

CONSTRUCTION OF THE TREATY OF WASHINGTON, &c.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A report from the Secretary of State, in answer to the resolution of the House of the 22d February, 1843.

FEBRUARY 28, 1843.

Read, and laid upon the table.

To the House of Representatives :

In compliance with the resolution of the House of Representatives of the 22d instant, requesting me to communicate to the House "whatever correspondence or communication may have been received from the British Government respecting the President's construction of the late British treaty concluded at Washington, as it concerns an alleged right to visit American vessels," I herewith transmit a report made to me by the Secretary of State.

I have also thought proper to communicate copies of Lord Aberdeen's letter of the 20th December, 1841, to Mr. Everett, Mr. Everett's letter of the 23d December in reply thereto, and extracts from several letters of Mr. Everett to the Secretary of State.

I cannot forego the expression of my regret at the apparent purport of a part of Lord Aberdeen's despatch to Mr. Fox. I had cherished the hope that all possibility of misunderstanding as to the true construction of the 8th article of the treaty lately concluded between Great Britain and the United States was precluded by the plain and well-weighed language in which it is expressed. The desire of both Governments is to put an end as speedily as possible to the slave trade; and that desire, I need scarcely add, is as strongly and as sincerely felt by the United States as it can be by Great Britain. Yet it must not be forgotten that the trade, though now universally reprobated, was, up to a late period, prosecuted by all who chose to engage in it; and there were unfortunately but very few Christian Powers whose subjects were not permitted and even encouraged to share in the profits of what was regarded as a perfectly legitimate commerce. It originated at a period long before the United States had become independent, and was carried on within our borders, in opposition to the most

earnest remonstrances and expostulations of some of the colonies in which it was most actively prosecuted. Those engaged in it were as little liable to inquiry or interruption as any others. Its character, thus fixed by common consent and general practice, could only be changed by the positive assent of each and every nation, expressed either in the form of municipal law or conventional arrangement. The United States led the way in efforts to suppress it. They claimed no right to dictate to others, but they resolved, without waiting for the co-operation of other Powers, to prohibit it to their own citizens, and to visit its perpetration by them with condign punishment. I may safely affirm that it never occurred to this Government that any new maritime right accrued to it from the position it had thus assumed in regard to the slave trade. If, before our laws for its suppression, the flag of every nation might traverse the ocean unquestioned by our cruisers, this freedom was not, in our opinion, in the least abridged by our municipal legislation.

Any other doctrine, it is plain, would subject to an arbitrary and ever-varying system of maritime police, adopted at will by the great naval Power for the time being, the trade of the world in any places or in any articles which such Power might see fit to prohibit to its own subjects or citizens. A principle of this kind could scarcely be acknowledged, without subjecting commerce to the risk of constant and harassing vexations.

The attempt to justify such a pretension from the right to visit and detain ships upon reasonable suspicion of piracy would deservedly be exposed to universal condemnation, since it would be an attempt to convert an established rule of maritime law, incorporated as a principle into the international code by the consent of all nations, into a rule and principle adopted by a single nation, and enforced only by its assumed authority. To seize and detain a ship upon suspicion of piracy, with probable cause and in good faith, affords no just ground either for complaint on the part of the nation whose flag she bears, or claim of indemnity on the part of the owner. The universal law sanctions, and the common good requires, the existence of such a rule. The right, under such circumstances, not only to visit and detain, but to search a ship, is a perfect right, and involves neither responsibility nor indemnity. But, with this single exception, no nation has, in time of peace, any authority to detain the ships of another upon the high seas, on any pretext whatever, beyond the limits of her territorial jurisdiction. And such, I am happy to find, is substantially the doctrine of Great Britain herself, in her most recent official declarations, and even in those now communicated to the House. These declarations may well lead us to doubt whether the apparent difference between the two Governments is not rather one of definition than of principle. Not only is the right of *search*, properly so called, disclaimed by Great Britain, but even that of mere visit and inquiry is asserted with qualifications inconsistent with the idea of a perfect right.

