

M. Bignon affirms that, after the treaties of 1800 and 1803, the United States were expressly engaged to France not to suffer any violation of their essential rights; and from this he draws the conclusion, that because the United States did not resist from the beginning the aggressions of Great Britain, they have failed in their engagement towards France. In such serious matters the first duty is exactness. Well, gentlemen, I have read those treaties, and there is not a word in them of what M. Bignon has told you; there is not a passage from which one can even infer such an engagement. It is not true, moreover, that the United States submitted quietly to the outrages of the two belligerent Powers. The *embargo* which has been spoken of, the *non-intercourse act*, and, above all, the war of 1812, prove that we cannot, without injustice, accuse them of not having sustained their dignity as an independent nation.

A great deal has been said about the cession of Louisiana. Exaggeration is an oratorical art, as well as any other; but it ought not to be made use of before an assembly of grave and enlightened men. There is no one among us who does not know that the Emperor ceded this colony only because he knew that he could not keep it. In ceding it to the United States, he saved it from the grasp of England; and eighty millions were the price of this politic cession. You have been told of the immense injury that has been caused by the infraction of the 8th article of the treaty of 1803. The Minister of Foreign Affairs, by the aid of very simple calculations, has demonstrated to you that the compensation established by the reduction of the duties on our wines, and, I will add, by the removal of the import duties upon our silks, is advantageous to our commerce; and that we cannot lose such an advantage without disturbance in our manufacturing and commercial towns.

After having exhausted the series of general objections, I come now to the particular objections; to those, at least, which appear to be of a nature to fix your attention.

I ought, first, to repel an inconsiderate reproach, which I have been surprised to hear from the mouth of a colleague assisted in the deliberations of your committee.

It relates to the list comprising twelve vessels seized before the 1st of November, 1810, and condemned subsequently; that is to say, after the absolute revocation of the prohibitory decrees. "I reveal this fact," says M. Bignon, "that the Chamber may see with what *indulgence* the American claims have been listened to."

Here I do not wish, and I ought not, to accuse M. Bignon of any thing but a want of attention or of memory; and I would be understood as making this reservation. He has forgotten that we brought to bear, with all the force of which we were capable, the motives for not admitting this list, and that we carried the respective values outside of the estimate of those acknowledged as just; (*vide page 417*;) submitting the question moreover to the decision of the Chamber. No, gentlemen, there has been in the discussions of your committee neither partiality for the immoral system of confiscation, nor indulgence towards the claims which have been the consequences of it. We have considered ourselves as arbiters in a transaction in which it was necessary to bring together and reconcile opposing interests. We have also taken into serious consideration our actual situation, and the irreparable damage which might be caused to our commerce and manufac-

tures by the rupture of a treaty which the United States have looked upon for three years as a thing accomplished.

Do not suffer yourselves to be seduced, gentlemen, by assertions which are hazarded, but which events will not fail to falsify. Our honorable colleague has told you, with an affirmative tone, that the rejection of the treaty would have no influence upon the relations of friendship and commerce that exist between France and the United States; that we need not fear any augmentation of the duties in the ports of the Union, either upon our wines or our silks. Gentlemen, do not place confidence in such assertions; they might draw you into a decision for which you would be alone responsible to the country, and of which, enlightened by experience, you would some day bitterly regret the sad results.

What particularly interested your committee was, to know whether we did or did not owe indemnification to the United States. The debt has never been denied, not even, as I have told you, under the Restoration. The only dispute has been about the amount of the sum due. We have made a compromise; but what is a compromise? It is an agreement, say the writers on public law, by which, without determining precisely upon the justice of the opposing pretensions, there is a relaxation on both sides, until the parties come to an arrangement. It is in politics the means of terminating peaceably the differences which spring up between two independent nations, whose interest it is to live in friendship. It is, above all, in this view, as a compromise, that your committee has considered the treaty of 1831. If it has discussed secondary questions, it was that it might have the right to say to you that the estimate of the indemnification had been made conscientiously, and after mature reflection; for as to the fundamental question, to ascertain whether you ought to adopt the proposed bill, it has only consulted the good of the country, and has been influenced in its decision only by motives of justice, and of political and commercial interest.

Some speakers have attacked the bases of valuation upon which we have proceeded, for determining the amount of the indemnification. I will not here return to the calculations which have been presented to you, either in the report of your committee, or at this tribune. I will cite to you one fact, which will prove that we have adopted the most moderate rates in the calculation of our estimates. We have estimated only at 13,000 francs each the whole number of one hundred and thirty-four vessels, for which indemnification was allowed. I ask of all the honorable members of the Chamber, who know any thing about shipbuilding, who know, above all, the value of manual labor on the other side of the Atlantic, whether it was possible to adopt a lower standard of value?

I come, finally, to the objection which appears to have made the greatest impression upon the Chamber. "It is not to the United States," it has been said, "that France will pay the twenty-five millions, but to some speculators who have purchased at a low price the American claims." Gentlemen, even if the assertion were true, we ought still to accept the treaty, but it rests only upon vague rumors; we have required that one fact should be cited, one single fact; we have not been able to obtain an answer. Well, gentlemen, I will myself cite to you a respectable authority, which will prove to you what little confidence you ought to place in the rumors of which I have just spoken. An honorable member of the bar of Paris,

who has been an advocate in the Court of Cassation, M. de Lagrange, who enjoys general esteem, has addressed to me a letter, of which he has authorized me to make use. I find in it the following passage :

“ M. Bignon has insinuated that the indemnification had become the prey of speculators. Leaving aside the great publicity of the commission for liquidation sitting at Washington, I am led to think that he has been incorrectly informed, because the numerous demands for documents which I receive from the United States, are addressed to me by the *individual* owners of the captured vessels I have formerly defended.”

