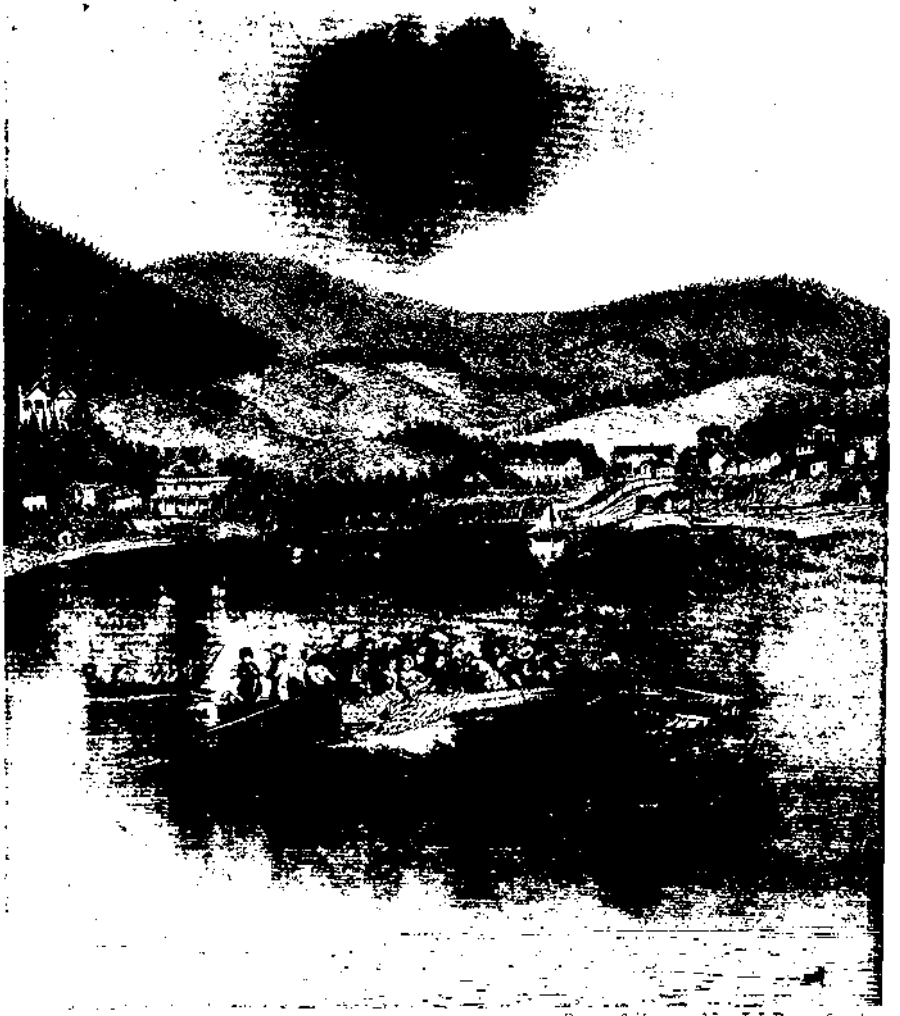

THE COLLECTION OF
Theodorus Bailey Myers
PRESENTED BY
HIS WIDOW
Catalina Juliana Mason Myers
HIS DAUGHTER
Cassie Mason Myers Julian James
HIS DAUGHTER-IN-LAW
Edmonia Taylor Phelps Mason
TO THE
New York Public Library
ASTOR, LENOX AND TILDEN FOUNDATIONS
IN MEMORY OF
Theodorus Bailey Myers
AND HIS SON
Theodorus Bailey Myers Mason
LIEUTENANT-COMMANDER
UNITED STATES NAVY
1899



Drawn & Engraved by J. J. Pease for the

ONEIDA

RESIDENCE OF [illegible]

J. Fenimore Cooper.

Henry G. Langley, 8 Astor House, New York.

A

LETTER

571

TO

HIS COUNTRYMEN,

BY

J. FENIMORE-COOPER.

NEW-YORK:
JOHN WILEY, 22 NASSAU-STREET.

1834.

ADVERTISEMENT.

This letter has been hastily written, with the hope of procuring its insertion in one of the daily prints. Its length having exceeded the writer's expectations, he has presented it to a son of his old and much esteemed publisher, the late Charles Wiley, who has given it its present form, for purposes connected with his own convenience.

OSBORN AND BUCKINGHAM, PRINTERS,
No. 29 Ann-street.

TO THE PUBLIC.

THE private citizen who comes before the world with matter relating to himself, is bound to show a better reason for the measure than the voluntary impulses of self-love. In my own case, it might, perhaps, appear a sufficient excuse for the step now taken, that I am acting chiefly on the defensive; that the editors of several of the public journals have greatly exceeded their legitimate functions, by animadverting on my motives and private affairs; and that assertions, opinions, and acts, have been openly attributed to me, that I have never uttered, entertained, or done. When an individual is thus dragged into notice, the right of self-vindication would seem to depend on a principle of natural justice; and yet, if I know the springs of my own conduct, I am less influenced by any personal considerations in what I am now doing, than by a wish to check a practice that has already existed too long among us; which appears to me to be on the increase; and which, while it is degrading to the character, if persisted in, may become dangerous to the institutions of this country.

The practice of quoting the opinions of foreign nations, by way of helping to make up its own estimate of the degree of merit that belongs to its public men, is, I believe, a custom peculiar to America. That our colonial origin, and provincial habits, should have given rise to such a usage, is

sufficiently natural; that journals which have a poverty of original matter, should have recourse to that which can be obtained not only gratuitously, but by an extraordinary convention, without loss of reputation, and without even the necessity of a translation, need be no mystery; but the readiness with which the practice can be accounted for, will not, I think, prove its justification, if it can be shown that it is destructive of those sentiments of self-respect, and of that manliness and independence of thought, that are necessary to render a people great, or a nation respectable. Questions have now arisen between a portion of the press and myself, which give me more authority to speak in the matter than might belong to one whose name had not been so freely used, and it is my intention, while I endeavor to do myself justice, to make an effort to arrest the custom to which there is allusion; and which, should it continue to prevail, must render every American more or less subject to the views of those who are hostile to the prosperity, the character, and the power of his native land.

I am fully aware that every man must prepare himself to meet the narrowest constructions on his motives, when he assumes an office like this I have here undertaken; but I shall not complain, provided the opinion of the public receive a healthful impulse; while, at the same time, I shall not neglect the proper means to support my argument, by showing, as far as circumstances will permit, that I come to the discussion with clean hands. These constructions might have been obviated by having recourse to an anonymous publication, or by engaging some friendly pen to speak for me; but I have preferred the simpler, and, as I think, more manly course, of appearing in my own behalf. The nature of the proof I propose to offer, will compel me to mention myself oftener than I could wish, were not evidence of this nature less liable to be questioned, than that which comes from sources more indirect. I shall not

shrink from my intention, therefore, on this account, while there is a hope that good may come of it. In vindicating myself, it will be necessary to reply to many attacks, without always quoting the papers in which they have appeared, which would swell this letter to an unreasonable size, and that, too, on a part of the subject that I could wish to treat as briefly as possible; but the reader is assured, that nothing of a direct personal nature will be said, that has not its warranty in some obvious allusion, insinuation, or open charge, in some one of the many journals of this country. In three instances, (those of the New-York American, the New-York Courier & Enquirer, and the New-York Commercial Advertiser,) it is my intention to answer the statements separately; distinctly marking the points at issue between each journal and myself, as is due to all the parties concerned.

I shall now proceed to execute the purpose of this letter, as briefly as the circumstances will allow, again begging the reader to remember that every statement which relates especially to myself, is either in reply to some unequivocal allegation to the contrary that is to be found in the public prints, or has a direct reference to the practice which it is so desirable to destroy.

First, then, I will show, that I come to this discussion with clean hands. At no period of my life have I had any connection with any review, notice or *critique* of any sort, that has appeared for or against me as a writer. With a single, and a very immaterial exception, I do not know to this hour, who are the authors of any favorable notice, biography, or other commentary, that has appeared on myself, or on any thing I have published; and in the case of the exception, I was made acquainted with the name of the writer, after the notice was written. As respects Europe, so far from having used any undue means to procure reviews, criticisms, or puffs, I am ignorant of the names of the writers of every thing of this sort that

has appeared which has been in my favor; have probably not even read a dozen of these notices, with the exception of such as were to be found in the daily prints, since I have been absent; have refused numerous applications from the editors of periodicals, to send them critiques and copies of the books I had written; and, whenever it could be done, without obvious impropriety, have uniformly declined making the acquaintance of those who were known to be connected with what are called critical publications. In several instances, the very reviews which have made direct applications to me for favorable notices, have turned against me when it was understood that the request would not be complied with.* In short, I affirm, that every report or asseveration that any review has been written in Europe, or any where else, by my connivance, or even with my knowledge, to produce an impression on the public mind at home, or with any other view, is founded in error or in malice. For a short time, I was a voluntary contributor of a periodical, that was edited by an old messmate, (Col. Gardner, the present Deputy Postmaster-General,) and I think he will remember the fact, that, when he declared his intention to obtain a favorable notice of "The Pioneers," I objected to it, on the ground of its being painful to me to see *critiques* of this kind in a publication with which I was connected, and that my objection prevailed.

I have been repeatedly and coarsely accused of writing for money, and exaggerated accounts of my receipts have been paraded before the public with views that it is not easy to mistake. That I have taken the just compensation of my labors, like other men, is true; nor do I see that he

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* I am just informed by a friend, that he was lately applied to, by the editor of a literary journal in this city, to write a favorable notice of "The Headsman;" that he declined; and that an unfavorable one soon after appeared in the same publication!

who passes a year in the preparation of a work, is not just as much entitled to the fruits of his industry, as he who throws off his crude opinions to-day, with the strong probability that on the morrow circumstances will compel him to admit that he was mistaken. Of this accusation, it is not my intention to say much, for I feel it is conceding a sacred private right to say any thing; but as it has been frequently pressed into notice by my enemies, I will add, that I never asked nor received a dollar for any thing I have written, except for the tales and the letters on America; that I have always refused to sacrifice a principle to gain, though often urgently entreated to respect the prejudices of foreign nations, with this very view; and that all the reports of the sums I have been soliciting and obtaining in France, Germany, and other countries, are either wholly untrue, or extravagant and absurd exaggerations.

I have been accused of undue meddling with the affairs of other nations. On this head it will be necessary to answer more at length, as the accusation takes two forms; one which charges me with entering impertinently into a controversy with the French government, and the other resting on the political tendency of some of the tales.

As respects the first, I shall say but little here, for I hope to be able to give the history of that controversy in a form less perishable than this letter.

In 1828, after a residence of two years in Europe, and when there had been sufficient opportunity to observe the disfavor with which the American character is viewed by nearly all classes of Europeans, I published a work on this country, whose object was to repel some of the hostile opinions of the other hemisphere, and to turn the tables on those who, at that time, most derided and calumniated us. This work was necessarily statistical in some of its features. In 1831, or about a year after the late revolution in France, there appeared at Paris, in a publication called

La Revue Britannique, (the British Review, and this in France, be it remembered !) an article on the United States, which affected to prove that the cost of government in this country was greater than it was in France, or indeed in nearly every other country; and that a republic, in the nature of things, must be a more expensive form of government than a monarchy. This article, as has been stated, appeared in a review with a foreign title, at a moment when the French government professed great liberality, and just after the King of the French (taking the papers for authority) had spoken of the government of the United States as "the model government." There was no visible reason for believing that the French ministry had any connection with the review, and, although the fact might be and was suspected, the public had a perfect right, under all the laws of courtesy and usage, to assume exactly the contrary. In short, this dissertation of the Revue Britannique appeared, like any other similar dissertation, to be purely editorial, and it was clearly within the usual privileges of an author, whose positions it denied, as it denied those advanced in the work of mine just mentioned, to justify what he had already said. In addition to this peculiar privilege, I had that, in common with every citizen of the country whose facts were audaciously mutilated and perverted, of setting the world right in the affair, if I saw proper. Such a course was not forbidden by either the laws of France, any apparent connection between the review and the government, or the "reserve usually imposed on foreigners." I could cite fifty cases in which the natives of countries attacked have practised this right, from Baretti down to a countryman of our own, who has just exercised it in England. I did not exercise it. The article was pointed out to me; I was told that it was injuring the cause of free institutions; that it was depriving America of nearly the only merit Europe had hitherto conceded to her; and

that I might do well to answer it. After a time, Gen. Lafayette called my attention to the same subject, and, without at all adverting to any personal interest he had in its investigation, pressed me to reply. I respectfully but firmly declined. I had seen so much of the ignorance of Europe in relation to ourselves; understood so thoroughly the design and bad faith on which it was bottomed, and so well knew the hopelessness of correcting the evil, (for it is a great evil, so far as the feelings, character and interests of every American are concerned,) that I felt no disposition to undertake the task. In addition to these general motives, I had the particular one of private interest. The vindication of the country already published, had occasioned a heavy pecuniary loss; it had even lost me the favor of a large party at home. I had many demands on my limited means, and was unable to make further sacrifices of this nature, to any abstract notions of patriotism or of truth. It was some months after the appearance of the review, that I was told the principal object of the article in question. It was to injure Gen. Lafayette. He had been stating, for forty years, that the American government was the cheapest known, and should the misstatements and sophistry of the Revue Britannique go uncontradicted, he would stand convicted before the French people of gross ignorance or of wilful fraud—or, to quote the language that was subsequently used by the Moniteur, of an "illusion or a lie." This fact presented the affair in an entirely new aspect. I determined to furnish the answer that was requested. Whatever may be the opinion of my countrymen on this point, it appeared to me that a man who stood in the relation which Gen. Lafayette occupied in respect to every American, ought not to be left to say that, when pressed upon hardest by his enemies, he had applied to a citizen of the country he had so faithfully served, and that, under the circumstances I have named, he had been denied what

is due to even a criminal—the benefit of the truth. The "American" has lately insinuated that I am a "professed patriot." As I have never solicited nor received the usual rewards of professions of this nature, to me it seems that my conduct might have been referred to a simple and creditable sentiment of gratitude. Had I not been placed on the defensive, (so placed, I make no doubt, by designing men, who have felt my course to be a reproach to their own,) the world would never have been troubled with these details. The letter which I wrote on the matter in dispute, was given to Gen. Lafayette to secure my own self-approbation, and not to be made a merit of before the American people, of whom I never have, and do not now, ask more than a very negative justice. It was translated through the instrumentality of Gen. Lafayette, and, in this manner, it came before the French nation. I say it with regret, but I say it with a deep conviction of its truth, that I believe this to be the only country in the world in which a citizen would be placed on trial, for having refuted gross and unquestionable misstatements of the fair action of its own system, without any reference to the peculiar character that was given to this controversy, by the appeal and situation of Gen. Lafayette.

My letter, and one of Gen. Bernard which accompanied it, produced replies, containing fresh misstatements, mingled with great scurrility on the character, habits, and pursuits of the people of the United States. It was now a duty that I owed to myself, to the truth, and to all concerned, to answer. I did so in a short series of letters that was published in the "National." Throughout the whole discussion, care was had, on my part, to abstain from touching on the cost of government in France, though the comparison would have been perfectly justifiable, when the manner in which it was provoked is brought into the account. A few of my adversaries' contradictions were ridiculed, but with a slight exception of this sort, all I said had a strict reference to ourselves.

The dates of this controversy have some connection with that which is to follow. My first letter bears date Nov. 25th, 1831, and the last May 3d, 1832. The controversy on my part, however, would have ended in the commencement of March, but for a circumstance it may be well to name. After the appearance of my original letter, M. Franqois Delassert, the vice-president of the Chamber of Deputies, published a letter from Mr. Leavitt Harris, of New-Jersey, who took grounds the very reverse of my own, who denied most of my facts, and who wrote virtually on the side of the Revue Britannique. To this letter I replied on the 3d of May as stated; that I did not prolong the discussion unnecessarily will, I think, be admitted, when the reader remembers, that Mr. Harris is the gentleman who has since been appointed to fill the office of chargè d' affaires at the court of France.

Having briefly stated an outline of the facts, in reference to the controversy on the cost of government, I proceed to the political tendency of the book that appeared about the same time, and to the circumstances accompanying its publication, so far as they have any connection with France.

The work in question is called the Bravo. Its outline was imagined during a short residence at Venice, several months previously to the occurrence of the late French revolution. I had had abundant occasion to observe that the great political contest of the age was not, as is usually pretended, between the two antagonist principles of monarchy and democracy, but in reality between those who, under the shallow pretence of limiting power to the *élite* of society, were contending for exclusive advantages at the expense of the mass of their fellow-creatures. The monarchical principle, except as it is fraudulently maintained as a cover to the designs of the aristocrats, its greatest enemies, is virtually extinct in christendom; having been supplanted

by the combinations of those who affect to uphold it with a view to their own protection. Nicholas may still send a prince to the mines, but even Nicholas keeps not only his crown but his head, at the pleasure of the body of his aristocracy. This result is inevitable in an age when the nobles, no longer shut up in their holds and occupied in warring against each other, meet amicably together, and bring the weight of their united intelligence and common interests to bear upon the authority of the despot. The exceptions to such consequences arise only from brilliant and long continued military successes, great ignorance in the nobles themselves, or when the democratical principle has attained the ascendancy. With these views of what was enacting around me in Europe, and with the painful conviction that many of my own countrymen were influenced by the fallacy that nations could be governed by an irresponsible minority, without involving a train of nearly intolerable abuses, I determined to attempt a series of tales, in which American opinion should be brought to bear on European facts. With this design the Bravo was written, Venice being its scene, and her polity its subject.

I had it in view to exhibit the action of a narrow and exclusive system, by a simple and natural exposure of its influence on the familiar interests of life. The object was not to be attained by an essay, or a commentary, but by one of those popular pictures which find their way into every library; and which, whilst they have attractions for the feeblest intellects, are not often rejected by the strongest. The nature of the work limited the writer as to time and place, both of which, with their proper accessories, were to be so far respected as to preserve a verisimilitude to received facts, in order that the illusion of the tale should not be destroyed. The moral was to be inferred from the events, and it was to be enforced by the common sympathies of our nature. With these means, and under these

limitations, then, the object was to lay bare the wrongs that are endured by the weak, when power is the exclusive property of the strong; the tendency of all exclusion to heartlessness; the irresponsible and ruthless movement of an aristocracy; the manner in which the selfish and wicked profit by its facilities, and in which even the good become the passive instruments of its soulless power. In short, I had undertaken to give the reader some idea of the action of a government, which, to use the language of the book itself, had neither "the high personal responsibility that sometimes tempers despotism by the qualities of the chief, nor the human impulses of a popular rule."

In effecting such an object, and with the materials named, the government of Venice, strictly speaking, became the hero of the tale. Still it was necessary to have human agents. The required number were imagined, care being had to respect the customs and peculiarities of the age, and of the particular locality of the subject. Little need be said of the mere machinery of such a plan, as the offence, if offence there be, must exist in the main design. One of those ruthless state maxims which have been exposed by Comte Daru, in his history of Venice, furnished the leading idea of the minor plot, or the narrative. According to this maxim, the state was directed to use any fit subject, by playing on his natural affections, and by causing him to act as a spy, assassin, or other desperate agent of the government, under a promise of extending favors to some near relative who might happen to be within the grasp of the law. As the main object of the work was to show the manner in which institutions that are professedly created to prevent violence and wrongs, become themselves, when perverted from their legitimate destination, the fearful instruments of injustice, a better illustration could not have been wished, than was furnished by the application of this rule. A pious son assumes the character of a Bravo, in

the hope of obtaining the liberation of a father who had been falsely accused; and whilst the former is blasting his own character and hopes, under the delusion, and the latter is permitted to waste away his life in prison, forgotten, or only remembered as a means of working on the sensibilities of his child, the state itself, through agents whose feelings have become blunted by practice, is seen, forgetful of its solemn duties, intent alone on perpetuating its schemes of self-protection. This idea was enlarged upon in different ways. An honest fisherman is represented as struggling for the release of a grandson, who had been impressed for the galleys, while the dissolute descendant of one of the inquisitors, works his evil under favor of his rank. A noble, who claims an inheritance; an heiress; watermen; females of low condition, and servants, are shown as contributing in various ways to the policy of the soulless state. On every side there exist corruption and a ruthless action. That some of the faces of this picture were peculiar to the Venitian polity, and to an age different from our own, is true; this much was necessary to the illusion of the tale; but it was believed that there remained enough of that which is eternal, to supply the moral.

Such was the Bravo, in intention at least. I confess I see nothing in its design of which an American need be ashamed. I had not been cooped up in a ward of New-York, regarding things only on one side, and working myself into a fever on the subject of the imminent danger that impended over this great republic, by the machinations of a few "working-men," dreaming of Agrarian laws, and meditating on the neglected excellencies of my own character and acquirements on the one hand, and on the unmerited promotion of some neighbor, who spelt constitution with a *k* on the other: but it had been my employment for years to visit nations, and to endeavor to glean some general inferances from the comparisons that naturally suggested

themselves. I knew that there existed at home a large party of *doctrinaires*, composed of men of very fair intentions, but of very limited means of observation, who fancied excellencies under other systems, much as the ultra-liberals of Europe, fancy perfection under our own; and, while I knew what I was doing was no more than one nail driven into an edifice that required a million, I thought it might be well enough to show the world that there was a writer among ourselves of some vogue in Europe, who believed that the American system was founded on just and durable principles. The book was thoroughly American, in all that belonged to it. The most grateful compliment I have ever received, was paid to me, unwittingly enough I believe, by a hostile English review, in reference to this very work. It said, in substance, that while Byron had seen in Venice, her palaces, her renown, and "England's glory" (!) the author of the Bravo had seen only her populace and her prisons. I take it this is just the difference that would be found, in such a case, between a right-thinking and a wrong-thinking man. Whether Lord Byron merited such a reproof, or not, I do not pretend to know—but I was grateful for the compliment.