In the despatch of Lord Aberdeen to Mr. Everett of the 20th of December, 1841, as also in that just received by the British minister in this country, made to Mr. Fox, his lordship declares that if, in spite of all the precaution which shall be used to prevent such occurrences, an American ship, by reason of any visit or detention by a British cruiser, "should suffer loss and injury, it would be followed by prompt and ample remuneration;" and in order to make more manifest her intentions in this respect, Lord Aberdeen, in the despatch of the 20th December, makes known to Mr.

Everett the nature of the instructions given to the British cruisers. These are such as, if faithfully observed, would enable the British Government to approximate the standard of a fair indemnity. That Government has in several cases fulfilled her promises in this particular, by making adequate reparation for damage done to our commerce. It seems obvious to remark, that a right which is only to be exercised under such restrictions and precautions, and risk, in case of any assignable damage, to be followed by the consequences of a trespass, can scarcely be considered any thing more than a privilege asked for, and either conceded or withheld, on the usual principles of international comity.

The principles laid down in Lord Aberdeen's despatches, and the assurances of indemnity therein held out, although the utmost reliance was placed on the good faith of the British Government, were not regarded by the Executive as a sufficient security against the abuses which Lord Aberdeen admitted might arise in even the most cautious and moderate exercise of their new maritime police; and therefore, in my message at the opening of the last session, I set forth the views entertained by the Executive on this subject, and substantially affirmed both our inclination and ability to enforce our own laws, protect our flag from abuse, and acquit ourselves of all our duties and obligations on the high seas. In view of these assertions, the treaty of Washington was negotiated, and, upon consultation with the British negotiator as to the quantum of force necessary to be employed in order to attain these objects, the result to which the most deliberate estimate led was embodied in the eighth article of the treaty.

Such were my views at the time of negotiating that treaty, and such, in my opinion, is its plain and fair interpretation. I regarded the eighth article as removing all possible pretext, on the ground of mere necessity, to visit and detain our ships upon the African coast because of any alleged abuse of our flag by slave traders of other nations. We had taken upon ourselves the burden of preventing any such abuse, by stipulating to furnish an armed force regarded by both the high contracting parties as sufficient to accomplish that object.

Denying, as we did and do, all color of right to exercise any such general police over the flags of independent nations, we did not demand of Great Britain any formal renunciation of her pretension; still less had we the idea of yielding any thing ourselves in that respect. We chose to make a practical settlement of the question. This we owed to what we had already done upon this subject. The honor of the country called for it; the honor of its flag demanded that it should not be used by others to cover an iniquitous traffic. This Government, I am very sure, has both the inclination and the ability to do this; and, if need be, it will not content itself with a fleet of eighty guns, but, sooner than any foreign Government shall exercise the province of executing its laws and fulfilling its obligations, the highest of which is to protect its flag alike from abuse or insult, it would, I doubt not, put in requisition for that purpose its whole naval power. The purpose of this Government is faithfully to fulfil the treaty on its part, and it will not permit itself to doubt that Great Britain will comply with it on hers. In this way, peace will best be preserved, and the most amicable relations maintained between the two countries.

JOHN TYLER.

WASHINGTON, *February 27, 1843.*

DEPARTMENT OF STATE,
Washington, February, 1843.

The Secretary of State, to whom has been referred a resolution of the House of Representatives of the 22d instant, requesting that the President of the United States "be requested to communicate to that House, if not in his opinion improper, whatever correspondence or communication may have been received from the British Government, respecting the President's construction of the late British treaty, concluded at Washington, as it concerns an alleged right to visit American vessels," has the honor to report to the President that Mr. Fox, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary, came to the Department of State on the 24th instant, and informed the Secretary that he had received from Lord Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, a despatch, under date of the 18th of January, which he was directed to read to the Secretary of State of the United States. The substance of the despatch was, that there was a statement in a paragraph of the President's message to Congress, at the opening of the present session, of serious import, because, to persons unacquainted with the facts, it would tend to convey the supposition, not only that the question of the right of search had been disavowed by the plenipotentiary at Washington, but that Great Britain had made concessions on that point.