At the close of this long and painful discussion, I have only to present to the Chamber some general observations.

I am not astonished at the differences of opinion which have sprung up on the subject of the treaty of 1831. These differences existed also among your committee. It was only after having consulted all the documents ; after having received all the explanations which it was possible to obtain ; after having ascertained the truth of all the official statements, and of all the calculations, that your committee, of which M. Bignon was one, decided unanimously to acknowledge that the demand of the United States was just in principle, and, by a majority of eight voices against one, that the rate of indemnification had been conscientiously regulated.

Now, gentlemen, I would say, if I did not know your loyalty, that you have the power of refusing to be just ; that there is no superior tribunal to which an appeal can be taken from your decision. It is precisely because your position is such, that you ought to guard yourselves against all influence of position or party, against all prejudice arising from personal interest. The question is one of justice. It is, above all, to nations that are free and proud of their liberty, that it belongs to give to the world lessons of high morality. Be assured that the enemies of your revolution await with anxiety the issue of your deliberations ; and that they would applaud a result which would have the effect of separating two nations, which ought to remain united in the interest of liberty and civilization.

Our true position, in this respect, could not escape a man so enlightened and of so pure a patriotism as M. Bignon. “ It cannot be disputed,” he has said, “ that when a treaty has been three years in existence, the Government, to which its stipulations are advantageous, has a right to believe that its benefits are fully secured. Such is in fact the situation of the Federal Government. This Government would have to complain, not of us, but of our cabinet, for having been so long left under the persuasion that the stipulations of 1831 would be confirmed. The sacrifice which you will make under these circumstances, you will make (and it is important that the Federal Government should be convinced of it) to a delicate and generous sentiment, for which it will give you credit.”

I wish, indeed, that the sacrifice of which M. Bignon speaks may be made to a sentiment of delicacy and generosity. Those sentiments agree perfectly with justice and public interest ; but from whatever motive you may decide in favor of the treaty of 1831, you will not the less have rendered an eminent service to your commerce and your manufactures.

See, gentlemen, what England did in a situation similar to that in which we are placed. The United States claimed indemnification for spoliations committed upon their commerce. The English Parliament did

not hesitate to acknowledge the justice of their claims, and thirty-two millions were allowed to the United States.

Gentlemen, in coming to this tribune to deposite your votes in the urn, ask yourselves if you are willing to become responsible for the consequences of a rupture of the treaty; if you are willing to answer to the country for the disasters which it may bring upon your commerce and your manufactures. It is at once a question of justice and of national interest. It is under this double aspect that it has been viewed by your committee, which persists in its conclusions.

M. BERRYER.

I request the Chamber not to close the general discussion until I have addressed to the Minister of Foreign Affairs a question which appears to me to be of the greatest importance in respect to the principal object of the law. If the Chamber will permit me to make the inquiry, I will limit myself to a single question.

Yesterday, the Minister of Foreign Affairs, in endeavoring to show that the amount of the indemnification of 25,000,000 had been regulated upon fixed bases, presented to you, in four distinct classes, the objects of the American claims. Leaving aside the first of these classes, I pass to the second. It concerned American vessels seized before the United States could have known of the decree of Rambouillet, in the ports of St. Sebastian, Bilboa, and Les Passages. According to the notes which I have taken of his speech, the minister said that there were in these three ports twenty-eight American vessels and thirty-five cargoes, which were taken possession of by the French agents; and he even remarked, that the American vessels entered those ports only upon the invitation of a French commander, M. Thouvenot.

It is proper to add, gentlemen, that, according to the minister, the vessels seized at St. Sebastian, Bilboa, and Les Passages, are almost the only ones as to the value of which there are any data that are at all certain. The sales made in those ports have served to fix this value, and give an average of 221,482 francs and 20 centimes; so that, according to the calculations of the minister, the thirty-five vessels and cargoes confiscated in the three Spanish ports by the French agents would present a total value of 7,851,873 francs; and it is for these 7,851,873 francs that the confiscated vessels are included in the total allowance of 25,000,000.

Thus, according to the minister, in giving 25,000,000 to the United States, 7,851,873 were given to them for the vessels confiscated in the ports of Spain.

Now, I ask the minister how it is that the French Government, treating with the United States for the redress of all their grievances suffered from France, among which are included an amount of nearly 8,000,000 for the confiscations made in Spanish ports, has paid no regard to the treaty by which this claim has been settled, and definitively settled, between Spain and the United States? The terms of the treaty concluded the 22d of February, 1819, between the Spanish Government and the United States, are substantially as follows:

The Spanish Government cedes the Floridas to the United States. The stipulations, which were the conditions of this transfer, framed in the same spirit with the cession of Louisiana in 1803, by the French Government, are these:

"The two high contracting parties, animated with the most earnest desire of reconciliation, and with the object of putting an end to all the differences which have existed between them, and of confirming the good understanding which they wish to be forever maintained between them, reciprocally renounce all claims for damages or injuries which they themselves, as well as their respective citizens and subjects, may have suffered, until the time of signing this treaty.

"The renunciation of the United States will extend,

"1. To all the injuries mentioned in the convention of the 11th of August, 1802.

