

our rights. Yet I am not prepared to say that any thing has been done or said by the British minister to Mr. Secretary Smith, so gross and insulting, so far as can be discovered in their late correspondence, as to justify the hurry, and as I think, injudicious step taken by our government, to much less to induce me to pledge myself and the people whom I have the honor to represent, to engage in so disastrous a measure as that of war, as recommended in these resolutions, if necessary, to repel it; however war, in the views of any, might be justified on other grounds. What, sir, shall we, shall a whole nation go to war, shall thousands of lives be lost, and millions of hard-earned property be wasted, because one man imagines, in which imagination he may be, as I think in this case, he must be mistaken, that another has made some representations or insinuations that might seem to affect his honor or character? Are you willing, sir, that our sons should thus fall unprepared victims at ambition's shrine? I hope not, sir.

I cannot admit that such an insult was offered by Mr. Jackson as has been imagined, nor could I agree that such should be the consequence if it had been a fact.

After turning over every page and carefully reviewing the whole of the correspondence between Mr. Smith and Mr. Jackson, I have really felt to find what others think they so plainly see.

Mr. Smith in his letter to Mr. Jackson of the 9th of October, calls on that minister for a prompt and explicit explanation of the grounds of refusal on the part of his government to abide by the arrangement lately made with his predecessor Mr. Erskine. Mr. Jackson in his letter of the 11th of the same month replies that, in his examination of the records of Mr. Erskine's mission, he found no traces of complaint, and that he did not hear any express announcements of it in the general conferences he had had with Mr. Smith, on the part of the U. States, of his Majesty's having disavowed the act of his minister in the case alluded to; and then, candidly supposes that this want of complaint by them might be owing to a consciousness that it would be unreasonable to complain of the disavowal of an act done under such circumstances as could only lead to the consequences that had followed. What were these circumstances, as stated by Mr. Jackson? They were these: That Mr. Erskine had not only not conformed with, but had acted in direct contradiction to his instructions in the arrangement he had made; that these instructions were contained in Mr. Canning's despatch to him of the 23d of Jan. and, that that despatch contained the only instructions Mr. Erskine had received relating to that subject, and that those instructions had been made known in substance, though not in *extenso*, to the American government. Now can the most jealous eye discover any thing in these assertions of Mr. Jackson that could be of fensive to the most squeamish stomach? Unless it be in the last, and that Mr. Smith confesses to be true; and yet some how or other seems strangely to imagine that they contain some indelible insinuations, and persecutes him against a reputation.

In answer to this Mr. Jackson says that he had been careful to avoid drawing conclusions that did not necessarily follow from the premises he had advanced, and not to enter an insinuation where he was unable to substantiate a fact. Mr. Smith had asserted that our government had no knowledge of what was made known of the despatch of the 23d of January was the only authority Mr. Erskine had to make the arrangement in question, and yet by insinuating an opinion that his general authority as minister plenipotentiary was sufficient, seems to admit that he might not have had any other special authority for the purpose. Here it would not be strange if the busy meddling mind of a man should suggest an enquiry, how it should come to pass that authorities or instructions that were unexhibited and unknown should be substituted as the basis of an important arrangement in the place of those that were exhibited, discussed and rejected. If none had been exhibited and found to be inadmissible, it would not appear so strange if the general authority had been relied on. Mr. Jackson, however, no where asserts, that I can find, that our government knew, at the time of the arrangement with Mr. Erskine, that he had no other instructions or authorities to make it than such as were exhibited, but simply that he knew such to have been the fact, and a fact to which he felt himself bound scrupulously to adhere, in order to vindicate the honor and dignity of his government whenever its good faith might be called in question upon that point.