That the President knew that the right of search never formed the subject of discussion during the late negotiation, and that neither was any concession required by the United States Government, nor made by Great Britain.

That the engagement entered into by the parties to the treaty of Washington, for suppressing the African slave trade, was unconditionally proposed and agreed to.

That the British Government saw in it an attempt, on the part of the Government of the United States, to give a practical effect to their repeated declarations against that trade, and recognised with satisfaction an advance towards the humane and enlightened policy of all Christian States, from which they anticipated much good. That Great Britain would scrupulously fulfil the conditions of this engagement; but that from the principles which she has constantly asserted, and which are recorded in the correspondence between the ministers of the United States in England and herself, in 1841, England has not receded and would not recede. That he had no intention to renew, at present, the discussion upon the subject. That his last note was yet unanswered. That the President might be assured that Great Britain would always respect the just claims of the United States. That the British Government made no pretension to interfere, in any manner whatever, either by detention, visit, or search, with vessels of the United States, known or believed to be such; but that it still maintained, and would exercise when necessary, its own right to ascertain the genuineness of any flag which a suspected vessel might bear; that if in the exercise of this right, either from involuntary error, or in spite of every precaution, loss or injury should be sustained, a prompt reparation would be afforded; but that it should entertain, for a single instant, the notion of abandoning the right itself, would be quite impossible.

That these observations had been rendered necessary by the message to Congress. That the President is undoubtedly at liberty to address that

assembly in any terms which he may think proper ; but if the Queen's servant should not deem it expedient to advise Her Majesty also to advert to these topics in her speech from the throne, they desired, nevertheless, to hold themselves perfectly free, when questioned in Parliament, to give all such explanations as they might feel to be consistent with their duty, and necessary for the elucidation of the truth.

The paper having been read, and its contents understood, Mr. Fox was told, in reply, that the subject would be taken into consideration, and that a despatch relative to it would be sent, at an early day, to the American minister in London, who would have instructions to read it to Her Majesty's Principal Secretary of State for Foreign Affairs.

DANIEL WEBSTER.

To the PRESIDENT.

Mr. Everett to Mr. Webster.—[EXTRACT.]

LEGATION OF THE UNITED STATES,

London, December 28, 1841.

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I received on the 23d instant a note from Lord Aberdeen, on the African seizures, in reply to one addressed to him by Mr. Stevenson, in the last hours of his residence in London, and which, as it appears, did not reach Lord Aberdeen's hands till Mr. Stevenson had left London. As some time must elapse before I could give a detailed answer to this communication, I thought it best at once to acknowledge its receipt, to express my satisfaction at its dispassionate tone, and to announce the purpose of replying to it at some future period. The President, I think, will be struck with the marked change in the tone of the present ministry, as manifested in this note and a former one addressed by Lord Aberdeen to Mr. Stevenson, contrasted with the last communication from Lord Palmerston, on the same subject. The difference is particularly apparent in Lord Aberdeen's letter to me of the 20th instant. Not only is the claim of Great Britain relative to the right of detaining suspicious vessels stated in a far less exceptionable manner than it had been done by Lord Palmerston, but Lord Aberdeen expressly declines being responsible for the language used by his predecessor.

You will observe that Lord Aberdeen disclaims, in a more distinct manner than it has ever been done, all right to search, detain, or in any manner interfere with American vessels, whether engaged in the slave trade or not ; that he limits the pretensions of this Government to boarding vessels strongly suspected of being those of other nations unwarrantably assuming the American flag ; and promises, where this right has been abused, to the injury of American vessels, that full and ample reparation shall be made. As the United States have never claimed that their flag should furnish protection to any vessels but their own, and as very strict injunctions have been forwarded to the cruisers on the coast of Africa not to interfere with American vessels, I am inclined to think that cases of interruption will become much less frequent ; and, if this Government should redeem in good faith Lord Aberdeen's promise of reparation where in-

jury has been done, I am disposed to hope that this subject of irritation will in a great measure cease to exist. I shall not engage in the discussion of the general principles as now avowed and explained by this Government, till I hear from you on the subject, and know what the President's views are; but I shall confine myself chiefly to urging the claim for redress in the cases of the Tigris, Sea Mew, Jones, and William and Francis, which were the last submitted to my predecessor, and on which no answer has been received from this Government.