"2. To all claims on account of *prizes made by French privateers, and condemned by French consuls, within the territory and jurisdiction of Spain.*"

"Article 11. The United States exonerate Spain from all demands in future, on account of the claims of the citizens to which the renunciations herein contained extend, considering them entirely cancelled, and undertaking to make satisfaction for the same to an amount not exceeding five millions of dollars."

Finally, "Article 14. The United States hereby certify that they have not received any compensation from France for the injuries they suffered from her privateers, consuls, and tribunals, on the coasts and in the ports of Spain; for the satisfaction of which, provision is made by this treaty; and they will present an authentic statement of the prizes made, and of their true value, that Spain may avail herself of the same, in such manner as she may deem just and proper."

Thus, gentlemen—

A MEMBER.

Those are not seizures made by Government, but by privateers.

THE PRESIDENT.

M. Berryer has not finished. Let him speak. You shall answer him directly.

M. BERRYER.

"For the injuries they suffered from these privateers, these consuls, and these tribunals, on the coasts, and in the ports of Spain." The objects of the indemnification are, then, the seizures made in the Spanish ports. You see, gentlemen, that the Government of the United States receives a compensation for this class of its claims in the cession of the Floridas; that the Government of the United States obliges itself to indemnify its own subjects for the damages caused by the French Government; and that, in fine, the claim of the United States, if claim there be, is transferred to Spain, which, in its turn, may prefer claims against France.

This would then be a question between us and Spain; and the United States are completely uninterested in the seizures, the confiscations, and the condemnations, which took place during the French occupation of Spain. Thus 8,000,000 are to be deducted from the 25,000,000 which we allow. It is on this point that I ask an explanation.

SEVERAL MEMBERS.

It is not difficult to give it.

M. BERRYER.

We shall see.

THE MINISTER OF FOREIGN AFFAIRS.

The explanation which the honorable member asks is not difficult to give. The treaty of which he speaks, and of which I have but a very imperfect knowledge, as it does not at all concern France, has nothing to do with the question of the vessels seized at Bilboa, Les Passages, and St. Sebastian, in 1809. These vessels had been attracted into those ports by the invitations of the French General who commanded them, on the part of France. They were seized, and were not captured by privateers; they were not tried before French tribunals; in fine, they did not come within any of the classes just enumerated. I should like to have before me the treaty of which the honorable member has spoken, in order to make the comparison. These vessels had been attracted into the ports of Bilboa, Les Passages, and St. Sebastian, by the invitations of the French Governor.

On the 10th of February, 1810, a secret order was issued to seize the vessels and their cargoes, and to bring them into Bayonne. It was then that they fell under the decree of Rambouillét, which directed that they should be sold, and the proceeds deposited as consignments. Afterwards came the decree of Trianon, which ordained that the money thus deposited as consignments should be transferred to the public Treasury.

These are the facts as they transpired between the American Government and the French Government.

The treaty which has just been cited had for its object to settle the debt of Spain to the United States of America; and by no means to settle the debt due by France to the American Government, arising from events which occurred within the Spanish territory.

These ships were seized in Spain, but were taken to France, and there confiscated. They are by no means comprised in the treaty which has just been spoken of; they were very legitimately included in the calculation of the estimates which I submitted yesterday to the Chamber.

M. BERRYER.

I believe that the Minister of Foreign Affairs, who is not very familiar with the treaty of 1819, did not comprehend the terms of that treaty when I read it.

It is evident that the question here is as to the indemnification granted by the Spanish Government, on account of claims founded on lists of captures, proceeded upon by French tribunals and French consuls, in the Spanish territory.

These are the terms of the article. Permit me again to read it.

A MEMBER.

And the transfer to Bayonne.

M. BERRYER.

The transfer to Bayonne. You will see if the treaty does not apply to that.

What do the United States give up? And what do they receive in exchange?

[M. Berryer reads the treaty again.]

The Minister of Foreign Affairs has told you that the treaty has no relation to any thing which interests France, or to any thing which France may owe. But, on the contrary, the 14th article relates specially to what

the United States might have demanded from France ; and these very pretensions they give up to Spain.

It is then evident that this is a satisfaction granted by Spain for claims which the Government of the United States might urge against France, since the United States thought themselves obliged to declare that they had received nothing on account of them from France.

Now we shall clear away all that is equivocal in the case.

The Minister of Foreign Affairs has prepared a statement of losses, depredations, and confiscations, which he has valued according, to uncertain bases, at 25,000,000.

He has pointed out, besides, two or three classes which would raise the debt to twenty-eight millions. Since he has collected with so much care all the documents which could prove the prizes made by French privateers, and the condemnations pronounced against the United States, has he prepared another distinct statement of what is included in this treaty ?

France has never been subjected to any other claims by reason of the conduct of her consuls, of her agents, of her tribunals.

It is evident that we are paying eight millions which Spain has already paid.

THE MINISTER OF FOREIGN AFFAIRS.

Not one of these vessels was captured by French privateers ; not one was pronounced upon by French consuls ; not one was pronounced upon by French tribunals ; consequently, there is not one to which the article just spoken of is applicable. They were confiscated by an order of the Cabinet. [*After some difference as to the right of the floor,*]

M. MAUGUIN.

This incident was sufficient to show you how little the matter has been examined. In truth, what was the first word spoken by the Minister of Foreign Affairs ? It was, that he had a very confused recollection of the treaty made between Spain and the United States for the cession of the Floridas.

What ! the minister has a confused recollection of a treaty which ought to form one of the principal bases of the negotiation !

During the period of our great wars, the ports of Spain being open to us, our privateers carried their prizes into them, and our consuls pronounced condemnation.