In all this I can see nothing but severe evils. And yet this is made the occasion for suddenly breaking off of a correspondence that might have led however dubious the prospect in the beginning of it, to an amicable adjustment of all the points in dispute between the two countries, and we are now called upon to prepare ourselves for war to avenge the imaginary affront. Not to get redress for the wrongs we have suffered nor to regain our commercial rights; for I do not perceive that any of these subjects are embraced by the resolutions. To be sure, sir, while I feel that I am an American I would not agree to submit to the conditions contained in the despatch to Mr. Erskine of the 23d of Jan. and which were said to have been proposed by our government, but Mr. Jackson intimates at least, that the object of the British government might be attained by the substitution of some others less exceptional. At any rate, if we cannot, at present, have the offer of terms, that can be considered by us as admissible, on which to form the basis of a treaty with the British government; if we cannot, at present, make any treaty at all with them, we ought not to be hasty in going to war.

It is a plain dictate of reason and to be found among the precepts of revelation, that any nation even under the greatest pressure, before they go to war, should count the cost. We should estimate the losses to which war with the British may expose us, as well as the amount of our probable gain, as also the means in our power of gaining any thing at all. That sentiment contained in the President's message to Congress at the opening of this session perfectly accords with my own, that in the midst of the wrongs and vexations experienced from external causes, there is much room for congratulation on the prosperity and happiness flowing from our situation at home; and it may be added that since, by the indulgence of our own government, our citizens have been permitted to return to that commerce, to which they have been

accustomed, and with which they are so much delighted, their enterprises have been rewarded by pretty ample returns of gain from abroad. As an evidence of this we need only look into our great sea-ports, and view the hurry and zeal with which our merchants are preparing and sending their vessels to sea, bearing new restrictions and embarrasments from our own government, more than any orders or decrees originating in foreign countries. So that amidst all our difficulties, our desires do not more exceed our enjoyments, than these exceed those of every other people in the world. To the less of many, if not all these advantages and blessings a war would expose us. And where would be our gain? The worst passions of the human heart would be called into action, and we should have an increase of nothing but poverty and vice. But it may here be worth enquiry, what are our means of going to war? The philosophers of our age and nation have taught us to expect that the happy time would soon come when the unprofitable contest of trying which could do the other the most harm would yield to the superior force of reason. Hence the policy of our government has not been to make any considerable preparations for war. Our experienced warriors, though eminent are few; the rest remain to be trained to the art, and perhaps to be born. The timber for rearing up an important navy is yet in our forests and perhaps in the acorn. And I wish we might never have occasion to call for the former, or procure the latter. Shall we then in this situation go to war with a nation, who, for centuries, have made war their trade? Shall we undertake to capture the ships of a nation who have it in their power efficiently to blockade all our ports from Georgia to Maine, and in the course of a few months to sweep from the ocean every vessel we may venture from our harbors?

But if we were to go to war with Britain could we promise ourselves success in humbling the pride of that haughty nation, should we not in hastening her downfall, accelerate the period when she would become the humble vassals of the great master of the world; and then the wrongs we should have to endure would no longer go under the mild name of *trespasses*. We should apply a harsher term, if allowed to give them any name at all.

It may be enquired what then shall we do? Shall we become slaves to Britain for fear of the shackles of imperial France? Shall we voluntarily submit to the unreasonable demands of the one under an apprehension of the severer tyranny of the other? The answer must be no. We will never agree to be wretched. We will give no acquiescence to any thing to which we are entitled. But not madly refuse to enjoy any because we cannot represent enjoy it. Because we cannot now, with safety, traverse the ocean every where at pleasure, shall we abandon it entirely, and burn all our vessels for fear of losing them? This would be like the folly of the man, who having had some trespasses committed on his plantation, should magnanimously resolve to fly to the mountains and give up the whole. I would not, in madness, make a voluntary surrender of my cornfield, merely because my orchard had been robbed. Let us make the most of every advantage still in our power. If it be the policy of foreign governments to lay unjust restrictions on our commerce abroad, let it be the policy of ours to see that it is not shackled with too much regulation at home; leaving our citizens to the quick-sighted guidance of private interest, and they will soon find the path to wealth. The wealth of individuals will become the wealth of the community, to which they belong. In this way we shall grow rich, as a nation. Riches will enable to be richer still, and being richer still, we shall have the power, & having the power shall not want the disposition to assert all our rights; so shall we become a great and flourishing nation, and so may we continue until old time like Sampson in his wrath shall pluck the pillars that support the world.