Among the reasons for supposing that fewer causes of complaint will hereafter arise, is the circumstance that the seizures of last year took place under the agreement of Commodore Tucker, the British commander on the African station, and the officer in command of the American cruiser. I find nothing on the files of the legation showing what order, if any, has been taken by our Government on the subject of this arrangement. It is taken for granted by this Government, that this agreement is disavowed by that of the United States; and since February last, positive orders have been given to the British cruisers in the African seas not to interfere with American ships, even though known to be engaged in the slave trade. I shall await with much anxiety the instructions of the President on this important subject.

Mr. Everett to Mr. Webster.—[EXTRACTS.]

LEGATION OF THE UNITED STATES,

London, December 31, 1841.

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At a late hour on the evening of the 26th, I received a note from the Earl of Aberdeen, requesting an interview for the following day, when I met him at the Foreign Office, agreeably to the appointment. After one or two general remarks upon the difficulty of bringing about an adjustment of the points of controversy between the Governments, by a continuance of the discussions hitherto carried on, he said that Her Majesty's Government had determined to take a decisive step towards that end, by sending a special minister to the United States, with a full power to make a final settlement of all matters in dispute. * * * * *

This step was determined on from a sincere and earnest desire to bring the matter so long in controversy to an amicable settlement; and if, as he did not doubt, the same disposition existed at Washington, he thought this step afforded the most favorable, and, indeed, the only means of carrying it into effect. In the choice of the individual for the mission, Lord Aberdeen added, that he had been mainly influenced by a desire to select a person who would be peculiarly acceptable in the United States, as well as eminently qualified for the trust, and that he persuaded himself he had found one who, in both respects, was all that could be wished. He then named Lord Ashburton, who had consented to undertake the mission.

Although this communication was of course wholly unexpected to me, I felt no hesitation in expressing the great satisfaction with which I received it. I assured Lord Aberdeen, that the President had nothing more at heart than an honorable adjustment of the matters in discussion between the two

countries; that I was persuaded a more acceptable selection of a person for the important mission proposed could not have been made; and that I anticipated the happiest results from this overture.

Lord Aberdeen rejoined, that it was more than an *overture*; that Lord Ashburton would go with full powers to make a definitive arrangement on every point in discussion between the two countries. He was aware of the difficulty of some of them, particularly what had incorrectly been called the right of search, which he deemed the most difficult of all; but he was willing to confide this and all other matters in controversy to Lord Ashburton's discretion. He added, that they should have been quite willing to come to a general arrangement here, but they supposed I had not full powers for such a purpose.

This measure being determined on, Lord Aberdeen said he presumed it would be hardly worth while for us to continue the correspondence here, on matters in dispute between the Governments. He, of course, was quite willing to consider and reply to any statement I might think proper to make on any subject; but, pending the negotiations that might take place at Washington, he supposed no benefit could result from a simultaneous discussion here.

Lord Aberdeen to Mr Everett.

FOREIGN OFFICE, December 20, 1841.

The undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has the honor of addressing to Mr. Everett, envoy extraordinary and minister plenipotentiary of the United States, the observations which he feels called upon to make, in answer to the note of Mr. Stevenson, dated on the 21st of October.

As that communication only reached the hands of the undersigned on the day after the departure of Mr. Stevenson from London, on his return to America, and as there has since been no minister or chargé d'affaires from the United States resident in this country, the undersigned has looked with some anxiety for the arrival of Mr. Everett, in order that he might be enabled to renew his diplomatic intercourse with an accredited representative of the republic. Had the undersigned entertained no other purpose than to controvert the arguments of Mr. Stevenson, or to fortify his own in treating of the matter which has formed the subject of their correspondence, he would have experienced little impatience; but, as it is his desire to clear up doubt and to remove misapprehension, he feels that he cannot too early avail himself of the presence of Mr. Everett at his post to bring to his knowledge the true state of the question at issue.