The United States, then, had a right to demand indemnification from Spain, because it was in Spain that the injury was committed ; and from France, because it was the French that caused the injury.

It became indispensable then to know what prizes were taken into the ports of Spain by our privateers ; it became indispensable to know what claims of the United States were paid by Spain by means of the cession of the Floridas ; and, in truth, it is impossible to arrive at an exact knowledge of our debt, without first knowing the portion of it which has been paid by Spain.

In the treaty of 1819, the United States estimated their claims at five millions of dollars. This single estimate proves that they had forgotten nothing ; it proves that a great part, at least, if not the whole, of the damage done by our marine to the marine of the United States was paid

by the cession of the Floridas; and, consequently, Spain may one day have claims to urge against us, and we shall be liable to pay twice on the same account.

This is not the only case, gentlemen, which may serve to show you how imperfectly this matter has been examined. You have been spoken to continually about the treaty for the cession of Louisiana; but there are some things which have not been mentioned. I have seen, by the report of your committee, that they have not at all attended to that treaty.

When the French ministers demanded of the United States reparation for the injuries which resulted to France from the non-execution of the treaty of 1803, it is pretended that the United States offered to grant to our shipping the privileges of the most favored nation, upon condition that we would grant the same advantages to the American shipping.

The United States could not hold this language; it was contrary to the treaty. Your ministry, if they had acquiesced, would have proved that the treaty was not understood by them.

According to the convention, we ought always to enjoy in the ports of Louisiana the same privileges as the most favored nation. [*Denial from the ministerial bench.*] I have ascertained its truth; the 8th article provides that in the ceded ports of Louisiana we should enjoy forever the same privileges as the most favored nation. Whenever I affirm a thing, you may be sure that I have ascertained the truth of it.

THE MINISTER OF FOREIGN AFFAIRS.

That we shall see presently.

M. MAUGUIN.

Be it so. We shall see whether there are two different editions of the same treaty.

[M. ISAMBERT hands to the Speaker a copy of the treaty.]

M. MAUGUIN.

Here is the text:

“ART. 8. In future, and forever after the expiration of the twelve years, the ships of France shall be treated upon the footing of the most favored nations, in the ports above mentioned.”

THE MINISTER OF FOREIGN AFFAIRS.

Look at article the 7th.

M. MAUGUIN.

Look at article the 7th! It is very long, but if you wish, I will read it to you.—[*Yes! Yes!*]

THE MINISTER OF FOREIGN AFFAIRS.

You will see that they have assured to France, for twelve years, the same treatment which their own vessels have, and—

[*Noise.*]

M. MAUGUIN.

“ART. 7. Shall be admitted during the space of twelve years, in the ports of New Orleans, and in all other legal ports of entry within the ceded territory”—

From the ministerial bench.—For twelve years.

M. MAUGUIN.

That is what I said. For twelve years we were to be exempt from

duty in the ceded territories, and we were to be treated forever in the ceded ports upon the footing of the most favored nation. [*Yes! Yes! That is it.*]

But this is one of the conditions of the cession of Louisiana; consequently, it is a part of the price of that cession.

The United States could not impose upon the exercise of our right a new condition of reciprocity. We were entitled to enjoy it without reciprocity.

We had the right in the ceded ports for twelve years to pay no more than the Americans themselves, and we had the right forever to pay no more than the most favored nation; and if the United States have failed to perform those conditions, it does not follow that our right has ceased. It is like a sale of real estate, upon which the seller may always return if the price is not paid. Here the rules of the civil law are applicable; they belong also to the law of nations. Then all the reasonings which have been presented at the tribune in explanation of motives, and even in the report of the committee, are done away. The matter has not been sufficiently studied; our right has not been made known to the United States.

They may have been ignorant of it, or they may have disregarded it. Be it so; they negotiated for themselves; but you, you were charged to negotiate for France. How, then, is it that you were ignorant of our treaty and our rights?

It has been said that the Restoration was upon the point of negotiation when it was overthrown. This is an error; and I shall relate a particular fact in regard to it, which will have influence, and which, moreover, does honor to a man now in misfortune. [*Hear! Hear!*]

The Chamber appointed Messrs. Madier de Montjau, Berenger, and myself, commissioners for the purpose of conducting the trial of the late ministers of Charles X, and we went to Vincennes in order to proceed with the interrogatories. It is needless to say to you that these interrogatories were conducted as they ought to be in every criminal case. We gave M. de Polignac, when we were interrogating him, some time for rest; and, during that interval, we entered into conversation. We were speaking (I do not know how it happened) upon the subject of the American claims; I appeal to the recollection of my colleagues; and the expression of M. Polignac does him honor. When these claims were mentioned, he cried out, under the impulse of national feeling, "Take care, we owe them nothing; I have studied the question; we owe them nothing!" This exclamation was uttered with so much energy, that it showed a patriotic feeling to which I am happy always to do justice. I told M. de Polignac so at the time. We read his secret correspondence on the subject of the East, and we then found, with astonishment, I confess, that his policy was frank, firm, and French; more so, perhaps, than the policy of the existing ministry. [*Interruption.*]

Since chance has led me to speak of the old ministry, I here express my regret, that when I was called upon by the Chamber of Peers for my evidence, the accused ministers seemed to be afraid of my deposition. Their fears determined me to abstain. I should only have stated, however, in regard to M. de Polignac, the two facts of which I have just spoken, because they do him honor; and I should also have stated, in

favor of M. Peyronnet, a fact which is equally honorable to him, [exclamations,] which is, that we are indebted to him, and to him alone, for the return of the deserters from the army of Spain. [Disturbance.]