I believe no sane man will deny the right of an American to produce such a work as the Bravo, considered purely in reference to its plan. But some, who will admit this, may be disposed to say that a book of such a nature should not have been published in France, at that particular moment. The distinction taken by these thin-skinned moralists (most of whom are liberal enough to all who write in honor of exclusion*) rests on a subterfuge. Had the Bravo

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* Compare the language of these admirers of exclusive privileges, as respects me, and as respects Mr. G. Morris. The latter was an accredited agent of the United States, and was recalled at the complaint of the French government of that day, because he was believed to favor aristocracy! The

been written and published among the mountains of Otsego, it would have been translated and republished at Paris, without any agency of mine. All that I had written, previously to arriving in Europe, was re-printed in this way; and the activity of the press is much too great at present, to leave any doubt on this head. I wrote in my own language, and had I caused an English edition to be printed at Paris, it would have been a sealed book to the French. There is no doubt that the tendency of the Bravo is directly opposed to the *intentions* of the French government party, and it has so been treated by writers of that country, both for and against; but it is by no means so clear that it is opposed to their *professions*. A stranger is bound to respect the laws and institutions of the country in which he may happen to be, but I do not know that he is obliged to dive into the secret and fraudulent intentions of its rulers. Let this be as it may, I stand acquitted of blame on any and all of these subtleties, for I did not cause the Bravo to be published in France at all. Even the sheets for the translation were obtained from another country, (I believe the work was actually translated in England,) and the re-prints in English which did appear, were surreptitious editions that an author without a copy-right could not prevent. I did not know of their existence until they had been before the world several weeks.

Such is the history of the intention and of the publication of the Bravo, so far as either is connected with the matter at issue. I do not know that its author had any great reason to be dissatisfied with its reception. The great

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London "Times," of Sept. 13, 1833, in speaking of the representatives of the United States, in Europe, says—"They are very generally imbued with aristocratical sentiments, if possible more marked than those of the representatives of the European monarchies with whom they associate." Is this the character an American agent ought to earn abroad?

mass of readers viewed it simply as a picturesque sketch of scenes and incidents, and in this respect it seems to have had sufficient interest to become tolerably popular. The publisher of the translation told me, shortly after it appeared, that it fared better than most of the works from the same pen. There were a few, however, who were accustomed to separate principles from facts. Some of these closer readers detected the intention of the book, and they were not slow in pointing it out. Figaro, without exception the wittiest journal in France, and one that was especially devoted to attacks on the *juste milieu*, contrary to its usual course, gave an especial article to the book, laying considerable stress on its political tendency. Praise from Figaro, on such a topic, almost inevitably drew censure from the other party, and from this time it became a fashion with a set to undervalue the work. I have a double purpose in dwelling on the reception of this book, and I hope the reader will overlook the weakness of an author, if I say a little more. There were several pictures from its scenes, at the French and English exhibitions of 1833; an opera has been written from it for the Académie de Musique,* at Paris; another for the Italian opera, at the same place; and when in London, Mr. Kenny told me he was writing an English opera on the same subject, for Drury Lane. I believe there have also been several melo-dramas in different languages. The critical notices of the work as I am told, for my own knowledge on this head is very limited, have been rather favorable, than otherwise. One of them, in particular, was so flattering, that I shall introduce it nearly entire, hoping its brevity will be its excuse.

"These volumes, we think, will add to his (Mr. Cooper's) *fame*; for though there is some careless writing, some repetitions, the ef-

* I no not know that this opera was accepted; I think it probable it was for obvious reasons refused; I was told, however, that the one for the Italian Opera had been received.

fect of too much haste, and—for a novel—somewhat too much, perhaps, of political disquisition, there are touches of a master throughout. Of the females introduced, the gaoler's daughter is our heroine." [This, by the way, is a discovery, she being expressly called the heroine in the book!] "Her character is beautifully conceived and sustained; and the answer she gives to the venerable Carmelite, when he asks if she would not be afraid to plead before the Doge in behalf of her lover, is in the spirit, and worthy of the high-souled and conscientious *Jeanie Deans*. The fine old fisherman, Antonio, and the Bravo himself, are both strongly drawn. Venice is absolutely presented to the eye in the minute and picturesque descriptions of its canals, palaces, and squares; while its sports are admirably illustrated by the gorgeous ceremonial of the nuptials of the Adriatick, and the subsequent spirit-stirring race of the gondolas. But we are descanting on what all have read, or will read, and therefore forbear."

I had the more satisfaction in this short notice, because it bears on its face evidence of good faith, and because it appeared as editorial in the New-York American* of December 3, 1831; a journal whose principal editor has justly obtained a respectable reputation for taste in literature.

As so much has been said of the Bravo, this would seem to be a proper place to introduce what I have to add, in reply to the three journals specifically named, as the subject is intimately connected with the history of that work. The American shall first occupy our attention. In answering this journal, I wish it to be understood that I decline all direct controversy with its correspondent who styles himself "Cassio." The tone of that person precludes him from the right to expect any reply, as a controversialist; and as a critic, I think the reader will agree with me, in believing that he is scarcely entitled to occupy our attention beyond the point which is necessary to prove my case.

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* The same paper, for June 24, 1833, has the following—"Of his novels, written in Europe, we do not now recollect one that does not, and should not impair his American *fame*." Of course, the "American fame" mentioned here, ought not to be confounded with the "fame" of the American.

The true matter at issue, between the American and myself is, whether a certain notice of the Bravo, which appeared in that paper, was, what it professed to be, of American manufacture, or of foreign; and, if the former, how far I had affirmed that it was not. I will now give a short history of the transaction.

It was, I believe, near the close of June, 1832, that Mr. Morse, the well known artist, (whose name is used with his own consent,) directed my attention to a *critique* on the Bravo, in the columns of the New-York American. Mr. Morse had read this pretended criticism, and while he could not forbear laughing at its exaggeration, he appeared to be provoked that a respectable journal at home, should admit so senseless a tirade against an absent countryman; and one too, who had just been seriously engaged in defending the common character of our common country, and this under circumstances of gravity that were known to him, although they might not have been so well understood by others. I must say, that I think the indignation expressed by this gentleman was creditable to him, both as a man and as an American. The warmth of my friend, induced me to examine the article more closely than probably would have been done, had it fallen under my eye in the ordinary way. I gave it as my opinion, that this article was certainly written at Paris, (on its face it appeared, like any other communication, to have been written at home,) and that it most probably was a translation from the French, or had been written in English by some one who thought in the former language. Some of the reasons for this opinion shall be given. They are divided into those which depended on the disposition of the government party in France towards me, and on the internal evidence that existed in the article itself.

As respects the disposition of the government party towards myself, I had abundant proof. Figaro, the jour-

nal which had so warmly extolled the Bravo, was soon after bought up by the government; it of course changed its tone, and among others I was openly assailed in it, by name. An individual, filling a high official station, and who I have always believed spoke from authority, assured me that the part I had taken in the Finance Controversy would not be soon, to use his own words, "forgotten nor forgiven." During this controversy, the Revue Britannique more than once manifested a desire to frighten me from the field, by displaying its critical power, sometimes flattering and sometimes squibbing, according to the tactics of the moment. That very publication had previously furnished unequivocal evidence of the sort of faith that controls its decisions, by a long article on myself, which professed to be a translation from an English periodical. In this pretended translation, whole sentences were omitted or interpolated, evidently to suit the political views of its editor. In addition to this, I was familiar with the audacity and indifference to truth, with which these matters are usually conducted in that quarter of the world.

The internal evidence on which I believed the *critique* in the American to be virtually French, was not trifling. That it came from France, was to me beyond dispute; it was unquestionably written in bad faith; it abounded in faults of idiom and of grammar; most of the little reasoning it pretended to, was peculiarly French; it had an involved and obscure style, like that which characterizes insincere writing, and it violated, in an essential point, a received usage of English composition.

That it came from France, was evident enough to me at a glance. The critique contains a fling at these words in the title-page of the book, viz: "The Bravo, a Venitian story." Now, the words, "a Venitian story," form no part of the true title of the work. They are an unauthorized interpolation of the European booksellers, and are

not to be found in the American, or the only authentic edition. Besides this fact, which was almost the first thing that caught my attention, the edition of M. Baudry, Paris, is quoted by name. This edition is spurious, and abounds with blunders, having been, in part, printed from uncorrected sheets, obtained from another country. With this proof, I could not hesitate to believe that the article was produced at Paris, as the alternative was to suppose that a writer at home had taken the bold measure of hunting up a spurious and foreign edition of an American book, in order to attack it through peculiarities that did not exist in the original. It has since been conceded that the communication was actually written at Paris, although its writer is said to be an American.

Under the circumstances of the case, when the fact was sufficiently established, that a critique on an American book, which appeared in an American journal, and as an American production, came in truth from a country where the writer of the work was openly assailed for party purposes, it created a strong presumption of foul play. But for this fact, I should have probably thrown the paper aside, consigning it to forgetfulness, along with a hundred more similar tirades that some of my countrymen have had the kindness to send to me, during my absence from home; or, at least, some who *pretend* to be my countrymen, although evidence is fast accumulating to show that a good many of them are foreigners, who have taken this, among other steps, to show their gratitude for the unusual liberality that is extended to them in this country. As the fact was at least curious, could it be proved, that the system of manufacturing ideas by which to judge our literature, was to be carried on by a foreign people, in this open manner, (that it had been done indirectly for a long time, I was fully aware,) I thought the matter merited an examination.

The style of the critique struck me, as having the

involution of another language, and the vagueness of insincere writing. Let its first two sentences speak for themselves.—"We believe that, in conformity with all usage, it is the business of a critic to disclose to the world the merits or defects of authors; and, *of consequence*, his duty consists, ostensibly at least, in imparting information. Perhaps we shall forfeit all claim to the appellation (?) by commencing on a different plan, but even at *that* (anglice *this*) risk, we can adopt no other method of discussing the Bravo, than by first inquiring "what it's all about? &c. &c. &c."—I believe I may safely say, that the whole article is written in the same lively, perspicuous and logical manner, and with very much the same grammatical purity.

It abounds with faults of idiom and of grammar. The sentences just quoted, furnish proofs of what I say. To what does "appellation" properly refer? "That risk" should clearly have been "this risk," to be idiomatick, and the words contained between inverted commas, are a downright gallicism, or they are downright nonsense. "What it's all about?" as a mere quotation, is nonsense. Words might as well be quoted from a dictionary. The marks of quotation, therefore, must be intended to give the expression in a colloquial form; this is undeniably proved by their use in connection with the note of interrogation; and "what it's all about?" *as a speech*, means "what *it is* all about?" and this is very much as a Frenchman would be apt to ask the question. Any school-boy will see that it ought to have been written "what *is't* all about?" to be English. I have not cited these faults because they are the most obvious, but simply because the sentence was already before the reader, and because it was the first that offered. On this head it would be easy to write pages. "*No whit* superior," for instance, is some such English as if one should say "no bit taller." But I will quote one other sentence. "We cannot call *them*" (he

is speaking of a man and a woman) hero *nor* heroine, for they have no claim to the *distinction*. These two worthies, who have nothing on earth to recommend *themselves*," &c. &c. The fault of idiom, that of saying "*recommend themselves*" for "recommend them," struck me as an awkward translation of "*se recommander*." It is unnecessary to point out the confusion in the grammar.

The violation of a usage of our language is this. In English, under a fiction of a plurality of writers, it is permitted to say *we*, when the writer alludes to himself; but it becomes obviously absurd, when it is expressly stated that there is but *one* writer. The *critique* is signed "Cassio;" and yet his communication is written in the first person plural. *We*, as applied to Cassio, and the Cassio of Shakspeare too, is a palpable absurdity. Now there prevails among the French critics, a custom of annexing to their communications an initial, or even the name of the critic, and it struck me, on seeing the obvious fault just alluded to, that the translator, finding the usual name at the foot of his original, and knowing it would not do to publish it, had fancied he showed his knowledge of English, by supplying its place with that of one of Shakspeare's characters. These peculiarities might certainly have passed as slovenly composition under other circumstances, although a *critic* who is so vulnerable makes but an indifferent figure at fault-finding; but under those which I have named, they became additional evidence of the fact that was suspected.

The reasoning of the *critique* is French. It has a flavor of the academic strut, very strangely mistyfied, it is true, by the manner in which it is presented. Thus, the writer thinks, or affects to think, that the leading idea of the work is taken from a drama called Abællino; and, on this point he thus expresses himself: "In our humble belief, no merit and no praise can belong to a work, which in its principal design, is borrowed from the labors of

another's pen." There is a saying of an author of approved wisdom, which might have taught the correspondent of the American a little moderation on this head. Solomon tells us, "that the thing that hath been, is that which shall be, and that which is done, is that which shall be done; and there is no new thing under the sun." There is about as much resemblance in motive, in character, in incident, and in all other points that form the true distinctions in cases of this sort, between Abællino and Jacopo, as there is between the Lord Mortimer of an old-fashioned novel, and Tom Jones; but this is not the point at issue. It has been admitted, that so much of the leading idea of the tale, as is connected with Jacopo, or the Bravo, is taken from the history of Monsieur Daru, and on this score there is no pretension to originality. Was I to think, however, after the examples of Milton, Shakspeare, Byron, Scott, and nearly every great name of the language, that a romance confessedly taken from a drama, or a drama from a romance, was in consequence to be hopelessly damned! There really appeared to me a temerity of assertion in this charge, that could not belong to any one familiar with the annals of English literature. I set it down as the opinion of a Frenchman, who knew just enough of English to find fault with Shakspeare, and to murder the language. I had no intention of commenting on the merits of Cassio as a critic, but as the editor of the American has claimed him for a favorite correspondent, I will give another touch of his quality, chiefly for the purpose of making use of the circumstance in proving the bad faith with which the article is written, although the occasion will be incidentally improved, in order to show the editor of the American what a figure his dwarf makes upon stilts.

It has been said that, in carrying out the principal design of the Bravo, a fisherman is introduced, soliciting the council for the release of his grandson from the galleys.

The object was to exhibit the self-styled republic setting at nought another of the holiest of human affections. In the case of the Bravo, it trifled with the piety of the child; in that of Antonio, it was defeating parental care; and all at the expense of the many, for the particular advantages of the few. This grandson, a boy of tender years, is mentioned merely from the necessity of the case. The critic thinks, however, that he has detected an unpardonable sin, in the casual manner in which the lad is finally brought into the reader's presence. We will let him speak for himself. "There is a law with regard to romance," he says, unhappily without referring to the page of these critical pandects, "which forbids the introduction of the name, qualities and character of any person, who is not eventually introduced propria persona; and we learn the utility of the law by seeing it broken. The old fisherman, Antonio, has a grandson confined to the galleys" (he was pressed *for* the galleys) "and he makes it the business of his life* to procure his liberation. To this end, he pleads with a member of the Council of Three," &c., &c., (the details are omitted as unnecessary,) "yet at the conclusion of all this, we find the following solitary reference to the subject:—'next to this characteristic equipage of the dead, walked a lad, whose brown cheek, half naked body, and dark roving eye, announced the grandson of the fisherman. Venice knew when to yield gracefully, and the boy was liberated, unconditionally, from the galleys; in pity, as it was whispered, for the untimely fate of the parent.' A line or two more informs (us) that he lived and died as other people do. It may be said, in reply to the commencement of this paragraph, that as the boy is actually introduced the rule is not infringed: *In letter* it is not, we admit, but it is in spirit. After half a

* It may be well to note the general exaggeration of the language. The grandfather was seventy, the grandson a boy, and the action of the tale, so far as the first was concerned, occupies about thirty hours!

book has been taken up to prepare an appearance, *such* an appearance is virtually none at all, either to satisfy an established rule, or the readers expectations. We need not refer to *rules* to prove this an unpardonable fault."

All this parade about a rule, (whose very existence is a little equivocal) savors of the academy, and is essentially French. If this rule were authority, the story of the Ephesian matron, for instance, would make but a scurvy figure in a tale, since the dear poor man, whose sainted qualities would fill the widow's heart for more than half a book, could only be presented to the reader as a ghost; a violation of probabilities that would quite unsettle the philosophy of "*ces quarantes qui ont l'esprit comme quatre.*"

It is as easy to teach certain capacities rules, as it is to teach a parrot to speak; but there seems to be the same difficulty in causing the first to know when to apply what they have learned, as there is in causing the bird to think. If there had been a preparation for an "appearance," there certainly should have been an "appearance;" but as the only "appearance" contemplated, was that of strong human affections, ruthlessly violated, the ingenuity of our critic is quite thrown away.

I beg the reader will hear my account of the matter. Antonio demands the restoration of his child, who had been pressed to serve the state, while the children of the senators were permitted to go free. His suffering and his virtues raise the popular sympathy, and he is murdered in cold blood to get rid of him. The mistake of the multitude imputes the crime to Jacopo, whom the council allows to be executed, in order to conceal its own agency in the fisherman's death. The boy is introduced, at his grandfather's obsequies, for the old man is buried with public honors, with a view to show the manner in which the state continued to deceive, and not to satisfy any critical canon; the object of all being to demonstrate the fearful tendency

of an irresponsible, soulless, arbitrary, political power. The whole of this reasoning of Cassio struck me as having the academic pretension of French criticism, in the hands of a bungler. As the editor of the American appears to take pride in the cleverness of his correspondent, however, I feel a particular desire to show him the beauty of the bantling to which he has so good-naturedly stood godfather. Let us imagine a suitable subject. The name of Solomon having been introduced already, in conjunction with that of his correspondent, luckily suggests the very one that is wanted. We will imagine a poet bent on working up the celebrated judgment of the king of Israel, into a tale of the usual size. He delineates the loves of the two mothers, their common delight in the birth of men-children, and the yearnings of maternal affection over these precious gifts. Jerusalem, with its temple, its historical associations, and its usages, are successfully portrayed.* Then comes the appeal to the wise man of the earth for justice. The text is enriched with aphorisms from the lips of Solomon, with admirable touches of nature from the true mother, and with finely managed strokes of art from her who would deceive. The judgment follows, the whole concluding amid the wonder, the tears, and the admiration of the reader. It will be easy to fancy the writer of such a work in good humor with himself. Chance brings it, however, in the way of a certain person who is troubled with that most pernicious gift of providence, a whittling intellect. "Sir," suggests this exquisitely tempered mind, "your work has an unpardona-

* Or, to use the language of the New-York American, "Jerusalem, (pro hac vice) is absolutely presented to the eye in the minute and picturesque descriptions of its canals, palaces and squares; while its sports are admirably illustrated by the gorgeous ceremony of the nuptials of the"—king of the Jews with queen Sheba, for the want of a better.

ble fault. 'There is a law of romance which forbids the introduction of the name, qualities, and character of any person, who is not eventually introduced propria personæ.' You work upon our feelings, in relation to these babies, through two entire volumes, and conclude without making us sufficiently acquainted with either of them. I denounce the work. It is hopelessly damned." "You will remember, that the object was to portray maternal love; I had no occasion to do more than to represent the existence of one child, and the death of the other." "Sir, the rule." "Is not the wisdom of Solomon to your liking?" "The rule—the rule—the venerable, the sacred rule!" "You forget that, at least, one of the babies was dead." "You had the other. I do not know that even the dead might not have been brought to life, rather than violate so absolute a rule. At all events, you did nothing with the quick." "It was not possible to make a baby walk, talk, and act like a hero." "The rule, sir, the rule—you might have carried forward the time eighteen or twenty years, permitting the child to grow into these capabilities. Sir, you are little better than an ass, having overlooked an imperative rule." "To the devil with you and your rule; so long as the reader laughs when I laugh, weeps when I weep, and feels the force of the moral I would inculcate, I care not a straw for either." "Very well, sir; we shall see. I am about to denounce your book, for a violation of this very rule." "Denounce and welcome; you will only prove your own folly, and the world will laugh at you for your pains." "Sir, you reckon without your host. I am by no means the man you take me for, but a favorite correspondent of the New-York American, whose editor is publicly pledged to cause all I write to be printed!"

As this affair of the "rule" is, I believe, the only serious attempt at ratiocination in the whole of "Cassio's" article, all the rest of it being modest assertions, whose value depends

very much on the value of Cassio himself, I have been tempted into this little digression, out of respect to the subject. The reader should not complain, for he is certainly better off than before, having now two judgments of Solomon's, instead of one.