It is because I think, and think honestly, that the adoption of these resolutions would have a tendency to bring on a cloudy, if not stormy day, and deprive us of these delightful prospects that I cannot give them the sanction of my vote.

Mr. Johnson. When I consider it my indispensable duty to address you, I shall apologise neither for the manner, nor the time—and, however feeble my powers, to speak the sentiments of those whose confidence and whose affections have placed me here is a source of happiness which I cannot describe. To be silent on this occasion would do great injustice to the love of national honor and the patriotism of the district I represent, and in fact of the state in which I live. The gentlemen in opposition to the resolution have given an extent to this discussion which has involved our foreign relations with all the world. I may be permitted, therefore, without being considered prolix, to embrace in my remarks the disavowed arrangement and the events subsequent—nor shall I be considered as wandering from the subject to review the situation of this country at the time of the disavowed arrangement, and to mention the great events which pressed heavily upon the eye of this period. What was this situation and these pressing and impending events previous to the arrangement? Our embarrassments had never been so great since the revolution, nor our injuries so numerous, so serious, so aggravated—the political horizon was overshadowed with clouds and darkness—no commercial arrangement existed between Great Britain and the United States; we were bound together by no conventional ties—by no treaty obligation. The commercial part of Jay's treaty, which conceded so much to England and which has so justly incurred the execration of the friends of our independence, had expired. We were adrift upon the ocean upon the broad basis of the laws of nations, under

which for a few years we were growing in wealth and happiness in a manner that excited the jealousy of Great Britain. She had failed to gain the same advantages by another treaty and she refused to enter into a reciprocal and liberal one. Failing in this attempt, the laws of nations were disregarded—changed by municipal regulations, and executed by the British cannon—power and necessity became her code of maritime laws, and our commerce and our innocent and independent citizens fell a sacrifice to this system of iniquity. The subject of impressment, the first in the list of injuries, the colonial trade direct and circuitous, the subject of blockade by which the civilized world has been closed to our commerce by proclamations on paper, the list of contraband, the search of merchant vessels, deprivations in our waters, the attack on the Chesapeake where a number of our citizens were murdered and some still held in captivity, the British proclamation holding out farther pretensions upon the subject of impressment than have ever been exercised with all of their nefarious practices, the orders in council levied a tribute, a tax, a contribution upon your soil and your property—These were the subjects of dispute, the points of controversy. Atone-ment for the injuries refused and negotiation on other points had failed. The most sanguine among us gave up all hopes of better times. The crisis was awful, which presented to the American people the alternatives of war, embargo, or disgrace—our situation was rendered more perilous by the internal divisions at home and the opposition which constitutional laws met with in many parts of the U. States. In this hour of peril and danger, the disavowed arrangement was announced to the people of the United States by our Chief Executive Magistrate—an arrangement which made atonement in part for the murder of our countrymen on board the Chesapeake, offered a prospect of restoring the men now in captivity and exile— which rescinded the orders in council as they respected the U. S.—with a promise of sending a special minister vested with full powers to conclude a treaty of peace. I cannot describe the feelings of the American people at this welcome news, when the agreeable surprize permitted reflection—the prospect of peace made their joy immoderate. A political jubilee was proclaimed. It was fondly hoped that a pledge had been given or a disposition manifested to obviate the insults and wrongs of twenty years in a just and amicable arrangement. The effects of this disavowed arrangement were universal, nor confined to one party, nor to one class of citizens. The few who doubted the faith of Great Britain were denounced—no party or politician dared at that time to say, and it could not be said, that Great Britain had surrendered any right, that she had abandoned any principle of equity or the laws of nations; nor that G. Britain had more than atoned for the injuries in which reparation was tendered, nor that Mr. Erskine had been over-reached or that he had compromised the honor of his government. Not even British emissaries nor the papers supposed to be devoted to the British interest dared to assert any of these positions. There was a difference of opinion with respect to the arrangement in this; that one party contended or thought that it contained the maximum of what we had a right to ask. The other party contended or thought that it was the minimum of justice, that we had a right to demand more. But all concurred in accepting the arrangement with great joy. This arrangement furnished subject matter for a very new and interesting discussion as unexpected as the arrangement.