I return to the question. Here, then, are two circumstances which show that the question has not been studied. In the first place, no attention has been paid to the treaty with Spain; and, in the next place, the treaty made between us and the United States, respecting the cession of Louisiana, has been misapprehended. I will add, that the examination of this question, as it respects the commercial relations of France and the United States, has been equally neglected. The United States furnish us with raw materials, cotton, woods and tobacco. France consumed in 1832 thirty-three millions of kilogrammes of cotton, of which twenty-seven millions came from the United States. As the United States send us their raw materials, they have the greatest interest in maintaining with us relations of commerce and friendship. We have a like interest, I confess. We, ourselves, ought to seek to preserve a good understanding with the United States; but it is not the less true, that to them in general belong the advantages of our relations, and we have proof of it in the comparative amount of navigation between the two countries, during the four years from 1829 to 1832. In these four years, we have sent to America 279 vessels, of which the tonnage was 79,018 kilogrammes. [?] The United States have sent us 1,815 vessels, of which the tonnage was 854,000 kilogrammes. [?] They, then, not we, have enjoyed the advantages of navigation; they, not we, have profited by them. Thus, you need not fear reprisals on their part.

What, then, is the language of the minister in this respect? If you reject the treaty, says he, you may expect reprisals. But have not the States also to fear reprisals on our part? We have our rights, our interests to defend, as well as they; let us defend our interests and our rights.

I will not leave this tribune without saying a word in reference to a consideration presented yesterday by the minister at the close of his speech. How! the people of other countries are told that if we reject the treaty, we have reason to fear that troubles will break out in our cities and among our manufacturers!

Has the minister forgotten that we are now negotiating with England, and that he is furnishing her with arms against us? England will say to him that she also possesses the power of exciting commotion in France, and that she will exercise it if we oppose her demands. It will, at length, be necessary to yield, or pay all that is asked of us. With such a policy, and such considerations, diplomacy is degraded; a nation is disgraced. And when a Government is obliged to say that it always trembles at the idea of popular commotion, it leads the world to think that it always trembles at the idea of a foreign enemy.

A MEMBER.

Very well! Very well!

M. MAUGUIS.

This shows but little knowledge of France. France (and her Government ought to be like her) never trembles, either before popular commotion or foreign arms.

THE MINISTER OF FOREIGN AFFAIRS.

Gentlemen, the Government finds itself placed in a very strange posi-

tion. It is charged with explaining a treaty, a treaty which is warmly assailed. This treaty, the Government, since it has signed it, considers as just, wise, and politic. In order to prove that it is just, it becomes necessary to show that the Government with which it has been concluded has a right to the indemnification which is allowed. Yet, when the Government is accomplishing this task, the Minister of Foreign Affairs is accused of speaking as an American minister would, and of defending the interests of the American Government.

What do you wish us to do, gentlemen? Do you wish us to come here and say that the treaty which has been signed is neither just, nor wise, nor politic? That, in truth, is asked of us.

You are indignant, because we attempt to prove that, in allowing twenty-five millions as indemnification to the Government of the United States, we are only paying a just and real debt. Then you are indignant, because, having inserted commercial stipulations in the treaty, we endeavor to demonstrate that those stipulations are conducive to the interests of both countries.

And when, in fine, the Government, obliged to call upon the Chamber to reflect upon the consequences of an act so serious as the annulling of a treaty of this kind, directs its attention to the effects which might result from a disturbance of the general state of our commerce, we are told that we are denouncing France to foreign nations as a country which can be swayed by the tempest of popular commotion.

Gentlemen, I repeat, what are the arguments that you wish the Government to make use of? How can it justify the treaty, if not by speaking the truth, and stating the real consequences which the rejection of the law will occasion?

The Government is then obliged to tell the Chamber the whole truth; it is obliged to say to it that in granting the twenty-five millions, it has granted them for a real debt, and that, if it is obliged to pay this sum to the United States, it is not the fault of the Government; it is the fault of the situation in which it finds itself placed. I repeat, it is highly necessary that you should know the principles upon which it has been determined to agree to this sum of twenty-five millions.

The Government is equally obliged to inform you by what considerations of policy it was decided to admit the commercial stipulations which are inserted in the treaty, and it is obliged to warn the Chamber of the consequences of the determination which it is about to make. This is not betraying the interests of France; it is only telling the truth to the Chamber and to France; for it is one of the conditions of this Government, that the truth should be spoken at the tribune.

The Government has been very often accused of serving foreign Governments, because it has spoken the truth, and has warned the Chamber of the consequences which might follow its determinations: but gentlemen, I repeat, it is a characteristic of this Government to speak out openly, and before all the world.

I come now to the question of the treaty of Louisiana.

It appears to me that we agree about the facts. There is a provision in the treaty of 1803, by which France reserves to French vessels, in the ports of her ancient colony, all the privileges which belong to vessels of the United States, for twelve years; and, at the expiration of the twelve years,

the privileges which belong to the most favored nation. These are the facts; they are not disputed.

What was the difficulty? The American Government had offered to the vessels of every nation in Europe the same privileges as their own vessels enjoyed, upon condition of reciprocity. The English Government had accepted the privileges thus offered, on condition of reciprocity.