It remains to be shown, that the article was written in bad faith. This fact is, in my opinion, sufficiently apparent in its general tone. The editor of the American, who is a gentleman and an educated man, or I certainly should not take this pains to convince him of his error, must, I think, admit it himself, when he comes seriously to examine the communication. His correspondent pretty plainly intimates, for instance, that if the author of the Bravo wishes to escape the contempt of his fellow-creatures, he must write no more such books. When I compared this with the operas, the pictures, the dramas, and the other notices of the book, that of the American in particular, was I so wrong in thinking that such exaggerated censure could not be honestly given? There is also a supererogatory sensibility to the honor of America, on the part of the critic, that was exceedingly to be distrusted. The honor of America, which had nothing at all to do with the matter, is ostentatiously pressed into notice; and as for Cassio, he tells us in so many words, that if, as he has no doubt will be the case, the papers come out in favor of the book, he, for one, is prepared to blush for his country.* This asseveration of Cassio, by the way, is rather a pleasant commentary on the opinion of the American quoted.

But there is a circumstance which can leave no doubt on any reasonable mind, that the critique was written in bad faith. Its second paragraph contains these words:—"We

* Let him speak for himself. "And we shall blush the deeper, if, as we expect, half the newspapers in the land come out with unqualified praise of 'the Bravo.'"

have read the book as leisurely as novels require to be read, and yet, when the task is accomplished, *we have forgotten the plot, we have forgotten the hero and heroine, we have even forgotten in what small portion of the work we were interested.* We can recal, it is true, some "tracery" of a preface, which appears to be "any thing but to the purpose"—an occasional redundancy of moon-light—the *name* of Bravo—a few Italian interjections and masks—a few alarms—a few races and a few fainting fits, interspersed with formidable essays on political economy, &c. &c." It will be seen that there is no slip of the pen. The word *forgotten* is three times deliberately and pretendingly used, so that there can be no defence of inadvertency. Apart from some little distrust on the subject of so much ultra forgetfulness, I confess that this solemn and ponderous asseveration, a good deal astonished me. He who had so effectually forgotten the plot, the hero and heroine, and even the small part that interested him in a novel, was, virtually, so much in the situation of him who never knew any thing about them, that it was not easy to see what more a critic had to say. Now the reader, should he think the result worth his time, on examining the whole communication, will find that all he says of *those parts of the book, of which he admits he does retain some recollection*, is contained in the paragraph just quoted; and that he goes on to show, to the end of his article, that *he has* NOT *forgotten the plot, the hero and heroine*, and the small parts of the book in which he was interested; for he does little else than slash away at them all, right and left, during two closely printed columns of the New-York American! As if this were not sufficient, our acute observer goes on to furnish as minute a detail of self-refutation as, probably, ever figured in the annals of bastard criticism. On looking over the quotation from his article, where he undertakes to reason, it will be seen he

says, that the *cursory* manner in which the grandson of the fisherman is presented to the reader, after so many previous allusions, is an unpardonable fault, in virtue of his "rule." Here, then, we have a critic, formally declaring that the plot of a novel is so worthless that he has forgotten it, and then, a few lines further on, damning it on account of the *cursory manner* in which one of its characters is introduced!

Language is mockery, or here is indubitable evidence that the correspondent of the American, either did not know, or did not care, what he said. I saw, in these facts, all the proof any man could desire, that the article was written in bad faith, and instead of believing that the Editor of the American would presume so boldly on the dulness of his readers, as to authorize the publication of this stuff, I thought at the time I first saw the *critique*, and said as much to the two gentlemen who were present, that it must have been admitted to the columns of his journal during his absence from town.

From internal evidence of this nature, and from much more of a similar character that might be adduced, particularly on the score of grammar and idiom, I gave it as my opinion to Mr. Morse, and the other gentleman present at the reading of the article, that this *critique* came from France, and that it was either a translation, or had been written by one who was not very conversant with the English language, and probably for the reasons I have named. This was but an opinion, nor could it, in the nature of things, convey any other impression to those who heard me. The second gentleman present, (I do not feel authorized to name him, for he is absent from the country,) took away the paper, declaring an intention to discover the truth, if possible. He thought, with Mr. Morse and myself, that if the agents of the French government had really carried their audacity so far, it was a fact worth knowing.

A few days after the occurrence of the interview, I left France, taking no steps whatever to inquire into this affair. At Aix-la-Chapelle, in Germany, about a month after my departure from Paris, I received an ordinary letter of friendship from Mr. Morse. It told me, among other things, that Mr. ——, the gentleman already alluded to, had been as good as his word; that he had taken up the inquiry after the writer of the critique, with zeal; that he had ascertained the communication was certainly written at Paris, and that he had been promised the name of the writer. If he succeeded in getting the latter, it was to be sent to me. At Berne, other letters were received, that were silent on the subject. At Vevay, about two months after I had quitted France, I got a letter, which mentioned that Mr. —— had been completely successful, and the name of the writer (a Frenchman) was given. It will be seen that there was no precipitation in this inquiry. The parties through whom the intelligence was communicated to me, were both men of sense and of high respectability, and the intelligence was given as a naked fact, without any sort of reservation. I did what I presume any other person would have done in a similar situation; I believed what I was so distinctly and unreservedly told, and I set the whole affair down as one, among a great many more transactions of the same character, that had come to my knowledge within the last ten years.

When I returned to Paris, both Mr. Morse and the friend who had communicated the critic's name, had gone to America. The latter I have not since seen. Occasionally, when the good faith of the French government party was under discussion, I mentioned the fact, (giving my authorities,) as a proof how low they descended in their hostility; and once, in a burlesque publication that was intended to rebut their calumnies on this country, I playfully alluded to their critical zeal. Here the matter rested, so

far as I was concerned, for several months. At the end of that time, I received another letter from Mr. Morse, in which the subject was again alluded to. He told me it was asserted in New-York, that the article in question was written *in this city*, by "an obscure clerk in a counting house;" he dwelt upon the malignancy of a party at home, who had constituted themselves my enemies;* and, Mr. —— being absent from America, he suggested the expediency of collecting proof on the spot, and of sending it home to refute this story. At the moment when this letter reached me, an article of the Commercial Advertiser had just attracted my serious attention. The article in the Commercial appeared to me (for reasons that shall be given in their place) to require some notice, while the story of the "obscure clerk" at New-York, did not. In answering the letter of Mr. Morse, however, I gave him full permission to make such use of all those parts of my letter that referred to either of the two journals, as he, on the spot, might deem expedient. As respects the article of the American, I told him, in brief, that I did not believe the report that it was written at New-York by the person in question, for there was abundant internal evidence that it came from France, a fact in which I could not easily be mistaken. I gave him to understand that I had "taken no particular pains" to investigate the affair since my return, but I had been informed, that the substance of the critique had been published in the Journal des Débats. In point of fact, I was told nearly this much by three different Americans; one saying he knew that certain parts existed in that journal; a second, that other parts were to be found in it; and a third giving the fact very much as I communicated it to Mr. Morse. I believed all this information, for there was

* The names of several of these individuals had been sent to me by another friend; they were persons utterly unknown to me.

no reason to doubt it, and in the haste of rapid and familiar writing, I at first stated as much without reservation in my letter, but on perusing what I had written, I took care to insert the words "as I understand," in order to show that I went on the information of others. The letter is not in my possession, but I am strongly impressed it will be found that these words "as I understand" were interlined for want of space, a circumstance that will give them more point, as it will show that they were written under a sense of responsibility. I very well remember to have taken great care not to say any thing as coming from myself, of which I was not morally certain. The letter has been printed, and speaks for itself. [See note A., end of pamphlet.] When a fact is first given, as imparted from others, all that is subsequently said about it, is necessarily qualified by that circumstance. After acquainting Mr. Morse with the character of the person whose name had been furnished by Mr. ——, and making a few general remarks suggested by the subject, I turned to the communication in the Commercial, which it is only necessary to read my letter to see I treated as much the most important affair of the two.

It is now said, that all the information I have received on the subject of the origin of the critique, as well as my own conjectures, is erroneous; the article in question being written by an American, who was at Paris. I have little to do with this fact. Mr. Morse has handsomely admitted that he made the communications which have been stated as coming from him, and I do not doubt, did circumstances permit it, the other gentlemen alluded to, would do the same thing. They are all absent from America. The reasons for my *opinions* have been freely given, and I feel certain that no man, who understands French and who reflects on all the circumstances, will consider them light. The Editor of the American has a just claim to have the

truth known, and I have taken some pains to state it, I hope clearly, though I honestly think he has put himself in a worse situation by avowing that "Cassio" was written by a known and esteemed correspondent, than he would have been left by my conjecture. Besides all this, I do not think that the fact that an American wrote the article, by any means clears it from the suspicions I have mentioned. Its bad faith is not changed by this circumstance, and as for "Cassio" himself, a witness who has forgotten so much that he remembers, and who remembers so much that he has forgotten, does not exactly stand before the public in the most favorable point of view.

In the warmth of the moment, the Editor of the American has permitted expressions to escape him that I think he will regret, when he looks more coolly at the affair. He says, in reference to me—"This gentleman and his flourishing backer (Mr. Morse) ascribe unhesitatingly the critique to the fears! and resentments! of the French government, roused by the popularity of Mr. Cooper's democratic writings; and the prefacing friend (Mr. Morse) gives us," &c. &c. Now, the manner in which I am coupled with Mr. Morse, in the commencement of this paragraph, and the manner in which Mr. Morse is made to speak for himself in its close, would give the reader just reason to think I had said what is here imputed to me. All I say is, that "the Bravo is certainly no very flattering picture for the upstart aristocrats of the new *regime*, and that nothing is more natural than their desire to undervalue the book." I leave the reader to compare these words with the language just quoted from the American. I was answering a letter, and many of my remarks had a direct reference to what had been previously said by my correspondent, and it is possible there may be some obscurity in its phrases. My own impression was, that the critique was more owing to the Finance Controversy than to any other

cause, though I had abundant evidence that the substance of the Bravo itself was disagreeable to some of the new aristocracy. All that is said in the American of my "flouting" my Americanisms in the faces of foreigners, whose hospitality I had been enjoying, is unmerited; and all that is said, by contrast, of the deportment of the person who claims the honour of having written Cassio, will appear absurd to those who were in Paris during our common residence in that city. The circumstance that I believed the article to be written for political purposes, by no means justifies the language of the American in another point of view. Writers are employed, by political parties, generally, to assail their enemies, and to defend their friends; and it does not follow as a consequence of my impression, that I thought there was a meeting of the cabinet in order to decide that the communication should be sent to this country. I looked upon the whole affair much as I look upon one of the attacks of the American itself, against any one individual of the present government party at home, or as a thing to be done as a matter of course. I now quit the American, for the second of the journals named.

The Courier and Enquirer of June 15, 1833, has the following article on myself:

"*Mr. James Fenimore Cooper.*—We perceive by a letter from this distinguished gentleman, published in some of our newspapers, that his efforts to correct the misrepresentations of the *Doctrinaires* in Paris, on the subject of American taxation, has given great dissatisfaction in that quarter. It would seem, according to his statement, that in order to revenge themselves for having been proved to be in the wrong, they have attacked him at a point where every author is most sensitive as well as vulnerable in his writings. Severe criticisms have subsequently appeared in the *Journal des Debats*, and other organs of that party,(1) *which Mr. Cooper ascribes to a feeling of political hostility, originating in the part he has taken in vindication of his country, whose Public Press he thinks ought to sustain him at this crisis, although it will be recollected he lately took occasion to set it at defiance, and express his contempt for its opinions.*(2) *He appears, however, to be most*

nched by a keen and severe criticism on the Bravo which nade its appearance some year or two since, in the columns of the New-York American, and which,(3) *if we are not mistaken, was ntecedent to the circumstances supposed to have produced the ostility of the* Doctrinaires.(4) *He is mortified that any of his ountrymen should* "appear" *to have turned against him, and tates several facts which in his opinion go to prove that the riticism in the American was not written "by an obscure clerk n a counting house," as he terms him, but by a Frenchman n Paris, and is a mere translation of an article published in he Journal des Debats, "a little altered to adapt it to the merican reader."*

We leave this question to be settled between Mr. Cooper and the vriter who furnished the article for the American,(5) *and proceed o offer a few remarks on the insinuation thrown out by the ormer regarding the indisposition of his countrymen to sustain is literary reputation against the hostility of the* Doctrinaires, *vhich he has provoked by attempting their defence.* When a itizen of the United States goes to reside in a foreign country he laces himself under the protection of its government and laws, to oth of which he owes respect and obedience so long as he chooses o stay. If he don't like them, he should not make public his dis-ust; and if he wishes for the satisfaction of railing, he had better o home, and indulge his inclination there. In short, he has no bu-iness to meddle in politics.

(6) *But it is quite a different case, when the character of his ountry is assailed; its manners ridiculed, its morals and reli-ion questioned, and its institutions exhibited in a contemptuous ontrast with those of any other nation. He is then, we think, ound by every motive of patriotism, every duty of a citizen, to indicate his country to the utmost extent of his power with his en, as a soldier does with his sword. In this latter predica-ment was Mr. Cooper placed; his country was represented as axed with burdens heavier than those borne by France and he was, we think, not only right in refuting the calumny, but he would have been emphatically wanting in duty to his country had he neglected the task. We think his country ought to be, and have no doubt she is, grateful for his good offices.*

In our opinion he does great injustice to the people of the United States, in supposing them indifferent to, or inclined to detract from his reputation as a writer; or *that they, or any portion of them,** *have, as he asserts, joined in a conspiracy with his enemies in France.* He is still one of the most popular writers of our country, which has done its part liberally in contributing to his fortune as well as his fame. If some of his later works have failed in support-ing the reputation of the former ones, this is a misfortune which often befals men of the greatest genius. They cannot forever be quaffing at the fount of inspiration, nor does it always exhilirate alike. Net-

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* *Query.* How can an indifferent commentator know this?

ther does the public always judge alike. Its taste is perpetually altering, and mankind at length become tired of an old author, as voluptuaries do of an old mistress, whom they forsake for a new one, perhaps in reality not half so attractive. (7)*But why should Mr. Cooper suppose that an unfavorable criticism on a work, which did not peculiarly address itself to the feelings of his countrymen, is evidence of their indifference or hostility? If critics are in general so corrupt, as he insinuates, why should he appeal to his country and to the world against a criticism?* To our mind it would be much more dignified to treat all comments coming from such impure sources, with at least the affectation of indifference, and whatever he may feel, keep his feelings to himself. He has acquired a brilliant, and probably a lasting reputation; he can spare a leaf, without spoiling the wreath entwined round his brow.

(8)*He should remember, that when an American writer goes abroad to reap laurels, on a wider field, and a richer soil, though he may possess many advantages over such as remain in the obscurity of home, yet these are counterbalanced, by weights in the other scale. If he can only establish a reputation in any part of Europe, there will be little question of his talents here; they will be taken in a great degree on trust, as merchants receive their goods, on the faith of the invoice.* But on the other hand, it will be necessary to lose his identity as a citizen of this obnoxious republic; to pay due deference to the claims of the well born, and yield prompt obedience to the long established rights of European superiority; to flatter their prejudices with indirect adroitness, and to avoid giving offence by retorting sarcasms, or refuting calumnies on his country; its institutions and character. In short, he must endeavour to speak, and if he writes, to write, in such a decorous manner, that the most expert critic shall not be able to detect a single sentiment of affection or preference for the land of his birth. He may then possibly be pardoned the misfortue of having been born on this side of the Atlantic, and be hailed as a giant, for having attained the size of a man among a nation of pigmies!

But after all it is impossible to please every body, unless a man has the good fortune to have no opinions of his own. You cannot serve two masters; and it is the height of presumption to expect to retain possession, even if we should conquer, two worlds at a time. In the present war of interests and opinions, when those in high places abroad, perceive in the example and influence of the Great Republic, the sources of imminent danger to their long established authority, it is to be expected that misrepresentations of every kind will be resorted to, for the purpose of weakening the force of that example. We hold it the duty of every American to do his best to refute and retort such manifestations of hostility, for, to use the strong words of an American writer, "we never yet saw an instance of a man or a nation, that gained aught but contempt by submission, or that did not thus invite a repetition of insult and injury." By pursuing a manly course of resistance to the injustice of foreign writers, an American must necessarily lose his popularity among that class of critics which in some measure directs, or at least indicates the

aste of the aristocracy of Europe. (9)*Hence it is that writers nust either suppress all expressions of partiality to their coun-ry and its government, or they will, like Mr. Cooper, become the bject of frequent hostility. He must make his choice, and when nade, submit with dignity to the sacrifice, with the assurance hat a time will come, when in all probability the number of is American readers will far exceed those of France and Eng-land combined.* This is a sufficient remuneration, and with this we hink he ought to be satisfied.

Assuredly Mr. Cooper has nothing to complain of, in regard to the eturn made by his countrymen, and indeed by the world at large, or the amusement he has afforded them in his writings. Let him ompare his situation with that of Homer, Milton, Dryden, Otway, Fielding, Le Sage, Cervantes—the inimitable Cervantes!—the im-nortal labours of whose whole lives were insufficient to keep the wolf from the door. Let him remember the fate of these illustrious writers, and thank God for all his mercies."

I notice this article, although it appears as editorial, nder the impression that it is not what it seems. It abounds in errors and misconstructions, some of which are of a nature almost to raise the suspicion that the inger of Cassio was concerned in producing them. It was especially sent to me (in duplicate) at Paris, along with the statement of the American and its correspondent Cassio, and I presume I am at least right in considering it as coming from the enemy. I have caused parts of this article to be *italicised* and numbered, for the convenience of reference. Let us commence with No. 1. Here is a great error. I have never meant to say that the Press of this country ought to sustain me at this crisis, [what crisis?] nor do I know that I have ever set it at defiance, or expressed any especial contempt for its opinions. My letter is there to answer for the first assertion. I do not think it contains a word to justify it. As for the second, I ask when and where I have set the press of this country at defiance? The press of this country is, like the men who control it, composed of good, bad, and indifferent, and any general character would be liable to great qualification.

No. 2. I certainly do not think I *seem* (the allusion is to my published letter) to be most touched by a keen and

severe criticism on the Bravo. The criticism on the Bravo, as a criticism, never excited any feeling in me, nor did I ever express any in reference to it, beyond that which no intelligent man will need an interpreter to understand. Its importance was derived from its supposed origin. In the parts of my letter to Mr. Morse that are published, some feeling, I admit, is betrayed in reference to the article in the Commercial, which excited a strong indignation, for I believed it to be the offspring of a piece of pitiful jesuitism and double-dealing. I believe so still. A simple, arithmetical process will prove that it was this article, and not the puerile attack of the American's correspondent, that I deemed the most important. My remarks on the critique in the American, besides being necessary as an answer to the letter of Mr. Morse, and being much less strong than those on the Commercial, fill just forty-eight printed lines of a newspaper, while those on the Commercial fill one hundred and sixty-five. There is, I think, a misprint in my letter, where it is said that Mr. Morse had alluded previously to the attack in the Commercial. He had certainly made no such allusion, and all I say on this part of the subject is said at my own suggestion. This assertion of the Courier and Enquirer appears to me to be made to press the critique of Cassio into an importance I never gave it.

No. 3. This is another mistake. The *critique* of the American appeared June 7th, 1832, and my letter to Gen. Lafayette bears date November 25, 1831; leaving an interval of six months between them. There was even time to have sent an article from Paris after my *last* letter, (that to Mr. Harris, published May 3, 1832,) and to get it inserted in the American of June 7th.

No. 4. I am unconscious of having expressed any such mortification, nor can I find the word "appear," as here used, in any part of my letter. So far from calling the

writer of the *critique* "an obscure clerk in a counting-house," I expressly tell Mr. Morse that I *do not believe* the story to that effect, which he had sent me. This assertion is calculated to create an impression that I estimate the intellectual value of a man according to his social position. On this point I can only say, that any such opinion is opposed to the practice of a whole life.

No. 5. I cannot find any thing in my letter to justify this. I have complained that the Press did not support me in the Finance Controversy, in which I thought the honor of the country concerned, but I cannot recal any complaint of a want of support merely as a writer.

No. 6. I lay claim to no such patriotism, nor do I at all think it was the "*duty*" of an American to refute the allegations of M. Saulnier, apart from what he owed to General Lafayette. He might do it, or he might not, as he saw proper. If such a duty had in truth existed, of all the men in America, I was perhaps the one on whom it was the least imperative. I had already made a heavy sacrifice to support the character of this country abroad, and the effort had been so indifferently requited at home, that I should have thought myself fairly exempt from any further service of the sort.

No. 7. All this, and indeed most that goes before it in the same paragraph, certainly is not justified by any thing I had said. It ascribes a meaning to me, I think, quite without authority. I am not complaining of criticism, but of the Press lending itself to the views of our enemies. This is so obvious on the face of my letter, that I confess this portion of the article of the Courier and Enquirer, struck me as being expressly designed to give undue importance to the critique of the American.

No. 8. I never went abroad "to reap laurels on a wider field," nor did my presence in Europe in the slightest degree extend any little reputation I may possess as a writer,

or add a dollar to my means. What I wrote was just as much before the European public before I quitted home, as it is now, and instead of making friends abroad to puff and sustain me, I made enemies, as will presently be shown, by refusing to submit to the practices of those who call themselves critics. All that the Courier says on this head, therefore, is uttered under an erroneous impression, and is in no degree warranted by the facts.