The undersigned agrees with Mr. Stevenson in the importance of arriving at a clear understanding of the matter really in dispute. This ought to be the first object in the differences of States as well as of individuals; and, happily, it is often the first step to the reconciliation of the parties. In the present case this understanding is doubly essential, because a continuance of mistake and error may be productive of the most serious consequences.

Mr. Stevenson persists in contending that the British Government assert a right which is equivalent to the claim of searching American vessels in time of peace. In proof of this, Mr. Stevenson refers to a passage in a

former note of Viscount Palmerston, addressed to himself, against which he strongly protests, and the doctrine contained in which he says that the undersigned is understood to affirm.

Now, it is not the intention of the undersigned to inquire into the precise import and force of the expressions of Viscount Palmerston. These might have been easily explained to Mr. Stevenson by their author, at the time they were written; but the undersigned must request that his doctrines upon the subject, and those of the Government of which he is the organ, may be judged of exclusively from his own declarations.

The undersigned again renounces, as he has already done in the most explicit terms, any right on the part of the British Government to search American vessels in time of peace. The right of search, except when specially conceded by treaty, is a purely belligerent right, and can have no existence on the high seas during peace. The undersigned apprehends, however, that the right of search is not confined to the verification of the nationality of the vessel, but also extends to the object of the voyage and the nature of the cargo. The sole purpose of the British cruisers is to ascertain whether the vessels they meet with are really American or not. The right asserted has, in truth, no resemblance to the right of search, either in principle or in practice. It is simply a right to satisfy the party who has a legitimate interest in knowing the truth that the vessel actually is what her colors announce. This right we concede as freely as we exercise. The British cruisers are not instructed to detain American vessels, under any circumstances whatever; on the contrary, they are ordered to abstain from all interference with them, be they slavers or otherwise. But where reasonable suspicion exists that the American flag has been abused, for the purpose of covering the vessel of another nation, it would appear scarcely credible, had it not been made manifest by the repeated protestations of their representative, that the Government of the United States, which has stigmatized and abolished the trade itself, should object to the adoption of such means as are indispensably necessary for ascertaining the truth.

The undersigned had contended, in his former note, that the legitimate inference from the arguments of Mr. Stevenson would practically extend even to the sanction of piracy, when the persons engaged in it should think fit to shelter themselves under the flag of the United States. Mr. Stevenson observes that this is a misapprehension on the part of the undersigned; and he declares that, in denying the right of interfering with vessels under the American flag, he intended to limit his objection to vessels *bona fide* American, and not to those belonging to nations who might fraudulently have assumed the flag of the United States. But it appears to the undersigned that his former statement is by no means satisfactorily controverted by the declaration of Mr. Stevenson. How is this *bona fide* to be proved? Must not Mr. Stevenson either be prepared to maintain that the flag alone is sufficient evidence of the nationality of the vessel, which, in the face of his own repeated admissions, he cannot do; or must he not confess that the application of his arguments would really afford protection to every lawless and piratical enterprise?

The undersigned had also expressed his belief, that the practice was general, of ascertaining by visit the real character of any vessel on the high seas, against which there should exist reasonable ground of suspicion. Mr. Stevenson denies this; and he asks what other nation than Great

Britain had ever asserted, or attempted to exercise, such a right. In answer to this question, the undersigned can at once refer to the avowed and constant practice of the United States, whose cruisers, especially in the Gulf of Mexico, by the admission of their public journals, are notoriously in the habit of examining all suspicious vessels, whether sailing under the English flag, or any other. In whose eyes are these vessels suspicious? Doubtless in those of the commanders of the American cruisers. But, in truth, this right is quite as important to the United States as to Great Britain; nor is it easy to conceive how the maritime intercourse of mankind could safely be carried on without such a check.

