LETTER OF THE DUKE DE BROGLIE TO M. PAGEOT, *late U. S. Charge d'Affaires of France at Washington.*

[We have come in possession of the following letter, being the same which Mr. Forsyth, on the 11th of September, allowed the French Charge d'Affaires to read to him, but which he declined taking cognizance of, as not official, and of which he subsequently refused to receive a copy on the same ground, though it was communicated by M. Pageot, by express authority from his government, contained in the document itself. Its tone is extremely mild and conciliatory, though without abating any thing from the requisition of Gen. Valaze's amendment. It is to be regretted that such a letter, from such a source, was not met by our government in a corresponding spirit.]

[*Translated for the Journal of Commerce.*]

PARIS, 17th June, 1835.

SIR—There no longer exists on our part any obstacle to the entire accomplishment of the treaty concluded on the 4th of July, 1831, between France and the United States. The project of law relative to the indemnities reciprocally stipulated in that treaty, after having successively passed the two Chambers, has received the royal sanction.

I say on our part; for every thing now depends on the Government of the United States: it belongs to them to remove the only obstacle that still subsists. By virtue of a clause inserted in Art. 1st by the Chamber of Deputies, the French Government must defer making the payments agreed upon, until that of the United States shall have explained the true meaning and real purport of divers passages inserted by the President of the Union in his Message, at the opening of the last session of Congress, and at which all France at the first aspect was justly offended.

The Government having discovered nothing in that clause at variance with its own sentiments or the course which it had intended to pursue, the project of law, thus amended on the 18th of April by the Chamber of Deputies, was carried on the 27th to the Chamber of Peers. I herewith annex the expose which accompanied it. That document will show you, in a few words, in what light we consider the respective positions of the two countries. I also annex the report of the Committee presented to the Chamber of Peers on the 5th of June. You will thereby see how far that House concurred in the opinion of the Chamber of Deputies.

Mr. Livingston has left Paris, without waiting for the vote of the Chamber of Peers, leaving Mr. Barton as Charge d'Affaires.—The letter by which he accredited him to the French Government, is of the 28th April. You will find a copy of it subjoined.

In a note dated 27th, Mr. Livingston assigns as the cause of his departure, the silence observed by the French Government in relation to a previous note of the 18th, in which that Minister, agreeably to orders from his Government, demanded the explanation of an expression made use of by Mr. Serrurier, in a note he passed to Mr. Forsyth at the time he left. That explanation, sir, we will show ourselves very willing to furnish, if it should be asked for again, when we ourselves shall have received those which we have a right to expect.

Annexed are copies of the two notes of the 18th and 27th.

On the 25th, Mr. Livingston had addressed to me a third note of great length, in which, whilst he forbears making allusion to the amendment introduced by the Chamber of Deputies, he fully enters into its principle and probable consequences, as you may ascertain by reading that paper. As long as the amendment was but a simple project, the initiative of which did not even belong to the Government, I thought proper to abstain from entering into any controversy on this subject with the Minister of a foreign Government. Now that that project has become a law by the concurrence of the two Chambers and the sanction of the King, it is my duty to justify it against objections which are utterly groundless.

I shall first recall a few facts.

The project of law relative to the execution of the treaty signed on the 4th July, 1831, had been presented three times to the Chamber of Deputies, viz: on the 6th of April, 1834; the 11th of June of the same year; and the 13th of January of the year following, when it was rejected by a majority of 8 votes on the 1st of April, 1834.

The news of its rejection was known at Washington on the 6th of May, through a packet which sailed from Liverpool on the 6th of April.

On the 4th of June, Mr. Serrurier informed the Secretary of State, that the King's Government had determined to present anew the project of law at the next session of the Chambers. The loss of the bill having occasioned the resignation of the Minister who had signed it, and this circumstance having caused different changes in the Cabinet, the Government could not definitively adopt that determination until the 8th of April. The brig Le Cuirassier, bearer of new instructions to Mr. Serrurier, had moreover met with a long and stormy passage.

At the express request of Mr. McLane, then Secretary of State, Mr. Serrurier communicated, the next day, in writing, the declaration which he had already made verbally. His note is dated the 5th of June.