No. 9. There is a singular misconception of the circumstances in this paragraph. My choice *was* made; it was in favor of my own country, her character and her institutions; and my complaint was not that foreigners abused me, but that *those in whose favor this choice had been made, helped to circulate their abuse.*

I could say a great deal more concerning this article of the Courier and Enquirer, but I presume enough has been shown to make it appear that it has not been written with sufficient attention to the facts of the case. I shall advert to only two more of its statements. My country is said to have advanced my fortune and my fame. The last is a word of pregnant signification, and is not to be used lightly. We have seen already the embarrassment into which the American has got, by flinging about this term too liberally. But putting the degree out of the question, the truth of this remark of the journal must depend on a principle that is general. If I owe reputation to my country, I owe gratitude; and if I owe both, other Americans are in the same predicament. Under what a load of obligation to their country, for instance, such men as Washington, Franklin, and Jay, *particularly the latter*, must have lived and died, if this novel doctrine of the Courier and Enquirer should happen to be true!

But I have more interest in settling the point of fortune. It is bad enough to have obligations of this sort thrown into one's face when they are true, but it becomes a little

hard to be borne when there is no foundation whatever for the pretension. I cannot suppose that the journal means to be understood that I am indebted to those who may have bought any books I have written. So far from this being true, some of the latter are still indebted to me, and this too without much hope of payment. I presume a literary man does not intend to degrade literature, and yet it would be just as true to tell the grocer at his nearest corner, that the fortune he is making by his industry and judgment, is due to the liberality of the public, as it is to tell a writer that he is indebted to the public for the money that is paid him by his publisher. The public buys to please itself, and not to confer favors on authors; and, could the experiment be tried, I will answer for it, that were any popular book of a native writer to be pirated and sold at half price, it would be found that the rogue disposed of two copies to the honest dealer's one.* I am led to think that the writer of this article was under a mistake that I am afraid is sufficiently general, and which I hope now to be able to remove.

Since my return home, applications have been made to me to know the amount of the salary and of the emoluments of the consulate of Lyons, of which I was certainly the incumbent for a year or two. I have also understood, from a member of Congress, that there was an impression

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* It is an amusing commentary on this opinion of the journal, that a great many instances have come to my knowledge of Americans who have not read any thing I have written, for the avowed reason that nothing good could come from a countryman. A few days after my return, I met an old friend in the street. He appeared glad to see me—so glad, that I thought his reception one of the warmest it had been my good fortune to meet with. After a little conversation, I discovered that his joy proceeded from an impression that I had been dead some six or seven years. Here was immortality at once, in lieu of all this fame. Unhappily, there are many reasons why this country can give "fame" to no one; and among them is the degrading practice of leaning on others for so many of its opinions.

I had a salary from the government; and, in a pretended sketch of my life, that appeared lately in one of the papers, and in which, I think, thirteen alleged facts had just three truths, I am said to have filled the office of chargé d'affaires at Paris, a situation that would have given me $4500 outfit, and as much of yearly salary. No part of all this is true. Mr. Clay (I wish it to be understood that this letter is written without the slightest view to party, for I shall never voluntarily lower myself from the condition of a freeman to become the mere political partizan of any man) very kindly acceded to my request of making me a consul, with a view that, while travelling, I might not have the air of expatriating myself. Lyons was chosen simply because there was nothing to do. This office cost me just one hundred dollars in outfit, and returned to me just nothing. After a little time I resigned the nominal situation, under the conviction that gross abuses exist in a great deal that relates to our foreign appointments, abuses that I still hope to expose, and because I felt it was incumbent on me to set an example of the principles I professed.

This consulate was of no other use to me than that I have named. It gave neither money, social rank, nor personal consideration, and I claim no merit for the moderation of my views. As to the office of chargé d'affaires, I do not see how the mistake could well have arisen. It is a situation I certainly could not have taken for many reasons; for which I never in any manner applied; nor in any way desired. It is possible that the writer of the article in question, in the ardor of his patriotism, has supposed that the interest I manifested in the Finance Controversy may have been quickened by a fat salary. This opinion was not unnatural, for the secretary of state had made an appeal to all the governors to produce their statements to show, in defence of the action of free institutions, that our side of the question was right. With

these views of the case, he has probably fallen into an error from some confusion in the facts. The office of chargé d'affaires was conferred on a gentleman who certainly had a part in the Finance Controversy; but, his opinions being directly opposed to those of General Lafayette and myself, he happened to take the opposite side of the question. As between me and my country, the account current of both profit and honor exhibits a blank sheet. I have never laid any claim to having conferred either, and I do not feel disposed to admit that I have received either. This is a subject on which I could gladly have been silent, but as it has been pressed into notice, it is due to myself to state the truth. The private feelings and interests of an individual can be of no great moment to the public, and I shall say no more, unless it be to add, that there is a facetiousness in the opinion of the journal on the subject of the "honor" I have received from my countrymen, that touches on mockery.

I come now to the article of the Commercial Advertiser. [See note B., end of pamphlet.] It consists of an extract from the Revue Encyclopédique on the Heidenmauer; of some joint comments of the editor of the journal, and of a correspondent, touching the impropriety of foreigners meddling with the politics of France; and an assertion, that France would not have abused us had certain of our countrymen not meddled with her private affairs. The allusions were obviously intended for me. Apart from a good deal of puerility in believing it any justification for vituperating a whole people, that one or two of its citizens had misbehaved, this article is written jesuitically as to manner, illogically as to its reasoning, and erroneously as to its facts. The history of the manner in which I entered into the discussion on the cost on governments has been given; and the reader is left to judge for himself how far I obtruded my opinions on a foreign peo-

ple. If it be meant that I meddled privately with foreign politics it is a mistake, and all reports to the contrary are untrue. Whenever there was a question of bringing the example of America to bear upon the rest of the world, it was my wish that it should be done with truth, and as I strongly condemned the course taken by too many of our countrymen abroad, who defend our own system as the one best adapted to our immediate situation, when appealed to on this head, and on proper occasions, it was my habit to defend it on principle. I had early learned the use that was made by any concessions on this topic, and I determined that if any man quoted me against the action of free governments, he should quote me wrongfully. Even this has been done, so eager are the aristocrats to snatch any thing like a concession from an American; but against such a fraud no human foresight can guard.

The letter to Mr. Morse was written chiefly to draw the attention of the public to particular facts. I believed then, and I believe still, that the article of the Commercial had its rise in the apprehensions of an agent of the United States, who felt that if I was right in the affair of the Finance Discussion, he had been very wrong; and who was desirous of forestalling public opinion, with a view to weaken the effect of any statement of the facts I might hereafter make. Added to this, was a wish on my part to check the degrading practice of quoting from the foreign journals to which there has so often been allusion. I had little interest in the result, for the letter to Mr. Morse, a great part of which has not been published, acquainted that gentleman with a resolution, that had long been made, of abandoning the pursuits of a writer, (a resolution that he well knew had not been lightly formed;) and that I only waited to comply with existing engagements to bring the tales to an end. This has been done, the last book of the series having been published. I did not go through the form of taking

leave of the reader, for I had never known any other public than my own country, and I fully believe the editor of the American when he says, that I have been losing its favor since I went abroad. Under such circumstances, a leave-taking would have been mockery, and I only allude to the facts now, as a witness releases his rights in a contested claim, or to purge myself from the imputation of having an interest in the result. I wish what I am about to say not to be lost, but that it may serve those who come after me. I do not think this is a country in which any man can yet hope to be sustained as a writer, should he decide to take part frankly with the institutions and character of his country; the feelings of those who control public sentiment on subjects of this nature, are opposed to his success;* but should any young aspirant for literary reputation believe otherwise, I am willing to make an effort to afford him fair play. This opinion will probably surprise many of my readers, for there is a superabundance of patriotic profession; but let any discerning man look closely at the facts, and I believe he will come to my way of thinking.

The editor of the Commercial appears to have had some misgivings himself, as to the propriety of the course he was taking. He says that the review (la Revue Encyclopédique,) was sent to him along with a letter from a correspondent; and when a foreign publication is thus introduced, the public has a right to believe that the "correspondent" is a correspondent abroad; and this the more especially when the allusion is made in a journal that is constantly flourishing its foreign correspondents before its readers.

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* The instinct of the selfish, sufficiently denotes the course that is dictated by expediency.

I am now told that the article was concocted in this city, between the editor and a young man who was never out of his native country, to whom I was a perfect stranger, and who could know nothing of my private course abroad, except from the dangerous and uncertain evidence of vulgar rumour. I neither know nor care whether this report be true or false. I have been openly assailed; my discretion has been impugned; my conduct misrepresented, and the right to defend myself will not be denied. However direct may have been the agency of the diplomatic functionary alluded to, I have no doubt that his representations are at the bottom of the whole affair. As to this young man, if he prove not a man of straw, he will not be the first who has believed that he played the organ when he was only blowing the bellows. I repeat, then, it is my opinion that the said diplomatic agent is at the bottom of the whole affair. I thought I could detect even his style in the language of the Commercial's correspondent; but if I was mistaken in this particular, then there are two persons who make such a parade of prepositions as "to, at and for," instead of one. At a future day, when better prepared, I shall speak more openly on this point. The editor of the Commercial himself appears to have distrusted the propriety of what he was doing, for he places its justification on his "knowledge of the fact that Mr. Cooper prefers the censure, to the praise, of the newspaper press. Of this peculiarity of his taste he has taken care to inform us in the preface to the Heidenmauer, in which he says in so many words—'Each hour, as life advances, am I made to see how capricious and *vulgar* is the immortality conferred by a newspaper.'" Now this sentence is made the apology of the editor of the Commercial for admitting into his columns an attack against the interests and character of an absent countryman; under cover of an article that was written by he knew not whom; which article contained a direct contra-

diction of itself to prove its worthlessness; which appeared in a periodical of little reputation, and which derived all its influence here, from a degrading practice which this editor did not hesitate to aid in upholding, in order to gratify his resentments. I now propose to furnish proof of the consistency and sincerity of the editor of the Commercial Advertiser.

First as to the application of the sentence from the preface of the Heidenmauer. I was giving an account of a journey which took me to the scene of the tale. The route led across the country which had just been traversed by the Prince of Orange in his celebrated march upon Brussels; a march which had so nearly effected a counter-revolution in Belgium. The journals were teeming with denunciations of the Dutch for their excesses, and the Prince of Orange was unhesitatingly consigned to lasting infamy, for the cruelties, conflagrations, and other outrages that he had permitted or ordered. These facts were subjects of public notoriety. On passing over the scene of this pretended violence, a few days after it was stated to have occurred, I looked in vain for the evidences of its truth. The remark, which the editor of the Commercial deems a justification of his course, was elicited by these facts. The word vulgar is used in its broad and true signification, and, in the sentence in which it was used, it meant commonplace or liable to popular error; but in the Commercial it is put in italics, as if its editor attached some such meaning to it, as would be bandied between two cobbler's wives that were disputing about the gentility of their respective *coteries*. This is a simple statement of the facts. I beg the reader to give a moment to their application.

In the New-York Commercial Advertiser, of June 17, 1833, among a good deal more to the same effect, I find these words: "The precipitate manner in which many conductors of papers condemn men and measures, upon

slight evidence, is one of the prevailing *evils* or rather *sins* of this country. The conductors of public papers occupy a very responsible situation in society; many of them are men of talents; but party spirit has so far perverted the proper use of the press, that it has been seriously questioned by sensible men, whether, on the whole, the press serves most to enlighten public opinion with truth, or to pervert it with error." The letter of which this extract is a part, is signed N. Webster; a gentleman of great experience, who was once, I believe, editor of what is now the Commercial Advertiser, himself, and who probably understood very well what he was saying. This letter was doubtless, on the principle which justified the attack on me, introduced into the Commercial in order to furnish a justification of an attack against Dr. Webster's dictionary, or a reproof for his holding sound American opinions when he was in Europe; as, I am happy to say, is understood to have been the case:—no such thing: it is introduced by a merited eulogium on the venerable lexicographer, to whose especial benefit a whole column of the Commercial is devoted! It would offend the reader's common sense to say any more.

There seems to be an opinion prevalent among some of the editors of this country, that they who conduct the public press, are invested with peculiar privileges. The press is either a powerful instrument of good, or a terrible engine of evil. They who control it, do not possess a single right that is not equally the property of every one of their fellow-citizens; while, in place of these imaginary immunities, they exercise the self-assumed office under a moral responsibility that should cause every man of principle to hesitate before he undertakes duties so grave. A grosser abuse of accidental circumstances cannot be imagined, than that of a man of envious and malignant temperament, pouring out the workings of an evil spirit,

under favour of these extraordinary means of publicity, carrying pain into the bosoms of families, making his crude opinions the arbiters of reputation, and pulling down, without the talent to build up again. The misconception on the subject of these imaginary privileges, has arisen from the fact that abitrary governments, aware of the influence of the journals, having curtailed even the power to do good, and free governments having restored to them this unquestionable right, some, who identify their own selfishness too closely with principles which ought to be sacred, have fancied that the emancipation from a wrong has brought with it a charter for licentiousness.

All that is believed to be necessary, has now been said in reply to the three journals particularly named, and I shall beg the reader to have patience, while I furnish some evidence of the quality of the mental aliment that is daily served out to the American public, by the practice of copying the opinions of foreigners. I shall be obliged to speak continually of myself, for the reasons already given; but, I trust, the apparent egotism will be pardoned, when it is remembered that in no other way could I command the same materials, or furnish evidence so little liable to error. The object is to let my countrymen into some of the secrets of the critical fraternity, at the same time that I show the danger of doing injustice by circulating calumnies of unknown origin, and lay bare the united ignorance and impudence of those abroad who affect to speak of us, as the greater experience of the old world would appear to entitle the sages of the east to treat the tyros of the west. In order to effect such a purpose, I shall cull, from a large mass of information that I possess, a set of facts, that may change the evidence in a way to meet most of the varieties of the abuse to which, from the practice named, we render ourselves liable.

It was in the autumn of 1830, that I first saw, *in an American journal*, a short article on myself, extracted from an English publication, which was particularly intended to wound my feelings and those of my family, and which was calculated to give the world a very erroneous opinion of, at least, one trait in my private character.

I had become the object of particular resentment to a certain portion of the English, from the circumstance of having written a statement of the causes of the hostility and prejudices which so generally exist in their country against our own. This resentment was greatly increased by the fact that the book I had written was translated into different languages, and circulated throughout Europe. Hitherto they had told their own story; but an American had now joined issue with them, and, for a novelty, had obtained a hearing at the bar of Europe. I was vituperated in England—a country whose reputation for this species of warfare is pretty well established—as a matter of course; for this I was prepared, having well weighed the matter beforehand; but here I had the pain of seeing an American journal stooping to become the instrument of English ribaldry against an absent countryman, who neither merited this particular act of injustice, nor any personal attack from the press of his own people. It may be well to examine the authority of this injurious tale, in order that the compliance of our own journalist may stand out in proper relief.

I regret that a long search has not enabled me to find the paragraph in question. It had been quoted into the ——— from an English journal, which had found it in a posthumous publication of the late Mr. William Hazlett, a writer whose reputation may teach caution to those who are addicted to indiscriminate deference for foreigners. But although it is not in my power to quote its words, I retain a very distinct recollection of its substance. It says

that while Sir Walter Scott came to the reading rooms of the Messrs. Gagliniani, sitting down modestly in the outer room, I was in the habit of running about the streets of Paris (!!) and, furthermore, that in society I was in the practice of getting into corners and making faces, as if I would invite the company to admire the American Walter Scott. Puerile as all this may appear, in substance, Mr. William Hazlett did not hesitate to write it, his successors to print it, and the American journal in question to utter it to this country. It is evident on its face, that the writer himself had no very distinct idea of the nature of my sins, so far as they were connected with the shop of the Messrs. Gagliniani and the streets. Mr. Cooper running about the streets of Paris, and Sir Walter Scott taking his seat in the outer room at Gagliniani's, present no very striking images of criminality.

It is sufficiently plain that Mr. Hazlett, who was an utter stranger to me, had been charged with stories to my prejudice; and, probably feeling well disposed as an Englishman to resent the hardihood of an American who had presumed to tell the world a few naked truths on the points at issue between the countries, he gave vent to his animosity without making a particular draft on his logic. I could not desire a better proof of what I now wish to impress on my countrymen, than is to be found in this very paragraph. Here is a European writer of some eminence, permitting prejudice to escape him in a form to betray itself, and this too without the smallest qualification of common sense. What had my running about the streets of Paris to do with Sir Walter Scott's sitting down in the outer room at Gagliniani's, or vice versa? I think I can explain this matter to the reader. The Messrs. Gagliniani had reprinted in the original, from sheets obtained in England, all my tales up to the time of my arrival at Paris. It was then necessary that I should take the

charge of my own works, to secure my right at home; and I had an interview with one of the Messrs. Gagliniani on the subject. I was twice at their establishment. The first time, when nothing was determined or indeed proposed, I sat down too in the outer room, being fatigued; and when I was rested, I went away, without in the least suspecting I had done any thing particularly condescending. The second visit was made a short time afterwards, accompanied by a European friend. The interview took place in a garden, and I was treated with so much superciliousness, that my stay was short. The gentleman with me expressed strong indignation at the manners of Mr. Gagliniani, and observed that, in my place, he would have nothing more to do with him. This advice was exactly in conformity with my own feelings, and I have never entered the building of the Messrs. Gagliniani from that hour to this. A respectable bookseller assured me a few months after this occurrence, that he had heard Mr. Gagliniani threaten to injure the sale of my books, and to do me all the harm he could, a threat, I believe he was very capable of executing, so far as his means would allow. This man has probably repeated some of his tales to Mr. Hazlett, who, yielding to a prejudice, has so far forgotten himself as to record them in the puerile manner in which they appear; and an American journal does not hesitate to circulate what has thus been written by a foreigner! I will furnish one proof of the weight that ought to be attached to these loose opinions of the Messrs. Gagliniani. When Mr. Horatio Greenough and Mr. Morse came up from Italy to Paris, in 1831, they went to the Gagliniani's in order to obtain my address. On asking for me, as friends, they were led to believe that I was an habitué of the rooms, and an intimate there! As to my making faces in society, and standing in the corner—heaven save the mark! I never saw Mr. Hazlett but once; and never

exchanged a syllable with him in my life. At one of the public evenings of Gen. Lafayette, I observed that the latter had been conversing with a stranger, who had the air of a student, and, as I thought, of an American. Believing it might be some one that I should be glad to know, I approached our illustrious host and asked if the conjecture was right. He told me that I was mistaken; that the stranger was Mr. Hazlett, offering to introduce me if I wished to make his acquaintance. I declined the introduction in conformity with the rule already named, and from which I have never voluntarily departed. There was not so much reason, moreover, agreeably to the usages of society, why I should have sought an introduction to Mr. Hazlett, as that Mr. Hazlett should have made the first advances to me. But, I did not care to make his acquaintance, and there the matter might very well have ended. It appears he did not think so; for he wrote me down as a coxcomb, possibly in consequence of my showing no *empressment* to make his acquaintance. The reader is not to suppose that Mr. Hazlett knew of Gen. Lafayette's offer, for he did not; but even if he had, it was no excuse for calumniating a man with whom he never exchanged a syllable. As to his assertion that I took pride in being called "The American Walter Scott," it will be seen it was quite gratuitous, and, if permitted to speak for myself on this point, I shall merely say that it gave me just as much gratification as any nick-name can give a gentleman. There exists in all large towns, like London and Paris, a set of very equivocal gentlemen and ladies, who aim at bringing themselves into notice without much respect for propriety. These people, who ordinarily want both breeding and intellect, and not unfrequently character, seek out every object of notoriety, less with a view to flatter him than to enhance their own importance. They are not easily repulsed by the quiet negatives of good

breeding, but often urge their requests to importunity. If denied, they almost invariably take their revenge by endeavoring to undervalue the very *illustration*, as the French have it, that they had previously perhaps exaggerated. I was awkwardly placed as respects this troublesome class of patrons. A father and a husband, and one who did not choose altogether to overlook character in his associations, I have reason to think, that a great many enemies were made in this way, and that a great number of idle reports, that have reached me, had their rise in the vindictive resentments of troublesome, adventurers of this sort. I remember a ludicrous case of their modesty which shall be given. It was our misfortune to make a slight acquaintance with a family of this description in one of the Italian towns. The acquaintance, on our part, was managed with so much circumspection that it was confined to the exchange of a few cards, and when we sent the usual signs of leave-taking, previously to quitting the place, we congratulated ourselves that the thing was happily ended. It seems we reckoned without our host, for, at a moment when the trunks were packed, the lodgings discharged, and we were actually on the point of departing, we got a visit, I might almost say of reproach, for thinking of quitting the place without attending a rout that the family *intended* to give the following week, and to which we had not even received an invitation. The scene was ludicrously provoking. The modest proposal was made, and this by people who were now, for the first time, within my doors, that a large family should change all its arrangements, and postpone its departure, on a journey that was to transplant it from the centre of Italy to the centre of Germany, in order to attend "our party!" These people left us with the air of those who had received a serious injury, and, like Mr. Hazlett, may have ascribed my obstinacy to the fact that I was the American

Walter Scott. A story founded on such an opinion would circulate widely in this country, to any man's disadvantage; and, although in the case of a writer of mere fiction the consequences are of importance to no one but himself, there might easily occur instances in which the reputations of grave defenders of our dearest rights would be undermined by the facility of which I complain.

I forbear to state a great many shameless deceptions that have actually been practised, at my individual expense, on the American Public. A brief recapitulation of two or three instances must suffice.