What was this contest which was waged so very warmly? why, sir, it was who should claim the credit of the arrangement. This was the dispute—forces were marshalled—the newspapers were engaged and the orators of this House came forth in all their strength. I was also anxious to share a little of the credit, and therefore I put in my little mite with the rest. It was said by some of the opponents to the measures of the administration and the government that their opposition had produced the arrangement with Great Britain; and they therefore claimed the credit of the happy change. I could not subscribe to this doctrine, because I could not perceive its reasonableness, & it would have taken from those with whom I acted all the credit for which they contended. It was by others ascribed to the good disposition of Great Britain towards the United States which had ever existed, who said that Great Britain had been prevented from a display of that good disposition to do us justice on account of the partiality of Mr. Jefferson to France & his hostility to England. It was with sorrow, how-

ever, Sir, that I heard that great and good man called a French partizan, a man who could not be injured by such unfounded charges, and whose name will be inscribed in the Temple of renown in indelible letters; not only for his great abilities, but his great goodness. To bring out proof of the good disposition of Great Britain, Mr. Munroe's Treaty & Mr. Rose's mission were called up. It was a great consolation to me, however, that it was admitted by the same persons that Mr. Madison, in whom I have the greatest confidence, was impartial towards the two great belligerents, and therefore entitled to thanks and approbation. Another party, called the republicans, ascribed the arrangement with Mr. Erskine to the wise and patriotic measures of the government, and to the events in Europe which were at that time disastrous to English hopes. I was of this number.

But while we were contemplating this golden age, this new era in our history, at a time when the farmer had prepared his grain for market, and promised his impatient creditor speedy payment, when the mechanic expected an additional reward for his labor; when the flag of the honest trader floated in the winds of every region, and the seamen exulted with joy at the return of better times, and the wife and children of a fond husband and affectionate parent cherished a hope of meeting again the dearest object of their affection, detained by British impressment.—At this eventful moment it was that the disavowal of that arrangement was announced to blast our hopes, and to put down our pretensions to credit. Laying out of the question past events, we are furnished by this disavowal with subject matter for another long talk equally as important if not as amusing as the one I have mentioned—old grievances are done away or merged in those of later date.

What is this new subject of discussion? The origin and cause of this disavowal. This involves several questions, viz. whether the disavowal originated in British perfidy or in the mistake or misconduct of D. M. Erskine, esq. the British minister—and also an examination of the unwarrantable charge of Mr. Jackson, the dismissed British minister, by which he endeavored to shift the odium of the disavowal from the king of England to the Executive of the United States.

I shall not enter into a tedious and disgusting detail, but confine myself to the spirit of the correspondence—nor shall I enter into a construction of Mr. Jackson's verbiage and phraseology, but of its obvious and natural import. The disavowal could not have originated in the misconduct of Mr. Erskine, because no gentleman will impute to him an unworthy motive; his high character, his uniform loyalty to his master the king, forbids such an idea. In addition to this I would call to my aid the doctrine of human nature, and ask what motive could exist in Mr. Erskine to deceive his own government or the United States. A motive for such conduct does not exist. But on the other hand every honorable consideration, as well as every other rational motive, must have impressed upon his mind the necessity of complying with his majesty's wishes. His standing as a man of integrity and intelligence, his continuance as minister in this country, all depended upon a faithful execution of the trust confided to his charge. He must have known that a violation of instructions would only have injured his own country and the United States, in producing a disavowal. The disavowal therefore must have originated in the innocent misconception of Mr. Erskine, or in the punic faith of England.

Upon this subject I shall think for myself. Leaving out those events which would go to castodium on the British cabinet, let me remind the committee that Mr. Erskine is a man of understanding, a man of integrity, and he still asserts that he acted agreeably to his majesty's wishes and to the spirit of the instructions given him. I must refer to the declarations of Mr. Erskine in the printed document.