The reply of Mr. McLane, is of the 27th. In this reply, Mr. McLane states in express terms, in the name of his Government, that the President of the United States *will rely on the assurances Mr. Serrurier has been instructed to give him, and will await hereafter with confidence for the appeal that is to be made to the new Chamber.*

Mr. Serrurier, in his note of the 5th of June, had incidentally observed that *it was the intention of the French Government to present again the rejected law at as early a period as our constitution would permit.*—That intention was real; our desire was sincere; but it naturally followed from the very nature and terms of the engagement, that it referred to no particular and fixed period; that was left dependent either upon the different exigencies of our internal situation, or upon the object which both Governments were equally anxious to attain.

In the month of August, the Chambers were assembled, but merely for form, and for the sole purpose of complying with the provisions of the 42d article of the Charter.—No project of law was either presented or discussed.

Mr. Livingston at Paris, and the President of the United States at Washington, having seemed to regret that the opportunity of this accidental meeting had not been embraced to place again before the Chambers the project of law relative to the treaty of the 4th of July, it was easy to make them understand, that in acting with that precipitancy, we would not only have departed from all established usages, but compromitted, instead of securing, the passage of the law.

The same considerations were very naturally opposed to the request made at a subsequent period by Mr. Livingston, for a special session in the fall. That Minister must no doubt have urged them, with his Government, since the latter showed itself entirely convinced of their validity and justness.

The new Secretary of State, Mr. Forsyth, said in the month of October, to Mr. Serrurier, *The President readily understands why this business has not been taken up at the opening of the session in August; he can now account for the fact that the demand made by Mr. Livingston of a special session in the fall was declined.* Mr. Forsyth, it is true, added that *the President could not understand why the convocation of the Chambers had been delayed until the last days of December, instead of the beginning of that month.*—But that observation falls before the fact, that, by a concurrence of particular circumstances on which it would be useless to dwell, this meeting of the Chambers did in reality take place on the 1st of December.

Nothing, consequently, could prepare the French Government for the language of the Message sent by the President to Congress. We were aware that that Message would contain a statement of the transactions connected with the treaty of the 4th of July. Mr. Forsyth had, on the 19th of November, given notice of it to M. Serrurier. But Mr. Forsyth had at the same time informed that Minister, that the President would simply advise Congress to wait for the decision of the Chambers.

What must then have been our astonishment when the message reached this side of the Atlantic! And could it be expected that the French Government, after having fulfilled the double duty of satisfying its own dignity by recalling its Minister from Washington, and of redeeming the faith of treaties by obtaining from the Chambers the appropriation necessary to the completion of the convention of the 4th of July; after having tendered to the Minister of the United States his passports; could it be expected, I repeat, that the French government would not wait, before it resumed any communication on the subject with the Government of the Union; and before it renewed with it the interrupted relations, that the latter would come forward and express itself in terms calculated to dispel the unfortunate interpretations to which the Message had given rise?

Such is in fact and in substance the course which the amendment introduced by the Chamber of Deputies has pointed out to the Government; such is the course which the Government intended to have pursued, even if the law had not made it their duty.

Nevertheless, it is against this course, so simple, so reasonable, that Mr. Livingston seems to wish to protest beforehand.

Mr. Livingston fully admits, in his note of the 27th of April, the right of foreign governments to take proper exception to the acts and language of the government which he represents.

"Should the President," he observes, "do an official executive act affecting a foreign power, or use exceptionable language in addressing it, through his Minister, or through theirs—should a law be passed injurious to the dignity of another nation—in all these and other similar cases, a demand for explanation would be respectfully received, and answered in the manner that justice, and a regard to the dignity of the complaining nation, would require.

But he maintains that these principles, the wisdom of which is evident, are not applicable to an act by which the President, sole representative of the nation towards foreign powers, gives to Congress an account of the situation of foreign relations.

"The utmost freedom," says Mr. Livingston—"the utmost freedom from all restraint in the details into which he is obliged to enter, of international concerns, and of the measures in relation to them, is essential to the proper performance of this important part of his functions. He must exercise them without having continually before him the fear of offending the susceptibility of the powers whose conduct he is obliged to notice."