The New-York American published in 1827 the translation of a review of The Prairie, with a view, as was stated in the journal, to show the reader the light in which the author was held by foreigners. This critical notice (if the declaration of the man himself is to be believed) was written by an American who had changed his religion, renounced his country, and who shortly afterwards absconded from Paris with a reputation that no one can envy.

In 1828 I saw a statement, in a New-York journal, of an opinion that Sir Walter Scott had expressed concerning the stand I had taken on national questions, and which opinion was intended to lower me in the estimation of my countrymen. This statement very evidently came from the enemy. It referred to a time when I had never seen Sir Walter Scott; when we did meet, literally the first words he uttered was to express his respect for the very course which this statement intended to deride.

In 1829 an account of the manner in which I employed my time at Rome was published, although I did not visit that city till five months afterwards.

During a negotiation with a Paris bookseller,* I was

* A French critic has lately intimated that I have been reaping large emoluments from his countrymen. I have never attempted to sell a copy-right any where but at home. It is true that one contract, written in England and

rudely assailed in a French journal, for the purpose, as was afterwards admitted, of lessening the value of the publications in my own eyes. Such expedients are constantly resorted to in France.

At Florence, in 1829, a person obtruded himself on me in a manner opposed to all the forms of society, impudently announcing himself to be a French critic who had done a great deal to extend the circulation of my works. I need scarcely say that an acquaintance, ushered in with such an introduction, was declined. Just before leaving Europe, I accidentally learned that this person wrote against me in every journal in which he could obtain admission for his articles. I believe the *critique* lately translated by the editor of the American, from the Journal des Débats, and

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sent to France for my signature, did express the contrary; but I remonstrated against the expression, and never permitted it to be used again. In England, the sheets of what I had written were sold, for the purchaser to do what he pleased with them. The same thing was done for Sir Walter Scott in America, and is constantly practised by other English authors. In France, I sold the sheets for translations, more with a wish to control the time of publication, by acting in concert with the publisher, than with a view to profit. The trifling amount received went to the uses of another. The sheets of three or four books were also sold in Germany, by the same person, and for his benefit. He died before the money for one book was received, and it remains unpaid to this hour. It will be remembered that there were, in all cases, translations previously to these arrangements.

As respects France, a calculation, made on known data, has shown that I paid to the French Government in taxes, during different residences in that country, considerably more money than was obtained from the sales of the sheets of fourteen books. France and Germany excepted, I never had even any indirect connexion with the translations.

The New-York Mirror has, more than once, adverted to the amount of my receipts, with a motive it is not easy to mistake. On what principle the editor of a journal can conceive himself authorized to meddle with the private affairs of a citizen, I do not know; but the statements of the journal in question on this subject, as they relate to myself, are not founded in truth. It remains for the public to decide whether it will tolerate or not this meddling with private interests, by every one who can get the command of a little ink and a few types. The usurpation of such a right is not only English imitation, but imitation of its lowest and least commendable school.

which he compares with the communication of Cassio, in order to show that the latter was not borrowed, to have been written by this man. It is true I never saw the article in question before it appeared in the American; but it is written in the temper, and has the initial letters of my modest visiter. I believe much the greater part of the hostile French *critiques* on myself, to have been written, in a spirit of revenge, by this man.

To such impositions is he liable who blindly copies from the journals of Europe. I could make this part of the case much stronger, but graver matter awaits our consideration.

The habit of fostering this deference to foreign opinion is dangerous to the very institutions under which we live. This is the point at which I have aimed from the commencement; for, while I feel that every defender of the action of our own system is entitled to fair-play, I have never had the weakness to believe that any personal interests of my own are a matter of sufficient importance to others, to require a publication like the present.

The practice of deferring to foreign opinion is dangerous to the institutions of the country.

In order to render the case that I wish to present clear, it will be necessary to take a short review of the institutions themselves.

The government of the United States is a peculiar confederation of many different bodies politic, for specified objects embracing certain of the higher functions of sovereignty, and to which we have given the appropriate name of a Union. The action of this government is obtained by a system of representation which, while it is compound and complicated in its elements, possesses, in fact, the redeeming and essential quality of simplicity, by providing that none but common interests shall be subject to its control. And, yet, while we actually possess, under the provisions of the

Constitution, the essential requisite of an *ensemble* in the legal operation and spirit of the institutions, nothing is easier than to create an antagonist action, by overstepping the limits of the compact. A single glance at the instrument itself will explain my meaning.

A Union, from its very nature, must be a representative form of government; but the mere circumstance that a government is representative by no means establishes its character, which depends on the fact of whom the parties are that are represented. Under our system, each State is the arbiter of its own constituency, subject to the single condition that its form of polity shall be that of a Republic. A republic is a government in which the executive power is not hereditary, or in which the laws are administered in the name of a Commonwealth instead of that of a Prince. Venice, Poland, Frankfort, Unterwalden, Berne and Connecticut, are or were all republics. New-York, in virtue of its reserved rights, has decided that its constituency shall be represented on the principle of universal suffrage. Virginia has a freehold qualification. Either of these States has a right to modify its representation as it shall think best for its own interests. In point of fact, it is true the states of this Union are nearly all democracies, but they have attained this near approach to harmony by their own acts; for, under the limitations of the Federal Constitution, it is quite within the legal competency of the several bodies corporate which compose the Union, to make that Union a representation of democracies, or of aristocracies, or of a mixture of both, by altering the characters of the respective constituencies. Did the government of the United States possess more minute powers, therefore, and were the States to exercise the privilege just mentioned, making their representations a mixture of aristocracies and democracies, disunion or revolution would inevitably follow. Although there are instances in which monarchies and aristocracies

coalesce in confederations for defined objects, as in Germany, and in which aristocracies and democracies unite for the same purposes, there is no instance in history in which these antagonist principles have long existed, in the full exercise of equal powers, in the form of a consolidated community. The struggle between them has always produced revolution in fact, whatever may have been done in form. By studying, then, the danger of a union of great antagonist principles in a consolidated form of government, we are admonished to respect the conditions on which the possibility of their co-existence is admitted into our own system. Although Virginia, and certain other States, may possibly be termed representative democracies, when considered solely in reference to their white population, they are in truth, even now, mild aristocracies, when considered in reference to their whole population. Immaterial as the difference is in most cases between the polity of Virginia and that of New-York, there are some points of disagreement that sufficiently show how easy it is, by transcending the conditions of the Union, to awaken a spirit of hostility, and to endanger the existence of the compact that now binds them together. To these points of difference in principle may be added, as temporary causes of disunion, those interests which arise from difference of climate and productions.

Every government has two great classes of obstacles to contend with:—the propensities of human nature, and the difficulties that arise from its particular manner of controling its own affairs. As the first is an evil that we share in common with all men, it may be dismissed without comment; but in the case of the second, it will be useful to allude here to one or two of these particular causes of embarrassment as they exist under our own system.

The first great difficulty with which this government has to contend, is, for reasons that are obvious, the accurate discrimination between the powers that are granted to the

Union and those that are reserved by the states. The contests which may arise on these vital questions can give birth to the only true whigs and tories of America. The object of this Union was not simply government—this was possessed in the several states—but it was to extend a uniform system over so large a space, as to reap the greatest benefit from its action.

It has been said by others that the advantages of the Union, while they are admitted to be of the last importance, are of a purely negative character. This, I apprehend, is little more than clothing a truism in pretending language. The object of society in general is to enjoy the advantages of association and protection; to say, therefore, that we should be worse off without the Union, is but another method of saying that we are better off with it. In Europe, when the enemies of this system (and they are the friends of all others) are driven from position to position in the arguments that frequently occur between them and Americans, concerning the merits and probable duration of our polity, they uniformly raise the objection, "that your government is only a compromise." Every government is a compromise, or something worse. Every community that is not founded on such a principle must sacrifice some of its interests to others; and, in our own case, so far from believing that the mutual concessions that have been made in the compact of the Union are opposed to the true spirit of government, I shall contend that they are proofs that its real objects and just limitations were properly understood. Disputes have certainly occurred, originating in a diversity of employments; but we have not yet reached the period when all the ordinary interests of civilized society are properly balanced. When that period shall arrive, and it cannot be distant, I think it will be found that this diversity of employments is an additional ligament to the Union. But, while no great weight is to be given to a mere diversity of

employments, every attention is due to those feelings that enter into the daily habits and prejudices of men. In this country, facts greatly outrun opinion. This is one of the reasons that we see men looking behind them to Europe for precedents, instead of being willing to conduct their own affairs on their own principles. Had congress the right to control those minute interests of society that touch the rooted practices of different sections of the Union, as they are now controlled by the state legislatures, the revenue of the Union would not be worth a year's purchase; for nothing but force would compel the Virginian and the Vermontese to submit to the same detail of social organization. In such a case we should quickly see the vicious influence of the adverse principles of democracy and aristocracy. Still, the constitution of the United States contemplates the co-existence of these antagonist forces in our system, through the several states, and it fully admits of their representation, for it leaves to each community the power to decide on the character of its constituency. It follows as a corollary from the proposition, that either the framers of the constitution were guilty of the gross neglect of admitting into the government of the Union the seeds of its own destruction, or that they devised means to obviate the natural conflict between principles so irreconcileably hostile. They did the latter, by limiting the powers of the new government to the control of those interests that take the same general aspects under every form of civilized society, let the authority emanate from what sources it may. This provision, then, is our only safeguard, and while it is respected there is little serious ground to apprehend the downfall of the system; but as soon as innovation shall make any serious inroads on these sacred limits, the bond which unites us will be severed. From all this is to be inferred the immense importance of keeping the action of the general government most rigidly within its defined sphere,

to the utter exclusion of all construction but that which is clearly and distinctly to be inferred by honest deductions of powers that are conceded in terms.

To the danger which awaits any departure from a severe interpretation of the constitution, as it is to be apprehended from the possibility, and indeed it might be added the actual existence of different elements in the federal constituency, may be added that which arises from the facility of action through the organized forms of the state governments. The latter, however, when considered as distinct from the difference in these elements themselves, is a danger that arises solely from the inherent vices and weaknesses of man. They may or they may not lead to evil, as circumstances shall direct; but the existence of antagonist principles, or of conflicting elements, in the construction of any government, *must lead to dissension*, unless some unusual preventive is devised. As has been seen, in our own case, the expedient is a limitation of powers.

The second embarrassment dependant on its own details, with which the federal government has to contend, is the possibility of an occasional want of concurrence in views and action between the different branches of the constituted authorities. This evil is peculiar to our own form of polity. It does not exist in England, and is almost the only solid advantage which that country, in a political point of view, possesses over our own.

As I am aware there will be a disposition to cavil at many of these positions, I may be permitted a word in the way of explanation. It has been said that in no other form of government is there the same danger from temporary collisions between the different branches of power, as in our own. To this would probably be objected the examples of England, at certain periods of her history, of France, since the restoration, and of divers of what are called the constitutional states of Germany; such as Bavaria, Saxony,

Wurtemberg, the Hessen and Nassau. As respects the latter, while they are included in the reasons about to be given in relation to the two others, the instances they afford are entitled to no respect, for they are all under the control of an external and a superior force. Austria, Prussia and Russia would interfere to coerce the people,* and the knowledge of this fact only has probably prevented revolution in them all.

England, so far from being an exception to the ground just taken, affords the strongest proof of its justice. The revolution of 1668 was owing to a struggle between the powers of the state. Previously to that period the prerogative was in the ascendant, and since that period it has been constantly on the wane, until it is completely annihilated as to all practical political authority. The laws are still administered in the name of the king it is true, his signature is necessary to certain acts, and he is yet called the head of the church and state; but aristocracy has cast its web about him with so much ingenuity, that the premier conducts his hand, the chancellor wields his conscience, and parliament feeds him, until he is reduced to the condition of a well dressed lay-figure. There undeniably was a contest between parliament and the prerogative during the four reigns that preceded the last, and the result goes to prove the very position I have taken. This contest has wrought the effects of revolution, perverting the government from a monarchy to an oligarchy. The entire authority of the state, even to that of dictating his ministers to the king, is virtually in the hands of parliament. Open, palpable revolution has been carefully avoided, simply because the tendency of such convulsions is to elevate the low and to depress

* France also might now be added to the list of those states that would directly, or indirectly, lend its influence to effect the same object.

the great, and it was the wish of the aristocracy to effect its purpose by indirect means, and by the fictions of legality. The ascendancy of the thousand families who control the British empire has been obtained under the cry of liberty.

As the situation of France has not admitted of as much legal fraud as that of England, her example, since the restoration, is still more plainly in favor of the truth of our position. The contest between the crown and the chambers led Louis XVIII. to alter the charter; and a few years later, when opinion had gathered force, and legislation began to assume most of its ordinary attributes, his successor lost his crown, in making a similar attempt.

Thus far, in quoting the examples of the European states, it has been the intention to show merely the inevitable tendency of struggles between the executive and the legislature, considered in connexion with leading principles, and under the supposition that the constituency and the representation are of the same mind. In the cases of what are called in Europe representative governments, the eventual* danger has been somewhat lessened, and the temporary inconvenience removed, by a very simple expedient. The crown has power to prorogue or dissolve the legislature. The reasons, therefore, why the embarrassment that arises from temporary collisions between the executive and the legislature is greater in America than in England or France, are to be found in the fact that the chambers can be dissolved, and the fact that should the new elections be adverse

* In England the danger has been averted by virtually reducing all the powers of the government to one body. The constituency of England is, as to political effect, the property of the representation. In cases where the landlord does not control, the open vote gives the richest man nearly the certainty of being elected. The exceptions do not affect the rule.

to those who wield the power of the crown, the chambers, in their turn, compel a change of ministers. The alternative, as was the case in France in 1830, is revolution. It is unnecessary to say that the executive of this country has no power to dissolve congress, or congress any power to dissolve a ministry. The inevitable consequences of the continuance of such collisions, viz. revolution, or changes equal in effect to revolution, is obviated only by the frequency of the elections.

We will return to our own polity.

It will be admitted that the government of the United States is one of powers delegated for limited and defined purposes. Its authority is to be found only in the constitution. Precedent, as it is derived from our own practice, is valuable merely as it has been established on sound principles, and as it is derived from the practices of others, is to be received with a cautious examination into its fitness for our peculiar condition.

The highest authority known to the constitution, in its spirit, is the constituency. It sits in judgment over all, and approves or condemns at pleasure. All the branches of the deputed government, executive, legislative and judicial, are equally amenable to its decisions. It has retained the power of even changing the characters of its several servants; of placing the authority of the president in the hands of a committee of congress, or in any other depository it shall select; of dispensing with the judiciary altogether, or of modifying its duties at pleasure; of re-modelling the legislature and of issuing to it new commissions, as it shall see fit. The only restraint it has laid on its own acts, is a provision pointing out the form in which its will is to be expressed, and a solitary condition touching that delicate point of the rights of the several states, which secures to each an equal representation in the senate. When the

constituency and the people are identical, this becomes political liberty.

The highest attributes of the constituency are delegated to the legislature, whose powers are as carefully and as distinctly defined, as the nature of things would well permit. The judiciary and executive are, in a great degree, subordinate to the will of the latter, on which there is no restraint but the provisions of the compact, and from which, when legitimately exercised, there is no appeal but to the constituency. Its members act with no other responsibility than that which they owe to their own body, and to the judgments that may be passed upon their measures by those who issued their commissions. Unlike the executive and the judiciary, they are liable to no impeachment.* When the irresponsible nature of such a power, divided as it is among many, is taken in connexion with its extent, it is very obvious that far more danger is to be apprehended from the legislature, through innovations on the principles of the constitution under the forms of law, than from either of the two other branches of the government. They all exercise delegated powers, it is true, and powers that can be perverted from their legitimate uses; but congress is the least restrained, while it possesses the highest authority. It follows of necessity that it is the branch of this government most likely to abuse its trust.

Obvious as are these facts, what has just been said is not the popular manner of viewing the subject. The English aristocracy has so long been innovating on the pre-

* This is an instance in which imitation has led us astray from the commencement. What sufficient reason can be given why the representative, in a system like ours, should not be tried and punished for an abuse of trust, as well as a judge, or the president? In countries in which the representative is either an advocate or a master, there is good cause for his impunity, but in ours, where he is only a servant, there is none.

rogative of the crown, under the cry of liberty, and the *theory* of the English constitution has so artfully favored such a mystification; that we have caught the feeling of another country, and are apt to consider those to whom we have confided the greatest authority under the least responsibility, the exclusive guardians of our liberties! Such an opinion can only be entertained by a sacrifice of both fact and reason. The constituency is its own protector, or our pretension to real liberty would be idle. The executive is a creature of our own forming, and for our own good, and it is manifestly a weakness to confound him or his authority, with a prince and his prerogative, the latter being based on the divine right.

In a monarchy power is supposed to be the prerogative of the crown, and what is called liberty is no more than concessions obtained from the sovereign in behalf of the subject. Under really free institutions, government itself is no more than a concession of powers for the benefit of protection and association. It is very possible that these mutual concessions should produce an exactly similar set of subordinate ordinances or laws, and yet one government shall enjoy real freedom, and the other possess no more than its shadow. The essence of liberty is in the ultimate power to control, as residing in the body of the nation. Its form is exhibited through the responsibility of the public agents.

The inference that I could wish to draw from this brief statement is the absolute necessity of construing the Constitution of the United States on its own principles; of rigidly respecting the spirit as well as the letter of its provisions; and of never attempting to avert any evil which may arise under the practice of the government, in any other manner than that which is pointed out by the instrument itself. On no other terms can this Union be perpetuated, and on these terms, there is reason to believe that our prospect of

national happiness and power exceeds that of any other people on the globe.

I now propose to mention two or three cases in which the habit of admitting foreign examples into the administration of our own system, has violated the essential principles of the great national compact. I shall commence with the executive, although it might not be difficult to show that the habit of reasoning of American interests on English principles, has led, in some particulars, to the original error of modeling the institutions themselves into forms but indifferently suited to our actual condition. As my space is limited, I shall endeavor to be brief.

The appointing power of the president is contained in Art. II. Sec. 2, of the Constitution, and is expressed in these words:—"And he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, &c. &c." So far as these particular officers are concerned, there is no other constitutional mode of appointing them, unless under the provision of clause 3d, same section, which goes on to say, that "the president shall have power to fill *all vacancies* that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session." This provision was evidently made to prevent the necessity of calling the Senate together uselessly, and, at the same time, to prevent the public service from suffering.

Two practices have prevailed in the government as to the manner of deciding what offices shall be created. In the one case, it is commanded by law that there shall be certain offices, and it becomes the duty of the president and senate to name the persons who are to fill them. In the other, it is left to the discretion of those who hold the appointing power to settle the question, congress retaining the check of refusing the money by which they are

to be paid. In the latter case it is understood that the appointment is legal, although a salary should be refused, provided the nominee will serve for nothing. As respects foreign ministers, their number, rank and destination, have never been determined in any other manner than by the simple exercise of the appointing power.

Mr. W. C. Rives, of Virginia, was regularly and legally appointed a minister to the court of France, in 1829. In 1832, he returned home, and resigned. Soon after, Mr. Leavitt Harris was appointed, *by the President and Senate*, a chargé d'affaires to fill the vacant mission. In the absence of any law to the contrary, this was the only method of determining what the rank of that mission should be. Some months later, and during the recess of the senate, Mr. Harris either resigned or was removed, and Mr. Livingston was appointed an *Envoy Extraordinary and Minister Plenipotentiary* in his place. Whence did the president derive his power for making this appointment? I see no other source than an inference that might be drawn from the appropriations; but can congress, even by a direct law, give a power to the president to name a citizen to an original office during the recess of the senate? It had been determined that the mission to France should be that of a chargé d'affaires, precisely in the same manner that it had been determined that a great many other missions should be lowered in rank; and the president, it appears to me, had just as much legal warranty for removing the chargé d'affaires to Colombia, during the recess of the senate, and for appointing a minister in his place, as he had to name Mr. Livingston to fill the vacancy occasioned by the resignation or removal of Mr. Harris. When a lieutenant of the navy dies, the president surely has no power to appoint a captain to succeed him, even though the appropriations might meet the difference in the respective amounts of pay. The practice is liable to great abuse. Mr. Erving was

nominated as minister to Constantinople, but was rejected by the senate, on the ground that the rank of the mission should be limited to that of a chargé d'affaires. Mr. David Porter was eventually appointed in the latter capacity. Now, if the doctrine prevail that the president has a right to name a minister to succeed a chargé during the recess of the senate, what was there to prevent him from pursuing his original intention, by removing Mr. Porter and putting Mr. Erving in his place with the rank of minister?*

Take a much stronger case.

Consuls can only be appointed *by the President with the consent of the Senate*, unless to fill vacancies in the recess of the latter, and then the appointment can only be made by the president. The language of the Constitution on this point will not admit of misconception. In 1833, Mr. Barnet, then consul at Paris, died. Mr. Niles had been left chargé des affaires of the legation a short time previously. The difference between a chargé d'affaires and a person left chargé des affaires of a legation is very material, or, rather, under our system, *it ought to be* very material. A chargé d'affhires is the lowest officer in the ranks of diplomacy that is ever charged with a mission. He can execute the same political powers as an ambassador or the highest; but a secretary left chargé des affaires is no more than one who remains to keep open the communications between the two countries, and receives his appointment from the minister. It may be questioned whether one can be legally appointed at all under our compact. Mr. Rives himself was no other than an agent of the American states commissioned to execute certain defined functions.