The French Government demanded, in the ports of Louisiana, the same privileges which were enjoyed by the vessels of the United States, on the ground that the English Government possessed those privileges in all the ports of the Union, excepting those of Louisiana. Out of this demand there arose a dispute, which lasted several years, which did not belong particularly to the present Government, which it did not originate, but which it found in existence when it came into power, and has conducted to its termination. The dispute was this:

The American Government said—Do you conceive that in granting to the English Government, upon condition of reciprocity, the privileges which belong to our own vessels, we have conferred upon them a favor? If so, you have a right to it; we offer it to you. Are you not willing to take it on the same condition? If not, we say that you yourselves acknowledge it is not a favor, and of course the article is not applicable.

The French Government maintained, on the contrary, that it had the right to the advantage without the condition; to the privileges of American vessels without reciprocity.

M. DEMARÇAY.

That is evident!

THE MINISTER OF FOREIGN AFFAIRS.

Which was right and which was wrong in this dispute? I assert that it is now perfectly immaterial, inasmuch as the Government of the United States has yielded on this point, and has acknowledged the right of France, for some reason or other, whether it be from conviction or from weariness of the controversy.

I say again, it is of little importance; from the time that the right of France was acknowledged, there has been no further dispute.

What then occurred? The Government of the United States said, that to make an inequality between the different ports of the Union was contrary to the American Constitution. They wished to negotiate with France on this subject, and to purchase the right which France had, and which was conceded to it. Thus, after acknowledging the right, they consented to negotiate, and offered an equivalent.

The question now submitted to the consideration of the Chamber, therefore, is this: the point is not to ascertain which was right or wrong—the French Government or the American Government; it is to ascertain whether the French Government, in negotiating respecting this right, and in parting with it for an equivalent, has done an act hurtful or useful to the interests of France.

We have endeavored to demonstrate that the French Government, in surrendering the right acknowledged to result from the 8th article of the treaty of Louisiana, and accepting an equivalent in exchange, has done only what is reasonable and advantageous; in order to prove it, I have shown on the one hand the value of the right, and the value of the equivalent upon the other. It is clear that that is the only way to settle the question.

The right conferred on France, by the 8th article of the treaty of 1803, was to national treatment forever in the ports of Louisiana.

What is the difference between the treatment of the French flag now, and that treatment to which it would be entitled if the provisions of the treaty of Louisiana were recognised and applied? In other words, how much more does the French flag pay in the ports of Louisiana, than it would pay if placed on the footing of the American?

We have shown that since the convention of 24th June, 1822, by which all discriminating duties—all, I repeat—were abolished between the United States and France, there does not exist in any of the ports of the Union, not excepting those of Louisiana, a single difference between the French and the American flags, except the duty of five francs per ton. Thus the advantage we renounced would have been a saving of five francs per ton upon French vessels entering the ports of Louisiana.

Such is the advantage we have yielded. We sought for an equivalent, and, in doing so, calculated the number of vessels and the amount of tonnage entering the ports of Louisiana. We have shown that during a period of fourteen years, not more than seven or eight French vessels, on an average, came to entry in those ports each year. I have not the precise number before me, but I stated it yesterday to the Chamber.

The result, however, was an annual advantage of 14,000fr. deduced from the average of fourteen years. It is, then, this saving of 14,000fr. which the French Government renounced for French commerce; it has deprived French commerce of just so much money.

Now what have we in return? We have shown that the equivalent offered us was an important reduction in the established duties upon our wines, a reduction producing a saving to the amount of 800,000 francs per annum.

M. DEMARGAY.

There is the error.

THE MINISTER OF FOREIGN AFFAIRS.

We have demonstrated it, and M. Duchâtel has again proved it this day. The Government has exchanged an advantage of 14,000fr. per annum for one of 800,000fr. per annum.

M. DEMARGAY.

There is no comparison.

THE MINISTER OF FOREIGN AFFAIRS.

The only difference is, that the benefits secured to French commerce by the treaty of Louisiana were perpetual, whilst the advantage resulting from the tariff of wines is only for ten years. We have observed, that difference should be taken into account, just as it would be in commercial affairs.

Nothing is easier than to compare the saving resulting from 14,000fr. per annum forever, with 800,000fr. per annum for 10 years; and when the comparison is made, it will be seen that in seven or eight years the latter will equal the former.

This is what I said yesterday; it is correct, and capable of demonstration with the most rigorous precision. I said that the French Government had not betrayed the interests of France in renouncing for the benefit of our commerce a perpetual advantage of 14,000fr. per annum, in exchange for

800,000fr. per annum during ten years. We did not admit that right to be negated which belongs to France by the treaty of 1803; we have on the contrary, obtained an acknowledgment from the United States of the validity of the right claimed by the French Government under the 8th article of that treaty; and after that acknowledgment, we have exchanged this right for another, which appeared to us more advantageous.

As to the Spanish treaty, the reason why it is not fresh in my memoir is, because it was not a treaty between France and a foreign country, but between two foreign countries.

I say, merely, that taking the articles such as they are in that treaty, there is not one of them which is applicable to one of the vessels mentioned in the account I presented yesterday; not one of those vessels was captured by a French privateer and carried into the ports of Spain; not one of them was condemned by a French consul upon the Spanish territory, nor pronounced upon by French tribunals after having been seized and conducted into the Spanish ports. They make a class altogether special and peculiar.

General Thouvenot, the commandant at St. Sebastian, had, with the authority of Government, attracted to the ports of Spain a great number of American vessels. There came a decision of the Cabinet, which ordered these vessels to be conveyed to Bayonne; on arriving at Bayonne, they were seized and sold by a retrospective application.