It can scarcely be necessary to remind Mr. Everett that the right thus claimed by Great Britain is not exercised for any selfish purpose. It is asserted in the interest of humanity, and in mitigation of the sufferings of our fellow-men. The object has met with the concurrence of the whole civilized world, including the United States of America; and it ought to receive universal assistance and support.

The undersigned cannot abstain here from referring to the conduct of an honorable and zealous officer, commanding the naval force of the United States on the coast of Africa, who, relying on the sincere desire of his Government for the suppression of the slave trade, and sensible of the abuse of the American flag, entered into an engagement, on the 11th of March, 1840, with the officer in command of Her Majesty's cruisers on the same station, by which they mutually requested each other and agreed to detain all vessels under American colors employed in the traffic. If found to be American property, such vessels were to be delivered over to the commander of any American cruiser on the station; or, if belonging to other nations, they were to be dealt with according to the treaties contracted by Her Majesty with the respective States. The undersigned believes, and, indeed, after the statements of Mr. Stevenson, he regrets to be unable to doubt, that the conduct of this gallant officer, however natural and laudable in its object, has been disavowed by his Government.

It is not the intention of the undersigned, at present, to advocate the justice and propriety of the mutual right of search, as conceded and regulated by treaty, or to weigh the reasons on account of which this proposal has been rejected by the Government of the United States. He took occasion, in a former note, to observe that concessions sanctioned by Great Britain and France were not likely to be incompatible with the dignity and independence of any other State which should be disposed to follow their example. But the undersigned begs now to inform Mr. Everett, that he has this day concluded a joint treaty with France, Austria, Russia, and Prussia, by which the mutual right of search, within certain latitudes, is fully and effectually established forever. This is, in truth, a holy alliance, in which the undersigned would have rejoiced to see the United States assume their proper place among the great Powers of Christendom—foremost in power, wealth, and civilization, and connected together in the cause of mercy and justice.

It is undoubtedly true that this right may be abused, like every other which is delegated to many and different hands. It is possible that it may be exercised wantonly and vexatiously; and, should this be the case, it would not only call for remonstrance, but would justify resentment. This, however, is in the highest degree improbable; and if, in spite of the utmost caution, an error should be committed, and any American vessel should

suffer loss and injury, it would be followed by prompt and ample reparation. The undersigned begs to repeat, that with American vessels, whatever be their destination, British cruisers have no pretension, in any manner, to interfere. Such vessels must be permitted, if engaged in it, to enjoy a monopoly of this unhallowed trade; but the British Government will never endure that the fraudulent use of the American flag shall extend the iniquity to other nations by whom it is abhorred, and who have entered into solemn treaties with this country for its entire suppression.

In order to prove to Mr. Everett the anxiety of Her Majesty's Government to prevent all reasonable grounds of complaint, the undersigned believes that he cannot do better than to communicate to him the substance of those instructions under which the British cruisers act, in relation to American vessels, when employed on this service.

If, from the intelligence which the officer commanding Her Majesty's cruiser may have received, or from the manœuvres of the vessel, or from other sufficient cause, he shall have reason to believe that, although bearing the American flag, the vessel does not belong to the United States, he is ordered, if the state of the wind and weather shall admit of it, to go ahead of the suspected vessel, after communicating his intention by hailing, and to drop a boat on board of her, to ascertain her nationality, without detaining her, if she shall prove to be really an American vessel. But, should this mode of visiting the vessel be impracticable, he is to require her to be brought to, for this purpose. The officer who boards the vessel is merely to satisfy himself of her nationality, by her papers or other proofs; and should she really be an American vessel, he will immediately quit her, offering, with the consent of her commander, to note on her papers the cause of suspecting her nationality, and the number of minutes she was detained (if detained at all) for the object in question. All the particulars are to be immediately entered on the log books of the cruiser, and a full statement of them is to be sent, by the first opportunity, direct to England.