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* It is scarcely necessary to say, that nothing offensive is intended to the gentleman appointed, for whose talents I have the greatest respect; nor is any particular blame attached to the present executive, for the looseness of the practice of the government had crept into a precedent.

When he left the mission with Mr. Niles, the latter became, in one sense, his deputy. The commission which the latter held as secretary of legation, gave him no legal claim to the trust, which Mr. Rives might, had he seen fit, have confided to another. On the death of Mr. Barnet, Mr. Niles, in virtue of powers contained in the regular instructions, (as I understand,) appointed a consul to succeed him. Here, then, we have an office, which the constitution expressly says shall be filled only by the president and senate, except in the case of a single contingency, and in the event of that contingency by the president alone, filled by a substitute's substitute!

I understand that the commanders of the Mediterranean squadrons are instructed to appoint consuls, and that they have often done so. In one instance, there is good reason to think that the functions of a consul were for a long time executed by a woman, who had no other commission than her dying husband's request.

The foreign agents of the government are in the habit of naming attachés to the different legations, and the consuls frequently commission what are called vice-consuls.

An attaché is either an officer or he is not. If an officer, he is appointed directly in the face of the constitution; if not, his appointment is an imposition on foreign countries, who believe him to be one, and treat him accordingly. Great injustice is done to the example of our institutions, by the practice of naming attachés. Many intelligent men and sound Americans have unquestionably obtained the appointments; but, in too many instances, vain and ignorant young persons seek the distinction, get into a society that turns their heads, and begin to deride the republican institutions which they are thought to represent. To such a pass did this abuse extend, that serious thoughts were entertained by some of our countrymen, who were in Europe a year or two since, to address a memorial to congress on the subject.

Even the president, as the law stands, has no power to appoint a vice-consul, and yet there are some scores of these functionaries in existence! No civil officer of this government can be appointed legally, except in one of two manners, viz. either by the president and senate, as pointed out in the constitution, or by the president himself, the head of a department, or a court of law, in virtue of an act of congress. I found that the consular instructions *supposed* a power in the consul to appoint his agents, who, in many cases, perform all his duties. I did as others had done before me, and named an agent; but seeing the error, as has been said in an earlier part of this letter, the office was resigned. I mention the circumstance merely to show that what is here advanced is advanced on principle, and with no view to criminate any particular man, or any set of men.

All these abuses, and a great many more of a similar character that might be named, arise from the habit of seeking authorities for our practice among other nations, instead of taking those which form the compact between the states. The king of England, or those who wield the prerogative in his name, are the fountains of honor, and they make such appointments as they please, and in any mode or form they shall see fit, and any objection raised to the course taken by our government is usually met by some precedent derived from the usages of England. He who points to the constitution is answered by a saying of Mr. Burke, or a decision of my Lord Mansfield! These cases have been mentioned because they have occurred openly, and even party spirit has so far acquiesced in the authority of European precedent, that it has never assailed those who have been the agents of permitting their existence.

Let us see if congress itself is exempt from the sinister influence of foreign example.

The late events connected with the removal of the de-

posits are known to every one. The president directs the secretary of the treasury to remove the public moneys from the Bank of the United States, and on receiving a refusal, he removes the incumbent, and fills the place with an officer disposed to comply. This officer, agreeably to a provision of the law which gave him authority to perform the act, makes a report of his reasons to congress. The senate of the United States, after a long debate on the subject matter of the report, passes a separate resolution declaring, in substance, that the interference of the president in this affair was unconstitutional. To this vote the president asks leave to enter a solemn protest, principally on the ground that it is, in effect, a judgment pronounced without the forms of law.

With the legality of the course pursued by the president, or with the justness of the exceptions he has taken to the vote of the senate, so far as they relate to its judicial effect, the objects of this letter have no connection. But as every citizen who expresses his opinions with due moderation, and with a suitable deference to the sentiments of others, has a right to lay his objections to the acts of any or every department of the government before the public, I shall attempt to show, that, by the letter of the constitution, by a fair construction of its spirit, and from all just reasoning through inferences to be drawn from the good and evil of the step it has taken, the senate of the United States had no authority whatever to pass any separate resolution at all on the subject, whether in favor of, or against the conduct of the executive; and that all the authority which can or has been quoted to the contrary, is derived from a state of things so essentially different from our own, as to be valueless, or worse than none. The reader will at once perceive that if this position can be made good, it will be in perfect conformity with the general drift of this letter.

In analysing the authority of congress, we are to look

nowhere but to the constitution. Burke and De Lolme and Hallam were all able writers; Pitt, Fox, any many others, have been eloquent speakers, but neither of them had any concern with the compact that binds these states together. It is purely a bargain of our own making, and it should be a bargain of our own construing. So far as precedent is connected with mere parliamentary usage, in reference to forms only, and to principles as they relate to forms, the authority of the statesmen named may be entitled, with many exceptions, to their weight; but when there is question of the great principles of our government, or of its peculiar action, authorities from such a source are to be received like advice from an enemy. The liberty of which they speak is not our liberty. It means no more than power wrested from the repository which has held it for ages by the accidents and usages of monarchy and feodality, and is meant to descend no lower than a particular caste. The liberty with which we are concerned is regularly based on the foundations of the people, and is intended for their benefit.

The senate of the United States has passed a separate resolution pronouncing the conduct of the president to be unconstitutional in reference to a certain exercise of authority. On the mere merits of this step the public mind is divided, although very few indeed question its right to take a separate resolution, except as it is prejudging a case on which its members may be called to decide as triers under an impeachment. So rooted is the feeling that the legislature is the guardian of our liberties, that most men do not see that, under a system like our own, every particle of power it exercises is abstracted from the constituent! The concessions that have been made to congress may all have been made in the interest of order and good government; but, so far as a blind jealousy is in any manner to be justified, it is no more than common sense to take care that it

shall be felt on our own side of the question. Let us now look for the authority under which the senate has acted.

The *manner* in which the constitution has delegated power to congress is of some moment in such an investigation. That instrument commences with saying, that all legislative authority shall reside in the *two* houses of congress. It then speaks of the organization and of the elements of the respective bodies, and of the forms of elections. An entire section is next devoted to the *separate* powers of each house. If any *direct* authority for the vote of the senate is contained in the constitution, it is naturally to be looked for in this section.* The only clause that contains any thing, which the most fertile imagination has attempted to torture into authority to take a vote of censure on the acts of the president, is the second. By the second clause "each house may determine the rules of its proceedings, &c." But to determine the *manner* of performing functions so obviously does not infer a right to create them, that this opinion is entitled to no respect.

In those sections which treat of the organization of the respective houses, there are clauses giving to each body the power to choose its own officers, with an exception in the case of the senate, and which give to the house of representatives the sole power of impeachment, and to the senate the right to sit in judgment. The constitution, in speaking of the manner of electing the president, refers the choice to the house of representatives in a certain contingency, and it gives to the senate the power to count the votes that come from the electoral colleges. These several clauses embrace all the powers directly granted to each house to act separately, that is contained in the instrument from which all the power they have to act at all is derived. It

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* See Note D, end of pamphlet.

is a just inference from the minute specification of the powers which are expressly granted, many of which are of a kind that were indispensably requisite for the action of the respective houses, and might safely have been left to construction, if it had been intended to leave any *principle* whatever to construction, that no other authority was in any case to be exercised by either house of congress *separately*. Even the power to keep a separate record of its own proceedings is granted to each house in terms, a right that might fairly enough be supposed to be incidental to that of proceeding at all. It must be conceded, then, that the constitution has granted no *direct* authority to the senate to pass a simple vote of censure on the acts of the president, or on those of the meanest citizen of the land. Unless it can be found in a just and fair construction, therefore, of some power that has been *directly* granted, we shall be driven to our old enemy imitation, and imitation of a system so opposed to our own as to render it doubly hazardous.

Construction is a fruitful source of power. The constitution has provided, however, an important check against its abuse, by declaring that all powers which are not delegated to the United States, nor prohibited to the states, "are reserved to the states respectively, *or to the people*." By the people is meant, as a matter of course, the constituency. Common prudence would seem to say, that construction, under a compact like our own, should be jealously limited to clear inferences from the powers that are granted in terms. In this view of the case, the act of the senate can be sustained by no sufficient authority, since there is no authority expressly granted to that body to act separately that can, in any manner, be tortured into such an inference. This difficulty has been foreseen, and they who sustain the conduct of the senate, depend on precedent and general principles, or maintain that its act was merely preparatory to ordinary legislation.

There can be no doubt that congress (not the senate alone) had a right to act on the report of the secretary of the treasury in relation to the removal of the deposites. It had full power to order them to be restored to the Bank of the United States. This could be done, it is to be presumed, under the spirit of the charter, by a simple resolution or order. But the constitution commands that "every order, resolution or vote," which requires the concurrence of the two houses, that of adjournment alone excepted, shall be sent to the president for his approval, as in the case of a bill, and in the event of his disapproving, that it shall be carried by a two-thirds vote in each house, before it take effect. No one can believe that the president would approve of a resolution to restore the deposites, or of a vote of censure on himself. It is matter of notoriety, that the house of representatives is of the same way of thinking. An attempt at legislation, therefore, would have failed. This is probably the reason that there has been no attempt at legislation.* The vote of the senate is a simple, unqualified vote of censure, as to its effect, and in its form it is the mere expression of an opinion of that body. To say that it has any connexion with ordinary legislation is to insult the meanest intellect. We are consequently driven to general principles, or to precedent for the authority we are seeking.

Precedent derived from our own practices may be adduced in extenuation of even an erroneous procedure, beyond a question; but, unless the procedure itself can be justified on principles that arise from our own state of things, so far as the argument of this letter is concerned,

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* Notice of an attempt at legislation on this subject has just been given by the very senator who introduced the vote of censure, a circumstance that of itself shows he did not keep legislation in view in the original step.

the more the practice has prevailed, the greater is the evil which it is its object to expose.

It is claimed as a parliamentary usage, from time immemorial, for legislative bodies to express their opinions on public measures in this mode. The justification of the senate is rested on this circumstance more than on any other, and certainly it is the best attempt at justification that has been made. Let us examine its validity.

The practices of the colonial legislatures must be identified with those of parliament, for the struggle, or the pretence of a struggle, between the prerogative of the crown and the franchises of the people was common to all, inducing the same modes of attack and defence. The practices of the state legislatures, if opposed to the principles of their respective governments, or not warranted by direct concessions from the people, are liable to the same objection as the act of the senate, and only go to prove the extent of the evil, like precedents derived from congress.

Were the argument to rest here, I should be prepared to say for one, that the senate, having no sufficient power delegated by the constitution, overstepped its authority in passing any resolution on the subject at all, as unconnected with legislation, and in the absence of the forms of impeachment, let precedent decide as it might. I do not believe that congress itself, far less one of its bodies separately, can find authority in the constitution for passing a resolution of this nature, with no other view than a mere expression of its opinion; and I cannot but think, that the constitution of the United States ought to prevail against precedent, let it come from what source it may. But it is my intention to give the argument all the benefit it can receive from the practices of parliament, reserving the right to make use of principles to defeat their effect, for such an illustration is the precise point to which I most desire to bring the reader.

It will be conceded that some legitimate good must be the object of every general construction of power in a state, or the measure becomes an act of tyranny as well as of usurpation.

The two houses of parliament do pass resolutions, both separate and concurrent, censuring the conduct of those who are termed "his majesty's ministers," but who are, in truth, the ministers of parliament. They censure those who are responsible to themselves, who are appointed at their pleasure, and who retire before their frown. An honorable member of the senate has lately said that he was not *his* senator, in allusion to the executive, and it was well said. He might have gone farther, and have added, nor am I *my own* senator. He is *our* senator, and the president is *our* president, and we commissioned both to discharge certain important public trusts, under very positive limitations of authority.

There is a *motive* for the censure of parliament. It is a test of parties, and the precursor of a change. Either parliament or ministers must yield. There is, in fact, no popular constituency in the question. The peers represent themselves, and the commons represent the money of the rich, that of the peers included. So closely was the price of a seat in the lower house calculated, before the late reform, that it was generally estimated it cost £1000 a year, taking into the account the chances of a dissolution. A vote of censure on the king cannot be passed, for parliament still respects the fictions of the constitution, and it would be useless; but votes of censure on the ministers are common: they are the usual method of ascertaining the strength of parties, and the ordinary mode of producing a change of measures, or, at least, of men.

What has all this in common with the principles or the ordinances of the American constitution? The censures of congress cannot drive a president from his chair, or even

a secretary from his cabinet. They both virtually hold their places by the same tenure as that of congress itself. They are equally the servants of the people, who have reserved to themselves the right to judge of their conduct. But while the vote of the senate can do no good, it may and has done much harm. It has brought into action the second great embarrassment peculiar to the details of this form of government, that of creating dissension between its different branches, by which the interests not of "his majesty," but of the people, suffer. The supplies of this very year have been so long delayed, in consequence of the determination of the opposition to embarrass the executive, according to the English mode, that individuals have been compelled to pay heavy penalties for the benefit of the imitation. Government cannot be sued,* and contractors must await its justice. It is not agreeable, however, to pay three per cent. a month for money that would be forthcoming if Burke and Chatham, and the Parliamentary History of England, were less in the hands of some of our legislators, and the constitution more.

The cry of withholding the supplies has reached the press, and, in some cases, the people. If these supplies are not just in themselves, if they are extravagant in amount, or prodigal in expenditure, they should never have been granted at all; but for a legislator to manifest that he is opposed to granting them merely with a view to embarrass an administration, is a direct insult on the intelligence of the constituency. It is not withholding *its* supplies, but it is withholding *our* supplies. Parliament, by adopting a system

* This is another instance of error, arising from imitation at the commencement. In countries in which the rights of the subject are no more than concessions from power, we can understand why a government should not be sued; but under our polity, reason and justice would both say that every facility should be given to the weak to enforce their claims against the strong.

of withholding the supplies, has annihilated the prerogative, except as it is wielded for its own purposes. The president will still be president, though congress refuse to vote a dollar, and the faith of this nation will be violated if his salary be not punctually paid. If he commit grave faults pending the legal term of service, impeachment and punishment are the remedies, and every four years the people sit in judgment on the merits of his acts. This measure of withholding the supplies is peculiarly English; it is the means by which parliament has destroyed whatever of balance the government ever had, and is the simplest, the most obvious, and the most dangerous of all the modes of legislative usurpation. It is time to begin to consider our legislators in their true character; not as sentinels to watch the executive merely, but as those of the public servants the most likely to exceed their delegated authority.

I am quite prepared for the feeling to which these remarks will be likely to give birth. It is one of the prominent evils of this system of imitation, that the minds of the constituency themselves get to be poisoned. A false direction is given to the public watchfulness. Already we have the president, an officer created for our special benefit, compared to the king of England. It may be useful here to institute a short comparison between the authorities of these two functionaries. The king, it is true, now merely *represents* the prerogative, the latter being wielded at the will of parliament, but we will consider him as he exists in theory, and as other kings yet exist in fact.

The right of the king to his crown is derived from descent, and is inalienable. He can declare war and make peace. He is the head of the church, the fountain of honor, and can do no wrong. Here is certainly no resemblance to a president. Both command the armies, but on very different conditions. The president is merely a generalissimo, Congress being an aulic council to direct him as it

shall please, and he must do very much as it shall direct; being, in his military capacity, virtually as much under the law as the lowest corporal in the ranks. Parliamentary usurpation may have reduced the king of England as low, it is true, compelling him as civil king to bind himself as military king; but it is not so in France, and other countries where the prerogatives are still exercised by the sovereigns. The king of France can raise as many men by enlistment as he shall see fit, provided he can find means to pay them. The army is his army. In such a state of things, there may be a good reason for withholding the supplies. As keepers of the public moneys, the trusts and duties of both king and president are the same. It is no more than to name competent agents, and so far from being a benefit, in both cases, it is an onerous charge; such a charge as men in commercial life ordinarily ask two and a half per cent. on the amounts received and paid for assuming, and this, too, with the additional advantage of mingling them, for the time being, with their private resources. The king can do no wrong; the president is responsible for his acts, both by the ordinary law and under an impeachment. It follows that there is no great analogy between a president and a king.

To return to the act of the senate. We have already considered it in relation to its authority, and we will now look for its real character. It is not legislative beyond a doubt. It is neither more nor less than a solemn expression of an opinion by that honorable body, in its collected capacity. As, in the absence of direct authority, it is required to justify the act on principles applicable to our especial condition, we must look to all its probable results in estimating its propriety.

An expression of an opinion that has so clear a tendency to embarrass the action of a government especially created

for the sole benefit of the constituency, should have some high countervailing advantage. It cannot have been uttered to the world for the information of the senators themselves, or in order that they may know their own minds. It was not expected, at least not plausibly expected, that it would cause the president to retrace his steps; to reappoint Mr. Duane and to restore the deposites. If such was the intention, the failure might have been foreseen. From this quarter it has produced a protest, and feelings between the president and senate of which much evil and no good to the public service are to be the consequences. But, I shall be informed, it is telling the nation what the senate thinks of the conduct of its executive. This is very true, and in reply, as was very reasonably to be anticipated, the president, in his turn, has told the nation what he thinks of the conduct of the senate. It remains for the nation now to say what it thinks of the conduct of both. If the senate has passed this resolution for the benefit of the nation, (and all its formal acts have a false direction that have not this tendency,) it remains to be seen in what manner. We have not been told a fact, but the senate's *opinion* of a fact. The fact was as well known to us all, as to the senate itself. Why has the senate given us its opinion in this matter? In order to extract ours in reply? At the proper time our opinion would have been made known, without this interference of the senate. But, it will be said, the senate is a learned and an intellectual body, and its opinion will have weight with the constituency, and influence the public mind. There has been a great deal said, and said cleverly too, on the subject of the right of the constituent to instruct his representative, but this doctrine savors strongly of a right in the representative to instruct his constituent! The senate was never commissioned to act in this manner on the public will, and the practice is liable to the grossest abuses. If the president can be censured, candidates for the presidency

can be censured too. Means will never be wanting, and the two houses of congress will degenerate into mere electioneering caucuses.

But is not this a free country, freer than England;—is not congress our representation, and shall not congress do that which parliament does daily? God forbid that congress should ever have power to do that which parliament does daily; and, on the other hand, God forbid that the president should not do daily that which the king of England (of his own will) cannot do at all! Parliament has seized upon the executive powers, and rendered the king a cypher; it wields the prerogative in his name; it has pulled down and set up dynasties; it is both law and constitution; it has established a religion and is about to destroy one; it has rendered the judges dependant on its pleasure; and, quite lately, it has even changed its own elements! Parliament is absolute. Who is there bold enough in this nation to say that he wishes congress to possess the powers of parliament? Congress is composed of what the lawyers call "attorneys in fact," and when we see it overstepping in the least its delegated functions, our feelings should be like those of one who has authorized another to sell, in his name, a single acre of his land, and who learns that his agent has so interpreted his authority, that he is about to dispose of the whole estate.

If the president could do no more than the king of England can do in fact, (putting fictions out of the question,) we should be incurring the evils of periodical elections, and paying $25,000 a year to one of our own citizens to live in the White House and do nothing.

If the vote of the senate is not authorized by any direct power delegated by the constituency in the great national compact; if it cannot be justified by fair deductions from any power that is so delegated; and if a just consideration of the uses and origin of similar authority, as it is exercised

in other countries, shows that its exercise here, on the same principles, is opposed to the spirit of our own institutions, where are we to look for the vindication of the step of that body? It can be found only in precedents derived from our own practice, and precedents of evil derived from our own practice and founded on the usages of the English parliament, only make the case it is my wish to present so much the stronger.

The evil is not limited to the vote of the senate. The house of representatives, as anxious to support as the senate is to condemn the course of the executive, has sent a committee to investigate the affairs of the bank, and, the directors of the institution refusing to acquiesce in the measure, a resolution is introduced to arrest the whole body for contempt. Whence is the power derived by which congress itself can take such a step? Why parliament does it! But it has been seen that parliament does a great deal that it would be considered tyranny and usurpation for congress to attempt. The constitution gives no power to congress to arrest any one for contempt. Each house is master of its own hall, and there its police power ends. But the constitution gives congress power to pass all laws necessary to carry the defined powers into effect, and this measure is required to extort information that is important to the public good. The constitution *has* given this authority to congress, and it will be time enough for any branch of the government to use it, when congress, by law, has vested it with the necessary authority.

It would be more respectable, and far safer, were we to make an effort to conduct our own affairs on our own principles. If this Union shall ever be destroyed by any error or faults of an internal origin, it will not be by executive, but by legislative usurpation. The former is easily enough restrained, while the latter, cloaked under the appearance of legality and representation, is but too apt to

carry the public sentiment with it. England has changed its form of government, from that of a monarchy to that of an exceedingly oppressive aristocracy, precisely in this manner.

The habit of listening to another people, and of imbibing their prejudices and peculiar ways of thinking, does not limit its injury to the representation of the country. The constituency itself becomes tainted by the communion, and ceases to judge of its own interests on its own principles. This is the penalty we pay for being the younger and the less important nation. The question that has just been considered furnishes proof of what is said.

