

## SPEECH

---

The motion of Mr. RIVES to refer so much of the President's Message as relates to our foreign affairs to the Committee on Foreign Affairs being under consideration—

Mr. CHOATE said he regretted to be obliged to consume a moment of the crowded time of the Senate in a discussion which could produce no practical results. But the subject was forced upon the friends of the Secretary of State and of the Administration; it possessed a good deal of interest intrinsically, and therefore, holding a place upon the Committee on Foreign Relations, to whom it might be thought appropriately to belong, he ventured to submit a few thoughts upon it less maturely considered than he could have wished. He feared he could add little to the splendid and masterly speech of the Senator from Virginia, (Mr. RIVES.)

I confess (he proceeded) that when I read, a few days since, the letter of the Secretary of State to Mr. Fox, on which the Senator from Pennsylvania (Mr. BUCHANAN) has commented, it seemed to me written with much ability, and that it ought to and would satisfy the judgment and feelings of the whole American People. The views it presented I thought sound, clear, and some of them new; the manner, not an unimportant consideration, good; frank, decided, not rude, not boisterous, not timid; and the whole tone, temper, and spirit elevated, national, American—worthy of the man, the cause, and the country. The objections taken to it in this debate seemed to me to be its essential merits. By conceding just what he did, and by denying just what he did, he had gone far, I thought, to withdraw this controversy about the Caroline from the false position it rested upon; and to place it on such grounds that it may be adjusted with ease and honor, or, if we must fight, that we may carry into battle the approbation of our own consciences, and the supports of a just pride.

So the letter struck my mind. Other gentlemen, or, at least, one other, regard it differently. And in the first place, a doubt is intimated by the distinguished Senator from Pennsylvania, whether the concession of the Secretary that a person in the asserted predicament of McLeod is entitled to immunity, assumes an accurate proposition of international law. He argues that it does not; and he holds the opinion that we may well enough hang that person for robbery and murder; that we may do this in entire conformity with the received ameliorated codes of international law of the nineteenth century, and without justly bringing on ourselves a murmur of disapprobation from any of the families of man, or any individual of any family. Sir, let us pause for a moment on this great question of the nations.

What is the concession of the Secretary of State? Why only and exactly this: that a soldier or sailor—de facto such—actually engaged in a military or naval enterprise of force, under the authority, in obedience to the command of his Government, and keeping himself within the scope of that authority, is not guilty, as the law of nations is administered to-day, of a