"Were any foreign powers," continues Mr. Livingston, "permitted to scan the communications of the Executive, their complaints, whether real or affected, would involve the country in continual controversies; for the right being admitted, it would be a duty to exercise it, by demanding a disavowal of every phrase they might deem offensive, and an explanation of every word to which an improper interpretation could be given. The principle, therefore, has been adopted, that no foreign power has a right to ask for explanations of any thing that the President, in the exercise of his functions, thinks proper to communicate to Congress, or of any course he may advise them to pursue."

We cannot, sir, admit such a principle; we cannot admit it, at least, without condition or limit, in an absolute, general and peremptory sense.

It does not depend upon a nation, from the mere fact of its having adopted such or such a form of government, to acquire, with regard to foreign powers, more rights than it would have had, or to arrogate to itself other rights than those which it would have enjoyed under any other form of government.

Nations are free to choose, without any constraint, the government they please—precisely for this reason, and under this condition; that such a choice concerns them exclusively, and that whatever that choice may be, it cannot affect the rights or injure the legitimate interests of other nations.

Now, it is the acknowledged right of every government, when the legal representative, or when the official organ of another government, expresses himself *publicly* in relation to it, in language which is deemed offensive, to demand an explanation of it. Such a right the constitution of the United States can neither abolish, modify nor restrict. It is an international right—(*un droit international.*) It suits the people of the United States to divide the power of the Union between a President and a Congress. Be it so. It suits them to oblige the President to give *publicly* to Congress an account of the state of foreign relations. Their right is unquestionable. But, that the President of the United States, the official organ, the legal representative of the Union towards foreign nations, thereby acquires the right to press himself *publicly* upon foreign governments in language offensive to those governments—that he should, in asserting the liberty, the freedom, necessary for such communications, dispense with all reserve in his language, and with all responsibility towards the powers whom that language concerns—is what we cannot admit.

Irresponsibility, (*l'inviolabilite,*) whether it relates to persons, to acts, or to words—irresponsibility, when it is legally established, is a pure national institution, a purely internal regulation, and can never be used as an argument in the intercourse which governments hold with each other. If it were otherwise, and if we were disposed, after the example of Mr. Livingston, to carry the argument to its extreme consequences, it might be maintained that the President of the United States has the right, provided it be in a Message to Congress, to impute *publicly* to foreign governments and to foreign nations the most odious acts, the most perverse intentions; to hold them up *publicly* to the animadversion of the world, without these governments or these nations having the right to manifest the slightest resentment, since, according to this very strange doctrine, they would not even be allowed to take official notice of it.

To state such a doctrine, is to refute it.

However, sir, we do not wish to exaggerate any thing. Mr. Livingston is perfectly right when he says that the cause he supports, is, in a general sense, common to all free countries: That all governments founded on the division of power, and on the publicity of debates, have an interest in repelling, on the part of foreign powers, any interference with the communications which the Prince and his Ministers in constitutional monarchies—and in republics, the magistrates entrusted with executive power—are called upon to make to the Legislature. And this is the reason, as Mr. Livingston very judiciously observes, that in France and in England, the language of the royal speeches is so reserved in every thing that concerns foreign relations; and it is the same motive, as you will observe, sir, to the Cabinet of Washington, that has directed the conduct of France in relation to the Message of President Jackson. If the expressions contained in that Message had been inserted in a proclamation, or any other act of the executive power of the Union, we would at once have called for an explanation. Out of respect for the very nature of the act, the French Government deemed it a duty to manifest the sentiments it felt on that occasion, by instantly recalling its Minister, and stating in a communication the motives for that recall; but it did *not ask* for explanations; it was contented to expect them from the justice of the government of the United States, and from the ancient friendship of the American nation, not doubting that the government of the United States would appreciate the difference in such cases, between answering an interpellation, and preventing by a spontaneous determination, by explanations readily *offered*, a misunderstanding always to be regretted.

The amendment of the Chamber of Deputies is conceived in the same spirit of reserve and conciliation. It does not make it the duty of the French government to ask for explanations; it merely supposes they will receive them.