The contest between the executive and the senate has very naturally aroused the friends of the respective parties, and strange political heresies are rife among us. My limits will admit of but one or two brief examples.

In his protest, the president lays down the doctrine that the keeping of the public moneys must be confided to those whose tenure of office is left to his official discretion, and whose manner of discharging their trusts must of necessity be submitted to his supervision and approval. Now against this plain, constitutional position, there is raised a cry from one extremity of the Union to the other, which, to say the least, is not of the most prudent and reflecting character. It is highly probable that some precedent may be found in the speeches of Lord Chatham or Mr. Burke, in which the danger of executive usurpation in some way connected with the public money is pointed out, and which, *if admitted as authority*, will make Gen. Jackson appear in but very indifferent colors in the eyes of his fellow citizens. But Gen. Jackson, although he can do what the king of England cannot do, is not the king of England after all. He is our fellow citizen, named to a high trust for a definite period, and with a defined authority. Common sense and common honesty would tell us, therefore,

the expediency of looking into the conditions of the bargain under which he has accepted service, before we open the vials of our wrath upon his head. What says the constitution which we have compelled him to swear he will defend? It says, in so many words, that he shall have the power of appointing all the officers of the government (with the consent and advice of the senate) with the exception of those whose appointment is provided for by the constitution itself, and of certain *inferior officers*, whose appointment congress can, by law, place in the gift of either the president alone, of the heads of departments, or of the courts of law. It will be well for us to remember that "power," as it is used in the American constitution, is but another word for *duty*. As the constitution is silent on the subject of the appointment of a treasurer of the United States, and the office is certainly a very important office, and not an inferior one, it follows as a matter of course that the keeping of the money cannot be placed beyond the supervision and authority of the executive. Congress can say that the money shall be kept where or in whatever manner it shall please; it can put the trust in the hands of commissioners, and as many as it shall see fit to order; but it cannot say who those commissioners shall be, for the simple reason that the constitution is silent as to the existence of any such power in congress, and has spoken as plainly as words can speak, to say that another shall possess it. English reasoning has so far prevailed, however, that we have been plainly told congress can raise a committee of its own body to keep the money, or it can put it in the custody of the vice-president and of the judges, who are independent of the president, and thus rescue us from tyranny. As for the judges, they have already spoken their minds on this subject, and have told congress, in the matter of the pensions, that they shall assume no duties that the constitution has not authorized. The vice-president may cer-

tainly be named as a commissioner for keeping the public money, by the president and senate, holding the appointment at the pleasure of the former, but it is far beyond the power of congress to give him a character *as vice-president*, that is not bestowed already by the constitution.* It would be just as lawful for the executive to pretend to give new powers to congress itself. The powers or duties of the several branches of government can only be varied by the highest legislation of the land—that of the constituency, convened in the representation prescribed by the national compact. Congress having no power to hold the money itself, can grant none to a committee of its own body. It is exclusively a legislative corps, (as congress,) and it can exercise even that authority only, subject to the limitations mentioned in the constitution.

Many who read this letter will feel disposed to exclaim against a state of things which places so much power in the hands of one man. I see far less apprehension of executive than of legislative usurpation in this country. Still, I am willing to admit that the president has too much authority for our form of government. This is precisely one of the points in which imitation led the framers of the constitution astray. It would be better, for instance, if congress had power to appoint a treasurer, as is practised in most of the state governments. But should congress attempt to remedy the evil by simple parliamentary action, it will, as I humbly object, be carrying imitation to a still more dangerous extreme. Before we are Burked out of our constitutional existence, let us at least make an attempt to try some of the expedients of our own system.

I have reserved the gravest instances of dependance on foreign opinion to the last.

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* The writer is here answering an argument used by one of his personal friends at a public meeting, and which has been sent to him in one of the newspapers of the day.

Combinations exist to coerce the citizen.* The laborer is menaced; he is discharged if he will not vote in conformity with the will of his employer. This is striking at the root of the social compact—at the rights of the constituency itself. It is an accursed principle imported from that land which, while I fully admit its greatness and its importance even to ourselves in many particulars, moral as well as physical, has probably sent us quite as much evil as good.

The pretence that the employer has a right to coerce the vote of the employed, is neither more nor less than maintaining the doctrine of the *representation* of property in its worst, because in its most oppressive and fraudulent, form. We have solemnly decreed that property *shall not be represented;* even those states that still exact a money *qualification* in the voters, limit the demand to that of a *qualification* only; we have protected the elector by the ballot, and various other legal safeguards, and yet, so pernicious is the influence of that country from which we so largely imbibe our opinions, that the heresy is openly maintained by perhaps a majority of those who are most in the habit of looking abroad for rules of thought.

The power to use another's vote is thoroughly English. Parliament itself is no other than a collection of the rich (or of their nominees) who command the electors themselves to give them authority. The system is a pure mistification, and the day when it really gets root in this country may be looked upon as the commencement of a rule that is to subvert the institutions, and to place us where England is placed to-day, in the hands of the selfish, the mercenary and the purchased, without any other relief from their

* There will probably be a disposition to deny the fact. The writer only asserts what he has heard openly defended, and that which, it is in evidence, has been practised.

usurpations than such as is to be obtained from the throes of the oppressed. We may get reform as England has got reform, by tumults, and conflagrations, and threats of revolution; but we shall no longer obtain redress by the quiet, safe, and humane expedient of the ballot boxes.

Another baneful effect of this foreign domination is the fact, that our best and least rewarded servants are rendered subject to an influence that is hostile to our rights, our national character, and our nearest interests. All who can recall the events of the last war, must remember with what a niggardly spirit applause was meted out to those who shed their blood in the nation's defence, by the *doctrinaires* created by this habit of deferring to strangers. One legislature solemnly voted that our soldiers and seamen were no better than so many mercenaries, fighting against God and his truth! This was not merely party spirit; party spirit exists in England and in France to an extent quite equaling any thing of the same nature that ever existed here, but the English and the French never refuse to honor their defenders. In this country, without pensions, orders, titles, or even military rank, we strip patriotism to the skin, leaving it little more than opinion for its reward, and, by the propensity of which there is complaint, we rob it, in part, of even this insufficient recompense.

What can be more grievous than the case of a citizen who ventures upon the high seas, under the protection of his country's flag, and who is violently dragged, with insults and not unfrequently with robbery, into the service of another people, where he is made to risk both life and morals, to uphold a state of things that, rightly considered, is perhaps more antagonist to the system under which he was born than any other that can be named? Such was impressment. We all know its practice; and yet, to such an extent did mental dependance carry subserviency among us, that, I am not sure I might not say, a majority of our theo-

rists as stoutly maintained the right of England to enter our ships, exacting from us the proofs of citizenship, and of exercising a power so insulting and so injurious, as if they were contending for the privileges of their liege lord. I know not what Mr. Burke might have said on this subject, but I happen to know the opinion of that upright, practical and gallant old seaman, Lord Collingwood, and it was simply that, were the case reversed, England herself would not submit to such a practice for an hour. If England wishes the services of her seamen, the simplest rules of justice prescribe that she should find means to keep them at home, and that she is not to enforce her own municipal regulations by invading the sovereignty of foreign nations. What renders the practice still more insulting, is the fact that, at the very time she practised this wrong on others, she drew into her own marines, both military and commercial, all the foreigners she could entice, in addition to those who were compelled to serve her.

Do not deceive yourselves with the belief that these things are not seen and understood by others. There exists in this country an unaccountable delusion on the subject of the manner in which the American name and character are viewed in foreign countries. Diplomatic courtesy, the exaggerated expressions of European intercourse, and the deceptions of the designing, appear to have aided vanity in throwing a film before the eyes of too many of us, on this point. He who could wish the estimation of his countrymen to be lower than it actually is, must have a zest for humility that will one day procure canonization. Heaven knows how willingly I would tell you the contrary, if, in honesty, I could; but, in order to tell you the truth, I am compelled to say that I believe there is not another nation of christendom whose people enjoy less positive favor than our own. We are not so generally hated as the English, it is true; but I am far from being sure that the alternative

is any better. I feel certain that one of the chief causes of this state of feeling, springs from the fact that we are so often untrue to ourselves. The impression that our infidelity makes on foreigners is painfully humiliating. I will close this disagreeable portion of my letter with one instance, taken from a hundred within my own experience, to show the truth of what is here said.

In 1828 accident threw me into the society of the present chancellor of England, then Mr. Brougham, and I was honored with an introduction. The interview took place in passing rapidly from one room to another. The usual terms of courtesy occupied us until we reached the place to which we were going, an interval of perhaps a minute, when this distinguished man turned short upon me, and abruptly inquired—"What is the reason that so many of your countrymen desert the distinctive opinions of their country on coming to Europe?" My answer was that "I hoped the fact was not so." "*My experience would say it is.*". "To what class of men do you allude?" "To your foreign ministers in particular." "Something will depend on the character of the man; will you name one?" He did, adding, however, that he meant the remark as general. I could only say that I supposed these gentlemen were willing to carry prudence to an excess, and that they aimed at making themselves agreeable. "I understand you—you think they affected what they did not feel, for the sake of quiet." But he looked as if he knew better, and I much fear that I looked as if I knew better too. It is some consolation to know that Mr. Brougham did not live in the intimacy of the Franklins, and Jays and Jeffersons of our diplomacy.

One of the most melancholy consequences of this habit of deferring to other nations, and to other systems, is the fact that it causes us to undervalue the high blessings we so peculiarly enjoy; to render us ungrateful towards God,

and to make us unjust to our fellow men, by throwing obstacles in their progress towards liberty.

There is an impatience of existing practical evils that causes many of the best-disposed men of this nation to overlook the real merits of the great question that is now agitating christendom. No one will deny that we have our own particular causes of complaint, and that a very great proportion of them are the offspring of democracy. Were it not for this we should be perfect. All the evil that is dependent on polity, and which is peculiarly our own, has this origin. It can have no other, for there is no monarch, nor aristocracy (practically and politically considered) to produce a different. But let him who has known both England and America intimately compare the disadvantages of the systems, and, if an honest and a sensible man, he will tell you to be content with your lot. Artful, intriguing demagogues get uppermost among us too often, beyond a doubt; but where do they not? The difference between a demagogue and a courtier is not worth disputing about. We have the certainty of knowing that when such men do arrive at power, they are reduced to something very near the *minimum* of harm; whereas, in other countries, the abuse is pretty sure to be at the expense of a very great majority.

The liberals of Europe (the term *whig* is going fast out of fashion in England, where it means no more than a modified aristocrat, or a liberal of the last century,) complain that Americans do them as much harm with their tongues, as the institutions of the country do good by their example.

The disposition to respect the sayings and opinions of England, leads us to credit, with a dangerous facility, the audacious charges that the agents of her hostile institutions bring against our own. We appear, in the eyes of others, like a people who do not more than half believe in the evi-

dence of our own facts, and who are not sincere in our own professions. This is one of the reasons that Europe fancies we are living under a violent and rude democracy, which compels the wise and good to submit to its dictation, under the penalty of losing life and property. It is a common impression in Europe that this country is rent by civil wars and violence.

In the finance controversy the truth was entirely on our side, as subsequent investigation has triumphantly established. The French government, or, to speak more properly, its writers announced their intention to send to this country for documents to prove us in the wrong, and it is understood at Paris that they have abandoned the design, under a conviction that the facts are against them. And yet, what portion of our *doctrinaires* espoused our cause, which was in effect the cause of freedom? At Paris, I believe much the larger portion of our countrymen were against us. Mr. Rives,* the minister, was openly cited by the French premier, in the chamber of deputies, as being of that opinion; the secretary of legation, I have it in proof, was also against us; and it has been seen that Mr. Harris, the gentleman who was afterwards named to be chargé d'affaires, actually wrote a letter against us, which the *juste millieu* caused to be printed in an extra number of the Revue Britannique. These gentlemen had a perfect right to their convictions, certainly, but if their course was in any manner influenced by a wish to propitiate the French government, the public will judge between me and them. If they had political effect in view, the high and honorable condition of our relations

* It is due to this gentleman to say, that he affirms M. Perier quoted him wrongfully; but he was quoted, and his opinion was triumphantly cited against us in all the ministerial journals, and, to the best of my knowledge, the statement is uncontradicted to this hour.

with France, just at this moment, must be exceedingly flattering to their diplomatic sagacity.

The Prefect of the Loiret, our principal antagonist, frequently referred to certain honorable Americans, (*plusieurs honorables Americains*) who, he asserts, were too liberal to confound their duty to the truth with their duty to their country, and who were much too wise to believe that national honor and national expenditure were the same thing. These writers, agreeably to his account of the matter, carried their liberality so far as to furnish him with various documents to enable him to prove that we were very wrong. M. Saulnier had the indiscretion to publish one of these documents, and I believe it was proved, to the satisfaction of every man who took the trouble to read the controversy, that this precious evidence was extracted from a very worthless statistical table that is to be found in the travels of Captain Basil Hall!

So far as I have been able to ascertain the fact, the opinion at home, among the *doctrinaires*, was also very generally against us in the finance question, much the greater part of these persons having jumped to their conclusions without even knowing the real points that were mooted. There must be something very unsound in the state of public opinion, when so many of what are called the *elite* of a country, go off at half-cock against the effects of its own institutions.

I turn from interests like these to myself again with humility and regret. But the purpose of this letter would not be accomplished were I to bring it too abruptly to a close. Still I cannot force myself to the completion of its original design. I did intend, my countrymen, to expose to you the exultation and interested satisfaction with which other nations view this dependance on themselves; the derision mingled with art, with which they play upon the weakness, and the deep design of destroying your

growing power and prosperity that lies at the bottom of all. This is a duty that will probably fall to some pen better qualified for its performance. But I cannot take my leave of you, without so far trespassing on your good nature as to venture a kind word at parting.

I came before you, as a writer, when the habit of looking to others for mental aliment most disqualified the public to receive a native author with favor. It has been said lately that I owe the little success I met with at home, to foreign approbation. This assertion is unjust to you. Accident first made me a writer, and the same accident gave a direction to the subject of my pen. Ashamed to have fallen into the track of imitation, I endeavored to repair the wrong done to my own views, by producing a work that should be purely American, and of which love of country should be the theme. This work most of you received with a generous welcome that might have satisfied any one that the heart of this great community is sound. It was only at a later day, when I was willing more obviously to substitute American *principles* for American *things*, that I was first made to feel how far opinion, according to my poor judgment, still lags in the rear of facts. The American who wishes to illustrate and enforce the peculiar principles of his own country, by the agency of polite literature, will, for a long time to come, I fear, find that *his* constituency, as to all purposes of distinctive thought, is still too much under the influence of foreign theories, to receive him with favor. It is under this conviction that I lay aside the pen. I am told that this step will be attributed to the language of the journals, and some of my friends are disposed to flatter me with the belief that the journals misrepresent the public sentiment. On this head, I can only say that, like others similarly situated, I must submit to any false inferences of this nature to which accident shall give birth. I am quite unconscious of giving any un

due weight to the crudities of the daily press, and as to the press of this country in particular, a good portion of the hostility it has manifested to myself, is so plainly stamped with its origin, that it never gave me any other uneasiness, than that which belongs to the certainty that it must be backed by a strong public opinion, or men of this description would never have presumed to utter what they have. The information on which I act is derived from sources entitled to more respect than the declamations of the press.

I confess I have come to this decision with reluctance, for I had hoped to be useful in my generation, and to have yet done something which might have identified my name with those who are to come after me. But it has been ordered differently. I have never been very sanguine as to the immortality of what I have written, a very short period having always sufficed for my ambition; but I am not ashamed to avow, that I have felt a severe mortification that I am to break down on the question of distinctive American thought. Were it a matter of more than feeling, I trust I should be among the last to desert my post. But the democracy of this country is in every sense strong enough to protect itself. Here, the democrat is the conservative, and, thank God, he has something worth preserving. I believe he knows it, and that he will prove true to himself. I confess I have no great fears of our modern aristocracy, which is wanting in more of chivalry than the *accolade*.

Had I not been dragged before you rudely, through the persevering hostility of one or two of the journals, this duty to myself would have been silently performed. With the exception of the extract of the letter published by Mr. Morse, this is the only instance, during the many years that we have stood to each other in the relations of author and reader, in which I have ever had occasion to trouble you, either directly or indirectly, with any thing personal to

myself, and I trust to your kindness to excuse the step I have now taken. What has here been said, has been said frankly, and I hope with a suitable simplicity. So far as you have been indulgent to me, and no one feels its extent more than myself, I thank you with deep sincerity; so far as I stand opposed to that class among you which forms the public of a writer, on points that, however much in error, I honestly believe to be of vital importance to the well being and dignity of the human race, I can only lament that we are separated by so wide a barrier as to render further communion, under our old relations, mutually unsatisfactory.

J. FENIMORE-COOPER.

POSTSCRIPT.

THIS letter was already written and sent to press, as mentioned in the introductory notice, when the condition of trade caused the bookseller to hesitate about publishing. The writer was also averse to appear before the public at a moment so gloomy, with matter that was necessarily of a personal nature. With this double motive, the pamphlet has been kept back till now.

Hasty writing and hasty printing (for the work was pushed while it was actually proceeding) have occasioned a few inadvertences of style, most of which will be attributed by the reader to their true causes. There are, however, one or two of these mistakes that call for correction. "Grateful for the compliment," should be "gratified by the compliment"—page 15, line 22.

By insinuating that the foreigners who have attacked the writer in this country, were guilty of ingratitude to the latter, there is no intention of identifying the interests of the two; the idea has been imperfectly expressed. It was meant to say that the writer has been thus assailed by these men, *because he has presumed to defend the interests of his native land against those of their own.*

The delay in publishing induced the writer to destroy more than half of what he had originally written, in order

to illustrate his position by events of more notorious and recent occurrence, such as those connected with the removal of the deposites.

Since the letter has been printed, the writer has received a communication from General Lafayette, on the subject of the finance controversy. In alluding to Mr. Rives, there was a delicacy of saying more than was already public, but it is due to that gentleman now to say, that General Lafayette, in his name, has informed the French people that Mr. Rives did not say what M. Perier attributed to him. The writer was privy to the fact that Mr. Rives authorized General Lafayette, after some delay, to say this much in the chambers, and that it was not done on account of the illness and subsequent death of M. Perier. But the point on which Mr. Rives and the writer are at issue, is that the former owed it to the country not to permit any foreign minister to quote him against the action of its system, without promptly and effectually causing it to be contradicted. General Lafayette was merely authorized to do that which the writer thinks Mr. Rives should have taken care was done with great promptitude. In consequence of the delay or indecision of Mr. Rives, this country presented the singular spectacle of its secretary of state (Mr. Livingston) calling upon all the governors for facts to disprove the statements of the Revue Britannique, *in the interests of free institutions*, while the American minister at Paris was openly quoted by the French premier, in the chamber of deputies, as giving an opinion directly on the other side of the question!

The tone of many Americans in Europe was often the subject of discussion between General Lafayette and the writer. The latter knew that some of his countrymen were among the most bitter deriders of the venerable patriot when in reverses, and that most of these men crowded about him in the hour of his triumph, in a way

even to exclude his true friends. While this country has manifested, at home, its attachment to the venerable patriot, it has not always respected his feelings, or observed that delicacy which was due to his eminent and disinterested services. The manner in which he has been spoken of in the memoirs of some of his revolutionary contemporaries might have been spared, for, while it could do no good, it has furnished his enemies with materials of attack. There are two sides to every question. The opinion of Mr. Gouverneur Morris is known, and it may be well now to hear what can be said in answer. The following is an extract from General Lafayette's last letter to the writer. It is scarcely necessary to say that the allusion is to Mr. Morris:—

"I have read the memoirs of a distinguished statesman, to whose memory I am bound by the seal of an early friendship, and an affectionate gratitude for the great services he rendered in the most dangerous times to my wife and children; yet I cannot deny that his communications with the royal family, representing me as an ultra-democrat and republican, even for the meridian of the United States, were among the numerous causes which encouraged them in their opposition to my advice and to the side of public opinion. For my part, I have, in the course of my long life, ever experienced that distance, instead of relaxing, does enliven and brace my sentiments of American pride."

It is time that this country took more care that its public agents abroad do not at least *misrepresent* public opinion at home. Neutrality is a duty, but it is not neutrality to compromise a principle when there is a just occasion to speak; nor is it neutrality for an agent of this country to be "*howling* against reform," as the conduct of one was described to the writer by a distinguished English liberal —not a *whig*. This country owes it to itself to strip the

tinsel from the coats of its foreign agents, and to send them abroad in the attire they use at home. Even the half-civilized Turk has too much dignity and self-respect to change his turban for a hat, when he goes to the Tuileries or St. James', and why should we forever bend to the habits of other people? We lose instead of gaining respect by the course, and in losing respect we lose influence. A *tailor* at Paris once showed the writer, with a sneer, a coat he had been making for an American agent, with a star as large as the evening planet on each breast, wrought in gold thread! After all, it was but a pitiful imitation of the Toison d'Or and St. Esprit. Simplicity is as much the characteristic of a gentleman as magnificence—in the name of Heaven let us have one or the other!

