

Portugal positively declined, and Mr. Clay took his passports and left for the United States. The case was being prepared to submit to Congress when General Taylor died, on the ninth of July, 1850.

Mr. Fillmore's administration succeeded. The proposition to arbitrate was renewed, and accepted by this government in September, 1850, notwithstanding the national faith was plighted never to consent to tarnish its spotless escutcheon. Louis Napoleon, *President* of the French republic, was chosen arbiter, under a treaty which excluded the important testimony of the claimants. In 1853, when Louis Napoleon had become *Emperor*, he decided the case in favor of Portugal and England, in violation of the treaty.

In 1854, an appeal was made to Congress; unanimous reports were made in favor of the claim; it passed the Senate twice, and was lost in the House the last time for the want of two of a quorum! In the debate in the Senate, in January, 1855, Senator James A. Bayard, in referring to Louis Napoleon's decision, said:

"Well, sir, looking on that decision as an atrocity throughout, unsustainable by any known principle of law, but a perversion of facts from beginning to end, I cannot believe that it would have been made if our government had not rejected the right of the claimant to be heard by his counsel, or by its own agents, before the authority deputed by the French Emperor to examine the case. I therefore conceive that this party has lost a decision in this case from what I term the gross neglect of our government, arising from a misconstruction of a treaty which does not preclude the right to be heard. . . . In this country no man who wishes to be heard in defence of his rights should be refused a fair opportunity to be heard in vindication of those rights when they are to be decided upon. It is on this ground that I shall vote in favor of the claim as an obligation on the government."