These are the precautions taken by Her Majesty's Government against the occurrence of abuse in the performance of this service; and they are ready to adopt any others which they may think more effectual for the purpose, and which shall, at the same time, be consistent with the attainment of the main object in view.

Mr. Stevenson has said that he had no wish to exempt the fraudulent use of the American flag from detection; and this being the case, the undersigned is unwilling to believe that a Government like that of the United States, professing the same object and animated by the same motives as Great Britain, should seriously oppose themselves to every possible mode by which their own desire could be really accomplished.

The undersigned avails himself of this occasion to convey to Mr. Everett the assurances of his distinguished consideration.

ABERDEEN.

EDWARD EVERETT, Esq.

[*Mr. Everett to Lord Aberdeen.*]

LEGATION OF THE UNITED STATES,

December 23, 1841.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to acknowledge the reception

of a communication from Lord Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, bearing date the 20th instant, in reply to a note of Mr. Stevenson's of the 21st October.

The undersigned will avail himself of an early opportunity of addressing some remarks to the Earl of Aberdeen on the very important topics treated in his note. In the mean time, the undersigned begs leave to express his great satisfaction at the conciliatory and dispassionate tone of Lord Aberdeen's communication; from which the undersigned augurs the happiest influence on the renewed discussion of the subject.

The undersigned begs leave to renew to Lord Aberdeen the assurance of his distinguished consideration.

EDWARD EVERETT.

THE EARL OF ABERDEEN, &c.

Mr. Webster to Mr. Everett.—[EXTRACT.]

DEPARTMENT OF STATE,

Washington, January 29, 1842.

By the "Britannia," arrived at Boston, I have received your despatch of the 28th December, (No. 4,) and your other despatch of the 31st of the same month, (No. 5,) with a postscript of the 3d of January.

The necessity of returning an early answer to these communications (as the "Britannia" is expected to leave Boston the 1st of February) obliges me to postpone a reply to those parts of them which are not of considerable and immediate importance.

The President expresses himself gratified with the manner in which the Queen received you, to present your letter of credence, and with the civility and respect which appear to characterize the department of Lord Aberdeen in his intercourse with you; and you will please signify to Lord Aberdeen the President's sincere disposition to bring all matters in discussion between the two Governments to a speedy as well as an amicable adjustment.

The President has read Lord Aberdeen's note to you of the 20th of December, in reply to Mr. Stevenson's note to Lord Palmerston of the 21st of October, and thinks you were quite right in acknowledging the dispassionate tone of that paper. It is only by the exercise of calm reason that truth can be arrived at, in questions of a complicated nature; and between States, each of which understands and respects the intelligence and the power of the other, there ought to be no unwillingness to follow its guidance. At the present day, no State is so high as that the principles of its intercourse with other nations are above question or its conduct above scrutiny. On the contrary, the whole civilized world, now vastly better informed on such subjects than in former ages, and alive and sensible to the principles adopted and the purposes avowed by the leading States, necessarily constitutes a tribunal, august in character and formidable in its decisions. And it is before this tribunal, and upon the rules of natural justice, moral propriety, the usages of modern times, and the prescriptions of public law, that Governments which respect themselves and respect their neighbors must be prepared to discuss, with candor and with dignity, any topics which may have caused differences to spring up between them.

Your despatch of the 31st December announces the important intelligence of a special minister from England to the United States, with full powers to settle every matter in dispute between the two Governments; and the President directs me to say, that he regards this proceeding as originating in an entirely amicable spirit, and that it will be met, on his part, with perfectly corresponding sentiments. The high character of Lord Ashburton is well known to this Government; and it is not doubted that he will enter on the duties assigned him, not only with the advantages of much knowledge and experience in public affairs, but with a true desire to signalize his mission by assisting to place the peace of the two countries on a permanent basis. He will be received with the respect due to his own character, the character of the Government which sends him, and the high importance, to both countries, of the subjects intrusted to his negotiation.

The President approves your conduct, in not pursuing, in England, the discussion of questions which are now to become the subjects of negotiation here.