We were not mistaken, sir, in believing that the government of the United States would appreciate that difference, since Mr. Livingston, as he himself observes, hastened as early as the 29th of January last, when the Message of President Jackson had been only known a few days, to offer us explanations at great length, of every passage of that Message which treated of the relations between the United States and France; and since, that step and the explanations contained in his note of the 29th of January, have received, as he informs us by his note of the 25th of April, the entire approbation of the President.

Mr. Livingston was not astonished that those explanations, as long as they were presented only upon his personal responsibility, *did not produce upon us the effect he intended;* but he supposes, that, being now clothed with the approbation of the President, they must satisfy *all that the nicest sense of national honor could desire.*

He, therefore, makes it a point in his note of the 25th, to repeat and to develope them, in the hope that the French government, by examining them anew, under the impression that they had become the expression of the sentiments of the President, would deem them sufficient. He is so much the more anxious to impart to us his own conviction on this subject, as he deems it impossible for the government of the United States to go any further. He even seems to be apprehensive that future events, which he *need not specify*—designating thereby, no doubt, the adoption of the amendment of the Chamber of Deputies by the other two branches of the government—may hereafter render improper any allusion to explanations presented under the influence of different circumstances.

We sincerely wish, sir, not to add to the difficulties of the situation in which the two countries are respectively placed. The question of date, to which Mr. Livingston seems, in this case, to attach an importance which it belongs not to us to appreciate, does not in any way alter either the nature or extent of the duties which are prescribed to us. If satisfaction had really been given to the just susceptibility of the French nation as early as the 29th of January, (the date of Mr. Livingston's first note,) and, therefore, previous to the adoption of the amendment under consideration by the Chamber of Deputies, or as early as the 27th of April, (the date of Mr. Livingston's second note,) that is to say, before the adoption of this same amendment by the other two branches of the Legislature, we would be sincerely gratified. The more the government of the United States would have shown a willingness to explain itself, the more we should be ourselves disposed to find the explanations satisfactory, and to view the solicitude of that Government as a testimony in favor of the intentions which had dictated the Message of the President.

We will simply observe, before we proceed:

First, That even supposing the explanations, given by note, of the 29th of January, to have been such as we might have wished them, they were on the 18th of April, the day of the passage of the amendment in the Chamber of Deputies, nothing more than the simple expression of the personal sentiments of Mr. Livingston. This is an observation which did not escape his notice.

We will also observe that by the publication of Mr. Livingston's correspondence, the Government of the U. S. had excited against him such a feeling of irritation, that it would have been out of our power, even supposing that we had considered that correspondence as containing nothing but what was right and proper, to avail ourselves of a document bearing his signature, to repel in one or the other of the Chambers the amendment under consideration.

I will now proceed to the examination of the explanations which have been offered to us.

Mr. Livingston is right in thinking that our objections to the Message of the President are confined to these two points:

1st. The Message impeaches the good faith of his Majesty's Government.

2d. It contains a threat to secure the execution of the treaty by the fear of reprisals.

It is indeed under this double point of view that the Message of President Jackson excited in France the greatest indignation. The Cabinet of Washington will readily admit that *if the allegation were true,* the indignation would be just. No Government, no people, would for one moment bear without itself either to the direct or indirect imputation of a want of good faith, or the idea of another Government or another people endeavoring to obtain from it through menace, what could only be granted to it by justice. It must equally be admitted that when the impression produced by the appearance of any document is general; when that impression is felt, not only by the whole nation whom the document concerns, but even by foreigners, by uninterested people, by persons the least disposed to take a part in the contest, the very universality of that impression, is a sufficient evidence against the general tenor of the document.

If we examine in detail the Message of the President of the United States, (I mean that part of it which relates to the relations between the United States and France,) it will possibly be found, that, passing successively from phrase to phrase, none will be met with that cannot bear an interpretation more or less plausible; none, of which, strictly speaking it cannot be said that it is a simple expose of such or such a fact true in itself, or the assertion of such or such a right which no one contests, or the performance of such or such an obligation imposed on the President by the very nature of his functions. There will certainly be found several in which the idea of impeaching the good faith of the French Government, or of acting upon it through menace or intimidation, is more or less disavowed.