[*Much noise in the Chamber.*]

Whatever may be the sense of the treaty spoken of, and which at this moment I do not examine, it is in no way applicable to the vessels which figure in the account which I have submitted to the Chamber; nor does it in any way invalidate the calculations which I presented.

As for the commercial question, I shall leave the care of defending that to the Minister of Finance, and to those of my colleagues who are better versed in the matter than I am.

I ask pardon of the Chamber for the new explanations into which I have entered to-day, after having occupied their attention two hours yesterday; but I was unwilling to suffer objections made to pass without reply. I will conclude. I believe I have replied to all, but if the question again comes up, I will ask permission—

M. GUIZOT, [*Minister of Public Instruction.*]

And M. de Polignac? You forget.

THE MINISTER OF FOREIGN AFFAIRS.

You are right.

Gentlemen, I am indeed pained to be under the necessity of explaining the facts cited by the honorable member (M. Mauguin) who preceded me. I do not believe it just, I do not believe it correct, to bring forward in this tribune a man whose present situation should excite interest, whatever he may have done, whatever crimes he may have committed towards France.

I was careful to reply at first to the facts alleged by the honorable member who spoke last. I have explained to the Chamber that the Minister of Foreign Affairs of 1830, after having in a first interview endeavored to repel the demands of the American minister in the ordinary way of refusing to admit them, had immediately yielded to the generosity and nobleness of his character, and abandoned that ground as

untenable. That in an interview which took place the 11th January, 1830, he had recognised the debt of the French Government to the Americans, for ships destroyed at sea ; and that he had even characterized that act as an act of piracy. That in another interview of the 12th February, 1830, he recognised the debt on the part of the French Government, on account of captured and confiscated vessels, the price of which had been deposited as a consignment. I have said, in fine, that a few months before the revolution of July, two negotiations were set on foot between the Minister of Foreign Affairs and the minister of the United States, one of which was official and the other confidential ; that in the official negotiation the American minister recapitulated all the concessions which had been successively made by the Minister of Foreign Affairs. In truth, the Minister of Foreign Affairs endeavored, in the note which he sent in answer, to retract some of those concessions ; nevertheless, he admitted the greater part of them. The notes exist ; and, indeed, I should be sorry to be compelled to dwell on this point.

I have said that, while the official negotiation was in progress, a confidential negotiation was likewise going on ; that the minister of the United States had offered to the Minister of Foreign Affairs to treat upon the question of Louisiana, which was the point of difficulty, on the terms which have since been admitted in the treaty of 1831 ; that, at the request of the Minister of Foreign Affairs, a confidential *memorandum* was given to him on the 20th May, containing those offers ; that, in a confidential letter dated May 31st, the Minister of Foreign Affairs had demanded further explanations, which explanations were given the 15th of June, and were then verbally admitted by him to be in appearance sufficient ; to which he added, that he intended to present a counter-project, with a view to terminate the difference.

The above I had the honor to state, and I now repeat it here. I am sorry that a person should have been cited as authority, in contradiction of this statement, who should be in the position in which the Minister of Foreign Affairs, of whom I have been speaking, is now placed. I am convinced that the language he used to the honorable member was only in general terms, and that those words may be made to accord with the facts I have recited. [*Cries for the question from some members ; others cry "go on."*]

M. ISAMBERT.

Gentlemen, I wish to say a word or two. [*Question, question.*] It appears to me that something further may be said relative to the seizure of the vessels in the ports of Bilbao, St. Sebastian, and Les Passages. I have some facts to state on that subject, which I think the Chamber ought to hear. [*Yes, yes ; go on.*]

The Minister of Foreign Affairs has supposed that France was not a party to the treaty concluded between Spain and the United States in 1819. It is true, France did not concur directly in the treaty, or take part in the negotiation ; but, in attending to that transaction, we perceive that France was concerned in it most specially. In fact, it appears from what M. Berryer showed yesterday, that the treaty encountered serious difficulties on account of the situation of the Floridas. Spain refused to ratify it. The time assigned for the ratification elapsed, and the President of the United States, in a message to Congress of the 17th December, 1819, explained to Congress the consequence of the refusal to ratify, taking into consideration the particular situation of the Floridas.

The President of the United States consequently announced to Congress that, as the time for the ratification of the treaty had expired, and in order to terminate the affair, the Spanish Government should be informed that vessels of their nation would be no longer received in the ports of the United States. Moreover, they specially demanded the intervention of England and of France, for obtaining the ratification.

All this is explained, in the most formal manner, in the message of the 7th December, 1819.

France employed her interest, as well as England, to secure the ratification of this treaty, which embraced particular stipulations. The treaty was ratified on the part of Spain on the 24th October, 1820, after the revolution of 1820, which restored the Government of the Cortes; and then the ratification followed on the part of the United States. Thus it appears that the ratification of this treaty was in some sort due to the good offices of France and England; and in this treaty is found the important clause which has been quoted.

It has been said that this clause did not possess the general character attributed to it; that in all cases in which the prizes were not made by French citizens, nor pronounced upon by French consuls, it was evident these five or six millions of dollars, for indemnification, could not be considered as justly lessening the claims of the United States. But the stipulations of the treaty are general; the treaty embraces all the seizures which were made in the ports and on the coasts of Spain.

For, from the moment that the Government has laid hands on the prize, what does it matter whether it was taken by a cruiser, or regularly condemned? It is evident that the act is equivalent to a regular seizure; and, as the seizures took place in the ports of Spain, those vessels could not have been brought to the ports of France without the concurrence of the French consuls.