Under these circumstances, therefore, finding that I could not obtain the recognitions specified in Mr. Canning's despatch of the 23d January (which formed but one part of his instructions to me) in the formal manner required, I considered that it would be in vain to lay before the government of the United States the despatch in question, which I was at liberty to have done *in extenso* had I thought proper: But as I had such strong grounds for believing that the object of his majesty's government could be attained, though in a different manner, and the spirit, at least, of my several letters of instructions be fully complied with, I felt a thorough conviction upon my mind, that I should be acting in conformity with

his majesty's wishes, and, accordingly, concluded the late provisional agreement on his majesty's behalf with the government of the U. States."

He states with candor and sincerity, that when he entered into the arrangements he felt a thorough conviction upon his mind, that he was acting in conformity to his master's wishes, and up to the *spirit* of his several letters of instructions, if not to the *letter* of them. He also states that he greatly laments that an act of his should produce any embarrassment between the two countries. In a different letter he states that he had no intention to deceive the United States, and regrets the consequences which have resulted from the rejection of the arrangement. I will now speak of the conduct of the Executive as to the charge brought against him, by Mr. Jackson. I will not condescend to vindicate the Executive. He stands (thank God!) above suspicion. His talents, his veracity, his love of country, are above suspicion—I will not speak of motives as applying to him, and I would ask what motive the Executive could have to enter into an arrangement which he knew would be rejected, and produce the mischief which has resulted? 1st. Mr. Erskine declared he did not lay before the Executive or the Secretary of State his instructions. 2d. On our part the engagement now disavowed was promptly executed by the Executive. All this was known to Mr. Jackson, and every circumstance enumerated should be recollected to interpret the intention of the British government to insult us through their agent Mr. Jackson.

From this retrospective summary, let any unprejudiced mind determine whether the disavowal originated in British perfidy or the mistake of Mr. Erskine. To enable us to judge still more correctly, let us attend to the mission of Mr. Jackson—and I am sorry here to state, that I understood the gentleman from Connecticut (Mr. Dana) either by his express words, or from the unavoidable conclusion drawn from his premises, to charge the chief Executive magistrate with the consequences of the disavowal on the part of Great Britain of an equitable arrangement entered into with great solemnity, and which gave no more than our undoubted right, nor as much. I did not hear him cast any censure on the conduct of Mr. Jackson, nor upon the conduct of the British government in disavowing the act of its minister. He also admitted that the President had a right constitutionally to receive foreign ministers and might reject them upon reasonable grounds. He also stated that the immunity of a public minister did not allow him to charge our Executive with a falsehood, or to appeal to the people from the government. These principles being admitted, I listened attentively to hear where the blame was to be placed, on whose shoulders—and to my astonishment, the blame was packed upon the President of the United States, in failing to comply with an incumbent duty, viz. in not demanding the authority of Mr. Erskine to make the arrangement. And many authorities were quoted to prove the failure of duty on the part of the Executive. The gentleman has failed in his attempt, admitting every authority quoted. When a foreign minister enters into any engagement with any other government, and the stipulations are to be carried into immediate effect, there the government has a right to demand the power, or if you will the authority of such foreign minister to conclude an arrangement on the subjects embraced by the compact.

But there is a difference between the power of a public minister, and his special instructions under the power. It never has been denied that Mr. Erskine had power to make an arrangement on the subjects embraced by the disavowed stipulations. This is acknowledged by Mr. Jackson in the correspondence, by Mr. Canning in his letters, and by all those who support Mr. Jackson and condemn our Executive government. The President therefore demanded and received proper evidence of the power of Mr. Erskine to make arrangements embracing the orders in Council and the affair of the Chesapeake. Having done this, the President discharged his duty.

Secondly—Then how does the member from Connecticut make and prove his charge that the President failed in a great and an incumbent duty? The gentleman has ingeniously blended the power or the authority of a public minister with his special instructions. I would ask that learned member, whether the annals of diplomacy, or the laws of nations, or his treaty of Westphalia can furnish an instance where a government had the right or ever did demand a sight of the special instructions of a foreign minister? It never has been done of right; it cannot be done. It would be violating the most sacred right of a