It was the original intention of the writer to expose the manner in which the British aristocratic journals, however much opposed to each other on certain points, rally to support their distinctive privileges and national interests. The Quarterly and Edinburgh usually mix like oil and vinegar, but the latter was selected to assail the writer, because it was believed it passed as a more liberal work in this country. In England a *tory* means an oligarchist; a *whig* is merely an aristocrat; a *liberal* is one who wishes rational freedom, founded on the base of the people, and a *radical* is one who is for overturning every thing and beginning *de novo*. The Edinburgh Review is strictly whig, and it has been contending for taking away the close boroughs from my Lords A. B. and C., in order to make a new distribution of power among the few—not the few in *its* sense, for this would be oligarchical; but the *few* in our sense, which is aristocratical. The writer had selected four or five cases of the exceeding ignorance of the Edinburgh, in order to show with what instruction it discussed American subjects, but his limits have forced the matter out. There is one case, however, to which he could wish to say

a word. Mr. Rush, in his late work on England, observes that men of different parties meet sociably in society, appearing for the moment to forget their political antipathies. In reviewing this book the critic asks, with a sneer, and in reference to this remark of Mr. Rush, if Mr. Cooper remembers his answer when he was told that Pitt and Fox never met in private life. The writer does not remember his answer, nor does he remember ever to have been before told the circumstance in question. As he is told it now, however, he will make an answer, viz. "That the fact contradicts the statement of Mr. Rush, and that the reviewer does not appear to have had sufficient sagacity to see it."

On re-examining the constitution, the writer perceives that the power of each house to keep a separate journal is given rather in the character of an injunction than in that of a concession. Of course he has used the fact improperly as an illustration of his argument, which it does not sustain, while, at the same time, it does not oppose it.

The writer has succeeded in finding the paragraph from the pen of Mr. Hazlett, which is alluded to in page 52. It is given below:—

"'There are two things I admire in Sir Walter, his capacity and his simplicity; which indeed I am apt to think are much the same. The more ideas a man has of other things, the less he is taken up with the idea of himself. Every one gives the same account of the author of Waverly in this respect. When he was in Paris, and went to Galignani's, he sat down in an outer room to look at some book he wanted to see: none of the clerks had the least suspicion who it was. When it was found out, the place was in a commotion. Cooper, the American, was in Paris at the same time: his looks and manners seemed to announce a much greater man. He strutted through the streets with a very consequential air; and in company held

up his head, screwed up his features, and placed himself on a sort of pedestal to be observed and admired, as if he never relaxed in the assumption nor wished it to be forgotten by others, that he was the American Walter Scott."

NOTES.

A.

Since my arrival from Switzerland, I have taken no particular pains to investigate the affair of the critique on the Bravo, that appeared in the New-York American, though one or two circumstances have occurred to corroborate what I never doubted, that it was a translation of one of the attacks of the Juste Milieu, a little altered to adapt it to the American reader, for, as you may remember, it professes to come from an American. The Journal des Debats, the oracle of the party of the Doctrinaires, published, some time before, the original, allowing for the translation and the necessary alterations, as *I understand*. This fact alone would put the question of its origin at rest, were there not sufficient internal evidence to prove it, without referring to the stupid blunder of quoting the Paris edition of the work! I take the report you mention, of this critique having been written by "an obscure clerk in a counting-house," to be a subterfuge. [The following are the words of Mr. Morse:—"I gave you the name of the writer (of the critique) in Paris, on the authority of ———; since I have been at home, it has been declared to me that the review was written *here* by an obscure clerk in a counting-house, and ——— was cited to me as having assured my informant of the fact." It will be seen that this attributing of the article to *an obscure person* did not come from either Mr. Morse or myself, neither of whom believed the story, but actually from the other side. ———, the person alluded to by Mr. Morse, is a personal and political friend of the editor of the American, and if Cassio dislikes this description of his employments, he must reserve his spleen for those who originated it.] It might have been forwarded to the American through such a channel, or it might have been translated by such a pen, for the work is done in so bungling a manner, that, as you will recollect, I detected its French origin before twenty lines were read. I am not disposed to deny the obscurity of the translator. When work of this description is done, it is usually committed to understrappers. Depend on it, however, that it was translated at Paris, clerk or no clerk. The Bravo is certainly no very flattering picture for the upstart aristocrats of the new regimes, and nothing is more natural than their desire to undervalue the book; but the facility betrayed by our own journals, in an affair of this nature, is a source of deep mortification to every American of right feeling. I ought to have said, there is a gentleman now at Paris, who (I am told) says he was present when one of the editors of the American wrote the article. You may take this statement as the companion to the report of the agency of the "obscure

clark;" both stories cannot be true, since they contradict each other. I have no doubt that Mr. ——— discovered the truth, and that ——— is the true author of the article, with, perhaps, the exception of the alterations which exist in the translation. This ——— is a common hack writer—was then in the employment of the Journal des Debats, and would have written an eulogium on the Bravo, or any thing else, the next day, for a hundred francs. It is unnecessary to say any thing to you touching the venality of the French and English reviews. As a general rule, nothing appears in either without favor or malice.

You have not alluded to the attack on me, contained in the Commercial Advertiser of Feb. 1st last. I consider this article much more worthy of attention than the pitiful affair of the translation of Mr. ———'s criticism on the Bravo. I think, were the truth known, that, with the exception of the article on the Heidenmauer, translated from the Revue Encyclopedique, and which has looseness enough to contain its own refutation, this is purely of American origin. "We clearly perceive," says the reviewer, "that Cooper has long ceased to dwell in America. It awakens no more recollections in his soul." Here is the 'ercles vein with a vengeance! Now, just twenty-three lines lower down, in the column of the Commercial, this grinder of ideas adds—"Cooper does not speak of a site, &c. without stopping to say, 'Oh, this is much better in America,' &c. &c. It is easy to see that *he must think of his own country to excite himself, and to arrive at the end of his book.*" All this stuff is well enough for the ordinary French reader, who is not usually a very great stickler for facts, or consistency. But why is it translated for the Commercial? I think I can tell you.

The Commercial avows that the review is sent by a "correspondent." It even gives some of the opinions, and, luckily, some of the language too, of this correspondent. Here is what he says of me: "He has *constituted himself the literary antagonist* of the monarchy, aristocracy and feudality of all Europe, and particularly of England, *to, at, and for* which last country he especially writes." I have italicised the cloven feet. "To, at, and for!" I know but one potentate capable of parading these prepositions. Had he been as skilful in enumerating the cost of government, in the finance discussion, these innocent little parts of speech would never have been dragged forth so unmercifully. Let us look at him again. Lower down he says, "He is an American (not a French) Voltaire, at Paris, (not Fernay)." Here is pith for you! By these few words we learn that Voltaire was a Frenchman, and that I am a Yankee, that once lived at Fernay, and the other at Paris. We had at Cooperstown, some thirty or forty years ago, a political writer who put his parentheses into one another, like spare pill-boxes, but he wanted altogether the lucid arrangement of the correspondent of the Commercial!

The jesuitism of this digested attack in the Commercial is worthy of notice. First I am shown up by the Theban of the French review; then comes an

article *against* Mrs. Trollope to prove the impartiality of the periodical quoted,—afterwards the editor says, in his own person, though I strongly suspect he uses even the language of his "correspondent"—"We regret the existence of unfriendly feelings to us among the French. France—our early friend—has always been popular in America, *through and with* all her faults, &c." Again—"We believe now, that even the French government-party in France would have no inclination to attack us, if Americans abroad had pursued *the same reserve in politics which we enforce upon Europeans here.*" All this is meant for me, and it all comes from the fact that I gave my testimony in favor of General Lafayette, when it suited the French government to affirm, in the face of Europe, that all our old friend had been saying for forty years, concerning the effect of our institutions, was false; and that, in fact, we paid more taxes than the French.

I do not believe that the editor of the Commercial, who passed ten years of his life in calling the French any thing but gentlemen, wrote the words "France has always been popular in America, &c." Rely on it, they are calculated; and come from his "correspondent." The "*through and with*" savor of the "to, at, and for;" nothing but a rear-guard to the main body. "The unfriendly feeling of the French," means of the French government-party, for the French, as a nation, are in a comfortable state of indifference as respects America and all it contains. The government hatred has been excited by the dread of a republic, which would, of course, be death to itself.—"The same reserve in politics we enforce from Europeans!" A residence in America about as long as mine has been in France, entitles the stranger to become a citizen. It is notorious that foreigners are constantly employed about the American press; as reporters in congress, and in a variety of ways that act on public opinion. When I left New-York a paper was published in the city that was openly called the Albion, and whose color was decidedly English. Now, we will suppose that the Globe, or any other government paper with us, should pretend to prove that England had a debt of thrice its real amount, and that the Englishman pays three times the taxes he does, will any man affirm that this Albion would hesitate about showing the truth, let the motive for the misrepresentation be what it might; or that public opinion in America would inflict a punishment for its so doing? Suppose an American had served England as Lafayette has served us, and that the motive was to crush this American, and you have a case completely parallel to my interference with the finance discussion. But to render the remark of the Commercial still more flagrant, one of the proprietors and editors of that very paper is, or was quite lately, an Englishman! I have seen some very extraordinary and some impudent transactions in my time, but I can recall none more flagrant than this of putting an American on his trial, at the bar of public opinion, and that, too, in his own country, for having told the truth in defence of General Lafayette, at a great pecuniary loss to himself, and without the smallest possibility of personal advantage. Every hour convinces me,

more and more, that we are a nation in name only, let Mr. Webster and Mr. Calhoun say what they please about it.

As respects the finance discussion, it is my intention, however, to publish its details, not for any interest I have in it personally, but from a wish to set the history of the part played by the agents of our government in foreign countries generally before the public. Nothing but publicity is needed to extort the corrective. The subject grows in my hands, and may make a small volume. If I help to produce a change in the tone of the agent abroad, I shall not have lived entirely for nothing. Europe will gain in rights, and we shall gain in character. Heaven knows how much it is wanted, even for the simplest purposes of true policy. We have a fair specimen of the effect of the nose-of-wax system, by the recent course of the French government. Here is a solemn treaty, duly ratified, to pay a certain sum on a certain day. Our bill is protested, under the pretence that there has been no appropriation. Now, the chambers have been in session near nine months since the ratifications were exchanged, and not a word has been said by the ministry on the subject. Would England, or Austria, or Russia, or Prussia, or even poor little Sardinia, be treated so cavalierly?

We flatter and play the courtier, and act on the all-things-to-all-men principle, when we should assume the frank attitude of the republicanism we profess, ask only what is right, and take nothing less. I may finish the little work over which we used to laugh so much a year since, but it has lain ten months untouched.

The editor of the Commercial has a naive avowal "that he might have hesitated to admit this attack, but for the knowledge that Mr. Cooper prefers the censure to the praise of the daily press." If I have this humor, it must be one of those tastes which are formed by habit. Were I to answer the editor, it would be in the words of the French saying—"Il y a de la Rochefaucauld et de la Rochefaucauld."

How much longer America means to tolerate this slavish dependance on foreign opinion, without which editors would not dream of extracting remarks on ourselves from hostile journals, you are in a situation to know better than I. All the familiar thoughts and illustrations of English literature are in direct and dangerous opposition to our own system, and yet we are unwilling to support a writer in the promulgation of those that are in harmony with our profession, and which I think are abstractly true. The English in particular see and profit by this weakness. It is manifestly their interest to do our thinking if possible, that they may do other things for us that are more lucrative; and they are not scrupulous about the means employed to effect this object. They systematically attack and undervalue every man they believe independent of their influence, and extol those to the skies who will do their work. When all is done, they deride us for our folly, despise their instruments heartily, and respect those most who most respect themselves. John Bull, "through and with" all his faults, is at least manly, and has a great contempt for a "dough face."

This letter was written to the very person who had sent me the name of the writer of Cassio, who knew that I had taken no steps to inquire into the affair previously to going to Switzerland, and who is now told that I had taken none since my return. A good deal of the letter is not published.

B.

Extract from the Commercial Advertiser.

Revue Encyclopedique.—We have received the October number of the *Revue Encyclopedique*. On a hasty glance at its contents, we discover two articles, which it may be interesting to our readers to notice.

The first is a brief notice of Cooper's *Heidenmauer*, in which the French Reviewer treats this last work of "our distinguished countrymen," with no small degree of severity, as will be seen:—

"*We clearly perceive,* (says the Reviewer,) *that Cooper has long ceased to dwell in America. It awakens no more recollections in his soul. It calls up no more poetical images—no more simple and original creations—no more descriptions so picturesque, so fresh, so attractive.* He has become a quiet citizen, who no more quits the land. He has forgotten that other world, which he has made us so much love, the Sea—the sea with its infinite variety in infinite uniformity—the sea, with the sailors faith and boldness—the sea, with all the poetry of sublime nature united to the genius of man.—It is as melancholy a thing as death, to see this powerful inspiration depart—or rather exhaust itself upon itself. Walter Scott is no more, and Cooper also is no more, for we have known him only by his genius, and his genius is dead."

After a brief account of the work, in which the writer acknowledges that there is an occasional brilliancy, he concludes thus:—

"I do not wish to analyze this romance, which every one has read. All must have been impatient of the often fatiguing prolixity of the descriptions, and of the singular prejudices of Cooper, which make him, on each page, while recounting the events of the sixteenth century, establish a parallel between the manners, belief, and political institutions of America and of Europe. *Cooper does not speak of a site—he does not bring one of his heroes on the scene or describe the spirit of the epoch, without stopping to say—'Oh! this is much better in America—you see nothing like this there.'—It is easy to see that he is not interested in his subject, and that he must think of his own country to excite himself, and to arrive at the end of his book.*"

"I know not, indeed, why there is not in these men of genius a secret and benevolent voice, to bid them to cease, and tell them that they have done enough for glory, and that they must not sully beautiful and ravishing remembrances by the weakness of an exhausted talent, which has given all it could give to the world."

"I wish I had not read any of the romances of Scott, after the Fair Maid of Perth, nor any of Cooper's since his Puritan of America."

"I hope, as to Cooper, that this may be the last work I shall read, and especially I wish it may be the last which I shall have to review."

By the *Puritan of America*, we presume, is meant the *Wept of the Wish-ton-Wish*, and we rejoice to believe that the most ridiculous of names has not travelled abroad.

A correspondent, whose letter accompanies the review, thinks the Frenchman has not hit upon the true cause of Cooper's incessant references to politics in his late works. "He has constituted himself," says our friend, "the literary antagonist of the monarchy, aristocracy and feudality of all Europe, and particularly of England, *to, at, and for which last country* he especially writes. He is an American (not a French) Voltaire, at Paris, (not Fernay,) and is undermining thrones and principalities, and changing the destinies of Europe. After all, perhaps the interests of mankind would not materially suffer, and his readers would be better pleased, if he would leave off the high-heeled buskin and become the mere good-tempered novelist once more." This vein of censure is rather severe, and we should have declined its insertion, were it not for the knowledge of the fact that Mr. Cooper prefers the censure, to the praise, of the newspaper press. Of this peculiarity of his taste he has taken care to inform us in the preface to the Heidenmauer, in which he says in so many words:—"Each hour, as life advances, am I made to see how capricious and *vulgar* is the immortality conferred by a newspaper!"

The second article of this review, to which we alluded, is on "The United States of America." *It is an amiable and sensible article, vindicating us from the tory calumnies of England, and dispassionately commenting on our present political difficulties.*

After some severe remarks on the English travellers in America, the writer says—"It is melancholy—it is humiliating to observe that this vile use of calumny, and of paltry spite towards America, which characterizes the sentiments of a certain party in England, has been imported among us; and that France, whose glory it is that she contributed to free America from the English yoke, has turned round and joined her old enemies to condemn the social grossness of the Americans. But is it not to the mother country that they owe, in a great measure, these coarseness of manners?

"All the sins which they can accumulate against that detested word—*Republic*—are lavished en masse, without rhyme or reason, on North America; and all the vices and defects with which they reproach her are ascribed, without exception, to the equality, which reigns there and to the absence of an hereditary sovereign.

"This blind and unreasonable argument, we can conceive of and even respect in the mouth of an English tory, for with him loyalty and royalism form a species of religion. The superannuated sentiment of personal at-

tachment to a royal race, which formerly prevailed universally in Europe, exists still in England, while it is extinct with us. If we have royalists, it is from reason and reflection that they are so: if they maintain royalty, it is from the idea of its necessity or its utility. The right divine is an empty word to them—a farce at best, good only for the peasants of La Vendee.—The belief in the right divine naturally carries an English tory to condemn the name and existence of a republic, wherever he finds them, whether in history or in existence. But for our royalists from utility to launch the same anathemas, and affect the same disgust, is intolerable—it is acting fanaticism without the excuse of faith.

"This war of the tory critics, and of our '*juste milieu*' against America is carried on, not so much by a regular attack on the political institutions of the republic, as by satire on the manners of the people. As it is no longer possible to deny that the Americans are well and cheaply governed, they undertake to prove that at least they are not a *fashionable* people—a proposition which is not difficult to demonstrate. But, granting that the want of elegance is a crime in a young nation, can they seriously blame the Americans for it? Would America have shunned this defect, by remaining tory, or by continuing to be governed by English viceroys for the last fifty years? If the States of North America had maintained the monarchy, would their manners have been softened? Would they have been less provincial, or less coarse? or rather, would not an English novelist a-la-mode, like Mrs. Trollope, have found much richer materials for caricature in the burlesque affections of the petty courts of their English viceroys."

"We are Americans enough to deny the very defect, which our friendly advocate would palliate, and verily believe that our countrymen are not comparatively deficient in elegance, if our English critics, who hold up to us the models of refinement—if Captain Hall and Mistress Trollope are, in their individual persons, 'the great sublime they draw.' But we sincerely regret the existence of unfriendly feelings to us among the French. France—our early friend—has been always popular in America, *through and with* all her faults, and we believed our feelings were reciprocated. Even the royalists, from conviction and feeling, have spoken well of us, and we remember, at this moment, an eulogium upon America, pronounced in the Chamber of Deputies by Hyde de Neuville, the amiable minister, once resident among us—himself an ultra-royalist. *And we believe now, that even the government-party in France would have no inclination to attack us, if Americans abroad had pursued the same reserve in politics which we enforce upon Europeans here.*"

Extract from the New-York Commercial Advertiser of April 11, 1834.

"During the whole contest (the election) it was both *melancholy* and *amusing* to see *the immense number of foreigners* who were driving up every moment to the marine court to get out certificates of naturalization.

Almost every five minutes an omnibus came up filled with them. Nine-tenths of them were of the lowest class, and many not long enough in the country to wear out the clothes they brought on their backs. They went to the court *foreigners in every sense of the word*, altogether ignorant of the institutions of the country, and of almost every thing else; *but the moment they enter*—hoc presto, they are instantly changed, and in five minutes they come out intelligent American citizens, burning with love of country and patriotism, *and are sent off to the polls to support the Constitution and break men's heads.*"

Now this is the editor who coolly tells his readers that France would not have vituperated this country, had certain Americans at Paris observed "the same reserve in politics, which we *enforce* upon foreigners here!"

D.

Extracts from the Constitution.

ARTICLE 1.—*Section* 5.

1. Each house shall be the judge of the elections, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorised to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as in their (its) judgment require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one fifth present, be entered on the journal.

4. This clause relates to adjournments, and is entirely prohibitory.

The foregoing clauses contain all the powers to act separately that are conceded to each house, and which are common to both. The clauses that follow contain all the powers for each house to act separately that are not common to both.

ARTICLE 1.—*Section* 2.

5. The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

Section 3.

6. The senate shall choose their other officers, (the vice-president being its speaker or president) and also a president pro tempore, in the absence of the vice-president, or when he shall exercise the office of President of the United States.

6. The senate shall have the sole power to try all impeachments, &c.—(The rest of the clause prescribes the forms of such trials.)

The senate has the power to approve of nominations and treaties, the president commissioning and ratifying. It has the exclusive right to count the votes of the electors, and to declare the result. The house of representatives has power, in the event of their being no election by the colleges, to choose a president in a prescribed manner.

In addition to these cases of separate power, the members of the two houses have a few personal privileges which do not, however, at all bear upon the point at issue. The house of representatives has also the right to originate all bills for raising revenue.

The following are the powers of the two houses acting conjointly.

ARTICLE 1.—*Section* 8.

The congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States—

2. To borrow money on the credit of the United States—

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes—

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States—

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures—

6. To provide for the punishment of counterfeiting the securities and current coin of the United States—

7. To establish post offices and post roads—

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries—

9. To constitute tribunals inferior to the supreme court: To define and punish piracies and felonies committed on the high seas, and offences against the law of nations—

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water—

11. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years—

12. To provide and maintain a navy—

13. To make rules for the government and regulation of the land and naval forces—

14. To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions.

15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress—

16. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings—and,

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

In addition to these powers congress, by obvious implication, can give authority to the several states to keep troops and raise revenue; it can determine the time of choosing the electors of president; it can put the appointments of certain inferior officers of the government in the president alone, in the heads of departments, or in the courts of law; it can declare the punishment of treason, under definite limitations; it can propose amendments to the constitution; it can dispose of and make all needful rules and regulations concerning the territory or other property belonging to the United States; it can admit new states into the Union; it can make appropriations of all moneys to be expended for the public service; it can make regulations for the choosing of its own bodies, with certain restrictions; it can name the day of its own assembling; it can give permission to the public agents to accept of titles, presents, offices, &c. from foreign governments; it has power to name the officer who shall act as president in a certain contingency, and it has power to name the places where the courts for the trials for certain crimes shall be held.