Yet when the whole succession of facts is taken into view; when we perceive the care which seems to have been taken to present them in an unfavorable light, without making allowance for circumstances which explained them, without paying any regard to considerations which the government of the United States itself had previously admitted; when we see at the end of this uninterrupted series of allegations, which have the appearance of wrongs, for the sole reason that they are made to rest on isolated and incomplete statements, the unexpected proposition, the extreme proposition to say the least, to seize upon French property, it is impossible at first view, it is even difficult after reflection, to escape the thought that all this part of the Message had been written for the double purpose stated above.

It is not so, however; at least we hope it is not.

But to banish entirely such an idea, what would be necessary? Nothing but what is very simple. We do not here contend about this or that phrase, this or that allegation, this or that expression; we contend about the intention itself, which has dictated that part of the Message. If it be true that the President of the United States, in presenting to Congress a statement of the facts connected with the Treaty of the 4th July, had no intention to cast any doubt on the good faith of the French Government; if it be true that the President of the United States, in proposing to Congress to decree the seizure by force of arms of French property, had not the intention to assume, with regard to France, a menacing attitude, we cannot see how he can find any difficulty in declaring it.

Is such a declaration really contained in Mr. Livingston's note, addressed to the French Government on the 29th of January, or in that which the same Minister left at his departure, on the 27th of April?

We would be equally at a loss to affirm or deny it;—and for this reason it is evident that neither the one nor the other can be considered sufficient. The note of 29th January is intended to discuss, contradictorily, with the French Government, the correctness of facts asserted in the message of President Jackson. It is intended to prove that the view taken by him of these facts is at least plausible. It is in the midst of this long disquisition that two or three phrases are incidentally thrown out, on the just confidence which the government of the United States has always entertained in the sincerity of the French government; confidence which Mr. Livingston had always made it a duty to foster, and which, according to him, is not in contradiction with any of the ideas or allegations expressed in the Message. The note of the 25th of April, is chiefly intended to make an indirect and anticipated examination of the amendment introduced by the Chamber of Deputies.—While upon this examination, and with a view to prove that any demand for explanations would in future be useless in fact and inadmissible in principle, Mr. Livingston refers to the testimony given by him in his first note, to the good faith of the French government; he refers to subsequent sanction given by the President to the contents of that note; he dwells on the paragraph of the Message of the President, in which all idea of threat is, he says, *expressly disavowed.*

You will easily conceive, sir, and the Cabinet of Washington will, we think, understand it also, that such phrases incidentally inserted in documents, the purport and tenor of which are polemical, and surrounded, in some measure, by details of a controversy, which is, besides, not always free from bitterness, cannot dispel sufficiently the impression produced by the perusal of the Message, nor strike the mind as would the same idea expressed in terms simple, positive, direct, and unaccompanied by any recriminations concerning facts or incidents no longer of any importance. Such is the motive, which, among many others, has placed the French Government in the impossibility of acceding to the wish expressed by Mr. Livingston towards the conclusion of his note of the 25th of April, by *declaring* (to the Chamber of Peers probably) *that previous explanations given by the Minister of the United States, and subsequently approved by the President, had satisfied it.*

The impression produced by the perusal of the Message was deep. It was so in France, in Europe, and even in the United States; the debates in Congress and public notoriety sufficiently prove the fact. Under the weight of this impression, the French Government did not hesitate to place itself in a situation to meet the engagement contracted in the name of France. In pausing there for the present, and waiting for the fulfilment of those engagements to be claimed, or expecting them to be claimed, in terms consistent with the regard which is its due, it is not afraid of being accused, nor France which it represents, of being accused, of *appreciating national honor by any number of millions which it could withhold as a compensation for an injury offered to it.* Mr. Livingston is the first to repel such an idea. Far from it, the French Government will consider as a fortunate day, the one in which it will be able to deliver up honorably the trust which lies in its hands; but each state has duties to perform towards itself; each situation has its exigencies. Mr. Livingston objects to the idea of seeing the President of the United States give a new testimony to the good faith of the French Government, lest such a step, reasonable and just in itself, should not appear to be exclusively dictated by justice and by reason. He will not be astonished if the French Government, on its side, attaches an equal importance to shew, that, in acknowledging openly, a legitimate debt, and declaring itself ready to discharge it, it has exclusively consulted reason and justice.