The Spanish Government, by indemnifying the United States for prizes by which France profited, undoubtedly has a claim for the amount on France. But Spain is indebted to us, and it will be very easy to make her every compensation.

It is evident, therefore, that the United States cannot make good their claim under that head; the sum is eight millions, and the debt should be thus much reduced.

Gentlemen, I think it was not improper in me to lay these facts before the Chamber; and I believe that the Minister of Foreign Affairs has by no means drawn from the treaty those inductions which he submitted in defence of the negotiation.

M. DUPOUY.

I demand the floor.

THE PRESIDENT.

Gentlemen, shall the question on the bill be taken?

[The Chamber decided that the debate should end, and the question be taken. The first article of the bill was then read.]

Article 1st. The Minister of Finance is authorized to take the necessary measures for carrying into effect the first and second articles of the treaty, signed on the 4th of July, 1831, between the King of the French and the United States of America; the ratifications of which were ex-

changed at Washington on the 2d of February, 1832; and by the terms of which the sum of twenty-five millions of francs is to be paid by France.

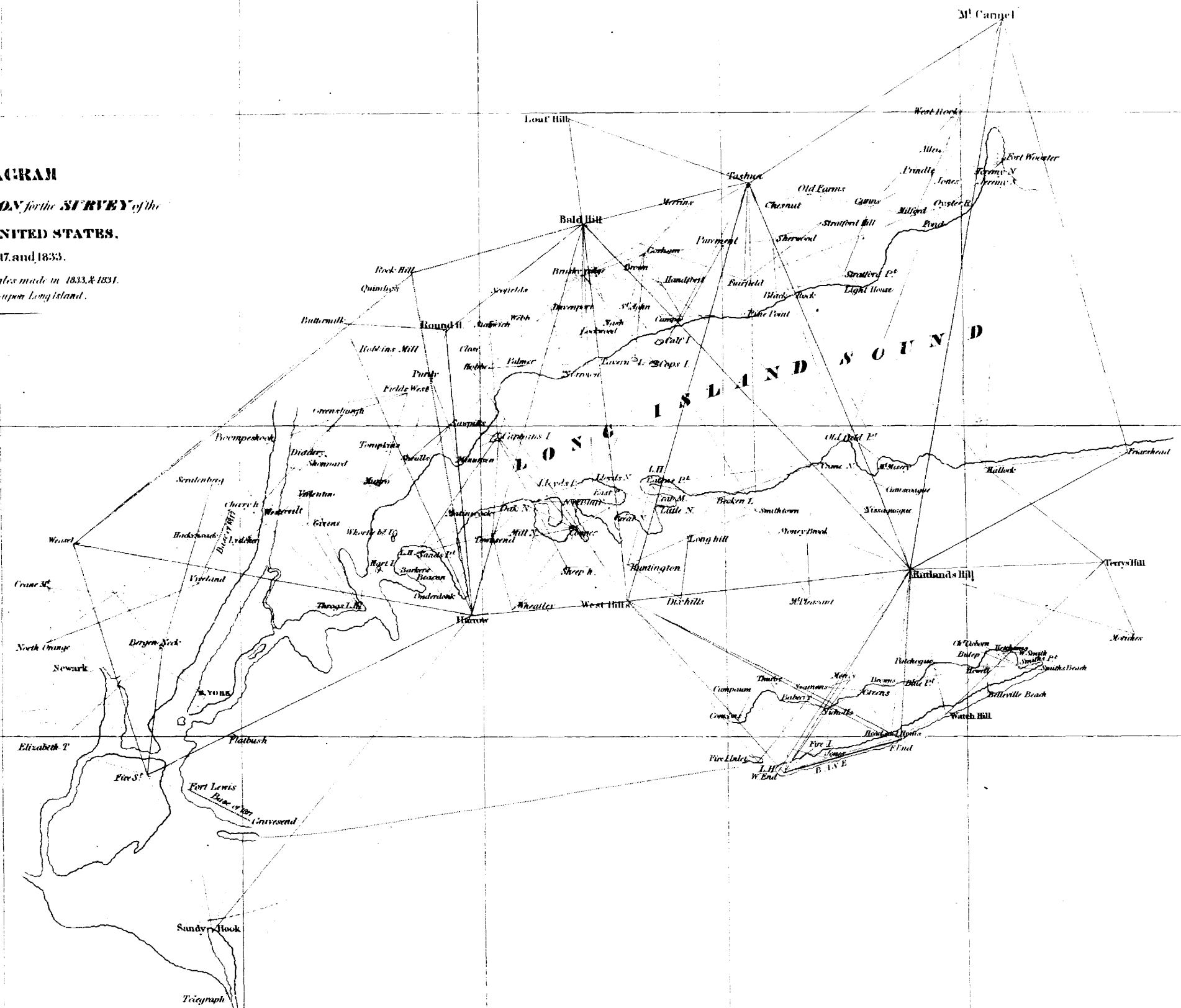
Several members requiring a call of the House, it was called, and the ballot then taken; the results of which were:

Number of members present,	-	-	-	-	-	314
Majority of the whole,	-	-	-	-	-	173
Votes against the bill,	-	-	-	-	-	176
Votes in favor of the bill,	-	-	-	-	-	168
						8

So the bill was rejected by

There was much agitation in the Chamber, which immediately adjourned.

A DIAGRAM
of the **TRIANGULATION** for the **SURVEY** of the
COAST of the **UNITED STATES**,
made in 1817 and 1833,
and the Secondary Triangles made in 1833 & 1834
in Connecticut & upon Long Island.



Barth's Rock

30

41°

40

30