

that placed the property of a third of the Union without the pale of its protection. On that ground, he pre-emptorily refused compensation for the slaves on board the Enterprise. Our Executive, under this refusal, accepted the compensation for these on board the Comet and Encomium, and closed the correspondence, without even bringing the subject before Congress. With such perfect indifference was the whole affair treated, that, during the long period the negotiation was pending, the subject was never once mentioned, as far as he recollected, in any Executive message; while those of far less magnitude—the debt of a few millions due from France, and this very boundary question—were constantly brought before Congress, and had nearly involved the country in war with two of the leading powers of Europe. Those who are now so shocked that the boundary question should be settled, without a settlement also of this, stood by in silence, year after year, during this long period, not only without attempting to unite the settlement of this with that of the boundary, but without ever once naming or alluding to it as an item in the list of the dispute between the two powers. It was regarded as beneath notice. He rejoiced to witness the great change that has taken place in relation to it; and to find that those who were then silent and indifferent, now exhibit so much zeal and vehemence about it. He took credit to himself for having contributed to bring this change about. It was he who revived our claim when it lay dead and buried among the archives of the State Department—who called for the correspondence—who moved resolutions affirming the principles of the law of nations in reference to these cases, and repelling the presumptuous and insulting assumption on which it was denied by the British negotiator. Such was the force of truth, and so solid the foundation on which he rested our claim, that his resolutions received the unanimous vote of this body; but he received no support—no, not a cheering word—from the quarter which now professes so much zeal on the subject. His utmost hope at the time was to keep alive our right, till some propitious moment should arrive to assert it successfully. In the mean time, the case of the Creole occurred, which, as shocking and outrageous as it is, was but the legitimate consequence of the principle maintained by Lord Palmerston, and on which he closed the correspondence in the case of the Enterprise.

Such was the State of the facts when the negotiations commenced in reference to these cases; and it remains now to be shown in what state it has left them. In the first place, the broad principles of the law of nations, on which he placed our right in his resolutions, have been clearly stated and conclusively vindicated in the very able letter of the Secretary of State, which has strengthened our cause not a little, as well from its intrinsic merit as the quarter from which it comes. In the next place, we have an explicit recognition of the principles for which we contend, in the answer of Lord Ashburton, who expressly says, that “on the great general principles affecting this case” (the Creole) “they do not differ;” and that is followed by “an engagement that instructions shall be given to the governors of Her Majesty’s colonies on the southern borders of the United States, to execute their own laws with careful attention to the wishes of their Government to maintain good neighborhood; and that there shall be no officious interference with American vessels driven by accident or violence into their ports. The laws and duties of

hospitality shall be executed.” This pledge was accepted by our Executive, accompanied by the express declaration of the President, through the Secretary of State, that he placed his reliance on those principles of public law which had been stated in the note of the Secretary of State. To all this it may be added, that strong assurances are given by the British negotiator, of his belief that a final arrangement may be made of the subject by positive stipulations in London. Such is the state in which the negotiation has left the subject.

Here again he would repeat, that such stipulations in the treaty itself would have been preferable. But who can deny, when he compares the state of the facts, as they stood before and since the close of this negotiation, that we have gained—largely gained—in reference to this important subject? Is there no difference, he would ask, between a stern and peremptory denial of our right, on the broad and insulting ground assumed by Lord Palmerston, and its explicit recognition by Lord Ashburton?—none in the pledge that instructions should be given to guard against the recurrence of such cases; to a positive denial that we had suffered wrong or insult, and had any right to complain?—none between a final closing of all negotiation, and a strong assurance of a final adjustment of the subject by satisfactory arrangement by treaty? And would it be wise or prudent on our part to reject what has been gained, because all has not been? As to himself he must say that, at the time he moved his resolutions, he little hoped, in the short space of two years, to obtain what has already been gained; and that he regarded the prospect of a final and satisfactory adjustment, at no distant day, of this subject, so vital in its principles to his constituents and the whole South, as far more probable than he then did this explicit recognition of the principles for which he contended. In the mean time he felt assured the engagement given by the British negotiator would be fulfilled in good faith; and that the hazard of collision between the countries, and the disturbance of their peace and friendship, has passed away, as far as it depends on this dangerous subject. But if in this he should unfortunately be mistaken, we should stand on much more solid ground in defence of our rights, in consequence of what has been gained; as there would then be superadded broken faith to the violation of the laws of nations.

Having now said what he intended on the more important points, he would pass over, without dwelling on the provision of the treaty for delivering up to justice persons charged with certain crimes; the affair of the Caroline; and the correspondence in reference to impressment. The first is substantially the same as that contained in Jay’s treaty on the same subject. On the next, he had nothing to add to what has already been said. As to the last, he did not doubt that the strong ground taken in the correspondence against the impressment of seamen on board of our merchant vessels, in time of war, would have a good effect. It will contribute to convince Great Britain that the practice cannot be renewed, in the event of another European war, without a certain and immediate conflict between the two countries.

I (said Mr. CALHORN) have now stated my opinion fully and impartially on the treaty with the connected subjects. On reviewing the whole, and weighing the reasons for and against its ratification, I cannot doubt that the former greatly preponderate. If we have not gained all that could be desired, we have gained