You are authorised, Sir, to read the present despatch to Mr. Forsyth, and if he desires, let him take a copy of it. Accept, Sir, &c. &c.

(Signed) V. BROGLIE.

"*Uncommon Awful.*"—Our contemporary of the United States Gazette is under marching orders for Harrisburg, the very capital of the Key Stone State. Indeed, he may be said to be at this moment in what has been sometimes called—or might have been called—a constructive Limbo. He is a prisoner by "inference of law." In short, by a slight "legal intendment," he may be looked upon as in the clutches of the legislative Sheriff—a *protege* of the Sergeant-at-Arms. The unfortunate gentleman tells us that his editorial penetralia was broken into on Tuesday morning by a sub-deputy of the door keeper—no, it was the *Sergeant depute* of the Pennsylvania House of Representatives—bearing in his broad bosom an ample document, which he forthwith proceeded to read in audible voice to the beleagured Editor—wherein and whereby said Editor was made acquainted with a *Subpœna duces tecum,* commanding him to appear before Thaddeus Stevens, Chairman of a certain Committee at Harrisburg, on the third Monday of this present January. The enormity charged upon Mr. Chandler, so far as we can learn, is the fact of his being a freemason; and he is to be broiled on the legislative gridiron, accordingly. The "duces tecum" is more than we can fairly comprehend. We don't see what the *deuce he can take with him* that will add to his offence. We tremble for the "supremacy of the laws," when an honest citizen can thus be taken from his fire-side, by a mere missile from Mr. Thaddeus Stevens, or any body else. It certainly is another Morgan murder that is contemplated, and it must be seen to immediately.—*N. Y. Cour. & Enq.*

By recent advices from Harrisburg, says the Philadelphia S. E. Post, of the 23d, we learn that the officers of the Grand Lodge of Pennsylvania, among whom are Messrs. J. R. Chandler, G. M Dallas, Josiah Randall and S. H. Perkins, who were summoned to appear before a committee of the State Legislature, to testify on the subject of Masonry, have refused to answer the questions of the committee, denying, altogether, the right of the General Assembly to institute such an investigation. Ex-Governor Wolf, and a number of other gentlemen, have pursued the same course, many of them presenting to the committee their reasons for so doing in writing. The refusal of these gentlemen to give evidence will undoubtedly be reported to the House of Representatives, whence the committee emanated, when a question will arise whether they shall be imprisoned, or discharged with a reprimand.

The State of Wisconsin.—The Green Bay Intelligencer estimates the Territory of Wisconsin to contain a population of 18,000 souls, so that in about five years we shall hear of the *Wisconsonians* (an awful name!) clamorous for a State—"the Hon. Senator from Wisconsin"—the sovereign State of Wisconsin"—"the patriotism which burns in the bosom of every brave Wisconsonia"—and so on to the end of the chapter.—*N. Y. Star.*

Strong Men.—A Turkish porter will run along carrying a weight of 600 pounds; and Milo, of Croton, is said to have lifted an ox weighing upwards of 1000 pounds. Hallet mentions that he saw an instance of a man whose finger being caught in a chain at the bottom of a mine, by keeping it forcibly bent supported by that means, the weight of his body, 150 pounds, till he was drawn up to the surface, a height of 600 feet. Augustus II., King of Poland, could, with his finger, roll up a silver dish, like a sheet of paper, and twist the strongest horse-shoe asunder.—*London Weekly Review.*

Bad Neighbors.—"Mein Gott!" said a Dutchman, "you may say vat you please 'bout bad neighbors—I haf de vorst neighbors as neffer was. Dere is Hans Van Wagner, oder teyfel! mine pigs and mine hens come home from dere up, mit dere ears slit—and toder day, mein Gott! two of dem come home missing!"